

# 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

	Tursuant to ONO 3371340(2) and OAN 070-077					
	tion by Lessor/Lessee: <u>see landowner forms – prev Ls #s</u> Number (assigned by WRD): <u>IL-    S.5</u>					
This Lease is betw	een:					
	ion District or Other Water Purveyor					
Name	Three Sisters Irrigation District					
Mailing address	P.O. Box 2230					
City, State, Zip Co	de Sisters, OR 97759					
Telephone number	541-549-8815					
	tsid@uci.net					
	pe leased is located in <u>Deschutes</u> County.					
	t than Oregon Water Resources Department):					
Name	Deschutes River Conservancy					
Mailing address						
City, State, Zip Code Bend, OR 97701						
Telephone number <u>541-382-4077</u>						
Email address gen@deschutesriver.org						
Trustee: Oregon Water Reso 725 Summer Street Salem, OR 97301- (503) 986-0900	NE, Suite A					
•	I~ Water Right Holder and Water Right Information					
Official which c	the (Check one): representative of Three Sisters Irrigation District, onveys water to the subject water rights. party with an interest in the subject water rights representing licable.					
	er right(s) being leased, list all water rights appurtenant to the same lands. here are any supplemental or overlying rights.					
Certificate I	No. <u>74135</u>					

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.: 74135
	Priority date: 1895, 1899, 1901, 1904 Type of use: IRR
	Legal Season of Use: N/A  If an irrigation right, total number of acres to be leased: 142.73 ac 1895,
	( 0 1000
	2.5 ac 1901,
	0.5 ac 1904, Total 152.53 ac
	Total acre-feet of storage to be leased, if applicable: N/A
	Maximum rate associated with subject water rights (cfs) being leased: 2.855 cfs 1895,
	0.136 cfs 1899,
	0.05 cfs 1901,
	0.01 cfs 1904,
	Total 3.051 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): N/A
	Maximum duty associated with subject water rights (ac-11): M/A
	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	<ul> <li>Public use. This lease will increase streamflows that will benefit:</li> <li></li></ul>
	☐ Pollution abatement
	□ Recreation and scenic attraction
2.2	Instream use created by lease. The instream use to be created is described as follows:  Whychus  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): From POD at RM 23.5 to the mouth of Whychus Creek
	Maximum volume in acre-feet: 441.64 af-ft 1895,
	21.04 ac-ft 1899,
	7.74 ac-ft 1901,
	1.55 ac-ft 1904 Total 471.96 ac-ft

	Kate in cis: 2.833 cis 1893,
	0.136 cfs 1899,
	0.05 cfs 1901,
	0.01  cfs  1904 = Total  3.051  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 July 16 through October 1.
	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.
- 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:
	#2: Place Date: 6/20/201
Lessee Desch	: XIMMENE THESELF Date: 6/20/2011 utes River Conservancy
Other.	Attachments as Needed:
	ment 1: Tax Lot Map. (See instructions.)
	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.)
	ment 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).
	ment 4: Split Season Instream Use Form
Attach	ment 5: Pooled Lease Water Right Holder Form

Revised 6/13/2011

TSID season 1

					š	Sect 1.5/2.2				Sect 1.5/2.2	previous
	Priority	Certificate Cert. Pg	Cert. Pg	acres* .	cfs/ac	rate*	conv fact	*	no. days	duty AF	lease #
Tisher	1904	74135		0.5	0.02	0.01	0.01 1.983471	0.019835	78	1.55	1088
	Subtotal		· · · · · · · · · · · · · · · · · · ·	9.0		0.01				1.55	
Nulton	1901	74135		2.5	0.02	0.05	1.983471	0.099174	78	7.74	915
	Subtotal			2.5		0.05				7.74	
St Clair	1899	74135		6.8	0.02	0.136	1.983471	0.269752	78	21.04	915
	1899	74135			0.02	0	1.983471	0	78	0.00	
	Subtotal			8.9		0.136				21.04	
Angel	1895	74135		30	0.02	0.6	1.983471	1.190083	78	92.83	977
Swaner	1895			92	0.02	1.3	1.983471	2.578512	78	201.12	107
Swaner	1895		,	16.93	0.02	0.339	1.983471	0.671603	78	52.39	1074
Tisher	1895			23	0.02	0.46	1.983471	0.912397	78	71.17	108
Burns	1895	74135		7	0.02	0.04	1.983471	0.079339	78	6.19	418
Krohn	1895	74135		4	0.02	0.08	1.983471	0.158678	78	12.38	41
Knott	1895	74135		1.8	0.02	0.036	1.983471	0.071405	78	5.57	
	Subtotal			142.73		2.8546				441.64	
		The second secon	Totale	152 53		3 054				471 96	

days instream	92.00 Season 1	78.00 Season 2
end	7/15/2011	10/1/2011
start	4/15/2011	7/16/2011

\*1.983471 conversion factor = af/cfs per 24 hrs or for one day



# 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

	nal Identification by Lessor/Lessee: <u>Dveu, L-1004, 1088</u>
Lease	Application Number (assigned by WRD): IL- 1185
This I	ease is with:
Lesso	r #1 (Water Right Holder):
Name	Kenneth Tisher
Mailir	ng address 2044 NW Trenton
City, S	State, Zip Code Bend, OR 97701
Telepl	none number <u>541-385-1033</u>
Email	address
	itional water right holders, enter water right holder information below
Lesson	
	Sisters Irrigation District Irrigation District
	ox 2230
Sisters	s, OR 97759 541-549-8815 manager@tsidonline.org
Applica	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 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. 74135
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:

	Γ	R	Sect	1, 12	Tax Lot	Veres	Type of Use	Certificate #	Page(s) #	Priority 5
	*(Ident	tify pertine	ent page r	number of			e is greater than 1 er certificate)	O pages; identify	priority date	if there is
1.	14	11	13	SW SW	700	20.5	IRR	74135	3	1895
2.	14	11	13	sw sw	700	.5	IRR	74135	3	1904
3.	14	11	14	SE SE	700	2,5	IRR	74135	3	1895
4.										
5.										

Total number of	f acres, if for irri	gation, by ce	rtificate and	priority date:	23 ac IRR 1895
.5 ac IRR 1904	. Prev. leas	ed L-1004	1088 .	Lot line	adjustments
have been	made to 41 ther limitations,	his proper	ty. Please	refer to l	.1088 F.O.

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 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 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. Date: 5-25-11 Lessor #1: Kenneth Tisher

Three Sisters Irrigation District

Other	Attac	hments	Δe	Need	ed.
Oute	Allac	minicuis	$\mathbf{n}$	LACCI	CU.

