

District Instream Lease**Part 1 of 4 – Minimum Requirements Checklist**

Oregon Water Resources
Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

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-2109/MP-332
	District #	TSID1-25

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

Fee in the amount of:

<input checked="" type="checkbox"/> \$610.00 for a lease involving four or more landowners or four or more water rights	Or <input type="checkbox"/> \$410.00 for all other leases
<input type="checkbox"/> Check enclosed or <input checked="" type="checkbox"/> Fee Charged to customer account <u>Deschutes River Conservancy (Account name)</u>	

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

INSTREAM FOR
MITIGATION PROJECT
1895 priority only for
Mitigation

☒ **Part 1 – Completed Minimum Requirements Checklist**

☒ **Part 2 – Completed District and Other Party Signature Page**

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

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

☒ **How many Water Rights are included in the lease application? 4** (# of rights)

List each water right to be leased instream here: 95971 (supersedes 74135), 93689, 93690, 93692

☐ 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>May</u> year <u>2025</u> and end: month <u>August</u> year <u>2025</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.

Emilia Ellington

Date: 4.08.2025

Signature of Co-Lessor

Printed name (and title): Emilia Ellington, Financial-Administrative 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: office@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: _____

See next page for additional signatures.

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Date: 04/15/2025

Signature of Lessee

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

Business/organization name: Deschutes River Conservancy

Mailing Address (with state and zip): 805 SW Industrial Way, Suite 5, Bend, OR 97702

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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Landowner	Acres	Certificate	Priority	Prior Lease No.
Kerith Springs	41.60	95971 (74135)	1895	IL-2037
Wayne Cornick	7.20	95971 (74135)	1895	IL-2037
Mary Burdick	5.00	95971 (74135)	1895	IL-2037
Mary Burdick	5.20	95971 (74135)	1899	IL-2037
Paul Drake	24.10	95971 (74135)	1899	IL-1922
Circle of Trees/Gardner	63.00	95971 (74135)	1903	IL-2037
David Helm	22.40	95971 (74135)	1903	IL-2037
Janet Herring	37.00	95971 (74135)	1904	IL-2037
Bill Willits	5.00	93689	1908	IL-2037
David Helm	23.70	93690	1908	IL-2037
David Helm	14.90	93692	1912	IL-2037
Total:	249.10			

95971 supersedes 74135

Certificate	Priority	Use	Acres	Instream Rate	Instream Ac-Ft	Instream Dates
95971 (74135)	1895	IR	53.80	0.848	161.40	5/1 though 8/4
95971 (74135)	1899	IR	29.30	0.462	87.90	5/1 though 8/4
95971 (74135)	1903	IR	85.40	1.345	256.20	5/1 though 8/4
95971 (74135)	1904	IR	37.00	0.583	111.00	5/1 though 8/4
93689	1908	IR	5.00	0.078	15.00	5/1 though 8/4
93690	1908	IR	23.70	0.370	71.10	5/1 though 8/4
93692	1912	IR	14.90	0.148	44.70	5/1 though 8/4
Totals:			249.10	3.834	747.30	

Only the 1895 acres – instream for mitigation project, protected to Lake Billy Chinook

1899 – 1912 acres – instream (NOT migration) to mouth of Deschutes

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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 #			
95971 (74135)	1895	Main	15	S	10	E	24	nw	nw	200		32	IR	10	2037
95971 (74135)	1895	Main	15	S	10	E	24	sw	nw	200		9.6	IR	10	2037
Any additional information about the right: T-9621 moved acres off/on in the SWNW, SENW and NWSW. No change in the NWNW. Leased instream in 2023.															
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.

Eric B. Weber
 Signature of Lessor

Date: 3/11/25

Printed name (and title): Eric B. Weber

Business name, if applicable: Kerith Springs Lodge, Inc

Mailing Address (with state and zip): 2480 NE Division Street, Gresham, OR 97030 67750 US 20, Bend, OR 97703

Phone number (include area code): 541-788-0633 **E-mail address: eric@sericmail.com

 Signature of Lessor

Date: _____

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

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

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THREE SISTERS IRRIGATION DISTRICT

CERTIFICATE 74135- 95971 supersedes

KERITH SPRINGS

15S 10E SEC 24

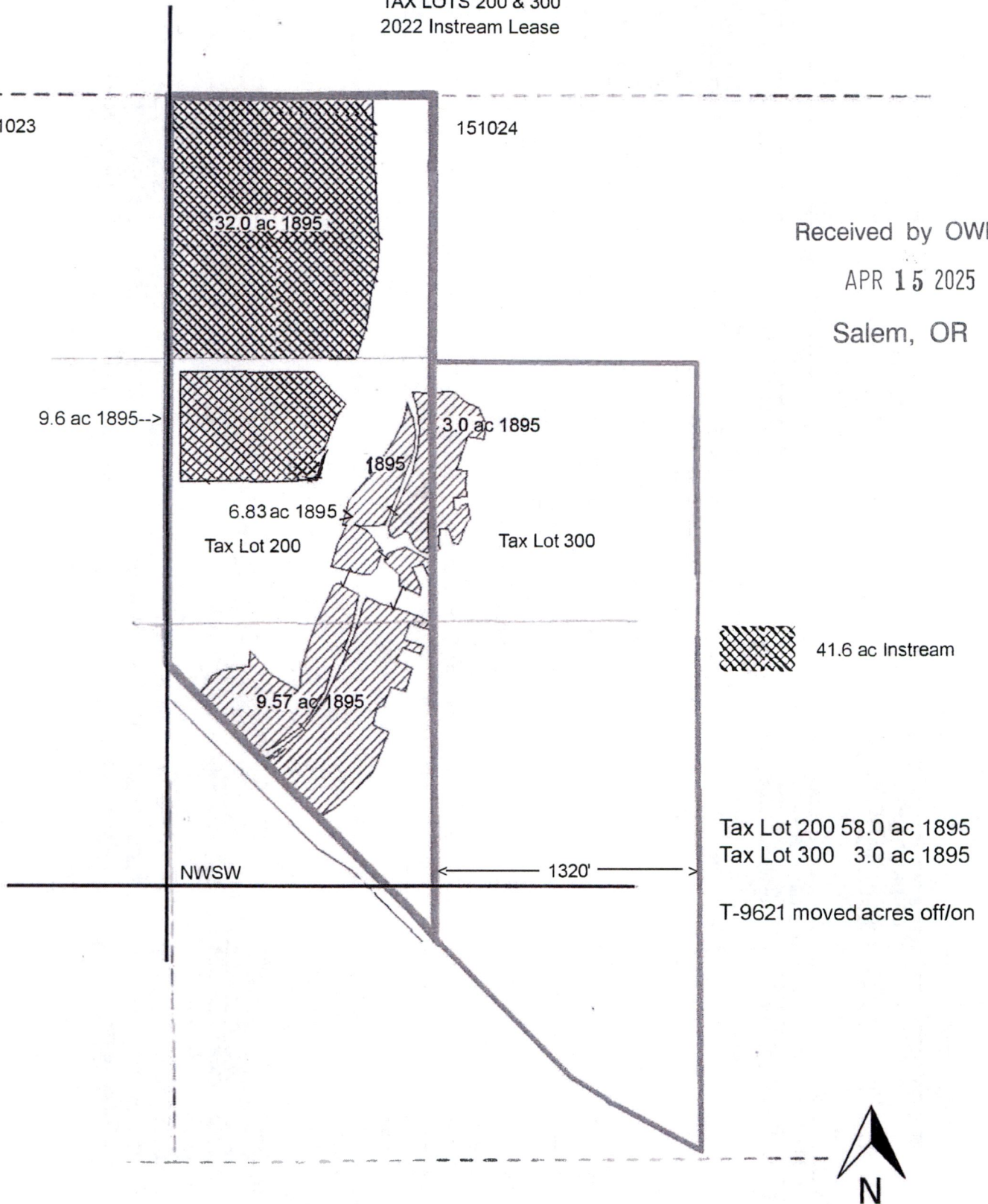
TAX LOTS 200 & 300

2022 Instream Lease

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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 #	
95971	1895	Main	15 S	10 E	12	NW NE	302		4.5	IR	9	2037	
95971	1895	Main	15 S	10 E	12	NW NE	303		2.6	IR	9	2037	
Any additional information about the right: <u>0.5 ac Pond - Certificate page 17 and 5.3 ac IR in 151012NWNE00303, remain. 95971 supersedes 74135.</u>													
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: 20 March 2025

