

76520 (supplemental) .

Application for

Instream Lease

Pooled Lease Form

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

| | Pursuant to ORS 537.348(2) and OAR 69 | 0-077 |
|----------|---|--------------------------------------|
| Optio | nal Identification by Lessor/Lessee: | |
| Lease | Application Number (assigned by WRD): | <u> </u> |
| This l | Lease is between: | |
| | r #2: Irrigation District or Other Water Purveyor | |
| | Tumalo Irrigation District | |
| | ng address 64697 Cook Avenue | |
| City, | State, Zip Code Bend, OR 97701 | |
| Email | hone number 541-382-3053 | |
| Email | address tid@tumalo.org | _ |
| The w | rater right to be leased is located in Deschutes County. | |
| | e (if different than Oregon Water Resources Department): Deschutes River Conservancy | |
| | ng address P.O. Box 1560 | |
| | State Zin Code Rend, OR 07700 | |
| | 2000 number 541 393 4077 | |
| • | address gen@deschutesriver.org | |
| 23111411 | distribution of the second of | |
| Trust | | RECEIVED |
| _ | n Water Resources Department | ADD 1 4 2009 |
| | ummer Street NE, Suite A | APR 1 4 2008 |
| | 986-0900 | WATER RESOURCES DEPT SALEM OREGON |
| | ~I~ Water Right Holder and Water Right In | formation |
| 1.2 | Lessor #2 is the (Check one): ☑ Official representative of Tumalo Irrigation District , to conveys water to the subject water rights. ☐ Another party with an interest in the subject water rights red ☐ Not applicable. | |
| 1.3 | For the water right(s) being leased, list all water rights appurte Indicate if there are any supplemental or overlying rights. | enant to the same lands. |
| | Certificate No. 74146, 74147, 76106, 76358 (primary) and 767 | 714 74147 74148 74149 |

| 1.4 | Program. Yes No No |
|-----|---|
| 1.5 | Water Rights Proposed to be Leased Instream. |
| | The first right to be leased identified in Section 1.3 is further described as follows: |
| | Certificate No.: 74146 |
| | Priority date: 9/1/1900, 5/27/1907, 6/1/1907 Type of use: IRR |
| | Legal Season of Use: April 15 thorugh October 15 |
| | If an irrigation right, total number of acres to be leased: 9/1/1900 - 38.10 ac, 5/27/1907 - |
| | 18.30 ac, 6/1/1907 - 6.0 ac total 62.40 ac |
| | Total acre-feet of storage to be leased, if applicable: |
| | Maximum rate associated with subject water rights (cfs) being leased: 9/1/1900 - 0.544 cfs, |
| | 5/27/1907 - 0.255 cfs, 6/1/1907 - 0.086 cfs total:0.885 cfs If there is more than one rate associated with a water right, describe below: |
| | Season 1 (cfs) Time period: |
| | Season 2 (cfs) Time period: |
| | Season 3 (cfs) Time period: |
| | Maximum duty associated with subject water rights (ac-ft): 9/1/1900 - 68.58 af, 5/27/1907 - |
| | 32.94 af, 6/1/1907 - 10.80 af total: 112.32 af |
| | Conditions or other limitations, if any: |
| | If you need to enter another leased right, please use the additional water rights form. |
| | ~II~ Instream Water Right Information |
| 2.1 | Public use. This lease will increase streamflows that will benefit: |
| | ☐ Conservation, maintenance and enhancement of aquatic and fish life, wildlife, and fish |
| | and wildlife habitat |
| | ⊠ Pollution abatement |
| | □ Recreation and scenic attraction |
| 2.2 | Instream use created by lease. The instream use to be created is described as follows: |
| | TumaloCreek |
| | Tributary to Deschutes River in the Deschutes Basin. |
| | Describe the point of diversion (POD) and any associated reach(es) of the instream use |
| | being created. If possible list the reach by river mile. If no reach is identified, and there is |
| | only one POD listed on the certificate, the lease will be processed to be protected at the |
| | POD. (If more than one POD is listed on the certificate, then the POD and any associated |
| | reach(es) must be identified): TID POD #1: Tumalo Feed Canal - SWNE, sect 23, T17S, |
| | R11E, W.M. to the mouth of the Deschutes River at river mile 0 |
| | Maximum volume in acre-feet: 9/1/1900 - 68.58, 5/27/1907 - 32.94, 6/1/1907 - 10.80 |
| | (112.32 total af) |
| | Rate in cfs: 9/1/1900 - 0.162 cfs, 5/27/1907 - 0.078 cfs, 6/1/1907 - 0.025 cfs (0.265 cfs |
| | total) |
| | (If more than one rate, describe the rate associated within each time period or instream reach.) |
| | Rate in cfs: Rate in cfs: RECEIVED |
| | Rate in cfs: RECEIVED |
| | AT A STATE OF THE |

(Use the section below to indicate a more restrictive period of use the fallowed 2008 e water right.)

| | Conditions to prevent injury, if any: ☐ None | |
|-----|--|--|
| | ☑ The instream flow will be allocated on a daily average basis up to from April 15 through October 15 ☑ Other (describe): | the described rate |
| | | |
| 2.3 | Term of lease. This lease shall terminate on November 1, 2008. | |
| 2.4 | Flow protection. The Trustee will regulate use of water from the sour appropriation and the agency enforcement guidance, to assure the water point of diversion, and through the reach past junior downstream users sufficient to meet the demand under priority date of the new instream. As part of regulation activities the watermaster or a designee has accediversion and place of use for the water rights involved in this lease. It continuously measure the flow of the waterway described in Section 2. | er is delivered to the s, so long as flow is use (see Section 2.2). ss to the point of No party is required to |
| | ~III~ Other Information | |
| 3.1 | Accuracy. The Undersigned Lessor(s) and Lessee(s) declare that, to the knowledge and belief, the information contained in this application is complete. If after the lease order is signed, any information is determined ease order may be modified or terminated. The lease only exercises the leased, for the term of the lease. It shall not be construed to overcome water right may otherwise be subject to forfeiture for nonuse pursuant during the period of time prior to the execution of the lease. | true, correct and ined to be false, the he water rights being any claim that the |
| 3.2 | Lease. Lessor(s) and Lessee(s) agree to lease the water rights listed in instream use for the term of this lease through Lessee to the Trustee, the Resources Department, pursuant to the provisions of ORS 537.348(2) | he Oregon Water |
| 3.3 | Precedent. If a right which has been leased is later proposed to be leastransferred to an instream use under ORS 537.348 and OAR 690-077 shall be required, and a prior short term lease shall not set a precedent water to be leased or transferred instream. | a new injury review |
| 3.4 | Suspension of original use. During the period of the lease, the water suspend use of water allowed under the subject water rights and under is supplemental to the subject water rights. | |
| 3.5 | Termination provision. | |
| | For multiyear leases, the Lessor(s) shall have the option of termin year with written notice to the Department. The lease may be terminating the calendar year. However, if the termination request is redays prior to the period of allowed instream use or after the period begun for the water right(s) being leased, water may not be used a leased until the following calendar year, unless the Director determination request is reduced until the following calendar year, unless the Director determination 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. | minated at any time received less then 30- d of allowed use has under the right(s) mines that |

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| l | For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease. |
|-------------------------------|--|
| 1 | 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. |
| | Fees. Pursuant to ORS 536.050, the following fee is included: |
| Tumalo Lessee: | 12: Elmer & Maraila Date: 3-27-08 Irrigation District Date: Mar 25, 2008 Les River Conservancy |
| Attachm Attachm Attachm | ttachments as Needed: nent 1: Tax Lot Map. (See instructions.) nent 2: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. (See instructions.) nent 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). nent 4: Split Season Instream Use Form nent 5: Pooled Lease Water Right Holder Form |

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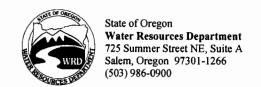
Additional Water Right Form for Pooled

Instream Lease

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

~I~

| Section 1.5 continued from Pooled Form. |
|---|
| Water Rights Proposed to be Leased Instream. District and water right holder(s) |
| propose to lease the water rights identified in Section 1.3 on the "Pooled Lease Form." |
| The right(s) to be leased are further described as follows: |
| Certificate No.: <u>76106</u> |
| Priority date: December 1, 1961 Type of use: IRR |
| Legal Season of Use (if not listed on the certificate): April 1 through October 31 |
| If an irrigation right, total number of acres to be leased: 41.46 |
| Total acre-feet of storage to be leased, if applicable: <u>57.69 maximum from storage</u> |
| Maximum rate associated with subject water rights (cfs) being leased: 0.592 cfs |
| If there is more than one rate associated with a water right, describe below: |
| Season 1 (cfs) Time period: |
| Season 2 (cfs) Time period: Season 3 (cfs) Time period: |
| Maximum duty associated with subject water rights (ac-ft): 103.65 total AF |
| Maximum duty associated with subject water rights (ac-1t). 103.03 total Ar |
| Conditions or other limitations, if any: |
| |
| ~II~ |
| |
| Section 2.2 continued from Pooled Lease Form. |
| Instream use created by lease. The instream use to be created is described as follows: |
| Tumalo Creek Tributary to Deschutes 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): Tumalo Resvr: SESW, Sect 33, R16S, T11E, W.M.: |
| Tumalo Creek: SENE, Sect 23, T17S, R11E, W.M. to the mouth of the Deschutes River at river mile 0. |
| Maximum volume in acre-feet: 103.65 af |
| Rate in cfs: 0.244 cfs RECEIVED |
| (If more than one rate, describe the rate associated within each time period or instream reach.) |
| Rate in cfs: APR 1 4 2008 |
| Rate in cfs: |
| WATER RESOURCES DEP |
| (Use the section below to indicate a more restrictive period of use than allowed by the water right. EM OREGON |
| Conditions to prevent injury, if any: |
| ✓ None ☐ The instream flow will be allocated on a daily average basis up to the described rate |
| from through |
| 110111 till Ough |



Additional Water Right Form for Pooled

Instream Lease

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

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| water Rights Proposed to be Leased Instream. District and water right holder(s) propose to lease the water rights identified in Section 1.3 on the "Pooled Lease Form." | | | | | |
|---|--|--|--|--|--|
| The right(s) to be leased are further described as follows: Certificate No.: 74147 | | | | | |
| Priority date: October 29, 1913 Type of use: IRR & IND | | | | | |
| Legal Season of Use (if not listed on the certificate): April 1 through Oct 31 | | | | | |
| If an irrigation right, total number of acres to be leased: 2.0 ac IND, 167.21 ac IRR | | | | | |
| (169.21 ac total) | | | | | |
| Total acre-feet of storage to be leased, if applicable: | | | | | |
| Maximum rate associated with subject water rights (cfs) being leased: 0.062 cfs IND, 5.161 cfs IRR (5.223 cfs max total) | | | | | |
| If there is more than one rate associated with a water right, describe below: | | | | | |
| Season 1 (cfs) $.025$ IND, 2.090 IRR = 2.115 cfs total Time period: | | | | | |
| 4/1-4/30, 10/1-10/26 | | | | | |
| Season 2 (cfs) <u>.033 IND</u> , <u>2.787 IRR</u> = <u>2.820 cfs total</u> Time period: | | | | | |
| 5/1-5/15, 9/15-9/30 | | | | | |
| Season 3 (cfs) <u>.062 IND</u> , <u>5.161 IRR = 5.223 cfs total</u> Time period: | | | | | |
| 5/15-9/15 | | | | | |
| Maximum duty associated with subject water rights (ac-ft): 19.82 af IND, 1657.05af IRR (1676.87 af total) | | | | | |
| Conditions or other limitations, if any: | | | | | |
| ~II~ | | | | | |
| Section 2.2 continued from Pooled Lease Form. Instream use created by lease. The instream use to be created is described as follows: Tumalo Creek | | | | | |
| Tributary to <u>Deschutes River</u> in the <u>Deschutes</u> Basin. | | | | | |
| Describe the point of diversion (POD) and any associated reach(es) of the instream use being created. If possible list the reach by river mile. If no reach is identified, and there is only one POD listed on the certificate, the lease will be processed to be protected at the POD. (If more than one POD is listed on the certificate, then the POD and any associated reach(es) must be identified): TID POD #1 (Tumalo Feed Canal) to the mouth and to the mouth of the Deschutes River at river mile 0. | | | | | |
| Maximum volume in acre-feet: 19.82 af IND, 1657.05 af IRR (1676.87 af total) | | | | | |
| Rate in cfs: 0.062 cfs IND, 5.161 cfs IRR (5.223 cfs total) | | | | | |
| Rate in cfs: 0.062 cfs IND, 5.161 cfs IRR (5.223 cfs total) (If more than one rate, describe the rate associated within each time RECENTED Rate in cfs: | | | | | |
| Rate in cfs: APR 1 4 2008 | | | | | |

| (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 |
| Make the instream flow will be allocated on a daily average basis up to the described rate |
| from April 1 through October 26 |
| Other (describe): |

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| 2007 0000000000000000000000000000000000 | | | | | | | | | |
|---|---------|---------------|----------------------|----------------------|----------------------|---------------|-----------------|---------------|--------|
| by Certificate & Priority Date | | | | | | | | Certificate # | |
| Name | Lease # | Certificate # | Certificate# | Certificate # | Certificate # | Certificate # | Certificate# | Priority Date | Total |
| | | Priority Date | Priority Date | Priority Date | Priority Date | Priority Date | Priority Date | #76358 | |
| | | #74146 | #74146 | #74146 | #74146 | #74147 | #76106 | 10/31/1900 | |
| | | 8/5/1900 | 9/1/1900 | 5/27/1907 | 6/1/1907 | 10/29/1913 | 12/8/1961 | 12/2/1907 | |
| Bevando, Erin & Damien | L08.04 | | 2.50 | | | | | | 2.50 |
| Brehmer, Chris & Lisa | L08.12 | | | | | | 14.46 | | 14.46 |
| Christianson, Mike & Roberta | L08.02 | | 13.70 | | | 5.30 | 15.00 | | 34.00 |
| C.L.R. Inc., Jerry Curl | T08.06 | | | 9.00 | | 46.66 | | | 55.66 |
| Coleman, Nancy | L08.16 | | | | | 13.00 | | | 13.00 |
| Dvorak, Louis B. | L08.13 | | 4.10 | | | 0.40 | | | 4.50 |
| Gilman/Owenby, Chris & Louise | L08.01 | | 0.50 | | | 3.00 | 10.00 | | 13.50 |
| Kachlein, Mark & Belinda | L08.15 | | 0.70 | 3.00 | | | | | 3.70 |
| Kimble, Harris | L08.14 | | | 6.30 | | 48.74 | | | 55.04 |
| McCook, Peter & Jacqueline | L08.07 | | 1.00 | | | | 2.00 | | 3.00 |
| MSI Properties (Milem) | L08.10 | | | | | 23.11 | | | 23.11 |
| Schutt/Tuten Family Trust | L08.11 | | | | | 28.50 | | | 28.50 |
| Snyder, Joseph | L08.09 | | 09.0 | | | | | | 09.0 |
| Vezina, Lee & Ruth | L08.08 | | 10.00 | | | | | | 10.00 |
| Voyles Trust, Linda & Barry | L08.05 | | 2.00 | | | | | | 5.00 |
| Wilkenfeldt, Gloria | L08.03 | | | | 00.9 | 0.50 | | | 6.50 |
| | | 0.00 | 38.10 | 18.30 | 00.9 | 169.21 | 41.46 | 00:00 | 273.07 |
| | | | | | | | | | |
| | | | | | | | RECEIVE | | |
| | | | | | | | APR 1 4 2008 | 300 | |
| | | | | | | BAZATE | TEDDECLIDOROPED | PODEDI | |
| Total 2000 Lagor | | | | | | 202000 | A TATABOOLACE | - SULL | 70 070 |

This table will calculate flow rate factors and duty for Tumalo Irrigation District Instream Leases

Primary Irrigation

TID CERT 74146 (assuming can divert full rate and duty allowed by certificate)
Source = Tumalo Creek

| Enter Total Number of Acres to be Leased Instream Here by Priority | | |
|--|----------------|--|
| pri date | acres instream | |
| August 5. 1900 | 0.00 | |
| September, 1900 | 38.10 | |
| April 28, 1905 | 0.00 | |
| May 27, 1907 | 18.30 | |
| June 1, 1907 | 6.00 | |
| total acres | 62.40 | |

| Rate Allowed by Cert in CFS by | | | |
|--------------------------------|-------------------------|------------------|--------------------|
| Priority Date | broken down by pri date | equivalent acres | Duty (1.8 AF/Acre) |
| 5.823 | August 5. 1900 for | 407.60 | 733.68 |
| 46.655 | September, 1900 | 3265.85 | 5878.53 |
| 4.309 | April 28, 1905 | 301.60 | 542.88 |
| 0.603 | May 27, 1907 | 43.20 | 77.76 |
| 14.181 | June 1, 1907 | 992.65 | 1786.77 |
| 71.571 | | 5010.90 | 9019.62 |
| Rate per acre allowed by Cert | | | |
| 0.0140 | May 27, 1907 | | |
| 0.0143 | all other pri dates | | |

4.308571429

the rate identified for this pri date does not allow the full 1/70th (0.617 CFS)

0.617142857

information highlighted with purple font is to be entered on to the Instream Lease Application Form

| Enter Rates and Duty on Lease Form by Priority Date | Rate/acre (CFS) | Max Rate (CFS) | Duty/acre (AF) | Max Duty (AF) |
|---|-----------------|----------------|----------------|---------------|
| August 5, 1900 | 0.0143 | 0.000 | 1.8 | 0.00 |
| September, 1900 | 0.0143 | 0.544 | 1.8 | 68.58 |
| April 28, 1905 | 0.0143 | 0.000 | 1.8 | 0.00 |
| May 27, 1907 | 0.0140 | 0.255 | 1.8 | 32.94 |
| June 1, 1907 | 0.0143 | 0.086 | 1.8 | 10.80 |
| | Totals | 0.885 | | 112.32 |

Notes

The amounts shown in the green Section 1.4 box breaks the water right down into each priority date.

The rate is simply the rate per acre (1/70th) multiplied by the number of acres being leased by each priority date, except for 5/27/1907.

The duty is simply the duty per acre (1.8 AF) multiplied by the number of acres being leased by each priority date.

| Enter Instream Rates and Volumes by Priority Date | Instream Rate (CFS) over full Irrigation | Instream Volume | |
|---|---|-----------------|-----------------|
| on Lease Form | | (AF) | Period Instream |
| August 5. 1900 | 0.000 | 0.00 | April 1 - Nov 1 |
| September, 1900 | 0.162 | | April 1 - Nov 1 |
| April 28, 1905 | 0.000 | | April 1 - Nov 1 |
| May 27, 1907 | 0.078 | 32.94 | April 1 - Nov 1 |
| June 1, 1907 | 0.025 | 10.80 | April 1 - Nov 1 |
| Totals | 0.265 | 112.32 | |

Notes

The amounts shown in the lavender Section 2.2 box breaks the water right down into each priority date for what is going instream. The volume shown is simply the full duty as calculated in the Section 1.4 box.

However, the rate has been reduced. The presumption I used is that water is to be protected instream over the full irrigation season, being April 1 to November 1. The instream rate then is the duty divided by the number of days in the irrigation season (214). This is then divided by 1.98 AF/day to arrive at the rate instream. 1.98 AF = 1 CFS for one day.

Instream Rate = (Duty in AF / # of days instream) * 1 CFS/1.98 AF per Day

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This table will calculate flow rate factors and duty for Tumalo Irrigation District Instream Leases

Primary Water Use

TID CERT 76106 (assuming can divert full rate and duty allowed by certificate)

Priority Date = December 8, 1961

source = Tumalo Creek and Upper Tumalo Reservoir, constructed under permit R-2743, tributaries of the Deschutes River (live flow and stored water)

TOTAL ACRES 790.6

Rate per acre alloweed by Cert Duty per acre allowed by Cert 0.014

> AF/Acre based on storage limit AF of Storage in Reservoir

Enter Total Number of cres to be Leased

| 57.69 | | | | |
|---------------------------|------------------------------|---------------|------------------------|---|
| max portion from stortage | | | | |
| 103.65 | 2.50 | 0.592 | 0.014 | |
| Max Duty (AF) | Duty/acre (AF) Max Duty (AF) | Rate (CFS) | Rate/acre (CFS) | Lease Form |
| | | | | Enter Rates and Duty on |
| | | | Tim . | the Lease Application Form |
| | | ection 1.5 of | th leased rights for S | Rate (CFS) associated with leased rights for Section 1.5 of |

| | 57.69 | | | |
|-------------------------|--------------------------|---------------------------|-------------------------|--|
| n storage | max portion from storage | | | |
| 103.65 April 1 - Oct 31 | | 214 | 0.244 | |
| Period Instream | | Days instream Volume (AF) | Season | Volumes on Lease Form Season |
| | Instream | | over full Irrigation | Enter Instream Rates and over full Irrigation |
| | | | Instream Rate (CFS) | |
| | cation Form | he Lease Appli | am for Section 2.2 of t | Rate (CFS) leased instream for Section 2.2 of the Lease Application Form |
| | | | | |

- 1 The volume identified in association with this right is in part from stored water. The portion that may come from stored water has been proportioned to prevent enlargement.
- 2 The full duty (volume) identified in the green Section 1.4 box is simply the number of acres multiplied by the duty per acre limit. 3 The volume in the green Section 1.4 box identified as being from storage is based upon evenly distributing water stored in the reservoir to each acre that may receive stored water from the reservoir.
- 4 The rate identified in the lavendar Section 2.2 box is a reduced rate. This rate allows the full volume (duty) to be leased instream over the entire irrigation season. (full duty in AF / 214 days) / 1.983471 AF/day/1 CFS = X CFS

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This table will calculate flow rate factors and duty for Tumalo Irrigation District Instream Leases

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Primary Irrigation (See Below Dark Green Line for Supplemental Irrigation Calculator)
TID CERT 74147 (assuming can divert full rate and duty allowed by certificate)

Priority Date = October 29, 1913
Source = Tumalo Creek, Crater Creek, Little Creek and Three Spring Branches

Enter Total Number of Acres to be Leased Instream Here

IRR

| 3.77 |
|------------------------------|
| |
| 1573.93 |
| |
| TOTAL ACRES - Pri Use |
| |
| |
| to be reased instream incide |
| DO COSCIONATION LOSS |

| 15,654.83 | 15,822.93 | | | | | | |
|--------------|---------------------------|------------------------|---------------------|------------------|-------------------------|---------------------|----|
| | | | | | | | |
| | 11,874.08 | 123 | 48.76 | 136.00 | 48.76 | 0.031 | S3 |
| | 1,563.90 | 30 | 26.33 | 136.00 | 26.33 | 0.017 | S2 |
| | 2,384.95 | 61 | 19.75 | 136.00 | 19.75 | 0.013 | S1 |
| | | | | | | | |
| 9.91 AF/acre | | days in season on rate | each season | max rate allowed | | rate per acre (CFS) | |
| Duty Limit @ | volume based Duty Limit @ | | Max rate allowed in | | total rate (CFS) if all | | |

If run at full rate, volume instream over full season would exceed max duty limit. Need to shorten season by 5 days.

OTAL ACRES - Supp Use

5010.

| | rate per acre (CFS) | total rate (CFS) if all max rate allowed acres irrigated (remaining) | | Max rate allowed in each season | volume days in season on rate | based | Duty Limit @ 9.91 AF/acre |
|-------------|---------------------|--|--------|------------------------------------|-------------------------------|-----------|------------------------------|
| | | | | | | | |
| S1 | 0.013 | 62.64 | 116.25 | 62.64 | 61 | 7,565.21 | |
| S2 | 0.017 | 83.52 | 109.67 | 83.52 | 30 | 4,960.79 | |
| .ES | 0.031 | 154.66 | 87.24 | 87.24 | 123 | | |
| S3 prorated | 0.017 | 87.24 | 87.24 | 87.24 | 123 | 21,247.36 | |
| | | | | | | 33,773.36 | 49,658.02 |

Rate for this period of the irrigation season at 1/32.4th CFS/acre would exceed max rate limit if all acres were being irrigated

| Rate (CFS) associated with leased rights for Section 1.5 of the Lease Application Form Lease Application Form Enter Rates and Duty on Lease Form by Season Max Rate (CFS) Duty/acre (AF) Max Duty (AF) Season 1 0.013 2.090 9.91 1,657.05 Season 2 0.017 2.787 | | 5.161 | 0.031 | Season 3 |
|--|---------------|--------------------|---------------------|--|
| S) associated with leased rights for Section 1.5 of the pplication Form tes and Duty on Part of the section 1.5 of the pplication Form Rate/acre (CFS) Max Rate (CFS) Duty/acre (AF) Max Duty 2.090 9.91 1 | | 2.787 | 0.017 | Season 2 |
| n Rate/acre (CFS) Max Rate (CFS) Duty/acre (AF) | 1,657.05 | 2.090 | 0.013 | Season 1 |
| tate (CFS) associated with leased rights for Sec <mark>tion 1.5 of the</mark> ease Application Form | Max Duty (AF) | | Rate/acre (CFS) | Enter Rates and Duty on Lease Form by Season |
| | | Section 1.5 of the | leased rights for S | Rate (CFS) associated with Lease Application Form |

Notes

acre for each season. For example Season 1 rate = # acres * 1/80th CFS per acre The rate identified in the green Section 1.4 box was calculated based on the number of acres being leased multiplied by the rate per

The duty identified is the number of acres to be leased multiplied by the 9.91 AF per acre duty limitation.

| | | h October 31 | April 1 throug | Water protected instream: April 1 through October 31 |
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| rm . | se Application Fo | ction 2.2 of the Leas | event inury for Sec | Additional Conditions to Prevent Inury for Section 2.2 of the Lease Application Form |
| | 1,657.05 | Total Instream Vol. | 100 | Totals |
| | 1,259.07 | 123 | 5.161 | Season 3 |
| | 165.83 | 30 | 2,787 | Season 2 |
| | 232.16 | 56 | 2.090 | Season 1 |
| | (AF) | | Irrigation Season Days instream | Lease Form |
| | Instream Volume | | (CFS) over full | Volumes by Season on |
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| NAME OF TAXABLE PARTY. | on Form | the Lease Applicati | for Section 2.2 of | Rate (CFS) leased instream for Section 2.2 of the Lease Application Form |
| | | | | THE R. P. LEWIS CO., LANSING, MICH. LANSING, MICH. |

The 45% transmission loss has been removed

Notes

The number of days that water may be protected instream over the season has been reduced to prevent enlargement (exceeding the duty limit) The volume identified is the sum of the rates multiplied by 1.98af/acre and then multiplied by the number of days in each season.

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WATERRESOURCES DEPT
SALEM OREGON

Supplemental Irrigation

TID CERT 74147 (assuming can divert full rate and duty allowed by certificate)
Priority Date = October 29, 1913

Source = Turnalo Creek, Crater Creek, Little Creek and Three Spring Branches

| to be Leased Instream Here |
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| Rate (CFS) associated with leased rights for Section 1.5 of the Lease Application Form | eased rights for S | section 1.5 of the | | |
|---|--------------------------------|--------------------|----------------|---------------|
| Enter Rates and Duty on Lease Form by Season | Rate/acre (CFS) Max Rate (CFS) | Max Rate (CFS) | Duty/acre (AF) | Max Duty (AF) |
| Season 1 | 0.013 | 1.250 | 9.91 | 991.00 |
| Season 2 | 0.017 | 1.667 | | |
| Season 3* | 0.031 | 3.086 | | |
| | | | | |

^{*} S3 has been prorated to prevent injury/enlargement and to relfect the amount by which the diversion must be reduced

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acre for each season. For example Season 1 rate = # acres * 1/80th CFS per acre The rate identified in the green Section 1.4 box was calculated based on the number of acres being leased multiplied by the rate per

Except S3, which has been prorated and the amount per acre is = 136 CFS / 6590.6 acres

The duty identified is the number of acres to be leased multiplied by the 9.91 AF per acre duty limitation.

supplemental is based on what's left). The max rate allowed for the supplemental use is a portion of the 136 cfs (the amount used for primary has been subtracted out and the

| 675.18 | 4.658 Total Instream Vol. | 4.658 | Totals |
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| 424.77 | 123 | 1.741 | Season 3* |
| 99,17 | 30 | 1.667 | Season 2 |
| 151.24 | 61 | 1.250 | Season 1 |
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The volume identified is the sum of the rates multiplied by 1.983471af/acre and then multiplied by the number of days in each season.



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WATER RESOURCES DEPT
SALEM OREGON

This table will calculate flow rate factors and duty for Tumalo Irrigation District Instream Leases

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Priority Date = October 29, 1913 TID CERT 74147 (assuming can divert full rate and duty allowed by certificate) Primary Irrigation (See Below Dark Green Line for Supplemental Irrigation Calculator)

Source = Tumaio Creek, Crater Creek, Little Creek and Three Spring Branches

| 1 | to be Leased Instream Here | Enter Total Number of Acres | |
|---|----------------------------|-----------------------------|--|
| | | | |

TOTAL A

| 1579.7 | 2 | 3.77 | | 1573.93 | ACRES - Pri Use | |
|--------|---|-------------|-------------|-------------|--|--|
| | | S3 | \$2 | S1 | | |
| | | | | | rate per acre (CFS) | |
| | | 0.031 48.76 | 0.017 26.33 | 0.013 19.75 | total rate (CFS) if all acres irrigated | |
| | | 136.00 | 136.00 | 5 136.00 | max rate allowed | |
| | | 48.76 | 26.33 | 19.75 | Max rate allowed in each season | |
| | | 123 | 30 | 61 | days in season o | |

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| 49,658.02 | 33,773.36 | | | | | | |
|--------------|----------------------|------------------------|---------------------------------|--------|-----------------------------|---------------------|-------------|
| Ť | 21,247.36 | 123 | 87.24 | 87.24 | 87.24 | 0.017 | S3 prorated |
| | | 123 | 87.24 | 87.24 | 154.66 | 0.031 | S3* |
| Ť | 4,960.79 | 30 | 83.52 | 109.67 | 83.52 | 0.017 | S2 |
| | 7,565.21 | 61 | 62.64 | 116.25 | 62.64 | 0.013 | S1 |
| 9.91 AF/acre | on rate 9.91 AF/acre | days in season on rate | Max rate allowed in each season | | acres irrigated (remaining) | rate per acre (CFS) | |

Rate for this period of the irrigation season at 1/32.4th CFS/acre would exceed max rate limit if all acres were being irrigated

| Rate (CFS) associated with leased rights for Section 1.5 of the Lease Application Form | leased rights for S | Section 1.5 of the | | |
|--|--------------------------------|--------------------|----------------|---------------|
| Enter Rates and Duty on Lease Form by Season | Rate/acre (CES) May Rate (CES) | | Duty/acre (AE) | Max Duty (AE) |
| Season 1 | 0.013 | 0.025 | 9.91 | 19.82 |
| Season 2 | 0.017 | 0.033 | | |
| Season 3 | 0.031 | 0.062 | | |

Notes

acre for each season. For example Season 1 rate = # acres * 1/80th CFS per acre
The duty identified is the number of acres to be leased multiplied by the 9.91 AF per acre duty limitation. The rate identified in the green Section 1.4 box was calculated based on the number of acres being leased multiplied by the rate per

| | | h October 31 | April 1 throug | Water protected instream: April 1 through October 31 |
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| Form | se Application | ction 2.2 of the Lea- | event inury for Se | Additional Conditions to Prevent Inury for Section 2.2 of the Lease Application Form |
| 19.82 | 19. | Total Instream Vol. | | Totals |
| 15.06 | 15. | 123 | 0.062 | Season 3 |
| 1.98 | 1 | 30 | 0.033 | Season 2 |
| 2.78 | 2. | 56 | 0.025 | Season 1 |
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| me | Instream Volume | | (CFS) over full | Volumes by Season on |
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| | ion Form | the Lease Applicat | for Section 2.2 of | Rate (CFS) leased instream for Section 2.2 of the Lease Application Form |
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^{*} The 45% transmission loss has been removed

The number of days that water may be protected instream over the season has been reduced to prevent enlargement (exceeding the duty limit) The volume identified is the sum of the rates multiplied by 1.98af/acre and then multiplied by the number of days in each season.

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15,822.93 11,874.08 2,384.95 1,563.90

15,654.8

on rate volume based

Duty Limit @ 9.91 AF/acre

APR 1 4 2008 WATER RESUURCES DEPT SALEM OREGON

Supplemental Irrigation

TID CERT 74147 (assuming can divert full rate and duty allowed by certificate) Priority Date = October 29, 1913

Source = Turnato Creek, Crater Creek, Little Creek and Three Spring Branches

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|---------------|--|----------------------------|--------------------------------|--|
| | | 3.086 | 0.031 | Season 3* |
| | | 1.667 | 0.017 | Season 2 |
| 991.00 | 9.91 | 1.250 | 0.013 | Season 1 |
| Max Duty (AF) | Duty/acre (AF) | | Rate/acre (CFS) Max Rate (CFS) | Enter Rates and Duty on Lease Form by Season |
| | | Section 1.5 of the | leased rights for S | Rate (CFS) associated with leased rights for Section 1.5 of the Lease Application Form |

S3 has been prorated to prevent injury/enlargement and to refrect the amount by which the diversion must be reduced

acre for each season. For example Season 1 rate = # acres * 1/80th CFS per acre Except S3, which has been prorated and the amount per acre is = 136 CFS / 6590.6 acres The rate identified in the green Section 1.4 box was calculated based on the number of acres being leased multiplied by the rate per

The duty identified is the number of acres to be leased multiplied by the 9.91 AF per acre duty limitation.

supplemental is based on what's left). The max rate allowed for the supplemental use is a portion of the 136 cfs (the amount used for primary has been subtracted out and the

| 675.18 | 4.658 Total Instream Vol. | | Totals |
|-----------------|---|--------------------|----------------------------|
| 424.77 | 123 | 1.741 | Season 3* |
| 99.17 | 30 | 1.667 | Season 2 |
| 151.24 | 61 | 1.250 | Season 1 |
| (AF) | Days instream | Irrigation Season | Lease Form |
| Instream Volume | | (CFS) over full | Volumes by Season on |
| | | Instream Rate | Enter Instream Rates and |
| on Form | for Section 2.2 of the Lease Application Form | for Section 2.2 of | Rate (CFS) leased instream |
| | | | |

The volume identified is the sum of the rates multiplied by 1.983471af/acre and then multiplied by the number of days in each season.

APR 1 4 2008 WATER RESOURCES DEPT SALEM OREGON

This table will calculate flow rate factors and duty for Tumalo Irrigation District Instream Leases

Primary Irrigation (See Below Dark Green Line for Supplemental Irrigation Calculator)
TID CERT 74147 (assuming can divert full rate and duty allowed by certificate)

Priority Date = October 29, 1913

Source = Tumalo Creek, Crater Creek, Little Creek and Three Spring Branches

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|---------------------------------------|----------------------|----------------------|----------------------|
| 7.601 | | OTAL ACRES - Pri Use | |

TOTAL IRR & IND

rate per acre (CFS) 0.013 0.031 acres irrigated total rate (CFS) if all 26.33 max rate allowed 136.00 136.00 136.00 each season Max rate allowed in 48.76 26.33 19.75 days in season on rate 123 8 6 volume based 15,822.93 11,874.08 2,384.95 1,563,90

Duty Limit @ 9.91 AF/acre

If run at full rate, volume instream over full season would exceed max duty limit. Need to shorten season by 5 days.

OTAL ACRES - Supp Use

5010

| 49,658.02 | 33,773.36 | | | | | | |
|--------------|--------------|------------------------|---------------------|------------------|-------------------------|---------------------|-------------|
| | 21,247.36 | 123 | 87.24 | 87.24 | 87.24 | 0.017 | S3 prorated |
| | | 123 | 87.24 | 87.24 | 154.66 | 0.031 | \$3* |
| | 4,960.79 | 30 | 83.52 | 109.67 | 83.52 | 0.017 | S2 |
| | 7,565.21 | 61 | 62.64 | 116.25 | 62.64 | 0.013 | S1 |
| 9.91 AF/acre | | days in season on rate | each season | | acres irrigated | rate per acre (CFS) | |
| Duty Limit @ | volume based | | Max rate allowed in | max rate allowed | total rate (CFS) if all | | |

* Rate for this period of the irrigation season at 1/32.4th CFS/acre would exceed max rate limit if all acres were being irrigated

| | | 5.223 | 0.031 | Season 3 |
|---------------|----------------|--------------------|--------------------------------|--|
| | | 2.820 | 0.017 | Season 2 |
| 1,676.87 | 9.91 | 2.115 | 0.013 | Season 1 |
| Max Duty (AF) | Duty/acre (AF) | | Rate/acre (CFS) Max Rate (CFS) | Enter Rates and Duty on Lease Form by Season |
| | | Section 1.5 of the | leased rights for S | Rate (CFS) associated with leased rights for Section 1.5 of the Lease Application Form |

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acre for each season. For example Season 1 rate = # acres * 1/80th CFS per acre The rate identified in the green Section 1.4 box was calculated based on the number of acres being leased multiplied by the rate per

The duty identified is the number of acres to be leased multiplied by the 9.91 AF per acre duty limitation.

| | h October 31 | April 1 through | Water protected instream: April 1 through October 31 |
|--|-----------------------|---------------------------------|--|
| e Application Form | ction 2.2 of the Leas | vent inury for Sec | Additional Conditions to Prevent Inury for Section 2.2 of the Lease Application Form |
| 1,676.87 | Total Instream Vol. | | Totals |
| 1,274.12 | 123 | 5.223 | Season 3 |
| 167.81 | 30 | 2.820 | Season 2 |
| 234.94 | 56 | 2.115 | Season 1 |
| (AF) | | Irrigation Season Days instream | Lease Form |
| Instream Volume | | (CFS) over full | Volumes by Season on |
| The second secon | | Instream Rate | Enter Instream Rates and |
| on Form | the Lease Applicati | for Section 2.2 of | Rate (CFS) leased instream for Section 2.2 of the Lease Application Form |

4/4-4/30, 10/1-10/266 5/1-5/15, 9/15-9/30 5/15-19/14

* The 45% transmission loss has been removed

Notes

The number of days that water may be protected instream over the season has been reduced to prevent enlargement (exceeding the duty limit) The volume identified is the sum of the rates multiplied by 1.98af/acre and then multiplied by the number of days in each season.

