



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: Mitigation Project

Lease Application Number (assigned by WRD): TL-977/MP-128

This Lease is between:

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

Name Three Sisters Irrigation District  
Mailing address P.O. Box 2230  
City, State, Zip Code Sisters, OR 97759  
Telephone number 541-549-8815  
Email address tsid@uci.net

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

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

Name Deschutes River Conservancy - Mitigation Bank  
Mailing address P.O. Box 1560  
City, State, Zip Code Bend, OR 97709  
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 Three Sisters 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. 74135

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Pooled Lease Form / 1

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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.: 74135

Priority date: 1887, 1895, 1899 Type of use: Irrigation

Legal Season of Use: N/A

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

1887 - 12.8 ac

1895 - 179.3 ac

1899 - 11.7 ac

(total 203.8 ac)

Total acre-feet of storage to be leased, if applicable: N/A

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

1887 - 0.256 cfs

1895 - 3.586 cfs

1899 - 0.234 cfs

(total 4.076 cfs)

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

Season 1 (cfs) N/A Time period: \_\_\_\_\_

Season 2 (cfs) \_\_\_\_\_ Time period: \_\_\_\_\_

Season 3 (cfs) \_\_\_\_\_ Time period: \_\_\_\_\_

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

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:

Whychus Creek

Tributary to Deschutes River in the Deschutes Basin.

Describe the point of diversion (POD) and any associated reach(es) of the instream use being created. If possible list the reach by river mile. If no reach is identified, and there is only one POD listed on the certificate, the lease 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): From POD at RM 23.5 of Whychus Cr to the mouth at RM 0

Maximum volume in acre-feet:

1887 - 62.46 af

1895 - 874.87 af

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Pooled Lease Form / 2

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1899 - 57.09  
(total - 994.41 af)

Rate in cfs:

1887 - 0.256 cfs

1895 - 3.586 cfs

1899 - 0.234 cfs

(total 4.076 cfs)

(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

The instream flow will be allocated on a daily average basis up to the described rate from April 15, 2009 through July 15, 2009.

Other (describe): \_\_\_\_\_

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

**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.

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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: *Three Sisters Irrigation District* Date: 3/25/09  
Three Sisters Irrigation District

Lessee: *Genevieve Hubert* Date: 3/27/09  
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

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Revised 3/27/09

TSID season 1 - Mitigation

Priority	acres*	priority subtotal	cfs	rate*	priority subtotal	conv fact	*	no. days	duty AF	priority subtotal
Taylor	1887	12.8	0.02	0.266	0.256	1.983471	0.507769	123	62.46	62.46
Patterson	1895	41.6	0.02	0.832	1.983471	1.650248		123	202.98	
Swaner	1895	65	0.02	1.3	1.983471	2.578512		123	317.16	
Angel	1895	30	0.02	0.6	1.983471	1.190083		123	146.38	
Cornick	1895	7.1	0.02	0.142	1.983471	0.281653		123	34.64	
Enger	1895	30.6	0.02	0.612	1.983471	1.213884		123	149.31	
Burdick	1895	5	0.02	0.1	3.586	1.983471	0.198347	123	24.40	874.87
Burdick	1899	5.2	0.02	0.104	1.983471	0.206281		123	25.37	
Brandon	1899	8.5	0.02	0.13	0.234	1.983471	0.257851	123	31.72	57.09
<b>totals</b>	<b>203.8</b>	<b>203.8</b>		<b>4.076</b>	<b>4.076</b>				<b>984.41</b>	<b>994.41</b>

S

start	end	days instream
3/15/2009	7/15/2009	123.00 Season 1
7/16/2009	10/15/2009	92.00 Season 2



State of Oregon  
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## 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: Mitigation Project

Lease Application Number (assigned by WRD): IL-977 MP-128

This Lease is with:

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

Name Kay Patterson

Mailing address P O Box 1839

City, State, Zip Code Sisters, OR 97759

Telephone number 541-549-1215

Email address kayp.hirtel@uci.net

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

Lessor # 2:

Three Sisters Irrigation District Irrigation District

P O Box 2230

Sisters, OR 97759

541-549-8815

tsid@uci.net

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. 74135
- 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:

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Pooled Water Right Holder Form / 1

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	F	R	Sect	1/4	Tax Lot	Acres	Type of Use	Certificate #	Pages/#	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.	15	10	24	Nw NW	200	12	IRR	74135	8	1895
2.	15	10	24	SW NW	200	9.6	IRR	74135	8	1895
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 41.6 ac IRR 1895  
See Map & Notes Spreadsheet regarding current & pending transfers

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 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 July 15, 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.
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- 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

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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.

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- 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: Kay Patterson Date: 3-23-09

For additional Lessors, type in space for signature and date

Lessor #2: Three Sisters 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

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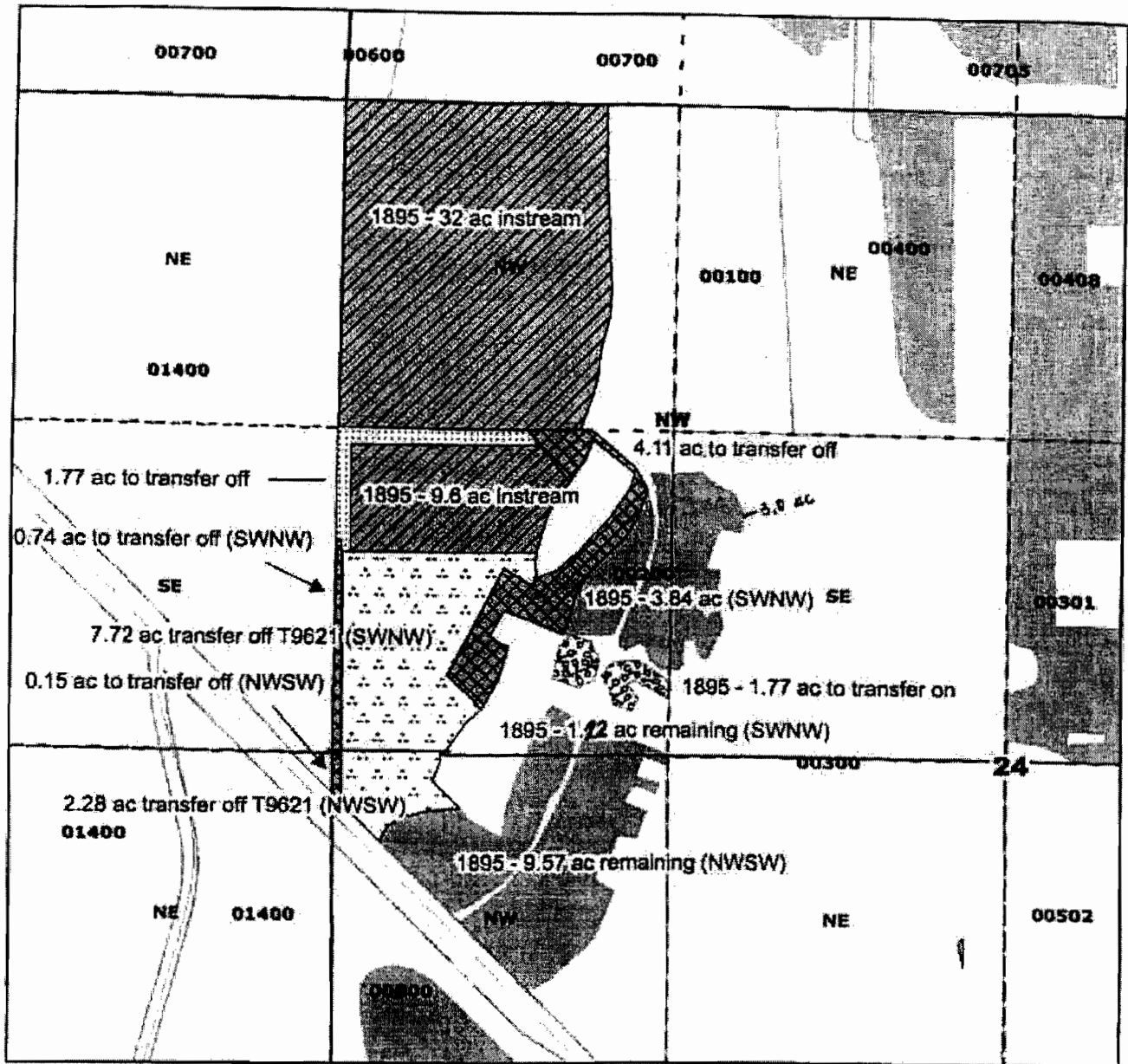
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Pooled Water Right Holder Form 14

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**Legend**

- Township Range
- Quarter Quarters
- Taxlots
- 1895
- Instream
- Transfer Off - T9621
- To Transfer Off
- To Transfer Off
- To Transfer On

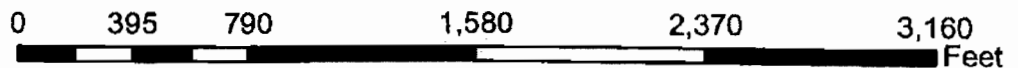
**Three Sisters Irrigation District**

Kay Patterson  
 41.6 acres in stream - 1895  
 Certificate 74135  
 T15S R10E Sect 24  
 Tax Lot 200  
 NWNW 32 acres in stream  
 SWNW 9.6 acres in stream  
 Deschutes County

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 SALEM, OREGON



Three Sisters Irrigation District  
 Kay Patterson  
 27-Mar-09

T	R	S	Q	Q	Taxlot	Acres	Subtotal	Note
15 S	10 E	24	NWNW	200	32.00	32.00	32.00	Lease Instream
15 S	10 E	24	SWNW	200	9.60	9.60	9.60	Lease Instream
15 S	10 E	24	SWNW	200	7.72	7.72	7.72	Transfer off T-9621
15 S	10 E	24	SWNW	200	1.77	1.77	1.77	to transfer off and back on different area (not yet submitted)
15 S	10 E	24	SWNW	200	0.74	0.74	0.74	to transfer off (not yet submitted)
15 S	10 E	24	SWNW	200	4.11	4.11	4.11	to transfer off (not yet submitted)
15 S	10 E	24	SWNW	200	5.06	5.06	5.06	Remaining
							29.00	
15 S	10 E	24	NWSW	200	0.15	0.15	0.15	to transfer off
15 S	10 E	24	NWSW	200	2.28	2.28	2.28	Transfer off T-9621
15 S	10 E	24	NWSW	200	9.57	9.57	9.57	Remaining
							12.00	

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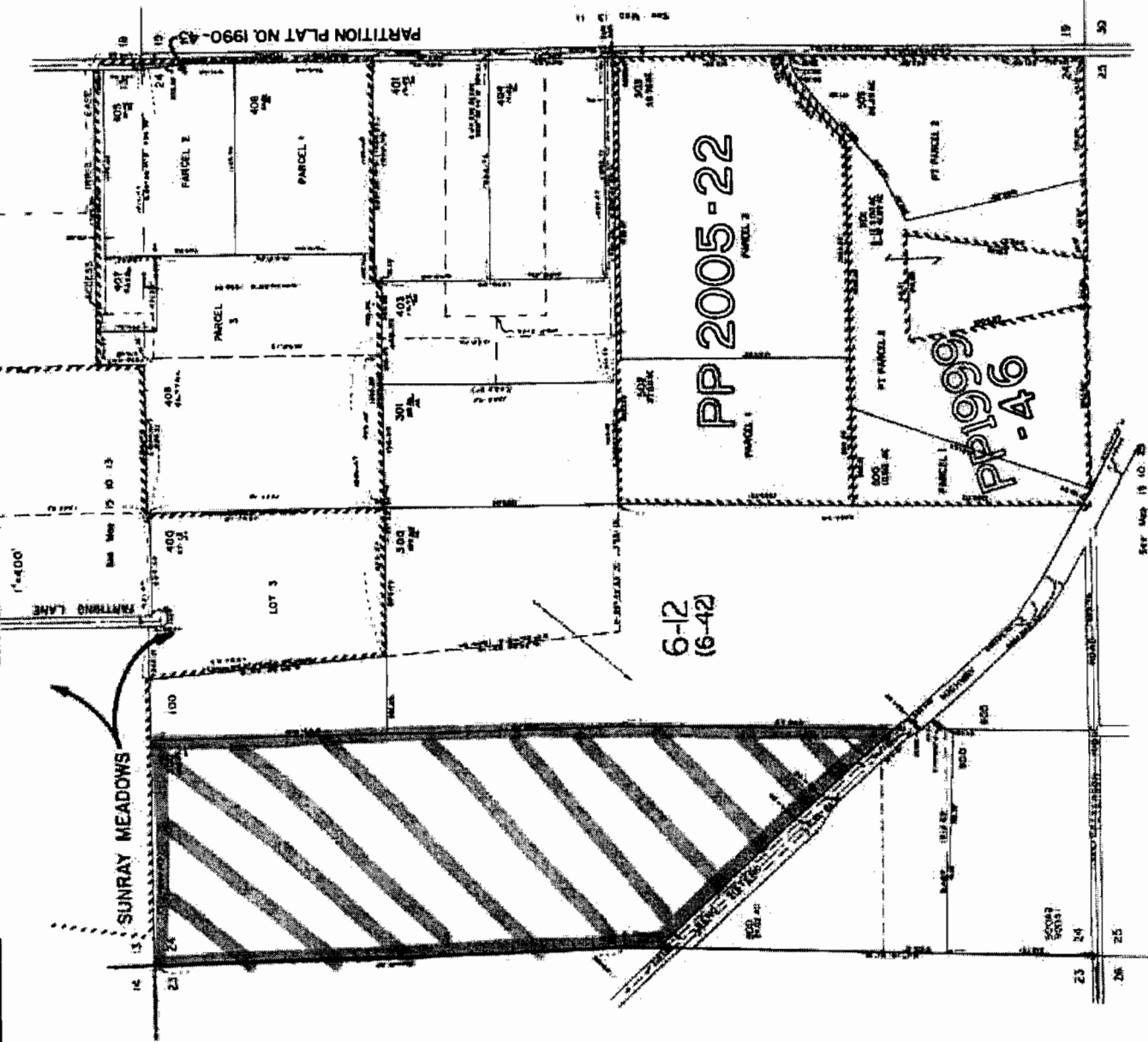
MAR 27 2009

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15 10 24

Cassell's members 500R1, 501R1, 600R1, 402, 504, 700

SECTION 24 T155 R10E W.M.  
DESCHUTES COUNTY



This map was prepared for assessment purposes only.

