

Nov 2004



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 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/publication/reports/index.shtml.

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

Optional Identification by Lessor/Lessee: MITIGATION PROJECT
Lease Agreement Number (assigned by WRD): L-676-MP-56

This Lease Agreement is between:

Lessor #2: Irrigation District or Other Water Purveyor

(Name) Three Sisters Irrigation District
(Mailing address) PO Box 2230
(City, State, Zip Code) Sisters, OR
(Telephone number) 541-549-8815
(Email address) tsid@my180.net

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

Lessee (if different than Oregon Water Resources Department):

(Name) DWE Groundwater Mitigation Bank
(Mailing address) 700 NW Hill St.
(City, State, Zip Code) Bend, OR 97701
(Telephone number) 541-382-4077
(Email address) danielle@deschutesrc.org

Trustee:

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

~I~ Ownership and Water Right Information

1.2 Lessor #2 is the (Check one):

- Official representative of TSID, 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 lands being leased, list all water rights appurtenant to the lessor's property. Indicate if there are any supplemental or overlying rights.

Certificate No. 74135

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. Lessor proposes to lease the water rights listed in 1.3.

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

Certificate No.: 74135

Priority date: 1895 & 1904 Type of use: IR

Legal Season of Use: N/A

If an irrigation right, total number of acres to be leased: 1895: 430.5 ac. and 1904: 5.0 ac.

Total acre-feet of storage to be leased, if applicable: N/A

Maximum rate associated with subject water rights (cfs) being leased: 1895: 8.61cfs and 1904: 0.10cfs

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): N/A

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, which 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:

SQUAW 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): From POD at RM 23.5 of Squaw Creek to Lake Billy Chinook

Maximum volume in acre-feet: 1895: 853.68 AF and 1904: 9.91 AF

Rate in cfs: 1895: 8.61cfs and 1904: 0.10cfs

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

Rate in cfs: _____

Rate in cfs: _____

Conditions to prevent injury, if any:

- None
- The instream flow will be allocated on a daily average basis up to the described rate from 8/1/2005 through 9/20/2005.

Other (describe): Instream water delivery will be percentaged the same as delivery to SCID members during short water.

If you need to enter more instream uses, please use the additional water rights form.

2.3 **Term of lease.** This lease shall terminate on September 20, 2005.

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, 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.

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.**

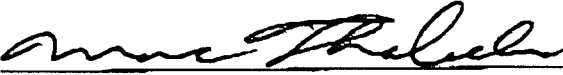
For multiyear leases, lessor shall have the option of terminating the lease each year, prior to the lease being exercised (_____), with 30 day written notice to the Department.


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.

3.7 Fees. Effective October 1, 2003, pursuant to ORS 536.050 (1)(v) (2003 SB 820), 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:  Date: 6/28/05
Three Sisters Irrigation District

Lessee:  Date: 6/22/05
DWE Ground Water Mitigation Bank

Other Attachments as Needed:

- Attachment 1: Tax Lot Map of Lessor's Property (required if landowner is not the sole landowner to lands for which the subject water rights are appurtenant)
- Attachment 2: Detailed map illustrating lands under subject rights to be leased (required if only part of a right is being leased instream).
- 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 Landowner Form

Jan 2004



State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
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Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

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

Optional Identification by Lessor/Lessee: MITIGATION PROJECT
Lease Agreement Number (assigned by WRD): _____

This Lease Agreement is between:

Lessor #1 (Landowner):
(Name) Kay Patterson
(Mailing address) P.O. Box 1839
(City, State, Zip Code) Sisters, OR 97759
(Telephone number) 541-549-1215

If additional landowners, enter landowner information below

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

~I~ Ownership and Water Right Information

- 1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 15, Range 10, Section 24 and Tax Lot number 200. 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.

Field Code Changed
Field Code Changed

Certificate No: 74135

- 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.

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.	15	10	24	SW NW	200	10.02	IRR	74135	8	1895
2.	15	10	24	NW SW	200	2.98	IRR	74135	8	1895
3.							IRR	74135		
4.							IRR	74135		
5.							IRR	74135		

Total number of acres, if for irrigation, by certificate and priority date: 13.0 acres of 1895
 Acre-feet of storage, if applicable: N/A

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 September 30, 2005. (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

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: *Kay Patterson* Date: 5-12-05
Kay Patterson

For additional Lessors, type in space for signature and date

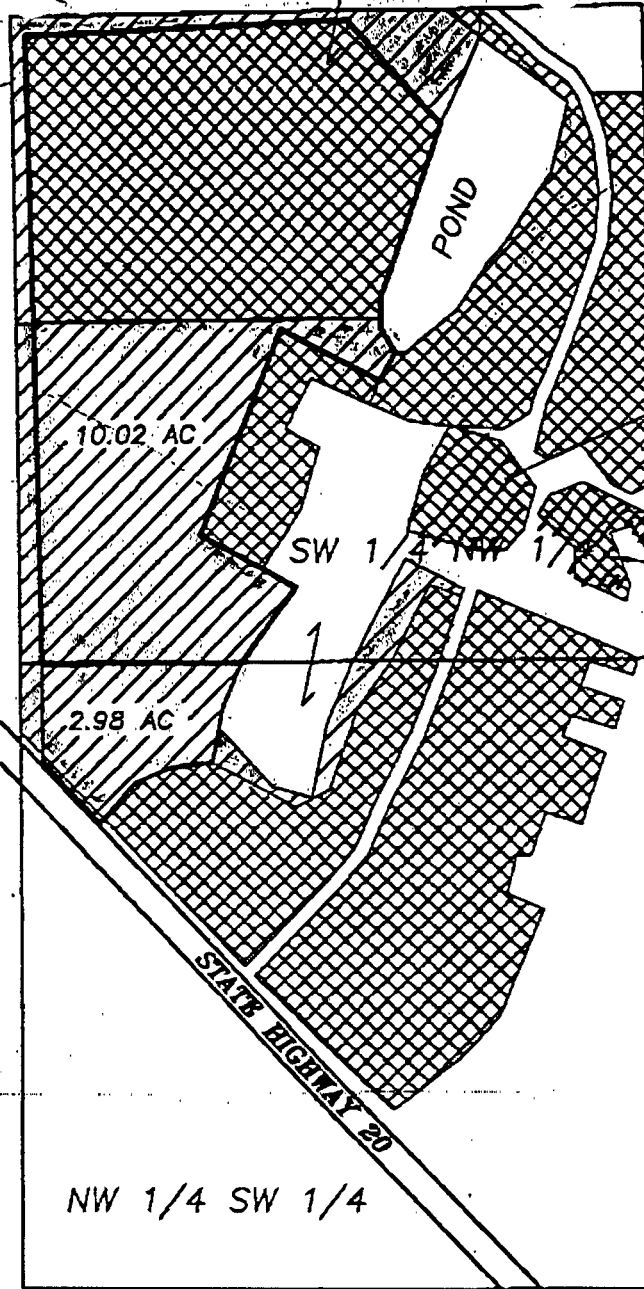
Lessee: *[Signature]* Date: 4/20/05
DWE Groundwater Mitigation Bank

