

Application for Instream Lease

Pooled Lease Form

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

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

Option Lease	nal Identification Application N	on by Lessor/Lessee: Mitigation Project umber (assigned by WRD):
This L	ease is betwee	n:
Lesso	r#2: Irrigatio	n District or Other Water Purveyor
Name		Three Sisters Irrigation District
Mailin	g address	Three Sisters Irrigation District P.O. Box 2230
City, S	State, Zip Code	Sisters, OR 97759
Teleph	one number _	541-549-8815
Email	address	tsid@uci.net
The wa	ater right to be	leased is located in <u>Deschutes</u> County.
Lessee	e (if different t	than Oregon Water Resources Department):
Name		Deschutes River Conservancy - Mitigation Bank
Mailin	g address	P.O. Box 1560
		Bend, OR 97709
		541-382-4077
		gen@deschutesriver.org
Truste		
		rces Department
	ımmer Street N	
,	OR 97301-12	66
(503)	986-0900	
	~I·	~ Water Right Holder and Water Right Information
1.2	Lessor #2 is t	he (Check one):
		presentative of Three Sisters Irrigation District,
		eveys water to the subject water rights.
		arty with an interest in the subject water rights representing
	☐ Not applie	eable.
1.3	For the wester	right(s) being leased, list all water rights appurtenant to the same lands.
1.0		re are any supplemental or overlying rights.
	Certificate No	o. <u>74135</u>
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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
	Maximum dary associated with subject water rights (ac-it). 14/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.
	In the Describes River In the Describes 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:
	<u>1887 - 62.46 af</u>
DECEIVE	1887 - 02.40 at 1887 - 874.87 af
MECELVE	

	<u>1899 - 57.09</u>
	(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

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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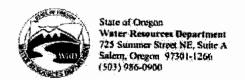
3.4	Suspension of original use. During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights.
3.5	Termination provision.
	For multiyear leases, the Lessor(s) shall 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 then 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require: Written notice to the Department with original signatures; Consent by all parties to the lease; and/or Written notice to the Watermaster's office. For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.
3.6	Modification to prevent injury. Allocation of water to the instream use described in Section 2.2 during the term of this lease is not reasonably expected to cause injury to other rights to use water from the same source. If injury is found after this lease is signed, the lease may be modified or terminated to prevent injury.
3.7	Fees. Pursuant to ORS 536.050, the following fee is included: Showing fee is included: \$200 for an application with four or more landowners or four or more water rights. \$100 for all other applications.
Lessor Three S	#2: Date: 3/25/09
Lessee Deschu	: Lenevieve thibert Date: 3/27/09
Attachi Attachi Attachi Attachi	Attachments as Needed: ment 1: Tax Lot Map. (See instructions.) ment 2: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. (See instructions.) ment 3: Supporting documentation indicating why a right is valid and not subject to 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). ment 4: Split Season Instream Use Form ment 5: Pooled Lease Water Right Holder Form

TSID season 1 - Mitigation

priority	subtotal	62.46						874.87		57.09	994.41
	duty AF	62.46	202.98	317.16	146.38	¥ 8	149.31	24.40	25.37	31.72	994.41
	no. days	123	123	123	123	123	123	123	123	123	
	•	0.507769		2.578512							
	conv fact	1.983471	1.983471	1.983471	1.983471	1.983471	1.983471	1.983471	1.983471	1.983471	And the same of th
priority	subtotal	0.256						3.586		0.234	4.076
	rate*	0.256	0.832	<u>.</u>	0.6	0.142	0.612	0.1	0.104	0.13	4.076
	CfS	0.02	0.02	0.02	0.05	0.02	0.02	0.02	0.02	0.05	
priority	subtotal	12.8	· ·					179.3		11.7	203.8
	acres*	12.8	41.6	65	93	7.1	30.6		5.2	6.5	203.8
	Priority	1887	1895	1895	1895	1895	1895	1895	1899	1899	clais
		Taylor	Patterson	Swaner	Angel	Cornick	Enger	Burdick	Burdick	Brandon	

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

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Application for

Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

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

	onal Identification by Lessor/Lessee: Mitigation Project e Application Number (assigned by WRD):
This	Lease is with:
Less	or #1 (Water Right Holder):
	e Kay Patterson
	ing address P O Box 1839
	State, Zip Code Sisters, OR 97759
	phone number <u>541-549-1215</u>
Ema	il address Kaye hinten tarrillamas Man
	ditional water right holders, enter water right holder information below
	or#2:
	e Sisters Irrigation District Irrigation District
	Box 2230
Siste	rs, OR 97759 541-549-8815 tsid@uci.net
	~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:
CEIV	EN

	1.	R	Sect	44	Tax Lot	Acres	Type of the	Certificate #	Pagets) #	Priority*
	*(Iden	tify pertine	ent page n	umber o			is greater than 1 er certificate)	0 pages; identify	priority date	if there is
1.	15	10	24	Nw. NW	200	32	IRR	74135	8	1895
2,	15	10	24	SW NW	200	9.6	IRR	74135	8	1895
3.										
4.		And the second								
5.		1				4.400	A-144			Ammente.

T	otal num	ber of acr	es, if for irrigation	ion, by certific	ate and priority	date: 41.6	ac IRR 1895
<u>See</u>	Map 3	Notes	Spreadshoot	regarding	current &	send ins	transfers
	, -			O. O	,	1, 8	
C	conditions	s or other	limitations, if a	ny: <u>None</u>			
If you ne	ed to ent	er another	leased right, pl	ease use the A	dditional Wate	r Right Form	for Pooled
Water Ri	ight Hold	er.					

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

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

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on <u>July 15, 2009</u>. (If there is a conflict between the Pooled Lease Form and this form, the Pooled Lease Form will be the official term of the lease.)

~III~ Other Information

- 3.1 Accuracy. The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified or terminated. The lease only exercises the water rights being leased, for the term of the lease. It shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.
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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

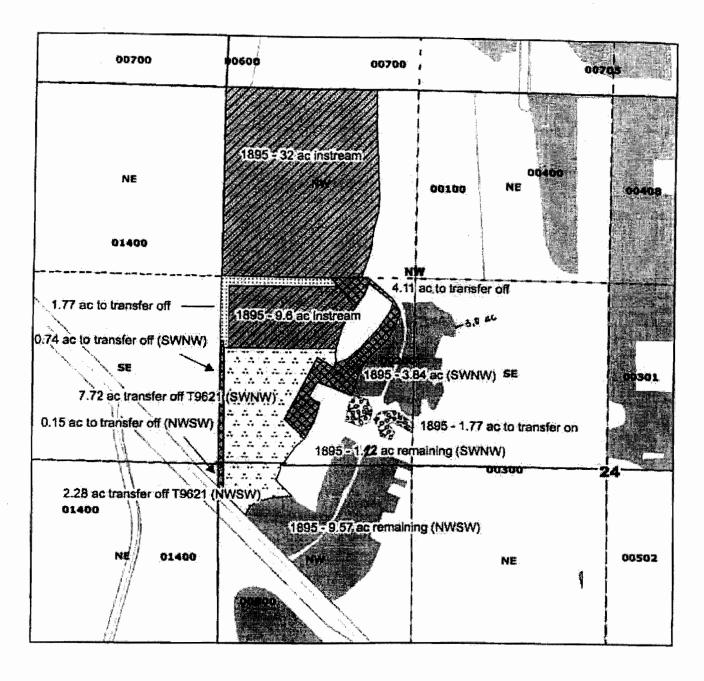
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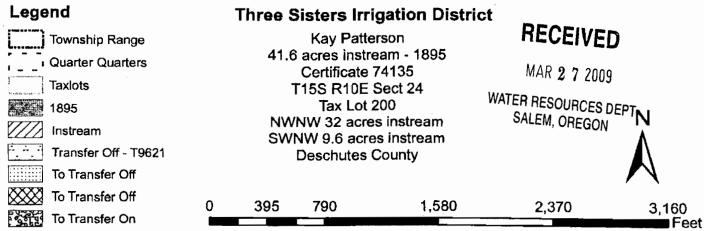
Pooled Water Right Holder Form / 3

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	leased or t	transferred instream.	it for the amount of water to be
3.4	Suspension suspend us	on of original use. During the period of the lease, see of water allowed under the subject water rights at all to the subject water rights.	the water right holder agrees to and under any water right that is
3.5	For myear we during days probegun until the not occurred. Conversely Write Tor myear we will be a conversely with the conversely with the conversely with the conversely with the conversely will be a conversely with the conversely with the conversely with the conversely will be a conversely will be a conversely with the conversely will be a conversely will be a conversely with the conversely will be a conversely will be a conversely with the conversely will be a conversely will be a conversely with the conversely will be a conversely will be a conversely with the conversely will be a conversely will be a conversely with the conversely will be a conversely will be a conversely with the conversely will be a conversely will be a conversely with the conversely will be a conversely will	ion provision. nultiyear leases, the Lessor(s) shall have the option with written notice to the Department. The lease me of the calendar year. However, if the termination reprior to the period of allowed instream use or after a for the water right(s) being leased, water may not the following calendar year, unless the Director descur. The Department may also require: witten notice to the Department with original signal insent by all parties to the lease; and/or itten notice to the Watermaster's office. ultiyear leases, the lessor shall not have the option of the parties to the lease.	hay be terminated at any time equest is received less then 30-the period of allowed use has be used under the right(s) leased termines that enlargement would tures;
3.6	2.2 during tuse water fr	the term of this lease is not reasonably expected to from the same source. If injury is found after this reterminated to prevent injury.	cause injury to other rights to
Lessor Kay Pa	#1:	Tayle Uniterson Dat	: 3-73-09
For ado	ditional Less	sors, type in space for signature and date	
Lessor Three S		Date ation District	<u> </u>
		acor a totilot	
		s As Needed:	
Exhibit		Tax Lot Map. (See instructions.)	
Exhibit		Detailed map illustrating lands under subject right part of a right is being leased instream. Exhibits into a single map. (See instructions.)	
Exhibit	t 5-C:	Supporting documentation indicating why a right forfeiture even though the right has not been exer consecutive years (required if the second box in Schecked)	cised for five or more
Exhibit		Split Season Instream Use Form	