Exhibit 5-A:

Tax Lot Map. (See instructions.)

For additional Lessors, type in space for signature and date

Exhibit 5-B:

Lessor #2:

Detailed map illustrating lands under subject rights to be leased; required if only

Date:

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:

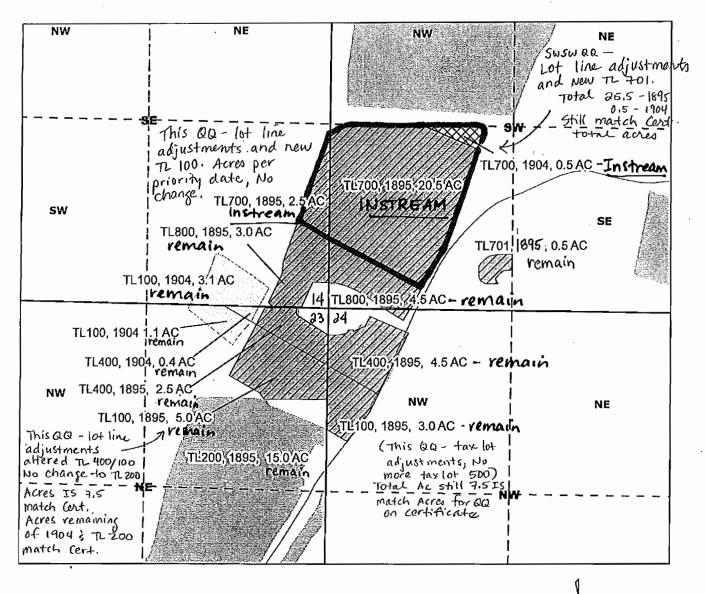
Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is

checked)

Exhibit 5-D:

Split Season Instream Use Form

	51.1	Total Ac												
L.	46	23.5	51.1	Total Ac	51.1		51.1	Total Ac	51.1					
	7.5	0	7.5	subtotal	7.5	entité.	7.5	subtotal						
	3	0	3	1895	3	**100	7.5	1895	1.5	4	500	24 nwnw	H	14
	4.5	0	4.5	1895	4.5	*400	9/cm 25**	1895	6	4	400	24 nwnw	Ħ	14
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	4.5	0	25.5	1895	4.5	*800	2.0	1904	0. <b>5</b>	ω	700	13 swsw	Ħ	14
6	0	0		1895	0.5	701	25.5	1895	4	ω	800	13 swsw	Ħ	14
	20.5	20.5		1895	20.5	<b>*</b> 700	325	1895	21.5	3	700	13 SWSW	11	14
စ္တ	for QQ	instream	Priority	Priority	new tax lot	new tax lot #	Priority	Priority	on Cert	Cert pg	Cen	s qq	D	٦
t Sujureus	Total Leased Remaining for	leased	QQ by		line Ad) or	adjusted or	og by		Orig Acre		Tax lot on			
Total			Total ac for	#	adjusted taxlot, **new tax lot # Tax lot Ac after lot	adjusted taxlo	Total actor	01				for IRR	below are f	All acres listed below are for IRR
		djustments	ı-w/lot line a	Leased instream - w/lot line adjustments					8	e adjustme	fleate (no lot lin	Listed on Certificate (no lot line adjustments)		
TO (1-108	sed previously in 2003 (r-1004), 2010 (r-1008)	AISTORY III	neasen bre						(4/c 8d - 118)	DELIPAPAT CC	riopeity previously direct one talloomiet on 1310 Cert 14133 (Navanaugh - pg 3/4)	Our landonisti C	ASIY DETOC	being break



# **Three Sisters Irrigation District**

Kenneth Tisher/Tim & Wendy DiPaolo, David & Marlene Ludi 23.0 ac instream 1895 0,5 ac instream 1304

#### T14S R11E S13 SWSW Legend Instream -> TL700, 20.5 ac, 1895 Instream -> TL700, 0.5 ac, 1904 TL701, 0.5 ac, 1895 - remain diff. ownership. TL800, 4.5 ac 1895 - remain Township Range ı Quarter Quarters **T14S R11E S14 SESE Primary** TL700, 2.5 ac, 1895 TL800, 3.0 ac, 1895 - Yemain Priority Date T14S R11E S23 NENE 1895 TL100, 5.0 ac, 1895 - remain TL400, 2.5 ac, 1895 - remain 1904 TL200, 15 ac remaining, 1895 1895 \$ 1904

**Deschutes County** 

**T14S R11E S24 NWNW** 

TL400, 4.5 ac, 1895 - remain

TL100, 3.0 ac, 1895 - remain

1,530 2,040 255 510 1,020 **■** Feet

Tisher INSTREAM



# 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.

	rursumit to Ond 55/1546(2) and OAR dys-0//
Ontid	and Identification by Lesson/Lesson: Prev. L-977
Leas	onal Identification by Lessor/Lessee: Prev. L-977  • Application Number (assigned by WRD): IL-1185
This	Lease is with:
	or#1 (Water Right Holder): c_loseph_Angel
Mail	ing address c/o Taskar, Kibbee, & Associates, P. C. 4900 SW Griffith Dr. Ste. 269 State, Zip Code Beaverton, OR 97005
	phone number 503-525-9100
	ll address
Less Three POI	ditional water right holders, enter water right holder information below or # 2; e Sisters Irrigation District Irrigation District Box 2230
Siste	rs. OR 97759 541-549-8815 manager@tsidopline.org_
Applic	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 alway nitial.
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1.3	For the water right(s) being leased, list all water rights appurtenant to the same lands. Indicat if there are any supplemental or overlying rights.
	Certificate No. 74135
1. <b>4</b> :	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

	i							Commerce		
	*(Ident	ify pertin	ent page n	umber o	f certificate, mor	if cartificate e than one p	e is greater than per certificate)	10 pages; identif	y priority dat	to if there is
1.	15	11	103	NW WW	01101	30	IRR	74135	9	1895
2.										
3.										
4.										
5.										