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


TAX LOT 200 1 MAP 15- 7-24

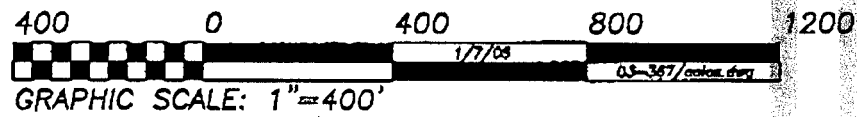
Three Sisters
Irrigation District



15-10-24 SW NW
10.02 acres

15-10-24 NW SW
2.98 acres


Instream
Leased
1895
Water
Rights



Kay Patterson



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

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

Optional Identification by Lessor/Lessee: MITIGATION PROJECT
Lease Agreement Number (assigned by WRD): _____

This Lease Agreement is between:

Lessor #1 (Landowner):
(Name) Long Hollow Ranch
(Mailing address) 71105 Holmes Road
(City, State, Zip Code) Sisters, OR 97759
(Telephone number) 541-923-1901

If additional landowners, enter landowner information below

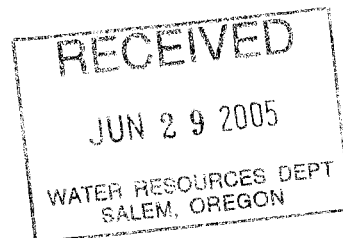
Note: The numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the same information as the "Standard Instream Lease Application" form. Consequently, the numbering on 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 14, Range 11, Section 11 & 12 and Tax Lot number 101 & 103. 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. 74135
- 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.

Field Code Changed
Field Code Changed



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.	14	11	11	NE. NE	101	18	IRR	74135	3	1895
2.	14	11	11	NE.N E	101	1	IRR	74135	3	1904
3.	14	11	11	NW. NE	101	2.5	IRR	74135	3	1904
4.	14	11	11	NW. NE	101	17.5	IRR	74135	3	1895
5.	14	11	11	NE.N W	101	4	IRR	74135	3	1895

Total number of acres, if for irrigation, by certificate and priority date: Total of 61.5 acres (58 acres of 1895 & 3.5 acres of 1904). See attached Additional Pooled Landowner Info Form.

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).

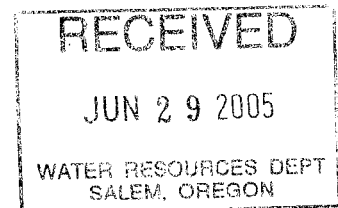
~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on September 30, 2005. (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.



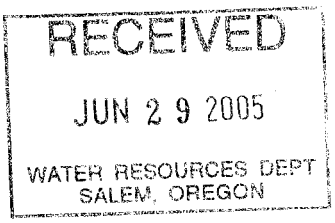
- 3.3 **Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077-0070 or OAR 690-077-0075 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.
- 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: RJB _____ Date: 5.12.05
 Long Hollow Ranch

For additional Lessors, type in space for signature and date

Lessee: [Signature] _____ Date: 4/20/05
 DWE Groundwater Mitigation Bank

- 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





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**

~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).

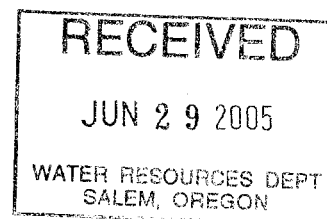
(Crosshatch the area of water rights being leased).

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.	14	11	12	NW. NE	103	3.9	IRR	74135	3	1895
2.	14	11	12	NE.N E	103	14.6	IRR	74135	3	1895
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: Total of 61.5 acres (58 acres of 1895 & 3.5 acres of 1904). see Long Hollow Ranch Lease Form.

Acre-feet of storage, if applicable: _____



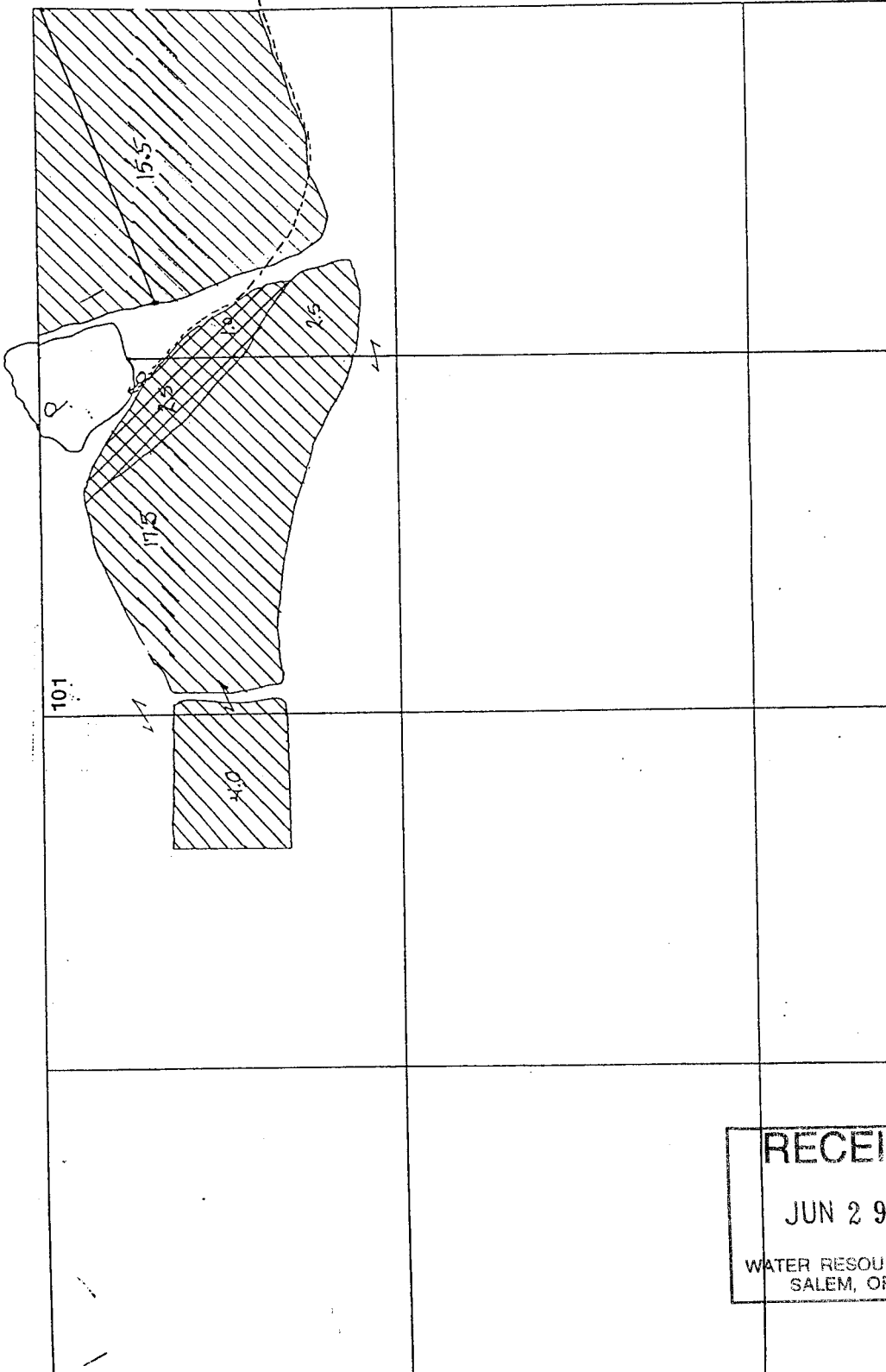
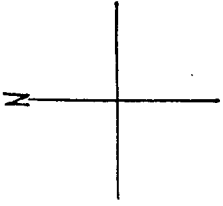
14 11 11

SQUAW CREEK IRRIGATION DISTRICT

SECTION 11 T. 14S. R. 11E. W.M.

