



State of Oregon  
Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900

# Application for Instream Lease Pooled Lease Form

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

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

Optional Identification by Lessor/Lessee: SID - Split Season  
Lease Application Number (assigned by WRD): \_\_\_\_\_

This Lease is between:

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

Name Swalley Irrigation District  
Mailing address 64672 Cook Ave., Ste #1  
City, State, Zip Code Bend, OR 97701  
Telephone number 541-388-0658  
Email address kathy@swalley.com

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

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

Name Deschutes River Conservancy  
Mailing address P.O. Box 1560  
City, State, Zip Code Bend, OR 97701  
Telephone number 541-382-4077  
Email address gen@deschutesriver.org

**Trustee:**

Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
(503) 986-0900

**~I~ Water Right Holder and Water Right Information**

1.2 Lessor #2 is the (Check one):

- Official representative of Swalley Irrigation District, the irrigation district, which conveys water to the subject water rights.
- Another party with an interest in the subject water rights representing \_\_\_\_\_.
- Not applicable.

1.3 For the water right(s) being leased, list all water rights appurtenant to the same lands. Indicate if there are any supplemental or overlying rights.

Certificate No. 74145

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

1.5 **Water Rights Proposed to be Leased Instream.**

The first right to be leased identified in Section 1.3 is further described as follows:

Certificate No.: 74145

Priority date: Sept 1, 1899 Type of use: IRR

Legal Season of Use: April 1 to November 1

If an irrigation right, total number of acres to be leased: 89.85 acres IRR, 0.5 ac Pond

Total acre-feet of storage to be leased, if applicable: n/a

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

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

Season 1 (cfs) 0.843 cfs IRR, .005 cfs Pond Time period: Apr 1- May 1, Oct 1-Nov 1

Season 2 (cfs) 1.16 cfs IRR, .006 cfs Pond Time period: May 1- May 15, Sept 15-Oct 15

Season 3 (cfs) 2.127 cfs IRR, .012 cfs Pond Time period: May 15-Sept 15

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

723.50 ac-ft IRR, 4.03 ac-ft Pond

Conditions or other limitations, if any: \_\_\_\_\_

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

**~II~ Instream Water Right Information**

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

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

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

Deschutes River

Tributary to Columbia River in the Columbia Basin.

Describe the point of diversion (POD) and any associated reach(es) of the instream use being created. If possible list the reach by river mile. If no reach is identified, and there is only one POD listed on the certificate, the lease will be processed to be protected at the POD. (If more than one POD is listed on the certificate, then the POD and any associated reach(es) must be identified): Swalley Main Canal - SENE, Sect 29, T17S, R12E, W.M.; 985 feet North and 617 feet West from the East 1/4 corner of Sect 29 to the mouth of the Deschutes River at River Mile 0.

Maximum volume in acre-feet:

489.97 ac-ft IRR, 2.83 ac-ft Pond

Rate in cfs: Season 1: 0.617 cfs IRR, 0.003 cfs Pond

(If more than one rate, describe the rate associated within each time period or instream reach.)

Rate in cfs: Season 2: 0.826 cfs IRR, 0.005 Pond

Rate in cfs: Season 3: 1.531 cfs IRR, 0.009 Pond

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

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

- None
- The instream flow will be allocated on a daily average basis up to the described rate from \_\_\_\_\_ through \_\_\_\_\_.
- Other (describe): Submitted as Pooled District Split Season lease. Split Season form Attached

2.3 **Term of lease.** This lease shall terminate on November 1, 2008.

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) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified or terminated. The 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.** Lessor(s) and Lessee(s) agree to lease the water rights listed in Section(s) 1.5 for instream use for the term of this lease through Lessee to the Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077.

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

3.4 **Suspension of original use.** During the period of the lease, the water right holder 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.

3.5 **Termination provision.**

- For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
- Written notice to the Department with original signatures;

- Consent by all parties to the lease; and/or
  - Written notice to the Watermaster's office.
- For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

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

3.7 **Fees.** Pursuant to ORS 536.050, the following fee is included:

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

Lessor #2: Kathy Ferguson Date: 6-30-08  
Swalley Irrigation District

Lessee: Genevieve Hubert Date: 6-30-2008  
Deschutes River Conservancy

Other Attachments as Needed:

Attachment 1: Tax Lot Map. (See instructions.)

Attachment 2: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. (See instructions.)

Attachment 3: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 is checked).

Attachment 4: Split Season Instream Use Form

Attachment 5: Pooled Lease Water Right Holder Form

Attachment: Memo Regarding OWRD discussions w/ DRC about Pine Nursery Acres.



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# Application for Split Season Instream Lease

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89.85 ac IRR

- Attachment 4 (Standard Leasing Form).
- Attachment 5-D (Pooled Leasing Form).

The standard instream water right form or for pooled leases, the appropriate pooled lease forms, pursuant to ORS 537.348(2) and OAR 690-077 must also be filled out before a Split Season Use Instream Lease Application can be processed.

Note: Split season use lease applications must be submitted to the Department two weeks prior to water being used either for the existing purpose or for the proposed instream purpose. (OAR 690-077-0079)

**1. Existing and Instream Use Periods**

For the water right being leased instream, as described in Section 1.5, include monthly or partial season rate or duty limitations, if appropriate.

This section replaces the "Total volume, Rate in cfs, and Allowed period of use" portions of Section 2.2 on the standard or pooled instream leasing forms.

The water right will be used for its existing purpose from Sept. 15 to Oct. 1 and Oct. 1 to Nov. 1

The water right will be used for instream use period is from July 21 to Sept. 15

	Rate (cfs)		Conversion Factor 1 cfs = 1.983471 ac-ft/day		Number of days		Duty (ac-ft)
<b>Existing Use</b>	0.62	*	1.983471	*	31.00	=	38.12
use if needed	0.83	*	1.983471	*	16	=	26.34
use if needed		*	1.983471	*		=	0.00
<b>Instream Use</b>	1.53	*	1.983471	*	56	=	169.94
use if needed		*	1.983471	*		=	0.00
use if needed		*	1.983471	*		=	0.00
<b>Total</b>	n/a		n/a		n/a		235.80

**2. Measurement and Reporting**

The water right lessor or lessee shall contact the watermaster to determine the necessary measurement and reporting requirements associated with leasing a water right.

The holders of the water rights shall measure and report the use of the existing water right and instream water right to the satisfaction of the Director, or provide for third party measurement and reporting to the satisfaction of the Director. Pursuant to ORS 537.332(3), the Department holds instream water rights in trust for the benefit of the people of the State of Oregon.

(a) Location(s) and type(s) of measuring device(s): Swalley ID Main Diversion - Parshal Flume

(b) Frequency of measurement: Daily via telemetry on SID Main Canal gage and at DEBO gage on the Deschutes River

(c) Parties responsible for the respective measurements: Swalley Irrigation District

**This table will calculate flow rate factors and duty for Swalley Irrigation District  
Instream Leases & Transfers**

Canal Diversion - Enter Total Number of Acres to be Leased Instream Here →	<b>89.850</b>		
Direct Diversion - Enter Total Number of Acres to be Leased Instream Here →			
Starting Point - Direct Diversion total acres	<b>97.310</b>		
Starting Point - Canal Diversion total acres	<b>4433.625</b>		
Starting Point	Full Right	Direct Diversion only	Canal Diversion only
	Starting Point - Rate*	Starting Point - Rate	Starting Point - Rate
Season 1	<b>42.275</b>	<b>0.668</b>	<b>41.607</b>
Season 2	<b>58.143</b>	<b>0.895</b>	<b>57.248</b>
Season 3	<b>106.611</b>	<b>1.658</b>	<b>104.953</b>
Duty	<b>36232.100</b>	<b>531.371</b>	<b>35,700.73</b>

*Split Season 2  
IRR Acres*

\*Approximate starting point

**For Primary Water Right - Certificate 74145  
For Canal Diversion Only**

<b>Rate (CFS) associated with leased rights for Section 1.5 of the Lease Application Form</b>	Rate and duty identified in this section includes the 43% transmission loss allowed by decree		
	Full Rate	Duty (AF) associated with leased right for Section 1.5 of the Lease Application Form	
Season 1*			
Season 2*		Duty AF/Acre* =	<b>8.05</b>
Season 3*			

\* Note - The rates and duty identified have been proportion to prevent enlargement of the right and to reflect the amount at which the diversion should be reduced. (for example, S3 = starting canal rate divided by 4441.765 canal acres)

<b>Rates and volumes identified in this section do not include the 43% transmission loss</b>	<b>Volume (AF) leased instream for Section 2.2 of the Lease Application Form</b>		
<b>Rate (CFS) leased instream for Section 2.2 of the Lease Application Form</b>		Duty (decree) AF/Acre =	<b>5.46</b>
	Full Rate	Total =	<b>490.63</b>
		# of Days in each Season	AF/ Season
Season 1		61	74.65
Season 2		30	49.15
Season 3		123	373.51
			<b>497.31</b>

<b>Additional Conditions to Prevent Injury for Section 2.2 of the Lease Application Form</b>			
	# days	AF/Season	
Season 1*	55	67.31	
Season 2	30	49.15	
Season 3	123	373.51	
Season total =	208		Does not exceed duty
<b>Water protected instream: April 1 through October 25</b>			

\* Note - The number of days that water may be protected instream in Season 1 has been reduced on prevent enlargement of the right. The instream rates identified in this section are based upon the face value of the water right minus 43%.



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# Application for Split Season Instream Lease

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0.5 ac Pond

Attachment 4 (Standard Leasing Form).  
 Attachment 5-D (Pooled Leasing Form).

The standard instream water right form or for pooled leases, the appropriate pooled lease forms, pursuant to ORS 537.348(2) and OAR 690-077 must also be filled out before a Split Season Use Instream Lease Application can be processed.

Note: Split season use lease applications must be submitted to the Department two weeks prior to water being used either for the existing purpose or for the proposed instream purpose. (OAR 690-077-0079)

**1. Existing and Instream Use Periods**

For the water right being leased instream, as described in Section 1.5, include monthly or partial season rate or duty limitations, if appropriate.

This section replaces the "Total volume, Rate in cfs, and Allowed period of use" portions of Section 2.2 on the standard or pooled instream leasing forms.

