



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 #	11-1662
	District #	

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 checked="" type="checkbox"/> \$520.00 for a lease involving four or more landowners or four or more water rights	Or <input type="checkbox"/> \$350.00 for all other leases
<input type="checkbox"/> Check enclosed or	
<input checked="" type="checkbox"/> Fee Charged to customer account <u>Deschutes River Cons.</u> (Account name)	

Part 1 – Completed Minimum Requirements Checklist

Part 2 – Completed District and Other Party Signature Page

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

MAR 28 2018

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

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

List each water right to be leased instream here: 74145

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: _____

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.

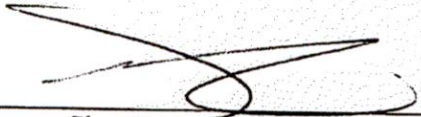
Yes N/A If the right has **not** been used in the last five years; provide supporting documentation indicating why a right (or portion thereof) is **not** subject to forfeiture.

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>2018</u> and end: month <u>Nov</u> year <u>2018</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 aquatic, 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 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: 3/28/2018

Printed name (and title): Jer Camanata, Gen. Manager.

Business/Organization name: Swalley Irrigation District

Mailing Address (with state and zip): 64672 Cook Ave., Ste 1, Bend, OR 97703

Phone number (include area code): 541-388-0658 **E-mail address: kathy@swalley.com

 Signature of Co-Lessor

Date: _____

Printed name (and title): _____

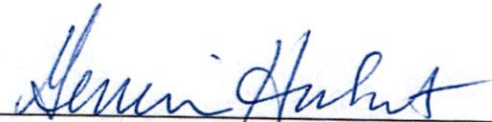
Business/organization name: _____

Mailing Address (with state and zip): _____

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

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See next page for additional signatures.



Signature of Lessee

Date: 3/28/18

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

Business/organization name: Deschutes River Conservancy

Mailing Address (with state and zip): 700 NW Hill St., Ste #1, Bend, OR 97703

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 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 # 74145

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	Acreage	Other Information (such as conditions/limitations on the right)	Rate (cfs)	Volume (af)
9/1/1899	Main	IR	33.2	Season 1 / 2 / 3 rates and diverted duty is limited to 6.61 AF /ac	0.254/0.339/0.641	219.56

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: <input checked="" type="checkbox"/> A reach typically begins at the POD and ends at the mouth of the source stream: From the POD <u>Main Canal POD</u> to <u>Deschutes mouth at RM 0</u>	Or Proposed Instream Point: <input type="checkbox"/> Instream use protected at the POD					
OR <input type="checkbox"/> 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 Portion: May not exceed the maximum rate/volume for the right (identified in Table 2)						
Use the table 3 to illustrate the instream rate, volume and instream period by priority date, POD, Use and acreage, as appropriate. If not enough room below, you may add rows (see instructions) or create a spreadsheet (clearly labeled and matching the below portion of Table 3) and attach.						
Priority date	POD #	Use	Acreage	Proposed Instream Period	Instream Rate (cfs)	Total instream volume (af)
9/1/1899	Main	IR	33.2	Season 1 / 2 / 3 rates and on farm duty is limited to 5.46 AF/ac	0.228/0.305/0.566	181.11

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.

Yes N/A **Conditions to avoid enlargement or injury to other water rights, if any, or other limitations:** list here Protected instream from April 1 through October 25th.

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

Any additional information about the proposed instream use: Irrigation water protected to mouth of Deschutes. All previously leased.

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Acres / Landowners:

0.5 ac	Garth and Lisa Ellefson
7.37 ac	Verne and Andrea Hollett
16.00 ac	Toni Aceti
3.71 ac	Swalley quitclaim (from Toni Aceti)
5.62 ac	Frank and Carol Brian

Total acres

33.2 acres	33.2 IR and 0.0 ac Pond
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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 instream
Provide a separate Part 3 for each Lessor (water right interest holder/landowner)**

Table 1

Irrigation District or other Water Purveyor Name: Swalley Irrigation District

Specify Water Right, Priority Date, point of diversion(s) (POD), place of use, tax lot, gov't lot/DLC, acres to be leased, original use type, certificate page number, and any previous lease.

If not enough room below, you may add rows (see instructions) or create a spreadsheet/table (matching Table 1) and attach.
Any attached table should include reference to the Lessor.

Water Right #	Priority Date	POD #	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC #	Acres	Use	Page #	Previous Lease #
74145	9/1/1899	Main	16 S	12 E	16	sw se	1701		7.37	IR	6	IL-1267

Any additional information about the right: T-7463 moved acres in tax lots 1701 and 1702, see documentation attached

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 instream. 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:

- 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 and any other appurtenant primary or supplemental water right(s); and
- 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 instream lease; and
- I/We affirm that the information in this application is true and accurate.

Verne Hollett Date: Mar 26/18

20620 Bemis Lane
Bend, Or
97703

Signature of Lessor

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Salem, OR

Printed name (and title): Verne Hollett Business name, if applicable: _____

Mailing Address (with state and zip): _____

Phone number (include area code): _____ **E-mail address: mountainair100@yahoo.com

Andrea Hollett Date: Mar 26/18

Signature of Lessor

Printed name (and title): Andrea Hollett Business name, if applicable: _____

Mailing Address (with state and zip): _____ Phone number (include area code): _____ **E-mail address: _____

EXHIBIT C

**Deschutes River Conservancy
Instream Leasing Program**

**Policy Concerning Weeds & Instream Leases
Information on Farm Deferral & Lease Payment**

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

Weed Policy

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

Information and Resources Attached

Farm Deferral Notice

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

Information and Resources Attached

Donated Leases: Leases of less than 5 acres, leases with public entities, leases submitted after the due date agreed upon by the District and the DRC and posted by the District, and leases with verified weed complaints are not paid a per acre or per acre-foot rate by the DRC.

I, Verne Hallett understand the DRC weed policy and have
Print Name
been informed about farm deferral and donations.