DESCHUTES COUNTY

1" = 400'



Long Hollow Ranch

14-11-11

39.5 acres

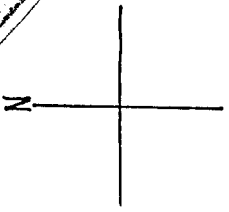
3.5 acres

1895

1904

RECEIVED
 JUN 29 2005
 WATER RESOURCES DEPT
 SALEM, OREGON

14 11 12



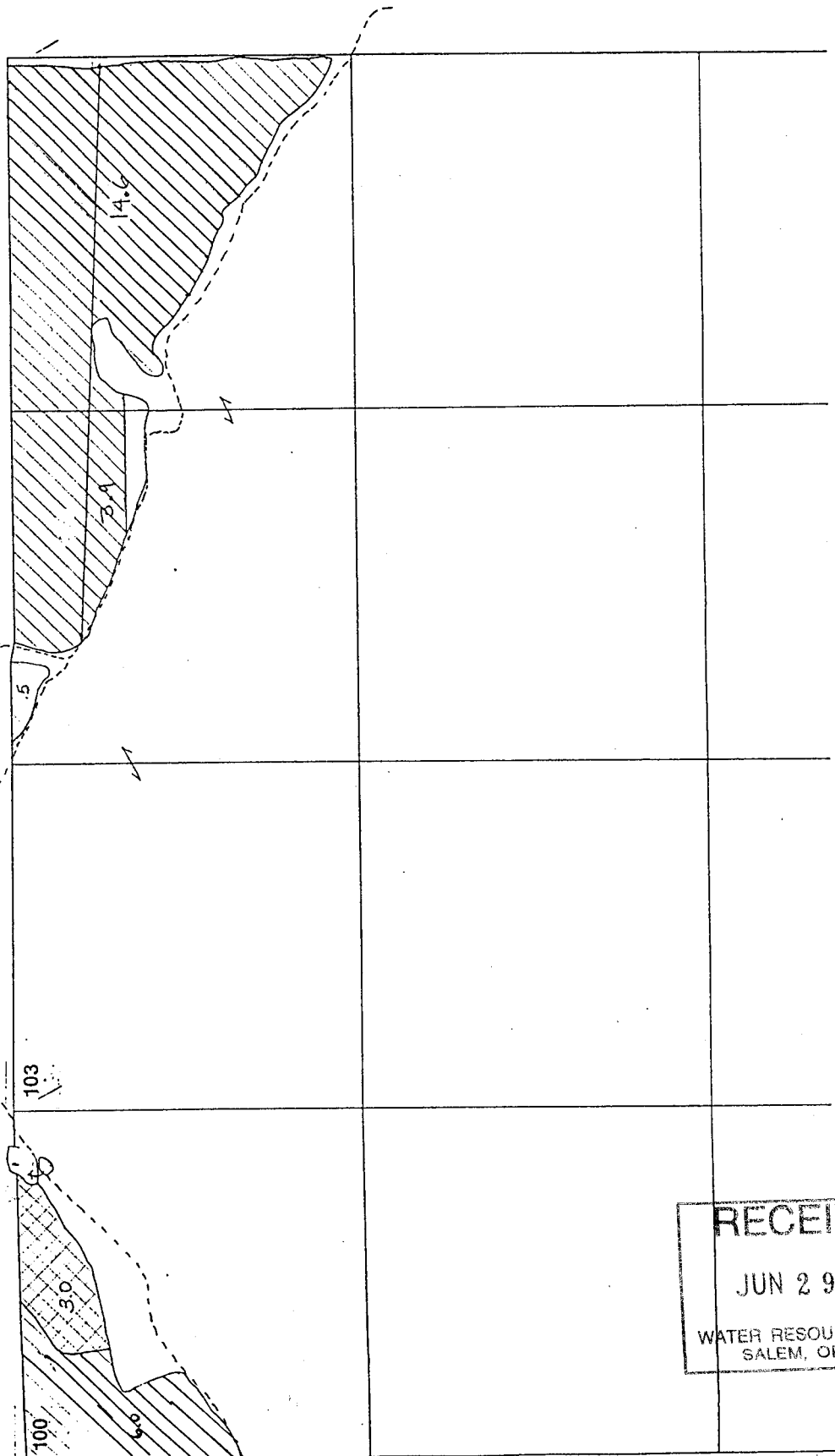
Long hollow
Branch
14-11-12
18.5 acres
1895

SQUAW CREEK IRRIGATION DISTRICT

SECTION 12 T.14S. R.11E. W.M.

DESCHUTES COUNTY

1" = 400'



RECEIVED
JUN 29 2005
WATER RESOURCES DEPT
SALEM, OREGON



DESCHUTES RIVER
CONSERVANCY

**Deschutes River Conservancy
Annual Water Leasing Program 2005
Three Sisters Irrigation District**

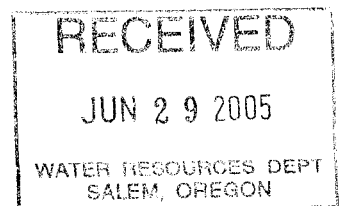
Participating landowners represent and warrant that they own the land to which the water rights are appurtenant, that they have the authority to lease the water rights, that the water rights are free and clear of liens, claims or encumbrances that restrict landowner's ability to enter into the lease and that, to the best of their knowledge, the water rights have been beneficially used over the past five years and are valid and eligible to be leased.

Landowner agrees to lease their water rights to the DWE Groundwater Mitigation Bank - a project of the Deschutes River Conservancy - for use as a groundwater mitigation lease under OAR Chapter 690, Division 515 for the 2005 irrigation season in consideration of a payment of \$7.00 per acre foot delivered instream.

Payment will be made by the DRC to the District upon approval of the lease by the Water Resources Department. The District shall thereupon promptly credit the landowner's account.

