



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

Application for Short-Term Instream Lease Pooled Lease Form

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

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

Optional Identification by Lessor/Lessee: _____
Lease Agreement Number (assigned by WRD): L-648

This Lease Agreement is between:

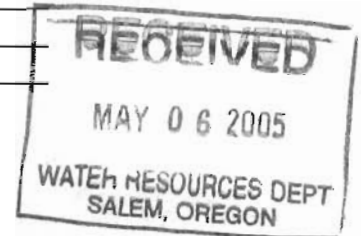
Lessor #2: Irrigation District or Other Water Purveyor

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

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

Lessee (if different than Oregon Water Resources Department):

(Name) Deschutes River Conservancy
(Mailing address) PO Box 1560
(City, State, Zip Code) Bend, OR 97709
(Telephone number) 541-382-4077 ext. 21
(Email address) danielle@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 Tumalo Irrigation District, the irrigation district, which conveys water to the subject water rights.
- Another party with an interest in the subject water rights representing _____.
- Not applicable.

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

Certificate No. 74146, 74147, 76106 (primary) & 74147, 74148, 74149, 76520
(supplemental) _____

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

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

Certificate No.: 74146

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

Legal Season of Use: April 15 through October 15

If an irrigation right, total number of acres to be leased: 8/5/1900: 4.3ac., 9/1/1900: 124.65ac., 5/27/1907: 9.0ac., 6/1/1907: 17.1ac., TOTAL: 155.05ac.

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

Maximum rate associated with subject water rights (cfs) being leased: 8/5/1900: 0.061cfs, 9/1/1900: 1.781cfs, 5/27/1907: 0.129cfs, 6/1/1907: 0.244cfs, TOTAL: 2.215cfs

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

Season 1 (cfs) _____ Time period: _____

Season 2 (cfs) _____ Time period: _____

Season 3 (cfs) _____ Time period: _____

Maximum duty associated with subject water rights (ac-ft): 8/5/1900: 7.74af, 9/1/1900: 224.37af, 5/27/1907: 16.2af., 6/1/1907: 30.78af, TOTAL: 279.09af

Conditions or other limitations, if any: _____

If you need to enter another leased right, please use the additional water rights form.

~II~ Instream Water Right Information

2.1 **Public use.** This lease will increase streamflows, which will benefit:

- Conservation, maintenance and enhancement of aquatic and fish life, wildlife, and fish and wildlife habitat
- Pollution abatement
- Recreation and scenic attraction

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

Tumalo Creek

Tributary to Deschutes River in the Deschutes Basin.

Describe the point of diversion (POD) and any associated reach(es) of the instream use being created. If possible list the reach by river mile. If no reach is identified, and there is only one POD listed on the certificate, the lease will be processed to be protected at the POD. (If more than one POD is listed on the certificate, then the POD and any associated reach(es) must be identified): TID POD #1 (Tumalo Feed Canal) and 1713' from S 1/4 corner, Sec. 2, T 18S, R 10E, W.M., to the mouth and to Lake Billy Chinook

Maximum volume in acre-feet: 8/5/1900: 7.74af, 9/1/1900: 224.37af, 5/27/1907: 16.2af., 6/1/1907: 30.78af, TOTAL: 279.09af

Rate in cfs: 8/5/1900: 0.061cfs, 9/1/1900: 1.781cfs, 5/27/1907: 0.129cfs, 6/1/1907: 0.244cfs, TOTAL: 2.215cfs

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

Rate in cfs: _____

Rate in cfs: _____

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
SALEM, OREGON

Conditions to prevent injury, if any:

- None
- The instream flow will be allocated on a daily average basis up to the described rate from 5/30/05 through 10/15/05.
- Other (describe): _____

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

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

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.

RECEIVED
MAY 06 2005
WATER RESOURCES DEPT.
SALEM, OREGON

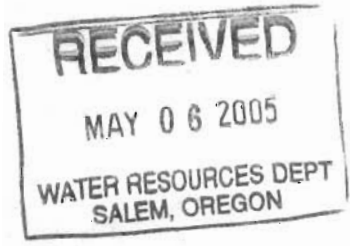
3.6 Modification to prevent injury. Allocation of water to the instream use described in Section 2.2 during the term of this lease is not reasonably expected to cause injury to other rights to use water from the same source. If injury is found after this lease is signed, the lease may be modified or 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: Elmer J. Danil Date: 5.5.05

Lessee: [Signature] Date: 05/05/05
DRC

- 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
Salem, Oregon 97301-1271
(503) 986-0900

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.

~I~

Section 1.2 continued from Pooled District Form.

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

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

Certificate No.: 74147
Priority date: 10/29/1913 Type of use: Supplemental to C.74146
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: 155.05ac.
Total acre-feet of storage to be leased, if applicable: 0
Rate associated with leased rights (cfs): Season 1: 1.938
(Use additional lines if there is more than one rate associated with the water right.)
Rate associated with leased rights (cfs): Season 2: 2.584
Rate associated with leased rights (cfs): Season 3: 4.785
Duty associated with leased rights (AF): 1,536.55
(Use additional lines if there is more than one duty associated with the water right.)
Duty associated with leased rights (AF): _____
Duty associated with leased rights (AF): _____
Conditions or other limitations, if any: None

~II~

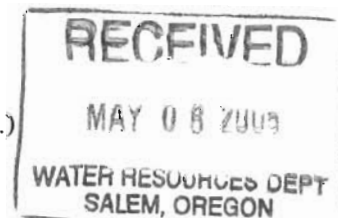
Section 2.2 continued from Pooled District Form.

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

Tumalo Creek
Tributary to Deschutes River in the Deschutes Basin.

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

Total volume (AF): Season 1: 115.12
(Use additional lines if there is more than one rate associated with the water right.)
Total volume (AF): Season 2: 153.50
Total volume (AF): Season 3: 657.45
Rate in cfs: Season 1: 1.938cfs
(Use additional lines if there is more than one rate associated with the water right.)
Rate in cfs: Season 2: 2.584
Rate in cfs: Season 3: 2.700



Conditions to prevent injury, if any:

- None
- The instream flow will be allocated on a daily average basis up to the described rate from 5/30/2005 through 10/15/05.



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
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 1.2 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.: 74148
Priority date: 4/7/1911 Type of use: Supplemental to C.74146
Legal Season of Use (if not listed on the certificate):
If an irrigation right, total number of acres to be leased: 155.05ac.
Total acre-feet of storage to be leased, if applicable: 0
Rate associated with leased rights (cfs): n/a
(Use additional lines if there is more than one rate associated with the water right.)
Rate associated with leased rights (cfs):
Rate associated with leased rights (cfs):
Duty associated with leased rights (AF): 1,535
(Use additional lines if there is more than one duty associated with the water right.)
Duty associated with leased rights (AF):
Duty associated with leased rights (AF):
Conditions or other limitations, if any: None

~II~

Section 2.2 continued from Pooled District Form.

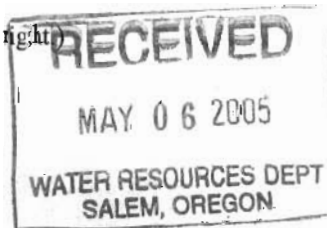
Instream use created by lease. The instream use to be created is described as follows:

Crescent Lake Reservoir River
Tributary to Deschutes River in the Deschutes Basin.

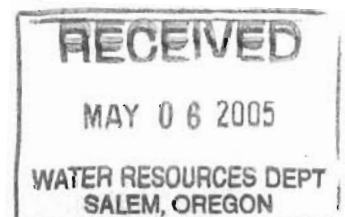
Describe the point of diversion and any associated reach(es) of the instream use being created. If possible list the reach by river mile, if no reach is identified, the lease may be processed to be protected at the point of diversion): Bend Feed Canal: NW1/4 NE1/4, Sec. 32, T. 17S, R. 12E, W.M.; 100' south & 500' east from N1/4 corner of Sec. 32 and SE1/4 SW1/4, Sec. 11, T. 24S, R. 6E, W.M. to Lake Billy Chinook

Total volume (AF): Season 1: 232.58
(Use additional lines if there is more than one rate associated with the water right.)
Total volume (AF): Season 2: 155.05
Total volume (AF): Season 3: 435.78
Rate in cfs: n/a
(Use additional lines if there is more than one rate associated with the water right.)
Rate in cfs:
Rate in cfs:

Conditions to prevent injury, if any:
None



- The instream flow will be allocated on a daily average basis up to the described rate from 5/30/2005 through 10/15/2005.
- Other (describe): _____





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 **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 1.2 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.: 74149
 Priority date: 1905 Type of use: Supplemental to C.74146
 Legal Season of Use (if not listed on the certificate): April 1 through October 31
 If an irrigation right, total number of acres to be leased: 155.05
 Total acre-feet of storage to be leased, if applicable: _____
 Rate associated with leased rights (cfs): Season 1: 0.166
 (Use additional lines if there is more than one rate associated with the water right.)
 Rate associated with leased rights (cfs): Season 2: 0.166
 Rate associated with leased rights (cfs): Season 3: 0.166
 Duty associated with leased rights (AF): Season 1: 20.08
 (Use additional lines if there is more than one duty associated with the water right.)
 Duty associated with leased rights (AF): Season 2: 9.87
 Duty associated with leased rights (AF): Season 3: 40.48
 Conditions or other limitations, if any: None

~II~

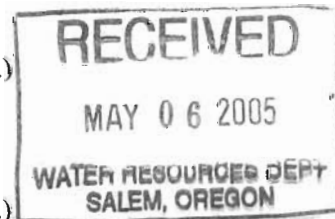
Section 2.2 continued from Pooled District Form.

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

Deschutes 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): Bend Feed Canal: NW1/4 NE1/4, Sec. 32, T. 17S, R. 12E, W.M.; 100' south & 550' east from N1/4 corner of Sec. 32 and SE1/4 SW1/4, Sec. 11, T. 24S, R. 6E, W.M. to Lake Billy Chinook

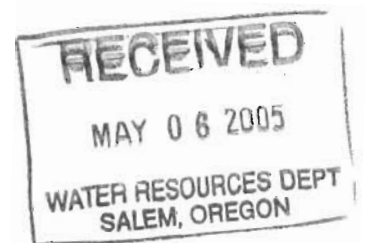
Total volume (AF): Season 1: 5.43
 (Use additional lines if there is more than one rate associated with the water right.)
 Total volume (AF): Season 2: 5.43
 Total volume (AF): Season 3: 22.27
 Rate in cfs: Season 1: 0.091
 (Use additional lines if there is more than one rate associated with the water right.)
 Rate in cfs: Season 2: 0.091
 Rate in cfs: Season 3: 0.091



Conditions to prevent injury, if any:

-None

- The instream flow will be allocated on a daily average basis up to the described rate from 5/30/2005 through 10/15/2005.
- Other (describe): _____





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 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 1.2 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.: 76520
Priority date: 12/8/1961 Type of use: Supplemental to C.74146
Legal Season of Use (if not listed on the certificate): April 1 through October 31
If an irrigation right, total number of acres to be leased: _____
Total acre-feet of storage to be leased, if applicable: 155.05
Rate associated with leased rights (cfs): n/a
(Use additional lines if there is more than one rate associated with the water right.)
Rate associated with leased rights (cfs): _____
Rate associated with leased rights (cfs): _____
Duty associated with leased rights (AF): 1,536.55
(Use additional lines if there is more than one duty associated with the water right.)
Duty associated with leased rights (AF): _____
Duty associated with leased rights (AF): _____
Conditions or other limitations, if any: None

~II~

Section 2.2 continued from Pooled District Form.

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

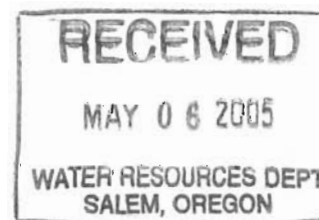
Crescent Lake Reservoir River
Tributary to Deschutes River in the Deschutes Basin.

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): Bend Feed Canal: NW1/4 NE1/4, Sec. 32, T. 17S, R. 12E, W.M.; 100' south & 550' east from N1/4 corner of Sec. 32 and SE1/4 SW1/4, Sec. 11, T. 24S, R. 6E, W.M. to Lake Billy Chinook

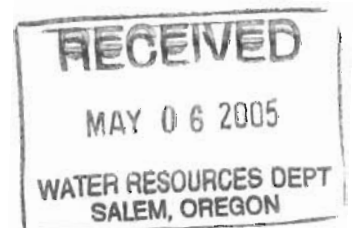
Total volume (AF): 899.31
(Use additional lines if there is more than one rate associated with the water right.)
Total volume (AF): _____
Total volume (AF): _____
Rate in cfs: n/a
(Use additional lines if there is more than one rate associated with the water right.)
Rate in cfs: _____
Rate in cfs: _____

Conditions to prevent injury, if any:

-None



- The instream flow will be allocated on a daily average basis up to the described rate from 5/30/2005 through 10/15/2005.
- Other (describe): _____





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 **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 1.2 continued from Pooled District Form.

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

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

Certificate No.: 74147
 Priority date: 10/29/1913 Type of use: Irrigation
 Legal Season of Use (if not listed on the certificate): April 1 through October 31
 If an irrigation right, total number of acres to be leased: 124.81
 Total acre-feet of storage to be leased, if applicable: _____
 Rate associated with leased rights (cfs): Season 1: 1.56
 (Use additional lines if there is more than one rate associated with the water right.)
 Rate associated with leased rights (cfs): Season 2: 2.08
 Rate associated with leased rights (cfs): Season 3: 3.852
 Duty associated with leased rights (AF): 1,236.87
 (Use additional lines if there is more than one duty associated with the water right.)
 Duty associated with leased rights (AF): _____
 Duty associated with leased rights (AF): _____
 Conditions or other limitations, if any: None

~II~

Section 2.2 continued from Pooled District Form.

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

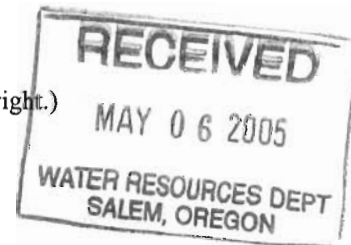
Tumalo Creek
 Tributary to Deschutes River in the Deschutes Basin.

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

Total volume (AF): Season 1: 173.29
 (Use additional lines if there is more than one rate associated with the water right.)
 Total volume (AF): Season 2: 123.78
 Total volume (AF): Season 3: 939.8
 Rate in cfs: Season 1: 1.56
 (Use additional lines if there is more than one rate associated with the water right.)
 Rate in cfs: Season 2: 2.08
 Rate in cfs: Season 3: 3.852

Conditions to prevent injury, if any:

- None
- The instream flow will be allocated on a daily average basis up to the described rate from 4/1/2005 through 10/26/2005.





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 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 1.2 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.: 74148
Priority date: 4/7/1911 Type of use: Supplemental to C.74147
Legal Season of Use (if not listed on the certificate): April 1 through October 31
If an irrigation right, total number of acres to be leased: 124.81
Total acre-feet of storage to be leased, if applicable: _____
Rate associated with leased rights (cfs): n/a
(Use additional lines if there is more than one rate associated with the water right.)
Rate associated with leased rights (cfs): _____
Rate associated with leased rights (cfs): _____
Duty associated with leased rights (AF): 1,235.62
(Use additional lines if there is more than one duty associated with the water right.)
Duty associated with leased rights (AF): _____
Duty associated with leased rights (AF): _____
Conditions or other limitations, if any: None

~II~

Section 2.2 continued from Pooled District Form.

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

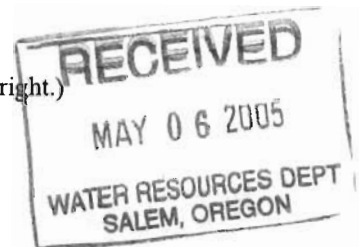
Crescent Lake Reservoir River
Tributary to Deschutes River in the Deschutes Basin.

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): Bend Feed Canal: NW1/4 NE1/4, Sec. 32, T. 17S, R. 12E, W.M.; 100' south & 500' east from N1/4 corner of Sec. 32 and SE1/4 SW1/4, Sec. 11, T. 24S, R. 6E, W.M. to Lake Billy Chinook

Total volume (AF): Season 1: 187.22
(Use additional lines if there is more than one rate associated with the water right.)
Total volume (AF): Season 2: 124.81
Total volume (AF): Season 3: 350.79
Rate in cfs: n/a
(Use additional lines if there is more than one rate associated with the water right.)
Rate in cfs: _____
Rate in cfs: _____

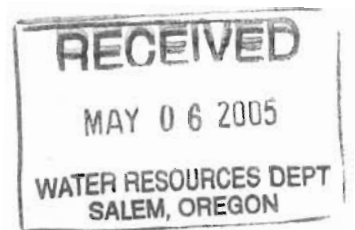
Conditions to prevent injury, if any:

-None



The instream flow will be allocated on a daily average basis up to the described rate from 4/1/2005 through 10/26/2005.

Other (describe): _____





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 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 1.2 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.: 74149
Priority date: 1905 Type of use: Supplemental to C.74147
Legal Season of Use (if not listed on the certificate): April 1 through October 31
If an irrigation right, total number of acres to be leased: 124.81
Total acre-feet of storage to be leased, if applicable: _____
Rate associated with leased rights (cfs): 0.134 (all seasons)
(Use additional lines if there is more than one rate associated with the water right.)
Rate associated with leased rights (cfs): _____
Rate associated with leased rights (cfs): _____
Duty associated with leased rights (AF): 56.7
(Use additional lines if there is more than one duty associated with the water right.)
Duty associated with leased rights (AF): _____
Duty associated with leased rights (AF): _____
Conditions or other limitations, if any: None

~II~

Section 2.2 continued from Pooled District Form.

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

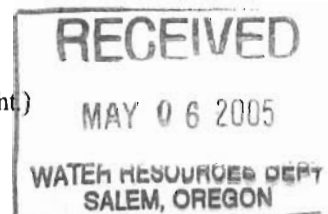
Deschutes River
Tributary to Columbia River in the Deschutes Basin.

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): Bend Feed Canal: NW1/4 NE1/4, Sec. 32, T. 17S, R. 12E, W.M.; 100' south & 500' east from N1/4 corner of Sec. 32 and SE1/4 SW1/4, Sec. 11, T. 24S, R. 6E, W.M. to Lake Billy Chinook

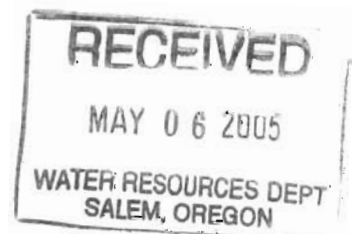
Total volume (AF): Season 1: 8.16
(Use additional lines if there is more than one rate associated with the water right.)
Total volume (AF): Season 2: 4.37
Total volume (AF): Season 3: 17.92
Rate in cfs: 0.074 (all seasons)
(Use additional lines if there is more than one rate associated with the water right.)
Rate in cfs: _____
Rate in cfs: _____

Conditions to prevent injury, if any:

-None



- The instream flow will be allocated on a daily average basis up to the described rate from 4/1/2005 through 10/26/2005.
- Other (describe): _____





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 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 1.2 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.: 76520
Priority date: 12/8/1961 Type of use: Supplemental to C.74147
Legal Season of Use (if not listed on the certificate): April 1 through October 31
If an irrigation right, total number of acres to be leased: 124.81
Total acre-feet of storage to be leased, if applicable: _____
Rate associated with leased rights (cfs): n/a
(Use additional lines if there is more than one rate associated with the water right.)
Rate associated with leased rights (cfs): _____
Rate associated with leased rights (cfs): _____
Duty associated with leased rights (AF): 1,236.87
(Use additional lines if there is more than one duty associated with the water right.)
Duty associated with leased rights (AF): _____
Duty associated with leased rights (AF): _____
Conditions or other limitations, if any: None

~II~

Section 2.2 continued from Pooled District Form.

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

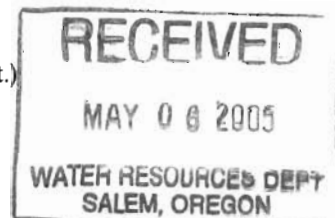
Crescent Lake Reservoir River
Tributary to Deschutes River in the Deschutes Basin.

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): Bend Feed Canal: NW1/4 NE1/4, Sec. 32, T. 17S, R. 12E, W.M.; 100' south & 500' east from N1/4 corner of Sec. 32 and SE1/4 SW1/4, Sec. 11, T. 24S, R. 6E, W.M. to Lake Billy Chinook

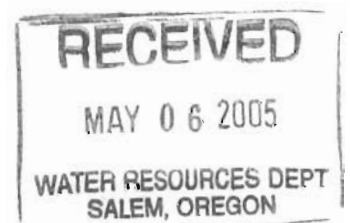
Total volume (AF): 723.91
(Use additional lines if there is more than one rate associated with the water right.)
Total volume (AF): _____
Total volume (AF): _____
Rate in cfs: n/a
(Use additional lines if there is more than one rate associated with the water right.)
Rate in cfs: _____
Rate in cfs: _____

Conditions to prevent injury, if any:

-None



- The instream flow will be allocated on a daily average basis up to the described rate from 4/1/2005 through 10/26/2005.
- Other (describe): _____





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 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 1.2 continued from Pooled District Form.

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

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

Certificate No.: 76106
Priority date: 12/8/1961 Type of use: Irrigation
Legal Season of Use (if not listed on the certificate): April 1 through October 31
If an irrigation right, total number of acres to be leased: 92.6
Total acre-feet of storage to be leased, if applicable: _____
Rate associated with leased rights (cfs): 1.323
(Use additional lines if there is more than one rate associated with the water right.)
Rate associated with leased rights (cfs): _____
Rate associated with leased rights (cfs): _____
Duty associated with leased rights (AF): 128.84
(Use additional lines if there is more than one duty associated with the water right.)
Duty associated with leased rights (AF): _____
Duty associated with leased rights (AF): _____
Conditions or other limitations, if any: None

~II~

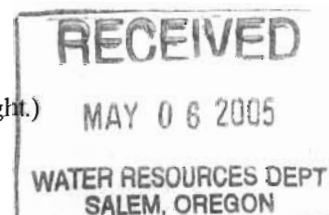
Section 2.2 continued from Pooled District Form.

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

Tumalo Creek
Tributary to Deschutes River in the Deschutes Basin.

Describe the point of diversion and any associated reach(es) of the instream use being created. If possible list the reach by river mile, if no reach is identified, the lease may be processed to be protected at the point of diversion): Tum. Reservoir: SE1/4 SW1/4, Sec. 33, T 16S, R 11E, W.M.; Tum. Creek: SE1/4 NE1/4, Sec. 23, T 17S, R 11E, W.M. to Lake Billy Chinook

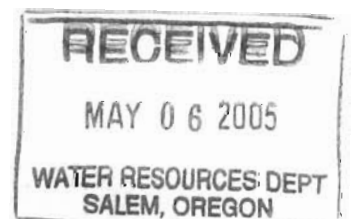
Total volume (AF): 128.84
(Use additional lines if there is more than one rate associated with the water right.)
Total volume (AF): _____
Total volume (AF): _____
Rate in cfs: 1.006
(Use additional lines if there is more than one rate associated with the water right.)
Rate in cfs: _____
Rate in cfs: _____



Conditions to prevent injury, if any:

-None

- The instream flow will be allocated on a daily average basis up to the described rate from 6/15/2005 through 10/8/2005.
- Other (describe): _____





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
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 1.2 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.: 74149
Priority date: 1905 Type of use: Supplemental to C.76106
Legal Season of Use (if not listed on the certificate): April 1 through October 31
If an irrigation right, total number of acres to be leased: 92.6
Total acre-feet of storage to be leased, if applicable:
Rate associated with leased rights (cfs): 0.099
(Use additional lines if there is more than one rate associated with the water right.)
Rate associated with leased rights (cfs):
Rate associated with leased rights (cfs):
Duty associated with leased rights (AF): Season 1: 11.99
(Use additional lines if there is more than one duty associated with the water right.)
Duty associated with leased rights (AF): Season 2: 5.90
Duty associated with leased rights (AF): Season 3: 24.18
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:

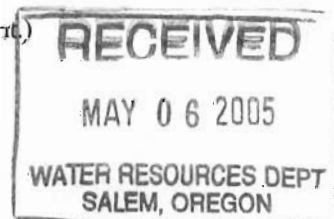
Deschutes River
Tributary to Deschutes River in the Deschutes Basin.

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): Bend Feed Canal: NW1/4 NE1/4, Sec. 32, T. 17S, R. 12E, W.M.; 100' south & 500' east from N1/4 corner of Sec. 32 and SE1/4 SW1/4, Sec. 11, T. 24S, R. 6E, W.M. to Lake Billy Chinook

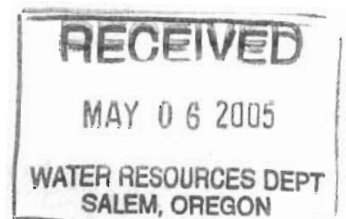
Total volume (AF): Season 1: 0.86
(Use additional lines if there is more than one rate associated with the water right.)
Total volume (AF): Season 2: 1.73
Total volume (AF): Season 3: 9.95
Rate in cfs: 0.055
(Use additional lines if there is more than one rate associated with the water right.)
Rate in cfs:
Rate in cfs:

Conditions to prevent injury, if any:

None



- The instream flow will be allocated on a daily average basis up to the described rate from 6/15/2005 through 10/8/2005.
- Other (describe): _____





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
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 1.2 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.: 76520
Priority date: 12/8/1961 Type of use: Supplemental to C.76106
Legal Season of Use (if not listed on the certificate): April 1 through October 31
If an irrigation right, total number of acres to be leased: 92.6
Total acre-feet of storage to be leased, if applicable:
Rate associated with leased rights (cfs): n/a
Rate associated with leased rights (cfs):
Rate associated with leased rights (cfs):
Duty associated with leased rights (AF): 917.67
Duty associated with leased rights (AF):
Duty associated with leased rights (AF):
Conditions or other limitations, if any: None

~II~

Section 2.2 continued from Pooled District Form.

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

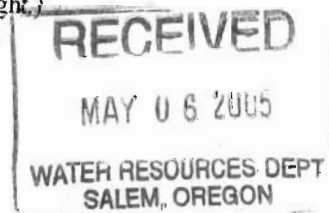
Crescent Lake Reservoir River
Tributary to Deschutes River in the Deschutes Basin.

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): Bend Feed Canal: NW1/4 NE1/4, Sec. 32, T. 17S, R. 12E, W.M.; 100' south & 500' east from N1/4 corner of Sec. 32 and SE1/4 SW1/4, Sec. 11, T. 24S, R. 6E, W.M. to Lake Billy Chinook

Total volume (AF): 537.09
Total volume (AF):
Total volume (AF):
Rate in cfs: n/a
Rate in cfs:
Rate in cfs:

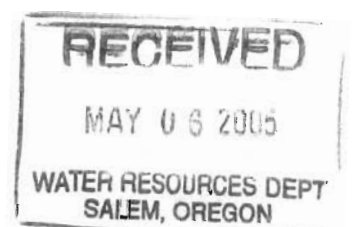
Conditions to prevent injury, if any:

-None



The instream flow will be allocated on a daily average basis up to the described rate from 6/15/2005 through 10/8/2005.

Other (describe): _____





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

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

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

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

RECEIVED
 OVER THE COUNTER

Optional Identification by Lessor/Lessee: L05.24
 Lease Agreement Number (assigned by WRD): L-648

This Lease Agreement is between:

Lessor #1 (Landowner):
 (Name) Adams, Ronald J. & Judith K.
 (Mailing address) 717 W. California Way
 (City, State, Zip Code) Woodside, CA 94062
 (Telephone number) (650)279-5058
 (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 17³ Range 11⁵ Section 11 and Tax Lot number 01000. If the water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included.
- 1.3 For the lands being leased, list all water rights appurtenant to the lessor's property. Indicate if there are any supplemental or overlying rights.
 Certificate No. Primary 74146,76106,Supplemental 74147,74148,74149,76520,
- 1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. Yes No
- 1.5 **Subject Water Rights.** Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached). (Crosshatch the area of water rights being leased). Attached map(s) must identify property owner, Township, Range, Section and 1/4 1/4, tax lot number, map orientation and scale.

Field Code Changed
 Field Code Changed

RECEIVED
 MAY 06 2005
 WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED
 APR 22 2005
 WATER RESOURCES DEPT
 SALEM, OREGON

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	17 S	11 E	11	nese	01000	1.0	irr	74146 PR1	12	9/1/1900
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 1.0
 Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

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

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

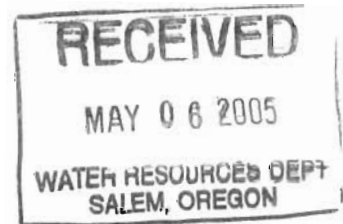
- The water has been used over the past five years according to the terms and conditions of the owner's water right certificate or as an instream water right or
- The water has not been used over the past five years according to the terms and conditions of the owner's water right certificate, however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

~II~ Instream Water Right Information

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



RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON

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

3.5 **Termination provision.**

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

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

Lessor #1: Ronald J. Adams Date: 3/3/05
Ronald J. Adams

Judith K. Adams Date: 3/3/05
Judith K. Adams

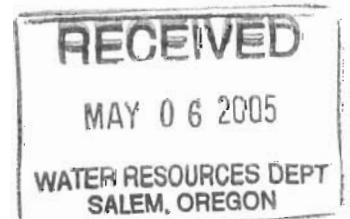
For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes Resources Conservancy

Other Attachments As Needed:

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



RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM OREGON



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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
							To 74146			
1.	17S	11E	11	nese	01000	1.0	irr	74147 Sup	16	10/29/101 3
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: 1.0
 Acre-feet of storage, if applicable: _____

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON



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

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

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) TO 74146										
1.	17S	11E	11	nese	01000	1.0	irr	74148 <i>Sup</i>	16	4/7/1911
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: 1.0

Acre-feet of storage, if applicable: _____

RECEIVED

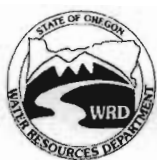
MAY 06 2005

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM OREGON



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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

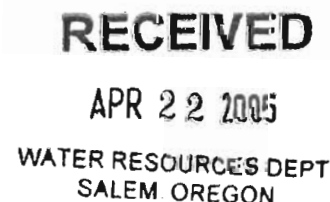
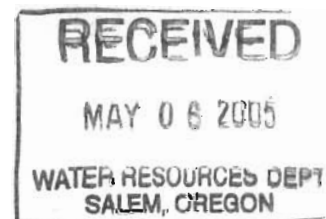
Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
 (Crosshatch the area of water rights being leased).

