



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: _____
Lease Application Number (assigned by WRD): IL-815

This Lease is between:

Lessor #2: Irrigation District or Other Water Purveyor

Name Tumalo Irrigation District
Mailing address 64697 Cook Ave
City, State, Zip Code Bend, OR 97701
Telephone number 541-382-3053
Email address tid@tumalo.org

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

Lessee (if different than Oregon Water Resources Department):

Name Deschutes River Conservancy
Mailing address PO Box 1560
City, State, Zip Code Bend, OR 97709
Telephone number 541-382-4077
Email address gen@deschutesrc.org

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**WATER RESOURCES DEPT
SALEM, OREGON**

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 Tumalo 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. 74146, 74147, 76106, 76358 (primary) and 76714, 74147, 74148, 74149, 76520 (supplemental)

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.: 74146

Priority date: 8/5/1900, 9/1/1900, 5/27/1907, 6/1/1907 Type of use: IRR

Legal Season of Use: April 15 through October 15

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

8/5/1900 - 5.00 ac

9/1/1900 - 29.33 ac

5/27/1907 - 8.90 ac

6/1/1907 - 19.70 total 62.93 acres

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

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

8/5/1900 - 0.071 cfs

9/1/1900 - 0.419 cfs

5/27/1907 - 0.127 cfs

6/1/1907 - 0.281 cfs total .899 cfs

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):

8/5/1900 - 9.00 af

9/1/1900 - 52.79 af

5/27/1907 - 16.02 af

6/1/1907 - 35.46 af total 113.27 AF

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SALEM, OREGON

Conditions or other limitations, if any: _____

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:

Tumalo Creek

Tributary to Deschutes 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): TID POD #1: Tumalo Feed Canal - SWNE, sect 23, T17S, R11E, W.M. to Lake Billy Chinook

Maximum volume in acre-feet:

8/5/1900 - 9.00 af

9/1/1900 - 52.79 af

5/27/1907 - 16.02 af

6/1/1907 - 35.46 af total - 113.27 af

Rate in cfs:

8/5/1900 - 0.025 cfs

9/1/1900 - 0.145 cfs

5/27/1907 - 0.044 cfs

6/1/1907 - 0.097 cfs total - 0.311 cfs

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

Rate in cfs: _____

Rate in cfs: _____

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(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 15 through October 15.

Other (describe): _____

2.3 Term of lease. This lease shall terminate on November 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.

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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: Edmer L. Daniels Date: 4-3-07
Tumalo Irrigation District

Lessee: Genevieve Hubert Date: March 23, 2007
Deschutes River Conservancy

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



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

Additional Water Right Form
for Pooled
Instream Lease

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.

~I~

Section 1.5 continued from Pooled Form.

Water Rights Proposed to be Leased Instream. District and water right holder(s) propose to lease the water rights identified in Section 1.3 on the "Pooled Lease Form."

The right(s) to be leased are further described as follows:

Certificate No.: 74147
Priority date: October 13, 1913 Type of use: IRR
Legal Season of Use (if not listed on the certificate): April 1 through October 31
If an irrigation right, total number of acres to be leased: 117.94 acres
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) 1.474 Time period: Ap 1 to May 1, Oct 1 to Oct 26
Season 2 (cfs) 1.966 Time period: May 1 to May 15, Sept 15 to Oct 1
Season 3 (cfs) 3.640 Time period: May 15 to Sept 15
Maximum duty associated with subject water rights (ac-ft): 1168.79 af

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Conditions or other limitations, if any:

~II~

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SALEM, OREGON

Section 2.2 continued from Pooled Lease Form.

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

Tumalo Creek
Tributary to Deschutes 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): TID POD #1 (Tumalo Feed Canal) to mouth and to Lake Billy Chinook

Maximum volume in acre-feet: 1,168.79 af
Rate in cfs: Season 1: 1.474 cfs
Rate in cfs: Season 2: 1.966 cfs
Rate in cfs: Season 3: 3.640 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 April 1 through October 31.
Other (describe):



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Additional Water Right Form
for Pooled
Instream Lease

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~I~

Section 1.5 continued from Pooled Form.

Water Rights Proposed to be Leased Instream. District and water right holder(s) propose to lease the water rights identified in Section 1.3 on the "Pooled Lease Form."

The right(s) to be leased are further described as follows:

Certificate No.: 76106
Priority date: December 1, 1961 Type of use: IRR
Legal Season of Use (if not listed on the certificate): April 1 through October 31
If an irrigation right, total number of acres to be leased: 48.9
Total acre-feet of storage to be leased, if applicable:
Maximum rate associated with subject water rights (cfs) being leased: 0.699 cfs
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:

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Maximum duty associated with subject water rights (ac-ft): 122.25 af

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Conditions or other limitations, if any: max portion from storage 68.04 af

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~II~

Section 2.2 continued from Pooled Lease Form.

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

Tumalo Creek
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): Tumalo Resvr: SESW, Sect 33, R16S, T11E, W.M.;

Tumalo Creek: SENE, Sect 23, T17S, R11E, W.M. to Lake Billy Chinook

Maximum volume in acre-feet: 122.25 af, max amount from storage 68.04 af

Rate in cfs: 0.288 cfs

(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 through
Other (describe):



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: L07.01

Lease Agreement Number (assigned by WRD): IL-815

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Schut/Tuten Family Trust, Paul E. Schut/Merry A. Tuten, Trustees

(Mailing address) 31825 Bayview Dr., Apt. 74

(City, State, Zip Code) Avon Lake, OH 44012-2453

(Telephone number) (310)373-4063

(Email address) Merrytuten@yahoo.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 16, Range 12, Section 07 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.

Field Code Changed
Field Code Changed

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. Primary 74147, Supplemental 74148, 74149, 76520

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 $\frac{1}{4}$ $\frac{1}{4}$, tax lot number, map orientation and scale.

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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.	16S	12E	07	nese	01401	20	ir	74147	10	10/29/1913
2.	16S	12E	07	sese	01401	14.60	ir	74147	10	10/29/1913
3.	16S	12E	07	sese	01402	13.70	ir	74147	10	10/29/1913
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 28.50

Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

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)(X) (include necessary supporting documentation as Attachment 3).

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 15, 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.
- 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

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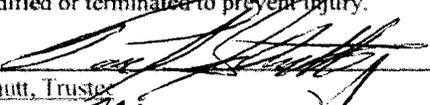
new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.

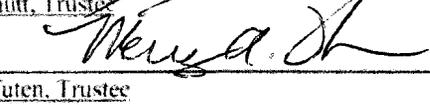
3.4 Suspension of original use. During the period of the lease, the owner agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights. In the event that a supplemental water right is not part of this lease, it may be 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: 6 FEB 2007
Paul E. Schutt, Trustee

Lessor #2:  Date: 15 Feb. 2007
Merry A. Tuten, Trustee

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes River Conservancy

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

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NW $\frac{1}{4}$ SW $\frac{1}{4}$	1600		Braun Trustees, Jean & Rose	IR	5.90	
NW $\frac{1}{4}$ SW $\frac{1}{4}$	1601		Lamkins, Larry & Carol	IR	7.00	
SW $\frac{1}{4}$ SW $\frac{1}{4}$	1700		Schlueter, James & Patricia	IR	1.80	33.20
SE $\frac{1}{4}$ SW $\frac{1}{4}$	1700		Schlueter, James & Patricia	IR		14.20
SE $\frac{1}{4}$ SW $\frac{1}{4}$	1900		Schlueter, James & Patricia	IR	2.00	5.80
SW $\frac{1}{4}$ SE $\frac{1}{4}$	2100		Cascade Materials	IR		7.00

Section 35

SE $\frac{1}{4}$ SE $\frac{1}{4}$	1100	D	Ballew, Doug & Judith	IR	1.00	1.00
SE $\frac{1}{4}$ SE $\frac{1}{4}$	1401	D	Hagemann, Roger & Lorraine	IR		2.00
SE $\frac{1}{4}$ SE $\frac{1}{4}$	1500	D	Kelly, Bill & Veronica	IR	0.60	0.60
SE $\frac{1}{4}$ SE $\frac{1}{4}$	1702	D	Tepner, Robert & Karen	IR		1.40

Section 36

Township 16 South, Range 11 East, W.M.

6	NW $\frac{1}{4}$ SW $\frac{1}{4}$	1800	Daniels, James & Karen	IR		1.00
7	SW $\frac{1}{4}$ SW $\frac{1}{4}$	1801	A.K.A. Productions, Inc.	IR	4.00	6.00
7	SW $\frac{1}{4}$ SW $\frac{1}{4}$	1802	Rupp, C. Richard	IR	2.09	5.60

Section 6

	NW $\frac{1}{4}$ NE $\frac{1}{4}$	400	Duntley, Carole A.	IR		10.00
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	700	Soriano, Charles & Jeanine	IR	15.00	
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	103	Gobeille, David & Carolyn	IR		0.70
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	402	Duntley, Carole A.	IR		4.00
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	403	Duntley, Carole A.	IR		2.00
1	NW $\frac{1}{4}$ NW $\frac{1}{4}$	401	VanderBeek, Robert & Laurie	IR		4.70
1	NW $\frac{1}{4}$ NW $\frac{1}{4}$	403	Duntley, Carole A.	IR		4.00
1	NW $\frac{1}{4}$ NW $\frac{1}{4}$	500	Chace, William & Brenda	IR		1.00
1	NW $\frac{1}{4}$ NW $\frac{1}{4}$	600	Campagna, David & Sharon	IR		1.00
2	SW $\frac{1}{4}$ NW $\frac{1}{4}$	900	Chapman, Drexal & Katheryn	IR	1.20	10.80
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	1200	Pledger, William & Felicia	IR		28.90
4	SW $\frac{1}{4}$ SW $\frac{1}{4}$	1100	Booth, Loran & Toni	IR		8.80
4	SW $\frac{1}{4}$ SW $\frac{1}{4}$	1101	Pledger, Jeffery & Karen	IR		12.00
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	1200	Pledger, William & Felicia	IR		36.10
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	1400	Pavlinac/Bearden	PND	0.10	
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	1400	Pavlinac/Bearden	IR	38.50	
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	1401	Schutt/Tuten, Paul & Merry	IR	0.20	
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	1300	Putnam, Lee & Mary/Steve & Arlene	IR		39.85
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	1300	Putnam, Lee & Mary/Steve & Arlene	IR		37.66
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	1400	Pavlinac/Bearden	IR	0.20	
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	1401	Schutt/Tuten, Paul & Merry	IR	14.60	
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	1402	Schutt/Tuten, Paul & Merry	IR	13.70	

Section 7

	SW $\frac{1}{4}$ NE $\frac{1}{4}$	600	Wise/Strauss	IR		3.75
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	701	Fournier, Chris	IR		3.40
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	702	Fournier, Chris	IR		7.60
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	703	MacGaffey, Keith	IR		13.90
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	800	Cronen, Lowell & Lia	IR		10.00
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	801	Houshmand, Shamsolmolouk	IR	5.80	4.20
	NW $\frac{1}{4}$ NW $\frac{1}{4}$	402	Davis, Tim & Madeleine	IR		2.60
	NW $\frac{1}{4}$ NW $\frac{1}{4}$	500	Davis, Tim & Madeleine	IR		2.40
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	400	Davis, Tim & Madeleine	IR	20.40	
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	401	Reichardt, William & Judith Ann	IR		0.60
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	600	Wise/Strauss	IR		0.25
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	700	Reichardt, William & Judith Ann	IR		19.40
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	703	MacGaffey, Keith	IR		1.10
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	1500	Amadio, Thomas & Dorothy	IR	2.00	15.50
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	1600	Rowell, Bob	IR		4.00

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(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: L07.02
Lease Agreement Number (assigned by WRD): IL-815

This Lease Agreement is between:

Lessor #1 (Landowner):
(Name) Peter N McCook & Jacqueline K.H. McCook
(Mailing address) 10305 SW 64th Avenue
(City, State, Zip Code) Miami, FL 33156
(Telephone number) (305)663-5450
(Email address) _____

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 11, Section 11 and Tax Lot number 1601. 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. Primary 74146, 76106, Supplemental 74147, 74148, 74149, 76520
- 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.

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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.	17S	11E	11	nsw	01601	1.0	irr	74146	12	9/1/1900
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 1.0
 Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

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 15, 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.
- 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.

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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: 2-5-07
Peter N. McCook

 Date: 2-10-07
Jacqueline K.H. McCook

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes River Conservancy

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

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

Additional Water Right Form For Pooled Landowner Instream Lease

*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.*

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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).

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.	17S	11E	11	nsw	01601	2.0	irr	76106	4	12/8/1961
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

[Attached map(s) must identify property owner, Township, Range, Section and ¼¼, tax lot number, map orientation and scale.]

Total number of acres, if for irrigation, by certificate and priority date: 2.0

Acres-feet of storage, if applicable: _____

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Field Code Changed

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SW $\frac{1}{4}$ SE $\frac{1}{4}$	703	IR	5.8	Freeman/Triplett
SE $\frac{1}{4}$ SE $\frac{1}{4}$	700	POND	0.1	Gisler, Patrick & Deborah
SE $\frac{1}{4}$ SE $\frac{1}{4}$	702	IR	2.7	James, John & Dinah -Trustees
SE $\frac{1}{4}$ SE $\frac{1}{4}$	703	IR	32.0	Freeman/Triplett

Section 1

2	NW $\frac{1}{4}$ NE $\frac{1}{4}$	105	IR	2.5	Haddix, Stephen J.
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	600	IR	15.3	Gill, John
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	700	IR	10.7	Gill, Rockne & Jane

Section 2

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4	NW $\frac{1}{4}$ NW $\frac{1}{4}$	100BB	IR	1.0	Brizee, Harry & JoAnn
4	NW $\frac{1}{4}$ NW $\frac{1}{4}$	200BB	IR	3.0	Rotondi, Richard & Judy
4	NW $\frac{1}{4}$ NW $\frac{1}{4}$	300BB	IR	1.0	Booth, Jerry & Judi
4	NW $\frac{1}{4}$ NW $\frac{1}{4}$	400BB	IR	2.0	Frederick, Roger & Leslie
4	NW $\frac{1}{4}$ NW $\frac{1}{4}$	500BB	IR	1.8	Johnson, David & Bette
4	NW $\frac{1}{4}$ NW $\frac{1}{4}$	501BB	IR	0.2	Johnson, David & Bette

Section 3

1	NE $\frac{1}{4}$ NE $\frac{1}{4}$	100A	IR	1.0	Larson/Gill, Kevin L. & Leslie E.
2	NW $\frac{1}{4}$ NE $\frac{1}{4}$	500A	IR	10.0	Cobb, Ann Wright

Section 4

NE $\frac{1}{4}$ NE $\frac{1}{4}$	200A	IR	1.0	Steinlicht, Mark & L. Diane
SE $\frac{1}{4}$ NE $\frac{1}{4}$	400A	IR	1.2	Coats, Doug
SE $\frac{1}{4}$ NE $\frac{1}{4}$	500A	IR	3.8	Coats, Doug

Section 10

NW $\frac{1}{4}$ NE $\frac{1}{4}$	200	IR	35.5	Kearns, Daniel & Barbara
SW $\frac{1}{4}$ NW $\frac{1}{4}$	500	IR	12.6	Coats, R.L. & Joyce
NE $\frac{1}{4}$ SW $\frac{1}{4}$	1600	IR	10.0	Lyster, Ted & Eloise
NW $\frac{1}{4}$ SW $\frac{1}{4}$	1601	IR	1.0	McCook, Peter & Jacqueline
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1000	IR	1.0	Johnson/Peticolas
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1001	IR	1.0	Bell, John
NW $\frac{1}{4}$ SE $\frac{1}{4}$	1400	IR	1.0	Cooper, Robert & Beverly

Section 11

SW $\frac{1}{4}$ SW $\frac{1}{4}$	800	IR	4.4	Coats, R.L. & Joyce
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Section 12

SW $\frac{1}{4}$ NW $\frac{1}{4}$	2300	IR	1.0	Beightley/Taylor, Mark & Deborah
SW $\frac{1}{4}$ NW $\frac{1}{4}$	2400	IR	0.9	Moore, Bill & Mildred
NW $\frac{1}{4}$ SW $\frac{1}{4}$	2400	IR	1.1	Moore, Bill & Mildred

Section 13

Township 17 South, Range 11 East, W.M.

2	NW $\frac{1}{4}$ NE $\frac{1}{4}$	302	IR	3.0	C.L.R. INC.
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Section 6

Township 17 South, Range 12 East, W.M.

Priority: 4/28/05

SE $\frac{1}{4}$ SE $\frac{1}{4}$	1401	IR	0.44	Kirkhorn, Bruce
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Section 13

17	11	2	NW 1/4 NW 1/4	400	3.0	WALKER, J & L
17	11	2	SE 1/4 NW 1/4	700	8.4	GILL, R & J
17	11	3	NW 1/4 NW 1/4	101	0.9	BRIZEE, H & J
17	11	4	NE 1/4 NE 1/4	100	0.9	LARSON/GILL, K & L
17	11	4	NW 1/4 NE 1/4	400	2.0	SHORES, D & D
17	11	4	SW 1/4 NW 1/4	2000	15.0	BRILES/LOOMIS
17	11	4	SE 1/4 NW 1/4	2000	25.0	BRILES/LOOMIS
17	11	11	SE 1/4 NE 1/4	900	4.6	PARKER, D
17	11	11	SE 1/4 NE 1/4	901	3.9	PARKER, D
17	11	11	NE 1/4 NW 1/4	300	5.0	OVERBAY, R
17	11	11	NE 1/4 NW 1/4	302	5.0	MILLER/JILES
17	11	11	NE 1/4 NW 1/4	400	0.9	GRAVES, D & D
17	11	11	SE 1/4 NW 1/4	600	32.8	COATS, J
17	11	11	NW 1/4 SW 1/4	1601	2.0	McCOOK, P & J
17	11	11	NE 1/4 SE 1/4	1000	2.0	DYER, L & A
17	11	11	NE 1/4 SE 1/4	1001	1.2	BELL, J
17	11	11	NE 1/4 SE 1/4	1002	0.1	BELL, J
17	11	11	NW 1/4 SE 1/4	1400	0.9	COOPER, R & B
17	11	11	SE 1/4 SE 1/4	1800	7.2	HORSMAN REVOCABLE TRUST
17	11	12	SW 1/4 SW 1/4	800	26.6	COATS, J
17	11	13	SW 1/4 NE 1/4	100	13.7	COATS, J
17	11	13	SW 1/4 NE 1/4	806	1.0	GRAHAM, K
17	11	13	SE 1/4 NE 1/4	100	25.6	COATS, J
17	11	13	NW 1/4 NW 1/4	1600	0.4	ALLEN, C
17	11	13	SW 1/4 NW 1/4	1600	1.6	ALLEN, C
17	11	13	SW 1/4 NW 1/4	11800	0.9	ALLEN, C
17	11	13	NE 1/4 SW 1/4	500	11.2	COATS, J
17	11	13	SW 1/4 SW 1/4	500	0.4	COATS, J
17	11	13	SE 1/4 SW 1/4	500	29.1	COATS, J
17	11	13	NE 1/4 SE 1/4	100	14.5	COATS, J
17	11	13	NW 1/4 SE 1/4	100	24.1	COATS, J
17	11	13	SW 1/4 SE 1/4	100	2.5	COATS, J
17	11	13	SW 1/4 SE 1/4	500	4.5	COATS, J
17	11	14	NE 1/4 NE 1/4	11000	2.0	STOLLER, E & G
17	11	14	NE 1/4 NE 1/4	11100	7.5	BAXTER, R
17	11	14	NE 1/4 NE 1/4	11200	0.5	BENDIS, J & D
17	11	14	NE 1/4 NE 1/4	11700	0.6	ALLEN, C
17	11	14	SE 1/4 NE 1/4	11800	0.5	ALLEN, C

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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: L07.03
Lease Agreement Number (assigned by WRD): IL-915

This Lease Agreement is between:

Lessor #1 (Landowner):
(Name) Bowgun Properties Limited Partnership
(Mailing address) 40-160 Via Valencia
(City, State, Zip Code) Rancho Mirage, CA 92270
(Telephone number) (760) 770-1637
(Email address) _____

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 11, Section 02 and Tax Lot number 200.201. 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.

