



# Application for Instream Lease Pooled Lease Form

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

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

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

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

This Lease is between:

**Lessor #2: Irrigation District or Other Water Purveyor**

Name: Tumalo Irrigation District  
Mailing address: 64697 Cook Avenue  
City, State, Zip Code: Bend, OR 97701  
Telephone number: 541-382-3053  
Email address: tid@tumalo.org

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

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

Name: Deschutes River Conservancy  
Mailing address: P.O.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 Tumalo 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. 74146, 74147, 76106, and 83751 / 76714 (COID)

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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.: 74146 Type of use: IRR all  
Priority date: 8/5/1900, 9/1/1900, 5/27/1907, 6/1/1907  
priorities, Pond under 9/1/1900  
Legal Season of Use: April 15 through October 15  
If an irrigation right, total number of acres to be leased:  
8/5/1900 - 5.00 ac IRR,  
9/1/1900 - 63.56 ac IRR, + 0.5 ac Pond  
5/27/1907 - 9.00 ac IRR,  
6/1/1907 - 37.70 ac IRR  
Total = 115.26 ac IRR + 0.5 ac Pond.

Total acre-feet of storage to be leased, if applicable: \_\_\_\_\_

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

8/5/1900 - 0.071 cfs IRR,  
9/1/1900 - 0.908 cfs IRR, + .007 cfs Pond  
5/27/1907 - 0.129 cfs IRR,  
6/1/1907 - 0.539 cfs IRR  
Total = 1.647 cfs IRR + .007 cfs Pond

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):

8/5/1900 - 9.0 af IRR,  
9/1/1900 - 114.41 af IRR + 0.90 af Pond  
5/27/1907 - 16.20 af IRR,  
6/1/1907 - 67.86 af IRR,  
Total = 207.47 af IRR, 0.90 af Pond

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

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

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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:

Tumalo Creek  
Tributary to 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): TID POD #1: Tumalo Feed Canal - SWNE, sect 23, T17S, R11E, W.M. to the mouth of the Deschutes River at river mile 0.

Maximum volume in acre-feet:

8/5/1900 - 9.0 IRR,

9/1/1900 - 114.41 IRR + 0.90 Pond

5/27/1907 - 16.20 IRR,

6/1/1907 - 67.86 IRR

Total = 207.47 af IRR + 0.90 af Pond

Rate in cfs: \_\_\_\_\_

8/5/1900 - 0.037 cfs,

9/1/1900 - 0.470 cfs + 0.004 cfs Pond

5/27/1907 - 0.067 cfs,

6/1/1907 - 0.279 cfs

Total = 0.852 cfs + 0.004 cfs Pond

(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 June 15 through October 15.

Other (describe): \_\_\_\_\_

**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.

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- 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: Ken B Reed Date: 4-7-2011  
 Tumalo Irrigation District

Lessee: Shelene Hubert Date: 4/7/2011  
 Deschutes River Conservancy

Other Attachments as Needed:

**Attachment 1: Tax Lot Map, (See instructions.)**

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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

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This table will calculate flow rate factors and duty for Tumalo Irrigation District Instream Leases

**Primary Irrigation**

TID CERT 74146 (assuming can divert full rate and duty allowed by certificate)

Source = Tumalo Creek

Information highlighted with purple font is to be entered on to the Instream Lease Application Form

Enter Total Number of Acres to be Leased Instream Here by Priority	↑
pri date	acres Instream
August 5, 1900	5.00
September, 1900	63.56
April 28, 1905	0.00
May 27, 1907	9.00
June 1, 1907	37.70
total acres	115.26

1.82  
1.82  
1.82  
1.82

Rate (CFS) associated with leased rights for Section 1.5 of the Lease Application Form		Max Rate (CFS)	Duty/acre (AF)	Max Duty (AF)
Enter Rates and Rate/acre (CFS)	Rate/acre (CFS)	0.0143	1.8	9.00
August 5, 1900	0.0143	0.071	1.8	9.00
September, 1900	0.0143	0.908	1.8	114.41
April 28, 1905	0.0140	0.000	1.8	0.00
May 27, 1907	0.0143	0.129	1.8	16.20
June 1, 1907	0.0143	0.539	1.8	67.86
Totals		1.647		207.47

Rate (CFS) leased Instream for Section 2.2 of the Lease Application Form			
Enter Instream Rates and Volumes by Priority Date (CFS) over full Instream Rate (AF)	Instream Rate (AF)	Instream Rate (CFS) over full Irrigation Season (AF)	Period Instream
August 5, 1900	0.025	9.00	April 15 - Oct 15
September, 1900	0.314	114.41	April 15 - Oct 15
April 28, 1905	0.000	0.00	April 15 - Oct 15
May 27, 1907	0.044	16.20	April 15 - Oct 15
June 1, 1907	0.186	67.86	April 15 - Oct 15
Totals	0.569	207.47	

OR

Optional - for alternative instream periods including the full irrigation season (for Section 2.2)			
Enter Proposed begin and end dates (must fall within Irrigation Season)			
begin date	6/15/2011	Number of Days	
end date	10/15/2011	Days	123
Rate (CFS) leased Instream for Section 2.2 of the Lease Application Form			
Enter Instream Rates and Volumes by Priority # Days Instream	Instream Rate (CFS) over full Irrigation Season (AF)	Date on Lease Form	Instream Volume (AF)
August 5, 1900	0.037	123	9.00
September, 1900	0.470	123	114.41
April 28, 1905	0.000	123	0.00
May 27, 1907	0.067	123	16.20
June 1, 1907	0.279	123	67.86
Totals	0.852		207.47

\*Resulting rates may not exceed the max rate identified for Section 1.5 of the Lease Application

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This table will calculate flow rate factors and duty for Tumalo Irrigation District Instream Leases

**Primary Irrigation**

TID CERT 74146 (assuming can divert full rate and duty allowed by certificate)

Source = Tumalo Creek

Information highlighted with purple font is to be entered on to the Instream Lease Application Form

Enter Total Number of Acres to be Leased	
Instream Here by Priority	
acres instream	
pri date	
August 5, 1900	0.00
September, 1900	0.50
April 28, 1905	0.00
May 27, 1907	0.00
June 1, 1907	0.00
total acres	0.50

POND

Rate (CFS) associated with leased rights for Section 1.5 of the Lease Application Form			
Enter Rates and Rate/acre (CFS)	Rate/acre (CFS)	Duty/acre (AF)	Max Duty (AF)
August 5, 1900	0.0143	0.000	1.8
September, 1900	0.0143	0.007	1.8
April 28, 1905	0.0140	0.000	1.8
May 27, 1907	0.0143	0.000	1.8
June 1, 1907	0.0143	0.000	1.8
Totals		0.007	
			0.90

OR

Rate (CFS) leased instream for Section 2.2 of the Lease Application Form			
Enter Instream Rates and Instream Rate (CFS) over full Irrigation Season (AF)	Instream Volume	Period Instream	
August 5, 1900	0.000	0.00	April 15 - Oct 15
September, 1900	0.002	0.90	April 15 - Oct 15
April 28, 1905	0.000	0.00	April 15 - Oct 15
May 27, 1907	0.000	0.00	April 15 - Oct 15
June 1, 1907	0.000	0.00	April 15 - Oct 15
Totals	0.002	0.90	

Optional - for alternative instream periods including the full irrigation season (for Section 2.2)			
Enter Proposed begin and end dates (must fall within Irrigation Season)			
begin date	6/15/2011	Number of Days	
end date	10/15/2011	123	Days
Rate (CFS) leased instream for Section 2.2 of the Lease Application Form			
Enter Instream Rates and Volumes by Priority # Days	Instream	Instream Rate (CFS) over full Irrigation Season	Instream Volume (AF)
August 5, 1900	123	0.000	0.00
September, 1900	123	0.004	0.90
April 28, 1905	123	0.000	0.00
May 27, 1907	123	0.000	0.00
June 1, 1907	123	0.000	0.00
Totals		0.004	0.90

\*Resulting rates may not exceed the max rate identified for Section 1.5 of the Lease Application

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# Additional Water Right Form for Pooled Instream Lease

State of Oregon  
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## Section 1.5 continued from Pooled Form.

**Water Rights Proposed to be Leased Instream.** District and water right holder(s) propose to lease the water rights identified in Section 1.3 on the "Pooled Lease Form."

The right(s) to be leased are further described as follows:

Certificate No.: 76106 Type of use: IRR  
Priority date: 12/8/1961  
Legal Season of Use (if not listed on the certificate): April 1 through October 31  
If an irrigation right, total number of acres to be leased: 135.60 ac IRR  
Total acre-feet of storage to be leased, if applicable: 188.67 max from storage  
Maximum rate associated with subject water rights (cfs) being leased: 1.94 cfs  
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): 339.0 Total AF

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Conditions or other limitations, if any: \_\_\_\_\_ APR 13 2011

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## Section 2.2 continued from Pooled Lease Form.

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

Tumalo Creek \_\_\_\_\_ 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): Tumalo Resrv: SESW, Sect 33, R16S, T11E, W.M.;  
Tumalo Crk: SENE, Sect 23, T17S, R11E, W.M., to the mouth of the Deschutes @ RM0  
Maximum volume in acre-feet: 339.0 af, 188.67 max from storage  
Rate in cfs: 1.39 cfs

(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 June 15 through Oct 15.
- Other (describe): \_\_\_\_\_



This table will calculate flow rate factors and duty for Tumalo Irrigation District  
Instream Leases

**Primary Water Use**

TID CERT 76106 (assuming can divert full rate and duty allowed by certificate)

Priority Date = December 8, 1961

source = Tumalo Creek and Upper Tumalo Reservoir, constructed under permit R-2743, tributaries  
of the Deschutes River (live flow and stored water)

Enter Total Number of Acres to be Leased Instream Here →	<b>135.600</b>
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RR

Rate (CFS) associated with leased rights for Section 1.5 of the Lease Application Form			
Enter Rates and Duty on Lease Form	Rate/acre (CFS)	Rate (CFS)	Duty/acre (AF)
	0.014	<b>1.94</b>	2.50
			<b>339.00</b>
			max portion from storage
			<b>188.67</b>

Rate (CFS) leased instream for Section 2.2 of the Lease Application Form			
Enter Instream Rates and Volumes on Lease Form	Instream Rate (CFS) over full Irrigation Season	Days instream	Instream Volume (AF)
	<b>0.80</b>	214	<b>339.00</b>
			max portion from storage
			<b>188.67</b>

OR

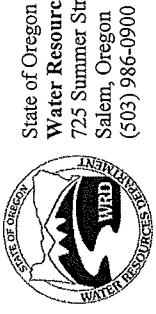
Optional - for alternative instream periods including the full irrigation season			
Enter Proposed begin and end dates (must fall within Irrigation Season)	begin date	end date	Number of Days
	6/15/2011	10/15/2011	<b>123</b> Days
Rate (CFS) leased instream for Section 2.2 of the Lease Application Form			
Enter Instream Rates and Volumes on Lease Form	Instream Rate (CFS)	Days instream	Instream Volume (AF)
	<b>1.39</b>	123	<b>339.00</b>
			max portion from storage
			<b>188.67</b>

\*Resulting rates may not exceed the max rate identified for Section 1.5 of the Lease Application

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# Additional Water Right Form for Pooled Instream Lease

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## Section 1.5 continued from Pooled Form.

**Water Rights Proposed to be Leased Instream.** District and water right holder(s) propose to lease the water rights identified in Section 1.3 on the "Pooled Lease Form."

The right(s) to be leased are further described as follows:

Certificate No.: 74147  
Priority date: 10/29/1913 Type of use: IRR  
Legal Season of Use (if not listed on the certificate): April 1 through October 31  
If an irrigation right, total number of acres to be leased: 74.760 IRR  
Total acre-feet of storage to be leased, if applicable: \_\_\_\_\_  
Maximum rate associated with subject water rights (cfs) being leased: \_\_\_\_\_  
If there is more than one rate associated with a water right, describe below:  
Season 1 (cfs) 0.935 irr/.025 ind Time period: 4/1-4/30, 10/1-10/26  
Season 2 (cfs) 1.246 irr/.033 ind Time period: 5/1-5/15, 9/15-9/30  
Season 3 (cfs) 2.307 irr/.062 ind Time period: 5/15-9/15

Maximum duty associated with subject water rights (ac-ft): 740.87 irr + 19.82 ind

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

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## Section 2.2 continued from Pooled Lease Form.

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

Tumalo Creek  
Tributary to 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): TID POD #1 (Tumalo Feed Canal) to the mouth and to the mouth of the Deschutes River at river mile 0.

Maximum volume in acre-feet: 740.87 af IRR / 19.82 af IND

Rate in cfs: .935 cfs IRR/ .025 cfs IND, season 1

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

Rate in cfs: 1.246 cfs IRR/ .033 cfs IND, season 2

Rate in cfs: 2.307 cfs IRR/ .062 cfs IND, season 3

(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 April 1 through October 26.
- Other (describe): \_\_\_\_\_

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This table will calculate flow rate factors and duty for Tumalo Irrigation District  
 Instream Leases

**Primary Irrigation (See Below Dark Green Line for Supplemental Irrigation Calculator)**

TID CERT 74147 (assuming can divert full rate and duty allowed by certificate)

Priority Date = October 29, 1913

Source = Tumalo Creek, Crater Creek, Little Creek and Three Spring Branches

Enter Total Number of Acres to be Leased Instream Here →	<b>74.760</b>
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IRL

Rate (CFS) associated with leased rights for Section 1.5 of the Lease Application Form				
Enter Rates and Duty on Lease Form by Season	Rate/acre (CFS)	Max Rate (CFS)	Duty/acre (AF)	Max Duty (AF)
Season 1	0.013	<b>0.935</b>	9.91	<b>740.87</b>
Season 2	0.017	<b>1.246</b>		
Season 3	0.031	<b>2.307</b>		

Rate (CFS) leased instream for Section 2.2 of the Lease Application Form				
Enter Instream Rates and Volumes by Season on Lease Form	Instream Rate (CFS) over full Irrigation Season	Days instream	Instream Volume (AF)	
Season 1	<b>0.935</b>	56	<b>103.80</b>	
Season 2	<b>1.246</b>	30	<b>74.14</b>	
Season 3	<b>2.307</b>	123	<b>562.93</b>	
<b>Totals</b>		Total Instream Vol.	<b>740.87</b>	
Additional Conditions to Prevent Injury for Section 2.2 of the Lease Application Form				
Water protected instream:	<b>April 1 through October 26</b>			

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This table will calculate flow rate factors and duty for Tumalo Irrigation District  
 Instream Leases

**Primary Irrigation (See Below Dark Green Line for Supplemental Irrigation Calculator)**

TID CERT 74147 (assuming can divert full rate and duty allowed by certificate)

Priority Date = October 29, 1913

Source = Tumalo Creek, Crater Creek, Little Creek and Three Spring Branches

Enter Total Number of Acres to be Leased Instream Here →	<b>2.000</b>
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IND

Rate (CFS) associated with leased rights for Section 1.5 of the Lease Application Form				
Enter Rates and Duty on Lease Form by Season	Rate/acre (CFS)	Max Rate (CFS)	Duty/acre (AF)	Max Duty (AF)
Season 1	0.013	<b>0.025</b>	9.91	<b>19.82</b>
Season 2	0.017	<b>0.033</b>		
Season 3	0.031	<b>0.062</b>		

Rate (CFS) leased instream for Section 2.2 of the Lease Application Form				
Enter Instream Rates and Volumes by Season on Lease Form	Instream Rate (CFS) over full Irrigation Season	Days instream	Instream Volume (AF)	
Season 1	<b>0.025</b>	56	<b>2.78</b>	
Season 2	<b>0.033</b>	30	<b>1.98</b>	
Season 3	<b>0.062</b>	123	<b>15.06</b>	
<b>Totals</b>		<b>Total Instream Vol.</b>	<b>19.82</b>	
Additional Conditions to Prevent Injury for Section 2.2 of the Lease Application Form				
<b>Water protected instream:</b>	<b>April 1 through October 26</b>			

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## Section 1.5 continued from Pooled Form.

**Water Rights Proposed to be Leased Instream.** District and water right holder(s) propose to lease the water rights identified in Section 1.3 on the "Pooled Lease Form."

The right(s) to be leased are further described as follows:

Certificate No.: 83751 priority 1900 & 76714 priority 1907 (COID)  
 Priority date: 10/31/1900, 12/2/1907 Type of use: IRR  
 Legal Season of Use (if not listed on the certificate): April 1 through October 26  
 If an irrigation right, total number of acres to be leased: 10.0 ac IRR  
 Total acre-feet of storage to be leased, if applicable: \_\_\_\_\_  
 Maximum rate associated with subject water rights (cfs) being leased: \_\_\_\_\_  
 If there is more than one rate associated with a water right, describe below:  
 Season 1 (cfs) .069 cfs - 1900 Time period: \_\_\_\_\_  
 Season 2 (cfs) .092 cfs - 1900 Time period: \_\_\_\_\_  
 Season 3 (cfs) .170 cfs - 1900 & 1907 Time period: \_\_\_\_\_

Maximum duty associated with subject water rights (ac-ft): 54.50 Total AF

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

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~II~

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## Section 2.2 continued from Pooled Lease Form.

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

Deschutes River in the Columbia 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): from TID POD #9 to the mouth of the Deschutes at RMO

Maximum volume in acre-feet: 54.50

Rate in cfs: .069cfs IRR season 1

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

Rate in cfs: .092 cfs IRR season 2

Rate in cfs: .170 cfs IRR season 3

(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 April 1 through Oct 26.
- Other (describe): \_\_\_\_\_



Water Resources Department

**Central Oregon Irrigation District  
Calculator for Certificate 83571**

Revised: 6/3/2010

This calculator is primarily designed to facilitate the calculation of how much water may be protected instream through instream leases and transfers. However, the calculator can also be used to determine the rate and duty associated with other transfers and cancellations. For questions regarding its use, please contact Laura Wilke at 503-986-0884.

Enter Total Number of Acres Involved from POD #1    
 (CO Canal)

Enter Total Number of Acres Involved from POD #11    
 (North Canal, also known as PB Canal)

10.0

Rate and duty for the acres by which the water right will be reduced by at the Point of Diversion (POD).

POD #1	October 31, 1900	December 2, 1907	Combined
Season 1 Rate (CFS)	0.117		
Season 2 Rate (CFS)	0.158		
Season 3 Rate (CFS)	0.213	0.086	0.299
Duty (AF)			95.25

POD #11	October 31, 1900	December 2, 1907	Combined
Season 1 Rate (CFS)	0.000		
Season 2 Rate (CFS)	0.000		
Season 3 Rate (CFS)	0.000	0.000	0.000
Duty (AF)			0.00

The transmission loss associated with this right is not transferable or protectable instream. The following tables show the amount of water that is protectable for Instream Leases and Instream Transfers, under the October 31, 1900 priority date. (Please contact the Department if you prefer to protect water instream under the combined October 31, 1900 and December 2, 1907 priority dates.) To prevent enlargement and injury, the instream use has been modified from the authorized season of April 1 through October 31, to April 1 through October 26.

From POD #1 to Lake Billy Chinook	
Season 1 Rate (CFS)	0.069
Season 2 Rate (CFS)	0.092
Season 3 Rate (CFS)	0.170
Maximum Volume (AF)	54.50

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Tumalo Irrigation District Pooled Lease 2011

Landowner	Lease #	Total Ac	Use	74146	74146	74146	74146	74147	76106	83571
CLR, Inc	11.01	53.66	IRR						44.66	
CLR, Inc	11.01	2	IND						2	
Bruce LeVau	11.02	10.5	IRR				10.5			
Cynthia Igmam	11.03	1.96	IRR							
Columbia Properties Resources	11.04	7.5	IRR				7.5			
Edwin J. Bishop Trust	11.05	7	IRR					7		
Michael & Roberta Christianson	11.06	34	IRR					5.3	15	
Goebel Trust	11.07	8.6	IRR							
Goebel Trust	11.07	8.6	IRR							
Daniel Harrison & Wayne Schmotzer	11.08	9.8	IRR					9.8		
Thomas Anderson	11.09	6.5	IRR							
Nathan & Penelope Levin	11.10	12	IRR							
Richard & Monica Miron	11.11	2	IRR							
Laurel Ann Crum	11.12	5	IRR							
Coats Rev Trust	11.13	91.6	IRR							
Richard & Judy Rotondi	11.14	3	IRR						91.6	
Wesley Miller, Vonda Jiles	11.15	10	IRR					5		
Jeffrey & Susan Rola	11.16	18.8	IRR				8.8		10	
Tumalo Properties, LLC	11.17	10	IRR						2	
David Thwing	11.18	2.5	IRR				2.5			
Ellis Rev Living Trust	11.19	19.7	IRR							
Stephen Greenholz	11.20	5	IRR							
Peter & Jacqueline McCook	11.21	3	IRR				1			
Gillman - Owenby	11.23	13.5	IRR				0.5			
<b>Total</b>	<b>338.12</b>	<b>5</b>		<b>64.06</b>	<b>9</b>	<b>37.7</b>	<b>76.76</b>	<b>135.6</b>	<b>10</b>	
Certificate: 74146 74146 74146 74146 74147 76106 83571										
Total IRR 5 63.56 9 37.7 74.76 135.6 10										
Total IND 0 0 2 0 0										
Total Pond 0 0.5 0 0 0										

Notes  
 Last Leased  
 C.O.D. delivery  
 1900/07 83571  
 12/8/1961 76106  
 10/29/1913 74147  
 6/1/1907 74146  
 5/27/1907 74146  
 9/1/1900 74146  
 8/5/1900 74146

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Tumalo Irrigation District 2011 Instream Leasing														
Date Updated: 3/31/2011														
Lease#	Lease Type	Lessor	Customer Number	District	Area (Acres)	Area (Acres)	Duty (AF)	WATER	Rate	5/15-9/14	9/15-9/30	10/1-10/15	10/16-10/26	10/27-10/31
993	5 yr	Bend Metro Parks & Rec	C-74146	Tumalo	57.70	57.70	103.86			0.285	0.285	0.285	0.285	0.285
xxxx	1 yr	Pooled District	C-74147	Tumalo	47.30	47.30	468.74			0.591	0.591	0.591	0.591	0.591
Pooled Landowners														
CLR														
9/1/1900				Tumalo	5.00	5.00	9.00			0.037	0.037	0.037	0.037	0.037
8/5/1900			C-74146	Tumalo	115.31	115.31	0.00			0.474	0.474	0.474	0.474	0.474
4/28/1905				Tumalo	0.00	0.00	0.00			0.00	0.00	0.00	0.00	0.00
5/27/1907				Tumalo	9.00	16.20	0.00			0.00	0.00	0.00	0.00	0.00
6/1/1907				Tumalo	67.86	67.86	0.00			0.00	0.00	0.00	0.00	0.00
10/29/1913			C-74147	Tumalo	74.76	760.69	0.00			0.279	0.279	0.279	0.279	0.279
12/8/1961			C-76106	Tumalo	135.60	339.00	0.00			1.39	1.39	1.39	1.39	1.39
10/31/1900 & 12/2/1907			C-83751	Deschutes	10.00	54.50	0.069			0.17	0.17	0.17	0.17	0.17
Bruce LeVeau														
9/1/1900				Tumalo	10.50	10.50	0.00			0.037	0.037	0.037	0.037	0.037
Cynthia Ingman				n	1.96	1.96	0.00			0.00	0.00	0.00	0.00	0.00
Columbia Pop Resources				y	7.50	7.50	0.00			0.00	0.00	0.00	0.00	0.00
Edwin J. Bishop Trust				y	7.00	7.00	0.00			0.00	0.00	0.00	0.00	0.00
Michael & Roberty Christianson				y	34.00	34.00	0.00			0.00	0.00	0.00	0.00	0.00
Goebel Trust				y	9.10	9.10	0.00			0.00	0.00	0.00	0.00	0.00
Dan Harrison & Wayne Schmotzer				y	9.80	9.80	0.00			0.00	0.00	0.00	0.00	0.00
Thomas Anderson				y	6.50	6.50	0.00			0.00	0.00	0.00	0.00	0.00
Nathan & Penelope Levin				y	12.00	12.00	0.00			0.00	0.00	0.00	0.00	0.00
Richard & Monica Milron			2 DM	n	2.00	2.00	0.00			0.00	0.00	0.00	0.00	0.00
Laurel Ann Crum				y	5.00	5.00	0.00			0.00	0.00	0.00	0.00	0.00
Coats Rev Trust				y	91.60	91.60	0.00			0.00	0.00	0.00	0.00	0.00
Richard & Judy Rotondi				n	3.00	3.00	0.00			0.00	0.00	0.00	0.00	0.00
Wesley Miller / Vonda Jiles				y	10.00	10.00	0.00			0.00	0.00	0.00	0.00	0.00
Jeffrey & Susan Rola			weeds?	y	18.80	18.80	0.00			0.00	0.00	0.00	0.00	0.00
Tumalo Properties, LLC			8 DM	y	10.00	10.00	0.00			0.00	0.00	0.00	0.00	0.00
David Thwing				n	2.50	2.50	0.00			0.00	0.00	0.00	0.00	0.00
Ellis Rev Living Trust				y	19.70	19.70	0.00			0.00	0.00	0.00	0.00	0.00
Stephen Greenholz				y	5.00	5.00	0.00			0.00	0.00	0.00	0.00	0.00
Peter & Jacqueline McCook				n	3.00	3.00	0.00			0.00	0.00	0.00	0.00	0.00
Gilman-Cowenby				y	13.50	13.50	0.00			0.00	0.00	0.00	0.00	0.00
Totals														
Rate protected for Tumalo Cr Is also protected														
In Deschutes to Lake Billy Chinnock & less to Rm 0														
Tumalo					431.12	431.12	1880.66			0.591	0.591	0.591	0.591	0.591
Middle					10.00	10.00	54.50			0.069	0.069	0.069	0.069	0.069
Total					441.12	441.12	1935.16			0.66	0.66	0.66	0.66	0.66
Totals														
Rate														



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

Jan 2007

# 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](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: L11.17  
Lease Application Number (assigned by WRD): \_\_\_\_\_

This Lease is with:

\* \* \*  
Tumalo Props 1/2 \*  
Miron are complete  
or partial COID  
delivery of TD Water.

