



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

Application for Instream Lease Pooled Lease Form

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

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

Optional Identification by Lessor/Lessee: COC-07-01 Mitigation Project
Lease Application Number (assigned by WRD): IL-804 / MLP-97

This Lease is between:

Lessor #2: Irrigation District or Other Water Purveyor

Name Central Oregon Irrigation District
Mailing address 1055 SW Lake Ct
City, State, Zip Code Redmond, OR 97756
Telephone number 541-548-6047
Email address lauraw@coid.org

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

Lessee (if different than Oregon Water Resources Department):

✓ Name Deschutes Water Exchange Mitigation Bank
Mailing address 700 NW Hill
City, State, Zip Code Bend, OR 97701
Telephone number 541-382-5186
Email address gen@deschutesriver.org

Trustee:

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

RECEIVED

MAR 09 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

~I~ Water Right Holder and Water Right Information

1.2 Lessor #2 is the (Check one):

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

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

Certificate No. 76358 & 76714

1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. Yes No

1.5 **Water Rights Proposed to be Leased Instream.**

The first right to be leased identified in Section 1.3 is further described as follows:

Certificate No.: 76358

Priority date: October 31, 1900 & December 2, 1907 Type of use: 36.95 ac.

Irrigation, 0.10 ac. Pond

Legal Season of Use: April 1 to November 1

If an irrigation right, total number of acres to be leased: 36.95

Total acre-feet of storage to be leased, if applicable: 0

Maximum rate associated with subject water rights (cfs) being leased:

Irrigation Use: Priority 10/31/1900: Season 1: 0.462, Season 2: 0.616, Season 3: 0.813

Priority 12/02/1907: Season 3: 0.328

Pond Use: Priority 10/31/1900: Season 1: 0.001, Season 2: 0.002, Season 3: 0.002 (for IRR pump.

Priority 12/02/1907: Season 3: 0.001 Same duty)

If there is more than one rate associated with a water right, describe below:

Season 1 (cfs) _____ Time period: _____

Season 2 (cfs) _____ Time period: _____

Season 3 (cfs) _____ Time period: _____

Maximum duty associated with subject water rights (ac-ft): Irrigation Use: 366.17

Pond Use: 0.99

Conditions or other limitations, if any: None

If you need to enter another leased right, please use the additional water rights form.

~II~ Instream Water Right Information

2.1 **Public use.** This lease will increase streamflows that will benefit:

- Conservation, maintenance and enhancement of aquatic and fish life, wildlife and wildlife habitat
- Pollution abatement
- Recreation and scenic attraction

RECEIVED

MAR 09 2007

WATER RESOURCES DEPT

SALEM, OREGON

2.2 **Instream use created by lease.** The instream use to be created is described as follows:

Deschutes River

Tributary to Columbia River in the Deschutes Basin.

Describe the point of diversion (POD) and any associated reach(es) of the instream use being created. If possible list the reach by river mile. If no reach is identified, and there is only one POD listed on the certificate, the lease will be processed to be protected at the POD. (If more than one POD is listed on the certificate, then the POD and any associated reach(es) must be identified): POD #1 to Lake Billy Chinook

Maximum volume in acre-feet:

Irrigation Use: Priority 10/31/1900: 157.42, Priority 12/02/1907: 43.98

Pond Use: Priority 10/31/1900: 0.43, Priority 12/02/1907: 0.12

Rate in cfs: Irrigation Use: Priority 10/31/1900: Season 1: 0.254, Season 2: 0.339, Season 3: 0.447

Priority 12/02/1907: Season 3: 0.180

Pond Use: Priority 10/31/1900: Season 1: 0.001, Season 2: 0.001, Season 3: 0.001

Priority 12/02/1907: Season 3: 0.000

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

Rate in cfs: _____

Rate in cfs: _____

RECEIVED

MAR 09 2007

(Use the section below to indicate a more restrictive period of use than allowed by the water right.)

Conditions to prevent injury, if any:

None

The instream flow will be allocated on a daily average basis up to the described rate from April 1, 2007 through October 26, 2007.

Other (describe): _____

WATER RESOURCES DEPT
SALEM, OREGON

2.3 Term of lease. This lease shall terminate on October 31, 2007.

2.4 Flow protection. The Trustee will regulate use of water from the source, subject to prior appropriation and the agency enforcement guidance, to assure the water is delivered to the point of diversion, and through the reach past junior downstream users, so long as flow is sufficient to meet the demand under priority date of the new instream use (see Section 2.2). As part of regulation activities the watermaster or a designee has access to the point of diversion and place of use for the water rights involved in this lease. No party is required to continuously measure the flow of the waterway described in Section 2.2.

~III~ Other Information

3.1 Accuracy. The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified or terminated. The lease only exercises the water rights being leased, for the term of the lease. It shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.

3.2 Lease. Lessor(s) and Lessee(s) agree to lease the water rights listed in Section(s) 1.5 for instream use for the term of this lease through Lessee to the Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077.

3.3 Precedent. If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.

3.4 Suspension of original use. During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights.

3.5 Termination provision.

For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less than 30-days prior to the period of allowed instream use or after the period of allowed use has

begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:

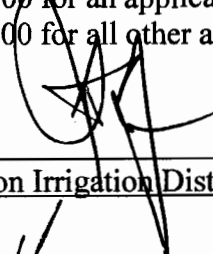
- Written notice to the Department with original signatures;
- Consent by all parties to the lease; and/or
- Written notice to the Watermaster's office.

