

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):	
This Lease Agreement is between:	
Lessor #2: Irrigation District or Other Water Purveyor	
(Name) Central Oregon Irrigation District	
(Mailing address) 2598 N Hwy 97	
(City, State, Zip Code) Redmond, OR 97756	
(Telephone number) <u>541-548-6047</u>	
(Email address) lauraw@coid.org	
The water right to be leased is located in <u>Deschutes</u> County.	
Lessee (if different than Oregon Water Resources Department):	
(Name) Deschutes Water Exchange Mitigation Bank River Conservation Mailing address) 700 NW Hill	ncy
(Mailing address) 700 NW Hill	J
(City, State, Zip Code) Bend, OR 97701	
(Telephone number) <u>541-382-5186</u>	
(Email address)	
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
1.2 Lessor #2 is the (Check one):	
☑ Official representative of Central Oregon Irrigation District	the irrigation district,
which conveys water to the subject water rights.	,
Another party with an interest in the subject water rights represe	enting .
☐ Not applicable.	
1.2 Fourth lands haire learned that all sends wished account and the lea	
1.3 For the lands being leased, list all water rights appurtenant to the less if there are any supplemental or overlying rights.	sor's property. Indicate
Certificate No. 76358	RECEIVED
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- · · · ·	WATER RESOURCES DEPT- SALEM, OREGON

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.: 76358
	Priority date: October 31, 1900 & December 2, 1907 Type of use: Irrig.
	Legal Season of Use: April 1 to November 1
	If an irrigation right, total number of acres to be leased: 56.70
	Total acre-feet of storage to be leased, if applicable: 0
	Maximum rate associated with subject water rights (cfs) being leased: Priority 10/31/1900: Season 1: 0.709 Season 2: 0.945 Season 3: 1.247 Priority 12/2/1907: Season 3: 0.503
	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): 561.90
	Conditions or other limitations, if any: None
	If you need to enter another leased right, please use the additional water rights form.
	~II~ Instream Water Right Information
2.1	 Public use. This lease will increase streamflows, 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: Deschutes River Tributary to Columbia River in the Deschutes Basin.
	In the <u>Besonates</u> Bushi.
	Describe the point of diversion (POD) and any associated reach(es) of the instream use
	being created. If possible list the reach by river mile. If no reach is identified, and there is
	only one POD listed on the certificate, the lease will be processed to be protected at the
	POD. (If more than one POD is listed on the certificate, then the POD and any associated
	reach(es) must be identified): POD # 11 to Lake Billy Chinook
	Maximum volume in acre-feet: <u>Priority 10/31/1900: 309.04</u>
	Rate in cfs: Priority 10/31/1900: Season 1: 0.390 Season 2: 0.520 Season 3: 0.963 (Use the section below to indicate a more restrictive period of use than allowed by the water right.)
and the same and the same	Rate in cfs: Rate in cfs:
10	Rate in cis.
900 so	Conditions to prevent injury, if any:
2(CE)	⊠ None
AECEIVEL JUN 2 6 2006 ER RESOURCES DE	☐ The instream flow will be allocated on a daily average basis up to the described rate
EES N	fromthrough
RECEIVED JUN 2 6 2006 TER RESOURCES DEP	Other (describe):
RECEIVED JUN 2 6 2006 WATER RESOURCES DEPT	- · · · - · · · · · · · · · · · · · · ·
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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 October 31, 2006
- **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.
7	

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.

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5.7 Fees. Effective October 1, 2003, pursuant to ORS 530.050 (1)(V) (2003 SE	8 820), the
following fee is included:	
\$200 for an application with four or more landowners or four or more w	vater rights.
☐ \$100 for all other applications.	
Lessor #2: Journ Wollam Date: 02-21-2	200/
Lessor #2: Date: Date:	<u>w</u> -
Central Oregon Irrigation District	
Lessee: Lenener Hubert Date: 6/22	1
	12006
Deschutes Water Exchange Mitigation Bank	
River Conservancis	
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 (rec	mired if only
part of a right is being leased instream).	lanea ii omy
· · · · · · · · · · · · · · · · · · ·	hiaat ta
Attachment 3: Supporting documentation indicating why a right is valid and not su	•
forfeiture even though the right has not been exercised for five or m	ore 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	

