

January 2007



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

Application for Instream Lease

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: _____
Lease Application Number (assigned by WRD): Previously leased in L-519
IL-988

This Lease is between:

Lessor #1:

Name Deschutes County Department of Solid Waste, Attn: Timm Schimke
Mailing address 61000 SE 27th St 61050 SE 27th St.
City, State, Zip Code Bend, OR 97702
Telephone number 541-317-3163
Email address _____

Lessor #2, 3, etc.

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

Lessee (if different than Oregon Water Resources Department):

Name Deschutes River Conservancy
Mailing address 700 NW Hill St
City, State, Zip Code Bend, OR 97701
Telephone number 541-322-4079
Email address _____

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

- 1.1 Lessor #1 is the water right holder, or authorized agent for water right holder of the property located at: Township 18 S, Range 12 E, Section 9 and Tax Lot number 1300. 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.

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Application for Short-Term Instream Lease / 1

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- 1.2 Lessor #2 is the (Check one):
 Not applicable
 Official representative of Arnold Irrigation District, the irrigation district which conveys water to the subject water rights.
 Another party with an interest in the subject water rights representing _____

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. 74197

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.: 74197

Priority date: February 1 - April 25, 1905 Type of use: IRRIG

Legal Season of Use: April 1 - October 31

Is the entire water right certificate being leased? Yes No

If no, list the acres of the subject water right by legal description of township, range, section, and 1/4 1/4 which will be dried up as part of this lease, and include a map (Attachment 2) showing the lands which will not receive water.

Place of use: T 18 S, R 12 E, Section 9, SW 1/4 NW 1/4 - 2.00 acres to be leased

Enter additional places of use here, using format above:

T 18 S, R 12 E, Section 9, NW 1/4 NW 1/4 - 1.14 acres

tax lot 1300

Page 10 (Identify page number of certificate, if certificate is greater than 10 pages.)

Number of acres being leased, if for irrigation: 3.14

Acre-feet of storage, if applicable: _____

Maximum rate associated with the right to be leased (cfs): 0.015

(Use additional lines if there is more than one rate associated with the water right.)

Maximum duty associated with the right to be leased (ac-ft): 48.42

(Use additional lines if there is more than one duty associated with the water right.)

	Feb 1 1905	Apr. 25, 1905
Season 1	0.018 cfs	0.044 cfs
Season 2	0.018 cfs	0.063 cfs
Season 3	0.018 cfs	0.090 cfs

Conditions or other limitations, if any: _____

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

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).

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Application for Short-Term Instream Lease / 2

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~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:

Deschute River

Tributary to Columbia River in the Deschutes Basin.

Describe the point of diversion (POD) and any associated reach(es) of the instream use being created. If possible list the reach by river mile. If no reach is identified, and there is only one POD listed on the certificate, the lease may 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): canal diversion river mile 174.5 to Lake Billy Chinook river mile 120 and to the mouth of the Deschutes at river mile 0

Maximum volume in acre-feet: February 1905 - 2.66, April 25, 1905 - 10.80 = total 13.46 AF

Rate in cfs: Season 1- February 1, 1905 - 0.006, April 25, 1905 - 0.015

Season 2- February 1, 1905 - 0.006, April 25, 1905 - 0.022

Season 3- February 1, 1905 - 0.006, April 25, 1905 - 0.031

(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 1 through October 31.
- Other (describe): _____

If you need to enter more instream uses, please use the additional water rights form.

2.3 Term of lease. This lease shall terminate on October 31, 2013.

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

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Application for Short-Term Instream Lease / 3

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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 lease shall not set a precedent for the amount of water to be leased or transferred instream.

3.4 Suspension of original use. During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights.

3.5 Termination provision.

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

- Written notice to the Department with original signatures;
- Consent by all parties to the lease; and/or
- Written notice to the Watermaster's office.