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WATER RESOURCES DEPT
SALEM OREGON

Supplemental Irrigation

TID CERT 74147 (assuming can divert full rate and duty allowed by certificate)
Priority Date = October 29, 1913

Source = Tumalo Creek, Crater Creek, Little Creek and Three Spring Branches

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| Lease Form by Season F | Rate/acre (CFS) Max Rate (CFS) | | Duty/acre (AF) | Max Duty (AF) |
| Season 1 | 0.013 | 1.250 | 9.91 | 991.00 |
| Season 2 | 0.017 | 1.667 | | |
| Season 3* | 0.031 | 3.086 | | |

^{*} S3 has been prorated to prevent injury/enlargement and to reffect the amount by which the diversion must be reduced

Note

The rate identified in the green Section 1.4 box was calculated based on the number of acres being leased multiplied by the rate per acre for each season. For example Season 1 rate = # acres * 1/80th CFS per acre

Except S3, which has been prorated and the amount per acre is = 136 CFS / 6590.6 acres

The duty identified is the number of acres to be leased multiplied by the 9.91 AF per acre duty limitation.

supplemental is based on what's left). The max rate allowed for the supplemental use is a portion of the 136 cfs (the amount used for primary has been subtracted out and the

| 675.18 | 4.658 Total Instream Vol. | | Totals |
|-----------------|---------------------------|---------------------------------|--|
| 424.77 | 123 | 1.741 | Season 3* |
| 99.17 | 30 | 1.667 | Season 2 |
| 151.24 | 61 | 1.250 | Season 1 |
| 7 | Days instream (AF) | Irrigation Season Days instream | Lease Form |
| Instream Volume | ins | (CFS) over full | Volumes by Season on |
| | | Instream Rate | Enter Instream Rates and |
| Form | the Lease Application | for Section 2.2 of | Rate (CFS) leased instream for Section 2.2 of the Lease Application Form |
| | | | THE R. P. LEWIS CO., LANSING, S. LEWIS CO., L |

Note

The volume identified is the sum of the rates multiplied by 1.983471af/acre and then multiplied by the number of days in each season.



APR 1 4 2008
WATERRESOURCES DEPT
SALEM OREGON



Application for

Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

Pursuant to ORS 537.348(2) and OAR 690-077 Optional Identification by Lessor/Lessee: L08.01 Lease Application Number (assigned by WRD): This Lease is with: RECEIVED Lessor #1 (Water Right Holder): Name Gilman/Owenby, Christopher & Louise APR 1 4 2008 Mailing address 1870 Poplar Drive WATER RESUURCES DEPT City, State, Zip Code Walnut Creek, CA 94595 SALEM OREGON Telephone number (925)937-3066 Email address If additional water right holders, enter water right holder information below Note: The section numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Water Right Holder" 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~ Water Right Holder and Water Right Information Lessor #1 is the water right holder, or authorized agent for property described in Section 1.5. 1.1 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. For the water right(s) being leased, list all water rights appurtenant to the same lands. Indicate 1.3 if there are any supplemental or overlying rights. Certificate No. Primary 74146, 74147, 76106, Supplemental 74147, 74148, 74149, 76520 Are some or all of the lands being leased part of a Conservation Reserve Enhancement 1.4 Program. Yes ⊠ No Water Right(s) Proposed to be Leased Instream. Water right holder proposes to lease the 1.5 water rights shown on the map attached as Exhibit 5-B and described as follows: [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 water right holder, township, range,

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

| | T | R | Sect | 1/4 1/4 | Tax Lot | Acres | Type of Use | Certificate # | Page(s) # | Priority* |
|----|---------|-------------|------------|-----------|---------|-------|--------------------------------------|-------------------|---------------|---------------|
| | *(Ident | ify pertine | ent page 1 | number of | | | is greater than 1 er certificate) | 0 pages; identify | priority date | e if there is |
| 1. | 16S | 11E | 25 | swne | 00500 | .50 | IRR | 74146 | 6 | 9/1/1900 |
| 2. | | | | | | | _ | | | |
| 3. | | | | | | | | | RFC | EIVE |
| 4. | | | | | | | | | 1 1 1 1 1 1 | |
| 5. | | | | | | | | | APR | 1 4 2008 |
| | | | | | | | | | VATERRES | SUIRCEST |

Conditions or other limitations, if any:

If you need to enter another leased right, please use the Additional Water Right Form for Pooled Water Right Holder.

Total number of acres, if for irrigation, by certificate and priority date: .50

- 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 <u>not</u> 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).

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 15, 2008. (If there is a conflict between the Pooled Lease Form and this form, the Pooled Lease Form will be the official term of the lease.)

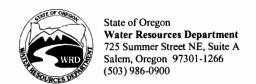
~III~ Other Information

- 3.1 Accuracy. The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified or terminated. The lease only exercises the water rights being leased, for the term of the lease. It shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.
- 3.2 Lease. Lessor(s) and Lessee(s) agree to lease the water rights listed in Section(s) 1.5 for instream use for the term of this lease through Lessee to the Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077.
- 3.3 Precedent. If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.

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| 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 | 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 then 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. |
| Lesson Christ | tl: Muly / Date: 1/21/08 |
| | itional Lessors, type in space for signature and date Owenby Ouse Ownby Date: 1/21/08 |
| Other Exhibit | 5-B: Detailed map illustrating lands under subject rights to be leased; required if only |
| Exhib | part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.) 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) |
| Exhibi | , |
| | APR 1 4 2008 |
| | WATER RESUURCES DEPT |

SALEM OREGON



Additional Water Right Form For Pooled Water Right Holder

Instream Lease

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

~I~

Section 1.5 continued from Pooled Leasing Water Right Holder Form.

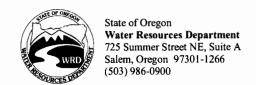
Water Right(s) Proposed to be Leased Instream. Water right holder proposes to lease the water rights shown on the map attached as Exhibit 5-B and described as follows:

[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 water right holder, township, range, section and ¼ ¼, tax lot number, map orientation and scale.]

| | Т | R | Sect | 1/4 1/4 | Tax Lot | Acres | Type of Use | Certificate # | Page(s) # | Priority* |
|-----|---------|------------|----------|----------|---------|-------|------------------------------------|-------------------|---------------|----------------|
| | *(Ident | ify pertin | ent page | number o | | | e is greater than ler certificate) | 0 pages; identify | priority date | if there is |
| 1. | 16S | 11E | 25 | swne | 00500 | 3.0 | 1RR | 74147 | 5 | 10/29/191 3 |
| 2. | | | | | | | | | _ | _ |
| 3. | | | | | | | | | -11/PF | |
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| 5. | | | | | | | | APR 1 | 4 2008 | |
| 6. | | | | | | | | WATERRES | URCESDE | PT |
| 7. | | | | | | | | SALEM | OREGON | |
| 8. | | | | | | | | | | |
| 9. | | | | | | | | | | |
| 10. | | | | | | | | | | |

[Attached map(s) must identify water right holder, township, range, section and ¼ ¼, tax lot number, map orientation and scale.]

| TT . 1 | 4 | C | , if for irrigation, | 1 4' (* | | 4 2 0 |
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| | | | | | | |



Additional Water Right Form For Pooled Water Right Holder

Instream Lease

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

~I~

Section 1.5 continued from Pooled Leasing Water Right Holder Form.

Water Right(s) Proposed to be Leased Instream. Water right holder proposes to lease the water rights shown on the map attached as Exhibit 5-B and described as follows:

[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 water right holder, township, range, section and ¼ ¼, tax lot number, map orientation and scale.]

| | Т | R | Sect | 1/4 1/4 | Tax Lot | Acres | Type of Use | Certificate # | Page(s) # | Priority* |
|-----|---------|-------------|------------|----------|---------|-------|--------------------------------------|--------------------|---------------|---------------|
| | *(Ident | ify pertine | ent page 1 | number o | | | e is greater than er certificate) | 10 pages; identify | priority date | e if there is |
| 1. | 16S | 11E | 25 | swne | 00500 | 10.0 | IRR | 76106 | 2 | 12/8/1961 |
| 2. | | | | | | | | | | |
| 3. | | | | | | | | RECE | IVED | |
| 4. | | | | | | | | | | |
| 5. | | | | | | | | APR 1 | 2008 | |
| 6. | | | | | | | | WATERRESU | RCESDE | T |
| 7. | | | | | | | | SALEM C | REGON | |
| 8. | | | | | | | | _ | | _ |
| 9. | | | | | | | | | | |
| 10. | | | | | | | | | | _ |

[Attached map(s) must identify water right holder, township, range, section and ¼ ¼, tax lot number, map orientation and scale.]

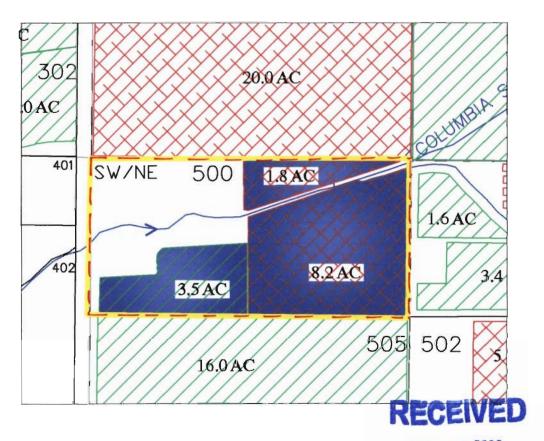
| Total number of acres, if for irrigation, by certif | ficate and priority date: 10.0 |
|---|--------------------------------|
|---|--------------------------------|

TUMALO IRRIGATION DISTRICT L08-001 IN-STREAM LEASED WATER RIGHTS SURVEY

FOR

Gilman, Christopher J./Owenby, Lou

65070 Smokey Butte Rd, Bend 🛛 P7701.



APR 1 4 2008
WATER RESOURCES DEPT
SALEM OREGON





74146, and 74147





INITIAL: C)

LOCATED IN THE SW 1/4 OF THE NE 1/4 OF SECTION 25, T16 S., R.11 E., W.M. TAX LOTS # 500 DESCHUTES COUNTY, OREGON



SCALE: 1'' = 400'

Prepared By: Tumalo Irrigation District, 64697 Cook Ave, Bend. Oregon 97701 541-382-3053

| | · | | | | | |
|------------------|---|--------------|--|----------------------|------|----------------|
| | | <u> </u> | | | | 5.7414 |
| | | | | | | Page 5 |
| | NE4SE4 | 522 | Moe, L.C. & Mary | IR | 4.00 | |
| | NW4SE4 | 515 | Vincent, Kenneth & Karen | IR | 1.75 | 5.75 |
| | NW4SE4 | 519 | Einbund, James | IR | 6.50 | |
| | SW1/4SE1/4 | 524 | Lucas, Lee & Karen | IR | 3.45 | 26.35 |
| | SE'4SE'4 | 524 | Lucas, Lee & Karen | IR | 8.20 | |
| ! | | | Section 23 | | | |
| | NE¼NE¼ | 100 | Day, Matt & Lesley | IR | | 14.20 |
| I . | NE4NE4 | 101 | Day, Matt & Lesley | \mathbf{IR} | | 18.10 |
| [[]] | NW4NE4 | 100 | Day, Matt & Lesley | IR | 2.00 | 0.30 |
| [[]] | NW4NE4 | 200 | Day, Matt & Lesley | IR | 0.40 | 3.70 |
| i | SW1/4NE1/4 | 1000 | Sheehan, Thomas & Mimi | IR | 0.50 | 14.90 |
| | SW1/4NE1/4 | 1100 | Day, Matt & Lesley | IR | | 7.70 |
| ļ. | SW¼NE¼ | 1101 | Doherty, Barbara | IR T | | 8.10 |
| | SW'4NE'4 | 1102 | Day, Matt & Lesley | IR TD | | 0.50 |
| | SE¼NE¼ | 101 | Day, Matt & Lesley | IR IB | | 15.60 15.30 |
| | SE¼NE¼ SW¼NW¼ | 102 501 | Day, Matt & Lesley | IR IR | | 5.00 |
| RECEIVED | SW4NW44 | | Page, John & Carol Mayer, Harry | IR | 1.00 | 5.00 |
| IZEOFIAED | SW14NW14 | | Johnson, Ken & Tracy | IR | 1.60 | |
| APR 4 2008 | SE¼NW¼ | 600 | Anderson, Robert & Bonita | IR | 1.00 | 4.00 |
| WATERRESUURCESDE | | 700 | Day, Matt & Lesley | IR | | 2.40 |
| SALEM OREGON | SE1/4NW1/4 | 800 | Day, Matt & Lesley | IR | | 2.60 |
| D. ICEIN ONEGON | SE14NW1/4 | 900 | Ahern, Robert & Lisa | IR | | 14.00 |
| [| NE4SW4 | 1500 | Brand, Donald | IR | | 5.00 |
| | NE¼SW¼ | 1600 | Hays, Kenneth & Karen | \mathbf{IR} | | 2.00 |
| . | NE4SW4 | 1601 | Wilson, Lawrence & Joann, Trustees | IR. | | 2.00 |
| | NE¼SW¼ | 1701 | Curley, Richard & Beverly | IR | | 6.00 |
| | NW4SW4 | | Niebauer, Douglas W. | IR ID | | 2.30 |
| | NW14SW14 | | Hensley, Wayne & Irene | IR TD | 1 10 | 0.80 |
| | NW¼SW¼ NW¼SW¼ | 1805 1900 | Wegner, Eugene & Sally Niebauer, Douglas W. | IR IR | 1.10 | 2.80 0.70 |
| | SW14SW14 | 1803 | Hensley, Wayne & Irene | IR | | 0.70 |
| | SE'4SW'4 | 2200 | Susac, John A. | IR | | 1.18 |
| | SE4SW4 | 2800 | Susac, John A. | IR | 1.38 | 1.82 |
| | NE14SE14 | 1200 | Valverde, Daniel & Jeanette | IR | 1.00 | 7.00 |
| | NE14SE14 | 1201 | Martin, William & Dorthy | IR | | 4.70 |
| | NE1/4SE1/4 | 1202 | Henrikson, Terry | \mathbf{R} | 0.60 | 6.40 |
| | NE1/4SE1/4 | 1203 | Martin, William & Dorthy | \mathbf{IR} | | 4.30 |
| | NE1/4SE1/4 | 1204 | Barker, Dennis & Doris | \mathbf{IR} | | 8.00 |
| | NW4SE4 | 1300 | Kashner, Richard & Carrie | \mathbf{R}_{\cdot} | | 2.50 |
| | NW¼SE¼ | 1301 | Siano, Vince & Ruth | IR | • | 2.50 |
| | NW¼SE¼ | 1302 | HOUVEI, Druce & Filseman | IR | | 5.00 |
| | NW¼SE¼ | 1400 | Walker, Derald & Linda 1 | IR ID | 2.00 | 5.00 |
| | NW ¹ / ₄ SE ¹ / ₄ | 1403 | Helle, John & Stephane | IR IR | 2.00 | 3.00 3.00 |
| | SW4SE4 | 2201 | Helle, John & Stephanie | IR IR | 5.50 | 3.00 11.50 |
| | SW4SE4 SW4SE4 | 2300 2500 | Van Sooy, Lance & Alene Helle, John & Stephanie | IR | 1.20 | 1.50 |
| | SW/4SE/4 SW/4SE/4 | 2600 | Helle, John & Stephanie | IR | 1.40 | 1.00 |
| . | SW14SE14 | 2700 | Helle, John & Stephanie | IR | 0.40 | 3.00 |
| ₩. | SE ¹ /4SE ¹ /4 | 2400 | Weitzman, Lawrence & Kimberly | IR | 0.10 | 19.00 |
| | SE¼SE¼ | 2401 | Weitzman, Lawrence & Kimberly | IR | | 11.00 |
| | | | Section 24 | | | |
| | NE¼NE¼ | 100 | Anliker, Mrs. R. J. | IR | | 37.80 |
| | NW¼NE¼ | 204 | Mayea, James & Cherie | IR | 2.00 | |
| | NW1/4NE1/4 | 205 | Pitmon, William & Elizabeth | IR | | 3.00 |
| | NW1/4NE1/4 | 206 | Palmer, Vernon & Edna | IR | 2.00 | |
| | SW1/4NE1/4 | 500 | Mahoney, Dan & Martha | IR | 3.00 | 0.50 |
| | | 16-11- | Comman lowerby | ٠. | | |
| | • | (0-11- | SEE NEXT PAGE | | | |
| | | | | | | |

| 1111 | 511/4 511/4 | 323 | ш | 2.2 | Coyote Rauge, mc. |
|--|---|------------|------------------------|--|---|
| 1111 | SE¼ SW¼ | 523 | \mathbf{IR} | 7.6 | Coyote Ridge, Inc. |
| {{} } | SE1/4 SW1/4 | 524 | IR | 14.2 | Lucas, Lee & Karen |
| 1111 | NW1/4 SE1/4 | 515 | IR | 5.3 | Vincent, Kenneth & Karen |
| 1111 | | | | | • |
| 1111 | SW ¹ / ₄ SE ¹ / ₄ | 524 | IR | 14.9 | Lucas, Lee & Karen |
| | | Section 23 | | | |
| | SW¼ NE¼ | 1000 | IR | 14.9 | Sheehan, Thomas & Mimi |
| 1111 | SW1/4 NE1/4 | 1100 | IR | 5.0 | Day, Matt & Lesley |
| {{{}}} | SW1/4 NE1/4 | 1101 | IR | 8.1 | Doherty, Barbara |
| | SW¼ NW¼ | 501 | IR | 5.0 | * * |
| 1111 | | | | | Page, John & Carol |
| 1111 | SE1/4 NW1/4 | 600 | IR | 4.0 | Anderson, Robert & Bonita |
| {{}} | SE¼ NW¼ | 700 | IR | 2.4 | Day, Matt & Lesley |
| 1111 | SE1/4 NW1/4 | 800 | \mathbf{IR} | 2.6 | Day, Matt & Lesley |
| 1111 | SE1/4 NW1/4 | 900 | \mathbf{IR} | 14.0 | Ahern, Robert & Lisa |
| 1111 | NE1/4 SW1/4 | 1500 | IR | 5.0 | Brand, Donald |
| 1) [1 | NE1/4 SW1/4 | 1600 | IR | 2.0 | Hays, Kenneth & Karen |
| 1111 | | | | | • • |
| 1111 | NE¼ SW¼ | 1601 | IR. | 2.0 | Wilson, Lawrence & Joann, Trustees |
| 1111 | NE1/4 SW1/4 | 1701 | IR | 6.0 | Curley, Richard & Beverly |
| 1111 | NW¼ SW¼ | 1801 | \mathbf{IR} | 2.3 | Niebauer, Douglas W. |
| 1111 | NW1/4 SW1/4 | 1805 | \mathbf{IR} | 2.8 | Wegner, Eugene & Sally |
| 1111 | NW1/4 SW1/4 | 1900 | IR | 0.7 | Niebauer, Douglas W. |
| [1]] | SE1/4 SW1/4 | 2200 | IR | 1.18 | Susac, John A. |
| 1111 | | | | | • |
| 1111 | SE¼ SW¼ | 2800 | IR T | 1.82 | Susac, John A. |
| 1111 | NE¼ SE¼ | 1200 | IR | 7.0 | Valverde, Daniel & Jeanette |
| 1111 | NE1/4 SE1/4 | 1204 | IR | 8.0 | Barker, Dennis & Doris |
| 1111 | NW1/4 SE1/4 | 1300 | $\mathbf{I}\mathbf{R}$ | 2.5 | Kashner, Richard & Carrie |
| 1111 | NW1/4 SE1/4 | 1301 | \mathbf{IR} | 2.5 | Siano, Vince & Ruth |
| | NW1/4 SE1/4 | 1302 | IR | 5.0 | Hoover, Bruce & Priscilla |
| RECEIVED | NW1/4 SE1/4 | 1400 | IR | 5.0 | Walker, Derald & Linda |
| . 1111 | | | IR | 3.0 | Helle, John & Stephanie |
| APR 1 4 2008 | NW¼ SE¼ | 1403 | | | , _ |
| WATED | SW1/4 SE1/4 | 2201 | IR | 3.0 | Helle, John & Stephanie |
| WATER RESOURCES DEPT SALEM OREGON | SW1/4 SE1/4 | 2300 | IR | 10.0 | Van Sooy, Lance & Alene |
| OREGON | SW1/4 SE1/4 | 2500 | IR | 1.5 | Helle, John & Stephanie |
| 1111 | SW1/4 SE1/4 | 2600 | IR. | 1.0 | Helle, John & Stephanie |
| . 1111 | SW1/4 SE1/4 | 2700 | IR | 3.0 | Helle, John & Stephanie |
| 1111: | SE1/4 SE1/4 | 2400 | IR | 19.0 | Weitzman, Lawrence & Kimberly |
| | SE1/4 SE1/4 | 2401 | IR | | Weitzman, Lawrence & Kimberly |
| | SE/4 SE/4 | Section 24 | | | - 1000 00 1000 00 1000 00 1000 00 1000 00 |
| | | | £ | त्र प्राप्त शिक्तमीर्विकेट ४० <i>०</i> ० | |
| | NW1/4 NE1/4 | 205 | IR | 2.5 | Pitmon, William & Elizabeth |
| 1111 | SW1/4 NE1/4 | 500 | IR | | Mahoney, Dan & Martha Colonar |
| 1111 | SW1/4 NE1/4 | 505 | IR | 16.0 | Hastings, Martha G. |
| 1111 | SE1/4 NE1/4 | 502 | IR | 5.0 | Nolan, James |
| -1111 | SE1/4 NE1/4 | 504 | IR | 3.0 | Pimentel, Kenneth & Virginia |
| 1111 | NE¼ NW¼ | 302 | ĪR. | 3.4 | Richardson Family 1990 Trust |
| 1{11 | NE'4 NW'4 | 306 | IR. | 2,6 | Holling, Barry & Barbara |
| 1111 | | | | | r _s , |
| | SE¼ NW¼ | 405 | IR | 0:3 | Wonser, Michael & Mary |
| | SE¼ NW¼ | 406 | \mathbf{IR} | 2.7 | Hughes, Marion & Maureen |
| | SE1/4 NW1/4 | 407 | IR | 2.5 | Larson, Mark & Katharyn |
| 1111 | SW1/4 SW1/4 | 902 | IR | 1.0 | Aldridge, Daniel & Deborah |
| { | SW1/4 SW1/4 | 904 | IR | 9.1 | Vincent Family Farms Inc. |
| 1111 | SW1/4 SW1/4 | 906 | IR | 11.0 | Vincent, Tim & Teresa |
| | D 11 /4 D 11 /4 | Section 25 | | 11.0 | · mothers and the Adams |
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| -1111 | | | | | |

SW1/4 SW1/4

SW1/4 SW1/4

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Allen, Lawrence

Coyote Ridge, Inc.

PAGE 2

| 16 | | | | | | | 76/06 |
|--|----|----|----|---------------|------|------|------------------------------------|
| 16 | 16 | 11 | 23 | SW 1/4 NE 1/4 | 509 | 1.5 | BYRUM, D & T |
| 16 | 16 | 11 | 23 | NE 1/4 SE 1/4 | 500 | 1.0 | MOE, L & M |
| 16 | 16 | 11 | 23 | NE 1/4 SE 1/4 | 521 | 3.0 | WEHDE, B & J |
| 16 | 16 | 11 | 23 | NE 1/4 SE 1/4 | 522 | 1.0 | MOE, L & M |
| 16 | 16 | 11 | 23 | NW 1/4 SE 1/4 | 505 | 2.7 | BIOCINI, J |
| 16 | 16 | 11 | 23 | SE 1/4 SE 1/4 | 510 | 0.6 | BJERK, L & D |
| 16 | 16 | 11 | 23 | SE 1/4 SE 1/4 | 512 | 1.0 | POAGE, L & C |
| 16 11 24 NW 1/4 SE 1/4 1403 1.2 HELLE, J & S 16 11 24 SW 1/4 SE 1/4 2201 1.3 HELLE, J & S 16 11 24 SW 1/4 SE 1/4 2500 1.3 HELLE, J & S 16 11 24 SW 1/4 SE 1/4 2600 1.34 HELLE, J & S 16 11 24 SW 1/4 SE 1/4 2700 1.3 HELLE, J & S 16 11 25 NW 1/4 NE 1/4 200 20.0 ANLIKER, M WATERRESURCESDET 16 11 25 NW 1/4 NE 1/4 500 10.0 RUCKS, E PROPERTY WATER RESURCESDET 16 11 25 SE 1/4 NE 1/4 501 6.0 SCHUMACHER, W & D WAS AFF 14 2001 10.0 RUCKS, E PROPERTY WAS A | 16 | 11 | 24 | NW 1/4 SW 1/4 | 1801 | 0.9 | NIEBAUER, D |
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| 10 | 16 | 11 | 24 | SW 1/4 SE 1/4 | 2201 | 1.3 | HELLE, J & S |
| 16 11 24 SW 1/4 SE 1/4 2700 1.3 HELLE, J & S APR 1 4 200 16 11 25 NW 1/4 NE 1/4 200 20.0 ANLIKER, M WATERRESURCES DEPT MAYEA, J SALEM OREGON 16 11 25 SW 1/4 NE 1/4 500 10.0 RUCKS, E Proporty Web Sold Ruck 16 11 25 SE 1/4 NE 1/4 501 6.0 SCHUMACHER, W & D 16 11 25 SE 1/4 NE 1/4 502 5.0 NOLAN, J & J 16 11 25 SE 1/4 NE 1/4 503 2.0 TOYEY, R & K 16 11 25 SE 1/4 NE 1/4 504 1.0 PIMENTEL, K & V 16 11 25 NW 1/4 NW 1/4 1300 1.0 VANHOUEWLING, D 16 11 26 NE 1/4 SW 1/4 801 3.5 FLANNERY/NAUER 16 11 27 NW 1/4 SW 1/4 302 1.0 McGINNIS, T & M 16 11 27 NW 1/4 SE 1/4 203 10.0 ROLA, J & S 16 11 33 SE 1/4 NW 1/4 600 3.0 WESSINGER, W & P 16 11 33 SE 1/4 SW 1/4 600 4.0 WESSINGER, W & P 16 11 34 SW 1/4 NE 1/4 906 1.0 LOVISCO, J AND S 16 11 35 NE 1/4 SW 1/4 807 1.0 HATCH, G 16 11 35 NE 1/4 SW 1/4 1900 20.0 SCHLUETER, J & P 16 11 35 NE 1/4 SW 1/4 1900 20.0 SCHLUETER, J & P 16 11 35 NE 1/4 SE 1/4 2000 15.0 TID 16 11 36 SE 1/4 SE 1/4 1501 1.0 CULLMAN, R 16 12 6 NW 1/4 SW 1/4 1800 1.2 BLAKE, G & L | 16 | 11 | 24 | SW 1/4 SE 1/4 | 2500 | 1.3 | HELLE, J & S |
| 16 | 16 | 11 | 24 | SW 1/4 SE 1/4 | 2600 | 1.34 | HELLE, J & S RECEIVED |
| 16 11 25 NW 1/4 NE 1/4 200 20.0 ANLIKER, M WATERRESURCESTEPT 16 11 25 NW 1/4 NE 1/4 500 10.0 RUCKS, E PROPERTY LOCAL 16 11 25 SE 1/4 NE 1/4 501 6.0 SCHUMACHER, W & D WAS SOLD AND ANLIKER, W & D WAS SOLD ANLIKER, W & D WAS SOLD AND AND ANLIKER, W & D WAS SOLD AND AND AND ANLIKER, W & D WAS SOLD AND AND AND AND ANLIKER, W & D WAS SOLD AND AND AND AND AND AND AND AND AND AN | 16 | 11 | 24 | SW 1/4 SE 1/4 | 2700 | 1.3 | HELLE, J & S |
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| 16 11 25 SE 1/4 NE 1/4 501 6.0 SCHOMACHER, W & B D D D D D D D D D D D D D D D D D D | 16 | 11 | 25 | NW 1/4 NE 1/4 | 204 | 0.9 | MAYEA, J SALEMOREGON |
| 16 11 25 SE 1/4 NE 1/4 501 6.0 SCHOMACHER, W & B D D D D D D D D D D D D D D D D D D | 16 | 11 | 25 | SW 1/4 NE 1/4 | 500 | 10.0 | RUCKS, E proposty was sold to king |
| 16 | 16 | 11 | 25 | SE 1/4 NE 1/4 | 501 | 6.0 | SCHUMACHER, W & D Was Certified |
| 16 | 16 | 11 | 25 | SE 1/4 NE 1/4 | 502 | 5.0 | NOLAN, J & J |
| 16 | 16 | 11 | 25 | SE 1/4 NE 1/4 | 503 | 2.0 | TOYEY, R & K |
| 16 11 26 NE 1/4 SW 1/4 300 2.0 MASTER, R & J 16 11 26 SE 1/4 SW 1/4 801 3.5 FLANNERY/NAUER 16 11 27 NW 1/4 SW 1/4 302 1.0 McGINNIS, T & M 16 11 27 NW 1/4 SE 1/4 203 10.0 ROLA, J & S 16 11 33 SE 1/4 NW 1/4 600 3.0 WESSINGER, W & P 16 11 34 SW 1/4 NE 1/4 906 1.0 LOVISCO, J AND S 16 11 35 NW 1/4 NE 1/4 807 1.0 HATCH, G 16 11 35 NW 1/4 NE 1/4 807 3.7 COOLEY, O & S 16 11 35 NE 1/4 SW 1/4 1900 20.0 SCHLUETER, J & P 16 11 35 NE 1/4 SE 1/4 2000 15.0 TID 16 11 36 SE 1/4 SE 1/4 1501 1.0 CULLMAN, R 16 12 6 NW 1/4 SW 1/4 1800 1.2 BLAKE, G & L 16 12 6 NW 1/4 SW 1/4 1801 8.8 BLAKE, G & L | 16 | 11 | 25 | SE 1/4 NE 1/4 | 504 | 1.0 | PIMENTEL, K & V |
| 16 | 16 | 11 | 25 | NW 1/4 NW 1/4 | 1300 | 1.0 | VANHOUEWLING, D |
| 16 | 16 | 11 | 26 | NE 1/4 SW 1/4 | 300 | 2.0 | MASTER, R & J |
| 16 | 16 | 11 | 26 | SE 1/4 SW 1/4 | 80,1 | 3.5 | FLANNERY/NAUER |
| 16 | 16 | 11 | 27 | NW 1/4 SW 1/4 | 302 | 1.0 | McGINNIS, T & M |
| 16 11 33 SE 1/4 SW 1/4 600 4.0 WESSINGER, W & P 16 11 34 SW 1/4 NE 1/4 906 1.0 LOVISCO, J AND S 16 11 34 NE 1/4 SW 1/4 807 1.0 HATCH, G 16 11 35 NW 1/4 NE 1/4 807 3.7 COOLEY, O & S 16 11 35 NE 1/4 NW 1/4 900 35.0 FLOYD, M & S 16 11 35 NE 1/4 SW 1/4 1900 20.0 SCHLUETER, J & P 16 11 35 NE 1/4 SE 1/4 2000 15.0 TID 16 11 36 SE 1/4 SE 1/4 1501 1.0 CULLMAN, R 16 12 6 NW 1/4 SW 1/4 1800 1.2 BLAKE, G & L 16 12 6 NW 1/4 SW 1/4 1801 8.8 BLAKE, G & L | 16 | 11 | 27 | NW 1/4 SE 1/4 | 203 | 10.0 | ROLA, J & S |
| 16 11 34 SW 1/4 NE 1/4 906 1.0 LOVISCO, J AND S 16 11 34 NE 1/4 SW 1/4 807 1.0 HATCH, G 16 11 35 NW 1/4 NE 1/4 807 3.7 COOLEY, O & S 16 11 35 NE 1/4 NW 1/4 900 35.0 FLOYD, M & S 16 11 35 NE 1/4 SW 1/4 1900 20.0 SCHLUETER, J & P 16 11 35 NE 1/4 SE 1/4 2000 15.0 TID 16 11 36 SE 1/4 SE 1/4 1501 1.0 CULLMAN, R 16 12 6 NW 1/4 SW 1/4 1800 1.2 BLAKE, G & L 16 12 6 NW 1/4 SW 1/4 1801 8.8 BLAKE, G & L | 16 | 11 | 33 | SE 1/4 NW 1/4 | 600 | 3.0 | WESSINGER, W & P |
| 16 | 16 | 11 | 33 | SE 1/4 SW 1/4 | 600 | 4.0 | WESSINGER, W & P |
| 16 11 35 NW 1/4 NE 1/4 807 3.7 COOLEY, O & S 16 11 35 NE 1/4 NW 1/4 900 35.0 FLOYD, M & S 16 11 35 NE 1/4 SW 1/4 1900 20.0 SCHLUETER, J & P 16 11 35 NE 1/4 SE 1/4 2000 15.0 TID 16 11 36 SE 1/4 SE 1/4 1501 1.0 CULLMAN, R 16 12 6 NW 1/4 SW 1/4 1800 1.2 BLAKE, G & L 16 12 6 NW 1/4 SW 1/4 1801 8.8 BLAKE, G & L | 16 | 11 | 34 | SW 1/4 NE 1/4 | 906 | 1.0 | LOVISCO, J AND S |
| 16 11 35 NE 1/4 NW 1/4 900 35.0 FLOYD, M & S 16 11 35 NE 1/4 SW 1/4 1900 20.0 SCHLUETER, J & P 16 11 35 NE 1/4 SE 1/4 2000 15.0 TID 16 11 36 SE 1/4 SE 1/4 1501 1.0 CULLMAN, R 16 12 6 NW 1/4 SW 1/4 1800 1.2 BLAKE, G & L 16 12 6 NW 1/4 SW 1/4 1801 8.8 BLAKE, G & L | 16 | 11 | 34 | NE 1/4 SW 1/4 | 807 | 1.0 | HATCH, G |
| 16 11 35 NE 1/4 SW 1/4 1900 20.0 SCHLUETER, J & P 16 11 35 NE 1/4 SE 1/4 2000 15.0 TID 16 11 36 SE 1/4 SE 1/4 1501 1.0 CULLMAN, R 16 12 6 NW 1/4 SW 1/4 1800 1.2 BLAKE, G & L 16 12 6 NW 1/4 SW 1/4 1801 8.8 BLAKE, G & L | 16 | 11 | 35 | NW 1/4 NE 1/4 | 807 | 3.7 | COOLEY, O & S |
| 16 | 16 | 11 | 35 | NE 1/4 NW 1/4 | 900 | 35.0 | FLOYD, M & S |
| 16 11 36 SE 1/4 SE 1/4 1501 1.0 CULLMAN, R 16 12 6 NW 1/4 SW 1/4 1800 1.2 BLAKE, G & L 16 12 6 NW 1/4 SW 1/4 1801 8.8 BLAKE, G & L | 16 | 11 | 35 | NE 1/4 SW 1/4 | 1900 | 20.0 | SCHLUETER, J & P |
| 16 12 6 NW 1/4 SW 1/4 1800 1.2 BLAKE, G & L 16 12 6 NW 1/4 SW 1/4 1801 8.8 BLAKE, G & L | 16 | 11 | 35 | NE 1/4 SE 1/4 | 2000 | 15.0 | TID |
| 16 12 6 NW 1/4 SW 1/4 1801 8.8 BLAKE, G & L | 16 | 11 | 36 | SE 1/4 SE 1/4 | 1501 | 1.0 | CULLMAN, R |
| | 16 | 12 | 6 | NW 1/4 SW 1/4 | 1800 | 1.2 | BLAKE, G & L |
| 16 12 7 NE 1/4 NE 1/4 100 21.5 GOBEILLE, D & C | 16 | 12 | 6 | NW 1/4 SW 1/4 | 1801 | | |
| | 16 | 12 | 7 | NE 1/4 NE 1/4 | 100 | 21.5 | GOBEILLE, D & C |

EXHIBIT C

Deschutes River Conservancy 2008 Instream Leasing Program

Policy Concerning Weeds & Instream Leases Information on Farm Deferral RECEIVED

APR 1 4 2008

WATER RESUURCES DEPT SALEM OREGON

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

Weed Policy

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

Information and Resources Attached

Farm Deferral Notice

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

Information and Resources Attached

| I, CHRIS GILMAN | understand the new DRC weed policy and have |
|------------------------------------|---|
| Print Name | • • |
| been informed about farm deferral. | |
| | |
| Signature: My (1) | Date: 1/21/08 |

This form must be returned before lease payment is made.



