



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

Application for District Instream Lease

Part 1 of 4 - Minimum Requirements Checklist

| | | |
|--|------------|---------|
| This Application to be used for water rights in the name of or conveyed by an Irrigation District (or similar organization) Complete Parts 1 through 4 and any required attachments | OWRD # | |
| | District # | IL-1355 |

Check all items included with this application. (N/A = Not Applicable)

Yes N/A Pooled Lease - a lease with more than one Lessor (Landowner/water right interest holder)

Fee in the amount of:

| | |
|---|--|
| <input type="checkbox"/> \$450.00 for a lease involving four or more landowners or four or more water rights | Or <input checked="" type="checkbox"/> \$300.00 for all other leases |
| <input type="checkbox"/> Check enclosed or | |
| <input checked="" type="checkbox"/> Fee Charged to customer account <u>Deschutes River Conservancy</u> (Account name) | |

Part 1 -

Completed Minimum Requirements Checklist

Part 2 - Completed District and Other Party Signature Page

Part 3 - Completed Place of Use and Lessor Signature Page
(Include a separate Part 3 for each Lessor.)

Part 4 - Completed Water Right and Instream Use Information
(Include a separate Part 4 for each Water Right.)

How many Water Rights are included in the lease application? 1 (# of rights)

List each water right to be leased instream here: 74197

Yes N/A Other water rights, if any, appurtenant to the lands involved in the lease application and not proposed to be leased instream.

List those other water rights here: 76714 Supplemental

Yes No Conservation Reserve Enhancement Program CREP - Are some or all of the lands to be leased part of CREP or another Federal program (list here:)?

Required Attachments:

Yes N/A Instream lease application map(s). More than one QQ and property may be included on each map. A map is not required if an entire right is being leased or if the right is for use of municipal or quasi-municipal water use. The map should include the following:

- A north arrow and map scale (no smaller than 1" = 1320').
- Label township, range, section and quarter-quarter (QQ).
- If an irrigation right, the numbers of acres to be leased in each quarter-quarter identify and hachure/shade to differentiate between the acreage being leased and any remaining. If the place of use has more than one priority date, source stream, and/or point of diversion you must identify each with separate hachuring or shading and label.
- Tax lot lines and numbers must be included on the map and should clearly identify the property(s) involved.

Yes N/A If the Lessor(s) is not the deeded land owner, include one of the following:

- A notarized statement from the land owner consenting to the lease and a copy of the recorded deed; or
- A water right conveyance agreement and a copy of the recorded deed for the landowner at the time the water right was conveyed; or
- Other documentation.

Yes N/A If the right has not been used in the last five years; provide supporting documentation indicating why a right (or portion thereof) is not subject to forfeiture.

Part 2 of 4 - District and other party Signature

| | |
|--|--|
| Term of the Lease: The lease is requested to begin in: month <u>April</u> year <u>2014</u> and end: month <u>October</u> year <u>2014</u> . | |
| Public use: Check the public use(s) this lease will serve (as defined by ORS 537.332): <input checked="" type="checkbox"/> Conservation, maintenance and enhancement of aquatio, fish and wildlife, fish and wildlife habitat and any other ecological values. <input checked="" type="checkbox"/> Recreation <input checked="" type="checkbox"/> Pollution abatement <input type="checkbox"/> Navigation | Termination provision (for multiyear leases): The parties to the lease request (choose one): <input type="checkbox"/> a. The option of terminating the lease prior to expiration of the full term with written notice to the Department by the Lessor(s) and/or Lessee. <input type="checkbox"/> b. The option of terminating the lease prior to expiration of the full term, with consent by all parties to the lease. <input checked="" type="checkbox"/> c. The parties would not like to include a Termination Provision. (See instructions for limitations to this provision) |
| Additive/Replacing Relationship to other instream water rights: Instream leases are generally additive to other existing instream water rights created as a result of instream leases and transfers and/or allocations of conserved water. Since instream leases are also generally senior to other instream rights created through a state agency process or conversion of minimum flows, they generally replace a portion of these junior instream rights. If you would like this lease to relate to other instream water rights differently than described above, please check this box. <input type="checkbox"/> And attach an explanation of your intent. | |
| Precedent: If a right which has been leased is later proposed to be leased again or later transferred or become part of an allocation of conserved water project, a new injury review shall be required. An instream lease shall not set a precedent on a future transaction. | |
| Validity of the rights to be leased: <input checked="" type="checkbox"/> The water right(s) to be leased have been used under the terms and conditions of the right(s) during the last five years or have been leased instream; or <input type="checkbox"/> The water right(s) have not been used for the last five years according to the terms and conditions of the rights. However, the water right(s) is not subject to forfeiture under ORS 540.610(2). Documentation describing why the water right is not subject to forfeiture has been provided. | |

SIGNATURES

The undersigned declare that the information contained in this application is true and accurate.