**Lessor #1 (Water Right Holder):**

Name Tumalo Properties, LLC  
Mailing address 64515 Mock Road  
City, State, Zip Code Bend, OR 97701  
Telephone number 541.419.0650  
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. P 76106, 76358 ↳ now 83571
- 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 1/4 1/4, tax lot number, map orientation and scale.]

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\*(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.	16S	11E	35	nese	02000	8.0	Irr	76358	0	1/1/1900
2.								↘		
3.								Now 83571		
4.										
5.										

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Total number of acres, if for irrigation, by certificate and priority date: 8.0 WATER RESOURCES DEPT  
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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)(c) (include necessary supporting documentation as Attachment 3).

**~II~ Instream Water Right Information**

**2.3 Term of lease.** This lease shall terminate on October 15, 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: Flavio DeCastilhos Date: 02/20/2011

For additional Lessors, type in space for signature and date

*Delivered by COID canal*

Other Attachments Central Oregon ID  
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

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Date



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

Jan 2007

# Additional Water Right Form For Pooled Water Right Holder 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).*

~I~

## Section 1.5 continued from Pooled Leasing Water Right Holder Form.

**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 1/4 1/4, tax lot number, map orientation and scale.]

T	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
1.	16	11	35	nese 02000	2.0	Irr	76106	2	12/8/1961
2.									
3.									
4.									
5.									
6.									
7.									
8.									
9.									
10.									

\* (Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)

[Attached map(s) must identify water right holder, township, range, section and 1/4 1/4, tax lot number, map orientation and scale.]

Total number of acres, if for irrigation, by certificate and priority date: 2.0

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## EXHIBIT C

### Deschutes River Conservancy 2011 Instream Leasing Program

#### Policy Concerning Weeds & Instream Leases Information on Farm Deferral & Lease Payment

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

#### **Weed Policy**

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

*Information and Resources Attached*

#### **Farm Deferral Notice**

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

*Information and Resources Attached*

**Donated Leases:** Leases of less than 5 acres, leases with public entities, leases submitted after the due date agreed upon by the District and the DRC and posted by the District, and leases with verified weed complaints are not paid a per acre or per acre-foot rate by the DRC.

I, Flavio De Castilhos Print Name understand the DRC weed policy and have

been informed about farm deferral and donations.

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Signature:  Date: 04/20/2011

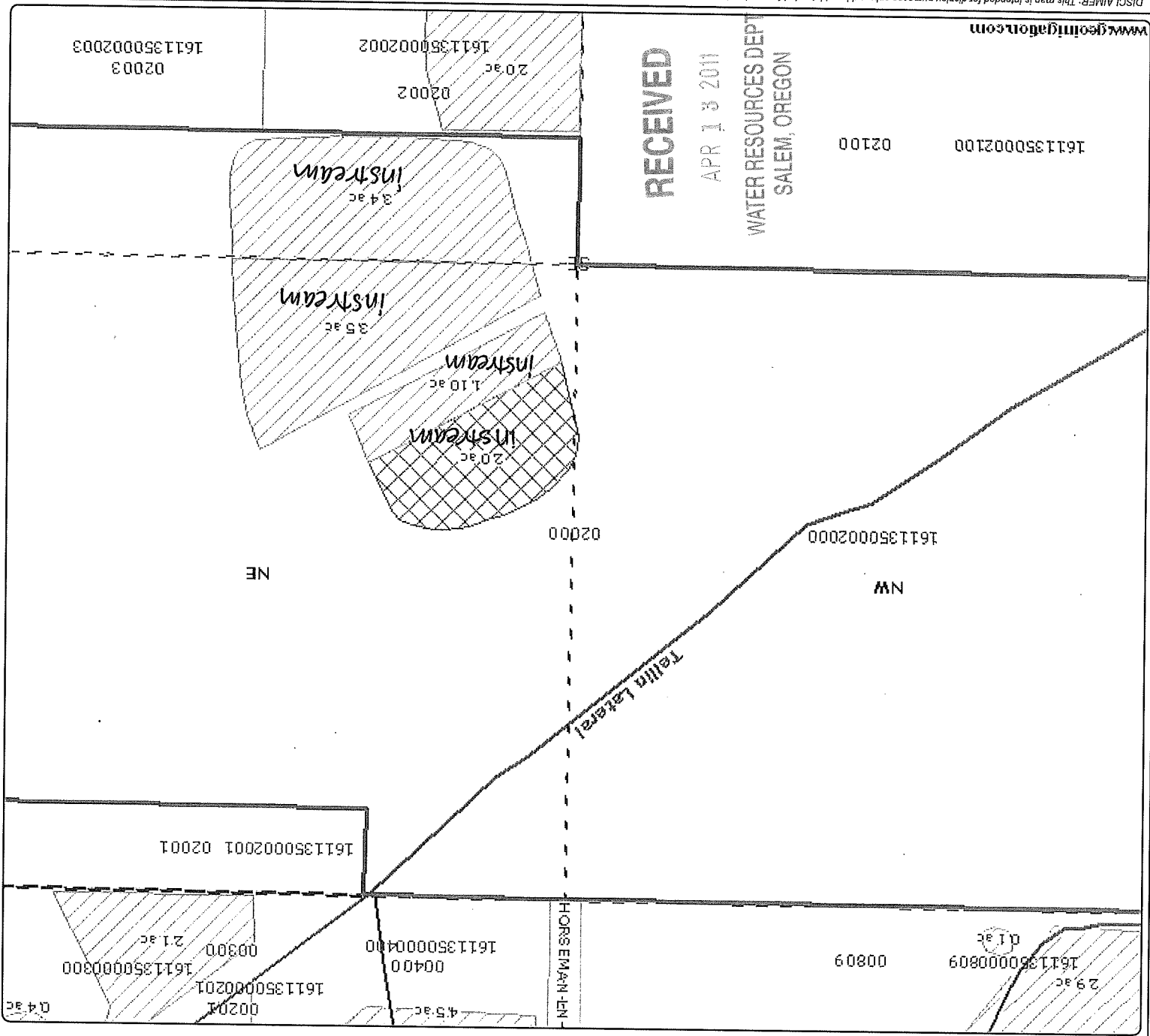
**This form must be signed and returned with state lease form.**

# Tumalo Irrigation District

L11.17 Tumalo Properties  
16-11-35-NE/SE-02000

- ◆ Cities
- District Boundary
- Highways
- Major Roads
- Road Labels
- Township Range
- Sections
- Section Labels
- Quarters
- Quarter Labels
- Quarter Quarters
- Quarter Quarter Labels
- Lot Labels
- Taxlot Labels
- Taxlots
- Canal All
- ▨ Canal Closed
- Canal Open
- ▨ Reservoir
- Unmapped Rights Labels
- Unmapped Rights
- Mapped Rights Labels
- Primary 74140 7
- Primary 76 106
- ▨ NHD Stream/River Area

Scale 1" = 300'  
Created: 2/10/2011



DISCLAIMER: This map is intended for display purposes only and is not intended for any legal representations. There are no warranties, expressed or implied, that accompany this product.

CI # 76106

16	11	23	SW 1/4 NE 1/4	509	1.5	BYRUM, D & T
16	11	23	NE 1/4 SE 1/4	500	1.0	MOE, L & M
16	11	23	NE 1/4 SE 1/4	521	3.0	WEHDE, B & J
16	11	23	NE 1/4 SE 1/4	522	1.0	MOE, L & M
16	11	23	NW 1/4 SE 1/4	505	2.7	BIOCINI, J
16	11	23	SE 1/4 SE 1/4	510	0.6	BJERK, L & D
16	11	23	SE 1/4 SE 1/4	512	1.0	POAGE, L & C
16	11	24	NW 1/4 SW 1/4	1801	0.9	NIEBAUER, D
16	11	24	SW 1/4 SW 1/4	2001	0.4	BJERK, L & D
16	11	24	NW 1/4 SE 1/4	1403	1.2	HELLE, J & S
16	11	24	SW 1/4 SE 1/4	2201	1.3	HELLE, J & S
16	11	24	SW 1/4 SE 1/4	2500	1.3	HELLE, J & S
16	11	24	SW 1/4 SE 1/4	2600	1.34	HELLE, J & S
16	11	24	SW 1/4 SE 1/4	2700	1.3	HELLE, J & S
16	11	25	NW 1/4 NE 1/4	200	20.0	ANLIKER, M
16	11	25	NW 1/4 NE 1/4	204	0.9	MAYEA, J
16	11	25	SW 1/4 NE 1/4	500	10.0	RUCKS, E
16	11	25	SE 1/4 NE 1/4	501	6.0	SCHUMACHER, W & D
16	11	25	SE 1/4 NE 1/4	502	5.0	NOLAN, J & J
16	11	25	SE 1/4 NE 1/4	503	2.0	TOYEV, R & K
16	11	25	SE 1/4 NE 1/4	504	1.0	PIMENTEL, K & V
16	11	25	NW 1/4 NW 1/4	1300	1.0	VANHOUEWLING, D
16	11	26	NE 1/4 SW 1/4	300	2.0	MASTER, R & J
16	11	26	SE 1/4 SW 1/4	801	3.5	FLANNERY/NAUER
16	11	27	NW 1/4 SW 1/4	302	1.0	MCGINNIS, T & M
16	11	27	NW 1/4 SE 1/4	203	10.0	ROLA, J & S
16	11	33	SE 1/4 NW 1/4	600	3.0	WESSINGER, W & P
16	11	33	SE 1/4 SW 1/4	600	4.0	WESSINGER, W & P
16	11	34	SW 1/4 NE 1/4	906	1.0	LOVISCO, J AND S
16	11	34	NE 1/4 SW 1/4	807	1.0	HATCH, G
16	11	35	NW 1/4 NE 1/4	807	3.7	COOLEY, O & S
16	11	35	NE 1/4 NW 1/4	900	35.0	FLOYD, M & S
16	11	35	NE 1/4 SW 1/4	1900	20.0	SCHLUETER, J & P
16	11	35	NE 1/4 SE 1/4	2000	15.0	TID Tomabe Prop. LLC
16	11	36	SE 1/4 SE 1/4	1501	1.0	CULLMAN, R
16	12	6	NW 1/4 SW 1/4	1800	1.2	BLAKE, G & L
16	12	6	NW 1/4 SW 1/4	1801	8.8	BLAKE, G & L
16	12	7	NE 1/4 NE 1/4	100	21.5	GOBEILLE, D & C

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SALEM, OREGON



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: Flavio DeCastilhos Date: 02/20/2011

For additional Lessors, type in space for signature and date

Delivered by COW canal

Flavio DeCastilhos Date 02/20/11

Other Attachments As Needed: Central Oregon ID

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

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TUMALO



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

Jan 2007

*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: L1111  
Lease Application Number (assigned by WRD): \_\_\_\_\_

This Lease is with:

**Lessor #1 (Water Right Holder):**

Name Miron, Richard & Monica  
Mailing address 220 W. Highland Drive  
City, State, Zip Code Camarillo, CA 93010  
Telephone number (661)979-9552  
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. C#76358 (Now 63571)
- 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 1/4 1/4, tax lot number, map orientation and scale.]

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Pooled Water Right Holder Form / 1

FSD

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SALEM, OREGON

T	R	Sect	¼	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.	16	11	35	se/se	02002	2.0	irr	76358	1/1/1900
2.								Now 83571	
3.									
4.									
5.									

Total number of acres, if for irrigation, by certificate and priority date: 2.0

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 15, 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.

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**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: Richard Miron Date: 2-18-11 ←

Monica Miron Date: 2-18-11 ←

For additional Lessors, type in space for signature and date  
Delivered by COLD canal

Central Oregon ID 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

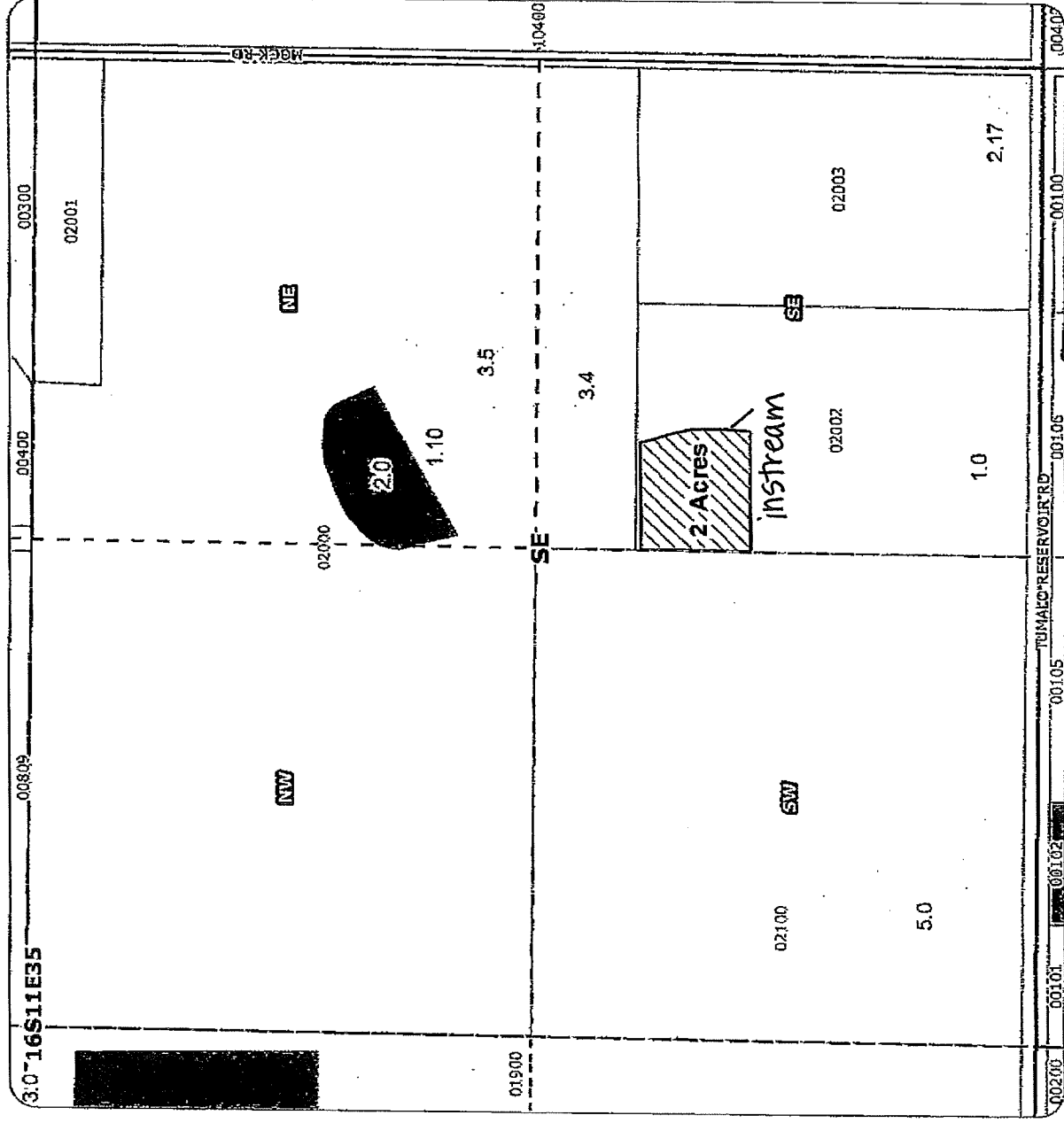
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WATER RESOURCES DEPT  
SALEM, OREGON

TUMALO

# 2010 Tumalo Irrigation District Instream Lease Map




## Application for Instream Lease

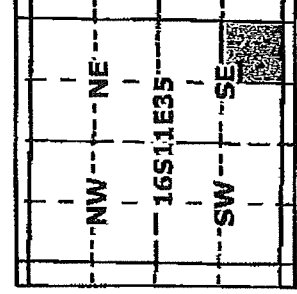
-  Proposed Lease of Irrigation Rights
-  Unmapped Proposed Lease
-  Unmapped Water Rights
-  Cert 76106

for  
Miron L11.11  
taxlot 2002 - 2.0 acres  
in 161135ESE  
1.0 acre remaining in taxlot  
Total Lease of 2.0 Acres

*[Signature]*  
X

 **GSS**  
Geo-Spatial Solutions, Inc.  
NOW 83571

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



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↑ N

Date Created: APR 13 2011 1 inch equals 400 feet

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TUMALO

5413833287

**EXHIBIT C**

**Deschutes River Conservancy  
2011 Instream Leasing Program  
  
Policy Concerning Weeds & Instream Leases  
Information on Farm Deferral & Lease Payment**

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

**Weed Policy**

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.  
*Information and Resources Attached*

**Farm Deferral Notice**

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

*Information and Resources Attached*

**Donated Leases:** Leases of less than 5 acres, leases with public entities, leases submitted after the due date agreed upon by the District and the DRC and posted by the District, and leases with verified weed complaints are not paid a per acre or per acre-foot rate by the DRC.

I, Richard Mirza understand the DRC weed policy and have been informed about farm deferral and donations.  
*Print Name*

Signature:  Date: 2-18-11

This form must be signed and returned with state lease form.

**RECEIVED**

2011 Leasing Exhibit C  
APR 13 2011  
WATER RESOURCES DEPT  
SALEM, OREGON

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
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Lessor #1: Richard Miron Date: 2-18-11 ←

Monica Miron Date: 2-18-11 ←

For additional Lessors, type in space for signature and date

Delivered by COID canal

Shirley Holden Date 03/30/11

Other Attachments As Needed: Central Oregon ID

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

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SALEM, OREGON

## Gen Hubert

---

**From:** Laura Wilke [mailto:wilkelk@wrd.state.or.us]  
**Sent:** Monday, May 10, 2010 3:50 PM  
**To:** Gen Hubert; Jan Wickham  
**Cc:** Susan Douthitt; Leslie Clark  
**Subject:** RE: IL-1045 - TID pooled lease

It looks like a copy of the CBU was submitted to the Department in 2009 - identical to the claim submitted in 2007 - I found a note in the file indicating that, at the time, we couldn't put our hands on the CBU. I found the original CBU in another file location where we keep all of COID and other District CBU's - the two might not have gotten matched up in 2007 and COID or TID was kind enough to send us a copy in 2009.

And your right, the lease is only for 2 out of the 3 acres on that lot.

Laura

---

**From:** Gen Hubert [mailto:gen@deschutesriver.org]  
**Sent:** Monday, May 10, 2010 3:41 PM  
**To:** Laura Wilke; Jan Wickham  
**Cc:** Susan Douthitt; Leslie Clark  
**Subject:** RE: IL-1045 - TID pooled lease

Laura,

Only 2.0 acres of this transferred water were proposed for lease. We will handle this however the district(s) would like to handle it. You are correct, it looks like the original transfer map matches the lease, but not the BU map submitted a few years later. Jan mentions a final proof that was submitted on 8/13/2009, but your most recent BU map is dated 9/25/2007. Was another - later map submitted on the date that Jan listed?

Thanks,

Gen

Genevieve Hubert  
Transfers Program Manager  
Deschutes River Conservancy  
Phone: 541-382-4077, ext 16  
Fax: 541-382-4078  
[www.deschutesriver.org](http://www.deschutesriver.org)

---

**From:** Laura Wilke [mailto:wilkelk@wrd.state.or.us]  
**Sent:** Monday, May 10, 2010 2:26 PM  
**To:** Jan Wickham; Gen Hubert  
**Cc:** Susan Douthitt; Leslie Clark  
**Subject:** RE: IL-1045 - TID pooled lease

Howdy Jan and Gen:

Took a look at the original transfer map for T-9849 (COID district transfer) and the final proof map (received originally 9/25/2007). The configuration of the lands has changed from the original proposal. In this case, because of the change, we won't be able to lease until Department staff have an opportunity to review the Claim of Beneficial Use and determine

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# Oregon

Theodore R. Kulongoski, Governor

Water Resources Department  
North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

August 4, 2005

CENTRAL OREGON IRRIGATION DISTRICT  
2598 N HWY 97  
REDMOND OR 97756

Reference: Transfer 9849

Enclosed is a copy of the order approving your water right transfer application.

A time to complete the transfer is given the order. **YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT.** The water right for any portion of the authorized change in use or change in place of use **NOT** carried out within the time allowed will be lost.

An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change within the time allowed.

You have the requirement to hire a Certified Water Right Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this department within one year of the date you completed the change or within one year of the completion date authorized in the transfer, whichever occurs first.

Sincerely,

*Sarah Henderson*  
Doug Parrow  
Natural Resource Specialist

DP:sh

cc: Watermaster #11  
Robert Povey, CWRE  
Robert Baxter, CWRE  
Tumalo Irrigation District  
Bureau of Reclamation

Enclosure

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WATER RESOURCES DEPT  
SALEM, OREGON



**BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON**

In the Matter of Transfer Application                     )     FINAL ORDER APPROVING  
T-9849, Deschutes County                                     )     CHANGES IN POINT OF DIVERSION  
   )     AND PLACE OF USE

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

Central Oregon Irrigation District  
2598 N. Highway 97  
Redmond, OR 97756

**Findings of Fact**

1. On January 12, 2005, Central Oregon Irrigation District (COID), for Tumalo Irrigation District, filed a transfer application to change the point of diversion and place of use under Certificates 76358 and 76714. The Department assigned the application number T-9849. On May 26, 2005 the applicant amended the application to clarify the location of the proposed point of diversion diversion and place of use, and agreed to condition the use to avoid potential injury to the instream water right.

2. The portions of the rights to be transferred are as follows:

**Certificate:** 76358 in the name of Central Oregon Irrigation District

**Use:** Irrigation

**Priority Date:** October 31, 1900 & December 2, 1907

**Season of Use:** April 1 through November 1, further limited as follows:

April 1 to May 1 & October 1 to November 1 described as Season 1

May 1 to May 15 & September 15 to October 1 described as Season 2

May 15 to September 15 described as Season 3

**Acres:** 16.85

**Quantity (Rate):** Season 1 (limited to 1/80 cfs per acre): 0.211 cfs

Season 2 (limited to 1/60 cfs per acre): 0.281 cfs

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WATER RESOURCES DEPT  
SALEM, OREGON

This is a final order in other than 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.