Application for

Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

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

| Option | nal Identification by Lessor/Lessee: L08.02 |
|---------|---|
| Lease | Application Number (assigned by WRD): |
| | Application Number (assigned by WRD):RECEIVED |
| This L | ease is with: |
| | APR 1 4 2008 |
| | r #1 (Water Right Holder): WATERRESOURCES DEPT |
| | Christianson, Michael & Roberta SALEM OREGON |
| | ng address 1635 NW Teak Avenue |
| - | State, Zip Code Redmond, OR 97756 |
| | none number (541) 385-7895 |
| Email | address |
| If addi | tional water right holders, enter water right holder information below |
| Applica | the section numbering associated with this form corresponds to that found on the "Standard Instream Lease ation" form. The "Pooled Lease" form and "Pooled Water Right Holder" form(s) are used to provide the same ation as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always ial. |
| | ~I~ Water Right Holder and Water Right Information |
| 1.1 | Lessor #1 is the water right holder, or authorized agent for property described in Section 1.5. 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. |
| 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. Primary 74146, 74147, 76106, Supplemental 74147,74148,74149,76520 |
| 1.4 | Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. Yes No |
| 1.5 | Water Right(s) Proposed to be Leased Instream. Water right holder proposes to lease the water rights shown on the map attached as Exhibit 5-B and described as follows: [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 water right holder, township, range, section and ¼ ¼, tax lot number, map orientation and scale.] |

| | T | R | Sect | 1/4 1/4 | Tax Lot | Acres | Type of Use | Certificate # | Page(s) # | Priority* | |
|----|---|-------------|------|---------|---------|-------|-------------|---------------|-----------|-----------|--|
| | *(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) | | | | | | | | | | |
| 1. | 16S | 11E | 14 | nenw | 00600 | 9.0 | IRR | 74146 | 4 | 9/1/1900 | |
| 2. | 16S | 11 E | 11 | sesw | 00801 | 4.70 | IRR | 74146 | 3 | 9/1/1900 | |
| 3. | | | | | | | | | | | |
| 4. | | | | | | | | | | | |
| 5. | | | | | | | | | | | |

| Total number of acres, if for irrigation, by certificate and priority date: 13.70 |
|---|
| Conditions or other limitations, if any: |

If you need to enter another leased right, please use the Additional Water Right Form for Pooled Water Right Holder.

- 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 <u>not</u> 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 APR 1 4 2008 Attachment 3).

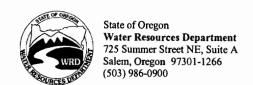
WATER RESOURCES DEPT SALEM OREGON

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 15, 2008. (If there is a conflict between the Pooled Lease Form and this form, the Pooled Lease Form will be the official term of the lease.)

~III~ Other Information

- 3.1 Accuracy. The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified or terminated. The lease only exercises the water rights being leased, for the term of the lease. It shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.
- 3.2 Lease. Lessor(s) and Lessee(s) agree to lease the water rights listed in Section(s) 1.5 for instream use for the term of this lease through Lessee to the Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077.
- 3.3 Precedent. If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.



Additional Water Right Form For Pooled Water Right Holder

Instream Lease

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

~I~

Section 1.5 continued from Pooled Leasing Water Right Holder Form.

Water Right(s) Proposed to be Leased Instream. Water right holder proposes to lease the water rights shown on the map attached as Exhibit 5-B and described as follows:

[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 water right holder, township, range, section and ¼ ¼, tax lot number, map orientation and scale.]

| | T | R | Sect | 1/4 1/4 | Tax Lot | Acres | Type of Use | Certificate # | Page(s) # | Priority* | |
|-----|---|-----|------|---------|---------|-------|-------------|-----------------------|-----------|----------------|--|
| | *(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) | | | | | | | | | | |
| 1. | 16S | 11E | 11 | sesw | 00801 | 5.30 | IRR | 74147 | 2 | 10/29/191 3 | |
| 2. | | | | | | | | | | | |
| 3. | | | | | | | | RECE | VED | | |
| 4. | | | | | | | | APR 1 4 | 2004 | | |
| 5. | | | | | | | 10 | 1 | | | |
| 6. | | | | | | | | ATERRESUU SALEM OF | rces depi | | |
| 7. | | | | | | | | | | | |
| 8. | | | | | | | | | | | |
| 9. | | | | | | | | | | | |
| 10. | | | | | | | | | | | |

[Attached map(s) must identify water right holder, township, range, section and ¼ ¼, tax lot number, map orientation and scale.]

Total number of acres, if for irrigation, by certificate and priority date: 5.30



Additional Water Right Form For Pooled Water Right Holder

Instream Lease

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

~I~

Section 1.5 continued from Pooled Leasing Water Right Holder Form.

Water Right(s) Proposed to be Leased Instream. Water right holder proposes to lease the water rights shown on the map attached as Exhibit 5-B and described as follows:

[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 water right holder, township, range, section and ¼ ¼, tax lot number, map orientation and scale.]

| | T | R | Sect | 1/4 1/4 | Tax Lot | Acres | Type of Use | Certificate # | Page(s) # | Priority* | | |
|-----|---|-----|------|---------|---------|-------|-------------|-----------------------|-----------|-----------|--|--|
| | *(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) | | | | | | | | | | | |
| 1. | 16S | 11E | 11 | sesw | 00801 | 8.0 | IRR | 76106 | 1 | 12/8/1961 | | |
| 2. | 16S | 11E | 14 | nenw | 00600 | 7.0 | IRR | 76106 | 1 | 12/8/1961 | | |
| 3. | | | | | | | | | | | | |
| 4. | | | | | | | | RECE | IVED | | | |
| 5. | | | | | | | | | | | | |
| 6. | | | | | | | | APR 1 | 2008 | | | |
| 7. | | | | | | | | NATERRESUL SALEM O | RCES DEP | T | | |
| 8. | | | | | | | | OVICE IVI | TEOO! | | | |
| 9. | | | | | | | | | | | | |
| 10. | | | | | | | | | | | | |

[Attached map(s) must identify water right holder, township, range, section and ¼ ¼, tax lot number, map orientation and scale.]

Total number of acres, if for irrigation, by certificate and priority date: 15.0

| 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 | For myear vectors days pegun until to not occur. Wr. For m | dultiyear leases, the Lessor(s) shall have the option of terminating the lease each with written notice to the Department. The lease may be terminated at any time go the calendar year. However, if the termination request is received less then 30-perior to the period of allowed instream use or after the period of allowed use has a for the water right(s) being leased, water may not be used under the right(s) leased the following calendar year, unless the Director determines that enlargement would be cur. The Department may also require: ritten notice to the Department with original signatures; insent by all parties to the lease; and/or ritten notice to the Watermaster's office. Insultiyear leases, the lessor shall not have the option of terminating the lease, without not by all parties to the lease. | | | | | | | |
| 3.6 | 2.2 during use water | ion to prevent injury. Allocation of water to the instream use described in Section the term of this lease is not reasonably expected to cause injury to other rights to from the same source. If injury is found after this lease is signed, the lease may be or terminated to prevent injury. | | | | | | | |
| Lessor Michae | #1: el J. Christi | anson Date: O/OS | | | | | | | |
| For ade | ditional Les a H. Christ | ssors, type in space for signature and date ianson (1) Allumente: 2 20/08 | | | | | | | |
| Other A | Attachment | s As Needed: | | | | | | | |
| Exhibi | | Tax Lot Map. (See instructions.) | | | | | | | |
| Exhibi | Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.) | | | | | | | | |
| 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) | | | | | | | | | |
| Exhibi | t 5-D: | Split Season Instream Use Form | | | | | | | |
| | | DECEWED | | | | | | | |

KECEIVED

APR 1 4 2008 WATERRESUURCES DEPT SALEM OREGON

EXHIBIT 5-A & B TUMALO IRRIGATION DISTRICT L08-002 IN-STREAM LEASED WATER RIGHTS SURVEY **FOR** Christianson, Michael J. & Roberta 801 803 SESW 10.0 AC OAC 600 700 6.9 AC 2.YAC NE/NW 519 RECEIVED APR 1 4 2008 WATER RESOURCES DEPT 7.OAC SALEM OREGON 518 INITIAL In-Stream Lease 65070 Smokey Butte Rd, Bend □R 97701. Located in the SE 1 of the SW 1/4 of Section

of the NW ¼ of Section 14, T.16S., R.11 E.W.M. Taxlot 600

SCALE: 1'' = 400'

Prepared By: Tumalo Irrigation District, 64697 Cook Ave, Bend. Oregon 97701 541-382-3053

| | SE¼ SE¼ | 1500D | IR | 0.6 | Kelly, Bill & Veronica |
|----------|---|--|----------------|-----------------------|-----------------------------------|
| | SE¼ SE¼ | 1702D | IR | 1.4 | Tepner, Robert & Karen |
| | 5274 5274 | Section 36 | 224 | | 2 vp. 100 010 00 2 m. 10 m. |
| | Township 16 S | outh, Range 11 | East W.M. | | |
| | 100000000000000000000000000000000000000 | oum, rumge 11 | 22450, 1112121 | | • |
| | NE¼ NW¼ | 403 | IR | 2.0 | Duntley, Carole A. |
| 1 | NW¼ NW¼ | 500 | IR. | 1.0 | Chace, William & Brenda |
| 1 | NW¼ NW¼ | 600 | IR | 1.0 | Campagna, David & Sharon |
| 1 | 1111/4 1111/4 | Section 7 | 110 | 1.0 | Campagna, David & Sharon |
| | | Section 7 | | | |
| | SW1/4 NE1/4 | 603 | IR | 0.8 | Towell, Thomas & Tammie |
| | SE¼ NE¼ | 595 | IR | 2.3 | Lehmann, David & Mary |
| | SE¼ NE¼ | 596 | IR | 2.3 | Marks, Magnus & Grace |
| | SE¼ NE¼ | 597 | IR | 2.0 | Kelley, James S. |
| | SE'4 NE'4 | 598 | IR IR | 1.4 | Losch, Richard & Linda |
| | SE ¹ / ₄ NE ¹ / ₄ | 599 | IR IR | 1.4 | Foucher, Dorothy |
| | SE74 NE74 | | IK | 1.2 | Foucher, Doromy |
| | | Section 17 | | | |
| | CNIU/ NICI/ | 2700 | TD | 2.0 | Tooler In & Davis |
| | SW¼ NE¼ | 2700 | IR TD | 2.0 | Tucker, Jim & Denise |
| | NE¼ SW¼ | 1000C | IR | 4.6 | Brookhart, Ronald C. |
| | NE¼ SW¼ | 200C | IR | 1.0 | Wyatt, James & Grace |
| | NE¼ SW¼ | 500C | IR | 1.0 | Ward, Dennis |
| 3 | NW1/4 SW1/4 | 1200C | IR | 1.0 | Clark, Kevin & Pamela |
| 3 | NW¼ SW¼ | 1300C | IR | 2.0 | Tucker, Billy & Bonnie |
| 3 | NW¼ SW¼ | 1400C | IR | 1.0 | Christ, Donald & Iris |
| | | Section 19 | | | RECEIVED |
| 3 | NW1/4 SW1/4 | 403 | IR | 2.0 | |
| 3 | NW 74 5 W 74 | Section 30 | IK | 2.0 | W 1 4 7000 |
| | Township 16 S | outh, Range 12 | East, W.M. | | WATER RESOURCES DEPT |
| | | · · · · · · · · · · · · · · · · · · · | , | | SALEM OREGON |
| 2 | NW¼ NE¼ | 200A | IR | 1.0 | Jacobs, Russell & Mary |
| - | | Section 3 | | | |
| | | 200102 | | | |
| | NW¼ NE¼ | 600A | IR | 2.0 | Cronin, John & Margaret |
| | 2111171212271 | Section 10 | | | 2 |
| | | 200002 | | 11.18.2.19 | No. |
| | SW1/4 NW1/4 | 500 | IR | 14.6 | Coats, R.L. & Joyce |
| | SE1/4 NW1/4 | 600 | IR. | | Coats, R.L. & Joyce |
| | NE¼ SE¼ | 1100 | ĪR | 5.0 | Hyde/Marcinek, Geoffrey & Helenka |
| | 112/4 52/4 | Section 11 | | Bunk was di | La March |
| | | 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1 | ي د و د | . é . | TOTAL TOTAL |
| | NW1/4 SW1/4 | 2500 | IR . | 2.0 | Hanson, Robert & Ruth |
| | 1111/4 511/4 | Section 13 | person of the | | A Stage |
| | Township 17 S | outh, Range 11 | Fast W.M. | Carles and the second | |
| | 10Wiship 17 S | oum, rumgo 11 | | | |
| Priority | : 9/1/00 | | | jura . | |
| 11101149 | • 7/1/00 | | | and the second | |
| | SW1/4 SE1/4 | 400 | R | 3.04 | Barr/Bach, Doris & George |
| | SW 74 SE 74 SE 1/4 SE 1/4 | 800 | IR | 15.55 | Mahoney, Dan & Martha |
| | 3E74 3E74 | Section 1 | ш | 10.00 | manuf, van ee manue |
| | | Section 1 | | | |
| | SE1/4 SW1/4 | 801 | IR · | 4.7 | Christianson, Michael & Roberta |
| | SW1/4 SE1/4 | 802 | IR | 1.0 | Turner/Lupton, Robert & Courtney |
| | SE¼ SE¼ | 900 | IR | 3.0 | Waldron Jr., Harvey & Genevieve |
| | J277 1022/7 | Section 11 | | • • | • |
| | | | | | |

No water in addition to that allowed for irrigation shall be diverted for stock use during the irrigation season.

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

| LOT | QTR/QTR | T.L. | m | OWNER | USE | PRIM | SUPPL |
|-----|---|------|--------|----------------------------------|---------------|-------|-------|
| | SW1/4SE1/4 | 400 | | Barr/Bach, Doris & George | IR | | 3.94 |
| | SE ¹ / ₄ SE ¹ / ₄ | 700 | | Bruder/Casey, Jeanne & Bruce | IR | 1.00 | 3.74 |
| | SE ¹ /4SE ¹ /4 | 800 | | Mahoney, Dan & Martha | IR | 1.45 | 17.55 |
| | 5E/45E/4 | 000 | | Section 1 | ш | 1.43 | 17.55 |
| | | | | Section 1 | | | |
| | NW1/4SW1/4 | 600 | | Marazzo, Ronald | IR | 20.00 | |
| | SE¼SW¼ | 801 | | Christianson, Michael & Roberta | IR | 5.30 | 4.70 |
| | SW ¹ / ₄ SE ¹ / ₄ | 800 | | Paiva, Joe & Wanita | IR | 3.40 | |
| | SW ¹ / ₄ SE ¹ / ₄ | 802 | | Turner/Lupton, Robert & Courtney | IR | 1.50 | 1.00 |
| | SW ¹ / ₄ SE ¹ / ₄ | 803 | | Paiva, Joe & Wanita | IR | 1.60 | 0.50 |
| | SE1/4SE1/4 | 900 | | Waldron Jr., Harvey & Genevieve | IR | | 3.70 |
| | SE1/4SE1/4 | 901 | | Waldron Jr., Harvey & Genevieve | IR | | 0.30 |
| | | | | Section 11 | | | |
| | NE¼NE¼ | 102 | | Vollstedt, Scott & Laura | IR | | 9.00 |
| | NE¼NE¼ | 103 | | Barr/Bach, Doris & George | IR | | 4.00 |
| | NE14NE14 | 105 | | Barr/Bach, Doris & George | IR | | 12.00 |
| | SW14NE1/4 | 300 | | Bullat, Chris & Janet | IR | 6.80 | |
| | SW1/4NE1/4 | 301 | | Bullat, Chris & Janet | IR | 0.20 | |
| | SE14NE14 | 100 | | Eddings, Ronald & Jeannie | IR | 1.50 | 2.00 |
| | SE14NE14 | 101 | | Hanson, Philip & Leah | IR | 5.50 | |
| | SE1/4NE1/4 | 102 | | Vollstedt, Scott & Laura | IR | 6.00 | |
| | SE1/4NE1/4 | 104 | | Waldron, Gail L. | IR | 2.00 | |
| | SW¼NW¼ | 500 | | DeMaris, Roger & Shirley | IR | | 2.00 |
| | SW ¹ / ₄ NW ¹ / ₄ | 501 | | Ruso, Joy D. | IR | | 2.00 |
| | SW¼NW¼ | 700 | | Miller, Glen | IR | | 2.00 |
| | SE¼NW¼ | 400 | | Robbins/Ackley | \mathbf{IR} | | 5.50 |
| | SE¼NW¼ | 401 | | Johnson, Barbara & Walt | IR | | 9.50 |
| | NE ¹ / ₄ SW ¹ / ₄ | 1100 | | Winch, Martin | IR. | | 0.60 |
| | NW¼SW¼ | 1000 | | Huillade/Price | \mathbf{IR} | 2.70 | |
| | SW1/4SW1/4 | 1200 | | Gillham, John & Audrey | IR | | 31.90 |
| | SE¼SW¼ | 1100 | | Winch, Martin | IR | | 2.50 |
| | SE¼SW¼ | 1200 | | Gillham, John & Audrey | IR | | 3.80 |
| | NE ¹ / ₄ SE ¹ / ₄ | 1900 | /- | Bagg, Barbara | IR. | 8.10 | |
| | NW4SE4 | 1100 | | Winch, Martin | IR | | 2.40 |
| | SW ¹ / ₄ SE ¹ / ₄ | 1100 | , | Winch, Martin | IR | 10.00 | 5.30 |
| | SE ¹ / ₄ SE ¹ / ₄ | 1900 | ; · ". | Bagg, Barbara | IR | 13.40 | 2.00 |
| | | | 1 | Section 12 | | | |
| | NE1/4NE1/4 | 100 | | Tracy, Judy | IR | | 31.70 |
| | NW¼NE¼ | 100 | | Tracy, Judy | IR | | 25.00 |
| | NW4NE4 | 1100 | | Winch, Martin | IR | | 1.20 |
| | SW1/4NE1/4 | 902 | | Field, John & Mary | IR | | 36.20 |
| | SE14NE14 | 900 | | Watkins, Chris | IR | | 29.50 |
| | NE¼NW¼ | 501 | | Hilbruner (Trustee), Liddy | IR | | 2.00 |
| | NE¼NW¼ | 502 | | Shook, Russell & Joanne | IR. | | 6.00 |
| | NW¼NW¼ | 400 | | Hanson, Phil Sr. & Ruth | IR. | | 37.50 |
| | SW¼NW¼ | 101 | | Gardner, Robert & Joyce | IR. | 1.20 | |
| | SW¼NW¼ | 401 | | Gardner, Robert & Joyce | IR. | 2.30 | 25.00 |
| | SE¼NW¼ | 902 | | Field, John & Mary | IR | 1.30 | 11.20 |
| | NE ¹ / ₄ SE ¹ / ₄ | 1000 | | Hately, Pamela H. | IR ID | | 18.00 |
| | NE¼SE¼ | 901 | | Fletcher, Paul T. | IR. | | 18.20 |
| | NW ¹ / ₄ SE ¹ / ₄ | 901 | | Fletcher, Paul T. | ECE | EIVED | 34.80 |

SEE NEXT PAGE

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APR 1 4 2008

Page 4

| NE¼ NE¼ | 102 | IR. | 9.0 | Vollstedt, Scott & Laura |
|---|--------------|-------------------|--------------|--|
| NE¼ NE¼ | 103 | IR | 4.0 | Barr/Bach, Doris & George |
| NE1/4 NE1/4 | 105 | IR | 12.0 | Barr/Bach, Doris & George |
| SE1/4 NE1/4 | 100 | IR | 2.0 | Eddings, Ronald & Jeannie |
| SW1/4 NW1/4 | 500 | IR. | 2.0 | DeMaris, Roger & Shirley |
| SW1/4 NW1/4 | 700 | IR | 2.0 | Miller, Glen |
| SE1/4 NW1/4 | 400 | IR | 5.5 | Robbins/Ackley |
| SE¼ NW¼ | 401 | IR. | 9.5 | Johnson, Barbara & Walt |
| NE1/4 SW1/4 | 1100 | IR. | 0.6 | Winch, Martin |
| SW1/4 SW1/4 | 1200 | IR. | 15.8 | Gilham, John & Audrey |
| SE ¹ / ₄ SW ¹ / ₄ | 1100 | IR | 2.5 | Winch, Martin |
| SE1/4 SW1/4 | 1200 | IR | 3.6 | Gillham, John & Audrey |
| NW ¹ / ₄ SE ¹ / ₄ | 1100 | IR. | 2.4 | Winch, Martin |
| SW1/4 SE1/4 | 1100 | IR IR | 5.3 | Winch, Martin |
| SE ¹ / ₄ SE ¹ / ₄ | 1900 | IR IR | 2.0 | • |
| SE74 SE74 | Section 12 | ш | 2.0 | Bagg, Barbara |
| | Section 12 | | | |
| NE¼ NE¼ | 100 | IR | 31.7 | Tracy, Judy |
| NW1/4 NE1/4 | 100 | IR | 25.0 | Tracy, Judy |
| NW1/4 NE1/4 | 1100 | IR. | 1.2 | Winch, Martin |
| SW¼ NE¼ | 902 | IR. | 36.2 | Field, John & Mary |
| SE¼ NE¼ | 900 | IR. | 29.5 | Watkins, Chris |
| NE¼ NW¼ | 501 | IR. | 2.0 | Hilbruner (Trustee), Liddy |
| NE¼ NW¼ | 502 | IR. | 6.0 | Shook, Russell & Joanne |
| NW1/4 NW1/4 | 400 | IR. | 31.1 | Hanson, Phil Sr. & Ruth |
| SW1/4 NW1/4 | 401 | IR . | 25.0 | Gardner, Robert & Joyce |
| SE ¹ /4 NW ¹ /4 | 902 | IR. | 11.2 | Field, John & Mary |
| NE¼ SE¼ | 1000 | IR | 18.0 | Hately, Pamela H. |
| NE¼ SE¼ | 901 | IR. | 18.2 | Fletcher, Paul T. |
| NW1/4 SE1/4 | 901 | IR. | 34.8 | , |
| SE'4 SE'4 | 1100 | IR. | 2.0 | Fletcher, Paul T. Carver, Roy & Jean RECEIVE |
| SE'4 SE'4 | 1400 | IR | 2.5 | , |
| SE¼ SE¼ | 1401 | IR | 4.5 | Day, Matt & Lesley APR 1 4 2008 Kirkhorn, Bruce |
| 22/4 22/4 | Section 13 | | | WATERRESUURCEST |
| | | | | SALEM OREGON |
| NE¼ NE¼ | 100 | IR. | 0.5 | Fidler, Terry & Mary |
| NE¼ NW¼ | 600 | IR. | 9.0 | Christianson, Michael & Roberta |
| SW¼ NW¼ | 503 | IR . | | Mueller Trust, Kenneth & Norma |
| SW¼ NW¼ | 505 | POND | 0.5 | Mueller Trust, Kenneth & Norma |
| SW¼ NW¼ | 505 | . R | 15.5 | Mueller Trust, Kenneth & Norma |
| SE14 NW1/4 | 503 | R | 8.8 | Mueller Trust, Kenneth & Norma |
| SE1/4 NW1/4 | 505 | IR | 5.0 . | Mueller Trust, Kenneth & Norma |
| NW¼ SW¼ | 501 | IR · | 9.0 | Eyer, James |
| NW¼ SW¼ | 504 | R | 14.2 | Allen, Charlie & Wendy |
| | Section 14 | American Services | in same and | |
| CWI/ NTCI/ | 500 | TD . | 40, | From Dalo & Marry |
| SW¼ NE¼ | 500 | IR . | | Eyer, Dale & Mary |
| SE¼ NE¼ | 600 | IR IR | 39.5 7.93 | Mueller Trust, Kenneth & Norma |
| SE¼ NW¼ | 1400 1600 | | 35.27 | Walker, Donald & Marianne |
| NE¼ SW¼ | | IR | | Walker, Donald & Marianne |
| NW1/4 SW1/4 | 1600 | IR POND | 35.27 | Walker, Donald & Marianne |
| SW1/4 SW1/4 | 1600 | POND | 0.7 | Walker, Donald & Marianne |
| SW¼ SW¼ | 1600 | IR IB | 21.87 | Walker, Donald & Marianne |
| SE¼ SW¼ | 1600 | IR IR | 37.16 | Walker, Donald & Marianne |
| SW14 SE14 | 1000 | IR IB | 6.0 | Jungers, Frank & Julia |
| SW¼ SE¼ | 900 900 | IR IR | 1.0 2.01 | Jungers, Frank & Julia Jungers, Frank & Julia |
| SE¼ SE¼ | Section 15 | ш | 2.01 | Jungers, Frank & Juna |
| | Section 13 | | | • |
| | | | | |

STATE OF OREGON

COUNTY OF DESCHUTES

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

RECEIVED

TUMALO IRRIGATION DISTRICT 64697 COOK AVE BEND, OREGON 97701 APR 1 4 2008
WATERRESUURCESDEPT
SALEM OREGON

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

This right was perfected under Permit 27840. The date of priority is DECEMBER 8, 1961. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall exceed 11.3 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point diversion from the source.

The points of diversion are located as follows:

TUMALO CREEK - SE 1/4 NE 1/4, SECTION 23, TOWNSHIP 17 SOUTH, RANGE 11 EAS W.M.; 2080 FEET SOUTH AND 1310 FEET WEST FROM THE NE CORNER OF SECTION 2 AND

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

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

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

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

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

EXHIBIT C

Deschutes River Conservancy 2008 Instream Leasing Program

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Policy Concerning Weeds & Instream Leases Information on Farm Deferral

APR 1 4 2008

WATER RESUURCES DEPT SALEM OREGON

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

Weed Policy

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

Information and Resources Attached

Farm Deferral Notice

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

Information and Resources Attached

understand the new DRC weed policy and have Print Name

been informed about farm deferral.

This form must be returned before lease payment is made.

Signature:



Application for

Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

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

| - | nal Identification by Lessor/Lessee: L08.03 | |
|---------|---|--|
| Lease | Application Number (assigned by WRD): | |
| This I | Lease is with: | |
| | r #1 (Water Right Holder): Wilkenfeldt, Gloria | RECEIVED |
| | ng address 18765 Couch Market Road | |
| | State, Zip Code Bend, OR 97701 | |
| _ | hone number (541)385-9485 | WATER RESOURCES DEPT |
| Email | address | SALEM OREGON |
| | itional water right holders, enter water right holder information | |
| Applica | The section numbering associated with this form corresponds to that found ation" form. The "Pooled Lease" form and "Pooled Water Right Holder" fation as the "Standard Instream Lease Application" form. Consequently, thial. | form(s) are used to provide the same |
| | ~I~ Water Right Holder and Water Right | Information |
| 1.1 | Lessor #1 is the water right holder, or authorized agent for profit of the water right appurtenant to these lands is also appurtenant are not included in this application, then Attachment 1 (tax le | ant to lands owned by others who |
| 1.3 | For the water right(s) being leased, list all water rights appurif there are any supplemental or overlying rights. | tenant to the same lands. Indicate |
| | Certificate No. <u>P 74146,74147, S 74147,74148,74149,76520</u> | · · |
| 1.4 | Are some or all of the lands being leased part of a Conservat Program. Yes No | ion Reservé Enhancement |
| 1.5 | Water Right(s) Proposed to be Leased Instream. Water rights shown on the map attached as Exhibit 5-B and de [This information may be included on Exhibit 5-A, or an additional map area of water rights being leased. Attached map(s) must identify water resection and ¼¼, tax lot number, map orientation and scale.] | lescribed as follows: may be attached. Crosshatch the |

| | T | R | Sect | ¼ ¼ | Tax Lot | Acres | Type of Use | Certificate # | Page(s) # | Priority* |
|----|---|----|------|------------|---------|-------|-------------|---------------|-----------|-----------|
| | *(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) | | | | | | | | | |
| 1. | 16 | 11 | 27 | nene | 00601 | 5.25 | IRR | 74146 | 16 | 6/1/1907 |
| 2. | 16 | 11 | 27 | nwnw | 00601 | .75 | IRR | 74146 | 15 | 6/1/1907 |
| 3. | | | | | | | | _ | | |
| 4. | | | | | | | | - | | |
| 5. | | | | | | | | | | |

| Total number of acres, if for irrigation, by certificate and priority date: 6.00 | |
|--|--|
| Conditions or other limitations, if any: | |

If you need to enter another leased right, please use the Additional Water Right Form for Pooled Water Right Holder.

- 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



APR 1 4 2008

The water has <u>not</u> 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).

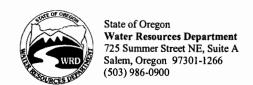
WATER RESOURCES DEPT SALEM OREGON

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 15, 2008. (If there is a conflict between the Pooled Lease Form and this form, the Pooled Lease Form will be the official term of the lease.)

~III~ Other Information

- 3.1 Accuracy. The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified or terminated. The lease only exercises the water rights being leased, for the term of the lease. It shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.
- 3.2 Lease. Lessor(s) and Lessee(s) agree to lease the water rights listed in Section(s) 1.5 for instream use for the term of this lease through Lessee to the Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077.
- 3.3 Precedent. If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.



Additional Water Right Form For Pooled Water Right Holder

Instream Lease

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

~I~

Section 1.5 continued from Pooled Leasing Water Right Holder Form.

Water Right(s) Proposed to be Leased Instream. Water right holder proposes to lease the water rights shown on the map attached as Exhibit 5-B and described as follows:

[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 water right holder, township, range, section and ¼ ¼, tax lot number, map orientation and scale.]

| | T | R | Sect | 1/4 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. | 16 | 11 | 27 | nene | 00601 | .50 | IRR | 74147 | 7 | 10/29/191 3 |
| 2. | | | | | | | | | | |
| 3. | | | | | | | | | | |
| 4. | | | | | | | RECE | IVED | | |
| 5. | | | | | | | | | | |
| 6. | | | | | | | APR 14 | 2008 | | |
| 7. | | | | | | V | VATER RESUU SALEM O | RCESDEPT | | |
| 8. | | | | | | | ON IEETH O | ILCOM | | |
| 9. | | | | | | | | | | |
| 10. | | | | | | | | | | |

[Attached map(s) must identify water right holder, township, range, section and ¼ ¼, tax lot number, map orientation and scale.]

Total number of acres, if for irrigation, by certificate and priority date: .50

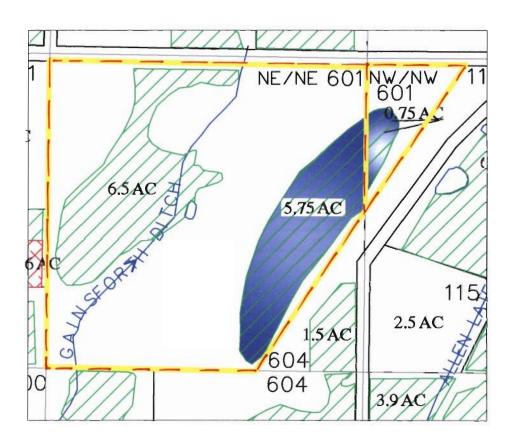
| 3.4 | Suspension of original use. During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights. | | | | | | |
|------------|---|--|--|--|--|--|--|
| 3.5 | Termination 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 then 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 Lessor | 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: | | | | | | |
| | RECEIVED | | | | | | |
| For add | ditional Lessors, type in space for signature and date APR 1 4 2008 | | | | | | |
| | WATER RESOURCES DEPT | | | | | | |
| Other / | Attachments As Needed: SALEM OREGON | | | | | | |
| Exhibi | | | | | | | |
| Exhibi | Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.) | | | | | | |
| Exhibi | | | | | | | |
| Exhibi | t 5-D: Split Season Instream Use Form | | | | | | |
| | | | | | | | |

TUMALO IRRIGATION DISTRICT L08-003 IN-STREAM LEASED WATER RIGHTS SURVEY

FOR

Wilkenfeldt, Gloria

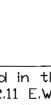
18765 Couch Market Road, Bend □R 97701.



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WATER RESOURCES DEPT SALEM OREGON









INITIAL

Located in the NW ¼ of the NW ¼ of Section 26, T16S., R.11 E.W.M. Taxlot 601 and the NE ¼ of the NE ¼ of Section 27, T16S., R.11 E.W.M. Taxlot 601



SCALE: 1" = 400'

Prepared By: Tumalo Irrigation District, 64697 Cook Ave, Bend. Oregon 97701 541-382-3053

| | | | | 1 age 15 |
|-----------------------------|-------------------|-------------|------------|-----------------------------------|
| NW1/4 NW1/4 | 400 | IR | 6.4 | Hanson, Phil Sr. & Ruth |
| SW1/4 SE1/4 | 1300 | IR | 2.6 | Day, Matt & Lesley |
| SE1/4 SE1/4 | 1400 | POND | 0.5 | Day, Matt & Lesley |
| SE1/4 SE1/4 | 1400 | IR | 1.0 | Day, Matt & Lesley |
| | Section 13 | | | • |
| | | | | |
| NE1/4 NE1/4 | 200 | IR | 1.0 | McCambridge, Mark & Elizabeth |
| NE¼ NE¼ | 300 | IR | 1.5 | Mandel, Paul & Ellen |
| | Section 14 | | | |
| SW1/4 SE1/4 | 1000 | IR. | 2.0 | Jungers, Frank & Julia |
| SE1/4 SE1/4 | 900 | IR. | 0.2 | Jungers, Frank & Julia |
| SE/4 SE/4 | Section 15 | ш | 0.2 | Jungers, I rank te Juna |
| | Section 13 | | | |
| NE¼ NE¼ | 101 | IR | 4.5 | Green, Leslie & Helen, Trustees |
| NW1/4 NE1/4 | 202 | IR. | 0.5 | Spencer, Kevin & Linda |
| SE1/4 NE1/4 | 101 | IR. | 5.5 | Green, Leslie & Helen, Trustees |
| SE1/4 NE1/4 | 1100 | IR. | 11.0 | Murdock, Carl & Phyllis |
| SE¼ NE¼ | 1104 | IR. | 4.0 | Thomas, Dennis & Laurie |
| NE14 NW1/4 | 202 | IR. | 1.5 | Spencer, Kevin & Linda |
| SW1/4 NW1/4 | 500 | IR | 1.1 | Goldy, Daniel |
| SE1/4 NW1/4 | 800 | IR | 0.9 | Goldy, Daniel |
| NE14 SE14 | 1102 | IR | 1.0 | Thomas, Dennis & Laurie |
| NE 1/4 SE 1/4 | 1103 | IR. | 2.0 | Thomson/Ottenfeld, Gareth & Diane |
| NW1/4 SE1/4 | 1900 | IR. | 2.0 | Ring, Frank & Nancy |
| | Section 22 | | | |
| | | | | |
| SW¼ SW¼ | 520 | IR | 5.3 | Allen, Lawrence |
| SW¼ SW¼ | 523 | IR | 0.2 | Coyote Ridge, Inc. |
| SE¼ SW¼ | 502 | IR | 4.2 | McCormick, William P. |
| SE1/4 SW1/4 | 523 | IR | 4.4 | Coyote Ridge, Inc. |
| SE1/4 SW1/4 | 524 | IR | 0.6 | Lucas, Lee & Karen |
| NW1/4 SE1/4 | 515 | IR. | 0.45 | • |
| SW1/4 SE1/4 | 524 | IR | 11.45 | Lucas, Lee & Karen |
| | Section 23 | | | |
| NE1/4 NE1/4 | 100 | IR | 14.2 | Day, Matt & Lesley |
| NE¼ NE¼ | 101 | IR | | Day, Matt & Lesley |
| NW1/4 NE1/4 | 100 | IR. | | Day, Matt & Lesley |
| NW1/4 NE1/4 | 200 | IR. | | Day, Matt & Lesley |
| SW1/4 NE1/4 | 1100 | I R | | Day, Matt & Lesley |
| SW1/4 NE1/4 | 1102 | IR | | Day, Matt & Lesley |
| SE1/4 NE1/4 | 101 | IR | 15.6 | Day, Matt & Lesley |
| SE¼ NE¼ | 102 | IR . | | Day, Matt & Lesley |
| NW1/4 SW1/4 | 1803 | IR | | Hensley, Wayne & Irene |
| SW1/4 SW1/4 | 1803 | IR | 0.2 | Hensley, Wayne & Irene |
| NE1/4 SE1/4 | 1201 | IR . | | Martin, William & Dorthy |
| NE1/4 SE1/4 | 1202 | IR | 6.4 | Henrikson, Terry |
| NE 1/4 SE 1/4 | 1203 | IR . | 4.3 | Martin, William & Dorthy |
| | Section 24 | i sa ji | *هه مدور ب | |
| >NT// >P*** | 601 | TO | 0.55 | Martin, Jack W. Wilkenfeloit 6. |
| NW1/4 NW1/4 | 601 | IR ID | 0.75 | Washing Alice |
| NW1/4 SW1/4 | 104 | IR ID | 1.33 | Koehler, Alice |
| SW¼ SE¼ | 500 | IR ID | 22.67 | Guice, Thomas |
| SE¼ SE¼ | 601 | IR ID | 16.1 | Pickard, Bob & Mary Lou |
| SE¼ SE¼ | 602 | IR ID | 1.0 | Peters, Michael & Dana |
| SE¼ SE¼ | 700 Section 26 | IR | 18.0 | Frick, Charles & Linda |
| | Section 26 | | | BPARIVE |

