



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

*Lease submitted  
election 2/29/06  
3/21/06  
6/29/06  
-64*

*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](http://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: \_\_\_\_\_  
Lease Agreement Number (assigned by WRD): \_\_\_\_\_

This Lease Agreement is between:

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

(Name) Ochoco Irrigation District  
(Mailing address) 1001 NW Deer  
(City, State, Zip Code) Prineville, OR 97754  
(Telephone number) 541-447-6449  
(Email address) ochocoid@crestviewcable.com

The water right to be leased is located in \_\_\_\_\_ County.

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

(Name) Deschutes River Conservancy  
(Mailing address) P.O. Box 1560  
(City, State, Zip Code) Bend, OR 97709  
(Telephone number) 541-382-4077, ext 16  
(Email address) gen@deschutesrc.org

#### Trustee:

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

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### ~I~ Ownership and Water Right Information

1.2 Lessor #2 is the (Check one):

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

Certificate No. Cert. 68394 (pending 3111), 76576 and Special Order 48 (pg 281-2)

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.: 68394 (pending 3111)

Priority date: Aug 10, 1917 Type of use: IRR

Legal Season of Use: April 1 through November 1 (not specified on Cert 68394)

If an irrigation right, total number of acres to be leased: 196.2 acres IRR

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

Maximum rate associated with subject water rights (cfs) being leased: 2.453 cfs IRR (1/80<sup>th</sup> of 1 cfs per acre)

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): 784.8 ac-ft IRR

Conditions or other limitations, if any: Max duty allowed is 4.0 ac-ft / ac

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:

Ochoco Creek

Tributary to Crooked 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 Ochoco Feed Canal 54, SWNW, Sect 5, T15S, R17E, WM; 500 ft E from the W 1/4 corner, section 5 to Lake Billy Chinook.

Maximum volume in acre-feet: 544.82 ac-ft (The 2006 irrigation season duty is limited to 3.5 ac-ft / ac)

Rate in cfs: 2.453 cfs - IRR

(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

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- The instream flow will be allocated on a daily average basis up to the described rate from July 1, 2006 through October 20, 2006.
- Other (describe): \_\_\_\_\_

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 November 1, 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.

**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: *Russell Blank* Date: 6-28-06  
Ochoco Irrigation District

Lessee: *Genevieve Hubert* Date: 6-28-06  
Deschutes River Conservancy

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

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# 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/publication/reports/index.shtml](http://www.wrd.state.or.us/publication/reports/index.shtml).

~I~

### Section 1.2 continued from Pooled District Form.

**Subject Water Rights.** District and Landowners propose to lease the water rights listed in Attachment 5.

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

Certificate No.: 76576  
Priority date: Sept 2, 1986 Type of use: IND  
Legal Season of Use (if not listed on the certificate): April 1 through November 1  
If an irrigation right, total number of acres to be leased: 86.67 IND (acre equivalent)  
Total acre-feet of storage to be leased, if applicable: \_\_\_\_\_  
Rate associated with leased rights (cfs): 1.083 cfs (1/80<sup>th</sup> of 1 cfs per acre)  
(Use additional lines if there is more than one rate associated with the water right.)  
Rate associated with leased rights (cfs): \_\_\_\_\_  
Rate associated with leased rights (cfs): \_\_\_\_\_  
Duty associated with leased rights (AF): 260  
(Use additional lines if there is more than one duty associated with the water right.)  
Duty associated with leased rights (AF): \_\_\_\_\_  
Duty associated with leased rights (AF): \_\_\_\_\_

Conditions or other limitations, if any: \_\_\_\_\_

~II~

### Section 2.2 continued from Pooled District Form.

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

Ochoco Creek  
Tributary to Crooked River in the Deschutes Basin.

Describe the point of diversion and any associated reach(es) of the instream use being created. If possible list the reach by river mile, if no reach is identified, the lease may be processed to be protected at the point of diversion): from SWSW, section 4, T15S, R16E, WM to Lake Billy Chinook

Total volume (AF): 240.67  
(Use additional lines if there is more than one rate associated with the water right.)  
Total volume (AF): \_\_\_\_\_  
Total volume (AF): \_\_\_\_\_

Rate in cfs: 1.083  
(Use additional lines if there is more than one rate associated with 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 July 1, 2006 through October 20, 2006.

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Other (describe): \_\_\_\_\_

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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/publication/reports/index.shtml.

~I~

Section 1.2 continued from Pooled District Form.

Subject Water Rights. District and Landowners propose to lease the water rights listed in Attachment 5.

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

Certificate No.: Special Order 48, p 281-282

Priority date: August 10, 1917 Type of use: IND

Legal Season of Use (if not listed on the certificate): April 1 through November 1

If an irrigation right, total number of acres to be leased: 21.2 IND (acre equivalent)

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

Rate associated with leased rights (cfs): 0.265 cfs

(Use additional lines if there is more than one rate associated with the water right.)

Rate associated with leased rights (cfs):

Rate associated with leased rights (cfs):

Duty associated with leased rights (AF): 84.8 ac-ft

(Use additional lines if there is more than one duty associated with the water right.)

Duty associated with leased rights (AF):

Duty associated with leased rights (AF):

Conditions or other limitations, if any:

~II~

Section 2.2 continued from Pooled District Form.

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

Ochoco Creek
Tributary to Crooked River in the Deschutes Basin.

Describe the point of diversion and any associated reach(es) of the instream use being created. If possible list the reach by river mile, if no reach is identified, the lease may be processed to be protected at the point of diversion): From Ochoco Feed Canal 54, SWNW, Sect 5, T15S, R17E, WM; 500 ft E from the W 1/4 corner, section 5 to Lake Billy Chinook.

Total volume (AF): 58.87 ac-ft (2006 duty limited to 3.5 ac-ft per ac)

(Use additional lines if there is more than one rate associated with the water right.)

Total volume (AF):

Total volume (AF):

Rate in cfs: 0.265 cfs

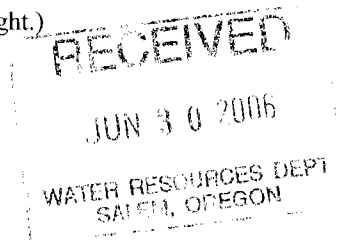
(Use additional lines if there is more than one rate associated with the water right.)

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 July 1, 2006 through Oct. 20, 2006.
- Other (describe): \_\_\_\_\_

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# 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](http://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: \_\_\_\_\_  
Lease Agreement Number (assigned by WRD): 6-72

This Lease Agreement is between:

#### Lessor #1 (Landowner):

(Name) Brian Barney  
(Mailing address) 910 NE Johnson Creek Rd  
(City, State, Zip Code) Prineville, OR 97754  
(Telephone number) (541) 447-1399  
(Email address) \_\_\_\_\_

If additional landowners, enter landowner information below

Lessor #2: Ochoco Irrigation District  
1001 NW Deer Street  
Prineville, OR 97754 (541) 447-6449

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 16, Section 04 and Tax Lot number 2507 and 2508. 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. 68394 (pending 3111)
- 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.

Pooled Landowner Form / 1

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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.	15S	16E	04	nene	2508	1.2	IRR	68394	49	8/10/1917
2.	15S	16E	04	nene	2507	1.2	IRR	68394	49	8/10/1917
3.	15S	16E	04	nese	2507	5.2	IRR	68394	49	8/10/1917
4.	15S	16E	04	nese	2508	11.8	IRR	68394	49	8/10/1917
5.										

Total number of acres, if for irrigation, by certificate and priority date: 19.4

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:

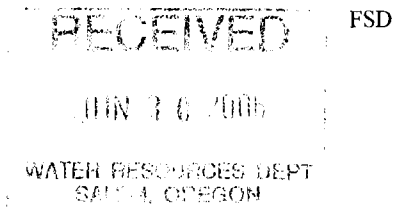
- The water has been used over the past five years according to the terms and conditions of the owner's water right certificate or as an instream water right or
- The water has not been used over the past five years according to the terms and conditions of the owner's water right certificate, however 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 November 1, 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.
- 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: Brian Barney Date: 6-16-06

For additional Lessors, type in space for signature and date.

Ochoco Irrigation District

Lessee: Deschutes River Conservancy Date: \_\_\_\_\_

Other Attachments As Needed:

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

19.4 acres

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**Crook County GIS**  
GEOGRAPHIC INFORMATION SYSTEMS

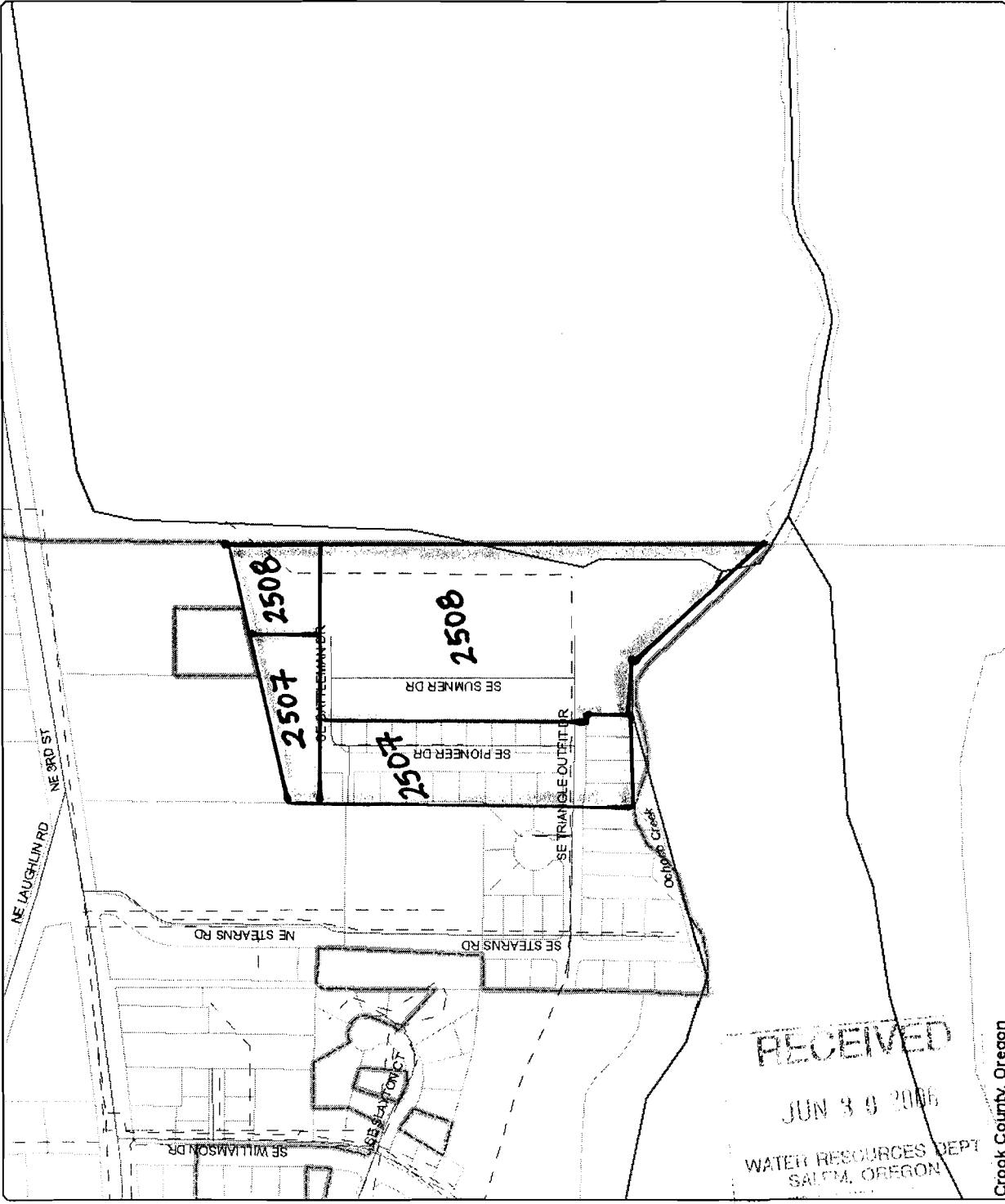
**Brian Barney**  
151604NENE and 151604SENE

**Legend**

- Airport
- Roads
- Sewer Lines
- Water Lines
- Water Courses
- Lakes
- Parks
- City Limits
- Township Range
- Parcels



