



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

Application for Short-Term Instream Lease Pooled Lease Form

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

Pursuant to ORS 537.348(2) and OAR 690-077-0077

Optional Identification by Lessor/Lessee: _____
 Lease Agreement Number (assigned by WRD): L-736

This Lease Agreement is between:

Lessor #2: Irrigation District or Other Water Purveyor

(Name) Tumalo Irrigation District
 (Mailing address) 64697 Cook Ave
 (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) PO Box 1560
 (City, State, Zip Code) Bend, OR 97709
 (Telephone number) 541-382-4077, ext 16
 (Email address) gen@deschutesrc.org

Trustee:

Oregon Water Resources Department
 725 Summer Street NE, Suite A
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~I~ Ownership 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 lands being leased, list all water rights appurtenant to the lessor's property. Indicate if there are any supplemental or overlying rights.

Certificate No. 74146, 74147, 76106, 76358 (all primary) and 76714, 74147, 74148, 74149, 76520 (all supplemental)

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

1.5 **Subject water rights.** Lessor proposes to lease the water rights listed in 1.3. The right(s) to be leased are further described as follows:

Certificate No.: 74146

Priority date: 8/5/1900, 9/1/1900, 5/27/1907, 6/1/1907 Type of use: Irrigation

Legal Season of Use: April 15 through October 15

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

8/5/1900 - 32.00 ac

9/1/1900 - 52.36 ac

5/27/1907 - 10.20 ac

6/1/1907 - 28.27 ac

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

Maximum rate associated with subject water rights (cfs) being leased:

Certificate 74146 with priorities:

8/5/1900 - 0.457 cfs

9/1/1900 - 0.748 cfs

5/27/1907 - 0.146 cfs

6/1/1907 - 0.404 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):

8/5/1900 - 57.60 AF

9/1/1900 - 94.25 AF

5/27/1907 - 18.36 AF

6/1/1907 - 50.89 AF

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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, which will benefit:

Conservation, maintenance and enhancement of aquatic and fish life, wildlife, and fish and wildlife habitat

Pollution abatement

Recreation and scenic attraction

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

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) and 1713' from S 1/4 corner, sect 2, T18S, R10E, W.M., to the mouth and to Lake Billy Chinook

Maximum volume in acre-feet: 5/1/2006 through 10/15/2006

8/5/1900 - 57.60

9/1/1900 - 94.25

5/27/1907 - 18.36

6/1/1907 - 50.89

Rate in cfs: _____

8/5/1900 - 0.173 cfs

9/1/1900 - 0.283 cfs

5/27/1907 - 0.055 cfs

6/1/1907 - 0.153 cfs

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

Rate in cfs: _____

Rate in cfs: _____

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Conditions to prevent injury, if any:

None

The instream flow will be allocated on a daily average basis up to the described rate from 5/01/2006 through 10/15/2006.

Other (describe): _____

If you need to enter more instream uses, please use the additional water rights form.

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

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

~III~ Other Information

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

3.2 Lease. All Lessors agree to lease the water rights listed in 1.4 for instream use for the term of this Agreement through Lessee to Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077-0077.

- 3.3 Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077- 0070 or OAR 690-077-0075 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.
- 3.4 Suspension of original use.** During the period of the lease, the owner agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights. In the event that a supplemental water right is not part of this lease, it may be subject to forfeiture.
- 3.5 Termination provision.**
- For multiyear leases, lessor shall have the option of terminating the lease each year, prior to the lease being exercised (_____), with 30 day written notice to the Department.
 - For multiyear leases, lessor shall not have the option of terminating the lease each year, prior to the lease being exercised, with written notice to the Department.
- 3.6 Modification to prevent injury.** Allocation of water to the instream use described in Section 2.2 during the term of this lease is not reasonably expected to cause injury to other rights to use water from the same source. If injury is found after this lease is signed, the lease may be modified or terminated to prevent injury.
- 3.7 Fees.** Effective October 1, 2003, pursuant to ORS 536.050 (1)(v) (2003 SB 820), the following fee is included:
- \$200 for an application with four or more landowners or four or more water rights.
 - \$100 for all other applications.

Lessor #2: Edmund J. Daniels Date: 4-27-06
Tumalo Irrigation District

Lessee: Yvonne Hubert Date: April 24, 2006
Deschutes River Conservancy

Other Attachments as Needed:

- Attachment 1: Tax Lot Map of Lessor's Property (required if landowner is not the sole landowner to lands for which the subject water rights are appurtenant)
- Attachment 2: Detailed map illustrating lands under subject rights to be leased (required if only part of a right is being leased instream).
- Attachment 3: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 is checked)
- Attachment 4: Split Season Instream Use Form
- Attachment 5: Pooled Lease Landowner Form

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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

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

Enter Total Number of Acres to be Leased Instream Here by Priority	acres instream
August 5, 1900	32.00
September, 1900	52.36
April 28, 1905	10.20
May 27, 1907	28.27
June 1, 1907	122.83
total acres	122.83

Rate (CFS) associated with leased rights for Section 1.5 of the Lease Application Form				
Enter Rates and	Rate/acre (CFS)	Max Rate (CFS)	Duty/acre (AF)	Max Duty (AF)
August 5, 1900	0.0143	0.457	1.8	57.60
September, 1900	0.0143	0.748	1.8	94.25
April 28, 1905	0.0140	0.000	1.8	0.00
May 27, 1907	0.0143	0.146	1.8	18.36
June 1, 1907	0.0143	0.404	1.8	50.89
Totals		1.755		221.09

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	0.158	57.60	April 15 - Oct 15	
September, 1900	0.259	94.25	April 15 - Oct 15	
April 28, 1905	0.000	0.00	April 15 - Oct 15	
May 27, 1907	0.050	18.36	April 15 - Oct 15	
June 1, 1907	0.140	50.89	April 15 - Oct 15	
Totals	0.607	221.09		

OR

Optional - for alternative instream periods including the full irrigation season (for Section 2.2)				
Enter Proposed begin and end dates (must fall within Irrigation Season)				
begin date	5/1/2006	Number of Days		
end date	10/15/2006	168	Days	
Rate (CFS) leased instream for Section 2.2 of the Lease Application Form				
Enter Instream Rates and Volumes by Priority Date on Lease Form	# Day's Instream	Instream Rate (CFS) over full Irrigation Season	Instream Volume (AF)	
August 5, 1900	168	0.173	57.60	
September, 1900	168	0.283	94.25	
April 28, 1905	168	0.000	0.00	
May 27, 1907	168	0.055	18.36	
June 1, 1907	168	0.153	50.89	
Totals		0.665	221.09	

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*Resulting rates may not exceed the max rate identified for Section 1.5 of the Lease Application



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Additional Water Right Form for Pooled Instream Lease

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

~I~

Section 1.2 continued from Pooled District Form.

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

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

Certificate No.: 74147

Priority date: 10/29/1913 Type of use: IRR

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

If an irrigation right, total number of acres to be leased: 89.76 IRR, 2.0 Industrial

Total acre-feet of storage to be leased, if applicable: 889.52 IRR, 19.82 IND
(909.34 total)

Rate associated with leased rights (cfs): Season 1: April 1 to May 1 and October 1 to October 26 (1.122 cfs IRR, 0.025 cfs IND)

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

Rate associated with leased rights (cfs): Season 2: May 1 to May 15 and September 15 to October 1 (1.496 cfs IRR, 0.033 cfs IND)

Rate associated with leased rights (cfs): Season 3: May 15 to September 15 (2.77 cfs IRR, 0.062 cfs IND)

Duty associated with leased rights (AF): 889.52 AF of IRR, 19.82 AF of IND

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

Duty associated with leased rights (AF): _____

Duty associated with leased rights (AF): _____

Conditions or other limitations, if any: None

~II~

Section 2.2 continued from Pooled District 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 and any associated reach(es) of the instream use being created. If possible list the reach by river mile, if no reach is identified, the lease may be processed to be protected at the point of diversion): TID POD #1 (Tumalo Feed Canal) to mouth and to Lake Billy Chinook

Total volume (AF): Season 1: 124.63 AF - IRR, and 2.78 AF - IND

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

Total volume (AF): Season 2: 89.02 AF-IRR, 1.98 AF - IND

Total volume (AF): Season 3: 675.88 AF - IRR, 15.06 AF - IND

Rate in cfs: Season 1: 1.122 cfs IRR, 0.025 cfs IND

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

Rate in cfs: Season 2: 1.496 cfs IRR, 0.033 cfs IND

Rate in cfs: Season 3: 2.770 cfs IRR, 0.062 cfs IND

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Conditions to prevent injury, if any:

- None
- The instream flow will be allocated on a daily average basis up to the described rate from 4/1/2006 through 10/26/2006.
- Other (describe): _____

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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 →	89.760
--	---------------

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	1.122	9.91	889.52
Season 2	0.017	1.496		
Season 3	0.031	2.770		

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	1.122	56	124.63	
Season 2	1.496	30	89.02	
Season 3	2.770	123	675.88	
Totals		Total Instream Vol.	889.52	

Additional Conditions to Prevent Injury for Section 2.2 of the Lease Application Form				
Water protected instream:	April 1 through October 26			

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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 →	2.000
--	--------------

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	0.025	9.91	19.82
Season 2	0.017	0.033		
Season 3	0.031	0.062		

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	0.025	56	2.78	
Season 2	0.033	30	1.98	
Season 3	0.062	123	15.06	
Totals		Total Instream Vol.	19.82	

Additional Conditions to Prevent Injury for Section 2.2 of the Lease Application Form				
Water protected instream:	April 1 through October 26			

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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 →	91.760
--	---------------

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	1.147	9.91	909.34
Season 2	0.017	1.529		
Season 3	0.031	2.832		

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	1.147	56	127.40	
Season 2	1.529	30	91.00	
Season 3	2.832	123	690.94	
Totals		Total Instream Vol.	909.34	

Additional Conditions to Prevent Injury for Section 2.2 of the Lease Application Form				
Water protected instream:	April 1 through October 26			

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Additional Water Right Form for Pooled Instream Lease

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

~I~

Section 1.2 continued from Pooled District Form.

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

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

Certificate No.: 76106
Priority date: 12/8/1961 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: 186.00
Total acre-feet of storage to be leased, if applicable: N/A
Rate associated with leased rights (cfs): 2.66
(Use additional lines if there is more than one rate associated with the water right.)
Rate associated with leased rights (cfs): _____
Rate associated with leased rights (cfs): _____
Duty associated with leased rights (AF): 465
(Use additional lines if there is more than one duty associated with the water right.)
Duty associated with leased rights (AF): _____
Duty associated with leased rights (AF): _____

Conditions or other limitations, if any: max portion from storage 258.79 AF

~II~

Section 2.2 continued from Pooled District 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 and any associated reach(es) of the instream use being created. If possible list the reach by river mile, if no reach is identified, the lease may be processed to be protected at the point of diversion): Tumalo Resvr: SE 1/4 SW 1/4, Sect 33, T16S, R11E, W.M.; Tumalo Creek: SE 1/4 NE 1/4, sect 23, T17S, R11E, W.M. to Lake Billy Chinook

Total volume (AF): May 1 through October 15, 2006 (465.00 AF)
(Use additional lines if there is more than one rate associated with the water right.)
Total volume (AF): _____
Total volume (AF): _____
Rate in cfs: May 1 through October 15, 2006 (1.40 cfs)
(Use additional lines if there is more than one rate associated with the water right.)
Rate in cfs: _____
Rate in cfs: _____

Conditions to prevent injury, if any:
 None

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- The instream flow will be allocated on a daily average basis up to the described rate from 5/1/2006 through 10/15/2006.
- Other (describe): _____

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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)

Enter Total Number of Acres to be Leased Instream Here →	186.000
--	----------------

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	2.66	2.50	465.00
				max portion from storage
				258.79

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
	1.10	214	465.00	April 1 - Oct 31
			max portion from storage	
			258.79	

OR

Optional - for alternative instream periods including the full irrigation season				
Enter Proposed begin and end dates (must fall within Irrigation Season)				
begin date	end date	Number of Days		
5/1/2006	10/15/2006	168	Days	
Rate (CFS) leased instream for Section 2.2 of the Lease Application Form				
Enter Instream Rates and Volumes on Lease Form	Instream Rate (CFS)	Days instream	Instream Volume (AF)	Period Instream
	1.40	168	465.00	April 1 - Oct 31
			max portion from storage	
			258.79	

*Resulting rates may not exceed the max rate identified for Section 1.5 of the Lease Application

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Application for Short-Term
Instream Lease
Attachment 5: Pooled Landowner Form

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

Pursuant to ORS 537.348(2) and OAR 690-077-0077

Optional Identification by Lessor/Lessee: L06.01
Lease Agreement Number (assigned by WRD): C-73C

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Schlueter Trust, James A. Schlueter, Trustee
(Mailing address) 18820 Tumalo Reservoir Rd.
(City, State, Zip Code) Bend, OR 97701
(Telephone number) (541)388-4575
(Email address) _____

If additional landowners, enter landowner information below

Note: The numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the same information as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always sequential.

~I~ Ownership and Water Right Information

- 1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 16, Range 11, Section 35 and Tax Lot number 01900. If the water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included.
- 1.3 For the lands being leased, list all water rights appurtenant to the lessor's property. Indicate if there are any supplemental or overlying rights.
- Certificate No. 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 **Subject Water Rights.** Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached). (Crosshatch the area of water rights being leased). Attached map(s) must identify property owner, Township, Range, Section and $\frac{1}{4}$ $\frac{1}{4}$, tax lot number, map orientation and scale.

Field Code Changed

Field Code Changed

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T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16S	11E	35	ne/sw	01900	6.40	IRR	74146	8	9/1/1900
2.	16S	11E	35	nesw	01900	6.40	IRR	74146	16	6/1/1907
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 12.80
Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

If you need to enter another leased right, please use the Additional Landowner Water Rights Form.

1.6 Validity of rights. Lessor(s) attests (mark one) that:

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

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 15, 2006. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

~III~ Other Information

- 3.1 Accuracy.** The Undersigned Lessor/s, Lessee and Trustee declare that, to the best of their knowledge and belief, the information contained in this lease is true, correct and complete. If after the lease is signed, any information is determined to be false, the lease may be modified or terminated. This lease only exercises the water rights being leased; for the term of the lease; it shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.
- 3.2 Lease.** All Lessors agree to lease the water rights listed in 1.4 for instream use for the term of this Agreement through Lessee to Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077-0077.
- 3.3 Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077- 0070 or OAR 690-077-0075 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.

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

3.5 **Termination provision.**

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

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

Lessor #1: James A. Schlueter Date: 1-2-2006
James A. Schlueter, Trustee Schlueter Trust

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes River Conservancy

Other Attachments As Needed:

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

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

Additional Water Right Form For Pooled Landowner Instream Lease

*A summary of review criteria and procedures that are generally applicable to these applications is available at
www.wrd.state.or.us/publication/reports/index.shtml.*

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
 (Crosshatch the area of water rights being leased).

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	nesw	01900	2.60	ir	74147	9	10/29/1913
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

[Attached map(s) must identify property owner, Township, Range, Section and ¼ ¼, tax lot number, map orientation and scale.]

Total number of acres, if for irrigation, by certificate and priority date: 2.60
 Acre-feet of storage, if applicable: _____

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

Additional Water Right Form For Pooled Landowner **Instream Lease**

*A summary of review criteria and procedures that are generally applicable to these applications is available at
www.wrd.state.or.us/publication/reports/index.shtml.*

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
 (Crosshatch the area of water rights being leased).

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	nesw	01900	20	ir	76106	2	12/8/1961
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

[Attached map(s) must identify property owner, 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: 20
 Acre-feet of storage, if applicable: _____

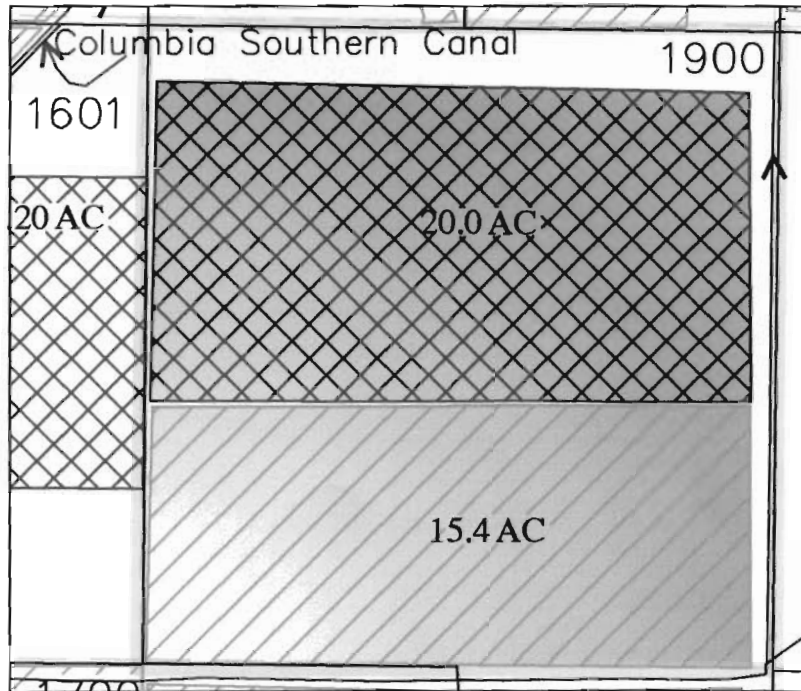
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TUMALO IRRIGATION DISTRICT
IN-STREAM LEASED WATER RIGHTS SURVEY

EXHIBIT 5-A & 5-B
L06.01

FOR
Schlueter, James A. & Patricia J.

SCHLUETER TRUST



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 Certificate #'s
74146, and 74147

 Certificate #
76106

 In-Stream Lease

INITIAL: *JAS PAS*

LOCATED IN THE SE and NE 1/4's OF THE SW 1/4
OF SECTION 16, T35 S., R.11 E., W.M.
TAX LOTS # 1900, 1700, 1900
DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'

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



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

Application for Short-Term
Instream Lease
 Attachment 5: Pooled Landowner Form

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

Pursuant to ORS 537.348(2) and OAR 690-077-0077

Optional Identification by Lessor/Lessee: L06.11
 Lease Agreement Number (assigned by WRD): L-736

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Wiseman, Gordon & Claudia
 (Mailing address) 134 Wekiva Pointe Circle
 (City, State, Zip Code) Apopka, FL 32712
 (Telephone number) (407)886-1082
 (Email address) _____

If additional landowners, enter landowner information below

Note: The numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the same information as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always sequential.

~I~ Ownership and Water Right Information

1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 16, Range 12, Section 19 and Tax Lot number 01700. If the water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included.

Field Code Changed

Field Code Changed

1.3 For the lands being leased, list all water rights appurtenant to the lessor's property. Indicate if there are any supplemental or overlying rights.

Certificate No. Primary 74146, 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 **Subject Water Rights.** Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached). (Crosshatch the area of water rights being leased). Attached map(s) must identify property owner, Township, Range, Section and $\frac{1}{4}$, tax lot number, map orientation and scale.

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T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16S	12E	19	sene	01700	5.0	irr	74146	10	9/1/1900
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 5.0
Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

If you need to enter another leased right, please use the Additional Landowner Water Rights Form.

1.6 Validity of rights. Lessor(s) attests (mark one) that:

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

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 15, 2006. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

~III~ Other Information

- 3.1 Accuracy.** The Undersigned Lessor/s, Lessee and Trustee declare that, to the best of their knowledge and belief, the information contained in this lease is true, correct and complete. If after the lease is signed, any information is determined to be false, the lease may be modified or terminated. This lease only exercises the water rights being leased; for the term of the lease; it shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.
- 3.2 Lease.** All Lessors agree to lease the water rights listed in 1.4 for instream use for the term of this Agreement through Lessee to Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077-0077.
- 3.3 Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077- 0070 or OAR 690-077-0075 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.

