

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	n by Lessor/Lessee:	
Lease Application Nu	imber (assigned by WRD): 1279	•
	leased is located in Deschutes County.	
This Lease is between	1:	
Lessor #2: Irrigation	District or Other Water Purveyor	RECEIVED BY OWRD
Name	Tumalo Irrigation District	HEOLIVED B. CITTLE
Mailing address	64697 Cook Ave.	MAD 0 0 2012
City, State, Zip Code	Bend, OR 97701	MAR 29 2013
Telephone number		
E-mail address**	jan@tumalo.org	SALEM, OR
Lessee (if different t	han Oregon Water Resources Department):	
	Deschutes River Conservancy	
Mailing address	700 NW Hill Street	
	Bend, OR 97701	
Telephone number	541-382-4077	
E-mail address** **BY PROVIDING AN E-MA	gen@deschutesriver.org IL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPOND	ÉNCE FROM THE
	ICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO	
Trustee:		
Oregon Water Resour	ces Department	
725 Summer Street N	E, Suite A	
Salem, OR 97301-120	56	
(503) 986-0900		
~I~	Water Right Holder and Water Right Inform	ation
1.2 Lessor #2 is th	e (Check one):	•.
Official rep	presentative of Tumalo Irrigation District, the irri	gation district, which
	ater to the subject water rights.	·
☐ Another pa	arty with an interest in the subject water rights represe	nting

1.3	For the water right(s) being leased, list all water rights appurtenant to the same lands. Indicate if there are any supplemental or overlying rights.
	Certificate No(s). 74146, 76106, 74147, 83571 (s 76714), s 74147, 74148, 74149, 76520
1.4	Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. Yes No or other Federal Program:
1.5	Water Rights Proposed to be Leased Instream. The first right to be leased identified in Section 1.3 is further described as follows: Certificate No.: 74146 (If you need to enter another leased right, please use the additional water right form for pooled
	instream lease.) Priority date: 9/1/1900, 5/27/1907 Legal Season of Use: 4/1- 10/31 RECEIVED BY OWRD
	If an irrigation right, total number of acres to be leased: 20.4 ac 9/1/1900 9.0 ac 5/27/1907
	29.4 ac total SALEM OR
	Total acre-feet of storage to be leased, if applicable:
	Maximum rate associated with subject water rights (cfs) being leased: 0.291 cfs 9/1/1900
	0.129 cfs 5/27/1907
	0.420 cfs total
	If there is more than one rate associated with a water right, describe below:
	Season 1 (cfs) Season 2 (cfs) Time period:
	Season 3 (cfs) Time period:
	Maximum duty associated with subject water rights (ac-ft): 36.72 af 9/1/1900
	16.20 af 5/27/1907
	52.92 af total
	Conditions or other limitations, if any:
•	~II~ Instream Water Right Information
2.1	 Public use. This lease will increase streamflows that will benefit: ☑ Conservation, maintenance and enhancement of aquatic and fish life, wildlife, and fish and wildlife habitat ☑ Pollution abatement ☑ Recreation and scenic attraction
2.2	Instream use created by lease for the water right described in Section 1.5.
	In the <u>Tumalo</u> Creek
	Tributary to <u>Deschutes River</u> in the <u>Deschutes</u> Basin.
	Instream volume in acre-feet (may be up to the same as the duty identified in Sec 1.5):
	36.72 af 9/1/1900, 16.20 af 5/27/1907 = 52.92 af total
	Instream rate in cfs (may be up to the same as the rate identified in Sec 1.5):
	0.110 cfs 9/1/1900, $0.049 cfs 5/27/1907 = 0.159 cfs total$

	~III~ Other Information	
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.	
2.3	Term of lease. This lease shall terminate on Oct 31, 2013.	
	(Note: The Department may identify additional conditions to prevent injury and/or enlargement.)	
	 None The instream flow will be allocated on a daily average basis up to the described rate from 5/1/2013 through 10/15/2013 . Other (describe):	
	Conditions to prevent injury, if any (use this section to indicate a more restrictive period of use than allowed by the water right):	
	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:	
	(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.)	
	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.	
	Describe the proposed reach (an instream reach generally begins at the POD and generally ends at the mouth of the source creek/river). If possible list the reach by river mile): from TID POD #1: Tumalo Feed Canal – SWNE, sect 23, T17S, R11E, W.M. to the mouth of the Deschutes River at river mile 0.	}
	☐ Instream use protected at the point of diversion (POD). ☐ Or within a proposed reach. MAR 2 9 20	13
	(If not certain of the instream rate or volume, please contact the Department for more property on how to fill out this section of the application).	O
	Rate in CFS:Rate in CFS:	

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during the period of time prior to the execution of the lease.

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

3.1

3.2 Lease. Lessor(s) and Lessec(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 RECEIVED BY OWRD enlargement would not occur. The Department may also require: Written notice to the Department; MAR 29 2013 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, SALEM, OR without consent by all parties to the lease. 3.6 Modification to prevent injury, Allocation of water to the instream use described in Section 2.2 during the term of this lease is not reasonably expected to cause injury to other rights to use water from the same source. If injury is found after this lease is signed, the lease may be modified or terminated to prevent injury. 3.7 Fees. Pursuant to ORS 536.050, the following fee is included: \$400 for an application with four or more landowners or four or more water rights. ☐ \$250 for all other applications. Lessor #2: 6 ments heldanie Tumalo Irrigation District

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



Additional Water Right Form for Pooled

Instream Lease

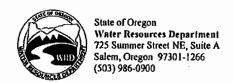
A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

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	•
	1.5 continued from Pooled Form.
	Water Rights Proposed to be Leased Instream. District and water right holder(s) propose to lease the water rights identified in Section 1.3 on the "Pooled Lease Form."
	The next right to be leased is further described as follows:
	Certificate No.: 76106
	(If you need to enter another leased right, please use another additional water right form for pooled instream lease.)
,	Priority date: 12/8/1961 Type of use: IRR
	Legal Season of Use (if not listed on the certificate): 4/1-10/31
	If an irrigation right, total number of acres to be leased: 23.24 ac
•	Total acre-feet of storage to be leased, if applicable: 58.10 af, 32.33 af max portion from storage
	Maximum rate associated with subject water rights (cfs) being leased: 0.33 cfs
. 1	If there is more than one rate associated with a water right, describe below:
	Season I (cfs) Time period:
	Season 2 (cfs) Time period:
_	Season 2 (cfs) Time period: Season 3 (cfs) Time period:
	Maximum duty associated with subject water rights (ac-ft): 58.10 af, 32.33 af max portion from storage
(Conditions or other limitations, if any:
	~ II ~
Section	2.2 continued from Pooled Lease Form.
	nstream use created by lease for the water right described in Section 1.5.
	he instream use to be created is described as follows:
Ι,	the <u>Tumalo</u> Creek
	ributary to Deschutes River in the Deschutes
	asin.
	astream volume in acre-feet (may be up to the same as the duty identified in Sec 1.5): 58.10
	3 af max portion from storage as the rate identified in Sec 1.5): 0.17 cfs
11	(If more than one rate, describe the rate associated with each time period or instream reach.) Rate in CFS:
	Rate in CFS:
	(If not certain of the instream rate or volume, please contact the Department for more information on how to fill out this section of the application).
	Instream use protected at the point of diversion (POD). Or within a proposed reach.

