



State of Oregon  
Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900

# Application for Instream Lease

A summary of review criteria and procedures that are generally applicable to these applications is available at [www.wrd.state.or.us/OWRD/PUBS/forms.shtml](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

## Pursuant to ORS 537.348(2) and OAR 690-077

Optional Identification by Lessor/Lessee: \_\_\_\_\_  
Lease Application Number (assigned by WRD): IL-1010

This Lease is between:

**Lessor #1:**

Name Rogue River Valley Irrigation District  
Mailing address 3139 Merriman Road  
City, State, Zip Code Medford, OR 97501  
Telephone number (541) 773-6127  
Email address rrvid@charterinternet.com

**Lessor #2, 3, etc.**

USA acting through the Bureau of Reclamation

The water right to be leased is located in Jackson County.

**Lessee (if different than Oregon Water Resources Department):**

Name Oregon Water Trust program of the Freshwater Trust  
Mailing address 65 Sw Yamhill, Suite 200  
City, State, Zip Code Portland or 97204  
Telephone number 503-222-9091 ext 23  
Email address jeffrey@thefreshwatertrust.org

**Trustee:**

Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
(503) 986-0900

### ~I~ Water Right Holder and Water Right Information

1.1 Lessor #1 is the water right holder, or authorized agent for water right holder of the property located at: Township 0 N, Range see W, Section \_\_\_\_\_ and Tax Lot number RRVID See Attachment 1. If the water right appurtenant to these lands is also appurtenant to lands owned by others who are not included in this application, then Attachment 1 (tax lot map), needs to be included.

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- 1.2 Lessor #2 is the (Check one):  
 Not applicable  
 Official representative of \_\_\_\_\_, the irrigation district which conveys water to the subject water rights.  
 Another party with an interest in the subject water rights representing Bureau of Reclamation

- 1.3 For the water right(s) being leased, list all water rights appurtenant to the same lands. Indicate if there are any supplemental or overlying rights.

Certificate No. Primary 80569, Supplementals 80571, 80574, 80575, 80576, 80577 and 83729

- 1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program.  Yes  No

1.5 **Water Rights Proposed to be Leased Instream.**

The first right to be leased identified in Section 1.3 is further described as follows:

Certificate No.: 80569

Priority date: July 23, 1909 Type of use: Irrigation

Legal Season of Use: April 15 to Oct 1

Is the entire water right certificate being leased?  Yes  No

If no, list the acres of the subject water right by legal description of township, range, section, and  $\frac{1}{4}$   $\frac{1}{4}$  which will be dried up as part of this lease, and include a map (Attachment 2) showing the lands which will not receive water.

Place of use: T \_\_\_\_, R \_\_\_\_, Section \_\_,  $\frac{1}{4}$   $\frac{1}{4}$  - \_\_\_\_\_ acres to be leased

Enter additional places of use here, using format above:

See attached spreadsheet

Page \_\_\_\_\_ (Identify page number of certificate, if certificate is greater than 10 pages.)

Number of acres being leased, if for irrigation: 99.1

Acre-feet of storage, if applicable: na

Maximum rate associated with the right to be leased (cfs): 0.991 cfs (1/100thcfs)

(Use additional lines if there is more than one rate associated with the water right.)

Maximum duty associated with the right to be leased (ac-ft): 445.95 (4.5 ac ft per acre)

(Use additional lines if there is more than one duty associated with the water right.)

Conditions or other limitations, if any: The right is limited to 50 cfs into Hopkins canal at the Bradshaw drop.

If you need to enter another leased right, please use the additional water rights form.

- 1.6 **Validity of rights.** Lessor(s) attests (mark one) that:

the water has been used over the past five years according to the terms and conditions of the water right certificate or as an instream water right or

the water has not been used over the past five years according to the terms and conditions of the water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)(  )(include necessary supporting documentation as Attachment 3).

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**~II~ Instream Water Right Information**

**2.1 Public use.** This lease will increase streamflows that will benefit:

- Conservation, maintenance and enhancement of aquatic and fish life, wildlife, and fish and wildlife habitat
- Pollution abatement
- Recreation and scenic attraction

**2.2 Instream use created by lease.** The instream use to be created is described as follows:

Bear Creek

Tributary to Rogue in the Rogue Basin.

Describe the point of diversion (POD) and any associated reach(es) of the instream use being created. If possible list the reach by river mile. If no reach is identified, and there is only one POD listed on the certificate, the lease may be processed to be protected at the POD. (If more than one POD is listed on the certificate, then the POD and any associated reach(es) must be identified): For the primary the points of diversion for the water right are on Little Butte Creek. One POD is North Fork Little Butte Creek: 40 feet north and 620 feet west from E 1/4 corner of section 20, being within the SE1/4 NE1/4 of section 20, Township 36 South, Range 2 East, W.M.

Another POD is South Fork Little Butte Creek: 780 feet south and 400 feet west from E 1/4 corner of section 29, being within the NE 1/4 SE 1/4 of section 29, Township 36 S, Range 2 East, W.M.

Another POD is Bradshaw Drop: SW1/4 SW1/4, Section 8, Township 36 South, Range 1 East, W.M.

After the water is diverted under the rights it is transported via the Joint System Canal shared with Medford Irrigation District. The water is then diverted by RRVID at the Bradshaw Drop into the Hopkins Canal which crosses Bear Creek through a flume on the McAndrews Avenue Bridge. At the crossing, RRVID can deliver water to Bear Creek through a control structure. The reach of the instream water right under this lease will be from the McAndrews Bridge, at approximately stream mile 9.5, to the mouth of Bear Creek. For the supplemental right the point of diversion ( POD) for the water right is 870 feet South and 1460 feet East from the NW Corner of Section 30, within the NE ¼ of the NW ¼ of said section, Township 37 South, Range 1 West, W.M., this POD is commonly known as the Jackson Street diversion or the Bear Creek Feeder Canal; the instream right will be supplied by the supplemental rights when supplemental water is also being delivered for irrigation. Use of the supplemental right to satisfy the in-stream right will be at 1/100th cfs per acre delivered by leaving water instream at the POD.