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WATER RESUURCES DEPT SALEM OREGON

| 74146 |
|---------|
| Page 16 |

| | NE1/4 NE1/4 | 601 | IR | 5.25 | Martin, Jack W. Wilken feldt. G. |
|------------|--|-------------------|-----------------|------|----------------------------------|
| | NW¼ NW¼ | 201 | IR | 14.6 | Davis, Ron & Elizabeth |
| | NW¼ NW¼ | 209 | IR | 4.0 | Plows, Richard & Marcia |
| | NW¼ NW¼ | 211 | IR | 2.5 | Lowas, John & Nancy |
| | SW1/4 NW1/4 | 206 | IR | 0.3 | O'Neal, Steven & Julianne |
| | SW1/4 SE1/4 | 500 | IR | 0.4 | Bauersfeld, James & Christine |
| | SW1/4 SE1/4 | 501 | IR | 1.4 | Bauersfeld, James & Christine |
| | | Section 27 | | | • |
| | | | | | |
| | NE¼ NE¼ | 100 | IR | 5.6 | Hausner, Jill |
| | SW1/4 NE1/4 | 900 | IR | 10.0 | Hermens, Stanley & Ruth |
| | | Section 28 | | | |
| | | | | | |
| | NE¼ NE¼ | 101 | IR | 1.6 | Granet, Peter & Carol |
| | NE¼ NE¼ | 102 | IR | 1.5 | Anderson, Rev. Robert & Ruth |
| | NE 1/4 NE 1/4 | 103 | IR | 0.5 | Tavares, Louis III & Deborah |
| | NE1/4 NE1/4 | 104 | \mathbf{IR} | 1.0 | Grant, Cloyce & Catherine |
| | SW1/4 NE1/4 | 908 | IR | 4.0 | Payer, Melanie |
| | NW1/4 SE1/4 | 901 | IR | 3.0 | Martin, Charles & Susan |
| | NW1/4 SE1/4 | 904 | IR. | 3.74 | Mills, Max & Lori |
| | | Section 34 | | | |
| | | | | | |
| | NW1/4 NE1/4 | 805 | IR | 0.25 | Miller, G. J. |
| | SE¼ NE¼ | 204 | IR | 2.7 | Dvorak, Louis |
| | NW1/4 NW1/4 | 1000 | IR | 19.7 | McGinnis (LE), Harold |
| | NE1/4 SW1/4 | 1900 | IR | 3.0 | Schlueter, James & Patricia |
| | SW1/4 SW1/4 | 1700 | IR | 9.2 | Schlueter, James & Patricia |
| | SE1/4 SW1/4 | 1700 | IR | 1.0 | Schlueter, James & Patricia |
| | | Section 35 | | | |
| | Township 16 S | South, Range 11 | East, W.1 | M. | |
| | , | | | | |
| 6 | NW1/4 SW1/4 | 1800 | IR. | 1.0 | Daniels, James & Karen |
| · 7 | SW1/4 SW1/4 | 1801 | IR | 1.0 | A.K.A. Productions, Inc. |
| | | Section 6 | | | |
| | > T T T T T T T T T T T T T T T T T T T | 400 | TD | 10.0 | Douglas Comple A |
| | NW1/4 NE1/4 | 400 | IR T | 10.0 | Duntley, Carole A. |
| • | NE¼ NW¼ | 402 | IR ₍ | 3.0 | Duntley, Carole A. |
| 2 | SW1/4 NW1/4 | 900 | IR ID | 10.8 | Chapman, Drexal & Katheryn |
| 4 | SW1/4 SW1/4 | 1100 | IR IR | 1.3 | Booth, Loran & Toni |
| 4 | SW1/4 SW1/4 | 1101 Section 7 | IR . | 12.0 | Pledger, Jeffery & Karen |
| | | Section / | | | |
| | SE¼ NE¼ | 800 | IR . | 10.0 | Cronen, Lowell & Ila |
| | SE¼ NE¼ | 801 | IR | 4. | Houshmand, Shamsolmolouk |
| | NE¼ SE¼ | 1300 | POND | 200 | Turner, Gerald & Judith |
| | NE ¹ / ₄ SE ¹ / ₄ | 1300 | - | 9.69 | |
| | NE ¹ / ₄ SE ¹ / ₄ | 1301 | IR IR | 4.0 | McIntosh, Thomas & Tamara |
| | NE ¹ / ₄ SE ¹ / ₄ | 1302 | IR. | 0.8 | Cordiner, Robert & Peggy |
| | NE ⁷⁴ SE ⁷⁴ NW ¹ 4 SE ¹ 4 | 1404 | IR IR | No. | Wyman, Harold & Jane |
| | SW1/4 SE1/4 | 1401 | IR IR | 5.6 | Wyman, Harold & Jane |
| | 3 VV /4 3E/4 | Section 8 | щ | 5.0 | 11 Juliu, Harold & Jane |
| | | Section 6 | | | |
| | NW1/4 SW1/4 | 900 | IR | 35.7 | Pacific NW Development |
| | SW1/4 SW1/4 | 1000 | IR | 4.3 | Day, Matt & Lesley |
| | SW1/4 SW1/4 | 900 | IR | 17.7 | Pacific NW Development |
| | 511/4 541/4 | Section 9 | | -/./ | • |
| | | 200m/ | | | RECEIVED |
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WATER RESUURCES DEPT SALEM OREGON

SEE NEXT PAGE

| | | | | | Page 7 |
|--|------------|--|----------|-------|--------------|
| SW1/4SW1/4 | 400 | OTS Wire & Insulation, Inc. | IR | 2.00 | 3.00 |
| SE1/4SW1/4 | 800 | Blank/Hitchcock | IR | 1.00 | 9.00 |
| SE1/4SW1/4 | 801 | Flannery/Nauer | IR | | 8.18 |
| NE ¹ / ₄ SE ¹ / ₄ | 600 | Amadio, Anthony | IR | 19.00 | |
| NW1/4SE1/4 | 202 | Milem, John & Kathleen | IR | 13.70 | |
| NW1/4SE1/4 | 203 | Milem, John & Kathleen | IR | 16.30 | |
| SW1/4SE1/4 | 500 | Guice, Thomas | IR | | 36.10 |
| SE1/4SE1/4 | 601 | Pickard, Bob & Mary Lou | IR | | 16.10 |
| SE ¹ / ₄ SE ¹ / ₄ | 602 | Peters, Michael & Dana | IR | | 1.00 |
| SE1/4SE1/4 | 700 | Frick, Charles & Linda | IR | | 18.00 |
| | | Section 26 | | | |
| 5 E'4 ne/4 | 600 | Kraft Family Trust | IR | 3.00 | N96.005 |
| NE ¹ / ₄ NE ¹ / ₄ | 601 | Martin, Jack W. Wilken fealth | IR | 4.00 | 8.25 |
| NE ¹ / ₄ NE ¹ / ₄ | 604 | Allen, Charlie & Wendy | IR | | 1.50 |
| NW ¹ / ₄ NE ¹ / ₄ | 100 | Barber, Murl | IR | | 2.00 |
| NW ¹ / ₄ NE ¹ / ₄ | 101 | Varco, Robert & Coleen | IR | | 3.50 |
| NW1/4NE1/4 | 107 | Barber, Murl | IR | | 3.00 |
| NW ¹ / ₄ NE ¹ / ₄ | 108 | Wark, Russell & Sandra | IR | | 5.00 |
| NW ¹ / ₄ NE ¹ / ₄ | 109 | Hering, Eugene & Suellen | IR | | 5.00 |
| NW¼NE¼ | 110 | Moser, Joyce | IR | | 3.50 |
| SW ¹ / ₄ NE ¹ / ₄ | 200 | Moore, Scott & Margaret | IR | | 12.00 |
| SW ¹ / ₄ NE ¹ / ₄ | 212 | Souther, David & Connie | IR | | 11.00 |
| SE ¹ / ₄ NE ¹ / ₄ | 604 | Allen, Charlie & Wendy | IR | | 18.50 |
| NE ¹ / ₄ NW ¹ / ₄ | 102 | Johnson, Thomas & Lois | IR | | 9.35 |
| NE ¹ / ₄ NW ¹ / ₄ | 103 | Kochera, Jack & Marilyn | IR | | 6.00 |
| NE¼NW¼ | 104 | Kail/Rankin | IR ID | | 8.00 |
| NE¼NW¼ | 105 | Wallace, Peter & Jeanette | IR ID | | 3.00 |
| NW1/4NW1/4 | 201 | Davis, Ron & Elizabeth | IR IB | | 17.60 |
| NW ¹ / ₄ NW ¹ / ₄ NW ¹ / ₄ NW ¹ / ₄ | 209 210 | Plows, Richard & Marcia Costello/Olin | IR IR | | 4.00 4.00 |
| NW ¹ / ₄ NW ¹ / ₄ | 210 | Lowas, John & Nancy | IR | | 4.00 8.00 |
| SW ¹ / ₄ NW ¹ / ₄ | 202 | Parker, Deryl & Adeline | IR | | 15.80 |
| SW 1/4NW 1/4 | 206 | O'Neal, Steven & Julianne | IR | | 15.00 |
| SE ¹ / ₄ NW ¹ / ₄ | 207 | Hanus, Jana | IR | 1.50 | 2.00 |
| SE¼NW¼ | 208 | Wilhelm, Diane | IR | 1.50 | 1.70 |
| SE ¹ / ₄ NW ¹ / ₄ | 213 | McIntosh, Dotta J. | IR | 2.50 | 2.50 |
| SE ¹ /4NW ¹ /4 | 214 | Wilhelm, Diane | IR | | 0.60 |
| NE ¹ / ₄ SW ¹ / ₄ | 300 | Wilhelm, Diane | IR | | 19.20 |
| NE1/4SW1/4 | 301 | Wilhelm, Diane | IR | | 0.70 |
| NW1/4SW1/4 | 302 | Wilhelm, Diane | IR | | 37.80 |
| SW1/4SW1/4 | 400 | Hall, David & Joanne | IR | | 9.00 |
| SW1/4SW1/4 | 402 | Davis, William M. III | IR | | 4.00 |
| SW1/4SW1/4 | 403 | Henderson, Jeff & Chris | IR | | 3.00 |
| SW1/4SW1/4 | 404 | Swisher, Frederick & Lisa | IR | | 5.00 |
| SW1/4SW1/4 | 405 | Paterson, Mary Lou | IR | | 3.00 |
| SW ¹ / ₄ SW ¹ / ₄ | 406 | Danahy, Timothy & Vickie | IR | | 3.00 |
| SE ¹ / ₄ SW ¹ / ₄ | 401 | Cardoza, Manuel & Linda | IR | | 29.92 |
| NE ¹ / ₄ SE ¹ / ₄ | 602 | Koehler, Alice | IR | | 0.80 |
| NE ¹ / ₄ SE ¹ / ₄ | 605 | Rola, Jeff & Susan | IR | | 7.80 |
| NE ¹ / ₄ SE ¹ / ₄ | 606 | Hampton, John & Carol | IR | | 0.33 |
| NE ¹ / ₄ SE ¹ / ₄ | 608 | Rola, Jeff & Susan | IR | | 1.40 |
| NW ¹ / ₄ SE ¹ / ₄ | 203 | Rola, Jeff & Susan | IR | | 8.80 |
| NW¼SE¼ | 205 | Bauersfeld, James & Christine | IR ID | | 12.00 |
| SW ¹ / ₄ SE ¹ / ₄ | 500 | Bauersfeld, James & Christine | IR ID | | 25.40 |
| SW ¹ / ₄ SE ¹ / ₄ | 501 | Bauersfeld, James & Christine | IR ID | | 1.40 |
| SE ¹ / ₄ SE ¹ / ₄ | 603 | Johnson, Eleanor B. | IR | | 3.00 |
| | | Section 27 | | PAPI. | |

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SEE NEXT PAGE

EXHIBIT C

Deschutes River Conservancy 2008 Instream Leasing Program

Policy Concerning Weeds & Instream Leases Information on Farm Deferral

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

Weed Policy

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

Information and Resources Attached

Farm Deferral Notice

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

Information and Resources Attached

I, Soria Wilkentell understand the new DRC weed policy and have

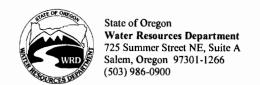
been informed about farm deferral.

This form must be returned before lease payment is made.

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WATER RESUURCES DEPT SALEM OREGON



Application for

Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

Pursuant to ORS 537.348(2) and OAR 690-077 Optional Identification by Lessor/Lessee: L08.04 Lease Application Number (assigned by WRD): This Lease is with: Lessor #1 (Water Right Holder): RECEIVED Name Bevando, Damien K. & Erin Mailing address 1154 NW Redfield City, State, Zip Code Bend, OR 97701 Telephone number (541) 317-9600 Email address If additional water right holders, enter water right holder information below Note: The section numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Water Right Holder" 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~ Water Right Holder and Water Right Information 1.1 Lessor #1 is the water right holder, or authorized agent for property described in Section 1.5. 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. For the water right(s) being leased, list all water rights appurtenant to the same lands. Indicate 1.3 if there are any supplemental or overlying rights. Certificate No. P 74146, S 74147,74148,74149,76520 Are some or all of the lands being leased part of a Conservation Reserve Enhancement 1.4 Program. Yes No. 1.5 Water Right(s) Proposed to be Leased Instream. Water right holder proposes to lease the water rights shown on the map attached as Exhibit 5-B and described as follows: This information may be included on Exhibit 5-A, or an additional map may be attached. Crosshatch the

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

area of water rights being leased. Attached map(s) must identify water right holder, township, range,

| | Т | R | Sect | 1/4 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. | 16 | 12 | 31 | swsw | 00424 | 2.50 | IRR | 74146 | 11 | 9/1/1900 |
| 2. | | | | | | | | | | |
| 3. | | | | | | | | | | |
| 4. | | | | | | | | | | |
| 5. | | | | | | | | | | _ |

| Total number of acres, if for irrigation, by certificate and prior | nty date: <u>2.50</u> |
|--|-----------------------|
| Conditions or other limitations, if any: | |

If you need to enter another leased right, please use the Additional Water Right Form for Pooled Water Right Holder.

- 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 <u>not</u> 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).

APR 1 4 2008

~II~ Instream Water Right Information

WATER RESOURCES DEPT

SALEM OREGONerm of lease. This lease shall terminate on October 15, 2008. (If there is a conflict between the Pooled Lease Form and this form, the Pooled Lease Form will be the official term of the lease.)

~III~ Other Information

- 3.1 Accuracy. The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified or terminated. The lease only exercises the water rights being leased, for the term of the lease. It shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.
- 3.2 Lease. Lessor(s) and Lessee(s) agree to lease the water rights listed in Section(s) 1.5 for instream use for the term of this lease through Lessee to the Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077.
- 3.3 Precedent. If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.

| 3.4 | Suspension of original use. During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights. | | | | | | | |
|-----------------------------|---|--|----------------------|--|--|--|--|--|
| 3.5 | Termination provision. For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less then 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 Lessor | 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: | | | | | | | |
| For ad | | ssors type in space for signature and date | Date: 3.17.08 | | | | | |
| Other A Exhibi Exhibi | t 5-A: | ts As Needed: Tax Lot Map. (See instructions.) Detailed map illustrating lands under subject repart of a right is being leased instream. Exhibing into a single map. (See instructions.) | | | | | | |
| Exhibi | nibit 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) | | | | | | | |
| Exhibi | t 5-D: | Split Season Instream Use Form | RECEIVED | | | | | |
| | | | APR 1 4 2008 | | | | | |
| | | | WATER RESUURCES DEPT | | | | | |

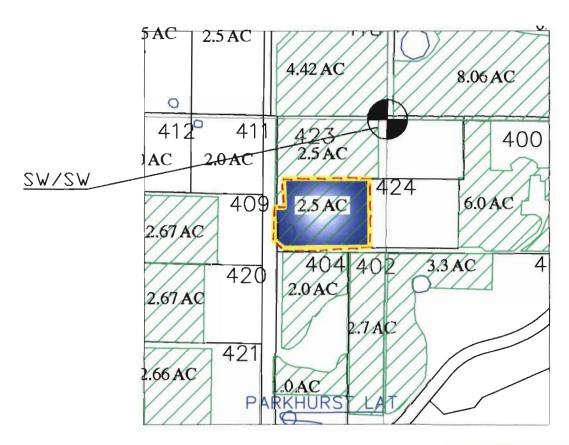
SALEM OREGON

EXHIBIT 5-A & B TUMALO IRRIGATION DISTRICT L08-004 IN-STREAM LEASED WATER RIGHTS SURVEY

FOR

Bevando, Damien K. & Erin

1154 NW Redfield, Bend DR 97701.



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INITIAL:











LOCATED IN THE SW 1/4 OF THE SW 1/4 OF SECTION 31, T16 S., R12 E., W.M. TAX LOTS # 424 DESCHUTES COUNTY, OREGON



SCALE: 1'' = 400'

Prepared By: Tumalo Irrigation District, 64697 Cook Ave, Bend. Oregon 97701 541-382-3053

| D | 1 | 1 |
|------|---|---|
| rage | 1 | 1 |

| | NE¼ SW¼ NE¼ SW¼ | 1000C 100C | IR IR | 0.9 1.94 | Brookhart, Ronald C. Manina, Steven S. |
|---|---|-----------------|-------------|--|---|
| | NE1/4 SW1/4 | 1100C | IR | 1.6 | Brookhart, Ronald C. |
| | NE1/4 SW1/4 | 400C | IR | 1.0 | Hoisington, John |
| 3 | NW1/4 SW1/4 | 1100C | IR | 1.9 | Brookhart, Ronald C. |
| 3 | NW¼ SW¼ | 1400C | IR | 3.0 | Christ, Donald & Iris |
| 3 | NW1/4 SW1/4 | 800C | IR — | 1.5 | Kelley, Beverly J. |
| | NE ¹ / ₄ SE ¹ / ₄ | 1900 | IR — | 3.7 | Prentice, Jim & Jean |
| | NE¼ SE¼ | 2000 | IR | 11.0 | Shipman, Keith & Pat |
| | NE¼ SE¼ | 2001 | IR | 3.0 | Zapp, Martin & Joann |
| | | Section 19 | | | |
| | SW1/4 NE1/4 | 2800 | IR | 1.0 | Barlow, Steven & Jeanette |
| | NE1/4 NW1/4 | 305 | IR | 1.0 | Billings, Jack & Christina |
| | NW1/4 SE1/4 | 2500 | IR | 2.5 | Gregg, Patrick & Kathy |
| | | Section 30 | | | |
| | NE1/4 SW1/4 | 407 | IR | 6.6 | Bend Research/ Science Properties |
| 3 | NW1/4 SW1/4 | 405 | IR | 2.0 | Perkins, Howard & Darlene |
| 3 | NW¼ SW¼ | 407 | IR . | 3.4 | Bend Research/ Science Properties |
| 3 | NW¼ SW¼ | 414 Bevardo | IR HOW SOL | 2.5 | Long, Michael & Alice |
| 3 | NW1/4 SW1/4 | TL 42 | IR 7 | 2.5 | Sailors, Robert W. |
| 4 | SW1/4 SW1/4 | 700 1 3010 | IK 2.50 | 5.9 | Bodwin, Wayne & Laraine Bevando |
| 4 | SW1/4 SW1/4 | 402 | IR | 2.7 | Boone, Daniel & Corinna |
| 4 | SW1/4 SW1/4 | 404 | IR TD | 3.0 | Gamez, Richard & Claudia |
| 4 | SW1/4 SW1/4 | 409 | IR ID | 8.0 | Hagemann, Roger & Lorraine |
| 4 | SW1/4 SW1/4 | 411 | IR IB | 2.0 | Delay, Mark & Edith |
| 4 | SW1/4 SW1/4 | 412 | IR IR (a | 2.0 °1 2.1 | Delay, Mark & Edith Bodwin, Wayne & Laraine Friedman |
| | SE¼ SW¼ SE¼ SW¼ | 400 402 | IR G | 3.3 | Boone, Daniel & Corinna |
| | SE74 S VV 74 | Section 31 | Щ | 3.3 | Boone, Damer & Cormita |
| | Township 16 S | South, Range 12 | East, W.M | 1 . | |
| 1 | NE ¹ / ₄ NE ¹ / ₄ | 100 | IR | 9.0 | Morey, Kenneth & Teresa |
| 1 | NE¼ NE¼ | 101 | IR. | 19.57 | Hoobler, Sharon & Janet |
| 1 | NE¼ NE¼ | 102 | R | 8.3 | Douthit, Charles |
| 2 | NW1/4 NE1/4 | 200 | ÍR · | 11.5 | McClaskey, Todd & Maxine |
| 2 | NW1/4 NE1/4 | 404 | R | 16.4 | Total Control |
| | SW1/4 NE1/4 | 405 | IR. | 30.4 | Eggiman, Timothy & Nathalie |
| | SE1/4 NE1/4 | 101 | IR | 5.48 | Hoobler, Sharon & Janet |
| | SE1/4 NE1/4 | 500 | . IR | 2.45 | Wright, R. Douglas |
| | SE1/4 NE1/4 | 600 | IR | 4.0 | Balyeat, Timony, Daniel, & Sheila |
| | SE1/4 NE1/4 | 601 | IR 🐘 | 2.55 | Timony, Michael & Amy |
| 3 | NE1/4 NW1/4 | 201 | R | 2.15 | Mathewson, Edward & Ruth |
| 4 | NW ¹ / ₄ NW ¹ / ₄ | 400 1 1 1 | ÎR' | 2.0 | Northon, Richard & Jeanne |
| 4 | NW ¹ / ₄ NW ¹ / ₄ | 402 | IR \ | , 2.0 ′ , | Kailey, John & Janet |
| | SW1/4 NW1/4 | 407 | IR 📜 | 1.2 | Korish, Pat & Theresa |
| | SW ¹ / ₄ NW ¹ / ₄ | 408 | IR. | 1.2 | Fulton, Robert & Patricia |
| | SE¼ NW¼ | 405 | R O | and the same of th | Eggiman, Timothy & Nathalie |
| | SE¼ NW¼ | 406 | IR | 31.0 | Shepard, John & Marion |
| | NE¼ SE¼ | 700 703 | IR IB | 30.1 | Gisler, Patrick & Deborah |
| | NE¼ SE¼ | 702 701 | IR ID | 0.6 | James, John & Dinah -Trustees |
| | NW1/4 SE1/4 | 701 702 | IR IB | 1.0 | Eggiman, Timothy & Nathalie |
| | NW1/4 SE1/4 | 702 702 | IR IB | 17.2 | James, John & Dinah -Trustees James, John & Dinah -Trustees |
| | SW ¹ / ₄ SE ¹ / ₄ | 702 | IR | 33.6 | James, John & Dillan - Hustees |

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WATER RESUURCES DEPT SALEM OREGON

EXHIBIT C

Deschutes River Conservancy 2008 Instream Leasing Program

Policy Concerning Weeds & Instream Leases Information on Farm Deferral

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

Weed Policy

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

Information and Resources Attached

Farm Deferral Notice

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

Information and Resources Attached

| I, DAMIEN BEVANDO Print Name | understand the new DRC weed policy and have |
|------------------------------------|---|
| been informed about farm deferral. | |

Signature: Warai X. Berando Date: 2/17/08

This form must be returned before lease payment is made.

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WATER RESUURCES DEPT
SALEM OREGON



Application for

Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

| Pursuant to ORS 537.348(2) and OAR 690-077 | | | | | | |
|--|---|--|--|--|--|--|
| Optio | nal Identification by Lessor/Lessee: L08.05 | | | | | |
| | Application Number (assigned by WRD): | | | | | |
| This l | Lease is with: | | | | | |
| | or #1 (Water Right Holder): | | | | | |
| Name | Voyles Living Trust Linda J Voyles & Barry C Snyder, Trustees RECEIVED | | | | | |
| | ng address 19075 Saddleback Lane State, Zip Code Bend, OR 97701 APR 1 4 2008 | | | | | |
| Telep | hone number (541) 389-5452 | | | | | |
| Email | addressSALEM OREGON | | | | | |
| If add | itional water right holders, enter water right holder information below | | | | | |
| Applic | The section numbering associated with this form corresponds to that found on the "Standard Instream Lease ation" form. The "Pooled Lease" form and "Pooled Water Right Holder" form(s) are used to provide the same ation as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always tial. | | | | | |
| | ~I~ Water Right Holder and Water Right Information | | | | | |
| 1.1 | Lessor #1 is the water right holder, or authorized agent for property described in Section 1.5. 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. | | | | | |
| 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. <u>P 74146, S 74147, 74148, 74149, 76520</u> | | | | | |
| 1.4 | Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. Yes No | | | | | |
| 1.5 | Water Right(s) Proposed to be Leased Instream. Water right holder proposes to lease the water rights shown on the map attached as Exhibit 5-B and described as follows: [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 water right holder, township, range, section and ¼ ¼, tax lot number, map orientation and scale.] | | | | | |

| | T | R | Sect | 44 | Tax Lot | Acres | Type of Use | Certificate # | Page(s) # | Priority* |
|----|---------|-------------|------------|----------|------------------------|------------------------------|-----------------------------------|-------------------|---------------|---------------|
| | *(Ident | ify pertine | ent page n | umber of | certificate, i more | f certificate than one po | is greater than 1 er certificate) | 0 pages; identify | priority date | e if there is |
| 1. | 16 | 11 | 34 | nwne | 00301 | 5.0 | IRR | 74146 | 8 | 9/1/1900 |
| 2. | | | | | | | | | | |
| 3. | | | | | | | | | | |
| 4. | | | | | | | | | | |
| 5. | | | | | | | | | | |

| Total number of acres, if for irrigation, by certificate and priority date: 5.0 | |
|---|--|
| Conditions or other limitations, if any: | |

If you need to enter another leased right, please use the Additional Water Right Form for Pooled Water Right Holder.

- **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 <u>not</u> 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).

WATER RESOURCES DEPT SALEM OREGON

APR 1 4 2008

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 15, 2008. (If there is a conflict between the Pooled Lease Form and this form, the Pooled Lease Form will be the official term of the lease.)

~III~ Other Information

- 3.1 Accuracy. The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified or terminated. The lease only exercises the water rights being leased, for the term of the lease. It shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.
- 3.2 Lease. Lessor(s) and Lessee(s) agree to lease the water rights listed in Section(s) 1.5 for instream use for the term of this lease through Lessee to the Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077.
- 3.3 Precedent. If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.

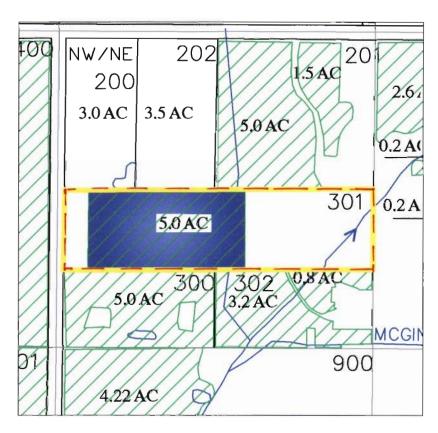
| 3.4 | suspension of original use. During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights. |
|-----------------|---|
| 3.5 | Termination provision. For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less then 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. |
| | J. Voyles, Trustee Date: Jeb 15 08 |
| For ad Barry | ditional Lessors, type in space for signature and date C. Snyder, Trustee Bang Snyth Date: FEB 15 Zerus |
| Other | Attachments As Needed: |
| | it 5-A: Tax Lot Map. (See instructions.) |
| Exhib | · · |
| Exhib | |
| Exhib | it 5-D: Split Season Instream Use Form RECEIVED |
| | APR 1 4 2008 |
| | WATER RESOURCES DEPT SALEM OREGON |

EXHIBIT 5-A & B TUMALO IRRIGATION DISTRICT L08-005 IN-STREAM LEASED WATER RIGHTS SURVEY

FOR

Ross E. & H. Pauline Voyles

VOYLES LIVING TRUST 19075 Saddleback Lane, Bend 🛛 P. 97701.



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Certificate #'s







In-Stream Lease

LOCATED IN THE NW 1/4 OF THE NE 1/4 OF SECTION 34, T16 S., R11 E., W.M. TAX LOTS # 301 DESCHUTES COUNTY, OREGON

SCALE: 1" = 400'



Prepared By: Tumalo Irrigation District, 64697 Cook Ave, Bend. Oregon 97701 541-382-3053

| | | | | Page 8 |
|--|--------------------|----------|--------------------|---|
| SE¼ NE¼ | 900 | IR | 3.0 | Russell, Barbara H. |
| NE1/4 SW1/4 | 600 | IR | 1.0 | Wessinger, William & Pat |
| SW1/4 SE1/4 | 700 | IR. | 6.0 | Moody, Steven |
| SW1/4 SE1/4 | 800 | IR | 10.0 | McNulty, Ralph & Dee |
| SW1/4 SE1/4 | 806 | IR | 10.0 | Cullman, Ruth |
| | Section 33 | | | · ···································· |
| | | | | |
| NE 1/4 NE 1/4 | 100 | IR | 0.6 | Stokoe, Barbara L. |
| NE1/4 NE1/4 | 101 | IR | 1.4 | Granet, Peter & Carol Bryant Trust |
| NE 1/4 NE 1/4 | 102 | IR | 1.0 | Anderson, Rev. Robert & Ruth |
| NE1/4 NE1/4 | 103 | IR | 0.5 | Tavares, Louis III & Deborah |
| NW1/4 NE1/4 | 200 | IR | 3.0 | Taylor, Jerry & Janet |
| NW1/4 NE1/4 | 201 | IR | 6.5 | Laidlaw, Douglas |
| NW1/4 NE1/4 | 202 | IR | 3.5 | Margo, Mark & Desiree |
| NW1/4 NE1/4 | 300 | IR. | 5.0 | Berg, Michael |
| NW1/4 NE1/4 | 301 | IR | 5.06.0 | Petrie, Thomas & Helon Voyles Trust |
| NW¼ NE¼ | 302 | IR | 3.0 | Parker, Daniel & Jeanette |
| SW¼ NE¼ | 900 | IR | 3.0 | Cole, Jennifer |
| SW ¹ / ₄ NE ¹ / ₄ | 906 | IR T | 1.0 | Van Cleave, Sherman & Vicki |
| SW1/4 SW1/4 | 1500 | IR T | 5.4 | Harlow, James |
| NW¼ SE¼ | 901 | IR ID | 1.0 | Martin, Charles & Susan |
| SW1/4 SE1/4 | 1300 | IR ID | 12.6 | Sohn, Ray & Sheila |
| SW1/4 SE1/4 | 1301 | IR ID | 3.4 | Duhn, Jessica R. |
| SW1/4 SE1/4 | 1302 | IR IB | 2.0 | Horton, Richard & Karen McAllister/Burke |
| SW1/4 SE1/4 | 1303 | IR IB | 7.0 4.5 | |
| SW1/4 SE1/4 | 1304 Section 34 | IR | 4.3 | Schmidt, Robert & Carolyn |
| | Section 34 | | | : |
| NE1/4 NE1/4 | 100 | IR | 10.0 | Leonard, Ronald Veziva, LIR |
| NE1/4 NE1/4 | 202 | IR | 7.5 | Jermaczonak, Tony & Laurie |
| NE¼ NE¼ | 203 | IR | 3.3 | Bottger, James & Bea |
| NE1/4 NE1/4 | 206 | IR | 1.7 | Bottger, James & Bea |
| NE 1/4 NE 1/4 | 800 | IR | 0.6 | Michael, Loreen |
| NW1/4 NE1/4 | 800 | IR | 4.4 | Michael, Loreen |
| NW1/4 NE1/4 | 804 | IR | 2.5 | O'Brien, James & Patricia |
| NW ¹ / ₄ NE ¹ / ₄ | 805 | R | 2.5 | Miller, G. J. |
| NW1/4 NE1/4 | 806 | TR. | 5.0 | Rush, Lucy K. |
| NW1/4 NE1/4 | 807 | IR | 5.0 | Cooley, Orrin & Stephanie |
| SW¼ NE¼ | 801 | IR | 5.0 | Ome Alan G. & Deborah |
| SW ¹ / ₄ NE ¹ / ₄ | 802 | R | 5.0 | Masters, John |
| SW¼ NE¼ | 808 | R | 5.0 | Gonce William & Carolyn Sheaffer, William & Annie |
| SW¼ NE¼ | 809 | IR IR | 3.0 | Hall, Thomas & Faith |
| SE¼ NE¼ | 201 | R | * 1 | Dyonak Louis |
| SE¼ NE¼ | 204 | TR. | 2.0 | Hall, Thomas & Faith |
| SE¼ NE¼ | 300 | N IN | 2.5 | Harrison, Daniel |
| SE¼ NE¼ SE¼ NE¼ | 400 | TIP THE | 2.0 | Tellin, Mahlon & Patricia |
| SE ¹ / ₄ NE ¹ / ₄ | 600 | 10 | * 4.1 | Dyorak, Louis |
| | 700 | TD S | 4.0 | Drorak Louis |
| SE¼ NE¼ NE¼ SW¼ | 700 1900 | IR C | 6,4 1.4 | Schlueter, James & Patricia N95.008 +5.0 |
| NE 1/4 SW 1/4 SW 1/4 SW 1/4 | 1700 | IR | 24.0 | Schlueter, James & Patricia |
| SE ¹ / ₄ SW ¹ / ₄ | 1700 | IR. | 13.2 | Schlueter, James & Patricia |
| SE ¹ / ₄ SW ¹ / ₄ | 1900 | IR | 5.8 | Schlueter, James & Patricia |
| SE ⁷⁴ SW ⁷⁴ SW ¹ / ₄ SE ¹ / ₄ | 2100 | IR | 5.0 | Cascade Materials |
| SW ¹ / ₄ SE ¹ / ₄ | 2100 | IND | 2.0 | Cascade Materials |
| D VV /4 DL)/4 | Section 35 | 11.12 | 2.0 | |
| | Section 33 | | | RECEIVED |
| | | | | |

APR 1 4 2008

WATER RESOURCES DEPT SALEM OREGON

SEE NEXT PAGE

Deschutes River Conservancy 2008 Instream Leasing Program

Policy Concerning Weeds & Instream Leases Information on Farm Deferral

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

Weed Policy

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

Information and Resources Attached

Farm Deferral Notice

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

Information and Resources Attached

Linda To Voyles (BARRY C SNYDJR)
understand the new DRC weed policy and have

been informed about farm deferral.

Barrisonale Date 15 200

This form must be returned before lease payment is made.

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WATER RESUURCES DEPT SALEM OREGON



Application for

Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

Pursuant to ORS 537.348(2) and OAR 690-077 Optional Identification by Lessor/Lessee: L08.06 Lease Application Number (assigned by WRD): This Lease is with: Lessor #1 (Water Right Holder): RECEIVED Name C.L.R. Inc. Mailing address 703 NW Stone Pine Drive City, State, Zip Code Bend, OR 97701 Telephone number 541 389-6562 WATER RESOURCES DEPT Email address SALEM OREGON If additional water right holders, enter water right holder information below Note: The section numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Water Right Holder" 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~ Water Right Holder and Water Right Information 1.1 Lessor #1 is the water right holder, or authorized agent for property described in Section 1.5. 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. For the water right(s) being leased, list all water rights appurtenant to the same lands. Indicate 1.3 if there are any supplemental or overlying rights. Certificate No. P 74146, 74147, S 74147,74148,74149,76520 1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. Yes ⊠ No Water Right(s) Proposed to be Leased Instream. Water right holder proposes to lease the 1.5 water rights shown on the map attached as Exhibit 5-B and described as follows: 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 water right holder, township, range,

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

| | T | R | Sect | 1/4 1/4 | Tax Lot | Acres | Type of Use | Certificate # | Page(s) # | Priority* | |
|----|---|-----|------|---------|---------|-------|-------------|---------------|-----------|-----------|--|
| | *(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) | | | | | | | | | | |
| 1. | 16S | 12E | 30 | nwse | 02100 | 3.40 | IRR | 74146 | 14 | 5/27/1907 | |
| 2. | 17S | 11E | 13 | nwnw | 00817 | 4.0 | IRR | 74146 | 14 | 5/27/1907 | |
| 3. | 17S | 11E | 13 | nwnw | 00809 | 1.60 | IRR | 74146 | 14 | 5/27/1907 | |
| 4. | | | | | | | | | | | |
| 5. | | | | | | | | | | | |

| Total number of acres, if for irrigation, by certificate and priority date: 9.0 | |
|---|--|
| | |
| Conditions or other limitations, if any: | |

If you need to enter another leased right, please use the Additional Water Right Form for Pooled Water Right Holder.

- 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 <u>not</u> 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).

WATER RESUURCES DEPT SALEM OREGON

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 15, 2008. (If there is a conflict between the Pooled Lease Form and this form, the Pooled Lease Form will be the official term of the lease.)

~III~ Other Information

- 3.1 Accuracy. The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified or terminated. The lease only exercises the water rights being leased, for the term of the lease. It shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.
- 3.2 Lease. Lessor(s) and Lessee(s) agree to lease the water rights listed in Section(s) 1.5 for instream use for the term of this lease through Lessee to the Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077.
- 3.3 Precedent. If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.

| 3.4 | suspend u | on of original use. During the period of the see of water allowed under the subject water at to the subject water rights. | |
|------------------|--|--|--|
| 3.5 | For myear vector during days placed begund until mot occurrence with the control occur | ion provision. nultiyear leases, the Lessor(s) shall have the with written notice to the Department. The lease of the calendar year. However, if the terminal prior to the period of allowed instream use of a for the water right(s) being leased, water not the following calendar year, unless the Director. The Department may also require: ritten notice to the Department with original passent by all parties to the lease; and/or ritten notice to the Watermaster's office. Inultiyear leases, the lessor shall not have the ent by all parties to the lease. | lease may be terminated at any time nation request is received less then 30-or after the period of allowed use has may not be used under the right(s) leased ector determines that enlargement would I signatures; |
| 3.6 | 2.2 during use water modified of | tion to prevent injury. Allocation of water the term of this lease is not reasonably experiment the same source. If injury is found after terminated to prevent injury. | ected to cause injury to other rights to |
| Lessor C.L.R. | #1: Inc., Jerry | Curl | Date: |
| For ad | ditional Le | ssors, type in space for signature and date | RECEIVED |
| | | | APR 1 4 2008 |
| | | | WATER RESOURCES DEPT |
| | | ts As Needed: | SALEM OREGON |
| Exhibi Exhibi | | Tax Lot Map. (See instructions.) Detailed map illustrating lands under subjections. | ect rights to be leased: required if only |
| EXIIIO | n 5 - 5. | part of a right is being leased instream. Ex into a single map. (See instructions.) | |
| Exhibi | it 5-C: | Supporting documentation indicating why forfeiture even though the right has not be consecutive years (required if the second be checked) | een exercised for five or more |
| Exhibi | it 5-D: | Split Season Instream Use Form | |
| | | | |
| | | | |



Additional Water Right Form For Pooled Water Right Holder

Instream Lease

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

~I~

Section 1.5 continued from Pooled Leasing Water Right Holder Form.