The water right will be used for its existing purpose from Sept. 15 to Oct. 1 and Oct. 1 to Nov. 1

The water right will be used for instream use period is from July 21 to Sept. 15

	Rate (cfs)		Conversion Factor 1 cfs = 1.983471 ac-ft/day		Number of days		Duty (ac-ft)
<b>Existing Use</b>	0.003	*	1.983471	*	31.00	=	0.00, 18
use if needed	0.005	*	1.983471	*	16	=	0.00, 16
use if needed		*	1.983471	*		=	0.00
<b>Instream Use</b>	0.009	*	1.983471	*	56	=	0.00, 1.0
use if needed		*	1.983471	*		=	0.00
use if needed		*	1.983471	*		=	0.00
<b>Total</b>	n/a		n/a		n/a		0.00, 1.34

**2. Measurement and Reporting**

The water right lessor or lessee shall contact the watermaster to determine the necessary measurement and reporting requirements associated with leasing a water right.

The holders of the water rights shall measure and report the use of the existing water right and instream water right to the satisfaction of the Director, or provide for third party measurement and reporting to the satisfaction of the Director. Pursuant to ORS 537.332(3), the Department holds instream water rights in trust for the benefit of the people of the State of Oregon.

(a) Location(s) and type(s) of measuring device(s): Swalley ID Main Diversion

*Parshal Flume*

(b) Frequency of measurement: Daily via telemetry on SID Main Canal gage and at DEBO gage on the Deschutes River

(c) Parties responsible for the respective measurements: Swalley Irrigation District

**This table will calculate flow rate factors and duty for Swalley Irrigation District  
Instream Leases & Transfers**

Canal Diversion - Enter Total Number of Acres to be Leased Instream Here →	0.500		
Direct Diversion - Enter Total Number of Acres to be Leased Instream Here →			
Starting Point - Direct Diversion total acres	97.310		
Starting Point - Canal Diversion total acres	4433.625		
Starting Point	Full Right	Direct Diversion only	Canal Diversion only
	Starting Point - Rate*	Starting Point - Rate	Starting Point - Rate
Season 1	42.275	0.668	41.607
Season 2	58.143	0.895	57.248
Season 3	106.611	1.658	104.953
Duty	36232.100	531.371	35,700.73

*Split Season 2  
Pond Acres*

\*Approximate starting point

**For Primary Water Right - Certificate 74145  
For Canal Diversion Only**

Rate (CFS) associated with leased rights for Section 1.5 of the Lease Application Form	Rate and duty identified in this section includes the 43% transmission loss allowed by decree		
	Full Rate	Duty (AF) associated with leased right for Section 1.5 of the Lease Application Form	
Season 1*			
Season 2*		Duty AF/Acre* =	8.05
Season 3*			

\* Note - The rates and duty identified have been proportion to prevent enlargement of the right and to reflect the amount at which the diversion should be reduced. (for example, S3 = starting canal rate divided by 4441.765 canal acres)

Rates and volumes identified in this section do not include the 43% transmission loss	Volume (AF) leased instream for Section 2.2 of the Lease Application Form		
Rate (CFS) leased instream for Section 2.2 of the Lease Application Form	Duty (decree) AF/Acre =		5.46
	Full Rate	Total =	2.73
		# of Days in each Season	AF/ Season
Season 1		61	0.36
Season 2		30	0.30
Season 3		123	2.20
			2.86

<b>Additional Conditions to Prevent Injury for Section 2.2 of the Lease Application Form</b>			
	# days	AF/Season	
Season 1*	55	0.33	
Season 2	30	0.30	
Season 3	123	2.20	
Season total =	208		Does not exceed duty
<b>Water protected instream: April 1 through October 25</b>			

\* Note - The number of days that water may be protected instream in Season 1 has been reduced on prevent enlargement of the right. The instream rates identified in this section are based upon the face value of the water right minus 43%.



**This table will calculate flow rate factors and duty for Swalley Irrigation District  
Instream Leases & Transfers**

Canal Diversion - Enter Total Number of Acres to be Leased Instream Here →	90.350		
Direct Diversion - Enter Total Number of Acres to be Leased Instream Here →			
Starting Point - Direct Diversion total acres	97.310		
Starting Point - Canal Diversion total acres	4433.625		
Starting Point	Full Right	Direct Diversion only	Canal Diversion only
	Starting Point - Rate*	Starting Point - Rate	Starting Point - Rate
Season 1	42.275	0.668	41.607
Season 2	58.143	0.895	57.248
Season 3	106.611	1.658	104.953
Duty	36232.100	531.371	35,700.73

Split Season 2  
total Acres

\*Approximate starting point

**For Primary Water Right - Certificate 74145  
For Canal Diversion Only**

Rate (CFS) associated with leased rights for Section 1.5 of the Lease Application Form	Rate and duty identified in this section includes the 43% transmission loss allowed by decree
Full Rate	Duty (AF) associated with leased right for Section 1.5 of the Lease Application Form
Season 1*	
Season 2*	Duty AF/Acre* = 8.05
Season 3*	

\* Note - The rates and duty identified have been proportion to prevent enlargement of the right and to reflect the amount at which the diversion should be reduced. (for example, S3 = starting canal rate divided by 4441.765 canal acres)

Rates and volumes identified in this section do not include the 43% transmission loss	Volume (AF) leased instream for Section 2.2 of the Lease Application Form	
Rate (CFS) leased Instream for Section 2.2 of the Lease Application Form	Duty (decree) AF/Acre = 5.46	
Full Rate	Total = 493.37	
	# of Days in each Season	AF/ Season
Season 1	61	75.01
Season 2	30	49.45
Season 3	123	375.71
		500.17

**Additional Conditions to Prevent Injury for Section 2.2 of the Lease Application Form**

	# days	AF/Season	
Season 1*	55	67.64	
Season 2	30	49.45	
Season 3	123	375.71	
Season total =	208		Does not exceed duty
<b>Water protected instream: April 1 through October 25</b>			

\* Note - The number of days that water may be protected instream in Season 1 has been reduced on prevent enlargement of the right. The instream rates identified in this section are based upon the face value of the water right minus 43%.



**DESCHUTES RIVER  
CONSERVANCY**

**MEMORANDUM**

**June 27, 2008**

**To: Oregon Water Resources Department**  
**From: Genevieve Hubert, Deschutes River Conservancy**  
**Re: Bend Metro Parks and Recreation Dept., Pine Nursery Lease**

**Background**

A majority of the Bend Pine Nursery property was sold to the Bend Metro Parks and Recreation Department (BMPR) by the U. S. Forest Service. In 2006, BMPR submitted a 5-year instream lease (L-746) for the a large portion of the Pine Nursery water, minus a number of acres retained to continue to water strips of trees. The nursery water rights are listed on the Swalley Certificate #74145 as acre-equivalents (pg 1, pg 23).

Since the submission of L-746, BMPR has determined that they would like to lease all of the water at the Nursery, excluding the strips of trees that are still being irrigated. The water that is still available to lease is in T17S, R12E, Section 22, SENE, tax lot 102. In addition the map for a portion of the BMPR L-746 does not correctly represent the water right on the ground. This inaccurately mapped area is in T17 S, R12E, Section 23, NWNW, tax lot 1802. A correcting map for this particular QQ will be submitted at the same time as the new lease acres for the Pine Nursery.

**Existing Lease L-746**

The inaccurate map for 171223 NWNW 01802 will be updated with a new map. The number of acres leased (13.56 acres) and remaining for use (1.62 acres) in this QQ and tax lot will not change. Per conversations with Laura Snedaker, Oregon Water Resources Department (OWRD), *this map will be added to the state's file for L-746 correcting the originally submitted map.*

**New BMPR Lease**

BMPR will lease additional acres in 171222 SENE 00102. Swalley Certificate #74145 lists 30.4 and 40.0 acres, for a total of 70.4 acre-equivalents in this specific QQ. Currently, 25.8 acre-equivalents are being leased by BMPR in L-746 with 4.6 acres remaining to water strips of trees. BMPR would like to lease as much of the additional 40.0 acre-equivalents as possible while still watering the strips of trees in this SENE QQ. Per conversations with Laura Snedaker and Bob Rice of OWRD, who also consulted with Greg Nelson of OWRD – the additional acres to be leased will be calculated based off the total acre-equivalents per acre in this QQ minus the strips of trees being irrigated.

**Action:**

- 1.) Map correction (highlighted dark grey in Table 1) for 171223 NWNW 01802 for current instream L-746.
- 2.) Instream lease the additional acres in 172322 SENE 00102 with no change to the acres currently leased in L-746. Retain irrigation on the strips of trees in the SENE QQ. Lease an additional 33.95 acre equivalents from 25.8 acres of the SENE QQ. Retain 6.05 acre equivalents to continue to irrigate strips of trees as shown on L-746 (highlighted light grey in Table 1).
- 3.) Lease additional acres in 171223 SWNW and NWNW 01800.

