

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): TL-\267
The water right to be leased is located in <u>Deschutes</u> County.
This Lease is between:
Lessor #2: Irrigation District or Other Water Purveyor
Name Swalley Irrigation District Mailing address 64672 Cook Ave., Suite 1
Mailing address64672 Cook Ave., Suite 1
City, State, Zip Code Bend, OR 97701
Telephone number <u>541-388-0658</u>
E-mail address**kathy@swalley.com
Lessee (if different than Oregon Water Resources Department):
Name Deschutes River Conservancy 700 NW/ Will St
Mailing address 700 NW Hill St 700 N
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
 Lessor #2 is the (Check one): ☑ Official representative of <u>Swalley Irrigation Dist</u>, 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). 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: Apr 1 - Oct 31 If an irrigation right, total number of acres to be leased: 61.7 Total acre-feet of storage to be leased, if applicable: n/a 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) 0.471 Season 2 (cfs) 0.630 Time period: Apr 1-May 1/Oct 1-Nov 1 Season 3 (cfs) 1.188 Time period: May 1-15 / Sept 15-Oct 1 Season 3 (cfs) 1.188 Time period: May 15-Sept 15 Maximum duty associated with subject water rights (ac-ft): 408.08 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 Deschute 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): 336.40 Instream rate in cfs (may be up to the same as the rate identified in Sec 1.5): 0.424 (If more than one rate, describe the rate associated with each time period or instream reach.) Rate in CFS: 0.567 Rate in CFS: 1.051
	(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, SENE, 985 feet N and 617 feet W from the E 1/4 corner of section 29 to the mouth of the Deschutes 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 Apr 1 through Oct 25 . 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 Nov 1, 2013
2.4	Flow protection. The Trustee will regulate use of water from the source, subject to prior appropriation and the agency enforcement guidance, to assure the water is delivered to the point of diversion, and through the reach past junior downstream users, so long as flow is sufficient to meet the demand under priority date of the new instream use (see Section 2.2). As part of regulation activities the watermaster or a designee has access to the point of diversion and place of use for the water rights involved in this lease. No party is required to continuously measure the flow of the waterway described in Section 2.2.

~III~ Other Information

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

shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream. 3.4 Suspension of original use. During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights. 3.5 Termination provision. For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less then 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. Fees. Pursuant to ORS 536.050, the following fee is included: 3.7 ■ \$400 for an application with four or more landowners or four or more water rights. □ \$250 for all other applications.

Other Attachments as Needed:

Deschutes River Conservancy

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

7/23/2012

This table will calculate flow rate factors and duty for Swalley Irrigation District Instream Leases & Transfers

Canal Diversion - Enter Total Number of Acres to be Leased Instream Here Direct Diversion - Enter Total Number of Acres to be Leased Instream Here Starting Point - Direct Diversion total acres Starting Point - Canal Diversion total acres	61.700	LESSOY Brian RYMILAKA MURPHY HOLLETT SPINK	7.02 36.68 2.5 13.0 2.5 61.7 AC	
Senercon a second	Eult Melite East and the	Direct Diversion only	(Canal Diversions on)	
	Stering Bond States	Senine Point Reid	Sanna Zanta kar	
Season in the season in	37833			48,664
Season 2	452376			1 10 8 2 1 5
Season 3	वास्तात विकास		795	184,844
DILIN		万分 45% 新华美丽学生发展		22: 31818.518

*Approximate starting point

	ier-Right (Fadillicate 74) Right Only		
Rate (CFS) asso for Section 1.5 c	ciated with leased rights If the Lease Application F	Rate and duty identified in this sec form 43% transmission loss allowed by	
	Full Rate	Duty (AF) associated with lease	d right for
Season 1*		Section 1.5 of the Lease Applica	ation Form
Season 2*		Duty AF/Acre* =	6.61
Season 3*			

^{*} Note - The rates and duty identified have been proportion to prevent enlargement of the right and to reflect the amount at which the diversion should be reduced. (for example, S3 = starting canal rate divided by 4441.765 canal acres)

Reference Velopes are	alliticalistations of the second	YOUME: (AL Dessels instream) (o	Section 2-2
The state of the s	CONTROL STREET	Duty (decree) AF/Acre =	5.46
the Lease Application		Total =	336.92
	Full Rate	# of Days in each Season	AF/ Season
Season 1		61	51.30
Season 2		30	33.74
Season 3		123	256.41
			341.45
Additional Conditions	sterio solimente de service	n 22 of he bease Application 5	nine en et la reconstitution de la constitution de
	# days	AF/Season	
Season 1*	55	46.25	
Season 2	30	33.74	
Season 3	123	256.41	
Season total =	208		Does not exceed duty
	Water protected instream:	April 1 through October 25	Ď

^{*} Note - The number of days that water may be protected instream in Season 1 has been reduced op revent enlargement of the right. The Instream rates identified in this section are based upon the face value of the water right minus 43%.