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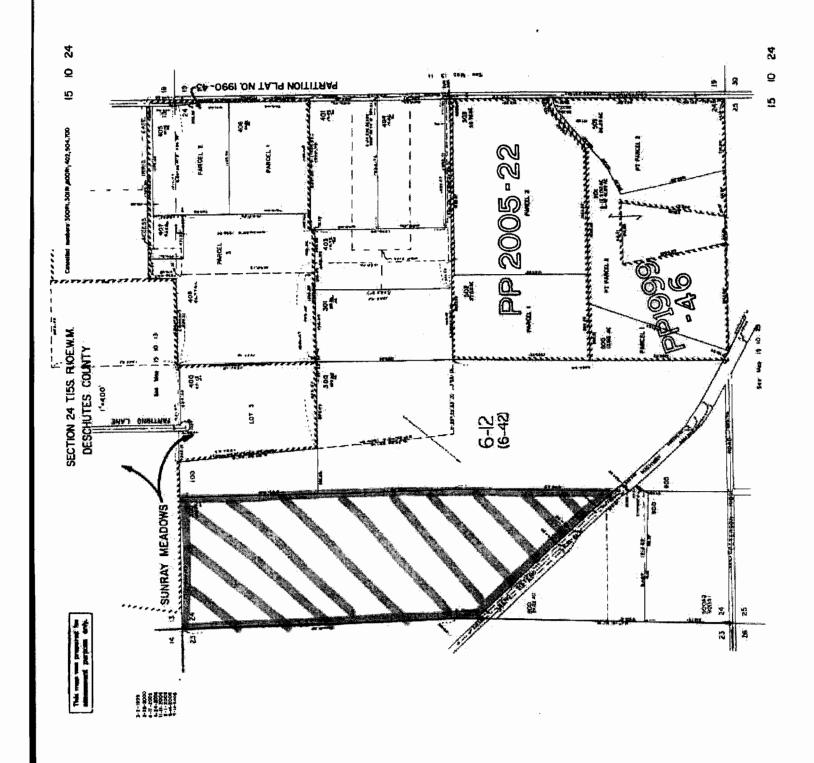


Three Sisters Irrigation District Kay Patterson 27-Mar-09

Subtotal Note	Lease instream	32.00	Lease-Instream	Transfer off T-9621	to transfer off and back on different area (not yet submitted)	to transfer off (not yet submitted)	to transfer off (not yet submitted)	Remaining	29.00	to transfer off	Transfer off T-9621	Remaining	12.00
Subto		ઌૻ							×				77
Acres	32.00		9.60	7.72	1.7	0.74	4.11	5.06		0.15	2.28	9.57	
Taxlot Ac	200		200	200	200	200	200	200		200	200	200	
00	24 NWNW		24 SWNW	24 SWNW	24 SWNW	24 SWNW	24 SWNW	24 SWNW		24 NWSW	24 NWSW	24 NWSW	
S	10 E		10 E	10 E	10 E	10 E	10 E	10 E		10 E	10 E	10 E	
æ	15.5	1.		15 S						15.5			
-				F	RE	EC	È	: \	/E	D)		

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WATER RESOURCES DEPT



MAR 2 7 2009

WATER RESOURCES DEPT

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Lot	ā	₽	Tax lot	Acres	Type	Priority	Owner	
	SWX	SEX	705	5.50	IRR	1895	Dorman,	Jerry & Penny
	SW1/4	SEX	705	0.20	POND	1895		Jerry & Penny
	SE%	SEX	405	1.50	IRR	1893		4
	SE%	SEX	703	12.00	IRR	1895		James & Diana
	SEX	SEX	704	5.50	IRR	1895	Taylor,	James & Diana
				S	ection	13		
	NEX	NEX	100	36.00	IRR	1903	Lazy Z,	Joan Hull
		NEX	100	26.00	IRR	1903	Lazy Z,	Joan Hull
		NEX	100	28.50	IRR	1903	Lazy Z,	Joan Hull
	SE%	NE%	3.00	35.00	IRR	1903	Lazy Z,	Joan Hull
				S	ection	14		
	NEW	MEL	405	6.50	IRR	1893	Morris	Richard & Sherry
		NEX NEX	405	6.00	IRR			Richard & Sherry
		NEX	406	8.50	IRR	1893		Sene & Barbara
		NEX .		5.50	IRR	1895	-	Gene & Barbara
		NEX	407	2.00	IRR	1893		Gregory & Sandra
		NEX	407	2.00	IRR	1895	Timms, C	Gregory & Sandra
		NEX	407	5.00	IRR	1893		Gregory & Sandra
		NEX	407	5.00	IRR	1895	Timms, C	Gregory & Sandra
	NW⅓	NEX	408	9.00	IRR	1893		e, Hugh & Gail
	NW¼	Ne%	408	17.00	IRR			e, Hugh & Gail
	SW1/4	NEX	301	18.00	IRR			e, Hugh & Gail
	SWX	NEX	403	13.40	IRR	1895		e, Hugh & Gail
		NE X	403	0.20	POND			e, Hugh & Gail
	_	NE%	401	16.00	IRR			Hugh & Gail
	-	NEX	404	16.00	IRR	1895	-	e, Hugh & Gail
		NWX	400	7.00	IRR IRR	1893 1895		ie, Dave & Patricia le, Dave & Patricia
		MM.X	400	7.50	7177			re, bave a racticia
	ماء المالد			STORE DOM				
	SWX	NWX	200 ±	32%00 29.00	IRR	1895	Patterso	on, Kay B.
	SMX	NMX NMX NMX	200 200 300	32%00 -29,00 3.00	IRR	1895	Patterso Patterso	
	Sex	NMX.	2 00 **	29.00	IRR IRR	**1895 ** 1895	Patterso Patterso Patterso Patterso	on, Kay E. on, Kay E. on, Kay E.
	SEX NWX	NMX NMX	200 300 700	29.00 3.00 5.50	IRR IRR IRR IRR IRR	1895 1895 1895 1895 1895	Patterso Patterso Patterso Patterso K.O.A.,	on, Kay E. on, Kay E. on, Kay E. on, Kay E. Dennis McCarthy
	Sex NMX NMX	SWX SWX SWX NWX	200 300 700 700	3.00 3.00 5.50 1.00	IRR IRR IRR IRR IRR IRR POND	1895 1895 1895 1895 1895 1895	Patterso Patterso Patterso Patterso K.O.A., K.O.A.,	onKay.E.s on, Kay E. on, Kay E. on, Kay E. Dennis McCarthy Dennis McCarthy
	Sex NWX NWX NWX SWX	NWX SWX SWX SWX SWX	200 300 700 700 800	29.00 3.00 5.50 1.00 3.50	IRR IRR IRR IRR IRR POND	1895 1895 1895 1895 1895 1895 1895	Patterso Patterso Patterso K.O.A., K.O.A., K.O.A.,	on. Kay E. on, Kay E. on, Kay E. on, Kay E. Dennis McCarthy Dennis McCarthy Dennis McCarthy
	SEX NWX NWX NWX SWX NEX	NWY SWY SWY SWY SWY SEX	200 300 700 700 800 500	29.00 3.00 5.50 1.00 3.50 2.00	IRR IRR IRR IRR IRR POND IRR IRR	1895 1895 1895 1895 1895 1895 1895 1895	Patterso Patterso Patterso K.O.A., K.O.A., K.O.A.,	on. Kay E. on, Kay E. on, Kay E. on, Kay E. Dennis McCarthy Dennis McCarthy Dennis McCarthy Janet
	SWX SEX NWX NWX NWX NEX NEX	NWX SWX SWX SWX SEX SEX SEX	200 300 700 700 800 500 502	29.00 3.00 5.50 1.00 3.50 2.00 25.00	IRR IRR IRR IRR IRR POND IRR IRR	1895 1895 1895 1895 1895 1895 1895 1895	Patterso Patterso Patterso Patterso K.O.A., K.O.A., Herring, Little,	on. Kay E. on, Kay E. on, Kay E. Dennis McCarthy Dennis McCarthy Dennis McCarthy Janet Daniel & Patricia
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WATER RESOURCES DEPT SALEM, OREGON



Application for

Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

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

Optional Identification by Lessor/Lessee: Mitigation Project Lease Application Number (assigned by WRD): TL-977 / MP-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
<u>P O Box 2230</u>
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 what 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. Indicatif 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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	E	R	Sect		Tax Lot	Acres	Lype of the	Cernicate #	Pagets) II	Princity
- Allinon	*(Ident	ify pertin	ent page r	umber o	certificate,	if certificate than one p	e is greater than 1 er certificate)	0 pages; identify	priority date	if there is
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.								200		······································
4;										
5.								***************************************		

	tal number of acres, if for irrigation, by certificate and priority date: 5.0 ac IRR 1895 R 1899
Co	nditions or other limitations, if any:
	to enter another leased right, please use the Additional Water Right Form for Pooled at Holder.
Valid	lity of rights. Lessor(s) attests (mark one) that:
	The water has been used over the past five years according to the terms and conditions of the water right certificate or as an instream water right or
	The water has <u>not</u> been used over the past five years according to the terms and conditions of the water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)(_)(include necessary supporting documentation as Attachment 3).
	Concer Right

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on <u>July 15, 2009</u>. (If there is a conflict between the Pooled Lease Form and this form, the Pooled Lease Form will be the official term of the lease.)

~III~ Other Information

- 3.1 Accuracy. The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified or terminated. The lease only exercises the water rights being leased, for the term of the lease. It shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.
- 3.2 Lease. Lessor(s) and Lessee(s) agree to lease the water rights listed in Section(s) 1.5 for instream use for the term of this lease through Lessee to the Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077.
- 3.3 Precedent. If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077 a new injury review shall be

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Pooled Water Right Holder Form / 3

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		and a prior short term lease shall not set a precedent for the amount of water to be transferred instream.
3.4	suspend u	on of original use. During the period of the lease, the water right holder agrees to use of water allowed under the subject water rights and under any water right that is ental to the subject water rights.
3.5	For n year durin days begun until not o W CC W For n conse	multiyear leases, the Lessor(s) shall have the option of terminating the lease each with written notice to the Department. The lease may be terminated at any time and the calendar year. However, if the termination request is received less then 30-prior to the period of allowed instream use or after the period of allowed use has an for the water right(s) being leased, water may not be used under the right(s) leased the following calendar year, unless the Director determines that enlargement would occur. The Department may also require: Vitten notice to the Department with original signatures; onsent by all parties to the lease; and/or vitten notice to the Watermaster's office. multiyear leases, the lessor shall not have the option of terminating the lease, without ent by all parties to the lease.
3.6	2.2 during use water	tion to prevent injury. Allocation of water to the instream use described in Section g the term of this lease is not reasonably expected to cause injury to other rights to from the same source. If injury is found after this lease is signed, the lease may be onterminated to prevent injury.
Lesso	or #1:	MUS Date: 3/24/09
Rand	y Burdick	
For a	dditional Le	essors, type in space for signature and date
Lesso	or #2:	Date:
Three	Sisters Irri	gation District
		nts As Needed:
	oit 5-A: oit 5-B:	Tax Lot Map. (See instructions.) Detailed map illustrating lands under subject rights to be leased; required if only
	A Block State of Table 2	warman study remaindered and the state of th

part of a right is being leased instream. Exhibits 5-A and 5-B may be combined

into a single map. (See instructions.)

