



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

# 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](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

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

Optional Identification by Lessor/Lessee: \_\_\_\_\_  
Lease Application Number (assigned by WRD): IL-916

This Lease is between:

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

Name Tumalo Irrigation District  
Mailing address 64697 Cook Avenue  
City, State, Zip Code Bend, OR 97701  
Telephone number 541-382-3053  
Email address tid@tumalo.org

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

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

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

**Trustee:**

Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
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**~I~ Water Right Holder and Water Right Information**

**1.2** Lessor #2 is the (Check one):

- Official representative of Tumalo Irrigation District, the irrigation district, which conveys water to the subject water rights.
- Another party with an interest in the subject water rights representing \_\_\_\_\_.
- Not applicable.

**1.3** For the 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. 74146, 74147, 76106, 76358 (primary) and 76714, 74147, 74148, 74149, 76520 (supplemental).

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

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

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

Certificate No.: 74146

Priority date: 9/1/1900, 5/27/1907, 6/1/1907 Type of use: IRR

Legal Season of Use: April 15 through 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:

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): 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: \_\_\_\_\_

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

**Conditions to prevent injury, if any:**

- None
- The instream flow will be allocated on a daily average basis up to the described rate from April 15 through October 15.
- Other (describe): \_\_\_\_\_

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

**~III~ Other Information**

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

**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 than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
- Written notice to the Department with original signatures;
  - Consent by all parties to the lease; and/or
  - Written notice to the Watermaster's office.

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For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

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

**3.7 Fees.** Pursuant to ORS 536.050, the following fee is included:

- \$200 for an application with four or more landowners or four or more water rights.  
 \$100 for all other applications.

Lessor #2: Elmer B McDaniel Date: 3-27-08  
Tumalo Irrigation District

Lessee: Genevieve Hubert Date: Mar 25, 2008  
Deschutes River Conservancy

Other Attachments as Needed:

Attachment 1: Tax Lot Map. (See instructions.)

Attachment 2: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. (See instructions.)

Attachment 3: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 is checked).

Attachment 4: Split Season Instream Use Form

Attachment 5: Pooled Lease 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.: 76106
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: 57.69 maximum from storage
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

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

(If more than one rate, describe the rate associated within each time period or instream reach.)

Rate in cfs:

Rate in cfs:

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

Conditions to prevent injury, if any:

- [X] None
[ ] The instream flow will be allocated on a daily average basis up to the described rate from through.



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Additional Water Right Form
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~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.: 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) .033 IND, 2.787 IRR = 2.820 cfs total Time period: 5/1-5/15, 9/15-9/30

Season 3 (cfs) .062 IND, 5.161 IRR = 5.223 cfs total 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 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) 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)

(If more than one rate, describe the rate associated within each time period)

Rate in cfs:

Rate in cfs:

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

**Conditions to prevent injury, if any:**

- None
- The instream flow will be allocated on a daily average basis up to the described rate from April 1 through October 26.
- Other (describe): \_\_\_\_\_

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Instream Leases 2008 by Certificate & Priority Date			Lease #	Certificate # Priority Date	Certificate # Priority Date	Certificate # Priority Date	Certificate # Priority Date	Certificate # Priority Date	Certificate # Priority Date	Certificate # Priority Date	Certificate # Priority Date	Total
				#74146 8/5/1900	#74146 9/1/1900	#74146 5/27/1907	#74146 6/1/1907	#74147 10/29/1913	#76106 12/8/1961	#76358 10/31/1900		
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				18.00
C.L.R. Inc., Jerry Curl	L08.06					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				3.50
Kachlein, Mark & Belinda	L08.15			0.70					10.00			10.70
Kimble, Harris	L08.14							48.74				48.74
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			0.60								0.60
Vezina, Lee & Ruth	L08.08			10.00								10.00
Voyles Trust, Linda & Barry	L08.05			5.00								5.00
Wilkenfeldt, Gloria	L08.03						6.00	0.50				6.50
				0.00	38.10	18.30	6.00	169.21	41.46	0.00		273.07
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<b>Total 2008 Leases</b>											273.07	



**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
<b>total acres</b>	<b>62.40</b>

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
<b>71.571</b>		<b>6010.90</b>	<b>9019.62</b>
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**

Rate (CFS) associated with leased rights for Section 1.5 of the Lease Application Form				
Enter Rates and Duty on Lease Form by Priority Date				
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
<b>Totals</b>		<b>0.885</b>		<b>112.32</b>

**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.

Rate (CFS) leased instream for Section 2.2 of the Lease Application Form			
Enter Instream Rates and Volumes by Priority Date on Lease Form	Instream Rate (CFS) over full Irrigation Season	Instream Volume (AF)	Period Instream
August 5, 1900	0.000	0.00	April 1 - Nov 1
September, 1900	0.162	68.58	April 1 - Nov 1
April 28, 1905	0.000	0.00	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
<b>Totals</b>	<b>0.265</b>	<b>112.32</b>	

**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	Duty per acre allowed by Cert	2.50	AF of Storage in Reservoir	1,100.00
		Rate per acre allowed by Cert	0.014	AF/Acre based on storage limit	1.39

Enter Total Number of Acres to be Leased Instream Here → **41.46**

**Rate (CFS) associated with leased rights for Section 1.5 of the Lease Application Form**

Enter Rates and Duty on Lease Form	Rate/acre (CFS)	Rate (CFS)	Duty/acre (AF)	Max Duty (AF)
	0.014	<b>0.592</b>	2.50	<b>103.65</b>
			max portion from storage	<b>57.69</b>

**Rate (CFS) leased instream for Section 2.2 of the Lease Application Form**

Enter Instream Rates and Volumes on Lease Form	Instream Rate (CFS) over full Irrigation Season	Days instream	Instream Volume (AF)	Period Instream
	<b>0.244</b>	214	<b>103.65</b>	April 1 - Oct 31
			max portion from storage	<b>57.69</b>

**Note**

- 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.
- 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.
- 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.
- The rate identified in the lavender 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

**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, Grater Creek, Little Creek and Three Spring Branches

Enter Total Number of Acres to be Leased Instream Here

167.21

IRR

TOTAL ACRES - Pri Use	1573.93
	3.77
	2
	1579.7

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

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

TOTAL ACRES - Supp Use	5010.9
	5010.9
	5010.9

	rate per acre (CFS)	total rate (CFS) if all acres irrigated	max rate allowed (remaining)	Max rate allowed in each season	days in season	volume based on rate	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	
S3*	0.031	154.66	87.24	87.24	123	21,247.36	
S3 prorated	0.017	87.24	87.24	87.24	123	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**

Enter Rates and Duty on Lease Form by Season	Rate/acre (CFS)	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		
Season 3	0.031	5.161		

**Notes**

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

**Rate (CFS) leased instream for Section 2.2 of the Lease Application Form**

Enter Instream Rates and Volumes by Season on Lease Form	Instream Rate (CFS) over full Irrigation Season	Days instream	Instream Volume (AF)
Season 1	2.090	56	232.16
Season 2	2.787	30	165.83
Season 3	5.161	123	1,259.07
<b>Totals</b>		Total Instream Vol.	1,657.05

Additional Conditions to Prevent Injury for Section 2.2 of the Lease Application Form  
Water protected instream: April 1 through October 31

\* The 45% transmission loss has been removed

**Notes**

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.  
The number of days that water may be protected instream over the season has been reduced to prevent enlargement (exceeding the duty limit)

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### 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

Enter Total Number of Acres to be Leased Instream Here

Rate (CFS) associated with leased rights for Section 1.5 of the Lease Application Form				
Enter Rates and Duty on Lease Form by Season	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 reflect the amount by which the diversion must be reduced

**Notes**

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.  
 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 supplemental is based on what's left).

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

**Notes**

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

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**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

Enter Total Number of Acres to be Leased Instream Here **2.00**

TOTAL ACRES - Pri Use	1573.93
	3.77
	2
	<b>1579.7</b>

	rate per acre (CFS)	total rate (CFS) if all acres irrigated	max rate allowed	Max rate allowed in each season	days in season	volume based on rate	Duty Limit @ 9.91 AF/acre
S1	0.013	19.75	136.00	19.75	61	2,384.95	
S2	0.017	26.33	136.00	26.33	30	1,563.90	
S3	0.031	48.76	136.00	48.76	123	1,1874.08	
						<b>15,022.93</b>	<b>15,654.83</b>

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

TOTAL ACRES - Supp Use	5010.9
	5010.9
	<b>5010.9</b>

	rate per acre (CFS)	total rate (CFS) if all acres irrigated	max rate allowed (remaining)	Max rate allowed in each season	days in season	volume based on rate	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	
S3*	0.031	154.66	87.24	87.24	123	21,247.36	
S3 prorated	0.017	87.24	87.24	87.24	123	33,773.36	<b>49,658.02</b>

\* 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**

Enter Instream Rates and Duty on Lease Form by Season	Rate/acre (CFS)	Max Rate (CFS)	Duty/acre (AF)	Max Duty (AF)
Season 1	0.013	<b>0.025</b>	9.91	<b>19.82</b>
Season 2	0.017	<b>0.033</b>		
Season 3	0.031	<b>0.062</b>		

**Notes**

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

<b>Rate (CFS) leased instream for Section 2.2 of the Lease Application Form</b>			
Enter Instream Rates and Volumes by Season on Lease Form	Instream Rate (CFS) over full Irrigation Season	Days Instream	Instream Volume (AF)
Season 1	<b>0.025</b>	56	<b>2.78</b>
Season 2	<b>0.033</b>	30	<b>1.98</b>
Season 3	<b>0.062</b>	123	<b>15.06</b>
<b>Totals</b>		<b>Total Instream Vol.</b>	<b>19.82</b>
<b>Additional Conditions to Prevent Injury for Section 2.2 of the Lease Application Form</b>			
<b>Water protected instream:</b>	<b>April 1 through October 31</b>		

\* The 45% transmission loss has been removed

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. The number of days that water may be protected instream over the season has been reduced to prevent enlargement (exceeding the duty limit)

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### Supplemental Irrigation

TID CERT 74147 (assuming can divert full rate and duty allowed by certificate)

Priority Date = October 29, 1913

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

Enter Total Number of Acres  
to be Leased Instream Here

100.00

Rate (CFS) associated with leased rights for Section 1.5 of the Lease Application Form				
Enter Rates and Duty on Lease Form by Season	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 reflect the amount by which the diversion must be reduced

#### Notes

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.  
 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 supplemental is based on what's left).

Rate (CFS) leased instream for Section 2.2 of the Lease Application Form				
Enter Instream Rates and Volumes by Season on Lease Form	Instream Rate (CFS) over full Irrigation Season	Days Instream	Instream Volume (AF)	
Season 1	1,250	61	151.24	
Season 2	1,667	30	99.17	
Season 3*	1,741	123	424.77	
<b>Totals</b>	<b>4,658</b>	<b>Total Instream Vol.</b>	<b>675.18</b>	

#### Notes

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

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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 74447 (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 **169.21**

*TOTAL IRR & IND*

TOTAL ACRES - Pr. Use	1573.93
	3.77
	2
	<b>1579.7</b>

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

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

TOTAL ACRES - Supp Use	5010.9
	<b>5010.9</b>

	rate per acre (CFS)	total rate (CFS) if all acres irrigated	max rate allowed (remaining)	Max rate allowed in each season	days in season	volume based on rate	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	4,980.79	
S3*	0.031	154.66	87.24	87.24	123	21,247.36	
S3 prorated	0.017	87.24	87.24	87.24	123	33,773.36	<b>49,658.02</b>

\* Rate for this period of the irrigation season at 1/22.4th 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	Rate/acre (CFS)	Max Rate (CFS)	Duty/acre (AF)	Max Duty (AF)
Enter Instream Rates and Duty on Lease Form by Season				
Season 1	0.013	<b>2.115</b>	9.91	<b>1,676.87</b>
Season 2	0.017	<b>2.820</b>		
Season 3	0.031	<b>5.223</b>		

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

Rate (CFS) leased instream for Section 2.2 of the Lease Application Form	Instream Rate (CFS) over full Irrigation Season	Days Instream	Instream Volume (AF)
Enter Instream Rates and Volumes by Season on Lease Form			
Season 1	<b>2.115</b>	56	<b>234.94</b>
Season 2	<b>2.820</b>	30	<b>167.81</b>
Season 3	<b>5.223</b>	123	<b>1,274.12</b>
<b>Totals</b>		Total Instream Vol.	<b>1,676.87</b>
<b>Additional Conditions to Prevent Injury for Section 2.2 of the Lease Application Form</b>			
<b>Water protected instream:</b>	<b>April 1 through October 31</b>		

*4/1 - 4/30, 10/1 - 10/30  
 5/1 - 5/15, 9/15 - 9/30  
 5/15 - 9/14*

**Notes**  
 \* The 45% transmission loss has been removed  
 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.  
 The number of days that water may be protected instream over the season has been reduced to prevent enlargement (exceeding the duty limit)





# 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

Enter Total Number of Acres to be Leased Instream Here

100.00

## Rate (CFS) associated with leased rights for Section 1.5 of the Lease Application Form

Lease Rates and Duty on Lease Form by Season	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 reflect the amount by which the diversion must be reduced

### Notes

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.  
 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 supplemental is based on what's left).

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

### Notes

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

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

# 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](http://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:

**Lessor #1 (Water Right Holder):**

Name Gilman/Owenby, Christopher & Louise  
 Mailing address 1870 Poplar Drive  
 City, State, Zip Code Walnut Creek, CA 94595  
 Telephone number (925)937-3066  
 Email address \_\_\_\_\_

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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. 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	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.	16S	11E	25	swne	00500	.50	IRR	74146	6	9/1/1900
2.										
3.										
4.										
5.										

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Total number of acres, if for irrigation, by certificate and priority date: .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 not been used over the past five years according to the terms and conditions of the water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)(  )(include necessary supporting documentation as Attachment 3).

**~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.

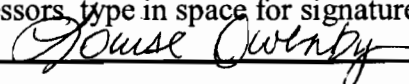
**3.4 Suspension of original use.** During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights.

**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 than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
  - Written notice to the Department with original signatures;
  - Consent by all parties to the lease; and/or
  - Written notice to the Watermaster's office.
- For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

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

Lessor #1:  Date: 1/21/08  
Christopher Gilman

For additional Lessors, type in space for signature and date  
Louise Owenby  Date: 1/21/08

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

\_\_\_\_\_

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

## 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](http://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	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.	16S	11E	25	swne	00500	3.0	IRR	74147	5	10/29/1913
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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[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: 3.0



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

## 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](http://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	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.	16S	11E	25	swne	00500	10.0	IRR	76106	2	12/8/1961
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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[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: 10.0

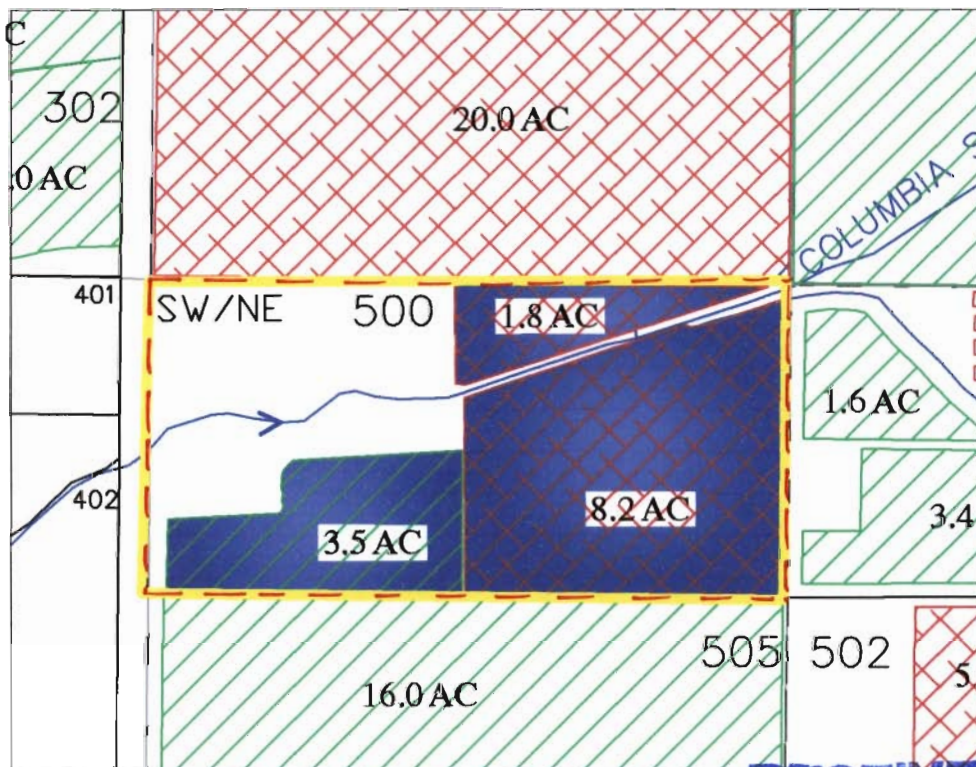
TUMALO IRRIGATION DISTRICT  
 IN-STREAM LEASED WATER RIGHTS SURVEY

EXHIBIT 5-A & B  
 L08-001

FOR

Gilman, Christopher J./Owenby, Lou

65070 Smokey Butte Rd, Bend OR 97701.



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INITIAL: CJG

LOCATED IN THE SW 1/4 OF THE NE 1/4  
 OF SECTION 25, T16 S., R11 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

NE¼SE¼	522	Moe, L.C. & Mary	IR	4.00	
NW¼SE¼	515	Vincent, Kenneth & Karen	IR	1.75	5.75
NW¼SE¼	519	Einbund, James	IR	6.50	
SW¼SE¼	524	Lucas, Lee & Karen	IR	3.45	26.35
SE¼SE¼	524	Lucas, Lee & Karen	IR	8.20	

Section 23

NE¼NE¼	100	Day, Matt & Lesley	IR		14.20
NE¼NE¼	101	Day, Matt & Lesley	IR		18.10
NW¼NE¼	100	Day, Matt & Lesley	IR	2.00	0.30
NW¼NE¼	200	Day, Matt & Lesley	IR	0.40	3.70
SW¼NE¼	1000	Sheehan, Thomas & Mimi	IR	0.50	14.90
SW¼NE¼	1100	Day, Matt & Lesley	IR		7.70
SW¼NE¼	1101	Doherty, Barbara	IR		8.10
SW¼NE¼	1102	Day, Matt & Lesley	IR		0.50
SE¼NE¼	101	Day, Matt & Lesley	IR		15.60
SE¼NE¼	102	Day, Matt & Lesley	IR		15.30
SW¼NW¼	501	Page, John & Carol	IR		5.00
SW¼NW¼	502	Mayer, Harry	IR	1.00	
SW¼NW¼	503	Johnson, Ken & Tracy	IR	1.60	
SE¼NW¼	600	Anderson, Robert & Bonita	IR		4.00
SE¼NW¼	700	Day, Matt & Lesley	IR		2.40
SE¼NW¼	800	Day, Matt & Lesley	IR		2.60
SE¼NW¼	900	Ahern, Robert & Lisa	IR		14.00
NE¼SW¼	1500	Brand, Donald	IR		5.00
NE¼SW¼	1600	Hays, Kenneth & Karen	IR		2.00
NE¼SW¼	1601	Wilson, Lawrence & Joann, Trustees	IR		2.00
NE¼SW¼	1701	Curley, Richard & Beverly	IR		6.00
NW¼SW¼	1801	Niebauer, Douglas W.	IR		2.30
NW¼SW¼	1803	Hensley, Wayne & Irene	IR		0.80
NW¼SW¼	1805	Wegner, Eugene & Sally	IR	1.10	2.80
NW¼SW¼	1900	Niebauer, Douglas W.	IR		0.70
SW¼SW¼	1803	Hensley, Wayne & Irene	IR		0.20
SE¼SW¼	2200	Susac, John A.	IR		1.18
SE¼SW¼	2800	Susac, John A.	IR	1.38	1.82
NE¼SE¼	1200	Valverde, Daniel & Jeanette	IR	1.00	7.00
NE¼SE¼	1201	Martin, William & Dorothy	IR		4.70
NE¼SE¼	1202	Henrikson, Terry	IR	0.60	6.40
NE¼SE¼	1203	Martin, William & Dorothy	IR		4.30
NE¼SE¼	1204	Barker, Dennis & Doris	IR		8.00
NW¼SE¼	1300	Kashner, Richard & Carrie	IR		2.50
NW¼SE¼	1301	Siano, Vince & Ruth	IR		2.50
NW¼SE¼	1302	Hoover, Bruce & Priscilla	IR		5.00
NW¼SE¼	1400	Walker, Derald & Linda	IR		5.00
NW¼SE¼	1403	Helle, John & Stephanie	IR	2.00	3.00
SW¼SE¼	2201	Helle, John & Stephanie	IR		3.00
SW¼SE¼	2300	Van Sooy, Lance & Alene	IR	5.50	11.50
SW¼SE¼	2500	Helle, John & Stephanie	IR	1.20	1.50
SW¼SE¼	2600	Helle, John & Stephanie	IR	1.40	1.00
SW¼SE¼	2700	Helle, John & Stephanie	IR	0.40	3.00
SE¼SE¼	2400	Weitzman, Lawrence & Kimberly	IR		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	
NW¼NE¼	205	Pitmon, William & Elizabeth	IR		3.00
NW¼NE¼	206	Palmer, Vernon & Edna	IR	2.00	
SW¼NE¼	500	Mahoney, Dan & Martha	IR	3.00	0.50

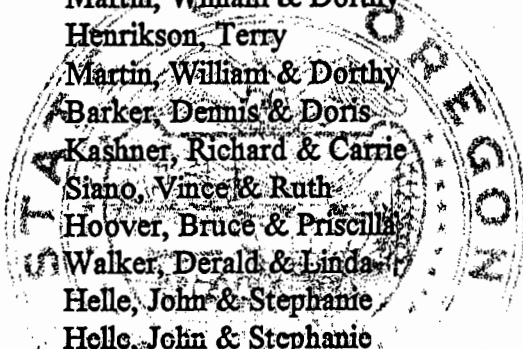
Carman/Owenby  
SEE NEXT PAGE

16-11-25

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SW¼ SW¼	520	IR	1.7	Allen, Lawrence
SW¼ SW¼	523	IR	9.9	Coyote Ridge, Inc.
SE¼ SW¼	523	IR	7.6	Coyote Ridge, Inc.
SE¼ SW¼	524	IR	14.2	Lucas, Lee & Karen
NW¼ SE¼	515	IR	5.3	Vincent, Kenneth & Karen
SW¼ SE¼	524	IR	14.9	Lucas, Lee & Karen

Section 23

SW¼ NE¼	1000	IR	14.9	Sheehan, Thomas & Mimi
SW¼ NE¼	1100	IR	5.0	Day, Matt & Lesley
SW¼ NE¼	1101	IR	8.1	Doherty, Barbara
SW¼ NW¼	501	IR	5.0	Page, John & Carol
SE¼ NW¼	600	IR	4.0	Anderson, Robert & Bonita
SE¼ NW¼	700	IR	2.4	Day, Matt & Lesley
SE¼ NW¼	800	IR	2.6	Day, Matt & Lesley
SE¼ NW¼	900	IR	14.0	Ahern, Robert & Lisa
NE¼ SW¼	1500	IR	5.0	Brand, Donald
NE¼ SW¼	1600	IR	2.0	Hays, Kenneth & Karen
NE¼ SW¼	1601	IR	2.0	Wilson, Lawrence & Joann, Trustees
NE¼ SW¼	1701	IR	6.0	Curley, Richard & Beverly
NW¼ SW¼	1801	IR	2.3	Niebauer, Douglas W.
NW¼ SW¼	1805	IR	2.8	Wegner, Eugene & Sally
NW¼ SW¼	1900	IR	0.7	Niebauer, Douglas W.
SE¼ SW¼	2200	IR	1.18	Susac, John A.
SE¼ SW¼	2800	IR	1.82	Susac, John A.
NE¼ SE¼	1200	IR	7.0	Valverde, Daniel & Jeanette
NE¼ SE¼	1204	IR	8.0	Barker, Dennis & Doris
NW¼ SE¼	1300	IR	2.5	Kashner, Richard & Carrie
NW¼ SE¼	1301	IR	2.5	Siano, Vince & Ruth
NW¼ SE¼	1302	IR	5.0	Hoover, Bruce & Priscilla
NW¼ SE¼	1400	IR	5.0	Walker, Derald & Linda
NW¼ SE¼	1403	IR	3.0	Helle, John & Stephanie
SW¼ SE¼	2201	IR	3.0	Helle, John & Stephanie
SW¼ SE¼	2300	IR	10.0	Van Sooy, Lance & Alene
SW¼ SE¼	2500	IR	1.5	Helle, John & Stephanie
SW¼ SE¼	2600	IR	1.0	Helle, John & Stephanie
SW¼ SE¼	2700	IR	3.0	Helle, John & Stephanie
SE¼ SE¼	2400	IR	19.0	Weitzman, Lawrence & Kimberly
SE¼ SE¼	2401	IR	11.0	Weitzman, Lawrence & Kimberly

Section 24

NW¼ NE¼	205	IR	2.5	Pitmon, William & Elizabeth
SW¼ NE¼	500	IR	0.5	Mahoney, Dan & Martha <i>Gilman / Cwenby</i>
SW¼ NE¼	505	IR	16.0	Hastings, Martha G.
SE¼ NE¼	502	IR	5.0	Nolan, James
SE¼ NE¼	504	IR	3.0	Pimentel, Kenneth & Virginia
NE¼ NW¼	302	IR	3.4	Richardson Family 1990 Trust
NE¼ NW¼	306	IR	2.6	Holling, Barry & Barbara
SE¼ NW¼	405	IR	0.3	Wonser, Michael & Mary
SE¼ NW¼	406	IR	2.7	Hughes, Marion & Maureen
SE¼ NW¼	407	IR	2.5	Larson, Mark & Katharyn
SW¼ SW¼	902	IR	1.0	Aldridge, Daniel & Deborah
SW¼ SW¼	904	IR	9.1	Vincent Family Farms Inc.
SW¼ SW¼	906	IR	11.0	Vincent, Tim & Teresa

Section 25

16-11

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16	11	23	SW 1/4 NE 1/4	509	1.5	BYRUM, D & T
16	11	23	NE 1/4 SE 1/4	500	1.0	MOE, L & M
16	11	23	NE 1/4 SE 1/4	521	3.0	WEHDE, B & J
16	11	23	NE 1/4 SE 1/4	522	1.0	MOE, L & M
16	11	23	NW 1/4 SE 1/4	505	2.7	BIOCINI, J
16	11	23	SE 1/4 SE 1/4	510	0.6	BJERK, L & D
16	11	23	SE 1/4 SE 1/4	512	1.0	POAGE, L & C
16	11	24	NW 1/4 SW 1/4	1801	0.9	NIEBAUER, D
16	11	24	SW 1/4 SW 1/4	2001	0.4	BJERK, L & D
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
16	11	25	NW 1/4 NE 1/4	204	0.9	MAYEA, J
16	11	25	SW 1/4 NE 1/4	500	10.0	RUCKS, E
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	TOYEV, 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	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	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	12	7	NE 1/4 NE 1/4	100	21.5	GOBEILLE, D & C

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*Property was sold to Ruck  
by the time permit was  
was certified*

EXHIBIT C

# Deschutes River Conservancy 2008 Instream Leasing Program

## Policy Concerning Weeds & Instream Leases Information on Farm Deferral

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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:  Date: 1/21/08

**This form must be returned before lease payment is made.**



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

# 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](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

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

Optional Identification by Lessor/Lessee: L08.02  
Lease Application Number (assigned by WRD): \_\_\_\_\_

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This Lease is with:

APR 14 2008

**WATER RESOURCES DEPT  
SALEM OREGON**

**Lessor #1 (Water Right Holder):**

Name Christianson, Michael & Roberta  
Mailing address 1635 NW Teak Avenue  
City, State, Zip Code Redmond, OR 97756  
Telephone number (541) 385-7895  
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. 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	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.	16S	11E	14	nenw	00600	9.0	IRR	74146	4	9/1/1900
2.	16S	11E	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 not been used over the past five years according to the terms and conditions of the water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)(  )(include necessary supporting documentation as Attachment 3).

