



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

Application for Instream Lease Pooled Lease Form

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

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

Optional Identification by Lessor/Lessee: see landowner forms – prev Ls #s
Lease Application Number (assigned by WRD): IL- 1185

This Lease is between:

Lessor #2: Irrigation District or Other Water Purveyor

Name Three Sisters Irrigation District
Mailing address P.O. Box 2230
City, State, Zip Code Sisters, OR 97759
Telephone number 541-549-8815
Email address tsid@uci.net

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

Lessee (if different than Oregon Water Resources Department):

Name Deschutes River Conservancy
Mailing address 700 NW Hill Street
City, State, Zip Code Bend, OR 97701
Telephone number 541-382-4077
Email address gen@deschutesriver.org

Trustee:

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

~I~ Water Right Holder and Water Right Information

1.2 Lessor #2 is the (Check one):

- Official representative of Three Sisters Irrigation District, the irrigation district, which conveys water to the subject water rights.
- Another party with an interest in the subject water rights representing _____.
- Not applicable.

1.3 For the water right(s) being leased, list all water rights appurtenant to the same lands. Indicate if there are any supplemental or overlying rights.

Certificate No. 74135

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,

6.8 ac 1899,

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

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:

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 ac-ft 1895,

21.04 ac-ft 1899,

7.74 ac-ft 1901,

1.55 ac-ft 1904

Total 471.96 ac-ft

Rate in cfs: 2.855 cfs 1895,
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 than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
 - Written notice to the Department with original signatures;
 - Consent by all parties to the lease; and/or
 - Written notice to the Watermaster's office.
- For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

3.6 **Modification to prevent injury.** Allocation of water to the instream use described in Section 2.2 during the term of this lease is not reasonably expected to cause injury to other rights to use water from the same source. If injury is found after this lease is signed, the lease may be modified or terminated to prevent injury.

3.7 **Fees.** Pursuant to ORS 536.050, the following fee is included:
 \$400 for an application with four or more landowners or four or more water rights.
 \$250 for all other applications.

Lessor #2: *Maureen P. Peltola* Date: 6/20/2011
Three Sisters Irrigation District

Lessee: *Sharonne H. Smit* Date: 6/20/2011
Deschutes River Conservancy

Other Attachments as Needed:

- Attachment 1: Tax Lot Map. (See instructions.)
- Attachment 2: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. (See instructions.)
- Attachment 3: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 is checked).
- Attachment 4: Split Season Instream Use Form
- Attachment 5: Pooled Lease Water Right Holder Form

Revised 6/13/2011

TSID season 1

	Priority	Certificate	Cert. Pg	acres*	cfs/ac	sect 1.5/2.2 rate*	conv fact	*	no. days	sect 1.5/2.2 duty AF	previous lease #
Tisher	1904	74135		0.5	0.02	0.01	1.983471	0.019835	78	1.55	1088
	Subtotal			0.5		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			6.8		0.136				21.04	
Angel	1895	74135		30	0.02	0.6	1.983471	1.190083	78	92.83	977
Swaner	1895	74135		65	0.02	1.3	1.983471	2.578512	78	201.12	1074
Swaner	1895	74135		16.93	0.02	0.339	1.983471	0.671603	78	52.39	1074
Tisher	1895	74135		23	0.02	0.46	1.983471	0.912397	78	71.17	1088
Burns	1895	74135		2	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	418
Knott	1895	74135		1.8	0.02	0.036	1.983471	0.071405	78	5.57	
	Subtotal			142.73		2.8546				441.64	
	Totals			152.53		3.051				471.96	

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

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



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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-1004, 1088
Lease Application Number (assigned by WRD): IL 1185

This Lease is with:

Lessor #1 (Water Right Holder):

Name Kenneth Tisher
Mailing address 2044 NW Trenton
City, State, Zip Code Bend, OR 97701
Telephone number 541-385-1033
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 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

- 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	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	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 acres, if for irrigation, by certificate and priority date: 23 ac IRR 1895
.5 ac IRR 1904, Prev. leased L-1004, 1088. Lot line adjustments
have been made to this property. Please refer to L.1088 F.O.
Conditions or other limitations, if any: _____

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

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

- The water has been used over the past five years according to the terms and conditions of the water right certificate or as an instream water right or
- The water has not been used over the past five years according to the terms and conditions of the water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)()(include necessary supporting documentation as Attachment 3).

~II~ Instream Water Right Information

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

~III~ Other Information

- 3.1 Accuracy.** The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified or terminated. The lease only exercises the water rights being leased, for the term of the lease. It shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.
- 3.2 Lease.** Lessor(s) and Lessee(s) agree to lease the water rights listed in Section(s) 1.5 for instream use for the term of this lease through Lessee to the Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077.
- 3.3 Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077 a new injury review shall be

required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.

3.4 Suspension of original use. During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights.

3.5 Termination provision.

For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:

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

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

3.6 Modification to prevent injury. Allocation of water to the instream use described in Section 2.2 during the term of this lease is not reasonably expected to cause injury to other rights to use water from the same source. If injury is found after this lease is signed, the lease may be modified or terminated to prevent injury.

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

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
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

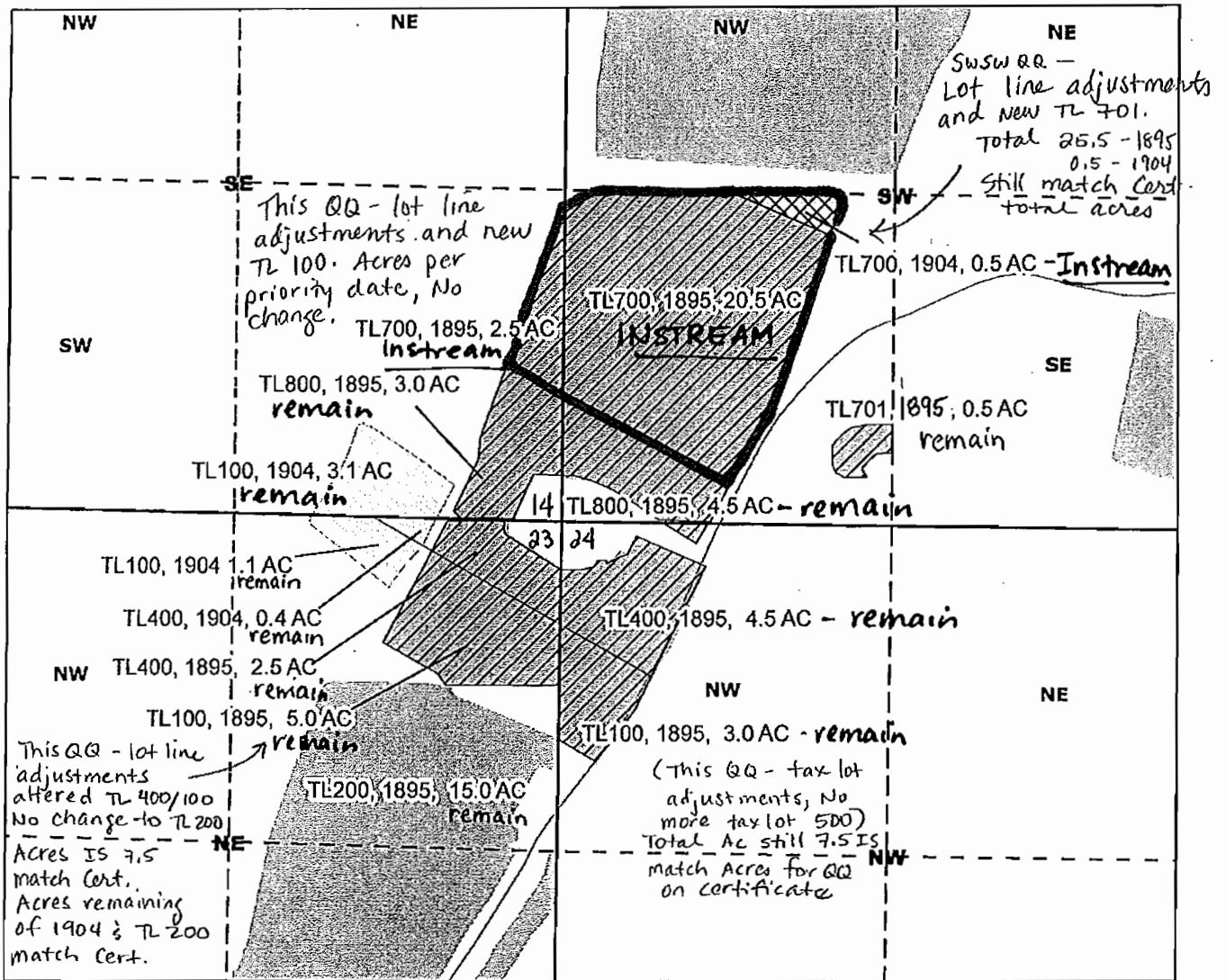
TSID - Tisher Lease 2011

Property previously under one landowner on TSID Cert 74135 (Kavanaugh - pg 3/4)