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

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
Conditions to prevent injury, it any (use this section to indicate a more restrictive
period of instream use than allowed by the water right):
period of instream use than allowed by the water right): None
• • • • • • • • • • • • • • • • • • • •
None
☐ None ☐ The instream flow will be allocated on a daily average basis up to the described rate



Additional Water Right Form for Pooled

Instream Lease

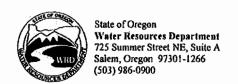
A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

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Section 1.5 continued from Pooled Form. Water Rights Proposed to be Leased Instream. District and water propose to lease the water rights identified in Section 1.3 on the "Pool	
The next right to be leased is further described as follows: Certificate No.: 74147 (If you need to enter another leased right, please use another additional pooled instream lease.)	water right form for
Priority date: 10/29/1913 Type of use: IRR & IND	
Legal Season of Use (if not listed on the certificate): 4/1-10/31	
If an irrigation right, total number of acres to be leased: 49.36 ac IRR ac total	2.2.0 ac IND = 51.36
Total acre-feet of storage to be leased, if applicable:	
Maximum rate associated with subject water rights (cfs) being leased	l: 1.585 cfs
If there is more than one rate associated with a water right, describe by	
Season 1 (cfs) $0.617 IRR$, $0.025 IND = 0.642 total$ 10/26	Time period: 4/1-
Season 2 (cfs) <u>0.823 JRR, 0.033 IND</u> = <u>0.856 total</u> <u>10/26</u>	Time period: 4/1-
Season 3 (cfs) <u>1.523 IRR, 0.062 IND</u> = 1.585 total <u>10/26</u>	Time period: 4/1-
Maximum duty associated with subject water rights (ac-ft): 489.16 at 508.98 af total	<u>FIRR, 19.82 af IND,</u>
Conditions or other limitations, if any:	
~II~	·
Section 2.2 continued from Pooled Lease Form. Instream use created by lease for the water right described in Sector The instream use to be created is described as follows:	tion 1.5.
In the <u>Tumalo</u> Creek Tributary to <u>Deschutes River</u> in the <u>Deschutes</u> Basin.	·
Instream volume in acre-feet (may be up to the same as the duty identified in Secondary Instream rate in cfs (may be up to the same as the rate identified in Secondary Instream rate in CFS; season 1 - 0.617 cfs IRR, 0.025 IND = 0.942 to (If more than one rate, describe the rate associated with each time period or Rate in CFS: season 2 - 0.823 cfs IRR, 0.033 IND = 0.856 to	c 1.5): otal or instream reach.)
Pata in CES, 20000 2 1 522 of IDD 0.062 IND - 1 595 to	

(If not certain of the instream rate or volume, please contact the Department for more information on how to fill out this section of the application).
Instream use protected at the point of diversion (POD). Or within a proposed reach.
Describe the proposed reach (an instream reach generally begins at the POD and generally ends at the mouth of the source creek/river). If possible list the reach by river mile): TID POD #1 (Tumalo Feed Canal) to the mouth of Tumalo Creek and or to the mouth of the Deschutes River at river mile 0.

Please check this box if you are not sure of the proposed reach and want water to be protected within a reach below the POD, if possible.
(If no reach is identified or the above box is not checked, and there is only one POD listed on the certificate, the lease may be processed to be protected at the POD.)
If the POD is not described on the Certificate or if there is more than one POD listed on the certificate, then the specific POD must be described:
Conditions to prevent injury, if any (use this section to indicate a more restrictive period of instream use than allowed by the water right): None
☐ The instream flow will be allocated on a daily average basis up to the described rate
from <u>4/1/2013</u> through <u>10/26/2013</u> .
Other (describe):
(Note: The Department may identify additional conditions to prevent injury and/or enlargement.)



Additional Water Right Form for Pooled

Instream Lease

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

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Sectio	n 1.5 continued from Pooled Form. Water Rights Proposed to be Leased Instream. District and water right holder(s) propose to lease the water rights identified in Section 1.3 on the "Pooled Lease Form."
Type o	The next right to be leased is further described as follows: Certificate No.: 83571 priority 1900 & 76714 priority 1907 (COID) (If you need to enter another leased right, please use another additional water right form for pooled instream lease.) Priority date: 83571 -1900, 76714 -1907 of use: IRR
урос	Legal Season of Use (if not listed on the certificate): 4/1-10/31 If an irrigation right, total number of acres to be leased: 2.0 ac IRR Total acre-feet of storage to be leased, if applicable: Maximum rate associated with subject water rights (cfs) being leased: If there is more than one rate associated with a water right, describe below: Season 1 (cfs) .025 cfs Time period: Ap 1-30, Oct 1-31 Season 2 (cfs) .033 cfs Time period: May 1-14, Sept 16-30 Season 3 (cfs) .044 cfs 1900 / .018 cfs 1907 = 0.062 cfs Time period: May 15-Sept 15 Maximum duty associated with subject water rights (ac-ft): 19.77 af
	Conditions or other limitations, if any:
	~11~
]	n 2.2 continued from Pooled Lease Form. Instream use created by lease for the water right described in Section 1.5. The instream use to be created is described as follows:
,	In the <u>Deschutes</u> Tributary to <u>Columbia River</u> Basin. River in the <u>Columbia</u>
<u>af</u>	Instream volume in acre-feet (may be up to the same as the duty identified in Sec 1.5): 10.90 Instream rate in cfs (may be up to the same as the rate identified in Sec 1.5): Rate in CFS: season 1 - 0.014 cfs
	(If more than one rate, describe the rate associated with each time period or instream reach.) Rate in CFS: season 2 - 0.018 cfs Rate in CFS: season 3 - 0.034 cfs
	(If not certain of the instream rate or volume, please contact the Department for more information on how to fill out this section of the application).
	☐ Instream use protected at the point of diversion (POD). ☐ Or within a proposed reach.

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

Please check this box if you are not sure of the proposed reach and want water to be protected within a reach below the POD, if possible.
(If no reach is identified or the above box is not checked, and there is only one POD listed on the certificate, the lease may be processed to be protected at the POD.)
If the POD is not described on the Certificate or if there is more than one POD listed on the certificate, then the specific POD must be described:
Conditions to prevent injury, if any (use this section to indicate a more restrictive period of instream use than allowed by the water right):
 None ✓ The instream flow will be allocated on a daily average basis up to the described rate from 4/1/2013 through 10/26/2013 .
Other (describe):
(Note: The Department may identify additional conditions to prevent injury and/or enlargement.)

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						Acres by Certificate/Priority	ertificat	/Priority			
				74146	74146	74146	74146 74147		76106	83571	
Landowner	Lease #	Total Ac	Use	8/5/1900	9/1/1900	5/27/1907	5/1/1907	9/1/1900 5/27/1907 6/1/1907 10/29/1913	12/8/1961 1900/07	1900/07	
CLR, Inc	13.01	53.66	IRR			6		44.66			1223, 1155, 1045, 916, 736
CLR, Inc	13.01	7	GNI					2			1223, 1155, 1045, 916, 736
Lansbergen Family Trust	13.02	3.2	IRR					3.2			New .
Lee and Ruth Vezina	13.03	10	IRR		10.0						916
Brooks Resources Corporation	13.04	7	IRR							2.0	2.0 1223
Brian Puziss	13.05	1.6	IRR						1.6		550
Pechin Revocable Trust	13.06	3.5	IRR		2.0			1.5			166
Joyce Coats Rev Trust, Eric Coats, Trustee 13.07	13.07	26.04	IRR		4.4				21.64		1045
Bugas Family Trust	13.08	4	IRR		4.0						166
		0									
				10	900						
			Total IRR	0	20.4	6	0	49.36	23.24	2	
			Total IND	0	0	0	0	2	0	0	
			Total Pond	0	0	0	0	0	0	0	
			Certificate:	74146	74146		74146 74146	74147	76106	83571	



Application for

Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

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

	onal Identification by Lessor/Lessee: <u>L13.01</u> e Application Number (assigned by WRD):
This	Lease is with:
	or #1 (Water Right Holder):
	e C.L.R. Inc
	ng address 703 NW Stone Pine Drive
	State, Zip Code Bend, OR 97701
	hone number <u>541.389.6562</u>
Emai	l address
If add	litional water right holders, enter water right holder information below
Applic	The section numbering associated with this form corresponds to that found on the "Standard Instream Lease ation" form. The "Pooled Lease" form and "Pooled Water Right Holder" form(s) are used to provide the same ation as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not alway tial.
	~I~ Water Right Holder and Water Right Information
1.1	Lessor #1 is the water right holder, or authorized agent for property described in Section 1.5. If the water right appurtenant to these lands is also appurtenant to lands owned by others who are not included in this application, then Attachment 1 (tax lot map), needs to be included.
1.3	For the water right(s) being leased, list all water rights appurtenant to the same lands. Indicat if there are any supplemental or overlying rights.
	Certificate No(s). P:74146,74147 S: 74147,74148, 74149, 76520
1.4	Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. Yes No 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.]										
	Cer (Ii	tificat	te Nu	mber: <u>7</u>	74146			1.3 is further			
	Т		R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	*Page#	*Priority Date	*Previous Lease#
			the ce	rtificate.	If any po	ortion of the	e right prop	greater than 10 posed to be lease on of a previous	d was lease	ify priority dat d previously, t	e, if there is
1.	16S	1:	2E	30	nwse	02100	3.40	Irr	14	5/27/1907	IL- 223
2.	178	1	1E	13	nwuw	00817	4.0	Irr	14	5/27/1907	IL-1223
3.	178	1	1E	13	nwnw	00809	1.60	Irr	14	5/27/1907	IL-1223
4.											IL-
5.		-				-					IL-
1.6	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: \[\textstyle 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 \[\textstyle \text{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).										
2.3	~II~ Instream Water Right Information 2.3 Term of lease. This lease shall terminate on October 31, 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	knov comp lease lease wate	wledg plete. e orde ed, for er righ	e and If af If may the t	belief, ter the y be mo term of y otherv	the info lease or dified of the leas vise be	ormation der is signor terminase. It shall subject to	contained ned, any nated. The ll not be c	ee(s) declare in this application is lease only exponential to one for nonuse passes.	cation is to determinate detection in dereises the vercome	rue, correct a ned to be fal- ne water right any claim th	and se, the ats being at the



Additional Water Right Form For Pooled Water Right Holder

Instream Lease

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Section 1.5 continued from Pooled Leasing Water Right Holder Form.

