



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): 1L-1031

This Lease is between:

**Lessor #1:**

Name John W. Compton  
Mailing address 2425 Wells Road  
City, State, Zip Code Elkton, OR 97436  
Telephone number 541-584-2595  
Email address \_\_\_\_\_

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

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

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

Name \_\_\_\_\_  
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  
(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 22 S, Range 8 W, Section 35, 36 and Tax Lot number 501, 200. 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):

X 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. 86034

1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program.  Yes X 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.: 86034

Priority date: April 4, 1991 Type of use: Irrigation

Legal Season of Use: March 1 – October 31

Is the entire water right certificate being leased?  Yes X 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 22 S, R 8 W, Section 35, NE¼ SE¼ - 16.4 acres to be leased

Enter additional places of use here, using format above:

T22S, R8W, Section 35, SE1/4SE1/4 – 7.3 acres to be leased

T22S, R8W, Section 36, NW1/4SW1/4 – 28.4 acres to be leased

T22S, R8W, Section 36, SW1/4SW1/4 – 14.4 acres to be leased

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

Number of acres being leased, if for irrigation: 66.5 acres

Acre-feet of storage, if applicable: N/A

Maximum rate associated with the right to be leased (cfs): .774 cfs

(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): 166.25 acft

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

Conditions or other limitations, if any: \_\_\_\_\_

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:

X 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:

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

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

Umpqua River

Tributary to Pacific Ocean in the Umpqua 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): POD at RM 52.5 to RM 28.

Maximum volume in acre-feet: 166.25 acft

Rate in cfs: .774 cfs

(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
- X The instream flow will be allocated on a daily average basis up to the described rate from July 16 through October 31.
- 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.

**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: John W. Conpton Date: 3-1-10

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 1**  
**Short - Term Water Right Lease Agreement**  
**Tax Lot Map of Lessor's Property**

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\* - - Property Data Selection Menu - -  
 Owner: COMPTON, JOHN WILLIAM  
 Prop ID : R131739 () (195389) 2425 WELLS ROAD  
 Map Tax Lot: 22-08W-35-00501 ELKTON, OR 97436  
 Legal : P.P. 2007-81, PARCEL PT 2 (IN FIRE)  
 SEE R131740 FOR BAL TL, ACRES\*

---

Situs : 0 MEHL CREEK RD	Year Built :
OAKLAND, OR 97462	Living Area:
Name(s) :	2009 Roll Values
Code Area : 03404	RMV Land Non-LSU \$ 0 (+)
Sale Info : 08/18/09 \$0	RMV Land LSU \$ 294,144 (+)
Deed Type : BARGAIN	RMV Improvements \$ 43,570 (+)
Instrument: 2009-15570	RMV Total \$ 337,714 (=)
2009 Tax Status * No Taxes Due *	Land LSU \$ 21,439
Current Levied Taxes : 431.71	Total Exemptions \$ 0
Special Assessments : 66.25	M5 Net Value \$ 75,087
2010-11 SB125 Taxes :	M50 Assd Value \$ 48,474

(AD) Alt Disp (O)wnership	(Y) primary (H)istory	(SE)condary (W) Spec Assmt	(L)and/Impr (.) More
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Enter Option from Above or <RET> to Exit: \_\_\_

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\* - - Property Data Selection Menu - -

Prop ID : R131740 ( ) Owner: COMPTON, JOHN WILLIAM  
 Map Tax Lot: 22-08W-35-00501 (195389) 2425 WELLS ROAD  
 Legal : P.P. 2007-81, PARCEL PT 2 (IN DFPA) ELKTON, OR 97436  
 SEE R131739 FOR BAL TL, ACRES 1.92, \*

Situs : 0 MEHL CREEK RD Year Built :  
 OAKLAND, OR 97462 Living Area:  
 Name(s) : 2009 Roll Values  
 Code Area : 03402 RMV Land Non-LSU \$ 0 (+)  
 Sale Info : 08/18/09 \$0 RMV Land LSU \$ 2,112 (+)  
 Deed Type : BARGAIN RMV Improvements \$ 0 (+)  
 Instrument: 2009-15570 RMV Total \$ 2,112 (=)  
 2009 Tax Status \* No Taxes Due \* Land LSU \$ 59  
 Current Levied Taxes : 0.47 Total Exemptions \$ 0  
 Special Assessments : M5 Net Value \$ 134  
 2010-11 SB125 Taxes : M50 Assd Value \$ 59

(AD) Alt Disp (O)wnership	(Y) primary (H)istory	(SE)condary (W) Spec Assmt	(L)and/Impr (.) More
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Enter Option from Above or <RET> to Exit: \_\_\_