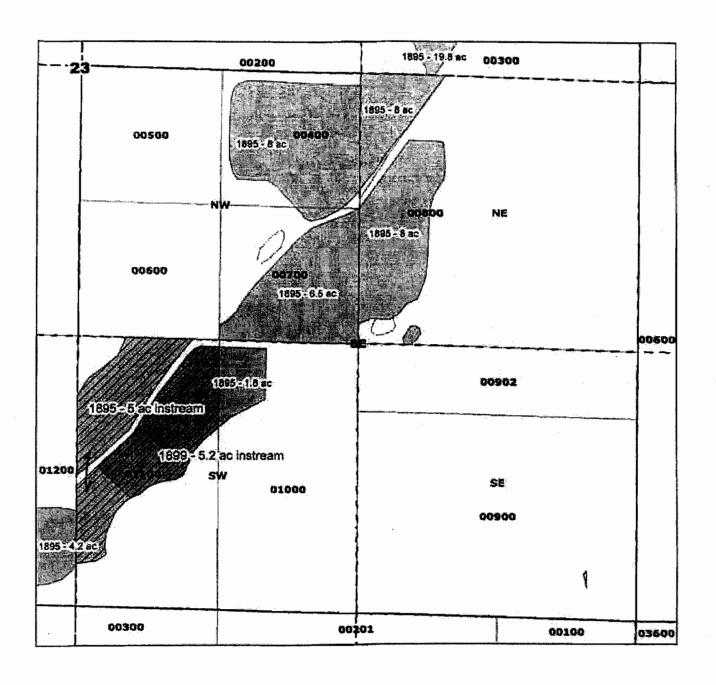
Supporting documentation indicating why a right is valid and not subject to Exhibit 5-C:

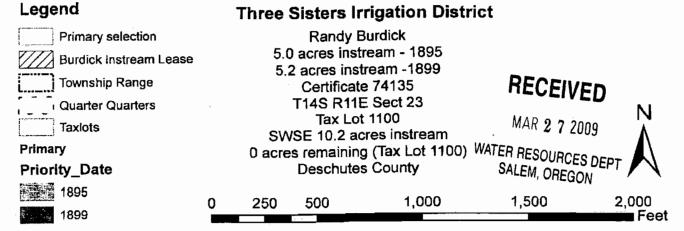
forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is

checked)

Split Season Instream Use Form Exhibit 5-D:

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1				4.4					
	7			Tay 1-4	10700	Time	Priority	Owner	Fage 4
	Lot	QC		Tax lot		Type	•		
		NE%		100	6.00	IRR	1895	_	Geraldine
		NEX :			1.50	IRR			Geraldine
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		SW%			6.80	IRR		Burdick,	_
Ш		SEX			4,20	IRR			illiam & Mildred
l		SEX		1300	7.50	IRR		Burdick,	
		NE%		800	8.00	IRR			illiam & Victoria
H		NWX	SE14	400	8.00	IRR			rles & Jan
П		NW%	SE%	700	б.50	IRR			rles & Jan
		SWX	SEX	1000	1.80	IRR	1895		Mostafa & Naoko
H		GHY	SEX	TIOO	5) 00	IIRR	1895	Burgick,	Joyce C.
I		SWX	SEX.	TROOM				BUIDICK	Joyce G.
					Se	ection	23		
		NE%	NE%	100	2.70	IRR	1895	Sanders,	Ed & Betty
1		NWX			1.50	IRR			Ed & Betty
IJ		NW%			6.00	IRR	1895		Geraldine
1		NWX		500	1.50	IRR		Kavanagh,	Geraldine
					Se	ection	24		
		NWX :	NEL	300	5.00	IRR	1895	Elmore, M	ichael
		NW%		400	4.00	IRR	1895	Elmore, M	
		NEW .	1412)	400		ection			
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		_,-	. •			ection	28		
								D=4.1	
H		SEX			8.00	IRR	1895	Paulus, T	
		SWX		5802	3.00	IRR			aron & Helen aron & Helen
		5₩%	SEX	5802	11.00	IRR	1904	HIIBUII, A	oron a neten
1					56	ection	23		İ
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		SEW		4800	6.80	IRR	1895	Leason, J	_
		SEX		4800	19.60	IRR	1899	Leason, J	
		NEX	SE%	4700	16.50	IRR			n, Reece & Lorene
		NE%			0.50		1895		n, Reece & Lorene
		NEX			3.00	IRR	1895		n, Reece & Lorene
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					54	6061011			
		NE¼	NEX	4800	37.30	IRR	1895	Leason, J	ohn
		NW1		4800	40.00	IRR	1895	Leason, J	
		SWX		4800	30.40	IRR	1895	Leason, J	
		SEX		4800	31.90	IRR	1895	Leason, J	
		NE%		4800	9.70	IRR	1895	Leason, J	
		SE%		5200	0.70	IRR	1895	Leason, J	
W.DvCa.	3	NWX		1000	4.00	IRR	1895	•	David & Judy David & Judy
	3	NW%		300	4.00	IRR	1895 1895		David & Judy
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	3	NWX XWN		700	4.00	IRR	1895		David & Judy
	3 3	NM¥ NMN		800	2.50	IRR	1895		David & Judy
	3	NW%		900	2.00	IRR	1895		David & Judy
	4	SWX		200	22.00	IRR	1895	•	David & Judy
1	4	SWX		201	6.00	IRR	1895		David & Judy
		NEX		5300	36.60	IRR	1895	Leason, J	
		NW%		5300	16.10	IRR	1895	Leason, J	fohn
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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/OFRD/PUBS/forms.shiml.

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

	nal Identification by Lesson/Lessee: <u>Mitigation Project</u> Application Number (assigned by WRD):
Lease,	Application (Aumoet (assigned by WKD):
This L	case is with:
	#1 (Water Right Holder):
	William & Pamela Brandon
	g address 2219 Day Island Blyd W.
	tate, Zip Code <u>University Place, WA 98466</u> sone number 503-260-7931
	address
DITMIT.	actures
If addi Lessor	tional water right holders, enter water right holder information below
-	Sisters Irrigation District Irrigation District
POB	ox 2230
Sisters	OR 97759 541-549-8815 tsid@uci.net
Applicat	he section numbering associated with this form corresponds to that found on the "Standard Instream Lease tion" form. The "Pooled Lease" form and "Pooled Water Right Holder" form(s) are used to provide the same tion as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always lal.
	~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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Type of Use Pagets ? *(Identify pertinent page number of certificate, if cortificate is greater than 10 pages; identify priority date if there is more than one per certificate) 1. 14 11 23 1300 6.3 IRR 74135 4 SW 1899 3. 4. 5.

	To	al number of acres, if for irrigation, by certificate and priority date: 6.5 ac IRR 1899
	Co	nditions or other limitations, if any:
If yo	ou need or Rigi	to enter another leased right, please use the Additional Water Right Form for Pooled at Holder.
1.6	Valid	ity of rights. Lessor(s) attests (mark one) that:
	Ø	The water has been used over the past five years according to the terms and conditions of the water right certificate or as an instream water right or
		The water has <u>not</u> been used over the past five years according to the terms and conditions of the water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)(_)(include necessary supporting documentation as Attachment 3).
		~II~ Instrum Water Right Information

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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2.3

Pooled Water Right Holder Form / 3

FSD

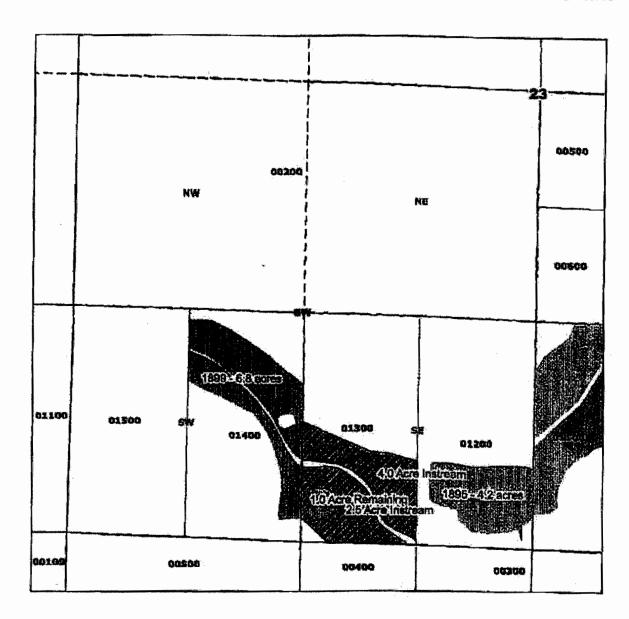
	3.4	suspendion of original use. During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights.
	3.5	Termination provision. For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less then 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require: Written notice to the Department with original signatures; Consent by all parties to the lease; and/or Written notice to the Watermaster's office. For multiyear leases, the leaser shall not have the option of terminating the lease, without consent by all parties to the lease.
Ł	William	Modification to prevent injury. Allocation of water to the instream use described in Section 2.2 during the term of this lease is not reasonably expected to cause injury to other rights to use water from the same source. If injury is found after this lease is signed, the lease may be modified or terminated to prevent injury. Date: Man 25 '09 as Pamela Brandon litional Lessors, type in space for signature and date
	Lessor	#2: Date:
		Attachments As Needed: 5-A: Tax Lot Map. (See instructions.) 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.) 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is checked)
	Exhibi	5-D: Split Season Instream Use Form

