



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

Application for Instream Lease Pooled Lease Form

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

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

Optional Identification by Lessor/Lessee: Parks, Avion, Bend

Lease Application Number (assigned by WRD): IL-1280

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

This Lease is between:

Lessor #2: Irrigation District or Other Water Purveyor

Name Arnold Irrigation District

Mailing address 19604 Buck Canyon Rd

City, State, Zip Code Bend, OR 97702

Telephone number 541-382-7664

E-mail address** aidist@bendbroadband.com

Lessee (if different than Oregon Water Resources Department):

Name Deschutes River Conservancy

Mailing address P.O. Box 1560

City, State, Zip Code Bend, OR 97709

Telephone number 541-382-4077

E-mail address** gen@deschutesriver.org

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

Trustee:

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

~I~ Water Right Holder and Water Right Information

1.2 Lessor #2 is the (Check one):

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

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

Certificate No(s). 74197 & 76714 supp

- 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.: 74197

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

Priority date: 2/5/1905 & 4/25/1905 Type of use: IRR

Legal Season of Use: April 1-October 31

If an irrigation right, total number of acres to be leased: 13.27

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) 0.076 (2/1/1905) & 0.185 (4/25/1905) Time period: 4/1-4/30 & 10/1-10/31

Season 2 (cfs) 0.076 (2/1/1905) & 0.265 (4/25/1905) Time period: 5/1-5/15 & 9/15 - 9/30

Season 3 (cfs) 0.076 (2/1/1905) & 0.378 (4/25/1905) Time period: 5/15-9/15

Maximum duty associated with subject water rights (ac-ft): 204.62

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 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): 11.24 (2/1/1905) & 45.63 (4/25/1905) = total 56.87 AF

Instream rate in cfs (may be up to the same as the rate identified in Sec 1.5): 0.026 (2/1/1905) & 0.065 (4/25/1905) /// Season 1

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

Rate in CFS: 0.026 (2/1/1905) & 0.093 (4/25/1905) /// Season 2

Rate in CFS: 0.026 (2/1/1905) & 0.132 (4/25/1905) /// Season 3

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

- Instream use protected at the point of diversion (POD).
 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 Arnold Canal: NESW, Sect 27, T18S, R11E, WM; 2800' South and 3740' West from the NE corner of Section 27 to Lake Billy Chinook and on 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 _____ through _____.
 Other (describe): _____

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

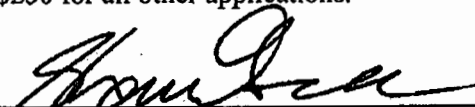
2.3 Term of lease. This lease shall terminate on October 31, 2013.

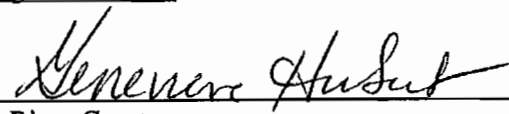
2.4 Flow protection. The Trustee will regulate use of water from the source, subject to prior appropriation and the agency enforcement guidance, to assure the water is delivered to the point of diversion, and through the reach past junior downstream users, so long as flow is sufficient to meet the demand 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 than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
- Written notice to the Department;
 - Consent by all parties to the lease; and/or
 - Written notice to the Watermaster's office.
- For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.
- 3.6 Modification to prevent injury.** Allocation of water to the instream use described in Section 2.2 during the term of this lease is not reasonably expected to cause injury to other rights to use water from the same source. If injury is found after this lease is signed, the lease may be modified or terminated to prevent injury.
- 3.7 Fees.** Pursuant to ORS 536.050, the following fee is included:
- \$400 for an application with four or more landowners or four or more water rights.
- \$250 for all other applications.

Lessor #2:  Date: 3/29/13
Arnold Irrigation District

Lessee:  Date: 3/29/13
Deschutes River Conservancy

Other Attachments as Needed:

Attachment 1: Tax Lot Map. (See instructions.)

Attachment 2: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. (See instructions.)

Attachment 3: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 is checked).

Attachment 4: Split Season Instream Use Form

Attachment 5: Pooled Lease Water Right Holder Form



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

Application for Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

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

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

This Lease is with:

Lessor #1 (Water Right Holder):

Name Avion Water Company
Mailing address 60813 Parrell Rd
City, State, Zip Code Bend, OR 97702
Telephone number 541-382-5342
Email address jason@avionwater.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). 74197

- 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: 74197

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

T	R	Sect	¼ ¼	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.	18	12	21	NESE	1101	3.00	IRRIG	16	2/1/1905 - 4/25/1905	IL-
2.	18	12	21	NW SE	300	0.45	IRRIG	16	2/1/1905 - 4/25/1905	IL-
3.										IL-
4.										IL-
5.										IL-

Total number of acres, if for irrigation (or other acre equivalent use), by certificate and priority date: 3.45

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 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.

