



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 #	IL-1813/MP-264
	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**
- 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**.)

Submitted as Mitigation Project for partial acres

How many Water Rights are included in the lease application? 2 (# of rights)
List each water right to be leased instream here: 74135, 93689

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.

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Part 2 of 4 – District and other party Signature

Term of the Lease: The lease is requested to begin in: month <u>June</u> year <u>2020</u> and end: month <u>October</u> year <u>2020</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 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.



Date: 5/19/2020

Signature of Co-Lessor

Printed name (and title): Marc Thalacker, District Manager

Business/Organization name: Three Sisters Irrigation District

Mailing Address (with state and zip): P.O. Box 2230, Sisters, OR 97759

Phone number (include area code): 541-549-8815 **E-mail address: manager@tsidweb.org

Date: _____

Signature of Co-Lessor

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: 5/19/2020

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

Business/organization name: Deschutes River Conservancy Mitigation Bank

Mailing Address (with state and zip): 700 NW Hill Street, 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

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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 # 74135

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)
1895	Main	IR	213	Rate prior to allocations of conserved water .02 cfs/ac. No season/duty	4.26	N/A
1895	Main	Pond	0.5	Rate prior to allocations of conserved water .02 cfs/ac. No season/duty	0.01	N/A
1899	Main	IR	24.1	Rate prior to allocations of conserved water .02 cfs/ac. No season/duty	.482	N/A
1904	Main	IR	37	Rate prior to allocations of conserved water .02 cfs/ac. No season/duty	.74	N/A

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: <u>Deschutes</u>	River/Stream Name: <u>Whychus Cr, tributary to Deschutes R</u>				
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</u> to <u>Mouth of Whychus Creek</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	Acres	Proposed Instream Period	Instream Rate (cfs)	Total instream volume (af)
1895	Main	IR	213	June 15 through Sept 30 at 0.014 cfs/ac (for mitigation project)	2.982	638.79
1895	Main	Pond	0.5	June 15 through Sept 30 at 0.014 cfs/ac (NOT mitigation)	0.007	1.5
1899	Main	IR	24.1	June 15 through Sept 30 at 0.014 cfs/ac (NOT mitigation)	0.337	72.28
1904	Main	IR	37	June 15 through Sept 30 at 0.014 cfs/ac (NOT mitigation)	0.518	110.96
				1895 irrigation portion of lease for mitigation project.		
OR <input type="checkbox"/> 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.						
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A Conditions to avoid enlargement or injury to other water rights, if any, or other limitations: list here <u>limited to approximately 3 AF/ac and instream for a portion of the irrigation season 6/15 through 9/30.</u>						

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

Any additional information about the proposed instream use: 1895 IR portion of lease, 213 acres, for mitigation project to create approximately 383.4 mitigation credits.

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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 # <u>93689</u>	
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)	
1908	Main	IR	5	Rate prior to allocations of conserved water .02 cfs/ac. No season/duty	0.078	N/A	
Total af from storage, if applicable: _____ AF or <input checked="" type="checkbox"/> 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: <u>Deschutes</u>		River/Stream Name: <u>Whychus Cr</u> , tributary to <u>Deschutes R</u>			
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</u> to <u>Mouth of Whychus Creek</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	Acres	Proposed Instream Period	Instream Rate (cfs)	Total instream volume (af)	
1908	Main	IR	5	June 15 through Sept 30 at 0.014 cfs/ac (NOT mitigation)	0.070	15.0	
OR <input type="checkbox"/> 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.							
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A Conditions to avoid enlargement or injury to other water rights, if any, or other limitations: list here <u>limited to approximately 3 AF/ac and instream for a portion of the irrigation season 6/15 through 9/30.</u>							
Note: The Department may identify additional conditions to prevent injury and/or enlargement.							
Any additional information about the proposed instream use: <u>1908 priority, NOT mitigation</u>							

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TSID Pooled lease 2020:

LANDOWNERS

Certificate 74135

Schaad – 148.0 acres IR (1895)
Schaad – 0.5 acres Pond (1895)
Swaner – 62 acres (1895)
Green – 3 acres (1895)
Drake – 24.1 acres (1899)
Herring – 37 acres (1904)

Certificate 93689

Willits – 5 acres (1908)

Total acres – 279.6 acres

Total acres for mitigation credit – 213 acres of 1895 (IR)

Total acres for restoration only – 66.6 acres

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Lessor List	LEASE 1		LEASE 2		NOT SIGNED/RETURNED	
	IR	Pond	IR	Pond	IR	Pond
John Schaad	1895	148	0.5			
Karan Swaner	1895	62				
Peter & Rebecca Green	1895	3				
Paul Drake	1899	24.1				
Janet Herring	1904	37				
Bill Willits	1908	5				
City of Sisters	senior			x	x	
Subtotal	senior					
Subtotal	senior					
Subtotal	1895	213.0	0.5	0	0	
Subtotal	1899	24.1	0			
Subtotal	1904	37.0	0	0	0	
Subtotal	1908	5.0	0	0	0	
Total		279.1	0.5	0	0	

Leased instream dates and rates:

Pooled	Sisters LZ	
6/15-9/30	TBD	6/15-9/30
3.914		2.989
mixed priority dates		1895

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SEASON 1 Pooled	6/15/2020	9/30/2020	108.00	Max	Max	Instream	Instream				Instream	
Priority	IR	Pond	.02/ac	AF	cfs/ac	rate	Conv	*	days	AF	AF/Ac	
senior				N/A			1.983471					MP
senior				N/A			1.983471					MP
1895	213		4.26	N/A	0.014	2.982	1.983471	5.91471052	108.00	638.79	3.0	Only 1895 IR for Mitigation Proj
1895		0.5	0.01	N/A	0.014	0.007	1.983471	0.0138843	108.00	1.50	3.0	Pond not for mitigation
1899	24.1		0.482	N/A	0.014	0.337	1.983471	0.66922312	108.00	72.28	3.0	1899 not for mitigation
1904	37		0.74	N/A	0.014	0.518	1.983471	1.02743798	108.00	110.96	3.0	1904 not for mitigation
1908	5		0.078	N/A	0.014	0.070	1.983471	0.13884297	108.00	15.00	3.0	1908 not for mitigation
Totals	279.1	0.5	5.56995				3.914			838.52		

* 213 acres of 1895 IR, submitted as mitigation project for up to 383.4 mitigation credits Pooled lease dates 6/15/2020 9/30/2020 108 Pooled lease dates

X acres of Senior IR, submitted as mitigation project for up to X mitigation credits Sisters lease dates 6/30/2020 10/15/2020 108 Sisters lease to be submitted

*Leasing instream at maximum of 0.016 cfs per acre to keep it simple. After conserved water, some acres may still have a 0.02 cfs per acre rate and some are now at 0.016 per acre. Rate might be adjusted lower per acre to keep at 3 AF per acre.

