



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

Application for Instream Lease Pooled Lease Form

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 for mitigation credit
Lease Application Number (assigned by WRD): IL-1142/MA-150

This Lease is between:

Lessor #2: Irrigation District or Other Water Purveyor
Name North Unit Irrigation District
Mailing address 2024 NW Beech Street
City, State, Zip Code Madras, OR 97741
Telephone number (541) 475-3625
Email address nuid@northunitid.com

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

Lessee (if different than Oregon Water Resources Department):
Name Deschutes River Conservancy Mitigation Bank
Mailing address PO Box 1560
City, State, Zip Code Bend, OR 97709
Telephone number (541) 382-4077
Email address gen@deschutesriver.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

- 1.2 Lessor #2 is the (Check one):
 Official representative of North Unit Irrigation District, the irrigation district, which conveys water to the subject water rights.
 Another party with an interest in the subject water rights representing _____.
 Not applicable.

- 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. 72283

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.: 72283

Priority date: 9/16/1968 Type of use: Irrigation

Legal Season of Use: April 1 thru October 31

If an irrigation right, total number of acres to be leased: 77.30

Total acre-feet of storage to be leased, if applicable: n/a

Maximum rate associated with subject water rights (cfs) being leased: 1.753

If there is more than one rate associated with a water right, describe below:

Season 1 (cfs) _____ Time period: _____

Season 2 (cfs) _____ Time period: _____

Season 3 (cfs) _____ Time period: _____

Maximum duty associated with subject water rights (ac-ft): 309.2

Conditions or other limitations, if any: The District only allows a 1 acre foot per acre minimum before an excess charge is calculated, therefore we will only be contributing instream the minimum usage in section 2.2.

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

~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:

Crooked River

Tributary to the Deschutes River in the Deschutes 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 will 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): Crooked River plant (river mile 28) to Lake Billy Chinook

Maximum volume in acre-feet: 77.3

Rate in cfs: 0.354

(If more than one rate, describe the rate associated within each time period or instream reach.)

Rate in cfs: _____

Rate in 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

The instream flow will be allocated on a daily average basis up to the described rate from 5/15/2011 through 09/01/2011.

Other (describe): protecting live flow for mitigation project

2.3 **Term of lease.** This lease shall terminate on October 31, 2011.

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 short term 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.**

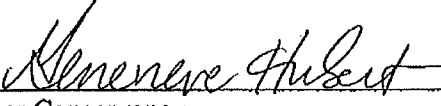
For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less than 30-days prior to the period of allowed instream 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 #2:  Date: 3/21/11
North Unit Irrigation District

Lessee:  Date: 4/16/2011
Deschutes River Conservancy

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
- Attachment 5: Pooled Lease Water Right Holder Form

North Unit Irrigation District Leasing 2011

Landowner	C-72283 Acres Leased Crooked	C-72279 Acres Leased Deschutes	Total Acres Instream	Previous Lease #
Corwin	59.3	3.6	62.9	L-744
Gisler	5.4	0	5.4	L-974, L-1071
Jefferson Co	0	5.5	5.5	L-744, L-1071
Morlans	12.6	4.3	16.9	L-744
Waldow	0	139.4	139.4	L-918
Totals	77.3	152.8	230.1	

This table will calculate flow rate factors and duty for North Unit Irrigation District
Instream Leases (Certificates 72283 & 72284)

Enter Total Number of Acres to be Leased Instream Here	77.300	1PR
Information highlighted with blue font is to be entered on to the Instream Lease Application Form		
Rate (CFS) associated with leased rights for Section 1.5 of the Lease Application Form		
Enter Rate on Lease Form	Rate/acre	Max Rate
	0.023	1.753
Duty (AF) associated with leased right for Section 1.5 of the Lease Application Form		
Duty (decree) AF/Acre	4.00	
	309.20	

* Note - The rate identified has been proportion to prevent enlargement of the right and to reflect the amount at which the diversion should be reduced. (200.0 cfs divided by 8,817.7 acres)

Rate (CFS) leased instream for Section 2.2 of the Lease Application Form			
Possible Rate Scenarios (enter preferred instream rate on form)			Days Instream
Rate A: Max Instream Rate	1.753	This is a proportioned rate per acre to prevent injury/enlargement	88
Rate B: Alternative Rate (optional and may not be greater than Rate A)	1.060	← Enter alternative rate	36
Rate C: Rate if leased over full irrigation season (214 days)	0.514		303
Max Instream Volume in AF	309.20		
OR	1.00	← Enter alternative volume/acre (may be based on District distribution)	
Volume B: Max instream volume based on alternative volume	77.30		