- 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.**
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 - Written notice to the Department;
 - Consent by all parties to the lease; and/or
 - Written notice to the Watermaster's office.
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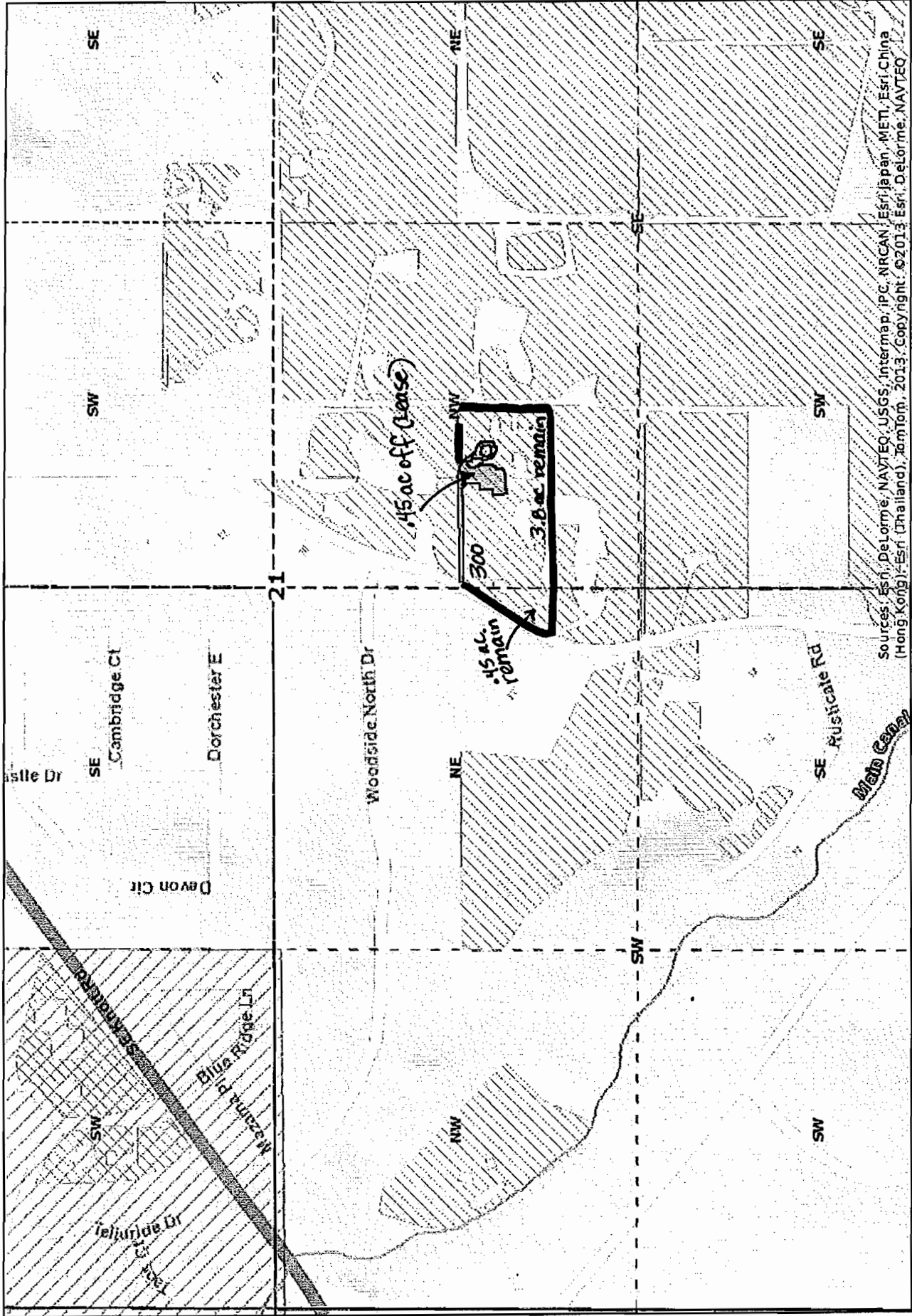
Lessor #1: Jason Wijek / Avion Water Company Date: 3/19/13

For additional Lessors, type in space for signature and date

_____ Date: _____

Other Attachments As Needed:
Exhibit S-A: Tax Lot Map. (See instructions.)

Avion-Brooks-181221-NWSE-00300 - 0.45 ac



Sources: Esri, DeLorme, NAVTEQ, USGS, Intermap, iPC, NRCAN, Esri Japan, METI, Esri, China (Hong Kong), Esri, DeLorme, NAVTEQ, TomTom, 2013, CopyRight, © 2013 Esri, DeLorme, NAVTEQ



After recording return to:
Cherie Ann Brooks Revocable Living
Trust
PO Box 1108
Bend, OR 97709

Until a change is requested all tax
statements shall be sent to the
following address:
Cherie Ann Brooks Revocable Living
Trust
PO Box 1108
Bend, OR 97709

File No.: 7061-1925722 (CS)
Date: July 18, 2012 *5315*

THIS SPACE RESERVED FOR RECORDER'S USE

Deschutes County Official Records **2012-030858**
D-D
Stn=1 BN **08/08/2012 11:57:04 AM**
\$10.00 \$11.00 \$10.00 \$16.00 \$6.00 **\$53.00**

I, Nancy Blankenship, County Clerk for Deschutes County, Oregon,
certify that the instrument identified herein was recorded in the Clerk
records.

Nancy Blankenship - County Clerk

STATUTORY WARRANTY DEED

Thomas Charles Donohoe and Carol Russell Donohoe, Trustees of The Donohoe Family Trust dated June 30, 1987, Grantor, conveys and warrants to Cherie A. Brooks, Trustee of the Cherie Ann Brooks Revocable Living Trust, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

LEGAL DESCRIPTION: Real property in the County of Deschutes, State of Oregon, described as follows:

Lot 3, Block 1, WOODSIDE RANCHETTES, Deschutes County, Oregon.

Subject to:

1. The **2012-2013** Taxes, a lien not yet payable.
2. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$910,000.00**. (Here comply with requirements of ORS 93.030)

After recording return to:
First American Title
395 SW Bluff Drive, Suite 100
Bend, OR 97702

PPMS

DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK

2013-11991



\$68.00

03/22/2013 03:50:36 PM

D-D Cnt=1 Str=7 PG

\$25.00 \$11.00 \$16.00 \$10.00 \$6.00

BARGAIN AND SALE DEED

After Recording Return to:

Juanita DeJarnett
Arnold Irrigation District
19604 Buck Canyon Rd
Bend, OR 97702

Unless a change is requested,
All tax statements shall be sent to:

No change

The true consideration for this water right transfer is \$450 and forgiveness of future annual irrigation district assessments.

Cherie A. Brooks, Trustee of the Cherie Ann Brooks Revocable Trust, Grantor, conveys to Avion Water Company, Grantee, the following described real property: (See Exhibit "A")

A total of ^{0.45} ~~0.50~~ (one-half) acres of Arnold Irrigation District water rights that are appurtenant to the following described real property to wit: Map 181221-NW¼SE¼ Tax Lot 300, located in Deschutes County, Oregon

"BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010."

(2) In all owner's sale agreements and earnest money receipts, there shall be included in the body of the instrument the following statement: "THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING

STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS THAT, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND THAT LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, IN ALL ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO VERIFY THE EXISTENCE OF FIRE PROTECTION FOR STRUCTURES AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010."

(3) In all owners' sale agreements and earnest money receipts subject to ORS 358.505, there shall be included in the body of the instrument or by addendum the following statement: "THE PROPERTY DESCRIBED IN THIS INSTRUMENT IS SUBJECT TO SPECIAL ASSESSMENT UNDER ORS 358.505."

(4) An action may not be maintained against the county recording officer for recording an instrument that does not contain the statement required in subsection (1) or (2) of this section.

(5) An action may not be maintained against any person for failure to include in the instrument the statement required in subsection (1) or (2) of this section, or for recording an instrument that does not contain the statement required in subsection (1) or (2) of this section, unless the person acquiring or agreeing to acquire fee title to the real property would not have executed or accepted the instrument but for the absence in the instrument of the statement required by subsection (1) or (2) of this section. An action may not be maintained by the person acquiring or agreeing to acquire fee title to the real property against any person other than the person transferring or contracting to transfer fee title to the real property.