Printed name (and title): Wayne Cornick Business name, if applicable: _____

Mailing Address (with state and zip): 17000 Barlemay Lane, Sisters, OR 97759

Phone number (include area code): 541-835-4941 **E-mail address: WM.CORNICK@AX.COM

541-410-1841

Date: 20 March 2025

Signature of Lessor

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

Mailing Address (with state and zip): _____

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

7/14/2021

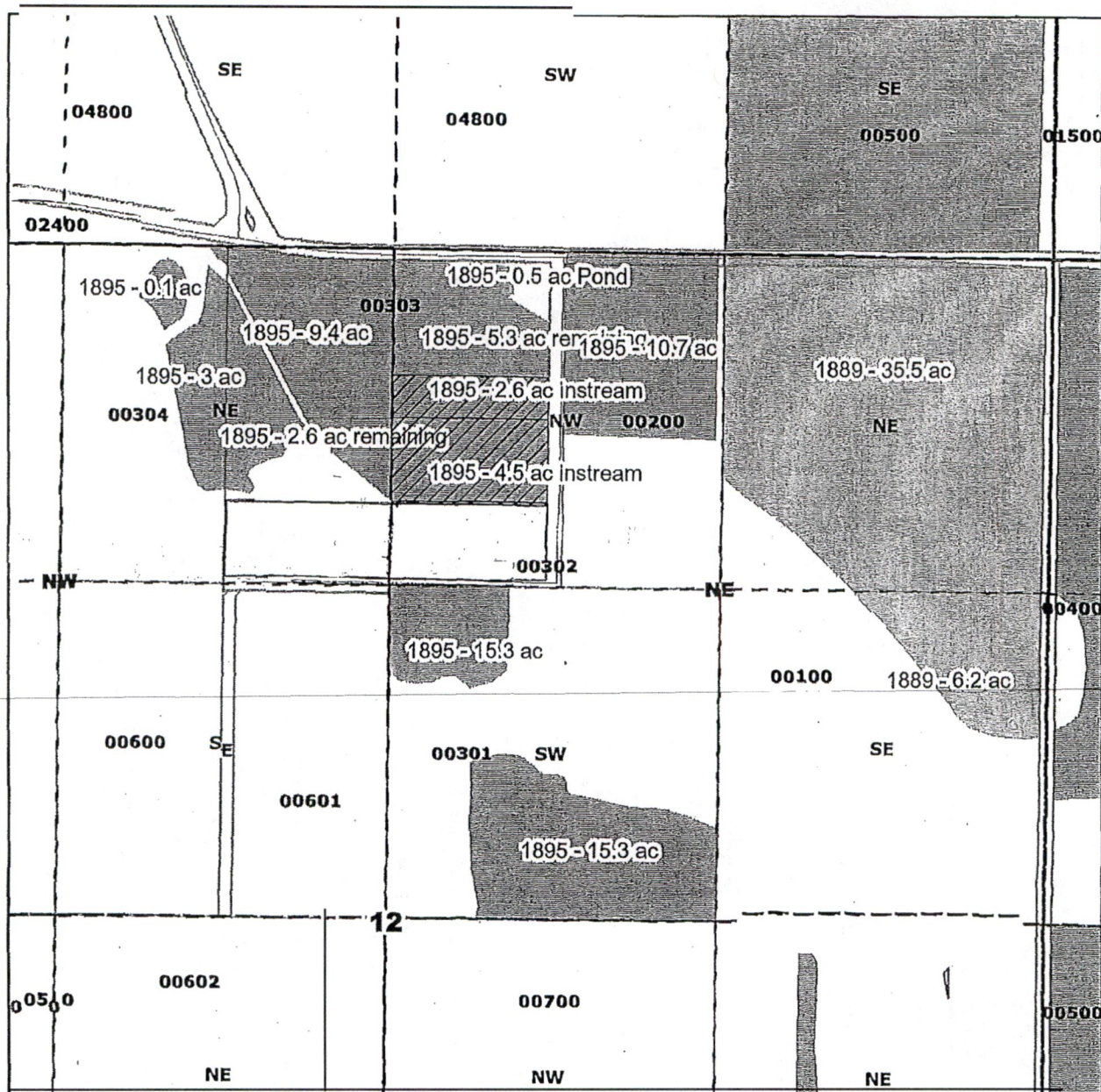
District Instream Lease Application

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Page 4



Three Sisters Irrigation District

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Wayne Cornick

7.1 acres instream - 1895

Certificate 74135 -superseded by 95971

T15S R10E Sect 12

Tax Lot 302 & 303

NWNE 7.1 acres IR instream

Deschutes County

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Salem, OR

Legend

- Township Range
- Quarter Quarters
- Taxlots

Primary

Priority_Date

- 1889
- 1895

*NWNE TL 303-5.3 ac IR
and 0.5 ac Pond Remain*



0 380 760 1,520 2,280 3,040 Feet

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

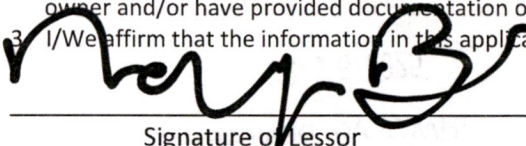
Irrigation District or other Water Purveyor Name: Three Sisters Irrigation District													
Specify Water Right, Priority Date, point of diversion(s) (POD), place of use, tax lot, gov't lot/DLC, acres to be leased, original use type, certificate page number, and any previous lease. If not enough 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 #	
95971	1895	Main	14	S	11	E	23	SW SE	1100		5.0	IR	5 IL-2037
95971	1899	Main	14	S	11	E	23	SW SE	1100		5.2	IR	5 IL-2037

Any additional information about the right: _____

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:

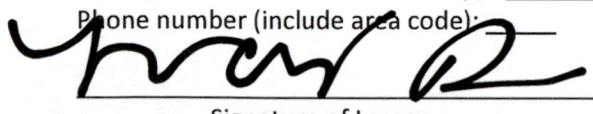
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3. I/We affirm that the information in this application is true and accurate.


 _____ Date: _____
 Signature of Lessor

Printed name (and title): Mary Burdick Business name, if applicable: _____

Mailing Address (with state and zip): 7162 B Street, Springfield, OR 97478

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


 _____ Date: _____
 Signature of Lessor

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

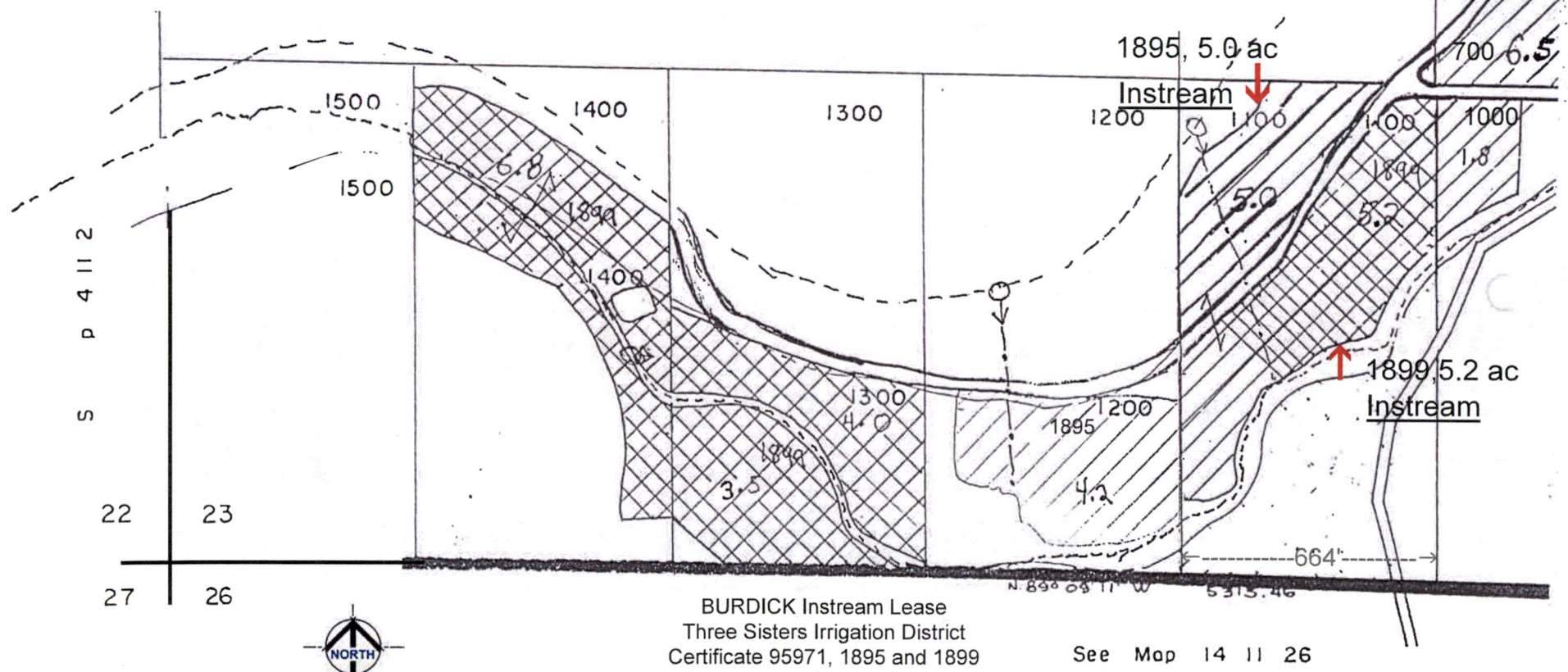
Mailing Address (with state and zip): _____

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

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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)

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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.