scale 1" = 500.00'  
created: 3/28/2006

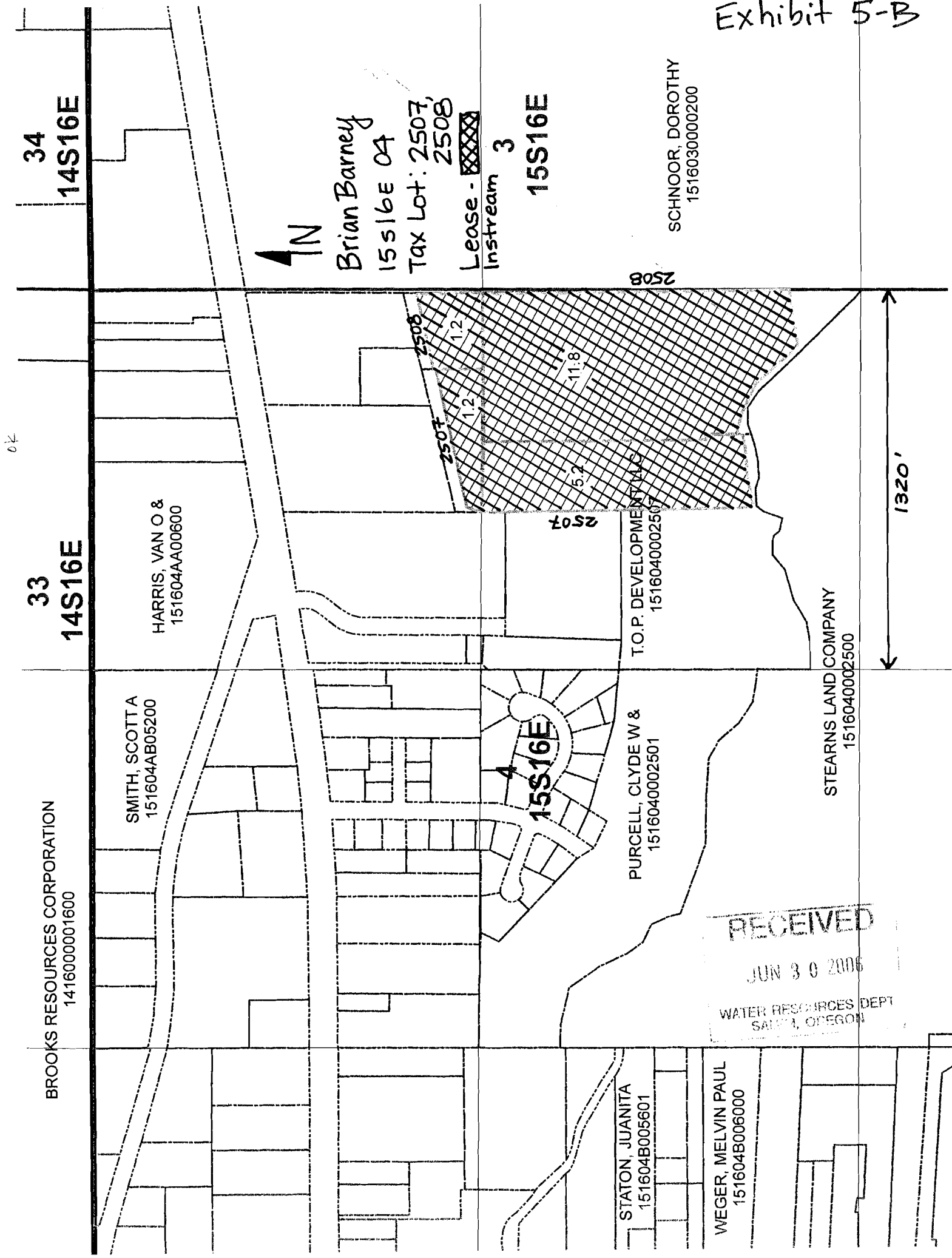


Map Created By:  
GIS Department  
Crook County, Oregon

CROOK COUNTY MAKES NO WARRANTY OF ANY KIND, EXPRESSED OR IMPLIED, INCLUDING ANY WARRANTY OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, OR ANY OTHER MATTER. THE COUNTY IS NOT RESPONSIBLE FOR POSSIBLE ERRORS, OMISSIONS, MISUSE, OR MISINTERPRETATION. THE INFORMATION ON THIS MAP IS PREPARED FOR REFERENCE PURPOSES ONLY AND SHOULD NOT BE USED, AND IS NOT INTENDED, FOR SURVEY OR ENGINEERING PURPOSES. NO REPRESENTATION IS MADE CONCERNING THE LEGAL STATUS OF ANY APPARENT ROUTE OF ACCESS IDENTIFIED IN DIGITAL OR HARDCOPY MAPPING OF GEOSPATIAL INFORMATION OR DATA. PLEASE NOTIFY CROOK COUNTY GIS OF ANY ERRORS 541-476-3930.

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Crook County, Oregon



34  
14S16E

33  
14S16E

15S16E

15S16E

Brian Barney  
15516E 04  
TAX Lot: 2507,  
2508

Lease - 3  
Instream

SCHNOOR, DOROTHY  
1516030000200

HARRIS, VAN O &  
151604AA00600

SMITH, SCOTTA  
151604AB05200

T.O.P. DEVELOPMENT INC  
1516040002507

PURCELL, CLYDE W &  
1516040002501

STEARNS LAND COMPANY  
1516040002500

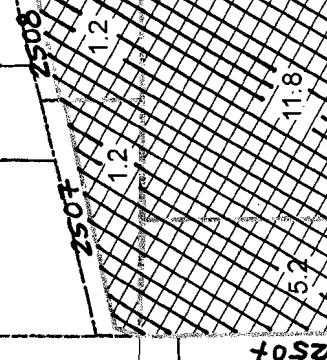
BROOKS RESOURCES CORPORATION  
1416000001600

STATON, JUANITA  
151604B005601

WEGER, MELVIN PAUL  
151604B006000

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Water Resources Department  
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(503) 986-0900

# Application for Short-Term Instream Lease

## Attachment 5: Pooled Landowner Form

*lessor  
copy*

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](http://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: \_\_\_\_\_  
Lease Agreement Number (assigned by WRD): \_\_\_\_\_

This Lease Agreement is between:

**Lessor #1 (Landowner):**  
(Name) Stephen Brocato *BUNKHOUSE POSEY LLC*  
(Mailing address) 2550 Second Street  
(City, State, Zip Code) Baker, OR 97814-2304  
(Telephone number) 541-519-5235  
(Email address) \_\_\_\_\_

If additional landowners, enter landowner information below

**Lessor #2: Ochoco Irrigation District**  
1001 NW Deer Street  
Prineville, OR 97754, (541) 447-6449

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 14, Section 16 and Tax Lot number see sect 1.5. 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. Cert 68394 (pending 3111)
- 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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I	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.	14S	16E	29	scnw	1502	5	IRR	68394	27	8/10/1917
2.	14S	16E	29	senw	0105	1.0	IRR	68394	27	8/10/1917
3.	14S	16E	29	senw	1501	1.0	IRR	68394	27	8/10/1917
4.	14S	16E	29	senw	1504	4.3	IRR	68394	27	8/10/1917
5.										

Total number of acres, if for irrigation, by certificate and priority date: 11.3 acres  
 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:

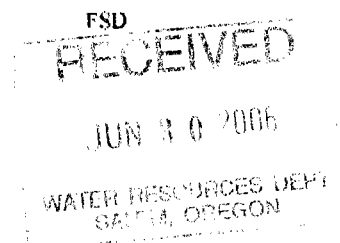
- The water has been used over the past five years according to the terms and conditions of the owner's water right certificate or as an instream water right or
- The water has not been used over the past five years according to the terms and conditions of the owner's water right certificate, however 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 November 1, 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.
- 3.3 Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077-0070 or OAR 690-077-0075 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.



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

3.5 **Termination provision.**

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

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

Lessor #1: \_\_\_\_\_ Date: 6/28/06  
Stephen Brocato BUNKHOUSE FISHY LLC

For additional Lessors, type in space for signature and date \_\_\_\_\_ Date: \_\_\_\_\_

Ochoco 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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JUN 30 2006


WATER RESOURCES DEPT  
SARAH OBERSON

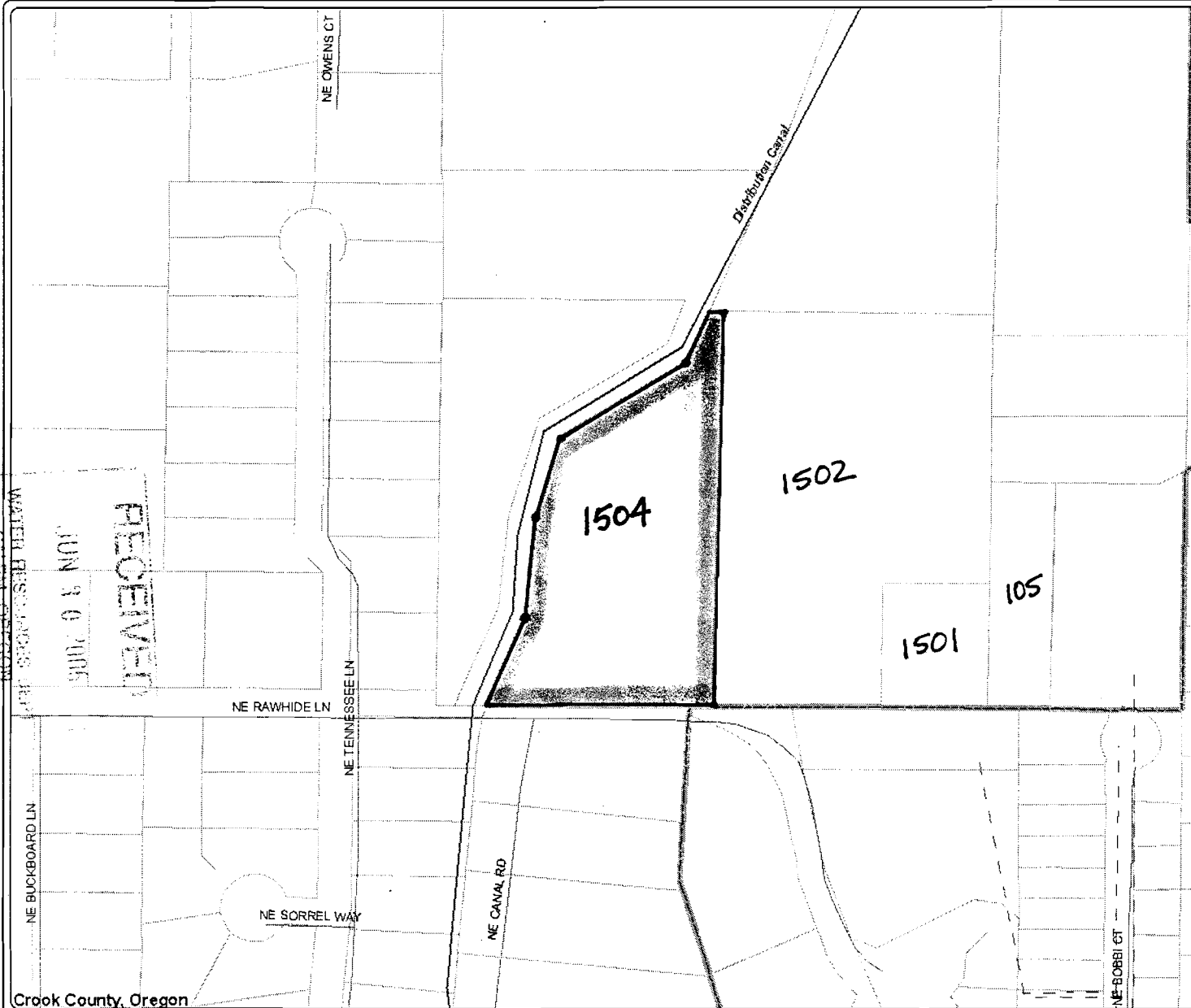




**Crook County GIS**  
 GEOGRAPHIC INFORMATION SYSTEMS  
*Bunkhouse Posey, LLC*  
**(Brocato & Garvey)**  
 tax lot 1416290001504

**Legend**

-  Airport
-  Roads
-  Sewer Lines
-  Water Lines
-  Water Courses
-  Lakes
-  Parks
-  City Limits
-  Township Range
-  Parcels



Crook County, Oregon

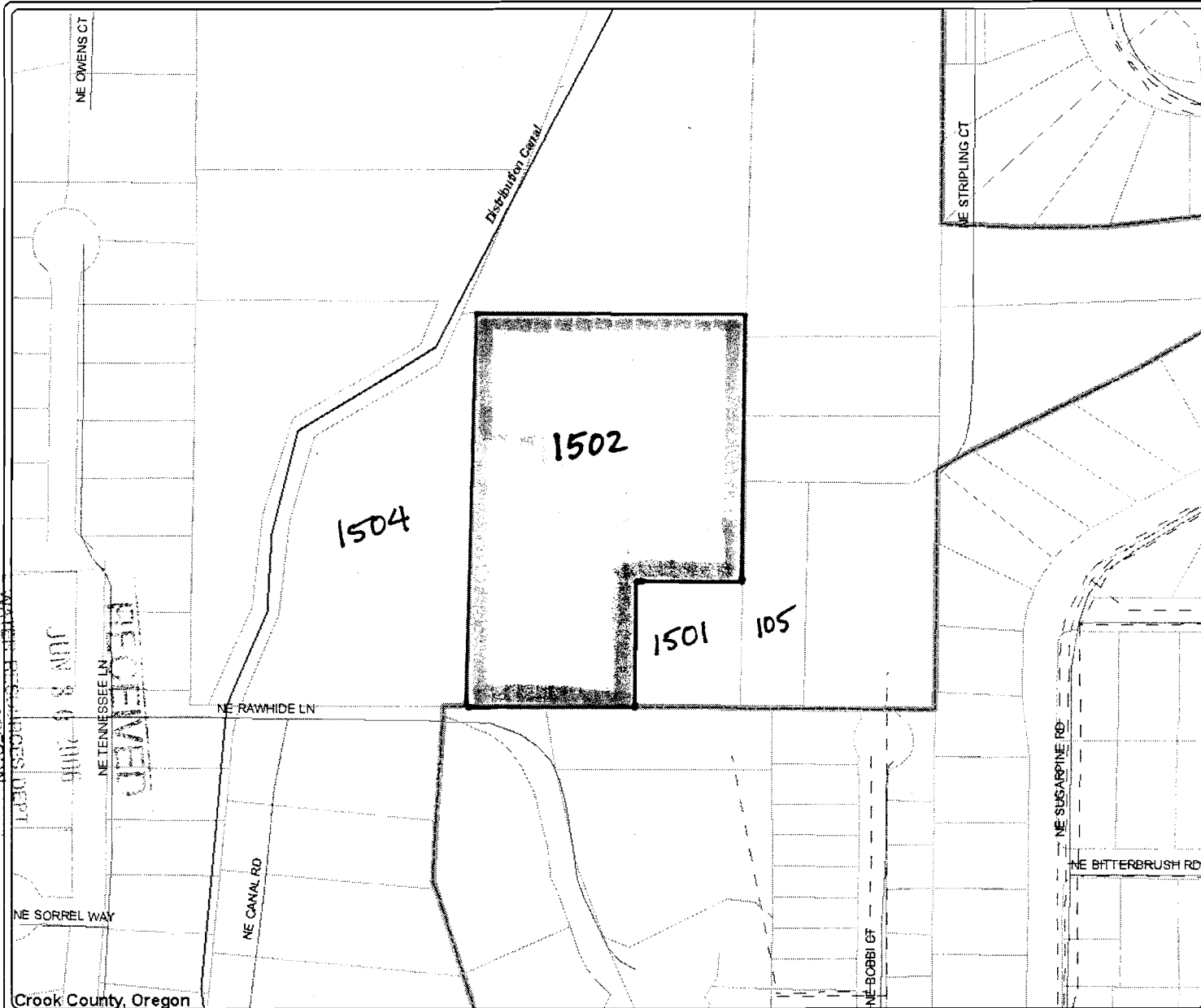
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Map Created By:  
 GIS Department  
 Crook County, Oregon



scale 1" = 300.00'  
 created: 3/28/2006









Exhibit 5-A.1



  
**Crook County GIS**  
 GEOGRAPHIC INFORMATION SYSTEMS  
*Bunkhouse & Sey, LLC*  
 (Stephen Brocato, Robert Garvie)

tax lot 1416290001502

**Legend**

-  Airport
-  Roads
-  Sewer Lines
-  Water Lines
-  Water Courses
-  Lakes
-  Parks
-  City Limits
-  Township Range
-  Parcels

