

FARMERS IRRIGATION DISTRICT

Serving the Northern Hood River Valley since 1874

1985 Country Club Road, Hood River, OR 97031; phone 541-386-3115 fax 541-386-9103 www.fidhr.org

3/5/2007

State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem OR 97301-1266

Dear Sir or Madam:

Enclosed is an application to lease 50 acres of water rights in stream for the 2007 season. I believe that all necessary information is enclosed.

I am including a \$100.00 check for the application Fee check number 12475.

Thank you,



Rick Brock
Water Rights Department
Farmers Irrigation District
541-387-5263
rick@fidhr.org

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WATER RESOURCES DEPT
SALEM, OREGON



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

Application for Instream Lease

A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

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

Optional Identification by Lessor/Lessee: _____

Lease Application Number (assigned by WRD): IL-802

This Lease is between:

Lessor #1:

Name Farmers Irrigation District attn, Rick Brock

Mailing address 1985 Country Club Road

City, State, Zip Code Hood River OR 97031

Telephone number 541-387-5263

Email address rick@fidhr.org

Lessor #2, 3, etc.

The water right to be leased is located in Hood River County.

Lessee (if different than Oregon Water Resources Department):

Name _____

Mailing address _____

City, State, Zip Code _____

Telephone number _____

Email address _____

Trustee:

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

~I~ Water Right Holder and Water Right Information

1.1 Lessor #1 is the water right holder, or authorized agent for water right holder of the property located at: Township See attached N, Range see attached W, Section see attached and Tax Lot number see attached. If the water right appurtenant to these lands is also appurtenant to lands owned by others who are not included in this application, then Attachment 1 (tax lot map), needs to be included.

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1.2 Lessor #2 is the (Check one):

Not applicable

Official representative of Farmers Irrigation, the irrigation district which conveys water to the subject water rights.

Another party with an interest in the subject water rights representing _____.

1.3 For the water right(s) being leased, list all water rights appurtenant to the same lands. Indicate if there are any supplemental or overlying rights.

Certificate No. 74306

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

1.5 **Water Rights Proposed to be Leased Instream.**

The first right to be leased identified in Section 1.3 is further described as follows:

Certificate No.: 74306

Priority date: 1906 Type of use: IRR

Legal Season of Use: APRIL 15th thru Sept 30th - Yearly

Is the entire water right certificate being leased? Yes No

If no, list the acres of the subject water right by legal description of township, range, section, and 1/4 1/4 which will be dried up as part of this lease, and include a map (Attachment 2) showing the lands which will not receive water.

Place of use: T __, R __, Section __, "SEE Attached" 1/4 1/4 - ____ acres to be leased

Enter additional places of use here, using format above:

Page ____ (Identify page number of certificate, if certificate is greater than 10 pages.)

Number of acres being leased, if for irrigation: 50

Acre-feet of storage, if applicable: N/A

Maximum rate associated with the right to be leased (cfs): 0.62

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

Maximum duty associated with the right to be leased (ac-ft): 150

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

Conditions or other limitations, if any: N/A

If you need to enter another leased right, please use the additional 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 water right certificate or as an instream water right or

the water has not been used over the past five years according to the terms and conditions of the water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)()(include necessary supporting documentation as Attachment 3).

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~II~ Instream Water Right Information

2.1 Public use. This lease will increase streamflows that will benefit:

- Conservation, maintenance and enhancement of aquatic and fish life, wildlife, and fish and wildlife habitat
- Pollution abatement
- Recreation and scenic attraction

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

Hood River
Tributary to _____ in the Hood Basin.
The Columbia River

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 may be processed to be protected at the POD. (If more than one POD is listed on the certificate, then the POD and any associated reach(es) must be identified): pod#16129 Hood River Mile 11.25 to the Columbia River.

Maximum volume in acre-feet: 150

Rate in cfs: 0.62

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

Conditions to prevent injury, if any:

- None
- The instream flow will be allocated on a daily average basis up to the described rate from April 15 through Sept 30.
- 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 4/15/08.

2.4 Flow protection. The Trustee will regulate use of water from the source, subject to prior appropriation and the agency enforcement guidance, to assure the water is delivered to the point of diversion, and through the reach past junior downstream users, so long as flow is sufficient to meet the demand under priority date of the new instream use (see Section 2.2). As part of regulation activities the watermaster or a designee has access to the point of diversion and place of use for the water rights involved in this lease. No party is required to continuously measure the flow of the waterway described in Section 2.2.

~III~ Other Information

3.1 Accuracy. The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified or terminated. The lease only exercises the water rights being leased, for the term of the lease. It shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.

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- 3.2 Lease.** Lessor(s) and Lessee(s) agree to lease the water rights listed in Section(s) 1.5 for instream use for the term of this lease through Lessee to the Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077.
- 3.3 Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077 a new injury review shall be required, and a prior lease shall not set a precedent for the amount of water to be leased or transferred instream.
- 3.4 Suspension of original use.** During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights.
- 3.5 Termination provision.**
 For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
 - Written notice to the Department with original signatures;
 - Consent by all parties to the lease; and/or
 - Written notice to the Watermaster's office. For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.
- 3.6 Modification to prevent injury.** Allocation of water to the instream use described in Section 2.2 during the term of this lease is not reasonably expected to cause injury to other rights to use water from the same source. If injury is found after this lease is signed, the lease may be modified or terminated to prevent injury.
- 3.7 Fees.** Pursuant to ORS 536.050, the following fee is included:
 \$200 for an application with four or more landowners or four or more water rights.
 \$100 for all other applications.

Lessor #1: Rich Brock Date: 3/5/07
FARMERS Irrigation District Water Right Specialist

For additional Lessors, type in space for signature and date

Lessee: _____ Date: _____

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 SALEM, OREGON FSD

WATER RIGHT	Certificate PRIMARY	Certificate SUPP	Certificate PRIORITY DATE	Proposed Water Rights for Instream Lease										Change	New WRA	See Map
				USE	POD#	TWP	RNG	SEC	QQ	TAXLOT	USER NAME	OLD WRA	Farmers Irrigation District			
	74306		5/7/1906	IRR	16129	3N	10E	36	NE/SW	200	Farmers Irrigation District	26.4	0	1		
	74306		5/7/1906	IRR	16129	3N	10E	36	NW/SE	700	Farmers Irrigation District	1.2	0	2		
	74306		5/7/1906	IRR	16129	3N	10E	36	SE/SW	200	Farmers Irrigation District	11.4	0	3		
	74306		5/7/1906	IRR	16129	3N	10E	36	SW/SE	600	Farmers Irrigation District	4.7	0	4		
	74306		5/7/1906	IRR	16129	3N	10E	36	SW/SE	700	Farmers Irrigation District	0.6	0	5		
	74306		5/7/1906	IRR	16129	3N	10E	36	NW/SE	500	Farmers Irrigation District	2.6	0			
	74306		5/7/1906	IRR	16129	3N	10E	36	NW/SE	600	Farmers Irrigation District	3.1	0			

Farmers Irrigation District
1985 Country Club Road
Hood River Oregon 97031

Authorized PLACE OF USE
LEGAL DESCRIPTION

Note, Sieverkropp Orchards signed off all water rights
To Farmers Irrigation District in 2004 & 2007.