For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

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

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

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

Lessor #1: Tim Schirpke Date: 3-24-09
Tim Schirpke / Deschutes County Department of Solid Waste

For additional Lessors, type in space for signature and date.

Lessor #2: Shawn Gerdes Date: 4/3/09
Shawn Gerdes, Manager, Arnold Irrigation District

Lessee: Monere Hubert Date: 4/3/09
Deschutes River Conservancy

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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

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Application for Short-Term Instream Lease / 5

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**This table will calculate flow rate factors and duty for Arnold Irrigation District
Instream Leases**

Enter Total Number of Acres to be Leased Instream Here	3140
--------------------------------------------------------	------

Information highlighted with pink font is to be entered on to the Instream Lease Application Form

Rate (CFS) associated with leased right for Section 1.4 of the Lease Application Form The rate and duty identified in this section includes the 65% transmission loss.			
Enter Rates by Priority Date on Lease Form	Full Rate	February 1, 1905	April 25, 1905
Season 1	0.062	0.018	0.044
Season 2	0.081	0.018	0.063
Season 3*	0.107	0.018	0.090
* The rate identified for Season 3 has been proportioned such that the max rate allowed by the right (160.0 CFS) will not be exceeded if all acres were being irrigated.			
Duty (AF) associated with leased right for Section 1.4 of the Lease Application Form			
Duty (decree) AF/Acre =	18.42		
	48.42		

Rate (CFS) associated with leased right for Section 1.4 of the Additional Water Right Form			
Enter Rates by Priority Date on Lease Form	Full Rate	February 1, 1905	April 25, 1905
Season 1	0.022	0.006	0.015
Season 2	0.028	0.006	0.022
Season 3	0.038	0.006	0.031
Volume (AF) associated with leased right for Section 1.4 of the Additional Water Right Form			
	# days	AF/Season	Duty (decree) AF/Acre = 6.40
Season 1	61	2.61	Total = 16.95
Season 2	30	1.68	Feb. 1905 portion = 2.66
Season 3	123	8.17	April 1905 portion = 10.80
		13.46	
Additional Information for Section 1.4 of the Additional Water Right Form			
Water protected instream:	April 1 through October 31		

Duty Associated with Leased Right for Section 1.4 of the Additional Water Right Form	
48.42	

Volume (AF) associated with leased right for Section 1.4 of the Additional Water Right Form	
9.67	

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Scale
1" = 400'