Crook County, Oregon

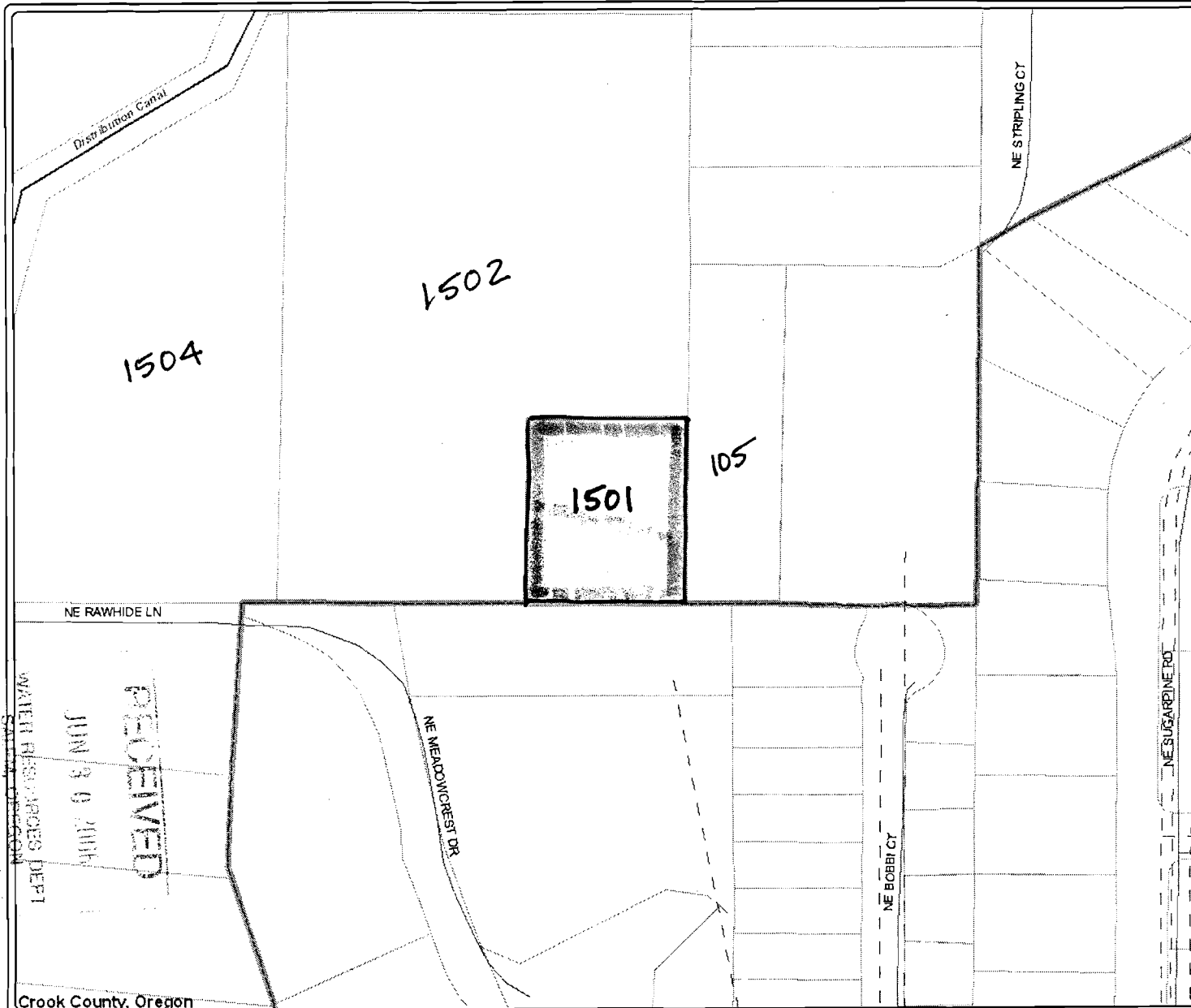
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Map Created By:  
 GIS Department  
 Crook County, Oregon












scale 1" = 300.00'  
 created: 3/28/2006

Exhibit 5-A.2



  
**Crook County GIS**  
 GEOGRAPHIC INFORMATION SYSTEMS  
*Bynkhouse Posey, LLC*  
 (Stephen Brocato)  
 Tax Lot 1416290001501

**Legend**

-  Airport
-  Roads
-  Sewer Lines
-  Water Lines
-  Water Courses
-  Lakes
-  Parks
-  City Limits
-  Township Range
-  Parcels

Crook County, Oregon

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Map Created By:  
GIS Department  
Crook County, Oregon

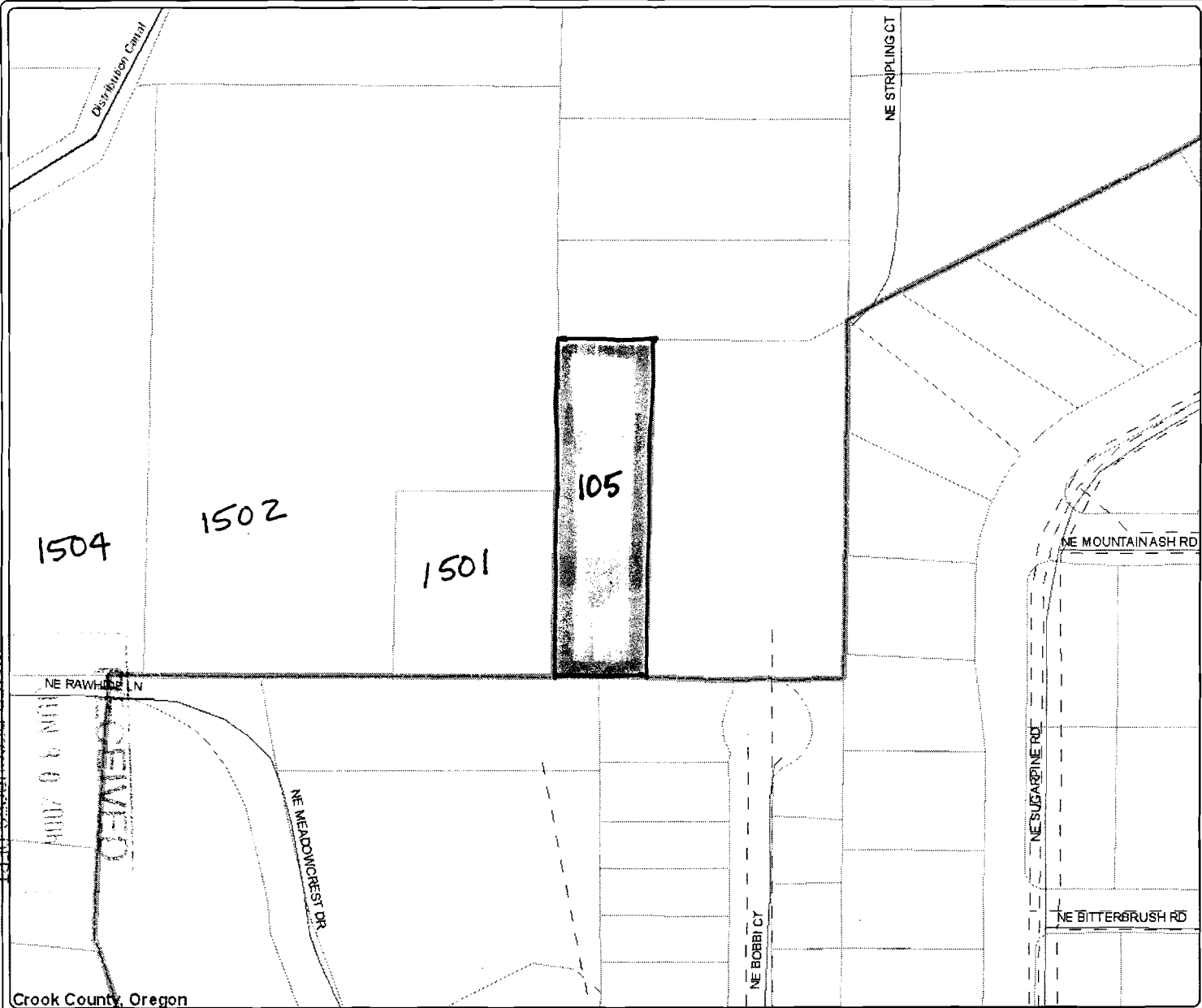


scale 1" = 200.00'  
created: 6/6/2006

Exhibit 5-A.3

**Legend**

-  Airport
-  Roads
-  Sewer Lines
-  Water Lines
-  Water Courses
-  Lakes
-  Parks
-  City Limits
-  Township Range
-  Parcels



Crook County, Oregon

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Map Created By:  
 GIS Department  
 Crook County, Oregon


 scale 1" = 200.00'  
 created: 6/6/2006

Exhibit 5-A.4





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](http://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: \_\_\_\_\_  
 Lease Agreement Number (assigned by WRD): \_\_\_\_\_

This Lease Agreement is between:

**Lessor #1 (Landowner):**

(Name) Michael F. Groves *for Groves Holdings*  
 (Mailing address) 20075 Cox Lane  
 (City, State, Zip Code) Bend, OR 97701  
 (Telephone number) 541-383-8885  
 (Email address) \_\_\_\_\_

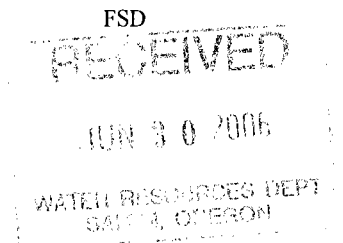
If additional landowners, enter landowner information below

Lessor #2: Ochoco Irrigation District  
 1001 NW Deer Street  
 Prineville, OR 97754, (541) 447-6449

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 15, Section 25 and Tax Lot number 2401. 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. Cert 68394 (pending 3111)
- 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.



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.	14S	15E	25	senw	2104	1.3	IRR	68394	36	1917
2.	14S	15E	25	swnw	2104	8.2	IRR	68394	36	1917
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 9.5 acres  
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**

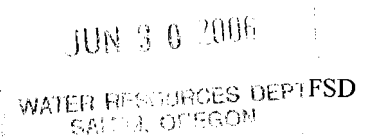
**2.3 Term of lease.** This lease shall terminate on November 1, 2006. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

**~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.

**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: Michael F. Groves Date: 6/14/06  
Michael F. Groves for Groves Holdings

For additional Lessors, type in space for signature and date  
Date: \_\_\_\_\_  
Ochoco 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

9.5 acres

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STATE OF OREGON



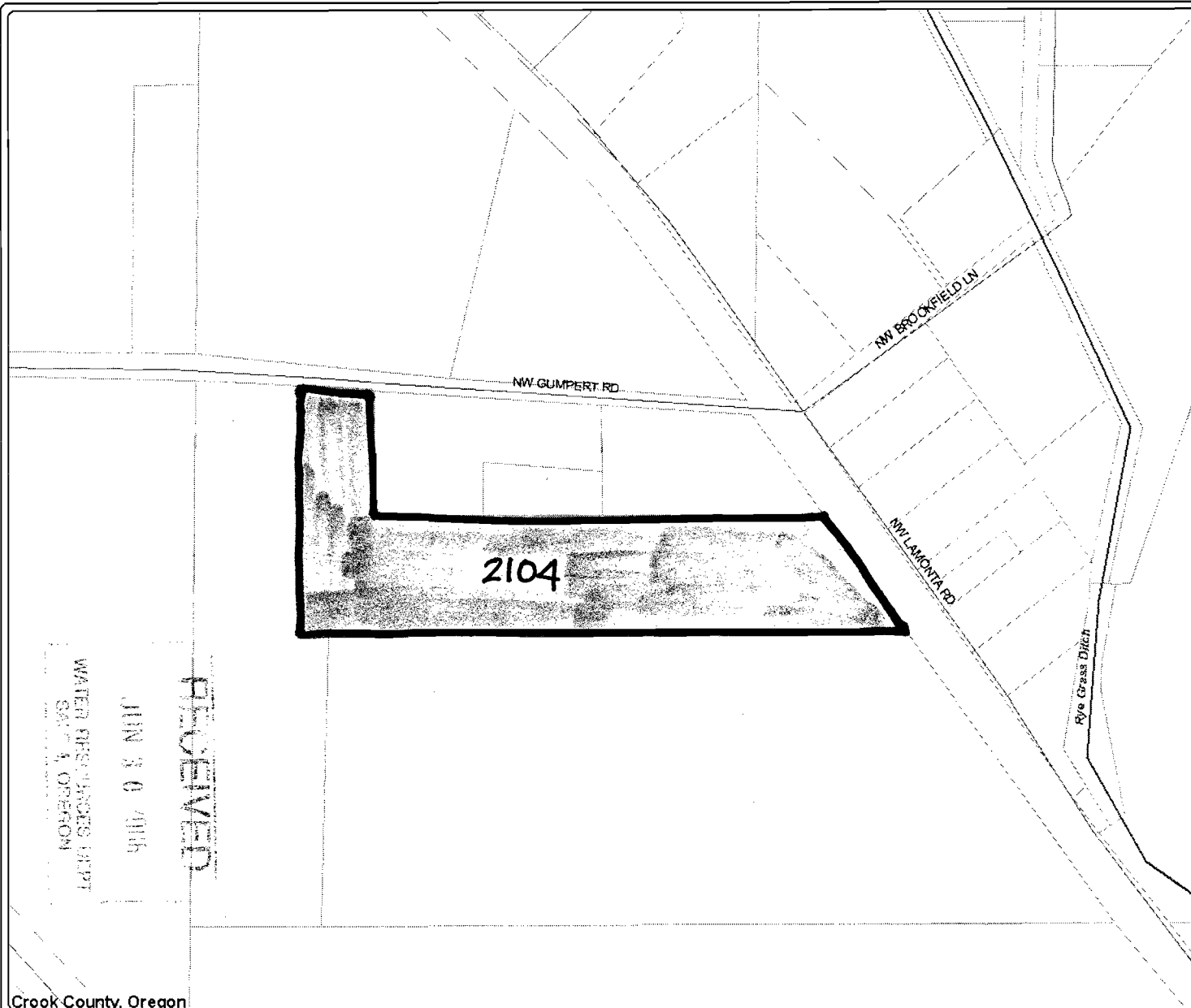


**Crook County GIS**  
GEOGRAPHIC INFORMATION SYSTEMS

**Groves Holdings LLC**  
tax lot 141525B002104

**Legend**

-  Airport
-  Roads
-  Sewer Lines
-  Water Lines
-  Water Courses
-  Lakes
-  Parks
-  City Limits
-  Township Range
-  Parcels