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) TO 74146									
1.	17 S	11 E	11	nese	01000	1.0	irr	74149 Sup	1905
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: 1.0

Acre-feet of storage, if applicable: _____





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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) TO 7414b										
1.	17 S	11 E	11	nese	01000	1.0	irr	76520 Sup	20	12/8/1961
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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

Total number of acres, if for irrigation, by certificate and priority date: 1.0

Acre-feet of storage, if applicable: _____

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON



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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

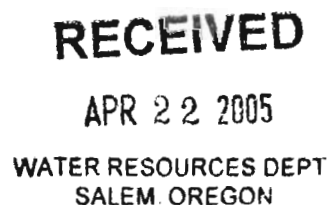
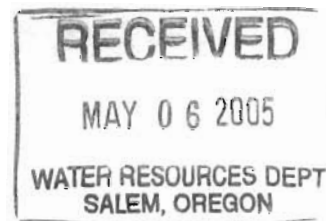
Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
 (Crosshatch the area of water rights being leased).

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	17S	11 E	11	nese	01000	2.0	irr	76106 Pri	4	12/8/1961
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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

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

Acre-feet of storage, if applicable: _____





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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

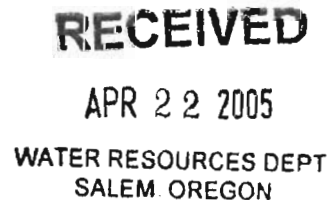
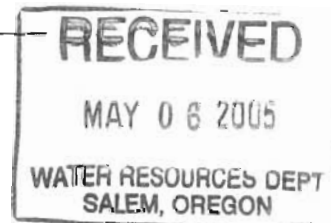
Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
 (Crosshatch the area of water rights being leased).

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) TO 76106									
1.	17 S	11 E	11	nese	01000	2.0	irr	74149 Sup	1905
2.									
3.									
4.									
5.									
6.									
7.									
8.									
9.									
10.									

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

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

Acre-feet of storage, if applicable: _____





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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) TO 76106										
1.	17S	11E	11	nese	01000	2.0	irr	76520 Sup	4	12/8/1961
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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

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

Acre-feet of storage, if applicable: _____

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON

TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY

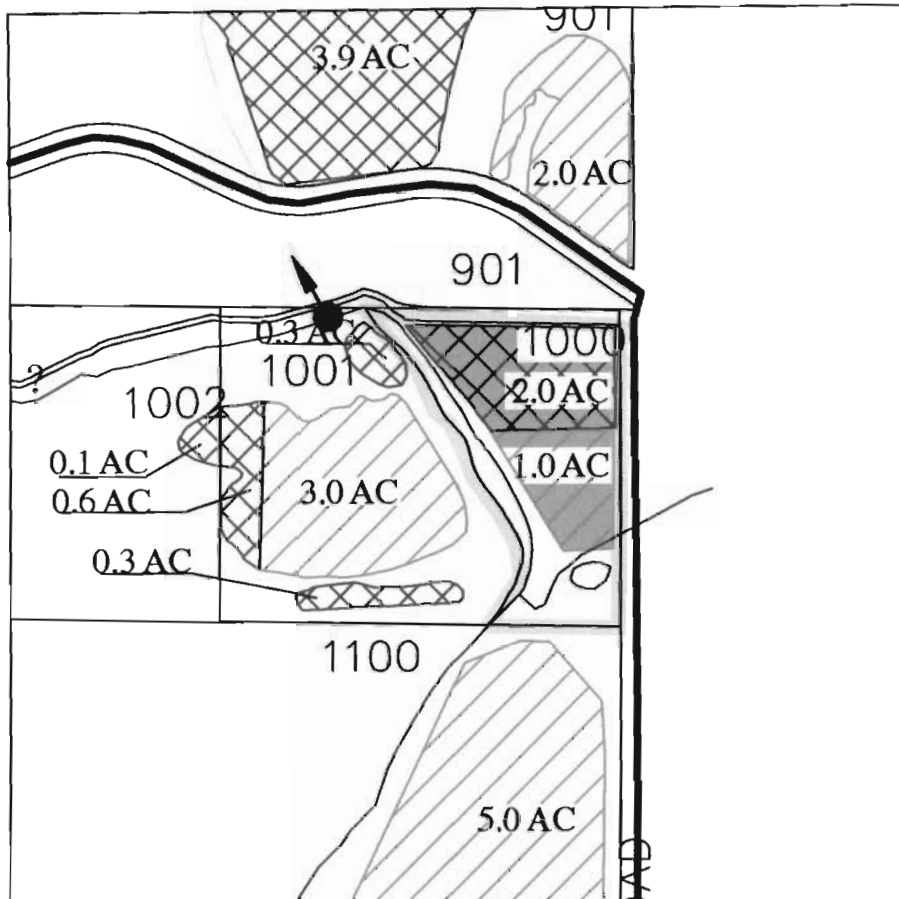
FOR

Adams, Ronald J. & Judith K.

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON



RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON

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

INITIAL: *JK*
RA

LOCATED IN THE NE 1/4 OF THE SE 1/4
OF SECTION 11, T.17 S., R.11 E., W.M.
TAX LOTS # 1000
DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'



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

Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

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

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

Optional Identification by Lessor/Lessee: L05.20
Lease Agreement Number (assigned by WRD): L-648

RECEIVED
OVER THE COUNTER

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Ausland, Kelly S. & Elizabeth B Smith.
(Mailing address) 63375 Fawn Lane
(City, State, Zip Code) Bend, OR 97701
(Telephone number) (541)389-2880
(Email address) _____

If additional landowners, enter landowner information below

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

~I~ Ownership and Water Right Information

1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 16, Range 11, Section 33 and Tax Lot number 00801. If the water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included.

Field Code Changed
Field Code Changed

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

Certificate No. Primary 74147, Supplemental 74148, 74149, 76520

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

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

RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
APR 22 2005
WATER RESOURCES DEPT
SALEM, OREGON

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16 S	11 E	33	swne	00801	4.0	irr	74147 PR1	8	10/29/1913
2.										
3.										
4.										
5.										

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

Conditions or other limitations, if any: _____

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

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

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

~II~ Instream Water Right Information

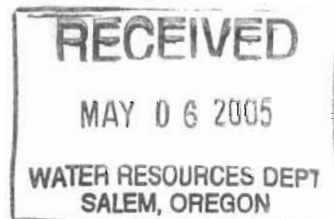
2.3 Term of lease. This lease shall terminate on October 15, 2005. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

~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.

Pooled Landowner Form / 2

FSD



RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON

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

3.5 **Termination provision.**

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

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

Lessor #1: Kelly S. Ausland Date: 2/26/05
Kelly S. Ausland

Elizabeth B. Smith Date: 2/26/05
Elizabeth B. Smith

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes Resources Conservancy

Other Attachments As Needed:

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

RECEIVED
 MAY 06 2005
 WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED
 APR 22 2005
 WATER RESOURCES DEPT
 SALEM OREGON



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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) 10 74147										
1.	16 S	11 E	33	swne	00801	4.0	irr	74148 <i>Sup</i>	8	4/7/1911
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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

Total number of acres, if for irrigation, by certificate and priority date: 4.0

Acre-feet of storage, if applicable: _____

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM OREGON



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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) TO 74147									
1.	16 S	11 E	33	swne	00801	4.0	irr	74149 Sup	1905
2.									
3.									
4.									
5.									
6.									
7.									
8.									
9.									
10.									

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

Total number of acres, if for irrigation, by certificate and priority date: 4.0

Acre-feet of storage, if applicable: _____

RECEIVED
 MAY 06 2005
 WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED
 APR 22 2005
 WATER RESOURCES DEPT
 SALEM OREGON



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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

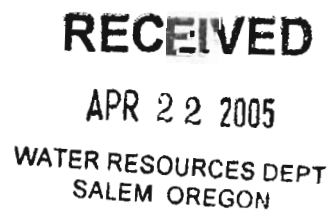
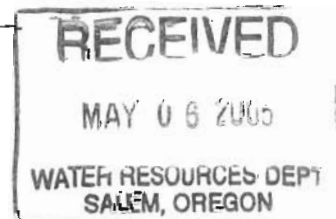
Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
 (Crosshatch the area of water rights being leased).

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)									
							TO 74147		
1.	16 S	11E	33	swne	00801	4.0	irr	76520 Sup	11 12/8/1961
2.									
3.									
4.									
5.									
6.									
7.									
8.									
9.									
10.									

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

Total number of acres, if for irrigation, by certificate and priority date: 4.0

Acre-feet of storage, if applicable: _____



TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY

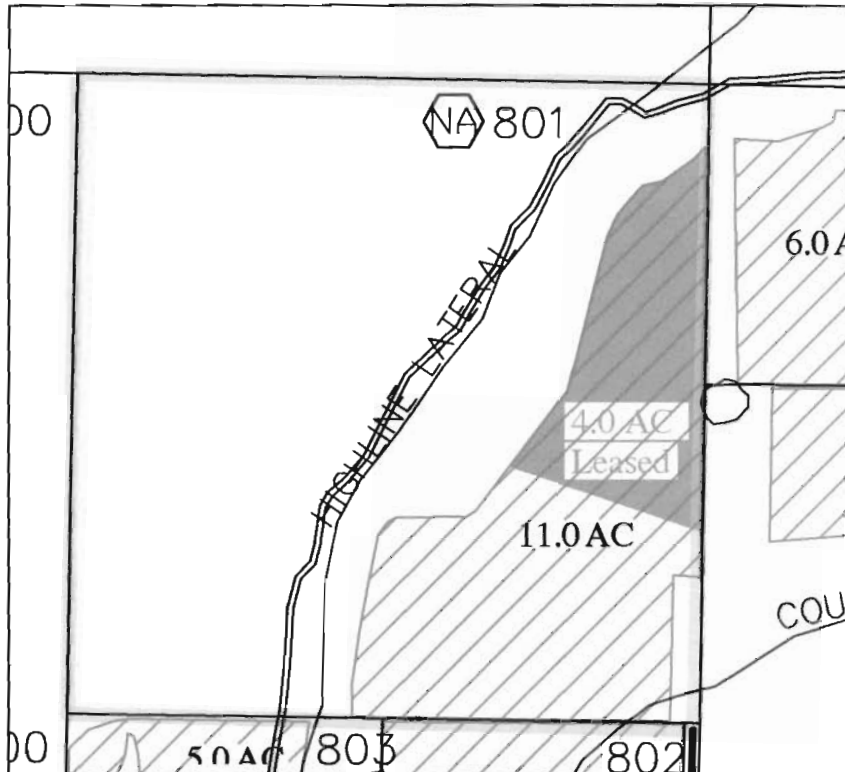
FOR

Ausland, Kelly & Smith, Elizabeth B

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON



RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON



INITIAL: KA / EBS

LOCATED IN THE SE 1/4 OF THE NE 1/4
OF SECTION 33, T.16 S., R.11 E., W.M.
TAX LOTS # 0801
DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'



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

Nov 2004

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

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

RECEIVED
 OVER THE COUNTER

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

Optional Identification by Lessor/Lessee: L05.17
 Lease Agreement Number (assigned by WRD): L-648

This Lease Agreement is between:

Lessor #1 (Landowner):
 (Name) Lon & Shirley Bryant Living Trust, Lon Bryant, Trustee
 (Mailing address) 18215 Pinehurst Road
 (City, State, Zip Code) Bend, OR 97701
 (Telephone number) _____
 (Email address) _____

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
 SALEM, OREGON

If additional landowners, enter landowner information below

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

~I~ Ownership and Water Right Information

1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 16^S
 Range 11^E Section 34 and Tax Lot number 00101. If the water right appurtenant to these
 lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of
 lessor's property) needs to be included.

Field Code Changed
 Field Code Changed

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

Certificate No. Primary 74146, Supplemental 74147, 74148, 74149, 76520

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

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

RECEIVED
 MAY 06 2005
 WATER RESOURCES DEPT
 SALEM, OREGON

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16 S	11 E	34	nene	00101	1.40	irr	74146 P _R 1	8	9/1/1900
2.	16 S	11 E	34	nene	00101	1.60	irr	74146 P _R 1	16	6/1/1907
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 3.0
 Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

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

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

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

RECEIVED
 APR 22 2005
 WATER RESOURCES DEPT
 SALEM, OREGON

~II~ Instream Water Right Information

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

RECEIVED
 MAY 06 2005
 WATER RESOURCES DEPT
 SALEM, OREGON

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

3.5 **Termination provision.**

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

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

Lessor #1: Lon N Bryant Date: 3/07/05
Bryant Living Trust, Lon N. Bryant, Trustee

For additional Lessors, type in space for signature and date

Lessor #2: Shirley D Bryant Date: 3-07-05
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes Resources Conservancy

Other Attachments As Needed:

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

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON



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

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

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16 S	11 E	34	nene	00101	3.0	irr	74147 <i>Sup</i>	8	10/29/1913
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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

Total number of acres, if for irrigation, by certificate and priority date: 3.0
 Acre-feet of storage, if applicable: _____

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
 SALEM, OREGON

FSD



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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) TD 74146										
1.	16 S	11 E	34	nene	00101	3.0	irr	74148 Sup	8	4/7/1911
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: 3.0

Acre-feet of storage, if applicable: _____

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
 SALEM OREGON

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
 SALEM, OREGON



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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)									
1.	16 S	11 E	34	nene	00101	3.0	irr	74149 <i>Sup</i>	1905
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: 3.0
 Acre-feet of storage, if applicable: _____

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM OREGON

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT FSD
SALEM, OREGON



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

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

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16 S	11 E	34	nene	00101	3.0	irr	76520 <i>Sup</i>	12	12/8/1961
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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

Total number of acres, if for irrigation, by certificate and priority date: 3.0
 Acre-feet of storage, if applicable: _____

RECEIVED
 APR 22 2005

WATER RESOURCES DEPT
 SALEM OREGON

RECEIVED
 MAY 06 2005

WATER RESOURCES DEPT
 SALEM, OREGON

FSD

TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY

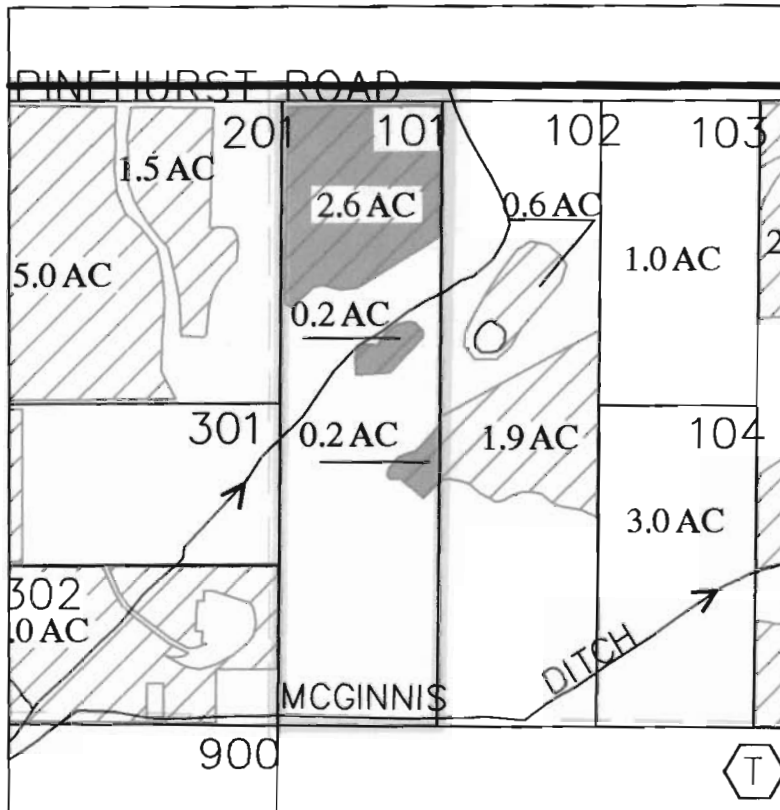
FOR

Bryant, Lon N. & Shirley D.

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON



RECEIVED
MAY 03 2005
WATER RESOURCES DEPT
SALEM, OREGON



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

INITIAL: *LNB*
SDB

LOCATED IN THE NE 1/4 OF THE NE 1/4
OF SECTION 34, T.16 S., R.11 E., W.M.
TAX LOTS # 00101
DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'

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



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

Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

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

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

RECEIVED
OVER THE COUNTER

Optional Identification by Lessor/Lessee: L05.32
Lease Agreement Number (assigned by WRD): L-648

This Lease Agreement is between:

Lessor #1 (Landowner):
(Name) Christianson, Michael & Roberta
(Mailing address) 18993 Innes Market Road
(City, State, Zip Code) Bend, OR 97701
(Telephone number) (541) 385-7895
(Email address) _____

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON

If additional landowners, enter landowner information below

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

~I~ Ownership and Water Right Information

1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 16^S Range 11^W Section 14 and Tax Lot number 00600. If the water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included.

Field Code Changed
Field Code Changed

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

Certificate No. Primary 74146,74147, 76106, Supplemental 74147,74148,74149,76520

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

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

RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16 S	11 E	14	nenw	00600	9.0	irr	74146 PRI	4	9/1/1900
2.	16 S	11 E	11	sesw	00801	4.70	irr	74146 PRI	3	9/1/1900
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 13.70
 Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

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

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

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

~II~ Instream Water Right Information

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

RECEIVED
 MAY 06 2005
 WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED
 APR 22 2005
 WATER RESOURCES DEPT
 SALEM, OREGON

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

3.5 **Termination provision.**

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

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

Lessor #1: Michael J. Christianson Date: 3/11/05

Roberta H. Christianson Date: March 11, 2005

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes Resources Conservancy

Other Attachments As Needed:

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

RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
APR 22 2005
WATER RESOURCES DEPT
SALEM, OREGON



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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) 10 7414p										
1.	16 S	11 E	11	sesw	00801	4.70	irr	74147 Sup	2	10/29/1913
2.	16 S	11 E	14	nenw	00600	9.0	irr	74147 Sup	3	10/29/1913
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: 13.70
 Acre-feet of storage, if applicable: _____

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT FSD
 SALEM, OREGON



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

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

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) TD 74146										
1.	16 S	11 E	11	sesw	00801	4.70	irr	74148 Sup	1	4/7/1911
2.	16 S	11 E	14	nenw	00600	9.0	irr	74148 Sup	2	4/7/1911
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: 13.70

Acre-feet of storage, if applicable: _____

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON



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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) TO 74146									
1.	16 S	11 E	11	sesw	00801	4.70	irr	74149 Sup	1905
2.	16 S	11 E	14	nenw	00600	9.0	irr	74149 Sup	1905
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: 13.70
 Acre-feet of storage, if applicable: _____

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
 SALEM, OREGON

FSD



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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) To 74146										
1.	16 S	11 E	11	sesw	00801	4.70	irr	76520 <i>Sup</i>	5	12/8/1961
2.	16 S	11 E	14	nenw	00600	9.0	irr	76520 <i>Sup</i>	6	12/8/1961
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: 13.70

Acre-feet of storage, if applicable: _____

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
 SALEM OREGON

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
 SALEM, OREGON

FSD



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

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

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16 S	11 E	11	sesw	00801	5.30	irr	74147 Pri	2	10/29/1913
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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

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

Acre-feet of storage, if applicable: _____

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON



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

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

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16 S	11 E	11	sesw	00801	5.30	irr	74148 Sup	21	4/7/1911
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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

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

Acre-feet of storage, if applicable: _____

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
 SALEM OREGON



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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) TO 74147									
1.	16 S	11 E	11	sesw	00801	5.30	irr	74149 Sup	1905
2.									
3.									
4.									
5.									
6.									
7.									
8.									
9.									
10.									

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

Total number of acres, if for irrigation, by certificate and priority date: 5.30
 Acre-feet of storage, if applicable: _____

RECEIVED
 APR 22 2005

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
 SALEM, OREGON

WATER RESOURCES DEPT
 SALEM, OREGON



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

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

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) TO 04147										
1.	16 S	11 E	11	sesw	00801	5.30	irr	76520 <i>Sup</i>	5	12/8/1961
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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

Total number of acres, if for irrigation, by certificate and priority date: 5.30
 Acre-feet of storage, if applicable: _____

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON



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

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

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16 S	11 E	11	sesw	00801	8.0	irr	76106 PR1	1	12/8/1961
2.	16 S	11 E	14	nenw	00600	7.0	irr	76106 PR1	1	12/8/1961
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: 15.0

Acre-feet of storage, if applicable: _____

RECEIVED

APR 22 2005

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
SALEM, OREGON

WATER RESOURCES DEPT
SALEM OREGON



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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)									
1.	16 S	11 E	11	sesw	00801	8.0	irr	74149 <i>Sup</i>	1905
2.	16 S	11 E	14	nenw	00600	7.0	irr	74149 <i>Sup</i>	1905
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: 15.0

Acre-feet of storage, if applicable: _____

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

APR 22 2005

WATER RESOURCES DEPT.
SALEM, OREGON



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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) TO 76106									
1.	16 S	11 E	11	sesw	00801	8.0	irr	76520 Sup 81	12/8/1961
2.	16 S	11 E	14	nenw	00600	7.0	irr	76520 Sup 82	12/8/1961
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: 15.0

Acre-feet of storage, if applicable: _____

RECEIVED
 APR 22 2005
 WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED
 MAY 06 2005
 WATER RESOURCES DEPT
 SALEM, OREGON

TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY

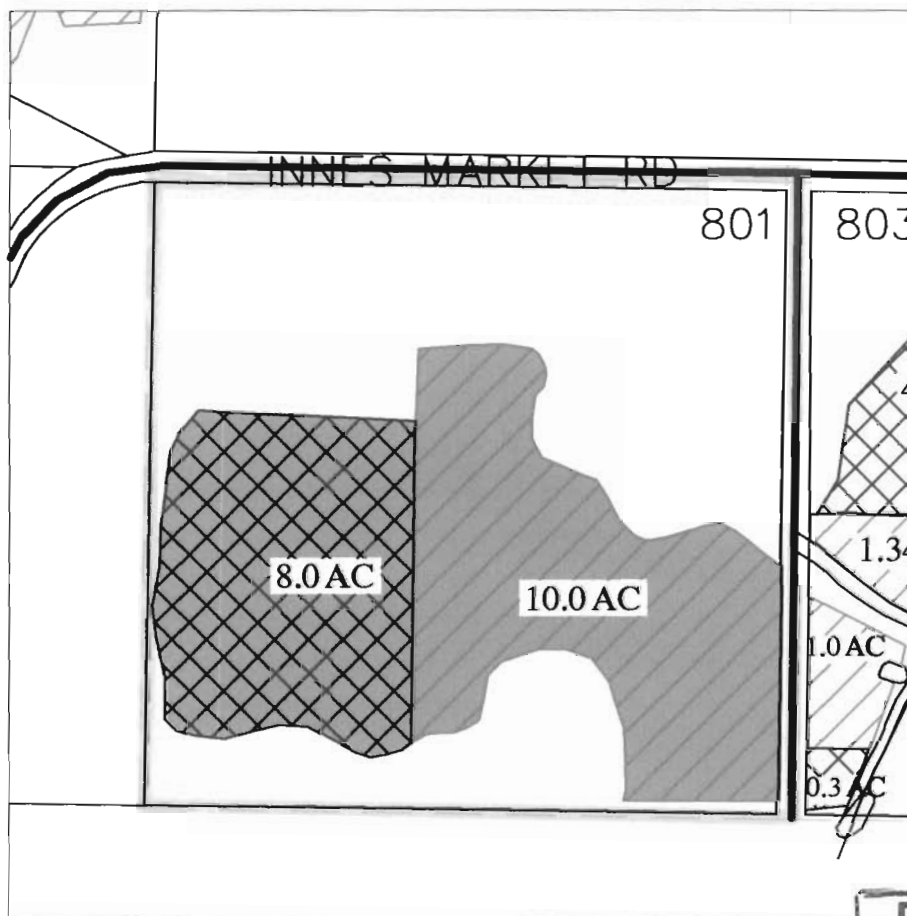
FOR

Christianson, Michael J. & Roberta

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON



RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON

INITIAL: _____

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

LOCATED IN THE SE 1/4 OF THE SW 1/4
OF SECTION 11, T.16 S., R.11 E., W.M.
TAX LOTS # 0801
DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'

TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY

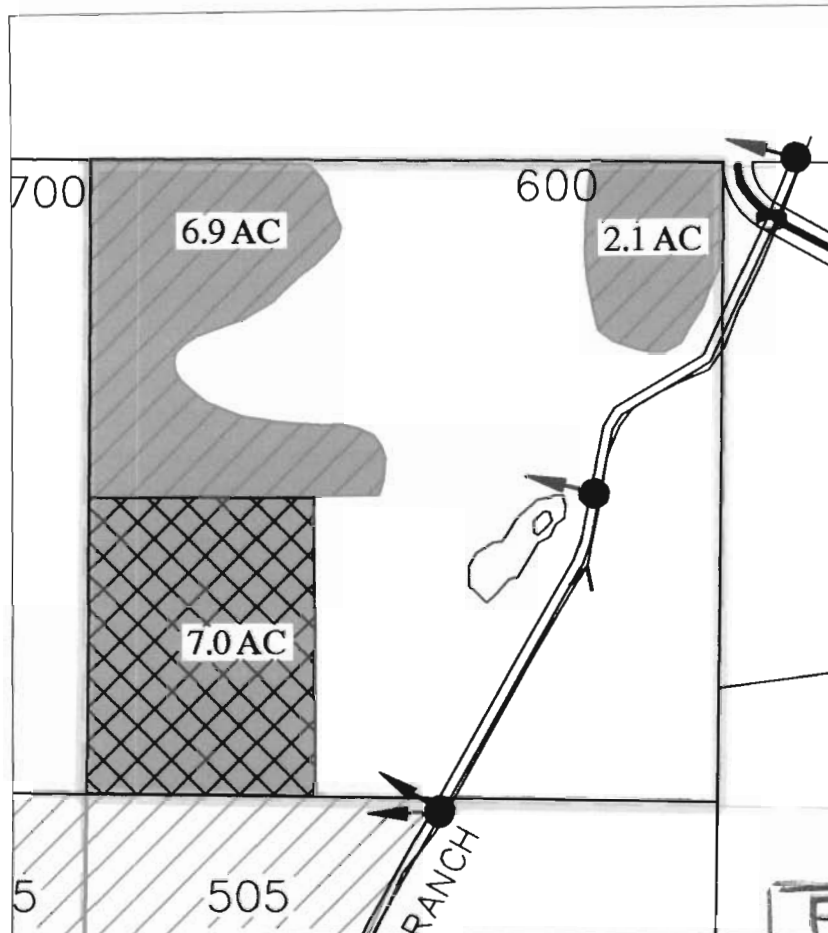
FOR

Christianson, Michael J. & Roberta

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON



RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON



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

INITIAL: 

LOCATED IN THE NE 1/4 OF THE NW1/4
OF SECTION 14, T.16 S., R.11 E., W.M.
TAX LOTS # 0600
DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'

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



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

Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

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

RECEIVED
OVER THE COUNTER

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

Optional Identification by Lessor/Lessee: L05.12
Lease Agreement Number (assigned by WRD): L-648

This Lease Agreement is between:

Lessor #1 (Landowner):
(Name) C.L.R., Inc.
(Mailing address) 703 NW Stone Pine Drive
(City, State, Zip Code) Bend, OR 97701
(Telephone number) (541)389-6562
(Email address) _____

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON

If additional landowners, enter landowner information below

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

~I~ Ownership and Water Right Information

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

Field Code Changed
Field Code Changed

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

Certificate No. Primary 74146,74147,Supplemental 74147,74148,74149,76520

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

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

RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON

T	R	Sect	¼¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16 S	12 E	30	nwse	02100	3.40	irr	74146 PE1	14	5/27/1907
2.	17 S	11 E	13	nwnw	00817	4.0	irr	74146 PE1	14	5/27/1907
3.	17 S	11 E	13	nwnw	00809	1.60	irr	74146 PE1	14	5/27/1907
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 9.0
 Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

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

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

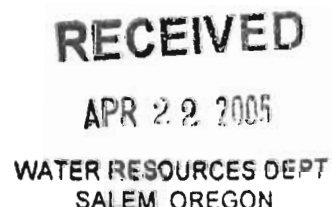
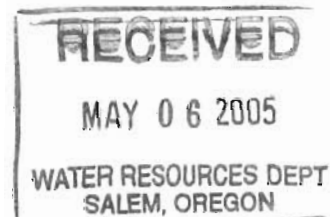
- The water has been used over the past five years according to the terms and conditions of the owner's water right certificate or as an instream water right or
- The water has not been used over the past five years according to the terms and conditions of the owner's water right certificate, however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

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 15, 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: _____ Date: 3/4/05
[Signature]
C.L.R., Inc. Jerry Curl

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes Resources 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

FSD
RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
APR 22 2005
WATER RESOURCES DEPT
SALEM OREGON



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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

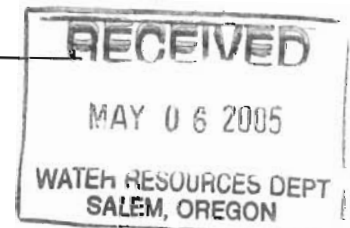
Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
 (Crosshatch the area of water rights being leased).