Water Right(s) Proposed to be Leased Instream. Water right holder proposes to lease the water rights shown on the map attached as Exhibit 5-B and described as follows:

[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 water right holder, township, range, section and ¼ ¼, tax lot number, map orientation and scale.]

| | T | R | Sect | 1/4 1/4 | Tax Lot | Acres | Type of Use | Certificate # | Page(s) # | Priority* |
|-----|---------|-------------|------------|----------|---------|-------|--|-------------------|---------------|----------------|
| | *(Ident | ify pertine | ent page n | umber of | - | | e is greater than 1 er certificate) | 0 pages; identify | priority date | e if there is |
| 1. | 16S | 12E | 30 | nwse | 02100 | .70 | IRR | 74147 | 14 | 10/29/191 |
| 2. | 16S | 12E | 30 | nese | 02100 | 1.90 | IRR | 74147 | 14 | 10/29/191 3 |
| 3. | 16S | 12E | 30 | nese | 02000 | 5.0 | IRR | 74147 | 14 | 10/29/191 3 |
| 4. | 16S | 12E | 30 | nese | 00100 | 16.0 | IRR | 74147 | 14 | 10/29/191 3 |
| 5. | 16S | 12E | 30 | nese | 00100 | 2.0 | IND | 74147 | 14 | 10/29/191 3 |
| 6. | 16S | 12E | 30 | sene | 00100 | 13.20 | IRR | 74147 | 14 | 10/29/191 3 |
| 7. | 17S | 11E | 13 | nwnw | 00817 | 1.36 | IRR | 74147 | 17 | 10/29/191 3 |
| 8. | 17S | 11E | 13 | nwnw | 00809 | 3.0 | IRR | 74147 | 17 | 10/29/191 3 |
| 9. | 17S | 11E | 14 | nene | 00817 | 3.50 | IRR | 74147 | 17 | 10/29/191 3 |
| 10. | | | | | | | " | | | |

[Attached map(s) must identify water right holder, township, range, section and ¼ ¼, tax lot number, map orientation and scale.]

Total number of acres, if for irrigation, by certificate and priority date: 46.66

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WATER RESOURCES DEPT SALEM OREGON

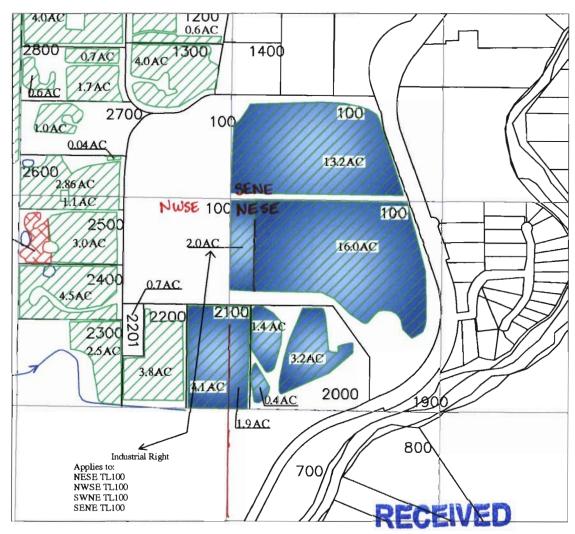
TUMALO IRRIGATION DISTRICT EXHIBIT 5-A & B L08-006 IN-STREAM LEASED WATER RIGHTS SURVEY

FOR

C.L.R., Inc.

Cline Falls Rd., BEND 97701

L08-006 - 1 of 2



APR 1 4 2008

WATER RESOURCES DEPT SALEM OREGON



Certificate #'s Certi



In-Stream Lease

INITIAL:

Located in the NE ¼ of the SE ¼ of Taxlots 100, 2000, and 2100 AND the SE ¼ of the NE ¼ of Taxlot 100 AND the NW ¼ of the SE ¼ of Taxlot 2100 in Section 30, Township 16 S., Range 12 E.W.M. in Deschutes County Oregon.

SCALE: 1'' = 600'

Prepared By: Tumalo Irrigation District, 64697 Cook Ave, Bend. Oregon 97701 541-382-3053

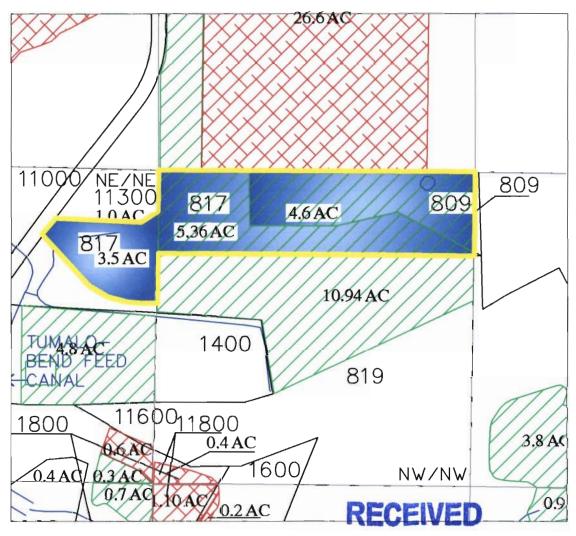
TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY

FOR

C.L.R., Inc.

19260 Klipple Rd., BEND 97701

L08-006 - 2 of 2



APR 1 4 2008

WATER RESOURCES DEPT SALEM OREGON



Certificate #'s 74146, and 74147



In-Stream Lease

INITIAL:

EXHIBIT 5-A & B

L08-006

Located in the NW ¼ of the NW ¼ of Taxlots 809, and 817 AND the NE ¼ of the NE ¼ of Taxlot 817 in Section 30, Township 16 S., Range 12 E.W.M. in Deschutes County Oregon.

SCALE: 1'' = 400'

Prepared By: Tumalo Irrigation District, 64697 Cook Ave, Bend. Oregon 97701 541-382-3053

Priority: 5/27/07

| 111011ty | . 312/10/ | | | | |
|----------|---|---------------------|------------|--|---|
| 7 | SW1/4 SW1/4 | 1802 Section 6 | IR | 3.0 | Rupp, C. Richard |
| • | NW¼ SE¼ | 2100 Section 30 | IR | 3.4 | C.L.R. INC. |
| | SW ¹ / ₄ SE ¹ / ₄ | 4300D Section 31 | IR · | 0.8 | C.L.R. INC. |
| | Township 16 S | South, Range 12 | East, W.M | • | |
| | SW1/4 NW1/4 | 500 Section 11 | IR | 1.2 | Coats, R.L. & Joyce |
| t | NW1/4 NE1/4 | 804 | IR | 0.4 | Coats, R.L. & Joyce |
| | NW¼ NE¼ | 807 | IR. | 5.4 | Coats, R.L. & Joyce |
| | NW1/4 NE1/4 | 817 | IR. | 6.1 | C.L.R. INC. |
| | SW1/4 NE1/4 | 806 | IR. | 2.5 | Graham, Kenneth & Joy |
| | SW1/4 NE1/4 | 807 | IR | 1.0 | Coats, R.L. & Joyce |
| | SW1/4 NE1/4 | 808 | IR | 2.1 | Niedzwiecke, Andrew & Judith |
| | SW1/4 NE1/4 | 810 | IR | 0.9 | Niedzwiecke, Andrew & Judith |
| | NE¼ NW¼ | 817 | IR | 0.2 | C.L.R. INC. |
| | NW¼ NW¼ | 809 | IR | 1.6 | C.L.R. INC. |
| | NW¼ NW¼ | 817 | IR | 4.0 | C.L.R. INC. |
| | SE¼ NW¼ | 812 | IR | 1.5 | Latham, Mark & Kristen |
| | SE¼ NW¼ | 813 | IR | 2.5 | Schweigert, Ken |
| | SE¼ NW¼ | 818 | IR | 2.5 | Hamper, Tom |
| | | Section 13 | | | |
| | | 44800 | _ | | A11 C1 1 |
| | NE¼ NE¼ | 11700 | IR ID | 0.2 | Allen, Charles |
| | NE¼ NE¼ | 11800 | IR ID | 0.1 | Allen, Charles |
| | NE¼ NE¼ | 11900 | IR IB | 0.4 0.7 | Rugloski, Paul, Andrew & Cecelia Allen, Charles |
| | SE¼ NE¼ | 11800 11900 | IR IR | 2.6 | Rugloski, Paul, Andrew & Cecelia |
| | SE¼ NE¼ | Section 14 | Щ | 2.0 | Rugioski, Faui, Andrew & Ceccha |
| | Township 17 S | South, Range 11 | Fast WeW | COMMENSATION OF THE PROPERTY AND ADDRESS OF THE PROPERTY ADDRESS OF THE PROPERTY AND ADDRESS OF THE PROPERTY ADDRESS OF TH | |
| | TOWNSHIP 17 C | outin, ruinge 12. | | | |
| 2 | NW1/4 NE1/4 | 302 Section 6 | IR. | 0.1 | RECEIVED |
| | Township 17 S | South, Range 12 | East, W.M. | Willer | APR 1 4 2008 |
| Priority | : 6/1/07 | | | | WATER RESUURCES DEPT SALEM OREGON |
| | SE¼ SE¼ | 800 Section 1 | 10. | | Mahoney, Dan & Martha |
| | | | | Market W. M. | De la Carlo |
| | SW¼ SE¼ | 803 | | 0.0 | Paiva, Joe & Wanita |
| | SE¼ SE¼ | 900 | TRO O | 0 2 | Waldron Jr., Harvey & Genevieve Waldron Jr., Harvey & Genevieve |
| | SE¼ SE¼ | 901 Section 11 | R | 0.3 | water on Jr., riarvey & Genevieve |
| | | Section 11 | | | |
| | SW1/4 SW1/4 | 1200 | IR | 16.1 | Gillham, John & Audrey |
| | SE ¹ / ₄ SW ¹ / ₄ | 1200 | IR | 0.2 | Gillham, John & Audrey |
| | 22/4011/4 | Section 12 | | | , |
| | | | | | |

| | | | | | | Page 14 |
|--------|---|------------|--|----------|---------------|---------|
| | NE4SE4 | 2001 | Zapp, Martin & Joann | IR | | 4.70 |
| | NW4SE4 | 2200 | Cole, Robert & Nancy | IR | 5.00 | |
| | SW4SE4 | 2400 | Kloby, Jay & Melody | IR | 31.40 | |
| | SE¼SE¼ | 2400 | Kloby, Jay & Melody | IR | 28.10 | |
| | T. | | Section 19 | | | |
| | NW4NE4 | 1000 | Ireland, Stephen P. | IR | 3.00 | |
| | NW4NE4 | 1101 | Cardwell, Ken & Janice | IR | 3.00 | |
| | NW4NE4 | 1800 | Robertson, Brian T. | IR | 3.00 | |
| | NW¼NE¼ | 303 | Arnett, Gary J. | IR | 3.00 | |
| | NW4NE4 | 304 | Outhsye, Joseph & Joann | IR | 3.70 | |
| • | NW¼NE¼ | 310 | Dierberger, Kenneth & Dona | IR | 4.00 | |
| | NW4NE4 | 3300 | Wickham, Kent & Beth | IR | 1.40 | |
| | NW4NE4 | 3301 | Wickham, Kent & Beth | IR. | 0.60 | |
| | SW4NE4 | 1300 | Dyson, Brian & Sheryl | IR | 4.00 | |
| o | SW4NE4 | 2600 | Miller, Dianne M. | IR. | 1.70 | |
| | SW4NE4 | 2700 | Barber, Richard & Mary | IR. | 1.00 | 2.00 |
| | SW1/4NE1/4 | 2800 | Barlow, Steven & Jeanette | IR T | 4.00 | 3.00 |
| | SW¼NE¼ | 2900 | Hauge, Christopher & Susan | IR TD | 4.00 | |
| | SE'ANE'A | 100 | C.L.R. INC. | IR IB | 13.20 | |
| | NE¼NW¼ | 300 | McDougal, Melvin | IR IR | 11.50 | 1.00 |
| | NE¼NW¼ | 305 | Billings, Jack & Christina | IR IR | 2.00 | 1.00 |
| | NE¼NW¼ | 311 | Outhsye, Joseph & Joann | IR ID | 4.30 17.20 | |
| _ | NE¼NW¼ | 312 | Michonal' Meram | IR ID | 17.20 | |
| 1 | NW¼NW¼ | 202 | Hayden, James & Katharina | IR TD | 1.00 1.60 | |
| 1 | NW¼NW¼ | 203 | Romesburg, Ernie & Naomi | IR IR | 7.38 | |
| 1 | NW¼NW¼ | 300 | McDougal, Melvin | IR IR | 0.80 | |
| 1 | NW¼NW¼ | 312 | McDougal, Melvin | IR IR | 18.00 | |
| 1 | NW¼NW¼ | 313 | McDougal (Trustee), Joy Cantrell, John & Jean | IR | 5.00 | |
| 2 | SW¼NW¼ | 302 306 | Barnes, Ed & Gayla Ann | IR | 3.00 | |
| 2 2 | SW¼NW¼ SW¼NW¼ | 306 307 | Barnes, Ed & Gayla Ann Barnes, Gayla Ann | IR | 8.00 | |
| 2 | SW4NW4 SW4NW4 | 307 308 | Binger, Richard & Cheryl | IR | 4.50 | |
| 2 | SW4NW4 | 309 | Robertson, Frances M. | IR | 4.00 | |
| 2 | SE¼NW¼ | 2900 | Hauge, Christopher & Susan | IR | 18.50 | |
| | SE1/ANW1/4 | 301 | Hauge, Christopher & Susan | IR | 18.00 | |
| | NW4SW4 | 401 | Lorenz, Hayard & Linds | IR | 5.00 | |
| | NW4SW4 | 403 | Scott, Cherry 7 | IR | | 2.00 |
| | NW4SW4 | 404 | Many Control of the C | IR | 2.00 | |
| | NE ¹ / ₄ SE ¹ / ₄ | 100 | KC Z ROW TO STATE OF THE STATE | IND | | |
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| | NE'4SE'4 | 2100 | H CARROW TO THE REAL PROPERTY OF THE PARTY O | IR | 1.90 | |
| | NW4SE4 | 2100 | OCTRACE DE Z | IR | 0.70 ′ | 3.40 |
| | NW4SE4 | 2200 | Rellex Charles Celemana * | IR | 3.80 | |
| | NW¼SE¼ | 2201 | Kelley Charles Diana * | IR | 0.70 | |
| | NW¼SE¼ | 2300 | Kelley Charles Olana | IR | 2.50 | |
| | NW¼SE¼ | 2400 | Alexander Jack & Jamar | IR | 4.50 | |
| | NW1/SE1/4 | 2500 | Gregg, Patrick & Kathy | IR | 0.50 | 2.50 |
| | NW4SE4 | 2600 | Miller, Dianne M. | IR | 0.30 | |
| | • | | Section 30 | | | |
| | NE¼SW¼ | 406 | Salciccioli, Greg & Dianna L. | IR | 1.00 | |
| | NE'4SW'4 | 407 | Bend Research/Science Properties | IR | | 6,60 |
| | NE4SW4 | 408 | Wendel, John & Cathleen | IR | 2.00 | |
| | NE'4SW'4 | 410 | Allen, Michael & Patty | IR | 3.00 | |
| | NE'4SW'4 | 418 | Bend Research/ Science Properties | IR | 5.80 | |
| 3 | NW4SW4 | 405 | Perkins, Howard & Darlene | IR | 1.00 | 2.00 |
| 3 | NW1/4SW1/4 | 407 | Bend Research/ Science Properties | IR | 0.10 | 3.40 |
| くたじ | EIVED | | SEE NEXT PAGE | | | |
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WATER RESOURCES DEPT

| | | | | | | | Page 17 |
|--------|----------------|------------------|----------|--|------------------------|-----------|------------------|
| | SW4NE4 | 810 | | Niedzwiecke, Andrew & Judith | IR | | 0.90 |
| */ | NE¼NW¼ | 817 | | C.L.R. INC. | IR | 14.60 | 0.20 |
| | NW14NW14 | | | C.L.R. INC. | IR | 3.00 | 1.60 |
| | NW4NW4 | | | C.L.R. INC. | IR | 12.30 | |
| | SW1/4NW1/4 | 2300 |) | Beighley/Taylor, Mark & Deborah | IR | 44 | |
| | SW1/NW1/4 | 2400 |) | Moore, Bill & Mildred | IR | | 0.90 |
| | SW14NW14 | 817 | | C.L.R. INC. | IR | 6.40 | •• |
| | SE14NW1/4 | 812 | | Latham, Mark & Kristen | IR | •••• | 1.50 |
| | SE1/ANW1/4 | 813 | | Schweigert, Ken | IR | | 2.50 |
| | SE1/ANW1/4 | 817 | | C.L.R. INC. | IR | 4.60 | |
| | SE1/ANW1/4 | 818 | | Hamper, Tom | IR | | 2.50 |
| | NW4SW4 | 2400 |) | Moore, Bill & Mildred | IR | 1.00 | 1.10 |
| | NW1/4SW1/4 | 2500 |) | Hanson, Robert & Ruth | IR. | | 2.00 |
| | NW4SW4 | 817 | | C.L.R. INC. | IR | 12.20 | |
| | SW1/4SW1/4 | 4200 |) | Reinhardt, George & Jeanne | $\mathbf{I}\mathbf{R}$ | 2.00 | |
| | | | | Section 13 | | •,• | |
| | NE¼NE¼ | 1130 | 0 | Woods, William C. | IR. | 1.00 | |
| | NE¼NE¼ | 1 140 | 0817 | C.L.R. INC. | IR | 3.50 | changed to TCBOT |
| | NE¼NE¼ | 1190 | 0 | Rugloski, Paul, Andrew & Cecelia | IR | | 0.40 |
| | SE'4NE'4 | 1190 | 0 | Rugloski, Paul, Andrew & Cecelia Section 14 | IR | | 2.60 |
| | | | Town | nship 17 South, Range 11 East, W.M. | | | |
| 2 | NW¼NE¼ | 300 | | C.L.R. INC. | IR | 1.80 | |
| 2 | NW4NE4 | 301 | | C.L.R. INC. | IR | 0.50 | 3.00 |
| 2 | NW4NE4 | 302 | | C.L.R. INC. | IR | 4.10 | 3.10 |
| 3 | NE14NW14 | 200 | В | Allen/Rice, Rita & Kenny | IR | 2.50 | |
| 3 | NE¼NW¼ | 300 | В | Dwyer, Michael & Theresa | \mathbf{R} | 16.40 | |
| 4 | NW14NW1/4 | 300 | В | Dwyer, Michael & Theresa | IR. | 17.70 | |
| 4 | NW¼NW¼ | 301 | В | Greer, Stephen & Denise | IR | 2.00 | |
| 4 | NW¼NW¼ | 302 | В | Greer, Russell & Lois | IR. | 2.40 | |
| 4 | NW¼NW¼ | 400 | В | Greer, Russell & Lois | IR. | 2.00 | • |
| 4 | NW1/4NW1/4 | 500 | В | Randolph, James & Charlotte Section 6 | IR | 1.00 | |
| 2 | SW¼NW¼ | 400 | | Kemple, Harold & Terry | TD | 1.50 | 10.00 |
| 2 2 | SW4NW4 | 400 | | | IR IR | 1.50 | 10.00 |
| 2 | | 400 | | Erei, Gary & Victoria | IR IR | 1.20 | 14.60 |
| | SE¼NW¼ | 400 | | Remple Harold & Terryl | IR | 1.20 | |
| | | | Toy | ship 72 South Range 12 East WM | | | |
| | • | of the w | | | eficial u | se on the | lands or place |
| of use | described. | | | 11 + 【一种的图》,图像是一种的原则是一个 | 0 100 | 3 | |
| | | | • | the Director entered on | 9 199 | | , 1997 and |
| | - | | | Page 54 approving a petition by T | • | • | |
| ORS 5 | 41.329 for map | ping w | ater rig | hts within a district. This certificate sur | ersedes | certifica | tes 26050. |

WITNESS the signature of the Water Resources Director, affixed

JUN 1 9 1997

RECEIVED

APR 1 4 2008

WATER RESOURCES DEPT SALEM OREGON Martha O. Pagel, Director

Recorded in State Record of Water Right Certificates numbered 74147.

HB-3111.BWB

Deschutes River Conservancy 2008 Instream Leasing Program

Policy Concerning Weeds & Instream Leases Information on Farm Deferral

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

Weed Policy

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

Information and Resources Attached

Farm Deferral Notice

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

Information and Resources Attached

| I, | JERRY Print Na | Curz L | understand the | e new DRC w | eed policy ar | ıd have |
|--------|-------------------|---------------|----------------|-------------|---------------|---------|
| been i | nformed about f | arm deferral. | | | | |
| | | | | | | |
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| | | 1 | | | | |
| | | 4 | | | | |

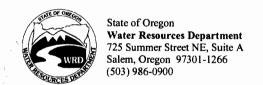
This form must be returned before lease payment is made.

RECEIVED

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WATER RESOURCES DEPT SALEM OREGON

Signature:



Application for

Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

Pursuant to ORS 537.348(2) and OAR 690-077 Optional Identification by Lessor/Lessee: L08.07 Lease Application Number (assigned by WRD): ____ This Lease is with: Lessor #1 (Water Right Holder): RECEIVED Name Peter N.McCook & Jacqueline K.H. McCook Mailing address 10305 SW 64th Avenue APR 1 4 2008 City, State, Zip Code Miami, FL 33156 Telephone number (305) 663-5450 Email address If additional water right holders, enter water right holder information below Note: The section numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Water Right Holder" 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~ Water Right Holder and Water Right Information 1.1 Lessor #1 is the water right holder, or authorized agent for property described in Section 1.5. 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. 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. P 74146, 76106 S 74147,74148,74149,76520 Are some or all of the lands being leased part of a Conservation Reserve Enhancement 1.4 Program. Yes ⊠ No 1.5 Water Right(s) Proposed to be Leased Instream. Water right holder proposes to lease the water rights shown on the map attached as Exhibit 5-B and described as follows: [This information may be included on Exhibit 5-A, or an additional map may be attached. Crosshatch the

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

area of water rights being leased. Attached map(s) must identify water right holder, township, range,

| | T | R | Sect | 1/4 1/4 | Tax Lot | Acres | Type of Use | Certificate # | Page(s) # | Priority* |
|----|-----------|------------|-----------|----------|---------|-------|-------------------------------------|-------------------|---------------|-------------|
| | *(Identif | fy pertine | nt page n | umber of | | | is greater than 1 r certificate) | 0 pages; identify | priority date | if there is |
| 1. | 178 | 11E | 11 | nwsw | 01601 | 1.0 | IRR | 74146 | 12 | 9/1/1900 |
| 2. | | | | | | | | | | |
| 3. | | | | | | | | | | |
| 4. | | | | | | | | | | |
| 5. | | | | | | | | | | |

| Total number of acres, if for irrigation, by certificate and priority date: 1.0 | |
|---|--|
| | |
| Conditions or other limitations, if any: | |

If you need to enter another leased right, please use the Additional Water Right Form for Pooled Water Right Holder.

- 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



APR 1 4 2008

The water has <u>not</u> 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).

WATER RESOURCES DEPT SALEM OREGON

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 15, 2008. (If there is a conflict between the Pooled Lease Form and this form, the Pooled Lease Form will be the official term of the lease.)

~III~ Other Information

- 3.1 Accuracy. The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified or terminated. The lease only exercises the water rights being leased, for the term of the lease. It shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.
- 3.2 Lease. Lessor(s) and Lessee(s) agree to lease the water rights listed in Section(s) 1.5 for instream use for the term of this lease through Lessee to the Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077.
- 3.3 Precedent. If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.



1/4, tax lot number, map orientation and scale.]

Additional Water Right Form For Pooled Water Right Holder

Instream Lease

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

~I~

Section 1.5 continued from Pooled Leasing Water Right Holder Form.

Water Right(s) Proposed to be Leased Instream. Water right holder proposes to lease the water rights shown on the map attached as Exhibit 5-B and described as follows:

[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 water right holder, township, range, section and 1/4

| | Т | R | Sect | 1/4 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. | 17S | 11E | 11 | nwsw | 01601 | 2.0 | IRR | 76106 | 4 | 12/8/1961 | |
| 2. | | | | | | | | | | | |
| 3. | | | | | | | | | | | |
| 4. | | | | | | | | DEARIN | rn | | |
| 5. | | | | | | | 1 | RECEIV | ED | | |
| 6. | | | | | | | | APR 1 4 20 | 08 | | |
| 7. | | | | | | | WAT | ERRESOURC | ESDEPT | | |
| 8. | | | | | | | | SALEM OREC | ON | | |
| 9. | | | | | | | | | | | |
| 10. | | | | | | | | | | | |

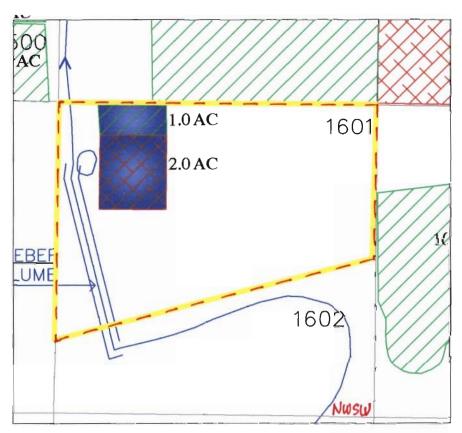
[Attached map(s) must identify water right holder, township, range, section and ¼ ¼, tax lot number, map orientation and scale.]

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

| 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 | For m year v during days j begur until t not oc Wi Co Wi For m | ion provision. nultiyear leases, the Lessor(s) shall have the with written notice to the Department. The general the calendar year. However, if the termination to the period of allowed instream used for the water right(s) being leased, water the following calendar year, unless the Director. The Department may also require: written notice to the Department with original insent by all parties to the lease; and/or written notice to the Watermaster's office. Insultiyear leases, the lessor shall not have the notice to the lease. | e lease may ination reque or after the may not be rector deter | y be terminated at a uest is received less e period of allowe e used under the ri mines that enlarge es; | any time as then 30- ad use has ght(s) leased ement would | | | | | | |
| 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: HM | 1405 | Date: | 2-14-08 | | | | | | | |
| Peter N | V. McCook | | | | | | | | | | |
| | Tank | | Date: | 2/14/08 | | | | | | | |
| Jacque | line K. H. I | McCook | Date. | 1:7/ | | | | | | | |
| For ad | ditional Les | ssors, type in space for signature and date | ĺ | RECEIVE | D | | | | | | |
| | | | | APR 1 4 2008 | | | | | | | |
| | | s As Needed: | WAT | ERRESUURCESD SALEM OREGON | EPT | | | | | | |
| Exhibi | | Tax Lot Map. (See instructions.) | | . 1 1 1 1 | 1:0 1 | | | | | | |
| EXNIBI | whibit 5-B: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.) | | | | | | | | | | |
| Exhibi | into a single map. (See instructions.) 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) | | | | | | | | | | |
| Exhibi | t 5-D: | Split Season Instream Use Form | | | | | | | | | |
| | | | | | | | | | | | |

TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY FOR

McCook, Peter Nevins & Jacqueline K



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APR 1 4 2008

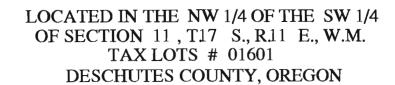
WATER RESOURCES DEPT SALEM OREGON

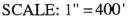














Prepared By: Tumalo Irrigation District, 64697 Cook Ave, Bend. Oregon 97701 541-382-3053

Page 12

| SE ¹ / ₄ SE ¹ / ₄ 703 IR 32.0 Freeman/Triple Section 1 | c Dinah -Trustees ett |
|---|---|
| 2 NW½ NE¾ 105 IR 2.5 Haddix, Stepho SW¼ NW¼ 600 IR 15.3 Gill, John SE¾ NW¾ 700 IR 10.7 Gill, Rockne & Section 2 | |
| 4 NW¼ NW¼ 100BB IR 1.0 Brizee, Harry & NW¼ NW¼ 200BB IR 3.0 Rotondi, Richa NW¼ NW¼ 300BB IR 1.0 Booth, Jerry & NW¼ NW¼ 400BB IR 2.0 Frederick, Rog NW¼ NW¼ 500BB IR 1.8 Johnson, David NW¼ NW¼ 501BB IR 0.2 Johnson, David Section 3 | ard & Judy & Judi ger & Leslie d & Bette |
| 1 NE¼ NE¼ 100A IR 1.0 Larson/Gill, Ke 2 NW¼ NE¼ 500A IR 10.0 Cobb, Ann Wri Section 4 | evin L. & Leslie E. ight |
| NE¼ NE¼ 200A IR 1.0 Steinlicht, Mark SE¼ NE¼ 400A IR 1.2 Coats, Doug SE¼ NE¼ 500A IR 3.8 Coats, Doug Section 10 | k & L. Diane |
| NW¼ NE¼ 200 IR 35.5 Kearns, Daniel SW¼ NW¼ 500 IR 12.6 Coats, R.L. & . NE¼ SW¼ 1600 IR 10.0 Lyster, Ted & I NW¼ SW¼ 1601 IR 1.0 McCook, Peter NE¼ SE¼ 1000 IR 1.0 Johnson/Petico NE¼ SE¼ 1001 IR 1.0 Bell, John NW¼ SE¼ 1400 IR 1.0 Cooper, Robert Section 11 | Joyce Eloise r & Jacqueline olas |
| SW ¹ / ₄ SW ¹ / ₄ 800 IR 4.4 Coats, R.L. & J | Joyce |
| SW¼ NW¼ 2400 IR 0.9 Moore, Bill & I NW¼ SW¼ 2400 IR 1.1 Moore, Bill & I Section 13 | |
| Township 17 South, Range 11 East, W.M. | |
| 2 NW¼ NE¼ 302 IR 3.0 C.L.R. INC. Section 6 | |
| Township 17 South, Range 12 East, W.M. | ECEIVED PR 1 4 2008 |

Priority: 4/28/05

APR 1 4 2008

WATER RESOURCES DEPT
SE'4 SE'4 1401 IR 0.44 Kirkhorn, Bruce OREGON

Section 13

PAGE 4

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

37239.SB (5 PAGES) 76106

EXHIBIT C

Deschutes River Conservancy 2008 Instream Leasing Program

Policy Concerning Weeds & Instream Leases Information on Farm Deferral

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Information and Resources Attached

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Information and Resources Attached

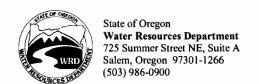
| I, PETER McCook | understand the new DRC weed policy and have |
|---|---|
| Print Name been informed about farm deferral. | |
| Signature: | Date: 2-14-0원 |

This form must be returned before lease payment is made.

RECEIVED

APR 1 4 2008

WATER RESUURCES DEPT SALEM OREGON



Application for

Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

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

| - | nal Identification by Lessor/Lessee: L08.08 Application Number (assigned by WRD): |
|---------|---|
| This L | ease is with: |
| | r #1 (Water Right Holder): Vezina, Lee & Ruth RECEIVED |
| Mailin | g address 18530 Pinehurst Road APR 1 4 2008 |
| | Make 7th Code Dand OD 07701 |
| | none number (541) 382-5258 address WATERRESOURCES DEPT SALEM OREGON |
| Email | addressOREGON |
| If addi | tional water right holders, enter water right holder information below |
| Applica | he section numbering associated with this form corresponds to that found on the "Standard Instream Lease ation" form. The "Pooled Lease" form and "Pooled Water Right Holder" form(s) are used to provide the same ation as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always ial. |
| | ~I~ Water Right Holder and Water Right Information |
| 1.1 | Lessor #1 is the water right holder, or authorized agent for property described in Section 1.5. 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. |
| 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. Primary 74146, S 74147,74148,74149,76520 |
| 1.4 | Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. Yes No |
| 1.5 | Water Right(s) Proposed to be Leased Instream. Water right holder proposes to lease the water rights shown on the map attached as Exhibit 5-B and described as follows: [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 water right holder, township, range, section and ½ ¼, tax lot number, map orientation and scale.] |

| | T | R | Sect | 1/4 1/4 | Tax Lot | Acres | Type of Use | Certificate # | Page(s) # | Priority* |
|----|----------|------------|------------|----------|---------|-------|--------------------------------------|-------------------|---------------|-------------|
| | *(Identi | fy pertine | ent page n | umber of | | | is greater than 1 er certificate) | 0 pages; identify | priority date | if there is |
| 1. | 16S | 11E | 35 | nene | 00100 | 10.0 | IRR | 74146 | 8 | 9/1/1900 |
| 2. | | | | | | | | | | _ |
| 3. | | | | | | | | | | |
| 4. | | | | | | | | | | |
| 5. | | | | | | | | | | |

| Total number of acres, if for irrigation, by certificate and priority date: 10.0 | |
|--|--|
| | |
| Conditions or other limitations, if any: | |

If you need to enter another leased right, please use the Additional Water Right Form for Pooled Water Right Holder.

- **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 RECEIVED forfeiture under ORS 540.610(2)(_)(include necessary supporting documentation as Attachment 3).

APR 1 4 2008

WATER RESUURCES DEPT SALEM OREGON

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 15, 2008. (If there is a conflict between the Pooled Lease Form and this form, the Pooled Lease Form will be the official term of the lease.)

~III~ Other Information

- 3.1 Accuracy. The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified or terminated. The lease only exercises the water rights being leased, for the term of the lease. It shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.
- 3.2 Lease. Lessor(s) and Lessee(s) agree to lease the water rights listed in Section(s) 1.5 for instream use for the term of this lease through Lessee to the Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077.
- 3.3 **Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.