Long Hollow Ranch, R730 
Landowner

Date: 5.12.05

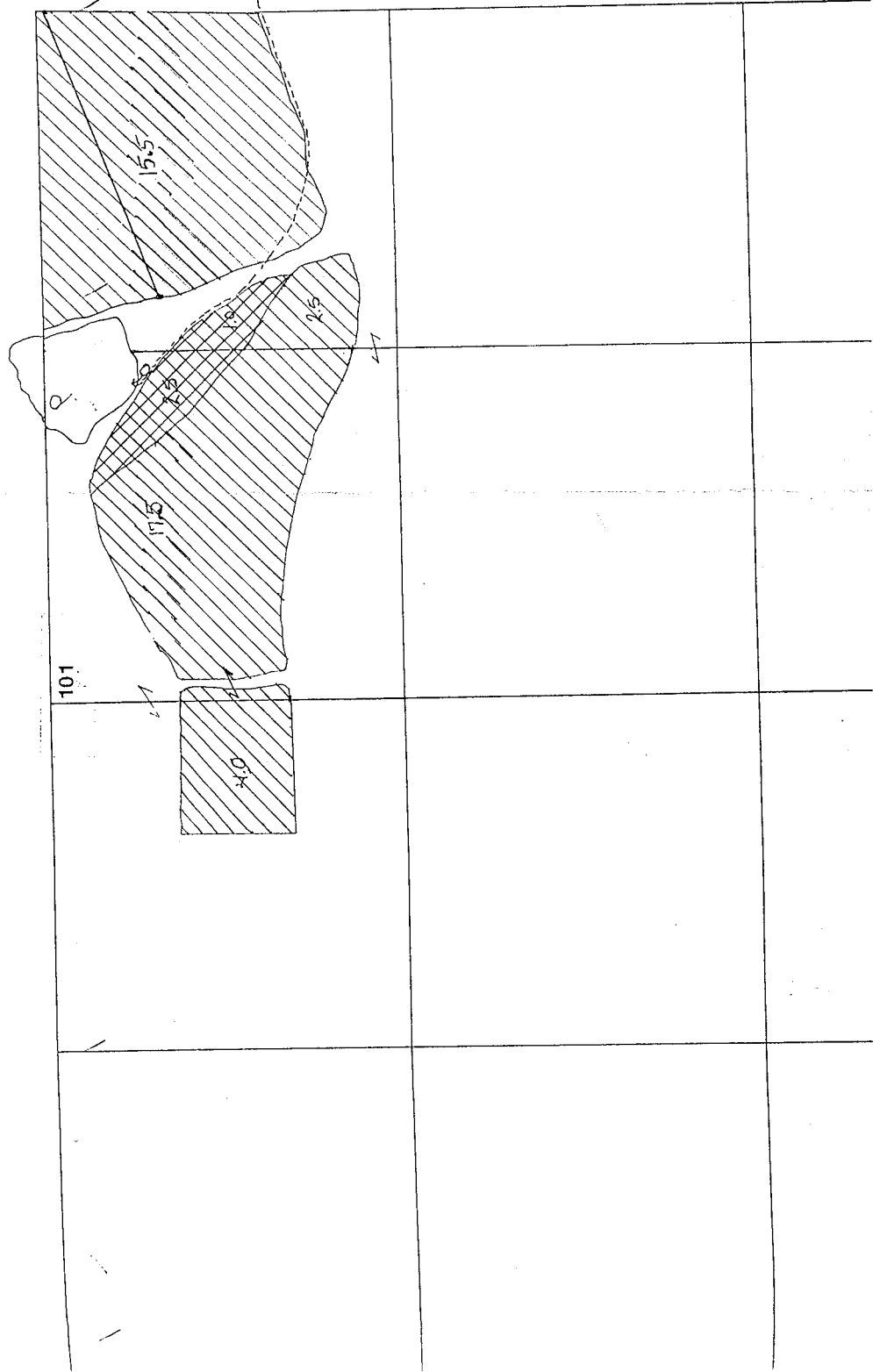
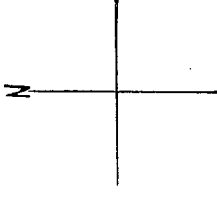


14 11 11

SQUAW CREEK IRRIGATION DISTRICT

SECTION 11 T. 14S. R. 11E. W.M.
DESCHUTES COUNTY

1" = 400'



Long Hollow
Ranch

14-11-11

39.5 acres 1895

3.5 acres 1904

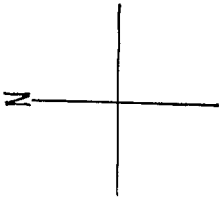
RECEIVED
JUN 29 2005
WATER RESOURCES DEPT SALEM, OREGON

14 11 12

SQUAW CREEK IRRIGATION DISTRICT

SECTION 12 T.14S. R.11E. W.M.
DESCHUTES COUNTY

1" = 400'



Long hollow
Ranch

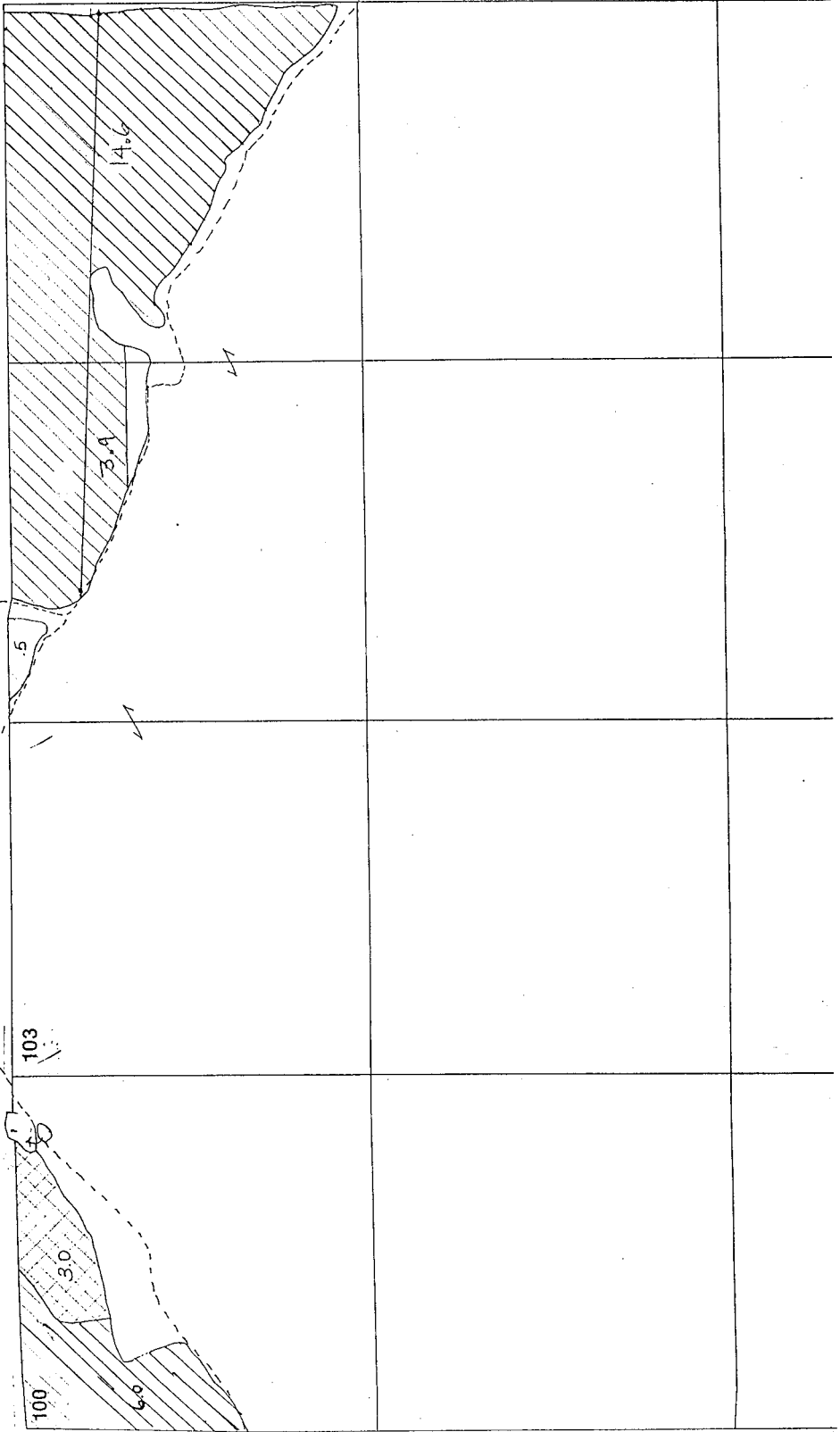
14-11-12

1825 acres
1895

RECEIVED

JUN 29 2005

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

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

Optional Identification by Lessor/Lessee: MITIGATION PROJECT
Lease Agreement Number (assigned by WRD): _____

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Stephen Sparks
(Mailing address) 12021 Wetherfield Lane
(City, State, Zip Code) Potomac, MD 20854
(Telephone number) 301-869-1842

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 14, Range 12, Section 07 & 18 and Tax Lot number 1102. 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.