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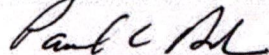
Water Right #	Priority Date	POD #	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC #	Acres	Use	Page #	Previous Lease #
95971	1899	Main	14 S	11 E	30	NE SW	800		24.1	IR	5	1922

Any additional information about the right: _____

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.

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Date: 3/11/25

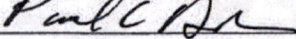
Signature of Lessor

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): _____ **E-mail address: ducke 69745@hushmail.com

360-953-3232



Date: 3/11/25

Signature of Lessor

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

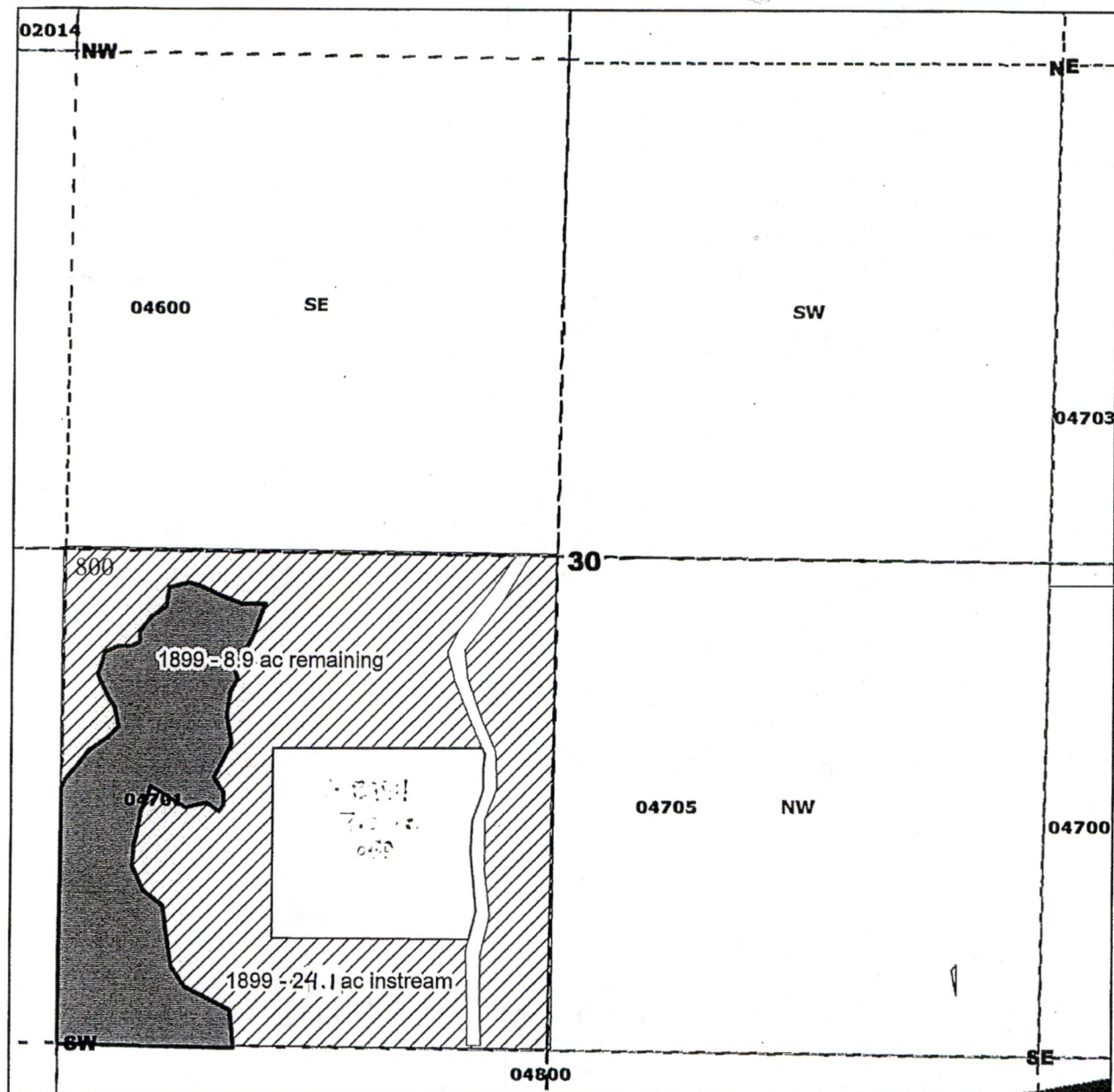
Mailing Address (with state and zip): _____

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

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Legend

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

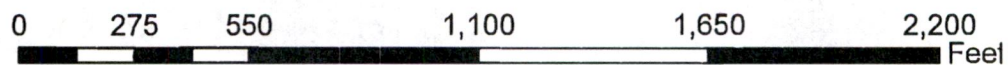
Drake & Tolzman Three Sisters Irrigation District

(Golfside Investments, LLC)
24.1 acres instream - 1899
Certificate 95971 supersedes 74135
T 14S R11E Sect 30
Tax Lot 800 (prev 4701)
NESW 24.1 acres instream 8.9 acres
remaining Deschutes County

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

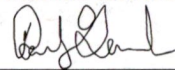
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95971	1903	Main	15	s	10	e	11	sw	se	1400		28.7	IR	8	2037
95971	1903	Main	15	s	10	e	11	se	se	1400		17.9	IR	9	2037
95971	1903	Main	15	s	10	e	14	nw	ne	1800		15.1	IR	10	2037
95971	1903	Main	15	s	10	e	14	ne	ne	1800		0.3	IR	10	2037
Any additional information about the right: 63 ac 1903. 74135 superseded by 95971.															
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.															

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



Date: _____

Signature of Lessor

Printed name (and title): Randy Gardner, Ranch Manager Business name, if applicable: Circle of Trees, Lazy Z East

