

Instream Lease

Pooled Lease Form

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

		Pursuant to ORS 537.348(2) and OAR 690-077
Option Lease	nal Identificatio Application Nu	Pooled 2011-01 In by Lessor/Lessee: All previously leased in L-1077 Imber (assigned by WRD):
This I	ease is between	: :
		District or Other Water Purveyor
Name		Ochoco Irrigation District
Mailir	ng address	1001 NW Deer Street
		Prineville, OR 97754
Telepl	none number	541-447-6449
Email	address	oid@crestviewcable.com
The w	ater right to be l	leased is located in Crook County.
		nan Oregon Water Resources Department): Deschutes River Conservancy
Mailin		700 NW Hill Street
		Bend, OR 97701
	one number	
		gen@deschutesriver.org
Truste	ee:	
Orego	n Water Resoure	ces Department
725 St	ımmer Street NI	E, Suite A
Salem.	OR 97301-126	6
(503)	986-0900	
	~ I ~	Water Right Holder and Water Right Information
1.2	conveys wa	oresentative of Ochoco Irrigation District, the irrigation district, which after to the subject water rights. The irrigation district, which is a subject water rights representing
1.3	☐ Not application Not application.	ight(s) being leased, list all water rights appurtenant to the same lands.
		e are any supplemental or overlying rights.

Certificate No. 82246 & 82248

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.: 82246 Priority date: 1917 Type of use: IRR Legal Season of Use: per Crooked River Decree, Feb1-Dec1 If an irrigation right, total number of acres to be leased: 602.60 IRR Total acre-feet of storage to be leased, if applicable: N/A Maximum rate associated with subject water rights (cfs) being leased: 7.533 cfs IRR								
	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): 4 AF/Ac = 2,410.40 ac-ft IRR								
	Conditions or other limitations, if any:								
	If you need to enter another leased right, please use the additional water rights form. ~II~ Instream Water Right Information								
2.1	 Public use. This lease will increase streamflows that will benefit: ☑ Conservation, maintenance and enhancement of aquatic and fish life, wildlife, and fish and wildlife habitat ☑ Pollution abatement ☑ Recreation and scenic attraction 								
2.2	Instream use created by lease. The instream use to be created is described as follows: Ochoco Creek Tributary to Crooked 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): POD #1: Ochoco Feed Canal, T15S, R17E. Sect 5, SWNW, 500' N and 250' East from W 1/4 Corner of Sect. 5 to Lake Billy Chinook Maximum volume in acre-feet: Restricted by the district to 3 AF/ac to match on-farm duty in 2011: 1,807.80 ac-ft IRR								
	Rate in cfs: 7.533 cfs IRR (If more than one rate, describe the rate associated within each time period or instream reach.) Rate in cfs: Poto in ofs:								
	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 7/3/2011 through 10/31/2011. Other (describe): duty limited by district to 3 AF/ac in 2011.
2.3	Term of lease. This lease shall terminate on November 1, 2011.
2.4	Flow protection. The Trustee will regulate use of water from the source, subject to prior appropriation and the agency enforcement guidance, to assure the water is delivered to the point of diversion, and through the reach past junior downstream users, so long as flow is sufficient to meet the demand under priority date of the new instream use (see Section 2.2). As part of regulation activities the watermaster or a designee has access to the point of diversion and place of use for the water rights involved in this lease. No party is required to continuously measure the flow of the waterway described in Section 2.2.
	~III~ Other Information
3.1	Accuracy. The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified or terminated. The lease only exercises the water rights being leased, for the term of the lease. It shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.
3.2	Lease. Lessor(s) and Lessee(s) agree to lease the water rights listed in Section(s) 1.5 for instream use for the term of this lease through Lessee to the Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077.
3.3	Precedent. If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.
3.4	Suspension of original use. During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights.
3.5	Termination provision.
	For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less then 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: S400 for an application with four or more landowners or four or more water rights. S250 for all other applications.
Lesso	Lessor #2: WW Date: 04-26-11
Lessee: Deschutes	Lessee: A MUML Huber Chiser 4/24/2011 Deschutes River Conservancy
Other Attac	Other Attachments as Needed: Attachment 1: Tax Lot Map. (See instructions.) Attachment 2: Densiled man illustrating lands under subject rights to be leased: required if only

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 5: Pooled Lease Water Right Holder Form

Attachment 4: Split Season Instream Use Form

part of a right is being leased instream. (See instructions.)
Attachment 3: Supporting documentation indicating why a right is valid and not subject to

	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:
Lesso	r #2: Date:
Ochoo	r #2: Date: Date:
	e: Date:
Desch	utes River Conservancy
<u>Other</u>	Attachments as Needed:
	ment 1: Tax Lot Map. (See instructions.)
Attach	ment 2: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. (See instructions.)
A ttgol	ument 3: Supporting documentation indicating why a right is valid and not subject to
Allaci	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).
Attach	unent 4: Split Season Instream Use Form

Attachment 5: Pooled Lease Water Right Holder Form



Additional Water Right Form for Pooled

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.

~]~

W	5 continued from Pooled Form. ater Rights Proposed to be Leased Instream. District and water right holder(s) poose to lease the water rights identified in Section 1.3 on the "Pooled Lease Form."
Ce Pr Le If: To Ma If:	re right(s) to be leased are further described as follows: retificate No.: 82248 fority date: Sept. 2, 1986 Type of use: IND gal Season of Use (if not listed on the certificate): N/A an irrigation right, total number of acres to be leased: Industrial Acre Equivalent 86.5 tal acre-feet of storage to be leased, if applicable: eximum rate associated with subject water rights (cfs) being leased: 1.081 cfs 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: Season 3 (cfs) Time period: Eximum duty associated with subject water rights (ac-ft): 346.0 af
Co	nditions or other limitations, if any: duty limited to 4.0 af/ac
Ins	~II~ 2 continued from Pooled Lease Form. stream use created by lease. The instream use to be created is described as follows: hoco Creek
	butary to <u>Crooked River</u> in the <u>Deschutes</u> Basin.
bei is c PO rea <u>500</u> Ma <u>irri</u>	scribe the point of diversion (POD) and any associated reach(es) of the instream use ng created. If possible list the reach by river mile. If no reach is identified, and there only one POD listed on the certificate, the lease will be processed to be protected at the D. (If more than one POD is listed on the certificate, then the POD and any associated ch(es) must be identified): POD #1: Ochoco Feed Canal, T15S, R17E. Sect 5, SWNW, O'N and 250' East from W 1/4 Corner of Sect. 5 to Lake Billy Chinook ximum volume in acre-feet: 259.50 af - District duty limited to 3 af/ac for 2011 gation season
Ra	e in cfs: 1.081 cfs (If more than one rate, describe the rate associated within each time period or instream reach.) Rate in cfs: Rate in cfs:
C₀ □	the section below to indicate a more restrictive period of use than allowed by the water right.) nditions to prevent injury, if any: None The instream flow will be allocated on a daily average basis up to the described rate from July 3, 2011 through October 31, 2011

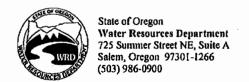
☑ Other (describe): Ochoco Irrigation Dist. duty is limited to 3.0 af/acre in 2011.