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: Three Sisters 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 #			
74135	1895	Main Canal	15	S	11	E	07	nw	se	600		30.5	IR	10	16-1749 } 1671 SL-41 SL-41 1616
74135	1895	Main	15	S	11	E	07	ne	se	600		38.5	IR	10	
74135	1895	Main	15	s	11	e	07	sw	se	600		40	IR	10	
74135	1895	Main	15	s	11	e	07	se	se	600		39	IR	10	
74135	1895	Main	15	s	11	e	07	ne	se	600		0.5	Pond	10	
Any additional information about the right: 148 acres lease IR, 0.5 acre lease pond															
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.

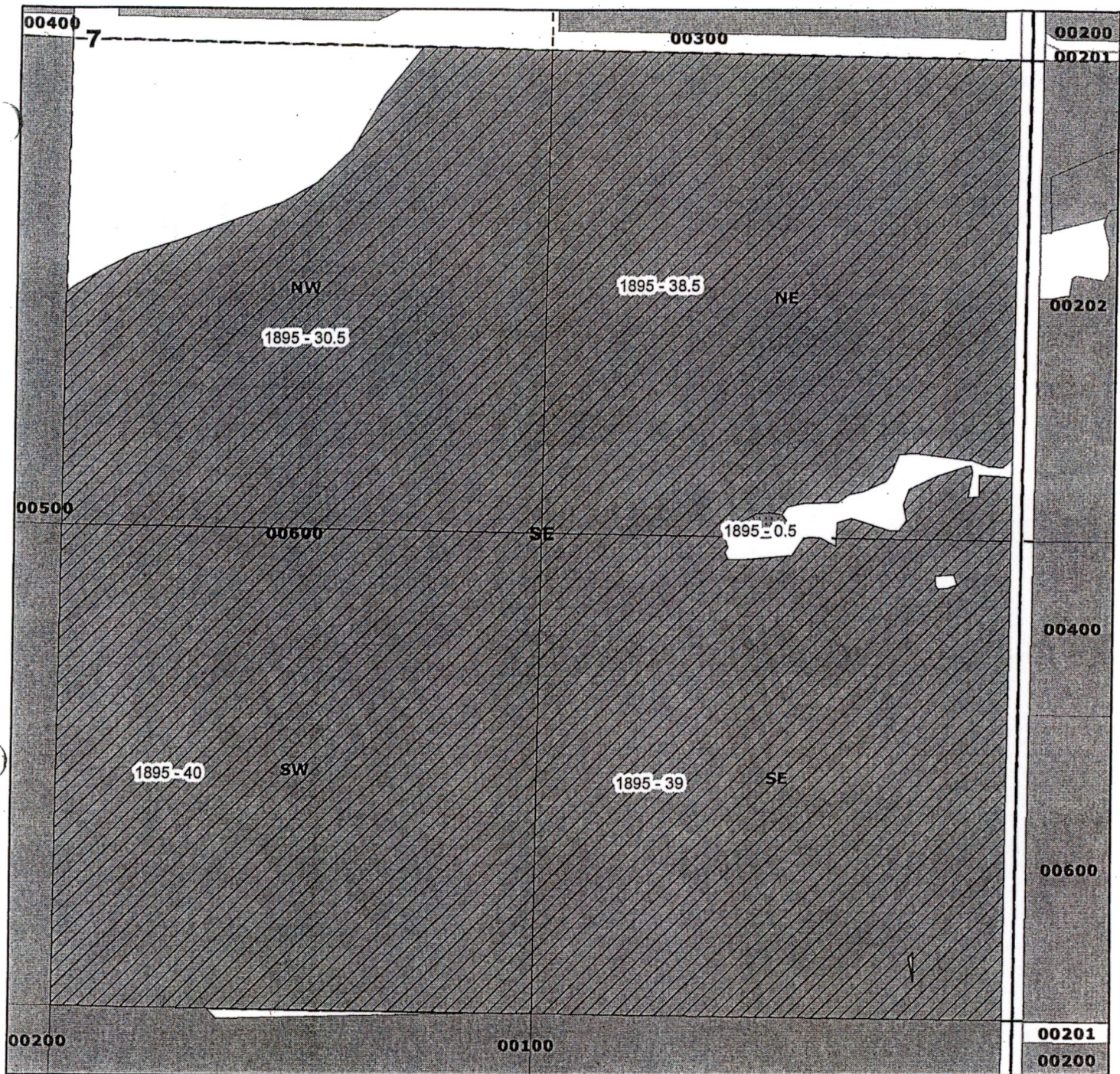
John D. Schaad Date: 5/2/2020
Signature of Lessor

Printed name (and title): John Schaad Business name, if applicable: _____
Mailing Address (with state and zip): 1170 McLean Blvd., Eugene, OR 97405
Phone number (include area code): 541-344-5217 **E-mail address: jgschaad@gmail.com

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Legend

Leased Instream - Pond Maintenance

Leased Instream - Irrigation

Water Rights

Priority_Date

1887

1895

1903

1904

Quarter Quarters

Taxlots

John Schaad
148 acres instream - 1895
Certificate 74135

T15S R11E Sect 07
Tax Lot 600

NESE
38.5 acres instream - 1895
0.5 acres instream - 1895 (pond maintenance)
NWSE
30.5 acres instream - 1895
SWSE
40 acres instream - 1895
SESE
39 acres instream - 1895
Deschutes County

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0 125 250 500 750 1,000 Feet



Three Sisters Irrigation District

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: Three Sisters 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 #
74135	1895	Main	15 S	11 E	04	nw ne	101		23.3	IR	9	1671
74135	1895	Main	15 S	11 E	04	sw ne	101		38.7	IR	9	1671

K-1750

Any additional information about the right: 62 acres - lease for mitigation credit (1.3 ac in SWNE & 1.7 ac in NWNE are or will be in transfer process.)

