



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

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

Optional Identification by Lessor/Lessee: 03-CO-05

Lease Agreement Number (assigned by WRD): L-637

This Lease Agreement is between:

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

(Name) Central Oregon Irrigation District

(Mailing address) 2598 N Hwy 97

(City, State, Zip Code) Redmond, OR 97756

(Telephone number) 541-548-6047

(Email address) transfers@coid.org

The water right to be leased is located in 14.3 ac. in Deschutes & 2.7 ac. in Crook County.

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

(Name) Deschutes River Conservancy

(Mailing address) 700 NW Hill

(City, State, Zip Code) Bend, OR 97701

(Telephone number) (541) 382-4077 ext 14

(Email address) laura@deschutesrc.org

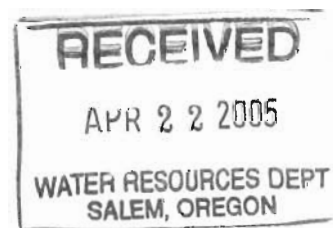
#### **Trustee:**

Oregon Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

(503) 986-0900



### ~I~ Ownership and Water Right Information

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

- Official representative of Central Oregon 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. 76358 & 76714

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.: 76358

Priority date: October 31, 1900 & December 2, 1907 Type of use: IRRIG

Legal Season of Use: April 1 to November 1

If an irrigation right, total number of acres to be leased: 17.00

Total acre-feet of storage to be leased, if applicable: 0

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

Priority 10/31/1900 Season 1: 0.213 Season 2: 0.283 Season 3: 0.374

Priority 12/2/1907 Season 3: 0.151

If there is more than one rate associated with a water right, describe below:

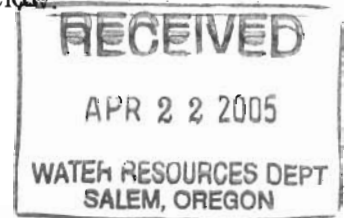
Season 1 (cfs) \_\_\_\_\_ Time period: \_\_\_\_\_

Season 2 (cfs) \_\_\_\_\_ Time period: \_\_\_\_\_

Season 3 (cfs) \_\_\_\_\_ Time period: \_\_\_\_\_

Maximum duty associated with subject water rights (ac-ft): 166.47  
CRS

Conditions or other limitations, if any: None



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:

Deschutes River

Tributary to Columbia 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): POD# 1 to Lake Billy Chinook

Maximum volume in acre-feet: Priority 10/31/1900: 72.43 Priority 12/2/1907: 20.23

Rate in cfs: Priority 10/31/1900 Season 1: 0.117 Season 2: 0.156 Season 3: 0.206

Priority 12/2/1907 Season 3: 0.083

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

Rate in cfs: \_\_\_\_\_

Rate in cfs: \_\_\_\_\_

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

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

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

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

**2.3 Term of lease.** This lease shall terminate on November 1, 2005.

**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:

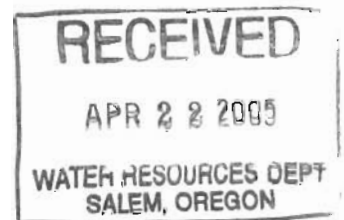
- \$200 for an application with four or more landowners or four or more water rights.
- \$100 for all other applications.

Lessor #2:  Date: 4-1-2005  
Central Oregon Irrigation District

Lessee:  Date: 4/1/05  
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





State of Oregon  
Water Resources Department  
725 Summer Street NE, Suite A  
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# Additional Water Right Form for Pooled Instream Lease

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

~I~

### Section 1.2 continued from Pooled District Form.

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

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

Certificate No.: 76714

Priority date: February 28, 1913 Type of use: IRRIG

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

If an irrigation right, total number of acres to be leased: 17.00

Total acre-feet of storage to be leased, if applicable: 0

Rate associated with leased rights (cfs): \_\_\_\_\_

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

Rate associated with leased rights (cfs): 0

Rate associated with leased rights (cfs): 0

Duty associated with leased rights (AF): 168.47

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

Duty associated with leased rights (AF): 0

Duty associated with leased rights (AF): 0

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:

Crane Prairie Reservoir River

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): POD# 1 to Lake Billy Chinhook

Total volume (AF): 16.50

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

Total volume (AF): 0

Total volume (AF): 0

Rate in cfs: 0

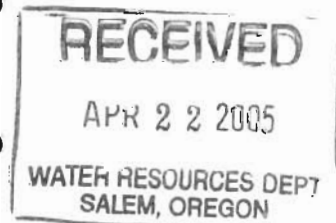
(Use additional lines if there is more than one rate associated with the water right.)