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) TD 74146										
1.	16 S	12 E	30	nwse	02100	3.40	irr	74147 Sup	14	10/29/1913
2.	17 S	11 E	13	nwnw	00817	4.0	irr	74147 Sup	17	10/29/1913
3.	17 S	11 E	13	nwnw	00809	1.60	irr	74147 Sup	17	10/29/1913
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: 9.0

Acre-feet of storage, if applicable: _____



RECEIVED

APR 22 2005

WATER RESOURCES DEPT
 SALEM, OREGON



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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) <i>To 74146</i>										
1.	16 S	12 E	30	nwse	02100	3.40	irr	74148 <i>Sup</i>	14	4/7/1911
2.	17 S	11 E	13	nwnw	00817	4.0	irr	74148 <i>Sup</i>	16	4/7/1911
3.	17 S	11 E	13	nwnw	00809	1.60	irr	74148 <i>Sup</i>	16	4/7/1911
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: 9.0

Acre-feet of storage, if applicable: _____

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
 SALEM OREGON

RECEIVED

MAY 06 2005

FSD
 WATER RESOURCES DEPT
 SALEM, OREGON



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

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

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) TO 74146									
1.	16 S	12 E	30	nwse	02100	3.40	irr	74149 Sup	1905
2.	17 S	11 E	13	nwnw	00817	4.0	irr	74149 Sup	1905
3.	17 S	11 E	13	nwnw	00809	1.60	irr	74149 Sup	1905
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: 9.0

Acre-feet of storage, if applicable: _____

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
 SALEM, OREGON

FSD



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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) 10 74146										
1.	16 S	12 E	30	nwse	02100	3.40	irr	76520 Sup	18	12/8/1961
2.	17 S	11 E	13	nwnw	00817	4.0	irr	76520 Sup	21	12/8/1961
3.	17 S	11 E	13	nwnw	00809	1.60	irr	76520 Sup	21	12/8/1961
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: 9.0

Acre-feet of storage, if applicable: _____

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
 SALEM OREGON

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
 SALEM, OREGON

FSD



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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)									
1.	16S	12E	30	nwse	02100	.70	irr	74147Pri	14 10/29/1913
2.	16S	12E	30	nese	02100	1.90	irr	74147Pri	14 10/29/1913
3.	16S	12E	30	nese	02000	5.0	irr	74147Pri	14 10/29/1913
4.	16S	12E	30	nese	00100	16.0	irr	74147Pri	14 10/29/1913
5.	16S	12E	30	nese	00100	2.0	Ind	74147Pri	14 10/29/1913
6.	16S	12E	30	sene	00100	13.20	irr	74147Pri	14 10/29/1913
7.	17S	11E	13	nwnw	817	1.36	irr	74147Pri	17 10/29/1913
8.	17S	11E	13	nwnw	00809	3.0	irr	74147Pri	17 10/29/1913
9.	17S	11E	14	nene	00817	3.50	irr	74147Pri	17 10/29/1913
10.									

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

Total number of acres, if for irrigation, by certificate and priority date: 46.66
 Acre-feet of storage, if applicable: _____

RECEIVED
 MAY 06 2005
 WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED
 APR 22 2005
 WATER RESOURCES DEPT
 SALEM, OREGON



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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

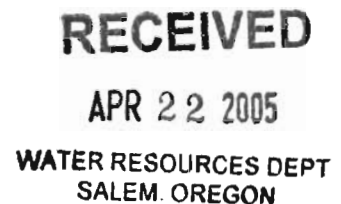
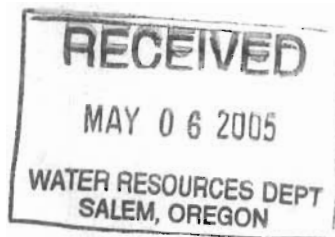
Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) TO 74147										
1.	16S	12E	30	nwse	02100	.70	irr	74148Sup	14	4/7/1911
2.	16S	12E	30	nese	02100	1.90	irr	74148Sup	14	4/7/1911
3.	16S	12E	30	nese	02000	5.0	irr	74148Sup	14	4/7/1911
4.	16S	12E	30	nese	00100	16.0	irr	74148Sup	14	4/7/1911
5.	16S	12E	30	nese	00100	2.0	Ind	74148Sup	14	4/7/1911
6.	16S	12E	30	sene	00100	13.20	irr	74148Sup	14	4/7/1911
7.	17S	11E	13	nwnw	00817	1.36	irr	74148Sup	17 16	4/7/1911
8.	17S	11E	13	nwnw	00809	3.0	irr	74148Sup	16	4/7/1911
9.	17S	11E	14	nene	00817	3.50	irr	74148Sup	16 17	4/7/1911
10.										

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

Total number of acres, if for irrigation, by certificate and priority date: 46.66
 Acre-feet of storage, if applicable: _____





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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

(Crosshatch the area of water rights being leased).

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) To 74147									
1.	16S	12E	30	nwse	02100	.70	irr	74149Sup	1905
2.	16S	12E	30	nese	02100	1.90	irr	74149Sup	1905
3.	16S	12E	30	nese	02000	5.0	irr	74149Sup	1905
4.	16S	12E	30	nese	00100	16.0	irr	74149Sup	1905
5.	16S	12E	30	nense	00100	2.0	Ind	74149Sup	1905
6.	16S	12E	30	sene	00100	13.20	irr	74149Sup	1905
7.	17S	11E	13	nwnw	00817	1.36	irr	74149Sup	1905
8.	17S	11E	13	nwnw	00809	3.0	irr	74149Sup	1905
9.	17S	11E	14	nene	00817	3.50	irr	74149Sup	1905
10.									

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

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

Acre-feet of storage, if applicable: _____

RECEIVED
 MAY 06 2005
 WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED
 APR 22 2005
 WATER RESOURCES DEPT
 SALEM, OREGON



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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

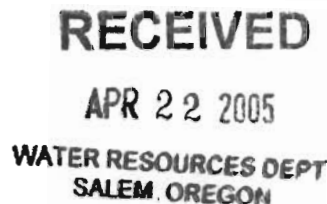
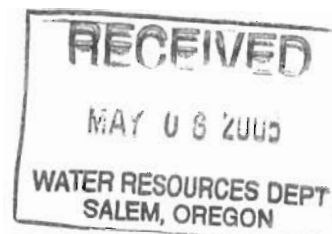
Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
 (Crosshatch the area of water rights being leased).

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) TO 74147										
1.	16S	12E	30	nwse	02100	.70	irr	76520Sup	18	12/8/1961
2.	16S	12E	30	nese	02100	1.90	irr	76520Sup	18	12/8/1961
3.	16S	12E	30	nese	02000	5.0	irr	76520Sup	18	12/8/1961
4.	16S	12E	30	nese	00100	16.0	irr	76520Sup	18	12/8/1961
5.	16S	12E	30	sene	00100	13.20	irr	76520Sup	18	12/8/1961
6.	17S	11E	13	nwnw	00817	1.36	irr	76520Sup	21	12/8/1961
7.	17S	11E	13	nwnw	00809	3.0	irr	76520Sup	21	12/8/1961
8.	17S	11E	14	nene	00817	3.50	irr	76520Sup	21	12/8/1961
9.										
10.										

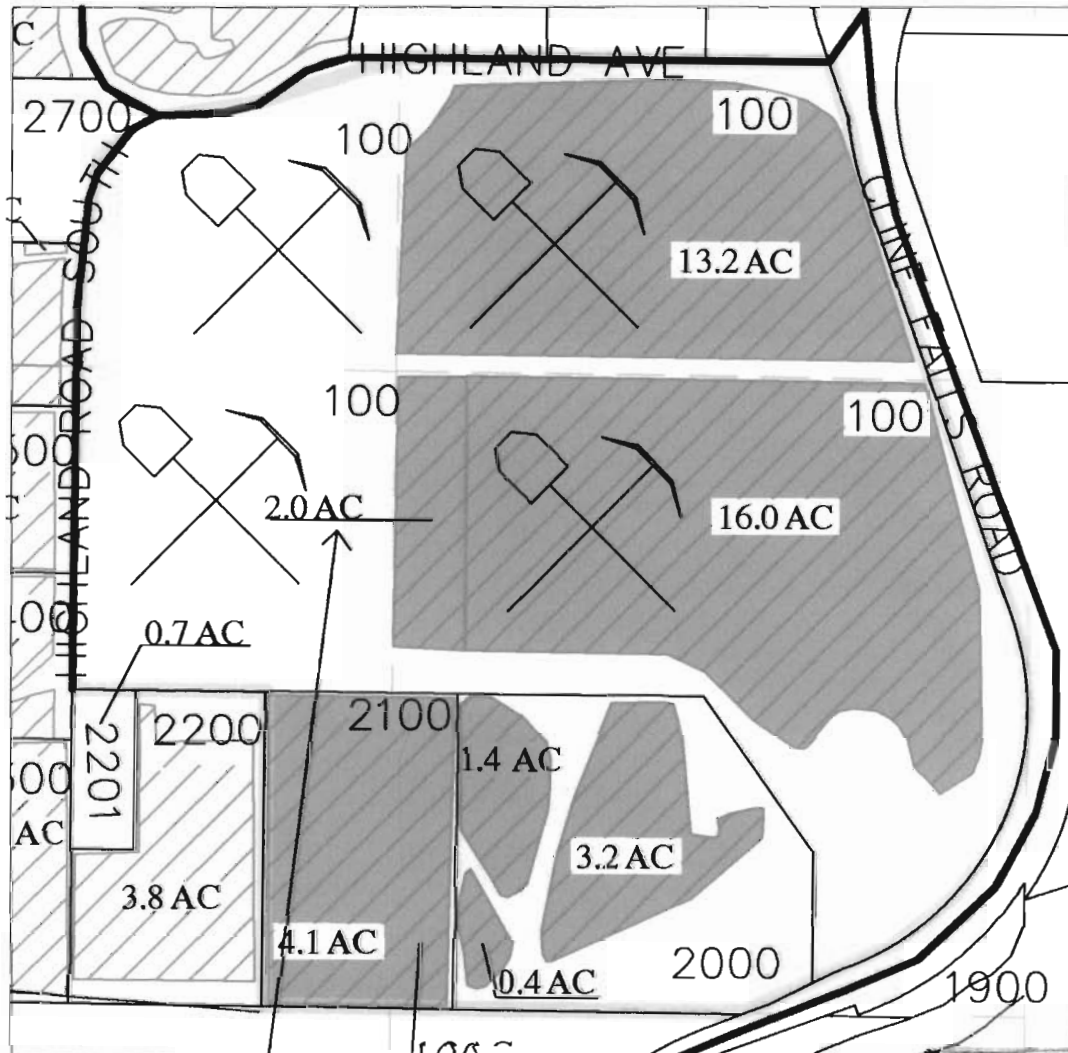
[Attached map(s) must identify property owner, Township, Range, Section and ¼ ¼, tax lot number, map orientation and scale.]

Total number of acres, if for irrigation, by certificate and priority date: 44.66

Acre-feet of storage, if applicable: _____



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



RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON



SCALE: 1" = 400'

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

LOCATED IN THE NE 1/4 OF THE SE 1/4
OF SECTION 30, T.16 S., R.12 E., W.M.
TAX LOTS # 100

DESCHUTES COUNTY, OREGON

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

RECEIVED

MAY 06 2005

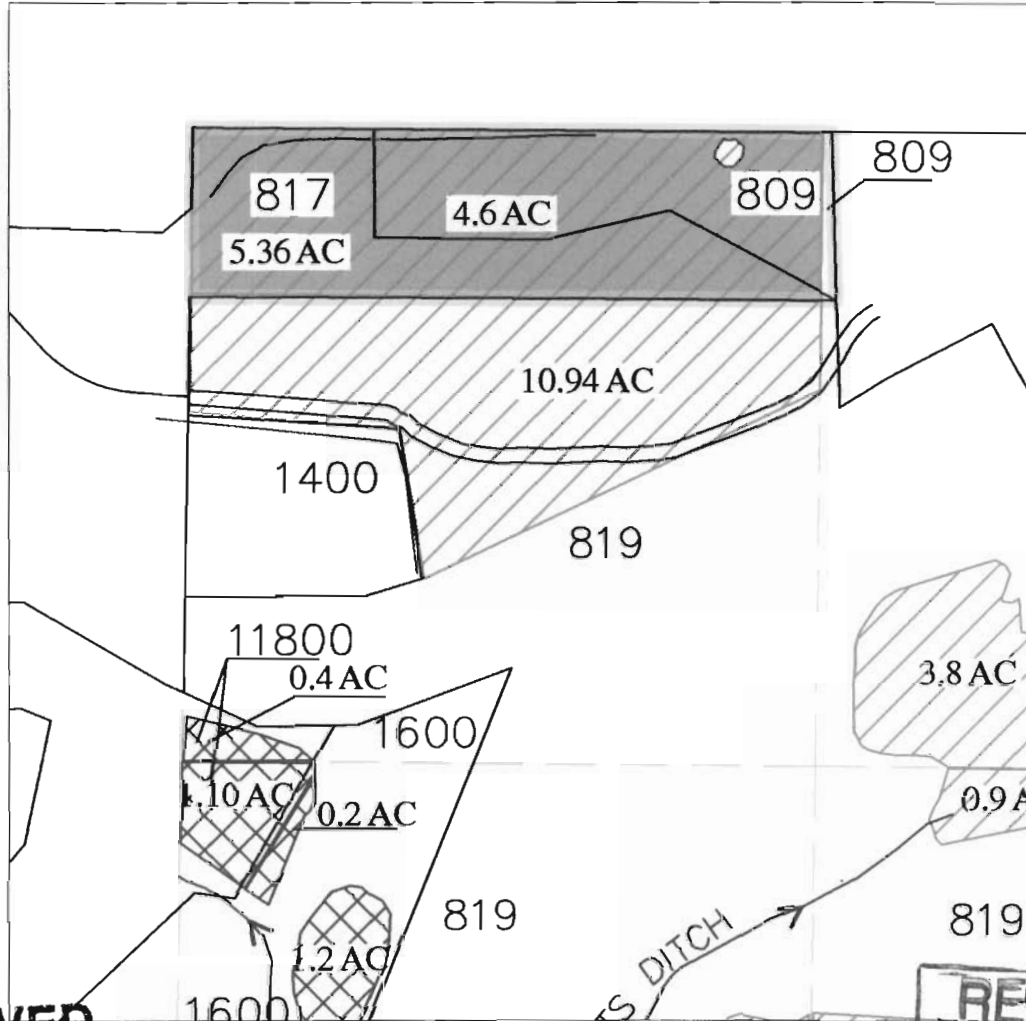
WATER RESOURCES DEPT
SALEM, OREGON

INITIAL: *[Signature]*



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

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



RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
MAY 09 2005
WATER RESOURCES DEPT
SALEM, OREGON

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

INITIAL: 

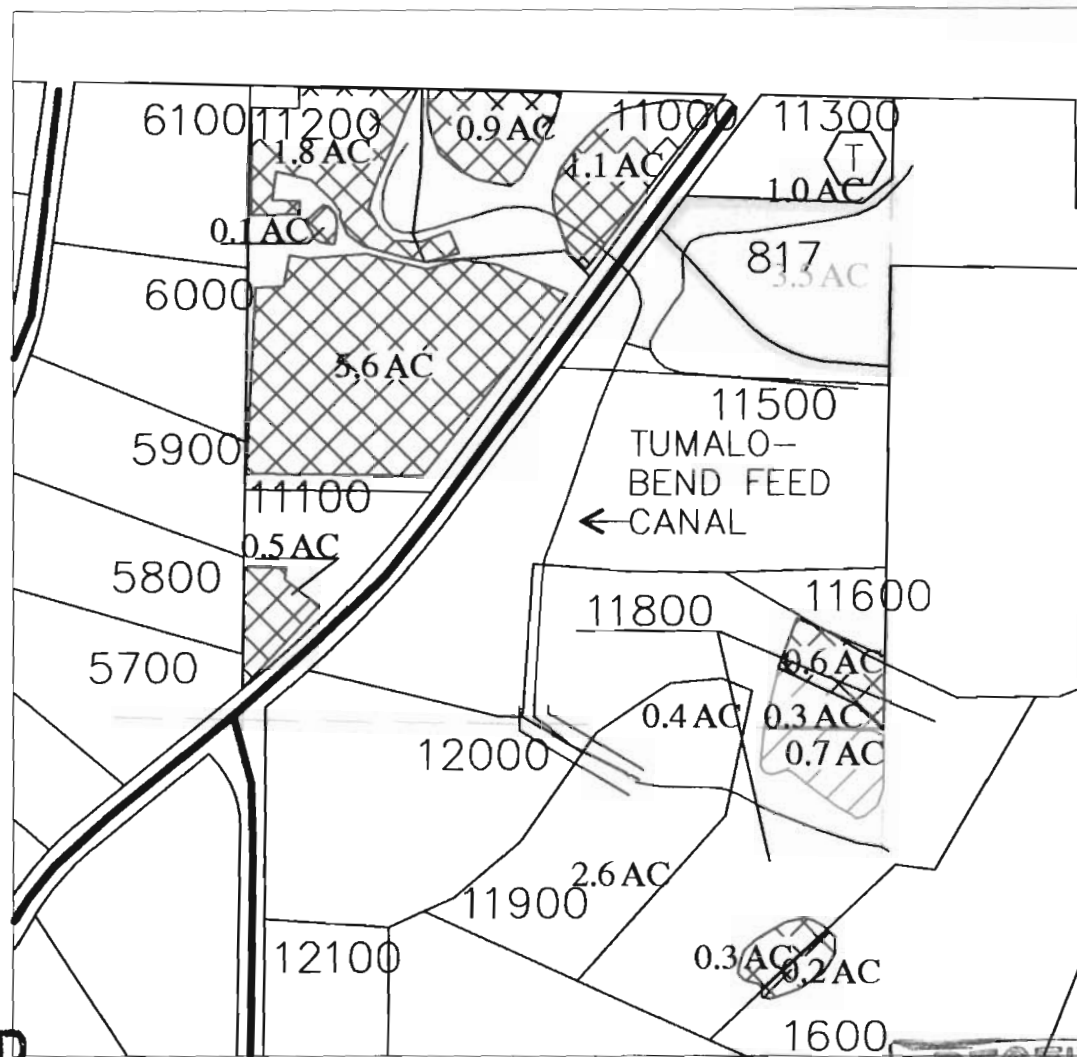
LOCATED IN THE NW 1/4 OF THE NW 1/4
OF SECTION 13, T.17 S., R.11 E., W.M.
TAX LOTS # 817 & 809
DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'

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

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



RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON



SCALE: 1" = 400'

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

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
SALEM, OREGON

INITIAL: *[Signature]*

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





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

Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

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

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

Optional Identification by Lessor/Lessee: L05.22
Lease Agreement Number (assigned by WRD): L-648

RECEIVED
OVER THE COUNTER

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Joyce E. Coats Rev. Truust, Joyce E. Coats, CoTrustee, Eric W Coats, CoTrustee
(Mailing address) 63285 Skyline Ranch Rd.
(City, State, Zip Code) Bend, OR 97701
(Telephone number) (541)383-8826
(Email address) _____

If additional landowners, enter landowner information below

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

~I~ Ownership and Water Right Information

1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 17 1/2 Range 11 1/2, Section 13 and Tax Lot number 00100. If the water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included.

Field Code Changed
Field Code Changed

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

Certificate No. P76106, Supplemental 74149.76520

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

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

RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	17 S	11 E	13	nwse	00100	5.90	irr	76106 Pr1	4	12/8/1961
2.	17 S	11 E	13	swse	00100	2.50	irr	76106 Pr1	4	12/8/1961
3.	17 S	11 E	13	nesw	00500	11.20	irr	76106 Pr1	4	12/8/1961
4.	17 S	11 E	13	sww	00500	.40	irr	76106 Pr1	4	12/8/1961
5.	17 S	11 E	13	sesw	00500	29.10	irr	76106 Pr1	4	12/8/1961

Total number of acres, if for irrigation, by certificate and priority date: 49.10
 Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

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

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

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

~II~ Instream Water Right Information

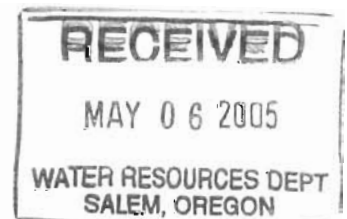
2.3 Term of lease. This lease shall terminate on October 15, 2005. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

~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.

Pooled Landowner Form / 2

FSD



RECEIVED

APR 22 2005

**WATER RESOURCES DEPT
SALEM, OREGON**



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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	17 S	11 E	13	swse	00500	4.50	irr	76106 Per	4	12/8/1961
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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

Total number of acres, if for irrigation, by certificate and priority date: 4.50

Acre-feet of storage, if applicable: _____

RECEIVED RECEIVED

MAY 06 2005 APR 22 2005

WATER RESOURCES DEPT
 WATER RESOURCES DEPT SALEM, OREGON
 SALEM, OREGON

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

3.5 **Termination provision.**

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

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

Lessor #1: Joyce E. Coats Date: 3-3-05
Joyce E. Coats Rev Trust, Joyce E. Coats, CoTrustee

Eric W. Coats Date: 3-3-05
Joyce E. Coats Rev Trust, Eric W. Coats, CoTrustee

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes Resources 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

FSD
RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
APR 22 2005
WATER RESOURCES DEPT
SALEM OREGON



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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) TO 76106									
1.	17 S	11 E	13	nwse	00100	5.90	irr	74149 Sup	1905
2.	17 S	11 E	13	swse	00100	2.50	irr	74149 Sup	1905
3.	17 S	11 E	13	nesw	00500	11.20	irr	74149 Sup	1905
4.	17 S	11 E	13	sww	00500	.40	irr	74149 Sup	1905
5.	17 S	11 E	13	sesw	00500	29.10	irr	74149 Sup	1905
6.	17 S	11 E	13	swse	00500	4.50	irr	74149 Sup	1905
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: 53.60

Acre-feet of storage, if applicable: _____

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
 SALEM OREGON



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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	17 S	11 E	13	nwse	00100	5.90	irr	76520 <i>TD 76106</i> <i>Sup</i>	4	12/8/1961
2.	17 S	11 E	13	swse	00100	2.50	irr	76520 <i>Sup</i>	4	12/8/1961
3.	17 S	11 E	13	nesw	00500	11.20	irr	76520 <i>Sup</i>	4	12/8/1961
4.	17 S	11 E	13	sww	00500	.40	irr	76520 <i>Sup</i>	4	12/8/1961
5.	17 S	11 E	13	sesw	00500	29.10	irr	76520 <i>Sup</i>	4	12/8/1961
6.	17 S	11 E	13	swse	00500	4.50	irr	76520 <i>Sup</i>	4	12/8/1961
7.										
8.										
9.										
10.										

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

Total number of acres, if for irrigation, by certificate and priority date: 53.60

Acre-feet of storage, if applicable: _____

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON



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

Nov 2004

Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

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

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

RECEIVED
 OVER THE COUNTER

Optional Identification by Lessor/Lessee: L05.09
 Lease Agreement Number (assigned by WRD): L-649

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Cobb, Ann Wright
 (Mailing address) 18295 Tumalo Reservoir Rd.
 (City, State, Zip Code) Bend, OR 97701
 (Telephone number) (541)382-4348
 (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 17² Range 11² Section 04 and Tax Lot number 00500. If the water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included.

Field Code Changed
 Field Code Changed

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

Certificate No. Primary 74146, Supplemental 74147, 74148, 74149, 76520

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

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

FSD

RECEIVED
 MAY 06 2005
 WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
 SALEM OREGON

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	17 S	11 E	04	nwne	00500	6.0	irr	74146 P21	12	9/1/1900
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 6.0
 Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

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

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

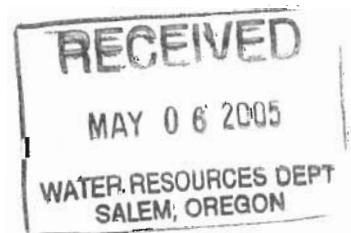
- The water has been used over the past five years according to the terms and conditions of the owner's water right certificate or as an instream water right or
- The water has not been used over the past five years according to the terms and conditions of the owner's water right certificate, however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

~II~ Instream Water Right Information

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



RECEIVED

APR 22 2005

**WATER RESOURCES DEPT
SALEM OREGON**

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

3.5 **Termination provision.**

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

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

Lessor #1: Ann Wright Cobb Date: 03/08/05
Ann Wright Cobb

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes Resources 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

FSD
RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
APR 22 2005
WATER RESOURCES DEPT
SALEM OREGON



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

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

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

~I~

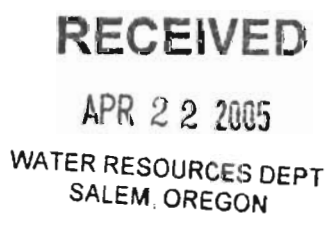
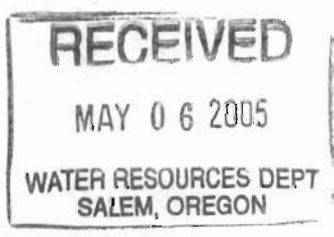
Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) TO 74146										
1.	17 S	11 E	04	nwne	00500	6.0	irr	74147 Sup	16	10/29/1913
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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

Total number of acres, if for irrigation, by certificate and priority date: 6.0
 Acre-feet of storage, if applicable: _____





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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	17 S	11 E	04	nwne	00500	6.0	irr	74148 <i>Sup</i>	16	4/7/1911
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: 6.0

Acre-feet of storage, if applicable: _____

RECEIVED
 MAY 06 2005
 WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED
 APR 22 2005
 WATER RESOURCES DEPT
 SALEM OREGON



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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

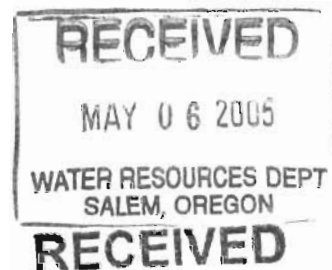
Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
 (Crosshatch the area of water rights being leased).

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)									
1.	17 S	11 E	04	nwne	00500	6.0	irr	74149 <i>Sup</i>	1905
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: 6.0

Acre-feet of storage, if applicable: _____



APR 22 2005

WATER RESOURCES DEPT
 SALEM OREGON



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

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

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

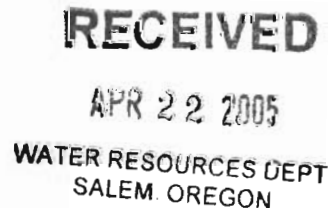
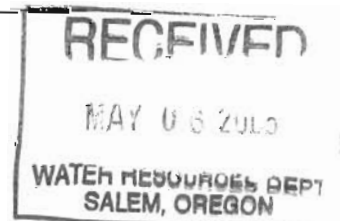
Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
 (Crosshatch the area of water rights being leased).

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) TO 7446										
1.	17 S	11 E	04	nwne	00500	6.0	irr	76520 <i>Sup</i>	20	12/8/1961
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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

Total number of acres, if for irrigation, by certificate and priority date: 6.0

Acre-feet of storage, if applicable: _____



TUMALO IRRIGATION DISTRICT
IN-STREAM LEASED WATER RIGHTS SURVEY

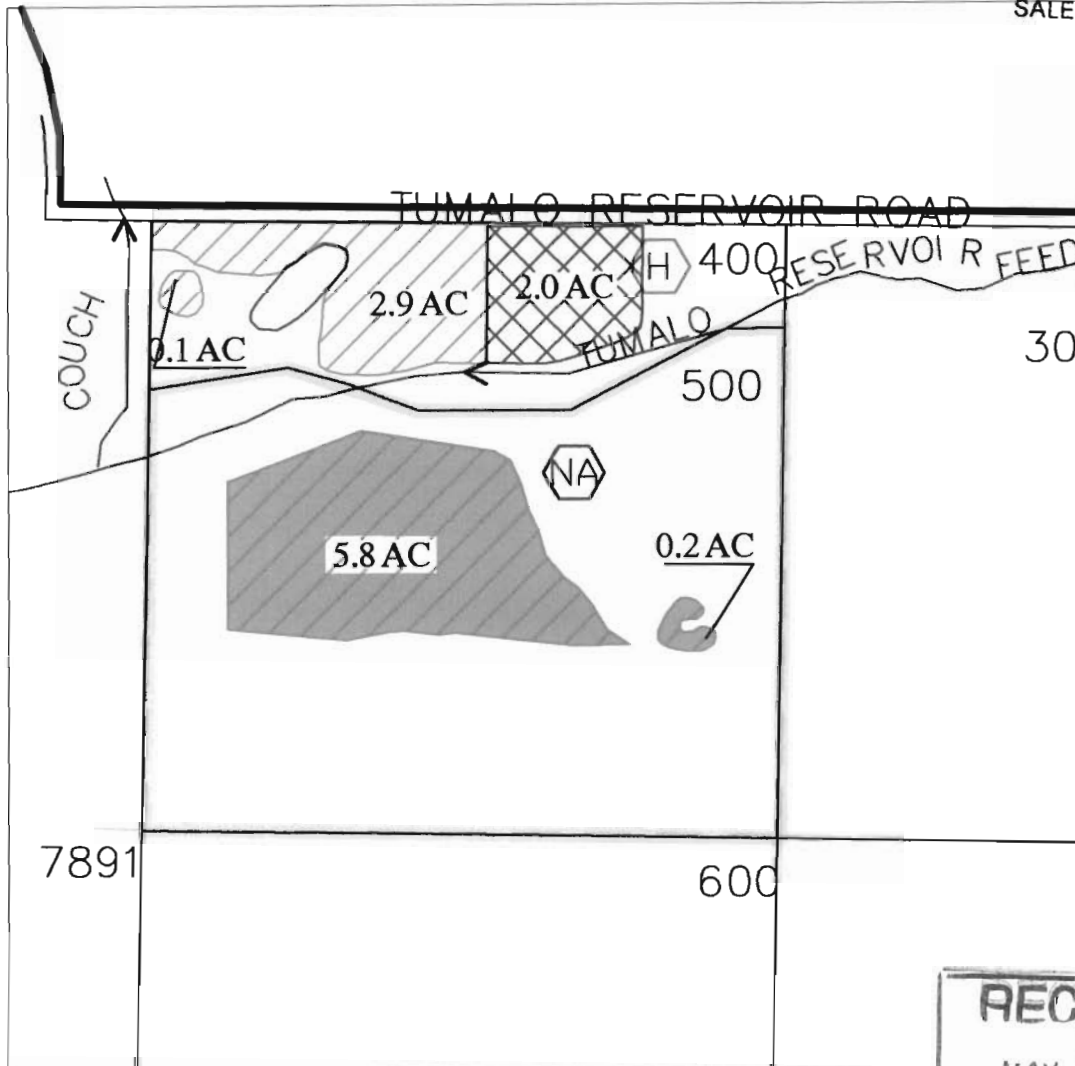
EXHIBIT 5-A & 5-B
L 05.09

FOR
Cobb, Ann Wright

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM OREGON



RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON

INITIAL: AWC

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



LOCATED IN THE NW 1/4 OF THE NE 1/4
OF SECTION 04, T17 S., R11 E., W.M.
TAX LOTS # 00500
DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'

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



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

Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

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

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

RECEIVED
OVER THE COUNTER

Optional Identification by Lessor/Lessee: L05.29
Lease Agreement Number (assigned by WRD): L-648

This Lease Agreement is between:

Lessor #1 (Landowner):
(Name) Coleman, Glenn A. & Nancy D.
(Mailing address) 18770 Tumalo Reservoir Road
(City, State, Zip Code) Bend, OR 97701
(Telephone number) (541)382-5357
(Email address) _____

If additional landowners, enter landowner information below

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

~I~ Ownership and Water Right Information

1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 16^S, Range 11^E Section 34 and Tax Lot number 01000. If the water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included.