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.

Karan Swaner Date: 5/3/2020
Signature of Lessor

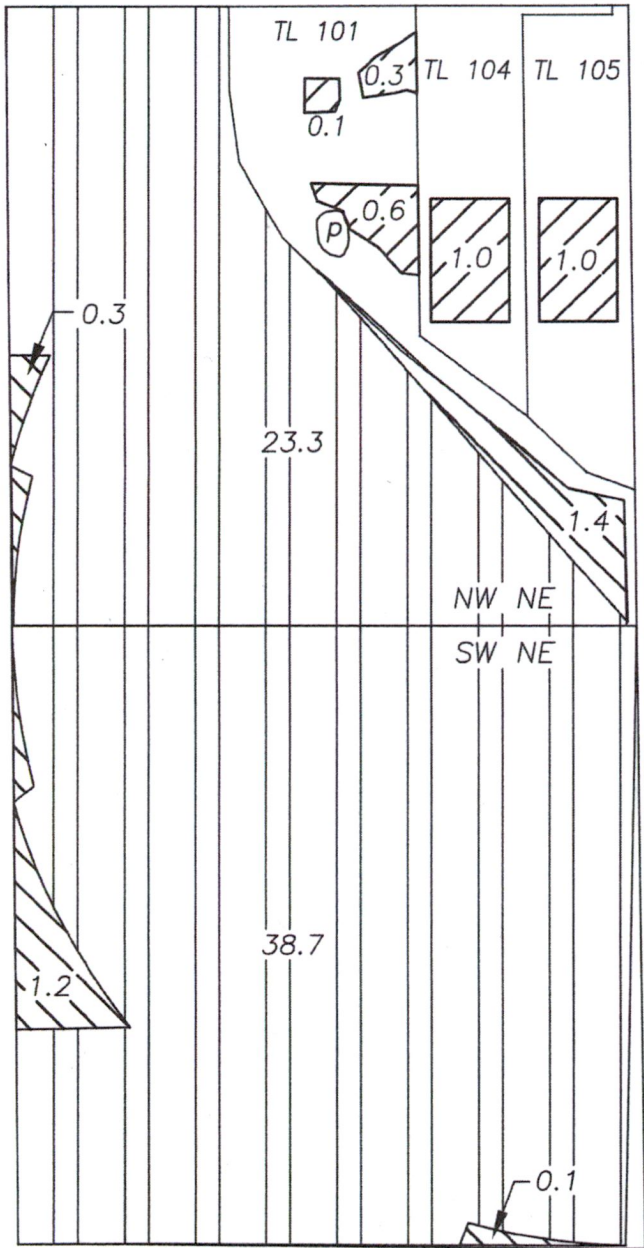
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Printed name (and title): Karan Swaner Business name, if applicable: _____
Mailing Address (with state and zip): 18130 Highway 126, Sisters, OR 97759
Phone number (include area code): 541-548-8854 **E-mail address: karanswaner@yahoo.com

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Tax Map 15-11-04



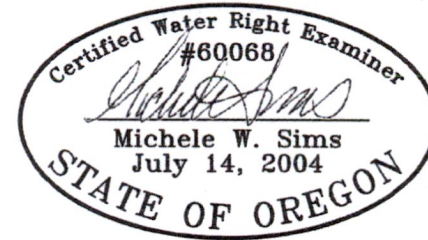
Application Map
Water Rights Transfer
Three Sisters Irrigation District

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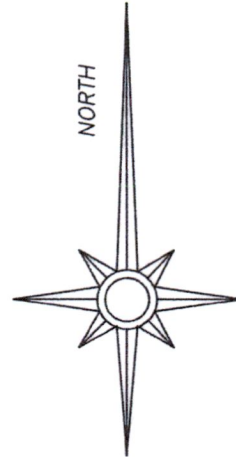
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3/15/2019



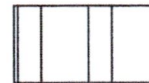
Renewal date: 6/30/2020



Water off: Certificate 74135 priority date 1895
Permit G11378 and S29312



Water on: Certificate 74135 priority date 1895
Permit G11378 and S29312



Water to remain $\left\{ \begin{array}{l} 23.3 \text{ AC NWNE } \\ 38.7 \text{ AC SWNE } \end{array} \right\} \begin{array}{l} \text{LEASE} \\ \text{INSTREAM} \end{array}$
62 AC total

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

400 0 400 800 1200



graphic scale-feet

Section 16
T13S R9E, W.M. Deschutes Co. OR

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

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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.

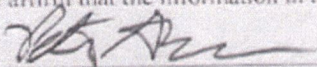
Water Right #	Priority Date	POD #	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC #	Acres	Use	Page #	Previous Lease #
74135	1895	Main	14 S	11 E	23	ne se	800		3.0	IR	4	1L-1750

Any additional information about the right: 2.8 acres remain. Lot line adjustment in 2003, 2.79 acres of land and 2.2 acres IR in NW corner of TL 800 (north side of McKenzie Cvn Rd) became part of TL 400.

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.



Date: 5/8/2020

Signature of Lessor

Printed name (and title): Peter Green Business name, if applicable: _____

Mailing Address (with state and zip): 70150 McKenzie Canyon Rd, Sisters, OR 97759

Phone number (include area code): 530-219-9023 **E-mail address: greenpaperwork@gmail.com