Additional Conditions to Prevent Injury for Section 2.2 of the Lease Application Form

Period Water Proposed to be Protected Instream at Maximum Rate (For Rate A or B & uses number of days instream from above table) Period may not exceed the season of use or extend outside the season of use (ie irrigation season)			
Based on Rate A above		Based on Rate B	
begin date	5/15/2008	begin date	6/26/2007
end date	8/10/2008	end date	7/31/2007
OR period may be leased instream		OR period may be leased instream	
end date	10/5/2008	end date	10/12/2007
begin date	7/10/2008	begin date	9/7/2007

OPTIONAL - for alternative instream periods & to help identify Rate B

If used for Rate B - days instream may be greater than identified above due to rounding (if so, use information in this section to fill in the rate and period instream portions of Section 2.2 on the lease form)			
Enter Proposed begin and end dates			
begin date	5/15/2011	Number of Days in Identified Period	
end date	9/1/2011	110	Days
		CFS rate	
		0.354	



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Application for Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

Optional Identification by Lessor/Lessee: _____
Lease Application Number (assigned by WRD): IL-1142/MP-150

This Lease is with:

Lessor #1 (Water Right Holder):

Name Mark & Pam Morlan
Mailing address PO Box 911
City, State, Zip Code Napavine, WA 98565
Telephone number (360) 266-0998
Email address _____

If additional water right holders, enter water right holder information below

Note: The section numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Water Right Holder" form(s) are used to provide the same information as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always sequential.

~I~ Water Right Holder and Water Right Information

1.1 Lessor #1 is the water right holder, or authorized agent for property described in Section 1.5. 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.

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. 72283

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

1.5 **Water Right(s) Proposed to be Leased Instream.** Water right holder proposes to lease the water rights shown on the map attached as Exhibit 5-B and described as follows:
[This information may be included on Exhibit 5-A, or an additional map may be attached. Crosshatch the area of water rights being leased. Attached map(s) must identify water right holder, township, range, section and ¼ ¼, tax lot number, map orientation and scale.]

	T	R	Sec	1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	11	13	22	NW SE	1101	01.9	Irrigation	72283	12	9/16/68
2.	11	13	22	NE SE	1101	10.4	Irrigation	72283	12	9/16/68
3.	11	13	23	NW SW	1101	00.3	Irrigation	72283	13	9/16/68
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 12.6

Conditions or other limitations, if any: _____

If you need to enter another leased right, please use the Additional Water Right Form for Pooled Water Right Holder.

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).

~II~ Instream Water Right Information

- 2.3 Term of lease.** This lease shall terminate on October 30, 2011. (If there is a conflict between the Pooled Lease Form and this form, the Pooled Lease Form will be the official term of the lease.)

~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.
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required, and a prior short term 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.

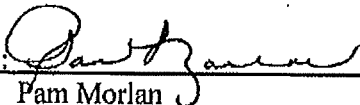
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- Written notice to the Department with original signatures;
- Consent by all parties to the lease; and/or
- Written notice to the Watermaster's office.

For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

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Lessor #1:  Date: 3-12-11
Mark Morlan