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

3.5 **Termination provision.**

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

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

Lessor #1: Gordon R. Wiseman Date: 2-15-06
Gordon R. Wiseman

Claudia S. Wiseman Date: 2/15/06
Claudia S. Wiseman

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

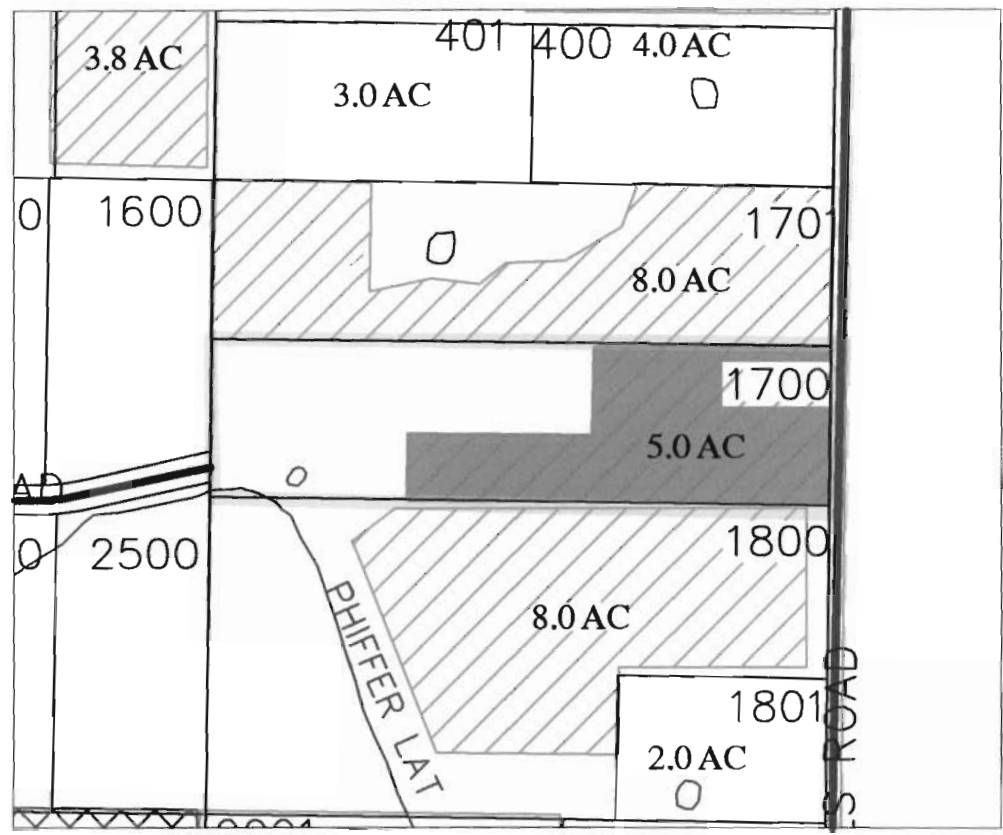
Lessee: _____ Date: _____
Deschutes River Conservancy

Other Attachments As Needed:

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

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TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY FOR Gordon R. & Claudia S. Wiseman



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 SALEM, OREGON

				
Certificate #'s 74146, and 74147	Certificate # 76106	JP-1999	JP-1998	In-Stream Lease

INITIAL: *CW*

LOCATED IN THE NE 1/4 OF THE SE 1/4
 OF SECTION 19, T.16 S., R.12 E., W.M.
 TAX LOTS # 01700
 DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'

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



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

Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

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

Pursuant to ORS 537.348(2) and OAR 690-077-0077

Optional Identification by Lessor/Lessee: L06.10
Lease Agreement Number (assigned by WRD): C-73C

This Lease Agreement is between:

Lessor #1 (Landowner):
(Name) John & Carol Page
(Mailing address) 11851 Presilla Rd.
(City, State, Zip Code) Camarillo, CA 93012
(Telephone number) (805)531-9592
(Email address) _____

If additional landowners, enter landowner information below

Note: The numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the same information as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always sequential.

~I~ Ownership and Water Right Information

1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 16, Range 11, Section 24 and Tax Lot number 00501. If the water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included.

Field Code Changed
Field Code Changed

1.3 For the lands being leased, list all water rights appurtenant to the lessor's property. Indicate if there are any supplemental or overlying rights.

Certificate No. Primary 74146, 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 **Subject Water Rights.** Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached). (Crosshatch the area of water rights being leased). Attached map(s) must identify property owner, Township, Range, Section and ¼ ¼, tax lot number, map orientation and scale.

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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	24	swnw	00501	5.0	irr	74146	6	9/1/1900
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 5.0
 Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

If you need to enter another leased right, please use the Additional Landowner Water Rights Form.

1.6 Validity of rights. Lessor(s) attests (mark one) that:

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

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 15, 2006. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

~III~ Other Information

- 3.1 Accuracy.** The Undersigned Lessor/s, Lessee and Trustee declare that, to the best of their knowledge and belief, the information contained in this lease is true, correct and complete. If after the lease is signed, any information is determined to be false, the lease may be modified or terminated. This lease only exercises the water rights being leased; for the term of the lease; it shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.
- 3.2 Lease.** All Lessors agree to lease the water rights listed in 1.4 for instream use for the term of this Agreement through Lessee to Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077-0077.
- 3.3 Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077-0070 or OAR 690-077-0075 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.

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

3.5 **Termination provision.**

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

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

Lessor #1: John R. Page Date: 2-14-06
John R. Page

Carol A Page Date: 2-14-06
Carol A Page

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes River Conservancy

Other Attachments As Needed:

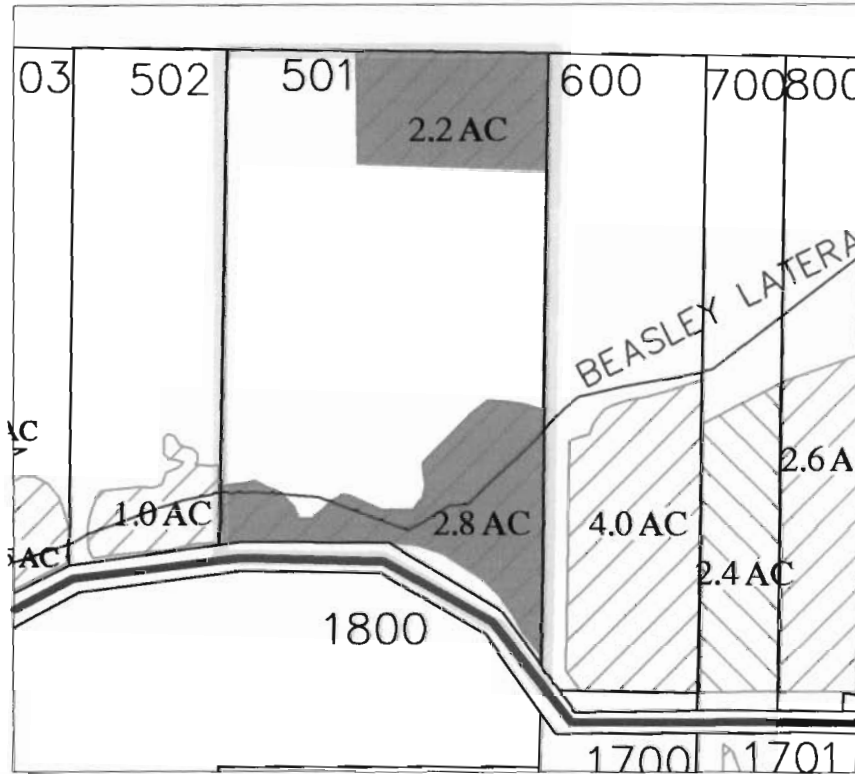
- Exhibit 5-A: Tax Lot Map of Landowner's Property
- Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased [Exhibits 5-A and 5-B may be combined into a single map]
- Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though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

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EXHIBIT 5A & 5B
L06.10

TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY

FOR
Page, John R. & Carol A.



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WATER RESOURCES DEPT
SALEM, OREGON



INITIAL: *CRP*
JRP

LOCATED IN THE SW 1/4 OF THE NW 1/4
OF SECTION 24, T.16 S., R.11 E., W.M.
TAX LOTS # 0501
DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'

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



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

Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

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

Pursuant to ORS 537.348(2) and OAR 690-077-0077

Optional Identification by Lessor/Lessee: L06.03
Lease Agreement Number (assigned by WRD): L-736

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Cynthia Ingman
(Mailing address) 18650 Couch Market Road
(City, State, Zip Code) Bend, OR 97701
(Telephone number) (541)385-8013
(Email address) _____

If additional landowners, enter landowner information below

Note: The numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the same information as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always sequential.

~I~ Ownership and Water Right Information

- 1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 16, Range 11, Section 22 and Tax Lot number 2505. If the water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included. Field Code Changed
- 1.3 For the lands being leased, list all water rights appurtenant to the lessor's property. Indicate if there are any supplemental or overlying rights. Field Code Changed
- Certificate No. Primary 74146, 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 **Subject Water Rights.** Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached). (Crosshatch the area of water rights being leased). Attached map(s) must identify property owner, Township, Range, Section and $\frac{1}{4}$ $\frac{1}{4}$, tax lot number, map orientation and scale.

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SALEM, OREGON

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16S	11E	22	swse	2505	1.96	irr	74146	5	9/1/1900
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 1.96
 Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

If you need to enter another leased right, please use the Additional Landowner Water Rights Form.

1.6 Validity of rights. Lessor(s) attests (mark one) that:

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

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 15, 2006. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

~III~ Other Information

- 3.1 Accuracy.** The Undersigned Lessor/s, Lessee and Trustee declare that, to the best of their knowledge and belief, the information contained in this lease is true, correct and complete. If after the lease is signed, any information is determined to be false, the lease may be modified or terminated. This lease only exercises the water rights being leased; for the term of the lease; it shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.
- 3.2 Lease.** All Lessors agree to lease the water rights listed in 1.4 for instream use for the term of this Agreement through Lessee to Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077-0077.
- 3.3 Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077- 0070 or OAR 690-077-0075 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.

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

3.5 **Termination provision.**

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

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

Lessor #1: Cynthia Ingman Date: 2-16-06
Cynthia Ingman

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

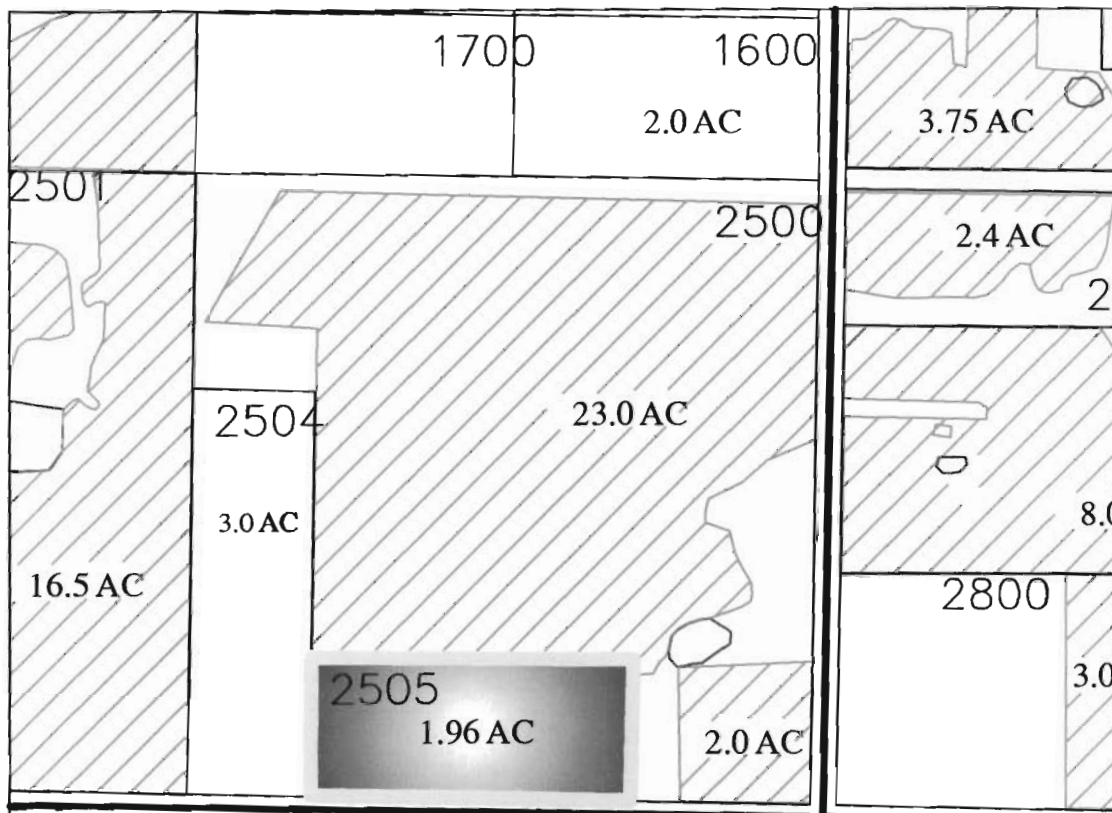
Lessee: _____ Date: _____
Deschutes River Conservancy

Other Attachments As Needed:

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

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TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY FOR Ingman, Cynthia



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WATER RESOURCES DEPT
SALEM, OREGON

INITIAL: _____



LOCATED IN THE SW 1/4 OF THE SE 1/4
OF SECTION 22, T.16 S., R.11 E., W.M.
TAX LOTS # 2505
DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'

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



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

Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

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

Pursuant to ORS 537.348(2) and OAR 690-077-0077

Optional Identification by Lessor/Lessee: L06.02
Lease Agreement Number (assigned by WRD): L-730

This Lease Agreement is between:

Lessor #1 (Landowner):
(Name) Patrick J. Galloway
(Mailing address) 65870 Twin Bridges Road
(City, State, Zip Code) Bend, OR 97701
(Telephone number) (541)388-0663
(Email address) _____

If additional landowners, enter landowner information below

Note: The numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the same information as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always sequential.

~I~ Ownership and Water Right Information

1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 16, Range 12, Section 17 and Tax Lot number 00602. If the water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included.

Field Code Changed
Field Code Changed

1.3 For the lands being leased, list all water rights appurtenant to the lessor's property. Indicate if there are any supplemental or overlying rights.

Certificate No. Primary 74146, 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 **Subject Water Rights.** Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached). (Crosshatch the area of water rights being leased). Attached map(s) must identify property owner, Township, Range, Section and 1/4 1/4, tax lot number, map orientation and scale.

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T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16S	12E	17	swne	00602	4.0	ir	74146	17	6/1/1907
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 4.0
 Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

If you need to enter another leased right, please use the Additional Landowner Water Rights Form.

1.6 Validity of rights. Lessor(s) attests (mark one) that:

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

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 15, 2006. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

~III~ Other Information

- 3.1 Accuracy.** The Undersigned Lessor/s, Lessee and Trustee declare that, to the best of their knowledge and belief, the information contained in this lease is true, correct and complete. If after the lease is signed, any information is determined to be false, the lease may be modified or terminated. This lease only exercises the water rights being leased; for the term of the lease; it shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.
- 3.2 Lease.** All Lessors agree to lease the water rights listed in 1.4 for instream use for the term of this Agreement through Lessee to Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077-0077.
- 3.3 Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077- 0070 or OAR 690-077-0075 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.

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

3.5 **Termination provision.**

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

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

Lessor #1: Patrick J. Galloway Date: 1-24-06
Patrick J. Galloway

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes River Conservancy

Other Attachments As Needed:

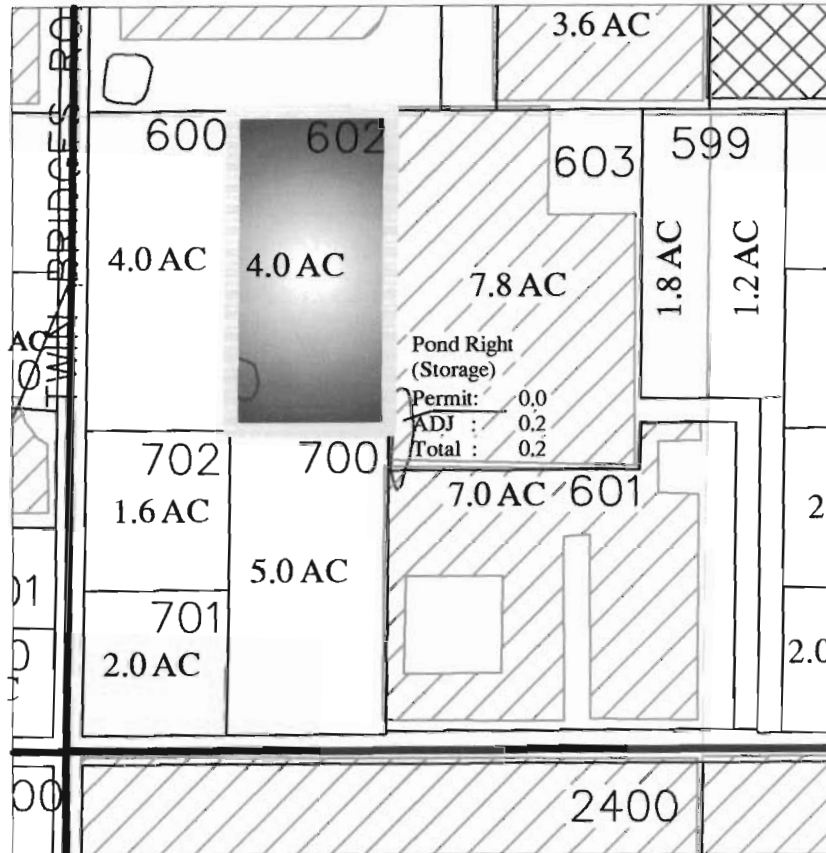
- Exhibit 5-A: Tax Lot Map of Landowner's Property
- Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased [Exhibits 5-A and 5-B may be combined into a single map]
- Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though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

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TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY FOR Galloway, Patrick J.



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INITIAL: _____



Certificate #'s
74146, and 74147



Certificate #
76106



In-Stream Lease

LOCATED IN THE SW 1/4 OF THE NE 1/4
OF SECTION 17, T.16 S., R.12 E., W.M.
TAX LOTS # 00602
DESCHUTES COUNTY, OREGON



SCALE: 1" = 200'

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



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

Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

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

Pursuant to ORS 537.348(2) and OAR 690-077-0077

Optional Identification by Lessor/Lessee: L06.20
Lease Agreement Number (assigned by WRD): L-738

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Frick, Charles & Linda
(Mailing address) PO Box 901
(City, State, Zip Code) Mendenhall, PA 19357
(Telephone number) (610)388-6849
(Email address) _____

*amended
& reduced
acres leased
to 14.5
(1907 pvi)
(-1.0 ac)
See revised
map*

If additional landowners, enter landowner information below

Note: The numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the same information as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always sequential.

~I~ Ownership and Water Right Information

- 1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 16, Range 11, Section 26 and Tax Lot number 00700. If the water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included.
- 1.3 For the lands being leased, list all water rights appurtenant to the lessor's property. Indicate if there are any supplemental or overlying rights.

Certificate No. Primary 74146, 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 **Subject Water Rights.** Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached). (Crosshatch the area of water rights being leased). Attached map(s) must identify property owner, Township, Range, Section and 1/4, tax lot number, map orientation and scale.

Field Code Changed
Field Code Changed

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T	R	Sect	¼¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16S	11E	26	sese	00700	15.50	IRR	74146	15	6/1/1907
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 15.50
 Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

If you need to enter another leased right, please use the Additional Landowner Water Rights Form.

1.6 Validity of rights. Lessor(s) attests (mark one) that:

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

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 15, 2006. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

~III~ Other Information

- 3.1 Accuracy.** The Undersigned Lessor/s, Lessee and Trustee declare that, to the best of their knowledge and belief, the information contained in this lease is true, correct and complete. If after the lease is signed, any information is determined to be false, the lease may be modified or terminated. This lease only exercises the water rights being leased; for the term of the lease; it shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.
- 3.2 Lease.** All Lessors agree to lease the water rights listed in 1.4 for instream use for the term of this Agreement through Lessee to Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077-0077.
- 3.3 Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077- 0070 or OAR 690-077-0075 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.