 Signature of Co-Lessor

Date: 3/14/14

Printed name (and title): Shawn Gerdes

Business/Organization name: Arnold Irrigation District
 Mailing Address (with state and zip): 19604 Buck Canyon Rd., Bend, OR 97702
 Phone number (include area code): 541-382-7664 **E-mail address: aidist@bendbroadband.com

 Signature of Co-Lessor

Date: _____

Printed name (and title): _____
 Business/organization name: _____
 Mailing Address (with state and zip): _____
 Phone number (include area code): _____ **E-mail address: _____

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See next page for additional signatures.

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Lindsay Lombard
Signature of Lessor

Date: 3/25/2014

Printed name (and title): Lindsay Lombard, Acting Executive Director

Business name, if applicable: Bend Metro Parks and Recreation District

Mailing Address (with state and zip): 799 SW Columbia St., Bend, OR 97702

Phone number (include area code): 541-389-1275 **E-mail address: dave@bendparkandrec.org

Signature of Lessor Date: _____

Printed name (and title): _____

Business name, if applicable: _____

Mailing Address (with state and zip): _____

Phone number (include area code): _____ **E-mail address: _____

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Genevieve Hubert

Signature of Lessee

Date: 3/25/2014

Printed name (and title): Genevieve Hubert, Program Mgr

Business/organization name: Deschutes River Conservancy

Mailing Address (with state and zip): PO Box 1560, Bend, OR 97709

Phone number (include area code): 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 TO THE LESSOR**

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Part 3 of 4 – Place of Use – Lessor Information and Signatures

**Complete Table 1. Identify water right(s) proposed to be leased in stream.
Provide a separate Part 3 for each Lessor (water right interest holder/landowner).**

Table 1

Irrigation District or other Water Purveyor Name: Arnold Irrigation District.

Specify Water Right, Priority, Date, point of diversion(s) (POD), place of use, and (if not Gov. Bill/DLC) acres to be leased, original use type, certificate page number, and any previous lease.

If there is not enough room below, you may add rows (see instructions) or create a spreadsheet table (mirroring Table 1) and attach.

Any attached table should include reference to this Lessor.

| Water Right | Priority/Date | POD | Acres | Div | Right | Sec | Twp | | R-# | Acres | Gov. Bill/DLC # | Acres | Use | Pages | Previous Lease |
|-------------|----------------------|-----|-------|-----|-------|-----|-----|----|-----|-------|-----------------|-------|-------|--------|----------------|
| 74197 | 2/5/1905 & 4/25/1905 | 6 | 18 | S | 11 | E | 13 | NW | SE | 2400 | | 2.14 | IRRIG | 2 | IL-1280 |
| 74197 | 2/5/1905 & 4/25/1905 | 6 | 18 | S | 11 | E | 13 | SW | SE | 2400 | | 6.95 | IRRIG | 2 | IL-983 |
| 74197 | 2/5/1905 & 4/25/1905 | 1 | 18 | S | 12 | E | 03 | SW | SW | 5600 | | 1.66 | IRRIG | T-7653 | IL-1280 |
| 74197 | 2/5/1905 & 4/25/1905 | 1 | 18 | S | 12 | E | 03 | SW | SW | 5700 | | 0.87 | IRRIG | T-7653 | IL-1280 |
| 74197 | 2/5/1905 & 4/25/1905 | 1 | 18 | S | 12 | E | 03 | SW | SW | 5800 | | 1.37 | IRRIG | T-7653 | IL-1280 |
| 74197 | 2/5/1905 & 4/25/1905 | 1 | 18 | S | 12 | E | 03 | SW | SW | 5900 | | 1.62 | IRRIG | T-7653 | IL-1280 |
| 74197 | 2/5/1905 & 4/25/1905 | 1 | 18 | S | 12 | E | 03 | SW | SW | 6000 | | 1.58 | IRRIG | T-7653 | IL-1280 |

Any additional information about the right: 16.19 total acres IRR

Farm Deferral Tax Status: Counties make the determination of whether a property qualifies for the farm use assessment without consideration of whether the lands have an associated water right which is leased in stream. If you have questions regarding the farm use assessment you should contact your local county assessor. You should contact your County for any weed ordinance and management requirements.

The undersigned declare:

1. I/We agree during the term of this lease to suspend use of water allowed under the water right(s) involved in the lease as well as any other appurtenant primary or supplemental water right(s); and
2. I/We certify are the lessor(s) (water right interest holder) of the water right(s) in Table 1. If not the deeded land owner, I/we have obtained consent from the deeded land owner and/or have provided documentation of authorization to pursue the in stream lease; and
3. I/We affirm that the information in this application is true and accurate.

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Part 4 of 4—Water Right and Instream Use Information

Use a separate Part 4 for each water right to be leased instream.