Application for Instream Lease

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		Pursuant to ORS 537.348(2) and OAR 69	0-077
Options	l Identificatio	n by Lessor/Lessee:	The second secon
Lease F	rbbiication Mu	mber (assigned by WRD): IL-12-67	
The wa	ter right to be	leased is located in Deschutes County.	
This Le	ase is between	:	
Lessor	#1:		
Name_		Frank & Carol Brian	
		21255 Young Ave,	
City, Sta	ate, Zip Code	Bend, OR 97701	
Telepho	ne number		·
E-mail a	ddress**		
Lessor	#2, 3, etc. (pro	ovide same information as identified above)	
Name		Swalley Irrrigation District	
Mailing	address	64672 Cook Ave., Ste. 1	
City, Sta	te, Zip Code		
	ne number	541-388-0658	
E-mail a	ddress**	kathy@swalley.com	
Lessee (if different th	an Oregon Water Resources Department):	
		Deschutes River Conservancy	
Mailing	address	PO Box 1560	
City, Sta	te, Zip Code	Bend, OR 97709	
		541-382-4077	
			ROM THE DEPARTMENT
ELECTRONI	CALLY. COPIES OF	THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.	
Trustee:		•	
		es Department	
	mer Street NE		
	R 97301-126	•	
(503) 986			
	~I~	Water Right Holder and Water Right In	formation
1.1	Lessor #1	is the water right holder, or authorized agent for	water right holder of the
		ocated at: Township 16 N, Range 12	W, Section 14 and T

Lot number 00703

___. 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.:		Not app Officia nveys wa	plicable l represe ater to t	entative he subje	of <u>Swalle</u> ct water r	ights.	on District ect water rights			t which
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.								nds.	
	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:							ment		
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 man						township,				
(Attachment 2) showing the lands which will not receive water. T R Sect 1/4/4 Tax Lot Acres Type of Use Page # Priority Previous										
	Identify p	ertinent pone on the	age numb	bers of cer te. If any	tificate, if o	ertificate is he right pro	greater than 10 p posed to be lease ion of a previous	ages; ident	d previously,	
1.	16	12	14	NE/N W	00703	7.02	IRR	5	9-1-1899	11-827
2.										IL-
3.										IL-
4.										IL-
5.										IL-
1.6	Tota Acro Max Seas (Max (Con	al number of feet of simum ration 3: 0. Use additionand ditions of the feet of right street of the feet of the fee	er of acrestorage ate associated in the ional line uty associanal line r other	es being , if appliciated we es if there is ociated we s if there is limitation	leased, it cable:	tht to be long one rate a ght to be long one duty a consideration.	eased (cfs): Second with the leased (ac-ft): 4 issociated with the second 1.5 of the	acre equivalent ason 1: 0. water right 46.43 e water right this form	valent uses) ×FR •FF i. 054, Season t.)	: <u>7.02</u> - T-8647, 26 12: 0.072,
				_		• •	s <u>(mark one)</u> th years according		rms and co	nditions 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:
	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.
	Instream volume in acre-feet (may be up to the same as the duty identified in Sec 1.5): 6.61 ac
	<u>=38.39 af</u>
	Instream rate in cfs (may be up to the same as the rate identified in Sec 1.5): Season 1: 0.048 cfs / Season 2: 0.065 cfs / Season 3: 0.120cfs
	(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:
	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, 2013	her 1 2013
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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.
- 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.

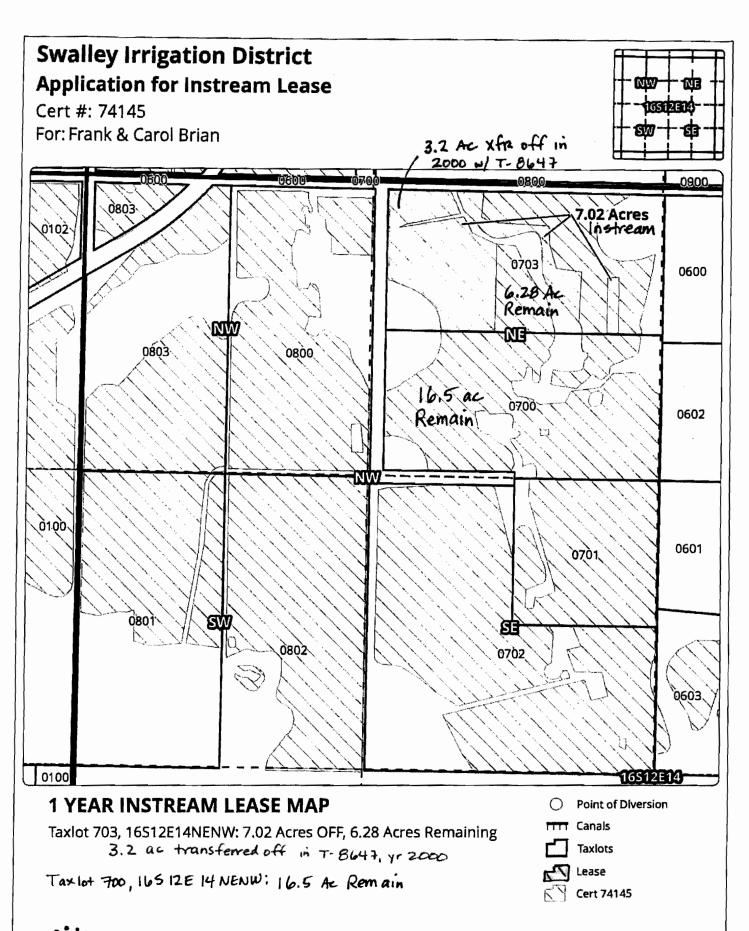
- For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less then 30-days prior to the period of allowed instream 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.