- 2-1-1999
- 2-1-2000
- 2-1-2001
- 2-1-2002
- 2-1-2003
- 2-1-2004
- 2-1-2005
- 2-1-2006
- 2-1-2007
- 2-1-2008
- 2-1-2009

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SALEM, OREGON

15 10 24

Lot	Q0	Tax lot	Acres	Type	Priority	Owner
SWX	SEX	705	5.50	IRR	1895	Dorman, Jerry & Penny
SWX	SEX	705	0.20	POND	1895	Dorman, Jerry & Penny
SEX	SEX	405	1.50	IRR	1893	Morris, Richard & Sherry
SEX	SEX	703	12.00	IRR	1895	Taylor, James & Diana
SEX	SEX	704	5.50	IRR	1895	Taylor, James & Diana
Section 13						
NEX	NEX	100	36.00	IRR	1903	Lazy Z, Joan Hull
NWX	NEX	100	26.00	IRR	1903	Lazy Z, Joan Hull
SWX	NEX	100	28.50	IRR	1903	Lazy Z, Joan Hull
SEX	NEX	100	35.00	IRR	1903	Lazy Z, Joan Hull
Section 14						
NEX	NEX	405	6.50	IRR	1893	Morris, Richard & Sherry
NEX	NEX	405	6.00	IRR	1895	Morris, Richard & Sherry
NEX	NEX	406	8.50	IRR	1893	Prete, Gene & Barbara
NEX	NEX	406	5.50	IRR	1895	Prete, Gene & Barbara
NEX	NEX	407	2.00	IRR	1893	Timms, Gregory & Sandra
NEX	NEX	407	2.00	IRR	1895	Timms, Gregory & Sandra
NWX	NEX	407	5.00	IRR	1893	Timms, Gregory & Sandra
NWX	NEX	407	5.00	IRR	1895	Timms, Gregory & Sandra
NWX	NEX	408	9.00	IRR	1893	Giguiere, Hugh & Gail
NWX	NEX	408	17.00	IRR	1895	Giguiere, Hugh & Gail
SWX	NEX	301	18.00	IRR	1895	Giguiere, Hugh & Gail
SWX	NEX	403	13.40	IRR	1895	Giguiere, Hugh & Gail
SWX	NEX	403	0.20	POND	1895	Giguiere, Hugh & Gail
SEX	NEX	401	16.00	IRR	1895	Giguiere, Hugh & Gail
SEX	NEX	404	16.00	IRR	1895	Giguiere, Hugh & Gail
NEX	NWX	400	7.00	IRR	1893	Gillespie, Dave & Patricia
NEX	NWX	400	7.50	IRR	1895	Gillespie, Dave & Patricia
<del>NWX</del>	<del>NWX</del>	<del>200</del>	<del>32.00</del>	<del>IRR</del>	<del>1895</del>	<del>Patterson, Kay E.</del>
<del>SWX</del>	<del>NWX</del>	<del>200</del>	<del>29.00</del>	<del>IRR</del>	<del>1895</del>	<del>Patterson, Kay E.</del>
SEX	NWX	300	3.00	IRR	1895	Patterson, Kay E.
NWX	SWX	<del>    </del>	<del>    </del>	IRR	1895	Patterson, Kay E.
NWX	SWX	700	5.50	IRR	1895	K.O.A., Dennis McCarthy
NWX	SWX	700	1.00	POND	1895	K.O.A., Dennis McCarthy
SWX	SWX	800	3.50	IRR	1895	K.O.A., Dennis McCarthy
NEX	SEX	500	2.00	IRR	1895	Herring, Janet
NEX	SEX	502	25.00	IRR	1895	Little, Daniel & Patricia
SWX	SEX	500	19.00	IRR	1904	Herring, Janet
SWX	SEX	501	7.00	IRR	1904	Herring, Janet
SEX	SEX	500	21.00	IRR	1895	Herring, Janet
SEX	SEX	500	14.00	IRR	1904	Herring, Janet
SEX	SEX	501	2.00	IRR	1904	Herring, Janet
Section 24						
NWX	NEX	600	10.00	IRR	1885	Sharpf, Larry & Barbara
NWX	NEX	600	21.00	IRR	1895	Sharpf, Larry & Barbara
NWX	NEX	600	7.00	IRR	1904	Sharpf, Larry & Barbara
SWX	NEX	600	38.50	IRR	1895	Sharpf, Larry & Barbara
NEX	NWX	600	19.00	IRR	1895	Sharpf, Larry & Barbara
NEX	NWX	600	2.10	IRR	1904	Sharpf, Larry & Barbara
SEX	NWX	600	6.00	IRR	1895	Sharpf, Larry & Barbara
NWX	SEX	600	4.50	IRR	1895	Sharpf, Larry & Barbara
NWX	SEX	600	6.00	IRR	1904	Sharpf, Larry & Barbara
Section 26						
NWX	SWX	3200	40.00	IRR	1895	Runco, Roy
Section 28						
Township 15 South, Range 10 East, W.M.						

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15, 10, 24

WATER RESOURCES DEPT  
SALEM, OREGON

C-74135



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

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](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: Mitigation Project

Lease Application Number (assigned by WRD): ~~MA~~ IL-977 / MA-128

This Lease is with:

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

Name Randy Burdick  
 Mailing address P.O. Box 944  
 City, State, Zip Code Sisters, OR 97759  
 Telephone number 541-923-1371  
 Email address \_\_\_\_\_

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

**Lessor # 2:**

Three Sisters Irrigation District Irrigation District  
P O Box 2230  
Sisters, OR 97759      541-549-8815      tsid@uci.net

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- 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. 74135
- 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:

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	F	R	Sec	1/4	Tax Lot	Acres	Type of Use	Certificate #	Pages #	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.	14	11	23	SW, SE	1100	5.00	IRR	74135	4	1895
2.	14	11	23	SW, SE	1100	5.20	IRR	74135	4	1899
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 5.0 ac IRR 1895  
5.20 ac IRR 1899

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 July 15, 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

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Pooled Water Right Holder Form / 3

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SALEM, OREGON

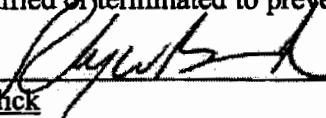
required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.

**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: 3/24/09  
Randy Burdick

For additional Lessors, type in space for signature and date

Lessor #2: \_\_\_\_\_ Date: \_\_\_\_\_  
Three Sisters Irrigation District

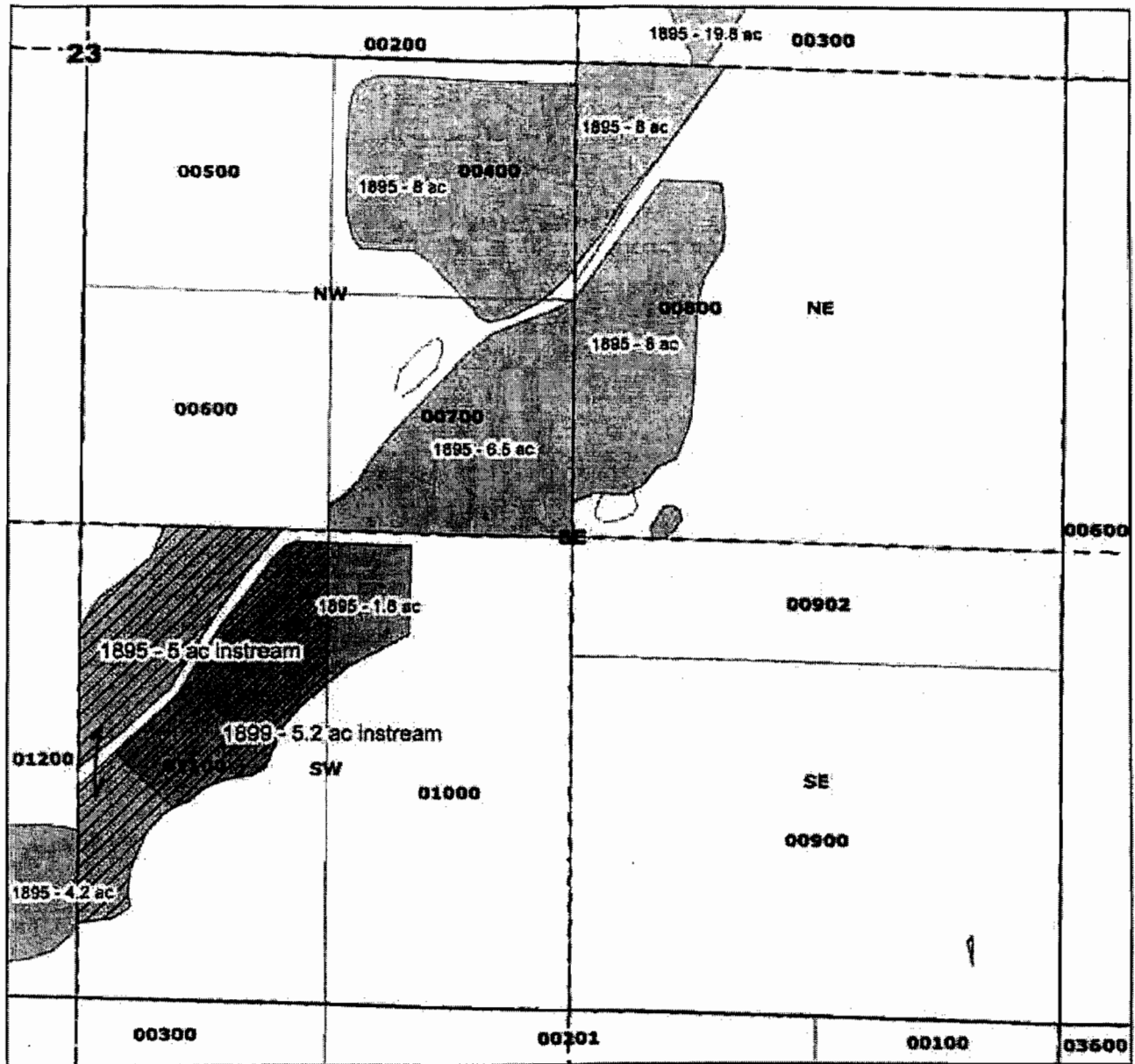
Other Attachments As Needed:

- 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

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**Legend**

- Primary selection
- Burdick Instream Lease
- Township Range
- Quarter Quarters
- Taxlots

**Primary**

**Priority\_Date**

- 1895
- 1899

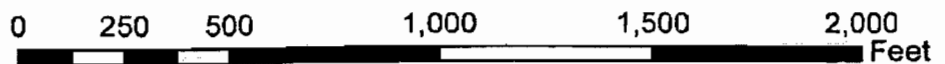
**Three Sisters Irrigation District**

Randy Burdick  
 5.0 acres instream - 1895  
 5.2 acres instream - 1899  
 Certificate 74135  
 T14S R11E Sect 23  
 Tax Lot 1100  
 SWSE 10.2 acres instream  
 0 acres remaining (Tax Lot 1100)  
 Deschutes County

