

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.

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

Optional Identification by Lessor/Lessee: SID - Direct Diversion Water Rights 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 <u>Deschutes</u> 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 <u>541-382-4077</u>
Email addressgen@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 <u>Swalley Irrigation District</u> , 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

	POD. (If more than one POD is listed on the certificate, then the POD and any associated
	reach(es) must be identified): From points of diversion (attachment 6) to the mouth of the
	Deschutes River at River Mile 0.
	Maximum volume in acre-feet:
	Diversion #1: 5.45 ac-ft
	Diversion #2: 1.32 ac-ft
	Diversion #4: 59.92 ac-ft
	Diversion #12: 29.46 ac-ft
	Diversion #13: 106.92 ac-ft
	Total ac-ft: 203.07 ac-ft
	Rate in cfs: Season 1: 0.257 cfs total at multiple diversions - see attachment 6
	(If more than one rate, describe the rate associated within each time period or instream reach.)
	Rate in cfs: Season 2: 0.342 cfs total at multiple diversions - see attachment 6
	Rate in cfs: Season 3: 0.634 cfs total at multiple diversions - see attachment 6
	(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
	from through
	Other (describe):
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 then 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 Swalle	#2: Jathy Verguson Date: 6-30-08 y Irrigation District
Lessee Deschu	tes River Conservancy Date: 6-30-2008
Attachi	Attachments as Needed: ment 1: Tax Lot Map. (See instructions.)
	ment 2: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. (See instructions.) ment 3: Supporting documentation indicating why a right is valid and not subject to forseiture 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).
Attachi	ment 4: Split Season Instream Use Form ment 5: Pooled Lease Water Right Holder Form ment 6: Section 1.5 and Section 2.3 rates by diversion and season

Attachment 6 Swalley Irrigation District Pooled Instream Lease

Diversion #	Diversion Location
Diversion 1:	SENE, Section 32, T17S, R12E WM, 100 feet South and 50 feet East from the most Northerly Corner of tax lot 4100
Diversion 2:	SWSE, Section 29, T17S, R12E, WM; 540 feet West from the SE Corner of Section 29
Diversion 4:	NWSE, Section 20, T17S, R20E, WM; 1980 feet North and 1980 feet West from the SE Corner of Section 20
Diversion 12:	SWNW, Section 20, T16S, R12E, WM, 130 feet North and 340 feet West from the SE Corner of the SWNW, Section 20
Diversion 13:	NWNW, Section 20, T16S, R12E, WM; 880 feet South and 1010 feet East from the NW Corner of Section 20

Seasons	Dates
Season 1	April 1 to May 1 & October 1 to November 1
Season 2	May 1 to May 15 & September 15 to October 1
Season 3	May 15 to September 15

Section 1.5	Water Right	Max Rate		Max Rate	
Diversion	Acres	Max Duty	Season 1	Season 2	Season 3
Diversion 1:	+	5.45	0.007	0.009	0.017
Diversion 2:	0.25	1.32	0.002	0.002	0.004
Diversion 4:	11	59.92	0.076	0.101	0.187
Diversion 12:	5.4	29.46	0.037	0.05	0.092
Diversion 13:	19.6	106.92	0.135	0.18	0.334
Totals:	37.25	203.07	0.257	0.342	0.634

Section 2.3	Instream Max Rate	x Rate	THE PERSON NAMED IN	Max Rate	THE REAL PROPERTY.
Diversion	Acres	Max Duty	Season 1	Season 2	Season 3
Diversion 1:	1	5,45	0.007	6000	0.017
Diversion 2:	0.25	1.32	0.002	0.002	0.004
Diversion 4:	11	59.92	920.0	0.101	0.187
Diversion 12.	5.4	29.46	0.037	0.05	0.092
Diversion 13.	19.6	106.92	0.135	0.18	0.334
Totals:	37.25	203.07	0.257	0.342	0.634

Jan 2007



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.