Mailing Address (with state and zip): P.O. Box 1671, Sisters, OR 97759

Phone number (include area code): _____ **E-mail address: r.gardner@morrow.com



Date: _____

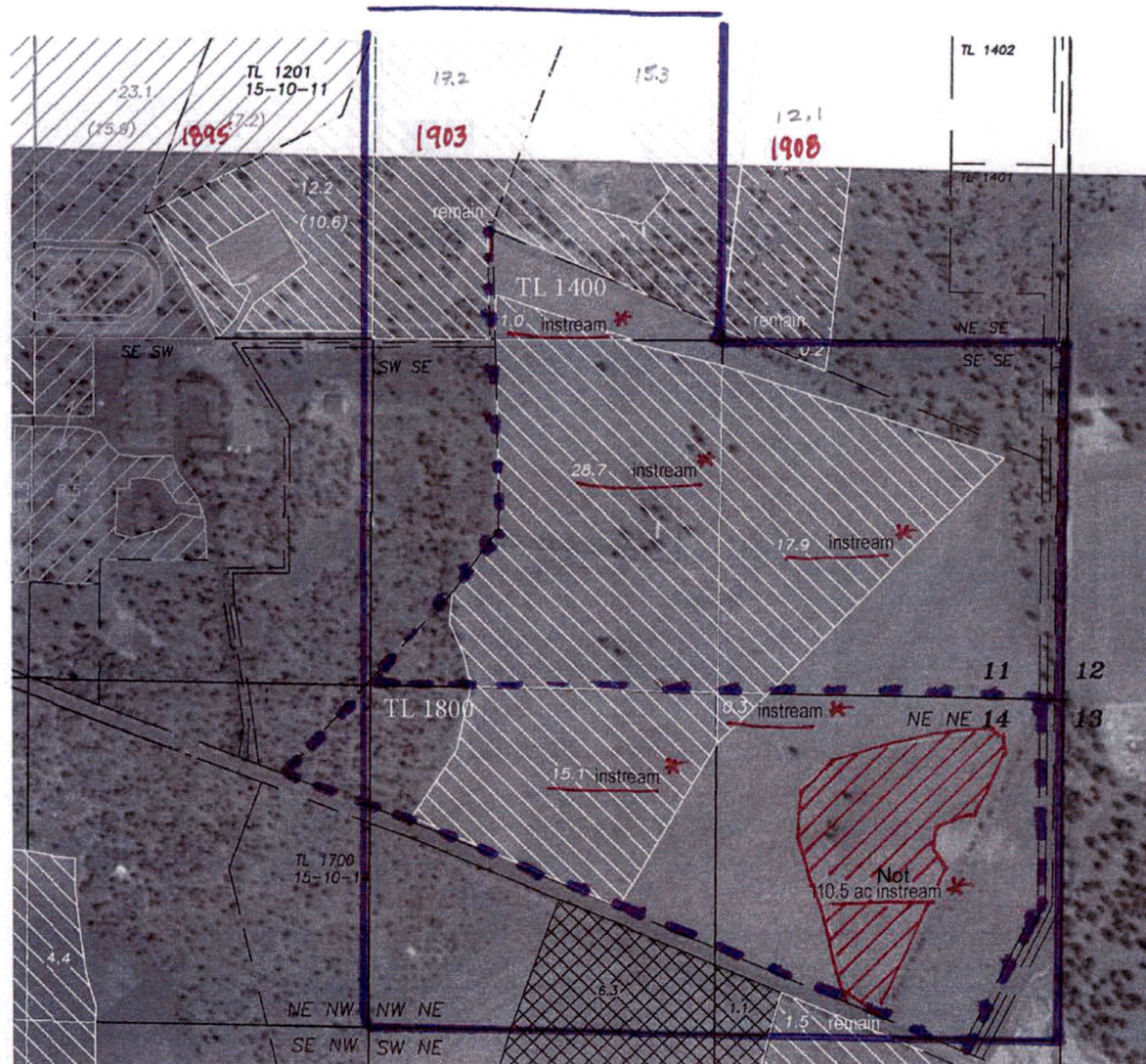
Signature of Lessor

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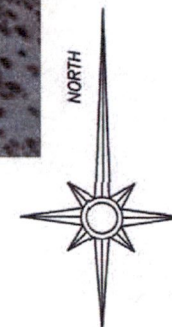
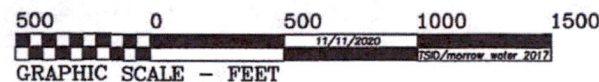
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Salem, OR

Water Rights Summary
Tax Lots 1400 and 1800
Portions of Sections 11 & 14
T15S, R10E, W.M
Deschutes County, Oregon



T15S, R10E, W.M.
Deschutes County Oregon



- Parcel boundary
- ⊕ Approximate well location
- 95971 supersedes 74135
- Cert 74135
Three Sisters ID water
Priority date 1895
TL 1800 - NWNE, NENE
10.5 Ac in-stream lease * <Not lease 2024
- Cert 74135
Priority date 1903
TL 1400 - NWSE, NESE, SWSE, SESE
47.6 Ac in-stream lease *
- TL 1800 - NWNE, NENE, 15.4 ac in-stream *
- Cert. 93690
Priority date 1908
- Cert 93679
Priority date 12/31/1900

Instream Lease by TL & priority *
TL 1400 - 47.6 ac, priority 1903
TL 1800 - 15.4 ac, priority 1903
TL 1800 - 10.5 ac, priority 1895

Total in-stream lease *
63 ac - 1903 <<TOTAL
~~10.5 ac - 1895~~
73.5 ac TOTAL

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

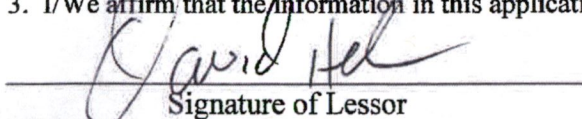
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Table 1

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 #		
93692	1912	Main	15	s	10	e	11	sw	ne	1200		10.8	IR	2037
93692	1912	Main	15	s	10	e	11	se	ne	1200		4.1	IR	2037
93690	1908	Main	15	s	10	e	11	sw	ne	1200		5.6	IR	2037
93690	1908	Main	15	s	10	e	11	se	ne	1200		5.5	IR	2037
93690	1908	Main	15	s	10	e	11	ne	se	1200		12.4	IR	2037
93690	1908	Main	15	s	10	e	11	se	se	1200		0.2	IR	2037
95971	1903	Main	15	s	10	e	11	sw	ne	1200		4.6	IR	8 T-10907/IL 2037
95971	1903	Main	15	s	10	e	11	nw	se	1200		15.3	IR	8 T-10907/IL 2037
95971	1903	Main	15	s	10	e	11	ne	se	1200		2.5	IR	8 T-10907/IL 2037
Any additional information about the right: 22.4 ac 1903, 23.7 ac 1908, 14.9 ac 1912, 61 ac total. Transfers and lot changes. 95971(74135).														
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: 3/10/25

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APR 15 2025

Salem, OR

Printed name (and title): David Helm

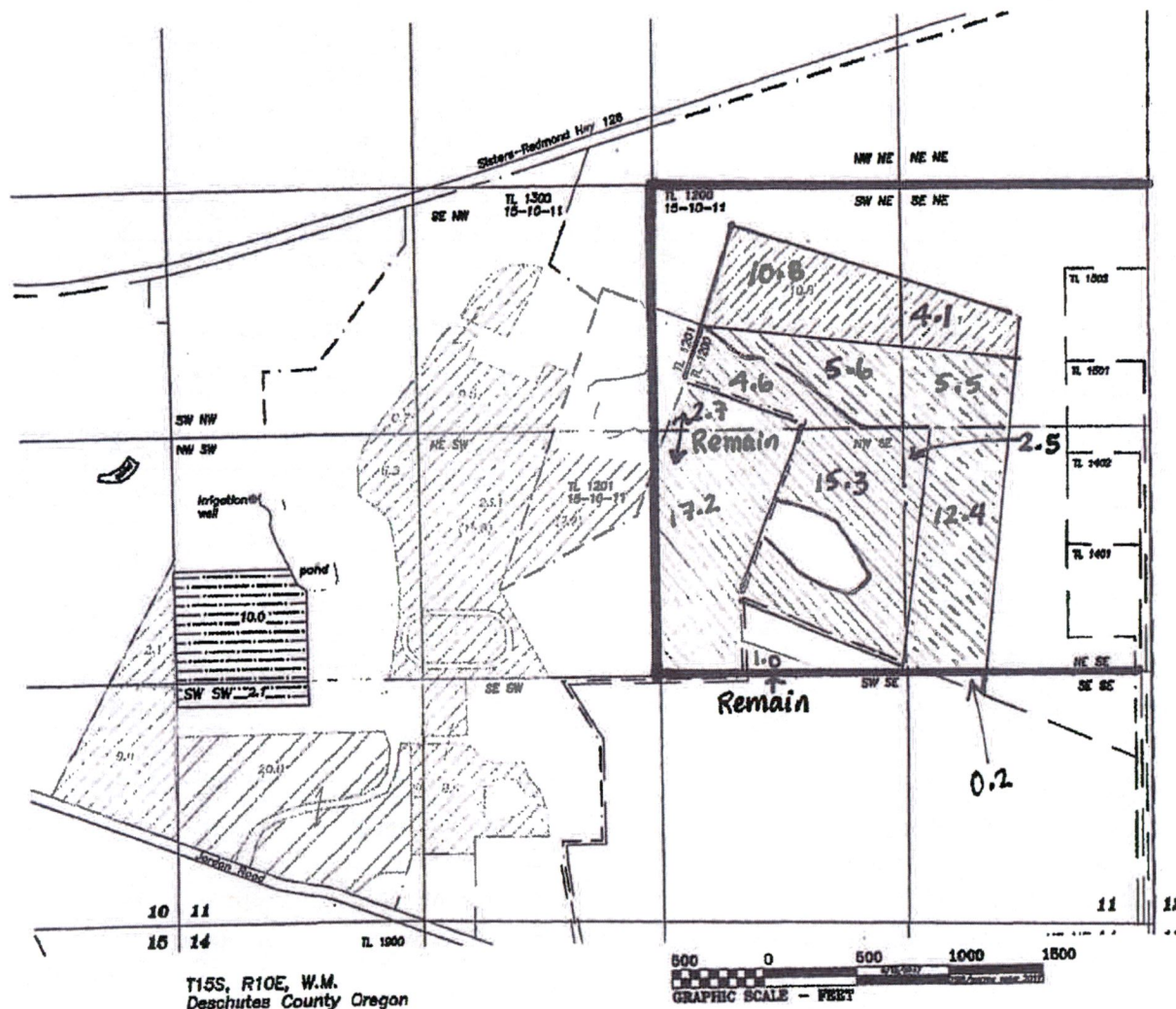
Business name, if applicable:

Mailing Address (with state and zip): P.O. Box 1000, Sisters, OR 97759








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

Helm Instream Lease

Tax lot 1200



Water Rights Summary
Tax Lots 1300, 1200, 1201
Portions of Sections 10 & 11
T15S, R10E, W.M
Deschutes County, Oregon

- Parcel boundary
- Approximate well location
-  Three Sisters ID water 20.0 acres
Priority date 1889
-  Three Sisters ID water 71.2 acres
Priority date 1885
-  Cert. 74135 95971 supersedes 74135
Priority date 1903
-  Cert. 93680
Priority date 1908
-  Cert. 93882
Priority date 1912
-  Cert. 93688
Priority date 1908
-  Cert. 85431 (groundwater)
Priority date 8/25/1970

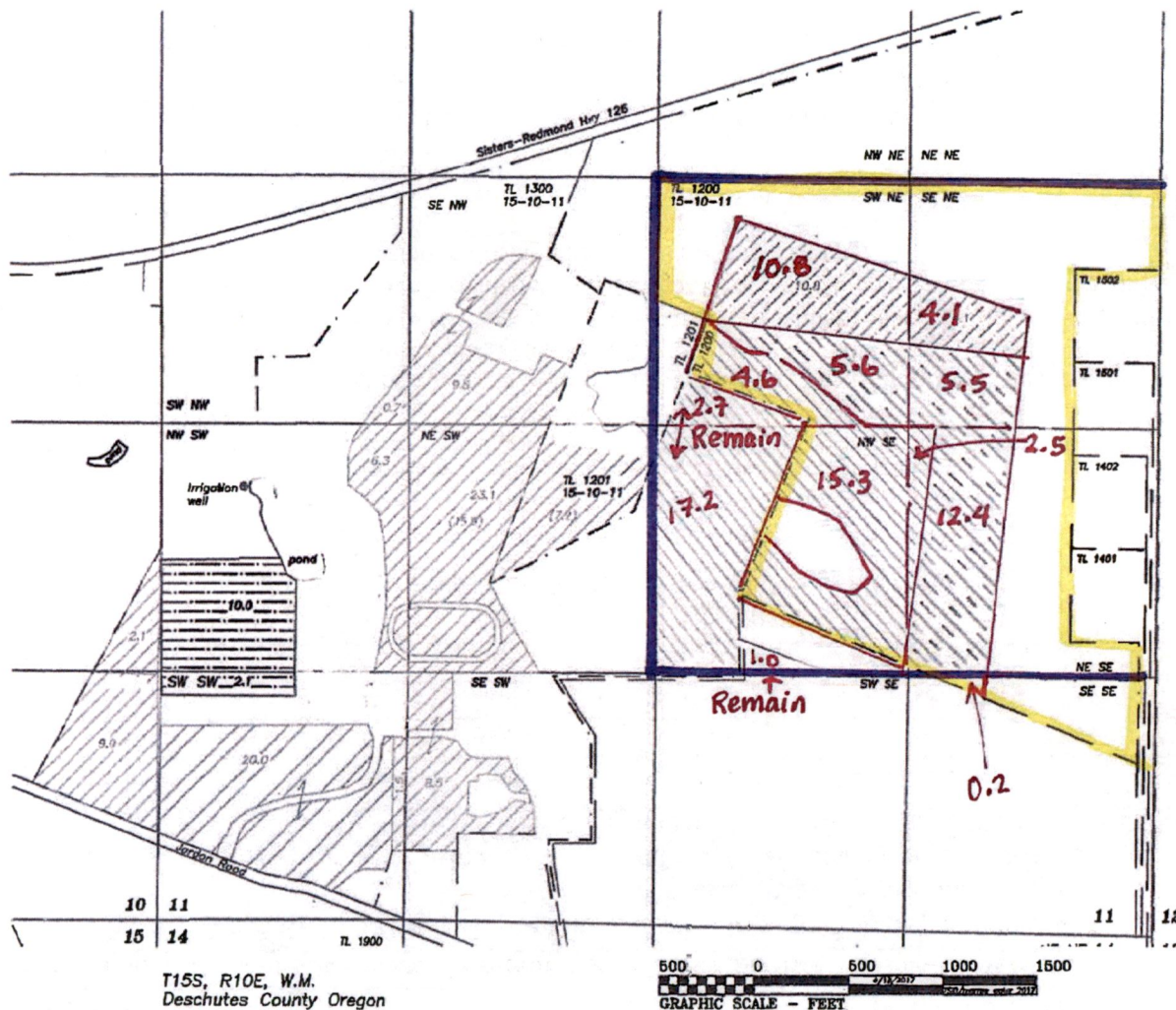


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Salem, OR

Helm Instream Lease Tax lot 1200



Water Rights Summary
Tax Lots 1300, 1200, 1201
Portions of Sections 10 & 11
T15S, R10E, W.M
Deschutes County, Oregon

- Parcel boundary
- Approximate well location
- Three Sisters ID water 20.0 acres
Priority date 1889
- Three Sisters ID water 71.2 acres
Priority date 1895
- Cert 74135 95971 supersedes 74135
Priority date 1903
- Cert. 93690
Priority date 1908
- Cert 93692
Priority date 1912
- Cert 93688
Priority date 1908
- Cert 85431 (groundwater)
Priority date 8/25/1970

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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.

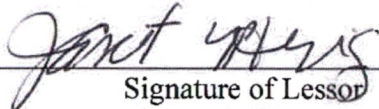
Water Right #	Priority Date	POD #	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC #	Acres	Use	Page #	Previous Lease #
95971	1904	Main	15 S	10 E	24	sw se	501		26	IR	11	2037
95971	1904	Main	15 S	10 E	24	se se	501		9	IR	11	2037
95971	1904	Main	15 S	10 E	24	se se	501		2	IR	11	2037
95971	1895	Main								IR		

Any additional information about the right: POD is Main Canal, 37 acres irrigation - NOT for mitigation credit. 95971 (74135)

