



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](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

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

Optional Identification by Lessor/Lessee: Mitigation Project  
Lease Application Number (assigned by WRD): IL-832 MP-105

This Lease is between:

#### Lessor #2: Irrigation District or Other Water Purveyor

Name North Unit Irrigation District  
Mailing address 2024 NW Beech Street  
City, State, Zip Code Madras OR 97741  
Telephone number (541) 475-3625  
Email address nuid@palmain.com

The water right to be leased is located in Jefferson County.

#### Lessee (if different than Oregon Water Resources Department):

Name Deschutes River Conservancy - Deschutes Water Exchange  
Mailing address PO Box 1560  
City, State, Zip Code Bend OR 97709  
Telephone number (541) 382-4077  
Email address \_\_\_\_\_

#### Trustee:

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

### ~I~ Water Right Holder and Water Right Information

1.2 Lessor #2 is the (Check one):

- Official representative of North Unit 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. 72284

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.: 72284

Priority date: 9/16/68 Type of use: Irrigation

Legal Season of Use: April 1 thru October 31

If an irrigation right, total number of acres to be leased: 204.8

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

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

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

Season 1 (cfs) 4.645 Time period: \_\_\_\_\_

Season 2 (cfs) \_\_\_\_\_ Time period: \_\_\_\_\_

Season 3 (cfs) \_\_\_\_\_ Time period: \_\_\_\_\_

Maximum duty associated with subject water rights (ac-ft): 819.2

Conditions or other limitations, if any: The District only allows a 1 acre foot per acre minimum before an excess charge is calculated, therefore we will only be contributing instream the minimum usage.

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 fish and wildlife habitat

Pollution abatement

Recreation and scenic attraction

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

Crooked River

Tributary to Deschutes 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): Crooked River plant (river mile 28) to the lake Billy chinook (river mile 6)

Maximum volume in acre-feet: 204.8

Rate in cfs: .78

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

Rate in cfs: \_\_\_\_\_

Rate in cfs: \_\_\_\_\_

(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 May 21, 2007 through September 30, 2007.
- Other (describe): \_\_\_\_\_

**2.3 Term of lease.** This lease shall terminate on October 1, 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: Kit F. Ringing Date: 5/17/07

Lessee: Genevieve Hubert Date: 5/18/07  
Deschutes Water Exchange - DRC

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



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 Water Resources Department  
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# Application for Instream Lease

## Attachment 5: Pooled Water Right Holder 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](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

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

Optional Identification by Lessor/Lessee: \_\_\_\_\_  
 Lease Application Number (assigned by WRD): IL-832 / MP-105

This Lease is with:

#### Lessor #1 (Water Right Holder):

Name Ingalsbe Testamentary Trust  
 Mailing address 4900 Fremont Avenue, N #101  
 City, State, Zip Code Seattle, WA 98103  
 Telephone number (425) 653-7008  
 Email address \_\_\_\_\_

If additional water right holders, enter water right holder information below  
 \_\_\_\_\_

Note: The section numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Water Right Holder" 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~ Water Right Holder and Water Right Information

- 1.1 Lessor #1 is the water right holder, or authorized agent for property described in Section 1.5. If the water right appurtenant to these lands is also appurtenant to lands owned by others who are not included in this application, then Attachment 1 (tax lot map), needs to be included.
- 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. 72284

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

- 1.5 **Water Right(s) Proposed to be Leased Instream.** Water right holder proposes to lease the water rights shown on the map attached as Exhibit 5-B and described as follows:  
 [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 water right holder, township, range, section and ¼ ¼, tax lot number, map orientation and scale.]



T	R	Sect	¼¼	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.	11	13	08	SWN E	300	37.6	Irrigation	72284	1	9/16/68
2.	11	13	08	SENE	300	14.6	Irrigation	72284	1	9/16/68
3.	11	13	08	NWS E	300	14.6	Irrigation	72284	1	9/16/68
4.	11	13	08	NESE	300	33.6	Irrigation	72284	1	9/16/68
5.	11	13	08	SESE	300	13.9	Irrigation	72284	1	9/16/68

Total number of acres, if for irrigation, by certificate and priority date: 114.3

Conditions or other limitations, if any: n/a

If you need to enter another leased right, please use the Additional Water Right Form for Pooled Water Right Holder.

