

# 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

	onal Identification by Lessor/Lessee: IL-2009-05  Application Number (assigned by WRD):	169
This l	Lease is between:	
	or #2: Irrigation District or Other Water Purveyor  e Central Oregon Irrigation District	
	ng address 1055 SW Lake Ct	<del></del>
City,	State, Zip Code Redmond, OR 97756	
Telep	phone number <u>541-504-7577</u>	
Email	l address <u>lauraw@coid.org</u>	
The w	vater right to be leased is located in Deschutes County	
	ee (if different than Oregon Water Resources Depart e Deschutes River Conservancy	tment):
	ng address PO Box 1560	<del></del>
	State, Zip Code Bend, OR 97709	
• •	whone number 541-382-5186	RECEIVED
	l address gen@deschutesriver.org	· · · · · · · · · · · · · · · · · · ·
Trust		WATER RESOURCES DEPT
	on Water Resources Department Summer Street NE, Suite A	SALEM, OREGON
	n, OR 97301-1266	
	986-0900	
(303)	~I~ Water Right Holder and Water I	Right Information
1.2	Lessor #2 is the (Check one):  ⊠ Official representative of Central Oregon Irrigation	on District the irrigation district.
	which conveys water to the subject water rights.	, are migation district
	☐ Another party with an interest in the subject water ☐ Not applicable.	r rights representing
1.3	For the water right(s) being leased, list all water right Indicate if there are any supplemental or overlying right	
	Certificate No. <u>83571 &amp; 76714</u>	

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.: 83571
	Priority date: October 31, 1900 & December 2, 1907 Type of use: Irrig
	Legal Season of Use: April 1 to November 1
	If an irrigation right, total number of acres to be leased: 35.37
	Total acre-feet of storage to be leased, if applicable: 0
	Maximum rate associated with subject water rights (cfs) being leased:
	POD #1: Priority 10/31/1900: Season 1: 0.316, Season 2: 0.421, Season 3: 0.557
	<u>Priority 12/02/1907: Season 3: 0.223</u>
	POD #11: Priority 10/31/1900: Season 1: 0.125, Season 2: 0.166, Season 3: 0.220
	Priority 12/02/1907: Season 3: 0.088
	If there is more than one rate associated with a water right, describe below:
	Season 1 (cfs) Time period:
	Season 2 (cfs) Time period:
	Season 3 (cfs) Time period: RECEIVED
	Maximum duty associated with subject water rights (ac-ft): POD #1: 250.32
	POD #11: 98.85 FEB 2 7 2009
	Conditions or other limitations, if any: None WATER RESOURCES DEPT SALEM, OREGON
	If you need to enter another leased right, please use the additional water rights form.
	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 Deschutes Basin.
	Describe the point of diversion (POD) and any associated reach(es) of the instream use
	being created. If possible list the reach by river mile. If no reach is identified, and there is
	only one POD listed on the certificate, the lease will be processed to be protected at the
	POD. (If more than one POD is listed on the certificate, then the POD and any associated reach(es) must be identified): POD #1 & 11 to Lake Billy Chinook
	Maximum volume in acre-feet: Priority 10/31/1900: 192.78
	Rate in cfs: POD #1: Priority 10/31/1900: Season 1: 0.174, Season 2: 0.233,
	Season 3: 0.431  POD #11: Priority 10/31/1000: Season 1: 0.243 Season 2: 0.325 Season 3: 0.601
	POD #11: Priority 10/31/1900: Season 1: 0.243, Season 2: 0.325, Season 3: 0.601 (If more than one rate, describe the rate associated within each time period or instream reach.)
	Rate in cfs:
	Rate in cfs:

	(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					
	<ul> <li>None</li> <li>☐ The instream flow will be allocated on a daily average basis up to the described rate from through</li> </ul>					
	Other (describe):					
2.3	Term of lease. This lease shall terminate on October 26, 2009 WATER RESOURCES DEP	Τ				
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	<b>Lease.</b> 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	<b>Precedent.</b> 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					