**Authorized Place of Use:**

Township	Range	Meridian	Sec	¼ ¼	Tax Lot	Acres
15 S	13 E	W.M.	04	NW NE	300	16.85

3. Application T-9849 proposes to move the authorized point of diversion for each right approximately 0.98 mile upstream in the source to:

Township	Range	Meridian	Sec	¼ ¼	Survey Coordinates
17 S	12 E	W.M.	32	NW NE	2,050 feet West. from the NE corner of Sec. 32

4. Application T-9849 proposes to change the place of use of each of the rights to:
 

Township	Range	Meridian	Sec	¼ ¼	Tax Lot	Acres
16 S	11 E	W.M.	28	NE NW	400	2.0
16 S	11 E	W.M.	35	NE SE	2000	4.9
16 S	11 E	W.M.	35	SE SE	2000	3.1
16 S	11 E	W.M.	35	SE SE	2002	3.0
16 S	11 E	W.M.	35	SE SE	2003	2.17
16 S	11 E	W.M.	36	NW NW	10400	1.68
5. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
6. Water has been used within the last five years according to the terms and conditions of the rights, and no evidence is available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
7. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing rights are present.
8. The proposed point of diversion is located within a stretch of the Deschutes River with flows protected by a junior instream water right under Certificate 59778. Instream water right Certificate 59778 was established at the request of the Oregon Department of Fish and Wildlife (ODFW) with a priority date of November 3, 1983.
9. The proposed new point of diversion is located in Watershed ID #197, Deschutes River, tributary to Columbia River, above Tumalo Creek. The Department's streamflow model indicates that levels of natural streamflow are unlikely to meet the requirements of the instream water right (660 cfs) year-round. The proposed change in point of diversion would further reduce flows by up to 0.52 cfs in that portion of the stream reach between the existing point of diversion and the new proposed point of diversion. Thus, the instream water right would be injured as a result of the proposed change.

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SALEM, OREGON

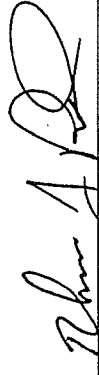
### Conclusions of Law

The changes in point of diversion and place of use in application T-9849, as conditioned under Finding #11 above, are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

**Now, therefore, it is ORDERED:**

1. The changes in point of diversion and place of use proposed in application T-9849 are approved.
2. Water right certificates 76358 and 76714 are modified. The Department shall issue new water right certificates to supersede certificates 76358 and 76714 on a determination that it is necessary to produce a certificate to confirm that portion of the right not involved in this transfer.
3. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 76358 and 76714 and any related decree.
4. To prevent injury to instream water right Certificate 59778, water shall not be diverted for the allowed use whenever, during the irrigation season, flows in the Deschutes River at the point of diversion drop below 660 cfs.
5. The proposed change shall be completed on or before October 1, 2006.
6. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2007.
7. The former place of use shall no longer be irrigated as part of these water rights.
8. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
9. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 3<sup>rd</sup> day of August, 2005.

  
Phillip C. Ward, Director

Mailing date: AUG 05 2005

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SALEM, OREGON



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

Jan 2007

# 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](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: L11.01 prev. L-1045, 916, 736  
Lease Application Number (assigned by WRD): \_\_\_\_\_

This Lease is with:

**Lessor #1 (Water Right Holder):**

Name C.L.R. Inc  
Mailing address 703 NW Stone Pine Drive  
City, State, Zip Code Bend, OR 97701  
Telephone number (541) 389-6562  
Email address \_\_\_\_\_

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SALEM, OREGON

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. P 74146, 74147 S: 74147, 74148, 74149, 76520
- 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 1/4 1/4, tax lot number, map orientation and scale.]

\*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)

	T	R	Sect	¼	¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
1.	16S	12E	30	nwse	02100	✓	3.40	Irr	74146	14	5/27/1907
2.	17S	11E	13	nwnw	00817	✓	4.0	Irr	74146	14	5/27/1907
3.	17S	11E	13	nwnw	00809	✓	1.60	Irr	74146	14	5/27/1907
4.											
5.											

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Total number of acres, if for irrigation, by certificate and priority date: 9.0 APR 13 2011

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

WATER RESOURCES DEPT  
SALEM, OREGON

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**

**3.2 Term of lease.** This lease shall terminate on October 15, 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.



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

# Additional Water Right Form For Pooled Water Right Holder Instream Lease

Jan 2007

*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).*

~I~

## Section 1.5 continued from Pooled Leasing Water Right Holder Form.

**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	Sect	¼ ¼	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.	16S	12E	30	nwse	02100 ✓	.70	Irr	74147	14 10/29/191 3
2.	16S	12E	30	nese	02100 ✓	1.90	Irr	74147	14 10/29/191 3
3.	16S	12E	30	nese	02000 ✓	5.0	Irr	74147	14 10/29/191 3
4.	16S	12E	30	nese	00100 ✓	16.0	Irr	74147	14 10/29/191 3
5.	16S	12E	30	nese	00100 ✓	2.0	IND	74147	14 10/29/191 3
6.	16S	12E	30	sene	00100	13.20	Irr	74147	14 10/29/191 3
7.	17S	11E	13	nwnw	00817 ✓	1.36	Irr ①	74147	17 10/29/191 3
8.	17S	11E	13	nwnw	00809 ✓	3.0	Irr	74147	17 10/29/19 13
9.	17S	11E	14	nene	00817 ✓	3.50	Irr ②	74147	17 10/29/191 3
10.									

[Attached map(s) must identify water right holder, township, range, section and ¼ ¼, tax lot number, map orientation and scale.]

Total number of acres, if for irrigation, by certificate and priority date: 46.66

① Lot line adjustment  
 ② tax lot changed from 11400 to 817

**RECEIVED**

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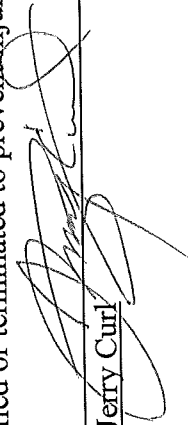
WATER RESOURCES DEPT  
 SALEM, OREGON

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: 1/17/2011  
C.L.R. Inc., Jerry Curl

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

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## EXHIBIT C

### Deschutes River Conservancy 2011 Instream Leasing Program

#### Policy Concerning Weeds & Instream Leases Information on Farm Deferral & Lease Payment

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

#### **Weed Policy**

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.  
*Information and Resources Attached*

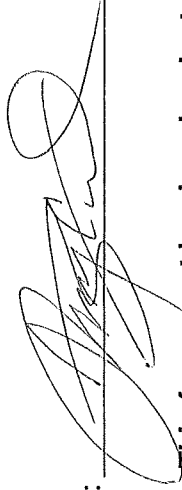
#### **Farm Deferral Notice**

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

*Information and Resources Attached*

**Donated Leases:** Leases of less than 5 acres, leases with public entities, leases submitted after the due date agreed upon by the District and the DRC and posted by the District, and leases with verified weed complaints are not paid a per acre or per acre-foot rate by the DRC.

I, JERRY L WITZ understand the DRC weed policy and have  
been informed about farm deferral and donations.  
*Print Name*

Signature:  Date: 1/17/2011

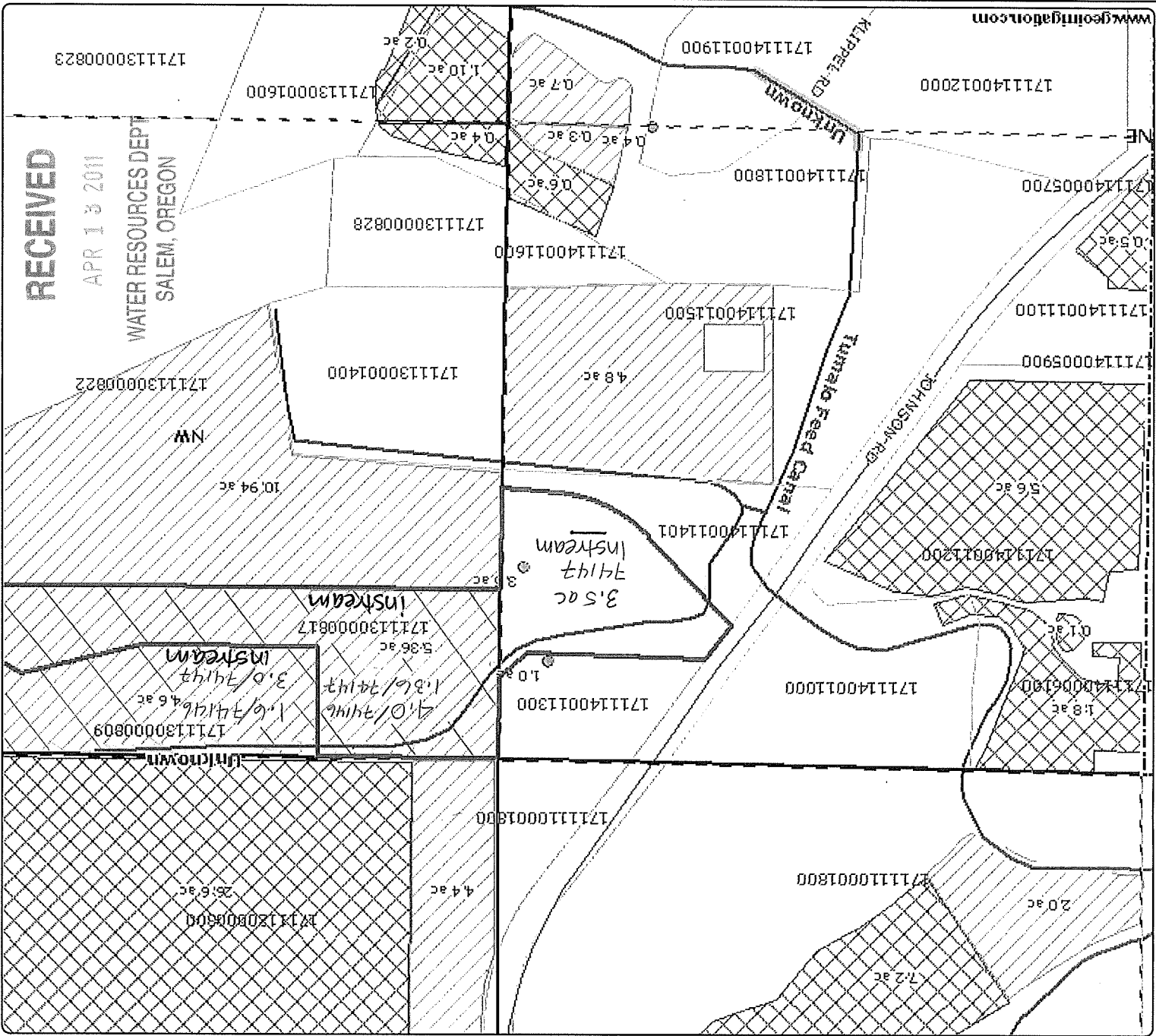
**This form must be signed and returned with state lease form.**

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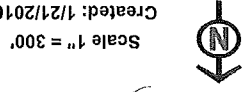
# Tumalo Irrigation District



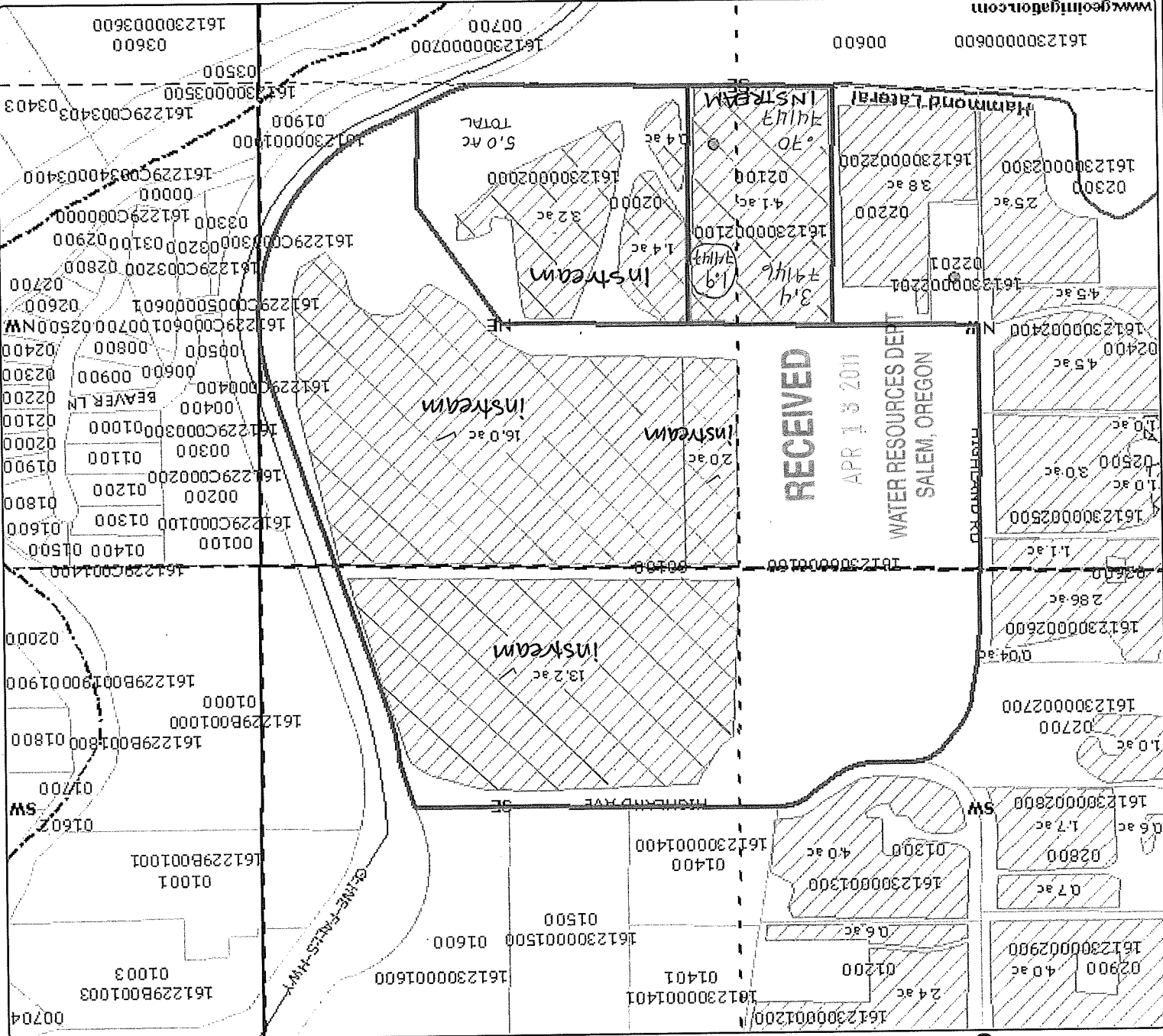
DISCLAIMER: This map is intended for display purposes only and is not intended for any legal representations. There are no warranties, expressed or implied, that accompany this product.

C.L.R.  
17-11-13, 17-11-14 TL 809, 817

- \* Cities
- District Boundary
- Highways
- Major Roads
- Township Range
- Sections
- Section Labels
- Quarters
- Quarter Labels
- Quarter Quarters
- Quarter Quarter Labels
- Taxlot Labels
- Taxlots
- Canal All
- ▨ Canal Closed
- ▨ Canal Open
- ▨ Reservoir
- Unmapped Rights Labels
- Unmapped Rights
- Mapped Rights Labels
- Primary 74146 7
- Primary 76 106
- ▨ NHD Stream/River Area



# Tumalo Irrigation District NE



Scale 1" = 400'  
Created: 1/21/2010

- Cities
- District Boundary
- Highways
- Major Roads
- Road Labels
- Township Range
- Sections
- Section Labels
- Quarters
- Quarter Labels
- Quarter Quarters
- Quarter Labels
- Lot Labels
- Taxlots
- Canal All
- Canal Closed
- Canal Open
- Reservoir
- Unmapped Rights
- Mapped Rights Labels
- Primary 74146 7
- Primary 76 106
- NHD Stream/River Area

C.L.R. L1101  
16-12-30

DISCLAIMER: This map is intended for display purposes only and is not intended for any legal representations. There are no warranties, expressed or implied, that accompany this product.

www.geoinformation.com

Priority: 5/27/07

7 SW $\frac{1}{4}$  SW $\frac{1}{4}$  1802 IR 3.0 Rupp, C. Richard  
Section 6

NW $\frac{1}{4}$  SE $\frac{1}{4}$  2100 IR 3.4 C.L.R. INC.  
Section 30

SW $\frac{1}{4}$  SE $\frac{1}{4}$  4300D IR 0.8 C.L.R. INC.  
Section 31

Township 16 South, Range 12 East, W.M.

SW $\frac{1}{4}$  NW $\frac{1}{4}$  500 IR 1.2 Coats, R.L. & Joyce  
Section 11

NW $\frac{1}{4}$  NE $\frac{1}{4}$  804 IR 0.4 Coats, R.L. & Joyce  
NW $\frac{1}{4}$  NE $\frac{1}{4}$  807 IR 5.4 Coats, R.L. & Joyce  
NW $\frac{1}{4}$  NE $\frac{1}{4}$  817 IR 6.1 C.L.R. INC.  
SW $\frac{1}{4}$  NE $\frac{1}{4}$  806 IR 2.5 Graham, Kenneth & Joy  
SW $\frac{1}{4}$  NE $\frac{1}{4}$  807 IR 1.0 Coats, R.L. & Joyce  
SW $\frac{1}{4}$  NE $\frac{1}{4}$  808 IR 2.1 Niedzwiecke, Andrew & Judith  
SW $\frac{1}{4}$  NE $\frac{1}{4}$  810 IR 0.9 Niedzwiecke, Andrew & Judith  
NE $\frac{1}{4}$  NW $\frac{1}{4}$  817 IR 0.2 C.L.R. INC.  
NW $\frac{1}{4}$  NW $\frac{1}{4}$  809 IR 1.6 C.L.R. INC.  
NW $\frac{1}{4}$  NW $\frac{1}{4}$  817 IR 4.0 C.L.R. INC.

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SE $\frac{1}{4}$  NW $\frac{1}{4}$  812 IR 1.5 Latham, Mark & Kristen  
SE $\frac{1}{4}$  NW $\frac{1}{4}$  813 IR 2.5 Schweigert, Ken  
SE $\frac{1}{4}$  NW $\frac{1}{4}$  818 IR 2.5 Hamper, Tom  
Section 13

APR 13 2011

Section 13

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SALEM, OREGON

NE $\frac{1}{4}$  NE $\frac{1}{4}$  11700 IR 0.2 Allen, Charles  
NE $\frac{1}{4}$  NE $\frac{1}{4}$  11800 IR 0.1 Allen, Charles  
NE $\frac{1}{4}$  NE $\frac{1}{4}$  11900 IR 0.4 Rugloski, Paul, Andrew & Cecelia  
SE $\frac{1}{4}$  NE $\frac{1}{4}$  11800 IR 0.7 Allen, Charles  
SE $\frac{1}{4}$  NE $\frac{1}{4}$  11900 IR 2.6 Rugloski, Paul, Andrew & Cecelia  
Section 14

Township 17 South, Range 11 East, W.M.

2 NW $\frac{1}{4}$  NE $\frac{1}{4}$  302

Section 6

Township 17 South, Range 12 East, W.M.

Priority: 6/1/07

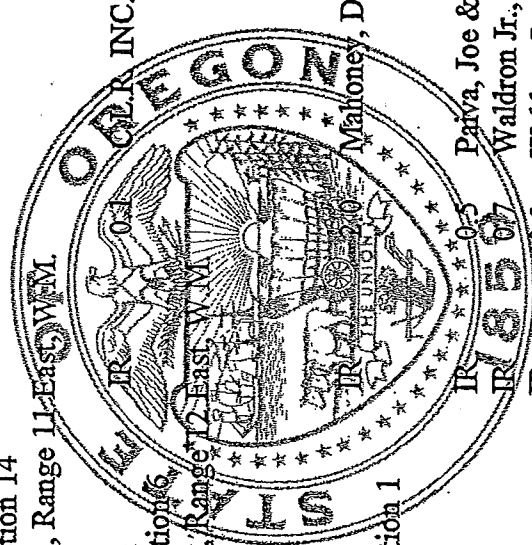
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Section 1

SW $\frac{1}{4}$  SE $\frac{1}{4}$  803 IR 0.3 Waldron Jr., Harvey & Genevieve  
SE $\frac{1}{4}$  SE $\frac{1}{4}$  900 IR 0.3 Waldron Jr., Harvey & Genevieve  
SE $\frac{1}{4}$  SE $\frac{1}{4}$  901 IR 0.3 Waldron Jr., Harvey & Genevieve  
Section 11

SW $\frac{1}{4}$  SW $\frac{1}{4}$  1200 IR 16.1 Gillham, John & Audrey

SE $\frac{1}{4}$  SW $\frac{1}{4}$  1200 IR 0.2 Gillham, John & Audrey

Section 12



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14141  
0-741

4.70

IR 5.00  
IR 31.40  
IR  
IR

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3.00  
3.00  
5.00  
WATER RESOURCES DEPT  
Salem, Oregon

IR 3.00  
IR 3.70  
IR 4.00  
IR 1.40  
IR 0.60  
IR 4.00  
IR 1.70  
IR 1.00

3.00

1.00

IR 4.00  
IR 13.20  
IR 11.50  
IR 2.00  
IR 4.30  
IR 17.20  
IR 1.00  
IR 1.60  
IR 7.38  
IR 0.80  
IR 18.00  
IR 5.00  
IR 3.00  
IR 8.00  
IR 4.50  
IR 4.00  
IR 18.50  
IR 18.00  
IR 5.00

2.00

IR 2.00  
IND 2.00  
IR 16.00  
IR 5.00  
IR 1.90  
IR 0.70  
IR 3.80  
IR 0.70  
IR 2.50  
IR 4.50  
IR 0.50  
IR 0.30

3.40

2.50

Zapp, Martin & Joann  
Cole, Robert & Nancy  
Kloby, Jay & Melody  
Kloby, Jay & Melody

Section 19

Ireland, Stephen P.  
Cardwell, Ken & Janice  
Robertson, Brian T.  
Amett, Gary J.  
Outhsye, Joseph & Joann  
Dierberger, Kenneth & Dona  
Wickham, Kent & Beth  
Wickham, Kent & Beth  
Dyson, Brian & Sheryl  
Miller, Dianne M.  
Barber, Richard & Mary  
Barlow, Steven & Jeanette  
Hauge, Christopher & Susan  
C.L.R. INC.

McDougal, Melvin

Billings, Jack & Christina  
Outhsye, Joseph & Joann  
McDougal, Melvin

Hayden, James & Katharina  
Romesburg, Ernie & Naomi  
McDougal, Melvin

McDougal, Melvin  
McDougal (Trustee), Joy

Cantrell, John & Jean  
Barnes, Ed & Gayla Ann

Barnes, Gayla Ann  
Binger, Richard & Cheryl

Robertson, Frances M.  
Hauge, Christopher & Susan

Hauge, Christopher & Susan  
Lorenz, Howard & Linda

Scott, Cheryl  
Barnes, Ed & Gayla Ann

McDougal, Melvin  
C.L.R. INC.

McDougal, Melvin  
C.L.R. INC.

McDougal, Melvin  
C.L.R. INC.

McDougal, Melvin  
C.L.R. INC.

McDougal, Melvin  
C.L.R. INC.

McDougal, Melvin  
C.L.R. INC.

McDougal, Melvin  
C.L.R. INC.

Section 30

Salciccioli, Greg & Dianna L.  
Bend Research/ Science Properties  
Wendel, John & Cathleen  
Allen, Michael & Patty  
Bend Research/ Science Properties  
Perkins, Howard & Darlene  
Bend Research/ Science Properties

6.60

IR 1.00  
IR 2.00  
IR 3.00  
IR 5.80  
IR 1.00  
IR 0.10

3  
3

SEE NEXT PAGE



SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	810	Niedzwiecke, Andrew & Judith	IR	0.90
NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	817	C.L.R. INC.	IR	14.60
NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	809	C.L.R. INC.	IR	3.00
NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	817	C.L.R. INC.	IR	12.30 / 3.4
SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	2300	Beighley/Taylor, Mark & Deborah	IR	1.00
SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	2400	Moore, Bill & Mildred	IR	0.90
SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	817	C.L.R. INC.	IR	6.40
SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	812	Latham, Mark & Kristen	IR	1.50
SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	813	Schweigert, Ken	IR	2.50
SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	817	C.L.R. INC.	IR	4.60
SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	818	Hamper, Tom	IR	2.50
NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	2400	Moore, Bill & Mildred	IR	1.10
NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	2500	Hanson, Robert & Ruth	IR	2.60
NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	817	C.L.R. INC.	IR	12.20
SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	4200	Reinhardt, George & Jeanne	IR	2.00

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Section 13

NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	11300	Woods, William C.	IR	1.00
NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	14400	C.L.R. INC.	IR	3.50
NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	11900	Rugloski, Paul, Andrew & Cecelia	IR	0.40
SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	11900	Rugloski, Paul, Andrew & Cecelia	IR	2.60

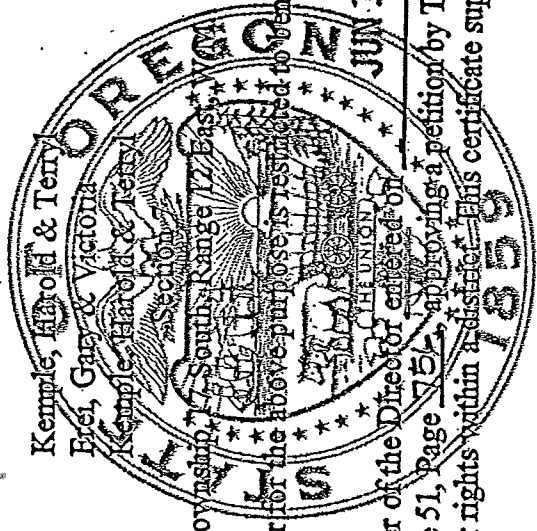
Section 14

Township 17 South, Range 11 East, W.M.

