

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.

-	Agreement Number (assigned by WRD):	
This Le	ease Agreement is between:	
	#2: Irrigation District or Other Water Purveyor Central Oregon Irrigation District	
` ,	g address) 2598 N Hwy 97	
`	State, Zip Code) Redmond, OR 97756	
	none number) 541-548-6047	
•	address) transfers@coid.org	
The wa	ter right to be leased is located in 14.3 ac. in Deschutes & 2.7 ac. in Cro	ook County.
	(if different than Oregon Water Resources Department):	
• ,	Deschutes River Conservancy	
`	g address) 700 NW Hill	
	State, Zip Code) Bend, OR 97701	
` *	one number) (541) 382-4077 ext 14	
(Email	address) laura@deschutesrc.org	RECEIVED
Truste	ρ•	APR 2 2 2005
	Water Resources Department	APR & & 2000
_	mmer Street NE, Suite A	WATER RESOURCES DEPT
	OR 97301-1271	SALEM, OREGON
-	86-0900	
(202) 2	~I~ Ownership and Water Right Information	
1.2	Lessor #2 is the (Check one): ☐ Official representative of Central Oregon Irrigation District, the 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 if there are any supplemental or overlying rights.	's property. Indicate
	Certificate No. <u>76358 & 76714</u>	

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: FECEIVED Season 2 (cfs) Time period:
	Season 3 (cfs) Time period: APR 2 2 2005
	Season 3 (cfs) Time period: APR 2 2 2005 Maximum duty associated with subject water rights (ac-ft): 166.47
	WATER RESOURCES DEPT
	Conditions or other limitations, if any: None
	Conditions of other initiations, 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:
	Conditions to prevent injury, if any:
	None Non
	☐ The instream flow will be allocated on a daily average basis up to the described rate
	fromthrough

- 1		
☐ Other (d	describe):	

Alla

APR 2 2 2005

WATER RESOURCES DEPT

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

- 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.
- **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.
- **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.

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.

45 1 1 V 45 45 1 =

3.7	Fees.	Effective	October 1, 20	003, pursuant t	to ORS 536.	050 (1)(v) (2003 SB 820), the
	follov	wing fee is	included:				
		200 for an	application wi	ith four or mo	re landowner	rs or four	or more water rights.
			other applicat				<i>-</i>
Lessor	#2:	W				_Date:	4-1-2005
Central	l Orego	on Irrigati	on District				
		1	2				
Lessee	:		2/			Date:	4/1/65
		iver Conse	vancy	1			11103
Other A	Attachi	ments as N	leeded:				
				r's Property (required if la	ndowner	is not the sole landowner
			-	subject water	-		
Attachi	ment 2					•	leased (required if only
· xttttciii				leased instrea	, ,	1115 10 00	reased (required if only
Attachi	ment 3		0		,	t ic valid	and not subject to
Attacill	mem 3	~ ~	-				2
		iorieitur	even inough	ine right has	not been exe	reisea io	r five or more consecutive

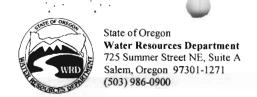
years (required if the second box in Section 1.6 is checked)

Attachment 4: Split Season Instream Use Form Attachment 5: Pooled Lease Landowner Form

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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.

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Section 1.2 continued from Pooled District Form.

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

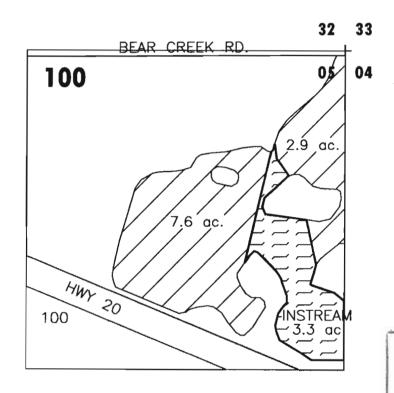
The right(s) to be leased are further described as follows:	
Certificate No.: 76714	
Priority date: February 28, 1913 Type of use: IRRIG	
Legal Season of Use (if not listed on the certificate): April 1 to November 1	
If an irrigation right, total number of acres to be leased: 17.00	
Total acre-feet of 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	
TT	
~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 Resevoir 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 values (A.F.), 15.50	
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 APR 2 2 200	0.790
(Use additional lines if there is more than one rate associated with the water right.)	
Rate in cfs: 0 Rate in cfs: 0 SALEM, OREGON	DI
Conditions to prevent injury, if any: □ None □ The instream flow will be allocated on a daily average basis up to the described rate fromthrough □ Other (describe):	