For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

3.6 Modification to prevent injury. Allocation of water to the instream use described in Section 2.2 during the term of this lease is not reasonably expected to cause injury to other rights to use water from the same source. If injury is found after this lease is signed, the lease may be modified or terminated to prevent injury.

3.7 Fees. Pursuant to ORS 536.050, the following fee is included:

- \$200 for an application with four or more landowners or four or more water rights.
- \$100 for all other applications.

Lessor #2: 
Central Oregon Irrigation District

Date: 7 March 2007

Lessee: Menemere Hubert
Deschutes Water Exchange Mitigation Bank

Date: 8 March 2007

Other Attachments as Needed:

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

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

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

Attachment 4: Split Season Instream Use Form

Attachment 5: Pooled Lease Water Right Holder Form

RECEIVED

MAR 09 2007

**WATER RESOURCES DEPT
SALEM, OREGON**



State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900

Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

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

Pursuant to ORS 537.348(2) and OAR 690-077-0077

Optional Identification by Lessor/Lessee: 2264

Lease Agreement Number (assigned by WRD): IL-804 / MR-97

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Robert Benson (Deceased)

(Mailing address) % Jenny Sieburg

61885 Ward Rd

(City, State, Zip Code) Bend, OR 97702-9752

(Telephone number) _____

(Email address) _____

RECEIVED

MAR 09 2007

If additional landowners, enter landowner information below

**WATER RESOURCES DEPT
SALEM, OREGON**

Note: The numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the same information as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always sequential.

~I~ Ownership and Water Right Information

1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 17, Range 14, Section 27 and Tax Lot number 800. If the water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included.

1.3 For the lands being leased, list all water rights appurtenant to the lessor's property. Indicate if there are any supplemental or overlying rights.

Certificate No. 76358 & 76714

1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. Yes No

1.5 Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached). (Crosshatch the area of water rights being leased). Attached map(s) must identify property owner, Township, Range, Section and 1/4 1/4, tax lot number, map orientation and scale.

T	R	Sect	1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	17 S	14 E	27	SE NE	800	7.50	Irrigation	76358	87	10/31/1900
2.	17 S	14 E	27	SE NE	800	0.10	Pond	76358	87	10/31/1900
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: Cert #76358, Oct. 31, 1900 - 7.50 acres. Since HB 3111, 1.00 ac. has been transferred off on T-9722.

Acre-feet of storage, if applicable: 0

*Pond for Irr pumping
Same duty as IRP*

Conditions or other limitations, if any: None

If you need to enter another leased right, please use the Additional Landowner Water Rights Form.

1.6 Validity of rights. Lessor(s) attests (mark one) that:

- The water has been used over the past five years according to the terms and conditions of the owner's water right certificate or as an instream water right or
- The water has not been used over the past five years according to the terms and conditions of the owner's water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)()(include necessary supporting documentation as Attachment 3).

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 31, 2007. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

~III~ Other Information

3.1 Accuracy. The Undersigned Lessor/s, Lessee and Trustee declare that, to the best of their knowledge and belief, the information contained in this lease is true, correct and complete. If after the lease is signed, any information is determined to be false, the lease may be modified or terminated. This lease only exercises the water rights being leased; for the term of the lease; it shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.

3.2 Lease. All Lessors agree to lease the water rights listed in 1.4 for instream use for the term of this Agreement through Lessee to Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077-0077.

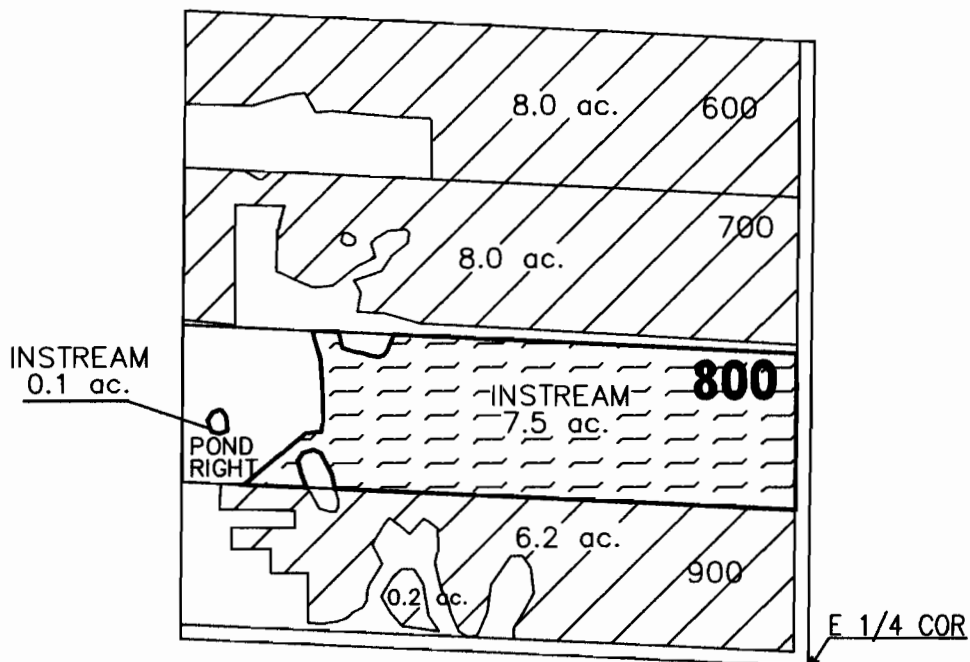
MAR 09 2007

**DESCHUTES COUNTY
SEC.27 T17S. R14E. W.M.**

SCALE - 1" = 400'