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**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.



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

## 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](http://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	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.	16S	11E	11	sesw	00801	5.30	IRR	74147	2	10/29/1913
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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[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



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

## 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](http://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, tax lot number, map orientation and scale.]

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	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.										
5.										
6.										
7.										
8.										
9.										
10.										

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

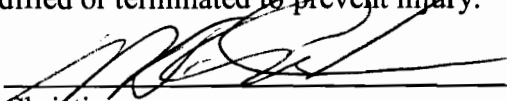
Total number of acres, if for irrigation, by certificate and priority date: 15.0

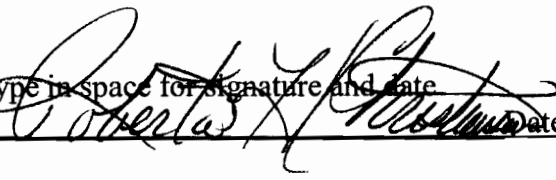
**3.4 Suspension of original use.** During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights.

**3.5 Termination provision.**

- For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
  - Written notice to the Department with original signatures;
  - Consent by all parties to the lease; and/or
  - Written notice to the Watermaster's office.
- For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

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

Lessor #1:  Date: 2/20/08  
Michael J. Christianson

For additional Lessors, type in space for signature and date  
Roberta H. Christianson  Date: 2/20/08

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

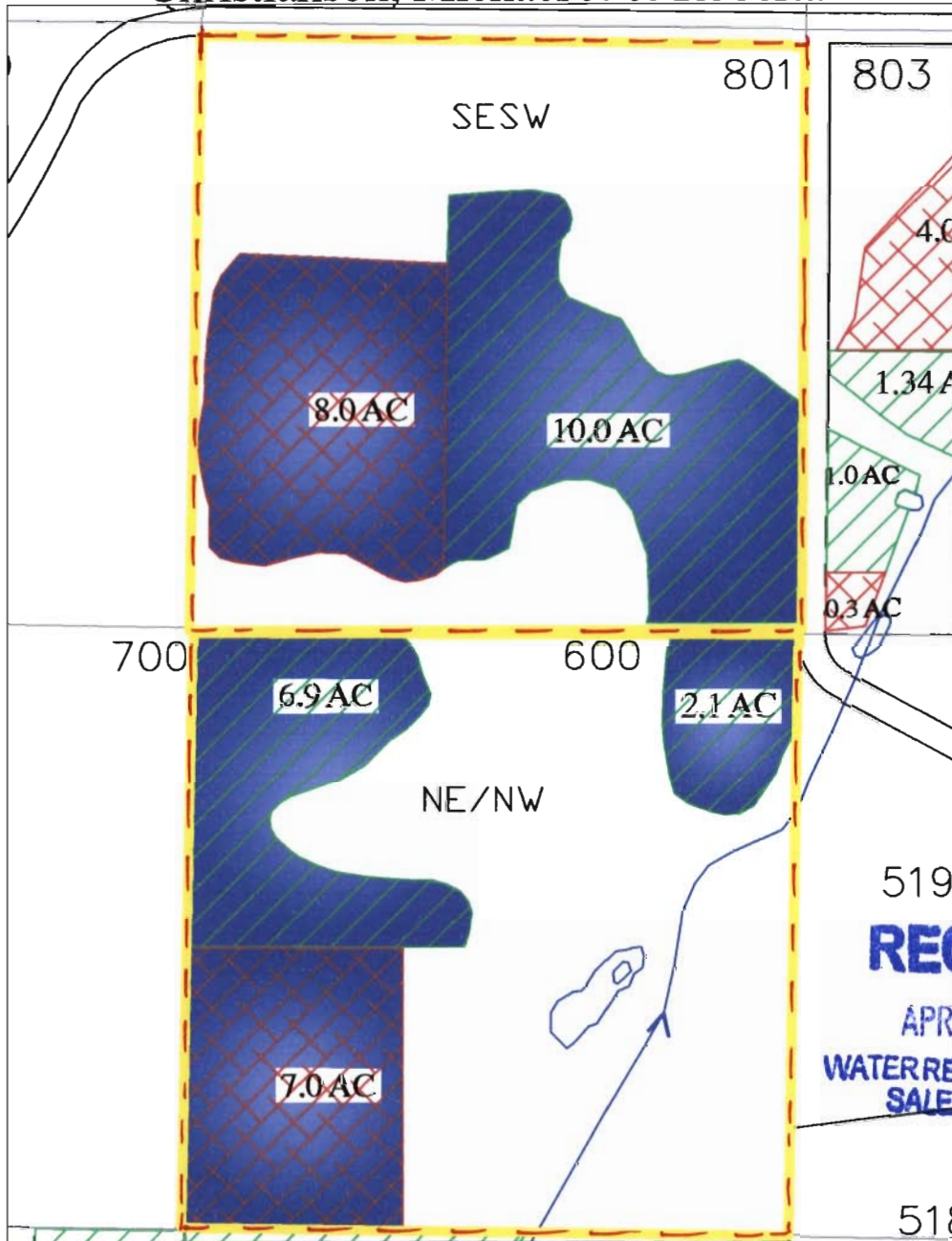
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WATER RESOURCES DEPT  
SALEM OREGON

# TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY

EXHIBIT 5-A & B  
L08-002

FOR

Christianson, Michael J. & Roberta



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Certificate #s  
74146, and 74147



Certificate #  
76106



In-Stream Lease

INITIAL: *ed*

65070 Smokey Butte Rd, Bend OR 97701.  
Located in the SE 1/4 of the SW 1/4 of Section 11, T.16 S., R.11, E.W.M Taxlot 801 and the NE 1/4 of the NW 1/4 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



SE $\frac{1}{4}$  SE $\frac{1}{4}$  1500D IR 0.6 Kelly, Bill & Veronica  
 SE $\frac{1}{4}$  SE $\frac{1}{4}$  1702D IR 1.4 Tepner, Robert & Karen  
 Section 36  
 Township 16 South, Range 11 East, W.M.

1 NE $\frac{1}{4}$  NW $\frac{1}{4}$  403 IR 2.0 Duntley, Carole A.  
 1 NW $\frac{1}{4}$  NW $\frac{1}{4}$  500 IR 1.0 Chace, William & Brenda  
 1 NW $\frac{1}{4}$  NW $\frac{1}{4}$  600 IR 1.0 Campagna, David & Sharon  
 Section 7

SW $\frac{1}{4}$  NE $\frac{1}{4}$  603 IR 0.8 Towell, Thomas & Tammie  
 SE $\frac{1}{4}$  NE $\frac{1}{4}$  595 IR 2.3 Lehmann, David & Mary  
 SE $\frac{1}{4}$  NE $\frac{1}{4}$  596 IR 2.3 Marks, Magnus & Grace  
 SE $\frac{1}{4}$  NE $\frac{1}{4}$  597 IR 2.0 Kelley, James S.  
 SE $\frac{1}{4}$  NE $\frac{1}{4}$  598 IR 1.4 Losch, Richard & Linda  
 SE $\frac{1}{4}$  NE $\frac{1}{4}$  599 IR 1.2 Foucher, Dorothy  
 Section 17

SW $\frac{1}{4}$  NE $\frac{1}{4}$  2700 IR 2.0 Tucker, Jim & Denise  
 NE $\frac{1}{4}$  SW $\frac{1}{4}$  1000C IR 4.6 Brookhart, Ronald C.  
 NE $\frac{1}{4}$  SW $\frac{1}{4}$  200C IR 1.0 Wyatt, James & Grace  
 NE $\frac{1}{4}$  SW $\frac{1}{4}$  500C IR 1.0 Ward, Dennis  
 3 NW $\frac{1}{4}$  SW $\frac{1}{4}$  1200C IR 1.0 Clark, Kevin & Pamela  
 3 NW $\frac{1}{4}$  SW $\frac{1}{4}$  1300C IR 2.0 Tucker, Billy & Bonnie  
 3 NW $\frac{1}{4}$  SW $\frac{1}{4}$  1400C IR 1.0 Christ, Donald & Iris  
 Section 19

3 NW $\frac{1}{4}$  SW $\frac{1}{4}$  403 IR 2.0 Scott, Cheryl  
 Section 30  
 Township 16 South, Range 12 East, W.M.

2 NW $\frac{1}{4}$  NE $\frac{1}{4}$  200A IR 1.0 Jacobs, Russell & Mary  
 Section 3

NW $\frac{1}{4}$  NE $\frac{1}{4}$  600A IR 2.0 Cronin, John & Margaret  
 Section 10

SW $\frac{1}{4}$  NW $\frac{1}{4}$  500 IR 14.6 Coats, R.L. & Joyce  
 SE $\frac{1}{4}$  NW $\frac{1}{4}$  600 IR 5.4 Coats, R.L. & Joyce  
 NE $\frac{1}{4}$  SE $\frac{1}{4}$  1100 IR 5.0 Hyde/Marcinek, Geoffrey & Helenka  
 Section 11

NW $\frac{1}{4}$  SW $\frac{1}{4}$  2500 IR 2.0 Hanson, Robert & Ruth  
 Section 13  
 Township 17 South, Range 11 East, W.M.

Priority: 9/1/00

SW $\frac{1}{4}$  SE $\frac{1}{4}$  400 IR 3.94 Barr/Bach, Doris & George  
 SE $\frac{1}{4}$  SE $\frac{1}{4}$  800 IR 15.55 Mahoney, Dan & Martha  
 Section 1

SE $\frac{1}{4}$  SW $\frac{1}{4}$  801 IR 4.7 Christianson, Michael & Roberta  
 SW $\frac{1}{4}$  SE $\frac{1}{4}$  802 IR 1.0 Turner/Lupton, Robert & Courtney  
 SE $\frac{1}{4}$  SE $\frac{1}{4}$  900 IR 3.0 Waldron Jr., Harvey & Genevieve  
 Section 11

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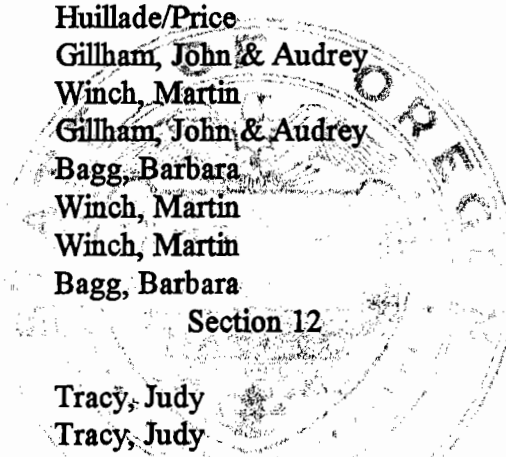
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No water in addition to that allowed for irrigation shall be diverted for stock use during the irrigation season.

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

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



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r h a r l e

NE¼ NE¼	102	IR	9.0	Vollstedt, Scott & Laura
NE¼ NE¼	103	IR	4.0	Barr/Bach, Doris & George
NE¼ NE¼	105	IR	12.0	Barr/Bach, Doris & George
SE¼ NE¼	100	IR	2.0	Eddings, Ronald & Jeannie
SW¼ NW¼	500	IR	2.0	DeMaris, Roger & Shirley
SW¼ NW¼	700	IR	2.0	Miller, Glen
SE¼ NW¼	400	IR	5.5	Robbins/Ackley
SE¼ NW¼	401	IR	9.5	Johnson, Barbara & Walt
NE¼ SW¼	1100	IR	0.6	Winch, Martin
SW¼ SW¼	1200	IR	15.8	Gillham, John & Audrey
SE¼ SW¼	1100	IR	2.5	Winch, Martin
SE¼ SW¼	1200	IR	3.6	Gillham, John & Audrey
NW¼ SE¼	1100	IR	2.4	Winch, Martin
SW¼ SE¼	1100	IR	5.3	Winch, Martin
SE¼ SE¼	1900	IR	2.0	Bagg, Barbara

Section 12

NE¼ NE¼	100	IR	31.7	Tracy, Judy
NW¼ NE¼	100	IR	25.0	Tracy, Judy
NW¼ NE¼	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
NW¼ NW¼	400	IR	31.1	Hanson, Phil Sr. & Ruth
SW¼ NW¼	401	IR	25.0	Gardner, Robert & Joyce
SE¼ NW¼	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.
NW¼ SE¼	901	IR	34.8	Fletcher, Paul T.
SE¼ SE¼	1100	IR	2.0	Carver, Roy & Jean
SE¼ SE¼	1400	IR	2.5	Day, Matt & Lesley
SE¼ SE¼	1401	IR	4.5	Kirkhorn, Bruce

Section 13

NE¼ NE¼	100	IR	0.5	Fidler, Terry & Mary
NE¼ NW¼	600	IR	9.0	Christianson, Michael & Roberta
SW¼ NW¼	503	IR	20.0	Mueller Trust, Kenneth & Norma
SW¼ NW¼	505	POND	0.5	Mueller Trust, Kenneth & Norma
SW¼ NW¼	505	IR	15.5	Mueller Trust, Kenneth & Norma
SE¼ NW¼	503	IR	8.8	Mueller Trust, Kenneth & Norma
SE¼ NW¼	505	IR	5.0	Mueller Trust, Kenneth & Norma
NW¼ SW¼	501	IR	9.0	Eyer, James
NW¼ SW¼	504	IR	14.2	Allen, Charlie & Wendy

Section 14

SW¼ NE¼	500	IR	4.0	Eyer, Dale & Mary
SE¼ NE¼	600	IR	39.5	Mueller Trust, Kenneth & Norma
SE¼ NW¼	1400	IR	7.93	Walker, Donald & Marianne
NE¼ SW¼	1600	IR	35.27	Walker, Donald & Marianne
NW¼ SW¼	1600	IR	35.27	Walker, Donald & Marianne
SW¼ SW¼	1600	POND	0.7	Walker, Donald & Marianne
SW¼ SW¼	1600	IR	21.87	Walker, Donald & Marianne
SE¼ SW¼	1600	IR	37.16	Walker, Donald & Marianne
SW¼ SE¼	1000	IR	6.0	Jungers, Frank & Julia
SW¼ SE¼	900	IR	1.0	Jungers, Frank & Julia
SE¼ SE¼	900	IR	2.01	Jungers, Frank & Julia

Section 15

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**WATER RESOURCES DEPT  
SALEM OREGON**

STATE OF OREGON

COUNTY OF DESCHUTES

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

TUMALO IRRIGATION DISTRICT  
64697 COOK AVE  
BEND, OREGON 97701

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WATER RESOURCES DEPT  
SALEM OREGON

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 official.

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

T	R	S	Q / Q	Tax 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

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EXHIBIT C

**Deschutes River Conservancy  
2008 Instream Leasing Program**

**Policy Concerning Weeds & Instream Leases  
Information on Farm Deferral**

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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.

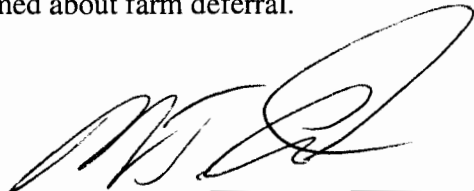

*Information and Resources Attached*

**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, M.J. CHRISTIAN understand the new DRC weed policy and have  
*Print Name*  
been informed about farm deferral.

Signature:  Date: 

**This form must be returned before lease payment is made.**



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

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: L08.03
Lease Application Number (assigned by WRD):

This Lease is with:

Lessor #1 (Water Right Holder):

Name Wilkenfeldt, Gloria
Mailing address 18765 Couch Market Road
City, State, Zip Code Bend, OR 97701
Telephone number (541)385-9485
Email address

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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 74146,74147, S 74147,74148,74149,76520

1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. [ ] Yes [X] 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 1/4 1/4, tax lot number, map orientation and scale.]

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	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

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

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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.



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

## 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](http://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	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	.50	IRR	74147	7 3
2.									
3.									
4.									
5.									
6.									
7.									
8.									
9.									
10.									

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[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

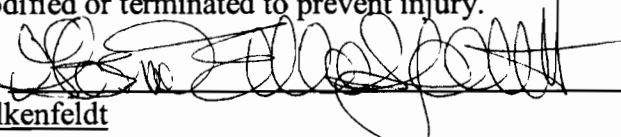


**3.4 Suspension of original use.** During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights.

**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 than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
  - Written notice to the Department with original signatures;
  - Consent by all parties to the lease; and/or
  - Written notice to the Watermaster's office.
- For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

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

Lessor #1:  Date: 1-15-08  
Gloria Wilkenfeldt

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

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Other Attachments As Needed:

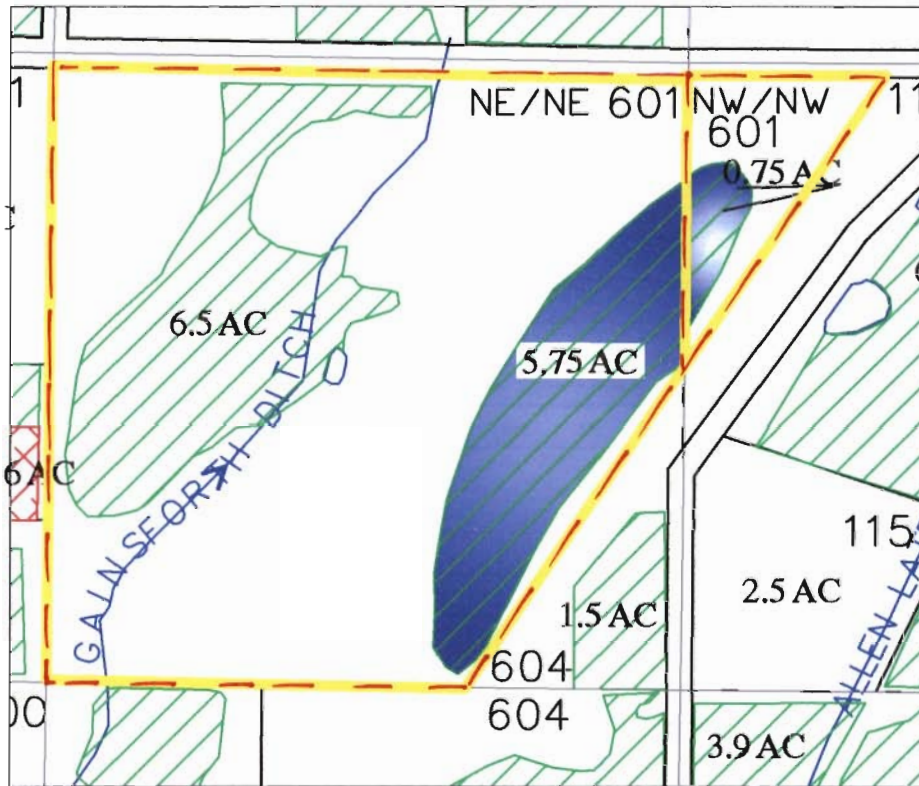
- Exhibit 5-A: Tax Lot Map. (See instructions.)
  - Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.)
  - Exhibit 5-C: Supporting documentation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

TUMALO IRRIGATION DISTRICT  
IN-STREAM LEASED WATER RIGHTS SURVEY

EXHIBIT 5-A & B  
L08-003

FOR  
Wilkenfeldt, Gloria

18765 Couch Market Road, Bend OR 97701.



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Certificate #s  
74146, and 74147



Certificate #  
76106



In-Stream Lease

INITIAL: 

Located in the NW 1/4 of the NW 1/4 of Section 26,  
T16S., R.11 E.W.M. Taxlot 601 and the NE 1/4 of the NE  
1/4 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

NW¼ NW¼	400	IR	6.4	Hanson, Phil Sr. & Ruth
SW¼ SE¼	1300	IR	2.6	Day, Matt & Lesley
SE¼ SE¼	1400	POND	0.5	Day, Matt & Lesley
SE¼ SE¼	1400	IR	1.0	Day, Matt & Lesley
Section 13				
NE¼ NE¼	200	IR	1.0	McCambridge, Mark & Elizabeth
NE¼ NE¼	300	IR	1.5	Mandel, Paul & Ellen
Section 14				
SW¼ SE¼	1000	IR	2.0	Jungers, Frank & Julia
SE¼ SE¼	900	IR	0.2	Jungers, Frank & Julia
Section 15				
NE¼ NE¼	101	IR	4.5	Green, Leslie & Helen, Trustees
NW¼ NE¼	202	IR	0.5	Spencer, Kevin & Linda
SE¼ NE¼	101	IR	5.5	Green, Leslie & Helen, Trustees
SE¼ NE¼	1100	IR	11.0	Murdock, Carl & Phyllis
SE¼ NE¼	1104	IR	4.0	Thomas, Dennis & Laurie
NE¼ NW¼	202	IR	1.5	Spencer, Kevin & Linda
SW¼ NW¼	500	IR	1.1	Goldy, Daniel
SE¼ NW¼	800	IR	0.9	Goldy, Daniel
NE¼ SE¼	1102	IR	1.0	Thomas, Dennis & Laurie
NE¼ SE¼	1103	IR	2.0	Thomson/Ottenfeld, Gareth & Diane
NW¼ SE¼	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.
SE¼ SW¼	523	IR	4.4	Coyote Ridge, Inc.
SE¼ SW¼	524	IR	0.6	Lucas, Lee & Karen
NW¼ SE¼	515	IR	0.45	Vincent, Kenneth & Karen
SW¼ SE¼	524	IR	11.45	Lucas, Lee & Karen
Section 23				
NE¼ NE¼	100	IR	14.2	Day, Matt & Lesley
NE¼ NE¼	101	IR	18.1	Day, Matt & Lesley
NW¼ NE¼	100	IR	0.3	Day, Matt & Lesley
NW¼ NE¼	200	IR	3.7	Day, Matt & Lesley
SW¼ NE¼	1100	IR	2.7	Day, Matt & Lesley
SW¼ NE¼	1102	IR	0.5	Day, Matt & Lesley
SE¼ NE¼	101	IR	15.6	Day, Matt & Lesley
SE¼ NE¼	102	IR	15.3	Day, Matt & Lesley
NW¼ SW¼	1803	IR	0.8	Hensley, Wayne & Irene
SW¼ SW¼	1803	IR	0.2	Hensley, Wayne & Irene
NE¼ SE¼	1201	IR	4.7	Martin, William & Dorthy
NE¼ SE¼	1202	IR	6.4	Henrikson, Terry
NE¼ SE¼	1203	IR	4.3	Martin, William & Dorthy
Section 24				
NW¼ NW¼	601	IR	0.75	Martin, Jack W. Wilkenfeldt G.
NW¼ SW¼	104	IR	1.33	Koehler, Alice
SW¼ SE¼	500	IR	22.67	Guice, Thomas
SE¼ SE¼	601	IR	16.1	Pickard, Bob & Mary Lou
SE¼ SE¼	602	IR	1.0	Peters, Michael & Dana
SE¼ SE¼	700	IR	18.0	Frick, Charles & Linda
Section 26				

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WATER RESOURCES DEPT  
SALEM OREGON

NE $\frac{1}{4}$ NE $\frac{1}{4}$	601	IR	5.25	<del>Martin, Jack W.</del> Willckenfeldt, G.
NW $\frac{1}{4}$ NW $\frac{1}{4}$	201	IR	14.6	Davis, Ron & Elizabeth
NW $\frac{1}{4}$ NW $\frac{1}{4}$	209	IR	4.0	Plows, Richard & Marcia
NW $\frac{1}{4}$ NW $\frac{1}{4}$	211	IR	2.5	Lowas, John & Nancy
SW $\frac{1}{4}$ NW $\frac{1}{4}$	206	IR	0.3	O'Neal, Steven & Julianne
SW $\frac{1}{4}$ SE $\frac{1}{4}$	500	IR	0.4	Bauersfeld, James & Christine
SW $\frac{1}{4}$ SE $\frac{1}{4}$	501	IR	1.4	Bauersfeld, James & Christine

Section 27

NE $\frac{1}{4}$ NE $\frac{1}{4}$	100	IR	5.6	Hausner, Jill
SW $\frac{1}{4}$ NE $\frac{1}{4}$	900	IR	10.0	Hermens, Stanley & Ruth

Section 28

NE $\frac{1}{4}$ NE $\frac{1}{4}$	101	IR	1.6	Granet, Peter & Carol
NE $\frac{1}{4}$ NE $\frac{1}{4}$	102	IR	1.5	Anderson, Rev. Robert & Ruth
NE $\frac{1}{4}$ NE $\frac{1}{4}$	103	IR	0.5	Tavares, Louis III & Deborah
NE $\frac{1}{4}$ NE $\frac{1}{4}$	104	IR	1.0	Grant, Cloyce & Catherine
SW $\frac{1}{4}$ NE $\frac{1}{4}$	908	IR	4.0	Payer, Melanie
NW $\frac{1}{4}$ SE $\frac{1}{4}$	901	IR	3.0	Martin, Charles & Susan
NW $\frac{1}{4}$ SE $\frac{1}{4}$	904	IR	3.74	Mills, Max & Lori

Section 34

NW $\frac{1}{4}$ NE $\frac{1}{4}$	805	IR	0.25	Miller, G. J.
SE $\frac{1}{4}$ NE $\frac{1}{4}$	204	IR	2.7	Dvorak, Louis
NW $\frac{1}{4}$ NW $\frac{1}{4}$	1000	IR	19.7	McGinnis (LE), Harold
NE $\frac{1}{4}$ SW $\frac{1}{4}$	1900	IR	3.0	Schlueter, James & Patricia
SW $\frac{1}{4}$ SW $\frac{1}{4}$	1700	IR	9.2	Schlueter, James & Patricia
SE $\frac{1}{4}$ SW $\frac{1}{4}$	1700	IR	1.0	Schlueter, James & Patricia

Section 35

Township 16 South, Range 11 East, W.M.