Field Code Changed
Field Code Changed

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

Certificate No. Primary 74147, Supplemental 74148, 74149, 76520

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

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

RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON

T	R	Sect	¼¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16 S	11 E	34	sene	01000	13.0	irr	74147 Pri	8	10/29/1913
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 13.0
 Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

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

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

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

~II~ Instream Water Right Information

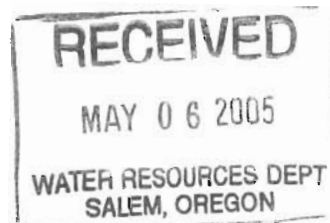
2.3 Term of lease. This lease shall terminate on October 15, 2005. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

~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.

Pooled Landowner Form 12

FSD



RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON

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

3.5 **Termination provision.**

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

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

Lessor #1: Glenn A. Coleman Date: 11 MAR 05
Glenn A. Coleman

Nancy Coleman Date: March 11, 2005
Nancy D. Coleman

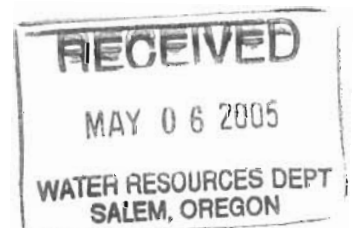
For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes Resources Conservancy

Other Attachments As Needed:

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



RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON



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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16 S	11 E	34	sene	01000	13.0	irr	74148 <i>Sup</i>	8	4/7/1911
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: 13.0
 Acre-feet of storage, if applicable: _____

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
 SALEM OREGON



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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

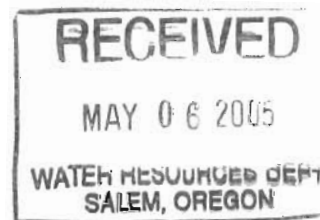
(Crosshatch the area of water rights being leased).

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)									
							T07447		
1.	16 S	11 E	34	sene	01000	13.0	irr	74149 Sup	1905
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: 13.0

Acre-feet of storage, if applicable: _____



RECEIVED

APR 22 2005

WATER RESOURCES DEPT
 SALEM, OREGON



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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

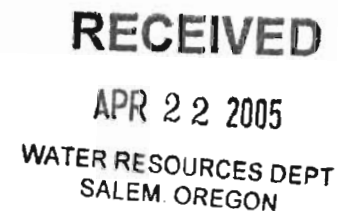
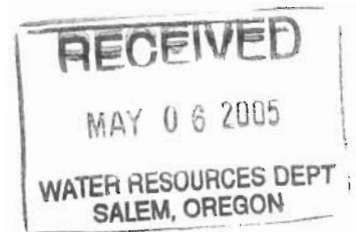
Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
 (Crosshatch the area of water rights being leased).

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16 S	11 E	34	sene	01000	13.0	irr	76520 <i>Sup</i>	12	12/8/1961
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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

Total number of acres, if for irrigation, by certificate and priority date: 13.0

Acre-feet of storage, if applicable: _____



TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY

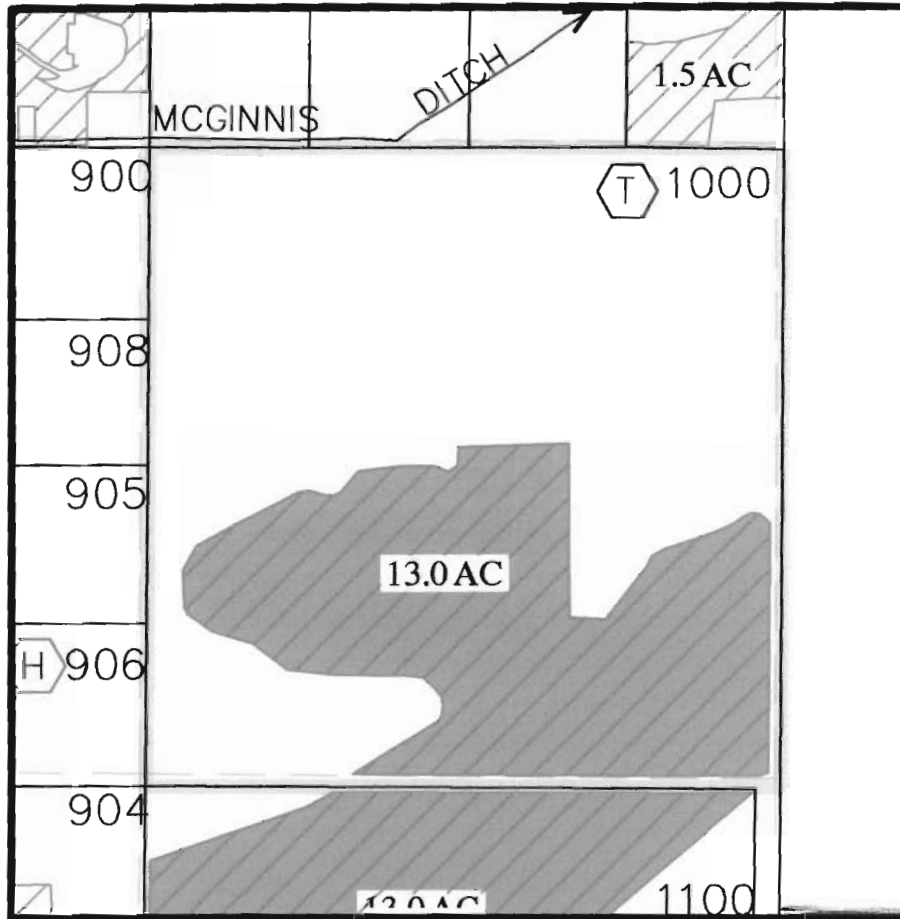
FOR

Coleman, Glenn A. & Nancy D.

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON



RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
SALEM, OREGON

INITIAL



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

LOCATED IN THE SE 1/4 OF THE NE 1/4
OF SECTION 34, T.16 S., R.11 E., W.M.

TAX LOTS # 01000

DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'

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



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

Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

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

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

Optional Identification by Lessor/Lessee: 1.05.14
Lease Agreement Number (assigned by WRD): _____

RECEIVED
OVER THE COUNTER

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Colker, Audrey
(Mailing address) 1133 9th St. #206
(City, State, Zip Code) Santa Monica, CA 90403
(Telephone number) (310)393-5973
(Email address) _____

If additional landowners, enter landowner information below

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

~I~ Ownership and Water Right Information

1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 16^S
Range 11^E, Section 28 and Tax Lot number 01000. If the water right appurtenant to these
lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of
lessor's property) needs to be included.

Field Code Changed
Field Code Changed

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

Certificate No. Primary 74146, Supplemental 74147, 74148, 74149, 76520

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

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

RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
APR 22 2005
WATER RESOURCES DEPT
SALEM, OREGON

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16 S	11 E	28	nwse	01000	10.3	irr	74146 121	7	9/1/1900
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 10.3
 Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

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

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

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

~II~ Instream Water Right Information

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

Pooled Landowner Form / 2

FSD

RECEIVED
 MAY 06 2005
 WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED
 APR 22 2005
 WATER RESOURCES DEPT
 SALEM OREGON

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

3.5 **Termination provision.**

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

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

Lessor #1: Audrey Colker Date: March 7, 2005
Audrey Colker

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes Resources 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

FSD

RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
APR 22 2005
WATER RESOURCES DEPT
SALEM, OREGON



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

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

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)									
							TO 74146		
1.	16 S	11 E	28	nwse	01000	10.3	irr	74147 Sup	8 10/29/1913
2.									
3.									
4.									
5.									
6.									
7.									
8.									
9.									
10.									

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

Total number of acres, if for irrigation, by certificate and priority date: 10.3

Acre-feet of storage, if applicable: _____

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON



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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16 S	11 E	28	nwse	01000	10.3	irr	74148 ^{TO 74146} <i>Sup</i>	7	4/7/1911
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: 10.3

Acre-feet of storage, if applicable: _____

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON



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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

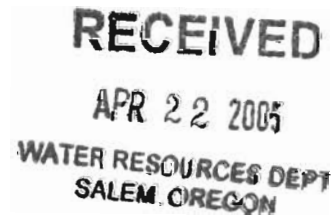
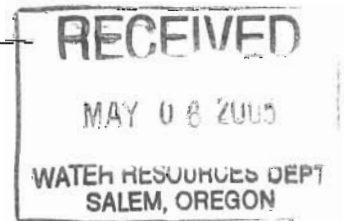
Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
 (Crosshatch the area of water rights being leased).

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)									
1.	16 S	11 E	28	nwse	01000	10.3	irr	74149 Sup	1905
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: 10.3

Acre-feet of storage, if applicable: _____





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

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

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16 S	11 E	28	nwse	01000	10.3	irr	76520 <i>Sup</i>	11	12/8/1961
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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

Total number of acres, if for irrigation, by certificate and priority date: 10.3

Acre-feet of storage, if applicable: _____

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON

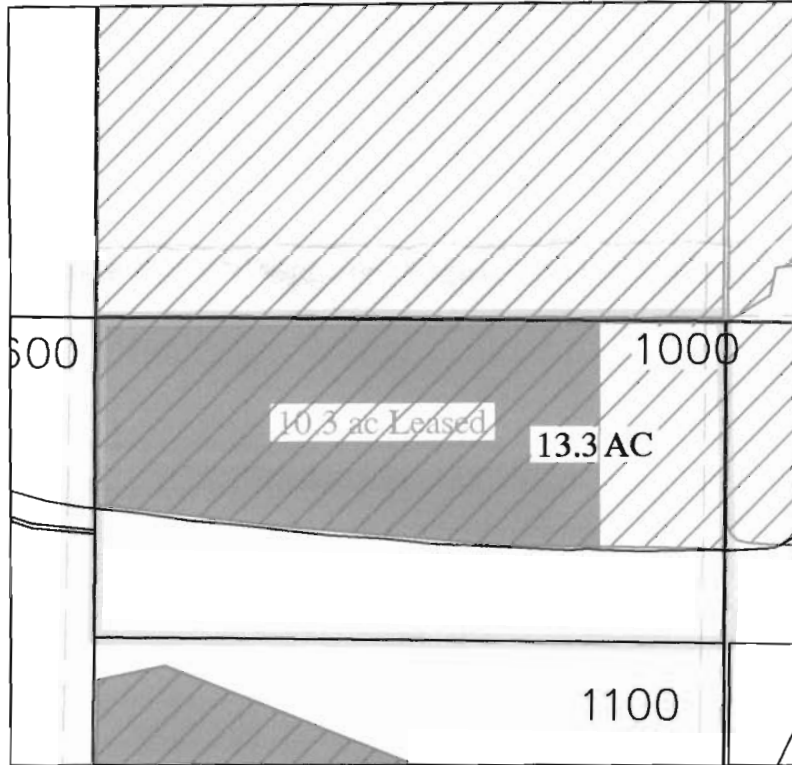
TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY

FOR
Colker, Audrey

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON



RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON



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

INITIAL: *AC*

LOCATED IN THE NW1/4 OF THE SE 1/4
OF SECTION 28, T.16 S., R.11 E., W.M.
TAX LOTS # 01000
DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'

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



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

Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

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

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

RECEIVED
OVER THE COUNTER

Optional Identification by Lessor/Lessee: L05.18
Lease Agreement Number (assigned by WRD): C-648

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Jack E & Barbara J Dodd Family Trust, Barbara J. Dodd, Trustee & Jack E. Dodd, Trustee

(Mailing address) 64515 Rock Springs Rd.
(City, State, Zip Code) Bend, OR 97701
(Telephone number) (541)385-1394
(Email address) _____

If additional landowners, enter landowner information below

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

~I~ Ownership and Water Right Information

1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 16^S
Range 11^E, Section 33 and Tax Lot number 00805. If the water right appurtenant to these
lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of
lessor's property) needs to be included.

Field Code Changed
Field Code Changed

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

Certificate No. Primary 74147, Supplemental 74148, 74149, 76520

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

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

RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
APR 22 2005
WATER RESOURCES DEPT
SALEM, OREGON

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16 S	11 E	33	nwse	00805	4.50	irr	74147 Pri	8	10/29/1913
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 4.50
 Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

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

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

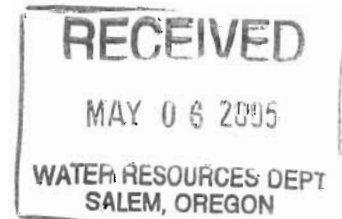
- The water has been used over the past five years according to the terms and conditions of the owner's water right certificate or as an instream water right or
- The water has not been used over the past five years according to the terms and conditions of the owner's water right certificate, however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

~II~ Instream Water Right Information

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



RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON

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

3.5 **Termination provision.**

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

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

Lessor #1: *Jack E. Dodd* Date: 3/2/05
Jack E. Dodd, Trustee
Barbara J. Dodd Date: 3/2/05
Barbara J. Dodd, Trustee

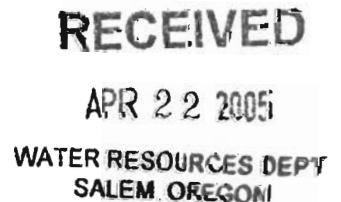
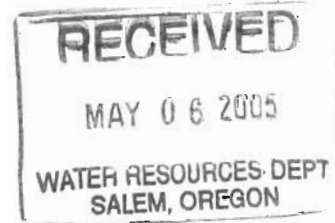
For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes Resources 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
 Salem, Oregon 97301-1271
 (503) 986-0900

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) TO 74147										
1.	16 S	11 E	33	nwse	00805	4.50	irr	74148 <i>Sup</i>	8	4/7/1911
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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

Total number of acres, if for irrigation, by certificate and priority date: 4.50

Acre-feet of storage, if applicable: _____

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON



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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) TO 74147									
1.	16 S	11 E	33	nwse	00805	4.50	irr	74149 Sup	1905
2.									
3.									
4.									
5.									
6.									
7.									
8.									
9.									
10.									

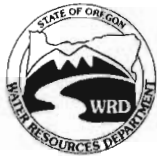
[Attached map(s) must identify property owner, Township, Range, Section and ¼ ¼, tax lot number, map orientation and scale.]

Total number of acres, if for irrigation, by certificate and priority date: 4.50

Acre-feet of storage, if applicable: _____

RECEIVED
 MAY 06 2005
 WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED
 APR 22 2005
 WATER RESOURCES DEPT
 SALEM, OREGON



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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

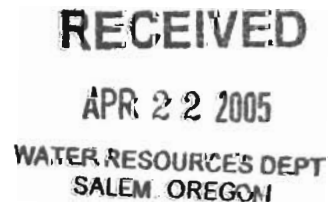
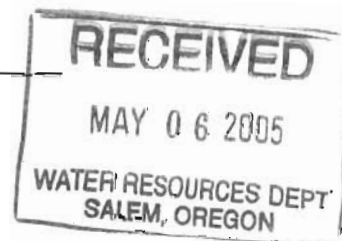
Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
 (Crosshatch the area of water rights being leased).

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16 S	11 E	33	nwse	00805	4.50	irr	76520 <i>Sup</i>	11	12/8/1961
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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

Total number of acres, if for irrigation, by certificate and priority date: 4.50

Acre-feet of storage, if applicable: _____

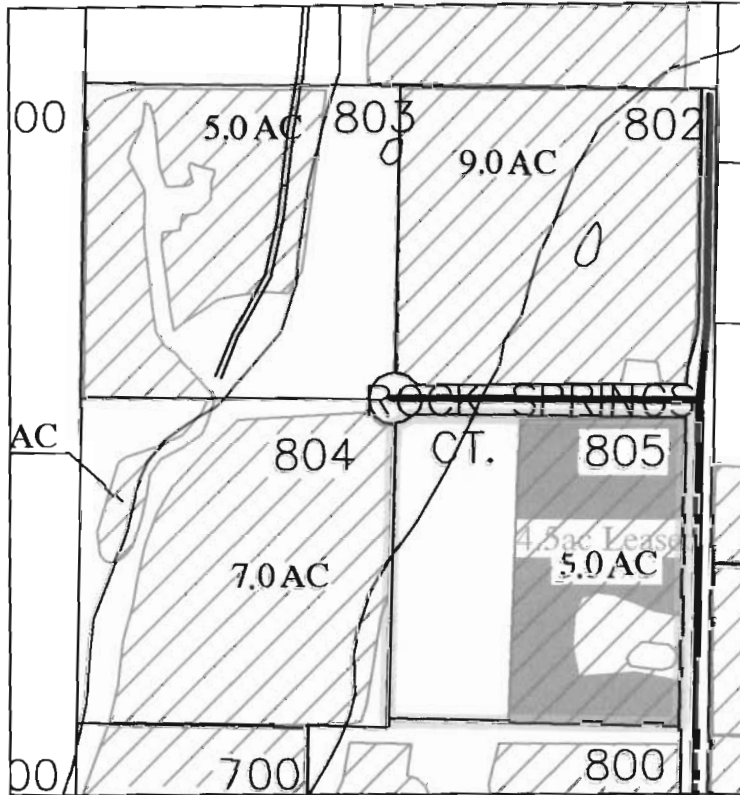


TUMALO IRRIGATION DISTRICT
IN-STREAM LEASED WATER RIGHTS SURVEY
FOR
Dodd Family Trust

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON



RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON

INITIAL: BD

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



LOCATED IN THE NW1/4 OF THE SE 1/4
OF SECTION 33, T.16 S., R.11 E., W.M.
TAX LOTS # 0805
DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'

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



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

Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

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

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

Optional Identification by Lessor/Lessee: L05.27
Lease Agreement Number (assigned by WRD): L-698

RECEIVED
OVER THE COUNTER

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Frick, Charles J. & Linda B.
(Mailing address) PO Box 901
(City, State, Zip Code) Mendenhall, PA 19357
(Telephone number) (601)388-6849
(Email address) _____

If additional landowners, enter landowner information below

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

~I~ Ownership and Water Right Information

1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 16^S, Range 11^E, Section 26 and Tax Lot number 00700. If the water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included.

Field Code Changed
Field Code Changed

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

Certificate No. Primary 74146, Supplemental 74147,74148,74149,76520

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

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

RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
APR 22 2005
WATER RESOURCES DEPT
SALEM, OREGON

T	R	Sect	¼¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16 S	11 E	26	sese	00700	15.50	irr	74146 Pe1	15	6/1/1907
2.										
3.										
4.										
5.										

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

Conditions or other limitations, if any: _____

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

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

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

~II~ Instream Water Right Information

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

RECEIVED
 MAY 06 2005
 WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED
 APR 22 2005
 WATER RESOURCES DEPT
 SALEM, OREGON

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

3.5 **Termination provision.**

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

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

Lessor #1: Charles J. Frick Date: 3/6/05
Charles J. Frick

Linda B. Frick Date: 3/10/05
Linda B. Frick

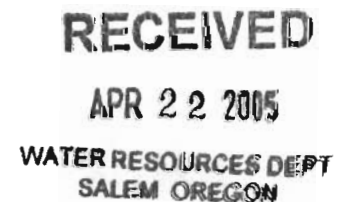
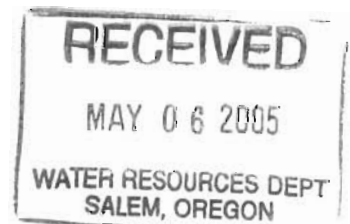
For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes Resources 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
 Salem, Oregon 97301-1271
 (503) 986-0900

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

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) TO 74146										
1.	16 S	11 E	26	sese	00700	15.50	irr	74147 <i>Sup</i>	7	10/29/1913
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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

Total number of acres, if for irrigation, by certificate and priority date: 15.50

Acre-feet of storage, if applicable: _____

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON



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

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

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) TO 74146										
1.	16 S	11 E	26	sese	00700	15.50	irr	74148 <i>Sup</i>	6	4/7/1911
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: 15.50

Acre-feet of storage, if applicable: _____

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM OREGON



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

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

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

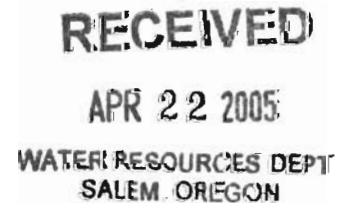
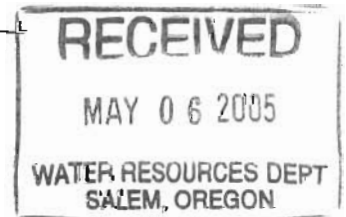
Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
 (Crosshatch the area of water rights being leased).

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)									
1.	16 S	11 E	26	sese	00700	15.50	irr	74149 <i>Sup</i>	1905
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: 15.50

Acre-feet of storage, if applicable: _____





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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16 S	11 E	26	sese	00700	15.50	irr	76520 Sup <i>TO 74146</i>	10	12/8/1961
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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

Total number of acres, if for irrigation, by certificate and priority date: 15.50

Acre-feet of storage, if applicable: _____

RECEIVED
 MAY 06 2005
 WATER RESOURCES DEPT
 SALEM, OREGON

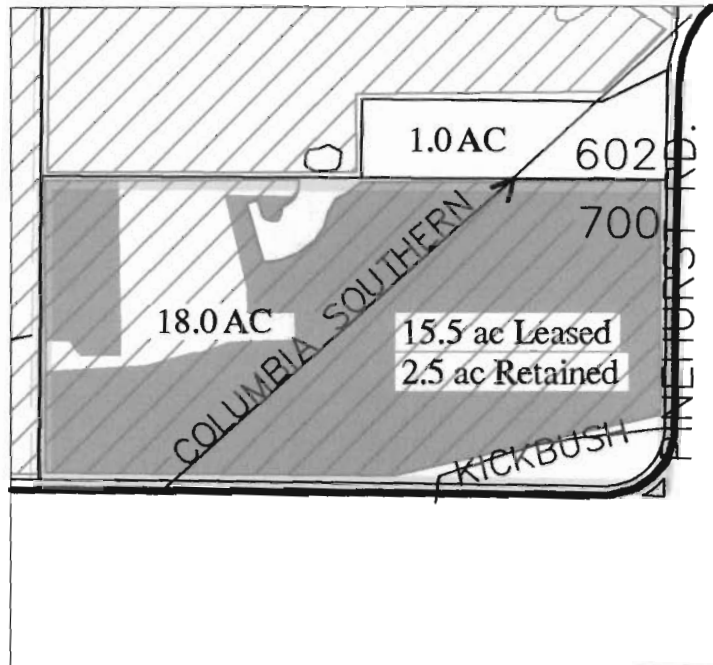
RECEIVED
 APR 22 2005
 WATER RESOURCES DEPT
 SALEM, OREGON

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

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON



RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON

INITIAL: *CF LCB*

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

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



SCALE: 1" = 400'



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

Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

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

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

Optional Identification by Lessor/Lessee: L05.13
Lease Agreement Number (assigned by WRD): L-05.13

RECEIVED
OVER THE COUNTER

This Lease Agreement is between:

Lessor #1 (Landowner):
(Name) Gilman/Owenby, Christopher & Louise
(Mailing address) 1870 Poplar Drive
(City, State, Zip Code) Walnut Creek, CA 94595
(Telephone number) (925)937-3066
(Email address) _____

If additional landowners, enter landowner information below

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

~I~ Ownership and Water Right Information

1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 16^S Range 11^E Section 25 and Tax Lot number 00500. If the water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included.

Field Code Changed
Field Code Changed

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

Certificate No. Primary 74146,74147,76106,Supplemental 74147,74148,74149,76520

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

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

RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
APR 22 2005
WATER RESOURCES DEPT
SALEM, OREGON

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16 S	11 E	25	swne	00500	.50	irr	74146 Pri	6	9/1/1900
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: .50
 Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

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

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

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

~II~ Instream Water Right Information

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

RECEIVED
 MAY 06 2005
 WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED
 APR 22 2005
 WATER RESOURCES DEPT
 SALEM OREGON

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

3.5 **Termination provision.**

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

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

Lessor #1:  Date: 2/7/05
Christopher Gilman

 Date: 2/7/05
Louise Owenby

Lessor #2: _____ Date: _____
Tumalo Irrigation District

For additional Lessors, type in space for signature and date

Lessee: _____ Date: _____
Deschutes Resources Conservancy

Other Attachments As Needed:

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

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON



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

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

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
							10 7414b			
1.	16 S	11 E	25	swne	00500	.50	irr	74147 Sup	5	10/29/1913
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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

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

Acre-feet of storage, if applicable: _____

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON



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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16 S	11 E	25	swne	00500	.50	irr	74148 <i>Sup</i>	5	4/7/1911
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: .50

Acre-feet of storage, if applicable: _____

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM OREGON



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

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

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) To 74146									
1.	16 S	11 E	25	swne	00500	.50	irr	74149 <i>Sup</i>	1905
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: .50

Acre-feet of storage, if applicable: _____

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
 SALEM, OREGON



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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

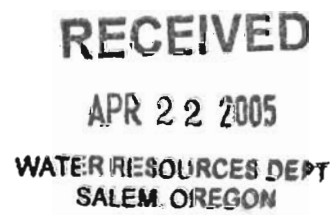
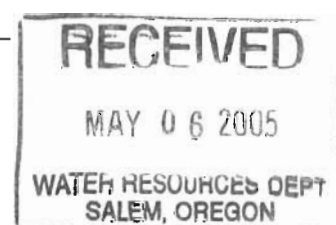
Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16 S	11 E	25	swne	00500	.50	irr	76520 <i>Sup</i>	9	12/8/1961
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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

Total number of acres, if for irrigation, by certificate and priority date: .50
 Acre-feet of storage, if applicable: _____





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

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

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)									
1.	16 S	11 E	25	swne	00500	3.0	irr	74147 Pri	X 5 10/29/1913
2.									
3.									
4.									
5.									
6.									
7.									
8.									
9.									
10.									

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

Total number of acres, if for irrigation, by certificate and priority date: 3.0
 Acre-feet of storage, if applicable: _____

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON



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

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

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16 S	11 E	25	swne	00500	3.0	irr	74148 <i>Sup</i>	5	4/7/1911
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: 3.0
 Acre-feet of storage, if applicable: _____

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON



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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)									
1.	16 S	11 E	25	swne	00500	3.0	irr	74149 <i>Sup</i>	1905
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: 3.0

Acre-feet of storage, if applicable: _____

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON



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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16 S	11 E	25	swne	00500	3.0	irr	76520 <i>Sup</i>	9	12/8/1961
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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

Total number of acres, if for irrigation, by certificate and priority date: 3.0

Acre-feet of storage, if applicable: _____

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON



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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16 S	11 E	25	swne	00500	10.0	irr	76106 <i>Pe1</i>	2	12/8/1961
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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

Total number of acres, if for irrigation, by certificate and priority date: 10.0

Acre-feet of storage, if applicable: _____

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM OREGON



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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

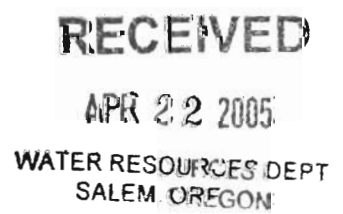
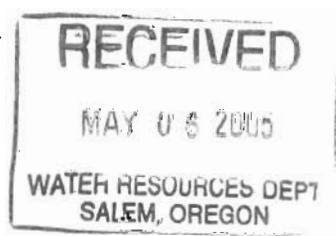
Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)									
1.	16 S	11 E	25	swne	00500	10.0	irr	74149 <i>Sup</i>	1905
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: 10.0
 Acre-feet of storage, if applicable: _____





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

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

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) TO 76196										
1.	16 S	11 E	25	swne	00500	10.0	irr	76520 <i>Scap</i>	2	12/8/1961
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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

Total number of acres, if for irrigation, by certificate and priority date: 10.0

Acre-feet of storage, if applicable: _____

RECEIVED

MAY 03 2005

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON

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

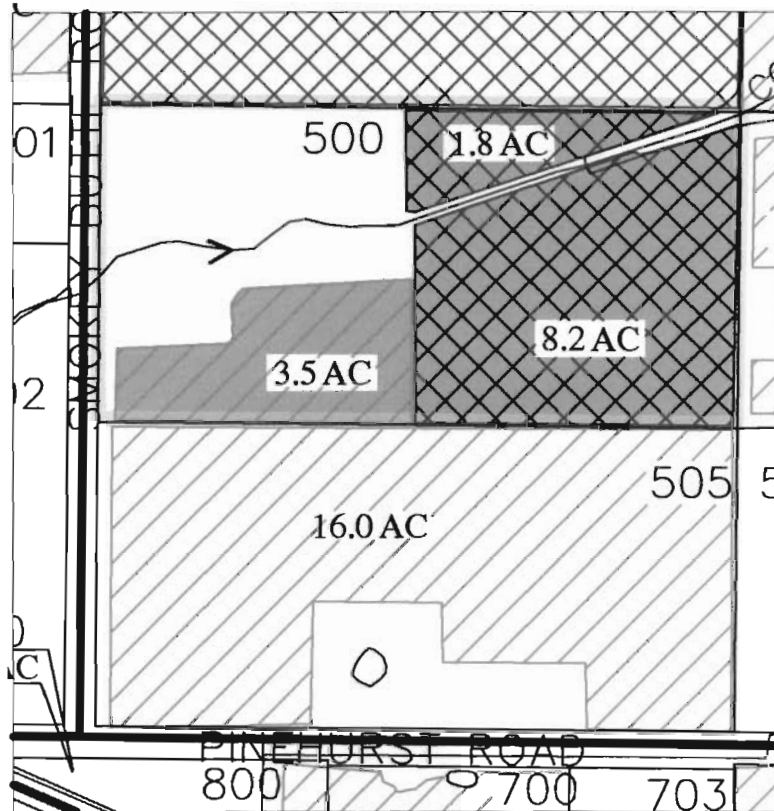
EXHIBIT 5-A & 5-B
L 05.13

FOR
Gilman, Christopher J./Owenby, Lou

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON



RECEIVED
MAY 05 2005
WATER RESOURCES DEPT
SALEM, OREGON



INITIAL: *CG*

LOCATED IN THE SW 1/4 OF THE NE 1/4
OF SECTION 25, T16 S., R.11 E., W.M.
TAX LOTS # 0500
DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'

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



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

Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

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

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

Optional Identification by Lessor/Lessee: L05.21
Lease Agreement Number (assigned by WRD): L-649

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Hickok, Durlin E. & Wallace, Carol A.
(Mailing address) 107 Dorffel Drive E.
(City, State, Zip Code) Seattle, WA 98112
(Telephone number) (206)324-2393
(Email address) _____

RECEIVED
OVER THE COUNTER

If additional landowners, enter landowner information below

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

~I~ Ownership and Water Right Information

1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 16^S
Range 11^E Section 28 and Tax Lot number 00502. If the water right appurtenant to these
lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of
lessor's property) needs to be included.