03/25/2009 02:30

5415498878

TSID

PAGE 03/10



Legend

Brandon Instream Lease

Township Range

, _ _ i Quarter Quarters

Taxiots

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

0 200 400 800 1,200 1,600 Feet



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		•				Pag
Lot	αQ	Tax lot	Acres	Typa	Priority	-
	NEX NEX	100	6.00	IRR	1895	Kavanagh, Geraldine
	NEX NEX	100	1.50	IRR	1904	Kavanagh, Geraldine
	NEX NEX	200 400	15.00	IRR IRR	1895 18 9 5	Helikson, Paul & Sherry Kavanagh, Geraldine
	SEX NEX	300	19.80	IRR	1895	Helikson, Paul & Sherry
	SWX SWX		6.80	IRR	1899	Burdick, Robert R.
	SEX SWX	1200	4.20	IRR	1895	Kelley, William & Mildred
						ROTATION TO REDESTRUMENTS SELECTION
	NEW SEX	800	8.00	IRR	1895 1895	Vestal, William & Victoria Volz, Charles & Jan
	NWX SEX	400 700	8.00 6.50	IRR IRR	1895	Volz, Charles & Jan
	SWX SEX		1.80	IRR	1895	Shirazi, Mostafa & Naoko
	SWX SEX		5.00	IRR		Burdick, Joyce G.
	SWX SEX		5.20	IRR		Burdick, Joyce G.
			S	ection	23	
	NEY NEY	100	2.70	IRR	1895	Sanders, Ed & Betty
	NWX NEX	100	1.50	IRR	1895	Sanders, Ed & Betty
	MMX MMX		6.00	IRR	1895	Kavanagh, Geraldine
	XWN XWN	500	1.50	IRR	1895 24	Kavanagh, Geraldine
				,		
	NMX NEX	300	5.00	IRR	1895	Elmore, Michael
	NWK NEK	400	4.00 Se	IRR		Elmore, Michael
						Taffara Danald & Gail
	SEX SWX	500	6.00	IRR ection		Jeffers, Donald & Gail
	SEX SWX	5800	8.00	1RR	1895	Paulus, Tom
	SWX SEX		3.00	IRR	1895	Wilson, Aaron & Helen
	SWX SEX	5802	11.00 St	IRR	1904 29	Wilson, Aaron & Helen
		4701		TDB	1899	Leason, Catherine
	NEX SWX	4701 4800	40.00 6.80	IRR IRR	1895	Leason, John
	SEX SWX	4800	19.60	IRR	1899	Leason, John
	NEX SEX	4700	16.50	IRR	1895	Richardson, Reece & Lorene
}	NEX SEX		0.50	POND	1895	Richardson, Reece & Lorene
	NEW SEX	4704	3.00	IRR	1895	Richardson, Reece & Lorens
ŀ	SWX SEX	4800	30.90	IRR	1895	Leason, John
	SWX SEX	4800	8.60	IRR		Leason, John
	SEX SEX	4800	36.70 St	IRR ection	1895 30	Leason, John
						Leason, John
	NEX NEX	4800	37.30	IRR IRR	1895 1895	Leason, John
	NW% NE%	4800 4800	40.00 30.40	IRR	1895	Leason, John
	SBX NEX	4800	31.90	IRR	1895	Leason, John
ĺ	NEX NWX	4800	9.70	IRR	1895	Leason, John
1	SEX NWX	5200	0.70	IRR	1895	Leason, John
3	NW% SW%	1000	4.00	IRR	1895	Hurtley, David & Judy
3	NW¥ SW¥	300	4.00	IRR	1895	Hurtley, David & Judy
3	NWX SWX	500	3.00	IRR	1895	Hurtley, David & Judy
]] 3	NWX SWX	600	2.00	IRR	1895	Hurtley, David & Judy
3	NWX SWX	700	4.00	IRR	1895 1895	Hurtley, David & Judy Hurtley, David & Judy
3	NWX SWX	800	2.50	IRR IRR	1895	Hurtley, David & Judy Hurtley, David & Judy
3 4	NWX SWX	900 200	2.00	IRR	1895	Hurtley, David & Judy
4	SWX SWX	201	6.00	IRR	1895	Hurtley, David & Judy
•	NEX SEX	5300	36.60	1RR	1895	Leason, John
	NWX SEX	5300	16.10	IRR	1895	Leason, John
					23	



Application for

Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

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

Optional Identification by Lessor/Lessee: Mitigation Project Lease Application Number (assigned by WRD):
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
information as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not alway 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. Indicat if there are any supplemental or overlying rights.
Certificate No. 74135
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:
-iven

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Pooled Water Right Holder Form / 1

	J.	20 mg.	Sec. 25. 2		101101	3.865	typeofter	f cilibrate b	\$ 13 th 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	firingits."
	*(Iden	tify pertin	ent page i	number of	certificate, mon	if certificate	is greater than I er certificate)	O pages; identify	priority date	if there is
1.	15	11:	04	NW NE	101	25	IRR	74135	9	1895
2.	15	11	04	SW NE	101	40	IRK	74135	9	1895
3.										
4.	1									***************************************
5 .										irmmuuw

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

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on <u>July 15, 2009</u>. (If there is a conflict between the Pooled Lease Form and this form, the Pooled Lease Form will be the official term of the lease.)

~III~ Other Information

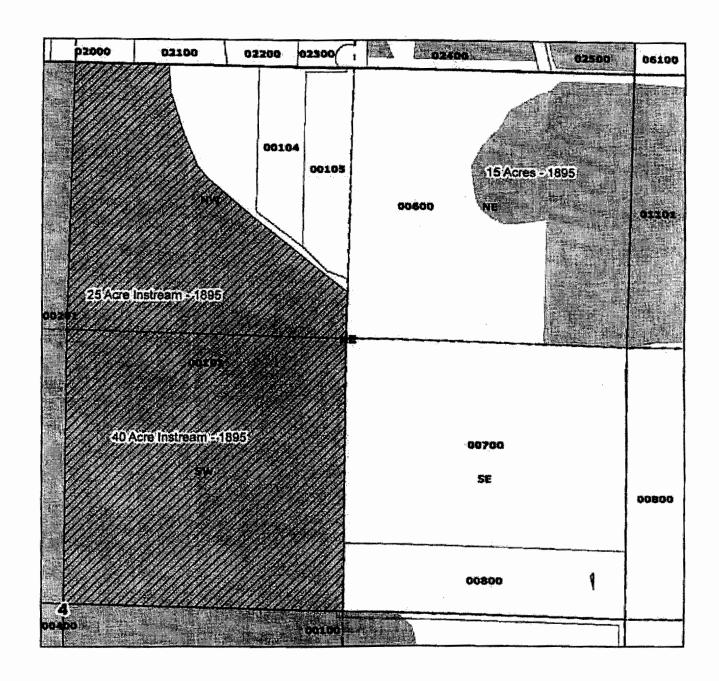
- 3.1 Accuracy. The Undersigned Lessor(s) and Lessoe(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified 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

FSD

	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 Lesson(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less then 30-days prior to the period of allowed instream use or after the period of allowed use has began 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 Karan S	#1: Varaul Wane, Date: 3/25/2009							
	litional Lessors, type in space for signature and date							
Lessor	#2: Date:							
	Sisters Irrigation District							
~	Attachments As Needed:							
Exhibit								
Exhibit	5-B: Detailed map illustrating lands under subject rights to be leased; required if only							
Exhibit	part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.)							
Exhibit	checked) 5-D: Split Season Instream Use Form							