6	NW $\frac{1}{4}$ SW $\frac{1}{4}$	1800	IR	1.0	Daniels, James & Karen
7	SW $\frac{1}{4}$ SW $\frac{1}{4}$	1801	IR	1.0	A.K.A. Productions, Inc.

Section 6

	NW $\frac{1}{4}$ NE $\frac{1}{4}$	400	IR	10.0	Duntley, Carole A.
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	402	IR	3.0	Duntley, Carole A.
2	SW $\frac{1}{4}$ NW $\frac{1}{4}$	900	IR	10.8	Chapman, Drexal & Katheryn
4	SW $\frac{1}{4}$ SW $\frac{1}{4}$	1100	IR	1.3	Booth, Loran & Toni
4	SW $\frac{1}{4}$ SW $\frac{1}{4}$	1101	IR	12.0	Pledger, Jeffery & Karen

Section 7

	SE $\frac{1}{4}$ NE $\frac{1}{4}$	800	IR	10.0	Cronen, Lowell & Ila
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	801	IR	4.2	Houshmand, Shamsolmolouk
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	1300	POND	0.06	Turner, Gerald & Judith
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	1300	IR	9.69	Turner, Gerald & Judith
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	1301	IR	4.0	McIntosh, Thomas & Tamara
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	1302	IR	0.8	Cordiner, Robert & Peggy
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	1404	IR	11.8	Wyman, Harold & Jane
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	1401	IR	5.6	Wyman, Harold & Jane

Section 8

	NW $\frac{1}{4}$ SW $\frac{1}{4}$	900	IR	35.7	Pacific NW Development
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	1000	IR	4.3	Day, Matt & Lesley
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	900	IR	17.7	Pacific NW Development

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SW $\frac{1}{4}$ SW $\frac{1}{4}$	400	OTS Wire & Insulation, Inc.	IR	2.00	3.00
SE $\frac{1}{4}$ SW $\frac{1}{4}$	800	Blank/Hitchcock	IR	1.00	9.00
SE $\frac{1}{4}$ SW $\frac{1}{4}$	801	Flannery/Nauer	IR		8.18
NE $\frac{1}{4}$ SE $\frac{1}{4}$	600	Amadio, Anthony	IR	19.00	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	202	Milem, John & Kathleen	IR	13.70	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	203	Milem, John & Kathleen	IR	16.30	
SW $\frac{1}{4}$ SE $\frac{1}{4}$	500	Guice, Thomas	IR		36.10
SE $\frac{1}{4}$ SE $\frac{1}{4}$	601	Pickard, Bob & Mary Lou	IR		16.10
SE $\frac{1}{4}$ SE $\frac{1}{4}$	602	Peters, Michael & Dana	IR		1.00
SE $\frac{1}{4}$ SE $\frac{1}{4}$	700	Frick, Charles & Linda	IR		18.00
Section 26					
SE $\frac{1}{4}$ NE $\frac{1}{4}$	600	Kraft Family Trust	IR	3.00	N 96.005
NE $\frac{1}{4}$ NE $\frac{1}{4}$	601	Martin, Jack W. Wilkenfeldt	IR	4.00	8.25
NE $\frac{1}{4}$ NE $\frac{1}{4}$	604	Allen, Charlie & Wendy	IR		1.50
NW $\frac{1}{4}$ NE $\frac{1}{4}$	100	Barber, Murl	IR		2.00
NW $\frac{1}{4}$ NE $\frac{1}{4}$	101	Varco, Robert & Coleen	IR		3.50
NW $\frac{1}{4}$ NE $\frac{1}{4}$	107	Barber, Murl	IR		3.00
NW $\frac{1}{4}$ NE $\frac{1}{4}$	108	Wark, Russell & Sandra	IR		5.00
NW $\frac{1}{4}$ NE $\frac{1}{4}$	109	Hering, Eugene & Suellen	IR		5.00
NW $\frac{1}{4}$ NE $\frac{1}{4}$	110	Moser, Joyce	IR		3.50
SW $\frac{1}{4}$ NE $\frac{1}{4}$	200	Moore, Scott & Margaret	IR		12.00
SW $\frac{1}{4}$ NE $\frac{1}{4}$	212	Souther, David & Connie	IR		11.00
SE $\frac{1}{4}$ NE $\frac{1}{4}$	604	Allen, Charlie & Wendy	IR		18.50
NE $\frac{1}{4}$ NW $\frac{1}{4}$	102	Johnson, Thomas & Lois	IR		9.35
NE $\frac{1}{4}$ NW $\frac{1}{4}$	103	Kochera, Jack & Marilyn	IR		6.00
NE $\frac{1}{4}$ NW $\frac{1}{4}$	104	Kail/Rankin	IR		8.00
NE $\frac{1}{4}$ NW $\frac{1}{4}$	105	Wallace, Peter & Jeanette	IR		3.00
NW $\frac{1}{4}$ NW $\frac{1}{4}$	201	Davis, Ron & Elizabeth	IR		17.60
NW $\frac{1}{4}$ NW $\frac{1}{4}$	209	Plows, Richard & Marcia	IR		4.00
NW $\frac{1}{4}$ NW $\frac{1}{4}$	210	Costello/Olin	IR		4.00
NW $\frac{1}{4}$ NW $\frac{1}{4}$	211	Lowas, John & Nancy	IR		8.00
SW $\frac{1}{4}$ NW $\frac{1}{4}$	202	Parker, Deryl & Adeline	IR		15.80
SW $\frac{1}{4}$ NW $\frac{1}{4}$	206	O'Neal, Steven & Julianne	IR		15.00
SE $\frac{1}{4}$ NW $\frac{1}{4}$	207	Hanus, Jana	IR	1.50	2.00
SE $\frac{1}{4}$ NW $\frac{1}{4}$	208	Wilhelm, Diane	IR		1.70
SE $\frac{1}{4}$ NW $\frac{1}{4}$	213	McIntosh, Dotta J.	IR	2.50	2.50
SE $\frac{1}{4}$ NW $\frac{1}{4}$	214	Wilhelm, Diane	IR		0.60
NE $\frac{1}{4}$ SW $\frac{1}{4}$	300	Wilhelm, Diane	IR		19.20
NE $\frac{1}{4}$ SW $\frac{1}{4}$	301	Wilhelm, Diane	IR		0.70
NW $\frac{1}{4}$ SW $\frac{1}{4}$	302	Wilhelm, Diane	IR		37.80
SW $\frac{1}{4}$ SW $\frac{1}{4}$	400	Hall, David & Joanne	IR		9.00
SW $\frac{1}{4}$ SW $\frac{1}{4}$	402	Davis, William M. III	IR		4.00
SW $\frac{1}{4}$ SW $\frac{1}{4}$	403	Henderson, Jeff & Chris	IR		3.00
SW $\frac{1}{4}$ SW $\frac{1}{4}$	404	Swisher, Frederick & Lisa	IR		5.00
SW $\frac{1}{4}$ SW $\frac{1}{4}$	405	Paterson, Mary Lou	IR		3.00
SW $\frac{1}{4}$ SW $\frac{1}{4}$	406	Danahy, Timothy & Vickie	IR		3.00
SE $\frac{1}{4}$ SW $\frac{1}{4}$	401	Cardoza, Manuel & Linda	IR		29.92
NE $\frac{1}{4}$ SE $\frac{1}{4}$	602	Koehler, Alice	IR		0.80
NE $\frac{1}{4}$ SE $\frac{1}{4}$	605	Rola, Jeff & Susan	IR		7.80
NE $\frac{1}{4}$ SE $\frac{1}{4}$	606	Hampton, John & Carol	IR		0.33
NE $\frac{1}{4}$ SE $\frac{1}{4}$	608	Rola, Jeff & Susan	IR		1.40
NW $\frac{1}{4}$ SE $\frac{1}{4}$	203	Rola, Jeff & Susan	IR		8.80
NW $\frac{1}{4}$ SE $\frac{1}{4}$	205	Bauersfeld, James & Christine	IR		12.00
SW $\frac{1}{4}$ SE $\frac{1}{4}$	500	Bauersfeld, James & Christine	IR		25.40
SW $\frac{1}{4}$ SE $\frac{1}{4}$	501	Bauersfeld, James & Christine	IR		1.40
SE $\frac{1}{4}$ SE $\frac{1}{4}$	603	Johnson, Eleanor B.	IR		3.00

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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.

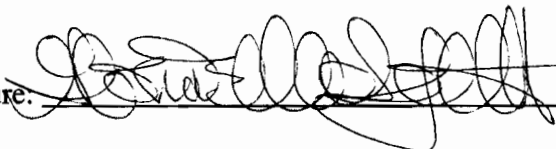
*Information and Resources Attached*

**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, Gloria Wilkenfeldt understand the new DRC weed policy and have  
*Print Name*  
been informed about farm deferral.

Signature:  Date: 1-15-08

**This form must be returned before lease payment is made.**

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SALEM OREGON





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

# Application for Instream Lease

## 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](http://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):**

Name Bevando, Damien K. & Erin  
Mailing address 1154 NW Redfield  
City, State, Zip Code Bend, OR 97701  
Telephone number (541) 317-9600  
Email address \_\_\_\_\_

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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

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	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	12	31	swws	00424	2.50	IRR	74146	11	9/1/1900
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 2.50

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

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**~II~ Instream Water Right Information**

**2.5 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 than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
  - Written notice to the Department with original signatures;
  - Consent by all parties to the lease; and/or
  - Written notice to the Watermaster's office.
- For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

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

Lessor #1: Damien Bevando Date: 2/17/08  
Damien Bevando

For additional Lessors, type in space for signature and date  
Erin Bevando Erin Bevando Date: 2-17-08

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

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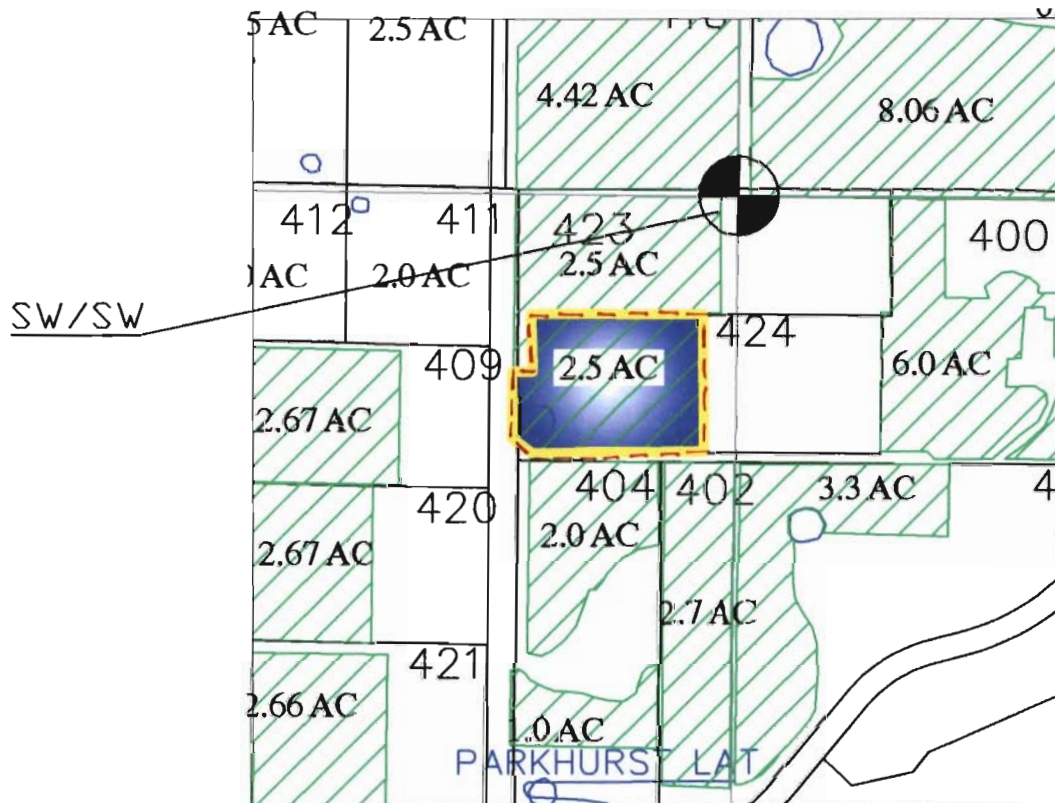
TUMALO IRRIGATION DISTRICT  
 IN-STREAM LEASED WATER RIGHTS SURVEY

EXHIBIT 5-A & B  
 L08-004

FOR

Bevando, Damien K. & Erin

1154 NW Redfield, Bend OR 97701.



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INITIAL: DB

LOCATED IN THE SW 1/4 OF THE SW 1/4  
 OF SECTION 31, T16 S., R.12 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

	NE $\frac{1}{4}$ SW $\frac{1}{4}$	1000C	IR	0.9	Brookhart, Ronald C.
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	100C	IR	1.94	Manina, Steven S.
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	1100C	IR	1.6	Brookhart, Ronald C.
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	400C	IR	1.0	Hoisington, John
3	NW $\frac{1}{4}$ SW $\frac{1}{4}$	1100C	IR	1.9	Brookhart, Ronald C.
3	NW $\frac{1}{4}$ SW $\frac{1}{4}$	1400C	IR	3.0	Christ, Donald & Iris
3	NW $\frac{1}{4}$ SW $\frac{1}{4}$	800C	IR	1.5	Kelley, Beverly J.
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	1900	IR	3.7	Prentice, Jim & Jean
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	2000	IR	11.0	Shipman, Keith & Pat
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	2001	IR	3.0	Zapp, Martin & Joann

Section 19

	SW $\frac{1}{4}$ NE $\frac{1}{4}$	2800	IR	1.0	Barlow, Steven & Jeanette
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	305	IR	1.0	Billings, Jack & Christina
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	2500	IR	2.5	Gregg, Patrick & Kathy

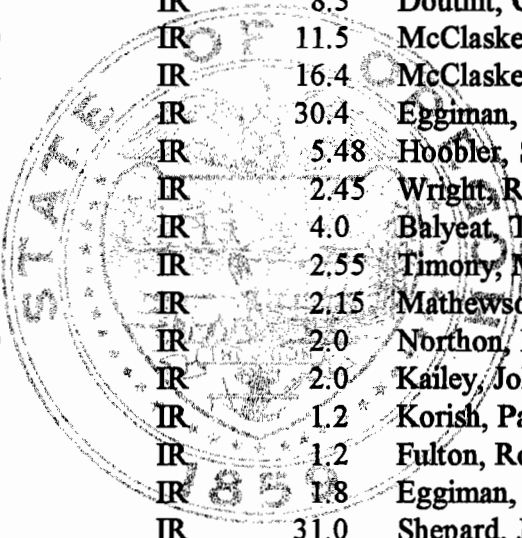
Section 30

	NE $\frac{1}{4}$ SW $\frac{1}{4}$	407	IR	6.6	Bend Research/ Science Properties
3	NW $\frac{1}{4}$ SW $\frac{1}{4}$	405	IR	2.0	Perkins, Howard & Darlene
3	NW $\frac{1}{4}$ SW $\frac{1}{4}$	407	IR	3.4	Bend Research/ Science Properties
3	NW $\frac{1}{4}$ SW $\frac{1}{4}$	414	IR	2.5	Long, Michael & Alice
3	NW $\frac{1}{4}$ SW $\frac{1}{4}$	415	IR	2.5	Sailors, Robert W.
4	SW $\frac{1}{4}$ SW $\frac{1}{4}$	400	IR	5.9	Bodwin, Wayne & Laraine <i>Bevando</i>
4	SW $\frac{1}{4}$ SW $\frac{1}{4}$	402	IR	2.7	Boone, Daniel & Corinna
4	SW $\frac{1}{4}$ SW $\frac{1}{4}$	404	IR	3.0	Gamez, Richard & Claudia
4	SW $\frac{1}{4}$ SW $\frac{1}{4}$	409	IR	8.0	Hagemann, Roger & Lorraine
4	SW $\frac{1}{4}$ SW $\frac{1}{4}$	411	IR	2.0	Delay, Mark & Edith
4	SW $\frac{1}{4}$ SW $\frac{1}{4}$	412	IR	2.0	Delay, Mark & Edith
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	400	IR	12.1	<del>Bodwin, Wayne &amp; Laraine</del> <i>Friedman</i>
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	402	IR	3.3	Boone, Daniel & Corinna

Section 31

Township 16 South, Range 12 East, W.M.

1	NE $\frac{1}{4}$ NE $\frac{1}{4}$	100	IR	9.0	Morey, Kenneth & Teresa
1	NE $\frac{1}{4}$ NE $\frac{1}{4}$	101	IR	19.57	Hoobler, Sharon & Janet
1	NE $\frac{1}{4}$ NE $\frac{1}{4}$	102	IR	8.3	Douthit, Charles
2	NW $\frac{1}{4}$ NE $\frac{1}{4}$	200	IR	11.5	McClaskey, Todd & Maxine
2	NW $\frac{1}{4}$ NE $\frac{1}{4}$	404	IR	16.4	McClaskey, Todd & Maxine
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	405	IR	30.4	Eggiman, Timothy & Nathalie
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	101	IR	5.48	Hoobler, Sharon & Janet
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	500	IR	2.45	Wright, R. Douglas
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	600	IR	4.0	Balyeat, Timony, Daniel, & Sheila
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	601	IR	2.55	Timony, Michael & Amy
3	NE $\frac{1}{4}$ NW $\frac{1}{4}$	201	IR	2.15	Mathewson, Edward & Ruth
4	NW $\frac{1}{4}$ NW $\frac{1}{4}$	400	IR	2.0	Northon, Richard & Jeanne
4	NW $\frac{1}{4}$ NW $\frac{1}{4}$	402	IR	2.0	Kailey, John & Janet
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	407	IR	1.2	Korish, Pat & Theresa
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	408	IR	1.2	Fulton, Robert & Patricia
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	405	IR	1.8	Eggiman, Timothy & Nathalie
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	406	IR	31.0	Shepard, John & Marion
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	700	IR	30.1	Gisler, Patrick & Deborah
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	702	IR	0.6	James, John & Dinah -Trustees
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	701	IR	1.0	Eggiman, Timothy & Nathalie
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	702	IR	17.2	James, John & Dinah -Trustees
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	702	IR	33.6	James, John & Dinah -Trustees



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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 understand the new DRC weed policy and have  
*Print Name*  
been informed about farm deferral.

Signature: *Damien X. Bevando* Date: 2/17/08

**This form must be returned before lease payment is made.**

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SALEM OREGON



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

# Application for Instream Lease

## 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](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

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

Optional Identification by Lessor/Lessee: L08.05  
Lease Application Number (assigned by WRD): \_\_\_\_\_

This Lease is with:

**Lessor #1 (Water Right Holder):**

Name Voyles Living Trust Linda J Voyles & Barry C Snyder, Trustees  
Mailing address 19075 Saddleback Lane  
City, State, Zip Code Bend, OR 97701  
Telephone number (541) 389-5452  
Email address \_\_\_\_\_

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**APR 14 2008**  
**WATER RESOURCES DEPT**  
**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 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 ¼ ¼, tax lot number, map orientation and scale.]

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	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 not been used over the past five years according to the terms and conditions of the water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)(  )(include necessary supporting documentation as Attachment 3).

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**~II~ Instream Water Right Information**

**2.3 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 than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
  - Written notice to the Department with original signatures;
  - Consent by all parties to the lease; and/or
  - Written notice to the Watermaster's office.
- For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

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

Lessor #1: *Linda J. Voyles* Date: *Feb 15 08*  
Linda J. Voyles, Trustee

For additional Lessors, type in space for signature and date  
Barry C. Snyder, Trustee *Barry C. Snyder* Date: *FEB 15 2008*

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

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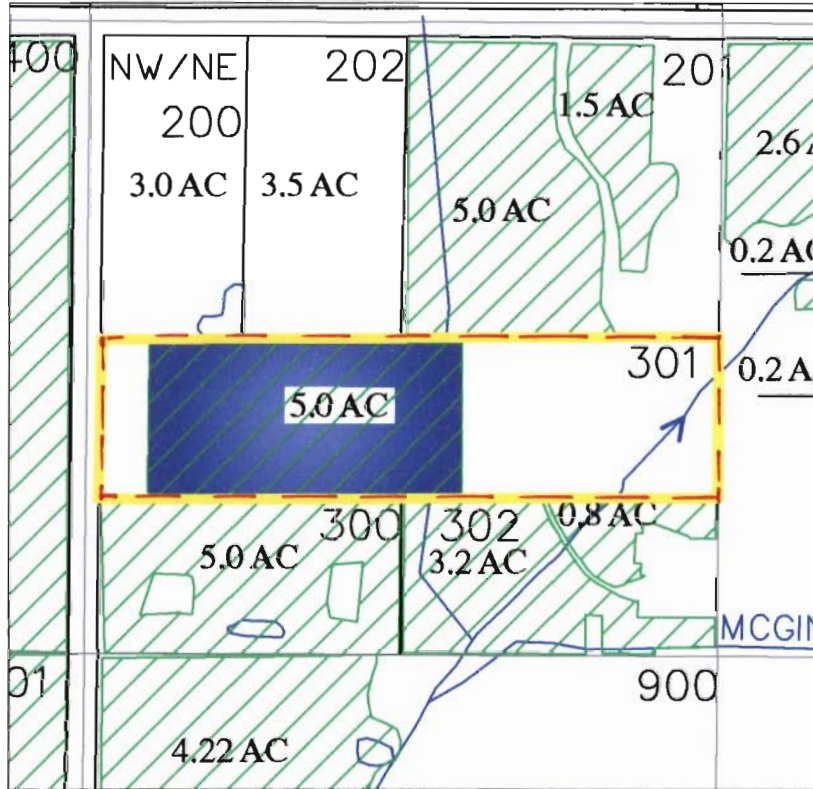
TUMALO IRRIGATION DISTRICT  
 IN-STREAM LEASED WATER RIGHTS SURVEY

EXHIBIT 5-A & B  
 L08-005

FOR

Ross E. & H. Pauline Voyles

VOYLES LIVING TRUST  
 19075 Saddleback Lane, Bend OR 97701.



