

☐ Not applicable.

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): 124 The water right to be leased is located in Deschutes County. This Lease is between: Lessor #2: Irrigation District or Other Water Purveyor Name _____ Swalley Irrigation District Mailing address _____64672 Cook Ave., Ste 1 City, State, Zip Code Bend, OR 97701 Telephone number ____ 541-388-0658 E-mail address** kathy@swalley.com 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** 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 Lessor #2 is the (Check one): 1.2 ☑ Official representative of Swalley Irrigation District , the irrigation district, which conveys water to the subject water rights. Another party with an interest in the subject water rights representing

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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(s). 74145						
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.: 74145 (If you need to enter another leased right, please use the additional water right form for pooled instream lease.) Priority date: 9/1/1899 Type of use: IRR						
	Legal Season of Use: April 1 - Oct 31 If an irrigation right, total number of acres to be leased: 22.45 ac Total acre-feet of storage to be leased, if applicable: Maximum rate associated with subject water rights (cfs) being leased:						
	If there is more than one rate associated with a water right, describe below: Season 1 (cfs) 0.172						
	Conditions or other limitations, if any:						
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 <u>Deschutes</u> Tributary to <u>Columbia River</u> Basin. River in the <u>Columbia</u>						
	Instream volume in acre-feet (may be up to the same as the duty identified in Sec 1.5): 122.50 Instream rate in cfs (may be up to the same as the rate identified in Sec 1.5): 0.154 Season 1 (If more than one rate, describe the rate associated with each time period or instream reach.) Rate in CFS: 0.206 Season 2 Rate in CFS: 0.383 Season 3						
	(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). RECEIVED						
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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 Swalley main canal T17S, R12E, WM Section 29, SENE to the mouth of the Deschutes River
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 April 1 through October 25 . ☐ Other (describe):
(Note: The Department may identify additional conditions to prevent injury and/or enlargement.)
Term of lease. This lease shall terminate on November 1, 2012.
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

~III~ Other Information

continuously measure the flow of the waterway described in Section 2.2.

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

2.3

2.4

- 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 to be leased or transferred instream.

3.4	Suspension of original use. During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights.
3.5	Termination provision.
	For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less then 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require: Written notice to the Department; 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:
Lessor Swalle	#2: Stanne Sutterfield Date: 4/2.3/2012_
Lessee:	tes River Conservancy Date: 4/23/2012
Attachi Attachi Attachi Attachi	Attachments as Needed: ment 1: Tax Lot Map. (See instructions.) ment 2: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. (See instructions.) ment 3: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 is checked). ment 4: Split Season Instream Use Form ment 5: Pooled Lease Water Right Holder Form ### Attachments as Needed: ### Automatic Proceedings

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Application for 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.

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

		by Lessor/Lessee:	 _
The water i	right to be le	eased is located in <u>Deschutes</u> County.	
This Lease	is between:		
Lessor #1:			
Name		Lot 700CO, LLC	_
		1501 NE Medical Center Dr	_
		Bend, OR 97701	_
-		541-350-0692	_
E-mail add	ress**		_
Lessor #2,	3, etc. (pro	vide same information as identified above)	
Name		Swalley Irrigation District	
Mailing add	dress	64672 Cook Ave., Ste. 1	
City, State,	Zip Code	Bend, OR 97701	
Telephone	number	541-388-0658	
E-,ail addre	ess**	kathy@swalley.com	_
Name		an Oregon Water Resources Department): Deschutes River Conservancy	_
		PO Box 1560	-
		Bend, OR 97709	-
		541-382-4077	_
E-mail add	ress**	gen@deschutesriver.org dress, consent is given to receive all correspondence from	THE DEPARTMENT
		THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.	THE DELANTMENT
Trustee:			RECEIVED
Oregon Wa 725 Summe	APR 2 6 2012		
	97301-1266		WATER RESOURCES DEPT SALEM, OREGON
	~I~	Water Right Holder and Water Right Infor	mation
1.1		<u> </u>	W, Section 08 and Tax

appurtenant to lands owned by others who are not included in this application, then Attachment 1 (tax lot map), needs to be included.

