

Application for Short-Term

Instream Lease

Pooled Lease Form

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

Optio Lease	nal Identification by Lessor/Lessee: Agreement Number (assigned by WRD):	_ _
This !	Lease Agreement is between:	
	or #2: Irrigation District or Other Water Purveyor e) Tumalo Irrigation District	
(Mail	ing address) 64697 Cook Avenue	
	State, Zip Code) <u>Bend, Oregon 97701</u> phone number) (541) 382-3053	
The v	vater right to be leased is located in <u>Deschutes</u> County.	
	ee (if different than Oregon Water Resources Department): e) Deschutes Resources Conservancy	
	e) <u>Deschutes Resources Conservancy</u> ing address) 700 NW Hill Street	_
*	State, Zip Code) Bend, Oregon 97701	
(Tele	phone number) (541) 382-4077	RECEIVED
Trus		
_	on Water Resources Department	APR 26 2004
Salen	Summer Street NE, Suite A n, OR 97301-1271 986-0900	WATER RESOURCES DE SALEM, OREGON
,	~I~ Ownership and Water Right Information	on
1.2	Lessor #2 is the (Check one): ☐ Official representative of Tumalo Irrigation District, the inconveys water to the subject water rights. ☐ Another party with an interest in the subject water rights represent the property water rights represent rights represent the property water rights represent represent rights represent represent rights represent represent rights represen	
1.3	For the lands being leased, list all water rights appurtenant to the lift there are any supplemental or overlying rights.	essor's property. Indicate
	Certificate No. Primary 74146, 74147, 76106, Supplemental 7414	7, 74148, 74149, 76520
1.4	Are some or all of the lands being leased part of a Conservation R Program. □ Yes ☒ No	eserve Enhancement

1.5	Subject water rights. Lessor proposes to lease the water rights list. The right(s) to be leased are further described as follows: Certificate No.: 74146	ted in 1.3.		
	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 lease of there is more than one rate associated with a water right, described Season 1 (cfs) 1.53 Season 2 (cfs) 1.53 Time period: May 1 - May 1 Season 3 (cfs) 1.53 Time period: May 1 - Sept Maximum duty associated with subject water rights (ac-ft): 192.50	ed: 1.53e below: 30, Oct 1 - Nov 1 5, Sept 16 - Sept 30		
	Conditions or other limitations, if any:			
	If you need to enter another leased right, please use the additional v	vater 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 and wildlife habitat ☐ Pollution abatement ☐ Recreation and scenic attraction 			
2.2	Instream use created by lease. The instream use to be created is continuous to December 2015. Twibuters to December 2015.	described as follows:		
	Tributary to <u>Deschutes River</u> in the <u>Deschutes</u> Basin.			
	Describe the point of diversion (POD) and any associated reach(es) being created. If possible list the reach by river mile. If no reach is only one POD listed on the certificate, the lease may be processed to POD. (If more than one POD is listed on the certificate, then the POD reach(es) must be identified): Tumalo Creek at the Tumalo Feed Caby 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 section below to indicate a more restrictive period of use than allowed by the section below to indicate a more restrictive period of use than allowed by the section below to indicate a more restrictive period of use than allowed by the section below to indicate a more restrictive period of use than allowed by the section below to indicate a more restrictive period of use than allowed by the section below to indicate a more restrictive period of use than allowed by the section below to indicate a more restrictive period of use than allowed by the section below to indicate a more restrictive period of use than allowed by the section below to indicate a more restrictive period of use than allowed by the section below to indicate a more restrictive period of use than allowed by the section below to indicate a more restrictive period of use than allowed by the section below to indicate a more restrictive period of use than allowed by the section below to indicate a more restrictive period of use than allowed by the section below to indicate a more restrictive period of use than allowed by the section below to indicate a more restrictive period of use than allowed by the section of the section below to indicate a more restrictive period of use than allowed by the section of t	s identified, and there is to be protected at the OD and any associated anal (POD #1) measured		
	Rate in cfs: Season 2 - 1.53 Rate in cfs: Season 3 - 1.53	RECEIVED		
	Conditions to prevent injury, if any:	APR 2 6 2004		
	 None 	WATER RESCURCES DEPT to the described falls		
	If you need to enter more instream uses, please use the additional w	vater rights form.		

Pooled Lease Form / 2

- 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.
- **Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077-0070 or OAR 690-077-0075 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.
- **Suspension of original use.** During the period of the lease, the owner agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights. In the event that a supplemental water right is not part of this lease, it may be subject to forfeiture.

3.5	Termination provision.
	For multiyear leases, lessor shall have the option of terminating the lease each year, prior to the lease being exercised (), with 30 day written notice to the Department.
	For multiyear leases, lessor shall not have the option of terminating the lease each year prior to the lease being exercised, with written notice to the Department.

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

APR 2 6 2004

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.
	r #2: Elmer Shadamal Date: 4.21.04
Tuma	lo Irrigation District
Lesse	e: Date: 4-22-04
	nutes Resources Conservancy
Other	Attachments as Needed:
Attacl	nment 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)
Attacl	nment 2: Detailed map illustrating lands under subject rights to be leased (required if only
	part of a right is being leased instream).
Attacl	nment 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)
Attacl	nment 4: Split Season Instream Use Form

Attachment 5: Pooled Lease Landowner Form

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APR 26 2004

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 # Enter Acres

74146 106.94

	Cfs		
Season			
	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 certificate

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





Instream Lease

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ction 1.2 continued from Pooled District Form.	
Subject Water Rights. District and Landowners propose to lease the water in Attachment 5.	rights listed
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.741	
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~	
ction 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 Basis	n.
Describe the point of diversion and any associated reach(es) of the instream created. If possible list the reach by river mile, if no reach is identified, the l processed to be protected at the point of diversion): <u>Tumalo Creek at the Tur Canal (POD#1) measured by Gauge #14073520 to the mouth and thence to I 119.5.</u>	ease may be malo Feed
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.)	RECEIVED
Rate in cfs:Rate in cfs:	APR 2 6 2004
Conditions to prevent injury, if any:	WATER RESOURCES DEP
 None ∑ The instream flow will be allocated on a daily average basis up to the des 	5,75,500

from April 1 ____ through October 31



Instream Lease

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Rate in cfs: (Use additional lines if there is more than one rate associated with the water right.) Rate in cfs: Rate in cfs: WATER RESOURCE SALEM OREGO	1.2 continued from Pooled District F Subject Water Rights. District and Lan n Attachment 5.		rights listed
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): (Use additional lines if there is more than one duty associated with the water right.) 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): Outy associated with leased rights (AF): Conditions or other limitations, if any: **II~* 1.2.2 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): Cuse additional lines if there is more than one rate associated with the water right.) Rate in cfs: (Use additional lines if there is more than one rate associated with the water right.) Rate in cfs: (Use additional lines if there is more than one rate associated with the water right.) RALEM OREG	The right(s) to be leased are further des	cribed as follows:	
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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:	created. If possible list the reach by rive processed to be protected at the point of R.12E., W.M.; 100 feet south and 550 thence to LBC @ RM 119.5.	ver mile, if no reach is identified, the f diversion): NW1/4 NE1/4, Section feet east from the N1/4 corner of Section 1.	e lease may be 132, T.17S, ction 32, and
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: Rate in cfs: Rate in cfs:	(Use additional lines if there is more t	han one rate associated with the water righ	t.)
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Rate in cfs: WATER RESOURCE SALEM OREG		the state of the s	
Rate in cfs: WATER RESOURCE		_	APR 2 6 200
SALEM OREG	Rate in cfs:	-	WATER RESOURCES
Canditions to provent infligy if any	Conditions to prevent injury, if any:		SALEM OREGO
	☐ None☑ The instream flow will be allocated	l on a daily average basis up to the	described rate
☐ The instream flow will be allocated on a daily average basis up to the described rate		on a daily average casis up to the	



from April 1

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.: 74148 Priority date: 4/7/1911	
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	004
Conditions to prevent injury, if any: ☐ None ☐ The instream flow will be allocated on a daily average basis up to the described rate	

through October 31



from April 1

Additional Water Right Form for Pooled

Instream Lease

 \sim I \sim

The right(s) to be leased are raran	er described as follows:	
Priority date: 12/8/1961 Legal Season of Use (if not listed If an irrigation right, total number Total acre-feet of storage to be lead Rate associated with leased rights (Use additional lines if there is made associated with leased Rate associated with leased Rate associated with leased Duty associated with leased Use additional lines if there is made Duty associated with leased Duty associated with leased Duty associated with leased	Type of use: Supplemental to C.7414 on the certificate): April 1 - October 31 of acres to be leased: 106.94 ased, if applicable: (cfs): ore than one rate associated with the water right.) rights (cfs): rights (cfs):	
·	any:	
	~II~	
Deschutes	The instream use to be created is described as	
created. If possible list the reach processed to be protected at the possible list the reach	nd any associated reach(es) of the instream use by river mile, if no reach is identified, the least oint of diversion): NW1/4 NE1/4, Section 32 550 feet east from the N1/4 corner of Section	ase may be 2, T.17S.

____through October 31

WATER RESOURCES DEF

SALEM OREGON



Additional Water Right Form for Pooled

Instream Lease

~ ! ~	
Section 1.2 continued from Pooled District Form. Subject Water Rights. District and Landowners propose to lease the water right in Attachment 5.	ts listed
The right(s) to be leased are further described as follows: Certificate No.: 74147 Priority date: 10/29/1913 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:	
~[]~	
Section 2.2 continued from Pooled District Form. Instream use created by lease. The instream use to be created is described as formula in the Deschutes Tributary to Deschutes River Describe the point of diversion and any associated reach(es) of the instream use created. If possible list the reach by river mile, if no reach is identified, the lease processed to be protected at the point of diversion): Tumalo Creek at the Tumalo Canal (POD#1) measured by Gauge #14073520 to the mouth and thence to LBC 119.5.	being e may be o Feed
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 Pate in cfs: Season 3 - 2.54	RECEIVE APR 2 6 2004

Conditions to prevent injury, if any:

Rate in cfs: Season 3 - 2.54

□ 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 # Enter Acres

74147 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 certificates

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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Instream Lease

~**I**~

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.741	47
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 Deschutes River Tributary to Columbia River in the Deschutes Basi	
Describe the point of diversion and any associated reach(es) of the instream created. If possible list the reach by river mile, if no reach is identified, the I processed to be protected at the point of diversion): NW1/4 NE1/4, Section 3 R.12E., W.M.; 100 feet south and 550 feet east from the N1/4 corner of Sect thence to LBC @ RM 119.5.	ease may be 32, T.17S, ion 32, and
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:	APR 2 6 2004
Rate in cfs:	VATER DEC-
Conditions to prevent injury, if any: None	NATER RESOURCES DEPT SALEM OREGON
The instream flow will be allocated on a daily average basis up to the des	scribed rate



Instream Lease

~I~

Section 1.2 continued from Pooled District Form. Subject Water Rights. District and Landowners propose to lease the water in Attachment 5.	r rights listed
The right(s) to be leased are further described as follows: Certificate No.: 74149 Priority date: 1905 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): 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): 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 Deschutes River Tributary to Columbia River in the Deschutes Describe the point of diversion and any associated reach(es) of the instream created. If possible list the reach by river mile, if no reach is identified, the processed to be protected at the point of diversion): NW1/4 NE1/4, Section R.12E., W.M.; 100 feet south and 550 feet east from the N1/4 corner of Sethence to LBC RM 119.5.	sin. n use being le lease may be n 32, T.17S.
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: Rate in cfs:	RECEIVED t.) APR 2 6 2004 WATER RESOURCES DESCRIPTION
 Conditions to prevent injury, if any: ☐ None ☐ The instream flow will be allocated on a daily average basis up to the day from April 1 through October 31 	OALEM OREGON



Instream Lease

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on 1.2 continued from Pooled District Form. Subject Water Rights. District and Landowners propose to lease the water in Attachment 5.	rights listed
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.74 Lead on the certificate of the certificate	147
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~	
n 2.2 continued from Pooled District Form. Instream use created by lease. The instream use to be created is described Deschutes Tributary to Columbia River in the Deschutes Bas	
Describe the point of diversion and any associated reach(es) of the instream created. If possible list the reach by river mile, if no reach is identified, the processed to be protected at the point of diversion): NW1/4 NE1/4, Section R.12E., W.M.: 100 feet south and 550 feet east from the N1/4 corner of Section the Corner of Section 119.5.	lease may be 32, T.17S, tion 32, and
Total volume (AF): (Use additional lines if there is more than one rate associated with the water right. Total volume (AF): Total volume (AF):	RECEIVED
Rate in cfs: (Use additional lines if there is more than one rate associated with the water right.	APR 26 2004
Rate in cfs:Rate in cfs:	WATER RESOURCES DEP SALEM, OREGON
Conditions to prevent injury, if any:	
☐ None☑ The instream flow will be allocated on a daily average basis up to the determinant.	escribed rate

from April 1 through October 31



□ None

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 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):	
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): <u>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.</u>	
Total volume (AF): _166.70 (Use additional lines if there is more than one rate associated with the water right.) Total volume (AF):	ΞD
Total volume (AF):	DEF
Conditions to prevent injury, if any:	

from April 1 through October 31

The instream flow will be allocated on a daily average basis up to the described rate

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 16Nov 1 Sep 30 Sep 15

Enter Certificate # Enter Acres

76106 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 certificates

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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Instream Lease

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 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): Duty associated with leased rights (AF): (Use additional clines if there is more than one duty associated with the water right.) 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): Coditions to prevent injury, if any: **Received** Conditions to prevent injury, if any: **Aprentices Der Salem OperGon** Salem OperGon** Conditions to prevent injury, if any:	~ I ~	
Certificate No.: 74149 Priority date: 1905 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-fect 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): Duty associated with leased rights (cfs): Outy associated with leased rights (AF): Outy associated with the water right.) Outy associated with leased rights	Subject Water Rights. District and Landowners propose to lease the water r in Attachment 5.	ights listed
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:	Priority date: 1905	
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:	Conditions or other limitations, if any:	
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): (Use additional lines if there is more than one rate associated with the water right.) Rate in cfs: (Use additional lines if there is more than one rate associated with the water right.) Rate in cfs: RECEIVED APR 2 6 2004 WATER RESOURCES DEF	Section 2.2 continued from Pooled District Form. Instream use created by lease. The instream use to be created is described a Deschutes River	
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): (Use additional lines if there is more than one rate associated with the water right.) Rate in cfs: (Use additional lines if there is more than one rate associated with the water right.) Rate in cfs: Rate in cfs: Rate in cfs:	Tributary to Columbia River in the Deschutes Basin	1.
(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: Rate in cfs: Rate in cfs:	created. If possible list the reach by river mile, if no reach is identified, the leprocessed to be protected at the point of diversion): <u>NW1/4 NE1/4</u> , <u>Section 3 R.12E.</u> , W.M.; 100 feet south and 550 feet east from the N1/4 corner of Section 3.	ease may be 2, T.17S,
Rate in cfs: (Use additional lines if there is more than one rate associated with the water right.) Rate in cfs: APR 2 6 2004 Rate in cfs: WATER RESOURCES DEF	(Use additional lines if there is more than one rate associated with the water right.) Total volume (AF):	
(Use additional lines if there is more than one rate associated with the water right.) Rate in cfs:		RECEIVED
TER RESOURCES DE	(Use additional lines if there is more than one rate associated with the water right.) Rate in cfs:	
None	Conditions to prevent injury, if any:	WATER RESOURCES DEF SALEM OREGON

from April 1 through October 31....

The instream flow will be allocated on a daily average basis up to the described rate



Instream Lease

~ I ~	
Section 1.2 continued from Pooled District Form. Subject Water Rights. District and Landowners propose to lease the water rig in Attachment 5.	ghts listed
The right(s) to be leased are further described as follows: Certificate No.: 76520 Priority date: 12/8/1961 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): Outy 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): 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 Deschutes Tributary to Columbia River in the Deschutes Basin.	
Describe the point of diversion and any associated reach(es) of the instream us created. If possible list the reach by river mile, if no reach is identified, the lead processed to be protected at the point of diversion): NW1/4 NE1/4, Section 32 R.12E., W.M.; 100 feet south and 550 feet east from the N1/4 corner of Section thence to LBC RM 119.5.	ase may be . T.17S.
Total volume (AF): (Use additional lines if there is more than one rate associated with the water right.) Total volume (AF): Total volume (AF):	RECEIVE
Rate in cfs: (Use additional lines if there is more than one rate associated with the water right.) Rate in cfs: Rate in cfs:	APR 2 6 2004 WATER RESOURCES DEI SALEM, OREGON

through October 31

☑ The instream flow will be allocated on a daily average basis up to the described rate

Conditions to prevent injury, if any:

☐ None

from April 1

Tumalo Irrigation District Instream Leases - 2004						-	
,	C.74146		C.74146	C.74146	C.74147	C.76106	Total
Lease Number	9/1/1900	4/28/1905	5/27/1907	6/1/1907	10/29/1913	12/8/1961	
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					40.45	10	50.45
L04.22		1.60					1.60
Totals	69.04	1.60	2.80	33.50	82.16	99.99	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

Optic Lease	onal Identification by Lessor/Lessee: L04.01 e Agreement Number (assigned by WRD):	
This	Lease Agreement is between:	
(Nan (Mai	or #1 (Landowner): ne) James Schlueter & Patricia Schlueter ling address) 15505 SW 109 th Ave.	APR 2 6 200
	, State, Zip Code) <u>Tigard, OR 97224</u> phone number) (541)388-4575	WATER RESOURCES SALEM, OREGO
If add	ditional landowners, enter landowner information below	
form.	The numbering associated with this form corresponds to that found on the "Standar. The "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the dard Instream Lease Application" form. Consequently, the numbering on this form	same information as the
	~I~ Ownership and Water Right Informati	on
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 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 le there are any supplemental or overlying rights.	ssor's property. Indicate if
	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 Re Program. ☐ Yes ☐ No	serve Enhancement
1.5	Subject Water Rights. Landowner proposes to lease the water right attached as Exhibit 5-B (this information may be included on Exhibit 5-A, of attached). (Crosshatch the area of water rights being leased). Attached map(s) of Township, Range, Section and 1/4 1/4, tax lot number, map orientation and scale.	or an additional map may be

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

Suspension of original use. During the period of the lease, the owner agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental

3.4

		ne subject water rights. In the event that a supplemental water right is not part of this e, it may be subject to forfeiture.
3.5	Ter	mination provision. For multiyear leases, lessor <i>shall</i> have the option of terminating the lease each year, prior to the lease being exercised (), with 30 day written notice to the Department provided by the Irrigation District, Other Water Purveyor or Lessee (if different than Department). The lessor must contact the Irrigation District, Other Water Purveyor, or Lessee (if different than Department) to indicate their interest in terminating the lease agreement. For multiyear leases, lessor <i>shall not</i> have the option of terminating the lease each year, prior to the lease being exercised, with written notice to the Department.
3.6	2.2 use	dification to prevent injury. Allocation of water to the instream use described in Section during the term of this lease is not reasonably expected to cause injury to other rights to water from the same source. If injury is found after this lease is signed, the lease may be diffied or terminated to prevent injury.
Lessor Jam <u>es</u>		chlueter Date: 1-18-04
	_	nal Lessers, type in space/for signature and date 6 alucia Schluste Date: 1 - 18 - 04
Lessee	·:	Schlueter Octricia J. Schlueter Date: 1-18-04
		chments As Needed:
Exhibi Exhibi		
Exhibi	t 5-C	

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WATER RESOURCES DEPT SALEM OREGON

checked)

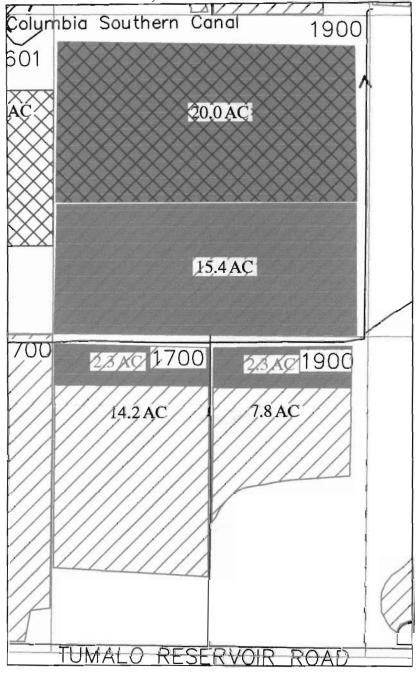
Split Season Instream Use Form

Exhibit 5-D:

EXHIBIT 5-A & 5-B L04.01

T MALO IRRIGATION DISTAICT IN-STREAM LEASED WATER RIGHTS SURVEY

FOR Schlueter, James A. & Patricia J.