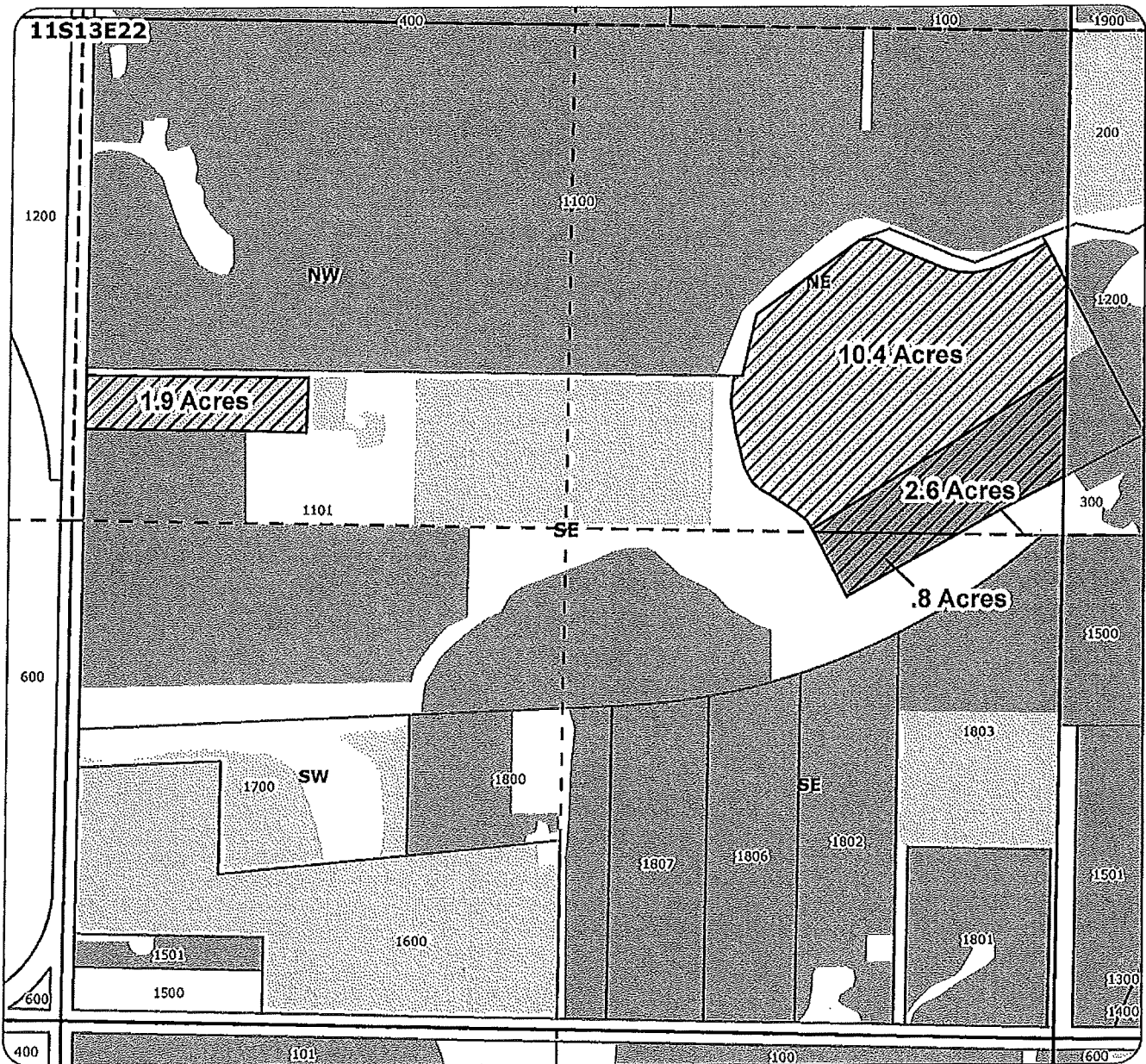
Lessor #2:  Date: 3-12-11
Pam Morlan

For additional Lessors, type in space for signature and date




Other Attachments As Needed:

- Exhibit 5-A: Tax Lot Map. (See instructions.)
- Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.)
- Exhibit 5-C: 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 of this form is checked)
- Exhibit 5-D: Split Season Instream Use Form
- _____

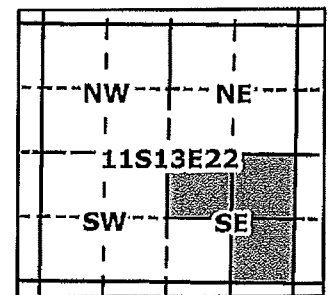
2011 North Unit Irrigation District Instream Lease Map



Application for 1-year Instream Lease Primary: Certificates 72279, 72283

-  Proposed Lease of Irrigation Rights
-  Certificate 72283
-  Certificate 72279

For: Mark & Pam Morlan
 Taxlot 1101 - 1.9 Acres (Cert 72283)
 3.9 Acres of Cert 72283 Remaining on Taxlot 1101
 in 11S13E22NWSE
 Taxlot 1101 - .8 Acres (Cert 72279)
 3.7 Acres of Cert 72279 Remaining on Taxlot 1101
 in 11S13E22SESE
 Taxlot 1101 - 2.6 Acres (Cert 72279)
 0 Acres of Cert 72279 Remaining on Taxlot 1101
 in 11S13E22NESE
 Taxlot 1101 - 10.4 Acres (Cert 72283)
 3.4 Acres of Cert 72283 Remaining on Taxlot 1101
 in 11S13E22NESE
 Total Lease of 12.3 Acres (Cert 72283)
 Total Lease of 3.4 Acres (Cert 72279)