Table 2

Use Table 2 to illustrate the totals for the water right proposed to be leased instream (based on Part 3 of 4) Water Right #74197

Total rate and volume by priority date, POD, use and acreage as appropriate considering the right to be leased. If not enough room below, you may add rows (see instructions) or create a spreadsheet (matching Table 2 and clearly labeled) and attach. (cfs = cubic feet per second and af = acre feet)

| Priority Date | POD # | Use | Acres | Other Information (such as conditions/limitations on the right) | Rate (cfs) | Volume (af) |
|---------------|-------|-------|-------|---|-------------------|-------------|
| 2/1/1905 | 1 | IRRIG | 7.10 | Season 1-3 (Ap 1-Oct 31) | 0.040 | 109.48 |
| 4/25/1905 | 1 | IRRIG | " | Season 1 / Season 2 / Season 3 | 0.099/0.142/0.202 | |
| 2/1/1905 | 6 | IRRIG | 9.09 | Season 1-3 (Ap 1-Oct 31) | 0.052 | 140.17 |
| 4/25/1905 | 6 | IRRIG | " | Season 1 / Season 2 / Season 3 | 0.126/0.181/0.259 | |

Total af from storage, if applicable: AF or N/A

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:

Table 3

Instream Use created by the lease: River Basin: Deschutes River/Stream Name: Deschutes, tributary to Columbia

Proposed Instream Reach:

A reach typically begins at the POD and ends at the mouth of the source stream: From the POD 1 & 6 to the Mouth of the Deschutes

Or Proposed Instream Point:

Instream use protected at the POD

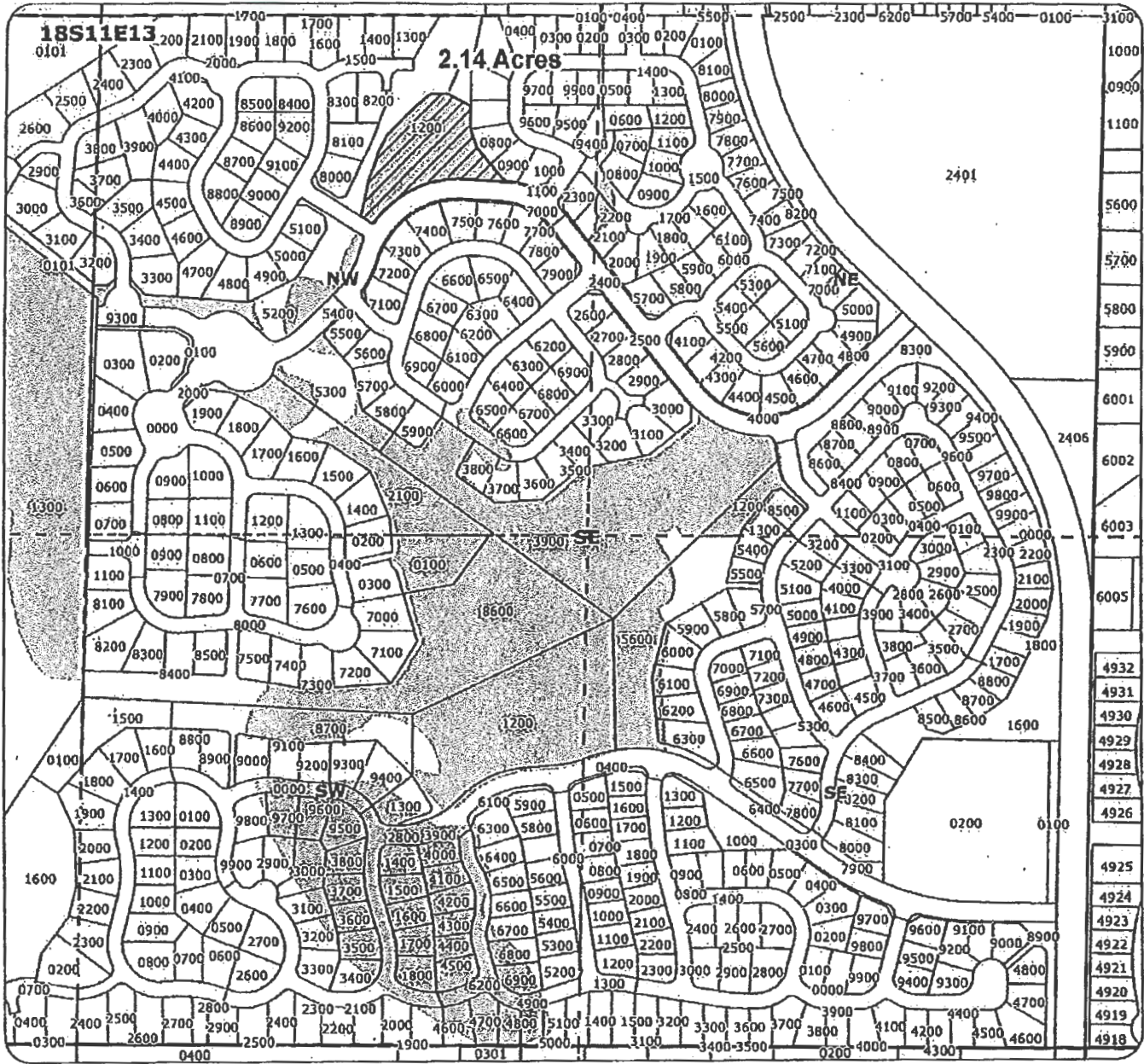
OR Please check this box if you are not sure of the proposed reach and want water to be protected within a reach below the POD, if possible. If no reach is identified or the above box is not checked, and there is only one POD listed on the water right, the lease may be processed to be protected at the POD.)