Maximum volume in acre-feet: 445.95

Rate in cfs: 0.991

(Use the section below to indicate a more restrictive period of use than allowed by the water right.)

**Conditions to prevent injury, if any:**

- None
- The instream flow will be allocated on a daily average basis up to the described rate from \_\_\_\_\_ through \_\_\_\_\_.

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- Other (describe): The instream right protected under this lease shall be satisfied through the delivery by RRVID based on the same percentage diversion and delivery rate RRVID is providing to irrigation rights with the District. In case of Shortage of supply wher the general allotment on the District has been reduce, the District may deliver less that the 2.65 acre-feet per acre in accordance with District policy governing temporary instream leases. In the event the District stops delivery of irrigation water prior to October 1, the delivery for the instream water shall also stop. Reporting to the watermaster shall be consistent with any required reporting of other district operations In stream water will be at 1/100<sup>th</sup> cfs and measured just below the Hopkins diversion by Hydromat guage BJBO.

If you need to enter more instream uses, please use the additional water rights form.

- 2.3 Term of lease.** This lease shall terminate on October 1, 2009.
- 2.4 Flow protection.** The Trustee will regulate use of water from the source, subject to prior appropriation and the agency enforcement guidance, to assure the water is delivered to the point of diversion, and through the reach past junior downstream users, so long as flow is sufficient to meet the demand under priority date of the new instream use (see Section 2.2). As part of regulation activities the watermaster or a designee has access to the point of diversion and place of use for the water rights involved in this lease. No party is required to continuously measure the flow of the waterway described in Section 2.2.

### **~III~ Other Information**

- 3.1 Accuracy.** The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified or terminated. The lease only exercises the water rights being leased, for the term of the lease. It shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.
- 3.2 Lease.** Lessor(s) and Lessee(s) agree to lease the water rights listed in Section(s) 1.5 for instream use for the term of this lease through Lessee to the Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077.
- 3.3 Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077 a new injury review shall be required, and a prior lease shall not set a precedent for the amount of water to be leased or transferred instream.
- 3.4 Suspension of original use.** During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights.

**3.5 Termination provision.**

- For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s)

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leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:

- Written notice to the Department with original signatures;
  - Consent by all parties to the lease; and/or
  - Written notice to the Watermaster's office.
- For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

**3.6 Modification to prevent injury.** Allocation of water to the instream use described in Section 2.2 during the term of this lease is not reasonably expected to cause injury to other rights to use water from the same source. If injury is found after this lease is signed, the lease may be modified or terminated to prevent injury.

**3.7 Fees.** Pursuant to ORS 536.050, the following fee is included:  
 \$200 for an application with four or more landowners or four or more water rights.  
 \$100 for all other applications.

Lessor #1: B. - Henning Date: 6-15-09  
Rogue River Valley Irrigation District

For additional Lessors, type in space for signature and date  
Date \_\_\_\_\_  
Lessor #2 USA acting through the Bureau of Reclamation

Lessee: [Signature] Date: 6/15/09  
Oregon Water Trust Program of the Freshwater Trust

Other Attachments as Needed:

- Attachment 1: Tax Lot Map. (See instructions.)
- Attachment 2: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. (See instructions.)
- Attachment 3: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 is checked).
- Attachment 4: Split Season Instream Use Form

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**Exhibit A**  
**Rogue River Valley Irrigation District In-Stream Lease Description**  
**2009**

Township	Range	Section	Tax Lot	acres	QQ	Name of Owner	Former Owner	Primary Water right Certificate #80569	Certificate page number	Supplemental #80571	page
36S	1W	28	1400	1.7	SW of SE	RRVID	Vincent	80569	8	80571	6
36S	1W	28	1400	5.8	SE of SW	RRVID	Vincent	80569	8	80571	6
36W	2W	32	1900	6.1	NW of SE	RRVID	Conger	80569	9	80571	6
36S	2W	35	400	4.5	NE of SE	RRVID	Harp	80569	10	80571	6
37S	1W	18	3200	0.1	SE of SW	RRVID	Gorr	80569	11	80571	7
37S	2W	3	7900	0.2	SW of NE	RRVID	Davis	80569	12	80571	7
37S	2W	3	1601	3	NW of NW	RRVID	Twin Creeks LLC	80569	12	80571	7
37S	2W	3	1601	0.9	SW of NW	RRVID	Twin Creeks LLC	80569	12	80571	7
37S	2W	3	1602	6	NW of NW	RRVID	Twin Creeks LLC	80569	12	80571	7
37S	2W	3	100	0.3	SW of NW	RRVID	Twin Creeks LLC	80569	12	80571	7
37S	2W	3	100	0.2	SE of NW	RRVID	Twin Creeks LLC	80569	12	80571	7
37S	2W	3	1602	2.3	SW of NW	RRVID	Twin Creeks LLC	80569	12	80571	7
37S	2W	3	102	10.6	SW of NW	RRVID	Twin Creeks LLC	80569	12	80571	7
37S	2W	3	202	9.3	SE of SW	RRVID	Twin Creeks LLC	80569	12	80571	7
37S	2W	3	203	17	NE of SW	RRVID	Twin Creeks LLC	80569	12	80571	7
37S	2W	3	100	19.6	NW of SW	RRVID	Twin Creeks LLC	80569	12	80571	7
36S	2W	32	100	4	SW of SW	RRVID	Wolf	80569	9	80571	6
37S	2W	5	100	0.5	NW of NW	RRVID	Wolf	80569	13	80571	8
36S	2W	32	100	1.5	SE of SW	RRVID	Wolf	80569	9	80571	6
37S	2W	9	902	1.8	NE of NW	RRVID	Carleton	80569	13	80571	8
37S	2W	13	2702	1.1	SE of NW	RRVID	Nistler	80569	14	80571	8
37S	2W	13	3300	2	SE of NW	RRVID	Valenzuela	80569	14	80571	8
36S	1W	9	1400	0.6	NW of SW	RRVID	Ousterhout	80569	3	80569	3