	Tot	al number of acres, if for irrigation, by certificate and priority date: 30.0 ac IRR 1895 Previously leased L-977
	Co	aditions or other limitations, if any:
		to enter another leased right, please use the Additional Water Right Form for Pooled at Holder.
1.6	Valid	lity of rights. Lessor(s) attests (mark one) that:
	Ø	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).
		•

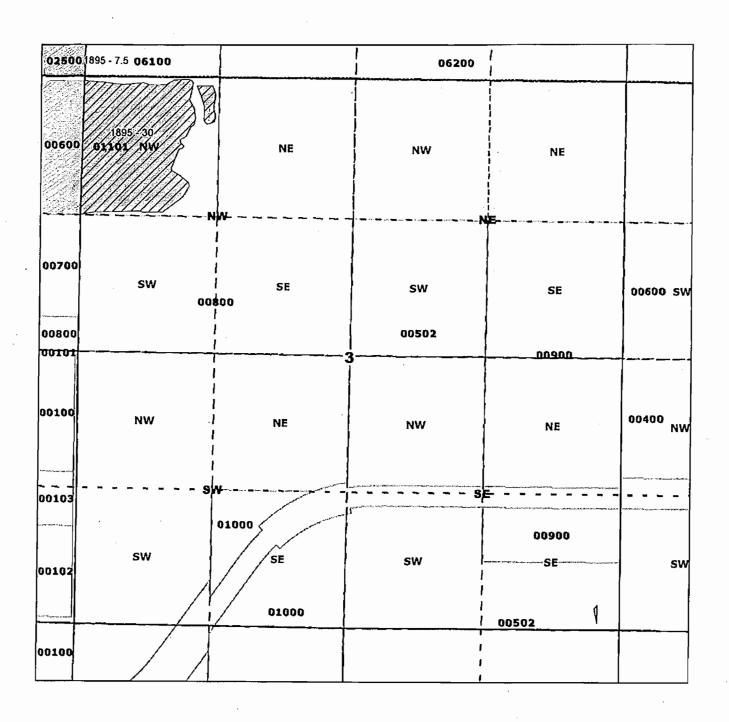
#### ~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on 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.
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- 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 u	on of original use se of water allowed that to the subject	<ul> <li>During the period of the lead under the subject water i water rights.</li> </ul>	ease, the wal rights and un	er right holder agrees to der any water right that is
3.5	For myear year year year year year year year	with written notice g the calendar year prior to the period in for the water rig the following cale cour. The Depart ritten notice to the pasent by all partic ritten notice to the	indar year, unless the Direct ment may also require; a Department with original as to the lease; and/or a Watermaster's office, ne lessor shall not have the	ease may be the request rafter the pe ay not be use tor determinating signatures;	terminated at any time is received less then 30-
3.6	2.2 during use water	the term of this l	ease is not reasonably expe urce. If injury in found after	cted to cause or this lease i	s signed, the lease may be
Lessor Joseph	#1:	7	7-1	_Date:	4127111
For ad	ditional Le	ssors, type in spac	ce for signature and date		
Lessor				Date:	
Three	Sisters Irrig	ation District			
Other .	Attachment	a As Needed			
Exhibi		Tax Lot Map. (S	See Instructions.)		
Exhibi	t 5-B:	part of a right is	ustrating lands under subje- being leased instream. Exi b. (See instructions.)	et rights to b hibits 5-A an	e leased; required if only d 5-B may be combined
Exhibi		Supporting docu forfeiture even the consecutive year checked)	mentation indicating why a hough the right has not bee is (required if the second be	n exercised t	for five or more
Exhibi	( 5-D:	Split Season Inst	tream Use Form		



# Legend

Township Range
Quarter Quarters
Taxlots
Angel Instream Lease

1895

# **Three Sisters Irrigation District**

Joseph Angel
30 Acres Instream 1895
Cert. 74135
T15S R11E Sect 03
Tax Lot 1101
NWNW 30.0 Ac Instream
NWNW 0 Ac remain
Deschutes County



0 320 640 1,280 1,920 2,560 Feet



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/formi.shanil.

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

	्रेस <b>राज्ये प्राप्त करणा कर</b> े हम अन्य काल के काल के काल के काल करें के प्राप्त कर के किए आहें हैं कि काल करें के
Optio Lease	nal Identification by Lesson/Lessee: Prev. L-1074, 1004, 977 Application Number (assigned by WRD): ILL-1185
	ease is with:
ATLA	r#1 (Water Right Holder): Karan Swaner
Maili	ng address 4301 Massachusettes Ave NW Apt A 204
City	State, Zip Code Washington DC 20016
Telen	hone number 202-355-8725
Email	address
If add	llional water right holders, enter water right holder information below
Lesso	6#2:
	Sisters Irrigation District Irrigation District
POB	iox 2230
Sister	s. OR 97759 541-549-8815 manager@tsidonline.org
Applic	The section numbering associated with this form corresponds to that found on the "Standard Instream Lease atlon" form. The "Pooled Lease" form and "Pooled Water Right Holder" form(s) are used to provide the same atlon 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. 74135
1.4	Are some of all of the lands being leased part of a Conservation Reserve Enhancement Program. Yes No
1:5	Water Right(s) Proposed to be Lessed Instream. Water right holder proposes to lease the water rights shown on the map attached as Exhibit 5-B and described as follows:

	1	$\mathbf{R}$			$(1/\alpha,1/\alpha)$	Action	type of the	Captalanda		P. Bords
-47.5E	(Iden	ily p <del>erib</del>	om page	number o	conficate.	if certificate	is greater than en certificate)	O pages, idenif	y priority da	le if there is
1.	15	11	04	NW NE	101			74135	9	1895
2.	15	11	04	SW NE	101	40	IRR	74135	9	1895
j			1	la respect			3			
<u>,</u>				n 2			3 P			
<i>5</i> .	Ī .		1		1	3	11:4.1.	- 1 10	.,	7

Total number of acres, if for irrigation, by	certif	icate and	priority date	65 ac IRR 1	<u> 895                                    </u>	
taxlot 101 used to be taxlot	100	before	partial	partition.	Prev.	L-1074
Total number of acres, if for irrigation, by +ax   0+   01   0x d + 0 be +ax   0+   0	540	· : :	<del></del>	·············		1-1004

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

1.6 Validity of rights. Lesson(s) affects (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

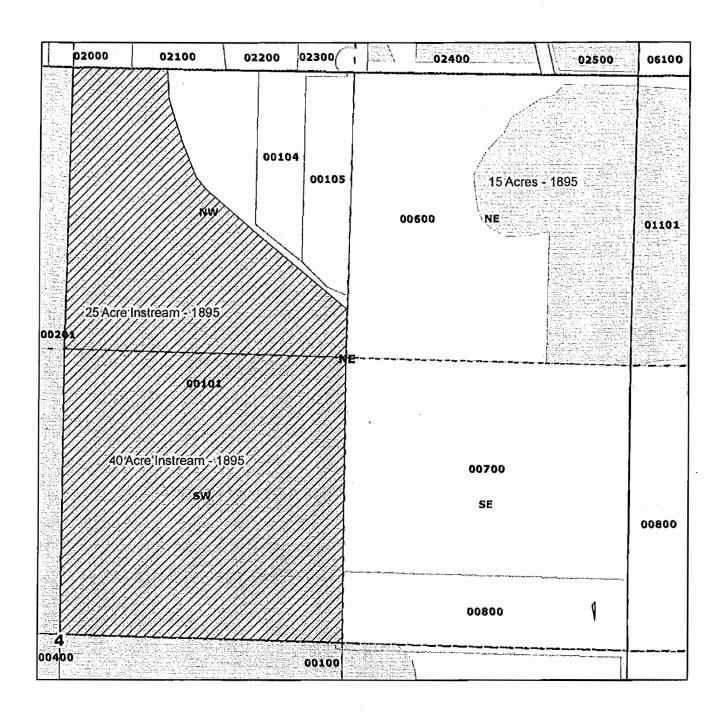
2.3 Term of lease. This lease shall terminate on October 15, 2011 . (If there is a conflict between the Pooled Lease Form and this form, the Pooled Lease Form will be the official term of the lease.)