Instream Period: To illustrate the maximum rate/volume for the reach identified in Table 2, use Table 3 to show the maximum rate/volume and instream period by priority date, POD, use and acreage as appropriate. If not enough room below, volume/rate/cfs (see instructions) or create a spreadsheet (clearly labeled and matching the below format, Table 3) and attach.



| Priority date | POD # | Use | Acres | Proposed Instream Period | Instream Rate (cfs) | Total instream volume (af) |
|---------------|-------|-----|-------|--------------------------------|---------------------|----------------------------|
| 2/1/1905 | 1 | IRR | 7.10 | Season 1-3 (Ap 1 - Oct 31) | 0.014 | 30.43 |
| 4/25/1905 | 1 | IRR | " | Season 1 / Season 2 / Season 3 | 0.035/0.050/0.071 | |
| 2/1/1905 | 6 | IRR | 9.09 | Season 1-3 (Ap 1 - Oct 31) | 0.018 | 28.96 |
| 4/25/1905 | 6 | IRR | " | Season 1 / Season 2 / Season 3 | 0.044/0.063/0.091 | |

OR Please check this box if you are not sure of the proposed rate, volume and instream period. As part of its review process, the Department will identify the appropriate instream rate, volume and period considering the water right(s) being leased and instream benefits.

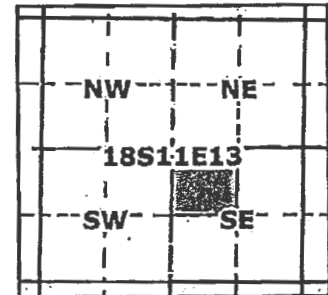
2012 Arnold Irrigation District Instream Lease Map



Application for 1-year Instream Lease Primary: Certificate 74197

-  Proposed Lease of Irrigation Rights
-  Water Rights

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



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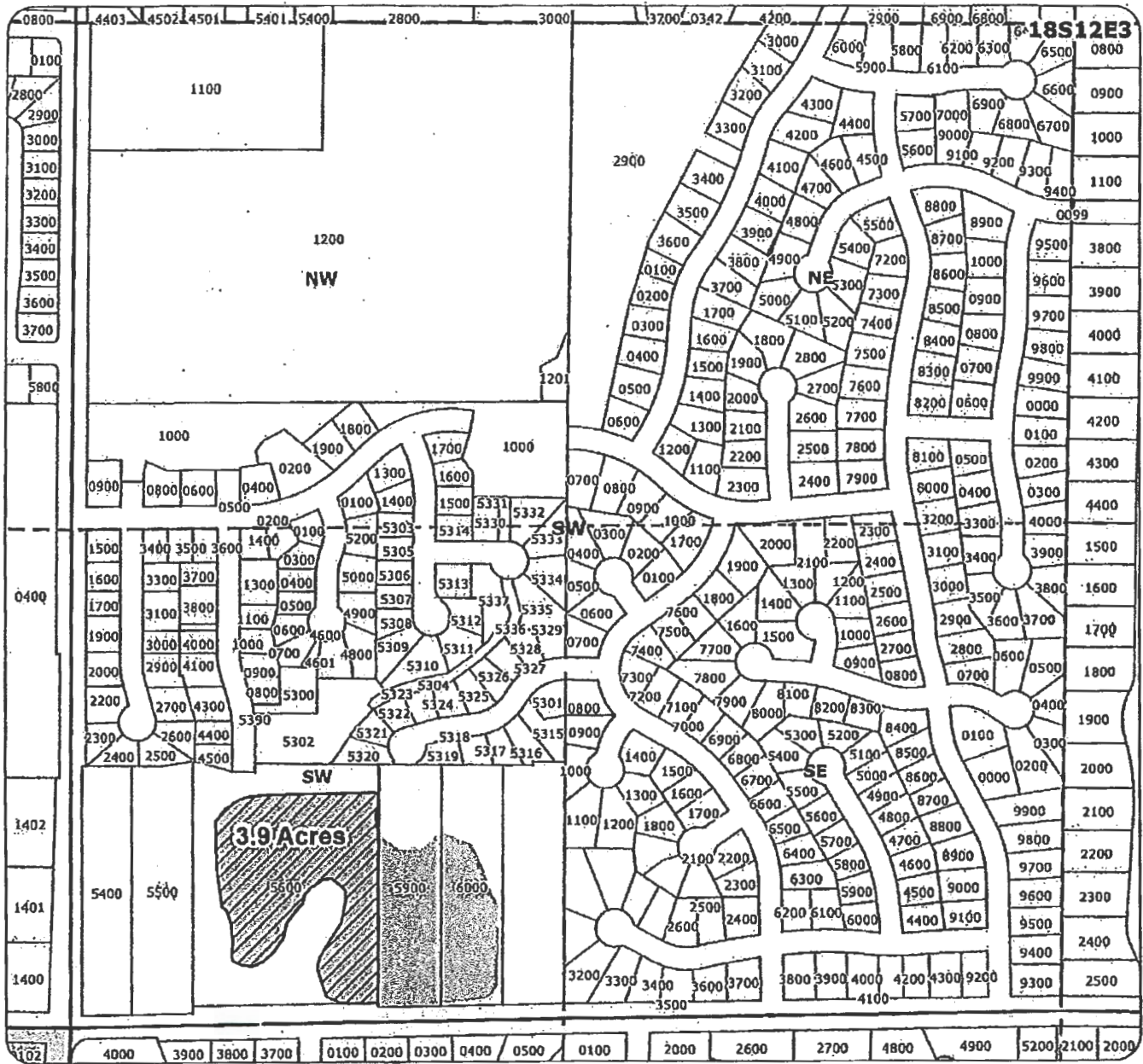
Date Created: March 2012 MAR 25 2014