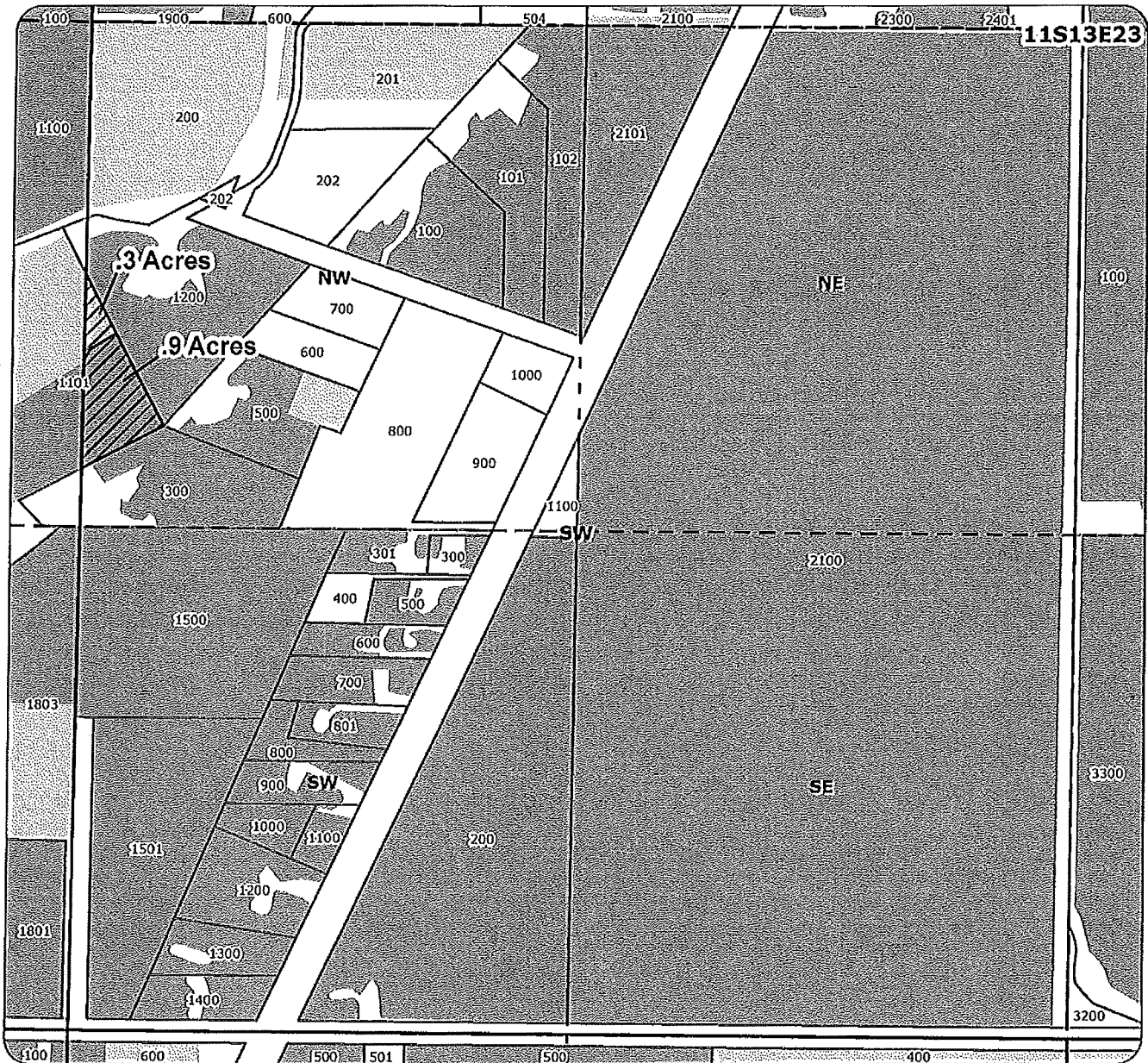
1 inch = 400 feet



Geo-Spatial Solutions, Inc.
www.geospatialolutions.com

Date Created: March 2011

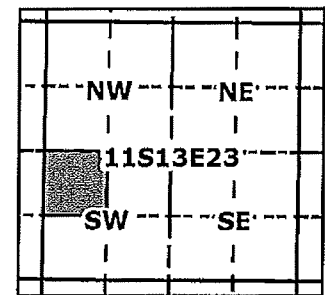
2011 North Unit Irrigation District Instream Lease Map



Application for 1-year Instream Lease Primary: Certificates 72279, 72283

-  Proposed Lease of Irrigation Rights
-  Certificate 72283
-  Certificate 72279

For: Mark & Pam Morlan
 Taxlot 1101 - .3 Acres (Cert 72283)
 0 Acres of Cert 72283 Remaining on Taxlot 1101
 in 11S13E23NWSW
 Taxlot 1101 - .9 Acres (Cert 72279)
 0 Acres of Cert 72279 Remaining on Taxlot 1101
 in 11S13E23NWSW
 Total Lease of .3 Acres (Cert 72283)
 Total Lease of .9 Acres (Cert 72279)