(6) A transfer of death deed and an instrument revoking a transfer of death deed are not instruments subject to this section. [1983 c.718 §2; 1985 c.719 §1; 1989 c.366 §1; 1993 c.792 §40; 1995 c.5 §17; 2005 c.311 §1; 2007 c.424 §23; 2007 c.866 §7; 2009 c.892 §19; 2011 c.212 §24]

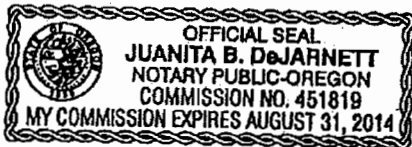
DATED this 27th day of February, 2013.

Signed this 8th day of March, 2013.

Cherie A. Brooks
Cherie A. Brooks, Trustee of the Cherie Ann Brooks
Revocable Trust, Grantor

STATE OF OREGON)
) ss:
County of Deschutes)

SIGNED before me on the 8th day of March, 2013, by Cherie A. Brooks,
Grantor.

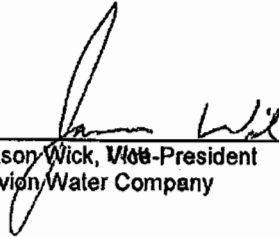


Juanita B. DeJarnett
NOTARY PUBLIC FOR OREGON
My commission expires: Aug. 31, 2014.

ACCEPTANCE

Jason Wick, Vice-President, Avion Water Company, does hereby accept the foregoing Bargain and Sale Deed conveying water rights.

DATED this 27th day of February, 2013.



Jason Wick, Vice-President
Avion Water Company

STATE OF OREGON)
) ss:
County of Deschutes)

Before me, a Notary Public, personally appeared Jason Wick, Vice-President and acknowledged the foregoing instrument on behalf of Avion Water Company, before me this 27 day of February, 2013.



NOTARY PUBLIC FOR OREGON
My commission expires: 5-11-15

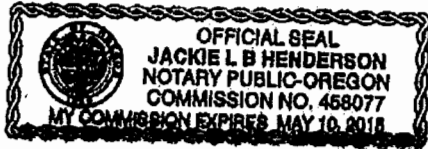
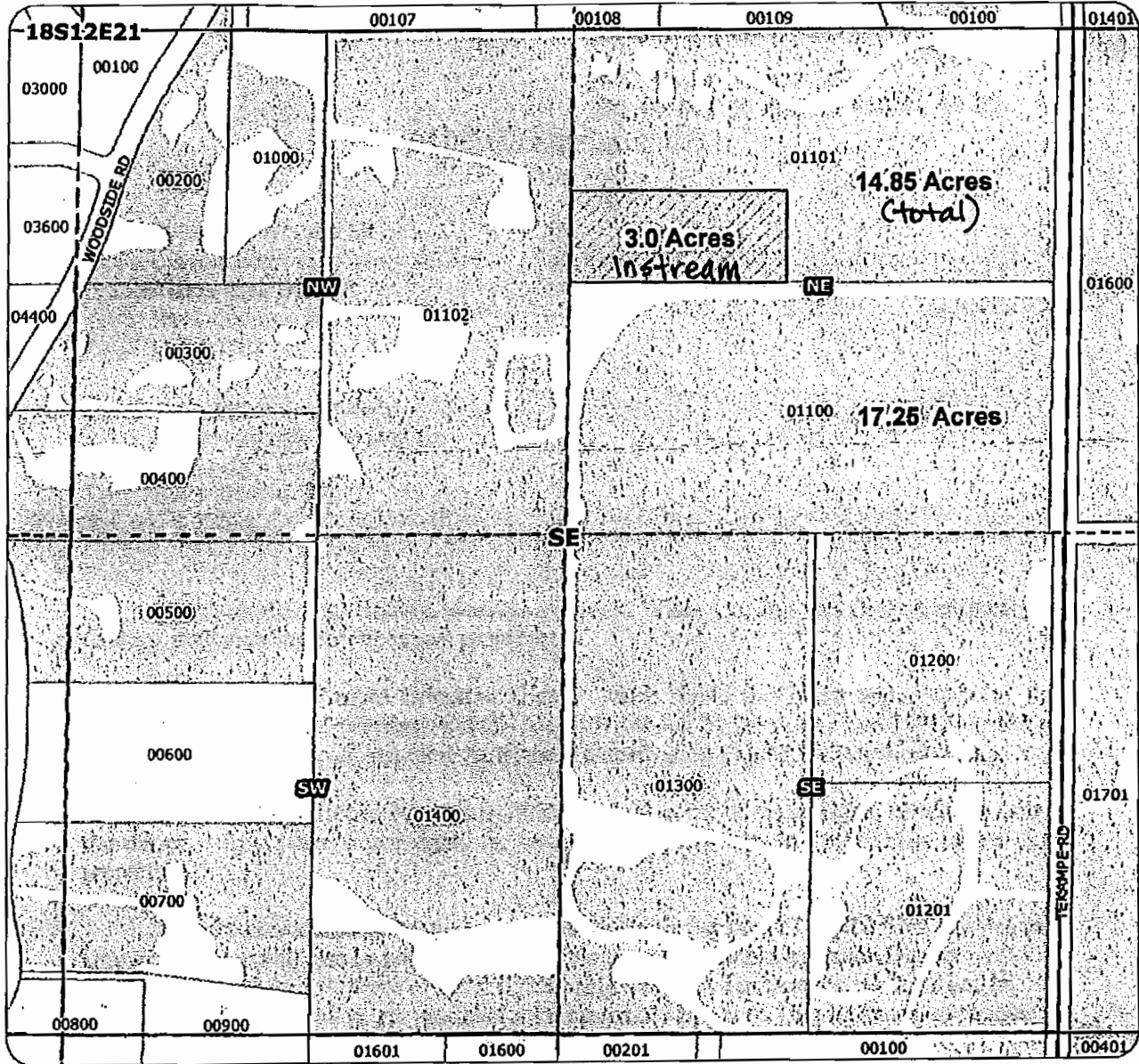




Exhibit "A"

LOT 3, BLOCK 1, WOODSIDE RANCHETTES, Deschutes County, Oregon.