Leased Water

181205

181208

1.94 ac
181209
2.0 ac
181209
181209

181204

Last leased in L-519
181209

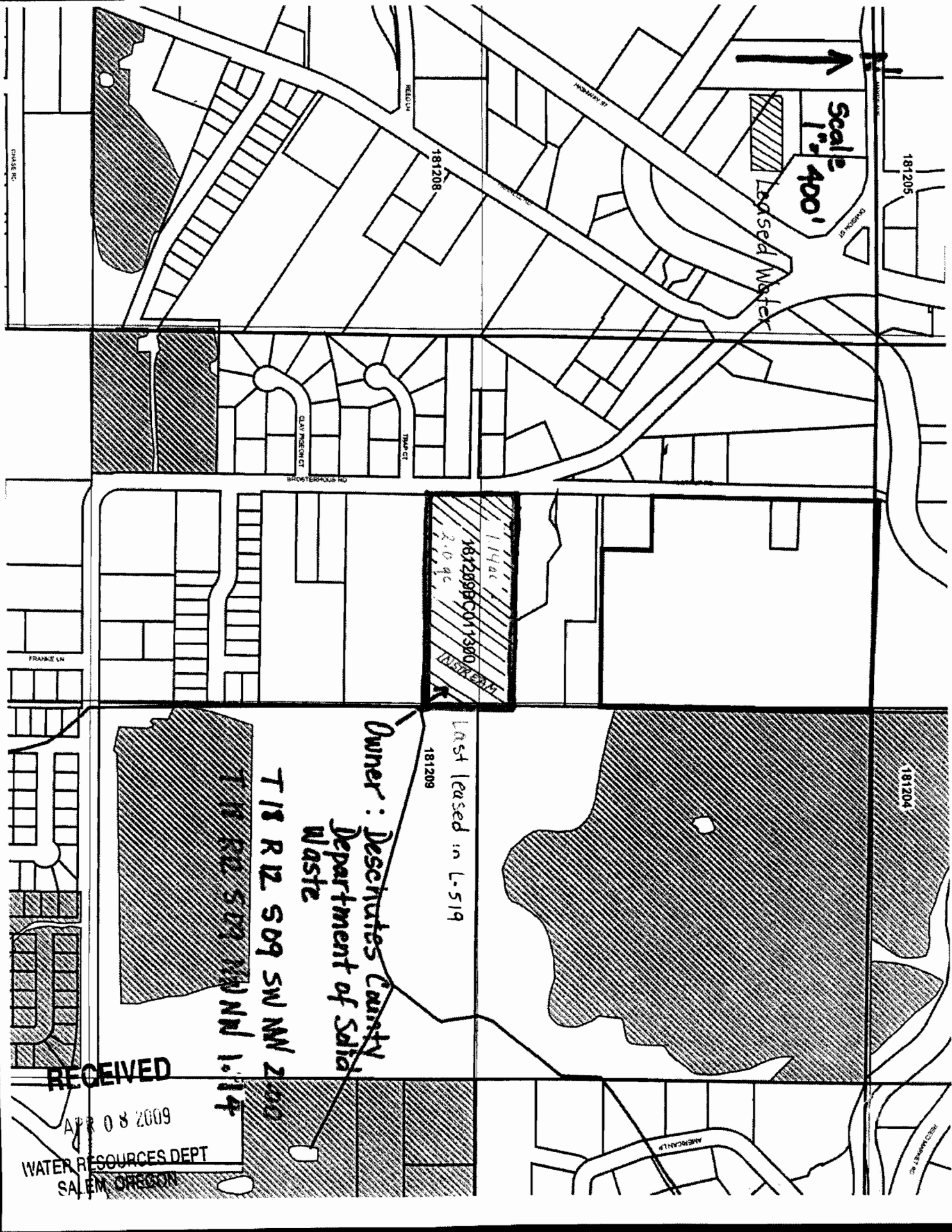
Owner : Deschutes County
Department of Solid
Waste