Date: 5/8/2020

Signature of Lessor

Printed name (and title): Rebecca Green Business name, if applicable: _____

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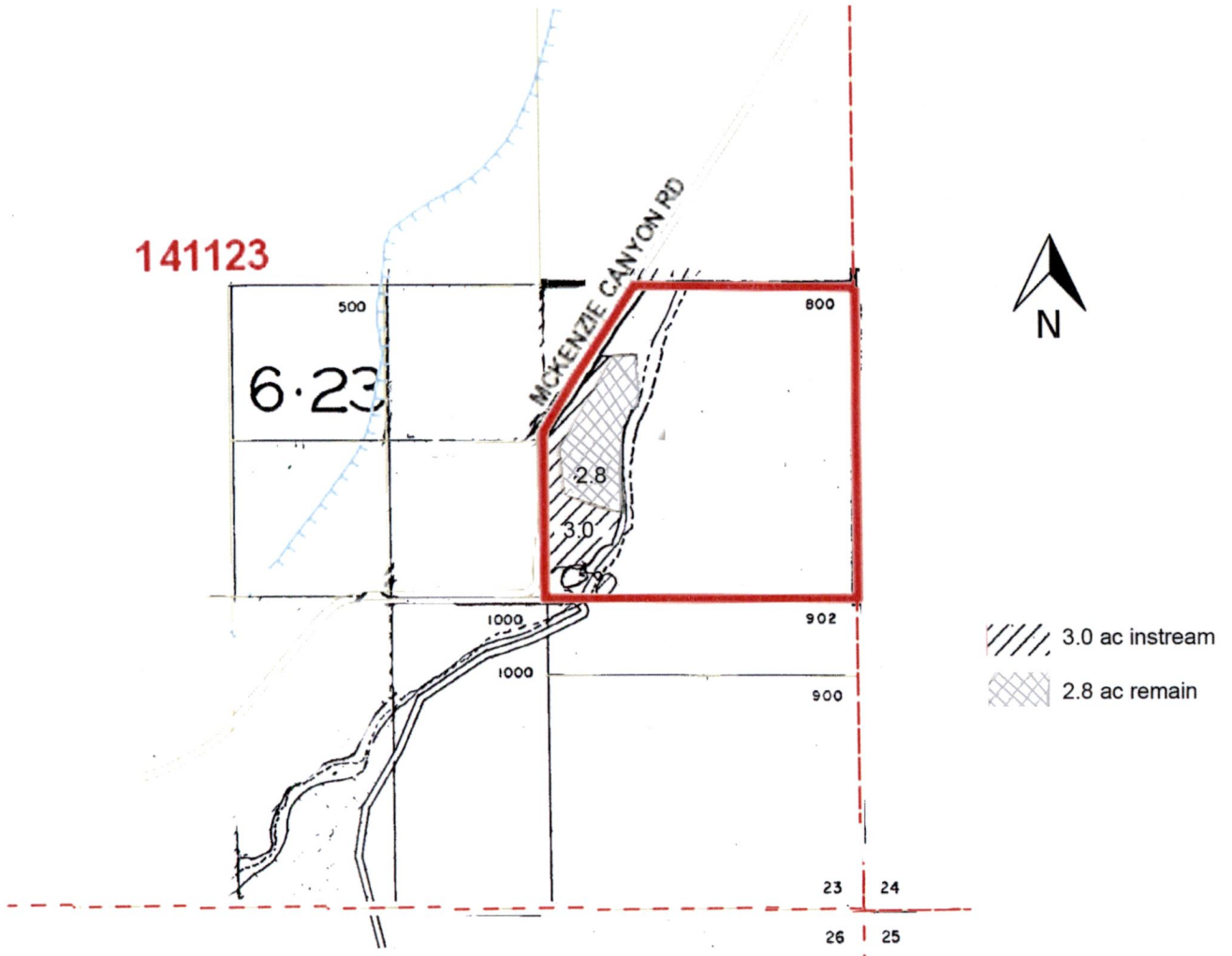
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Three Sisters Irrigation District
Certificate 74135

Peter & Rebecca Green
70150 McKenzie Canyon Road

5.8 acres 1895



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TAX STATEMENTS TO:
Kenneth and Jacqueline Gibbs
70177 McKenzie Canyon Rd.
Terrebonne, OR 97760

DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK

2010-38151



\$53.00

09/28/2010 09:38:04 AM

AFTER RECORDING RETURN TO:
Jeff Patterson
Widmer Mensing Law Group, LLP
339 SW Century Drive, Suite 101
Bend, OR 97702

D-D Cntel Stnwl BN
\$10.00 \$11.00 \$18.00 \$10.00 \$8.00

SPACE ABOVE RESERVED FOR RECORDER'S USE

BARGAIN AND SALE DEED

2
For the consideration of \$0.00 (for estate planning purposes), Kenneth C. Gibbs and Jacqueline D. Gibbs, as Husband and Wife, Grantors, do hereby grant, bargain, sell and convey to Kenneth C. Gibbs and Jacqueline D. Gibbs, Trustees of the Gibbs Living Trust dated August 24, 2010, and any amendments thereto, hereinafter called Grantee, and unto Grantee's heirs, successors and assigns all of the Grantor's right, title and interest in that certain real property located in the County of Deschutes, State of Oregon, described as follows:

AS SET FORTH ON EXHIBIT "A" ATTACHED

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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. 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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

DATED 9/21/10, 2010

K.C. Gibbs
Kenneth C. Gibbs

Jacqueline D. Gibbs
Jacqueline D. Gibbs

Received by OWRD

MAY 19 2020

Salem, OR

STATE OF OREGON)
) ss.
COUNTY OF DESCHUTES)

The foregoing instrument was acknowledged before me on this 21 day of September, 2010 by Kenneth C. Gibbs and Jacqueline D. Gibbs.

[Signature]
Notary Public for Oregon

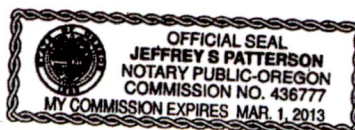


EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL I:

The Northeast Quarter of the Northwest Quarter of the Southeast Quarter (NE 1/4 NW 1/4 SE 1/4) of section Twenty-three (23), Township Fourteen (14) South, Range Eleven (11), East of the Willamette Meridian, Deschutes County, Oregon.

PARCEL II:

The Northwest Quarter of the Northwest Quarter of the Southeast Quarter (NW 1/4 NW 1/4 SE 1/4) of section Twenty-three (23), Township Fourteen (14) South, Range Eleven (11), East of the Willamette Meridian, Deschutes County, Oregon.

PARCEL III:

The South Half of the Northwest Quarter of the Southeast Quarter (S 1/2 NW 1/4 SE 1/4) of Section Twenty-three (23), Township Fourteen (14) South, Range Eleven (11), East of the Willamette Meridian, Deschutes County, Oregon.