#### ~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 constitued 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

1 - 977

	required,	and a prior short term lease shall not set a precedent for the amount	of water to be
		transferred instream.	
3.4	Suspension	ion of original use. During the period of the lease, the water right ho use of water allowed under the subject water rights and under any wa	lder agrees to
		ental to the subject water rights.	mer tibut umi io
3.5	Termina	ition provision.	
	For n year durin days begui until not o  W For n	multiyear leases, the Lessor(s) shall have the option of terminating the with written notice to the Department. The lease may be terminated ing the calendar year. However, if the termination request is received in prior to the period of allowed instream use or after the period of allowed instream use or after the period of allowing for the water right(s) being leased, water may not be used under the following calendar year unless the Director determines that enlanceur. The Department may also require:  Vitten notice to the Department with original signatures; consent by all parties to the lease; and/or  Vritten notice to the Watermaster's office, multiyear leases, the lessor shall not have the option of terminating the sent by all parties to the lease.	at any time less then 30- owed use has te right(s) leased argement would
3.6	2.2 during use water	ation to prevent injury. Allocation of water to the instream use desc g the term of this lease is not reasonably expected to cause injury to r from the same source. If injury is found after this lease is signed, the or terminated to prevent injury.	other rights to
¥:	eriida — —	Kaland Swans Date: 4/25/2	in til
Lesso	E#10	Date: Value	<b>20.</b> V.)
Karan	Swaner		
For a	iditional Le	essors, type in space for signature and date	
Lesso		Date	
Three	Sisters Irrig	gation District	
Other	Attachmen	nts As Needed:	
Exhib	it 5-A:	Tax Lot Map. (See instructions:)	er contra
Exhib	it 5-B:	Detailed map illustrating lands under subject rights to be leased; repart of a right is being leased instream. Exhibits 5-A and 5-B may into a single map. (See instructions.)	equired if only be combined
Exhib	it 5.C:	Supporting documentation indicating why a right is valid and not professions even though the right has not been exercised for five or consecutive years (required if the second box in Section 1.6 of this chacked)	more
Exhib	it 5-D:	Split Season Instream Use Form	
	•		



# Legend Swaner Instream Lease Township Range Quarter Quarters Taxlots 1895

# **Three Sisters Irrigation District**

Karan Swaner
65 acres instream - 1895
Certificate 74135
T15S R11E Sect 04
Tax Lot 101
SWNE 40 Acres
NWNE 25 Acres
0 remaining (Tax Lot 101)
Deschutes County



195 390 780 1,170 1,560 Feet

# DESCHUTES COUNTY ASSESSOR'S NAME LEDGER

			Alternate Size	Altern	Sqft	Acres	Code	Size Totals	
	NAME CHANGE	1	1 48460	2001		CLERK - BOR	2001 CI	-157089	2
To/From Map	PT Operation	PID Source ID	1 10#2	<u>5</u>	се Туре	Tax Year Document Source	1	Voucher ID	Seq
Sale Price \$550,000 Sale Date 02-Oct-2001	Recorded Date 02-Oct-2001	Entry Date 02-Oct-2001	ω	-12790:	Transaction ID -127903		02-Oct-2001 12:00 AM	Effective Date	Effe
			Alternate Size	Alterna	Sqft	Acres	Code	Size Totals	
	NAME CHANGE	538 1	6 4192538	1996		CLERK - BOR	1996 CI	-179939	_
To/From Map	PT Operation	PID Source ID	1 ID#2	D #1	се Туре	Tax Year Document Source	1	Voucher ID	Seq
Sale Price \$265,000 Sale Date 16-Aug-1996	Recorded Date 16-Aug-1996	Entry Date 16-Aug-1996	0	-147130	Effective Date 16-Aug-1996 12:00 AM Transaction ID	12:00 AM	16-Aug-1996	ctive Date	Effe
			Alternate Size	Altema	Sqft	Acres	Code	Size Totals	
	NAME CHANGE	128 1	6 4192528	1996		CLERK - BOR	1996 CI	-179940	
To/From Map	PT Operation	PID Source ID	1 ID#2	D #1	зе Туре	ocument Sour	Tax Year Document Source	Voucher ID	Seq
Sale Price \$172,369 Sale Date 09-Aug-1996	Recorded Date 09-Aug-1996	Entry Date 09-Aug-1996	_	-14713	Effective Date 09-Aug-1996 12:00 AM Transaction ID -147131	12:00 AM	09-Aug-1996	tive Date	Effe
			Alternate Size	Alterna	Sqft	Acres	Code	Size Totals	
	NAME CHANGE	29 1	3981029	1996		CLERK - BOR	1996 CL	-186213	8
To/From Map	PT Operation	PID Source ID	ID#2	ID #1	зе Туре	Tax Year Document Source	Tax Year Do	Voucher ID	Seq
Sale Price \$470,000 Sale Date 30-Jan-1996	Recorded Date 30-Jan-1996	Entry Date 30-Jan-1996	_	-152361	Transaction ID		Effective Date 30-Jan-1996 12:00 AM	tive Date	Effe
	erest	Taxlot Special Interest 00101	1/16 0	0	e Section 04	p Range 11	Township 15	Account ID 189422	A CC
5/31/2011 3:25:01 PM									