99.1

80569

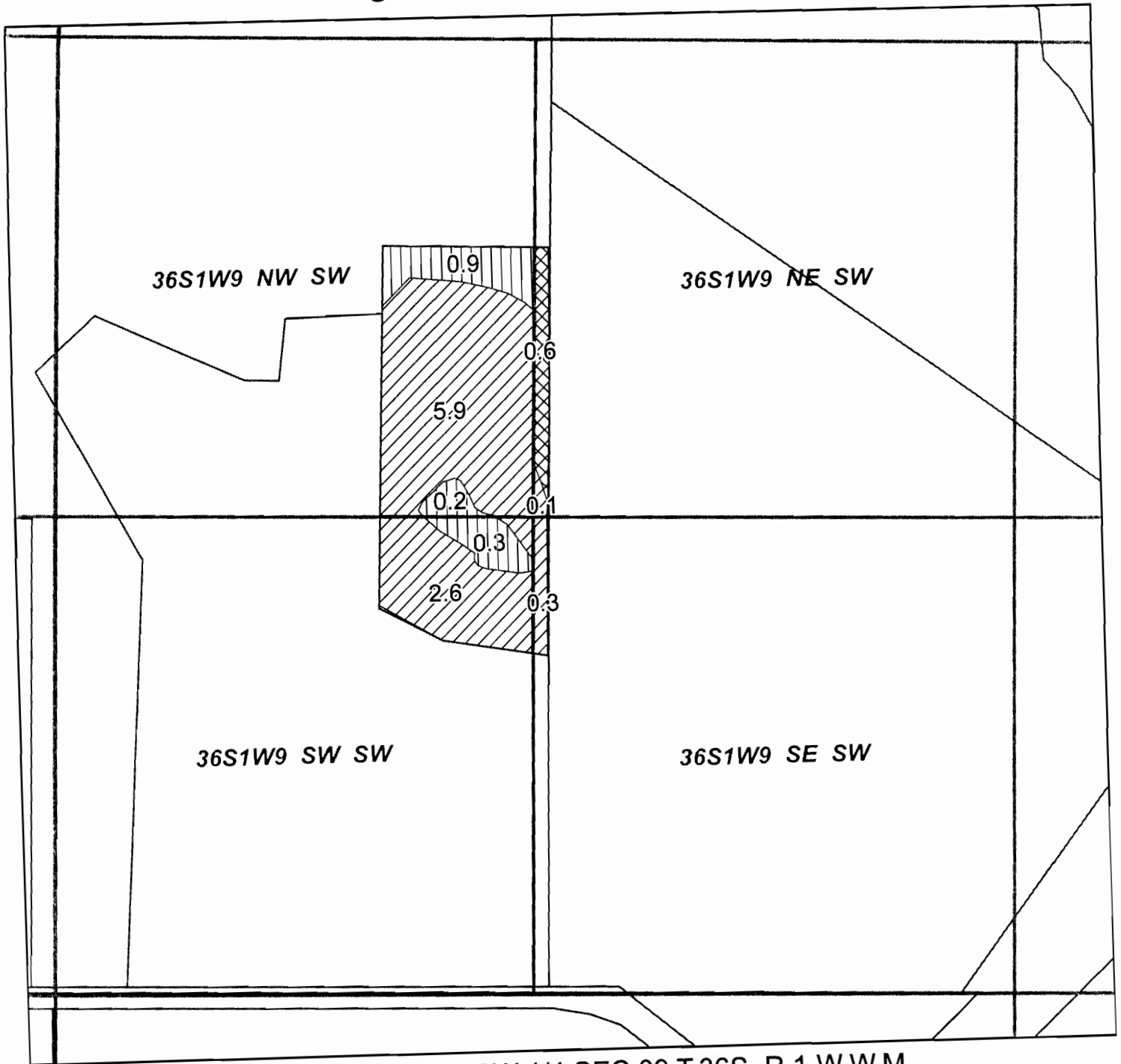
80571

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# Rogue River Valley Irrigation District Water Rights Instream Transfer Map



Located in NE 1/4 SW 1/4 SEC 09 T.36S. R.1 W.W.M.