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: 18 25

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: _____

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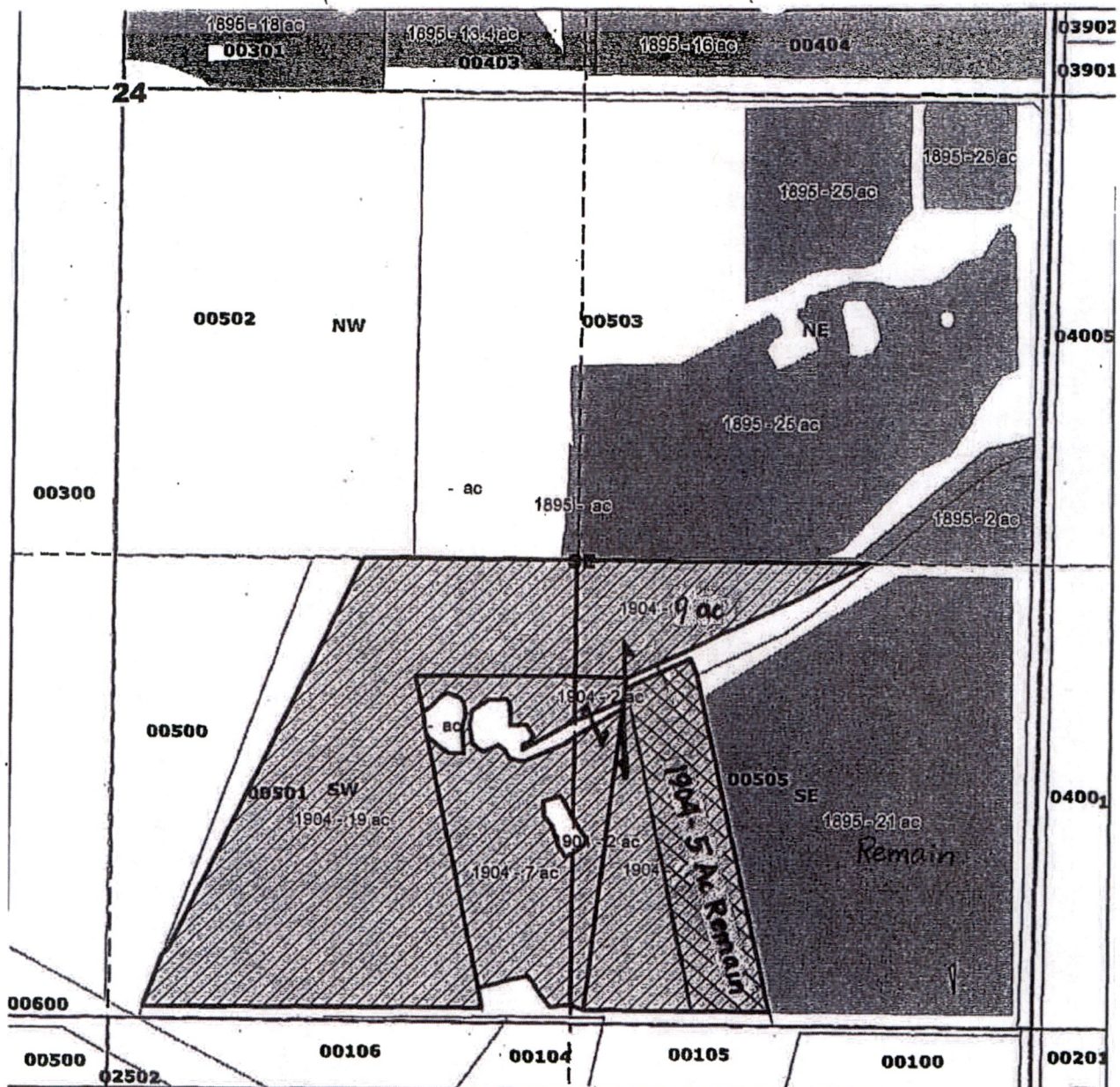
Salem, OR

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: _____



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 95971 supersedes 74135
T15S R10E Sect 24
Tax Lot 501
SWSE 26 Acres Instream
SESE 11 Acres Instream, 5 Ac Remain TL 501
Deschutes County

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Salem, OR



0 220 440 880 1,320 1,760 Feet

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		2037	
93689	1908	Main	15 S	10 E	10	nw sw	800		3.7	IR		2037	

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 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.

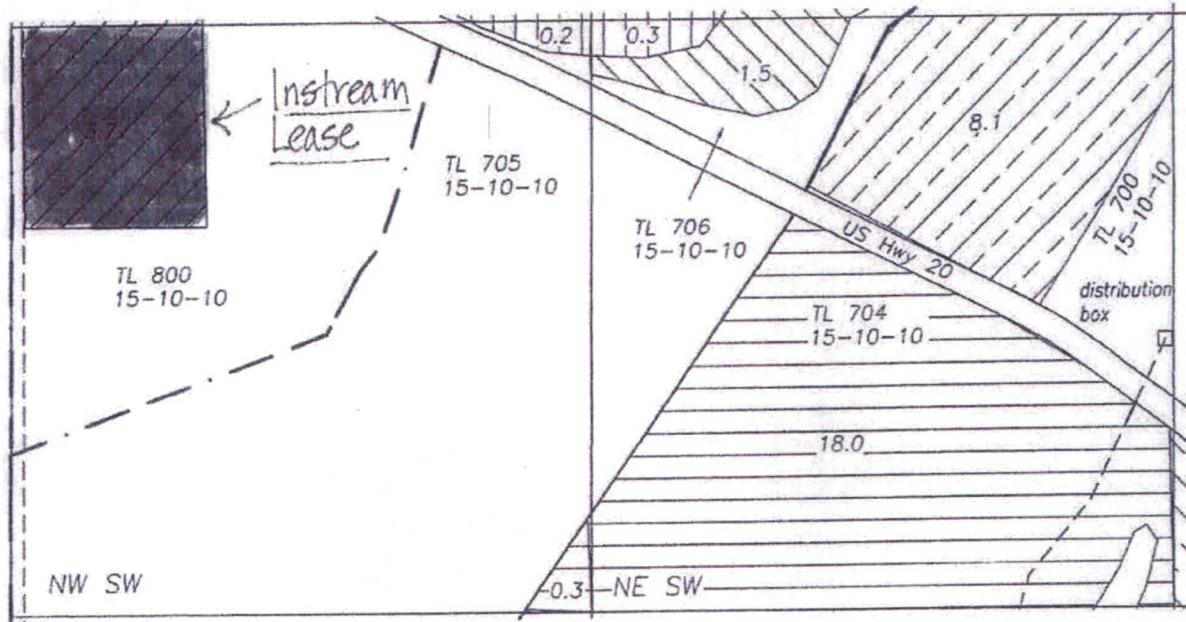
Date: 3.11.2025
 Signature of Lessor

Printed name (and title): Bill Willits Business name, if applicable: Willits LLC
 Mailing Address (with state and zip): 16488 Will Road, Sisters, OR 97759 68671 E Highway 20
 Phone number (include area code): 541.815.4462 **E-mail address: BN@FIVEPINELODGE.COM

Date: 3.11.2025
 Signature of Lessor
 Printed name (and title): Bill Willits Owner Business name, if applicable: _____

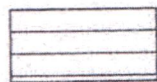
Received by OWRD
 APR 15 2025
 Salem, OR

Claim of Beneficial Use T-11318

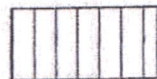


Sec 10
T15S, R10E, W.M.
Deschutes County
Oregon

Legend



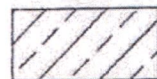
Water beneficially applied under transfer
T-11318, Cert. 89817, priority date 1880



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



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



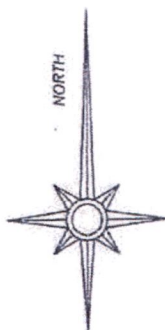
Water beneficially applied under T-11318,
Cert. 89825, priority date 1900



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

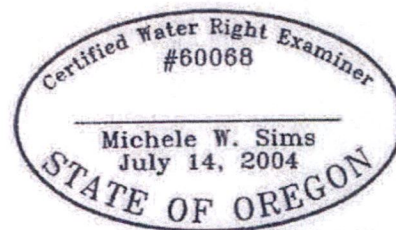
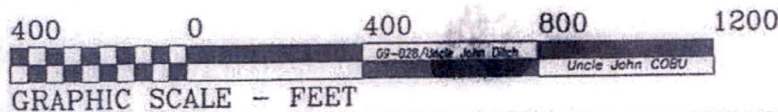
Property line

Buried pipeline



Instream
Lease

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.