JUN 2 6 2006

WATER RESOURCES DEPT SALEM, OREGON



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

_	onal Identification by Lessor/Lessee: 2771	
Lease	e Agreement Number (assigned by WRD):	
This 1	Lease Agreement is between:	
Lesso	or #1 (Landowner):	
•	ne) Pioneer Business Park, LLC	
•	ling address) 1510 NW West Hills Ave	
	, State, Zip Code) Bend, OR 97701	
(Tele	phone number) <u>541-480-3233</u>	
(Ema	il address)	
If add	litional landowners, enter landowner information below	
Applic inform	The numbering associated with this form corresponds to that found on the "Standard cation" form. The "Pooled Lease" form and "Pooled Landowner" form(s) are used to nation as the "Standard Instream Lease Application" form. Consequently, the numbers sequential. ~I~ Ownership and Water Right Information	o provide the same ring on this form is not
	1 Ownership and water Augus Information	-
1.1	Lessor #1 is the owner, or authorized agent for owner of property local Range $\underline{13}$, Section $\underline{10}$ and Tax Lot number $\underline{700}$. If the water right a lands is also appurtenant to lands owned by others, then Attachment lessor's property) needs to be included.	ppurtenant to these
1.3	For the lands being leased, list all water rights appurtenant to the les if there are any supplemental or overlying rights.	sor's property. Indicate
	Certificate No. 76358 & 76714	
1.4	Are some or all of the lands being leased part of a Conservation Res Program. Yes No	erve Enhancement
1.5	Subject Water Rights. Landowner proposes to lease the water right attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or attached). (Crosshatch the area of water rights being leased). Attached map(s) mu Township, Range, Section and ¼ ¼, tax lot number, map orientation and scale.	an additional map may be
		RECEIVED
		1

JUN 2 6 2006

WATER RESOURCES DEPT SALEM, OREGON

	T	R	Sect	ta ta	Tax Lot	Acres	Type of Use	Certificate#	Page(s) #	Priority*
	*(Identi	ify pertine	nt page n	umber of			e is greater than 1 er certificate)	0 pages; identify	priority date	if there is
1.	15 S	13 E	10	SE NW	700	33.70	Irrigation	76358	36	10/31/190
2.										
3.						· · · · · · · · · · · · · · · · · · ·				
4.										
5.										

	10	al number of acres, if for irrigation, by certificate and priority date: Cert#76358 Oct. 31,
1900) - 33	.70 Acres (Since HB 3111 0.30 acres was transferred off on 11-10-04.)
	Acı	re-feet of storage, if applicable: 0
	Co	nditions or other limitations, if any: None
If yo	u need	to enter another leased right, please use the Additional Landowner Water Rights Form.
1.6	Valid	lity of rights. Lessor(s) attests (mark one) that:
1.6	Valid	lity 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

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 31, 2006. (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

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.

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.

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-



		ntal to the subject water riss lease, it may be subject to		hat a supplemental water right is not
3.5	For n prior Depa differ Wate termi	to the lease being exercise rement provided by the Irrent than Department). The Purveyor, or Lessee (if containing the lease agreement multiyear leases, lessor shows the statement of the lease agreement of	ed (), wit rigation District, Other lessor must contail lifterent than Depart. all not have the optimal contails.	of terminating the lease each year, the 30 day written notice to the her Water Purveyor or Lessee (if cet the Irrigation District, Other truent) to indicate their interest in on of terminating the lease each en notice to the Department.
	Section 2.	2 during the term of this l	ease is not reasonab ource. If injury is fo	o the instream use described in oly expected to cause injury to other ound after this lease is signed, the
		_///		n. 2-31./
Lessor		Pioneer Business Park, LL		Date: <u>3-31-6</u>
DIAGII	valu 101 i	Tonect Business Fark, EL	<u>.c</u>	
For add	litional Le	ssors, type in space for sig	gnature and date	Date:
Lessee:				Date:
				X
Other A	Attachmen	ts As Needed:		
Exhibit	5-A:	Tax Lot Map of Landow	vner's Property	
Exhibit	5-B:			t rights to be leased [Exhibits 5-A and
Exhibit	5-C:	forfeiture even though th	on indicating why a he right has not been	right is valid and not subject to n exercised for five or more ox in Section 1.6 of this form is
Exhibit	5-D:	Split Season Instream U	se Form	