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

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

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

Certificate Number: 74147

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

	T	R	Sect	44	Tax Lot	Acres	Type of Use	*Page#	*Priority Date	*Previous 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.	16S	12E	30	nwse	02100	.70	Irr	14	10/29/1913	IL- 1223
2.	16S	12E	30	nese	02100	1.90	Im	14	10/29/1913	IL-1223
3.	16S	12E	30	nese	02000	5.0	Im	14	10/29/1913	IL-1223
4.	16S	12E	30	nese	00100	16.0	Irr	14	10/19/1913	IL-1223
5.	168	12E	30	nese	00100	2.0	IND	14	10/29/1913	IL-1223
6.	16S	12E	30	sene	00100	13.20	Irr	14	10/29/1913	IL-1223
7.	178	11E	13	nwnw	00817	1.36	Irr	17	10/29/1913	IL-1223
8	178	11E	13	nwnw	00809	3.0	Irr	17	10/29/1913	IL-1223
9.	178	11E	14	nene	00817	3.50	Irr	17	10/29/1913	IL-1223
10.										IL-1223

Total number of acres, if for irri	gation (or other acre equivalent use), by certificate and priority date
46.66	lot line adjustments - 17/1/13 nunw
	new lot number - 171114 nene
Conditions or other limitations,	if any:

- 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.
J.J	TOTHERMOTION	DI O LIGIONI

- 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.

For additional Lessors, type in space for signature and date

Other Attachments As Needed:

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

Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased; required if only

part of a right is being leased instream. Exhibits 5-A and 5-B may be combined

_____Date: 2/28/13

into a single map. (See instructions.)

Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to

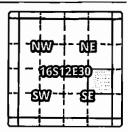
forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is

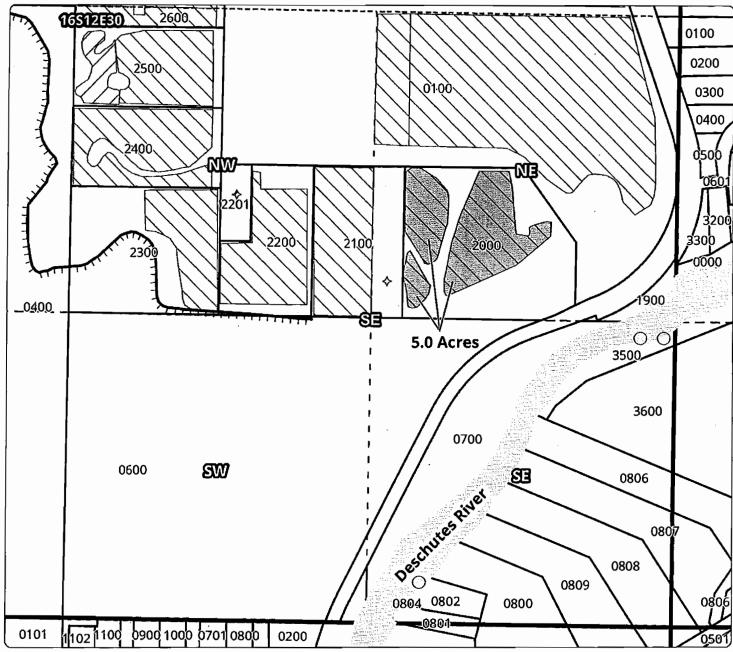
checked)

Exhibit 5-D: Split Season Instream Use Form

Cert #: 74146, 74147

For: C.L.R. Inc.





1 YEAR INSTREAM LEASE MAP

Taxlot 2000, 16S12E30NESE: 5.0 Acres OFF, 0 Acres Remaining

Point of Diversion

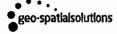
Taxiots

Lease

Cert 74146, 74147

Cert 76106

All Other Certs

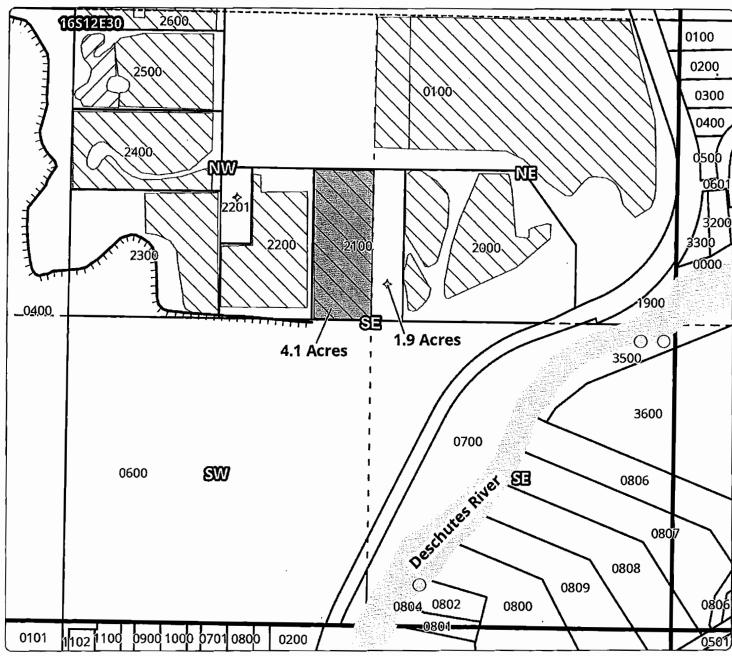




Cert #: 74146, 74147

For: C.L.R. Inc.





1 YEAR INSTREAM LEASE MAP

Taxlot 2100, 16S12E30NESE: 1.9 Acres OFF, 0 Acres Remaining Taxlot 2100, 16S12E30NWSE: 4.1 Acres OFF, 0 Acres Remaining

Point of Diversion
Canals

Taxlots

____ laxiot

Lease

Cert 74146, 74147

Cert 76106

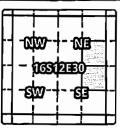
All Other Certs

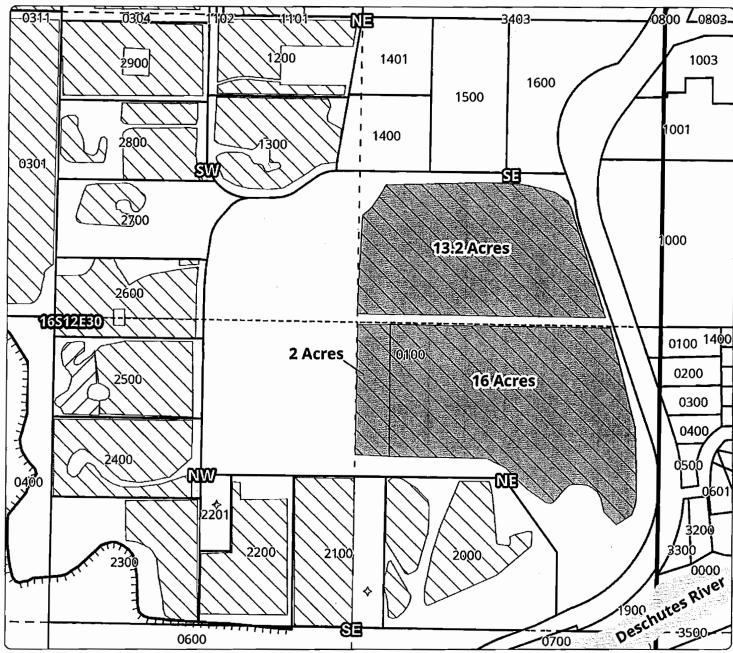




Cert #: 74146, 74147

For: C.L.R. Inc.