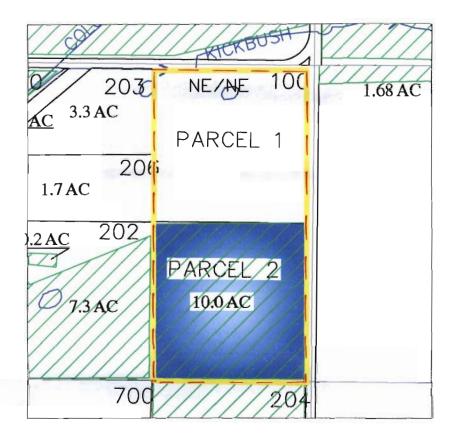
| 3.4 | Suspension of original use. During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights. | | | | | | | | |
|---------|---|---|--|--|--|--|--|--|--|
| 3.5 | For myear y durin days; begun until not of with the wind wind with the wind wind with the wind with the wind wind with the wind wind with the wind wind with the wind wind wind wind with the wind wind wind wind wind wind wind wind | nultiyear leases, the Lessor(s) shall have the with written notice to the Department. The g the calendar year. However, if the termin prior to the period of allowed instream use a for the water right(s) being leased, water in the following calendar year, unless the Director. The Department may also require: ritten notice to the Department with original consent by all parties to the lease; and/or ritten notice to the Watermaster's office. Inultiyear leases, the lessor shall not have the ent by all parties to the lease. | lease may be terminated at any time nation request is received less then 30-or after the period of allowed use has may not be used under the right(s) leased ector determines that enlargement would all signatures; | | | | | | |
| 3.6 | 2.2 during use water | tion to prevent injury. Allocation of water the term of this lease is not reasonably exp from the same source. If injury is found af or terminated to prevent injury. | pected to cause injury to other rights to ter this lease is signed, the lease may be | | | | | | |
| Lessor | | · Spina | Date: | | | | | | |
| Lee Ve | ezina / | | | | | | | | |
| Ruth V | Vezina | oth Can-nai | Date: ofeb 4-08 | | | | | | |
| | | ssors, type in space for signature and date | RECEIVED | | | | | | |
| | | | APR 1 4 2009 | | | | | | |
| | | | WATER RESOURCES DEPT | | | | | | |
| | | s As Needed: | SALEM OREGON | | | | | | |
| Exhibit | | Tax Lot Map. (See instructions.) | | | | | | | |
| Exhibi | t 5-B: | Detailed map illustrating lands under subj part of a right is being leased instream. Ex into a single map. (See instructions.) | , , | | | | | | |
| Exhibit | hibit 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) | | | | | | | | |
| Exhibi | t 5-D: | Split Season Instream Use Form | | | | | | | |
| | | | | | | | | | |

TUMALO IRRIGATION DISTRICT L08-008 IN-STREAM LEASED WATER RIGHTS SURVEY

FOR

Vezina, Lee & Ruth

18530 Pinehurst Rd., Bend □R 97701.



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APR 1 4 2008

WATER RESOURCES DEPT SALEM OREGON



Certificate #'s 74146, and 74147



In-Stream Lease

INITIAL: <u>A</u>

LOCATED IN THE NE 1/4 OF THE NE 1/4 OF SECTION 35, T16 S., R.11 E., W.M. TAX LOTS # 100 (P1) DESCHUTES COUNTY, OREGON

SCALE: 1" = 400'



Prepared By: Tumalo Irrigation District, 64697 Cook Ave, Bend. Oregon 97701 541-382-3053

Page 8

| | | | | rage |
|---|---|-----------|--------------|------------------------------|
| SE¼ NE¼ | 900 | IR | 3.0 | Russell, Barbara H. |
| NE ¹ / ₄ SW ¹ / ₄ | 600 | IR | 1.0 | Wessinger, William & Pat |
| SW1/4 SE1/4 | 700 | IR | 6.0 | Moody, Steven |
| SW1/4 SE1/4 | 800 | IR. | 10.0 | McNulty, Ralph & Dee |
| SW ¹ / ₄ SE ¹ / ₄ | 806 | IR. | 10.0 | Cullman, Ruth |
| 51174 51274 | Section 33 | 1. | 10.0 | January Table |
| | Section 33 | | | |
| NE1/4 NE1/4 | 100 | IR | 0.6 | Stokoe, Barbara L. |
| NE¼ NE¼ | 101 | IR | 1.4 | Granet, Peter & Carol |
| NE¼ NE¼ | 102 | IR. | 1.0 | Anderson, Rev. Robert & Ruth |
| NE¼ NE¼ | 103 | IR. | 0.5 | Tavares, Louis III & Deborah |
| NW1/4 NE1/4 | 200 | IR. | 3.0 | Taylor, Jerry & Janet |
| NW¼ NE¼ | 201 | IR. | 6.5 | Laidlaw, Douglas |
| NW1/4 NE1/4 | 202 | IR. | 3.5 | Margo, Mark & Desiree |
| NW1/4 NE1/4 | 300 | IR | 5.0 | Berg, Michael |
| NW1/4 NE1/4 | 301 | IR. | 6.0 | Petrie, Thomas & Helen |
| NW1/4 NE1/4 | 302 | IR. | 3.0 | Parker, Daniel & Jeanette |
| SW1/4 NE1/4 | 900 | IR. | 3.0 | Cole, Jennifer |
| SW¼ NE¼ | 906 | IR. | 1.0 | Van Cleave, Sherman & Vicki |
| SW1/4 SW1/4 | 1500 | IR. | 5.4 | Harlow, James |
| NW1/4 SE1/4 | 901 | IR. | 1.0 | Martin, Charles & Susan |
| SW ¹ / ₄ SE ¹ / ₄ | 1300 | IR. | 12.6 | Sohn, Ray & Sheila |
| SW1/4 SE1/4 | 1301 | IR. | 3.4 | Duhn, Jessica R. |
| SW1/4 SE1/4 | 1302 | IR. | 2.0 | Horton, Richard & Karen |
| SW ¹ / ₄ SE ¹ / ₄ | 1303 | IR | 7.0 | McAllister/Burke |
| SW ¹ / ₄ SE ¹ / ₄ | 1304 | IR. | 4.5 | Schmidt, Robert & Carolyn |
| BW /4 BD/4 | Section 34 | ш | 1.5 | Sommer, Robert & Carolyn |
| • | Section 51 | | | |
| NE1/4 NE1/4 | 100 | IR. | 10.0 | Loonard, Ronald Vezina, LIR |
| NE1/4 NE1/4 | 202 | IR | 7.5 | Jermaczonak, Tony & Laurie |
| NE ¹ / ₄ NE ¹ / ₄ | 203 | IR | 3.3 | Bottger, James & Bea |
| NE1/4 NE1/4 | 206 | IR | 1.7 | Bottger, James & Bea |
| NE1/4 NE1/4 | 800 | IR | 0.6 | Michael, Loreen |
| NW1/4 NE1/4 | 800 | IR | 4.4 | Michael, Loreen |
| NW1/4 NE1/4 | 804 | IR. | 2.5 | O'Brien, James & Patricia |
| NW1/4 NE1/4 | 805 | R | 2.5 | Miller, G. J. |
| NW1/4 NE1/4 | 806 | IR | 5.0 | Rush, Lucy K. |
| NW1/4 NE1/4 | 807 | IR | 5.0 | Cooley, Orrin & Stephanie |
| SW1/4 NE1/4 | 801 | R | 5.0 | Orde, Alan G. & Deborah |
| SW1/4 NE1/4 | 802 | R | 5.0 | Masters, John |
| SW ¹ / ₄ NE ¹ / ₄ | 808 | R | 5.0 | Gonce William & Carolyn |
| SW1/4 NE1/4 | 809 | IR | 3.0 | Sheaffer William & Annie |
| SE1/4 NE1/4 | 201 | R | 2,0 | Hall, Fhomas & Faith |
| SE1/4 NE1/4 | 204 | IR | 4.8 | Dyonak Louis |
| SE1/4 NE1/4 | 205 \ * | / IR P | 2.0 | Hall, Thomas & Faith |
| SE¼ NE¼ | 300 \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \ | * IR | 2.5/ | *Harrison, Daniel |
| SE¼ NE¼ | 400 | R | 2.0 * | Tellin, Mahlon & Patricia |
| SE¼ NE¼ | 600 | IR | <u>* 4.1</u> | Dyorak, Louis |
| SE 1/4 NE 1/4 | 700 | IR 8 | 40 | Dvorak, Louis |
| NE1/4 SW1/4 | 1900 | IR | 1.4 | Schlueter, James & Patricia |
| SW1/4 SW1/4 | 1700 | IR | 24.0 | Schlueter, James & Patricia |
| SE1/4 SW1/4 | 1700 | IR | 13.2 | Schlueter, James & Patricia |
| SE1/4 SW1/4 | 1900 | IR | 5.8 | Schlueter, James & Patricia |
| SW1/4 SE1/4 | 2100 | IR | 5.0 | Cascade Materials |
| SW1/4 SE1/4 | 2100 | IND | 2.0 | Cascade Materials |
| | Section 35 | | | |
| | | | | maril/ED |

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SEE NEXT PAGE

WATER RESUURCES DEPT SALEM OREGON

Deschutes River Conservancy 2008 Instream Leasing Program

Policy Concerning Weeds & Instream Leases Information on Farm Deferral

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

Weed Policy

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

Information and Resources Attached

Farm Deferral Notice

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

Information and Resources Attached

| $I, \frac{1 - \frac{1}{2} \sqrt{\frac{21}{21} \sqrt{\alpha}}}{Print Name}$ | understand the new DRC weed policy and have |
|--|---|
| been informed about farm deferral. | · |
| | |
| Signature: <u>See Gina</u> | Date: 1 0 8 |

This form must be returned before lease payment is made.

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APR 1 4 2008

WATER RESUURCES DEPT SALEM OREGON



Application for

Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

| | Pursuant to ORS 53 | 37.348(2) and OAR 690-077 | |
|--------|--|--|-----|
| Optio | nal Identification by Lessor/Lessee: L08. | 09 | |
| | Application Number (assigned by WRD) | | |
| This l | Lease is with: | | |
| | or #1 (Water Right Holder): Snyder, Joseph H. | RECEIVED | |
| Maili | ng address 66300 White Rock Loop | APR 1 4 2008 | |
| • . | State, Zip Code Bend, OR 97701 | | |
| | hone number <u>541 617-8900</u> | WATER RESOURCES DEPT | |
| Email | address | SALEM OREGON | |
| If add | litional water right holders, enter water rig | ght holder information below | |
| Applic | ation" form. The "Pooled Lease" form and "Pool ation as the "Standard Instream Lease Application | corresponds to that found on the "Standard Instream Lease led Water Right Holder" form(s) are used to provide the same n" form. Consequently, the numbering on this form is not always and the same of | ays |
| | ~I~ Water Right Holde | r and Water Right Information | |
| 1.1 | If the water right appurtenant to these la | uthorized agent for property described in Section 1 ands is also appurtenant to lands owned by others with Attachment 1 (tax lot map), needs to be included. | |
| 1.3 | For the water right(s) being leased, list if there are any supplemental or overlyi | all water rights appurtenant to the same lands. Indic ng rights. | ate |
| | Certificate No. <u>P 74146, S 74147,74148</u> | 3,74149,76520 | |
| 1.4 | Are some or all of the lands being lease Program. Yes No | ed part of a Conservation Reserve Enhancement | |
| 1.5 | water rights shown on the map attached [This information may be included on Exhibit states.] | d Instream. Water right holder proposes to lease the last Exhibit 5-B and described as follows: 5-A, or an additional map may be attached. Crosshatch the p(s) must identify water right holder, township, range, on and scale.] | e |

| | Т | R | Sect | | Tax Lot | | | Certificate # | | Priority* |
|----|--------|--------------|------------|----------|-------------------|-------------------------------|-----------------------------------|-------------------|---------------|-------------|
| | *(Iden | tify pertine | ent page n | umber of | certificate, more | if certificate than one pe | is greater than 1 er certificate) | 0 pages; identify | priority date | if there is |
| 1. | 16 | 12 | 08 | swnw | 00700 | .60 | IRR | 74146 | 9 | 9/1/1900 |
| 2. | | | | | | | | | | |
| 3. | | | | | | | | | | |
| 4. | | | | | | | | | | |
| 5. | | | | | | | | | | |

| Total number of acres, if for irrigation, by certificate and priority date: .60 |
|---|
| Conditions or other limitations, if any: |

If you need to enter another leased right, please use the Additional Water Right Form for Pooled Water Right Holder.

- 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 <u>not</u> 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).

APR 1 4 2008

WATER RESUURCES DEPT

~II~ Instream Water Right Information

SALEM OREGON

2.3 Term of lease. This lease shall terminate on October 15, 2008

the Pooled Lease Form and this form, the Pooled Lease Form will be the official term of the lease.)

~III~ Other Information

- 3.1 Accuracy. The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified or terminated. The lease only exercises the water rights being leased, for the term of the lease. It shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.
- 3.2 Lease. Lessor(s) and Lessee(s) agree to lease the water rights listed in Section(s) 1.5 for instream use for the term of this lease through Lessee to the Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077.
- 3.3 Precedent. If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.

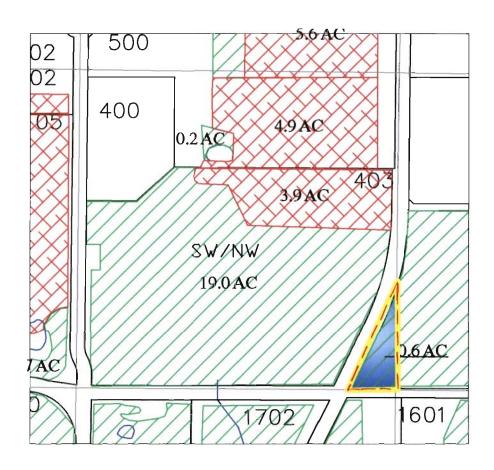
| 3.4 | Suspension of original use. During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights. | | | | | | | |
|----------|--|---|--|--|--|--|--|--|
| 3.5 | For myear water durin days begun until not or water wa | 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 then 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. | | | | | | |
| <u>-</u> | 2.2 during use water modified of r #1: h H. Snyder | tion to prevent injury. Allocation of water to the instream use described in Section the term of this lease is not reasonably expected to cause injury to other rights to from the same source. If injury is found after this lease is signed, the lease may be or terminated to prevent injury. Date: RECEIVED | | | | | | |
| | | , - | | | | | | |
| | | APR 1 4 2008 | | | | | | |
| - | it 5-A: | WATER RESURCES DEPT ts As Needed: Tax Lot Map. (See instructions.) Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.) | | | | | | |
| Exhibi | 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) | | | | | | | |
| Exhibi | it 5-D: | Split Season Instream Use Form | | | | | | |
| | | | | | | | | |

EXHIBIT 5-A & B L08-009

TUMALO IRRIGATION DISTRICT LOS IN-STREAM LEASED WATER RIGHTS SURVEY

FOR

Snyder, Joseph H. Jr.



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APR 1 4 2008

WATER RESOURCES DEPT
SALEM OREGON



Certificate #'s



e# In-Si

In-Stream Lease

INITIAL:

1



LOCATED IN THE SW 1/4 OF THE NW1/4 OF SECTION 08, T16 S., R12 E., W.M. TAX LOTS # 700 DESCHUTES COUNTY, OREGON

SCALE: 1" = 400'

Prepared By: Tumalo Irrigation District, 64697 Cook Ave, Bend. Oregon 97701 541-382-3053

| | | | | | Page 9 |
|---|---|-------------------|----------|-----------------------|--|
| | SE¼ SE¼ | 1100D | IR | 1.0 | Ballew, Doug & Judith |
| | SE¼ SE¼ | 1401D | IR | 2.0 | Hagemann, Roger & Lorraine |
| | | Section 36 | | | |
| | Township 16 S | South, Range 11 | East W.M | [. | |
| 7 | SW1/4 SW1/4 | 1801 | IR | 5.0 | A.K.A. Productions, Inc. |
| 7 | SW1/4 SW1/4 | 1802 | IR | 2.6 | Rupp, C. Richard |
| | | Section 6 | | | |
| | SE¼ NE¼ | 103 | IR | 0.7 | Gobeille, David & Carolyn |
| | NE¼ NW¼ | 402 | IR | 1.0 | Duntley, Carole A. |
| 1 | NW1/4 NW1/4 | 401 | IR | 4.7 | VanderBeek, Robert & Laurie |
| 1 | NW1/4 NW1/4 | 403 | IR . | 3.5 | Duntley, Carole A. |
| 1 | NW ¹ / ₄ NW ¹ / ₄ | 403 | POND | 0.5 | Duntley, Carole A. |
| | NE¼ SW¼ | 1200 | IR — | 28.9 | Pledger, William & Felicia |
| 4 | SW1/4 SW1/4 | 1100 | IR | 7.5 | Booth, Loran & Toni |
| | SE¼ SW¼ | 1200 | IR | 36.1 | Pledger, William & Felicia |
| | NW1/4 SE1/4 | 1300 | IR | 39.85 | Putnam, Lee&Mary/Steve&Arlene |
| | SW1/4 SE1/4 | 1300 | IR | 37.66 | Putnam, Lee&Mary/Steve&Arlene |
| | | Section 7 | | | |
| | SW1/4 NE1/4 | 600 | IR | 3.75 | Wise/Strauss |
| | SW1/4 NE1/4 | 701 | IR | 3.4 | Fournier, Chris |
| | SW1/4 NE1/4 | 702 | IR | 7.6 | Fournier, Chris |
| | SW1/4 NE1/4 | 703 | IR | 13.9 | MacGaffey, Keith |
| | NW¼ NW¼ | 402 | IR | 2.6 | Davis, Tim & Madeleine |
| | NW1/4 NW1/4 | 500 | IR | 2.4 | Davis, Tim & Madeleine |
| | SW1/4 NW1/4 | 401.700 | IR | 0.6 | Reichardt, William & Judith Ann Snyder |
| | SE1/4 NW1/4 | 600 | IR | 0.25 | Wise/Strauss J/A |
| | SE1/4 NW1/4 | 700 | IR _ | 19.4 | Reichardt, William & Judith Ann |
| | SE¼ NW¼ | 703 | IR | 1.1 | MacGaffey, Keith |
| | NE¼ SW¼ | 1500 | IR | 15.5 | Amadio, Thomas & Dorothy |
| | NE¼ SW¼ | 1600 | IR | 4.0 | Rowell, Bob |
| | NE¼ SW¼ | 1601 | IR TD | 1.6 | Parker, John & Arlene |
| | NW1/4 SW1/4 | 1700 | IR ID | 6.4 | Parker, John & Arlene |
| | NW1/4 SW1/4 | 1702 1703 | IR IR | 2.2 | Painter, Jon & Etta |
| | NW¼ SW¼ NW¼ SW¼ | 1703 | IR | Alleste | Burkhardt, Rick & Lynn Hansen, Gary & Linda |
| | NW ¹ / ₄ SW ¹ / ₄ | 1707 | R | 1.0 | Flammack, Patrick & Constance |
| | SW1/4 SW1/4 | 1701 | | | Wilkerson, Richard & Carol |
| | SW1/4 SW1/4 | 1704 | R | A Salarana | Amadio Thomas & Dorothy |
| | SW1/4 SW1/4 | 1705 | IR + | 4.0 | Smith, Craig & Sandra |
| | SE1/4 SW1/4 | 1501 | IR 🔭 | mandana minetime Visi | Amadio, Thomas & Dorothy |
| | SE1/4 SW1/4 | 1704 | IR . | | Amadio, Thomas & Dorothy |
| | NE1/4 SE1/4 | 1000 | ÌŘ.Z\\ | 37 | Phillips, Michael & Nancy |
| | NE1/4 SE1/4 | 1100 \\ \\ \\ *, | IR \ | £4.7/ | Olsen, Marc & Theresa |
| | NE1/4 SE1/4 | 1200 | IR TR | 4.4 * | Arnold, Charles |
| | NE1/4 SE1/4 | 1302 | IR | * 3,2 | Cordiner, Robert & Peggy |
| | NE1/4 SE1/4 | 900 | IR 8 | 4.0 | Trowbridge, William & Lynne |
| | NW1/4 SE1/4 | 1403 | IR | 13.9 | Seliger, William & Kathleen |
| | NW1/4 SE1/4 | 1404 | IR | 1.8 | Wyman, Harold & Jane |
| | SW1/4 SE1/4 | 1401 | IR | 24.1 | Wyman, Harold & Jane |
| | SE1/4 SE1/4 | 1400 | IR | 19.0 | Hull, Judy Ayres |
| | SE¼ SE¼ | 1402 | IR | 14.0 | Hull, Judy Ayres |
| | | Section 8 | | | 0 0 10010 1095-013 |
| | SWIY NWIY | 500 | IR | 1.43 | Ponsford, David |
| | | Sectiona | | | RECEIVED |
| | | | | | ADD : 4 2000 |

SEE NEXT PAGE

APR 1 4 2008

WATER RESUURCES DEPT SALEM OREGON

EXHIBIT C

Deschutes River Conservancy 2008 Instream Leasing Program

Policy Concerning Weeds & Instream Leases Information on Farm Deferral

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Information and Resources Attached

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Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

Information and Resources Attached

I, J. H. SNYDER understand the new DRC weed policy and have been informed about farm deferral.

This form must be returned before lease payment is made.

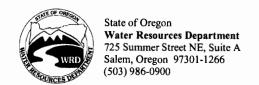
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APR 1 4 2008

WATER RESUURCES DEPT SALEM OREGON

Signature:



Application for

Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

| | Pursuant to ORS 537.348(2) and OAR 690-077 |
|---|--|
| _ | nal Identification by Lessor/Lessee: <u>L08.10</u> Application Number (assigned by WRD): |
| This I | Lease is with: |
| Name Mailir City, S Telep Email | r #1 (Water Right Holder): RECEIVED Regarderss 1972 NE 3 rd , Suite 334 State, Zip Code Bend, OR 97701 State, Zip Code Bend, OR 97701 WATERRESOURCES DEPT APR 1 4 2008 WATERRESOURCES DEPT SALEM OREGON itional water right holders, enter water right holder information below |
| Note: 7 | The section numbering associated with this form corresponds to that found on the "Standard Instream Lease ation" form. The "Pooled Lease" form and "Pooled Water Right Holder" form(s) are used to provide the same ation as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always |
| | ~I~ Water Right Holder and Water Right Information |
| 1.1 | Lessor #1 is the water right holder, or authorized agent for property described in Section 1.5. 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. |
| 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. <u>P 74147, S 74148,74149,76520</u> |
| 1.4 | Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. Yes No |
| 1.5 | Water Right(s) Proposed to be Leased Instream. Water right holder proposes to lease the water rights shown on the map attached as Exhibit 5-B and described as follows: [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 water right holder, township, range, section and ½ ¼, tax lot number, map orientation and scale.] |

| | T | R | Sect | 1/4 1/4 | Tax Lot | Acres | Type of Use | Certificate # | Page(s) # | Priority* |
|----|---------|-------------|------------|---------|---------|-------|--------------------------------------|-------------------|---------------|----------------|
| | *(Ident | ify pertine | ent page n | umber o | | | is greater than 1 er certificate) | 0 pages; identify | priority date | if there is |
| 1. | 16 | 11 | 26 | nese | 00600 | 23.11 | IRR | 74147 | 7 | 10/29/191 3 |
| 2. | | | | | | | | | | |
| 3. | | | | | | | | | | |
| 4. | | | | | | | | | | |
| 5. | | | | | | | | | | |

| Total number of acres, if for irrigation, by certificate and priority date: 23.11 |
|---|
| |
| Conditions or other limitations, if any: |

If you need to enter another leased right, please use the Additional Water Right Form for Pooled Water Right Holder.

- **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



APR 1 4 2008

The water has not been used over the past five years according to the terms and RECEIVED 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).

WATER RESUURCES DEPT **SALEM OREGON**

~II~ Instream Water Right Information

2.3 **Term of lease.** This lease shall terminate on October 15, 2008 . (If there is a conflict between the Pooled Lease Form and this form, the Pooled Lease Form will be the official term of the lease.)

~III~ Other Information

- 3.1 Accuracy. The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified or terminated. The lease only exercises the water rights being leased, for the term of the lease. It shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.
- 3.2 Lease. Lessor(s) and Lessee(s) agree to lease the water rights listed in Section(s) 1.5 for instream use for the term of this lease through Lessee to the Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077.
- 3.3 **Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.

| 3.4 | Suspension of original use. During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights. | | | | | | |
|-----------------|---|--|--|--|--|--|--|
| 3.5 | Termination provision. For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less then 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) lease until the following calendar year, unless the Director determines that enlargement wou 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, with consent by all parties to the lease. | | | | | | |
| Lesson MSI P | 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. The properties Date: | | | | | | |
| For ad | ditional Lessors, type in space for signature and date | | | | | | |
| Exhib Exhib | Attachments As Needed: it 5-A: Tax Lot Map. (See instructions.) it 5-B: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.) | | | | | | |
| | it 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) it 5-D: Split Season Instream Use Form | | | | | | |
| EXIIID | it 5-D: Split Season Instream Use Form RECEIVED | | | | | | |
| | APR 1 4 2008 | | | | | | |
| | *** | | | | | | |

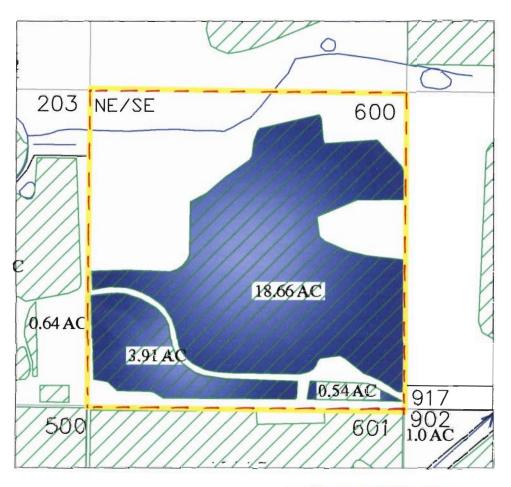
WATER RESOURCES DEPT SALEM OREGON

TUMALO IRRIGATION DISTRICT L08-010 IN-STREAM LEASED WATER RIGHTS SURVEY

FOR

MSI Properties

19240 PINEHURST RD., Bend DR 97701.



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WATER RESOURCES DEPT SALEM OREGON



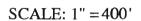








LOCATED IN THE NE 1/4 OF THE SE 1/4
OF SECTION 26, T16 S., R11 E., W.M.
TAX LOTS # 600
DESCHUTES COUNTY, OREGON



Prepared By: Tumalo Irrigation District, 64697 Cook Ave, Bend. Oregon 97701 541-382-3053

| | | | | | Page 7 |
|---|-----|---|----------|-----------------------|--------------|
| SW1/4SW1/4 | 400 | OTS Wire & Insulation, Inc. | IR. | 2.00 | 3.00 |
| SE ¹ /4SW ¹ /4 | 800 | Blank/Hitchcock | IR | 1.00 | 9.00 |
| SE14SW1/4 | 801 | Flannery/Nauer NOO.003 HONEA 4.1 | | 2.00 | 8.18 |
| NE ¹ /4SE ¹ /4 | 600 | Amadio, Anthony Milcon Service | IR | 1 9.0 0 23 | |
| NW1/4SE1/4 | 202 | Milem, John & Kathleen | IR | 13.70 | • |
| NW1/4SE1/4 | 203 | Milem, John & Kathleen | IR | 16.30 | |
| SW ¹ / ₄ SE ¹ / ₄ | 500 | Guice, Thomas | IR | 10.50 | 36.10 |
| SE ¹ / ₄ SE ¹ / ₄ | 601 | Pickard, Bob & Mary Lou | IR | | 16.10 |
| SE ¹ /4SE ¹ /4 | 602 | Peters, Michael & Dana | IR | | 1.00 |
| SE14SE14 | 700 | Frick, Charles & Linda | IR. | | 18.00 |
| 3L/43L/4. | 700 | Section 26 | щ | | 10.00 |
| NE¼NE¼ | 601 | Martin, Jack W. | IR | 4.00 | 8.25 |
| NE¼NE¼ | 604 | Allen, Charlie & Wendy | IR | 4.00 | 1.50 |
| NW ¹ / ₄ NE ¹ / ₄ | 100 | Barber, Murl | IR. | | 2.00 |
| NW14NE14 | 101 | Varco, Robert & Coleen | IR | | 3.50 |
| NW14NE14 | 107 | Barber, Murl | IR | | 3.00 |
| NW ¹ / ₄ NE ¹ / ₄ | 107 | Wark, Russell & Sandra | IR | | 5.00 |
| NW14NE14 | 108 | Hering, Eugene & Suellen | IR | | 5.00 |
| NW14NE14 | 110 | Moser, Joyce | IR | | 3.50 |
| SW1/4NE1/4 | 200 | • • | IR | | 12.00 |
| SW 14NE 14 | 212 | Moore, Scott & Margaret Souther, David & Connie | IR | | 11.00 |
| | | | IR | | 18.50 |
| SE¼NE¼ | 604 | Allen, Charlie & Wendy | IR | | 0.05 |
| NE¼NW¼ | 102 | Johnson, Thomas & Lois | IR | | 9.35 6.00 |
| NE¼NW¼ | 103 | Kochera, Jack & Marilyn | | | 8.00 |
| NE¼NW¼ | 104 | Kail/Rankin | IR IR | | 3.00 |
| NE¼NW¼ | 105 | Wallace, Peter & Jeanette | IR | | |
| NW1/4NW1/4 | 201 | Davis, Ron & Elizabeth | | | 17.60 |
| NW14NW14 | 209 | Plows, Richard & Marcia | IR ID | | 4.00 |
| NW ¹ / ₄ NW ¹ / ₄ | 210 | Costello/Olin | IR IB | 1 | 4.00 |
| NW1/4NW1/4 | 211 | Lowas, John & Nancy | IR ID | | 8.00 |
| SW1/4NW1/4 | 202 | Parker, Deryl & Adeline | IR ID | | 15.80 |
| SW ¹ / ₄ NW ¹ / ₄ | 206 | O'Neal, Steven & Julianne | IR TD | 1.50 | 15.00 |
| SE¼NW¼ | 207 | Hanus, Jana | IR ID | 1.50 | 2.00 |
| SE¼NW¼ | 208 | Wilhelm, Diane | IR T | 2.50 | 1.70 |
| SE¼NW¼ | 213 | McIntosh, Dotta-J | IR | 2.50 | 2.50 |
| SE¼NW¼ | 214 | Wilhelm, Diane | IR T | | 0.60 |
| NE¼SW¼ | 300 | Wilhelm Diane | IR. | | 19.20 |
| NE ¹ / ₄ SW ¹ / ₄ | 301 | Wilhelm, Diane | IR | | 0.70 |
| NW1/4SW1/4 | 302 | Wilhelm, Diane | IR | | 37.80 |
| SW1/4SW1/4 | 400 | Hall, David & Joanne | IR. | | 9.00 |
| SW1/4SW1/4 | 402 | Davis, William M. III Henderson, Jeff & Chris | IR | | 4.00 |
| SW1/4SW1/4 | 403 | | IR. | | 3.00 |
| SW1/4SW1/4 | 404 | Swisher Frederick & Lisa | IR. | | 5.00 |
| SW1/4SW1/4 | 405 | Paterson, Mary Lou | IR. | | 3.00 |
| SW1/4SW1/4 | 406 | Danahy, Timothy & Vickie | IR | | 3.00 |
| SE ¹ / ₄ SW ¹ / ₄ | 401 | Cardoza, Manuel & Linda | IR | | 29.92 |
| NE ¹ / ₄ SE ¹ / ₄ | 602 | Koehler, Alice | IR. | | 0.80 |
| NE ¹ / ₄ SE ¹ / ₄ | 605 | Rola, Jeff & Susan | IR. | | 7.80 |
| NE¼SE¼ | 606 | Hampton, John & Carol | IR. | | 0.33 |
| NE ¹ / ₄ SE ¹ / ₄ | 608 | Rola, Jeff & Susan | IR. | | 1.40 |
| NW1/4SE1/4 | 203 | Rola, Jeff & Susan | IR — | | 8.80 |
| NW1/4SE1/4 | 205 | Bauersfeld, James & Christine | IR. | | 12.00 |
| SW ¹ / ₄ SE ¹ / ₄ | 500 | Bauersfeld, James & Christine | IR. | | 25.40 |
| SW ¹ / ₄ SE ¹ / ₄ | 501 | Bauersfeld, James & Christine | IR. | | 1.40 |
| SE ¹ / ₄ SE ¹ / ₄ | 603 | Johnson, Eleanor B. | IR | | 3.00 |
| Mills may a | | Section 27 | | | |

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WATER RESUURCES DEPT SALEM OREGON SEE NEXT PAGE

Maded Comp

Deschutes River Conservancy 2008 Instream Leasing Program

Policy Concerning Weeds & Instream Leases Information on Farm Deferral

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

Weed Policy

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

Information and Resources Attached

Farm Deferral Notice

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

Information and Resources Attached

I, understand the new DRC weed policy and have been informed about farm deferral.

This form must be returned before lease payment is made.

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WATER RESUURCES DEPT SALEM OREGON

2008 Leasing Exhibit C



Application for

Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

Pursuant to ORS 537.348(2) and OAR 690-077 Optional Identification by Lessor/Lessee: <u>L08.11</u> Lease Application Number (assigned by WRD): _____ This Lease is with: Lessor #1 (Water Right Holder): Name Schutt/Tuten Family Trust, Paul E. Schutt/Merry A. Tuten, Trustees RECEIVED Mailing address 543 Bay Hill Drive City, State, Zip Code Avon Lake, OH 44012 APR 1 4 2008 Telephone number (310)373-4063 WATER RESOURCES DEPT Email address **SALEM OREGON** If additional water right holders, enter water right holder information below Note: The section numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Water Right Holder" 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~ Water Right Holder and Water Right Information 1.1 Lessor #1 is the water right holder, or authorized agent for property described in Section 1.5. 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. 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. P 74147, S 74148,74149,76520 1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. Yes ⊠ No 1.5 Water Right(s) Proposed to be Leased Instream. Water right holder proposes to lease the water rights shown on the map attached as Exhibit 5-B and described as follows: [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 water right holder, township, range,

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

| | T | R | Sect | 44 | Tax Lot | Acres | Type of Use | Certificate # | Page(s) # | Priority* |
|----|----------|-------------|------------|----------|---------|-------|--------------------------------------|-------------------|---------------|----------------|
| | *(Identi | ify pertine | ent page n | umber of | | | is greater than 1 er certificate) | 0 pages; identify | priority date | if there is |
| 1. | 16 | 12 | 07 | nese | 01401 | .20 | IRR | 74147 | 10 | 10/29/191 3 |
| 2. | 16 | 12 | 07 | sese | 01401 | 14.60 | IRR | 74147 | 10 | 10/29/191 3 |
| 3. | 16 | 12 | 07 | sese | 01402 | 13.70 | IRR | 74147 | 10 | 10/29/191 3 |
| 4. | | | | | | | | | | |
| 5. | | | | | | | | | | |

| Total number of acres, if for irrigation, by certificate and priority date: 28.50 |
|---|
| Conditions or other limitations, if any: |

If you need to enter another leased right, please use the Additional Water Right Form for Pooled Water Right Holder.

- 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 <u>not</u> 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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WATER RESOURCES DEPT SALEM OREGON

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 15, 2008. (If there is a conflict between the Pooled Lease Form and this form, the Pooled Lease Form will be the official term of the lease.)

~III~ Other Information

- 3.1 Accuracy. The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified or terminated. The lease only exercises the water rights being leased, for the term of the lease. It shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.
- 3.2 Lease. Lessor(s) and Lessee(s) agree to lease the water rights listed in Section(s) 1.5 for instream use for the term of this lease through Lessee to the Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077.
- 3.3 Precedent. If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077 a new injury review shall be

required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream. 3.4 Suspension of original use. During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights. 3.5 Termination provision. For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less then 30days 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. Lessor #1: / Zeel & Schult Paul E. Schutt, Trustee For additional Lessors, type in space for signature and date Other Attachments As Needed: Exhibit 5-A: Tax Lot Map. (See instructions.) Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.) Supporting documentation indicating why a right is valid and not subject to Exhibit 5-C: forfeiture even though the right has not been exercised for five or more

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WATER RESOURCES DEPT SALEM OREGON

checked)

Split Season Instream Use Form

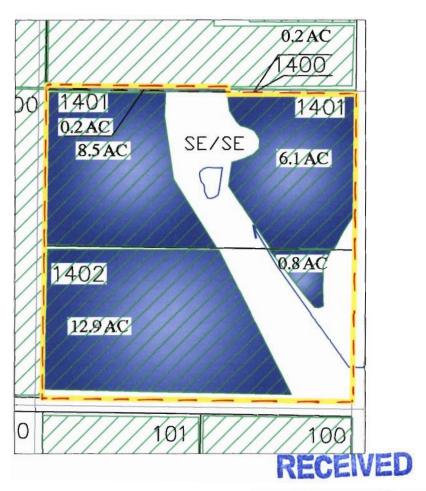
Exhibit 5-D:

consecutive years (required if the second box in Section 1.6 of this form is

TUMALO IRRIGATION DISTRICT LO8-011 IN-STREAM LEASED WATER RIGHTS SURVEY

FOR

Schutt/Tuten Family Trust



APR 1 4 2008

WATER RESOURCES DEPT SALEM OREGON



74146, and 74147







LOCATED IN THE SE 1/4 OF THE SE 1/4 & NE/SE OF SECTION 07, T16 S., R.12 E., W.M.

TAX LOTS # 01401 & SE/SE 1402
DESCHUTES COUNTY, OREGON

SCALE: 1" = 400'

Prepared By: Tumalo Irrigation District, 64697 Cook Ave, Bend. Oregon 97701 541-382-3053

| | | | | | | | 7414 Page 10 |
|-----|---|------|---------------|---|-----------|-------|-----------------|
| | NW ¹ / ₄ SW ¹ / ₄ | 1600 | | Braun Trustees, Jean & Rose | IR | 5.90 | |
| | NW14SW14 | 1601 | | Lamkins, Larry & Carol | IR IR | 7.00 | |
| | SW1/4SW1/4 | 1700 | | Schlueter, James & Patricia | IR IR | 1.80 | 33.20 |
| | SE1/4SW1/4 | 1700 | | Schlueter, James & Patricia | IR IR | 1.00 | 33.20 14.20 |
| | SE14SW14 | 1900 | | Schlueter, James & Patricia | IR. | 2.00 | 5.80 |
| | SW14SE14 | 2100 | | Cascade Materials | IR. | 2.00 | 7.00 |
| | S W 745E74 | 2100 | | Section 35 | Ж | | 7.00 |
| | | | | Section 33 | | | |
| | SE1/4SE1/4 | 1100 | D | Ballew, Doug & Judith | IR | 1.00 | 1.00 |
| | SE14SE14 | 1401 | D | Hagemann, Roger & Lorraine | IR | | 2.00 |
| | SE14SE14 | 1500 | D | Kelly, Bill & Veronica | IR | 0.60 | 0.60 |
| | SE14SE14 | 1702 | D | Tepner, Robert & Karen | IR | | 1.40 |
| | | | Tour | Section 36 ship 16 South, Range 11 East, W.N | Л | | |
| | | | TOWE | smp 10 Soum, Range 11 East, W.N | 1. | | |
| 6 | NW1/4SW1/4 | 1800 | | Daniels, James & Karen | IR. | | 1.00 |
| 7 | SW1/4SW1/4 | 1801 | | A.K.A. Productions, Inc. | IR. | 4.00 | 6.00 |
| 7 | SW¼SW¼ | 1802 | | Rupp, C. Richard | IR | 2.09 | 5.60 |
| | | | | Section 6 | | | |
| | NW¼NE¼ | 400 | | Duntley, Carole A. | IR | | 10.00 |
| | SW1/4NE1/4 | 700 | | Soriano, Charles & Jeanine | IR | 15.00 | |
| | SE1/4NE1/4 | 103 | | Gobeille, David & Carolyn | IR | | 0.70 |
| | NE¼NW¼ | 402 | | Duntley, Carole A. | IR | | 4.00 |
| | NE¼NW¼ | 403 | | Duntley, Carole A. | IR | | 2.00 |
| 1 | NW1/4NW1/4 | 401 | | VanderBeek, Robert & Laurie | IR | | 4.70 |
| 1 | NW14NW1/4 | 403 | | Duntley, Carole A. | IR | | 4.00 |
| 1 | NW1/4NW1/4 | 500 | | Chace, William & Brenda | IR | | 1.00 |
| 1 | NW1/4NW1/4 | 600 | | Campagna, David & Sharon | IR | | 1.00 |
| 2 . | SW14NW1/4 | 900 | | Chapman, Drexal & Katheryn | IR | 1.20 | 10.80 |
| | NE14SW1/4 | 1200 | | Pledger, William & Felicia | IR | | 28.90 |
| 4 | SW1/4SW1/4 | 1100 | | Booth, Loran & Toni | IR | | 8.80 |
| 4 | SW¼SW¼ | 1101 | | Pledger, Jeffery & Karen | IR | | 12.00 |
| | SE¼SW¼ | 1200 | | Pledger, William & Felicia | IR | | 36.10 |
| | NE ¹ / ₄ SE ¹ / ₄ | 1400 | | Pavlinac/Bearden | PNI | | |
| | NE1/4SE1/4 | 1400 | | Pavlinac/Bearden | IR | 38.50 | |
| | NE1/4SE1/4 | 1401 | | Schutt-Tuten, Paul & Merry | IR | 0.20 | |
| | NW1/SE1/4 | 1300 | | Putnam Lee&Mary/Steve&Arlen | | | 39.85 |
| | SW14SE14 | 1300 | 1 | Pittnam Isee&Mary/Steve&Arlen | | | 37.66 |
| | SE ¹ / ₄ SE ¹ / ₄ | 1400 | //4 | Pavlinac/Bearden | IR | 0.20 | |
| | SE ¹ / ₄ SE ¹ / ₄ | 1401 | //ح | Schutt/Tuten, Paul & Merry | ∭ IR | 14.60 | |
| | SE ¹ / ₄ SE ¹ / ₄ | 1402 | //a | Schutt/Tutent Paul & Metry * | IR | 13.70 | |
| | | | | Section 7 | | | |
| | SW¼NE¼ | 600 | /\ v 0 | Was calculated a financial | IR I | | 3.75 |
| | SW¼NE¼ | 701 | // | Fourhier Christ | IR | | 3.40 |
| | SW¼NE¼ | 702 | 1 | Fourniers Chris | IR. | | 7.60 |
| | SW¼NE¼ | 703 | | MacGaffey, Keitli | ĪR | | 13.90 |
| | SE¼NE¼ | 800 | | Cronen, Lowell & Ila | IR | | 10.00 |
| | SE'4NE'4 | 801 | | Houshmand, Shamsolmolouk | ĪR | 5.80 | 4.20 |
| | NW14NW14 | 402 | | Davis, Tim & Madeleine | IR. | | 2.60 |
| | NW14NW14 | 500 | | Davis, Tim & Madeleine | IR | | 2.40 |
| | SW ¹ /4NW ¹ /4 | 400 | | Davis, Tim & Madeleine | IR | 20.40 | |
| | SW ¹ /4NW ¹ /4 | 401 | | Reichardt, William & Judith Ann | IR | | 0.60 |
| | SE14NW14 | 600 | | Wise/Strauss | IR | | 0.25 |
| | SE14NW1/4 | 700 | | Reichardt, William & Judith Ann | IR | | 19.40 |
| | SE14NW1/4 | 703 | | MacGaffey, Keith | IR | | 1.10 |
| | NE¼SW¼ | 1500 | | Amadio, Thomas & Dorothy | IR | 2.00 | 15.50 |
| | NE1/4SW1/4 | 1600 | | Rowell, Bob | IR | | 4.00 |
| | | | | CEE MEYERACE DI | ECEIV | /ED | |
| | | | | SEE NEXT PAGE | | | |

APR 1 4 2008

Deschutes River Conservancy 2008 Instream Leasing Program

Policy Concerning Weeds & Instream Leases Information on Farm Deferral

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

Weed Policy

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

Information and Resources Attached

Farm Deferral Notice

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

Information and Resources Attached

I, Park Searti understand the new DRC weed policy and have Print Name been informed about farm deferral.