Dele	Action	Ac	Dele	Acti		Size Totals		Size Changes	PARTITION PP2007-34	Account ID 189422	
Delete: METES AND BOUNDS	on Metes and Bounds	Add: PP2007-34	Delete: FF 1990-04	Action Subdivision	6012	Code	6012	s Code	TO CREATE TAX	Township 15	
D BOUNDS	Bounds		•	Š	75.79	Acres	-9.07 Acres	+/-Size	KLOTS 104 (4.1)	o Range 11	
						Sqft	ss 0	Alterna	PARTITION TO CREATE TAXLOTS 104 (-4.16 AC) & 105 (-4.91 AC) PP2007-34	Section 04	
						Alter		Alternate Size	91 AC)	0 1/4	
				Block		Alternate Size		Code Ar		1/16 0	
				Ç.		!		Code Area Deleted		<b>Taxlot</b> 00101	
		PARCEL 1	ADDL ADDL					Move to Acct Move To Code		t Special Interest	
				Direction Part			1	۳			
				Part							
•				Part Type							
									1511040000104 1511040000105		5/31/2011 3:25

Effective Date 16-Jul-2007 8:00 AM		Transaction ID 1628175		Entry Date 19-Jun-2007		Recorded Date 15-Jun-2007	Sale Price \$850,000 Sale Date 13-Jun-2007
Seq Voucher ID Tax Year Document Source	cument Source	Type ID#1	H 1D#2	PID Source ID	% ID	PT Operation	To/From Map
1 1815114 2007 CLE	CLERK - BOR	WD 2007	7 33640	_		NAME CHANGE	
Name Changes Status Name	ame				Name Type	Ownership Type	Ownership %
D An A St Size Totals Code	ANGEL, JOSEPH W SWANER, KARAN Acres Sqft	Altern	Alternate Size		OWNER	OWNER	100.0000
	Let Dorthine I'm the there	Z Constant	The solution of the solution o	The total of the t	text of the thirty in the on the one of	r of the lot	



# Instream Lease

Attachment S: 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.shiml.

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

		by Lessor/Lessee: ther (assigned by WRD)	1 L-1185	•
	case is with:	mos (mission and many)		
Lesso	r#1 (Water Rig	ht Holder):		
Name	Karan Swaner	and the second second		
Maili	ng address 4301	Massachusettes Ave NV	Apr A 204	
City,	State, Zip Code \	Vashington DC 20016	In the state of th	
Telep	hone number 202	-355-8725	A CONTRACTOR OF THE PARTY OF TH	
Email	address	(10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 10 (10) 1	the state of the s	
Lesso Three	r#2. Sistem Impation	it holders, enter water ri District Irrigation Dist	cht holder information below iet	
	ox 2230	541-549-8815	tsid@uci net	
Sister	s. OR 97759	241+245-8819	. Islo wocinet	
sequen		o insuesmi Lesso Applicano	nii form. Consequently, the numbering on th	is tour is not entitle.
	بر. آب	- Water Right Holde	r and Water Right Information	
1,1	If the water rig	ht appurtenant to these l	uthorized agent for property describe ands is also appurtenant to lands own n Attachment I (tax lot map), needs t	ed by others who
1,3	For the water t	ight(s) being leased, list supplemental or overly	all water rights appurtenant to the sai	me lands, Indicate
;• ,	Certificate No.	74135		•
1.4	Are some or all Program.	l of the lands being leas Yes 🔀 No	ed part of a Conservation Reserve En	hancement
1.5	Water Right(	) Proposed to be Leas own on the map attache	ed Instream. Water right holder prop d as Exhibit 5-B and described as foll	oses to lease the lows:
٠,		· •		

		K						Cartificate		
:	*(Ident	ity pertin	ent page i	umber of	certificate,	pertificate than one pe	la greater than ( r cortificate)	O pages, identify	priority date	if there is
<b>,</b> ,	15	ħ	04	SE SW		16.60	IRR	74135	9	1,895
; ;	15	jį,	04	NE SW	402	0.33	IRR	74135	9	1895
<i>,</i>		2.5		eriken er						1
					8			·		
•.			` .							

	Cor	nditions or other limitations, if any
	u necd	to enter another leased right, please use the Additional Water Right Form for Pooled it Holder.
.6	Valid	lity of rights. Lessor(s) attests (mark one) that:
	Ø	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).

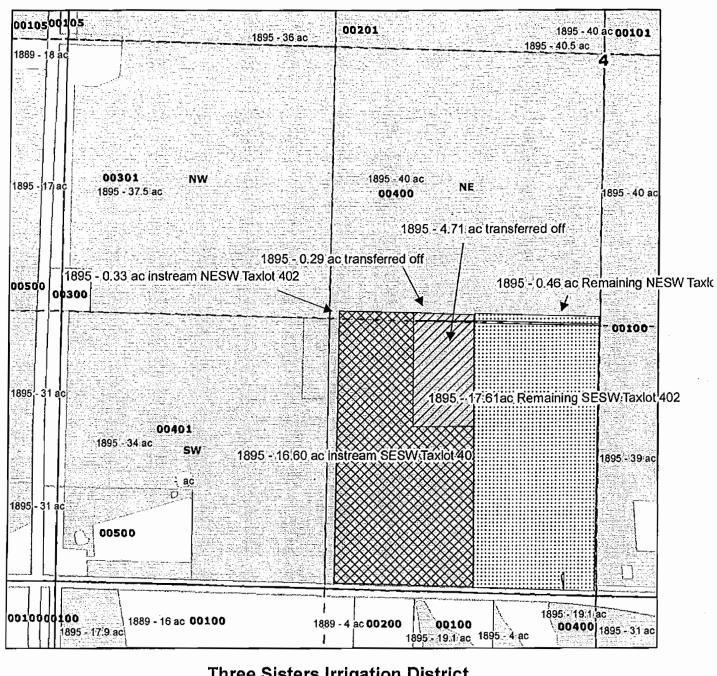
# ~II~ Instream Water Right Information

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 Lesson(s) and Lessee(a) 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 fortelture 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

3.4	required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream. 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.
<b>3.5</b>	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) lease until the following balendar 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, soffice.  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 Karan	#1: Kasau & Bulous Date: 4/25/2011 Swaner
For ad	litional Lessors, type in space for signature and date
Lessor	#2: Date:
	Sisters Irrigation District
<u>Other</u> Exhibi Exhibi	5-B: Detailed map illustrating lands under subject rights to be leased; required if only
Exhibi	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
Exhibi	checked) 5-D: Split Season Instream Use Form



# **Three Sisters Irrigation District**

Legend	Karan Swaner
	16.93 acres instream - 1895
New_Shapefile	Certificate 74135
Township Range	T15S R11E Sect 04
	Tax Lot 402
Quarter Quarters	NESW 0.33 Acres Instream
Taxlots	SESW 16.60 Acres Instream
1895	NESW 0.29 Acres Transfered Off
	SESW 4.71 Acres Transfered Off
1895 Transferred Off	NESW 0.46 Acres Remaining
1895 Instream	SESW 17.61 Acres Remaining
	Deschutes County