Leased previously in 2009 (L-1004), 2010 (L-1088)

Listed on Certificate (no lot line adjustments)										Leased Instream - w/lot line adjustments									
All acres listed below are for IRR										*adjusted taxlot **new tax lot #									
T	R	S	5	Orig	Priority	Priority	Priority	Priority	Priority	Adjusted or new tax lot #	Ac after lot	line Adj/ or new tax lot	Priority	Priority	Leased Instream	Total Leased for QQ	Remaining for QQ	Total	
14	11	13	SWSW	21.5	1895	1895	26	26	26	*700	20.5	1895	20.5	0	20.5	20.5	0	0	
14	11	13	SWSW	4	1895	1895	25.5	25.5	25.5	**701	0.5	1895	0	0	0	0	0.5	0.5	
14	11	13	SWSW	0.5	1904	1904	0.5	0.5	0.5	*800	4.5	1895	25.5	0	4.5	0	0	0	
14	11	13	SWSW	X	X	X	X	X	X	*700	0.5	1904	0.5	0.5	0.5	0.5	0	0	
subtotal										subtotal									
14	11	14	se se	3.5	1895	1895	5.5	5.5	5.5	*700	2.5	1895	2.5	2.5	2.5	0	0	0	
14	11	14	se se	2	1895	1895	3.1	3.1	3.1	**100	3	1904	3.1	0	3	0	0	0	
14	11	14	se se	3.1	1904	1904	3.1	3.1	3.1										
subtotal										subtotal									
14	11	23	nene	6	1895	1895	8.6	8.6	8.6	*100	5	1895	5	0	5	0	0	0	
14	11	23	nene	1.5	1895	1895	7.5	7.5	7.5	*400	2.5	1895	7.5	0	2.5	0	0	0	
14	11	23	nene	1.5	1904	1904	1.5	1.5	1.5	*100	1.1	1904	1.1	0	1.1	0	0	0	
14	11	23	nene	X	X	X	X	X	X	*400	0.4	1904	1.5	0.4	0.4	0.4	0.4	0.4	
subtotal										subtotal									
14	11	24	nwnw	6	1895	1895	7.5	7.5	7.5	*400	4.5	1895	4.5	0	4.5	0	0	0	
14	11	24	nwnw	1.5	1895	1895	7.5	7.5	7.5	**100	3	1895	3	0	3	0	0	0	
subtotal										subtotal									
14	11	24	nwnw	4	1895	1895	51.1	51.1	51.1										
Total Ac										Total Ac									
51.1										51.1									

Note: for 141123 nene 71200 with 15.0 ac has had no changes and is not being leased instream



Three Sisters Irrigation District

Kenneth Tisher / Tim & Wendy DiPaolo, David & Marlene Ludi
 23.0 ac instream 1895
 0.5 ac instream 1904

Legend

- Township Range
- Quarter Quarters

Primary

Priority_Date

1895

1904

1895 & 1904

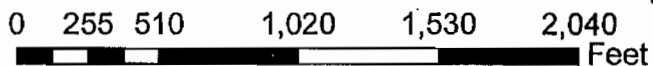
Tisher INSTREAM

Instream → T14S R11E S13 SWSW
 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

Instream → T14S R11E S14 SESE
 TL700, 2.5 ac, 1895
 TL800, 3.0 ac, 1895 - remain

T14S R11E S23 NENE
 TL100, 5.0 ac, 1895 - remain
 TL400, 2.5 ac, 1895 - remain
 TL200, 15 ac remaining, 1895

T14S R11E S24 NWNW
 TL400, 4.5 ac, 1895 - remain
 TL100, 3.0 ac, 1895 - remain



Deschutes County



State of Oregon
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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-977
Lease Application Number (assigned by WRD): IL-1185

This Lease is with:

Lessor #1 (Water Right Holder):

Name Joseph Angel
Mailing address c/o Taskar, Kibbee, & Associates, P. C. 4900 SW Griffith Dr. Ste. 269
City, State, Zip Code Beaverton, OR 97005
Telephone number 503-525-9100
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 same information as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always sequential.

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- 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:

	Page	Section	Tract	Acres	Type of Use	Certificate	Priority	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	11	103	NW NW	01101	30	IRR	74135	9	1895
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 30.0 ac IRR 1895

Conditions or other limitations, if any: Previously leased L-977

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

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

- The water has been used over the past five years according to the terms and conditions of the water right certificate or as an instream water right or
- The water has not been used over the past five years according to the terms and conditions of the water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)(X) (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.
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3.4 **Suspension of original use.** During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights.

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- Written notice to the Department with original signatures;
 - Consent by all parties to the lease; and/or
 - Written notice to the Watermaster's office.
- For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

3.6 **Modification to prevent injury.** Allocation of water to the instream use described in Section 2.2 during the term of this lease is not reasonably expected to cause injury to other rights to use water from the same source. If injury is found after this lease is signed, the lease may be modified or terminated to prevent injury.

