



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

Application for Instream Lease Pooled Lease Form

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

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

Optional Identification by Lessor/Lessee: _____

Lease Application Number (assigned by WRD): IL-1223

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

This Lease is between:

Lessor #2: Irrigation District or Other Water Purveyor

Name Tumalo Irrigation District
Mailing address 64697 Cook Ave.
City, State, Zip Code Bend, OR 97701
Telephone number 541-382-3053
E-mail address** jan@tumalo.org

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

E-mail address** gen@deschutesriver.org

****BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.**

Trustee:

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

~I~ Water Right Holder and Water Right Information

1.2 Lessor #2 is the (Check one):

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

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

Certificate No(s). 74146, 76106, 74147, 83571 (s 76714), s 74147, 74148, 74149, 76520

- 1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. Yes No or other Federal Program: _____

1.5 **Water Rights Proposed to be Leased Instream.**

The first right to be leased identified in Section 1.3 is further described as follows:

Certificate No.: 74146

(If you need to enter another leased right, please use the additional water right form for pooled instream lease.)

Priority date: 9/1/1900, 5/27/1907, 6/1/1907 Type of use: IRR

Legal Season of Use: 4/1- 10/31

If an irrigation right, total number of acres to be leased: 16.9 ac 9/1/1900

21.7 ac 5/27/1907

28.7 ac 6/1/1907 = 67.30 ac total

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

Maximum rate associated with subject water rights (cfs) being leased: 0.241 cfs 9/1/1900

0.310 cfs 5/27/1907

0.410 cfs 6/1/1907

0.961 total

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): 30.42 af 9/1/1900

39.06 af 5/27/1907

51.66 af 6/1/1907

121.14 af total

Conditions or other limitations, if any: _____

~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 for the water right described in Section 1.5.**

In the Tumalo Creek
Tributary to Deschutes River in the Deschutes
Basin.

Instream volume in acre-feet (may be up to the same as the duty identified in Sec 1.5):

30.42 af 9/1/1900, 39.06 af 5/27/1907, 51.66 af 6/1/1907 = 121.14 af total

Instream rate in cfs (may be up to the same as the rate identified in Sec 1.5):
0.112 cfs 9/1/1900, 0.144 cfs 5/27/1907, 0.190 cfs 6/1/1907 = 0.447 cfs total

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

Rate in CFS: _____

Rate in CFS: _____

(If not certain of the instream rate or volume, please contact the Department for more information on how to fill out this section of the application).

- Instream use protected at the point of diversion (POD).
 Or within a proposed reach.

Describe the proposed reach (an instream reach generally begins at the POD and generally ends at the mouth of the source creek/river). If possible list the reach by river mile): from TID POD #1: Tumalo Feed Canal – SWNE, sect 23, T17S, R11E, W.M. to the mouth of the Deschutes River at river mile 0.

Please check this box if you are not sure of the proposed reach and want water to be protected within a reach below the POD, if possible.

(If no reach is identified or the above box is not checked, and there is only one POD listed on the certificate, the lease may be processed to be protected at the POD.)

If the POD is not described on the Certificate or if there is more than one POD listed on the certificate, then the specific POD must be described: _____

Conditions to prevent injury, if any (use this section to indicate a more restrictive period of use than allowed by the water right):

- None
 The instream flow will be allocated on a daily average basis up to the described rate from 6/1/2012 through 10/15/2012.
 Other (describe): _____

(Note: The Department may identify additional conditions to prevent injury and/or enlargement.)

2.3 Term of lease. This lease shall terminate on Oct 31, 2012.

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;
 - 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: *Elmer K. McDaniel* Date: *4.3.12*
Tumalo Irrigation District

Lessee: *Genevieve Hubert* Date: *4/3/2012*
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

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

Primary Irrigation

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

Source = Tumalo Creek

Enter Total Number of Acres to be Leased Instream Here by Priority	acres Instream
August 5, 1900	0.00
September, 1900	16.90
April 28, 1905	0.00
May 27, 1907	21.70
June 1, 1907	28.70
total acres	67.30

Rate (CFS) associated with leased rights for Section 1.5 of the Lease Application Form				
Enter Rates and	Rate/acre (CFS)	Max Rate (CFS)	Duty/acre (AF)	Max Duty (AF)
August 5, 1900	0.0143	0.000	1.8	0.00
September, 1900	0.0143	0.241	1.8	30.42
April 28, 1905	0.0140	0.000	1.8	0.00
May 27, 1907	0.0143	0.310	1.8	39.06
June 1, 1907	0.0143	0.410	1.8	51.66
Totals		0.961		121.14

IRR

Rate (CFS) leased Instream for Section 2.2 of the Lease Application Form			
Enter Instream Rates and Volumes by Priority Date on Lease Form	Instream Rate (CFS) over full Irrigation Season	Instream Volume (AF)	Period Instream
August 5, 1900	0.000	0.00	April 15 - Oct 15
September, 1900	0.085	30.42	April 15 - Oct 15
April 28, 1905	0.000	0.00	April 15 - Oct 15
May 27, 1907	0.407	39.06	April 15 - Oct 15
June 1, 1907	0.442	51.66	April 15 - Oct 15
Totals	0.933	121.14	

OR

Optional - for alternative instream periods including the full irrigation season (for Section 2.2)			
Enter Proposed begin and end dates (must fall within Irrigation Season)			
begin date	end date	Number of Days	Days
6/1/2012	10/15/2012	137	137
Rate (CFS) leased Instream for Section 2.2 of the Lease Application Form			
Enter Instream Rates and Volumes by Priority Date on Lease Form	# Day's Instream	Instream Rate (CFS) over full Irrigation Season	Instream Volume (AF)
August 5, 1900	137	0.000	0.00
September, 1900	137	0.112	30.42
April 28, 1905	137	0.000	0.00
May 27, 1907	137	0.144	39.06
June 1, 1907	137	0.190	51.66
Totals		0.447	121.14

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



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Additional Water Right Form for Pooled Instream Lease

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.

~I~

Section 1.5 continued from Pooled Form.

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

The next right to be leased is further described as follows:

Certificate No.: 76106

(If you need to enter another leased right, please use another additional water right form for pooled instream lease.)

Priority date: 12/8/1961 Type of use: IRR

Legal Season of Use (if not listed on the certificate): 4/1-10/31

If an irrigation right, total number of acres to be leased: 14.46 ac

Total acre-feet of storage to be leased, if applicable: 36.15 af, 20.12 af max portion from storage

Maximum rate associated with subject water rights (cfs) being leased: 0.21 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): 36.15 af, 20.12 af max portion from storage

Conditions or other limitations, if any: _____

~II~

Section 2.2 continued from Pooled Lease Form.

Instream use created by lease for the water right described in Section 1.5.

The instream use to be created is described as follows:

In the Tumalo Creek
Tributary to Deschutes River in the Deschutes
Basin.

Instream volume in acre-feet (may be up to the same as the duty identified in Sec 1.5): 36.15 af, 20.12 af max portion from storage

Instream rate in cfs (may be up to the same as the rate identified in Sec 1.5): 0.13 cfs
(If more than one rate, describe the rate associated with each time period or instream reach.)

Rate in CFS: _____

Rate in CFS: _____

(If not certain of the instream rate or volume, please contact the Department for more information on how to fill out this section of the application).

- Instream use protected at the point of diversion (POD).
- Or within a proposed reach.

Describe the proposed reach (an instream reach generally begins at the POD and generally ends at the mouth of the source creek/river). If possible list the reach by river mile): Tumalo Resvr: SESW, Sect 33, R16S, T11E, W.M.; Tumalo Crk: SENE, Sect 23, T17S, R11E, W.M., to the mouth of the Deschutes @ RM 0

Please check this box if you are not sure of the proposed reach and want water to be protected within a reach below the POD, if possible.

(If no reach is identified or the above box is not checked, and there is only one POD listed on the certificate, the lease may be processed to be protected at the POD.)

If the POD is not described on the Certificate or if there is more than one POD listed on the certificate, then the specific POD must be described: _____

Conditions to prevent injury, if any (use this section to indicate a more restrictive period of instream use than allowed by the water right):

None

The instream flow will be allocated on a daily average basis up to the described rate from 6/1/2012 through 10/15/2012.

Other (describe): _____

*

(Note: The Department may identify additional conditions to prevent injury and/or enlargement.)

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

Primary Water Use

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

Priority Date = December 8, 1961

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

Enter Total Number of Acres to be Leased Instream Here	14.460
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IRR

Rate (CFS) associated with leased rights for Section 1.5 of the Lease Application Form				
Enter Rates and Duty on Lease Form	Rate/acre (CFS)	Rate (CFS)	Duty/acre (AF)	Max Duty (AF)
	0.014	0.21	2.50	36.15
				max portion from storage
				20.12

Rate (CFS) leased instream for Section 2.2 of the Lease Application Form				
Enter Instream Rates and Volumes on Lease Form	Instream Rate (CFS) over full Irrigation Season	Days instream	Instream Volume (AF)	Period Instream
	0.09	214	36.15	April 1 - Oct 31
			max portion from storage	
			20.12	

OR

Optional for alternative instream periods including the full irrigation season				
Enter Proposed begin and end dates (must fall within Irrigation Season)				
begin date	end date	Number of Days		
6/1/2012	10/15/2012	137	Days	
Rate (CFS) leased instream for Section 2.2 of the Lease Application Form				
Enter Instream Rates and Volumes on Lease Form	Instream Rate (CFS)	Days instream	Instream Volume (AF)	Period Instream
	0.13	137	36.15	April 1 - Oct 31
			max portion from storage	
			20.12	

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



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Additional Water Right Form for Pooled Instream Lease

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~I~

Section 1.5 continued from Pooled Form.

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

The next right to be leased is further described as follows:

Certificate No.: 74147

(If you need to enter another leased right, please use another additional water right form for pooled instream lease.)

Priority date: 10/29/1913 Type of use: IRR & IND

Legal Season of Use (if not listed on the certificate): 4/1-10/31

If an irrigation right, total number of acres to be leased: 95.46 ac IRR, 2.0 ac IND = 97.46 ac total

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

Maximum rate associated with subject water rights (cfs) being leased: 0.21 cfs

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

Season 1 (cfs) 1.193 IRR, 0.025 IND = 1.218 total Time period: 4/1-10/26

Season 2 (cfs) 1.591 IRR, 0.033 IND = 1.624 total Time period: 4/1-10/26

Season 3 (cfs) 2.946 IRR, 0.062 IND = 3.008 total Time period: 4/1-10/26

Maximum duty associated with subject water rights (ac-ft): 946.01 af IRR, 19.82 af IND, 965.83 af total

Conditions or other limitations, if any: _____

~II~

Section 2.2 continued from Pooled Lease Form.

Instream use created by lease for the water right described in Section 1.5.

The instream use to be created is described as follows:

In the Tumalo Creek
 Tributary to Deschutes River in the Deschutes
 Basin.

Instream volume in acre-feet (may be up to the same as the duty identified in Sec 1.5): _____

Instream rate in cfs (may be up to the same as the rate identified in Sec 1.5): _____

Rate in CFS: season 1 - 1.193 cfs IRR, 0.025 IND = 1.218 total

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

Rate in CFS: season 2 - 1.591 cfs IRR, 0.033 IND = 1.624 total

Rate in CFS: season 3 - 2.946 cfs IRR, 0.062 IND = 3.008 total

74147

(If not certain of the instream rate or volume, please contact the Department for more information on how to fill out this section of the application).

- Instream use protected at the point of diversion (POD).
 Or within a proposed reach.

Describe the proposed reach (an instream reach generally begins at the POD and generally ends at the mouth of the source creek/river). If possible list the reach by river mile): TID POD #1 (Tumalo Feed Canal) to the mouth of Tumalo Creek and on to the mouth of the Deschutes River at river mile 0.

Please check this box if you are not sure of the proposed reach and want water to be protected within a reach below the POD, if possible.

(If no reach is identified or the above box is not checked, and there is only one POD listed on the certificate, the lease may be processed to be protected at the POD.)

If the POD is not described on the Certificate or if there is more than one POD listed on the certificate, then the specific POD must be described: _____

Conditions to prevent injury, if any (use this section to indicate a more restrictive period of instream use than allowed by the water right):

None

*

The instream flow will be allocated on a daily average basis up to the described rate from 4/1/2012 through 10/26/2012.

Other (describe): _____

(Note: The Department may identify additional conditions to prevent injury and/or enlargement.)