T18 R12 S09 SW NW 200
T18 R12 S09 NW NW 1.14

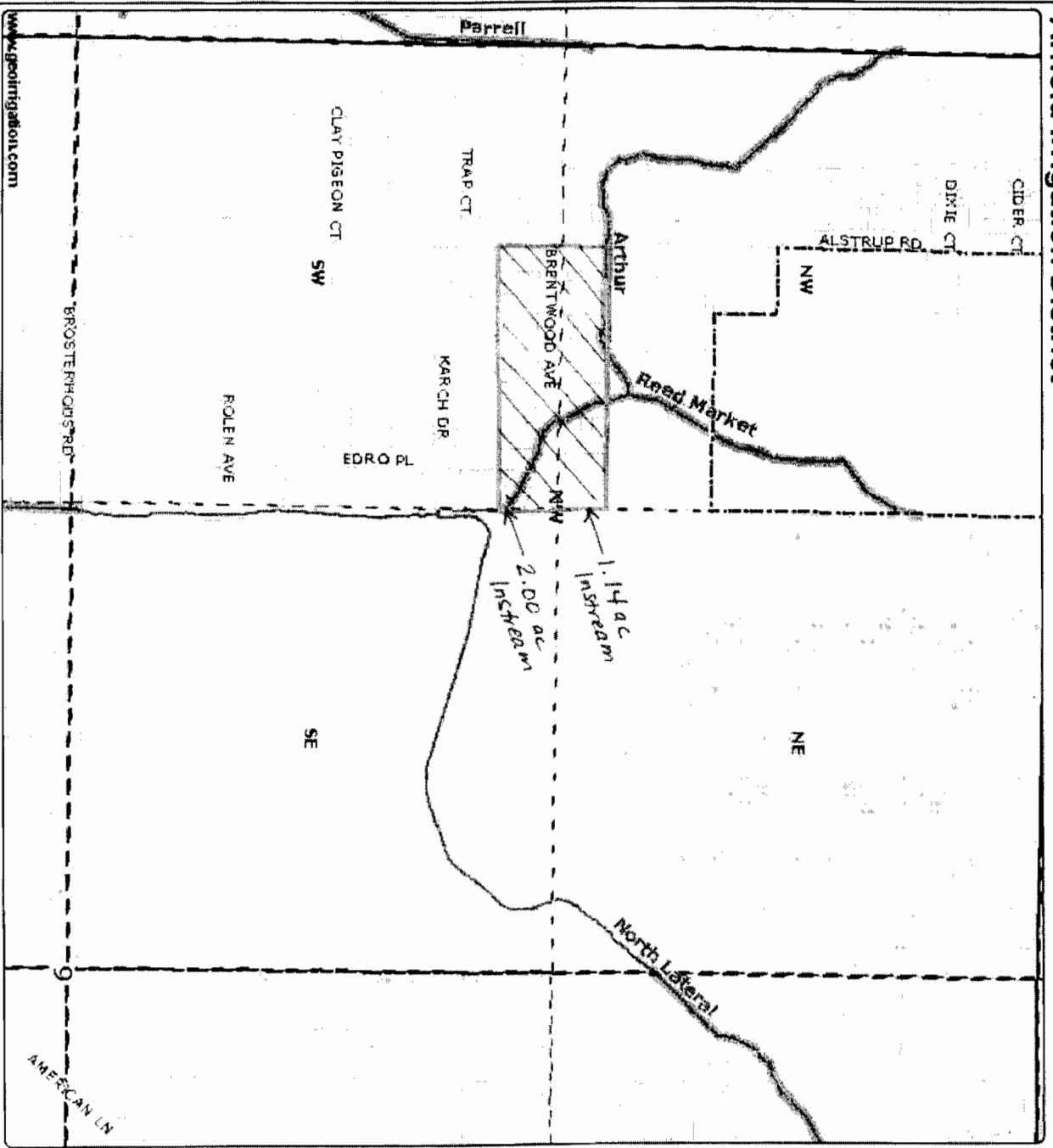
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SALEM, OREGON



Arnold Irrigation District



www.gpoirrigation.com

DISCLAIMER: This map is intended for advisory purposes only and is not intended for any legal representation. There are no warranties, expressed or implied, in the accompanying data product.

Deschutes County -
181209BC01800

181209-NWNW-01300 - 1.14 ac;
181209-SWNNW-01300 - 2.00 ac

- District Boundary
- County Boundary
- Road Labels
- Township Range
- Sections
- Section Labels
- Quarters
- Quarter Labels
- Quarter Quarters
- Quarter Quarter Labels
- Textiles
- Canal All
- Canal Filled
- Canal Open
- POU District Primary Fill
- Rivers



Scale 1" = 400'
Created: 4/3/2009

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G-776

DESONALTER COUNTY ENGINEERING & SURVEYING, INC.
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BRENTWOOD

PZ 04-208 JULY 21, 2005
 TRACT 10, UNRECORDED PLAT OF CARROLL ACRES,
 LOCATED IN THE SOUTHWEST ONE-QUARTER OF THE
 NORTHWEST ONE-QUARTER OF SECTION 9,
 TOWNSHIP 18 SOUTH, RANGE 12 EAST,
 WILLAMETTE MERIDIAN, CITY OF BEND,
 DESCHUTES COUNTY, OREGON

