



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.

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

Optional Identification by Lessor/Lessee: _____
Lease Application Number (assigned by WRD): 14-1033

This Lease is between:

Lessor #1:

Name Port of Portland Attn: Scott Carter
Mailing address P.O. Box 3529
City, State, Zip Code Portland, OR 97208-3529
Telephone number (503) 978-2411
Email address Scott.carter@portofportland.com

Lessor #2, 3, etc.

- NA -

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

Lessee (if different than Oregon Water Resources Department):

Name - NA -
Mailing address _____
City, State, Zip Code _____
Telephone number _____
Email address _____

Trustee:

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266
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~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 1 N, Range 2 E, Section 11, 13 & 14 and Tax Lot number See Tax Lot Table Below:. 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.

Port of Portland
Water Right Certificate 83964
Place of Use Tax Lots:

T1N R2E Section 11:

Gov Lot # 4

Gov Lot # 5

T1N R2E Section 13:

Tax Lot 100

T1N R2E Section 14:

Gov Lot # 1

Gov Lot # 2

Tax Lot 100

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 _____.

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. 83964 subject to this lease – No other known rights

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.: 83964

Priority date: June 22, 1988 Type of use: Irrigation

Legal Season of Use: 3/1 – 10/31

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 ¼ ¼ 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 1 N, R 2 E, Section 11, NE¼ SW¼ - 18.1 acres to be leased
Enter additional places of use here, using format above:

T1N, R2E, Section 11, SW ¼ SW ¼ - 2.2 acres

T1N, R2E, Section 11, SE ¼ SW ¼ - 27.3 acres

T1N, R2E, Section 11, NW ¼ SE ¼ - 4.1 acres

T1N, R2E, Section 11, SW ¼ SE ¼ - 26.0 acres

T1N, R2E, Section 13, NW ¼ NW ¼ - 10.2 acres

T1N, R2E, Section 13, SW ¼ NW ¼ - 22.1 acres

T1N, R2E, Section 14, NE ¼ NE ¼ - 20.1 acres

T1N, R2E, Section 14, NW ¼ NE ¼ - 20.7 acres

T1N, R2E, Section 14, SW ¼ NE ¼ - 1.9 acres

T1N, R2E, Section 14, SE ¼ NE ¼ - 13.8 acres

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

Number of acres being leased, if for irrigation: 166.5

Acre-feet of storage, if applicable: - NA -

Maximum rate associated with the right to be leased (cfs): 2.08

(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): 416.25

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

Conditions or other limitations, if any: - NA -

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).

Certificate issued April 2008 (within the last 5 years)

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~II~ Instream Water Right Information

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SALEM, OREGON

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:

COLUMBIA River

Tributary to the PACIFIC OCEAN, in the _____ 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):

at the POD #1 - T1N, R2E, Section 11, NW ¼ SW ¼ 2630 Feet North and 5280 feet west from SE corner, Section 11; and

POD #2 T1N, R2E, Section 14, SE ¼ NE ¼ 2349 Feet South and 300 Feet West from NE corner, Section 14;

Columbia River RM114

Maximum volume in acre-feet: 416.25

Rate in cfs: 2.08

(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 _____.
- Other (describe): _____

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 31, 2014 (5 years).

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) 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:

- \$400 for an application with four or more landowners or four or more water rights.
- \$250 for all other applications.

Lessor #1: *Stod Cath* Date: 02/24/2010

For additional Lessors, type in space for signature and date

Lessee: _____ Date: _____

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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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**Attachment
In-Stream Lease Application
Port of Portland**

STATE OF OREGON
 COUNTY OF MULTNOMAH
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

PORT OF PORTLAND
 PO BOX 3529
 PORTLAND OR 97208-3529

confirms the right to use the waters of COLUMBIA RIVER, A TRIBUTARY OF THE PACIFIC OCEAN for IRRIGATION of 166.5 ACRES.

This right was perfected under Permit S-50680. The date of priority is JUNE 22, 1988. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 2.08 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion.

The points of diversion are located as follows:

| Twp | Rng | Mer | Sec | Q-Q | GLot | DLC | Survey Coordinates |
|-----|-----|-----|-----|-------|------|-----|---|
| 1 N | 2 E | WM | 11 | NW SW | 2 | | 2630 FEET NORTH AND 5280 FEET WEST FROM SE CORNER, SECTION 11 |
| 1 N | 2 E | WM | 14 | SE NE | 1 | | 2349 FEET SOUTH AND 300 FEET WEST FROM NE CORNER, SECTION 14 |

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

A description of the place of use to which this right is appurtenant is as follows:

| IRRIGATION | | | | | | | |
|------------|-----|-----|-----|-------|------|-----|-------|
| Twp | Rng | Mer | Sec | Q-Q | GLot | DLC | Acres |
| 1 N | 2 E | WM | 11 | NE SW | 5 | | 18.1 |
| 1 N | 2 E | WM | 11 | SW SW | | | 2.2 |
| 1 N | 2 E | WM | 11 | SE SW | 5 | | 27.3 |
| 1 N | 2 E | WM | 11 | NW SE | 4 | | 4.1 |

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.


| IRRIGATION | | | | | | | |
|------------|-----|-----|-----|-------|------|-----|-------|
| Twp | Rng | Mer | Sec | Q-Q | GLot | DLC | Acres |
| 1 N | 2 E | WM | 11 | SW SE | 4 | | 26.0 |
| 1 N | 2 E | WM | 13 | NW NW | | | 10.2 |
| 1 N | 2 E | WM | 13 | SW NW | | | 22.1 |
| 1 N | 2 E | WM | 14 | NE NE | | | 20.1 |
| 1 N | 2 E | WM | 14 | NW NE | | | 20.7 |
| 1 N | 2 E | WM | 14 | SW NE | 2 | | 1.9 |
| 1 N | 2 E | WM | 14 | SE NE | 1 | | 13.8 |

The water user shall provide that the pump intakes be screened to meet Oregon Department of Fish and Wildlife's fish screening criteria in compliance with the law.