2	NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	300	C.L.R. INC.	IR	1.80
2	NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	301	C.L.R. INC.	IR	0.50
2	NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	302	C.L.R. INC.	IR	4.10
3	NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	200	Allen/Rice, Rita & Kenny	IR	2.50
3	NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	300	Dwyer, Michael & Theresa	IR	16.40
4	NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	300	Dwyer, Michael & Theresa	IR	17.70
4	NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	301	Greer, Stephen & Denise	IR	2.00
4	NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	302	Greer, Russell & Lois	IR	2.40
4	NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	400	Greer, Russell & Lois	IR	2.00
4	NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	500	Randolph, James & Charlotte	IR	1.00

Section 6

2	SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	400	Kemple, Harold & Terry	IR	1.50
2	SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	401	Eves, Gary & Victoria	IR	10.00
	SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	400	Kemple, Harold & Terry	IR	14.60



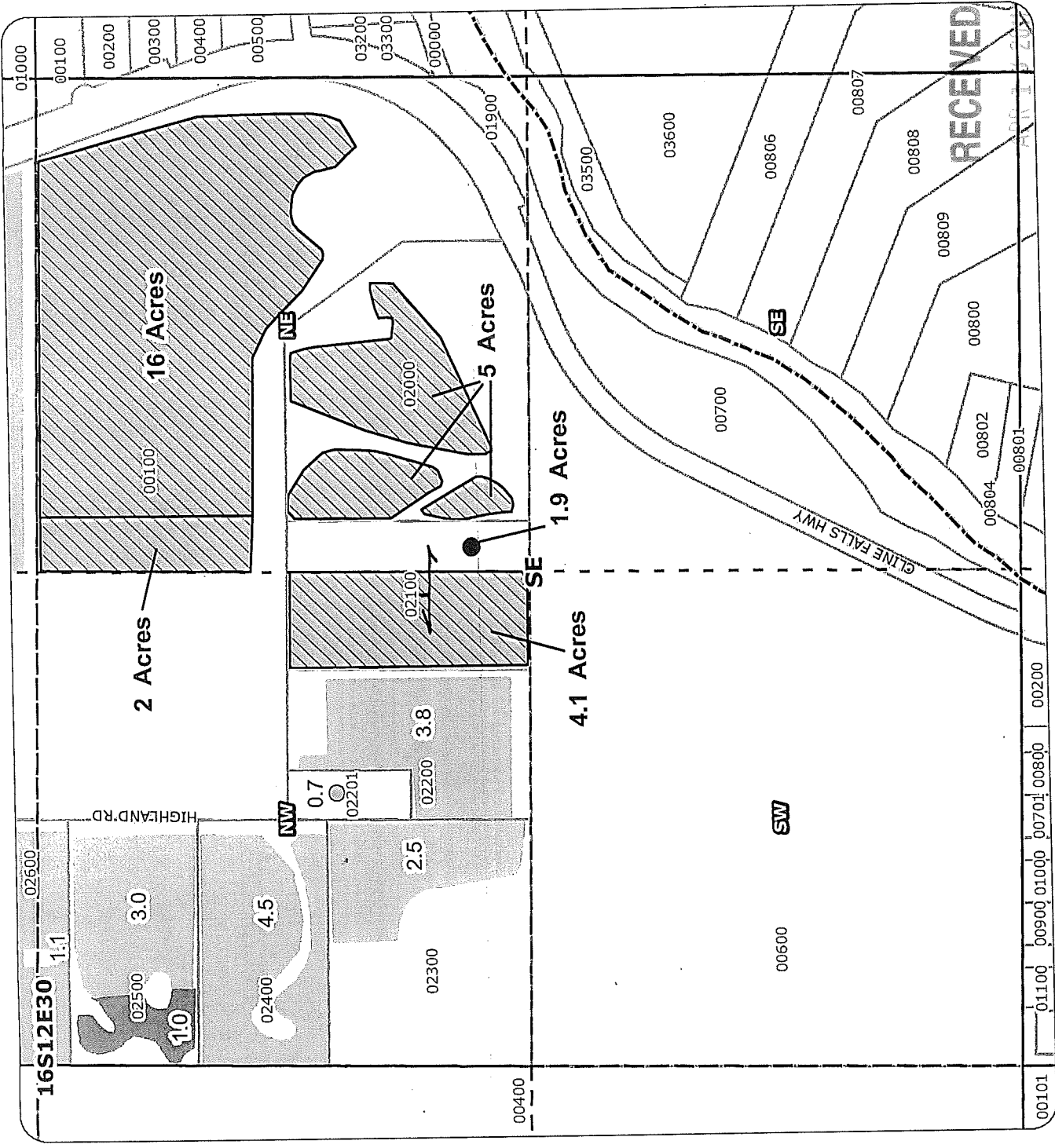
The right to the use of the water for the above purposes is restricted to beneficial use on the lands or place of use described.

This certificate confirms an order of the Director entered on \_\_\_\_\_, 1997 and recorded in Special Order Volume 51, Page 75, approving a petition by Tumalo Irrigation District under ORS 541.329 for mapping water rights within a district. This certificate supersedes certificates 26050.

WITNESS the signature of the Water Resources Director, affixed JUN 19 1997

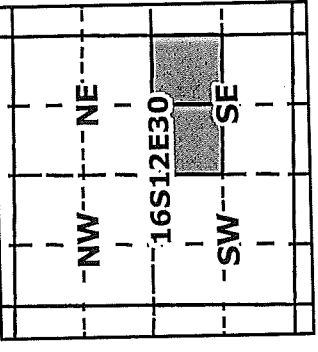
Martha O. Pagel, Director

# 2011 Tumalo Irrigation District Instream Lease Map



## Application for Instream Lease

- for C.L.R. L10.01
- taxlot 100 - 16 acres
- taxlot 100 - 2.0 acres
- taxlot 2000 - 5.0 acres
- taxlot 2100 - 1.9 acres
- in 161230NESE
- taxlot 2100 - 4.1 acres
- in 161230NWSE
- 0 acres remaining in each taxlot
- Total Lease of 29 Acres



1 inch equals 400 feet

- Proposed Lease of Irrigation Rights
- Unmapped Proposed Lease
- Unmapped Water Rights
- Cert 76106
- Cert 74146 & 74147

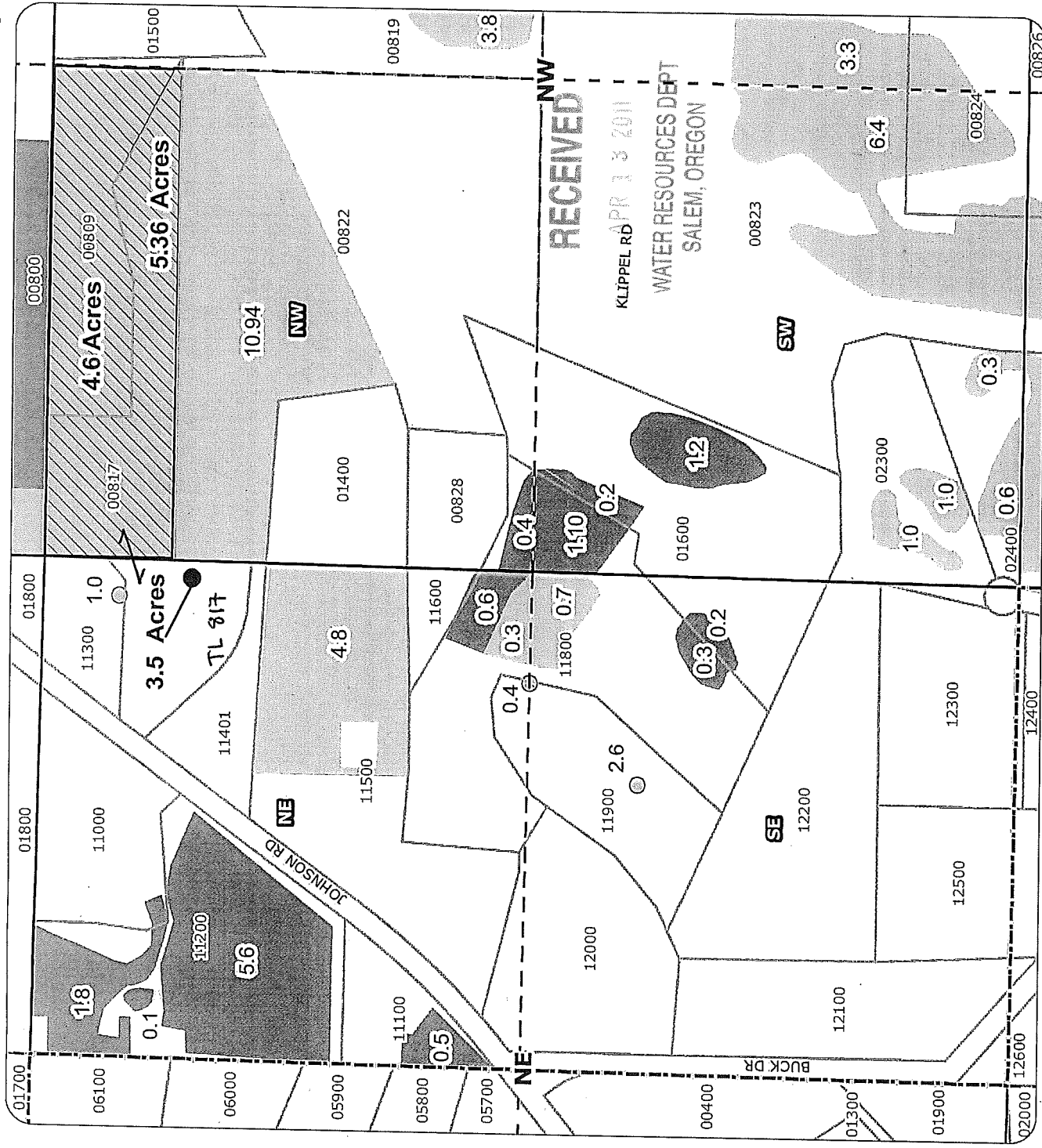


**Geo-Spatial Solutions, Inc.**  
www.geospatialolutions.com

Date Created: February 2010

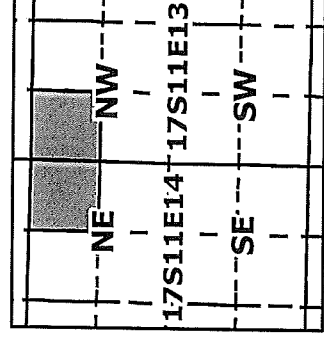
WATER RESOURCES DEPT  
SALEM, OREGON

# 2011 Tumalo Irrigation District InstrCam Lease Map



## Application for Instream Lease

- Proposed Lease of Irrigation Rights
  - Unmapped Proposed Lease
  - Unmapped Water Rights
  - Cert 76106
  - Cert 74146 & 74147
- for  
C.L.R. L10.01
- taxlot 809 - 4.6 acres
  - taxlot 817 - 5.36 acres
  - in 171113NWNW
  - taxlot 817- 3.5 acres
  - in 171114NENE
- 0 acres remaining in each taxlot  
Total Lease of 13.46 Acres



**Geo-Spatial Solutions, Inc.**

[www.geospatialsolutions.com](http://www.geospatialsolutions.com)

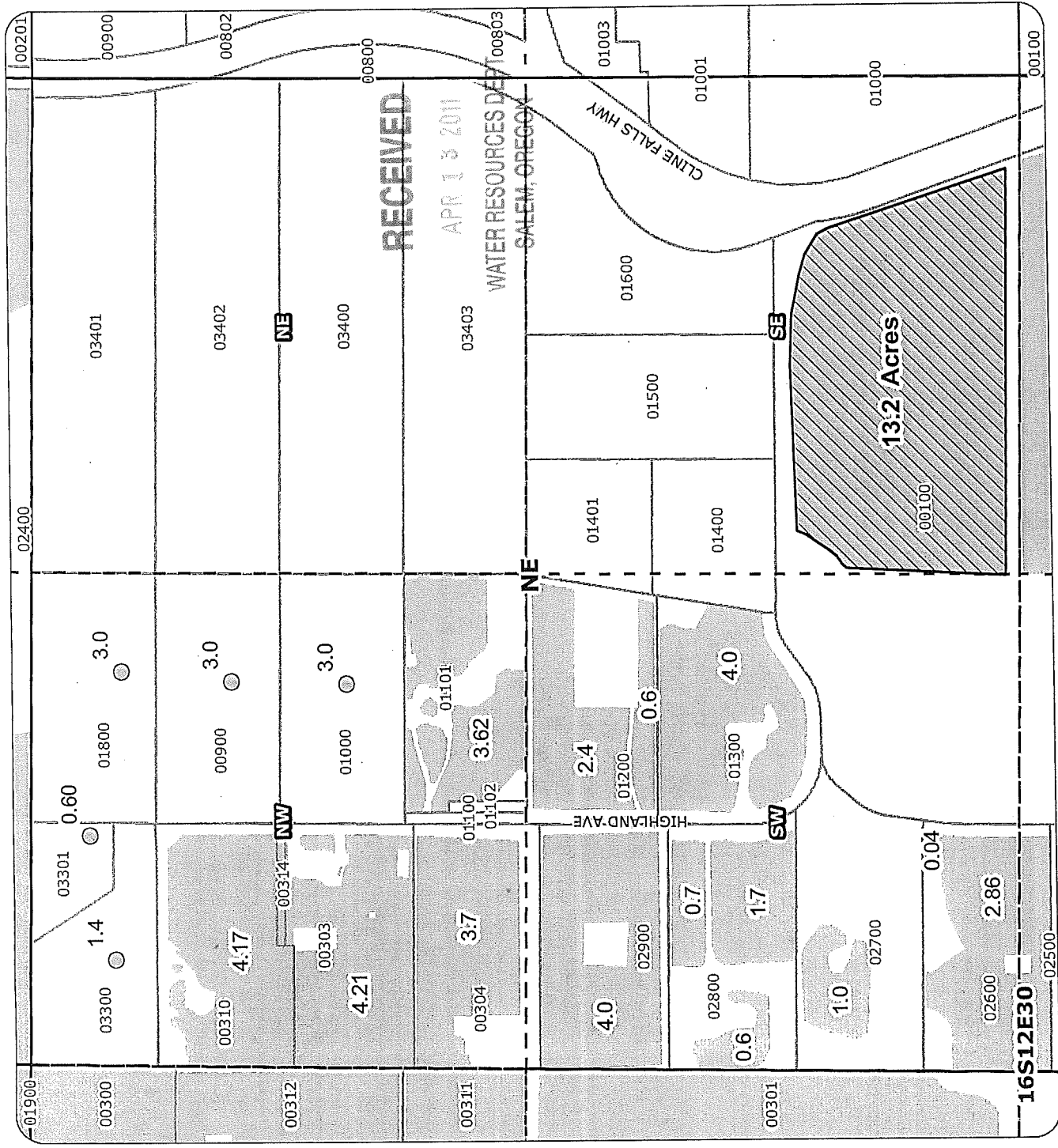
Date Created: February 2010

1 inch equals 400 feet







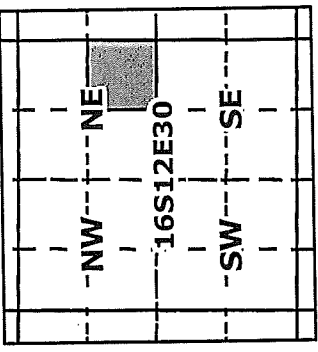


# 2011 Tumalo Irrigation District Instream Lease Map



## Application for Instream Lease

-  Proposed Lease of Irrigation Rights
  -  Unmapped Proposed Lease
  -  Unmapped Water Rights
  -  Cert 74146 & 74147
- for  
 C.L.R. L10.01  
 taxlot 100 - 13.2 acres  
 in 161230SENE  
 0 acres remaining in taxlot  
 Total Lease of 13.2 Acres





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.wr.d.state.or.us/OWRD/PUBS/forms.shtml](http://www.wr.d.state.or.us/OWRD/PUBS/forms.shtml).*

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

Optional Identification by Lessor/Lessee: L11.02  
Lease Application Number (assigned by WRD): \_\_\_\_\_

This Lease is with:

**Lessor #1 (Water Right Holder):**

Name Bruce LaVeau  
Mailing address 65655 Cline Falls Road  
City, State, Zip Code Bend, OR 97701  
Telephone number (541) 279-1003  
Email address \_\_\_\_\_

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

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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. P 74146. S: 74147,74148,74149,76520
- 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 1/4 1/4, tax lot number, map orientation and scale.]

\*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)

	T	R	Sect	1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
1.	16S	12E	18	sese	01700	10.50	Irr	74146	18	6/1/1907
2.										
3.										
4.										
5.										

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Total number of acres, if for irrigation, by certificate and priority date: 10.50 APR 13 2011  
 Conditions or other limitations, if any: T-7466 moved 5.4 ac. WATER RESOURCES DEP SALEM, OREGON

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**

**3.2 Term of lease.** This lease shall terminate on October 15, 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: Bruce LaVeau Date: 25 JAN 11  
Bruce LaVeau

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

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## EXHIBIT C

### Deschutes River Conservancy 2011 Instream Leasing Program

#### Policy Concerning Weeds & Instream Leases Information on Farm Deferral & Lease Payment

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

#### **Weed Policy**

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

#### *Information and Resources Attached*

#### **Farm Deferral Notice**

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

#### *Information and Resources Attached*

**Donated Leases:** Leases of less than 5 acres, leases with public entities, leases submitted after the due date agreed upon by the District and the DRC and posted by the District, and leases with verified weed complaints are not paid a per acre or per acre-foot rate by the DRC.

I, Bruce LaVean understand the DRC weed policy and have  
*Bruce LaVean*  
Print Name  
been informed about farm deferral and donations.

Signature: Bruce LaVean Date: 25 JAN 11

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This form must be signed and returned with state lease form.

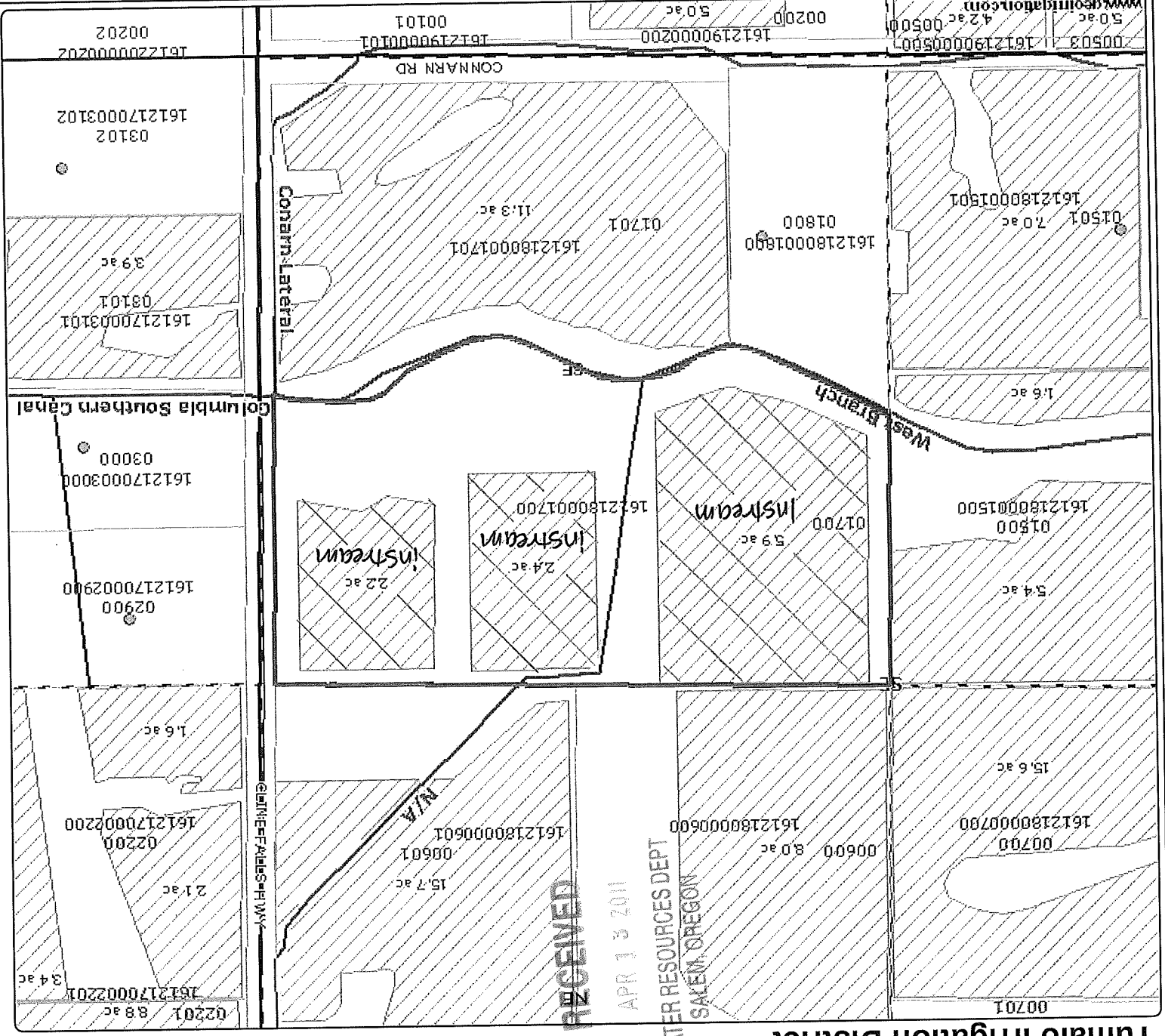
APR 13 2011

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SALEM, OREGON

# Tumalo Irrigation District

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DISCLAIMER: This map is intended for display purposes only and is not intended for any legal representations. There are no warranties, expressed or implied, that accompany this product.

Bruce LaVau L11.02  
16-12-18-SE/SE-01700

- \* Cities
- District Boundary
- Highway
- Major Roads
- Road Labels
- Township Range
- Sections
- Section Labels
- Quarters
- Quarter Labels
- Quarter Quarters
- Quarter Quarter Labels
- Lot Labels
- Taxlot Labels
- Taxlots
- Canal All
- ▨ Canal Closed
- ▨ Canal Open
- ▨ Reservoir
- Unmapped Rights
- ▨ Mapped Rights Labels
- ▨ Primary 74146 7
- ▨ Primary 76 106
- ▨ NHD Stream/River Area



Scale 1" = 300'  
Created: 1/6/2011

*X B. LaVau*

SW $\frac{1}{4}$  SE $\frac{1}{4}$  1600 IR  $\nearrow$  746 $\frac{1}{4}$  1.0 Latham, Deborah K.  
 SE $\frac{1}{4}$  SE $\frac{1}{4}$  1700 IR 10.5 15-9 LaVeau, Bruce  
 SE $\frac{1}{4}$  SE $\frac{1}{4}$  1701 IR 11.3 Bowers, Wayne & Margey  
 SE $\frac{1}{4}$  SE $\frac{1}{4}$  1800 IR 4.0 Parker, Thomas & Peggy

## Section 18

SW $\frac{1}{4}$  SE $\frac{1}{4}$  4200D IR 1.0 C.L.R. INC.

## Section 31

Township 16 South, Range 12 East, W.M.