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

SCALE - 1" = 400'

N↑

NE 1/4 OF THE NE 1/4



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WATER RESOURCES DEPT SALEM, OREGON

APPLICATION FOR 1YR INSTREAM LEASE

NAME: ROBERT BROWN

'INSTREAM' LANDS

EXISTING WATER RIGHTS

CENTRAL OREGON

TAXLOT #: 100

3.3 ACRES INSTREAM

IRRIGATION DISTRICT

DATE: 04-19-05

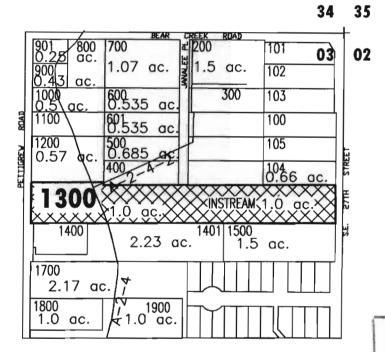
FILE NO: E:\TRANSFER\INSTREAM\INSTRMO5\1YR\BROWN

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

SCALE - 1" = 400'

N↑

NE 1/4 OF THE NE 1/4



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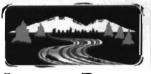
WATER RESOURCES DEPT SALEM, OREGON

ac. P

PARCELS W/ WATER RIGHTS

'INSTREAM' LAND PARCELS

CENTRAL OREGON



IRRIGATION DISTRICT

APPLICATION FOR 1YR INSTREAM LEASE

NAME: PATRICIA HOLMES

TAXLOT #: 1300

1.0 ACRES INSTREAM

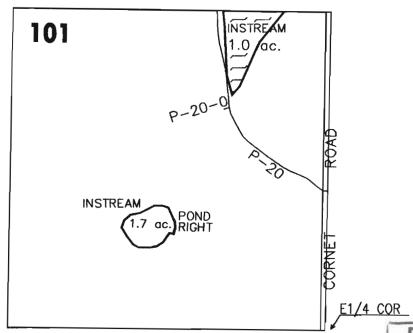
DATE: 1-19-05

FILE NO: E:\TRANSFER\INSTREAM\INSTRMO5\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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WATER RESOURCES DEP SALEM, OREGON



'INSTREAM' LANDS



APPLICATION FOR 1YR INSTREAM LEASE

EXISTING WATER RIGHTS

CENTRAL OREGON



TAXLOT #: 101

NAME: NICHOLAS RACHER

2.7 ACRES INSTREAM

DATE: 04-12-05

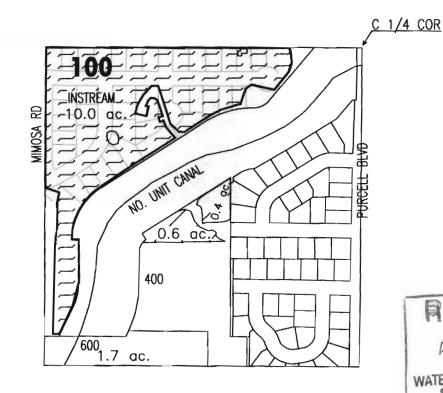
FILE NO: E:\TRANSFER\INSTREAM\INSTRMO5\1YR\RACHER

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

SCALE - 1" = 400"



NE 1/4 OF THE SW 1/4



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APR 2 2 2005

WATER RESOURCES DEPT SALEM, OREGON

'INSTREAM' LANDS



EXISTING WATER RIGHTS



PARCELS W/ WATER RIGHTS

CENTRAL OREGON



IRRIGATION DISTRICT

APPLICATION FOR XYR INSTREAM LEASE

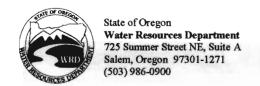
NAME: TERRANGO ASSOC, LLC

TAXLOT #: 100

10.0 ACRES INSTREAM

DATE: 04-06-05

FILE NO: E:\TRANSFER\INSTREAM\INSTRMO5\1YR\TERRANGO



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.