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\* - - Property Data Selection Menu - -  
 Owner: COMPTON, JOHN WILLIAM  
 Prop ID : R43775 (2675.01) (195389) 2425 WELLS ROAD  
 Map Tax Lot: 22-08W-36-00200 ELKTON, OR 97436  
 Legal : P.P. 2007-81, PARCEL PT 2, ACRES  
 80.36

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Situs : 2425 WELLS RD Year Built : 1992  
 ELKTON, OR 97436 Living Area: 2238

Name(s) : 2009 Roll Values

Code Area : 03402	RMV Land Non-LSU	\$	0 (+)
Sale Info : 08/18/09 \$0	RMV Land LSU	\$	679,730 (+)
Deed Type : BARGAIN	RMV Improvements	\$	197,371 (+)
Instrument: 2009-15570	RMV Total	\$	877,101 (=)
2009 Tax Status * No Taxes Due *	Land LSU	\$	46,086
Current Levied Taxes : 1,413.28	Total Exemptions	\$	0
Special Assessments : 66.25	M5 Net Value	\$	264,232
2010-11 SB125 Taxes :	M50 Assd Value	\$	181,113

(AD) Alt Disp (O)wnership	(Y) primary (H)istory	(SE)condary (W) Spec Assmt	(L)and/Impr (.) More
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Enter Option from Above or <RET> to Exit: \_\_\_

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**After recording return to:**

John W. Compton  
2425 Wells Road  
Elkton, OR 97436

DOUGLAS COUNTY OFFICIAL RECORDS  
BARBARA E. NIELSEN, COUNTY CLERK

2009-015570



\$36.00

08/31/2009 10:05:19 AM

DEED-BS Cnt=1 Stn=3 MARRIAGECOUNTER  
\$15.00 \$11.00 \$10.00

**Until a change is requested, send tax statements to:**

John W. Compton  
2425 Wells Road  
Elkton, OR 97436  
Tax/Property ID Nos. R131739, R131740,  
R131742, R131743, R131840, R39687, R39695,  
R39815, R39911, R39927, R43775

**BARGAIN AND SALE DEED**

MEREDITH KAY COMPTON, hereinafter called Grantor, for the consideration herein stated, does hereby grant, bargain, sell and convey unto JOHN WILLIAM COMPTON, hereinafter called Grantee, and unto Grantee's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Douglas, State of Oregon, described as follows, to-wit:

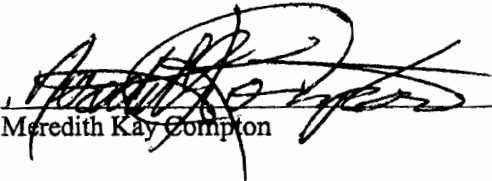
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

To Have and to Hold the same unto the said Grantee and Grantee's heirs, successors and assigns forever.

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The true and actual consideration paid for this transfer is valuable consideration other than money.

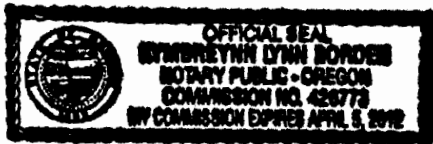
In Witness Whereof, the Grantor has executed this 18<sup>th</sup> day of ~~July~~ August, 2009.

  
Meredith Kay Compton

STATE OF OREGON            )  
  ) ss.  
County of Lane            )

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of ~~July~~ August, 2009, by Meredith Kay Compton.

  
Notary Public for Oregon  
My Commission Expires: 04-05-12



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**EXHIBIT "A"**

All that portion of Instrument #2003-22761 being east of the east line of State Highway #138.

AND ALSO:

Parcel 2, Land Partition Plat #2007-0080, Douglas County, Oregon Partition Plat Records.

AND ALSO:

Parcel 2, Land Partition Plat #2007-0081 A & B, Douglas County, Oregon Partition Plat Records