Field Code Changed
Field Code Changed

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

Certificate No. Primary 74147, Supplemental 74148,74149,76520

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

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

RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
APR 22 2005
WATER RESOURCES DEPT
SALEM OREGON

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*		
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)											
1.	16	S	11 E	28	nwnw	00502	3.25	irr	74147 PR1	8	10/29/1913
2.											
3.											
4.											
5.											

Total number of acres, if for irrigation, by certificate and priority date: 3.25
Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

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

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

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

~II~ Instream Water Right Information

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

Pooled Landowner Form / 2

FSD

RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
APR 22 2005
WATER RESOURCES DEPT
SALEM OREGON

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

3.5 **Termination provision.**

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

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

Lessor #1: Mr E Hickok Date: 2/28/05
Durlin E. Hickok

Carol A. Wallace Date: 2/28/05
Carol A. Wallace

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes Resources 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

FSD

RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
APR 22 2005
WATER RESOURCES DEPT
SALEM OREGON



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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) TO 74147										
1.	16 S	11 E	28	nwnw	00502	3.25	irr	74148 Sup	7	4/7/1911
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: 3.25

Acre-feet of storage, if applicable: _____

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON



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

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

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) TO 74147									
1.	16 S	11 E	28	nwnw	00502	3.25	irr	74149 <i>Sup</i>	1905
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: 3.25
 Acre-feet of storage, if applicable: _____

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
 SALEM OREGON



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

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

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) TO 74147										
1.	16 S	11 E	28	nwnw	00502	3.25	irr	76520 <i>Sup</i>	11	12/8/1961
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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

Total number of acres, if for irrigation, by certificate and priority date: 3.25

Acre-feet of storage, if applicable: _____

RECEIVED

MAY 08 2005

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM OREGON

TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY

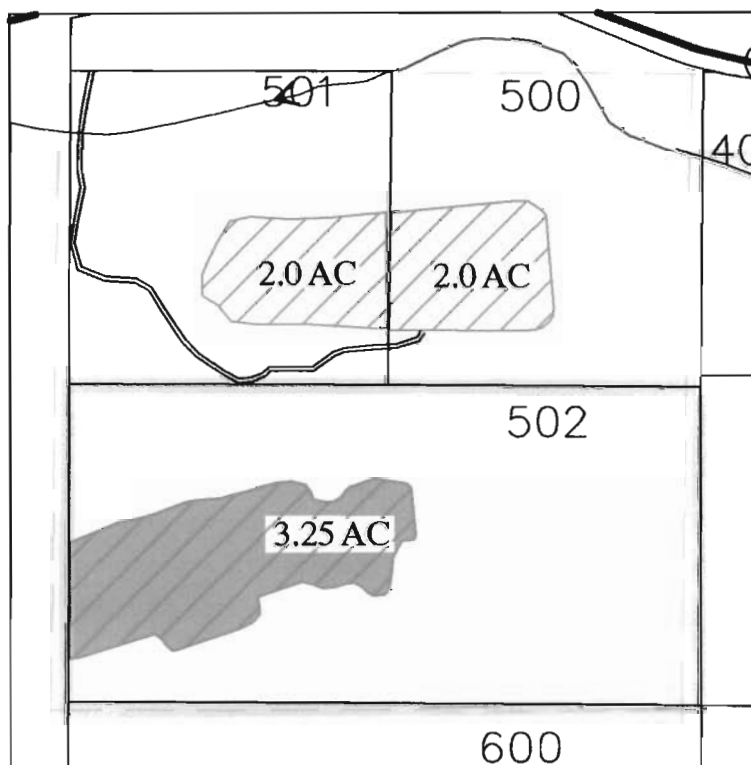
FOR

Hickok, Durlin E./Wallace, Carol A.

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON



RECEIVED
MAY 18 2005
WATER RESOURCES DEPT
SALEM, OREGON



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

INITIAL: *DM* *CAW*

LOCATED IN THE NW1/4 OF THE NW1/4
OF SECTION 28, T.16 S., R.11 E., W.M.
TAX LOTS # 0502
DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'

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



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

Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

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

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

Optional Identification by Lessor/Lessee: L05.03
Lease Agreement Number (assigned by WRD): L-648

RECEIVED
OVER THE COUNTER

This Lease Agreement is between:

Lessor #1 (Landowner):
(Name) Kingery, John B. & Marilyn S.
(Mailing address) 18690 Pinehurst Rd.
(City, State, Zip Code) Bend, OR 97701
(Telephone number) (541)383-1832
(Email address) _____

If additional landowners, enter landowner information below

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

~I~ Ownership and Water Right Information

1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 16^s
Range 11^e, Section 27 and Tax Lot number 00502. If the water right appurtenant to these
lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of
lessor's property) needs to be included.

Field Code Changed
Field Code Changed

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

Certificate No. Primary 74146, Supplemental 74147, 74148, 74149, 76520

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

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

RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
APR 22 2005
WATER RESOURCES DEPT
SALEM, OREGON

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*		
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)											
1.	16	S	11 E	27	swse	00502	1.48	irr	74146 Pri	16	9/1/1900
2.											
3.											
4.											
5.											

Total number of acres, if for irrigation, by certificate and priority date: 1.48
 Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

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

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

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

~II~ Instream Water Right Information

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

RECEIVED
 MAY 06 2005
 WATER RESOURCES DEPT
 SALEM, OREGON



RECEIVED
 APR 22 2005
 WATER RESOURCES DEPT
 SALEM, OREGON

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

3.5 **Termination provision.**

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

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

Lessor #1:  Date: 2-3-05
John B. Kingery
Lessor #2:  Date: 2-3-05
Marilyn S. Kingery

For additional Lessors, type in space for signature and date

Lessor # 2: _____ Date: _____
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes Resources Conservancy

Other Attachments As Needed:

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

RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
APR 22 2005
WATER RESOURCES DEPT
SALEM, OREGON



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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

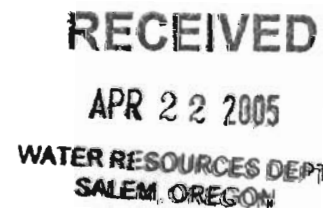
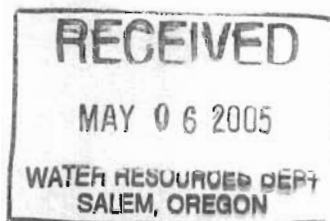
Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) TO 74146										
1.	16 S	11 E	27	swse	00502	1.48	irr	74147 Sup	7	10/29/1913
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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

Total number of acres, if for irrigation, by certificate and priority date: 1.48
 Acre-feet of storage, if applicable: _____





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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

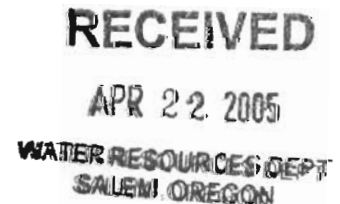
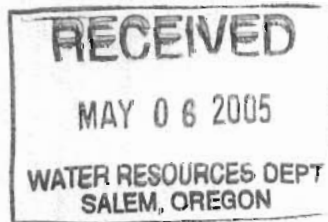
Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)									
							TO 74146		
1.	16 S	11 E	27	swse	00502	1.48	irr	74148 Sup	7 4/7/1911
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: 1.48
 Acre-feet of storage, if applicable: _____





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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) To 74146									
1.	16 S	11 E	27	swse	00502	1.48	irr	74149 Sup	1905
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: 1.48

Acre-feet of storage, if applicable: _____

RECEIVED
 MAY 06 2005
 WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED
 APR 22 2005
 WATER RESOURCES DEPT
 SALEM, OREGON



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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

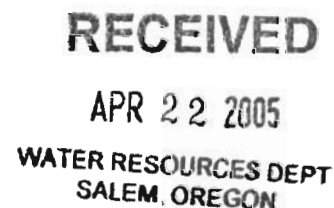
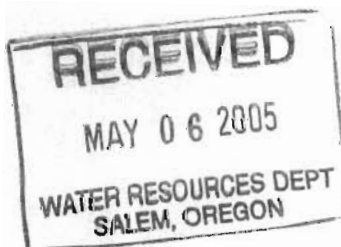
Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
 (Crosshatch the area of water rights being leased).

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) TO 74146										
1.	16 S	11 E	27	swse	00502	1.48	irr	76520 Sup	11	12/8/1961
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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

Total number of acres, if for irrigation, by certificate and priority date: 1.48

Acre-feet of storage, if applicable: _____



TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY

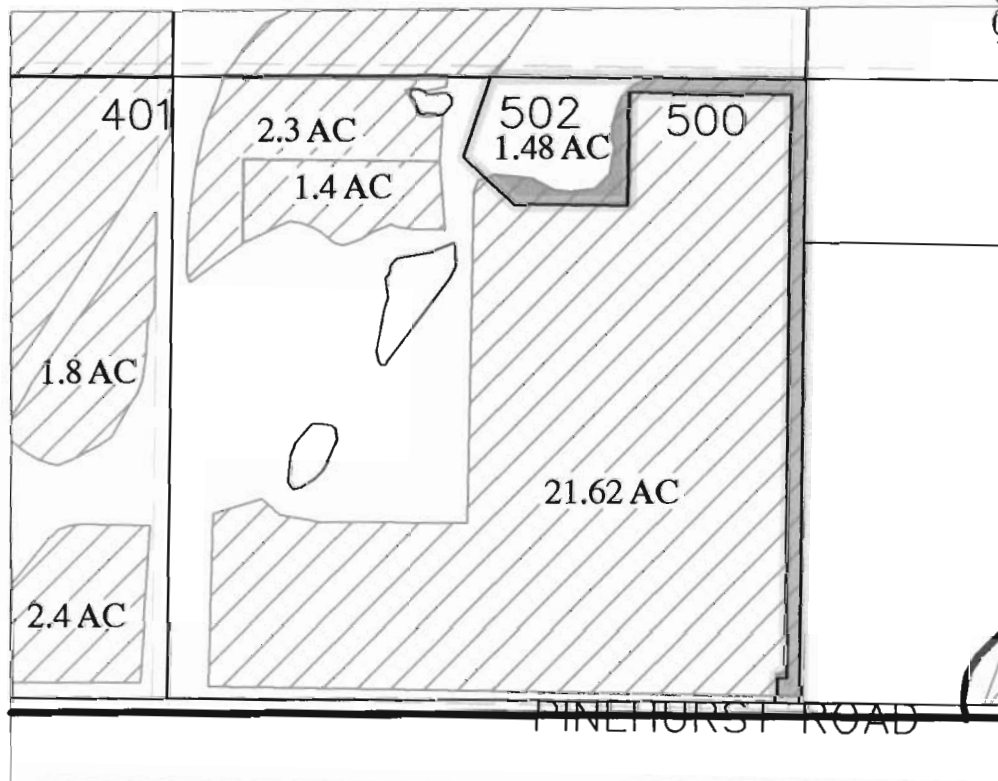
FOR

Kingery, John & Marilyn

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON



RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON

INITIAL: *JK*



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

LOCATED IN THE SW 1/4 OF THE SE 1/4
OF SECTION 27, T.16 S., R.11 E., W.M.
TAX LOTS # 0502
DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'



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

Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

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

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

Optional Identification by Lessor/Lessee: L05.11
Lease Agreement Number (assigned by WRD): L-648

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Koester, Timothy H. & Meryl E.
(Mailing address) 733 Vinci Way
(City, State, Zip Code) Livermore, CA 94550
(Telephone number) (925)371-8086
(Email address) _____

If additional landowners, enter landowner information below

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

~I~ Ownership and Water Right Information

1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 16^s
Range 11^e, Section 28 and Tax Lot number 01100. If the water right appurtenant to these
lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of
lessor's property) needs to be included.

Field Code Changed
Field Code Changed

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

Certificate No. Primary 74146, Supplemental 74147, 74148, 74149, 76520

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

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

RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
APR 22 2005
WATER RESOURCES DEPT
SALEM OREGON

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16 S	11 E	28	nwse	01100	4.30	irr	74146 Pr ₁	2	8/5/1900
2.	16 S	11 E	28	nwse	01100	4.30	irr	74146 Pr ₁	7	9/1/1900
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 8.60
 Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

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

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

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

~II~ Instream Water Right Information

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

RECEIVED
 MAY 06 2005
 WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED
 APR 22 2005
 WATER RESOURCES DEPT
 SALEM OREGON

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

3.5 **Termination provision.**

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

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

Lessor #1: Timothy H. Koester Date: 2-22-05
Timothy H. Koester

Meryl E. Koester Date: 2-22-05
Meryl E. Koester

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes Resources Conservancy

Other Attachments As Needed:

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

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM OREGON

RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON



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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

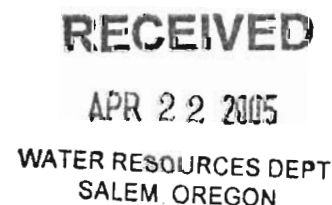
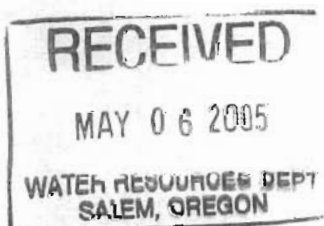
Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
 (Crosshatch the area of water rights being leased).

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) TO 74146										
1.	16 S	11 E	28	nwse	01100	8.60	irr	74147 Sup	8	10/29/1913
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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

Total number of acres, if for irrigation, by certificate and priority date: 8.60

Acre-feet of storage, if applicable: _____





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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16 S	11 E	28	nwse	01100	8.60	irr	74148 <i>Sup</i>	7	4/7/1911
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.]

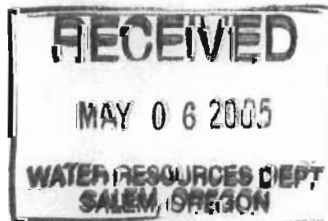
Total number of acres, if for irrigation, by certificate and priority date: 8.60

Acre-feet of storage, if applicable: _____

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
 SALEM, OREGON





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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)									
1.	16 S	11 E	28	nwse	01100	8.60	irr	74149 <i>Sup</i>	1905
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: 8.60

Acre-feet of storage, if applicable: _____

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED

MAY 08 2005

WATER RESOURCES DEPT
 SALEM, OREGON



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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16 S	11E	28	nwse	01100	8.60	irr	76520 <i>Sup</i>	11	12/8/1961
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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

Total number of acres, if for irrigation, by certificate and priority date: 8.60
 Acre-feet of storage, if applicable: _____

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED

MAY 08 2005

WATER RESOURCES DEPT
 SALEM, OREGON

TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY

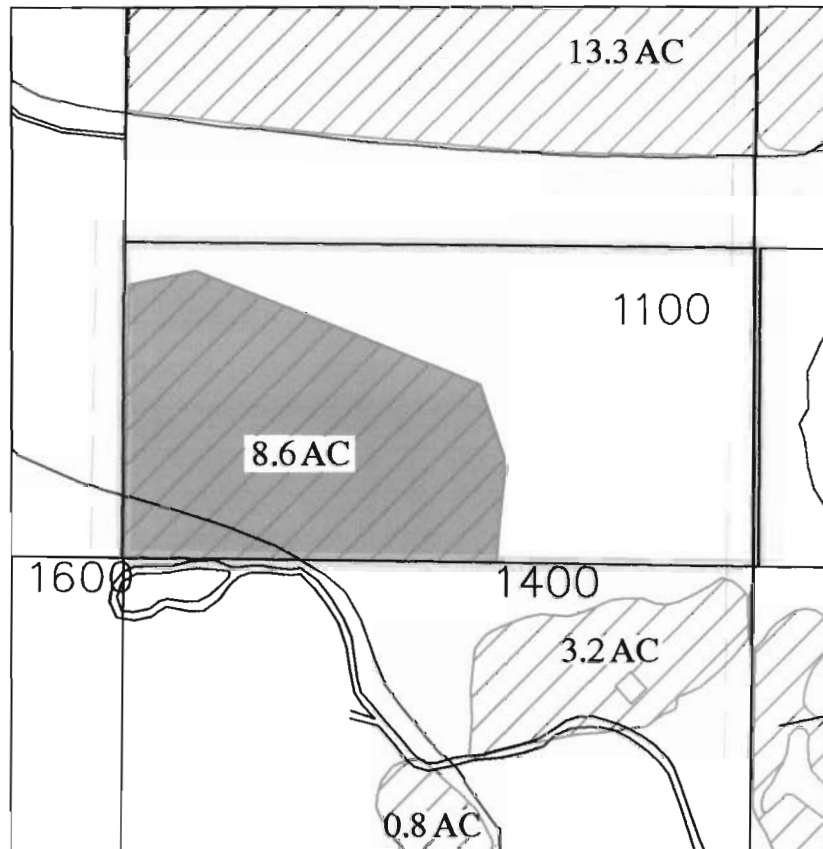
FOR

Koester, Timothy H. & Meryl E.

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON



RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON

INITIAL: *MK*

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



LOCATED IN THE NW1/4 OF THE SE 1/4
OF SECTION 28, T.16 S., R.11 E., W.M.
TAX LOTS # 01100
DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'



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

Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

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

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

Optional Identification by Lessor/Lessee: L05.19
Lease Agreement Number (assigned by WRD): LC48

This Lease Agreement is between:

Lessor #1 (Landowner):
(Name) Kraft Family Living Trust, Rosa Allen Kraft, Trustee
(Mailing address) 2900 Pilkington Ln. NE
(City, State, Zip Code) Corvallis, OR 97330
(Telephone number) (541)753-9876
(Email address)

If additional landowners, enter landowner information below

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

~I~ Ownership and Water Right Information

1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 16^S, Range 11^E, Section 27 and Tax Lot number 00600. If the water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included.

Field Code Changed
Field Code Changed

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

Certificate No. Primary 74147, Supplemental 74148, 74149, 76520

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

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

RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
APR 22 2005
WATER RESOURCES DEPT
SALEM, OREGON

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*		
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)											
1.	16	S	11 E	27	sene	00600	3.0	irr	74147 Per	7	10/29/1913
2.											
3.											
4.											
5.											

Total number of acres, if for irrigation, by certificate and priority date: 3.0
 Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

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

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

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

~II~ Instream Water Right Information

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

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON

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

3.5 **Termination provision.**

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

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

Lessor #1: Rose Allen Kraft Date: March 2, 2005
Kraft Family Trust, Rose Allen Kraft, Trustee

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes Resources Conservancy

Other Attachments As Needed:

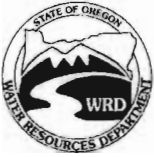
- Exhibit 5-A: Tax Lot Map of Landowner's Property
- Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased [Exhibits 5-A and 5-B may be combined into a single map]
- Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though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

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON



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

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

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

~I~

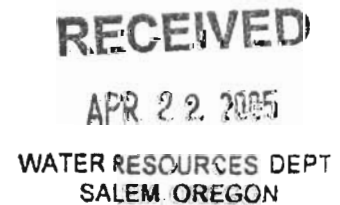
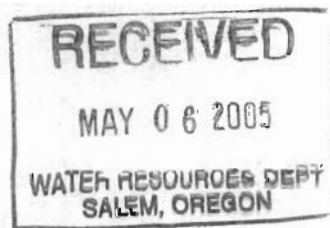
Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16 S	11 E	27	sene	00600	3.0	irr	74148 <i>Sup</i>	<i>87</i> <i>LES</i>	4/7/1911
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: 3.0
 Acre-feet of storage, if applicable: _____





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

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

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)									
1.	16 S	11 E	27	sene	00600	3.0	irr	74149 Sup	1905
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: 3.0

Acre-feet of storage, if applicable: _____

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON



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

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

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) TO 74147										
1.	16 S	11 E	27	sene	00600	3.0	irr	76520 <i>Sup</i>	10	12/8/1961
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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

Total number of acres, if for irrigation, by certificate and priority date: 3.0

Acre-feet of storage, if applicable: _____

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 22 2005

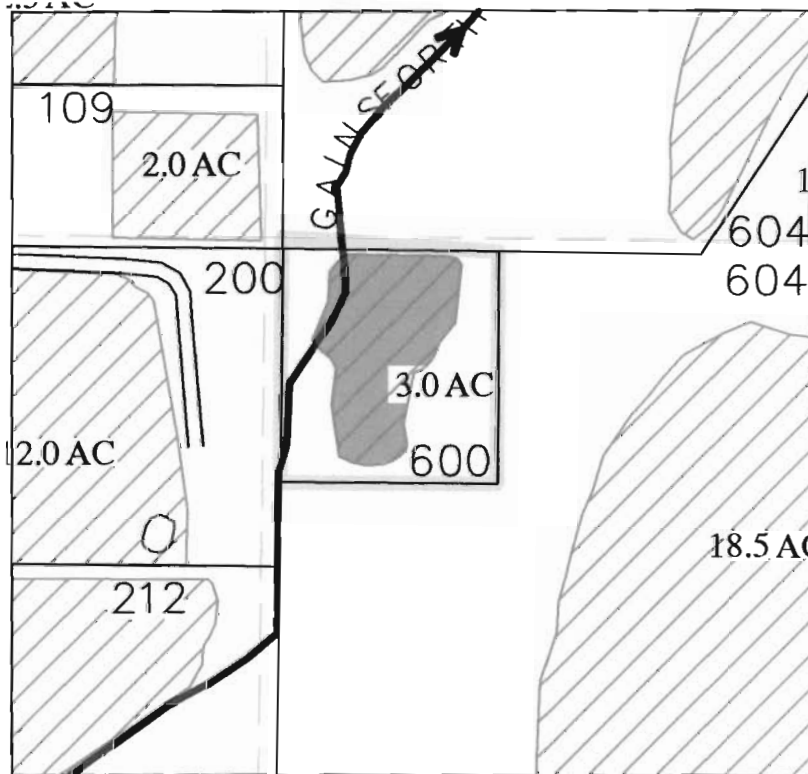
WATER RESOURCES DEPT
SALEM, OREGON

TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY FOR Kraft Family Living Trust

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON



RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON



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

INITIAL: *RAK*

LOCATED IN THE SE 1/4 OF THE NE 1/4
OF SECTION 27, T.16 S., R.11 E., W.M.
TAX LOTS # 0600
DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'

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



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

Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

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

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

Optional Identification by Lessor/Lessee: L05.15
Lease Agreement Number (assigned by WRD): L-648

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Stephen O. Lane
(Mailing address) 2058 Why Worry Lane
(City, State, Zip Code) Eugene, OR 97405
(Telephone number) (541)686-8833
(Email address) _____

If additional landowners, enter landowner information below

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

~I~ Ownership and Water Right Information

1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 16^s Range 11^w Section 34 and Tax Lot number 01100. If the water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included.

Field Code Changed
Field Code Changed

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

Certificate No. Primary 74147, Supplemental 74148,74149,76520

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

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

RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
APR 22 2005
WATER RESOURCES DEPT
SALEM, OREGON

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)									
1.	16 S	11 E	34	nese	01100	13.0	irr	74147 P21	9 10/29/1913
2.									
3.									
4.									
5.									

Total number of acres, if for irrigation, by certificate and priority date: 13.0

Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

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

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

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

~II~ Instream Water Right Information

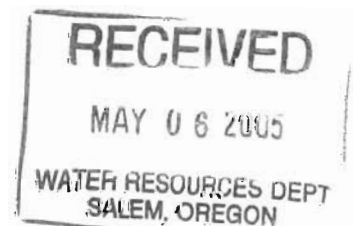
2.3 Term of lease. This lease shall terminate on October 15, 2005. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

~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.

Pooled Landowner Form / 2

FSD



RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON

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

3.5 **Termination provision.**

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

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

Lessor #1: Stephen O. Lane Date: 4/26/05
Stephen O. Lane

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes Resources Conservancy

Other Attachments As Needed:

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

RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
APR 22 2005
WATER RESOURCES DEPT
SALEM, OREGON



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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16 S	11 E	34	nese	01100	13.0	irr	74148 <i>Sup</i>	8	4/7/1911
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: 13.0

Acre-feet of storage, if applicable: _____

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
 SALEM OREGON



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

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

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

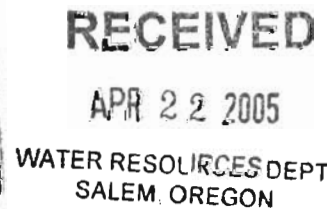
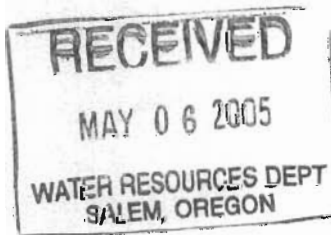
Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
 (Crosshatch the area of water rights being leased).

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)									
1.	16 S	11 E	34	nese	01100	13.0	irr	74149 <i>Sup</i>	1905
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: 13.0

Acre-feet of storage, if applicable: _____





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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) To 74147										
1.	16 S	11 E	34	nese	01100	13.0	irr	76520 <i>Sup</i>	12	12/8/1961
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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

Total number of acres, if for irrigation, by certificate and priority date: 13.0
 Acre-feet of storage, if applicable: _____

RECEIVED
 APR 22 2005
 WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED
 MAY 06 2005
 WATER RESOURCES DEPT
 SALEM, OREGON

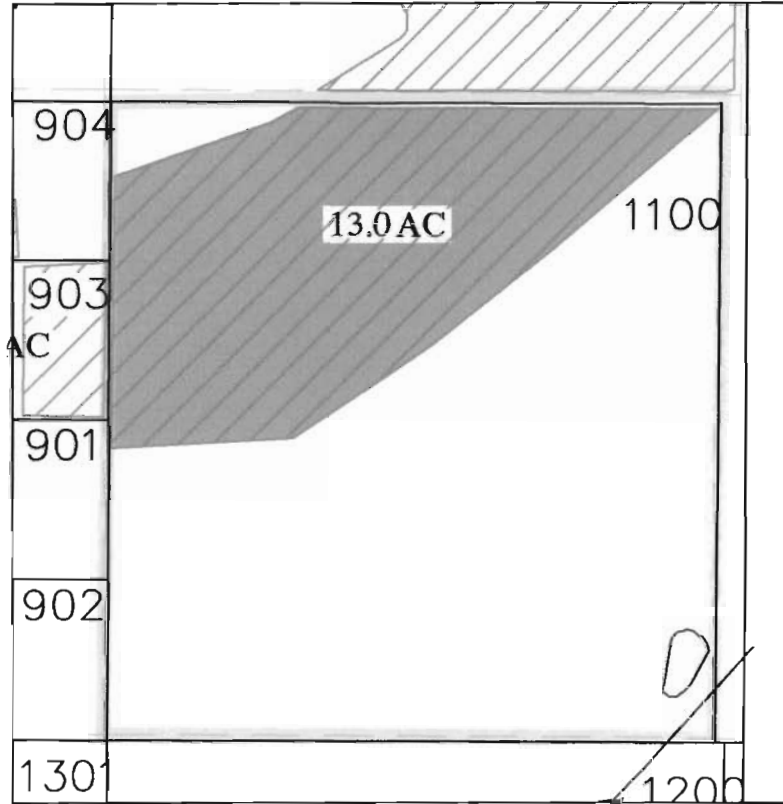
TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY

FOR
Lane, Stephen O.

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON



RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON

INITIAL: *SL*



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

LOCATED IN THE NE 1/4 OF THE SE 1/4
OF SECTION 16, T.34 S., R.11 E., W.M.
TAX LOTS # 01100
DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'

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



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

Nov 2004

Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

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

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

Optional Identification by Lessor/Lessee: L05.31
 Lease Agreement Number (assigned by WRD): L-648

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Lillegard Rev Living Trust, Stephen & Sheryl Lillegard, Trustees
 (Mailing address) 19425 White Horn Lane
 (City, State, Zip Code) Bend, OR 97701
 (Telephone number) (541)312-3771
 (Email address) _____

If additional landowners, enter landowner information below

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

~I~ Ownership and Water Right Information

1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 16
 Range 11 Section 13 and Tax Lot number 00902. If the water right appurtenant to these
 lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of
 lessor's property) needs to be included.

Field Code Changed
 Field Code Changed

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

Certificate No. Primary 74146, Supplemental 74147,74148,74149,76520

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

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

FSD

RECEIVED
 MAY 06 2005
 WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED
 APR 22 2005
 WATER RESOURCES DEPT
 SALEM, OREGON

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16 S	11 E	13	swne	00902	35.24	irr	74146 PR1	4	9/1/1900
2.	16 S	11 E	13	senw	00902	3.70	irr	74146 PR1	4	9/1/1900
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 38.94
 Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

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

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

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

~II~ Instream Water Right Information

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

RECEIVED
 MAY 06 2005
 WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
 SALEM, OREGON

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

3.5 **Termination provision.**

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

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

Lessor #1: Stephen Lillegard, Trustee Date: 3-11-05
Lillegard Rev. Living Trust, Stephen F. Lillegard, Trustee

Sheryl A. Lillegard, Trustee Date: 3-11-05
Sheryl A. Lillegard, Trustee

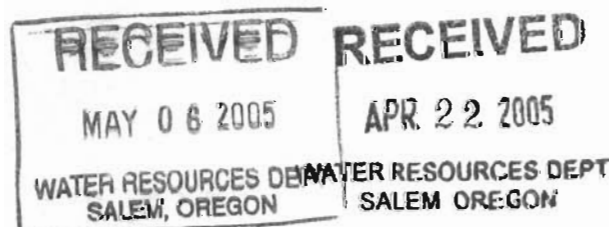
For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes Resources 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
 Salem, Oregon 97301-1271
 (503) 986-0900

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) TO 74146										
1.	16 S	11 E	13	swne	00902	35.24	irr	74147 Sup	2	10/29/1913
2.	16 S	11 E	13	senw	00902	3.70	irr	74147 Sup	2	10/29/1913
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: 38.94
 Acre-feet of storage, if applicable: _____

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON



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

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

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) TO 74146										
1.	16 S	11 E	13	swne	00902	35.24	irr	74148 Sup	2	4/7/1911
2.	16 S	11 E	13	senw	00902	3.70	irr	74148 Sup	2	4/7/1911
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: 38.94

Acre-feet of storage, if applicable: _____

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON



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

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

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) To 74146									
1.	16 S	11 E	13	swne	00902	35.24	irr	74149 Sup	1905
2.	16 S	11 E	13	senw	00902	3.70	irr	74149 Sup	1905
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: 38.94

Acre-feet of storage, if applicable: _____

RECEIVED
 MAY 06 2005
 WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED
 APR 22 2005
 WATER RESOURCES DEPT
 SALEM, OREGON



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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

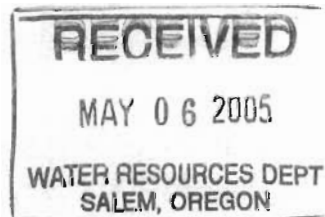
Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
 (Crosshatch the area of water rights being leased).