**Table 1. Pine Nursery Water Rights and lease acre-equivalent calculations.**

**BMPR - Pine Nursery Acres**

T (S)	R (E)	S	QQ	TL	Total Ac	<i>Acres IS L-746*</i>	Acres for IRR use	Notes
17	12	22	NENE	102	31.30	<i>23.49</i>	7.81	no change
17	12	22	NWNE	102	17.00	<i>14.97</i>	2.03	no change
17	12	22	SWNE	102	7.90	<i>5.35</i>	2.55	no change
17	12	22	SENE	102	30.40	<i>25.80</i>	4.60	acre equiv. for approx 30.4 ac
17	12	22	SENE	102	40.00	<i>33.95</i>	6.05	lease but retain IRR for tree strips
17	12	23	NWNW	<i>1802/1800</i>	21.60	<i>13.56</i>	1.62	tax lot 1802 correcting map
17	12	23	NWNW	1800/1802		6.42	0.00	USFS to lease tax lot 1800
17	12	23	SWNW	1802/1800	8.80	2.64	0.00	BMPRD to lease tax lot 1802
17	12	23	SWNW	1800/1802		6.16	0.00	USFS to lease tax lot 1800
Totals					157.00	132.34	24.66	

*\*Italicized acres are currently instream in L-746*

**How to lease the correct amount of the 40.0 acre equivalents in 171222SENE tax lot 102**

- 1.) 70.4 acres of water applied to 30.4 acres of land.  $70.4/30.4 = 2.3158$  irrigation acre equivalents per acre
- 2.) Currently leasing 25.8 acres of the 30.4 acres listed for QQ - leaving 4.6 acres to irrigate trees.
- 3.)  $30.4 \text{ acre equiv}/30.4 \text{ acres land} = 1.0 \text{ acre equivalents per acre}$
- 4.)  $40 \text{ acre equiv}/30.4 \text{ acres land} = 1.3158 \text{ acre equivalents per acre}$  (plus the 1.0 acre equiv/ac = 2.3158 as listed in #1)
- 5.) 4.6 acres in trees to continue to be watered.  $1.3158 \text{ ac/equiv} * 4.6 = 6.05 \text{ acre equiv}$  to use for irrigation
- 6.) 25.8 acres to remain dry.  $1.3158 \text{ ac equiv} * 25.8 = 33.95 \text{ acre equiv}$  to be leased instream

**Cross check the amount to be leased in #6 above**

$70.4 \text{ ac equiv}/30.4 \text{ acres} = 2.3158$

Irrigate 25.8 acres, water 4.6 acres

Lease 25.8 ac \* 2.3158 ac eq = 59.75 ac eq minus the 25.8 ac eq already leased = 33.95 ac eq to lease instream

Irrigate 4.6 ac \* 2.3158 ac eq = 10.65 ac eq minus the 4.6 ac eq already in use = 6.05 ac eq additional to be used



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## Attachment 5: Pooled Water Right Holder Form

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

Optional Identification by Lessor/Lessee: \_\_\_\_\_  
Lease Application Number (assigned by WRD): \_\_\_\_\_

This Lease is with:

**Lessor #1 (Water Right Holder):**

Name Bend Metro Parks and Recreation District  
Mailing address 1675 SW Simpson  
City, State, Zip Code Bend, OR 97702  
Telephone number 541-389-7275  
Email address Dave Crowther / dave@bendparksandrec.org

If additional water right holders, enter water right holder information below

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

### -I- Water Right Holder and Water Right Information

1.1 Lessor #1 is the water right holder, or authorized agent for property described in Section 1.5. If the water right appurtenant to these lands is also appurtenant to lands owned by others who are not included in this application, then Attachment 1 (tax lot map), needs to be included.

1.3 For the water right(s) being leased, list all water rights appurtenant to the same lands. Indicate if there are any supplemental or overlying rights.

Certificate No. 74145

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

1.5 **Water Right(s) Proposed to be Leased Instream.** Water right holder proposes to lease the water rights shown on the map attached as Exhibit 5-B and described as follows:  
[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 water right holder, township, range, section and 1/4, tax lot number, map orientation and scale.]

T	R	Sec	Lot	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority	
*(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	12	23	swnw	1802	2.64	IRR	74145	23	1899
2.	17	12	22	seve	102	33.95	IRR	74145	23	1899
3.	17	12	17	svse	7400	1.5	IRR	74145	21	1899
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 1.5 ac IRR & 36.59 ac Nursery - total 38.09 ac, 1899 priority

There have been lot line adjustments or lot divisions on tax lots 1802, 102 and 7400 since issuance of the 3111 Certificate 74145. Adjustments explained in attachment

Conditions or other limitations, if any: \_\_\_\_\_

If you need to enter another leased right, please use the Additional Water Right Form for Pooled Water Right Holder.

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

**~II~ Instream Water Right Information**

**2.3 Term of lease.** This lease shall terminate on November 1, 2008. (If there is a conflict between the Pooled Lease Form and this form, the Pooled Lease Form will be the official term of the lease.)

**~III~ Other Information**

**3.1 Accuracy.** The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified or terminated. The 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.** Lessor(s) and Lessee(s) agree to lease the water rights listed in Section(s) 1.5 for instream use for the term of this lease through Lessee to the Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077.

- 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 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.
- 3.4 **Suspension of original use.** During the period of the lease, the water right holder 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.
- 3.5 **Termination provision.**
  - For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
    - Written notice to the Department with original signatures;
    - Consent by all parties to the lease; and/or
    - Written notice to the Watermaster's office.
  - For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.
- 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.

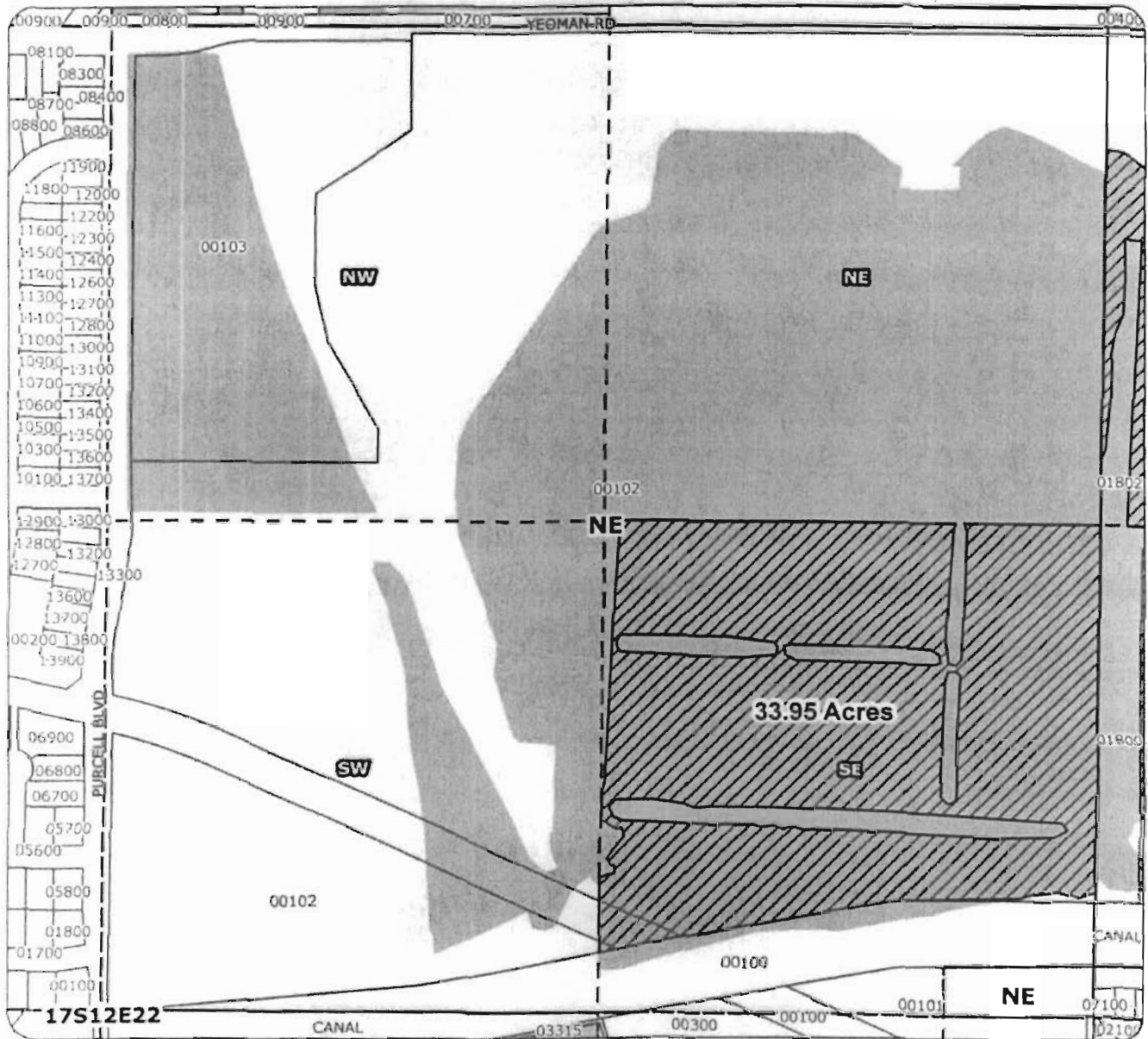
Lessor #1: Don A. Hartman Date: 6-27-08  
Bend Metro Parks and Recreation District

For additional Lessors, type in space for signature and date  
Swalley Irrigation District

Other Attachments As Needed:



- Exhibit 5-A: Tax Lot Map. (See instructions.)
- Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.)
- 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

# 2008 Swalley Irrigation District Instream Lease Map



## Application for Instream Lease

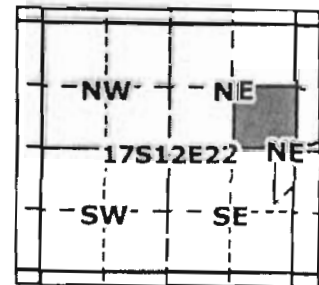
for  
 Bend Metro Parks and Recreation District  
 Bend Pine Nursery  
 taxlot 102- 33.95 acre equivalence  
 in 171222SENE  
 6.05 acre equivalence remaining  
 in taxlot 102 in 171222SENE  
 Total Lease of 33.95 Acres

-  Proposed Lease of Irrigation Rights
-  Water Rights



**Geo-Spatial Solutions, Inc.**  
[www.geospatialolutions.com](http://www.geospatialolutions.com)

Date Created: June 2008



1 inch equals 400 feet

# 2008 Swalley Irrigation District Instream Lease Map



## Application for Instream Lease

for

Bend Metro Parks and Recreation District

Bend Pine Nursery

taxlot 1802- 13.56 acres (revision of existing lease) (L-746)  
in 171223NWNW

1.62 acres remaining

in taxlot 1802 in 171223NWNW

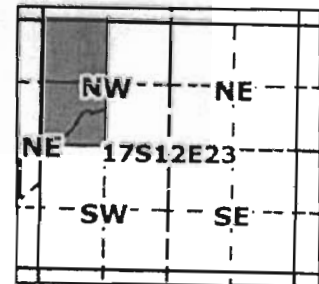
taxlot 1802- 2.64 acres (new application)

in 171223SWNW

0 acres remaining

in taxlot 1802 171223SWNW

Total Lease of 16.2 Acres



Proposed Lease of Irrigation Rights

Water Rights



Geo-Spatial Solutions, Inc.