077-0075 a new injury review shall be required, and a prior short term lease shall not set a

Suspension of original use. During the period of the lease, the owner agrees to suspend use

precedent for the amount of water to be leased or transferred instream.

of water allowed under the subject water rights and under any water right that is

3.4

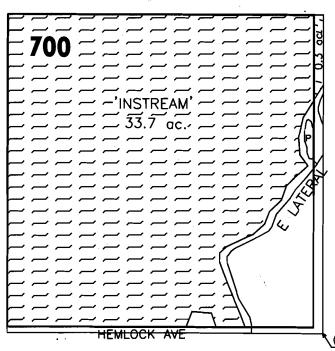


DESCHUTES COUNTY SEC.10 T15S. R13E. W.M.

SCALE - 1" = 400'

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SE 1/4 OF THE NW 1/4



C 1/4 COR

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WATER RESOURCES DEPT SALEM, OREGON



'INSTREAM' LANDS



APPLICATION FOR 1YR INSTREAM LEASE

EXISTING WATER RIGHTS

CENTRAL OREGON



TAXLOT #: 700

NAME: PIONEER BUSINESS PARK

33.7 ACRES INSTREAM

DATE: 4-7-2006

FILE NO: E:\TRANSFER\INSTREAM\INSTRMO6\1YR\PIONEER_BUSINESS_PARK

RECEIVED JUN 2 6 2006 water resources dept salem, dregon

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

Optio Lease	e Agreement Number (assigned by WRD):
This 1	Lease Agreement is between:
(Nam	or #1 (Landowner): ne) Central Oregon Irrigation District Quitclaim (Redmond Canal Lot 200, LLC) ATTN: Craig Glazier
(City (Tele	ling address) 773 SE Briarwood Ct , State, Zip Code) Bend, OR 97702 phone number)
If add	ditional landowners, enter landowner information below
Applio inform	The numbering associated with this form corresponds to that found on the "Standard Instream Lease cation" form. The "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the same nation as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not a 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 13, Section 04 and Tax Lot number 400, 500, 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.
	Certificate No. 76358 & 76714
1.4 NOS	Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. Yes No
SALEM, DREGON T	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 ½ ¼, tax lot number, map orientation and scale.

	ı	R	Sect	$\frac{1/(1)}{(1-\epsilon)^3}$	Tay Lot	Acres	Type of Use	Certificate#	Page(s) #	Priority*
	*(Identi	ify pertine	nt page n	umber of			e is greater than 1 er certificate)	0 pages; identify	priority date	if there is
1.	15 S	13 E	04	NE SE	400	0.70	Irrigation	76358	31	10/31/190 0
2.	15 S	13 E	04	NE SE	500	1.30	Irrigation	76358	31	10/31/190 0
3.	15 S	13 E	04	SE SE	200	4.50	Irrigation	76358	31	10/31/190 0
4.										
5.										

1900		al number of acres, if for irrigation, by certificate and priority date: Cert#76358 Oct. 31, 50 Acres
	Acı	re-feet of storage, if applicable: 0
	Co	nditions or other limitations, if any: None
If yo	ou need	to enter another leased right, please use the Additional Landowner Water Rights Form.
1.6	Valid	lity 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 <u>not</u> been used over the past five years according to the terms and conditions of the owner's water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)(_)(include necessary supporting documentation as Attachment 3).

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 31, 2006. (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

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.

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.



- **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.
- **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.