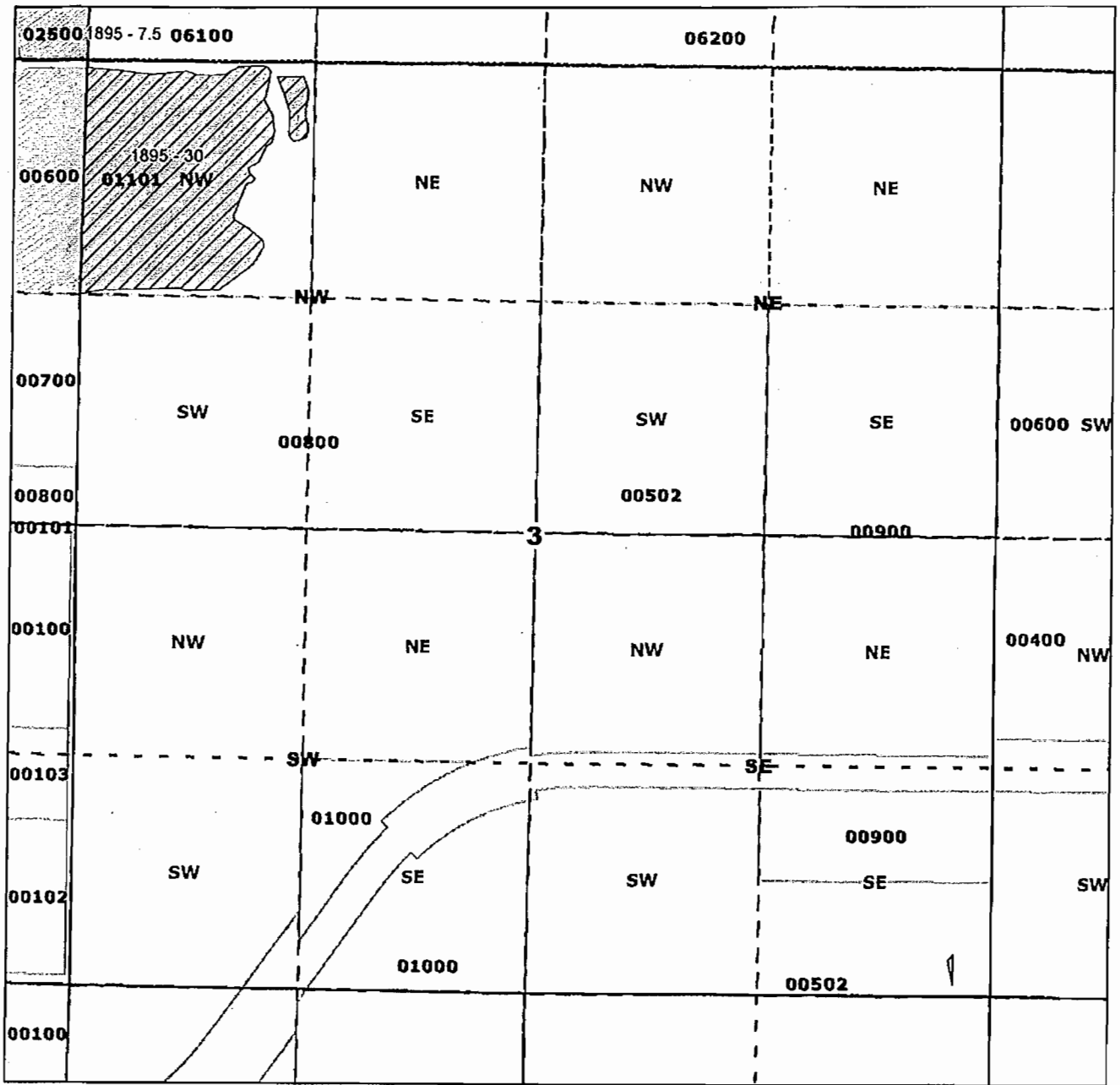
Lessor #1:  Date: 4/27/11
Joseph Angel

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
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

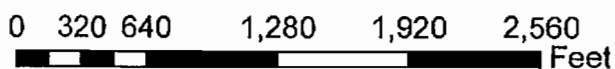


Legend

- 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





State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 964-0900

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.html.

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

Optional Identification by Lessor/Lessee: prev. L-1074, 1004, 977...
Lease Application Number (assigned by WRD): IL-1185

This Lease is with:

Lessor #1 (Water Right Holder):

Name Karan Swager
Mailing address 4301 Massachusetts Ave NW Apt A 204
City, State, Zip Code Washington DC 20016
Telephone number 202-355-8725
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@tsionline.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 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

- 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:

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	
*(Identify pertinent page number of certificate. If certificate is greater than 10 pages, identify priority date if there is more than one per certificate)										
1.	15	11	04	NW NE	101	25	IRR	74135	9	1895
2.	15	11	04	SW NE	101	40	IRR	74135	9	1895
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 65 ac IRR: 1895

tax lot 101 used to be tax lot 100 before partial partition. prev. L-1074
 Conditions or other limitations, if any: _____ L-1004
 L-977

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

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

- The water has been used over the past five years according to the terms and conditions of the water right certificate or as an instream water right or
- The water has not been used over the past five years according to the terms and conditions of the water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2) (include necessary supporting documentation as Attachment 3).

~II~ Instream Water Right Information

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

~III~ Other Information

3.1 Accuracy. The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified or terminated. The lease only exercises the water rights being leased, for the term of the lease. It shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.

3.2 Lease. Lessor(s) and Lessee(s) agree to lease the water rights listed in Section(s) 1.5 for instream use for the term of this lease through Lessee to the Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077.

3.3 Precedent. If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077 a new injury review shall be

required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.

3.4 **Suspension of original use.** During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights.

3.5 **Termination provision.**

- For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less than 30 days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
- Written notice to the Department with original signatures;
 - Consent by all parties to the lease, and/or
 - Written notice to the Watermaster's office.
- For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

3.6 **Modification to prevent injury.** Allocation of water to the instream use described in Section 2.2 during the term of this lease is not reasonably expected to cause injury to other rights to use water from the same source. If injury is found after this lease is signed, the lease may be modified or terminated to prevent injury.

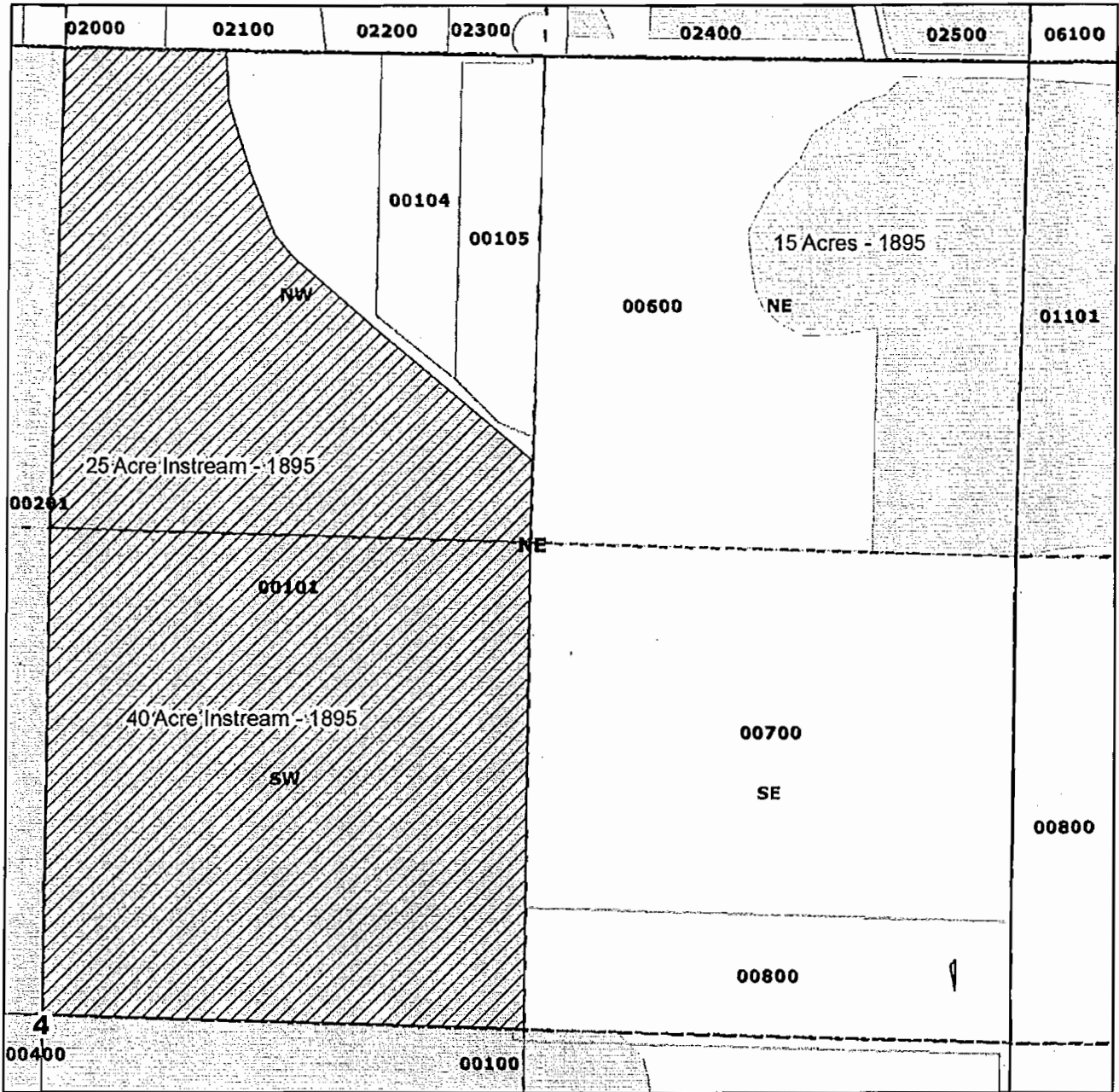
Lessor #1: Karan Swane Date: 4/25/2011
Karan Swane