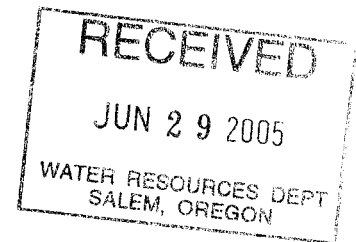
Field Code Changed
Field Code Changed

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. 74135

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

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



T	R	Sect	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.	14	12	7	SW.S W	1102	6	IRR	74135	6	1895
2.	14	12	7	SE.S W	1102	2.5	IRR	74135	6	1895
3.	14	12	18	NE.N W	1102	27.5	IRR	74135	6	1895
4.	14	12	18	NW. NW	1102	32.00	IRR	74135	6	1895
5.	14	12	18	SE.N W	1102	38.00	IRR	74135	6	1895

Total number of acres, if for irrigation, by certificate and priority date: 129.0 acres of 1895
(see attached Add'l. Pooled Landowner Info Form).

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).

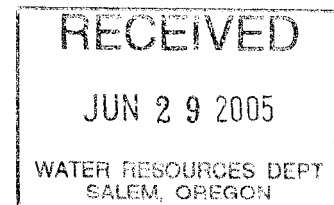
~II~ Instream Water Right Information

2.3 **Term of lease.** This lease shall terminate on September 30, 2005. (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.
- 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.

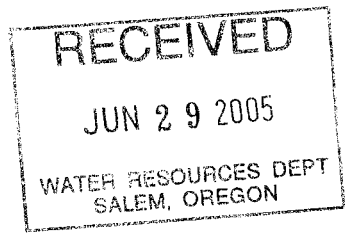
Lessor #1: Stephen Sparks Date: 5/13/05
 Stephen Sparks

For additional Lessors, type in space for signature and date

Lessee: DWE Groundwater Mitigation Bank Date: 4/20/05

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





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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

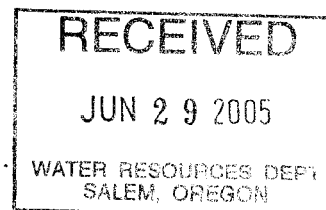
Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
 (Crosshatch the area of water rights being leased).

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.	14	12	18	NE.S W	1102	23.00	IRR	74135	6	1895
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: Total of 129.00 acres of 1895
 (See Sparks Lease Form).

Acres-feet of storage, if applicable: _____



see Sister Litigation District



Leased Lands

14-12-18

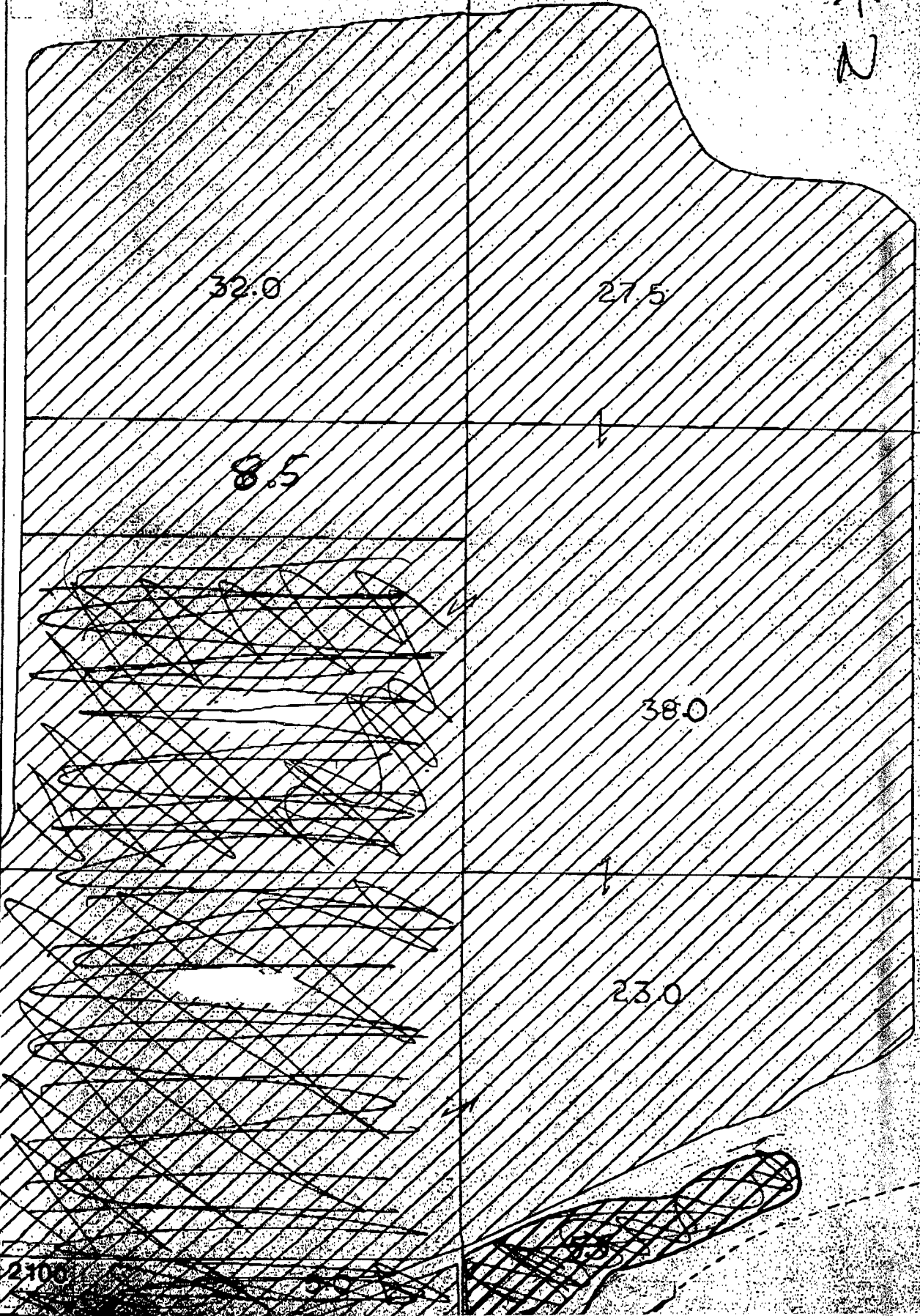
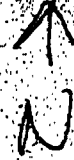
Steven