2 NW $\frac{1}{4}$  NE $\frac{1}{4}$  200 IR 2.0 McClaskey, Todd & Maxine  
 2 NW $\frac{1}{4}$  NE $\frac{1}{4}$  404 IR 0.1 McClaskey, Todd & Maxine  
 3 NE $\frac{1}{4}$  NW $\frac{1}{4}$  201 IR 21.35 Mathewson, Edward & Ruth  
 3 NE $\frac{1}{4}$  NW $\frac{1}{4}$  300 IR 5.0 Warbington, Martin  
 4 NW $\frac{1}{4}$  NW $\frac{1}{4}$  402 IR 4.0 Kailey, John & Janet

## Section 1

1 NE $\frac{1}{4}$  NE $\frac{1}{4}$  100 IR 3.1 Wachs, David & Lisa  
 1 NE $\frac{1}{4}$  NE $\frac{1}{4}$  106 IR 3.1 Martin, Schuyler  
 3 NE $\frac{1}{4}$  NW $\frac{1}{4}$  200 IR 2.0 Gill, Rockne & Jane  
 4 NW $\frac{1}{4}$  NW $\frac{1}{4}$  300 IR 19.5 Nicholson, Howard & Barbara  
 4 NW $\frac{1}{4}$  NW $\frac{1}{4}$  400 IR 1.3 Walker, James & Lois

## Section 2

2 NW $\frac{1}{4}$  NE $\frac{1}{4}$  400A IR 3.0 Shores, Don & Jeannie

## Section 4

Township 17 South, Range 11 East, W.M.

2 NW $\frac{1}{4}$  NE $\frac{1}{4}$  301 IR 3.0 C.L.R. INC.

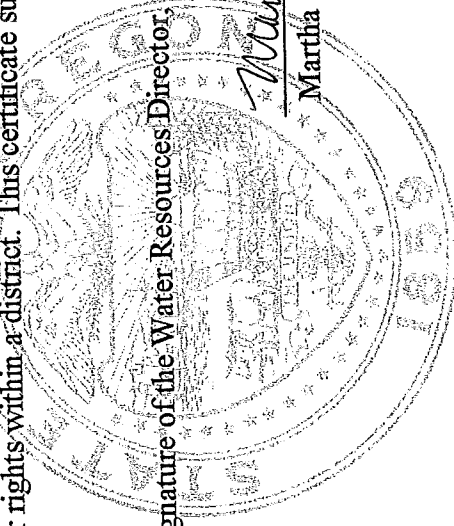
## Section 6

Township 17 South, Range 12 East, W.M.

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 and is subject to all other conditions and limitations contained in said decrees.

This certificate confirms an order of the Director entered on JUN 19 1997, 1997 and recorded in Special Order Volume 51, Page 151, approving a petition by Tumalo Irrigation District under ORS 541.329 for mapping water rights within a district. This certificate supersedes certificates 26508 and 31410.

WITNESS the signature of the Water Resources Director, affixed JUN 19 1997



*Martha O. Pagel*  
 Martha O. Pagel, Director

Recorded in State Record of Water Right Certificates numbered 74146.

HB-3111.BWB

*Mailed copy*

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 SALEM, OREGON



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

Jan 2007

## 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](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: L11.03 leased L-736  
Lease Application Number (assigned by WRD): \_\_\_\_\_

This Lease is with:

**Lessor #1 (Water Right Holder):**

Name Ingman, Cynthia  
Mailing address 18650 Couch Market Road  
City, State, Zip Code Bend, OR 97701  
Telephone number (541) 410-7416  
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. P 74146, 74147, S: 74147, 74148, 74149, 76520
- 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.]

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SALEM, OREGON



\*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)

T	R	Sect	¼	¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
1.	16S	11E	22	swse	2505	1.96	Irr	74146	5	9/1/1900
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 1.96

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).

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APR 13 2011  
WATER RESOURCES DEPT  
SALEM, OREGON

**~II~ Instream Water Right Information**

**2.3 Term of lease.** This lease shall terminate on October 15, 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.

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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.

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: Cynthia Ingman Date: Jan 18, 19  
Cynthia Ingman

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

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SALEM, OREGON

## EXHIBIT C

### Deschutes River Conservancy 2011 Instream Leasing Program

#### Policy Concerning Weeds & Instream Leases Information on Farm Deferral & Lease Payment

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

#### **Weed Policy**

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

*Information and Resources Attached*

#### **Farm Deferral Notice**

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

*Information and Resources Attached*

**Donated Leases:** Leases of less than 5 acres, leases with public entities, leases submitted after the due date agreed upon by the District and the DRC and posted by the District, and leases with verified weed complaints are not paid a per acre or per acre-foot rate by the DRC.

I, Cynthia J. Ingman understand the DRC weed policy and have  
been informed about farm deferral and donations.

*Print Name*

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APR 18 2011

WATER RESOURCES DEPT  
SALEM, OREGON

Signature: Cynthia J. Ingman Date: Apr 18, 2011

**This form must be signed and returned with state lease form.**

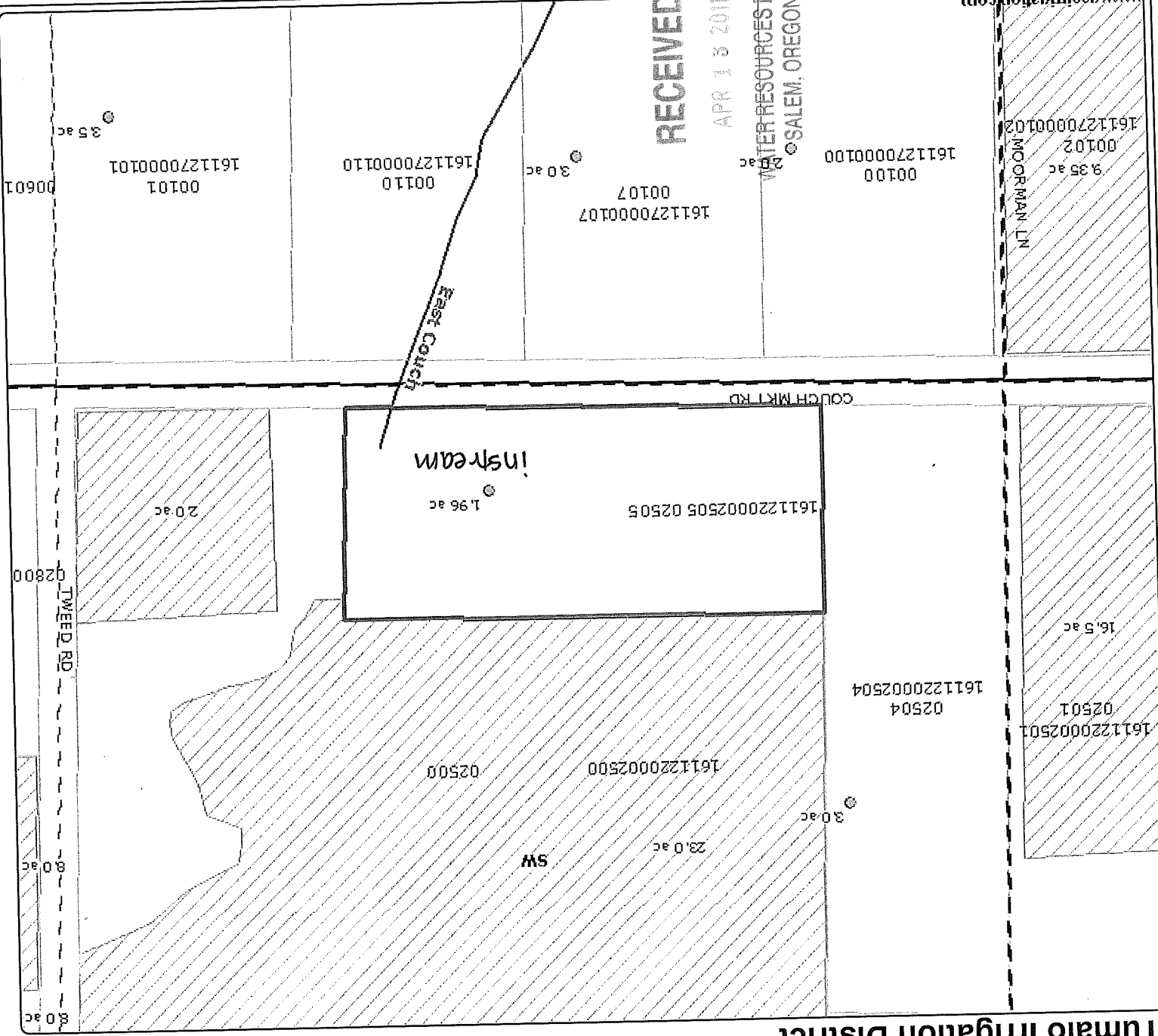
# Tumalo Irrigation District

Ingman, Cynthia  
16-11-22-SW/SE-02505

- ◆ Cities
- ▭ District Boundary
- Highways
- Major Roads
- ▭ Road Labels
- ▭ Township Range
- ▭ Sections
- ▭ Section Labels
- ▭ Quarters
- ▭ Quarter Labels
- ▭ Quarter Quarters
- ▭ Quarter Quarter Labels
- ▭ Lot Labels
- ▭ Taxlot Labels
- ▭ Taxlots
- ▭ Canal All
- ▭ Canal Closed
- ▭ Canal Open
- ▭ Reservoir
- ⊙ Unmapped Rights Labels
- ⊙ Unmapped Rights
- ▭ Mapped Rights Labels
- ▭ Primary 74146 7
- ▭ Primary 76 106
- ▭ NHD Stream/River Area



Scale 1" = 200'  
Created: 1/13/2011



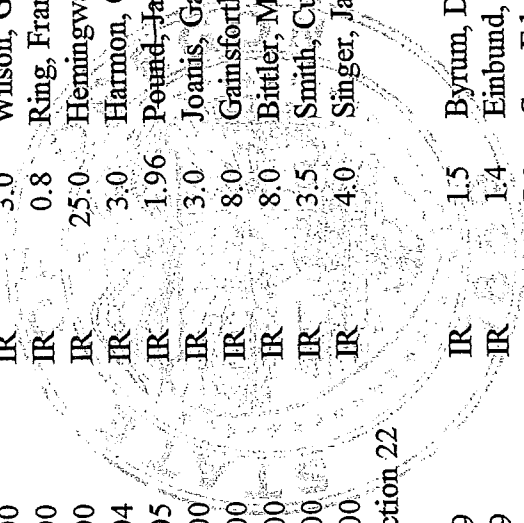
www.geointegration.com

SE $\frac{1}{4}$ NE $\frac{1}{4}$	500	IR	5.8	Goldy, Daniel
NE $\frac{1}{4}$ SW $\frac{1}{4}$	600	IR	0.5	Bend Metro Parks
SW $\frac{1}{4}$ SW $\frac{1}{4}$	1000	IR	6.0	Hickok/Wallace
SE $\frac{1}{4}$ SW $\frac{1}{4}$	600	IR	31.7	Bend Metro Parks
NE $\frac{1}{4}$ SE $\frac{1}{4}$	600	IR	6.7	Bend Metro Parks
SW $\frac{1}{4}$ SE $\frac{1}{4}$	600	IR	18.1	Bend Metro Parks
SE $\frac{1}{4}$ SE $\frac{1}{4}$	600	POND	2.0	Bend Metro Parks
SE $\frac{1}{4}$ SE $\frac{1}{4}$	600	IR	4.7	Bend Metro Parks
SE $\frac{1}{4}$ SE $\frac{1}{4}$	700	IR	1.0	Denall, Thomas & Linda
SE $\frac{1}{4}$ SE $\frac{1}{4}$	800	IR	1.0	Denall, Thomas & Linda
SE $\frac{1}{4}$ SE $\frac{1}{4}$	900	IR	0.1	Denall, Thomas & Linda
Section 21				
nw $\frac{1}{4}$ SE $\frac{1}{4}$	1500		4.0	Woods Trust
NE $\frac{1}{4}$ NE $\frac{1}{4}$	101	IR	3.0	Green, Leslie & Helen, Trustees
NW $\frac{1}{4}$ NE $\frac{1}{4}$	200	IR	3.6	Calkins, John & Rose
NW $\frac{1}{4}$ NE $\frac{1}{4}$	201	IR	4.3	Curl, James & Sheryl
NW $\frac{1}{4}$ NE $\frac{1}{4}$	202	IR	7.3	Spencer, Kevin & Linda
SW $\frac{1}{4}$ NE $\frac{1}{4}$	1000	IR	5.0	LaRusso, Thomas
SW $\frac{1}{4}$ NE $\frac{1}{4}$	900	IR	11.0	Andreson, Wilber & Andrea
NE $\frac{1}{4}$ NW $\frac{1}{4}$	400	IR	28.6	Hauxwell, Stanley & Jean
NW $\frac{1}{4}$ NW $\frac{1}{4}$	400	IR	10.2	Hauxwell, Stanley & Jean
NW $\frac{1}{4}$ NW $\frac{1}{4}$	401	IR	1.0	Hayes, Thomas Sr. & Lenore
NE $\frac{1}{4}$ SW $\frac{1}{4}$	2000	IR	30.6	Ruggieri, Thomas & Monica
NW $\frac{1}{4}$ SW $\frac{1}{4}$	2100	IR	15.0	Settergren, Elizabeth, Trustee
SW $\frac{1}{4}$ SW $\frac{1}{4}$	2200	IR	8.6	Thompson, Teresa Soriano
SW $\frac{1}{4}$ SW $\frac{1}{4}$	2200	POND	0.5	Thompson, Teresa Soriano
SW $\frac{1}{4}$ SW $\frac{1}{4}$	2300	IR	3.0	Chambers, Dwight & Mary Jo
SW $\frac{1}{4}$ SW $\frac{1}{4}$	2400	IR	3.0	McNeil, James & Rose
SW $\frac{1}{4}$ SW $\frac{1}{4}$	2401	IR	3.0	White, Roland H.
SE $\frac{1}{4}$ SW $\frac{1}{4}$	2501	IR	13.2	Sleepy Hollow Trust
SE $\frac{1}{4}$ SW $\frac{1}{4}$	2502	IR	7.0	Sleepy Hollow Trust
SE $\frac{1}{4}$ SW $\frac{1}{4}$	2503	IR	6.0	Kennedy, Robert & Charlotte
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1101	IR	4.5	Meade, Robert & Jerry
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1200	IR	1.0	Faller, David & Betty
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1300	IR	2.5	Ebbs, Jon & Mary Ann
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1400	IR	3.0	Wilson, Gary & Gail
NW $\frac{1}{4}$ SE $\frac{1}{4}$	1900	IR	0.8	Ring, Frank & Nancy
SW $\frac{1}{4}$ SE $\frac{1}{4}$	2500	IR	25.0	Hemingway, Collins & Wendy
SW $\frac{1}{4}$ SE $\frac{1}{4}$	2504	IR	3.0	Harmon, Chester & Jean
SW $\frac{1}{4}$ SE $\frac{1}{4}$	2505	IR	1.96	Pound-Jack & Linda Ingman
SE $\frac{1}{4}$ SE $\frac{1}{4}$	2600	IR	3.0	Joanis, Gary & Sharon
SE $\frac{1}{4}$ SE $\frac{1}{4}$	2700	IR	8.0	Gainsforth, Patricia
SE $\frac{1}{4}$ SE $\frac{1}{4}$	2800	IR	8.0	Bittler, Mickey L.
SE $\frac{1}{4}$ SE $\frac{1}{4}$	2900	IR	3.5	Smith, Curtis & Lorraine
SE $\frac{1}{4}$ SE $\frac{1}{4}$	3000	IR	4.0	Singer, Jack & Randi, Trustees
Section 22				
SW $\frac{1}{4}$ NE $\frac{1}{4}$	509	IR	1.5	Byrum, David & Terry
SW $\frac{1}{4}$ NE $\frac{1}{4}$	519	IR	1.4	Einbund, James
NE $\frac{1}{4}$ NW $\frac{1}{4}$	200	IR	7.0	Coe, Edwin & Donna
NE $\frac{1}{4}$ NW $\frac{1}{4}$	700	IR	9.7	Muzzy, Robert & Ruby
SE $\frac{1}{4}$ NW $\frac{1}{4}$	200	IR	2.6	Coe, Edwin & Donna
NE $\frac{1}{4}$ SW $\frac{1}{4}$	519	IR	0.3	Einbund, James
NW $\frac{1}{4}$ SW $\frac{1}{4}$	502	IR	7.8	McCormick, William P.
NW $\frac{1}{4}$ SW $\frac{1}{4}$	516	IR	1.4	Hiatt, Melva Joan
SW $\frac{1}{4}$ SW $\frac{1}{4}$	502	IR	5.9	McCormick, William P.

1996.089  
T7672

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

Jan. 2007

# 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](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: L11.04  
Lease Application Number (assigned by WRD): \_\_\_\_\_

This Lease is with:

**Lessor #1 (Water Right Holder):**  
Name Columbia Properties Resources, LLC  
Mailing address 1220 Main St, Suite 260  
City, State, Zip Code Vancouver, WA 98660  
Telephone number (360)699-4214  
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. P 74146, S: 74147, 74148, 74149, 76520
- 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.]

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\*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)

T	R	Sect	1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
1.	16S	12E	17	swnw	02004	7.50	Irr	74146	17	6/1/1907
2.										
3.										
4.										
5.										

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Total number of acres, if for irrigation, by certificate and priority date: 7.50 WATER RESOURCES DEPT  
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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)(c) (include necessary supporting documentation as Attachment 3).

**~II~ Instream Water Right Information**

**2.3 Term of lease.** This lease shall terminate on October 15, 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: Rob Davison Date: 2/22/11  
Pamela Hall, Office Administrator  
Rob Davison, Manager

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

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# EXHIBIT C

## Deschutes River Conservancy 2011 Instream Leasing Program

### Policy Concerning Weeds & Instream Leases Information on Farm Deferral & Lease Payment

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

#### **Weed Policy**

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

#### *Information and Resources Attached*

#### **Farm Deferral Notice**

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

#### *Information and Resources Attached*

**Donated Leases:** Leases of less than 5 acres, leases with public entities, leases submitted after the due date agreed upon by the District and the DRC and posted by the District, and leases with verified weed complaints are not paid a per acre or per acre-foot rate by the DRC.

I, Rob Davison understand the DRC weed policy and have  
been informed about farm deferral and donations.  
*Print Name*

Signature: Rob Davison Date: 2/27/11

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**This form must be signed and returned with state lease form.**

# Tumalo Irrigation District

Columbia Prop L11.04  
16-12-17-SW/NW-02004

• Cities

□ District Boundary

— Highways

— Major Roads

— Road Labels

□ Township Range

□ Sections

□ Section Labels

□ Quarters

□ Quarter Labels

□ Quarter Quarters

□ Quarter Quarter Labels

□ Lot Labels

□ Taxlot Labels

□ Taxlots

— Canal All

— Canal Closed

— Canal Open

□ Reservoir

○ Unmapped Rights Labels

○ Unmapped Rights

□ Mapped Rights Labels

□ Primary 74146 7

□ Primary 76 106

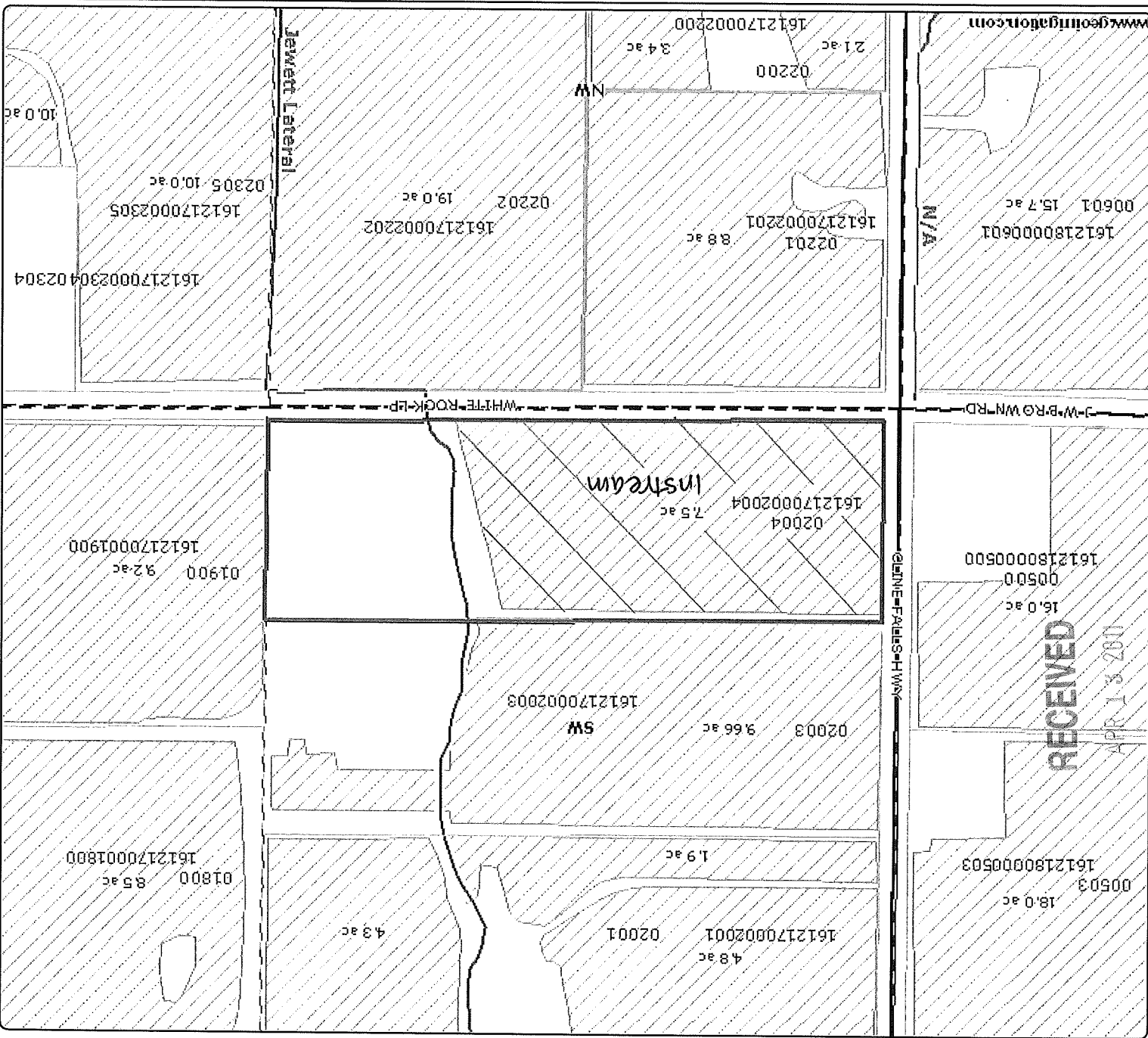
□ NHD Stream/River Area



Scale 1" = 300'  
Created: 1/14/2011

*Rob Larson*

DISCLAIMER: This map is intended for display purposes only and is not intended for any legal representations. There are no warranties, expressed or implied, that accompany this product.



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6/11/907 09 17

74176

NW 1/4 NW 1/4  
Section 16

19.6 Pacific NW Development

600	IR	2.0	Husted, James & Kelly
400	IR	1.8	Foucher, Dorothy
599	IR	4.0	Shatka, Michael & Shirley
600	IR	7.0	Moody, Richard & Denise
601	IR	4.0	Galloway, Patrick J.
602	POND	0.2	Towell, Thomas & Tammie
603	IR	7.0	Towell, Thomas & Tammie
700	IR	5.0	Wolf, Richard & Mary Jeanne
701	IR	2.0	Ray, James M.
702	IR	1.6	Mueller, Lorraine P.
1300	IR	6.0	Rose, Dennis & Anita
1400	IR	0.7	Hart, Susan
1500	IR	7.0	Brickey, Jerry & Patricia
1600	IR	2.8	McNamee, Patrick & Marty
2000	IR	11.26	Barnhart, John & Jennifer
2002	IR	13.2	Werner, William & Kristie
2001	IR	11.0	Rantschler, John & Nancy
2003	IR	6.7	Boone, Ryan Kim & Myrna Lynn
2004	IR	7.5	Boone, Daniel & Corinna
2301	IR	4.0	Davidson, Darrell & Nancy
2303	IR	4.0	Mobley, John & Nancy
2304	IR	3.0	Williams, Robert D.
2305	IR	6.3	Guier, James & Judy
2306	IR	2.0	Mobley, John & Nancy
2500	IR	11.4	Loemis, Susan
2501	IR	0.6	Loemis, Susan
2400	IR	31.5	Kinsey, William

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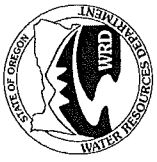
Section 17

502	IR	1.6	Gardner, James & Virginia
200	IR	38.8	Putnam, Lee & Mary/Steve & Arlene
800	POND	0.2	Barnum, Marie (Lifetime Estate)
800	IR	27.0	Barnum, Marie (Lifetime Estate)
1000	IR	2.3	Brant, Laverne & Betty
900	IR	15.0	Chilen, David & Geri
1100	IR	17.5	Sappington, Yvonne
1102	IR	9.5	King, Dorlee
1100	IR	9.5	Sappington, Yvonne
1102	IR	6.0	King, Dorlee
1200	IR	4.5	Miller, Cy
1201	IR	8.0	Goldman, William & Laurel
1300	IR	4.0	Miller, Cy
600	IR	15.0	Manis, Noel & Susan
601	IR	15.7	Townner, Earl & Judith
700	IR	16.0	Gould, Annunziata O.
701	IR	6.3	Pearson, David & Wyona
1400	IR	3.0	Covell, Charles & Susan
1401	IR	4.0	Grimshaw, Max & Betty
1402	IR	3.0	Wilson, Darrel & Elizabeth
1403	IR	4.0	Riegel/Burton, Gregg & Gail
1500	IR	7.0	Arnold, David & Becky
1501	IR	7.0	Cheney, Dale & Judith

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Jan 2007



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](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: L11.05 Leased L-736  
Lease Application Number (assigned by WRD): \_\_\_\_\_

This Lease is with:

**Lessor #1 (Water Right Holder):**

Name Edwin J. Bishop Trust  
Mailing address 64979 Highway 20  
City, State, Zip Code Bend, OR 97701  
Telephone number (541)312-8244  
Email address \_\_\_\_\_

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

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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. P 74147, S: 74148, 74149, 76520
- 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 1/4 1/4, tax lot number, map orientation and scale.]