Pooled Lease 1

OID - 2011 leases No Transmission Losses max duty C-82246 = 4.0 af, max duty C-82248 = 4.0 af 2011 District duty limit = 3 affac

	927.60 Pooled Dist - IronHorse/Brooks	556.20 Pooled Dist - Hudspeth	28.50 Pooled Distr - Groves	69,00 Pooled Distr - SMAF	132.00 Pooled Distr - Steams	41.10 Pooled Distr - Van Camp Twinstar	14.10 Pooled Distr - Hatter	39.30 Pooled Distr - Robertson		259.50 Pooled Distr - Ochoco Lumb	
nstream Duty limit	927.60	556.20	28.50	69:00	132.00	₩	14.10	39.30	1.807.80	259.50	2,067,30
Seci22 John AF Max duty 2010 Duty Duty limit	3	•	6	8	0	Ø	6	•		8	
Max duty	1,236.8	741.6	38.0	92.0	176.0	8.43	18.8	52.4	2,410,4	346.0	2,756.4
ax duty	4	4	4	4	4	4	4	4		4	
		556.20	28.50	90'69	132.00	41.10	14.10	38.30	1,807.80	259.50	2,067,30
no. days	121	121	121	121	121	121	121	121		121	
	7.6661	4.5967	0.2355	0.5702	1.0909	0.3397	0.1165	0.3248		2.1446	
conv fact	1.983471	1.983471	1.983471	1.983471	1.983471	1.983471	1.983471	1.983471		1,983471	
sec 1.5	3.865	2318	0.119	0.288	0.550	0.171	6.059	0.164	7.533	1.081	8614
£	0.0125	0.0125	0.0125	0.0125	0.0125	0.0125	0.0125	0.0125		0.0125	
acres.	309.20	185.40	9.50	23.00	44.00	13.70	4.70	13.10	602.60	86.50	689.10
Priority	C-82246 pri	R							Subtotal IRR	C-82248 pri IND	Lease Total

start end days instream 7/3/2011 10/31/2011 121.00



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.

	onal Identification by Lessor/Lessee: Leased: L-838, 922, 1003, 1077 se Application Number (assigned by WRD):
This	Lease is with:
	or #1 (Water Right Holder):
Nam	ne IronHorse Development, LLC
	ing address 409 NW Franklin Ave.
	, State, Zip Code Bend, OR 97702
	phone number <u>541-382-1662, Dale Van Valkenburg</u>
Ema	il addressdale@brooksresources.com
Ocho 1001	ditional water right holders, enter water right holder information below oco Irrigation District N. Deer Street eville, OR 97754 541-447-6449, ochocoid@crestviewcable.com
Appli	The section numbering associated with this form corresponds to that found on the "Standard Instream Lease cation" form. The "Pooled Lease" form and "Pooled Water Right Holder" form(s) are used to provide the same nation as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always ntial.
	~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. 82246
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 ½ ½, tax lot number, map orientation and scale.]

	T	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Identif	y pertine	nt page m	umber of			is greater than 10 r certificate)	pages; identify	priority date	if there is
1.										
2.										
3.			_							
4.								_		
5.							-			

Total number of acres, if for irrigation, by certificate and priority date: 309.2 acres instream, 13.5 acres remain - total 322.7 acres. See attachment for legal descriptions.

Conditions or other limitations, if any: Ochoco Irrigation District has set the duty limit at 3.0 af/ac in 2011.

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 <u>not</u> 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 November 1, 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.)

- 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 then 30days 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.

IronHorse Development, LLC

For additional Lessors, type in space for signature and date Ochoco Irrigation District

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

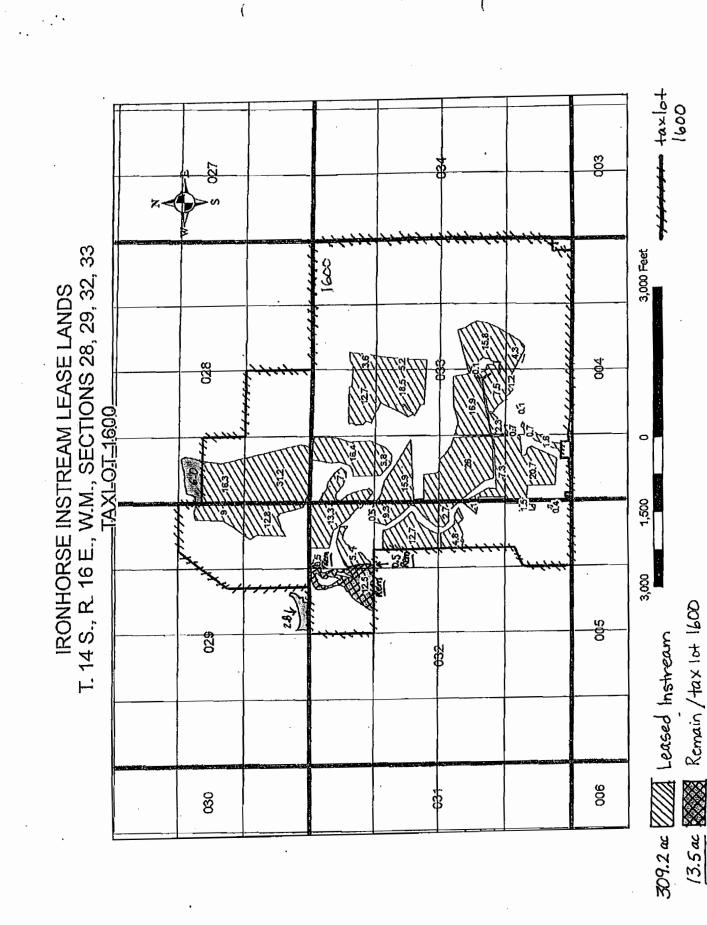
checked)

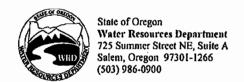
Exhibit 5-D:

Split Season Instream Use Form

IronHorse Development Lease (Brooks Resources Corporation):