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WATER RESOURCES DEP SALEM OREGON















LOCATED IN THE SE and NE 1/4's OF THE SW 1/4 OF SECTION 16, T35 S., R11 E., W.M. TAX LOTS # 1900, 1700, 1900

DESCHUTES COUNTY, OREGON

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

SCALE: 1'' = 400'

	T	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	tify pertin	ent page r	number of			e is greater than ler certificate)	0 pages; identify	priority date	e if there is
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.										

		al number of acres, if for irrigation, by certificate and priority date: 17.40 e-feet of storage, if applicable:	
	Ado	litional Subject Water Rights? (Please use Additional Landowner Info	rmation form.)
	Cor	aditions or other limitations, if any:	RECEIVE
If yo	ou need	to enter another leased right, please use the additional water rights form.	APR 26 2004
1.6	Valid	ity of rights. Lessor(s) attests (mark one) that:	WATER RESOURCES (SALEM, OREGON
	\boxtimes	The water has been used over the past five years according to the terms the owner's water right certificate or as an instream water right or	
		The water has <u>not</u> been used over the past five years according to the ter conditions of the owner's water right certificate, however the water right forfeiture under ORS 540.610(2)(_)(include necessary supporting document 3).	t is not subject to
		~II~ Instream Water Right Information	
2.3		rm of lease. This lease shall terminate on October 15, 2004. (If there Pooled District Form and this form, the Pooled District Form will be the official term of	

~III~ Other Information

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



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	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page r	number o			is greater than 1 er certificate)	0 pages; identify	priority date	e if there is
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 1/4 1/4, 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:	

RECEIVED

APR 26 2004



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	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Identi	ify pertin	ent page i	number o				0 pages; identify	priority date	e if there is
					more	than one pe	er 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 1/4 1/4, tax lot number, map orientation and scale.]

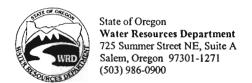
Total number of acres, if for irrigation, by certificate and priority date: 20.0	
Acre-feet of storage, if applicable: 198.20	

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APR 2.6 2004

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Р.	Α	J	Ŀ	4

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	TOYEY, 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



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*
	*(Ident	ify pertin	ent page r	number of			e is greater than 10 er certificate)	pages; identify	priority date	e if there is
1.	16	11	35	sesw	1700	2.30	sup 40 741416	74147	10	10/29/191
2.	16	11	35	sesw	1900	2.30	sup	74147	10	10/29/191 3
3.	16	11	35	nesw	1900	6.40	sup	74147	9	10/29/191 3
4.	16	11	35	nesw	1900	6.40	sup	74147	9	10/29/191 3
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:	

RECEIVED

APR 26 2004



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).

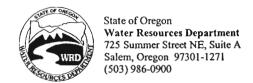
	Т	R	Sect	44	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page 1	number of			e is greater than 1 er certificate)	0 pages; identify	priority date	if there is
1.	16	11	35	sesw	1700	2.30	sup कि नमाम्	74149		1905
2.	16	11	35	sesw	1900	2.30	sup \	74149		1905
3.	16	11	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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APR 26 2004



Instream Lease

~[~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

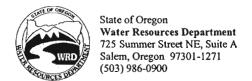
	. T	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page 1	number of			e is greater than 10 er certificate)	0 pages; identify	priority date	e if there is
1.	16	11	35	sesw	1700	2.30	sup to 74146	74148	9	4/7/1911
2.	16	11	35	sesw	1900	2.30	sup \	74148	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	٩	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:	1.7-40
Acre-feet of storage, if applicable: 92.22	

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APR 26 2004



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	14 14	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page 1	number of			e is greater than 1 er certificate)	0 pages; identify	priority date	e if there is
1.	16	11	35	sesw	1700	2.30	sup to १५१4	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.										

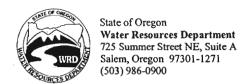
[Attached map(s) must identify property owner, Township, Range, Section and ¼ ¼, tax lot number, map orientation and scale.]

Total number of acres, if for irrigation, by certificate and priority date:	17.40
Acre-feet of storage, if applicable:/oo.9a	

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APR 26 2004





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	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s)#	Priority*
	*(Ident	ify pertin	ent page r	number of			e is greater than 1 er certificate)	0 pages; identify	priority date	if there is
1.	16	11	35	nesw	1900	2.60	sup 1 74147	74149		1905
2.										
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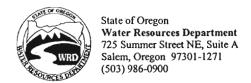
[Attached map(s) must identify property owner, Township, Range, Section and 1/4 1/4, tax lot number, map orientation and scale.]

Total number of acres, if for irrigation, by certificate and priority date: _	2.69
Acre-feet of storage, if applicable: o.g.v	

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APR 26 2004

Dec 2003



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	44	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page r	number of			e is greater than 1 er certificate)	0 pages; identify	priority date	e if there is
1.	16	11	35	nesw	1900	2.60	sup 1 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: = 60
Acre-feet of storage, if applicable:1	3,78

APR 2 6 2004
WATER RESOURCES DEPT SALEM, OREGON



Instream Lease

~1~

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	14 14	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page i	number of			e is greater than 1 er certificate)	0 pages; identify	priority date	e if there is
1.	16	11	35	nesw	1900	2.60	sup 1 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 1/4 1/4, 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:/5.08	





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	\mathbf{R}	Sect	14 14	Tax Lot	Acres	Type of Use	Certificate#	Page(s) #	Priority*
	*(Ident	ify pertin	ent page 1	number o			e is greater than 1 er certificate)	0 pages; identify	priority date	e if there is
1.	16	11	35	nesw	1900	20.0	sup to 76106	74149		1905
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.						-				

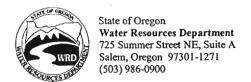
[Attached map(s) must identify property owner, Township, Range, Section and ¼ ¼, tax lot number, map orientation and scale.]

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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APR 2 6 2004

Dec 2003



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	44	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page i	number of			is greater than 1 er certificate)	0 pages; identify	priority date	e if there is
1.	16	11	35	nesw	1900	20.0	sup to 76104	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 irrigati	on, by certificate and priority date:	20.00
Acre-feet of storage, if applicable:	116.0	

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APR 26 2004



Application for Short-Term

Instream Lease

Attachment 5: Pooled Landowner Form

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

	nal Identification by Lessor/Lessee: <u>L04.02</u> Agreement Number (assigned by WRD):	
This I	Lease Agreement is between:	
(Nam (Mail (City, (Tele)	or #1 (Landowner): e) Lon & Shirley Bryant Living Trust ing address) 18215 Pinehurst Rd. State, Zip Code) Bend, OR 97701 phone number) (541)382-1159 litional landowners, enter landowner information below	APR 2 6 2004 WATER RESOURCES DI SALEM OREGON
form.	The numbering associated with this form corresponds to that found on the "Standard I The "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the salard Instream Lease Application" form. Consequently, the numbering on this form is	ame information as the
	~I~ Ownership and Water Right Information	1
1.1	Lessor #1 is the owner, or authorized agent for owner of property local Range 11, Section 34 and Tax Lot number 101. If the water right applies also appurtenant to lands owned by others, then Attachment 1, (tax property) needs to be included.	purtenant to these lands
1.3	For the lands being leased, list all water rights appurtenant to the less there are any supplemental or overlying rights.	or's property. Indicate if
	Certificate No. Primary 74146, Supplemental 74147, 74148, 74149, 7	76520
1.4	Are some or all of the lands being leased part of a Conservation Rese Program. ☐ Yes ☐ No	rve Enhancement
1.5	Subject Water Rights. Landowner proposes to lease the water rights attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or attached). (Crosshatch the area of water rights being leased). Attached map(s) mu Township, Range, Section and 1/4 1/4, tax lot number, map orientation and scale.	an additional map may be

the amount of water to be leased or transferred instream.

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

new injury review shall be required, and a prior short term lease shall not set a precedent for

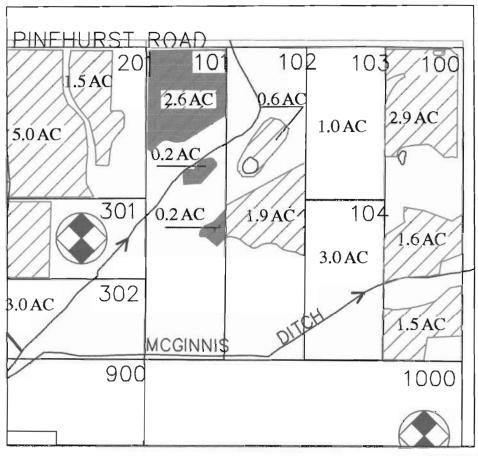
		-,,
3.5	Ter	mination provision.
		For multiyear leases, lessor <i>shall</i> have the option of terminating the lease each year, prior to the lease being exercised (), with 30 day written notice to the Department provided by the Irrigation District, Other Water Purveyor or Lessee (if different than Department). The lessor must contact the Irrigation District, Other Water Purveyor, or Lessee (if different than Department) to indicate their interest in terminating the lease agreement.
		For multiyear leases, lessor <i>shall not</i> have the option of terminating the lease each year, prior to the lease being exercised, with written notice to the Department.
3.6	Mo	dification to prevent injury. Allocation of water to the instream use described in Section
	use	during the term of this lease is not reasonably expected to cause injury to other rights to water from the same source. If injury is found after this lease is signed, the lease may be diffied or terminated to prevent injury.
Lesson	· #1/	Lou M. Buyert Date: 2/17/04
		vant, Trustee
For ad	ditio	nal Lessors, type in space for signature and date
_		
Lessee	e:	Date:
<u>Tumal</u>	o Irr	igation District
Other	Attac	chments As Needed:
Exhibi		
Exhibi		I am
Exhibi		forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is checked)
Exhibi	t 5-L	D: Split Season Instream Use Form

APR 2 6 2004
WATER RESOURCES DEPT SALEM, OREGON

TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY

FOR

Bryant Living Trust



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APR 26 2004

WATER RESOURCES DEPT SALEM, OREGON



Certificate #'s 74146, and 74147















INITIAL

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'



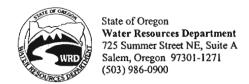
Prepared By: Tumalo Irrigation District, 64697 Cook Ave, Bend. Oregon 97701 541-382-3053

	T	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Iden	tify pertin	ent page r	number o			e is greater than 1 er certificate)	0 pages; identify	priority date	e if there is
1.	16	11	34	nene	101	1.4	irr	74146	D6 8	9/1/1900
2.	16	11	34	nene	101	1.6	irr	74146	8 16	6/1/1907
3.										
4.										
5.										

		al number of acres, if for irrigation, by certificate and priority date: 3.0 e-feet of storage, if applicable:										
	Additional Subject Water Rights? ⊠ (Please use Additional Landowner Information form.)											
	Con	ditions or other limitations, if any:	RECEIVED									
If yo	u need	to enter another leased right, please use the additional water rights form.	APR 26 2004									
1.6	Valid	ity of rights. Lessor(s) attests (mark one) that:	ATER RESOURCES DEPT									
	\boxtimes	The water has been used over the past five years according to the terms at the owner's water right certificate or as an instream water right or										
	The water has <u>not</u> been used over the past five years according to the terms and conditions of the owner's water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)(_)(include necessary supporting documentation as Attachment 3).											
		~II~ Instream Water Right Information										
2.3		rm of lease. This lease shall terminate on October 15, 2004. (If there is Pooled District Form and this form, the Pooled District Form will be the official term of the										

~III~ Other Information

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



Additional Water Right Form For Pooled Landowner

Instream Lease

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APR 26 2004

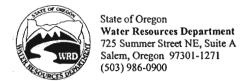
Section 1.1 continued from Pooled Leasing Landowner Form.

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	14 14	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page i	number o			is greater than 1 er certificate)	0 pages; identify	priority date	e if there is
1.	16	11	34	nene	0101	3.0	Supp to 7414	74147	8	10/29/191
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:	



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).

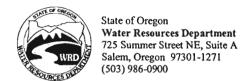
	T	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page r	number o			e is greater than 1 er certificate)	0 pages; identify	priority date	e if there is
1.	16	11	34	nene	0101	3.0	Supp to nepte	74149	-	1905
2.										
3.								-		
4.										
5.										_
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:	

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APR 26 2004



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	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page 1	number o			e is greater than I er certificate)	0 pages; identify	priority date	if there is
1.	16	11	34	nene	0101	3.0	Supp 407414	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 1/4 1/4, tax lot number, map orientation and scale.]

Total number of acres, if for irriga	tion, by certificate and priority date:
Acre-feet of storage, if applicable:	15.90

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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	1414	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page i	number o			e is greater than 1 er certificate)	0 pages; identify	priority date	e if there is
1.	16	11	34	nene	0101	3.0	Supp 1 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:	3.00
Acre-feet of storage, if applicable: 1740	

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WATER RESOURCES DEPT SALEM, OREGON



Application for Short-Term

Instream Lease

Attachment 5: Pooled Landowner Form

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

	Agreement Number (assigned by WRD):			
This I	Lease Agreement is between:			
(Name (Maili (City,	r #1 (Landowner): e) Arthur R. Patrick & Michelle Y. Patrick ing address) 18945 Pinehurst Rd. State, Zip Code) Bend, OR 97701	RECEIVED APR 2 6 2004 WATER RESOURCES DEPT		
	ohone number) (541)388-0478 itional landowners, enter landowner information below	SALEM OREGON		
form.	The numbering associated with this form corresponds to that found on the "Standard The "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the ard Instream Lease Application" form. Consequently, the numbering on this form	same information as the		
	~I~ Ownership and Water Right Information	on		
1.1	Lessor #1 is the owner, or authorized agent for owner of property log Range 11, Section 35 and Tax Lot number 1400. If the water right lands is also appurtenant to lands owned by others, then Attachmen lessor's property) needs to be included.	appurtenant to these		
1.3	For the lands being leased, list all water rights appurtenant to the letthere are any supplemental or overlying rights.	ssor's property. Indicate if		
	Certificate No. Primary 74147 Supplemental 74148, 74149, 76520			
1.4	Are some or all of the lands being leased part of a Conservation Re Program. ☐ Yes ☐ No	serve Enhancement		
1.5	Subject Water Rights. Landowner proposes to lease the water right attached as Exhibit 5-B (this information may be included on Exhibit 5-A, of attached). (Crosshatch the area of water rights being leased). Attached map(s) in Township, Range, Section and 1/4 1/4, tax lot number, map orientation and scale.	or an additional map may be		

the amount of water to be leased or transferred instream. Suspension of original use. During the period of the lease, the owner agrees to suspend use 3.4 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. Date: 2/2/04 Arthur R. Patrick For additional Lessors, type in space for signature and date Michelles y Portries Date: 2-2-04 Michelle Y. Patrick ______Date: ___ Lessee: Tumalo Irrigation District Other Attachments As Needed: Exhibit 5-A: Tax Lot Map of Landowner's Property Detailed map illustrating lands under subject rights to be leased [Exhibits 5-A and 5-B Exhibit 5-B: may be combined into a single map

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

new injury review shall be required, and a prior short term lease shall not set a precedent for

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APR 26 2004

WATER RESOURCES DEPT SALEM, OREGON

Exhibit 5-C:

Exhibit 5-D:

checked)

Split Season Instream Use Form

EXHIBIT 5-A & 5-B

TU IALO IRRIGATION DISTLICT IN-STREAM LEASED WATER RIGHTS SURVEY

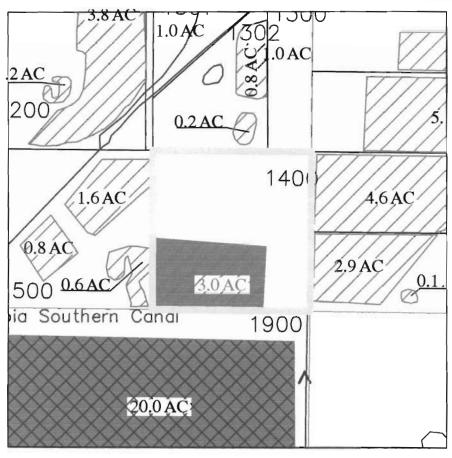
FOR

Patrick, Arthur R. & Michelle Y.

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WATER RESOURCES DEPT SALEM OREGON

















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



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

T	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s)#	Priority*
*(Iden	tify pertin	ent page r	number o				0 pages; identify	priority date	if there is
16	11	35	senw	1400	3.0	irr	74147	9	10/29/13
	*(Iden	*(Identify pertin	*(Identify pertinent page r	*(Identify pertinent page number o	*(Identify pertinent page number of certificate, more	*(Identify pertinent page number of certificate, if certificate more than one p	*(Identify pertinent page number of certificate, if certificate is greater than I more than one per certificate)	*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify more than one per certificate)	*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date more than one per certificate)

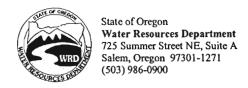
		al number of acres, if for irrigation, by certificate and priority date: 3.0 e-feet of storage, if applicable:	
	Ado	litional Subject Water Rights? (Please use Additional Landowner Infor	mation form.) RECEIVED
	Cor	ditions or other limitations, if any:	ILLOCIATIO
If vo	u need	to enter another leased right, please use the additional water rights form.	APR 26 2004
1.6		ity of rights. Lessor(s) attests (mark one) that:	ATER RESOURCES DEP SALEM OREGON
	\boxtimes	The water has been used over the past five years according to the terms at the owner's water right certificate or as an instream water right or	and conditions of
		The water has <u>not</u> been used over the past five years according to the term conditions of the owner's water right certificate, however the water right forfeiture under ORS 540.610(2)(_)(include necessary supporting document 3).	is not subject to

~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



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).

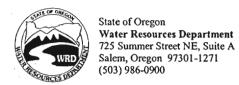
	T	R	Sect	¼¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page 1	number of			is greater than 1 er certificate)	0 pages; identify	priority date	if there is
1.	16	11	35	senw	1400	3.0	Supp 40 7414	7 74149		1905
2.										
3.										
4.										
5.										
6.					_					
7.										
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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	n, by certificate and priority date: 3 00
Acre-feet of storage, if applicable:	1.05

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APR 26 2004



Instream Lease

~**I**~

Section 1.1 continued from Pooled Leasing Landowner Form.

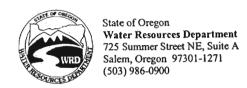
Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached). (Crosshatch the area of water rights being leased).

	T	R	Sect	14 14	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page 1	number o			e is greater than 1 er certificate)	0 pages; identify	priority date	e if there is
1.	16	11	35	senw	1400	3.0	Supp-fo 7414	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:/5.90	

APR 2 6 2004
WATER RESOURCES DEPT SALEM OREGON



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	14 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page 1	number o	f certificate,	if certificate than one p	e is greater than 1 er certificate)	0 pages; identify	priority date	e if there is
1.	16	11	35	senw	1400	3.0	Supp to 7474	76520	13	12/8/1961
2.							A STATE OF			
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:	

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APR 26 2004



Application for Short-Term

Instream Lease

Attachment 5: Pooled Landowner Form

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

	nal Identification by Lessor/Lessee: <u>L04.04</u>	
Lease	Agreement Number (assigned by WRD):	RECEIVE
This I	Lease Agreement is between:	
,	Na Of A	APR 26 2004
	or #1 (Landowner): e) Goebel Trust, Steven & Elizabeth Goebel, Trustees	WATER RESOURCES D
	ing address) 4019 SW Downsview Ct.	SALEM OREGON
`	State, Zip Code) Portland, OR 97221	
(Telep	phone number) (503)680-5566	
If add	litional landowners, enter landowner information below	
form.	The numbering associated with this form corresponds to that found on the "Standard Inst The "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the same ard Instream Lease Application" form. Consequently, the numbering on this form is not	e information as the
	~I~ Ownership and Water Right Information	
1.1	Lessor #1 is the owner, or authorized agent for owner of property locate Range 11, Section 22 and Tax Lot number 2200. If the water right applands is also appurtenant to lands owned by others, then Attachment 1, (lessor's property) needs to be included.	urtenant to these
1.3	For the lands being leased, list all water rights appurtenant to the lessor there are any supplemental or overlying rights.	's property. Indicate if
	Certificate No. <u>Primary 74146</u> , <u>Supplemental 74147</u> , 74148, 74149, 765	520
1.4	Are some or all of the lands being leased part of a Conservation Reserve Program. ☐ Yes ☐ No	e Enhancement
1.5	Subject Water Rights. Landowner proposes to lease the water rights shattached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an attached). (Crosshatch the area of water rights being leased). Attached map(s) must in Township, Range, Section and 1/4 1/4, tax lot number, map orientation and scale.	additional map may be

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	of water	r allowed under the subject water rights and under the least subject water rights. In the event that a supplement may be subject to forfeiture.	er any water right that is supplemental
3.5		ation provision.	
	to t Dep difi Pur the	multiyear leases, lessor <i>shall</i> have the option of the lease being exercised (), with partment provided by the Irrigation District, Oth ferent than Department). The lessor must contact reveyor, or Lessee (if different than Department) lease agreement. The multiyear leases, lessor <i>shall not</i> have the option	n 30 day written notice to the her Water Purveyor or Lessee (if the Irrigation District, Other Water to indicate their interest in terminating
		or to the lease being exercised, with written notice	
3.6	2.2 duri	cation to prevent injury. Allocation of water to ng the term of this lease is not reasonably expecter from the same source. If injury is found after d or terminated to prevent injury.	ted to cause injury to other rights to this lease is signed, the lease may be
Lesso	r #1:	Mysluck Sulu Justuc	Date: 3/25/04
<u>Elizal</u>	eth Goeb	el, Tustee	
For ac	dditional I -	Lessors, type in space for signature and date	
Lesse	e:		Date:
Tuma	<u>lo Irrigati</u>	on District	
Other	Attachme	ents As Needed:	
	it 5-A:	Tax Lot Map of Landowner's Property	
Exhib	it 5-B:	Detailed map illustrating lands under subject may be combined into a single map	t rights to be leased [Exhibits 5-A and 5-B
Exhib	it 5-C:	Supporting documentation indicating why a forfeiture even though the right has not been consecutive years (required if the second box checked)	exercised for five or more
Exhib	oit 5-D:	Split Season Instream Use Form	RECEIVED
			APR 2 6 2004
			WATER RESOURCES DEPT SALEM, OREGON

EXHIBIT 5-A & 5-B

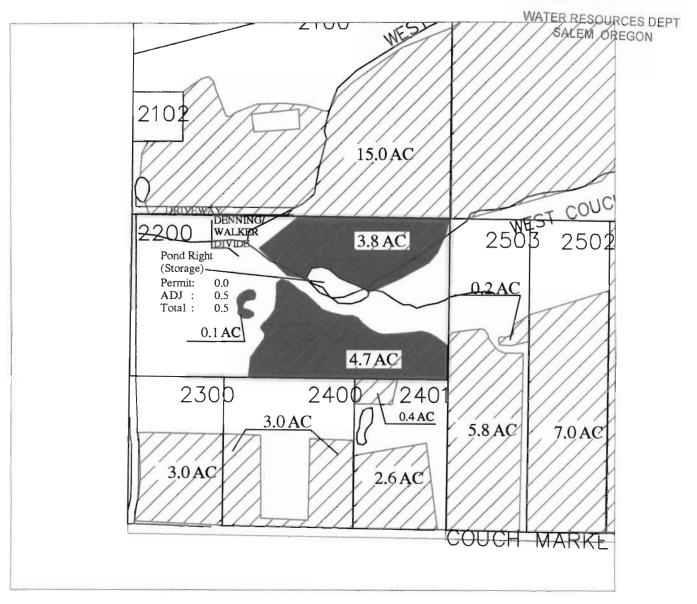
TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY

FOR

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Goebel Trust

APR 26 2004



















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

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

	T	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page r	umber of			e is greater than 1 er certificate)	0 pages; identify	priority date	e if there is
1.	16	11	22	swsw	02200	9.10	irr	74146	5	9/1/1900
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5.						74	0.500	<u>-</u> ۲۰۰۰		
							use Additiona	l Landowner I	nformation APR	2 6 2004
					Rights? ⊵ tions, if ar			Landowner I	APR	2 6 2004
If	you nee	d to ent	ter anoth	er lease	d right, pl	ease use tl	he additional v	water rights fo	NATER RES rm. SALEM	OURCES DE OREGON
1.	6 Vali	dity of	rights.	Lessor(s	s) attests (1	mark one)	that:			
	\boxtimes					•	ve years accord n instream wa	_	ms and cor	nditions of
		cond forfe	itions of	the own	ner's water	right cert	st five years ac ificate, howev ude necessary	er the water r	ight is not	subject to
				~II~	Instrean	n Water]	Right Inforn	nation		

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



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	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page i	number of			e is greater than 1 er certificate)		priority date	e if there is
1.	16	11	22	swsw	02200	9.10	Supp to 7414	74147	4	10/29/191
2.									_	
3.										
4.										
5.										
6.										
7.										
8.										
9.		_								
10.										

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

Total number of acres, if for irrigation, by certificate and priority date:	9.10
Acre-feet of storage, if applicable:	

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APR 26 2004



Instream Lease

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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	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page i	number o			e is greater than 1 er certificate)	0 pages; identify	priority date	if there is
1.	16	11	22	swsw	02200	9.10	Supp to 1th	74149		1905
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4.										
5.									_	
6.										
7.	_					-				
8.					-					
9.	-	-							-	
10.										

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

Total number of acres, if for irrigation, by certificate and priority date:	9.10
Acre-feet of storage, if applicable: 3.19	

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APR 26 2004



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	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s)#	Priority*
	*(Ident	ify pertin	ent page i	number o			e is greater than 1 er certificate)	0 pages; identify	priority date	e if there is
1.	16	11	22	swsw	02200	9.10	Supp to 14	74148	3	4/7/1911
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7.						0.	5			
 3.										
——).	_				-			-	-	
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	on, by certificate and priority date:	9.10
Acre-feet of storage, if applicable: _	48.23	

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APR 26 2004



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	1/4 1/4	Tax Lot	Acres	Type o	f Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertine	ent page r	number o		if certificate in that the than one per	s greater certifica	than 1	0 pages; identify	priority date	e if there is
1.	16	11	22	swsw	02200	-9.10 8.60	Supp	10 1°	76520	7	12/8/1961
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7.					or	4. V.	١ ح	-		-	
8.							The state of the s	ł			
9.						, 1	2				
10.											

Total number of acres, if for irrigation, by certificate and priority date: 8.60

Acre-feet of storage, if applicable: 53.78

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APR 2 6 2004

WATER RESOURCES DEPT

SALEM OREGON



Application for Short-Term

Instream Lease

Attachment 5: Pooled Landowner Form

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

Optio	nal Identification by Lessor/Lessee: <u>L04.05</u>	
Lease	Agreement Number (assigned by WRD):	
This I	Lease Agreement is between:	RECEIVED
	or #1 (Landowner):	APR 2 6 2004
`	e) Wessinger Revocable Living Trust, Patricia L Wessinger, Trustee	
	ing address) 121 SW Salmon St., Suite 1100	WATER RESOURCES DEPT
	State, Zip Code) Portland, OR 97204	SALEM OREGON
(Telej	phone number) (503)223-8268	
If add	litional landowners, enter landowner information below	
form.	The numbering associated with this form corresponds to that found on the "Standard The "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the ard Instream Lease Application" form. Consequently, the numbering on this form	same information as the
	~I~ Ownership and Water Right Information	on
1.1	Lessor #1 is the owner, or authorized agent for owner of property log Range 11, Section 33 and Tax Lot number 00600. If the water right lands is also appurtenant to lands owned by others, then Attachmen lessor's property) needs to be included.	nt appurtenant to these
1.3	For the lands being leased, list all water rights appurtenant to the leathere are any supplemental or overlying rights.	ssor's property. Indicate if
	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 Re Program. ☐ Yes ☐ No	serve Enhancement
1.5	Subject Water Rights. Landowner proposes to lease the water right attached as Exhibit 5-B (this information may be included on Exhibit 5-A, of attached). (Crosshatch the area of water rights being leased). Attached map(s) in Township, Range, Section and 1/4 1/4, tax lot number, map orientation and scale.	or an additional map may be

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. Westinger - 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

new injury review shall be required, and a prior short term lease shall not set a precedent for

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APR 26 2004

WATER RESOURCES DEPT SALEM OREGON

checked)

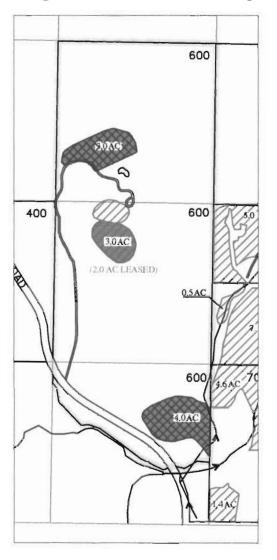
Split Season Instream Use Form

Exhibit 5-D:

EXHIBIT 5-A & 5-B L 04.05

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

Wessinger Revocable Living Trust



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WATER RESOURCES DEPT SALEM OREGON





74146, and 74147















LOCATED IN THE NE 1/4 OF THE SW 1/4 OF SECTION 33, T16 S., R11 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

	T	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority ⁵
	*(Iden	tify pertin	ent page i	number o			e is greater than l er certificate)	0 pages; identify	priority date	e if there is
1.	16	11	33	nesw	600	2.00	irr	74146	8	9/1/1900
2.		1								
3.		30								
4.										
5.										

		al number of acres, if for irrigation, by certificate and priority date: 2.0 e-feet of storage, if applicable:	
		ditional Subject Water Rights? (Please use Additional Landowner Informations or other limitations, if any:	RECEIVED
If vo		to enter another leased right, please use the additional water rights form.	APK 26 2004
1.6		ity of rights. Lessor(s) attests (mark one) that:	WATER RESOURCES DEI SALEM, OREGON
	\boxtimes	The water has been used over the past five years according to the terms a the owner's water right certificate or as an instream water right or	nd conditions of
		The water has <u>not</u> been used over the past five years according to the terr conditions of the owner's water right certificate, however the water right forfeiture under ORS 540.610(2)(_)(include necessary supporting docum Attachment 3).	is not subject to
		~II~ Instream Water Right Information	
2.3	Ter	rm of lease. This lease shall terminate on October 15, 2004 (If there is	s a conflict between

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.
- **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



Instream Lease

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

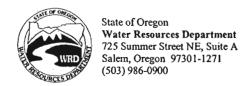
Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached). (Crosshatch the area of water rights being leased).

	T	R	Sect	¼¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page i	number o			is greater than ler certificate)	0 pages; identify	priority date	e if there is
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.	1									
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	—





Instream Lease

~[~

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*
	*(Identi	ify pertin	ent page 1	number of		if certificate than one pe	is greater than ler certificate)	0 pages; identify	priority date	e if there is
1.	16	11	33	nesw	600	2.0	sup to	74147	8	10/29/191
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.]

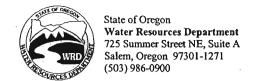
Total number of acres, if for irrigation, by certificate and priority date:	200
Acre-feet of storage, if applicable:	

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WATER RESOURCES DEPT
SALEM OREGON

				10	4,74147	\neg
			20	pplanen	Page 8	
	100		770		21.00	
NE¼NE¼	100	Hausner, Jill	IR m		21.00	
NE¼NE¼	800	Hausner, Jill	IR		2.00	
NE¼NE¼	801	Barrick, James A.	IR		2.00	
SW1/4NE1/4	900	Hermens, Stanley & Ruth	IR		35.90	
SE¼NE¼	900	Hermens, Stanley & Ruth	IR		29.60	
NW ¹ / ₄ NW ¹ / ₄	500	Throop, Tom & Caryn	IR	2.00		
NW ¹ / ₄ NW ¹ / ₄	501	Variel, Jeffrey & Laurel	IR	2.00		
NW1/4NW1/4	502	McDonald, Dr. Lynn	\mathbf{IR}	4.00		
NE ¹ / ₄ SE ¹ / ₄	1001	Hermens, Stanley & Ruth	IR		17.20	
NE ¹ / ₄ SE ¹ / ₄	1200	Hermens, Stanley & Ruth	\mathbf{IR}	1.90	15.00	
NW1/4SE1/4	1000	Hermens, Stanley & Ruth	IR		13.30	
NW1/4SE1/4	1100	Hermens, Stanley & Ruth	\mathbf{IR}		8.60	
SW1/4SE1/4	1400	Parker, Kenneth	\mathbf{R}	2.00	2.00	
SW1/4SE1/4	1500	Stringfield, Tom & Rick	IR	4.40	3.40	
SE1/4SE1/4	1300	Stringfield, Tom & Rick	IR	1.80	8.90	
SE1/4SE1/4	1302	Pederson, William & Martha	${ m IR}$		20.00	
		Section 28				
NE¼NE¼	200	Russell, Barbara H.	\mathbf{IR}	17.00		
SW1/4NE1/4	801	Russell, Barbara H.	\mathbf{R}	11.00		
SE1/4NE1/4	1000	Tavares, Louis III & Deborah	\mathbf{IR}	11.60	عاجلا	,
SE1/4NE1/4	900	Russell, Barbara H.	IR	3.00	3.00 7 7466k	,
NE1/4SW1/4	600	Wessinger, William & Pat	\mathbf{IR}	0.20	1.80 2.80	
NE1/4SE1/4	1000	Tavares, Louis III & Deborah	IR	2.40		
NE1/4SE1/4	1100	Batha, Marta	${ m I\!R}$		2.00	
NE1/4SE1/4	1200	Batha, Marta	IR		4.60	
NE1/4SE1/4	1300	Batha, Marta	$\rm IR$		3.90	
NE1/4SE1/4	1403	Rudolph, John & Melitta	IR		10.30	
NW1/4SE1/4	802	Lawson, John & Gaye	\mathbf{IR}	9.00		
NW1/4SE1/4	803	Rahmn, Keith & Lexia	${ m I\!R}$	5.00		
NW1/4SE1/4	804	Lewis, Suzi	IR	7.50		
NW1/4SE1/4	805	Dodd, Jack & Barbara, Trustees	$\rm IR$	5.00		
SW1/4SE1/4	700	Moody, Steven	\mathbb{R}		6.00	
SW1/4SE1/4	800	McNulty, Ralph & Dee	IR		10.00	
SW1/4SE1/4	806	Cullman, Ruth	IR		10.00	
SE ¹ / ₄ SE ¹ / ₄	1400	Wagoner, Frances	${ m I\!R}$		2.00	
-013-4-1-013-3-3	4.40.1	O	ID		2.00	_Ш





Instream Lease

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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).

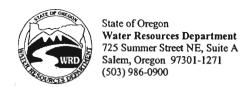
	T	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page 1	number o			is greater than ler certificate)	0 pages; identify	priority date	e if there is
1.	16	11	33	nesw	600	2.0	sup to 141	74149		1905
2.										
3.										
4.										
5.										
6.										
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: 200						
Acre-feet of storage, if applicable:	0.70	_				

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APR 26 2004



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).

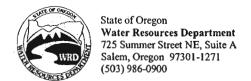
	T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page r	number of			e is greater than 1 er certificate)	0 pages; identify	priority date	e if there is
1.	16	11	33	nesw	600	2.0	sup 10741	74148	9	4/7/1911
2.										
3.										
4.										
5.										
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: 200
Acre-feet of storage, if applicable:/O.	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	¼¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page 1	number o			is greater than ler certificate)	0 pages; identify	priority date	e if there is
1.	16	11	33	nesw	600	2.0	sup to 7	76520	()	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 irrigat	ion, by certi	ficate and price	ority date: 200	Ec.
Acre-feet of storage, if applicable:	11.60			

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Instream Lease

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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).

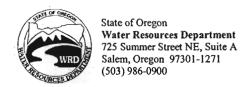
	Т	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) # Priority*
	*(Ident	ify pertin	ent page i	number o			e is greater than 1 er certificate)	0 pages; identify	priority date if there is
1.	16	11	33	sesw	00600	4.0	Supp 170	74149	1905
2.	16	11	33	senw	00600	3.0	Supp	74149	1905
3.									
4.									
5.									
6.									
7.									
8.									
9.									
10.									

[Attached map(s) must identify property owner, Township, Range, Section and 1/4 1/4, 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:	2,45	

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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	14 14	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page 1	number of			e is greater than 1 er certificate)		priority date	if there is
1.	16	11	33	sesw	600	4.0	sup Jo 7010	76520	2	12/8/1961
2.	16	11	33	senw	600	3.0	sup 4	76520	2	12/8/1961
3.										
4.										
5.										
6.							4000			
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	on, by certificate and priority date:
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

Lease A	al Identification by Lessor/Lessee: Agreement Number (assigned by WRD): L04.06	
This Lease Agreement is between:		RECEIVED
(Name	*#1 (Landowner):) McCook, Peter N. & Jacqueline K. ng address) 10305 SW 64 th Ave.	APR 2 6 2004
(City, State, Zip Code) Miami, FL 33156 (Telephone number) (305) 663-5450 WATER RESOURCES SALEM OREGO		
If addi	tional landowners, enter landowner information below	
form. T	the numbering associated with this form corresponds to that found on the "Standard Instantion" form (s) are used to provide the same rd Instream Lease Application" form. Consequently, the numbering on this form is not	information as the
	~I~ Ownership and Water Right Information	
1.1	Lessor #1 is the owner, or authorized agent for owner of property locate Range 11, Section 11 and Tax Lot number 1601. If the water right applands is also appurtenant to lands owned by others, then Attachment 1, (lessor's property) needs to be included.	urtenant to these
1.3	For the lands being leased, list all water rights appurtenant to the lessor' there are any supplemental or overlying rights.	s property. Indicate if
	Certificate No. <u>Primary 74146, 76106</u> , <u>Supplemental 74147, 74148, 741</u>	49, 76520
1.4	Are some or all of the lands being leased part of a Conservation Reserved Program. Yes No	e Enhancement
1.5	Subject Water Rights. Landowner proposes to lease the water rights shattached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an attached). (Crosshatch the area of water rights being leased). Attached map(s) must in Township, Range, Section and 1/4 1/4, tax lot number, map orientation and scale.	additional map may be

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

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

3.4

	to tl	vater allowed under the subject water rights and under any water right that is supplemental ne subject water rights. In the event that a supplemental water right is not part of this e, it may be subject to forfeiture.	
3.5	Ter	mination 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	<u>I. M</u>	cCook V	
		nal Lessors, type in space for signature and date Nester Date 2/17/04	
Jacque	line_	K _A McCook	
Lessee		Date:	
Tumal	o Irri	gation District	
		chments As Needed:	
Exhibi		* * * * * * * * * * * * * * * * * * *	
Exhibi	t 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]	
Exhibi	t 5-C	· · · · · · · · · · · · · · · · · · ·	
Exhibi	t 5-E	Split Season Instream Use Form	

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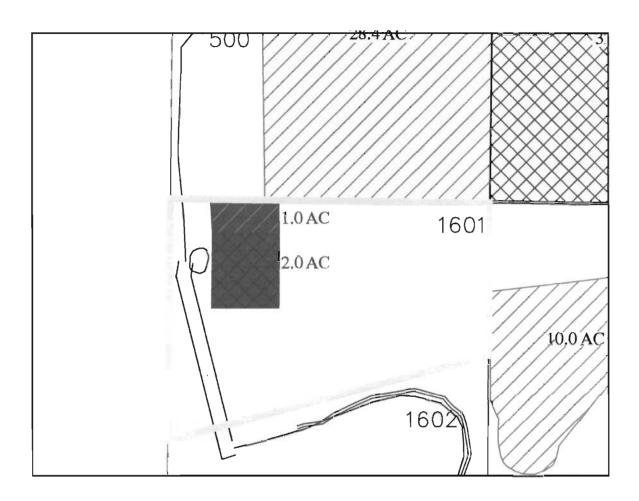
APR 26 2004

EXHIBIT 5-A & 5-B L04.06

TUIALO IRRIGATION DISTLICT IN-STREAM LEASED WATER RIGHTS SURVEY

FOR

McCook, Peter Nevins & Jacqueline K



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APR 26 2004

WATER RESOURCES DEPT SALEM OREGON





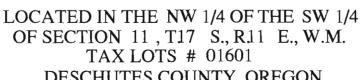


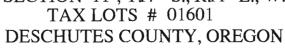








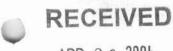






SCALE: 1" = 400'

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



APR 26 2004

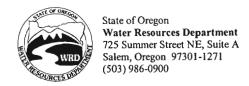
T	R	Sect	1/4 1/4	ī'ax Lot	Acres	Type of Use	Certificate #	Page(s)#	Priority*
*(Iden	tify pertin	ent page r	number of			_	0 pages; identify	priority date	if there is
17	11	11	nwsw	1601	1.0	Irr	74146	12	9/1/1900
	·	*(Identify perting	*(Identify pertinent page i	*(Identify pertinent page number of	*(Identify pertinent page number of certificate,	*(Identify pertinent page number of certificate, if certificate more than one p	*(Identify pertinent page number of certificate, if certificate is greater than I more than one per certificate)	*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify more than one per certificate)	*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date more than one per certificate)

			_			1				
					_	on, by cert	^	riority date: <u>1.</u>	0	
	Ado	ditional	Subject	Water	Rights? ∑	(Please u	se Addition	al Landowner	Information	n form.)
	Cor	nditions	or othe	r limitat	tions, if an	ny:				
If yo	u need	I to ente	r anoth	er leased	d right, pl	ease use th	e additional	water rights fo	orm.	
1.6	Valid	lity of r	ights. I	_essor(s) attests (1	mark one)	that:			
							e years acco instream w	rding to the ter ater right or	ms and cor	nditions of
		condit forfeit	ions of	the own er ORS	er's water	right certi	ficate, howe	according to the ever the water in y supporting do	right is not	subject to
				~II~	Instrean	n Water I	Right Infor	mation		

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



Instream Lease

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Section 1.1 continued from Pooled Leasing Landowner Form.

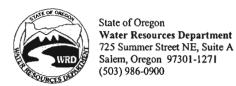
Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached). (Crosshatch the area of water rights being leased).

	T	R	Sect	44	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page 1	number of			is greater than 1 er certificate)	0 pages; identify	priority date	e if there is
1.	17	11	11	nwsw	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:	_





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*
	*(Ident	ify pertine	ent page r	number of			e is greater than 1 er certificate)	0 pages; identify	priority date	e if there is
1.	17	11	11	nwsw	1601	1.0	Sup 16 7414	74147	16	10/29/191
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

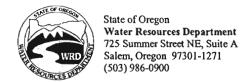
[Attached map(s) must identify property owner, Township, Range, Section and ¼ ¼, tax lot number, map orientation and scale.]

Total number of acres, if for irrigation, by certificate and priority date:	1.00
Acre-feet of storage, if applicable:	

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APR 26 2004





Instream Lease

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

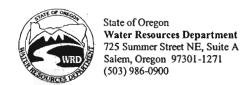
Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached). (Crosshatch the area of water rights being leased).

	T	R	Sect	14 14	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page i	number of				0 pages; identify	priority date	e if there is
1.	17	11	11	nwsw	1601	1.0	Sup 407414	74149	_	1905
2.										
3.										
4.										
5.										
6.					_					
7.										
8.										
9.										
10.										

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

Total number of acres, if for irrigation, by certificate and priority date:	1,00
Acro-feet of storage, if applicable: 0.35	





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).

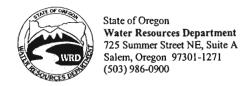
	T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
,	*(Iden	ify pertin	ent page i	number of				0 pages; identify	priority date	e if there is
1.	17	11	11	nwsw	1601	1.0	Sup to 741	74148	16	4/7/1911
2.										
3.						_				
4.										
5.										
6.										
7.										
8.										
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 gate:	1.00
Acre-feet of storage, if applicable: 5.30	

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Instream Lease

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

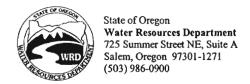
Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached). (Crosshatch the area of water rights being leased).

	T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page 1	number of				0 pages; identify	priority date	e if there is
1.	17	11	11	nwsw	1601	1.0	Sup to 74	76520	X 30	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	n, by certificate and priority date:	1,00
Acre-feet of storage, if applicable:	5.80	

APR 2 6 2004
WATER RESOURCES DEPT SALEM, OREGON



Instream Lease

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

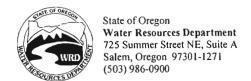
Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached). (Crosshatch the area of water rights being leased).

	T	R	Sect	44	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page i	number of			er certificate)	0 pages; identify	priority date	e if there is
1.	17	11	11	nwsw	1601	2.0	Sup 107410	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:	





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	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page i	number of			er certificate)	0 pages; identify	priority date	e if there is
1.	17	11	11	nwsw	1601	2.0	Supp to 76	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 1/4 1/4, tax lot number, map orientation and scale.]

Total number of acres, if for irrigation	n, 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

	onal Identification by Lessor/Lessee: L04.08	
Lease	e Agreement Number (assigned by WRD):	
This	Lease Agreement is between:	RECEIVE
	or #1 (Landowner):	
(Nan	ne) Davis, Gail Hayes	APR 2 6 2004
	ling address) 705 SW 48 th Drive , State, Zip Code) Portland, OR 97221	WATER RESOURCES DE
` .	phone number) (503)224-0607	SALEM, OREGON
If add	ditional landowners, enter landowner information below	
form.	The numbering associated with this form corresponds to that found on the "Standard Institute" The "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the sandard Instream Lease Application" form. Consequently, the numbering on this form is not	ne information as the
	~I~ Ownership and Water Right Information	
1.1	Lessor #1 is the owner, or authorized agent for owner of property locat Range 11, Section 22 and Tax Lot number 401. If the water right appris also appurtenant to lands owned by others, then Attachment 1, (tax I property) needs to be included.	artenant to these lands
1.3	For the lands being leased, list all water rights appurtenant to the lesson there are any supplemental or overlying rights.	's property. Indicate if
	Certificate No. Primary 74146, Supplemental 74147, 74148, 74149, 76	5520
1.4	Are some or all of the lands being leased part of a Conservation Reserve Program. ☐ Yes ☐ No	e Enhancement
1.5	Subject Water Rights. Landowner proposes to lease the water rights sattached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an attached). (Crosshatch the area of water rights being leased). Attached map(s) must Township, Range, Section and 1/4 1/4, tax lot number, map orientation and scale.	additional map may be

the amount of water to be leased or transferred instream. Suspension of original use. During the period of the lease, the owner agrees to suspend use 3.4 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. l Haye Davis Date: 1/30/04 Gail Haves Davis For additional Lessors, type in space for signature and date Lessee: Tumalo Irrigation District Other Attachments As Needed: Exhibit 5-A: Tax Lot Map of Landowner's Property Detailed map illustrating lands under subject rights to be leased [Exhibits 5-A and 5-B Exhibit 5-B: may be combined into a single map]

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

new injury review shall be required, and a prior short term lease shall not set a precedent for

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WATER RESOURCES DEPT SALEM, OREGON

Exhibit 5-C:

Exhibit 5-D:

checked)

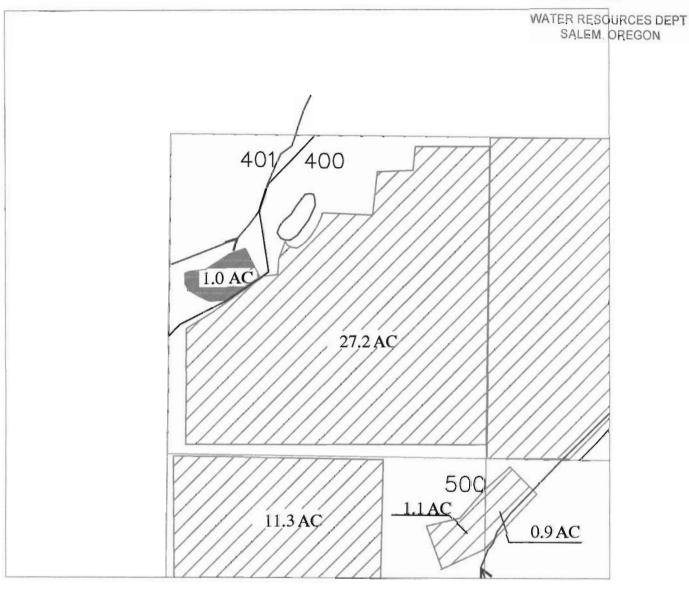
Split Season Instream Use Form

EXHIBIT 5-A & 5-B L 04.08

TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY

FOR Davis, Gail Hayes RECEIVED

APR 26 2004



















LOCATED IN THE NW 1/4 OF THE NW 1/4 OF SECTION 22, T16 S., R11 E., W.M. TAX LOTS # 401 DESCHUTES COUNTY, OREGON



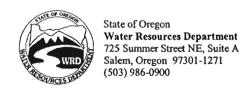
Prepared By: Tumalo Irrigation District, 64697 Cook Ave, Bend. Oregon 97701 541-382-3053

T	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Iden	tify pertin	ent page r	number of				0 pages; identify	priority date	e if there is
16	11	22	nwnw	401	1.0	irr	74146	5	9/1/1900
	*(Iden	*(Identify pertin	*(Identify pertinent page r	*(Identify pertinent page number of	*(Identify pertinent page number of certificate, more	*(Identify pertinent page number of certificate, if certificate more than one p	*(Identify pertinent page number of certificate, if certificate is greater than 1 more than one per certificate)	*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify more than one per certificate)	*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date more than one per certificate)

		al number of acres, if for irrigation, by certificate and priority date: 1.0e-feet of storage, if applicable:	
	Ado	litional Subject Water Rights? 🔀 (Please use Additional Landowner Inform	nation form.)
	Cor	aditions or other limitations, if any:	RECEIVED
If yo	ou need	to enter another leased right, please use the additional water rights form.	APR 2 6 2004
1.6	Valid ⊠	Ity of rights. Lessor(s) attests (mark one) that: The water has been used over the past five years according to the terms at the owner's water right certificate or as an instream water right or	WATER RESOURCES DEP SALEM. OREGON and conditions of
		The water has <u>not</u> been used over the past five years according to the term conditions of the owner's water right certificate, however the water right in forfeiture under ORS 540.610(2)(_)(include necessary supporting document Attachment 3).	s not subject to
		~II~ Instream Water Right Information	
2.3		rm of lease. This lease shall terminate on October 15, 2004. (If there is Pooled District Form and this form, the Pooled District Form will be the official term of the	

~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



Instream Lease

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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).

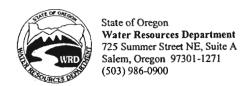
	T	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
•	*(Ident	ify pertin	ent page 1	number of			e is greater than 1 er certificate)	0 pages; identify	priority date	e if there is
1.	16	11	22	nwnw	401	1.0	Supp 10 74	74147	4	10/29/191
2.							ALC: N			
3.										
4.										
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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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).

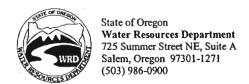
	T	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page 1	number of			er certificate)	0 pages; identify	priority date	e if there is
1.	16	11	22	nwnw	401	1.0	Supp to 19	74149	_	1905
2.										
3.										
4.										
5.										
6.										
7.										
8.		<u> </u>								
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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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).

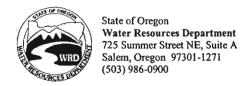
	T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page i	number of				0 pages; identify	priority date	e if there is
1.	16	11	22	nwnw	401	1.0	Supp 1019	74148	3	4/7/1911
2.										
3.										
4.										
5.										
6.										
7.										
8.										
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:	100
Acre-feet of storage, if applicable:5.30	

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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).

	Т	R	Sect	44	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertine	ent page 1	number of			e is greater than 1 er certificate)	0 pages; identify	priority date	e if there is
1.	16	11	22	nwnw	401	1.0	Supp to 74	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	n, by certificate and priority date:	OD
Acre-feet of storage, if applicable:		

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APR 26 2004



Application for Short-Term

Instream Lease

Attachment 5: Pooled Landowner Form

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

	onal Identification by Lessor/Lessee: L04.09	
Lease	e Agreement Number (assigned by WRD):	
This	Lease Agreement is between:	
	or #1 (Landowner):	RECEIVED
	ne) Puziss, Brian	APR 2 6 2004
(City	hing address) PO Box 6328 , State, Zip Code) Portland, OR 97228 phone number) (503)781-5948	WATER RESOURCES DEPT SALEM, OREGON
If add	ditional landowners, enter landowner information below	
form.	The numbering associated with this form corresponds to that found on the "Star The "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide dard Instream Lease Application" form. Consequently, the numbering on this form.	e the same information as the orm is not always sequential.
	~I~ Ownership and Water Right Inform	ation
1.1	Lessor #1 is the owner, or authorized agent for owner of propert Range 11, Section 01 and Tax Lot number 00500. If the water lands is also appurtenant to lands owned by others, then Attachr lessor's property) needs to be included.	right appurtenant to these
1.3	For the lands being leased, list all water rights appurtenant to the there are any supplemental or overlying rights.	e lessor's property. Indicate if
	Certificate No. Primary 76106, Supplemental 74149, 76520	
1.4	Are some or all of the lands being leased part of a Conservation Program. Yes No	Reserve Enhancement
1.5	Subject Water Rights. Landowner proposes to lease the water attached as Exhibit 5-B (this information may be included on Exhibit 5-attached). (Crosshatch the area of water rights being leased). Attached map Township, Range, Section and 1/4 1/4, tax lot number, map orientation and sca	A, or an additional map may be (s) must identify property owner,

3.4 Suspension of original use. During the period of the lease, the owner agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights. In the event that a supplemental water right is not part of this lease, it may be subject to forfeiture. Termination provision. 3.5 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 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 Detailed map illustrating lands under subject rights to be leased [Exhibits 5-A and 5-B Exhibit 5-B: may be combined into a single map] Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more

consecutive years (required if the second box in Section 1.6 of this form is

new injury review shall be required, and a prior short term lease shall not set a precedent for

the amount of water to be leased or transferred instream.

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APR 26 2004

WATER RESOURCES DEPT SALEM, OREGON

checked)

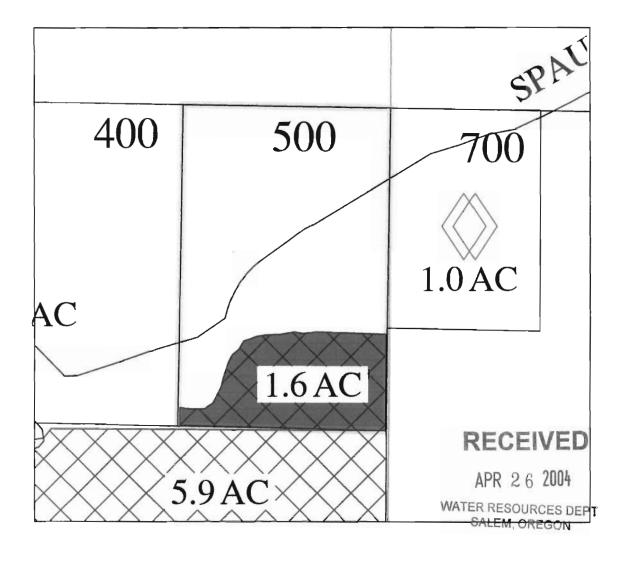
Split Season Instream Use Form

Exhibit 5-D:

TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY

FOR

Puziss, Brian







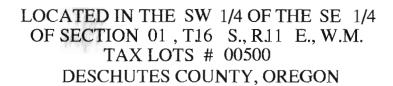








In-Stream Lease





SCALE: 1" = 200'

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

		Sect	<i>¼ ¼</i>	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*				
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)													
16	11	01	sw/se	00500	1.60	ir	76106	1	12/8/1961				
									_				
			_										
					more	more than one pe	more than one per certificate)	more than one per certificate)	more than one per certificate)				

	Acr	al number of acres, if for irrigation, by certificate and priority date: 1.60 e-feet of storage, if applicable:	
	Ado	litional Subject Water Rights? ⊠ (Please use Additional Landowner Infor	mation form.) RECEIVED
	Cor	ditions or other limitations, if any:	
T.C.			APR 2 6 2004
If yo	u need	to enter another leased right, please use the additional water rights form.	WATER RESOURCES DED
1.6		ity of rights. Lessor(s) attests (mark one) that:	SALEM, OREGON
	\boxtimes	The water has been used over the past five years according to the terms at the owner's water right certificate or as an instream water right or	and conditions of
		The water has <u>not</u> been used over the past five years according to the term conditions of the owner's water right certificate, however the water right forfeiture under ORS 540.610(2)(_)(include necessary supporting document Attachment 3).	is not subject to
		~II~ Instream Water Right Information	
2.3		rm of lease. This lease shall terminate on October 15, 2004. (If there is Pooled District Form and this form, the Pooled District Form will be the official term of	

~III~ Other Information

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



Additional Water Right Form For Pooled Landowner

Instream Lease

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

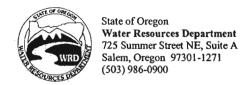
	T	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate#	Page(s) #	Priority*
	*(Ident	ify pertine	ent page i	number o			e is greater than 1 er certificate)		priority date	if there is
1.	16	11	01	swse	00500	1.60	sup Jo 14	74149		1905
2.										
3.										
4.										
5.										
6.										
7.										
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:	40
Acre-feet of storage, if applicable:O.54	

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APR 2 6 2004



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	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page 1	number o			e is greater than 1 er certificate)	06	priority date	e if there is
1.	16	11	01	swse	00500	1.60	sup to 76	76520	\	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: 928	

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APR 26 2004



Application for Short-Term

Instream Lease

Attachment 5: Pooled Landowner Form

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

	nal Identification by Lessor/Lessee: <u>L04.10</u>	
Lease	Agreement Number (assigned by WRD):	
This	Lease Agreement is between:	
	or #1 (Landowner):	
	e) Porco/Anderson Living Trust, Earl & Carolyn	RECEIVED
(City	ing address) 3088 Melchester Drive State, Zip Code) San Jose, CA 95132 phone number) (508)251-3866	APR 2 6 2004
	litional landowners, enter landowner information below	WATER RESOURCES DEPT SALEM, OREGON
form.	The numbering associated with this form corresponds to that found on the "Standard In The "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the sa lard Instream Lease Application" form. Consequently, the numbering on this form is re-	me information as the
	~I~ Ownership and Water Right Information	
1.1	Lessor #1 is the owner, or authorized agent for owner of property local Range 12, Section 17 and Tax Lot number 00200. If the water right a lands is also appurtenant to lands owned by others, then Attachment 1 lessor's property) needs to be included.	appurtenant to these
1.3	For the lands being leased, list all water rights appurtenant to the lesse there are any supplemental or overlying rights.	or's property. Indicate if
	Certificate No. Primary 74146, Supplemental 74147, 74148, 74149, 7	6520
1.4	Are some or all of the lands being leased part of a Conservation Reservoiram. Yes No	rve Enhancement
1.5	Subject Water Rights. Landowner proposes to lease the water rights attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or a attached). (Crosshatch the area of water rights being leased). Attached map(s) must Township, Range, Section and 1/4 1/4, tax lot number, map orientation and scale.	n additional map may be

Suspension of original use. During the period of the lease, the owner agrees to suspend use 3.4 of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights. In the event that a supplemental water right is not part of this lease, it may be subject to forfeiture. 3.5 Termination provision. For multiyear leases, lessor shall have the option of terminating the lease each year, prior to the lease being exercised (_____), with 30 day written notice to the Department provided by the Irrigation District, Other Water Purveyor or Lessee (if different than Department). The lessor must contact the Irrigation District, Other Water Purveyor, or Lessee (if different than Department) to indicate their interest in terminating the lease agreement. For multiyear leases, lessor *shall not* have the option of terminating the lease each year, prior to the lease being exercised, with written notice to the Department. Modification to prevent injury. Allocation of water to the instream use described in Section 3.6 2.2 during the term of this lease is not reasonably expected to cause injury to other rights to use water from the same source. If injury is found after this lease is signed, the lease may be modified or terminated to prevent injury. Lessor #1: Carolyn anduson Date: 2/18/04
Carolyn Anderson For additional Lessors, type in space for signature and date Lessor #2: Date: Tumalo Irrigation District Date: Lessee: Deschutes Resources Conservancy Other Attachments As Needed: Exhibit 5-A: Tax Lot Map of Landowner's Property Detailed map illustrating lands under subject rights to be leased [Exhibits 5-A and 5-B Exhibit 5-B: may be combined into a single map] Supporting documentation indicating why a right is valid and not subject to Exhibit 5-C:

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

new injury review shall be required, and a prior short term lease shall not set a precedent for

the amount of water to be leased or transferred instream.

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APR 26 2004

WATER RESOURCES DEPT SALEM OREGON

checked)

Exhibit 5-D:

Split Season Instream Use Form

EXHIBIT 5-A & 5-B L 04.10

TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY

FOR

Porco/Anderson Trust







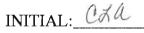












LOCATED IN THE NE 1/4 OF THE NE 1/4 OF SECTION 17, T16 S., R12 E., W.M. TAX LOTS # 00200 DESCHUTES COUNTY, OREGON



SCALE: 1" =400'

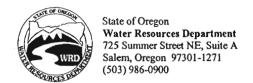
Prepared By: Tumalo Irrigation District, 64697 Cook Ave, Bend. Oregon 97701 541-382-3053

T	\mathbf{R}	Sect	14 14	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Iden	tify pertin	ent page r	number o				0 pages; identify	priority date	e if there is
16	12	17	nene	00200	2.60	irr	74146	10	9/1/1900
									,
	*(Iden	*(Identify pertind	*(Identify pertinent page r	*(Identify pertinent page number o	*(Identify pertinent page number of certificate, more	*(Identify pertinent page number of certificate, if certificate more than one p	*(Identify pertinent page number of certificate, if certificate is greater than 1 more than one per certificate)	*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify more than one per certificate)	*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date more than one per certificate)

		al number of acres, if for irrigation, by certificate and priority date: <u>2.60</u> e-feet of storage, if applicable:	
	Add	litional Subject Water Rights? (Please use Additional Landowner Infor	mation form.)
	Cor	ditions or other limitations, if any:	RECEIVE
If yo	ou need	to enter another leased right, please use the additional water rights form.	APR 2 6 200
1.6	Valid ⊠	ity of rights. Lessor(s) attests (mark one) that: The water has been used over the past five years according to the terms a the owner's water right certificate or as an instream water right or	WATER RESOURCES SALEM OREGON and conditions of
		The water has <u>not</u> been used over the past five years according to the term conditions of the owner's water right certificate, however the water right forfeiture under ORS 540.610(2)(_)(include necessary supporting document and the support of the sup	is not subject to
		~II~ Instream Water Right Information	
2.3		om of lease. This lease shall terminate on October 15, 2004. (If there is Pooled District Form and this form, the Pooled District Form will be the official term of	

~III~ Other Information

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



Additional Water Right Form For Pooled Landowner

Instream Lease

~**I**~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

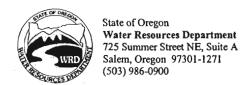
	T	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page r	number o			e is greater than ler certificate)	0 pages; identify	priority date	e if there is
1.	16	12	17	nene	00200	2.60	Sup to 141	74147	11	10/29/191
2.										
3.										
4.										
5.										
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	num	ber of	acres,	if for ir	rigation,	by certif	ficate and	priority	date: _	210	
Acre	-feet (of stor	age, if	applica	ble:		_				

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APR 26 2004



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	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page i	number o			e is greater than ler certificate)	0 pages; identify	priority date	e if there is
1.	16	12	17	nene	00200	2.60	Sup Jo 741	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	y date:	2.10
Acre-feet of storage, it	f applicable:	0.91		





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).

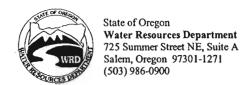
	T	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertine	ent page i	number o			er certificate)	0 pages; identify	priority date	e if there is
1.	16	12	17	nene	00200	2.60	Sup Jo 14	74148	- 11	4/7/1911
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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

Total number of acres, if for irrigat	ion, by certificate and prioris	y date: 2 60
Acre-feet of storage, if applicable:	13.78	

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APR 2.6 2004



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	17	nene	00200	2.60	Sup 107414	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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APR 26 2004



Application for Short-Term

Instream Lease

Attachment 5: Pooled Landowner Form

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

Optio	onal Identification by Lessor/Lessee: <u>L04.11</u>	
_	e Agreement Number (assigned by WRD):	RECEIVED
This	Lease Agreement is between:	APR 26 2004
Lesso	or #1 (Landowner):	TECOURCES DEPT
(Nam	ne) Milcon Services, Inc.	WATER RESOURCESON SALEM OREGON
(Mail	ling address) 31805 Hwy 79 South	
(City	, State, Zip Code) Temecula, CA 92592	
(Tele	phone number) (909)721-7676	
If add	ditional landowners, enter landowner information below	
form.	The numbering associated with this form corresponds to that found on the "Pooled Lease" form and "Pooled Landowner" form(s) are used to place and Instream Lease Application" form. Consequently, the numbering or	provide the same information as the a this form is not always sequential.
	~I~ Ownership and Water Right In	formation
1.1	Lessor #1 is the owner, or authorized agent for owner of p Range 11, Section 26 and Tax Lot number 00600. If the lands is also appurtenant to lands owned by others, then A lessor's property) needs to be included.	water right appurtenant to these
1.3	For the lands being leased, list all water rights appurtenant there are any supplemental or overlying rights.	t to the lessor's property. Indicate if
	Certificate No. Primary 74147, Supplemental 74148, 741	49, 76520,
1.4	Are some or all of the lands being leased part of a Conserve Program. ☐ Yes ☐ No	vation Reserve Enhancement
1.5	Subject Water Rights. Landowner proposes to lease the attached as Exhibit 5-B (this information may be included on Example 1). (Crosshatch the area of water rights being leased). Attached Township, Range, Section and 1/4 1/4, tax lot number, map orientation as	hibit 5-A, or an additional map may be ed map(s) must identify property owner,

WATER RESOURCES DEPT SALEM OREGON

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

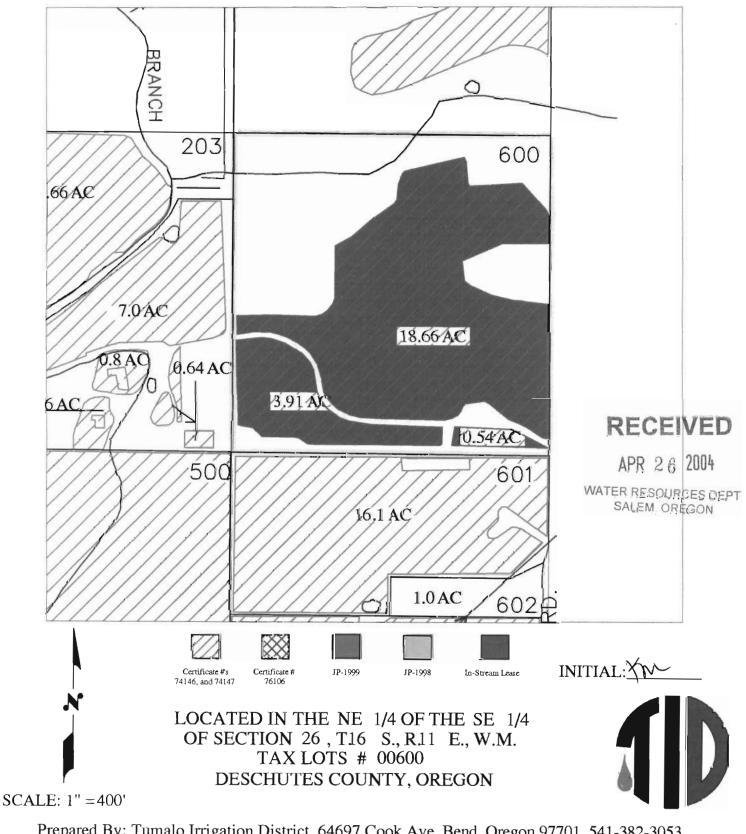
3.4	of v to tl	pension of original use. During the period of the lease, the owner agreeter allowed under the subject water rights and under any water right are subject water rights. In the event that a supplemental water right is e, it may be subject to forfeiture.	that is supplemental
3.5	Ter	For multiyear leases, lessor <i>shall</i> have the option of terminating the leto the lease being exercised (otice to the r or Lessee (if strict, Other Water terest in terminating the lease each year,
3.6	2.2 use	dification to prevent injury. Allocation of water to the instream use of during the term of this lease is not reasonably expected to cause injury water from the same source. If injury is found after this lease is signed injury or terminated to prevent injury.	to other rights to
		Vices, Inc. Date: 2/25/04	4
For ad	lditio	nal Lessors, type in space for signature and date	
Lessee Tumal		gation District Date:	
Other Exhib Exhib Exhib	it 5- <i>A</i> it 5-E	Detailed map illustrating lands under subject rights to be leased may be combined into a single map] Supporting documentation indicating why a right is valid and a forfeiture even though the right has not been exercised for five consecutive years (required if the second box in Section 1.6 of checked)	not subject to or more
Exhib	it 5-E	Split Season Instream Use Form	RECEIVED
			APR 26 2004

EXHIBIT 5-A & 5-B L 04.11

T MALO IRRIGATION DISTLICT IN-STREAM LEASED WATER RIGHTS SURVEY

FOR

Milcon Services Inc.



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

			14 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*			
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)												
5 1	1	26	NESE	00600	23.11	irr	74147	7	10/29/191 3			
	5 1	5 11	5 11 26	5 11 26 NESE								

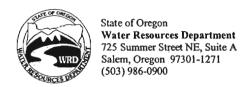
	Acr	al number of acres, if for irrigation, by certificate and priority date: 23.11 e-feet of storage, if applicable:					
		litional Subject Water Rights? (Please use Additional Landowner Info	RECEIVE				
If vo	If you need to enter another leased right, please use the additional water rights form.						
1.6	Validity of rights. Lessor(s) attests (mark one) that:		WATER RESOURCES DE SALEM OREGON				
		The water has been used over the past five years according to the terms and conditions of the owner's water right certificate or as an instream water right or					
		The water has <u>not</u> been used over the past five years according to the terms and conditions of the owner's water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)(_)(include necessary supporting documentation as Attachment 3).					
		~II~ Instream Water Right Information					

2.3 Term of lease. This lease shall terminate on 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

					Page 7
SW1/4SW1/4	400	OTS Wire & Insulation, Inc.	IR	2.00	3.00
SE1/4SW1/4	800	Blank/Hitchcock	IR	1.00	9.00
SE1/4SW1/4	801	Flannery/Nauer NOO.003 AONES 4.1			8.18
NE1/4SE1/4	600	Amadio, Anthony Milcon Service	IR	1 9.0 0 2	
NW1/4SE1/4	202	Milem, John & Kathleen	IR	13.70	
NW ¹ / ₄ SE ¹ / ₄	203	Milem, John & Kathleen	IR	16.30	
SW1/4SE1/4	500	Guice, Thomas	IR	10.00	36.10
SE ¹ / ₄ SE ¹ / ₄	601	Pickard, Bob & Mary Lou	IR		16.10
SE1/4SE1/4	602	Peters, Michael & Dana	IR		1.00
SE1/4SE1/4	700	Frick, Charles & Linda	IR		18.00
52745274	, 00	Section 26			10.00
>			-	4.00	0.05
NE¼NE¼	601	Martin, Jack W.	IR	4.00	8.25
NE¼NE¼	604	Allen, Charlie & Wendy	IR		1.50
NW ¹ / ₄ NE ¹ / ₄	100	Barber, Murl	IR		2.00
NW¼NE¼	101	Varco, Robert & Coleen	IR		3.50
NW ¹ / ₄ NE ¹ / ₄	107	Barber, Murl	IR.		3.00
NW¼NE¼	108	Wark, Russell & Sandra	IR		5.00
NW¼NE¼	109	Hering, Eugene & Suellen	IR.		5.00
NW¼NE¼	110	Moser, Joyce	IR		3.50
SW ¹ / ₄ NE ¹ / ₄	200	Moore, Scott & Margaret	IR.		12.00
SW ¹ / ₄ NE ¹ / ₄	212	Souther, David & Connie	IR		11.00
SE ¹ / ₄ NE ¹ / ₄	604	Allen, Charlie & Wendy	IR.		18.50
NE1/4NW1/4	102	Johnson, Thomas & Lois	IR		9.35
NE1/4NW1/4	103	Kochera, Jack & Marilyn	IR		6.00
NE¼NW¼	104	Kail/Rankin	IR		8.00
NE ¹ / ₄ NW ¹ / ₄	105	Wallace, Peter & Jeanette	IR		3.00
NW ¹ / ₄ NW ¹ / ₄	201	Davis, Ron & Elizabeth	IR.		17.60
NW¹/4NW¹/4	209	Plows, Richard & Marcia	IR		4.00
NW ¹ / ₄ NW ¹ / ₄	210	Costello/Olin	IR		4.00
NW ¹ / ₄ NW ¹ / ₄	211	Lowas, John & Nancy	IR		8.00
SW1/4NW1/4	202	Parker, Deryl & Adeline	IR.		15.80
SW1/4NW1/4	206	O'Neal, Steven & Julianne	IR.		15.00
SE1/4NW1/4	207	Hanus, Jana	IR	1.50	2.00
SE1/4NW1/4	208	Wilhelm, Diane	IR		1.70
SE ¹ / ₄ NW ¹ / ₄	213	McIntosh, Dotta J.	IR	2.50	2.50
SE1/4NW1/4	214	Wilhelm, Diane	IR		0.60
NE1/4SW1/4	300	Wilhelm, Diane	IR		19.20
NE ¹ / ₄ SW ¹ / ₄	301	Wilhelm, Diane	IR		0.70
NW ¹ / ₄ SW ¹ / ₄	302	Wilhelm, Diane	IR		37.80
SW1/4SW1/4	400	Hall, David & Joanne	IR		9.00
SW1/4SW1/4	402	Davis, William M. III	IR.		4.00
SW1/4SW1/4	403	Henderson, Jeff & Chris	IR.		3.00
SW1/4SW1/4	404	Swisher, Frederick & Lisa	IR		5.00
SW1/4SW1/4	405	Patersou, Mary Lou	IR		3.00
SW1/4SW1/4	406	Danahy, Timothy & Vickie	IR		3.00
SE¼SW¼	401	Cardoza, Manuel & Linda	IR		29.92
NE ¹ / ₄ SE ¹ / ₄	602	Koehler, Alice	IR		0.80
NE ¹ / ₄ SE ¹ / ₄	605	Rola, Jeff & Susan	IR		7.80
NE ¹ / ₄ SE ¹ / ₄	606	Hampton, John & Carol	IR		0.33
NE¼SE¼	608	Rola, Jeff & Susan	IR ID		1.40
NW¼SE¼	203	Rola, Jeff & Susan	IR		8.80
NW ¹ / ₄ SE ¹ / ₄	205	Bauersfeld, James & Christine	IR		12.00



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	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page r	number o			e is greater than ler certificate)	0 pages; identify	priority date	e if there is
1.	16	11	26	nese	00600	23.11	Sup Jo Th	74149		1905
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.	-									

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

Total number of acres, if for irrigation	n, by certificate and priority date:	73.11
Acre-feet of storage, if applicable:	8,09	

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APR 26 2004



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).

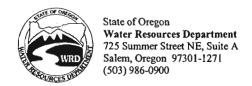
	T	R	Sect	44	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page r	number o			is greater than ler certificate)		priority date	e if there is
1.	16	11	26	nese	00600	23.11	Sup Jo 79	74148	10	4/7/1911
2.										
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10.				1						

[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	d priority date:	23.11
Acre	-feet of storage, if	applicable:/	22.49		

APR 2 6 2004
WATER RESOURCES DEPT

SALEM, OREGON



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	14 14	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page i	number o			er certificate)	0 pages; identify	priority date	e if there is
1.	16	11	26	nese	00600	23.11	Sup Jo 14	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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APR 26 2004

PAGE TEN

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/Mennesson/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 7.9	8.18	Flannery/Nauer
NE 1/4 SE 1/4	600 '	23.119.00	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 RECEIVED
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 APR 2 6 2004
SE 1/4 SE 1/4	700	18.00	The last Classics Of the state
	Sec	tion 26	WATER RESOURCES DEF
NE 1/4 NE 1/4	601	12.25	Martin, Jack W.
NE 1/4 NE 1/4	604	1.50	Allen, Charlie & Wendy
11 - 12			



Application for Short-Term

Instream Lease

Attachment 5: Pooled Landowner Form

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

Optio	nal Identification by Lessor/Lessee: L04.12	
Lease	Agreement Number (assigned by WRD):	
This l	Lease Agreement is between:	
Lesso	or #1 (Landowner):	RECEIVED
`	ne) Bolander Trust, Sylvia (Muscia) Bolander, Trustee	APR 26 2004
•	ing address) 19135 Tumalo Reservoir Rd. State, Zip Code) Bend, OR 97701	WATER RESOURCES DEP
	phone number) (541)504-5492	SALEM OREGON
If add	litional landowners, enter landowner information below	
form.	The numbering associated with this form corresponds to that found on the "Standard I The "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the salard Instream Lease Application" form. Consequently, the numbering on this form is	ame information as the
	~I~ Ownership and Water Right Information	1
1.1	Lessor #1 is the owner, or authorized agent for owner of property local Range 11, Section 02 and Tax Lot number 00102. If the water right lands is also appurtenant to lands owned by others, then Attachment lessor's property) needs to be included.	appurtenant to these
1.3	For the lands being leased, list all water rights appurtenant to the less there are any supplemental or overlying rights.	or's property. Indicate if
	Certificate No. Primary 76106, Supplemental 74149, 76520	
1.4	Are some or all of the lands being leased part of a Conservation Rese Program. ☐ Yes ☒ No	erve Enhancement
1.5	Subject Water Rights. Landowner proposes to lease the water rights attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or attached). (Crosshatch the area of water rights being leased). Attached map(s) mu Township, Range, Section and 1/4 1/4, tax lot number, map orientation and scale.	an additional map may be

the amount of water to be leased or transferred instream. Suspension of original use. During the period of the lease, the owner agrees to suspend use 3.4 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 multivear 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 of terminated to prevent injury. Lessor #1: Bolander Vrust 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

new injury review shall be required, and a prior short term lease shall not set a precedent for

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]

Supporting documentation indicating why a right is valid and not subject to Exhibit 5-C:

> 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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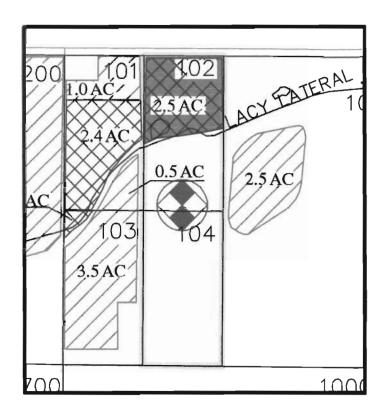
APR 26 2004

EXHIBIT 5-A & 5-B

TUMALO IRRIGATION DISTACT IN-STREAM LEASED WATER RIGHTS SURVEY

FOR

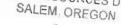
Bolander Trust



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APR 26 2004

WATER RESOURCES DEPT











INITIAL



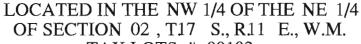












TAX LOTS # 00102 **DESCHUTES COUNTY, OREGON**

SCALE: 1'' = 400'

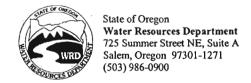
Prepared By: Tumalo Irrigation District, 64697 Cook Ave, Bend. Oregon 97701 541-382-3053

T	R	Sect	¼¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Iden	tify pertin	ent page 1	number o			-	0 pages; identify	priority date	e if there is
17	11	02	nwne	00102	2.50	irr	76106	3	12/8/1961
	· —	*(Identify pertin	*(Identify pertinent page	*(Identify pertinent page number o	*(Identify pertinent page number of certificate,	*(Identify pertinent page number of certificate, if certificate more than one p	*(Identify pertinent page number of certificate, if certificate is greater than 1 more than one per certificate)	*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify more than one per certificate)	*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date more than one per certificate)

		al number of acres, if for irrigation, by certificate and priority date: 2.50 e-feet of storage, if applicable:	
	Ado	ditional Subject Water Rights? 🛛 (Please use Additional Landowner Infor	mation form.)
	Cor	nditions or other limitations, if any:	RECEIVE
If yo	u need	to enter another leased right, please use the additional water rights form.	APR 26 2004
1.6	Valid	lity of rights. Lessor(s) attests (mark one) that:	NATER RESOURCES D SALEM, OREGON
	\boxtimes	The water has been used over the past five years according to the terms a the owner's water right certificate or as an instream water right or	
		The water has <u>not</u> been used over the past five years according to the term conditions of the owner's water right certificate, however the water right forfeiture under ORS 540.610(2)(_)(include necessary supporting document 3).	is not subject to
		~II~ Instream Water Right Information	
2.3		rm of lease. This lease shall terminate on October 15, 2004. (If there is	

~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



Instream Lease

~[~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

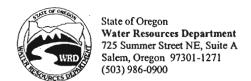
	T	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page i	number of			is greater than 1 er certificate)	0 pages; identify	priority date	e if there is
1.	17	11	02	nwne	00102	2.50	sup 10 10	74149		1905
2.										
3.										
4.										Ì
5.										
6.										
7.										
8.										
9.								-		
10.										

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

Total number of acres, if for irrigati	on, by certificate and priority date: _	2.50
Acre-feet of storage, if applicable:	0.88	

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APR 26 2004



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	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertine	ent page r	number of			er certificate)	0 pages; identify	priority date	e if there is
1.	17	11	02	nwne	00102	2.50	sup to 1016	76520	Ч	12/8/1961
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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: _	7.50
Acre-feet of storage, if applicable: 14.50	

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APR 26 2004



Application for Short-Term

Instream Lease

Attachment 5: Pooled Landowner Form

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

Optio	nal Identification by Lessor/Lessee: L04.13	_
	Agreement Number (assigned by WRD):	_
This	Lease Agreement is between:	RECEIVED
	or #1 (Landowner):	APR 2 6 2004
	ne) Coleman, Glenn & Nancy	- SAME SECTION OF SECT
	ling address) 18770 Tumalo Reservoir Rd.	- WATER RESOURCES DE
` -	, State, Zip Code) Bend, OR 97701	SALEM, OREGON
(Tele	phone number) (541)382-5357	_
If add	litional landowners, enter landowner information below	_
form.	The numbering associated with this form corresponds to that found on the "Standa The "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the dard Instream Lease Application" form. Consequently, the numbering on this form	e same information as the
	~I~ Ownership and Water Right Informat	ion
1.1	Lessor #1 is the owner, or authorized agent for owner of property Range 11, Section 34 and Tax Lot number 01000. If the water riglands is also appurtenant to lands owned by others, then Attachme lessor's property) needs to be included.	ght appurtenant to these
1.3	For the lands being leased, list all water rights appurtenant to the l there are any supplemental or overlying rights.	essor's property. Indicate if
	Certificate No. Primary 74147, Supplemental 74148, 74149, 7652	20
1.4	Are some or all of the lands being leased part of a Conservation R Program. ☐ Yes ☒ No	eserve Enhancement
1.5	Subject Water Rights. Landowner proposes to lease the water right attached as Exhibit 5-B (this information may be included on Exhibit 5-A, attached). (Crosshatch the area of water rights being leased). Attached map(s) Township, Range, Section and 1/4 1/4, tax lot number, map orientation and scale.	or an additional map may be must identify property owner,

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

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

3.4

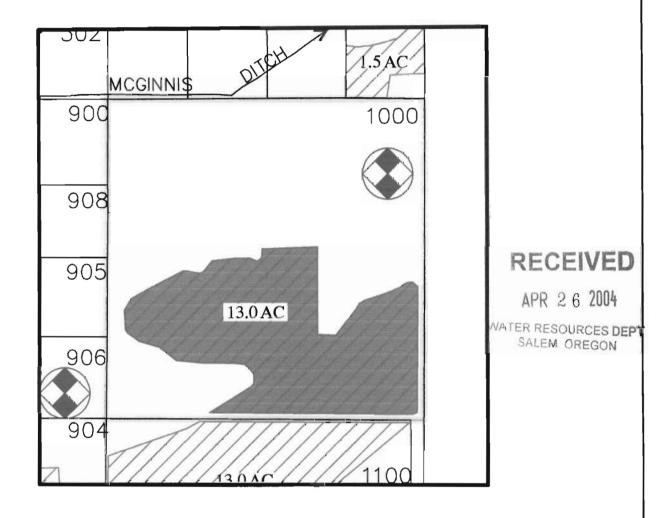
	to t	he sub	ect wa		ts. In	the ev	ent th	_		-		right tha			ental
3.5	Ter	For m to the Depa differ Purve the le	nultiyea e lease rtment rent tha eyor, on ase aga nultiyea	being exprovident Departurent Lessee Teement ar lease	s, lesso xercise ed by t rtment e (if dif t. s, lesso	ed (he Irri t). The fferen	igation e lesso t than ll not	n Distror mus Depar	_), with the contact c	h 30 day her Wate ct the Ir to indic on of ter	writer Pur rigati ate the	the leas ten notice rveyor of on Distribution ting the partment	e to r Les ict, C est ir	the ssee (if Other W n termin	ater ating
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. Sor #1:														
Lessor	#1:	<u></u>	lenz	a.	Oole	ma	n			_ Date: _	8	MAR and 8	2	004	_
	Cole	CM.	Cal	lima	-					Date:	m	audi 8	,2	004	
Nancy	Col	eman													-
<u>Lessor</u>	#2:		ssors, t Distri	ype in s	space f	for sig	nature	e and o	late	Date:					_
Lessee										Date:					
		——— Resoui	ces Co	nservai	ncy					_ Date				_	_
	t 5-A t 5-E t 5-C	A: 3:	Tax L Detai may be Suppo forfei conse check	e combin orting d ture eve cutive y	o illustred into a ocume en thou years (a	rating a single entation gh the requir	lands map] on indi e right ed if t	under icating t has not the sec	subject why a ot beer	right is n exercis	valid ed fo	leased [E and not r five or 1.6 of thi	subje more	ect to	nd 5-B

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APR 26 2004

TUMALO IRRIGATION DISTLICT IN-STREAM LEASED WATER RIGHTS SURVEY FOR

Coleman, Glenn A. & Nancy D.















In-Stream Lease

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



INITIAL: MC

SCALE: 1" = 400'

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

T	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*		
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)											
16	11	34	sene	01000	13.0	irr	74147	8	10/29/191 3		
	*(Iden	*(Identify pertin	*(Identify pertinent page r	*(Identify pertinent page number o	*(Identify pertinent page number of certificate, more	*(Identify pertinent page number of certificate, if certificate more than one pe	*(Identify pertinent page number of certificate, if certificate is greater than 1 more than one per certificate)	*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify more than one per certificate)	*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date more than one per certificate)		

		al number of acres, if for irrigation, by certificate and priority date: 13.0 e-feet of storage, if applicable:							
	Ado	litional Subject Water Rights? (Please use Additional Landowner Informational Landowner Information)	mation form) RECEIVED						
	Cor	ditions or other limitations, if any:							
		· •	APR 26 2004						
If yo 1.6		to enter another leased right, please use the additional water rights form, ity of rights. Lessor(s) attests (mark one) that:	ATER RESOURCES DEPT SALEM, OREGON						
	\boxtimes								
		The water has <u>not</u> been used over the past five years according to the term conditions of the owner's water right certificate, however the water right forfeiture under ORS 540.610(2)(_)(include necessary supporting document 3).	is not subject to						

~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



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	\mathbf{R}	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page i	number o			e is greater than ler certificate)		priority date	e if there is
1.	16	11	34	sene	01000	13.0	sup V 79	74149		1905
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8.										
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10.										

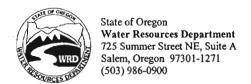
[Attached map(s) must identify property owner, Township, Range, Section and ¼ ¼, tax lot number, map orientation and scale.]

Total number of acres, if for irrigation	, by certificate and priority date:	. 13.00
Acre-feet of storage, if applicable:	4,55	

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APR 26 2004

Dec 2003



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	14 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page r	number o	f certificate, more	if certificate than one p	er certificate)	0 pages; identify	priority date	e if there is
1.	16	11	34	sene	01000	13.0	sup you Aust	74148	8	4/7/1911
2.										
3.										
4.										
5.										
6.										
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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	on, by certificate and priority date:	13.00
Acre-feet of storage, if applicable:		

RECEIVED

APR 2 6 2004



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	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page 1	number o			e is greater than ler certificate)		priority date	e if there is
1.	16	11	34	sene	01000	13.0	sup to 101	76520	12	12/8/1961
2.										
3.										
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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: 75.40	

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APR 26 2004



Application for Short-Term

Instream Lease

Attachment 5: Pooled Landowner Form

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

-	nal Identification by Lessor/Lessee: <u>L04.14</u> Agreement Number (assigned by WRD):	
This I	Lease Agreement is between:	DECEIVED
Lesso	or #1 (Landowner):	RECEIVED
-	e) Bowgun Properties Limited Partnership	APR 2 6 2004
•	ing address) 40-160 Via Valencia	
	, State, Zip Code) Rancho Mirage, CA 92270 phone number) (760)770-1637	WATER RESOURCES DEPT SALEM, OREGON
If add	litional landowners, enter landowner information below	
form.	The numbering associated with this form corresponds to that found on the "Standar The "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the lard Instream Lease Application" form. Consequently, the numbering on this form	same information as the
	~I~ Ownership and Water Right Informati	on
1.1	Lessor #1 is the owner, or authorized agent for owner of property le Range 11, Section 02 and Tax Lot number 200/201. If the water relands is also appurtenant to lands owned by others, then Attachment lessor's property) needs to be included.	ight appurtenant to these
1.3	For the lands being leased, list all water rights appurtenant to the lethere are any supplemental or overlying rights.	ssor's property. Indicate if
	Certificate No. Primary 76106, Supplemental 74149, 76520	-
1.4	Are some or all of the lands being leased part of a Conservation Re Program. ☐ Yes ☐ No	eserve Enhancement
1.5	Subject Water Rights. Landowner proposes to lease the water rigattached as Exhibit 5-B (this information may be included on Exhibit 5-A, attached). (Crosshatch the area of water rights being leased). Attached map(s) r Township, Range, Section and 1/4 1/4, tax lot number, map orientation and scale.	or an additional map may be

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	of w	pension of original use. During the period of the lease, the owner agrees to suspend use vater allowed under the subject water rights and under any water right that is supplemental ne subject water rights. In the event that a supplemental water right is not part of this e, it may be subject to forfeiture.							
3.5	Ter	For multiyear leases, lessor <i>shall</i> have the option of terminating the lease each year, prior to the lease being exercised (), with 30 day written notice to the Department provided by the Irrigation District, Other Water Purveyor or Lessee (if different than Department). The lessor must contact the Irrigation District, Other Water Purveyor, or Lessee (if different than Department) to indicate their interest in terminating the lease agreement. For multiyear leases, lessor <i>shall not</i> have the option of terminating the lease each year, prior to the lease being exercised, with written notice to the Department.							
3.6	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 Bowgi	#1: <u>in Pr</u>	Boxker Din, General Parton Date: 3-1-04 operties, L.P.							
For ad	ditio	nal Lessors, type in space for signature and date Date:							
Lessee Deschi	-	Date:							
Exhibi	t 5-A t 5-B t 5-C	 Detailed map illustrating lands under subject rights to be leased [Exhibits 5-A and 5-B may be combined into a single map] Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is checked) 							

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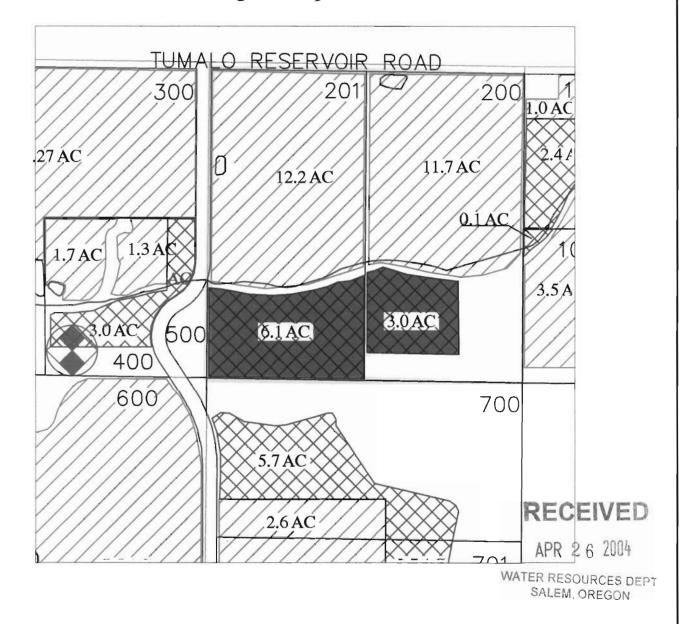
APR 2 6 2004

EXHIBIT 5-A & 5-B

TU..IALO IRRIGATION DIST...CT IN-STREAM LEASED WATER RIGHTS SURVEY

FOR

Bowgun Properties LP





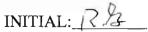












LOCATED IN THE NE 1/4 OF THE NW 1/4 OF SECTION 02, T17 S., R11 E., W.M. TAX LOTS # 200 & 201 DESCHUTES COUNTY, OREGON 10

SCALE: 1" =400'

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

	T	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Identif	y pertine	nt page n	umber of	-		is greater than 1 or certificate)	0 pages; identify	priority date	if there is
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.										

	3.												
						-	for irrigation		_	iority date: 9.1	0		
			Add	itional	Subject	Water	Rights? ⊠	(Please u	se Additional	Landowner I		n form.) ECEIV	FD
			Con	ditions	or othe	r limita	tions, if an	ıy:			. "		least Made
	Conditions or other limitations, if any:								rm.	~ < < 6 20	04		
	1.6 Validity of rights. Lessor(s) attests (mark one) that:						ER RESOURCES DEP						
			\boxtimes					•	e years accord instream wa	ding to the terr ter right or	ms and co	nditions of	
REC	EIV	ED		condition	ions of	the owr	ner's water	right certi	ficate, howev	ccording to the ver the water ri supporting do	ight is not	subject to	
APR	262	004					Instream	Water I	Right Inform	nation			
VATER RE SALE			Ter					_		004 . (If the the official term			

~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



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).

	Т	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	17	11	02	nenw	00200	3.00	Sup to 76	74149		1905
2.	17	11	02	nenw	00201	6.10	Sup 4	74149		1905
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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

Total number of acres, if for irrigation	, by certificate and priority date:	9.10
Acre-feet of storage, if applicable:	3.19	

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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	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)									
1.	17	11	02	nenw	00200	3.00	Sup 167616	76520	19 4	12/8/1961
2.	17	11	02	nenw	00201	6.10	Sup 🚽	76520	J\8 4	12/8/1961
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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

Total number of acres, if for irrigation, by	y certificate and priority date: _ 9.10
Acre-feet of storage, if applicable: 52	<u>2.78 </u>

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WATER RESOURCES DEPT SALEM, OREGON



Application for Short-Term

Instream Lease

Attachment 5: Pooled Landowner Form

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

Optio	nal Identification by Lessor/Lessee: <u>L04.15</u>	
Lease	Agreement Number (assigned by WRD):	
This I	Lease Agreement is between:	
Lesso	or #1 (Landowner):	RECEIVED
•	e) Brehmer, Chris J. & Lisa M.	APR 26 2004
	ing address) PO Box 241103	
	State, Zip Code) <u>Anchorage, AK 99524-1103</u> phone number) (907)563-0905	WATER RESOURCES DEF SALEM, OREGON
If add	litional landowners, enter landowner information below	
form.	The numbering associated with this form corresponds to that found on the "Standard The "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the lard Instream Lease Application" form. Consequently, the numbering on this form	same information as the
	~I~ Ownership and Water Right Informati	on
1.1	Lessor #1 is the owner, or authorized agent for owner of property log Range 11, Section 01 and Tax Lot number 600. If the water right a is also appurtenant to lands owned by others, then Attachment 1, (to property) needs to be included.	appurtenant to these lands
1.3	For the lands being leased, list all water rights appurtenant to the le there are any supplemental or overlying rights.	ssor's property. Indicate if
	Certificate No. Primary 76106, Supplemental 74149, 76520	
1.4	Are some or all of the lands being leased part of a Conservation Re Program. ☐ Yes ☐ No	serve Enhancement
1.5	Subject Water Rights. Landowner proposes to lease the water right attached as Exhibit 5-B (this information may be included on Exhibit 5-A, cattached). (Crosshatch the area of water rights being leased). Attached map(s) in Township, Range, Section and 1/4 1/4, tax lot number, map orientation and scale.	or an additional map may be

	the amour	nt of water to be leased or transferred	instream.						
3.4	Suspension of original use. During the period of the lease, the owner agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights. In the event that a supplemental water right is not part of this lease, it may be subject to forfeiture.								
3.5	For reto the Department of the	e lease being exercised (option of terminating the lease each year, prior), with 30 day written notice to the trict, Other Water Purveyor or Lessee (if est contact the Irrigation District, Other Water extrement) to indicate their interest in terminating the option of terminating the lease each year, tten notice to the Department.						
3.6	2.2 during use water	g the term of this lease is not reasonab	water to the instream use described in Section ly expected to cause injury to other rights to and after this lease is signed, the lease may be						
Lesso	r #1:	al Bola A	Date: 3-4-04						
<u>Chris</u>	J. Brehmer	a Mandine	Date: 3-24-024						
Lis <u>a</u> N	Л. Brehmer								
For ac	lditional Le	ssors, type in space for signature and	date						
Lesso	r # 2 <u>:</u>		Date:						
Tuma	lo Irrigatio	<u>District</u>							
Lesse	e:		Date:						
Desch	utes Resou	rces Conservancy							
Exhib Exhib	Attachmen it 5-A: it 5-B: it 5-C:	may be combined into a single map] Supporting documentation indicating forfeiture even though the right has	er subject rights to be leased [Exhibits 5-A and 5-E g why a right is valid and not subject to						

new injury review shall be required, and a prior short term lease shall not set a precedent for

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APR 26 2004

checked)

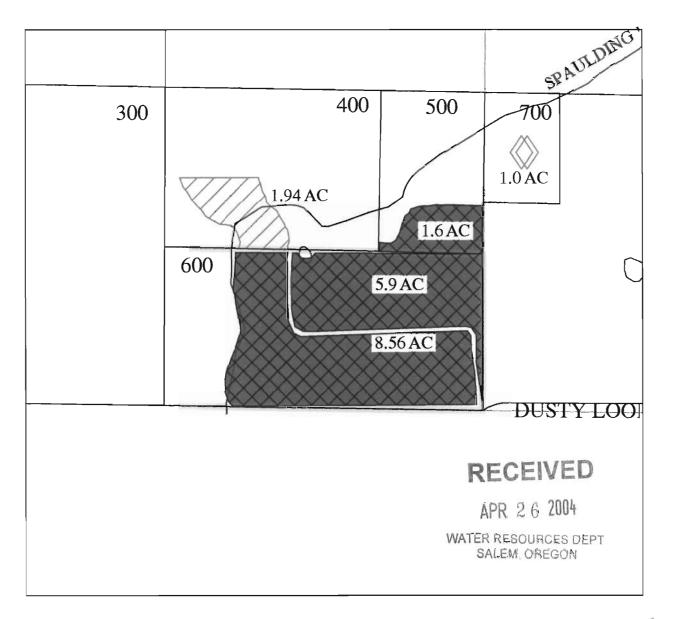
Exhibit 5-D:

Split Season Instream Use Form

TMALO IRRIGATION DISTLICT IN-STREAM LEASED WATER RIGHTS SURVEY

FOR

Brehmer, Chris J. & Lisa M.







74146, and 74147

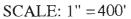


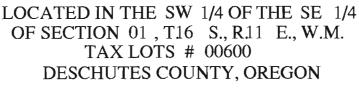






OF SECTION 01, T16 S., R.11 E., W.M. TAX LOTS # 00600







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

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

		al number of acres, if for irrigation, by certificate and priority date: 14.46 e-feet of storage, if applicable:	
	Ado	litional Subject Water Rights? (Please use Additional Landowner Inform	nation RECEIVED
	Cor	ditions or other limitations, if any:	APR 2 6 2004
If yo	u need	to enter another leased right, please use the additional water rights form.	WATER RESOURCES DEF
1.6	Valid	ity of rights. Lessor(s) attests (mark one) that:	
	\boxtimes	The water has been used over the past five years according to the terms an the owner's water right certificate or as an instream water right or	d conditions of
		The water has <u>not</u> been used over the past five years according to the term conditions of the owner's water right certificate, however the water right is forfeiture under ORS 540.610(2)(_)(include necessary supporting docume Attachment 3).	s not subject to
		~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

- Accuracy. The Undersigned Lessor/s, Lessee and Trustee declare that, to the best of their 3.1 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



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	14 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	fy pertine	ent page r	number o			er certificate)	0 pages; identify	priority date	e if there is
1.	16	11	01	swse	00600	14.46	sup to 16	74149		1905
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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

Total number of acres, if for irrigation, by certificate and priority date:	14.46
Acre-feet of storage, if applicable:	

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APR 2 6 2004



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	14 14	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page r	number o	f certificate, more	if certificate than one p	e is greater than i	0 pages; identify	priority date	e if there is
1.	16	11	01	swse	00600	14.46	sup 40 10	76520	1	12/8/1961
2.										
3.							1 1 1 1 1 1 1 1			
4.										
5.										
6.										
7.										
8.										
9.										
10.		<u> </u>								

[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	n, by certificate and priority date:14.44
Acre-feet of storage, if applicable:	83.87

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APR 26 2004



Application for Short-Term

Instream Lease

Attachment 5: Pooled Landowner Form

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

-	nal Identification by Lessor/Lessee: <u>L04.16</u> Agreement Number (assigned by WRD):	
This l	Lease Agreement is between:	
Lesso	or #1 (Landowner):	RECEIVED
•	e) <u>Kachlein, Mark R. & Belinda R.</u> ing address) 66440 Gerking Market Rd.	APR 2 6 2004
City.	State, Zip Code) Bend, OR 97701 phone number) (541)383-1527	WATER RESOURCES DE SALEM, OREGON
If add	litional landowners, enter landowner information below	
form.	The numbering associated with this form corresponds to that found on the "Standar The "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the lard Instream Lease Application" form. Consequently, the numbering on this form	e same information as the is not always sequential.
	~I~ Ownership and Water Right Informati	on
1.1	Lessor #1 is the owner, or authorized agent for owner of property leading 12, Section 06 and Tax Lot number 1802. If the water right lands is also appurtenant to lands owned by others, then Attachment lessor's property) needs to be included.	t appurtenant to these
1.3	For the lands being leased, list all water rights appurtenant to the lease are any supplemental or overlying rights.	essor's property. Indicate if
	Certificate No. Primary 74146, Supplemental 74147, 74148, 74149), 76520
1.4	Are some or all of the lands being leased part of a Conservation Re Program. ☐ Yes ☐ No	eserve Enhancement
1.5	Subject Water Rights. Landowner proposes to lease the water rig attached as Exhibit 5-B (this information may be included on Exhibit 5-A, attached). (Crosshatch the area of water rights being leased). Attached map(s) attached, Range, Section and 1/4 1/4, tax lot number, map orientation and scale.	or an additional map may be

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

Suspension of original use. During the period of the lease, the owner agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental

3.4

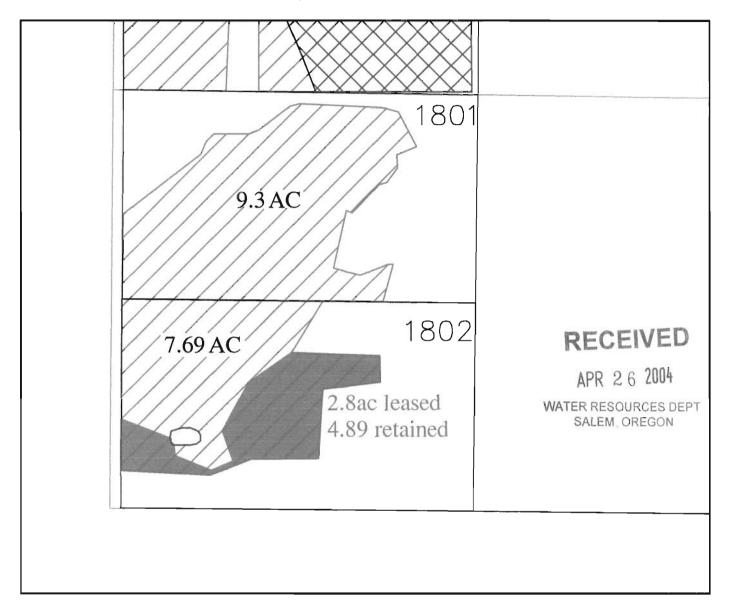
	to th	the subject water rights. In the event that a supplemental water right is not part of this se, it may be subject to forfeiture.							
3.5	Ter	For multiyear leases, lessor <i>shall</i> have the option of terminating the lease each year, prior to the lease being exercised (
3.6	2.2 use	dification to prevent injury. Allocation of water to the instream use described in Section during the term of this lease is not reasonably expected to cause injury to other rights to water from the same source. If injury is found after this lease is signed, the lease may be dified or terminated to prevent injury.							
Lesson	:#1:	Mark R Kach C_ Date: 3/05/04							
		achlein							
2	36	Date: 3/05/04 Date: 3/05/04							
Belind	la R.	Kachlein							
For ad	ditio	nal Lessors, type in space for signature and date Date:							
		D. A.							
Lessee		Resources Conservancy							
Descri	utos .	resources Conservancy							
		chments As Needed:							
Exhibi									
Exhibi	it 5-E	, , , , , , , , , , , , , , , , , , , ,							
Exhibi	may be combined into a single map] Dit 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)								
Exhibi	it 5-Γ	D: Split Season Instream Use Form RECEIVED							

APR 2 6 2004
WATER RESOURCES DEPT SALEM, OREGON

TU IALO IRRIGATION DISTLICT IN-STREAM LEASED WATER RIGHTS SURVEY

FOR

Kachlein, Mark R. & Belinda R.











Certificate #



JP-1997



JP-1998



In-Stream Lease



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

T	${f R}$	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Iden	tify pertin	ent page r	number of				0 pages; identify	priority date	e if there is
16	12	06	swsw	01802	2.80	irr	74146	14	5/27/1907
	*(Iden	*(Identify pertine	*(Identify pertinent page 1	*(Identify pertinent page number of	*(Identify pertinent page number of certificate, more	*(Identify pertinent page number of certificate, if certificate more than one p	*(Identify pertinent page number of certificate, if certificate is greater than 1 more than one per certificate)	*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify more than one per certificate)	*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date more than one per certificate)

		al number of acres, if for irrigation, by certificate and priority date: <u>2.80</u> e-feet of storage, if applicable:							
		litional Subject Water Rights? ⊠ (Please use Additional Landowner Info	rmation form.) RECEIVE						
	Cor	ditions or other limitations, if any:	5-5-5-79V-						
If vo	u need	to enter another leased right, please use the additional water rights form	APR 26 2004						
1.6	V								
	\boxtimes	The water has been used over the past five years according to the terms the owner's water right certificate or as an instream water right or	and conditions of						
	The water has <u>not</u> been used over the past five years according to the terms and conditions of the owner's water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)(_)(include necessary supporting documentation as Attachment 3).								
		~II~ Instream Water Right Information							
2.3		rm of lease. This lease shall terminate on October 15, 2004. (If there Pooled District Form and this form, the Pooled District Form will be the official term of							

~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



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).

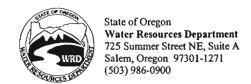
	T	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Identif	y pertine	ent page n	umber of				0 pages; identify	priority date	if there is
1.	16	12	06	swsw	01802	2.80	sup to all		10	10/29/191
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.			٠.							
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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APR 26 2004



Instream Lease

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

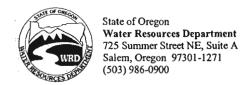
Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached). (Crosshatch the area of water rights being leased).

	Т	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page r	number of			er certificate)	0 pages; identify	priority date	e if there is
1.	16	12	06	swsw	01802	2.80	sup to 1414	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	





Instream Lease

~I~

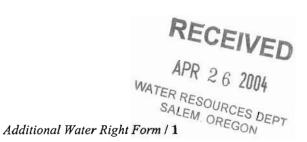
Section 1.1 continued from Pooled Leasing Landowner Form.

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	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate#	Page(s) #	Priority*
	*(Ident	ify pertin	ent page 1	number of			e is greater than 1 er certificate)	0 pages; identify	priority date	e if there is
1.	16	12	06	swsw	01802	2.80	sup Jo 7414	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	





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	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page 1	number of			er certificate)	0 pages; identify	priority date	e if there is
1.	16	12	06	swsw	01802	2.80	sup 30 7 41	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:	





Application for Short-Term

Instream Lease

Attachment 5: Pooled Landowner Form

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

	al Identification by Lessor/Lessee: <u>L04.17</u> Agreement Number (assigned by WRD):	
	ease Agreement is between:	
(Name (Mailir (City, S (Telepl	#1 (Landowner):) Frick, Charles & Linda ng address) 625 Hillendale Rd. State, Zip Code) Chaddsford, PA 19317-9364 hone number) (601)388-6849	RECEIVED APR 2 6 2004 WATER RESOURCES DEPT SALEM, OREGON
addı	tional landowners, enter landowner information below	
form. T	he numbering associated with this form corresponds to that found on the "Standard he "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the strd Instream Lease Application" form. Consequently, the numbering on this form is	same information as the snot always sequential.
	~I~ Ownership and Water Right Informatio	n
1.1	Lessor #1 is the owner, or authorized agent for owner of property local Range 11, Section 26 and Tax Lot number 00700. If the water right lands is also appurtenant to lands owned by others, then Attachment lessor's property) needs to be included.	t appurtenant to these
1.3	For the lands being leased, list all water rights appurtenant to the les there are any supplemental or overlying rights.	sor's property. Indicate if
	Certificate No. Primary 74146, Supplemental 74147, 74148, 74149,	76520
1.4	Are some or all of the lands being leased part of a Conservation Res Program. ☐ Yes ☐ No	erve Enhancement
1.5	Subject Water Rights. Landowner proposes to lease the water right attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or attached). (Crosshatch the area of water rights being leased). Attached map(s) m Township, Range, Section and 1/4 1/4, tax lot number, map orientation and scale.	an additional map may be

WATER RESOURCES DEPT SALEM OREGON

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

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

of water allowed under the subject water rights and under any water right that is supplemental

3.4

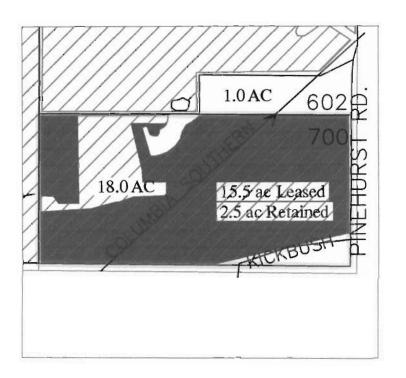
		ne subject water rights. In the event that a supplemental water right is not e, it may be subject to forfeiture.	t part of this
3.5	Ter	For multiyear leases, lessor <i>shall</i> have the option of terminating the leas to the lease being exercised (), with 30 day written notice. Department provided by the Irrigation District, Other Water Purveyor of different than Department). The lessor must contact the Irrigation District Purveyor, or Lessee (if different than Department) to indicate their intersthe lease agreement. For multiyear leases, lessor <i>shall not</i> have the option of terminating the prior to the lease being exercised, with written notice to the Department.	te to the r Lessee (if ict, Other Water est in terminating lease each year,
3.6	2.2 duse	dification to prevent injury. Allocation of water to the instream use des during the term of this lease is not reasonably expected to cause injury to water from the same source. If injury is found after this lease is signed, the lifted or terminated to prevent injury.	other rights to
Lesson Charle	_		4
Linda	B. Fr		/
For ad	dition	nal Lessors, type in space for signature and date	
Lessee Desch	-	Date:	
Exhibite Exhibite Exhibite	it 5-A it 5-B it 5-C	may be combined into a single map] Supporting documentation indicating why a right is valid and not forfeiture even though the right has not been exercised for five or consecutive years (required if the second box in Section 1.6 of this checked)	subject to more
Exhibi	t 5-D	: Split Season Instream Use Form	RECEIVE
			APR 26 2004

EXHIBIT 5-A & 5-B L 04.17

TUALO IRRIGATION DISTLICT IN-STREAM LEASED WATER RIGHTS SURVEY

FOR

Frick, Charles J. & Linda B.



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APR 26 2004

WATER RESOURCES DEPT SALEM OREGON



74146, and 74147











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

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

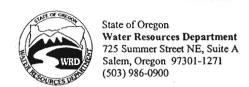
		al number of acres, if for irrigation, by certificate and priority date: 15.50 e-feet of storage, if applicable:	0
	Ado	litional Subject Water Rights? 🖂 (Please use Additional Landowner Info	orm REDIVED
	Cor	ditions or other limitations, if any:	APR 2 6 2004
If yo	u need	to enter another leased right, please use the additional water rights form	WATER RESOURCES DEP SALEM, OREGON
1.6	Valid	ity of rights. Lessor(s) attests (mark one) that:	
		The water has been used over the past five years according to the terms the owner's water right certificate or as an instream water right or	s and conditions of
		The water has <u>not</u> been used over the past five years according to the te conditions of the owner's water right certificate, however the water right forfeiture under ORS 540.610(2)(_)(include necessary supporting docuMattachment 3).	nt is not subject to

~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



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).

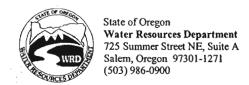
	T	R	Sect	14 14	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page i	number o			e is greater than 1 er certificate)	0 pages; identify	priority date	e if there is
1.	16	11	26	sese	00700	15.50	sup to refine	74147	7	10/29/191
2.										
3.										
4.										
5.										
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).

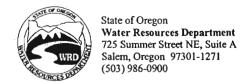
	T	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page r	number o			e is greater than 1 er certificate)	0 pages; identify	priority date	e if there is
1.	16	11	26	sese	00700	15.50	sup Jo 141	74149		1905
2.										_
3.										
4.										
5.										
6.										
7.						<u> </u>				
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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Instream Lease

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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).

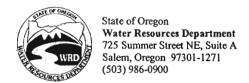
	T	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertine	ent page 1	number o			e is greater than 1 er certificate)	0 pages; identify	priority date	e if there is
1.	16	11	26	sese	00700	15.50	sup 10 741	74148	6	4/7/1911
2.										
3.										
4.										
5.										
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:	5.50
Acre-feet of storage, if applicable: 83.15	

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APR 26 2004



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	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page 1	number o				0 pages; identify	priority date	e if there is
1.	16	11	26	sese	00700	15.50	sup do 1474	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:	<u> </u>
Acre-feet of storage, if applicable: \(\gamma 9.900	

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APR 2 6 2004



Application for Short-Term

Instream Lease

Attachment 5: Pooled Landowner Form

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

	nal Identification by Lessor/Lessee: L04.18 Agreement Number (assigned by WRD):	
This I	Lease Agreement is between:	
	r #1 (Landowner):	RECEIVED
	e) Bruce LaVeau	APR 2 6 2004
(City,	State, Zip Code) Bend, OR 97701 phone number) (541)279-1003	WATER RESOURCES DEPT SALEM, OREGON
If add	itional landowners, enter landowner information below	
form.	The numbering associated with this form corresponds to that found on the "Standard The "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the sard Instream Lease Application" form. Consequently, the numbering on this form is	ame information as the not always sequential.
	~I~ Ownership and Water Right Informatio	n
1.1	Lessor #1 is the owner, or authorized agent for owner of property loc Range 12, Section 18 and Tax Lot number 01700. If the water right lands is also appurtenant to lands owned by others, then Attachment lessor's property) needs to be included.	appurtenant to these
1.3	For the lands being leased, list all water rights appurtenant to the less there are any supplemental or overlying rights.	sor's property. Indicate if
	Certificate No. Primary 74146, Supplemental 74147, 74148, 74149,	76520
1.4	Are some or all of the lands being leased part of a Conservation Reservation. ☐ Yes ☐ No	erve Enhancement
1.5	Subject Water Rights. Landowner proposes to lease the water right attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or attached). (Crosshatch the area of water rights being leased). Attached map(s) multiple Township, Range, Section and 1/4 1/4, tax lot number, map orientation and scale.	an additional map may be

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

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

3.4

3.5 Termination provision.	n notice to the									
 □ For multiyear leases, lessor shall have the option of terminating the to the lease being exercised (District, Other Water r interest in terminating ng the lease each year,									
2.2 during the term of this lease is not reasonably expected to cause in use water from the same source. If injury is found after this lease is si modified or terminated to prevent injury.	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 Lovean Date: 101	MAROY									
Bruce LaVeau										
For additional Lessors, type in space for signature and date										
Date:										
Lessee: Date: Deschutes Resources Conservancy										
Descriutes 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 le may be combined into a single map]	ased [Exhibits 5-A and 5-B									
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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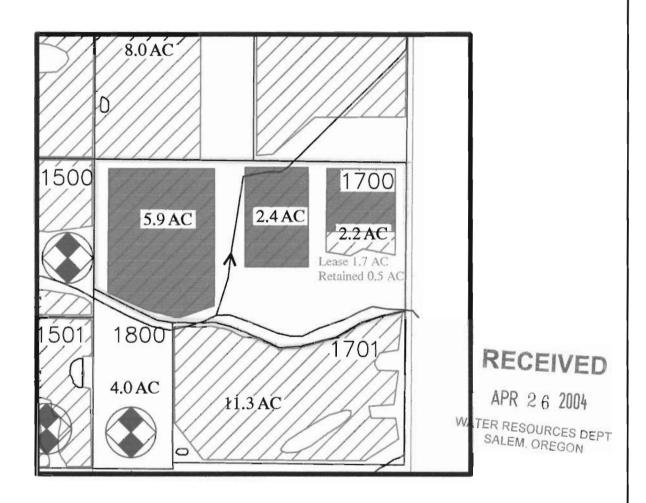
APR 26 2004

EXHIBIT 5-A & 5-B L 04.18

TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY

FOR

LaVeau, Bruce J.



















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



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

T	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
*(Ident	tify pertin	ent page r	number of			_	0 pages; identify	priority date	e if there is
16	12	18	SESE	01700	10.00	Irr	74146	18	6/1/1907
				_					
	*(Iden	*(Identify pertind	*(Identify pertinent page r	*(Identify pertinent page number of	*(Identify pertinent page number of certificate, more	*(Identify pertinent page number of certificate, if certificate more than one p	*(Identify pertinent page number of certificate, if certificate is greater than I more than one per certificate)	*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify more than one per certificate)	*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date more than one per certificate)

					or irrigation	. •	•	iority date: <u>10</u>	5 0 10,00)	
	Ado	ditional	Subject	Water	Rights? ⊠] (Please u	se Additional	Landowner I	nformation	form)	VE
	Cor	nditions	or othe	r limita	tions, if an	y:			A /	R 26	2004
If yo	u need	to ente	er anoth	er lease	d right, ple	ease use the	e additional v	vater rights for		RESOUR	
1.6	Valid	lity of r	ights. I	Lessor(s) attests (n	nark one) t	hat:				
	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							of			
	The water has <u>not</u> been used over the past five years according to the terms and conditions of the owner's water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)(_)(include necessary supporting documentation as Attachment 3).						to				
				~II~	Instream	Water R	dight Inforn	nation			
2.3								0 <u>04</u> . (If the the the official term			en

~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



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	1414	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page r	number o				0 pages; identify	priority date	if there is
1.	16	12	18	sese	01700	10.00	Sup Jo 74		13	10/29/191
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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

Total number of acres, if fo	or irrigation, by certifica	te and priority date:	10.00
Acre-feet of storage, if app	licable:		

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Instream Lease

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WATER RESOURCES DEPT SALEM, OREGON

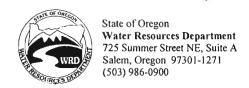
Section 1.1 continued from Pooled Leasing Landowner Form.

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

	T	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page r	number o			e is greater than 1 er certificate)	0 pages; identify	priority date	if there is
1.	16	12	18	sese	01700	10.00	Sup Jo reli	74149		1905
2.										_
3.										
4.										
5.										
6.										
7.		_								
8.										
9.										
10.										

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

Total number of acres, if for irrigation, by certificate and priority date:	10.00
Acre-feet of storage, if applicable: 3.50	



Instream Lease

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APR 26 2004

Section 1.1 continued from Pooled Leasing Landowner Form.

WATER RESOURCES DEPT SALEM. OREGON

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

	T	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertine	ent page r	number o	f certificate, more	if certificate than one p	e is greater than ler certificate)	0 pages; identify	priority date	e if there is
1.	16	12	18	sese	01700	10.00	Sup Jo	74148	12	4/7/1911
2.										
3.										
4.										
5.										
6.									-	
7.				1						
8.										
9.			-							
10.										

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

Total number of acres, if for irrigat	tion, by certificate and priority date: _	10.00
Acre-feet of storage, if applicable:	53,00	





Instream Lease

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~**I**~

APR 26 2004

Section 1.1 continued from Pooled Leasing Landowner Form.

WATER RESOURCES DEPT SALEM, OREGON

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

	T	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s)#	Priority*
	*(Ident	ify pertine	ent page r	number o				0 pages; identify	priority date	e if there is
1.	16	12	18	sese	01700	10.00	Sup Jo 141	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		

PAGE SIXTEEN

NW 1/4 SW 1/4 2200 7.10 8.80 Elder, Dale & Barbara Selfer, Dale & Barbara Boone, Daniel & Corinna Elder, Dale & Barbara Boone, Daniel & Corinna SW 1/4 SW 1/4 2800 3.60 Everson, Del & Ruth Anne Roberts, John & Dana SW 1/4 SW 1/4 3000 3.49 SW 1/4 SW 1/4 3100 5.00 McLaughlin, Margaret SW 1/4 SW 1/4 3100 5.00 McLaughlin, Margaret Baker, Sue S. Francis, Douglas & Cheryl SE 1/4 SW 1/4 2602 1.00 McLaughlin, Margaret Baker, Sue S. Francis, Douglas & Cheryl SE 1/4 SW 1/4 2602 1.00 McLaughlin, Margaret Baker, Sue S. Francis, Douglas & Cheryl Keener, Marilynn M. NE 1/4 SE 1/4 2501 0.60 McLaughlin, Margaret McLaughlin, Margaret McLaughlin, Margaret McLaughlin, Margaret Baker, Sue S. Francis, Douglas & Cheryl Keener, Marilynn M. NE 1/4 SE 1/4 2501 0.60 McLaughlin, Margaret McLaughlin, Mar						
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NE 1/4 SE 1/4		NE 1/4 SE 1/4	2500	14.90	Loomis, Susan	RECEIVED
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SE 1/4 SW 1/4 NE 1/4 SE 1/4 600 15.00 Manis, Noel & Susan NE 1/4 SE 1/4 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 Cheney, Dale & Judith Latham, Deborah K. SE 1/4 SE 1/4 1700 SE 1/4 SE 1/4 1700 SE 1/4 SE 1/4 1701 11.30 Bowers, Wayne & Margey SE 1/4 SE 1/4 1800 4.00 Parker, Thomas & Peggy		SE 1/4 SW 1/4	1200	4.50	Miller, Cy	
NE 1/4 SE 1/4 NE 1/5 SE 1/4 SE 1/4 NE 1/5 SE 1/4 SE 1/4 NE 1/5 SE 1/4 SE 1/4 NE 1/6 SE 1/6 SE 1/6 NE 1/5 SE 1/6 SE 1/6 NE 1/6 1/6 SE 1/6 N		SE 1/4 SW 1/4	1201	9.00	Goldman, William & La	urel
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NW 1/4 SE 1/4 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 7.46-1.100 Latham, Deborah K. SE 1/4 SE 1/4 1700 SE 1/4 SE 1/4 1701 11.30 Bowers, Wayne & Margey SE 1/4 SE 1/4 1800 4.00 Parker, Thomas & Peggy		NE 1/4 SE 1/4	600	15.00	Manis, Noel & Susan	
NW 1/4 SE 1/4 SW 1/4 SE 1/4 SW 1/4 SE 1/4 1400 3.00 Covell, Charles & Susan SW 1/4 SE 1/4 SW 1/4 SE 1/4 1401 4.00 Grimshaw, Max & Betty SW 1/4 SE 1/4 1/		NE 1/4 SE 1/4	601	15.70	Towner, Earl & Judith	
SW 1/4 SE 1/4 SW		NW 1/4 SE 1/4	// 700	16.00	Gould, Annunziata O.	·,
SW 1/4 SE 1/4 SW 1/4 SE 1/4 1402 3.00 Wilson, Darrel & Elizabeth SW 1/4 SE 1/4 SW 1/4 SE 1/4 1500 7.00 SW 1/4 SE 1/4 1		NW 1/4 SE 1/4	701	9.00	Pearson, David & Wyon	a
SW 1/4 SE 1/4 SW 1/4 SE 1/4 1403 4.00 Riegel/Burton, Gregg & Gail SW 1/4 SE 1/4 SW 1/4 SE 1/4 1500 7.00 Arnold, David & Becky Cheney, Dale & Judith SW 1/4 SE 1/4 SE 1/4 1600 10.5 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		SW 1/4 SE 1/4	1400	3.00	Covell, Charles & Susan	
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SE 1/4 SE 1/4 1700 10.5 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				A AND MENTS OF	73	
SE 1/4 SE 1/4 1701 11.30 Bowers, Wayne & Margey SE 1/4 SE 1/4 1800 4.00 Parker, Thomas & Peggy				The state of the s		
SE 1/4 SE 1/4 1800 4.00 Parker, Thomas & Peggy						ey
, CC;						



Application for Short-Term

Instream Lease

Attachment 5: Pooled Landowner Form

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

	nal Identification by Lessor/Lessee: <u>L04.20</u> Agreement Number (assigned by WRD):	
This I	Lease Agreement is between:	
	r #1 (Landowner):	
•	e) <u>Lillegard Rev. Living Trust, Stephen & Sheryl Lillegard, Trustees</u> ing address) 19425 White Horn Lane	RECEIVE
City,	State, Zip Code) Bend, OR 97701	APR 2 6 2004
(Telep	bhone number) (541)312-3771	
If add	itional landowners, enter landowner information below	WATER RESOURCES D SALEM, OREGON
form.	The numbering associated with this form corresponds to that found on the "Standard The "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the sard Instream Lease Application" form. Consequently, the numbering on this form is	same information as the not always sequential.
	~I~ Ownership and Water Right Informatio	n
1.1	Lessor #1 is the owner, or authorized agent for owner of property local Range 11, Section 13 and Tax Lot number 00902. If the water right lands is also appurtenant to lands owned by others, then Attachment lessor's property) needs to be included.	t appurtenant to these
1.3	For the lands being leased, list all water rights appurtenant to the les there are any supplemental or overlying rights.	sor's property. Indicate if
	Certificate No. Primary 74146, Supplemental 74147, 74148, 74149.	, 76520
1.4	Are some or all of the lands being leased part of a Conservation Res Program. ☐ Yes ☐ No	erve Enhancement
1.5	Subject Water Rights. Landowner proposes to lease the water right attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or attached). (Crosshatch the area of water rights being leased). Attached map(s) multiple Township, Range, Section and 1/4 1/4, tax lot number, map orientation and scale.	an additional map may be

WATER RESOURCES DEPT SALEM, OREGON

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

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

3.4

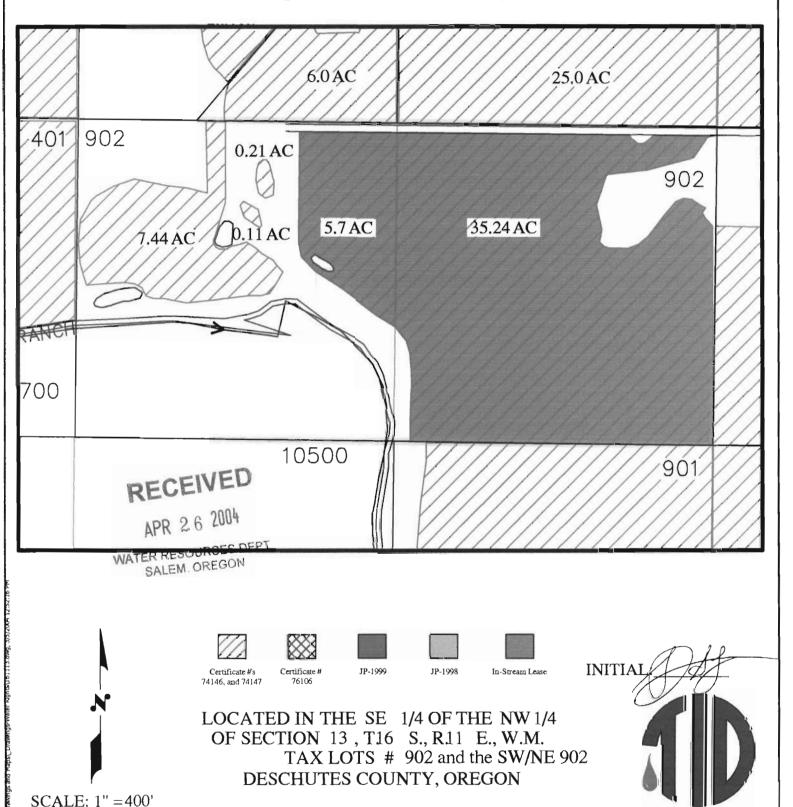
	to t	water allowed under the subject water rights and under any water right that is supplemental he subject water rights. In the event that a supplemental water right is not part of this se, it may be subject to forfeiture.	
3.5	Ter	For multiyear leases, lessor <i>shall</i> have the option of terminating the lease each year, prior to the lease being exercised (
3.6	2.2 use	dification to prevent injury. Allocation of water to the instream use described in Section during the term of this lease is not reasonably expected to cause injury to other rights to water from the same source. If injury is found after this lease is signed, the lease may be dified or terminated to prevent injury.	
Lessor Lillega			
	en		
		e ard Trustee	
For ad	ditio	nal Lessors, type in space for signature and date	
Lessee Tumal		igation District	
Other_	<u>Attac</u>	chments As Needed:	
Exhibi Exhibi		1 2	i
Exhibi	t 5-C	· · · · · · · · · · · · · · · · · · ·	
Exhibi ——	t 5-D	D: Split Season Instream Use Form RECEIVI	
		APR 2 6 200	14

EXHIBIT 5-A & 5-B L 04.20

TUMALO IRRIGATION DISTAICT IN-STREAM LEASED WATER RIGHTS SURVEY

FOR

Lillegard Revocable Living Trust



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*
	*(Iden	tify pertin	ent page r	number o			e is greater than 1 per certificate)	0 pages; identify	priority date	if there is
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
- RECEIVED

 APR 2 6 2004

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

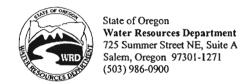
WATER RESOURCES DEPT SALEM. OREGON

~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



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	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page 1	number o			e is greater than 1 er certificate)	0 pages; identify	priority date	e if there is
1.	16	11	13	senw	00902	5.70	sup Jondina	74147	2	10/29/191
2.	16	11	13	swne	00902	35.24	sup 1	74147	2.	10/29/191
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:	





Instream Lease

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

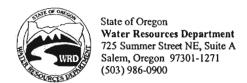
Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached). (Crosshatch the area of water rights being leased).

	T	R	Sect	14 14	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page i	number of			e is greater than 1 er certificate)		priority date	e if there is
1.	16	11	13	senw	00902	5.70	sup Jo	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 1/4 1/4, tax lot number, map orientation and scale.]

Total number of acres, if for irrigation, by certif	ficate and priority date:	4094
Acre-feet of storage, if applicable: 1433	_	





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).

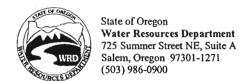
	T	R	Sect	14 14	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page i	number o	f certificate,	if certificate than one p	er certificate)	0 pages; identify	priority date	e if there is
1.	16	11	13	senw	00902	5.70	sup Jo 72	74148	2	4/7/1911
2.	16	11	13	swne	00902	35.24	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: 316.99





Instream Lease

~]~

Section 1.1 continued from Pooled Leasing Landowner Form.

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

	T	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page 1	number o			e is greater than 1 er certificate)	la.	priority date	e if there is
1.	16	11	13	senw	00902	5.70	sup 107414	76520	5/4	12/8/1961
2.	16	11	13	swne	00902	35.24	sup U	76520	5/4	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:	40.94
Acre-feet of storage, if applicable: >37.46_	

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APR 26 2004



Application for Short-Term

Instream Lease

Attachment 5: Pooled Landowner Form

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

	onal Identification by Lessor/Lessee: <u>L04.21</u> e Agreement Number (assigned by WRD):	_
	Lease Agreement is between:	-
(Nam (Mail (City (Tele	or #1 (Landowner): ne) Maxwell, Melody ling address) 65245 Cline Falls Road , State, Zip Code) Bend, OR 97701 phone number) (541)385-7424 ditional landowners, enter landowner information below	APR 2 6 2004 WATER RESOURCES DEPT SALEM, OREGON
form.	The numbering associated with this form corresponds to that found on the "Standa The "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the dard Instream Lease Application" form. Consequently, the numbering on this form	e same information as the is not always sequential.
	~I~ Ownership and Water Right Informat	ion
1.1	Lessor #1 is the owner, or authorized agent for owner of property Range 12, Section 19 and Tax Lot number 1900/2400. If the water lands is also appurtenant to lands owned by others, then Attachmelessor's property) needs to be included.	er right appurtenant to these
1.3	For the lands being leased, list all water rights appurtenant to the lease are any supplemental or overlying rights.	essor's property. Indicate if
	Certificate No. Primary 74147, 76106, Supplemental 74148, 7414	9, 76520
1.4	Are some or all of the lands being leased part of a Conservation Re Program. ☐ Yes ☐ No	eserve Enhancement
1.5	Subject Water Rights. Landowner proposes to lease the water rigattached as Exhibit 5-B (this information may be included on Exhibit 5-A, attached). (Crosshatch the area of water rights being leased). Attached map(s) Township, Range, Section and 1/4 1/4, tax lot number, map orientation and scale.	or an additional map may be

3.3	to an	n instro	eam use under	ORS 537.348 be required, as	and OAR 690 nd a prior shor	0-077- 0070 t term lease	be leased again or tra or OAR 690-077-00 shall not set a preced	75 a
3.4	of w	vater a	llowed under t	he subject wa s. In the ever	ter rights and ı	ander any w	owner agrees to suspender right that is supper right is not part of	lemental
3.5	Ter	For m to the Depa differ Purve the le	e lease being extrement providerent than Depa eyor, or Lessee ease agreement	s, lessor shall dercised (ation District, lessor must co han Departme	with 30 day Other Wate ntact the Irr nt) to indica ption of terr	written notice to the r Purveyor or Lessee igation District, Othe te their interest in terminating the lease each pepartment.	(if r Water minating
	2.2 use mod	during water	the term of the from the same or terminated the	is lease is not source. If in o prevent inju	reasonably ex jury is found a ry.	pected to ca fter this leas	ream use described in tuse injury to other right se is signed, the lease $3 - 14 - 0$	ghts to may be
For ad	ditio	nal Le	ssors, type in s	pace for signa	ature and date	Date:		
						Date		
Lessee Desch		Resou	rces Conserva	ncy		Date: _		
Other Exhibi Exhibi Exhibi	t 5-A t 5-B t 5-C	A: 3: C:	Detailed map may be combin Supporting d forfeiture eve consecutive y checked)	ed into a single rocumentation though the	ands under sub nap] indicating wh right has not b I if the second	y a right is v	o be leased [Exhibits 5- valid and not subject ed for five or more ion 1.6 of this form is	to

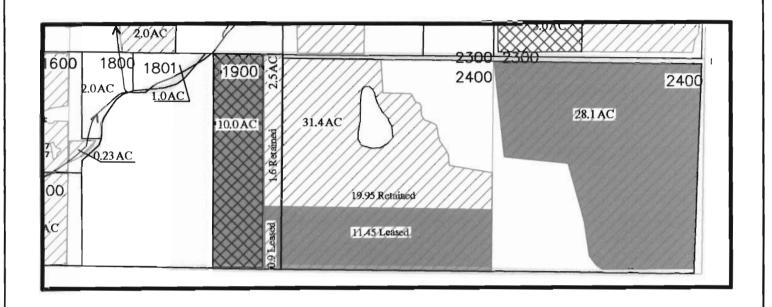
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EXHIBIT 5-A & 5-B L 04.21

TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY FOR

Maxwell, Melody



RECEIVED

APR 26 2004

WATER RESOURCES DEPT SALEM, OREGON















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



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

	T	R	Sect	14 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Iden	tify pertine	ent page r	number o			e is greater than 1 per certificate)	0 pages; identify	priority date	if there is
1.	16	12	19	sese	02400	28.10	Irr	74147	14	10/29/191 3
2.	16	12	19	swse	02400	11.45	Irr	74147	14	10/29/191 3
3.	16	12	19	sesw	01900	.90	Irr	74147	13	10/29/191 3
4.										
5.							21.7			

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

~II~ Instream Water Right Information

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.





Instream Lease

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

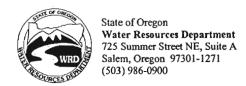
Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached). (Crosshatch the area of water rights being leased).

	T	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) # Priority*
	*(Ident	ify pertin	ent page 1	number o			er certificate)	1	priority date if there is
1.	16	12	19	sese	02400	28.10	Sup 10 1414	74149	1905
2.	16	12	19	swse	02400	11.45	Sup	74149	1905
3.	16	12	19	sesw	01900	.90	Sup 4	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:	4045
Acre-feet of storage, if applicable:	14.16	

APR 2 6 2004
WATER RESOURCES DEPT
SALEM OREGON



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).

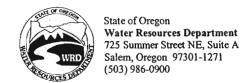
	T	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page r	number o			e is greater than 1 er certificate)	0 pages; identify	priority date	e if there is
1.	16	12	19	sese	02400	28.10	Sup to 741	74148	13	4/7/1911
2.	16	12	19	swse	02400	11.45	Sup	74148	13	4/7/1911
3.	16	12	19	sesw	01900	.90	Sup	74148	13	4/7/1911
4.	_									
5.										
6.										
7.										
8.						2754 L. C.				
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: 21439	

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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).

	Т	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page i	number o			e is greater than ler certificate)	7	priority date	e if there is
1.	16	12	19	sese	02400	28.10	Sup to The	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 1	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 irrigati	on, by certificate and priority date:	40.45
Acre-feet of storage, if applicable:	234.61	

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Instream Lease

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

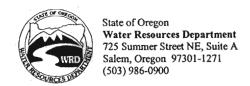
Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached). (Crosshatch the area of water rights being leased).

	T	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page i	number o			e is greater than 1 er certificate)	0 pages; identify	priority date	e if there is
1.	16	12	19	sesw	01900	10.00	ltr	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 1/4 1/4, tax lot number, map orientation and scale.]

Total number of acres, if for irrigation	n, by certificate and priority date: 10.0
Acre-feet of storage, if applicable:	99.10





Instream Lease

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

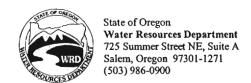
Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached). (Crosshatch the area of water rights being leased).

	T	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page 1	number o	f certificate, more	if certificate than one p	e is greater than ler certificate)	0	priority date	e if there is
1.	16	12	19	sesw	01900	10.0	Sup to 14	74149		1905
2.										
3.								I Property		
4.										
5.										
6.										
7.	-									
8.										
9.					_					
10.					 					

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

Total number of acres, if for irrigation,	by certificate and priority date:	10.00
Acre-feet of storage, if applicable:	3.50	

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WATER RESOURCES DEPT
SALEM, OREGON



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	14 14	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page r	number of			is greater than 1 er certificate)		priority date	e if there is
1.	16	12	19	sesw	01900	10.0	Sup 40 7610	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	n, by certificate and priority date:	10.00
Acre-feet of storage, if applicable:		





Application for Short-Term

Instream Lease

Attachment 5: Pooled Landowner Form

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

Option	nal Identification by Lessor/Lessee: L04.22
Lease	Agreement Number (assigned by WRD):
This L	Lease Agreement is between:
	r #1 (Landowner):
`	e) Lamont, Mark & Kelly
`	ing address) 1311 NW Milwaukie Avenue
	State, Zip Code) Bend, OR 97701
(Telep	bhone number) (541)280-3181
If add	itional landowners, enter landowner information below
form.	The numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" The "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the same information as the ard 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. <u>Primary 74146, Supplemental 74147, 74148, 74149, 76520</u>
1.4	Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. Yes No
1.5	Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (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.
	DECEMED

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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. Suspension of original use. During the period of the lease, the owner agrees to suspend use 3.4 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. Kelly Lamo 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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EXHIBIT 5-A & 5-B

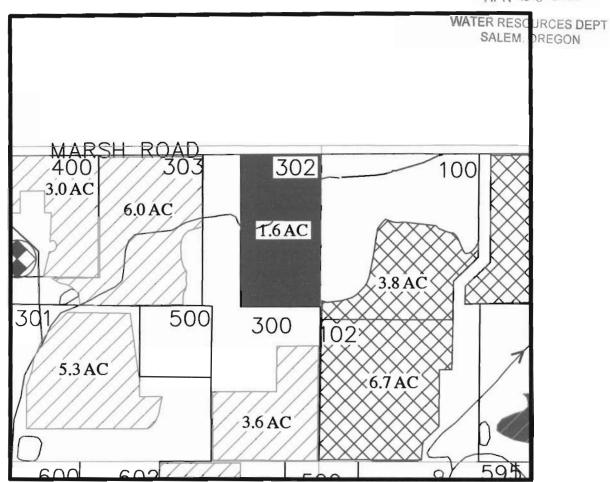
TULIALO IRRIGATION DISTLICT IN-STREAM LEASED WATER RIGHTS SURVEY

FOR

Lamont, Mark & Kelly

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INITIAL ME

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	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s)#	Priority*
	*(Iden	tify pertin	ent page r	number o			e is greater than 1 er certificate)	0 pages; identify	priority date	e if there is
1.	16	12	17	nwne	00302	1.60	Irr	74146	13	4/28/1905
2.										
3.										
4.										
5.										

		al number of acres, if for irrigation, by certificate and priority date: 1.60 re-feet of storage, if applicable:							
	Ad	ditional Subject Water Rights? ☑ (Please use Additional Landowner Infor	mation form.)						
	Co	nditions or other limitations, if any:	RECEIVE						
If yo	u need	to enter another leased right, please use the additional water rights form.	APR 26 2004						
1.6	Valid	lity of rights. Lessor(s) attests (mark one) that:	WATER RESOURCES (SALEM OREGON						
	\boxtimes	The water has been used over the past five years according to the terms a the owner's water right certificate or as an instream water right or							
The water has <u>not</u> been used over the past five years according to the terms and conditions of the owner's water right certificate, however the water right is not subject forfeiture under ORS 540.610(2)(_)(include necessary supporting documentation as Attachment 3).									
		~II~ Instream Water Right Information							
2.3	Te	cm of lease. This lease shall terminate on October 15, 2004 (If there	is a conflict hetween						

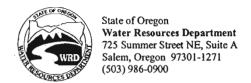
~III~ Other Information

the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

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

Page 13

SW1/4 SE1/4	1000	IR	0.2	Jungers, Frank & Julia				
SW1/4 SE1/4	900	IR	1.17	Jungers, Frank & Julia				
	Section 15			,				
NW1/4 NW1/4	400	IR	17.0	Hauxwell, Stanley & J	ean			
	Section 22				V.L.			
NE1/4 NE1/4	100	IR	37.8	Anliker, Mrs. R. J.				
NW1/4 NE1/4	205	IR	0.5	Pitmon, William & Eliz	zabeth			
NW1/4 SE1/4	800	IR	0.16	Hammack, Jonas				
	Section 25			, · · ·				
NW ¹ / ₄ NW ¹ / ₄	108	IR	5.1	Samuelson/Connell				
NW1/4 NW1/4	112	IR	4.0	Smith, Lawrence & Er	nilv			
NW1/4 NW1/4	115	IR	2.5	Karcher, William Jr. &	2			
NW1/4 NW1/4	116	IR	7.0	Morehen, Patricia				
SW1/4 SE1/4	500	IR	13.43	Guice, Thomas				
	Section 26		20110					
NE1/4 NE1/4	601	IR	3.0	Martin, Jack W.	RECEIVED			
SW1/4 SW1/4	400	IR	4.0	Hall, David & Joanne	I W. Steen Co. P. Steen H. W. Steen Ha			
	Section 27			, –	APR 26 2004			
Township 16 S	outh, Range 11	East, W.N	M.					
•	, ,	,		V	VATER RESOURCES DE SALEM, OREGON			
NW1/4 NE1/4	300	IR	1.1	Smith, Phillip & Darler	ne			
NW1/4 NE1/4	301	IR	0.3	Smith, Phillip & Darler				
NW1/4 NE1/4	302	IR /	1.62.6	Smith, Phillip & Darler	1.4545			
	Section 17	,	· r	,	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,			
NE1/4 SE1/4	2001	IR	1.7	Zapp, Martin & Joann				
	Section 19			11,				
SW1/4 NE1/4	2800	IR	2.0	Barlow, Steven & Jean	ette			
	Section 30			, =====================================				
The line 16 Co	with Range 12]	East W.N	1					



Instream Lease

~[~

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).

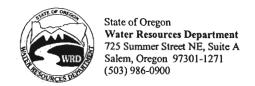
	T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page r	number of			The Carlotte of the Carlotte o	0 pages; identify	priority date	e if there is
1.	16	12	17	nwne	00302	1.60	Sup Land	74147	11	10/29/191
2.										
3.										
4.										
5.										
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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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	14 14	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page 1	number of				0 pages; identify	priority date	e if there is
1.	16	12	177	nwne	00302	1.60	Sup to	74149		1905
2.										
3.										
4.	,									
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7.		1								
8.	-									
9.						1				
10.										

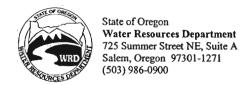
[Attached map(s) must identify property owner, Township, Range, Section and ¼ ¼, tax lot number, map orientation and scale.]

Total number of acres,	if for irrigation,	by certificate and	priority date:	1.40
Acre-feet of storage, if	applicable:	0,56		

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WATER RESOURCES DEPT SALEM OREGON



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*
	*(Ident	ify pertin	ent page i	number of	f certificate, more	if certificate than one p	e is greater than 1 er certificate)	6	priority date	e if there is
1.	16	12	17	nwne	00302	1.60	Sup Land	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	n, by certificate and priority date: _	. LD
Acre-feet of storage, if applicable:	8.48	

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APR 26 2004



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).

	Т	R.	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page 1	number o			e is greater than ler certificate)	0 pages; identify	priority date	if there is
1.	16	12	17	nwne	00302	1.60	Sup Jo 74'	76520	15	12/8/1961
2.										
3.							li de			
4.							No. 1991			
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	n, by certificate and priority date:	1.60
Acre-feet of storage, if applicable:	9.28	

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