Rate in cfs: 0

Rate in cfs: 0

### Conditions to prevent injury, if any:

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

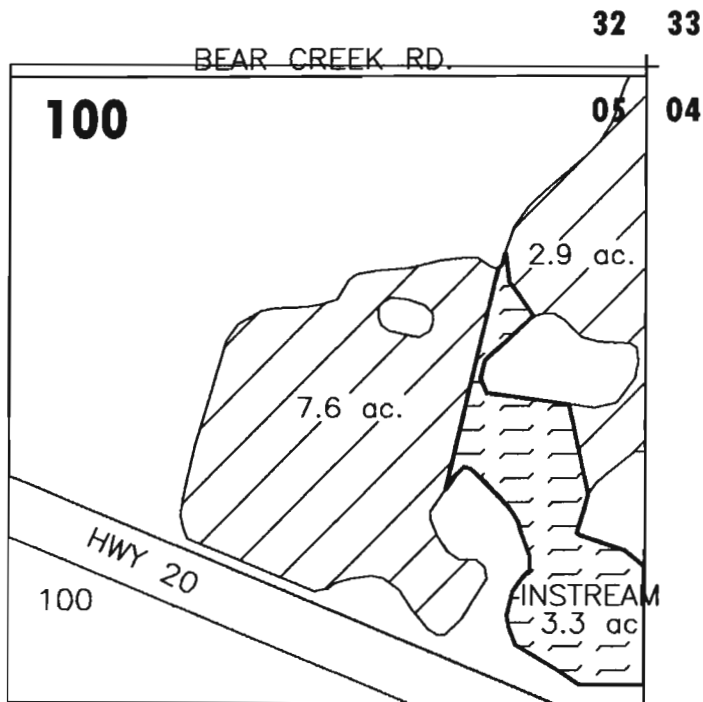


**DESCHUTES COUNTY  
SEC.05 T18S. R13E. W.M.**

SCALE - 1" = 400'



**NE 1/4 OF THE NE 1/4**



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WATER RESOURCES DEPT  
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	'INSTREAM' LANDS
	EXISTING WATER RIGHTS



APPLICATION FOR 1YR INSTREAM LEASE

NAME: ROBERT BROWN

TAXLOT #: 100

3.3 ACRES INSTREAM

DATE: 04-19-05

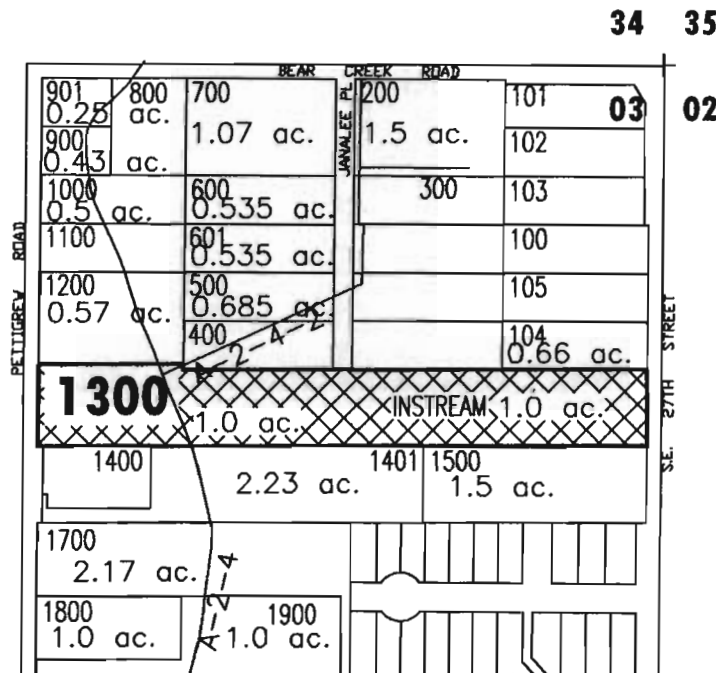
FILE NO: E:\TRANSFER\INSTREAM\INSTRM05\1YR\BROWN

# DESCHUTES COUNTY SEC.03 T18S. R12E. W.M.

SCALE - 1" = 400'