Renewal date: 6/30/2018

Sheet 4 of 12

Michele W. Sims, Consultant LLC Sisters, OR 97759 541-408-4777

Received by OWF

APR 15 2025

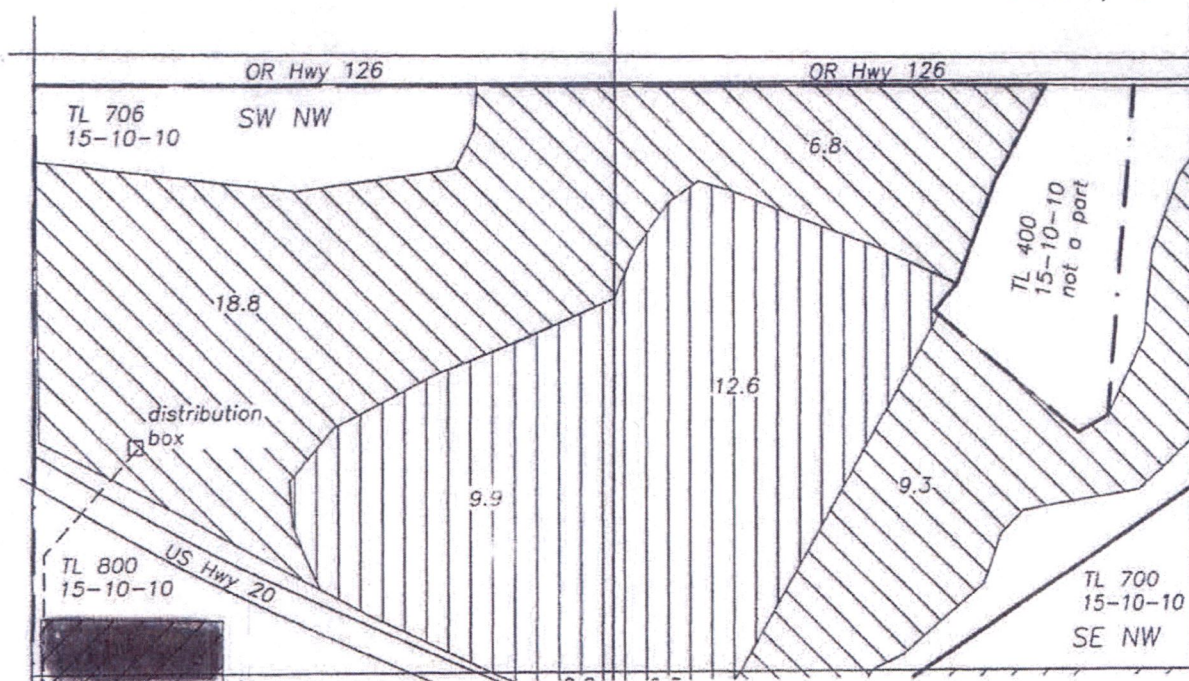
Salem, OR

Claim of Beneficial Use T-11318

Received by OWRD

APR 15 2025

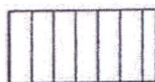
Salem, OR



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

Instream Lease

Legend



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



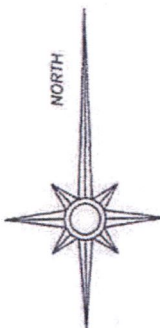
Water beneficially applied under T-11318,
Cert. 89824, priority date 1895



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

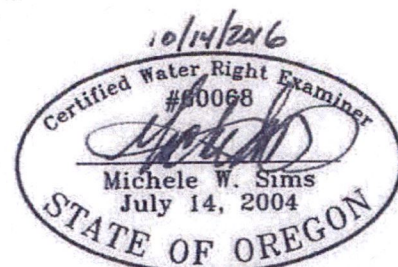
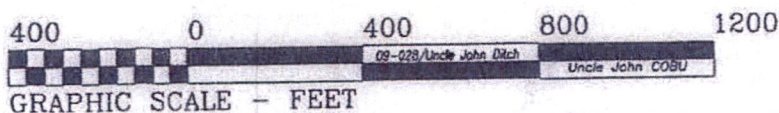
--- Property line

----- Buried pipeline



Instream Lease

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.



Renewal date: 6/30/2018

Sheet 3 of 12

Michele W. Sims, Consultant LLC Sisters, OR 97759 541-408-4777

APR 15 2025

Part 4 of 4 – Water Right and Instream Use Information

Salem, OR

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

Table 2

Priority Date	POD #	Use	Acre	Other Information (such as conditions/limitations on the right)	Rate (cfs)	Volume (af)
1895	Main	IR	53.8	Max rate of 0.0154 cfs/acre (pre conservation), no max acre-feet	0.848	N/A
1899	Main	IR	29.3	Max rate of 0.0187 cfs/acre (pre conservation), no max acre-feet	0.547	N/A
1903	Main	IR	85.4	Max rate of 0.0185 cfs/acre (pre conservation), no max acre-feet	1.581	N/A
1904	Main	IR	37.0	Max rate of 0.0180 cfs/acre (pre conservation), no max acre-feet	0.666	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

Priority date	POD #	Use	Acre	Proposed Instream Period	Instream Rate (cfs)	Total instream volume (af)
1895	Main	IR	53.8	0.016/ac, Instream 5/1 through 8/4 for MITIGATION (to Madras gage)	0.848	161.4
1899	Main	IR	29.3	0.016/Ac Instream 5/1 through 8/4 NOT MP, to Mouth of Deschutes	0.462	15.6
1903	Main	IR	85.4	0.016/Ac Instream 5/1 through 8/4 NOT MP, to Mouth of Deschutes	1.345	256.2
1904	Main	IR	37	0.016/Ac Instream 5/1 through 8/4 NOT MP, to Mouth of Deschutes	0.583	111.00

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

Instream 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.

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 Instream from 5/1-8/4, limited to 3 AF per acre to account for general on-farm deliveries, only 1895 is protected for Mitigation Project. OWRD calculator used which has been adjusted for past conserved water.
 Note: The Department may identify additional conditions to prevent injury and/or enlargement.

Any additional information about the proposed instream use: 1895 instream for mitigation (53.8 acres, 1895 priority only)

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	Acre	Other Information (such as conditions/limitations on the right)	Rate (cfs)	Volume (af)	
1908	Main	IR	5	Rate limited to 0.0156/acre	.078	N/A	
					0		
					0		
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</u> , tributary to <u>Deschutes</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>TSID Main</u> to <u>Mouth of Deschutes</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	Acre	Proposed Instream Period	Instream Rate (cfs)	Total instream volume (af)	
1908	Main	IR	5	Instream 5/1 through 8/4, max rate of 0.0156, about 3 AF/Ac	0.078	15.0	
				NOT for mitigation	0		
					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>Instream from 5/1-8/4 at 3 AF/Ac to match average on farm delivery</u> Note: The Department may identify additional conditions to prevent injury and/or enlargement.							
Any additional information about the proposed instream use: _____							

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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>93690</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	Acre	Other Information (such as conditions/limitations on the right)	Rate (cfs)	Volume (af)	
1908	Main	IR	23.7	Instream 5/1 through 8/4, max rate of 0.0156	0.370	N/A	
					0		
					0		
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, 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>TSID Main</u> to <u>Mouth of Deschutes</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	Acre	Proposed Instream Period	Instream Rate (cfs)	Total instream volume (af)	
1908	Main	IR	23.7	Instream 5/1 through 8/4, max rate of 0.0156, about 3 AF/Ac	0.370	71.1	
				NOT for mitigation	0		
					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>Instream from 5/1-8/4 at 3 AF/Ac to match average on farm delivery</u> Note: The Department may identify additional conditions to prevent injury and/or enlargement.							
Any additional information about the proposed instream use: _____							

Received by OWRD

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>93692</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	Acre	Other Information (such as conditions/limitations on the right)	Rate (cfs)	Volume (af)	
1912	Main	IR	14.9	5/1 through 8/4, rate limited 0.148 for 14.9 ac (0.00993/ac)	0.148	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:							

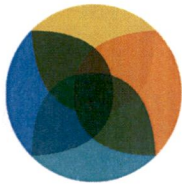
Table 3

Instream Use created by the lease		River Basin: <u>Deschutes</u>		River/Stream Name: <u>Whychus Cr, 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>TSID Main</u> to <u>Mouth of Deschutes</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	Acre	Proposed Instream Period	Instream Rate (cfs)	Total instream volume (af)	
1912	Main	IR	14.9	5/1 through 8/4, limited to 0.148 cfs	0.148	44.7	
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>Instream from 5/1 through 8/4</u> Note: The Department may identify additional conditions to prevent injury and/or enlargement.							
Any additional information about the proposed instream use: _____							

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January 31, 2025

VIA E-MAIL ONLY:

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Jeremy Giffin
Watermaster - District 11
Oregon Water Resources Department
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Ann Reece
Sarah A. Henderson
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

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Re: 2025 Water Rights Transfer Applications in the Deschutes Basin

Dear Mr. Giffin, Ms. Reece, and Ms. Henderson:

We represent the Confederated Tribes of the Warm Springs Reservation of Oregon ("Tribe"). We write to provide the Department of Water Resources ("Department") with an update on the process for administering water rights transfer applications for the 2025 calendar year.