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) TO 74146										
1.	16 S	11 E	13	swne	00902	35.24	irr	76520 <i>Sup</i>	5	12/8/1961
2.	16 S	11 E	13	senw	00902	3.70	irr	76520 <i>Sup</i>	6	12/8/1961
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.]

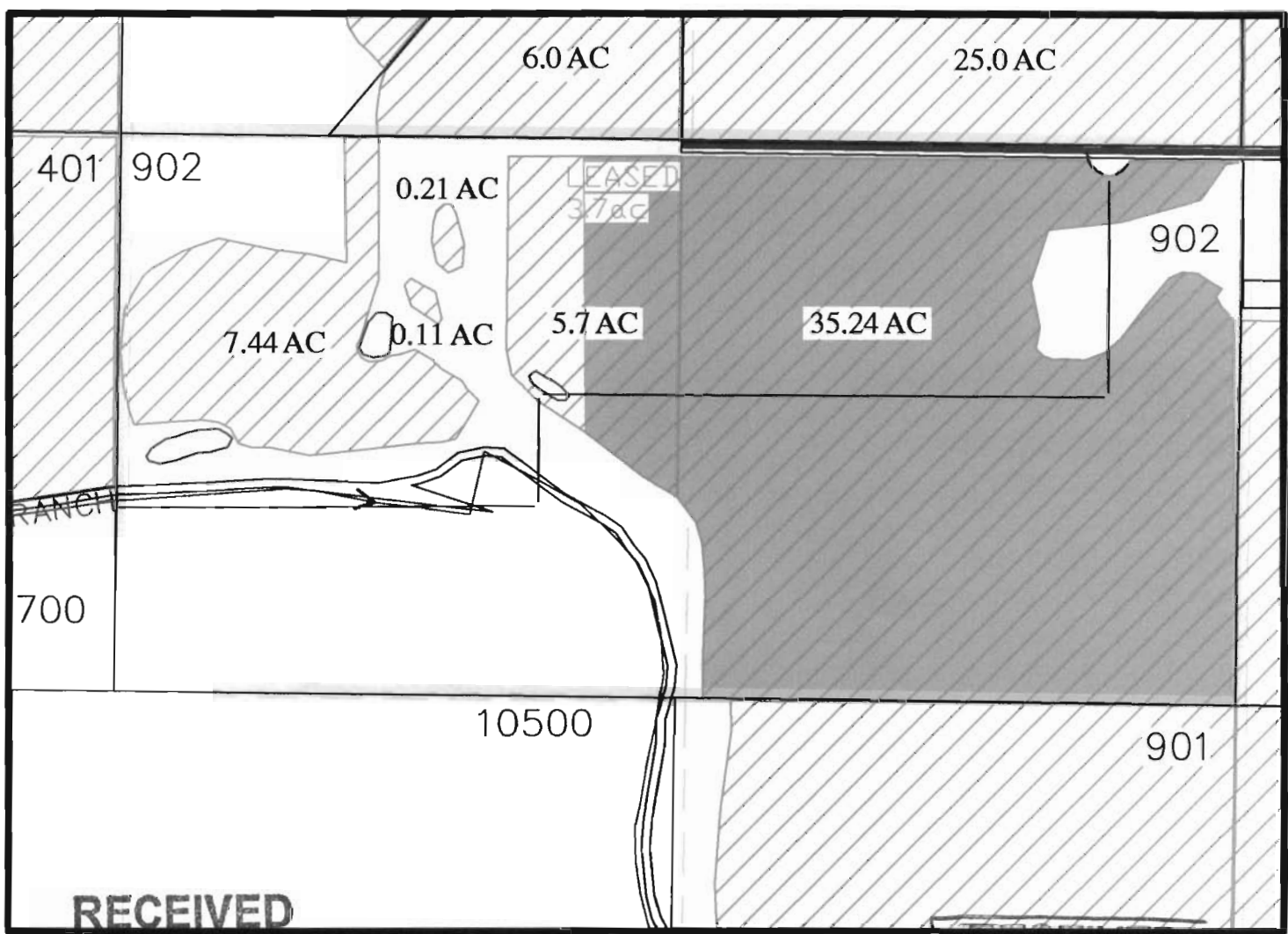
Total number of acres, if for irrigation, by certificate and priority date: 38.94

Acre-feet of storage, if applicable: _____



RECEIVED
 APR 22 2005
 WATER RESOURCES DEPT
 SALEM OREGON

TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY FOR Lillegard Revocable Living Trust



RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON



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

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
SALEM, OREGON
INITIAL: *[Signature]*

LOCATED IN THE SE 1/4 OF THE NW 1/4
OF SECTION 13, T16 S., R.11 E., W.M.
TAX LOTS # 902 and the SW/NE 902
DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'

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



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

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

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

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

Optional Identification by Lessor/Lessee: L05.08
Lease Agreement Number (assigned by WRD): L-648

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Lyster, Theodore & Eloise
(Mailing address) PO Box 28
(City, State, Zip Code) Bend, OR 97709
(Telephone number) (541)382-3833
(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

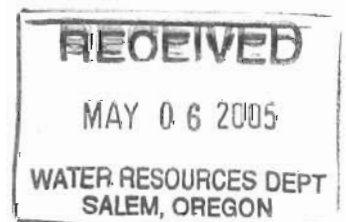
- 1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 17S Range 11E Section 11 and Tax Lot number 01600. If the water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included.
- 1.3 For the lands being leased, list all water rights appurtenant to the lessor's property. Indicate if there are any supplemental or overlying rights.
- Certificate No. Primary 74146, Supplemental 74147, 74148, 74149, 76520
- 1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. Yes No
- 1.5 **Subject Water Rights.** Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached). (Crosshatch the area of water rights being leased). Attached map(s) must identify property owner, Township, Range, Section and $\frac{1}{4}$ $\frac{1}{4}$, tax lot number, map orientation and scale.

Field Code Changed

Field Code Changed

Pooled Landowner Form / 1

FSD



RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM OREGON

T	R	Sect	¼	¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	17 S	11 E	11	nesw	01600	10.0	irr	74146 P21	12	9/1/1900
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 10.0

Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

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

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

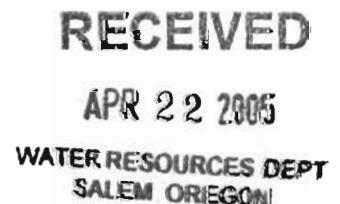
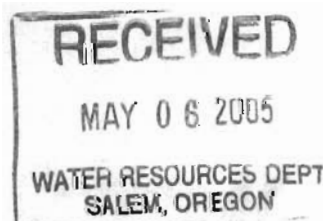
- The water has been used over the past five years according to the terms and conditions of the owner's water right certificate or as an instream water right or
- The water has not been used over the past five years according to the terms and conditions of the owner's water right certificate, however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

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 15, 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: *Theodore C. Lyster* Date: *2/17/05*
Theodore C. Lyster

Eloise A. Lyster Date: *Feb. 15, 2005*
Eloise A. Lyster

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes Resources Conservancy

Other Attachments As Needed:

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

RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
APR 22 2005
WATER RESOURCES DEPT
SALEM, OREGON



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

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

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	17 S	11 E	11	nesw	01600	10.0	irr	74147 <i>Sup</i>	16	10/29/1913
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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

Total number of acres, if for irrigation, by certificate and priority date: 10.0

Acre-feet of storage, if applicable: _____

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
 SALEM OREGON



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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	17 S	11 E	11	nesw	01600	10.0	irr	74148 <i>Sup</i>	16	4/7/1911
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: 10.0

Acre-feet of storage, if applicable: _____

RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
APR 22 2005
WATER RESOURCES DEPT
SALEM, OREGON



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

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

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)									
1.	17 S	11 E	11	nesw	01600	10.0	irr	74149 Sup	1905
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: 10.0
 Acre-feet of storage, if applicable: _____

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
 SALEM, OREGON



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

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

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

~I~

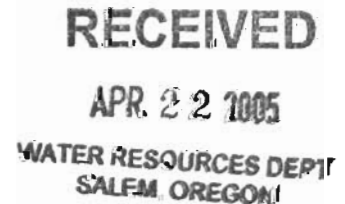
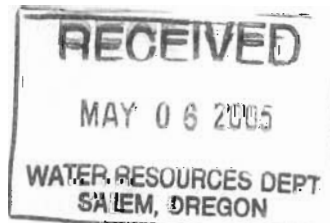
Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
							TO 74146			
1.	17S	11E	11	nesw	01600	10.0	irr	76520 Sup	20	12/8/1961
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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

Total number of acres, if for irrigation, by certificate and priority date: 10.0
 Acre-feet of storage, if applicable: _____



TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY

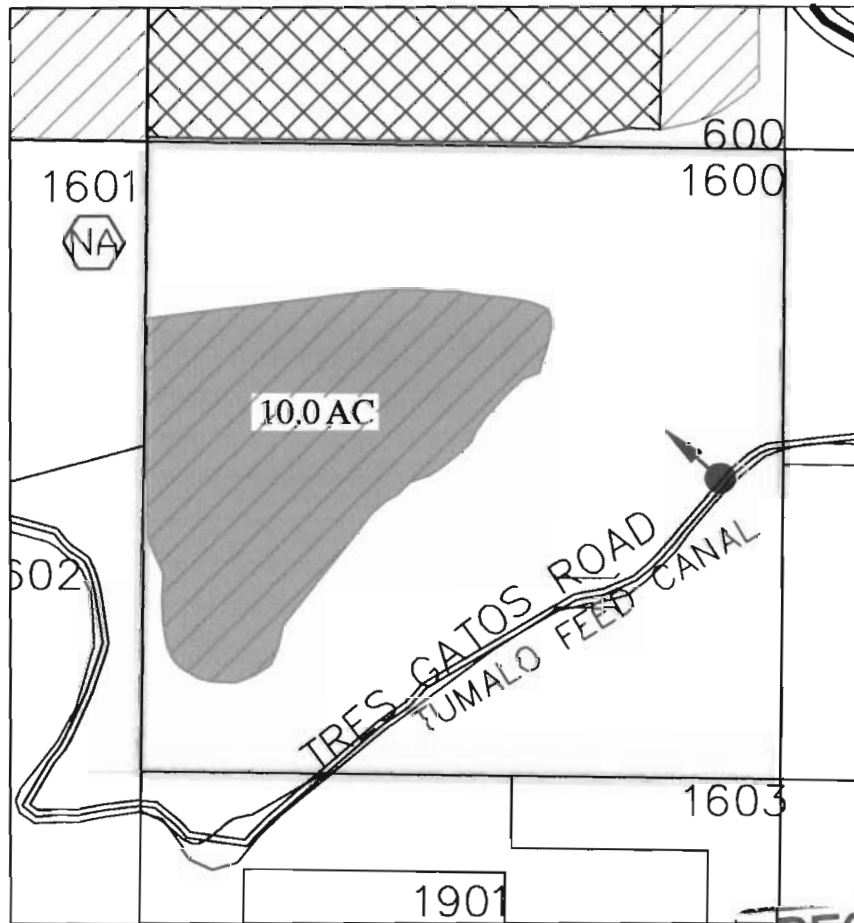
FOR

Lyster, Ted & Eloise

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM OREGON



RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON

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

INITIAL: *Ed*

LOCATED IN THE NE 1/4 OF THE SW 1/4
OF SECTION 11, T.17 S., R.11 E., W.M.
TAX LOTS # 01600
DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'



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

Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

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

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

Optional Identification by Lessor/Lessee: L05.05
Lease Agreement Number (assigned by WRD): L-648

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Olson, David J. & Jean M.
(Mailing address) 2875 Bardy Road
(City, State, Zip Code) Santa Rosa, CA 95404
(Telephone number) (707)523-2858 x 1
(Email address) _____

If additional landowners, enter landowner information below

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

~I~ Ownership and Water Right Information

1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 16^s Range 11^e, Section 26 and Tax Lot number 00204. If the water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included.

Field Code Changed
Field Code Changed

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

Certificate No. Primary 74146, Supplemental 74147,74148,74149,76520

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

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

FSD

RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16 S	11 E	26	senw	00204	15.0	irr	74146 <i>pe</i>	7	9/1/1900
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 15.00
 Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

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

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

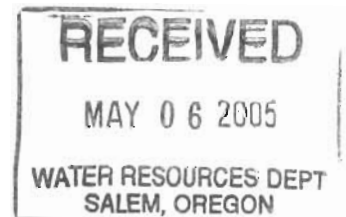
- The water has been used over the past five years according to the terms and conditions of the owner's water right certificate or as an instream water right or
- The water has not been used over the past five years according to the terms and conditions of the owner's water right certificate, however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

~II~ Instream Water Right Information

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



RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON

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

3.5 **Termination provision.**

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

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

Lessor #1: David J. Olson Date: 2/14/05

- Jean M. Olson Date: 2/14/05

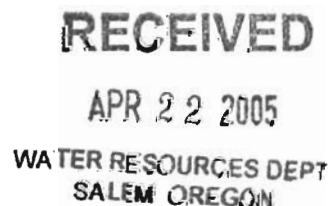
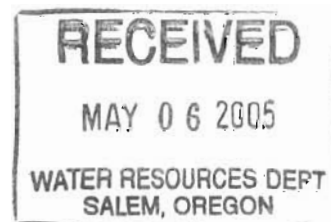
Lessor #2: _____ Date: _____
Tumalo Irrigation District

For additional Lessors, type in space for signature and date

Lessee: _____ Date: _____
Deschutes Resources 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
 Salem, Oregon 97301-1271
 (503) 986-0900

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16 S	11 E	26	senw	00204	15.0	irr	74147 <i>Sup</i>	6	10/29/1913
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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

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

Acre-feet of storage, if applicable: _____

RECEIVED
 MAY 06 2005
 WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
 SALEM, OREGON



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

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

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) TO 74146										
1.	16 S	11 E	26	senw	00204	15.0	irr	74148 Sup	6	4/7/1911
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: 15.0

Acre-feet of storage, if applicable: _____

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM OREGON



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

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

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)									
1.	16 S	11 E	26	senw	00204	15.0	irr	74149 <i>Sup</i>	1905
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: 15.0
 Acre-feet of storage, if applicable: _____

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM OREGON



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

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

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

~I~

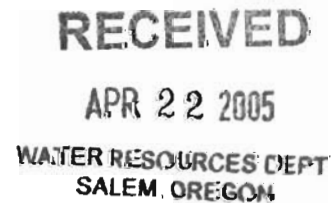
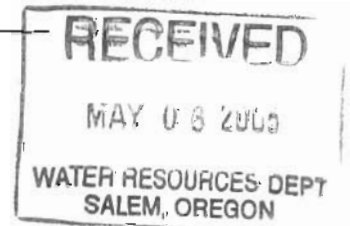
Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) To 74146										
1.	16 S	11 E	26	senw	00204	15.0	irr	76520 <i>Sup</i>	10	12/8/1961
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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

Total number of acres, if for irrigation, by certificate and priority date: 15.0
 Acre-feet of storage, if applicable: _____



TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY

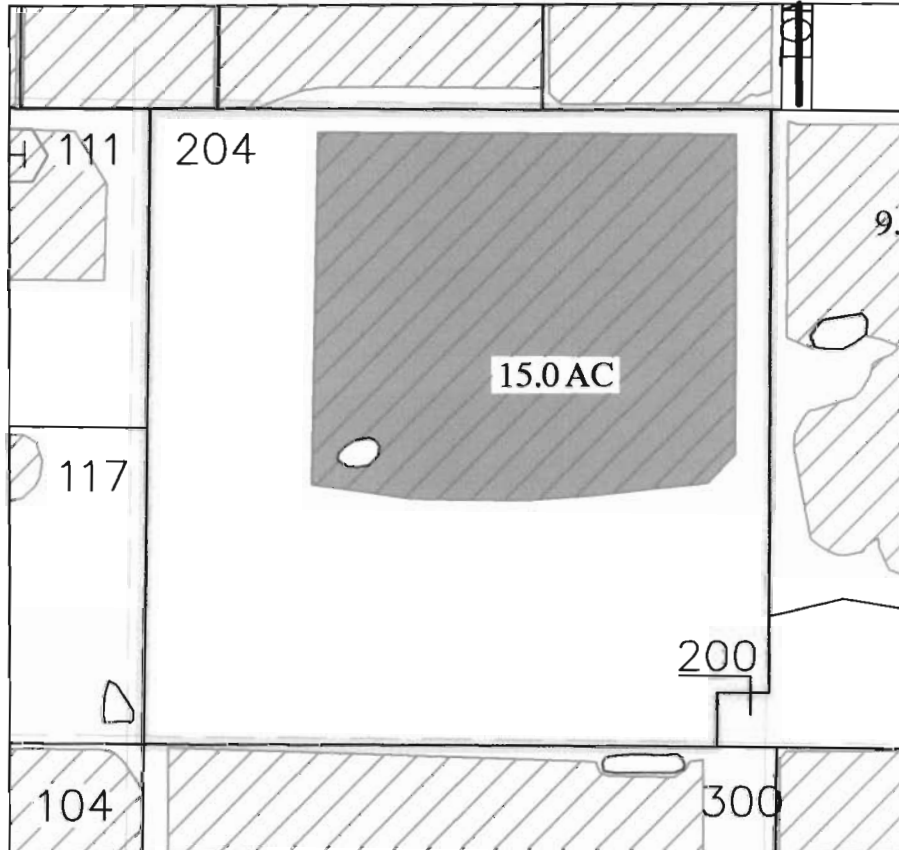
FOR

Olson, David J. & Jean M.

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON



RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON

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

INITIAL: *DJO JMS*

LOCATED IN THE SE 1/4 OF THE NW1/4
OF SECTION 26, T.16 S., R.11 E., W.M.
TAX LOTS # 0204
DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'



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

Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

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

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

Optional Identification by Lessor/Lessee: L05.07
Lease Agreement Number (assigned by WRD): L-648

This Lease Agreement is between:

Lessor #1 (Landowner):
(Name) Ponsford, David J.
(Mailing address) 20480 Harper Road
(City, State, Zip Code) Bend, OR 97701
(Telephone number) (541)330-0292
(Email address) _____

If additional landowners, enter landowner information below

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

~I~ Ownership and Water Right Information

1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 16^S
Range 12^E, Section 09 and Tax Lot number 00500. If the water right appurtenant to these
lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of
lessor's property) needs to be included.

Field Code Changed
Field Code Changed

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

Certificate No. Primary 74146, Supplemental 74147,74148,74149,76520

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

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

RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
APR 22 2005
WATER RESOURCES DEPT
SALEM OREGON

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16 S	12 E	09	swnw	00500	1.43	irr	74146 P21	9	9/1/1900
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 1.43
 Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

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

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

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

~II~ Instream Water Right Information

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

RECEIVED
 MAY 06 2005
 WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED
 APR 22 2005
 WATER RESOURCES DEPT
 SALEM, OREGON

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

3.5 **Termination provision.**

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

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

Lessor #1: David J. Ponsford Date: 2/15/05
David J. Ponsford

For additional Lessors, type in space for signature and date

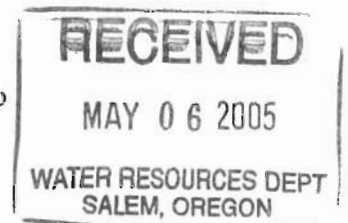
Lessor #2: _____ Date: _____
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes Resources 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

FSD



RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM OREGON



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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16 S	12 E	09	swnw	00500	1.43	irr	74147 Sup	11	10/29/1913
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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

Total number of acres, if for irrigation, by certificate and priority date: 1.43
 Acre-feet of storage, if applicable: _____

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
 SALEM OREGON



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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)									
							TO 74146		
1.	16 S	12 E	09	swnw	00500	1.43	irr	74148 <i>Sup</i>	11 4/7/1911
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: 1.43

Acre-feet of storage, if applicable: _____

RECEIVED
 MAY 06 2005
 WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED
 APR 22 2005
 WATER RESOURCES DEPT
 SALEM, OREGON



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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

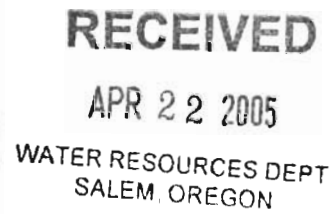
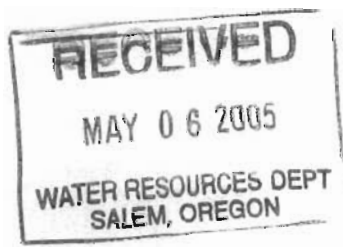
Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)									
1.	16 S	12 E	09	swnw	00500	1.43	irr	74149 Sup	1905
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: 1.43
 Acre-feet of storage, if applicable: _____





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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16 S	12 E	09	swnw	00500	1.43	irr	76520 <i>Sup</i>	15	12/8/1961
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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

Total number of acres, if for irrigation, by certificate and priority date: 1.43

Acre-feet of storage, if applicable: _____

RECEIVED
 MAY 06 2005
 WATER RESOURCES DEPT
 SALEM, OREGON

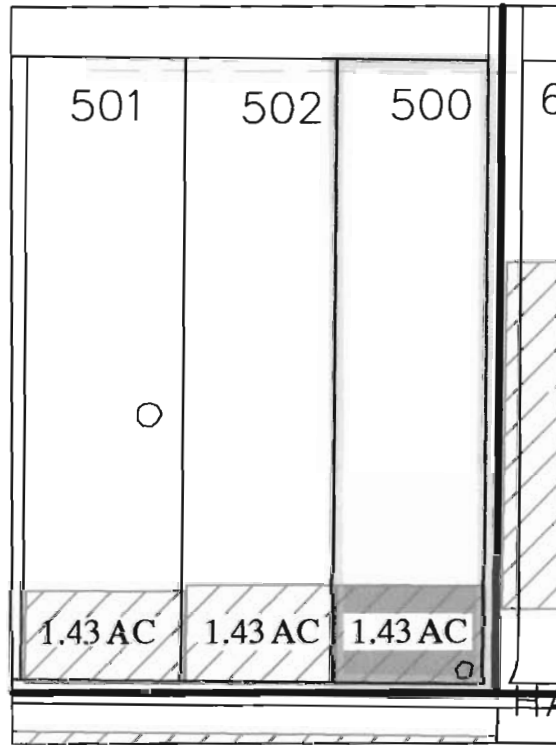
RECEIVED
 APR 22 2005
 WATER RESOURCES DEPT
 SALEM OREGON

TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY FOR Ponsford, David

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON



RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON

INITIAL: _____



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

LOCATED IN THE SW 1/4 OF THE NW1/4
OF SECTION 09, T.16 S., R.12 E., W.M.
TAX LOTS # 0500
DESCHUTES COUNTY, OREGON



SCALE: 1" = 200'

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



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

Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

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

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

Optional Identification by Lessor/Lessee: L05.25
Lease Agreement Number (assigned by WRD): L-648

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Roberts, John T. & Dana M.
(Mailing address) 65686 Cline Falls Road
(City, State, Zip Code) Bend, OR 97701
(Telephone number) (541)389-9399
(Email address) _____

If additional landowners, enter landowner information below

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

~I~ Ownership and Water Right Information

1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 16^S, Range 12^E, Section 17 and Tax Lot number 02900. If the water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included.

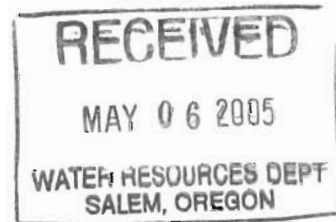
Field Code Changed
Field Code Changed

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

Certificate No. Primary 74146,, Supplemental 74147,74148,74149,76520

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

1.5 **Subject Water Rights.** Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached). (Crosshatch the area of water rights being leased). Attached map(s) must identify property owner, Township, Range, Section and ¼ ¼, tax lot number, map orientation and scale.



RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM OREGON

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16 S	12 E	17	sww	02900	2.0	irr	74146 <i>Pr1</i>	10	9/1/1900
2.										
3.										
4.										
5.										

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

Conditions or other limitations, if any: _____

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

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

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

~II~ Instream Water Right Information

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

RECEIVED

APR 22 2005

**WATER RESOURCES DEPT
 SALEM OREGON**

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

3.5 **Termination provision.**

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

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

Lessor #1: John T. Roberts Date: 3/2/05
John T. Roberts
Dana M. Roberts Date: 3-2-05
Dana M. Roberts

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes Resources Conservancy

Other Attachments As Needed:

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

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM OREGON

RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON



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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16 S	12 E	17	sww	02900	2.0	irr	74147 Sup	12	10/29/1913
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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

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

Acre-feet of storage, if applicable: _____

RECEIVED

APR 22 2005

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
SALEM, OREGON



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

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

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16 S	12 E	17	sww	02900	2.0	irr	74148 <i>Sup To 74146</i>	12	4/7/1911
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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

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

Acre-feet of storage, if applicable: _____

RECEIVED

APR 22 2005

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
SALEM, OREGON



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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)									
1.	16 S	12 E	17	sww	02900	2.0	irr	74149 <i>Sup</i>	1905
2.									
3.									
4.									
5.									
6.									
7.									
8.									
9.									
10.									

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

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

Acre-feet of storage, if applicable: _____

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
 SALEM OREGON

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
 SALEM, OREGON



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

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

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) TO 7446										
1.	16 S	12 E	17	sww	02900	2.0	irr	76520 Sup	16	12/8/1961
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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

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

Acre-feet of storage, if applicable: _____

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
 SALEM OREGON

RECEIVED

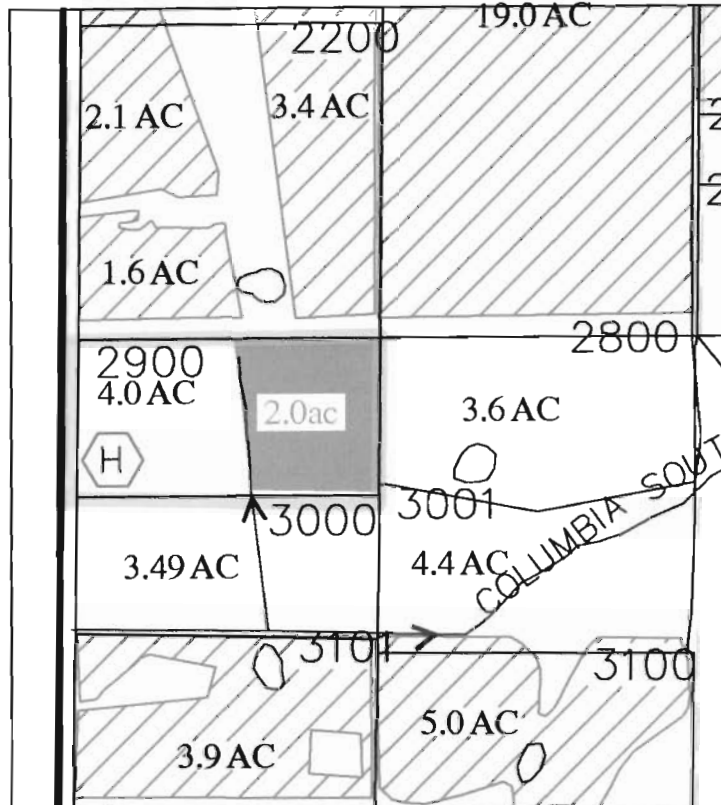
MAY 06 2005

WATER RESOURCES DEPT
 SALEM, OREGON

TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY

FOR

Roberts, John T. & Dana M.



RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
SALEM, OREGON

JR
DM
INITIAL

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

LOCATED IN THE SW 1/4 OF THE SW 1/4
OF SECTION 17, T.16 S., R.12 E., W.M.
TAX LOTS # 2900
DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'

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



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

Nov 2004

Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

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

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

Optional Identification by Lessor/Lessee: L05.02
 Lease Agreement Number (assigned by WRD): L-648

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Schutt/Tuten Family Trust, Paul E. Schutt/Merry A. Tuten, Trustees
 (Mailing address) 31825 Bayview Dr., Apt. 74
 (City, State, Zip Code) Avon Lake, OH 44012-2453
 (Telephone number) (310)373-4063
 (Email address) Merrytuten@yahoo.com

If additional landowners, enter landowner information below

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

~I~ Ownership and Water Right Information

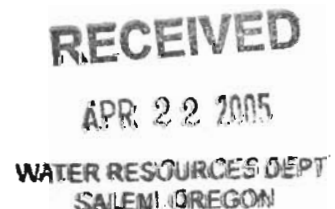
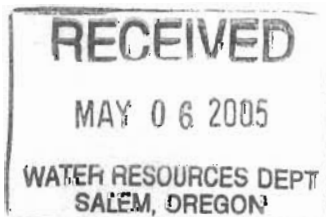
- 1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 16^S
 Range 12^E, Section 07 and Tax Lot number 1401. If the water right appurtenant to these
 lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of
 lessor's property) needs to be included. Field Code Changed

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

- Certificate No. Primary 74147, Supplemental 74148, 74149, 76520

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

- 1.5 **Subject Water Rights.** Landowner proposes to lease the water rights shown on the map
 attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be
 attached). (Crosshatch the area of water rights being leased). Attached map(s) must identify property owner,
 Township, Range, Section and ¼ ¼, tax lot number, map orientation and scale.



T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16 S	12 E	07	nese	01401	.20	ir	74147 P ₂₁	10	10- /29/1913
2.	16 S	12 E	07	sese	01401	14.60	ir	74147 P ₂₁	10	10/29/191 3
3.	16 S	12 E	07	sese	01402	13.70	ir	74147 P ₂₁	10	10/29/191 3
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 28.50

Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

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

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

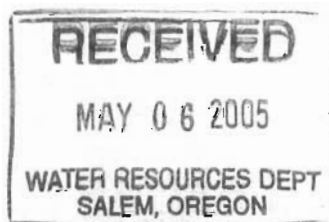
- The water has been used over the past five years according to the terms and conditions of the owner's water right certificate or as an instream water right or
- The water has not been used over the past five years according to the terms and conditions of the owner's water right certificate, however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

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 15, 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: Paul E. Schutt Date: 2/21/05
Paul E. Schutt, Trustee

Merry A. Tuten Date: 2-21-05
Merry A. Tuten, Trustee

Lessor #2: _____ Date: _____
Tumalo Irrigation District

For additional Lessors, type in space for signature and date

Lessee: _____ Date: _____
Deschutes Resources Conservancy

Other Attachments As Needed:

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

RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
APR 22 2005
WATER RESOURCES DEPT
SALEM, OREGON



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

Additional Water Right Form For Pooled Landowner Instream Lease

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

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).