3.7 Fees. Pursuant to ORS 536.050, the following fee is in		
\$400 for an application with four or more landow	ners or fou	ir or more water rights.
\$250 for all other applications.		
- " 4 (1 D :		
Lessor #1 Danf Bun	_ Date: _	2-20-13
Frank Brian		
_ Carol Biran	_	2 10 .2
	Date:	2-20-13
Carol Brian		
Paraditional Various tractions of a traction of the state		
For additional Lessors, type in space for signature and date	ъ.	7 7
Lessor #2;	Date:	2-20-13
Swalley Impation District		
Swalley Irrigation District Slaga ~ Rutterfield		
J	D-4	
Lessee:	_ Date:	
Deschutes River Conservancy		
Other Attackments on Needed		
Other Attachments as Needed:		
Attachment 1: Tax Lot Map. (See instructions.)	shta ta ba l	lacad, manipad if an lumant
Attachment 2: Detailed map illustrating lands under subject rig		eased, required it only part
of a right is being leased instream. (See instruc	•	and not subject to forfilters
Attachment 3: Supporting documentation indicating why a rig	ur is vand	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



geo-spatialsolutions

1 inch = 400 feet March 2014





Application for

Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

Pursuant to ORS 537.348(2) and OAR 690-077 Optional Identification by Lessor/Lessee: Lease Application Number (assigned by WRD): ______ This Lease is with: Lessor #1 (Water Right Holder): Verne and Andrea Hollett Name Mailing address 20620 Bemis Lane City, State, Zip Code Bend, OR 97701 Telephone number ____ Email address If additional water right holders, enter water right holder information below Swalley Irrigation District 64672 Cook Ave., Suite 1 Bend, OR 97701 kathy@swalley.com 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. For the water right(s) being leased, list all water rights appurtenant to the same lands. Indicate 1.3 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 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.] The first right to be leased identified in Section 1.3 is further described as follows: Certificate Number: 74145 (If you need to enter another leased right, please use the Additional Water Right Form for Pooled Water Right Holder.) Priority Previous T R Sect Tax Lot Acres Type of Use Page # Date Lease # *(Identify pertinent page numbers of certificate, if certificate is greater than 10 pages; identify priority date, if there is more than one on the certificate. If any portion of the right proposed to be leased was leased previously, the previous lease number may be identified. Identification of a previous lease is optional.) 1. 16 12 16 sesw 1701 13.0 IRR 9/1/1899 IL-SL-11 6 2. IL-3. IL-4. IL-5. IL-Total number of acres, if for irrigation (or other acre equivalent use), by certificate and priority date: Previously leased as a split season lease SL-11 that started the process as L-914 (previously leased under name - Heath) T. 7463 moved Acres Conditions or other limitations, if any: _ 1.6 Validity of rights to be leased as described in Section 1.5 of this form and any Additional Water Right Form for Pooled Water Right Holder. 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 Nov 1, 2013 . (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.	J	
3.5	Termination provision.		
	For multiyear leases, the Lessor(s) shall have the year with written notice to the Department. The during the calendar year. However, if the termin days prior to the period of allowed instream use of begun for the water right(s) being leased, water not until the following calendar year, unless the Direction of 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	lease may ation requ or after the nay not be ctor deter	y be terminated at any time uest is received less then 30- e period of allowed use has a used under the right(s) leased mines that enlargement would
	consent by all parties to the lease.		
	Modification to prevent injury. Allocation of water 2.2 during the term of this lease is not reasonably expenses water from the same source. If injury is found after modified or terminated to prevent injury. #1:	ected to c er this lea	ause injury to other rights to se is signed, the lease may be
Verne I			
	andrea Hollett	Date:	Feb 22/13
Andrea	Hollett		
Swalley	itional Lessors, type in space for signature and date ringation District - pooled form		
8	leganne Butterfield		2-12-13
Other A	ttachments As Needed:		
Evhibit	5-A: Tay I of Man (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

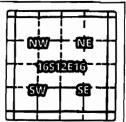
checked)

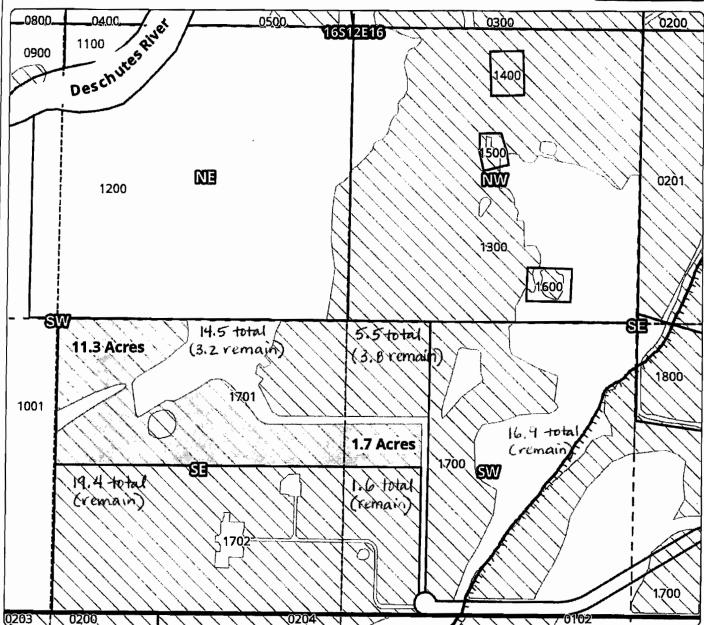
Exhibit 5-D: Split Season Instream Use Form