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

3.5 **Termination provision.**

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

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

Lessor #1: Charles Frick Date: 3/9/06
Charles Frick

Linda Frick Date: 3/9/06
Linda Frick

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

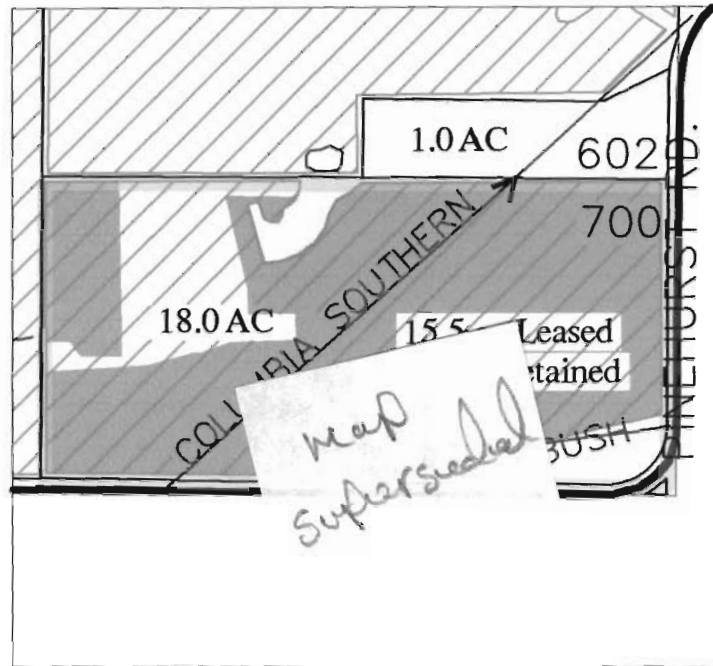
Lessee: _____ Date: _____
Deschutes River Conservancy

Other Attachments As Needed:

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

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TUMALO IRRIGATION DISTRICT
IN-STREAM LEASED WATER RIGHTS SURVEY
FOR
Frick, Charles J. & Linda B.



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Certificate #'s
74146, and 74147


Certificate #
76106


JP-1999


JP-1998


In-Stream Lease

INITIAL: *CB/LB*

LOCATED IN THE SE 1/4 OF THE SE 1/4
OF SECTION 26, T.16 S., R.11 E., W.M.
TAX LOTS # 0700
DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'

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



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

Application for Short-Term
Instream Lease
Attachment 5: Pooled Landowner Form

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

Pursuant to ORS 537.348(2) and OAR 690-077-0077

Optional Identification by Lessor/Lessee: L06.08
Lease Agreement Number (assigned by WRD): L-736

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Cascade Materials
(Mailing address) PO Box 1087
(City, State, Zip Code) Bend, OR 97709
(Telephone number) (541)382-2051
(Email address) _____

If additional landowners, enter landowner information below

Note: The numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the same information as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always sequential.

~I~ Ownership and Water Right Information

- 1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 16, Range 11, Section 35 and Tax Lot number 02100. If the water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included. Field Code Changed
- 1.3 For the lands being leased, list all water rights appurtenant to the lessor's property. Indicate if there are any supplemental or overlying rights. Field Code Changed
- Certificate No. Primary 74146, 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 **Subject Water Rights.** Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached). (Crosshatch the area of water rights being leased). Attached map(s) must identify property owner, Township, Range, Section and ¼ ¼, tax lot number, map orientation and scale.

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SALEM, OREGON

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16S	11E	35	swse	2100	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
 Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

If you need to enter another leased right, please use the Additional Landowner Water Rights Form.

1.6 Validity of rights. Lessor(s) attests (mark one) that:

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

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 15, 2006. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

~III~ Other Information

- 3.1 Accuracy.** The Undersigned Lessor/s, Lessee and Trustee declare that, to the best of their knowledge and belief, the information contained in this lease is true, correct and complete. If after the lease is signed, any information is determined to be false, the lease may be modified or terminated. This lease only exercises the water rights being leased; for the term of the lease; it shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.
- 3.2 Lease.** All Lessors agree to lease the water rights listed in 1.4 for instream use for the term of this Agreement through Lessee to Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077-0077.
- 3.3 Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077- 0070 or OAR 690-077-0075 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.

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

3.5 **Termination provision.**

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

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

Lessor #1: Dugan Pearsall Pres Date: 2-24-2006
Dugan Pearsall, President Cascade Materials

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

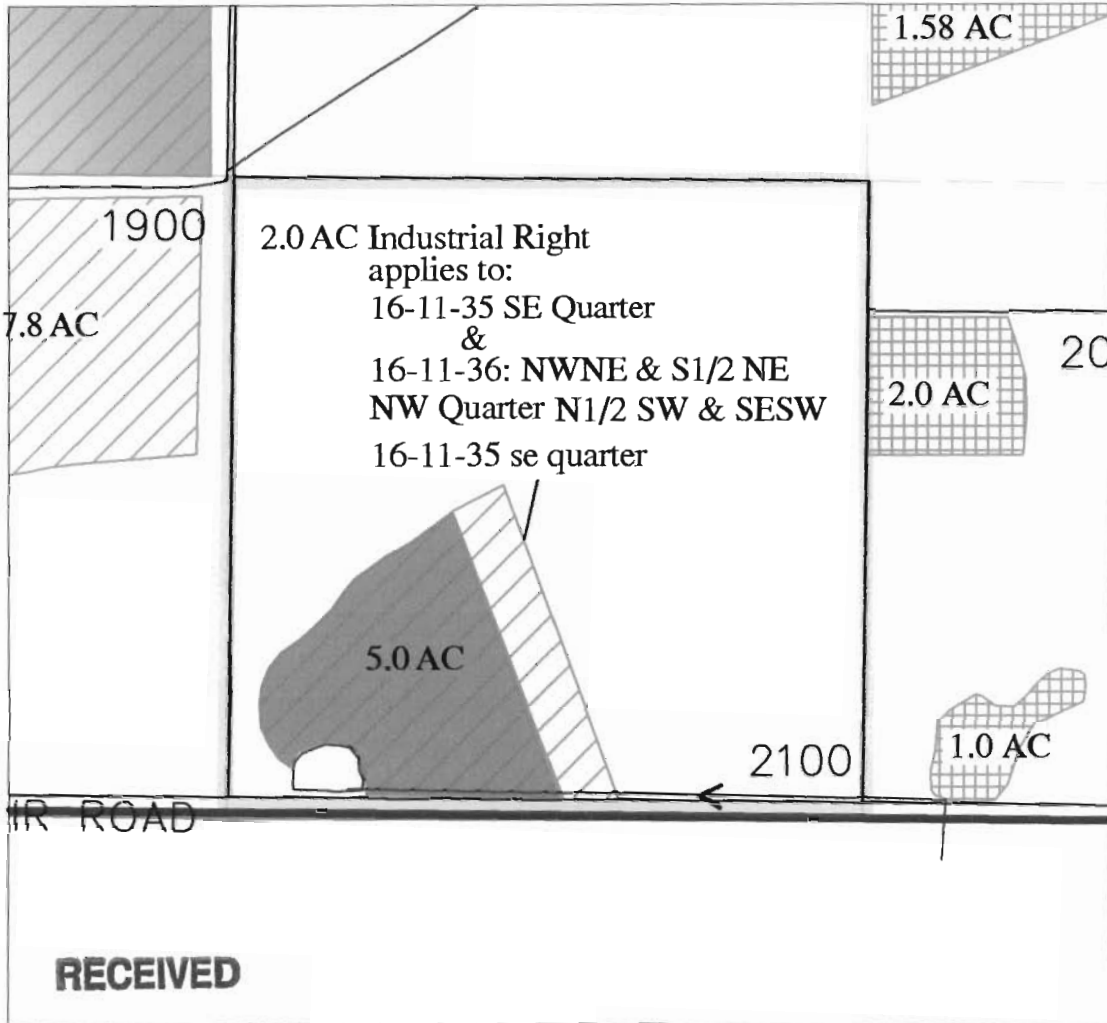
Lessee: _____ Date: _____
Deschutes River Conservancy

Other Attachments As Needed:

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

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TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY FOR Cascade Materials



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WATER RESOURCES DEPT
SALEM, OREGON




Certificate #'s
74146, and 74147


Certificate #
76106


JP-1999


JP-1998


In-Stream Lease

INITIAL: *D.P.*

LOCATED IN THE SW 1/4 OF THE SE 1/4
OF SECTION 35, T.16 S., R.11 E., W.M.
TAX LOTS # 02100
DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'

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



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

Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

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

Pursuant to ORS 537.348(2) and OAR 690-077-0077

Optional Identification by Lessor/Lessee: L06.12
Lease Agreement Number (assigned by WRD): C-736

This Lease Agreement is between:

Lessor #1 (Landowner):
(Name) Coyote Properties, LLC
(Mailing address) PO Box 5787
(City, State, Zip Code) Bend, OR 97708
(Telephone number) (541)317-0592
(Email address) _____

If additional landowners, enter landowner information below

Note: The numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the same information as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always sequential.

~I~ Ownership and Water Right Information

1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 16, Range 11, Section 23 and Tax Lot number 00520. If the water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included.

Field Code Changed
Field Code Changed

1.3 For the lands being leased, list all water rights appurtenant to the lessor's property. Indicate if there are any supplemental or overlying rights.

Certificate No. Primary 74146, 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 **Subject Water Rights.** Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached). (Crosshatch the area of water rights being leased). Attached map(s) must identify property owner, Township, Range, Section and 1/4, tax lot number, map orientation and scale.

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**WATER RESOURCES DEPT
SALEM, OREGON**

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16S	11E	23	sww	00520	.80	IRR	74146	15	6/1/1907
2.	16S	11E	23	sesw	00523	1.57	IRR	74146	15	6/1/1907
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 2.37
 Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

If you need to enter another leased right, please use the Additional Landowner Water Rights Form.

1.6 Validity of rights. Lessor(s) attests (mark one) that:

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

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 15, 2006. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

~III~ Other Information

- 3.1 Accuracy.** The Undersigned Lessor/s, Lessee and Trustee declare that, to the best of their knowledge and belief, the information contained in this lease is true, correct and complete. If after the lease is signed, any information is determined to be false, the lease may be modified or terminated. This lease only exercises the water rights being leased; for the term of the lease; it shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.
- 3.2 Lease.** All Lessors agree to lease the water rights listed in 1.4 for instream use for the term of this Agreement through Lessee to Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077-0077.
- 3.3 Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077-0070 or OAR 690-077-0075 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.

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

3.5 **Termination provision.**

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

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

Lessor #1: *William P. Kennel* Date: 2-22-06
Coyote Properties, LLC

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes River Conservancy

Other Attachments As Needed:

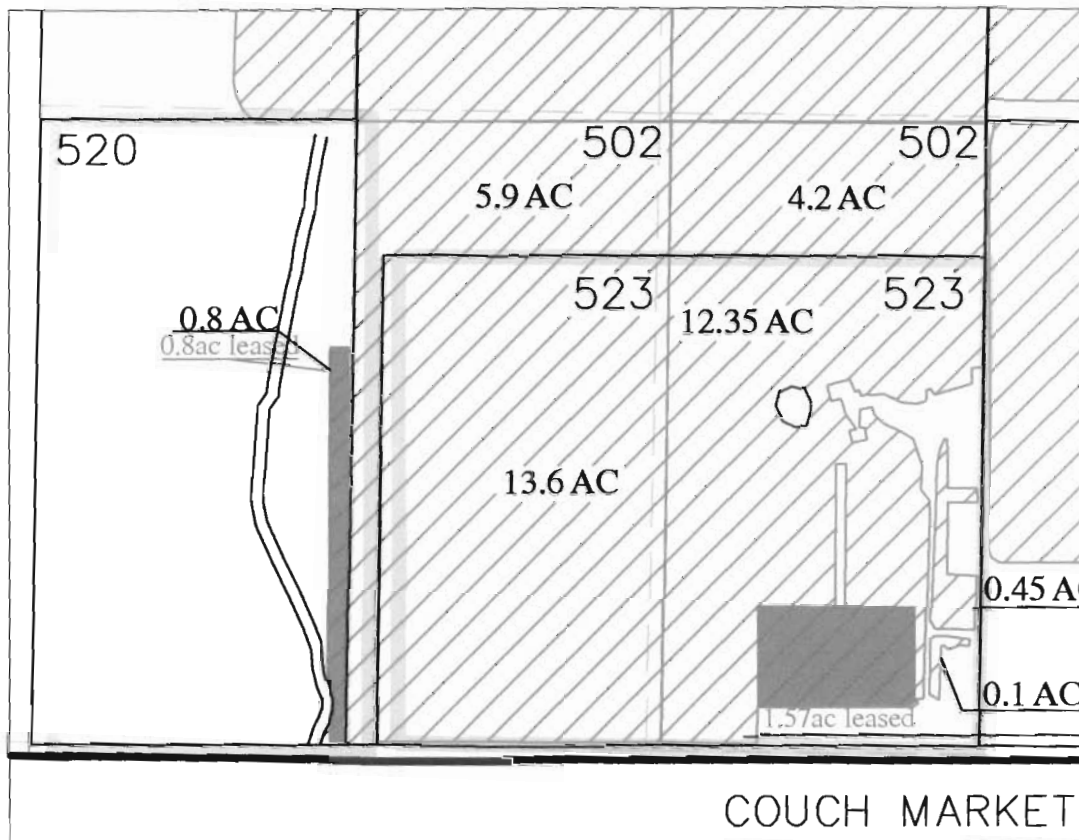
- Exhibit 5-A: Tax Lot Map of Landowner's Property
- Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased [Exhibits 5-A and 5-B may be combined into a single map]
- Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though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

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WATER RESOURCES DEPT
SALEM, OREGON

TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY FOR Coyote Properties, LLC



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SALEM, OREGON

- 
 Certificate #'s
74146, and 74147
- 
 Certificate #
76106
- 
 JP-1999
- 
 JP-1998
- 
 In-Stream Lease

INITIAL: *[Signature]*

LOCATED IN THE SW 1/4 OF THE SW 1/4
OF SECTION 23 , T.16 S., R.11 E., W.M.
TAX LOTS # 0520 & SE/SE 0523
DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'

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



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

Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

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

Pursuant to ORS 537.348(2) and OAR 690-077-0077

Optional Identification by Lessor/Lessee: L06.21
Lease Agreement Number (assigned by WRD): 4-736

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Callaghan, Mark & Shelly
(Mailing address) 3174 David Avenue
(City, State, Zip Code) Palo Alto, CA 94303
(Telephone number) _____
(Email address) _____

If additional landowners, enter landowner information below

Note: The numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the same information as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always sequential.

~I~ Ownership and Water Right Information

1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 16, Range 11, Section 34 and Tax Lot number 00403. If the water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included.

Field Code Changed
Field Code Changed

1.3 For the lands being leased, list all water rights appurtenant to the lessor's property. Indicate if there are any supplemental or overlying rights.

Certificate No. Primary 74146, 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 **Subject Water Rights.** Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached). (Crosshatch the area of water rights being leased). Attached map(s) must identify property owner, Township, Range, Section and 1/4 1/4, tax lot number, map orientation and scale.

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T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16S	11E	34	nenw	00403	12.0	IRR	74146	2	8/5/1900
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 12.0
Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

If you need to enter another leased right, please use the Additional Landowner Water Rights Form.

1.6 Validity of rights. Lessor(s) attests (mark one) that:

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

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 15, 2006. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

~III~ Other Information

- 3.1 Accuracy.** The Undersigned Lessor/s, Lessee and Trustee declare that, to the best of their knowledge and belief, the information contained in this lease is true, correct and complete. If after the lease is signed, any information is determined to be false, the lease may be modified or terminated. This lease only exercises the water rights being leased; for the term of the lease; it shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.
- 3.2 Lease.** All Lessors agree to lease the water rights listed in 1.4 for instream use for the term of this Agreement through Lessee to Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077-0077.
- 3.3 Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077- 0070 or OAR 690-077-0075 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.

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

3.5 **Termination provision.**

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

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

Lessor #1: Mark Callaghan Date: 3-7-06
Mark D. Callaghan

Sally W. Callaghan Date: 3.7.06
Sally W. Callaghan
shelly

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

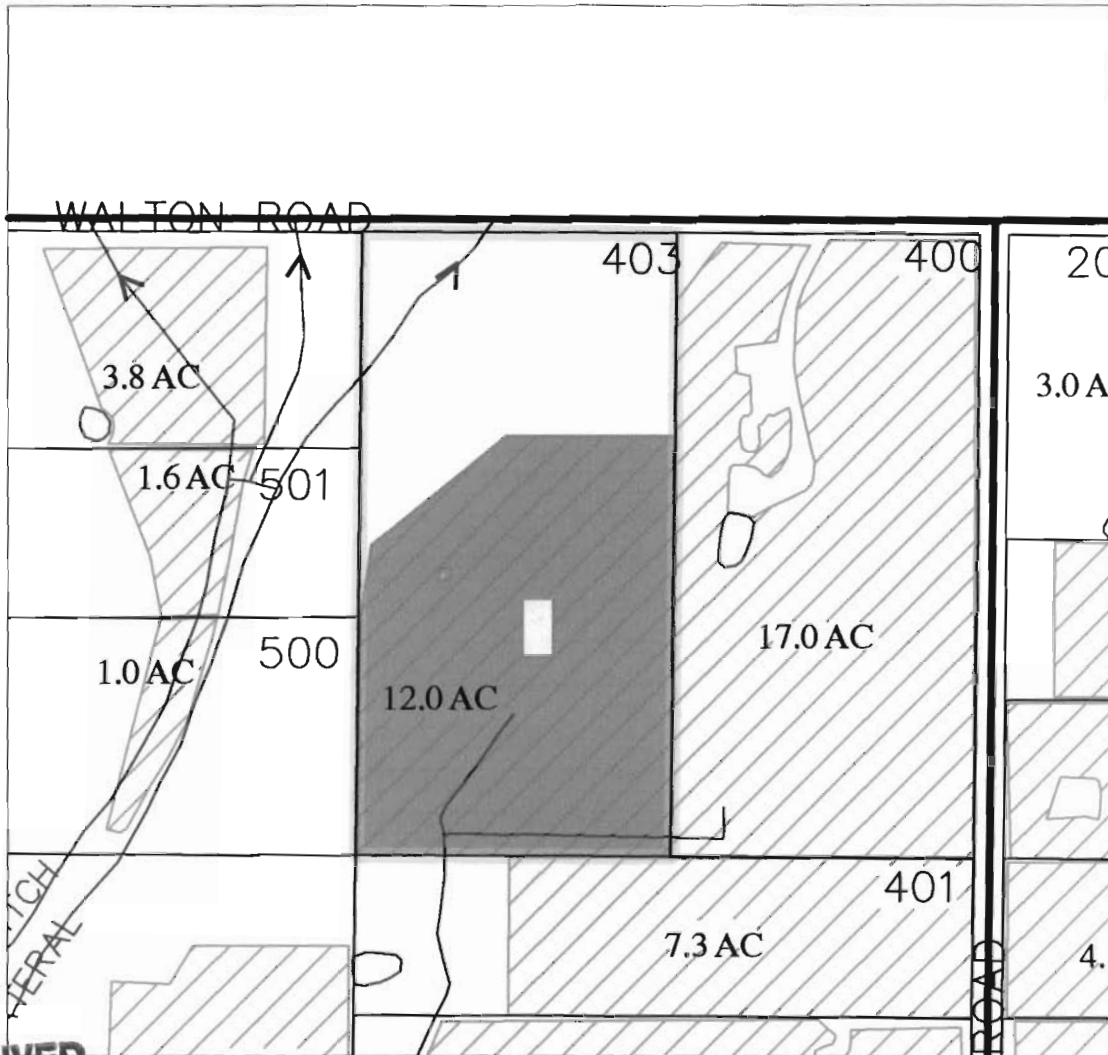
Lessee: _____ Date: _____
Deschutes River Conservancy

Other Attachments As Needed:

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

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TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY FOR Callaghan, Mark D. & Shelly W.





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

Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

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

Pursuant to ORS 537.348(2) and OAR 690-077-0077

Optional Identification by Lessor/Lessee: L06.16
Lease Agreement Number (assigned by WRD): L-736

This Lease Agreement is between:

Lessor #1 (Landowner):

(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) _____

If additional landowners, enter landowner information below

Note: The numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the same information as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always sequential.

~I~ Ownership and Water Right Information

1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 16, Range 12, Section 30 and Tax Lot number 02100. If the water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included.

Field Code Changed
Field Code Changed

1.3 For the lands being leased, list all water rights appurtenant to the lessor's property. Indicate if there are any supplemental or overlying rights.

Certificate No. Primary 74146, 74147, 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 **Subject Water Rights.** Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached). (Crosshatch the area of water rights being leased). Attached map(s) must identify property owner, Township, Range, Section and 1/4 1/4, tax lot number, map orientation and scale.

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

Conditions or other limitations, if any: _____

If you need to enter another leased right, please use the Additional Landowner Water Rights Form.

1.6 Validity of rights. Lessor(s) attests (mark one) that:

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

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 15, 2006. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

~III~ Other Information

- 3.1 Accuracy.** The Undersigned Lessor/s, Lessee and Trustee declare that, to the best of their knowledge and belief, the information contained in this lease is true, correct and complete. If after the lease is signed, any information is determined to be false, the lease may be modified or terminated. This lease only exercises the water rights being leased; for the term of the lease; it shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.
- 3.2 Lease.** All Lessors agree to lease the water rights listed in 1.4 for instream use for the term of this Agreement through Lessee to Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077-0077.
- 3.3 Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077-0070 or OAR 690-077-0075 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.