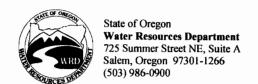
#### Central Oregon Irrigation District IL-2009-05 Water Right changes for Instream Maps

TRS	QQ	AC	OWRD#
15-13-04	NE NE	5.00 ac Exited	T-10544

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WATER RESOURCES DEPT SALEM, CREGON



1.5

### 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 Optional Identification by Lessor/Lessee: 667100 Lease Application Number (assigned by WRD): \( \subseteq \subseteq \cappa \) This Lease is with: Lessor #1 (Water Right Holder): RECEIVED Name Smith Hill Properties, Inc Mailing address 3451 NE Xenolith St FEB 27 2009 City, State, Zip Code Terrebonne, OR 97760 WATER RESOURCES DEPT Telephone number \_\_\_\_\_ SALEM, OREGON 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 Lessor #1 is the water right holder, or authorized agent for property described in Section 1.1 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. 83571 & 76714 1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. Yes ⊠ No

section and 1/4 1/4, tax lot number, map orientation and scale.]

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,

Water Right(s) Proposed to be Leased Instream. Water right holder proposes to lease the

	T	R	Sect	1,1,	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Identi	fy pertine	nt page n	umber of			is greater than 1 er certificate)	0 pages; identify	priority date	if there is
1.	14 S	13 E	13	SW NW	1400	2.50	Irrigation	83571	11	10/31/190 0
2.										
3.										<del></del>
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: <u>Cert #83571, Oct.</u> 31, 1900 - 2.50 acres

Conditions or other limitations, if any: None

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 <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).

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~II~ Instream Water Right Information

WATER RESOURCES DEPT
SALEM, OREGOREM of lease. This lease shall terminate on October 31, 2009

. (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.

**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.
~	I OI IIII III METO II	DI O I ISLOIII

- 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.

Lessor #1: // Communication / Communication /

For additional Lessors, type in space for signature and date

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WATER RESOURCES DEPT SALEM, CREGON

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

\_\_ Date:

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

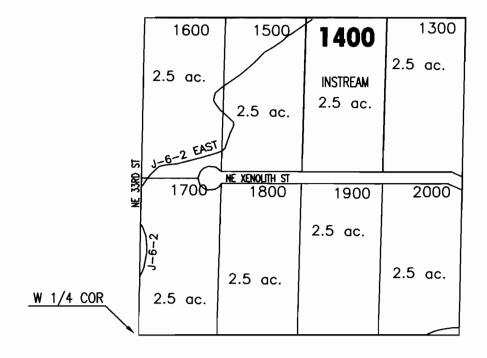
checked)

Exhibit 5-D: Split Season Instream Use Form

## DESCHUTES COUNTY SEC.13 T14S. R13E. W.M.

SCALE - 1" = 400' N ↑

SW 1/4 OF THE NW 1/4



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WATER RESOURCES DEPT SALEM, OREGON

# ac. PARCELS W/ WATER RIGHTS
# ac. 'INSTREAM' LAND PARCELS



APPLICATION FOR 1 YR INSTREAM LEASE

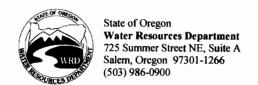
NAME: SMITH HILL PROPERTIES, INC

TAXLOT #: 1400

2.5 ACRES INSTREAM

DATE: 02-05-09

FILE NO: E:\TRANSFER\INSTREAM\INSTRM09\1YR\141313\_SWNW



### 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 Optional Identification by Lessor/Lessee: 3128/3365 Lease Application Number (assigned by WRD): 1 - 167 This Lease is with: Lessor #1 (Water Right Holder): Name Watson Development Limited RECEIVED Mailing address 963 SW Simpson Ave #110 City, State, Zip Code Bend, OR 97702-3469 FEB 27 2009 Telephone number 541-923-6607 728-0830 ext 101 WATER RESOURCES DEPT Email address SALEM, OREGON 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. For the water right(s) being leased, list all water rights appurtenant to the same lands. 1.3 Indicate if there are any supplemental or overlying rights. Certificate No. 83571 & 76714 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:

section and ¼ ¼, tax lot number, map orientation and scale.]