2010 Arnold Irrigation District

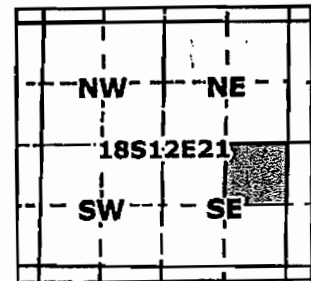


Application

-  OFF
-  Water Rights

for
 Joan Schiefelbine
 Taxlot 1101 - 3.00 OFF
 in 181221NESE
 Total Proposed Water Right
 in Taxlot 1101 - 14.85 Acres
 no change from 3111

- Cert 74197 IR





30
2

After recording return to:
Joan D. Schiefelbine
60601 Tekampe Road
Bend, OR 97702

Until a change is requested all tax statements
shall be sent to the following address:
Same as above

File No.: 7061-707653 (MSR)
Date: November 18, 2005

DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK

2005-80946



\$36.00

11/23/2005 02:50:22 PM

THIS
0-D Cntol Sines TRACY
\$10.00 \$11.00 \$10.00 \$5.00

STATUTORY BARGAIN AND SALE DEED

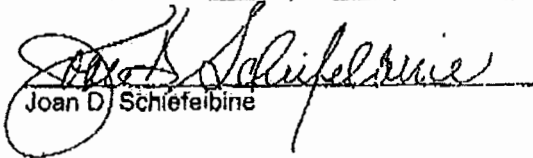
Joan D. Schiefelbine, Grantor, conveys to Joan D. Schiefelbine, Trustee of The Anderson Family Trust, dated October 22, 2001, Grantee, the following described real property:

A Parcel of land being the North Half of the Northeast Quarter of the Southeast Quarter (N1/2 NE1/4 SE1/4) of Section 21, Township 18 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is \$0.00. (Here comply with requirements of ORS 93.030)

Dated this 18th day of Nov. 20⁰⁵.


Joan D. Schiefelbine

APN: 162145

Bargain and Sale Deed
- continued

File No.: 7091-707659 (MSR)

Date: 11/18/2005

STATE OF Oregon)
)ss.
County of Deschutes)

This instrument was acknowledged before me on this 18th day of Nov, 2005
by Joan D. Schiefelbine.



K. Quinn
K. Quinn
Notary Public for Oregon
My commission expires: 07/29/08

PBMS

DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK

2010-24720



\$63.00

0073351020100247200040044

06/24/2010 03:42:08 PM

D-D Cntml Strml BN
\$20.00 \$11.00 \$16.00 \$10.00 \$6.00

BARGAIN AND SALE DEED

After Recording Return to:
Juanita DeJarnett
Arnold Irrigation District
19604 Buck Canyon Rd.
Bend, OR 97702

Unless a change is requested,
All tax statements shall be sent to:
Arnold Irrigation District
19604 Buck Canyon Rd.
Bend, OR 97702

4

Joan Schiefelbine, Grantor, conveys to Avion Water Co. Inc., an Oregon corporation, Grantee, the following described real property:

3.00 acres of Arnold Irrigation District water rights that were appurtenant to the following described real property, to-wit: Map 181221-NE ¼ SE ¼ Tax Lot 1101, located in Deschutes County, Oregon, and more particularly described on Exhibit "A" attached hereto.

Exhibits "B" attached hereto identifies the 3.00 acres of water rights which are being transferred. Any other water rights on Grantor's property remain appurtenant to her real property.

The true consideration for this water right transfer is payment of \$3,000 from Grantee to Grantor. Grantor will also be no longer responsible for future Arnold Irrigation District assessments for these 3.00 acres of water rights being transferred to Grantee. Grantee and its successors-in-interest will be responsible for future Arnold Irrigation District annual assessments for these 3.00 acres of water rights.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)). THIS INSTRUMENT DOES NOT ALLOW THE USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARM OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF

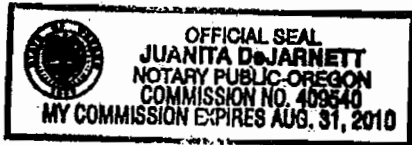
NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)).

Signed this 26th day of May 2010.

Joan Schiefelbine
JOAN SCHIEFELBINE, Grantee

STATE OF OREGON, County of Deschutes) ss:

SIGNED before me on the 26 day of May 2010, by Joan Schiefelbine, Grantor.



Juanita DeJarnett
NOTARY PUBLIC FOR OREGON
My commission expires: Aug. 31, 2010

ACCEPTANCE

Jason Wick, Executive Vice President, Avion Water Company, does hereby accept the foregoing Bargain and Sale Deed conveying water rights.

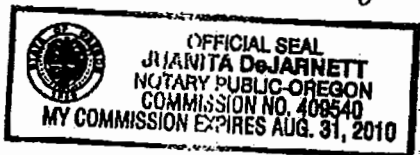
DATED this 22nd day of June 2010.

AVION WATER COMPANY

By: Jason Wick
Jason Wick, Executive Vice President

STATE OF OREGON, County of Deschutes) ss:

Before me, a Notary Public, personally appeared Jason Wick, the above name Executive Vice President, and acknowledged the foregoing instrument on behalf of Avion Water Company, before this 22nd day of June 2010.



Juanita DeJarnett
NOTARY PUBLIC FOR OREGON
My commission expires: Aug 31, 2010

Exhibit "A"

A Parcel of land being the North Half of the Northeast Quarter of the Southeast Quarter (N ½ NE ¼ SE ¼) of Section 21, Township 18 South, Range 12 East of the Willamette Meridian, County of Deschutes, State of Oregon.



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

Application for Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

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

Optional Identification by Lessor/Lessee: _____

Lease Application Number (assigned by WRD): _____

This Lease is with:

Lessor #1 (Water Right Holder):

Name City of Bend

Mailing address 575 NE 15th St

City, State, Zip Code Bend, OR 97701

Telephone number 541-419-6188

Email address pgriffiths@ci.bend.or.us

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). 74197

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: 74197

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

	I	R	Sect	¼ ¼	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.	18	12	04	SW SW	203	0.58	IRRIG	7	2/1/1905 - 4/25/1905	IL-
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: 0.58

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 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.

- 3.2 **Lease.** Lessor(s) and Lessee(s) agree to lease the water rights listed in Section(s) 1.5 for instream use for the term of this lease through Lessee to the Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077.
- 3.3 **Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.
- 3.4 **Suspension of original use.** During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights.
- 3.5 **Termination provision.**
- For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
 - Written notice to the Department;
 - Consent by all parties to the lease; and/or
 - Written notice to the Watermaster's office.
 - For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.
- 3.6 **Modification to prevent injury.** Allocation of water to the instream use described in Section 2.2 during the term of this lease is not reasonably expected to cause injury to other rights to use water from the same source. If injury is found after this lease is signed, the lease may be modified or terminated to prevent injury.