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INITIAL: *RV*

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



SE $\frac{1}{4}$ NE $\frac{1}{4}$	900	IR	3.0	Russell, Barbara H.
NE $\frac{1}{4}$ SW $\frac{1}{4}$	600	IR	1.0	Wessinger, William & Pat
SW $\frac{1}{4}$ SE $\frac{1}{4}$	700	IR	6.0	Moody, Steven
SW $\frac{1}{4}$ SE $\frac{1}{4}$	800	IR	10.0	McNulty, Ralph & Dee
SW $\frac{1}{4}$ SE $\frac{1}{4}$	806	IR	10.0	Cullman, Ruth

Section 33

NE $\frac{1}{4}$ NE $\frac{1}{4}$	100	IR	0.6	Stokoe, Barbara L.
NE $\frac{1}{4}$ NE $\frac{1}{4}$	101	IR	1.4	<del>Granet, Peter &amp; Carol</del> Bryant Trust
NE $\frac{1}{4}$ NE $\frac{1}{4}$	102	IR	1.0	Anderson, Rev. Robert & Ruth
NE $\frac{1}{4}$ NE $\frac{1}{4}$	103	IR	0.5	Tavares, Louis III & Deborah
NW $\frac{1}{4}$ NE $\frac{1}{4}$	200	IR	3.0	Taylor, Jerry & Janet
NW $\frac{1}{4}$ NE $\frac{1}{4}$	201	IR	6.5	Laidlaw, Douglas
NW $\frac{1}{4}$ NE $\frac{1}{4}$	202	IR	3.5	Margo, Mark & Desiree
NW $\frac{1}{4}$ NE $\frac{1}{4}$	300	IR	5.0	Berg, Michael
NW $\frac{1}{4}$ NE $\frac{1}{4}$	301	IR	5.0	<del>Petrie, Thomas &amp; Helen</del> Voyles Trust
NW $\frac{1}{4}$ NE $\frac{1}{4}$	302	IR	3.0	Parker, Daniel & Jeanette
SW $\frac{1}{4}$ NE $\frac{1}{4}$	900	IR	3.0	Cole, Jennifer
SW $\frac{1}{4}$ NE $\frac{1}{4}$	906	IR	1.0	Van Cleave, Sherman & Vicki
SW $\frac{1}{4}$ SW $\frac{1}{4}$	1500	IR	5.4	Harlow, James
NW $\frac{1}{4}$ SE $\frac{1}{4}$	901	IR	1.0	Martin, Charles & Susan
SW $\frac{1}{4}$ SE $\frac{1}{4}$	1300	IR	12.6	Sohn, Ray & Sheila
SW $\frac{1}{4}$ SE $\frac{1}{4}$	1301	IR	3.4	Duhn, Jessica R.
SW $\frac{1}{4}$ SE $\frac{1}{4}$	1302	IR	2.0	Horton, Richard & Karen
SW $\frac{1}{4}$ SE $\frac{1}{4}$	1303	IR	7.0	McAllister/Burke
SW $\frac{1}{4}$ SE $\frac{1}{4}$	1304	IR	4.5	Schmidt, Robert & Carolyn

Section 34

NE $\frac{1}{4}$ NE $\frac{1}{4}$	100	IR	10.0	<del>Leonard, Ronald</del> Vezina, L.R.
NE $\frac{1}{4}$ NE $\frac{1}{4}$	202	IR	7.5	Jermaczonak, Tony & Laurie
NE $\frac{1}{4}$ NE $\frac{1}{4}$	203	IR	3.3	Bottger, James & Bea
NE $\frac{1}{4}$ NE $\frac{1}{4}$	206	IR	1.7	Bottger, James & Bea
NE $\frac{1}{4}$ NE $\frac{1}{4}$	800	IR	0.6	Michael, Loreen
NW $\frac{1}{4}$ NE $\frac{1}{4}$	800	IR	4.4	Michael, Loreen
NW $\frac{1}{4}$ NE $\frac{1}{4}$	804	IR	2.5	O'Brien, James & Patricia
NW $\frac{1}{4}$ NE $\frac{1}{4}$	805	IR	2.5	Miller, G. J.
NW $\frac{1}{4}$ NE $\frac{1}{4}$	806	IR	5.0	Rush, Lucy K.
NW $\frac{1}{4}$ NE $\frac{1}{4}$	807	IR	5.0	Cooley, Orrin & Stephanie
SW $\frac{1}{4}$ NE $\frac{1}{4}$	801	IR	5.0	Ome, Alan G. & Deborah
SW $\frac{1}{4}$ NE $\frac{1}{4}$	802	IR	5.0	Masters, John
SW $\frac{1}{4}$ NE $\frac{1}{4}$	808	IR	5.0	Gonce, William & Carolyn
SW $\frac{1}{4}$ NE $\frac{1}{4}$	809	IR	3.0	Sheaffer, William & Annie
SE $\frac{1}{4}$ NE $\frac{1}{4}$	201	IR	2.0	Hall, Thomas & Faith
SE $\frac{1}{4}$ NE $\frac{1}{4}$	204	IR	4.8	Dvorak, Louis
SE $\frac{1}{4}$ NE $\frac{1}{4}$	205	IR	2.0	Hall, Thomas & Faith
SE $\frac{1}{4}$ NE $\frac{1}{4}$	300	IR	2.5	Harrison, Daniel
SE $\frac{1}{4}$ NE $\frac{1}{4}$	400	IR	2.0	Tellin, Mahlon & Patricia
SE $\frac{1}{4}$ NE $\frac{1}{4}$	600	IR	4.1	Dvorak, Louis
SE $\frac{1}{4}$ NE $\frac{1}{4}$	700	IR	4.0	Dvorak, Louis
NE $\frac{1}{4}$ SW $\frac{1}{4}$	1900	IR	6.4	Schlueter, James & Patricia } T-74266 N95.008 + 5.0
SW $\frac{1}{4}$ SW $\frac{1}{4}$	1700	IR	24.0	Schlueter, James & Patricia
SE $\frac{1}{4}$ SW $\frac{1}{4}$	1700	IR	13.2	Schlueter, James & Patricia
SE $\frac{1}{4}$ SW $\frac{1}{4}$	1900	IR	5.8	Schlueter, James & Patricia
SW $\frac{1}{4}$ SE $\frac{1}{4}$	2100	IR	5.0	Cascade Materials
SW $\frac{1}{4}$ SE $\frac{1}{4}$	2100	IND	2.0	Cascade Materials

Section 35

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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, Linda Jo Voyles <sup>(BARRY C SNYDER)</sup> understand the new DRC weed policy and have  
Print Name  
been informed about farm deferral.

Signature: Linda J Voyles Date: Feb 15 08  
Barry Snyder FEB 15 2008

**This form must be returned before lease payment is made.**

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WATER RESOURCES DEPT  
SALEM OREGON



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

Application for
Instream Lease

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):

Name C.L.R. Inc.
Mailing address 703 NW Stone Pine Drive
City, State, Zip Code Bend, OR 97701
Telephone number 541 389-6562
Email address
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WATER RESOURCES DEPT
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 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 [X] 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 1/4, tax lot number, map orientation and scale.]

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	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 not been used over the past five years according to the terms and conditions of the water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)(  )(include necessary supporting documentation as Attachment 3).

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**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 than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
  - Written notice to the Department with original signatures;
  - Consent by all parties to the lease; and/or
  - Written notice to the Watermaster's office.
- For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

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

Lessor #1: \_\_\_\_\_ Date: 2/5/08  
C.L.R. Inc., Jerry Curl

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

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



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

## 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](http://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	Sec	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.	16S	12E	30	nwse	02100	.70	IRR	74147	14	10/29/1913
2.	16S	12E	30	nese	02100	1.90	IRR	74147	14	10/29/1913
3.	16S	12E	30	nese	02000	5.0	IRR	74147	14	10/29/1913
4.	16S	12E	30	nese	00100	16.0	IRR	74147	14	10/29/1913
5.	16S	12E	30	nese	00100	2.0	IND	74147	14	10/29/1913
6.	16S	12E	30	sene	00100	13.20	IRR	74147	14	10/29/1913
7.	17S	11E	13	nwnw	00817	1.36	IRR	74147	17	10/29/1913
8.	17S	11E	13	nwnw	00809	3.0	IRR	74147	17	10/29/1913
9.	17S	11E	14	nene	00817	3.50	IRR	74147	17	10/29/1913
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**



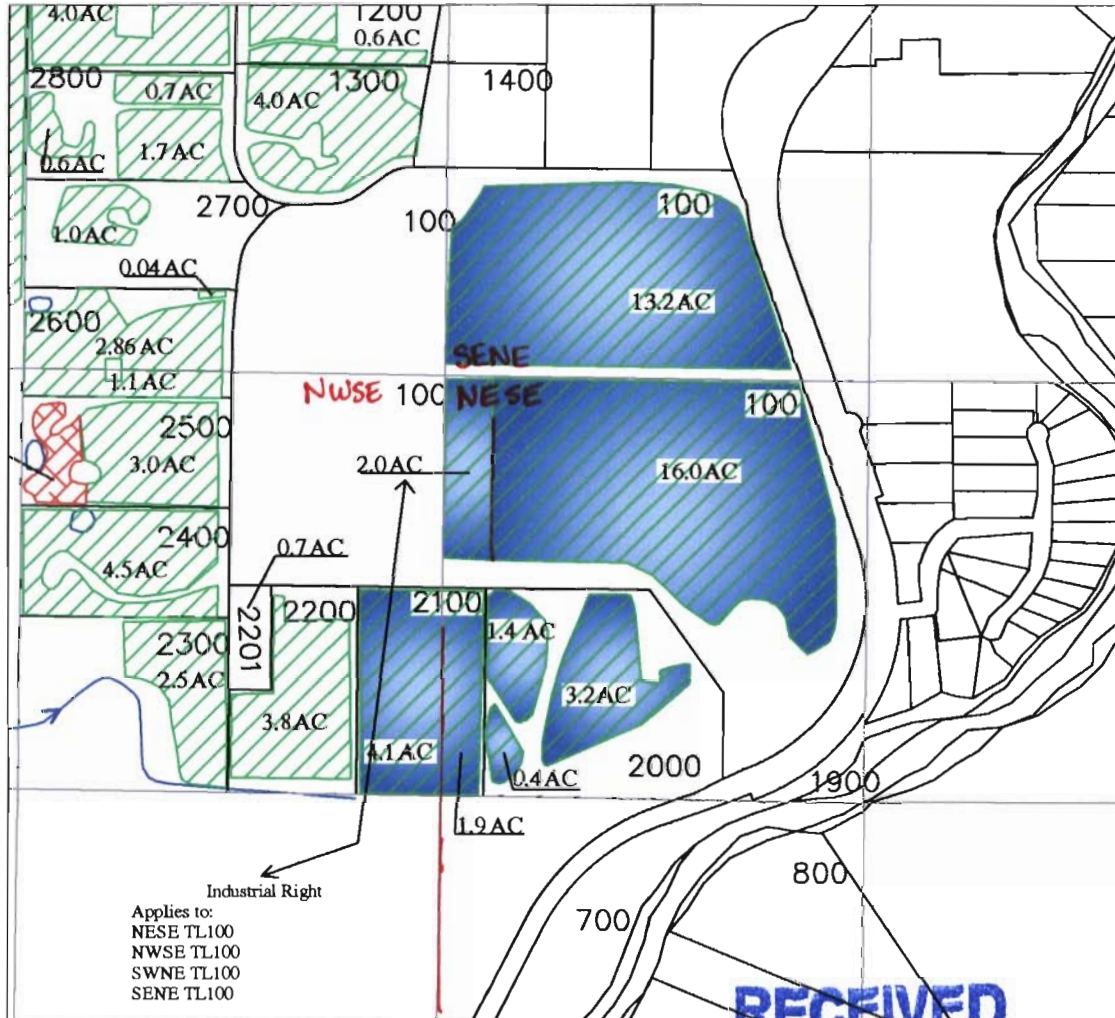
# TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY

EXHIBIT 5-A & B  
L08-006

FOR  
**C.L.R., Inc.**

Cline Falls Rd., BEND 97701

L08-006 - 1 of 2



Industrial Right  
Applies to:  
NESE TL100  
NWSE TL100  
SWNE TL100  
SENE TL100

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**WATER RESOURCES DEPT  
SALEM OREGON**



Certificate #'s  
74146, and 74147



Certificate #  
76106



In-Stream Lease

INITIAL: *ASL*

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

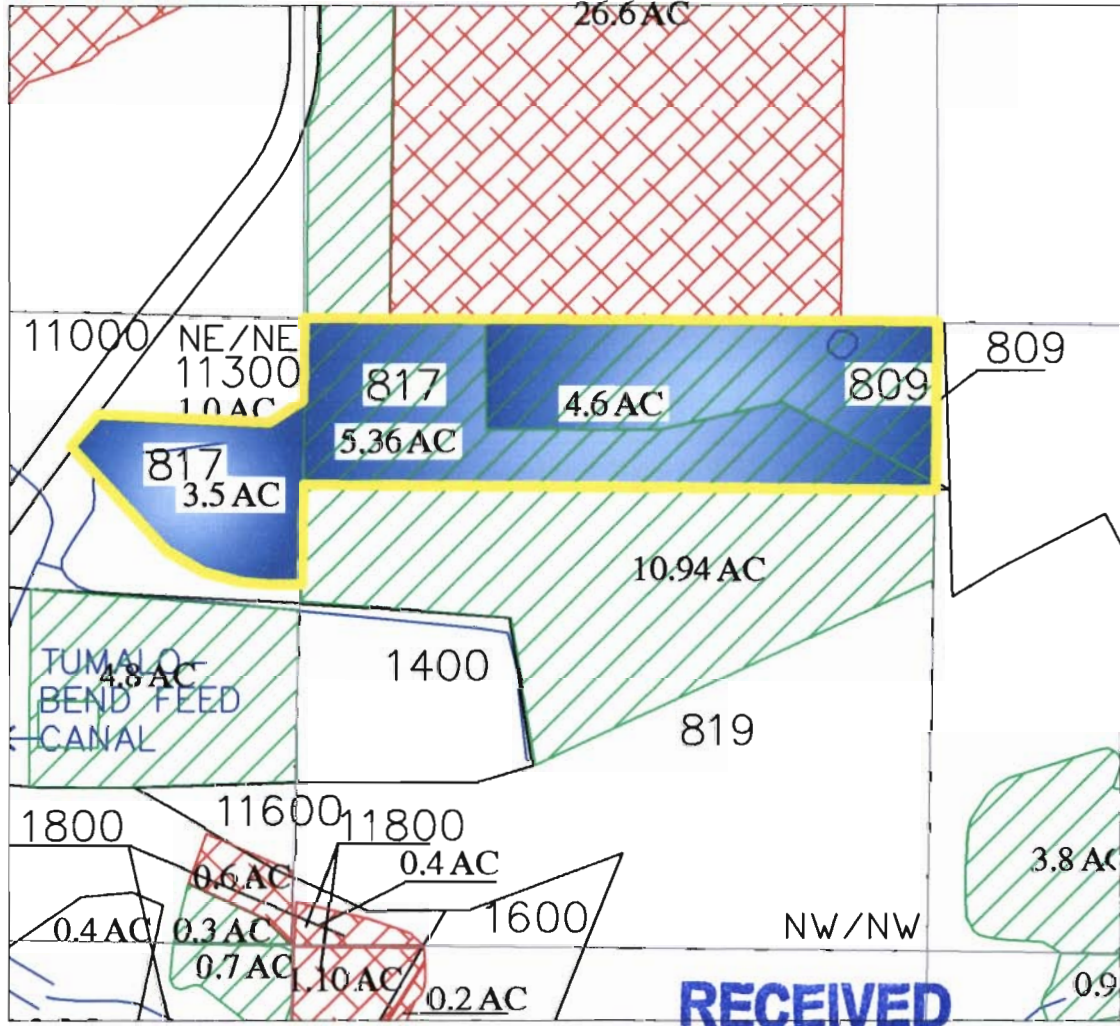
EXHIBIT 5-A & B  
L08-006

FOR

**C.L.R., Inc.**

19260 Klipple Rd., BEND 97701

L08-006 - 2 of 2



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Certificate #'s  
74146, and 74147



Certificate #  
76106



In-Stream Lease

INITIAL: *JSC*

Located in the NW 1/4 of the NW 1/4 of Taxlots 809, and 817  
AND the NE 1/4 of the NE 1/4 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



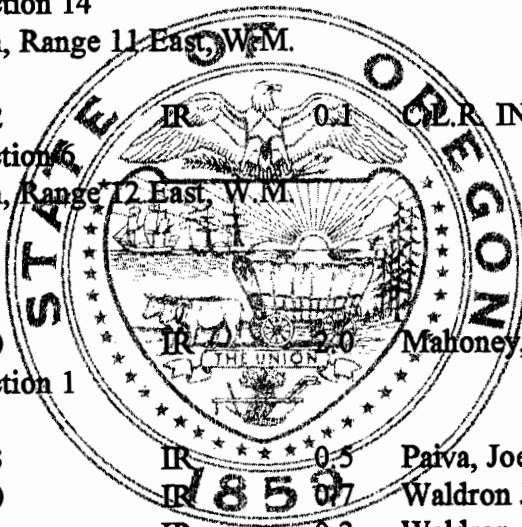
Priority: 5/27/07

7	SW $\frac{1}{4}$ SW $\frac{1}{4}$	1802 Section 6	IR	3.0	Rupp, C. Richard
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	2100 Section 30	IR	3.4	C.L.R. INC.
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	4300D Section 31	IR	0.8	C.L.R. INC.
Township 16 South, Range 12 East, W.M.					
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	500 Section 11	IR	1.2	Coats, R.L. & Joyce
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	804	IR	0.4	Coats, R.L. & Joyce
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	807	IR	5.4	Coats, R.L. & Joyce
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	817	IR	6.1	C.L.R. INC.
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	806	IR	2.5	Graham, Kenneth & Joy
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	807	IR	1.0	Coats, R.L. & Joyce
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	808	IR	2.1	Niedzwiecke, Andrew & Judith
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	810	IR	0.9	Niedzwiecke, Andrew & Judith
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	817	IR	0.2	C.L.R. INC.
	NW $\frac{1}{4}$ NW $\frac{1}{4}$	809	IR	1.6	C.L.R. INC.
	NW $\frac{1}{4}$ NW $\frac{1}{4}$	817	IR	4.0	C.L.R. INC.
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	812	IR	1.5	Latham, Mark & Kristen
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	813	IR	2.5	Schweigert, Ken
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	818 Section 13	IR	2.5	Hamper, Tom
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	11700	IR	0.2	Allen, Charles
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	11800	IR	0.1	Allen, Charles
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	11900	IR	0.4	Rugloski, Paul, Andrew & Cecelia
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	11800	IR	0.7	Allen, Charles
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	11900 Section 14	IR	2.6	Rugloski, Paul, Andrew & Cecelia
Township 17 South, Range 11 East, W.M.					

2	NW $\frac{1}{4}$ NE $\frac{1}{4}$	302 Section 6	IR	0.1	C.L.R. INC.
Township 17 South, Range 12 East, W.M.					

Priority: 6/1/07

	SE $\frac{1}{4}$ SE $\frac{1}{4}$	800 Section 1	IR	2.0	Mahoney, Dan & Martha
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	803	IR	0.5	Paiva, Joe & Wanita
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	900	IR	0.7	Waldron Jr., Harvey & Genevieve
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	901 Section 11	IR	0.3	Waldron Jr., Harvey & Genevieve
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	1200	IR	16.1	Gillham, John & Audrey
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	1200 Section 12	IR	0.2	Gillham, John & Audrey



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NE 1/4 SE 1/4	2001	Zapp, Martin & Joann	IR		4.70
NW 1/4 SE 1/4	2200	Cole, Robert & Nancy	IR	5.00	
SW 1/4 SE 1/4	2400	Kloby, Jay & Melody	IR	31.40	
SE 1/4 SE 1/4	2400	Kloby, Jay & Melody	IR	28.10	

Section 19

	NW 1/4 NE 1/4	1000	Ireland, Stephen P.	IR	3.00	
	NW 1/4 NE 1/4	1101	Cardwell, Ken & Janice	IR	3.00	
	NW 1/4 NE 1/4	1800	Robertson, Brian T.	IR	3.00	
	NW 1/4 NE 1/4	303	Arnett, Gary J.	IR	3.00	
	NW 1/4 NE 1/4	304	Outhsye, Joseph & Joann	IR	3.70	
	NW 1/4 NE 1/4	310	Dierberger, Kenneth & Dona	IR	4.00	
	NW 1/4 NE 1/4	3300	Wickham, Kent & Beth	IR	1.40	
	NW 1/4 NE 1/4	3301	Wickham, Kent & Beth	IR	0.60	
	SW 1/4 NE 1/4	1300	Dyson, Brian & Sheryl	IR	4.00	
	SW 1/4 NE 1/4	2600	Miller, Dianne M.	IR	1.70	
	SW 1/4 NE 1/4	2700	Barber, Richard & Mary	IR	1.00	
	SW 1/4 NE 1/4	2800	Barlow, Steven & Jeanette	IR		3.00
	SW 1/4 NE 1/4	2900	Hauge, Christopher & Susan	IR	4.00	
	SE 1/4 NE 1/4	100	C.L.R. INC.	IR	13.20	
	NE 1/4 NW 1/4	300	McDougal, Melvin	IR	11.50	
	NE 1/4 NW 1/4	305	Billings, Jack & Christina	IR	2.00	1.00
	NE 1/4 NW 1/4	311	Outhsye, Joseph & Joann	IR	4.30	
	NE 1/4 NW 1/4	312	McDougal, Melvin	IR	17.20	
1	NW 1/4 NW 1/4	202	Hayden, James & Katharina	IR	1.00	
1	NW 1/4 NW 1/4	203	Romesburg, Ernie & Naomi	IR	1.60	
1	NW 1/4 NW 1/4	300	McDougal, Melvin	IR	7.38	
1	NW 1/4 NW 1/4	312	McDougal, Melvin	IR	0.80	
1	NW 1/4 NW 1/4	313	McDougal (Trustee), Joy	IR	18.00	
2	SW 1/4 NW 1/4	302	Cantrell, John & Jean	IR	5.00	
2	SW 1/4 NW 1/4	306	Barnes, Ed & Gayla Ann	IR	3.00	
2	SW 1/4 NW 1/4	307	Barnes, Gayla Ann	IR	8.00	
2	SW 1/4 NW 1/4	308	Binger, Richard & Cheryl	IR	4.50	
2	SW 1/4 NW 1/4	309	Robertson, Frances M.	IR	4.00	
	SE 1/4 NW 1/4	2900	Hauge, Christopher & Susan	IR	18.50	
	SE 1/4 NW 1/4	301	Hauge, Christopher & Susan	IR	18.00	
	NW 1/4 SW 1/4	401	Lorenz, Edward & Linda	IR	5.00	
	NW 1/4 SW 1/4	403	Scott, Cheryl	IR		2.00
	NW 1/4 SW 1/4	404	Bailey, C.W. & Linda	IR	2.00	
	NE 1/4 SE 1/4	100	C.L.R. INC.	IND	2.00	
	NE 1/4 SE 1/4	100	C.L.R. INC.	IR	16.00	
	NE 1/4 SE 1/4	2000	C.L.R. INC.	IR	5.00	
	NE 1/4 SE 1/4	2100	C.L.R. INC.	IR	1.90	
	NW 1/4 SE 1/4	2100	C.L.R. INC.	IR	0.70	3.40
	NW 1/4 SE 1/4	2200	Kelley, Charles & Dianna	IR	3.80	
	NW 1/4 SE 1/4	2201	Kelley, Charles & Diana	IR	0.70	
	NW 1/4 SE 1/4	2300	Kelley, Charles & Diana	IR	2.50	
	NW 1/4 SE 1/4	2400	Alexander, Jack & Jamar	IR	4.50	
	NW 1/4 SE 1/4	2500	Gregg, Patrick & Kathy	IR	0.50	2.50
	NW 1/4 SE 1/4	2600	Miller, Dianne M.	IR	0.30	

Section 30

	NE 1/4 SW 1/4	406	Salciccioli, Greg & Dianna L.	IR	1.00	
	NE 1/4 SW 1/4	407	Bend Research/ Science Properties	IR		6.60
	NE 1/4 SW 1/4	408	Wendel, John & Cathleen	IR	2.00	
	NE 1/4 SW 1/4	410	Allen, Michael & Patty	IR	3.00	
	NE 1/4 SW 1/4	418	Bend Research/ Science Properties	IR	5.80	
3	NW 1/4 SW 1/4	405	Perkins, Howard & Darlene	IR	1.00	2.00
3	NW 1/4 SW 1/4	407	Bend Research/ Science Properties	IR	0.10	3.40

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SW $\frac{1}{4}$ NE $\frac{1}{4}$	810	Niedzwiecke, Andrew & Judith	IR		0.90
NE $\frac{1}{4}$ NW $\frac{1}{4}$	817	C.L.R. INC.	IR	14.60	0.20
NW $\frac{1}{4}$ NW $\frac{1}{4}$	809	C.L.R. INC.	IR	3.00	1.60
NW $\frac{1}{4}$ NW $\frac{1}{4}$	817	C.L.R. INC.	IR	<del>12.30</del> 1.36	4.00
SW $\frac{1}{4}$ NW $\frac{1}{4}$	2300	Beighley/Taylor, Mark & Deborah	IR	LLA	1.00
SW $\frac{1}{4}$ NW $\frac{1}{4}$	2400	Moore, Bill & Mildred	IR		0.90
SW $\frac{1}{4}$ NW $\frac{1}{4}$	817	C.L.R. INC.	IR	6.40	
SE $\frac{1}{4}$ NW $\frac{1}{4}$	812	Latham, Mark & Kristen	IR		1.50
SE $\frac{1}{4}$ NW $\frac{1}{4}$	813	Schweigert, Ken	IR		2.50
SE $\frac{1}{4}$ NW $\frac{1}{4}$	817	C.L.R. INC.	IR	4.60	
SE $\frac{1}{4}$ NW $\frac{1}{4}$	818	Hamper, Tom	IR		2.50
NW $\frac{1}{4}$ SW $\frac{1}{4}$	2400	Moore, Bill & Mildred	IR	1.00	1.10
NW $\frac{1}{4}$ SW $\frac{1}{4}$	2500	Hanson, Robert & Ruth	IR		2.00
NW $\frac{1}{4}$ SW $\frac{1}{4}$	817	C.L.R. INC.	IR	12.20	
SW $\frac{1}{4}$ SW $\frac{1}{4}$	4200	Reinhardt, George & Jeanne	IR	2.00	

Section 13

NE $\frac{1}{4}$ NE $\frac{1}{4}$	11300	Woods, William C.	IR	1.00	
NE $\frac{1}{4}$ NE $\frac{1}{4}$	<del>1400</del> 817	C.L.R. INC.	IR	3.50	changed to TLR
NE $\frac{1}{4}$ NE $\frac{1}{4}$	11900	Rugloski, Paul, Andrew & Cecelia	IR		0.40
SE $\frac{1}{4}$ NE $\frac{1}{4}$	11900	Rugloski, Paul, Andrew & Cecelia	IR		2.60

Section 14

Township 17 South, Range 11 East, W.M.