Swalley Irrigation District Application for Instream Lease

Cert #: 74145

For: Verne & Andrea Hollett





1 YEAR INSTREAM LEASE MAP 3,2

Taxlot 1701, 16S12E16SESW: 11.3 Acres OFF, 3:3 Acres Remaining Taxlot 1701, 16S12E16SWSE: 1.7 Acres OFF, 3:3 Acres Remaining 3.8

T.7463 Shuffled Acres in taxlots 1701, 1702

eo-spatialsolutions

O Point of Diversion

TTT Canals

Taxiots

Lease Cert 74145

1 inch = 400 feet March 2014



SID Hollett Lease - WR History:

CERTIFICATED (74145)			T-7463	Total	
TRS QQ	TL	Acres	JJO	On Remaining	
161216 SESW	1701	14.3	-0.3	0.5	Hollett
161216 SESW	1702	18.9	-0.7	1.2	Pozzi
		33.2		33.9 added 0.7	10.7

CERTIFICATED (74145)			T-7463	Etol	
TRS QQ	2	Acres	ЭĘ	On Remaining	
161216 SWSE	1701	5.7	-0.2	S:S	Hollett
161216 SWSE	1702	2.1	-0.8	0.3	Pozzi
161216 SWSE	1700	16.9	0	0 16.9	Cobb
	2000 A	24.7		24 lost 0.	7

Certificate 29054 was affected by T-7463 Certificate 74145 supersedes 29054 and 29056 and was signed in 1997

C-29054 was not cancelled until 10/31/1997....

* This Sheet is from SID

SID Jeffery Heath Water T 16 S, R 12 E, Sect 16, TL 1701, SESW & SWSE

Heath - TL 1701	161216 SESW TL 1701	161216 SWSE TL 1701	Totals
1997 paper Cert	14.3	5.7	20.0
2000 SID letter	14.5	5.1	19.6
2008 digital Cert	14.0 3 14.5	5.5 5.5	19.5
2008 digital Cert (see notes)	0.5) 17.3		0.5_

NOTES*: Digital Cert also lists: 161216 SESW TL 1701 & 1702 Patrick, n/a 1.7 ac (should be 0.5 ac Heath)

Bemis (Pozzi) - TL 1702	161216 SESW TL 1702	161216 SWSE TL 1702	Totals
1997 paper Cert	18.9	2.1	21.0
2000 SID letter	19.4	5.0	24.4
2008 digital Cert	18.2) 19.4	1.3 3 1.6	19.5
2008 digital Cert (see notes)	1.2) ' ' '	0.3	1.5_

NOTES*: Digital Cert 161216 SESW TL 1701 & 1702 Patrick, n/a 1.7 ac (should be 1.2 ac Bemis-Pozzi)

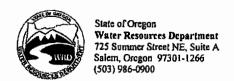
Digital Cert 161216 SWSE TL 1702 Pozzi, n/a 0.3 ac

Bemis - TL 1700	161216 SESW TL 1700	161216 SWSE TL 1700	Totals
1997 paper Cert	0.0	16.9	16.9
2000 SID letter	0.0	13.9	13.9
2008 digital Cert	0.0	16.9 16.9	16.9

NOTES: Digital Cert - also listed for TL 1700 161216SESE TL 1700 4.1 ac

Totals	161216 SESW	161216 SWSE	Totals
1997 paper Cert	33.2	24.7	57.9
2000 SID letter	33.9	24.0	57.9
2008 digital Cert	32.2	23.7	55.9
Plus notes* on digital Cert	1.7	0.3	2.0
Subtotal digital Cer	33.9 ✓	24.0 🗸	57.9

SID letter/correcting acres	161216 SESW	161216 SWSE	Totals
off	1.0	1.0	2.0
on	1.7	0.3	2.0



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 Identifica Lease Application	tion by Lessor/Lessee: Number (assigned by WRD): IL-1267	
	be leased is located in <u>Deschutes</u> County.	
This Lease is between	en:	
Lessor #1:		
	Jane Spink	
Mailing address	Jane Spink 300 SE Lacreole Dr. # 277	
City, State, Zin Co.	de Dallas, OR 97338	
Telephone number	<u> </u>	
E-mail address**		
Lessor #2, 3, etc. (provide same information as identified above) Swalley Irrrigation District	
	64672 Cook Ave., Ste. 1	
	le Bend, OR 97701	
Telephone number E-mail address**	kathy@swalley.com	
•	than Oregon Water Resources Department):	
	Deschutes River Conservancy	
Mailing address		
City, State, Zip Cod	e <u>Bend, OR 97709</u>	
Telephone number	541-382-4077	
E-mail address**	gen@deschutesriver.org LADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE	0.000 4.0004.0000
	LADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE B OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.	, DEPARLMENT
Trustee:		
Oregon Water Reso	•	
725 Summer Street	· · ·	
Salem, OR 97301-1	266	
(503) 986-0900		
•	-I~ Water Right Holder and Water Right Informa	tion
propert	#1 is the water right holder, or authorized agent for water y located at: Township 17 N, Range 12 W, S nber 02000, 02001 . If the water right appurtenant	Section 09 and Tax
	Application for Short-Term Instrum ease 1	TACS