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Lot	qQ	Tax lot	Acres	Type	Priority	Owner
NE¼ NE¼		100	6.00	IRR	1895	Kavanagh, Geraldine
NE¼ NE¼		100	1.50	IRR	1904	Kavanagh, Geraldine
NE¼ NE¼		200	15.00	IRR	1895	Helikson, Paul & Sherry
NE¼ NE¼		400	1.50	IRR	1895	Kavanagh, Geraldine
SE¼ NE¼		300	19.80	IRR	1895	Helikson, Paul & Sherry
SW¼ SW¼		1400	6.80	IRR	1899	Burdick, Robert R.
SE¼ SW¼		1200	4.20	IRR	1895	Kelley, William & Mildred
SE¼ SW¼		1300	7.50	IRR	1899	Burdick, Robert R.
NE¼ SE¼		800	8.00	IRR	1895	Vestal, William & Victoria
NW¼ SE¼		400	8.00	IRR	1895	Volz, Charles & Jan
NW¼ SE¼		700	6.50	IRR	1895	Volz, Charles & Jan
SW¼ SE¼		1000	1.80	IRR	1895	Shirazi, Mostafa & Naoko
<del>SW¼ SE¼</del>	<del>1100</del>	<del>5.00</del>	<del>5.00</del>	<del>IRR</del>	<del>1895</del>	<del>Burdick, Joyce G.</del>
<del>SW¼ SE¼</del>	<del>1100</del>	<del>5.20</del>	<del>5.20</del>	<del>IRR</del>	<del>1899</del>	<del>Burdick, Joyce G.</del>
Section 23						
NE¼ NE¼		100	2.70	IRR	1895	Sanders, Ed & Betty
NW¼ NE¼		100	1.50	IRR	1895	Sanders, Ed & Betty
NW¼ NW¼		400	6.00	IRR	1895	Kavanagh, Geraldine
NW¼ NW¼		500	1.50	IRR	1895	Kavanagh, Geraldine
Section 24						
NW¼ NE¼		300	5.00	IRR	1895	Elmore, Michael
NW¼ NE¼		400	4.00	IRR	1895	Elmore, Michael
Section 27						
SE¼ SW¼		500	6.00	IRR	1895	Jeffers, Donald & Gail
Section 28						
SE¼ SW¼		5800	8.00	IRR	1895	Paulus, Tom
SW¼ SE¼		5802	3.00	IRR	1895	Wilson, Aaron & Helen
SW¼ SE¼		5802	11.00	IRR	1904	Wilson, Aaron & Helen
Section 29						
NE¼ SW¼		4701	40.00	IRR	1899	Leason, Catherine
SE¼ SW¼		4800	6.80	IRR	1895	Leason, John
SE¼ SW¼		4800	19.60	IRR	1899	Leason, John
NE¼ SE¼		4700	16.50	IRR	1895	Richardson, Reece & Lorene
NE¼ SE¼		4700	0.50	POND	1895	Richardson, Reece & Lorene
NE¼ SE¼		4704	3.00	IRR	1895	Richardson, Reece & Lorene
SW¼ SE¼		4800	30.90	IRR	1895	Leason, John
SW¼ SE¼		4800	8.60	IRR	1899	Leason, John
SE¼ SE¼		4800	36.70	IRR	1895	Leason, John
Section 30						
NE¼ NE¼		4800	37.30	IRR	1895	Leason, John
NW¼ NE¼		4800	40.00	IRR	1895	Leason, John
SW¼ NE¼		4800	30.40	IRR	1895	Leason, John
SE¼ NE¼		4800	31.90	IRR	1895	Leason, John
NE¼ NW¼		4800	9.70	IRR	1895	Leason, John
SE¼ NW¼		5200	0.70	IRR	1895	Leason, John
3 NW¼ SW¼		1000	4.00	IRR	1895	Hurtley, David & Judy
3 NW¼ SW¼		300	4.00	IRR	1895	Hurtley, David & Judy
3 NW¼ SW¼		500	3.00	IRR	1895	Hurtley, David & Judy
3 NW¼ SW¼		600	2.00	IRR	1895	Hurtley, David & Judy
3 NW¼ SW¼		700	4.00	IRR	1895	Hurtley, David & Judy
3 NW¼ SW¼		800	2.50	IRR	1895	Hurtley, David & Judy
3 NW¼ SW¼		900	2.00	IRR	1895	Hurtley, David & Judy
4 SW¼ SW¼		200	22.00	IRR	1895	Hurtley, David & Judy
4 SW¼ SW¼		201	6.00	IRR	1895	Hurtley, David & Judy
NE¼ SE¼		5300	36.60	IRR	1895	Leason, John
NW¼ SE¼		5300	16.10	IRR	1895	Leason, John

14, 11, 23

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C-74135

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: Mitigation Project  
Lease Application Number (assigned by WRD): IL-977/MP-128

This Lease is with:

Lessor #1 (Water Right Holder):  
Name William & Pamela Brandon  
Mailing address 2219 Day Island Blvd W.  
City, State, Zip Code University Place, WA 98466  
Telephone number 503-260-7931  
Email address \_\_\_\_\_

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

Lessor # 2:  
Three Sisters Irrigation District Irrigation District  
P O Box 2230  
Sisters, OR 97759      541-549-8815      tsid@uci.net

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. 74135

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:

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T	R	S.d	S.W	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.	14	11	23	SE SW	1300	6.5	IRR	74135	4	1899
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 6.5 ac IRR 1899

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 July 15, 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.

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Pooled Water Right Holder Form / 3

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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: *William & Pamela Brandon* Date: *Mar 25 '09*  
William & Pamela Brandon

For additional Lessors, type in space for signature and date

Lessor #2: \_\_\_\_\_ Date: \_\_\_\_\_  
Three Sisters 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

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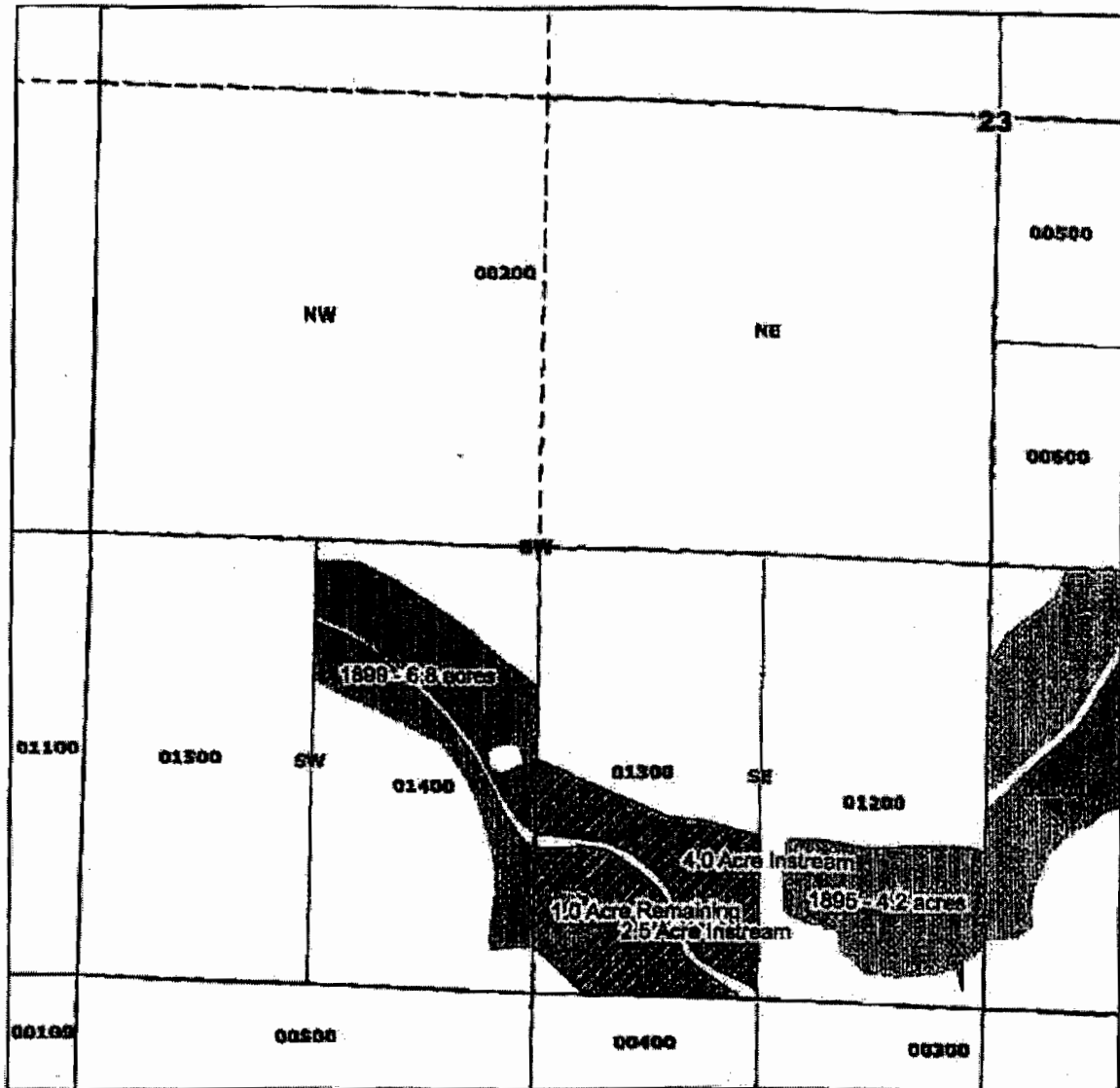
Pooled Water Right Holder Form / 4

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




MAR 27 2009

WATER RESOURCES DEPT

OREGON

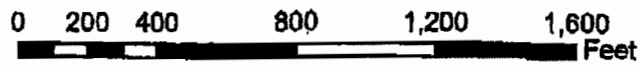


**Legend**

-  Brandon Instream Lease
-  Township Range
-  Quarter Quarters
-  Taxlots
- Primary**
- Priority\_Date**
-  1895
-  1899

**Three Sisters Irrigation District**

Pamela and William Brandon  
 6.5 acres instream -1899  
 Cert. 74135  
 T14S R11E Sect 23  
 Tax Lot 1300  
 SESW 6.5 Ac Instream  
 SESW 1 Ac remaining  
 Deschutes County



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Lot	q0	Tax lot	Acres	Type	Priority	Owner
NE¼ NE¼		100	6.00	IRR	1895	Kavanagh, Geraldine
NE¼ NE¼		100	1.50	IRR	1904	Kavanagh, Geraldine
NE¼ NE¼		200	15.00	IRR	1895	Helikson, Paul & Sherry
NE¼ NE¼		400	1.50	IRR	1895	Kavanagh, Geraldine
SE¼ NE¼		300	19.80	IRR	1895	Helikson, Paul & Sherry
SW¼ SW¼		1400	6.80	IRR	1899	Burdick, Robert R.
SE¼ SW¼		1200	4.20	IRR	1895	Kelley, William & Mildred
<del>SE¼ SW¼</del>		<del>1200</del>	<del>4.20</del>	<del>IRR</del>	<del>1895</del>	<del>Burdick, Robert R.</del>
NE¼ SE¼		800	8.00	IRR	1895	Vestal, William & Victoria
NW¼ SE¼		400	8.00	IRR	1895	Volz, Charles & Jan
NW¼ SE¼		700	6.50	IRR	1895	Volz, Charles & Jan
SW¼ SE¼		1000	1.80	IRR	1895	Shirazi, Mostafa & Naoko
SW¼ SE¼		1100	5.00	IRR	1895	Burdick, Joyce G.
SW¼ SE¼		1100	5.20	IRR	1899	Burdick, Joyce G.
Section 23						
NE¼ NE¼		100	2.70	IRR	1895	Sanders, Ed & Betty
NW¼ NE¼		100	1.50	IRR	1895	Sanders, Ed & Betty
NW¼ NW¼		400	6.00	IRR	1895	Kavanagh, Geraldine
NW¼ NW¼		500	1.50	IRR	1895	Kavanagh, Geraldine
Section 24						
NW¼ NE¼		300	5.00	IRR	1895	Elmore, Michael
NW¼ NE¼		400	4.00	IRR	1895	Elmore, Michael
Section 27						
SE¼ SW¼		500	6.00	IRR	1895	Jeffers, Donald & Gail
Section 28						
SE¼ SW¼		5800	8.00	IRR	1895	Paulus, Tom
SW¼ SE¼		5802	3.00	IRR	1895	Wilson, Aaron & Helen
SW¼ SE¼		5802	11.00	IRR	1904	Wilson, Aaron & Helen
Section 29						
NE¼ SW¼		4701	40.00	IRR	1899	Leason, Catherine
SE¼ SW¼		4800	6.80	IRR	1895	Leason, John
SE¼ SW¼		4800	19.60	IRR	1899	Leason, John
NE¼ SE¼		4700	16.50	IRR	1895	Richardson, Reece & Lorene
NE¼ SE¼		4700	0.50	POND	1895	Richardson, Reece & Lorene
NE¼ SE¼		4704	3.00	IRR	1895	Richardson, Reece & Lorene
SW¼ SE¼		4800	30.90	IRR	1895	Leason, John
SW¼ SE¼		4800	8.60	IRR	1899	Leason, John
SE¼ SE¼		4800	36.70	IRR	1895	Leason, John
Section 30						
NE¼ NE¼		4800	37.30	IRR	1895	Leason, John
NW¼ NE¼		4800	40.00	IRR	1895	Leason, John
SW¼ NE¼		4800	30.40	IRR	1895	Leason, John
SE¼ NE¼		4800	31.90	IRR	1895	Leason, John
NE¼ NW¼		4800	9.70	IRR	1895	Leason, John
SE¼ NW¼		5200	0.70	IRR	1895	Leason, John
3	NW¼ SW¼	1000	4.00	IRR	1895	Hurtley, David & Judy
3	NW¼ SW¼	300	4.00	IRR	1895	Hurtley, David & Judy
3	NW¼ SW¼	500	3.00	IRR	1895	Hurtley, David & Judy
3	NW¼ SW¼	600	2.00	IRR	1895	Hurtley, David & Judy
3	NW¼ SW¼	700	4.00	IRR	1895	Hurtley, David & Judy
3	NW¼ SW¼	800	2.50	IRR	1895	Hurtley, David & Judy
3	NW¼ SW¼	900	2.00	IRR	1895	Hurtley, David & Judy
4	SW¼ SW¼	200	22.00	IRR	1895	Hurtley, David & Judy
4	SW¼ SW¼	201	6.00	IRR	1895	Hurtley, David & Judy
NE¼ SE¼		5300	36.60	IRR	1895	Leason, John
NW¼ SE¼		5300	16.10	IRR	1895	Leason, John