NE 1/4 OF THE NE 1/4



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SALEM, OREGON

# ac.	PARCELS W/ WATER RIGHTS
	'INSTREAM' LAND PARCELS



APPLICATION FOR 1YR INSTREAM LEASE  
NAME: PATRICIA HOLMES

TAXLOT #: 1300

1.0 ACRES INSTREAM

DATE: 1-19-05

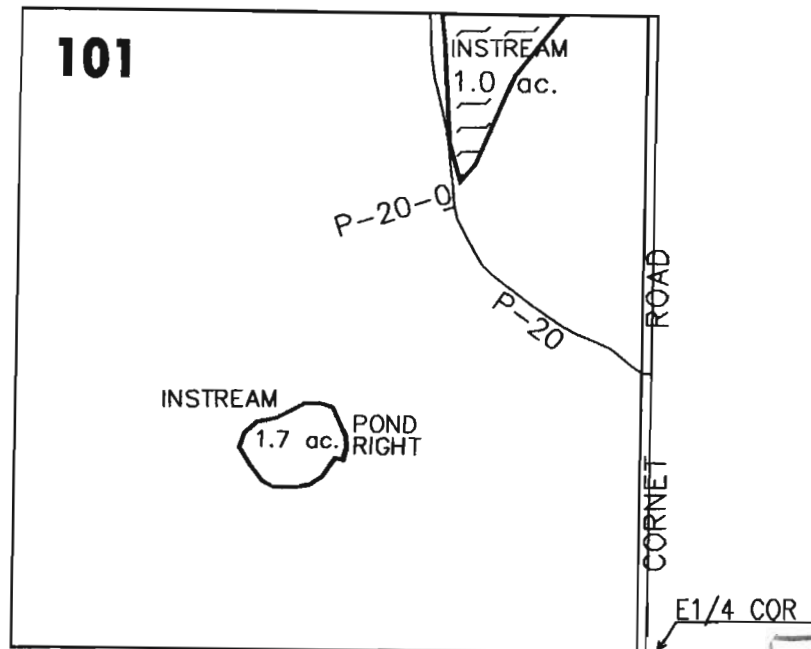
FILE NO: E:\TRANSFER\INSTREAM\INSTRM05\1YR\HOLMES

**CROOK COUNTY**  
**SEC.02 T15S. R14E. W.M.**

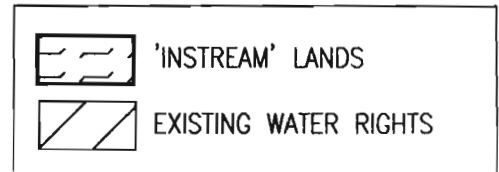
SCALE - 1" = 400'



SE 1/4 OF THE NE 1/4



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APPLICATION FOR 1YR INSTREAM LEASE

NAME: NICHOLAS RACHER

TAXLOT #: 101

2.7 ACRES INSTREAM

DATE: 04-12-05

FILE NO: E:\TRANSFER\INSTREAM\INSTRM05\1YR\RACHER

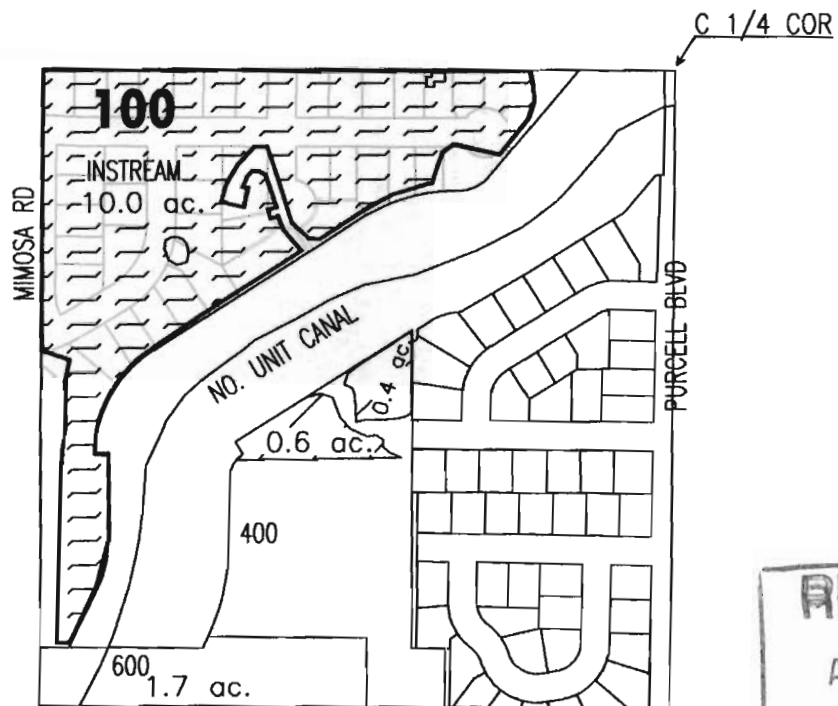


**DESCHUTES COUNTY  
SEC.22 T17S. R12E. W.M.**

SCALE - 1" = 400'