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		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	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 ¼¼ which will be dried up as part of this lease, and include a map (Attachment 2) showing the lands which will not receive water.							township,		
	т	R	Sect	1/4 1/4	Tax Lot	Aeres	Type of Use	*Page#	*Priority Date	*Previous Lease#
*(I	*(Identify pertinent page numbers of certificate, if certificate is greater than 10 pages; identify priority date, if there is more than one on the certificate. If any portion of the right proposed to be leased was leased previously, the previous lease number may be identified. Identification of a previous lease is optional.)									
1.		les		* ****	recontitud.	IGOITHTIONS				
1.	17	12	09	NE/NE	02001	1.20	IRR	case is opti	9-1-1899	IL-
2.	17			NE/NE NW/N	02001			case is opti		IL-
-		12	09	NE/NE		1.20	IRR	case is opin	9-1-1899	
2.		12	09	NE/NE NW/N		1.20	IRR		9-1-1899	IL-
2. 3. 4. 5.	17	12	09	NE/NE NW/N E	02000	1.20	IRR IRR		9-1-1899 9-1-1899	IL- IL- IL-
2. 3. 4. 5.	Total Acre-Maxi Seaso (U Maxi (U Cond	st identifinumber feet of mum rates additional distributions of the standard feet of the stan	og og fy the war of acrestorage te assocional line onal line onal line onal line	NE/NE NW/N E ter right he es being , if appli ciated wi s if there i ciated w s if there i	older, towns leased, if cable:ith the rig s more than ith the rig s more than	1.20 1.30 ship, range, for irriga ht to be less one rate as ght to be I	section, ¼ ¼, tax tion (or other a eased (cfs): Sea sociated with the eased (ac-ft): 1 ssociated with the	lot number acre equivalent son 1: 0. water right 6.53 water right	9-1-1899 9-1-1899 r, map oriental valent uses): 019 Season	IL- IL- IL- IL- ion, and scale. 2.50 2: 0.026,

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:
	 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.
	Instream volume in acre-feet (may be up to the same as the duty identified in Sec 1.5): 6.61ac
	=13.71 af Instream rate in cfs (may be up to the same as the rate identified in Sec 1.5): Season 1: 0.017 cfs / Season 2: 0.023cfs / Season 3: 0.043cfs
	(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:
	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.

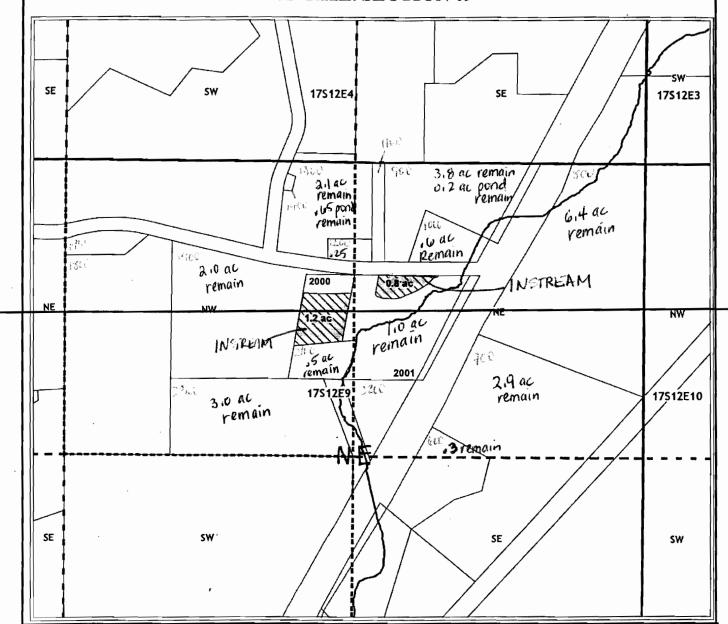
- 2.3 Term of lease. This lease shall terminate on November 1, 2013
- 2.4 Flow protection. The Trustee will regulate use of water from the source, subject to prior appropriation and the agency enforcement guidance, to assure the water is delivered to the point of diversion, and through the reach past 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.

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 #1: \(\) \
Date:
For additional Lessors, type in space for signature and date Lessor #2: Surper Buttufued Date: 3/4/2013 Swalley Irrigation District
Lessee: Date: Date:
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

INSTREAM LEASE MAP T17S. R12E. SECTION 09



APPLICATION FOR INSTREAM LEASE

for

Spink, Jane

Tax Lot 2000 & 2001 - 2.0 Acres



Geo-Spatial Solutions, Inc.

www.geospatialsolutions.com

Date Created: April 1, 2004



1 inch equals 400 feet



Application for

Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

	Pursuant to ORS 5.	37.348(2) and OAR 690-077
Optio	ional Identification by Lessor/Lessee:	
	se Application Number (assigned by WRD):
This	Lease is with:	
Lesso	sor #1 (Water Right Holder):	
Name	ne Patrick Murphy	<u> </u>
Maili	ling address 10521 SW 11th Drive	
	, State, Zip Code Portland, OR 97219	
	phone number 503-246-2240	
Emai	il addresspat@pacwestlumber.com	1
Swall	ditional water right holders, enter water rig lley Irrigation District 72 Cook Ave., Suite 1	tht holder information below
	d, OR 97701 kathy@swalley.com	
Applic	cation" form. The "Pooled Lease" form and "Pool nation as the "Standard Instream Lease Application	orresponds to that found on the "Standard Instream Lease ed Water Right Holder" form(s) are used to provide the same "form. Consequently, the numbering on this form is not alway
	~I~ Water Right Holder	and Water Right Information
1.1	If the water right appurtenant to these la	athorized agent for property described in Section 1.5. ands is also appurtenant to lands owned by others who Attachment 1 (tax lot map), needs to be included.
1.3	For the water right(s) being leased, list a if there are any supplemental or overlying	all water rights appurtenant to the same lands. Indicating rights.
	Certificate No(s). 74145	
1.4		d part of a Conservation Reserve Enhancement other Federal program:

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.] The first right to be leased identified in Section 1.3 is further described as follows: Certificate Number: 74145 (If you need to enter another leased right, please use the Additional Water Right Form for Pooled Water Right Holder.) Priority Previous T R 14.14 Sect Tax Lot Veres Type of Use Page # Date Lease # *(Identify pertinent page numbers of certificate, if certificate is greater than 10 pages; identify priority date, if there is more than one on the certificate. If any portion of the right proposed to be leased was leased previously, the previous lease number may be identified. Identification of a previous lease is optional.) 1. 17 12 1100 0.5 IRR 17 nenw 9/1/1899 IL-SL-10 2. 17 12 9 senw 1100 2.0 **IRR** 18 9/1/1899 IL-SL-10 3. IL-4. IL-5. IL-Total number of acres, if for irrigation (or other acre equivalent use), by certificate and priority date: Previously leased as a split season lease SL-10 that started the process as L-951 1.5 m 112 Conditions or other limitations, if any: 1.6 Validity of rights to be leased as described in Section 1.5 of this form and any Additional Water Right Form for Pooled Water Right Holder. 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 Nov 1, 2013. (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.

	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. Date: 2/27/3
<u>Patrick</u>	

For additional Lessors, type in space for signature and date

Swalley Irrigation District - pooled form
Surance Butterfield

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

3/4/13

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

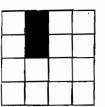
forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is

checked)

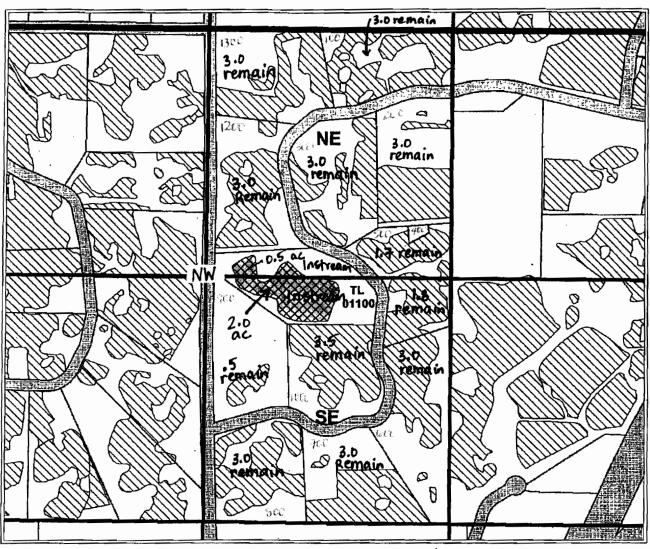
Exhibit 5-D: Split Season Instream Use Form

Exhibit 5-D: Split Season Instream Use Form

SWALLEY IRRIGATION DISTRICT INSTREAM LEASE MAP



17S12E09NENW & 17S12E09SENW



APPLICATION FOR INSTREAM LEASE FOR

PATRICK MURPHY - 2.50 ACRES (0.5 ac NENW 2.0 ac SENW

--- PROPOSED LEASE WATER

— EXISTING WATER







I" = 450' Date: 05/23/03



Application for

Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

Pursuant to ORS 537.348(2) and OAR 690-077
Optional Identification by Lessor/Lessee: Lease Application Number (assigned by WRD):
This Lease is with:
This Lease is with:
Lessor #1 (Water Right Holder):
Name RYMILAKA, LLC and East Slope Investments, LLC
Mailing address P.O. Box 6195
City, State, Zip Code Bend, OR 97708
Telephone number 541-915-2950 contact: Randy Thornton
Email address
If additional water right holders, enter water right holder information below
Swalley Irrigation District
64672 Cook Ave., Suite 1
Bend, OR 97701 kathy@swalley.com
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 alway 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.
For the water right(s) being leased, list all water rights appurtenant to the same lands. Indicat if there are any supplemental or overlying rights.
Certificate No(s). 74145
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 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.]

The first right to be leased identified in Section 1.3 is further described as follows: Certificate Number: 74145

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

	Т	R	Sect	1/4 1/4			Type of Use		*Priority Date	*Previous Lease#
*(Id	dentify per re than on	e on the o	certificate	. If any p	portion of th	e right pro	greater than 10 posed to be least ion of a previous	ed was lease	d previously.	ite, if there is the previous
1.	16	12	27	sese	1100	29.95	IRR	8	9/1/1899	IL-SL-10
2.	16	12	27	sese	1100	0.5	pond	8	9/1/1899	IL-SL-10
3.	16	12	27	sese	1300	6.73	IRR	8	9/1/1899	IL-SL-10
4.										IL-
5.										IL-

Total number of acres, if for irrigation (or other acre equivalent use), by certificate and priority date: 36.68 acres IRR, 0.5 ac Pond, lot line adjustments made in 2008 (see attachment). Previously leased as a split season lease SL-10 that started the process as L-951

Conditions or other limitations, if any:
--

- 1.6 Validity of rights to be leased as described in Section 1.5 of this form and any Additional Water Right Form for Pooled Water Right Holder. Lessor(s) attests (mark one) that:
 - The water has been used over the past five years according to the terms and conditions of the water right certificate or as an instream water right or
 - The water has <u>not</u> been used over the past five years according to the terms and conditions of the water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)(____)(include necessary supporting documentation as Attachment 3).