2007 Total for Instream lease 50 acres

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SALEM, OREGON

FARMERS IRRIGATION DISTRICT

Serving the Northern Hood River Valley since 1874

1985 Country Club Road, Hood River, OR 97031; phone 541-386-3115 fax 541-386-9103 www.fidhr.org

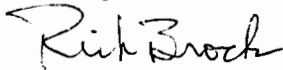
2/12/2007

BENEFICIAL USE

In 2004 and 2007 Sieverkropp Orchards signed off water rights to Farmers Irrigation District. I have studied an aerial photograph from July 2003; it showed evidence that orchards were starting to be removed the previous year (2002). Orchard removal was also ongoing in 2004. Orchards partially or completely removed in 2004 along with the water rights were on tax lots 3N-10E-36 NE/SW-0200 and 3N-10E-36-SE/SW-0200, other water rights were removed for future housing on 3N-10E-36 NE/SW-0700, 3N-10E-36-SW/SE-0600 3N-10E-36-NW/SE-0700, 3N-10E-36-SW/SE-0700 and 3N-10E-36-NW/SE-0500

In 2007 the owner of the remaining water right properties signed off all remaining water rights. Water rights were beneficially used until 2002 then partially used in 2003; the affected water rights were removed in 2004 with the remaining removed in 2007. Farmers Irrigation delivered a reduced amount of water from 2004 thru 2006.

Thank you,



Rick Brock
Water Rights Specialist
Farmers Irrigation District
541-387-5263

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WATER RESOURCES DEPT
SALEM, OREGON

**ASSIGNMENT OF WATER RIGHT
POWER OF ATTORNEY**

WHEREAS, the undersigned **SIEVERKROPP ORCHARDS INC.** are the owners of the following described real property situated in Hood River County, Oregon, and more particularly described as:

- Assessor's map and tax lot no. 3N-10-36 NE/SW #0200, consisting of 26.40 irrigable acres
- Assessor's map and tax lot no. 3N-10-36 NW/SE #0600, consisting of 3.10 irrigable acres
- Assessor's map and tax lot no. 3N-10-36 NW/SE #0700, consisting of 1.20 irrigable acres
- Assessor's map and tax lot no. 3N-10-36 SE/SW #0200, consisting of 11.40 irrigable acres
- Assessor's map and tax lot no. 3N-10-36 SW/SE #0600, consisting of 4.70 irrigable acres
- Assessor's map and tax lot no. 3N-10-36 SW/SE #0700, consisting of 0.60 irrigable acres
- Assessor's map and tax lot no. 3N-10-36 NW/SE #0500, consisting of 2.60 irrigable acres

Which property is within the boundaries of and subject to the charges and assessments of the FARMERS IRRIGATION DISTRICT (DISTRICT), and

WHEREAS, the water right of record indicated in the chart below is appurtenant to the above-described real property:

Legal Description	Certificate number:	Priority Date:	Source:	Purpose:	Transferred Amount:
3N-10-36 NE/SW #0200	74306 & (07)	1906	Hood River	Irrigation	22.40
3N-10-36 NW/SE #0600	74306 & (07)	1906	Hood River	Irrigation	0.0
3N-10-36 NW/SE #0700	74306 & (07)	1906	Hood River	Irrigation	1.20
3N-10-36 SE/SW #0200	74306 & (07)	1906	Hood River	Irrigation	7.40
3N-10-36 SW/SE #0600	74306 & (07)	1906	Hood River	Irrigation	2.70
3N-10-36 SW/SE #0700	74306 & (07)	1906	Hood River	Irrigation	0.60
3N-10-36 NW/SE #0500	74306 & (07)	1906	Hood River	Irrigation	2.60

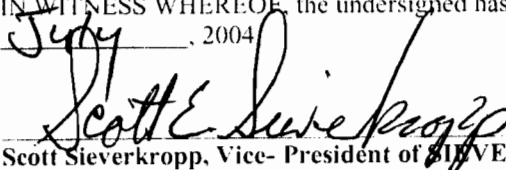
Which water right is in the name of the FARMERS IRRIGATION DISTRICT and is delivered by the DISTRICT, and,

WHEREAS **SIEVERKROPP ORCHARDS, INC.** desire to be excluded from the DISTRICT and to no longer be subject to the charges or assessments of the DISTRICT or to receive water delivered by the DISTRICT,

NOW, THEREFORE, in consideration of being relieved of the charges and assessments of the DISTRICT (except for any exclusion charges) and in having their property formally excluded from the DISTRICT, **SIEVERKROPP ORCHARDS, INC** hereby grant, assign and convey to the DISTRICT all of their right, title and interest in and to the above described water right of record and in and to the use of the water therefrom which is appurtenant to the above described property.

SIEVERKROPP ORCHARDS, INC hereby makes, constitutes and appoints Katherine Skakel, Natural Resource Planner for Farmers Irrigation District, as their agent and attorney in fact with power and authority to assign, transfer and convey the above described water right on the records of the Oregon Water Resources Department, including, but not limited to, abandon the use, transfer the use, place of use and point of diversion, and to execute and deliver transfer applications and any other documentation necessary or desirable to accomplish the transfer of the water right.

IN WITNESS WHEREOF, the undersigned has executed this instrument the 17th day of July, 2004


Scott Sieverkropp, Vice- President of **SIEVERKROPP ORCHARDS, INC**

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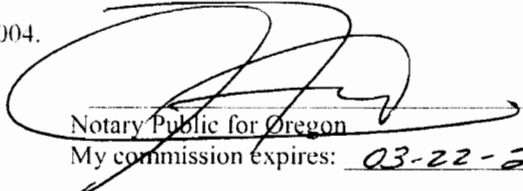
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WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON)
) ss.
County of Hood River)

Scott Sieverkropp, Vice-President of SIEVERKROPP ORCHARDS, INC acknowledged this instrument

before me on the 7th day of July, 2004.