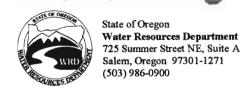
	onal Identification by Lessor/Lessee: 629 Agreement Number (assigned by WRD):	
This	Lease Agreement is between:	
Lesso	or #1 (Landowner):	
	ne) Robert Trumbell Brown	
	ing address) 22855 Bear Creek Rd	
(City	, State, Zip Code) Bend, OR 97701	RECEIVED
•	phone number) <u>541-388-0912</u>	A 10
(Ema	il address)	APR 2 2 2005
If add	litional landowners, enter landowner information below	WATER RESOURCES OF SALEM, OREGON
1.1	ard Instream Lease Application" form. Consequently, the numbering on this form is not a -I - Ownership and Water Right Information Lessor #1 is the owner, or authorized agent for owner of property located	d at: Township 18,
	Range 13, Section 05 and Tax Lot number 100. If the water right appur is also appurtenant to lands owned by others, then Attachment 1, (tax lot property) needs to be included.	
1.3	For the lands being leased, list all water rights appurtenant to the lessor's there are any supplemental or overlying rights.	s property. Indicate if
	Certificate No. <u>76358 & 76714</u>	
1.4	Are some or all of the lands being leased part of a Conservation Reserve Program. Yes No	Enhancement
1.5	Subject Water Rights. Landowner proposes to lease the water rights shattached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an adattached). (Crosshatch the area of water rights being leased). Attached map(s) must ide Township, Range, Section and ¼ ¼, tax lot number, map orientation and scale.	ditional map may be

	Т	R	Sect	$V_{\mathbf{i}}V_{\mathbf{i}}$	Tay Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Identi	fy pertine	nt page n	number of			e is greater than l er certificate)	10 pages; identify	priority date	if there is
1.	18 S.	13 E.	05	NE NE	100	3.30	Irrigation	76358	101	10/31/190 0
2.										
3.										
4.										
5.										

2, 19		al number of acres, if for irrigation, by certificate and priority date: Oct	31, 1900 & Dec.
		e-feet of storage, if applicable: 0	
	Cor	ditions or other limitations, if any: None	
If yo	u need	to enter another leased right, please use the Additional Landowner Wat	ter Rights Form.
1.6	Valid	lity of rights. Lessor(s) attests (mark one) that:	
	\boxtimes	The water has been used over the past five years according to the terms the owner's water right certificate or as an instream water right or	s and conditions of
		The water has <u>not</u> been used over the past five years according to the to conditions of the owner's water right certificate, however the water right	ht is not subject to
		forfeiture under ORS 540.610(2)(_)(include necessary supporting docu Attachment 3).	ING THE LEIVED
		~II~ Instream Water Right Information	APR 2 2 2005
2.3		rm of lease. This lease shall terminate on November 1, 2005 (If there	. 30 (0 3.0.11.11.11.1.1.1.1.1.1.1.1.1.1.1.1.1.1

~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



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	1,7,1	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Identi	ify pertine	ent page	number o			e is greater than i	10 pages; identify	priority dat	e if there is
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_Fe	eb. 28, 1913,
Acre-feet of storage, if applicable: 0	RECEIVED
	APR 2 2 2005

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.

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. Modification to prevent injury. Allocation of water to the instream use described in Section 3.6 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. Date: 4-18-05 Lessor #1: Robert Trumbell Brown For additional Lessors, type in space for signature and date Date: Central Oregon Irrigation District Lessee: Deschutes River Conservancy Other Attachments As Needed: Exhibit 5-A: Tax Lot Map of Landowner's Property

3.4

Detailed map illustrating lands under subject rights to be leased [Exhibits 5-A and 5-B Exhibit 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

WATER RESOURCES DEPT SALEM, OREGON



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.