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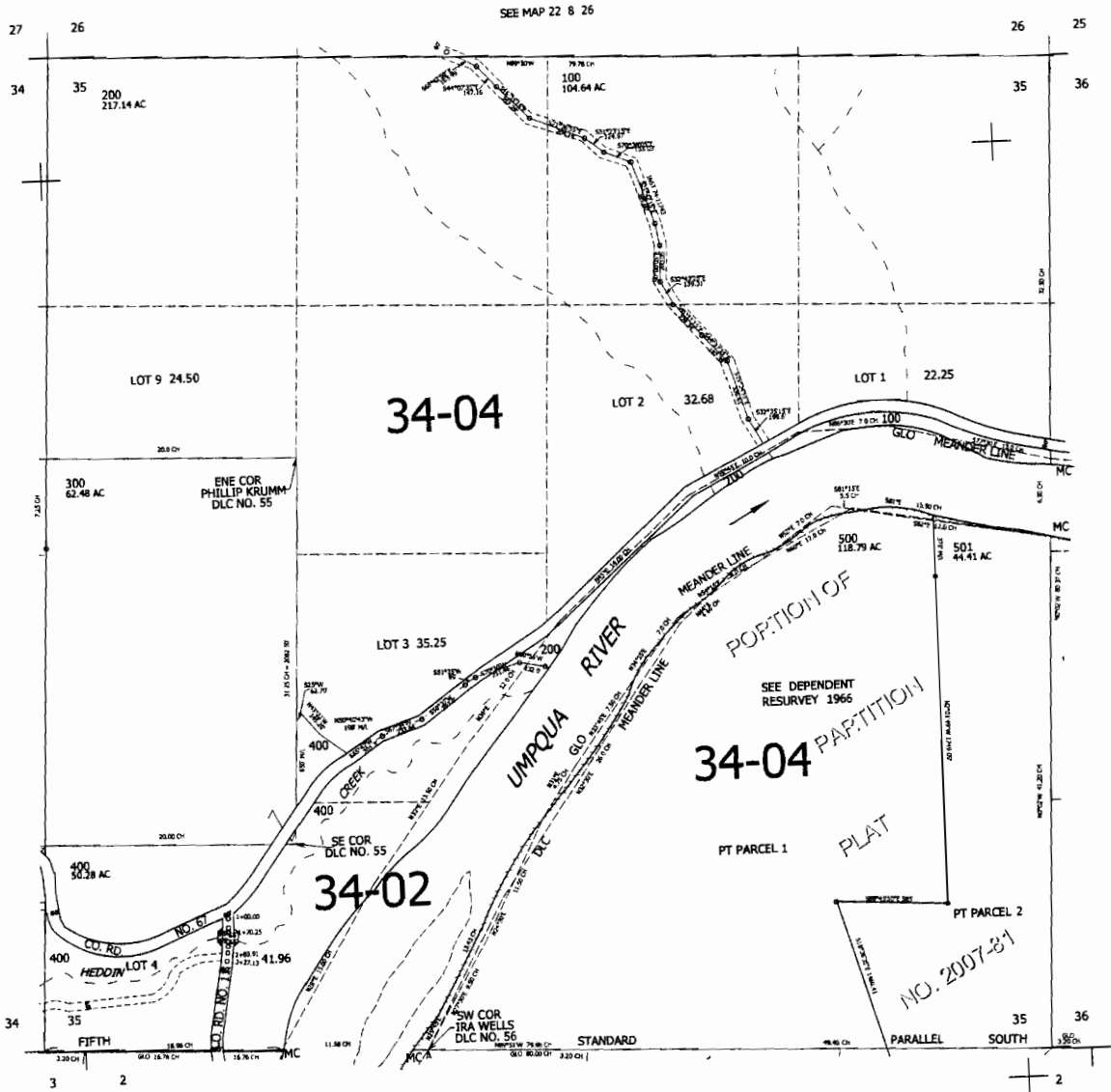
**END OF DOCUMENT**

SEC.35 T.22S. R.8W. W.M.  
DOUGLAS COUNTY  
1"=400'

REVISED ON  
6-21-07

22 8 35

THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY.