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

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

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

Priority Date = October 29, 1913

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

Enter Total Number of Acres to be Leased Instream Here	95.460
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IRR

Rate (CFS) associated with leased rights for Section 1.5 of the Lease Application Form

Enter Rates and Duty on Lease Form by Season	Rate/acre (CFS)	Max Rate (CFS)	Duty/acre (AF)	Max Duty (AF)
Season 1	0.013	1.193	9.91	946.01
Season 2	0.017	1.591		
Season 3	0.031	2.946		

Rate (CFS) leased instream for Section 2.2 of the Lease Application Form

Enter Instream Rates and Volumes by Season on Lease Form	Instream Rate (CFS) over full Irrigation Season	Days instream	Instream Volume (AF)
Season 1	1.193	56	132.54
Season 2	1.591	30	94.67
Season 3	2.946	123	718.80
Totals		Total Instream Vol.	946.01

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

Water protected instream:	April 1 through October 26
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**This table will calculate flow rate factors and duty for Tumalo Irrigation District
Instream Leases**

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

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

Priority Date = October 29, 1913

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

Enter Total Number of Acres to be Leased Instream Here	2.000
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IND

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

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

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

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

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

Priority Date = October 29, 1913

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

Enter Total Number of Acres to be Leased Instream Here	97.460
--	---------------

← 95.46 IRR + 2.0 ac IND (TOTAL)

Rate (CFS) associated with leased rights for Section 1.5 of the Lease Application Form

Enter Rates and Duty on Lease Form by Season	Rate/acre (CFS)	Max Rate (CFS)	Duty/acre (AF)	Max Duty (AF)
Season 1	0.013	1.218	9.91	965.83
Season 2	0.017	1.624		
Season 3	0.031	3.008		

Rate (CFS) leased instream for Section 2.2 of the Lease Application Form

Enter Instream Rates and Volumes by Season on Lease Form	Instream Rate (CFS) over full Irrigation Season	Days instream	Instream Volume (AF)
Season 1	1.218	56	135.32
Season 2	1.624	30	96.65
Season 3	3.008	123	733.86
Totals		Total Instream Vol.	965.83

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

Water protected instream:	April 1 through October 26
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~I~

Section 1.5 continued from Pooled Form.

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

The next right to be leased is further described as follows:

Certificate No.: 83571 priority 1900 & 76714 priority 1907 (COID)

(If you need to enter another leased right, please use another additional water right form for pooled instream lease.)

Priority date: 83571 -1900, 76714 -1907

Type of use: IRR

Legal Season of Use (if not listed on the certificate): 4/1-10/31

If an irrigation right, total number of acres to be leased: 2.0 ac IRR

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

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

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

Season 1 (cfs) .025 cfs Time period: Apr 1-30, Oct 1-31

Season 2 (cfs) .033 cfs Time period: May 1-14, Sept 16-30

Season 3 (cfs) .044 cfs 1900 / .018 cfs 1907 = 0.062 cfs Time period: May 15-Sept 15

Maximum duty associated with subject water rights (ac-ft): 19.77 af

Conditions or other limitations, if any: _____

~II~

Section 2.2 continued from Pooled Lease Form.

Instream use created by lease for the water right described in Section 1.5.

The instream use to be created is described as follows:

In the Deschutes River
Tributary to Columbia River in the Columbia
Basin.

Instream volume in acre-feet (may be up to the same as the duty identified in Sec 1.5): 10.90
af

Instream rate in cfs (may be up to the same as the rate identified in Sec 1.5): _____

Rate in CFS: season 1 - 0.014 cfs

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

Rate in CFS: season 2 - 0.018 cfs

Rate in CFS: season 3 - 0.034 cfs

(If not certain of the instream rate or volume, please contact the Department for more information on how to fill out this section of the application).

- Instream use protected at the point of diversion (POD).
- Or within a proposed reach.

Describe the proposed reach (an instream reach generally begins at the POD and generally ends at the mouth of the source creek/river). If possible list the reach by river mile): from TID POD #9 Bend Feed Canal: T17S, R12E, WM; Section 32 NWNE, 2050 feet W from the NE corner of section 32 to the mouth of the Deschutes at RM 0

Please check this box if you are not sure of the proposed reach and want water to be protected within a reach below the POD, if possible.

(If no reach is identified or the above box is not checked, and there is only one POD listed on the certificate, the lease may be processed to be protected at the POD.)

If the POD is not described on the Certificate or if there is more than one POD listed on the certificate, then the specific POD must be described: _____

Conditions to prevent injury, if any (use this section to indicate a more restrictive period of instream use than allowed by the water right):

None

The instream flow will be allocated on a daily average basis up to the described rate from 4/1/2012 through 10/26/2012.

Other (describe): _____

(Note: The Department may identify additional conditions to prevent injury and/or enlargement.)

*

OREGON

Advanced

Water Resources Department

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

IRR

Revised: 6/3/2010

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

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

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

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

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

POD #11	October 31, 1900	December 2, 1907	Combined
Season 1 Rate (CFS)	0.025		
Season 2 Rate (CFS)	0.033		
Season 3 Rate (CFS)	0.044	0.018	0.062
Duty (AF)			19.77

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

*TID POD #9 - TUM BEND FEED CANAL:
T17S, R12E, WM; NWNE, 2050' W
from NE corner of Section 32*

From POD #11 to Lake Billy Chinook	
Season 1 Rate (CFS)	0.014
Season 2 Rate (CFS)	0.018
Season 3 Rate (CFS)	0.034
Maximum Volume (AF)	10.90

*Season 1: Apr 1-30, Oct 1-31
Season 2: May 1-14, Sept 16-30
Season 3: May 15 - Sept 15*

Table 6 (Ingram) District Pool 2012 Lease 2012

Landowner	Lease #	Total Ac	Use	Acres by Certificate/Priority							83571	1900/07	
				74146 8/5/1900	74146 9/1/1900	74146 5/27/1907	74146 6/1/1907	74147 10/29/1913	76106 12/8/1961	76106 12/8/1961			
CLR, Inc	12.01	53.66	IRR			9		44.66					1155, 1045, 916, 736
CLR, Inc	12.01	2	IND						2				1155, 1045, 916, 736
Anthony Amadio	12.02	23	IRR		4				19				?
Lane Qualified Personal Residence Trust,	12.03	13	IRR						13				?
RMB, LLC	12.04	8	IRR						8				?
Louis B. Dvorak	12.05	16	IRR		12.9	2.7		19.7					TL 600 L916
Ellis Rev Living Trust	12.06	19.7	IRR										1155, 991
Brooks Resources Corporation	12.07	2	IRR									2	?
Brehmer, Chris & Lisa	12.08	14.46	IRR							14.46			916
Macmillan Family Trust	12.09	10	IRR			10							?
Kristina Shockey	12.10	4	IRR						4				2.6 ac none, L815
Bank of America	12.11	15.4	IRR					9	6.4				?
				16.9	16.9	21.7	28.7	95.46	14.46	14.46	2		
Total IRR				0	16.9	21.7	28.7	95.46	14.46	14.46	2		
Total IND				0	0	0	0	2	0	0	0		
Total Pond				0	0	0	0	0	0	0	0		
Certificate:				74146	74146	74146	74146	74147	76106	83571			



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: L12.01

Lease Application Number (assigned by WRD): TL-1223

This Lease is with:

Lessor #1 (Water Right Holder):

Name C.L.R. Inc

Mailing address 703 NW Stone Pine Drive

City, State, Zip Code Bend, OR 97701

Telephone number (541) 389-6562

Email address _____

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

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

~I~ Water Right Holder and Water Right Information

1.1 Lessor #1 is the water right holder, or authorized agent for property described in Section 1.5. If the water right appurtenant to these lands is also appurtenant to lands owned by others who are not included in this application, then Attachment 1 (tax lot map), needs to be included.

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

Certificate No. P 74146, 74147 S: 74147, 74148, 74149, 76520

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

1.5 **Water Right(s) Proposed to be Leased Instream.** Water right holder proposes to lease the water rights shown on the map attached as Exhibit 5-B and described as follows:

[This information may be included on Exhibit 5-A, or an additional map may be attached. Crosshatch the area of water rights being leased. Attached map(s) must identify water right holder, township, range, section and ¼ ¼, tax lot number, map orientation and scale.]



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

Additional Water Right Form For Pooled Water Right Holder Instream Lease

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.

~I~

Section 1.5 continued from Pooled Leasing Water Right Holder Form.

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

Leased LS #

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.	16S	12E	30	nwse	02100	.70	Irr	74147	14	10/29/1913
2.	16S	12E	30	nese	02100	1.90	Irr	74147	14	10/29/1913
3.	16S	12E	30	nese	02000	5.0	Irr	74147	14	10/29/1913
4.	16S	12E	30	nese	00100	16.0	Irr	74147	14	10/29/1913
5.	16S	12E	30	nese	00100	2.0	IND	74147	14	10/29/1913
6.	16S	12E	30	sene	00100	13.20	Irr	74147	14	10/29/1913
7.	17S	11E	13	nwnw	00817	1.36	Irr	74147	17	10/29/1913
8.	17S	11E	13	nwnw	00809	3.0	Irr	74147	17	10/29/1913
9.	17S	11E	14	nene	00817	3.50	Irr	74147	17	10/29/1913
10.										

L-1155
 L-1155
 L-1155
 L-1155
 L-1155
 L-1155
 L-1155
 L-1155
 L-1155

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

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

* There have been lot line adjustments associated with this property

All leased in L-1156,
 L-1045,
 L-916,
 L-736

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16S	12E	30	nwse	02100	3.40	Irr	74146	14	5/27/1907
2.	17S	11E	13	nwnw	00817	4.0	Irr	74146	14	5/27/1907
3.	17S	11E	13	nwnw	00809	1.60	Irr	74146	14	5/27/1907
4.										
5.										

Prev. Ls#

L-1155
L-1155
L-1155

Total number of acres, if for irrigation, by certificate and priority date: 9.0 ALL in
prev. Ls#
L-1155

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 12, 2012. (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.

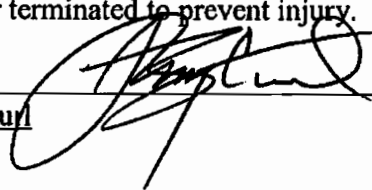
3.4 **Suspension of original use.** During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights.

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: _____
C.L.R. Inc Jerry Curl



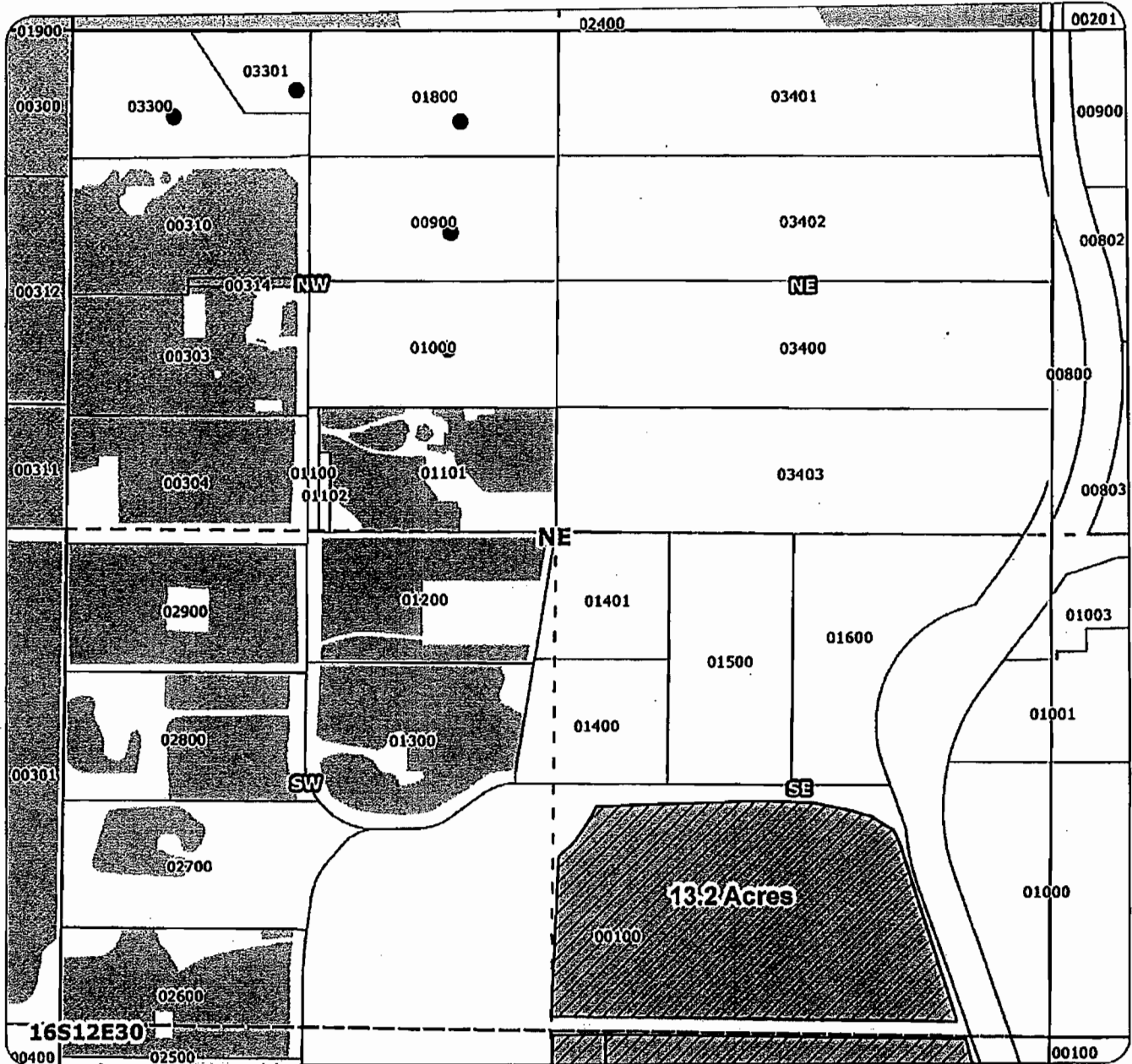
Date: 1/31/2012

For additional Lessors, type in space for signature and date

Other Attachments As Needed:

- Exhibit 5-A: Tax Lot Map. (See instructions.)
- Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.)
- Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is checked)
- Exhibit 5-D: Split Season Instream Use Form

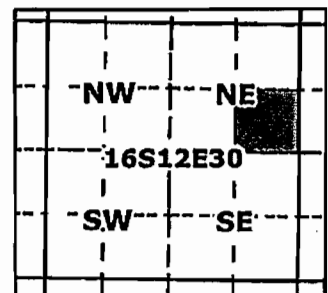
2012 Tumalo Irrigation District Instream Lease Map



Application for 1-year Instream Lease Primary: Certificates 74146, 74147

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

for C.L.R. L12.01
Taxlot 100 - 13.2 Acres
0 Acres Remaining on Taxlot 100
in 161230SENE
Total Lease of 13.2 Acres



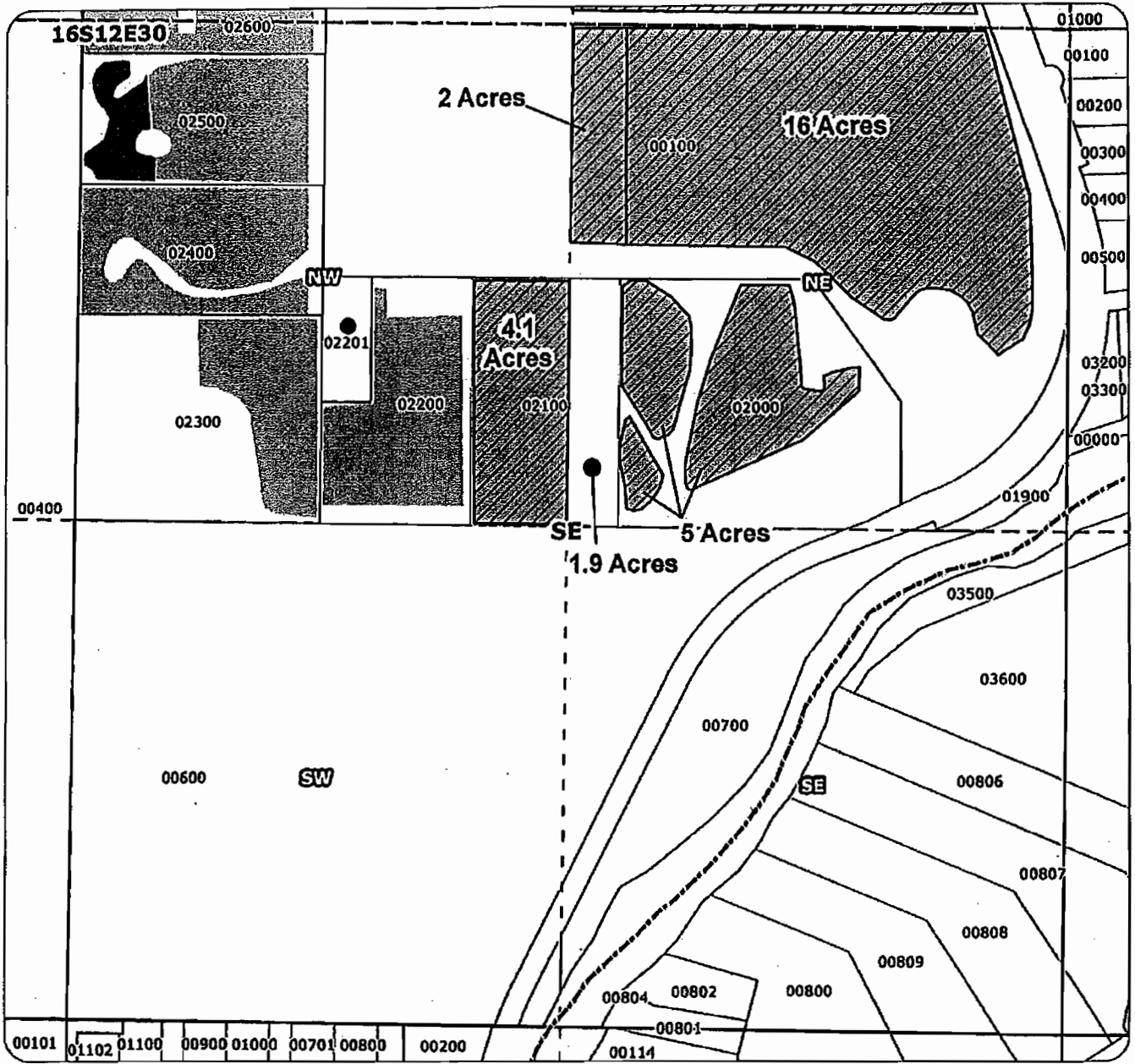
1 inch = 400 feet



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

Date Created: March 2012

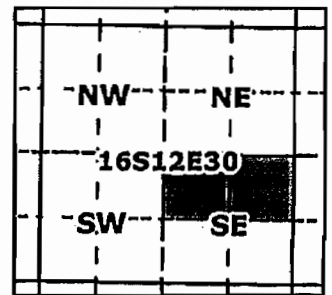
2012 Tumalo Irrigation District Instream Lease Map



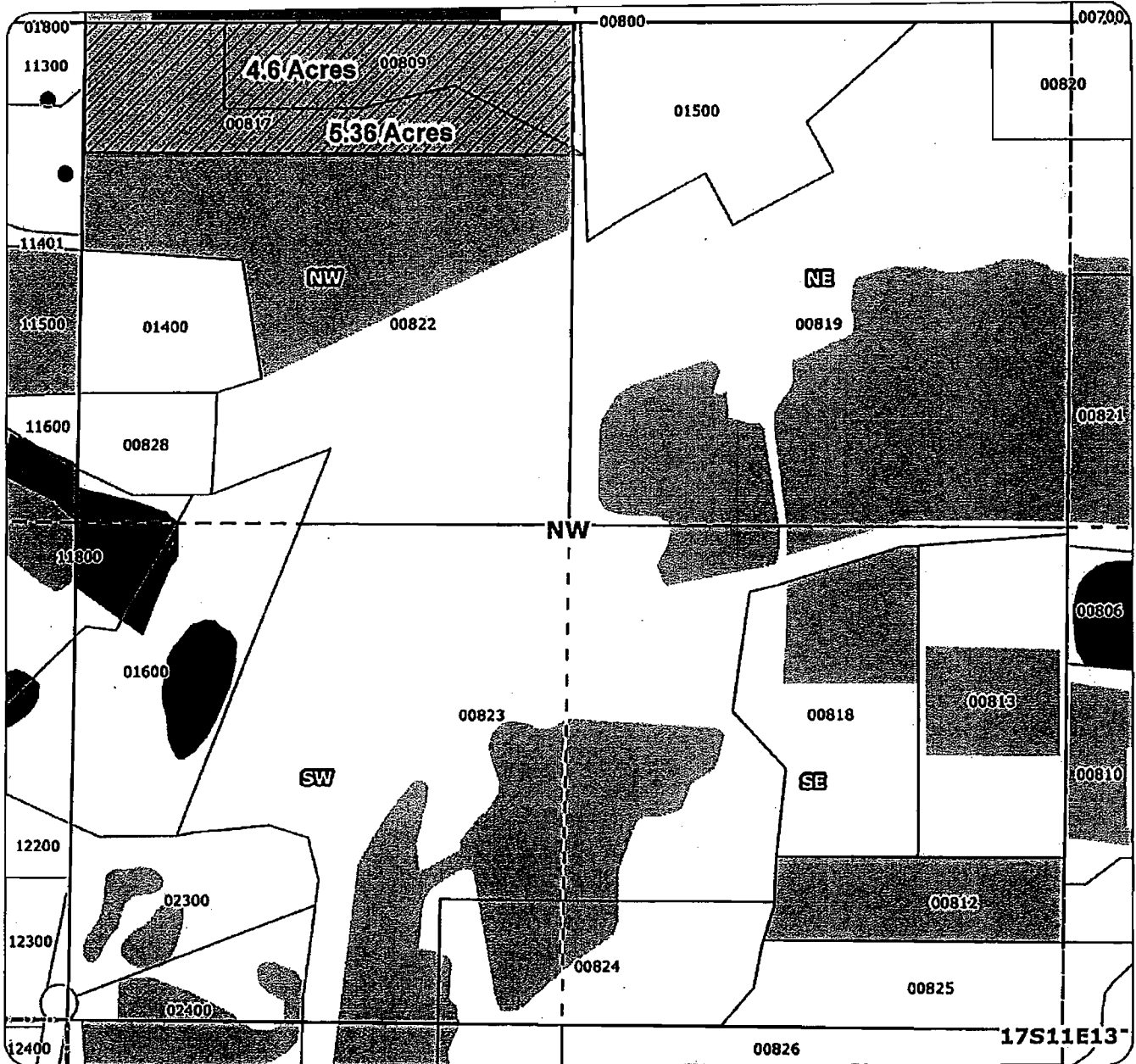
Application for 1-year Instream Lease Primary: Certificates 74146, 74147

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

for C.L.R. L12.01
 Taxlot 100 - 2.0 Acres
 Taxlot 100 - 16.0 Acres
 0 Acres Remaining on Taxlot 100
 Taxlot 2000 - 5.0 Acres
 0 Acres Remaining on Taxlot 2000
 Taxlot 2100 - 1.9 Acres
 0 Acres Remaining on Taxlot 2100
 in 161230NESE
 Taxlot 2100 - 4.1 Acres
 0 Acres Remaining on Taxlot 2100
 in 161230NWSE
Total Lease of 29.0 Acres



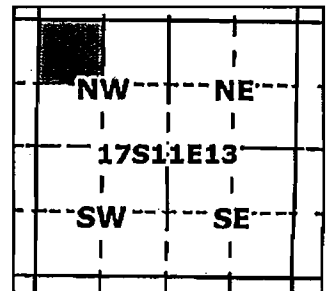
2012 Tumalo Irrigation District Instream Lease Map



Application for 1-year Instream Lease Primary: Certificates 74146, 74147

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

for C.L.R. L12.01
 Taxlot 809 - 4.6 Acres
 0 Acres Remaining on Taxlot 809
 Taxlot 817 - 5.36 Acres
 0 Acres Remaining on Taxlot 817
 In 171113NWNW
 Total Lease of 9.96 Acres



1 inch = 400 feet

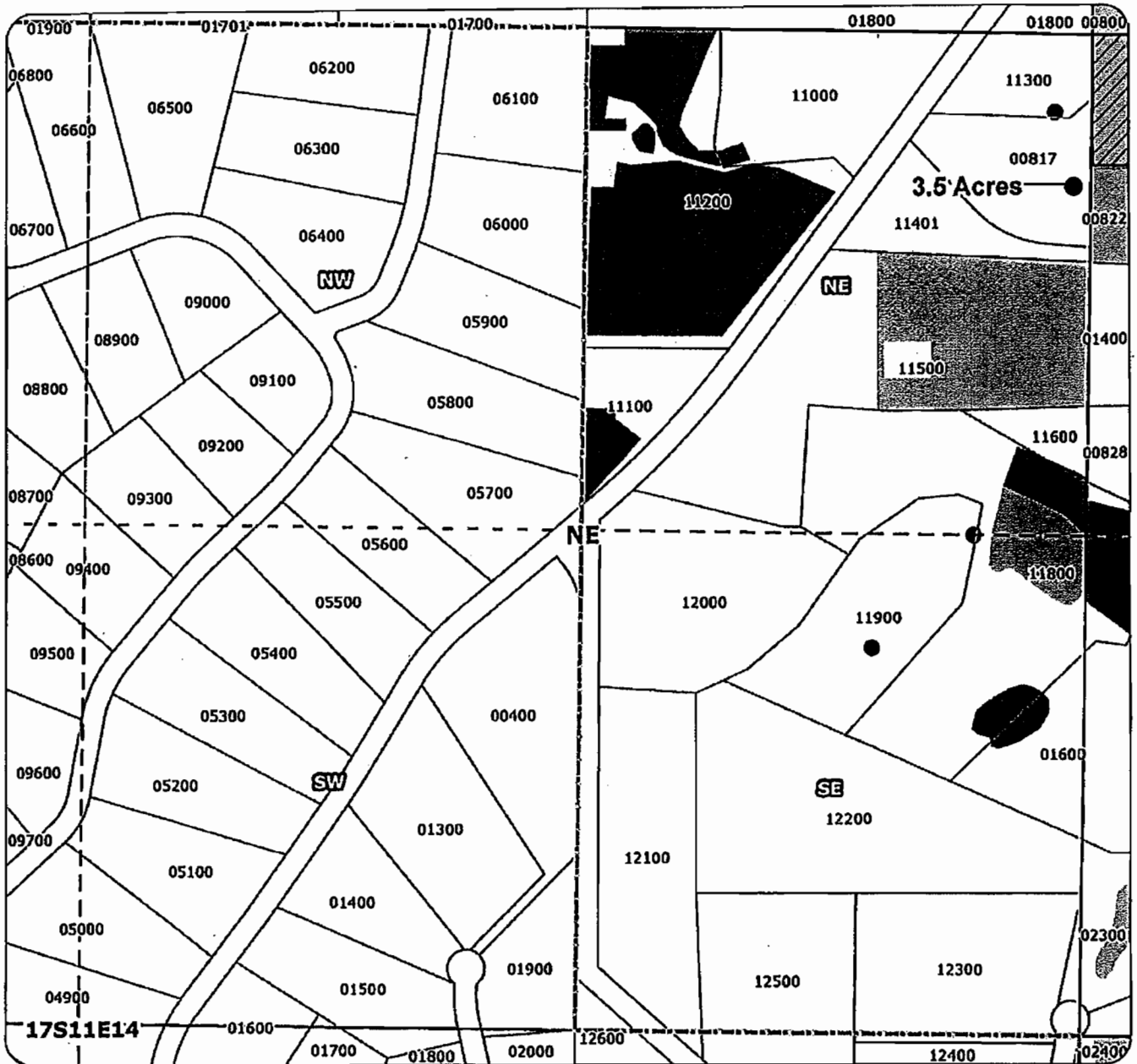


Geo-Spatial Solutions, Inc.