Township Range Section QQ Cert. Pg Trans On Trans Off Instream Remaining 14 S 16 E 28 NWSW 34 16.3 16.3 16.3 16.3 16.3 16.3 16.3 16.3 16.3 17.2 17.8 17.8 17.8 17.8 17.8 17.8 17.8 17.8 17.9 17.50 17.50 17.50 17.50 17.50 17.50 17.50 17.50 17.5
16 E 28 NWSW 34 16.3 16 E 28 SWSW 34 31.2 16 E 29 NESE 36 9.0 16 E 29 SESE 36 12.8 16 E 32 NENE 42 6.40 10.2 16 E 32 NWNE 42 17.50 8.5 16 E 32 SENE 42 17.50 8.5 16 E 32 SESE 42 27.80 1.9 16 E 33 NWNW 42 1.750 8.5 16 E 33 NWNW 42 27.80 1.9 16 E 33 NWNW 42 1.270 1.9 16 E 33 SWNW 42 1.270 1.9 16 E 33 SENW 42 1.270 1.9 16 E 33 SENW 42 1.270 1.9 16 E 33 SENW
16 E 28 SWSW 34 31.2 16 E 29 NESE 36 9.0 16 E 29 SESE 36 12.8 16 E 32 NENE 42 6.40 19.2 16 E 32 NWNE 42 17.50 8.5 16 E 32 SENE 42 17.50 8.5 16 E 32 SESE 42 17.50 8.5 16 E 32 SESE 42 27.80 1.9 16 E 33 NWNW 42 1.9 1.9 16 E 33 NWNW 42 1.270 1.9 16 E 33 SENW 42 12.70 19.7 16 E 33 SENW 42 19.7 19.7 16 E 33 SENW 42 19.7 19.7 16 E 33 SENW 42 19.7 19.7
16 E 29 NESE 36 9.0 16 E 29 SESE 36 9.0 16 E 32 NENE 42 8.40 12.8 16 E 32 NWNE 42 8.40 19.2 16 E 32 SENE 42 17.50 8.5 16 E 32 NESE 42 17.50 8.5 16 E 32 SENE 42 27.80 1.9 16 E 33 NWNW 42 27.80 1.9 16 E 33 NWNW 42 12.70 12.7 16 E 33 SWNW 42 12.70 19.7 16 E 33 SWNW 42 12.70 19.7 16 E 33 SWNW 42 18.50 19.7
16 E 29 SESE 36 12.8 16 E 32 NENE 42 6.40 19.2 16 E 32 NWNE 42 6.40 0.0 16 E 32 SENE 42 17.50 8.5 16 E 32 NESE 42 27.80 1.9 16 E 33 NWNW 42 27.80 1.9 16 E 33 NWNW 42 12.7 16 E 33 SWNNW 42 12.7 16 E 33 SENW 42 19.7 16 E 33 SENW 42 18.50
16 E 32 NENE 42 6.40 19.2 16 E 32 NWNE 42 12.60 0.0 16 E 32 SENE 42 22.0 16 E 32 NESE 42 8.5 16 E 32 SESE 42 1.9 16 E 33 NWNW 42 23.4 16 E 33 NENW 42 12.70 16 E 33 SWNW 42 12.7 16 E 33 SWNW 42 12.7 16 E 33 SENW 42 18.5
16 E 32 NWNE 42 12,50 0.0 16 E 32 SENE 42 22.0 16 E 32 NESE 42 17,50 8.5 16 E 32 SESE 42 27,80 1.9 16 E 33 NWNW 42 23,4 16 E 33 SWNW 42 12,70 16 E 33 SWNW 42 12,70 16 E 33 SENW 42 18,50
16 E 32 SENE 42 17.50 16 E 32 NESE 42 17.50 16 E 32 SESE 42 27.80 16 E 33 NWNW 42 12.70 16 E 33 SWNNW 42 12.70 16 E 33 SWNNW 42 18.50
16 E 32 NESE 42 17.50 16 E 32 SESE 42 27.80 16 E 33 NWNW 42 12.70 16 E 33 SWNW 42 12.70 16 E 33 SWNW 42 18.50
16 E 32 SESE 42 27.80 16 E 33 NWNW 42 12.70 16 E 33 SWNW 42 12.70 16 E 33 SWNW 42 18.50
16 E 33 NWNW 42 12.70 16 E 33 NENW 42 12.70 16 E 33 SWNW 42 2.70 16 E 33 SENW 42 18.50
16 E 33 NENW 42 12.70 16 E 33 SWNW 42 8.50 16 E 33 SENW 42 18.50
16 E 33 SWNW 42 18.50 16 E 33 SENW 42 18.50
16 E 33 SENW 42 18,50
16 E 33 SWNE 42 S20
16 E 33 SWNE 42 5,20 6.90
16 E 33 SWNE 42 5,20 16 E 33 NWSW 42 0.90 16 E 33 SWSW 42 0.90
16 E 33 SWNE 42 5,20 16 E 33 NWSW 42 0.90 16 E 33 SWSW 42 6.90 16 E 33 NESW 42 6.90
16 E 33 SWNE 42 5.20 16 E 33 NWSW 42 0.90 16 E 33 SWSW 42 6 16 E 33 NESW 42 7 16 E 33 SESW 42 12.10
16 E 33 SWNE 42 5.20 16 E 33 NWSW 42 0.90 16 E 33 SWSW 42 6.90 16 E 33 NESW 42 7 16 E 33 SESW 42 12.10 16 E 33 NWSE 42 12.10
16 E 33 SWNE 42 5,20 16 E 33 NWSW 42 0.90 16 E 33 SWSW 42 6 16 E 33 SESW 42 7 16 E 33 SESW 42 12.10 16 E 33 NWSE 42 7 16 E 33 SWSE 42 6
16 E 33 SWNE 42 5.20 16 E 33 NWSW 42 0.90 16 E 33 SWSW 42 0.90 16 E 33 NESW 42 12.10 16 E 33 NWSE 42 12.10 16 E 33 SWSE 42 0.60 16 E 33 SWSE 42 0.60 16 E 33 SWSE 42 0.60
16 E 33 SWNE 42 5.20 5.2 16 E 33 NWSW 42 0.90 33.3 16 E 33 SWSW 42 22.3 16 E 33 NESW 42 22.3 16 E 33 SWSE 42 27 16 E 33 NWSE 42 15.9 16 E 33 SWSE 42 15.9 16 E 33 SWSE 42 68.90 4.3 16 E 33 SWSE 42 68.90 309.2
16 E 33 SWNE 42 5.20 5.2 16 E 33 NWSW 42 6.90 33.3 16 E 33 SWSW 42 22.3 16 E 33 NESW 42 22.3 16 E 33 NWSE 42 2.7 16 E 33 SWSE 42 15.9 16 E 33 SWSE 42 15.9 16 E 33 SWSE 42 6.60 4.3 16 E 33 SWSE 42 58.90 309.2
16 E 33 SWNE 42 5.20 5.2 16 E 33 NWSW 42 0.90 33.3 16 E 33 SWSW 42 22.3 16 E 33 NWSW 42 27 16 E 33 NWSE 42 27 16 E 33 SWSE 42 15.9 16 E 33 SWSE 42 15.9 16 E 33 SWSE 42 68.90 309.2
16 E 33 SWNE 42 5.20 5.2 16 E 33 NWSW 42 6.90 33.3 16 E 33 SWSW 42 22.3 16 E 33 NWSW 42 27 16 E 33 NWSE 42 12.10 2.7 16 E 33 SWSE 42 15.9 16 E 33 SWSE 42 68.90 4.3 16 E 33 SWSE 42 68.90 309.2