For additional Lessors, type in space for signature and date






Lessor #2: _____ Date: _____
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

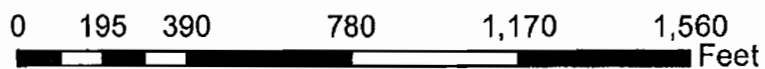


Legend

-  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



DESCHUTES COUNTY ASSESSOR'S NAME LEDGER

5/31/2011 3:25:01 PM

Account ID 189422 Township 15 Range 11 Section 04 1/4 0 1/16 0 Taxlot 00101 Special Interest

Effective Date 30-Jan-1996 12:00 AM Transaction ID -152361 Entry Date 30-Jan-1996 Recorded Date 30-Jan-1996 Sale Price \$470,000
 Sale Date 30-Jan-1996

Seq	Voucher ID	Tax Year	Document Source	Type	ID #1	ID #2	PT	Source ID	Operation	To/From Map
2	-186213	1996	CLERK - BOR		1996	3981029	1		NAME CHANGE	
<p style="text-align: center;">Size Totals Code Acres Sqft Alternate Size</p>										

Effective Date 09-Aug-1996 12:00 AM Transaction ID -147131 Entry Date 09-Aug-1996 Recorded Date 09-Aug-1996 Sale Price \$172,369
 Sale Date 09-Aug-1996

Seq	Voucher ID	Tax Year	Document Source	Type	ID #1	ID #2	PT	Source ID	Operation	To/From Map
1	-17940	1996	CLERK - BOR		1996	4192528	1		NAME CHANGE	
<p style="text-align: center;">Size Totals Code Acres Sqft Alternate Size</p>										

Effective Date 16-Aug-1996 12:00 AM Transaction ID -147130 Entry Date 16-Aug-1996 Recorded Date 16-Aug-1996 Sale Price \$265,000
 Sale Date 16-Aug-1996

Seq	Voucher ID	Tax Year	Document Source	Type	ID #1	ID #2	PT	Source ID	Operation	To/From Map
1	-179939	1996	CLERK - BOR		1996	4192538	1		NAME CHANGE	
<p style="text-align: center;">Size Totals Code Acres Sqft Alternate Size</p>										

Effective Date 02-Oct-2001 12:00 AM Transaction ID -127903 Entry Date 02-Oct-2001 Recorded Date 02-Oct-2001 Sale Price \$550,000
 Sale Date 02-Oct-2001

Seq	Voucher ID	Tax Year	Document Source	Type	ID #1	ID #2	PT	Source ID	Operation	To/From Map
2	-157089	2001	CLERK - BOR		2001	48460	1		NAME CHANGE	
<p style="text-align: center;">Size Totals Code Acres Sqft Alternate Size</p>										

Account ID 189422 Township 15 Range 11 Section 04 1/4 0 0 1/16 00101 Taxlot 00101 Special Interest

PARTITION TO CREATE TAXLOTS 104 (-4.16 AC) & 105 (-4.91 AC)
 PP2007-34
 1511040000104
 1511040000105

Size Changes	Code	+/- Size	Alternate Size	Code Area Deleted	Move to Acct	Move To Code
	6012	-9.07 Acres	0			
Size Totals	6012	75.79				

Action Subdivision
 Delete: PP1995-34
 Add: PP2007-34
 Block Lot Direction Part Part Type
 PT PARCEL 1 +
 ADDL
 PARCEL 1

Action Metes and Bounds
 Delete: METES AND BOUNDS

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	Type	ID #1	ID #2	PID	Source ID	PT	Operation	NAME CHANGE	To/From Map
1	1815114	2007	CLERK - BOR	WD	2007	33640	1					

Name Changes	Status	Name	Name Type	Ownership Type	Ownership %
D		ANGEL, JOSEPH W	OWNER	OWNER	100.0000
A		SWANER, KARAN	OWNER	OWNER	100.0000

Size Totals	Code	Acres	Sqft	Alternate Size
	6012	75.79		

Was taxlot 100, but partitioned into taxlots 101, 104 & 105. All we that was on taxlot 100 is now on taxlot 101.



State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 946-0900

Application for Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

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

Optional Identification by Lessor/Lessee:
Lease Application Number (assigned by WRD): IL-1185

This Lease is with:

Lessor #1 (Water Right Holder):
Name: Karan Swater
Mailing address: 4301 Massachusetts Ave NW Apt A 204
City, State, Zip Code: Washington DC 20016
Telephone number: 202-355-8725
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 tsid@oci.net

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

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:

Line Item	Page No.	Section	Acres	Type of Use	Certificate No.	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	11	04	SE SW	402	16.60 IRR 74135 9 1895
2.	15	11	04	NE SW	402	0.33 IRR 74135 9 1895
3.						
4.						
5.						

Total number of acres, if for irrigation, by certificate and priority date: 16.93 ac IRR 1895

Conditions or other limitations, if any: _____

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

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

- The water has been used over the past five years according to the terms and conditions of the water right certificate or as an instream water right or
- The water has not been used over the past five years according to the terms and conditions of the water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2) (include necessary supporting documentation as Attachment 3).

~II~ Instream Water Right Information

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

~III~ Other Information

3.1 Accuracy. The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified or terminated. The lease only exercises the water rights being leased, for the term of the lease. It shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.

3.2 Lease. Lessor(s) and Lessee(s) agree to lease the water rights listed in Section(s) 1.5 for instream use for the term of this lease through Lessee to the Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077.

3.3 Precedent. If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077 a new injury review shall be

required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.

3.4 **Suspension of original use.** During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights.

3.5 **Termination provision.**

- For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
- Written notice to the Department with original signatures;
 - Consent by all parties to the lease; and/or
 - Written notice to the Watermaster's office.
- For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

3.6 **Modification to prevent injury.** Allocation of water to the instream use described in Section 2.2 during the term of this lease is not reasonably expected to cause injury to other rights to use water from the same source. If injury is found after this lease is signed, the lease may be modified or terminated to prevent injury.

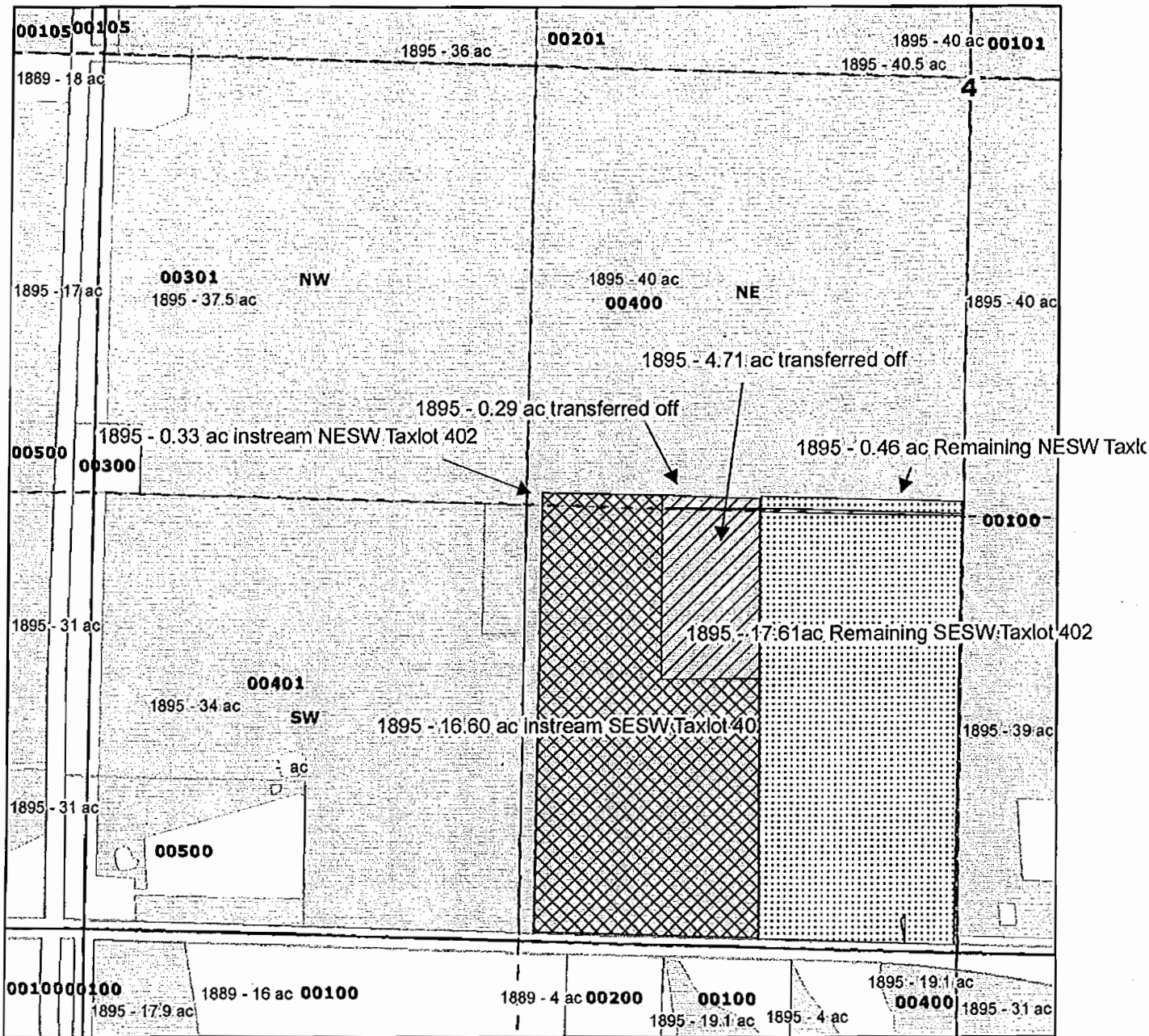
Lessor #1: Karan Swaner Date: 4/25/2011
Karan Swaner