Field Code Changed
Field Code Changed

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. Primary 76106, Supplemental 74149, 76520

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

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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, tax lot number, map orientation and scale.

WATER RESOURCES DEPT
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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.	17	11	02	new	00200	3.0	IRR	76106	3	12/8/1961
2.	17	11	02	new	00201	6.10	IRR	76106	3	12/8/1961
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 9.10
 Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

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 15, 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.
- 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.

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**WATER RESOURCES DEPT
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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: Rock Dine Date: 1-26-07
Bowgun Properties LP

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes River Conservancy

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

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16	12	7	NE 1/4 NE 1/4	102	13.6	GOBEILLE, D& C
16	12	7	SE 1/4 NE 1/4	101	1.5	GOBEILLE, D & C
16	12	7	SE 1/4 NE 1/4	102	1.4	GOBEILLE, D & C
16	12	7	SE 1/4 NE 1/4	103	22.0	GOBEILLE, D & C
16	12	7	NE 1/4 NW 1/4	402	8.8	DUNTLEY, C
16	12	7	NE 1/4 NW 1/4	403	4.4	DUNTLEY, C
16	12	7	NW 1/4 NW 1/4	401	8.3	VANDERBEEK, R & L
16	12	7	NW 1/4 NW 1/4	403	2.8	DUNTLEY, C
16	12	7	NW 1/4 NW 1/4	500	2.7	CHANCE, W
16	12	7	NW 1/4 NW 1/4	600	1.0	CAMPAGNA, D & S
16	12	8	NW 1/4 NW 1/4	402	30.0	CRYSTAL RIVER PROPERTIES, LLC
16	12	8	SW 1/4 NW 1/4	400	4.0	CRYSTAL RIVER PROPERTIES, LLC
16	12	8	SW 1/4 NW 1/4	402	6.0	CRYSTAL RIVER PROPERTIES, LLC
16	12	8	NW 1/4 SW 1/4	1707	0.5	HAMMACK, P & C
16	12	9	SW 1/4 SW 1/4	900	15.0	PACIFIC NW DEVELOPMENT CORP.
16	12	16	NW 1/4 NW 1/4	701	5.0	KHALSA, J & J
16	12	16	NW 1/4 NW 1/4	702	5.0	TROUT, R & L
16	12	16	SW 1/4 NW 1/4	700	15.0	BALDWIN/TROUT/KHALSA
16	12	17	NE 1/4 NE 1/4	100	20.0	STOUT/PENNOCK
16	12	19	SE 1/4 SW 1/4	1900	10.0	KLOBY, J & M
16	12	19	NE 1/4 SE 1/4	2000	8.0	SHIPMAN, K & P
16	12	19	NW 1/4 SE 1/4	2100	20.0	SHULL, C
16	12	30	NE 1/4 SW 1/4	402	5.0	McWILLIAMS, L
16	12	30	NW 1/4 SW 1/4	403	2.0	SCOTT, S
16	12	30	NW 1/4 SW 1/4	404	3.0	AYLETT, R & M
16	12	30	NW 1/4 SE 1/4	2500	1.0	WIENEKE, D & N
16	12	31	SW 1/4 SW 1/4	409	2.0	HAGEMANN, R & L
17	11	1	NW 1/4 NW 1/4	400	2.0	NORTHON, R & J
17	11	1	NW 1/4 NW 1/4	402	1.0	KALLEY, J & J
17	11	2	NE 1/4 NE 1/4	100	2.5	WACHS, D & L
17	11	2	NE 1/4 NE 1/4	106	2.5	SILVER, R & J
17	11	2	NW 1/4 NE 1/4	101	2.4	MORROW, R & R
17	11	2	NW 1/4 NE 1/4	102	2.5	JOHNSON, M
17	11	2	NW 1/4 NE 1/4	103	0.1	MORROW, R & R
17	11	2	NE 1/4 NW 1/4	200	3.0	GILL, R & J
17	11	2	NE 1/4 NW 1/4	201	6.1	GILL, R & J

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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: L07.05
Lease Agreement Number (assigned by WRD): IL-815

This Lease Agreement is between:

Lessor #1 (Landowner):
(Name) Ponsford, David J.
(Mailing address) 20480 Harper Road
(City, State, Zip Code) Bend, OR 97701
(Telephone number) (541) 330-0292
(Email address) _____

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 16, Range 12, Section 09 and Tax Lot number 00500. 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.

Field Code Changed
Field Code Changed

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. Primary 74146, Supplemental 74147, 74148, 74149, 76520

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

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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.

APR 09 2007

WATER RESOURCES DEPT
SALEM, OREGON

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.	16	12	09	swnw	00500	1.43	IRR	74146	9/1/1900
2.									
3.									
4.									
5.									

Total number of acres, if for irrigation, by certificate and priority date: 1.43

Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

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 15, 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.

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.

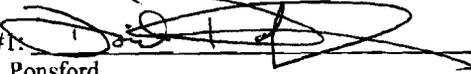
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WATER RESOURCES DEPT
SALEM, OREGON

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: 2/2/07
David J. Ponsford

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes River Conservancy

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

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WATER RESOURCES DEPT
SALEM, OREGON

SE $\frac{1}{4}$ SE $\frac{1}{4}$	1100D	IR	1.0	Ballew, Doug & Judith
SE $\frac{1}{4}$ SE $\frac{1}{4}$	1401D	IR	2.0	Hagemann, Roger & Lorraine

Section 36

Township 16 South, Range 11 East W.M.

7	SW $\frac{1}{4}$ SW $\frac{1}{4}$	1801	IR	5.0	A.K.A. Productions, Inc.
7	SW $\frac{1}{4}$ SW $\frac{1}{4}$	1802	IR	2.6	Rupp, C. Richard

Section 6

	SE $\frac{1}{4}$ NE $\frac{1}{4}$	103	IR	0.7	Gobeille, David & Carolyn
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	402	IR	1.0	Duntley, Carole A.
1	NW $\frac{1}{4}$ NW $\frac{1}{4}$	401	IR	4.7	VanderBeek, Robert & Laurie
1	NW $\frac{1}{4}$ NW $\frac{1}{4}$	403	IR	3.5	Duntley, Carole A.
1	NW $\frac{1}{4}$ NW $\frac{1}{4}$	403	POND	0.5	Duntley, Carole A.
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	1200	IR	28.9	Pledger, William & Felicia
4	SW $\frac{1}{4}$ SW $\frac{1}{4}$	1100	IR	7.5	Booth, Loran & Toni
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	1200	IR	36.1	Pledger, William & Felicia
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	1300	IR	39.85	Putnam, Lee&Mary/Steve&Arlene
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	1300	IR	37.66	Putnam, Lee&Mary/Steve&Arlene

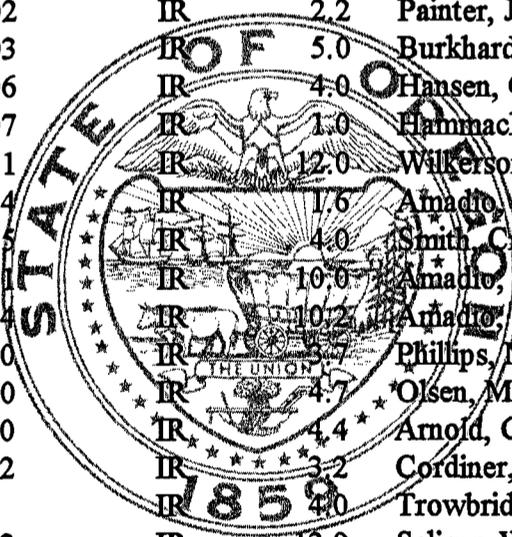
Section 7

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WATER RESOURCES DEPT
SALEM, OREGON

SW $\frac{1}{4}$ NE $\frac{1}{4}$	600	IR	3.75	Wise/Strauss
SW $\frac{1}{4}$ NE $\frac{1}{4}$	701	IR	3.4	Fournier, Chris
SW $\frac{1}{4}$ NE $\frac{1}{4}$	702	IR	7.6	Fournier, Chris
SW $\frac{1}{4}$ NE $\frac{1}{4}$	703	IR	13.9	MacGaffey, Keith
NW $\frac{1}{4}$ NW $\frac{1}{4}$	402	IR	2.6	Davis, Tim & Madeleine
NW $\frac{1}{4}$ NW $\frac{1}{4}$	500	IR	2.4	Davis, Tim & Madeleine
SW $\frac{1}{4}$ NW $\frac{1}{4}$	401	IR	0.6	Reichardt, William & Judith Ann
SE $\frac{1}{4}$ NW $\frac{1}{4}$	600	IR	0.25	Wise/Strauss
SE $\frac{1}{4}$ NW $\frac{1}{4}$	700	IR	19.4	Reichardt, William & Judith Ann
SE $\frac{1}{4}$ NW $\frac{1}{4}$	703	IR	1.1	MacGaffey, Keith
NE $\frac{1}{4}$ SW $\frac{1}{4}$	1500	IR	15.5	Amadio, Thomas & Dorothy
NE $\frac{1}{4}$ SW $\frac{1}{4}$	1600	IR	4.0	Rowell, Bob
NE $\frac{1}{4}$ SW $\frac{1}{4}$	1601	IR	1.6	Parker, John & Arlene
NW $\frac{1}{4}$ SW $\frac{1}{4}$	1700	IR	6.4	Parker, John & Arlene
NW $\frac{1}{4}$ SW $\frac{1}{4}$	1702	IR	2.2	Painter, Jon & Etta
NW $\frac{1}{4}$ SW $\frac{1}{4}$	1703	IR	5.0	Burkhardt, Rick & Lynn
NW $\frac{1}{4}$ SW $\frac{1}{4}$	1706	IR	4.0	Hansen, Gary & Linda
NW $\frac{1}{4}$ SW $\frac{1}{4}$	1707	IR	1.0	Hammack, Patrick & Constance
SW $\frac{1}{4}$ SW $\frac{1}{4}$	1701	IR	12.0	Wilkerson, Richard & Carol
SW $\frac{1}{4}$ SW $\frac{1}{4}$	1704	IR	1.6	Amadio, Thomas & Dorothy
SW $\frac{1}{4}$ SW $\frac{1}{4}$	1705	IR	4.0	Smith, Craig & Sandra
SE $\frac{1}{4}$ SW $\frac{1}{4}$	1501	IR	10.6	Amadio, Thomas & Dorothy
SE $\frac{1}{4}$ SW $\frac{1}{4}$	1704	IR	10.2	Amadio, Thomas & Dorothy
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1000	IR	3.7	Phillips, Michael & Nancy
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1100	IR	4.7	Olsen, Marc & Theresa
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1200	IR	4.4	Arnold, Charles
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1302	IR	3.2	Cordiner, Robert & Peggy
NE $\frac{1}{4}$ SE $\frac{1}{4}$	900	IR	4.0	Trowbridge, William & Lynne
NW $\frac{1}{4}$ SE $\frac{1}{4}$	1403	IR	13.9	Seliger, William & Kathleen
NW $\frac{1}{4}$ SE $\frac{1}{4}$	1404	IR	1.8	Wyman, Harold & Jane
SW $\frac{1}{4}$ SE $\frac{1}{4}$	1401	IR	24.1	Wyman, Harold & Jane
SE $\frac{1}{4}$ SE $\frac{1}{4}$	1400	IR	19.0	Hull, Judy Ayres
SE $\frac{1}{4}$ SE $\frac{1}{4}$	1402	IR	14.0	Hull, Judy Ayres



Section 8

sw $\frac{1}{4}$ nw $\frac{1}{4}$	500	IR	1.43	Ponsford, David
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Section 9

N95-013
T-7466



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: L07.06
Lease Agreement Number (assigned by WRD): IL-815

This Lease Agreement is between:

Lessor #1 (Landowner):
(Name) Romaniak/Mendenhall, Gary & Jeanne
(Mailing address) 18965 Pinehurst Road
(City, State, Zip Code) Bend, OR 97701
(Telephone number) (541) 389-0437
(Email address) _____

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 16, Range 11, Section 35 and Tax Lot number 01200. 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.

Field Code Changed
Field Code Changed

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. Primary 74147, Supplemental 74148, 74149, 76520

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.

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WATER RESOURCES DEPT
SALEM, OREGON

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.	16	11	35	senw	01200	3.0	IRR	74147	9	10/29/1913
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 3.0
Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

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 15, 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.
- 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.

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**WATER RESOURCES DEPT
SALEM, OREGON**

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: Gary A. Romaniuk Date: 2-2-07
Gary Romaniuk

Jeanne Mendenhall Date: 2-2-07
Jeanne Mendenhall

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes River Conservancy

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

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WATER RESOURCES DEPT
SALEM, OR

NE¼NW¼	403	Strong, James J.	IR		13.00
NW¼NW¼	500	Narber, Kemper & Susan	IR	1.00	
NW¼NW¼	501	Zenner, Steve	IR	1.60	
NW¼NW¼	503	Colton/Engelhard	IR	3.80	
SW¼NW¼	600	Johansen, Kirk & Judith	IR		10.00
SW¼NW¼	602	Crum, Laurel Ann	IR		5.00
SE¼NW¼	401	Lawyer, Donald & Paula	IR		9.30
SE¼NW¼	402	Scott, Stephen H.	IR		7.00
SE¼NW¼	700	Gscheidle, William & Meri	IR		7.00
SE¼NW¼	701	Lyle, Boyd L.	IR		7.00
NW¼SW¼	601	Johansen, Kirk & Judith	IR		15.00
NW¼SW¼	603	Thomson, Richard & Patsy	IR		15.00
SW¼SW¼	1500	Harlow, James	IR		5.40
SW¼SW¼	1600	Johnson, Jimmy Dean	IR		1.90
SW¼SW¼	1601	Waterman, Faith	IR	2.00	
SW¼SW¼	1700	Williams, Michael & Arletta	IR		1.90
SW¼SW¼	1800	McFerran/Lynch, Don & Barbara	IR		2.00
NE¼SE¼	1100	Lane, Alan	IR	13.00	
NW¼SE¼	901	Martin, Charles & Susan	IR		4.00
NW¼SE¼	903	Miller, Ken & Darlene	IR		6.00
NW¼SE¼	904	Mills, Max & Lori	IR	2.00	3.74
SW¼SE¼	1300	Sohn, Ray & Sheila	IR	0.90	12.60
SW¼SE¼	1301	Duhn, Jessica R.	IR	1.00	3.40
SW¼SE¼	1302	Horton, Richard & Karen	IR		2.00
SW¼SE¼	1303	McAllister/Burke	IR		7.00
SW¼SE¼	1304	Schmidt, Robert & Carolyn	IR		4.50

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Section 34

APR 09 2007

NE¼NE¼	100	Leonard, Ronald	IR		10.00
NE¼NE¼	202	Jermaczonak, Tony & Laura	IR		7.50
NE¼NE¼	203	Bottger, James & Bea	IR		3.30
NE¼NE¼	206	Bottger, James & Bea	IR		1.70
NE¼NE¼	800	Michael, Loreen	IR		0.60
NW¼NE¼	800	Michael, Loreen	IR		4.40
NW¼NE¼	804	O'Brien, James & Patricia	IR		2.50
NW¼NE¼	805	Miller, G. J.	IR		2.75
NW¼NE¼	806	Rush, Lucy K.	IR		5.00
NW¼NE¼	807	Cooley, Orrin & Stephanie	IR		5.00
SW¼NE¼	801	Ome, Alan G. & Deborah	IR		5.00
SW¼NE¼	802	Masters, John	IR		5.00
SW¼NE¼	808	Gonce, William & Carolyn	IR		5.00
SW¼NE¼	809	Sheaffer, William & Annie	IR		3.00
SE¼NE¼	201	Hall, Thomas & Faith	IR		2.00
SE¼NE¼	204	Dvorak, Louis	IR		7.50
SE¼NE¼	205	Hall, Thomas & Faith	IR		2.00
SE¼NE¼	300	Harrison, Daniel	IR		2.50
SE¼NE¼	400	Tellin, Mahlon & Patricia	IR	2.50	2.00
SE¼NE¼	600	Dvorak, Louis	IR	0.40	4.10
SE¼NE¼	700	Dvorak, Louis	IR		4.00
NW¼NW¼	1000	McGinnis (LE), Harold	IR		19.70
SW¼NW¼	1100	Ames, George & Elaine	IR	13.00	
SE¼NW¼	1200	Romaniak/Mendenhall	IR	3.0	4.00
SE¼NW¼	1300	Patrick, Arthur & Michelle	IR	1.00	
SE¼NW¼	1301	Hervey, Sharon	IR	1.00	
SE¼NW¼	1302	Patrick, Arthur & Michelle	IR	1.00	
SE¼NW¼	1400	Patrick, Arthur & Michelle	IR	3.00	
SE¼NW¼	1500	King, Charles & Pamela	IR	3.00	
NE¼SW¼	1900	Schlueter, James & Patricia	IR	2.60	4.40
NW¼SW¼	1600	Braun Trustees, Jean & Rose	PND	0.10	

SEE NEXT PAGE



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: L07.07
Lease Agreement Number (assigned by WRD): IL-815

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Goebel Trust, Steven & Elizabeth Goebel, Trustees
(Mailing address) 4019 SW Downsview Ct.
(City, State, Zip Code) Portland, OR 97221
(Telephone number) (503) 680-5566
(Email address) _____

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 16, Range 11, Section 22 and Tax Lot number 2200. 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.

Field Code Changed
Field Code Changed

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. Primary 74146, Supplemental 74147, 74148, 74149, 76520

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 ¼ ¼, tax lot number, map orientation and scale.

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**WATER RESOURCES DEPT
SALEM, OREGON**

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.	16	11	22	sww	02200	9.10	IRR	74146	5	9/1/1900
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 9.10
 Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

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 15, 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.

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.