[www.geospatialsolutions.com](http://www.geospatialsolutions.com)

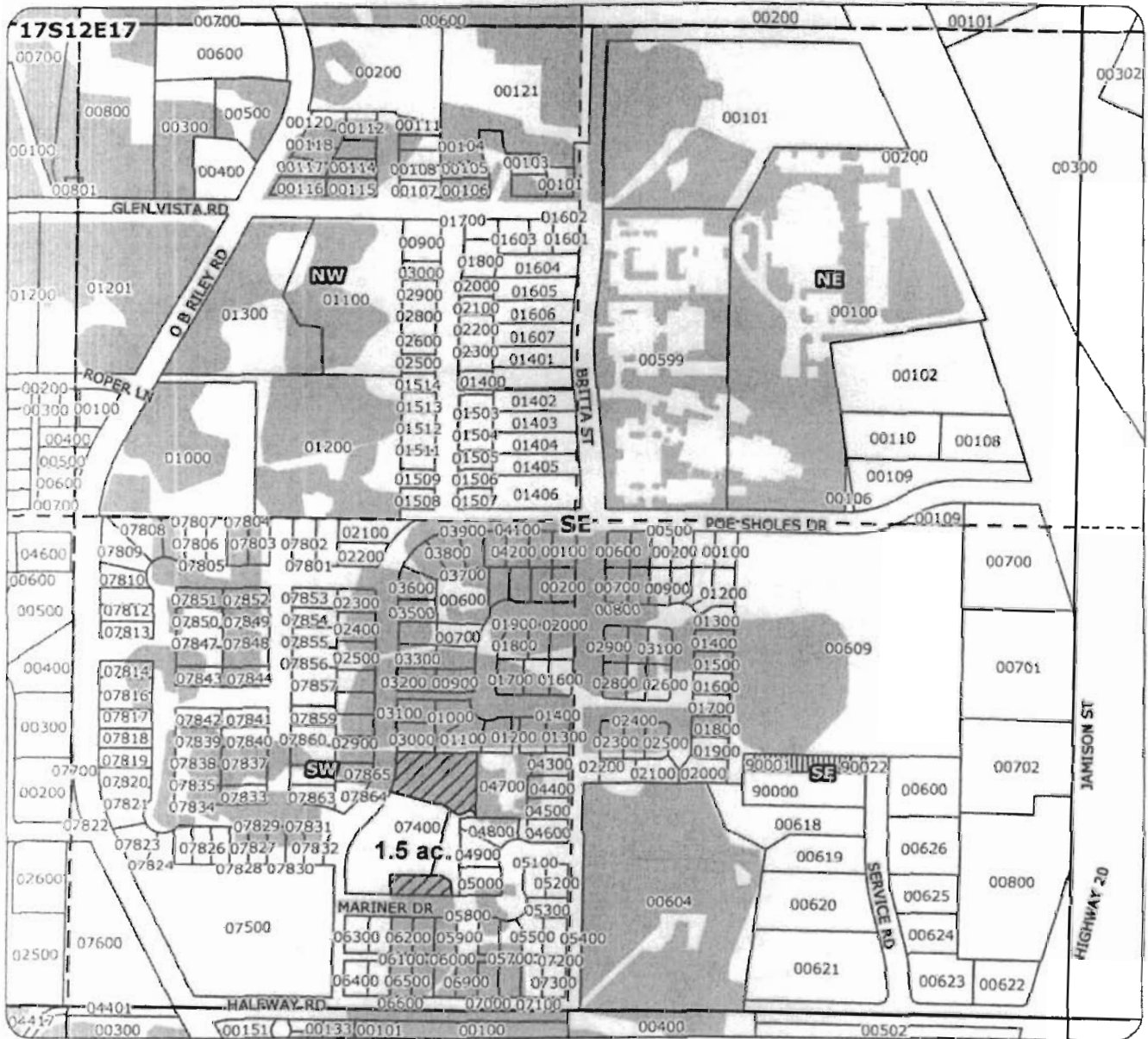
Date Created: June 2008



1 inch equals 400 feet





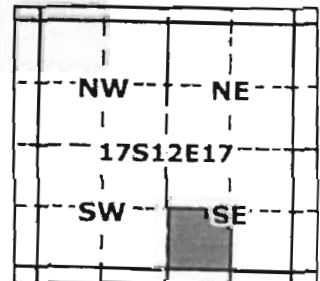
# 2008 Swalley Irrigation District Instream Lease Map



## Application for Instream Lease

for  
 Bend Metro Parks and Recreation District  
 Harvest Park  
 taxlot 7400 - 1.5 acres  
 in 171217SWSE  
 0 acres remaining in taxlot  
 Total Lease of 1.5 Acres

-  Proposed Lease of Irrigation Rights
-  Water Rights



Geo-Spatial Solutions, Inc.

[www.geospatialolutions.com](http://www.geospatialolutions.com)

Date Created: June 2008



1 inch equals 400 feet



**DESCHUTES RIVER  
CONSERVANCY**

**MEMORANDUM**

June 27, 2008

To: Oregon Water Resources Department  
From: Genevieve Hubert, Deschutes River Conservancy

Re: Bend Metro Parks and Recreation Dept., Pine Nursery Lease

**Background**

A majority of the Bend Pine Nursery property was sold to the Bend Metro Parks and Recreation Department (BMPR) by the U. S. Forest Service. In 2006, BMPR submitted a 5-year instream lease (L-746) for the a large portion of the Pine Nursery water, minus a number of acres retained to continue to water strips of trees. The nursery water rights are listed on the Swalley Certificate #74145 as acre-equivalents (pg 1, pg 23).

Since the submission of L-746, BMPR has determined that they would like to lease all of the water at the Nursery, excluding the strips of trees that are still being irrigated. The water that is still available to lease is in T17S, R12E, Section 22, SENE, tax lot 102. In addition the map for a portion of the BMPR L-746 does not correctly represent the water right on the ground. This inaccurately mapped area is in T17 S, R12E, Section 23, NWNW, tax lot 1802. A correcting map for this particular QQ will be submitted at the same time as the new lease acres for the Pine Nursery.

**Existing Lease L-746**

The inaccurate map for 171223 NWNW 01802 will be updated with a new map. The number of acres leased (13.56 acres) and remaining for use (1.62 acres) in this QQ and tax lot will not change. Per conversations with Laura Snedaker, Oregon Water Resources Department (OWRD), this map will be added to the state's file for L-746 correcting the originally submitted map.

**New BMPR Lease**

BMPR will lease additional acres in 171222 SENE 00102. Swalley Certificate #74145 lists 30.4 and 40.0 acres, for a total of 70.4 acre-equivalents in this specific QQ. Currently, 25.8 acre-equivalents are being leased by BMPR in L-746 with 4.6 acres remaining to water strips of trees. BMPR would like to lease as much of the additional 40.0 acre-equivalents as possible while still watering the strips of trees in this SENE QQ. Per conversations with Laura Snedaker and Bob Rice of OWRD, who also consulted with Greg Nelson of OWRD – the additional acres to be leased will be calculated based off the total acre-equivalents per acre in this QQ minus the strips of trees being irrigated.

**Action:**

- 1.) Map correction (highlighted dark grey in Table 1) for 171223 NWNW 01802 for current instream L-746.
- 2.) Instream lease the additional acres in 172322 SENE 00102 with no change to the acres currently leased in L-746. Retain irrigation on the strips of trees in the SENE QQ. Lease an additional 33.95 acre equivalents from 25.8 acres of the SENE QQ. Retain 6.05 acre equivalents to continue to irrigate strips of trees as shown on L-746 (highlighted light grey in Table 1).
- 3.) Lease additional acres in 171223 SWNW and NWNW 01800.

**Table 1. Pine Nursery Water Rights and lease acre-equivalent calculations.**

**BMPR - Pine Nursery Acres**

T (S)	R (E)	S	QQ	TL	Total Ac	Acres IS L-746*	Acres for IRR use	Notes
17	12	22	NENE	102	31.30	23.49	7.81	no change
17	12	22	NWNE	102	17.00	14.97	2.03	no change
17	12	22	SWNE	102	7.90	5.35	2.55	no change
17	12	22	SENE	102	30.40	25.80	4.60	acre equiv. for approx 30.4 ac
17	12	22	SENE	102	40.00	33.95	6.05	lease but retain IRR for tree strips
17	12	23	NWNW	1802/1800	21.60	13.56	1.62	tax lot 1802 correcting map
17	12	23	NWNW	1800/1802		6.42	0.00	USFS to lease tax lot 1800
17	12	23	SWNW	1802/1800	8.80	2.64	0.00	BMPRD to lease tax lot 1802
17	12	23	SWNW	1800/1802		6.16	0.00	USFS to lease tax lot 1800
Totals					157.00	132.34	24.66	

*\*Italicized acres are currently instream in L-746*

**How to lease the correct amount of the 40.0 acre equivalents in 171222SENE tax lot 102**

- 1.) 70.4 acres of water applied to 30.4 acres of land.  $70.4/30.4 = 2.3158$  irrigation acre equivalents per acre
- 2.) Currently leasing 25.8 acres of the 30.4 acres listed for QQ - leaving 4.6 acres to irrigate trees.
- 3.)  $30.4 \text{ acre equiv}/30.4 \text{ acres land} = 1.0$  acre equivalents per acre
- 4.)  $40 \text{ acre equiv}/30.4 \text{ acres land} = 1.3158$  acre equivalents per acre (plus the 1.0 acre equiv/ac = 2.3158 as listed in #1)
- 5.) 4.6 acres in trees to continue to be watered.  $1.3158 \text{ ac/equiv} * 4.6 = 6.05$  acre equiv to use for irrigation
- 6.) 25.8 acres to remain dry.  $1.3158 \text{ ac equiv} * 25.8 = 33.95$  acre equiv to be leased instream

**Cross check the amount to be leased in #6 above**

$70.4 \text{ ac equiv}/30.4 \text{ acres} = 2.3158$

Irrigate 25.8 acres, water 4.6 acres

Lease 25.8 ac \* 2.3158 ac eq = 59.75 ac eq minus the 25.8 ac eq already leased = **33.95 ac eq to lease instream**

Irrigate 4.6 ac \* 2.3158 ac eq = 10.65 ac eq minus the 4.6 ac eq already in use = **6.05 ac eq additional to be used**



State of Oregon  
Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900

# Application for Instream Lease

## Attachment 5: Pooled Water Right Holder Form

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

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

Optional Identification by Lessor/Lessee: \_\_\_\_\_

Lease Application Number (assigned by WRD): \_\_\_\_\_

This Lease is with:

#### Lessor #1 (Water Right Holder):

Name USDA Forest Service - Deschutes National Forest

Mailing address 1001 SW Emkay Drive

City, State, Zip Code Bend, OR 97701

Telephone number 541-383-5512

Email address jpallen@fs.fed.us

If additional water right holders, enter water right holder information below  
\_\_\_\_\_

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

### ~I~ Water Right Holder and Water Right Information

1.1 Lessor #1 is the water right holder, or authorized agent for property described in Section 1.5. If the water right appurtenant to these lands is also appurtenant to lands owned by others who are not included in this application, then Attachment 1 (tax lot map), needs to be included.