Legend

Swaner Instream Lease
Township Range
Quarter Quarters
Taxlots

RECEIVED

1895

MAR 2 7 2009

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



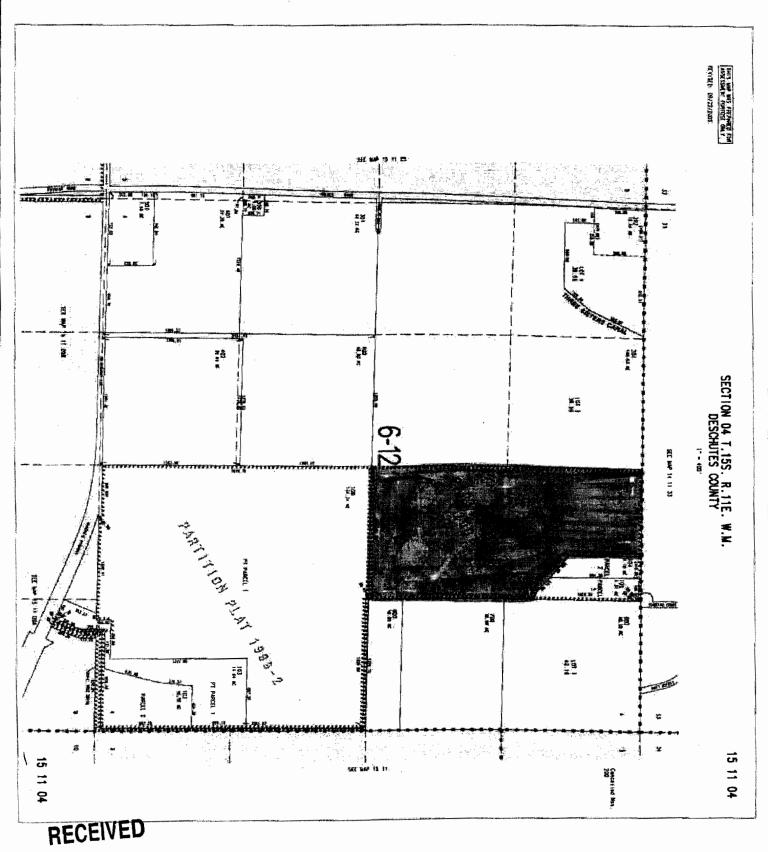
0 190 380 760 1,140 1,520 Feet

WATER RESOURCES DEPT

		, January America					
Lot	αQ	Tax lot	ACTOS	Type	Priority	. Omner	
4	NWY NWY	1101	30.00	IRR	1895	Sharp, Clay	
			Se	ection	3		
1	NE% NE%	600	15.00	IRR	1895	Kendrick, Jerry & Jo	
		mark the same	2510Cm	TUR.	1695	Mechans, Marylas & Virginia	
. 3		201		IRR	1895	Hermone, Marylank Virginia	4
4	NMX NMX	201	39.50 11.00	IRR	1895	Keeton, Arland & Jean Johnson, Don	
4	NWX NWX	201	16.50	IRR	1895	Keeton, Arland & Jean	
4	NMX NMX	202	4.50	IRR	1895	Hufstader, Rick	
	ama nma ama nma	201 201	36.00	IRR POND	1895 1895	Keeton, Arland & Jean Keeton, Arland & Jean	
	SEX NWX	201	40.50	IRR	1895	Keeton, Arland & Jean	
	NEX SWX	400	40.00	IRR	1895	Hahn, Frederick & Elaine	
	NWY SWX	301	37.50	IRR	1895	Keeton, Arland & Jean	
	SWX SWX	401 401	1.00	IRR POND	1895 1895	Bauer, Kimerly Bauer, Kimerly	
	SEX SWX	402	40.00	IRR	1895	Brennan, Casey	
	NEX SEX	100	18.00	IRR	1895	Hermens, Marvin & Virginia	
	NW% SE%	100	40.00	IRR	1895	Hermens, Marvin & Virginia	
	SW% SE% SE% SE%	100 100	39.00 25.00	IRR IRR	1895 1895	Hermens, Marvin & Virginia Hermens, Marvin & Virginia	
	SEM SEM	100		ection		nezmens, Marvin & Virginia	
						and a second second	
1	NEX NEX	102	9.00	IRR	1895	Graham, Bonnie Wilson, Burt & Jackie	
1 1	NEX NEX	103 104	13.00 7.50	IRR IRR	1895 1895	Rogers, John & Sharon	
-	SWM NEW	100	4.50	IRR	1895	Simon, Cheryle	
	SWN NEX	105	19.00	IRR	1895	Murphy/Berge, Janice/Dick	
	BEN NEW	105	37.00	IRR	1895	Murphy/Berge, Janice/Dick	
4 4	DAX DAX	302 303	7.50	IRR	1895 1895	Barclay, David Tewalt, Richard & Norma	
4	NWW NWW	305	8.50	IRR	1895	Tewalt, Richard & Norma	
	SWY NWY	301	16.00	IRR	1895	Pardo, Sharon	
	SWX NWX	304	17,50	IRR	1895 1895	York, Ervin York, Ervin	
	SEX NWX	306 101	2.50 1.00	IRR IRR	1895	Simon, Cheryle	
	NEW SWW	400	36.00	IRR		Redfield, Tygh	
	NWY SWY	400	36.00	IRR	1895	Redfield, Tygh	
	SWX SWX		35.00	IRR		Redfield, Tygh	
	SEK SWK	400 400	1.00	POND	1895 1895	Redfield, Tygh Redfield, Tygh	
	NEW SEX		18.00	IRR		Clemens, Cecile	
	NEW SEX	500	17.00	IRR	1895	Clemens, Cecile	
	NWX SEX	500 500	7.00 25.00	IRR IRR	1889 1895	Clemens, Cecile Clemens, Cecile	
	nwy sey swy sey	500	37.00	IRR	1895	Clemens, Cecile	
	SEX SEX	500	31.00	IRR	1895	Clemens, Cecile	
			S€	ection	5		
1	NEX NEX	100	37.00	IRR	1895	Salmon, Roy & Marcia	
1	NEX NEX	100	0.30	POND		Salmon, Roy & Marcia	
2	NWX NEX	100	0.20	IRR	1895 18 89	Salmon, Roy & Marcia Sokol, Dorro	
	SWX NEX	101 100	28.00	IRR 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	101 101	20.00 5.50	IRR IRR	1895 1903	Sokol, Dorro	
3	SEX NEX NEX NWX	1000	5.00	IRR	1895	Carollo, Ed & Barbara	
3	NEX NWX	700	2.50	IRR		Hurtley, David & Judy	
3	NEX NWX	800	2.00	IRR	1895	Hurtley, David & Judy	

C-74135

HOW tax Lot 101



MAR 2 7 2009

TER RESOURCES DEPT

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.ar.us/ONRD/PUBS/forms.shiml.

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

Option Lease	nal Identification by Lesson/Lessoe: Mitigation Project Application Number (assigned by WRD):
This I	case is with:
Name Mailir City, S	r #1 (Water Right Holder): Joseph Angel ng address P O Box 14908 State, Zip Code Portland, OR 97293-0908 bone number 503-525-9100
	address
Three POB	Sisters Irrigation District Irrigation District ox 2230
Sisten	CR 97759 541-549-8815 teld@uci.net
Applica	he section numbering associated with this form corresponds to that found on the "Standard Instream Lease ation" form. The "Pooled Lease" form and "Pooled Water Right Holder" form(s) are used to provide the same ation as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always ial.
	~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 Instrum. Water right holder proposes to lease the water rights shown on the map attached as Exhibit 5-B and described as follows:
VED	

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Pooled Water Right Holder Form / 1

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	Ĭ							Cediliani "		
	*(Idea	tify portin	en; belle	mumber o	Certificate,	if certificate	or cortificate)	O pager; identif	y priority deb	l'Opero la
1.	15	111	10	NW	01101	30	IRR	74135	9	1895
2.										**************************************
3.						1				
4.										
5.										

	Tot	al number of acres, if for irrigation, by certificate and priority date: 30.0 ac IRR 1895
	Co	nditions or other limitations, if any:
		to enter another leased right, please use the Additional Water Right Form for Pooled at Holder.
1.6	Valk	lity 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~ Instrum Water Right Information

-- Therident arous seduc surror sentral

2.3 Term of lease. This lease shall terminate on <u>July 15, 2009</u>. (If there is a conflict between the Pooled Lease Form and this form, the Pooled Lease Form will be the official term of the lease.)

~III~ Other Information

- 3.1 Accuracy. The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified or terminated. The lease only exercises the water rights being leased, for the term of the lease. It shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.
- 3.2 Lesse. 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 122

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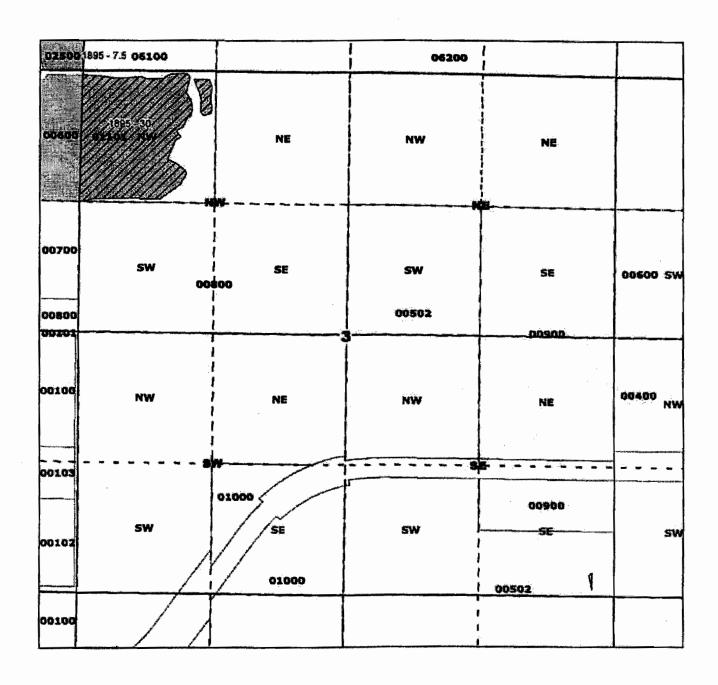
3,4	Suspension of original use. During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights.								
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3.6	Modification 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 Joseph									
For ado	ditional Lessors, type in space for signature and date								
Lessor	#2: Date:								
Three S	Sisters Irrigation District								
Other A	Attachments As Needed:								
Exhibit									
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	into a single map. (See instructions.) bit 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									

MAR 2 7 2009

Pooled Water Right Holder Form / #3

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Legend

Township Range

___ Quarter Quarters

Taxiots

Angel Instream Lease

1895

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MAR 2 7 2009

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

0 312.5625 1,250 1,875 2,500 Feet



						Paga 9
Lot	ν	Tax lot		Typa	Priority	1
4	ANN-RICH	estatata en				SHAMP! CLAY A
			S	ection :	3	
1	NEX NEX	600	15.00	IRR		Kendrick, Jerry & Jo
2	NWX NEX	100	25.00	IRR		Hermens, Marvin & Virginia
3	SW% NE% NE% NW%	100 201	40.00 39.50	IRR IRR		Hermens, Marvin & Virginia Keeton, Arland & Jean
4	NMX NMX	200	11.00	IRR		Johnson, Don
4	NWX NWX	201	16.50	IRR		Keeton, Arland & Jean
4	NW¥ NW¥	202	4.50	IRR		Hufstader, Rick
	SWX NWX	201	36.00	IRR POND		Keeton, Arland & Jean Keeton, Arland & Jean
	SWX NWX	201 201	3.00 40.50	IRR		Keeton, Arland & Jean
	NEX SWX	400	40.00	IRR		Hahn, Frederick & Elaine
	nwy swy	301	37.50	IRR		Keeton, Arland & Jean
	SWX SWX	401	34.00	IRR		Bauer, Kimerly Bauer, Kimerly
	SWX SWX SEX SWX	401 402	1.00	POND IRR		Brennan, Casey
	NEX SEX	100	18.00	IRR		Hermens, Marvin & Virginia
	NWX SEX	100	40.00	IRR		Hermens, Marvin & Virginia
	SW% SE%	100	39.00	IRR		Hermens, Marvin & Virginia
	SEX SEX	100	25.00	IRR ection		Hermens, Marvin & Virginia
				6667011	•	
1	NEX NEX	102	9.00	IRR		Graham, Bonnie
1	NEX NEX	103	13.00	IRR		Wilson, Burt & Jackie Rogers, John & Sharon
1	NEX NEX	104 100	7.50 4.50	IRR IRR	1895 1895	Simon, Cheryle
	SWX NEX	105	19.00	IRR		Murphy/Berge, Janice/Dick
	SEW NEW	105	37.00	IRR		Murphy/Berge, Janice/Dick
4	KWN KWN	302	17.00	IRR		Barclay, David
4	NWX NWX	303	7.50	IRR IRR	1895 1895	Tewalt, Richard & Norma Tewalt, Richard & Norma
4	NWX NWX	305 301	8.50 16.00	IRR	1895	Pardo, Sharon
	SW% NW%	304	17.50	IRR	1895	York, Ervin
	SWX NWX	306	2.50	IRR	1895	York, Ervin
l l	SEX NWX	101	1.00	IRR	1895 1895	Simon, Cheryle Redfield, Tygh
1	Nex Swx	400 400	36.00 36.00	IRR 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	500 500	18.00 17.00	IR R IRR	1889 1 8 95	Clemens, Cecile Clemens, Cecile
	NE% SE%	500 500	7.00	IRR	1889	Clemens, Cecile
	NWK SEK	500	25.00	IRR	1895	Clemens, Cecile
	SW% SE%	500	37.00	IRR	1895	Clemens, Cecile
	Sex sex	500	31.00	IRR ection	1895 5	Clemens, Cecile
			S	ection		
1	NEX NEX	100	37.00	IRR	1895	Salmon, Roy & Marcia
1	ne% ne%	100	0.30	POND	1895	Salmon, Roy & Marcia
2	NWW NEX	100	0.20	IRR	1895	Salmon, Roy & Marcia Sokol, Dorro
	SWX NEX	101 100	28.00	IRR IRR	1889 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 1903	Sokol, Dorro Sokol, Dorro
3	SEX NEX	101 1000	5.50 5.00	IRR 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
Caraman Carama	4		15	μ	3	