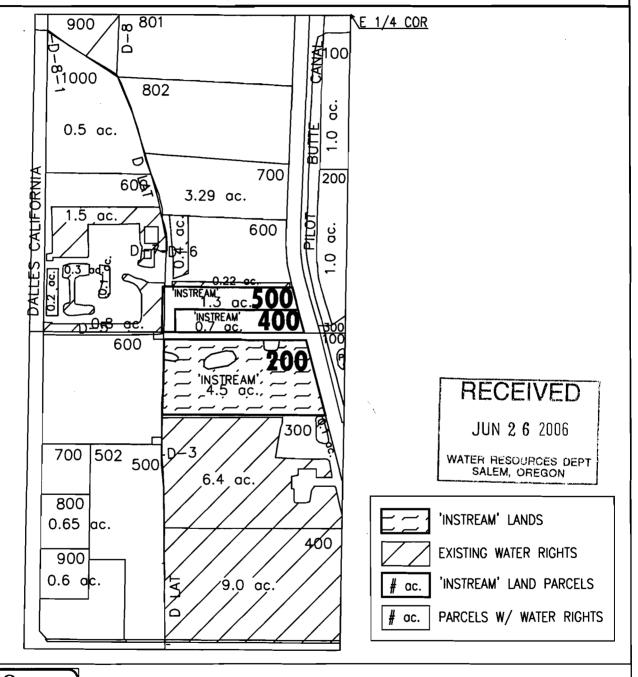
3.5	Ter	mination provision.
		For multiyear leases, lessor <i>shall</i> have the option of terminating the lease each year, prior to the lease being exercised (), with 30 day written notice to the Department provided by the Irrigation District, Other Water Purveyor or Lessee (if different than Department). 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	Mo	dification to prevent injury. Allocation of water to the instream use described in
		tion 2.2 during the term of this lease is not reasonably expected to cause injury to other
	righ	hts/to/use water from the same source. If injury is found after this lease is signed, the
	leas	se may be modified or terminated to prevent injury.
		2 78.790/
Lessor		
Steven	<u>C.</u> J	Johnson for Central Oregon Irrigation District Quitclaimed Water
For add	ditio	nal Lessors, type in space for signature and date
		Date:
T		· m
Lessee	:	Date:
		chments As Needed:
Exhibit		1
Exhibit		5-B may be combined into a single map]
Exhibit	t 5-C	
		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	t 5-E	D: Split Season Instream Use Form



DESCHUTES COUNTY SEC.04 T15S. R13E. W.M.

SCALE - 1" = 400' **N**↑

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APPLICATION FOR 1YR INSTREAM LEASE NAME: REDMOND CANAL LOT 200, LLC

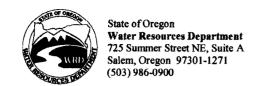
TAXLOT #: 200, 400, 500

6.5 ACRES INSTREAM

IRRIGATION DISTRICT

DATE: 04-05-2006

FILE NO: E:\TRANSFER\INSTREAM\INSTRW06\1YR\REDMOND_CANAL LOT200



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

Opti	ional Identification by Lessor/Lessee: 2187							
Leas	Lease Agreement Number (assigned by WRD):							
This	This Lease Agreement is between:							
Lessor #1 (Landowner): (Name) Central Oregon Irrigation District Quitclaim (David Shelofsky & Craig Glazier) (Mailing address) 773 SE Briarwood Ct								
٠ .	y, State, Zip Code) Bend, OR 97702							
-	ephone number) <u>541-318-4205</u>							
(Em	ail address)							
If ac	ditional landowners, enter landowner information below							
Appl infor	: The numbering associated with this form corresponds to that found on the "Standard Instream Lease lication" form. The "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the same mation as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not ys sequential. ~I~ Ownership and Water Right Information							
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1.3	For the lands being leased, list all water rights appurtenant to the lessor's property. Indicate if there are any supplemental or overlying rights.							
	Certificate No. 76358 & 76714							
CES DEPT	Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. Yes No							
WATER RESOURCES SALEM, TOREGON	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.							