Signature: Verne Hallett Date: March 26/18

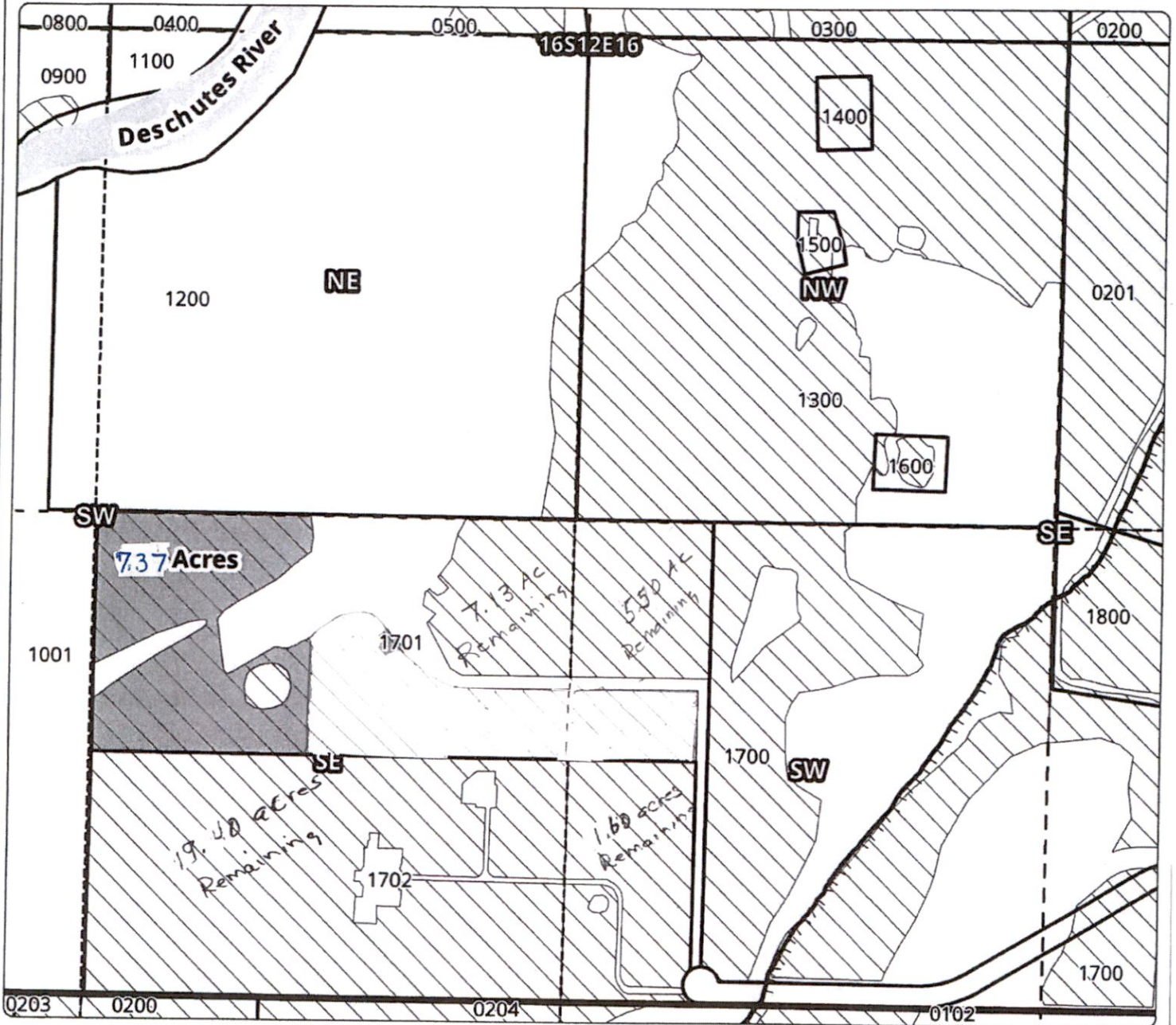
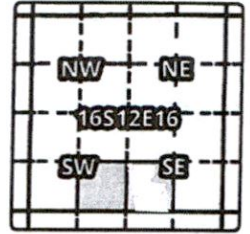
This form must be signed and returned with state lease form.

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Swalley Irrigation District Application for Instream Lease

Cert #: 74145

For: Verne & Andrea Hollett



1 YEAR INSTREAM LEASE MAP

Taxlot 1701, 16S12E16SESW: 7.37 Acres OFF, 7.13 Acres Remaining

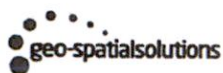
Taxlot 1701, 16S12E16SWSE: 550 Acres Remaining

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- Point of Diversion
- ▬ Canals
- ▭ Taxlots
- ▨ Lease
- ▧ Cert 74145



1 inch = 400 feet
March



* This sheet is from
SID

SID Jeffery Heath Water

T 16 S, R 12 E, Sect 16, TL 1701, SESW & SWSE

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

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

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

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

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

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

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

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

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

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SID Hollett Lease - WR History:

CERTIFICATED (74145)				T-7463		Total	
TRS	QQ	TL	Acres	Off	On	Remaining	
161216	SESW	1701	14.3	-0.3	0.5	14.5	Hollett
161216	SESW	1702	18.9	-0.7	1.2	19.4	Pozzi
			33.2			33.9	added 0.7

CERTIFICATED (74145)				T-7463		Total	
TRS	QQ	TL	Acres	Off	On	Remaining	
161216	SWSE	1701	5.7	-0.2	0	5.5	Hollett
161216	SWSE	1702	2.1	-0.8	0.3	1.6	Pozzi
161216	SWSE	1700	16.9	0	0	16.9	Cobb
			24.7			24	lost 0.7

Certificate 29054 was affected by T-7463

Certificate 74145 supersedes 29054 and 29056 and was signed in 1997

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

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Aceti

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

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

Table 1

Irrigation District or other Water Purveyor Name: Swalley Irrigation District
Specify Water Right, Priority Date, point of diversion(s) (POD), place of use, tax lot, gov't lot/DLC, acres to be leased, original use type, certificate page number, and any previous lease.
If not enough room below, you may add rows (see instructions) or create a spreadsheet/table (matching Table 1) and attach.
Any attached table should include reference to the Lessor.
Water Right # Priority Date POD # Twp Rng Sec Q-Q Tax Lot Gov't Lot/DLC # Acres Use Page # Previous Lease #
74145 9/1/1899 Main 16 S 12 E 26 nw sw 201 16.0 IR 7 IL-1288
Any additional information about the right: 3.71 acres not leased (transfer numbers HERE for acres removed over time, attach quitclaim)
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 instream. 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 and 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 instream lease; and
3. I/We affirm that the information in this application is true and accurate.