T	R	Sect	¼ ¼	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.	16S	11E	25	ne/sw	00911	3.50	Irr	74147	6	10/29/191 3
2.	16S	11E	25	nw/se	00911	2.80	Irr	74147	6	10/29/191 3
3.	16S	11E	25	ne/sw	00913	.70	Irr	74147	6	10/29/191 3
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 7.0

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)(c) (include necessary supporting documentation as Attachment 3).

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WATER RESOURCES DEPT  
SALEM, OREGON

**~II~ Instream Water Right Information**

**2.3 Term of lease.** This lease shall terminate on October 15, 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: 2-1-2011  
Edwin J Bishop, Trustee

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

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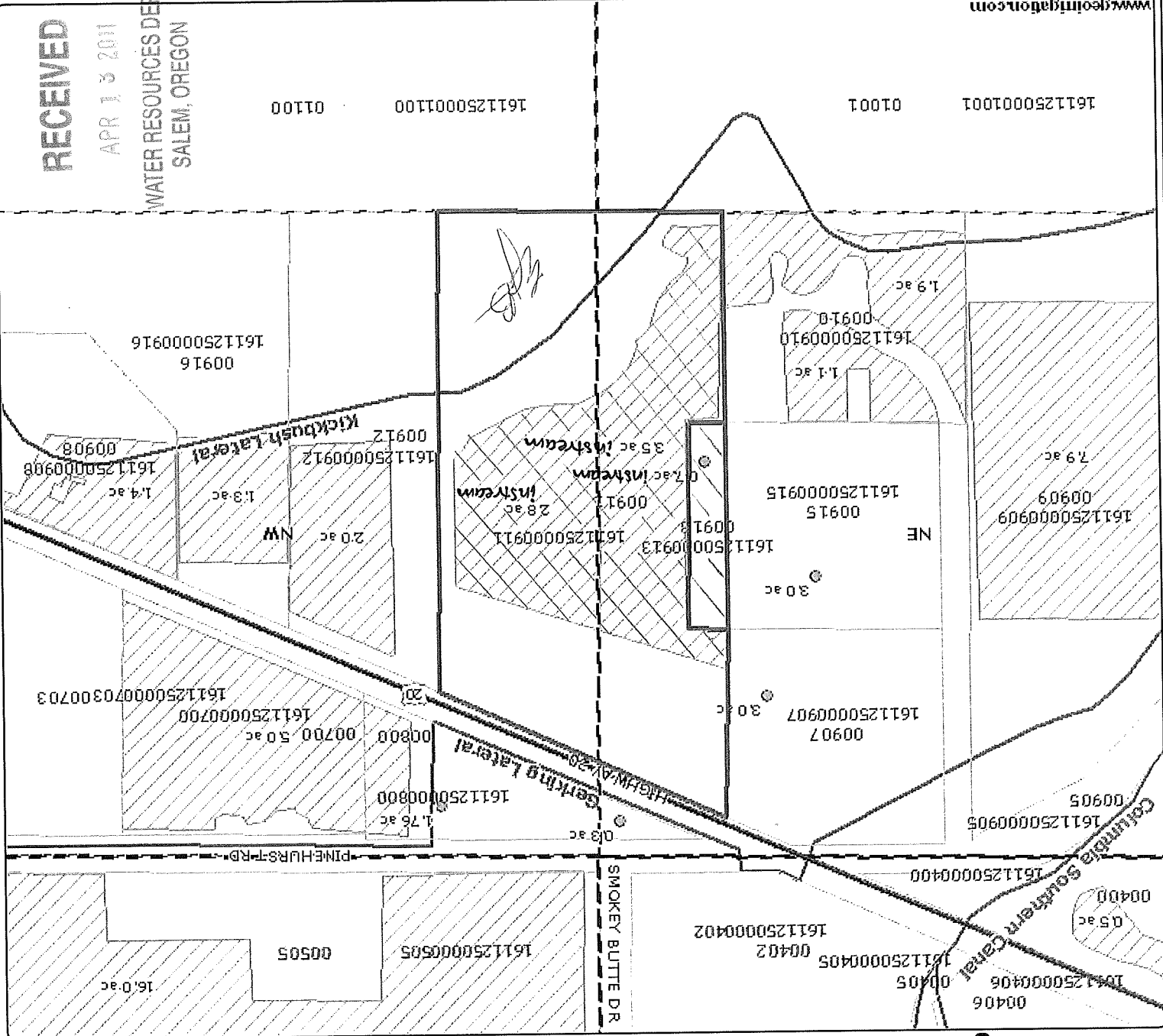
WATER RESOURCES DEPT  
SALEM, OREGON

# Tumalo Irrigation District

Ed Bishop Trust L11.05  
16-11-25-TL 913, 911

- \* Cities
- District Boundary
- Highways
- Major Roads
- Road Labels
- Township Range
- Sections
- Section Labels
- Quarters
- Quarter Labels
- Quarter Quarters
- Quarter Quarter Labels
- Lot Labels
- Taxlot Labels
- Taxlots
- Canal All
- ▨ Canal Closed
- Canal Open
- ▨ Reservoir
- Unmapped Rights Labels
- Unmapped Rights
- ▨ Mapped Rights Labels
- ▨ Primary 74146 7
- ▨ Primary 76108
- ※ NHD Stream/River Area

Scale 1" = 300'  
Created: 1/14/2011



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## EXHIBIT C

### Deschutes River Conservancy 2011 Instream Leasing Program

#### Policy Concerning Weeds & Instream Leases Information on Farm Deferral & Lease Payment

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

#### **Weed Policy**

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

#### *Information and Resources Attached*


#### **Farm Deferral Notice**

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

#### *Information and Resources Attached*

**Donated Leases:** Leases of less than 5 acres, leases with public entities, leases submitted after the due date agreed upon by the District and the DRC and posted by the District, and leases with verified weed complaints are not paid a per acre or per acre-foot rate by the DRC.

I, EDWARD J. BISHOP understand the DRC weed policy and have  
Print Name  
been informed about farm deferral and donations.

Signature:  Date: 2-01-11

**This form must be signed and returned with state lease form.**

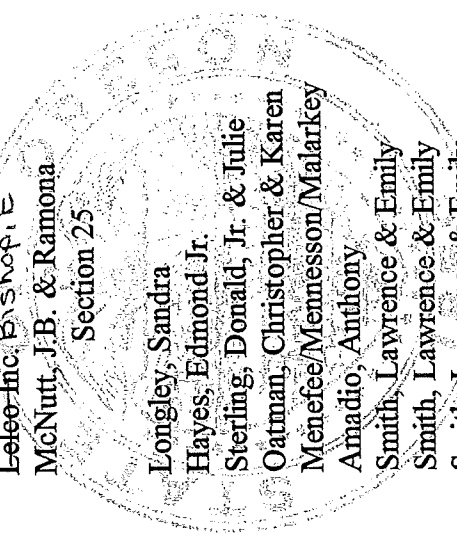


SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	505	Hastings, Martha G.	IR	16.00
SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	501	Schumacher, William & Denise	IR	2.00
SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	502	Nolan, James	IR	5.00
SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	503	Tovey, Robert	IR	1.20
SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	504	Pimentel, Kenneth & Virginia	IR	3.00
NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	302	Richardson Family 1990 Trust	IR	3.40
NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	305	Dosher/Silva/Davies	IR	2.00
NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	306	Holling, Barry & Barbara	IR	2.60
NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	1300	Van Houewling, Dirk	IR	2.00
SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	400	Amadio, Anthony	IR	9.50
SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	900	Davidson/Moorehouse	IR	2.88
SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	901	Mykol, Harold & Doris	IR	2.30
SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	400	Amadio, Anthony	IR	0.50
SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	405	Wonser, Michael & Mary	IR	0.30
SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	406	Hughes, Marion & Maureen	IR	2.70
SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	407	Larson, Mark & Katharyn	IR	2.50
NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	800	Hammack, Jonas	IR	0.30
NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	905	Amadio, Anthony	IR	1.00
NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	907	Ehlers, Arno & Jacqueline	IR	3.00
NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	909	Vincent, Tim & Teresa	IR	7.90
NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	910	Bulen, Richard & Joan	IR	3.00
NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	911	Leleo-Inc. Bishop, E	IR	3.50
NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	913	Leleo-Inc. Behr, P E	IR	0.70
NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	915	Lenhard, Gary & Berna	IR	3.00
NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	905	Amadio, Anthony	IR	11.00
NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	906	Vincent, Tim & Teresa	IR	5.00
SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	902	Aldridge, Daniel & Deborah	IR	1.00
SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	904	Vincent Family Farms Inc.	IR	6.30
SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	906	Vincent, Tim & Teresa	IR	1.10
NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	701	Hall, William & Mary	IR	22.00
NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	702	Hall, William & Mary	IR	5.20
NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	908	Mountain Memories Inc.	IR	2.60
NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	700	Wyatt, Robert & Mary Ann	IR	5.00
NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	703	Wyatt, Garrett	IR	4.00
NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	800	Hammack, Jonas	IR	1.60
NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	908	Mountain Memories Inc.	IR	2.70
NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	911	Leleo-Inc Bishop, E	IR	2.80
NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	912	McNutt, J.B. & Ramona Section 25	IR	2.00
NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	101	Longley, Sandra	IR	9.80
NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	103	Hayes, Edmond Jr.	IR	0.10
NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	107	Sterling, Donald, Jr. & Julie	IR	0.80
NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	109	Oatman, Christopher & Karen	IR	0.40
SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	201	Menefee/Menesson/Malarkey	IR	6.50
SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	603	Amadio, Anthony	IR	19.00
NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	100	Smith, Lawrence & Emily	IR	7.20
NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	112	Smith, Lawrence & Emily	IR	2.60
NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	114	Smith, Lawrence & Emily	IR	11.20
NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	108	Samuelson/Connell	IR	1.40
NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	112	Smith, Lawrence & Emily	IR	5.10
NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	115	Karcher, William Jr. & Stephanie	IR	4.00
NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	116	Morehen, Patricia	IR	2.50
NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	601	Martin, Jack W.	IR	7.00
SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	111	Maloney, Michael & Linda	IR	0.75
SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	117	Lemon, Leo & Carol	IR	12.00
SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	204	Chandler, Yvette M.	IR	13.00
NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	300	Masters, Richard & Judy	IR	25.00
NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	104	Koehler, Alice	IR	31.00
			IR	36.00

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

Jan 2007

# 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](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: L11.06 (owned L-1045, 916)  
Lease Application Number (assigned by WRD): \_\_\_\_\_

This Lease is with: \_\_\_\_\_

**Lessor #1 (Water Right Holder):**

Name Christianson, Michael & Roberta  
Mailing address 1635 NW Teak Avenue  
City, State, Zip Code Redmond, OR 97756  
Telephone number (541) 504-0374  
Email address \_\_\_\_\_

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If additional water right holders, enter water right holder information below \_\_\_\_\_  
\_\_\_\_\_ **WATER RESOURCES DEPT**  
\_\_\_\_\_ **SALEM, OREGON**

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. P 74146, 74147, 76106
- 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 1/4 1/4, tax lot number, map orientation and scale.]

\*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)

T	R	Sect	¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
1.	16S	11E	14	nenw	00600	9.0	Irr	74146	4	9/1/1900
2.	16S	11E	11	sesw	00801	4.70	Irr	74146	3	9/1/1900
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 13.70

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).

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**~II~ Instream Water Right Information**

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**2.3 Term of lease.** This lease shall terminate on October 15, 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: 3/2/2011  
Michael J. Christianson  
 Date: 3/2/2011  
Roberta H. Christianson

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

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State of Oregon  
 Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1266  
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Jan 2007

## Additional Water Right Form For Pooled Water Right Holder 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).*

~I~

### Section 1.5 continued from Pooled Leasing Water Right Holder Form.

**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 1/4 1/4, tax lot number, map orientation and scale.]

T	R	Sect	1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
1.	16S	11E	11	sesw 00801	5.30	IRR	74147	2	10/29/1913
2.									
3.									
4.									
5.									
6.									
7.									
8.									
9.									
10.									

\*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)

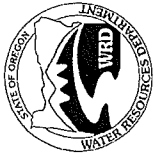
[Attached map(s) must identify water right holder, township, range, section and 1/4 1/4, tax lot number, map orientation and scale.]

Total number of acres, if for irrigation, by certificate and priority date: 5.30

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 Water Resources Department  
 725 Summer Street NE, Suite A  
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# Additional Water Right Form For Pooled Water Right Holder Instream Lease

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

~I~

## Section 1.5 continued from Pooled Leasing Water Right Holder Form.

**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 1/4 1/4, tax lot number, map orientation and scale.]

T	R	Sect	1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
1.	16S	11E	11	sesw	00801	8.0	IRR	76106	1	12/8/1961
2.	16S	11E	14	nenw	00600	7.0	IRR	76106	1	12/8/1961
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

\* (Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)

[Attached map(s) must identify water right holder, township, range, section and 1/4 1/4, tax lot number, map orientation and scale.]

Total number of acres, if for irrigation, by certificate and priority date: 15.0

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## EXHIBIT C

### Deschutes River Conservancy 2011 Instream Leasing Program

#### Policy Concerning Weeds & Instream Leases Information on Farm Deferral & Lease Payment

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

#### **Weed Policy**

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

*Information and Resources Attached*

#### **Farm Deferral Notice**

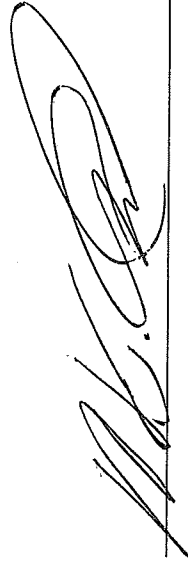
Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

*Information and Resources Attached*

**Donated Leases:** Leases of less than 5 acres, leases with public entities, leases submitted after the due date agreed upon by the District and the DRC and posted by the District, and leases with verified weed complaints are not paid a per acre or per acre-foot rate by the DRC.

I, M. Carter J. CHRISTIANSON understand the DRC weed policy and have  
Print Name

been informed about farm deferral and donations.

Signature:  Date: 3/2/2011

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This form must be signed and returned with state lease form.

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# Tumalo Irrigation District

Christianson, M/R L11.06  
16-11-11-SE/SW-00801

\* Cities

□ District Boundary

— Highways

— Major Roads

— Road Labels

□ Township Range

□ Sections

□ Section Labels

□ Quarters

□ Quarter Labels

□ Quarter Quarters

□ Quarter Quarter Labels

□ Lot Labels

□ Taxlot Labels

□ Taxlots

— Canal All

▨ Canal Closed

□ Canal Open

▨ Reservoir

○ Unmapped Rights Labels

○ Unmapped Rights

▨ Mapped Rights Labels

▨ Primary 74146 7

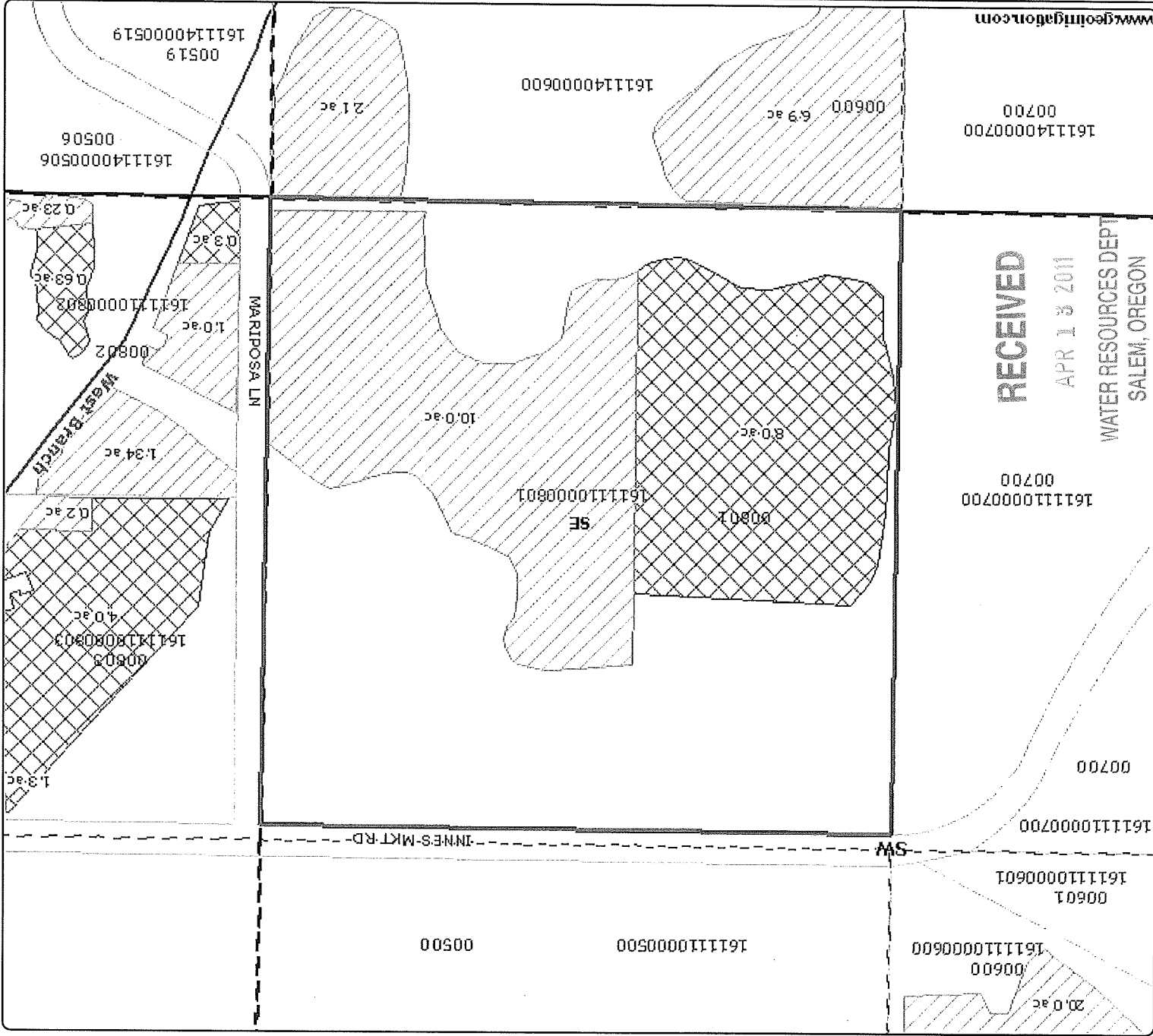
▨ Primary 76106

○ NHD StreamRiver Line



Scale 1" = 300'  
Created: 1/14/2011

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161110000700  
00700

161110000700

161110000601  
00601

161110000600  
00600

20.0 ac

00500

161110000500

161110000801  
SE

8.0 ac

10.0 ac

MARIPOSA LN

1.0 ac

161110000802

0.63 ac

0.3 ac

0.28 ac

1611140000506

0.63 ac

2.1 ac

1611140000600

00600 6.9 ac

1611140000700  
00700

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# Tumalo Irrigation District

Christianson, M/R L1.06  
16-11-14-NE/NW-00600

+ Cities

□ District Boundary

— Highways

— Major Roads

□ Road Labels

□ Township Range

□ Sections

□ Section Labels

□ Quarters

□ Quarter Labels

□ Quarter Quarters

□ Quarter Labels

□ Lot Labels

□ Taxlot Labels

□ Taxlots

— Canal All

▨ Canal Closed

□ Canal Open

▨ Reservoir

○ Unmapped Rights Labels

○ Unmapped Rights

○ Mapped Rights Labels

▣ Primary 74146 7

▣ Primary 76106

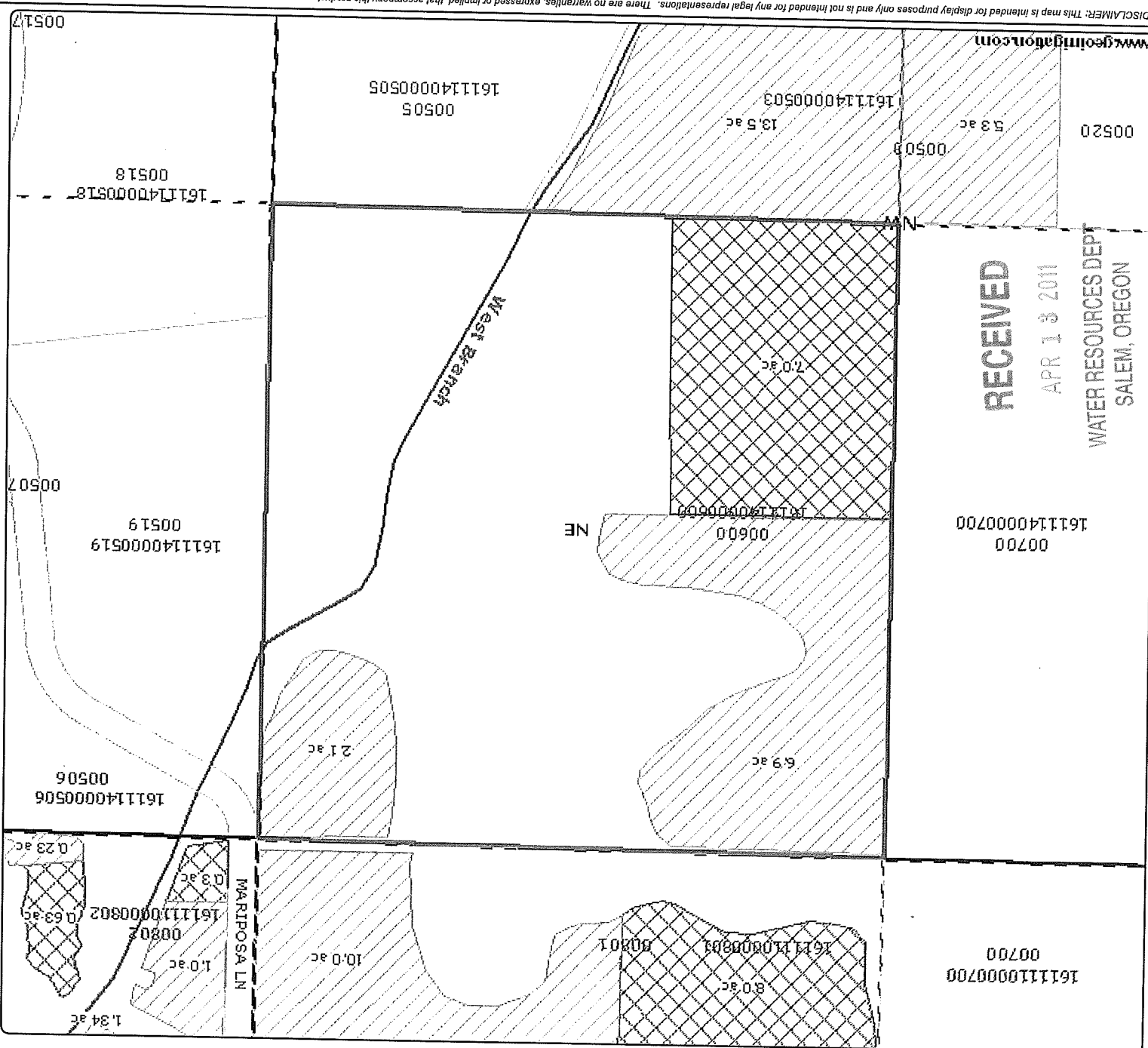
○ NHD Stream/River Area



Scale 1" = 300'