1.3 For the water right(s) being leased, list all water rights appurtenant to the same lands. Indicate if there are any supplemental or overlying rights.

Certificate No. 74145

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

1.5 **Water Right(s) Proposed to be Leased Instream.** Water right holder proposes to lease the water rights shown on the map attached as Exhibit 5-B and described as follows:  
[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 water right holder, township, range, section and ¼ ¼, tax lot number, map orientation and scale.]

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	17	12	23	nwnw	1800	6.42	IRR	74145	23	1899
2.	17	12	23	swnw	1800	6.16	IRR	74145	23	1899
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 12.58 acres

Conditions or other limitations, if any: \_\_\_\_\_

If you need to enter another leased right, please use the Additional Water Right Form for Pooled Water Right Holder.

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

### ~II~ Instream Water Right Information

2.3 **Term of lease.** This lease shall terminate on November 1, 2008. (If there is a conflict between the Pooled Lease Form and this form, the Pooled Lease Form will be the official term of the lease.)

### ~III~ Other Information

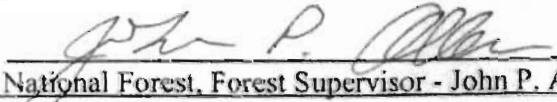
- 3.1 **Accuracy.** The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified or terminated. The 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.** Lessor(s) and Lessee(s) agree to lease the water rights listed in Section(s) 1.5 for instream use for the term of this lease through Lessee to the Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077.
- 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 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.

3.4 **Suspension of original use.** During the period of the lease, the water right holder 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.

3.5 **Termination provision.**

- For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
- Written notice to the Department with original signatures;
  - Consent by all parties to the lease; and/or
  - Written notice to the Watermaster's office.
- For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

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.

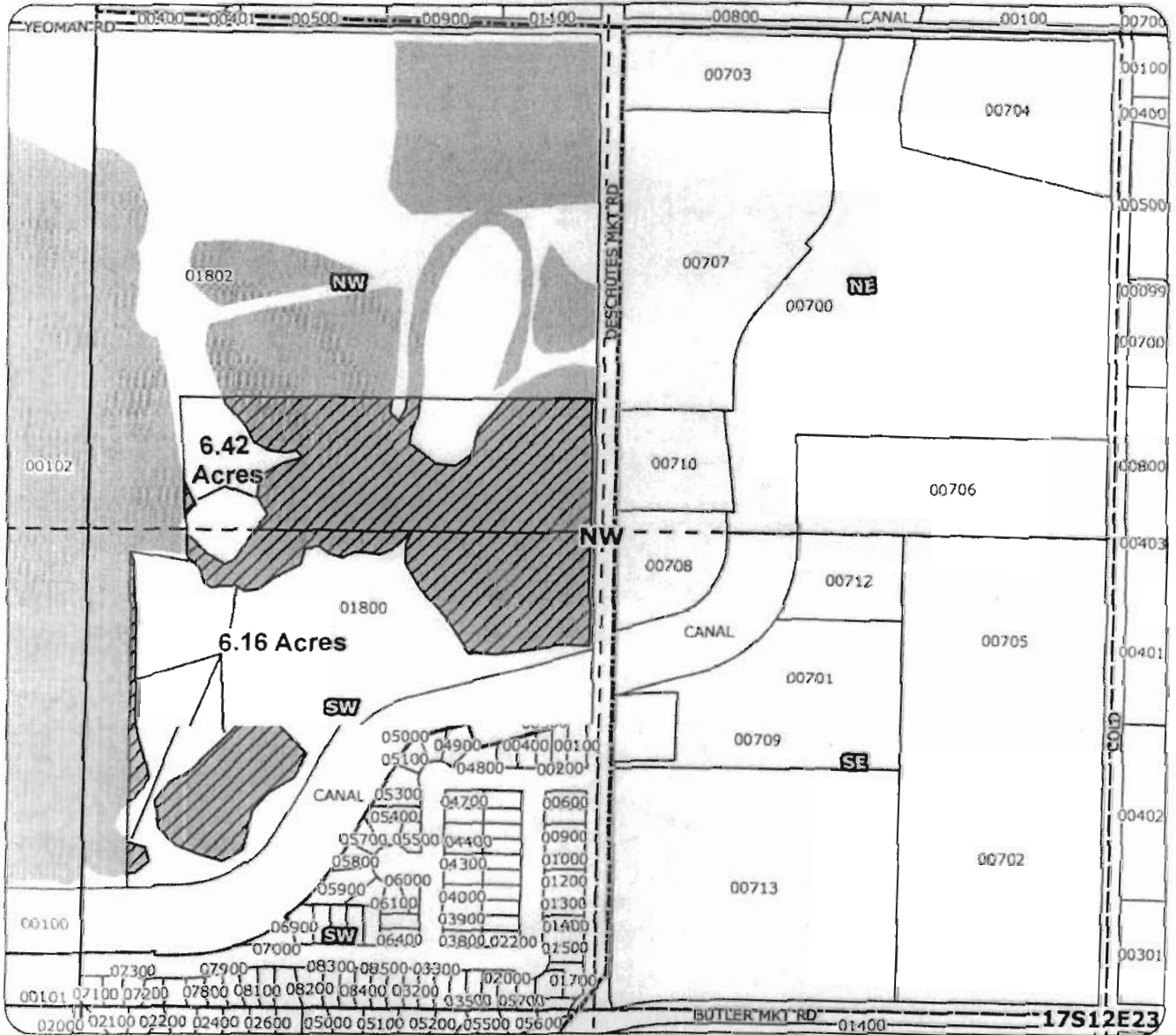
Lessor #1:  Date: 6-25-2008  
Deschutes National Forest, Forest Supervisor - John P. Allen

For additional Lessors, type in space for signature and date  
Swalley Irrigation District

Other Attachments As Needed:

- Exhibit 5-A: Tax Lot Map. (See instructions.)  
Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.)  
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

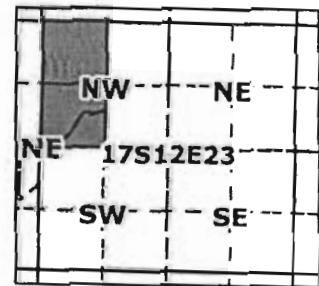
# 2008 Swalley Irrigation District Instream Lease Map





## Application for Instream Lease

for

USDA Forest Service  
 Bend Pine Nursery  
 taxlot 1800- 6.42 acres  
 in 171223NWNW  
 taxlot 1800- 6.16 acres  
 in 171223SWNW  
 0 acres remain in taxlot  
 Total Lease of 12.58 Acres



-  Proposed Lease of Irrigation Rights
-  Water Rights



**Geo-Spatial Solutions, Inc.**  
[www.geospatialsolutions.com](http://www.geospatialsolutions.com)

Date Created: June 2008



1 inch equals 400 feet



United States  
Department of  
Agriculture

Forest  
Service

Deschutes National Forest

1001 SW Emkay Drive  
Bend, OR 97702  
(541) 383-5300

File Code: 2540-1/5530

Date: June 23, 2008

Genevieve Hubert  
Program Manager  
Deschutes River Conservancy  
700 NW Hill Street  
Bend, OR 97701

Dear Ms. Hubert:


Enclosed please find the signed in-stream lease form for the US Forest Service, Deschutes National Forest, for the Forest Service interest in the water right tied to the Bend Pine Work Center, tax lot 1712230001800. This right is for approximately 12.58 acres of water and is part of a pooled water right held by the Swalley Irrigation District under certificate no. 74147. We believe it is in the public interest to preserve this water right by leasing it for in-stream benefit and thereby preserving it for possible future use by the Forest or future in-stream lease opportunities

C-94145

We appreciate the assistance the Deschutes River Conservancy (DRC) has provided by preparing the pooled lease form for signature, and for the monitoring of the lease that DRC provides.

We understand the Forest only has limited time to file an application with the State for the lease, and that it needs to be filed with the OWRD by June 30, 2008. We would also like to continue discussions with the Deschutes River Conservancy for possible additional leases in the future. If you have questions, please contact Charles Kurtz of my staff at 541-383-5615 or Trish Carroll at the Regional Office at 503-808-2905.

Sincerely,

  
JOHN ALLEN  
Forest Supervisor

cc: Trish A Carroll, Bill Bliesner, NJ Erickson, Charles H Kurtz, Bob Deane, Marc Wilcox





Jan 2007



State of Oregon  
Water Resources Department  
125 Somerset Street NE, Suite A  
Salem, Oregon 97301-1264  
(503) 986-0900

# Application for Instream Lease

## Attachment 5: Pooled Water Right Holder Form

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

Optional Identification by Lessor/Lessee: Previously leased L-4 28  
Lease Application Number (assigned by WRD): \_\_\_\_\_

This Lease is with:

**Lessor #1 (Water Right Holder):**

Name Pat Murphy  
Mailing address 10421 SW 11<sup>th</sup> Drive  
City, State, Zip Code Portland, OR 97219  
Telephone number 503-246-8840  
Email address pat@pacwestlumber.com

If additional water right holders, enter water right holder information below

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

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Certificate No. 74145

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

1.5 Water Right(s) Proposed to be Leased Instream. Water right holder proposes to lease the water rights shown on the map attached as Exhibit 5-B and described as follows:  
[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 water right holder, township, range, section and 1/4, tax lot number, map orientation and scale.]