[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,

	T	R	Sect	1,1,	Tax Lot	Aeres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Identi	ify pertine	ent page r	umber of	certificate, i	if certificate than one p	e is greater than 1 er certificate)	0 pages; identify	priority date	if there is
1.	15 S	13 E	04	NE NE	700	2.22	Irrigation	83571	22	10/31/190
2.	15 S	13 E	05	NE NW	600	1.80	Irrigation	83571	23	10/31/190 0
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: Cert #83571, Oct. 31, 1900 - 4.02 acres (Since HB 3111, TL 700 has had a lot line adjustment to create a new road through the SE corner, leaving 2.22 acres water.)

Conditions or other limitations, if any: None

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

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

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- 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). WATER RESOURCES DEPT

#### ~II~ Instream Water Right Information

SALEM, OREGON 2.3 Term of lease. This lease shall terminate on October 31, 2009. (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	<b>Termination</b>	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.

Lessor #1: K. Grotor e

\_\_\_\_\_ Date: \_ 🚣 a.5.09\_

Watson Development Limited

For additional Lessors, type in space for signature and date

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WATER RESOURCES DEPT SALEM, OREGON

#### 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

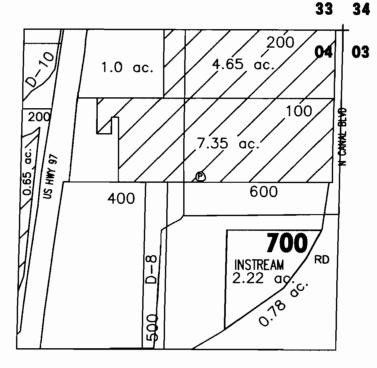
checked)

Exhibit 5-D: Split Season Instream Use Form

# DESCHUTES COUNTY SEC.04 T15S. R13E. W.M.

SCALE - 1" = 400' **N**↑

NE 1/4 OF THE NE 1/4



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WATER RESOURCES DEPT SALEM, OREGON

EXISTING WATER RIGHTS

# ac. 'INSTREAM' LAND PARCELS

# ac.

PARCELS W/ WATER RIGHTS

CENTRAL OREGON

IRRIGATION DISTRICT

APPLICATION FOR 1 YR INSTREAM LEASE

NAME: WATSON DEVELOPMENT LTD

TAXLOT #: 700

2.22 ACRES INSTREAM

DATE: 02-04-09

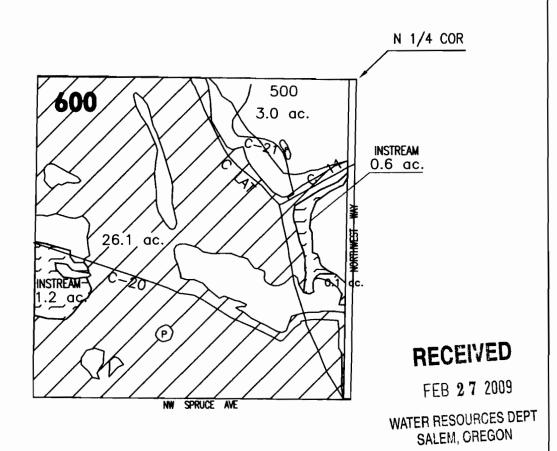
FILE NO: E:\TRANSFER\INSTREAM\INSTRMO9\1YR\151304\_HENE

# DESCHUTES COUNTY SEC.05 T15S. R13E. W.M.

SCALE - 1" = 400'