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
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

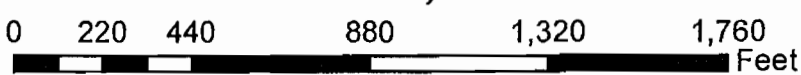


Three Sisters Irrigation District

Legend

- New Shapefile
- Township Range
- Quarter Quarters
- Taxlots
- 1895
- 1895 Transferred Off
- 1895 Instream

Karan Swaner
 16.93 acres instream - 1895
 Certificate 74135
 T15S R11E Sect 04
 Tax Lot 402
 NESW 0.33 Acres Instream
 SESW 16.60 Acres Instream
 NESW 0.29 Acres Transferred Off
 SESW 4.71 Acres Transferred Off
 NESW 0.46 Acres Remaining
 SESW 17.61 Acres Remaining
 Deschutes County





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

Application for Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

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

Optional Identification by Lessor/Lessee: previ L-915
Lease Application Number (assigned by WRD): IL-1185

This Lease is with:

Lessor #1 (Water Right Holder):

Name Karl Nulton
Mailing address 17285 Jordan Rd.
City, State, Zip Code Sisters, OR 97759
Telephone number 503-819-5200
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 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

- 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	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.	15	11	18	NW SW	1800	2.5	IRR	74135	12	1901
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 2.5 ac IRR 1901
previously leased 6-915

Conditions or other limitations, if any: _____

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

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

- The water has been used over the past five years according to the terms and conditions of the water right certificate or as an instream water right or
- The water has not been used over the past five years according to the terms and conditions of the water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)() (include necessary supporting documentation as Attachment 3).

~II~ Instream Water Right Information

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

~III~ Other Information


- 3.1 Accuracy.** The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified or terminated. The lease only exercises the water rights being leased, for the term of the lease. It shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.
- 3.2 Lease.** Lessor(s) and Lessee(s) agree to lease the water rights listed in Section(s) 1.5 for instream use for the term of this lease through Lessee to the Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077.
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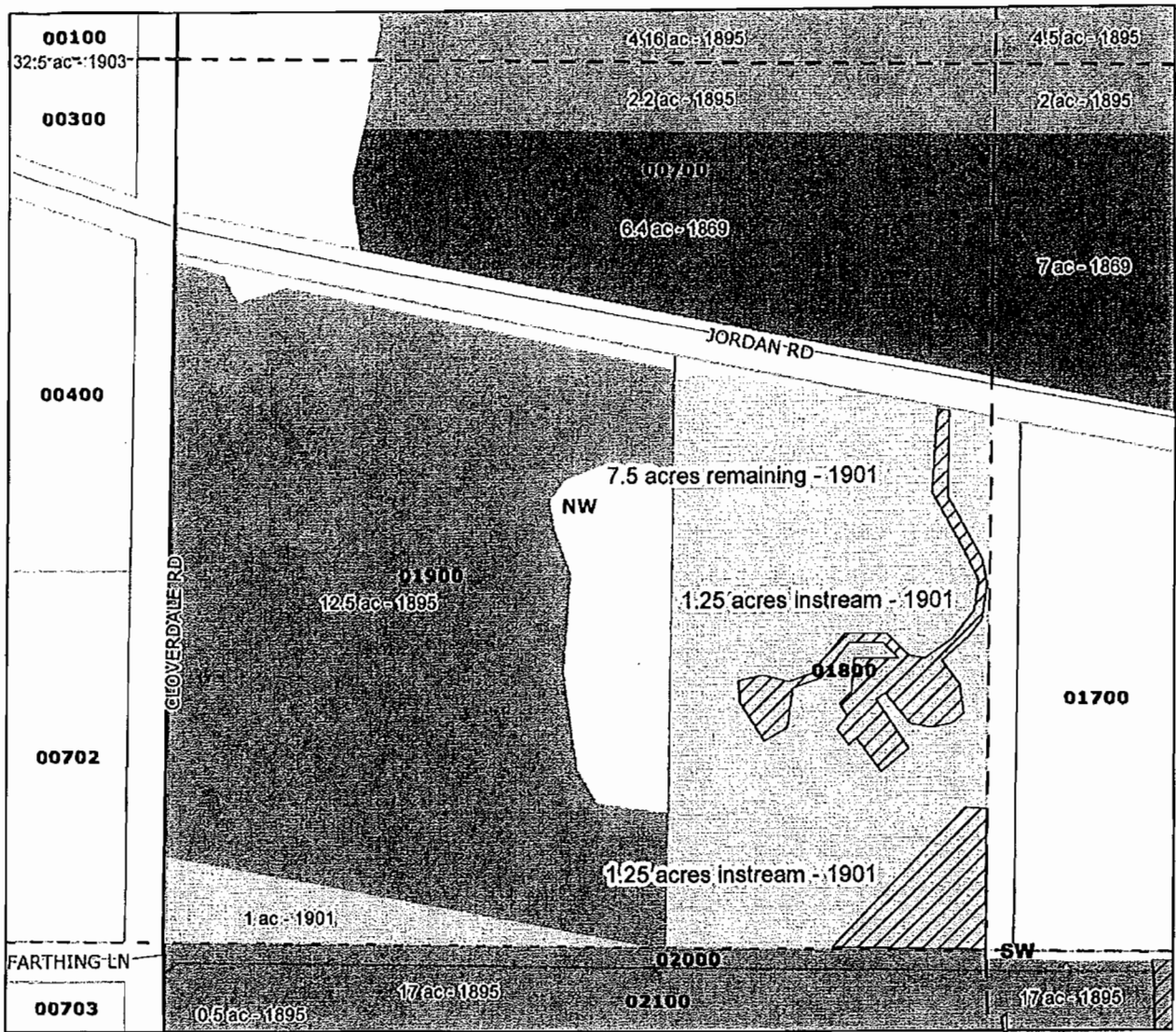
Lessor #1:  Date: 4/26/11
Karl Nulton

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
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.)
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Three Sisters Irrigation District

Legend

 Leased Instream


Primary

Priority_Date


 1869

 1895

 1901

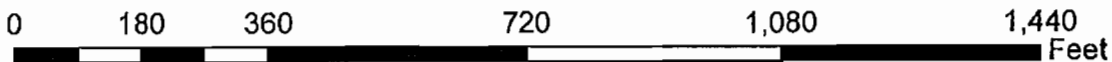
 Township Range

 Quarter Quarters

 Taxlots

Karl Nulton
2.5 acres instream - 1901
Certificate 74135

T15S R11E S18 Taxlot 1800
NWSW
2.5 acres instream 1901





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

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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 same information as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always sequential.