		Pursuant to ORS 537.348(2) and OAR 690-077
Opti	onal Identificati	on by Lessor/Lessee:
Leas	e Application N	lumber (assigned by WRD):
This	Lease is with:	
Less	or #1 (Water F	light Holder):
Nam	e	Bend Metro Parks and Recreation District
Mail	ing address	1675 SW Simpson
		e Bend, OR 97702
Tele	phone number	541-389-7275
Ema	il address	Dave Crowther / dave@bendparksandrec.org
If ad	ditional water r	ight holders, enter water right holder information below
Appli	cation" form. The nation as the "Stan	ering associated with this form corresponds to that found on the "Standard Instream Lease "Pooled Lease" form and "Pooled Water Right Holder" form(s) are used to provide the same dard Instream Lease Application" form. Consequently, the numbering on this form is not alway
	•	-I~ Water Right Holder and Water Right Information
1.1	If the water i	the water right holder, or authorized agent for property described in Section 1.5. ight appurtenant to these lands is also appurtenant to lands owned by others who ded 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 my supplemental or overlying rights.
	Certificate N	o. <u>74145</u>
1.4	Are some or Program.	all of the lands being leased part of a Conservation Reserve Enhancement Yes No
1.5	water rights: [This information of water in	cis) Proposed to be Leased Instream. Water right holder proposes to lease the shown on the map attached as Exhibit 5-B and described as follows: on may be included on Exhibit 5-A, or an additional map may be attached. Crosshatch the shift being leased. Attached map(s) must identify water right holder, township, range, tax lot mumber, man orientation and scale.

	1	R					Expeditse			
	*(Iden	ify pertin	ent page :	number of	certificate,	if certificat	e is greater than leer certificate)	0 pages; identify	priority date	if there is
1.			T		1					1899
2	17	12	32	senw	4100	1.0	IRR	74145	24	
3.	17	12	20	nwse	2000	11.0	IRR	74145	22	1899
4.	17	12	29	swse	4501	0.25	IRR	74145	23	1899
5.										

Total number of acres, if for irrigation, by certificate and priority date: 12.25 acres IRR - 3
separate direct diversions.

There have been let line adjustments or let divisions on tax let 4501 since issuance of the

There have been lot line adjustments or lot divisions on tax lot 4501 since issuance of the 3111 Certificate 74145. Adjustments explained in attachment to the map

Conditions or other limitations,	if any:	
Conditions of outer miniations) 12 mas / .	

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.

Precedent. If a right which has been leased is later proposed to be leased again or transferred 3,3 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. Suspension of original use. During the period of the lease, the water right holder agrees to 3.4 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 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. Date: 6-27-08 Lessor #1: Bend Metro Parks and Recreation District For additional Lessors, type in space for signature and date Swalley Imigation 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.)

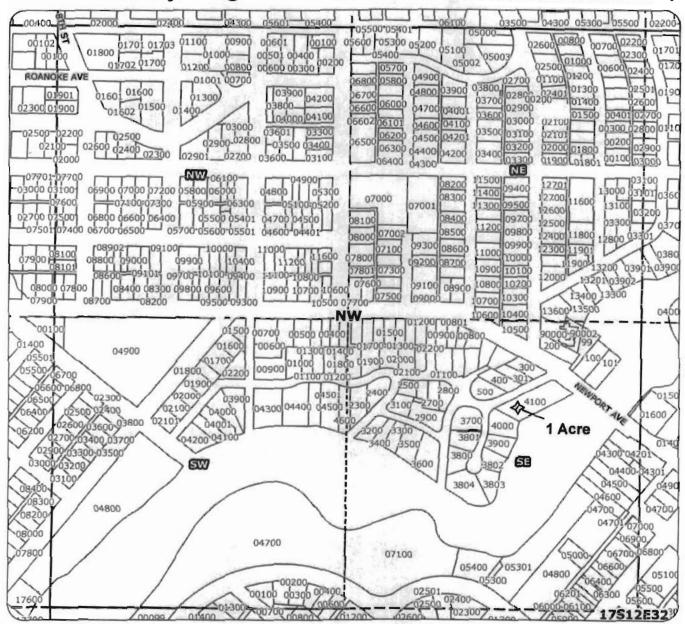
Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to

> 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

Proposed Lease of Irrigation Rights

Water Rights

Bend Metro Parks and Recreation District
Brooks Park
taxlot 4100- 1 acre unmapped

in 171232SENW

0 acres remaining in taxlot

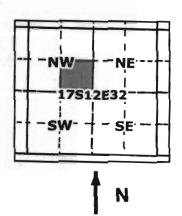
0 acres remaining in taxiot
0 acres remaining in quarter quarter
Total Lease of 1 Acre



Geo-Spatial Solutions, Inc.