Notary Public for Oregon
My commission expires: 03-22-2008



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WATER RESOURCES DEPT
SALEM, OREGON

**ASSIGNMENT OF WATER RIGHT
POWER OF ATTORNEY**

WHEREAS, the undersigned **SIEVERKROPP ORCHARDS INC.** are the owners of the following described real property situated in Hood River County, Oregon, and more particularly described as:

- Assessor's map and tax lot no. 3N-10-36 NE/SW #0200, consisting of 4.0 irrigable acres
- Assessor's map and tax lot no. 3N-10-36 NW/SE #0600, consisting of 3.1 irrigable acres
- Assessor's map and tax lot no. 3N-10-36 SE/SW #0200, consisting of 4.0 irrigable acres
- Assessor's map and tax lot no. 3N-10-36 SW/SE #0600, consisting of 2.0 irrigable acres

Which property is within the boundaries of and subject to the charges and assessments of the FARMERS IRRIGATION DISTRICT (DISTRICT), and WHEREAS, the water right of record indicated in the chart below is appurtenant to the above-described real property:

Legal Description	Certificate number:	Priority Date:	Source:	Purpose:	Transferred Amount:
3N-10-36 NE/SW #0200	74306 & (07)	1906	Hood River	Irrigation	4.0
3N-10-36 NW/SE #0600	74306 & (07)	1906	Hood River	Irrigation	3.1
3N-10-36 SE/SW #0200	74306 & (07)	1906	Hood River	Irrigation	4.0
3N-10-36 SW/SE #0600	74306 & (07)	1906	Hood River	Irrigation	2.0

Which water right is in the name of the FARMERS IRRIGATION DISTRICT and is delivered by the DISTRICT, and,

WHEREAS **SIEVERKROPP ORCHARDS, INC.** desire to be excluded from the DISTRICT and to no longer be subject to the charges or assessments of the DISTRICT or to receive water delivered by the DISTRICT,

NOW, THEREFORE, in consideration of being relieved of the charges and assessments of the DISTRICT (except for any exclusion charges) and in having their property formally excluded from the DISTRICT, **SIEVERKROPP ORCHARDS, INC** hereby grant, assign and convey to the DISTRICT all of their right, title and interest in and to the above described water right of record and in and to the use of the water therefrom which is appurtenant to the above described property.

SIEVERKROPP ORCHARDS, INC hereby makes, constitutes and appoints the Chairman of Farmers Irrigation District as as their agent and attorney in fact with power and authority to assign, transfer and convey the above described water right on the records of the Oregon Water Resources Department, including, but not limited to, abandon the use, transfer the use, place of use and point of diversion, and to execute and deliver transfer applications and any other documentation necessary or desirable to accomplish the transfer of the water right.

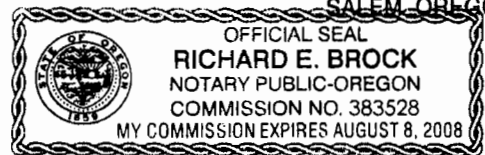
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IN WITNESS WHEREOF, the undersigned has executed this instrument the 30th day of January, 2007.

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SALEM, OREGON


Tom Sieverkropp, of **SIEVERKROPP ORCHARDS, INC**

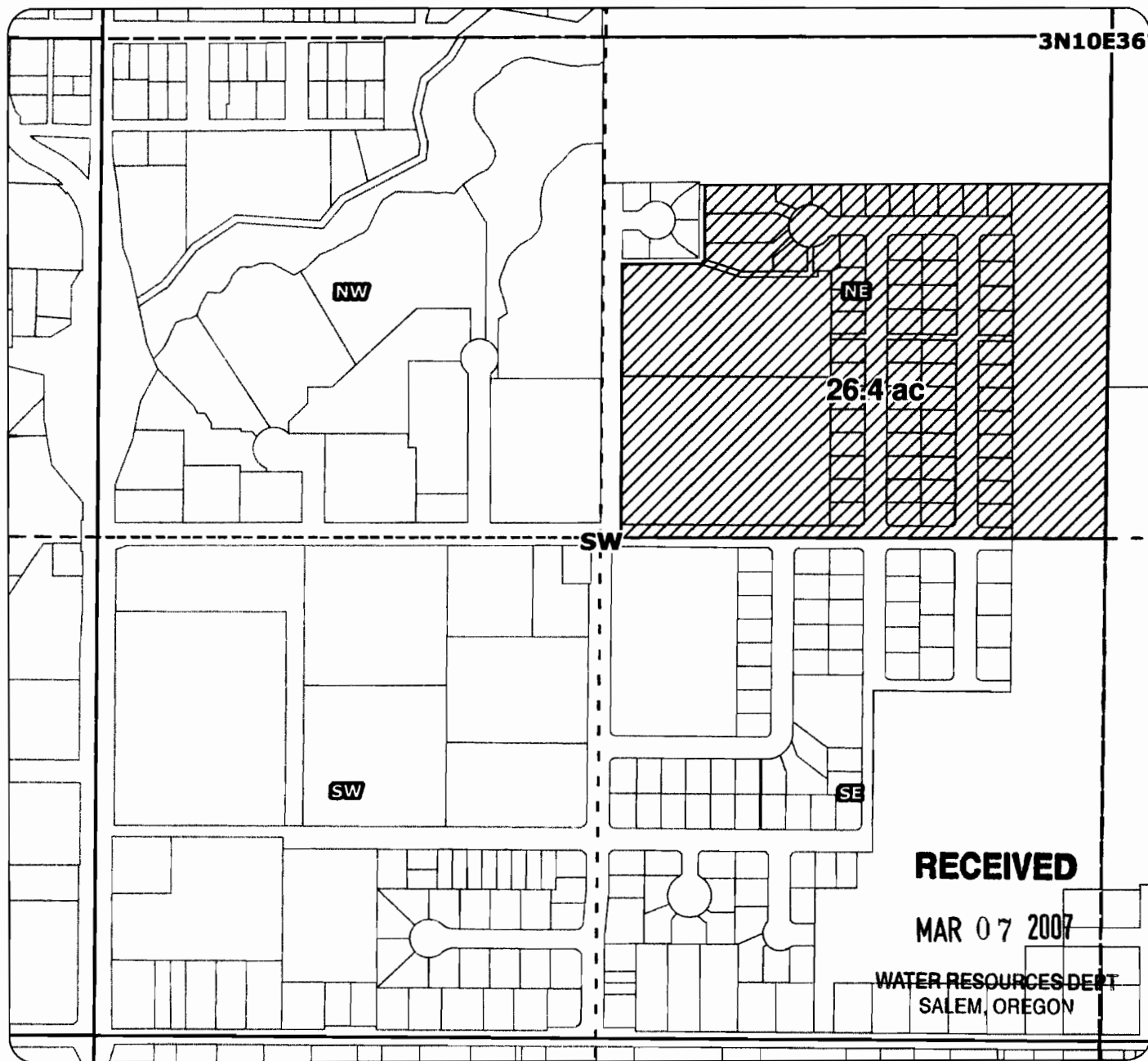


STATE OF OREGON)
) ss.
County of Hood River)