Instream Lease

Attachment 5: Pooled Water Right Holder Form

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Option Lease	nal Identification by Lessor/Lessee: <u>last leased L-1077</u> Application Number (assigned by WRD): <u>TL-1165</u>
This I	ease is with:
	r #1 (Water Right Holder):
Name	Stearns Land Co ag address 825 NE Crest Dr.
City, S	State, Zip Code Prineville, OR 97754
Telepl	none number <u>541-447-5983</u>
Email	address
	tional water right holders, enter water right holder information below o Irrigation District
Applica	he section numbering associated with this form corresponds to that found on the "Standard Instream Lease tion" form. The "Pooled Lease" form and "Pooled Water Right Holder" form(s) are used to provide the same tion as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not alway ial.
	~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. 82246
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 ½ ¼, tax lot number, map orientation and scale.]

	T	R	Sect	44	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.	15	16	04	swne	2500	9.6	IRR	82246	4	1917		
2.	15	16	04	sene	2500	5.1	IRR	82246	4	1917		
3.	15	16	04	nwse	2500	19.9	IRR	82246	4	1917		
4.	15	16	04	nese	2500	9.4	IRR	82246	4	1917		
5.												

Total number of acres, if for irrigation, by certificate and priority date: 44.0 acres

Conditions or other limitations, if any: Ochoco Irrigation District has limited the duty to 3.0 af/ac in 2011.

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 <u>not</u> 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 November 1, 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.)

- 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 then 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 Stearns	#1: Jacque & Barney Date: 3-21-3011
	ditional Lessors, type in space for signature and date
	•
Other A	Attachments As Needed:
Exhibit	
Exhibit	
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



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.

Option Lease	Application Number (assigned by WRD):
This L	ease is with:
Lesso	r #1 (Water Right Holder):
Name	Twinstar Enterprises
	g address18819 Peony Place
City, S	State, Zip Code Bend, OR 97702
	none number 541-848-5981
	address johanevc@mac.com
	,
	tional water right holders, enter water right holder information below o Irrigation District
Applica	the section numbering associated with this form corresponds to that found on the "Standard Instream Lease tion" form. The "Pooled Lease" form and "Pooled Water Right Holder" form(s) are used to provide the same tion as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always fal.
	~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. 82246
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 ½½, tax lot number, map orientation and scale.]

	T	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate#	Page(s)#	Priority*	
	*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	14	15	25	nwse	800	2.8	IRR	82246	20	1917	
2.	14	15	25	nwse	1200	5.0	IRR	82246	20	1917	
3.	14	15	25	swse	900*	1.0	IRR	82246	20	1917	
4.	14	15	25	swse	1000	1.5	IRR	82246	20	1917	
5.	14	15	25	swse	1200	3.4	IRR	82246	20	1917	

Total number of acres, if for irrigation, by certificate and priority date: 13.7 acres, all 13.7 acres were previously leased in L-775, L-1077... *taxlot 900 is in 2 QQ, see C-82246 pg 2*

Conditions or other limitations, if any: Ochoco Irrigation District has limited the duty to 3.0 af/ac in 2011.

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 <u>not</u> 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 November 1, 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.)

- 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 then 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: Lawham
Twinstar Enterprises Manager

Date: 3/9/15/1

For additional Lessors, type in space for signature and date Ochoco Irrigation District

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

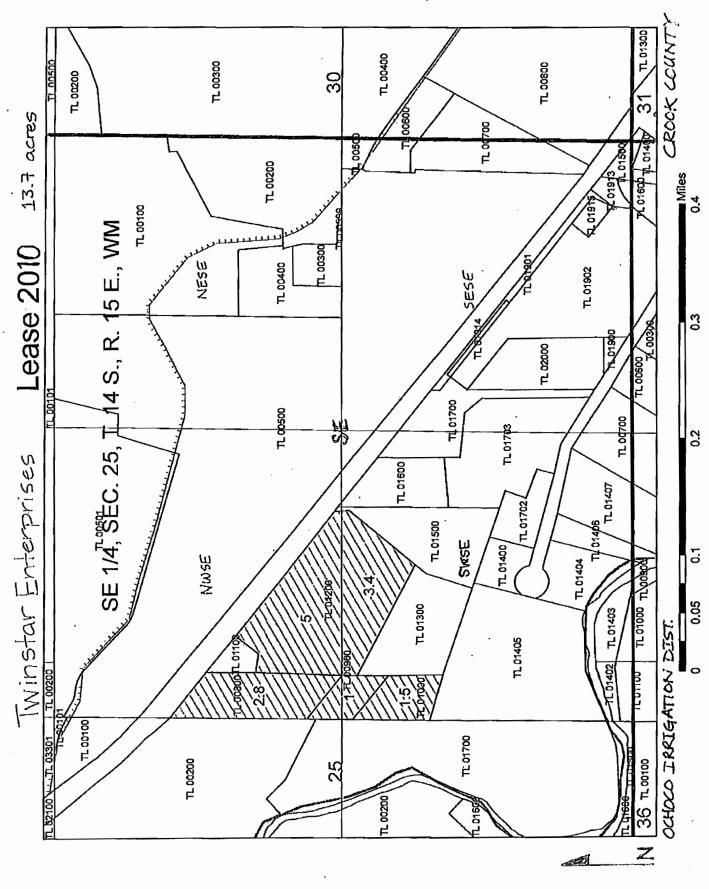
into a single map. (See instructions.)

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



1-775, 2006



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.

Option Lease	nal Identification by Lessor/Lessee: last leased L-1077 Application Number (assigned by WRD):
This L	ease is with:
Name Mailin City, S Telepl	r #1 (Water Right Holder): Groves Holdings (contacts: Michael & Cathie Groves) g address 20075 Cox Lane State, Zip Code Bend, OR 97701 none number 541-383-8885 address
	tional water right holders, enter water right holder information below o Irrigation District
Applica	the section numbering associated with this form corresponds to that found on the "Standard Instream Lease tion" form. The "Pooled Lease" form and "Pooled Water Right Holder" form(s) are used to provide the same tion as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always tal.
	~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. 82246
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.]