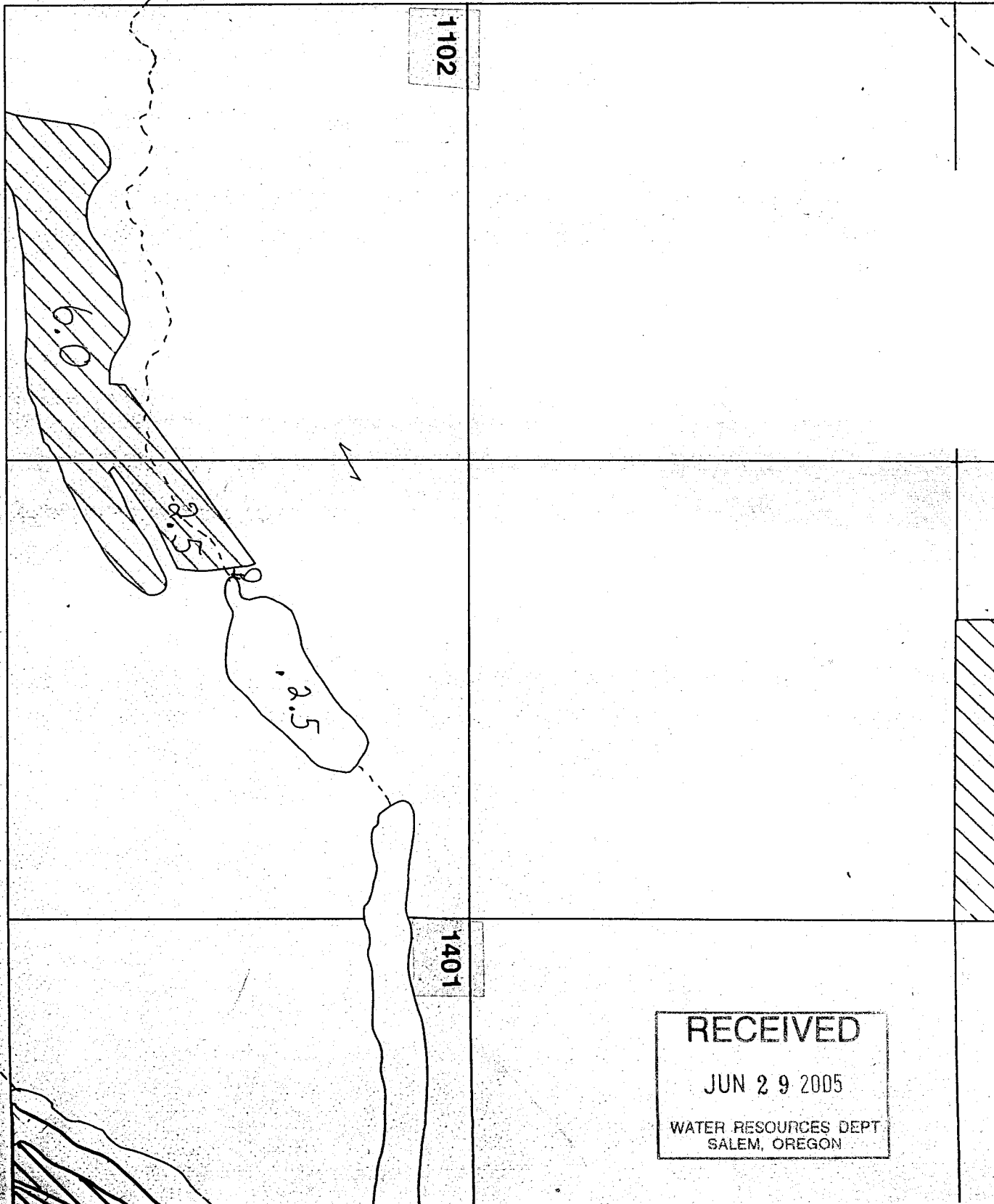
129 acres Leased

Sparks

1102 Tax lot

41





1102

1401

RECEIVED

JUN 29 2005

WATER RESOURCES DEPT
SALEM, OREGON



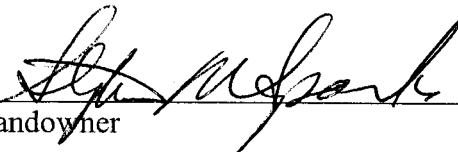
DESCHUTES RIVER
CONSERVANCY

**Deschutes River Conservancy
Annual Water Leasing Program 2005
Three Sisters Irrigation District**

Participating landowners represent and warrant that they own the land to which the water rights are appurtenant, that they have the authority to lease the water rights, that the water rights are free and clear of liens, claims or encumbrances that restrict landowner's ability to enter into the lease and that, to the best of their knowledge, the water rights have been beneficially used over the past five years and are valid and eligible to be leased.

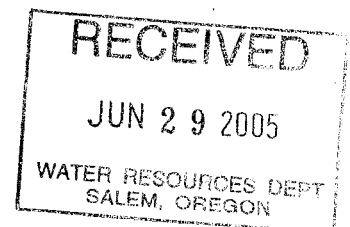
Landowner agrees to lease their water rights to the DWE Groundwater Mitigation Bank - a project of the Deschutes River Conservancy - for use as a groundwater mitigation lease under OAR Chapter 690, Division 515 for the 2005 irrigation season in consideration of a payment of \$7.00 per acre foot delivered instream.

Payment will be made by the DRC to the District upon approval of the lease by the Water Resources Department. The District shall thereupon promptly credit the landowner's account.



Landowner

Date: 5/13/05



Jan 2004



State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 984-0900

Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

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

Optional Identification by Lessor/Lessee: MITIGATION PROJECT
Lease Agreement Number (assigned by WRD): _____

This Lease Agreement is between:

Lessor #1 (Landowner):
(Name) Bruce Resnick
(Mailing address) P.O. Box 268
(City, State, Zip Code) Sisters, OR 97759
(Telephone number) 541-923-4727

If additional landowners, enter landowner information below

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

-I- Ownership and Water Right Information

1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 15, Range 11, Section 17 and Tax Lot number 200. 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. 74135

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.

	T	R	Sec	1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	15	11	17	NW NW	200	36.0	IRR	74135	11	1895
2.	15	11	17	NE NW	200	11.0	IRR	74135	11	1895
3.							IRR	74135		
4.							IRR	74135		
5.							IRR	74135		

Total number of acres, if for irrigation, by certificate and priority date: 47 acres of 1895
 Acre-feet of storage, if applicable: N/A

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 September 30, 2005. (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.

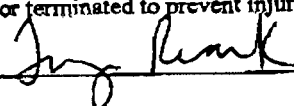
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3.3 Precedent. If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077-0070 or OAR 690-077-0075 a


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.