Tom Sieverkropp, of SIEVERKROPP ORCHARDS, INC acknowledged this instrument

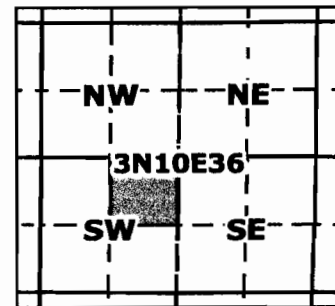
before me on the 30th day of January, 2007. Richard E. Brock
Notary Public for Oregon
My commission expires: 8-8-08



2007 Farmers Irrigation District Instream Lease Map



Application for Instream Lease

for
Farmers Irrigation District
taxlot 200
26.4 acres
(3N10E36NESW)
Map # 1



-  Proposed Lease of Irrigation Rights
-  Water Rights



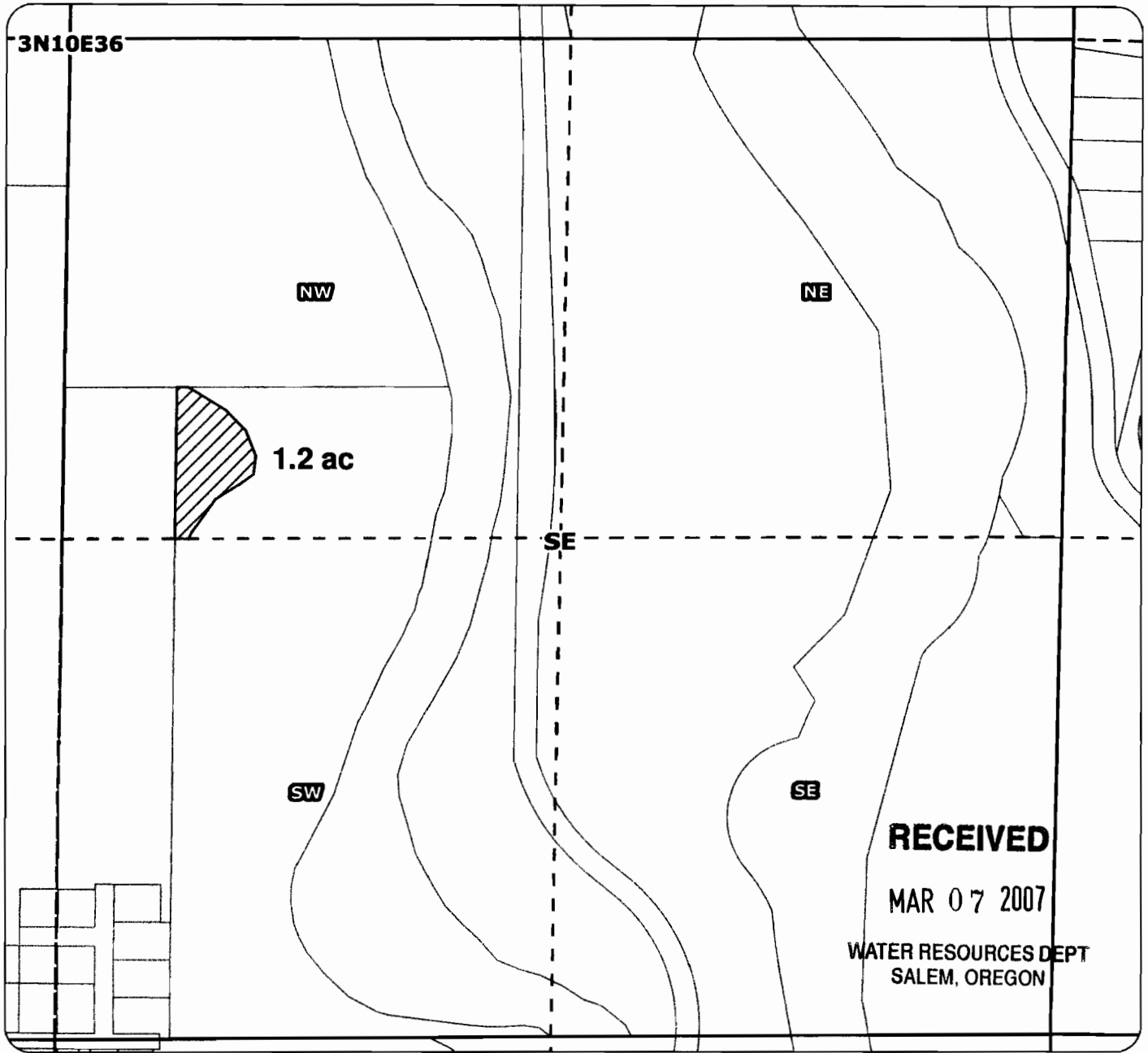
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www.geospatialsolutions.com