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

3.5 **Termination provision.**

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

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

Lessor #1: _____ Date: 2/28/06
C.L.R. Inc., Jerry Curl

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes River Conservancy

Other Attachments As Needed:

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

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SALEM, OREGON**



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

Additional Water Right Form For Pooled Landowner Instream Lease

*A summary of review criteria and procedures that are generally applicable to these applications is available at
www.wrd.state.or.us/publication/reports/index.shtml.*

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).

(Crosshatch the area of water rights being leased).

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	.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 property owner, 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

Acre-feet of storage, if applicable: _____

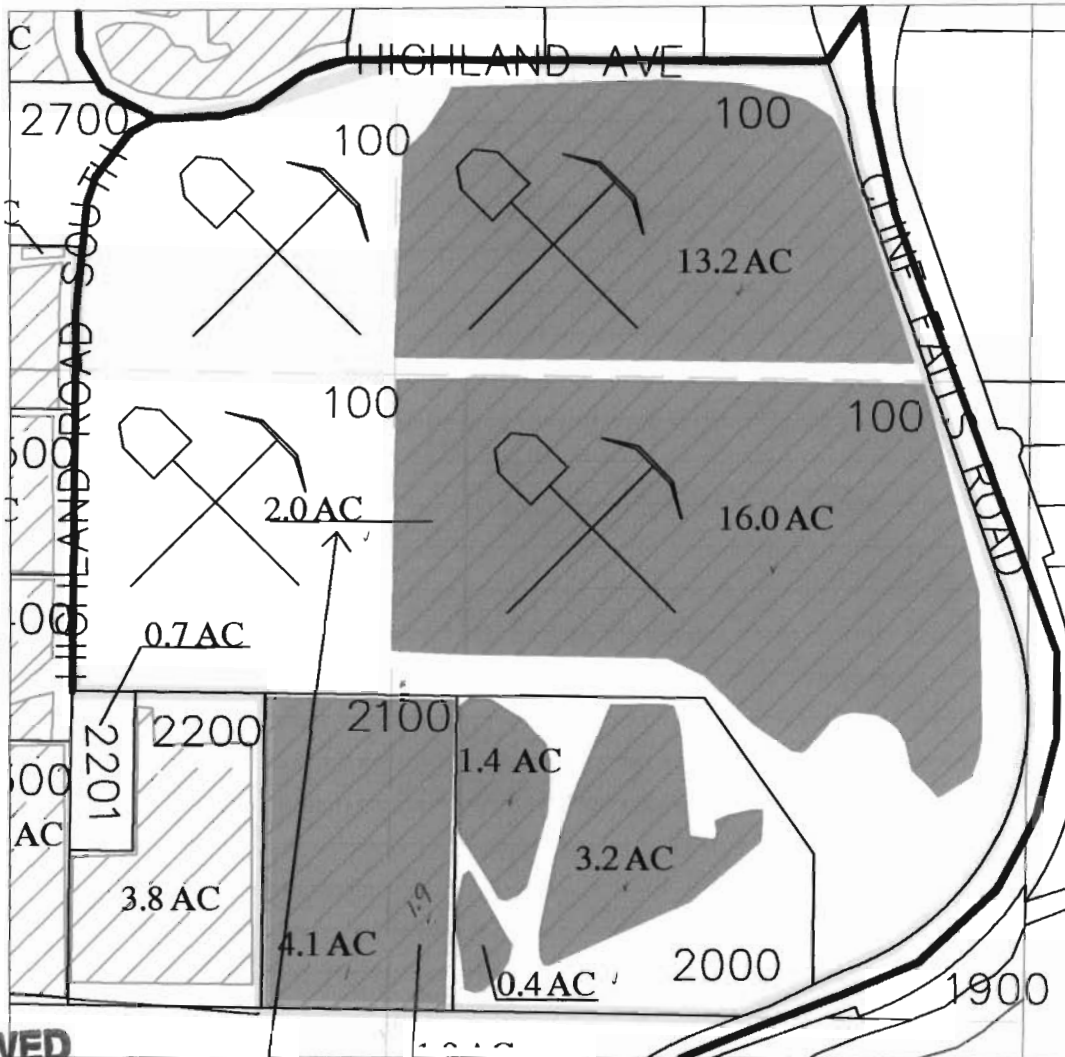
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TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY

FOR C.L.R. Corp



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SALEM, OREGON



- | | | | | |
|---|---|---|---|---|
|  |  |  |  |  |
| Certificate #s
74146, and 74147 | Certificate #
76106 | JP-1999 | JP-1998 | In-Stream Lease |

INITIAL: *[Signature]*

LOCATED IN THE NE 1/4 OF THE SE 1/4
OF SECTION 30, T16 S., R.12 E., W.M.
TAX LOTS # 100

DESCHUTES COUNTY, OREGON

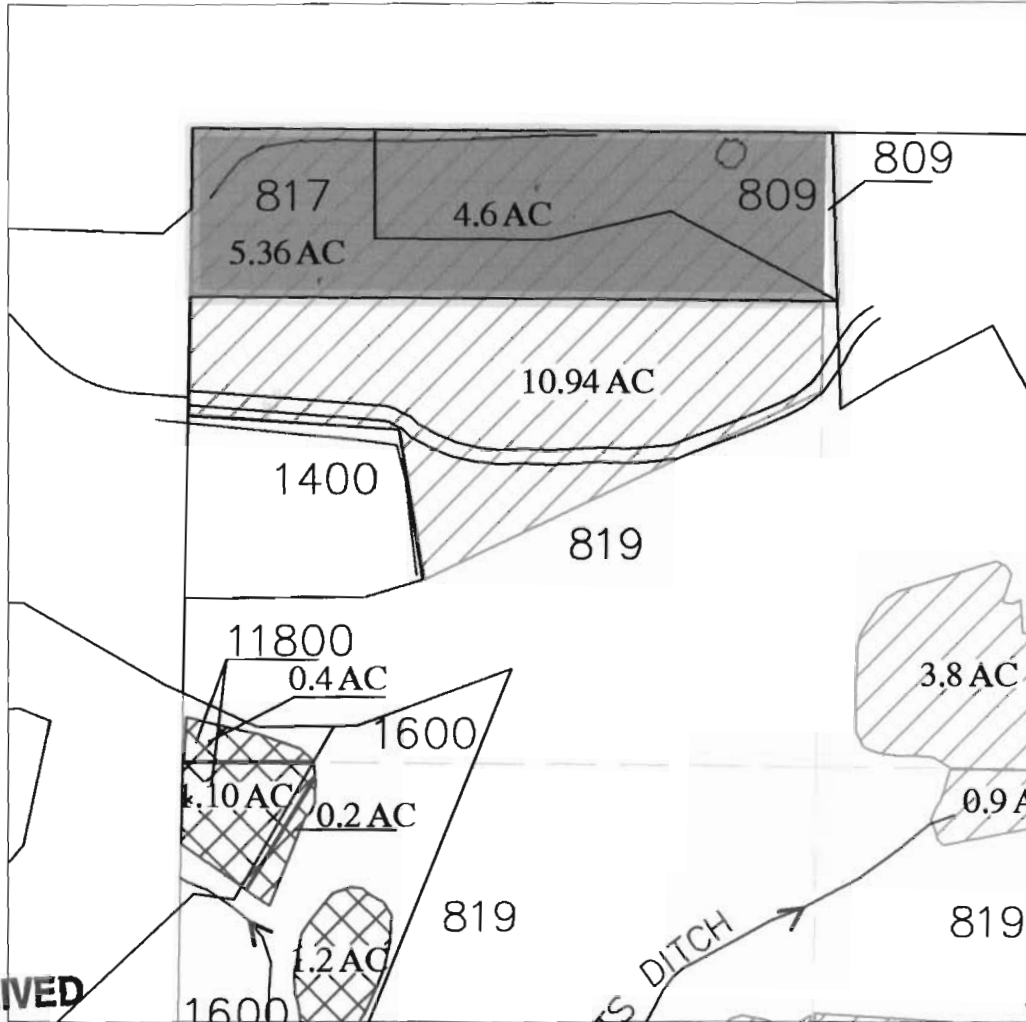
SCALE: 1" = 400'

and SE/NE 100, NE/SE 2000, NE/SE 2100, NW/SE 2100



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

TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY FOR C.L.R.CORP



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WATER RESOURCES DEPT
SALEM, OREGON




Certificate #'s
74146, and 74147


Certificate #
76106


JP-1999


JP-1998


In-Stream Lease

INITIAL: *ABC*

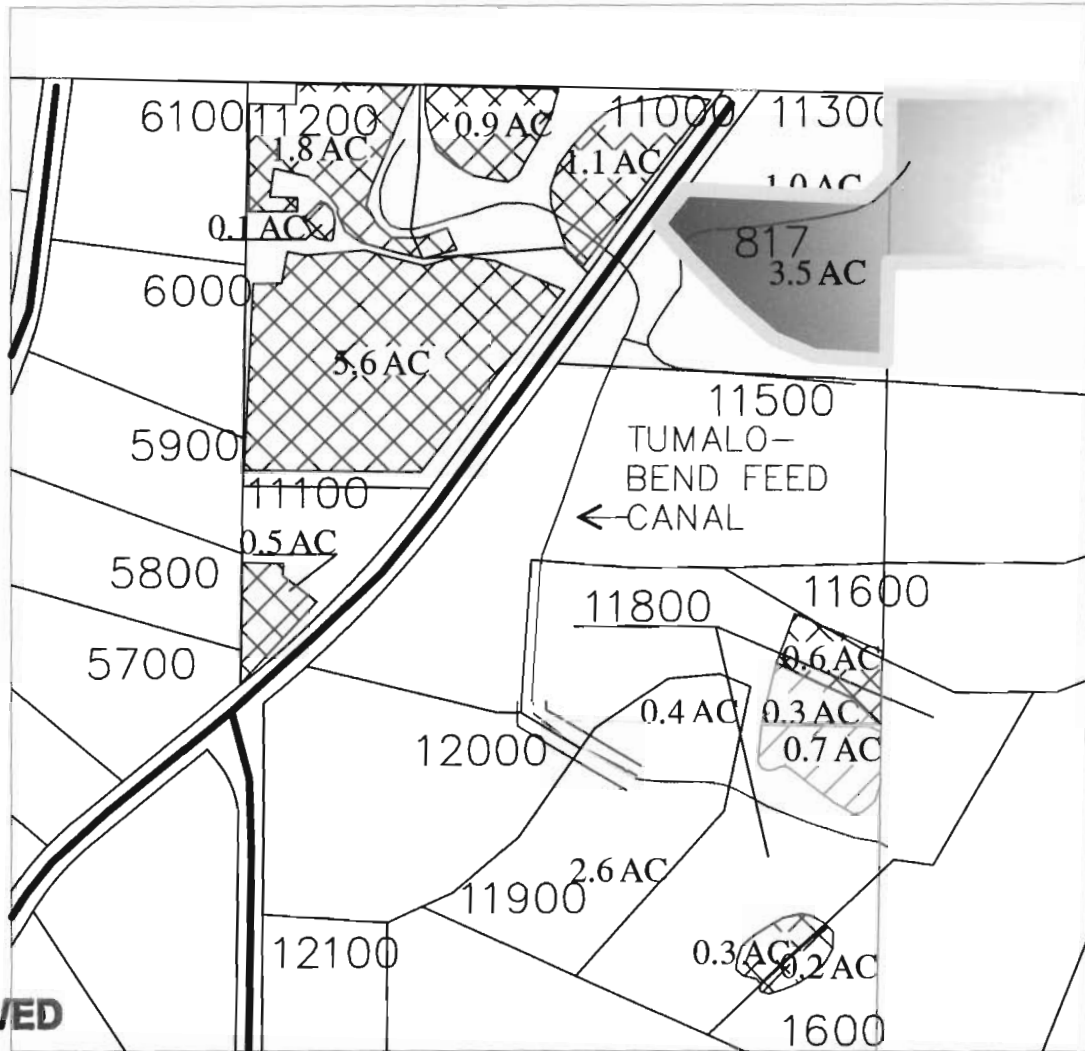
LOCATED IN THE NW 1/4 OF THE NW 1/4
OF SECTION 13, T.17 S., R.11 E., W.M.
TAX LOTS # 817 & 809
DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'

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

TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY FOR C.L.R. Corp



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WATER RESOURCES DEPT
SALEM, OREGON



- 
 Certificate #'s
74146, and 74147
- 
 Certificate #
76106
- 
 JP-1999
- 
 JP-1998
- 
 In-Stream Lease

INITIAL: _____

LOCATED IN THE NE 1/4 OF THE NE 1/4
OF SECTION 14, T.17 S., R.11 E., W.M.
TAX LOTS # 817
DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'

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



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

Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

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

Pursuant to ORS 537.348(2) and OAR 690-077-0077

Optional Identification by Lessor/Lessee: L06.13
Lease Agreement Number (assigned by WRD): L-736

revised to
reduce
acres leased
to 6.88 ac
(-0.17 ac)
see revised
map

This Lease Agreement is between:

Lessor #1 (Landowner):
(Name) Bishop, Edwin J.
(Mailing address) 64979 Highway 20 West
(City, State, Zip Code) Bend, OR 97701
(Telephone number) (541)312-8244
(Email address) _____

If additional landowners, enter landowner information below

Note: The numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the same information as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always sequential.

~I~ Ownership and Water Right Information

1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 16, Range 11, Section 25 and Tax Lot number 00911. If the water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included.

Field Code Changed
Field Code Changed

1.3 For the lands being leased, list all water rights appurtenant to the lessor's property. Indicate if there are any supplemental or overlying rights.

Certificate No. Primary 74147, Supplemental 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 **Subject Water Rights.** Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached). (Crosshatch the area of water rights being leased). Attached map(s) must identify property owner, Township, Range, Section and 1/4, tax lot number, map orientation and scale.

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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	ne/sw	00911	3.50	irr	74147	6	10/29/1913
2.	16S	11E	25	nw/se	00911	2.80	irr	74147	6	10/29/1913
3.	16S	11E	25	ne/sw	000913	.70	irr	74147	6	10/29/1913
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 7.00
 Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

If you need to enter another leased right, please use the Additional Landowner Water Rights Form.

1.6 Validity of rights. Lessor(s) attests (mark one) that:

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

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 15, 2006. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

~III~ Other Information

- 3.1 Accuracy.** The Undersigned Lessor/s, Lessee and Trustee declare that, to the best of their knowledge and belief, the information contained in this lease is true, correct and complete. If after the lease is signed, any information is determined to be false, the lease may be modified or terminated. This lease only exercises the water rights being leased; for the term of the lease; it shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.
- 3.2 Lease.** All Lessors agree to lease the water rights listed in 1.4 for instream use for the term of this Agreement through Lessee to Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077-0077.
- 3.3 Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077- 0070 or OAR 690-077-0075 a

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WATER RESOURCES DEPT
 SALEM, OREGON

new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.

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

3.5 **Termination provision.**

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

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

Lessor #1:  Date: 2-13-06
Edwin J. Bishop

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes River Conservancy

Other Attachments As Needed:

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

RECEIVED

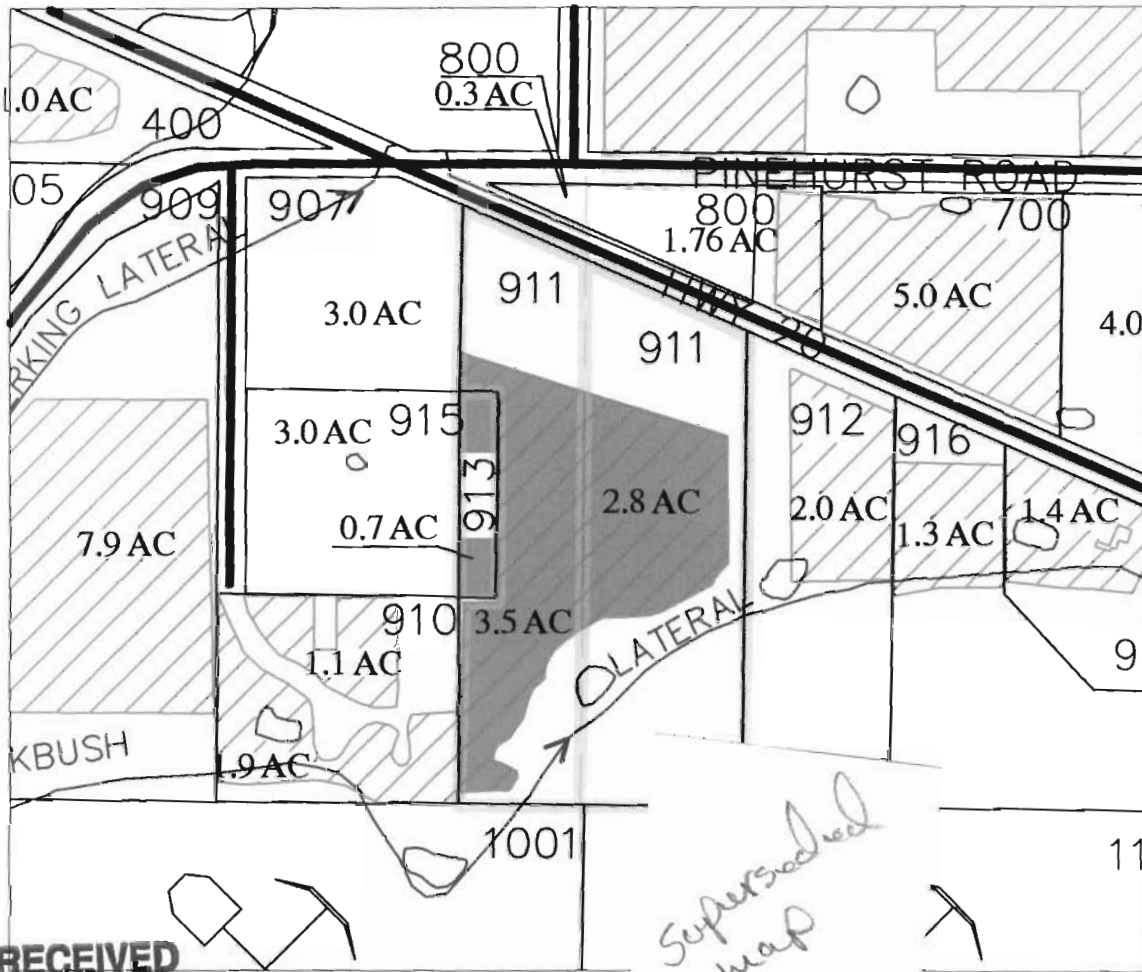
APR 28 2006

WATER RESOURCES DEPT
SALEM, OREGON

TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY

FOR

Bishop, Edwin J.



APR 28 2006

WATER RESOURCES DEPT
SALEM, OREGON



- | | | | | |
|---|---|---|---|---|
|  |  |  |  |  |
| Certificate #s
74146, and 74147 | Certificate #
76106 | JP-1999 | JP-1998 | In-Stream Lease |

INITIAL: 

LOCATED IN THE SW 1/4 OF THE NE 1/4
OF SECTION 25, T.16 S., R.11 E., W.M.
TAX LOTS # 0911 & 913 & NW / SE 911
DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'

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



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

Application for Short-Term
Instream Lease
Attachment 5: Pooled Landowner Form

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

Pursuant to ORS 537.348(2) and OAR 690-077-0077

Optional Identification by Lessor/Lessee: L06.17
Lease Agreement Number (assigned by WRD): L-736

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Braun Trust, Jean-Pierre & Rose-Marie Braun, Trustees
(Mailing address) 18840 Tumalo Reservoir Road
(City, State, Zip Code) Bend, OR 97701
(Telephone number) (541)388-4564
(Email address) _____

If additional landowners, enter landowner information below

Note: The numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the same information as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always sequential.

~I~ Ownership and Water Right Information

- 1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 16, Range 11, Section 35 and Tax Lot number 01600. If the water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included. Field Code Changed
- 1.3 For the lands being leased, list all water rights appurtenant to the lessor's property. Indicate if there are any supplemental or overlying rights. Field Code Changed
- Certificate No. Primary 74147, Supplemental 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 **Subject Water Rights.** Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached). (Crosshatch the area of water rights being leased). Attached map(s) must identify property owner, Township, Range, Section and $\frac{1}{4}$ $\frac{1}{4}$, tax lot number, map orientation and scale.