Crook County, Oregon

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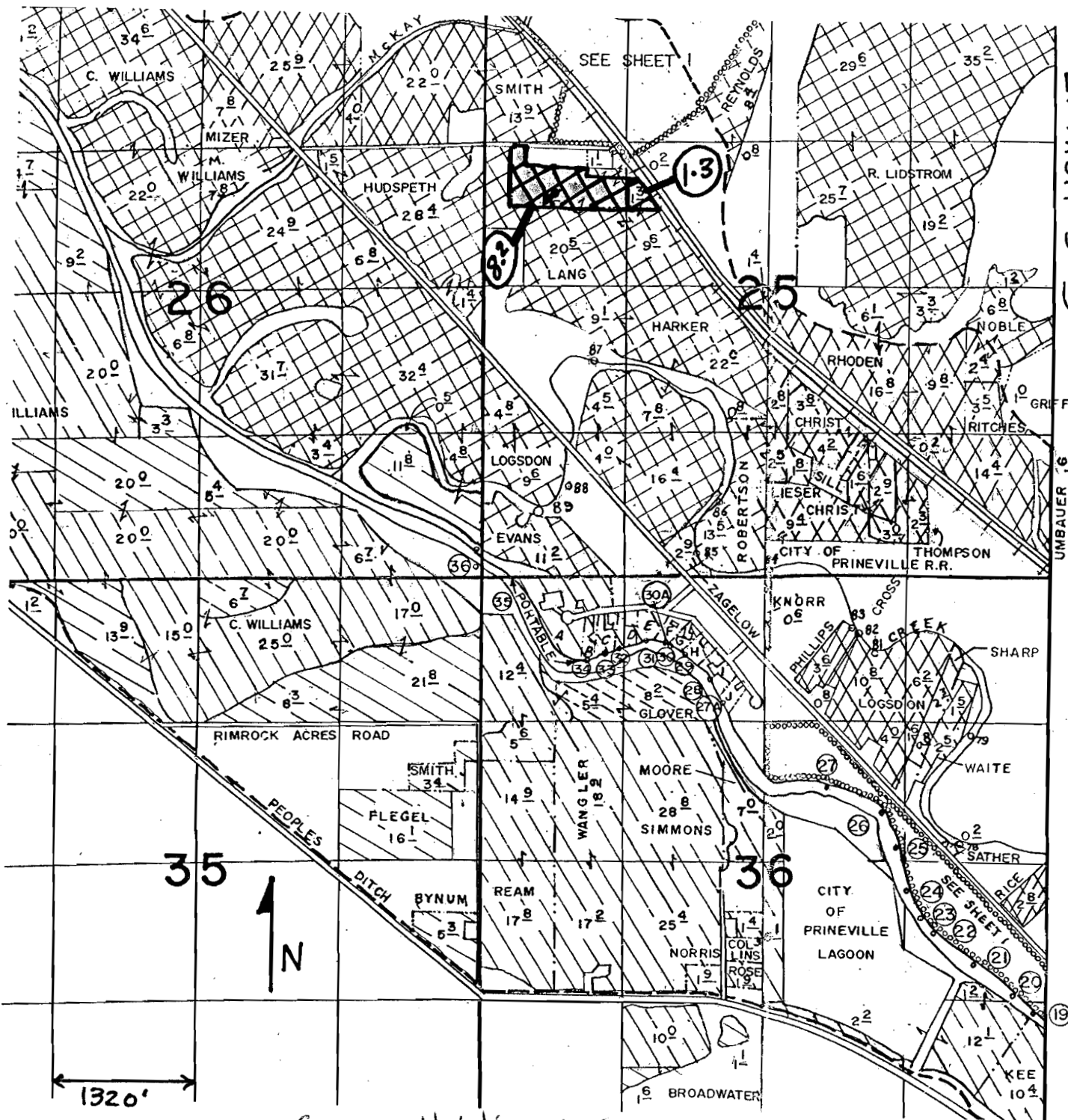
Map Created By:  
GIS Department  
Crook County, Oregon




scale 1" = 400.00'  
created: 3/28/2006

Exhibit 5-A

Exhibit 5-B



Groves Holdings, LLC  
 Michael Groves  
 T 14 S, R 15 E, Sect. 25  
 Tax Lot 2104  
 SWNW - 8.2 ac.  
 SENW - 1.3 ac.  
 Leased Instream 

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 WATER RESOURCES DEPT  
 SACRAMENTO



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](http://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: \_\_\_\_\_  
 Lease Agreement Number (assigned by WRD): \_\_\_\_\_

This Lease Agreement is between:

**Lessor #1 (Landowner):**

(Name) Jerry Robertson  
 (Mailing address) 2590 NW Lamonta Rd  
 (City, State, Zip Code) Prineville, OR 97754  
 (Telephone number) 541-447-6215  
 (Email address) \_\_\_\_\_

If additional landowners, enter landowner information below

Lessor #2: Ochoco Irrigation District  
1001 NW Deer Street  
Prineville, OR 97754 (541) 447-6449

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 15, Section see section 1.5 and Tax Lot number see section 1.5. 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. Cert 68394 (pending 3111)
- 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.	14S	15E	25	nwse	1200	3.8	IRR	68394	51	8/10/1917
2.	14S	15E	25	swse	1200	4.2	IRR	68394	51	8/10/1917
3.	14S	15E	25	nwse	800/ <del>900</del>	2.8	IRR	68394	50	8/10/1917
4.	14S	15E	25	swse	900/1000	2.5	IRR	68394	50	8/10/1917
5.										

Total number of acres, if for irrigation, by certificate and priority date: 13.3 acres  
 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**

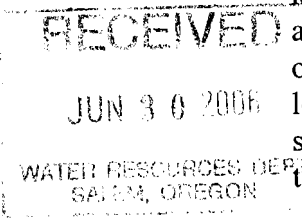
**2.3 Term of lease.** This lease shall terminate on November 1, 2006. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

**~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.

**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: Jerry A. Robertson Date: 6-25-06  
Jerry Robertson

For additional Lessors, type in space for signature and date Date: \_\_\_\_\_

Ochoco Irrigation District

Lessee: \_\_\_\_\_ Date: \_\_\_\_\_  
Deschutes River Conservancy

**Other Attachments As Needed:**

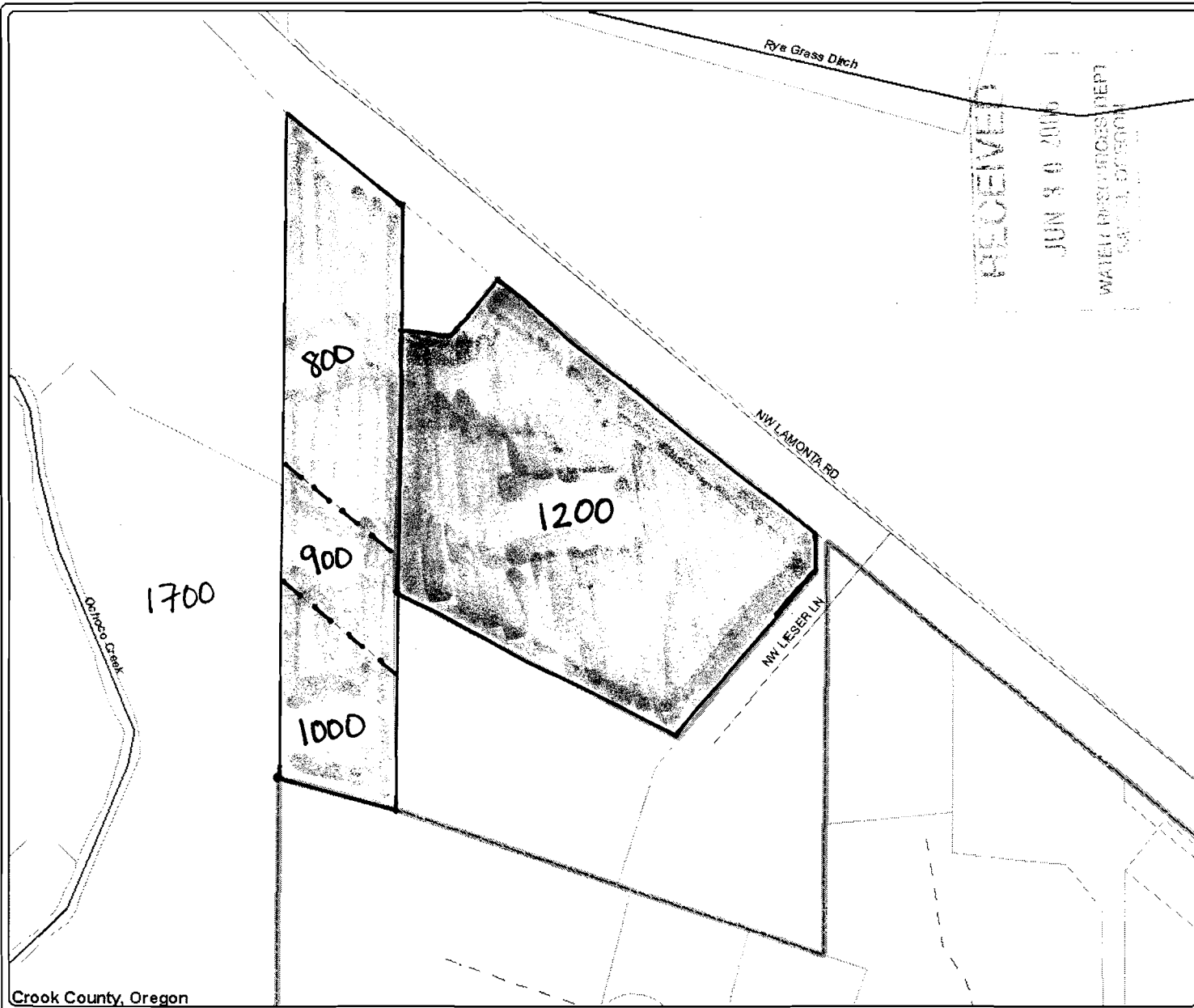
- Exhibit 5-A: Tax Lot Map of Landowner's Property
- Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased (Exhibits 5-A and 5-B may be combined into a single map)
- Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though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

13.7 acres

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JUN 30 2006


WATER RESOURCES DEPT  
SANTA MONICA



Crook County, Oregon

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
Map Created By:  
GIS Department  
Crook County, Oregon



**Crook County GIS**  
GEOGRAPHIC INFORMATION SYSTEMS


**Jerry & Pat Robertson**  
tax lot 141525D001200

**Legend**

-  Airport
-  Roads
-  Sewer Lines
-  Water Lines
-  Water Courses
-  Lakes
-  Parks
-  City Limits
-  Township Range
-  Parcels

*Leased Instream*  
Tax lots:

- 800
- 900
- 1000
- 1200



scale 1" = 300.00'  
created: 3/28/2006

Exhibit 5-A.2





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](http://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: \_\_\_\_\_  
 Lease Agreement Number (assigned by WRD): \_\_\_\_\_

This Lease Agreement is between:

**Lessor #1 (Landowner):**

(Name) Stearns Land Co.  
 (Mailing address) 825 NE Crest Dr.  
 (City, State, Zip Code) Prineville, OR 97754  
 (Telephone number) \_\_\_\_\_  
 (Email address) Attn: Joyce Barney

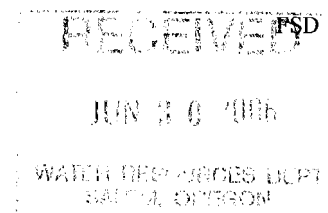
If additional landowners, enter landowner information below

**Lessor #2: Ochoco Irrigation District**  
1001 NW Deer Street  
Prineville, OR 97754 (541) 447-6449

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 16, Section 04 and Tax Lot number 2500. 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. Cert 68394 (pending 3111)
- 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.





5/25/2006

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.	15S	16E	04	swne	2500	9.2	IRR	68394	49	8/10/1917
2.	15S	16E	04	sene	2500	5.1	IRR	68394	49	8/10/1917
3.	15S	16E	04	nwse	2500	20.3	IRR	68394	3	8/10/1917
4.	15S	16E	04	nese	2500	9.4	IRR	68394	49	8/10/1917
5.										

Total number of acres, if for irrigation, by certificate and priority date: 44.0  
 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 November 1, 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.

**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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 JUN 30 2006  
 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: James S. Barnum Date: 6-13-06  
Stearns Land Co.