1 inch = 400 feet



Geo-Spatial Solutions, Inc.
www.geospatialsolutions.com

Date Created: March 2011



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Water Resources Department
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Application for Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

Optional Identification by Lessor/Lessee: _____
Lease Application Number (assigned by WRD): IL-1142/MP-150

This Lease is with:

Lessor #1 (Water Right Holder):
Name G Thayne & N Kaye Corwin
Mailing address 5441 SW Bear Drive
City, State, Zip Code Culver, OR 97734
Telephone number 541-475-7571
Email address _____

If additional water right holders, enter water right holder information below

Note: The section numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Water Right Holder" form(s) are used to provide the same information as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always sequential.

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Certificate No. 72283

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T	R	Sect	1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority *	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	12	13	16	NE NW	300	39.4	Irrigation	72283	19	9/16/68
2.	12	13	16	NW NE	300	19.9	Irrigation	72283	19	9/16/68
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 59.3

Conditions or other limitations, if any: _____

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

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2.3 Term of lease. This lease shall terminate on October 31, 2011. (If there is a conflict between the Pooled Lease Form and this form, the Pooled Lease Form will be the official term of the lease.)

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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.

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Lessor #1: G. Thayne Corwin Date: 3-14-11
G Thayne Corwin

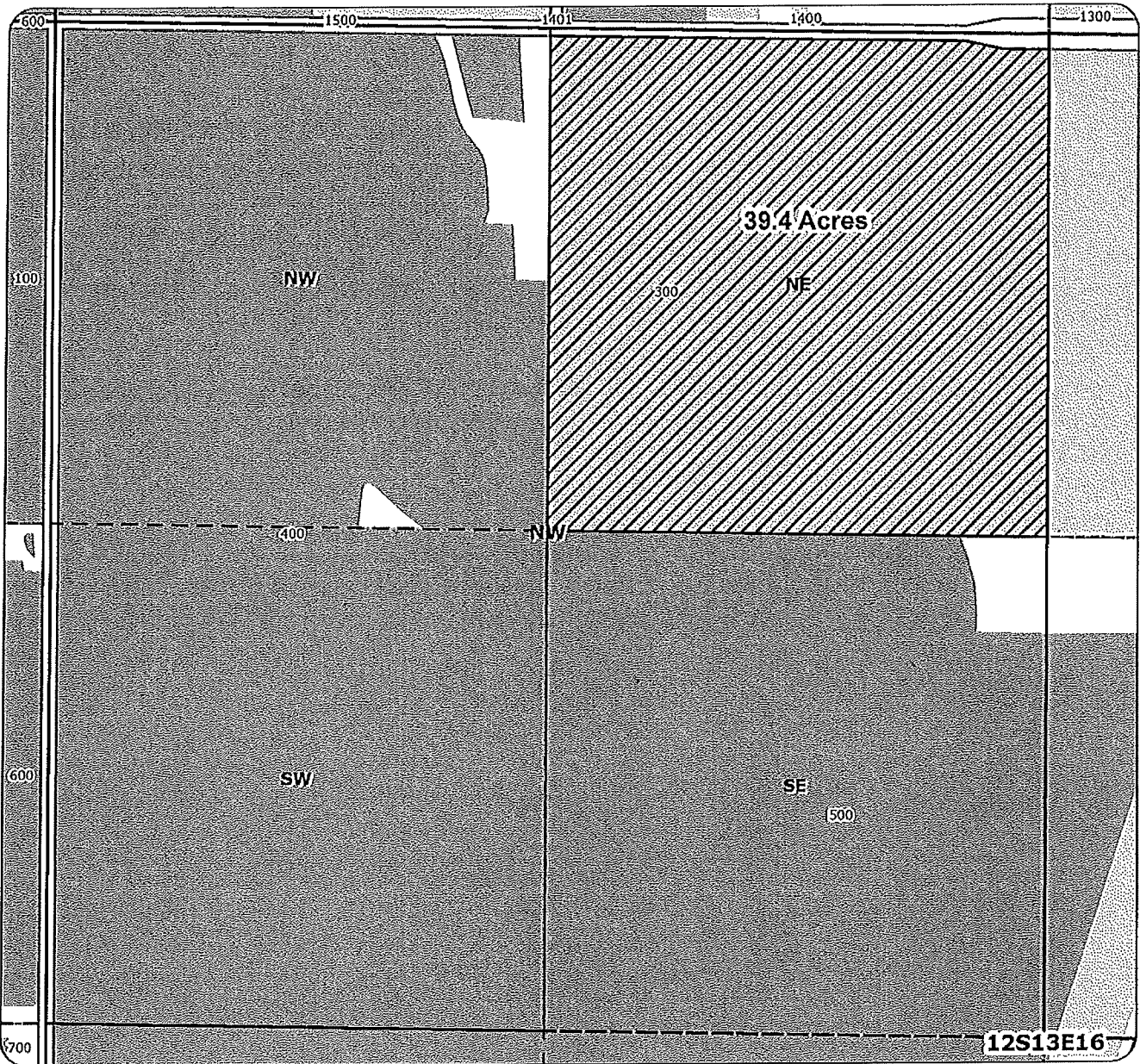
Lessor #2: N. Kaye Corwin Date: 3-4-11
N Kaye Corwin