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on Nov 1, 2013. (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.

	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 of terminated to prevent injury.
_	110/1/ - / to adalah Dan 21/1/13
Lessor	1 1 1
RYMI	CAKACLIC (Clope
4	Date: 2/4/13

For additional Lessors, type in space for signature and date

Swalley Irrigation District - pooled form

Sur Britt Inan

2-12-13

Other Attachments As Needed:

Exhibit 5-A:

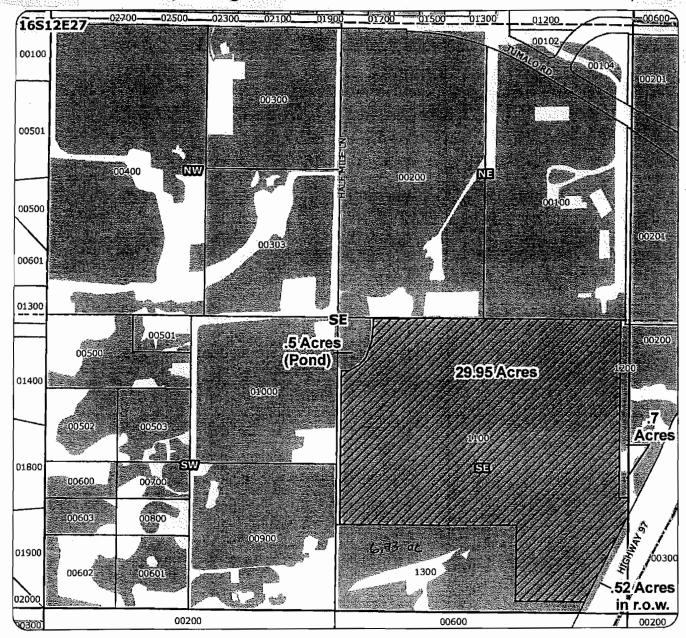
Tax Lot Map. (See instructions.)

Exhibit 5-B:

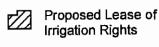
Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. Exhibits 5-A and 5-B may be combined

into a single map. (See instructions.)

2013 Swalley Irrigation District Instream Lease Map



Application for Instream Lease



Water Rights

for Rymilaka, LLC taxlot 1100- 29.95 acres in 161227SESE

.5 acres of pond rights remaining in taxlot

Total Lease of 29.95 Acres IRR

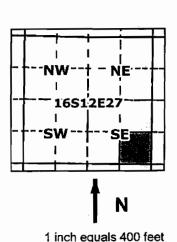
+ Lease of 0.5 Acres Pond



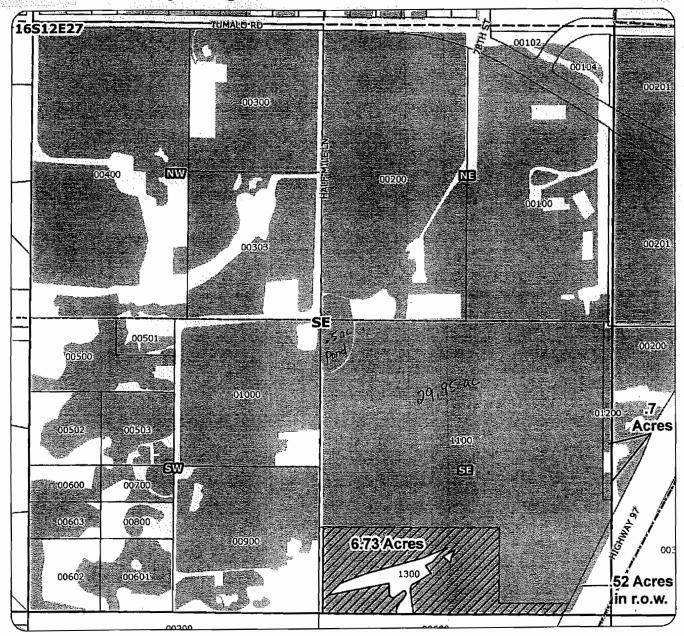
Geo-Spatial Solutions, Inc.

www.geospatialsolutions.com

Date Created: June 2008



2013 Swalley Irrigation District Instream Lease Map



Application for Instream Lease



Proposed Lease of Irrigation Rights



Water Rights

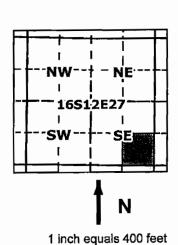
for
East Slope, LLC
taxlot 1300- 6.73 acres
in 161227SESE
0 acres remaining in taxlot
Total Lease of 6.73 Acres



Geo-Spatial Solutions, Inc.

www.geospatialsolutions.com

Date Created: June 2008



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Lot line Adjustments DESCHUTES COUNTY ASSESSOR'S NAME LEDGER