TOGETHER WITH 14.5 ACRES OF ADJUDICATED SQUAW CREEK IRRIGATION DISTRICT WATER RIGHT

Tax Account No. 14 11 23 00 00400	Serial No. 124782
" " " 14 11 23 00 00500	" " 124781
" " " 14 11 23 00 00600	" " 124780
" " " 14 11 23 00 00700	" " 124779

ADJUSTED TAX LOT 141123-400

A parcel of land located in the Southeast Quarter (SE 1/4) of Section 23, Township 14 South, Range 11 East of the Willamette Meridian, Deschutes County, Oregon, being more particularly described as follows:

The Northeast Quarter of the Northwest Quarter of the Southeast Quarter (NE 1/4 NW 1/4 SE 1/4) of said Section 23,

Along with the following described parcel:


Beginning at the center-east sixteenth corner of said Section 23, thence along the east-west centerline of said Section 23, South 89°13'41" East, 403.26 feet to the centerline of the existing McKenzie Canyon Road; thence along said existing centerline of McKenzie Canyon Road, South 34°02'46" West, 465.02 feet, thence South 32°04'56" West, 262.84 feet to the north-south centerline of the southeast quarter of said Section 23; thence along said north-south centerline, North 00°18'19" West, 613.45 feet to the point of beginning.

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After recording return to:
 Order Number: **94969**


Western Title & Escrow
 360 SW Bond, Suite 100
 Bend, OR 97702

Grantee Name(s)
**Peter G. Green
 Rebecca R. Green
 2432 Albany Ave
 Davis, CA 95618**

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

Deschutes County Official Records **2015-003413**
 D-D
 Stn=2 PG **01/30/2015 01:24:08 PM**
 \$15.00 \$11.00 \$10.00 \$6.00 \$21.00 **\$63.00**

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

Received by OWRD

MAY 19 2020

Salem, OR

Reserved for Recorder's Use

STATUTORY WARRANTY DEED

Jacqueline Thomas and Deeann McCoy, not as tenants in common, but with the rights of survivorship Grantor(s) convey and warrant to Peter G. Green and Rebecca R. Green Husband and Wife, Grantees the following described real property free of encumbrances except as specifically set forth herein:

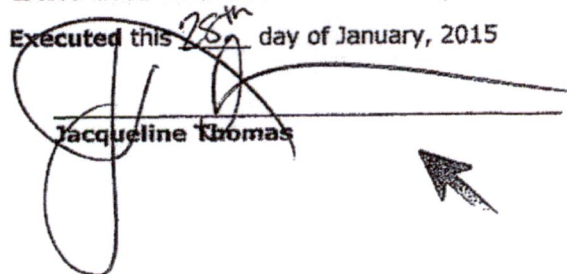
SEE ATTACHED EXHIBIT "A"
Together with 5.8 acres of 1895 Three Sisters Irrigation Water Rights
 Account: **124778**
 Map & Tax Lot: **14-11-23-00-00800**

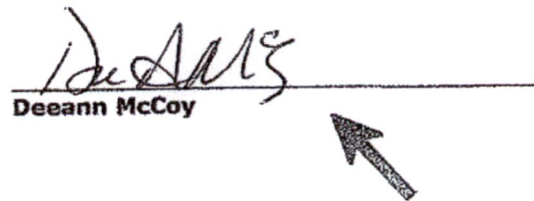
This property is free of encumbrances, EXCEPT: All those items of record, if any, as of the date of this deed, including any real property taxes due, but not yet payable.

The true consideration for this conveyance is **\$399,000.00**. (Here comply with requirements of ORS 93.030.)

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.

Executed this 28th day of January, 2015


 Jacqueline Thomas


 Deeann McCoy

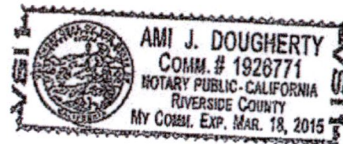
**RETURN TO WESTERN
 TITLE & ESCROW**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Riverside

Subscribed and sworn to (or affirmed) before me on this 28th day of January,
2015, by Jacqueline Thomas and Deeann McCoy,
proved to me on the basis of satisfactory evidence to be the person(s) who appeared before
me.

Signature Ami J. Dougherty
Commission No. 1926771
Expires March 18, 2015



Seal

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MAY 19 2020

Salem, OR

EXHIBIT "A"

The Northeast Quarter of the Southeast Quarter (NE ¼ SE ¼) of Section 23, Township 14 South, Range 11 East of the Willamette Meridian, Deschutes County, Oregon,

EXCEPTING THEREFROM the right of way of McKenzie Canyon Road.

ALSO EXCEPTING that portion described in Bargain and Sale Deed recorded June 11, 2003 in Volume 2003, Page 39189, Official Records, more particularly described as follows:

A parcel of land located in the Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4) of Section 23, Township 14 South, Range 11 East, Willamette Meridian, Deschutes County, Oregon, being more particularly described as follows:

Beginning at the Center-East sixteenth corner of said Section 23; thence along the East-West centerline of said Section 23, South 89°13'41" East, 403.26 feet to the centerline of the existing McKenzie Canyon Road; thence along said existing centerline of McKenzie Canyon Road, South 34°02'46" West, 465.02 feet; thence South 32°04'56" West, 262.84 feet to the North-South centerline of the Southeast Quarter of said Section 23; thence along said North-South centerline, North 00°18'19" West, 613.45 feet to the point of beginning.

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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: Three Sisters 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 #
74135	1899	Main	14 S	11 E	30	ne sw	4701		24.1	IRR	8	1616

Any additional information about the right: 33 acres irrigation, 24.1 ac lease, 8.9 ac remain, 1.5 acres off T-8994

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 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.

Paul Drake

Date 5-6-20

Signature of Lessor

Printed name (and title): Paul Drake Business name, if applicable: _____

Mailing Address (with state and zip): P.O. Box 2330, Sisters, OR 97759

Phone number (include area code): 360-953-3232 **E-mail address: drake69795@bushmail.com