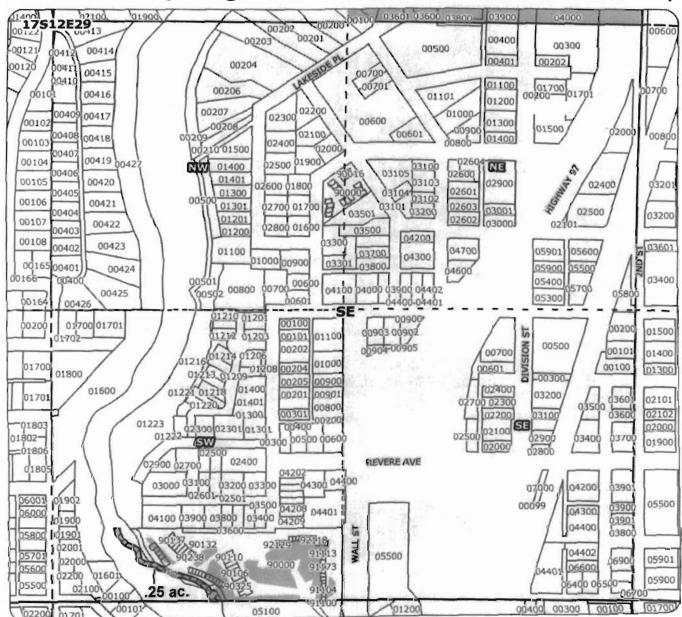
www.geospatialsolutions.com

Date Created: June 2008



1 inch equals 400 feet

2008 Swalley Irrigation District Instream Lease Map



Application for Instream Lease

Proposed Lease of Irrigation Rights

Water Rights

Bend Metro Parks and Recreation District Riverside Trail taxlot 4501- .25 acres in 171229SWSE 0 acres remaining in taxlot Total lease of

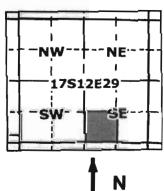


Geo-Spatial Solutions, Inc.

www.geospatialsolutions.com

Date Created: June 2008

.25 Acres



1 inch equals 400 feet

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Deschutes County

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help site	map	location	I contact us	I En

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Account: 151029 Map/TL: R 1-001 171229 DC 04501

* * * CURRENT Ownership Information ONLY

BEND METROPOLITAN PARK AND RECREATION DISTRICT 200 PACIFIC PARK LN BEND OR 97701

Site Address: 1555 NW WALL ST BEND 97701

Assessor Property Description

Lot: Block:

Prop Cls:990 MA:5 VA:18 NH 000

Asmt Zone: RS CDD Zone: BEND (CITY OF BEND)

NON-ASSESSABLE

*** Land Values ***

Asmt type URBAN LOT

***** Values shown below are as of the Assessment Date, January 1 of each year *****

***	20	007	2	006		2005
	Total RMV	Taxable A.V.	Total RMV	Taxabl	e Total	Taxabl A.V.
R 1001	171229-DC-04	1501 15102	Maint	Zone RS	Value Area Neighborho	
	****	EXE	MPT		***	
BBMB M	****			**	***	
200 PA	ETROPOLITAN E CIFIC PARK LN OR 97701	PARK AND RECRE		NW WALL	ST	
_ = =						
		* * * I N	SPECTI	ONS *	* *	
	Then Dur	THOMAS T	10/02/00 7	str Inen		
		THOMAS, L	10/03/89 11			
/						
AT/Clas		A D	esc Adj I	factor#1	Adj Factor#2 A	dj Factor#3
OKDIN I	301	^	0.20			
		* * * T A	X PAYM	ENTS	* * *	
					(Please note that this	
					PT FOR ACCOUNTS tion on foreclosure ac	
PORECI	, picase		ax summary for		tion on foreclosure ac	counts)
		1,715		THE STATE OF		
	This web	site uses the FREE Adob not have this plug-in, click	e® Acrobat® Reader the icon to get it.	™ plug-in.	Reader	
				,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		
NO TAX	ROLL RECORD					
151029	has no permi	ts or Environm	mental Healt	h site ev	alutions	
and has	no land use	applications	or Agricult	ural Perm	its.	
*****	********	*******	******	*****	********	*****
*****	*******	*** Real Pro	perty Tax L	ot Record	******	******

Get Latest Tax Lot Record for this property

This web site uses the FREE Adobe® Acrobat® Reader™ plug-in. Acrol If you do not have this plug-in, click the icon to get it.