Signature: Date: 4/8/00

This form must be returned before lease payment is made.

RECEIVED

APR 1 4 2008

WATER RESUURCES DEPT SALEM OREGON

Jan 2007



Application for

Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

Pursuant to ORS 537.348(2) and OAR 690-077 Optional Identification by Lessor/Lessee: L08.12 Lease Application Number (assigned by WRD): This Lease is with: RECEIVED Lessor #1 (Water Right Holder): Name Brehmer, Chris J. & Lisa M. Mailing address PO Box 241103 City, State, Zip Code Anchorage, AK 99524-1103 WATER RESUURCES DEPT Telephone number (907) 563-0905 SALEM OREGON Email address If additional water right holders, enter water right holder information below Note: The section numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Water Right Holder" 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~ Water Right Holder and Water Right Information 1.1 Lessor #1 is the water right holder, or authorized agent for property described in Section 1.5. 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. 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. P 76106, S 74149, 76520 1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. Yes 1.5 Water Right(s) Proposed to be Leased Instream. Water right holder proposes to lease the water rights shown on the map attached as Exhibit 5-B and described as follows: [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 water right holder, township, range,

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

| | T | R | Sect | 1/4 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. | 16 | 11 | 01 | swse | 00600 | 14.46 | IRR | 76106 | 1 | 12/8/1961 |
| 2. | | | | | | | | | | |
| 3. | | | | | | | | | | |
| 4. | | | | | | | | | | |
| 5. | | | | | | | | | | |

| Total number of acres, if for irrigation, by certificate and priority date: 14.46 |
|---|
| Conditions or other limitations, if any: |

If you need to enter another leased right, please use the Additional Water Right Form for Pooled Water Right Holder.

- **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 <u>not</u> 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).

APR 1 4 2008

WATER RESOURCES DEPT SALEM OREGON

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 15, 2008. (If there is a conflict between the Pooled Lease Form and this form, the Pooled Lease Form will be the official term of the lease.)

~III~ Other Information

- 3.1 Accuracy. The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified or terminated. The lease only exercises the water rights being leased, for the term of the lease. It shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.
- 3.2 Lease. Lessor(s) and Lessee(s) agree to lease the water rights listed in Section(s) 1.5 for instream use for the term of this lease through Lessee to the Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077.
- 3.3 Precedent. If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.

| 3.4 | suspension of original use. During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights. | | | | | | | |
|---------------------|---|---|--|--|--|--|--|--|
| 3.5 | For myear vector during days begund until not or with the work of | ion provision. nultiyear leases, the Lessor(s) shall have the option of terminating the lease each with written notice to the Department. The lease may be terminated at any time g the calendar year. However, if the termination request is received less then 30-prior to the period of allowed instream use or after the period of allowed use has a for the water right(s) being leased, water may not be used under the right(s) leased the following calendar year, unless the Director determines that enlargement would occur. The Department may also require: ritten notice to the Department with original signatures; onsent by all parties to the lease; and/or ritten notice to the Watermaster's office. nultiyear leases, the lessor shall not have the option of terminating the lease, without that by all parties to the lease. | | | | | | |
| 3.6 | 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 | | Date: 3-6-08 | | | | | | |
| Chris J | Brehmer | Date: 3-6-08 Date: 3-6-08 | | | | | | |
| 7 La 11 Date 3-6-08 | | | | | | | | |
| <u>Lisa M</u> | . Brehmer | | | | | | | |
| For add | ditional Le | ssors, type in space for signature and date | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| Other A | Attachment | s As Needed: | | | | | | |
| | Exhibit 5-A: Tax Lot Map. (See instructions.) | | | | | | | |
| Exhibit | t 5-B: | Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.) | | | | | | |
| Exhibi | 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 | t 5-D: | Split Season Instream Use Form RECEIVED | | | | | | |
| | | | | | | | | |

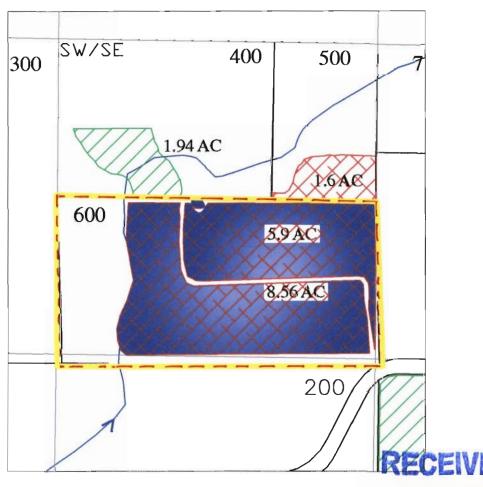
APR 1 4 2008
WATER RESOURCES DEPT
SALEM OREGON

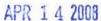
TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY

FOR

Brehmer, Chris J. & Lisa M.

19450 Dusty Loop, Bend □R 97701.





WATER RESOURCES DEPT SALEM OREGON



74146, and 74147



76106



INITIAL:

LOCATED IN THE SW 1/4 OF THE SE 1/4 OF SECTION 01, T16 S., R.11 E., W.M. TAX LOTS # 600 DESCHUTES COUNTY, OREGON

EXHIBIT 5-A & B

L08-012

SCALE: 1" = 400'

Prepared By: Tumalo Irrigation District, 64697 Cook Ave, Bend. Oregon 97701 541-382-3053

STATE OF OREGON

COUNTY OF DESCHUTES

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

TUMALO IRRIGATION DISTRICT 64697 COOK AVE BEND, OREGON 97701

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

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

The points of diversion are located as follows:

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

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

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

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

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

| Т | R | s | Q / Q | Tax Lot | Acres | Owner Water User |
|----|----|----|---------------|----------------------|-------|-----------------------------|
| 16 | 11 | 1 | SW 1/4 SE 1/4 | E d' E le contractor | 1.6 | BARR/BACH |
| 16 | 11 | 1 | SW 1/4 SE 1/4 | 600 | 14.46 | BARRIBACH Brehmer |
| 16 | 11 | 1 | SE 1/4 SE 1/4 | 1 4 4 4. 4. 1 | 26.6* | KAUFEL/DT // S |
| 16 | 11 | 11 | SE 1/4 SW 1/4 | 801 | 8.0 | CHRISTIANSON, M & R |
| 16 | 11 | 11 | SW 1/4 SE 1/4 | 803 | 4.0 | PAIVA, J & W |
| 16 | 11 | 11 | SW 1/4 SE 1/4 | 802 | 1.0 | TURNER/LUPTON |
| 16 | 11 | 12 | SW 1/4 NW 1/4 | 501 | 5.0 | RUSSO, J D |
| 16 | 11 | 14 | NE 1/4 NW 1/4 | 600 | 7.0 | CHRISTIANSON, M & R |
| 16 | 11 | 22 | NW 1/4 SE 1/4 | 1500 | 7.0 | WOODS, D |
| 16 | 11 | 22 | NW 1/4 SE 1/4 | 1800 | 2.5 | RUGGIERI, T & M RECEIVE |
| 16 | 11 | 23 | SW 1/4 NE 1/4 | 503 | 1.5 | MADSEN, J & K APR 1 4 2003 |
| 16 | 11 | 23 | SW 1/4 NE 1/4 | 505 | 4.3 | BIOCINI, J WATERRESOURCES D |

SALEM OREGON

Deschutes River Conservancy 2008 Instream Leasing Program

Policy Concerning Weeds & Instream Leases Information on Farm Deferral

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

Weed Policy

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

Information and Resources Attached

Farm Deferral Notice

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

Information and Resources Attached

| I, Chris Brehmer Print Name | understand the new DRC weed policy and have |
|------------------------------------|---|
| been informed about farm deferral. | |
| | |

This form must be returned before lease payment is made.

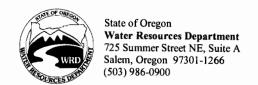
RECEIVED

______ Date: 3-6-08___

APR 1 4 2008

2008 Leasing Exhibit C

WATER RESUURCES DEPT SALEM OREGON



Application for

Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

| | Pursuant to ORS 537.348(2) and OAR 690-077 | | | | |
|---|--|--|--|--|--|
| Optio | onal Identification by Lessor/Lessee: L08.13 | | | | |
| Lease Application Number (assigned by WRD): | | | | | |
| This l | Lease is with: | | | | |
| Lesso | or #1 (Water Right Holder): | | | | |
| | e Dvorak, Louis B. ng address 64680 Horseman Lane RECEIVED | | | | |
| | and dedices a root from Lane | | | | |
| | State, Zip Code Bend, OR 97701 hono number 541 382 3553 | | | | |
| | none number <u>341 382-2333</u> | | | | |
| Email | address WATER RESUURCES DEPT SALEM OREGON | | | | |
| If add | litional water right holders, enter water right holder information below | | | | |
| | | | | | |
| Applic | The section numbering associated with this form corresponds to that found on the "Standard Instream Lease ation" form. The "Pooled Lease" form and "Pooled Water Right Holder" form(s) are used to provide the same ation as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always tial. | | | | |
| | ~I~ Water Right Holder and Water Right Information | | | | |
| 1.1 | Lessor #1 is the water right holder, or authorized agent for property described in Section 1.5. 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. | | | | |
| 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. P: 74146, 74147, S: 74147,74148,74149,76520 | | | | |
| 1.4 | Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. Yes No | | | | |
| 1.5 | Water Right(s) Proposed to be Leased Instream. Water right holder proposes to lease the water rights shown on the map attached as Exhibit 5-B and described as follows: [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 water right holder, township, range, section and ½ ½, tax lot number, map orientation and scale.] | | | | |

| | T | R | Sect | 1/4 1/4 | Tax Lot | Acres | Type of Use | Certificate # | Page(s) # | Priority* |
|----|----------|------------|-----------|----------|-------------------|-------------------------------|--------------------------------------|-------------------|---------------|-------------|
| | *(Identi | fy pertine | nt page n | umber of | certificate, more | if certificate than one pe | is greater than 1 er certificate) | 0 pages; identify | priority date | if there is |
| 1. | 16 | 11 | 35 | se/ne | 00600 | 4.10 | IRR | 74146 | 8 | 9/1/1900 |
| 2. | | | | | | | | | | |
| 3. | | | | | | | | | | |
| 4. | | | | | | | | | | |
| 5. | | | | | | | | | | |

| Total number of acres, if for irrigation, by certificate and priority date: 4.10 |
|--|
| Conditions or other limitations, if any: |

If you need to enter another leased right, please use the Additional Water Right Form for Pooled Water Right Holder.

- 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

RECEIVED

The water has <u>not</u> 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).

APR 1 4 2008 **
WATER RESOURCES DEPT

SALEM OREGON

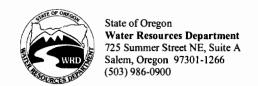
~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 15, 2008. (If there is a conflict between the Pooled Lease Form and this form, the Pooled Lease Form will be the official term of the lease.)

~III~ Other Information

- 3.1 Accuracy. The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified or terminated. The lease only exercises the water rights being leased, for the term of the lease. It shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.
- 3.2 Lease. Lessor(s) and Lessee(s) agree to lease the water rights listed in Section(s) 1.5 for instream use for the term of this lease through Lessee to the Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077.
- 3.3 Precedent. If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.

| suspend u | 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 supplemental to the subject water rights. | | | | | | | |
|--|--|--|--|--|--|--|--|--|
| Termination provision. For multiyear leases, the Lessor(s) shall have the option of terminating the lease ear 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 then days prior to the period of allowed instream use or after the period of allowed used begun for the water right(s) being leased, water may not be used under the right(s) until the following calendar year, unless the Director determines that enlargement 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, we consent by all parties to the lease. | | | | | | | | |
| 2.2 during use water | tion to prevent injury. Allocation of water to the instream use described in Section g the term of this lease is not reasonably expected to cause injury to other rights to from the same source. If injury is found after this lease is signed, the lease may be or terminated to prevent injury. | | | | | | | |
| Lessor #1: 🛇 | us B Svorale Date: 29 Feb CR | | | | | | | |
| Louis B. Dvorak | | | | | | | | |
| For additional Le | essors, type in space for signature and date RECEIVED | | | | | | | |
| | APR 1 4 2008 | | | | | | | |
| Other Attachmen | ts As Needed: WATER RESOURCES DEPT SALEM OREGON | | | | | | | |
| Exhibit 5-A: | Tax Lot Map. (See instructions.) | | | | | | | |
| Exhibit 5-B: | Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.) | | | | | | | |
| Exhibit 5-C: | | | | | | | | |
| Exhibit 5-D: | Split Season Instream Use Form | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |



Additional Water Right Form For Pooled Water Right Holder

Instream Lease

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

~I~

Section 1.5 continued from Pooled Leasing Water Right Holder Form.

Water Right(s) Proposed to be Leased Instream. Water right holder proposes to lease the water rights shown on the map attached as Exhibit 5-B and described as follows:

[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 water right holder, township, range, section and ¼ ¼, tax lot number, map orientation and scale.]

| | T | R | Sect | 1/4 1/4 | Tax Lot | Acres | Type of Use | Certificate # | Page(s) # | Priority* |
|-----|---------|------------|------------|----------|---------|-------|--|-------------------|---------------|----------------|
| | *(Ident | ify pertin | ent page 1 | number o | | | e is greater than 1 er certificate) | 0 pages; identify | priority date | e if there is |
| 1. | 16 | 11 | 35 | sene | 00600 | .40 | IRR | 74147 | 9 | 10/29/191 3 |
| 2. | | | | | | | | | | |
| 3. | | | | | _ | | | | | |
| 4. | | | | | | | | | | |
| 5. | | | | | | | | | | |
| 6. | | | | | | | | REC | EIVE | D |
| 7. | | | | | | | | | 1 | |
| 8. | | | | | | | | | 1 4 2003 | |
| 9. | | | | | | | | WATERRE | SUURCES! | DEPT |
| 10. | | | | | | | | Unici | W UNEGUP | |

[Attached map(s) must identify water right holder, township, range, section and ¼ ¼, tax lot number, map orientation and scale.]

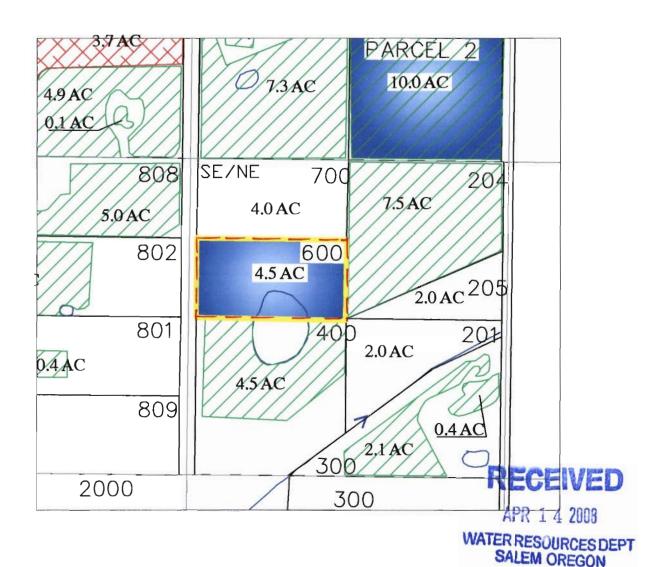
Total number of acres, if for irrigation, by certificate and priority date: .40

EXHIBIT 5-A & B TUMALO IRRIGATION DISTRICT L08-013 IN-STREAM LEASED WATER RIGHTS SURVEY

FOR

Dvorak, Louis B.

64680 Horseman Lane, BEND 97701









INITIAL: BD

LOCATED IN THE SE 1/4 OF THE NE 1/4 OF SECTION 35, T16 S., R11 E., W.M. TAX LOTS # 600 DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'

Prepared By: Tumalo Irrigation District, 64697 Cook Ave, Bend. Oregon 97701 541-382-3053

| SE1/4 NE1/ | 4 900 | IR. | 3.0 | Russell, Barbara H. |
|------------------------------------|---------------------------------|-------------|-----------|------------------------------|
| NE1/4 SW | 4 600 | IR. | 1.0 | Wessinger, William & Pat |
| SW1/4 SE1/ | 4 700 | IR | 6.0 | Moody, Steven |
| SW1/4 SE1/ | 4 800 | IR | 10.0 | McNulty, Ralph & Dee |
| SW1/4 SE1/ | 4 806 | IR | 10.0 | Cullman, Ruth |
| | Section 33 | 3 | | • |
| | | | | |
| NE¼ NE½ | 4 100 | IR | 0.6 | Stokoe, Barbara L. |
| NE¼ NE½ | 4 101 | IR | 1.4 | Granet, Peter & Carol |
| NE¼ NE½ | 4 102 | IR. | 1.0 | Anderson, Rev. Robert & Ruth |
| NE¼ NE½ | 4 103 | IR | 0.5 | Tavares, Louis III & Deborah |
| NW¼ NE | ½ 200 | IR | 3.0 | Taylor, Jerry & Janet |
| NW¼ NE | ½ 201 | IR | 6.5 | Laidlaw, Douglas |
| NW¼ NE | ¹ / ₄ 202 | IR | 3.5 | Margo, Mark & Desiree |
| NW¼ NE | 300 | IR | 5.0 | Berg, Michael |
| NW¼ NE | ¹ / ₄ 301 | IR | 6.0 | Petrie, Thomas & Helen |
| NW¼ NE | ¹ / ₄ 302 | IR | 3.0 | Parker, Daniel & Jeanette |
| SW1/4 NE1 | 4 900 | IR | 3.0 | Cole, Jennifer |
| SW1/4 NE1 | 4 906 | IR. | 1:0 | Van Cleave, Sherman & Vicki |
| SW1/4 SW1 | 4 1500 | IR | 5.4 | Harlow, James |
| NW1/4 SE1 | 4 901 | IR. | 1.0 | Martin, Charles & Susan |
| SW1/4 SE1/ | 4 1300 | IR. | 12.6 | Sohn, Ray & Sheila |
| SW1/4 SE1/ | 4 1301 | IR. | 3.4 | Duhn, Jessica R. |
| SW1/4 SE1/ | | IR | 2.0 | Horton, Richard & Karen |
| SW1/4 SE1/ | | IR | 7.0 | McAllister/Burke |
| SW1/4 SE1/ | | IR | 4.5 | Schmidt, Robert & Carolyn |
| 21111221 | Section 34 | | | |
| | | | | |
| NE¼ NE½ | 4 100 | IR. | 10.0 | Leonard, Ronald |
| NE¼ NE½ | 4 202 | IR. | 7.5 | Jermaczonak, Tony & Laurie |
| NE1/4 NE1/ | 4 203 | IR. | 3.3 | Bottger, James & Bea |
| NE¼ NE½ | 4 → 20 6 | IR. | 1.7 | Bottger, James & Bea |
| NE¼ NE½ | 4 800 | IR. | 0.6 | Michael, Loreen |
| NW1/4 NE1 | 4 800 | IR. | 4.4 | Michael, Loreen |
| NW1/4 NE | 4 804 | IR. | 2.5 | O'Brien, James & Patricia |
| NW¼ NE | 4 805 | IR | 2.5 | Miller, G. J. |
| NW1/4 NE | | IR | 5.0 | Rush, Lucy K. |
| NW1/4 NE | 4 807 | IR | 5.0 | Cooley, Orrin & Stephanie |
| SW1/4 NE1/ | 4 801 | IR. | 5.0 | Onie, Alan G. & Deborah |
| SW1/4 NE1/ | 4 802 | R | 5.0 | Masters, John |
| SW1/4 NE1/ | 11 4 TH | TR. | 5.0 | Gonce: William & Carolyn |
| SW1/4 NE1/ | 77 900 11 | i. ir | 3.0 | Sheaffer William & Annie |
| SE¼ NE¼ | 116 .11 4 | R | 2.0 | Hall, Thomas & Faith |
| SE¼ NE¼ | 11 11 | * PIR | 1 9 1 7 2 | Dyonak Louis |
| SE¼ NE¼ | 11 sts n. 11 | | 20 | Hall Thomas & Faith |
| SE¼ NE¼ | 11 | * TR | 325/ | Harrison, Daniel |
| SE¼ NE¼ | 1/ | TR TT | 20 | Tellin, Mahlon & Patricia |
| SE¼ NE¼ | A. C. | TR ** | 4.1 | Dyorak, Louis |
| SE¼ NE¼ | | IR & | 5 40 | Dvorak, Louis |
| NE¼ SW½ | | R | 1.4 | Schlueter, James & Patricia |
| SW ¹ /4 SW ² | | IR IR | 24.0 | Schlueter, James & Patricia |
| SW 1/4 SW 1/4 SE 1/4 SW 1/4 | | IR IR | 13.2 | Schlueter, James & Patricia |
| | | IR IR | 5.8 | Schlueter, James & Patricia |
| SE¼ SW¼ | | | | Cascade Materials |
| SW¼ SE½ | | IR IND | 5.0 | |
| SW¼ SE½ | | IND | 2.0 | Cascade Materials |
| | Section 35 | | | |
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SEE NEXT PAGE WATER RESOURCES DEPT SALEM OREGON

| | | | | | 74/4 Page 9 |
|---|-------------|--|---------------|--------------|----------------|
| NE¼NW¼ | 403 | Strong, James J. | IR | | 13.00 |
| NW¼NW¼ | 500 | Narber, Kemper & Susan | IR | 1.00 | |
| NW¼NW¼ | 501 | Zenner, Steve | IR | 1.60 | |
| NW1/4NW1/4 | 503 | Colton/Engelhard | IR | 3.80 | |
| SW1/4NW1/4 | 600 | Johansen, Kirk & Judith | IR | | 10.00 |
| SW¼NW¼ | 602 | Crum, Laurel Ann | IR | | 5.00 |
| SE14NW1/4 | 401 | Lawyer, Donald & Paula | IR | | 9.30 |
| SE¼NW¼ | 402 | Scott, Stephen H. | IR | | 7.00 |
| SE¼NW¼ | 700 | Gscheidle, William & Meri | IR | | 7.00 |
| SE¼NW¼ | 701 | Lyle, Boyd L. | IR | | 7.00 |
| NW1/4SW1/4 | 601 | Johansen, Kirk & Judith | \mathbf{IR} | | 15.00 |
| NW ¹ / ₄ SW ¹ / ₄ | 603 | Thomson, Richard & Patsy | \mathbf{IR} | | 15.00 |
| SW1/4SW1/4 | 1500 | Harlow, James | IR | | 5.40 |
| SW1/4SW1/4 | 1600 | Johnson, Jimmy Dean | IR. | | 1.90 |
| SW1/4SW1/4 | 1601 | Waterman, Faith | IR. | 2.00 | |
| SW ¹ / ₄ SW ¹ / ₄ | 1700 | Williams, Michael & Arletta | IR. | | 1.90 |
| SW1/4SW1/4 | 1800 | McFerran/Lynch, Don & Barbara | IR | 10.00 | 2.00 |
| NE¼SE¼ | 1100 | Lane, Alan | IR. | 13.00 | 4.00 |
| NW¼SE¼ | 901 | Martin, Charles & Susan | IR D | | 4.00 |
| NW¼SE¼ | 903 | Miller, Ken & Darlene | IR ID | 2.00 | 6.00 |
| NW¼SE¼ SW¼SE¼ | 904 1300 | Mills, Max & Lori | IR ID | 2.00 | 3.74 |
| SW ¹ /4SE ¹ /4 | 1300 | Sohn, Ray & Sheila Duhn, Jessica R. | IR IR | 0.90 1.00 | 12.60 |
| SW ¹ /4SE ¹ /4 | 1301 | Horton, Richard & Karen | IR | 1.00 | 3.40 2.00 |
| SW 1/4SE 1/4 | 1302 | McAllister/Burke | IR | | 7.00 |
| SW1/4SE1/4 | 1303 | Schmidt, Robert & Carolyn | IR | | 4.50 |
| D 11 /4DL/4 | 1504 | Section 34 | ж | | 4.50 |
| NE¼NE¼ | 100 | Leonard, Ronald | IR. | | 10.00 |
| NE'4NE'4 | 202 | Jermaczonak, Tony & Laurie | IR | | 7.50 |
| NE¼NE¼ | 203 | Bottger, James & Bea | IR. | | 3.30 |
| NE¼NE¼ | 206 | Bottger, James & Bea | IR. | | 1.70 |
| NE14NE14 | 800 | Michael, Loreen | IR. | | 0.60 |
| NW14NE14 | 800 | Michael, Loreen | IR. | | 4.40 |
| NW14NE14 | 804 | O'Brien, James & Patricia | \mathbf{IR} | | 2.50 |
| NW¼NE¼ | 805 | Miller, G. J. | \mathbf{IR} | | 2.75 |
| NW14NE14 | 806 | Rush-Lucy K | IR | | 5.00 |
| NW¼NE¼ | 807 | Cooley, Orrin & Stephanie | IR. | | 5.00 |
| SW1/4NE1/4 | 801 | Ome, Alan G. & Deborah | \mathbf{R} | | 5.00 |
| SW1/4NE1/4 | 802 | Masters, John. | \mathbf{IR} | | 5.00 |
| SW1/4NE1/4 | 808 | Gonce, William & Carolyn | IR | | 5.00 |
| SW1/4NE1/4 | 809 | Sheaffer, William & Annie + | IR | | 3.00 |
| SE¼NE¼ | 201 | The state of the s | IR. | | 2.00 |
| SE¼NE¼ | 204 | Didrak Louis | IR ID | | 7.50 |
| SE¼NE¼ | 205 | Hall Thomas & Faith | IR IB | | 2.00 |
| SE¼NE¼ | 300 400 | Harrison, Daniel Tellin, Manlon & Patricia | IR IR | 2.50 | 2.50 |
| SE¼NE¼ SE¼NE¼ | 600 | Dvorak, Louis | IR | 0.40 | 2.00 4.10 |
| SE14NE14 | 700 | Dvorak Louis 5 | IR | 0.40 | 4.10 |
| NW ¹ / ₄ NW ¹ / ₄ | 1000 | McGinnis (LE), Harold | IR | | 19.70 |
| SW ¹ / ₄ NW ¹ / ₄ | 1100 | Ames, George & Elaine | IR | 13.00 | 19.70 |
| SE ¹ / ₄ NW ¹ / ₄ | 1200 | Romaniak/Mendenhall | IR | 4.00 | |
| SE¼NW¼ | 1300 | Patrick, Arthur & Michelle | IR | 1.00 | |
| SE ¹ /4NW ¹ /4 | 1301 | Hervey, Sharon | IR | 1.00 | |
| SE¼NW¼ | 1302 | Patrick, Arthur & Michelle | IR. | 1.00 | |
| SE1/4NW1/4 | 1400 | Patrick, Arthur & Michelle | IR | 3.00 | |
| SE1/4NW1/4 | 1500 | King, Charles & Pamela | IR. | 3.00 | |
| NE1/4SW1/4 | 1900 | Schlueter, James & Patricia | IR. | 2.60 | 4.40 |
| NW ¹ / ₄ SW ¹ / ₄ | 1600 | Braun Trustees, Jean & Rose | PND | 0.10 | |
| | | SEE NEXT PAGE REC | EIV | ED | |

Deschutes River Conservancy 2008 Instream Leasing Program

Policy Concerning Weeds & Instream Leases Information on Farm Deferral

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

Weed Policy

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

Information and Resources Attached

Farm Deferral Notice

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

Information and Resources Attached

| I, Louis | B Dvorak. | understand the ne | w DRC weed policy and have |
|--------------|-------------------------|-------------------|----------------------------|
| | Print Name | | |
| been informe | ed about farm deferral. | | |
| | | | |
| | | | |
| | | | |
| Signature: | Yours B In | nale | Date: 29 Fc609 |
| _ | | | |

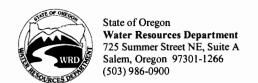
This form must be returned before lease payment is made.

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2008 Leasing Exhibit C

WATER RESOURCES DEPT SALEM OREGON



Application for

Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

| | Pursuant to ORS 537.348(2) and OAR 690-077 |
|--------|---|
| _ | nal Identification by Lessor/Lessee: <u>L08.14</u> |
| Lease | Application Number (assigned by WRD): |
| This I | Lease is with: |
| | r #1 (Water Right Holder): |
| | Harris Kimble RECEIVED |
| | ng address 19023 Clear Night Drive |
| | State, Zip Code Bend, OR 97/01 APR 1 4 2008 hone number (541) 420-5904 |
| | address WATERRESOURCES DEPT SALEM OREGON |
| If add | itional water right holders, enter water right holder information below |
| | |
| | ~I~ Water Right Holder and Water Right Information |
| 1.1 | Lessor #1 is the water right holder, or authorized agent for property described in Section 1.5. 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. |
| 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. P: 74146, &4147 S: 74147,74148,74149,76520 |
| 1.4 | Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. Yes No |
| 1.5 | Water Right(s) Proposed to be Leased Instream. Water right holder proposes to lease the water rights shown on the map attached as Exhibit 5-B and described as follows: [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 water right holder, township, range. |

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

| | Т | R | Sect | 44 | Tax Lot | Acres | Type of Use | Certificate # | Page(s) # | Priority* |
|----|--------|--------------|------------|----------|---------|-------|--|-------------------|---------------|-------------|
| | *(Iden | tify pertine | ent page n | umber of | | | e is greater than 1 er certificate) | 0 pages; identify | priority date | if there is |
| 1. | 17 | 11 | 13 | nenw | 00819 | .20 | IRR | 74146 | 14 | 5/27/1907 |
| 2. | 17 | 11 | 13 | nwne | 00819 | 6.10 | IRR | 74146 | 14 | 5/27/1907 |
| 3. | | | | | | | | | | |
| 4. | | | | | | | | | | |
| 5. | | | | | | | | | | |

| Total number of acres, if for irrigation, by certificate and priority date: 6.30 |
|--|
| Conditions or other limitations, if any: |

If you need to enter another leased right, please use the Additional Water Right Form for Pooled Water Right Holder.

- **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 <u>not</u> 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).

WATER RESUURCES DEPT SALEM OREGON

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 15, 2008. (If there is a conflict between the Pooled Lease Form and this form, the Pooled Lease Form will be the official term of the lease.)

~III~ Other Information

- 3.1 Accuracy. The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified or terminated. The lease only exercises the water rights being leased, for the term of the lease. It shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.
- 3.2 Lease. Lessor(s) and Lessee(s) agree to lease the water rights listed in Section(s) 1.5 for instream use for the term of this lease through Lessee to the Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077.
- 3.3 Precedent. If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.

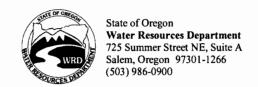
| 3.4 | suspend u | on of original use. During the period of the lease, the water right holder agrees to se of water allowed under the subject water rights and under any water right that is near to the subject water rights. | | | | | | | |
|------------------|---|---|--|--|--|--|--|--|--|
| 3.5 | For n year v durin days; begun until not of w W Torn Torn Torn Torn Torn Torn Torn Torn | nultiyear leases, the Lessor(s) shall have the option of terminating the lease each with written notice to the Department. The lease may be terminated at any time g the calendar year. However, if the termination request is received less then 30-prior to the period of allowed instream use or after the period of allowed use has a for the water right(s) being leased, water may not be used under the right(s) leased the following calendar year, unless the Director determines that enlargement would ccur. The Department may also require: ritten notice to the Department with original signatures; onsent by all parties to the lease; and/or ritten notice to the Watermaster's office. Inultiyear leases, the lessor shall not have the option of terminating the lease, without ent 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 | | | | | | | | |
| Lessor Harris | #1: C. Kimble | Date: 3-3-0 | | | | | | | |
| For ad | ditional Le | ssors, type in space for signature and date | | | | | | | |
| | | | | | | | | | |
| Other . | Attachmen | ts As Needed: | | | | | | | |
| Exhibi | | Tax Lot Map. (See instructions.) | | | | | | | |
| Exhibi | t 5-B: | Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.) | | | | | | | |
| Exhibi | t 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) | | | | | | | |
| Exhibi | t 5-D: | Split Season Instream Use Form | | | | | | | |
| | | DECEMEN | | | | | | | |

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WATERRESUURCES DEPT SALEM OREGON



Additional Water Right Form For Pooled Water Right Holder

Instream Lease

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

~I~

Section 1.5 continued from Pooled Leasing Water Right Holder Form.

Water Right(s) Proposed to be Leased Instream. Water right holder proposes to lease the water rights shown on the map attached as Exhibit 5-B and described as follows:

[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 water right holder, township, range, section and ¼ ¼, tax lot number, map orientation and scale.]

| | T | R | Sect | 1/4 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. | 17 | 11 | 13 | nenw | 00819 | 14.6 | IRR | 74147 | 17 | 10/29/191 3 | |
| 2. | 17 | 11 | 13 | nwnw | 00819 | 10.94 | IRR | 74147 | 17 | 10/29/191 3 | |
| 3. | 17 | 11 | 13 | nwsw | 00819 | 12.20 | IRR | 74147 | 17 | 10/29/191 3 | |
| 4. | 17 | 11 | 13 | senw | 00819 | 4.60 | IRR | 74147 | 17 | 10/29/191 3 | |
| 5. | 17 | 11 | 13 | swnw | 00819 | 6.40 | IRR | 74147 | 17 | 10/29/191 3 | |
| 6. | | | | | | | | | | | |
| 7. | | | | | | | | | | | |
| 8. | | | | | | | | | | | |
| 9. | | | | | | | | | | | |
| 10. | | | | | | | | | | | |

[Attached map(s) must identify water right holder, township, range, section and ¼ ¼, tax lot number, map orientation and scale.]

Total number of acres, if for irrigation, by certificate and priority date: 48.74

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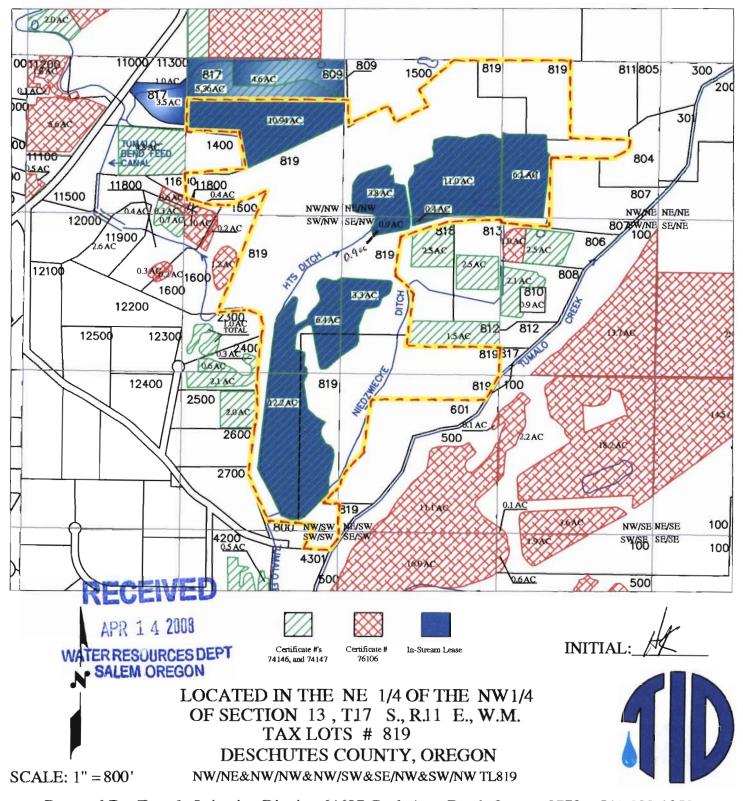
WATER RESUURCES DEPT SALEM OREGON

TUMALO IRRIGATION DISTRICT L08-014 IN-STREAM LEASED WATER RIGHTS SURVEY

FOR

Kimble, Harris C.