NE 1/4 OF THE NW 1/4



'INSTREAM' LANDS

EXISTING WATER RIGHTS

# ac. PARCELS W/ WATER RIGHTS



APPLICATION FOR 1 YR INSTREAM LEASE

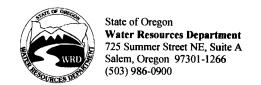
NAME: WATSON DEVELOPMENT LTD

TAXLOT #: 600

1.8 ACRES INSTREAM

DATE: 02-05-09

FILE NO: E:\TRANSFER\INSTREAM\INSTRM09\1YR\151305\_NENW



# 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	
Optio	onal Identification by Lessor/Lessee: 2024	
_	e Application Number (assigned by WRD):	
This	Lease is with:	
Less	or #1 (Water Right Holder):	
Nam	e Central Oregon Irrigation District	
Mail	ing address 1055 SW Lake Ct	RECEIVED
	State, Zip Code Redmond, OR 97756	HECEIVED
-	phone number <u>541-504-7577</u>	FEB <b>27</b> 2009
Emai	il address <u>lauraw@coid.org</u>	
If ad	ditional water right holders, enter water right holder information below	WATER RESOURCES DEPT SALEM, CREGON
	~I~ Water Right Holder and Water Right Informa	tion
1.1	Lessor #1 is the water right holder, or authorized agent for property de 1.5. If the water right appurtenant to these lands is also appurtenant to others who are not included in this application, then Attachment 1 (tax included.	lands owned by
1.3	For the water right(s) being leased, list all water rights appurtenant to Indicate if there are any supplemental or overlying rights.	the same lands.
	Certificate No. <u>83571 &amp; 76714</u>	
1.4	Are some or all of the lands being leased part of a Conservation Reser Program.   Yes No	ve Enhancement
1.5	Water Right(s) Proposed to be Leased Instream. Water right holde water rights shown on the map attached as Exhibit 5-B and described [This information may be included on Exhibit 5-A, or an additional map may be attathe area of water rights being leased. Attached map(s) must identify water right holds.	as follows: ached. Crosshatch

section and 1/4 1/4, tax lot number, map orientation and scale.]

	T	R	Sect	1 1 1	Fax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Identi	fy pertine	nt page n	umber of			is greater than 1 er certificate)	0 pages; identify	priority date	if there is
1.										
2.									REC	EIVED
3.									FER	<b>2 7</b> 2009
4.									WATER REA	
5.									SALEM	OURCES DEI OREGON

Total number of acres, if for irrigation, by certificate and priority date: Cert #83571, Oct.
31, 1900 - 28.85 acres (See attached list.)
Conditions or other limitations, if any: None
<u> </u>

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 <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).

#### ~II~ Instream Water Right Information

**2.3** Term of lease. This lease shall terminate on October 31, 2009. (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.

**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	<b>Termination</b>	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.

Lessor #1: C	Souran Libollam	Date: _	02-03-0

Central Oregon Irrigation District

For additional Lessors, type in space for signature and date

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Other Attachments As Needed:

WATER RESOURCES DEPT

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

SALEM, OREGON

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 A COID QUITCLAIM WATER RIGHTS INSTREAM LEASE - 2009

QD#	TRS	QQ	TL	# ACRES	TOU	POD	<b>CERTIFICATE PG#</b>
2009-5086	14-13-16	NW SE	103	1.90	IRRIG	11	12
2009-5086	14-13-16	NE SE	103	0.04	IRRIG	11	12
2008-34417	15-12-13	SW SE	1401	0.40	IRRIG	11	21
2008-47764	15-13-18	NE SW	100RD	0.40	IRRIG	11	25
2008-47764	15-13-18	NE SW	200RD	0.44	IRRIG	11	25
2008-47764	15-13-18	NE SW	301RD	0.28	IRRIG	11	25
2008-47764	15-13-18	NE SW	302	0.02	IRRIG	11	25
				3.48			
2008-228992	16-14-21	NW NW	200	0.57	IRRIG	1	41
2008-33134	17-12-13	NW NW	305	3.00	IRRIG	1	42
2006-65610	17-12-35	SW NW	201	2.50	IRRIG	1	45
2008-14089	17-13-20	NE SW	403	19.30	IRRIG	1	46
				25.37			