MAR 2 7 2009

C-74135



Application for

Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

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

Option Lease	nal Identification by Lessor/Lessee: Mitigation Project Application Number (assigned by WRD): 1 - 17 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
This I	Lease is with:
	r #1 (Water Right Holder):
	Robert Taylor
	ng address 69015 Hurtley Ranch Rd.
	State, Zip Code Sisters, OR 97759
	hone number <u>541-771-6333</u>
Email	address
Lesso	itional water right holders, enter water right holder information below r # 2: Sisters Irrigation District Irrigation District
POB	ox 2230
Sisten	s, OR 97759 541-549-8815 tsid@uci.net
informa sequen	ation" form. The "Pooled Lease" form and "Pooled Water Right Holder" form(s) are used to provide the same ation as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always tial. ~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
RECEIVE	water rights shown on the map attached as Exhibit 5-B and described as follows:

	1	R	Neer	15, 15	Fax Lot	Acres	Type of Use	Certificate #	Page(s) 8	Princity"
	*(Iden	lify pertin	ent page r	umber of	certificate,	if certificate than one p	is greater than 1 er certificate)	0 pages; identify	priority date	if there is
1.	15	11	06	NE SW	1200	12.8	IRR	74135	10	1887
2.							- OFFICE AND ADDRESS OF THE PARTY OF THE PAR			***************************************
3.				<u> </u>						tt.nc erreteteen
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 <u>not</u> been used over the past five years according to the terms and conditions of the water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)(_)(include necessary supporting documentation as Attachment 3).

~II~ Instream Water Right Information

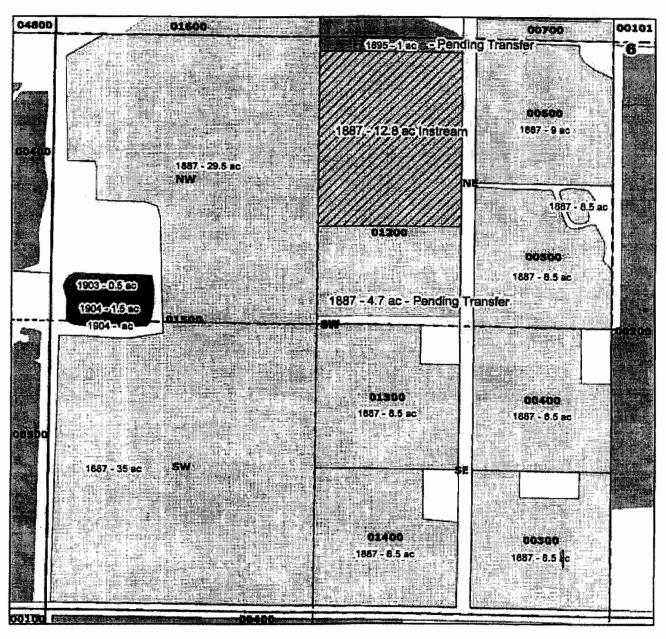
2.3 Term of lease. This lease shall terminate on <u>July 15, 2009</u>. (If there is a conflict between the Pooled Lease Form and this form, the Pooled Lease Form will be the official term of the lease.)

~III~ Other Information

- 3.1 Accuracy. The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified or terminated. The lease only exercises the water rights being leased, for the term of the lease. It shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.
- 3.2 Lease. Lessor(s) and Lessee(s) agree to lease the water rights listed in Section(s) 1.5 for instream use for the term of this lease through Lessee to the Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077.
- 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 then 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leas until the following calendar year, unless the Director determines that enlargement wou 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, wither 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 Robert									
For add	litional Lessors, type in space for signature and date								
Lessor	#2: Date:								
Three S	sisters Irrigation District								
Other A	attachments As Needed:								
Exhibit									
Exhibit	ibit 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	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	Exhibit 5-D: Split Season Instream Use Form								



Legend

SW Quarter Remaining **Three Sisters Irrigation District** Township Range Robert Taylor RECEIVED 12.8 acres instream - 1887 Quarter Quarters Certificate 74135 MAR 2 7 2009 **Taxiots** T15S R11E Sect 06 Primary Tax Lot 1200 WATER RESOURCES DEPT N NESW 12.8 acres instream Priority_Date SALEM, OREGON 4.7 acres pending transfer (Tax Lot 1200) 1887 **Deschutes County** 1895 1903 1,480 740 1,110 185 370 1904 ■ Feet

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									Management of the state of the
						m		Page 10	
	Lot	ďΩ	Tax lot	ACTES	Type	Priori	ry Owner		
	3	NEX NWX	900	2.00	IRR	1895	Hurtley, David &	- 1	and the second s
Ш	4	NWX NWX	1600	7.50	IRR	1887 1903	Cyrus, Keith & Co		Miles de la company de la comp
Ш	4	NWX NWX	1600 1600	12.50	IRR IRR	1904	Cyrus, Keith & Co		2000acan
Ш	5	SMX NMX	1500	3.50	IRR	1887	Cyrus, Keith & Co	. 1	
111	5	SWX NWX	1600	4.50	IRR	1887	Cyrus, Keith & Co		PROGRAM
-	5	SWX NWX	1600	2.00	IRR	1904 1895	Cyrus, Keith & Co Hurtley, David &	1	west war of
		SEX NWX	1200 1200	1.50 0.50	IRR POND	1895	Hurtley, David &	Tuda	Institute Trans.
White reserve		SEX NWX	700	1,50	IRR	1887	Hurtley, David &	Judy a ge	Instruction Transf
		SEX NWX	700	12.00	IRR	1895	Hurtley, David &	Judy Airm	
		NEW SKI	Commence of the Commence of th	and the same of th	188	2 1 44 44 44	minter sona paragar. Mintersona paragar	2424144	
		NEX SWX	500	8.50	IER	1887	Hurtley, David &	Judy	Letina
	,	NEX SWX	600	9.00	IRR	1887	Hurtley, David &		
	6	NWX SWX	1500	29.50	IRR	1887	Cyrus, Keith & Co		
7	6 6	NWX SWX	1500 1500	0.50 1.50	POND POND	1903 1904	Cyrus, Keith & Co	I I	
$\parallel \parallel \parallel$	7	SWX SWX	1500	35.00	IRR	1887	Cyrus, Keith & Co		·
Ш		SEX SWX	1300	8.50	IRR	1887	Hurtley, David &	- I	
		SEX SWX	1400	8.50	IRR	1887 1887	Hurtley, David & Hurtley, David &	. **	Walling Code
		SEX SWX	300 400	8.00 8.50	IRR IRR	1887	Hurtley, David &	-	4
		NEX SEX	200	17.00	IRR	1889	Cyrus, Willard &	- 1	and the state of t
		NEX SEX	200	20.00	IRR	1895	Cyrus, Willard &	I.	4-1
		NWW SEW	200	17.50	IRR	1889	Cyrus, Willard & Cyrus, Willard &	l l	
		NW% SE%	200 200	19.50 11.00	IRR IRR	1895 1889	Cyrus, Willard &	1	
		SWX SEX	200	17.00	IRR	1895	Cyrus, Willard &	Mae	
		SEX SEX	200	9.30	IRR	1889	Cyrus, Willard &	,	
		SEX SEX	200	22.00	IRR POND	1895 1 89 5	Cyrus, Willard & Cyrus, Willard &	1	
		SEX SEX	200	1.00 S	ection		Cylos, Miliaid a	nae	
		NEX NEX	100	2.00	IRR	1895	Sisters School Di		
		NEW NEW	300	30.00 31.50	IRR IRR	1895 1895	Trachsel, Charles Trachsel, Charles		
Ш		NWX NEX	300 300	34.00	IRR	1895	Trachsel, Charles		
Ш		SEX NEX	300	32.00	IRR	1895	Trachsel, Charles	4	
		NEX NMX	400	22.00	IRR	1895	Trachsel, Charles		
	1 2	KWN KWN	400 400	38.00 21.00	IRR IRR	1895 1895	Trachsel, Charles Trachsel, Charles	,	
Ш	- 2	SEX NWX	400	32.00	IRR	1895	Trachsel, Charles	E I	
		NEX SWX	500	40.00	IRR	1895	Keeton, Boyd & Ha		
	3	NWX SWX	500	34.00	IRR	1895	Keeton, Boyd & Ha	1	
	4	KWS KWS	500 500	28.00 3.00	IRR POND	1895 1895	Keeton, Boyd & Ha Keeton, Boyd & Ha		
	•	SEX SWX	500	40.00	IRR	1895	Keeton, Boyd & Ha		
		NEX SEX	600	38.50	IRR	1895	Cyrue, Alvin		
		Nex sex	600	0.50	POND		Cyrus, Alvin		No.
		nwy sey swy sey	600 600	30.50 40.00	IRR IRR	1895 1895	Cyrus, Alvin Cyrus, Alvin		
		SEX SEX	600	39.00	IRR	1895	Cyrus, Alvin		
					ection	7			
		NE% NE%	100	6.00	IRR	1889	Tumalo Farms		
		NEX NEX	100	4.00	IRR	1895	Tumalo Farms	·	1
		NW% NEX	100	35.00	IRR	1895	Tumalo Farms		
		SWX NEX	100	41.00	IRR	1895 1889	Tumalo Farms Tumalo Farms		
		SE% NE%	100 100	14.00 12.00	IRR IRR	1895	Tumalo Farms	Į.	
		NEX NWX	200	37.00	IRR	1895	Tumalo Farms		
			ver community (management		11,0	6			
1									7]

MAR 2 7 2009

C-74135



Application for

Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

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

Option Lease	nal Identification by Lessor/Lessee: Mitigation Project Application Number (assigned by WRD):
This I	Lease is with:
	r #1 (Water Right Holder): Wayne Cornick
	ng address 17000 Bartlemay Lane
	State, Zip Code Sisters, OR 97759
	hone number <u>541-385-4941</u>
Email	address
<u>Lesso</u> <u>Three</u>	itional water right holders, enter water right holder information below r # 2: Sisters Irrigation District Irrigation District ox 2230
	ox 2230 s, OR 97759 541-549-8815 <u>tsid@uci.net</u>
	,
Applica	The section numbering associated with this form corresponds to that found on the "Standard Instream Lease ation" form. The "Pooled Lease" form and "Pooled Water Right Holder" form(s) are used to provide the same ation as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not alway that.
	~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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	Ţ	R	Sout	14.14	Tax Lot	16.25.0	Type of the	Certificate #	Page(s) #	Priority
	*(Iden	tify pertine	ent page n	umber of	f certificate, i more	f certificate than one pe	is greater than 1 er certificate)	0 pages; identify	priority date	if there is
1.	15	11	12	NW NE	302	7.1	IRR	74135	7	1895
2.										44
3.			·							
4.										vanskipmen mediliki
5.										***************************************

Total number of acres, if for irrigation, by certificate and priority date: 7.1 ac	IRR 1895
(2.6 ac Lot adjustment (from 12303), 8.0 ac T-off taxlot w/T-8392)	
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 <u>not</u> been used over the past five years according to the terms and conditions of the water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)(_)(include necessary supporting documentation as Attachment 3).