X [Signature] Date: 3/22/18
Signature of Lessor

Printed name (and title): Toni Aceti Business name, if applicable:
Mailing Address (with state and zip): 21235 Tumalo Road, Bend, OR 97701
Phone number (include area code): **E-mail address:

[Signature] Date:
Signature of Lessor

Printed name (and title): Business name, if applicable:

District Instream Lease Application (revised 7/28/2017)

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Mailing Address (with state and zip): _____ Phone number (include area code): _____ **E-mail address: _____

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EXHIBIT C

**Deschutes River Conservancy
Instream Leasing Program**

**Policy Concerning Weeds & Instream Leases
Information on Farm Deferral & Lease Payment**

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

Weed Policy

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

Information and Resources Attached

Farm Deferral Notice

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

Information and Resources Attached

Donated Leases: Leases of less than 5 acres, leases with public entities, leases submitted after the due date agreed upon by the District and the DRC and posted by the District, and leases with verified weed complaints are not paid a per acre or per acre-foot rate by the DRC.

I, _____ understand the DRC weed policy and have
Print Name
been informed about farm deferral and donations.

X
Signature: _____

Date: _____

3/22/18

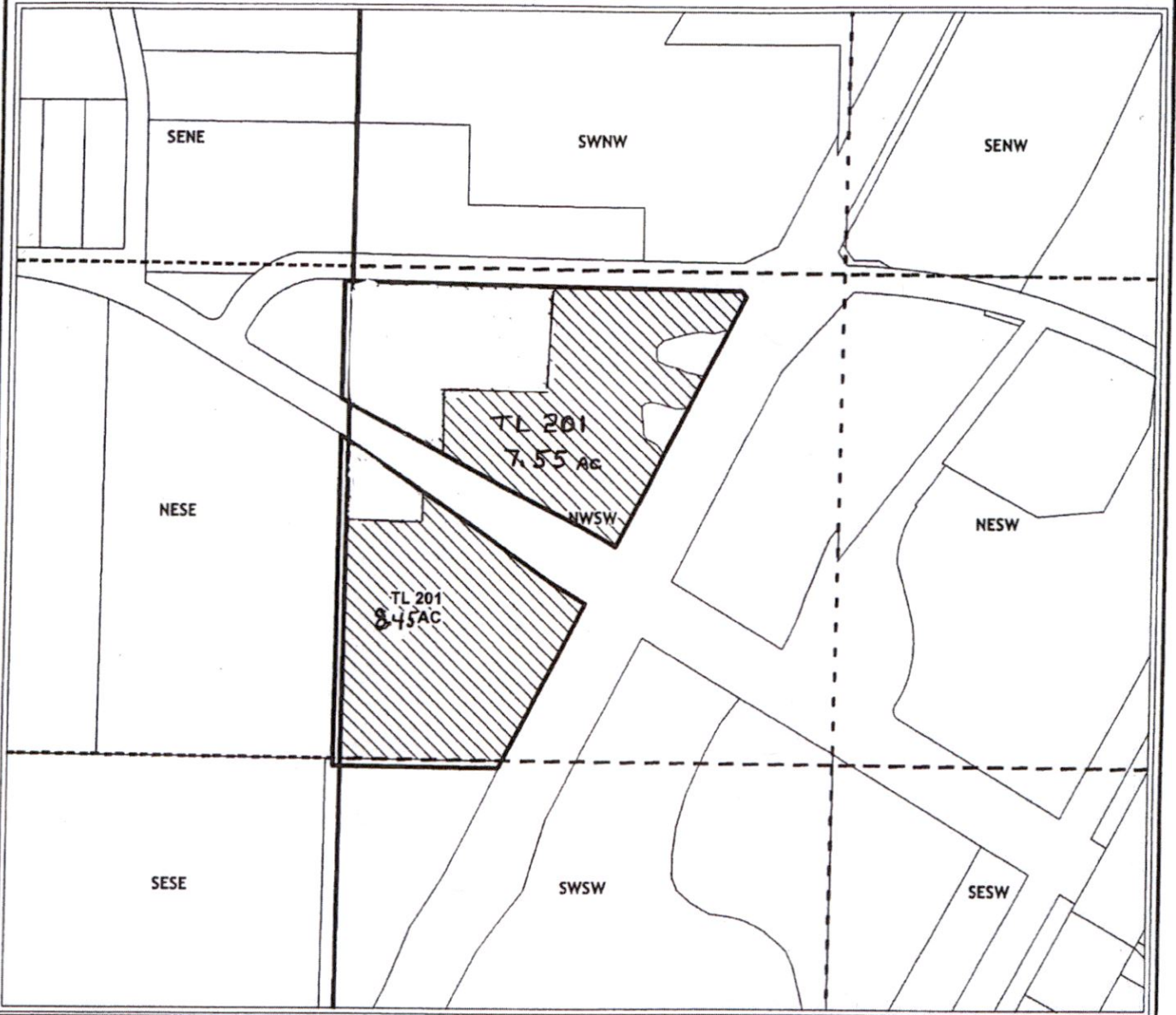
This form must be signed and returned with state lease form.

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INSTREAM LEASE MAP

T16S. R12E. SECTION 26



APPLICATION FOR INSTREAM LEASE

for

Aceti, Anthony

Tax Lot 201 - 16.00 Acres
(8.45 ac + 7.55 ac = 16.00 ac)



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SEAS, OR

1 inch equals 400 feet



Geo-Spatial Solutions, Inc.
www.geospatialsolutions.com

Swalley

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

Complete Table 1 Identify water right(s) proposed to be leased instream
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Table 1

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Specify Water Right, Priority Date, point of diversion(s) (POD), place of use, tax lot, gov't lot/DLC, acres to be leased, original use type, certificate page number, and any previous lease.

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

Any attached table should include reference to the Lessor.

Table with 13 columns: Water Right #, Priority Date, POD #, Twp, Rng, Sec, Q-Q, Tax Lot, Gov't Lot/DLC #, Acres, Use, Page #, Previous Lease #. Row 1: 74145, 9-1-1899, 3, 16, 12, 26, N W, SW, 201, 3.71, IRR, 7, IL1288.