www.geospatialsolutions.com

Date Created: March 2012

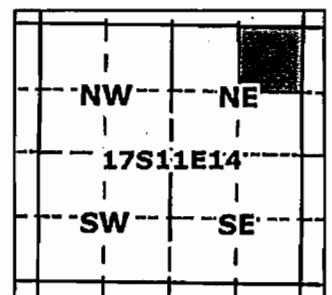
2012 Tumalo Irrigation District Instream Lease Map



Application for 1-year Instream Lease Primary: Certificates 74146, 74147

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

for C.L.R. L12.01
Taxlot 817 - 3.5 Acres
0 Acres Remaining on Taxlot 817
in 171114NENE
Total Lease of 3.5 Acres





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

Application for Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

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

Optional Identification by Lessor/Lessee: L12.02
Lease Application Number (assigned by WRD): IL-1223

This Lease is with:

Lessor #1 (Water Right Holder):

Name Anthony Amadio
Mailing address 20150 Marsh Rd.
City, State, Zip Code Bend, OR 97701
Telephone number 541.390.7557
Email address _____

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

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

~I~ Water Right Holder and Water Right Information

- 1.1 Lessor #1 is the water right holder, or authorized agent for property described in Section 1.5. If the water right appurtenant to these lands is also appurtenant to lands owned by others who are not included in this application, then Attachment 1 (tax lot map), needs to be included.
- 1.3 For the water right(s) being leased, list all water rights appurtenant to the same lands. Indicate if there are any supplemental or overlying rights.

Certificate No. P 74146, 74147, S: 74147, 74148, 74149, 76520

- 1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. Yes No
- 1.5 **Water Right(s) Proposed to be Leased Instream.** Water right holder proposes to lease the water rights shown on the map attached as Exhibit 5-B and described as follows:
[This information may be included on Exhibit 5-A, or an additional map may be attached. Crosshatch the area of water rights being leased. Attached map(s) must identify water right holder, township, range, section and ¼ ¼, tax lot number, map orientation and scale.]

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16	11	26	sene	00603	19.0	Irr	74147	6	10/29/1913
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 19.0

Conditions or other limitations, if any: _____

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

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

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

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 12, 2012. (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: Anthony Amadio Date: 1.30.12
Amadio, Anthony

For additional Lessors, type in space for signature and date

Other Attachments As Needed:

- Exhibit 5-A: Tax Lot Map. (See instructions.)
 - Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.)
 - Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is checked)
 - Exhibit 5-D: Split Season Instream Use Form
- _____



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

Additional Water Right Form For Pooled Water Right Holder Instream Lease

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

~I~

Section 1.5 continued from Pooled Leasing Water Right Holder Form.

Water Right(s) Proposed to be Leased Instream. Water right holder proposes to lease the water rights shown on the map attached as Exhibit 5-B and described as follows:

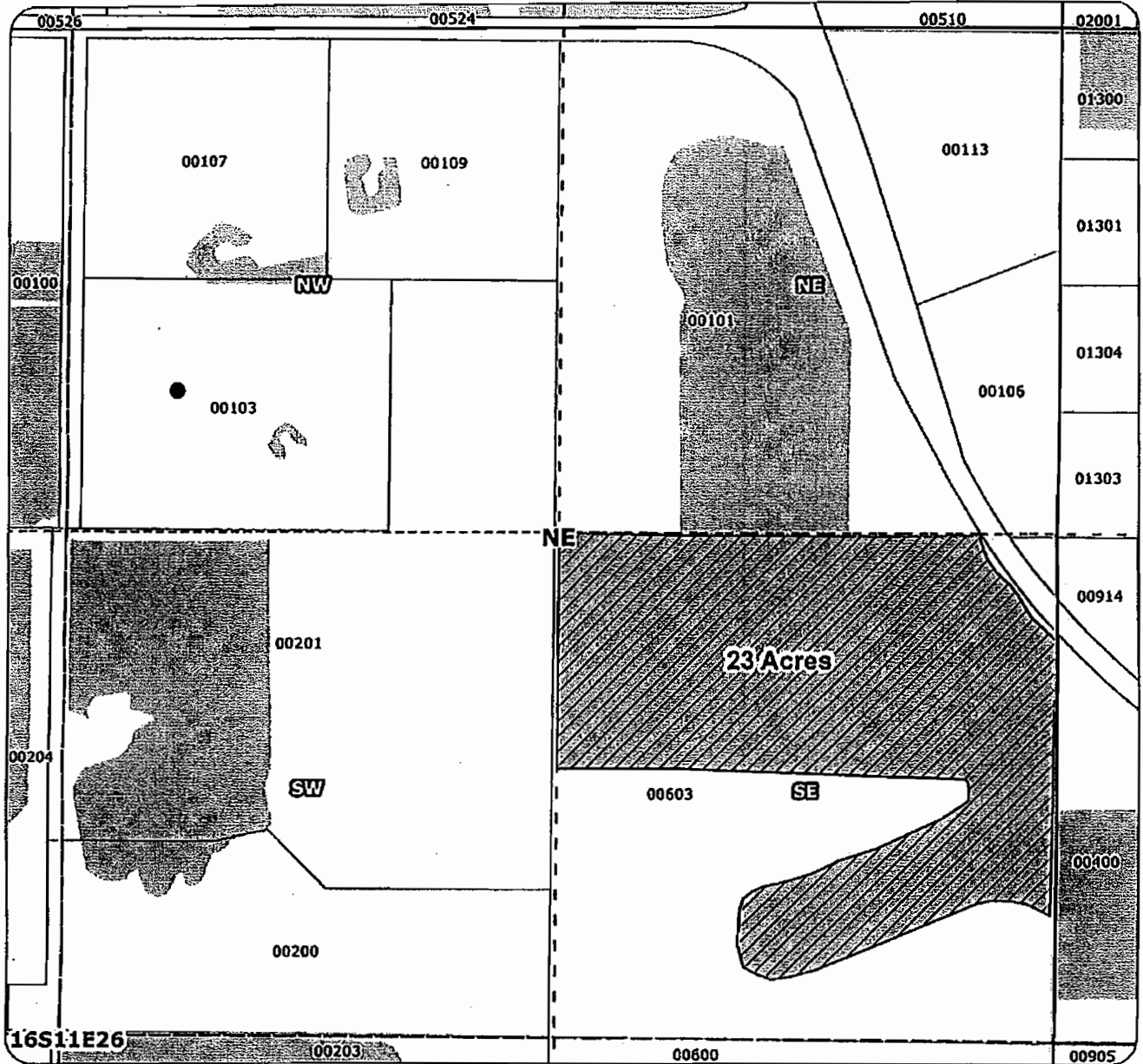
[This information may be included on Exhibit 5-A, or an additional map may be attached. Crosshatch the area of water rights being leased. Attached map(s) must identify water right holder, township, range, section and ¼ ¼, tax lot number, map orientation and scale.]

	T	R	Sec	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.	16	11	26	sene	00603	4.0	Irr	74146	7	9/1/1900
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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

Total number of acres, if for irrigation, by certificate and priority date: 4.0

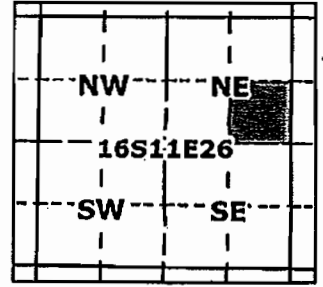
2012 Tumalo Irrigation District Instream Lease Map



Application for 1-year Instream Lease Primary: Certificate 74146, 74147

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

for Tony Amadio L12.02
Taxlot 603 - 23 Acres
0 Acres Remaining on Taxlot 603
in 161126SENE
Total Lease of 23 Acres



1 Inch = 400 feet


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

Date Created: March 2012



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: L12.03
Lease Application Number (assigned by WRD): IL-1223

This Lease is with:

Lessor #1 (Water Right Holder):

Name Lane Qualified Personal Residence Trust, Stephen & Cynthia
Mailing address 2058 Why Worry Lane
City, State, Zip Code Eugene, OR 97405
Telephone number 541.686.8833
Email address _____

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

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

~I~ Water Right Holder and Water Right Information

- 1.1 Lessor #1 is the water right holder, or authorized agent for property described in Section 1.5. If the water right appurtenant to these lands is also appurtenant to lands owned by others who are not included in this application, then Attachment 1 (tax lot map), needs to be included.
- 1.3 For the water right(s) being leased, list all water rights appurtenant to the same lands. Indicate if there are any supplemental or overlying rights.

Certificate No. P 74147, S: 74148, 74149, 76520

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

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16S	11E	34	nese	01100	13.0	Irr	74147	9	10/29/1913
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 13.0

Conditions or other limitations, if any: _____

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

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

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

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 12, 2012. (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.

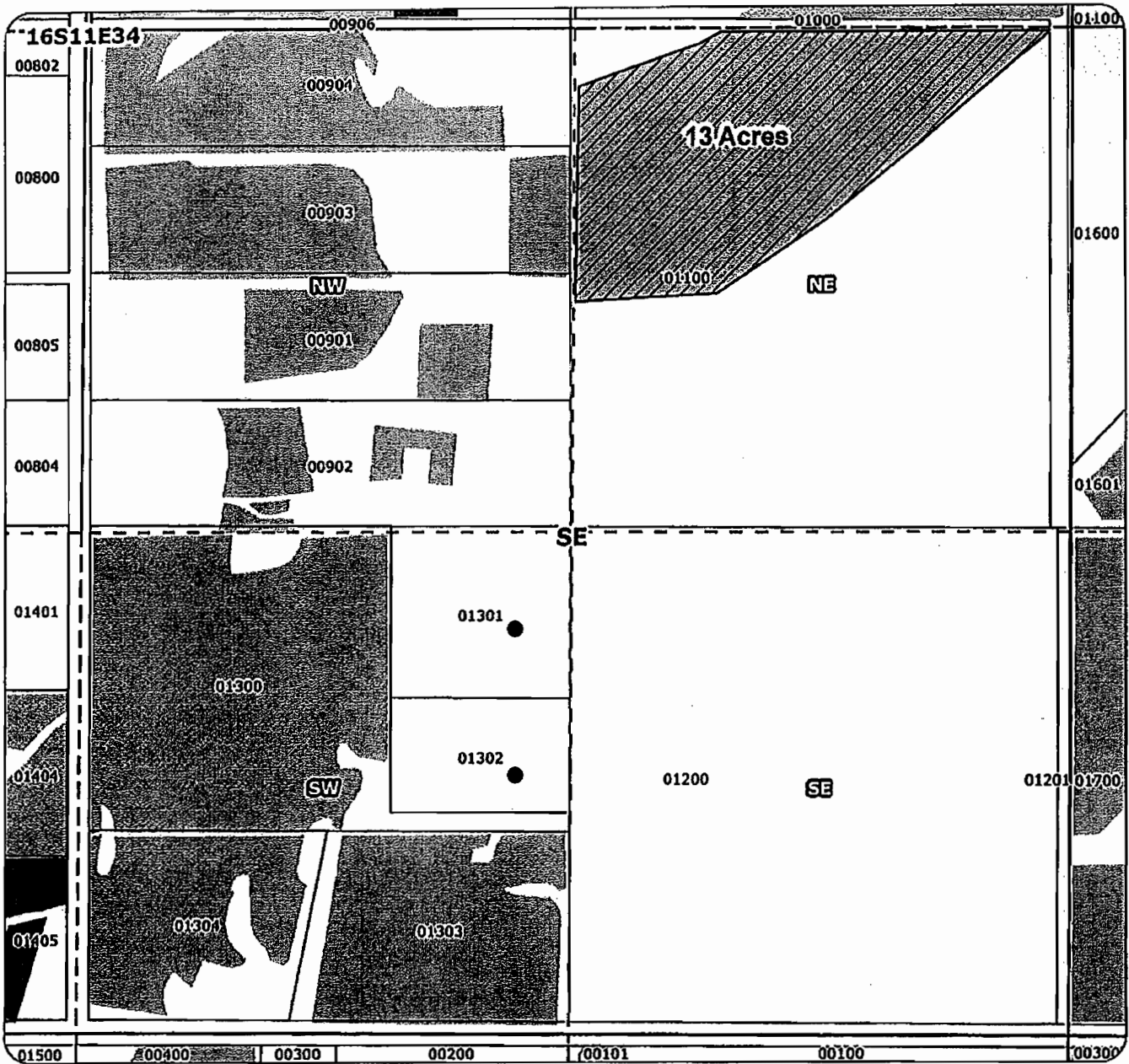
Lessor #1: Stephen O. Lane Date: 2/5/2012
Stephen Lane, Trustee