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Lessor #1:  Date: 4/5/05
Bruce Resnick

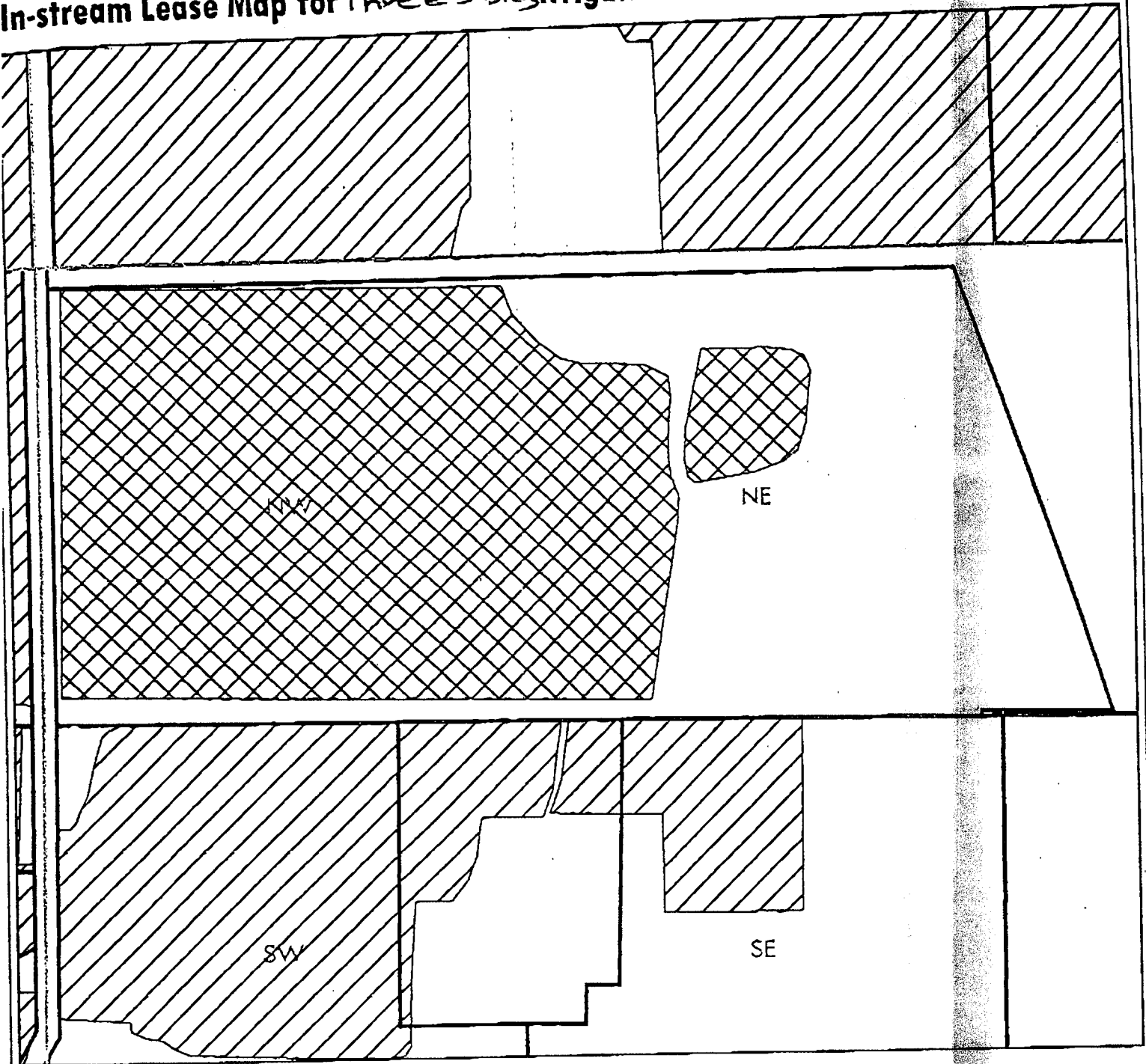
For additional Lessors, type in space for signature and date

Lessee:  Date: 4/20/05
DWE Groundwater Mitigation Bank

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

In-stream Lease Map for Three Sisters Irrigation District



Property Owner: Resnick, Bruce and Tracy
 Legal Description(s): 15-11-17-NW/NW-00200,
 15-11-17-NE/NW-00200
 Total Acres Transferred: 47 (indicated by hatching)



1 Inch equals 400 feet



Denotes Place of Use to be Leased

Signed:

Mac Holach

Dated:

5/15/2005

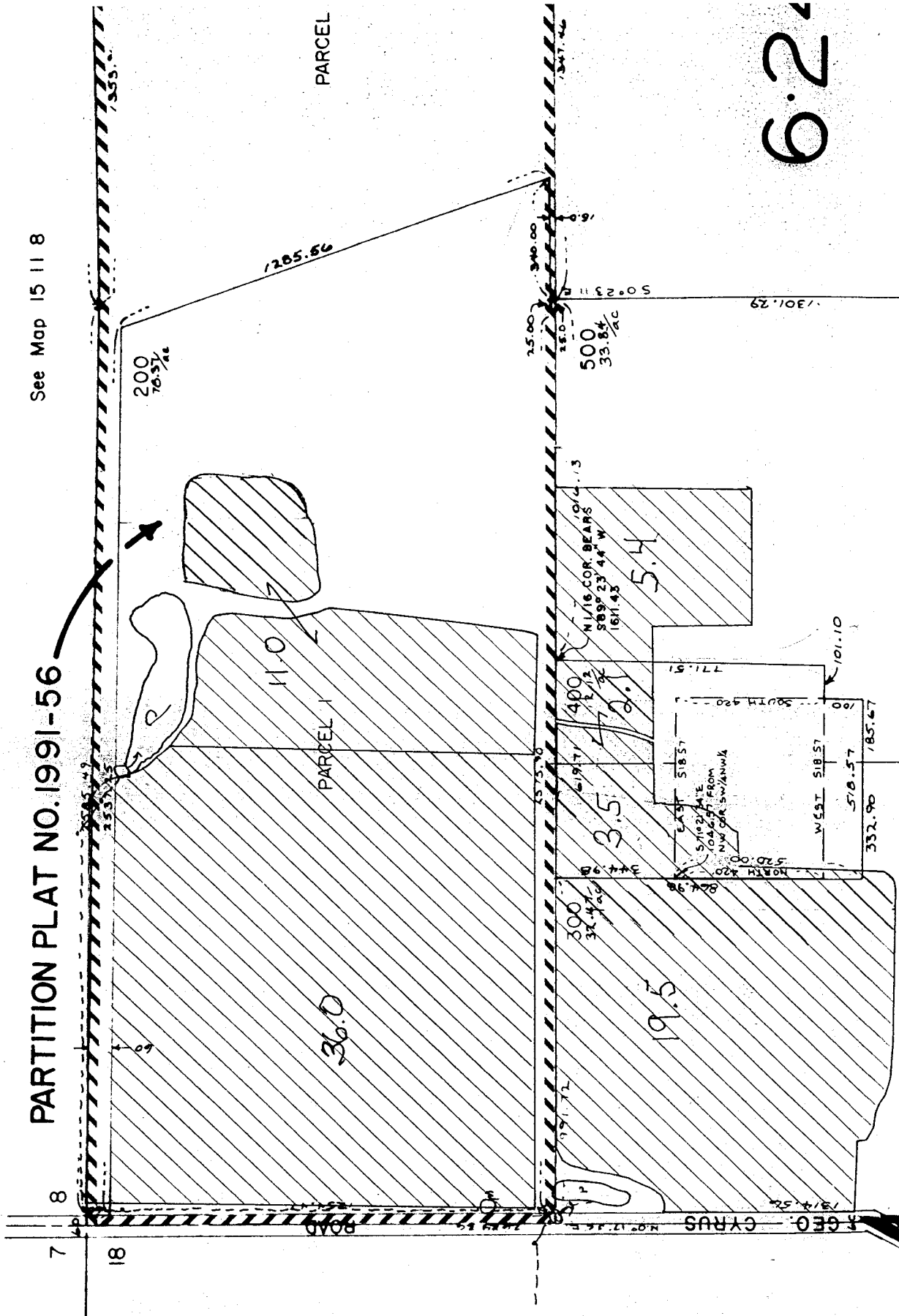
for Three Sisters Irrigation District

DESCHUTES COUNTY

1" = 400'