NE 1/4 OF THE SW 1/4



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WATER RESOURCES DEPT  
SALEM, OREGON

	'INSTREAM' LANDS
	EXISTING WATER RIGHTS
	# ac. PARCELS W/ WATER RIGHTS



APPLICATION FOR XYR INSTREAM LEASE  
NAME: TERRANGO ASSOC, LLC  
TAXLOT #: 100                      10.0 ACRES INSTREAM  
DATE: 04-06-05                      FILE NO: E:\TRANSFER\INSTREAM\INSTRMOS\1YR\TERRANGO



State of Oregon  
Water Resources Department  
725 Summer Street NE, Suite A  
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# Application for Short-Term Instream Lease

## Attachment 5: Pooled Landowner Form

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

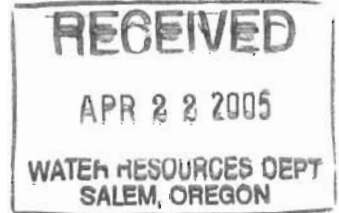
**Pursuant to ORS 537.348(2) and OAR 690-077-0077**

Optional Identification by Lessor/Lessee: 629  
Lease Agreement Number (assigned by WRD): C-637

This Lease Agreement is between:

**Lessor #1 (Landowner):**

(Name) Robert Trumbull Brown  
(Mailing address) 22855 Bear Creek Rd  
(City, State, Zip Code) Bend, OR 97701  
(Telephone number) 541-388-0912  
(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 18, Range 13, Section 05 and Tax Lot number 100. 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. 76358 & 76714

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

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

T	R	Sect	1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	18 S.	13 E.	05	NE NE	100	3.30	Irrigation	76358	101	10/31/1900
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: Oct. 31, 1900 & Dec. 2, 1907 3.30 Acres

Acres-feet of storage, if applicable: 0

Conditions or other limitations, if any: None

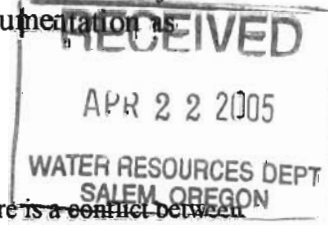
If you need to enter another leased right, please use the Additional Landowner Water Rights Form.

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

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

**~II~ Instream Water Right Information**

**2.3 Term of lease.** This lease shall terminate on November 1, 2005. (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



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](http://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).

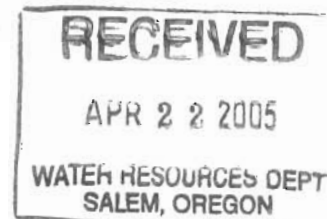
I	R	Sect	1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	18 S	13 E	05	NE NE	100	3.30	Irrigation	76714	104	2/28/1913
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

[Attached map(s) must identify property owner, Township, Range, Section and 1/4 1/4, tax lot number, map orientation and scale.]

Total number of acres, if for irrigation, by certificate and priority date: Cert #76714, Feb. 28, 1913,

Acres

Acres-feet of storage, if applicable: 0



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: Robert J. Brown Date: 4-18-05  
Robert Trumbull Brown

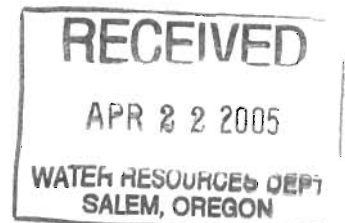
For additional Lessors, type in space for signature and date

\_\_\_\_\_ Date: \_\_\_\_\_  
Central Oregon Irrigation District

Lessee: [Signature] Date: 4/20/05  
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





State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
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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.

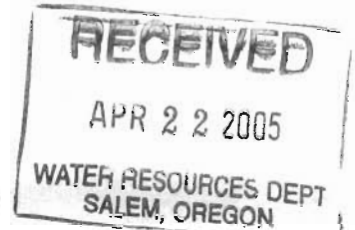
Pursuant to ORS 537.348(2) and OAR 690-077-0077

Optional Identification by Lessor/Lessee: 1465
Lease Agreement Number (assigned by WRD): L-637

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Patricia Holmes Revocable Trust
(Mailing address) 61940 Pettigrew Rd
(City, State, Zip Code) Bend, OR 97701
(Telephone number) 541-382-1717
(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 18, Range 12, Section 03 and Tax Lot number 1300. 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.