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**WATER RESOURCES DEPT
 SALEM, OREGON**

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: Elizabeth Goebel Date: 2/21/07
Elizabeth Goebel, Trustee

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes River Conservancy

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

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WATER RESOURCES DEPT
SALEM, OREGON

SE 1/4 NE 1/4	500	IR	5.8	Goldy, Daniel
NE 1/4 SW 1/4	600	IR	0.5	Bend Metro Parks
SW 1/4 SW 1/4	1000	IR	6.0	Hickok/Wallace
SE 1/4 SW 1/4	600	IR	31.7	Bend Metro Parks
NE 1/4 SE 1/4	600	IR	6.7	Bend Metro Parks
SW 1/4 SE 1/4	600	IR	18.1	Bend Metro Parks
SE 1/4 SE 1/4	600	POND	2.0	Bend Metro Parks
SE 1/4 SE 1/4	600	IR	4.7	Bend Metro Parks
SE 1/4 SE 1/4	700	IR	1.0	Denall, Thomas & Linda
SE 1/4 SE 1/4	800	IR	1.0	Denall, Thomas & Linda
SE 1/4 SE 1/4	900	IR	0.1	Denall, Thomas & Linda

Section 21

NE 1/4 NE 1/4	101	IR	3.0	Green, Leslie & Helen, Trustees
NW 1/4 NE 1/4	200	IR	3.6	Calkins, John & Rose
NW 1/4 NE 1/4	201	IR	4.3	Curl, James & Sheryl
NW 1/4 NE 1/4	202	IR	7.3	Spencer, Kevin & Linda
SW 1/4 NE 1/4	1000	IR	5.0	LaRusso, Thomas
SW 1/4 NE 1/4	900	IR	11.0	Andreson, Wilber & Andrea
NE 1/4 NW 1/4	400	IR	28.6	Hauxwell, Stanley & Jean
NW 1/4 NW 1/4	400	IR	10.2	Hauxwell, Stanley & Jean
NW 1/4 NW 1/4	401	IR	1.0	Hayes, Thomas Sr. & Lenore
NE 1/4 SW 1/4	2000	IR	30.6	Ruggieri, Thomas & Monica
NW 1/4 SW 1/4	2100	IR	15.0	Settergren, Elizabeth, Trustee
SW 1/4 SW 1/4	2200	IR	8.6	Thompson, Teresa Soriano
SW 1/4 SW 1/4	2200	POND	0.5	Thompson, Teresa Soriano
SW 1/4 SW 1/4	2300	IR	3.0	Chambers, Dwight & Mary Jo
SW 1/4 SW 1/4	2400	IR	3.0	McNeil, James & Rose
SW 1/4 SW 1/4	2401	IR	3.0	White, Roland H.
SE 1/4 SW 1/4	2501	IR	13.2	Sleepy Hollow Trust
SE 1/4 SW 1/4	2502	IR	7.0	Sleepy Hollow Trust
SE 1/4 SW 1/4	2503	IR	6.0	Kennedy, Robert & Charlotte
NE 1/4 SE 1/4	1101	IR	4.5	Meade, Robert & Jerry
NE 1/4 SE 1/4	1200	IR	1.0	Faller, David & Betty
NE 1/4 SE 1/4	1300	IR	2.5	Ebbs, Jon & Mary Ann
NE 1/4 SE 1/4	1400	IR	3.0	Wilson, Gary & Gail
NW 1/4 SE 1/4	1900	IR	0.8	Ring, Frank & Nancy
SW 1/4 SE 1/4	2500	IR	25.0	Hemingway, Collins & Wendy
SW 1/4 SE 1/4	2504	IR	3.0	Harmon, Chester & Jean
SW 1/4 SE 1/4	2505	IR	1.96	Pound, Jack & Linda
SE 1/4 SE 1/4	2600	IR	3.0	Joanis, Gary & Sharon
SE 1/4 SE 1/4	2700	IR	8.0	Gansforth, Patricia
SE 1/4 SE 1/4	2800	IR	8.0	Bittler, Mickey L.
SE 1/4 SE 1/4	2900	IR	3.5	Smith, Curtis & Lorraine
SE 1/4 SE 1/4	3000	IR	4.0	Singer, Jack & Randi, Trustees

Section 22

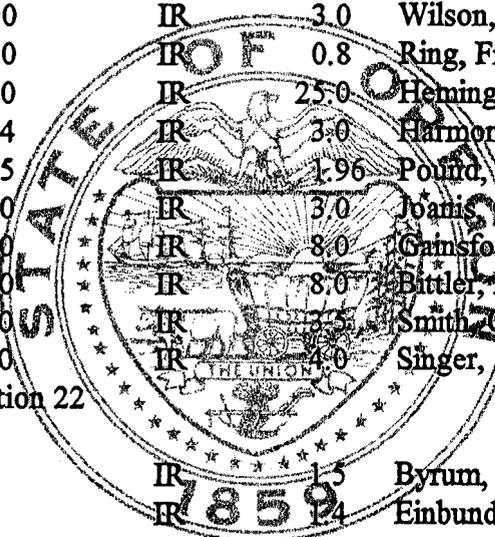
SW 1/4 NE 1/4	509	IR	1.5	Byrum, David & Terry
SW 1/4 NE 1/4	519	IR	1.4	Einbund, James
NE 1/4 NW 1/4	200	IR	7.0	Coe, Edwin & Donna
NE 1/4 NW 1/4	700	IR	9.7	Muzzy, Robert & Ruby
SE 1/4 NW 1/4	200	IR	2.6	Coe, Edwin & Donna
NE 1/4 SW 1/4	519	IR	0.3	Einbund, James
NW 1/4 SW 1/4	502	IR	7.8	McCormick, William P.
NW 1/4 SW 1/4	516	IR	1.4	Hiatt, Melva Joan
SW 1/4 SW 1/4	502	IR	5.9	McCormick, William P.

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WATER RESOURCES DEPT
SALEM, OREGON

Goebel
Goebel





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: L07.08
Lease Agreement Number (assigned by WRD): IL-815

This Lease Agreement is between:

Lessor #1 (Landowner):
(Name) Pederson, Robert & Gretchen
(Mailing address) 18925 Pinehurst Road
(City, State, Zip Code) Bend, OR 97701
(Telephone number) (541) 388-0742
(Email address) _____

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 16, Range 11, Section 35 and Tax Lot number 01500. 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.

Field Code Changed
Field Code Changed

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.

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Certificate No. Primary 74147, Supplemental 74148, 74149, 76520

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

WATER RESOURCES DEPT
SALEM, OREGON

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, tax lot number, map orientation and scale.

T	R	Seet	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.	16	11	35	senw	01500	2.40	IRR	74147	9	10/29/1913
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 2.40
 Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

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 15, 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.
- 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.

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**WATER RESOURCES DEPT
 SALEM, OREGON**

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: *Robert Pederson* Date: *FEB 26, 2007*
Robert Pederson

Gretchen B. Pederson Date: *FEB 23, 2007*
Gretchen Pederson

For additional Lessors, type in space for signature and date

Lessor #2: *Gretchen* Date: _____
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes River Conservancy

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

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WATER RESOURCES DEPT
SALEM, OREGON

NE $\frac{1}{4}$ NW $\frac{1}{4}$	403	Strong, James J.	IR		13.00
NW $\frac{1}{4}$ NW $\frac{1}{4}$	500	Narber, Kemper & Susan	IR	1.00	
NW $\frac{1}{4}$ NW $\frac{1}{4}$	501	Zenner, Steve	IR	1.60	
NW $\frac{1}{4}$ NW $\frac{1}{4}$	503	Colton/Engelhard	IR	3.80	
SW $\frac{1}{4}$ NW $\frac{1}{4}$	600	Johansen, Kirk & Judith	IR		10.00
SW $\frac{1}{4}$ NW $\frac{1}{4}$	602	Crum, Laurel Ann	IR		5.00
SE $\frac{1}{4}$ NW $\frac{1}{4}$	401	Lawyer, Donald & Paula	IR		9.30
SE $\frac{1}{4}$ NW $\frac{1}{4}$	402	Scott, Stephen H.	IR		7.00
SE $\frac{1}{4}$ NW $\frac{1}{4}$	700	Gscheidle, William & Meri	IR		7.00
SE $\frac{1}{4}$ NW $\frac{1}{4}$	701	Lyle, Boyd L.	IR		7.00
NW $\frac{1}{4}$ SW $\frac{1}{4}$	601	Johansen, Kirk & Judith	IR		15.00
NW $\frac{1}{4}$ SW $\frac{1}{4}$	603	Thomson, Richard & Patsy	IR		15.00
SW $\frac{1}{4}$ SW $\frac{1}{4}$	1500	Harlow, James	IR		5.40
SW $\frac{1}{4}$ SW $\frac{1}{4}$	1600	Johnson, Jimmy Dean	IR		1.90
SW $\frac{1}{4}$ SW $\frac{1}{4}$	1601	Waterman, Faith	IR	2.00	
SW $\frac{1}{4}$ SW $\frac{1}{4}$	1700	Williams, Michael & Arletta	IR		1.90
SW $\frac{1}{4}$ SW $\frac{1}{4}$	1800	McFerran/Lynch, Don & Barbara	IR		2.00
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1100	Lane, Alan	IR	13.00	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	901	Martin, Charles & Susan	IR		4.00
NW $\frac{1}{4}$ SE $\frac{1}{4}$	903	Miller, Ken & Darlene	IR		6.00
NW $\frac{1}{4}$ SE $\frac{1}{4}$	904	Mills, Max & Lori	IR	2.00	3.74
SW $\frac{1}{4}$ SE $\frac{1}{4}$	1300	Sohn, Ray & Sheila	IR	0.90	12.60
SW $\frac{1}{4}$ SE $\frac{1}{4}$	1301	Duhn, Jessica R.	IR	1.00	3.40
SW $\frac{1}{4}$ SE $\frac{1}{4}$	1302	Horton, Richard & Karen	IR		2.00
SW $\frac{1}{4}$ SE $\frac{1}{4}$	1303	McAllister/Burke	IR		7.00
SW $\frac{1}{4}$ SE $\frac{1}{4}$	1304	Schmidt, Robert & Carolyn	IR		4.50

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Section 34

NE $\frac{1}{4}$ NE $\frac{1}{4}$	100	Leonard, Ronald	IR		10.00
NE $\frac{1}{4}$ NE $\frac{1}{4}$	202	Jermaczonak, Tony & Laurie	IR		7.50
NE $\frac{1}{4}$ NE $\frac{1}{4}$	203	Bottger, James & Bea	IR		3.30
NE $\frac{1}{4}$ NE $\frac{1}{4}$	206	Bottger, James & Bea	IR		1.70
NE $\frac{1}{4}$ NE $\frac{1}{4}$	800	Michael, Loreen	IR		0.60
NW $\frac{1}{4}$ NE $\frac{1}{4}$	800	Michael, Loreen	IR		4.40
NW $\frac{1}{4}$ NE $\frac{1}{4}$	804	O'Brien, James & Patricia	IR		2.50
NW $\frac{1}{4}$ NE $\frac{1}{4}$	805	Miller, G. J.	IR		2.75
NW $\frac{1}{4}$ NE $\frac{1}{4}$	806	Rush, Lucy K.	IR		5.00
NW $\frac{1}{4}$ NE $\frac{1}{4}$	807	Cooley, Orrin & Stephanie	IR		5.00
SW $\frac{1}{4}$ NE $\frac{1}{4}$	801	Ome, Alan G. & Deborah	IR		5.00
SW $\frac{1}{4}$ NE $\frac{1}{4}$	802	Masters, John	IR		5.00
SW $\frac{1}{4}$ NE $\frac{1}{4}$	808	Gonce, William & Carolyn	IR		5.00
SW $\frac{1}{4}$ NE $\frac{1}{4}$	809	Sheaffer, William & Annie	IR		3.00
SE $\frac{1}{4}$ NE $\frac{1}{4}$	201	Hall, Thomas & Faith	IR		2.00
SE $\frac{1}{4}$ NE $\frac{1}{4}$	204	Dvorak, Louis	IR		7.50
SE $\frac{1}{4}$ NE $\frac{1}{4}$	205	Hall, Thomas & Faith	IR		2.00
SE $\frac{1}{4}$ NE $\frac{1}{4}$	300	Harrison, Daniel	IR		2.50
SE $\frac{1}{4}$ NE $\frac{1}{4}$	400	Tellin, Mahlon & Patricia	IR	2.50	2.00
SE $\frac{1}{4}$ NE $\frac{1}{4}$	600	Dvorak, Louis	IR	0.40	4.10
SE $\frac{1}{4}$ NE $\frac{1}{4}$	700	Dvorak, Louis	IR		4.00
NW $\frac{1}{4}$ NW $\frac{1}{4}$	1000	McGinnis (LE), Harold	IR		19.70
SW $\frac{1}{4}$ NW $\frac{1}{4}$	1100	Ames, George & Elaine	IR	13.00	
SE $\frac{1}{4}$ NW $\frac{1}{4}$	1200	Romaniak/Mendenhall	IR	4.00	
SE $\frac{1}{4}$ NW $\frac{1}{4}$	1300	Patrick, Arthur & Michelle	IR	1.00	
SE $\frac{1}{4}$ NW $\frac{1}{4}$	1301	Hervey, Sharon	IR	1.00	
SE $\frac{1}{4}$ NW $\frac{1}{4}$	1302	Patrick, Arthur & Michelle	IR	1.00	
SE $\frac{1}{4}$ NW $\frac{1}{4}$	1400	Patrick, Arthur & Michelle	IR	3.00	
SE $\frac{1}{4}$ NW $\frac{1}{4}$	1500	King, Charles & Pamela	IR	3.00	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	1900	Schlueter, James & Patricia	IR	2.60	4.40
NW $\frac{1}{4}$ SW $\frac{1}{4}$	1600	Braun Trustees, Jean & Rose	PND	0.10	

WATER RESOURCES DEPT
SALEM, OREGON

Pederson, Robert
Gretchen

SEE NEXT PAGE



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: L07.09
Lease Agreement Number (assigned by WRD): IL-815

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Rola, Jeffrey & Susan
(Mailing address) 64975 Allen Road
(City, State, Zip Code) Bend, OR 97701
(Telephone number) (541) 382-1624
(Email address) _____

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 16, Range 11, Section 27 and Tax Lot number 00203. 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.

Field Code Changed
Field Code Changed

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. Primary 74146, 76106, Supplemental 74147, 74148, 74149, 76520

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.

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WATER RESOURCES DEPT
SALEM, OREGON

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.	16	11	27	nwse	00203	8.80	IRR	74146	7	9/1/1900
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 8.80
 Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

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 15, 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.
- 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.

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WATER RESOURCES DEPT
SALEM, OREGON



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

Additional Water Right Form For Pooled Landowner Instream Lease

*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.*

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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).

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.	16	11	27	nwse	00203	10.0	IRR	76106	2	12/8/1961
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

[Attached map(s) must identify property owner, 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: 10.0

Acres-feet of storage, if applicable: _____

Field Code Changed

Field Code Changed

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WATER RESOURCES DEPT
 SALEM, OREGON

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: Jeffrey Rola Date: 2/19/07
Jeffrey Rola
Susan Rola Date: 2/19/07
Susan Rola

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes River Conservancy

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

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WATER RESOURCES DEPT
SALEM, OREGON

NW¼ NE¼	103	IR	0.1	Hayes, Edmond Jr.
NW¼ NE¼	109	IR	0.4	Oatman, Christopher & Karen
SW¼ NE¼	201	IR	6.5	Menefee/Menesson/Malarkey
SW¼ NW¼	111	IR	12.0	Maloney, Michael & Linda
SW¼ NW¼	117	IR	13.0	Lemon, Leo & Carol
SE¼ NW¼	204	IR	25.0	Chandler, Yvette M.
NE¼ SW¼	300	IR	31.0	Masters, Richard & Judy
NW¼ SW¼	104	IR	34.67	Koehler, Alice
SW¼ SW¼	400	IR	3.0	OTS Wire & Insulation, Inc.
SE¼ SW¼	800	IR	7.0	Blank/Hitchcock
SE¼ SW¼	801	IR	4.18	Flannery/Nauer

Section 26

NE¼ NE¼	604	IR	1.5	Allen, Charlie & Wendy
NW¼ NE¼	100	IR	2.0	Barber, Murl
NW¼ NE¼	101	IR	3.5	Varco, Robert & Coleen
NW¼ NE¼	107	IR	3.0	Barber, Murl
NW¼ NE¼	108	IR	5.0	Wark, Russell & Sandra
NW¼ NE¼	109	IR	5.0	Hering, Eugene & Suellen
NW¼ NE¼	110	IR	3.5	Moser, Joyce
SW¼ NE¼	200	IR	12.0	Moore, Scott & Margaret
SW¼ NE¼	212	IR	11.0	Souther, David & Connie
SE¼ NE¼	604	IR	18.5	Allen, Charlie & Wendy
NE¼ NW¼	102	IR	9.35	Johnson, Thomas & Lois
NE¼ NW¼	103	IR	6.0	Kochera, Jack & Marilyn
NE¼ NW¼	104	IR	8.0	Kail/Rankin
NE¼ NW¼	105	IR	3.0	Wallace, Peter & Jeanette
NW¼ NW¼	201	IR	3.0	Davis, Ron & Elizabeth
NW¼ NW¼	210	IR	4.0	Costello/Olin
NW¼ NW¼	211	IR	5.5	Lowas, John & Nancy
SW¼ NW¼	202	IR	15.8	Parker, Deryl & Adeline
SW¼ NW¼	206	IR	14.7	O'Neal, Steven & Julianne
SE¼ NW¼	207	IR	2.0	Hanus, Jana
SE¼ NW¼	208	IR	1.7	Wilhelm, Diane
SE¼ NW¼	213	IR	0.1	McIntosh, Dotta J.
SE¼ NW¼	214	IR	0.6	Wilhelm, Diane
NE¼ SW¼	301	IR	0.7	Wilhelm, Diane
NW¼ SW¼	302	IR	17.0	Wilhelm, Diane
SE¼ SW¼	401	IR	5.92	Cardoza, Manuel & Linda
NE¼ SE¼	602	IR	0.8	Koehler, Alice
NE¼ SE¼	605	IR	7.8	Rola, Jeff & Susan
NE¼ SE¼	606	IR	0.33	Hampton, John & Carol
NE¼ SE¼	608	IR	1.4	Rola, Jeff & Susan
NW¼ SE¼	203	IR	8.8	Rola, Jeff & Susan
NW¼ SE¼	205	IR	12.0	Bauersfeld, James & Christine
SW¼ SE¼	500	IR	25.0	Bauersfeld, James & Christine
SE¼ SE¼	603	IR	3.0	Johnson, Eleanor B.