Diane Tolzman
Signature of Lessor

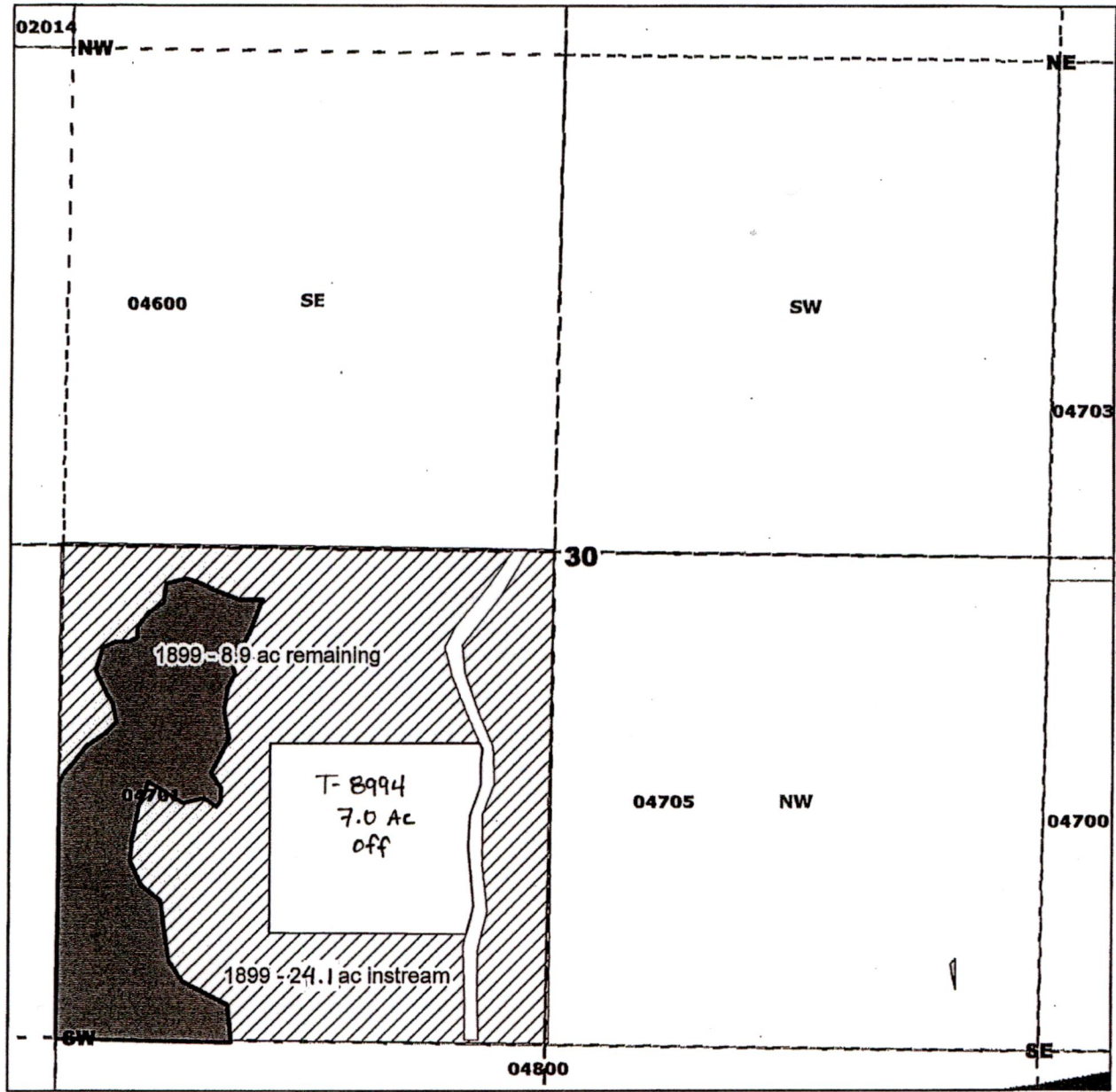
Date: 5-6-20

Printed name (and title): Diane Tolzman Business name, if applicable: _____
Mailing Address (with state and zip): P.O. Box 2330, Sisters, OR 97759
Phone number (include area









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Salem, OR



Legend

-  Remaining Water Rights - 1899
-  Instream Water Rights
-  Building Site
-  Road
-  Instream - 1899
-  Township Range
-  Quarter Quarters
-  Taxlots

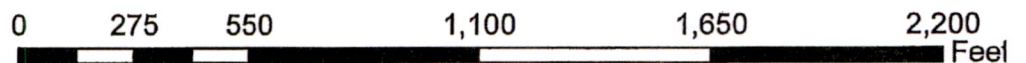
**Drake & Tolzman
Three Sisters Irrigation District**

(Golfside Investments, LLC)
 24.1 acres instream - 1899
 Certificate 74135
 T14S R11E Sect 30
 Tax Lot 4701
 NESW 24.1 acres instream
 8.9 acres remaining
 Deschutes County

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Salem, OR



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

**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: Three Sisters 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 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 #	Pr
74135	1904	Main	15 S	10 E	24	sw se	501		26	IR	8	
74135	1904	Main	15 S	10 E	24	se se	501		9	IR	8	1750
74135	1904	Main	15 S	10 E	24	se se	501		2	IR	8	
74135	1895	Main								IR		14

Any additional information about the right: POD is Main Canal. 37 acres irrigation - NOT for mitigation credit

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 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 any other 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 of 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.

Janet Herring
Signature of Lessor

Date: 4-6-2020

Printed name (and title): Janet Herring Business name, if applicable: _____
Mailing Address (with state and zip): 67717 Cloverdale Rd., Sisters, OR 97759
Phone number (include area code): 541-548-1030 **E-mail address: _____