1 YEAR INSTREAM LEASE MAP

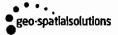
Taxlot 100, 16S12E30SENE: 13.2 Acres OFF, 0 Acres Remaining Taxlot 100, 16S12E30NESE: 18.0 Acres OFF, 0 Acres Remaining

O Point of Diversion
Canals

Taxlots

Lease Cert 74146, 74147

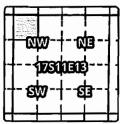
Cert 76106
All Other Certs

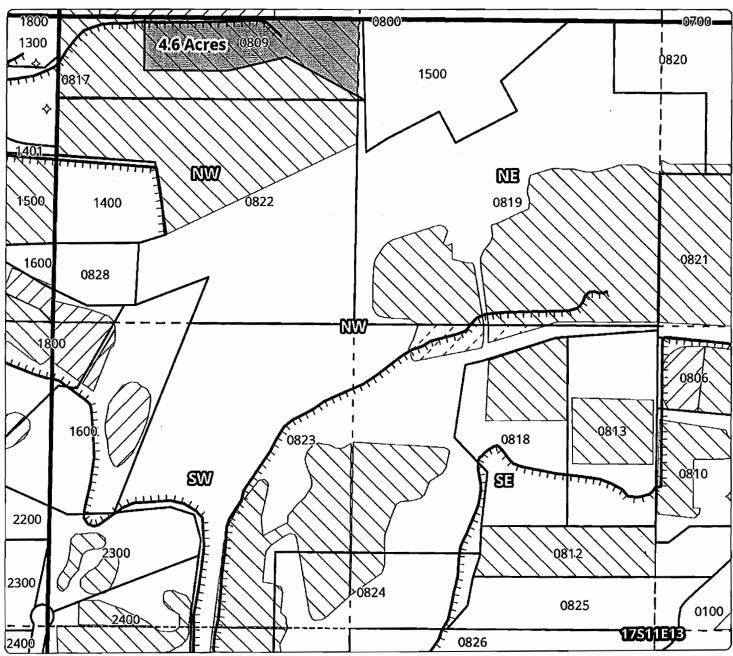




Cert #: 74146, 74147

For: C.L.R. Inc.



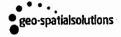


1 YEAR INSTREAM LEASE MAP

Taxlot 809, 17S11E13NWNW: 4.6 Acres OFF, 0 Acres Remaining

Point of Diversion
Canals
Taxlots
Lease
Cert 74146, 74147
Cert 76106

All Other Certs

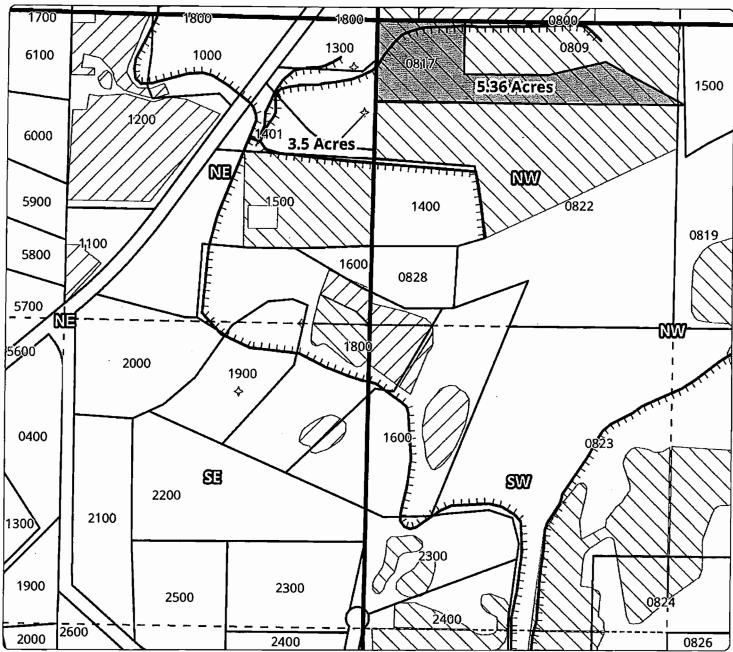




Cert #: 74146, 74147

For: C.L.R. Inc.





1 YEAR INSTREAM LEASE MAP

Taxlot 817, 17S11E13NWNW: 5.36 Acres OFF, 0 Acres Remaining Taxlot 817, 17S11E14NENE: 3.5 Acres OFF, 0 Acres Remaining

Point of Diversion
Canals
Taxlots
Lease
Cert 74146, 74147
Cert 76106
All Other Certs
1 inch = 400 feet

March 2013







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: L13.02 Lease Application Number (assigned by WRD): This Lease is with: Lessor #1 (Water Right Holder): Name Landsbergen Family Trust Mailing address 276 Galli Drive City, State, Zip Code Los Altos, CA 94022 Telephone number 408.433.0697 Email address _____ If additional water right holders, enter water right holder information below Note: The section numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Water Right Holder" form(s) are used to provide the same information as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always sequential. ~I~ Water Right Holder and Water Right Information 1.1 Lessor #1 is the water right holder, or authorized agent for property described in Section 1.5. If the water right appurtenant to these lands is also appurtenant to lands owned by others who are not included in this application, then Attachment 1 (tax lot map), needs to be included. 1.3 For the water right(s) being leased, list all water rights appurtenant to the same lands, Indicate if there are any supplemental or overlying rights. Certificate No(s). P: 74147 S: 74148, 74149,76520 Are some or all of the lands being leased part of a Conservation Reserve Enhancement 1.4 Program. Yes or other Federal program: ⊠ No

1.5	wa [Tl are	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 ½ ½, tax lot number, map orientation and scale.]									
	Ce (The first right to be leased identified in Section 1.3 is further described as follows: Certificate Number: P: 74147 (If you need to enter another leased right, please use the Additional Water Right Form for Pooled Water Right Holder.)									
	1	ì	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	*Page#	*Priority Date	*Previous Lease #
			on the ce	ertificate.	If any p	ortion of th	e right prop	greater than 10 posed to be lease on of a previous	ed was lease	ify priority dat d previously, t	e, if there is
1.	168		11E	14	nesw	00502	3.20	Irr	3	10/29/1913	IL- New
2.	1	\dashv									IL
3.	1	\dashv									IL-
4.											IL-
5.	1-										IL-
1.6	Total number of acres, if for irrigation (or other acre equivalent use), by certificate and priority date: 3.20 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: \[\text{\text{\text{Mark one}}}\] 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 \[\text{\text{\text{\text{The water has not}}}\] 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).										
2.3	~II~ Instream Water Right Information 2.3 Term of lease. This lease shall terminate on October 31, 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										

- 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	Termi	ination	provi	sion.
-----	-------	---------	-------	-------

- 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.

N. Peter Landsbergen, Trustee

For additional Lessors, type in space for signature and date

Other Attachments As Needed:

Exhibit 5-A:

Tax Lot Map. (See instructions.)