Any additional information about the right: 3.71 ac quitclaimed from Tony Aceti

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 instream.

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 and 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 instream lease; and
3. I/We affirm that the information in this application is true and accurate.

Signature of Lessor

Date: 3/26/2018

Printed name (and title): JER CAMARATA, GEN. MANAGER Business name, if applicable: Swalley Irrigation District
Mailing Address (with state and zip): 64672 Cook Ave., Ste. 1, Bend, OR 97703
Phone number (include area code): **E-mail address:

Signature of Lessor

Date:

Printed name (and title): Business name, if applicable:

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EXHIBIT C

**Deschutes River Conservancy
Instream Leasing Program**

**Policy Concerning Weeds & Instream Leases
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Information and Resources Attached

Farm Deferral Notice

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

Information and Resources Attached

Donated Leases: Leases of less than 5 acres, leases with public entities, leases submitted after the due date agreed upon by the District and the DRC and posted by the District, and leases with verified weed complaints are not paid a per acre or per acre-foot rate by the DRC.

I, Jer Clayton, GM understand the DRC weed policy and have
Print Name
been informed about farm deferral and donations.

Signature:  Date: 3/26/2018

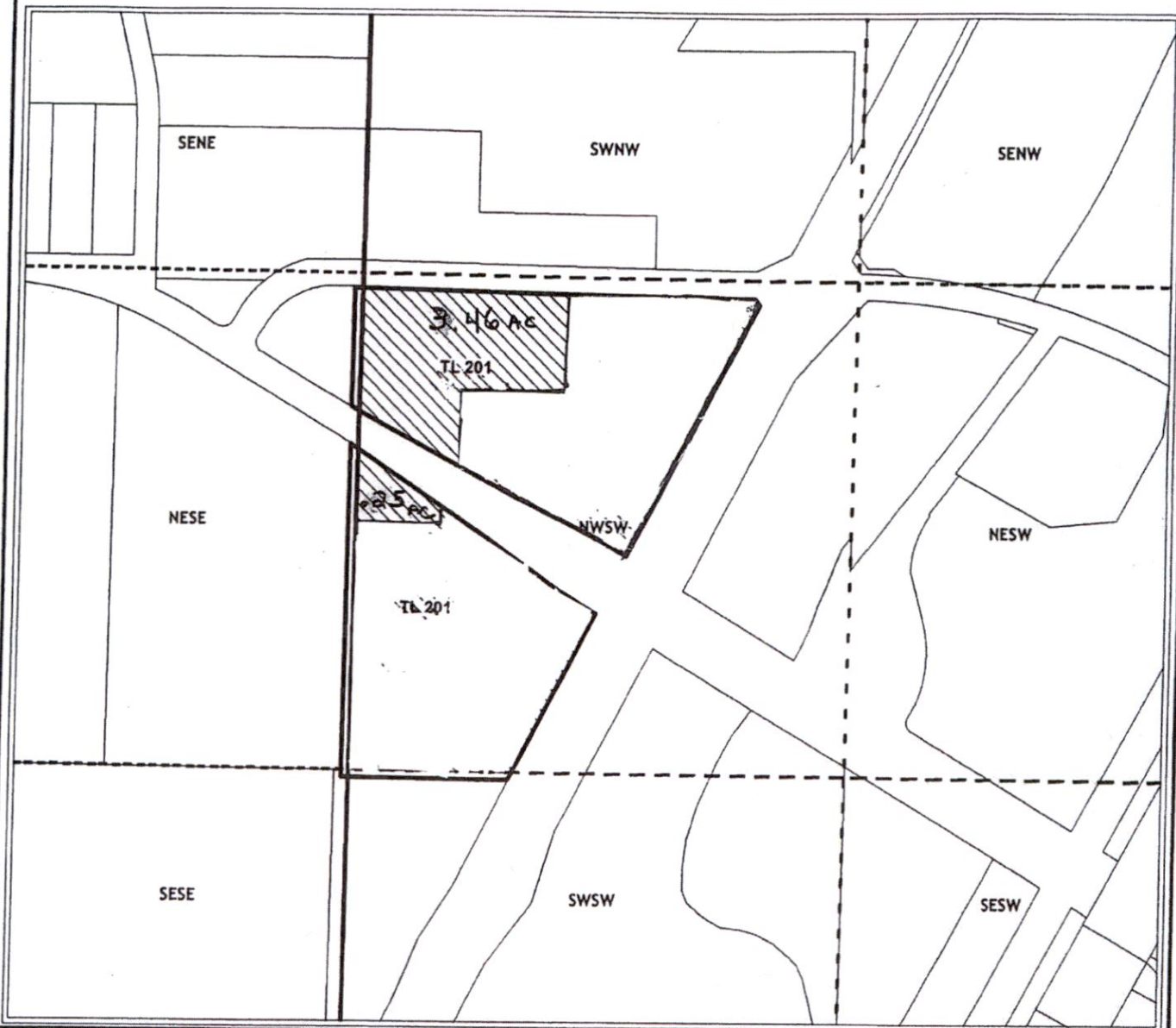
This form must be signed and returned with state lease form.

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Salem, OR

INSTREAM LEASE MAP

T16S. R12E. SECTION 26



APPLICATION FOR INSTREAM LEASE

for

Swalley Irrigation

Tax Lot 201 - 3.71 Acres

(3.46 ac + 0.25 ac = 3.71 ac)



Geo-Spatial Solutions, Inc.

www.geospatialsolutions.com



1 inch equals 400 feet



01031402201500489900020024

12/04/2015 11:10:00 AM

D-D Cnt=1 Stn=4 SRB

\$10.00 \$11.00 \$21.00 \$10.00 \$6.00

After Recording Return To:
SWALLEY IRRIGATION DISTRICT
64672 Cook Avenue, Suite 1
Bend, Oregon 97701

QUITCLAIM DEED
FOR TRANSFER OF INTEREST IN A WATER RIGHT

Grantor, Anthony Aceti, releases and quitclaims to Swalley Irrigation District (SID) all rights, title and interest in the following: By this agreement and signed transfer application form, Grantor, the owner of the lands listed in Exhibit A, release their claim and responsibility for 3.71 acres of Swalley Irrigation District water right that are appurtenant to the lands listed in Exhibit A, to Swalley Irrigation District. Swalley Irrigation District may elect to complete the transfer application and submit it to the Water Resources Department for approval of use of the water right at a new location and/or use. Swalley Irrigation District may attach this agreement to the Oregon Water Resources Department's lease form and file with the District's annual Short Term Water Right Lease Agreement.