1,320 880 1,760 220 440 Feet



# 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	nal Identification by Lessor/Lessee: Previ 6-915 Application Number (assigned by WRD): IL-1185
Lease	Application Number (assigned by WKD):
This L	ease is with:
	r #1 (Water Right Holder): Karl Nulton
	ng address 17285 Jordan Rd.
	State, Zip Code Sisters, OR 97759
Teleph	none number 503-819-5200
	address
Lessor	
	Sisters Irrigation District Irrigation District
	0x 2230
Sisters	o, OR 97759 541-549-8815 manager@tsidonline.org
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. 74135
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:

	T	R	Sect	44	Tax Lot	Acres	Type of Use	Certificate#	Page(s)#	Priority 6
	*(Ideni	tify pertine	ent page r	umber of			is greater than I er certificate)	0 pages; identify	priority date	if there is
1.	15	11	18	NW SW	1800	2.5	IRR	74135	12	1901
2.										
3.										
4.										
5.										

	Tot	al number of acres, if for irrigation, by certificate and priority date: 2.5 ac IRR 1901
		nditions or other limitations, if any:
•		to enter another leased right, please use the Additional Water Right Form for Pooled at Holder.
1.6	Valid	lity of rights. Lessor(s) attests (mark one) that:
	$\boxtimes$	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

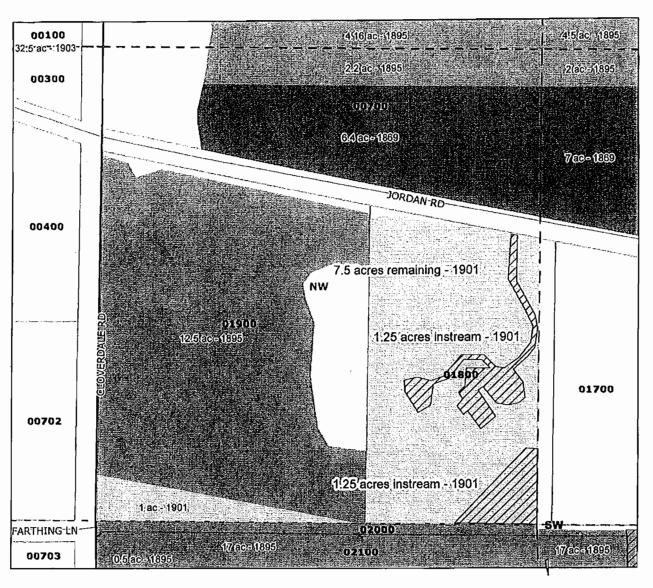
# the Pooled Lease Form and this form, the Pooled Lease Form will be the official term of the lease.) ~III~ Other Information

Term of lease. This lease shall terminate on October 15, 2011 . (If there is a conflict between

2.3

- 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 u	on of original use. During the period of the lease, the water right holder agrees to use of water allowed under the subject water rights and under any water right that is not the subject water rights.
3.5	For n year v durin days begui until not o W Co W For n	nultiyear leases, the Lessor(s) shall have the option of terminating the lease each with written notice to the Department. The lease may be terminated at any time of the calendar year. However, if the termination request is received less then 30-prior to the period of allowed instream use or after the period of allowed use has not for the water right(s) being leased, water may not be used under the right(s) leased the following calendar year, unless the Director determines that enlargement would occur. The Department may also require:  Tritten notice to the Department with original signatures;  Insent by all parties to the lease; and/or ritten notice to the Watermaster's office.  Inultiyear leases, the lessor shall not have the option of terminating the lease, without ent by all parties to the lease.
3.6	2.2 during use water	tion to prevent injury. Allocation of water to the instream use described in Section the term of this lease is not reasonably expected to cause injury to other rights to from the same source. If injury is found after this lease is signed, the lease may be or terminated to prevent injury.
Lessor Karl N		Date: 4/26/11
For ade	ditional Le	ssors, type in space for signature and date
Lessor	#2:	Date:
Three !	Sisters Irric	gation District
Exhibi	t 5-A:	ts As Needed: Tax Lot Map. (See instructions.)
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		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



# Three Sisters Irrigation District Legend

Primary
Priority\_Date

1869

1895 1901

Township Range

Quarter Quarters

Taxlots

Karl Nulton 2.5 acres instream - 1901 Certificate 74135

T15S R11E S18 Taxlot 1800 NWSW 2.5 acres instream 1901



0 180 360 720 1,080 1,440 Feet



# Application for Instream Lease

# Attachment 5: Pooled Water Right Holder Form

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

Pursuant to ORS 537.348(2) and OAR 690-077	
Optional Identification by Lessor/Lessee: Prev. L-418  Lease Application Number (assigned by WRD): IL-1185	
This Lease is with:	
Lessor #1 (Water Right Holder): Name Phillip Krohn	
Mailing address P.O. Box 698	
City, State, Zip Code Camp Sherman, OR 97730	
Telephone number 541-231-0795	
Email address	
If additional water right holders, enter water right holder information below  Lessor # 2:  Three Sisters Irrigation District Irrigation District	
P O Box 2230	
Sisters, OR 97759 541-549-8815 manager@tsidonline.org	
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 sam information as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not al 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 If the water right appurtenant to these lands is also appurtenant to lands owned by others are not included in this application, then Attachment 1 (tax lot map), needs to be included	who
1.3 For the water right(s) being leased, list all water rights appurtenant to the same lands. Indifference are any supplemental or overlying rights.	icat
Certificate No. 74135	
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 to water rights shown on the map attached as Exhibit 5-B and described as follows:	he

	Γ	R	Sect	$V_1V_1$	Tay Lot	Acres	Type of Use	Certificate#	Page(s) #	Priority*
	*(Ident	ify pertin	ent page n	umber of			is greater than I er certificate)	0 pages; identify	priority date	if there is
1.	14	10	36	NW SE	2400	1.5 /	IRR	74135	2	1895
2.	14	10	36	SW NE	2400	2.5 Y	IRR	74135	2	1895
3.										
4.										
5.										