Section 27

NE¼ NE¼	100	IR	15.4	Hausner, Jill
NE¼ NE¼	800	IR	2.0	Hausner, Jill
NE¼ NE¼	801	IR	2.0	Barrick, James A.
SW¼ NE¼	900	IR	25.9	Hermens, Stanley & Ruth
SE¼ NE¼	900	IR	29.6	Hermens, Stanley & Ruth
NE¼ SE¼	1200	IR	6.0	Hermens, Stanley & Ruth
NW¼ SE¼	1000	IR	13.3	Hermens, Stanley & Ruth
NW¼ SE¼	1100	IR	4.3	Hermens, Stanley & Ruth

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16	11	23	SW 1/4 NE 1/4	509	1.5	BYRUM, D & T
16	11	23	NE 1/4 SE 1/4	500	1.0	MOE, L & M
16	11	23	NE 1/4 SE 1/4	521	3.0	WEHDE, B & J
16	11	23	NE 1/4 SE 1/4	522	1.0	MOE, L & M
16	11	23	NW 1/4 SE 1/4	505	2.7	BIOCINI, J
16	11	23	SE 1/4 SE 1/4	510	0.6	BJERK, L & D
16	11	23	SE 1/4 SE 1/4	512	1.0	POAGE, L & C
16	11	24	NW 1/4 SW 1/4	1801	0.9	NIEBAUER, D
16	11	24	SW 1/4 SW 1/4	2001	0.4	BJERK, L & D
16	11	24	NW 1/4 SE 1/4	1403	1.2	HELLE, J & S
16	11	24	SW 1/4 SE 1/4	2201	1.3	HELLE, J & S
16	11	24	SW 1/4 SE 1/4	2500	1.3	HELLE, J & S
16	11	24	SW 1/4 SE 1/4	2600	1.34	HELLE, J & S
16	11	24	SW 1/4 SE 1/4	2700	1.3	HELLE, J & S
16	11	25	NW 1/4 NE 1/4	200	20.0	ANLIKER, M
16	11	25	NW 1/4 NE 1/4	204	0.9	MAYEA, J
16	11	25	SW 1/4 NE 1/4	500	10.0	RUCKS, E
16	11	25	SE 1/4 NE 1/4	501	6.0	SCHUMACHER, W & D
16	11	25	SE 1/4 NE 1/4	502	5.0	NOLAN, J & J
16	11	25	SE 1/4 NE 1/4	503	2.0	TOYEV, R & K
16	11	25	SE 1/4 NE 1/4	504	1.0	PIMENTEL, K & V
16	11	25	NW 1/4 NW 1/4	1300	1.0	VANHOUEWLING, D
16	11	26	NE 1/4 SW 1/4	300	2.0	MASTER, R & J
16	11	26	SE 1/4 SW 1/4	801	3.5	FLANNERY/NAUER
16	11	27	NW 1/4 SW 1/4	302	1.0	MCGINNIS, T & M
16	11	27	NW 1/4 SE 1/4	203	10.0	ROLA, J & S
16	11	33	SE 1/4 NW 1/4	600	3.0	WESSINGER, W & P
16	11	33	SE 1/4 SW 1/4	600	4.0	WESSINGER, W & P
16	11	34	SW 1/4 NE 1/4	906	1.0	LOVISCO, J AND S
16	11	34	NE 1/4 SW 1/4	807	1.0	HATCH, G
16	11	35	NW 1/4 NE 1/4	807	3.7	COOLEY, O & S
16	11	35	NE 1/4 NW 1/4	900	35.0	FLOYD, M & S
16	11	35	NE 1/4 SW 1/4	1900	20.0	SCHLUETER, J & P
16	11	35	NE 1/4 SE 1/4	2000	15.0	TID
16	11	36	SE 1/4 SE 1/4	1501	1.0	CULLMAN, R
16	12	6	NW 1/4 SW 1/4	1800	1.2	BLAKE, G & L
16	12	6	NW 1/4 SW 1/4	1801	8.8	BLAKE, G & L
16	12	7	NE 1/4 NE 1/4	100	21.5	GOBEILLE, D & C

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SALEM, OREGON



State of Oregon
Water Resources Department
725 Sumner 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: L07.10
Lease Agreement Number (assigned by WRD): IL-815

This Lease Agreement is between:

Lessor #1 (Landowner):
(Name) Rotondi, Richard & Judy
(Mailing address) PO Box 6794
(City, State, Zip Code) Bend, OR 97708
(Telephone number) (541)389-6707
(Email address) _____

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 11, Section 03 and Tax Lot number 00200. 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.

Field Code Changed
Field Code Changed

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. Primary 74146, Supplemental 74147, 74148, 74149, 76520

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.

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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.	17	11	03	nwnw	00200	3.0	IRR	74146	12	9/1/1900
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 3.0

Acres-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

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 15, 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.
- 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.

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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: Richard Rotondi Date: 3/1/07
Richard Rotondi

Judy Rotondi Date: 3/1/07
Judy Rotondi

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes River Conservancy

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

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	SW $\frac{1}{4}$ SE $\frac{1}{4}$	703	IR	5.8	Freeman/Triplett
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	700	POND	0.1	Gisler, Patrick & Deborah
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	702	IR	2.7	James, John & Dinah -Trustees
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	703	IR	32.0	Freeman/Triplett
	Section 1				
2	NW $\frac{1}{4}$ NE $\frac{1}{4}$	105	IR	2.5	Haddix, Stephen J.
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	600	IR	15.3	Gill, John
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	700	IR	10.7	Gill, Rockne & Jane
	Section 2				
4	NW $\frac{1}{4}$ NW $\frac{1}{4}$	100BB	IR	1.0	Brizee, Harry & JoAnn
4	NW $\frac{1}{4}$ NW $\frac{1}{4}$	200BB	IR	3.0	Rotondi, Richard & Judy
4	NW $\frac{1}{4}$ NW $\frac{1}{4}$	300BB	IR	1.0	Booth, Jerry & Judi
4	NW $\frac{1}{4}$ NW $\frac{1}{4}$	400BB	IR	2.0	Frederick, Roger & Leslie
4	NW $\frac{1}{4}$ NW $\frac{1}{4}$	500BB	IR	1.8	Johnson, David & Bette
4	NW $\frac{1}{4}$ NW $\frac{1}{4}$	501BB	IR	0.2	Johnson, David & Bette
	Section 3				
1	NE $\frac{1}{4}$ NE $\frac{1}{4}$	100A	IR	1.0	Larson/Gill, Kevin L. & Leslie E.
2	NW $\frac{1}{4}$ NE $\frac{1}{4}$	500A	IR	10.0	Cobb, Ann Wright
	Section 4				
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	200A	IR	1.0	Steinlicht, Mark & L. Diane
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	400A	IR	1.2	Coats, Doug
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	500A	IR	3.8	Coats, Doug
	Section 10				
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	200	IR	35.5	Kearns, Daniel & Barbara
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	500	IR	12.6	Coats, R.L. & Joyce
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	1600	IR	10.0	Lyster, Ted & Eloise
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	1601	IR	1.0	McCook, Peter & Jacqueline
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	1000	IR	1.0	Johnson/Peticolas
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	1001	IR	1.0	Bell, John
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	1400	IR	1.0	Cooper, Robert & Beverly
	Section 11				
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	800	IR	4.4	Coats, R.L. & Joyce
	Section 12				
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	2300	IR	1.0	Beighley/Taylor, Mark & Deborah
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	2400	IR	0.9	Moore, Bill & Mildred
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	2400	IR	1.1	Moore, Bill & Mildred
	Section 13				
	Township 17 South, Range 11 East, W.M.				
2	NW $\frac{1}{4}$ NE $\frac{1}{4}$	302	IR	3.0	C.L.R. INC.
	Section 6				
	Township 17 South, Range 12 East, W.M.				
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	1401	IR	0.44	Kirkhorn, Bruce
	Section 13				

Priority: 4/28/05

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

Nov 2004

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: L07.11
Lease Agreement Number (assigned by WRD): IL-815

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Pechin Rev. Living Trust, Nicholas Pechin, Trustee
(Mailing address) PO Box 663
(City, State, Zip Code) Kula, HI 96790
(Telephone number) (808) 870-4121
(Email address) _____

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 16, Range 11, Section 27 and Tax Lot number 00207. 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. Primary 74146, 74147, Supplemental 74147, 74148, 74149, 76520
- 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 ¼ ¼, tax lot number, map orientation and scale.

Field Code Changed

Field Code Changed

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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.	16	11	27	senw	00207	2.0	IRR	74146	7	9/1/1900
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 2.0
 Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

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 15, 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.
- 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.

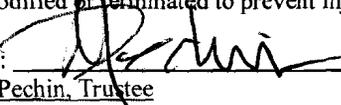
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 WATER RESOURCES DEPT
 SALEM, OREGON

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: 02/25/07
Nicholas Pechin, Trustee

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes River Conservancy

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

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WATER RESOURCES DEPT
SALEM, OREGON



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

Additional Water Right Form For Pooled Landowner Instream Lease

*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.*

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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).

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.	16	11	27	senw	00207	1.50	IRR	74147	7 3	10/29/191
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

[Attached map(s) must identify property owner, 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: 1.50
 Acre-feet of storage, if applicable: _____

Field Code Changed

Field Code Changed

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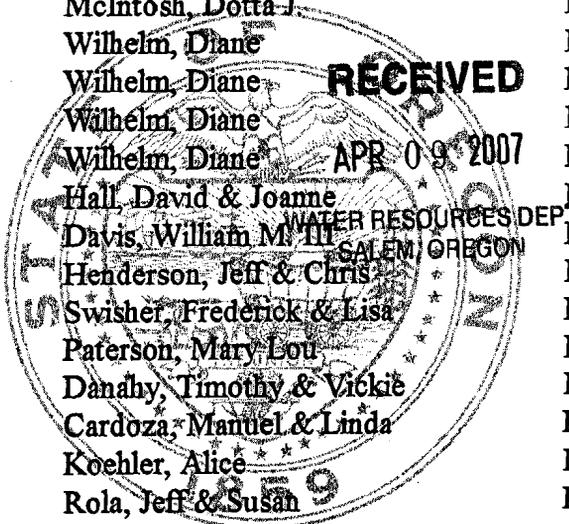
WATER RESOURCES DEPT
 SALEM, OREGON

SW $\frac{1}{4}$ SW $\frac{1}{4}$	400	OTS Wire & Insulation, Inc.	IR	2.00	3.00
SE $\frac{1}{4}$ SW $\frac{1}{4}$	800	Blank/Hitchcock	IR	1.00	9.00
SE $\frac{1}{4}$ SW $\frac{1}{4}$	801	Flannery/Nauer	IR		8.18
NE $\frac{1}{4}$ SE $\frac{1}{4}$	600	Amadio, Anthony	IR	19.00	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	202	Milem, John & Kathleen	IR	13.70	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	203	Milem, John & Kathleen	IR	16.30	
SW $\frac{1}{4}$ SE $\frac{1}{4}$	500	Guice, Thomas	IR		36.10
SE $\frac{1}{4}$ SE $\frac{1}{4}$	601	Pickard, Bob & Mary Lou	IR		16.10
SE $\frac{1}{4}$ SE $\frac{1}{4}$	602	Peters, Michael & Dana	IR		1.00
SE $\frac{1}{4}$ SE $\frac{1}{4}$	700	Frick, Charles & Linda	IR		18.00

Section 26

NE $\frac{1}{4}$ NE $\frac{1}{4}$	601	Martin, Jack W.	IR	4.00	8.25
NE $\frac{1}{4}$ NE $\frac{1}{4}$	604	Allen, Charlie & Wendy	IR		1.50
NW $\frac{1}{4}$ NE $\frac{1}{4}$	100	Barber, Murl	IR		2.00
NW $\frac{1}{4}$ NE $\frac{1}{4}$	101	Varco, Robert & Coleen	IR		3.50
NW $\frac{1}{4}$ NE $\frac{1}{4}$	107	Barber, Murl	IR		3.00
NW $\frac{1}{4}$ NE $\frac{1}{4}$	108	Wark, Russell & Sandra	IR		5.00
NW $\frac{1}{4}$ NE $\frac{1}{4}$	109	Hering, Eugene & Suellen	IR		5.00
NW $\frac{1}{4}$ NE $\frac{1}{4}$	110	Moser, Joyce	IR		3.50
SW $\frac{1}{4}$ NE $\frac{1}{4}$	200	Moore, Scott & Margaret	IR		12.00
SW $\frac{1}{4}$ NE $\frac{1}{4}$	212	Souther, David & Connie	IR		11.00
SE $\frac{1}{4}$ NE $\frac{1}{4}$	604	Allen, Charlie & Wendy	IR		18.50
NE $\frac{1}{4}$ NW $\frac{1}{4}$	102	Johnson, Thomas & Lois	IR		9.35
NE $\frac{1}{4}$ NW $\frac{1}{4}$	103	Kochera, Jack & Marilyn	IR		6.00
NE $\frac{1}{4}$ NW $\frac{1}{4}$	104	Kail/Rankin	IR		8.00
NE $\frac{1}{4}$ NW $\frac{1}{4}$	105	Wallace, Peter & Jeanette	IR		3.00
NW $\frac{1}{4}$ NW $\frac{1}{4}$	201	Davis, Ron & Elizabeth	IR		17.60
NW $\frac{1}{4}$ NW $\frac{1}{4}$	209	Plows, Richard & Marcia	IR		4.00
NW $\frac{1}{4}$ NW $\frac{1}{4}$	210	Costello/Olin	IR		4.00
NW $\frac{1}{4}$ NW $\frac{1}{4}$	211	Lowas, John & Nancy	IR		8.00
SW $\frac{1}{4}$ NW $\frac{1}{4}$	202	Parker, Deryl & Adeline	IR		15.80
SW $\frac{1}{4}$ NW $\frac{1}{4}$	206	O'Neal, Steven & Julianne	IR		15.00
SE $\frac{1}{4}$ NW $\frac{1}{4}$	207	Hanus, Jana Pechin Rev. Trust	IR	1.50	2.00
SE $\frac{1}{4}$ NW $\frac{1}{4}$	208	Wilhelm, Diane	IR		1.70
SE $\frac{1}{4}$ NW $\frac{1}{4}$	213	McIntosh, Dotta J	IR	2.50	2.50
SE $\frac{1}{4}$ NW $\frac{1}{4}$	214	Wilhelm, Diane	IR		0.60
NE $\frac{1}{4}$ SW $\frac{1}{4}$	300	Wilhelm, Diane	IR		19.20
NE $\frac{1}{4}$ SW $\frac{1}{4}$	301	Wilhelm, Diane	IR		0.70
NW $\frac{1}{4}$ SW $\frac{1}{4}$	302	Wilhelm, Diane	IR		37.80
SW $\frac{1}{4}$ SW $\frac{1}{4}$	400	Hall, David & Joanne	IR		9.00
SW $\frac{1}{4}$ SW $\frac{1}{4}$	402	Davis, William M III	IR		4.00
SW $\frac{1}{4}$ SW $\frac{1}{4}$	403	Henderson, Jeff & Chris	IR		3.00
SW $\frac{1}{4}$ SW $\frac{1}{4}$	404	Swisher, Frederick & Lisa	IR		5.00
SW $\frac{1}{4}$ SW $\frac{1}{4}$	405	Paterson, Mary Lou	IR		3.00
SW $\frac{1}{4}$ SW $\frac{1}{4}$	406	Dandhy, Timothy & Vickie	IR		3.00
SE $\frac{1}{4}$ SW $\frac{1}{4}$	401	Cardoza, Manuel & Linda	IR		29.92
NE $\frac{1}{4}$ SE $\frac{1}{4}$	602	Koehler, Alice	IR		0.80
NE $\frac{1}{4}$ SE $\frac{1}{4}$	605	Rola, Jeff & Susan	IR		7.80
NE $\frac{1}{4}$ SE $\frac{1}{4}$	606	Hampton, John & Carol	IR		0.33
NE $\frac{1}{4}$ SE $\frac{1}{4}$	608	Rola, Jeff & Susan	IR		1.40
NW $\frac{1}{4}$ SE $\frac{1}{4}$	203	Rola, Jeff & Susan	IR		8.80
NW $\frac{1}{4}$ SE $\frac{1}{4}$	205	Bauersfeld, James & Christine	IR		12.00
SW $\frac{1}{4}$ SE $\frac{1}{4}$	500	Bauersfeld, James & Christine	IR		25.40
SW $\frac{1}{4}$ SE $\frac{1}{4}$	501	Bauersfeld, James & Christine	IR		1.40
SE $\frac{1}{4}$ SE $\frac{1}{4}$	603	Johnson, Eleanor B.	IR		3.00

Section 27



NW¼ NE¼	103	IR	0.1	Hayes, Edmond Jr.
NW¼ NE¼	109	IR	0.4	Oatman, Christopher & Karen
SW¼ NE¼	201	IR	6.5	Menefee/Menesson/Malarkey
SW¼ NW¼	111	IR	12.0	Maloney, Michael & Linda
SW¼ NW¼	117	IR	13.0	Lemon, Leo & Carol
SE¼ NW¼	204	IR	25.0	Chandler, Yvette M.
NE¼ SW¼	300	IR	31.0	Masters, Richard & Judy
NW¼ SW¼	104	IR	34.67	Koehler, Alice
SW¼ SW¼	400	IR	3.0	OTS Wire & Insulation, Inc.
SE¼ SW¼	800	IR	7.0	Blank/Hitchcock
SE¼ SW¼	801	IR	4.18	Flannery/Nauer

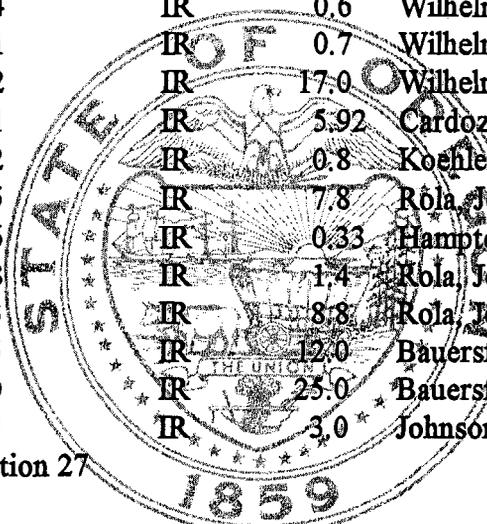
Section 26

NE¼ NE¼	604	IR	1.5	Allen, Charlie & Wendy
NW¼ NE¼	100	IR	2.0	Barber, Murl
NW¼ NE¼	101	IR	3.5	Varco, Robert & Coleen
NW¼ NE¼	107	IR	3.0	Barber, Murl
NW¼ NE¼	108	IR	5.0	Wark, Russell & Sandra
NW¼ NE¼	109	IR	5.0	Hering, Eugene & Suellen
NW¼ NE¼	110	IR	3.5	Moser, Joyce
SW¼ NE¼	200	IR	12.0	Moore, Scott & Margaret
SW¼ NE¼	212	IR	11.0	Souther, David & Connie
SE¼ NE¼	604	IR	18.5	Allen, Charlie & Wendy
NE¼ NW¼	102	IR	9.35	Johnson, Thomas & Lois
NE¼ NW¼	103	IR	6.0	Kochera, Jack & Marilyn
NE¼ NW¼	104	IR	8.0	Kail/Rankin
NE¼ NW¼	105	IR	3.0	Wallace, Peter & Jeanette
NW¼ NW¼	201	IR	3.0	Davis, Ron & Elizabeth
NW¼ NW¼	210	IR	4.0	Costello/Olin
NW¼ NW¼	211	IR	5.5	Lowas, John & Nancy
SW¼ NW¼	202	IR	15.8	Parker, Deryl & Adeline
SW¼ NW¼	206	IR	14.7	O'Neal, Steven & Julianne
SE¼ NW¼	207	IR	2.0	Hanus, Jana <i>Peckun Rev. Trust</i>
SE¼ NW¼	208	IR	1.7	Wilhelm, Diane
SE¼ NW¼	213	IR	0.1	McIntosh, Dotta J.
SE¼ NW¼	214	IR	0.6	Wilhelm, Diane
NE¼ SW¼	301	IR	0.7	Wilhelm, Diane
NW¼ SW¼	302	IR	17.0	Wilhelm, Diane
SE¼ SW¼	401	IR	5.92	Cardoza, Manuel & Linda
NE¼ SE¼	602	IR	0.8	Koehler, Alice
NE¼ SE¼	605	IR	7.8	Rola, Jeff & Susan
NE¼ SE¼	606	IR	0.33	Hampton, John & Carol
NE¼ SE¼	608	IR	1.4	Rola, Jeff & Susan
NW¼ SE¼	203	IR	8.8	Rola, Jeff & Susan
NW¼ SE¼	205	IR	12.0	Bauersfeld, James & Christine
SW¼ SE¼	500	IR	25.0	Bauersfeld, James & Christine
SE¼ SE¼	603	IR	3.0	Johnson, Eleanor B.