- LEGEND**
- - Found monument as noted
 - - Found 5/8" iron rod with copper marking "32325" per 62, unless noted otherwise
 - - Set 5/8" iron rod with copper marking "32325", unless noted otherwise
 - (01) - Property Line Adjustment by San County Engineering and Surveying Inc. (S188204)
 - (02) - Easement through by San County Engineering and Surveying Inc. (S184434)
 - (03) - Unrecorded plat of Carroll Acres (S183862)
 - (04) - Tr-Pads 1 by San County Engineering and Surveying Inc. (S182277)
 - (05) - Lines Tracing #332 - Brookhouse Road from Deschutes County Road Department Records (S183082)
 - (06) - Survey by Holmes, Williams & Associates (S183082)
 - (07) - G-012 Survey Notes for Brookhouse Road P.P.E. - Public Pedestrian Path Easement
 - A.L.E. - Avoid Irrigation Easement
 - A.S.E. - Access and Drainage Easement
 - (M) - Measured
 - (C) - Calculated
 - (P) - Proposed

Found 1 1/2" Iron Pipe
 Marked "32325" per 62,
 unless noted otherwise
 Found 5/8" Iron Rod
 Marked "32325" per 62,
 unless noted otherwise

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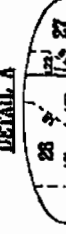
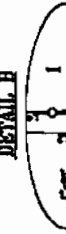
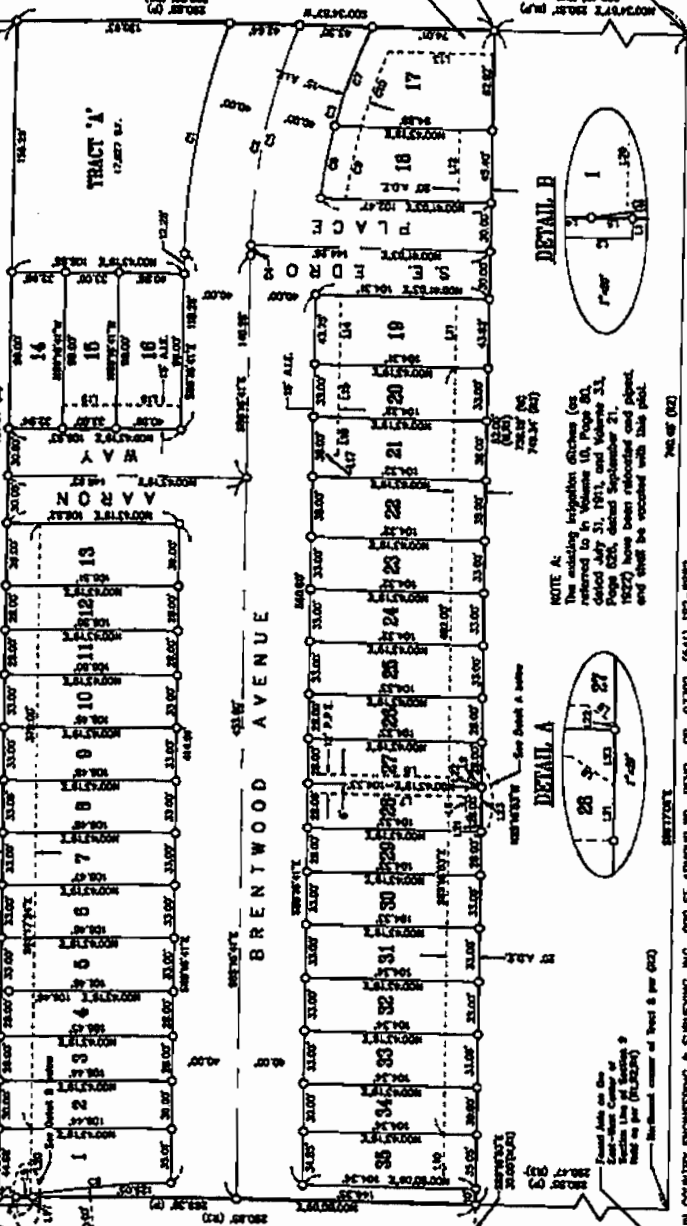
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 Marked "32325" per 62,
 unless noted otherwise
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 Marked "32325" per 62,
 unless noted otherwise