	Tot	al number of acres, if for irrigation, by certificate and priority date: 4 ac IRR 1895
	Cor	nditions or other limitations, if any:
-		to enter another leased right, please use the Additional Water Right Form for Pooled at Holder.
1.6	Valid	lity 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 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

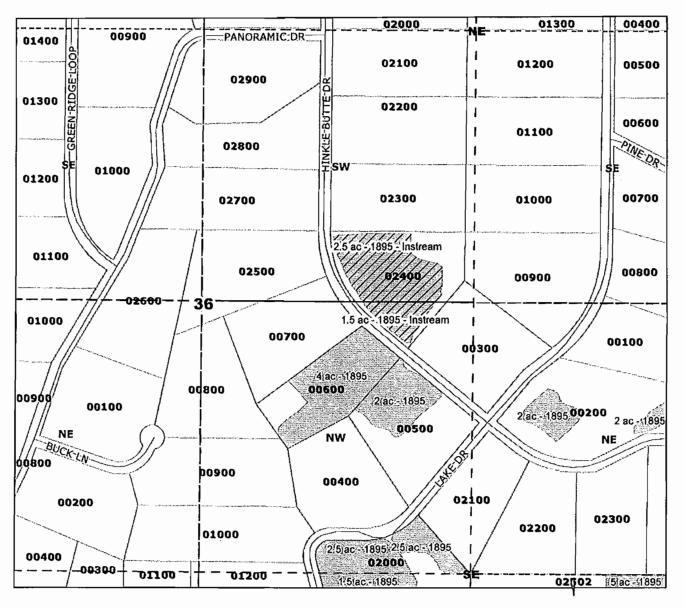
- 3.1 Accuracy. The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified 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

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 ferminated to prevent injury. Philip Krohn For additional Lessors, type in space for signature and date Lessor #2: Three Sisters 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

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



# **Three Sisters Irrigation District**

# Legend //// 1895 Leased Instream Primary Priority\_Date 1895 1904 Township Range Quarter Quarters

**Taxlots** 

Philip Krohn 4 acres instream - 1895 Certificate 74135

T14S R10E S36 Taxlot 2400 NWSE 1.5 acres instream 1895 SWNE 2.5 acres instream 1895



0 287.5 575 1,150 1,725 2,300 Feet



# 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

	onal Identification by Lessor/Lessee:
Leas	e Application Number (assigned by WRD): IL-1195
This	Lease is with:
Less	or #1 (Water Right Holder):
	e William St. Clair
Mail	ing address 313 Wescoat Ct
City,	State, Zip Code Mountain View, CA 94043
Telep	phone number 520-444-0106
Emai	l address RESCUE 198 @ ATT NET
If ad.	ditional water right holders, enter water right holder information below
	or#2:
	e Sisters Irrigation District Irrigation District
	Box 2230
	rs, OR 97759 541-549-8815 manager@tsidonline.org
- Thirt	The state of the s
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 nital.
	~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. 74135
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:

	i	K	21.1		Lactor	10.00	3310-110	Contilación	Control	Persons
	*(Ideni	lify pertin	ent page	number o			to is greater than i per certificate)	0 pages; identif	y priority dat	e if there is
I.	14	11	23	SW SW	1400	6.8	IRR	74135	4	1899
2.										
3.										T
4.										
5.										

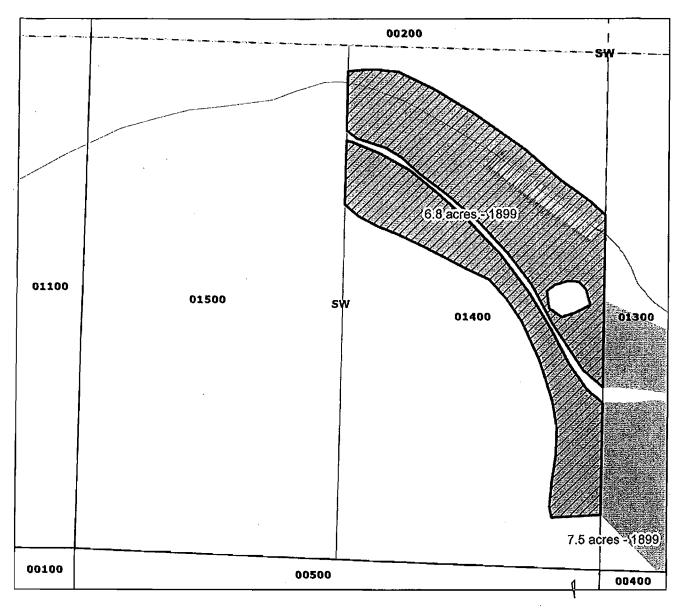
						L						
	Tot	al numb	er of a	cres, if	for irrigation	on, by cer	tificate an	d priorit	y date: <u>6.</u>	8ac IRR	1899	
	Cor	aditions	or othe	er limita	tions, if ar	ıy: <u>//</u> 8	WE			<del></del>		
	ou need ter Righ			er lease	d right, ple	ease use ti	he Additio	nal Wate	er Right F	orm for Po	ooled	
1.6	Valid	Validity of rights. Lessor(s) attests (mark one) that:										
	×				sed over the				to the terr	ns and con	ditions of	
		condit forfeit	to anoi	the wat ler ORS	er right ce	rtificate, l	iowever ti	ne water	right is no	terms and at subject to cumentation	0	
				~II~	Instream	Water 1	Right Inf	ormatic	n			
2.3	Ter	m of le	ase. Th	is Itase	shall term	inate on (	October 1	5, 2011	(Ifth	ore is a confl	ict between	

# ~III~ Other Information

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.						
Lesson Willia	#1: Willie R. At Clam Date: 22 April 2011						
For ad	ditional Lessors, type in space for signature and date						
Lesson	#2; Date:						
	Sisters Irrigation District						
	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						
	·						



# **Three Sisters Irrigation District**

William St. Clair 6.8acres instream - 1899 Certificate 74135

T14S R11E S23 Taxlot 1400 SWSW 6.8 acres instream 1899

# Legend

1899 Leased Instream

1899

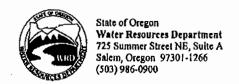
Township Range

Quarter Quarters

Taxlots

0 165 330 660 990 1,320 Fee





# 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

Ontio	nal Identification by Lessor/Lessee:
Lease	Application Number (assigned by WRD): ILISS
This I	Lease is with:
Lesso	r #1 (Water Right Holder):
	Marcene Burns
	ng address P.O. Box 1011
	State, Zip Code Sisters, OR 97759
	hone number 541-548-1709
	address
Lesso	itional water right holders, enter water right holder information below  r # 2: Sisters Irrigation District Irrigation District
	ox 2230
	s, OR 97759 541-549-8815 manager@tsidonline.org
Applica	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. 74135
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:

	f	R	Sect	V <sub>1</sub> V <sub>1</sub>	Tay Lot	Aeres	Type of Use	Certificate#	Page(s)#	Priority*
	*(Ident	ilfy pertine	ent page n	umber of			is greater than 1 er certificate)	0 pages; identify	priority date	if there is
۱,	15	11	6	NE	800	2	JRR ·	74135	9	1895
2.							_			
3.							·			
4.										
5,										