2	NW $\frac{1}{4}$ NE $\frac{1}{4}$	300		C.L.R. INC.	IR	1.80	
2	NW $\frac{1}{4}$ NE $\frac{1}{4}$	301		C.L.R. INC.	IR	0.50	3.00
2	NW $\frac{1}{4}$ NE $\frac{1}{4}$	302		C.L.R. INC.	IR	4.10	3.10
3	NE $\frac{1}{4}$ NW $\frac{1}{4}$	200	B	Allen/Rice, Rita & Kenny	IR	2.50	
3	NE $\frac{1}{4}$ NW $\frac{1}{4}$	300	B	Dwyer, Michael & Theresa	IR	16.40	
4	NW $\frac{1}{4}$ NW $\frac{1}{4}$	300	B	Dwyer, Michael & Theresa	IR	17.70	
4	NW $\frac{1}{4}$ NW $\frac{1}{4}$	301	B	Greer, Stephen & Denise	IR	2.00	
4	NW $\frac{1}{4}$ NW $\frac{1}{4}$	302	B	Greer, Russell & Lois	IR	2.40	
4	NW $\frac{1}{4}$ NW $\frac{1}{4}$	400	B	Greer, Russell & Lois	IR	2.00	
4	NW $\frac{1}{4}$ NW $\frac{1}{4}$	500	B	Randolph, James & Charlotte	IR	1.00	

Section 6

2	SW $\frac{1}{4}$ NW $\frac{1}{4}$	400		Kemple, Harold & Terry	IR	1.50	10.00
2	SW $\frac{1}{4}$ NW $\frac{1}{4}$	401		Erei, Gary & Victoria	IR		14.60
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	400		Kemple, Harold & Terry	IR	1.20	



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 75, 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 19 1997

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*Martha O. Pagel*  
Martha O. Pagel, Director

Recorded in State Record of Water Right Certificates numbered 74147.

HB-3111.BWB

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, JERRY CURZL understand the new DRC weed policy and have  
*Print Name*  
been informed about farm deferral.

Signature:  Date: 2/5/08

**This form must be returned before lease payment is made.**

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SALEM, OREGON



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

# Application for Instream Lease

## 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](http://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):**

Name Peter N. McCook & Jacqueline K.H. McCook  
Mailing address 10305 SW 64<sup>th</sup> Avenue  
City, State, Zip Code Miami, FL 33156  
Telephone number (305) 663-5450  
Email address \_\_\_\_\_

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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

- 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	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.	17S	11E	11	nsw	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

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

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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.





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

## 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](http://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, tax lot number, map orientation and scale.]

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	17S	11E	11	nsw	01601	2.0	IRR	76106	4	12/8/1961
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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[Attached map(s) must identify water right holder, township, range, section and 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 Termination provision.**

- For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
  - Written notice to the Department with original signatures;
  - Consent by all parties to the lease; and/or
  - Written notice to the Watermaster's office.
- For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

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

Lessor #1:  Date: 2-14-08  
Peter N. McCook

 Date: 2/14/08  
Jacqueline K. H. McCook

For additional Lessors, type in space for signature and date

\_\_\_\_\_

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SALEM, OREGON**

Other Attachments As Needed:

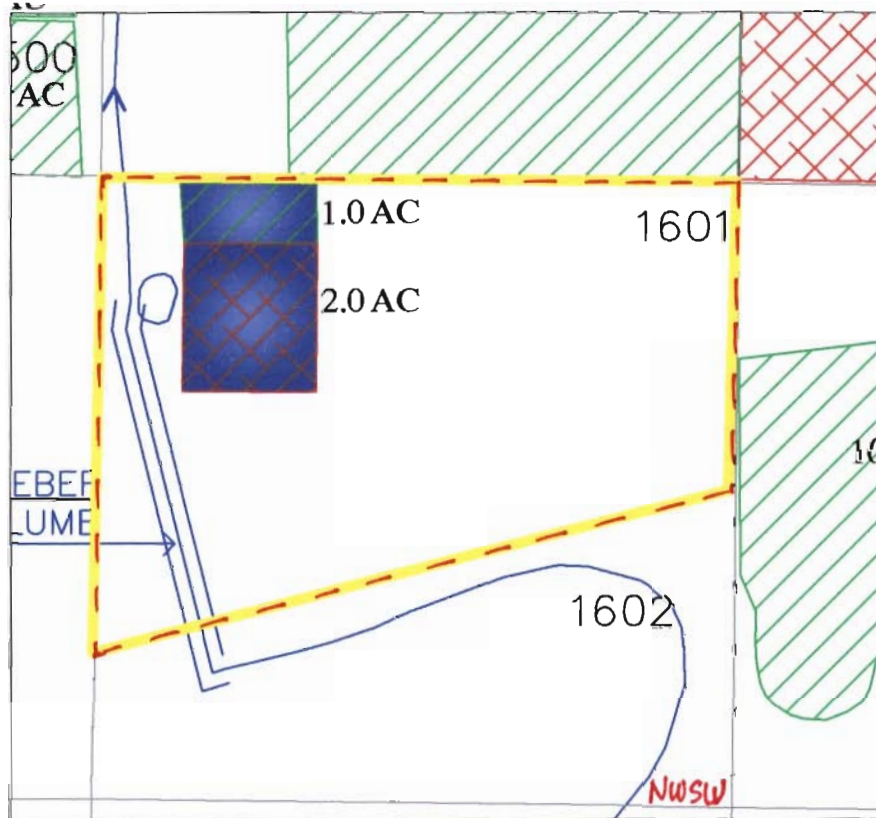
- Exhibit 5-A: Tax Lot Map. (See instructions.)
- Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.)
- Exhibit 5-C: Supporting documentation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

\_\_\_\_\_

TUMALO IRRIGATION DISTRICT  
IN-STREAM LEASED WATER RIGHTS SURVEY

EXHIBIT 5-A & B  
L08-007

FOR  
McCook, Peter Nevins & Jacqueline K



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WATER RESOURCES DEPT  
SALEM OREGON



Certificate #'s  
74146, and 74147



Certificate #  
76106



In-Stream Lease

INITIAL:                     

LOCATED IN THE NW 1/4 OF THE SW 1/4  
OF SECTION 11, T17 S., R11 E., W.M.  
TAX LOTS # 01601  
DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'

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

	SW $\frac{1}{4}$ SE $\frac{1}{4}$	703	IR	5.8	Freeman/Triplett
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	700	POND	0.1	Gisler, Patrick & Deborah
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	702	IR	2.7	James, John & Dinah -Trustees
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	703	IR	32.0	Freeman/Triplett
	Section 1				
2	NW $\frac{1}{4}$ NE $\frac{1}{4}$	105	IR	2.5	Haddix, Stephen J.
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	600	IR	15.3	Gill, John
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	700	IR	10.7	Gill, Rockne & Jane
	Section 2				
4	NW $\frac{1}{4}$ NW $\frac{1}{4}$	100BB	IR	1.0	Brizee, Harry & JoAnn
4	NW $\frac{1}{4}$ NW $\frac{1}{4}$	200BB	IR	3.0	Rotondi, Richard & Judy
4	NW $\frac{1}{4}$ NW $\frac{1}{4}$	300BB	IR	1.0	Booth, Jerry & Judi
4	NW $\frac{1}{4}$ NW $\frac{1}{4}$	400BB	IR	2.0	Frederick, Roger & Leslie
4	NW $\frac{1}{4}$ NW $\frac{1}{4}$	500BB	IR	1.8	Johnson, David & Bette
4	NW $\frac{1}{4}$ NW $\frac{1}{4}$	501BB	IR	0.2	Johnson, David & Bette
	Section 3				
1	NE $\frac{1}{4}$ NE $\frac{1}{4}$	100A	IR	1.0	Larson/Gill, Kevin L. & Leslie E.
2	NW $\frac{1}{4}$ NE $\frac{1}{4}$	500A	IR	10.0	Cobb, Ann Wright
	Section 4				
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	200A	IR	1.0	Steinlicht, Mark & L. Diane
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	400A	IR	1.2	Coats, Doug
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	500A	IR	3.8	Coats, Doug
	Section 10				
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	200	IR	35.5	Kearns, Daniel & Barbara
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	500	IR	12.6	Coats, R.L. & Joyce
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	1600	IR	10.0	Lyster, Ted & Eloise
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	1601	IR	1.0	McCook, Peter & Jacqueline
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	1000	IR	1.0	Johnson/Peticolas
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	1001	IR	1.0	Bell, John
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	1400	IR	1.0	Cooper, Robert & Beverly
	Section 11				
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	800	IR	4.4	Coats, R.L. & Joyce
	Section 12				
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	2300	IR	1.0	Beightley/Taylor, Mark & Deborah
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	2400	IR	0.9	Moore, Bill & Mildred
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	2400	IR	1.1	Moore, Bill & Mildred
	Section 13				
	Township 17 South, Range 11 East, W.M.				
2	NW $\frac{1}{4}$ NE $\frac{1}{4}$	302	IR	3.0	C.L.R. INC.
	Section 6				
	Township 17 South, Range 12 East, W.M.				
	Priority: 4/28/05				
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	1401	IR	0.44	Kirkhorn, Bruce
	Section 13				

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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
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
17	11	13	SW 1/4 SE 1/4	100	2.5	COATS, J
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

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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, PETER MCCOOK understand the new DRC weed policy and have  
*Print Name*  
been informed about farm deferral.

Signature:  Date: 2-14-08

**This form must be returned before lease payment is made.**

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

# 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](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

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

Optional Identification by Lessor/Lessee: L08.08  
Lease Application Number (assigned by WRD): \_\_\_\_\_

This Lease is with:

**Lessor #1 (Water Right Holder):**

Name Vezina, Lee & Ruth  
Mailing address 18530 Pinehurst Road  
City, State, Zip Code Bend, OR 97701  
Telephone number (541) 382-5258  
Email address \_\_\_\_\_

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	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 forfeiture under ORS 540.610(2)(  )(include necessary supporting documentation as Attachment 3).

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**~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.

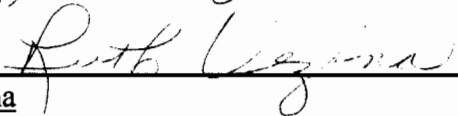
**3.4 Suspension of original use.** During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights.

**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 than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
  - Written notice to the Department with original signatures;
  - Consent by all parties to the lease; and/or
  - Written notice to the Watermaster's office.
- For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

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

Lessor #1: Lee Vezina  Date: Feb 4 - 08

Ruth Vezina  Date: Feb 4 - 08

For additional Lessors, type in space for signature and date

\_\_\_\_\_

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

\_\_\_\_\_

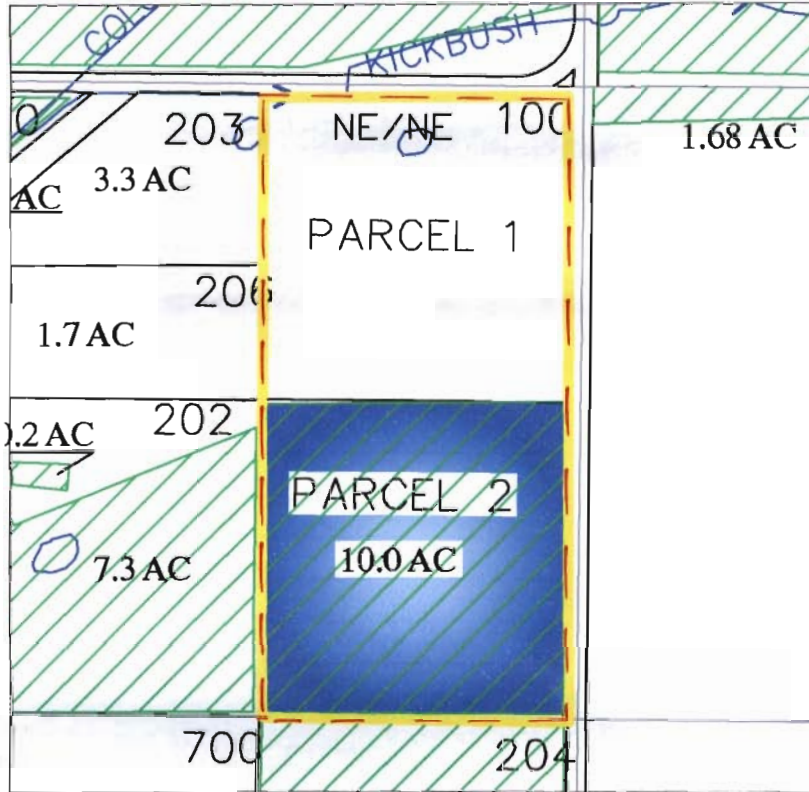
TUMALO IRRIGATION DISTRICT  
IN-STREAM LEASED WATER RIGHTS SURVEY

EXHIBIT 5-A & B  
L08-008

FOR

Vezina, Lee & Ruth

18530 Pinehurst Rd., Bend OR 97701.



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Certificate #s  
74146, and 74147



Certificate #  
76106



In-Stream Lease

INITIAL: *LR*

LOCATED IN THE NE 1/4 OF THE NE 1/4  
OF SECTION 35, T16 S., R11 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

SE $\frac{1}{4}$ NE $\frac{1}{4}$	900	IR	3.0	Russell, Barbara H.
NE $\frac{1}{4}$ SW $\frac{1}{4}$	600	IR	1.0	Wessinger, William & Pat
SW $\frac{1}{4}$ SE $\frac{1}{4}$	700	IR	6.0	Moody, Steven
SW $\frac{1}{4}$ SE $\frac{1}{4}$	800	IR	10.0	McNulty, Ralph & Dee
SW $\frac{1}{4}$ SE $\frac{1}{4}$	806	IR	10.0	Cullman, Ruth

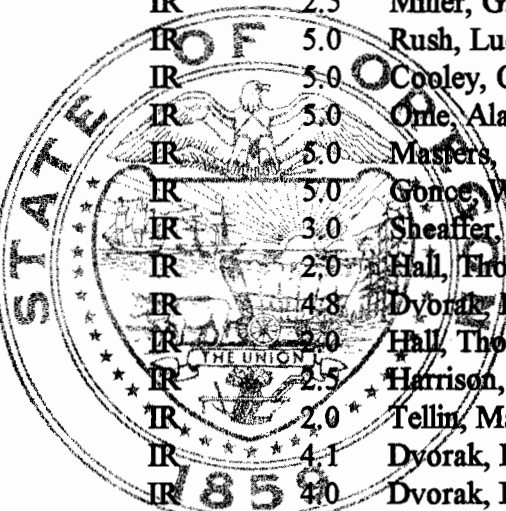
Section 33

NE $\frac{1}{4}$ NE $\frac{1}{4}$	100	IR	0.6	Stokoe, Barbara L.
NE $\frac{1}{4}$ NE $\frac{1}{4}$	101	IR	1.4	Granet, Peter & Carol
NE $\frac{1}{4}$ NE $\frac{1}{4}$	102	IR	1.0	Anderson, Rev. Robert & Ruth
NE $\frac{1}{4}$ NE $\frac{1}{4}$	103	IR	0.5	Tavares, Louis III & Deborah
NW $\frac{1}{4}$ NE $\frac{1}{4}$	200	IR	3.0	Taylor, Jerry & Janet
NW $\frac{1}{4}$ NE $\frac{1}{4}$	201	IR	6.5	Laidlaw, Douglas
NW $\frac{1}{4}$ NE $\frac{1}{4}$	202	IR	3.5	Margo, Mark & Desiree
NW $\frac{1}{4}$ NE $\frac{1}{4}$	300	IR	5.0	Berg, Michael
NW $\frac{1}{4}$ NE $\frac{1}{4}$	301	IR	6.0	Petrie, Thomas & Helen
NW $\frac{1}{4}$ NE $\frac{1}{4}$	302	IR	3.0	Parker, Daniel & Jeanette
SW $\frac{1}{4}$ NE $\frac{1}{4}$	900	IR	3.0	Cole, Jennifer
SW $\frac{1}{4}$ NE $\frac{1}{4}$	906	IR	1.0	Van Cleave, Sherman & Vicki
SW $\frac{1}{4}$ SW $\frac{1}{4}$	1500	IR	5.4	Harlow, James
NW $\frac{1}{4}$ SE $\frac{1}{4}$	901	IR	1.0	Martin, Charles & Susan
SW $\frac{1}{4}$ SE $\frac{1}{4}$	1300	IR	12.6	Sohn, Ray & Sheila
SW $\frac{1}{4}$ SE $\frac{1}{4}$	1301	IR	3.4	Duhn, Jessica R.
SW $\frac{1}{4}$ SE $\frac{1}{4}$	1302	IR	2.0	Horton, Richard & Karen
SW $\frac{1}{4}$ SE $\frac{1}{4}$	1303	IR	7.0	McAllister/Burke
SW $\frac{1}{4}$ SE $\frac{1}{4}$	1304	IR	4.5	Schmidt, Robert & Carolyn

Section 34

NE $\frac{1}{4}$ NE $\frac{1}{4}$	100	IR	10.0	Leonard, Ronald <i>Vezenia, LIR</i>
NE $\frac{1}{4}$ NE $\frac{1}{4}$	202	IR	7.5	Jermaczonak, Tony & Laurie
NE $\frac{1}{4}$ NE $\frac{1}{4}$	203	IR	3.3	Bottger, James & Bea
NE $\frac{1}{4}$ NE $\frac{1}{4}$	206	IR	1.7	Bottger, James & Bea
NE $\frac{1}{4}$ NE $\frac{1}{4}$	800	IR	0.6	Michael, Loreen
NW $\frac{1}{4}$ NE $\frac{1}{4}$	800	IR	4.4	Michael, Loreen
NW $\frac{1}{4}$ NE $\frac{1}{4}$	804	IR	2.5	O'Brien, James & Patricia
NW $\frac{1}{4}$ NE $\frac{1}{4}$	805	IR	2.5	Miller, G. J.
NW $\frac{1}{4}$ NE $\frac{1}{4}$	806	IR	5.0	Rush, Lucy K.
NW $\frac{1}{4}$ NE $\frac{1}{4}$	807	IR	5.0	Cooley, Orrin & Stephanie
SW $\frac{1}{4}$ NE $\frac{1}{4}$	801	IR	5.0	Orme, Alan G. & Deborah
SW $\frac{1}{4}$ NE $\frac{1}{4}$	802	IR	5.0	Masters, John
SW $\frac{1}{4}$ NE $\frac{1}{4}$	808	IR	5.0	Gonce, William & Carolyn
SW $\frac{1}{4}$ NE $\frac{1}{4}$	809	IR	3.0	Sheaffer, William & Annie
SE $\frac{1}{4}$ NE $\frac{1}{4}$	201	IR	2.0	Hall, Thomas & Faith
SE $\frac{1}{4}$ NE $\frac{1}{4}$	204	IR	4.8	Dvorak, Louis
SE $\frac{1}{4}$ NE $\frac{1}{4}$	205	IR	2.0	Hall, Thomas & Faith
SE $\frac{1}{4}$ NE $\frac{1}{4}$	300	IR	2.5	Harrison, Daniel
SE $\frac{1}{4}$ NE $\frac{1}{4}$	400	IR	2.0	Tellin, Mahlon & Patricia
SE $\frac{1}{4}$ NE $\frac{1}{4}$	600	IR	4.1	Dvorak, Louis
SE $\frac{1}{4}$ NE $\frac{1}{4}$	700	IR	4.0	Dvorak, Louis
NE $\frac{1}{4}$ SW $\frac{1}{4}$	1900	IR	1.4	Schlueter, James & Patricia
SW $\frac{1}{4}$ SW $\frac{1}{4}$	1700	IR	24.0	Schlueter, James & Patricia
SE $\frac{1}{4}$ SW $\frac{1}{4}$	1700	IR	13.2	Schlueter, James & Patricia
SE $\frac{1}{4}$ SW $\frac{1}{4}$	1900	IR	5.8	Schlueter, James & Patricia
SW $\frac{1}{4}$ SE $\frac{1}{4}$	2100	IR	5.0	Cascade Materials
SW $\frac{1}{4}$ SE $\frac{1}{4}$	2100	IND	2.0	Cascade Materials

Section 35



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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, Lee Vezina understand the new DRC weed policy and have  
*Print Name*  
been informed about farm deferral.

Signature: Lee Vezina Date: Feb 27 08

**This form must be returned before lease payment is made.**

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WATER RESOURCES DEPT  
SALEM OREGON





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

# Application for Instream Lease

## 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](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

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

Optional Identification by Lessor/Lessee: L08.09  
Lease Application Number (assigned by WRD): \_\_\_\_\_

This Lease is with:

<b>Lessor #1 (Water Right Holder):</b>	<b>RECEIVED</b>  APR 14 2008 <b>WATER RESOURCES DEPT</b> <b>SALEM OREGON</b>
Name <u>Snyder, Joseph H.</u>	
Mailing address <u>66300 White Rock Loop</u>	
City, State, Zip Code <u>Bend, OR 97701</u>	
Telephone number <u>541 617-8900</u>	
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

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	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	12	08	swnw	00700	.60	IRR	74146	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 not been used over the past five years according to the terms and conditions of the water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)(  )(include necessary supporting documentation as Attachment 3).

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**~II~ Instream Water Right Information**

**2.3 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**

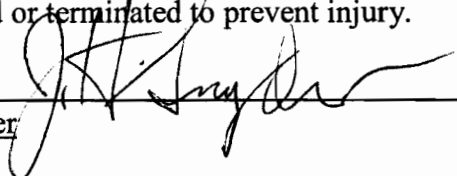
- 3.1 Accuracy.** The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified 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 than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
  - Written notice to the Department with original signatures;
  - Consent by all parties to the lease; and/or
  - Written notice to the Watermaster's office.
- For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

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

Lessor #1: Joseph H. Snyder  Date: 2/1/08

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

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**WATER RESOURCES DEPT  
SALEM OREGON**

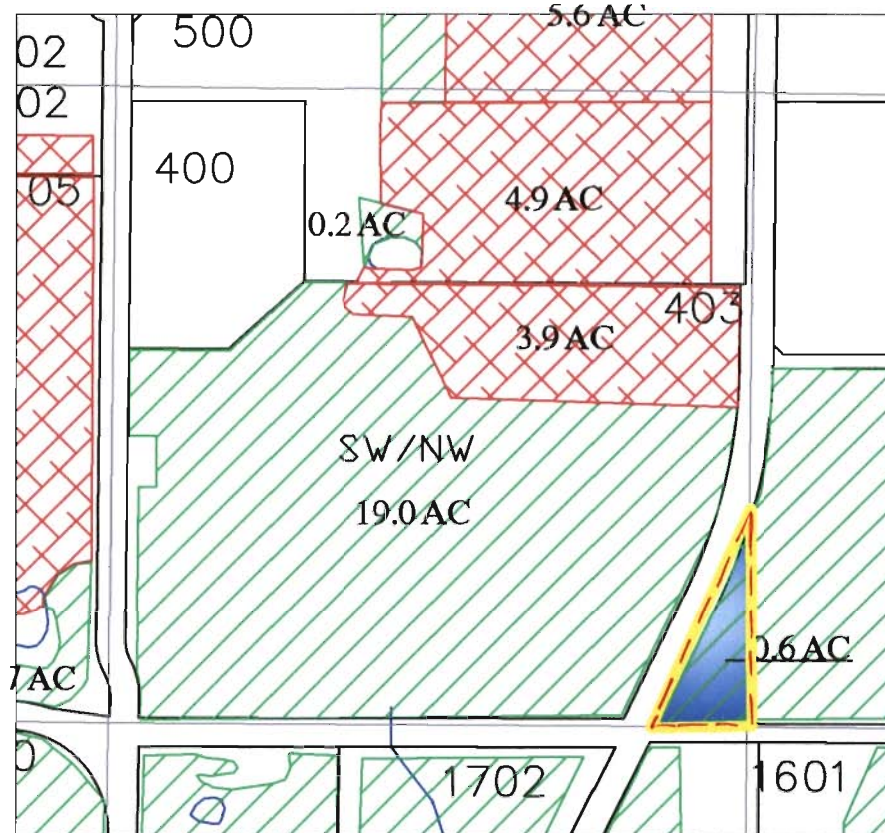
Other Attachments As Needed:

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

TUMALO IRRIGATION DISTRICT  
IN-STREAM LEASED WATER RIGHTS SURVEY

EXHIBIT 5-A & B  
L08-009

FOR  
Snyder, Joseph H. Jr.



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WATER RESOURCES DEPT  
SALEM OREGON



Certificate #'s  
74146, and 74147



Certificate #  
76106



In-Stream Lease

INITIAL: *JHJ*

LOCATED IN THE SW 1/4 OF THE NW1/4  
OF SECTION 08 , T16 S., R.12 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

SE $\frac{1}{4}$ SE $\frac{1}{4}$	1100D	IR	1.0	Ballew, Doug & Judith
SE $\frac{1}{4}$ SE $\frac{1}{4}$	1401D	IR	2.0	Hagemann, Roger & Lorraine

Section 36

Township 16 South, Range 11 East W.M.