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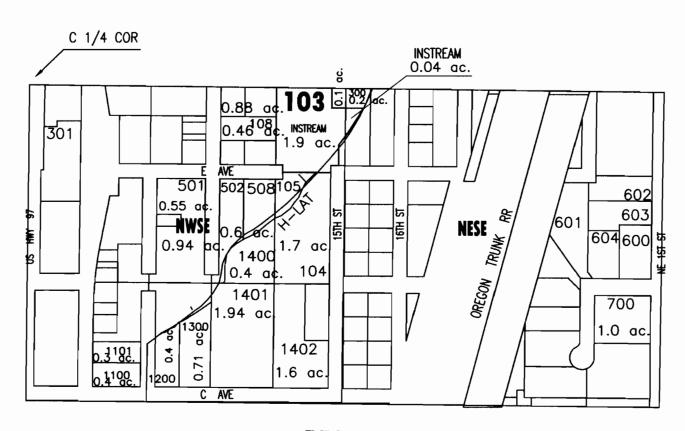
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# DESCHUTES COUNTY SEC16 T14S. R13E. W.M.

SCALE - 1" = 400' N ↑

NW 1/4 OF THE SE 1/4; NE 1/4 OF THE SE 1/4



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# ac. PARCELS W/ WATER RIGHTS
# ac. 'INSTREAM' LAND PARCELS



APPLICATION FOR 1 YR INSTREAM LEASE

NAME: COID

TAXLOT #: 103

1.94 ACRES INSTREAM

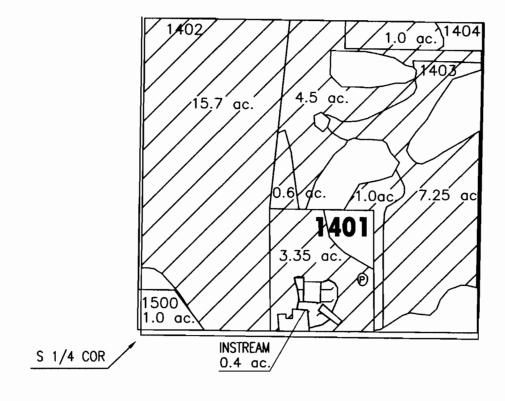
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# DESCHUTES COUNTY SEC.13 T15S. R12E. W.M.