Section 27

NE¼ NE¼	100	IR	15.4	Hausner, Jill
NE¼ NE¼	800	IR	2.0	Hausner, Jill
NE¼ NE¼	801	IR	2.0	Barrick, James A.
SW¼ NE¼	900	IR	25.9	Hermens, Stanley & Ruth
SE¼ NE¼	900	IR	29.6	Hermens, Stanley & Ruth
NE¼ SE¼	1200	IR	6.0	Hermens, Stanley & Ruth
NW¼ SE¼	1000	IR	13.3	Hermens, Stanley & Ruth
NW¼ SE¼	1100	IR	4.3	Hermens, Stanley & Ruth

Section 28



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WATER RESOURCES DEPT
SALEM, OREGON

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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: L07.12
Lease Agreement Number (assigned by WRD): IL-815

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Ellis Rev Living Trust, Robert L. & Susan M. Ellis, Trustees
(Mailing address) 5344 SE Hillwood Avenue
(City, State, Zip Code) Milwaukee, OR 97267-5013
(Telephone number) (503) 659-1664
(Email address) _____

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 16, Range 11, Section 35 and Tax Lot number 01000. 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. Field Code Changed
- 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. Field Code Changed
- Certificate No. Primary 74146, Supplemental 74147,74148,74149,76520
- 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 $\frac{1}{4}$, tax lot number, map orientation and scale.

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WATER RESOURCES DEPT
SALEM, OREGON

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.	16	11	35	nwnw	01000	19.70	IRR	74146	16	6/1/1907
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 19.70
 Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

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 15, 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.
- 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.

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**WATER RESOURCES DEPT
SALEM, OREGON**

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: Robert L. Ellis, Trustee Date: 2/22/07
Robert L. Ellis, Trustee

Susan M. Ellis, Trustee Date: 2.22.07
Susan M. Ellis, Trustee

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes River Conservancy

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

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**WATER RESOURCES DEPT
SALEM, OREGON**

NE¼ NE¼	601	IR	5.25	Martin, Jack W.
NW¼ NW¼	201	IR	14.6	Davis, Ron & Elizabeth
NW¼ NW¼	209	IR	4.0	Plows, Richard & Marcia
NW¼ NW¼	211	IR	2.5	Lowas, John & Nancy
SW¼ NW¼	206	IR	0.3	O'Neal, Steven & Julianne
SW¼ SE¼	500	IR	0.4	Bauersfeld, James & Christine
SW¼ SE¼	501	IR	1.4	Bauersfeld, James & Christine

Section 27

NE¼ NE¼	100	IR	5.6	Hausner, Jill
SW¼ NE¼	900	IR	10.0	Hermens, Stanley & Ruth

Section 28

NE¼ NE¼	101	IR	1.6	Granet, Peter & Carol
NE¼ NE¼	102	IR	1.5	Anderson, Rev. Robert & Ruth
NE¼ NE¼	103	IR	0.5	Tavares, Louis III & Deborah
NE¼ NE¼	104	IR	1.0	Grant, Cloyce & Catherine
SW¼ NE¼	908	IR	4.0	Payer, Melanie
NW¼ SE¼	901	IR	3.0	Martin, Charles & Susan
NW¼ SE¼	904	IR	3.74	Mills, Max & Lori

Section 34

NW¼ NE¼	805	IR	0.25	Miller, G. J.
SE¼ NE¼	204	IR	2.7	Dvorak, Louis
NW¼ NW¼	1000	IR	19.7	McCinnis (LE), Harold Ellis Rev. Trust
NE¼ SW¼	1900	IR	3.0	Schlueter, James & Patricia
SW¼ SW¼	1700	IR	9.2	Schlueter, James & Patricia
SE¼ SW¼	1700	IR	1.0	Schlueter, James & Patricia

Section 35

Township 16 South, Range 11 East, W.M.

6	NW¼ SW¼	1800	IR	1.0	Daniels, James & Karen
7	SW¼ SW¼	1801	IR	1.0	A.K.A. Productions, Inc.

Section 6

	NW¼ NE¼	400	IR	10.0	Duntley, Carole A.
	NE¼ NW¼	402	IR	3.0	Duntley, Carole A.
2	SW¼ NW¼	900	IR	10.8	Chapman, Drexal & Katheryn
4	SW¼ SW¼	1100	IR	1.3	Booth, Loran & Toni
4	SW¼ SW¼	1101	IR	12.0	Pledger, Jeffery & Karen

Section 7

SE¼ NE¼	800	IR	10.0	Cronen, Lowell & Ila
SE¼ NE¼	801	IR	4.2	Houshmand, Shamsolmolouk
NE¼ SE¼	1300	POND	0.06	Turner, Gerald & Judith
NE¼ SE¼	1300	IR	9.69	Turner, Gerald & Judith
NE¼ SE¼	1301	IR	4.0	McIntosh, Thomas & Tamara
NE¼ SE¼	1302	IR	0.8	Cordiner, Robert & Peggy
NW¼ SE¼	1404	IR	11.8	Wyman, Harold & Jane
SW¼ SE¼	1401	IR	5.6	Wyman, Harold & Jane

Section 8

NW¼ SW¼	900	IR	35.7	Pacific NW Development
SW¼ SW¼	1000	IR	4.3	Day, Matt & Lesley
SW¼ SW¼	900	IR	17.7	Pacific NW Development

Section 9

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WATER RESOURCES DEPT
SALEM, OREGON



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

Nov 2004

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: L07.13
 Lease Agreement Number (assigned by WRD): IL-815

This Lease Agreement is between:

Lessor #1 (Landowner):
 (Name) Lucas, Claire J.
 (Mailing address) 19155 Klipple Road
 (City, State, Zip Code) Bend, OR 97701
 (Telephone number) (541) 318-6336
 (Email address) _____

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 11, Section 14 and Tax Lot number 11900. 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.

Field Code Changed
 Field Code Changed

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. Primary 74146, Supplemental 74147, 74148, 74149, 76520

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, tax lot number, map orientation and scale.

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WATER RESOURCES DEPT
 SALEM, OREGON

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.	17	11	14	sene	11900	2.60	IRR	74146	14	5/27/1907
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 2.60
 Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

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 15, 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.
- 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.

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**WATER RESOURCES DEPT
 SALEM, OREGON**

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: Claire J. Lucas Date: 2-21-07
Claire J. Lucas

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes River Conservancy

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

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WATER RESOURCES DEPT
SALEM, OREGON

Priority: 5/27/07

7	SW $\frac{1}{4}$ SW $\frac{1}{4}$	1802 Section 6	IR	3.0	Rupp, C. Richard
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	2100 Section 30	IR	3.4	C.L.R. INC.
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	4300D Section 31	IR	0.8	C.L.R. INC.
Township 16 South, Range 12 East, W.M.					
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	500 Section 11	IR	1.2	Coats, R.L. & Joyce
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	804	IR	0.4	Coats, R.L. & Joyce
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	807	IR	5.4	Coats, R.L. & Joyce
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	817	IR	6.1	C.L.R. INC.
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	806	IR	2.5	Graham, Kenneth & Joy
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	807	IR	1.0	Coats, R.L. & Joyce
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	808	IR	2.1	Niedzwiecke, Andrew & Judith
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	810	IR	0.9	Niedzwiecke, Andrew & Judith
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	817	IR	0.2	C.L.R. INC.
	NW $\frac{1}{4}$ NW $\frac{1}{4}$	809	IR	1.6	C.L.R. INC.
	NW $\frac{1}{4}$ NW $\frac{1}{4}$	817	IR	4.0	C.L.R. INC.
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	812	IR	1.5	Latham, Mark & Kristen
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	813	IR	2.5	Schweigert, Ken
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	818	IR	2.5	Hamper, Tom
Section 13					
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	11700	IR	0.2	Allen, Charles
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	11800	IR	0.1	Allen, Charles
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	11900	IR	0.4	Rugloski, Paul, Andrew & Cecelia
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	11800	IR	0.7	Allen, Charles
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	11900	IR	2.6	Rugloski, Paul, Andrew & Cecelia Lucas, Claire
Section 14					
Township 17 South, Range 11 East, W.M.					

2	NW $\frac{1}{4}$ NE $\frac{1}{4}$	302 Section 6	IR	0.1	C.L.R. INC.
Township 17 South, Range 12 East, W.M.					

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WATER RESOURCES DEPT
SALEM, OREGON

Priority: 6/1/07

	SE $\frac{1}{4}$ SE $\frac{1}{4}$	800 Section 1	IR	2.0	Mahoney, Dan & Martha
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	803	IR	0.5	Paiva, Joe & Wanita
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	900	IR	0.7	Waldron Jr., Harvey & Genevieve
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	901 Section 11	IR	0.3	Waldron Jr., Harvey & Genevieve
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	1200	IR	16.1	Gillham, John & Audrey
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	1200 Section 12	IR	0.2	Gillham, John & Audrey

SEE NEXT PAGE



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: L07.14
Lease Agreement Number (assigned by WRD): EL-815

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Joyce E Coats Rev Trust, Joyce Coats Trustee & Eric Coats, Trustee
(Mailing address) 63285 Skyline Ranch
(City, State, Zip Code) Bend, OR 97701
(Telephone number) (541)383-8826
(Email address) _____

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 11, Section 13 and Tax Lot number 00100. 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. Field Code Changed
Field Code Changed
- 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. Primary 76106, Supplemental 74149, 76520
- 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 $\frac{1}{4}$, tax lot number, map orientation and scale.

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SALEM, OREGON

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.	17	11	13	nwse	00100	5.80	IRR	76106	4	12/8/1961
2.	17	11	13	swse	00100	1.90	IRR	76106	4	12/8/1961
3.	17	11	13	swse	00500	4.50	IRR	76106	4	12/8/1961
4.	17	11	13	sww	00500	.40	IRR	76106	4	12/8/1961
5.	17	11	13	sesw	00500	10.1	IRR	76106	4	12/8/1961

Total number of acres, if for irrigation, by certificate and priority date: 22.70

Acres-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

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 15, 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.
- 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.

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**WATER RESOURCES DEPT
SALEM, OREGON**

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: Joyce E Coats Date: 2-26-07
Joyce Coats Rev Trust, Joyce E. Coats, Trustee

Eric W Coats Date: 2-26-07
Joyce Coats Rev Trust, Eric W Coats, Trustee

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes River Conservancy

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

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**WATER RESOURCES DEPT
SALEM, OREGON**



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

Additional Water Right Form For Pooled Landowner Instream Lease

*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.*

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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).

T	R	Sec	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.	17	11	13	nesw	00500	2.60	IRR	76106	4	12/8/1961
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

[Attached map(s) must identify property owner, 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: 2.60
 Acre-feet of storage, if applicable: _____

Field Code Changed

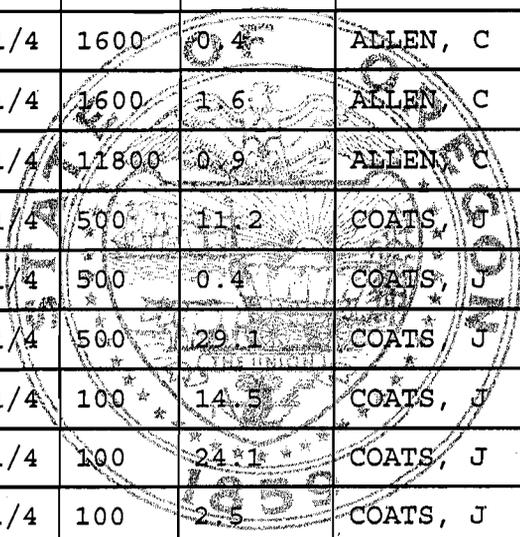
Field Code Changed

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 SALEM, OREGON

17	11	2	NW 1/4 NW 1/4	400	3.0	WALKER, J & L
17	11	2	SE 1/4 NW 1/4	700	8.4	GILL, R & J
17	11	3	NW 1/4 NW 1/4	101	0.9	BRIZEE, H & J
17	11	4	NE 1/4 NE 1/4	100	0.9	LARSON/GILL, K & L
17	11	4	NW 1/4 NE 1/4	400	2.0	SHORES, D & D
17	11	4	SW 1/4 NW 1/4	2000	15.0	BRILES/LOOMIS
17	11	4	SE 1/4 NW 1/4	2000	25.0	BRILES/LOOMIS
17	11	11	SE 1/4 NE 1/4	900	4.6	PARKER, D
17	11	11	SE 1/4 NE 1/4	901	3.9	PARKER, D
17	11	11	NE 1/4 NW 1/4	300	5.0	OVERBAY, R
17	11	11	NE 1/4 NW 1/4	302	5.0	MILLER/JILES
17	11	11	NE 1/4 NW 1/4	400	0.9	GRAVES, D & D
17	11	11	SE 1/4 NW 1/4	600	32.8	COATS, J
17	11	11	NW 1/4 SW 1/4	1601	2.0	McCOOK, P & J
17	11	11	NE 1/4 SE 1/4	1000	2.0	DYER, L & A
17	11	11	NE 1/4 SE 1/4	1001	1.2	BELL, J
17	11	11	NE 1/4 SE 1/4	1002	0.1	BELL, J
17	11	11	NW 1/4 SE 1/4	1400	0.9	COOPER, R & B
17	11	11	SE 1/4 SE 1/4	1800	7.2	HORSMAN REVOCABLE TRUST
17	11	12	SW 1/4 SW 1/4	800	26.6	COATS, J
17	11	13	SW 1/4 NE 1/4	100	13.7	COATS, J
17	11	13	SW 1/4 NE 1/4	806	1.0	GRAHAM, K
17	11	13	SE 1/4 NE 1/4	100	25.6	COATS, J
17	11	13	NW 1/4 NW 1/4	1600	0.4	ALLEN, C
17	11	13	SW 1/4 NW 1/4	1600	1.6	ALLEN, C
17	11	13	SW 1/4 NW 1/4	11800	0.9	ALLEN, C
17	11	13	NE 1/4 SW 1/4	500	11.2	COATS, J
17	11	13	SW 1/4 SW 1/4	500	0.4	COATS, J
17	11	13	SE 1/4 SW 1/4	500	29.1	COATS, J
17	11	13	NE 1/4 SE 1/4	100	14.5	COATS, J
17	11	13	NW 1/4 SE 1/4	100	24.1	COATS, J
17	11	13	SW 1/4 SE 1/4	100	2.5	COATS, J
17	11	13	SW 1/4 SE 1/4	500	4.5	COATS, J
17	11	14	NE 1/4 NE 1/4	11000	2.0	STOLLER, E & G
17	11	14	NE 1/4 NE 1/4	11100	7.5	BAXTER, R
17	11	14	NE 1/4 NE 1/4	11200	0.5	BENDIS, J & D
17	11	14	NE 1/4 NE 1/4	11700	0.6	ALLEN, C
17	11	14	SE 1/4 NE 1/4	11800	0.5	ALLEN, C



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**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: L07.15
Lease Agreement Number (assigned by WRD): IL-815

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Shockey, Kristina
(Mailing address) 64955 W. Hwy 20
(City, State, Zip Code) Bend, OR 97701
(Telephone number) (503) 999-4677
(Email address) _____

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 16, Range 11, Section 25 and Tax Lot number 00908. 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.

Field Code Changed
Field Code Changed

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. Primary 74147, Supplemental 74148,74149,76520

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.

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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.	16	11	25	nese	00908	2.60	IRR	74147	6	10/29/1913
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 2.60
Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

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 15, 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.
- 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.

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SALEM, OREGON

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: 3-9-07
Kristina Shockey

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes River Conservancy

Other Attachments As Needed:

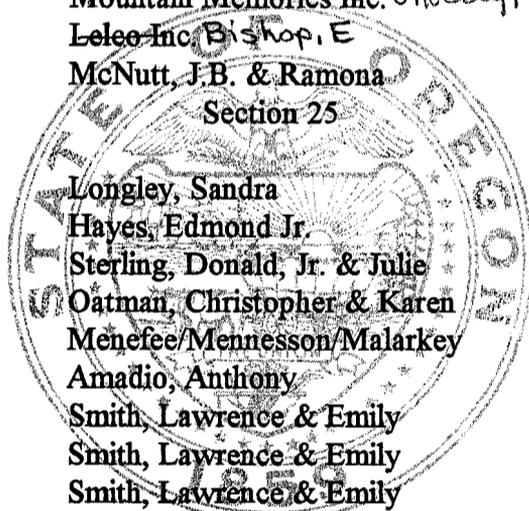
- Exhibit 5-A: Tax Lot Map of Landowner's Property
- Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased [Exhibits 5-A and 5-B may be combined into a single map]
- Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though 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

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WATER RESOURCES DEPT
SALEM, OREGON