PARTITION PLAT NO. 1991-56

See Map 15 11 8



6.2

RECEIVED
 JUN 29 2005
 WATER RESOURCES DEPT
 SALEM, OREGON



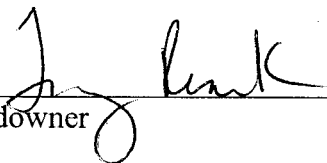
DESCHUTES RIVER
CONSERVANCY

**Deschutes River Conservancy
Annual Water Leasing Program 2005
Three Sisters Irrigation District**

Participating landowners represent and warrant that they own the land to which the water rights are appurtenant, that they have the authority to lease the water rights, that the water rights are free and clear of liens, claims or encumbrances that restrict landowner's ability to enter into the lease and that, to the best of their knowledge, the water rights have been beneficially used over the past five years and are valid and eligible to be leased.

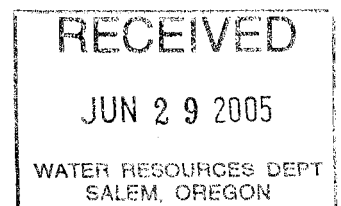
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Payment will be made by the DRC to the District upon approval of the lease by the Water Resources Department. The District shall thereupon promptly credit the landowner's account.



Landowner

Date: 6/5/05



Three Sisters Irrigation District
68000 Hwy. 20 W ~ P. O. Box 2230
Sisters, Oregon 97759
541-549-8815 ~ Fax 541-549-8070


May 11, 2005

Dear Instream Leasing Participant,

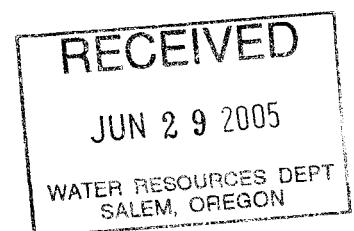
Three Sisters Irrigation District and the Deschutes River Conservancy have come up with a plan that will allow you to participate in the instream leasing program. The DRC will cover the cost of pumping well water into the districts main canal which will cover the instream lease. Due to this years drought conditions, participants will only be able to lease ½ to 1 acre foot instream. Participants will receive a credit of \$3.50 to \$7.00 against the \$15.00 per acre minimum delivery charge. All participants will be billed \$150.00 for mapping and application processing.

Please sign the enclosed documents, fax or drop by the signature pages; these must be received in our office by the end of the day Friday May 13th 2005, and then mail or drop off the originals to the district office. If you have any questions please call me on my cell phone at 541-419-5850.

Thank you,



Marc Thalacker





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

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

Optional Identification by Lessor/Lessee: MITIGATION PROJECT
Lease Agreement Number (assigned by WRD): _____

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Marc & Pamela Thalacker
(Mailing address) 70625 Lower Bridge Way
(City, State, Zip Code) Terrebonne, OR 97760
(Telephone number) 541-923-6227

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

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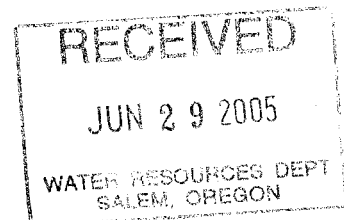
Field Code Changed
Field Code Changed

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Certificate No. 74135

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

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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.	14	12	18	NE. NE	1401	40.50	IRR	74135	6	1895
2.	14	12	18	SW. NE	1401	37.00	IRR	74135	6	1895
3.	14	12	18	SE. NE	1401	32.50	IRR	74135	6	1895
4.	14	12	17	SW. NW	1401	32.50	IRR	74135	6	1895
5.	14	12	18	NW. SE	1401	01.50	IRR	74135	6	1904

Total number of acres, if for irrigation, by certificate and priority date: Total of 180.0 acres (178.5 acres of 1895 & 1.5 acres of 1904). See attached Addtl. Landowner Info Form

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.

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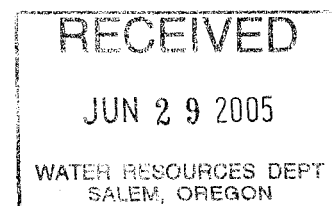
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~III~ Other Information

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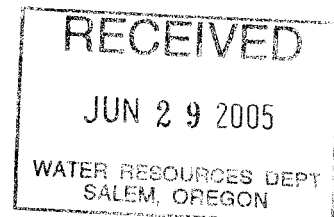
Lessor #1: *Marc & Pamela Thalacker* Date: 6/20/05
Marc & Pamela Thalacker

For additional Lessors, type in space for signature and date

Lessee: *[Signature]* Date: 4/20/05
DWE Groundwater Mitigation Bank

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





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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

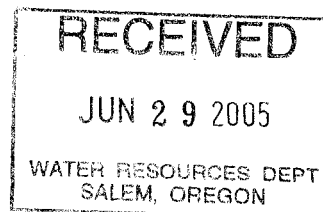
Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
 (Crosshatch the area of water rights being leased).

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.	14	12	07	SE/S E	1401	11.5	IRR	74135	6	1895
2.	14	12	07	SW/S E	1401	4	IRR	74135	6	1895
3.	14	12	18	NW/ NE	1401	5.5	IRR	74135	6	1895
4.	14	12	18	NW/S E	1401	15	IRR	74135	6	1895
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: Total of 180 (178.5 acres of 1895 & 1.5 acres of 1904) see Thalacker Lease Form.

Acre-feet of storage, if applicable: _____



Lease Map for Squaw Creek Irrigation District



Property Owner: Thalacker, Marc and Pamela
 Legal Description(s): 14-12-07-SW/SE-01401, 14-12-07-SE/SE-01401,
 14-12-18-NW/NE-01401, 14-12-17-SW/NW-01401
 Total Acres: 178.5 ac. (1895)
 165 ac (1904)

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 WATER RESOURCES DEPT
 SALEM, OREGON



1 inch equals 1000 feet



Denotes Place of Use to be Leased

Signed: marc Thalacker
 for Squaw Creek Irrigation District

Dated: 2/26/04



DESCHUTES RIVER
CONSERVANCY

**Deschutes River Conservancy
Annual Water Leasing Program 2005
Three Sisters Irrigation District**

Participating landowners represent and warrant that they own the land to which the water rights are appurtenant, that they have the authority to lease the water rights, that the water rights are free and clear of liens, claims or encumbrances that restrict landowner's ability to enter into the lease and that, to the best of their knowledge, the water rights have been beneficially used over the past five years and are valid and eligible to be leased.

Landowner agrees to lease their water rights to the DWE Groundwater Mitigation Bank - a project of the Deschutes River Conservancy - for use as a groundwater mitigation lease under OAR Chapter 690, Division 515 for the 2005 irrigation season in consideration of a payment of \$7.00 per acre foot delivered instream.

Payment will be made by the DRC to the District upon approval of the lease by the Water Resources Department. The District shall thereupon promptly credit the landowner's account.



Landowner

Date:

