



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

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

Optional Identification by Lessor/Lessee: _____
Lease Agreement Number (assigned by WRD): L-550

This Lease Agreement is between:

Lessor #2: Irrigation District or Other Water Purveyor

(Name) Tumalo Irrigation District
(Mailing address) 64697 Cook Avenue
(City, State, Zip Code) Bend, Oregon 97701
(Telephone number) (541) 382-3053

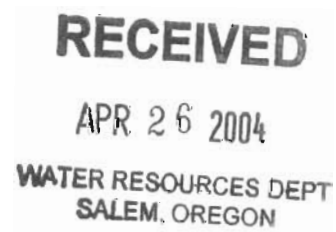
The water right to be leased is located in Deschutes County.

Lessee (if different than Oregon Water Resources Department):

(Name) Deschutes Resources Conservancy
(Mailing address) 700 NW Hill Street
(City, State, Zip Code) Bend, Oregon 97701
(Telephone number) (541) 382-4077

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. 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. 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: 9/1/1900, 4/28/1905, 5/27/1907, 6/1/1907 Type of use: Irrigation

Legal Season of Use: April 1 - October 31
If an irrigation right, total number of acres to be leased: 106.94
Total acre-feet of storage to be leased, if applicable: _____
Maximum rate associated with subject water rights (cfs) being leased: 1.53
If there is more than one rate associated with a water right, describe below:
Season 1 (cfs) 1.53 Time period: April 1 - April 30, Oct 1 - Nov 1
Season 2 (cfs) 1.53 Time period: May 1 - May 15, Sept 16 - Sept 30
Season 3 (cfs) 1.53 Time period: May 16 - Sept 15
Maximum duty associated with subject water rights (ac-ft): 192.50

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 may be processed to be protected at the POD. (If more than one POD is listed on the certificate, then the POD and any associated reach(es) must be identified): Tumalo Creek at the Tumalo Feed Canal (POD #1) measured by Gauge #14073520 to the mouth and thence to LBC @ RM 119.5.

Maximum volume in acre-feet: 192.50

Rate in cfs: Season 1 - 1.53

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

Rate in cfs: Season 2 - 1.53

Rate in cfs: Season 3 - 1.53

Conditions to prevent injury, if any:

- None
- The instream flow will be allocated on a daily average basis up to the described rate from April 1 through June 3.
- Other (describe): _____

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

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2.3 **Term of lease.** This lease shall terminate on October 15, 2004 .

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

~III~ Other Information

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

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

3.3 **Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077- 0070 or OAR 690-077-0075 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.

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

3.5 **Termination provision.**

For multiyear leases, lessor shall have the option of terminating the lease each year, prior to the lease being exercised (_____), with 30 day written notice to the Department.

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

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

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- 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: Edmer S. Daniels Date: 4.21.04
Tumalo Irrigation District

Lessee: J. Saulors Date: 4-22-04
Deschutes Resources Conservancy

- Other Attachments as Needed:
- Attachment 1: Tax Lot Map of Lessor's Property (required if landowner is not the sole landowner to lands for which the subject water rights are appurtenant)
 - Attachment 2: Detailed map illustrating lands under subject rights to be leased (required if only part of a right is being leased instream).
 - Attachment 3: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.5 is checked)
 - Attachment 4: Split Season Instream Use Form
 - Attachment 5: Pooled Lease Landowner Form

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Shelby's instream Lease Calculator

Season 1	Season 2	Season 3
Apr 1 to	May 1 -	
Apr 30,	May 15,	
Oct 1 to	Sep16 -	May 16-
Nov 1	Sep 30	Sep 15

Enter Certificate # **74146**
 Enter Acres **106.94**

Season	Cfs
1	1.53
2	1.53
3	1.53

Total duty **192.5 AF**

Note: Only certificate 74147 has varying rates. If lease only involves other certifi:

<u>Lookup table</u>					
Certificate Number	Rates			Duty	
74146	0.014286	0.014286	0.014286	1.8	
74147	0.0125	0.016667	0.030864	9.91	
76106	0.014286	0.014286	0.014286	2.5	

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Additional Water Right Form for Pooled Instream Lease

~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 - October 31
If an irrigation right, total number of acres to be leased: 106.94
Total acre-feet of storage to be leased, if applicable: _____
Rate associated with leased rights (cfs): _____
(Use additional lines if there is more than one rate associated with the water right.)
Rate associated with leased rights (cfs): _____
Rate associated with leased rights (cfs): _____
Duty associated with leased rights (AF): _____
(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: _____

~II~

Section 2.2 continued from Pooled District Form.

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

Tumalo Creek
Tributary to Deschutes River in the Deschutes Basin.

Describe the point of diversion and any associated reach(es) of the instream use being created. If possible list the reach by river mile, if no reach is identified, the lease may be processed to be protected at the point of diversion): Tumalo Creek at the Tumalo Feed Canal (POD#1) measured by Gauge #14073520 to the mouth and thence to LBC @ RM 119.5.

Total volume (AF): _____
(Use additional lines if there is more than one rate associated with the water right.)
Total volume (AF): _____
Total volume (AF): _____
Rate in cfs: _____
(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 April 1 through October 31.

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Additional Water Right Form for Pooled Instream Lease

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Section 1.2 continued from Pooled District Form.

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

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

Certificate No.: 74149

Priority date: 1905 Type of use: Supplemental to C.74146

Legal Season of Use (if not listed on the certificate): April 1 - October 31

If an irrigation right, total number of acres to be leased: 106.94

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

Rate associated with leased rights (cfs): _____

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

Rate associated with leased rights (cfs): _____

Rate associated with leased rights (cfs): _____

Duty associated with leased rights (AF): _____

(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: _____

~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): NW1/4 NE1/4, Section 32, T.17S, R.12E., W.M.; 100 feet south and 550 feet east from the N1/4 corner of Section 32, and thence to LBC @ RM 119.5.

Total volume (AF): _____

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

Total volume (AF): _____

Total volume (AF): _____

Rate in cfs: _____

(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 April 1 through October 31.

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Additional Water Right Form for Pooled Instream Lease

~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): April 1 - October 31

If an irrigation right, total number of acres to be leased: 106.94

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

Rate associated with leased rights (cfs): _____

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

Rate associated with leased rights (cfs): _____

Rate associated with leased rights (cfs): _____

Duty associated with leased rights (AF): _____

(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: _____

~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): NW1/4 NE1/4, Section 32, T.17S, R.12E., W.M.: 100 feet south and 550 feet east from the N1/4 corner of Section 32, and thence to LBC @ RM 119.5.

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

Total volume (AF): _____

Total volume (AF): _____

Rate in cfs: _____
(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 April 1 through October 31.

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Additional Water Right Form
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~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 - October 31
If an irrigation right, total number of acres to be leased: 106.94
Total acre-feet of storage to be leased, if applicable:
Rate associated with leased rights (cfs):
(Use additional lines if there is more than one rate associated with the water right.)
Rate associated with leased rights (cfs):
Rate associated with leased rights (cfs):
Duty associated with leased rights (AF):
(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:

~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: NW1/4 NE1/4, Section 32, T.17S, R.12E., W.M.; 100 feet south and 550 feet east from the N1/4 corner of Section 32, and thence to LBC @ RM 119.5.

Total volume (AF):
(Use additional lines if there is more than one rate associated with the water right.)
Total volume (AF):
Total volume (AF):
Rate in cfs:
(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 April 1 through October 31.

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Additional Water Right Form for Pooled Instream Lease

~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 - October 31
If an irrigation right, total number of acres to be leased: 82.16
Total acre-feet of storage to be leased, if applicable: _____
Rate associated with leased rights (cfs): Season 1 - 1.03
(Use additional lines if there is more than one rate associated with the water right.)
Rate associated with leased rights (cfs): Season 2 - 1.37
Rate associated with leased rights (cfs): Season 3 - 2.54
Duty associated with leased rights (AF): 814.20
(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: _____

~II~

Section 2.2 continued from Pooled District Form.

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

Tumalo Creek
Tributary to Deschutes River in the Deschutes Basin.

Describe the point of diversion and any associated reach(es) of the instream use being created. If possible list the reach by river mile, if no reach is identified, the lease may be processed to be protected at the point of diversion): Tumalo Creek at the Tumalo Feed Canal (POD#1) measured by Gauge #14073520 to the mouth and thence to LBC @ RM 119.5.

Total volume (AF): 814.20
(Use additional lines if there is more than one rate associated with the water right.)
Total volume (AF): _____
Total volume (AF): _____
Rate in cfs: Season 1 - 1.03
(Use additional lines if there is more than one rate associated with the water right.)
Rate in cfs: Season 2 - 1.37
Rate in cfs: Season 3 - 2.54

Conditions to prevent injury, if any:

- None
- The instream flow will be allocated on a daily average basis up to the described rate from April 1 through October 31.

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Shelby's instream Lease Calculator

Season 1	Season 2	Season 3
Apr 1 to	May 1 -	
Apr 30,	May 15,	
Oct 1 to	Sep16 -	May 16-
Nov 1	Sep 30	Sep 15

Enter Certificate # 74147
 Enter Acres 82.16

	Cfs	
Season		
	1	1.03
	2	1.37
	3	2.54

Total duty 814.2 AF

Note: Only certificate 74147 has varying rates. If lease only involves other certific.

<u>Lookup table</u>					
Certificate Number	Rates			Duty	
74146	0.014286	0.014286	0.014286	1.8	
74147	0.0125	0.016667	0.030864	9.91	
76106	0.014286	0.014286	0.014286	2.5	

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Additional Water Right Form
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Instream Lease

~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 - October 31
If an irrigation right, total number of acres to be leased: 82.16
Total acre-feet of storage to be leased, if applicable:
Rate associated with leased rights (cfs):
(Use additional lines if there is more than one rate associated with the water right.)
Rate associated with leased rights (cfs):
Rate associated with leased rights (cfs):
Duty associated with leased rights (AF):
(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:

~II~

Section 2.2 continued from Pooled District Form.

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

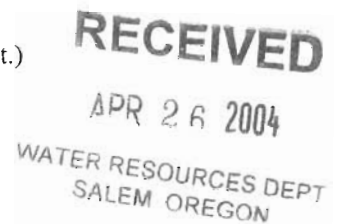
Deschutes River
Tributary to Columbia River in the Deschutes Basin.

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: NW1/4 NE1/4, Section 32, T.17S, R.12E., W.M.; 100 feet south and 550 feet east from the N1/4 corner of Section 32, and thence to LBC @ RM 119.5.

Total volume (AF):
(Use additional lines if there is more than one rate associated with the water right.)
Total volume (AF):
Total volume (AF):
Rate in cfs:
(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 April 1 through October 31.





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Additional Water Right Form for Pooled Instream Lease

~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 - October 31
If an irrigation right, total number of acres to be leased: 82.16
Total acre-feet of storage to be leased, if applicable: _____
Rate associated with leased rights (cfs): _____
(Use additional lines if there is more than one rate associated with the water right.)
Rate associated with leased rights (cfs): _____
Rate associated with leased rights (cfs): _____
Duty associated with leased rights (AF): _____
(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: _____

~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): NW1/4 NE1/4, Section 32, T.17S, R.12E., W.M.; 100 feet south and 550 feet east from the N1/4 corner of Section 32, and thence to LBC @ RM 119.5.

Total volume (AF): _____
(Use additional lines if there is more than one rate associated with the water right.)
Total volume (AF): _____
Total volume (AF): _____
Rate in cfs: _____
(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 April 1 through October 31.

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Additional Water Right Form for Pooled Instream Lease

~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 - October 31
If an irrigation right, total number of acres to be leased: 82.16
Total acre-feet of storage to be leased, if applicable: _____
Rate associated with leased rights (cfs): _____
(Use additional lines if there is more than one rate associated with the water right.)
Rate associated with leased rights (cfs): _____
Rate associated with leased rights (cfs): _____
Duty associated with leased rights (AF): _____
(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: _____

~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): NW1/4 NE1/4, Section 32, T.17S, R.12E., W.M.; 100 feet south and 550 feet east from the N1/4 corner of Section 32, and thence to LBC @ RM 119.5.

Total volume (AF): _____
(Use additional lines if there is more than one rate associated with the water right.)
Total volume (AF): _____
Total volume (AF): _____
Rate in cfs: _____
(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 April 1 through October 31.

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Additional Water Right Form for Pooled Instream Lease

~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 - October 31
If an irrigation right, total number of acres to be leased: 66.66
Total acre-feet of storage to be leased, if applicable: 660.60
Rate associated with leased rights (cfs): Season 1 - 0.95
(Use additional lines if there is more than one rate associated with the water right.)
Rate associated with leased rights (cfs): Season 2 - 0.95
Rate associated with leased rights (cfs): Season 3 - 0.95
Duty associated with leased rights (AF): 166.70
(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: _____

~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 and Tumalo Creek
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): Tumalo Creek at the Tumalo Feed Canal (POD#1) measured by Gauge #14073520 to the mouth and thence to LBC @ RM 119.5. POD#2 Deschutes River Legal.

Total volume (AF): 166.70
(Use additional lines if there is more than one rate associated with the water right.)
Total volume (AF): _____
Total volume (AF): _____
Rate in cfs: Season 1 - 0.95
(Use additional lines if there is more than one rate associated with the water right.)
Rate in cfs: Season 2 - 0.95
Rate in cfs: Season 3 - 0.95

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Conditions to prevent injury, if any:

- None
- The instream flow will be allocated on a daily average basis up to the described rate from April 1 through October 31.

Shelby's instream Lease Calculator

Season 1	Season 2	Season 3
Apr 1 to	May 1 -	
Apr 30,	May 15,	
Oct 1 to	Sep16 -	May 16-
Nov 1	Sep 30	Sep 15

Enter Certificate # **76106**
 Enter Acres **66.66**

	Cfs	
Season		
	1	0.95
	2	0.95
	3	0.95

Total duty 166.7 AF

Note: Only certificate 74147 has varying rates. If lease only involves other certific.

Lookup table					
Certificate Number	Rates			Duty	
74146	0.014286	0.014286	0.014286	1.8	
74147	0.0125	0.016667	0.030864	9.91	
76106	0.014286	0.014286	0.014286	2.5	

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Additional Water Right Form for Pooled Instream Lease

~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 - October 31
If an irrigation right, total number of acres to be leased: 66.66
Total acre-feet of storage to be leased, if applicable: _____
Rate associated with leased rights (cfs): _____
(Use additional lines if there is more than one rate associated with the water right.)
Rate associated with leased rights (cfs): _____
Rate associated with leased rights (cfs): _____
Duty associated with leased rights (AF): _____
(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: _____

~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): NW1/4 NE1/4, Section 32, T.17S, R.12E., W.M.; 100 feet south and 550 feet east from the N1/4 corner of Section 32, and thence to LBC @ RM 119.5.

Total volume (AF): _____
(Use additional lines if there is more than one rate associated with the water right.)
Total volume (AF): _____
Total volume (AF): _____
Rate in cfs: _____
(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 April 1 through October 31.

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Additional Water Right Form for Pooled Instream Lease

~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 - October 31

If an irrigation right, total number of acres to be leased: 66.66

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

Rate associated with leased rights (cfs): _____

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

Rate associated with leased rights (cfs): _____

Rate associated with leased rights (cfs): _____

Duty associated with leased rights (AF): _____

(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: _____

~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): NW1/4 NE1/4, Section 32, T.17S, R.12E., W.M.; 100 feet south and 550 feet east from the N1/4 corner of Section 32, and thence to LBC @ RM 119.5.

Total volume (AF): _____

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

Total volume (AF): _____

Total volume (AF): _____

Rate in cfs: _____

(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 April 1 through October 31.

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Tumalo Irrigation District
 Instream Leases - 2004

Lease Number	C.74146 9/1/1900	C.74146 4/28/1905	C.74146 5/27/1907	C.74146 6/1/1907	C.74147 10/29/1913	C.76106 12/8/1961	Total
L04.01	11.00			6.40	2.60	20.00	40.00
L04.02	1.40			1.60			3.00
L04.03					3.00		3.00
L04.04	9.10						9.10
L04.05	2.00					7.00	9.00
L04.06	1.00					2.00	3.00
L04.08	1.00						1.00
L04.09						1.60	1.60
L04.10	2.60						2.60
L04.11					23.11		23.11
L04.12						2.50	2.50
L04.13					13.00		13.00
L04.14						9.10	9.10
L04.15						14.46	14.46
L04.16			2.80				2.80
L04.17				15.50			15.50
L04.18				10.00			10.00
L04.20	40.94						40.94
L04.21						10	50.45
L04.22		1.60			40.45		1.60
Totals	69.04	1.60	2.80	33.50	82.16	66.66	255.76

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Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

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

Optional Identification by Lessor/Lessee: L04.01
Lease Agreement Number (assigned by WRD): _____

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) James Schlueter & Patricia Schlueter
(Mailing address) 15505 SW 109th Ave.
(City, State, Zip Code) Tigard, OR 97224
(Telephone number) (541)388-4575

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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 1700/1900. If the water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included.

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

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

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

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

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: James A. Schlueter Date: 1-18-04
James A. Schlueter

For additional Lessors, type in space for signature and date
Patricia J. Schlueter Date: 1-18-04
Patricia J. Schlueter

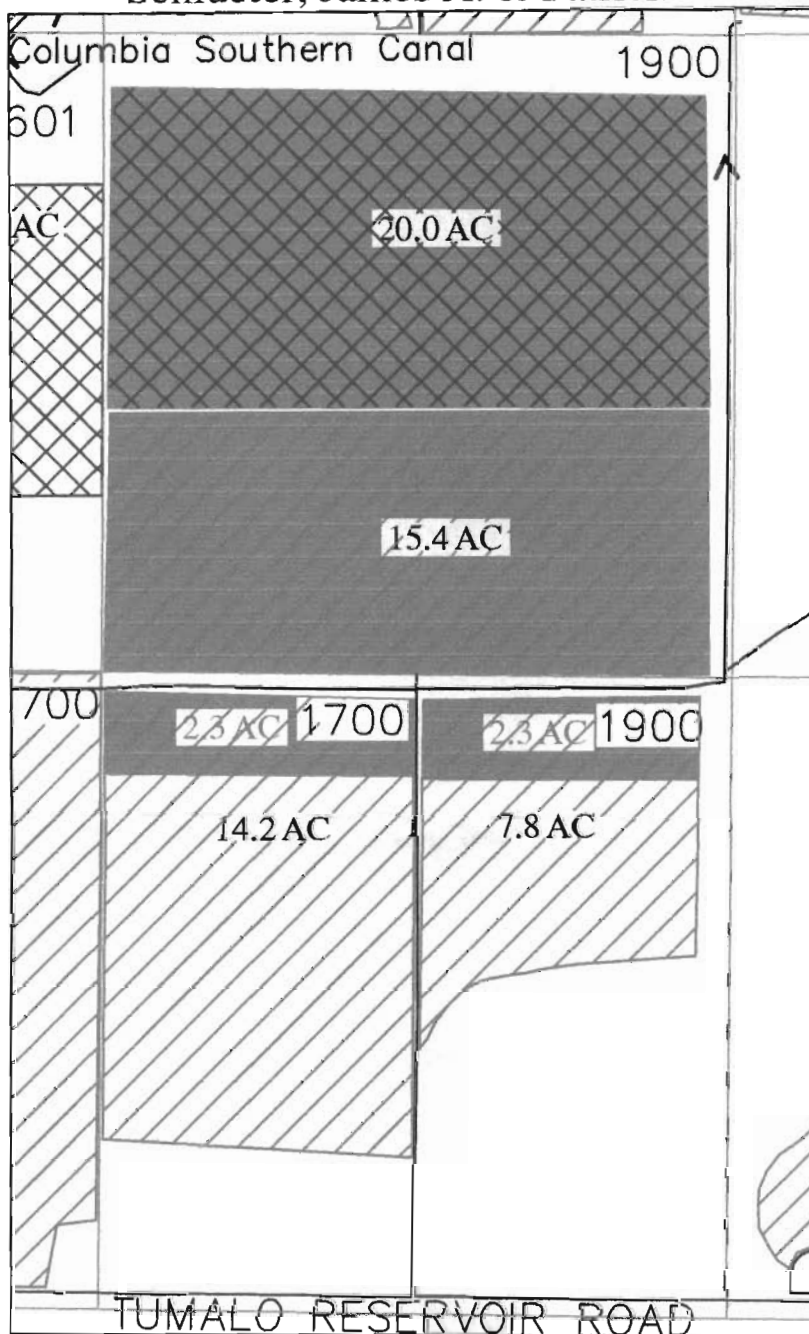
Lessee: Patricia J. Schlueter Date: 1-18-04
Tumalo Irrigation District

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

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TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY

FOR
Schlueter, James A. & Patricia J.



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INITIAL: *James A. Schlueter*

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

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



SCALE: 1" = 400'

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

D:\CAD_Files\Drawings and Maps\Drawings-Water Rights\161135.dwg, 1/13/2004 10:17:22 AM

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	11	35	sesw	1700	2.30	irr	74146	8	9/1/1900
2.	16	11	35	sesw	1900	2.30	irr	74146	8	9/1/1900
3.	16	11	35	nesw	1900	6.40	irr	74146	8	9/1/1900
4.	16	11	35	nesw	1900	6.40	irr	74146	16	6/1/1907
5.										

Total number of acres, if for irrigation, by certificate and priority date: 17.40
 Acre-feet of storage, if applicable: _____

Additional Subject Water Rights? (Please use Additional Landowner Information form.)

Conditions or other limitations, if any: _____ **RECEIVED**

If you need to enter another leased right, please use the additional water rights form. **APR 26 2004**

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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, 2004. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

~III~ Other Information

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

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

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



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Additional Water Right Form For Pooled Landowner Instream Lease

~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	11	35	nesw	1900	2.60	irr	74147	9	10/29/13
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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

Total number of acres, if for irrigation, by certificate and priority date: 2.60

Acre-feet of storage, if applicable: _____

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Additional Water Right Form For Pooled Landowner Instream Lease

~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	11	35	nesw	1900	20.0	irr	76106	2	12/8/1961
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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

Total number of acres, if for irrigation, by certificate and priority date: 20.0
Acre-feet of storage, if applicable: 198.20

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16	11	23	SW 1/4 NE 1/4	509	1.5	BYRUM, D & T
16	11	23	NE 1/4 SE 1/4	500	1.0	MOE, L & M
16	11	23	NE 1/4 SE 1/4	521	3.0	WEHDE, B & J
16	11	23	NE 1/4 SE 1/4	522	1.0	MOE, L & M
16	11	23	NW 1/4 SE 1/4	505	2.7	BIOCINI, J
16	11	23	SE 1/4 SE 1/4	510	0.6	BJERK, L & D
16	11	23	SE 1/4 SE 1/4	512	1.0	POAGE, L & C
16	11	24	NW 1/4 SW 1/4	1801	0.9	NIEBAUER, D
16	11	24	SW 1/4 SW 1/4	2001	0.4	BJERK, L & D
16	11	24	NW 1/4 SE 1/4	1403	1.2	HELLE, J & S
16	11	24	SW 1/4 SE 1/4	2201	1.3	HELLE, J & S
16	11	24	SW 1/4 SE 1/4	2500	1.3	HELLE, J & S
16	11	24	SW 1/4 SE 1/4	2600	1.34	HELLE, J & S
16	11	24	SW 1/4 SE 1/4	2700	1.3	HELLE, J & S
16	11	25	NW 1/4 NE 1/4	200	20.0	ANLIKER, M
16	11	25	NW 1/4 NE 1/4	204	0.9	MAYEA, J
16	11	25	SW 1/4 NE 1/4	500	10.0	RUCKS, E
16	11	25	SE 1/4 NE 1/4	501	6.0	SCHUMACHER, W & D
16	11	25	SE 1/4 NE 1/4	502	5.0	NOLAN, J & J
16	11	25	SE 1/4 NE 1/4	503	2.0	TOYEE, R & K
16	11	25	SE 1/4 NE 1/4	504	1.0	PIMENTEL, K & V
16	11	25	NW 1/4 NW 1/4	1300	1.0	VANHOUEWLING, D
16	11	26	NE 1/4 SW 1/4	300	2.0	MASTER, R & J

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Additional Water Right Form For Pooled Landowner Instream Lease

~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	11	35	sesw	1700	2.30	sup <i>to 74141</i>	74147	10	10/29/1913
2.	16	11	35	sesw	1900	2.30	sup	74147	10	10/29/1913
3.	16	11	35	nesw	1900	6.40	sup	74147	9	10/29/1913
4.	16	11	35	nesw	1900	6.40	sup	74147	9	10/29/1913
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: 17.40

Acre-feet of storage, if applicable: _____

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Additional Water Right Form For Pooled Landowner Instream Lease

~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	11	35	sesw	1700	2.30	sup 40 74149/2	74149	1905
2.	16	11	35	sesw	1900	2.30	sup	74149	1905
3.	16	11	35	nesw	1900	6.40	sup	74149	1905
4.	16	11	35	nesw	1900	6.40	sup	74149	1905
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: _____
Acre-feet of storage, if applicable: 6.09

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Additional Water Right Form For Pooled Landowner Instream Lease

~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	11	35	sesw	1700	2.30	sup to 74146	74148	9	4/7/1911
2.	16	11	35	sesw	1900	2.30	sup	74148	9	4/7/1911
3.	16	11	35	nesw	1900	6.40	sup	74148	9	4/7/1911
4.	16	11	35	nesw	1900	6.40	sup ↓	74148	9	4/7/1911
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: 17.40

Acre-feet of storage, if applicable: 92.22

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Additional Water Right Form For Pooled Landowner Instream Lease

~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	11	35	sesw	1700	2.30	sup ↓ 74142	76520	13	12/8/1961
2.	16	11	35	sesw	1900	2.30	sup	76520	13	12/8/1961
3.	16	11	35	nesw	1900	6.40	sup	76520	13	12/8/1961
4.	16	11	35	nesw	1900	6.40	sup ↓	76520	13	12/8/1961
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: 17.40
Acre-feet of storage, if applicable: 100.92

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Additional Water Right Form For Pooled Landowner Instream Lease

~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	11	35	nesw	1900	2.60	sup ↓ 74147	74149	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: 2.60
Acre-feet of storage, if applicable: 0.91

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Additional Water Right Form For Pooled Landowner Instream Lease

~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	11	35	nesw	1900	2.60	sup ↓ 74147	74148	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: 2.60
Acre-feet of storage, if applicable: 13.78

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Additional Water Right Form For Pooled Landowner Instream Lease

~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	11	35	nesw	1900	2.60	sup ↓ 74147	76520	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: 2.60
Acre-feet of storage, if applicable: 15.08

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Additional Water Right Form For Pooled Landowner Instream Lease

~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	11	35	nesw	1900	20.0	sup ↓ to 76106	74149		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: 20.00

Acre-feet of storage, if applicable: 7.00

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725 Summer Street NE, Suite A
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Additional Water Right Form For Pooled Landowner Instream Lease

~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	11	35	nesw	1900	20.0	sup <u>to 720104</u>	76520	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: 20.00
Acre-feet of storage, if applicable: 1160

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Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

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

Optional Identification by Lessor/Lessee: L04.02
Lease Agreement Number (assigned by WRD): _____

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Lon & Shirley Bryant Living Trust
(Mailing address) 18215 Pinehurst Rd.
(City, State, Zip Code) Bend, OR 97701
(Telephone number) (541)382-1159

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If additional landowners, enter landowner information below

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

~I~ Ownership and Water Right Information

- 1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 16, Range 11, Section 34 and Tax Lot number 101. If the water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included.
- 1.3 For the lands being leased, list all water rights appurtenant to the lessor's property. Indicate if there are any supplemental or overlying rights.

Certificate No. 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.

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: Lon N. Bryant Date: 2/17/04
Lon N. Bryant, Trustee

For additional Lessors, type in space for signature and date

—

Lessee: _____ Date: _____
Tumalo Irrigation District

Other Attachments As Needed:

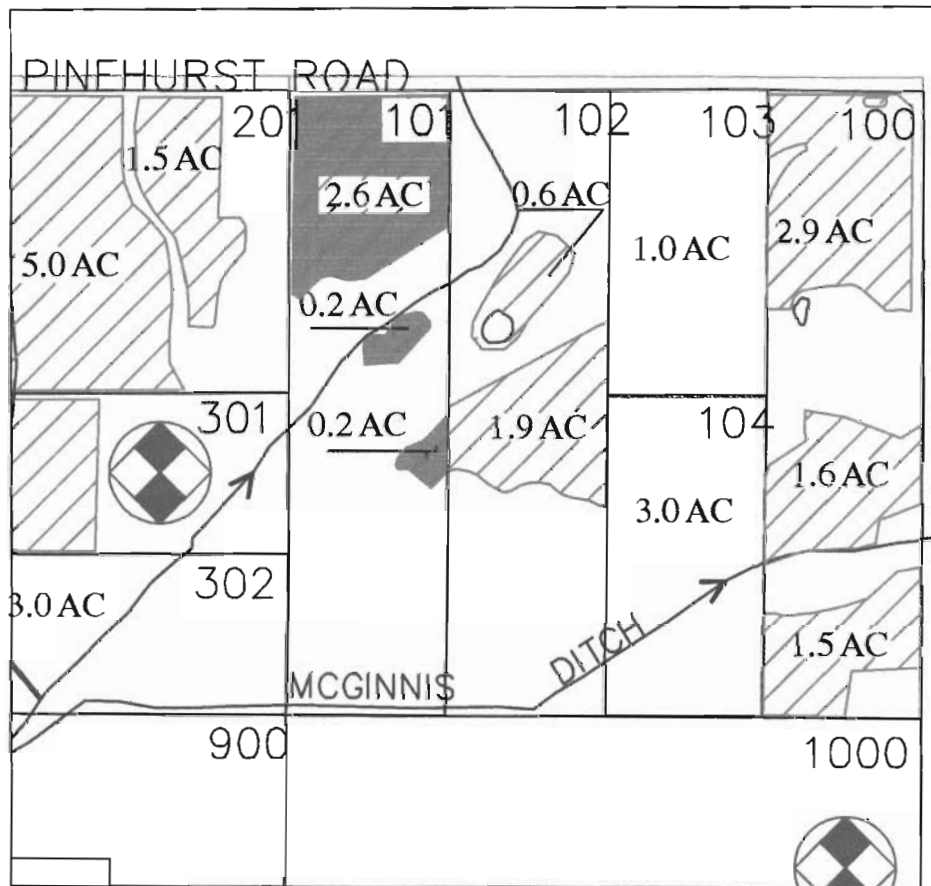
- Exhibit 5-A: Tax Lot Map of Landowner's Property
- Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased [Exhibits 5-A and 5-B may be combined into a single map]
- Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though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

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



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INITIAL *JB*

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

LOCATED IN THE NE 1/4 OF THE NE 1/4
OF SECTION 34 , T16 S., R11 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

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T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16	11	34	nene	101	1.4	irr	74146	16 0	9/1/1900
2.	16	11	34	nene	101	1.6	irr	74146	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: _____

Additional Subject Water Rights? (Please use Additional Landowner Information form.)

Conditions or other limitations, if any: _____

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

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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, 2004. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

~III~ Other Information

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

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

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



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(503) 986-0900

Additional Water Right Form For Pooled Landowner Instream Lease

~I~

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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	11	34	nene	0101	3.0	Supp to 74147	74147	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: _____



State of Oregon
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(503) 986-0900

Additional Water Right Form For Pooled Landowner Instream Lease

~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	11	34	nene	0101	3.0	Supp <u>to 74149</u>	74149		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: 3.00
Acre-feet of storage, if applicable: 1.05

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Additional Water Right Form For Pooled Landowner Instream Lease

~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	11	34	nene	0101	3.0	Supp 40747	74148	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: 3.00
Acre-feet of storage, if applicable: 15.90

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Additional Water Right Form For Pooled Landowner Instream Lease

~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	11	34	nene	0101	3.0	Supp ↓ 7414	76520	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: 300'
Acre-feet of storage, if applicable: 17.40

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Water Resources Department
725 Summer Street NE, Suite A
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Application for Short-Term
Instream Lease
Attachment 5: Pooled Landowner Form

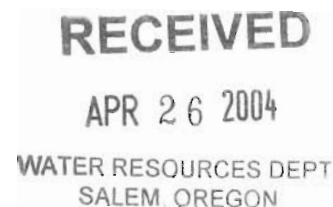
Pursuant to ORS 537.348(2) and OAR 690-077-0077

Optional Identification by Lessor/Lessee: L04.03
Lease Agreement Number (assigned by WRD):

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Arthur R. Patrick & Michelle Y. Patrick
(Mailing address) 18945 Pinehurst Rd.
(City, State, Zip Code) Bend, OR 97701
(Telephone number) (541)388-0478



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 1400. 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 74147 Supplemental 74148, 74149, 76520
1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. [] Yes [X] No
1.5 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.

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: Arthur R. Patrick Date: 2/2/04
Arthur R. Patrick

For additional Lessors, type in space for signature and date
Michelle Y. Patrick Date: 2-2-04
Michelle Y. Patrick

Lessee: _____ Date: _____
Tumalo Irrigation District

Other Attachments As Needed:

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

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TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY

EXHIBIT 5-A & 5-B
L 04.03

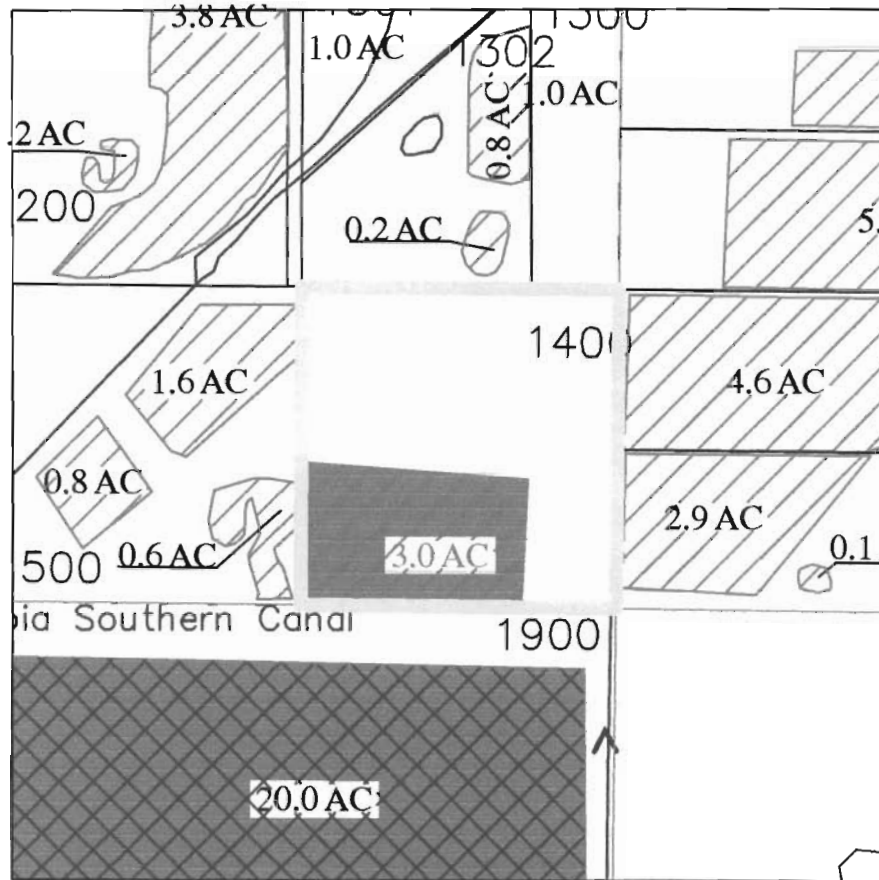
FOR

Patrick, Arthur R. & Michelle Y.

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

INITIAL: *AP*
M. Y.

LOCATED IN THE SE 1/4 OF THE NW 1/4
OF SECTION 35, T16 S., R11 E., W.M.
TAX LOTS # 01400
DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'

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

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T	R	Sect	¼¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16	11	35	senw	1400	3.0	irr	74147	9	10/29/13
2.										
3.										
4.										
5.										

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

Additional Subject Water Rights? (Please use Additional Landowner Information form.)

Conditions or other limitations, if any: _____

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

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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, 2004. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

~III~ Other Information

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

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

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



State of Oregon
Water Resources Department
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(503) 986-0900

Additional Water Right Form For Pooled Landowner Instream Lease

~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	11	35	senw	1400	3.0	Supp 107414774149	—	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: 3.00
Acre-feet of storage, if applicable: 1.05

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

Additional Water Right Form For Pooled Landowner Instream Lease

~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	11	35	senw	1400	3.0	Supp 10 7447	74148	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: 300

Acre-feet of storage, if applicable: 15.90

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Additional Water Right Form For Pooled Landowner Instream Lease

~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	11	35	senw	1400	3.0	Supp No 7444	76520	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: 3.00
Acre-feet of storage, if applicable: 17.40

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Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

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

Optional Identification by Lessor/Lessee: L04.04
Lease Agreement Number (assigned by WRD): _____

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Goebel Trust, Steven & Elizabeth Goebel, Trustees
(Mailing address) 4019 SW Downsvew Ct.
(City, State, Zip Code) Portland, OR 97221
(Telephone number) (503)680-5566

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If additional landowners, enter landowner information below

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

~I~ Ownership and Water Right Information

- 1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 16, Range 11, Section 22 and Tax Lot number 2200. If the water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included.
- 1.3 For the lands being leased, list all water rights appurtenant to the lessor's property. Indicate if there are any supplemental or overlying rights.

Certificate No. Primary 74146, Supplemental 74147, 74148, 74149, 76520
- 1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. Yes No
- 1.5 **Subject Water Rights.** Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached). (Crosshatch the area of water rights being leased). Attached map(s) must identify property owner, Township, Range, Section and 1/4 1/4, tax lot number, map orientation and scale.

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: Elizabeth Goebel, Trustee Date: 2/25/04
Elizabeth Goebel, Trustee

For additional Lessors, type in space for signature and date

Lessee: _____ Date: _____
Tumalo Irrigation District

Other Attachments As Needed:

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

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TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY

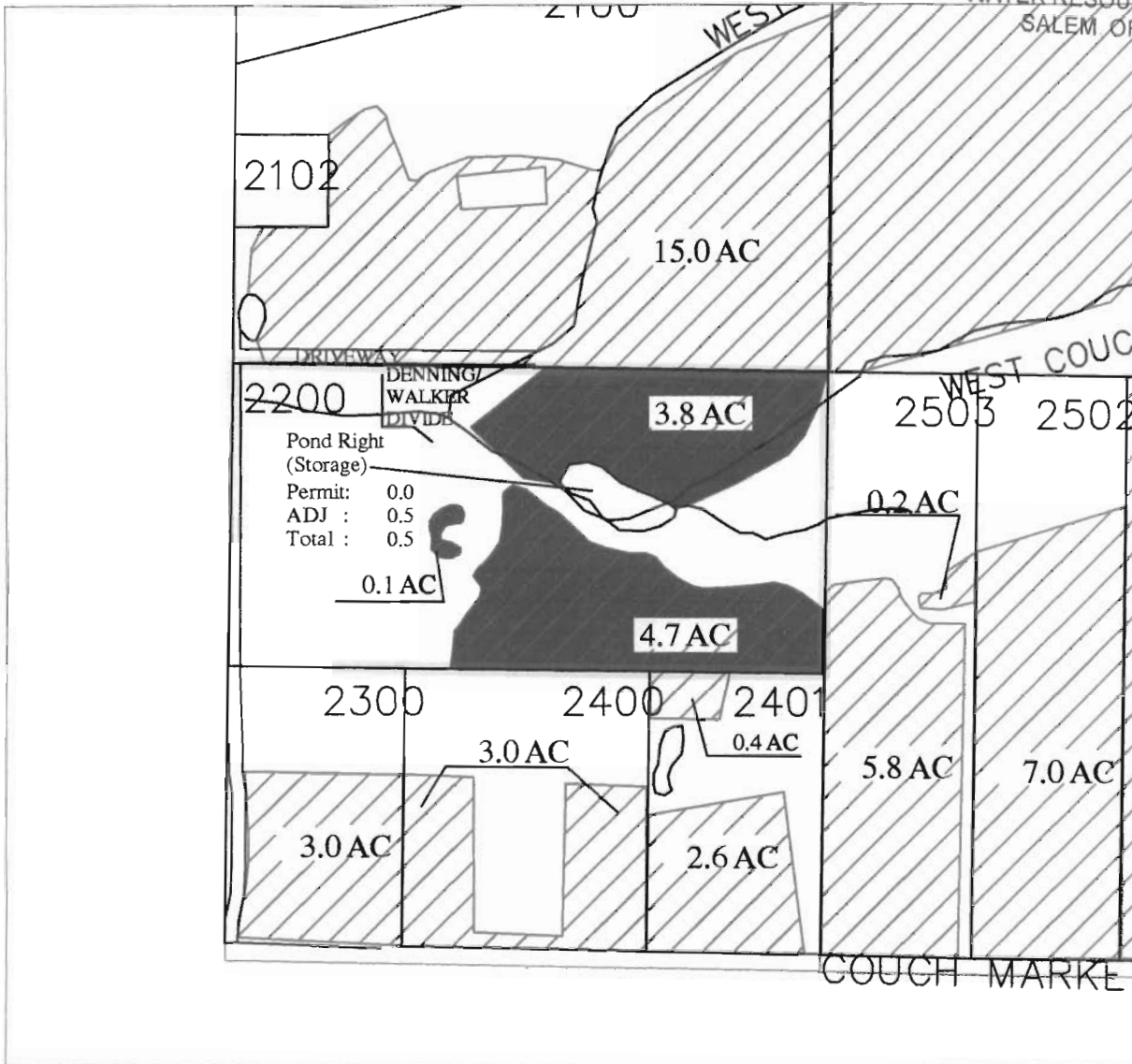
EXHIBIT 5-A & 5-B
L 04.04

FOR
Goebel Trust

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

INITIAL: *EG*

LOCATED IN THE SW 1/4 OF THE SW 1/4
OF SECTION 22, T16 S., R11 E., W.M.
TAX LOTS # 2200
DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'

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

D:\CAD_Files\Drawings and Maps\Drawings-Water Rights\16122.dwg, 2/9/2004 1:10:24 PM

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16	11	22	sww	02200	9.10	irr	74146	5	9/1/1900
2.										
3.										
4.										
5.										

8.6 ac IR
0.5 ac PM

Total number of acres, if for irrigation, by Acre-feet of storage, if applicable: _____ .10

Additional Subject Water Rights? (Please use Additional Landowner Information form.)

Conditions or other limitations, if any: _____

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If you need to enter another leased right, please use the additional 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, 2004. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

~III~ Other Information

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

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

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



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

Additional Water Right Form For Pooled Landowner Instream Lease

~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	11	22	sww	02200	9.10	Supp ↓ 74147	74147	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: 9.10
Acre-feet of storage, if applicable: _____

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Additional Water Right Form For Pooled Landowner Instream Lease

~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	11	22	sww	02200	9.10	Supp to 74149	74149	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: 9.10
Acre-feet of storage, if applicable: 3.19

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Additional Water Right Form For Pooled Landowner Instream Lease

~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	11	22	sww	02200	9.10	Supp to 74148	74148	3	4/7/1911
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

~~8.6 ac~~ IR
0.5 ac PM

[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: 9.10
Acre-feet of storage, if applicable: 48.23

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Additional Water Right Form For Pooled Landowner Instream Lease

~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).

Supplemental to C-74146

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	11	22	swws	02200	9.10 8.60	Supp <i>to 74146</i>	76520	7	12/8/1961
2.						.5 Pond				
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

*only 8.6
in this
right*

[Attached map(s) must identify property owner, section and ¼¼, 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: ~~5278~~
49.88

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

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

Optional Identification by Lessor/Lessee: L04.05
 Lease Agreement Number (assigned by WRD): _____

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

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 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, Range 11, 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.
- 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.

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

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

3.5 Termination provision.

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

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

Lessor #1: Patricia L. Wessinger - Trustee Date: 2/27/04
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:

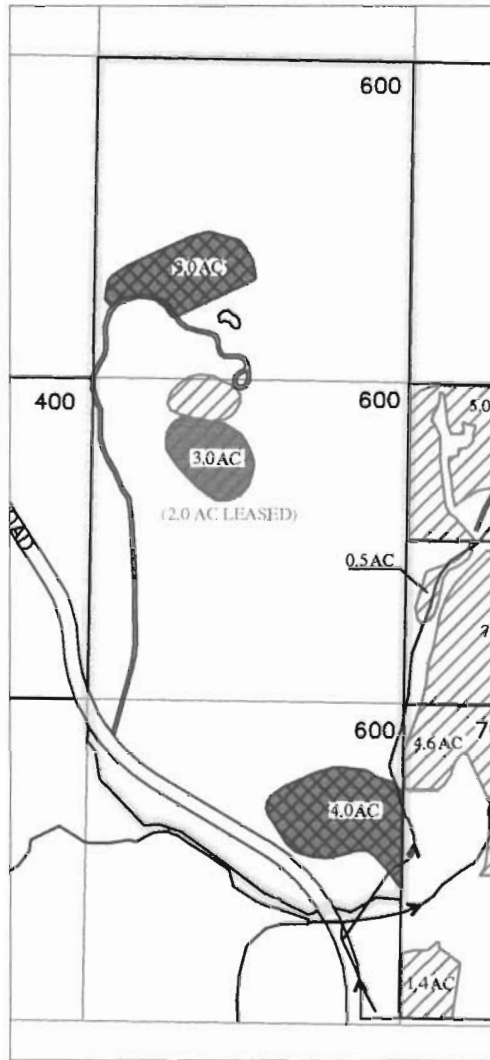
- Exhibit 5-A: Tax Lot Map of Landowner's Property
- Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased [Exhibits 5-A and 5-B may be combined into a single map]
- Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though 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

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TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY FOR Wessinger Revocable Living Trust



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

INITIAL: PLW

LOCATED IN THE NE 1/4 OF THE SW 1/4
 OF SECTION 33 , T16 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

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T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16	11	33	nesw	600	2.00	Irr	74146	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: _____

Additional Subject Water Rights? (Please use Additional Landowner Information form.)

Conditions or other limitations, if any: _____

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

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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, 2004. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

~III~ Other Information

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

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

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



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

Additional Water Right Form For Pooled Landowner Instream Lease

~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	11	33	sesw	600	4.0	ir	76106	2	12/8/1961
2.	16	11	33	senw	600	3.0	ir	76106	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: 69.37

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Additional Water Right Form For Pooled Landowner Instream Lease

~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	11	33	nesw	600	2.0	sup ^{to 74147}	74147	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: 200

Acres-feet of storage, if applicable: _____

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NE $\frac{1}{4}$ NE $\frac{1}{4}$	100	Hausner, Jill	IR	21.00	
NE $\frac{1}{4}$ NE $\frac{1}{4}$	800	Hausner, Jill	IR	2.00	
NE $\frac{1}{4}$ NE $\frac{1}{4}$	801	Barrick, James A.	IR	2.00	
SW $\frac{1}{4}$ NE $\frac{1}{4}$	900	Hermens, Stanley & Ruth	IR	35.90	
SE $\frac{1}{4}$ NE $\frac{1}{4}$	900	Hermens, Stanley & Ruth	IR	29.60	
NW $\frac{1}{4}$ NW $\frac{1}{4}$	500	Throop, Tom & Caryn	IR	2.00	
NW $\frac{1}{4}$ NW $\frac{1}{4}$	501	Variel, Jeffrey & Laurel	IR	2.00	
NW $\frac{1}{4}$ NW $\frac{1}{4}$	502	McDonald, Dr. Lynn	IR	4.00	
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1001	Hermens, Stanley & Ruth	IR	17.20	
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1200	Hermens, Stanley & Ruth	IR	1.90	15.00
NW $\frac{1}{4}$ SE $\frac{1}{4}$	1000	Hermens, Stanley & Ruth	IR		13.30
NW $\frac{1}{4}$ SE $\frac{1}{4}$	1100	Hermens, Stanley & Ruth	IR		8.60
SW $\frac{1}{4}$ SE $\frac{1}{4}$	1400	Parker, Kenneth	IR	2.00	2.00
SW $\frac{1}{4}$ SE $\frac{1}{4}$	1500	Stringfield, Tom & Rick	IR	4.40	3.40
SE $\frac{1}{4}$ SE $\frac{1}{4}$	1300	Stringfield, Tom & Rick	IR	1.80	8.90
SE $\frac{1}{4}$ SE $\frac{1}{4}$	1302	Pederson, William & Martha	IR		20.00

Section 28

NE $\frac{1}{4}$ NE $\frac{1}{4}$	200	Russell, Barbara H.	IR	17.00	
SW $\frac{1}{4}$ NE $\frac{1}{4}$	801	Russell, Barbara H.	IR	11.00	
SE $\frac{1}{4}$ NE $\frac{1}{4}$	1000	Tavares, Louis III & Deborah	IR	11.60	
SE $\frac{1}{4}$ NE $\frac{1}{4}$	900	Russell, Barbara H.	IR	3.00	3.00 T-74166
NE $\frac{1}{4}$ SW $\frac{1}{4}$	600	Wessinger, William & Pat	IR	0.20	1.80 2.80 /
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1000	Tavares, Louis III & Deborah	IR	2.40	
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1100	Batha, Marta	IR		2.00
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1200	Batha, Marta	IR		4.60
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1300	Batha, Marta	IR		3.90
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1403	Rudolph, John & Melitta	IR		10.30
NW $\frac{1}{4}$ SE $\frac{1}{4}$	802	Lawson, John & Gaye	IR	9.00	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	803	Rahmm, Keith & Lexia	IR	5.00	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	804	Lewis, Suzi	IR	7.50	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	805	Dodd, Jack & Barbara, Trustees	IR	5.00	
SW $\frac{1}{4}$ SE $\frac{1}{4}$	700	Moody, Steven	IR		6.00
SW $\frac{1}{4}$ SE $\frac{1}{4}$	800	McNulty, Ralph & Dee	IR		10.00
SW $\frac{1}{4}$ SE $\frac{1}{4}$	806	Cullman, Ruth	IR		10.00
SE $\frac{1}{4}$ SE $\frac{1}{4}$	1400	Wagoner, Frances	IR		2.00
SE $\frac{1}{4}$ SE $\frac{1}{4}$	1401	Wagoner, Frances	IR		2.00



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Additional Water Right Form For Pooled Landowner Instream Lease

~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	11	33	nesw	600	2.0	sup ^{4/6} 74149	—	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: 2.00

Acres-feet of storage, if applicable: 0.70

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Additional Water Right Form For Pooled Landowner Instream Lease

~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	11	33	nesw	600	2.0	sup <u>do 7414</u>	74148	e	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: 200

Acre-feet of storage, if applicable: 10.60

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Additional Water Right Form For Pooled Landowner Instream Lease

~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	11	33	nesw	600	2.0	sup 10744	76520	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: 2.0

Acres-feet of storage, if applicable: 11.60

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Additional Water Right Form For Pooled Landowner Instream Lease

~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	11	33	sesw	00600	4.0	Supp ⁷⁴¹⁹	74149	1905
2.	16	11	33	senw	00600	3.0	Supp ↓	74149	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: 245

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Additional Water Right Form For Pooled Landowner Instream Lease

~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	11	33	sesw	600	4.0	sup 4070107	76520	2	12/8/1961
2.	16	11	33	senw	600	3.0	sup ↓	76520	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: 7.00

Acre-feet of storage, if applicable: 40.60

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

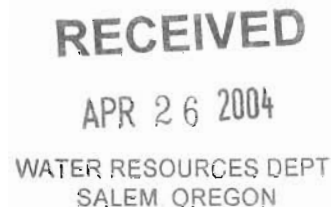
Pursuant to ORS 537.348(2) and OAR 690-077-0077

Optional Identification by Lessor/Lessee:
Lease Agreement Number (assigned by WRD): L04.06

This Lease Agreement is between:

Lessor #1 (Landowner):

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



If additional landowners, enter landowner information below

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

~I~ Ownership and Water Right Information

- 1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 17, Range 11, Section 11 and Tax Lot number 1601.
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 [X] No

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

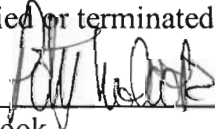
new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.

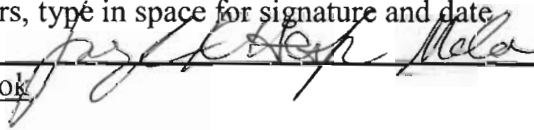
3.4 Suspension of original use. During the period of the lease, the owner agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights. In the event that a supplemental water right is not part of this lease, it may be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

3.5 Termination provision.

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

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

Lessor #1:  Date: 2-17-04
Peter N. McCook

For additional Lessors, type in space for signature and date
 Date 2/17/04
Jacqueline K. McCook

Lessee: _____ Date: _____
Tumalo Irrigation District

Other Attachments As Needed:

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

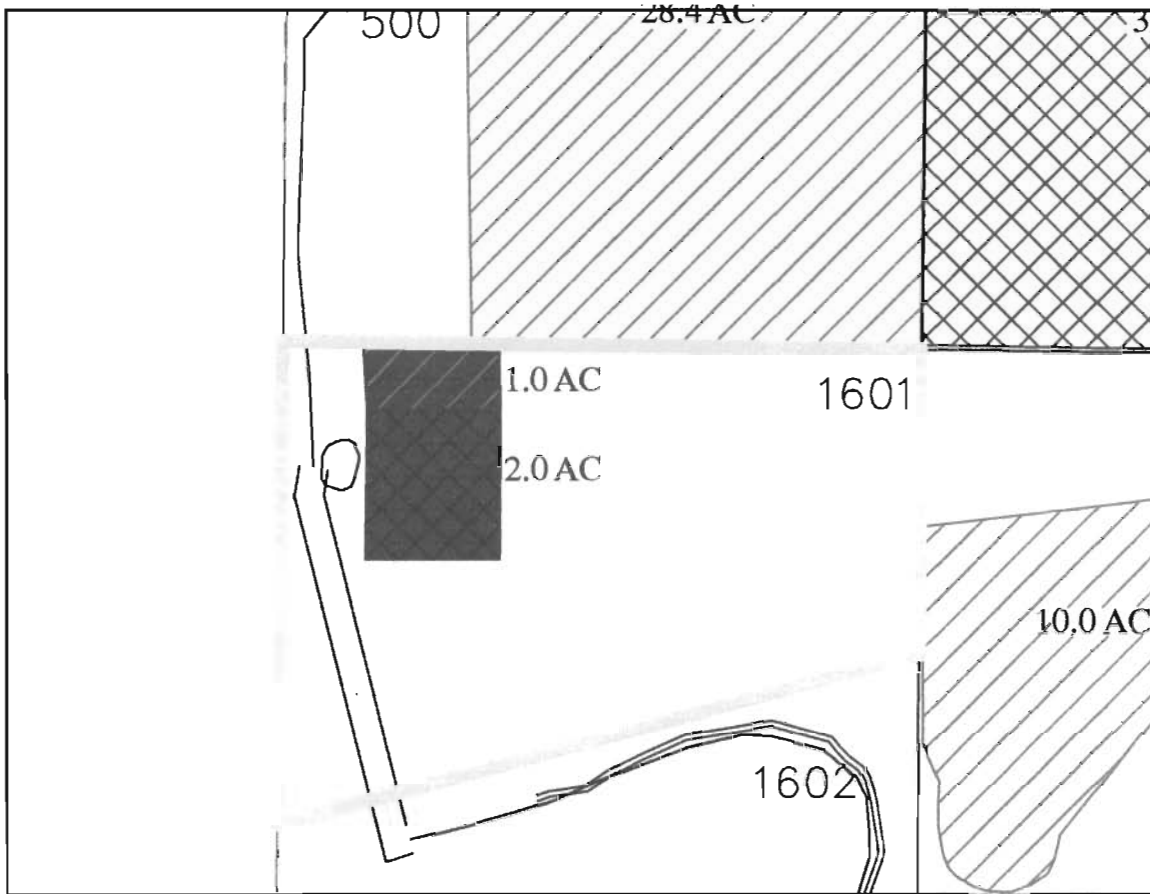
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TUMALO IRRIGATION DISTRICT
 IN-STREAM LEASED WATER RIGHTS SURVEY

EXHIBIT 5-A & 5-B
 L04.06

FOR

McCook, Peter Nevins & Jacqueline K



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

INITIAL: *Phil* *JNK*

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



SCALE: 1" = 400'

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

D:\CAD_Files\Drawings and Maps\Drawings-Water Rights\17111.dwg, 2/2/2004 10:56:34 AM

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T	R	Sect	¼¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	17	11	11	nsw	1601	1.0	Irr	74146	12	9/1/1900
2.										
3.										
4.										
5.										

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

Acre-feet of storage, if applicable: _____

Additional Subject Water Rights? (Please use Additional Landowner Information form.)

Conditions or other limitations, if any: _____

If you need to enter another leased right, please use the additional 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 1, 2004. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

~III~ Other Information

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

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

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



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Additional Water Right Form For Pooled Landowner Instream Lease

~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	11	11	nsw	1601	2.0	ir	76106	4	12/8/61
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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

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

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Additional Water Right Form For Pooled Landowner Instream Lease

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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 (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	11	11	nsw	1601	1.0	Sup <i>Sub 74147</i>	74147	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: 1.00
 Acre-feet of storage, if applicable: _____

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Additional Water Right Form For Pooled Landowner Instream Lease

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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(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	11	11	nsw	1601	1.0	Sup 10741/16	74149	—	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: 1.00

Acres-feet of storage, if applicable: 0.35

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Additional Water Right Form For Pooled Landowner Instream Lease

~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	11	11	nsw	1601	1.0	Sup ^{to 74148}	74148	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: 1.00
Acre-feet of storage, if applicable: 5.30

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Additional Water Right Form For Pooled Landowner Instream Lease

~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	11	11	nsw	1601	1.0	Sup to 7 th 11 th	76520	X 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: 1.00

Acre-feet of storage, if applicable: 5.80

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Additional Water Right Form For Pooled Landowner Instream Lease

~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	11	11	nsw	1601	2.0	Sup 20741 ⁰⁴	74149	—	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: 2.00
Acre-feet of storage, if applicable: 0.70

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Additional Water Right Form For Pooled Landowner Instream Lease

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

(Crosshatch the area of water rights being leased).

T	R	Sect	¼¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	17	11	11	nsw	1601	2.0	Supp ↓ 767 ⁰⁶	76520	4	12/8/61
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: 11.60

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Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

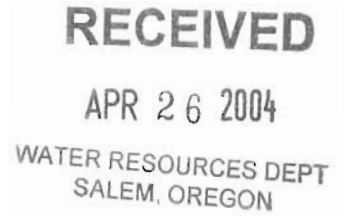
Pursuant to ORS 537.348(2) and OAR 690-077-0077

Optional Identification by Lessor/Lessee: L04.08
Lease Agreement Number (assigned by WRD): _____

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Davis, Gail Hayes
(Mailing address) 705 SW 48th Drive
(City, State, Zip Code) Portland, OR 97221
(Telephone number) (503)224-0607



If additional landowners, enter landowner information below

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

~I~ Ownership and Water Right Information

1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 16, Range 11, Section 22 and Tax Lot number 401. If the water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included.

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

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

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

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

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: Gail Hayes Davis Date: 1/30/04
Gail Hayes Davis

For additional Lessors, type in space for signature and date

Lessee: _____ Date: _____
Tumalo Irrigation District

Other Attachments As Needed:

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

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SALEM, OREGON

TUMALO IRRIGATION DISTRICT
IN-STREAM LEASED WATER RIGHTS SURVEY

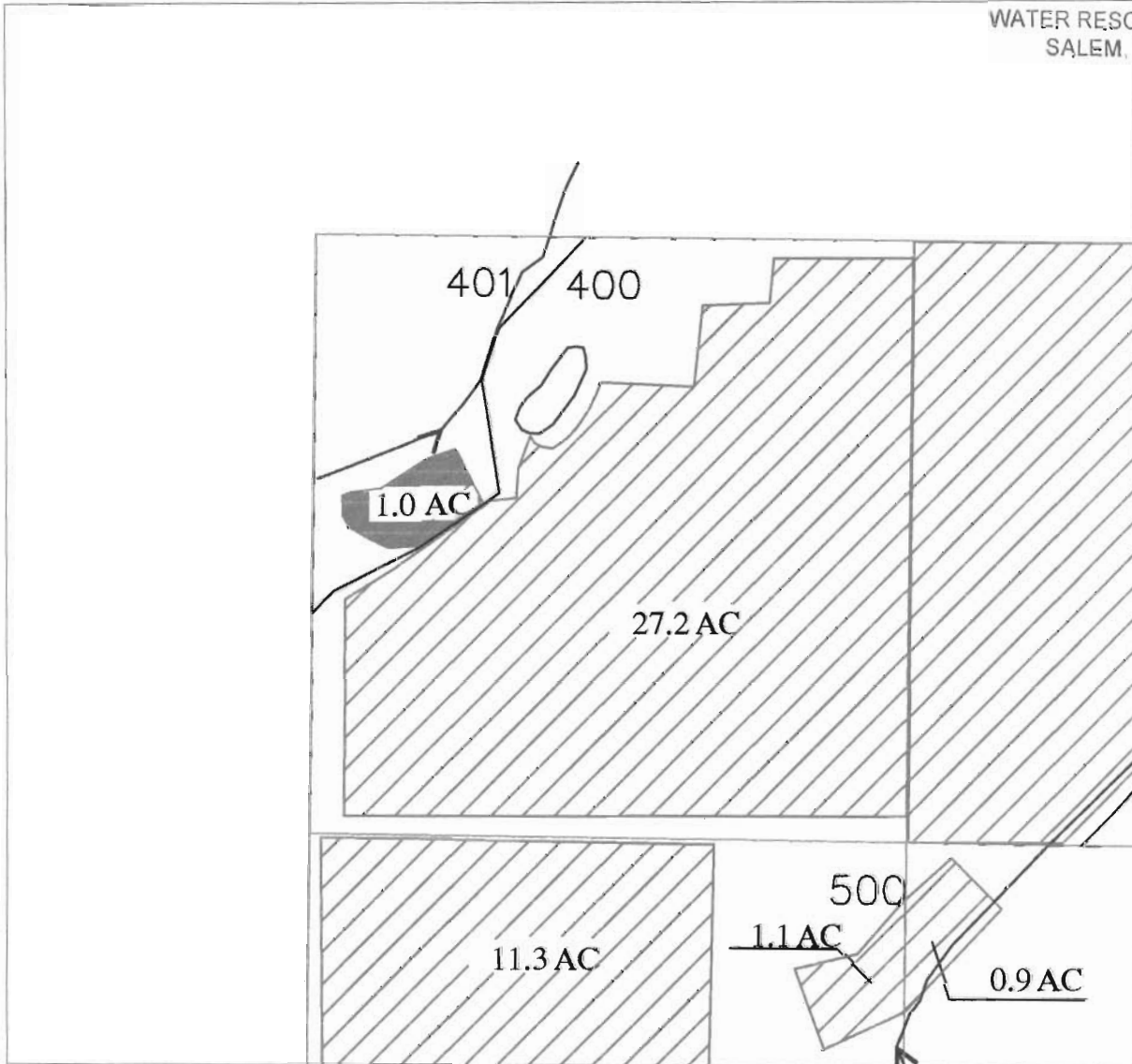
EXHIBIT 5-A & 5-B
L 04.08

FOR
Davis, Gail Hayes

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SALEM, OREGON



 Certificate #'s
74146, and 74147

 Certificate #
76106

 JP-1999

 JP-1998

 In-Stream Lease

INITIAL: *R.H.D.*

LOCATED IN THE NW 1/4 OF THE NW 1/4
OF SECTION 22 , T16 S., R.11 E., W.M.
TAX LOTS # 401
DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16	11	22	nwnw	401	1.0	irr	74146	5	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: _____

Additional Subject Water Rights? (Please use Additional Landowner Information form.)

Conditions or other limitations, if any: _____ **RECEIVED**

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

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WATER RESOURCES DEPT
 SALEM, OREGON

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, 2004. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

~III~ Other Information

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

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

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



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

Additional Water Right Form For Pooled Landowner Instream Lease

~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	11	22	nwnw	401	1.0	Supp ^{to 7446}	74147	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: 1.00
Acre-feet of storage, if applicable: _____

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Additional Water Right Form For Pooled Landowner Instream Lease

~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	11	22	nwnw	401	1.0	Supp <i>↓ 7-14-06</i>	74149	—	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: 1.00

Acre-feet of storage, if applicable: 0.35

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 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1271
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Additional Water Right Form For Pooled Landowner Instream Lease

~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	11	22	nwnw	401	1.0	Supp 1074146 74148	3	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: 1.00

Acre-feet of storage, if applicable: 5.30

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

Additional Water Right Form For Pooled Landowner Instream Lease

~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	11	22	nwnw	401	1.0	Supp Jo 74 110 76520	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: 1.00
Acre-feet of storage, if applicable: 5.80

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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

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

Optional Identification by Lessor/Lessee: L04.09
Lease Agreement Number (assigned by WRD): _____

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Puziss, Brian
(Mailing address) PO Box 6328
(City, State, Zip Code) Portland, OR 97228
(Telephone number) (503)781-5948

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**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, Range 11, Section 01 and Tax Lot number 00500. If the water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included.
- 1.3 For the lands being leased, list all water rights appurtenant to the lessor's property. Indicate if there are any supplemental or overlying rights.

Certificate No. Primary 76106, Supplemental 74149, 76520

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

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: *Brian Puziss* Date: 2/23/04
Brian Puziss

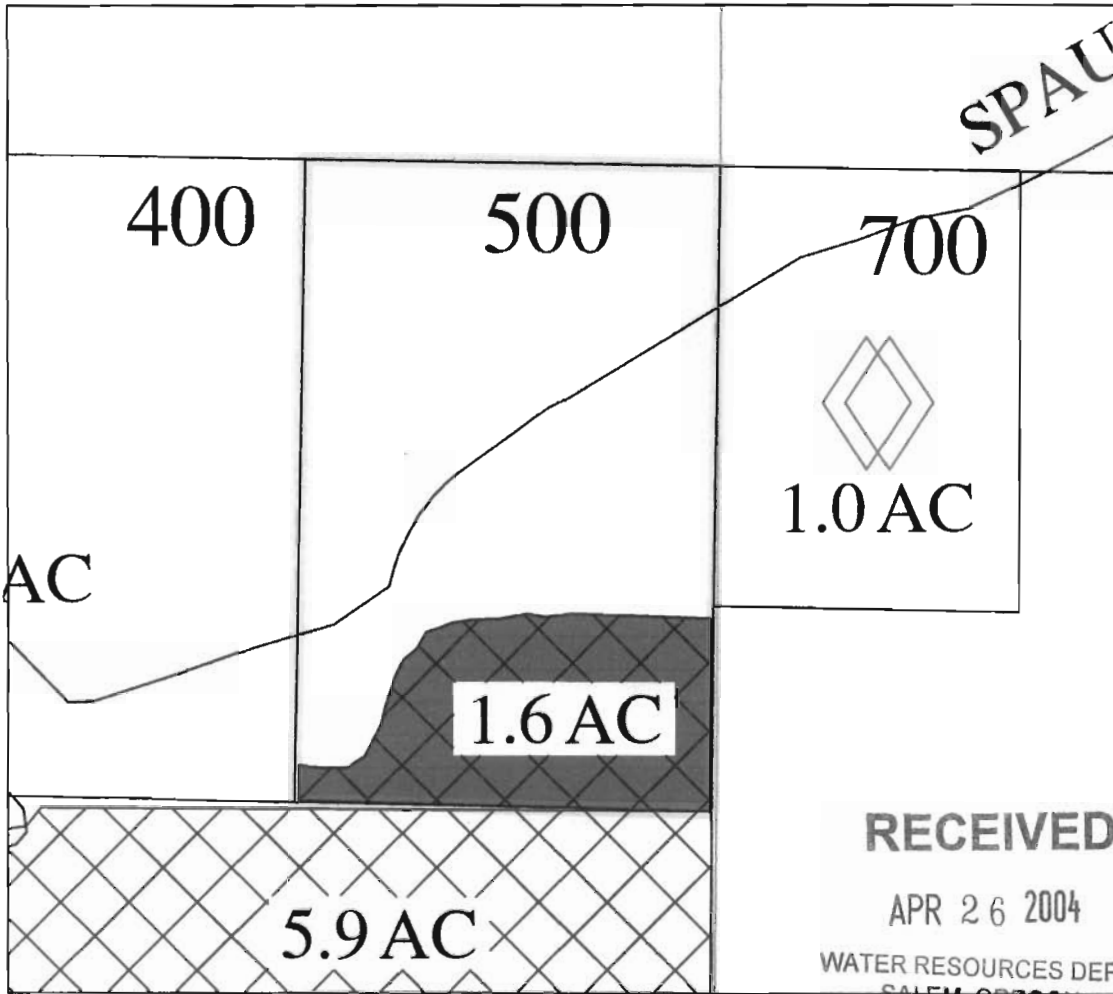
For additional Lessors, type in space for signature and date
Lessor #2: _____ Date: _____
Tumafo Irrigation District

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

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TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY FOR Puziss, Brian



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

INITIAL 

LOCATED IN THE SW 1/4 OF THE SE 1/4
OF SECTION 01 , T16 S., R.11 E., W.M.
TAX LOTS # 00500
DESCHUTES COUNTY, OREGON



SCALE: 1" = 200'

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

C:\CAD_Files\Drawings and Maps\Drawings-Water Rights\161101.dwg, 2/12/2004 11:49:50 AM

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	11	01	sw/se	00500	1.60	ir	76106	1	12/8/1961
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 1.60
 Acre-feet of storage, if applicable: _____

Additional Subject Water Rights? (Please use Additional Landowner Information form.)

Conditions or other limitations, if any: _____

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

WATER RESOURCES DEPT
 SALEM, OREGON

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, 2004. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

~III~ Other Information

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

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

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



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

Additional Water Right Form For Pooled Landowner Instream Lease

~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	11	01	swse	00500	1.60	sup Jo 74 ¹⁰⁰	74149	—	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: 1.60

Acre-feet of storage, if applicable: 0.56

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

Additional Water Right Form For Pooled Landowner Instream Lease

~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	11	01	swse	00500	1.60	sup to 761 ^{pk}	76520	1	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: 1.60

Acre-feet of storage, if applicable: 9.28

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WATER RESOURCES DEPT
SALEM, 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

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

Optional Identification by Lessor/Lessee: L04.10
 Lease Agreement Number (assigned by WRD): _____

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Porco/Anderson Living Trust, Earl & Carolyn
 (Mailing address) 3088 Melchester Drive
 (City, State, Zip Code) San Jose, CA 95132
 (Telephone number) (508)251-3866

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WATER RESOURCES DEPT
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If additional landowners, enter landowner information below

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

~I~ Ownership and Water Right Information

- 1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 16, Range 12, Section 17 and Tax Lot number 00200. 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 ¼ ¼, tax lot number, map orientation and scale.

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: Carolyn Anderson Date: 2/18/04
Carolyn Anderson

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

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WATER RESOURCES DEPT
SALEM, OREGON

TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY FOR Porco/Anderson Trust



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 WATER RESOURCES DEPT
 SALEM, OREGON



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

INITIAL: CTA

LOCATED IN THE NE 1/4 OF THE NE 1/4
 OF SECTION 17, T16 S., R12 E., W.M.
 TAX LOTS # 00200
 DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16	12	17	nene	00200	2.60	irr	74146	10	9/1/1900
2.										
3.										
4.										
5.										

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

Additional Subject Water Rights? (Please use Additional Landowner Information form.)

Conditions or other limitations, if any: _____ **RECEIVED**

If you need to enter another leased right, please use the additional water rights form. **APR 26 2004**

WATER RESOURCES DEPT
 SALEM, OREGON

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, 2004. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

~III~ Other Information

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

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

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



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

Additional Water Right Form For Pooled Landowner Instream Lease

~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	12	17	nene	00200	2.60	Sup <i>to 74147</i>	74147	11 3	10/29/1913
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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

Total number of acres, if for irrigation, by certificate and priority date: 2.60

Acres-feet of storage, if applicable: _____

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Additional Water Right Form For Pooled Landowner Instream Lease

~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	12	17	nene	00200	2.60	Sup 10741142	74149	—	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: 2.60

Acre-feet of storage, if applicable: 0.91

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Additional Water Right Form For Pooled Landowner Instream Lease

~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	12	17	nene	00200	2.60	Sup ↓ 741148	74148	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: 2.60

Acre-feet of storage, if applicable: 13.78

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Additional Water Right Form For Pooled Landowner Instream Lease

~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	12	17	nene	00200	2.60	Sup 10741 ^{1/2}	76520	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: 2.60
Acre-feet of storage, if applicable: 15.08

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Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

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

Optional Identification by Lessor/Lessee: L04.11
 Lease Agreement Number (assigned by WRD): _____

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Milcon Services, Inc.
 (Mailing address) 31805 Hwy 79 South
 (City, State, Zip Code) Temecula, CA 92592
 (Telephone number) (909)721-7676

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If additional landowners, enter landowner information below

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

~I~ Ownership and Water Right Information

- 1.1** Lessor #1 is the owner, or authorized agent for owner of property located at: Township 16, Range 11, Section 26 and Tax Lot number 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.
- 1.3** For the lands being leased, list all water rights appurtenant to the lessor's property. Indicate if there are any supplemental or overlying rights.
- Certificate No. Primary 74147, Supplemental 74148, 74149, 76520,

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

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: Kathleen O'Brien Date: 2/25/04
Milcon Services, Inc.

For additional Lessors, type in space for signature and date

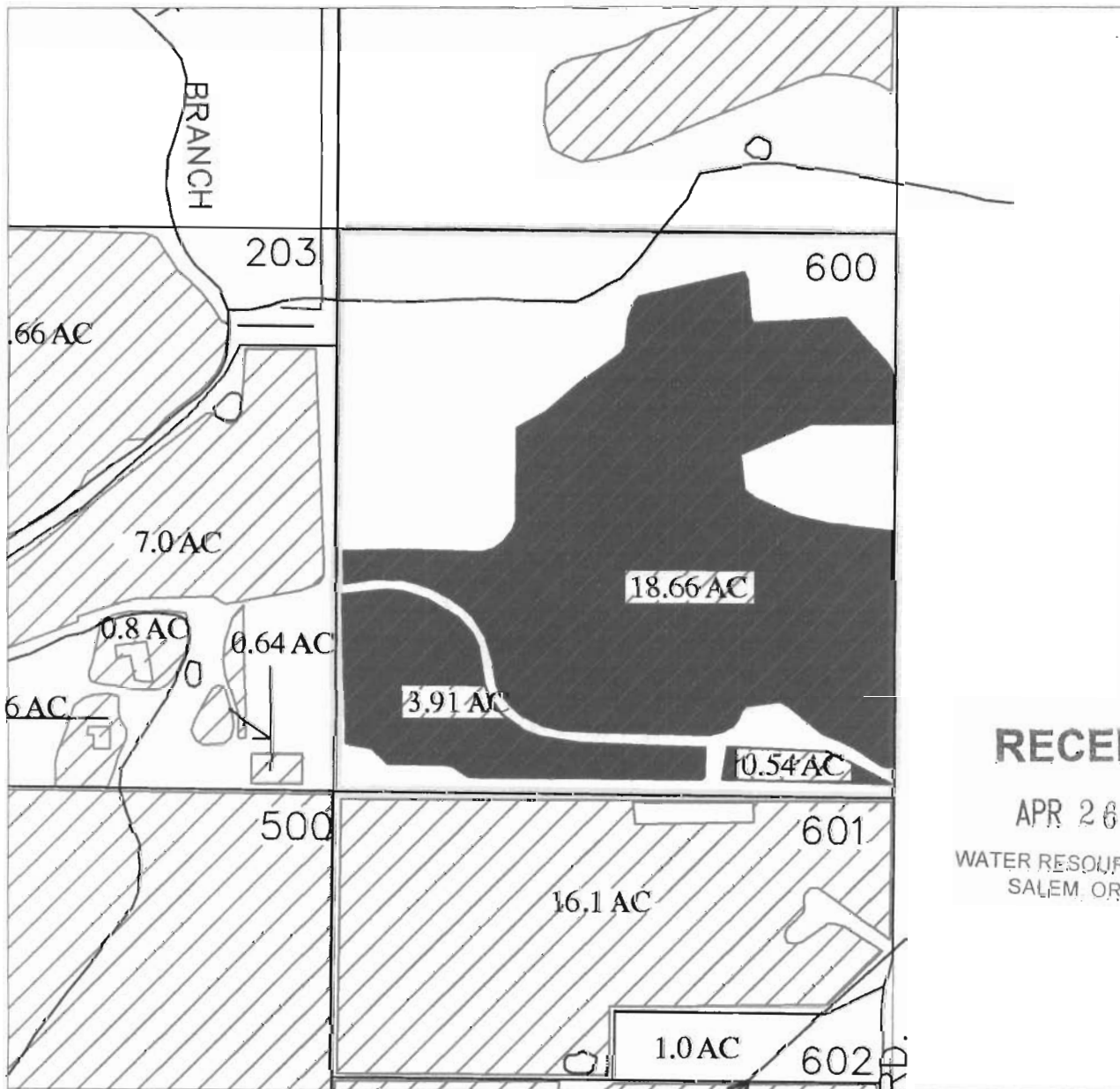
Lessee: _____ Date: _____
Tumalo Irrigation District

Other Attachments As Needed:

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

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TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY FOR Milcon Services Inc.



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

INITIAL: *XM*

LOCATED IN THE NE 1/4 OF THE SE 1/4
OF SECTION 26, T16 S., R11 E., W.M.
TAX LOTS # 00600
DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'

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

C:\CAD\MapDrawings and Maps\Drawing\water\rights\111252.dwg, 2/17/2004 8:51:53 AM

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16	11	26	NESE	00600	23.11	irr	74147	7 3	10/29/191
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 23.11
 Acre-feet of storage, if applicable: _____

Additional Subject Water Rights? (Please use Additional Landowner Information form.)

Conditions or other limitations, if any: _____

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

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SALEM, OREGON

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, 2004. (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

SW $\frac{1}{4}$ SW $\frac{1}{4}$	400	OTS Wire & Insulation, Inc.	IR	2.00	3.00
SE $\frac{1}{4}$ SW $\frac{1}{4}$	800	Blank/Hitchcock	IR	1.00	9.00
SE $\frac{1}{4}$ SW $\frac{1}{4}$	801	Flannery/Nauer	IR		8.18
NE $\frac{1}{4}$ SE $\frac{1}{4}$	600	Amadio, Anthony	IR	19.00	23.11
NW $\frac{1}{4}$ SE $\frac{1}{4}$	202	Milem, John & Kathleen	IR	13.70	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	203	Milem, John & Kathleen	IR	16.30	
SW $\frac{1}{4}$ SE $\frac{1}{4}$	500	Guice, Thomas	IR		36.10
SE $\frac{1}{4}$ SE $\frac{1}{4}$	601	Pickard, Bob & Mary Lou	IR		16.10
SE $\frac{1}{4}$ SE $\frac{1}{4}$	602	Peters, Michael & Dana	IR		1.00
SE $\frac{1}{4}$ SE $\frac{1}{4}$	700	Frick, Charles & Linda	IR		18.00

Section 26

NE $\frac{1}{4}$ NE $\frac{1}{4}$	601	Martin, Jack W.	IR	4.00	8.25
NE $\frac{1}{4}$ NE $\frac{1}{4}$	604	Allen, Charlie & Wendy	IR		1.50
NW $\frac{1}{4}$ NE $\frac{1}{4}$	100	Barber, Murl	IR		2.00
NW $\frac{1}{4}$ NE $\frac{1}{4}$	101	Varco, Robert & Coleen	IR		3.50
NW $\frac{1}{4}$ NE $\frac{1}{4}$	107	Barber, Murl	IR		3.00
NW $\frac{1}{4}$ NE $\frac{1}{4}$	108	Wark, Russell & Sandra	IR		5.00
NW $\frac{1}{4}$ NE $\frac{1}{4}$	109	Hering, Eugene & Suellen	IR		5.00
NW $\frac{1}{4}$ NE $\frac{1}{4}$	110	Moser, Joyce	IR		3.50
SW $\frac{1}{4}$ NE $\frac{1}{4}$	200	Moore, Scott & Margaret	IR		12.00
SW $\frac{1}{4}$ NE $\frac{1}{4}$	212	Souther, David & Connie	IR		11.00
SE $\frac{1}{4}$ NE $\frac{1}{4}$	604	Allen, Charlie & Wendy	IR		18.50
NE $\frac{1}{4}$ NW $\frac{1}{4}$	102	Johnson, Thomas & Lois	IR		9.35
NE $\frac{1}{4}$ NW $\frac{1}{4}$	103	Kochera, Jack & Marilyn	IR		6.00
NE $\frac{1}{4}$ NW $\frac{1}{4}$	104	Kail/Rankin	IR		8.00
NE $\frac{1}{4}$ NW $\frac{1}{4}$	105	Wallace, Peter & Jeanette	IR		3.00
NW $\frac{1}{4}$ NW $\frac{1}{4}$	201	Davis, Ron & Elizabeth	IR		17.60
NW $\frac{1}{4}$ NW $\frac{1}{4}$	209	Plows, Richard & Marcia	IR		4.00
NW $\frac{1}{4}$ NW $\frac{1}{4}$	210	Costello/Olin	IR		4.00
NW $\frac{1}{4}$ NW $\frac{1}{4}$	211	Lowas, John & Nancy	IR		8.00
SW $\frac{1}{4}$ NW $\frac{1}{4}$	202	Parker, Deryl & Adeline	IR		15.80
SW $\frac{1}{4}$ NW $\frac{1}{4}$	206	O'Neal, Steven & Julianne	IR		15.00
SE $\frac{1}{4}$ NW $\frac{1}{4}$	207	Hanus, Jana	IR	1.50	2.00
SE $\frac{1}{4}$ NW $\frac{1}{4}$	208	Wilhelm, Diane	IR		1.70
SE $\frac{1}{4}$ NW $\frac{1}{4}$	213	McIntosh, Dotta J.	IR	2.50	2.50
SE $\frac{1}{4}$ NW $\frac{1}{4}$	214	Wilhelm, Diane	IR		0.60
NE $\frac{1}{4}$ SW $\frac{1}{4}$	300	Wilhelm, Diane	IR		19.20
NE $\frac{1}{4}$ SW $\frac{1}{4}$	301	Wilhelm, Diane	IR		0.70
NW $\frac{1}{4}$ SW $\frac{1}{4}$	302	Wilhelm, Diane	IR		37.80
SW $\frac{1}{4}$ SW $\frac{1}{4}$	400	Hall, David & Joanne	IR		9.00
SW $\frac{1}{4}$ SW $\frac{1}{4}$	402	Davis, William M. III	IR		4.00
SW $\frac{1}{4}$ SW $\frac{1}{4}$	403	Henderson, Jeff & Chris	IR		3.00
SW $\frac{1}{4}$ SW $\frac{1}{4}$	404	Swisher, Frederick & Lisa	IR		5.00
SW $\frac{1}{4}$ SW $\frac{1}{4}$	405	Paterson, Mary Lou	IR		3.00
SW $\frac{1}{4}$ SW $\frac{1}{4}$	406	Danahy, Timothy & Vickie	IR		3.00
SE $\frac{1}{4}$ SW $\frac{1}{4}$	401	Cardoza, Manuel & Linda	IR		29.92
NE $\frac{1}{4}$ SE $\frac{1}{4}$	602	Koehler, Alice	IR		0.80
NE $\frac{1}{4}$ SE $\frac{1}{4}$	605	Rola, Jeff & Susan	IR		7.80
NE $\frac{1}{4}$ SE $\frac{1}{4}$	606	Hampton, John & Carol	IR		0.33
NE $\frac{1}{4}$ SE $\frac{1}{4}$	608	Rola, Jeff & Susan	IR		1.40
NW $\frac{1}{4}$ SE $\frac{1}{4}$	203	Rola, Jeff & Susan	IR		8.80
NW $\frac{1}{4}$ SE $\frac{1}{4}$	205	Bauersfeld, James & Christine	IR		12.00



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

~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	11	26	nese	00600	23.11	Sup ^{do} 74149	74149		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: 23.11

Acre-feet of storage, if applicable: 8.09

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Additional Water Right Form For Pooled Landowner Instream Lease

~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	11	26	nese	00600	23.11	Sup Jo 74447	74148	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: 23.11
 Acre-feet of storage, if applicable: 122.49

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Additional Water Right Form For Pooled Landowner Instream Lease

~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	11	26	nese	00600	23.11	Sup Jo 74117	76520	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: 23.11

Acre-feet of storage, if applicable: 134.04

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NE 1/4 NE 1/4	101	9.80	Longley, Sandra
NW 1/4 NE 1/4	103	0.10	Hayes, Edmond Jr.
NW 1/4 NE 1/4	107	0.80	Sterling, Donald, Jr. & Julie
NW 1/4 NE 1/4	109	0.40	Oatman, Christopher & Karen
SW 1/4 NE 1/4	201	9.90	Menefee/Menesson/Malarkey
SE 1/4 NE 1/4	603	19.00	Amadio, Anthony
NE 1/4 NW 1/4	100	7.20	Smith, Lawrence & Emily
NE 1/4 NW 1/4	112	2.60	Smith, Lawrence & Emily
NE 1/4 NW 1/4	114	11.20	Smith, Lawrence & Emily
NW 1/4 NW 1/4	108	6.50	Samuelson/Connell
NW 1/4 NW 1/4	112	4.00	Smith, Lawrence & Emily
NW 1/4 NW 1/4	115	2.50	Karcher, William Jr. & Stephanie
NW 1/4 NW 1/4	116	7.00	Morehen, Patricia
NW 1/4 NW 1/4	601	0.75	Martin, Jack W.
SW 1/4 NW 1/4	111	12.00	Maloney, Michael & Linda
SW 1/4 NW 1/4	117	13.00	Lemon, Leo & Carol
SE 1/4 NW 1/4	204	25.00	Chandler, Yvette M.
NE 1/4 SW 1/4	300	31.00	Masters, Richard & Judy
NW 1/4 SW 1/4	104	38.00	Koehler, Alice
SW 1/4 SW 1/4	400	5.00	OTS WIRE & INSULATION, INC.
SE 1/4 SW 1/4	800	10.00	Blank/Hitchcock
SE 1/4 SW 1/4	801	8.18	Flannery/Nauer
NE 1/4 SE 1/4	600	19.00	Amadio, Anthony
NW 1/4 SE 1/4	202	13.70	Milem, John & Kathleen
NW 1/4 SE 1/4	203	16.30	Milem, John & Kathleen
SW 1/4 SE 1/4	500	36.10	Guice, Thomas
SE 1/4 SE 1/4	601	16.10	Pickard, Bob & Mary Lou
SE 1/4 SE 1/4	602	1.00	Peters, Michael & Dana
SE 1/4 SE 1/4	700	18.00	Frick, Charles & Linda

Section 26

NE 1/4 NE 1/4	601	12.25	Martin, Jack W.
NE 1/4 NE 1/4	604	1.50	Allen, Charlie & Wendy

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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

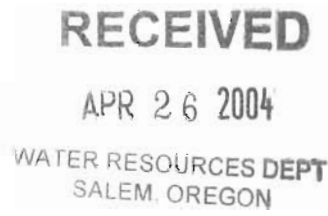
Pursuant to ORS 537.348(2) and OAR 690-077-0077

Optional Identification by Lessor/Lessee: L04.12
Lease Agreement Number (assigned by WRD): _____

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Bolander Trust, Sylvia (Muscia) Bolander, Trustee
(Mailing address) 19135 Tumalo Reservoir Rd.
(City, State, Zip Code) Bend, OR 97701
(Telephone number) (541)504-5492



If additional landowners, enter landowner information below

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

~I~ Ownership and Water Right Information

- 1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 17, Range 11, Section 02 and Tax Lot number 00102. 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 76106, Supplemental 74149, 76520

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

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: Sylvia Muscia Bolander Date: Feb 19-04
Bolander Trust, Sylvia (Muscia) Bolander, Trustee

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Tumalo Irrigation District

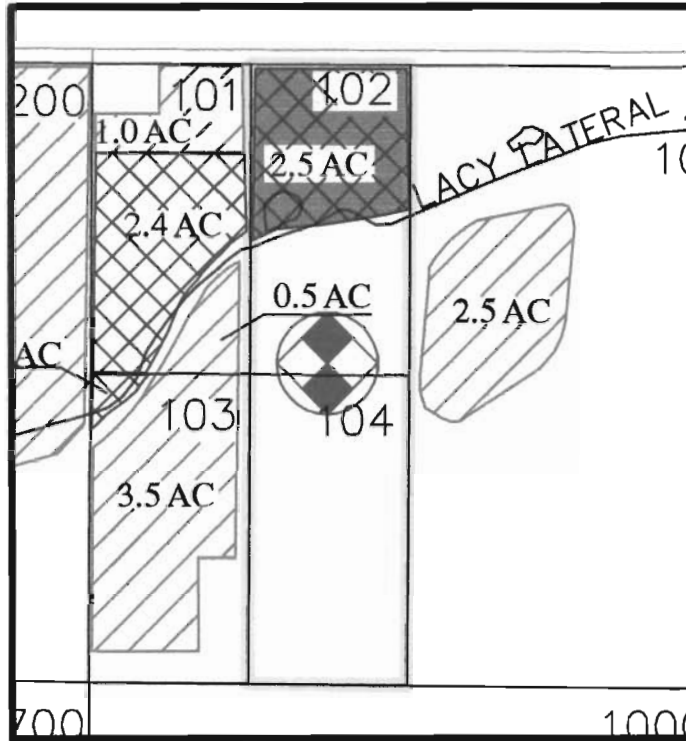
Lessee: _____ Date: _____
Deschutes Resources Conservancy

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

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



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 SALEM, OREGON

INITIAL: *[Signature]*


- 
 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 02 , T17 S., R.11 E., W.M.
 TAX LOTS # 00102
 DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'

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

I:\CAD_Files\Drawings and Maps\Drawings-Water Rights\17102.dwg, 2/17/2004 2:34:18 PM

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	17	11	02	nwne	00102	2.50	irr	76106	3	12/8/1961
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 2.50
 Acre-feet of storage, if applicable: _____

Additional Subject Water Rights? (Please use Additional Landowner Information form.)

Conditions or other limitations, if any: _____

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

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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, 2004. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

~III~ Other Information

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

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

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



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

Additional Water Right Form For Pooled Landowner Instream Lease

~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	11	02	nwne	00102	2.50	sup Jo 761 rd	74149	—	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: 2.50
Acre-feet of storage, if applicable: 0.88

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Additional Water Right Form For Pooled Landowner Instream Lease

~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	11	02	nwne	00102	2.50	sup 4076 ^{sq}	76520	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: 2.50

Acre-feet of storage, if applicable: 14.50

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

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

Optional Identification by Lessor/Lessee: L04.13
 Lease Agreement Number (assigned by WRD): _____

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Coleman, Glenn & Nancy
 (Mailing address) 18770 Tumalo Reservoir Rd.
 (City, State, Zip Code) Bend, OR 97701
 (Telephone number) (541)382-5357

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If additional landowners, enter landowner information below

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

~I~ Ownership and Water Right Information

- 1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 16, Range 11, Section 34 and Tax Lot number 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 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.

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: Glenn A. Coleman Date: 8 MAR 2004
Glenn Coleman
Nancy Coleman Date: March 8, 2004
Nancy 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:

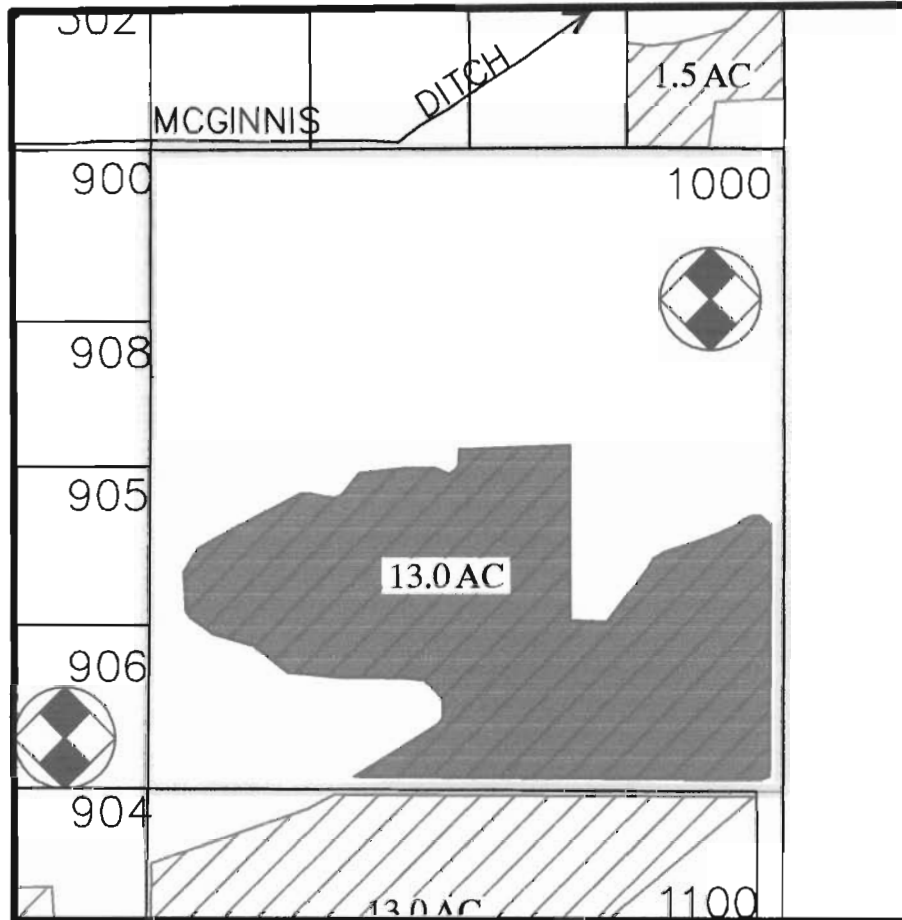
- Exhibit 5-A: Tax Lot Map of Landowner's Property
- Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased [Exhibits 5-A and 5-B may be combined into a single map]
- Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though 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

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TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY

FOR

Coleman, Glenn A. & Nancy D.



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

INITIAL: *NC*

LOCATED IN THE SE 1/4 OF THE NE 1/4
OF SECTION 34, T16 S., 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

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	11	34	sene	01000	13.0	irr	74147	8	10/29/1913
2.										
3.										
4.										
5.										

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

Additional Subject Water Rights? (Please use Additional Landowner Information form.)

Conditions or other limitations, if any: _____

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

WATER RESOURCES DEPT
 SALEM, OREGON

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, 2004. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

~III~ Other Information

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

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

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



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

Additional Water Right Form For Pooled Landowner Instream Lease

~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	11	34	sene	01000	13.0	sup <i>to 74149</i>	74149	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: 13.00

Acres-feet of storage, if applicable: 4.55

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

Additional Water Right Form For Pooled Landowner Instream Lease

~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	11	34	sene	01000	13.0	sup ⁷⁴¹⁴⁸	74148	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: 13.00

Acres-feet of storage, if applicable: 68.90

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

Additional Water Right Form For Pooled Landowner Instream Lease

~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	11	34	sene	01000	13.0	sup ^{to 7th 47}	76520	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: 13.00

Acre-feet of storage, if applicable: 75.40

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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

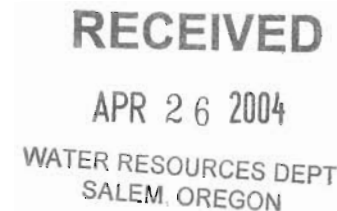
Pursuant to ORS 537.348(2) and OAR 690-077-0077

Optional Identification by Lessor/Lessee: L04.14
Lease Agreement Number (assigned by WRD):

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Bowgun Properties Limited Partnership
(Mailing address) 40-160 Via Valencia
(City, State, Zip Code) Rancho Mirage, CA 92270
(Telephone number) (760)770-1637



If additional landowners, enter landowner information below

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

~I~ Ownership and Water Right Information

- 1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 17, Range 11, Section 02 and Tax Lot number 200/201. 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 76106, Supplemental 74149, 76520

- 1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. [] Yes [X] No
1.5 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.

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: Robbin Dine, General Partner Date: 3-1-04
Bowgun Properties, L.P.

For additional Lessors, type in space for signature and date
_____ Date: _____

Lessee: _____ Date: _____
Deschutes Resources Conservancy

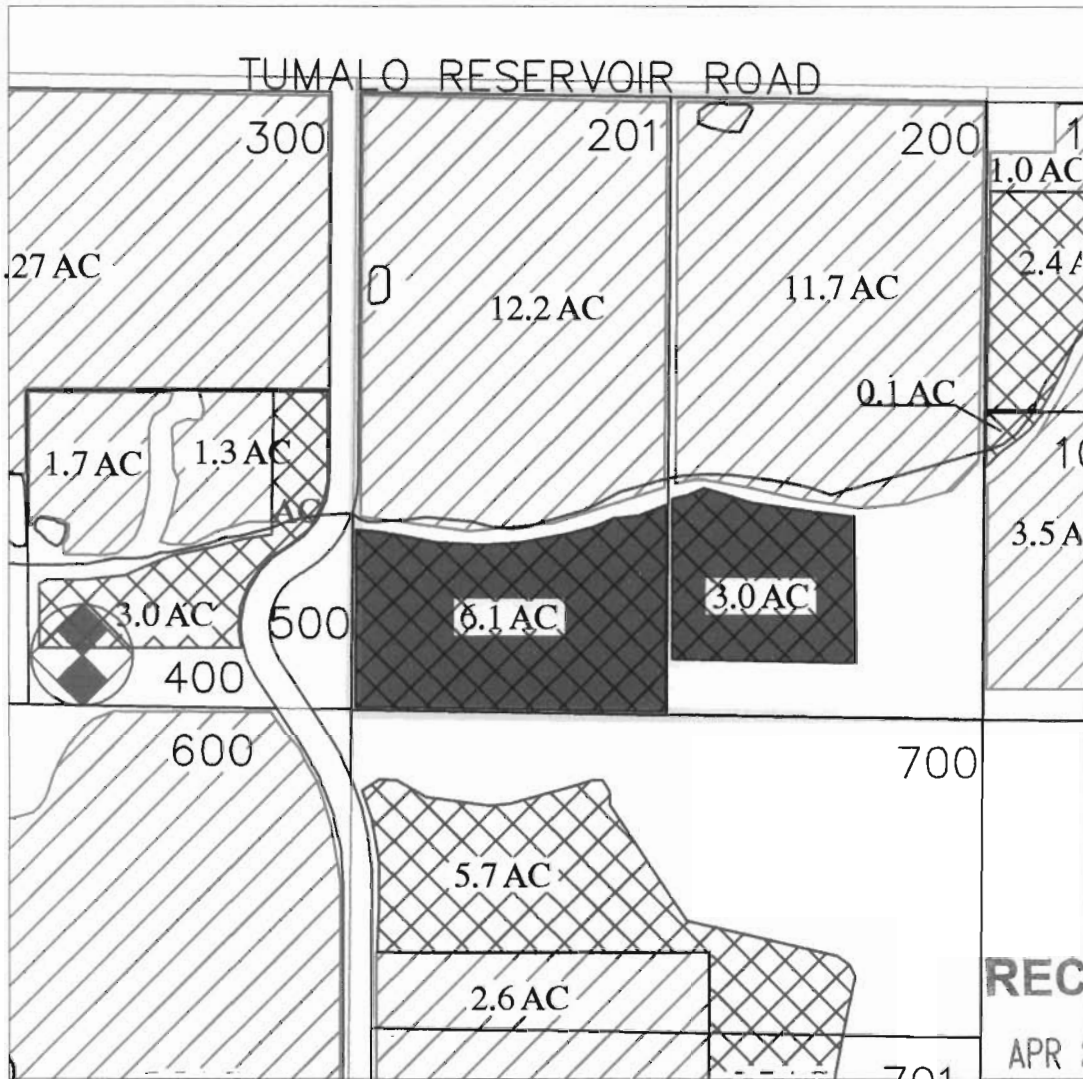
Other Attachments As Needed:

- 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

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TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY FOR Bowgun Properties LP

EXHIBIT 5-A & 5-B
L 04.14



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SALEM, OREGON



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

INITIAL: RB

LOCATED IN THE NE 1/4 OF THE NW 1/4
OF SECTION 02, T17 S., R11 E., W.M.
TAX LOTS # 200 & 201
DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'

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

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T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	17	11	02	nenw	00200	3.0	Irr	76106	3	12/8/1961
2.	17	11	02	nenw	00201	6.10	Irr	76106	3	12/8/1961
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 9.10

Acre-feet of storage, if applicable: _____

Additional Subject Water Rights? (Please use Additional Landowner Information form.)

Conditions or other limitations, if any: _____

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

WATER RESOURCES DEPT
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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).

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~II~ Instream Water Right Information

WATER RESOURCES DEPT
SALEM, OREGON

Term of lease. This lease shall terminate on October 15, 2004. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

~III~ Other Information

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



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

Additional Water Right Form For Pooled Landowner Instream Lease

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)									
1.	17	11	02	nenw	00200	3.00	Sup ↓ 761pb	74149	1905
2.	17	11	02	nenw	00201	6.10	Sup ↓	74149	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: 9.10
Acre-feet of storage, if applicable: 3.19

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

Additional Water Right Form For Pooled Landowner Instream Lease

~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	11	02	neww	00200	3.00	Sup ↓ 7610 ⁴	76520	19 4	12/8/1961
2.	17	11	02	neww	00201	6.10	Sup ↓	76520	19 4	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: 9.10
Acre-feet of storage, if applicable: 52.78

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Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

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

Optional Identification by Lessor/Lessee: L04.15

Lease Agreement Number (assigned by WRD): _____

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Brehmer, Chris J. & Lisa M.

(Mailing address) PO Box 241103

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

(Telephone number) (907)563-0905

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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 01 and Tax Lot number 600. 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 76106, Supplemental 74149, 76520

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

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

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: Chris J. Brehmer Date: 3-4-04

Lisa M. Brehmer Date: 3-4-04

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

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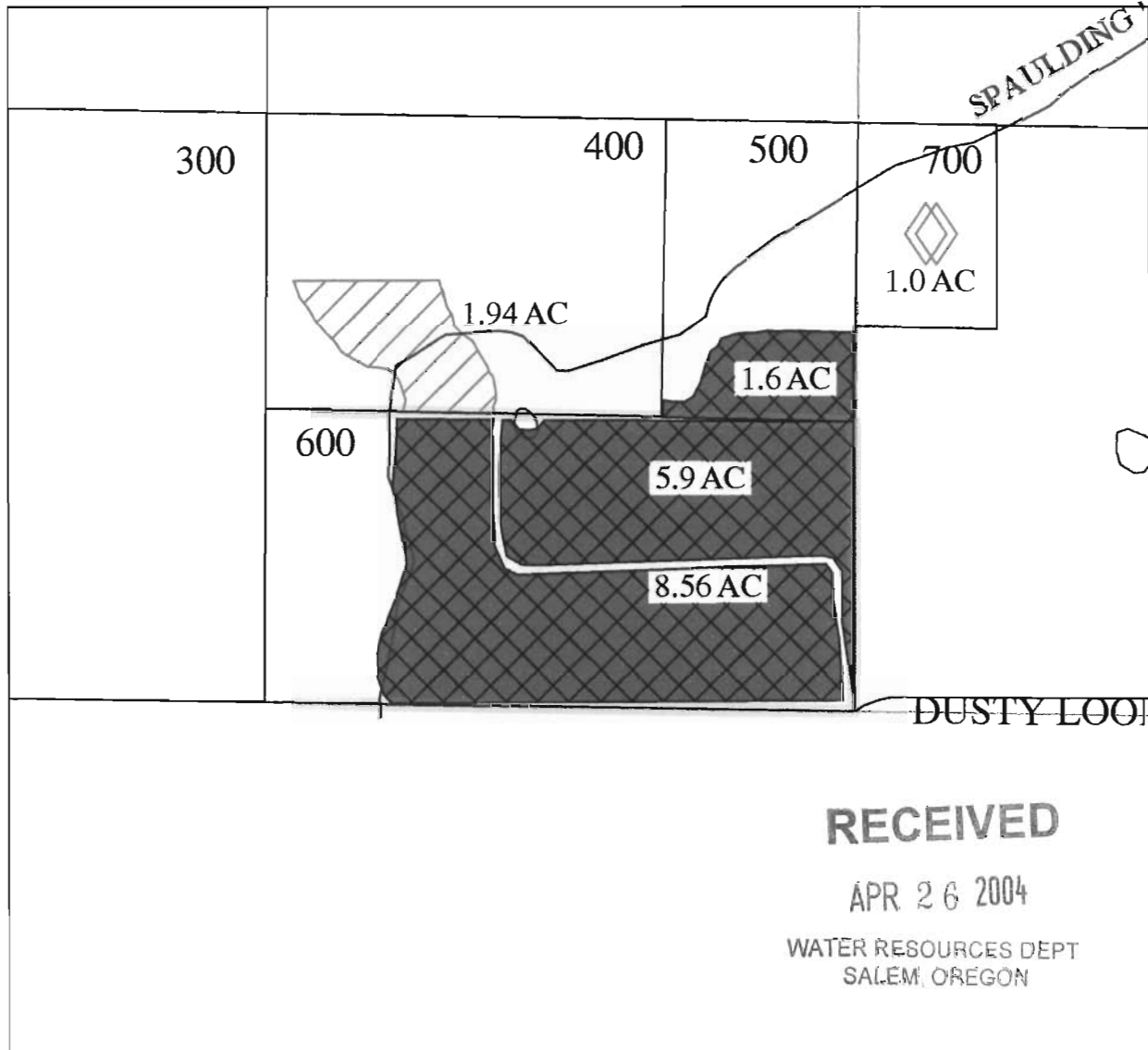
APR 26 2004

WATER RESOURCES DEPT
SALEM, OREGON

TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY

FOR

Brehmer, Chris J. & Lisa M.



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

INITIAL: CB/LB

LOCATED IN THE SW 1/4 OF THE SE 1/4
 OF SECTION 01, T16 S., R11 E., W.M.
 TAX LOTS # 00600
 DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'

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

P:\CAD_Files\Drawings and Maps\Drawings-Water Rights\161101.dwg, 2/24/2004 8:36:21 AM

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16	11	01	swse	00600	14.46	irr	76106	1	12/8/1961
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 14.46

Acre-feet of storage, if applicable: _____

Additional Subject Water Rights? (Please use Additional Landowner Information form.)

Conditions or other limitations, if any: _____

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

WATER RESOURCES DEPT
SALEM, OREGON

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, 2004. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

~III~ Other Information

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

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

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



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(503) 986-0900

Additional Water Right Form For Pooled Landowner Instream Lease

~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	11	01	swse	00600	14.46	sup ↓ 76106	74149	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: 14.46
Acre-feet of storage, if applicable: 5.07

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Additional Water Right Form For Pooled Landowner Instream Lease

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16	11	01	swse	00600	14.46	sup <i>to 76520</i>	76520	1	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: 14.46
Acre-feet of storage, if applicable: 83.87

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

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

Optional Identification by Lessor/Lessee: L04.16
 Lease Agreement Number (assigned by WRD): _____

This Lease Agreement is between:

Lessor #1 (Landowner):

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

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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 06 and Tax Lot number 1802. 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 ¼ ¼, tax lot number, map orientation and scale.

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: Mark R. Kachlein Date: 3/05/04
Mark R. Kachlein

Belinda R. Kachlein Date: 3/05/04
Belinda R. Kachlein

For additional Lessors, type in space for signature and date
_____ 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

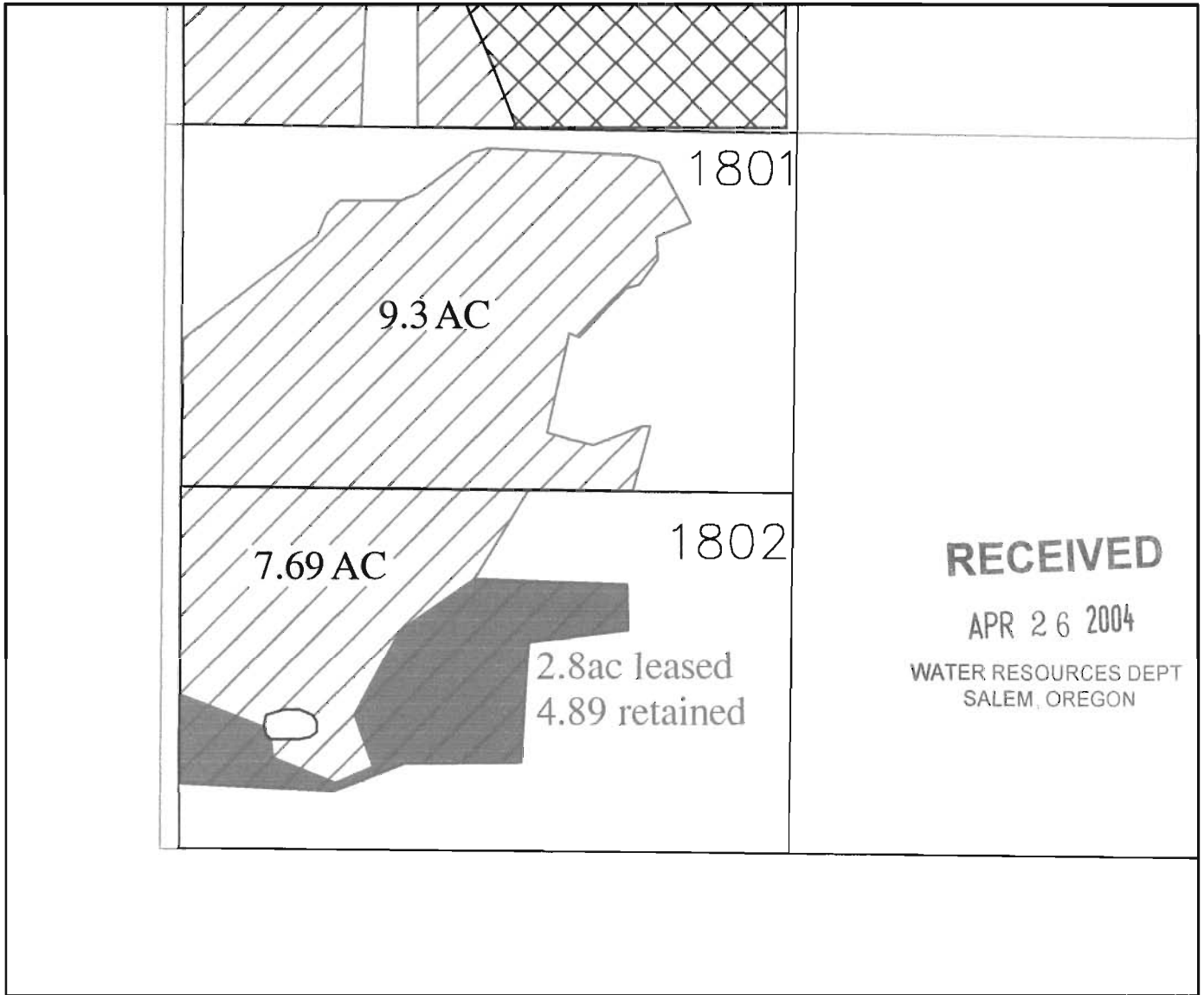
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WATER RESOURCES DEPT
SALEM, OREGON

TUMALO IRRIGATION DISTRICT
 IN-STREAM LEASED WATER RIGHTS SURVEY

EXHIBIT 5-A & B
 L04.16

FOR

Kachlein, Mark R. & Belinda R.



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

INITIAL: *MD*

LOCATED IN THE SW 1/4 OF THE SW 1/4
 OF SECTION 06 , T16 S., R12 E., W.M.
 TAX LOTS # 01802
 DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'

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

D:\040_FinishDrawings and Maps\Drawings-Water Rights\161206.dwg, 2/26/2004 9:54:00 AM

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16	12	06	sww	01802	2.80	irr	74146	14	5/27/1907
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 2.80
 Acre-feet of storage, if applicable: _____

Additional Subject Water Rights? (Please use Additional Landowner Information form.)

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Conditions or other limitations, if any: _____

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

WATER RESOURCES DEPT
SALEM, OREGON

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, 2004. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

~III~ Other Information

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

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

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



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(503) 986-0900

Additional Water Right Form For Pooled Landowner Instream Lease

~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	12	06	sww	01802	2.80	sup 2074147	74147	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: 2.80

Acre-feet of storage, if applicable: _____

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725 Summer Street NE, Suite A
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(503) 986-0900

Additional Water Right Form For Pooled Landowner Instream Lease

~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	12	06	sww	01802	2.80	sup <u>to 74th</u>	74149		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: 280

Acre-feet of storage, if applicable: 0.98

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725 Summer Street NE, Suite A
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(503) 986-0900

Additional Water Right Form For Pooled Landowner Instream Lease

~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	12	06	sww	01802	2.80	sup Jo 74148	74148	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: 2.80
Acre-feet of storage, if applicable: 14.84

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

Additional Water Right Form For Pooled Landowner Instream Lease

~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	12	06	sww	01802	2.80	sup 2074116	76520	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: 2.80

Acre-feet of storage, if applicable: 16.24

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Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

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

Optional Identification by Lessor/Lessee: L04.17
Lease Agreement Number (assigned by WRD): _____

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Frick, Charles & Linda
(Mailing address) 625 Hillendale Rd.
(City, State, Zip Code) Chaddsford, PA 19317-9364
(Telephone number) (601)388-6849

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**WATER RESOURCES DEPT
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If additional landowners, enter landowner information below

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

~I~ Ownership and Water Right Information

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

Certificate No. Primary 74146, Supplemental 74147, 74148, 74149, 76520
- 1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. Yes No
- 1.5 **Subject Water Rights.** Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached). (Crosshatch the area of water rights being leased). Attached map(s) must identify property owner, Township, Range, Section and 1/4 1/4, tax lot number, map orientation and scale.

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: Charles J. Frick Date: 3/5/04
Charles J. Frick

Linda B. Frick Date: 3/5/04
Linda B. Frick

For additional Lessors, type in space for signature and date
_____ Date: _____

Lessee: _____ Date: _____
Deschutes Resources Conservancy

Other Attachments As Needed:

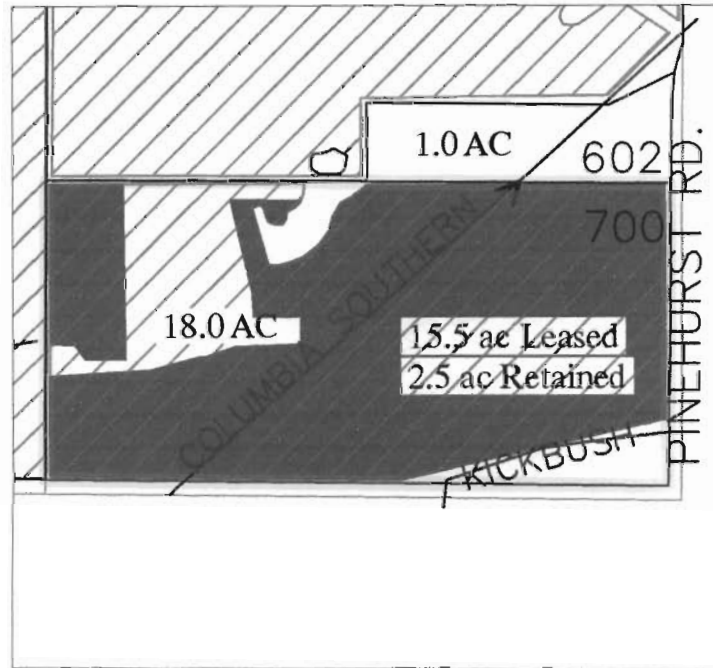
- Exhibit 5-A: Tax Lot Map of Landowner's Property
- Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased [Exhibits 5-A and 5-B may be combined into a single map]
- Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though 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

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TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY

FOR

Frick, Charles J. & Linda B.



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INITIAL: S L B

- 
 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, T16 S., R11 E., W.M.
 TAX LOTS # 00700
 DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'

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

C:\p0401_P18\Drawings\541 Rights_Drawing\Water Rights\T126.dwg, 3/22/04 11:26:17 AM

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16	11	26	SESE	00700	15.50	Irr	74146	15	6/1/1907
2.										
3.										
4.										
5.										

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

Additional Subject Water Rights? (Please use Additional Landowner Information Form.)

Conditions or other limitations, if any: _____ **APR 26 2004**

If you need to enter another leased right, please use the additional water rights form **WATER RESOURCES DEPT SALEM, OREGON**

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, 2004. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

~III~ Other Information

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

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

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



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

Additional Water Right Form For Pooled Landowner Instream Lease

~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	11	26	sese	00700	15.50	sup <i>to 74147</i>	74147	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: _____

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Additional Water Right Form For Pooled Landowner Instream Lease

~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	11	26	sese	00700	15.50	sup <i>do 74149</i>	74149	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: 5.43

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Additional Water Right Form For Pooled Landowner Instream Lease

~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	11	26	sese	00700	15.50	sup ↓ 74148	74148	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: 82.15

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Additional Water Right Form For Pooled Landowner Instream Lease

~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	11	26	sese	00700	15.50	sup do 744118	76520	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: 89.90

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

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

Optional Identification by Lessor/Lessee: L04.18
 Lease Agreement Number (assigned by WRD): _____

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Bruce LaVeau
 (Mailing address) 65655 Cline Falls Road
 (City, State, Zip Code) Bend, OR 97701
 (Telephone number) (541)279-1003

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 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, Range 12, Section 18 and Tax Lot number 01700. If the water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included.
- 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.

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: Bruce LaVeau Date: 10 MAR 04
Bruce LaVeau

For additional Lessors, type in space for signature and date
_____ Date: _____

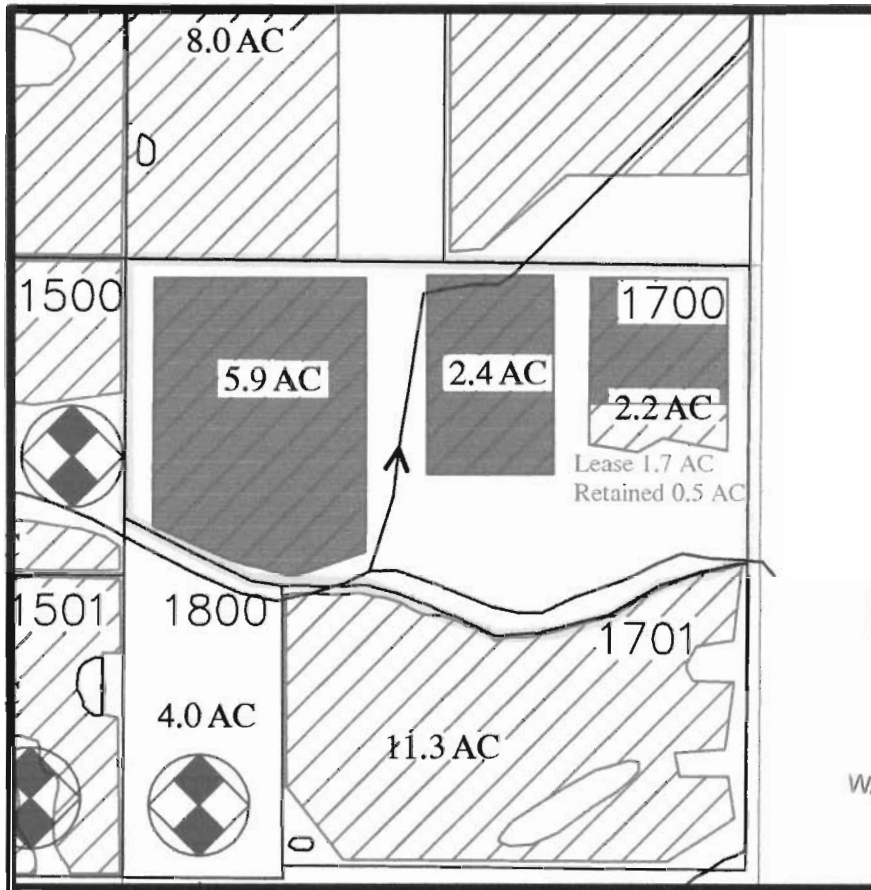
Lessee: _____ Date: _____
Deschutes Resources Conservancy

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

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TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY FOR LaVeau, Bruce J.



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INITIAL: BL

LOCATED IN THE SE 1/4 OF THE SE 1/4
OF SECTION 18 , T16 S., R12 E., W.M.
TAX LOTS # 01700
DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'

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

D:\CAC_Files\Drawings and Maps_Drawing\Water Rights\161218.dwg, 3/22/2004 1:35:58 PM

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16	12	18	SESE	01700	10.00	Irr	74146	18	6/1/1907
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: ~~10.50~~ 10.00

Acre-feet of storage, if applicable: _____

Additional Subject Water Rights? (Please use Additional Landowner Information form.)

Conditions or other limitations, if any: _____

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If you need to enter another leased right, please use the additional water rights form. WATER RESOURCES DEPT SALEM, OREGON

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, 2004. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

~III~ Other Information

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

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

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



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

Additional Water Right Form For Pooled Landowner Instream Lease

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16	12	18	sese	01700	10.00	Sup ↓ 74110	74147	13	10/29/1913
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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

Total number of acres, if for irrigation, by certificate and priority date: 10.00
Acre-feet of storage, if applicable: _____

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Additional Water Right Form For Pooled Landowner Instream Lease

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~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)									
1.	16	12	18	sese	01700	10.00	Sup <i>do 74149</i>	74149	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: 10.00

Acre-feet of storage, if applicable: 3.50



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Additional Water Right Form For Pooled Landowner Instream Lease

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~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16	12	18	sese	01700	10.00	Sup ↓ 74148	74148	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: 10.00

Acre-feet of storage, if applicable: 53,00



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Additional Water Right Form For Pooled Landowner Instream Lease

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~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16	12	18	sese	01700	10.00	Sup Jo 14 116	76520	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: 10.00

Acre-feet of storage, if applicable: 58.00

NW 1/4 SW 1/4	2200	7.10	Boone, Daniel & Corinna
NW 1/4 SW 1/4	2201	8.80	Elder, Dale & Barbara
NW 1/4 SW 1/4	2202	19.00	Boone, Daniel & Corinna
SW 1/4 SW 1/4	2800	3.60	Everson, Del & Ruth Anne
SW 1/4 SW 1/4	2900	4.00	Roberts, John & Dana
SW 1/4 SW 1/4	3000	3.49	Stringer, Scott & Rhonda
SW 1/4 SW 1/4	3001	4.40	Everson, Del & Ruth Anne
SW 1/4 SW 1/4	3100	5.00	McLaughlin, Margaret
SW 1/4 SW 1/4	3101	3.90	Baker, Sue S.
SW 1/4 SW 1/4	3102	3.00	Francis, Douglas & Cheryl
SE 1/4 SW 1/4	2602	1.00	Keener, Marilynn M.
NE 1/4 SE 1/4	2500	14.90	Loomis, Susan
NE 1/4 SE 1/4	2501	0.60	Loomis, Susan
NW 1/4 SE 1/4	2400	33.00	Kinsey, William

Section 17

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SALEM, OREGON

	NE 1/4 NE 1/4	100	17.46	Bishop, Neil & Kathryn
	NE 1/4 NE 1/4	101	19.59	Putnam, Lee&Mary/Steve&Arlene
	NW 1/4 NE 1/4	200	36.11	Putnam, Lee&Mary/Steve&Arlene
	SW 1/4 NE 1/4	501	22.50	Gardner, James & Virginia
	SW 1/4 NE 1/4	502	14.60	Gardner, James & Virginia
	SE 1/4 NE 1/4	500	16.00	Reed, Mary Ann
	SE 1/4 NE 1/4	503	18.00	Zimmerlee, James & Dolores
	NE 1/4 NW 1/4	200	39.15	Putnam, Lee&Mary/Steve&Arlene
Lot 2	SW 1/4 NW 1/4	400	26.20	Barnum, Marie (Lifetime Estate)
	SE 1/4 NW 1/4	400	37.50	Barnum, Marie (Lifetime Estate)
	NE 1/4 SW 1/4	800	27.00	Barnum, Marie (Lifetime Estate)
Lot 3	NW 1/4 SW 1/4	900	15.00	Chilen, David & Geri
Lot 3	NW 1/4 SW 1/4	1000	4.20	Brant, Laverne & Betty
Lot 4	SW 1/4 SW 1/4	1100	17.50	Sappington, Yvonne
Lot 4	SW 1/4 SW 1/4	1102	12.50	Kingen, Dorlee
	SE 1/4 SW 1/4	1100	9.50	Sappington, Yvonne
	SE 1/4 SW 1/4	1102	7.50	Kingen, Dorlee
	SE 1/4 SW 1/4	1200	4.50	Miller, Cy
	SE 1/4 SW 1/4	1201	9.00	Goldman, William & Laurel
	SE 1/4 SW 1/4	1300	4.00	Miller, Cy
	NE 1/4 SE 1/4	600	15.00	Manis, Noel & Susan
	NE 1/4 SE 1/4	601	15.70	Towner, Earl & Judith
	NW 1/4 SE 1/4	700	16.00	Gould, Annunziata O.
	NW 1/4 SE 1/4	701	9.00	Pearson, David & Wyona
	SW 1/4 SE 1/4	1400	3.00	Covell, Charles & Susan
	SW 1/4 SE 1/4	1401	4.00	Grimshaw, Max & Betty
	SW 1/4 SE 1/4	1402	3.00	Wilson, Darrel & Elizabeth
	SW 1/4 SE 1/4	1403	4.00	Riegel/Burton, Gregg & Gail
	SW 1/4 SE 1/4	1500	7.00	Arnold, David & Becky
	SW 1/4 SE 1/4	1501	7.00	Cheney, Dale & Judith
	SW 1/4 SE 1/4	1600	1.00	Latham, Deborah K.
	SE 1/4 SE 1/4	1700	15.90	LaVeau, Bruce
	SE 1/4 SE 1/4	1701	11.30	Bowers, Wayne & Margey
	SE 1/4 SE 1/4	1800	4.00	Parker, Thomas & Peggy

Section 18



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

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

Optional Identification by Lessor/Lessee: L04.20
 Lease Agreement Number (assigned by WRD): _____

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

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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.
- 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.

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: Stephen Lillegard Trustee Date: 3-12-04
Lillegard Rev Living Trust, Stephen Lillegard, Trustee

Sheryl Lillegard Trustee Date: 3-12-04
Sheryl Lillegard, Trustee

For additional Lessors, type in space for signature and date

_____ Date: _____

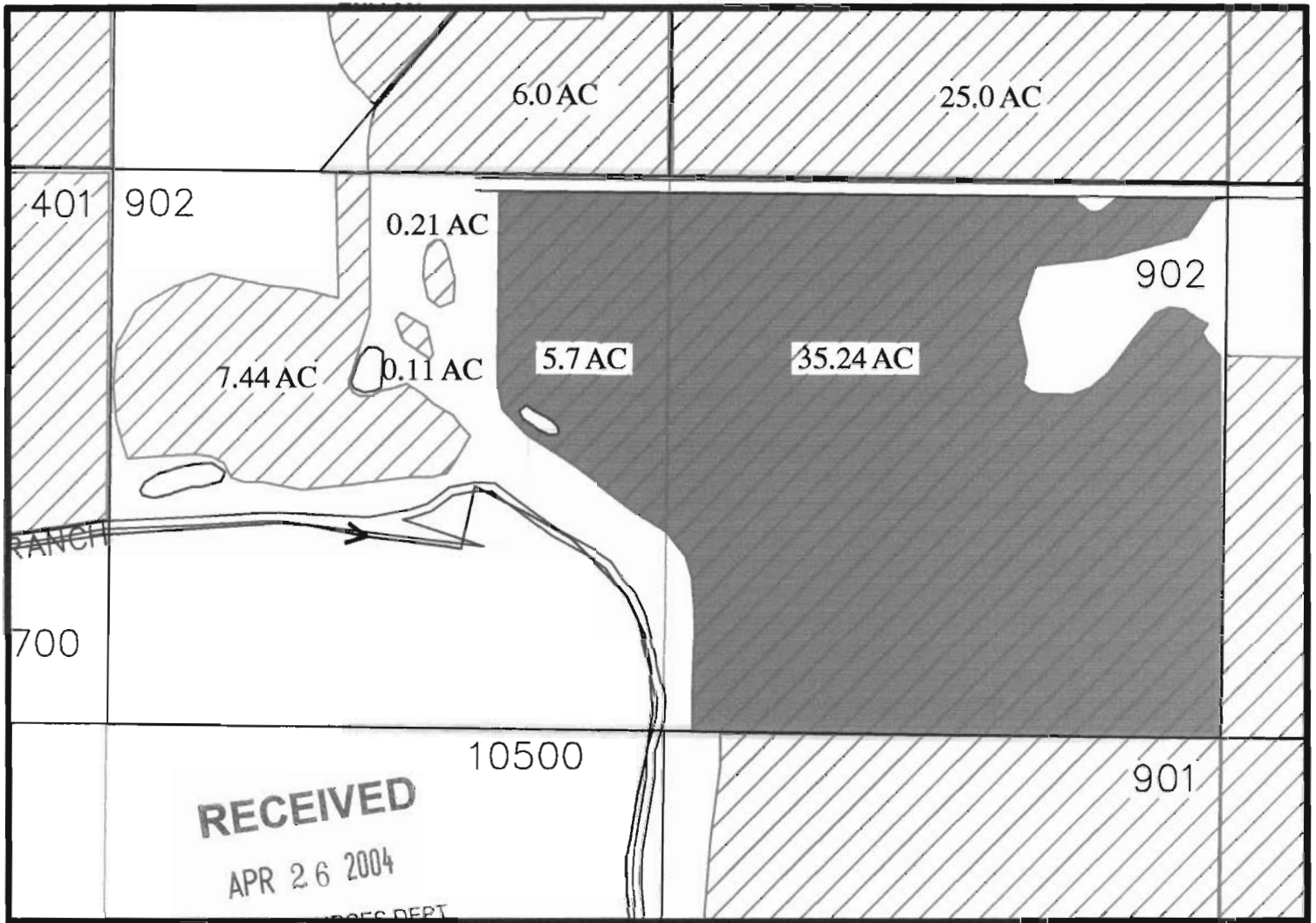
Lessee: _____ Date: _____
Tumalo Irrigation District

Other Attachments As Needed:

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

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TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY FOR Lillegard Revocable Living Trust



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

INITIAL *DJS*

LOCATED IN THE SE 1/4 OF THE NW 1/4
OF SECTION 13 , T16 S., R11 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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16	11	13	swne	00902	35.24	Irr	74146	4	9/1/1900
2.	16	11	13	senw	00902	5.70	Irr	74146	4	9/1/1900
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 40.94
 Acre-feet of storage, if applicable: _____

Additional Subject Water Rights? (Please use Additional Landowner Information form.)

Conditions or other limitations, if any: _____

If you need to enter another leased right, please use the additional 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).

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~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 15, 2004. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

~III~ Other Information

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

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

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



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

Additional Water Right Form For Pooled Landowner Instream Lease

~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	11	13	senw	00902	5.70	sup <i>↓ 74147</i>	74147	2	10/29/1913
2.	16	11	13	swne	00902	35.24	sup <i>↓</i>	74147	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: 40.94

Acre-feet of storage, if applicable: _____

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Additional Water Right Form For Pooled Landowner Instream Lease

~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	11	13	senw	00902	5.70	sup <i>Jo 74149</i>	74149	—	1905
2.	16	11	13	swne	00902	35.24	sup ↓	74149	—	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: 40.94
Acre-feet of storage, if applicable: 14.33

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Additional Water Right Form For Pooled Landowner Instream Lease

~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	11	13	senw	00902	5.70	sup ⁷⁴¹⁴⁸	74148	2	4/7/1911
2.	16	11	13	swne	00902	35.24	sup ↓	74148	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: 40.94

Acre-feet of storage, if applicable: 216.99

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Additional Water Right Form For Pooled Landowner Instream Lease

~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	11	13	senw	00902	5.70	sup ↓ 07414p	76520	5/v	12/8/1961
2.	16	11	13	swne	00902	35.24	sup ↓	76520	5/v	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: 40.94

Acre-feet of storage, if applicable: 237.46

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Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

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

Optional Identification by Lessor/Lessee: L04.21

Lease Agreement Number (assigned by WRD): _____

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Maxwell, Melody

(Mailing address) 65245 Cline Falls Road

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

(Telephone number) (541)385-7424

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**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, Range 12, Section 19 and Tax Lot number 1900/2400. 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 74147, 76106, Supplemental 74148, 74149, 76520

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

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

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: Melody Maxwell Date: 3-16-04
Melody Maxwell

For additional Lessors, type in space for signature and date
Date: _____

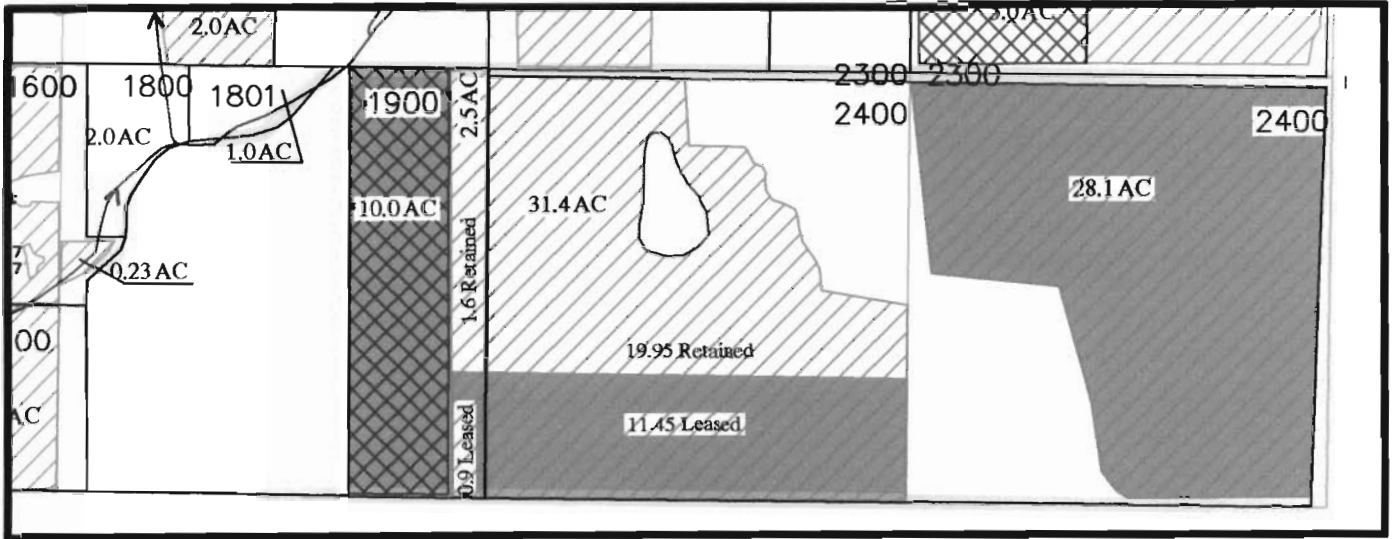
Lessee: _____ Date: _____
Deschutes Resources Conservancy

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

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TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY FOR Maxwell, Melody



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SALEM, OREGON




Certificate #'s
74146, and 74147


Certificate #
76106


JP-1999


JP-1998


In-Stream Lease

INITIAL: *MM*

LOCATED IN THE SE 1/4 OF THE SW 1/4
OF SECTION 19, T.16 S., R.12 E., W.M.
TAX LOTS # 1900
DESCHUTES COUNTY, OREGON
& SE/SE-2400 & SW/SE-2400



SCALE: 1" = 600'

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16	12	19	sese	02400	28.10	Irr	74147	14	10/29/1913
2.	16	12	19	swse	02400	11.45	Irr	74147	14	10/29/1913
3.	16	12	19	sesw	01900	.90	Irr	74147	13	10/29/1913
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 40.45
 Acre-feet of storage, if applicable: _____

Additional Subject Water Rights? (Please use Additional Landowner Information form.)

Conditions or other limitations, if any: _____

If you need to enter another leased right, please use the additional 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).

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~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 15, 2004. (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.



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

~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	12	19	sese	02400	28.10	Sup ↓ 74149	74149	1905
2.	16	12	19	swse	02400	11.45	Sup ↓	74149	1905
3.	16	12	19	sesw	01900	.90	Sup ↓	74149	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: 40.45

Acres-feet of storage, if applicable: 14.16

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Additional Water Right Form For Pooled Landowner Instream Lease

~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	12	19	sese	02400	28.10	Sup 74147	74148	13	4/7/1911
2.	16	12	19	swse	02400	11.45	Sup ↓	74148	13	4/7/1911
3.	16	12	19	sesw	01900	.90	Sup ↓	74148	13	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: 40.45

Acre-feet of storage, if applicable: 214.39

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

Additional Water Right Form For Pooled Landowner Instream Lease

~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	12	19	sese	02400	28.10	Sup to 74157	76520	17	12/8/1961
2.	16	12	19	swse	02400	11.45	Sup	76520	17	12/8/1961
3.	16	12	19	sesw	01900	.90	Sup ↓	76520	17	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: 40.45
Acre-feet of storage, if applicable: 234.61

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Additional Water Right Form For Pooled Landowner Instream Lease

~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	12	19	sesw	01900	10.00	lrr	76106	3	12/8/1961
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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

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

Acre-feet of storage, if applicable: 99.10

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725 Summer Street NE, Suite A
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Additional Water Right Form For Pooled Landowner Instream Lease

~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	12	19	sesw	01900	10.0	Sup Jo 7201 ^{nb}	74149	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: 10.00

Acre-feet of storage, if applicable: 3.50

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 (503) 986-0900

Additional Water Right Form For Pooled Landowner Instream Lease

~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	12	19	sesw	01900	10.0	Sup <u>to 76100</u>	76520	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: 10.00
 Acre-feet of storage, if applicable: 58.00

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

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

Optional Identification by Lessor/Lessee: L04.22
 Lease Agreement Number (assigned by WRD): _____

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Lamont, Mark & Kelly
 (Mailing address) 1311 NW Milwaukie Avenue
 (City, State, Zip Code) Bend, OR 97701
 (Telephone number) (541)280-3181

If additional landowners, enter landowner information below

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

~I~ Ownership and Water Right Information

- 1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 16, Range 12, Section 17 and Tax Lot number 00302. If the water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included.
- 1.3 For the lands being leased, list all water rights appurtenant to the lessor's property. Indicate if there are any supplemental or overlying rights.
 Certificate No. Primary 74146, Supplemental 74147, 74148, 74149, 76520
- 1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. Yes No
- 1.5 **Subject Water Rights.** Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached). (Crosshatch the area of water rights being leased). Attached map(s) must identify property owner, Township, Range, Section and ¼ ¼, tax lot number, map orientation and scale.

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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: Mark Lamont  Date: 3-12-04

Kelly Lamont  Date: 3-12-04

For additional Lessors, type in space for signature and date _____ 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

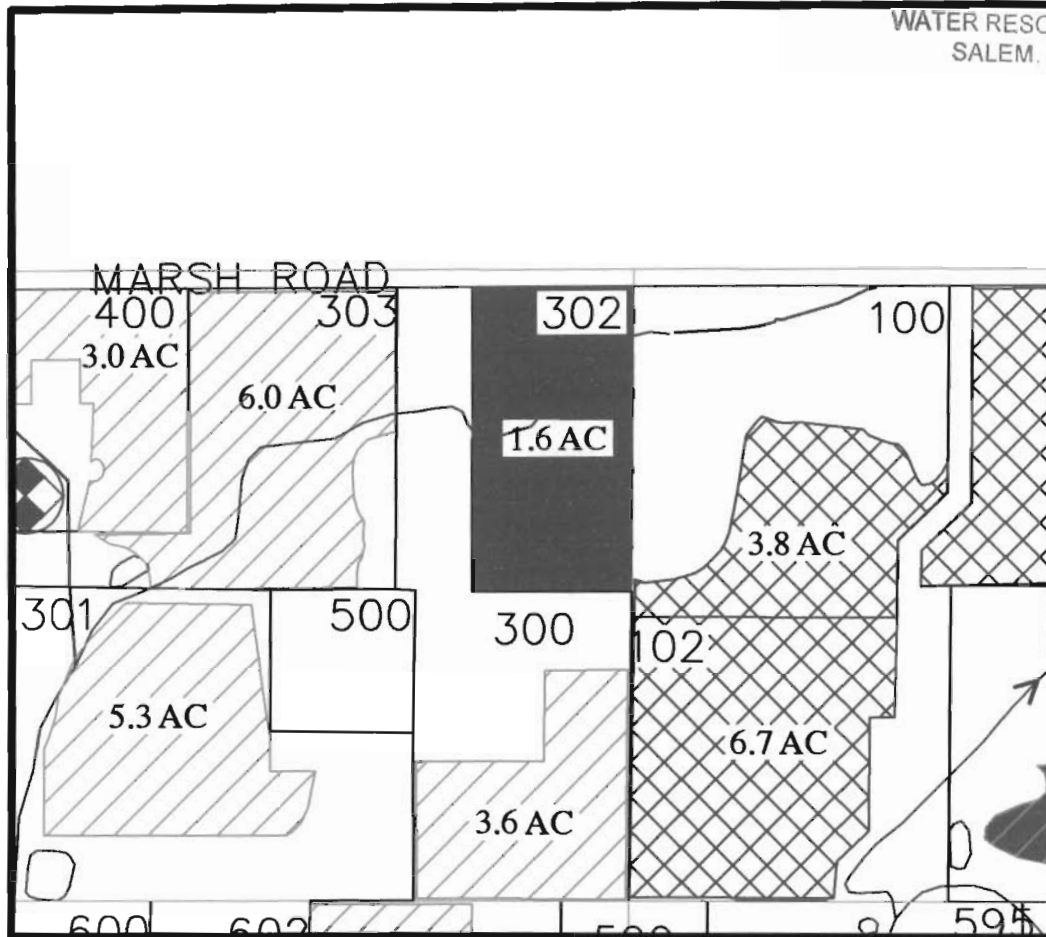
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TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY FOR Lamont, Mark & Kelly

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

INITIAL *MLK*

LOCATED IN THE NW 1/4 OF THE NE 1/4
OF SECTION 17, T16 S., R12 E., W.M.
TAX LOTS # 00302
DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'

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

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16	12	17	nwne	00302	1.60	Irr	74146	13	4/28/1905
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 1.60

Acre-feet of storage, if applicable: _____

Additional Subject Water Rights? (Please use Additional Landowner Information form.)

Conditions or other limitations, if any: _____

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

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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, 2004. (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

SW $\frac{1}{4}$ SE $\frac{1}{4}$	1000	IR	0.2	Jungers, Frank & Julia
SW $\frac{1}{4}$ SE $\frac{1}{4}$	900	IR	1.17	Jungers, Frank & Julia
Section 15				

NW $\frac{1}{4}$ NW $\frac{1}{4}$	400	IR	17.0	Hauxwell, Stanley & Jean
Section 22				

NE $\frac{1}{4}$ NE $\frac{1}{4}$	100	IR	37.8	Anliker, Mrs. R. J.
NW $\frac{1}{4}$ NE $\frac{1}{4}$	205	IR	0.5	Pitmon, William & Elizabeth
NW $\frac{1}{4}$ SE $\frac{1}{4}$	800	IR	0.16	Hammack, Jonas
Section 25				

NW $\frac{1}{4}$ NW $\frac{1}{4}$	108	IR	5.1	Samuelson/Connell
NW $\frac{1}{4}$ NW $\frac{1}{4}$	112	IR	4.0	Smith, Lawrence & Emily
NW $\frac{1}{4}$ NW $\frac{1}{4}$	115	IR	2.5	Karcher, William Jr. & Stephanie
NW $\frac{1}{4}$ NW $\frac{1}{4}$	116	IR	7.0	Morehen, Patricia
SW $\frac{1}{4}$ SE $\frac{1}{4}$	500	IR	13.43	Guice, Thomas
Section 26				

NE $\frac{1}{4}$ NE $\frac{1}{4}$	601	IR	3.0	Martin, Jack W.
SW $\frac{1}{4}$ SW $\frac{1}{4}$	400	IR	4.0	Hall, David & Joanne
Section 27				

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

NW $\frac{1}{4}$ NE $\frac{1}{4}$	300	IR	1.1	Smith, Phillip & Darlene
NW $\frac{1}{4}$ NE $\frac{1}{4}$	301	IR	0.3	Smith, Phillip & Darlene
NW $\frac{1}{4}$ NE $\frac{1}{4}$	302	IR	1.4 2.6	Smith, Phillip & Darlene
Section 17				

NE $\frac{1}{4}$ SE $\frac{1}{4}$	2001	IR	1.7	Zapp, Martin & Joann
Section 19				

SW $\frac{1}{4}$ NE $\frac{1}{4}$	2800	IR	2.0	Barlow, Steven & Jeanette
Section 30				

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

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N03.004 <1.07



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Additional Water Right Form For Pooled Landowner Instream Lease

~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	12	17	nwne	00302	1.60	Sup <i>to 74147b</i>	74147	11 3	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: 1.60

Acre-feet of storage, if applicable: _____

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Additional Water Right Form For Pooled Landowner Instream Lease

~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	12	17	nwne	00302	1.60	Sup <i>do 7/4/46</i>	74149	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: 1.60
 Acre-feet of storage, if applicable: 0.56

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Additional Water Right Form For Pooled Landowner Instream Lease

~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	12	17	nwne	00302	1.60	Sup ↓ 74148	74148	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: 1.60

Acre-feet of storage, if applicable: 8.48

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Additional Water Right Form For Pooled Landowner Instream Lease

~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	12	17	nwne	00302	1.60	Sup Jo 74140	76520	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: 1.60

Acre-feet of storage, if applicable: 9.28

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