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SALEM, OREGON

T	R	Sect	¼¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16S	11E	35	nsw	01600	4.90	IRR	74147	10	10/29/1913
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 4.90
 Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

If you need to enter another leased right, please use the Additional Landowner Water Rights Form.

1.6 Validity of rights. Lessor(s) attests (mark one) that:

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

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 15, 2006. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

~III~ Other Information

- 3.1 Accuracy.** The Undersigned Lessor/s, Lessee and Trustee declare that, to the best of their knowledge and belief, the information contained in this lease is true, correct and complete. If after the lease is signed, any information is determined to be false, the lease may be modified or terminated. This lease only exercises the water rights being leased; for the term of the lease; it shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.
- 3.2 Lease.** All Lessors agree to lease the water rights listed in 1.4 for instream use for the term of this Agreement through Lessee to Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077-0077.
- 3.3 Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077- 0070 or OAR 690-077-0075 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.

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

3.5 **Termination provision.**

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

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

Lessor #1: Jean Braun Date: 3-6-06
Braun Trust, Jean-Pierre Braun, Trustee

Rose Marie Braun Date: 3-6-06
Braun Trust, Rose-Marie Braun, Trustee

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

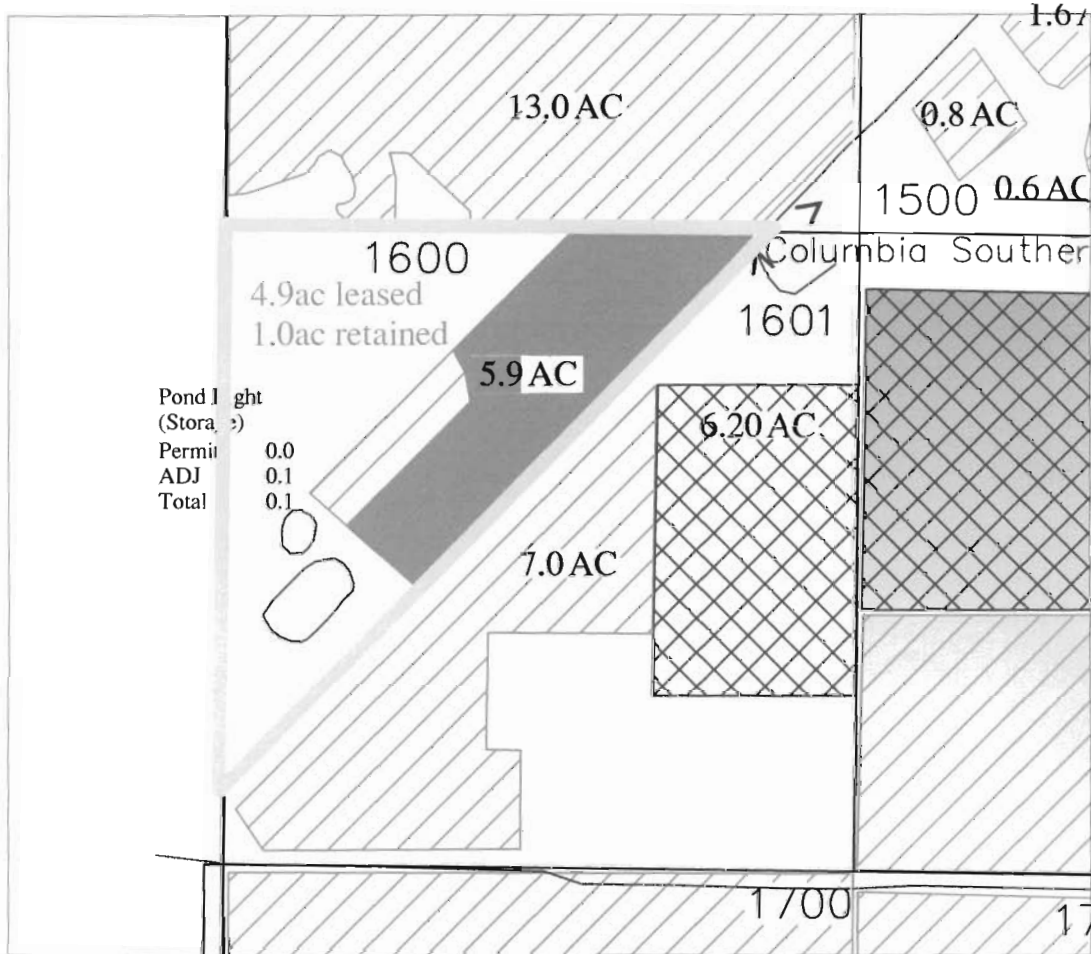
Lessee: _____ Date: _____
Deschutes River Conservancy

Other Attachments As Needed:

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

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WATER RESOURCES DEPT
SALEM, OREGON

TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY FOR Braun Trust



Pond Light
(Storage)
Permit
ADJ
Total

0.0
0.1
0.1

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WATER RESOURCES DEPT
SALEM, OREGON



- 
Certificate #s
74146, and 74147
- 
Certificate #
76106
- 
JP-1999
- 
JP-1998
- 
In-Stream Lease

INITIAL: *RMB*

LOCATED IN THE NW 1/4 OF THE SW 1/4
OF SECTION 35, T.16 S., R.11 E., W.M.
TAX LOTS # 01600
DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'

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



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

Nov 2004

Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

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

Pursuant to ORS 537.348(2) and OAR 690-077-0077

Optional Identification by Lessor/Lessee: L06.04
 Lease Agreement Number (assigned by WRD): L-736

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Richard & Marsha Briggs
 (Mailing address) PO Box 7617
 (City, State, Zip Code) Bend, OR 97708
 (Telephone number) (541)815-5494
 (Email address) _____

If additional landowners, enter landowner information below

Note: The numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the same information as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always sequential.

~I~ Ownership and Water Right Information

1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 16, Range 11, Section 25 and Tax Lot number 00905. If the water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included.

Field Code Changed
 Field Code Changed

1.3 For the lands being leased, list all water rights appurtenant to the lessor's property. Indicate if there are any supplemental or overlying rights.

Certificate No. Primary 74147, Supplemental 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 **Subject Water Rights.** Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached). (Crosshatch the area of water rights being leased). Attached map(s) must identify property owner, Township, Range, Section and 1/4, tax lot number, map orientation and scale.

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 SALEM, OREGON

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16S	11E	25	nsw	00905	8.0	irr	74147	6	10/29/1913
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 8.0
 Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

If you need to enter another leased right, please use the Additional Landowner Water Rights Form.

1.6 Validity of rights. Lessor(s) attests (mark one) that:

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

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 15, 2006. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

~III~ Other Information

- 3.1 Accuracy.** The Undersigned Lessor/s, Lessee and Trustee declare that, to the best of their knowledge and belief, the information contained in this lease is true, correct and complete. If after the lease is signed, any information is determined to be false, the lease may be modified or terminated. This lease only exercises the water rights being leased; for the term of the lease; it shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.
- 3.2 Lease.** All Lessors agree to lease the water rights listed in 1.4 for instream use for the term of this Agreement through Lessee to Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077-0077.
- 3.3 Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077- 0070 or OAR 690-077-0075 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.

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 SALEM, OREGON

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

3.5 **Termination provision.**

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

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

Lessor #1: Richard Briggs Date: 2-06-06
Richard Briggs

Lessor # 2: Marsha Briggs Date: 2-05-06
Marsha Briggs

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes River Conservancy

Other Attachments As Needed:

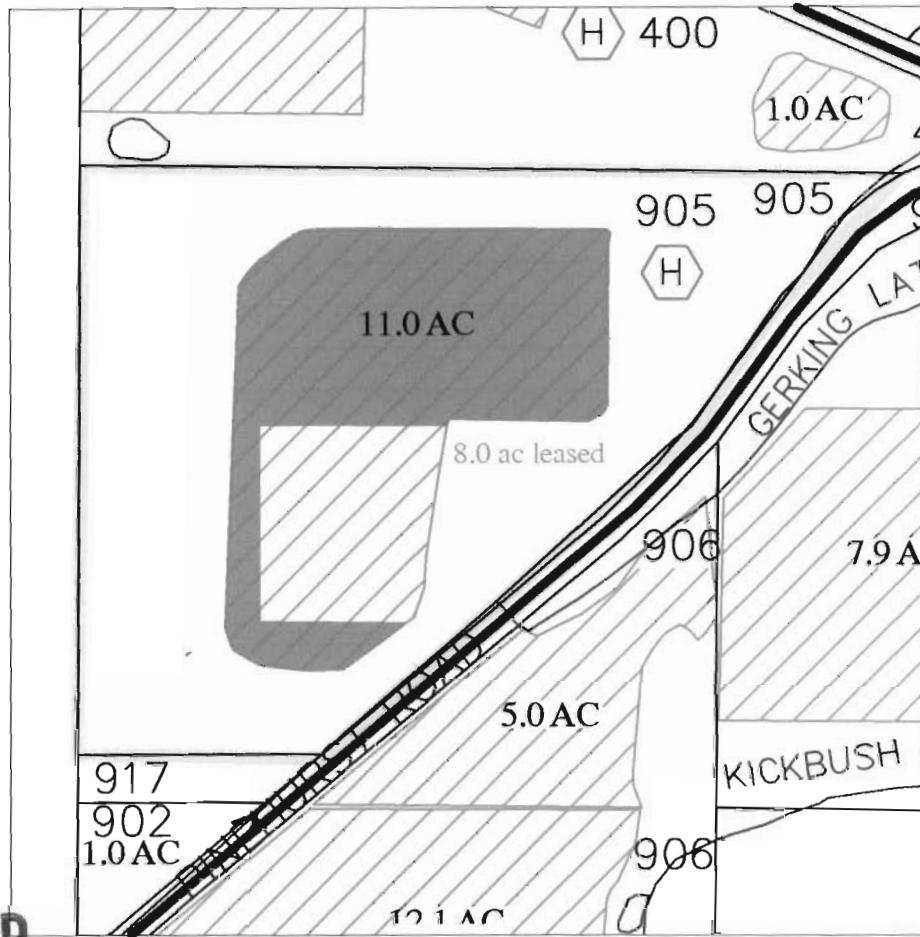
- Exhibit 5-A: Tax Lot Map of Landowner's Property
- Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased [Exhibits 5-A and 5-B may be combined into a single map]
- Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though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

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SALEM, OREGON

TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY FOR Briggs, Richard & Marsha



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WATER RESOURCES DEPT
SALEM, OREGON




Certificate #'s
74146, and 74147


Certificate #
76106


JP-1999


JP-1998


In-Stream Lease

INITIAL: *MB*

LOCATED IN THE SW 1/4 OF THE NW 1/4
OF SECTION 25, T.16 S., R.11 E., W.M.
TAX LOTS # 0905
DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'

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



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

Application for Short-Term
Instream Lease
Attachment 5: Pooled Landowner Form

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

Pursuant to ORS 537.348(2) and OAR 690-077-0077

Optional Identification by Lessor/Lessee: L06.22
Lease Agreement Number (assigned by WRD): L-736

This Lease Agreement is between:

Lessor #1 (Landowner):

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

If additional landowners, enter landowner information below

Note: The numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the same information as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always sequential.

~I~ Ownership and Water Right Information

- 1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 16, Range 11, Section 34 and Tax Lot number 1000. If the water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included. Field Code Changed
Field Code Changed
- 1.3 For the lands being leased, list all water rights appurtenant to the lessor's property. Indicate if there are any supplemental or overlying rights.
Certificate No. Primary 74147, Supplemental 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 **Subject Water Rights.** Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached). (Crosshatch the area of water rights being leased). Attached map(s) must identify property owner, Township, Range, Section and ¼ ¼, tax lot number, map orientation and scale.

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WATER RESOURCES DEPT
SALEM, OREGON

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16S	11E	34	senc	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
 Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

If you need to enter another leased right, please use the Additional Landowner Water Rights Form.

1.6 Validity of rights. Lessor(s) attests (mark one) that:

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

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 15, 2006. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

~III~ Other Information

- 3.1 Accuracy.** The Undersigned Lessor/s, Lessee and Trustee declare that, to the best of their knowledge and belief, the information contained in this lease is true, correct and complete. If after the lease is signed, any information is determined to be false, the lease may be modified or terminated. This lease only exercises the water rights being leased; for the term of the lease; it shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.
- 3.2 Lease.** All Lessors agree to lease the water rights listed in 1.4 for instream use for the term of this Agreement through Lessee to Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077-0077.
- 3.3 Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077- 0070 or OAR 690-077-0075 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.

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SALEM, OREGON

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

3.5 **Termination provision.**

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

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

Lessor #1: Nancy Coleman Date: March 7, 2006
Nancy D. Coleman

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes River Conservancy

Other Attachments As Needed:

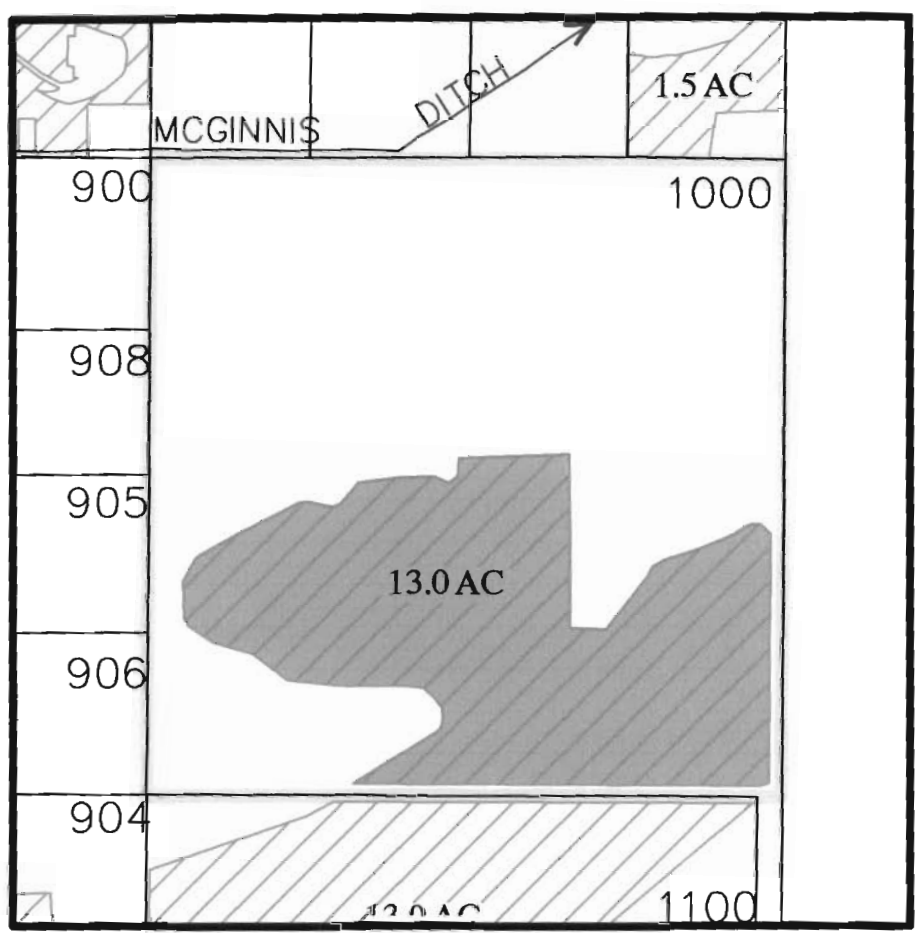
- Exhibit 5-A: Tax Lot Map of Landowner's Property
- Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased [Exhibits 5-A and 5-B may be combined into a single map]
- Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though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

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WATER RESOURCES DEPT
SALEM, OREGON

TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY FOR Coleman, Nancy D.



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WATER RESOURCES DEPT
SALEM, OREGON



SCALE: 1" = 400'

- 
 Certificate #'s
74146, and 74147
- 
 Certificate #
76106
- 
 JP-1997
- 
 JP-1998
- 
 In-Stream Lease

INITIAL: NC

LOCATED IN THE SE 1/4 OF THE NE 1/4
OF SECTION 34, T16 S., R11 E., W.M.
TAX LOTS # 01000
DESCHUTES COUNTY, OREGON



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



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

Application for Short-Term
Instream Lease
Attachment 5: Pooled Landowner Form

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

Pursuant to ORS 537.348(2) and OAR 690-077-0077

Optional Identification by Lessor/Lessee: L06.18
Lease Agreement Number (assigned by WRD): L-736

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Trout, Robert & Linda
(Mailing address) 1241 West Highland
(City, State, Zip Code) Redmond, OR 97756
(Telephone number) (541)548-8158
(Email address) _____

If additional landowners, enter landowner information below

Note: The numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the same information as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always sequential.

~I~ Ownership and Water Right Information

- 1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 16, Range 12, Section 16 and Tax Lot number 00702. If the water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included. Field Code Changed
Field Code Changed
- 1.3 For the lands being leased, list all water rights appurtenant to the lessor's property. Indicate if there are any supplemental or overlying rights.
Certificate No. Primary 74147, 76106, Supplemental 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 **Subject Water Rights.** Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached). (Crosshatch the area of water rights being leased). Attached map(s) must identify property owner, Township, Range, Section and $\frac{1}{4}$ $\frac{1}{4}$, tax lot number, map orientation and scale.

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WATER RESOURCES DEPT
SALEM, OREGON

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)									
1.	16S	12E	16	nwnw	00702	.60	IRR	74147	11 10/29/1913
2.									
3.									
4.									
5.									

Total number of acres, if for irrigation, by certificate and priority date: .60
 Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

If you need to enter another leased right, please use the Additional Landowner Water Rights Form.

1.6 Validity of rights. Lessor(s) attests (mark one) that:

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

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 15, 2006. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

~III~ Other Information

- 3.1 Accuracy.** The Undersigned Lessor/s, Lessee and Trustee declare that, to the best of their knowledge and belief, the information contained in this lease is true, correct and complete. If after the lease is signed, any information is determined to be false, the lease may be modified or terminated. This lease only exercises the water rights being leased; for the term of the lease; it shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.
- 3.2 Lease.** All Lessors agree to lease the water rights listed in 1.4 for instream use for the term of this Agreement through Lessee to Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077-0077.
- 3.3 Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077- 0070 or OAR 690-077-0075 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.

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**WATER RESOURCES DEPT
SALEM, OREGON**

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

3.5 **Termination provision.**

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

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

Lessor #1:  Date: 3/6/06
Robert Trout

 Date: 3-6-06
Linda Trout

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes River Conservancy

Other Attachments As Needed:

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

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SALEM, OREGON



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

Additional Water Right Form For Pooled Landowner **Instream Lease**

*A summary of review criteria and procedures that are generally applicable to these applications is available at
www.wrd.state.or.us/publication/reports/index.shtml.*

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
 (Crosshatch the area of water rights being leased).

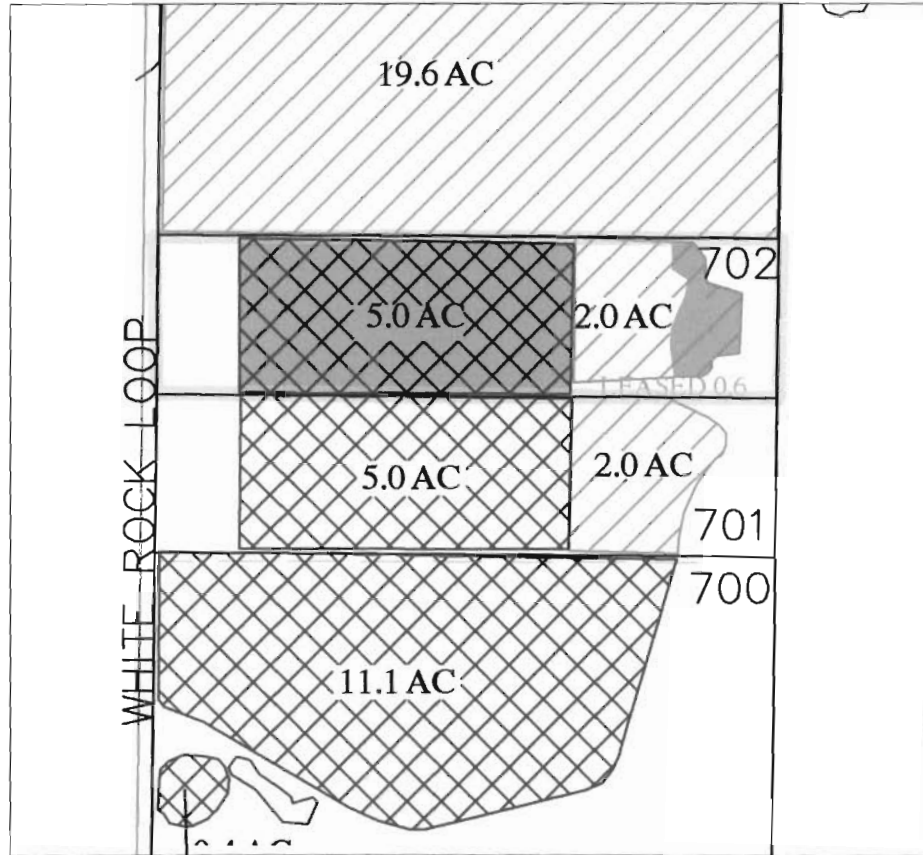
T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16S	12E	16	nwnw	00702	5,0	IRR	76106	3	12/8/1961
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

[Attached map(s) must identify property owner, 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: 5.0
 Acre-feet of storage, if applicable: _____

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TUMALO IRRIGATION DISTRICT
IN-STREAM LEASED WATER RIGHTS SURVEY
FOR
Trout, Robert L. & Linda C.