DESONALTER COUNTY ENGINEERING & SURVEYING, INC.
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Found 1 1/2" Iron Pipe
 Marked "32325" per 62,
 unless noted otherwise
 Found 5/8" Iron Rod
 Marked "32325" per 62,
 unless noted otherwise

LINE	BEARING	LENGTH
1	S 89° 57' 00" W	6.00
2	S 89° 57' 00" W	21.20
3	S 89° 57' 00" W	6.00
4	S 89° 57' 00" W	6.00
5	S 89° 57' 00" W	6.00
6	S 89° 57' 00" W	6.00
7	S 89° 57' 00" W	6.00
8	S 89° 57' 00" W	6.00
9	S 89° 57' 00" W	6.00
10	S 89° 57' 00" W	6.00
11	S 89° 57' 00" W	6.00
12	S 89° 57' 00" W	6.00
13	S 89° 57' 00" W	6.00
14	S 89° 57' 00" W	6.00
15	S 89° 57' 00" W	6.00
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19	S 89° 57' 00" W	6.00
20	S 89° 57' 00" W	6.00
21	S 89° 57' 00" W	6.00
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26	S 89° 57' 00" W	6.00
27	S 89° 57' 00" W	6.00
28	S 89° 57' 00" W	6.00
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39	S 89° 57' 00" W	6.00
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80	S 89° 57' 00" W	6.00
81	S 89° 57' 00" W	6.00
82	S 89° 57' 00" W	6.00
83	S 89° 57' 00" W	6.00
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90	S 89° 57' 00" W	6.00
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92	S 89° 57' 00" W	6.00
93	S 89° 57' 00" W	6.00
94	S 89° 57' 00" W	6.00
95	S 89° 57' 00" W	6.00
96	S 89° 57' 00" W	6.00
97	S 89° 57' 00" W	6.00
98	S 89° 57' 00" W	6.00
99	S 89° 57' 00" W	6.00
100	S 89° 57' 00" W	6.00

TRACT 11, UNRECORDED PLAT OF CARROLL ACRES



NOTE A: The lines indicated on this plat are not to be used for any purpose other than to show the location of the monuments shown on this plat. The lines shown on this plat are not to be used for any purpose other than to show the location of the monuments shown on this plat.

PREPARED BY: SAN COUNTY ENGINEERING & SURVEYING, INC., 970 SE ARMOUR RD BEND, OR 97702 (541) 352-8882

W O / 2650-3 PLATE ONE OF TWO

6-777

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BRENTWOOD

**PZ 04-208 JULY 21, 2008
TRACT 10, UNRECORDED PLAT OF CARROLL ACRES,
LOCATED IN THE SOUTHWEST ONE-QUARTER OF THE
NORTHWEST ONE-QUARTER OF SECTION 9,
TOWNSHIP 18 SOUTH, RANGE 12 EAST,
WILLAMETTE MERIDIAN, CITY OF HEND,
DESCHUTES COUNTY, OREGON**

APPROVALS

Mike Boren 7-22-2008
DESCHUTES COUNTY SURVEYOR
Mark Hill 8-2-2008
CITY OF HEND
R. RAVENNA 8-10-2008
PLANNING COMMISSIONER
Michael J. Boren 8-10-2008
DESCHUTES COUNTY COMMISSIONER

NOTE: Signatures by the City of Bend constitutes acceptance by the City of any dedication made herein to the Public.

I certify taxes are paid as of this date

Michael J. Boren 7-28-2008
DESCHUTES COUNTY TREASURER

I hereby certify that all of voters taxes, special assessments, fees, and other charges required by law to be placed on the 2008-2009 tax rolls which became a lien or will become a lien on this date have been collected, but that not yet certified to the Tax Collector for collection, have been paid to me.