\*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)

1.	17 S	12 E	9	new	1100	0.5	IRR	74145	17	Sept. 1 1899
2.	17 S	12 E	9	new	1100	2.0	IRR	74145	18	Sept. 1 1899
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 2.5 acres (previously leased L-42B)

Conditions or other limitations, if any: \_\_\_\_\_

If you need to enter another leased right, please use the Additional Water Right Form for Pooled Water Right Holder.

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

-II- Instream Water Right Information

2.3 Term of lease. This lease shall terminate on November 1, 2008. (If there is a conflict between the Pooled Lease Form and this form, the Pooled Lease Form will be the official term of the lease).

-III- Other Information

- 3.1 Accuracy. The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified or terminated. The 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. Lessor(s) and Lessee(s) agree to lease the water rights listed in Section(s) 1.5 for instream use for the term of this lease through Lessee to the Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077
- 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 a new injury review shall be

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

3.4 **Suspension of original use.** During the period of the lease, the water right holder 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.

3.5 **Termination provision.**

- For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
  - Written notice to the Department with original signatures;
  - Consent by all parties to the lease; and/or
  - Written notice to the Watermaster's office.
- For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

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: Pat Murphy

Date: 4/9/08

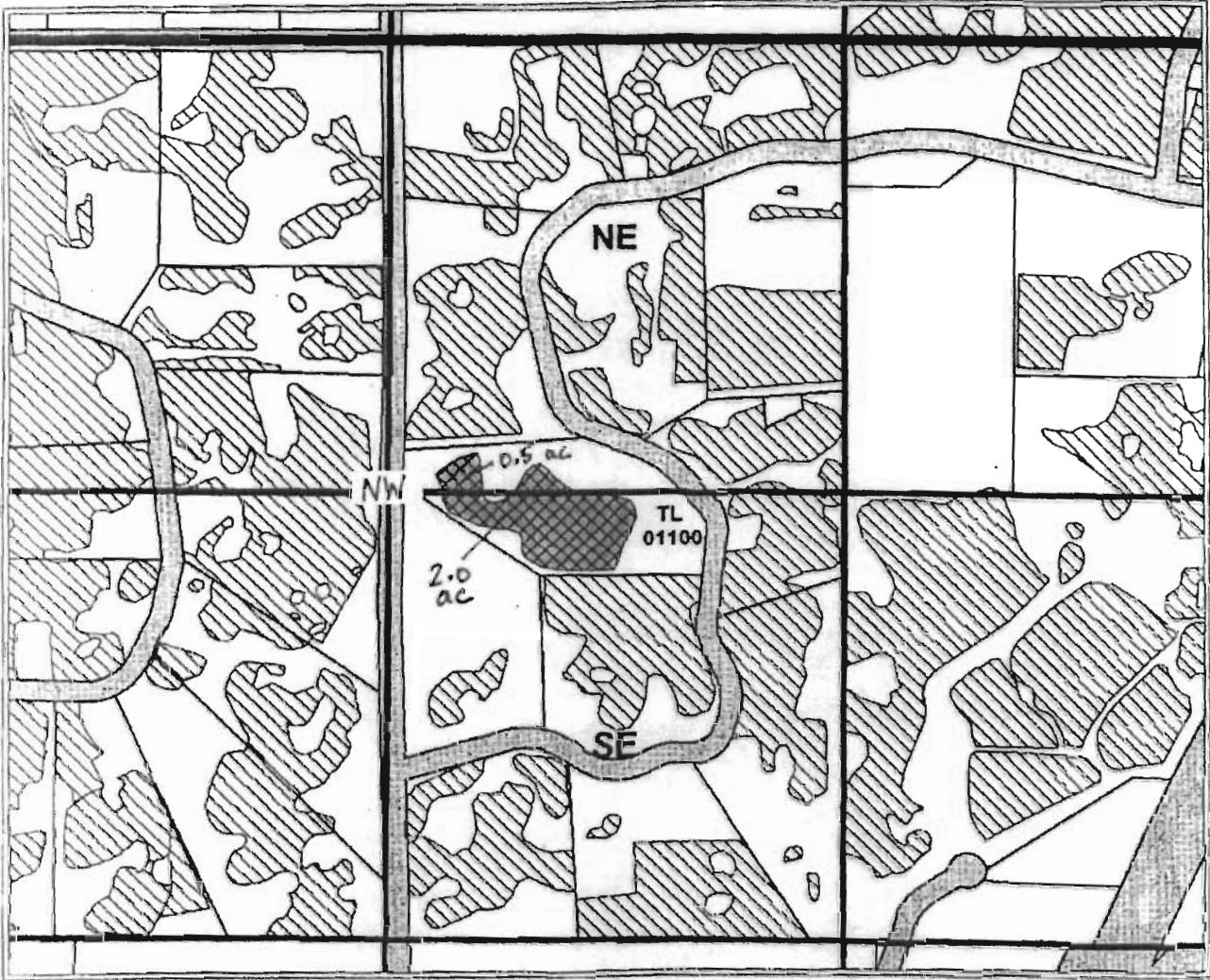
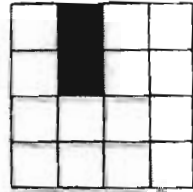
For additional Lessors, type in space for signature and date

Other Attachments As Needed:

- Exhibit 5-A: Tax Lot Map. (See instructions.)
- Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.)
- 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



# SWALLEY IRRIGATION DISTRICT INSTREAM LEASE MAP

17S12E09NENW & 17S12E09SENW



APPLICATION FOR INSTREAM LEASE  
FOR

PATRICK MURPHY - 2.50 ACRES  $\left\{ \begin{array}{l} 0.5 \text{ ac NENW} \\ 2.0 \text{ ac SENW} \end{array} \right.$

-  — PROPOSED LEASE WATER
-  — EXISTING WATER



  
1" = 450'

Date: 05/23/03

**Geo-Spatial Solutions, Inc.**  
www.geospatialsolutions.com

Jan 2007



State of Oregon  
 Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1266  
 (503) 986-0900

# Application for Instream Lease

## Attachment 5: Pooled Water Right Holder Form

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

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

Optional Identification by Lessor/Lessee: \_\_\_\_\_

Lease Application Number (assigned by WRD): \_\_\_\_\_

This Lease is with:

**Lessor #1 (Water Right Holder):**

Name RYMILAKA, LLC and East Slope Investments, LLC  
 Mailing address P.O. Box 6195  
 City, State, Zip Code Bend, OR 97708  
 Telephone number 541-915-2950 contact: Randy Thornton  
 Email address \_\_\_\_\_

If additional water right holders, enter water right holder information below

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

**~I~ Water Right Holder and Water Right Information**

1.1 Lessor #1 is the water right holder, or authorized agent for property described in Section 1.5. If the water right appurtenant to these lands is also appurtenant to lands owned by others who are not included in this application, then Attachment 1 (tax lot map), needs to be included.

1.3 For the water right(s) being leased, list all water rights appurtenant to the same lands. Indicate if there are any supplemental or overlying rights.

Certificate No. 74145

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

1.5 **Water Right(s) Proposed to be Leased Instream.** Water right holder proposes to lease the water rights shown on the map attached as Exhibit 5-B and described as follows:  
 [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 water right holder, township, range, section and 1/4, tax lot number, map orientation and scale.]

*\*(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	27	SESE	1100	29.95	IRR	74145	8	9/1/1899
2.	16	12	27	SESE	1100	0.5	Pond	74145	8	9/1/1899
3.	16	12	27	SESE	1300	6.73	IRR	74145	8	9/1/1899
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 36.68 ac IRR, 0.5 ac Pond. Lot line adjustments made in 2006 - see attachment.

Conditions or other limitations, if any: \_\_\_\_\_

If you need to enter another leased right, please use the Additional Water Right Form for Pooled Water Right Holder.

**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 water right certificate or as an instream water right or
- The water has not been used over the past five years according to the terms and conditions of the 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 31, 2008. (If there is a conflict between the Pooled Lease Form and this form, the Pooled Lease Form will be the official term of the lease.)

**~III~ Other Information**

**3.1 Accuracy.** The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified or terminated. The 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.** Lessor(s) and Lessee(s) agree to lease the water rights listed in Section(s) 1.5 for instream use for the term of this lease through Lessee to the Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077.

**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 a new injury review shall be



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	27	SESE	1100	29.95	IRR	74145	8	9/1/1899
2.	16	12	27	SESE	1100	0.5	Pond	74145	8	9/1/1899
3.	16	12	27	SESE	1300	6.73	IRR	74145	8	9/1/1899
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 36.68 ac IRR, 0.5 ac Pond. Lot line adjustments made in 2006 - see attachment.

Conditions or other limitations, if any: \_\_\_\_\_

If you need to enter another leased right, please use the Additional Water Right Form for Pooled Water Right Holder.

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 water right certificate or as an instream water right or
- The water has not been used over the past five years according to the terms and conditions of the 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 31, 2008. (If there is a conflict between the Pooled Lease Form and this form, the Pooled Lease Form will be the official term of the lease.)

### ~III~ Other Information

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  - Written notice to the Department with original signatures;
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- For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

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Lessor #1:

RYMILAKA, LLC

Date:

27 June 08

East Slope Investments, LLC

Date:

27 June 08

For additional Lessors, type in space for signature and date

Swalley Irrigation District

Date:

Other Attachments As Needed:

Exhibit 5-A: Tax Lot Map (See instructions.)

Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.)