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۲	1809937	2007	CLERK - BOR	\$	WD	2007	34055	-			NAME CHANGE	
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	Name Changes		Status Name						Name Type		Ownership Type	Ownership %
		٥	MCDOUGAL, MELVIN L	MELVIN L					OWNER		OWNER	100.0000
		∢	MCDOUGAL, MELVIN L	MELVIN L					OWNER		OWNER	60.0000
		∢	ROGERS, KELLY	ιĽΥ					OWNER		OWNER	50.0000
		∢	ROGERS, GAYLA	YLA					OWNER		OWNER	50.0000
		∢	ROGERS, KAMI	×					OWNER		OWNER	50.000
		∢	THORNTON, RANDALL	RANDALL					OWNER		OWNER	50.0000
		∢	THORNTON, JAN	JAN					OWNER		OWNER	50.0000
		∢	ROGERS, LANDON	NOON					OWNER		PROTECTED PERSON	50.0000
		∢	ROGERS, GA	ROGERS, GAYLA CUSTODIAN					REPRESENTATIVE	TATIVE	OWNER AS TRUSTEE	
		∢	THORNTON, MINDY	MINDY					OWNER		PROTECTED PERSON	50.0000
		∢	THORNTON, RYAN	RYAN					OWNER		PROTECTED PERSON	50,0000
		∢	THORNTON,	THORNTON, JAN CUSTODIAN					REPRESENTATIVE	ITATIVE	OWNER AS TRUSTEE	
	Size Totals	Code	Acres	Saft		Alternate Size	Size					
		ļ										

ಧ	lve Date 2	7-Jun-20	07 8:00 AM	ansactio	1628314	Ш	intry Date 20-Jun-2007	Entry Date 20-Jun-2007 Recorded Date 18-Jun-2007 Sale Date 04-Jun-2007	Sale Date 04-Jun-2007
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	1809938	2007	CLERK - BOR	WD	2007	34056	-	NAME CHANGE	
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	Special Interest	Name Type	OWNER	OWNER	OWNER	OWNER	OWNER	OWNER	OWNER	REPRESENTATIVE	OWNER	REPRESENTATIVE	OWNER	OWNER	OWNER	OWNER	OWNER	OWNER	REPRESENTATIVE	S S S S S S S S S S S S S S S S S S S	REPRESENTATIVE		Entry Date 20-Jun-2007 Record	Source ID		Name Type	OWNER	OWNER	OWNER	OWNER	OWNER	REPRESENTATIVE	OWNER	REPRESENTATIVE	
	Taxlot 01100																						Entry Date	PID So	-										
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brast		Recorded Date 10-Apr-1995	PT Operation	NAME CHANGE		Recorded Date 02-Jul-2001	PT Operation	NAME CHANGE		Recorded Date 15-May-2003	PT Operation	CONVERSION	Ownership Type	OWNER	Move To Code		Direction Part Part Type	Recorded Date 29-Jul-0203	PT Operation	NAME CHANGE
Taylot Special Interest		Entry Date 10-Apr-1995	PID Source (D	311 1		Entry Date 02-Jul-2001	PID Source ID	1		Entry Date 15-May-2003	PID Source ID	71 1 ASSESSOR'S FILE:CONVERSION:133171	Name Type	OWNER	Code Area Deleted Move to Acct Move		ck Lot	Entry Date 21-Sep-2003	2 PID Source ID	3 1
1/4 1/16	0	-159925	ID#1 ID#2	1995 3701611	Alternate Size	-131123	ID#1 ID#2	2001 34395	Alternate Size	47643	ID#1 ID#2	2003 133171				Alternate Size	Block	229306	10#1 10#2	2003 50963
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		004	BARRETT, BRUCE G BARRETT, REBECCA L BARRETT, BRUCE	RUCE G REBECCA L SRUCE G					OWNER OWNER OWNER			50.0000
		∢	RIGHI OF SURVIN BARRETT, GARY W RIGHT OF SURVIN	RIGHT OF SURVIVORSHIP-BARKETT, GARY W RRETT, GARY W RIGHT OF SURVIVORSHIP-BARRETT, BRUCE G	SHIP~BARK	ETT, BRU	KY W		OWNER	OWNER		50.0000
	Size Totals	Code	Acres	Sqft		Alternate Size	te Size					
Effe	Effective Date 23-Sep-2005 9:20 AM	23-Sep-20(35 9:20 AM	Transaction	ction ID	ID 882824		Entry Date	Entry Date 23-Sep-2005	Recorded Date 16-Sep-2005	16-Sep-2005	Sale Price \$700,000 Sale Date 16-Sep-2005
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~	929045	2005	CLERK - BOR	~	WD	2005	62517	-		PT NAM	PT NAME CHANGE	
	Name Changes		Status Name						Name Type	Ownership Type	ip Type	Ownership %
		_	BARRETT, BRUCE G	RUCE G					OWNER			50.0000
		Ω	RIGHT OF SURVIN BARRETT, GARY W	KIGHT OF SURVIVORSHIP~BARRETT, GARY WARRETT, GARY W	COHIT~BAKE	GATI, GA	≩		OWNER	OWNER		90.0000
		∢	RIGHT OF	RIGHT OF SURVIVORSHIP~BARRETT, BRUCE G EAST SLOPE INVESTMENT LLC	RSHIP-BARF ENT LLC	RETT, BRU	DE G		OWNER	OWNER		100.0000
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Add: SEE WD 2006-19496