Lessor #1:  Date: 3/22/13
Patrick Griffiths, City of Bend

For additional Lessors, type in space for signature and date

_____ 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.)

Arnold Irrigation District

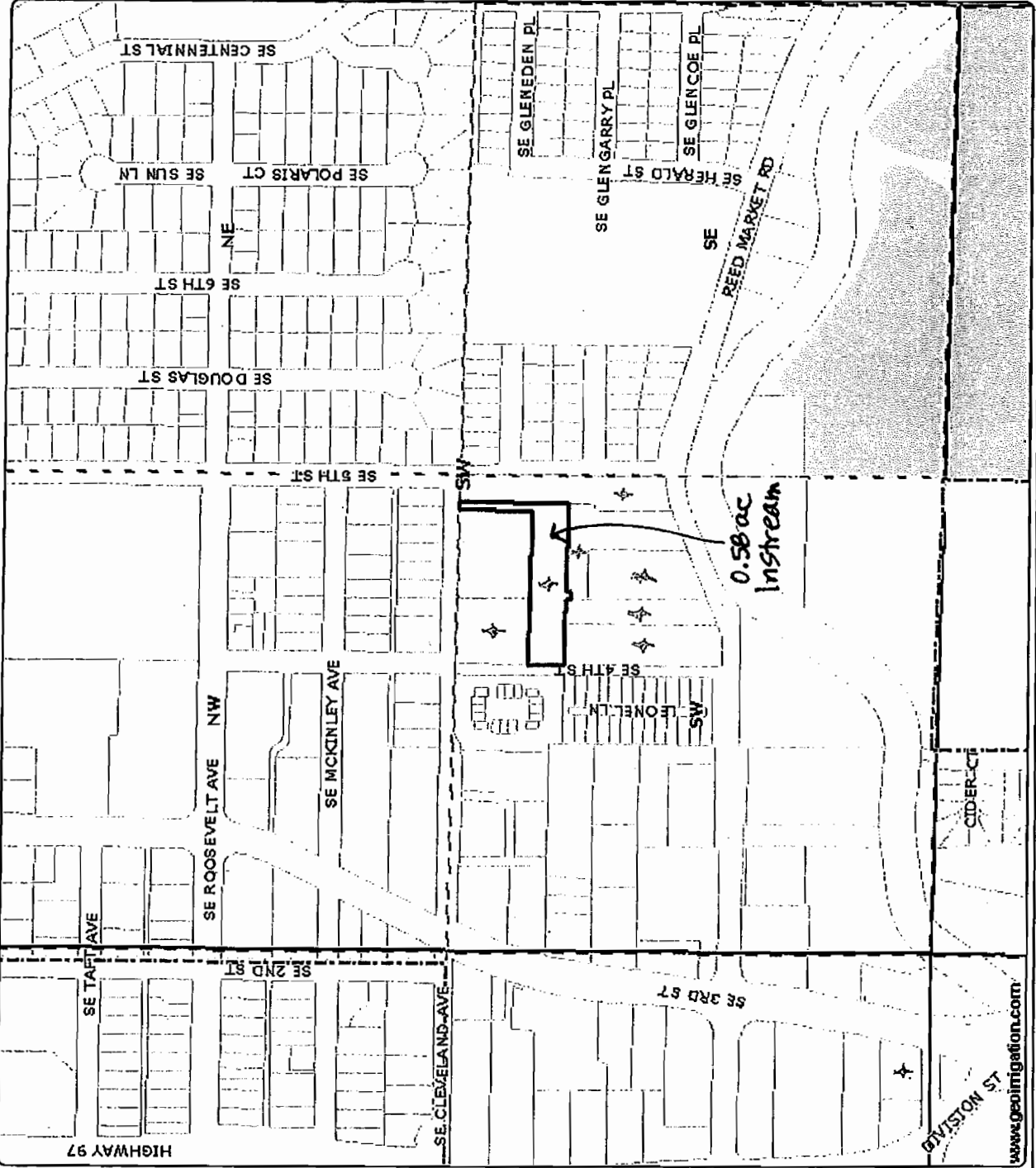
City of Bend Lease Map -
0.58 ac - 495 SE
Cleveland

181204CC00203 -
181204-SWSW-00203

- District Boundary
- County Boundary
- Road Labels
- Township Range
- Sections
- Section Labels
- Quarters
- Quarter Labels
- Quarter Quarters
- Quarter Quarter Labels
- Taxlots
- Canal All
- Canal Piped
- Canal Open
- POU District Primary Fill
- Rivers



Scale 1" = 400'
Created: 6/11/2010



DISCLAIMER: This map is intended for display purposes only and is not intended for any legal representations. There are no warranties, expressed or implied, that accompany this product.

www.dpsirrigation.com



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

Application for Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

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

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

This Lease is with:

Lessor #1 (Water Right Holder):

Name Bend Metro Parks and Recreation

Mailing address 799 SW Columbia St

City, State, Zip Code Bend, OR 97702

Telephone number 541-389-7275

Email address dave@bendparksandrec.org

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). 74197

- 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: 74197

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

T	R	Sec	¼ ¼	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.	18	11	13	NW SE	2400	2.14	IRRIG	13	2/1/1905 - 4/25/1905	IL-1224
2.	18	12	03	SW SW	5600	1.66	IRRIG	T-7653	2/1/1905 - 4/25/1905	IL-1224
3.	18	12	03	SW SW	5700	0.87	IRRIG	T-7653	2/1/1905 - 4/25/1905	IL-1224
4.	18	12	03	SW SW	5800	1.37	IRRIG	T-7653	2/1/1905 - 4/25/1905	IL-1224
5.	18	12	03	SW SW	5900	1.62	IRRIG	T-7653	2/1/1905 - 4/25/1905	IL-1224
	18	12	03	SW SW	6000	1.58	IRRIG	T-7653	2/1/1905 - 4/25/1905	IL-1224

Total number of acres, if for irrigation (or other acre equivalent use), by certificate and priority date: 9.24

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 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.)

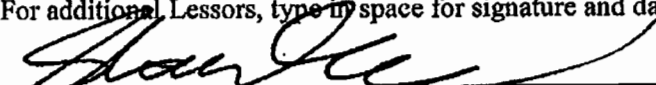
~III~ Other Information

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.

