

Trustee:

76520 (supplemental)

Oregon Water Resources Department 725 Summer Street NE, Suite A

Application for

Instream Lease

Pooled Lease Form

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

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

Optional Identification by Lessor/Lessee: Lease Application Number (assigned by WRD):	
This Lease is between:	
Lessor #2: Irrigation District or Other Water Purveyor Name Tumalo Irrigation District	
Mailing address 64697 Cook Avenue	
City, State, Zip Code Bend, OR 97701	
Telephone number <u>541-382-3053</u>	
Email address tid@tumalo.org	
The water right to be leased is located in <u>Deschutes</u> County.	
Lessee (if different than Oregon Water Resources Department):	
Name Deschutes River Conservancy	
Mailing address P.O. Box 1560	
City, State, Zip Code Bend, OR 97709	
Telephone number <u>541-382-4077</u>	RECEIVED
Email address gen@deschutesriver.org	
	APR 1 7 2009

	n, OR 97301-1266) 986-0900
	~I~ Water Right Holder and Water Right Information
1.2	Lessor #2 is the (Check one): Official representative of Tumalo Irrigation District, the irrigation district, which conveys water to the subject water rights. Another party with an interest in the subject water rights representing Not applicable.
1.3	For the water right(s) being leased, list all water rights appurtenant to the same lands. Indicate if there are any supplemental or overlying rights.

Certificate No. 74146, 74147, 76106, 76358 (primary) and 76714, 74147, 74148, 74149,

WATER RESOURCES DEPT

SALEM, OREGON

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.: 74146 Priority date: 9/1/1900, 5/27/1907, 6/1/1907 Type of use: IRR
	Legal Season of Use: April 15 thorugh October 15 If an irrigation right, total number of acres to be leased: 9/1/1900 - 58.60 ac, 5/27/1907 - 15.30 ac, 6/1/1907 - 36.40 ac total 110.30 ac Total acre-feet of storage to be leased, if applicable:
	Maximum rate associated with subject water rights (cfs) being leased: 9/1/1900 - 0.837 cfs, 5/27/1907 - 0.219 cfs, 6/1/1907 - 0.520 cfs total:1.576 cfs If there is more than one rate associated with a water right, describe below: Season 1 (cfs) Time period: Season 2 (cfs) Time period:
	Season 3 (cfs) Time period: Maximum duty associated with subject water rights (ac-ft): <u>9/1/1900 - 105.48 af, 5/27/1907 - 27.54 af, 6/1/1907 - 65.52 af total: 198.54 af</u>
	Conditions or other limitations, if any: If you need to enter another leased right, please use the additional water rights for RECEIVED
	~II~ Instream Water Right Information APR 1 7 2009
2.1	Public use. This lease will increase streamflows that will benefit: SALEM, OREGON 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: Tumalo Creek Tributary to Deschutes River in the Deschutes Basin.
	Describe the point of diversion (POD) and any associated reach(es) of the instream use being created. If possible list the reach by river mile. If no reach is identified, and there is only one POD listed on the certificate, the lease will be processed to be protected at the POD. (If more than one POD is listed on the certificate, then the POD and any associated reach(es) must be identified): TID POD #1: Tumalo Feed Canal - SWNE, sect 23, T17S, R11E, W.M. to the mouth of the Deschutes River at river mile 0 Maximum volume in acre-feet: 9/1/1900 - 105.48, 5/27/1907 - 27.54, 6/1/1907 - 65.52 (198.54 total af) Rate in cfs: 9/1/1900 - 0.290 cfs, 5/27/1907 - 0.076 cfs, 6/1/1907 - 0.180 cfs (0.545 cfs total) (If more than one rate, describe the rate associated within each time period or instream reach.) Rate in cfs:

(Use the section below to indicate a more restrictive period of use than allowed by the water right.)

RECEIVED

APR 17 2009

2.3 2.4	Conditions to prevent injury, if any: None WATER RESOURCES DEPT The instream flow will be allocated on a daily average basis up to the describe of through October 15 Other (describe): Term of lease. This lease shall terminate on November 1, 2009 Flow protection. The Trustee will regulate use of water from the source, subject to prior appropriation and the agency enforcement guidance, to assure the water is delivered to the
	point of diversion, and through the reach past junior downstream users, so long as flow is sufficient to meet the demand under priority date of the new instream use (see Section 2.2). As part of regulation activities the watermaster or a designee has access to the point of diversion and place of use for the water rights involved in this lease. No party is required to continuously measure the flow of the waterway described in Section 2.2.
	~III~ Other Information
3.1	Accuracy. The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified or terminated. The lease only exercises the water rights being leased, for the term of the lease. It shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.
3.2	Lease. Lessor(s) and Lessee(s) agree to lease the water rights listed in Section(s) 1.5 for instream use for the term of this lease through Lessee to the Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077.
3.3	Precedent. If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.
3.4	Suspension of original use. During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights.
3.5	Termination provision.
	For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less then 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require: Written notice to the Department with original signatures; Consent by all parties to the lease; and/or Written notice to the Watermaster's office.