Date Created: January 2007



1 inch equals 400 feet

2007 Farmers Irrigation District Instream Lease Map

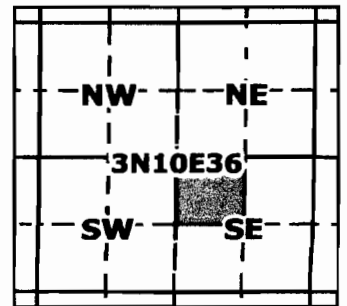


Application for Instream Lease

for
Farmers Irrigation District
taxlot 700
1.2 acres
(3N10E36NWSE)
Map # 2



Proposed Lease of Irrigation Rights
Water Rights



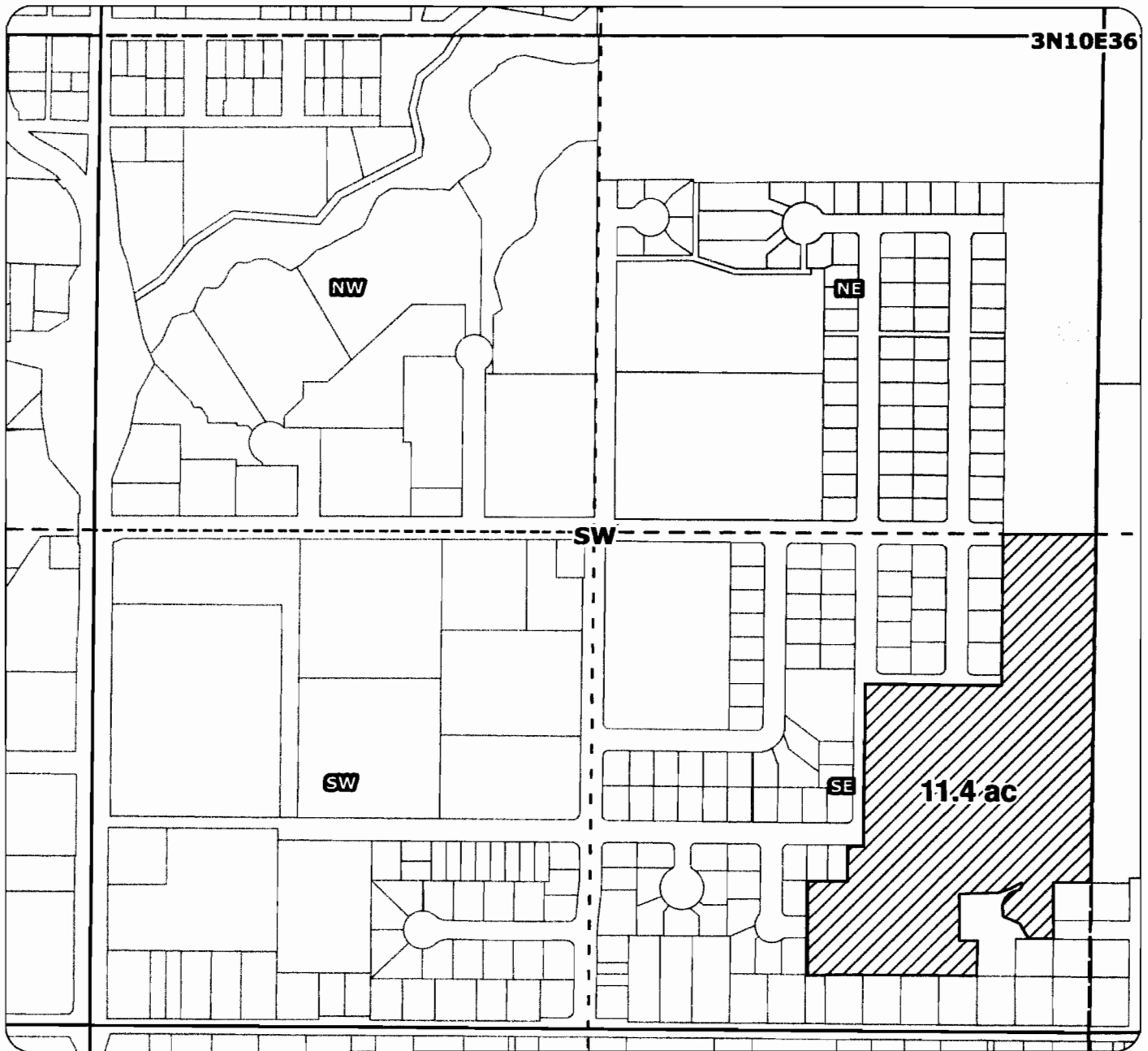
1 inch equals 400 feet



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www.geospatialsolutions.com

Date Created: January 2007

2007 Farmers Irrigation District Instream Lease Map



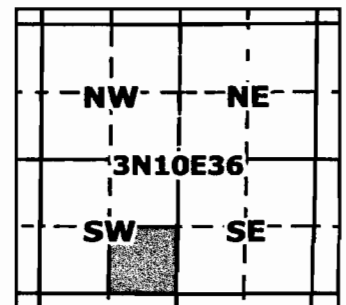
Application for Instream Lease

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WATER RESOURCES DEPT
SALEM, OREGON

for
Farmers Irrigation District
taxlot 200
11.4 acres
(3N10E36SESW)
Map # 3



Proposed Lease of Irrigation Rights

Water Rights



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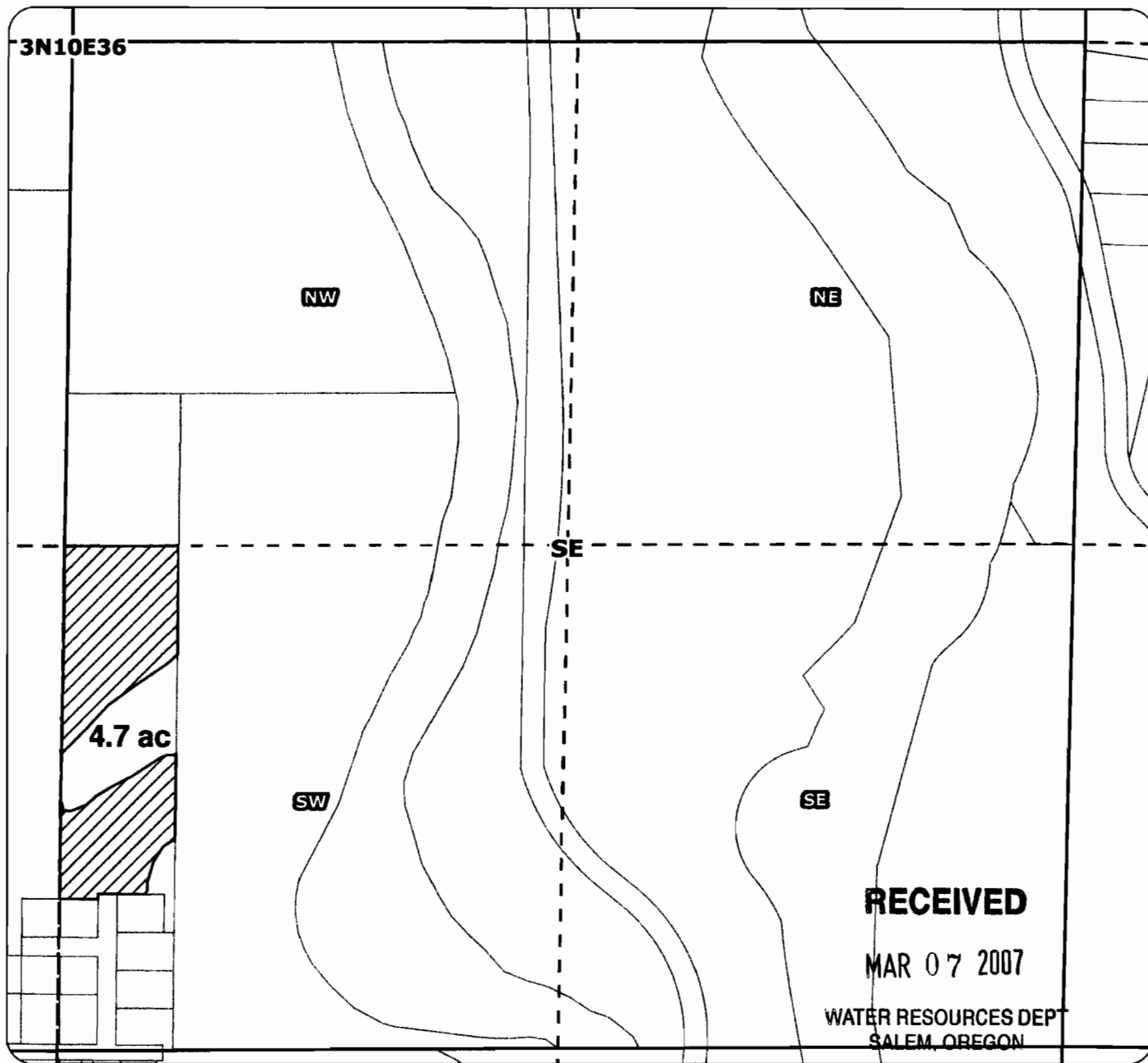
www.geospatialsolutions.com