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C-74135



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

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](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: Mitigation Project

Lease Application Number (assigned by WRD): LC-977/MP-128

This Lease is with:

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

Name Karan Swaner  
 Mailing address 2420 Niamey Place  
 City, State, Zip Code Dulles VA 20189  
 Telephone number 541-504-5634  
 Email address \_\_\_\_\_

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

**Lessor # 2:**

Three Sisters Irrigation District Irrigation District  
P O Box 2230  
Sisters, OR 97759      541-549-8815      tsid@uci.net

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. 74135
- 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:

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WATER RESOURCES DEPT

Pooled Water Right Holder Form / 1

FSD

	F	R	Sec	TA	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.	15	11	04	NW NE	101	25	IRR	74135	9	1895
2.	15	11	04	SW NE	101	40	IRR	74135	9	1895
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 65 ac IRR 1895  
 Tax lot 100 on Cert, Now tax lot 101  
 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 July 15, 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

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Pooled Water Right Holder Form / 3

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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: Karan Swane Date: 3/25/2009  
Karan Swane

For additional Lessors, type in space for signature and date

Lessor #2: \_\_\_\_\_ Date: \_\_\_\_\_  
Three Sisters Irrigation District

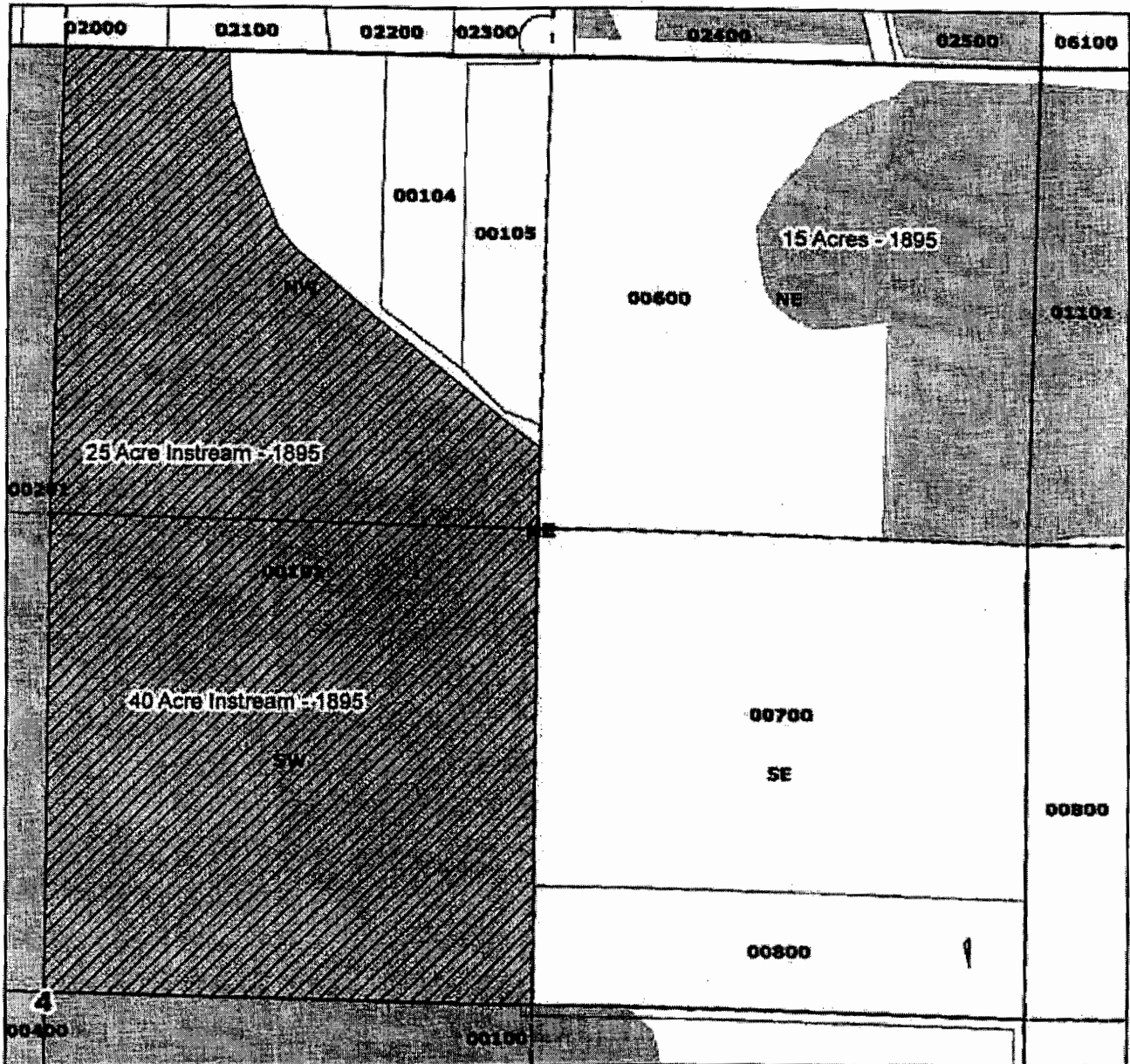
Other Attachments As Needed:

- 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






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SALEM, OREGON



**Legend**

-  Swaner Instream Lease
-  Township Range
-  Quarter Quarters
-  Taxlots
-  1895

**Three Sisters Irrigation District**

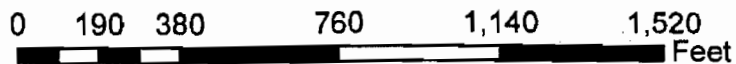
Karan Swaner  
 65 acres instream - 1895  
 Certificate 74135  
 T15S R11E Sect 04  
 Tax Lot 101  
 SWNE 40 Acres  
 NWNE 25 Acres  
 0 remaining (Tax Lot 101)  
 Deschutes County



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WATER RESOURCES DEPT  
 SALEM, OREGON



Lot	q0	Tax lot	Acres	Type	Priority	Owner
4	NW¼ NW¼	1101	30.00	IRR	1895	Sharp, Clay
Section 3						
1	NEX NEX	600	15.00	IRR	1895	Kendrick, Jerry & Jo
2	<del>NEX NEX</del>	<del>100</del>	<del>25.00</del>	<del>IRR</del>	<del>1895</del>	<del>Hermens, Marvin &amp; Virginia</del>
	<del>NEX NEX</del>	<del>100</del>	<del>25.00</del>	<del>IRR</del>	<del>1895</del>	<del>Hermens, Marvin &amp; Virginia</del>
3	NEX NW¼	201	39.50	IRR	1895	Keeton, Arland & Jean
4	NW¼ NW¼	200	11.00	IRR	1895	Johnson, Don
4	NW¼ NW¼	201	16.50	IRR	1895	Keeton, Arland & Jean
4	NW¼ NW¼	202	4.50	IRR	1895	Hufstader, Rick
	SW¼ NW¼	201	36.00	IRR	1895	Keeton, Arland & Jean
	SW¼ NW¼	201	3.00	POND	1895	Keeton, Arland & Jean
	SE¼ NW¼	201	40.50	IRR	1895	Keeton, Arland & Jean
	NEX SW¼	400	40.00	IRR	1895	Hahn, Frederick & Elaine
	NW¼ SW¼	301	37.50	IRR	1895	Keeton, Arland & Jean
	SW¼ SW¼	401	34.00	IRR	1895	Bauer, Kimerly
	SW¼ SW¼	401	1.00	POND	1895	Bauer, Kimerly
	SE¼ SW¼	402	40.00	IRR	1895	Brennan, Casey
	NEX SE¼	100	18.00	IRR	1895	Hermens, Marvin & Virginia
	NW¼ SE¼	100	40.00	IRR	1895	Hermens, Marvin & Virginia
	SW¼ SE¼	100	39.00	IRR	1895	Hermens, Marvin & Virginia
	SE¼ SE¼	100	25.00	IRR	1895	Hermens, Marvin & Virginia
Section 4						
1	NEX NEX	102	9.00	IRR	1895	Graham, Bonnie
1	NEX NEX	103	13.00	IRR	1895	Wilson, Burt & Jackie
1	NEX NEX	104	7.50	IRR	1895	Rogers, John & Sharon
	SW¼ NEX	100	4.50	IRR	1895	Simon, Cheryle
	SW¼ NEX	105	19.00	IRR	1895	Murphy/Berge, Janice/Dick
	SE¼ NEX	105	37.00	IRR	1895	Murphy/Berge, Janice/Dick
4	NW¼ NW¼	302	17.00	IRR	1895	Barclay, David
4	NW¼ NW¼	303	7.50	IRR	1895	Tewalt, Richard & Norma
4	NW¼ NW¼	305	8.50	IRR	1895	Tewalt, Richard & Norma
	SW¼ NW¼	301	16.00	IRR	1895	Pardo, Sharon
	SW¼ NW¼	304	17.50	IRR	1895	York, Ervin
	SW¼ NW¼	306	2.50	IRR	1895	York, Ervin
	SE¼ NW¼	101	1.00	IRR	1895	Simon, Cheryle
	NEX SW¼	400	36.00	IRR	1895	Redfield, Tygh
	NW¼ SW¼	400	36.00	IRR	1895	Redfield, Tygh
	SW¼ SW¼	400	36.00	IRR	1895	Redfield, Tygh
	SE¼ SW¼	400	38.00	IRR	1895	Redfield, Tygh
	SE¼ SW¼	400	1.00	POND	1895	Redfield, Tygh
	NEX SE¼	500	18.00	IRR	1889	Clemens, Cecile
	NEX SE¼	500	17.00	IRR	1895	Clemens, Cecile
	NW¼ SE¼	500	7.00	IRR	1889	Clemens, Cecile
	NW¼ SE¼	500	25.00	IRR	1895	Clemens, Cecile
	SW¼ SE¼	500	37.00	IRR	1895	Clemens, Cecile
	SE¼ SE¼	500	31.00	IRR	1895	Clemens, Cecile
Section 5						
1	NEX NEX	100	37.00	IRR	1895	Salmon, Roy & Marcia
1	NEX NEX	100	0.30	POND	1895	Salmon, Roy & Marcia
2	NW¼ NEX	100	0.20	IRR	1895	Salmon, Roy & Marcia
	SW¼ NEX	101	28.00	IRR	1889	Sokol, Dorro
	SE¼ NEX	100	2.00	IRR	1895	Salmon, Roy & Marcia
	SE¼ NEX	100	0.50	POND	1895	Salmon, Roy & Marcia
	SE¼ NEX	101	12.00	IRR	1889	Sokol, Dorro
	SE¼ NEX	101	20.00	IRR	1895	Sokol, Dorro
	SE¼ NEX	101	5.50	IRR	1903	Sokol, Dorro
3	NEX NW¼	1000	5.00	IRR	1895	Carollo, Ed & Barbara
3	NEX NW¼	700	2.50	IRR	1895	Hurtley, David & Judy
3	NEX NW¼	800	2.00	IRR	1895	Hurtley, David & Judy