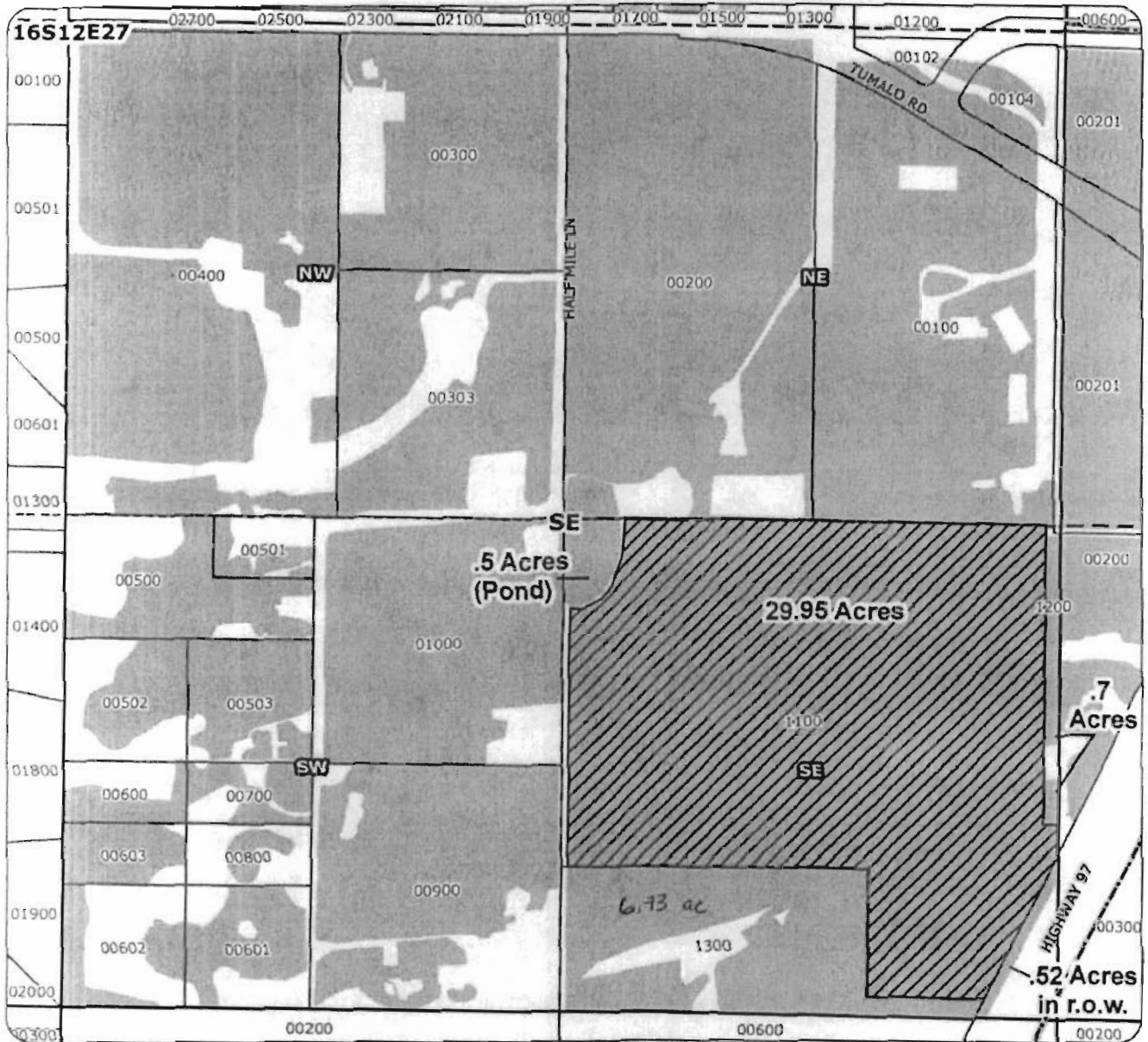
Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is checked)

Exhibit 5-D: Split Season Instream Use Form



Exhibit 6: County Lot Line Adjustment Record



# 2008 Swalley Irrigation District Instream Lease Map



## Application for Instream Lease

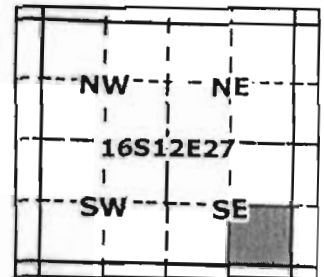
-  Proposed Lease of Irrigation Rights
-  Water Rights



**Geo-Spatial Solutions, Inc.**  
[www.geospatialsolutions.com](http://www.geospatialsolutions.com)

for  
 Rymilaka, LLC  
 taxlot 1100- 29.95 acres  
 in 161227SESE

.5 acres of pond rights remaining in taxlot  
 Total Lease of 29.95 Acres IRR  
 + Lease of 0.5 ACRES POND





1 inch equals 400 feet

Date Created: June 2008

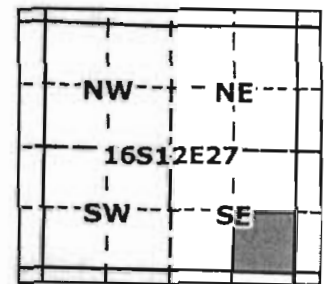
# 2008 Swalley Irrigation District Instream Lease Map



## Application for Instream Lease

-  Proposed Lease of Irrigation Rights
-  Water Rights

for  
 East Slope, LLC  
 taxlot 1300- 6.73 acres  
 in 161227SESE  
 0 acres remaining in taxlot  
 Total Lease of 6.73 Acres



1 inch equals 400 feet



**Geo-Spatial Solutions, Inc.**  
[www.geospatialsolutions.com](http://www.geospatialsolutions.com)

Date Created: June 2008

TL 1100

5/29/2008 2:49:30 PM

Lot line Adjustments

DESCHUTES COUNTY ASSESSOR'S NAME LEDGER

Account ID 133173 Township 16 Range 12 Section 27 1/4 1/16 Taxlot D 0 Special Interest 01100

Sale Price \$186,480  
Sale Date 10-Apr-1995

Effective Date 10-Apr-1995 12:00 AM Transaction ID -159925 Entry Date 10-Apr-1995 Recorded Date 10-Apr-1995

Seq	Voucher ID	Tax Year	Document Source	Type	ID #1	ID #2	PID	Source ID	PT	Operation	To/From Map
3	-195094	1995	CLERK - BOR		1995	3701611	1			NAME CHANGE	

Size Totals Code Acres Sqft Alternate Size

Effective Date 15-May-2003 12:00 AM Transaction ID -47641 Entry Date 15-May-2003 Recorded Date 15-May-2003 Sale Date 15-May-2003

Seq	Voucher ID	Tax Year	Document Source	Type	ID #1	ID #2	PID	Source ID	PT	Operation	To/From Map
1	-47641	2003	ASSESSOR'S FILE		2003	133173	1	ASSESSOR'S FILE CONVERSION:133173		CONVERSION	

Name Changes	Status	Name	Name Type	Ownership Type	Ownership %
A		BARRETT, GARY	OWNER	OWNER	
A		BARRETT, BRUCE	OWNER	OWNER	

Size Changes Code +/- Size Alternate Size Code Area Deleted Move to Acct Move To Code

Size Totals Code Acres Sqft Alternate Size

Action Subdivision Add: Block Lot Direction Part Part Type

Sale Price \$700,000  
Sale Date 16-Sep-2005

Effective Date 23-Sep-2005 9:20 AM Transaction ID 882824 Entry Date 23-Sep-2005 Recorded Date 16-Sep-2005

Seq	Voucher ID	Tax Year	Document Source	Type	ID #1	ID #2	PID	Source ID	PT	Operation	To/From Map
2	929047	2005	CLERK - BOR	WD	2005	62517	1			PT NAME CHANGE	

Name Changes	Status	Name	Name Type	Ownership Type	Ownership %
D		BARRETT, BRUCE	OWNER	OWNER	
D		BARRETT, GARY	OWNER	OWNER	
A		EAST SLOPE INVESTMENT LLC	OWNER	OWNER	100.0000

Size Totals Code Acres Sqft Alternate Size

TL 1100

5/29/2008 2:49:30 PM

Account ID 133173 Township Range 16 12 Section 27 1/4 1/16 Taxlot 0 01100 Special Interest

Effective Date 12-May-2006 9:25 AM Transaction ID 1158123 Entry Date 10-May-2006 Recorded Date 21-Mar-2006 Sale Date 21-Mar-2006

Seq Voucher ID Tax Year Document Source Type ID #1 ID #2 PID Source ID PT Operation To/From Map

1 1221262 2006 CLERK - BOR WD 2006 19495 1 PT SIZE CHANGE

ACREAGE ADJUSTMENT (-0.52 AC)

Size Changes Code 2007 +/- Size -0.52 Acres

Size Totals Code 2006 Acres Sqft Alternate Size

2 1221264 2006 CLERK - BOR WD 2006 19495 1 PT SIZE CHANGE

LLA WITH TAX LOT 1300 (+2.40 AC)

Size Changes Code 2007 +/- Size 2.40 Acres

Size Totals Code 2006 Acres Sqft Alternate Size

Notes: NEW LEGAL DESCRIPTION

Action Subdivision Delete:

Action Metes and Bounds Add SEE WD 2006-19495

Effective Date 30-Oct-2006 3:40 PM Transaction ID 1503028 Entry Date 23-Oct-2006 Recorded Date 20-Oct-2006 Sale Price \$328,302 Sale Date 20-Oct-2006

Seq Voucher ID Tax Year Document Source Type ID #1 ID #2 PID Source ID PT Operation To/From Map

1 1615857 2007 CLERK - BOR WD 2006 70241 1 NAME CHANGE

Name Changes Status Name Ownership %

D EAST SLOPE INVESTMENT LLC 100.0000

A BOSSERT, J SCOTT 100.0000

Size Totals Code 2006 Acres Sqft Alternate Size

Effective Date 06-Nov-2006 7:17 AM Transaction ID 1503132 Entry Date 24-Oct-2006 Recorded Date 23-Oct-2006 Sale Price \$329,338 Sale Date 20-Oct-2006

Seq Voucher ID Tax Year Document Source Type ID #1 ID #2 PID Source ID PT Operation To/From Map

1 1617152 2007 CLERK - BOR WD 2006 70608 1 NAME CHANGE

TL100

5/29/2008 2:49:30 PM

Account ID 133173 Township 16 Range 12 Section 27 1/4 1/16 Taxlot 01100 Special Interest

Name Changes	Status	Name	Name Type	Ownership Type	Ownership %
D	BOSSERT, J SCOTT	OWNER	OWNER	100.0000	
A	MCDUGAL, MELVIN L	OWNER	OWNER	100.0000	

Size Totals	Code	Acres	Sqft	Alternate Size

Effective Date 27-Jun-2007 7:56 AM Transaction ID 1628313 Entry Date 20-Jun-2007 Recorded Date 18-Jun-2007 Sale Date 31-Dec-2006

Seq	Voucher ID	Tax Year	Document Source	Type	ID #1	ID #2	PID	Source ID	PT	Operation	To/From Map
1	1809937	2007	CLERK - BOR	WD	2007	34055	1			NAME CHANGE	