Exhibit 5-B:

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

Judshigh, Ornstee Date: 1-24-13

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

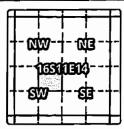
forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is

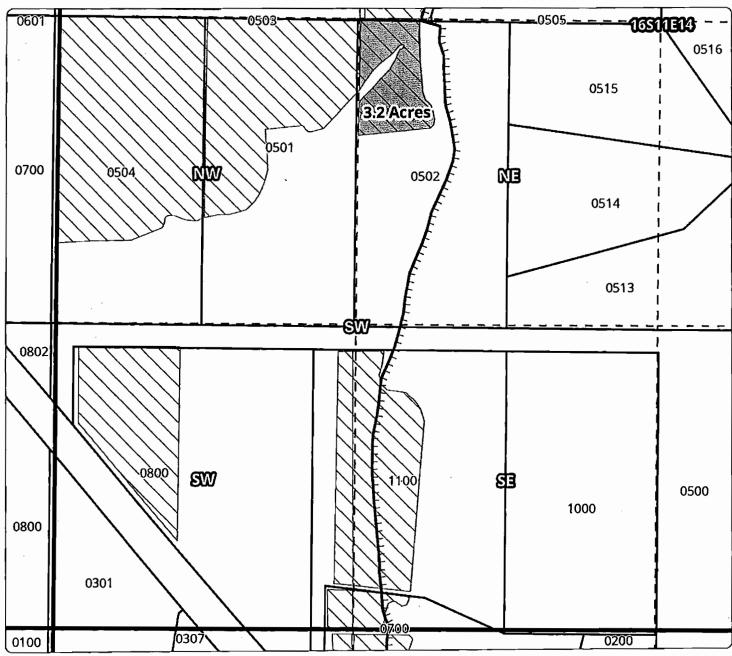
checked)

Exhibit 5-D:

Split Season Instream Use Form

Cert #: 74146, 74147 For: Landsbergen Trust





1 YEAR INSTREAM LEASE MAP

Taxlot 502, 16S11E14NESW: 3.2 Acres OFF, 0 Acres Remaining

O Point of Diversion

TTT Canals

Taxlots

Lease

Cert 74146, 74147

Cert 76106

All Other Certs







Application for

Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

	Pursuant to ORS 537.348(2) and OAR 690-077
	onal Identification by Lessor/Lessee: L13.03 se Application Number (assigned by WRD):
This	Lease is with:
Nam Mail City, Tele	or #1 (Water Right Holder): e Vezina, Lee & Ruth ing address 18530 Pinehurst Rd. State, Zip Code Bend, OR 97701 phone number 541.382.5258
	ditional water right holders, enter water right holder information below
Appli	The section numbering associated with this form corresponds to that found on the "Standard Instream Lease cation" form. The "Pooled Lease" form and "Pooled Water Right Holder" form(s) are used to provide the same nation as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not alway nitial. ~I~ Water Right Holder and Water Right Information
1.1	Lessor #1 is the water right holder, or authorized agent for property described in Section 1.5. If the water right appurtenant to these lands is also appurtenant to lands owned by others who are not included in this application, then Attachment 1 (tax lot map), needs to be included.
1.3	For the water right(s) being leased, list all water rights appurtenant to the same lands. Indicate if there are any supplemental or overlying rights.
	Certificate No(s). P: 74146, S: 74147,74148,74149,76520
1.4	Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. Yes No 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 ½ ½, 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: 74146 (If you need to enter another leased right, please use the Additional Water Right Form for Pooled Water Right Holder.)										
	T		R	Sect	14 1/4	Tax Lot	Acres	Type of Use	*Page#	*Priority Date	*Previous Lease #
*(I	dentify ore than	pertin one o	n the ce	rtificate.	If any p	ortion of th	e right prop	greater than 10 posed to be lease on of a previous	d was lease	ify priority dated previously, t	e, if there is
1.	168		11E	35	nene	00100	10.0	Irr	8	9/1/1900	IL NEW
2.		_									IL-
3.											IL-
4.											IL-
5.											IL-
1.6	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: \[\text{\text{\text{M}}}\] 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 \[\text{\text{\text{\text{\text{M}}}}\] 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).									that: onditions of d to	
				~]	[I∼ Ins	tream W	ater Ri	ght Informa	tion		
2.3								ober 31, 2013 form will be the o			flict between
					^	-III~ Ot	her Info	rmation			
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	Terr	nina	tion	provi	cion
J.		1 61 1	шца	uvn	DIUVI	21011

- 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.

Lessor #1: Lee Vezina

Ruth Vezina

For additional Lessors, type in space for signature and date

Other Attachments As Needed:

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

Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased; required if only

part of a right is being leased instream. Exhibits 5-A and 5-B may be combined

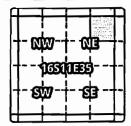
into a single map. (See instructions.)

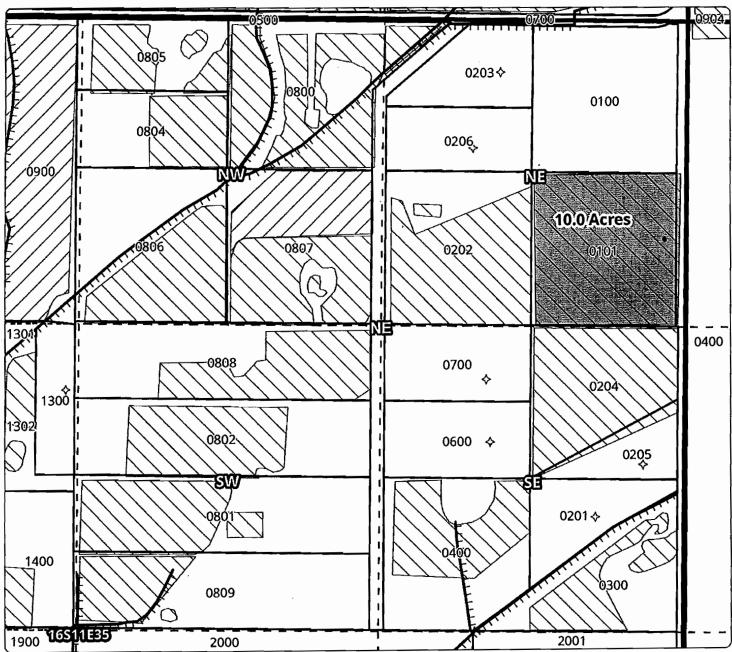
Supporting documentation indicating why a right is valid and not subject to Exhibit 5-C:

forfeiture even though the right has not been exercised for five or more

Cert #: 74146, 74147

For: Lee Vezina







Taxlot 101, 16S11E35NENE: 10.0 Acres OFF, 0 Acres Remaining

Point of Diversion
Canals

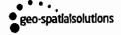
Taxlots

Lease

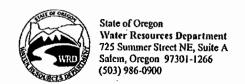
Cert 74146, 74147

Cert 76106

All Other Certs







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

_	nal Identification by Lessor/Lessee: <u>L13.04</u> Application Number (assigned by WRD):
This]	Lease is with:
	r #1 (Water Right Holder):
	Brooks Resources Corporation
	ng address 409 NW Franklin Ave.
• .	State, Zip Code Bend, OR 97701
_	hone number <u>541.382.1662</u>
Email	address Dale@brooksresources.com
If add	itional water right holders, enter water right holder information below
Applic	The section numbering associated with this form corresponds to that found on the "Standard Instream Lease ation" form. The "Pooled Lease" form and "Pooled Water Right Holder" form(s) are used to provide the same ation as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always ial.
	~I~ Water Right Holder and Water Right Information
1.1	Lessor #1 is the water right holder, or authorized agent for property described in Section 1.5. If the water right appurtenant to these lands is also appurtenant to lands owned by others who are not included in this application, then Attachment 1 (tax lot map), needs to be included.
1.3	For the water right(s) being leased, list all water rights appurtenant to the same lands. Indicate if there are any supplemental or overlying rights.
	Certificate No(s). <u>P83571 S: 76714</u>
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 [This i area ol	rights nformati water ri	shown o on may be ghts being	n the m included leased.	ap attach l on Exhibi Attached m	ed as Exh t 5-A, or an	eam. Water ri ibit 5-B and d additional map identify water rale.]	lescribed may be atta	as follows: ached. Crossh	atch the
	Certif	icate N ou need	umber:]	P: 8357	1		1.3 is further			
	Т	R	Sect	14 14	Tax Lot	Acres	Type of Use	*Page#	*Priority Date	*Previous Lease#
		on the	certificate	If any p	ortion of th	e right pro	greater than 10 posed to be lease on of a previous	ed was lease	ed previously,	ate, if there is
1.	17	11	24	nwne	00200	2.0	Irr	lease is op	1/1/1900	IL-1223
2.		1				†				IL-
3.										IL-
4.										IL-
5.			-							IL-
1.6	Water I	Right I he wate he wate he wate	Form for the ser has been the ser has not the eunder the tent 3).	r Poolee een used ertificat ot been v water r ORS 54	d Water lover the e or as an used over ight certi 0.610(2)(Right Ho past five instream the past ficate, ho ()(in	section 1.5 of older. Lesson years according water right of five years according wever the wandlude necessary	(s) attests ing to the or cording to ter right i ary suppo	(mark one) terms and of the terms as not subject	that: conditions of nd ct to
			~	II~ Ins	stream V	Vater R	ight Inform	ation		
2.3							ctober 31, 201 Form will be the			
					~III~ O	ther Info	ormation			
3.1	knowl compl lease of leased water	edge arete. If order me, for the right m	nd belief after the ay be m e term of ay other	the infalease of the lease of the lease of the lease wise be	formation rder is sig or termin se. It sha subject t	containe gned, any ated. The all not be	see(s) declared in this application in this application in the lease only econstrued to be refor nonused	ication is is determi xercises t overcome	true, correct ned to be fa he water rig any claim	t and alse, the ghts being that the

- 3.2 Lease. Lessor(s) and Lessee(s) agree to lease the water rights listed in Section(s) 1.5 for instream use for the term of this lease through Lessee to the Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077.
- 3.3 Precedent. If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.
- 3.4 Suspension of original use. During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights.