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- 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	R	Sect	1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	14	10	36	NW SE	2400	1.5 /	IRR	74135	2	1895
2.	14	10	36	SW NE	2400	2.5 /	IRR	74135	2	1895
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 4 ac IRR 1895

Conditions or other limitations, if any: _____

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

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

- The water has been used over the past five years according to the terms and conditions of the water right certificate or as an instream water right or
- The water has not been used over the past five years according to the terms and conditions of the water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)()(include necessary supporting documentation as Attachment 3).

~II~ Instream Water Right Information

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

~III~ Other Information

- 3.1 Accuracy.** The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified or terminated. The lease only exercises the water rights being leased, for the term of the lease. It shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.
- 3.2 Lease.** Lessor(s) and Lessee(s) agree to lease the water rights listed in Section(s) 1.5 for instream use for the term of this lease through Lessee to the Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077.
- 3.3 Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077 a new injury review shall be

required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.

3.4 **Suspension of original use.** During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights.

3.5 **Termination provision.**

- For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
- Written notice to the Department with original signatures;
 - Consent by all parties to the lease; and/or
 - Written notice to the Watermaster's office.
- For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

3.6 **Modification to prevent injury.** Allocation of water to the instream use described in Section 2.2 during the term of this lease is not reasonably expected to cause injury to other rights to use water from the same source. If injury is found after this lease is signed, the lease may be modified or terminated to prevent injury.

Lessor #1: *Philip Krohn* Date: 5-12-11

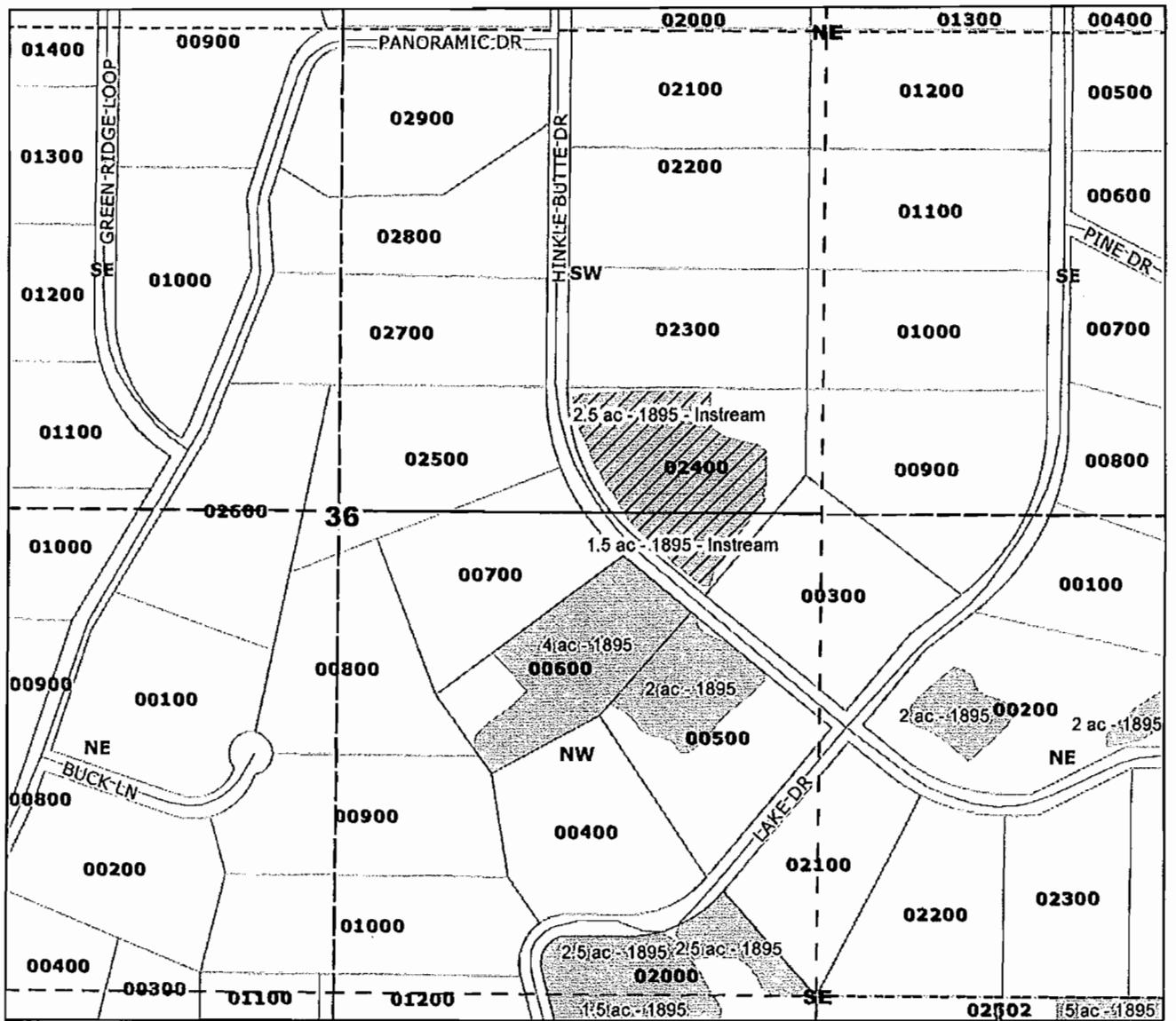
Philip Krohn

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
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



Three Sisters Irrigation District

Philip Krohn
 4 acres instream - 1895
 Certificate 74135

Legend

//// 1895 Leased Instream

Primary

Priority_Date

■ 1895

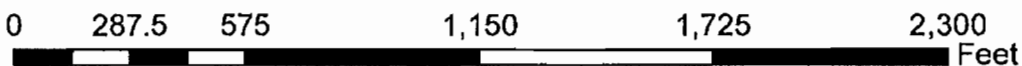
■ 1904

□ Township Range

□ Quarter Quarters

□ Taxlots

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





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

Application for Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

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

Optional Identification by Lessor/Lessee: _____
Lease Application Number (assigned by WRD): IL-1195

This Lease is with:

Lessor #1 (Water Right Holder):

Name William St. Clair
Mailing address 313 Wescoat Ct
City, State, Zip Code Mountain View, CA 94043
Telephone number 520-444-0106
Email address RESUME198@ATT.NET

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 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

- 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:

	1	2	3	4	5	6	7	8	9	10
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	14	11	23	SW SW	1400	6.8	IRR	74135	4	1899
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 6.8 ac IRR 1899

Conditions or other limitations, if any: NONE

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

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

- The water has been used over the past five years according to the terms and conditions of the water right certificate or as an instream water right or
- The water has not been used over the past five years according to the terms and conditions of the water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)() (include necessary supporting documentation as Attachment 3).

~II~ Instream Water Right Information

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

~III~ Other Information

- 3.1 Accuracy.** The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified or terminated. The lease only exercises the water rights being leased, for the term of the lease. It shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.
- 3.2 Lease.** Lessor(s) and Lessee(s) agree to lease the water rights listed in Section(s) 1.5 for instream use for the term of this lease through Lessee to the Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077.
- 3.3 Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.

3.4 **Suspension of original use.** During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights.

3.5 **Termination provision.**

- For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
- Written notice to the Department with original signatures;
 - Consent by all parties to the lease; and/or
 - Written notice to the Watermaster's office.
- For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

3.6 **Modification to prevent injury.** Allocation of water to the instream use described in Section 2.2 during the term of this lease is not reasonably expected to cause injury to other rights to use water from the same source. If injury is found after this lease is signed, the lease may be modified or terminated to prevent injury.