Now tax lot 101

15.11.04

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SALEM, OREGON

PLAT MAP AND PARTITION PLAN  
APPROVED FOR FILE  
REVISION 09/22/2005

SECTION 04 T.15S. R.11E. W.M.  
DESCHUTES COUNTY  
1 - 400

15 11 04

SEE MAP 11 11 33

6-12

PARTITION PLAT 1998-2

Crossed out map  
200

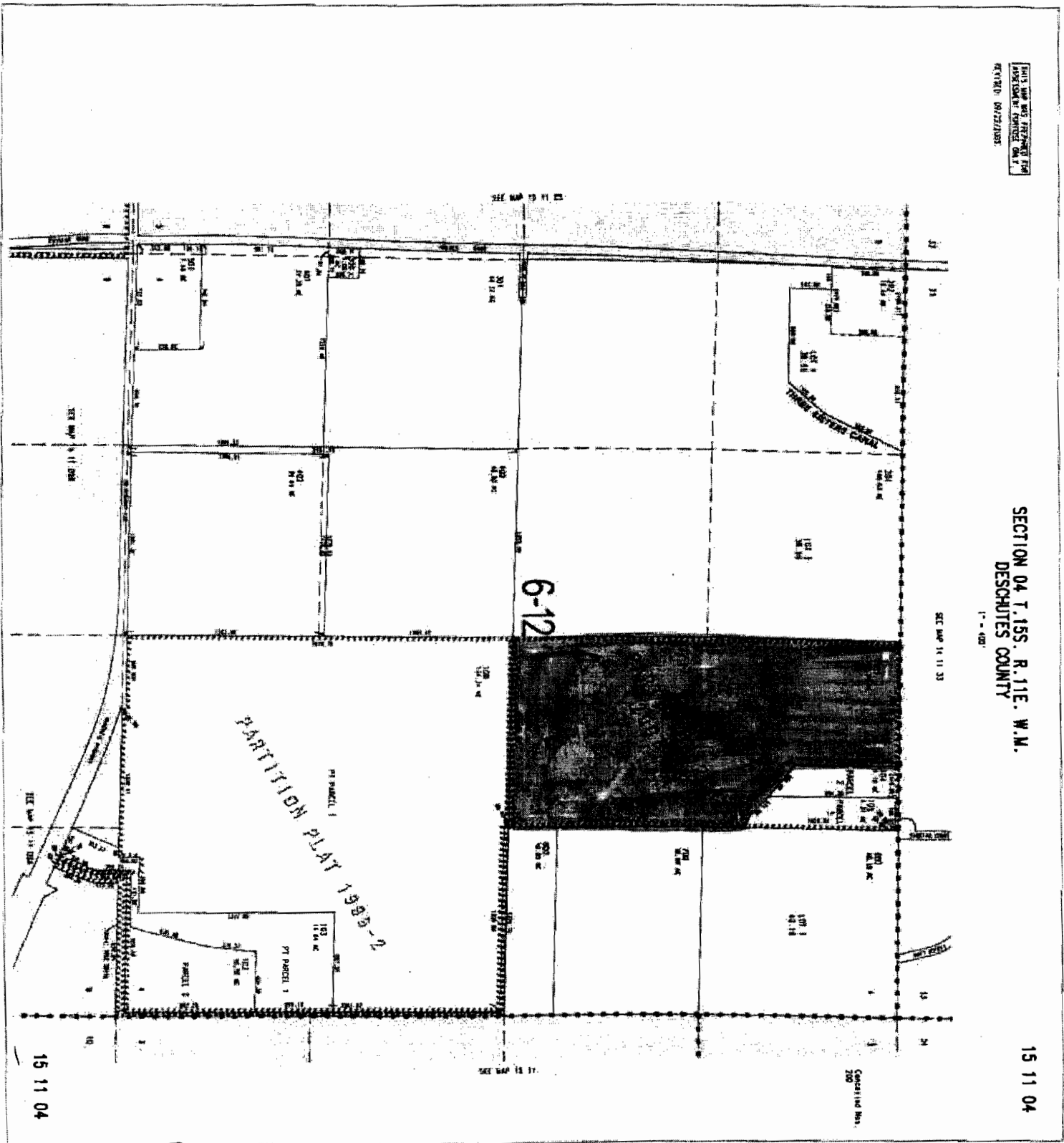
SEE MAP 18 11 17

15 11 04

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WATER RESOURCES DEPT



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(Z) and OAR 690-077

Optional Identification by Lessor/Lessee: Mitigation Project

Lease Application Number (assigned by WRD): IC-977/WRP-128

This Lease is with:

Lessor #1 (Water Right Holder):

Name Joseph Angel

Mailing address P O Box 14908

City, State, Zip Code Portland, OR 97293-0908

Telephone number 503-525-9100

Email address \_\_\_\_\_

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

Lessor # 2:

Three Sisters Irrigation District Irrigation District

P O Box 2230

Sisters, OR 97759

541-549-8815

tald@uci.net

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. 74135

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:

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SALEM, OREGON

Pooled Water Right Holder Form / 1

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*(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.	15	11	10	NW NW	01101	30	IRR	74135	9	1895
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 30.0 ac IRR 1895

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 July 15, 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.

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Pooled Water Right Holder Form 1/2/02

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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: Joseph Angel

Date: 3/24/09

For additional Lessors, type in space for signature and date

Lessor #2: Three Sisters 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

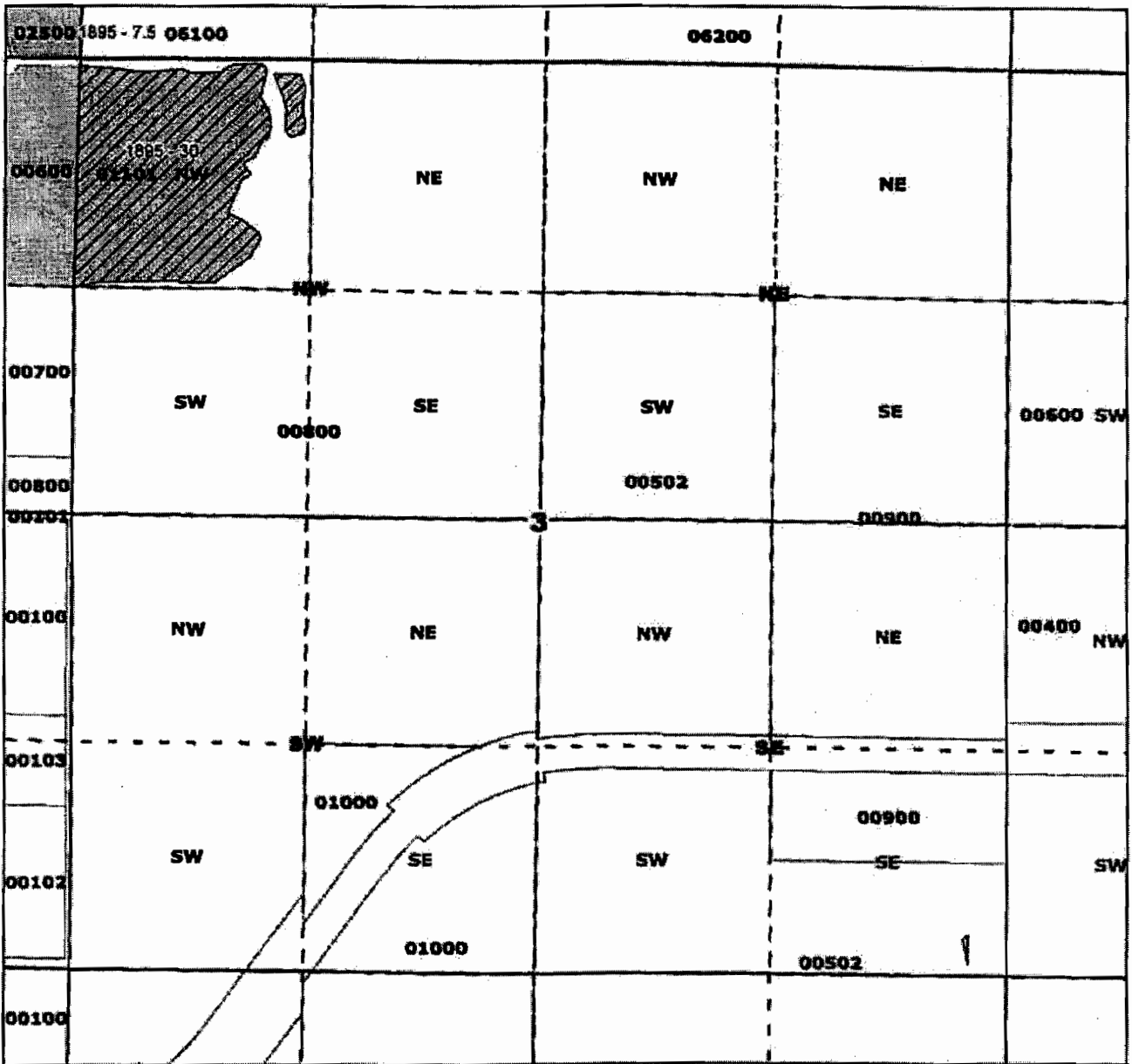
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




WATER RESOURCES DEPT  
SALEM, OREGON

Pooled Water Right Holder Form 1A'3

FSD



**Legend**

-  Township Range
-  Quarter Quarters
-  Taxlots
-  Angel Instream Lease
-  1895

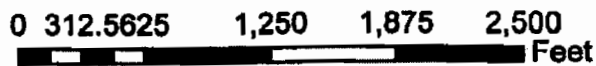
**Three Sisters Irrigation District**

Joseph Angel  
 30 Acres Instream 1895  
 Cert. 74135  
 T15S R11E Sect 03  
 Tax Lot 1101  
 NWNW 30.0 Ac Instream  
 NWNW 0 Ac remain  
 Deschutes County



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WATER RESOURCES DEPT  
 SALEM, OREGON



Lot	q0	Tax lot	Acres	Type	Priority	Owner
4	<del>NW/4 NW/4</del>	<del>100</del>	<del>30.00</del>	<del>IRR</del>	<del>1895</del>	<del>Sharp, Clay</del>
Section 3						
1	NEX NEX	600	15.00	IRR	1895	Kendrick, Jerry & Jo
2	NWX NEX	100	25.00	IRR	1895	Hermens, Marvin & Virginia
	SWX NEX	100	40.00	IRR	1895	Hermens, Marvin & Virginia
3	NEX NWX	201	39.50	IRR	1895	Keeton, Arland & Jean
4	NWX NWX	200	11.00	IRR	1895	Johnson, Don
4	NWX NWX	201	16.50	IRR	1895	Keeton, Arland & Jean
4	NWX NWX	202	4.50	IRR	1895	Hufstader, Rick
	SWX NWX	201	36.00	IRR	1895	Keeton, Arland & Jean
	SWX NWX	201	3.00	POND	1895	Keeton, Arland & Jean
	SEX NWX	201	40.50	IRR	1895	Keeton, Arland & Jean
	NEX SWX	400	40.00	IRR	1895	Hahn, Frederick & Elaine
	NWX SWX	301	37.50	IRR	1895	Keeton, Arland & Jean
	SWX SWX	401	34.00	IRR	1895	Bauer, Kimerly
	SWX SWX	401	1.00	POND	1895	Bauer, Kimerly
	SEX SWX	402	40.00	IRR	1895	Brennan, Casey
	NEX SEX	100	18.00	IRR	1895	Hermens, Marvin & Virginia
	NWX SEX	100	40.00	IRR	1895	Hermens, Marvin & Virginia
	SWX SEX	100	39.00	IRR	1895	Hermens, Marvin & Virginia
	SEX SEX	100	25.00	IRR	1895	Hermens, Marvin & Virginia
Section 4						
1	NEX NEX	102	9.00	IRR	1895	Graham, Bonnie
1	NEX NEX	103	13.00	IRR	1895	Wilson, Burt & Jackie
1	NEX NEX	104	7.50	IRR	1895	Rogers, John & Sharon
	SWX NEX	100	4.50	IRR	1895	Simon, Cheryle
	SWX NEX	105	19.00	IRR	1895	Murphy/Berge, Janice/Dick
	SEX NEX	105	37.00	IRR	1895	Murphy/Berge, Janice/Dick
4	NWX NWX	302	17.00	IRR	1895	Barclay, David
4	NWX NWX	303	7.50	IRR	1895	Tewalt, Richard & Norma
4	NWX NWX	305	8.50	IRR	1895	Tewalt, Richard & Norma
	SWX NWX	301	16.00	IRR	1895	Pardo, Sharon
	SWX NWX	304	17.50	IRR	1895	York, Ervin
	SWX NWX	306	2.50	IRR	1895	York, Ervin
	SEX NWX	101	1.00	IRR	1895	Simon, Cheryle
	NEX SWX	400	36.00	IRR	1895	Redfield, Tygh
	NWX SWX	400	36.00	IRR	1895	Redfield, Tygh
	SWX SWX	400	36.00	IRR	1895	Redfield, Tygh
	SEX SWX	400	38.00	IRR	1895	Redfield, Tygh
	SEX SWX	400	1.00	POND	1895	Redfield, Tygh
	NEX SEX	500	18.00	IRR	1889	Clemens, Cecile
	NEX SEX	500	17.00	IRR	1895	Clemens, Cecile
	NWX SEX	500	7.00	IRR	1889	Clemens, Cecile
	NWX SEX	500	25.00	IRR	1895	Clemens, Cecile
	SWX SEX	500	37.00	IRR	1895	Clemens, Cecile
	SEX SEX	500	31.00	IRR	1895	Clemens, Cecile
Section 5						
1	NEX NEX	100	37.00	IRR	1895	Salmon, Roy & Marcia
1	NEX NEX	100	0.30	POND	1895	Salmon, Roy & Marcia
2	NWX NEX	100	0.20	IRR	1895	Salmon, Roy & Marcia
	SWX NEX	101	28.00	IRR	1889	Sokol, Dorro
	SEX NEX	100	2.00	IRR	1895	Salmon, Roy & Marcia
	SEX NEX	100	0.50	POND	1895	Salmon, Roy & Marcia
	SEX NEX	101	12.00	IRR	1889	Sokol, Dorro
	SEX NEX	101	20.00	IRR	1895	Sokol, Dorro
	SEX NEX	101	5.50	IRR	1903	Sokol, Dorro
3	NEX NWX	1000	5.00	IRR	1895	Carollo, Ed & Barbara
3	NEX NWX	700	2.50	IRR	1895	Hurtley, David & Judy
3	NEX NWX	800	2.00	IRR	1895	Hurtley, David & Judy