For additional Lessors, type in space for signature and date  
Date: \_\_\_\_\_  
Ochoco 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

44 acres

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WATER RESOURCES DEPT  
SANTA FE, OREGON



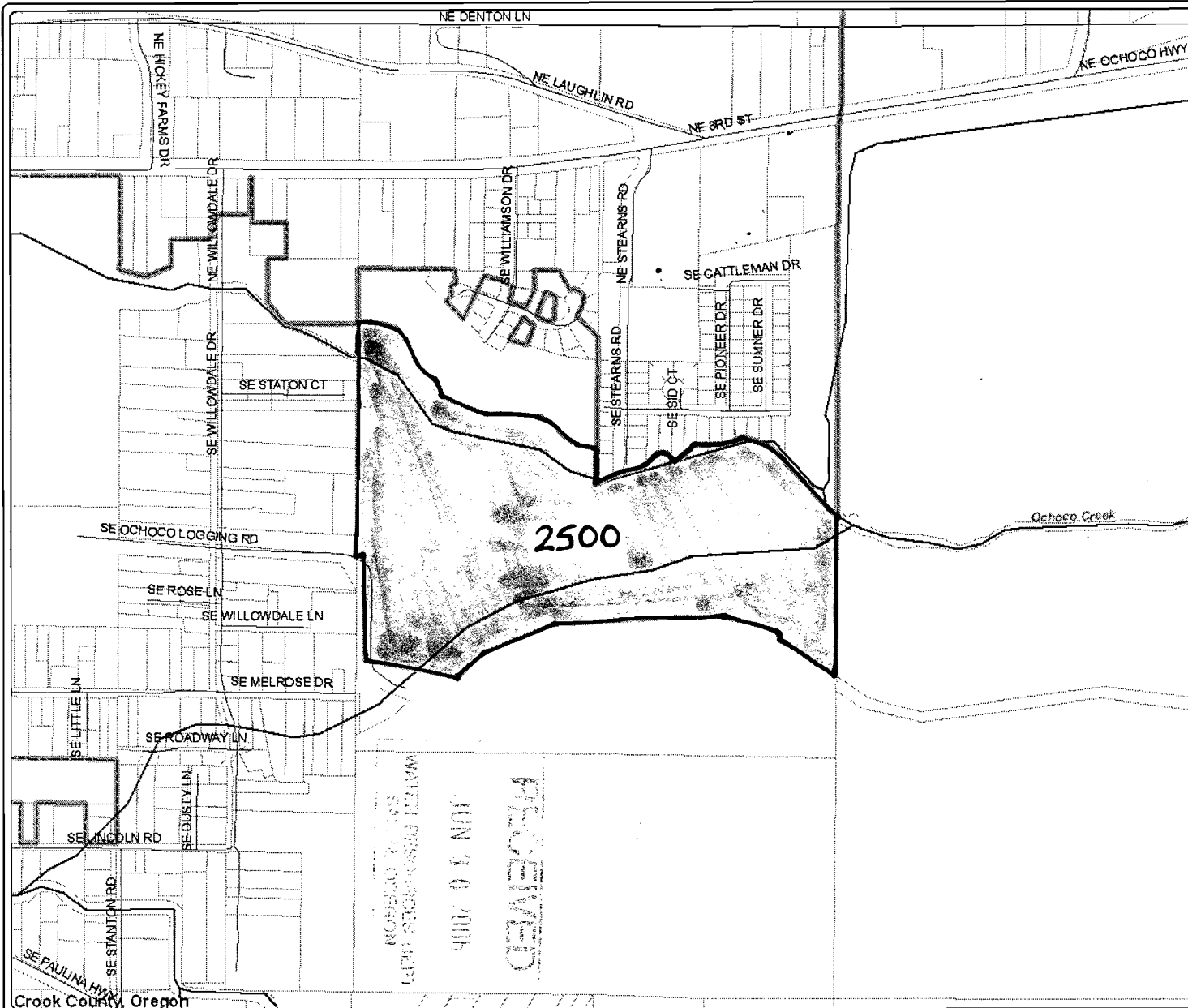
# Crook County GIS

GEOGRAPHIC INFORMATION SYSTEMS

**Stearns Land Co.**  
Tax Lot 1516040002500

### Legend

-  Airport
-  Roads
-  Water Courses
-  Lakes
-  Parks
-  City Limits
-  Township Range
-  Parcels



Crook County, Oregon

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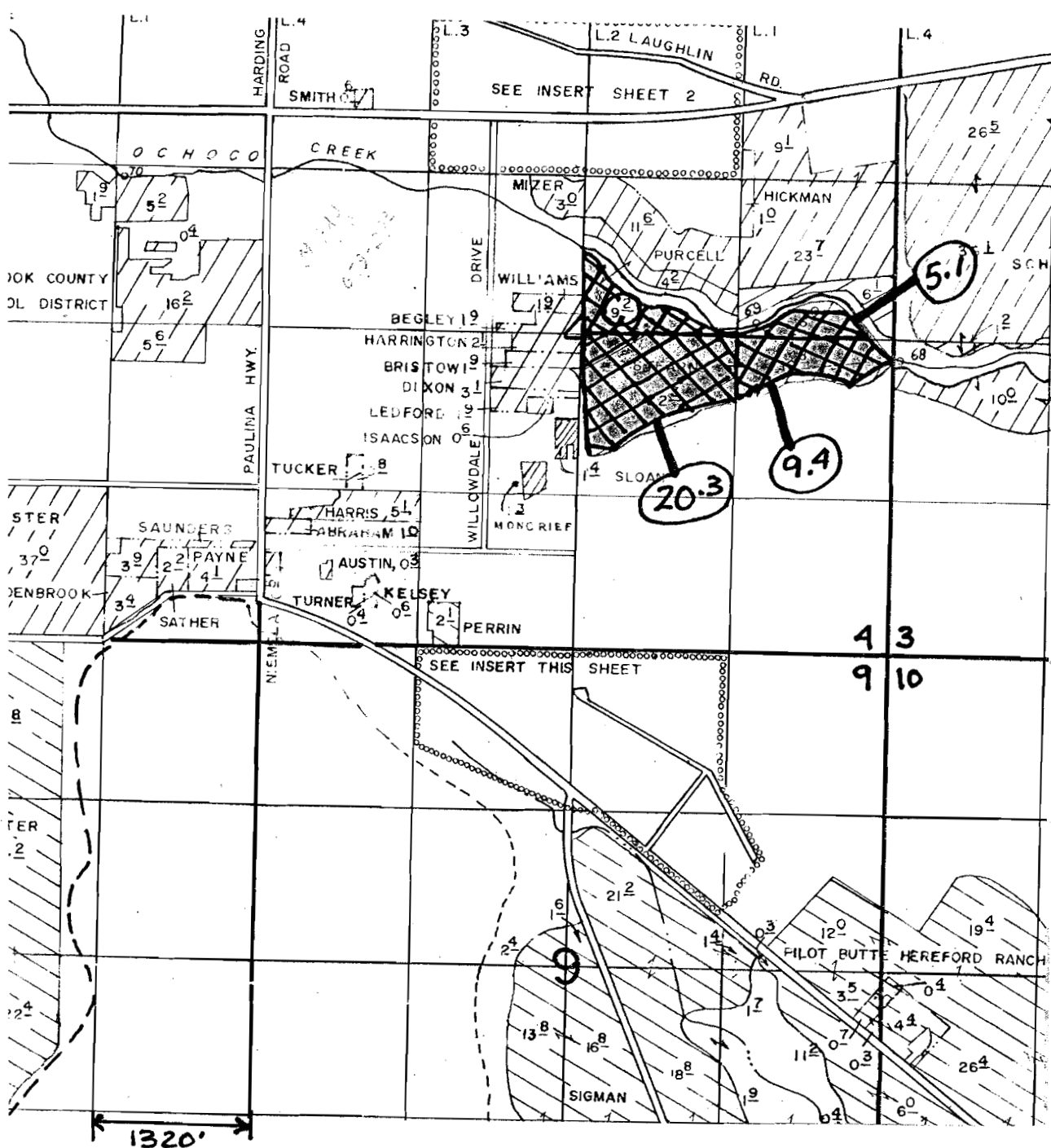
Map Created By:  
GIS Department  
Crook County, Oregon



scale 1" = 927.86'  
created: 6/5/2006

Exhibit 5-A

Exhibit 5-B



Stearns Land Co.  
 T15S, R16E, Sect. 04  
 Tax Lot 2500

SWNE - 9.2 ac.  
 SENE - 5.1 ac.  
 NWSE - 20.3 ac.  
 NESE - 9.4 ac.

44.0  
 Total acres  
 leased instream



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JUN 9 0 2006

WATER RESOURCES DIVISION



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](http://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: \_\_\_\_\_  
Lease Agreement Number (assigned by WRD): 1115

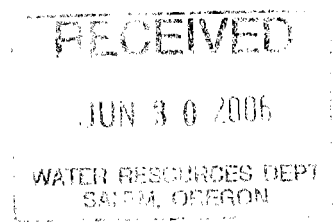
This Lease Agreement is between:

**Lessor #1 (Landowner):**

(Name) Craig Woodward  
(Mailing address) P.O. Box 663  
(City, State, Zip Code) Prineville, OR 97754  
(Telephone number) 541-447-7030 3841 contact Stan Rogers  
(Email address) \_\_\_\_\_

If additional landowners, enter landowner information below

**Lessor #2: Ochoco Irrigation District**  
1001 NW Deer Street  
Prineville, OR 97754 (541) 447-6449



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 15, Section 9 and Tax Lot number see Attachment 1. 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. Cert 68394 (pending 3111)

**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	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.									
2.									
3.									
4.									
5.									

Total number of acres, if for irrigation, by certificate and priority date: (See Attachment 1)  
108.2 acres

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**

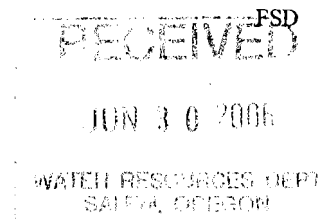
**2.3 Term of lease.** This lease shall terminate on November 1, 2006. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

**~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.

**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: Craig Woodward

Date: 6-15-06

For additional Lessors, type in space for signature and date

Date: \_\_\_\_\_

Ochoco 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

108.2 acres

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WATER RESOURCES DEPT  
GAINES, OREGON

**Attachment 1**

Craig Woodward

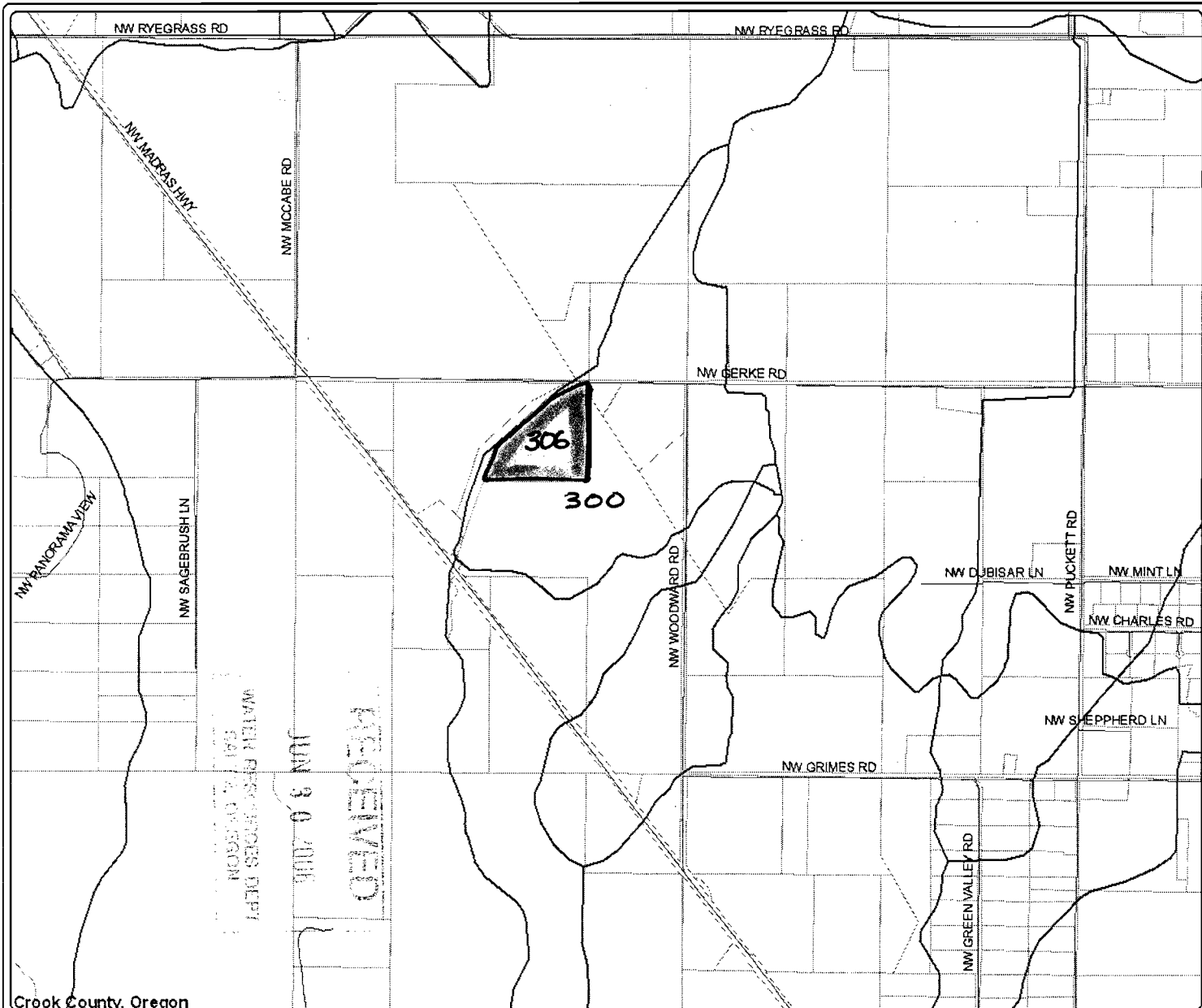
Name	T	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate	Page #	Priority	
1 Craig Woodward	14	S	15 E	9	NWNE	306	27	IRR	68394	23	10-Aug-1917
2 Craig Woodward	14	S	15 E	9	NENE	300	8.5	IRR	68394	23	10-Aug-1917
3 Craig Woodward	14	S	15 E	9	SWNE	300	39.1	IRR	68394	23	10-Aug-1917
4 Craig Woodward	14	S	15 E	9	SENE	300	26.2	IRR	68394	23	10-Aug-1917
5 Craig Woodward	14	S	15 E	9	SENE	300	5.8	IRR	68394	23	10-Aug-1917
6 Craig Woodward	14	S	15 E	9	SENE	300	1.6	IRR	68394	9	10-Aug-1917

7.4

108.2

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 JUN 10 2016  
 MAIL ROOMS DEPT  
 SALES & OFFICE






**Crook County GIS**  
GEOGRAPHIC INFORMATION SYSTEMS

**Craig Woodward**  
Tax Lot 141509000306

**Legend**

-  Airport
-  Roads
-  Water Courses
-  Lakes
-  Parks
-  City Limits
-  Township Range
-  Parcels