1 inch = 400 feet



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| | |
|---|--|
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A | Conditions to avoid enlargement or injury to other water rights, if any, or other limitations: list here _____ |
| Note: The Department may identify additional conditions to prevent injury and/or enlargement. | |
| Any additional information about the proposed instream use: _____ | |

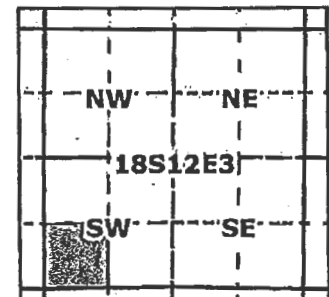
2014 Arnold Irrigation District Instream Lease Map



Application for 1-year Instream Lease Primary: Certificate 74197

-  Proposed Lease of Irrigation Rights
-  Water Rights

For:
 Bend Metro Parks and Recreation
 Taxlot 5600 - 3.9 Acres
 0 Acres Remaining on Taxlot 5600
 in 18S12E3SWSW
 Total Lease of Acres 3.9 Acres



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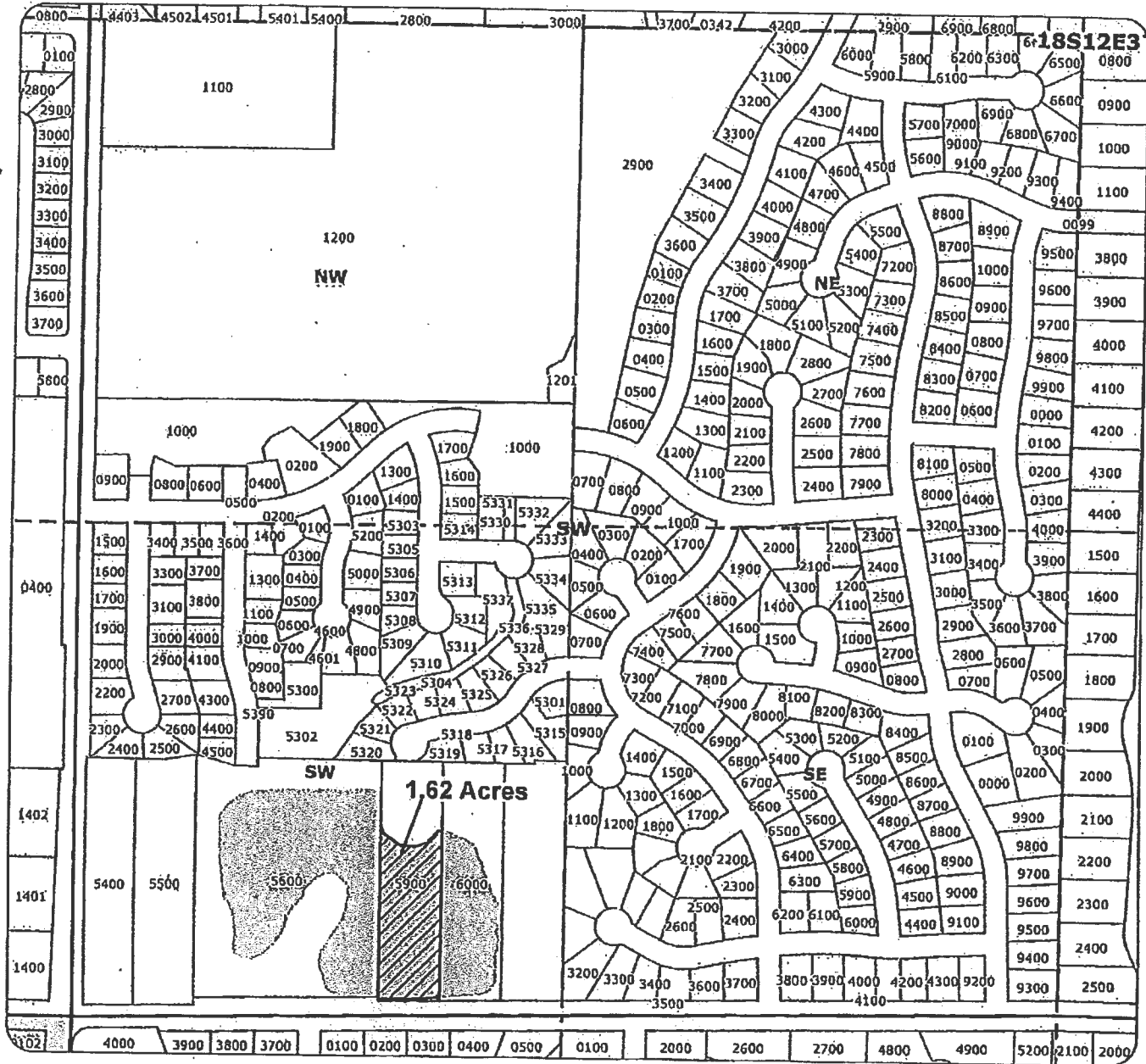
Date Created: March 2012