Created: 1/14/2011

*[Handwritten signature]*



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SE $\frac{1}{4}$ SE $\frac{1}{4}$	1500D	IR	0.6	Kelly, Bill & Veronica
SE $\frac{1}{4}$ SE $\frac{1}{4}$	1702D	IR	1.4	Tepner, Robert & Karen
Section 36				
Township 16 South, Range 11 East, W.M.				
NE $\frac{1}{4}$ NW $\frac{1}{4}$	403	IR	2.0	Duntley, Carole A.
NW $\frac{1}{4}$ NW $\frac{1}{4}$	500	IR	1.0	Chace, William & Brenda
NW $\frac{1}{4}$ NW $\frac{1}{4}$	600	IR	1.0	Campagna, David & Sharon
Section 7				
SW $\frac{1}{4}$ NE $\frac{1}{4}$	603	IR	0.8	Towell, Thomas & Tammie
SE $\frac{1}{4}$ NE $\frac{1}{4}$	595	IR	2.3	Lehmann, David & Mary
SE $\frac{1}{4}$ NE $\frac{1}{4}$	596	IR	2.3	Marks, Magnus & Grace
SE $\frac{1}{4}$ NE $\frac{1}{4}$	597	IR	2.0	Kelley, James S.
SE $\frac{1}{4}$ NE $\frac{1}{4}$	598	IR	1.4	Losch, Richard & Linda
SE $\frac{1}{4}$ NE $\frac{1}{4}$	599	IR	1.2	Foucher, Dorothy
Section 17				
SW $\frac{1}{4}$ NE $\frac{1}{4}$	2700	IR	2.0	Tucker, Jim & Denise
NE $\frac{1}{4}$ SW $\frac{1}{4}$	1000C	IR	4.6	Brookhart, Ronald C.
NE $\frac{1}{4}$ SW $\frac{1}{4}$	200C	IR	1.0	Wyatt, James & Grace
NE $\frac{1}{4}$ SW $\frac{1}{4}$	500C	IR	1.0	Ward, Dennis
NW $\frac{1}{4}$ SW $\frac{1}{4}$	1200C	IR	1.0	Clark, Kevin & Pamela
NW $\frac{1}{4}$ SW $\frac{1}{4}$	1300C	IR	2.0	Tucker, Billy & Bonnie
NW $\frac{1}{4}$ SW $\frac{1}{4}$	1400C	IR	1.0	Christ, Donald & Iris
Section 19				
NW $\frac{1}{4}$ SW $\frac{1}{4}$	403	IR	2.0	Scott, Cheryl
Section 30				
Township 16 South, Range 12 East, W.M.				
NW $\frac{1}{4}$ NE $\frac{1}{4}$	200A	IR	1.0	Jacobs, Russell & Mary
Section 3				
NW $\frac{1}{4}$ NE $\frac{1}{4}$	600A	IR	2.0	Cronin, John & Margaret
Section 10				
SW $\frac{1}{4}$ NW $\frac{1}{4}$	500	IR	14.6	Coats, R.L. & Joyce
SE $\frac{1}{4}$ NW $\frac{1}{4}$	600	IR	5.4	Coats, R.L. & Joyce
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1100	IR	5.0	Hyde/Marcinek, Geoffrey & Helenka
Section 11				
NW $\frac{1}{4}$ SW $\frac{1}{4}$	2500	IR	2.0	Hanson, Robert & Ruth
Section 13				
Township 17 South, Range 11 East, W.M.				
Priority: 9/1/00				
SW $\frac{1}{4}$ SE $\frac{1}{4}$	400	IR	3.94	Barr/Bach, Doris & George
SE $\frac{1}{4}$ SE $\frac{1}{4}$	800	IR	15.55	Mahoney, Dan & Martha
Section 1				
SE $\frac{1}{4}$ SW $\frac{1}{4}$	801	IR	4.7	Christianson, Michael & Roberta
SW $\frac{1}{4}$ SE $\frac{1}{4}$	802	IR	1.0	Turner/Lupton, Robert & Courtney
SE $\frac{1}{4}$ SE $\frac{1}{4}$	900	IR	3.0	Waldron Jr., Harvey & Genevieve
Section 11				

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NE 1/4 NE 1/4	102	IR	9.0	Vollstedt, Scott & Laura
NE 1/4 NE 1/4	103	IR	4.0	Barr/Bach, Doris & George
NE 1/4 NE 1/4	105	IR	12.0	Barr/Bach, Doris & George
SE 1/4 NE 1/4	100	IR	2.0	Eddings, Ronald & Jeannie
SW 1/4 NW 1/4	500	IR	2.0	DeMaris, Roger & Shirley
SW 1/4 NW 1/4	700	IR	2.0	Miller, Glen
SE 1/4 NW 1/4	400	IR	5.5	Robbins/Ackley
SE 1/4 NW 1/4	401	IR	9.5	Johnson, Barbara & Walt
NE 1/4 SW 1/4	1100	IR	0.6	Winch, Martin
SW 1/4 SW 1/4	1200	IR	15.8	Gillham, John & Audrey
SE 1/4 SW 1/4	1100	IR	2.5	Winch, Martin
SE 1/4 SW 1/4	1200	IR	3.6	Gillham, John & Audrey
NW 1/4 SE 1/4	1100	IR	2.4	Winch, Martin
SW 1/4 SE 1/4	1100	IR	5.3	Winch, Martin
SE 1/4 SE 1/4	1900	IR	2.0	Bagg, Barbara

Section 12

NE 1/4 NE 1/4	100	IR	31.7	Tracy, Judy
NW 1/4 NE 1/4	100	IR	25.0	Tracy, Judy
NW 1/4 NE 1/4	1100	IR	1.2	Winch, Martin
SW 1/4 NE 1/4	902	IR	36.2	Field, John & Mary
SE 1/4 NE 1/4	900	IR	29.5	Watkins, Chris
NE 1/4 NW 1/4	501	IR	2.0	Hilbruner (Trustee), Liddy
NE 1/4 NW 1/4	502	IR	6.0	Shook, Russell & Joanne
NW 1/4 NW 1/4	400	IR	31.1	Hanson, Phil Sr. & Ruth
SW 1/4 NW 1/4	401	IR	25.0	Gardner, Robert & Joyce
SE 1/4 NW 1/4	902	IR	11.2	Field, John & Mary
NE 1/4 SE 1/4	1000	IR	18.0	Hately, Pamela H.
NE 1/4 SE 1/4	901	IR	18.2	Fletcher, Paul T.
NW 1/4 SE 1/4	901	IR	34.8	Fletcher, Paul T.
SE 1/4 SE 1/4	1100	IR	2.0	Carver, Roy & Jean
SE 1/4 SE 1/4	1400	IR	2.5	Day, Matt & Lesley
SE 1/4 SE 1/4	1401	IR	4.5	Kirkhorn, Bruce

Section 13

NE 1/4 NE 1/4	100	IR	0.5	Fidler, Terry & Mary
NE 1/4 NW 1/4	600	IR	9.0	Christianson, Michael & Roberta
SW 1/4 NW 1/4	503	IR	20.0	Mueller Trust, Kenneth & Norma
SW 1/4 NW 1/4	505	POND	0.5	Mueller Trust, Kenneth & Norma
SW 1/4 NW 1/4	505	IR	15.5	Mueller Trust, Kenneth & Norma
SE 1/4 NW 1/4	503	IR	8.8	Mueller Trust, Kenneth & Norma
SE 1/4 NW 1/4	505	IR	5.0	Mueller Trust, Kenneth & Norma
NW 1/4 SW 1/4	501	IR	9.0	Eyer, James
NW 1/4 SW 1/4	504	IR	14.2	Allen, Charlie & Wendy

Section 14

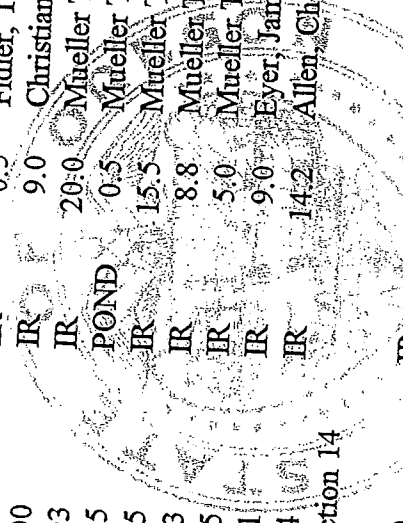
SW 1/4 NE 1/4	500	IR	4.0	Eyer, Dale & Mary
SE 1/4 NE 1/4	600	IR	39.5	Mueller Trust, Kenneth & Norma
SE 1/4 NW 1/4	1400	IR	7.93	Walker, Donald & Marianne
NE 1/4 SW 1/4	1600	IR	35.27	Walker, Donald & Marianne
NW 1/4 SW 1/4	1600	IR	35.27	Walker, Donald & Marianne
SW 1/4 SW 1/4	1600	POND	0.7	Walker, Donald & Marianne
SW 1/4 SW 1/4	1600	IR	21.87	Walker, Donald & Marianne
SE 1/4 SW 1/4	1600	IR	37.16	Walker, Donald & Marianne
SW 1/4 SE 1/4	1000	IR	6.0	Jungers, Frank & Julia
SW 1/4 SE 1/4	900	IR	1.0	Jungers, Frank & Julia
SE 1/4 SE 1/4	900	IR	2.01	Jungers, Frank & Julia

Section 15

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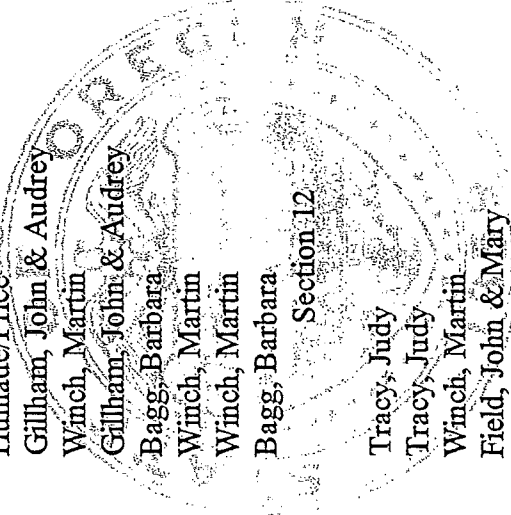
No water in addition to that allowed for irrigation shall be diverted for stock use during the irrigation season.

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

LOT	QTR/QTR	T.L.	ID	OWNER	USE	PRIM	SUPPL
	SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	400		Barr/Bach, Doris & George	IR		3.94
	SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	700		Bruder/Casey, Jeanne & Bruce	IR	1.00	
	SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	800		Mahoney, Dan & Martha	IR	1.45	17.55
				Section 1			
	NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	600		Marazzo, Ronald	IR	20.00	
	SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	801		Christianson, Michael & Roberta	IR	5.30	4.70
	SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	800		Paiva, Joe & Wanita	IR	3.40	
	SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	802		Turner/Lupton, Robert & Courtney	IR	1.50	1.00
	SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	803		Paiva, Joe & Wanita	IR	1.60	0.50
	SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	900		Waldron Jr., Harvey & Genevieve	IR	<b>RECEIVED</b>	3.70
	SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	901		Waldron Jr., Harvey & Genevieve	IR	0.30	
				Section 11			
	NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	102		Vollstedt, Scott & Laura			
	NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	103		Barr/Bach, Doris & George			
	NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	105		Barr/Bach, Doris & George			
	SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	300		Bullat, Chris & Janet	IR	6.80	
	SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	301		Bullat, Chris & Janet	IR	0.20	
	SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	100		Eddings, Ronald & Jeannie	IR	1.50	2.00
	SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	101		Hanson, Philip & Leah	IR	5.50	
	SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	102		Vollstedt, Scott & Laura	IR	6.00	
	SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	104		Waldron, Gail L.	IR	2.00	
	SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	500		DeMaris, Roger & Shirley	IR		2.00
	SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	501		Ruso, Joy D.	IR		2.00
	SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	700		Miller, Glen	IR		2.00
	SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	400		Robbins/Ackley	IR		5.50
	SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	401		Johnson, Barbara & Walt	IR		9.50
	NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	1100		Winch, Martin	IR		0.60
	NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	1000		Huillade/Price	IR	2.70	
	SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	1200		Gillham, John & Audrey	IR		31.90
	SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	1100		Winch, Martin	IR		2.50
	SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	1200		Gillham, John & Audrey	IR		3.80
	NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	1900		Bagg, Barbara	IR	8.10	
	NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	1100		Winch, Martin	IR		2.40
	SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	1100		Winch, Martin	IR	10.00	5.30
	SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	1900		Bagg, Barbara	IR	13.40	2.00
				Section 12			
	NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	100		Tracy, Judy	IR		31.70
	NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	100		Tracy, Judy	IR		25.00
	NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	1100		Winch, Martin	IR		1.20
	SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	902		Field, John & Mary	IR		36.20
	SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	900		Watkins, Chris	IR		29.50
	NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	501		Hilbruner (Trustee), Liddy	IR		2.00
	NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	502		Shook, Russell & Joanne	IR		6.00
	NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	400		Hanson, Phil Sr. & Ruth	IR		37.50
	SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	101		Gardner, Robert & Joyce	IR	1.20	
	SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	401		Gardner, Robert & Joyce	IR	2.30	25.00
	SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	902		Field, John & Mary	IR	1.30	11.20
	NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	1000		Hately, Pamela H.	IR		18.00
	NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	901		Fletcher, Paul T.	IR		18.20
	NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	901		Fletcher, Paul T.	IR		34.80

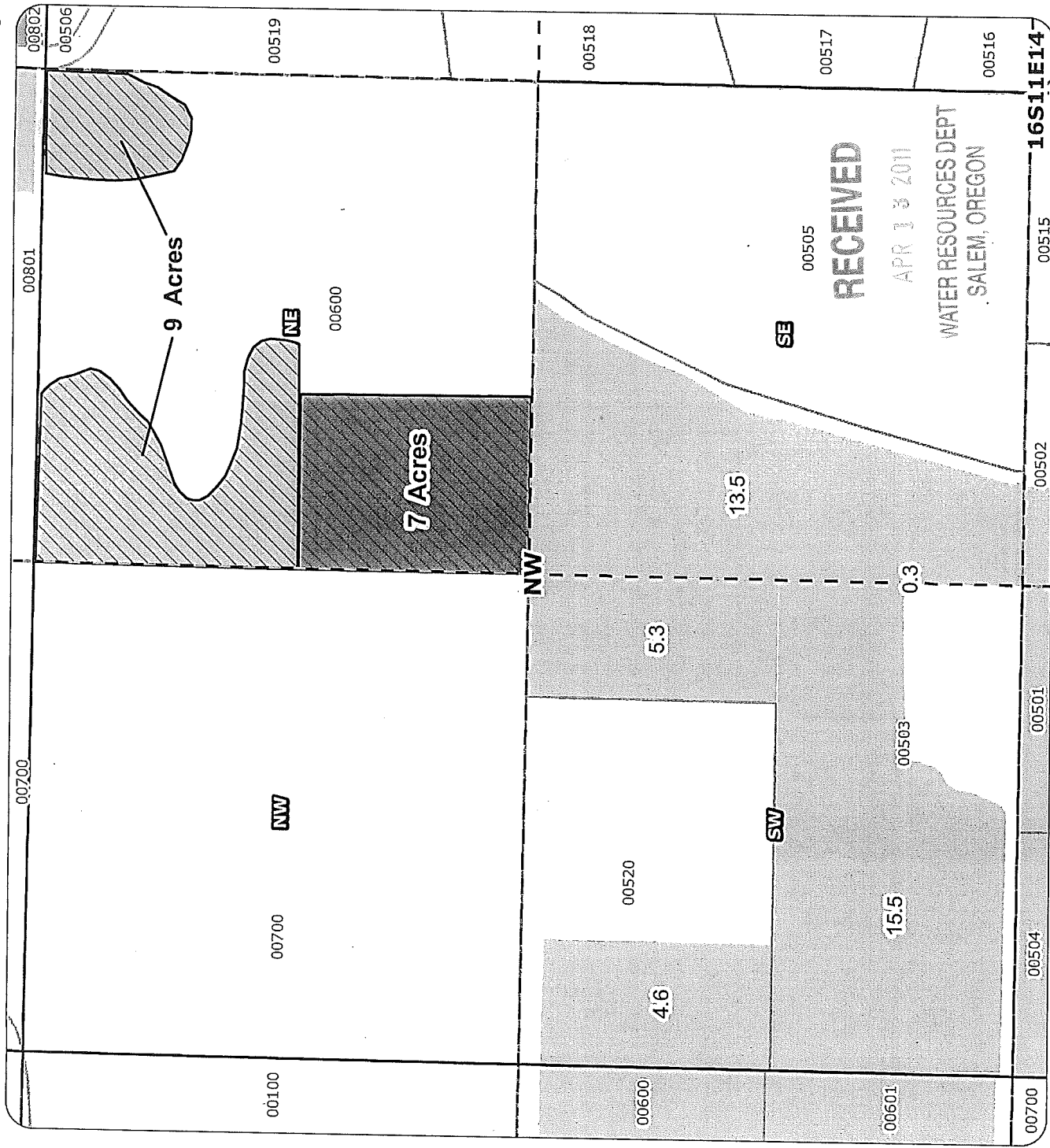
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SEE NEXT PAGE

# 2011 Tumalo Irrigation District Instream Lease Map



## Application for Instream Lease

-  Proposed Lease of Irrigation Rights
  -  Unmapped Proposed Lease
  -  Unmapped Water Rights
  -  Cert 76106
  -  Cert 74146 & 74147
- for  
Christianson L10.04  
taxlot 600 - 9.0 acres  
taxlot 600 - 7.0 acres  
in 161114NENW  
0 acres remaining in taxlot  
Total Lease of 16.0 Acres

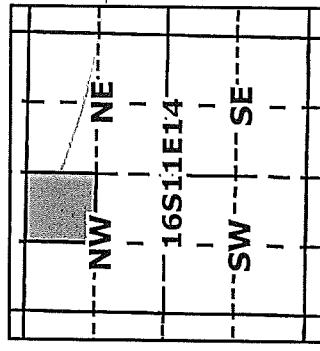


**Geo-Spatial Solutions, Inc.**

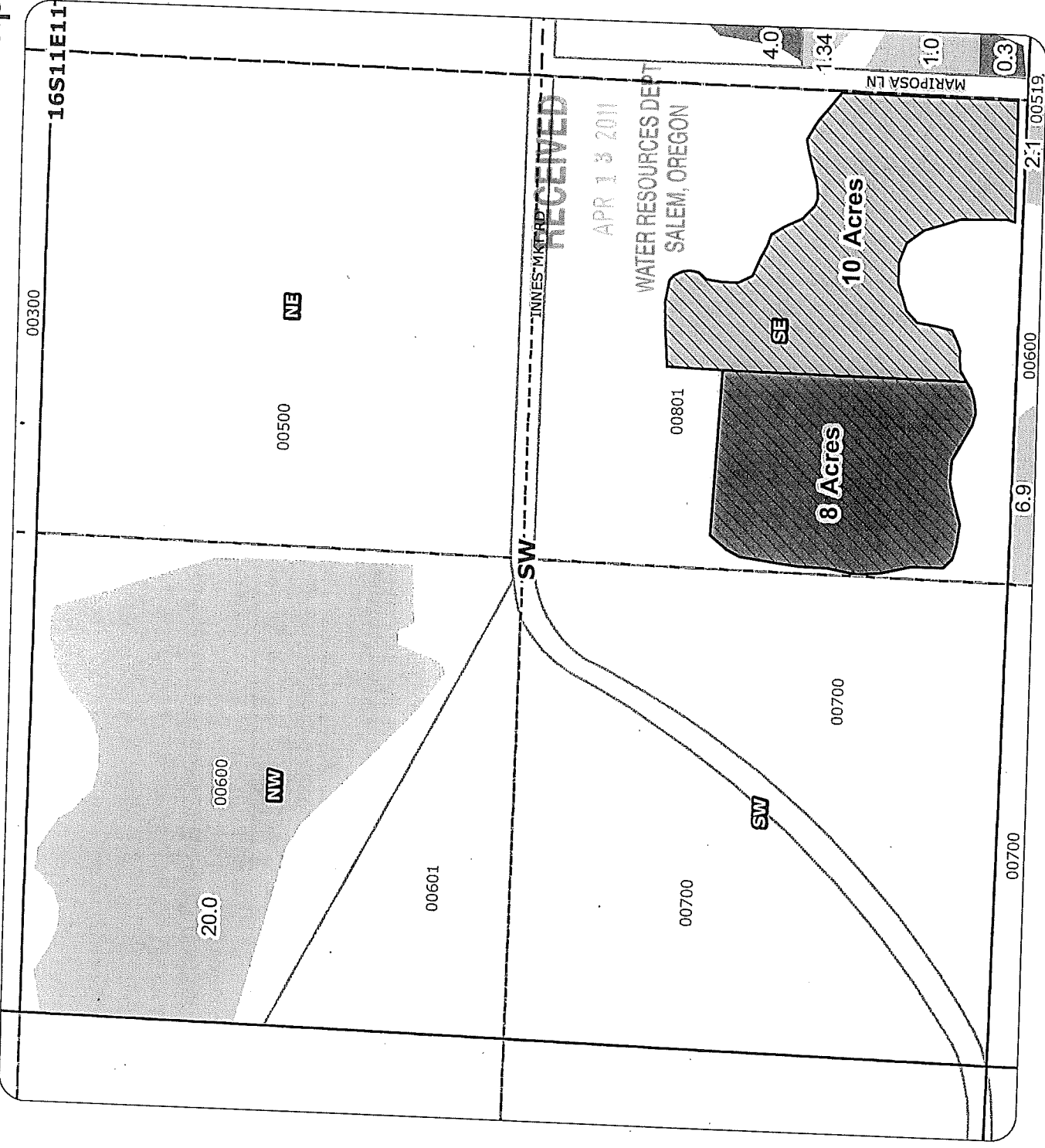
[www.geospatialSolutions.com](http://www.geospatialSolutions.com)

Date Created: February 2010






1 inch equals 400 feet



# 2011 Tumalo Irrigation District Instream Lease Map

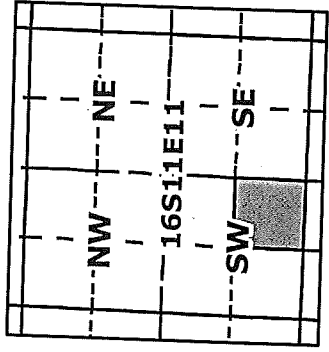


## Application for Instream Lease

-  Proposed Lease of Irrigation Rights
  -  Unmapped Proposed Lease
  -  Unmapped Water Rights
  -  Cert 76106
  -  Cert 74146 & 74147
- for  
 Christianson L10.04  
 taxlot 801 - 10.0 acres  
 taxlot 801 - 8.0 acres  
 in 161111SESW  
 0 acres remaining in taxlot  
 Total Lease of 18.0 Acres

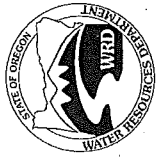


**GSS**  
 Geo-Spatial Solutions, Inc.  
 www.geospatialsolutions.com



1 inch equals 400 feet

Date Created: February 2010



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](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: L11.07 Leased L-815  
Lease Application Number (assigned by WRD): \_\_\_\_\_

This Lease is with:

**Lessor #1 (Water Right Holder):**

Name Goebel Trust, Steven & Elizabeth Goebel, Trustees  
Mailing address 1025 NW Couch Street, #1014  
City, State, Zip Code Portland, OR 97209  
Telephone number (541) 389-6562  
Email address Stevegoebel@Comcast.net

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

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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. P 74146, S: 74147, 74148, 74149, 76520
- 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 1/4 1/4, tax lot number, map orientation and scale.]

\*(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.	16S	11E	22	sww	02200	0.6	Irr	74146	5	9/1/1900
2.	16S	11E	22	SWSW	02200	0.5	POND	74146	5	9/1/1900
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 0.6 Irr, 0.5 POND

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.