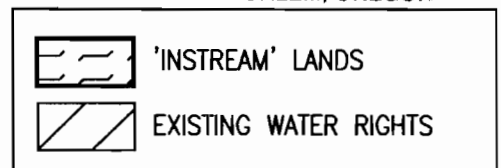
SE 1/4 OF THE NE 1/4



RECEIVED

MAR 09 2007

**WATER RESOURCES DEPT
SALEM, OREGON**



APPLICATION FOR 1YR INSTREAM LEASE

NAME: ROBERT BENSON (DECEASED) % JENNY SIEBURG

TAXLOT #: 800

7.6 ACRES INSTREAM

DATE: 02-19-07

FILE NO: E:\TRANSFER\INSTREAM\INSTRM07\1YR\BENSON

- 3.3 Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077- 0070 or OAR 690-077-0075 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.
- 3.4 Suspension of original use.** During the period of the lease, the owner agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights. In the event that a supplemental water right is not part of this lease, it may be subject to forfeiture.
- 3.5 Termination provision.**
- For multiyear leases, lessor *shall* have the option of terminating the lease each year, prior to the lease being exercised (_____), with 30 day written notice to the Department provided by the Irrigation District, Other Water Purveyor or Lessee (if different than Department). The lessor must contact the Irrigation District, Other Water Purveyor, or Lessee (if different than Department) to indicate their interest in terminating the lease agreement.
- For multiyear leases, lessor *shall not* have the option of terminating the lease each year, prior to the lease being exercised, with written notice to the Department.
- 3.6 Modification to prevent injury.** Allocation of water to the instream use described in Section 2.2 during the term of this lease is not reasonably expected to cause injury to other rights to use water from the same source. If injury is found after this lease is signed, the lease may be modified or terminated to prevent injury.

Lessor #1: Jenny Sieburg Date: 2.8.07
 Robert Benson (Deceased)

For additional Lessors, type in space for signature and date

Lessee: _____ Date: _____

Other Attachments As Needed:

- Exhibit 5-A: Tax Lot Map of Landowner's Property
- Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased [Exhibits 5-A and 5-B may be combined into a single map]
- Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is checked)
- Exhibit 5-D: Split Season Instream Use Form
- _____

RECEIVED

MAR 09 2007

WATER RESOURCES DEPT
 SALEM, OREGON

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF DESCHUTES
PROBATE DEPARTMENT

Estate of:)
) Case No.04PB0129SF
ROBERT M. BENSON,) LETTERS OF ADMINISTRATION
)
)
Deceased.)

THIS CERTIFIES that DAWN BENSON-TRODE and JENNY SIEBURG has been duly appointed and is at the date hereof the duly appointed, qualified and acting Administrator of the estate of ROBERT M. BENSON, deceased.

IN WITNESS WHEREOF, I, as Clerk of the Circuit Court of the State of Oregon for the County of Deschutes, in which proceedings for Administration upon the said estate are pending, do hereby subscribe my name and affix the seal of said court, this 31 day of August, 2004.



ERNEST J. MAZOROL III
TRIAL COURT ADMINISTRATOR

By

Mary C. Sagan
Probate Commissioner/Deputy Clerk

STATE OF OREGON, County of Deschutes) ss.

I, Mary C. Sagan Clerk of the Circuit Court of the State of Oregon for Deschutes County, hereby do certify that the foregoing copy of Letters of Administration are the same as appear on file and of record in my office and in my custody and that said are still in full force and effect.

IN TESTIMONY WHEREOF, I have hereunto subscribed my hand and affixed the seal of said court this 31st day of August, 2004.

ERNEST J. MAZOROL III
TRIAL COURT ADMINISTRATOR

By

Mary C. Sagan
Probate Commissioner/Deputy Clerk

RECEIVED

MAR 09 2007

**WATER RESOURCES DEPT
SALEM, OREGON**



State of Oregon
Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1271
 (503) 986-0900

Application for Short-Term
Instream Lease
 Attachment 5: Pooled Landowner Form

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

Pursuant to ORS 537.348(2) and OAR 690-077-0077

Optional Identification by Lessor/Lessee: 237140
 Lease Agreement Number (assigned by WRD): IL-804 / MP-97

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Frieda M Copley Family Trust
 (Mailing address) 1000 S Idaho Rd, #579
 (City, State, Zip Code) Apache Junction, AZ 85219
 (Telephone number) 480-671-0025
 (Email address) L2ea1923@Netscape.com

If additional landowners, enter landowner information below

Note: The numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the same information as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always sequential.

~I~ Ownership and Water Right Information

1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 15, Range 14, Section 26 and Tax Lot number 801. If the water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included.

1.3 For the lands being leased, list all water rights appurtenant to the lessor's property. Indicate if there are any supplemental or overlying rights.

Certificate No. 76358 & 76714

1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. Yes No

1.5 **Subject Water Rights.** Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached). (Crosshatch the area of water rights being leased). Attached map(s) must include owner, Township, Range, Section and 1/4 1/4, tax lot number, map orientation and scale.