By entry of this deed, grantor hereby notifies any subsequent purchaser of the lands listed in Exhibit A that grantor, as owner of the subject land, approved the transfer (including a change in the place and type of use and point of diversion) of the water rights that are appurtenant to the subject land; and that upon completion of a transfer, by election of SID, the subject land no longer will have an appurtenant water right, if the transfer includes a change in the place of use.

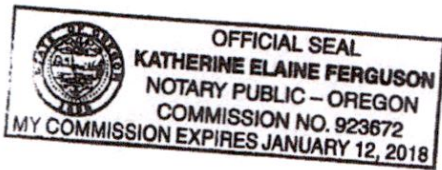
Furthermore, upon signing of this agreement and the accompanying transfer application Anthony Aceti shall no longer be liable for any district assessment or charges pertaining to the 3.71 acres of water right incurred after the date of signing. The water right in question is further described as a portion of certificate # 74145, priority of 1899, located:
T16S-R12E,WM-SEC26-NW/SW-00201

This agreement is binding upon the heirs, executors, administrators, successors, and permitted assigns of the parties to this agreement.
Consideration for this Quitclaim is 0.00

Grantor: *Anthony Aceti* Date 10-28-15
Anthony Aceti

State of Oregon SS.
County of Deschutes

Personally appeared Anthony Aceti and acknowledged the forgoing instrument to be his / her voluntary act and deed.



Katherine Elaine Ferguson
My commission expires 1-12-2018

Received by OWRD

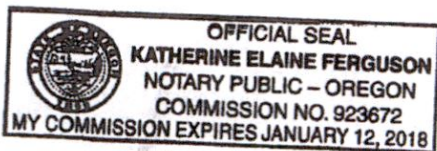
Swalley Irrigation District:
Suzanne Butterfield Date 11-9-2015
Suzanne Butterfield, General Manager

MAR 28 2018

Salem, OR

State of Oregon SS.
County of Deschutes

Personally appeared, Suzanne Butterfield as Manager for Swalley Irrigation District, and acknowledged the forgoing instrument to be her voluntary act and deed.



Katherine Elaine Ferguson
My commission expires 1-12-2018

Tax statement: No change.

Anthony Aceti
21235 Tumalo Rd.
Bend, OR 97703

Acct: # 1502

EXHIBIT A

Legal Description:	Taxlot	Serial#	WR Acres:
T16S-R12E-WM-SEC26-NW/SW-00201	161226CB000201	132973	3.71

That portion of the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of said Section 27, described as: Beginning at the SE corner of said Section 26; thence North along said section line, a distance of 520.0 feet to a point; thence North 90°00' West, 40.00 feet to the true point of beginning; thence continuing North 90°00' West, 260.0 feet to a point; thence South 61°05' West, 760.7 feet to a point; thence South 78°05' West, 361.5 feet, more or less, to a point on the West line of said SE1/4SE1/4; thence North along said West line to the NW corner of said SE1/4SE1/4; thence East along the North boundary of said SE1/4SE1/4 to a point which is 40 feet West from the NE corner of said SE1/4SE1/4; thence South along a line which is parallel to and 40 feet West of the East boundary line of said SE1/4SE1/4 to the true point of beginning.

Received by OWRD

MAR 28 2018

Salem, OR

District Internal Notice: T-002Q

State of Oregon
WATER RESOURCES DEPARTMENT
NOTICE OF DISTRICT PERMANENT TRANSFER
(ORS 540.580)

DISTRICT: **Swalley Irrigation District**
ADDRESS: **64672 Cook Avenue, Suite 1, Bend, OR 97701**
PHONE: **541/388-0658**

Received by OWRD

MAR 28 2018

Salem, OR

1. **WATER RIGHT: Swalley Irrigation District**
CERTIFICATE(S): #74145 PRIORITY DATE: September 1, 1899

2. **TYPE OF CHANGE: PERMANENT CHANGE IN PLACE OF USE**

3. **APPLICANT**

NAME: Anthony Aceti
ADDRESS: 21235 Tumalo Rd., Bend, OR 97703

4. **LOCATION OF USE**

AUTHORIZED POINT OF DIVERSION:
N 985' & W 617' from the East 1/4 corner, SE/NE of Section 29, T17S, R12E.W.M. (diversion for Swalley's canal system), Additional district diversion: NW1/4SE1/4, Section 14, T.15S., R. 12E.W.M.; 2170 feet North and 1350 feet West from the SE Corner of Section 14.

LOCATION OF AUTHORIZED PLACE OF USE (*Off Lands*)

Township	Range	Section	1/4 1/4	Tax Lot	# of acres irrigated	Other Use
T16S	R12E	26	NW/SW	00201	3.71	Irrigation

5. **RECIPIENT**

NAME: Swalley Irrigation District
ADDRESS: 64672 Cook Ave., Suite 1, Bend, OR 97703

6. **LOCATION OF PROPOSED USE (*On Lands*)**

Township	Range	Section	1/4 1/4	Tax Lot	# of acres irrigated	Other Use
T16S	R12E	26	NW/SW	00201	3.71	Irrigation

7. **EXHIBITS** : Maps showing the location of the present and proposed irrigated lands (*On & Off Maps*)

Swalley Irrigation District hereby certifies that the applicant and recipient are the deed holders of subject properties; that our files are complete with a copy of the recorded documents; that the applicant's land has been irrigated within the last five years, and that applicant and recipient hereby authorize the transfer proposed herein.

NOTICE IS HEREBY GIVEN that this proposed change is subject to the approval of the Water Resources Department and that the Water Resources Department may reject the transfer or may require mitigation to avoid injury to other water right holders.

SWALLEY IRRIGATION DISTRICT AND APPLICANT, HEREBY SWEAR THAT THE ABOVE NOTICE FOR TRANSFER OF WATER RIGHT AND THE STATEMENTS MADE ARE TRUE AND CORRECT.