VESTING: T/C

Name Changes	Status	Name	Name Type	Ownership Type	Ownership %
D	MCDUGAL, MELVIN L	OWNER	OWNER	100.0000	
A	MCDUGAL, MELVIN L	OWNER	OWNER	50.0000	
A	ROGERS, KELLY	OWNER	OWNER	50.0000	
A	ROGERS, GAYLA	OWNER	OWNER	50.0000	
A	ROGERS, KAMI	OWNER	OWNER	50.0000	
A	THORNTON, RANDALL	OWNER	OWNER	50.0000	
A	THORNTON, JAN	OWNER	OWNER	50.0000	
A	ROGERS, LANDON	OWNER	OWNER	50.0000	
A	ROGERS, GAYLA CUSTODIAN	REPRESENTATIVE	PROTECTED PERSON	50.0000	
A	THORNTON, MINDY	OWNER	PROTECTED PERSON	50.0000	
A	THORNTON, RYAN	OWNER	PROTECTED PERSON	50.0000	
A	THORNTON, JAN CUSTODIAN	REPRESENTATIVE	OWNER AS TRUSTEE	50.0000	

Size Totals	Code	Acres	Sqft	Alternate Size

Effective Date 27-Jun-2007 8:00 AM Transaction ID 1628314 Entry Date 20-Jun-2007 Recorded Date 18-Jun-2007 Sale Date 04-Jun-2007

Seq	Voucher ID	Tax Year	Document Source	Type	ID #1	ID #2	PID	Source ID	PT	Operation	To/From Map
1	1809938	2007	CLERK - BOR	WD	2007	34056	1			NAME CHANGE	

VESTING: T/C

TL1100

5/29/2008 2:49:30 PM

Account ID 133173 Township Range 16 12 Section 27 1/4 1/16 Taxlot 0 01100 Special Interest

Name Changes	Status	Name	Name Type	Ownership Type	Ownership %
D		MCDUGAL, MELVIN L	OWNER	OWNER	50.0000
D		ROGERS, KELLY	OWNER	OWNER	50.0000
D		ROGERS, GAYLA	OWNER	OWNER	50.0000
D		ROGERS, KAMI	OWNER	OWNER	50.0000
D		THORNTON, RANDALL	OWNER	OWNER	50.0000
D		THORNTON, JAN	OWNER	OWNER	50.0000
D		ROGERS, LANDON	OWNER	PROTECTED PERSON	50.0000
D		ROGERS, GAYLA CUSTODIAN	REPRESENTATIVE	OWNER AS TRUSTEE	50.0000
D		THORNTON, MINDY	OWNER	PROTECTED PERSON	50.0000
D		THORNTON, RYAN	OWNER	PROTECTED PERSON	50.0000
D		THORNTON, JAN CUSTODIAN	REPRESENTATIVE	OWNER AS TRUSTEE	100.0000
A		ROGERS, KELLY	OWNER	OWNER	100.0000
A		ROGERS, GAYLA	OWNER	OWNER	100.0000
A		ROGERS, KAMI	OWNER	OWNER	100.0000
A		THORNTON, RANDALL	OWNER	OWNER	100.0000
A		THORNTON, JAN	OWNER	OWNER	100.0000
A		ROGERS, LANDON	OWNER	PROTECTED PERSON	100.0000
A		ROGERS, GAYLA CUSTODIAN	REPRESENTATIVE	OWNER AS TRUSTEE	100.0000
A		THORNTON, MINDY	OWNER	PROTECTED PERSON	100.0000
A		THORNTON, RYAN	OWNER	PROTECTED PERSON	100.0000
A		THORNTON, JAN CUSTODIAN	REPRESENTATIVE	OWNER AS TRUSTEE	100.0000

Size Totals Code Acres Sqft Alternate Size

Effective Date 27-Jun-2007 8:01 AM Transaction ID 1628315 Entry Date 20-Jun-2007 Recorded Date 18-Jun-2007 Sale Date 07-Jun-2007

Seq Voucher ID Tax Year Document Source Type ID #1 ID #2 PID Source ID PT Operation To/From Map

Name Changes	Status	Name	Name Type	Ownership Type	Ownership %
D		ROGERS, KELLY	OWNER	OWNER	100.0000
D		ROGERS, GAYLA	OWNER	OWNER	100.0000
D		ROGERS, KAMI	OWNER	OWNER	100.0000
D		THORNTON, RANDALL	OWNER	OWNER	100.0000
D		THORNTON, JAN	OWNER	OWNER	100.0000
D		ROGERS, LANDON	OWNER	PROTECTED PERSON	100.0000
D		ROGERS, GAYLA CUSTODIAN	REPRESENTATIVE	OWNER AS TRUSTEE	100.0000
D		THORNTON, MINDY	OWNER	PROTECTED PERSON	100.0000
D		THORNTON, RYAN	OWNER	PROTECTED PERSON	100.0000
D		THORNTON, JAN CUSTODIAN	REPRESENTATIVE	OWNER AS TRUSTEE	100.0000
A		RYMILAKA LLC	OWNER	OWNER	100.0000

Size Totals Code Acres Sqft Alternate Size

Lot Line Adjustments

TL 130C

DESCHUTES COUNTY ASSESSOR'S NAME LEDGER

5/30/2008 9:45 AM

Account ID 133171 Township 16 Range 12 Section 27 1/4 1/16 Taxlot D 0 Special Interest 01300

Effective Date 10-Apr-1995 12:00 AM Transaction ID -159925 Entry Date 10-Apr-1995 Recorded Date 10-Apr-1995 Sale Price \$186,480 Sale Date 10-Apr-1995

Seq	Voucher ID	Tax Year	Document Source	Type	ID #1	ID #2	PID	Source ID	PT	Operation	To/From Map
2	-195095	1995	CLERK - BOR		1995	3701611	1			NAME CHANGE	

Size Totals Code Acres Sqft Alternate Size

Effective Date 02-Jul-2001 12:00 AM Transaction ID -131123 Entry Date 02-Jul-2001 Recorded Date 02-Jul-2001 Sale Price \$0 Sale Date 02-Jul-2001

Seq	Voucher ID	Tax Year	Document Source	Type	ID #1	ID #2	PID	Source ID	PT	Operation	To/From Map
1	-160731	2001	CLERK - BOR		2001	34395	1			NAME CHANGE	

Size Totals Code Acres Sqft Alternate Size

Effective Date 15-May-2003 12:00 AM Transaction ID -47643 Entry Date 15-May-2003 Recorded Date 15-May-2003 Sale Price \$0 Sale Date 15-May-2003

Seq	Voucher ID	Tax Year	Document Source	Type	ID #1	ID #2	PID	Source ID	PT	Operation	To/From Map
1	-47643	2003	ASSESSOR'S FILE		2003	133171	1	ASSESSOR'S FILE.CONVERSION.133171		CONVERSION	

Name Changes	Status	Name	Name Type	Ownership Type	Ownership %
A		BARRETT, REBECCA L	OWNER	OWNER	
A		BARRETT, BRUCE G	OWNER	OWNER	

Size Changes Code 2007 +/- Size 10.00 Acres Code Area Deleted Move to Acct Move To Code

Size Totals Code Acres Sqft Alternate Size

Action Subdivision Add. Block Lot Direction Part Part Type

Effective Date 21-Sep-2003 12:00 AM Transaction ID 229306 Entry Date 21-Sep-2003 Recorded Date 29-Jul-0203 Sale Price \$0 Sale Date 10-Jun-2003

Seq	Voucher ID	Tax Year	Document Source	Type	ID #1	ID #2	PID	Source ID	PT	Operation	To/From Map
1	234847	2003	CLERK - BOR	B&S	2003	50963	1			NAME CHANGE	

TL 1300  
5/30/2008 9:46:49 AM

Account ID 133171 Township 16 Range 12 Section 27 1/4 D 1/16 Taxlot 0 01300 Special Interest

Name Changes	Status	Name	Type	Ownership %
D	BARRETT, BRUCE G	OWNER	OWNER	
D	BARRETT, REBECCA L	OWNER	OWNER	
A	BARRETT, BRUCE G	OWNER	OWNER	50.0000
A	RIGHT OF SURVIVORSHIP--BARRETT, GARY W	OWNER	OWNER	50.0000
A	BARRETT, GARY W	OWNER	OWNER	
A	RIGHT OF SURVIVORSHIP--BARRETT, BRUCE G	OWNER	OWNER	

Size Totals	Code	Acres	Sqft	Alternate Size

Effective Date 23-Sep-2005 9:20 AM Transaction ID 882824 Entry Date 23-Sep-2005 Recorded Date 16-Sep-2005 Sale Price \$700,000 Sale Date 16-Sep-2005

Seq	Voucher ID	Tax Year	Document Source	Type	ID #1	ID #2	PID	Source ID	PT	Operation	To/From Map
1	929045	2005	CLERK - BOR	WD	2005	62517	1		PT	NAME CHANGE	

Name Changes	Status	Name	Type	Ownership %
D	BARRETT, BRUCE G	OWNER	OWNER	50.0000
D	RIGHT OF SURVIVORSHIP--BARRETT, GARY W	OWNER	OWNER	50.0000
D	BARRETT, GARY W	OWNER	OWNER	
A	RIGHT OF SURVIVORSHIP--BARRETT, BRUCE G	OWNER	OWNER	100.0000
A	EAST SLOPE INVESTMENT LLC	OWNER	OWNER	

Size Totals	Code	Acres	Sqft	Alternate Size

Effective Date 12-May-2006 9:25 AM Transaction ID 1158123 Entry Date 10-May-2006 Recorded Date 21-Mar-2006 Sale Date 21-Mar-2006

Seq	Voucher ID	Tax Year	Document Source	Type	ID #1	ID #2	PID	Source ID	PT	Operation	To/From Map
3	1221265	2006	CLERK - BOR	WD	2006	19496	1		PT	SIZE CHANGE	

LLA WITH TAX LOT 1100 (-2.40 AC)

Size Changes	Code	+ / - Size	Alternate Size	Code Area Deleted	Move to Acct	Move To Code
	2007	-2.40 Acres				
Size Totals	Code	Acres	Sqft	Alternate Size		

Notes: NEW LEGAL DESCRIPTION

Action	Subdivision	Block	Lot	Direction	Part	Part Type
Delete:						

Action Metes and Bounds  
Add SEE WD 2006-19496