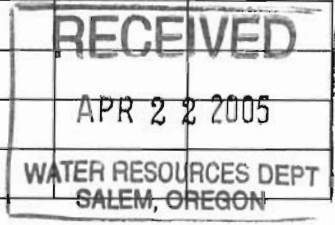
1.3 For the lands being leased, list all water rights appurtenant to the lessor's property. Indicate if there are any supplemental or overlying rights.

Certificate No. 76358 & 76714

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

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

T	R	Sec	1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority *
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)									
1.	18 S	12 E	03	NE NE	1300	1.0	IRRIG.	76358	92 10/31/190 0
2.									
3.									
4.									
5.									



Total number of acres, if for irrigation, by certificate and priority date: Cert#76358 Oct. 31, 1900 1.0 Acres

Acre-feet of storage, if applicable: 0

Conditions or other limitations, if any: None

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

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

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

**~II~ Instream Water Right Information**

**2.3 Term of lease.** This lease shall terminate on November 1, 2005. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

**~III~ Other Information**

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

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

**3.3 Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077- 0070 or OAR 690-077-0075 a

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

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

**3.5 Termination provision.**

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

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

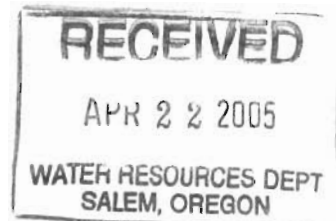
Lessor #1: Patricia J. Holmes Date: 2-4-05  
Patricia Holmes, Patricia Holmes Revocable Trust

For additional Lessors, type in space for signature and date

\_\_\_\_\_  
Date: \_\_\_\_\_  
Lessee: [Signature] Date: 4/20/05  
Central Oregon Irrigation District ORC

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







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](http://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).

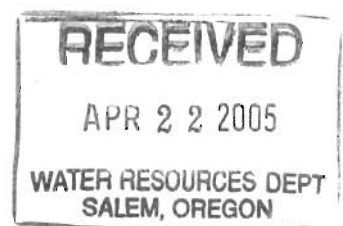
(Crosshatch the area of water rights being leased).

T	R	Sect	1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority *	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	18 S	12 E	03	NE NE	1300	1.0	IRRIG	76714	95	2/28/1913
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

[Attached map(s) must identify property owner, Township, Range, Section and 1/4, tax lot number, map orientation and scale.]

Total number of acres, if for irrigation, by certificate and priority date: Cert #76714 Feb. 28, 1913,  
1.0 Acres

Acre-feet of storage, if applicable: 0





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

# Application for Short-Term Instream Lease

## Attachment 5: Pooled Landowner Form

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

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

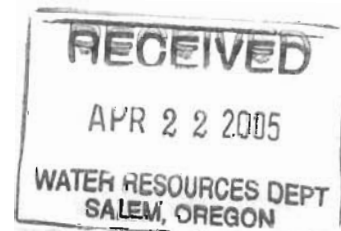
Optional Identification by Lessor/Lessee: 1136  
 Lease Agreement Number (assigned by WRD): C-637

This Lease Agreement is between:

**Lessor #1 (Landowner):**

(Name) Nicholas Rachor  
 (Mailing address) 12853 SW Cornett Loop  
 (City, State, Zip Code) Powell Butte, OR, 97753-1817  
 (Telephone number) 541-548-1727  
 (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 15, Range 14, Section 02 and Tax Lot number 101. 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. 76358 & 76714
- 1.4** Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program.  Yes  No
- 1.5** **Subject Water Rights.** Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached). (Crosshatch the area of water rights being leased). Attached map(s) must identify property owner, Township, Range, Section and 1/4 1/4, tax lot number, map orientation and scale.

T	R	Sect	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.	15 S	14 E	02	SE NE	101	1.0	IRRIG	76358	43	10/31/190 0
2.	15 S	14 E	02	SE NE	101	1.7	POND	76358	43	10/31/190 0
3.										
4.										
5.										