Option	nal Identification by Lessor/Lessee: 1465	
Lease	Agreement Number (assigned by WRD):	
This L	ease Agreement is between:	
	#1 (Landowner):	
`	Patricia Holmes Revocable Trust	
•	ng address) 61940 Pettigrew Rd	
	State, Zip Code) Bend, OR 97701	The second second
	hone number) <u>541-382-1717</u>	RECEIVED
(Eman	address)	1
Ifaddi	tional landowners, enter landowner information below	APR 2 2 2005
Ti addi	tional landowners, enter landowner information below	WATER RESOURCES DEP SALEM, OREGON
form. T	he numbering associated with this form corresponds to that found on the "Standard In the "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the sar rd Instream Lease Application" form. Consequently, the numbering on this form is raised and Water Right Information	ne information as the
1.1	Lessor #1 is the owner, or authorized agent for owner of property locat Range 12, Section 03 and Tax Lot number 1300. If the water right applands is also appurtenant to lands owned by others, then Attachment 1, lessor's property) needs to be included.	ourtenant to these
1.3	For the lands being leased, list all water rights appurtenant to the lessor there are any supplemental or overlying rights.	's property. Indicate if
	Certificate No. 76358 & 76714	
1.4	Are some or all of the lands being leased part of a Conservation Reserve Program. Yes No	e Enhancement
1.5	Subject Water Rights. Landowner proposes to lease the water rights attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an attached). (Crosshatch the area of water rights being leased). Attached map(s) must Township, Range, Section and ¼ ¼, tax lot number, map orientation and scale.	additional map may be

		_		1.7	more	than one po	er certificate)			
1.	18 S	12 E	03	NE NE	1300	1.0	IRRIG.	76358	92	10/31/190 0
2									BECE	IVED
3.									C C C	W York Stell
4.									APR 2	2005
5.									WATER RESOU	
19	000 1.0	Acres			or irrigation		ificate and pri	ority date: C	Cert#76358 (Oct. 31,

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 <u>not</u> 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

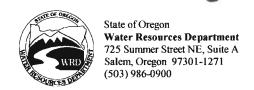
new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.

Suspension of original use. During the period of the lease, the owner agrees to suspend use

3.4

	to th	rater allowed under the subject water rights and under any water right that is supplemental ne subject water rights. In the event that a supplemental water right is not part of this e, it may be subject to forfeiture.
3.5	Terr	For multiyear leases, lessor <i>shall</i> 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 <i>shall not</i> have the option of terminating the lease each year, prior to the lease being exercised, with written notice to the Department.
3.6	2.2 duse	diffication to prevent injury. Allocation of water to the instream use described in Section during the term of this lease is not reasonably expected to cause injury to other rights to water from the same source. If injury is found after this lease is signed, the lease may be diffied or terminated to prevent injury.
	a Hol	mes, Patricia Holmes Revocable Trust nal Lessors, type in space for signature and date
Lessee <u>Gentra</u>	-	Date: Date: 4/20/05
<u>Other</u>	Attac	hments As Needed:
Exhibi	t 5-A	1 7
Exhibi	t 5-B	
Exhibi	it 5-C	may be combined into a single map] Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is checked)
Exhibi	it 5-D	The state of the s

WATER RESOURCES DEPT SALEM, OREGON



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.

~[~

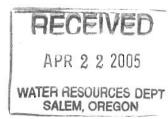
Section 1.1 continued from Pooled Leasing Landowner Form.

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).

	Т	R	Sect	<i>44</i> 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.					- 3	150						
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,
1.0 Acres	_		
Acre-feet of storage, if applicable: 0			





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.