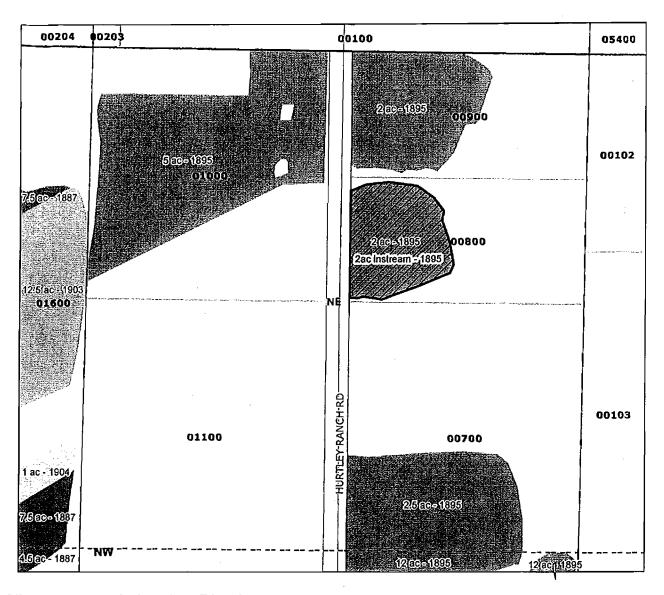
	Tot	al number of acres, if for irrigation, by certificate and priority date: 2 ac IRR 1895
	Cor	nditions or other limitations, if any:
-		to enter another leased right, please use the Additional Water Right Form for Pooled at Holder.
1.6	Valid	lity of rights. Lessor(s) attests (mark one) that:
	$\boxtimes$	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	Ter	m 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 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 Marcer	#1: Marriero Bules Date:							
For add	itional Lessors, type in space for signature and date							
Lessor	#2: Date:							
Three S	isters Irrigation District							
Other A Exhibit Exhibit								
	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 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	· · · · · · · · · · · · · · · · · · ·							



# **Three Sisters Irrigation District**

# Legend /// 1895 Leased Instream Primary Priority\_Date 1887 1895 1903 1904 Township Range Quarter Quarters Taxlots

Marcene Burns
2 acres instream - 1895
Certificate 74135
T15S R11E S6 Taxlot 800
NENW
2 acres instream 1895



0 140 280 560 840 1,120 Feet



# Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

# Pursuant to ORS 537.348(2) and OAR 690-077 Optional Identification by Lessor/Lessee: Lease Application Number (assigned by WRD); IL-1185 This Lease is with: Lessor #1 (Water Right Holder): Name Leonard & Kay Knott Mailing address 68308 Cloverdale Rd. City, State, Zip Code Sisters, OR 97759 Telephone number 541-548-3419 Email address If additional water right holders, enter water right holder information below Three Sisters Irrigation District Irrigation District P O Box 2230 Sisters, OR 97759 manager@tsidonline.org 541-549-8815 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. 74135 Are some or all of the lands being leased part of a Conservation Reserve Enhancement 1.4 Program. Yes ⊠ No Water Right(s) Proposed to be Leased Instream. Water right holder proposes to lease the 1.5

water rights shown on the map attached as Exhibit 5-B and described as follows:

	T	R	Sect	44	Tay Lot	Acres	Type of Use	Certificate#	Page(s) #	Priority®
	*(Ident	ify pertine	ent page n	umber of			is greater than 1 er certificate)	0 pages; identify	priority date	if there is
ı.	15	11	18	NE NW	400	1.8	IRR	74135	12	1895
2.										
3.			_							
4.										
5.										

	Tot	al number of acres, if for irrigation, by certificate and priority date: 1.8 ac IRR 1895
	Cor	nditions or other limitations, if any:
		to enter another leased right, please use the Additional Water Right Form for Pooled nt Holder.
1.6	Valid	lity of rights. Lessor(s) attests (mark one) that:
	$\boxtimes$	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).

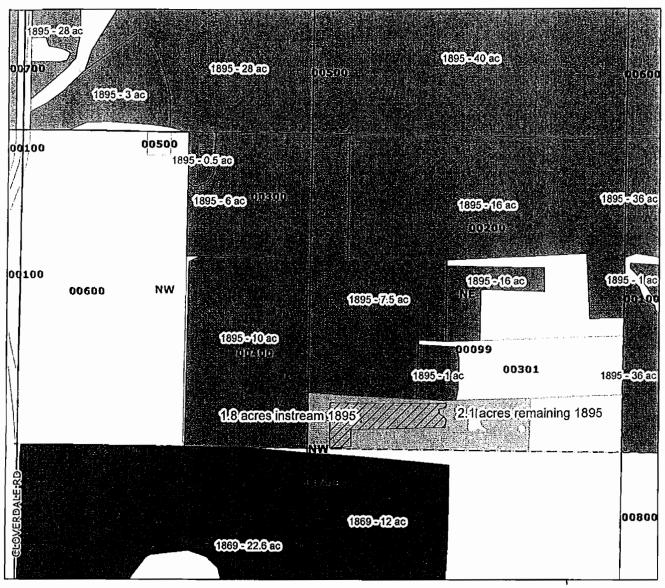
#### ~II~ Instream Water Right Information

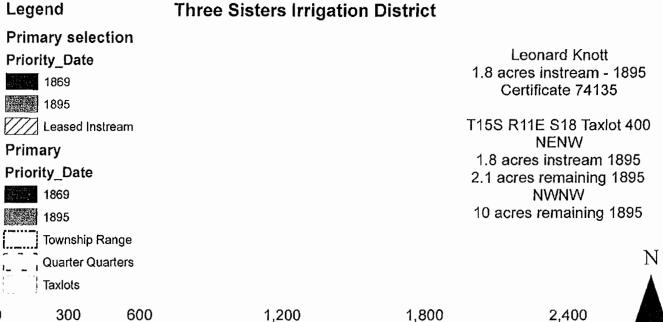
2.3 Term of lease. This lease shall terminate on October 15, 2011. (If there is a conflict between the Pooled Lease Form and this form, the Pooled Lease Form will be the official term of the lease.)

#### ~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 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) lease 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.							
Lesson	1 #1: Date: 4/22/11							
	rd & Kay Knott							
For ad	ditional Lessors, type in space for signature and date							
Lesson	r #2: Date:							
Three	Sisters Irrigation District							
Other	Attachments As Needed:							
Exhibi	it 5-A: Tax Lot Map. (See instructions.)							
Exhibi	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	,							
Exhibi								





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