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↑ N
 1 inch = 400 feet

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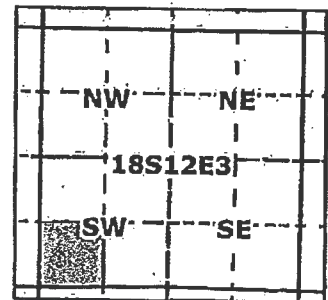
2014 Arnold Irrigation District Instream Lease Map



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




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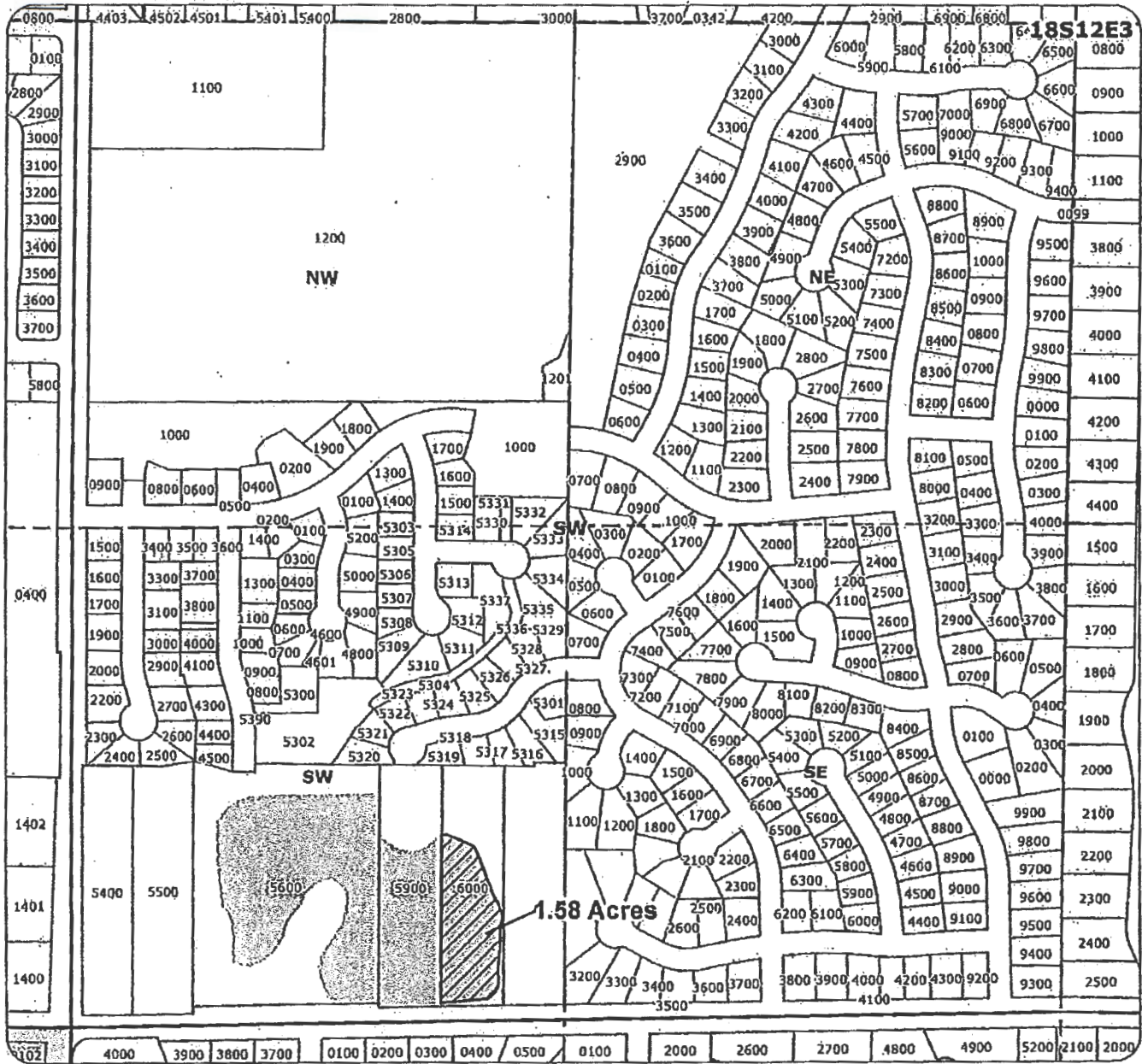
Date Created: March 2012