7	SW $\frac{1}{4}$ SW $\frac{1}{4}$	1801	IR	5.0	A.K.A. Productions, Inc.
7	SW $\frac{1}{4}$ SW $\frac{1}{4}$	1802	IR	2.6	Rupp, C. Richard

Section 6

	SE $\frac{1}{4}$ NE $\frac{1}{4}$	103	IR	0.7	Gobeille, David & Carolyn
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	402	IR	1.0	Duntley, Carole A.
1	NW $\frac{1}{4}$ NW $\frac{1}{4}$	401	IR	4.7	VanderBeek, Robert & Laurie
1	NW $\frac{1}{4}$ NW $\frac{1}{4}$	403	IR	3.5	Duntley, Carole A.
1	NW $\frac{1}{4}$ NW $\frac{1}{4}$	403	POND	0.5	Duntley, Carole A.
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	1200	IR	28.9	Pledger, William & Felicia
4	SW $\frac{1}{4}$ SW $\frac{1}{4}$	1100	IR	7.5	Booth, Loran & Toni
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	1200	IR	36.1	Pledger, William & Felicia
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	1300	IR	39.85	Putnam, Lee&Mary/Steve&Arlene
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	1300	IR	37.66	Putnam, Lee&Mary/Steve&Arlene

Section 7

	SW $\frac{1}{4}$ NE $\frac{1}{4}$	600	IR	3.75	Wise/Strauss
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	701	IR	3.4	Fournier, Chris
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	702	IR	7.6	Fournier, Chris
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	703	IR	13.9	MacGaffey, Keith
	NW $\frac{1}{4}$ NW $\frac{1}{4}$	402	IR	2.6	Davis, Tim & Madeleine
	NW $\frac{1}{4}$ NW $\frac{1}{4}$	500	IR	2.4	Davis, Tim & Madeleine
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	401 <sup>700</sup>	IR	0.6	Reichardt, William & Judith Ann Snyder
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	600	IR	0.25	Wise/Strauss J/A
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	700	IR	19.4	Reichardt, William & Judith Ann
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	703	IR	1.1	MacGaffey, Keith
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	1500	IR	15.5	Amadio, Thomas & Dorothy
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	1600	IR	4.0	Rowell, Bob
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	1601	IR	1.6	Parker, John & Arlene
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	1700	IR	6.4	Parker, John & Arlene
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	1702	IR	2.2	Painter, Jon & Etta
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	1703	IR	5.0	Burkhardt, Rick & Lynn
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	1706	IR	4.0	Hansen, Gary & Linda
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	1707	IR	1.0	Hammack, Patrick & Constance
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	1701	IR	12.0	Wilkerson, Richard & Carol
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	1704	IR	1.6	Amadio, Thomas & Dorothy
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	1705	IR	4.0	Smith, Craig & Sandra
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	1501	IR	10.0	Amadio, Thomas & Dorothy
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	1704	IR	10.2	Amadio, Thomas & Dorothy
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	1000	IR	3.7	Phillips, Michael & Nancy
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	1100	IR	4.7	Olsen, Marc & Theresa
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	1200	IR	4.4	Arnold, Charles
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	1302	IR	3.2	Cordiner, Robert & Peggy
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	900	IR	4.0	Trowbridge, William & Lynne
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	1403	IR	13.9	Seliger, William & Kathleen
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	1404	IR	1.8	Wyman, Harold & Jane
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	1401	IR	24.1	Wyman, Harold & Jane
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	1400	IR	19.0	Hull, Judy Ayres
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	1402	IR	14.0	Hull, Judy Ayres

Section 8

SW $\frac{1}{4}$ NW $\frac{1}{4}$	500	IR	1.43	Ponsford, David
-----------------------------------	-----	----	------	-----------------

Section 9

N95-013

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SEE NEXT PAGE

WATER RESOURCES 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.

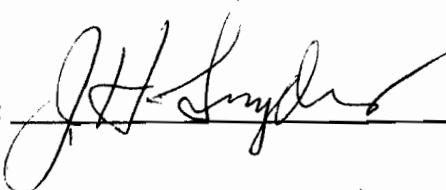
*Information and Resources Attached*

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

Signature:  Date: 2/1/08

**This form must be returned before lease payment is made.**

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WATER RESOURCES DEPT  
SALEM OREGON





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

Application for
Instream Lease

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: L08.10
Lease Application Number (assigned by WRD):

This Lease is with:

Lessor #1 (Water Right Holder):

Name MSI Properties
Mailing address 1972 NE 3rd, Suite 334
City, State, Zip Code Bend, OR 97701
Telephone number (909) 721-7676
Email address
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APR 14 2008
WATER RESOURCES DEPT
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 [X] 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 1/4 1/4, tax lot number, map orientation and scale.]

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16	11	26	nese	00600	23.11	IRR	74147	7	10/29/1913
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
- The water has not been used over the past five years according to the terms and conditions of the water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)(  )(include necessary supporting documentation as Attachment 3).

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**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 than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
  - Written notice to the Department with original signatures;
  - Consent by all parties to the lease; and/or
  - Written notice to the Watermaster's office.
- For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

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

Lessor #1: *Juan Carlos, Mgr.* Date: *2/16/08*  
MSI Properties

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

\_\_\_\_\_

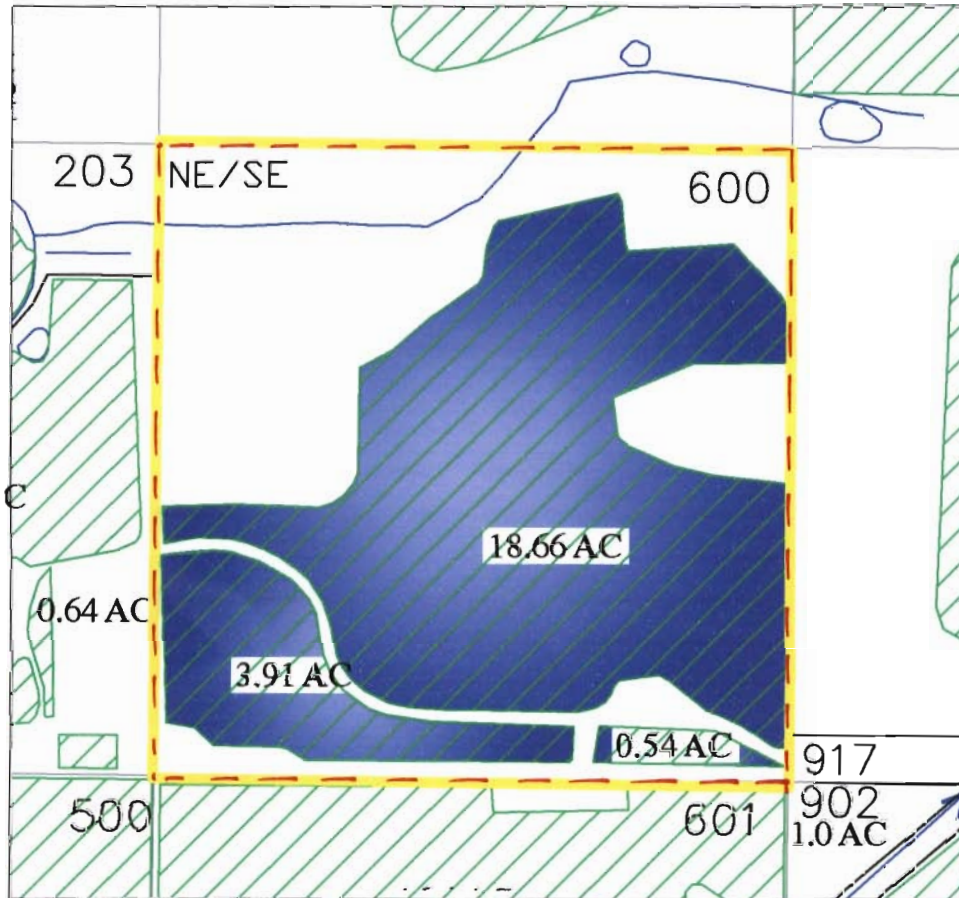
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SALEM OREGON

TUMALO IRRIGATION DISTRICT  
IN-STREAM LEASED WATER RIGHTS SURVEY

EXHIBIT 5-A & B  
L08-010

FOR  
MSI Properties

19240 PINEHURST RD., Bend OR 97701.



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SALEM OREGON



Certificate #'s  
74146, and 74147



Certificate #  
76106



In-Stream Lease

INITIAL: *jc*

LOCATED IN THE NE 1/4 OF THE SE 1/4  
OF SECTION 26 , T16 S., R.11 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

SW¼SW¼	400	OTS Wire & Insulation, Inc.	IR	2.00	3.00
SE¼SW¼	800	Blank/Hitchcock	IR	1.00	9.00
SE¼SW¼	801	Flannery/Nauer <i>T-8607</i>	IR		8.18
NE¼SE¼	600	Amadio, Anthony <i>NDD.003 Areas 4, 11A</i>	IR	19.00	23.11
NW¼SE¼	202	Milem, John & Kathleen	IR	13.70	
NW¼SE¼	203	Milem, John & Kathleen	IR	16.30	
SW¼SE¼	500	Guice, Thomas	IR		36.10
SE¼SE¼	601	Pickard, Bob & Mary Lou	IR		16.10
SE¼SE¼	602	Peters, Michael & Dana	IR		1.00
SE¼SE¼	700	Frick, Charles & Linda	IR		18.00

Section 26

NE¼NE¼	601	Martin, Jack W.	IR	4.00	8.25
NE¼NE¼	604	Allen, Charlie & Wendy	IR		1.50
NW¼NE¼	100	Barber, Murl	IR		2.00
NW¼NE¼	101	Varco, Robert & Coleen	IR		3.50
NW¼NE¼	107	Barber, Murl	IR		3.00
NW¼NE¼	108	Wark, Russell & Sandra	IR		5.00
NW¼NE¼	109	Hering, Eugene & Suellen	IR		5.00
NW¼NE¼	110	Moser, Joyce	IR		3.50
SW¼NE¼	200	Moore, Scott & Margaret	IR		12.00
SW¼NE¼	212	Souther, David & Connie	IR		11.00
SE¼NE¼	604	Allen, Charlie & Wendy	IR		18.50
NE¼NW¼	102	Johnson, Thomas & Lois	IR		9.35
NE¼NW¼	103	Kochera, Jack & Marilyn	IR		6.00
NE¼NW¼	104	Kail/Rankin	IR		8.00
NE¼NW¼	105	Wallace, Peter & Jeanette	IR		3.00
NW¼NW¼	201	Davis, Ron & Elizabeth	IR		17.60
NW¼NW¼	209	Plows, Richard & Marcia	IR		4.00
NW¼NW¼	210	Costello/Olin	IR		4.00
NW¼NW¼	211	Lowas, John & Nancy	IR		8.00
SW¼NW¼	202	Parker, Deryl & Adeline	IR		15.80
SW¼NW¼	206	O'Neal, Steven & Julianne	IR		15.00
SE¼NW¼	207	Hanus, Jana	IR	1.50	2.00
SE¼NW¼	208	Wilhelm, Diane	IR		1.70
SE¼NW¼	213	McIntosh, Dotta J.	IR	2.50	2.50
SE¼NW¼	214	Wilhelm, Diane	IR		0.60
NE¼SW¼	300	Wilhelm, Diane	IR		19.20
NE¼SW¼	301	Wilhelm, Diane	IR		0.70
NW¼SW¼	302	Wilhelm, Diane	IR		37.80
SW¼SW¼	400	Hall, David & Joanne	IR		9.00
SW¼SW¼	402	Davis, William M. III	IR		4.00
SW¼SW¼	403	Henderson, Jeff & Chris	IR		3.00
SW¼SW¼	404	Swisher, Frederick & Lisa	IR		5.00
SW¼SW¼	405	Paterson, Mary Lou	IR		3.00
SW¼SW¼	406	Danahy, Timothy & Vickie	IR		3.00
SE¼SW¼	401	Cardoza, Manuel & Linda	IR		29.92
NE¼SE¼	602	Koehler, Alice	IR		0.80
NE¼SE¼	605	Rola, Jeff & Susan	IR		7.80
NE¼SE¼	606	Hampton, John & Carol	IR		0.33
NE¼SE¼	608	Rola, Jeff & Susan	IR		1.40
NW¼SE¼	203	Rola, Jeff & Susan	IR		8.80
NW¼SE¼	205	Bauersfeld, James & Christine	IR		12.00
SW¼SE¼	500	Bauersfeld, James & Christine	IR		25.40
SW¼SE¼	501	Bauersfeld, James & Christine	IR		1.40
SE¼SE¼	603	Johnson, Eleanor B.	IR		3.00

Section 27

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SALEM OREGON

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*Made of copy*

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, Juan Cable understand the new DRC weed policy and have  
*Print Name*  
been informed about farm deferral.

Signature: Juan Cable Date: 2/16/08

**This form must be returned before lease payment is made.**

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WATER RESOURCES DEPT  
SALEM OREGON





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

# Application for Instream Lease

## 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](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

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

Optional Identification by Lessor/Lessee: L08.11  
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  
Mailing address 543 Bay Hill Drive  
City, State, Zip Code Avon Lake, OH 44012  
Telephone number (310)373-4063  
Email address \_\_\_\_\_

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**WATER RESOURCES DEPT  
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	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	12	07	nese	01401	.20	IRR	74147	10	10/29/1913
2.	16	12	07	sese	01401	14.60	IRR	74147	10	10/29/1913
3.	16	12	07	sese	01402	13.70	IRR	74147	10	10/29/1913
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 not been used over the past five years according to the terms and conditions of the water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)(  )(include necessary supporting documentation as Attachment 3).

**RECEIVED**

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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 than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
  - Written notice to the Department with original signatures;
  - Consent by all parties to the lease; and/or
  - Written notice to the Watermaster's office.
- For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

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

Lessor #1: Paul E. Schutt Date: 2/18/08  
Paul E. Schutt, Trustee

Merry A. Tufen Date: 2-18-08  
Merry A. Tufen, 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.)
- Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is checked)
- Exhibit 5-D: Split Season Instream Use Form

\_\_\_\_\_

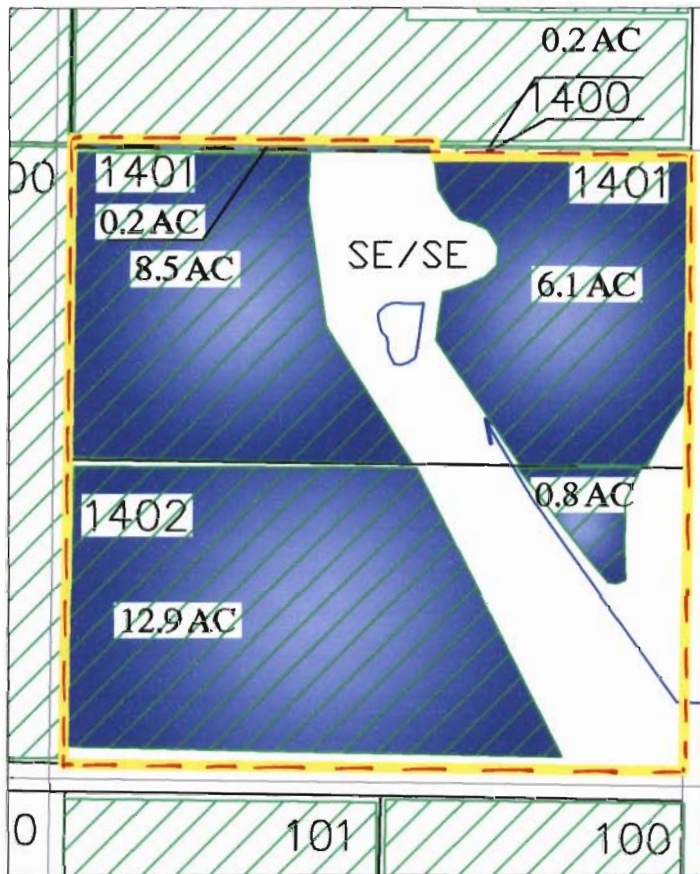
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SALEM OREGON

TUMALO IRRIGATION DISTRICT  
 IN-STREAM LEASED WATER RIGHTS SURVEY

EXHIBIT 5-A & B  
 L08-011

FOR

Schutt/Tuten Family Trust



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-   
 Certificate #'s  
 74146, and 74147
-   
 Certificate #  
 76106
-   
 In-Stream Lease

INITIAL: 

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

NW¼SW¼	1600		Braun Trustees, Jean & Rose	IR	5.90	
NW¼SW¼	1601		Lamkins, Larry & Carol	IR	7.00	
SW¼SW¼	1700		Schlueter, James & Patricia	IR	1.80	33.20
SE¼SW¼	1700		Schlueter, James & Patricia	IR		14.20
SE¼SW¼	1900		Schlueter, James & Patricia	IR	2.00	5.80
SW¼SE¼	2100		Cascade Materials	IR		7.00

Section 35

SE¼SE¼	1100	D	Ballew, Doug & Judith	IR	1.00	1.00
SE¼SE¼	1401	D	Hagemann, Roger & Lorraine	IR		2.00
SE¼SE¼	1500	D	Kelly, Bill & Veronica	IR	0.60	0.60
SE¼SE¼	1702	D	Tepner, Robert & Karen	IR		1.40

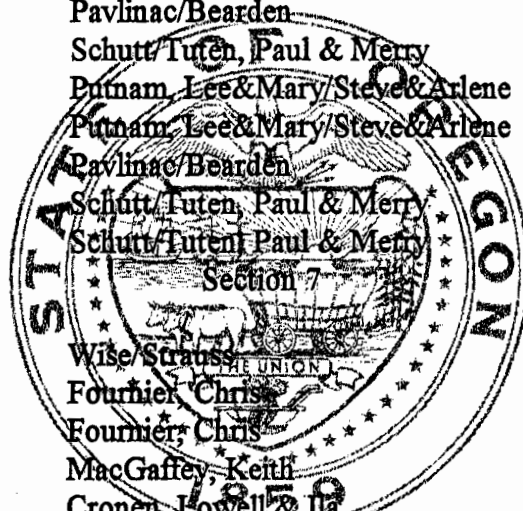
Section 36

Township 16 South, Range 11 East, W.M.

6	NW¼SW¼	1800	Daniels, James & Karen	IR		1.00
7	SW¼SW¼	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
	SW¼NE¼	700	Soriano, Charles & Jeanine	IR	15.00	
	SE¼NE¼	103	Gobeille, David & Carolyn	IR		0.70
	NE¼NW¼	402	Duntley, Carole A.	IR		4.00
	NE¼NW¼	403	Duntley, Carole A.	IR		2.00
1	NW¼NW¼	401	VanderBeek, Robert & Laurie	IR		4.70
1	NW¼NW¼	403	Duntley, Carole A.	IR		4.00
1	NW¼NW¼	500	Chace, William & Brenda	IR		1.00
1	NW¼NW¼	600	Campagna, David & Sharon	IR		1.00
2	SW¼NW¼	900	Chapman, Drexal & Katheryn	IR	1.20	10.80
	NE¼SW¼	1200	Pledger, William & Felicia	IR		28.90
4	SW¼SW¼	1100	Booth, Loran & Toni	IR		8.80
4	SW¼SW¼	1101	Pledger, Jeffery & Karen	IR		12.00
	SE¼SW¼	1200	Pledger, William & Felicia	IR		36.10
	NE¼SE¼	1400	Pavlinac/Bearden	PND	0.10	
	NE¼SE¼	1400	Pavlinac/Bearden	IR	38.50	
	NE¼SE¼	1401	Schutt/Tuten, Paul & Merry	IR	0.20	
	NW¼SE¼	1300	Putnam, Lee & Mary/Steve & Arlene	IR		39.85
	SW¼SE¼	1300	Putnam, Lee & Mary/Steve & Arlene	IR		37.66
	SE¼SE¼	1400	Pavlinac/Bearden	IR	0.20	
	SE¼SE¼	1401	Schutt/Tuten, Paul & Merry	IR	14.60	
	SE¼SE¼	1402	Schutt/Tuten, Paul & Merry	IR	13.70	



Section 7

	SW¼NE¼	600	Wise/Strauss	IR		3.75
	SW¼NE¼	701	Fournier, Chris	IR		3.40
	SW¼NE¼	702	Fournier, Chris	IR		7.60
	SW¼NE¼	703	MacGaffey, Keith	IR		13.90
	SE¼NE¼	800	Cronen, Lowell & Ila	IR		10.00
	SE¼NE¼	801	Houshmand, Shamsolmolouk	IR	5.80	4.20
	NW¼NW¼	402	Davis, Tim & Madeleine	IR		2.60
	NW¼NW¼	500	Davis, Tim & Madeleine	IR		2.40
	SW¼NW¼	400	Davis, Tim & Madeleine	IR	20.40	
	SW¼NW¼	401	Reichardt, William & Judith Ann	IR		0.60
	SE¼NW¼	600	Wise/Strauss	IR		0.25
	SE¼NW¼	700	Reichardt, William & Judith Ann	IR		19.40
	SE¼NW¼	703	MacGaffey, Keith	IR		1.10
	NE¼SW¼	1500	Amadio, Thomas & Dorothy	IR	2.00	15.50
	NE¼SW¼	1600	Rowell, Bob	IR		4.00

SEE NEXT PAGE

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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, Paul Scott understand the new DRC weed policy and have  
*Print Name*  
been informed about farm deferral.

Signature: Paul E. Scott Date: 4/18/08

**This form must be returned before lease payment is made.**

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WATER RESOURCES DEPT  
SALEM OREGON





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

# Application for Instream Lease

## 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](http://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:

**Lessor #1 (Water Right Holder):**

Name Brehmer, Chris J. & Lisa M.

Mailing address PO Box 241103

City, State, Zip Code Anchorage, AK 99524-1103

Telephone number (907) 563-0905

Email address \_\_\_\_\_

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**WATER RESOURCES DEPT  
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 76106, S 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 1/4 1/4, tax lot number, map orientation and scale.]

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	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 not been used over the past five years according to the terms and conditions of the water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)(  )(include necessary supporting documentation as Attachment 3).

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**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 than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
  - Written notice to the Department with original signatures;
  - Consent by all parties to the lease; and/or
  - Written notice to the Watermaster's office.
- For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

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

Lessor #1: Chris J. Brehmer Date: 3-6-08

Chris J. Brehmer

Lisa M. Brehmer Date 3-6-08

Lisa M. Brehmer

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

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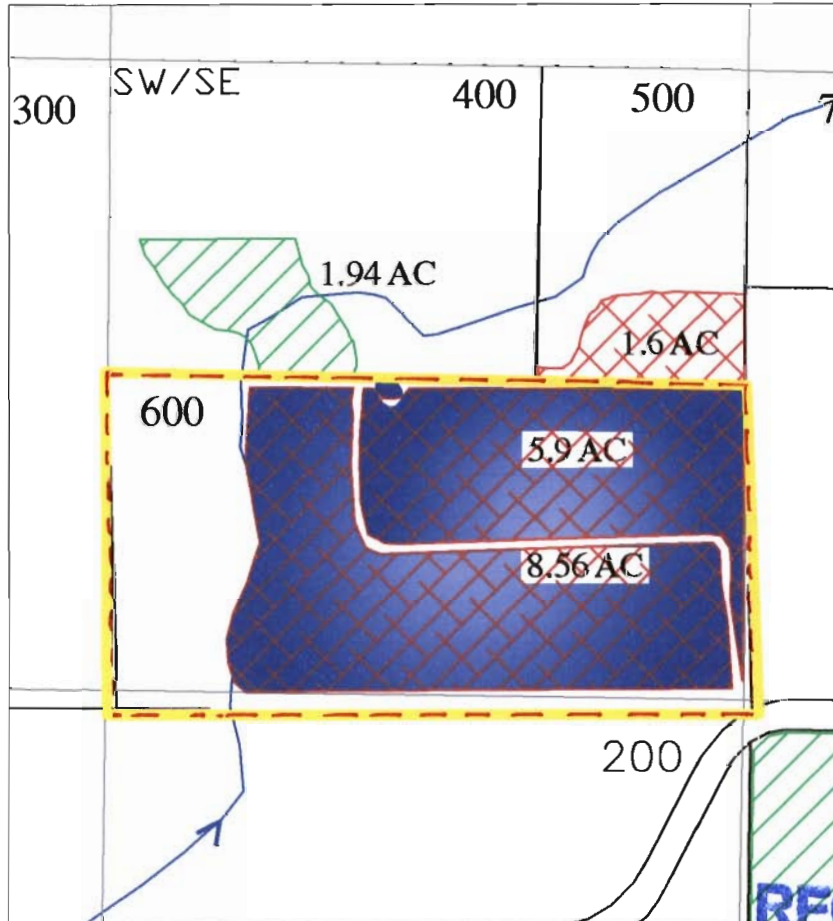
TUMALO IRRIGATION DISTRICT  
IN-STREAM LEASED WATER RIGHTS SURVEY

EXHIBIT 5-A & B  
L08-012

FOR

Brehmer, Chris J. & Lisa M.

19450 Dusty Loop, Bend OR 97701.



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SALEM OREGON



Certificate #s  
74146, and 74147



Certificate #  
76106



In-Stream Lease

INITIAL: CB

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



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 appurtenant is as follows:

T	R	S	Q / Q	Tax 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 Brehmer
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

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WATER RESOURCES DEPT  
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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, Chris Brehmer understand the new DRC weed policy and have  
*Print Name*  
been informed about farm deferral.

Signature:  Date: 3-6-08

**This form must be returned before lease payment is made.**

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SALEM OREGON





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

# Application for Instream Lease

## 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](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

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

Optional Identification by Lessor/Lessee: L08.13  
Lease Application Number (assigned by WRD): \_\_\_\_\_

This Lease is with:

**Lessor #1 (Water Right Holder):**

Name Dvorak, Louis B.

Mailing address 64680 Horseman Lane

City, State, Zip Code Bend, OR 97701

Telephone number 541 382-2553

Email address \_\_\_\_\_

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**WATER RESOURCES DEPT  
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: 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 ¼ ¼, tax lot number, map orientation and scale.]