	Т	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
	*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	14	15	25	senw	2104	1.6	IRR	82246	18	1917	
2.	14	15	25	swnw	2104	7.9	IRR	82246	18	1917	
3.											
4.								!			
5.											

Total number of acres, if for irrigation, by certificate and priority date: 9.5 ac
Conditions or other limitations, if any: Ochoco Irrigation Ditrict has limited the duty to 3.0
af/ac in 2011.

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 <u>not</u> 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).

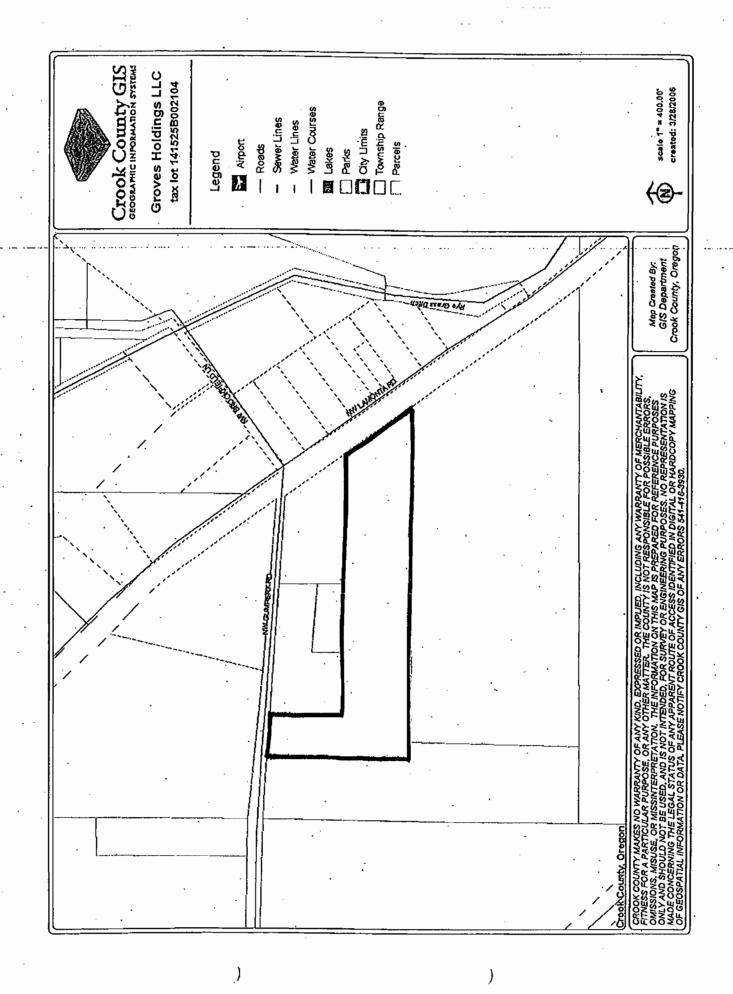
~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on November 1, 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.)

- 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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	Lessor#1: LZZ Groves Holdings	AT AND SUPERIOR STREET	Date	<u>8 3/))</u>	
	Other Attachments A. Exhibit 5-A: Tai Exhibit 5-B: De	Needed: Lot Map. (See instructs ailed map illustrating larger of a right is being lease	est district and sold sold sold sold sold sold sold sol	e geginal de dida numeros	driid
i ta di	Exhibit 5-C: Suj	a single map. (See instruction in a single map. (See instruction in a security even though the resecutive years (required cked) if Season Instream Use I	rdictions.) Indicating why a right is ght has not been exerci if the second box in Se	valid and not subject to sed for five or more ction 1.6 of this form is	No. 1
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ERVIN, GARY & 1415240000600					Sevum 7 25	7		36 145/15E
				2004	2	MCPHETRIDGE FAMILY TRUST		
					28	14S15E	GEORGE, JERRY & 141526000601	35 14S15E





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.

Option Lease	nal Identification by Lessor/Lessee: Last leased L-1077 Application Number (assigned by WRD):
This I	Lease is with:
Lesso	r #1 (Water Right Holder):
Name	SMAF Construction (C/o Frank Porfily)
Mailir	ng address P.O. Box 672
City, S	State, Zip Code Prineville, OR 97754
Telepl	none number <u>541-447-5643</u>
Email	address
	tional water right holders, enter water right holder information below o Irrigation District
Applica	he section numbering associated with this form corresponds to that found on the "Standard Instream Lease tion" form. The "Pooled Lease" form and "Pooled Water Right Holder" form(s) are used to provide the same tion as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always ial.
	~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. 82246
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 ¼¼, tax lot number, map orientation and scale.]

	T	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s)#	Priority*	
	*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	14	15	25	sese	800	0.2	IRR	82246	20	1917	
2.	14	16	30	swsw	800	14.9	IRR	82246	38	1917	
3.	14	16	30	sesw	800	0.1	IRR	82246	38	1917	
4.	14	16	31	nwnw	1300	7.0	IRR	82246	41	1917	
5.	14	16	31	nenw	1300	0.8	lRR .	82246	49	1917	

Total number of acres, if for irrigation, by certificate and priority date: 23.0 ac

Conditions or other limitations, if any: Ochoco Irrigation District has limited the duty to 3.0 af/ac in 2011.

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 <u>not</u> 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 November 1, 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.)