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on <u>July 15, 2009</u>. (If there is a conflict between the Pooled Lease Form and this form, the Pooled Lease Form will be the official term of the lease.)

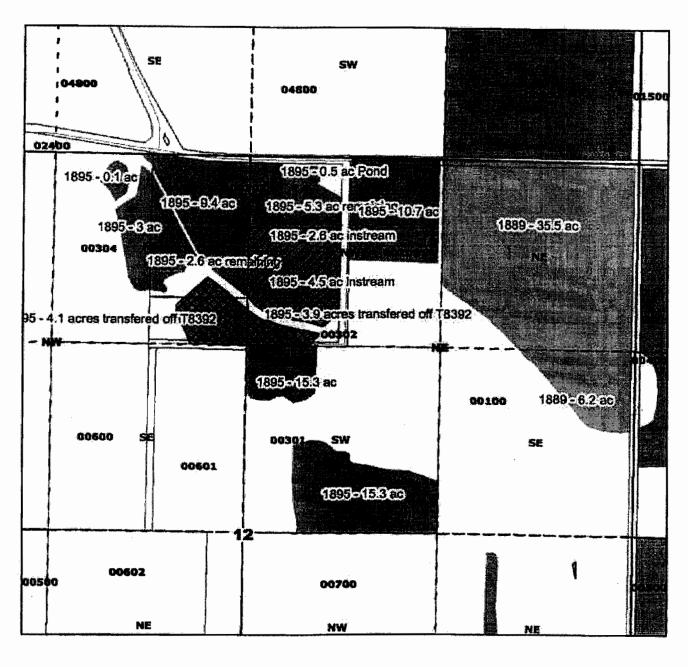
~III~ Other Information

- 3.1 Accuracy. The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified or terminated. The lease only exercises the water rights being leased, for the term of the lease. It shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.
- 3.2 Lease. Lessor(s) and Lessee(s) agree to lease the water rights listed in Section(s) 1.5 for instream use for the term of this lease through Lessee to the Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077.
- 3.3 Precedent. If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be

RECEIVEDeased or transferred instream.

3.4	suspension of original use. During the period of the lease, the water right holder agrees to uspend use of water allowed under the subject water rights and under any water right that is upplemental to the subject water rights.
3.5	For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less then 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require: Written notice to the Department with original signatures; Consent by all parties to the lease; and/or Written notice to the Watermaster's office. For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.
3.6	16 diffication to prevent injury. Allocation of water to the instream use described in Section .2 during the term of this lease is not reasonably expected to cause injury to other rights to se water from the same source. If injury is found after this lease is signed, the lease may be nodified or terminated to prevent injury.
Lessor Wayne	
For add	ional Lessors, type in space for signature and date
Lessor Three S	2: NA Date:
Other A Exhibit Exhibit	, , , , , , , , , , , , , , , , , , ,
Exhibit	
Exhibit	•

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Three Sisters Irrigation District RECEIVED

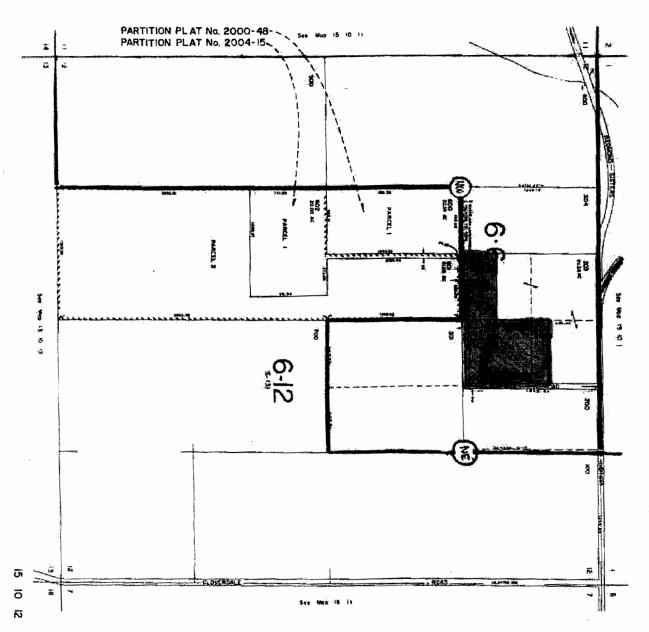
Legend		7.1	Wayne (Cornick ream - 1895	MAR 2 7 2009	
Township Range Quarter Quarters Taxlots		NN	Certificate T15S R10I Tax Lo NE 7.1 ac	e 74135 E Sect 12 t 302 res instream	WATER RESOURCES DEPT SALEM, OREGON	N
Primary		3.9 ac	res transfe Deschutes	ered off - T8392 s County	NWNE & 4:1 ac off NEN T-8392	Δω.
Priority_Date			2000	, , , , , , , , , , , , , , , , , , , ,	•	
1889 1895	0	380	760	1,520	2,280	3,040 Feet
THE RESERVE OF THE PERSON OF T						

Priority Owner Tax lot Acres Type Lot αū 1900 IRR Thompson, Opal SEX NEX 100 27.30 1900 IRR Thompson, Opal NEK NWK 100 1.00 3 Thompson, Opal 1900 NWX NWX 100 6.00 IRR 1900 Thompson, Opal 100 1.70 IRR NEX SEX Section 2 Lazy Z, Joan Hull NEX NEX 100 7.00 IRR 1903 1903 Lazy Z, Joan Hull IRR 11.00 SEW NEW 100 Lazy Z, Joan Hull 1903 NEW SEX 100 23.00 IRR IRR 1903 Lazy Z, Joan Hull 100 23.00 NWK SEK The 303 = 21.25 ac The 302 = 16,07 ac Lazy Z, Joan Hull SWW SEW 100 29.00 IRR 1903 1903 Lazy Z. Joan Hull IRR SEX SEX 100 31.00 Section 11 Cyrus, Willard & Mae IRR 1889 NEX NEX 100 35.50 Stengel, Mary 200 10.70~ IRR 1895 NWX NEX Sarttemay, Anita 18.9 T-83920 Gud Comment 199 WHILE PIETS 2 Lacoffiles is really Bartlemay, Anita-303) 7.90 (5.3) IRR 1895 NMX NEX o+ 302 IN TOX 1895 Bartlemay, Anita (303) 0.50 POND NWY NEX 1895 Evered, James & Pat 301 15.30 IRR SWX NEX Cyrus, Willard & Mae 1889 SEX NEX 100 6.20 IRR Bartlemay, Anita -> 4.1-T-9392 off 1895 (302) 6.70 V IRR NEW NWW 1895 Bartlemay, Anita 9.40 IRR NEX NWX 303 3.00 🗸 IRR 1895 Bartlemay, Anita 304) NEX NWX 304 0.10 POND 1895 Bartlemay, Anita NEX NWX 1904 Cyrus, Keith & Connie IRR NWW SWW 500 19.00 Cyrus, Keith & Conhie 500 17.00 IRR 1904 SWX SWX 1895 Cyrus, Willard & Mae IRR NEX SEX 100 6.60 NE% SE% 100 10.40 IRR 1904 Cyrus, Willard & Mae 1904 Cyrus, Keith & Connie IRR NWW SEX 700 23.00 700 15.00 IRR 1895 Cyrus, Keith & Connie SWX SEX IRR 1895 Cyrus, Keith & Connie SEX SEX 700 39.00 Section 12 Cyrus, Keith & Connie IRR 1885 NEW NEW 100 6.50 IRR 1895 Cyrus, Keith & Connie NE% NE% 100 8.50 10.00 IRR 1903 Cyrus, Keith & Connie NE% NE% 100 Cyrus, Keith & Connie 1904 NEX NEX 100 7.50 IRR Cyrus, Keith & Connie IRR 1885 0.55 NWX NEX 100 1895 Cyrus, Keith & Connie IRR NW% NE% 100 9.50 1904 Cyrus, Keith & Connie NW% NE% 100 26.00 IRR 1903 Cyrus, Keith & Connie 100 6.00 IRR SW% NE% 1904 Cyrus, Keith & Connie 100 23.50 ĭrr SW% NEX IRR 1903 Cyrus, Keith & Connie 32.50 100 SEX NEX 1904 SE% NEX 100 3.50 IRR Cyrus, Keith & Connie IRR 1903 Cyrus, Keith & Connie 100 24.00 NEX NWX NWX NWX 100 23.50 IRR 1904 Cyrus, Keith & Connie Cyrus, Keith & Connie 1904 SWX NWX 100 8.00 IRR IRR 1901 Cyrus, Keith & Connie SEX NWX 100 11.30 1904 Cyrus, Keith & Connie 10.00 IRR SE% NW% Cyrus, Keith & Connie 0.50 IRR 1904 500 NEX SWX Cyrus, Keith & Connie NEW SWW 500 5.50 POND 1904 Cyrus, Keith & Connie POND 1904 1.50 NEX SWX 501 1903 Cyrus, Keith & Connie 1.00 POND NEX SWX 701 1903 Cyrus, Keith & Connie 2.50 POND NEW SWX 702 Ruffin, Charles & Betty Jo 0.60 IRR 1895 SWX SWX 700 Ruffin, Charles & Betty Jo IRR 1895 700 4.90 SEX SWX Dorman, Jerry & Penny 1895 SEX SWX 705 3.80 IRR 1904 Cyrus, Keith & Connie 19.60 IRR NEW SEW 702 Cyrus, Keith & Connie 1904 500 0.50 IRR NWX SEX 1904 Cyrus, Keith & Connie 702 19.50 IRR NWX SEX Taylor, James & Diana 1895 IRR 704 SWX SEX 10.