For additional Lessors, type in space for signature and date

Other Attachments As Needed:

- Exhibit 5-A: Tax Lot Map. (See instructions.)
- Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.)
- Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is checked)
- Exhibit 5-D: Split Season Instream Use Form

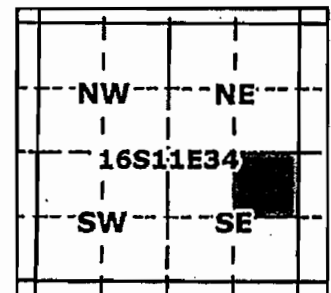
2012 Tumalo Irrigation District Instream Lease Map



Application for 1-year Instream Lease Primary: Certificates 74146, 74147

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

for Lane Trust L12.03
Taxlot 1100 - 13 Acres
0 Acres Remaining on Taxlot 1100
in 161134NESE
Total Lease of 13 Acres





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

Application for Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

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

Optional Identification by Lessor/Lessee: L11.04

Lease Application Number (assigned by WRD): IL-1223

This Lease is with:

Lessor #1 (Water Right Holder):

Name RMB, LLC

Mailing address PO Box 7617

City, State, Zip Code Bend, OR 97708

Telephone number 541.815.5494

Email address _____

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

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

~I~ Water Right Holder and Water Right Information

1.1 Lessor #1 is the water right holder, or authorized agent for property described in Section 1.5. If the water right appurtenant to these lands is also appurtenant to lands owned by others who are not included in this application, then Attachment 1 (tax lot map), needs to be included.

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

Certificate No. P74147, S: 74148, 74149, 76520

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

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16S	11E	25	nsws	00905	8.0	Irr	74147	6	10/29/1913
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 8.0

Conditions or other limitations, if any: _____

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

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

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

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 12, 2012. (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: _____

Richard Briggs

Date: _____

FEB, 8, 2012

Richard Briggs

For additional Lessors, type in space for signature and date

Other Attachments As Needed:

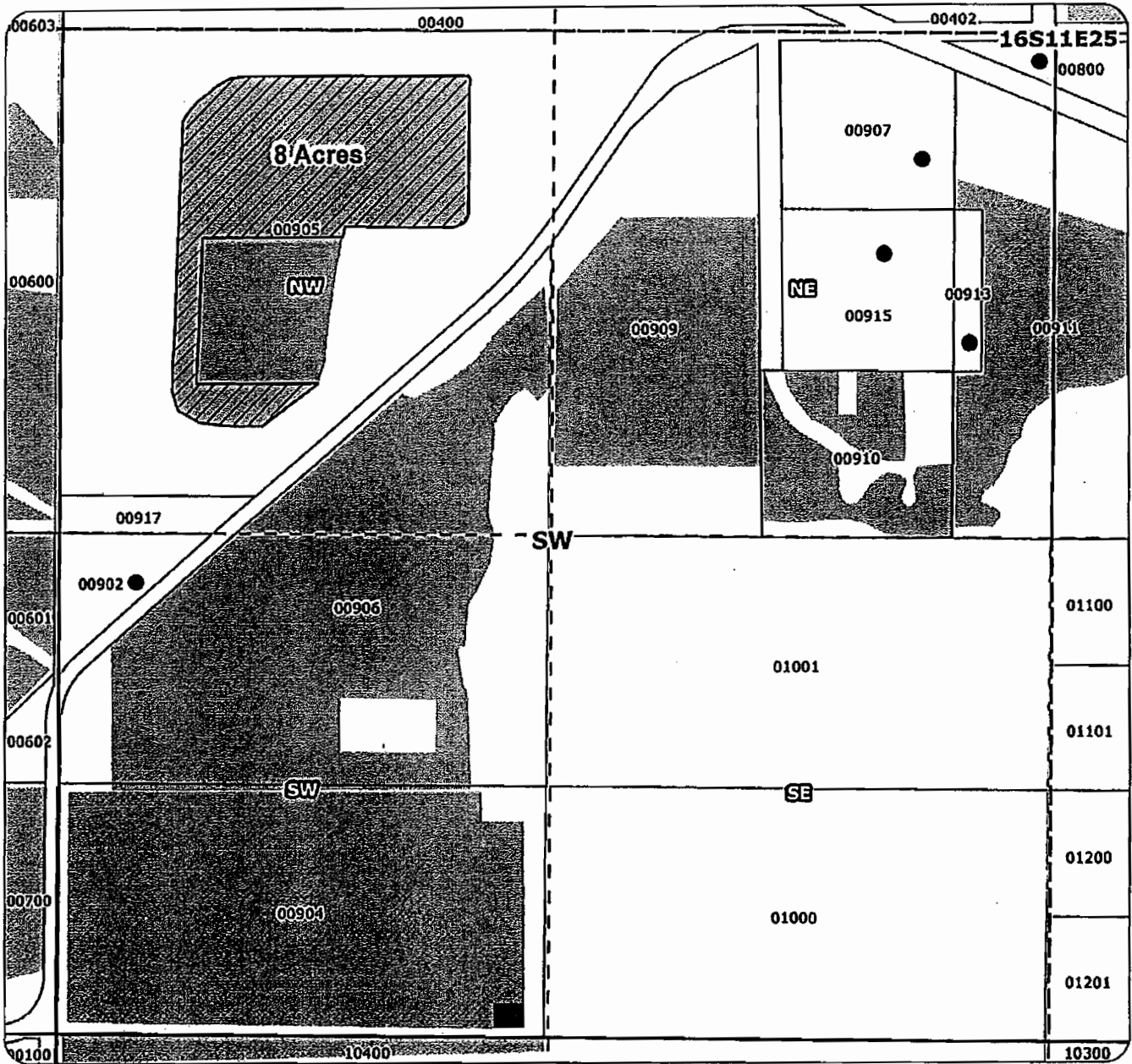
Exhibit 5-A: Tax Lot Map. (See instructions.)

Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.)

Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is checked)

Exhibit 5-D: Split Season Instream Use Form

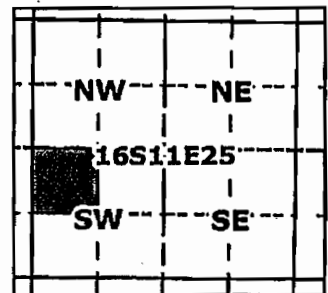
2012 Tumalo Irrigation District Instream Lease Map



Application for 1-year Instream Lease Primary: Certificate 74146, 74147

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

for RMB, LLC L12.04
Taxlot 905 - 8 Acres
3 Acres Remaining on Taxlot 905
In 161125NWSW
Total Lease of 8 Acres



1 Inch = 400 feet



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

Date Created: March 2012



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: L12.05
Lease Application Number (assigned by WRD): IL-1223

This Lease is with:

Lessor #1 (Water Right Holder):

Name Louis B. Dvorak
Mailing address 64680 Horseman Lane
City, State, Zip Code Bend, OR 97701
Telephone number 541.382.0195
Email address _____

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

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

~I~ Water Right Holder and Water Right Information

- 1.1 Lessor #1 is the water right holder, or authorized agent for property described in Section 1.5. If the water right appurtenant to these lands is also appurtenant to lands owned by others who are not included in this application, then Attachment 1 (tax lot map), needs to be included.
- 1.3 For the water right(s) being leased, list all water rights appurtenant to the same lands. Indicate if there are any supplemental or overlying rights.

Certificate No. P74146, 74147 S: 74147,74148, 74149, 76520

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

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

Prev. Cost

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16S	11E	35	sene	00204	2.70	Irr	74146	16	6/1/1907
2.	16S	11E	35	sene	00204	4.80	Irr	74146	8	9/1/1900
3.	16S	11E	35	sene	00600	4.10	Irr	74146	8	9/1/1900
4.	16S	11E	35	sene	00700	4.0	Irr	74146	8	9/1/1900
5.										

L-916

Total number of acres, if for irrigation, by certificate and priority date: 15.60

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 12, 2012. (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: Louis B. Dvorak Date: 24 Feb 12
Louis B. Dvorak

For additional Lessors, type in space for signature and date

Other Attachments As Needed:

- Exhibit 5-A: Tax Lot Map. (See instructions.)
Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.)
Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is checked)
Exhibit 5-D: Split Season Instream Use Form



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

Additional Water Right Form For Pooled Water Right Holder Instream Lease

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.

~I~

Section 1.5 continued from Pooled Leasing Water Right Holder Form.

Water Right(s) Proposed to be Leased Instream. Water right holder proposes to lease the water rights shown on the map attached as Exhibit 5-B and described as follows:

[This information may be included on Exhibit 5-A, or an additional map may be attached. Crosshatch the area of water rights being leased. Attached map(s) must identify water right holder, township, range, section and 1/4, tax lot number, map orientation and scale.]

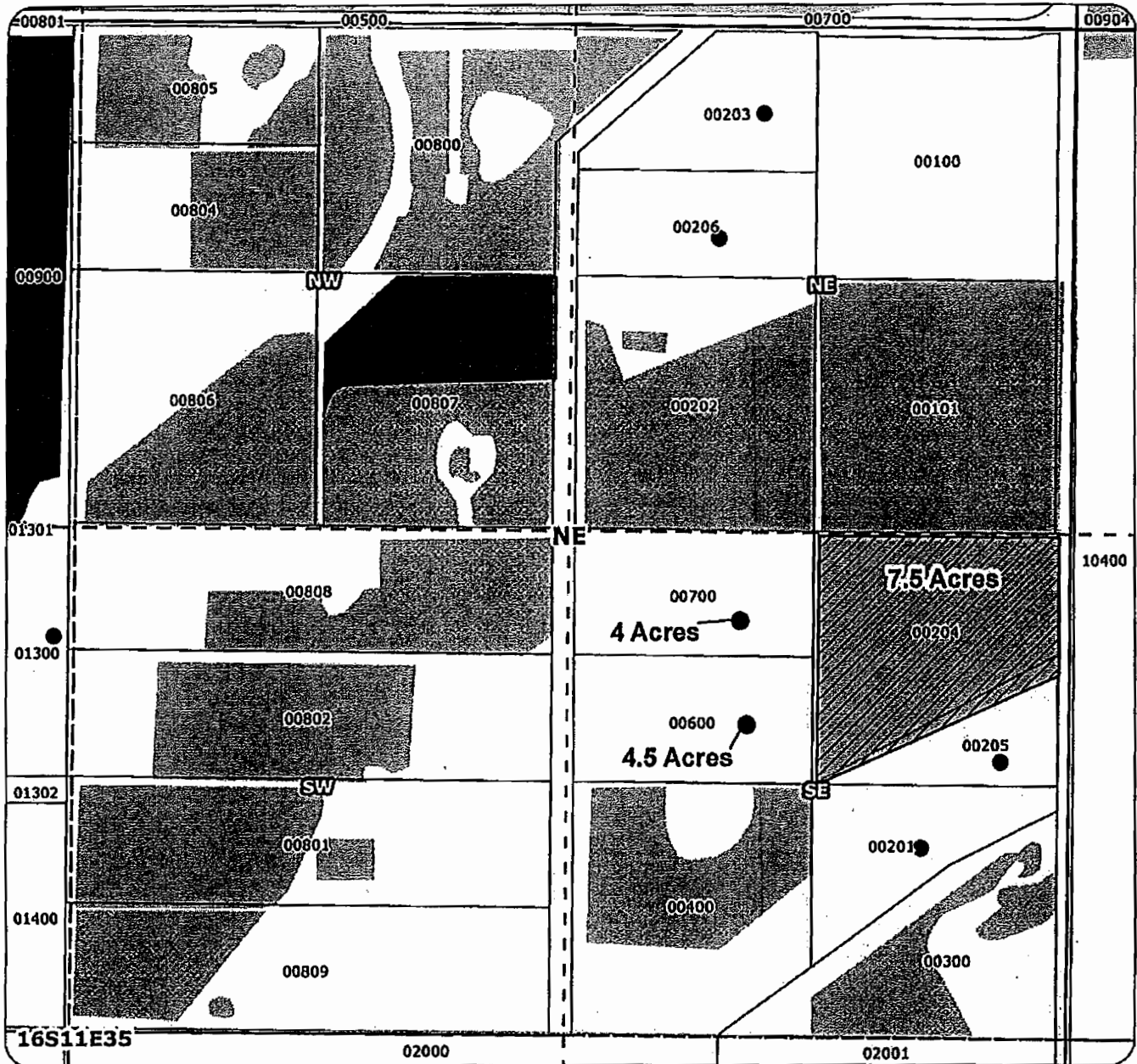
T	R	Sect	1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)									
1.	16S	11E	35	sene	00600	.40	Irr	74147	9 3
2.									
3.									
4.									
5.									
6.									
7.									
8.									
9.									
10.									