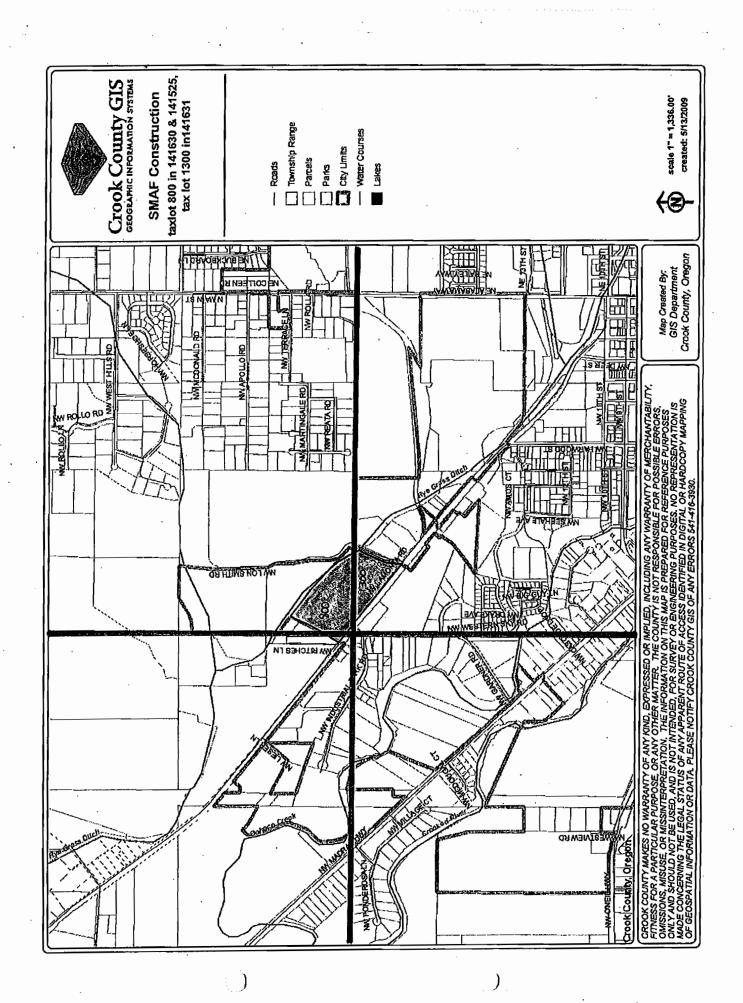
- 3.1 Accuracy. The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified 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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	curing the calendar year days prior to the period	However is	the terminati	on testings of	received les	then ou
	begun for the water right until the following cales not occur. The Department	nt(s) being leas ndar year, unle	ed, water ma ss the Directo	not be used	under the ri	unt(s) leased
	Written notice to the Consentaby all parties Written house to the	Department was to the lease?	ith original s and/or	gnatures;		
	For multiyear leases, the consent by all parties to	e lesson shall r	of bave the o	7107801 (671)	nating the k	
2.2	dification to prevent in during the term of this le	ase is not reas	onably expec	led to cause in	ajury to othe	r rights to
use	water from the same sou lified or terminated to pr	rce. If injury	is found after	this lease is s	igned, the le	ase may be
Lessor#1: SMAF Con	struction area data.	7 (A)	D. Carlotte	Date: 33 1	1.14	
For addition	nal Lessors, type in space	e for signature	and date	的可能是對於自由	coup. let i ak-	
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	forfeiture even the consecutive year	ough the right s (required if t	has not been he second box	exercised for in Section 1	.6 of this for	m is
Exhibit 5-D	checked) Split Season Inst	ream Use For	nealty expec	ted to parety in	it in the second	i i Malaini Andrew Andrew
	r in the proportion of the pr	asout infinites	Harat Contract	diago (b)		 -
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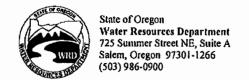
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SMAF CONSTRUCTION (FRANK PORFILY) T 14 S, R 16 E, SEC. 30, 31 T145,R15E, SEC. 25 Section line - Tax Lot acres remain in thy lot 23.0 ac Sect 31, NENW, Taxlot 1300 | 0.8 ac Instream Lease Sect 30, SESW, Taxlot 800 Sect 31, NWNW, Taxlot Bod Sect. 25, SESE, Taxlot 800 Sect. 30, Swsw, Taxlot 800 もも

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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.

Optio Lease	nal Identification by Lessor/Lessee: <u>Last leased: L-922, L-1086</u> Application Number (assigned by WRD):
This I	Lease is with:
Lesso	r #1 (Water Right Holder):
Name	Shelley Hudspeth ng address 2682 Singing Woods Dr.
Maili	ng address 2682 Singing Woods Dr.
	State, Zip Code Hillsboro, OR 97123
•	hone number503-927-6416
Email	address
	itional water right holders, enter water right holder information below
Ochoc	co Irrigation District
Applica	
	~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. 82246
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 ¼¼, tax lot number, map orientation and scale.]

	T	R	Sect	44	Tax Lot	Acres	Type of Use	Certificate#	Page(s)#	Priority*
	*(Identi	fy pertine	nt page n	ımber of			is greater than 10 r certificate)	pages; identify	priority date	if there is
l.										
2.			,						_	
3.										
4.										_
5.										

Total number of acres, if for irrigation, by certificate and priority date: <u>185.4</u> acres (see attached spreadsheet for legal description), last leased in 2008 L-922, 2010 L-1086

Conditions or other limitations, if any: Ochoco Irrigation District has limited the duty to 3.0 af/ac in 2011.

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 <u>not</u> 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 November 1, 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.)

- 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 loased is later proposed to be leased again or transferred to an instroam 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.
	Por multiyear leases, the Lesson(s) shall have the option of terminating the lease each
	year with written notice to the Department. The loase may be terminated at any time
	during the calendar year. However, if the termination request is received less then 30-
	days prior to the period of allowed instroam use or after the period of allowed use has
	hearin for the mater plattle) helps leased water may not be used ander the rightle) less

until the following enlander 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. Por multiyear leases, the lessor shall not have the option of terminating the lease, without commont by all partles to the lease,
- Modification to prevent injury. Allocation of water to the instream use described in Section 3.6 2.2 during the form of this lease is not reasonably expected to cause injury to other rights to use water from the same course. If injury is found after this lease is signed, the lease may be · modified or terminated to prevent injury.

Shelley Hudspeth

For additional Lessons, type in space for signature and date Ochoon Irrigation District

Other Attrohmonts As Neededli

Tax Lot Map. (See instructions.) Exhibit 5-A

Detailed map illustrating lands under subject rights to be leased; required if only Exhibit 5-B:

part of a right is being leased instream. Exhibits 5-A and 5-B may be combined

into a single map. (See instructions.)

Supporting documentation indicating why a right is valid and not subject to Bahlblt 5-C

forfeiture oven though the right has not been exercised for five or more conscoutive years (required if the second box in Section 1.6 of this form is

chcoked)

Split Season Instream Use Form Exhlbit 5-D:

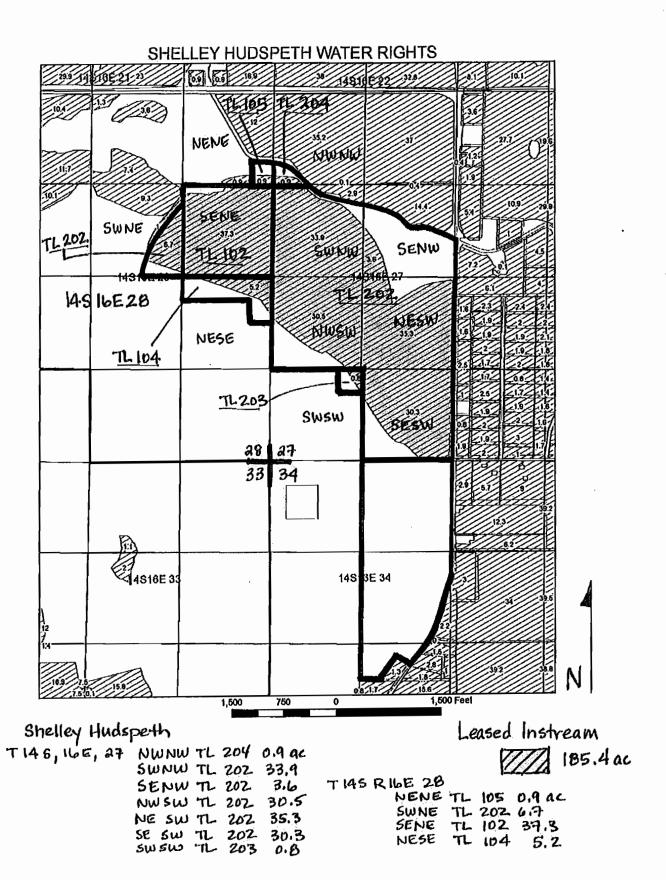
FSD

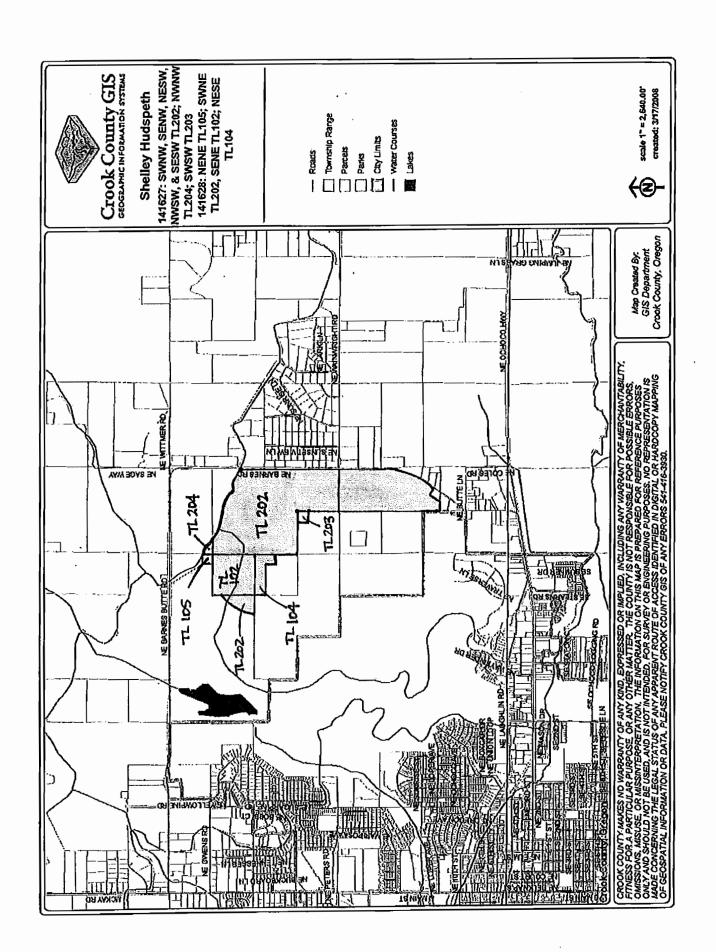
0

Shelley Hudspeth Instream Lease: 185.4 acres instream, 0.0 acres remaining (185.4 acres total)

								185.40	cres	Total Leased Acres
8/10/1917	34	NESE	58	16 E	14 S	4	ochoco	5.20	IRR	82246
8/10/1917	34	SENE	28	16 E	14 S	102	ochoco	37.30	IRR	82246
8/10/1917	8	SWNE	28	16 E	14 S	202	ochoco	6.70	IRR	82246
8/10/1917	34	NENE	28	16 E	14 S	105	ochoco	0.90	IRR	82246
8/10/1917	32	SESW	27	16 E	14 S	202	ochoco	30.30	R	82246
8/10/1917	32	SWSW	27	16 E	14 S	203	ochoco	0.80	IRR	82246
8/10/1917	32	NESW	27	16 E	14 S	202	ochoco	35.30	IRR	82246
8/10/1917	32	NWSW	27	16 E	14 S	202	ochoco	30.50	IRR	82246
8/10/1917	32	SENW	27	16 E	14 S	202	ochoco	3.60	IRR	82246
8/10/1917	32	SWNW	27	16 E	14 S	202	ochoco	33.90	IRR	82246
8/10/1917	32	NWNW	27	16 E	14 S	204	ochoco	0.90	IRR	82246
Priority	Cert. Pg Priority	QQ	Section	Range	Township	Taxlot	Source	Acres	Use	Certificate

							0.00	g Acres	Total Remainin
32&34 8/10/1917		27&28	16 E	14 S	multiple	0 ochoco n	0.00	IRR	82246
Section QQ Cert. Pg Priority	00	Section	Range	Township	e Taxlot Towi	cres Source	Acres	Use	Certificate





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

Application for

Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

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

Option Lease	Application Number (assigned by WRD):
This I	ease is with:
	r #1 (Water Right Holder):
Name	Jerry & Sandra Halter
	ng address 1575 SW Irving Lane
	State, Zip Code Culver, OR 97734
Telepl	none number541- 546-6920
Email	address
	tional water right holders, enter water right holder information below o Irrigation District
Applica	he section numbering associated with this form corresponds to that found on the "Standard Instream Lease tion" form. The "Pooled Lease" form and "Pooled Water Right Holder" form(s) are used to provide the same tion as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always ial.
	~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. 82246
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 ½ ¼, tax lot number, map orientation and scale.]

	Т	R	Sect	44	Tax Lot	Acres	Type of Use	Certificate#	Page(s)#	Priority*
	*(Identi	ify pertine	ent page n	umber of			is greater than I er certificate)	0 pages; identify	priority date	if there is
1.	14	16	29	senw	113	4.7	IRR	82246	35	1917
2.				,						
3.										
4.										
5.		"								

Total number of acres, if for irrigation, by certificate and priority date: 4.7 acres

Conditions or other limitations, if any: Ochoco Irrigation District has limited the duty to 3.0 af/ac in 2011.

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 <u>not</u> 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 November 1, 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 then 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.
Lesso	pate: 3-22-11
	Jerry Haller
	Sandia Statter Date: 3-22-11
	Sandra Halter
	ditional Lessors, type in space for signature and date o Irrigation District
Other	Attachments As Needed:
Exhibi	
Exhibi	t 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.)
Exhibi	t 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)
Exhibi	t 5-D: Split Season Instream Use Form

<u>[[5]</u> T. 14 S., R. 16 E., WM, Sec. 29 +axlot 113 Jerry and Sandra Halter Instream Lease Offlands 1,600 Feet 0 800 1,600 leased Instream



Application for

Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

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

Option Lease	nal Identification by Lessor/Lessee: last leased L-1077 Application Number (assigned by WRD):
	Lease is with:
	r #1 (Water Right Holder):
Name	Jerry Robertson
	ng address P.O. Box 1706
	State, Zip Code Prineville, OR 97754
	none number <u>541-408-2795</u>
Email	address
	tional water right holders, enter water right holder information below o Irrigation District
Applica	he section numbering associated with this form corresponds to that found on the "Standard Instream Lease tion" form. The "Pooled Lease" form and "Pooled Water Right Holder" form(s) are used to provide the same tion as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always ial.
	~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. 82246
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 ¼¼, tax lot number, map orientation and scale.]