Date Created: January 2007



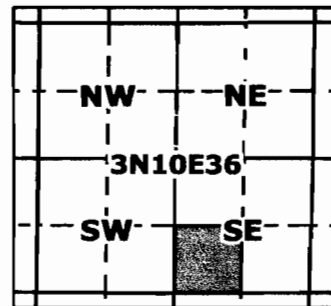
1 inch equals 400 feet

2007 Farmers Irrigation District Instream Lease Map



Application for Instream Lease

for
Farmers Irrigation District
taxlot 600
4.7 acres
(3N10E36SWSE)
Map # 4



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Proposed Lease of Irrigation Rights

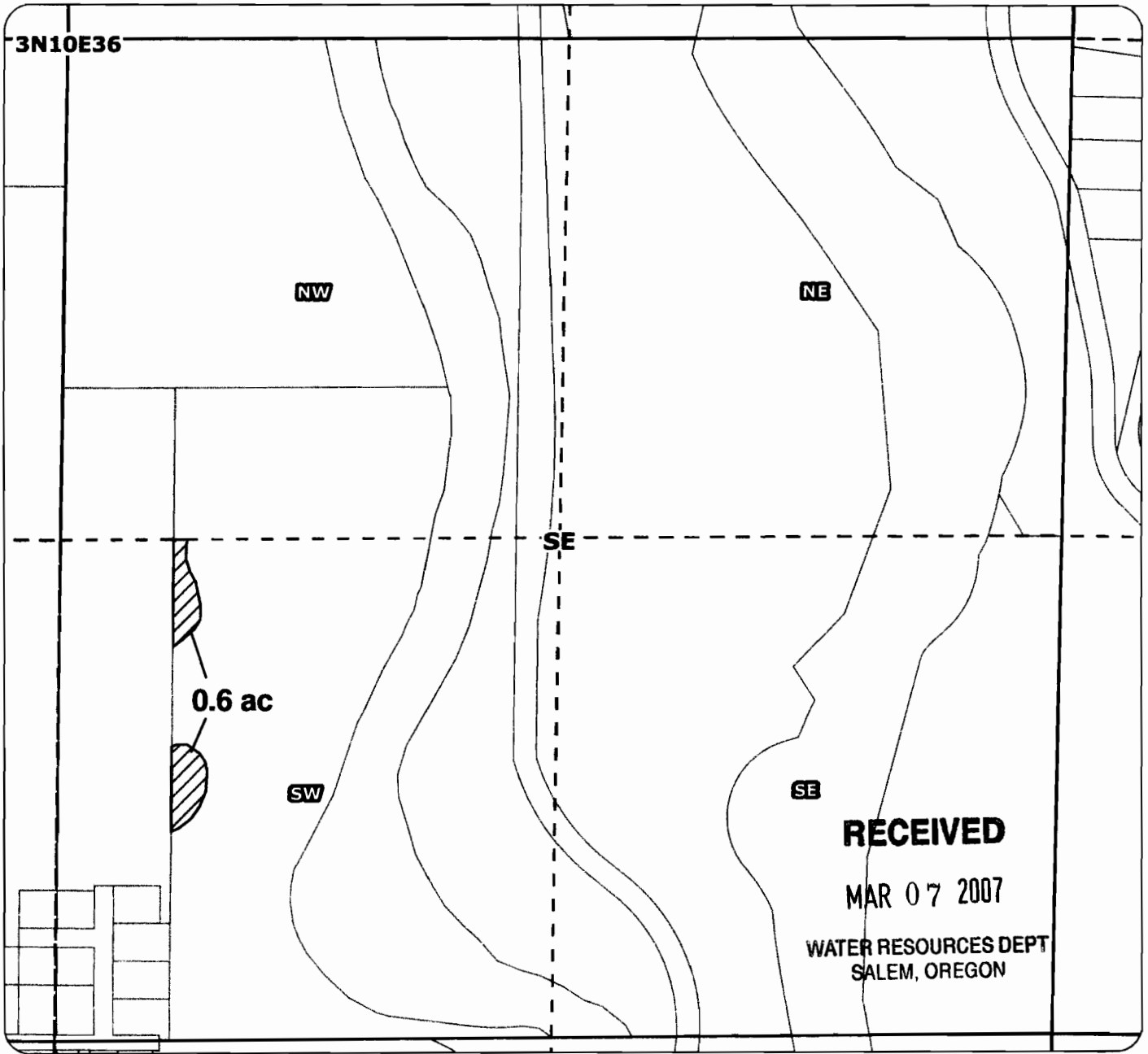
Water Rights



Date Created: January 2007

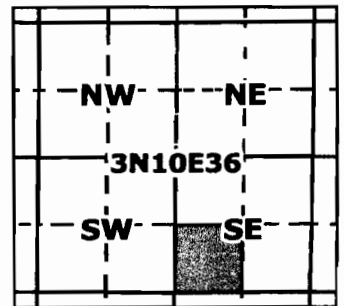