- 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.
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- Written notice to the Department;
 - Consent by all parties to the lease; and/or
 - Written notice to the Watermaster's office.
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Lessor #1:  Date: March 25, 2013
Don Horton f/ Bend Metro Parks & Recreation

For additional Lessors, type in space for signature and date
 Date: 3/26/2013
Shawn Gerdes for Arnold Irrigation District

Other Attachments As Needed:

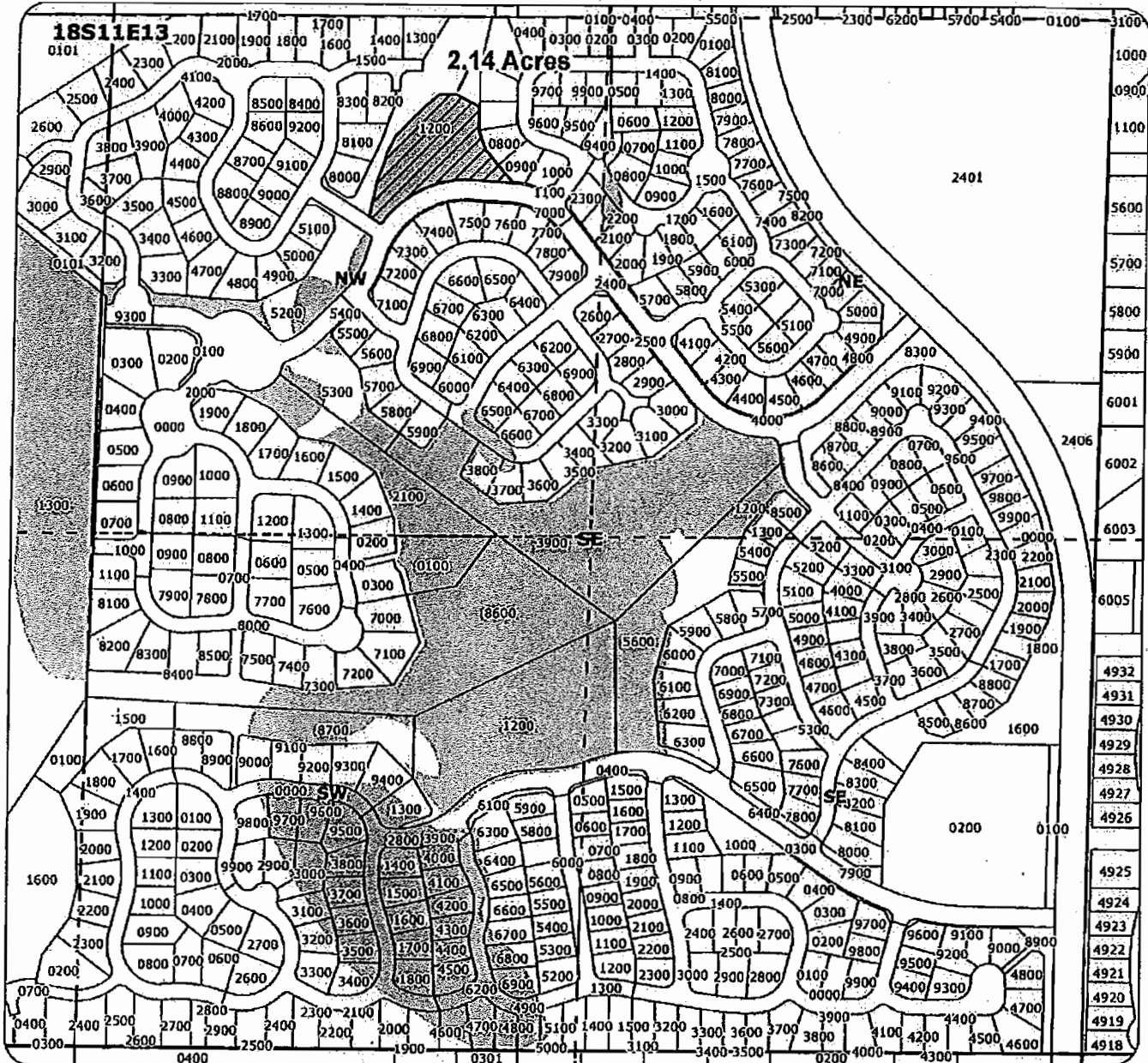
Exhibit 5-A: Tax Lot Map. (See instructions.)

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

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

Exhibit 5-D: Split Season Instream Use Form

2012 Arnold Irrigation District Instream Lease Map




Application for 1-year Instream Lease

Primary: Certificate 74197

For:

Bend Metro Parks and Recreation
 Taxlot 1200 - 2.14 Acres
 0 Acres Remaining on Taxlot 1200
 in 18S11E13NWSE
 Total Lease of 2.14 Acres

 Proposed Lease of Irrigation Rights

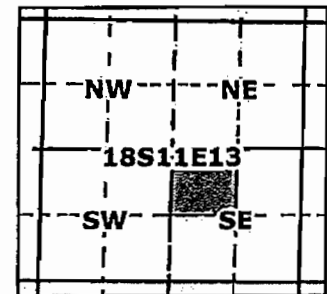
 Water Rights



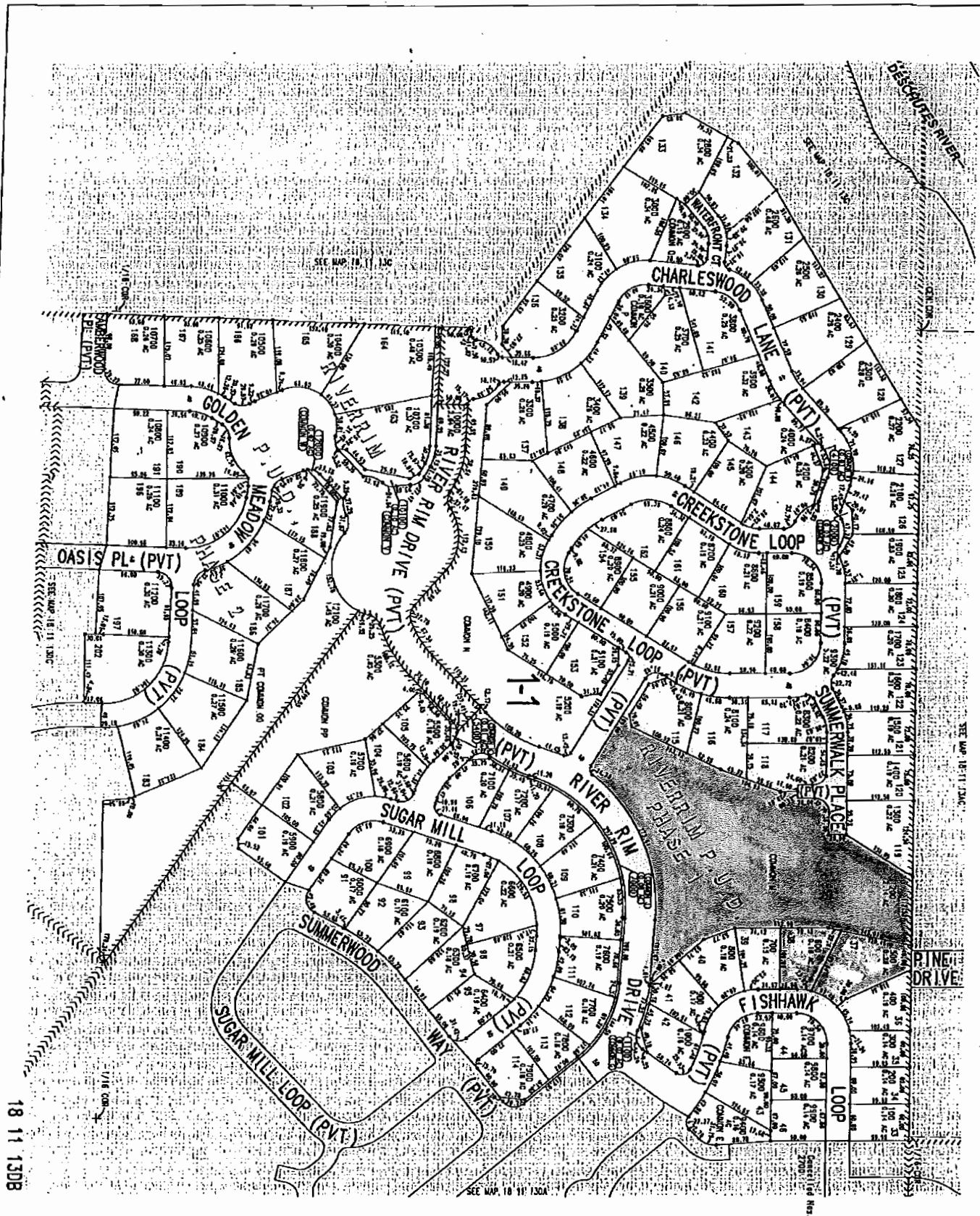
Geo-Spatial Solutions, Inc.

www.geospatialsolutions.com

Date Created: March 2012



1 inch = 400 feet



T.18S., R12E., W.M. SECTION 3

Located in S 1/2, SW 1/4, SW 1/4
TAX LOTS 18-12-8 0300, 5600, 5700, 5800, 5900, 6000, 6100

0.0

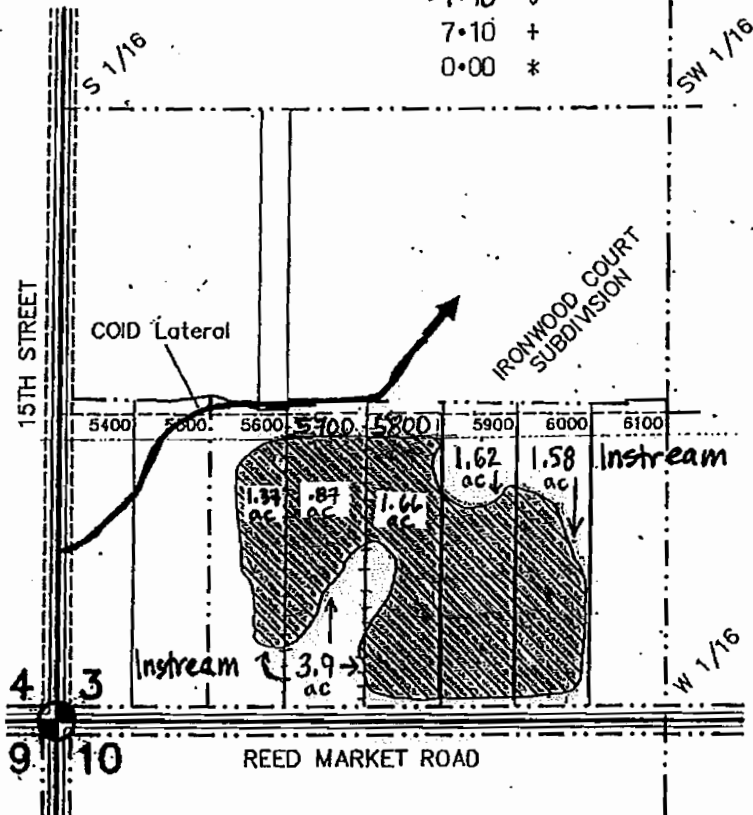
18-12-8 TL 100 4.40 NWSW

18-12-8 TL 2400 2.70 NWSW

-7.10 0

7.10 +

0.00 *



TRANSFER APPLICATION MAP UNDER

2-28-96

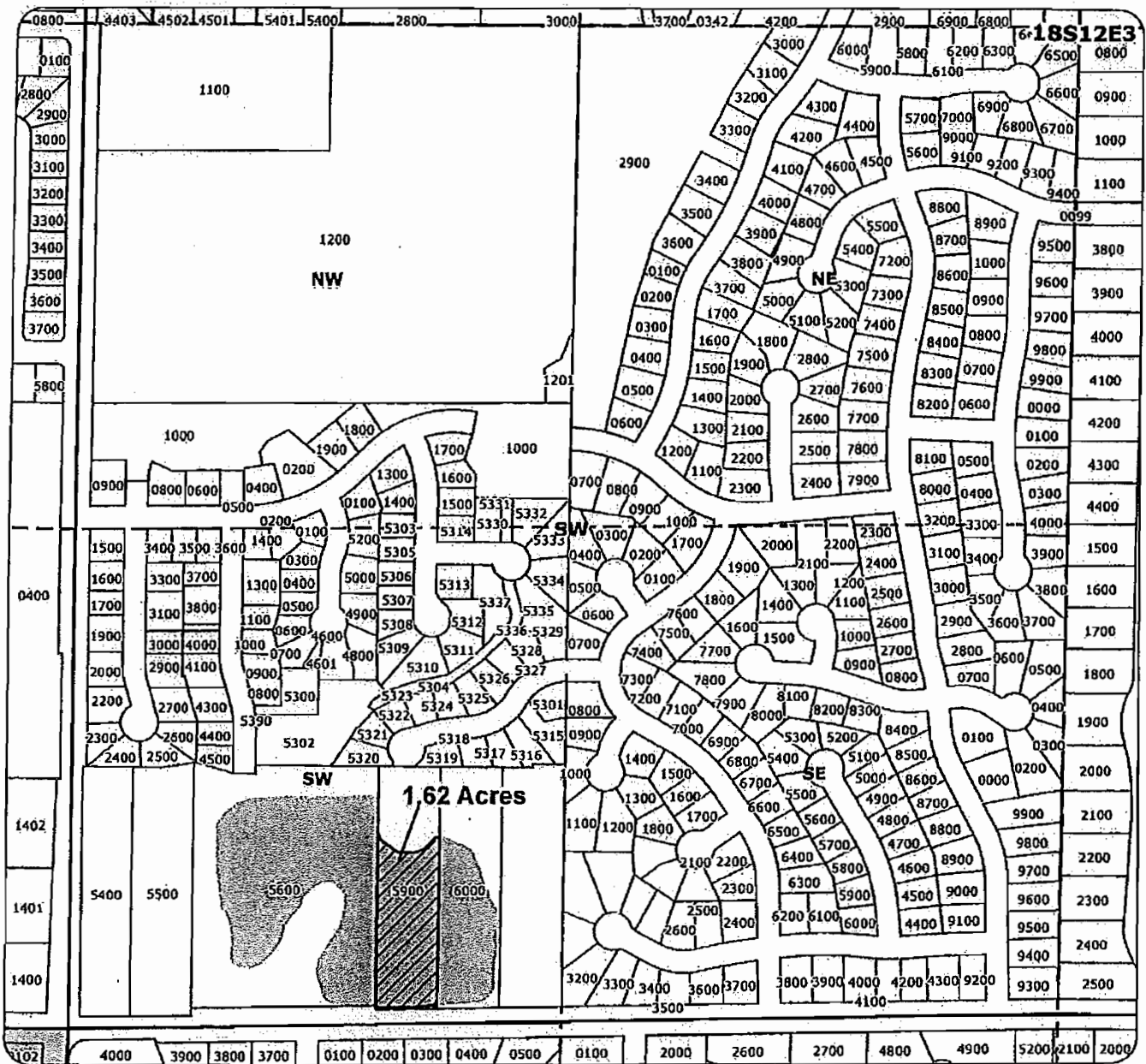
Application No. _____ Permit No. _____
 IN NAME OF