For additional Lessors, type in space for signature and date

Other Attachments As Needed:

- Exhibit 5-A: Tax Lot Map. (See instructions.)
- Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.)
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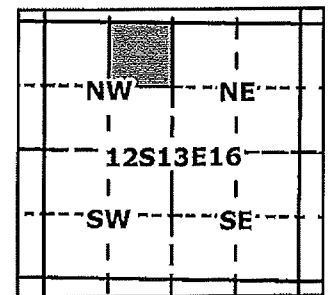
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Application for 1-year Instream Lease Primary: Certificates 72279, 72283

-  Proposed Lease of Irrigation Rights
-  Certificate 72283
-  Certificate 72279

For:
 G Thayne & N Kaye Corwin
 Taxlot 300 - 39.4 Acres
 0 Acres Remaining on Taxlot 300
 in 12S13E16NENW
 Total Lease of 39.4 Acres



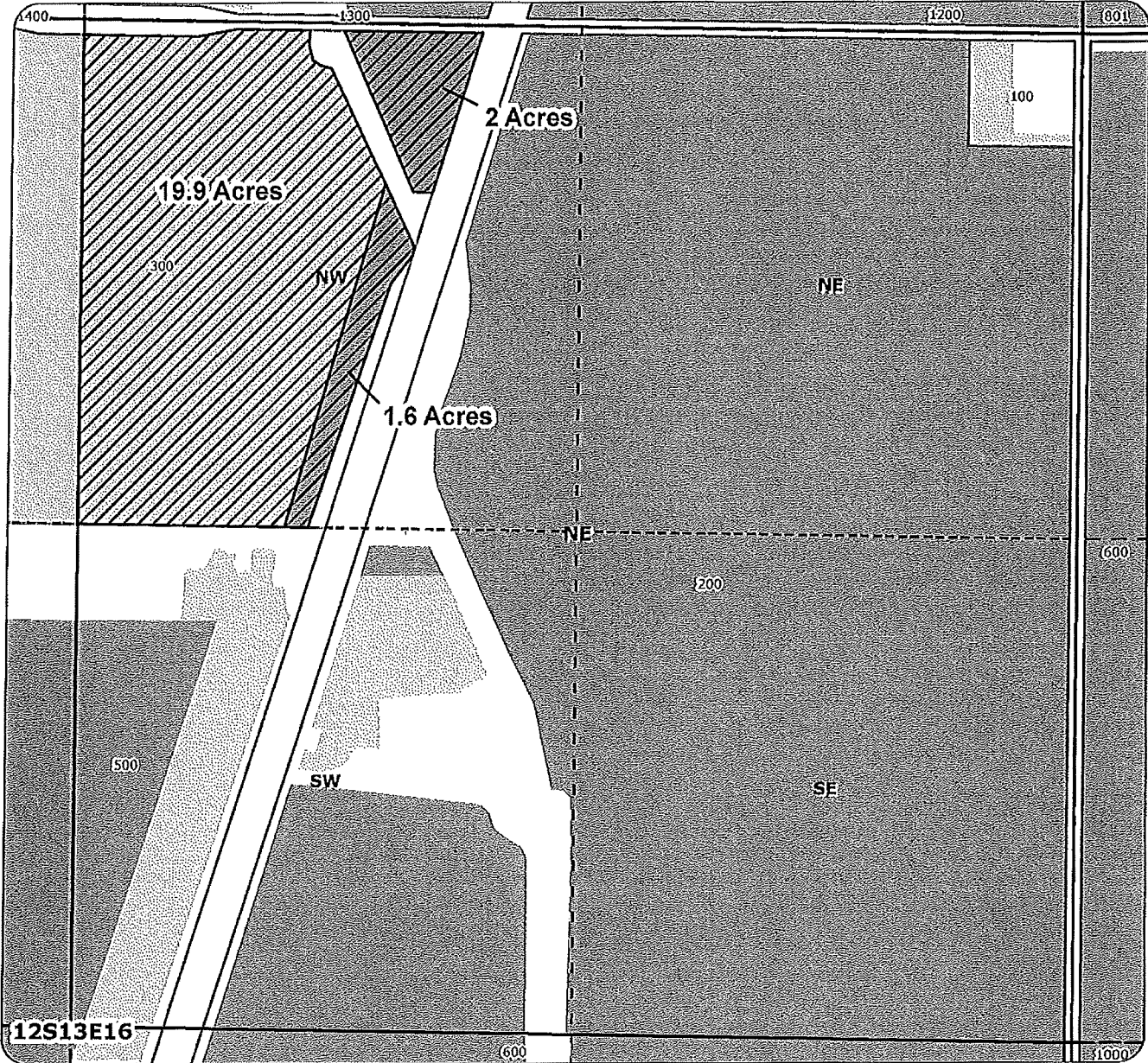
1 inch = 400 feet






Geo-Spatial Solutions, Inc.
www.geospatialsolutions.com

Date Created: March 2011

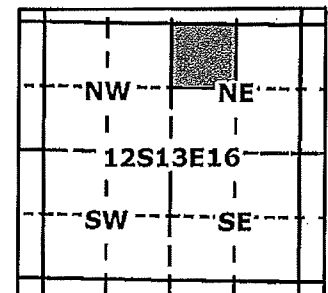
2011 North Unit Irrigation District Instream Lease Map



Application for 1-year Instream Lease Primary: Certificates 72279, 72283

-  Proposed Lease of Irrigation Rights
-  Certificate 72283
-  Certificate 72279

For:
 G Thayne & N Kaye Corwin
 Taxlot 300 - 3.6 Acres
 (Cert 72279)
 Taxlot 300 - 19.9 Acres
 (Cert 72283)
 0 Acres Remaining on Taxlot 300
 in 12S13E16NWNE
 Total Lease of 3.6 Acres (Cert 72279)
 Total Lease of 19.9 Acres (Cert 72283)



1 inch = 400 feet



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

Application for Instream Lease

Attachment 5: Pooled Water Right Holder Form

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): IL-1142 / MP-150

This Lease is with:

Lessor #1 (Water Right Holder):

Name Gisler Family Trust
Mailing address 1470 NE 1st Street, Suite 150
City, State, Zip Code Bend, OR 97701
Telephone number 541-317-8717
Email address _____

If additional water right holders, enter water right holder information below