APPLICANT: Anthony Aceti 10-28-15
Date

APPLICANT: _____
Date

DISTRICT: Suzanne Butterfield 11-9-15
Suzanne Butterfield, Swalley Irrigation District General Manager Date

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

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

Table 1

Irrigation District or other Water Purveyor Name: Swalley Irrigation District

Specify Water Right, Priority Date, point of diversion(s) (POD), place of use, tax lot, gov't lot/DLC, acres to be leased, original use type, certificate page number, and any previous lease.

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

Any attached table should include reference to the Lessor.

Water Right #	Priority Date	POD #	Twp	Rng	Sec	Q-Q		Tax Lot	Gov't Lot/DLC #	Acres	Use	Page #	Previous Lease #
74145	9-1-1899	3	16	12	14	NE	N W	703		5.62	IRR	5	IL1267

Any additional information about the right: T-8647 transferred 3.20 ac off TL 703 - 2.50 ac off TL 700

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 instream. 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 instream lease; and
3. I/We affirm that the information in this application is true and accurate.

Frank J. Brian Date: 3-22-18
Signature of Lessor

Printed name (and title): Frank Brian Business name, if applicable: _____
Mailing Address (with state and zip): 21255 Young Ave, Bend, OR 97703
Phone number (include area code): _____ **E-mail address: _____

Carol Brian Date: 3-22-18
Signature of Lessor

Printed name (and title): Carol Brian Business name, if applicable: _____

District Instream Lease Application (revised 7/28/2017)

Received by OWRD
MAR 28 2018
Salem, OR

Mailing Address (with state and zip): 21255 Young Ave., Bend, OR 97703

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

Received by OWRD
MAR 28 2018
Salem, OR

EXHIBIT C

Received by OWRD

MAR 28 2018

Salem, OR

**Deschutes River Conservancy
Instream Leasing Program**

**Policy Concerning Weeds & Instream Leases
Information on Farm Deferral & Lease Payment**

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

Weed Policy

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

Information and Resources Attached

Farm Deferral Notice

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

Information and Resources Attached

Donated Leases: Leases of less than 5 acres, leases with public entities, leases submitted after the due date agreed upon by the District and the DRC and posted by the District, and leases with verified weed complaints are not paid a per acre or per acre-foot rate by the DRC.

I, Frank Brian understand the DRC weed policy and have
Print Name
been informed about farm deferral and donations.

Signature:  Date: 3-22-18

This form must be signed and returned with state lease form.

**Swalley Irrigation District
Application for Instream Lease**

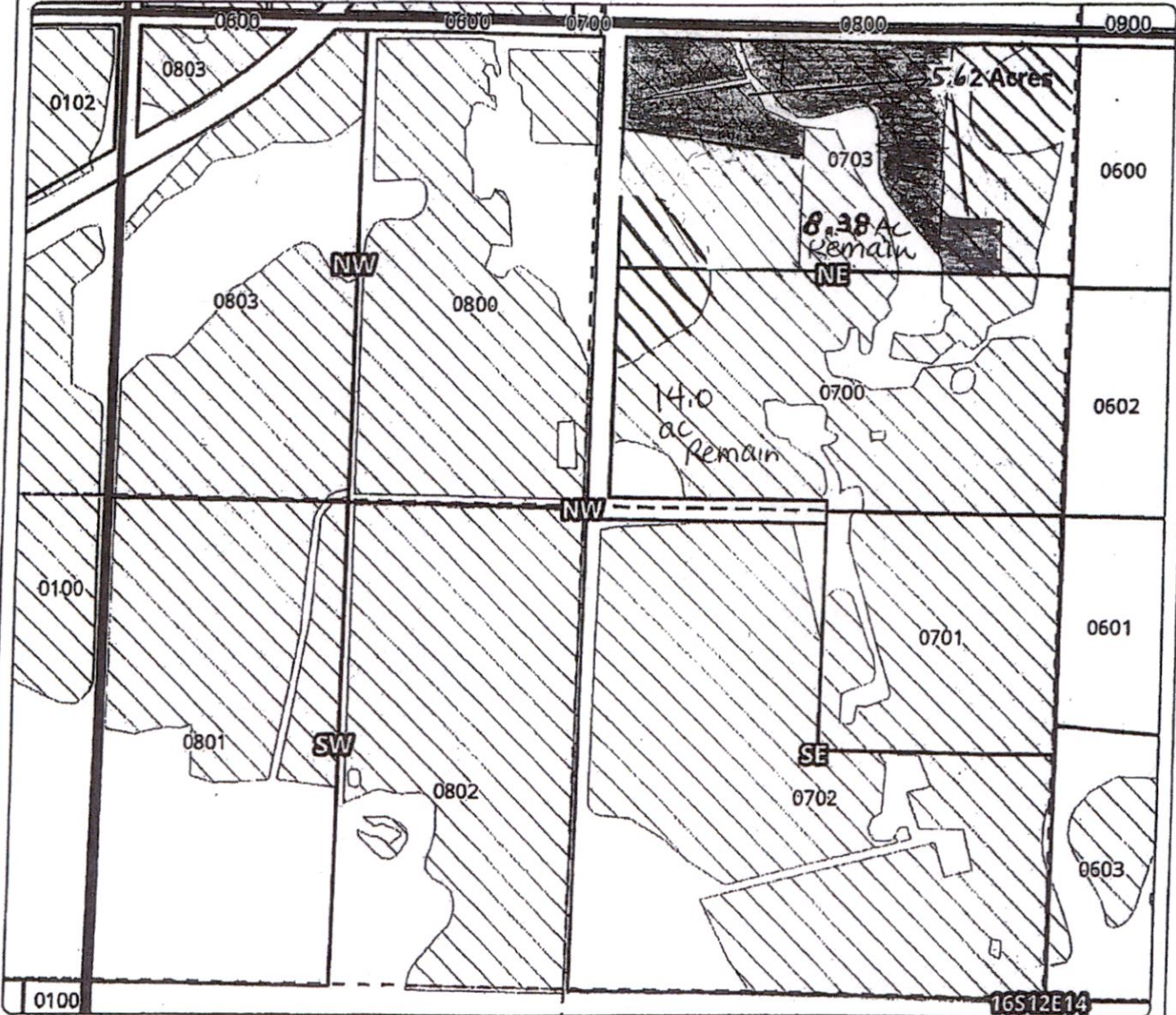
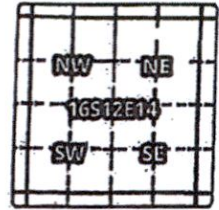
Cert #: 74145