Optio	onal Identification by Lessor/Lessee: 1136	
	e Agreement Number (assigned by WRD):	
This	Lease Agreement is between:	
	or #1 (Landowner):	
	ne) Nicholas Rachor	
	ling address) 12853 SW Cornett Loop	
	, State, Zip Code) Powell Butte, OR, 97753-1817	
	phone number) 541-548-1727	RECEIVED
(Ema	il address)	COEIVED
If add	litional landowners, enter landowner information below	APR 2 2 2005
		WATER RESOURCES DEP SALEM, OREGON
1.1	~I~ Ownership and Water Right Information Lessor #1 is the owner, or authorized agent for owner of property long Range 14, Section 02 and Tax Lot number 101. If the water right a is also appurtenant to lands owned by others, then Attachment 1, (taproperty) needs to be included.	ocated at: Township 15, appurtenant to these lands
1.3	For the lands being leased, list all water rights appurtenant to the less there are any supplemental or overlying rights. Certificate No. 76358 & 76714	ssor's property. Indicate if
1.4	Are some or all of the lands being leased part of a Conservation Res Program. Yes No	serve Enhancement
1.5	Subject Water Rights. Landowner proposes to lease the water right attached as Exhibit 5-B (this information may be included on Exhibit 5-A, o attached). (Crosshatch the area of water rights being leased). Attached map(s) m Township, Range, Section and 1/4 1/4, tax lot number, map orientation and scale.	r an additional map may be

	T		R	1	Sect	$V_i V_i$	Tax Lot	Acres	Type of Use	Certificate#	Page(s) #	Priority*
	*(Ide	ntif	y peri	tiner	it page n	umber of	f certificate, more	if certificate than one p	is greater than 1 er certificate)	0 pages; identify	priority date	if there is
l.	15	S	14	Е	02	SE NE	101	1.0	IRRIG	76358	43	10/31/190 0
2.	15	S	14	Е	02	SE NE	101	1.7	POND	76358	43	10/31/190 0
											PEC	FIVE
											APR	2 2 2005
							plicable: <u>0</u> itions, if ar		20,4100	····		·
If	you n	eed	l to e	ente	r anoth	er lease	d right, pl	ease use th	ne Additional	Landowner W	ater Right	s Form.
1.	6 V:	alid	lity (of r	iohts l	Lessor(s	s) attests (<u>r</u>	nark one)	that:			
1.		\boxtimes	•		_	,	,			ding to the terr	ms and con	ditions of
									n instream wa		ins and con	
	[en used ov ner's water	•	•	cording to the		

~II~ Instream Water Right Information

Attachment 3).

forfeiture under ORS 540.610(2)(_)(include necessary supporting documentation as

2.3 Term of lease. This lease shall terminate on October 26, 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	Fo to De dif Pu the	r multiyear leases, lessor <i>shall</i> have the option of terminating the lease each year, prior the lease being exercised (
		ior to the lease being exercised, with written notice to the Department.
3.6	2.2 dur use wat	ication to prevent injury. Allocation of water to the instream use described in Section ing the term of this lease is not reasonably expected to cause injury to other rights to ter from the same source. If injury is found after this lease is signed, the lease may be sed or terminated to prevent injury.
	r #1: <u>//</u> las Rach	Ciholan Rachor Date: 3/25/05
For ac	lditional	Lessors, type in space for signature and date Date:
Lesse	e:	Date: 4/20/05
Other	Attachm	nents As Needed:
Exhib	it 5-A:	Tax Lot Map of Landowner's Property
Exhib	it 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]
Exhib	it 5-C:	Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is checked)

Split Season Instream Use Form

Exhibit 5-D:

APR 2 2 2005

WATER RESOURCES DEPT SALEM, OREGON



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.

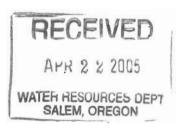
Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached). (Crosshatch the area of water rights being leased).