Prev. LS# 4916





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

Total number of acres, if for irrigation, by certificate and priority date: .40

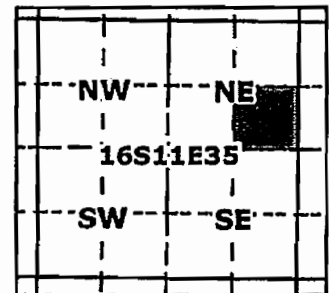
2012 Tumalo Irrigation District Instream Lease Map



Application for 1-year Instream Lease Primary: Certificates 74146, 74147

-  Proposed Lease of Irrigation Rights
-  Unmapped 2012 Leases
-  Unmapped Water Rights
-  Cert 76106
-  Cert 74146 & 74147

for
 Louis B. Dvorak L12.05
 Taxlot 204 - 7.5 Acres
 0 Acres Remaining on Taxlot 204
 Taxlot 600 - 4.5 Acres
 0 Acres Remaining on Taxlot 600
 Taxlot 700 - 4 Acres
 0 Acres Remaining on Taxlot 700
 in 161135ENE
 Total Lease of 16 Acres




Geo-Spatial Solutions, Inc.



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: L12.06
Lease Application Number (assigned by WRD): IL-1223

This Lease is with:

Lessor #1 (Water Right Holder):

Name Ellis Rev Living Trust, Robert L and Susan M, Trustees
Mailing address 5344 SE Hillwood Avenue
City, State, Zip Code Milwaukie, OR 97267-5013
Telephone number 503.659.1664
Email address _____

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

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

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- 1.1 Lessor #1 is the water right holder, or authorized agent for property described in Section 1.5. If the water right appurtenant to these lands is also appurtenant to lands owned by others who are not included in this application, then Attachment 1 (tax lot map), needs to be included.
- 1.3 For the water right(s) being leased, list all water rights appurtenant to the same lands. Indicate if there are any supplemental or overlying rights.

Certificate No. P 74146, S: 74147, 74148, 74149, 76520

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

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

T	R	Seet	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.	16S	11E	35	nwnw	01000	19.70	Irr	74146	16	6/1/1907
2.										
3.										
4.										
5.										

Prev. LS# L-1155

Total number of acres, if for irrigation, by certificate and priority date: 19.70

Conditions or other limitations, if any: All in prev. LS L-1155

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 12, 2012. (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 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: Robert L. Ellis, Trustee Date: Feb 10, 2012
Robert L. Ellis, Trustee

Susan M. Ellis, Trustee Date: 2.10.12
Susan M. Ellis, Trustee

For additional Lessors, type in space for signature and date

Other Attachments As Needed:

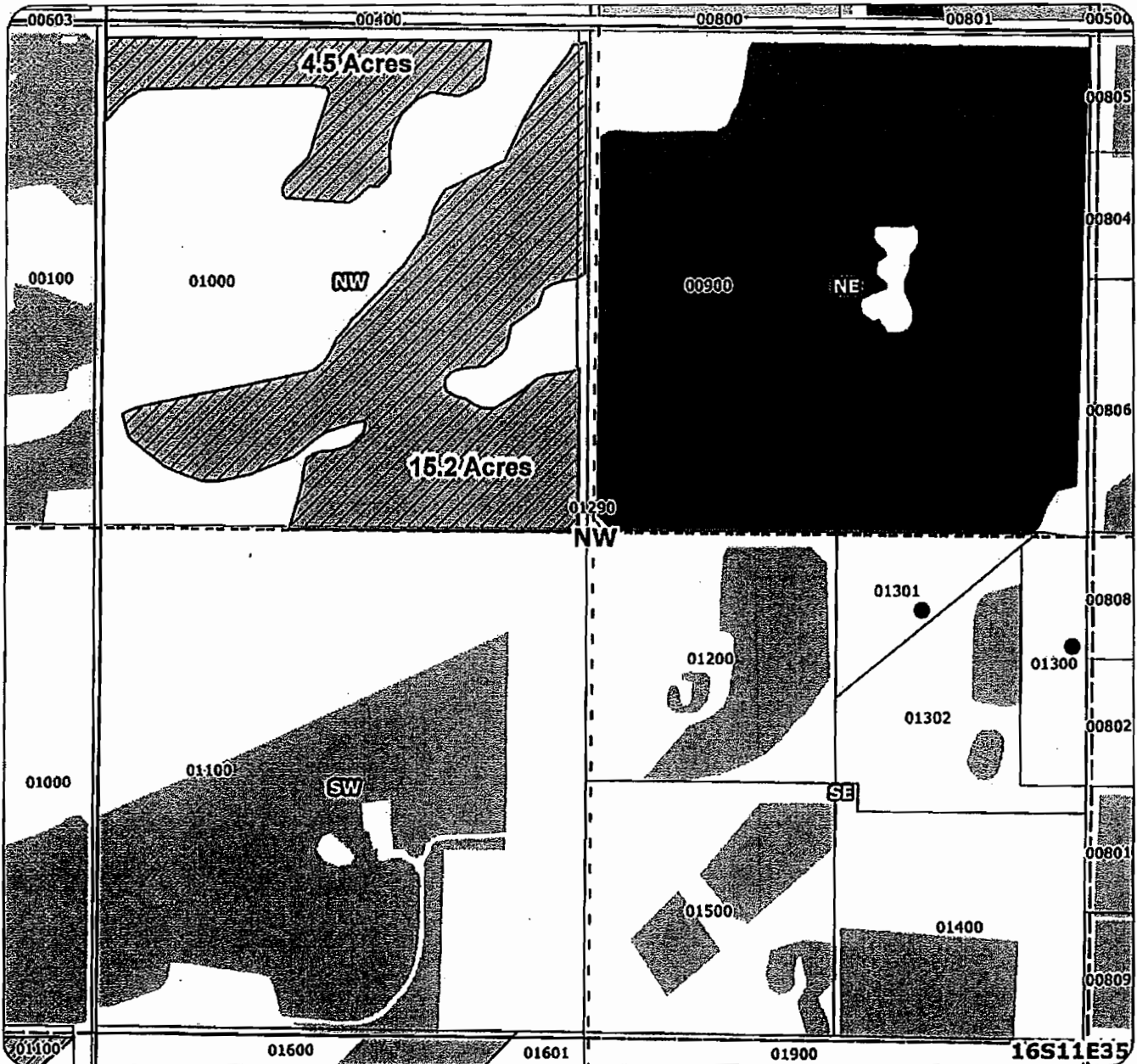
Exhibit 5-A: Tax Lot Map. (See instructions.)

Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.)






Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is checked)

Exhibit 5-D: Split Season Instream Use Form

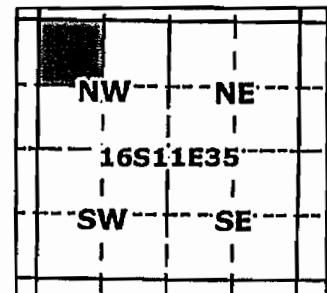
2012 Tumalo Irrigation District Instream Lease Map



Application for 1-year Instream Lease Primary: Certificates 74146, 74147

-  Proposed Lease of Irrigation Rights
-  Unmapped 2012 Leases
-  Unmapped Water Rights
-  Cert 76106
-  Cert 74146 & 74147

for
 Robert Ellis Revocable Trust L12.06
 Taxlot 1000 - 4.5 Acres
 Taxlot 1000 - 15.2
 0 Acres Remaining on Taxlot
 in 161135NWNW
 Total Lease of 19.7 Acres





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

Application for Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

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

Optional Identification by Lessor/Lessee: L12.07

Lease Application Number (assigned by WRD): _____

This Lease is with:

Lessor #1 (Water Right Holder):

Name Brooks Resources Corporation

Mailing address 409 NW Franklin Ave

City, State, Zip Code Bend, OR 97701

Telephone number 541.382.1662

Email address _____

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

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

~I~ Water Right Holder and Water Right Information

- 1.1 Lessor #1 is the water right holder, or authorized agent for property described in Section 1.5. If the water right appurtenant to these lands is also appurtenant to lands owned by others who are not included in this application, then Attachment 1 (tax lot map), needs to be included.
- 1.3 For the water right(s) being leased, list all water rights appurtenant to the same lands. Indicate if there are any supplemental or overlying rights.

Certificate No. P83571 S: 76714

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

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)									
1.	17	11	24	nwne	00200	2.0	Irr	83571	4 1/1/1900
2.									
3.									
4.									
5.									

Total number of acres, if for irrigation, by certificate and priority date: 2.0
 C-83571 · an additional 2.0 ac. transferred off taxlot 301 in T-10759
 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 12, 2012. (If there is a conflict between the Pooled Lease Form and this form, the Pooled Lease Form will be the official term of the lease.)

~III~ Other Information

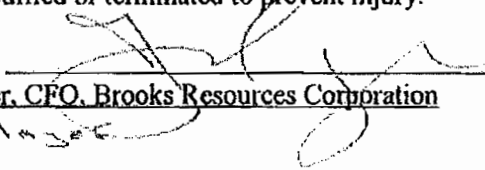
- 3.1 Accuracy.** The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified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

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

3.5 **Termination provision.**

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

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

Lessor #1:  Date: 2/13/12
Jade Meyer, CFO, Brooks Resources Corporation

For additional Lessors, type in space for signature and date

~~Central Oregon Irrigation District~~ Date 2 April 2012

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

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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Lessor #1: _____ Date: 2/13/12
Jade Meyer, CFO, Brooks Resources Corporation

Jade Meyer

For additional Lessors, type in space for signature and date

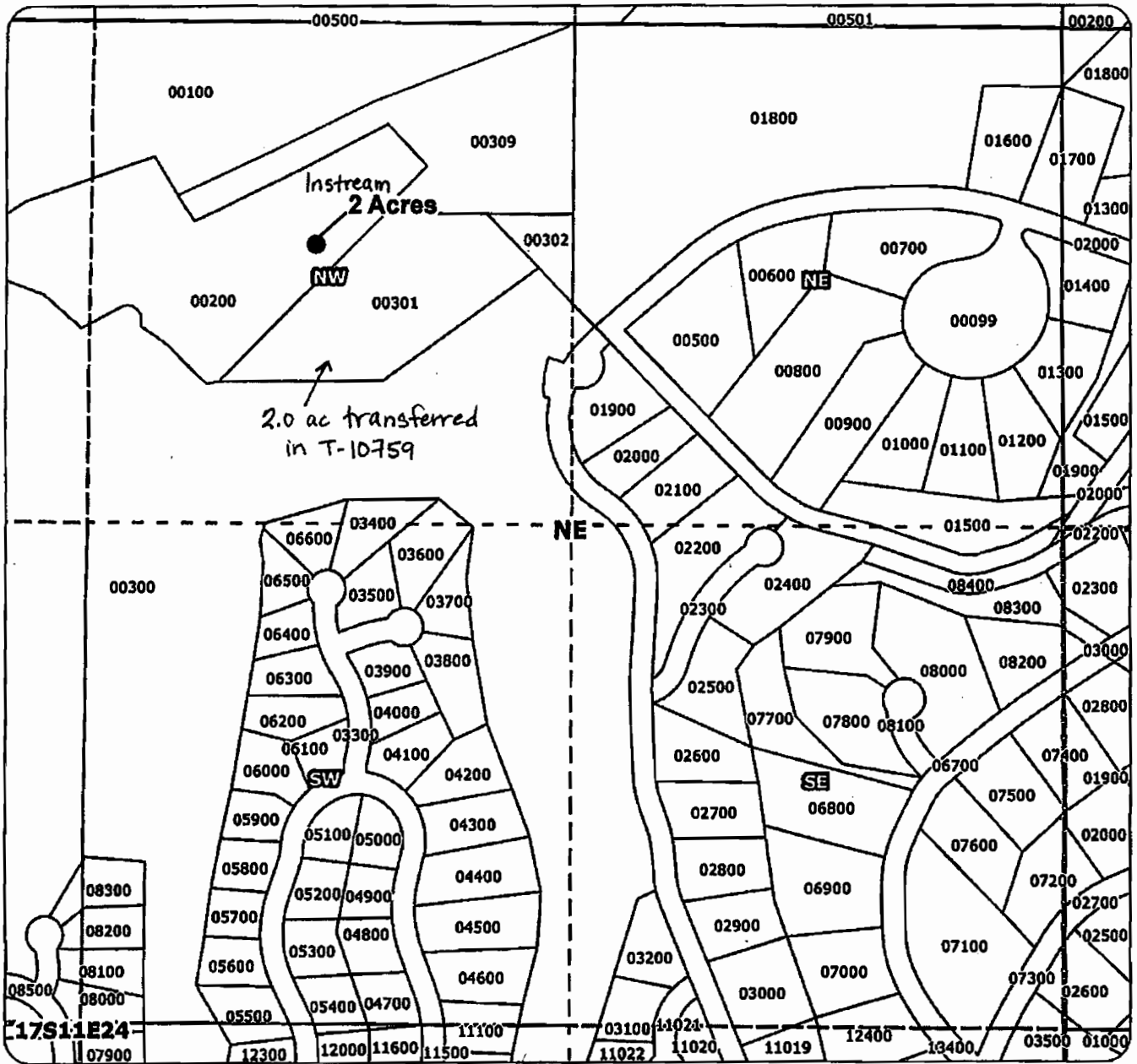
Central Oregon Irrigation District

Date _____

Other Attachments As Needed:

- Exhibit 5-A: Tax Lot Map. (See instructions.)
- Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.)
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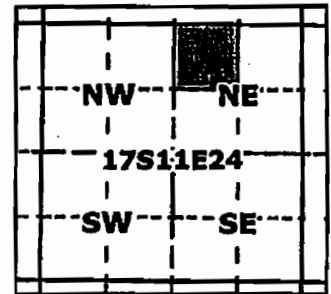
2012 Tumalo Irrigation District Instream Lease Map



Application for 1-year Instream Lease Primary: Certificate 83571

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

for Brooks Resources L12.07
Taxlot 200 - 2 Acres
0 Acres Remaining on Taxlot 200
in 171124NWNE
Total Lease of 2 Acres





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

Application for Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

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

Optional Identification by Lessor/Lessee: L12.08
Lease Application Number (assigned by WRD): IL-1223

This Lease is with:

Lessor #1 (Water Right Holder):

Name Brehmer, Chris & Lisa
Mailing address PO Box 241103
City, State, Zip Code Anchorage, AK 99524-1103
Telephone number 907.440.8378
Email address _____

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

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

~I~ Water Right Holder and Water Right Information

- 1.1 Lessor #1 is the water right holder, or authorized agent for property described in Section 1.5. If the water right appurtenant to these lands is also appurtenant to lands owned by others who are not included in this application, then Attachment 1 (tax lot map), needs to be included.
- 1.3 For the water right(s) being leased, list all water rights appurtenant to the same lands. Indicate if there are any supplemental or overlying rights.