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	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
- The water has not been used over the past five years according to the terms and conditions of the water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)(  )(include necessary supporting documentation as Attachment 3).

**RECEIVED**

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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 than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
  - Written notice to the Department with original signatures;
  - Consent by all parties to the lease; and/or
  - Written notice to the Watermaster's office.
- For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

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

Lessor #1: Louis B Dvorak Date: 29 Feb 08  
Louis B. Dvorak

For additional Lessors, type in space for signature and date

\_\_\_\_\_

**RECEIVED**

APR 14 2008

**WATER RESOURCES DEPT  
SALEM OREGON**

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

\_\_\_\_\_



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

## 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](http://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, tax lot number, map orientation and scale.]

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16	11	35	sene	00600	.40	IRR	74147	9	10/29/1913
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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[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

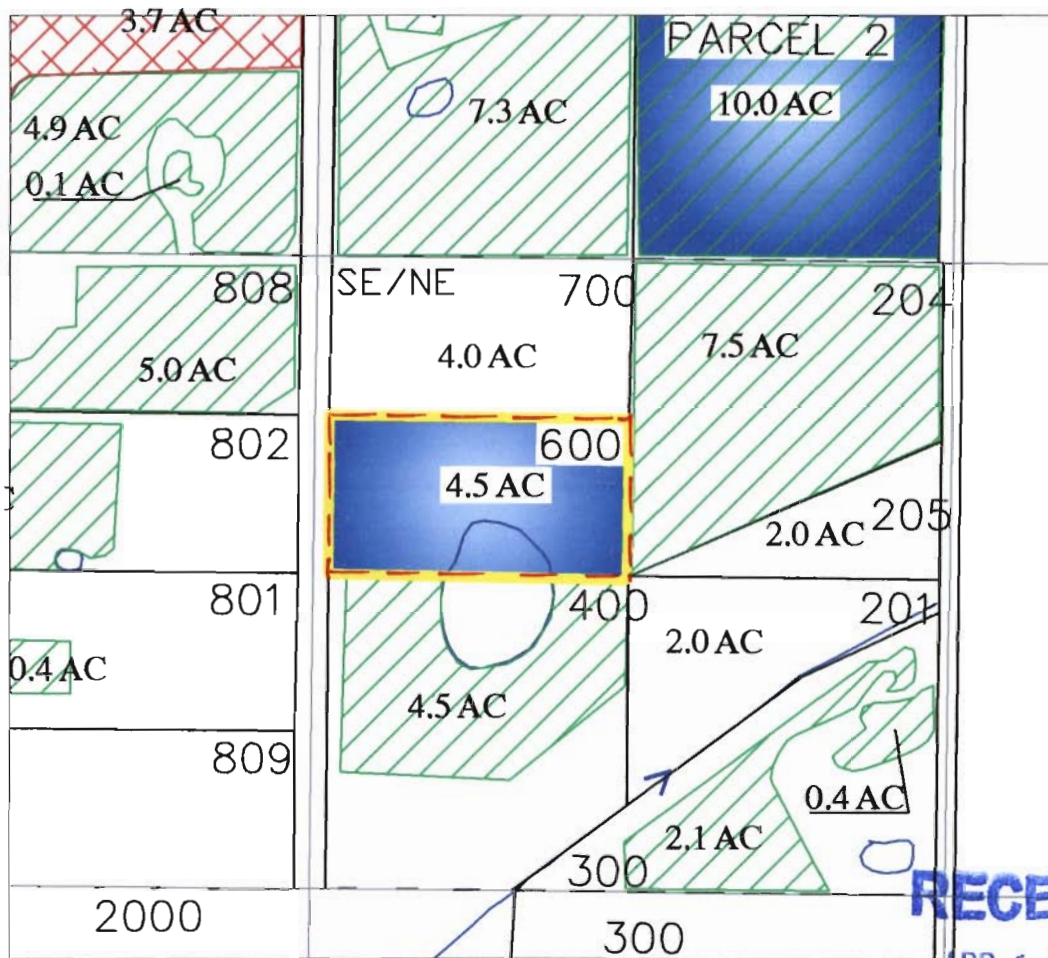
# TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY

EXHIBIT 5-A & B  
L08-013

FOR

**Dvorak, Louis B.**

64680 Horseman Lane., BEND 97701



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 Certificate #'s  
74146, and 74147  
 Certificate #  
76106  
 In-Stream Lease

INITIAL: LBD

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

SE $\frac{1}{4}$ NE $\frac{1}{4}$	900	IR	3.0	Russell, Barbara H.
NE $\frac{1}{4}$ SW $\frac{1}{4}$	600	IR	1.0	Wessinger, William & Pat
SW $\frac{1}{4}$ SE $\frac{1}{4}$	700	IR	6.0	Moody, Steven
SW $\frac{1}{4}$ SE $\frac{1}{4}$	800	IR	10.0	McNulty, Ralph & Dee
SW $\frac{1}{4}$ SE $\frac{1}{4}$	806	IR	10.0	Cullman, Ruth

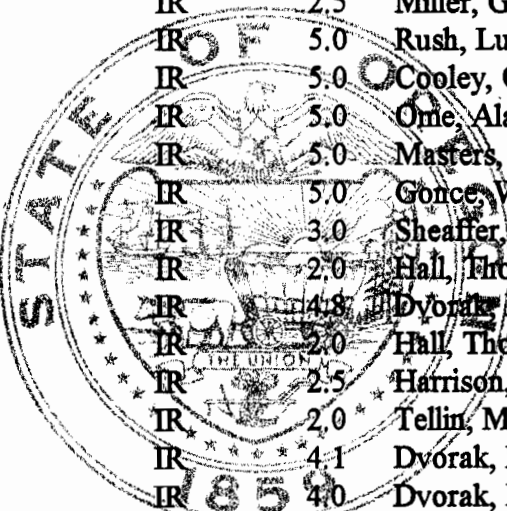
Section 33

NE $\frac{1}{4}$ NE $\frac{1}{4}$	100	IR	0.6	Stokoe, Barbara L.
NE $\frac{1}{4}$ NE $\frac{1}{4}$	101	IR	1.4	Granet, Peter & Carol
NE $\frac{1}{4}$ NE $\frac{1}{4}$	102	IR	1.0	Anderson, Rev. Robert & Ruth
NE $\frac{1}{4}$ NE $\frac{1}{4}$	103	IR	0.5	Tavares, Louis III & Deborah
NW $\frac{1}{4}$ NE $\frac{1}{4}$	200	IR	3.0	Taylor, Jerry & Janet
NW $\frac{1}{4}$ NE $\frac{1}{4}$	201	IR	6.5	Laidlaw, Douglas
NW $\frac{1}{4}$ NE $\frac{1}{4}$	202	IR	3.5	Margo, Mark & Desiree
NW $\frac{1}{4}$ NE $\frac{1}{4}$	300	IR	5.0	Berg, Michael
NW $\frac{1}{4}$ NE $\frac{1}{4}$	301	IR	6.0	Petrie, Thomas & Helen
NW $\frac{1}{4}$ NE $\frac{1}{4}$	302	IR	3.0	Parker, Daniel & Jeanette
SW $\frac{1}{4}$ NE $\frac{1}{4}$	900	IR	3.0	Cole, Jennifer
SW $\frac{1}{4}$ NE $\frac{1}{4}$	906	IR	1.0	Van Cleave, Sherman & Vicki
SW $\frac{1}{4}$ SW $\frac{1}{4}$	1500	IR	5.4	Harlow, James
NW $\frac{1}{4}$ SE $\frac{1}{4}$	901	IR	1.0	Martin, Charles & Susan
SW $\frac{1}{4}$ SE $\frac{1}{4}$	1300	IR	12.6	Sohn, Ray & Sheila
SW $\frac{1}{4}$ SE $\frac{1}{4}$	1301	IR	3.4	Duhn, Jessica R.
SW $\frac{1}{4}$ SE $\frac{1}{4}$	1302	IR	2.0	Horton, Richard & Karen
SW $\frac{1}{4}$ SE $\frac{1}{4}$	1303	IR	7.0	McAllister/Burke
SW $\frac{1}{4}$ SE $\frac{1}{4}$	1304	IR	4.5	Schmidt, Robert & Carolyn

Section 34

NE $\frac{1}{4}$ NE $\frac{1}{4}$	100	IR	10.0	Leonard, Ronald
NE $\frac{1}{4}$ NE $\frac{1}{4}$	202	IR	7.5	Jermaczonak, Tony & Laurie
NE $\frac{1}{4}$ NE $\frac{1}{4}$	203	IR	3.3	Bottger, James & Bea
NE $\frac{1}{4}$ NE $\frac{1}{4}$	206	IR	1.7	Bottger, James & Bea
NE $\frac{1}{4}$ NE $\frac{1}{4}$	800	IR	0.6	Michael, Loreen
NW $\frac{1}{4}$ NE $\frac{1}{4}$	800	IR	4.4	Michael, Loreen
NW $\frac{1}{4}$ NE $\frac{1}{4}$	804	IR	2.5	O'Brien, James & Patricia
NW $\frac{1}{4}$ NE $\frac{1}{4}$	805	IR	2.5	Miller, G. J.
NW $\frac{1}{4}$ NE $\frac{1}{4}$	806	IR	5.0	Rush, Lucy K.
NW $\frac{1}{4}$ NE $\frac{1}{4}$	807	IR	5.0	Cooley, Orrin & Stephanie
SW $\frac{1}{4}$ NE $\frac{1}{4}$	801	IR	5.0	Ome, Alan G. & Deborah
SW $\frac{1}{4}$ NE $\frac{1}{4}$	802	IR	5.0	Masters, John
SW $\frac{1}{4}$ NE $\frac{1}{4}$	808	IR	5.0	Gonce, William & Carolyn
SW $\frac{1}{4}$ NE $\frac{1}{4}$	809	IR	3.0	Sheaffer, William & Annie
SE $\frac{1}{4}$ NE $\frac{1}{4}$	201	IR	2.0	Hall, Thomas & Faith
SE $\frac{1}{4}$ NE $\frac{1}{4}$	204	IR	4.8	Dvorak, Louis
SE $\frac{1}{4}$ NE $\frac{1}{4}$	205	IR	2.0	Hall, Thomas & Faith
SE $\frac{1}{4}$ NE $\frac{1}{4}$	300	IR	2.5	Harrison, Daniel
SE $\frac{1}{4}$ NE $\frac{1}{4}$	400	IR	2.0	Tellin, Mahlon & Patricia
SE $\frac{1}{4}$ NE $\frac{1}{4}$	600	IR	4.1	Dvorak, Louis
SE $\frac{1}{4}$ NE $\frac{1}{4}$	700	IR	4.0	Dvorak, Louis
NE $\frac{1}{4}$ SW $\frac{1}{4}$	1900	IR	1.4	Schlueter, James & Patricia
SW $\frac{1}{4}$ SW $\frac{1}{4}$	1700	IR	24.0	Schlueter, James & Patricia
SE $\frac{1}{4}$ SW $\frac{1}{4}$	1700	IR	13.2	Schlueter, James & Patricia
SE $\frac{1}{4}$ SW $\frac{1}{4}$	1900	IR	5.8	Schlueter, James & Patricia
SW $\frac{1}{4}$ SE $\frac{1}{4}$	2100	IR	5.0	Cascade Materials
SW $\frac{1}{4}$ SE $\frac{1}{4}$	2100	IND	2.0	Cascade Materials

Section 35



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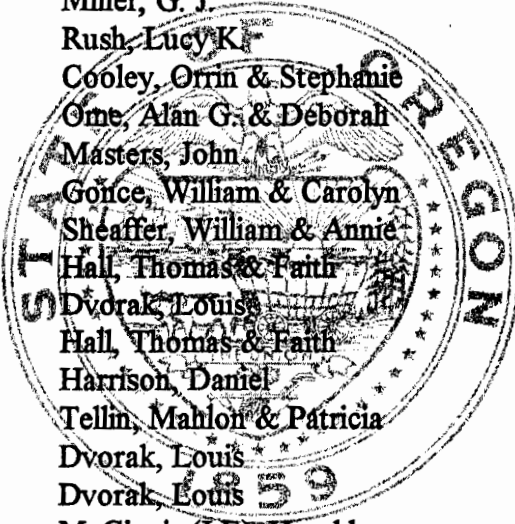
SEE NEXT PAGE WATER RESOURCES DEPT  
SALEM OREGON



NE¼NW¼	403	Strong, James J.	IR	13.00
NW¼NW¼	500	Narber, Kemper & Susan	IR	1.00
NW¼NW¼	501	Zenner, Steve	IR	1.60
NW¼NW¼	503	Colton/Engelhard	IR	3.80
SW¼NW¼	600	Johansen, Kirk & Judith	IR	10.00
SW¼NW¼	602	Crum, Laurel Ann	IR	5.00
SE¼NW¼	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
NW¼SW¼	601	Johansen, Kirk & Judith	IR	15.00
NW¼SW¼	603	Thomson, Richard & Patsy	IR	15.00
SW¼SW¼	1500	Harlow, James	IR	5.40
SW¼SW¼	1600	Johnson, Jimmy Dean	IR	1.90
SW¼SW¼	1601	Waterman, Faith	IR	2.00
SW¼SW¼	1700	Williams, Michael & Arletta	IR	1.90
SW¼SW¼	1800	McFerran/Lynch, Don & Barbara	IR	2.00
NE¼SE¼	1100	Lane, Alan	IR	13.00
NW¼SE¼	901	Martin, Charles & Susan	IR	4.00
NW¼SE¼	903	Miller, Ken & Darlene	IR	6.00
NW¼SE¼	904	Mills, Max & Lori	IR	2.00 3.74
SW¼SE¼	1300	Sohn, Ray & Sheila	IR	0.90 12.60
SW¼SE¼	1301	Duhn, Jessica R.	IR	1.00 3.40
SW¼SE¼	1302	Horton, Richard & Karen	IR	2.00
SW¼SE¼	1303	McAllister/Burke	IR	7.00
SW¼SE¼	1304	Schmidt, Robert & Carolyn	IR	4.50

Section 34

NE¼NE¼	100	Leonard, Ronald	IR	10.00
NE¼NE¼	202	Jermaczonak, Tony & Laurie	IR	7.50
NE¼NE¼	203	Bottger, James & Bea	IR	3.30
NE¼NE¼	206	Bottger, James & Bea	IR	1.70
NE¼NE¼	800	Michael, Loreen	IR	0.60
NW¼NE¼	800	Michael, Loreen	IR	4.40
NW¼NE¼	804	O'Brien, James & Patricia	IR	2.50
NW¼NE¼	805	Miller, G. J.	IR	2.75
NW¼NE¼	806	Rush, Lucy K.	IR	5.00
NW¼NE¼	807	Cooley, Orrin & Stephanie	IR	5.00
SW¼NE¼	801	Orme, Alan G. & Deborah	IR	5.00
SW¼NE¼	802	Masters, John	IR	5.00
SW¼NE¼	808	Gonce, William & Carolyn	IR	5.00
SW¼NE¼	809	Sheaffer, William & Annie	IR	3.00
SE¼NE¼	201	Hall, Thomas & Faith	IR	2.00
SE¼NE¼	204	Dvorak, Louis	IR	7.50
SE¼NE¼	205	Hall, Thomas & Faith	IR	2.00
SE¼NE¼	300	Harrison, Daniel	IR	2.50
SE¼NE¼	400	Tellin, Mahlon & Patricia	IR	2.50 2.00
SE¼NE¼	600	Dvorak, Louis	IR	0.40 4.10
SE¼NE¼	700	Dvorak, Louis	IR	4.00
NW¼NW¼	1000	McGinnis (LE), Harold	IR	19.70
SW¼NW¼	1100	Ames, George & Elaine	IR	13.00
SE¼NW¼	1200	Romaniak/Mendenhall	IR	4.00
SE¼NW¼	1300	Patrick, Arthur & Michelle	IR	1.00
SE¼NW¼	1301	Hervey, Sharon	IR	1.00
SE¼NW¼	1302	Patrick, Arthur & Michelle	IR	1.00
SE¼NW¼	1400	Patrick, Arthur & Michelle	IR	3.00
SE¼NW¼	1500	King, Charles & Pamela	IR	3.00
NE¼SW¼	1900	Schlueter, James & Patricia	IR	2.60 4.40
NW¼SW¼	1600	Braun Trustees, Jean & Rose	PND	0.10



SEE NEXT PAGE

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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, Louis B Dvorak understand the new DRC weed policy and have  
*Print Name*  
been informed about farm deferral.

Signature: Louis B Dvorak Date: 29 Feb 08

**This form must be returned before lease payment is made.**



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

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: L08.14
Lease Application Number (assigned by WRD):

This Lease is with:

Lessor #1 (Water Right Holder):

Name Harris Kimble
Mailing address 19625 Clear Night Drive
City, State, Zip Code Bend, OR 97701
Telephone number (541) 420-5904
Email address

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	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 not been used over the past five years according to the terms and conditions of the water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)(  )(include necessary supporting documentation as Attachment 3).

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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.

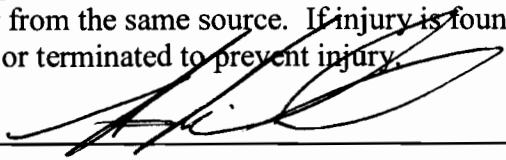
**3.3 Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred 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 than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
  - Written notice to the Department with original signatures;
  - Consent by all parties to the lease; and/or
  - Written notice to the Watermaster's office.
- For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

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

Lessor #1:   
Harris C. Kimble

Date: 3-3-08

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

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WATER RESOURCES DEPT  
SALEM, OREGON



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

# 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](http://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, tax lot number, map orientation and scale.]

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	17	11	13	nenw	00819	14.6	IRR	74147	17	10/29/1913
2.	17	11	13	nwnw	00819	10.94	IRR	74147	17	10/29/1913
3.	17	11	13	nsw	00819	12.20	IRR	74147	17	10/29/1913
4.	17	11	13	senw	00819	4.60	IRR	74147	17	10/29/1913
5.	17	11	13	swnw	00819	6.40	IRR	74147	17	10/29/1913
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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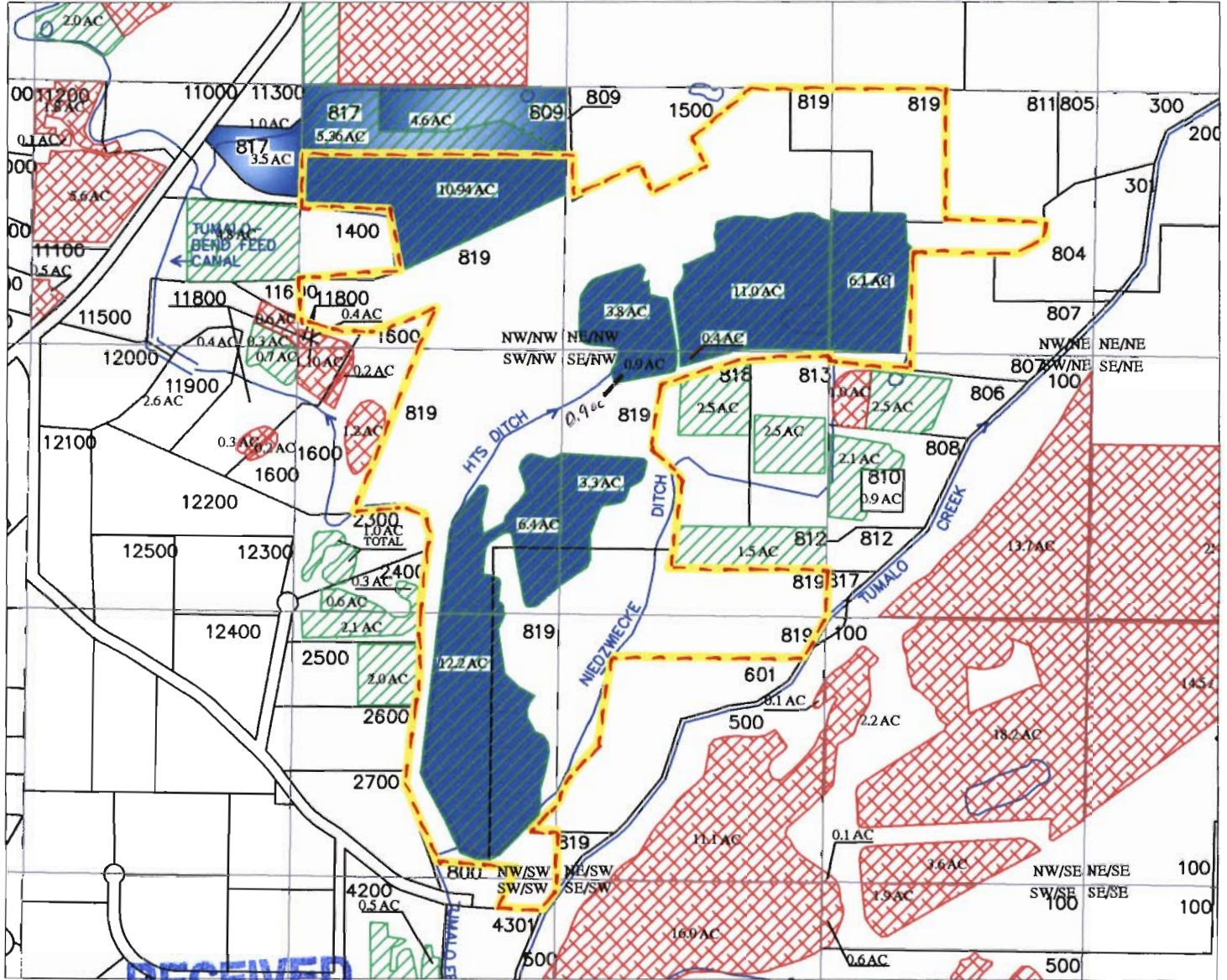


# TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY

EXHIBIT 5-A & B  
L08-014

FOR  
**Kimble, Harris C.**

63560 Johnson Road, Bend OR 97701.



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WATER RESOURCES DEPT  
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Certificate #'s  
74146, and 74147



Certificate #  
76106



In-Stream Lease

INITIAL: *HK*

LOCATED IN THE NE 1/4 OF THE NW1/4  
OF SECTION 13, T17 S., R.11 E., W.M.  
TAX LOTS # 819

DESCHUTES COUNTY, OREGON

NW/NE&NW/NW&NW/SW&SE/NW&SW/NW TL819

SCALE: 1" = 800'



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

Priority: 5/27/07

7	SW $\frac{1}{4}$ SW $\frac{1}{4}$	1802	IR	3.0	Rupp, C. Richard
		Section 6			
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	2100	IR	3.4	C.L.R. INC.
		Section 30			
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	4300D	IR	0.8	C.L.R. INC.
		Section 31			
	Township 16 South, Range 12 East, W.M.				
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	1800	IR	2.0	COATS, ERIC & ROBIN T-7466
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	500	IR	1.2	Coats, R.L. & Joyce NOS.004
		Section 11			
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	804	IR	0.4	Coats, R.L. & Joyce
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	807	IR	3.8 5.4	Coats, R.L. & Joyce 1-7466 NOS.004
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	817 819	IR	6.1	C.L.R. INC. Harris Kimble
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	806	IR	2.5	Graham, Kenneth & Joy
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	807	IR	0.6 1.0	Coats, R.L. & Joyce 1-7466 NOS.004
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	808	IR	2.1	Niedzwiecke, Andrew & Judith
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	810	IR	0.9	Niedzwiecke, Andrew & Judith
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	817 819	IR	0.2	C.L.R. INC. Harris Kimble
	NW $\frac{1}{4}$ NW $\frac{1}{4}$	809	IR	1.6	C.L.R. INC.
	NW $\frac{1}{4}$ NW $\frac{1}{4}$	817	IR	4.0	C.L.R. INC.
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	812	IR	1.5	Latham, Mark & Kristen
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	813	IR	2.5	Schweigert, Ken
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	818	IR	2.5	Hamper, Tom
		Section 13			
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	11700	IR	0.2	Allen, Charles
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	11800	IR	0.1	Allen, Charles
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	11900	IR	0.4	Rugloski, Paul, Andrew & Cecelia
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	11800	IR	0.7	Allen, Charles
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	11900	IR	2.6	Rugloski, Paul, Andrew & Cecelia
		Section 14			
	Township 17 South, Range 11 East, W.M.				

2	NW $\frac{1}{4}$ NE $\frac{1}{4}$	302	IR	0.1	C.L.R. INC.
		Section 6			
	Township 17 South, Range 12 East, W.M.				

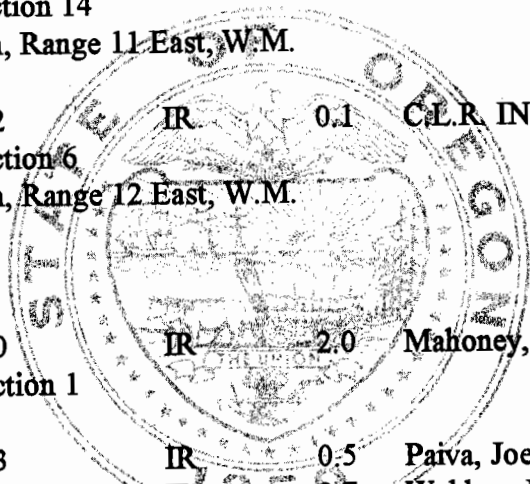
Priority: 6/1/07

	SE $\frac{1}{4}$ SE $\frac{1}{4}$	800	IR	2.0	Mahoney, Dan & Martha
		Section 1			
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	803	IR	0.5	Paiva, Joe & Wanita
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	900	IR	0.7	Waldron Jr., Harvey & Genevieve
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	901	IR	0.3	Waldron Jr., Harvey & Genevieve
		Section 11			
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	1200	IR	16.1	Gillham, John & Audrey
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	1200	IR	0.2	Gillham, John & Audrey
		Section 12			

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SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	810	Niedzwiecke, Andrew & Judith	IR	0.90
NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	817 819	<del>C.L.R. INC. Harris Kimble</del>	IR	14.60 0.20
NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	809	C.L.R. INC.	IR	3.00 1.60
√NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	817 819	C.L.R. INC. Harris Kimble	IR	12.30 10.94 4.00
SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	2300	Beighley/Taylor, Mark & Deborah	IR	1.36 12.3 1.00
SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	2400	Moore, Bill & Mildred	IR	0.90
SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	817 819	<del>C.L.R. INC. Harris Kimble</del>	IR	6.40
SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	812	Latham, Mark & Kristen	IR	1.50
SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	813	Schweigert, Ken	IR	2.50
SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	817 819	<del>C.L.R. INC. Harris Kimble</del>	IR	4.60
SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	818	Hamper, Tom	IR	2.50
NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	2400	Moore, Bill & Mildred	IR	1.00 1.10
NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	2500	Hanson, Robert & Ruth	IR	2.00
NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	817 819	<del>C.L.R. INC. Harris Kimble</del>	IR	12.20
SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	4200	Reinhardt, George & Jeanne	IR	2.00

Section 13

NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	11300	Woods, William C.	IR	1.00
NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	11400	C.L.R. INC.	IR	3.50 changed to 7.817
NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	11900	Rugloski, Paul, Andrew & Cecelia	IR	0.40
SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	11900	Rugloski, Paul, Andrew & Cecelia	IR	2.60

Section 14

Township 17 South, Range 11 East, W.M.

2	NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	300	C.L.R. INC.	IR	1.80
2	NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	301	C.L.R. INC.	IR	0.50 3.00
2	NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	302	C.L.R. INC.	IR	4.10 3.10
3	NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	200 B	Allen/Rice, Rita & Kenny	IR	2.50
3	NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	300 B	Dwyer, Michael & Theresa	IR	16.40
4	NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	300 B	Dwyer, Michael & Theresa	IR	17.70
4	NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	301 B	Greer, Stephen & Denise	IR	2.00
4	NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	302 B	Greer, Russell & Lois	IR	2.40
4	NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	400 B	Greer, Russell & Lois	IR	2.00
4	NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	500 B	Randolph, James & Charlotte	IR	1.00

Section 6

2	SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	400	Kemple, Harold & Terryl	IR	1.50 10.00
2	SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	401	Frei, Gary & Victoria	IR	14.60
	SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	400	Kemple, Harold & Terryl	IR	1.20

Section 7

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 JUN 1 9 1997, 1997 and recorded in Special Order Volume 51, Page 752, 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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*Martha O. Pagel*  
Martha O. Pagel, Director

Recorded in State Record of Water Right Certificates numbered 74147.

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*

HARRIS KIMBLE

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

Signature:  Date: 3-3-08

**This form must be returned before lease payment is made.**

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

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):

Name Kachlein, Mark & Belinda
Mailing address 66440 Gerking Market Road
City, State, Zip Code Bend, OR 97701
Telephone number (541) 383-1527
Email address

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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

1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. [ ] Yes [X] 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 1/4 1/4, tax lot number, map orientation and scale.]

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16	12	06	sww	01802	3.0	IRR	74146	14	5/27/1907
2.	16	12	06	sww	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 not been used over the past five years according to the terms and conditions of the water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)(  )(include necessary supporting documentation as Attachment 3).

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**~II~ Instream Water Right Information**

**2.3 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.

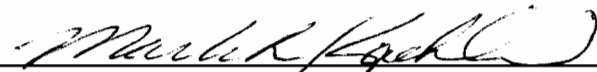


**3.4 Suspension of original use.** During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights.

**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 than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
  - Written notice to the Department with original signatures;
  - Consent by all parties to the lease; and/or
  - Written notice to the Watermaster's office.
- For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

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

Lessor #1:  Date: 3-05-08  
Mark R. Kachlein

 Date: 3/05/08  
Belinda R. Kachlein

For additional Lessors, type in space for signature and date

\_\_\_\_\_

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

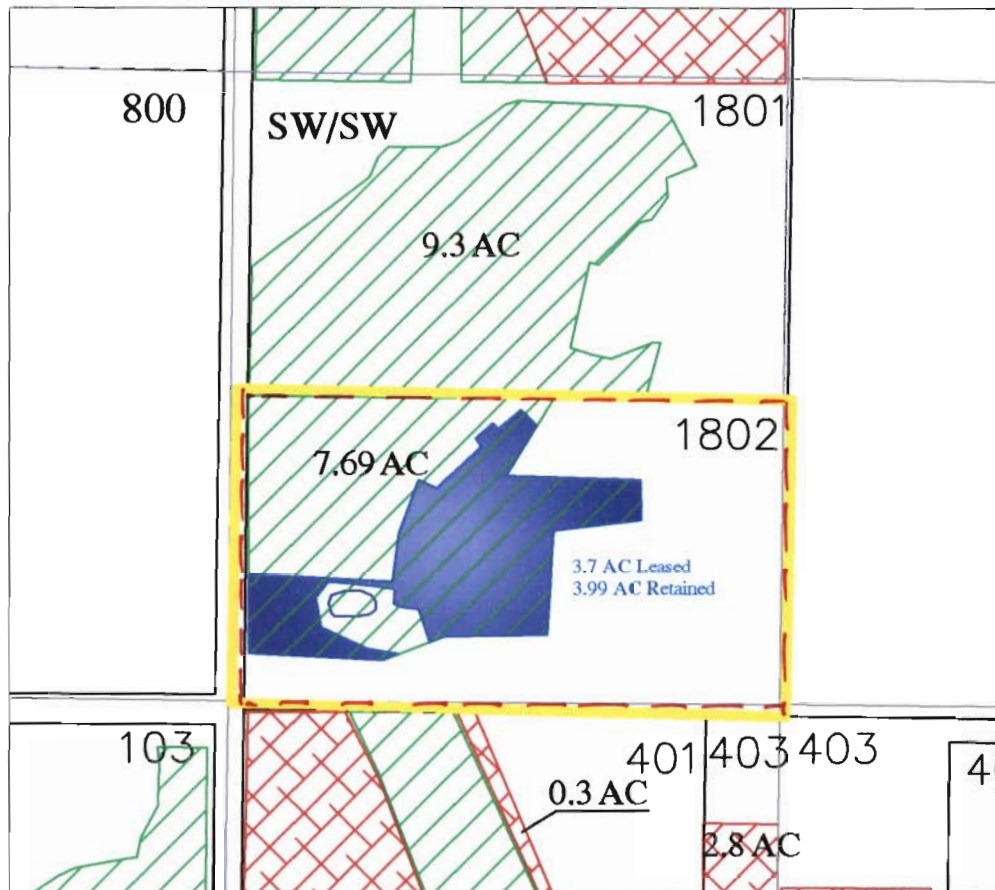
\_\_\_\_\_

TUMALO IRRIGATION DISTRICT  
IN-STREAM LEASED WATER RIGHTS SURVEY

EXHIBIT 5-A & B  
L08-015

FOR

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



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INITIAL: *mrk*



Certificate #'s  
74146, and 74147



Certificate #  
76106



In-Stream Lease

LOCATED IN THE SW 1/4 OF THE SW 1/4  
OF SECTION 06, T16 S., R.12 E., W.M.  
TAX LOTS # 1802  
DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'

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

Priority: 5/27/07

7	SW $\frac{1}{4}$ SW $\frac{1}{4}$	1802 Section 6	IR	3.0	<i>Kachlein</i> Rupp, C. Richard
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	2100 Section 30	IR	3.4	C.L.R. INC.
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	4300D Section 31	IR	0.8	C.L.R. INC.
Township 16 South, Range 12 East, W.M.					
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	500 Section 11	IR	1.2	Coats, R.L. & Joyce
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	804	IR	0.4	Coats, R.L. & Joyce
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	807	IR	5.4	Coats, R.L. & Joyce
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	817	IR	6.1	C.L.R. INC.
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	806	IR	2.5	Graham, Kenneth & Joy
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	807	IR	1.0	Coats, R.L. & Joyce
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	808	IR	2.1	Niedzwiecke, Andrew & Judith
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	810	IR	0.9	Niedzwiecke, Andrew & Judith
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	817	IR	0.2	C.L.R. INC.
	NW $\frac{1}{4}$ NW $\frac{1}{4}$	809	IR	1.6	C.L.R. INC.
	NW $\frac{1}{4}$ NW $\frac{1}{4}$	817	IR	4.0	C.L.R. INC.
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	812	IR	1.5	Latham, Mark & Kristen
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	813	IR	2.5	Schweigert, Ken
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	818 Section 13	IR	2.5	Hamper, Tom
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	11700	IR	0.2	Allen, Charles
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	11800	IR	0.1	Allen, Charles
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	11900	IR	0.4	Rugloski, Paul, Andrew & Cecelia
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	11800	IR	0.7	Allen, Charles
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	11900 Section 14	IR	2.6	Rugloski, Paul, Andrew & Cecelia
Township 17 South, Range 11 East, W.M.					
2	NW $\frac{1}{4}$ NE $\frac{1}{4}$	302 Section 6	IR	0.1	C.L.R. INC.
Township 17 South, Range 12 East, W.M.					

Priority: 6/1/07

	SE $\frac{1}{4}$ SE $\frac{1}{4}$	800 Section 1	IR	2.0	Mahoney, Dan & Martha
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	803	IR	0.5	Paiva, Joe & Wanita
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	900	IR	0.7	Waldron Jr., Harvey & Genevieve
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	901 Section 11	IR	0.3	Waldron Jr., Harvey & Genevieve
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	1200	IR	16.1	Gillham, John & Audrey
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	1200 Section 12	IR	0.2	Gillham, John & Audrey

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SE $\frac{1}{4}$ SE $\frac{1}{4}$	1100D	IR	1.0	Ballew, Doug & Judith
SE $\frac{1}{4}$ SE $\frac{1}{4}$	1401D	IR	2.0	Hagemann, Roger & Lorraine

Section 36

Township 16 South, Range 11 East W.M.

7	SW $\frac{1}{4}$ SW $\frac{1}{4}$	1801	IR	5.0	A.K.A. Productions, Inc.
7	SW $\frac{1}{4}$ SW $\frac{1}{4}$	1802	IR	2.6	Rupp, C. Richard

Section 6

	SE $\frac{1}{4}$ NE $\frac{1}{4}$	103	IR	0.7	Gobeille, David & Carolyn
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	402	IR	1.0	Duntley, Carole A.
1	NW $\frac{1}{4}$ NW $\frac{1}{4}$	401	IR	4.7	VanderBeek, Robert & Laurie
1	NW $\frac{1}{4}$ NW $\frac{1}{4}$	403	IR	3.5	Duntley, Carole A.
1	NW $\frac{1}{4}$ NW $\frac{1}{4}$	403	POND	0.5	Duntley, Carole A.
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	1200	IR	28.9	Pledger, William & Felicia
4	SW $\frac{1}{4}$ SW $\frac{1}{4}$	1100	IR	7.5	Booth, Loran & Toni
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	1200	IR	36.1	Pledger, William & Felicia
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	1300	IR	39.85	Putnam, Lee&Mary/Steve&Arlene
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	1300	IR	37.66	Putnam, Lee&Mary/Steve&Arlene

Section 7

SW $\frac{1}{4}$ NE $\frac{1}{4}$	600	IR	3.75	Wise/Strauss
SW $\frac{1}{4}$ NE $\frac{1}{4}$	701	IR	3.4	Fournier, Chris
SW $\frac{1}{4}$ NE $\frac{1}{4}$	702	IR	7.6	Fournier, Chris
SW $\frac{1}{4}$ NE $\frac{1}{4}$	703	IR	13.9	MacGaffey, Keith
NW $\frac{1}{4}$ NW $\frac{1}{4}$	402	IR	2.6	Davis, Tim & Madeleine
NW $\frac{1}{4}$ NW $\frac{1}{4}$	500	IR	2.4	Davis, Tim & Madeleine <i>Snyder, J/A</i>
SW $\frac{1}{4}$ NW $\frac{1}{4}$	401	IR	0.6	<del>Reichardt, William &amp; Judith Ann</del>
SE $\frac{1}{4}$ NW $\frac{1}{4}$	600	IR	0.25	Wise/Strauss
SE $\frac{1}{4}$ NW $\frac{1}{4}$	700	IR	19.4	<del>Reichardt, William &amp; Judith Ann</del> <i>Snyder, J/A</i>
SE $\frac{1}{4}$ NW $\frac{1}{4}$	703	IR	1.1	MacGaffey, Keith
NE $\frac{1}{4}$ SW $\frac{1}{4}$	1500	IR	15.5	Amadio, Thomas & Dorothy
NE $\frac{1}{4}$ SW $\frac{1}{4}$	1600	IR	4.0	Rowell, Bob
NE $\frac{1}{4}$ SW $\frac{1}{4}$	1601	IR	1.6	Parker, John & Arlene
NW $\frac{1}{4}$ SW $\frac{1}{4}$	1700	IR	6.4	Parker, John & Arlene
NW $\frac{1}{4}$ SW $\frac{1}{4}$	1702	IR	2.2	Painter, Jon & Etta
NW $\frac{1}{4}$ SW $\frac{1}{4}$	1703	IR	5.0	Burkhardt, Rick & Lynn
NW $\frac{1}{4}$ SW $\frac{1}{4}$	1706	IR	4.0	Hansen, Gary & Linda
NW $\frac{1}{4}$ SW $\frac{1}{4}$	1707	IR	1.0	Hammack, Patrick & Constance
SW $\frac{1}{4}$ SW $\frac{1}{4}$	1701	IR	12.0	Wilkerson, Richard & Carol
SW $\frac{1}{4}$ SW $\frac{1}{4}$	1704	IR	1.6	Amadio, Thomas & Dorothy
SW $\frac{1}{4}$ SW $\frac{1}{4}$	1705	IR	4.0	Smith, Craig & Sandra
SE $\frac{1}{4}$ SW $\frac{1}{4}$	1501	IR	10.0	Amadio, Thomas & Dorothy
SE $\frac{1}{4}$ SW $\frac{1}{4}$	1704	IR	10.2	Amadio, Thomas & Dorothy
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1000	IR	3.7	Phillips, Michael & Nancy
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1100	IR	4.7	Olsen, Marc & Theresa
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1200	IR	4.4	Arnold, Charles
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1302	IR	3.2	Cordiner, Robert & Peggy
NE $\frac{1}{4}$ SE $\frac{1}{4}$	900	IR	4.0	Trowbridge, William & Lynne
NW $\frac{1}{4}$ SE $\frac{1}{4}$	1403	IR	13.9	Seliger, William & Kathleen
NW $\frac{1}{4}$ SE $\frac{1}{4}$	1404	IR	1.8	Wyman, Harold & Jane
SW $\frac{1}{4}$ SE $\frac{1}{4}$	1401	IR	24.1	Wyman, Harold & Jane
SE $\frac{1}{4}$ SE $\frac{1}{4}$	1400	IR	19.0	Hull, Judy Ayres
SE $\frac{1}{4}$ SE $\frac{1}{4}$	1402	IR	14.0	Hull, Judy Ayres

Section 8

sw $\frac{1}{4}$ nw $\frac{1}{4}$	500	IR	1.43	Ponsford, David
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Section 9

N95-013

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EXHIBIT C

**Deschutes River Conservancy  
2008 Instream Leasing Program**

**Policy Concerning Weeds & Instream Leases  
Information on Farm Deferral**

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**Weed Policy**

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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, Mark R. Kachlein understand the new DRC weed policy and have  
*Print Name*  
been informed about farm deferral.

Signature: Mark Kachlein Date: 3-25-08

**This form must be returned before lease payment is made.**

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SALEM OREGON



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

# Application for Instream Lease

## 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](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).*

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

Optional Identification by Lessor/Lessee: L08.16  
 Lease Application Number (assigned by WRD): \_\_\_\_\_

This Lease is with:

**Lessor #1 (Water Right Holder):**

Name Coleman, Nancy D.  
 Mailing address 18770 Tumalo Reservoir Road  
 City, State, Zip Code Bend, OR 97701  
 Telephone number (541) 382-5357  
 Email address \_\_\_\_\_

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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	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	34	sene	01000	13.0	IRR	74147	8	10/29/1913
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

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

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**~II~ Instream Water Right Information**

2.3 **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 than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
- Written notice to the Department with original signatures;
  - Consent by all parties to the lease; and/or
  - Written notice to the Watermaster's office.
- For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

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

Lessor #1: Nancy Coleman Date: March 4, 2008  
Nancy D. Coleman

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

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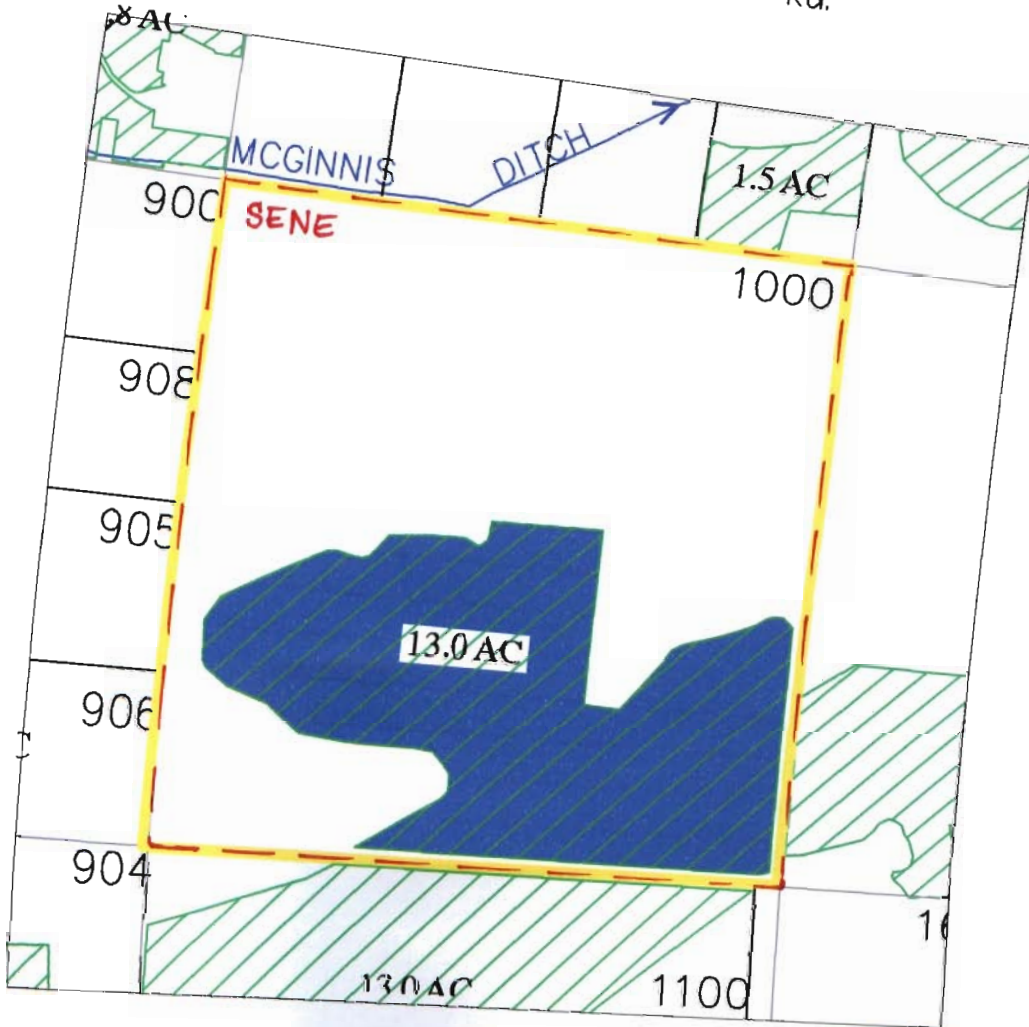
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SALEM OREGON**

TUMALO IRRIGATION DISTRICT  
IN-STREAM LEASED WATER RIGHTS SURVEY

EXHIBIT 5-A & B  
L08-016

FOR

Coleman, Nancy D.  
18770 Tumalo Reservoir Rd.



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INITIAL: NC



Certificate #'s  
74146, and 74147



Certificate #  
76106



In-Stream Lease



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



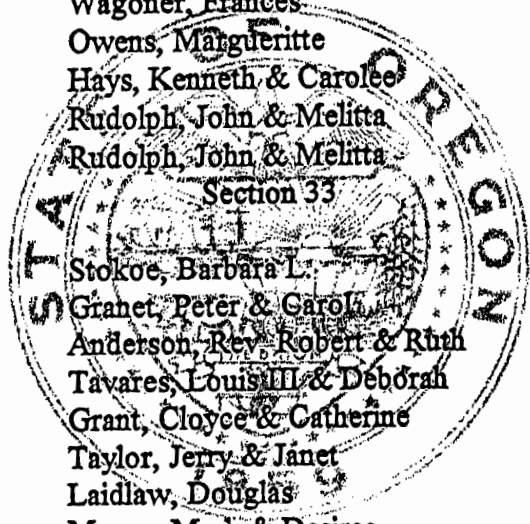
SCALE: 1" = 400'

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

NE¼NE¼	100	Hausner, Jill	IR		21.00
NE¼NE¼	800	Hausner, Jill	IR		2.00
NE¼NE¼	801	Barrick, James A.	IR		2.00
SW¼NE¼	900	Hermens, Stanley & Ruth	IR		35.90
SE¼NE¼	900	Hermens, Stanley & Ruth	IR		29.60
NW¼NW¼	500	Throop, Tom & Caryn	IR	2.00	
NW¼NW¼	501	Variel, Jeffrey & Laurel	IR	2.00	
NW¼NW¼	502	McDonald, Dr. Lynn	IR	4.00	
NE¼SE¼	1001	Hermens, Stanley & Ruth	IR		17.20
NE¼SE¼	1200	Hermens, Stanley & Ruth	IR	1.90	15.00
NW¼SE¼	1000	Hermens, Stanley & Ruth	IR		13.30
NW¼SE¼	1100	Hermens, Stanley & Ruth	IR		8.60
SW¼SE¼	1400	Parker, Kenneth	IR	2.00	2.00
SW¼SE¼	1500	Stringfield, Tom & Rick	IR	4.40	3.40
SE¼SE¼	1300	Stringfield, Tom & Rick	IR	1.80	8.90
SE¼SE¼	1302	Pederson, William & Martha	IR		20.00

Section 28

NE¼NE¼	200	Russell, Barbara H.	IR	17.00	
SW¼NE¼	801	Russell, Barbara H.	IR	11.00	
SE¼NE¼	1000	Tavares, Louis III & Deborah	IR	11.60	
SE¼NE¼	900	Russell, Barbara H.	IR	3.00	3.00
NE¼SW¼	600	Wessinger, William & Pat	IR	0.20	1.80
NE¼SE¼	1000	Tavares, Louis III & Deborah	IR	2.40	
NE¼SE¼	1100	Batha, Marta	IR		2.00
NE¼SE¼	1200	Batha, Marta	IR		4.60
NE¼SE¼	1300	Batha, Marta	IR		3.90
NE¼SE¼	1403	Rudolph, John & Melitta	IR		10.30
NW¼SE¼	802	Lawson, John & Gaye	IR	9.00	
NW¼SE¼	803	Rahmn, Keith & Lexia	IR	5.00	
NW¼SE¼	804	Lewis, Suzi	IR	7.50	
NW¼SE¼	805	Dodd, Jack & Barbara, Trustees	IR	5.00	
SW¼SE¼	700	Moody, Steven	IR		6.00
SW¼SE¼	800	McNulty, Ralph & Dee	IR		10.00
SW¼SE¼	806	Cullman, Ruth	IR		10.00
SE¼SE¼	1400	Wagoner, Frances	IR		2.00
SE¼SE¼	1401	Owens, Margueritte	IR		2.00
SE¼SE¼	1402	Hays, Kenneth & Carolee	IR		2.00
SE¼SE¼	1403	Rudolph, John & Melitta	IR		9.20
SE¼SE¼	1500	Rudolph, John & Melitta	IR		4.00



NE¼NE¼	100	Stokoe, Barbara L.	IR	1.40	0.60
NE¼NE¼	101	Granet, Peter & Carol	IR		3.00
NE¼NE¼	102	Anderson, Rev. Robert & Ruth	IR		2.50
NE¼NE¼	103	Tavares, Louis III & Deborah	IR		1.00
NE¼NE¼	104	Grant, Cloyce & Catherine	IR	2.00	1.00
NW¼NE¼	200	Taylor, Jerry & Janet	IR		3.00
NW¼NE¼	201	Laidlaw, Douglas	IR		6.50
NW¼NE¼	202	Margo, Mark & Desiree	IR		3.50
NW¼NE¼	300	Berg, Michael	IR		5.00
NW¼NE¼	301	Petrie, Thomas & Helen	IR		6.00
NW¼NE¼	302	Parker, Daniel & Jeanette	IR		3.00
SW¼NE¼	900	Cole, Jennifer	IR	1.22	3.00
SW¼NE¼	905	Schwab, Myron & Genevieve	IR	1.21	
SW¼NE¼	906	Van Cleave, Sherman & Vicki	IR	2.00	1.00
SW¼NE¼	908	Payer, Melanie	IR		4.00
SE¼NE¼	1000	Coleman, Glen & Nancy	IR	13.00	
NE¼NW¼	400	Steele, John & Louise	IR		17.00

SEE NEXT PAGE

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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.

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