Crook County, Oregon

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Map Created By:  
GIS Department  
Crook County, Oregon



scale 1" = 2,279.93'  
created: 6/5/2006

Exhibit 5-A.1

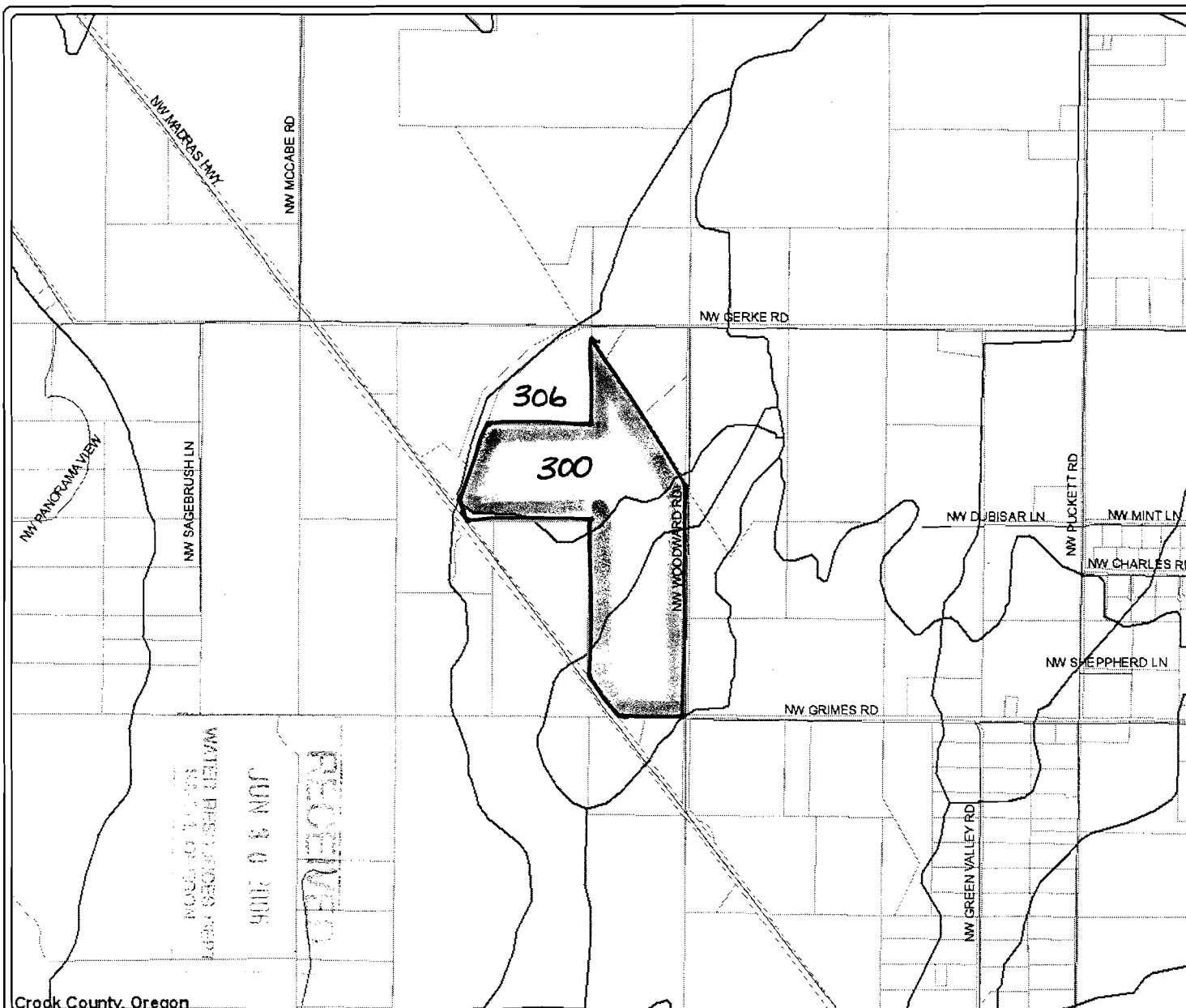


**Crook County GIS**  
GEOGRAPHIC INFORMATION SYSTEMS

**Craig Woodward**  
Tax Lot 1415090000300

**Legend**

- Airport
- Roads
- Water Courses
- Lakes
- Parks
- City Limits
- Township Range
- Parcels



Crook County, Oregon

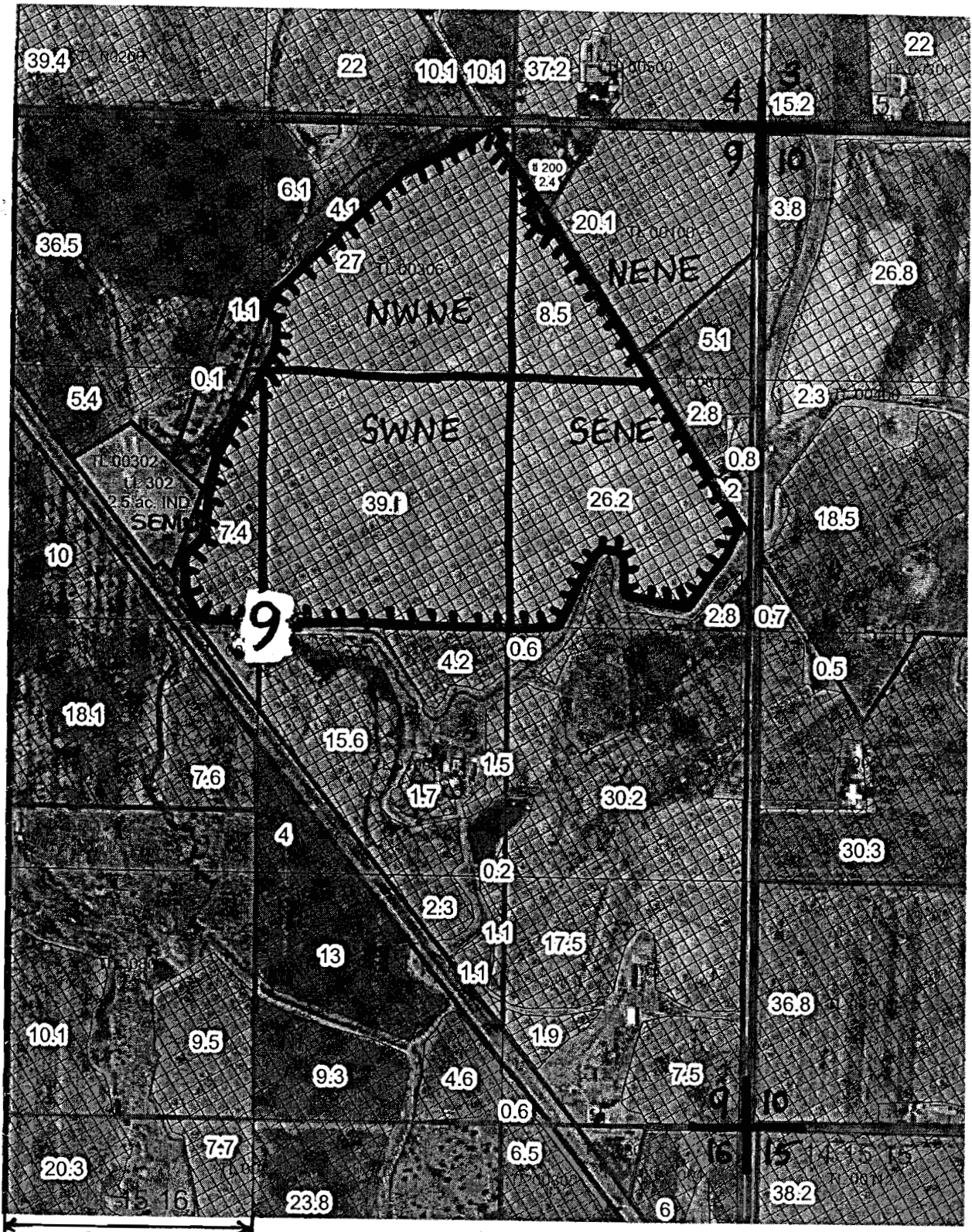
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Map Created By:  
GIS Department  
Crook County, Oregon



scale 1" = 2,279.93'  
created: 6/5/2006

Exhibit 5-A.2



Craig Woodward  
T14S, R15E, Section 9

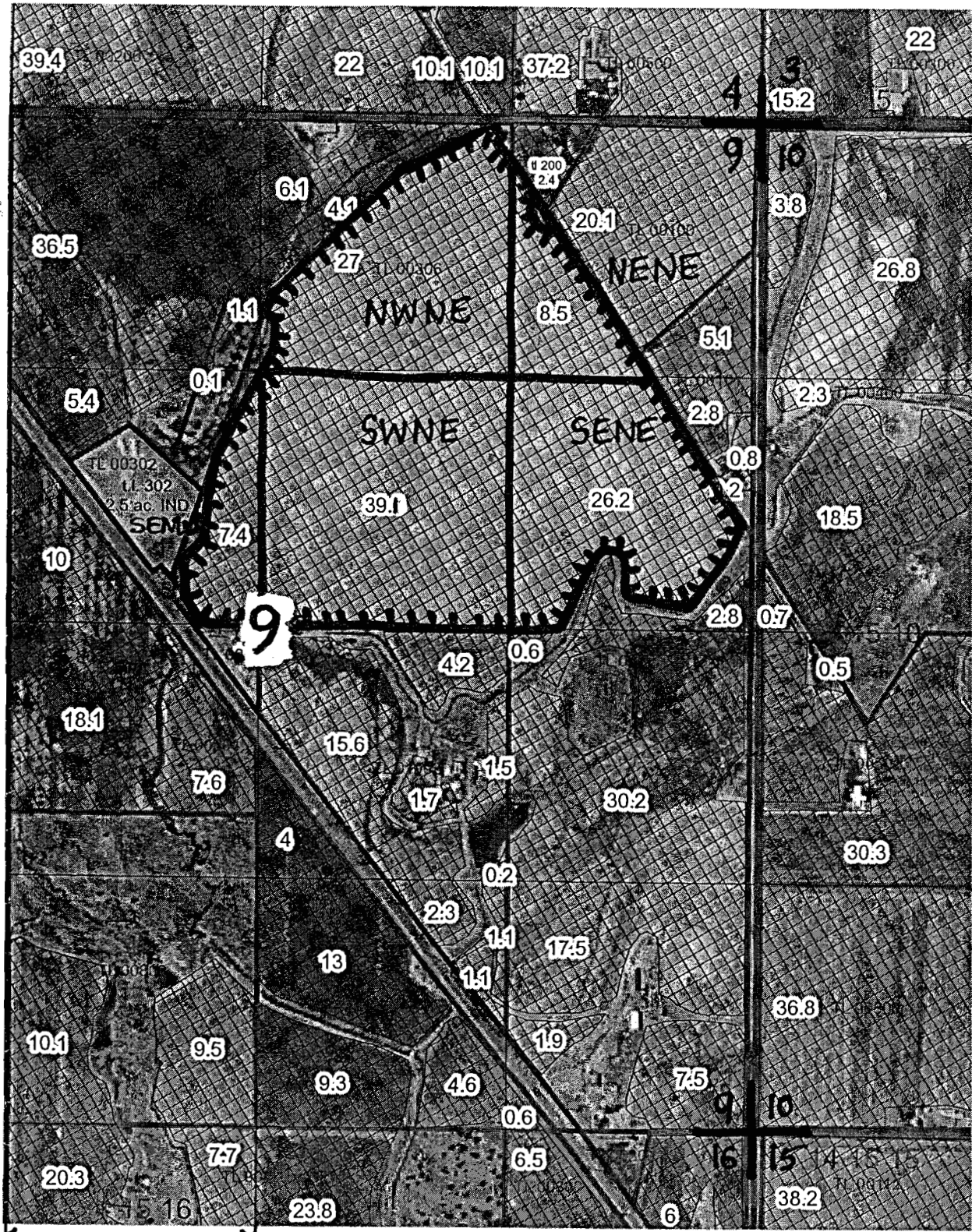
- Tax Lot 306 · NWNE · 27 ac.
- Tax Lot 300 · NENE · 8.5 ac
- SENW · 7.4 ac
- SWNE · 39.1 ac
- SENE · 26.2 ac

108.2  
Total acres  
leased instream



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WATER RESOURCES DEPT  
SALEM, OREGON

Exhibit 5-B



Craig Woodward  
T14S, R15E, Section 9

- Tax Lot 306 • NWNE • 27 ac.
- Tax Lot 300 • NENE • 8.5 ac
- SENW • 7.4 ac
- SWNE • 39.1 ac
- SENE • 26.2 ac.

108.2  
Total acres  
leased instream



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JUN 30 2006  
WATER RESOURCES DEPT.  
MADISON, WISCONSIN



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](http://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: \_\_\_\_\_  
 Lease Agreement Number (assigned by WRD): \_\_\_\_\_

This Lease Agreement is between:

**Lessor #1 (Landowner):**

(Name) Ochoco Lumber Company  
 (Mailing address) P.O. Box 668  
 (City, State, Zip Code) Prineville, OR 97754  
 (Telephone number) 541-447-6296  
 (Email address) Attn: John Morgan

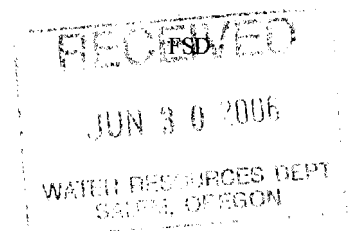
If additional landowners, enter landowner information below

Lessor #2: Ochoco Irrigation District  
1001 NW Deer Street  
Prineville, OR 97754 (541) 447-6449

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 16, Section 04 and Tax Lot number 7200. 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. 76576
- 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.



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.	15S	16E	04	swnw	7200	86.67	IND	76576	1986
2.	15S	16E	04	nsw	7200		IND	76576	1986
3.									
4.									
5.									

Total number of acres, if for irrigation, by certificate and priority date: 86.67 acres IND (acre - equivalent industrial use with use allowed in two quarter-quarters, SWNW and NSW)  
 Acre-feet of storage, if applicable: N/A

Conditions or other limitations, if any: Certificate 76576 is for industrial water rights for two mills, one owned by Louisiana Pacific Corp. the other owned by Ochoco Lumber Company. The certificate permits a rate of 2.27 cfs for industrial use and specifies no limitation on season of use or duty. In practice, 2.27 cfs for the entire year would yeild 1640.5 acre-feet. Ochoco Lumber has a contract for 270 of those acre-feet with Ochoco Irrigation District. Of that 270 Ochoco Lumber wishes to retain 10 acre-feet to use for a fire pond, and will lease 260 acre-feet annually instream.