SW $\frac{1}{4}$ NE $\frac{1}{4}$	505	Hastings, Martha G.	IR		16.00
SE $\frac{1}{4}$ NE $\frac{1}{4}$	501	Schumacher, William & Denise	IR	2.00	
SE $\frac{1}{4}$ NE $\frac{1}{4}$	502	Nolan, James	IR		5.00
SE $\frac{1}{4}$ NE $\frac{1}{4}$	503	Tovey, Robert	IR	0.80	1.20
SE $\frac{1}{4}$ NE $\frac{1}{4}$	504	Pimentel, Kenneth & Virginia	IR		3.00
NE $\frac{1}{4}$ NW $\frac{1}{4}$	302	Richardson Family 1990 Trust	IR		3.40
NE $\frac{1}{4}$ NW $\frac{1}{4}$	305	Dosher/Silva/Davies	IR	2.00	
NE $\frac{1}{4}$ NW $\frac{1}{4}$	306	Holling, Barry & Barbara	IR		2.60
NW $\frac{1}{4}$ NW $\frac{1}{4}$	1300	Van Houewling, Dirk	IR		2.00
SW $\frac{1}{4}$ NW $\frac{1}{4}$	400	Amadio, Anthony	IR	9.50	
SW $\frac{1}{4}$ NW $\frac{1}{4}$	900	Davidson/Moorehouse	IR	2.88	
SW $\frac{1}{4}$ NW $\frac{1}{4}$	901	Mykol, Harold & Doris	IR	2.30	
SE $\frac{1}{4}$ NW $\frac{1}{4}$	400	Amadio, Anthony	IR	0.50	
SE $\frac{1}{4}$ NW $\frac{1}{4}$	405	Wonser, Michael & Mary	IR		0.30
SE $\frac{1}{4}$ NW $\frac{1}{4}$	406	Hughes, Marion & Maureen	IR		2.70
SE $\frac{1}{4}$ NW $\frac{1}{4}$	407	Larson, Mark & Katharyn	IR		2.50
NE $\frac{1}{4}$ SW $\frac{1}{4}$	800	Hammack, Jonas	IR	0.30	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	905	Amadio, Anthony	IR	1.00	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	907	Ehlers, Arno & Jacqueline	IR	3.00	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	909	Vincent, Tim & Teresa	IR	7.90	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	910	Bulen, Richard & Joan	IR	3.00	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	911	Leleo Inc. Bishop, E	IR	3.50	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	913	Leleo Inc. Bishop, E	IR	0.70	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	915	Lenhard, Gary & Berna	IR	3.00	
NW $\frac{1}{4}$ SW $\frac{1}{4}$	905	Amadio, Anthony	IR	11.00	
NW $\frac{1}{4}$ SW $\frac{1}{4}$	906	Vincent, Tim & Teresa	IR	5.00	
SW $\frac{1}{4}$ SW $\frac{1}{4}$	902	Aldridge, Daniel & Deborah	IR		1.00
SW $\frac{1}{4}$ SW $\frac{1}{4}$	904	Vincent Family Farms Inc.	IR	6.30	9.10
SW $\frac{1}{4}$ SW $\frac{1}{4}$	906	Vincent, Tim & Teresa	IR	1.10	11.00
NE $\frac{1}{4}$ SE $\frac{1}{4}$	701	Hall, William & Mary	IR	22.00	
NE $\frac{1}{4}$ SE $\frac{1}{4}$	702	Hall, William & Mary	IR	5.20	
NE $\frac{1}{4}$ SE $\frac{1}{4}$	908	Mountain Memories Inc. Shockey, K.	IR	2.60	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	700	Wyatt, Robert & Mary Ann	IR	5.00	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	703	Wyatt, Garrett	IR	4.00	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	800	Hammack, Jonas	IR	1.60	0.16
NW $\frac{1}{4}$ SE $\frac{1}{4}$	908	Mountain Memories Inc. Shockey, K.	IR	2.70	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	911	Leleo Inc. Bishop, E	IR	2.80	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	912	McNutt, J.B. & Ramona	IR	2.00	
Section 25					
NE $\frac{1}{4}$ NE $\frac{1}{4}$	101	Longley, Sandra	IR	9.80	
NW $\frac{1}{4}$ NE $\frac{1}{4}$	103	Hayes, Edmond Jr.	IR		0.10
NW $\frac{1}{4}$ NE $\frac{1}{4}$	107	Sterling, Donald, Jr. & Julie	IR	0.80	
NW $\frac{1}{4}$ NE $\frac{1}{4}$	109	Oatman, Christopher & Karen	IR		0.40
SW $\frac{1}{4}$ NE $\frac{1}{4}$	201	Menefee/Menesson/Malarkey	IR	3.40	6.50
SE $\frac{1}{4}$ NE $\frac{1}{4}$	603	Amadio, Anthony	IR	19.00	
NE $\frac{1}{4}$ NW $\frac{1}{4}$	100	Smith, Lawrence & Emily	IR	7.20	
NE $\frac{1}{4}$ NW $\frac{1}{4}$	112	Smith, Lawrence & Emily	IR	2.60	
NE $\frac{1}{4}$ NW $\frac{1}{4}$	114	Smith, Lawrence & Emily	IR	11.20	
NW $\frac{1}{4}$ NW $\frac{1}{4}$	108	Samuelson/Connell	IR	1.40	5.10
NW $\frac{1}{4}$ NW $\frac{1}{4}$	112	Smith, Lawrence & Emily	IR		4.00
NW $\frac{1}{4}$ NW $\frac{1}{4}$	115	Karcher, William Jr. & Stephanie	IR		2.50
NW $\frac{1}{4}$ NW $\frac{1}{4}$	116	Morehen, Patricia	IR		7.00
NW $\frac{1}{4}$ NW $\frac{1}{4}$	601	Martin, Jack W.	IR		0.75
SW $\frac{1}{4}$ NW $\frac{1}{4}$	111	Maloney, Michael & Linda	IR		12.00
SW $\frac{1}{4}$ NW $\frac{1}{4}$	117	Lemon, Leo & Carol	IR		13.00
SE $\frac{1}{4}$ NW $\frac{1}{4}$	204	Chandler, Yvette M.	IR		25.00
NE $\frac{1}{4}$ SW $\frac{1}{4}$	300	Masters, Richard & Judy	IR		31.00
NW $\frac{1}{4}$ SW $\frac{1}{4}$	104	Koehler, Alice	IR	2.00	36.00



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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: L07.16
Lease Agreement Number (assigned by WRD): IL-815

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Daniel Harrison & Wayner Schmotzer
(Mailing address) 19121 Couch Market Road
(City, State, Zip Code) Bend, OR 97701
(Telephone number) (541) 388-4006
(Email address) _____

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 16, Range 11, Section 26 and Tax Lot number 00101. 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.

Field Code Changed
Field Code Changed

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. Primary 74147, Supplemental 74148,74149,76520

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.

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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.	16	11	26	nene	00101	9.80	IRR	74147	6	10/29/1913
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 9.80
Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

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 15, 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.
- 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.

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SALEM, OREGON

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: Daniel Harrison Date: 3/5/07
Daniel Harrison

Wayne Schmotzer Date: 3/5/07
Wayne Schmotzer

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes River Conservancy

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

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SW $\frac{1}{4}$ NE $\frac{1}{4}$	505	Hastings, Martha G.	IR		16.00
SE $\frac{1}{4}$ NE $\frac{1}{4}$	501	Schumacher, William & Denise	IR	2.00	
SE $\frac{1}{4}$ NE $\frac{1}{4}$	502	Nolan, James	IR		5.00
SE $\frac{1}{4}$ NE $\frac{1}{4}$	503	Tovey, Robert	IR	0.80	1.20
SE $\frac{1}{4}$ NE $\frac{1}{4}$	504	Pimentel, Kenneth & Virginia	IR		3.00
NE $\frac{1}{4}$ NW $\frac{1}{4}$	302	Richardson Family 1990 Trust	IR		3.40
NE $\frac{1}{4}$ NW $\frac{1}{4}$	305	Dosher/Silva/Davies	IR	2.00	
NE $\frac{1}{4}$ NW $\frac{1}{4}$	306	Holling, Barry & Barbara	IR		2.60
NW $\frac{1}{4}$ NW $\frac{1}{4}$	1300	Van Houewling, Dirk	IR		2.00
SW $\frac{1}{4}$ NW $\frac{1}{4}$	400	Amadio, Anthony	IR	9.50	
SW $\frac{1}{4}$ NW $\frac{1}{4}$	900	Davidson/Moorehouse	IR	2.88	
SW $\frac{1}{4}$ NW $\frac{1}{4}$	901	Mykol, Harold & Doris	IR	2.30	
SE $\frac{1}{4}$ NW $\frac{1}{4}$	400	Amadio, Anthony	IR	0.50	
SE $\frac{1}{4}$ NW $\frac{1}{4}$	405	Wonser, Michael & Mary	IR		0.30
SE $\frac{1}{4}$ NW $\frac{1}{4}$	406	Hughes, Marion & Maureen	IR		2.70
SE $\frac{1}{4}$ NW $\frac{1}{4}$	407	Larson, Mark & Katharyn	IR		2.50
NE $\frac{1}{4}$ SW $\frac{1}{4}$	800	Hammack, Jonas	IR	0.30	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	905	Amadio, Anthony	IR	1.00	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	907	Ehlers, Arno & Jacqueline	IR	3.00	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	909	Vincent, Tim & Teresa	IR	7.90	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	910	Bulen, Richard & Joan	IR	3.00	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	911	Lelco Inc.	IR	3.50	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	913	Lelco Inc.	IR	0.70	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	915	Lenhard, Gary & Berna	IR	3.00	
NW $\frac{1}{4}$ SW $\frac{1}{4}$	905	Amadio, Anthony	IR	11.00	
NW $\frac{1}{4}$ SW $\frac{1}{4}$	906	Vincent, Tim & Teresa	IR	5.00	
SW $\frac{1}{4}$ SW $\frac{1}{4}$	902	Aldridge, Daniel & Deborah	IR		1.00
SW $\frac{1}{4}$ SW $\frac{1}{4}$	904	Vincent Family Farms Inc.	IR	6.30	9.10
SW $\frac{1}{4}$ SW $\frac{1}{4}$	906	Vincent, Tim & Teresa	IR	1.10	11.00
NE $\frac{1}{4}$ SE $\frac{1}{4}$	701	Hall, William & Mary	IR	22.00	
NE $\frac{1}{4}$ SE $\frac{1}{4}$	702	Hall, William & Mary	IR	5.20	
NE $\frac{1}{4}$ SE $\frac{1}{4}$	908	Mountain Memories Inc.	IR	2.60	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	700	Wyatt, Robert & Mary Ann	IR	5.00	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	703	Wyatt, Garrett	IR	4.00	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	800	Hammack, Jonas	IR	1.60	0.16
NW $\frac{1}{4}$ SE $\frac{1}{4}$	908	Mountain Memories Inc.	IR	2.70	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	911	Lelco Inc.	IR	2.80	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	912	McNutt, J.B. & Ramona	IR	2.00	
Section 25					
NE $\frac{1}{4}$ NE $\frac{1}{4}$	101	Longley, Sandra Harrison/Schmötzer	IR	9.80	
NW $\frac{1}{4}$ NE $\frac{1}{4}$	103	Hayes, Edmond Jr.	IR		0.10
NW $\frac{1}{4}$ NE $\frac{1}{4}$	107	Sterling, Donald, Jr. & Julie	IR	0.80	
NW $\frac{1}{4}$ NE $\frac{1}{4}$	109	Oatman, Christopher & Karen	IR		0.40
SW $\frac{1}{4}$ NE $\frac{1}{4}$	201	Menefee/Menesson/Malarkey	IR	3.40	6.50
SE $\frac{1}{4}$ NE $\frac{1}{4}$	603	Amadio, Anthony	IR	19.00	
NE $\frac{1}{4}$ NW $\frac{1}{4}$	100	Smith, Lawrence & Emily	IR	7.20	
NE $\frac{1}{4}$ NW $\frac{1}{4}$	112	Smith, Lawrence & Emily	IR	2.60	
NE $\frac{1}{4}$ NW $\frac{1}{4}$	114	Smith, Lawrence & Emily	IR	11.20	
NW $\frac{1}{4}$ NW $\frac{1}{4}$	108	Samuelson/Connell	IR	1.40	5.10
NW $\frac{1}{4}$ NW $\frac{1}{4}$	112	Smith, Lawrence & Emily	IR		4.00
NW $\frac{1}{4}$ NW $\frac{1}{4}$	115	Karcher, William Jr. & Stephanie	IR		2.50
NW $\frac{1}{4}$ NW $\frac{1}{4}$	116	Morehen, Patricia	IR		7.00
NW $\frac{1}{4}$ NW $\frac{1}{4}$	601	Martin, Jack W.	IR		0.75
SW $\frac{1}{4}$ NW $\frac{1}{4}$	111	Maloney, Michael & Linda	IR		12.00
SW $\frac{1}{4}$ NW $\frac{1}{4}$	117	Lemon, Leo & Carol	IR		13.00
SE $\frac{1}{4}$ NW $\frac{1}{4}$	204	Chandler, Yvette M.	IR		25.00
NE $\frac{1}{4}$ SW $\frac{1}{4}$	300	Masters, Richard & Judy	IR		31.00
NW $\frac{1}{4}$ SW $\frac{1}{4}$	104	Koehler, Alice	IR	2.00	36.00

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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: L07.17
Lease Agreement Number (assigned by WRD): IL-815

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Emel, William & Suzie
(Mailing address) 65111 Highland Road
(City, State, Zip Code) Bend, OR 97701
(Telephone number) (541) 318-1352
(Email address) _____

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 16, Range 12, Section 30 and Tax Lot number 00304. 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. Field Code Changed
Field Code Changed
- 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. Primary: 74147, Supplemental: 74148, 74149, 76520
- 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 $\frac{1}{4}$, tax lot number, map orientation and scale.

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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.	16	12	30	nwne	00304	3.10	IRR	74147	14 10/29/1913
2.	16	12	30	nenw	00311	4.30	IRR	74147	14 10/29/1913
3.									
4.									
5.									

Total number of acres, if for irrigation, by certificate and priority date: 7.40
 Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

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 15, 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.
- 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

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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: William P Emel Date: 3/2/07
William Emel

Suzie Emel Date: 3/2/07
Suzie Emel

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes River Conservancy

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

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NE $\frac{1}{4}$ SE $\frac{1}{4}$	2001	Zapp, Martin & Joann	IR	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	2200	Cole, Robert & Nancy	IR	5.00
SW $\frac{1}{4}$ SE $\frac{1}{4}$	2400	Kloby, Jay & Melody	IR	31.40
SE $\frac{1}{4}$ SE $\frac{1}{4}$	2400	Kloby, Jay & Melody	IR	28.10

Section 19

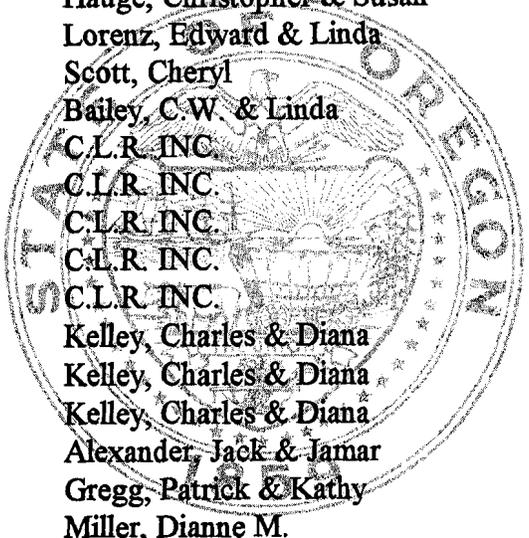
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	1000	Ireland, Stephen P.	IR	3.00	
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	1101	Cardwell, Ken & Janice	IR	3.00	
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	1800	Robertson, Brian T.	IR	3.00	
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	303	Arnett, Gary J.	IR	3.00	
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	304	Guthsye, Joseph & Joann ^{Emel, wms & Sozie}	IR	3.70	
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	310	Dierberger, Kenneth & Dona	IR	4.00	
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	3300	Wickham, Kent & Beth	IR	1.40	
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	3301	Wickham, Kent & Beth	IR	0.60	
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	1300	Dyson, Brian & Sheryl	IR	4.00	
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	2600	Miller, Dianne M.	IR	1.70	
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	2700	Barber, Richard & Mary	IR	1.00	
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	2800	Barlow, Steven & Jeanette	IR		3.00
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	2900	Hauge, Christopher & Susan	IR	4.00	
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	100	C.L.R. INC.	IR	13.20	
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	300	McDougal, Melvin	IR	11.50	
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	305	Billings, Jack & Christina	IR	2.00	1.00
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	311	Guthsye, Joseph & Joann ^{Emel, wms}	IR	4.30	
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	312	McDougal, Melvin	IR	17.20	
1	NW $\frac{1}{4}$ NW $\frac{1}{4}$	202	Hayden, James & Katharina	IR	1.00	
1	NW $\frac{1}{4}$ NW $\frac{1}{4}$	203	Romesburg, Ernie & Naomi	IR	1.60	
1	NW $\frac{1}{4}$ NW $\frac{1}{4}$	300	McDougal, Melvin	IR	7.38	
1	NW $\frac{1}{4}$ NW $\frac{1}{4}$	312	McDougal, Melvin	IR	0.80	
1	NW $\frac{1}{4}$ NW $\frac{1}{4}$	313	McDougal (Trustee), Joy	IR	18.00	
2	SW $\frac{1}{4}$ NW $\frac{1}{4}$	302	Cantrell, John & Jean	IR	5.00	
2	SW $\frac{1}{4}$ NW $\frac{1}{4}$	306	Barnes, Ed & Gayla Ann	IR	3.00	
2	SW $\frac{1}{4}$ NW $\frac{1}{4}$	307	Barnes, Gayla Ann	IR	8.00	
2	SW $\frac{1}{4}$ NW $\frac{1}{4}$	308	Binger, Richard & Cheryl	IR	4.50	
2	SW $\frac{1}{4}$ NW $\frac{1}{4}$	309	Robertson, Frances M.	IR	4.00	
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	2900	Hauge, Christopher & Susan	IR	18.50	
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	301	Hauge, Christopher & Susan	IR	18.00	
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	401	Lorenz, Edward & Linda	IR	5.00	
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	403	Scott, Cheryl	IR		2.00
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	404	Bailey, C.W. & Linda	IR	2.00	
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	100	C.L.R. INC.	IND	2.00	
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	100	C.L.R. INC.	IR	16.00	
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	2000	C.L.R. INC.	IR	5.00	
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	2100	C.L.R. INC.	IR	1.90	
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	2100	C.L.R. INC.	IR	0.70	3.40
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	2200	Kelley, Charles & Diana	IR	3.80	
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	2201	Kelley, Charles & Diana	IR	0.70	
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	2300	Kelley, Charles & Diana	IR	2.50	
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	2400	Alexander, Jack & Jamar	IR	4.50	
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	2500	Gregg, Patrick & Kathy	IR	0.50	2.50
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	2600	Miller, Dianne M.	IR	0.30	

Section 30

	NE $\frac{1}{4}$ SW $\frac{1}{4}$	406	Salciccioli, Greg & Dianna L.	IR	1.00	
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	407	Bend Research/ Science Properties	IR		6.60
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	408	Wendel, John & Cathleen	IR	2.00	
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	410	Allen, Michael & Patty	IR	3.00	
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	418	Bend Research/ Science Properties	IR	5.80	
3	NW $\frac{1}{4}$ SW $\frac{1}{4}$	405	Perkins, Howard & Darlene	IR	1.00	2.00
3	NW $\frac{1}{4}$ SW $\frac{1}{4}$	407	Bend Research/ Science Properties	IR	0.10	3.40

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 SALEM, OREGON





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

Nov 2004

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: L07.18
 Lease Agreement Number (assigned by WRD): IL-815

This Lease Agreement is between:

Lessor #1 (Landowner):
 (Name) Crum, Laurel Ann
 (Mailing address) PO Box 6541
 (City, State, Zip Code) Bend, OR 97708
 (Telephone number) (541) 309-1211
 (Email address) _____

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 16, Range 11, Section 34 and Tax Lot number 00602. 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.

Field Code Changed
 Field Code Changed

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. Primary 74146, Supplemental 74147,74148,74149,76520

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.

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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.	16	11	34	swnw	00602	5.0	IRR	74146	2	8/5/1900
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 5.0
 Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

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 15, 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.
- 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.