Note: The section numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Water Right Holder" form(s) are used to provide the same information as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always sequential.

~I~ Water Right Holder and Water Right Information

- 1.1 Lessor #1 is the water right holder, or authorized agent for property described in Section 1.5. 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.
- 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. 72283

- 1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. Yes No
- 1.5 **Water Right(s) Proposed to be Leased Instream.** Water right holder proposes to lease the water rights shown on the map attached as Exhibit 5-B and described as follows:
[This information may be included on Exhibit 5-A, or an additional map may be attached. Crosshatch the area of water rights being leased. Attached map(s) must identify water right holder, township, range, section and $\frac{1}{4}$, tax lot number, map orientation and scale.]

	F	R	Sect	1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	11	13	2	NESE	1700DA	5.4	Irrigation	72283	10	9/18/68
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 5.4

Conditions or other limitations, if any: _____

If you need to enter another leased right, please use the Additional Water Right Form for Pooled Water Right Holder.

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).

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 30, 2011. (If there is a conflict between the Pooled Lease Form and this form, the Pooled Lease Form will be the official term of the lease.)

~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.

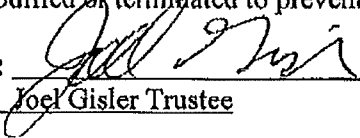
3.3 Precedent. If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.

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.