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WATER RESOURCES DEPT  
SALEM OREGON

Total number of acres, if for irrigation, by certificate and priority date: Cert#76358, 1900, 1.0 Acres and December 2, 1907, 1.0 Acres

Acres-feet of storage, if applicable: 0

Conditions or other limitations, if any: None

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 26, 2005~~ <sup>11/1/05</sup>. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

**~III~ Other Information**

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

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

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

**3.5 Termination provision.**

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

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

Lessor #1: Nicholas Rachor Date: 3/25/05  
Nicholas Rachor

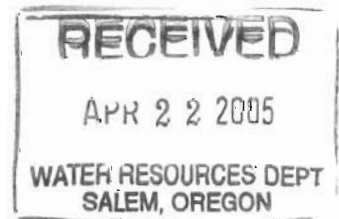
For additional Lessors, type in space for signature and date

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

Lessee: [Signature] Date: 4/20/05  
ORC

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





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

~I~

**Section 1.1 continued from Pooled Leasing Landowner Form.**

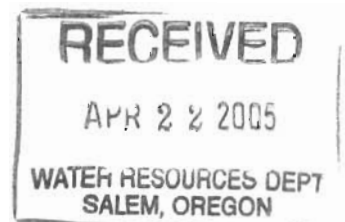
**Subject Water Rights.** Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).  
 (Crosshatch the area of water rights being leased).

T	R	Sect	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.	15 S	14 E	02	SE NE	101	1.0	IRRIG	76714	44	2/28/1913
2.	15 S	14 E	02	SE NE	101	1.7	POND	76714	44	2/28/1913
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: Cert #76714 Feb. 28, 1913, 1.0 Acres

Acre-feet of storage, if applicable: 0





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

# Application for Short-Term Instream Lease

## Attachment 5: Pooled Landowner Form

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

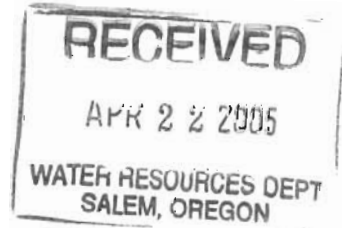
**Pursuant to ORS 537.348(2) and OAR 690-077-0077**

Optional Identification by Lessor/Lessee: 2123  
Lease Agreement Number (assigned by WRD):         L-637        

This Lease Agreement is between:

**Lessor #1 (Landowner):**

(Name) Terrango Associates, LLC  
(Mailing address) 250 NW Franklin Ave #203  
(City, State, Zip Code) Bend, OR 97701  
(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 17, Range 12, Section 22 and Tax Lot number 100. 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. 76358 & 76714

- 1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program.  Yes  No
- 1.5 **Subject Water Rights.** Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached). (Crosshatch the area of water rights being leased). Attached map(s) must identify property owner, Township, Range, Section and ¼ ¼, tax lot number, map orientation and scale.

T	R	Sect	1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority *	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	17 S	12 E	22	NE SW	100	10.0	IRRIG	76358	66	10/31/1900
2.										
3.										
4.										
5.										

**RECEIVED**  
APR 22 2005  
WATER RESOURCES DEPT  
SALEM, OREGON

Total number of acres, if for irrigation, by certificate and priority date: Cert#76358 Oct. 31, 1900, 10.0 Acres and December 2, 1907, 10.0 Acres (TL 100 is a new tax lot changed from TL 1200 since HB3111)

Acre-feet of storage, if applicable: 0

Conditions or other limitations, if any: None

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 26, 2005 <sup>11/1/05</sup>. (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 as to 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



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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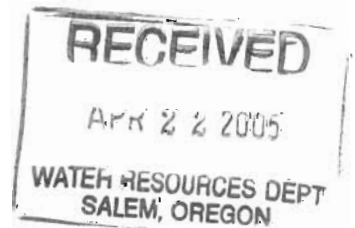
Lessor #1: Terrence A. Donofrio, CFO Date: 3/31/2005  
Terrango Associates, LLC by ~~Tammy Sailors Agent~~ TERRENCE A. DONOFRIO

For additional Lessors, type in space for signature and date

\_\_\_\_\_  
Date: \_\_\_\_\_  
Lessee: [Signature] Date: 4/20/05  
ORC

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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## Additional Water Right Form For Pooled Landowner Instream Lease

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~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	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.	17 S	12 E	22	NE SW	100	10.0	IRRIG	76714	68	2/28/1913
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: Cert #76714 Feb. 28, 1913, 10.0 Acres (TL 100 is a new tax lot changed from TL 1200 since HB3111)  
 Acre-feet of storage, if applicable: 0