**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 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 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 30, 2007. (If there is a conflict between the Pooled Lease Form and this form, the Pooled Lease Form will be the official term of the lease.)

**~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



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## Additional Water Right Form For Pooled Water Right Holder Instream Lease

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~I~

### Section 1.5 continued from Pooled Leasing Water Right Holder Form.

**Water Right(s) Proposed to be Leased Instream.** Water right holder proposes to lease the water rights shown on the map attached as Exhibit 5-B and described as follows:

[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 water right holder, township, range, section and ¼, tax lot number, map orientation and scale.]

T	R	Sect	¼ ¼	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.	11	13	08	SWN W	300	39.4	Irrigation	72284	1	9/16/68
2.	11	13	08	NWS W	300	39.4	Irrigation	72284	1	9/16/68
3.	11	13	08	SWS W	300	11.7	Irrigation	72284	1	9/16/68
4.										
5.										
6.										
7.										
8.										
9.										
10.										

[Attached map(s) must identify water right holder, township, range, section and ¼ ¼, tax lot number, map orientation and scale.]

Total number of acres, if for irrigation, by certificate and priority date: 90.5

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.

Lessor #1: *Eric Augusto Trueter* Date: 3/30/2007

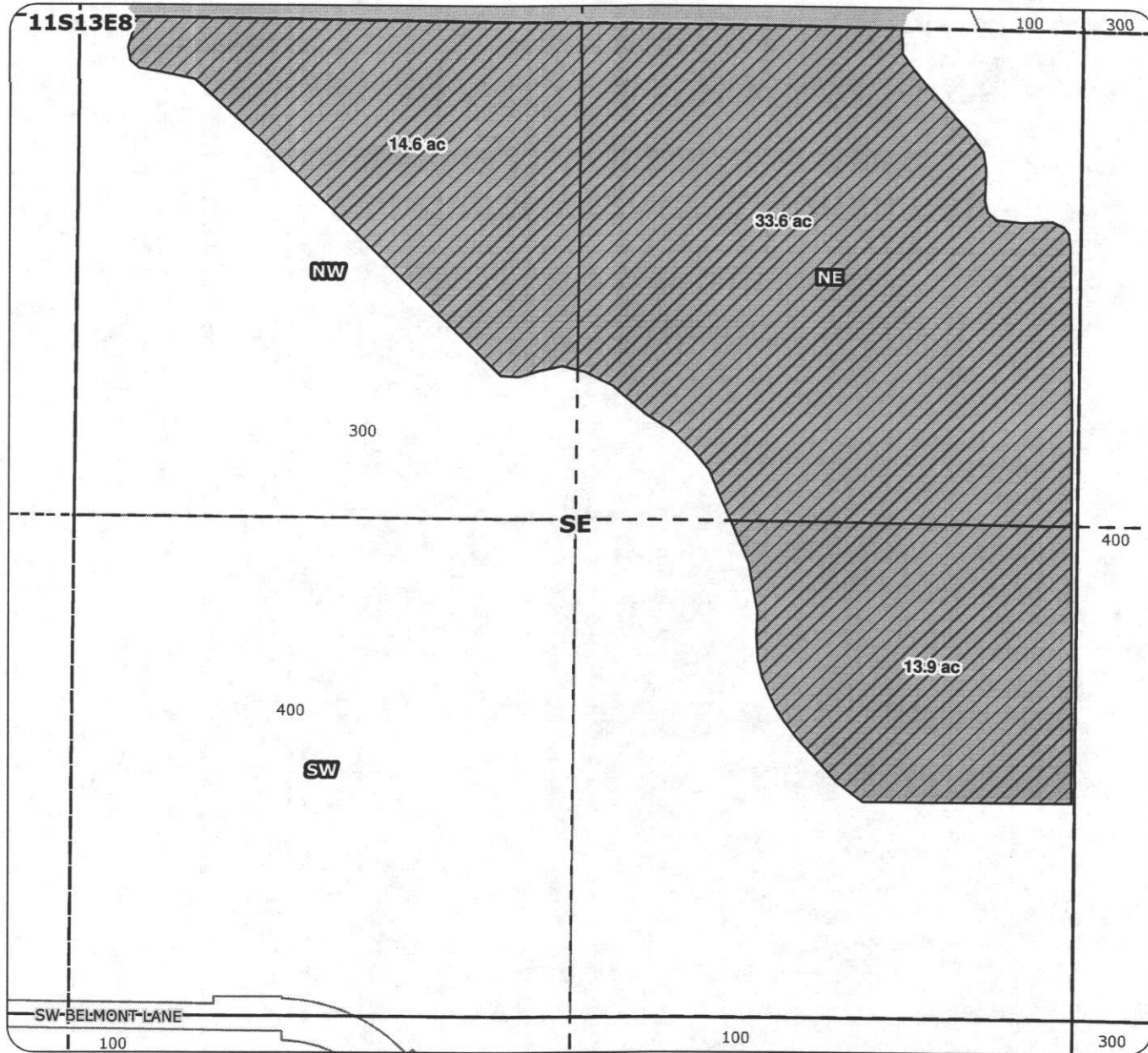
For additional Lessors, type in space for signature and date