(Crosshatch the area of water rights being leased).

S 74148

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
10 74147										
1.	16 S	12 E	07	sese	01401	14.60	ir	74148 <i>Sup</i>	10	4/7/1911
2.	16 S	12 E	07	nese	01401	.20	ir	74148 <i>Sup</i>	10	4/7/1911
3.	16 S	12 E	07	sese	01402	13.70	ir	74148 <i>Sup</i>	10	4/7/1911
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: 28.50

Acre-feet of storage, if applicable: _____

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
 SALEM OREGON

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
 SALEM, OREGON



State of Oregon
 Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1271
 (503) 986-0900

Additional Water Right Form For Pooled Landowner Instream Lease

*A summary of review criteria and procedures that are generally applicable to these applications is available at
www.wrd.state.or.us/publication/reports/index.shtml.*

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
 (Crosshatch the area of water rights being leased).

S 74149

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) TO 74147									
1.	16 S	12 E	07	sese	01401	14.60	ir	74149 <i>Sup</i>	1905
2.	16 S	12 E	07	nese	01401	0.20	ir	74149 <i>Sup</i>	1905
3.	16 S	12 E	07	sese	01402	13.70	ir	74149 <i>Sup</i>	1905
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: 28.50

Acre-feet of storage, if applicable: _____

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON



State of Oregon
 Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1271
 (503) 986-0900

Additional Water Right Form For Pooled Landowner Instream Lease

*A summary of review criteria and procedures that are generally applicable to these applications is available at
www.wrd.state.or.us/publication/reports/index.shtml.*

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
 (Crosshatch the area of water rights being leased). 5-76520

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) TO 74147										
1.	16 S	12 E	07	sese	01401	14.60	ir	76520 Sup	14	12/8/1961
2.	16 S	12 E	07	nese	01401	0.20	ir	76520 Sup	14	12/8/1961
3.	16 S	12 E	07	sese	01402	13.70	ir	76520 Sup	14	12/8/1961
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: 28.50

Acres-feet of storage, if applicable: _____

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 22 2005

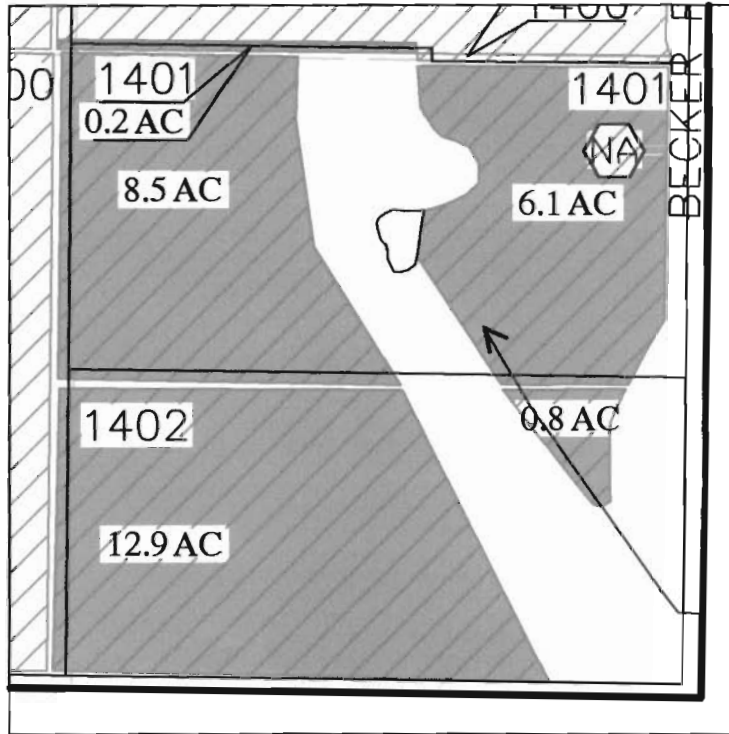
WATER RESOURCES DEPT
SALEM, OREGON

TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY FOR Schutt/Tuten Family Trust

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON



RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON



- 
 Certificate #'s
74146, and 74147
- 
 Certificate #
76106
- 
 JP-1999
- 
 JP-1998
- 
 In-Stream Lease

INITIAL *PS*

LOCATED IN THE NE 1/4 OF THE SE 1/4
OF SECTION 07, T.16 S., R.12 E., W.M.
TAX LOTS # 1401 & SE/SE 1401 & 1402
DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'



State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900

Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/publication/reports/index.shtml.

Pursuant to ORS 537.348(2) and OAR 690-077-0077

Optional Identification by Lessor/Lessee: L05.30
Lease Agreement Number (assigned by WRD): L-648

This Lease Agreement is between:

Lessor #1 (Landowner):
(Name) Snyder, Joseph H. Jr. & Antoinette
(Mailing address) 66300 White Rock Loop
(City, State, Zip Code) Bend, OR 97701
(Telephone number) (541)617-8900
(Email address) _____

If additional landowners, enter landowner information below

Note: The numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the same information as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always sequential.

~I~ Ownership and Water Right Information

1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 16^S
Range 12^E, Section 08 and Tax Lot number 00401. If the water right appurtenant to these
lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of
lessor's property) needs to be included.

Field Code Changed
Field Code Changed

1.3 For the lands being leased, list all water rights appurtenant to the lessor's property. Indicate if
there are any supplemental or overlying rights.

Certificate No. Primary 74146, Supplemental 74147, 74148, 74149, 76520

1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement
Program. Yes No

1.5 **Subject Water Rights.** Landowner proposes to lease the water rights shown on the map
attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be
attached). (Crosshatch the area of water rights being leased). Attached map(s) must identify property owner,
Township, Range, Section and 1/4 1/4, tax lot number, map orientation and scale.

FSD
RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
APR 22 2005
WATER RESOURCES DEPT
SALEM OREGON

T	R	Sect	¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16 S	12 E	08	swnw	00401	.60	irr	74146 Pa	9	9/1/1900
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: .60
 Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

If you need to enter another leased right, please use the Additional Landowner Water Rights Form.

1.6 Validity of rights. Lessor(s) attests (mark one) that:

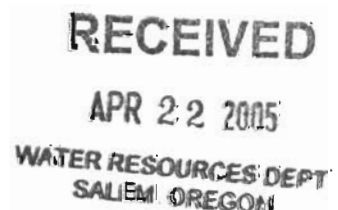
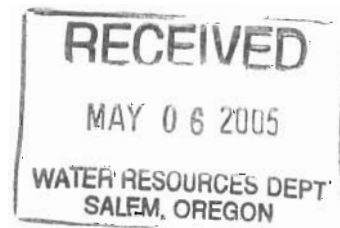
- The water has been used over the past five years according to the terms and conditions of the owner's water right certificate or as an instream water right or
- The water has not been used over the past five years according to the terms and conditions of the owner's water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)()(include necessary supporting documentation as Attachment 3).

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 15, 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: Joseph H. Snyder Jr Date: 3/11/05

Antoinette Snyder Date: 3/11/05
Antoinette Snyder

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes Resources Conservancy

Other Attachments As Needed:

- Exhibit 5-A: Tax Lot Map of Landowner's Property
- Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased [Exhibits 5-A and 5-B may be combined into a single map]
- Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is checked)
- Exhibit 5-D: Split Season Instream Use Form

RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
APR 22 2005
WATER RESOURCES DEPT
SALEM OREGON



State of Oregon
Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1271
 (503) 986-0900

Additional Water Right Form For Pooled Landowner Instream Lease

*A summary of review criteria and procedures that are generally applicable to these applications is available at
www.wrd.state.or.us/publication/reports/index.shtml.*

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
 (Crosshatch the area of water rights being leased).

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) TO 74146										
1.	16 S	12 E	08	swnw	00401	.60	74147 <i>Sup</i>	irr	10	10/29/1913
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

[Attached map(s) must identify property owner, Township, Range, Section and ¼ ¼, tax lot number, map orientation and scale.]

Total number of acres, if for irrigation, by certificate and priority date: .60

Acres-feet of storage, if applicable: _____

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM OREGON



State of Oregon
Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1271
 (503) 986-0900

Additional Water Right Form For Pooled Landowner **Instream Lease**

*A summary of review criteria and procedures that are generally applicable to these applications is available at
www.wrd.state.or.us/publication/reports/index.shtml.*

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
 (Crosshatch the area of water rights being leased).

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) TO 74146										
1.	16 S	12 E	08	swnw	00401	.60	74148 <i>Sup</i>	irr	10	4/7/1911
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: .60

Acre-feet of storage, if applicable: _____

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM OREGON



State of Oregon
Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1271
 (503) 986-0900

Additional Water Right Form For Pooled Landowner Instream Lease

*A summary of review criteria and procedures that are generally applicable to these applications is available at
www.wrd.state.or.us/publication/reports/index.shtml.*

~I~

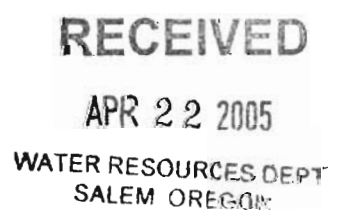
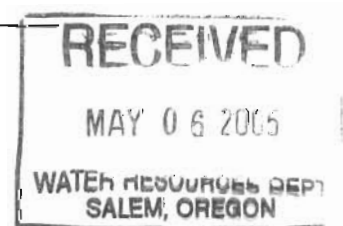
Section 1.1 continued from Pooled Leasing Landowner Form.

Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
 (Crosshatch the area of water rights being leased).

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) TO 74146									
1.	16 S	12 E	08	swnw	00401	.60	74149 <i>Sup</i>	irr	1905
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: .60
 Acre-feet of storage, if applicable: _____





State of Oregon
Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1271
 (503) 986-0900

Additional Water Right Form For Pooled Landowner **Instream Lease**

*A summary of review criteria and procedures that are generally applicable to these applications is available at
www.wrd.state.or.us/publication/reports/index.shtml.*

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).

(Crosshatch the area of water rights being leased).

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) To 74146										
1.	16 S	12 E	08	swnw	00401	.60	76520 <i>Sup</i>	irr	14	12/8/1961
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

[Attached map(s) must identify property owner, Township, Range, Section and ¼ ¼, tax lot number, map orientation and scale.]

Total number of acres, if for irrigation, by certificate and priority date: .60

Acre-feet of storage, if applicable: _____

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON

TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY

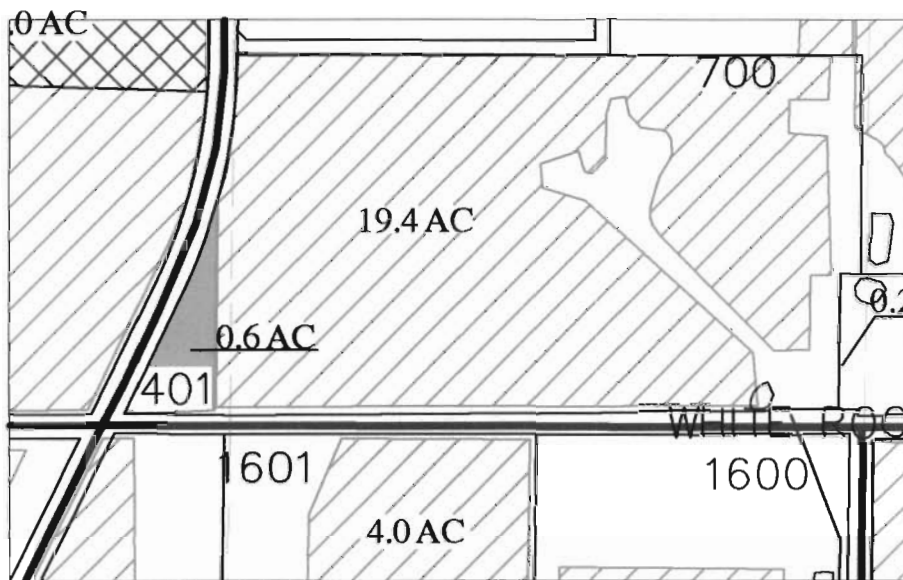
FOR

Joseph H. Jr. & Antoinette Snyder

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON



RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON



- 
 Certificate #'s
74146, and 74147
- 
 Certificate #
76106
- 
 JP-1999
- 
 JP-1998
- 
 In-Stream Lease

INITIAL: *JH* *AS*

LOCATED IN THE SW 1/4 OF THE NW1/4
OF SECTION 08, T.16 S., R.12 E., W.M.
TAX LOTS # 0401
DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'

Prepared By: Tumalo Irrigation District, 64697 Cook Ave, Bend, Oregon 97701 541-382-3053



State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900

Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/publication/reports/index.shtml.

Pursuant to ORS 537.348(2) and OAR 690-077-0077

Optional Identification by Lessor/Lessee: L05.28
Lease Agreement Number (assigned by WRD): L-648

This Lease Agreement is between:

Lessor #1 (Landowner):
(Name) Trout, Robert L. & Linda C. _____
(Mailing address) 1241 West Highland _____
(City, State, Zip Code) Redmond, OR 97756 _____
(Telephone number) (541)548-8158 _____
(Email address) _____

If additional landowners, enter landowner information below

Note: The numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the same information as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always sequential.

~I~ Ownership and Water Right Information

1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 16, Range 12, Section 16 and Tax Lot number 00702. If the water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included.

Field Code Changed
Field Code Changed

1.3 For the lands being leased, list all water rights appurtenant to the lessor's property. Indicate if there are any supplemental or overlying rights.

Certificate No. Primary 74147, 76106, Supplemental 74148, 74149, 76520

1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. Yes No

1.5 **Subject Water Rights.** Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached). (Crosshatch the area of water rights being leased). Attached map(s) must identify property owner, Township, Range, Section and 1/4 1/4, tax lot number, map orientation and scale.

RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
APR 22 2005
WATER RESOURCES DEPT
SALEM OREGON

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16 S	12 E	16	nwnw	00702	.60	irr	74147 Per	11	10/29/1913
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: .60
 Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

If you need to enter another leased right, please use the Additional Landowner Water Rights Form.

1.6 Validity of rights. Lessor(s) attests (mark one) that:

- The water has been used over the past five years according to the terms and conditions of the owner's water right certificate or as an instream water right or
- The water has not been used over the past five years according to the terms and conditions of the owner's water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)() (include necessary supporting documentation as Attachment 3).

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 15, 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.

RECEIVED
 MAY 06 2005
 WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED
 APR 22 2005
 WATER RESOURCES DEPT
 SALEM OREGON

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: Robert L. Trout Date: 3/8/05

Linda C. Trout Date: 3/8/05

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes Resources 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

RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
APR 22 2005
WATER RESOURCES DEPT
SALEM, OREGON



State of Oregon
 Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1271
 (503) 986-0900

Additional Water Right Form For Pooled Landowner Instream Lease

*A summary of review criteria and procedures that are generally applicable to these applications is available at
www.wrd.state.or.us/publication/reports/index.shtml.*

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
 (Crosshatch the area of water rights being leased).

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) TO 74147										
1.	16 S	12 E	16	nwnw	00702	.60	irr	74148 <i>Sup</i>	11	4/7/1911
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: .60
 Acre-feet of storage, if applicable: _____

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
SALEM, OREGON



State of Oregon
Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1271
 (503) 986-0900

Additional Water Right Form For Pooled Landowner Instream Lease

*A summary of review criteria and procedures that are generally applicable to these applications is available at
www.wrd.state.or.us/publication/reports/index.shtml.*

~I~

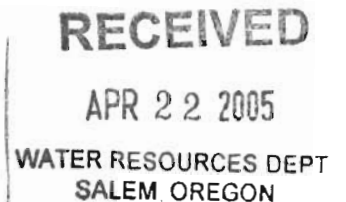
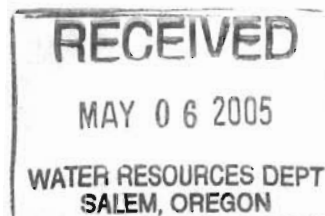
Section 1.1 continued from Pooled Leasing Landowner Form.

Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
 (Crosshatch the area of water rights being leased).

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) TO 74147									
1.	16 S	12 E	16	nwnw	00702	.60	irr	74149 <i>Scap</i>	1905
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: .60
 Acre-feet of storage, if applicable: _____





State of Oregon
Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1271
 (503) 986-0900

Additional Water Right Form For Pooled Landowner **Instream Lease**

*A summary of review criteria and procedures that are generally applicable to these applications is available at
www.wrd.state.or.us/publication/reports/index.shtml.*

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
 (Crosshatch the area of water rights being leased).

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16 S	12 E	16	nwnw	00702	.60	irr	76520 <i>Sup</i>	15	12/8/1961
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

[Attached map(s) must identify property owner, Township, Range, Section and ¼ ¼, tax lot number, map orientation and scale.]

Total number of acres, if for irrigation, by certificate and priority date: .60

Acre-feet of storage, if applicable: _____

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
 SALEM, OREGON



State of Oregon
 Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1271
 (503) 986-0900

Additional Water Right Form For Pooled Landowner Instream Lease

*A summary of review criteria and procedures that are generally applicable to these applications is available at
www.wrd.state.or.us/publication/reports/index.shtml.*

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
 (Crosshatch the area of water rights being leased).

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16 S	12 E	16	nwnw	00702	5.0	irr	76106 Pri	3	12/8/1961
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

[Attached map(s) must identify property owner, Township, Range, Section and ¼ ¼, tax lot number, map orientation and scale.]

Total number of acres, if for irrigation, by certificate and priority date: 5.00

Acre-feet of storage, if applicable: _____

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON



State of Oregon
Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1271
 (503) 986-0900

Additional Water Right Form For Pooled Landowner Instream Lease

*A summary of review criteria and procedures that are generally applicable to these applications is available at
www.wrd.state.or.us/publication/reports/index.shtml.*

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
 (Crosshatch the area of water rights being leased).

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)									
1.	16 S	12 E	16	nwnw	00702	5.0	irr	74149 <i>Sup</i>	1905
2.									
3.									
4.									
5.									
6.									
7.									
8.									
9.									
10.									

[Attached map(s) must identify property owner, Township, Range, Section and ¼ ¼, tax lot number, map orientation and scale.]

Total number of acres, if for irrigation, by certificate and priority date: 5.00
 Acre-feet of storage, if applicable: _____

RECEIVED
 APR 22 2005
 WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED
 MAY 06 2005
 WATER RESOURCES DEPT
 SALEM, OREGON



State of Oregon
 Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1271
 (503) 986-0900

Additional Water Right Form For Pooled Landowner Instream Lease

*A summary of review criteria and procedures that are generally applicable to these applications is available at
www.wrd.state.or.us/publication/reports/index.shtml.*

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
 (Crosshatch the area of water rights being leased).

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16 S	12 E	16	nwnw	00702	5.0	irr	76520 <i>Seap</i>	3	12/8/1961
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

[Attached map(s) must identify property owner, Township, Range, Section and ¼ ¼, tax lot number, map orientation and scale.]

Total number of acres, if for irrigation, by certificate and priority date: 5.00
 Acre-feet of storage, if applicable: _____

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
 SALEM, OREGON
 FSD

TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY

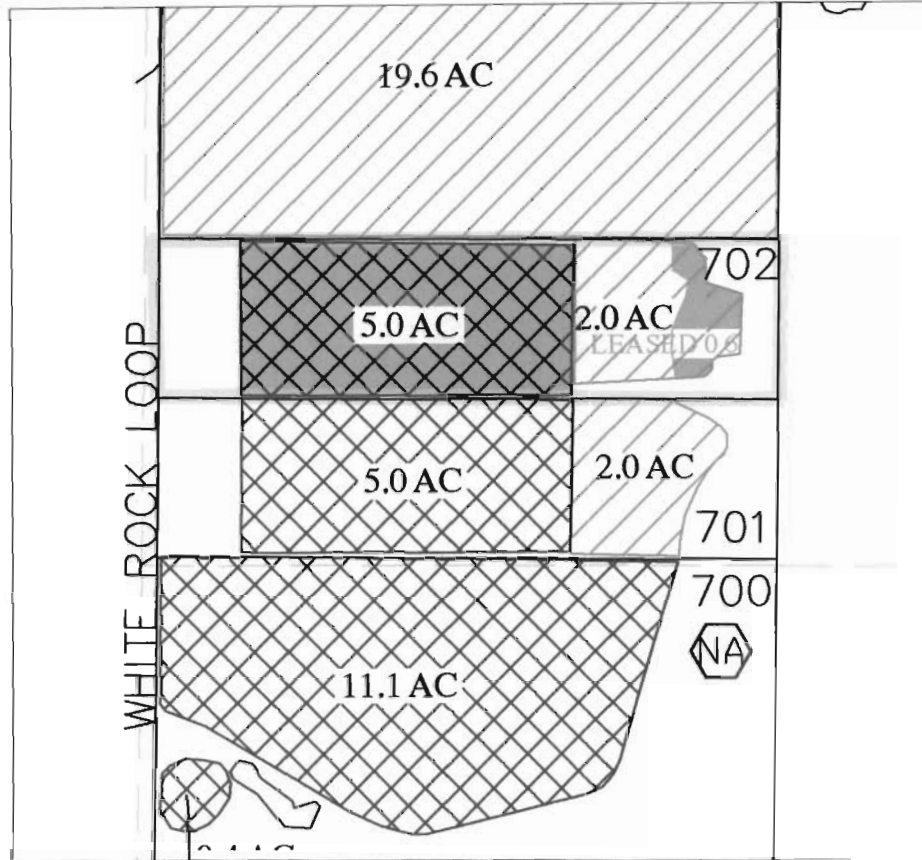
FOR

Trout, Robert L. & Linda C.

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON



RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON

- | | | | | |
|---|---|---|---|---|
|  |  |  |  |  |
| Certificate #'s
74146, and 74147 | Certificate #
76106 | JP-1999 | JP-1998 | In-Stream Lease |

INITIAL: _____

LOCATED IN THE NW1/4 OF THE NW1/4
OF SECTION 16, T.16 S., R.12 E., W.M.
TAX LOTS # 0702
DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'

Prepared By: Tumalo Irrigation District, 64697 Cook Ave, Bend, Oregon 97701 541-382-3053



State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900

Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/publication/reports/index.shtml.

Pursuant to ORS 537.348(2) and OAR 690-077-0077

Optional Identification by Lessor/Lessee: L05.16
Lease Agreement Number (assigned by WRD): L-648

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Vezina, Lee & Ruth
(Mailing address) 18530 Pinehurst Road
(City, State, Zip Code) Bend, OR 97701
(Telephone number) (541)382-5258
(Email address) _____

If additional landowners, enter landowner information below

Note: The numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the same information as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always sequential.

~I~ Ownership and Water Right Information

1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 16
Range 11, Section 35 and Tax Lot number 00100. If the water right appurtenant to these
lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of
lessor's property) needs to be included.

Field Code Changed
Field Code Changed

1.3 For the lands being leased, list all water rights appurtenant to the lessor's property. Indicate if
there are any supplemental or overlying rights.

Certificate No. Primary 74146, Supplemental 74147, 74148, 74149, 76520

1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement
Program. Yes No

1.5 **Subject Water Rights.** Landowner proposes to lease the water rights shown on the map
attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be
attached). (Crosshatch the area of water rights being leased). Attached map(s) must identify property owner,
Township, Range, Section and 1/4, tax lot number, map orientation and scale.

FSD
RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
APR 22 2005
WATER RESOURCES DEPT
SALEM OREGON

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16 S	11 E	35	nene	00100	10.0	irr	74146 Pei	8	9/1/1900
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 10.0
 Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

If you need to enter another leased right, please use the Additional Landowner Water Rights Form.

1.6 Validity of rights. Lessor(s) attests (mark one) that:

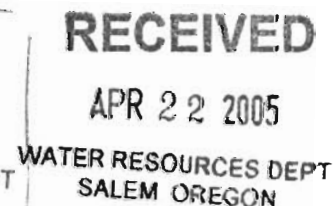
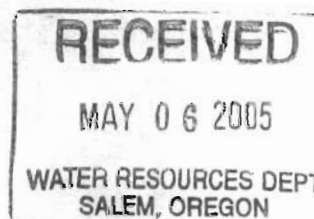
- The water has been used over the past five years according to the terms and conditions of the owner's water right certificate or as an instream water right or
- The water has not been used over the past five years according to the terms and conditions of the owner's water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)()(include necessary supporting documentation as Attachment 3).

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 15, 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: Lee Vezina Date: Feb 28-05
Lee Vezina

Ruth Vezina Date: 2/28/05
Ruth Vezina

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes Resources Conservancy

Other Attachments As Needed:

- Exhibit 5-A: Tax Lot Map of Landowner's Property
- Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased [Exhibits 5-A and 5-B may be combined into a single map]
- Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is checked)
- Exhibit 5-D: Split Season Instream Use Form

RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
APR 22 2005
WATER RESOURCES DEPT
SALEM, OREGON



State of Oregon
Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1271
 (503) 986-0900

Additional Water Right Form For Pooled Landowner Instream Lease

*A summary of review criteria and procedures that are generally applicable to these applications is available at
www.wrd.state.or.us/publication/reports/index.shtml.*

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
 (Crosshatch the area of water rights being leased).

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) To 74146										
1.	16S	11 E	35	nene	00100	10.0	irr	74147 Sup	9	10/29/1913
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

[Attached map(s) must identify property owner, Township, Range, Section and ¼ ¼, tax lot number, map orientation and scale.]

Total number of acres, if for irrigation, by certificate and priority date: 10.0
 Acre-feet of storage, if applicable: _____

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT FSD
 SALEM, OREGON



State of Oregon
Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1271
 (503) 986-0900

Additional Water Right Form For Pooled Landowner **Instream Lease**

*A summary of review criteria and procedures that are generally applicable to these applications is available at
www.wrd.state.or.us/publication/reports/index.shtml.*

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

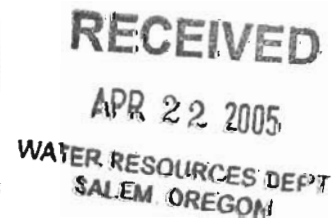
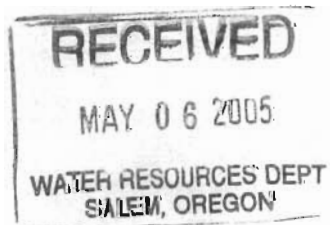
Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
 (Crosshatch the area of water rights being leased).

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) TO 74146										
1.	16 S	11 E	35	nene	00100	10.0	irr	74148 Sup	9	4/7/1911
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: 10.0

Acre-feet of storage, if applicable: _____





State of Oregon
Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1271
 (503) 986-0900

Additional Water Right Form For Pooled Landowner **Instream Lease**

*A summary of review criteria and procedures that are generally applicable to these applications is available at
www.wrd.state.or.us/publication/reports/index.shtml.*

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
 (Crosshatch the area of water rights being leased).

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)									
1.	16 S	11 E	35	nene	00100	10.0	irr	74149 Sup	1905
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: 10.0

Acre-feet of storage, if applicable: _____

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
 SALEM OREGON

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
 SALEM, OREGON



State of Oregon
Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1271
 (503) 986-0900

Additional Water Right Form For Pooled Landowner **Instream Lease**

*A summary of review criteria and procedures that are generally applicable to these applications is available at
www.wrd.state.or.us/publication/reports/index.shtml.*

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
 (Crosshatch the area of water rights being leased).

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16 S	11 E	35	nene	00100	10.0	irr	76520 <i>Sup</i>	13	12/8/1961
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

[Attached map(s) must identify property owner, Township, Range, Section and ¼ ¼, tax lot number, map orientation and scale.]

Total number of acres, if for irrigation, by certificate and priority date: 10.0

Acre-feet of storage, if applicable: _____

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED

MAY 06 2005

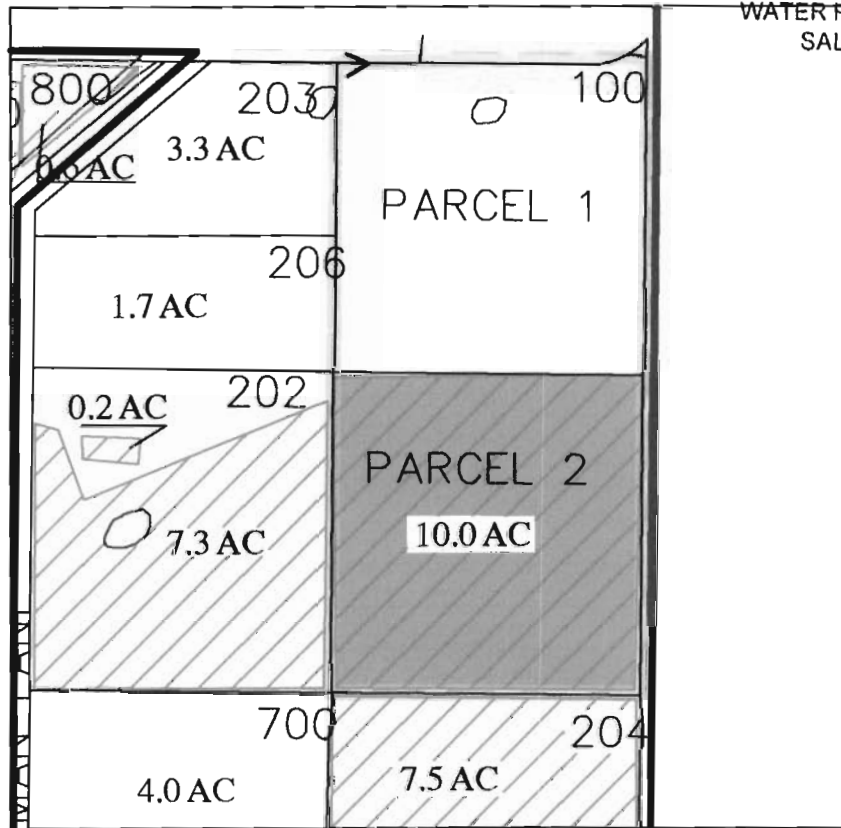
WATER RESOURCES DEPT
 SALEM, OREGON

TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY FOR Vezina, Lee & Ruth

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM OREGON



RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON



- 
Certificate #'s
74146, and 74147
- 
Certificate #
76106
- 
JP-1999
- 
JP-1998
- 
In-Stream Lease

INITIAL: *LR*

LOCATED IN THE NE 1/4 OF THE NE 1/4
OF SECTION 35, T.16 S., R.11 E., W.M.
TAX LOTS # 00100
DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'

Prepared By: Tumalo Irrigation District, 64697 Cook Ave, Bend, Oregon 97701 541-382-3053



State of Oregon
 Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1271
 (503) 986-0900

Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/publication/reports/index.shtml.