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1 inch = 400 feet

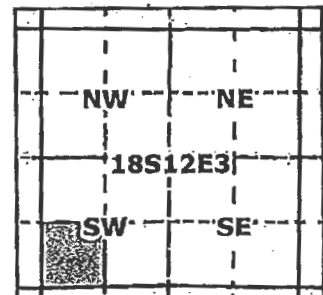
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2014 Arnold Irrigation District Instream Lease Map



Application for 1-year Instream Lease Primary: Certificate 74197

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



-  Proposed Lease of Irrigation Rights
-  Water Rights



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Date Created: March 2012

MAR 25 2014 1 Inch = 400 feet

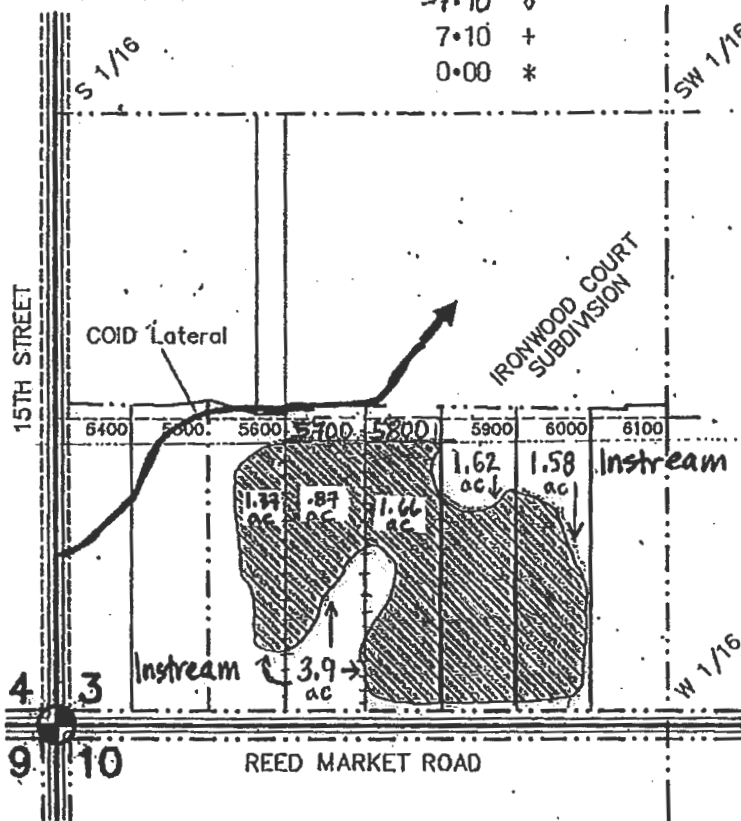
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T.18S., R12E., W.M. SECTION 3

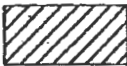
Located in S 1/2, SW 1/4 SW 1/4
TAX LOTS 18-12-8 0300, 5600, 5700, 5800, 5900, 6000, 6100


0. c

18-12-8 7L 100 4.40 NWSW
18-12-8 7L 2100 2.70 NWSW
-7.10 0
7.10 +
0.00 *



SCALE: 1" = 400'

 Existing Right
0.0 Acres

 Instream Lease
7.10 Acres
Total



TRANSFER APPLICATION MAP UNDER

2-28-96

Application No. _____ Permit No. _____

IN NAME OF

BEND METRO PARKS & RECREATION

Prepared: February 28, 1996, by: Matthew Steele

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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.

WATER RIGHTS TRANSFER MAP OFF - ARNOLD IRRIGATION DISTRICT

LOCATED IN SECTION 13, T18S, R11E, W1M,
CITY OF BEND, DESCHUTES COUNTY, OREGON
FOR: NNP-RIVERRIM LLC.