South Bend by Rena West 7-28-2008
DESCHUTES COUNTY ASSESSOR
Michael J. Boren 7-23-2008
ARWOLD BRIGLATION DISTRICT

NOTE: There Are No Water Rights



**DESCHUTES COUNTY SURVEYOR
FILED 7/21/08 BY: [Signature]**

DECLARATION

I, MICHAEL J. BOREN, DELEGATED PROFESSIONAL LAND SURVEYOR No. 1000, State of Oregon, do hereby certify that I am duly sworn, deposited and filed with the State of Oregon, and that I am duly qualified to perform the duties of a Surveyor. I am duly sworn and deposited and filed with the State of Oregon, and that I am duly qualified to perform the duties of a Surveyor. I am duly sworn and deposited and filed with the State of Oregon, and that I am duly qualified to perform the duties of a Surveyor.

Table with 2 columns: Name, Date. Rows include DEWITT BELMANN (7-21-05) and DAVE HEDGECOCK (7-25-05).

ACKNOWLEDGEMENT

I, MICHAEL J. BOREN, DELEGATED PROFESSIONAL LAND SURVEYOR No. 1000, State of Oregon, do hereby certify that I am duly sworn, deposited and filed with the State of Oregon, and that I am duly qualified to perform the duties of a Surveyor.

ACKNOWLEDGEMENT

I, MICHAEL J. BOREN, DELEGATED PROFESSIONAL LAND SURVEYOR No. 1000, State of Oregon, do hereby certify that I am duly sworn, deposited and filed with the State of Oregon, and that I am duly qualified to perform the duties of a Surveyor.

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ACKNOWLEDGEMENT

I, MICHAEL J. BOREN, DELEGATED PROFESSIONAL LAND SURVEYOR No. 1000, State of Oregon, do hereby certify that I am duly sworn, deposited and filed with the State of Oregon, and that I am duly qualified to perform the duties of a Surveyor.

SURVEYOR'S CERTIFICATE

I, Michael J. Boren, a Deputed Professional Land Surveyor No. 1000, State of Oregon, do hereby certify that I am duly sworn, deposited and filed with the State of Oregon, and that I am duly qualified to perform the duties of a Surveyor.

Tract 10, Unrecorded Plat of Carroll Acres, located in the SW 1/4 of the NW 1/4 of Section 9, Township 18 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, being more particularly described as follows:

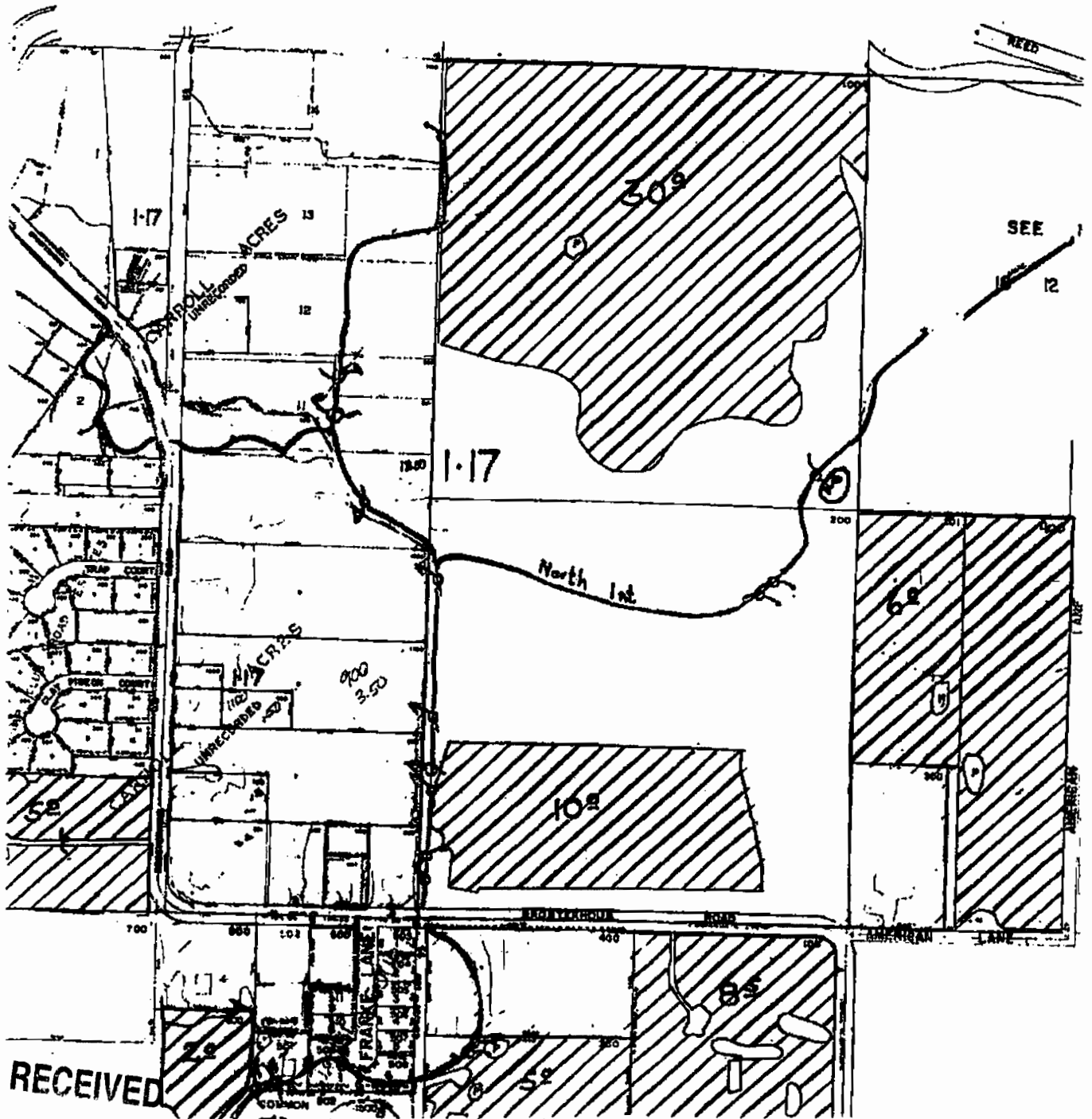
SURVEYOR'S NARRATIVE

The purpose of this survey was to establish that parcel described in the "SURVEYOR'S CERTIFICATE". Control for this survey was based on the old 1st-Point 1, recorded as CS18272, the plat of Stevens Borough, recorded as CS18434, Property Line Adjustment, recorded as CS18504, all by San County Engineering and Surveying Inc., and existing monuments found in the field during the course of these surveys. The East line of said Tract 10, Unrecorded Plat of Carroll Acres, was established by proportioning between record and measured distance on the Sixteenth line. The West line was established by using the remaining proportioned distance from the 1st-Point 1, and the measured distance from the 1st-Point 1 to the North and South lines were checked by the record (bearing) from the proportioning. Existing monuments found on the East line of said Tract 10, Unrecorded Plat of Carroll Acres, were checked by the record (bearing) from the proportioning. The measured distance between the East line of said Tract 10, Unrecorded Plat of Carroll Acres, and the East line of said Tract 10, Unrecorded Plat of Carroll Acres, was checked by the record (bearing) from the proportioning. The measured distance between the East line of said Tract 10, Unrecorded Plat of Carroll Acres, and the East line of said Tract 10, Unrecorded Plat of Carroll Acres, was checked by the record (bearing) from the proportioning.

3111 Map

ARNOLD IRRIGATION DIST DESCHUTES COUNTY, OREGON

Scale 1"=400' Section 9 T. 18 S.,



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