Tax Lot Record prior to July 2003

For Tax Lot Records prior to 1995 please call our office at (541)388-6508

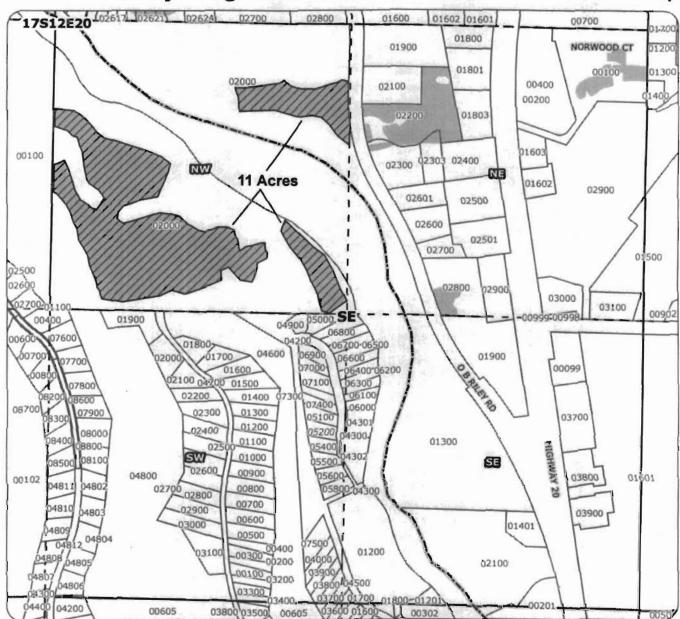
17 12 29 D C 04501 Code 1-001

This description is for tax purposes ONLY and can not be attached to any legal document.

DESCHUTES COUNTY ASSESSOR'S NAME LEDGER

	/-2003	lap								
	Sale Date 15-May-2003	To/From Map		Ownership %					90	
			NO	•					Part Type	
	Recorded Date 15-May-2003	PT Operation	CONVERSION	Ownership Type	OWNER				Direction Part	
nterest	3 Record		N:151029	уре	0.	ove To Code			Direc	
Special Interest	Entry Date 15-May-2003	Ource ID	ASSESSOR'S FILE:CONVERSION:151029	Name Type	OWNER	Afternate Size Code Area Deleted Move to Acct Move To Code			3	
Taxlot 04501	ntry Dat	PIO S	- 4π		7	M petelel				
1/16 C	ш	ID#1 ID#2 PID Source ID	151029		ON DISTRIC	ode Area D		e Size	Block	
1 /4	-36336	10 #1	2003		RECREAT	Size C		Afternate Size		
Section 29	Effective Date 15-May-2003 12:00 AM Transaction ID	Type		The second second	BEND METROPOLITAN PARK AND RECREATION DISTRICT	Attemate		Sqft		
Account ID Township Range 151029 17 12	12:00 AM Tr	Seq Voucher ID Tax Year Document Source	2003 ASSESSOR'S FILE	эте	END METROPOL	+1-Size	0.28 Acres	Acres	5	
ownshij 17	-May-2003	ax Year Do	2003 AS	Status N	A B	Code	1001	Code	Action Subdivision	
ccount ID T 151029	ive Date 15-	Voucher ID T	-36336	Name Changes Status Name		Size Changes Code		Size Totals	Action	Add
Accc 15	Effect	Sed	-	-	•	-	•	1		

2008 Swalley Irrigation District Instream Lease Map



Application for Instream Lease

Proposed Lease of Irrigation Rights

Water Rights

for Bend Metro Parks and Recreation District Sawyer Park taxlot 2000- 11 acres in 171220NWSE

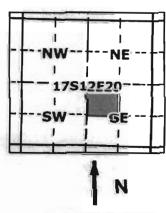
> 0 acres remaining in taxlot Total Lease of 11 Acres



Geo-Spatial Solutions, Inc.

www.geospatia.lsolutions.com

Date Created: June 2008



1 inch equals 400 feet

Jan 2007



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.

	Pursuant to ORS 537.348(2) and OAR 690-077
Opti Leas	onal Identification by Lessor/Lessee: Previously leased as L-432 e Application Number (assigned by WRD):
This	Lease is with:
Nam	or #1 (Water Right Holder): te CLR c/o Jerry Curl
	ing address 703 NW Stonepine Dr State, Zip Code Bend, OR 97701
	phone number 541-389-6562
	il address
If ad	ditional water right holders, enter water right holder information below
Appli	The section numbering associated with this form corresponds to that found on the "Standard Instream Lease cation" form. The "Pooled Lease" form and "Pooled Water Right Holder" form(s) are used to provide the same nation as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not alway ntial.
	~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. Indicat 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.]