Signature of Lessor Date: _____

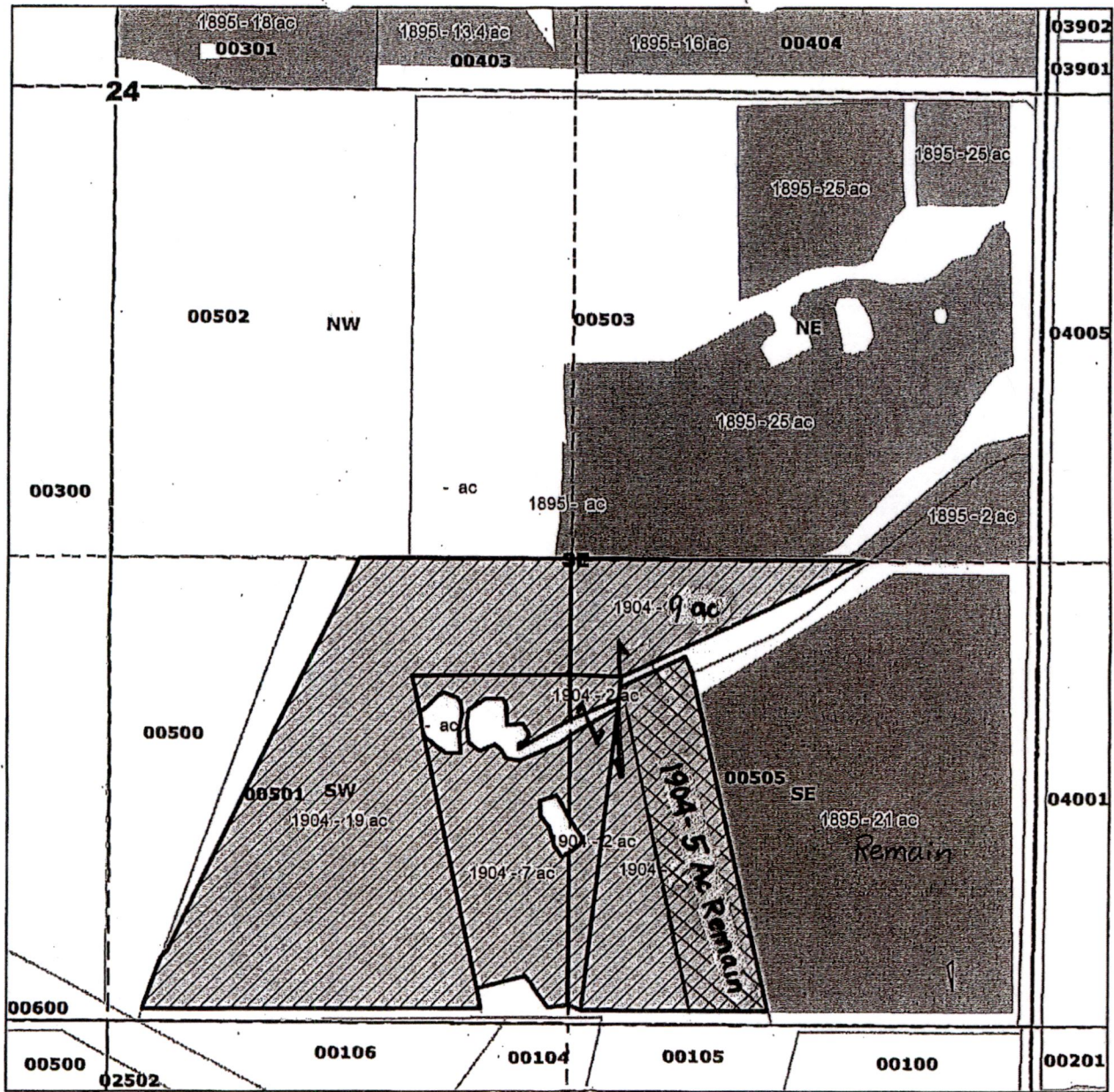
Printed name (and title): _____ Business name, if applicable: _____
Mailing Address (with state and zip): _____ Phone number (include area code): _____ **E-mail address: _____

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





Received by OWRD

MAY 19 2020

Salem, OR



Legend

-  Instream
-  Township Range
-  Quarter Quarters
-  Taxlots

Primary

Priority_Date

-  1895
-  1904

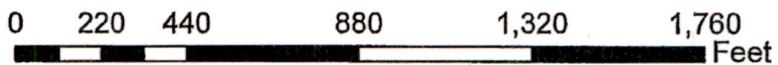
Instream Lease
Three Sisters Irrigation District

Janet Herring
 37 acres instream - 1904
 Certificate 74135
 T15S R10E Sect 24
 Tax Lot 501
 SWSE 26 Acres Instream
 SESE 11 Acres Instream, 5 Ac Remain TL 501
 Deschutes County

Received by OWRD

MAY 19 2020

Salem, OR



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: Three Sisters 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.

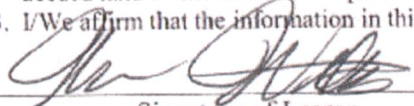
Water Right #	Priority Date	POD #	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC #	Acres	Use	Page #	Previous Lease #
93689	1908	Main	15 S	10 E	10	sw nw	800		1.3	IR		1671
93689	1908	Main	15 S	10 E	10	nw sw	800		3.7	IR		1671

Any additional information about the right: Part of POD transfer T-11318 and CW-71 and earlier T-8900 & T-8902. C-93689 supersedes C-89826 which superseded 85387. Inclusion in TSID with 2001-57331 (county clerk filing). Supplemental C-87347