Tax Lot T36S R1W 09 1400 - 0.6 ac







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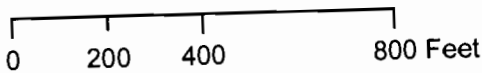
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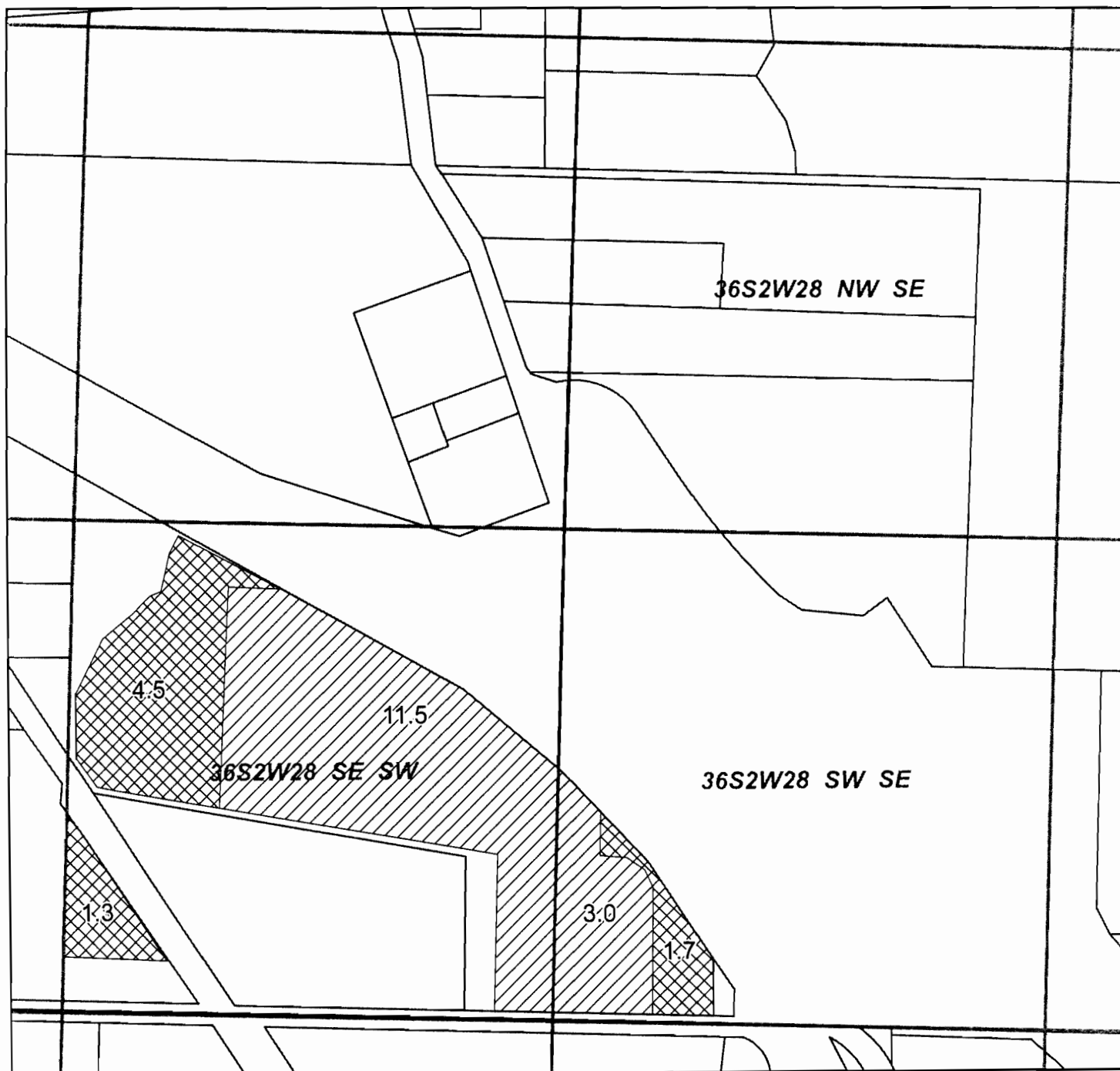
From: RRVID

Certificates  
80569  
80571  
80574  
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80577

-  Transfer
-  Prior Transfer Off
-  Remaining Water Right
-  Qtr-Qtr
-  Section Line
-  Tax Lot Line



# Rogue River Valley Irrigation District Water Rights Instream Transfer Map



Located in SE 1/4 SW 1/4; SW 1/4 SE 1/4 SEC 28 T.36S. R.2 W.W.M.

Tax Lot T36S R2W 28 3600 - 7.5 ac

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From: RRVID

Certificates

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Permit  
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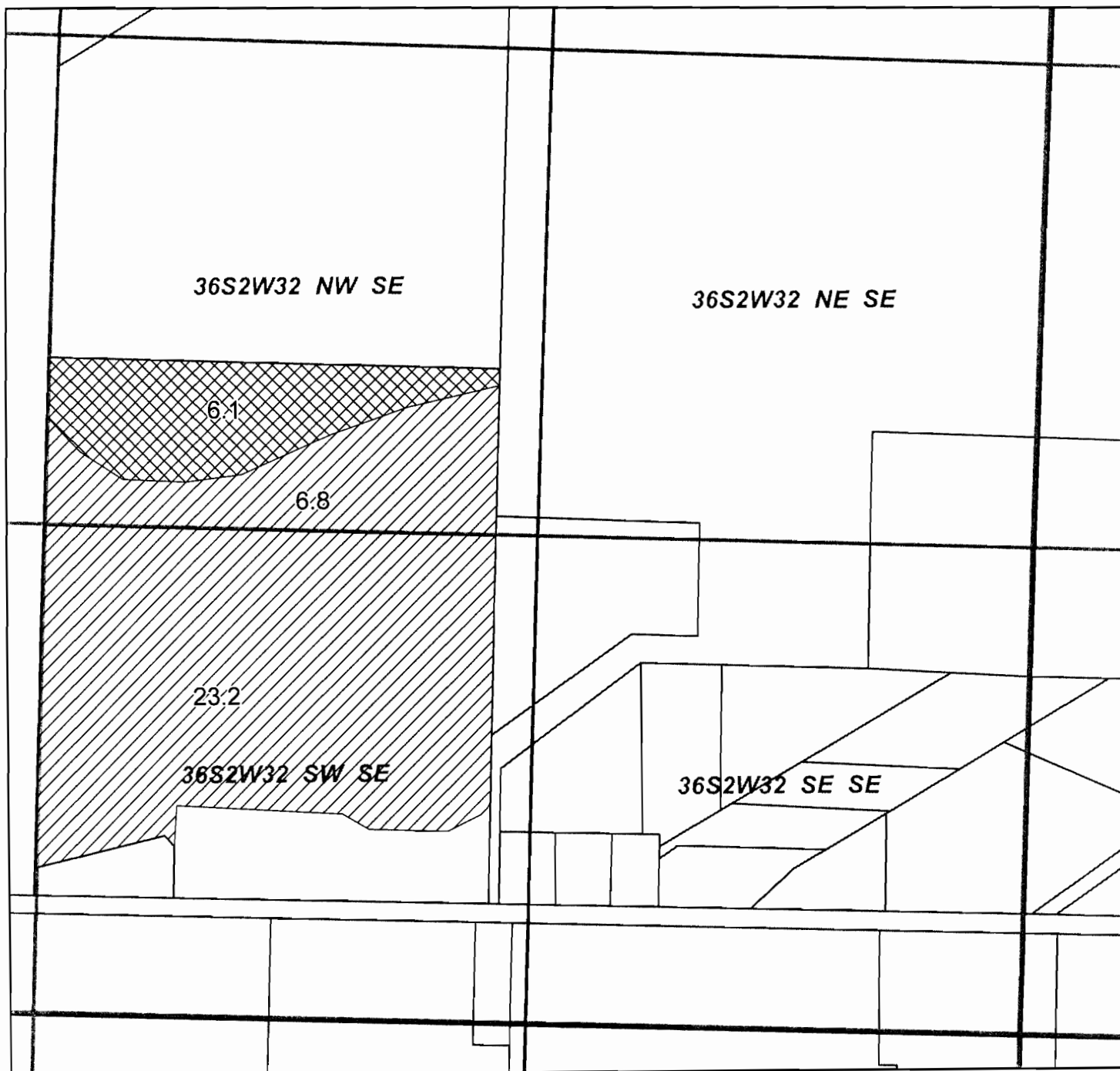
-  Transfer
-  Remaining Water Right
-  Qtr-Qtr
-  Section Line
-  Tax Lot Line