15, 11, 03

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C-74135



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: Mitigation Project  
 Lease Application Number (assigned by WRD): IL-977/MP-128

This Lease is with:

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

Name Robert Taylor  
 Mailing address 69015 Hurtlely Ranch Rd.  
 City, State, Zip Code Sisters, OR 97759  
 Telephone number 541-771-6333  
 Email address \_\_\_\_\_

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

**Lessor # 2:**  
Three Sisters Irrigation District Irrigation District  
P O Box 2230  
Sisters, OR 97759      541-549-8815      tsid@uci.net

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. 74135
- 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:

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	I	R	Sec	T	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.	15	11	06	NE SW	1200	12.8	IRR	74135	10	1887
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 12.8 ac IRR 1887  
1 ac 1895 & 4.7 ac 1887 pending transfer in TL 1200  
 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 July 15, 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.

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**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: Robert Taylor Date: 3/26/09  
Robert Taylor

For additional Lessors, type in space for signature and date

Lessor #2: \_\_\_\_\_ Date: \_\_\_\_\_  
Three Sisters Irrigation District

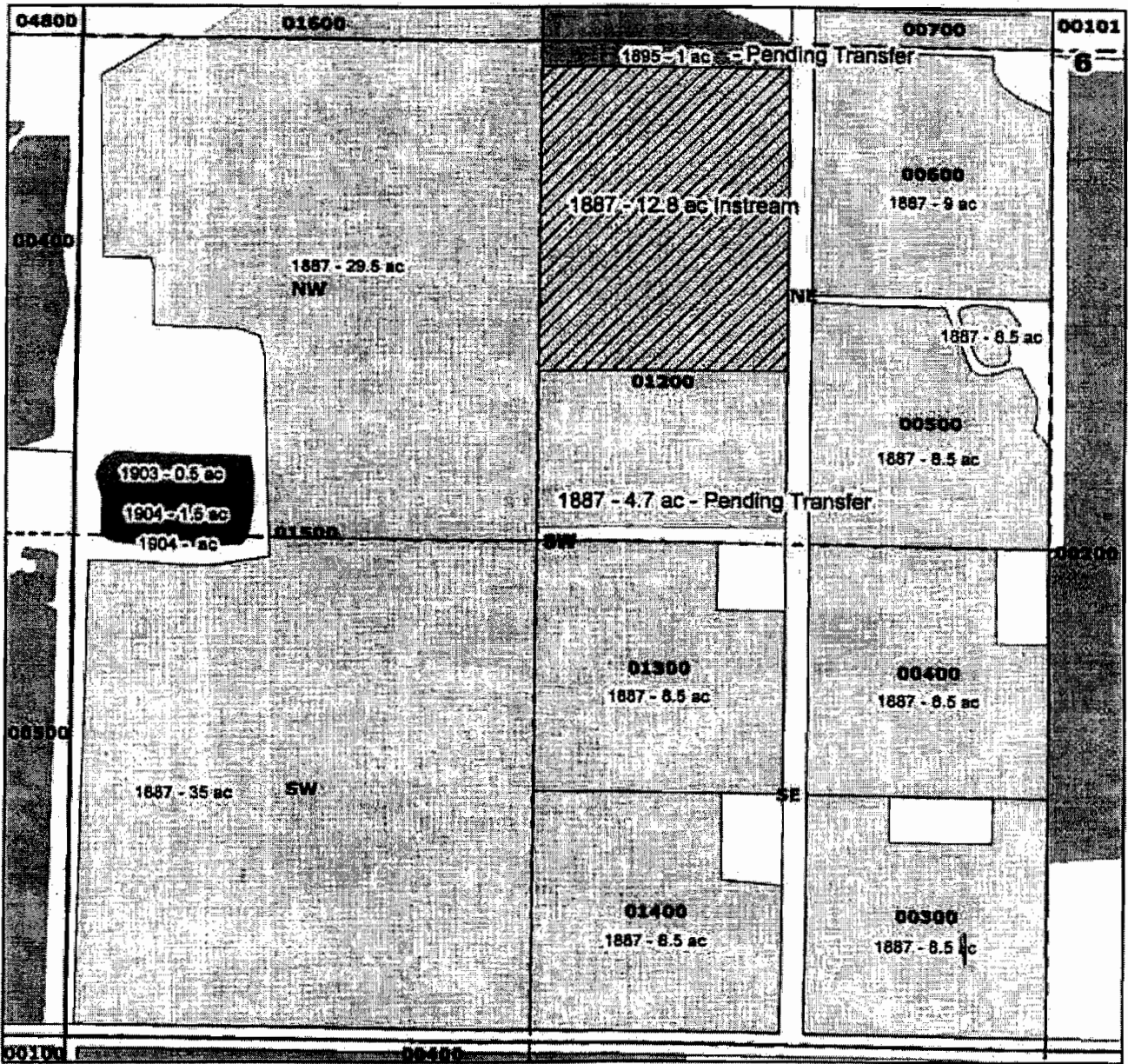
Other Attachments As Needed:

- 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

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WATER RESOURCES DEPT  
SALEM, OREGON



**Legend**

- SW Quarter Remaining
- Township Range
- Quarter Quarters
- Taxlots

**Primary**

**Priority\_Date**

- 1887
- 1895
- 1903
- 1904

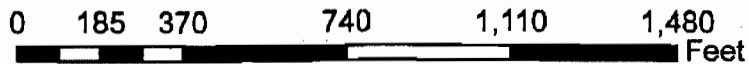
**Three Sisters Irrigation District**

Robert Taylor  
 12.8 acres instream - 1887  
 Certificate 74135  
 T15S R11E Sect 06  
 Tax Lot 1200  
 NESW 12.8 acres instream  
 4.7 acres pending transfer (Tax Lot 1200)  
 Deschutes County

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WATER RESOURCES DEPT  
 SALEM, OREGON



Lot	q0	Tax lot	Acres	Type	Priority	Owner
3	NEX NWX	900	2.00	IRR	1895	Hurtley, David & Judy
4	NWX NWX	1600	7.50	IRR	1887	Cyrus, Keith & Connie
4	NWX NWX	1600	12.50	IRR	1903	Cyrus, Keith & Connie
4	NWX NWX	1600	1.00	IRR	1904	Cyrus, Keith & Connie
5	SWX NWX	1500	3.50	IRR	1887	Cyrus, Keith & Connie
5	SWX NWX	1600	4.50	IRR	1887	Cyrus, Keith & Connie
5	SWX NWX	1600	2.00	IRR	1904	Cyrus, Keith & Connie
	SEX NWX	1200	1.50	IRR	1895	Hurtley, David & Judy
	SEX NWX	1200	0.50	POND	1895	Hurtley, David & Judy
	SEX NWX	700	1.50	IRR	1887	Hurtley, David & Judy
	SEX NWX	700	12.00	IRR	1895	Hurtley, David & Judy
	<del>NEX SWX</del>	<del>1200</del>	<del>12.50</del>	<del>IRR</del>	<del>1887</del>	<del>Hurtley, David &amp; Judy</del>
	<del>NEX SWX</del>	<del>200</del>	<del>1.00</del>	<del>IRR</del>	<del>1895</del>	<del>Hurtley, David &amp; Judy</del>
	NEX SWX	500	8.50	IRR	1887	Hurtley, David & Judy
	NEX SWX	600	9.00	IRR	1887	Hurtley, David & Judy
6	NWX SWX	1500	29.50	IRR	1887	Cyrus, Keith & Connie
6	NWX SWX	1500	0.50	POND	1903	Cyrus, Keith & Connie
6	NWX SWX	1500	1.50	POND	1904	Cyrus, Keith & Connie
7	SWX SWX	1500	35.00	IRR	1887	Cyrus, Keith & Connie
	SEX SWX	1300	8.50	IRR	1887	Hurtley, David & Judy
	SEX SWX	1400	8.50	IRR	1887	Hurtley, David & Judy
	SEX SWX	300	8.00	IRR	1887	Hurtley, David & Judy
	SEX SWX	400	8.50	IRR	1887	Hurtley, David & Judy
	NEX SEX	200	17.00	IRR	1889	Cyrus, Willard & Mae
	NEX SEX	200	20.00	IRR	1895	Cyrus, Willard & Mae
	NWX SEX	200	17.50	IRR	1889	Cyrus, Willard & Mae
	NWX SEX	200	19.50	IRR	1895	Cyrus, Willard & Mae
	SWX SEX	200	11.00	IRR	1889	Cyrus, Willard & Mae
	SWX SEX	200	17.00	IRR	1895	Cyrus, Willard & Mae
	SEX SEX	200	9.30	IRR	1889	Cyrus, Willard & Mae
	SEX SEX	200	22.00	IRR	1895	Cyrus, Willard & Mae
	SEX SEX	200	1.00	POND	1895	Cyrus, Willard & Mae

12.8ac - Insurrection  
 4.7ac - Pending Transf.  
 1.0ac - Pending Transf.

Section 6

	NEX NEX	100	2.00	IRR	1895	Sisters School District
	NEX NEX	300	30.00	IRR	1895	Trachsel, Charles & Rita
	NWX NEX	300	31.50	IRR	1895	Trachsel, Charles & Rita
	SWX NEX	300	34.00	IRR	1895	Trachsel, Charles & Rita
	SEX NEX	300	32.00	IRR	1895	Trachsel, Charles & Rita
	NEX NWX	400	22.00	IRR	1895	Trachsel, Charles & Rita
1	NWX NWX	400	38.00	IRR	1895	Trachsel, Charles & Rita
2	SWX NWX	400	21.00	IRR	1895	Trachsel, Charles & Rita
	SEX NWX	400	32.00	IRR	1895	Trachsel, Charles & Rita
	NEX SWX	500	40.00	IRR	1895	Keeton, Boyd & Hazel
3	NWX SWX	500	34.00	IRR	1895	Keeton, Boyd & Hazel
4	SWX SWX	500	28.00	IRR	1895	Keeton, Boyd & Hazel
4	SWX SWX	500	3.00	POND	1895	Keeton, Boyd & Hazel
	SEX SWX	500	40.00	IRR	1895	Keeton, Boyd & Hazel
	NEX SEX	600	38.50	IRR	1895	Cyrus, Alvin
	NEX SEX	600	0.50	POND	1895	Cyrus, Alvin
	NWX SEX	600	30.50	IRR	1895	Cyrus, Alvin
	SWX SEX	600	40.00	IRR	1895	Cyrus, Alvin
	SEX SEX	600	39.00	IRR	1895	Cyrus, Alvin

Section 7

	NEX NEX	100	6.00	IRR	1889	Tumalo Farms
	NEX NEX	100	4.00	IRR	1895	Tumalo Farms
	NWX NEX	100	35.00	IRR	1895	Tumalo Farms
	SWX NEX	100	41.00	IRR	1895	Tumalo Farms
	SEX NEX	100	14.00	IRR	1889	Tumalo Farms
	SEX NEX	100	12.00	IRR	1895	Tumalo Farms
	NEX NWX	200	37.00	IRR	1895	Tumalo Farms

15, 11, 06

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C-74135



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: Mitigation Project  
 Lease Application Number (assigned by WRD): IL-977/ND-128

This Lease is with:

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

Name Wayne Cornick  
 Mailing address 17000 Bartlemay Lane  
 City, State, Zip Code Sisters, OR 97759  
 Telephone number 541-385-4941  
 Email address \_\_\_\_\_

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

Lessor # 2:

Three Sisters Irrigation District Irrigation District  
P O Box 2230  
Sisters, OR 97759      541-549-8815      tsid@uci.net

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. 74135

- 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:

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T	R	Sec	1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	15	11	12	NW NE	302	7.1	IRR	74135	7	1895
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 7.1 ac IRR 1895  
 (2.6 ac Lot adjustment (from TL 303), 8.0 ac T-off tax lot w/T-8392) → See Maps  
 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 July 15, 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.