	E	R	Sect		Fax Lot	Acres	Type of Use	Certificate	Page(s) =	Priority
	*(Ident	ify pertine	ent page r	number of			is greater than 1 er certificate)	0 pages; identif	y priority date	
1.	16 S	12 E	20	nenw	202	9.8	IRR	74145	6	Sept. 1 1899
2.	16 S	12 E	20	nwnw	202	2.9	IRR	74145	6	Sept. 1 1899
3.	16 S	12 E	20	nwsw	201	5.4	IRR	74145	6	Sept. 1 1899
4.	16 S	12 E	20	swnw	200	6.9	IRR	74145	6	Sept. 1 1899
5.										

leas	Tot ed in L	al number of acres, if for irrigation, by certificate and priority date: 25.0 acres (previously -432)
	Cor	nditions or other limitations, if any:
-		to enter another leased right, please use the Additional Water Right Form for Pooled at Holder.
1.6	Valid	lity of rights. Lessor(s) attests (mark one) that:
	\boxtimes	The water has been used over the past five years according to the terms and conditions of the 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 water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)(_)(include necessary supporting documentation as Attachment 3).

~Il~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on <u>November 1, 2008</u>. (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 ear	ch
year with written notice to the Department. The lease may be terminated at any tim	ie
during the calendar year. However, if the termination request is received less then	30-
days prior to the period of allowed instream use or after the period of allowed use h	as
begun for the water right(s) being leased, water may not be used under the right(s)	eased
until the following calendar year, unless the Director determines that enlargement v	
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: CLR, c/o Jerry Curl _ Date: _ 3/31/08

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)

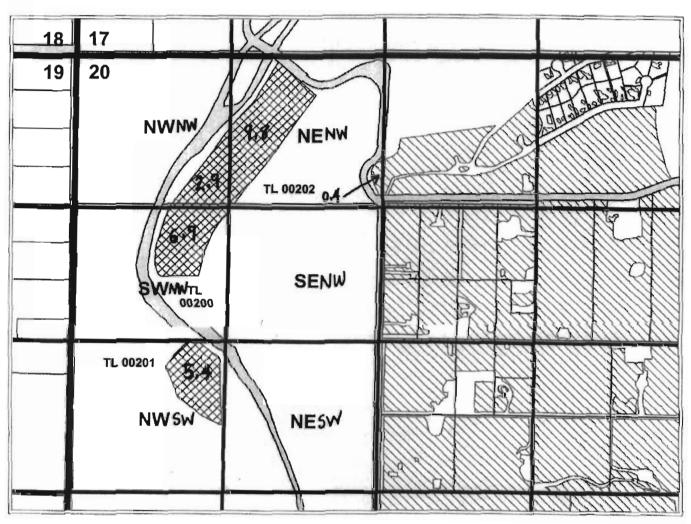
Exhibit 5-D:

Split Season Instream Use Form

SWALLEY IRRIGATION DISTRICT **INSTREAM LEASE MAP**



16S12E20



APPLICATION FOR INSTREAM LEASE FOR

C L R, INC. (TL 00202) - 12.70 ACRES C L R, INC. (TL 00200) - 6.90 ACRES C L R, INC. (TL 00201) - 5.40 ACRES



- PROPOSED LEASE WATER



- EXISTING WATER





1" = 750'