0 200 400 800 Feet



# Rogue River Valley Irrigation District Water Rights Instream Transfer Map



Located in NW 1/4 SE 1/4 SEC 32 T.36S. R.2 W.W.M.

Tax Lot T36S R2W 32 1900 - 6.1 ac

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0      200      400      800 Feet

Printed April 2009

From: RRVID

Certificates

80569  
80571  
80574  
80575  
80576  
80577  
83729  
Permit  
4951

- Transfer
- Remaining Water Right
- Qtr-Qtr
- Section Line
- Tax Lot Line

# Rogue River Valley Irrigation District Water Rights Transfer Map



Located in NE 1/4 SE 1/4 SEC 35 T.36S. R.2 W.W.M.

Tax Lot T36S R2W 35 D 400 - 4.5 ac

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


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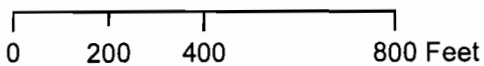
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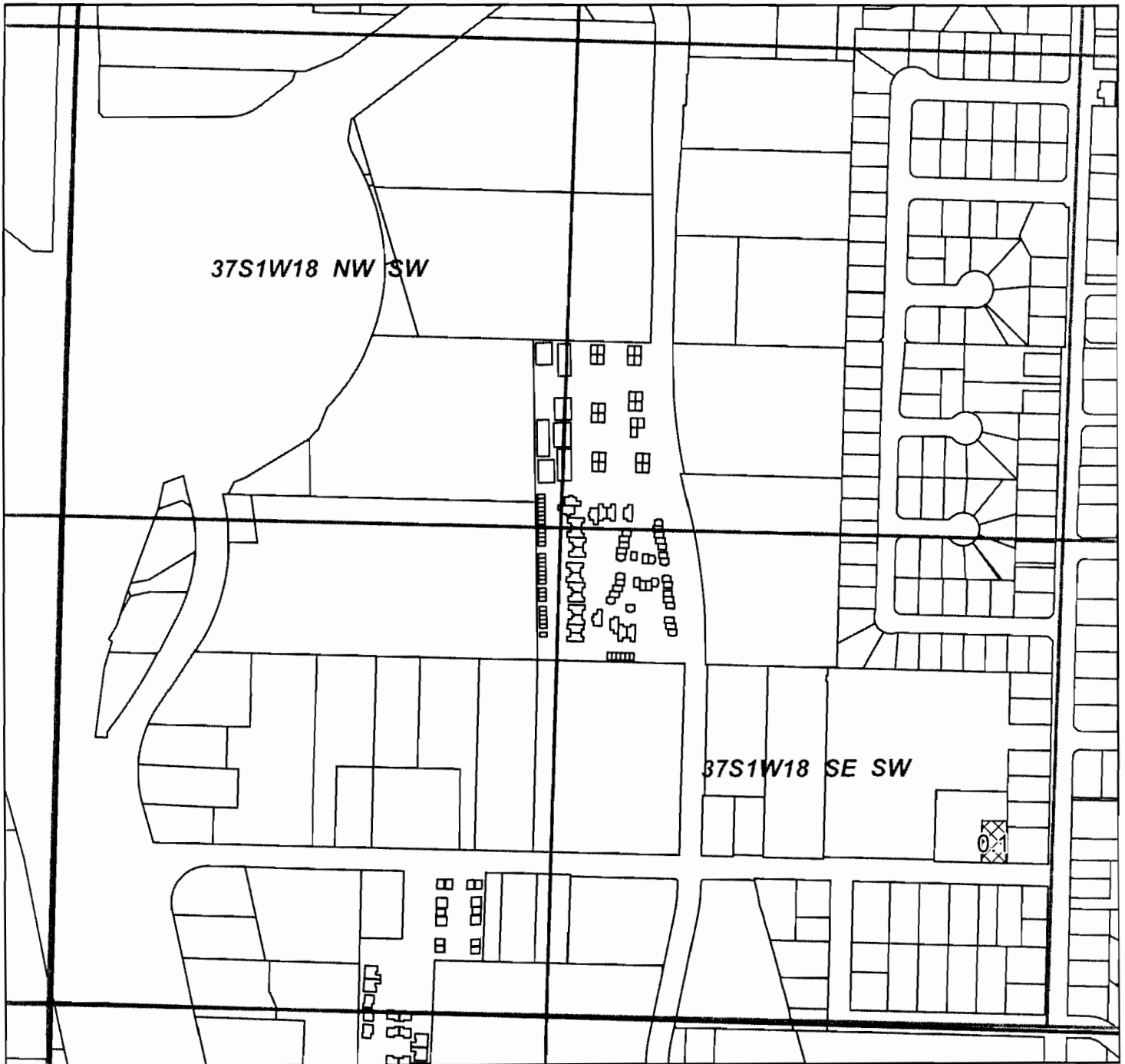
Certificates