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Certificate #'s
74146, and 74147


Certificate #
76106


JP-1999


JP-1998


In-Stream Lease

INITIAL: 

LOCATED IN THE NW1/4 OF THE NW1/4
OF SECTION 16, T.16 S., R.12 E., W.M.
TAX LOTS # 0702
DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'

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



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

Application for Short-Term
Instream Lease
Attachment 5: Pooled Landowner Form

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

Pursuant to ORS 537.348(2) and OAR 690-077-0077

Optional Identification by Lessor/Lessee: L06.14
Lease Agreement Number (assigned by WRD): L-730

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Joyce E Coats Rev Trust, Joyce Coats, Trustee & Eric Coats, Trustee
(Mailing address) 63285 Skyline Ranch
(City, State, Zip Code) Bend, OR 97701
(Telephone number) (541)383-8826
(Email address) _____

If additional landowners, enter landowner information below

Note: The numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the same information as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always sequential.

~I~ Ownership and Water Right Information

- 1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 17, Range 11, Section 11 and Tax Lot number 00500. If the water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included.
- 1.3 For the lands being leased, list all water rights appurtenant to the lessor's property. Indicate if there are any supplemental or overlying rights.
Certificate No. Primary 74146, 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 **Subject Water Rights.** Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached). (Crosshatch the area of water rights being leased). Attached map(s) must identify property owner, Township, Range, Section and $\frac{1}{4}$, tax lot number, map orientation and scale.

Field Code Changed
Field Code Changed

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T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	17S	11E	11	swnw	00500	14.6	IRR	74146	3	8/5/1900 ✓
2.	17S	11E	11	swnw	00500	12.6	IRR	74146	12	9/1/1900 ✓
3.	17S	11E	11	swnw	00500	1.20	IRR	74146	14	5/27/1907 ✓
4.	17S	11E	11	senw	00600	5.40	IRR	74146	3	8/5/1900 ✓
5.	17S	11E	12	swws	00800	4.40	IRR	74146	12	9/1/1900 ✓

Total number of acres, if for irrigation, by certificate and priority date: 38.20
 Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

If you need to enter another leased right, please use the Additional Landowner Water Rights Form.

1.6 **Validity of rights.** Lessor(s) attests (mark one) that:

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

~II~ Instream Water Right Information

2.3 **Term of lease.** This lease shall terminate on October 15, 2006. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

~III~ Other Information

- 3.1 **Accuracy.** The Undersigned Lessor/s, Lessee and Trustee declare that, to the best of their knowledge and belief, the information contained in this lease is true, correct and complete. If after the lease is signed, any information is determined to be false, the lease may be modified or terminated. This lease only exercises the water rights being leased; for the term of the lease; it shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.
- 3.2 **Lease.** All Lessors agree to lease the water rights listed in 1.4 for instream use for the term of this Agreement through Lessee to Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077-0077.
- 3.3 **Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077- 0070 or OAR 690-077-0075 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.

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

3.5 **Termination provision.**

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

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

Lessor #1: Joyce E Coats Date: 2-24-06
Joyce E Coats, Rev Trust, Joyce E Coats, Trustee

Eric W. Coats Date: Feb 21 '06
Joyce E Coats Rev Trust, Eric W Coats, Trustee

For additional Lessors, type in space for signature and date

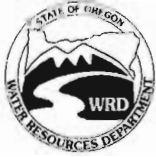
Lessor #2: _____ Date: _____
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes River Conservancy

Other Attachments As Needed:

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

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

Additional Water Right Form For Pooled Landowner **Instream Lease**

*A summary of review criteria and procedures that are generally applicable to these applications is available at
www.wrd.state.or.us/publication/reports/index.shtml.*

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
 (Crosshatch the area of water rights being leased).

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	13	nese	00100	14.5	IRR	76106	4	12/8/1961
2.	17S	11E	13	nwse	00100	18.20	IRR	76106	4	12/8/1961
3.	17S	11E	13	sene	00100	25.6	IRR	76106	4	12/8/1961
4.	17S	11E	13	swne	00100	13.7	IRR	76106	4	12/8/1961
5.	17S	11E	11	senw	00600	32.80	IRR	76106	4	12/8/1961
6.	17S	11E	12	sww	00800	26.60	IRR	76106	4	12/8/1961
7.										
8.										
9.										
10.										

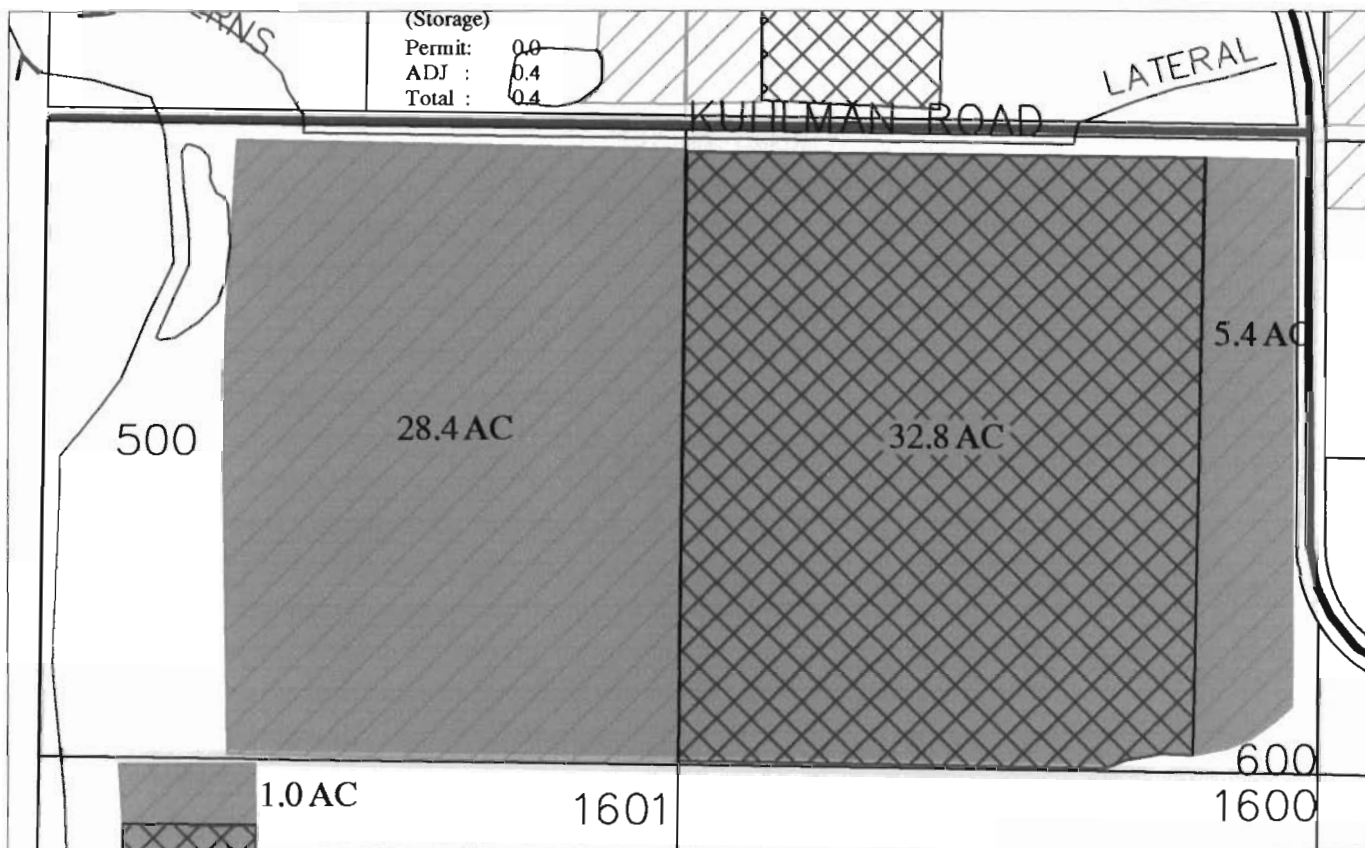
[Attached map(s) must identify property owner, Township, Range, Section and ¼ ¼, tax lot number, map orientation and scale.]

Total number of acres, if for irrigation, by certificate and priority date: 131.40
 Acre-feet of storage, if applicable: _____

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**TUMALO IRRIGATION DISTRICT
IN-STREAM LEASED WATER RIGHTS SURVEY
FOR
COATS, JOYCE**

EXHIBIT 5-A & B
L.O.14
L06.14



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SALEM, OREGON



- Certificate #'s
74146, and 74147
- Certificate #
76106
- JP-1997
- JP-1998
- In-Stream Lease

INITIAL: EC

**LOCATED IN THE SE 1/4 OF THE NW 1/4
OF SECTION 11, T17 S., R11 E., W.M.
TAX LOTS # 00600 AND SW/NW-00500
DESCHUTES COUNTY, OREGON**



SCALE: 1" = 400'

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

TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY FOR COATS, JOYCE



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SALEM, OREGON



- 
Certificate #'s
74146, and 74147
- 
Certificate #
76106
- 
JP-1997
- 
JP-1998
- 
In-Stream Lease

INITIAL: CC

LOCATED IN THE SW 1/4 OF THE SW 1/4
OF SECTION 12 , T.17 S., R.11 E., W.M.
TAX LOTS # 00800
DESCHUTES COUNTY, OREGON



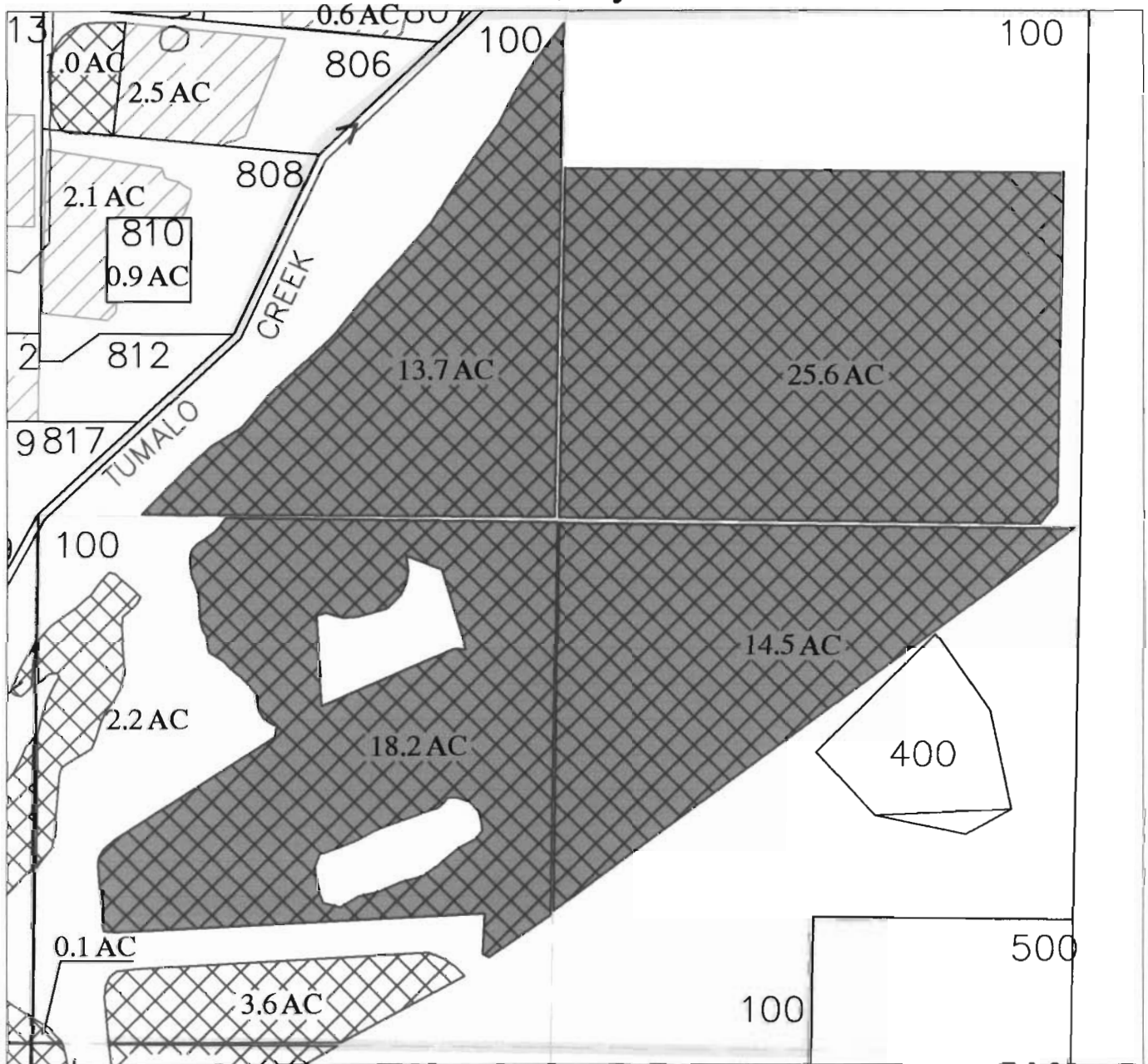
SCALE: 1" = 400'

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

TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY

FOR

Coats, Joyce



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INITIAL: 

LOCATED IN THE SW 1/4 OF THE SE 1/4
OF SECTION 13, T.17 S., R.11 E., W.M.
TAX LOTS # 500 & **
DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'

**SW/SW 500, SE/SW 500, NE/SW 500, NW/SE 100, & SW/SE 100

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



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

Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

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

Pursuant to ORS 537.348(2) and OAR 690-077-0077

Optional Identification by Lessor/Lessee: L06.07
Lease Agreement Number (assigned by WRD): L-732

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Melvin & Marsha Stout, Gordon Pennock
(Mailing address) 20375 Marsh Road
(City, State, Zip Code) Bend, OR 97701
(Telephone number) (541)617-1182
(Email address) _____

If additional landowners, enter landowner information below

Note: The numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the same information as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always sequential.

~I~ Ownership and Water Right Information

- 1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 16, Range 12, Section 17 and Tax Lot number 00100. If the water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included. Field Code Changed
- 1.3 For the lands being leased, list all water rights appurtenant to the lessor's property. Indicate if there are any supplemental or overlying rights. Field Code Changed
- Certificate No. Primary 76106, Supplemental 74149, 76520
- 1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. Yes No
- 1.5 **Subject Water Rights.** Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached). (Crosshatch the area of water rights being leased). Attached map(s) must identify property owner, Township, Range, Section and ¼ ¼, tax lot number, map orientation and scale.

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WATER RESOURCES DEPT
SALEM, OREGON

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16S	12E	17	nenc	00100	1.80	irr	76106	3	12/8/1961
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 1.80
 Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

If you need to enter another leased right, please use the Additional Landowner Water Rights Form.

1.6 Validity of rights. Lessor(s) attests (mark one) that:

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

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 15, 2006. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

~III~ Other Information

- 3.1 Accuracy.** The Undersigned Lessor/s, Lessee and Trustee declare that, to the best of their knowledge and belief, the information contained in this lease is true, correct and complete. If after the lease is signed, any information is determined to be false, the lease may be modified or terminated. This lease only exercises the water rights being leased; for the term of the lease; it shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.
- 3.2 Lease.** All Lessors agree to lease the water rights listed in 1.4 for instream use for the term of this Agreement through Lessee to Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077-0077.
- 3.3 Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077- 0070 or OAR 690-077-0075 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.

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

3.5 **Termination provision.**

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

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

Lessor #1: Mel Stout Date: 2/18/06
 Melvin Stout
 Marsha Stout Date: 2/18/06
 Marsha Stout
 Gordon Pennock Date: 2-18-06
 Gordon Pennock

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
 Tumalo Irrigation District

Lessee: _____ Date: _____
 Deschutes River Conservancy

Other Attachments As Needed:

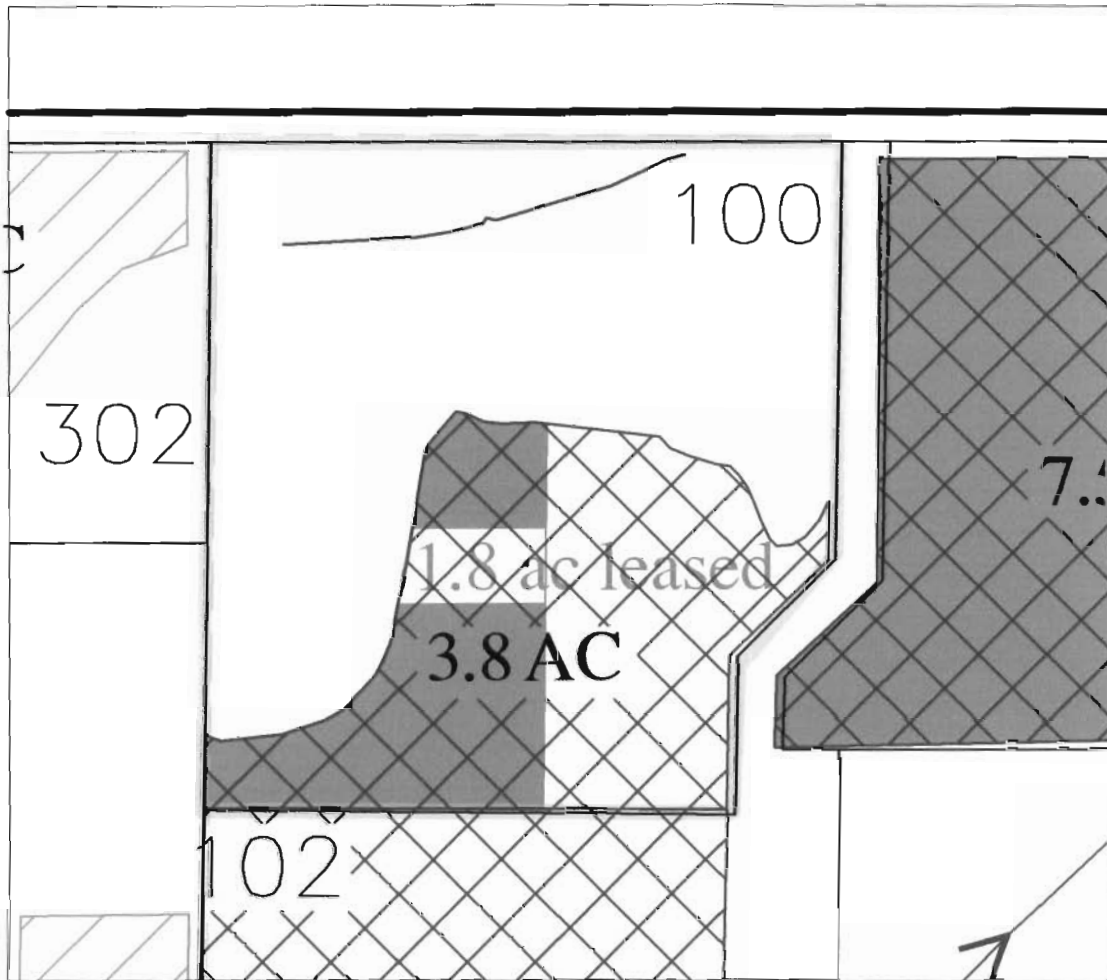
- Exhibit 5-A: Tax Lot Map of Landowner's Property
- Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased [Exhibits 5-A and 5-B may be combined into a single map]
- Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though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

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WATER RESOURCES DEPT
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TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY FOR Stout/Pennock



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WATER RESOURCES DEPT
SALEM, OREGON




Certificate #'s
74146, and 74147


Certificate #
76106


In-Stream Lease

INITIAL: *ms mls*

LOCATED IN THE NE 1/4 OF THE NE 1/4
OF SECTION 17, T.16 S., R.12 E., W.M.
TAX LOTS # 00100
DESCHUTES COUNTY, OREGON



SCALE: 1" = 200'

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



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

Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

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

Pursuant to ORS 537.348(2) and OAR 690-077-0077

Optional Identification by Lessor/Lessee: L06.06
Lease Agreement Number (assigned by WRD): L-736

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Melvin & Marsha Stout
(Mailing address) 10667 SW Lancaster Rd.
(City, State, Zip Code) Portland, OR 97219
(Telephone number) (503)246-0897
(Email address) _____

If additional landowners, enter landowner information below

Note: The numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the same information as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always sequential.