3.5 Termination provision.

- For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less then 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
 - Written notice to the Department;
 - Consent by all parties to the lease; and/or
 - Written notice to the Watermaster's office.
- For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.
- 3.6 Modification to prevent injury. Allocation of water to the instream use described in Section 2.2 during the term of this lease is not reasonably expected to cause injury to other rights to use water from the same source. If injury is found after this lease is signed, the lease may be modified or terminated to prevent injury.

Lessor #1: Dale Van Valkenburg, Director of Development

And the state of t

For additional Lessors, type in space for signature and date

Other Attachments As Needed:

Exhibit 5-A:

Tax Lot Map. (See instructions.)

Exhibit 5-B:

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

part of a right is being leased instream. Exhibits 5-A and 5-B may be combined

into a single map. (See instructions.)

Exhibit 5-C:

Supporting documentation indicating why a right is valid and not subject to

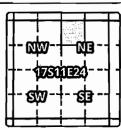
forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is

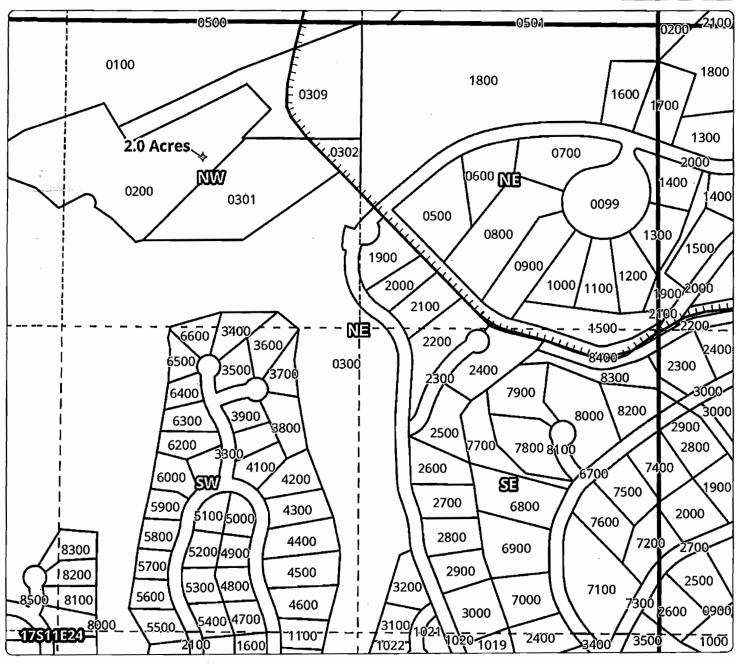
checked)

Exhibit 5-D:

Split Season Instream Use Form

Cert #: 74146, 74147 For: Brooks Resouces





1 YEAR INSTREAM LEASE MAP

Taxlot 200, 17S11E24NWNE: 2.0 Acres OFF, 0 Acres Remaining

O Point of Diversion

TTT Canals

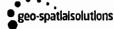
Taxlots

Lease

Cert 74146, 74147

Cert 76106

All Other Certs







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	MAR.	6 2013
Optio	nal Identification by Lessor/Lessee: L13.05	iju 	
Lease	Application Number (assigned by WRD):	Ву	
This 1	Lease is with:		
Lesso	r #1 (Water Right Holder):		
	Puziss, Brian		
Maili	ng address PO Box 6328		
City,	State, Zip Code Portland, OR 97228		
	hone number 503.781.5948		
Email	address		
If add	itional water right holders, enter water right holder information below		
Applica	The section numbering associated with this form corresponds to that found on the "Standation" form. The "Pooled Lease" form and "Pooled Water Right Holder" form(s) are us ation as the "Standard Instream Lease Application" form. Consequently, the numbering tial.	ed to provide t	he same
	~I~ Water Right Holder and Water Right Informat	ion	
1.1	Lessor #1 is the water right holder, or authorized agent for property described If the water right appurtenant to these lands is also appurtenant to lands are not included in this application, then Attachment 1 (tax lot map), necessary to the contract of	owned by of	hers who
1.3	For the water right(s) being leased, list all water rights appurtenant to the if there are any supplemental or overlying rights.	e same lands	s. Indicate
	Certificate No(s). P: 76106, S: 74149,76520		
1.4	Are some or all of the lands being leased part of a Conservation Reserve Program. Yes No or other Federal program:		

1.5	wa [Tl are	iter rights us informa a of water i	s shown o tion may be rights being	on the m e included g leased.	ap attach d on Exhibi	ed as Exh t 5-A, or at tap(s) must	eam. Water ri nibit 5-B and on additional map identify water r ale.]	lescribed	as follows: ched. Crossi	natch the
	Ce	rtificate l	Yumber:	P: 7610	6		1.3 is furtherne Additional W			
	ľ	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	*Page#	*Priority	*Previous
*(Id	lentify re than	one on the	certificate	. If any p	ortion of th	e right pro	greater than 10 posed to be least	ed was lease	d previously,	Lease # ate, if there is the previous
1.	16	11	01	sw/se	00500	1.60	on of a previous	lease is op	12/8/1961	IL- New
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3.										IL-
4.									7	IL-
5.										IL-
1.6	Valid	lity of rig er Right I The wat the wate The wat	ghts to be Form for ter has be er right co er has no ons of the re under (e leased r Pooled en used ertificate of been u	d Water I over the e or as an used over ight certif	ribed in S Right Ho past five instream the past the	dection 1.5 of lder. Lessor years according water right of the years according to the ward of the years according to the ward of the ward of the ward of the years according to the years according to the years and years are the years a	(s) attests ng to the r ording to ter right is	(mark one) terms and c the terms are not subject	that: onditions of ad t to
2.3	Ter	m of leas					ght Informatiober 31, 201		f there is a co	nflict between
	the I	Pooled Leas	se Form an				orm will be the	official term	of the lease.))
3.1	kno com leas leas wate	wledge and plete. If e order med, for the er right me	nd belief after the nay be mo e term of nay other	the info lease or odified of the lease wise be	ormation rder is sigor termina se. It sha	contained med, any ated. The ll not be o forfeiture	ee(s) declare in this appli- information is lease only ex- construed to or e for nonuse ease.	cation is t s determinates the evercome	rue, correct ned to be fa ne water rigi any claim t	and Ise, the hts being hat the

- 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 multiveer lesse

- 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 preyent injury. Date: 3.1.13

Lessor #1:

Brian Puziss

For additional Lessors, type in space for signature and date

Other Attachments As Needed:

Exhibit 5-A:

Tax Lot Map. (See instructions.)

Exhibit 5-B:

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

part of a right is being leased instream. Exhibits 5-A and 5-B may be combined

into a single map. (See instructions.)