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80576

-  Transfer
-  Remaining Water Right
-  Qtr-Qtr
-  Section Line
-  Tax Lot Line



# Rogue River Valley Irrigation District Water Rights Transfer Map



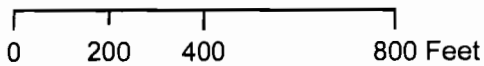
Located in SE 1/4 SW 1/4 SEC 18 T.37S. R.1 W.W.M.

Tax Lot T37S R1W 18CD 3200 - 0.1 ac

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From: RRVID

Certificates

80569

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80574

80576

 Transfer

 Qtr-Qtr

 Section Line

 Tax Lot Line

# Rogue River Valley Irrigation District Water Rights Instream Transfer Map



Located in SW 1/4 NE 1/4 SEC 03 T.37S. R.2 W.W.M.  
Tax Lot T37S R2W 03AC 7900 - 0.2 ac

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


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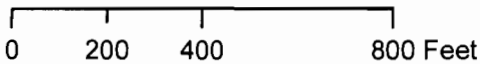
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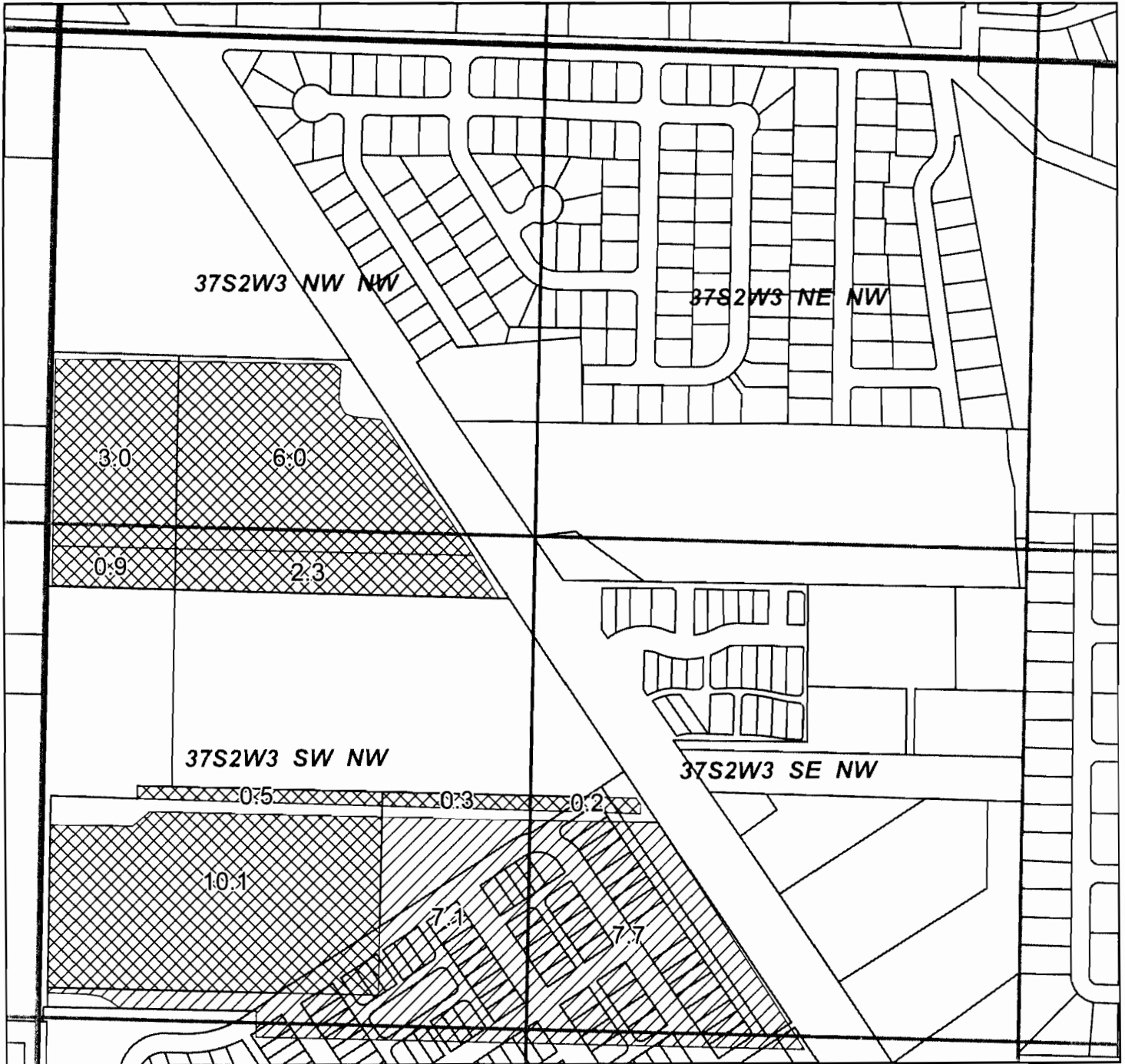
Certificates

- 80569
- 80571
- 80574
- 80575
- 80576
- 80577

-  Transfer
-  Qtr-Qtr
-  Section Line
-  Tax Lot Line



# Rogue River Valley Irrigation District Water Rights Instream Transfer Map








Located in S 1/2, NW 1/4 NW 1/4 SEC 03 T.37S. R.2 W.W.M.