Lessor #1:  Date: 3-10-11
Joel Gisler Trustee

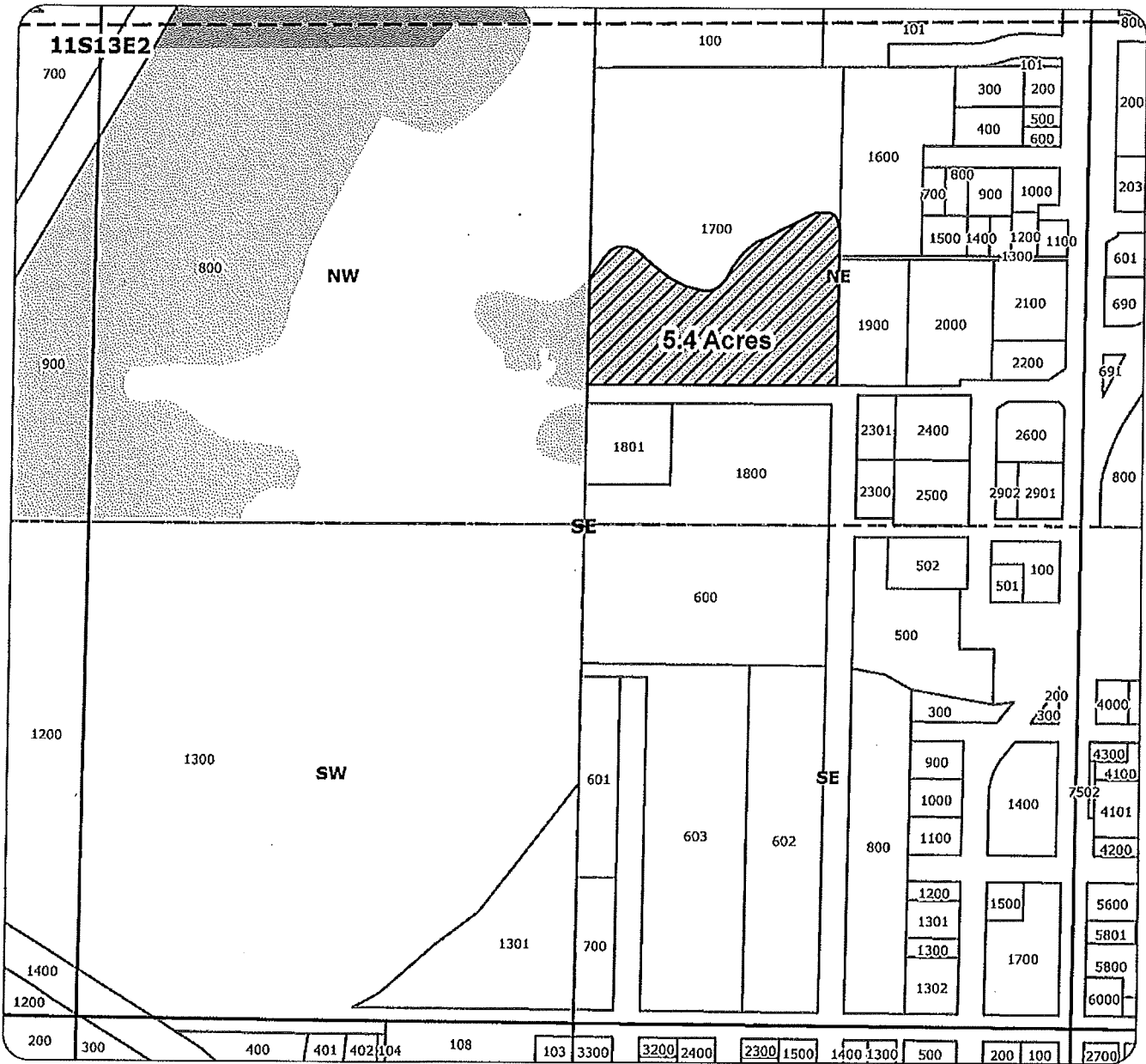
For additional Lessors, type in space for signature and date

 Date: 3/10/11
Julia Gisler Trustee

Other Attachments As Needed:




- Exhibit 5-A: Tax Lot Map. (See instructions.)
- Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.)
- Exhibit 5-C: 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 of this form is checked)
- Exhibit 5-D: Split Season Instream Use Form

2011 North Unit Irrigation District Instream Lease Map

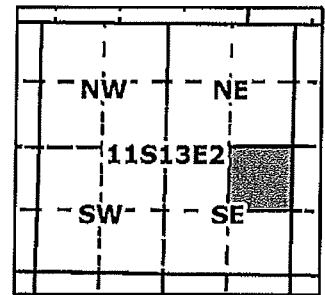


Application for 1-year Instream Lease

Primary: Certificate 72283

-  Proposed Lease of Irrigation Rights
-  Certificate 72283
-  Certificate 72279

For:
 Gisler Family Trust
 Taxlot 1700 - 5.4 Acres
 0 Acres Remaining on Taxlot 1700
 in 11S13E02NESE
 Total Lease of 5.4 Acres



1 inch = 400 feet



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