~I~ Ownership and Water Right Information

1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 16, Range 12, Section 17 and Tax Lot number 00101. If the water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included.

Field Code Changed
Field Code Changed

1.3 For the lands being leased, list all water rights appurtenant to the lessor's property. Indicate if there are any supplemental or overlying rights.

Certificate No. Primary 76106, Supplemental 74149, 76520

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

1.5 **Subject Water Rights.** Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached). (Crosshatch the area of water rights being leased). Attached map(s) must identify property owner, Township, Range, Section and 1/4 1/4, tax lot number, map orientation and scale.

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SALEM, OREGON**

T	R	Sect	¼¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16S	12E	17	nene	00101	7.50	irr	76106	3	12/8/1961
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 7.50
 Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

If you need to enter another leased right, please use the Additional Landowner Water Rights Form.

1.6 Validity of rights. Lessor(s) attests (mark one) that:

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

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 15, 2006. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

~III~ Other Information

- 3.1 Accuracy.** The Undersigned Lessor/s, Lessee and Trustee declare that, to the best of their knowledge and belief, the information contained in this lease is true, correct and complete. If after the lease is signed, any information is determined to be false, the lease may be modified or terminated. This lease only exercises the water rights being leased; for the term of the lease; it shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.
- 3.2 Lease.** All Lessors agree to lease the water rights listed in 1.4 for instream use for the term of this Agreement through Lessee to Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077-0077.
- 3.3 Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077- 0070 or OAR 690-077-0075 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.

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

3.5 **Termination provision.**

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

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

Lessor #1: Melvin J. Stout Date: 2/15/2006
Melvin J. Stout

Marsha L. Stout Date: 2/17/06
Marsha L. Stout

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

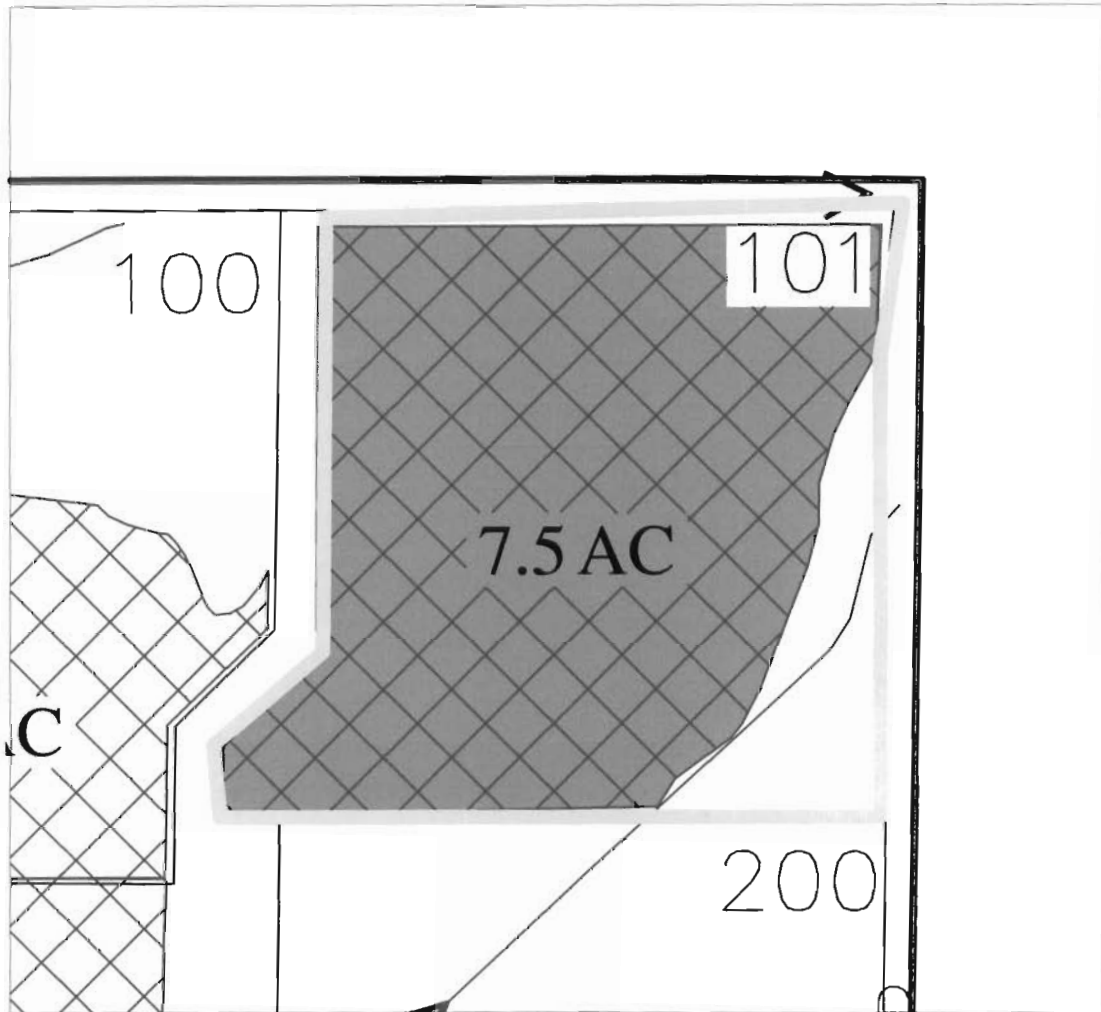
Lessee: _____ Date: _____
Deschutes River Conservancy

Other Attachments As Needed:

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

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TUMALO IRRIGATION DISTRICT
IN-STREAM LEASED WATER RIGHTS SURVEY
FOR
Stout, Melvin J. & Marsha L.



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SALEM, OREGON


Certificate #'s
74146, and 74147


Certificate #
76106


In-Stream Lease

INITIAL: *MJ MLS*

LOCATED IN THE NE 1/4 OF THE NE 1/4
OF SECTION 17, T.16 S., R.12 E., W.M.
TAX LOTS # 00101
DESCHUTES COUNTY, OREGON



SCALE: 1" = 200'

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



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

Application for Short-Term
Instream Lease
Attachment 5: Pooled Landowner Form

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

Pursuant to ORS 537.348(2) and OAR 690-077-0077

Optional Identification by Lessor/Lessee: L06.23
Lease Agreement Number (assigned by WRD): 5-752

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Roger & Therese Nichols
(Mailing address) 354 NE DeKalb
(City, State, Zip Code) Bend, OR 97701
(Telephone number) (541) 410-7146
(Email address) _____

If additional landowners, enter landowner information below

Note: The numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the same information as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always sequential.

~I~ Ownership and Water Right Information

- 1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 16, Range 12, Section 08 and Tax Lot number 00402. If the water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included. Field Code Changed
Field Code Changed
- 1.3 For the lands being leased, list all water rights appurtenant to the lessor's property. Indicate if there are any supplemental or overlying rights.
Certificate No. Primary 76106, Supplemental 74149, 76520
- 1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. Yes No
- 1.5 **Subject Water Rights.** Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached). (Crosshatch the area of water rights being leased). Attached map(s) must identify property owner, Township, Range, Section and $\frac{1}{4}$, tax lot number, map orientation and scale.

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**WATER RESOURCES DEPT
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T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16S	12E	08	nwnw	00402	3.30	IRR	76106	3	12/8/1961
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 3.30
 Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

If you need to enter another leased right, please use the Additional Landowner Water Rights Form.

1.6 Validity of rights. Lessor(s) attests (mark one) that:

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

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 15, 2006. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

~III~ Other Information

- 3.1 Accuracy.** The Undersigned Lessor/s, Lessee and Trustee declare that, to the best of their knowledge and belief, the information contained in this lease is true, correct and complete. If after the lease is signed, any information is determined to be false, the lease may be modified or terminated. This lease only exercises the water rights being leased; for the term of the lease; it shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.
- 3.2 Lease.** All Lessors agree to lease the water rights listed in 1.4 for instream use for the term of this Agreement through Lessee to Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077-0077.
- 3.3 Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077- 0070 or OAR 690-077-0075 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.

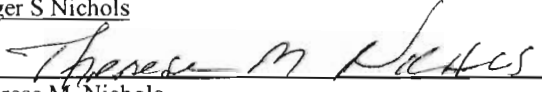
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- 3.4 **Suspension of original use.** During the period of the lease, the owner agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights. In the event that a supplemental water right is not part of this lease, it may be subject to forfeiture.
- 3.5 **Termination provision.**
- For multiyear leases, lessor *shall* have the option of terminating the lease each year, prior to the lease being exercised (_____), with 30 day written notice to the Department provided by the Irrigation District, Other Water Purveyor or Lessee (if different than Department). The lessor must contact the Irrigation District, Other Water Purveyor, or Lessee (if different than Department) to indicate their interest in terminating the lease agreement.
- For multiyear leases, lessor *shall not* have the option of terminating the lease each year, prior to the lease being exercised, with written notice to the Department.
- 3.6 **Modification to prevent injury.** Allocation of water to the instream use described in Section 2.2 during the term of this lease is not reasonably expected to cause injury to other rights to use water from the same source. If injury is found after this lease is signed, the lease may be modified or terminated to prevent injury.

Lessor #1:  Date: 3/10/06
 Roger S. Nichols

 Date: 11
 Therese M. Nichols

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
 Tumalo Irrigation District

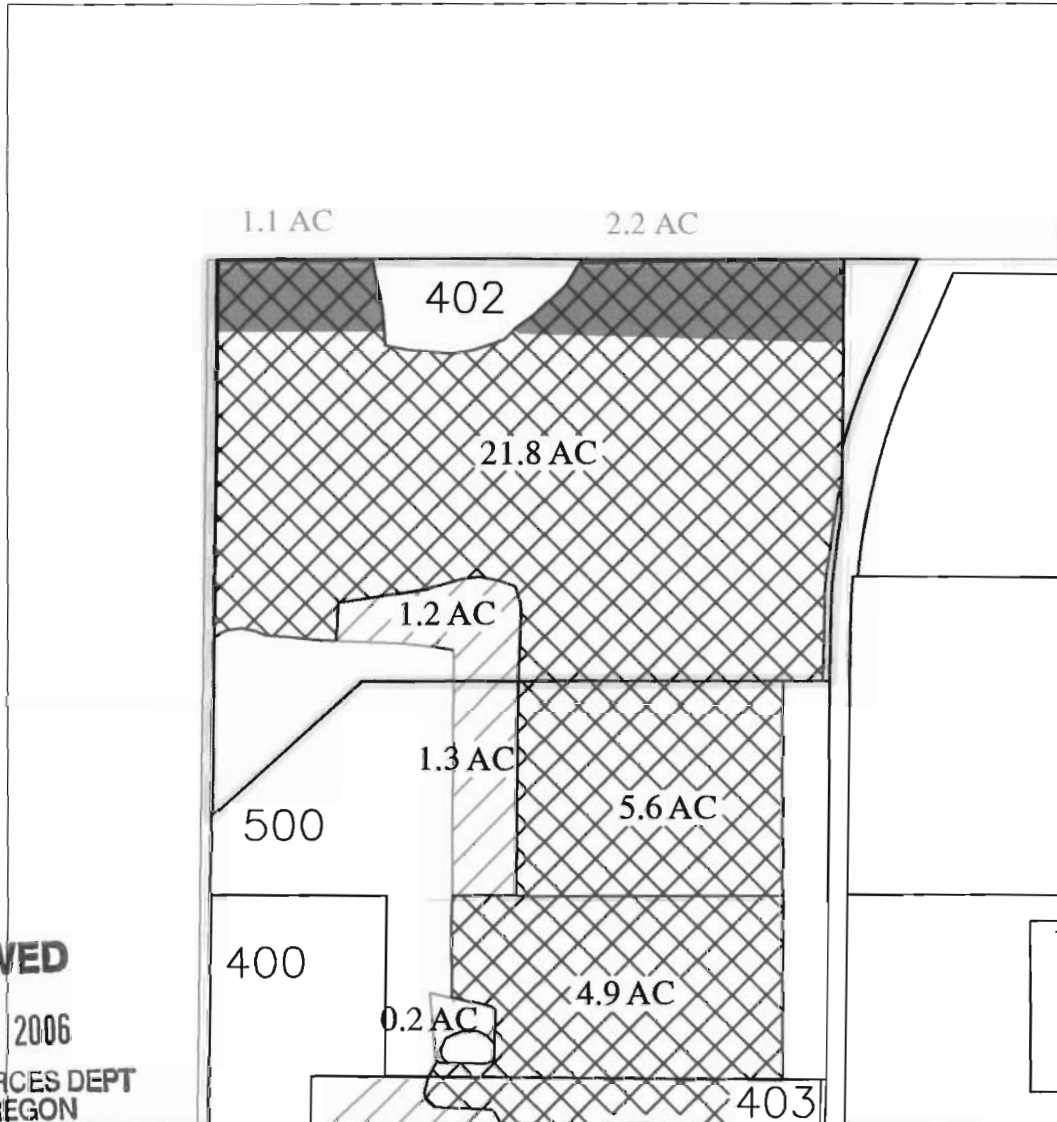
Lessee: _____ Date: _____
 Deschutes River Conservancy

Other Attachments As Needed:

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

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TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY FOR Nichols, Roger S. & Therese M.



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Certificate #'s 74146, and 74147	Certificate # 76106	JP-1999	JP-1998	In-Stream Lease

INITIAL 

LOCATED IN THE NW1/4 OF THE NW1/4
OF SECTION 08, T.16 S., R.12 E., W.M.
TAX LOTS # 0402
DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'

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

16	12	7	NE 1/4 NE 1/4	102	13.6	GOBEILLE, D& C
16	12	7	SE 1/4 NE 1/4	101	1.5	GOBEILLE, D & C
16	12	7	SE 1/4 NE 1/4	102	1.4	GOBEILLE, D & C
16	12	7	SE 1/4 NE 1/4	103	22.0	GOBEILLE, D & C
16	12	7	NE 1/4 NW 1/4	402	8.8	DUNTLEY, C
16	12	7	NE 1/4 NW 1/4	403	4.4	DUNTLEY, C
16	12	7	NW 1/4 NW 1/4	401	8.3	VANDERBEEK, R & L
16	12	7	NW 1/4 NW 1/4	403	2.8	DUNTLEY, C
16	12	7	NW 1/4 NW 1/4	500	2.7	CHANCE, W
16	12	7	NW 1/4 NW 1/4	600	1.0	CAMPAGNA, D & S
16	12	8	NW 1/4 NW 1/4	402	30.0 21.8	CRYSTAL RIVER PROPERTIES, LLC Nichols, Roger + Theresa
16	12	8	SW 1/4 NW 1/4	400	4.0	CRYSTAL RIVER PROPERTIES, LLC
16	12	8	SW 1/4 NW 1/4	402	6.0	CRYSTAL RIVER PROPERTIES, LLC
16	12	8	NW 1/4 SW 1/4	1707	0.5	HAMMACK, P & C
16	12	9	SW 1/4 SW 1/4	900	15.0	PACIFIC NW DEVELOPMENT CORP.
16	12	16	NW 1/4 NW 1/4	701	5.0	KHALSA, J & J
16	12	16	NW 1/4 NW 1/4	702	5.0	TROUT, R & L
16	12	16	SW 1/4 NW 1/4	700	15.0	BALDWIN/TROUT/KHALSA
16	12	17	NE 1/4 NE 1/4	100 101	20.0 7.50	STOUT/PENNOCK Stout
16	12	19	SE 1/4 SW 1/4	1900	10.0	KLOBY, J & M

2002 LLA
26.67
T-10052
NDS.006
21.67

minor partition
96-22
Partition Plat
1998-35



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

Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

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

Pursuant to ORS 537.348(2) and OAR 690-077-0077

Optional Identification by Lessor/Lessee: L06.15
Lease Agreement Number (assigned by WRD): 4-736

This Lease Agreement is between:

Lessor #1 (Landowner):
(Name) Miller/Jiles, Wesley & Vonda
(Mailing address) 61310 Parrell Road # 20
(City, State, Zip Code) Bend, OR 97702
(Telephone number) (541)318-0621
(Email address) _____

If additional landowners, enter landowner information below

Note: The numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the same information as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always sequential.

~I~ Ownership and Water Right Information

1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 17, Range 11, Section 11 and Tax Lot number 00302. If the water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included.

Field Code Changed
Field Code Changed

1.3 For the lands being leased, list all water rights appurtenant to the lessor's property. Indicate if there are any supplemental or overlying rights.

Certificate No. Primary 74147, 76106, Supplemental 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 **Subject Water Rights.** Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached). (Crosshatch the area of water rights being leased). Attached map(s) must identify property owner, Township, Range, Section and 1/4 1/4, tax lot number, map orientation and scale.

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T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	17S	11E	11	nwnw	00302	5.0	IRR	74147	16	10/29/1913
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 5.0
 Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

If you need to enter another leased right, please use the Additional Landowner Water Rights Form.

1.6 Validity of rights. Lessor(s) attests (mark one) that:

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

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 15, 2006. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

~III~ Other Information

- 3.1 Accuracy.** The Undersigned Lessor/s, Lessee and Trustee declare that, to the best of their knowledge and belief, the information contained in this lease is true, correct and complete. If after the lease is signed, any information is determined to be false, the lease may be modified or terminated. This lease only exercises the water rights being leased; for the term of the lease; it shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.
- 3.2 Lease.** All Lessors agree to lease the water rights listed in 1.4 for instream use for the term of this Agreement through Lessee to Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077-0077.
- 3.3 Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077- 0070 or OAR 690-077-0075 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.

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

3.5 **Termination provision.**

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

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

Lessor #1: Wesley J. Miller Date: 2-27-06
Wesley Miller

Vonda Jiles Date: 2-23-06
Vonda Jiles

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes River Conservancy

Other Attachments As Needed:

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

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

Additional Water Right Form For Pooled Landowner Instream Lease

*A summary of review criteria and procedures that are generally applicable to these applications is available at
www.wrd.state.or.us/publication/reports/index.shtml.*

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
 (Crosshatch the area of water rights being leased).

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	neww	00302	5.0	IRR	76106	4	12/8/1961
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

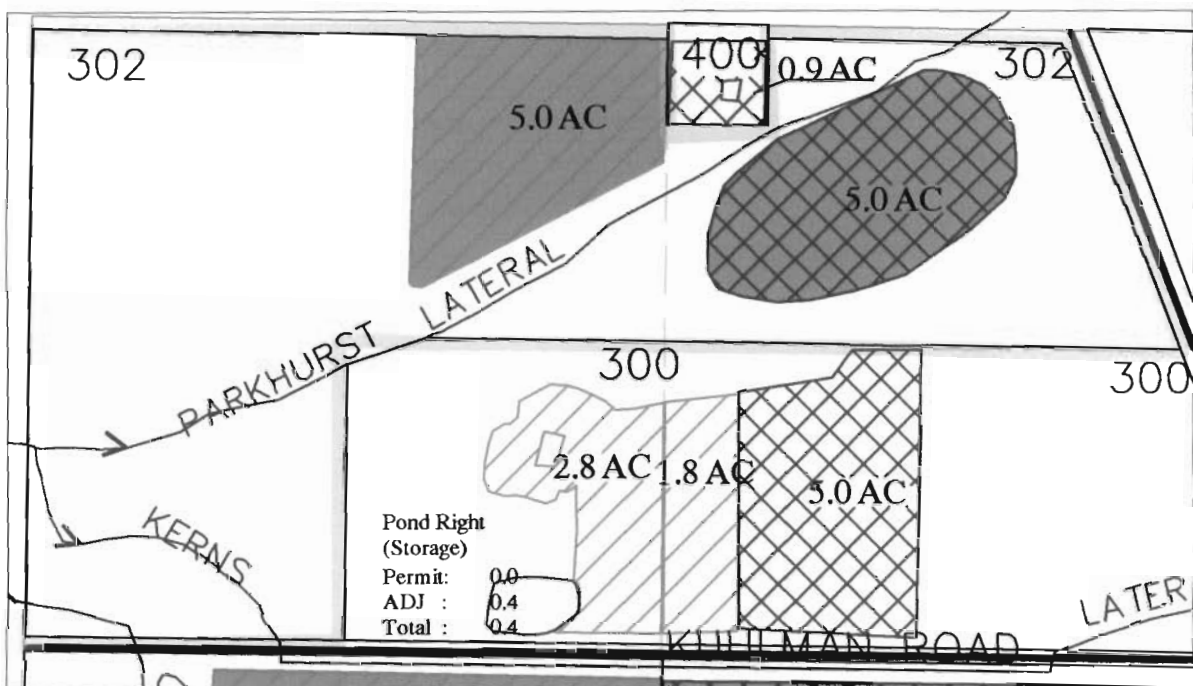
[Attached map(s) must identify property owner, Township, Range, Section and ¼ ¼, tax lot number, map orientation and scale.]