Tax Lot T37S R2W 03B 1601 - 3.9 ac  
 Tax Lot T37S R2W 03B 1602 - 8.3 ac  
 Tax Lot T37S R2W 03C 100 - 0.5 ac  
 Tax Lot T37S R2W 03C 102 - 10.6 ac

Tax Lots have been partitioned  
 From: RRVID

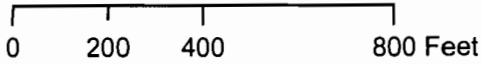
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- 80569
  - 80571
  - 80574
  - 80575
  - 80576
  - 80577
  - 83729

-  Transfer
-  Prior Transfer Off
-  Qtr-Qtr
-  Section Line
-  Tax Lot Line

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# Rogue River Valley Irrigation District Water Rights Instream Transfer Map



Located in NW 1/4 & SE 1/4 SW 1/4 SEC 03 T.37S. R.2 W.W.M.

Tax Lot T37S R2W 03B 202 - 9.3 ac  
 Tax Lot T37S R2W 03B 203 - 17.0 ac  
 Tax Lot T37S R2W 03CB 100 - 19.6 ac

Tax Lots have been partitioned

From: RRVID

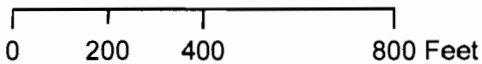
Certificates

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- 80571
- 80574
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- 80577
- 83729





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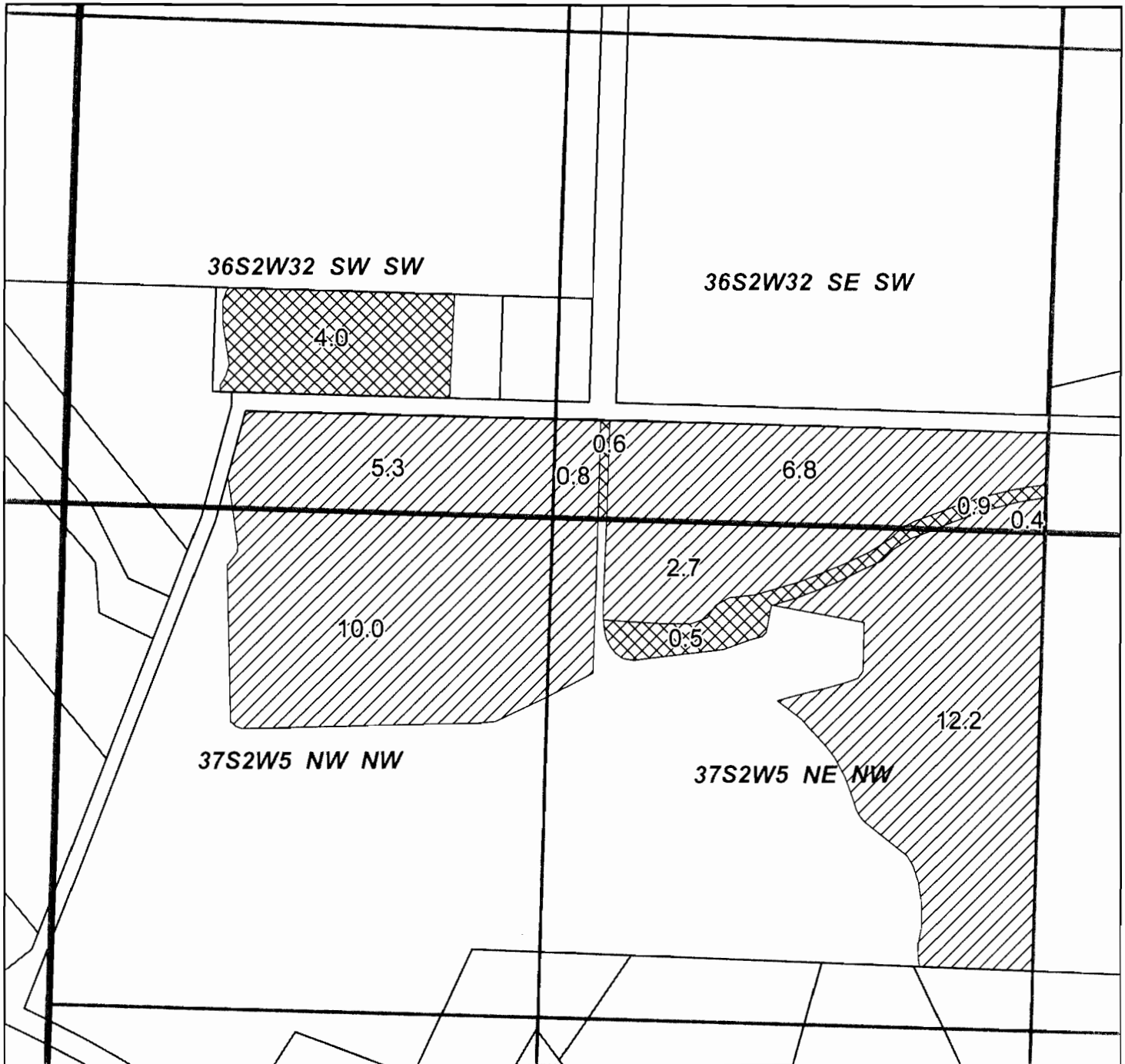
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-  Transfer
-  Qtr-Qtr
-  Section Line
-  Tax Lot Line

# Rogue River Valley Irrigation District Water Rights Instream Transfer Map



Located in S 1/2 SW 1/4 SEC 32 T.36S. R.2 W.W.M.  
& NE 1/4 NW 1/4 SEC 05 T.37S. R.2W.W.M.