Exhibit 5-C:

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

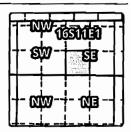
checked)

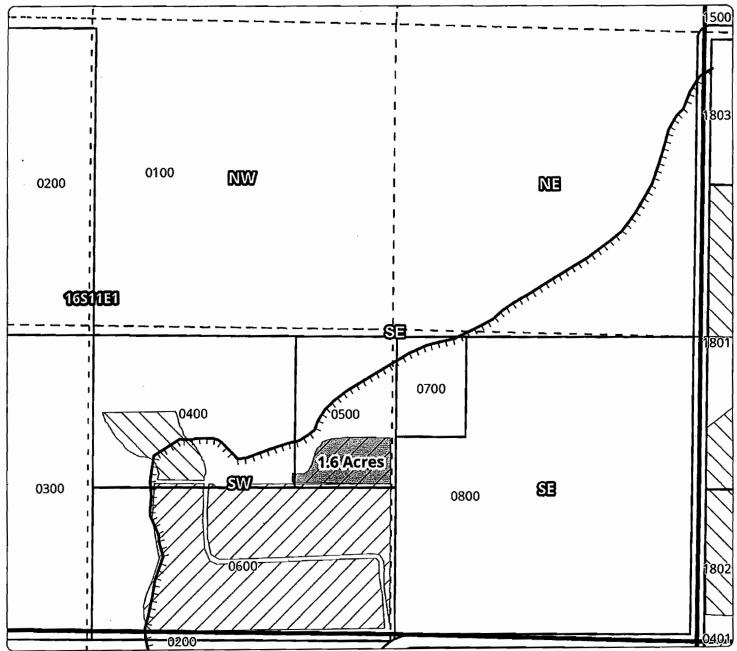
Exhibit 5-D:

Tumalo Irrigation District Application for Instream Lease

Cert #: 74146, 74147

For: Brian Puziss



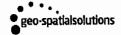




Taxlot 500, 16S11E1SWSE: 1.6 Acres OFF, 0 Acres Remaining

Point of Diversion
Canals
Taxlots
Lease
Cert 74146, 74147
Cert 76106
All Other Certs
1 inch = 400 feet

March 2013







Application for

Instream Lease

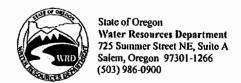
Attachment 5: Pooled Water Right Holder Form

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

Pursuant to ORS 537.348(2) and OAR 690-077 Optional Identification by Lessor/Lessee: L13.06 Lease Application Number (assigned by WRD): This Lease is with: Lessor #1 (Water Right Holder): Name Pechin Revocable Trust Mailing address 1288 Kapiolani Blvd, West 4607 City, State, Zip Code Honolulu, HI 96814 Telephone number 808.870.4121 Email address nickpechin@aol.com If additional water right holders, enter water right holder information below Note: The section numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Water Right Holder" form(s) are used to provide the same information as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always sequential. ~I~ Water Right Holder and Water Right Information 1.1 Lessor #1 is the water right holder, or authorized agent for property described in Section 1.5. If the water right appurtenant to these lands is also appurtenant to lands owned by others who are not included in this application, then Attachment 1 (tax lot map), needs to be included. 1.3 For the water right(s) being leased, list all water rights appurtenant to the same lands. Indicate if there are any supplemental or overlying rights. Certificate No(s). P: 74146, 74147 S: 74147,74148,74149,76520 Are some or all of the lands being leased part of a Conservation Reserve Enhancement 1.4 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: P: 74146 (If you need to enter another leased right, please use the Additional Water Right Form for Pooled Water Right Holder.) *Priority Previous T \mathbf{R} Sect 1/4 1/4 Tax Lot Type of Use *Page # Acres 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 11 27 00207 2.0 Im IL-491 senw 9/1/1900 2. IL-3. IL-4. IL-5. 11. Total number of acres, if for irrigation (or other acre equivalent use), by certificate and priority date: 2.0 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: Make the terms and conditions of the water has been used over the past five years according to the terms and conditions of the water right certificate or as an instream water right or The water has not been used over the past five years according to the terms and conditions of the water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)(____)(include necessary supporting documentation as Attachment 3). ~II~ Instream Water Right Information 2.3 Term of lease. This lease shall terminate on October 31, 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.



Additional Water Right Form For Pooled Water Right Holder

Instream Lease

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

~I~

Section 1.5 continued from Pooled Leasing Water Right Holder Form.

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

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

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

Certificate Number: P: 74147

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

	T	R	Sect	14 1/4	Tax Lot	Acres	Type of Use	*Page#	*Priority Date	*Previous Lease #
*(Id	*(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	11	27	senw	00207	1.50	Irr	7	10/29/1913	IL 49!
2.										IL-
3.										IL-
4.										IL-
5.										IL-
6.										IL-
7.										IL-
8										IL-
9.		-								IL-
10.										IL-

Total number of acres, if for irrigation (or other acre equivalent use), by certificate and priority date
1.50
Conditions or other limitations, if any:

- 3.2 Lease. Lessor(s) and Lessee(s) agree to lease the water rights listed in Section(s) 1.5 for instream use for the term of this lease through Lessee to the Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077.
- 3.3 Precedent. If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.
- 3.4 Suspension of original use. During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights.

3.5	Termination	provision.

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

For additional Lessors, type in space for signature and date

Other Attachments As Needed:

Exhibit 5-A:

Tax Lot Map. (See instructions.)

Exhibit 5-B:

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

Date: 07

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

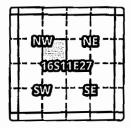
checked)

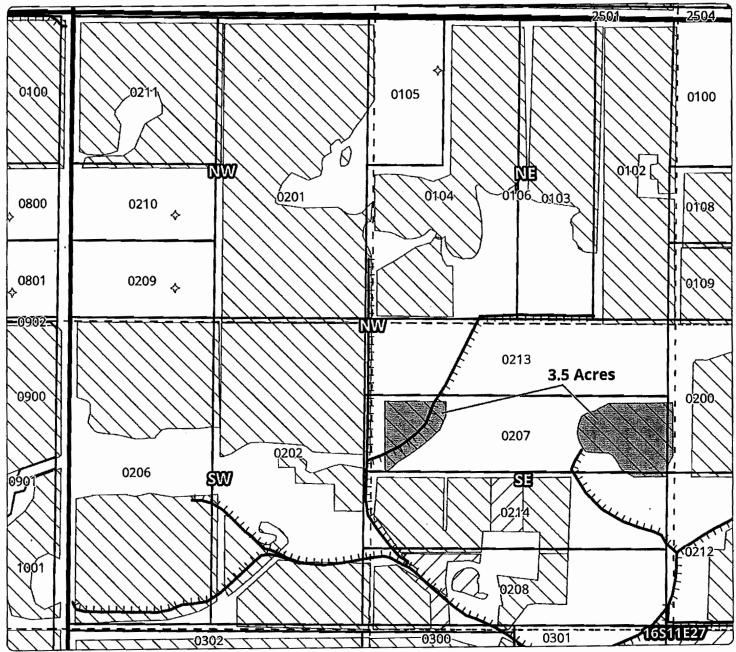
Exhibit 5-D:

Tumalo Irrigation District Application for Instream Lease

Cert #: 74146, 74147

For: Pechin Trust





1 YEAR INSTREAM LEASE MAP

Taxlot 207, 16S11E27SENW: 3.5 Acres OFF, 0 Acres Remaining

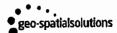
Point of Diversion
Canals
Taxlots

Lease Cert 74146, 74147

Cert 76106
All Other Certs

1 inch = 400 feet March 2013







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/OJYRD/PUBS/forms.shtml.

	Pursuant to ORS 537.348(2) and OAR 690-077
Opti	onal Identification by Lessor/Lessee: L13.07
Leas	e Application Number (assigned by WRD):
This	Lease is with:
Less	or #1 (Water Right Holder):
Nam	e Joyce Coats Rev. Trust, Eric Coats, Trustee
	ing address 63285 Skyline Ranch Road
	State, Zip Code Bend, OR 97701
Tele	phone number <u>541.480.6335</u>
Ema	il address
Note:	The section numbering associated with this form corresponds to that found on the "Standard Instream Lease cation" form. The "Pooled Lease" form and "Pooled Water Right Holder" form(s) are used to provide the same nation as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always ntial.
	~I~ Water Right Holder and Water Right Information
1.1	Lessor #1 is the water right holder, or authorized agent for property described in Section 1.5. If the water right appurtenant to these lands is also appurtenant to lands owned by others who are not included in this application, then Attachment 1 (tax lot map), needs to be included.
1.3	For the water right(s) being leased, list all water rights appurtenant to the same lands. Indicate if there are any supplemental or overlying rights.
	Certificate No(s). P:74146,76106 S: 74147,74148, 74149, 76520
1.4	Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. Yes No or other Federal program:

Pooled Water Right Holder Form / 1

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 ½ ½, tax lot number, map orientation and scale.]									
	-Ce:	rtificate l	Number:	74146			1.3 is further			
	T	R	Sect	44	Tax Lot	Acres	Type of Use	*Page#	*Priority Date	*Previous Lease#
		one on the	certificate	. If any p	ortion of th	e right pro	greater than 10 posed to be least on of a previous	d was lease	tify priority da ed previously,	te, if there is
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2.										IL-
3.										IL-
4.										IL-
5.										IL-
1.6	Conditions or other limitations, if any: 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: 1 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 1 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).									that: onditions of ad t to
			^	-II~ Ins	stream V	Vater Ri	ght Inform	ation		
2.3							tober 31, 201 form will be the			
				•	~III~ Ot	ther Info	rmation			
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.									and Ise, the hts being hat the

- 3.2 Lease. Lessor(s) and Lessee(s) agree to lease the water rights listed in Section(s) 1.5 for instream use for the term of this lease through Lessee to the Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077.
- 3.3 Precedent. If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.
- 3.4 Suspension of original use. During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights.