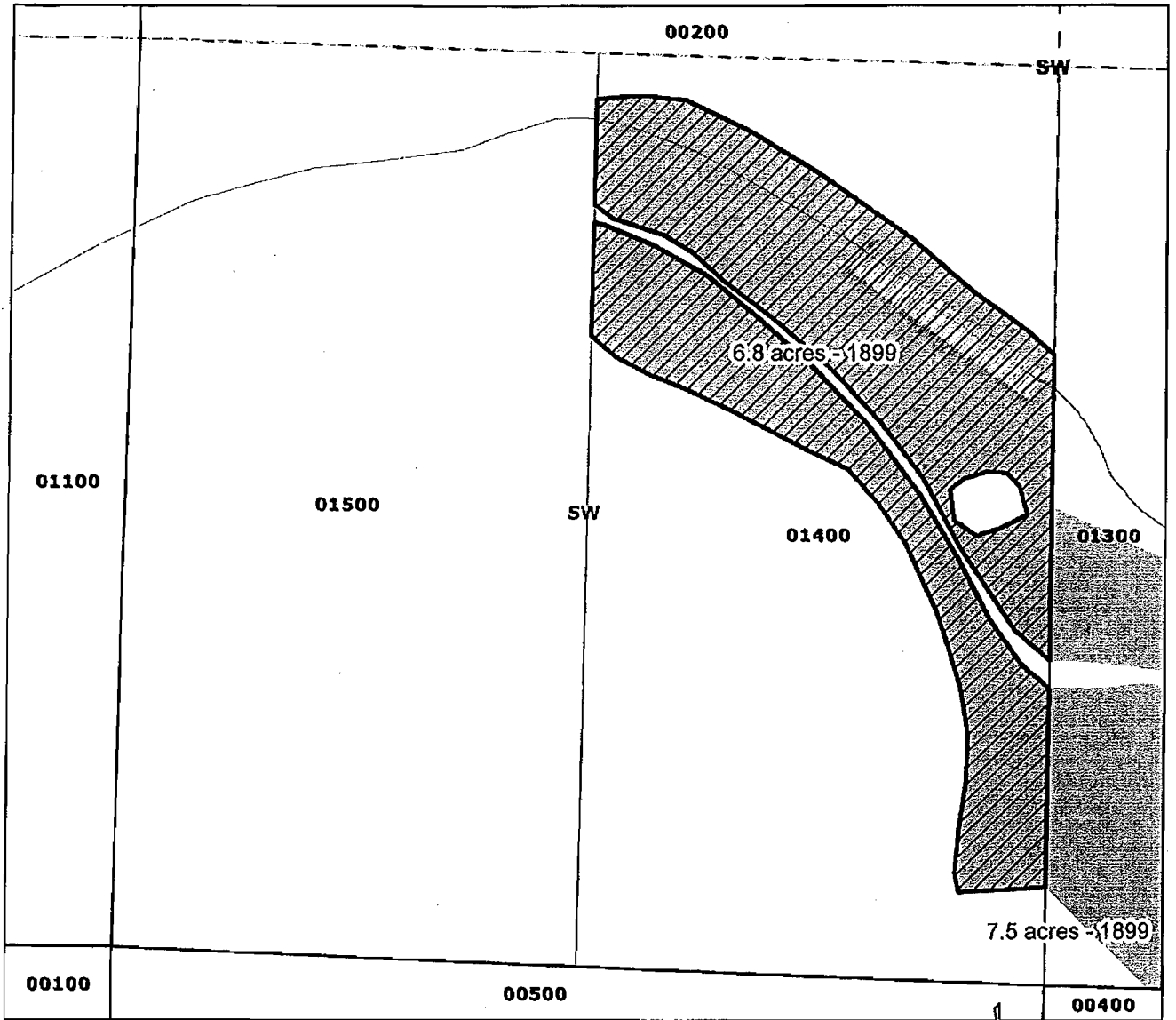
Lessor #1: William St. Clair Date: 22 APR 2011
William St. Clair

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
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








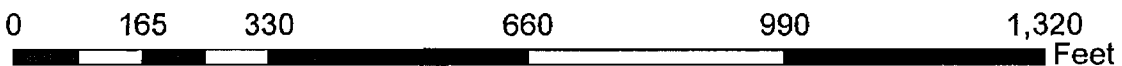
Three Sisters Irrigation District

William St. Clair
 6.8 acres 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





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

Application for Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

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

Optional Identification by Lessor/Lessee: prev. 6-418
Lease Application Number (assigned by WRD): IL 1185

This Lease is with:

Lessor #1 (Water Right Holder):

Name Marcene Burns
Mailing address P.O. Box 1011
City, State, Zip Code Sisters, OR 97759
Telephone number 541-548-1709
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 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

- 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	Seet	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority *
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)									
1.	15	11	6	NE NW	800	2	IRR	74135	9 1895
2.									
3.									
4.									
5.									

Total number of acres, if for irrigation, by certificate and priority date: 2 ac IRR 1895

Conditions or other limitations, if any: _____

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

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

- The water has been used over the past five years according to the terms and conditions of the water right certificate or as an instream water right or
- The water has not been used over the past five years according to the terms and conditions of the water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)(_) (include necessary supporting documentation as Attachment 3).

~II~ Instream Water Right Information

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

~III~ Other Information

- 3.1 Accuracy.** The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified or terminated. The lease only exercises the water rights being leased, for the term of the lease. It shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.
- 3.2 Lease.** Lessor(s) and Lessee(s) agree to lease the water rights listed in Section(s) 1.5 for instream use for the term of this lease through Lessee to the Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077.
- 3.3 Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.

3.4 **Suspension of original use.** During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights.

3.5 **Termination provision.**

- For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
- Written notice to the Department with original signatures;
 - Consent by all parties to the lease; and/or
 - Written notice to the Watermaster's office.
- For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

3.6 **Modification to prevent injury.** Allocation of water to the instream use described in Section 2.2 during the term of this lease is not reasonably expected to cause injury to other rights to use water from the same source. If injury is found after this lease is signed, the lease may be modified or terminated to prevent injury.