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:

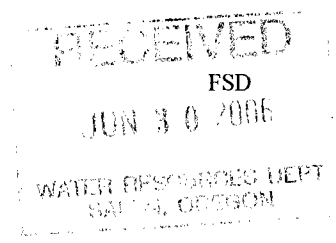
- The water has been used over the past five years according to the terms and conditions of the owner's water right certificate or as an instream water right or
- The water has not been used over the past five years according to the terms and conditions of the owner's water right certificate, however 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 November 1, 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.

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 1.4 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: [Signature] Date: 6/13/04  
Ochoco Lumber Company

For additional Lessors, type in space for signature and date Date: \_\_\_\_\_  
Ochoco 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

260 acre feet  
240.67

Pooled Landowner Form 14

FSD

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JUN 30 2004

WATER RESOURCES DEPARTMENT  
BUREAU OF WATER



**Crook County GIS**  
GEOGRAPHIC INFORMATION SYSTEMS

**Ochoco Lumber**

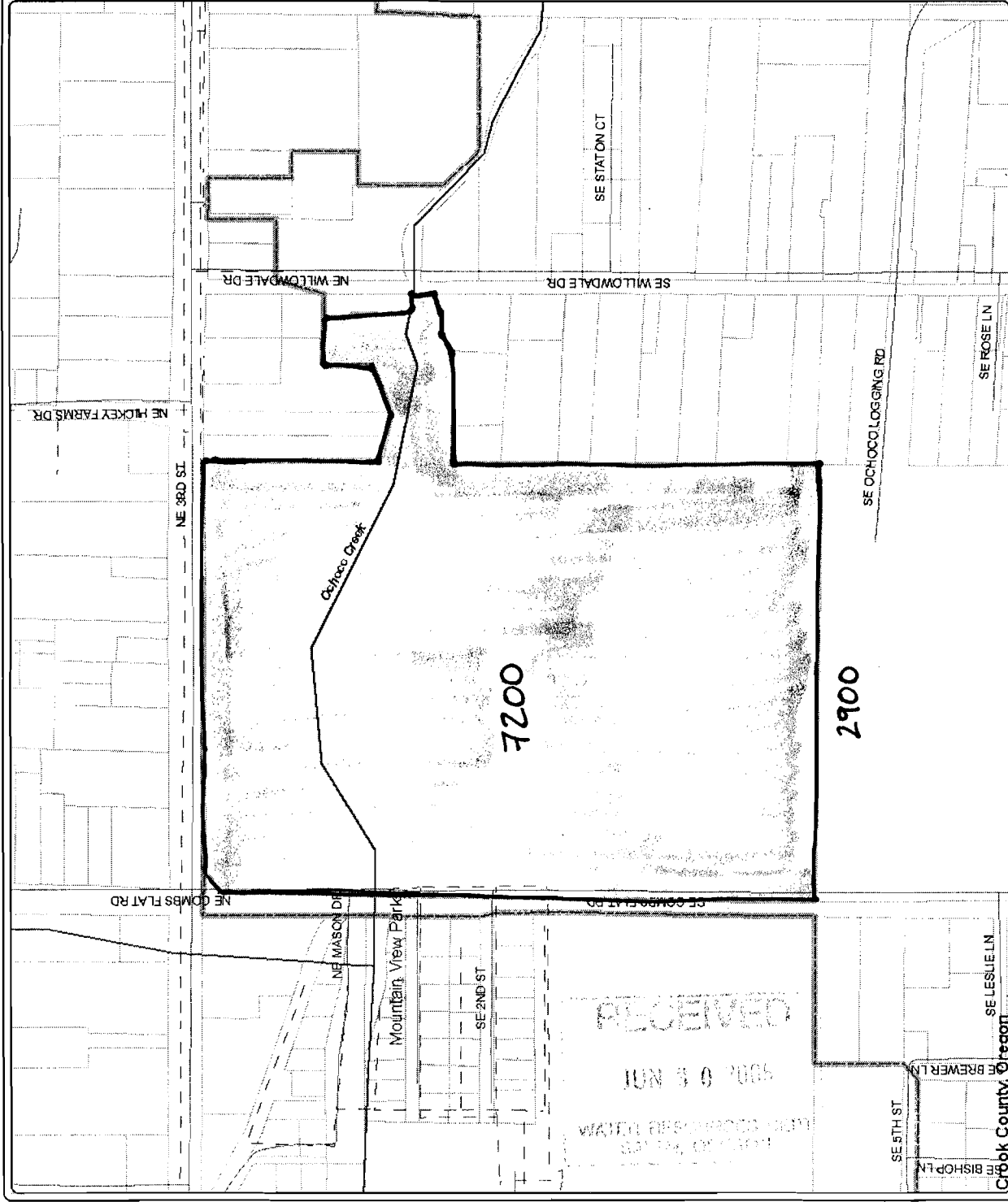
tax lot 151604B007200

**Legend**

- Airport
- Roads
- Sewer Lines
- Water Lines
- Water Courses
- Lakes
- Parks
- City Limits
- Township Range
- Parcels



scale 1" = 500.00'  
created: 3/28/2006



Map Created By:  
GIS Department  
Crook County, Oregon

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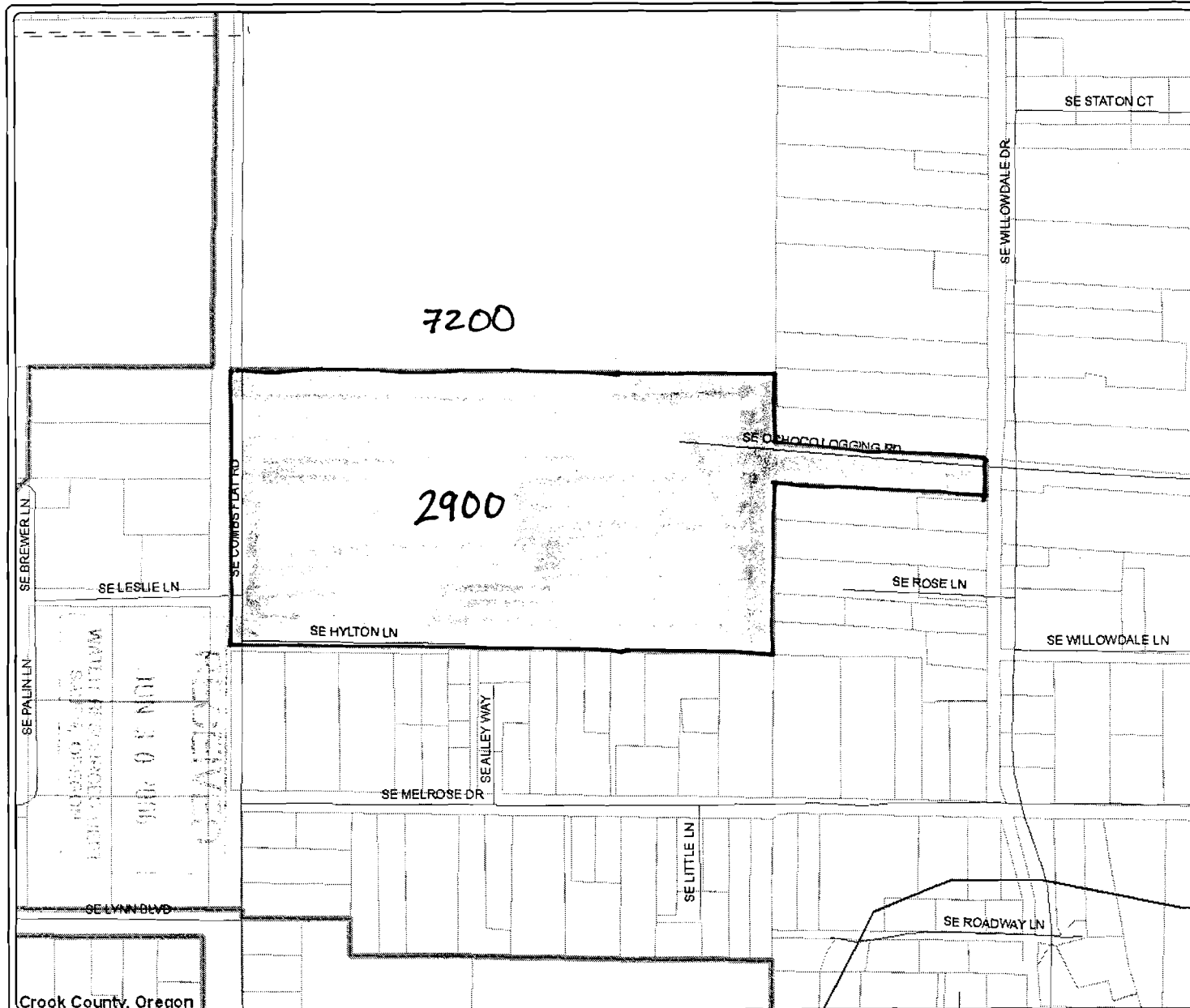


**Crook County GIS**  
GEOGRAPHIC INFORMATION SYSTEMS

**Ochoco Lumber Co.**  
Tax Lot 151604C002900

**Legend**

- Airport
- Roads
- Sewer Lines
- Water Lines
- Water Courses
- Lakes
- Parks
- City Limits
- Township Range
- Parcels



Crook County, Oregon

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Map Created By:  
GIS Department  
Crook County, Oregon



scale 1" = 400.00'  
created: 6/6/2006

Attachment 5-A.2

BROOKS RESOURCES CORPORATION  
141600001600

116

29.7



Ochoco Lumber Co.  
15S16E 04  
Tax Lot 7200

SCHNOOR, DOROTHY  
151603000200

Leased ~~3~~ 3

Instream 15S16E

NWSW, SWNW

86.67 ac. equiv

1320'

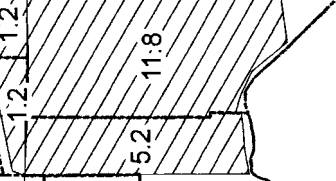
Attachment

5-B

SCHNOOR, DOROTHY  
151603000200

10

15S16E



STEARNS LAND COMPANY  
1516040002500

OCHOCO LUMBER CO  
1516040002700

GIBSON, L DAN &  
1516040002800

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JUN 30 2006

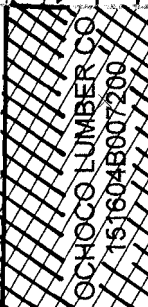
WATER RESOURCES DEPT  
SAS - PORTLAND

4

15S16E

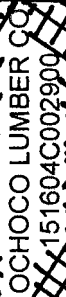
9

15S16E



86.67  
ac.  
equiv.  
5IND

15S16E



8

15S16E



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](http://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: \_\_\_\_\_  
 Lease Agreement Number (assigned by WRD): \_\_\_\_\_

This Lease Agreement is between:

**Lessor #1 (Landowner):**

(Name) Hooker Creek Sand and Gravel  
 (Mailing address) 63101 Nels Anderson Rd.  
 (City, State, Zip Code) Bend, OR 97701  
 (Telephone number) 541-480-0377  
 (Email address) Attn: Scott Carlson

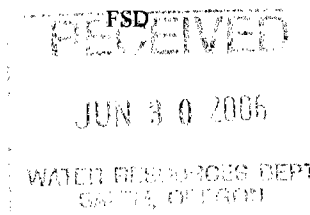
If additional landowners, enter landowner information below

Lessor #2: Ochoco Irrigation District  
1001 NW Deer Street  
Prineville, OR 97754 (541) 447-6449

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 15, Section 23 and Tax Lot number 0500. 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. Special Order 48, p 281-282
- 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.



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.	14S	15E	23	nwse	0500	2.4	IND	Spec. Order 48, pg 281	8/10/1917
2.	14S	15E	23	swse	0500	18.8	IND	Spec. Order 48, pg 281	8/10/1917
3.									
4.									
5.									

Total number of acres, if for irrigation, by certificate and priority date: 21.2 IND (Industrial use - acre equivalent)

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**

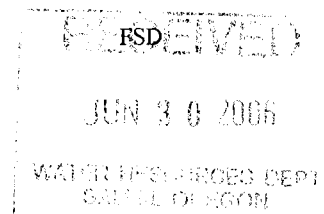
**2.3 Term of lease.** This lease shall terminate on November 1, 2006. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

**~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.

**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: [Signature]  
Hooker Creek Sand and Gravel

Date: 6/19/06

For additional Lessors, type in space for signature and date

Ochoco Irrigation District

Date: \_\_\_\_\_

Lessee: \_\_\_\_\_  
Deschutes River Conservancy

Date: \_\_\_\_\_

Other Attachments As Needed:

Exhibit 5-A: Tax Lot Map of Landowner's Property

Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased (Exhibits 5-A and 5-B may be combined into a single map)

Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is checked)