	Т	R	Sect	<i>7</i> ₄ <i>7</i> 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.	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.						causa di	Lugar							
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,
1.0 Acres					
	11 0				

Acre-feet of storage, if applicable: 0





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.

	e Agreement Number (assigned by WRD):	_
This	Lease Agreement is between:	
Lesse	or #1 (Landowner):	
	ne) Terrango Associates, LLC	
	ling address) 250 NW Franklin Ave #203	
	, State, Zip Code) Bend, OR 97701	DEGENA
	phone number)	RECEIVE
(Ema	iil address)	
`		APR 2 2 200
If add	ditional landowners, enter landowner information below	WATER RESOURCES SALEM, OREGON
1.1	~I~ Ownership and Water Right Information Lessor #1 is the owner, or authorized agent for owner of property I Range 12, Section 22 and Tax Lot number 100. If the water right is also appurtenant to lands owned by others, then Attachment 1, (to	ocated at: Township 17, appurtenant to these lands
	property) needs to be included.	
1.3	For the lands being leased, list all water rights appurtenant to the letthere are any supplemental or overlying rights.	essor's property. Indicate if
	Certificate No. 76358 & 76714	
1.4	Are some or all of the lands being leased part of a Conservation Re Program. Yes No	eserve Enhancement
1.5	Subject Water Rights. Landowner proposes to lease the water rig attached as Exhibit 5-B (this information may be included on Exhibit 5-A, attached). (Crosshatch the area of water rights being leased). Attached map(s) in Township, Range, Section and 1/4 1/4, tax lot number, map orientation and scale.	or an additional map may be

	T	R	Sect	7/1/1	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
	*(Identif	y pertine	nt page r	umber of			is greater than 1 er certificate)	0 pages; identify	priority date	if there is	
1.	17 S	12 E	22	NE SW	100	10.0	IRRIG	76358	66	10/31/190	
2.									DEC	FIVE	
3.									1120	0 1/ 2005	
4.									APR	2 % 2005	
5.										SOURCES DE	
TL	Acr Con Cou need	nce HB re-feet of nditions I to ente	3111) of storage or other anoth	ge, if ap er limita er lease	plicable: 0	ny: None	ne Additional	O is a new tax			
1.0	v and	•	Ü	`	,			ling to the teri	ns and con	ditions of	
	_						instream wat	•			
	The water has <u>not</u> 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 F	Right Inform	ation			
2.3	2.3 Term of lease. This lease shall terminate on October 26, 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 In	formation				

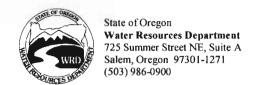
- 3.1 Accuracy. The Undersigned Lessor/s, Lessee and Trustee declare that, to the best of their knowledge and belief, the information contained in this lease is true, correct and complete. If after the lease is signed, any information is determined to be false, the lease may be modified or terminated. 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.
- **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 10. 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.

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	For to t Dep diff Pur the For	multiyear leases, lessor <i>shall</i> have the option of terminating the he lease being exercised (notice to the or or Lessee (if District, Other Water Interest in terminating the lease each year,
	2.2 duri	eation to prevent injury. Allocation of water to the instream useing the term of this lease is not reasonably expected to cause injurer from the same source. If injury is found after this lease is sign d or terminated to prevent injury.	y to other rights to
Lessor Terrang	#1: go Assoc	Thur A. Lowofto, CFO Date: 3, tiates, LLC by Tamper Sailors, Agent TERRENCE A. Donofrio	/31/2005
For add	ditional I	Lessors, type in space for signature and date Date:	
Lessee	A	Date: $\frac{4/20}{0}$	105
Other A	Attachme	ents As Needed:	
Exhibit		Tax Lot Map of Landowner's Property	
Exhibit	5-B:	Detailed map illustrating lands under subject rights to be leas may be combined into a single map]	
Exhibit	t 5-C:	Supporting documentation indicating why a right is valid and forfeiture even though the right has not been exercised for five consecutive years (required if the second box in Section 1.6 center (checked))	e or more
Exhibit	t 5-D:	Split Season Instream Use Form	RECEIVE
			ANN O' L' DOINE



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	<i>5</i> ₁ 5 ₁	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Identi	fy pertine	ent page i	number o			e is greater than i er certificate)	0 pages; identify	priority dat	e if there is
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 1/4 1/4, tax lot number, map orientation and scale.]

Total numbe	r of acres	, if for irriga	ion, t	by certificate	and	priority d	ate: (Cert #76714	Feb	28,	1913,
10.0 Acres	(TL 100	is a new tax	lot cl	hanged from	TL	1200 since	HB:	3111)			
Acre-feet of	storage, i	f applicable:	0								