Date: 05/23/03

Geo-Spatial Solutions, Inc www.geospatialsolutions.com

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O

SW¼ NW¼	1000	PND	0.200	3 & 15	Hanson, Oswald & Ann
SE¼ NW¼	101	IRR	9.000	3 & 15	Hanson, Stephen & Linda
SE'4 NW'4	1300	IRR	3,400	3 & 15	McIntosh, John E. & Patricia L.
SE¼ NW¼	1400	IRR	4.500	3 & 15	McIntosh, John E. & Patricia L.
327411174		Section			
NE'4 NE'4	100	IRR	5.500	3 & 15	Brown, Harper & Frances
NE¼ NE¼	200	IRR	29.800	3 & 15	Hanson, Stephen & Linda
NW4 NE4	300	IRR	30.000	3 & 15	Hanson, David & Diane
SW4 NEW	300	IRR	29,200	3 & 15	Hanson, David & Diane
SE¼ NE¼	200	IRR	32,400	3 & 15	Hanson, Stephen & Linda
NE% NW%	500	IRR	2.000	14	Westlund II, Bernard J.
SE'4 NW1/4	500	IRR	8.500	14	Westhind II, Bernard J.
NE'4 SW1/4	1200	TRR	1.100	3 & 15	G K L Ranch
SE'4 SW'4	1701	IRR	14.300	3 & 15	Heath, Jeffery M. & Susan C.
SE'4 SW'4	1702	IRR	18.900	3 & 15	Bemis, Thomas H.
NE% SE%	200	IRR	22.500	3 & 15	Hanson, Stephen & Linda
NW14 SE14	1300	IRR	27.600	3 & 15	G K L Ranch G K L Ranch
NW¼ SE¼	1400	IRR	0.600	3 & 15	G K L Ranch
NW4 SE4	1500	IRR	0.100	3 & 15	G K L Ranch
NW¼ SE¼	1600	IRR	0.400	3 & 15	Bemis, Thomas H.
SW¼ SE¼	1700	IRR	16.900	3 & 15	Heath, Jeffery M. & Susan C.
SW4 SE4	1701	IRR	5.700	3 & 15 3 & 15	Bemis, Thomas H.
SW¼ SE¼	1702	IRR	2.100	3 & 15	Hanson, Stephen & Linda
SEW SEW	200	IRR	0.300	3 & 15	Bemis, Thomas H.
SE¼ SE¼	1700	IRR	4.100	3 & 15	GK L Ranch
SE% SE%	1800	IRR		3 06 13	O N E Ranca
		Section	on To		
NEW NEW	100	IRR	17.900	3 & 15	Deschutes River Ranch
NE¼ NE¼	1001	IRR	0.300	3 & 15	Kelley, Betty
NE'4 NE'4	1002	IRR	0.300	3 & 15	Kelley, Betty
NEW NEW	1003	IRR	1.100	3 & 15	Kelley, Betty
NW 1/4 NE 1/4	100	IRR	14.700	3 & 15	Deschutes River Ranch
SW1/4 NE1/4	400	IRR	4.000	3 & 15	Dahlen, R. Scott
SWW NEW	500	IRR	3.800	3 & 15	Marchbanks, Randy & Vicki
SW% NE%	600	IRR	5.000	3 & 15	Dearing, Curtis E. & Donna
SW% NE%	601	IRR	4.000	3 & 15	Harris, David J. & Penny L.
SWW NEW	700	IRR	4.000	3 & 15	Henry, Billy D. Jr. & Valerie
SW% NEW	701	IRR	3.600	3 & 15	Johnston, Michael & Dauna
SW% NEW	702	IRR	4.200	3 & 15	Trink, R. Dale & Pamela
SW% NE%	703	IRR	3.800	3 & 15	Trink, R. Dale & Pamela
SW4 NE4	800	IRR	0.400	3 & 15	Johnston, Michael & Dauna
SE'4 NE'4	1001	IRR	14.900	3 & 15	Kelloy, Betty
SE¼ NE¼	1002	IRR	13.200	3 & 15	Kelley, Betty
SE'4 NE'4	1003	IRR	10.200	3 & 15	Kelley, Betty
NE% NW%	202	IRR	9.800	13	C.L.R. Inc.
NE% NW%	204	IRR	0.400	3 & 15	Deschutes River Ranch
NW% NW%	202	TRR	2.900	13	C.L.R. Inc.
SW4 NW4	200	IRR	6.900	12	C.L.R. Inc.
NW% SW%	201	IRR		3 & 15	Lantz, Gerald & Christine
NEW SEW	1103	IRR PND	8.750 0.500	3 & 15	Lantz, Gerald & Christine
NEW SEW	1103	IRR	9.000	3 & 15	Owen, Daniel
NEW SEW	1104	IRR	9.750	3 & 15	Lantz, Gerald & Christine
NE% SE%	1107 1300	IRR	9.200	3 & 15	Carstens, John & Ruth
NE% SE% NW% SE%	1100	IRR	8.500	3 & 15	LaDuke, James H.
NW4 SE4	1101	IRR	1.800	3 & 15	Dutton, Bill & Phyllis
NW4 SE4	1102	IRR	2.200	3 & 15	Dutton, Bill & Phyllis
1417 /4 OE/S	LIUL	****	2.200		

SEE NEXT PAGE