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C-74135



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SECTION IZ T.ISS. RIOE.W.M.
DESCHUTES COUNTY

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TO SUBCEC DEDI



Application for

Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

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

Ontion	nal Identification by Lessor/Lessee: Mitigation Project
	Application Number (assigned by WRD): \(\(\subseteq \frac{1}{2} \)\(\subseteq -977 \sqrt{MP-128}\)
This L	ease is with:
Lesso	r #1 (Water Right Holder):
	James Enger
	ng address 68820 Holmes Rd.
	State, Zip Code Sisters, OR 97759
Teleph	none number 541-788-5745
	address
Lessor Three	itional water right holders, enter water right holder information below 1: # 2: Sisters Irrigation District Irrigation District 0x 2230
	s, OR 97759 541-549-8815 tsid@uci.net
sequenti	tion as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always ial. ~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:
IV	rn

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	1	R	MOGE	1/4 1/4	Tax Lut	Acres	Type of Use	Certificate #	Pagets1#	Prinritan
	*(Iden	tify pertin	ent page r	number o	f certificate, more	if certificate	e is greater than 1 er certificate)	0 pages; identify	priority date	if there is
1.	15	11	04	SW SW	401	30,6	IRR	74135	9	1895
2,		1								
3.					***************************************					
4.							***		* *************************************	***************************************
5.										

lotal number of acres, if for irrigation, by certificate and priority date: 30.6 ac	IRR 1895
Lot split into 401 (30,600) & 500 (3,400)	
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 <u>not</u> been used over the past five years according to the terms and conditions of the water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)(_)(include necessary supporting documentation as Attachment 3).

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on 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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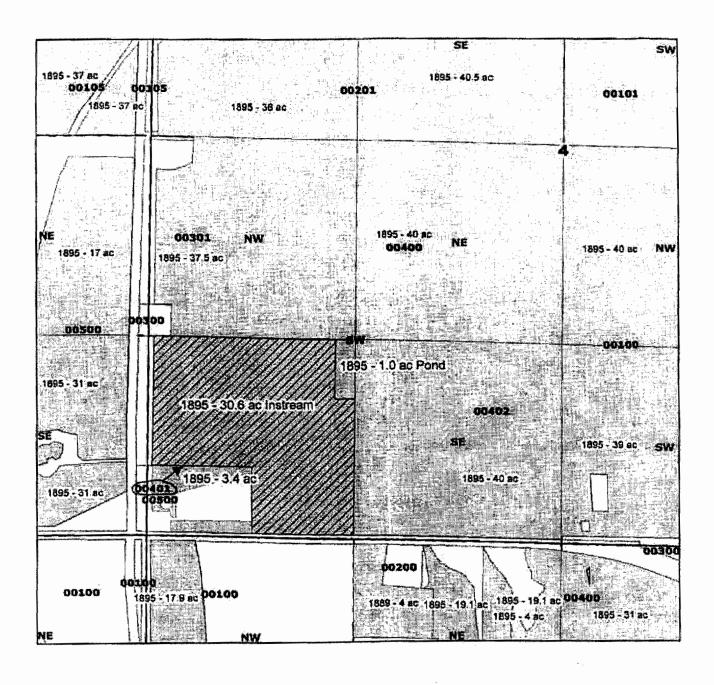
Pooled Water Right Holder Form / 3

FSD

3.4	suspend u	use of water al	li use. During the llowed under the bject water rights	subject water rig			
3.5	For year durit days begu until not co	with written and the calendary prior to the prior to the prior to the prior the water the following occur. The Devitten notice to consent by all pritten notice the multiyear leasure the prior the	es, the Lessor(s) notice to the Deput year. However eriod of allowed at right(s) being lesson and the Department may also the Department parties to the less to the Watermaste.	artment. The lead, if the termination instream use or a seased, water may nless the Director require: I with original size; and/or er's office.	ise may be on request after the pay not be up or determined agrantices;	e terminate st is receive period of all ised under t ines that en	d at any time d less then 30-
3.6	2.2 during	g the term of the from the same	nt injury. Alloce this lease is not re the source. If injury to prevent injury	asonably expect y is found after	ted to cau this lease	se injury to is signed, i	the lease may be
Lessor				-	Date:	3/27	109
		essors, type in	space for signatu	re and date			
Lessor	·#2·				Date:		
		eation Distric	ŧ		-		
		ts As Needed					
Exhibi			p. (See instruction		• •		
Exhibi	t 5-B;	port of a rigi	p illustrating land ht is being leased map. (See instru	instream. Exhil	rights to bits 5-A a	be leased; r und 5-B may	equired if only y be combined
Exhibi	t 5-C:	Supporting of forfeiture ev	documentation in yen though the rig years (required in	dicating why a r	exercised	for five or	more
Exhibi	t 5-D:	Split Season	Instrum Use Fo	m			

Pooled Water Right Holder Form / 4

FSD



Three Sisters Irrigation District

James Enger RECEIVED 30.6 acres instream - 1895 Legend Certificate 74135 MAR 2 7 2009 Township Range T15S R11E Sect 04 Tax Lot 401 Quarter Quarters WATER RESOURCES DEP SWSW 30.6 acres instream Taxiots SALEM, OREGON 1.0 Pond remaining (Tax Lot 401) Primary Deschutes County Priority_Date 1895 2,025 2,700 1,350 675 337.5 1895

,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	Lot	αQ	Tax lot	Acres	Type	Priority	k <u>Owner</u>	
	4	NWX NWX	1101	30.00	IRR ection	1895	Sharp, Clay	00,000
	1	NEX NEX	600	15.00	IRR	1895	Kendrick, Jerry & Jo	
	2	NWX NEX	100 100	25.00 40.00	IRR IRR	1895 1895	Hermens, Marvin & Virginia Hermens, Marvin & Virginia	7000
ı	3	NEX NEX	201	39.50	IRR	1895	Keeton, Arland & Jean	
I	4	KMN KMN	200	11.00	IRR	1895	Johnson, Don	
	4	NWX NWX	201	16.50	IRR	1895	Keeton, Arland & Jean	- State of the sta
	4	NWX NWX	202	4.50	IRR	1895	Hufstader, Rick	
		SWX NWX	201	36.00	IRR	1895	Keeton, Arland & Jean	
١		SWX NWX	201	3.00	POND	1895	Keeton, Arland & Jean	- September 1
١		SEX NWX	201	40.50	IRR	1895	Keeton, Arland & Jean	1 2 1 2
l		NEX SWX	400	40.00	IRR	1895	Hahn, Frederick & Elaine	30.6 TU
I		NWX SWX	301	37.50	IRR	1895	Keeton, Arland & Jean	3.4 R
١		SWY SWY	401	1.00	POND	1895	Bauer, Kimerly	
١		SEX SWX	402	40.00	IRR	1895	Brennan, Casey	
ı		NEX SEX	100	18.00	IRR	1895	Hermens, Marvin & Virginia	111
ij		NWX SEX	100	40.00	IRR	1895	Hermens, Marvin & Virginia	
1		SWX SEX	100	39.00	IRR	1895	Hermens, Marvin & Virginia	
		SEX SEX	100	25.00	IRR	1895	Hermens, Marvin & Virginia	A CONTRACTOR OF THE CONTRACTOR
				S	ection	4		
ı	1	NEX NEX	102	9.00	IRR	1895	Graham, Bonnie	
i	1	NEW NEW	103	13.00	IRR	1895	Wilson, Burt & Jackie	
۱	ī	NEX NEX	104	7.50	IRR	1895	Rogers, John & Sharon	
١	-	SWX NEX	100	4.50	IRR	1895	Simon, Cheryle	
I		SWY NEW	105	19.00	IRR	1895	Murphy/Berge, Janice/Dick	
ı		SEW NEW	105	37.00	IRR	1895	Murphy/Berge, Janice/Dick	
۱	4	NWX NWX	302	17.00	IRR	1895	Barclay, David	
	4	KWN KWN	303	7.50	IRR	1895	Tewalt, Richard & Norma	
ļ	4	NMN NMN	305	8.50	IRR	1895	Tewalt, Richard & Norma	
١		ewy nwy	301 ~	16.00	IRR	1895	Pardo, Sharon	
ı		SWX NWX	304	17.50	IRR	1895	York, Ervin	
۱		SWX NWX	306	2.50	IRR	1895	York, Ervin	4.
		SEX NWX	101	1.00	IRR	1895	Simon, Cheryle	
		NEX SWX	400	36.00	IRR	1895 1895	Redfield, Tygh Redfield, Tygh	
		NWX SWX	400	36.00	IRR IRR	1895	Redfield, Tygh	
١		SWX SWX	400 400	36.00 38.00	IRR	1895	Redfield, Tygh	
ı		SEX SWX	400	1.00	POND	1895	Redfield, Tygh	
١		NEX SEX	500	18.00	IRR	1889	Clemens, Cecile	
ı		NEX SEX	500	17,00	IRR	1895	Clemens, Cecile	
		NWW SEW	500	7.00	IRR	1889	Clemens, Cecile	
ı		NWW SEX	50 0	25.00	IRR	1895	Clemens, Cecile	
I		SWX SEX	500	37.00	IRR	1895	Clemens, Cecile	
١		SE% SE%	500	31.00	IRR	1895	Clemens, Cecile	
				S	ection	5		
	1	NEW NEW	100	37.00	IRR	1895	Salmon, Roy & Marcia	
	1	NEW NEW	100	0.30	POND	1895	Salmon, Roy & Marcia	
ĺ	2	NWX NEX	100	0.20	IRR	1895	Salmon, Roy & Marcia	
١		SW% NEX	101	28.00	IRR	1889	Sokol, Dorro	
		SEX NEX	100	2.00	IRR	1895	Salmon, Roy & Marcia	
1		SEX NEX	100	0.50	POND	1895	Salmon, Roy & Marcia	
		SEX NEX	161	12.00	IRR	1889	Sokol, Dorro	
-		SEX NEX	101	20.00	IRR	1895	Sokol, Dorro	
	_	SEX NEX	101	5.50	IRR	1903	Sokol, Dorro	77,770
	3	NEX NWX	1000	5.00	IRR	1895	Carollo, Ed & Barbara	7. (A. (A. (A. (A. (A. (A. (A. (A. (A. (A
	3	NEX NWX	700	2.50	IRR IRR	1895 1895	Hurtley, David & Judy Hurtley, David & Judy	
	3	NEX NWX	800	2.00				
Į,	VED:			15,	11.0	T		

MAR 2 7 2009