SEE MAP 22 8 34

CANCELLED NOS

SEE MAP 22 8 36

SEE MAP 23 8 2

722,000

4,099,000

22 8 35

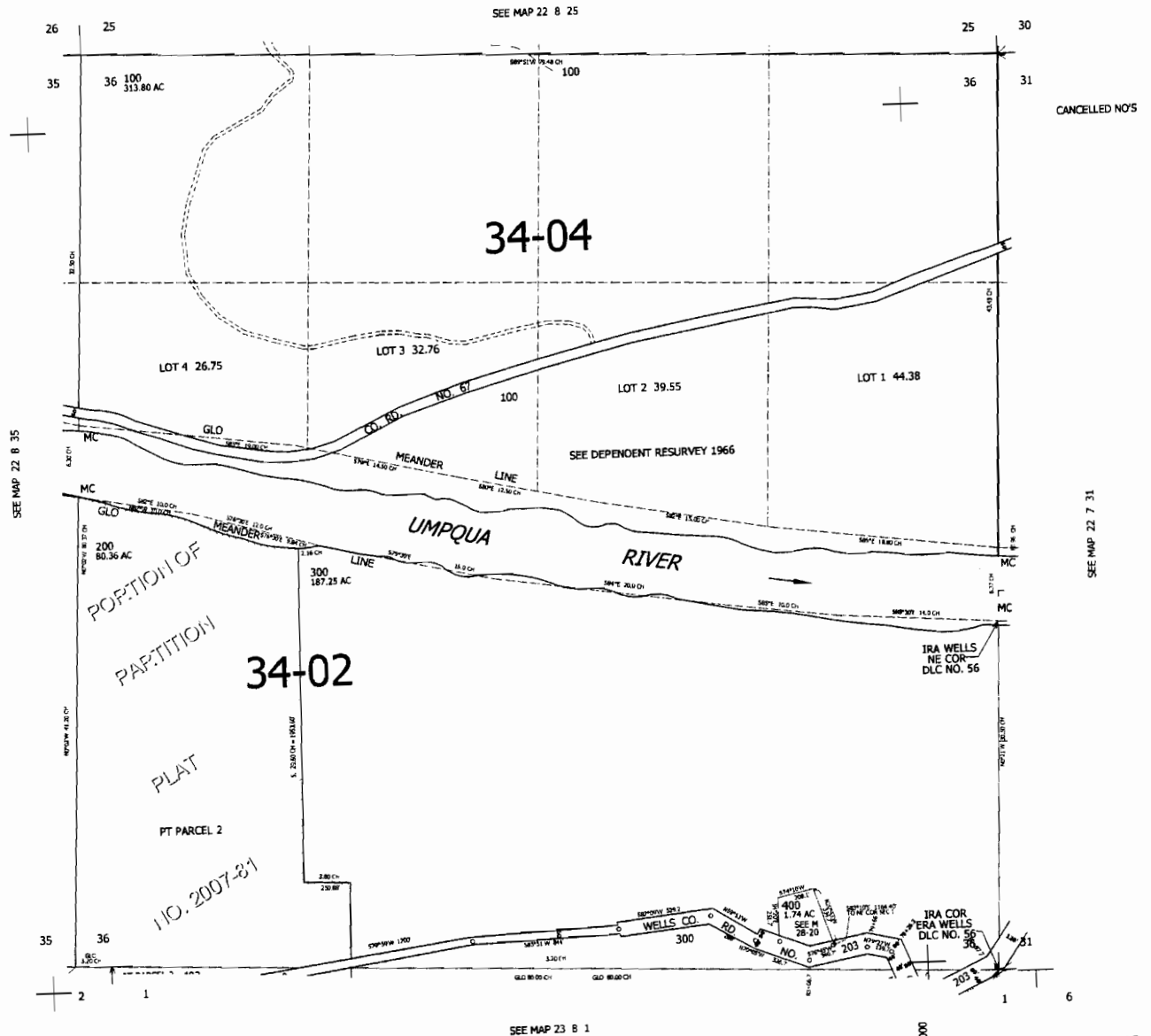
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THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY.

SEC.36 T.22S. R.8W. W.M.  
DOUGLAS COUNTY  
1"=400'

REVISED ON  
5-27-09

22 8 36



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22 8 36

**Attachment 2**  
**Short - Term Water Right Lease Agreement**  
**Leased Right Map**

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**WATER RESOURCES DEPT**  
**SALEM, OREGON**

STATE OF OREGON  
 COUNTY OF DOUGLAS  
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ESTATE OF NORMAN L AND GERTRUDE O COMPTON  
 C/O DAVID COMPTON  
 801 WELLS RD  
 ELKTON OR 97436

MEREDITH RANDALL COMPTON  
 PO BOX 10733  
 EUGENE OR 97440

confirms the right to use the waters of UMPQUA RIVER, a tributary of the PACIFIC OCEAN, for IRRIGATION of 134.1 ACRES.

This right was perfected under Permit 51269. The date of priority is APRIL 4, 1991. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.56 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distances
23 S	8 W	WM	2	NE NW			160 FEET SOUTH & 1740 FEET EAST FROM SW CORNER, SECTION 35

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.

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
22 S	8 W	WM	35	SE NE		56	0.1
22 S	8 W	WM	35	SE SW		56	3.2
22 S	8 W	WM	35	NE SE		56	37.4

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**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
22 S	8 W	WM	35	NW SE		56	13.1
22 S	8 W	WM	35	SW SE		56	13.4
22 S	8 W	WM	35	SE SE		56	11.2
22 S	8 W	WM	36	NW SW		56	28.4
22 S	8 W	WM	36	SW SW		56	14.4
23 S	8 W	WM	2	NW NE		37	3.6
23 S	8 W	WM	2	NE NW		37	9.3

Diversion screening or fish passage facilities shall be operated to Oregon Department of Fish and Wildlife specifications.

Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.


This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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.

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 JAN 29 2010

  
 Phillip C. Ward, Director  
 Water Resources Department

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