For: Frank & Carol Brian

Received by OWRD

MAR 28 2018

Salem, OR



1 YEAR INSTREAM LEASE MAP

Taxlot 703, 16S12E14NENW: 5.62 Acres OFF, 8.38 Acres Remaining

T-8647 Transferred 3.2 ac off TL 703
2.5 ac off TL 700

- Point of Diversion
- ▤ Canals
- ▭ Taxlots
- Lease
- ▨ Cert 74145



1 inch = 400 feet
March



Ellefson

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

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

Table 1

Irrigation District or other Water Purveyor Name: Swalley Irrigation District

Specify Water Right, Priority Date, point of diversion(s) (POD), place of use, tax lot, gov't lot/DLC, acres to be leased, original use type, certificate page number, and any previous lease.

If not enough room below, you may add rows (see instructions) or create a spreadsheet/table (matching Table 1) and attach. Any attached table should include reference to the Lessor.

Table with columns: Water Right #, Priority Date, POD #, Twp, Rng, Sec, Q-Q, Tax Lot, Gov't Lot/DLC #, Acres, Use, Page #, Previous Lease #. Row 1: 74145, 9/1/1899, Main, 17 S 12 E 08, sw se, 0900, 0.5, IR, 17, IL-1299

Any additional information about the right: quitclaim to Swalley ID associated with this tax lot 2009-02063

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 instream. 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 and 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 instream lease; and
3. I/We affirm that the information in this application is true and accurate.

Signature of Lessor Date: 3/23/2018

Printed name (and title): Garth Ellefson Business name, if applicable:
Mailing Address (with state and zip): 63661 scenic Dr, Bend, OR 97703
Phone number (include area code): 541-815-9241 **E-mail address: Garth@TheSolutionGuild.com
Signature of Lessor Date: 3/22/18

Received by OWRD
MAR 28 2018
Salem, OR

Printed name (and title): Lisa Ellefson Business name, if applicable:
Mailing Address (with state and zip): Phone number (include area code): **E-mail address:

EXHIBIT C

**Deschutes River Conservancy
Instream Leasing Program**

**Policy Concerning Weeds & Instream Leases
Information on Farm Deferral & Lease Payment**

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

Weed Policy

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

Information and Resources Attached

Farm Deferral Notice

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

Information and Resources Attached

Donated Leases: Leases of less than 5 acres, leases with public entities, leases submitted after the due date agreed upon by the District and the DRC and posted by the District, and leases with verified weed complaints are not paid a per acre or per acre-foot rate by the DRC.

Received by OWRD

MAR 28 2018

Salem, OR

I, Garth Ellefson understand the DRC weed policy and have
Print Name
been informed about farm deferral and donations.

Signature: _____

Date: _____

3/23/2018

This form must be signed and returned with state lease form.



08/15/2013 02:17:41 PM

D-D Cnt=1 Str=4 SRB
\$15.00 \$11.00 \$16.00 \$10.00 \$6.00

RECORDING COVER SHEET
(Please Print or Type)

The information on this sheet is a reflection of the attached instrument for the purpose of meeting first page requirements, ORS 205.234.

If this cover page is included with your document, please add \$5.00 to the total recording fees.

AFTER RECORDING RETURN TO:

Swalley Irrigation District
104672 Cook Ave Ste 1
Bend, OR 97701

Received by OWRD

MAR 28 2018

Salem, OR

1) TITLE(S) OF THE TRANSACTION(S) ORS 205.234(a)

Quitclaim Deed

2) DIRECT PARTY / GRANTOR(S) ORS 205.125(1)(b) and 205.160

Garth & Lisa Ellefson

3) INDIRECT PARTY / GRANTEE(S) ORS 205.125(1)(a) and 205.160

Swalley Irrigation District

4) TRUE AND ACTUAL CONSIDERATION

ORS 93.030(5) - Amount in dollars or other

\$ _____ Other

5) SEND TAX STATEMENTS TO:

No change

6) SATISFACTION of ORDER or WARRANT

ORS 205.125(1)(e)

CHECK ONE: FULL
(If applicable) PARTIAL

7) The amount of the monetary obligation imposed by the order or warrant. ORS 205.125(1)(c)

\$ ~~2500~~⁶⁰ 1679.88

8) If this instrument is being re-recorded, complete the following statement, in accordance with ORS 205.244:

"Re-recorded at the request of Swalley Irrigation Dist. to correct
legal Description on Quitclaim

previously recorded in Book 2009 and page 02063, or as Fee Number _____."

After Recording Return To:
SWALLEY IRRIGATION DISTRICT
64672 Cook Avenue, Suite 1
Bend, Oregon 97701

DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK

2009-02063



\$36.00

00649526200900020630020023

01/20/2009 11:07:14 AM

D-D Cnt=1 Stn=25 TM
\$10.00 \$11.00 \$10.00 \$5.00

QUITCLAIM DEED
FOR TRANSFER OF INTEREST IN A WATER RIGHT

Grantor, **Garth & Lisa Ellefson** releases and quitclaims to **Swalley Irrigation District (SID)** all rights, title and interest in the following: By this agreement and signed transfer application form, Grantor, the owner of the lands listed in Exhibit A, release their claim and responsibility for **2.50 acres** of Swalley Irrigation District water right that are appurtenant to the lands listed in Exhibit A, to Swalley Irrigation District. Swalley Irrigation District may elect to complete the transfer application and submit it to the Water Resources Department for approval of use of the water right at a new location and/or use. Swalley Irrigation District may attach this agreement to the Oregon Water Resources Department's lease form and file with the District's annual Short Term Water Right Lease Agreement.

By entry of this deed, grantor hereby notifies any subsequent purchaser of the lands listed in Exhibit A that grantor, as owner of the subject land, approved the transfer (including a change in the place and type of use and point of diversion) of the water rights that are appurtenant to the subject land; and that upon completion of a transfer, by election of SID, the subject land no longer will have an appurtenant water right, if the transfer includes a change in the place of use.