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**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: Wayne Cornick Date: 17 March 2009  
Wayne Cornick

For additional Lessors, type in space for signature and date

Lessor #2: N/A Date: \_\_\_\_\_  
Three Sisters 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

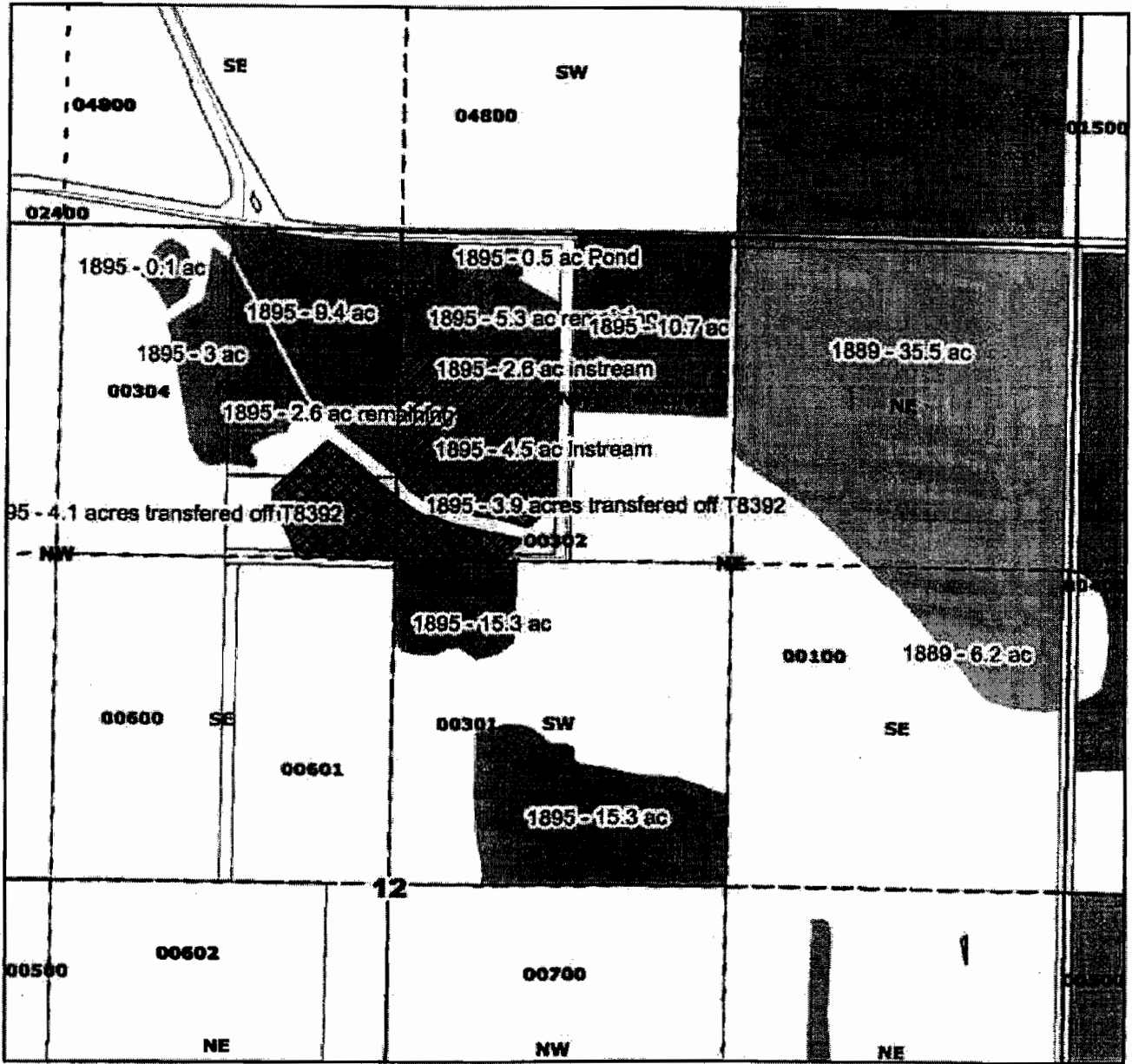
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SALEM, OREGON

Pooled Water Right Holder Form / 4

FSD



**Three Sisters Irrigation District** **RECEIVED**

Wayne Cornick  
 7.1 acres instream - 1895  
 Certificate 74135  
 T15S R10E Sect 12  
 Tax Lot 302

MAR 27 2009

WATER RESOURCES DEPT  
 SALEM, OREGON

NWNE 7.1 acres instream  
 3.9 acres transfered off - T8392  
 Deschutes County

NWNE  $\frac{1}{4}$  4.1 ac off NENE  
 T-8392



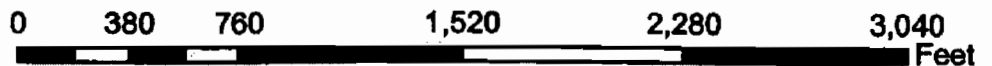
**Legend**

- Township Range
- Quarter Quarters
- Taxlots

**Primary**

**Priority\_Date**

- 1889
- 1895



Lot	qd	Tax lot	Acres	Type	Priority	Owner
1	SEX	NEX 100	27.30	IRR	1900	Thompson, Opal
	NE	NW 100	1.00	IRR	1900	Thompson, Opal
4	NW	NW 100	6.00	IRR	1900	Thompson, Opal
	NE	SE 100	1.70	IRR	1900	Thompson, Opal
Section 2						
	NE	NEX 100	7.00	IRR	1903	Lazy Z, Joan Hull
	SE	NEX 100	11.00	IRR	1903	Lazy Z, Joan Hull
	NE	SE 100	23.00	IRR	1903	Lazy Z, Joan Hull
	NW	SE 100	23.00	IRR	1903	Lazy Z, Joan Hull
	SW	SE 100	29.00	IRR	1903	Lazy Z, Joan Hull
	SE	SE 100	31.00	IRR	1903	Lazy Z, Joan Hull
Section 11						
	NE	NEX 100	35.50	IRR	1889	Cyrus, Willard & Mae
	NW	NEX 200	10.70	IRR	1895	Stengel, Mary
	<del>NE</del>	<del>NEX 302</del>	<del>8.00</del>	<del>IRR</del>	<del>1895</del>	<del>Bartlemay, Anita</del> → 2.9 T-8392 off
	NW	NEX 303	7.90 (5.3)	IRR	1895	Bartlemay, Anita → 2.6 ac of this is really in Tax lot 302
	NW	NEX 303	0.50	POND	1895	Bartlemay, Anita
	SW	NEX 301	15.30	IRR	1895	Evered, James & Pat
	SE	NEX 100	6.20	IRR	1889	Cyrus, Willard & Mae
	NE	NW 302	6.70	IRR	1895	Bartlemay, Anita → 4.1 T-8392 off
	NE	NW 303	9.40	IRR	1895	Bartlemay, Anita
	NE	NW 304	3.00	IRR	1895	Bartlemay, Anita
	NE	NW 304	0.10	POND	1895	Bartlemay, Anita
	NW	SW 500	19.00	IRR	1904	Cyrus, Keith & Connie
	SW	SW 500	17.00	IRR	1904	Cyrus, Keith & Connie
	NE	SE 100	6.60	IRR	1895	Cyrus, Willard & Mae
	NE	SE 100	10.40	IRR	1904	Cyrus, Willard & Mae
	NW	SE 700	23.00	IRR	1904	Cyrus, Keith & Connie
	SW	SE 700	15.00	IRR	1895	Cyrus, Keith & Connie
	SE	SE 700	39.00	IRR	1895	Cyrus, Keith & Connie
Section 12						
	NE	NEX 100	6.50	IRR	1885	Cyrus, Keith & Connie
	NE	NEX 100	8.50	IRR	1895	Cyrus, Keith & Connie
	NE	NEX 100	10.00	IRR	1903	Cyrus, Keith & Connie
	NE	NEX 100	7.50	IRR	1904	Cyrus, Keith & Connie
	NW	NEX 100	0.55	IRR	1885	Cyrus, Keith & Connie
	NW	NEX 100	9.50	IRR	1895	Cyrus, Keith & Connie
	NW	NEX 100	26.00	IRR	1904	Cyrus, Keith & Connie
	SW	NEX 100	6.00	IRR	1903	Cyrus, Keith & Connie
	SW	NEX 100	23.50	IRR	1904	Cyrus, Keith & Connie
	SE	NEX 100	32.50	IRR	1903	Cyrus, Keith & Connie
	SE	NEX 100	3.50	IRR	1904	Cyrus, Keith & Connie
	NE	NW 100	24.00	IRR	1903	Cyrus, Keith & Connie
	NW	NW 100	23.50	IRR	1904	Cyrus, Keith & Connie
	SW	NW 100	8.00	IRR	1904	Cyrus, Keith & Connie
	SE	NW 100	11.30	IRR	1901	Cyrus, Keith & Connie
	SE	NW 100	10.00	IRR	1904	Cyrus, Keith & Connie
	NE	SW 500	0.50	IRR	1904	Cyrus, Keith & Connie
	NE	SW 500	5.50	POND	1904	Cyrus, Keith & Connie
	NE	SW 501	1.50	POND	1904	Cyrus, Keith & Connie
	NE	SW 701	1.00	POND	1903	Cyrus, Keith & Connie
	NE	SW 702	2.50	POND	1903	Cyrus, Keith & Connie
	SW	SW 700	0.60	IRR	1895	Ruffin, Charles & Betty Jo
	SE	SW 700	4.90	IRR	1895	Ruffin, Charles & Betty Jo
	SE	SW 705	3.80	IRR	1895	Dorman, Jerry & Penny
	NE	SE 702	19.60	IRR	1904	Cyrus, Keith & Connie
	NW	SE 500	0.50	IRR	1904	Cyrus, Keith & Connie
	NW	SE 702	19.50	IRR	1904	Cyrus, Keith & Connie
	SW	SE 704	4.50	IRR	1895	Taylor, James & Diana

County TL size  
 TL 303 = 21.25 ac  
 TL 302 = 16.07 ac

15, 10, 12

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C-74135

SECTION 12 T15S R10E W4M  
DESCHUTES COUNTY

1"=400'