Other Attachments As Needed:

- Exhibit 5-A: Tax Lot Map. (See instructions.)
- Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.)
- 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



# 2007 North Unit Irrigation District Instream Lease Map




## Application for 1 year Instream Lease Permit 33954 Cert 72284

for

Ingalsbe Testamentary Trust  
taxlot 300

14.6 acres in 111308NWSE  
33.6 acres in 111308NESE  
13.9 acres in 111308SESE  
Total Lease= 62.1 acres

 Proposed Lease of Irrigation Rights

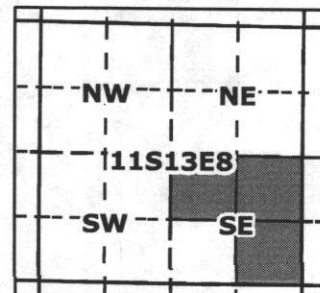
 Water Rights



**Geo-Spatial Solutions, Inc.**

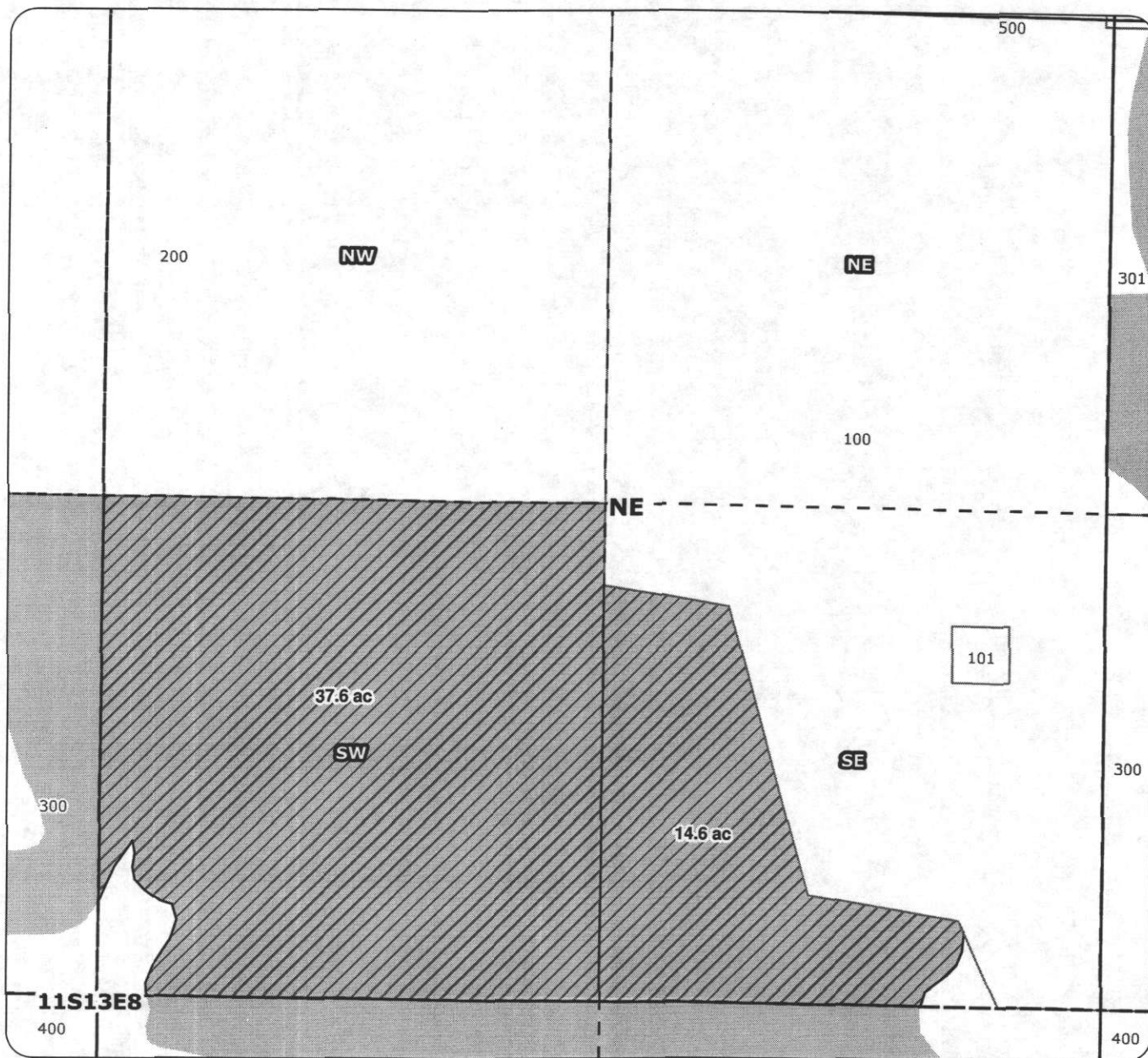
[www.geospatialsolutions.com](http://www.geospatialsolutions.com)