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: 5.4.2020

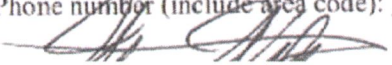
Printed name (and title): Bill Willits

Business name, if applicable: Willits LLC

Mailing Address (with state and zip): 16488 Will Road, Sisters, OR 97759

68621 HIGHWAY 20 SISTERS

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



Date: 5.4.2020

Received by OWRD

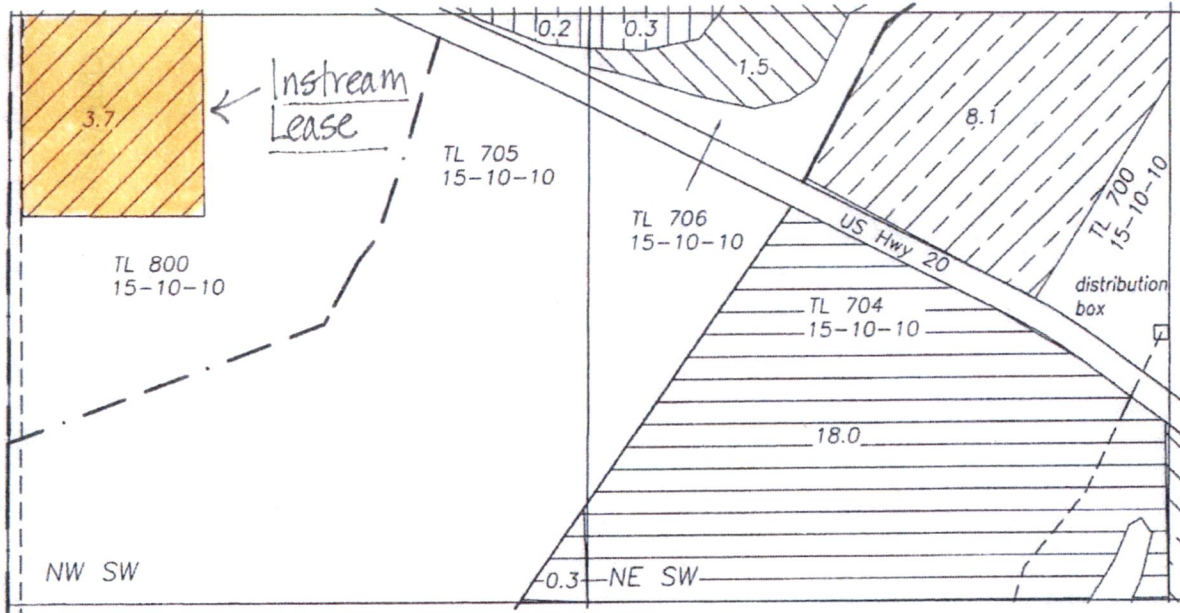
MAY 19 2020

Salem, OR

MAY 19 2020

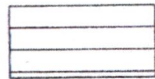
Claim of Beneficial Use T-11318

Salem, OR



Sec 10
T15S, R10E, W.M.
Deschutes County
Oregon

Legend



Water beneficially applied under transfer
T-11318, Cert. 89817, priority date 1880



Water beneficially applied under T-11318,
Cert. 89823, priority date 1886



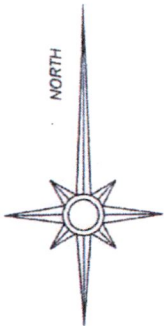
Water beneficially applied under T-11318,
Cert. 89824, priority date 1895



Water beneficially applied under T-11318,
Cert. 89825, priority date 1900



Water beneficially applied under T-11318,
Cert. 89826, priority date 1908

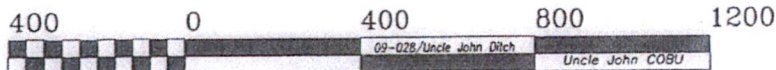


Instream Lease

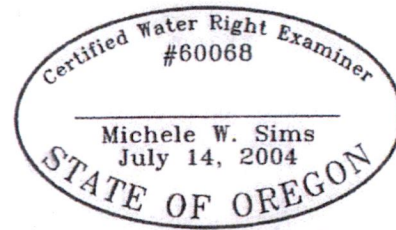
--- Property line

--- Buried pipeline

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



GRAPHIC SCALE - FEET



Renewal date: 6/30/2018

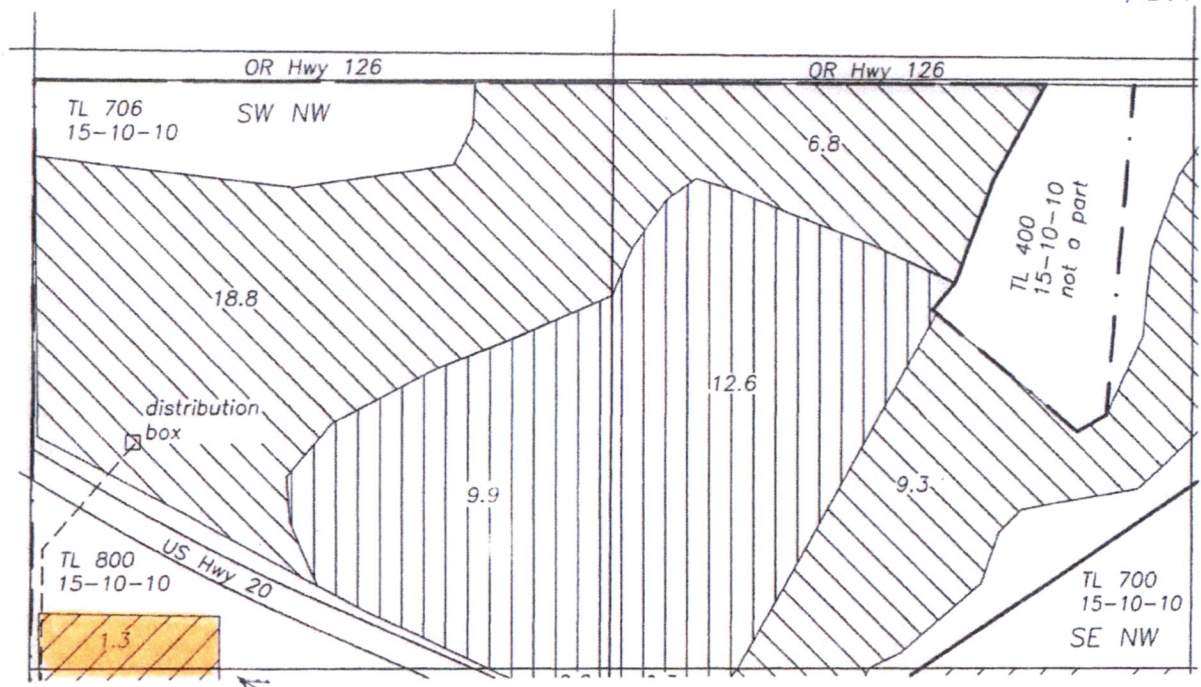
Sheet 4 of 12

received by UWRD

Claim of Beneficial Use T-11318

MAY 19 2020





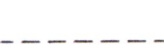
Salem, OR

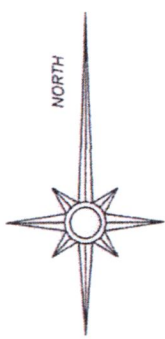


Sec 10
T15S, R10E, W.M.
Deschutes County
Oregon

Instream Lease

Legend

-  Water beneficially applied under transfer T-11318, Cert. 89823, priority date 1886
-  Water beneficially applied under T-11318, Cert. 89824, priority date 1895
-  Water beneficially applied under T-11318, Cert. 89826, priority date 1908
-  Property line
-  Buried pipeline

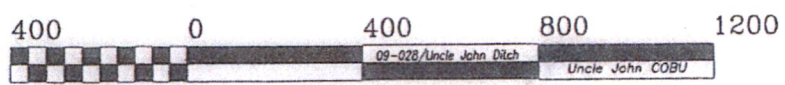


Instream Lease

10/14/2016
Certified Water Right Examiner
#60068
Michele W. Sims
Michele W. Sims
July 14, 2004
STATE OF OREGON

Renewal date: 6/30/2018

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



GRAPHIC SCALE - FEET

Sheet 3 of 12