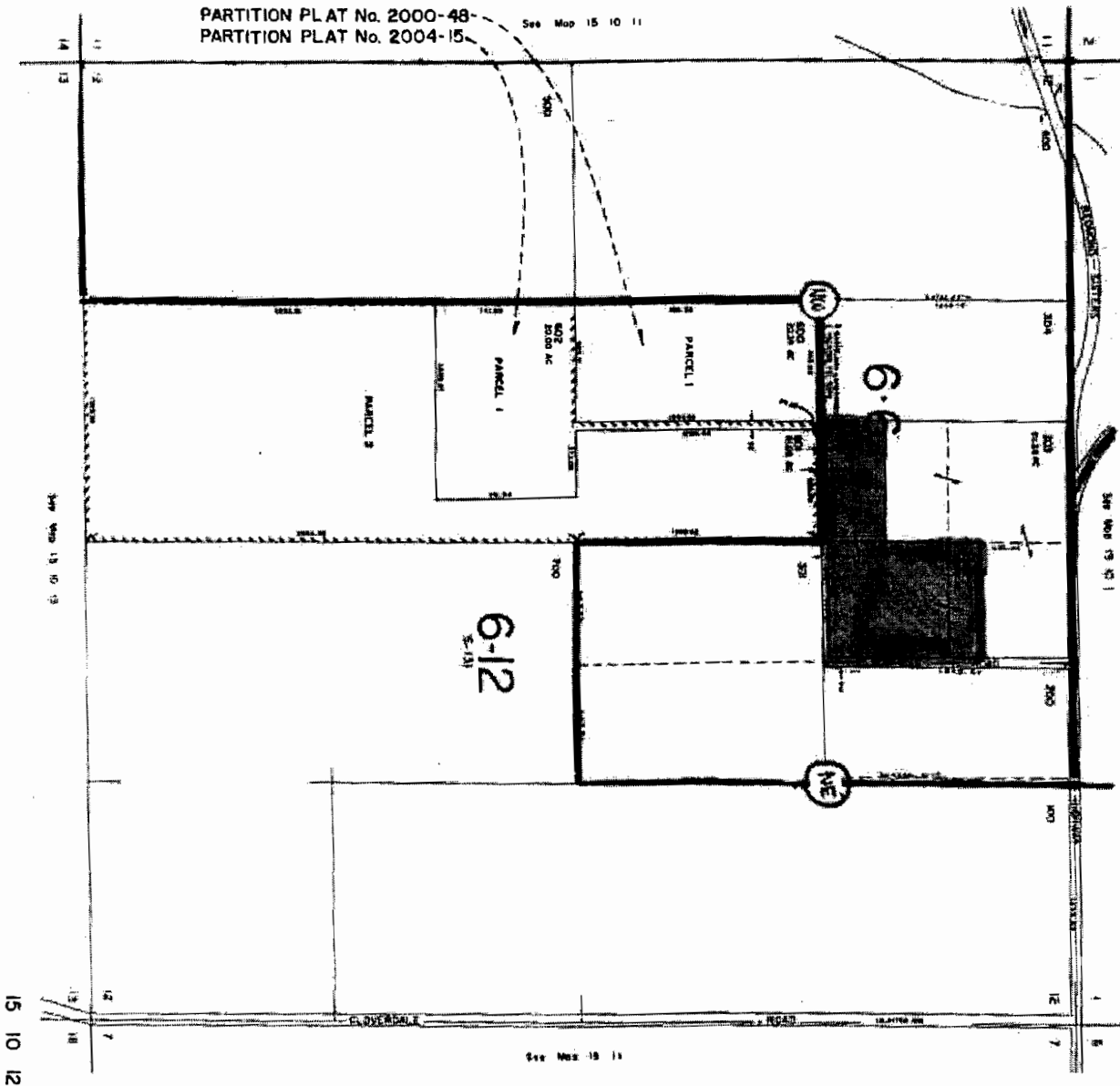
Casified number: 100

15 10 12

Record Date  
01-11-2004  
01-12-2004  
01-13-2004  
01-14-2004  
01-15-2004

PARTITION PLAT No. 2000-48  
PARTITION PLAT No. 2004-15

See Map 15 10 11



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RESOURCES DEPT



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: Mitigation Project  
 Lease Application Number (assigned by WRD): IL-977 / MP-128

This Lease is with:

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

Name James Enger  
 Mailing address 68820 Holmes Rd.  
 City, State, Zip Code Sisters, OR 97759  
 Telephone number 541-788-5745  
 Email address \_\_\_\_\_

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

Lessor # 2:  
Three Sisters Irrigation District Irrigation District  
P O Box 2230  
Sisters, OR 97759      541-549-8815      tsid@uci.net

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. 74135
- 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:

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T	R	Sec	1/4	1/2	3/4	Acres	Type of Use	Certificate #	Pages #	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.	15	11	04	SW	SW	401	30.6	IRR	74135	9 1895
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 30.6 ac IRR 1895  
 Lot split into 401 (30.6ac) & 500 (3.4ac)  
 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 July 15, 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.

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Pooled Water Right Holder Form / 3

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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: [Signature] Date: 3/27/09  
James Enger

For additional Lessors, type in space for signature and date

Lessor #2: \_\_\_\_\_ Date: \_\_\_\_\_  
Three Sisters 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

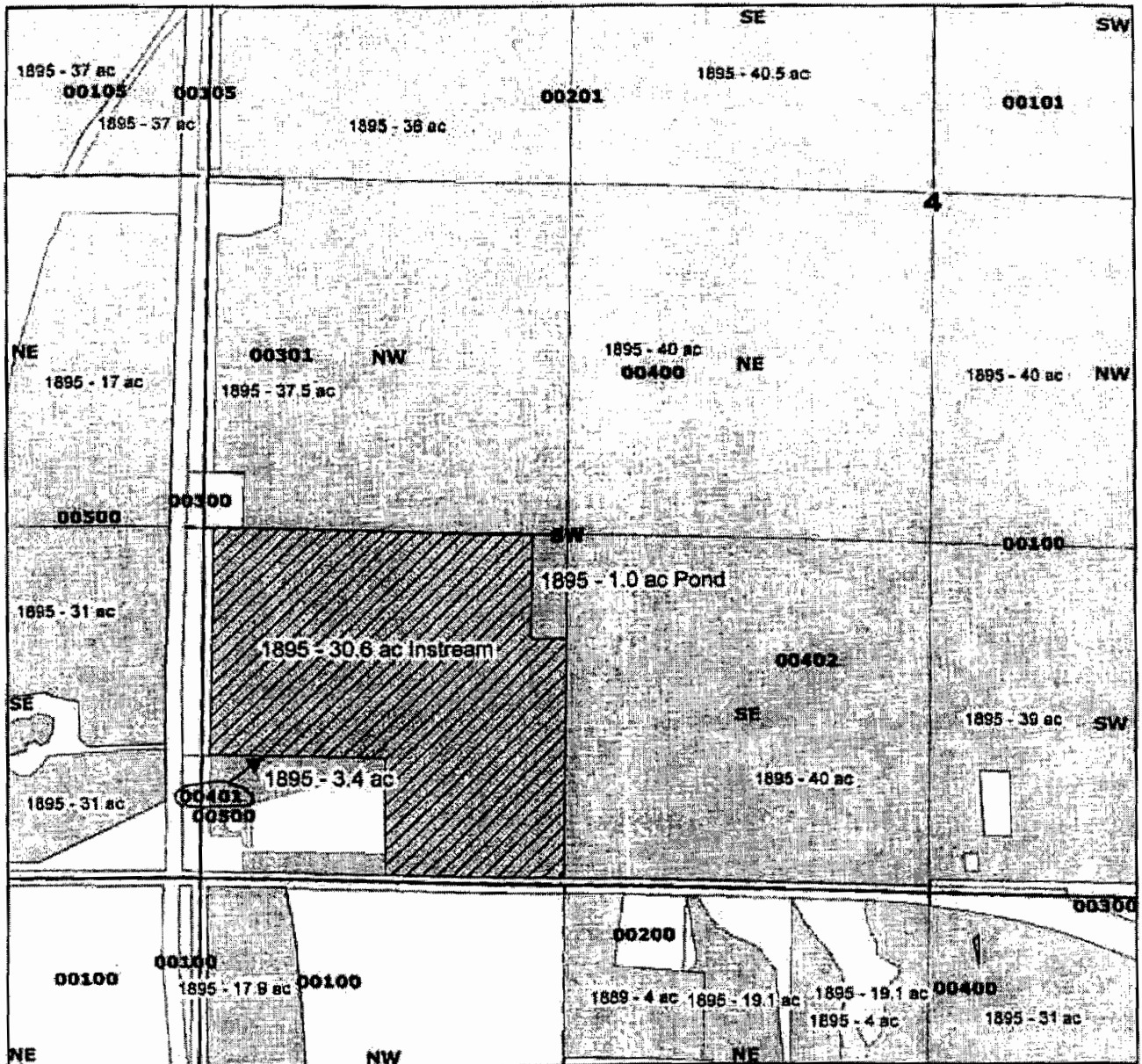
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Pooled Water Right Holder Form / 4

FSD

MAR 27 2009

WATER RESOURCES DEPT  
SALEM, OREGON



**Three Sisters Irrigation District**

James Enger  
 30.6 acres instream - 1895  
 Certificate 74135  
 T15S R11E Sect 04  
 Tax Lot 401  
 SWSW 30.6 acres instream  
 1.0 Pond remaining (Tax Lot 401)  
 Deschutes County

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WATER RESOURCES DEPT  
 SALEM, OREGON



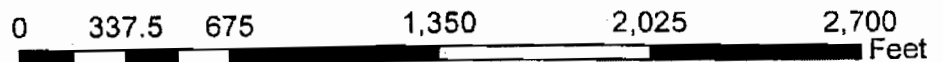
**Legend**

- Township Range
- Quarter Quarters
- Taxlots

Primary

Priority\_Date

- 1895
- 1895





Lot	Q0	Tax lot	Acres	Type	Priority	Owner
4	NW¼ NW¼	1101	30.00	IRR	1895	Sharp, Clay
Section 3						
1	NE¼ NE¼	600	15.00	IRR	1895	Kendrick, Jerry & Jo
2	NW¼ NE¼	100	25.00	IRR	1895	Hermens, Marvin & Virginia
	SW¼ NE¼	100	40.00	IRR	1895	Hermens, Marvin & Virginia
3	NE¼ NW¼	201	39.50	IRR	1895	Keeton, Arland & Jean
4	NW¼ NW¼	200	11.00	IRR	1895	Johnson, Don
4	NW¼ NW¼	201	16.50	IRR	1895	Keeton, Arland & Jean
4	NW¼ NW¼	202	4.50	IRR	1895	Hufstader, Rick
	SW¼ NW¼	201	36.00	IRR	1895	Keeton, Arland & Jean
	SW¼ NW¼	201	3.00	POND	1895	Keeton, Arland & Jean
	SE¼ NW¼	201	40.50	IRR	1895	Keeton, Arland & Jean
	NE¼ SW¼	400	40.00	IRR	1895	Hahn, Frederick & Elaine
	NW¼ SW¼	301	37.50	IRR	1895	Keeton, Arland & Jean
	<del>SW¼ SW¼</del>	<del>401</del>	<del>1.00</del>	<del>IRR</del>	<del>1895</del>	<del>Bauer, Kimerly</del>
	SW¼ SW¼	401	1.00	POND	1895	Bauer, Kimerly
	SE¼ SW¼	402	40.00	IRR	1895	Brennan, Casey
	NE¼ SE¼	100	18.00	IRR	1895	Hermens, Marvin & Virginia
	NW¼ SE¼	100	40.00	IRR	1895	Hermens, Marvin & Virginia
	SW¼ SE¼	100	39.00	IRR	1895	Hermens, Marvin & Virginia
	SE¼ SE¼	100	25.00	IRR	1895	Hermens, Marvin & Virginia
Section 4						
1	NE¼ NE¼	102	9.00	IRR	1895	Graham, Bonnie
1	NE¼ NE¼	103	13.00	IRR	1895	Wilson, Burt & Jackie
1	NE¼ NE¼	104	7.50	IRR	1895	Rogers, John & Sharon
	SW¼ NE¼	100	4.50	IRR	1895	Simon, Cheryle
	SW¼ NE¼	105	19.00	IRR	1895	Murphy/Berge, Janice/Dick
	SE¼ NE¼	105	37.00	IRR	1895	Murphy/Berge, Janice/Dick
4	NW¼ NW¼	302	17.00	IRR	1895	Barclay, David
4	NW¼ NW¼	303	7.50	IRR	1895	Tewalt, Richard & Norma
4	NW¼ NW¼	305	8.50	IRR	1895	Tewalt, Richard & Norma
	SW¼ NW¼	301	16.00	IRR	1895	Pardo, Sharon
	SW¼ NW¼	304	17.50	IRR	1895	York, Ervin
	SW¼ NW¼	306	2.50	IRR	1895	York, Ervin
	SE¼ NW¼	101	1.00	IRR	1895	Simon, Cheryle
	NE¼ SW¼	400	36.00	IRR	1895	Redfield, Tygh
	NW¼ SW¼	400	36.00	IRR	1895	Redfield, Tygh
	SW¼ SW¼	400	36.00	IRR	1895	Redfield, Tygh
	SE¼ SW¼	400	38.00	IRR	1895	Redfield, Tygh
	SE¼ SW¼	400	1.00	POND	1895	Redfield, Tygh
	NE¼ SE¼	500	18.00	IRR	1889	Clemens, Cecile
	NE¼ SE¼	500	17.00	IRR	1895	Clemens, Cecile
	NW¼ SE¼	500	7.00	IRR	1889	Clemens, Cecile
	NW¼ SE¼	500	25.00	IRR	1895	Clemens, Cecile
	SW¼ SE¼	500	37.00	IRR	1895	Clemens, Cecile
	SE¼ SE¼	500	31.00	IRR	1895	Clemens, Cecile
Section 5						
1	NE¼ NE¼	100	37.00	IRR	1895	Salmon, Roy & Marcia
1	NE¼ NE¼	100	0.30	POND	1895	Salmon, Roy & Marcia
2	NW¼ NE¼	100	0.20	IRR	1895	Salmon, Roy & Marcia
	SW¼ NE¼	101	28.00	IRR	1889	Sokol, Dorro
	SE¼ NE¼	100	2.00	IRR	1895	Salmon, Roy & Marcia
	SE¼ NE¼	100	0.50	POND	1895	Salmon, Roy & Marcia
	SE¼ NE¼	101	12.00	IRR	1889	Sokol, Dorro
	SE¼ NE¼	101	20.00	IRR	1895	Sokol, Dorro
	SE¼ NE¼	101	5.50	IRR	1903	Sokol, Dorro
3	NE¼ NW¼	1000	5.00	IRR	1895	Carollo, Ed & Barbara
3	NE¼ NW¼	700	2.50	IRR	1895	Hurtley, David & Judy
3	NE¼ NW¼	800	2.00	IRR	1895	Hurtley, David & Judy

30.6 TL401  
3.4 TL500

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