RECEIVED

MAR 09 2007

	T	R	Sect	1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority #
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	15 S	14 E	26	SE SE	801	0.75	Irrigation	76358	47	10/31/1900
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: Cert #76358, Oct. 31, 1900 - 0.75 acres

Acre-feet of storage, if applicable: 0

Conditions or other limitations, if any: None

If you need to enter another leased right, please use the Additional Landowner Water Rights Form.

1.6 Validity of rights. Lessor(s) attests (mark one) that:

- The water has been used over the past five years according to the terms and conditions of the owner's water right certificate or as an instream water right or
- The water has not been used over the past five years according to the terms and conditions of the owner's water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)()(include necessary supporting documentation as Attachment 3).

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 31, 2007. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

~III~ Other Information

3.1 Accuracy. The Undersigned Lessor/s, Lessee and Trustee declare that, to the best of their knowledge and belief, the information contained in this lease is true, correct and complete. If after the lease is signed, any information is determined to be false, the lease may be modified or terminated. This lease only exercises the water rights being leased; for the term of the lease; it shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.

3.2 Lease. All Lessors agree to lease the water rights listed in 1.4 for instream use for the term of this Agreement through Lessee to Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077-0077.

RECEIVED

MAR 09 2007 FSD

WATER RESOURCES DEPT
SALEM, OREGON

077-0075 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.

3.4 Suspension of original use. During the period of the lease, the owner agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights. In the event that a supplemental water right is not part of this lease, it may be subject to forfeiture.

3.5 Termination provision.

- For multiyear leases, lessor *shall* have the option of terminating the lease each year, prior to the lease being exercised (_____), with 30 day written notice to the Department provided by the Irrigation District, Other Water Purveyor or Lessee (if different than Department). The lessor must contact the Irrigation District, Other Water Purveyor, or Lessee (if different than Department) to indicate their interest in terminating the lease agreement.
- For multiyear leases, lessor *shall not* have the option of terminating the lease each year, prior to the lease being exercised, with written notice to the Department.

3.6 Modification to prevent injury. Allocation of water to the instream use described in Section 2.2 during the term of this lease is not reasonably expected to cause injury to other rights to use water from the same source. If injury is found after this lease is signed, the lease may be modified or terminated to prevent injury.

Lessor #1: Frieda M. Copley Date: Feb. 20, 2007
Frieda M Copley

For additional Lessors, type in space for signature and date

Lessee: _____ Date: _____

Other Attachments As Needed:

- Exhibit 5-A: Tax Lot Map of Landowner's Property
- Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased [Exhibits 5-A and 5-B may be combined into a single map]
- Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is checked)
- Exhibit 5-D: Split Season Instream Use Form

RECEIVED

MAR 09 2007

FSD

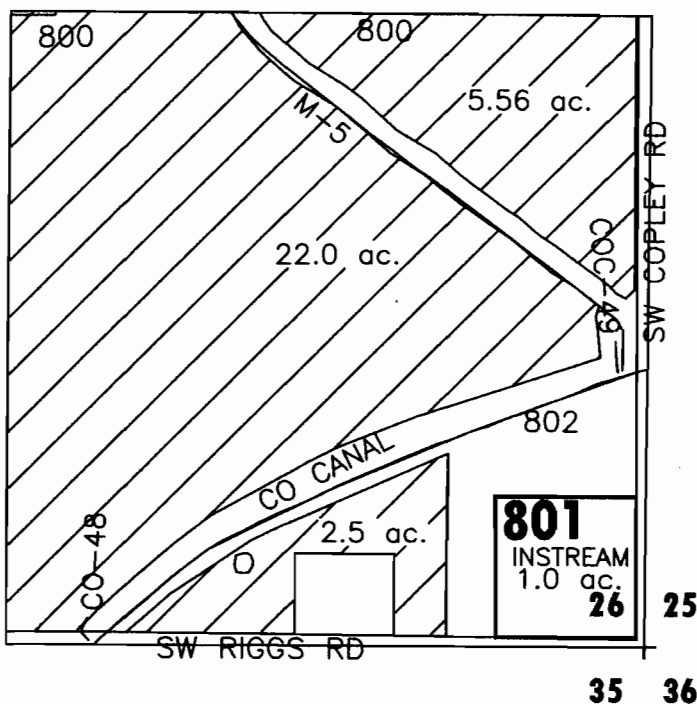
WATER RESOURCES DEPT
SALEM, OREGON

CROOK COUNTY
SEC.23 T15S. R14E. W.M.

SCALE - 1" = 400'



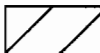
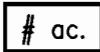
SE 1/4 OF THE SE 1/4



RECEIVED

MAR 09 2007

WATER RESOURCES DEPT
 SALEM, OREGON

	EXISTING WATER RIGHTS
	'INSTREAM' LAND PARCELS



APPLICATION FOR 1YR INSTREAM LEASE

NAME: FRIEDA M. COPLEY FAMILY TRUST

TAXLOT #: 801

1.0 ACRES INSTREAM

DATE: 02-28-07

FILE NO: E:\TRANSFER\INSTREAM\INSTRM07\1YR\COPLEY



State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900

Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

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

Pursuant to ORS 537.348(2) and OAR 690-077-0077

Optional Identification by Lessor/Lessee: 2187
Lease Agreement Number (assigned by WRD): IL-804 MP-97

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Desertscape Highway 20 South, LLC
(Mailing address) 920 NW Bond St, Ste 200
(City, State, Zip Code) Bend, OR 97701
(Telephone number) 541-318-4205
(Email address) craig@desertscape.com

RECEIVED

MAR 09 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

If additional landowners, enter landowner information below

Note: The numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the same information as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always sequential.