SCALE - 1" = 400'
N ↑

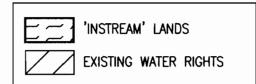
SW 1/4 OF THE SE 1/4



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CENTRAL OREGON

APPLICATION FOR 1 YR INSTREAM LEASE

NAME: COID

TAXLOT #: 1401

0.4 ACRES INSTREAM

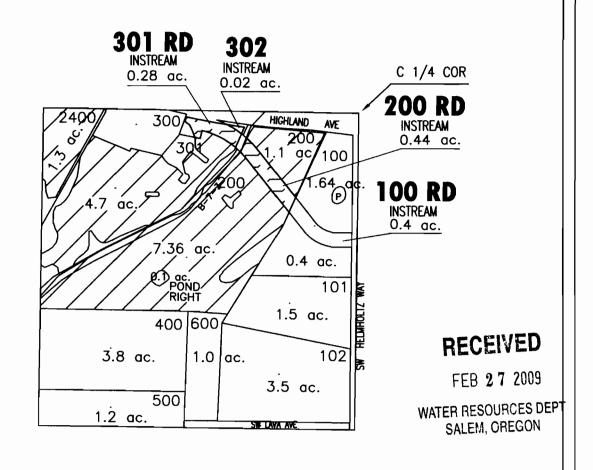
IRRIGATION DISTRICT DATE: 02-03-09

FILE NO: E:\TRANSFER\INSTREAM\INSTRMO8\COID\151213\_SWSE

# DESCHUTES COUNTY SEC.18 T15S. R13E. W.M.

SCALE - 1" = 400'
N ↑

NE 1/4 OF THE SW 1/4



'INSTREAM' LANDS

EXISTING WATER RIGHTS

# ac. 'INSTREAM' LAND PARCELS

# ac. PARCELS W/ WATER RIGHTS

CENTRAL OREGON

APPLICATION FOR 1 YR INSTREAM LEASE

NAME: COID

TAXLOT #: 302, 100 RD, 200 RD, 301 RD

1.14 ACRES INSTREAM

IRRIGATION DISTRICT DATE: 02-04-09

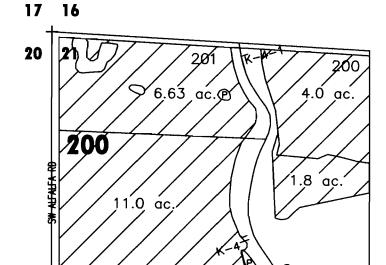
FILE NO: E:\TRANSFER\INSTREAM\INSTRM09\COID\151318\_NESW

# CROOK COUNTY SEC.21 T16S. R14E. W.M.

SCALE - 1" = 400'

N

NW 1/4 OF THE NW 1/4

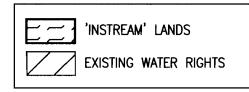


0.57 ac.

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WATER RESOURCES DEPT SALEM, OREGON





APPLICATION FOR 1 YR INSTREAM LEASE

NAME: COID

TAXLOT #: 200

0.57 ACRES INSTREAM

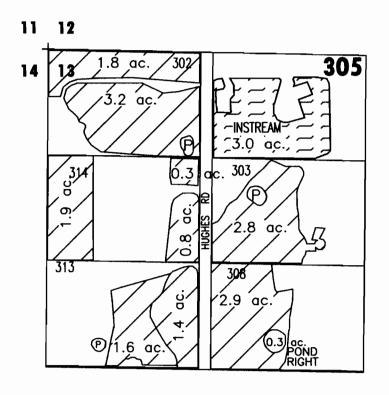
DATE: 02-04-09

FILE NO: E:\TRANSFER\INSTREAM\INSTRM09\COID\161421\_NWNW

## DESCHUTES COUNTY SEC.13 T17S. R12E. W.M.

SCALE - 1" = 400'

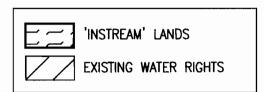
NW 1/4 OF THE NW 1/4



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APPLICATION FOR 1 YR INSTREAM LEASE

NAME: COID

TAXLOT #: 305

3.0 ACRES INSTREAM

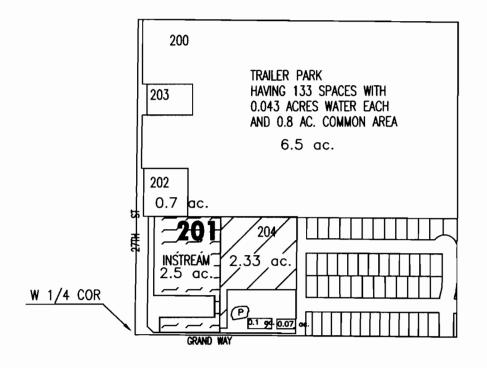
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## DESCHUTES COUNTY SEC.35 T17S. R12E. W.M.

SCALE - 1" = 400' N↑

SW 1/4 OF THE NW 1/4



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WATER RESOURCES DEPT SALEM, OREGON

'INSTREAM' LANDS
EXISTING WATER RIGHTS
# ac. PARCELS W/ WATER RIGHTS



APPLICATION FOR 1 YR INSTREAM LEASE

NAME: COID

TAXLOT #: 201

2.5 ACRES INSTREAM

DATE: 02-04-09

FILE NO: E:\TRANSFER\INSTREAM\INSTRMO9\COID\171235\_SWNW

# DESCHUTES COUNTY SEC.20 T17S. R13E. W.M.

SCALE - 1" = 400'

NE 1/4 OF THE SW 1/4

8.13 ac.
| NSTREAM | 13.7 ac. | POND | RIGHT |

C 1/4 COR

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[]

'INSTREAM' LANDS



EXISTING WATER RIGHTS



POND

CENTRAL OREGON



APPLICATION FOR 1 YR INSTREAM LEASE

NAME: COID

TAXLOT #: 403

19.3 ACRES INSTREAM

DATE: 02-04-09

FILE NO: E:\TRANSFER\INSTREAM\INSTRM09\COID\171320\_NESW