	Γ	R	Sect		Tay Lot	Acres	Type of Use	Certificate#	Page(s) #	Priority*
	*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)									
1.	15 S	13 E	03	SW SW	400	1.00	Irrigation	76358	30	10/31/190 0
2.	15 S	13 E	04	SE SE	400	9.00	Irrigation	76358	31	10/31/190 0
3.	15 S	13 E	04	SE SE	300	6.50	Irrigation	76358	31	10/31/190 0
4.										
5.	1									

1900		al number of acres, if for irrigation, by certificate and priority date: Cert#76358 Oct. 31, .50 Acres						
	Acı	re-feet of storage, if applicable: 0						
	Co	nditions or other limitations, if any: None						
If yo	u need	to enter another leased right, please use the Additional Landowner Water Rights Form.						
1.6	1.6 Validity of rights. Lessor(s) attests (mark one) that:							
	Ø	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 <u>not</u> been used over the past five years according to the terms and conditions of the owner's water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)(_)(include necessary supporting documentation as Attachment 3).						
		~II~ Instream Water Right Information						

2.3 Term of lease. This lease shall terminate on October 31, 2006. (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.

JUN 2 6 2006

WATER RESOURCES DEPT SALEM, OREGON

- 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.
- **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.								
	Ш	For multiyear leases, lessor <i>shall not</i> 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									
	- 1	rights to use water from the same source. If injury is found after this lease is signed, the								
	leas	e may be modified or terminated to prevent injury.								
		329-2006								
Lessor										
<u>Steven</u>	<u>C.</u> J	Johnson for Central Oregon Irrigation District Quitclaimed Water								
For add	ditio	nal Lessors, type in space for signature and date								
		Date:								
T	ā	Deter								
Lessee	:	Date:								
										
Other	A tta	chments As Needed:								
Exhibit										
Exhibit		T								
CVIROI	ı J-L	5-B may be combined into a single map]								
Exhibit	t 5-C									
		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	t 5-I	,								

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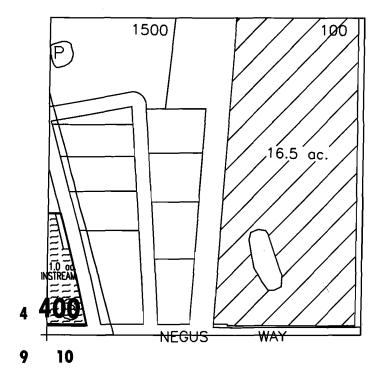
WATER RESOURCES DEPT SALEM, OREGON

DESCHUTES COUNTY SEC.03 T15S. R13E. W.M.

SCALE - 1" = 400'



SW 1/4 OF THE SW 1/4



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WATER RESOURCES DEPT SALEM, OREGON



'INSTREAM' LANDS



EXISTING WATER RIGHTS

1 PAGE OF 2

CENTRAL OREGON



TAXLOT #: 400

APPLICATION FOR 1YR INSTREAM LEASE NAME: DAVID SHELOFSKY & CRAIG GLAZIER

16.5 ACRES INSTREAM

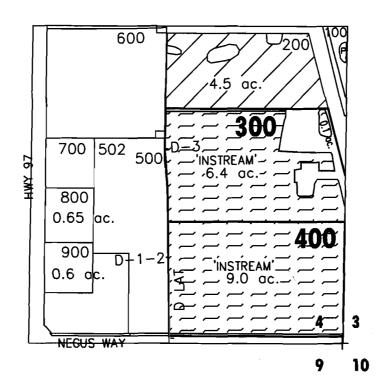
DATE: 04-05-2006

FILE NO: E:\TRANSFER\INSTREAM\INSTRMO6\1YR\SHELOFSKY151303

DESCHUTES COUNTY SEC04 T15S. R13E. W.M.

SCALE - 1" = 400'

SE 1/4 OF THE SE 1/4



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WATER RESOURCES DEPT SALEM, OREGON

TAXLOT #: 300, 400



'INSTREAM' LANDS



EXISTING WATER RIGHTS

#2 PAGE OF 2

CENTRAL OREGON



DATE: 04-05-2006

APPLICATION FOR 1 YR INSTREAM LEASE

NAME: DAVID SHELOFSKY & CRAIG GLAZIER

16.5 ACRES INSTREAM

FILE NO: E:\TRANSFER\INSTREAM\INSTRMO6\1YR\SHELOFSKY151304