Date Created: May 2007



1 inch equals 400 feet

# 2007 North Unit Irrigation District Instream Lease Map



## Application for 1 year Instream Lease Permit 33954 Cert 72284


for

Ingalsbe Testamentary Trust  
taxlot 300

37.6 acres in 111308SWNE

14.6 acres in 111308SENE

Total Lease= 52.2 acres

 Proposed Lease of  
Irrigation Rights

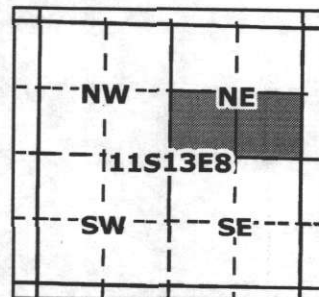
 Water Rights



**Geo-Spatial Solutions, Inc.**

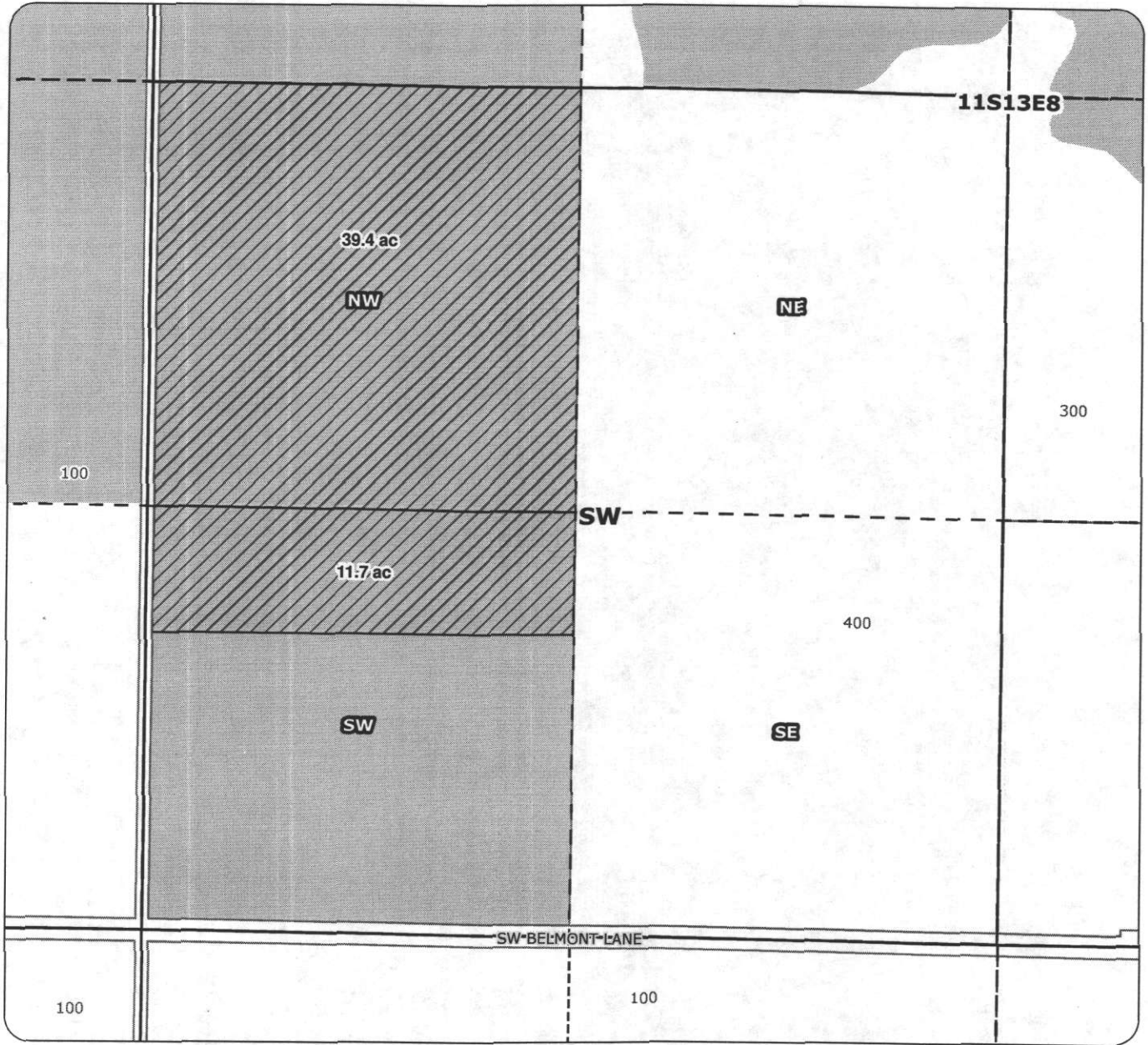
[www.geospatialolutions.com](http://www.geospatialolutions.com)

Date Created: May 2007



1 inch equals 400 feet

# 2007 North Unit Irrigation District Instream Lease Map





## Application for 1 year Instream Lease Permit 33954 Cert 72284

for

Ingalsbe Testamentary Trust  
taxlot 300

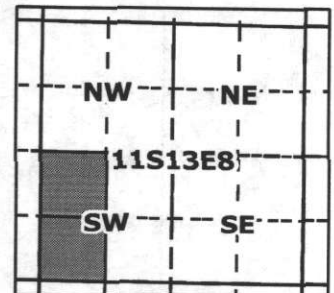
39.4 acres in 111308NWSW  
11.7 acres in 111308SWSW  
Total Lease= 51.1 acres

-  Proposed Lease of Irrigation Rights
-  Water Rights



**Geo-Spatial Solutions, Inc.**  
[www.geospatialolutions.com](http://www.geospatialolutions.com)

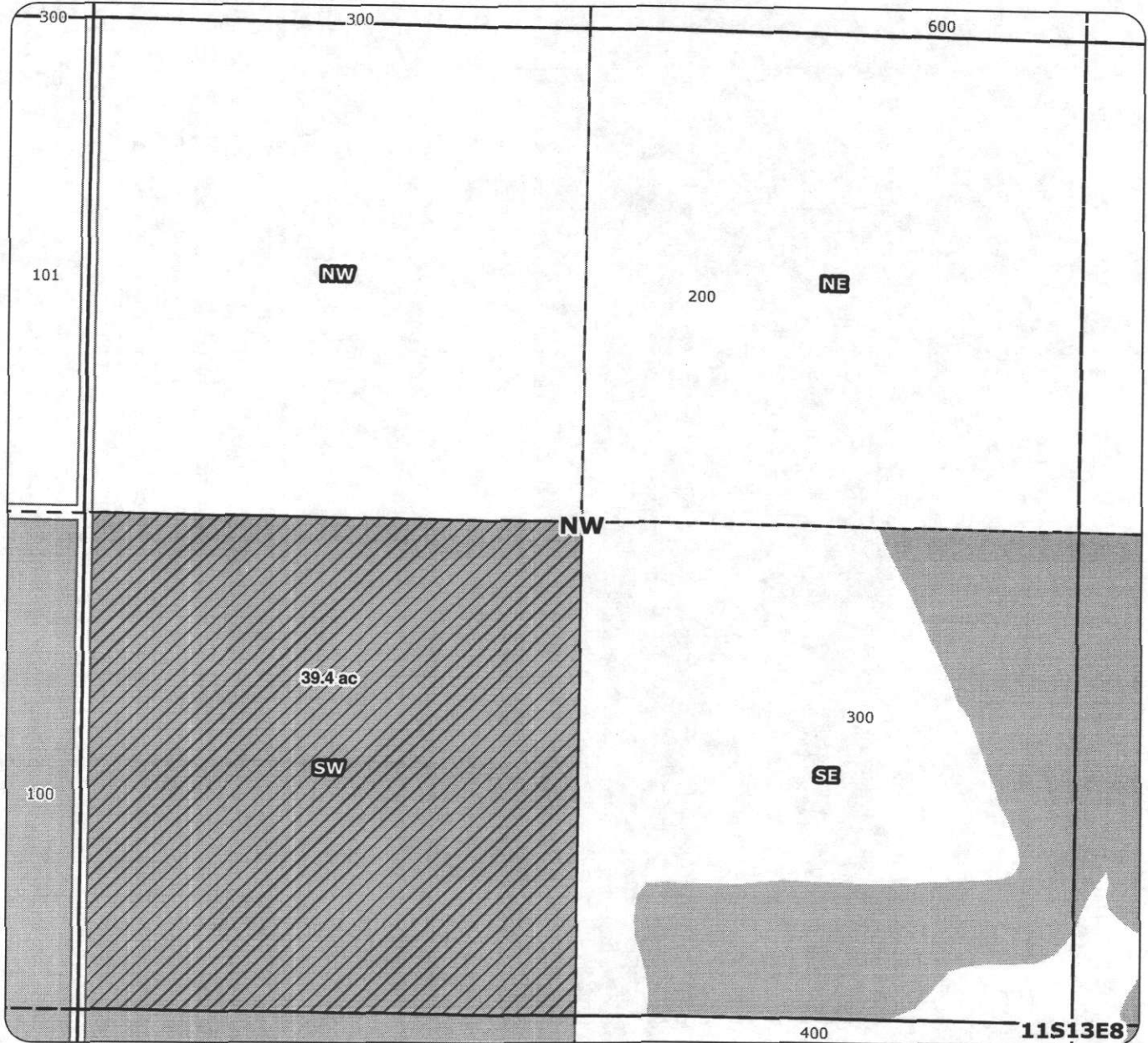
Date Created: May 2007





1 inch equals 464.883223 feet



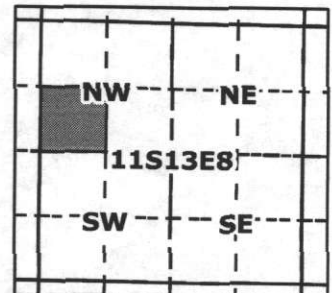
# 2007 North Unit Irrigation District Instream Lease Map



## Application for 1 year Instream Lease Permit 33954 Cert 72284

-  Proposed Lease of Irrigation Rights
-  Water Rights

for  
Ingalsbe Testamentary Trust  
taxlot 300  
39.4 acres  
in 111308SWNW



**Geo-Spatial Solutions, Inc.**  
[www.geospatialsolutions.com](http://www.geospatialsolutions.com)

Date Created: May 2007



1 inch equals 400 feet