1.2	conv	Lessor #2 is the (Check one): ☐ Not applicable ☐ Official representative of Swalley Irrigation District, the irrigation district which conveys water to the subject water rights. ☐ Another party with an interest in the subject water rights representing								
1.3	Indi	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). 74145								
1.4				the lands No	_	-	of a Conserv program:		erve Enhance	ment
1.5	The Cert (If Lega	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.: 74145 (If you need to enter another leased right, please use the additional water right form.) Legal Season of Use: April 1 - November 1 Is the entire water right certificate being leased? Yes No If no, list below the acres of the subject water right by legal description of township, range, section, and 1/4 1/4 which will be dried up as part of this lease, and include a map								
		rang	e, secti	on, and ½	4 ¼ whicl	h will be	dried up as p	part of this	lease, and in	•
	T	rang	e, secti	on, and ½	4 1/4 which	h will be ands which	dried up as p ch will not re	part of this eceive water	lease, and incer. *Priority	clude a map
	dentify pe	rang (Att R ertinent p ne on the	see, section achments Section age number certifications.	on, and ½ t 2) show 2 ¼ bers of cert te. If any p	Ya Whick wing the la Tax Lot tificate, if coortion of the	Acres ertificate is the right pro	dried up as per will not re Type of Us greater than 1 possed to be le	part of this ecceive water as Page 0 pages; idea ased was leas	Priority Date attify priority da ged previously,	*Previous Lease # te, if there is
	dentify pe	rang (Att R ertinent p ne on the	see, section achments Section age number certifications.	on, and ½ t 2) show 2 ¼ bers of cert te. If any p	Ya Whick wing the la Tax Lot tificate, if coortion of the	Acres ertificate is the right pro	dried up as pet will not re Type of Us greater than 1	part of this ecceive water as Page 0 pages; idea ased was leas	Priority Date attify priority da ged previously,	*Previous Lease # te, if there is
moi	dentify per re than or	rang (Att R ertinent p ne on the	Sect age num certifica	on, and ½ t 2) show 2 ½ bers of cert te. If any per may be	Tax Lot tificate, if coortion of the identified.	Acres ertificate is the right production	dried up as pet will not re Type of Uses greater than 1 opposed to be letion of a previous	part of this ecceive water as a *Page of pages; ider ased was lease ous lease is o	Priority Date attify priority dased previously, ptional.)	*Previous Lease # te, if there is the previous
moi	dentify per re than or	rang (Att R ertinent p ne on the	Sect age num certifica	on, and ½ t 2) show 2 ½ bers of cert te. If any per may be	Tax Lot tificate, if coortion of the identified.	Acres ertificate is the right production	dried up as pet will not re Type of Uses greater than 1 opposed to be letion of a previous	part of this ecceive water as a *Page of pages; ider ased was lease ous lease is o	Priority Date attify priority dased previously, ptional.)	*Previous Lease # te, if there is the previous
1. 2.	dentify per re than or	rang (Att R ertinent p ne on the	Sect age num certifica	on, and ½ t 2) show 2 ½ bers of cert te. If any per may be	Tax Lot tificate, if coortion of the identified.	Acres ertificate is the right production	dried up as pet will not re Type of Uses greater than 1 opposed to be letion of a previous	part of this ecceive water as a *Page of pages; ider ased was lease ous lease is o	Priority Date attify priority dased previously, ptional.)	*Previous Lease # te, if there is the previous IL- IL-
1. 2. 3. 4. 5.	dentify per than or	rang (Att R ertinent p ne on the le	Sect sage num certificates number 108	on, and ½ t 2) show 24 ½ bers of cert te. If any per may be SE/SW	Tax Lot tificate, if coortion of tidentified.	Acres ertificate is the right product and the service of the servi	dried up as per will not reconstruct the transfer of Us greater than I possed to be letion of a previous IRR	part of this ecceive water of this ecceive w	Priority Date attify priority dased previously, ptional.)	*Previous Lease # te, if there is the previous IL- IL- IL- IL- IL- IL-

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1.6 Validity of rights to be leased as described in Section 1.5 of this form and on any Additional Water Right Form. 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

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	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
2.1	Public use. This lease will increase streamflows that will benefit:
	 \(\sum_{\text{onservation}}\), maintenance and enhancement of aquatic and fish life, wildlife, and fish and wildlife habitat \(\sum_{\text{onservation}}\) Pollution abatement \(\sum_{\text{onservation}}\) Recreation and scenic attraction
2.2	Instream use created by lease of 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): 46.35 Instream rate in cfs (may be up to the same as the rate identified in Sec 1.5): Season 1: 0.058 cfs / Season 2: 0.078 cfs / Season 3: 0.145cfs
	(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 the POD at Swalley Main Canal, T17S, R12E, WM Section 29, SE/NE, 985 feet N and 617 feet W from the E 1/4 corner of section 29 to the mouth of the Desthutes River 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.)
DEPT N	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:
WATER RESOURCES DEPT SALEM, OREGON	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 April 1 through October 25. Other (describe):
	(Note: The Department may identify additional conditions to prevent injury and/or enlargement.)
	If you need to enter more instream uses, please use the additional water rights form.
2.3	Term of lease. This lease shall terminate on November 1, 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

- Accuracy. The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their 3.1 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 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 multivear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less then 30days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require: • Written notice to the Department;

- 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 inc	cluded:
⊠ \$4	3400 for an application with four or more landown	ners or four or more water rights.
	3250 for all other applications.	2
Lessor #1:	LLC/Authorized Signer	
201,0000,12	SIS (1 MINORIDA SIGNA)	
		Date:
For additional Lessor #2:	Lossors, type in space for signature and date	Date: 4-9-12
Swalley Irriga	ation District	
Lessee:		Date:
Deschutes Riv	ver Conservancy	
		
Other Attachn	ments as Needed:	
Attachment 1:	: Tax Lot Map. (See instructions.)	
Attachment 2:	: Detailed map illustrating lands under subject rig	ghts to be leased; required if only part
	of a right is being leased instream. (See instruct	tions.)
Attachment 3:	: Supporting documentation indicating why a right even though the right has not been exercised for	· ·

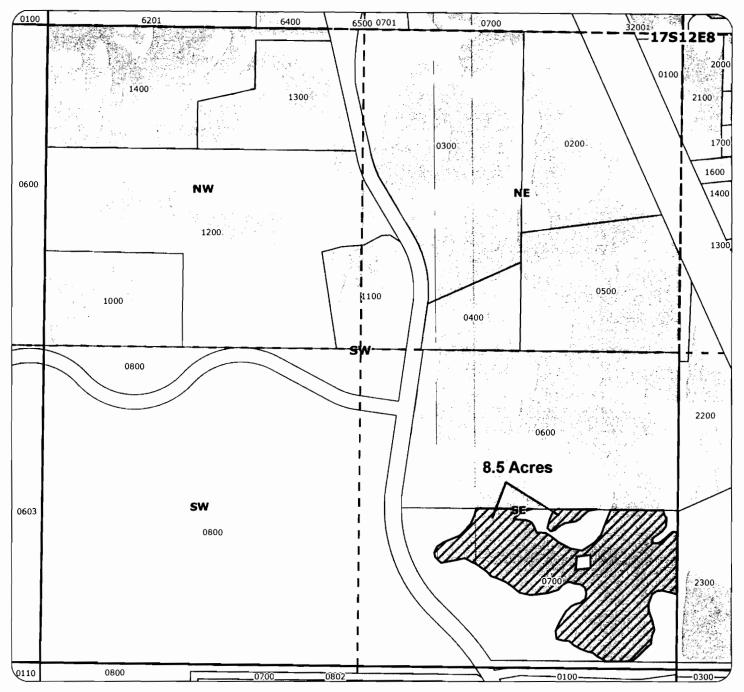
(required if the second box in Section 1.6 is checked).

Attachment 4: Split Season Instream Use Form

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2012 Swalley Irrigation District Instream Lease Map

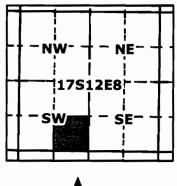


Application for 1-year Instream Lease Primary: Certificate 74145

Proposed Lease of Irrigation Rights

Certificate 74145

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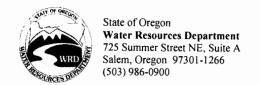
Geo-Spatial Solutions, Inc.

www.geospatialsolutions.com

Date Created: March 2012

T N1 inch = 400 feet

February 13, 2012



Application for 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.

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

		(2) and (3) (7)	•
Optional Id Lease Appl	entification ication Nun	by Lessor/Lessee:	
The water r	ight to be le	eased is located in <u>Deschutes</u> County.	
This Lease	is between:		
Lessor #1:			
Name		RPCC Company, LLC	
Mailing add	lress	1501 NE Medical Center Dr	
City, State,	Zip Code	Bend, OR 97701	
		541-350-0692	
E-mail addr	ess**		
		vide same information as identified above)	
		Swalley Irrigation District	
Mailing add	lress	64672 Cook Ave., Ste. 1	
City, State,	Zip Code	Bend, OR 97701	
Telephone r	number	541-388-0658	
E-,ail addres		kathy@swalley.com	
Lessee (if d	ifferent tha	n Oregon Water Resources Department): Deschutes River Conservancy PO Box 1560	
Mailing add	ress	PO Box 1560	
City, State,	Zip Code	Bend, OR 97709	
Telephone n	number	541-382-4077	
E-mail addresses	ess** S an e-mail adi	541-382-4077 gen@deschutesriver.org DRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM	THE DEPARTMENT
		THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.	
_			RECEIVED
Trustee: Oregon Wat	er Resource	es Department	APR 2 6 20:2
725 Summe Salem, OR 9 (503) 986-09	97301-1266		WATER RESOURCES DEPT SALEM, OREGON
	~I~	Water Right Holder and Water Right Inform	nation
1.1		is the water right holder, or authorized agent for water at: Township 17 N, Range 12 W or 0600 . If the water right appurter	7, Section <u>08</u> and Tax

appurtenant to lands owned by others who are not included in this application, then Attachment 1 (tax lot map), needs to be included.

	1.2	Lessor #2 is the (Check one): Not applicable Official representative of Swalley Irrigation District, the irrigation district which conveys water to the subject water rights. Another party with an interest in the subject water rights representing.									
	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). 74145									
	1.4	Are s	some or	all of t	he lands ⊠ No			of a Conservati program:		ve Enhancen	nent
	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.: 74145 (If you need to enter another leased right, please use the additional water right form.) Legal Season of Use: April 1 - November 1 Is the entire water right certificate being leased? Yes No If no, list below the acres of the subject water right by legal description of township, range, section, and 1/4 1/4 which will be dried up as part of this lease, and include a map									
		Т	R	Sect	1/4 1/4	Tax Lot	Acres	h will not rece Type of Use	*Page#	*Priority Date	*Previous Lease #
			e on the	certificat	e. If any p	ortion of th	ne right prop	greater than 10 pa posed to be leased on of a previous	l was leased	fy priority date I previously, th	, if there is
	1. 1	7	12	08	SE/SW	00600	12.00	IRR	16	9-1-1899	IL-
	2.										IL-
	3.										IL-
											IL-
	4.										
	5.										IL-
 [A	5.	•		•				section, ¼ ¼, tax		•	ion, and scale.

Validity of rights to be leased as described in Section 1.5 of this form and on any 1.6 Additional Water Right Form. Lessor(s) attests (mark one) that:

the water has been used over the past five years according to the terms and conditions of the water right certificate or as an instream water right or

	the water has <u>not</u> been used over the past five years according to the terms and conditions of the water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)()(include necessary supporting documentation as Attachment 3).
	~II~ Instream Water Right Information
2.1	Public use. This lease will increase streamflows that will benefit:
	 \(\sum_{\text{onservation}}\), maintenance and enhancement of aquatic and fish life, wildlife, and fish and wildlife habitat \(\sum_{\text{onservation}}\) Pollution abatement \(\sum_{\text{onservation}}\) Recreation and scenic attraction
2.2	Instream use created by lease of the water right described in Section 1.5. The instream use to be created is described as follows:
	In the <u>Deschutes</u> River Tributary to <u>Columbia River</u> in the <u>Columbia</u> Basin.
	Instream volume in acre-feet (may be up to the same as the duty identified in Sec 1.5): 65.27 Instream rate in cfs (may be up to the same as the rate identified in Sec 1.5): Season 1: 0.082 cfs / Season 2: 0.110 cfs / Season 3: 0.204 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 the POD at Swalley Main Canal, T17S, R12E, WM Section 29, SE/NE, 985 feet N and 617 feet W from the E 1/4 corner of section 29 to the mouth of the Desthutes River 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:
WATER RESOURCES DEPT SALEM, OREGON	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 April 1 through October 25 ☐ Other (describe):
WATE	(Note: The Department may identify additional conditions to prevent injury and/or enlargement.)
	If you need to enter more instream uses, please use the additional water rights form.
2.3	Term of lease. This lease shall terminate on November 1, 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 lease shall not set a precedent for the amount of water to be leased or transferred instream.
- **3.4** Suspension of original use. During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights.

3.5 Termination provision.

- For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less then 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
 - Written notice to the Department;
 - Consent by all parties to the lease; and/or
 - Written notice to the Watermaster's office.
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Fees. Pursuant to ORS 536.050, the following fee is included: \$\text{\$\sum \$\\$400 for an application with four or more landowners or four or more water rights.} \$\text{\$\sum \$\\$250 for all other applications}\$					
Lessor #1: 1 feb Saturn Manager RPCC Company, LLC/ Authorized Signer	_Date:3/23//7				
	Date:				
For additional Lessors, type in space for signature and date Lessor #2: Sum Suttle free f Swalley Irrigation District	Date: 4-9-12				
Lessee:	_ Date:				
Deschutes River Conservancy					
Other Attachments as Needed:					
Attachment 1: Tax Lot Map. (See instructions.) Attachment 2: Detailed map illustrating lands under subject rig	whice to be lenged; required if only part				
of a right is being leased instream. (See instructions)					
Attachment 3: Supporting documentation indicating why a right even though the right has not been exercised for	ht is valid and not subject to forfeiture				

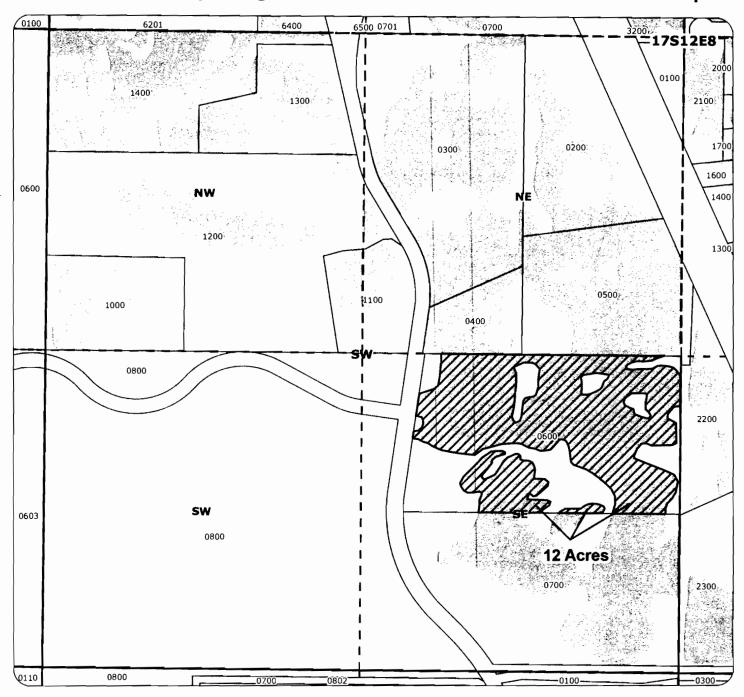
(required if the second box in Section 1.6 is checked).

Attachment 4: Split Season Instream Use Form

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APR 2 5 2012

2012 Swalley Irrigation District Instream Lease Map



Application for 1-year Instream Lease Primary: Certificate 74145

Prop Irriga

Proposed Lease of Irrigation Rights

Certificate 74145

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TER RESOURCES DEPT

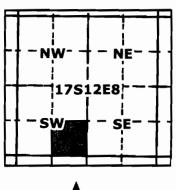
For: RPCC Company, LLC Taxlot 600 - 12 Acres in 17S12E8SESW Total Lease of 12 Acres



Geo-Spatial Solutions, Inc.

www.geospatialsolutions.com

Date Created: March 2012





1 inch = 400 feet

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

Application for 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.

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

	and the state of the to(2) and state of the	
Optional Iden Lease Applica	tification by Lessor/Lessee: ation Number (assigned by WRD):	
The water rig	nt to be leased is located in <u>Deschutes</u> County.	
This Lease is	between:	
Lessor #1:		
Name	Swalley Irrigation District	
	ss <u>64672 Cook Ave., Ste 1</u>	
City, State, Zi	p Code <u>Bend, OR 97701</u>	
Telephone nu	mber <u>541-388-0658</u>	
E-mail addres	S**	
Lessor #2, 3,	etc. (provide same information as identified above)	
Lessee (if dif	ferent than Oregon Water Resources Department):	
Name	Deschutes River Conservancy ss PO Box 1560	
Mailing addre	SSPO BOX 1560	
City, State, Zi	p Code Bend, OR 97709	
Telephone nu	mber <u>541-382-4077</u>	
E-mail addres	mber 541-382-4077 s** gen@deschutesriver.org n e-mail address, consent is given to receive all correspondence from	THE DEBARTMENT
	COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.	THE DEPARTMENT
Trustee:		RECEIVED
Oregon Water	Resources Department	APR 26 2012
	Street NE, Suite A	MATER RESSUE
Salem, OR 97 (503) 986-090		WATER RESOURCES DEPT SALEM, OREGON
	~I~ Water Right Holder and Water Right Inform	nation
r I a	Dessor #1 is the water right holder, or authorized agent for water operty located at: Township 16 N, Range 12 V out number 00700 . If the water right appurter ppurtenant to lands owned by others who are not included in attachment 1 (tax lot map), needs to be included.	V, Section 28 and Tax nant to these lands is also

1.2	Lessor #2 is the (Check one): ☐ Not applicable ☐ Official representative of Swalley Irrigation District, the irrigation district which conveys water to the subject water rights. ☐ Another party with an interest in the subject water rights representing									
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.									
1.4	Are	Are some or all of the lands being leased part of a Conservation Reserve Enhancement								
1.5	Wat The Cert (If Lega	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.: 74145 (If you need to enter another leased right, please use the additional water right form.) Legal Season of Use: April 1 - November 1 Is the entire water right certificate being leased? ☐ Yes ☒ No If no, list below the acres of the subject water right by legal description of township, range, section, and ¼ ¼ which will be dried up as part of this lease, and include a map (Attachment 2) showing the lands which will not receive water.								
		ne on the	certificat	te. If any j	portion of the	he right pro	posed to be le	10 pages; iden eased was leas	ntify priority dated previously,	
			1	er may be NE/S			T	ous lease is or		
1.	16	12	2	W	00700	.50	IRR	09	9-1-1899	IL-
2.										IL-
3.										IL-
4.					 _					IL-
5.	l mans m	ust ident	ify the wa	ter right h	older, town	ship, range	section. 1/4 1/	4. tax lot numb	per, map orienta	IL- ation, and scale.]
WATER RESOURCES DEPT SALEM, OREGON	Tota Acre Max 0.00 (Max	l numb r-feet of imum r 5, Sease Use addi imum c Use addi	er of acr f storage rate asso on 3: 0.0 itional line duty asso itional line	res being e, if applicated w 010 es if there ociated v es if there	leased, it icable: ith the rig is more tha with the ri	f for irrigght to be land one rate and ght to be none duty	eased (cfs) associated with leased (ac-	her acre equ	nivalent uses) 0.004cfs, Sea ght.) = 3.31 af	: <u>.50</u>
1.6	Additi	ional V the wat the wat the wat	Vater R ter has b ter right ter has <u>n</u>	ight For een used certifica ot been u	m. Lesson the desired over as an area over	or(s) attest past five instream the past	ts <u>(mark on</u> years accor n water righ five years a	e) that: rding to the at or ccording to	m and on an terms and co the terms and is not subject	onditions of

RECEIVED	APR 2 6 20:2	TER RESOURCES D
_		= 1

forfeiture under ORS 540.610(2)(_)(include necessary	supporting documentation as
Attachment 3).		

~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 of the water right described in Section 1.5. The instream use to be created is described as follows:						
	In the <u>Deschutes</u> River						
	Tributary to Columbia River in the Columbia Basin.						
/2.83	Instream volume in acre-feet (may be up to the same as the duty identified in Sec 1.5): $\underline{5.46/af}$ \underline{af}						
	Instream rate in cfs (may be up to the same as the rate identified in Sec 1.5): Season 1: 0.003 cfs / Season 2: 0.002 cfs / Season 3: 0.009cfs						
	(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 the POD at Swalley Main Canal, T17S, R12E, WM Section 29, SE/NE, 985 feet N and						
	617 feet W from the E 1/4 corner of section 29 to the mouth of the Desthutes River 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.)						
ES DEPT SON	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:						
WATER RESOURCES DI SALEM, OREGON	Conditions to prevent injury, if any (use this section to indicate a more restrictive period of use than allowed by the water right): None						
WATER SA	The instream flow will be allocated on a daily average basis up to the described rate from April 1 through October 25. Other (describe):						
	(Note: The Department may identify additional conditions to prevent injury and/or enlargement.)						
	If you need to enter more instream uses, please use the additional water rights form.						
2.2	Town of loans. This lease shall terminate on November 1, 2012						

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2.4 Flow protection. The Trustee will regulate use of water from the source, subject to prior appropriation and the agency enforcement guidance, to assure the water is delivered to the point of diversion, and through the reach past junior downstream users, so long as flow is sufficient to meet the demand under priority date of the new instream use (see Section 2.2). As part of regulation activities the watermaster or a designee has access to the point of diversion and place of use for the water rights involved in this lease. No party is required to continuously measure the flow of the waterway described in Section 2.2.

~III~ Other Information

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

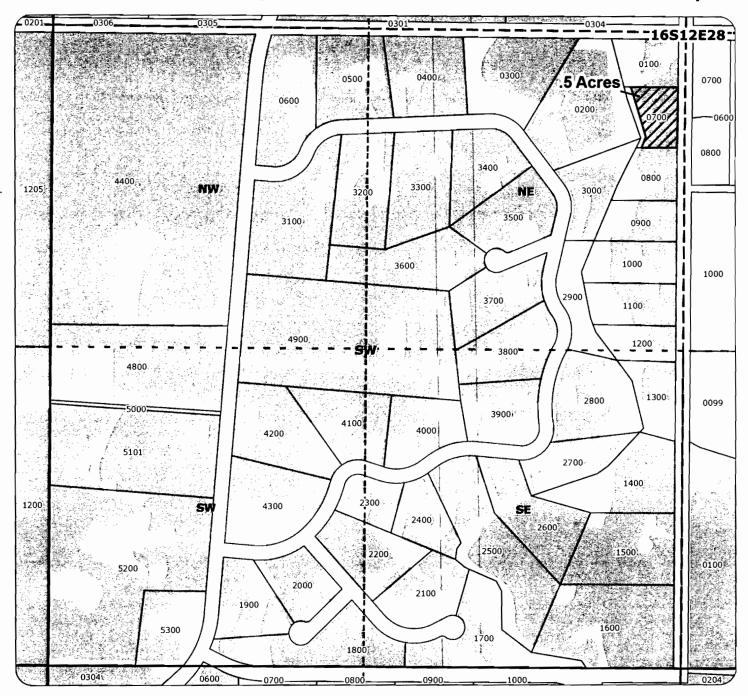
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- Consent by all parties to the lease; and/or
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\$400 for an application with four or more landown \$250 for all other applications.	
Lessor #1: Edward A. Hansen	Date: 041012
For additional Lessors, type in space for signature and date Lessor #2: Aleger Lessor #2:	Date: 4-16-12
Swalley Irrigation District	,
Lessee:	
Deschutes River Conservancy	
Other Attachments as Needed:	
Attachment 1: Tax Lot Map. (See instructions.)	
Attachment 2: Detailed map illustrating lands under subject rig	· • • • • • • • • • • • • • • • • • • •
of a right is being leased instream. (See instruct	,
Attachment 3: Supporting documentation indicating why a righ	· ·
even though the right has not been exercised for	
(required if the second box in Section 1.6 is che	скеи).
Attachment 4: Split Season Instream Use Form	

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APR 26 2012

2012 Swalley Irrigation District Instream Lease Map



Application for 1-year Instream Lease Primary: Certificate 74145

Proposed Lease of Irrigation Rights
Certificate 74145

APR **2 6** 20:2 WATER RESOURCES DEPT SALEM, OREGON

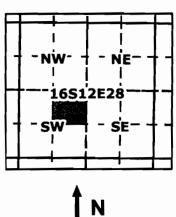
For: Edward Hansen Taxlot 700 - .5 Acres in 16S12E28NESW Total Lease of .5 Acres



Geo-Spatial Solutions, Inc.

www.geospatialsolutions.com

Date Created: April 2012



1 inch = 400 feet

197. - 3 / February 13, 2012

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

Application for 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.

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

Optional Id Lease Appl	entification ication Num	by Lessor/Lessee:	
The water r	ight to be le	ased is located in <u>Deschutes</u> County.	
This Lease	is between:		
Mailing add City, State, Telephone i E-mail addr	lress Zip Code number ress**	Gary Lawrence/Floyd Lawrence 748 NE Seward Avenue Bend, OR 97701 541-420-8522	
Name		Swalley Irrigation District 64672 Cook Ave., Ste. 1	
	Zip Code number	Bend, OR 97701 541-388-0658	
E-,ail addre		kathy@swalley.com	
Name		n Oregon Water Resources Department): Deschutes River Conservancy PO Box 1560	
		Bend, OR 97709	
Telephone r	number	541-382-4077	
E-mail addr	ess** Gan e-mail add	gen@deschutesriver.org ress, consent is given to receive all correspondence from 1	THE DEPARTMENT
ELECTRONICAL	LY. COPIES OF T	HE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.	
Trustee:	, n		RECEIVED
_		s Department	APR 26 2012
725 Summe Salem, OR 9 (503) 986-09	97301-1266	Suite A	WATER RESOURCES DEPT SALEM, OREGON
	~ I ~	Water Right Holder and Water Right Inforn	nation
1.1	property lo	s the water right holder, or authorized agent for wat cated at: Township 16 N, Range 12 W r 1200 . If the water right appurten	7, Section 27 and Tax

appurtenant to lands owned by others who are not included in this application, then Attachment 1 (tax lot map), needs to be included.

	1.2	conv	veys wa	olicable representer to the	ntative o	of <u>Swalley</u> t water rig	ghts.	n <u>District</u> ,			
	1.3			_				er rights appur ying rights.	tenant to t	the same lar	nds.
		Cert	ificate	No(s). <u>7</u>	4145						
	1.4			r all of t		_	-	of a Conservati program:		ve Enhance	ment
		The Cert (If Lega	first rig ificate I you need al Seasone entire	th to be No.: 741 and to enter of Us water r	leased i 45 er another e: April ight cert	r leased rig 1 - Nover ificate be	in Section ght, please mber 1 ing leased	n 1.3 is further use the addition	nal water ri No	ight form.)	township,
	*(Id mo	T dentify po	rang (Att R	se, section achmen Section age number	on, and ½ t 2) show	4 ¼ which wing the late tificate, if c	Acres	dried up as par ch will not rece Type of Use	t of this le eive water *Page #	*Priority Date	*Previous Lease # te, if there is
	mo	dentify poore than o	rang (Att R ertinent p ne on the	Sect age numb certificate age numb	on, and 1/2) show 1/4 1/4 oers of cer te. If any beer may be	Tax Lot tificate, if c portion of the identified.	Acres ertificate is he right pro	Type of Use greater than 10 posed to be lease ion of a previous	*Page # pages; identid was lease is opt	*Priority Date ify priority da d previously, ional.)	*Previous Lease # te, if there is the previous
\vdash	mo	dentify pe	rang (Att	se, section achmen Sect page number certificate	on, and ½ t 2) show ½ ¼ beers of certee. If any	Tax Lot tificate, if c	Acres ertificate is the right pro	dried up as par ch will not rece Type of Use greater than 10 p posed to be lease	*Page # pages; identify dwas leases	*Priority Date fy priority dad previously,	*Previous Lease # te, if there is the previous
-	mo 1.	dentify poore than o	rang (Att R ertinent p ne on the	Sect age numb certificate age numb	on, and 1/2) show 1/4 1/4 oers of cer te. If any beer may be	Tax Lot tificate, if c portion of the identified.	Acres ertificate is he right pro	Type of Use greater than 10 posed to be lease ion of a previous	*Page # pages; identid was lease is opt	*Priority Date ify priority da d previously, ional.)	*Previous Lease # te, if there is the previous IL- IL-
	mo 1. 2. 3.	dentify poore than o	rang (Att R ertinent p ne on the	Sect age numb certificate age numb	on, and 1/2) show 1/4 1/4 oers of cer te. If any beer may be	Tax Lot tificate, if c portion of the identified.	Acres ertificate is he right pro	Type of Use greater than 10 posed to be lease ion of a previous	*Page # pages; identid was lease is opt	*Priority Date ify priority da d previously, ional.)	*Previous Lease # te, if there is the previous
:	mo 1.	dentify poore than o	rang (Att R ertinent p ne on the	Sect age numb certificate age numb	on, and 1/2) show 1/4 1/4 oers of cer te. If any beer may be	Tax Lot tificate, if c portion of the identified.	Acres ertificate is he right pro	Type of Use greater than 10 posed to be lease ion of a previous	*Page # pages; identid was lease is opt	*Priority Date ify priority da d previously, ional.)	*Previous Lease # te, if there is the previous IL- IL- IL-

ř.6

Validity of rights to be leased as described in Section 1.5 of this form and on any Additional Water Right Form. Lessor(s) attests (mark one) that:

the water has been used over the past five years according to the terms and conditions of the water right certificate or as an instream water right or

the water has <u>not</u> been used over the past five years according to the terms and conditions of the water right certificate, however the water right is not subject to

Attachment 3).

forfeiture under ORS 540.610(2)(____)(include necessary supporting documentation as

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.

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3.5 Termination provision.

APR **9.5** 2012 WATER RESOURCES DEPT SALEM, OREGON

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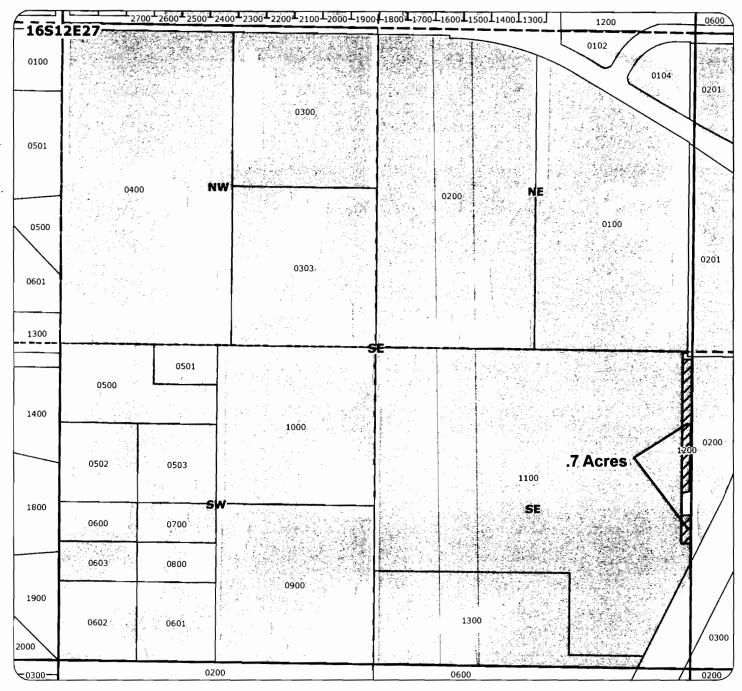
3.7 Fees. Pursuant to ORS 536.050, the following fee is inc	luded:	
\$400 for an application with four or more landown		ur or more water rights
\$250 for all other applications.	015 01 10	ar or more water rights.
230 for all other applications.		
Lessor #1: Hand Towhence	_Date: _	3-26-12
Gary Lawrence		
Jest Memorie	Date:	3-26-12
Floyd Lawrence		
/		
For additional Lessors, type in space for signature and date		
Lessor #2: Suym Butterfield	Date:	4-9-12
Swalley Irrigation District		
Lessee:	Date:	
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

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APR 26 2012

2012 Swalley Irrigation District Instream Lease Map



Application for 1-year Instream Lease Primary: Certificate 74145

Proposed Lease of Certificate 74145 Irrigation Rights

WATER RESOURCES DEPT SALEM, OREGON

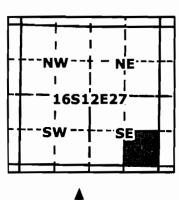
For: Gary & Floyd Lawrence Taxlot 1200 - .7 Acres in 16S12E27SESE Total Lease of .7 Acres



Geo-Spatial Solutions, Inc.

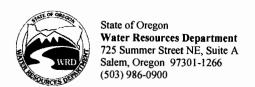
www.geospatialsolutions.com

Date Created: March 2012





1 inch = 400 feet



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.

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

Optional Id Lease Appl	lentification by Lessor/Lessee:	
The water r	right to be leased is located in <u>Deschutes</u> County.	
This Lease	is between:	
Lessor #1:		
Name	Gary Dimeo	
Mailing add	dress 64893 Old Bend Redmond Hwy	_ _
City, State,	Zip Code Bend, OR 97701	
Telephone i	number	
E-mail addr	ress**	
	3, etc. (provide same information as identified above)	
	Swalley Irrigation District	
	ldress 64672 Cook Ave., Ste 1,	
	Zip Code Bend, OR 97701	
	<u>number 541-388-0658</u>	
E-mail addr	ress** kathy@swalley.com	
	lifferent than Oregon Water Resources Department): Deschutes River Conservancy	
	dress PO Box 1560	_
	Zip Code Bend, OR 97709	_
Telephone r	number 541-382-4077	
E-mail addr	ress** gen@deschutesriver.org	_
BY PROVIDING	ress <u>gen@deschutesriver.org</u> G AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FRO	M THE DEPARTMENT
ELECTRONICAL	LLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.	
Trustee:		RECEIVED
725 Summe	ter Resources Department er Street NE, Suite A	APR 2 6 2012
Salem, OR (503) 986-0	97301-1266 9900	WATER RESOURCES DEPT SALEM, OREGON
	~I~ Water Right Holder and Water Right Info	rmation
1.1	Lessor #1 is the water right holder, or authorized agent for v property located at: Township 16 N, Range 12 Lot number 04800 . If the water right appure	water right holder of the W, Section 28 and Tax tenant to these lands is also

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	1.2	Lessor #2 is the (Check one): ☐ Not applicable ☐ Official representative of Swalley Irrigation District, the irrigation district which conveys water to the subject water rights. ☐ Another party with an interest in the subject water rights representing									
	1.3	For Indi	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.								
		Cer	tificate N	No(s). <u>7</u>	4145						
	1.4	Are Prog	some or	all of	the lands			of a Conserva program:		ve Enhance	ment
	1.5	The Cert (It Leg	first rig tificate N f you nee al Seaso ne entire If no rang	ht to be No.: 741 d to ente n of Us water r , list be e, section	e leased in the lease that the lease	r leased right 1 - Nover ificate be acres of the which which which dentified the control of the	ght, please mber 1 ing leased he subject h will be	am. 1.3 is furthe use the addition Yes t water right be dried up as path will not recommend.	nal water r No by legal de	right form.) scription of ease, and inc	township,
										* Driority	*Previous
			ne on the	certifica	te. If any	portion of t	ertificate is he right pro	Type of Use greater than 10 posed to be leas ion of a previou	pages; ident ed was lease	ify priority dated previously, t	
	1.	16	12	28	NW/S W	04800	.75	IRR	09	9-1-1899	IL-
Ì	2.										IL-
	3.										IL-
	4.	_									IL-
	5.										IL-
•	致ATER RESOURCES DEPT SALEM, OREGON	Tota Acro Max 0.00 (Max (Con Validi	al number of the control of the water the water the water of the control of the control of the control of the control of the water the water of the	er of acres storage ate assorate assorate ional line or other contents to a series ber right er has ber right er has mer has m	res being e, if applicated w 014 es if there ociated v es if there limitation be lease ight For een used certifica ot been u	g leased, it icable: ith the right is more that with the right is more that ons, if any das descent. Lesso lover the te or as an used over	ght to be leads to be none duty ribed in sor(s) attest past five instream the past fi	eased (cfs): Seasociated with the leased (ac-ft): associated with the leased (ac-ft):	the water right this form that: ng to the tor ording to the	nt.) 4.96 af cht.) and on an erms and co	: .75 ason 2: y nditions of

forfeiture under ORS 540.610(2)(_)(include necessary	supporting documentation as
Attachment 3).		

~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 of 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.		
<u>/4.14</u>	Instream volume in acre-feet (may be up to the same as the duty identified in Sec 1.5): <u>5.46/af</u> Instream rate in cfs (may be up to the same as the rate identified in Sec 1.5):		
	Season 1: 0.005cfs / Season 2: 0.007 cfs / Season 3: 0.013cfs (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).		
WATER RESOURCES DEPT SALEM, OREGON	 ☐ 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 the POD at Swalley Main Canal, T17S, R12E, WM Section 29, SE/NE, 985 feet N and 617 feet W from the E 1/4 corner of section 29 to the mouth of the Desthutes River 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 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 April 1 through October 25. Other (describe): 		
	(Note: The Department may identify additional conditions to prevent injury and/or enlargement.)		
	If you need to enter more instream uses, please use the additional water rights form.		
2.3	Term of lease. This lease shall terminate on November 1, 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 lease shall not set a precedent for the amount of water to be leased or transferred instream.
- **3.4** Suspension of original use. During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights.

3.5 Termination provision.

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

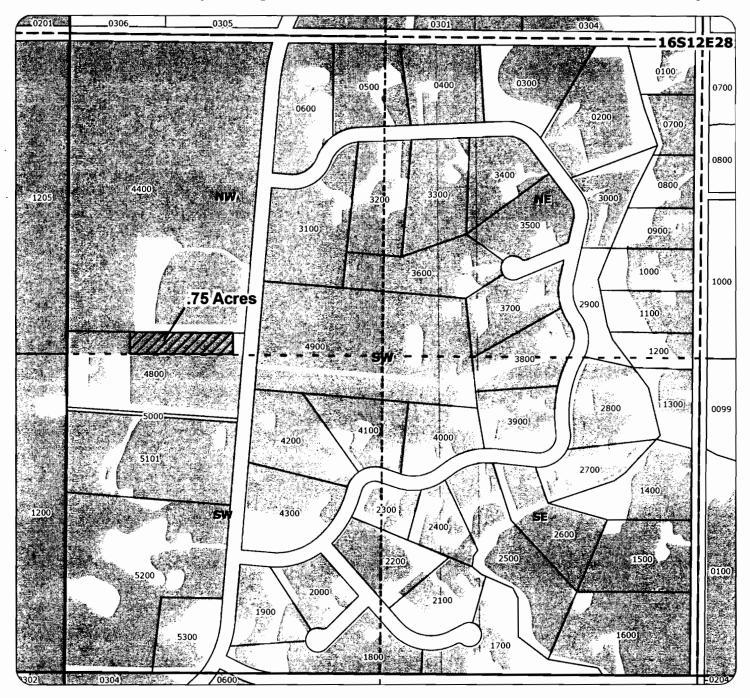
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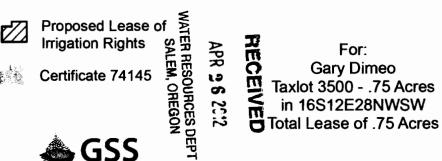
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3.7	Fees. Pursuant to ORS 536.050, the following fee is included:
Lessor Swalle	ey Irrigation District Date: 4/23/2012
Lessee	e: Date: Date:
Other .	Attachments as Needed:
	ment 1: Tax Lot Map. (See instructions.) ment 2: Detailed map illustrating lands under subject rights to be leased; required if only
	part of a right is being leased instream. (See instructions.) ment 3: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 is checked).
	ment 4: Split Season Instream Use Form ment 5: Pooled Lease Water Right Holder Form
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2012 Swalley Irrigation District Instream Lease Map



Application for 1-year Instream Lease Primary: Certificate 74145

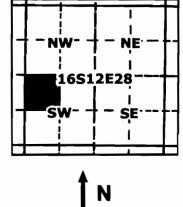




Geo-Spatial Solutions, Inc.

www.geospatialsolutions.com

Date Created: April 2012



1 inch = 400 feet