Total number of acres, if for irrigation, by certificate and priority date: 5.0

Acre-feet of storage, if applicable: _____

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 SALEM, OREGON

TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY FOR Miller, Wesley/Jiles, Vonda



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 WATER RESOURCES DEPT
 SALEM, OREGON



- 
 Certificate #'s
74146, and 74147
- 
 Certificate #
76106
- 
 JP-1997
- 
 JP-1998
- 
 In-Stream Lease

INITIAL: *WJ*

LOCATED IN THE NW 1/4 OF THE NW 1/4
 OF SECTION 11, T.17 S., R.11 E., W.M.
 TAX LOTS # 00302 AND NE/NW-00302
 DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'

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



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

Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

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

Pursuant to ORS 537.348(2) and OAR 690-077-0077

Optional Identification by Lessor/Lessee: L06.19
Lease Agreement Number (assigned by WRD): L-736

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Khalsa, Jai Hari S. & Jai Hari K.
(Mailing address) 65914 White Rock Loop
(City, State, Zip Code) Bend, OR 97701
(Telephone number) (541)382-2047
(Email address) _____

If additional landowners, enter landowner information below

Note: The numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the same information as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always sequential.

~I~ Ownership and Water Right Information

1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 16, Range 12, Section 16 and Tax Lot number 00701. If the water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included.

Field Code Changed
Field Code Changed

1.3 For the lands being leased, list all water rights appurtenant to the lessor's property. Indicate if there are any supplemental or overlying rights.

Certificate No. Primary 76106, Supplemental 74149, 76520

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

1.5 **Subject Water Rights.** Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached). (Crosshatch the area of water rights being leased). Attached map(s) must identify property owner, Township, Range, Section and 1/4 1/4, tax lot number, map orientation and scale.

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T	R	Sect	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	16	nwnw	00701	5.0	IRR	76106	3	12/8/1961
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 5.0
 Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

If you need to enter another leased right, please use the Additional Landowner Water Rights Form.

1.6 Validity of rights. Lessor(s) attests (mark one) that:

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

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 15, 2006. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

~III~ Other Information

- 3.1 Accuracy.** The Undersigned Lessor/s, Lessee and Trustee declare that, to the best of their knowledge and belief, the information contained in this lease is true, correct and complete. If after the lease is signed, any information is determined to be false, the lease may be modified or terminated. This lease only exercises the water rights being leased; for the term of the lease; it shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.
- 3.2 Lease.** All Lessors agree to lease the water rights listed in 1.4 for instream use for the term of this Agreement through Lessee to Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077-0077.
- 3.3 Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077- 0070 or OAR 690-077-0075 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.

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

3.5 **Termination provision.**

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

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

Lessor #1: J. Khalsa Date: 3-1-06
Jai Hari S. Khalsa

Jai Hari S. Khalsa Date: 3/1/06
Jai Hari K. Khalsa

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

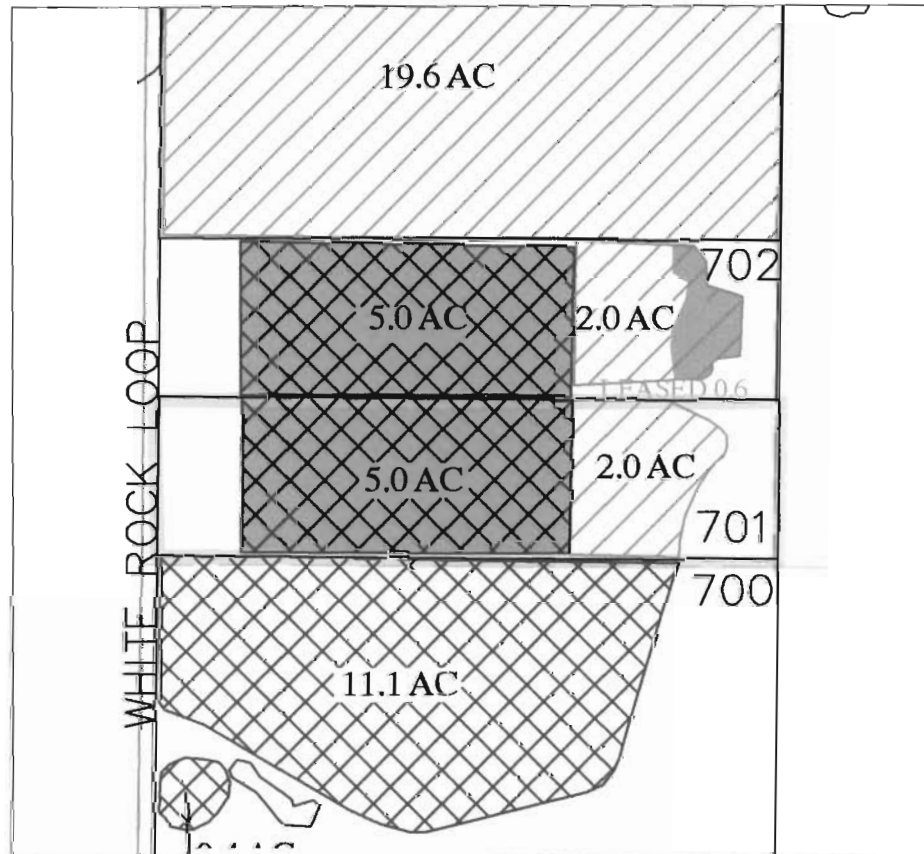
Lessee: _____ Date: _____
Deschutes River Conservancy

Other Attachments As Needed:

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

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TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY FOR Khalsa, Jai Hari S. & Jai Hari K.



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INITIAL: JHS

- | | | | | |
|---|---|---|---|---|
|  |  |  |  |  |
| Certificate #'s
74146, and 74147 | Certificate #
76106 | JP-1999 | JP-1998 | In-Stream Lease |

LOCATED IN THE NW1/4 OF THE NW1/4
 OF SECTION 16, T.16 S., R.12 E., W.M.
 TAX LOTS # 0701
 DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'

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



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

Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

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

Pursuant to ORS 537.348(2) and OAR 690-077-0077

Optional Identification by Lessor/Lessee: L06.05
Lease Agreement Number (assigned by WRD): L-736

This Lease Agreement is between:

Lessor #1 (Landowner):

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

If additional landowners, enter landowner information below

Note: The numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the same information as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always sequential.

~I~ Ownership and Water Right Information

1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 17, Range 11, Section 11 and Tax Lot number 1601. If the water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included.

Field Code Changed
Field Code Changed

1.3 For the lands being leased, list all water rights appurtenant to the lessor's property. Indicate if there are any supplemental or overlying rights.

Certificate No. Primary 74146, 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 **Subject Water Rights.** Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached). (Crosshatch the area of water rights being leased). Attached map(s) must identify property owner, Township, Range, Section and 1/4 1/4, tax lot number, map orientation and scale.

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

Conditions or other limitations, if any: _____

If you need to enter another leased right, please use the Additional Landowner Water Rights Form.

1.6 **Validity of rights.** Lessor(s) attests (mark one) that:

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

~II~ Instream Water Right Information

2.3 **Term of lease.** This lease shall terminate on October 15, 2006. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

~III~ Other Information

- 3.1 **Accuracy.** The Undersigned Lessor/s, Lessee and Trustee declare that, to the best of their knowledge and belief, the information contained in this lease is true, correct and complete. If after the lease is signed, any information is determined to be false, the lease may be modified or terminated. This lease only exercises the water rights being leased; for the term of the lease; it shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.
- 3.2 **Lease.** All Lessors agree to lease the water rights listed in 1.4 for instream use for the term of this Agreement through Lessee to Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077-0077.
- 3.3 **Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077- 0070 or OAR 690-077-0075 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.

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

3.5 **Termination provision.**

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

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

Lessor #1:  Date: 2-7-06
Peter N. McCook

Lessor #2:  Date: 7 Feb 2006
Jacqueline K.H. McCook
astap

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes River Conservancy

Other Attachments As Needed:

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

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

Additional Water Right Form For Pooled Landowner **Instream Lease**

*A summary of review criteria and procedures that are generally applicable to these applications is available at
www.wrd.state.or.us/publication/reports/index.shtml.*

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
 (Crosshatch the area of water rights being leased).

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.										

[Attached map(s) must identify property owner, Township, Range, Section and ¼ ¼, tax lot number, map orientation and scale.]

Total number of acres, if for irrigation, by certificate and priority date: 2.0
 Acre-feet of storage, if applicable: _____

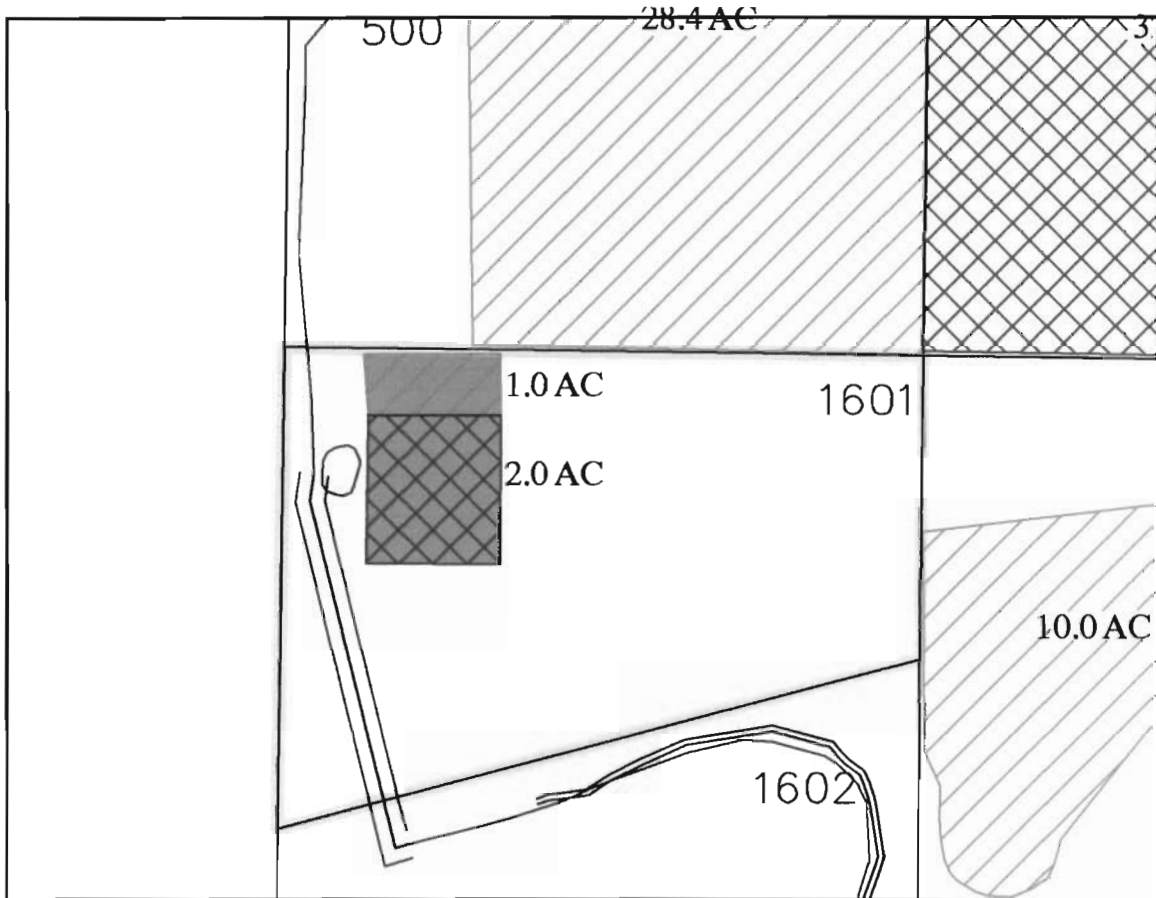
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**TUMALO IRRIGATION DISTRICT
IN-STREAM LEASED WATER RIGHTS SURVEY**

EXHIBIT 5-A & 5-B
L06.05

FOR

McCook, Peter Nevins & Jacqueline K



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SALEM, OREGON




Certificate #'s
74146, and 74147


Certificate #
76106


JP-1997


JP-1998


In-Stream Lease

INITIAL

Phil J. McCook

LOCATED IN THE NW 1/4 OF THE SW 1/4
OF SECTION 11, T17 S., R.11 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



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

Nov 2004

Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

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

Pursuant to ORS 537.348(2) and OAR 690-077-0077

Optional Identification by Lessor/Lessee: L06.09
 Lease Agreement Number (assigned by WRD): L-736

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Keith & Patricia Shipman
 (Mailing address) 65325 Cline Falls Road
 (City, State, Zip Code) Bend, OR 97701
 (Telephone number) (541)382-3717
 (Email address) _____

If additional landowners, enter landowner information below

Note: The numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the same information as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always sequential.

~I~ Ownership and Water Right Information

1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 16, Range 12, Section 19 and Tax Lot number 02000. If the water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included.

Field Code Changed
 Field Code Changed

1.3 For the lands being leased, list all water rights appurtenant to the lessor's property. Indicate if there are any supplemental or overlying rights.

Certificate No. 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 **Subject Water Rights.** Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached). (Crosshatch the area of water rights being leased). Attached map(s) must identify property owner, Township, Range, Section and 1/4 1/4, tax lot number, map orientation and scale.

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T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16S	12E	19	nese	02000	11	irr	74146	11	9/1/1900
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 11.0

Acres-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

If you need to enter another leased right, please use the Additional Landowner Water Rights Form.

1.6 **Validity of rights.** Lessor(s) attests (mark one) that:

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

~II~ Instream Water Right Information

2.3 **Term of lease.** This lease shall terminate on October 15, 2006. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

~III~ Other Information

- 3.1 **Accuracy.** The Undersigned Lessor/s, Lessee and Trustee declare that, to the best of their knowledge and belief, the information contained in this lease is true, correct and complete. If after the lease is signed, any information is determined to be false, the lease may be modified or terminated. This lease only exercises the water rights being leased; for the term of the lease; it shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.
- 3.2 **Lease.** All Lessors agree to lease the water rights listed in 1.4 for instream use for the term of this Agreement through Lessee to Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077-0077.
- 3.3 **Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077- 0070 or OAR 690-077-0075 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.

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

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- For multiyear leases, lessor *shall not* have the option of terminating the lease each year, prior to the lease being exercised, with written notice to the Department.

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

Lessor #1: Keith A Shipman Date: 2-8-06
Keith Shipman

Patricia Shipman Date: 2-8-06
Patricia Shipman

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes River Conservancy

Other Attachments As Needed:

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

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 (503) 986-0900

Additional Water Right Form For Pooled Landowner Instream Lease

*A summary of review criteria and procedures that are generally applicable to these applications is available at
www.wrd.state.or.us/publication/reports/index.shtml.*

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
 (Crosshatch the area of water rights being leased).

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	19	nese	02000	4.0	irr	74147	13	10/29/1913
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

[Attached map(s) must identify property owner, 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: 4.0

Acre-feet of storage, if applicable: _____

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

Additional Water Right Form For Pooled Landowner **Instream Lease**

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www.wrd.state.or.us/publication/reports/index.shtml.*

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
 (Crosshatch the area of water rights being leased).

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	19	nese	02000	5.0	irr	76106	3	12/8/1961
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

[Attached map(s) must identify property owner, 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: 5.0

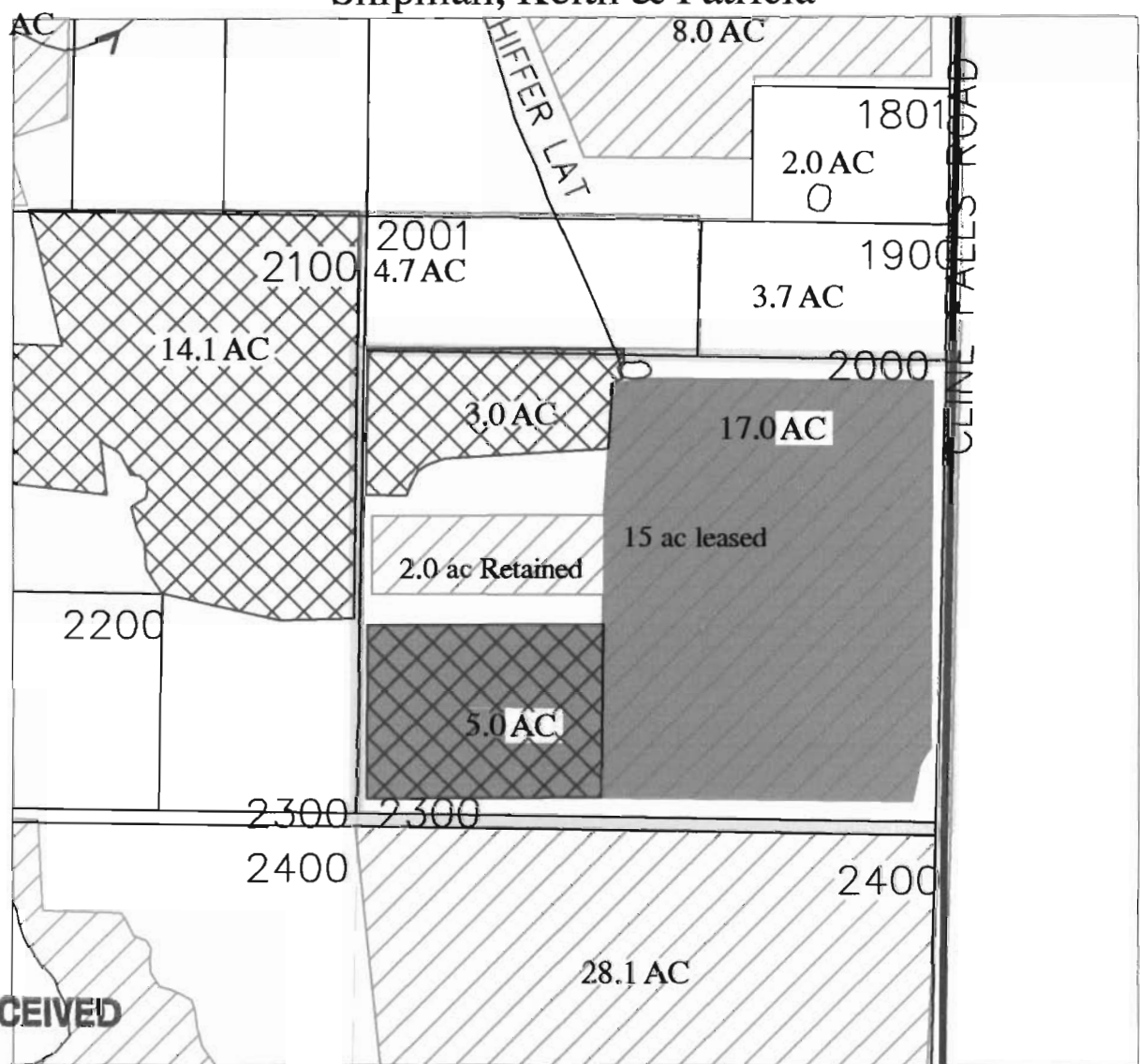
Acre-feet of storage, if applicable: _____

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TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY

FOR

Shipman, Keith & Patricia



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- | | | | | |
|---|---|---|---|---|
|  |  |  |  |  |
| Certificate #'s
74146, and 74147 | Certificate #
76106 | JP-1999 | JP-1998 | In-Stream Lease |

INITIAL: *KHS*

LOCATED IN THE NE 1/4 OF THE SE 1/4
OF SECTION 19, T.16 S., R.12 E., W.M.
TAX LOTS # 02000
DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'

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