Tax Lot T37S R2W 05B 100 - 6.0 ac

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


JUN 15 2009

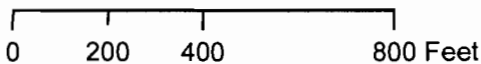
WATER RESOURCES DEPT  
SALEM, OREGON

From: RRVID

Certificates

- 80569
- 80571
- 80574
- 80575
- 80576
- 80577
- 83729

-  Transfer
-  Remaining Water Right
-  Qtr-Qtr
-  Section Line
-  Tax Lot Line



# Rogue River Valley Irrigation District Water Rights Instream Transfer Map



Located in NE 1/4 NW 1/4 SEC 09 T.37S. R.2 W.W.M.

Tax Lot T37S R2W 09B 902 - 1.8 ac

From: RRVID

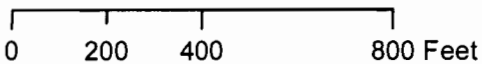
Certificates

- 80569
- 80571
- 80574
- 80575
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- 80577
- 83729






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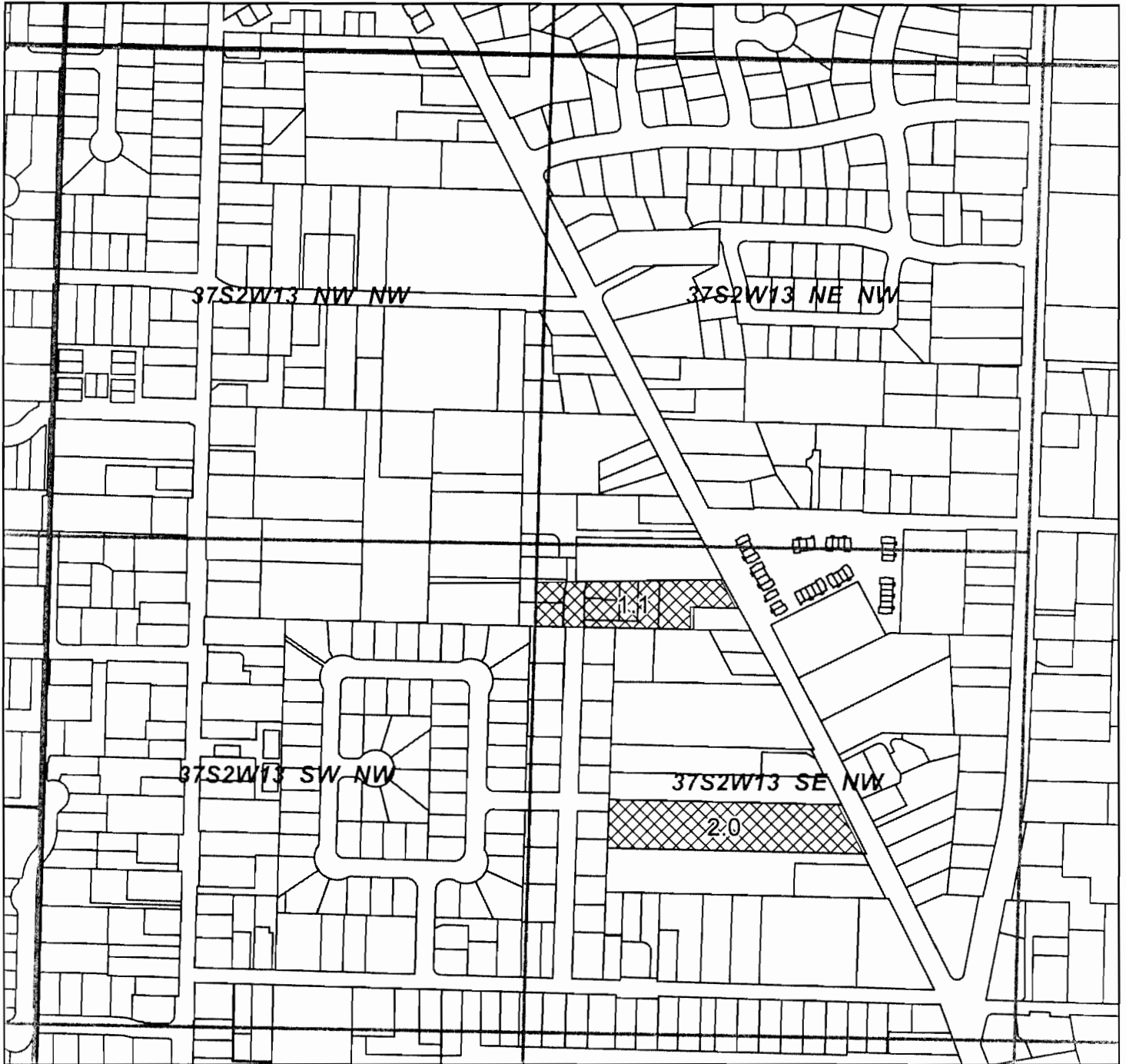


Printed April 2009

-  Transfer
-  Remaining Water Right
-  Qtr-Qtr
-  Section Line
-  Tax Lot Line



# Rogue River Valley Irrigation District Water Rights Instream Transfer Map



Located in SE 1/4 NW 1/4 SEC 13 T.37S. R.2 W.W.M.

Tax Lot T37S R2W 13 BD 2702 - 1.1 ac

Tax Lot T37S R2W 13 BD 3300 - 2.0 ac

Tax Lots have been partitioned

From: RRVID

Certificates

80569

80571

80574

80575

80576

83729

 Transfer

 Qtr-Qtr

 Section Line

 Tax Lot Line

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0 200 400 800 Feet

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