PREPARED BY:

HWA SURVEYORS, ENGINEERS & PLANNERS

HICKMAN, WILLIAMS & ASSOCIATES, INC.
805 SW INDUSTRIAL WAY, SUITE 10, BEND, OR 97702-1023
PHONE (541) 389-8331 FAX (541) 389-5418

WATER TRANSFERRED OFF:

| | |
|---------------|-----------------|
| NE SW TL-1300 | 0.23 AC |
| NW SE TL-2402 | 6.39 AC |
| NW SE TL-2402 | 8.95 AC |
| SW SE TL-2402 | 2.61 AC |
| SE SE TL-2402 | 21.27 AC |
| NE SE TL-2402 | 7.96 AC |
| TOTAL: | 47.41 AC |

WATER TO REMAIN:

| | |
|---------------|-----------------|
| NE SW TL-1300 | 6.32 AC |
| NW SE TL-2402 | 2.51 AC |
| NW SE TL-2402 | 1.15 AC |
| NW SE TL-2402 | 3.71 AC |
| NW SE TL-2402 | 0.05 AC (POND) |
| SW SE TL-2402 | 6.95 AC |
| SW SE TL-2402 | 10.34 AC |
| SE SE TL-2402 | 3.23 AC |
| NE SE TL-2402 | 2.65 AC |
| TOTAL: | 36.91 AC |

LEGEND:

--- DENOTES TAX LOT LINE



DENOTES WATER TO REMAIN



DENOTES WATER TO BE TRANSFERRED OFF



Lease Instream

THE PREPARATION OF THIS MAP IS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHT ONLY AND HAS NO INTENT TO PROVIDE DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.



1" = 400'

"Exhibit A"

14 13
23 24

18 18
24 19

020805\WTR-RTS-UP-TM-LAYOUT3

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The true and actual consideration for this conveyance is pursuant to an IRC 1031 exchange on behalf of Grantor and/or Grantee.
Dated this 27th day of July, 2001.

[Signature]
STEPHEN E. THOMPSON, JR.

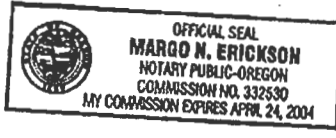
[Signature]
HELEN MALARKEY THOMPSON / TRUSTEE

State of Oregon
County of Deschutes

This instrument was acknowledged before me on 7/30/01 by
STEPHEN E. THOMPSON, JR. and HELEN MALARKEY THOMPSON, TRUSTEE OF THE HELEN MALARKEY THOMPSON TRUST.

[Signature]
(Notary Public for Oregon)

My commission expires 4.24.04



State of Oregon
County of Deschutes July 27, 2001

Personally appeared the above named Stephen E. Thompson, Jr. and acknowledged the foregoing instrument to be his voluntary act and deed.

WITNESS My hand and official seal.

[Signature]
Notary Public for Oregon
My Commission expires: May 12, 2003



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EXHIBIT "A"

A parcel of land located in a portion of the South One-half (S1/2) of Section Thirteen (13), Township Eighteen (18) South, Range Eleven (11), East of the Willamette Meridian, City of Bend, Deschutes County, Oregon, being more particularly described as follows:

Beginning at a point on the East-West centerline of said Section 13 which bears North 89°29'34" East, a distance of 2389.15 feet from the West one-quarter corner of said Section 13, said beginning point also being on the ordinary high water line of the Deschutes River; thence leaving said East-West Section centerline and along said ordinary high water line the following eight (8) courses:

South 40°57'02" West a distance of 15.13 feet;
South 61°57'25" West a distance of 23.50 feet;
South 28°36'40" West a distance of 34.34 feet;
South 53°20'47" West a distance of 52.85 feet;
South 67°07'14" West a distance of 147.12 feet;
South 70°17'16" West a distance of 123.01 feet;
North 87°35'01" West a distance of 95.85 feet;
South 57°11'24" West a distance of 40.66 feet;

Thence leaving said ordinary high water line South 53°17'37" East a distance of 882.74 feet; thence South 01°01'21" West a distance of 20.00 feet; thence South 88°58'39" East a distance of 5.43 feet; thence 32.15 feet along the arc of a tangent curve to the left with a radius of 25.00 feet, the chord of which bears North 54°10'33" East a distance of 29.98 feet; thence 35.94 feet along the arc of a reverse curve to the right with a radius of 40.00 feet, the chord of which bears North 43°04'11" East, a distance of 34.74 feet; thence North 00°00'00" East a distance of 32.16 feet; thence South 49°54'37" West a distance of 33.56 feet; thence North 90°00'00" West a distance of 30.38 feet; thence North 53°17'37" West a distance of 431.39 feet; thence North 07°24'32" West a distance of 38.80 feet; thence North 28°43'19" East a distance of 100.75 feet; thence North 49°32'53" East a distance of 100.01 feet; thence North 58°44'18" East a distance of 91.39 feet; thence North 57°03'41" East a distance of 370.81 feet to a point on said East-West centerline of Section 13 which bears South 89°29'34" West a distance of 2492.11 feet from the east one-quarter corner of said Section 13; thence along said East-West Section centerline South 89°29'34" West a distance of 396.97 feet to the point of beginning, the terminus of this description.

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