3.5	Termination	provision.

- For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less then 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
 - Written notice to the Department;
 - Consent by all parties to the lease; and/or
 - Written notice to the Watermaster's office.
- For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.
- 3.6 Modification to prevent injury. Allocation of water to the instream use described in Section 2.2 during the term of this lease is not reasonably expected to cause injury to other rights to use water from the same source. If injury is found after this lease is signed, the lease may be modified or terminated to prevent injury.

Lessor #1: (ruc () (rad)

Joyce Coats Rev Trust, Eric Coats, Trustee

_ Date.

For additional Lessors, type in space for signature and date

Other Attachments As Needed:

Exhibit 5-A:

Tax Lot Map. (See instructions.)

Exhibit 5-B:

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

part of a right is being leased instream. Exhibits 5-A and 5-B may be combined

into a single map. (See instructions.)

Exhibit 5-C:

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

checked)

Exhibit 5-D:



Additional Water Right Form For Pooled Water Right Holder

Instream Lease

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

~**I**~

Section 1.5 continued from Pooled Leasing Water Right Holder Form.

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

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

[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.]

()	ificate N If you ned Vater Rig	ed to en	ter anoth		d right, ple	ase use ai	nother Addi	tional Water	Right Form f	or Pooled
	Т	R	Sect	44	Tax Lot	Acres	Type of U	se *Page#	*Priority Date	*Previo Lease
		on the c	ertificate.	If any p	ortion of the	right proj	posed to be le	10 pages; ident eased was lease ous lease is op	ed previously,	

*(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										
11101	e man or							vious lease is o		rue brevious
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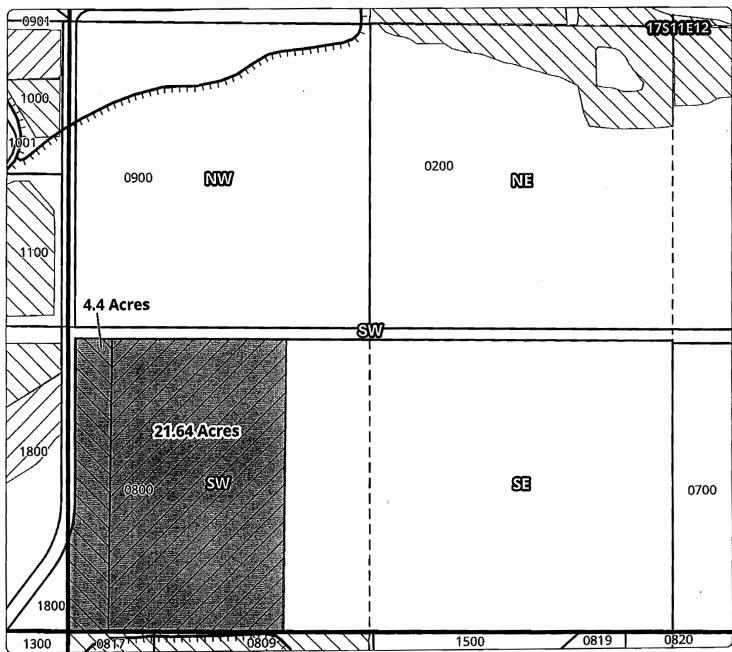
Total number of acres, if for irrigation (or other acre equivalent use), by certificate and priority dat
21.64
Conditions or other limitations, if any:

Tumalo Irrigation District Application for Instream Lease

Cert #: 74146, 76106

For: Coats Trust





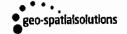
1 YEAR INSTREAM LEASE MAP

Taxlot 800, 17S11E12SWSW: 4.4 Acres OFF,

0 Acres Remaining (Cert 74146)

Taxlot 800, 17S11E12SWSW: 21.64 Acres OFF,

0 Acres Remaining (Cert 76106)



0	Point of Diversion		
ш	Canals		
	Taxlots		
	Lease		
	Cert 74146		
	Cert 76106		
7	All Other Certs		
1 inch = 400 feet			
March 2013			





Program. Yes

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: L13.08 Lease Application Number (assigned by WRD): This Lease is with: Lessor #1 (Water Right Holder): Name Bugas Family Trust Mailing address 1562 SE Elliott Avenue City, State, Zip Code Portland, OR 97214 Telephone number <u>503.234.6411</u> Email address If additional water right holders, enter water right holder information below Note: The section numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Water Right Holder" form(s) are used to provide the same information as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always sequential. ~I~ Water Right Holder and Water Right Information 1.1 Lessor #1 is the water right holder, or authorized agent for property described in Section 1.5. If the water right appurtenant to these lands is also appurtenant to lands owned by others who are not included in this application, then Attachment 1 (tax lot map), needs to be included. 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), P: 74146 S: 74147, 74148, 74149,76520 Are some or all of the lands being leased part of a Conservation Reserve Enhancement 1.4

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: P: 74146 (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 1/4 1/4 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.) 11 22 nwse 01500 Ιπ 5 9/1/1900 ILı. 16 4.0 IL-2. IL-3. 4. IL-5. IL-Total number of acres, if for irrigation (or other acre equivalent use), by certificate and priority date: 4.0 T- 7672 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 the Pooled Lease Form and this form, the Pooled Lease Form will be the official term of the lease.) ~III~ Other Information 3.1 Accuracy. The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified or terminated. The lease only exercises the water rights being leased, for the term of the lease. It shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.

- 3.2 Lease. Lessor(s) and Lessee(s) agree to lease the water rights listed in Section(s) 1.5 for instream use for the term of this lease through Lessee to the Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077.
- 3.3 Precedent. If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.
- 3.4 Suspension of original use. During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights.

3.5	Termination	provision.

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

Bugas Family Trust, Karen Bugas, Trustee

For additional Lessors, type in space for signature and date

Other Attachments As Needed:

Exhibit 5-A:

Tax Lot Map. (See instructions.)

Exhibit 5-B:

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

77, Trustoe Date: 2/20/13

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)

cne

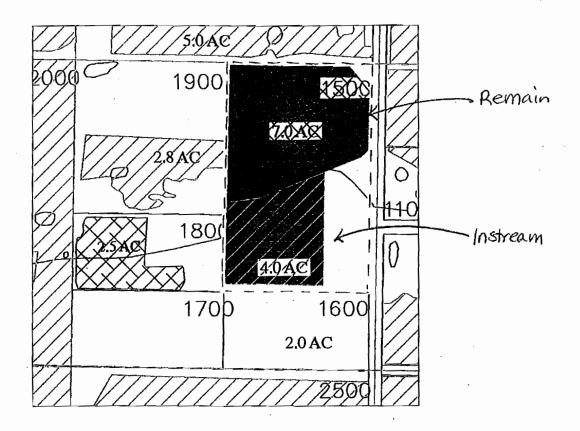
Exhibit 5-D:

EXHIBIT 5-A & B TULLALO IRRIGATION DISTICCT L09.12 IN-STREAM LEASED WATER RIGHTS SURVEY

FOR

Bugas Family Trust

65365 Tweed Rd., Bend DR 97701.













INITIAL: K

LOCATED IN THE NW 1/4 OF THE SE 1/4 OF SECTION 22, T16 S., R11 E., W.M. **TAX LOTS # 1500** DESCHUTES COUNTY, OREGON

SCALE: 1" = 400'

Prepared By: Tumalo Irrigation District, 64697 Cook Ave, Bend, Oregon 97701 541-382-3053