	T	R	Sect	44	Tax Lot	Acres	Type of Use	Certificate #	Page(s)#	Priority*
	*(Identi	fy pertine	ent page n	umber of			e is greater than 1 er certificate)	0 pages; identify	priority date	if there is
1.	14	15	25	nesw	1700	2.0	IRR	82246	20	1917
2.	14	15	25	sesw	1700	11.1	IRR	82246	20	1917
3.										
4.										
5,										

Total number of acres, if for irrigation, by certificate and priority date: 13.1 acres

Conditions or other limitations, if any: Ochoco Irrigation District has limited the duty to 3.0 af/ac in 2011.

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 <u>not</u> 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

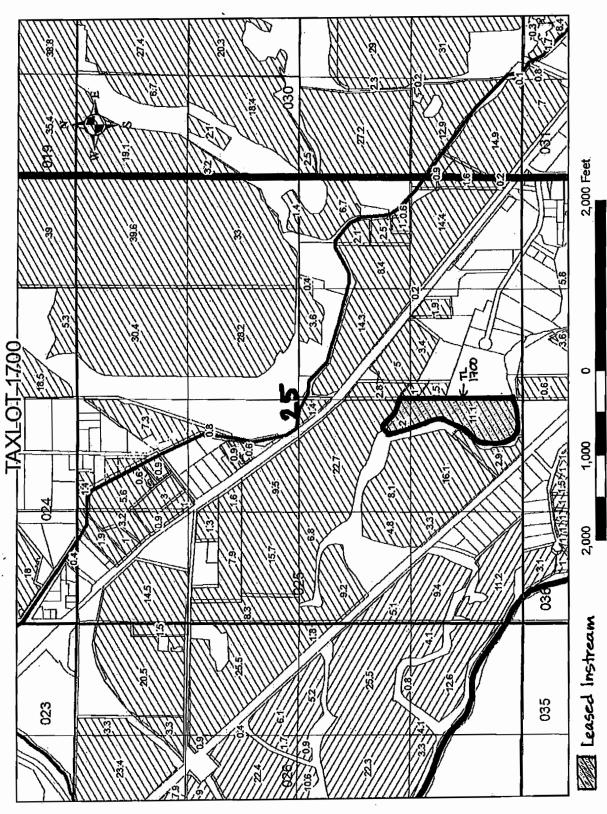
2.3 Term of lease. This lease shall terminate on November 1, 2011. (If there is a conflict between the Pooled Lease Form and this form, the Pooled Lease Form will be the official term of the lease.)

~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	suspend use	of original use. During the period of the lease, the water right holder agrees to of water allowed under the subject water rights and under any water right that is I to the subject water rights.
3.5	year with during to days pring the d	tiyear leases, the Lessor(s) shall have the option of terminating the lease each h written notice to the Department. The lease may be terminated at any time he calendar year. However, if the termination request is received less then 30-or to the period of allowed instream use or after the period of allowed use has or the water right(s) being leased, water may not be used under the right(s) leased following calendar year, unless the Director determines that enlargement would use. The Department may also require: en notice to the Department with original signatures; ent by all parties to the lease; and/or en notice to the Watermaster's office. tiyear leases, the lessor shall not have the option of terminating the lease, without by all parties to the lease.
3.6	2.2 during the use water from	to prevent injury. Allocation of water to the instream use described in Section e term of this lease is not reasonably expected to cause injury to other rights to m the same source. If injury is found after this lease is signed, the lease may be erminated to prevent injury.
Lessor Jerry R	#1:	Jeny Robertson Date: 4-8-11
	ditional Lesso o Irrigation Di	rs, type in space for signature and date strict
Other A	Attachments A	as Needed:
Exhibit		ax Lot Map. (See instructions.)
Exhibit	рa	etailed map illustrating lands under subject rights to be leased; required if only art of a right is being leased instream. Exhibits 5-A and 5-B may be combined to a single map. (See instructions.)
Exhibit	fo co	reprorting documentation indicating why a right is valid and not subject to rejeiture even though the right has not been exercised for five or more ensecutive years (required if the second box in Section 1.6 of this form is necked)
Exhibit	t 5-D: S _I	olit Season Instream Use Form

JERRY ROBERTSON INSTREAM LEASE LANDS T. 14 S., R. 15 E., W.M., SECTION 25





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/OVRD/PUBS/forms.shtml.

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

Optio Lease	onal Identification by Lessor/Lessee; <u>Prev. lease 1077 & other</u> e Application Number (assigned by WRD): <u>TL-1163</u>
This	Lease is with:
Name Maili City, Telep Emai	or #1 (Water Right Holder): Ochoco Lumber Company ng address P.O. Box 668 State, Zip Code Prineville, OR 97754 shone number 541-447-6296 (Attn: Donna Barnes) I address donna.barnes@ochocolumber.com
	litional water right holders, enter water right holder information below
Applic	The section numbering associated with this form corresponds to that found on the "Standard Instream Lease ation" form. The "Pooled Lease" form and "Pooled Water Right Holder" form(s) are used to provide the same ation as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always tial.
	~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. 82248
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 ½ ½, tax lot number, map orientation and scale.]

	\mathbf{T}	R	Sect	44	Tax Let	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify portine	ent page r	umber of			is grenter than I er certificate)	0 pages; identify	priority date	if there is
1.	15	16	04	INVINV	7200	86.5	IND	82248		1986
2.	15	16	04	SWIIW	7200		IND	82248		1986
3.	15	16	04	nenw	7200		IND	82248		1986
4.	15	16	04	senvy	7200		IND	82248		1986
5,	15 15	16 16	04 04	nesvy	2900 2900		IND	82248		1986

Total number of acres, if for irrigation, by certificate and priority date: 86,5 Industrial... there is an error in POU description on C-82248 for Ochoco Lumber. T15 R16, Sect 4 taxlot 2900. The QQ marked sesw should be nesw as it is on the final proof map for Ochoco ID. This has been identified on past leases (reference L-922, pg 3 #6).

Conditions or other limitations, if any: Ochoco Lumber will retain 3.5 acres of water right to use for dust abatement on entire property, Ochoco Irrigation District patrons are duty limited in 2011 to 3.0 af/ac.

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 <u>not</u> 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 November 1, 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 then 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-/1-/1

For additional Lessors, type in space for signature and date Ochoco Irrigation District

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