63560 Johnson Road, Bend OR 97701.



Prepared By: Tumalo Irrigation District, 64697 Cook Ave, Bend. Oregon 97701 541-382-3053

Page 14

| Priority | : 5/27/07 | | | | |
|----------|---|---------------------|---|--|--|
| 7 | SW1/4 SW1/4 | 1802 Section 6 | IR | 3.0 | Rupp, C. Richard |
| | NW¼ SE¼ | 2100 Section 30 | IR | 3.4 | C.L.R. INC. |
| | SW1/4 SE1/4 | 4300D Section 31 | IR | 0.8 | C.L.R. INC. |
| | Township 16 S | outh, Range 12 | East, W.M. | | |
| | SE145E14 | _ | IR | 2.0 | COATS, ERIC & ROBIN T-7466 NOS.004 |
| | SW1/4 NW1/4 | 500 Section 11 | IR | 1.2 | Coats, R.L. & Joyce |
| | NW1/4 NE1/4 | 804 | IR. | 0.4 | Coats, R.L. & Joyce |
| | NW1/4 NE1/4 | 807 | | 5.4 | Coats, R.L. & Joyce 1-7466 Nos.004 |
| | NW1/4 NE1/4 | 817 819 | IR | 6.1 | C.L.R. INC: Harris Kimble |
| | SW1/4 NE1/4 | 806 | IR. | 2.5 | Graham, Kenneth & Joy |
| | SW1/4 NE1/4 | 807 | | 1.0 | Coats, R.L. & Joyce 1-7422 No5.004 |
| | SW1/4 NE1/4 | 808 | IR. | 2.1 | Niedzwiecke, Andrew & Judith |
| | SW1/4 NE1/4 | 810 | IR. | 0.9 | Niedzwiecke, Andrew & Judith |
| | NE¼ NW¼ | 817819 | IR. | 0.2 | C.L.R. INC. Harris Kimble |
| | NW1/4 NW1/4 | 809 | IR. | 1.6 | C.L.R. INC. |
| | NW1/4 NW1/4 | 817 | IR | 4.0 | C.L.R. INC. |
| | SE¼ NW¼ | 812 | IR. | 1.5 | Latham, Mark & Kristen |
| | SE¼ NW¼ | 813 | IR | 2.5 | Schweigert, Ken |
| | SE¼ NW¼ | 818 | IR | 2.5 | Hamper, Tom |
| | 52/41(1/4 | Section 13 | | | • ' |
| | NE1/4 NE1/4 | 11700 | IR. | 0.2 | Allen, Charles |
| | NE1/4 NE1/4 | 11800 | IR | 0.1 | Allen, Charles |
| | NE1/4 NE1/4 | 11900 | IR. | 0.4 | Rugloski, Paul, Andrew & Cecelia |
| | SE1/4 NE1/4 | 11800 | IR | 0.7 | Allen, Charles |
| | SE1/4 NE1/4 | 11900 | IR | 2.6 | Rugloski, Paul, Andrew & Cecelia |
| | | Section 14 | ال الله المراجع المساور الله الله الله الله الله الله الله الل | and the state of t | |
| | Township 17 S | South, Range 11 | East, W.M | • | The state of the s |
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| 2 | NW ¹ / ₄ NE ¹ / ₄ | 302 | IR. | 0.1 | CER INC. NEUEIVED |
| | | Section 6 | Self Delivery to the Control of the | A STATE OF THE STA | APR 1 4 2003 |
| Priority | Township 17 S | South, Range 12 | East, W.IV | | WATER RESUURCES DEPT SALEM OREGON |
| | SE ¹ / ₄ SE ¹ / ₄ | 800 Section 1 | IR -2 | -2.0 | Mahoney, Dan & Martha |
| | CWI/ CEI/ | 803 | TR | 0-5 | Paiva, Joe & Wanita |
| | SW¼ SE¼ SE¼ SE¼ | 900 | IR S | 0.7 | Waldron Jr., Harvey & Genevieve |
| | SE ¹ / ₄ SE ¹ / ₄ | 900 | R | 0.3 | Waldron Jr., Harvey & Genevieve |
| | DE74 DE74 | Section 11 | | .,5 | , |
| | SW1/4 SW1/4 | 1200 | IR. | 16.1 | Gillham, John & Audrey |
| | SE1/4 SW1/4 | 1200 | IR. | 0.2 | Gillham, John & Audrey |
| | | Section 12 | | | |

| | | | | | | | Page 17 |
|---|---|-------|------------|--|----------|--------|------------------|
| | SW14NE14 | 810 | | Niedzwiecke, Andrew & Judith | IR | | 0.00 |
| | NE14NW14 | 817 | 819 | C.L.R. INC. Harres Kimble | IR | 14.60 | 0.90 |
| | NW1/4NW1/4 | 809 | | C.L.R. INC. | IR | 3.00 | 0.20 |
| | $\sqrt{NW'_4NW'_4}$ | 817 | 819 | C.L.R. INC. Harris Kirnle | IR | 12.30 | \ |
| | SW14NW1/4 | 2300 | 817-> | Beighley/Taylor, Mark & Deborah | | 7 1.36 | |
| | SW1/4NW1/4 | 2400 | | Moore, Bill & Mildred | IR | | |
| | SW14NW1/4 | 817 | | C.L.R. INC. Harris Kirnble | IR | 6.40 | 0.90 |
| | SE14NW1/4 | 812 | | Latham, Mark & Kristen | IR | 0.40 | 1.50 |
| | SE14NW1/4 | 813 | | Schweigert, Ken | IR | | 1.50 |
| | SE14NW1/4 | 8178 | 319 | C.L.R. INC. Harnis Kimble | IR | 4.60 | 2.50 |
| | SE14NW1/4 | 818 | • • | Hamper, Tom | IR | 4.00 | 2.50 |
| | NW1/4SW1/4 | 2400 | | Moore, Bill & Mildred | IR | 1.00 | 1.10 |
| | NW1/4SW1/4 | 2500 | | Hanson, Robert & Ruth | IR | 1.00 | 2.00 |
| | NW1/4SW1/4 | 817 | 319 | C.L.R. INC. Harris Kimble | IR | 12.20 | 2.00 |
| | SW1/4SW1/4 | 4200 | , | Reinhardt, George & Jeanne | IR IR | 2.00 | |
| | 2117321173 | .200 | | Section 13 | щ | 2.00 | |
| | | | | Section 15 | | | |
| | NE ¹ / ₄ NE ¹ / ₄ | 11300 |) | Woods, William C. | IR | 1.00 | |
| | NE¼NE¼ | 11400 |) | C.L.R. INC. | IR | 3.50 | changed to TLBIT |
| | NE14NE14 | 11900 |) | Rugloski, Paul, Andrew & Cecelia | IR | 2.20 | 0.40 |
| | SE1/4NE1/4 | 11900 |) | Rugloski, Paul, Andrew & Cecelia | IR | | 2.60 |
| | | | | Section 14 | | | |
| | | | Town | ship 17 South, Range 11 East, W.M. | | | |
| 2 | NW¼NE¼ | 300 | | C.L.R. INC. | IR | 1.80 | |
| 2 | NW14NE14 | 301 | | C.L.R. INC. | IR | 0.50 | 3.00 |
| 2 | NW14NE14 | 302 | | C.L.R. INC. | IR | 4.10 | 3.10 |
| 3 | NE14NW1/4 | 200 | В | Allen/Rice, Rita & Kenny | IR | 2.50 | 5.10 |
| 3 | NE14NW1/4 | 300 | В | Dwyer, Michael & Theresa | IR | 16.40 | |
| 4 | NW1/4NW1/4 | 300 | В | Dwyer, Michael & Theresa | IR | 17.70 | |
| 4 | NW1/4NW1/4 | 301 | B . | Greer, Stephen & Denise | IR | 2.00 | |
| 4 | NW14NW14 | 302 | В | Greer, Russell & Lois | IR | 2.40 | |
| 4 | NW1/4NW1/4 | 400 | В. | Greer, Russell & Lois | IR | 2.00 | |
| 4 | NW1/4NW1/4 | 500 | В | Randolph, James & Charlotte | IR | 1.00 | |
| | | | | Section 6 | | _,_, | |
| | | | | appear a secretaria de la companya d | | | |
| 2 | SW1/4NW1/4 | 400 | | Kemple, Harold & Terryl | IR | 1.50 | 10.00 |
| 2 | SW1/4NW1/4 | 401 | | Frei, Gary & Victoria | IR | | 14.60 |
| | SE ¹ / ₄ NW ¹ / ₄ | 400 | | Kemple, Harold & Terryl | IR | 1.20 | |
| | | | 1 | Section 7 | | | |
| | | | T// | The state of the s | | | |

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

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

This certificate confirms an order of the Director entered on , 1997 and recorded in Special Order Volume 51, Page 55, approving a petition by Tumalo Irrigation District under ORS 541.329 for mapping water rights within a district. This certificate supersedes certificates 26050.

WITNESS the signature of the Water Resources Director, affixed

JUN 1 9 1997

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APR 1 4 2009

Martha O. Pagel, Director

WATER RESOURCES DEPT SALEM OREGON

Recorded in State Record of Water Right Certificates numbered 74147.

HB-3111.BWB

Deschutes River Conservancy 2008 Instream Leasing Program

Policy Concerning Weeds & Instream Leases Information on Farm Deferral

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

Weed Policy

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

Information and Resources Attached

Farm Deferral Notice

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

| 45.55 | |
|------------------------------------|---|
| Information and Resources A | ttached |
| HARLIS KINGLE | <i>7</i> |
| I, | _ understand the new DRC weed policy and have |
| Print Name | |
| been informed about farm deferral. | |
| | |
| Signature: | Date: 3-3-0 8 |

This form must be returned before lease payment is made.

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APR 1 4 2008

2008 Leasing Exhibit C

WATERRESOURCES DEPT SALEM OREGON

1



Application for

Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

Pursuant to ORS 537.348(2) and OAR 690-077 Optional Identification by Lessor/Lessee: L08.15 Lease Application Number (assigned by WRD): This Lease is with: Lessor #1 (Water Right Holder): RECEIVED Name Kachlein, Mark & Belinda Mailing address 66440 Gerking Market Road -APR 1 4 2009 City, State, Zip Code Bend, OR 97701 WATER RESOURCES DEPT Telephone number (541) 383-1527 **SALEM OREGON** Email address If additional water right holders, enter water right holder information below Note: The section numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Water Right Holder" 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~ Water Right Holder and Water Right Information 1.1 Lessor #1 is the water right holder, or authorized agent for property described in Section 1.5. 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. 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. P: 74146, S: 74147,74148,74149,76520 Are some or all of the lands being leased part of a Conservation Reserve Enhancement 1.4 Program. Yes ⊠ No 1.5 Water Right(s) Proposed to be Leased Instream. Water right holder proposes to lease the water rights shown on the map attached as Exhibit 5-B and described as follows: [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 water right holder, township, range,

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

| | Т | R | Sect | 1/4 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. | 16 | 12 | 06 | swsw | 01802 | 3.0 | IRR | 74146 | 14 | 5/27/1907 |
| 2. | 16 | 12 | 06 | swsw | 01802 | .70 | IRR | 74146 | 9 | 9/1/1900 |
| 3. | | | | | | | | | | |
| 4. | | | | | | | | | | |
| 5. | | | | | | | | | | |

| Total number of acres, if for irrigation, by certificate and priority date: 3.70 |
|--|
| |
| Conditions or other limitations, if any: |

If you need to enter another leased right, please use the Additional Water Right Form for Pooled Water Right Holder.

- **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 <u>not</u> 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).

APR 1 4 2008 APR 1

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 15, 2008. (If there is a conflict between the Pooled Lease Form and this form, the Pooled Lease Form will be the official term of the lease.)

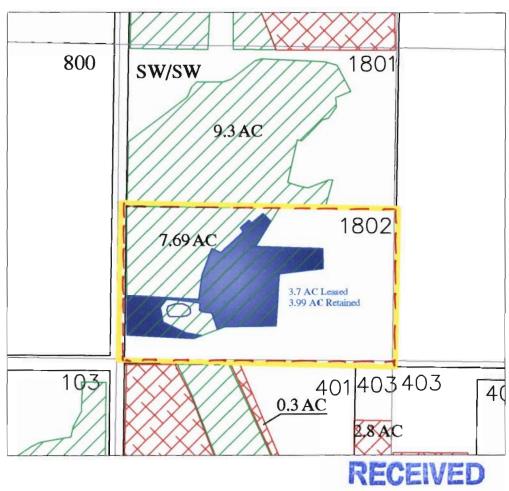
~III~ Other Information

- 3.1 Accuracy. The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified or terminated. The lease only exercises the water rights being leased, for the term of the lease. It shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.
- 3.2 Lease. Lessor(s) and Lessee(s) agree to lease the water rights listed in Section(s) 1.5 for instream use for the term of this lease through Lessee to the Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077.
- 3.3 Precedent. If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.

| 3.4 | Suspension of original use. During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights. | | | | | | | | |
|---------|--|---|--|--|--|--|--|--|--|
| 3.5 | For myear war during days place with the segur until the not or with the work with the | nultiyear leases, the Lessor(s) shall have the option of terminating the lease each with written notice to the Department. The lease may be terminated at any time g the calendar year. However, if the termination request is received less then 30-prior to the period of allowed instream use or after the period of allowed use has a for the water right(s) being leased, water may not be used under the right(s) leased the following calendar year, unless the Director determines that enlargement would ccur. The Department may also require: ritten notice to the Department with original signatures; onsent by all parties to the lease; and/or ritten notice to the Watermaster's office. Inultiyear leases, the lessor shall not have the option of terminating the lease, without ent by all parties to the lease. | | | | | | | |
| 3.6 | 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. | | | | | | | | |
| | #1: R. Kachlein | Date: 3/05/08 | | | | | | | |
| Belind | a R. Kachle | | | | | | | | |
| For add | ditional Les | ssors, type in space for signature and date RECEIVED | | | | | | | |
| | | APR 1 4 2008 | | | | | | | |
| | | WATERRESUMPCES DEDT | | | | | | | |
| Other A | Attachment | ts As Needed: SALEM OREGON | | | | | | | |
| Exhibit | t 5-A: | Tax Lot Map. (See instructions.) | | | | | | | |
| Exhibi | ibit 5-B: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.) | | | | | | | | |
| Exhibit | ibit 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 | t 5-D: | Split Season Instream Use Form | | | | | | | |
| | | | | | | | | | |

EXHIBIT 5-A & B TUMALO IRRIGATION DISTRICT L08-015 IN-STREAM LEASED WATER RIGHTS SURVEY **FOR**

Kachlein, Mark R. & Belinda R. 66440 Gerking Market Rd., Bend DR 97701.



APR 1 4 2008



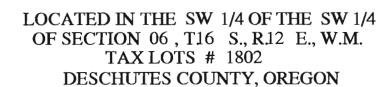




In-Stream Lease

WATER RESOURCES DEPT SALEM OREGON

INITIAL: ///



SCALE: 1'' = 400'



Prepared By: Tumalo Irrigation District, 64697 Cook Ave, Bend. Oregon 97701 541-382-3053

| Priority | y: 5/27/07 | | | | |
|----------|-------------------|--|-----------------------|---|--|
| | | | | | Kachlein |
| 7 | SW1/4 SW1/4 | 1802 | IR 🖛 | 3.0 | Rupp, C. Richard |
| | | Section 6 | | | |
| | | | | | |
| | NW1/4 SE1/4 | 2100 | IR. | 3.4 | C.L.R. INC. |
| | | Section 30 | | | |
| | SW1/4 SE1/4 | 4300D | IR | 0.8 | C.L.R. INC. |
| | S VV 74 SE 74 | Section 31 | Щ | 0.0 | C.L.R. INC. |
| | Township 16.9 | South, Range 12 | East WM | | |
| | 10Whimp 10 k | Journ, Tunigo 12 | Dubt , 11.1.1. | | • |
| | SW1/4 NW1/4 | 500 | IR | 1.2 | Coats, R.L. & Joyce |
| | | Section 11 | | | , |
| | | | | | |
| | NW1/4 NE1/4 | 804 | IR | 0.4 | Coats, R.L. & Joyce |
| | NW¼ NE¼ | 807 | IR | 5.4 | Coats, R.L. & Joyce |
| | NW¼ NE¼ | 817 | IR | 6.1 | C.L.R. INC. |
| | SW1/4 NE1/4 | 806 | IR | 2.5 | Graham, Kenneth & Joy |
| | SW1/4 NE1/4 | 807 | IR | 1.0 | Coats, R.L. & Joyce |
| | SW1/4 NE1/4 | 808 | IR | 2.1 | Niedzwiecke, Andrew & Judith |
| | SW¼ NE¼ | 810 | IR. | 0.9 | Niedzwiecke, Andrew & Judith |
| | NE1/4 NW1/4 | 817 | IR | 0.2 | C.L.R. INC. |
| | NW1/4 NW1/4 | 809 | IR. | 1.6 | C.L.R. INC. |
| | NW1/4 NW1/4 | 817 | IR. | 4.0 | C.L.R. INC. |
| | SE¼ NW¼ | 812 | IR. | 1.5 | Latham, Mark & Kristen |
| | SE1/4 NW1/4 | 813 | IR | 2.5 | Schweigert, Ken |
| | SE1/4 NW1/4 | 818 | IR | 2.5 | Hamper, Tom |
| | | Section 13 | | | • |
| | | | | | |
| | NE1/4 NE1/4 | 11700 | IR. | 0.2 | Allen, Charles |
| | NE¼ NE¼ | 11800 | IR. | 0.1 | Allen, Charles |
| | NE¼ NE¼ | 11900 | IR. | 0.4 | Rugloski, Paul, Andrew & Cecelia |
| | SE1/4 NE1/4 | 11800 | IR. | 0.7 | Allen, Charles |
| | SE¼ NE¼ | 11900 | IR. | 2.6 | Rugloski, Paul, Andrew & Cecelia |
| | | Section 14 | | e di ayan | |
| | Township 17 S | South, Range 11 | East, W.M. | n! | |
| _ | | i de la companya de l | | | |
| 2 | NW1/4 NE1/4 | 302 | IR. | 0.1 | C.L.R. INC. |
| | | Section 6 | | e i na a | A STATE OF THE STA |
| | Township 17 S | South, Range 12 | East, W.M. | | |
| | < 14.10 = | The state of | | | |
| Priority | 7: 6/1/0 7 | Alexander of the second | | and the second | |
| | SE1/4 SE1/4 | 800 | TD 7 | 20 | Mahoney, Dan & Martha |
| | SE74 SE74 | Section 1 | 1 | 70,1 | Tyranoncy, Dan & Wartha |
| | | Section 1 | | Survey of the San | * |
| | SW1/4 SE1/4 | 803 | IR | 0.5 | Paiva, Joe & Wanita |
| | SE¼ SE¼ | 900 | R | d Page | Waldron Jr., Harvey & Genevieve |
| | SE1/4 SE1/4 | 901 | IR | 0.3 | Waldron Jr., Harvey & Genevieve |
| | | Section 11 | | | • |
| | | | | | |
| | SW1/4 SW1/4 | 1200 | IR | 16.1 | Gillham, John & Audrey |
| | SE1/4 SW1/4 | 1200 | IR | 0.2 | Gillham, John & Audrey |
| | | Section 12 | | | |

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WATER RESOURCES DEPT SALEM OREGON

| | | | | | Page 9 |
|---|---|-------------------|-------------|------------|---|
| | SE¼ SE¼ | 1100D | IR | 1.0 | Ballew, Doug & Judith |
| | SE1/4 SE1/4 | 1401D | IR. | 2.0 | Hagemann, Roger & Lorraine |
| | 2274 2274 | Section 36 | | _,, | |
| | Township 16 S | South, Range 11 | East W.M | • | |
| 7 | SW1/4 SW1/4 | 1801 | IR | 5.0 | A.K.A. Productions, Inc. |
| 7 | SW ¹ / ₄ SW ¹ / ₄ | 1802 | IR IR | 2.6 | Rupp, C. Richard |
| , | 511 /4 511 /4 | Section 6 | ш | 2.0 | Kichicin |
| | | Section 0 | | | 102 1201 |
| | SE1/4 NE1/4 | 103 | IR | 0.7 | Gobeille, David & Carolyn |
| | NE ¹ / ₄ NW ¹ / ₄ | 402 | IR | 1.0 | Duntley, Carole A. |
| 1 | NW1/4 NW1/4 | 401 | IR | 4.7 | VanderBeek, Robert & Laurie |
| 1 | NW1/4 NW1/4 | 403 | IR | 3.5 | Duntley, Carole A. |
| 1 | NW1/4 NW1/4 | 403 | POND | 0.5 | Duntley, Carole A. |
| | NE1/4 SW1/4 | 1200 | IR | 28.9 | Pledger, William & Felicia |
| 4 | SW1/4 SW1/4 | 1100 | IR | 7.5 | Booth, Loran & Toni |
| | SE1/4 SW1/4 | 1200 | IR | 36.1 | Pledger, William & Felicia |
| | NW1/4 SE1/4 | 1300 | IR | 39.85 | Putnam, Lee&Mary/Steve&Arlene |
| | SW1/4 SE1/4 | 1300 | IR | 37.66 | Putnam, Lee&Mary/Steve&Arlene |
| | | Section 7 | | | |
| | SW1/4 NE1/4 | 600 | IR | 3.75 | Wise/Strauss |
| | SW1/4 NE1/4 | 701 | IR | 3.4 | Fournier, Chris |
| | SW1/4 NE1/4 | 702 | IR | 7.6 | Fournier, Chris |
| | SW1/4 NE1/4 | 703 | IR | 13.9 | MacGaffey, Keith |
| | NW ¹ / ₄ NW ¹ / ₄ | 402 | IR | 2.6 | Davis, Tim & Madeleine |
| | NW1/4 NW1/4 | 500 | IR | 2.4 | Davis, Tim & Madeleine smy der, TIA |
| | SW1/4 NW1/4 | 401 | IR | 0.6 | Reichardt; William & Judith Ann |
| | SE1/4 NW1/4 | 600 | IR | 0.25 | Wise/Strauss Snydes J/A |
| | SE1/4 NW1/4 | 700 | IR | 19.4 | Reichardt, William & Judith Ann |
| | SE1/4 NW1/4 | 703 | IR | 1.1 | MacGaffey, Keith |
| | NE1/4 SW1/4 | 1500 | IR | 15.5 | Amadio, Thomas & Dorothy |
| | NE1/4 SW1/4 | 1600 | IR | 4.0 | Rowell, Bob |
| | NE1/4 SW1/4 | 1601 | IR | 1.6 | Parker, John & Arlene |
| | NW ¹ / ₄ SW ¹ / ₄ | 1700 | IR | 6.4 | Parker, John & Arlene |
| | NW ¹ / ₄ SW ¹ / ₄ | 1702 | IR | 2.2 | Painter, Jon & Etta |
| | NW ¹ / ₄ SW ¹ / ₄ | 1703 | IR . | 5.0 | Burkhardt, Rick & Lynn |
| | NW ¹ / ₄ SW ¹ / ₄ | 1706 | IR | 4.0 | Hansen, Gary & Linda |
| | NW ¹ / ₄ SW ¹ / ₄ | 1707 | IR | 1.0 | Hammack, Patrick & Constance |
| | SW ¹ / ₄ SW ¹ / ₄ | 1701 | IR . | 12.0 | Wilkerson, Richard & Carol |
| | SW1/4 SW1/4 | 1704 | IR IR | 1.6 | Amadio, Thomas & Dorothy |
| | SW1/4 SW1/4 | 1705 | IR . | 4.0 | Smith, Craig & Sandra |
| | SE ¹ / ₄ SW ¹ / ₄ | 1501 | IR TD | 10.0 | Amadio, Thomas & Dorothy |
| | SE¼ SW¼ | 1704 | IR | 10.2 | Amadio, Thomas & Dorothy |
| | NE¼ SE¼ | 1000 | R | 3.7 | |
| | NE¼ SE¼ | 1100 | IR / | 4.7 | Olsen, Marc & Theresa Arnold, Charles |
| | NE¼ SE¼ | 1200 | IR IR | 4.4 3.2 | Cordiner, Robert & Peggy |
| | NE¼ SE¼ | 1302 900 | E 4 | 4.0 | Trowbridge, William & Lynne |
| | NE¼ SE¼ | | IR IR | 13.9 | Seliger, William & Kathleen |
| | NW1/4 SE1/4 | 1403 1404 | IR IR | 13.9 | Wyman, Harold & Jane |
| | NW¼ SE¼ SW¼ SE¼ | 1404 1401 | IR IR | 24.1 | Wyman, Harold & Jane Wyman, Harold & Jane |
| | SW 74 SE 74 SE 1/4 SE 1/4 | 1401 | IR IR | 19.0 | Hull, Judy Ayres |
| | SE ¹ / ₄ SE ¹ / ₄ | 1400 | IR IR | 14.0 | Hull, Judy Ayres |
| | GL:/4 GL:/4 | Section 8 | щ | 17.0 | N95-013 |
| | | C-0 | IR | 1.43 | Ponsford, Davis |
| | SWIM NOW | 4 500 Sectiona | | | |
| | | 2501100101 | | | DECEMED |

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WATERRESUURCES DEPT SALEM OREGON

Deschutes River Conservancy 2008 Instream Leasing Program

Policy Concerning Weeds & Instream Leases Information on Farm Deferral

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

Weed Policy

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

Information and Resources Attached

Farm Deferral Notice

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

Information and Resources Attached

I, <u>II far le R. Kach les</u> understand the new DRC weed policy and have been informed about farm deferral.

Signature: Mail Kack Date: 3.05-08

This form must be returned before lease payment is made.

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APR 1 4 2063

2008 Leasing Exhibit C

WATER RESUURCES DEPT SALEM OREGON



Application for

Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

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

| - | onal Identification by Lessor/Lessee: <u>L08.16</u> e Application Number (assigned by WRD): | |
|--------|---|---|
| This | Lease is with: | |
| Name | or #1 (Water Right Holder): e Coleman, Nancy D. | RECEIVED |
| | ing address 18770 Tumalo Reservoir Road | APR 1 4 2008 |
| - | State, Zip Code Bend, OR 97701 phone number (541) 382-5357 | WATER RESOURCES DEPT |
| | l address | SALEM OREGON |
| If add | ditional water right holders, enter water right holder information | n below |
| Applio | The section numbering associated with this form corresponds to that found ocation" form. The "Pooled Lease" form and "Pooled Water Right Holder" for nation as the "Standard Instream Lease Application" form. Consequently, the nation. | orm(s) are used to provide the same |
| | ~I~ Water Right Holder and Water Right | Information |
| 1.1 | Lessor #1 is the water right holder, or authorized agent for pr If the water right appurtenant to these lands is also appurtenant are not included in this application, then Attachment 1 (tax lo | nt to lands owned by others who |
| 1.3 | For the water right(s) being leased, list all water rights appurt if there are any supplemental or overlying rights. | enant to the same lands. Indicat |
| | Certificate No. <u>P: 74147, S: 74148,74149,76520</u> | |
| 1.4 | Are some or all of the lands being leased part of a Conservation Program. Yes No | on Reserve Enhancement |
| 1.5 | Water Right(s) Proposed to be Leased Instream. Water rights water rights shown on the map attached as Exhibit 5-B and do [This information may be included on Exhibit 5-A, or an additional map area of water rights being leased. Attached map(s) must identify water rights section and ½½, tax lot number, map orientation and scale.] | escribed as follows: may be attached. Crosshatch the |

| | Т | R | Sect | 1/4 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. | 16 | 11 | 34 | sene | 01000 | 13.0 | IRR | 74147 | 8 | 10/29/191 3 |
| 2. | | | | | | | | | | |
| 3. | | | | | | | | | | |
| 4. | | | | | | | | | | |
| 5. | | | | | | | | | | |

| Total number of acres, if for irrigation, by certificate and priority date: 13.0 |
|--|
| |
| Conditions or other limitations, if any: |

If you need to enter another leased right, please use the Additional Water Right Form for Pooled Water Right Holder.

- 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

APR 1 4 2008

The water has not been used over the past five years according to the terms and RECEIVED 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).

WATER RESOURCES DEPT SALEM OREGON

~II~ Instream Water Right Information

2.3 **Term of lease.** This lease shall terminate on October 15, 2008 . (If there is a conflict between the Pooled Lease Form and this form, the Pooled Lease Form will be the official term of the lease.)

~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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| 3.4 | 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 then 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 | 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 Nancy | #1: <u>Nances Coleman</u> D. Coleman Date: March 4, 200 | | | | | | | | |
| For ad | ditional Lessors, type in space for signature and date | | | | | | | | |
| | | | | | | | | | |
| Other Exhibit | t 5-B: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. Exhibits 5-A and 5-B may be combined | | | | | | | | |
| Exhibi | into a single map. (See instructions.) 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) | | | | | | | | |
| Exhibi | t 5-D: Split Season Instream Use Form RECEIVED | | | | | | | | |
| | APR 1 4 2008 | | | | | | | | |

APR 1 4 2008
WATERRESJURGES DEPT
SALEM OREGON

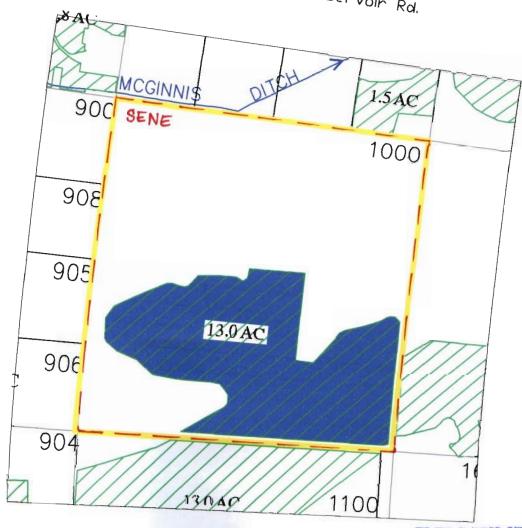
TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY

EXHIBIT 5-A & B L08-016

Coleman,

Nancy D.

18770 Tumalo Reservoir Rd.



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WATER RESOURCES DEPT SALEM OREGON



Certificate #'s



INITIAL: UC

LOCATED IN THE SE 1/4 OF THE NE 1/4 OF SECTION 34, T16 S., R.11 E., W.M. **TAX LOTS # 01000** DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'

Prepared By: Tumalo Irrigation District, 64697 Cook Ave, Bend. Oregon 97701 541-382-3053

| <u> </u> | | | | | | Ξ |
|---|-------|--|------------------------|-------|-----------|---|
| | | | | | *74147 | - |
| | | | | | Page 8 | |
| | | | | ` ` | | |
| NE¼NE¼ | 100 | Hausner, Jill | \mathbf{R} | | 21.00 | |
| | 800 | Hausner, Jill | IR | | 2.00 | |
| NE¼NE¼ | | • | IR | | 2.00 | |
| NE4NE4 | 801 | Barrick, James A. | | | | |
| SW4NE4 | 900 | Hermens, Stanley & Ruth | IR | | 35.90 | |
| SE1/NE1/4 | 900 | Hermens, Stanley & Ruth | \mathbf{R} | | 29.60 | |
| NW1/4NW1/ | 4 500 | Throop, Tom & Caryn | $\mathbf{I}\mathbf{R}$ | 2.00 | | |
| NW¼NW½ | | Variel, Jeffrey & Laurel | IR | 2.00 | | |
| | | McDonald, Dr. Lynn | IR | 4.00 | | |
| NW¼NW½ | | | IR | 4.00 | 17.20 | |
| NE'4SE'4 | 1001 | Hermens, Stanley & Ruth | | 1 00 | | |
| NE'4SE'4 | 1200 | Hermens, Stanley & Ruth | IR | 1.90 | 15.00 | |
| NW4SE4 | 1000 | Hermens, Stanley & Ruth | \mathbf{R} | | 13.30 | |
| NW4SE4 | 1100 | Hermens, Stanley & Ruth | \mathbf{R} | | 8.60 | |
| SW ¹ / ₄ SE ¹ / ₄ | 1400 | Parker, Kenneth | \mathbf{IR} | 2.00 | 2.00 | |
| | 1500 | Stringfield, Tom & Rick | IR | 4.40 | 3.40 | |
| SW4SE4 | | | IR | 1.80 | 8.90 | |
| SE1/4SE1/4 | 1300 | Stringfield, Tom & Rick | | 1.00 | 20.00 | |
| SE1/4SE1/4 | 1302 | Pederson, William & Martha | IR | | 20.00 | |
| | | Section 28 | | | | |
| | | | | | | |
| NE'4NE'4 | 200 | Russell, Barbara H. | IR | 17.00 | | |
| SW'4NE'4 | | Russell, Barbara H. | IR | 11.00 | | |
| | | Tavares, Louis III & Deborah | IR | 11.60 | | |
| SE'4NE'4 | 1000 | | IR | 3.00 | 3.00 | • |
| SE1/ANE1/4 | 900 | Russell, Barbara H. | | | | |
| NE¼SW¼ | 600 | Wessinger, William & Pat | IR | 0.20 | 1.80 | |
| NE4SE4 | 1000 | Tavares, Louis III & Deborah | IR | 2.40 | | |
| NE14SE14 | 1100 | Batha, Marta | ${ m IR}$ | | 2.00 | |
| NE¼SE¼ | 1200 | Batha, Marta | \mathbf{R} | | 4.60 | , |
| | 1300 | Batha, Marta | IR | | 3.90 | |
| NE'4SE'4 | | • | IR | | 10.30 | |
| NE1/4SE1/4 | 1403 | Rudolph, John & Melitta | | 9.00 | 10.50 | , |
| NW4SE4 | | Lawson, John & Gaye | IR | | | |
| NW4SE4 | 803 | Rahmn, Keith & Lexia | \mathbf{R} | 5.00 | | |
| NW1/4SE1/4 | 804 | Lewis, Suzi | \mathbf{R} | 7.50 | | |
| NW4SE4 | | Dodd, Jack & Barbara, Trustees | \mathbf{IR} | 5.00 | : | |
| SW4SE4 | 700 | Moody, Steven | \mathbf{R} | | 6.00 | ٠ |
| | | | IR | | 10.00 | |
| SW1/SE1/4 | 800 | McNulty, Ralph & Dee | IR | | 10.00 | |
| SW4SE4 | 806 | Cullman, Ruth | | | | |
| SE14SE14 | 1400 | Wagoner, Frances | IR | | 2.00 | |
| SE14SE14 | 1401 | Owens, Matgueritte | \mathbf{R} | | 2.00 | |
| SE1/4SE1/4 | 1402 | Hays, Kenneth & Carolee | ${ m IR}$ | | 2.00 | |
| SE'4SE'4 | 1403 | Rudolph, John & Melitta | IR | | 9.20 | |
| | | Rudolph, John & Melitta | IR | | 4.00 | |
| SE4SE4 | 1500 | The same of the sa | ш. | | ., | |
| | | Section 33 | | • | | |
| | | LE LES TO | - | 1.40 | 0.60 | |
| NE1/NE1/4 | 100 | DIOKOC- Daroara TV. | IR | 1.40 | 0.60 | |
| NE4NE4 | 101 | Granet, Peter & Garoling | \mathbf{IR} | | 3.00 | |
| NE¼NE¼ | 102 | Anderson, Rev. Robert & Ruth | ${ m I\!R}$ | | 2.50 | |
| NE'4NE'4 | 103 | Tavares, Louis III & Deborah | \mathbf{IR} | | 1.00 | |
| NE'ANE'A | 104 | Grant, Cloyce & Catherine | \mathbf{IR} | 2.00 | 1.00 | |
| | | Taylor, Jerry & Janet | IR | | 3.00 | |
| NW4NE4 | | Taylor, Jerry co Janet | IR | • | 6.50 | |
| NW4NE4 | | Laidlaw, Douglas | | | 3.50 | |
| NW1/NE1/4 | | Margo, Mark & Desiree | IR | | | |
| NW4NE4 | 300 | Berg, Michael | \mathbf{R} | | 5.00 | |
| NW1/NE1/4 | 301 | Petrie, Thomas & Helen | ${ m I\!R}$ | | 6.00 | |
| NW1/NE1/ | | Parker, Daniel & Jeanette | $\mathbf{I}\mathbf{R}$ | | 3.00 | |
| | | Cole, Jennifer | IR | 1.22 | 3.00 | |
| SW¼NE¼ | | | ĪR | 1.21 | | |
| SW1/4NE1/4 | | Schwab, Myron & Genevieve | | 2.00 | 1.00 | |
| SW1/NE1/4 | | Van Cleave, Sherman & Vicki | IR | 2.00 | | |
| SW4NE4 | 908 | Payer, Melanie | IR | | 4.00 | |
| SE1/NE1/4 | 1000 | Coleman, Glen & Nancy | IR | 13.00 | | |
| NE½NW½ | 4 400 | Steele, John & Louise | $\mathbf{I}\mathbf{R}$ | | 17.00 | |
| - 1-7 | | | | ECEN | IEN | |
| | | SEE NEXT PAGE | | | H Las Las | |
| | | | | | | |

WATERRESUURCES DEPT

EXHIBIT C

Deschutes River Conservancy 2008 Instream Leasing Program

Policy Concerning Weeds & Instream Leases Information on Farm Deferral

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

Weed Policy

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

Information and Resources Attached

Farm Deferral Notice

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

Information and Resources Attached

I, June understand the new DRC weed policy and have been informed about farm deferral.

Signature: Nance Colomo Date: March 4, 2008

This form must be returned before lease payment is made.

RECEIVED

APR 1 4 2008

2008 Leasing Exhibit C WATER RESUURCES DEPT SALEM OREGON

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