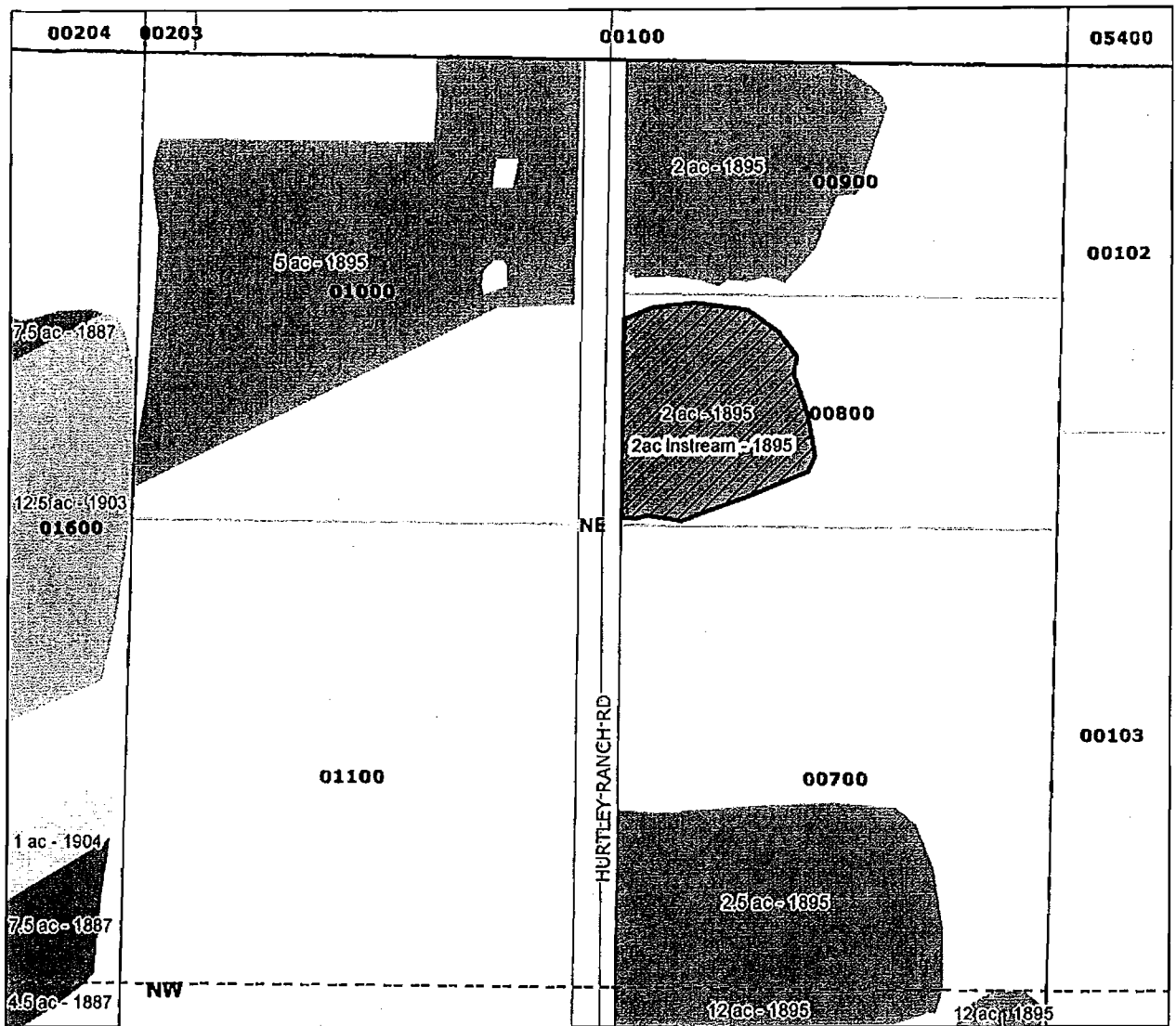
Lessor #1: Marcene Burns Date: _____
Marcene Burns

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
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



Three Sisters Irrigation District

Legend

1895 Leased Instream

Primary

Priority_Date

1887

1895

1903

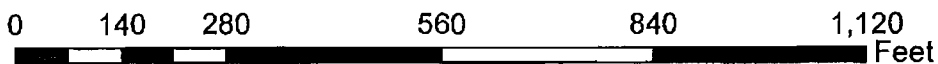
1904

Township Range

Quarter Quarters

Taxlots

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





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

Application for Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

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

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

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 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

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	¼¼	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	11	18	NE NW	400	1.8	IRR	74135	12	1895
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 1.8 ac IRR 1895

Conditions or other limitations, if any: _____

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

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

- The water has been used over the past five years according to the terms and conditions of the water right certificate or as an instream water right or
- The water has not been used over the past five years according to the terms and conditions of the water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)()(include necessary supporting documentation as Attachment 3).

~II~ Instream Water Right Information

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

~III~ Other Information

3.1 Accuracy. The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified or terminated. The lease only exercises the water rights being leased, for the term of the lease. It shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.

3.2 Lease. Lessor(s) and Lessee(s) agree to lease the water rights listed in Section(s) 1.5 for instream use for the term of this lease through Lessee to the Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077.

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- Written notice to the Department with original signatures;
 - Consent by all parties to the lease; and/or
 - Written notice to the Watermaster's office.
- For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

3.6 **Modification to prevent injury.** Allocation of water to the instream use described in Section 2.2 during the term of this lease is not reasonably expected to cause injury to other rights to use water from the same source. If injury is found after this lease is signed, the lease may be modified or terminated to prevent injury.

Lessor #1: Leonard Knott Date: 4/22/11

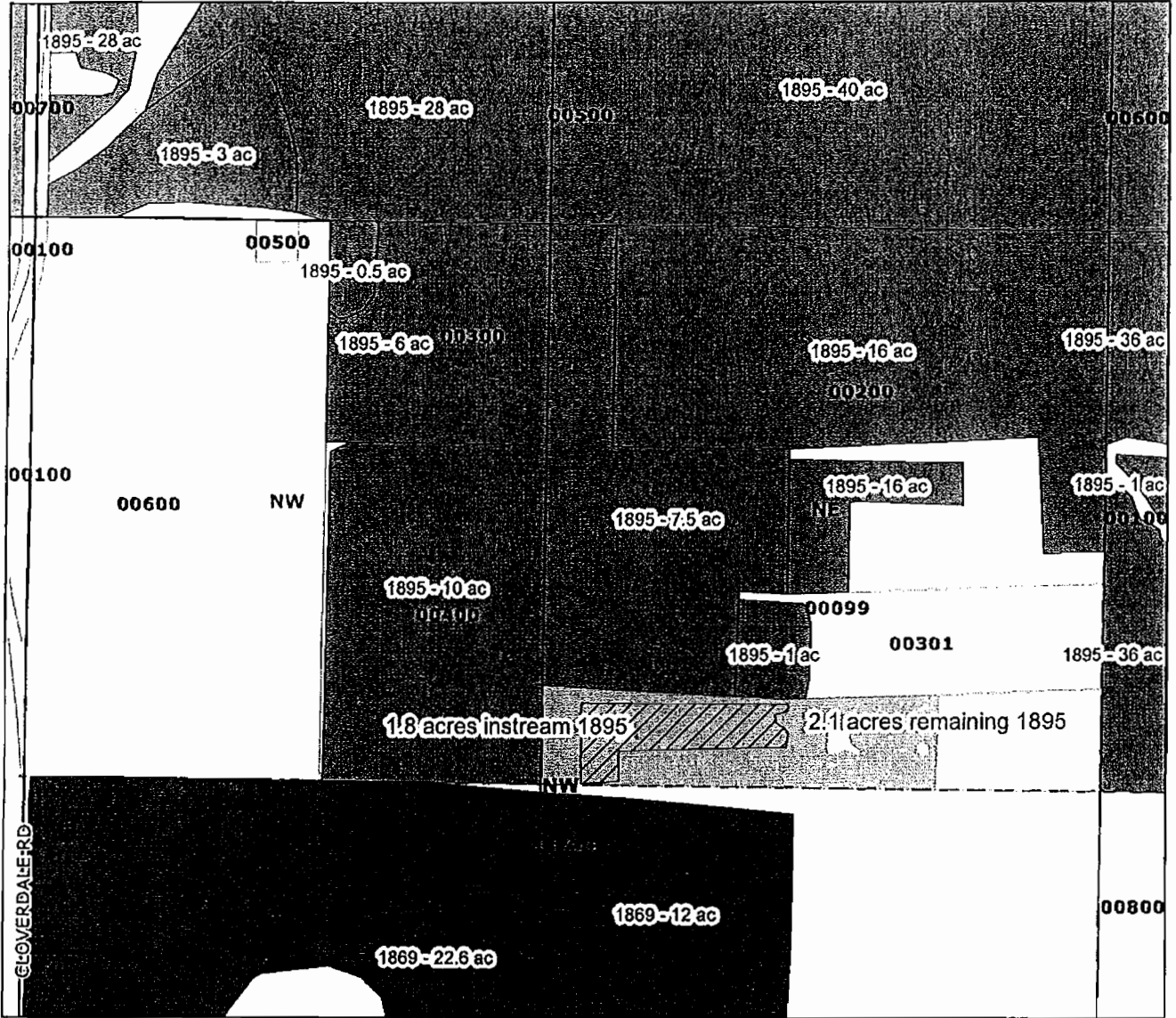
Leonard & Kay Knott

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
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






Legend

Three Sisters Irrigation District



Primary selection




Priority_Date

-  1869
-  1895
-  Leased Instream

Primary

Priority_Date

-  1869
-  1895

-  Township Range
-  Quarter Quarters
-  Taxlots

Leonard Knott
1.8 acres instream - 1895
Certificate 74135

T15S R11E S18 Taxlot 400
NENW
1.8 acres instream 1895
2.1 acres remaining 1895
NWNW
10 acres remaining 1895