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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: Laurel Ann Crum Date: 3-14-07
Laurel Ann Crum

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes River Conservancy

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

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SE $\frac{1}{4}$ NE $\frac{1}{4}$	503	IR	1.2	Tovey, Robert
NW $\frac{1}{4}$ NW $\frac{1}{4}$	1300	IR	2.0	Van Houewling, Dirk
Section 25				

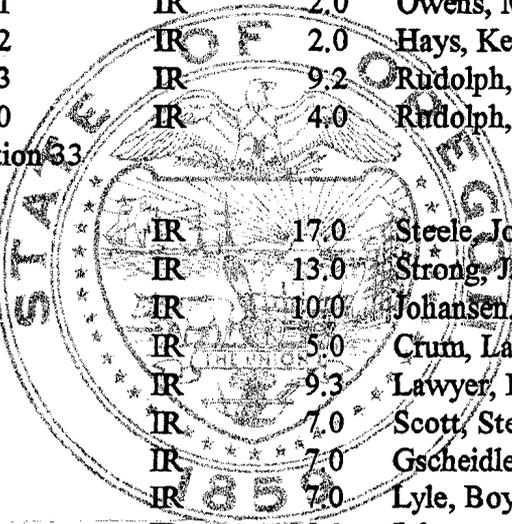
SE $\frac{1}{4}$ SW $\frac{1}{4}$	800	IR	2.0	Blank/Hitchcock
SE $\frac{1}{4}$ SW $\frac{1}{4}$	801	IR	4.0	Flannery/Nauer
Section 26				

SE $\frac{1}{4}$ NW $\frac{1}{4}$	213	IR	2.4	McIntosh, Dotta J.
NE $\frac{1}{4}$ SW $\frac{1}{4}$	300	IR	19.2	Wilhelm, Diane
NW $\frac{1}{4}$ SW $\frac{1}{4}$	302	IR	20.8	Wilhelm, Diane
SW $\frac{1}{4}$ SW $\frac{1}{4}$	400	IR	5.0	Hall, David & Joanne
SW $\frac{1}{4}$ SW $\frac{1}{4}$	402	IR	4.0	Davis, William M. III
SW $\frac{1}{4}$ SW $\frac{1}{4}$	403	IR	3.0	Henderson, Jeff & Chris
SW $\frac{1}{4}$ SW $\frac{1}{4}$	404	IR	5.0	Swisher, Frederick & Lisa
SW $\frac{1}{4}$ SW $\frac{1}{4}$	405	IR	3.0	Paterson, Mary Lou
SW $\frac{1}{4}$ SW $\frac{1}{4}$	406	IR	3.0	Danahy, Timothy & Vickie
SE $\frac{1}{4}$ SW $\frac{1}{4}$	401	IR	24.0	Cardoza, Manuel & Linda
Section 27				

NE $\frac{1}{4}$ SE $\frac{1}{4}$	1001	IR	17.2	Hermens, Stanley & Ruth
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1200	IR	9.0	Hermens, Stanley & Ruth
NW $\frac{1}{4}$ SE $\frac{1}{4}$	1100	IR	4.3	Hermens, Stanley & Ruth
SW $\frac{1}{4}$ SE $\frac{1}{4}$	1400	IR	2.0	Parker, Kenneth
SW $\frac{1}{4}$ SE $\frac{1}{4}$	1500	IR	3.4	Stringfield, Tom & Rick
SE $\frac{1}{4}$ SE $\frac{1}{4}$	1300	IR	8.9	Stringfield, Tom & Rick
SE $\frac{1}{4}$ SE $\frac{1}{4}$	1302	IR	20.0	Pederson, William & Martha
Section 28				

NE $\frac{1}{4}$ SW $\frac{1}{4}$	600	IR	0.8	Wessinger, William & Pat
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1100	IR	2.0	Batha, Marta
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1200	IR	4.6	Batha, Marta
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1300	IR	3.9	Batha, Marta
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1403	IR	10.3	Rudolph, John & Melitta
SE $\frac{1}{4}$ SE $\frac{1}{4}$	1400	IR	2.0	Wagoner, Frances
SE $\frac{1}{4}$ SE $\frac{1}{4}$	1401	IR	2.0	Owens, Margueritte
SE $\frac{1}{4}$ SE $\frac{1}{4}$	1402	IR	2.0	Hays, Kenneth & Carolee
SE $\frac{1}{4}$ SE $\frac{1}{4}$	1403	IR	9.2	Rudolph, John & Melitta
SE $\frac{1}{4}$ SE $\frac{1}{4}$	1500	IR	4.0	Rudolph, John & Melitta
Section 33				

NE $\frac{1}{4}$ NW $\frac{1}{4}$	400	IR	17.0	Steele, John & Louise
NE $\frac{1}{4}$ NW $\frac{1}{4}$	403	IR	13.0	Strong, James J.
SW $\frac{1}{4}$ NW $\frac{1}{4}$	600	IR	10.0	Johansen, Kirk & Judith
SW $\frac{1}{4}$ NW $\frac{1}{4}$	602	IR	5.0	Crum, Laurel Ann
SE $\frac{1}{4}$ NW $\frac{1}{4}$	401	IR	9.3	Lawyer, Donald & Paula
SE $\frac{1}{4}$ NW $\frac{1}{4}$	402	IR	7.0	Scott, Stephen H.
SE $\frac{1}{4}$ NW $\frac{1}{4}$	700	IR	7.0	Gscheidle, William & Meri
SE $\frac{1}{4}$ NW $\frac{1}{4}$	701	IR	7.0	Lyle, Boyd L.
NW $\frac{1}{4}$ SW $\frac{1}{4}$	601	IR	15.0	Johansen, Kirk & Judith
NW $\frac{1}{4}$ SW $\frac{1}{4}$	603	IR	15.0	Thomson, Richard & Patsy
SW $\frac{1}{4}$ SW $\frac{1}{4}$	1600	IR	1.9	Johnson, Jimmy Dean
SW $\frac{1}{4}$ SW $\frac{1}{4}$	1700	IR	1.9	Williams, Michael & Arletta
SW $\frac{1}{4}$ SW $\frac{1}{4}$	1800	IR	2.0	McFerran/Lynch, Don & Barbara
NW $\frac{1}{4}$ SE $\frac{1}{4}$	903	IR	6.0	Miller, Ken & Darlene
Section 34				



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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: L07.19
Lease Agreement Number (assigned by WRD): IL-815

This Lease Agreement is between:

Lessor #1 (Landowner):
(Name) Coleman, Nancy D.
(Mailing address) 18770 Tumalo Reservoir Road
(City, State, Zip Code) Bend, OR 97701
(Telephone number) (541) 382-5357
(Email address) _____

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 16, Range 11, Section 34 and Tax Lot number 01000. 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.

Field Code Changed
Field Code Changed

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. Primary: 74147, Supplemental: 74148,74149,76520

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, tax lot number, map orientation and scale.

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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.	16	11	34	sene	01000	13.0	IRR	74147	8	10/29/1913
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 13.0
Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

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 15, 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.
- 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.

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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: Nancy Coleman Date: March 7, 2007
Nancy D. Coleman

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes River Conservancy

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

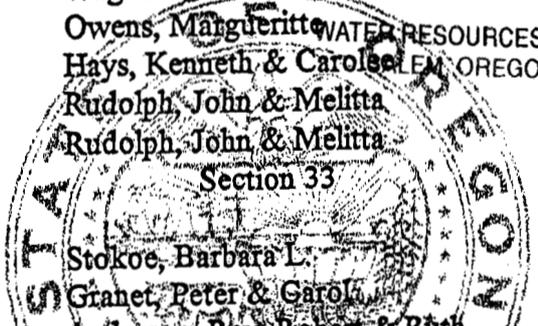
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NE 1/4 NE 1/4	100	Hausner, Jill	IR	21.00
NE 1/4 NE 1/4	800	Hausner, Jill	IR	2.00
NE 1/4 NE 1/4	801	Barrick, James A.	IR	2.00
SW 1/4 NE 1/4	900	Hermens, Stanley & Ruth	IR	35.90
SE 1/4 NE 1/4	900	Hermens, Stanley & Ruth	IR	29.60
NW 1/4 NW 1/4	500	Throop, Tom & Caryn	IR	2.00
NW 1/4 NW 1/4	501	Variel, Jeffrey & Laurel	IR	2.00
NW 1/4 NW 1/4	502	McDonald, Dr. Lynn	IR	4.00
NE 1/4 SE 1/4	1001	Hermens, Stanley & Ruth	IR	17.20
NE 1/4 SE 1/4	1200	Hermens, Stanley & Ruth	IR	1.90
NW 1/4 SE 1/4	1000	Hermens, Stanley & Ruth	IR	13.30
NW 1/4 SE 1/4	1100	Hermens, Stanley & Ruth	IR	8.60
SW 1/4 SE 1/4	1400	Parker, Kenneth	IR	2.00
SW 1/4 SE 1/4	1500	Stringfield, Tom & Rick	IR	4.40
SE 1/4 SE 1/4	1300	Stringfield, Tom & Rick	IR	1.80
SE 1/4 SE 1/4	1302	Pederson, William & Martha	IR	20.00

Section 28

NE 1/4 NE 1/4	200	Russell, Barbara H.	IR	17.00
SW 1/4 NE 1/4	801	Russell, Barbara H.	IR	11.00
SE 1/4 NE 1/4	1000	Tavares, Louis III & Deborah	IR	11.60
SE 1/4 NE 1/4	900	Russell, Barbara H.	IR	3.00
NE 1/4 SW 1/4	600	Wessinger, William & Pat	IR	0.20
NE 1/4 SE 1/4	1000	Tavares, Louis III & Deborah	IR	2.40
NE 1/4 SE 1/4	1100	Batha, Marta	IR	2.00
NE 1/4 SE 1/4	1200	Batha, Marta	IR	4.60
NE 1/4 SE 1/4	1300	Batha, Marta	IR	3.90
NE 1/4 SE 1/4	1403	Rudolph, John & Melitta	IR	10.30
NW 1/4 SE 1/4	802	Lawson, John & Gaye	IR	9.00
NW 1/4 SE 1/4	803	Rahmn, Keith & Lexia	IR	5.00
NW 1/4 SE 1/4	804	Lewis, Suzi	IR	7.50
NW 1/4 SE 1/4	805	Dodd, Jack & Barbara, Trustees	IR	5.00
SW 1/4 SE 1/4	700	Moody, Steven	IR	6.00
SW 1/4 SE 1/4	800	McNulty, Ralph & Dee	IR	10.00
SW 1/4 SE 1/4	806	Cullman, Ruth	IR	10.00
SE 1/4 SE 1/4	1400	Wagoner, Frances	IR	2.00
SE 1/4 SE 1/4	1401	Owens, Margueritte	IR	2.00
SE 1/4 SE 1/4	1402	Hays, Kenneth & Carol	IR	2.00
SE 1/4 SE 1/4	1403	Rudolph, John & Melitta	IR	9.20
SE 1/4 SE 1/4	1500	Rudolph, John & Melitta	IR	4.00

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Section 33

NE 1/4 NE 1/4	100	Stokoe, Barbara L.	IR	1.40
NE 1/4 NE 1/4	101	Granet, Peter & Garol	IR	3.00
NE 1/4 NE 1/4	102	Anderson, Rev. Robert & Ruth	IR	2.50
NE 1/4 NE 1/4	103	Tavares, Louis III & Deborah	IR	1.00
NE 1/4 NE 1/4	104	Grant, Cloyce & Catherine	IR	2.00
NW 1/4 NE 1/4	200	Taylor, Jerry & Janet	IR	3.00
NW 1/4 NE 1/4	201	Laidlaw, Douglas	IR	6.50
NW 1/4 NE 1/4	202	Margo, Mark & Desiree	IR	3.50
NW 1/4 NE 1/4	300	Berg, Michael	IR	5.00
NW 1/4 NE 1/4	301	Petrie, Thomas & Helen	IR	6.00
NW 1/4 NE 1/4	302	Parker, Daniel & Jeanette	IR	3.00
SW 1/4 NE 1/4	900	Cole, Jennifer	IR	1.22
SW 1/4 NE 1/4	905	Schwab, Myron & Genevieve	IR	1.21
SW 1/4 NE 1/4	906	Van Cleave, Sherman & Vicki	IR	2.00
SW 1/4 NE 1/4	908	Payer, Melanie	IR	4.00
SE 1/4 NE 1/4	1000	Coleman, Glen & Nancy	IR	13.00
NE 1/4 NW 1/4	400	Steele, John & Louise	IR	17.00



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: L07.21
Lease Agreement Number (assigned by WRD): IL-815

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Ruggieri, Thomas L. & Monica L.
(Mailing address) 2901 Tech Center Drive
(City, State, Zip Code) Santa Ana, CA 92705
(Telephone number) (714) 556-4990
(Email address) _____

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 16, Range 11, Section 22 and Tax Lot number 02000. 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. Field Code Changed
- 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. Field Code Changed
- Certificate No. Primary: 74146, 76106 Supplemental: 74147, 74148, 74149, 76520
- 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 $\frac{1}{4}$, tax lot number, map orientation and scale.

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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.	16	11	22	nesw	02000	4.0	IRR	74146	5	9/1/1900
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 4.0

Acres-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

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 15, 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.
- 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.

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**WATER RESOURCES DEPT
SALEM, OREGON**

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: 3/2/07
Thomas L. Ruggieri

Monica L. Ruggieri Date: 3/2/07

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes River Conservancy

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

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WATER RESOURCES DEPT
SALEM, OREGON



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

Additional Water Right Form For Pooled Landowner Instream Lease

*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.*

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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).

T	R	Sec	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.	16	11	22	nwse	01800	2.50	IRR	76106	1	12/8/1961
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

[Attached map(s) must identify property owner, 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: 2.50
 Acre-feet of storage, if applicable: _____

Field Code Changed

Field Code Changed

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 SALEM, OREGON

SE $\frac{1}{4}$ NE $\frac{1}{4}$	500	IR	5.8	Goldy, Daniel
NE $\frac{1}{4}$ SW $\frac{1}{4}$	600	IR	0.5	Bend Metro Parks
SW $\frac{1}{4}$ SW $\frac{1}{4}$	1000	IR	6.0	Hickok/Wallace
SE $\frac{1}{4}$ SW $\frac{1}{4}$	600	IR	31.7	Bend Metro Parks
NE $\frac{1}{4}$ SE $\frac{1}{4}$	600	IR	6.7	Bend Metro Parks
SW $\frac{1}{4}$ SE $\frac{1}{4}$	600	IR	18.1	Bend Metro Parks
SE $\frac{1}{4}$ SE $\frac{1}{4}$	600	POND	2.0	Bend Metro Parks
SE $\frac{1}{4}$ SE $\frac{1}{4}$	600	IR	4.7	Bend Metro Parks
SE $\frac{1}{4}$ SE $\frac{1}{4}$	700	IR	1.0	Denall, Thomas & Linda
SE $\frac{1}{4}$ SE $\frac{1}{4}$	800	IR	1.0	Denall, Thomas & Linda
SE $\frac{1}{4}$ SE $\frac{1}{4}$	900	IR	0.1	Denall, Thomas & Linda

Section 21

NW $\frac{1}{4}$ SE $\frac{1}{4}$	1500		4.0	Woods Trust ^{296.009} T7672
NE $\frac{1}{4}$ NE $\frac{1}{4}$	101	IR	3.0	Green, Leslie & Helen, Trustees
NW $\frac{1}{4}$ NE $\frac{1}{4}$	200	IR	3.6	Calkins, John & Rose
NW $\frac{1}{4}$ NE $\frac{1}{4}$	201	IR	4.3	Curl, James & Sheryl
NW $\frac{1}{4}$ NE $\frac{1}{4}$	202	IR	7.3	Spencer, Kevin & Linda
SW $\frac{1}{4}$ NE $\frac{1}{4}$	1000	IR	5.0	LaRusso, Thomas
SW $\frac{1}{4}$ NE $\frac{1}{4}$	900	IR	11.0	Andreson, Wilber & Andrea
NE $\frac{1}{4}$ NW $\frac{1}{4}$	400	IR	28.6	Hauxwell, Stanley & Jean
NW $\frac{1}{4}$ NW $\frac{1}{4}$	400	IR	10.2	Hauxwell, Stanley & Jean
NW $\frac{1}{4}$ NW $\frac{1}{4}$	401	IR	1.0	Hayes, Thomas Sr. & Lenore
NE $\frac{1}{4}$ SW $\frac{1}{4}$	2000	IR	30.6	Ruggieri, Thomas & Monica
NW $\frac{1}{4}$ SW $\frac{1}{4}$	2100	IR	15.0	Settergren, Elizabeth, Trustee
SW $\frac{1}{4}$ SW $\frac{1}{4}$	2200	IR	8.6	Thompson, Teresa Soriano
SW $\frac{1}{4}$ SW $\frac{1}{4}$	2200	POND	0.5	Thompson, Teresa Soriano
SW $\frac{1}{4}$ SW $\frac{1}{4}$	2300	IR	3.0	Chambers, Dwight & Mary Jo
SW $\frac{1}{4}$ SW $\frac{1}{4}$	2400	IR	3.0	McNeil, James & Rose
SW $\frac{1}{4}$ SW $\frac{1}{4}$	2401	IR	3.0	White, Roland H.
SE $\frac{1}{4}$ SW $\frac{1}{4}$	2501	IR	13.2	Sleepy Hollow Trust
SE $\frac{1}{4}$ SW $\frac{1}{4}$	2502	IR	7.0	Sleepy Hollow Trust
SE $\frac{1}{4}$ SW $\frac{1}{4}$	2503	IR	6.0	Kennedy, Robert & Charlotte
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1101	IR	4.5	Meade, Robert & Jerry
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1200	IR	1.0	Faller, David & Betty
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1300	IR	2.5	Ebbs, Jon & Mary Ann
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1400	IR	3.0	Wilson, Gary & Gail
NW $\frac{1}{4}$ SE $\frac{1}{4}$	1900	IR	0.8	Ring, Frank & Nancy
SW $\frac{1}{4}$ SE $\frac{1}{4}$	2500	IR	25.0	Hemingway, Collins & Wendy
SW $\frac{1}{4}$ SE $\frac{1}{4}$	2504	IR	3.0	Harmon, Chester & Jean
SW $\frac{1}{4}$ SE $\frac{1}{4}$	2505	IR	1.96	Pound, Jack & Linda Irigman, C
SE $\frac{1}{4}$ SE $\frac{1}{4}$	2600	IR	3.0	Joanis, Gary & Sharon
SE $\frac{1}{4}$ SE $\frac{1}{4}$	2700	IR	8.0	Gainsforth, Patricia
SE $\frac{1}{4}$ SE $\frac{1}{4}$	2800	IR	8.0	Bittler, Mickey L.
SE $\frac{1}{4}$ SE $\frac{1}{4}$	2900	IR	3.5	Smith, Curtis & Lorraine
SE $\frac{1}{4}$ SE $\frac{1}{4}$	3000	IR	4.0	Singer, Jack & Randi, Trustees

Section 22

SW $\frac{1}{4}$ NE $\frac{1}{4}$	509	IR	1.5	Byrum, David & Terry
SW $\frac{1}{4}$ NE $\frac{1}{4}$	519	IR	1.4	Einbund, James
NE $\frac{1}{4}$ NW $\frac{1}{4}$	200	IR	7.0	Coe, Edwin & Donna
NE $\frac{1}{4}$ NW $\frac{1}{4}$	700	IR	9.7	Muzzy, Robert & Ruby
SE $\frac{1}{4}$ NW $\frac{1}{4}$	200	IR	2.6	Coe, Edwin & Donna
NE $\frac{1}{4}$ SW $\frac{1}{4}$	519	IR	0.3	Einbund, James
NW $\frac{1}{4}$ SW $\frac{1}{4}$	502	IR	7.8	McCormick, William P.
NW $\frac{1}{4}$ SW $\frac{1}{4}$	516	IR	1.4	Hiatt, Melva Joan
SW $\frac{1}{4}$ SW $\frac{1}{4}$	502	IR	5.9	McCormick, William P.

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WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON
COUNTY OF DESCHUTES
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

TUMALO IRRIGATION DISTRICT
64697 COOK AVE
BEND, OREGON 97701

confirms the right to use the waters of TUMALO CREEK AND UPPER TUMALO RESERVOIR CONSTRUCTED UNDER PERMIT R-2743, tributaries of DESCHUTES RIVER, for IRRIGATION OF 790.6 ACRES.