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**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 DEPT SALEM, OREGON 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 15, 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: 1/25/11  
~~Elizabeth Goebel, Trustee~~ STEVEN GOEBEL, TRUSTEE

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

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## EXHIBIT C

### Deschutes River Conservancy 2011 Instream Leasing Program

#### Policy Concerning Weeds & Instream Leases Information on Farm Deferral & Lease Payment

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

#### **Weed Policy**

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

*Information and Resources Attached*

#### **Farm Deferral Notice**

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

*Information and Resources Attached*

**Donated Leases:** Leases of less than 5 acres, leases with public entities, leases submitted after the due date agreed upon by the District and the DRC and posted by the District, and leases with verified weed complaints are not paid a per acre or per acre-foot rate by the DRC.

I, Steven C. Goebel understand the DRC weed policy and have  
*Print Name*  
been informed about farm deferral and donations.

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Signature:  Date: 4/25/11  
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**This form must be signed and returned with state lease form.**

# Tumalo Irrigation District

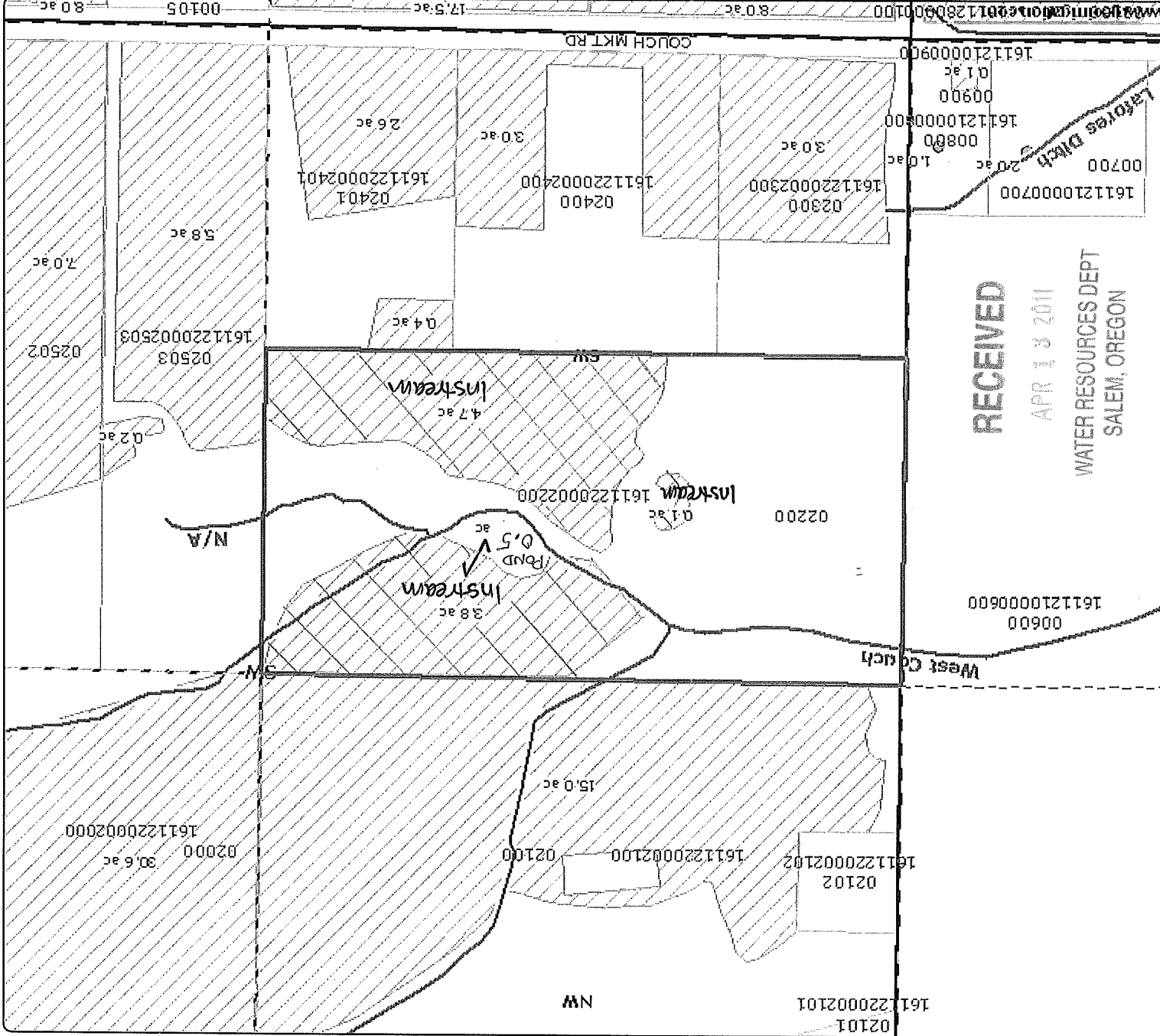
Goebel Trust  
16-11-22-SW-02200

- ◆ Cities
- ▭ District Boundary
- ▬ Highways
- ▬ Major Roads
- ▬ Road Labels
- ▭ Township Range
- ▭ Sections
- ▭ Section Labels
- ▭ Quarters
- ▭ Quarter Labels
- ▭ Quarter Quarters
- ▭ Lot Labels
- ▭ Taxlot Labels
- ▭ Taxlots
- ▬ Canal All
- ▭ Canal Closed
- ▭ Canal Open
- ▭ Reservoir
- Unmapped Rights Labels
- Unmapped Rights
- ▭ Mapped Rights Labels
- ▭ Primary 74146 7
- ▭ Primary 76106
- ▭ NHD Stream/River Area

Scale 1" = 300'  
Created: 1/18/2011



*[Handwritten signature]*



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SE $\frac{1}{4}$ NE $\frac{1}{4}$	500	IR	5.8	Goldy, Daniel
NE $\frac{1}{4}$ SW $\frac{1}{4}$	600	IR	0.5	Bend Metro Parks
SW $\frac{1}{4}$ SW $\frac{1}{4}$	1000	IR	6.0	Hickok/Wallace
SE $\frac{1}{4}$ SW $\frac{1}{4}$	600	IR	31.7	Bend Metro Parks
NE $\frac{1}{4}$ SE $\frac{1}{4}$	600	IR	6.7	Bend Metro Parks
SW $\frac{1}{4}$ SE $\frac{1}{4}$	600	IR	18.1	Bend Metro Parks
SE $\frac{1}{4}$ SE $\frac{1}{4}$	600	POND	2.0	Bend Metro Parks
SE $\frac{1}{4}$ SE $\frac{1}{4}$	600	IR	4.7	Bend Metro Parks
SE $\frac{1}{4}$ SE $\frac{1}{4}$	700	IR	1.0	Denall, Thomas & Linda
SE $\frac{1}{4}$ SE $\frac{1}{4}$	800	IR	1.0	Denall, Thomas & Linda
SE $\frac{1}{4}$ SE $\frac{1}{4}$	900	IR	0.1	Denall, Thomas & Linda

Section 21

NE $\frac{1}{4}$ NE $\frac{1}{4}$	101	IR	3.0	Green, Leslie & Helen, Trustees
NW $\frac{1}{4}$ NE $\frac{1}{4}$	200	IR	3.6	Calkins, John & Rose
NW $\frac{1}{4}$ NE $\frac{1}{4}$	201	IR	4.3	Curl, James & Sheryl
NW $\frac{1}{4}$ NE $\frac{1}{4}$	202	IR	7.3	Spencer, Kevin & Linda
SW $\frac{1}{4}$ NE $\frac{1}{4}$	1000	IR	5.0	LaRusso, Thomas
SW $\frac{1}{4}$ NE $\frac{1}{4}$	900	IR	11.0	Andreson, Wilber & Andrea
NE $\frac{1}{4}$ NW $\frac{1}{4}$	400	IR	28.6	Hauxwell, Stanley & Jean
NW $\frac{1}{4}$ NW $\frac{1}{4}$	400	IR	10.2	Hauxwell, Stanley & Jean
NW $\frac{1}{4}$ NW $\frac{1}{4}$	401	IR	1.0	Hayes, Thomas Sr. & Lenore
NE $\frac{1}{4}$ SW $\frac{1}{4}$	2000	IR	30.6	Ruggieri, Thomas & Monica
NW $\frac{1}{4}$ SW $\frac{1}{4}$	2100	IR	15.0	Settergren, Elizabeth, Trustee
SW $\frac{1}{4}$ SW $\frac{1}{4}$	2200	IR	8.6	Thompson, Teresa Soriano <i>Goebel</i>
SW $\frac{1}{4}$ SW $\frac{1}{4}$	2200	POND	0.5	Thompson, Teresa Soriano <i>Goebel</i>
SW $\frac{1}{4}$ SW $\frac{1}{4}$	2300	IR	3.0	Chambers, Dwight & Mary Jo
SW $\frac{1}{4}$ SW $\frac{1}{4}$	2400	IR	3.0	McNeil, James & Rose
SW $\frac{1}{4}$ SW $\frac{1}{4}$	2401	IR	3.0	White, Roland H.
SE $\frac{1}{4}$ SW $\frac{1}{4}$	2501	IR	13.2	Sleepy Hollow Trust
SE $\frac{1}{4}$ SW $\frac{1}{4}$	2502	IR	7.0	Sleepy Hollow Trust
SE $\frac{1}{4}$ SW $\frac{1}{4}$	2503	IR	6.0	Kennedy, Robert & Charlotte
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1101	IR	4.5	Meade, Robert & Jerry
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1200	IR	1.0	Faller, David & Betty
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1300	IR	2.5	Ebbs, Jon & Mary Ann
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1400	IR	3.0	Wilson, Gary & Gail
NW $\frac{1}{4}$ SE $\frac{1}{4}$	1900	IR	0.8	Ring, Frank & Nancy
SW $\frac{1}{4}$ SE $\frac{1}{4}$	2500	IR	25.0	Hemingway, Collins & Wendy
SW $\frac{1}{4}$ SE $\frac{1}{4}$	2504	IR	3.0	Harmon, Chester & Jean
SW $\frac{1}{4}$ SE $\frac{1}{4}$	2505	IR	1.96	Pound, Jack & Linda
SE $\frac{1}{4}$ SE $\frac{1}{4}$	2600	IR	3.0	Joanis, Gary & Sharon
SE $\frac{1}{4}$ SE $\frac{1}{4}$	2700	IR	8.0	Gainsforth, Patricia
SE $\frac{1}{4}$ SE $\frac{1}{4}$	2800	IR	8.0	Britler, Mickey L.
SE $\frac{1}{4}$ SE $\frac{1}{4}$	2900	IR	3.5	Smith, Curtis & Lorraine
SE $\frac{1}{4}$ SE $\frac{1}{4}$	3000	IR	4.0	Singer, Jack & Randi, Trustees

Section 22

SW $\frac{1}{4}$ NE $\frac{1}{4}$	509	IR	1.5	Byrum, David & Terry
SW $\frac{1}{4}$ NE $\frac{1}{4}$	519	IR	18.5	Einbund, James
NE $\frac{1}{4}$ NW $\frac{1}{4}$	200	IR	7.0	Coe, Edwin & Donna
NE $\frac{1}{4}$ NW $\frac{1}{4}$	700	IR	9.7	Muzzy, Robert & Ruby
SE $\frac{1}{4}$ NW $\frac{1}{4}$	200	IR	2.6	Coe, Edwin & Donna
NE $\frac{1}{4}$ SW $\frac{1}{4}$	519	IR	0.3	Einbund, James
NW $\frac{1}{4}$ SW $\frac{1}{4}$	502	IR	7.8	McCormick, William P.
NW $\frac{1}{4}$ SW $\frac{1}{4}$	516	IR	1.4	Hiatt, Melva Joan
SW $\frac{1}{4}$ SW $\frac{1}{4}$	502	IR	5.9	McCormick, William P.

SEE NEXT PAGE



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

Jan 2007

# 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](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: L11.08 Leased L-815  
Lease Application Number (assigned by WRD): \_\_\_\_\_

This Lease is with:

**Lessor #1 (Water Right Holder):**

Name Daniel Harrison & Wayne Schmotzer  
Mailing address 19121 Couch Market Rd.  
City, State, Zip Code Bend, OR 97701  
Telephone number 541.388.4006  
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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## ~1~ 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. P 74147, S: 74148, 74149, 76520

- 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 1/4 1/4, tax lot number, map orientation and scale.]

\*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)

	T	R	Sect	¼	¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
1.	16S	11E	26	nene	00101	9.80	Irr	74147	6		10/29/1913
2.											
3.											
4.											
5.											

Total number of acres, if for irrigation, by certificate and priority date: 9.80  
 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).

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**~II~ Instream Water Right Information**

**3.2.3 Term of lease.** This lease shall terminate on October 15, 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: *Daniel Harrison* Date: 1/28/11  
Daniel Harrison  
*Wayne Schmotzer* Date: 1/24/11  
Wayne Schmotzer

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

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## EXHIBIT C

### Deschutes River Conservancy 2011 Instream Leasing Program

#### Policy Concerning Weeds & Instream Leases Information on Farm Deferral & Lease Payment

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

#### **Weed Policy**

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.  
*Information and Resources Attached*

#### **Farm Deferral Notice**

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

*Information and Resources Attached*

**Donated Leases:** Leases of less than 5 acres, leases with public entities, leases submitted after the due date agreed upon by the District and the DRC and posted by the District, and leases with verified weed complaints are not paid a per acre or per acre-foot rate by the DRC.

I, WAYNE B. SCHMATTER Print Name understand the DRC weed policy and have been informed about farm deferral and donations.

Don Harrison

Signature: Wayne B. Schmatter

Date: 1/24/11

1/28/11

This form must be signed and returned with state lease form.

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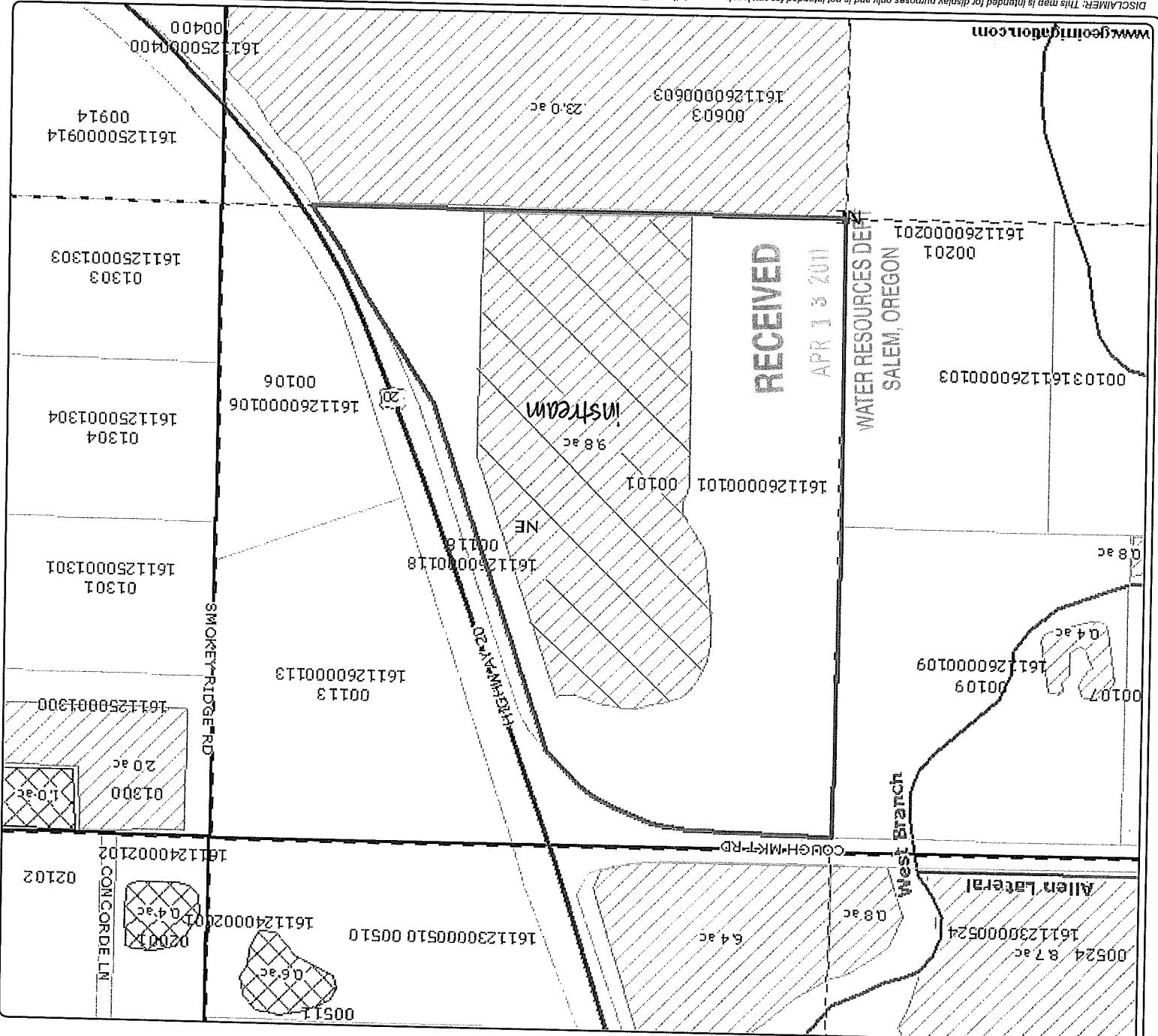


# Tumalo Irrigation District

Harrison/Schmotzer  
L11.08  
16-11-26-NE/NE-00101

- Cities
- District Boundary
- Highways
- Major Roads
- Road Labels
- Township Range
- Sections
- Section Labels
- Quarters
- Quarter Labels
- Quarter Quarters
- Quarter Quarter Labels
- Lot Labels
- Taxlot Labels
- Taxlots
- Canal All
- ▨ Canal Closed
- Canal Open
- ▨ Reservoir
- Unmapped Rights Labels
- Unmapped Rights
- ▨ Mapped Rights Labels
- ▨ Primary 74146 7
- ▨ Primary 76106
- ▨ NHD Stream/River Area

Scale 1" = 300'  
Created: 1/20/2011



DISCLAIMER: This map is intended for display purposes only and is not intended for any legal representations. There are no warranties, expressed or implied, that accompany this product.

SW $\frac{1}{4}$ NE $\frac{1}{4}$	505	Hastings, Martha G.	IR	2.00	16.00
SE $\frac{1}{4}$ NE $\frac{1}{4}$	501	Schumacher, William & Denise	IR		
SE $\frac{1}{4}$ NE $\frac{1}{4}$	502	Nolan, James	IR	2.00	5.00
SE $\frac{1}{4}$ NE $\frac{1}{4}$	503	Tovey, Robert	IR	0.80	1.20
SE $\frac{1}{4}$ NE $\frac{1}{4}$	504	Pimentel, Kenneth & Virginia	IR		3.00
NE $\frac{1}{4}$ NW $\frac{1}{4}$	302	Richardson Family 1990 Trust	IR		3.40
NE $\frac{1}{4}$ NW $\frac{1}{4}$	305	Dosher/Silva/Davies	IR	2.00	
NE $\frac{1}{4}$ NW $\frac{1}{4}$	306	Holling, Barry & Barbara	IR		2.60
NW $\frac{1}{4}$ NW $\frac{1}{4}$	1300	Van Houewling, Dirk	IR		2.00
SW $\frac{1}{4}$ NW $\frac{1}{4}$	400	Amadio, Anthony	IR	9.50	
SW $\frac{1}{4}$ NW $\frac{1}{4}$	900	Davidson/Moorehouse	IR	2.88	
SW $\frac{1}{4}$ NW $\frac{1}{4}$	901	Mykol, Harold & Doris	IR	2.30	
SE $\frac{1}{4}$ NW $\frac{1}{4}$	400	Amadio, Anthony	IR	0.50	
SE $\frac{1}{4}$ NW $\frac{1}{4}$	405	Wonser, Michael & Mary	IR		0.30
SE $\frac{1}{4}$ NW $\frac{1}{4}$	406	Hughes, Marion & Maureen	IR		2.70
SE $\frac{1}{4}$ NW $\frac{1}{4}$	407	Larson, Mark & Katharyn	IR		2.50
NE $\frac{1}{4}$ SW $\frac{1}{4}$	800	Hammack, Jonas	IR	0.30	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	905	Amadio, Anthony	IR	1.00	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	907	Ehlers, Arno & Jacqueline	IR	3.00	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	909	Vincent, Tim & Teresa	IR	7.90	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	910	Bulen, Richard & Joan	IR	3.00	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	911	Lelco Inc.	IR	3.50	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	913	Lelco Inc.	IR	0.70	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	915	Lenhard, Gary & Berna	IR	3.00	
NW $\frac{1}{4}$ SW $\frac{1}{4}$	905	Amadio, Anthony	IR	11.00	
NW $\frac{1}{4}$ SW $\frac{1}{4}$	906	Vincent, Tim & Teresa	IR	5.00	
SW $\frac{1}{4}$ SW $\frac{1}{4}$	902	Aldridge, Daniel & Deborah	IR	6.30	1.00
SW $\frac{1}{4}$ SW $\frac{1}{4}$	904	Vincent Family Farms Inc.	IR	1.10	9.10
SW $\frac{1}{4}$ SW $\frac{1}{4}$	906	Vincent, Tim & Teresa	IR	22.00	11.00
NE $\frac{1}{4}$ SE $\frac{1}{4}$	701	Hall, William & Mary	IR	5.20	
NE $\frac{1}{4}$ SE $\frac{1}{4}$	702	Hall, William & Mary	IR	2.60	
NE $\frac{1}{4}$ SE $\frac{1}{4}$	908	Mountain Memories Inc.	IR	5.00	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	700	Wyatt, Robert & Mary Ann	IR	4.00	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	703	Wyatt, Garrett	IR	1.60	0.16
NW $\frac{1}{4}$ SE $\frac{1}{4}$	800	Hammack, Jonas	IR	2.70	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	908	Mountain Memories Inc.	IR	2.80	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	911	Lelco Inc.	IR	2.00	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	912	McNutt, J.B. & Ramona	IR		

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NE $\frac{1}{4}$ NE $\frac{1}{4}$	101	Leagle, Sandra Harrison/Schmetsler	IR	9.80	
NW $\frac{1}{4}$ NE $\frac{1}{4}$	103	Hayes, Edmond Jr.	IR		
NW $\frac{1}{4}$ NE $\frac{1}{4}$	107	Sterling, Donald, Jr. & Julie	IR	0.80	0.10
NW $\frac{1}{4}$ NE $\frac{1}{4}$	109	Oatman, Christopher & Karen	IR		0.40
SW $\frac{1}{4}$ NE $\frac{1}{4}$	201	Menefee/Mennesson/Malarkey	IR	3.40	6.50
SE $\frac{1}{4}$ NE $\frac{1}{4}$	603	Amadio, Anthony	IR	19.00	
NE $\frac{1}{4}$ NW $\frac{1}{4}$	100	Smith, Lawrence & Emily	IR	7.20	
NE $\frac{1}{4}$ NW $\frac{1}{4}$	112	Smith, Lawrence & Emily	IR	2.60	
NE $\frac{1}{4}$ NW $\frac{1}{4}$	114	Smith, Lawrence & Emily	IR	11.20	
NW $\frac{1}{4}$ NW $\frac{1}{4}$	108	Samuelson/Connell	IR	1.40	
NW $\frac{1}{4}$ NW $\frac{1}{4}$	112	Smith, Lawrence & Emily	IR		5.10
NW $\frac{1}{4}$ NW $\frac{1}{4}$	115	Karcher, William Jr. & Stephanie	IR		4.00
NW $\frac{1}{4}$ NW $\frac{1}{4}$	116	Morehen, Patricia	IR		2.50
NW $\frac{1}{4}$ NW $\frac{1}{4}$	601	Martin, Jack W.	IR		7.00
SW $\frac{1}{4}$ NW $\frac{1}{4}$	111	Maloney, Michael & Linda	IR		0.75
SW $\frac{1}{4}$ NW $\frac{1}{4}$	117	Lemon, Leo & Carol	IR		12.00
SE $\frac{1}{4}$ NW $\frac{1}{4}$	204	Chandler, Yvette M.	IR		13.00
NE $\frac{1}{4}$ SW $\frac{1}{4}$	300	Masters, Richard & Judy	IR		25.00
NW $\frac{1}{4}$ SW $\frac{1}{4}$	104	Koehler, Alice	IR	2.00	31.00
					36.00

Section 25

SEE NEXT PAGE