Furthermore, upon signing of this agreement and the accompanying transfer application **Garth & Lisa Ellefson** shall no longer be liable for any district assessment or charges pertaining to the **2.50 acres** of water right incurred after the date of signing. The water right in question is further described as a portion of certificate # 74145, priority of 1899, located:

T17S-R12E,WM-SEC 08-SE/4W-00900

sw/SE

This agreement is binding upon the heirs, executors, administrators, successors, and permitted assigns of the parties to this agreement. Consideration for this Quitclaim is \$1679.88

Grantor:

Lisa Ellefson

Date 8-7-08

Received by OWRD

Date 8-7-08

MAR 28 2018

State of Oregon SS.
County of Deschutes

Salem, OR

Personally appeared Garth + Lisa Ellefson and acknowledged the forgoing instrument to be his/her voluntary act and deed.



Kathy Ferguson

My commission expires 1-5-2010

Swalley Irrigation District:

Janet L. Lee, Manager

Date 11/25/08

State of Oregon SS.
County of Deschutes

Personally appeared, Janet L. Lee as Manager for Swalley Irrigation District, and acknowledged the forgoing instrument to be her voluntary act and deed.



Kathy Ferguson

My commission expires 1-5-2010

Tax statement: No chance.

Garth & Lisa Ellefson
Account # 2008

EXHIBIT A

Legal Description:

T17S-R12E-WM-SEC 08-SE/SW-00900

sw/SE

Taxlot

171208D000900

Total Water Rights: ..25 Acres

Serial#
113094

WR Acres:
2.50 Acres

Received by OWRD

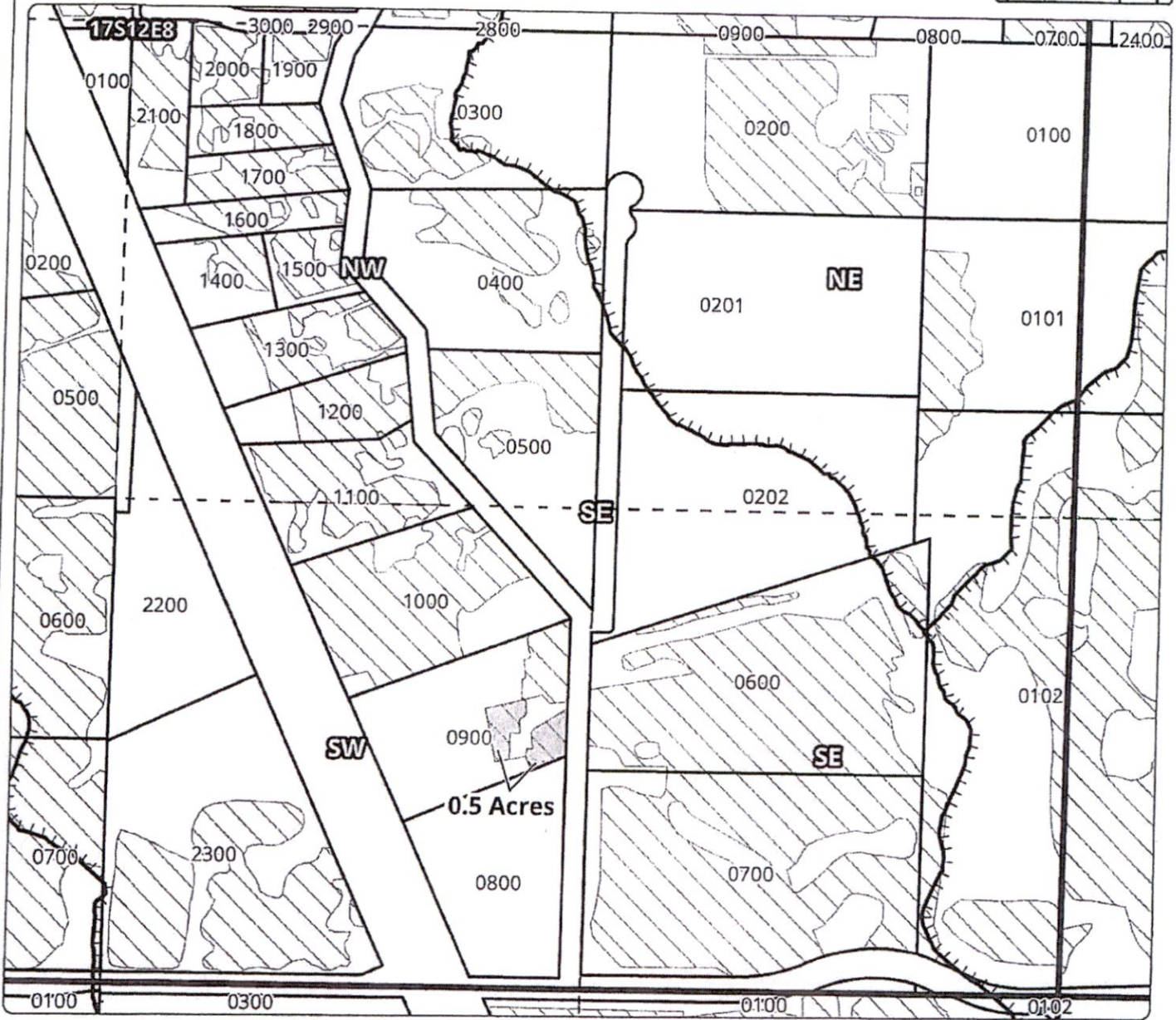
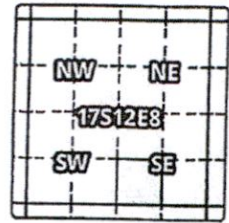
MAR 28 2018

Salem, OR

Swalley Irrigation District Application for Instream Lease

Cert #: 74145

For: Garth & Lisa Ellefson



1 YEAR INSTREAM LEASE MAP

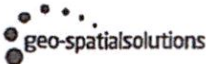
Taxlot 900, 17S12E8SWSE: 0.5 Acres OFF, 0.5 Acres Remaining

Received by OWRD

MAR 28 2018

Salem, OR

- Point of Diversion
- ▨ Canals
- ▭ Taxlots
- ▨ Lease
- ▨ Cert 74145



1 inch = 400 feet