Certificate No. P76106, S: 74149, 76520

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

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

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.	16S	11E	01	swse	00600	14.46	Irr	76106	1	12/8/1961
2.										
3.										
4.										
5.										

Prev. LS# L-916

Total number of acres, if for irrigation, by certificate and priority date: 14.46

Conditions or other limitations, if any: All in prev. LS L-916

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 12, 2012. (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: Chris Brehmer Date: 3-26-12

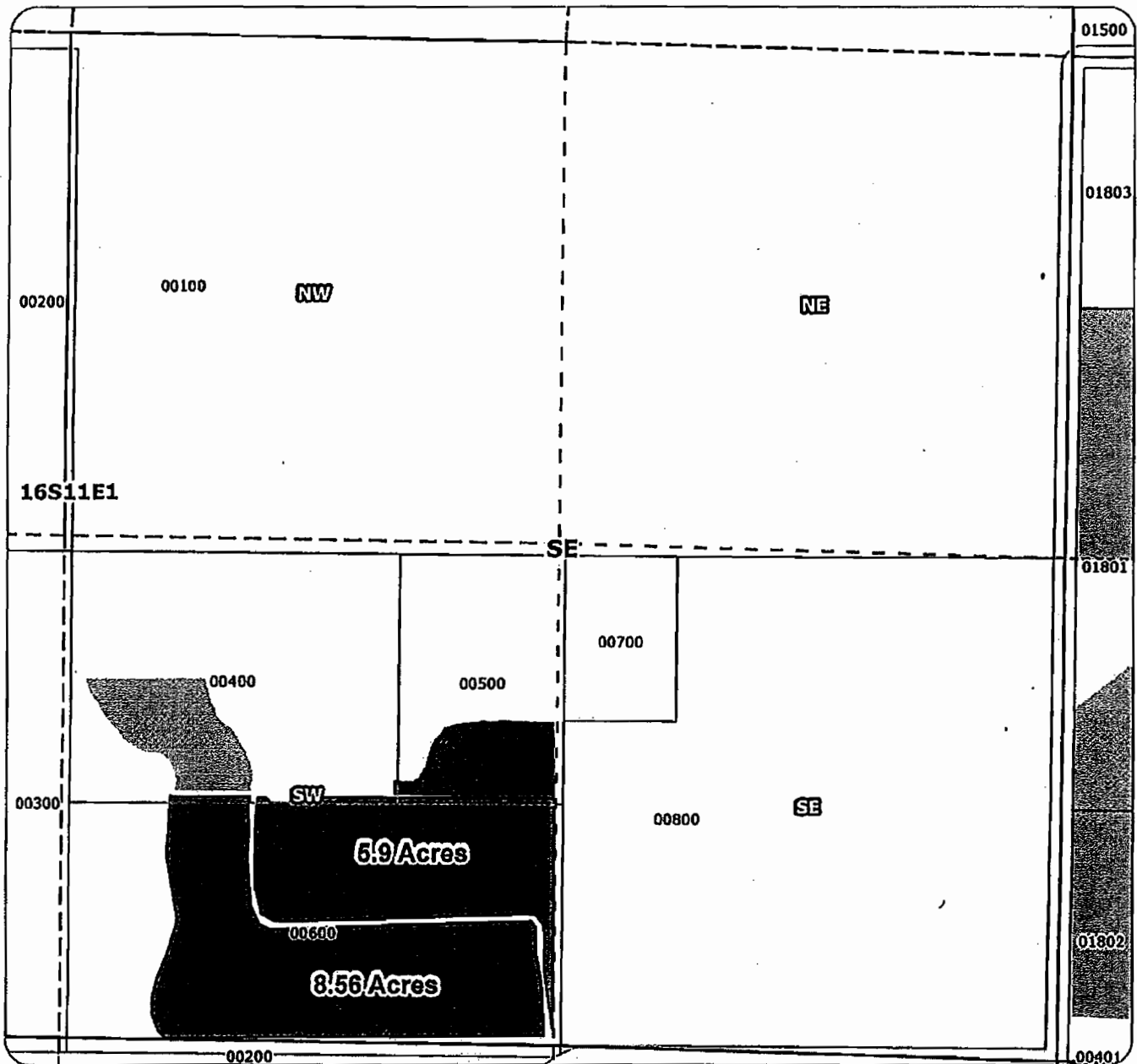
Lisa Brehmer Date: 3-26-12

For additional Lessors, type in space for signature and date

Other Attachments As Needed:

- Exhibit 5-A: Tax Lot Map. (See instructions.)
- Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.)
- Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is checked)
- Exhibit 5-D: Split Season Instream Use Form

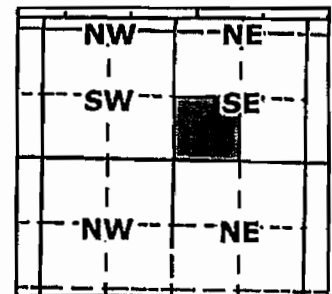
2012 Tumalo Irrigation District Instream Lease Map



Application for 1-year Instream Lease Primary: Certificate 76106

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

for Brehmer L12.08
Taxlot 600 - 14.46 Acres
0 Acres Remaining on Taxlot 600
in 181101SWSE
Total Lease of 14.46 Acres



Scale: 1 inch = 400 feet



State of Oregon
Water Resources Department
725 Sumner 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: L12.09
Lease Application Number (assigned by WRD): IL-1223

This Lease is with:

Lessor #1 (Water Right Holder):

Name Macmillan Family Trust
Mailing address PO Box 5130
City, State, Zip Code Hanover, NH 03755
Telephone number 541.410.9345
Email address _____

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

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

~I~ Water Right Holder and Water Right Information

- 1.1 Lessor #1 is the water right holder, or authorized agent for property described in Section 1.5. If the water right appurtenant to these lands is also appurtenant to lands owned by others who are not included in this application, then Attachment 1 (tax lot map), needs to be included.
- 1.3 For the water right(s) being leased, list all water rights appurtenant to the same lands. Indicate if there are any supplemental or overlying rights.

Certificate No. P74146, S: 74147, 74148, 74149, 76520

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

- 1.5 **Water Right(s) Proposed to be Leased Instream.** Water right holder proposes to lease the water rights shown on the map attached as Exhibit 5-B and described as follows:
[This information may be included on Exhibit 5-A, or an additional map may be attached. Crosshatch the area of water rights being leased. Attached map(s) must identify water right holder, township, range, section and $\frac{1}{4}$ $\frac{1}{4}$, tax lot number, map orientation and scale.]

T	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.	16S	12E	07	nwne	00400	10.0	Irr	74146	16	6/1/1907
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 10.0

Conditions or other limitations, if any: _____

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

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

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

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 12, 2012. (If there is a conflict between the Pooled Lease Form and this form, the Pooled Lease Form will be the official term of the lease.)

~III~ Other Information

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

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

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

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 - Consent by all parties to the lease; and/or
 - Written notice to the Watermaster's office.
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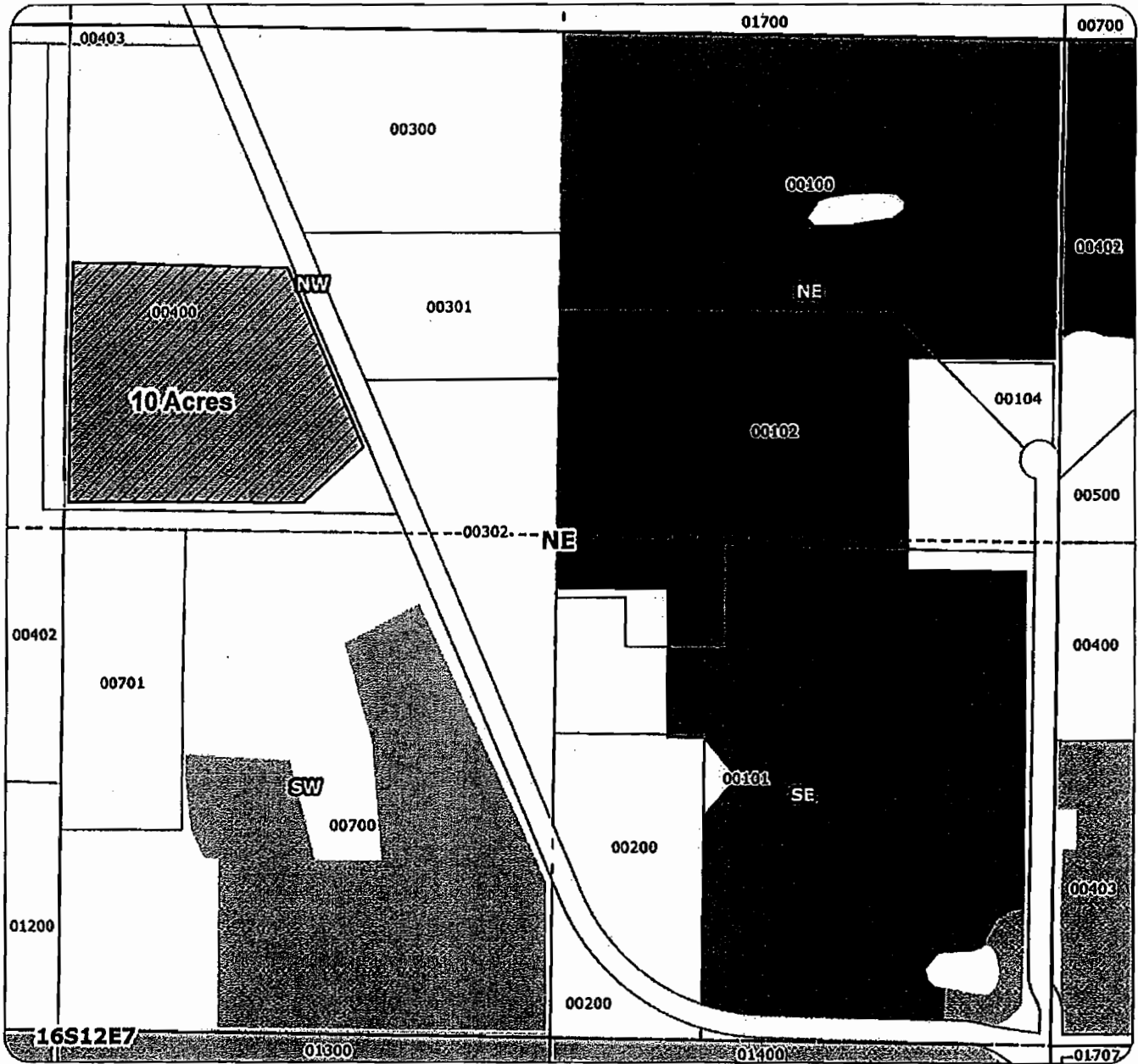
Lessor #1: Alexander Macmillan, Trustee Date: 3/5/12
Macmillan Family Trust, Alex Macmillan, Trustee

For additional Lessors, type in space for signature and date

Other Attachments As Needed:

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

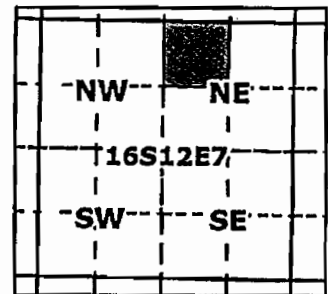
2012 Tumalo Irrigation District Instream Lease Map



Application for 1-year Instream Lease Primary: Certificates 74146, 74147

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

for MacMillan Trust L12.09
Taxlot 400 - 10 Acres
0 Acres Remaining on Taxlot 400
in 161207NWE
Total Lease of 10 Acres



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



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: L12.10

Lease Application Number (assigned by WRD): _____

This Lease is with:

Lessor #1 (Water Right Holder):

Name Kristina Shockey

Mailing address 1195 SE Howell Prairie Rd

City, State, Zip Code Salem, OR 97317

Telephone number 503.999.4677

Email address _____

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

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

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- 1.3 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. P74147 S: 74148, 74149, 76520

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

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16S	11E	25	nese	00908	2.60	Irr	74147	6	10/29/1913
2.	16S	11E	25	nwse	00908	1.40	Irr	74147	6	10/29/1913
3.										
4.										
5.										

prev. LS # L-815

Total number of acres, if for irrigation, by certificate and priority date: 4.0
nese - prev. LS L-815

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 12, 2012. (If there is a conflict between the Pooled Lease Form and this form, the Pooled Lease Form will be the official term of the lease.)