1 inch equals 400 feet

2007 Farmers Irrigation District Instream Lease Map



Application for Instream Lease

for
Farmers Irrigation District
taxlot 700
0.6 acres
(3N10E36SWSE)
Map # 5



Proposed Lease of Irrigation Rights
Water Rights



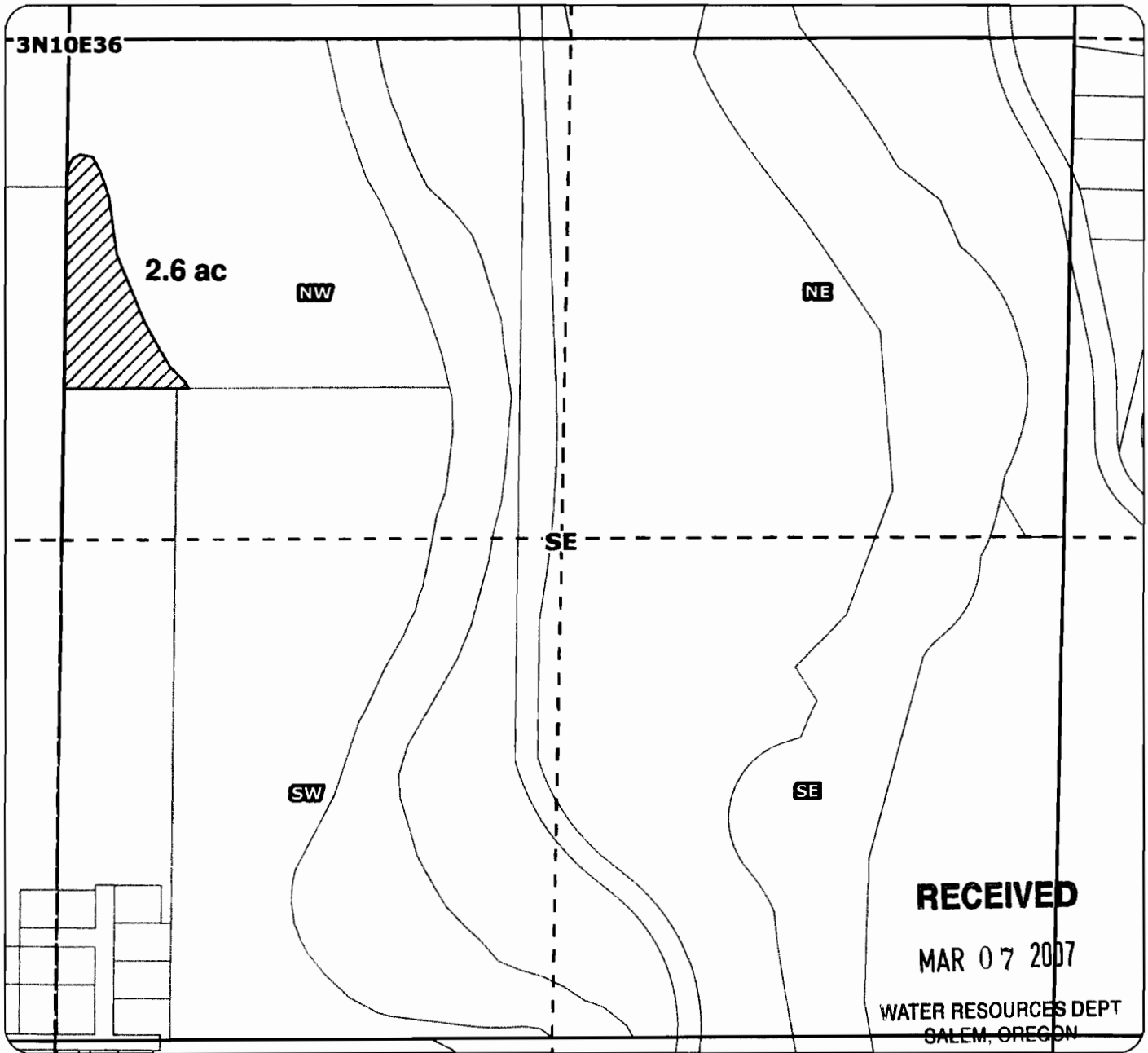
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Date Created: January 2007




1 inch equals 400 feet

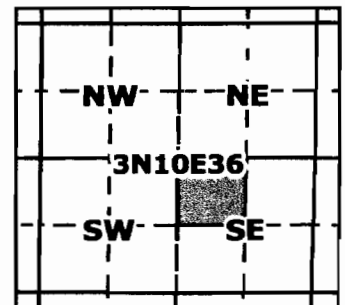
2007 Farmers Irrigation District Instream Lease Map