Exhibit 5-D: Split Season Instream Use Form

Attachment 1.a Special Order 48, pg 281-282

Attachment 1.b Map of T-7128

21.2 acres equivalent

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JUN 30 2006

WATER RESOURCES DEPT  
ASHTON OREGON













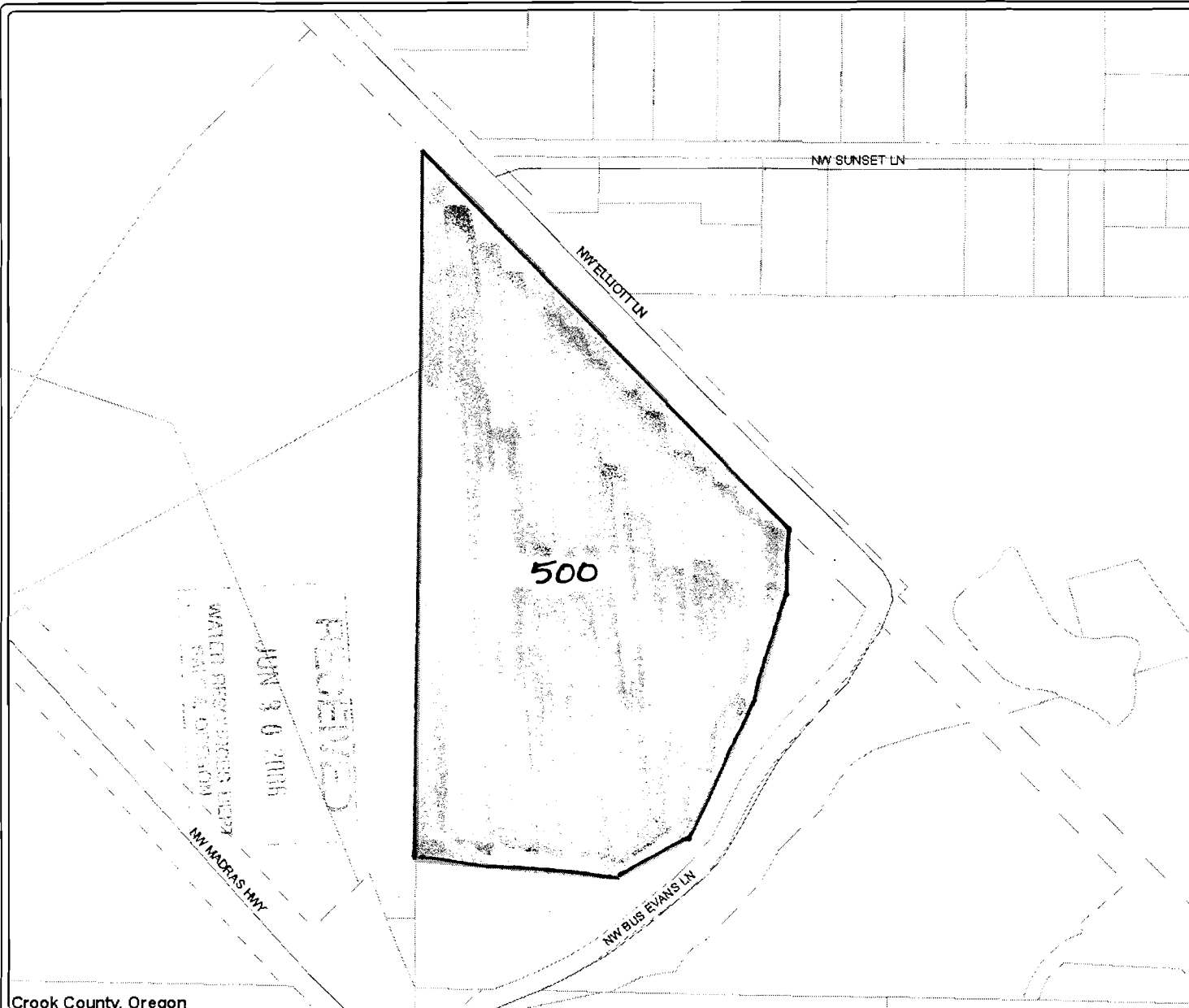
**Crook County GIS**  
GEOGRAPHIC INFORMATION SYSTEMS

**Hooker Creek Land Co**  
tax lot 1415230000500

**1415230000500**

**Legend**

-  Airport
-  Roads
-  Sewer Lines
-  Water Lines
-  Water Courses
-  Lakes
-  Parks
-  City Limits
-  Township Range
-  Parcels



Crook County, Oregon

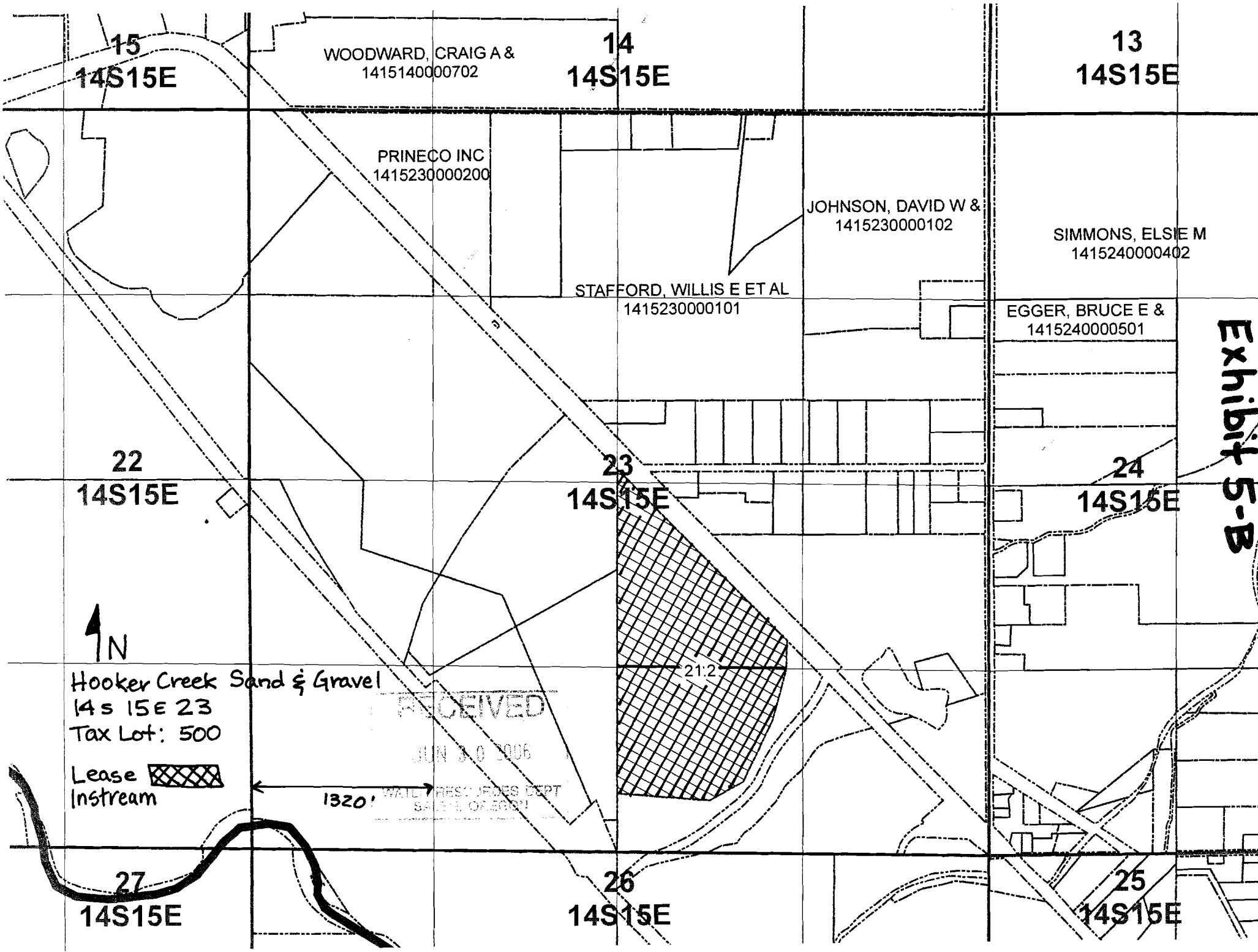
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Map Created By:  
GIS Department  
Crook County, Oregon



scale 1" = 552.92'  
created: 3/28/2006

Exhibit 5-A



15  
14S15E

WOODWARD, CRAIG A &  
1415140000702

14  
14S15E

13  
14S15E

PRINECO INC  
1415230000200

JOHNSON, DAVID W &  
1415230000102

SIMMONS, ELSIE M  
1415240000402

STAFFORD, WILLIS E ET AL  
1415230000101

EGGER, BRUCE E &  
1415240000501

22  
14S15E

23  
14S15E

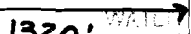
24  
14S15E



Hooker Creek Sand & Gravel  
14s 15E 23  
Tax Lot: 500

Lease   
Instream

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JUN 10 2006

1320'  RESOURCES DEPT  
STATE OF SD

27  
14S15E

26  
14S15E

25  
14S15E

Exhibit 5-B

STATE OF OREGON

COUNTY OF CROOK

ORDER APPROVING A CHANGE IN USE AND PLACE OF USE

Pursuant to ORS 540.510 to 540.530, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 7128 submitted by

BARNARD CONSTRUCTION  
P.O. BOX 99  
BOZEMAN, MONTANA 59771-0099.

The first right to be modified, as evidenced by a PORTION of Certificate 55974, tabulated in the name of Pine Products, was perfected under Permit 5426 with a date of priority of MARCH 13 1916 FOR MCKAY CREEK AND AUGUST 10, 1917 FOR ALL OTHER SOURCES HEREIN NAMED. The right allows the use of OCHOCO, MCKAY, DRY AND JOHNSON CREEKS, AND ALL WASTE AND RETURN WATER FLOWING IN ALL UNNAMED WATERWAYS AND OCHOCO RESERVOIR CONSTRUCTED UNDER PERMIT R-528, tributary of the CROOKED RIVER, for IRRIGATION OF 21.2 ACRES. This right is limited to 0.27 cubic foot per second, if available at the authorized point of diversion: SW $\frac{1}{4}$  NW $\frac{1}{4}$ , SECTION 5, T 15 S, R 17 E, WM; OCHOCO FEED CANAL (OCHOCO DAM) - 500 FEET NORTH AND 250 FEET EAST FROM THE W $\frac{1}{4}$  CORNER, SECTION 5, or its equivalent in case of rotation, measured at the point of diversion from the source.

The second right to be modified, as evidenced by a PORTION of Certificate 57613, tabulated in the name of Pine Products, was perfected under Permit 25991 with a date of priority of APRIL 8, 1914. The right allows the use of CROOKED RIVER AND PRINEVILLE RESERVOIR CONSTRUCTED UNDER PERMIT R-2223, tributary of the DESCHUTES RIVER, for SUPPLEMENTAL IRRIGATION OF 21.2 ACRES. This right is limited to 0.27 cubic foot per second, if available from the authorized point of diversion: SW $\frac{1}{4}$  SE $\frac{1}{4}$ , SECTION 36, T 15 S, R 15 E, WM; OID MAIN CANAL - 60 FEET NORTH AND 1940 FEET SOUTH FROM THE SE CORNER, SECTION 36, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation under these rights is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) from direct flow and 4.0 acre-feet for each acre irrigated during the irrigation season of each year from direct flow and storage from the reservoirs constructed under Permit R-528 and Permit R-2223, and shall be further required to maintain a contract between the Ochoco Irrigation District and the Bureau of Reclamation for use of water from Prineville Reservoir.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is located as follows:

NW $\frac{1}{4}$  SE $\frac{1}{4}$             2.4 ACRES  
SW $\frac{1}{4}$  SE $\frac{1}{4}$             18.8 ACRES  
SECTION 23  
TOWNSHIP 14 SOUTH, RANGE 15 EAST, W.M.

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JUN 30 2006

WATER RESOURCES DEPT  
STATE OF OREGON



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

The applicant proposes to change the character of use to INDUSTRIAL USE (Gravel Washing and Dust Control).

The applicant proposes to change the place of use to:

W $\frac{1}{2}$  SE $\frac{1}{4}$   
SECTION 23  
TOWNSHIP 14 SOUTH, AND 15 EAST, W.M.

THESE CHANGES TO EXISTING WATER RIGHTS MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed changes shall be completed on or before October 1, 1995.
2. The former place of use shall no longer be irrigated as a part of these water rights.

Certificates 55974 and 57613 are cancelled. New certificates will be issued to confirm those portions of the rights NOT involved in this transfer. When satisfactory proof of the completed changes is received, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources Director,  
affixed September 6, 1994.

  
\_\_\_\_\_  
Martha O. Pagel, Director

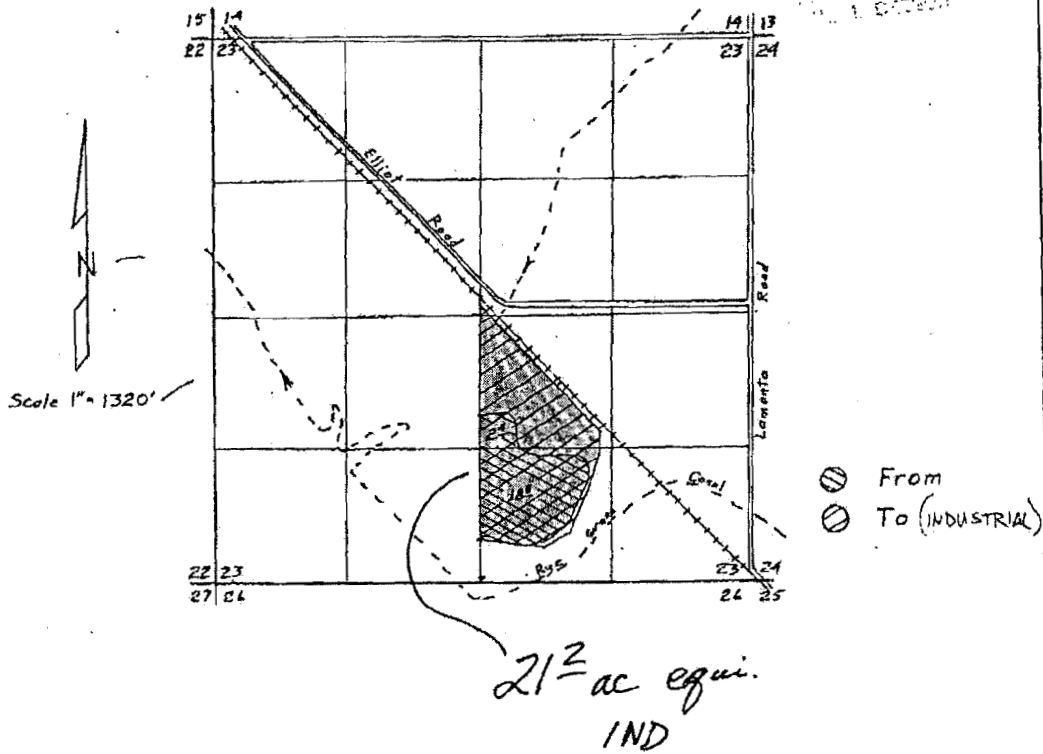
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JUN 9 0 2006  
WATER RESOURCES DIV  
SUNNYVALE, CALIFORNIA

TOWNSHIP 14 SOUTH, RANGE 15 EAST, W.M.

RECEIVED

APR 4 1994

WATER RESOURCES DIVISION



Transfer Application Map  
for  
BARNARD CONSTRUCTION



This map is for the purpose of logging a water right only and has no intent to provide legal dimensions or the location of property lines.

T-7128

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 JUN 30 2006  
 WATER RESOURCES DEPT  
 SALES OFFICE