As you know, the Tribe, the State of Oregon, and the United States are all parties to the Confederated Tribes of the Warm Springs Reservation Water Rights Settlement Agreement, dated November 17, 1997, as amended ("Settlement Agreement"). The Settlement Agreement requires the three sovereign parties "to meet and describe in the memorandum of understanding the process for determining injury to the Tribal Reserved Water Right." Agmt. at Art. IX, § A. The ability to determine such an injury is a prerequisite to administering water rights transfers¹ in the Deschutes Basin, as "[n]o transfer of a State water right in the Deschutes Basin shall be made *unless the State finds that no injury to the Tribal Reserved Water Right shall result.*" Agmt. at Art. V, § (B) (emphasis added). The Tribe emphasizes that the contractual obligation to make a finding of no injury resides with the State, not the Tribe.

The parties to the Settlement Agreement have not yet developed the process for determining injury to the Tribal Reserved Water Right. In the absence of the injury determination process required by the Settlement Agreement, the Tribe reviewed numerous water rights transfer applications in 2024. During this process, the Tribe expended substantial resources to review certain information concerning water rights transfer applications in the Deschutes Basin. In particular, the Tribe has received and reviewed hundreds of

¹ A "Transfer" means any change in the nature of use, place of use, or point of diversion of a water right." Agmt. at Art. III, § 25.

Jeremy Giffin
Ann Reece
Sarah A. Henderson
January 31, 2025
Page 2

applications from various irrigation districts, including the Central Oregon Irrigation District ("COID"); the Deschutes River Conservancy ("DRC"); the Department of Water Resources ("Department"); and numerous other applicants and entities.

The Tribe's review of the 2024 applications was both time- and resource-intensive. It was also informative. The Tribe has considered the information learned, and has now identified certain categories of applications that present, respectively, a low-risk, medium-risk, and high-risk of injury to Tribal Reserved Water Rights as defined in the Settlement Agreement. Certain factors have been identified as presenting a low risk of injury to the Tribal Reserved Water Right. The Tribe believes that those factors indicating a low risk of injury to the Tribal Reserved Water Right can be used in the upcoming 2025 calendar year to simplify, and expedite, the process for administering said applications.

The Tribe has identified the applicable low-risk factors and believes that those factors are adequately represented in the "CTWS Low-Risk Transfer Checklist Requirements" document attached hereto as Exhibit A. In close coordination with COID, the Tribe has approved the attached checklist for use in the upcoming 2025 calendar year as a way to facilitate and expedite the processing of water rights transfer applications within the Deschutes Basin. The Tribe agrees that all transfer applications that fully satisfy this checklist may be processed by the Department without prior Tribal review. Accordingly, the Tribe does not object to the Department processing any applications that are submitted to the Department with a completed and signed checklist. The Department should process such applications in accordance with applicable law, and the Department's customary practice.

The Tribe expressly reserves, and does not waive, all rights, claims, and defenses that it may possess in connection with such applications, including, but not limited to, whether such applications violate the Treaty of June 25, 1855, with the Tribes of Middle Oregon, 12 Stat. 963 ("1855 Treaty"), or the Settlement Agreement. To be clear, this letter, and the use of the enclosed checklist, does not remove or absolve the State of Oregon from fulfilling its obligations under the 1855 Treaty and the Settlement Agreement. It is the Tribe's position that the Settlement Agreement requires that the Department affirmatively confirm that each and every water rights transfer application will not injure the Tribal Reserved Water Right or any undetermined vested water right claimed by the Tribe or the United States acting as trustee for the Tribe, including, but not limited to, instream flows necessary to maintain harvestable populations of treaty-protected fish in the Deschutes Basin. The checklist is not a replacement for that affirmative obligation and finding.

We would be happy to meet with the Department to discuss the checklist and proposed process moving forward.

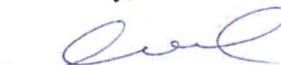
Please let us know if you have any questions.

Sincerely,

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Alison K. Toivola
of BEST BEST & KRIEGER LLP

Jeremy Giffin
Ann Reece
Sarah A. Henderson
January 31, 2025
Page 3

AKT

cc: Robert A. Brunoe
Austin Smith, Jr.
Brad Houslet
Josh Newton, Esq.
David Filippi, Esq.
Jessi Talbott
Mikaela Watson

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Exhibit A

INSTRUCTIONS:

This checklist is intended to facilitate the Department of Water Resources' ("Department") processing of water rights transfer applications within the Deschutes Basin for the 2025 calendar year. The Confederated Tribes of the Warm Springs Reservation of Oregon ("Tribe") has reviewed this checklist. The Tribe does not object to the Department's processing of any water rights transfer applications that meets a "Yes" of all applicable checklist items, and therefore satisfies the "Meets Requirements" category at the top of this checklist. When the checklist is so satisfied, the Department may process the application in accordance with applicable law, and the Department's customary practice.

Water rights transfer applications that meet all of the checklist criteria appear to present a low risk of injury to the Tribal Reserved Water Right as defined in the Confederated Tribes of the Warm Springs Reservation Water Rights Settlement Agreement, dated November 17, 1997, as amended. The Tribe does not waive its right to dispute or challenge any transfer application, whether or not they satisfy this checklist, on the basis that the transfer injures the Tribal Reserved Water Right or other federally-reserved water right held by the Tribe. The Tribe expressly reserves, and does not waive, all rights, claims, and defenses that it may possess in connection with the application, including, but not limited to, whether the application violates the Treaty of June 25, 1855, with the Tribes of Middle Oregon, 12 Stat. 963, or the Confederated Tribes of the Warm Springs Reservation Water Rights Settlement Agreement, dated November 17, 1997, as amended.

The Tribe further reserves the right to conduct additional analysis on any transfer that is submitted to the Department with a completed checklist. The Tribe reserves the right to consider, among other things, the risk of localized impacts, cumulative impacts, water quality, return flows, groundwater recharge, Habitat Conservation Plan flow augmentation agreements, water bank transactions, and additional analyses received from the Tribe's staff, Department, applicant, or third party.

A "temporary instream lease" is any instream lease lasting five (5) years or less.

This checklist applies to surface water transfers only. This checklist does not apply to groundwater transfers.

If you have any questions about this checklist, please contact:

Gen Hubert, Deschutes River Conservancy or Emilia Ellington, Three Sisters Irrigation District (TSID), on behalf of TSID-landowners, via e-mail at:
office@tsidweb.org
gen@deschutesriver.org

Alison K. Toivola or Josh Newton of Best Best & Krieger, LLP, on behalf of the Tribe, via e-mail at:
Alison.Toivola@bbklaw.com
Josh.Newton@bbklaw.com

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CTWS Low-Risk Transfer Checklist Requirements

Patron Name/Applicant Name : Three Sisters I.D. - Sisters

Meets Requirements: ☐

Transfer Type: Instream Lease for mitigation ⁺

Does Not Meet Requirements: ☒

Transfer #: TSID -Pooled 2025-01

Review Date:

Checklist Completed By: G Hubert

Water Right Transfer - Check Applicable Transfer Type

Own Lands Transfer ☐
Water Right Sale ☐

	YES	NO	Comments:
Transfer Within Same District Boundary	<input type="checkbox"/>	<input type="checkbox"/>	
On/Off Lands Balance	<input type="checkbox"/>	<input type="checkbox"/>	
On/Off Lands Within Five (5) Miles	<input type="checkbox"/>	<input type="checkbox"/>	
No Increase in Diversion Amount	<input type="checkbox"/>	<input type="checkbox"/>	
No Change in Type of use	<input type="checkbox"/>	<input type="checkbox"/>	
No Change in Point of Diversion or Appropriation	<input type="checkbox"/>	<input type="checkbox"/>	
On/Off Lands Served by Same Canal	<input type="checkbox"/>	<input type="checkbox"/>	Identify Canal: TSID Main Canal
NOT a Multi-Step Transfer	<input type="checkbox"/>	<input type="checkbox"/>	
NOT a Mitigation Credit	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Temporary Instream Lease	YES	NO	Comments:
Decrease in Diversion - Increased River Flows	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Transfer of Surface Water ONLY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	instream lease for mitigation
No Potential for Measurable Impact to Crooked River	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
No Potential for Measurable Impact to Whychus Creek	<input checked="" type="checkbox"/>	<input type="checkbox"/>	instream lease for mitigation
No Potential for Measurable Impact to Deschutes River	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Summary of Transfer:

This is an instream lease (1-year) for mitigation credit. Temporary mitigation is provided at 2:1 ratio with an additional ac. instream for each ac. of mitigation used. Lease is 249.1 ac and includes 195.3 ac junior water that is not associated with mitigation. Protected 5/1-8/4 with junior water fairly reliable for timing. Protected from TSID diversion to Lake Billy Chinook. Most ac leased IL-2037, 2024.

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