Application for Instream Lease

for
Farmers Irrigation District
taxlot 500
2.6 acres
(3N10E36NWSE)
Map # 6

 Proposed Lease of Irrigation Rights
Water Rights



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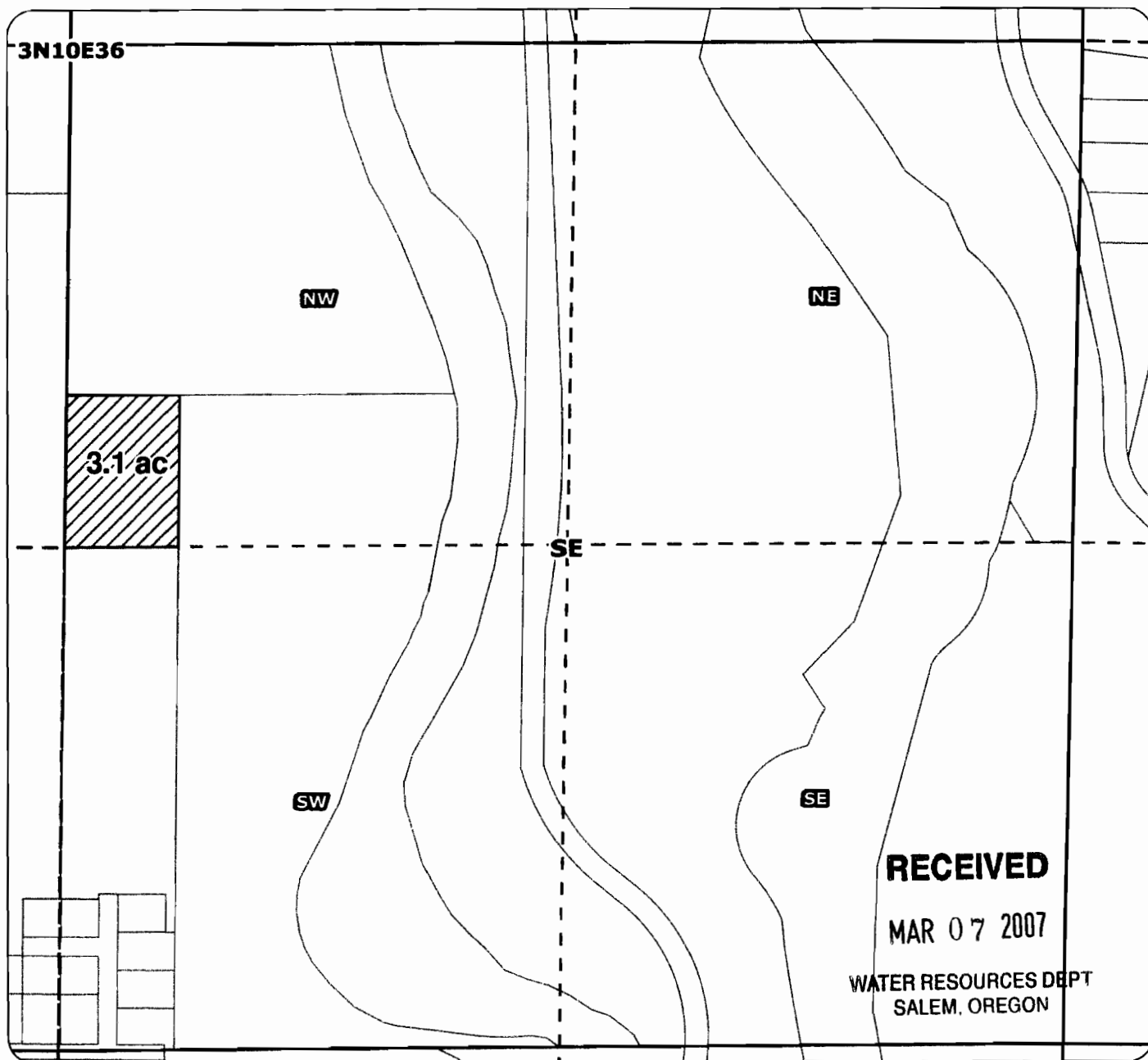
www.geospatialsolutions.com

Date Created: January 2007



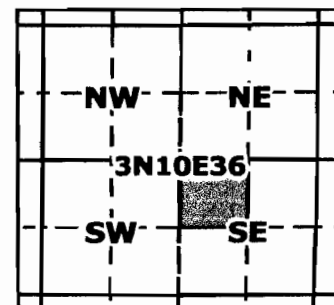
1 inch equals 400 feet


2007 Farmers Irrigation District Instream Lease Map



Application for Instream Lease

for
Farmers Irrigation District
taxlot 600
3.1 acres
(3N10E36NWSE)
Map # 7



 Proposed Lease of Irrigation Rights
Water Rights



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www.geospatialsolutions.com

Date Created: January 2007



1 inch equals 400 feet

17695

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FILED
HOOD RIVER COUNTY

APR 18 4 50 PM '80

MAR 07 2007

DEPARTMENT OF
RECORDS AND ASSESSMENT

DEED

WATER RESOURCES DEPT
SALEM, OREGON

DEPUTY

JOHN M. SIEVERKROPP, as grantor, grants and conveys

[Handwritten signature]

to SIEVERKROPP ORCHARDS, INC., an Oregon corporation, having its office and principal place of business at 3121 Elliott Dr., Hood River OR 97031, the following described real property in the County of Hood River, State of Oregon:

Beginning at the Southwest corner of the East half of the Southwest quarter of Section 36, Township 3 North, Range 10 East of the Willamette Meridian; thence East 20 feet; thence North parallel to the West line of said East half of said Southwest quarter, 250 feet; thence East parallel with the South line of Section 36, a distance of 350 feet; thence South 100 feet; thence East 200 feet; thence South 150 feet to the South line of Section 36; thence East 50 feet; thence North 150 feet; thence East 400 feet; thence North 100 feet; thence East 200 feet; thence North 150 feet; thence East 200 feet; thence North 15 feet; thence East 175 feet; thence South 100 feet; thence East 25 feet; thence South 200 feet; thence West 50 feet; thence South 115 feet to the South line of Section 36; thence East along said South line to a point that is 100 feet Westerly of, measured at right angles to, the West bank of Hood River; thence Northerly parallel with and 100 feet Westerly from said West Bank, to the North line of the Southeast quarter of said Section 36; thence West to the Northwest corner of said Southeast quarter; thence South 389.5 feet; thence West, parallel with the North line of the Southwest quarter of Section 36, a distance of 1,067 feet, more or less, to the Northeast corner of that tract conveyed to Hood River Aerie 2150, Fraternal Order of Eagles, an Oregon corporation, by deed recorded August 14, 1967, as Recorder's Fee No. 671111, Film Records; thence South 200 feet, to the Southeast corner thereof; thence West 200 feet to the Southwest corner thereof; thence North 200 feet to the Northwest corner thereof; thence West 53 feet to the West line of the East half of the Southwest quarter of Section 36; thence South along said West line, to the point of beginning. EXCEPTING THEREFROM that portion conveyed to the City of Hood River, by deed recorded July 3, 1967, as Recorder's Fee No. 670987, Film Records.

* The true and actual consideration for this transfer is \$1.00 plus other value given or promised.

This deed is given to more fully describe the lands set forth in the deed between the same grantor and the same grantee dated December 21, 1979, and recorded March 28, 1980, as Instrument

LAW OFFICES
PARKER, ABRAHAM, BELL,
BOWE & JAQUES
HOOD RIVER, OREGON 97031
PHONE 386-1411

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3N 10 36C and
200 3N 10 36D
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600
700

McC. Sieverkropp Orch, Inc.
3121 Elliott Dr.
H. R. Or.

Rd File 13, Farmers

Inst # 800553

No. 800553 in Deed Records of Hood River County, Oregon.

WITNESS the hand and seal of the grantor this _____
day of April, 1980.

4-10-80
*R

John M. Sieverkropp (SEAL)
John M. Sieverkropp

STATE OF OREGON)
County of Hood River)

) ss. April 10, 1980

Personally appeared JOHN M. SIEVERKROPP and acknowledged
the foregoing instrument to be his voluntary act and deed. Before
me:



Walter Parker
Notary Public for Oregon
My commission expires: 2-08-82

Handwritten notes and stamps, including a date stamp that appears to be 'MAY 1980' and other illegible markings.

RECEIVED
MAR 07 2007
WATER RESOURCES DEPT
SALEM, OREGON