BEND METRO PARKS & RECREATION



Prepared: February 28, 1996, by: Matt Steele

This map is for the purpose of identifying the location of water right only and is not intended to provide legal dimensions or locations of property ownership lines.

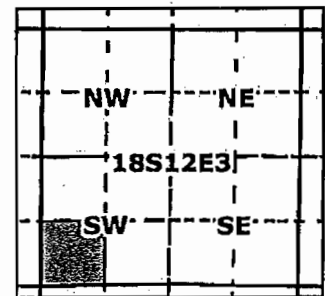
2012 Arnold Irrigation District Instream Lease Map



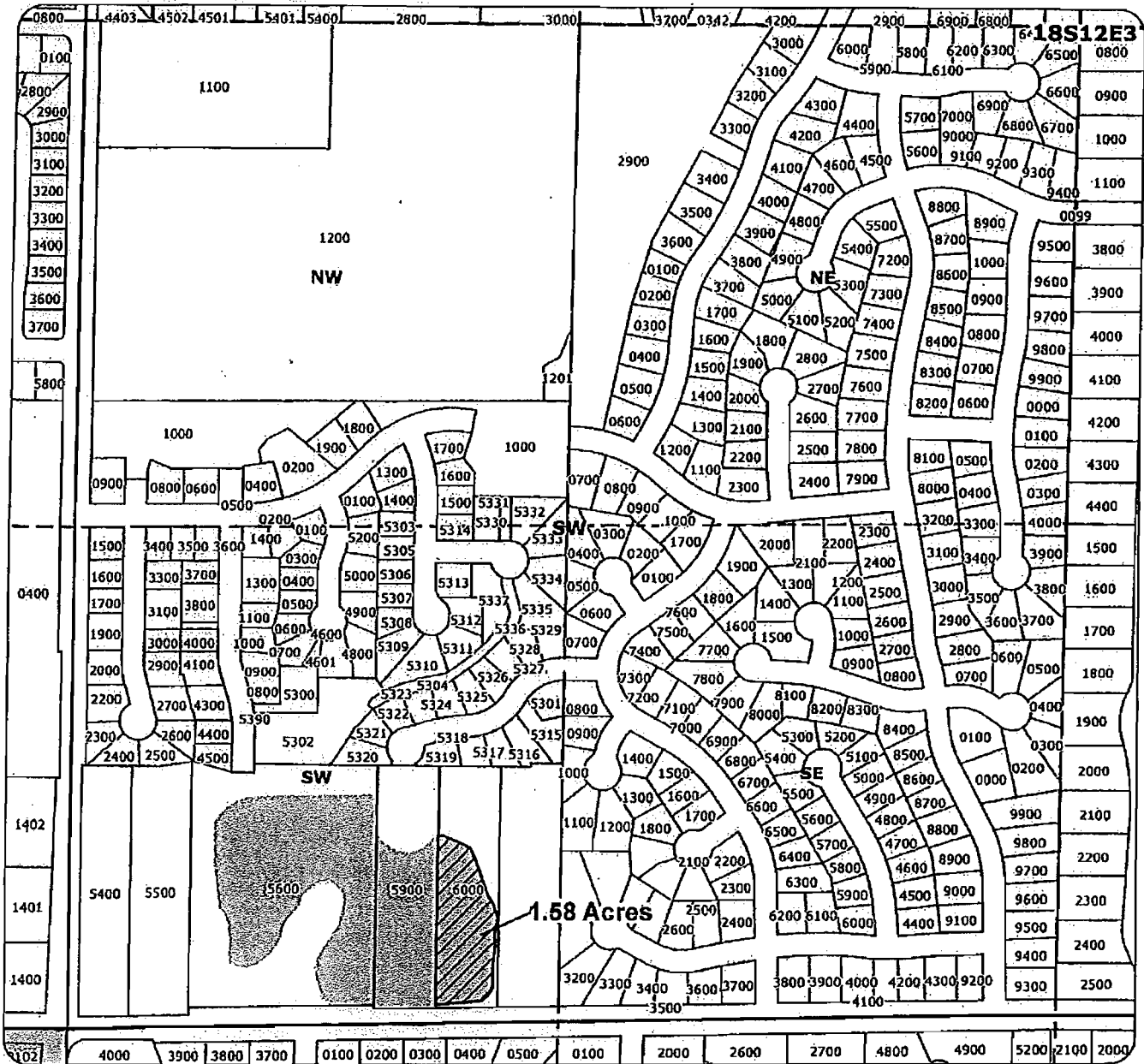
Application for 1-year Instream Lease Primary: Certificate 74197

-  Proposed Lease of Irrigation Rights
-  Water Rights



For:
 Bend Metro Parks and Recreation
 Taxlot 5900 - 1.62 Acres
 0 Acres Remaining on Taxlot 5900
 in 18S12E3SWSW
 Total Lease of Acres 1.62 Acres



2012 Arnold Irrigation District Instream Lease Map



Application for 1-year Instream Lease Primary: Certificate 74197

-  Proposed Lease of Irrigation Rights
-  Water Rights

For:
 Bend Metro Parks and Recreation
 Taxlot 6000 - 1.58 Acres
 0 Acres Remaining on Taxlot 6000
 in 18S12E3SWSW
 Total Lease of Acres 1.58 Acres