~I~ Ownership and Water Right Information

1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 17, Range 12, Section 35 and Tax Lot number 1600. If the water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included.

1.3 For the lands being leased, list all water rights appurtenant to the lessor's property. Indicate if there are any supplemental or overlying rights.

Certificate No. 76358 & 76714

1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. Yes No

1.5 Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached). (Crosshatch the area of water rights being leased). Attached map(s) must identify property owner, Township, Range, Section and 1/4 1/4, tax lot number, map orientation and scale.

T	R	Sect	1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority #
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)									
1.	17 S	12 E	35	SE SE	1600	10.70	Irrigation	76358	74 10/31/1900
2.									
3.									
4.									
5.									

Total number of acres, if for irrigation, by certificate and priority date: Cert #76358, Oct. 31, 1900 - 10.70 acres. Note: Since HB 3111, 3.00 acres water rights transferred off on OWRD # T-9558, leaving 20.00 acres water rights on tax lot.

Acre-feet of storage, if applicable: 0

Conditions or other limitations, if any: None

If you need to enter another leased right, please use the Additional Landowner Water Rights Form.

1.6 Validity of rights. Lessor(s) attests (mark one) that:

- The water has been used over the past five years according to the terms and conditions of the owner's water right certificate or as an instream water right or
- The water has not been used over the past five years according to the terms and conditions of the owner's water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)()(include necessary supporting documentation as Attachment 3).

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 31, 2007. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

~III~ Other Information

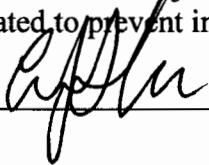
3.1 Accuracy. The Undersigned Lessor/s, Lessee and Trustee declare that, to the best of their knowledge and belief, the information contained in this lease is true, correct and complete. If after the lease is signed, any information is determined to be false, the lease may be modified or terminated. This lease only exercises the water rights being leased; for the term of the lease; it shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.

3.2 Lease. All Lessors agree to lease the water rights listed in 1.4 for instream use for the term of this Agreement through Lessee to Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077-0077. **RECEIVED**

MAR 09 2007

- 3.3 Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077- 0070 or OAR 690-077-0075 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.
- 3.4 Suspension of original use.** During the period of the lease, the owner agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights. In the event that a supplemental water right is not part of this lease, it may be subject to forfeiture.
- 3.5 Termination provision.**
- For multiyear leases, lessor *shall* have the option of terminating the lease each year, prior to the lease being exercised (_____), with 30 day written notice to the Department provided by the Irrigation District, Other Water Purveyor or Lessee (if different than Department). The lessor must contact the Irrigation District, Other Water Purveyor, or Lessee (if different than Department) to indicate their interest in terminating the lease agreement.
- For multiyear leases, lessor *shall not* have the option of terminating the lease each year, prior to the lease being exercised, with written notice to the Department.
- 3.6 Modification to prevent injury.** Allocation of water to the instream use described in Section 2.2 during the term of this lease is not reasonably expected to cause injury to other rights to use water from the same source. If injury is found after this lease is signed, the lease may be modified or terminated to prevent injury.

Lessor #1: _____
 Desertscape Highway 20 South, LLC



Date: 2/12/07

For additional Lessors, type in space for signature and date

Lessee: _____ Date: _____

Other Attachments As Needed:

- Exhibit 5-A: Tax Lot Map of Landowner's Property
 - Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased [Exhibits 5-A and 5-B may be combined into a single map]
 - Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is checked)
 - Exhibit 5-D: Split Season Instream Use Form
- _____

RECEIVED

MAR 09 2007

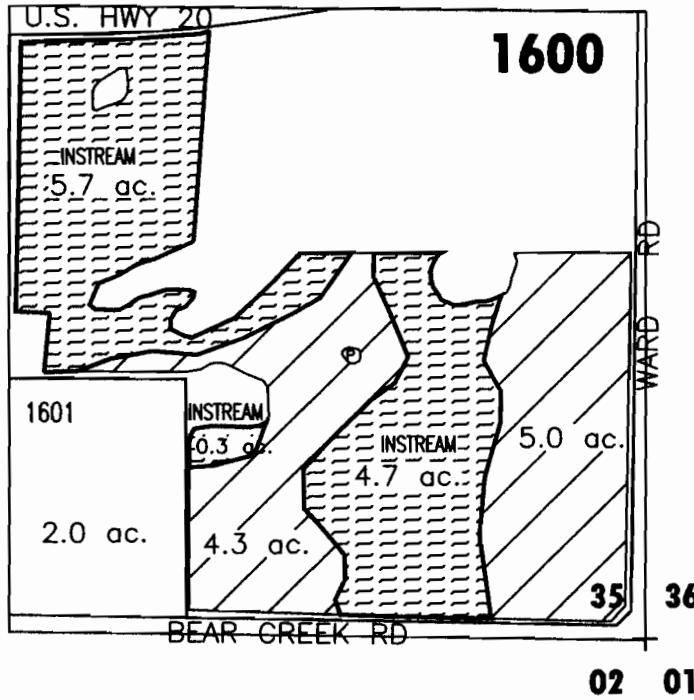
WATER RESOURCES DEPT
 SALEM, OREGON

**DESCHUTES COUNTY
SEC.35 T17S. R12E. W.M.**

SCALE - 1" = 400'



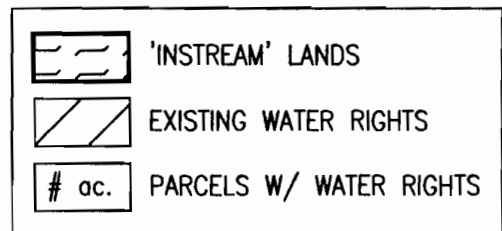
SE 1/4 OF THE SE 1/4



RECEIVED

MAR 09 2007

WATER RESOURCES DEPT
SALEM, OREGON



APPLICATION FOR 1YR INSTREAM LEASE

NAME: DESERTSCAPE HIGHWAY 20 SOUTH, LLC

TAXLOT #: 1600

10.7 ACRES INSTREAM

DATE: 02-19-07

FILE NO: E:\TRANSFER\INSTREAM\INSTRM07\1YR\DESERTSCAPE _HWY20



State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900

Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

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

Pursuant to ORS 537.348(2) and OAR 690-077-0077

Optional Identification by Lessor/Lessee: 2325
Lease Agreement Number (assigned by WRD): IL-804 TWP-97

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Desertscape Properties, LLC
(Mailing address) 920 NW Bond St, Ste 200
(City, State, Zip Code) Bend, OR 97701
(Telephone number) 541-318-4205
(Email address) craig@desertscape.com

RECEIVED

MAR 09 2007

If additional landowners, enter landowner information below

**WATER RESOURCES DEPT
SALEM, OREGON**

Note: The numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the same information as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always sequential.

~I~ Ownership and Water Right Information

1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 17, Range 12, Section 35 and Tax Lot number 1401. If the water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included.

1.3 For the lands being leased, list all water rights appurtenant to the lessor's property. Indicate if there are any supplemental or overlying rights.

Certificate No. 76358 & 76714

1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. Yes No

1.5 Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached). (Crosshatch the area of water rights being leased). Attached map(s) must identify property owner, Township, Range, Section and 1/4 1/4, tax lot number, map orientation and scale.

T	R	Sect	1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	17 S	12 E	35	NE SE	1401	1.00	Irrigation	76358	74	10/31/1900
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: Cert #76358, Oct. 31, 1900 - 1.00 acres

Acres-feet of storage, if applicable: 0

Conditions or other limitations, if any: None

If you need to enter another leased right, please use the Additional Landowner Water Rights Form.

1.6 Validity of rights. Lessor(s) attests (mark one) that:

- The water has been used over the past five years according to the terms and conditions of the owner's water right certificate or as an instream water right or
- The water has not been used over the past five years according to the terms and conditions of the owner's water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)()(include necessary supporting documentation as Attachment 3).

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 31, 2007. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

~III~ Other Information

3.1 Accuracy. The Undersigned Lessor/s, Lessee and Trustee declare that, to the best of their knowledge and belief, the information contained in this lease is true, correct and complete. If after the lease is signed, any information is determined to be false, the lease may be modified or terminated. This lease only exercises the water rights being leased; for the term of the lease; it shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.

3.2 Lease. All Lessors agree to lease the water rights listed in 1.4 for instream use for the term of this Agreement through Lessee to Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077-0077.

RECEIVED

MAR 09 2007

- 3.3 Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077- 0070 or OAR 690-077-0075 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.
- 3.4 Suspension of original use.** During the period of the lease, the owner agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights. In the event that a supplemental water right is not part of this lease, it may be subject to forfeiture.
- 3.5 Termination provision.**
- For multiyear leases, lessor *shall* have the option of terminating the lease each year, prior to the lease being exercised (_____), with 30 day written notice to the Department provided by the Irrigation District, Other Water Purveyor or Lessee (if different than Department). The lessor must contact the Irrigation District, Other Water Purveyor, or Lessee (if different than Department) to indicate their interest in terminating the lease agreement.
 - For multiyear leases, lessor *shall not* have the option of terminating the lease each year, prior to the lease being exercised, with written notice to the Department.
- 3.6 Modification to prevent injury.** Allocation of water to the instream use described in Section 2.2 during the term of this lease is not reasonably expected to cause injury to other rights to use water from the same source. If injury is found after this lease is signed, the lease may be modified or terminated to prevent injury.

Lessor #1: _____ Date: 2/12/07
Desertscape Properties, LLC

For additional Lessors, type in space for signature and date

Lessee: _____ Date: _____

Other Attachments As Needed:

- Exhibit 5-A: Tax Lot Map of Landowner's Property
- Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased [Exhibits 5-A and 5-B may be combined into a single map]
- Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is checked)
- Exhibit 5-D: Split Season Instream Use Form

RECEIVED

MAR 09 2007

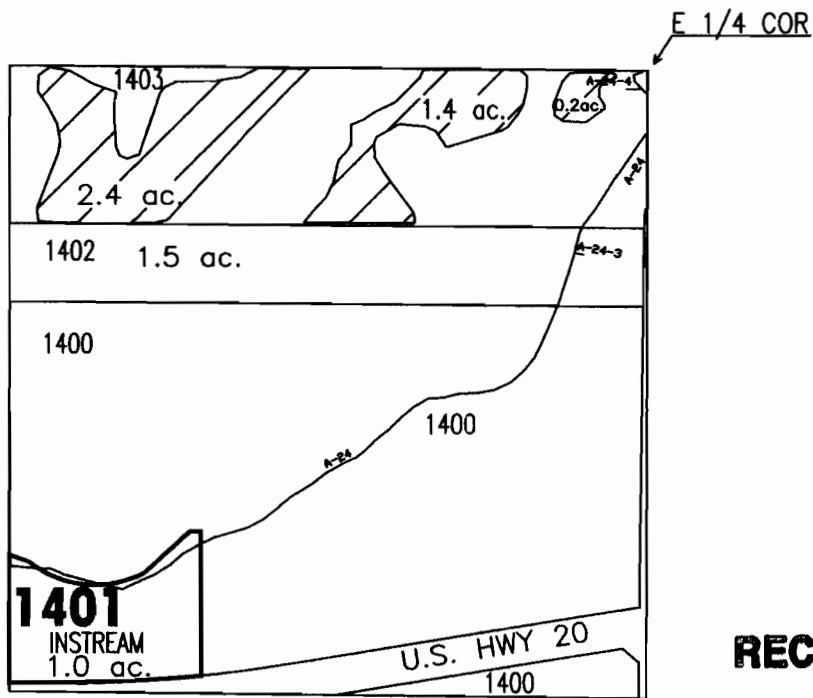
WATER RESOURCES DEPT
 SALEM, OREGON

**DESCHUTES COUNTY
SEC.35 T17S. R12E. W.M.**

SCALE - 1" = 400'



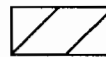
NE 1/4 OF THE SE 1/4



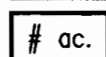
RECEIVED

MAR 09 2007

**WATER RESOURCES DEPT
SALEM, OREGON**



EXISTING WATER RIGHTS



'INSTREAM' LAND PARCELS



APPLICATION FOR 1YR INSTREAM LEASE

NAME: DESERTSCAPE PROPERTIES, LLC

TAXLOT #: 1401

1.0 ACRES INSTREAM

DATE: 02-19-07

FILE NO: E:\TRANSFER\INSTREAM\INSTRM07\1YR\DESERTSCAPE



\$41.00

00248405200400108950030031

03/01/2004 03:35:35 PM

D-CON Cnt=1 Str=3 PAM
\$15.00 \$11.00 \$10.00 \$5.00

After Recording Return To:
DESERTSCAPE PROPERTIES
685 S E Third
Bend, OR 97702

Until a change is requested, all tax statements shall be sent to the Buyer at the following address: Desertscape Properties LLC 685 S E Third Bend, OR 97702

MEMORANDUM OF CONTRACT OF SALE OF REAL PROPERTY

PARTIES: GLENN T. DULIN and CECILIA M. DULIN, husband and wife,
("Seller")

AND: DESERTSCAPE PROPERTIES, LLC, an Oregon limited
liability company, ("Purchaser").

CONSIDERATION: \$185,000.00

THIS MEMORANDUM gives notice of the execution of a Contract of Sale of the following described real property in Deschutes County, Oregon:

SEE EXHIBIT "A" ATTACHED

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

DATED this 1 day of March, 2004.

Seller:

Purchaser:

DESERTSCAPE PROPERTIES, LLC.

Glenn T. Dulin
GLENN T. DULIN

By: Craig J. Glazier
CRAIG J. GLAZIER

Cecilia M. Dulin
CECILIA M. DULIN

By: David A. Shelofsky
DAVID A. SHELOFSKY

RECEIVED

MAR 09 2007

EXHIBIT "A"

That portion of the Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4) of Section 35, Township 17 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon, described as follows:

Beginning at the Southwest corner of said Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4); thence Easterly along the North line of the Bend Burns Highway No. 20, a distance of 400 feet; thence North on a line parallel to the West line of said Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4) to its intersection with the South line of the Central Oregon Irrigation District Lateral A-9; thence Westerly along the South line of said lateral to the West line of said Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4); thence South along said West line to the point of beginning.

EXCEPTING THEREFROM any portion lying within roads, streets or highways.

RECEIVED

MAR 09 2007

**WATER RESOURCES DEPT
SALEM, OREGON**



State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900

Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

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

Pursuant to ORS 537.348(2) and OAR 690-077-0077

Optional Identification by Lessor/Lessee: 553
Lease Agreement Number (assigned by WRD): IL-804 MP-97

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Kim D. Ward, LLC
(Mailing address) 61535 S Hwy 97, #9-517
(City, State, Zip Code) Bend, OR 97702
(Telephone number) 541-388-1131
(Email address) _____

RECEIVED

MAR 09 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

If additional landowners, enter landowner information below

Note: The numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the same information as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always sequential.

~I~ Ownership and Water Right Information

1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 18, Range 13, Section 04 and Tax Lot number 107. If the water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included.

1.3 For the lands being leased, list all water rights appurtenant to the lessor's property. Indicate if there are any supplemental or overlying rights.

Certificate No. 76358 & 76714

1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. Yes No

1.5 Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached). (Crosshatch the area of water rights being leased). Attached map(s) must identify property owner, Township, Range, Section and 1/4 1/4, tax lot number, map orientation and scale.

T	R	Sect	1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	18 S	13 E	04	SW NE	107	17.00	Irrigation	76358	100	10/31/190 0
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: Cert #76358, Oct. 31, 1900 - 17.00 acres

Acres-feet of storage, if applicable: 0

Conditions or other limitations, if any: None

If you need to enter another leased right, please use the Additional Landowner Water Rights Form.

1.6 Validity of rights. Lessor(s) attests (mark one) that:

- The water has been used over the past five years according to the terms and conditions of the owner's water right certificate or as an instream water right or
- The water has not been used over the past five years according to the terms and conditions of the owner's water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)()(include necessary supporting documentation as Attachment 3).

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 31, 2007. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

~III~ Other Information

3.1 Accuracy. The Undersigned Lessor/s, Lessee and Trustee declare that, to the best of their knowledge and belief, the information contained in this lease is true, correct and complete. If after the lease is signed, any information is determined to be false, the lease may be modified or terminated. This lease only exercises the water rights being leased; for the term of the lease; it shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.

3.2 Lease. All Lessors agree to lease the water rights listed in 1.4 for instream use for the term of this Agreement through Lessee to Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077-0077.

RECEIVED

MAR 09 2007

- 3.3 Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077- 0070 or OAR 690-077-0075 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.
- 3.4 Suspension of original use.** During the period of the lease, the owner agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights. In the event that a supplemental water right is not part of this lease, it may be subject to forfeiture.
- 3.5 Termination provision.**
- For multiyear leases, lessor *shall* have the option of terminating the lease each year, prior to the lease being exercised (_____), with 30 day written notice to the Department provided by the Irrigation District, Other Water Purveyor or Lessee (if different than Department). The lessor must contact the Irrigation District, Other Water Purveyor, or Lessee (if different than Department) to indicate their interest in terminating the lease agreement.
- For multiyear leases, lessor *shall not* have the option of terminating the lease each year, prior to the lease being exercised, with written notice to the Department.
- 3.6 Modification to prevent injury.** Allocation of water to the instream use described in Section 2.2 during the term of this lease is not reasonably expected to cause injury to other rights to use water from the same source. If injury is found after this lease is signed, the lease may be modified or terminated to prevent injury.

Lessor #1: Kim D. Ward Date: 2/12/07
 Kim D. Ward, LLC

For additional Lessors, type in space for signature and date

 Lessee: _____ Date: _____

Other Attachments As Needed:

- Exhibit 5-A: Tax Lot Map of Landowner's Property
- Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased [Exhibits 5-A and 5-B may be combined into a single map]
- Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is checked)
- Exhibit 5-D: Split Season Instream Use Form

RECEIVED

MAR 09 2007

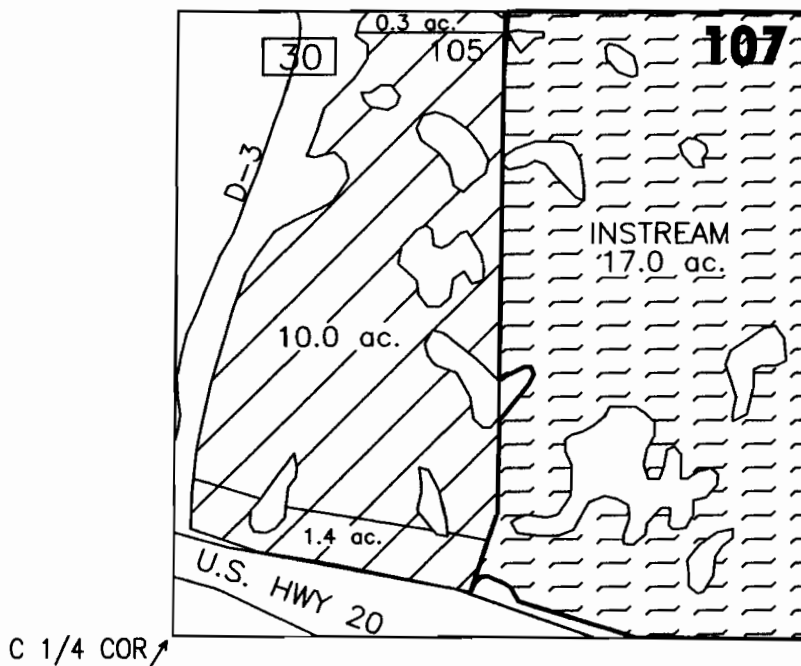
WATER RESOURCES DEPT
 SALEM, OREGON

**DESCHUTES COUNTY
SEC.04 T18S. R13E. W.M.**

SCALE - 1" = 400'



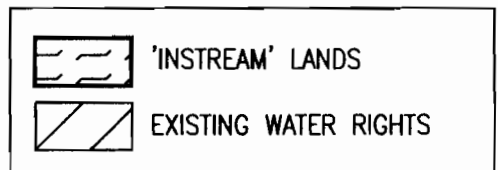
SW 1/4 OF THE NE 1/4



RECEIVED

MAR 09 2007

**WATER RESOURCES DEPT
SALEM, OREGON**



APPLICATION FOR 1YR INSTREAM LEASE

NAME: KIM D. WARD, LLC

TAXLOT #: 107

17.0 ACRES INSTREAM

DATE: 03-07-07

FILE NO: E:\TRANSFER\INSTREAM\INSTRM07\1YR\WARD