Pursuant to ORS 537.348(2) and OAR 690-077-0077

Optional Identification by Lessor/Lessee: L05.01
 Lease Agreement Number (assigned by WRD): L-648

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Wessinger Revocable Living Trust, Patricia L. Wessinger, Trustee
 (Mailing address) 121 SW Salmon St., Suite 1100
 (City, State, Zip Code) Portland, OR 97204
 (Telephone number) (503)223-8268
 (Email address) _____

If additional landowners, enter landowner information below

Note: The numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the same information as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always sequential.

~I~ Ownership and Water Right Information

1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 16^S, Range 11^E, Section 33 and Tax Lot number 00600. If the water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included.

Field Code Changed

Field Code Changed

1.3 For the lands being leased, list all water rights appurtenant to the lessor's property. Indicate if there are any supplemental or overlying rights.

Certificate No. Primary 74146, 76106. Supplemental 74147, 74148, 74149, 76520

1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. Yes No

1.5 **Subject Water Rights.** Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached). (Crosshatch the area of water rights being leased). Attached map(s) must identify property owner, Township, Range, Section and ¼ ¼, tax lot number, map orientation and scale.

FSD

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
 SALEM, OREGON

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16 S	11 E	33	nesw	600	2.00	Irr	74146 PR1	8	9/1/1900
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 2.0
 Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

If you need to enter another leased right, please use the Additional Landowner Water Rights Form.

1.6 Validity of rights. Lessor(s) attests (mark one) that:

- The water has been used over the past five years according to the terms and conditions of the owner's water right certificate or as an instream water right or
- The water has not been used over the past five years according to the terms and conditions of the owner's water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)(_) (include necessary supporting documentation as Attachment 3).

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 15, 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.

RECEIVED
 MAY 08 2005
 WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED
 APR 22 2005
 WATER RESOURCES DEPT
 SALEM OREGON

3.4 **Suspension of original use.** During the period of the lease, the owner agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights. In the event that a supplemental water right is not part of this lease, it may be subject to forfeiture.

3.5 **Termination provision.**

- For multiyear leases, lessor *shall* have the option of terminating the lease each year, prior to the lease being exercised (_____), with 30 day written notice to the Department provided by the Irrigation District, Other Water Purveyor or Lessee (if different than Department). The lessor must contact the Irrigation District, Other Water Purveyor, or Lessee (if different than Department) to indicate their interest in terminating the lease agreement.
- For multiyear leases, lessor *shall not* have the option of terminating the lease each year, prior to the lease being exercised, with written notice to the Department.

3.6 **Modification to prevent injury.** Allocation of water to the instream use described in Section 2.2 during the term of this lease is not reasonably expected to cause injury to other rights to use water from the same source. If injury is found after this lease is signed, the lease may be modified or terminated to prevent injury.

Lessor #1: Patricia L. Wessinger Date: Feb. 11/2005
Patricia L. Wessinger, Trustee

For additional Lessors, type in space for signature and date
Lessor #2:- _____ Date: _____
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes Resources Conservancy

Other Attachments As Needed:

- Exhibit 5-A: Tax Lot Map of Landowner's Property
- Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased [Exhibits 5-A and 5-B may be combined into a single map]
- Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is checked)
- Exhibit 5-D: Split Season Instream Use Form

RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
APR 22 2005
WATER RESOURCES DEPT
SALEM, OREGON



State of Oregon
Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1271
 (503) 986-0900

Additional Water Right Form For Pooled Landowner **Instream Lease**

*A summary of review criteria and procedures that are generally applicable to these applications is available at
www.wrd.state.or.us/publication/reports/index.shtml.*

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

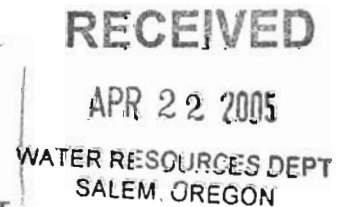
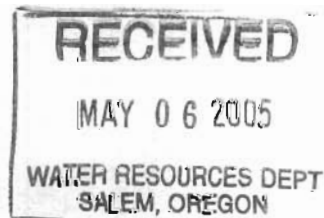
Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
 (Crosshatch the area of water rights being leased).

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) TD 74146										
1.	16S	11E	33	nesw	600	2.0	irr	74147Sup	8	10/29/1913
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

[Attached map(s) must identify property owner, Township, Range, Section and ¼ ¼, tax lot number, map orientation and scale.]

Total number of acres, if for irrigation, by certificate and priority date: 2.00

Acre-feet of storage, if applicable: _____





State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900

Additional Water Right Form For Pooled Landowner Instream Lease

A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/publication/reports/index.shtml.

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
(Crosshatch the area of water rights being leased).

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16S	11E	33	nesw	600	2.0	irr	74148Sup	8	4/7/1911
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

[Attached map(s) must identify property owner, Township, Range, Section and ¼ ¼, tax lot number, map orientation and scale.]

Total number of acres, if for irrigation, by certificate and priority date: 2.00
Acre-feet of storage, if applicable: _____

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
SALEM, OREGON



State of Oregon
 Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1271
 (503) 986-0900

Additional Water Right Form For Pooled Landowner Instream Lease

*A summary of review criteria and procedures that are generally applicable to these applications is available at
www.wrd.state.or.us/publication/reports/index.shtml.*

~I~

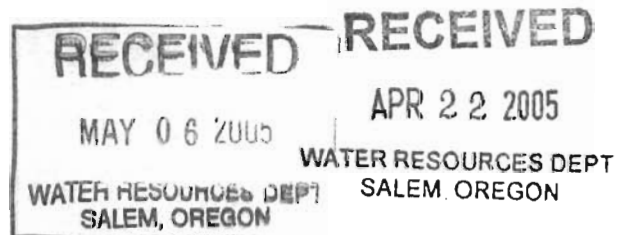
Section 1.1 continued from Pooled Leasing Landowner Form.

Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
 (Crosshatch the area of water rights being leased).

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) TO 74146										
1.	16S	11E	33	nesw	600	2.0	irr	74149 Sup		1905
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

[Attached map(s) must identify property owner, Township, Range, Section and ¼ ¼, tax lot number, map orientation and scale.]

Total number of acres, if for irrigation, by certificate and priority date: 2.0
 Acre-feet of storage, if applicable: _____





State of Oregon
Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1271
 (503) 986-0900

Additional Water Right Form For Pooled Landowner **Instream Lease**

*A summary of review criteria and procedures that are generally applicable to these applications is available at
www.wrd.state.or.us/publication/reports/index.shtml.*

~I~

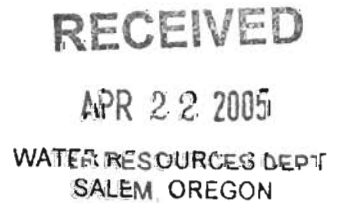
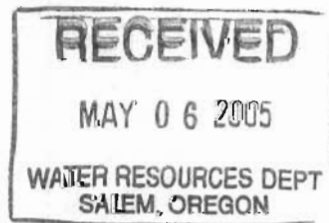
Section 1.1 continued from Pooled Leasing Landowner Form.

Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
 (Crosshatch the area of water rights being leased).

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) TO 74146										
1.	16S	11E	33	nesw	600	2.0	irr	76520 Sup	11	12/8/1961
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

[Attached map(s) must identify property owner, Township, Range, Section and ¼ ¼, tax lot number, map orientation and scale.]

Total number of acres, if for irrigation, by certificate and priority date: 2.00
 Acre-feet of storage, if applicable: _____





State of Oregon
Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1271
 (503) 986-0900

Additional Water Right Form For Pooled Landowner **Instream Lease**

*A summary of review criteria and procedures that are generally applicable to these applications is available at
www.wrd.state.or.us/publication/reports/index.shtml.*

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
 (Crosshatch the area of water rights being leased).

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16S	11E	33	sesw	600	4.0	ir	76106Pri	2	12/8/1961
2.	16S	11E	33	senw	600	3.0	ir	76106Pri	2	12/8/1961
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: 7.0

Acre-feet of storage, if applicable: _____

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
 SALEM OREGON

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
 SALEM, OREGON



State of Oregon
Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1271
 (503) 986-0900

Additional Water Right Form For Pooled Landowner **Instream Lease**

*A summary of review criteria and procedures that are generally applicable to these applications is available at
www.wrd.state.or.us/publication/reports/index.shtml.*

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
 (Crosshatch the area of water rights being leased).

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) TO 76106									
1.	16S	11E	33	sesw	00600	4.0	irr	74149Sup	1905
2.	16S	11E	33	senw	00600	3.0	irr	74149Sup	1905
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: 7.00
 Acre-feet of storage, if applicable: _____

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM OREGON



State of Oregon
Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1271
 (503) 986-0900

Additional Water Right Form For Pooled Landowner **Instream Lease**

*A summary of review criteria and procedures that are generally applicable to these applications is available at
www.wrd.state.or.us/publication/reports/index.shtml.*

~I~

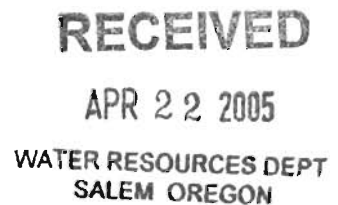
Section 1.1 continued from Pooled Leasing Landowner Form.

Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
 (Crosshatch the area of water rights being leased).

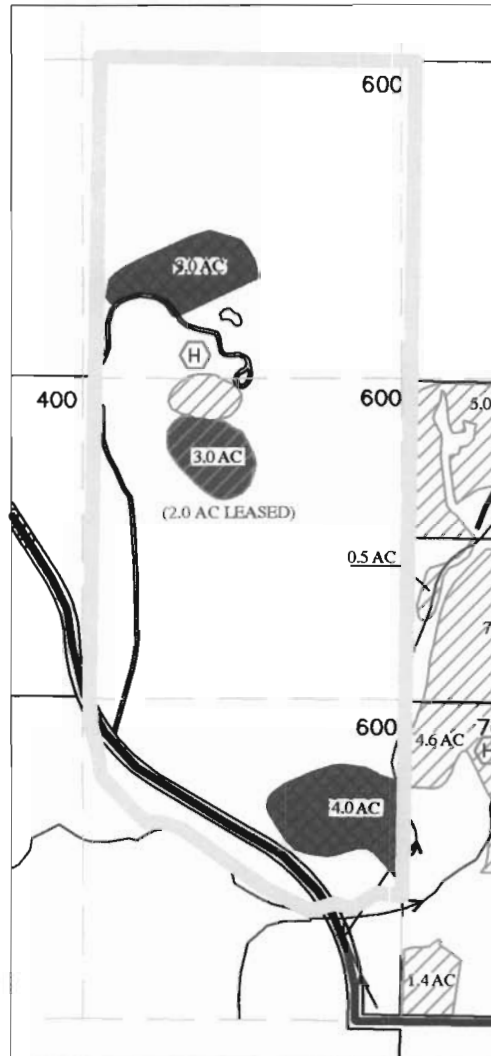
T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) TO 76106										
1.	16S	11E	33	sesw	600	4.0	irr	76520Sup	2	12/8/1961
2.	16S	11E	33	senw	600	3.0	irr	76520Sup	2	12/8/1961
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: 7.0
 Acre-feet of storage, if applicable: _____



TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY FOR Wessinger Revocable Living Trust



RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON



- 
 Certificate #s
74146, and 74147
- 
 Certificate #
76106
- 
 JP-1999
- 
 JP-1998
- 
 In-Stream Lease

INITIAL: P. L. W.

LOCATED IN THE NE 1/4 OF THE SW 1/4
OF SECTION 33, T.16 S., R.11 E., W.M.
TAX LOTS # 00600 & SE/SW 00600
DESCHUTES COUNTY, OREGON



SCALE: 1" = 800'

Prepared By: Tumalo Irrigation District, 64697 Cook Ave, Bend, Oregon 97701 541-382-3053



State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900

Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/publication/reports/index.shtml.

Pursuant to ORS 537.348(2) and OAR 690-077-0077

Optional Identification by Lessor/Lessee: L05.23
Lease Agreement Number (assigned by WRD): L-648

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Dale L. Woods Rev.Trust, Dale L. Woods, Trustee
(Mailing address) 65365 Tweed Rd.
(City, State, Zip Code) Bend, OR 97701
(Telephone number) (541)382-8756
(Email address) _____

If additional landowners, enter landowner information below

Note: The numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the same information as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always sequential.

~I~ Ownership and Water Right Information

1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 16^S, Range 11^E, Section 22 and Tax Lot number 01500. If the water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included.

Field Code Changed
Field Code Changed

1.3 For the lands being leased, list all water rights appurtenant to the lessor's property. Indicate if there are any supplemental or overlying rights.

Certificate No. Primary 74146, Supplemental 74147,74148,74149,76520

1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. Yes No

1.5 **Subject Water Rights.** Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached). (Crosshatch the area of water rights being leased). Attached map(s) must identify property owner, Township, Range, Section and 1/4 1/4, tax lot number, map orientation and scale.

RECEIVED
MAY 06 2005
WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED
APR 22 2005
WATER RESOURCES DEPT
SALEM, OREGON

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16 S	11 E	22	nwse	01500	4.0	irr	74146 P21	5	9/1/1900
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 4.0
 Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

If you need to enter another leased right, please use the Additional Landowner Water Rights Form.

1.6 Validity of rights. Lessor(s) attests (mark one) that:

- The water has been used over the past five years according to the terms and conditions of the owner's water right certificate or as an instream water right or
- The water has not been used over the past five years according to the terms and conditions of the owner's water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)()(include necessary supporting documentation as Attachment 3).

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 15, 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.

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
SALEM, OREGON

3.4 **Suspension of original use.** During the period of the lease, the owner agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights. In the event that a supplemental water right is not part of this lease, it may be subject to forfeiture.

3.5 **Termination provision.**

- For multiyear leases, lessor *shall* have the option of terminating the lease each year, prior to the lease being exercised (_____), with 30 day written notice to the Department provided by the Irrigation District, Other Water Purveyor or Lessee (if different than Department). The lessor must contact the Irrigation District, Other Water Purveyor, or Lessee (if different than Department) to indicate their interest in terminating the lease agreement.
- For multiyear leases, lessor *shall not* have the option of terminating the lease each year, prior to the lease being exercised, with written notice to the Department.

3.6 **Modification to prevent injury.** Allocation of water to the instream use described in Section 2.2 during the term of this lease is not reasonably expected to cause injury to other rights to use water from the same source. If injury is found after this lease is signed, the lease may be modified or terminated to prevent injury.

Lessor #1: Dale Woods Date: 3/7/05
Dale L Woods Revocable Trust, Dale L Woods, Trustee

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes Resources Conservancy

Other Attachments As Needed:

- Exhibit 5-A: Tax Lot Map of Landowner's Property
 - Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased [Exhibits 5-A and 5-B may be combined into a single map]
 - Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is checked)
 - Exhibit 5-D: Split Season Instream Use Form
- _____

RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
APR 22 2005
WATER RESOURCES DEPT
SALEM, OREGON



State of Oregon
Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1271
 (503) 986-0900

Additional Water Right Form For Pooled Landowner **Instream Lease**

*A summary of review criteria and procedures that are generally applicable to these applications is available at
www.wrd.state.or.us/publication/reports/index.shtml.*

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

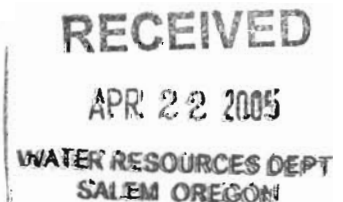
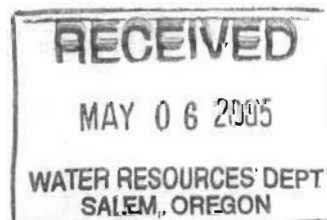
Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
 (Crosshatch the area of water rights being leased).

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16 S	11 E	22	nwse	01500	4.0	irr	74147 Sup	4	10/29/1913
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

[Attached map(s) must identify property owner, Township, Range, Section and ¼ ¼, tax lot number, map orientation and scale.]

Total number of acres, if for irrigation, by certificate and priority date: 4.0

Acre-feet of storage, if applicable: _____





State of Oregon
 Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1271
 (503) 986-0900

Additional Water Right Form For Pooled Landowner Instream Lease

*A summary of review criteria and procedures that are generally applicable to these applications is available at
www.wrd.state.or.us/publication/reports/index.shtml.*

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
 (Crosshatch the area of water rights being leased).

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) TO 74146										
1.	16 S	11 E	22	nwse	01500	4.0	irr	74148 <i>Sup</i>	4	4/7/1911
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

[Attached map(s) must identify property owner, Township, Range, Section and ¼ ¼, tax lot number, map orientation and scale.]

Total number of acres, if for irrigation, by certificate and priority date: 4.0
 Acre-feet of storage, if applicable: _____

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON



State of Oregon
 Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1271
 (503) 986-0900

Additional Water Right Form For Pooled Landowner Instream Lease

*A summary of review criteria and procedures that are generally applicable to these applications is available at
www.wrd.state.or.us/publication/reports/index.shtml.*

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
 (Crosshatch the area of water rights being leased).

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)									
1.	16 S	11 E	22	nwse	01500	4.0	irr	74149 <i>Sup</i>	1905
2.									
3.									
4.									
5.									
6.									
7.									
8.									
9.									
10.									

[Attached map(s) must identify property owner, Township, Range, Section and ¼ ¼, tax lot number, map orientation and scale.]

Total number of acres, if for irrigation, by certificate and priority date: 4.0
 Acre-feet of storage, if applicable: _____

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
 SALEM, OREGON



State of Oregon
Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1271
 (503) 986-0900

Additional Water Right Form For Pooled Landowner **Instream Lease**

*A summary of review criteria and procedures that are generally applicable to these applications is available at
www.wrd.state.or.us/publication/reports/index.shtml.*

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
 (Crosshatch the area of water rights being leased).

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate) To 74146										
1.	16 S	11 E	22	nwse	01500	4.0	irr	76520 Sup	7	12/8/1961
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

[Attached map(s) must identify property owner, Township, Range, Section and ¼ ¼, tax lot number, map orientation and scale.]

Total number of acres, if for irrigation, by certificate and priority date: 4.0

Acre-feet of storage, if applicable: _____

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 22 2005

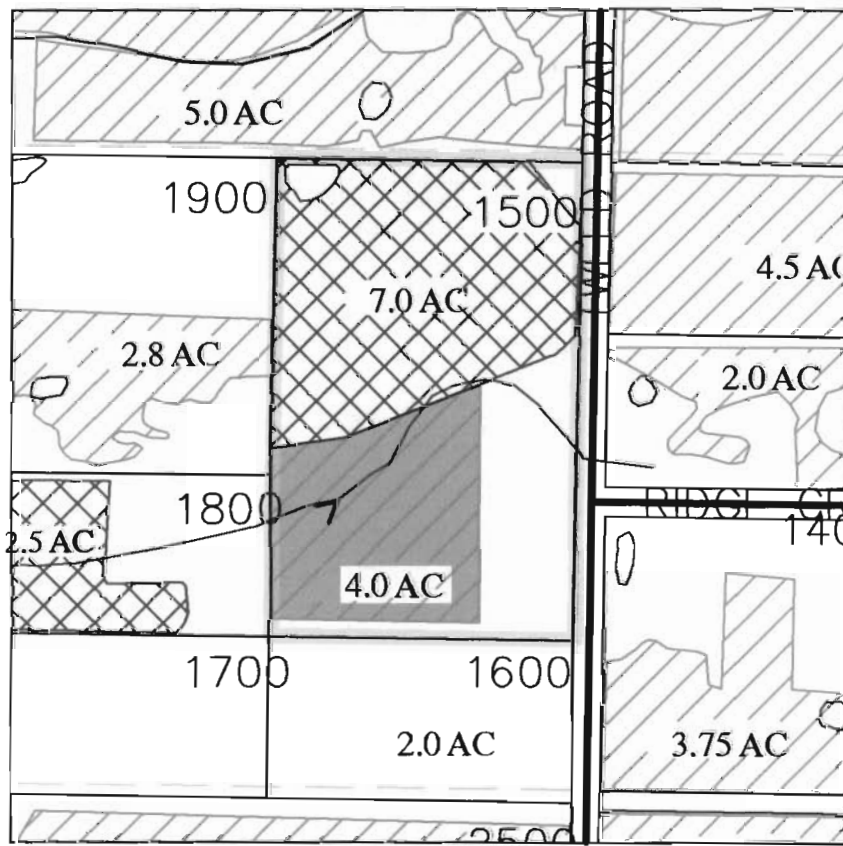
WATER RESOURCES DEPT
SALEM, OREGON

TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY FOR Woods Revocable Trust

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON



RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON

INITIAL: *[Handwritten initials]*



- 
Certificate #'s
74146, and 74147
- 
Certificate #
76106
- 
JP-1999
- 
JP-1998
- 
In-Stream Lease

LOCATED IN THE NW1/4 OF THE SE 1/4
OF SECTION 22, T.16 S., R.11 E., W.M.
TAX LOTS # 01500
DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'

Prepared By: Tumalo Irrigation District, 64697 Cook Ave, Bend, Oregon 97701 541-382-3053



State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900

Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/publication/reports/index.shtml.

Pursuant to ORS 537.348(2) and OAR 690-077-0077

Optional Identification by Lessor/Lessee: L05.10
Lease Agreement Number (assigned by WRD): L-648

This Lease Agreement is between:

Lessor #1 (Landowner):
(Name) Zapp, Martin & Joann
(Mailing address) 65385 Cline Falls Road
(City, State, Zip Code) Bend, OR 97701
(Telephone number) (541)382-8543
(Email address) _____

If additional landowners, enter landowner information below

Note: The numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the same information as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always sequential.

~I~ Ownership and Water Right Information

1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 16.5 Range 12, Section 19 and Tax Lot number 02001. If the water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included.

Field Code Changed
Field Code Changed

1.3 For the lands being leased, list all water rights appurtenant to the lessor's property. Indicate if there are any supplemental or overlying rights.

Certificate No. Primary 74146, Supplemental 74147, 74148, 74149, 76520

1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. Yes No

1.5 **Subject Water Rights.** Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached). (Crosshatch the area of water rights being leased). Attached map(s) must identify property owner, Township, Range, Section and 1/4 1/4, tax lot number, map orientation and scale.

FSD

RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
APR 22 2005
WATER RESOURCES DEPT
SALEM, OREGON

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16 S	12 E	19	nese	02001	2.0	irr	74146 Pri	11	9/1/1900
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 2.0
 Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

If you need to enter another leased right, please use the Additional Landowner Water Rights Form.

1.6 Validity of rights. Lessor(s) attests (mark one) that:

- The water has been used over the past five years according to the terms and conditions of the owner's water right certificate or as an instream water right or
- The water has not been used over the past five years according to the terms and conditions of the owner's water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)(_) (include necessary supporting documentation as Attachment 3).

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 15, 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.

RECEIVED
 MAY 06 2005
 WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED
 APR 22 2005
 WATER RESOURCES DEPT
 SALEM, OREGON

3.4 **Suspension of original use.** During the period of the lease, the owner agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights. In the event that a supplemental water right is not part of this lease, it may be subject to forfeiture.

3.5 **Termination provision.**

- For multiyear leases, lessor *shall* have the option of terminating the lease each year, prior to the lease being exercised (_____), with 30 day written notice to the Department provided by the Irrigation District, Other Water Purveyor or Lessee (if different than Department). The lessor must contact the Irrigation District, Other Water Purveyor, or Lessee (if different than Department) to indicate their interest in terminating the lease agreement.
- For multiyear leases, lessor *shall not* have the option of terminating the lease each year, prior to the lease being exercised, with written notice to the Department.

3.6 **Modification to prevent injury.** Allocation of water to the instream use described in Section 2.2 during the term of this lease is not reasonably expected to cause injury to other rights to use water from the same source. If injury is found after this lease is signed, the lease may be modified or terminated to prevent injury.

Lessor #1: Martin Zapp Date: 2-16-05
Martin Zapp

Joann Zapp Date: 2-16-05
Joann Zapp

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

Lessee: _____ Date: _____
Deschutes Resources Conservancy

Other Attachments As Needed:

- Exhibit 5-A: Tax Lot Map of Landowner's Property
- Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased [Exhibits 5-A and 5-B may be combined into a single map]
- Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is checked)
- Exhibit 5-D: Split Season Instream Use Form

RECEIVED
MAY 06 2005
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
APR 22 2005
WATER RESOURCES DEPT
SALEM, OREGON



State of Oregon
 Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1271
 (503) 986-0900

Additional Water Right Form For Pooled Landowner Instream Lease

*A summary of review criteria and procedures that are generally applicable to these applications is available at
www.wrd.state.or.us/publication/reports/index.shtml.*

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).

(Crosshatch the area of water rights being leased).

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16 S	12 E	19	nese	02001	2.0	irr	74147 <i>Sup</i>	14	10/29/1913
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

[Attached map(s) must identify property owner, Township, Range, Section and ¼ ¼, tax lot number, map orientation and scale.]

Total number of acres, if for irrigation, by certificate and priority date: 2.0

Acre-feet of storage, if applicable: _____

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON



State of Oregon
Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1271
 (503) 986-0900

Additional Water Right Form For Pooled Landowner **Instream Lease**

*A summary of review criteria and procedures that are generally applicable to these applications is available at
www.wrd.state.or.us/publication/reports/index.shtml.*

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
 (Crosshatch the area of water rights being leased).

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
							70 7414 b			
1.	16 S	12 E	19	nese	02001	2.0	irr	74148 Sup	13	4/7/1911
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

[Attached map(s) must identify property owner, Township, Range, Section and ¼ ¼, tax lot number, map orientation and scale.]

Total number of acres, if for irrigation, by certificate and priority date: 2.0

Acre-feet of storage, if applicable: _____

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
 SALEM, OREGON



State of Oregon
Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1271
 (503) 986-0900

Additional Water Right Form For Pooled Landowner Instream Lease

*A summary of review criteria and procedures that are generally applicable to these applications is available at
www.wrd.state.or.us/publication/reports/index.shtml.*

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
 (Crosshatch the area of water rights being leased).

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)									
1.	16 S	12 E	19	nese	02001	2.0	irr	74149 Sup	1905
2.									
3.									
4.									
5.									
6.									
7.									
8.									
9.									
10.									

[Attached map(s) must identify property owner, Township, Range, Section and ¼ ¼, tax lot number, map orientation and scale.]

Total number of acres, if for irrigation, by certificate and priority date: 2.0

Acre-feet of storage, if applicable: _____

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM, OREGON



State of Oregon
Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1271
 (503) 986-0900

Additional Water Right Form For Pooled Landowner **Instream Lease**

*A summary of review criteria and procedures that are generally applicable to these applications is available at
www.wrd.state.or.us/publication/reports/index.shtml.*

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
 (Crosshatch the area of water rights being leased).

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16 S	12 E	19	nese	02001	2.0	irr	76520 <i>Sup</i>	17	12/8/1961
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

[Attached map(s) must identify property owner, Township, Range, Section and ¼ ¼, tax lot number, map orientation and scale.]

Total number of acres, if for irrigation, by certificate and priority date: 2.0
 Acre-feet of storage, if applicable: _____

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED

MAY 06 2005

WATER RESOURCES DEPT
 SALEM, OREGON

TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY

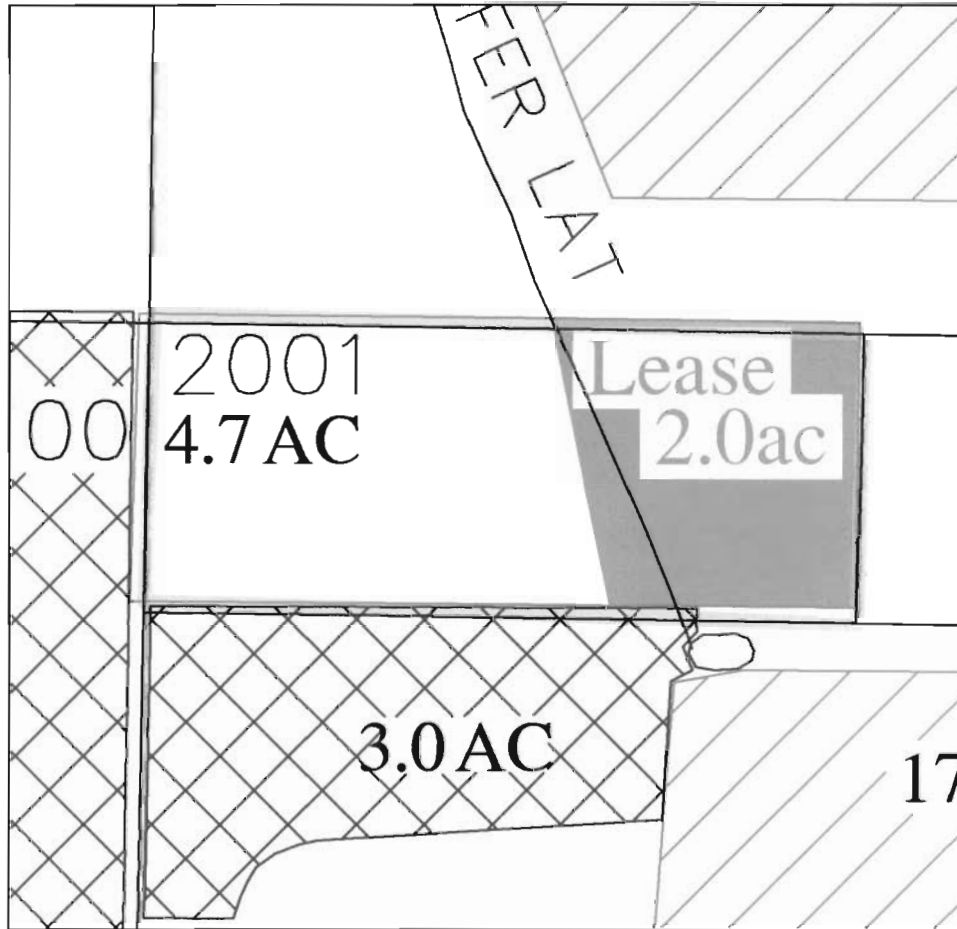
FOR

Zapp, Martin & Joann

RECEIVED

APR 22 2005

WATER RESOURCES DEPT
SALEM OREGON



RECEIVED
MAY 05 2005
WATER RESOURCES DEPT
SALEM, OREGON

INITIAL: *MB*



- 
 Certificate #s
74146, and 74147
- 
 Certificate #
76106
- 
 JP-1999
- 
 JP-1998
- 
 In-Stream Lease

LOCATED IN THE NE 1/4 OF THE SE 1/4
OF SECTION 19, T.16 S., R.12 E., W.M.
TAX LOTS # 02001
DESCHUTES COUNTY, OREGON



SCALE: 1" = 200'