This right was perfected under Permit 27840. The date of priority is DECEMBER 8, 1961. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 11.3 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

TUMALO CREEK - SE 1/4 NE 1/4, SECTION 23, TOWNSHIP 17 SOUTH, RANGE 11 EAST, W.M.; 2080 FEET SOUTH AND 1310 FEET WEST FROM THE NE CORNER OF SECTION 23; AND

UPPER TUMALO RESERVOIR - SE 1/4 SW 1/4, SECTION 33, TOWNSHIP 16 SOUTH, RANGE 11 EAST, W.M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-SEVENTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year from direct flow and storage from Upper Tumalo Reservoir constructed under permit R-2743.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

T	R	S	Q / Q	Tax Lot	Acres	Owner/Water User
16	11	1	SW 1/4 SE 1/4	500	1.6	BARR/BACH
16	11	1	SW 1/4 SE 1/4	600	14.46	BARR/BACH
16	11	1	SE 1/4 SE 1/4	800	10.0	KAUFELDT, S
16	11	11	SE 1/4 SW 1/4	801	8.0	CHRISTIANSON, M & R
16	11	11	SW 1/4 SE 1/4	803	4.0	PAIVA, J & W
16	11	11	SW 1/4 SE 1/4	802	1.0	TURNER/LUPTON
16	11	12	SW 1/4 NW 1/4	501	5.0	RUSSO, J D
16	11	14	NE 1/4 NW 1/4	600	7.0	CHRISTIANSON, M & R
16	11	22	NW 1/4 SE 1/4	1500	7.0	WOODS, D
16	11	22	NW 1/4 SE 1/4	1800	2.5	RUGGIERI, T & M
16	11	23	SW 1/4 NE 1/4	503	1.5	MADSEN, J & K
16	11	23	SW 1/4 NE 1/4	505	4.3	BIOCINI, J

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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: L07.22
Lease Agreement Number (assigned by WRD): IL-815

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Narber, Kemper & Susan
(Mailing address) 64720 Collins Road
(City, State, Zip Code) Bend, OR 97701
(Telephone number) (541) 382-1286
(Email address) _____

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 16, Range 11, Section 34 and Tax Lot number 00500. 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. Field Code Changed
- 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. Field Code Changed
- Certificate No. Primary: 74147, Supplemental: 74148,74149,76520
- 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 $\frac{1}{4}$ $\frac{1}{4}$, tax lot number, map orientation and scale.

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SALEM, OREGON

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.	16	11	34	nwnw	00500	1.0	IRR	74147	9 10/29/1913
2.									
3.									
4.									
5.									

Total number of acres, if for irrigation, by certificate and priority date: 1.0
 Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

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 15, 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.
- 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.

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 SALEM, OREGON**

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: *Kem P. Narber* Date: 03/08/2007
Kemper P. Narber

Susan M. Narber Date: 3/8/07
Susan M. Narber

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes River Conservancy

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

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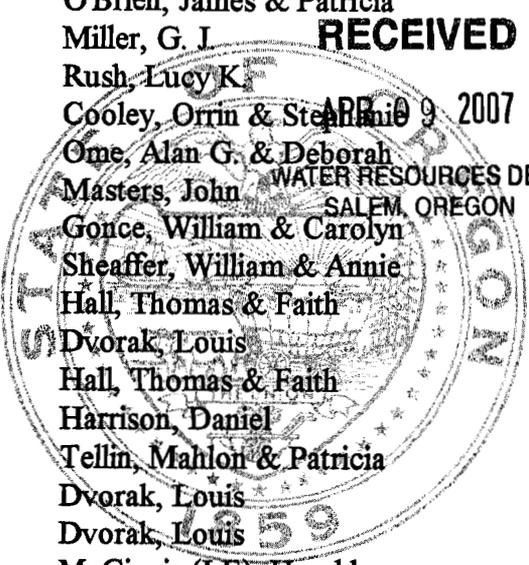
APR 09 2007

WATER RESOURCES DEPT
SALEM, OREGON

NE $\frac{1}{4}$ NW $\frac{1}{4}$	403	Strong, James J.	IR		13.00
NW $\frac{1}{4}$ NW $\frac{1}{4}$	500	Narber, Kemper & Susan	IR	1.00	
NW $\frac{1}{4}$ NW $\frac{1}{4}$	501	Zenner, Steve	IR	1.60	
NW $\frac{1}{4}$ NW $\frac{1}{4}$	503	Colton/Engelhard	IR	3.80	
SW $\frac{1}{4}$ NW $\frac{1}{4}$	600	Johansen, Kirk & Judith	IR		10.00
SW $\frac{1}{4}$ NW $\frac{1}{4}$	602	Crum, Laurel Ann	IR		5.00
SE $\frac{1}{4}$ NW $\frac{1}{4}$	401	Lawyer, Donald & Paula	IR		9.30
SE $\frac{1}{4}$ NW $\frac{1}{4}$	402	Scott, Stephen H.	IR		7.00
SE $\frac{1}{4}$ NW $\frac{1}{4}$	700	Gscheidle, William & Meri	IR		7.00
SE $\frac{1}{4}$ NW $\frac{1}{4}$	701	Lyle, Boyd L.	IR		7.00
NW $\frac{1}{4}$ SW $\frac{1}{4}$	601	Johansen, Kirk & Judith	IR		15.00
NW $\frac{1}{4}$ SW $\frac{1}{4}$	603	Thomson, Richard & Patsy	IR		15.00
SW $\frac{1}{4}$ SW $\frac{1}{4}$	1500	Harlow, James	IR		5.40
SW $\frac{1}{4}$ SW $\frac{1}{4}$	1600	Johnson, Jimmy Dean	IR		1.90
SW $\frac{1}{4}$ SW $\frac{1}{4}$	1601	Waterman, Faith	IR	2.00	
SW $\frac{1}{4}$ SW $\frac{1}{4}$	1700	Williams, Michael & Arletta	IR		1.90
SW $\frac{1}{4}$ SW $\frac{1}{4}$	1800	McFerran/Lynch, Don & Barbara	IR		2.00
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1100	Lane, Alan Stephen	IR	13.00	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	901	Martin, Charles & Susan	IR		4.00
NW $\frac{1}{4}$ SE $\frac{1}{4}$	903	Miller, Ken & Darlene	IR		6.00
NW $\frac{1}{4}$ SE $\frac{1}{4}$	904	Mills, Max & Lori	IR	2.00	3.74
SW $\frac{1}{4}$ SE $\frac{1}{4}$	1300	Sohn, Ray & Sheila	IR	0.90	12.60
SW $\frac{1}{4}$ SE $\frac{1}{4}$	1301	Duhn, Jessica R.	IR	1.00	3.40
SW $\frac{1}{4}$ SE $\frac{1}{4}$	1302	Horton, Richard & Karen	IR		2.00
SW $\frac{1}{4}$ SE $\frac{1}{4}$	1303	McAllister/Burke	IR		7.00
SW $\frac{1}{4}$ SE $\frac{1}{4}$	1304	Schmidt, Robert & Carolyn	IR		4.50

Section 34

NE $\frac{1}{4}$ NE $\frac{1}{4}$	100	Leonard, Ronald Vezina, L R	IR		10.00
NE $\frac{1}{4}$ NE $\frac{1}{4}$	202	Jermaczonak, Tony & Laurie	IR		7.50
NE $\frac{1}{4}$ NE $\frac{1}{4}$	203	Bottger, James & Bea	IR		3.30
NE $\frac{1}{4}$ NE $\frac{1}{4}$	206	Bottger, James & Bea	IR		1.70
NE $\frac{1}{4}$ NE $\frac{1}{4}$	800	Michael, Loreen	IR		0.60
NW $\frac{1}{4}$ NE $\frac{1}{4}$	800	Michael, Loreen	IR		4.40
NW $\frac{1}{4}$ NE $\frac{1}{4}$	804	O'Brien, James & Patricia	IR		2.50
NW $\frac{1}{4}$ NE $\frac{1}{4}$	805	Miller, G. J.	IR		2.75
NW $\frac{1}{4}$ NE $\frac{1}{4}$	806	Rush, Lucy K.	IR		5.00
NW $\frac{1}{4}$ NE $\frac{1}{4}$	807	Cooley, Orrin & Stephanie	IR		5.00
SW $\frac{1}{4}$ NE $\frac{1}{4}$	801	Ome, Alan G. & Deborah	IR		5.00
SW $\frac{1}{4}$ NE $\frac{1}{4}$	802	Masters, John	IR		5.00
SW $\frac{1}{4}$ NE $\frac{1}{4}$	808	Gonce, William & Carolyn	IR		5.00
SW $\frac{1}{4}$ NE $\frac{1}{4}$	809	Sheaffer, William & Annie	IR		3.00
SE $\frac{1}{4}$ NE $\frac{1}{4}$	201	Hall, Thomas & Faith	IR		2.00
SE $\frac{1}{4}$ NE $\frac{1}{4}$	204	Dvorak, Louis	IR		7.50
SE $\frac{1}{4}$ NE $\frac{1}{4}$	205	Hall, Thomas & Faith	IR		2.00
SE $\frac{1}{4}$ NE $\frac{1}{4}$	300	Harrison, Daniel	IR		2.50
SE $\frac{1}{4}$ NE $\frac{1}{4}$	400	Tellin, Mahlon & Patricia	IR	2.50	2.00
SE $\frac{1}{4}$ NE $\frac{1}{4}$	600	Dvorak, Louis	IR	0.40	4.10
SE $\frac{1}{4}$ NE $\frac{1}{4}$	700	Dvorak, Louis	IR		4.00
NW $\frac{1}{4}$ NW $\frac{1}{4}$	1000	McGinnis (LE), Harold	IR		19.70
SW $\frac{1}{4}$ NW $\frac{1}{4}$	1100	Ames, George & Elaine	IR	13.00	
SE $\frac{1}{4}$ NW $\frac{1}{4}$	1200	Romaniak/Mendenhall	IR	4.00	
SE $\frac{1}{4}$ NW $\frac{1}{4}$	1300	Patrick, Arthur & Michelle	IR	1.00	
SE $\frac{1}{4}$ NW $\frac{1}{4}$	1301	Hervey, Sharon	IR	1.00	
SE $\frac{1}{4}$ NW $\frac{1}{4}$	1302	Patrick, Arthur & Michelle	IR	1.00	
SE $\frac{1}{4}$ NW $\frac{1}{4}$	1400	Patrick, Arthur & Michelle	IR	3.00	
SE $\frac{1}{4}$ NW $\frac{1}{4}$	1500	King, Charles & Pamela	IR	3.00	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	1900	Schlueter, James & Patricia	IR	2.60	4.40
NW $\frac{1}{4}$ SW $\frac{1}{4}$	1600	Braun Trustees, Jean & Rose	PND	0.10	



SEE NEXT PAGE



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: L07.23
Lease Agreement Number (assigned by WRD): IL-815

This Lease Agreement is between:

Lessor #1 (Landowner):
(Name) Harris C. Kimble
(Mailing address) 19625 Clear Night Drive
(City, State, Zip Code) Bend, OR 97701
(Telephone number) (541) 420-5904
(Email address) _____

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 11, Section 13 and Tax Lot number 00819. 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.

Field Code Changed
Field Code Changed

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. Primary: 74146, 74147, Supplemental: 74147, 74148, 74149, 76520

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.

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WATER RESOURCES DEPT
SALEM, OREGON

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.	17	11	13	nenw	00819	.20	IRR	74146	14	5/27/1907
2.	17	11	13	nwne	00819	6.1	IRR	74146	14	5/27/1907
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 6.30
 Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

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 15, 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.
- 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.

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

Additional Water Right Form For Pooled Landowner Instream Lease

*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.*

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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).

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.	17	11	13	nenw	00819	14.6	IRR	74147	17	10/29/1913
2.	17	11	13	nwnw	00819	10.94	IRR	74147	17	10/29/1913
3.	17	11	13	nsw	00819	12.20	IRR	74147	17	10/29/1913
4.	17	11	13	senw	00819	4.60	IRR	74147	17	10/29/1913
5.	17	11	13	swnw	00819	6.40	IRR	74147	17	10/29/1913
6.										
7.										
8.										
9.										
10.										

[Attached map(s) must identify property owner, 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: 48.74

Acre-feet of storage, if applicable: _____

Field Code Changed

Field Code Changed

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SW¼NE¼	810	Niedzwiecke, Andrew & Judith	IR		0.90
NE¼NW¼	817 819	C.L.R. INC. Harris Kimble	IR	14.60	0.20
NW¼NW¼	809	C.L.R. INC.	IR	3.00	1.60
NW¼NW¼	817 819	C.L.R. INC. Harris Kimble	IR	12.30	4.00
SW¼NW¼	2300	Beighley/Taylor, Mark & Deborah	IR		1.00
SW¼NW¼	2400	Moore, Bill & Mildred	IR		0.90
SW¼NW¼	817 819	C.L.R. INC. Harris Kimble	IR	6.40	
SE¼NW¼	812	Latham, Mark & Kristen	IR		1.50
SE¼NW¼	813	Schweigert, Ken	IR		2.50
SE¼NW¼	817 819	C.L.R. INC. Harris Kimble	IR	4.60	
SE¼NW¼	818	Hamper, Tom	IR		2.50
NW¼SW¼	2400	Moore, Bill & Mildred	IR	1.00	1.10
NW¼SW¼	2500	Hanson, Robert & Ruth	IR		2.00
NW¼SW¼	817 819	C.L.R. INC. Harris Kimble	IR	12.20	
SW¼SW¼	4200	Reinhardt, George & Jeanne	IR	2.00	

Section 13

NE¼NE¼	11300	Woods, William C.	IR	1.00	
NE¼NE¼	11400	C.L.R. INC.	IR	3.50	changed to 72817
NE¼NE¼	11900	Rugloski, Paul, Andrew & Cecelia	IR		0.40
SE¼NE¼	11900	Rugloski, Paul, Andrew & Cecelia	IR		2.60

Section 14

Township 17 South, Range 11 East, W.M.

2	NW¼NE¼	300		C.L.R. INC.	IR	1.80	
2	NW¼NE¼	301		C.L.R. INC.	IR	0.50	3.00
2	NW¼NE¼	302		C.L.R. INC.	IR	4.10	3.10
3	NE¼NW¼	200	B	Allen/Rice, Rita & Kenny	IR	2.50	
3	NE¼NW¼	300	B	Dwyer, Michael & Theresa	IR	16.40	
4	NW¼NW¼	300	B	Dwyer, Michael & Theresa	IR	17.70	
4	NW¼NW¼	301	B	Greer, Stephen & Denise	IR	2.00	
4	NW¼NW¼	302	B	Greer, Russell & Lois	IR	2.40	
4	NW¼NW¼	400	B	Greer, Russell & Lois	IR	2.00	
4	NW¼NW¼	500	B	Randolph, James & Charlotte	IR	1.00	

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Section 6

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2	SW¼NW¼	400		Kemple, Harold & Terry	IR	1.50	10.00
2	SW¼NW¼	401		Frei, Gary & Victoria	IR		14.60
	SE¼NW¼	400		Kemple, Harold & Terry	IR	1.20	

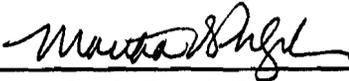
Section 7

Township 17 South, Range 12 East, W.M.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

This certificate confirms an order of the Director entered on JUN 19 1997, 1997 and recorded in Special Order Volume 51, Page 754, approving a petition by Tumalo Irrigation District under ORS 541.329 for mapping water rights within a district. This certificate supersedes certificates 26050.

WITNESS the signature of the Water Resources Director, affixed **JUN 19 1997**


Martha O. Pagel, Director

Recorded in State Record of Water Right Certificates numbered 74147.

HB-3111.BWB

Priority: 5/27/07

7	SW ¹ / ₄ SW ¹ / ₄	1802	IR	3.0	Rupp, C. Richard
		Section 6			
	NW ¹ / ₄ SE ¹ / ₄	2100	IR	3.4	C.L.R. INC.
		Section 30			
	SW ¹ / ₄ SE ¹ / ₄	4300D	IR	0.8	C.L.R. INC.
		Section 31			
Township 16 South, Range 12 East, W.M.					
	SE ¹ / ₄ SE ¹ / ₄	1800	IR	2.0	COATS, ERIC & ROBIN T-7466
	SW ¹ / ₄ NW ¹ / ₄	500	IR	1.2	Coats, R.L. & Joyce NOS.004
		Section 11			
	NW ¹ / ₄ NE ¹ / ₄	804	IR	0.4	Coats, R.L. & Joyce
	NW ¹ / ₄ NE ¹ / ₄	807	IR	3.8 5.4	Coats, R.L. & Joyce T-7466 NOS.004
	NW ¹ / ₄ NE ¹ / ₄	817 819	IR	6.1	C.L.R. INC. Harris Kimble
	SW ¹ / ₄ NE ¹ / ₄	806	IR	2.5	Graham, Kenneth & Joy
	SW ¹ / ₄ NE ¹ / ₄	807	IR	0.6 1.0	Coats, R.L. & Joyce T-7466 NOS.004
	SW ¹ / ₄ NE ¹ / ₄	808	IR	2.1	Niedzwiecke, Andrew & Judith
	SW ¹ / ₄ NE ¹ / ₄	810	IR	0.9	Niedzwiecke, Andrew & Judith
	NE ¹ / ₄ NW ¹ / ₄	817 819	IR	0.2	C.L.R. INC. Harris Kimble
	NW ¹ / ₄ NW ¹ / ₄	809	IR	1.6	C.L.R. INC.
	NW ¹ / ₄ NW ¹ / ₄	817	IR	4.0	C.L.R. INC.
	SE ¹ / ₄ NW ¹ / ₄	812	IR	1.5	Latham, Mark & Kristen
	SE ¹ / ₄ NW ¹ / ₄	813	IR	2.5	Schweigert, Ken
	SE ¹ / ₄ NW ¹ / ₄	818	IR	2.5	Hamper, Tom
		Section 13			
	NE ¹ / ₄ NE ¹ / ₄	11700	IR	0.2	Allen, Charles
	NE ¹ / ₄ NE ¹ / ₄	11800	IR	0.1	Allen, Charles
	NE ¹ / ₄ NE ¹ / ₄	11900	IR	0.4	Rugloski, Paul, Andrew & Cecelia
	SE ¹ / ₄ NE ¹ / ₄	11800	IR	0.7	Allen, Charles
	SE ¹ / ₄ NE ¹ / ₄	11900	IR	2.6	Rugloski, Paul, Andrew & Cecelia
		Section 14			

Township 17 South, Range 11 East, W.M.

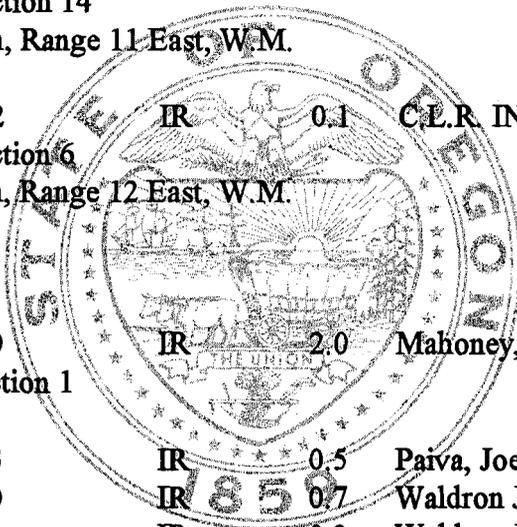
2	NW ¹ / ₄ NE ¹ / ₄	302	IR	0.1	C.L.R. INC.
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Section 6

Township 17 South, Range 12 East, W.M.

Priority: 6/1/07

	SE ¹ / ₄ SE ¹ / ₄	800	IR	2.0	Mahoney, Dan & Martha
		Section 1			
	SW ¹ / ₄ SE ¹ / ₄	803	IR	0.5	Paiva, Joe & Wanita
	SE ¹ / ₄ SE ¹ / ₄	900	IR	0.7	Waldron Jr., Harvey & Genevieve
	SE ¹ / ₄ SE ¹ / ₄	901	IR	0.3	Waldron Jr., Harvey & Genevieve
		Section 11			
	SW ¹ / ₄ SW ¹ / ₄	1200	IR	16.1	Gillham, John & Audrey
	SE ¹ / ₄ SW ¹ / ₄	1200	IR	0.2	Gillham, John & Audrey
		Section 12			



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