~III~ Other Information

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

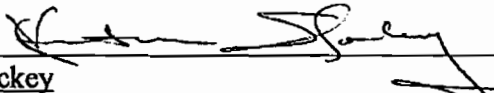
required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.

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

3.5 Termination provision.

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

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

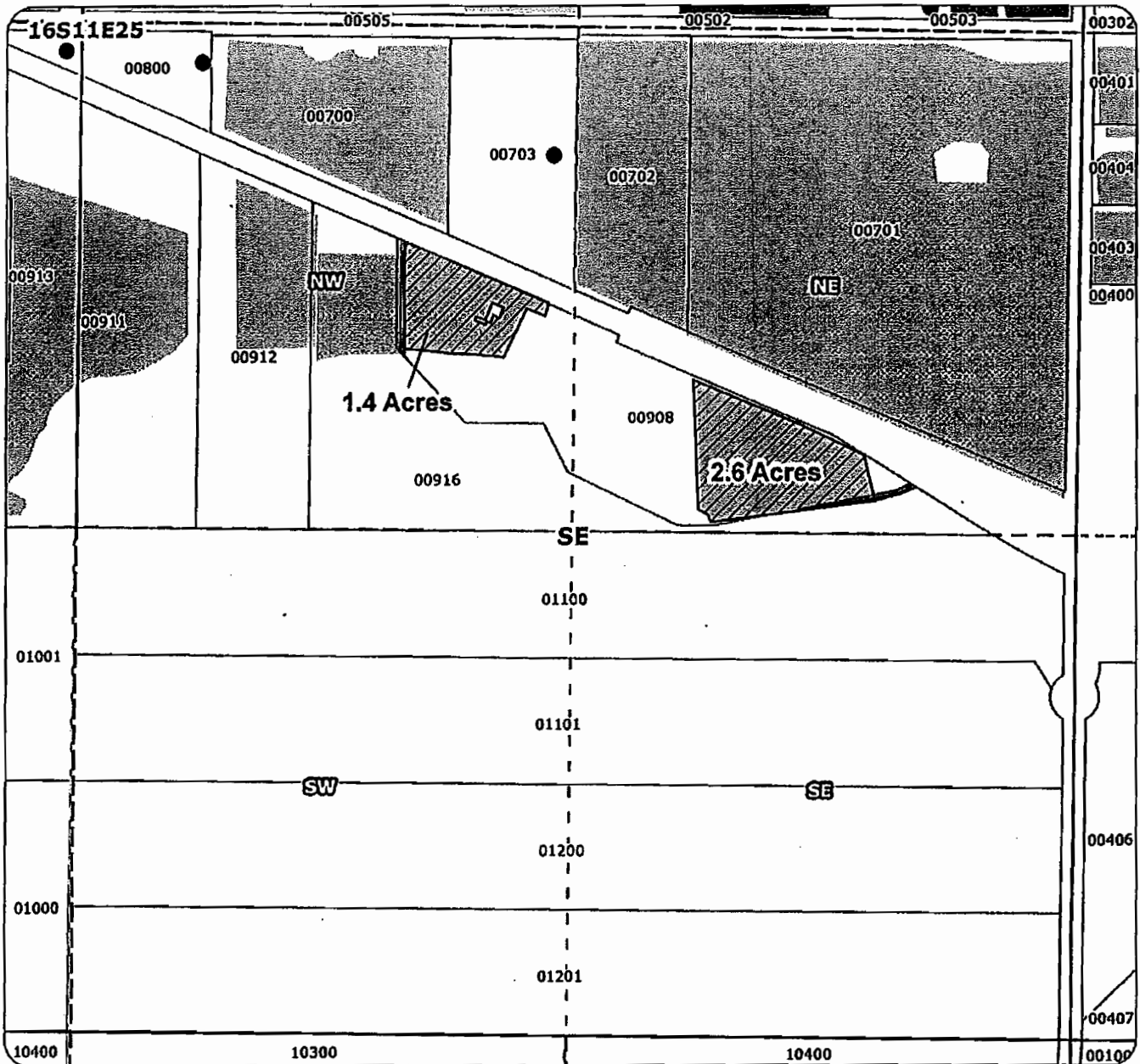
Lessor #1:  Date: 3-9-12
Kristina Shockey

For additional Lessors, type in space for signature and date

Other Attachments As Needed:

- Exhibit 5-A: Tax Lot Map. (See instructions.)
- Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.)
- Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is checked)
- Exhibit 5-D: Split Season Instream Use Form
- _____

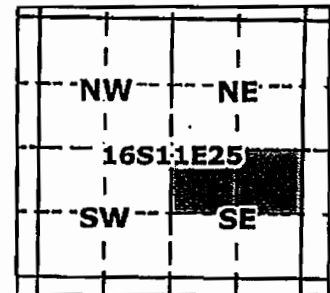
2012 Tumalo Irrigation District Instream Lease Map



Application for 1-year Instream Lease Primary: Certificates 74146, 74147

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

for Shockey L12.10
 Taxlot 908 - 1.4 Acres
 0 Acres Remaining on Taxlot 908
 in 161125NWSE
 Taxlot 908 - 2.6 Acres
 0 Acres Remaining on Taxlot 908
 in 161125NESE
 Total Lease of 4 Acres





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

Application for Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

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

Optional Identification by Lessor/Lessee: L12.11
Lease Application Number (assigned by WRD): IL-1223

This Lease is with:

Lessor #1 (Water Right Holder):

Name Bank of America
Mailing address 621 SW Alder St Suite 800
City, State, Zip Code Portland, OR 97205
Telephone number 503.459.0141
Email address Pthompson@rcolegal.com

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

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

~I~ Water Right Holder and Water Right Information

- 1.1 Lessor #1 is the water right holder, or authorized agent for property described in Section 1.5. If the water right appurtenant to these lands is also appurtenant to lands owned by others who are not included in this application, then Attachment 1 (tax lot map), needs to be included.
- 1.3 For the water right(s) being leased, list all water rights appurtenant to the same lands. Indicate if there are any supplemental or overlying rights.

Certificate No. P74146, 74147 S: 74147, 74148, 74149, 76520

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

- 1.5 **Water Right(s) Proposed to be Leased Instream.** Water right holder proposes to lease the water rights shown on the map attached as Exhibit 5-B and described as follows:
[This information may be included on Exhibit 5-A, or an additional map may be attached. Crosshatch the area of water rights being leased. Attached map(s) must identify water right holder, township, range, section and $\frac{1}{4}$ $\frac{1}{4}$, tax lot number, map orientation and scale.]

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority#	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16S	11E	23	swse	00524	9.0	Irr	74146	15	6/1/1907
2.										
3.										
4.										
5.										

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

Conditions or other limitations, if any: _____

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

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

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

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 12, 2012. (If there is a conflict between the Pooled Lease Form and this form, the Pooled Lease Form will be the official term of the lease.)

~III~ Other Information

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

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3.5 **Termination provision.**

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

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: *IK* Date: 3-9-2012
Ian Kyle, Attorney, Bank of America

For additional Lessors, type in space for signature and date

Other Attachments As Needed:

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



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

Additional Water Right Form For Pooled Water Right Holder Instream Lease

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~I~

Section 1.5 continued from Pooled Leasing Water Right Holder Form.

Water Right(s) Proposed to be Leased Instream. Water right holder proposes to lease the water rights shown on the map attached as Exhibit 5-B and described as follows:

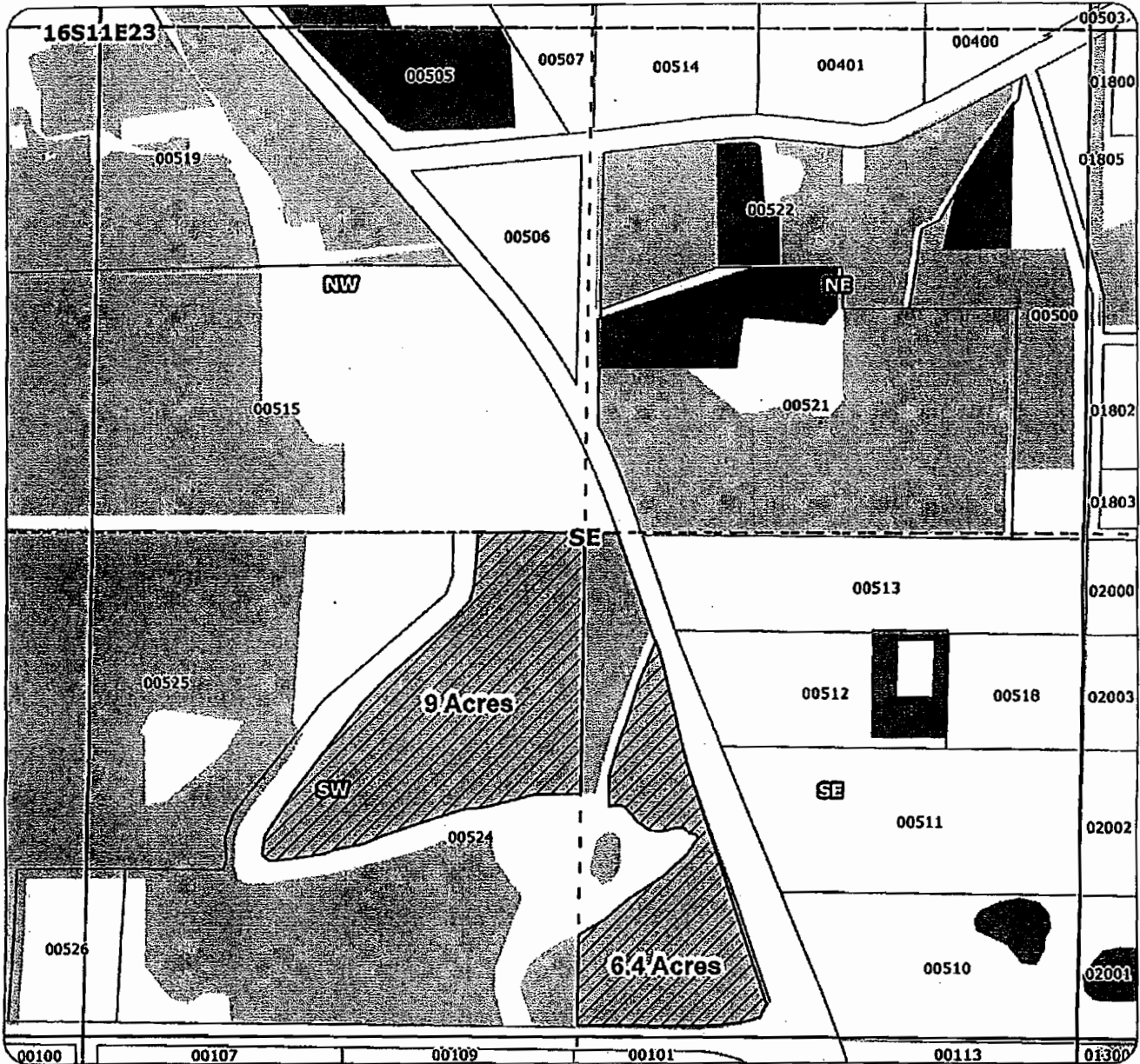
[This information may be included on Exhibit 5-A, or an additional map may be attached. Crosshatch the area of water rights being leased. Attached map(s) must identify water right holder, township, range, section and ¼, tax lot number, map orientation and scale.]

	T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16S	11E	23	sese	00524	6.40	Irr	74147	5	10/29/1913
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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

Total number of acres, if for irrigation, by certificate and priority date: 6.40

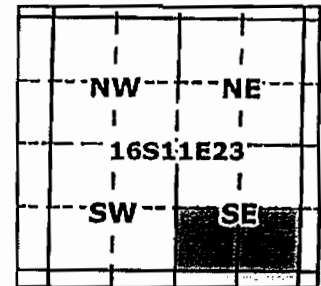
2012 Tumalo Irrigation District Instream Lease Map



Application for 1-year Instream Lease Primary: Certificates 74146, 74147

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

for Collins, D/M L12.11
 Taxlot 524 - 9 Acres
 9.5 Acres Remaining on Taxlot 524
 in 161123SWSE
 Taxlot 524 - 6.4 Acres
 2 Acres Remaining on Taxlot 524
 in 161123SESE
 Total Lease of 15.4 Acres



1 Inch = 400 feet



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

Date Created: March 2012