This right is for the beneficial use of water without waste. By law, this land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

Issued APR 18 2008


 Phillip G. Ward, Director
 Water Resources Department

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THIS MAP IS PREPARED ONLY FOR USE IN IDENTIFYING THE LOCATION OF THE PROPOSED WATER RIGHT. NO USE FOR LOCATING PROPERTY OWNERSHIP BOUNDARY LINES IS INTENDED.

T.1N., R.2E., W.M.

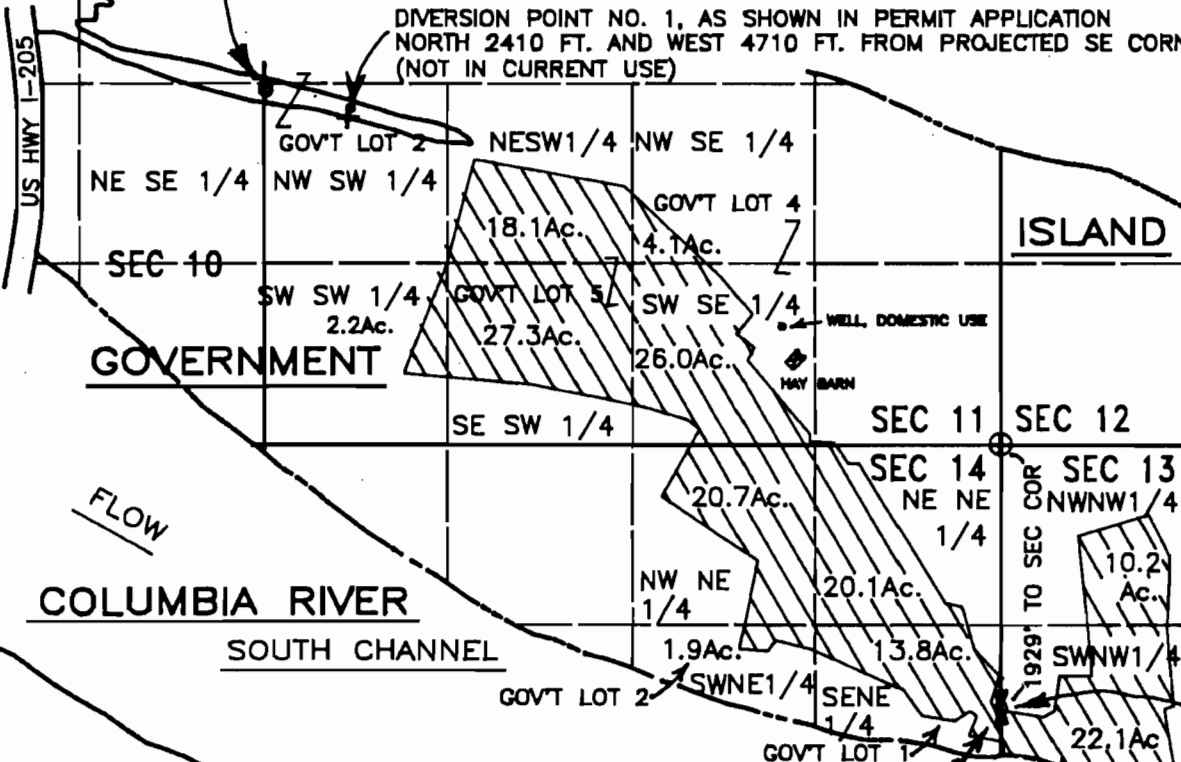
COLUMBIA RIVER
NORTH CHANNEL

FLOW

MULTNOMAH COUNTY WASHINGTON
OREGON

DIVERSION POINT NO. 1 OF CURRENT USE FOR SECURITY, NORTH 2630 FT. AND WEST 5280 FT. FROM SE CORNER SECTION 11.

DIVERSION POINT NO. 1, AS SHOWN IN PERMIT APPLICATION NORTH 2410 FT. AND WEST 4710 FT. FROM PROJECTED SE CORNER SEC. 11 (NOT IN CURRENT USE)



US HWY 1-205

SEC 10

GOVERNMENT

ISLAND

WELL DOMESTIC USE

HAY BARN

SEC 11

SEC 12

FLOW

COLUMBIA RIVER
SOUTH CHANNEL

SEC 14

SEC 13

NE NE 1/4

NWNW 1/4

SWNW 1/4

1929' TO SEC COR

DIVERSION POINT NO. 2 OF CURRENT USAGE, FOR CONVENIENCE, SOUTH 420 FT. AND WEST 300 FT. FROM FOUND WITNESS CORNER BETWEEN SECTIONS 13 AND 14.

(DIVERSION POINT NO. 2, AS SHOWN ON PERMIT APPLICATION MAP SOUTH 424 FT. AND EAST 337 FT. FROM FOUND WC. NOT IN CURRENT USAGE)

SCALE: 1" = 1320 FT.



John C Richmond

TIE TO GOVERNMENT CORNER FOUND WITNESS CORNER BETWEEN SECTIONS 13 & 14

TOTAL: 166.5 ACRES

FINAL PROOF SURVEY

UNDER APPLICATION NO. 69646 PERMIT NO. 50680

IN NAME OF

PORT OF PORTLAND

Surveyed DEC. 16, 1992 by J. Richmond