Pooled Lease Form / 3

	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:
Lesso	r #2: Elmer & Met amile Date: 4-9-09
	lo Irrigation District
Lesse Desch	e: Menure Husert Date: 4/08/09
	Attachments as Needed:
	nment 1: Tax Lot Map. (See instructions.)
Attacl	nment 2: Detailed map illustrating lands under subject rights to be leased; required if only
. •	part of a right is being leased instream. (See instructions.)
Attacl	nment 3: Supporting documentation indicating why a right is valid and not subject to

For multiyear leases, the lessor shall not have the option of terminating the lease,

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

Attachment 4: Split Season Instream Use Form

Attachment 5: Pooled Lease Water Right Holder Form

RECEIVED

APR 17 2009

WATER RESOURCES DEPT SALEM, OREGON

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

Primary Irrigation

TID CERT 74146 (assuming can divert full rate and duty allowed by certificate)

Source = Tumalo Creek

Source - I millalo Olech				
Information highlighte	ed with purple font is t	o be entered on to the	Information highlighted with purple font is to be entered on to the Instream Lease Application Form	tion Form
Enter Total Number of				
Acres to be Leased		Rate (CFS) assoc	Rate (CFS) associated with leased rights for Section 1.5	ection 1.5
Instream Here by Priority		of the Lease Application Form	ication Form	
pri date	acres instream	Enter Rates and	Enter Rates and Rate/acre (CFS) Max Rate (CFS)	(S:
August 5, 1900	0.00	August 5. 1900	0.0143	0.000
September, 1900	28.60	September, 1900	0.0143	0.837
April 28, 1905		April 28, 1905	0.0140	0.000
May 27, 1907	15.30	May 27, 1907	0.0143	0.219
June 1, 1907	36.40	June 1, 1907	0.0143	0.520
total acres	0.800		Totals	1.576

Rate (CFS) associated with lea	ciated with leased dication Form	Rate (CFS) associated with leased rights for Section 1.5 of the Lease Application Form		
Enter Rates and	Enter Rates and Rate/acre (CFS) Max Rate (CFS)	Max Rate (CFS)	Duty/acre (AF) Max Duty (AF)	Max Duty (AF)
August 5. 1900	0.0143	0.000	1.8	0.00
September, 1900	0.0143	0.837	1.8	105.48
April 28, 1905	0.0140	0.000	1.8	0.00
May 27, 1907	0.0143	0.219	1.8	27.54
June 1, 1907	0.0143	0.520	1.8	65.52
	Totals	1.576		198.54

(1116) (1116) (1116) (1116)	CFS) leased instream for Section 2.2 of the Lease Application	of the Leas	e Application
Enter Instream Rates and Instream Rate	Instream Rate	Instream	
Volumes by Priority Date (CFS) over full	(CFS) over full	Volume	
on Lease Form	Irrigation Season	(AF)	Period Instream
August 5. 1900	000°0	000	0.00 April 15 - Oct 15

105.48 April 15 - Oct 15

September, 1900

April 28, 1905

April 15 - Oct 15

27.54 April 15 - Oct 15

0.076

May 27, 1907 June 1, 1907

65.52 April 15 - Oct 15

108.5

0.545 0.180

Fotals

8

Optional - for alternative Instream periods including the ful irrigation season (for Section 2.2)	e instream perí ection 2.2)	ods including the	Į,
Enter Proposed begin and end dates (must fall within Irrigation Season)	d end dates (mu	st fall within Irrigation	on Season)
begin date		Number of Days	
end date		1	Days
Rate (CFS) leased instream for Section 2.2 of the Lease Prorm	eam for Section	2.2 of the Lease.	udjies (ii)
Enter Instream Rates		Instream Rate	
and Volumes by Priority	# Day's	(CFS) over full	Instream
Date on Lease Form	Instream	Irrigation Season	Volume (AF)
August 5. 1900	1	0.000	00 0
September, 1900	1	53.273	105.48
April 28, 1905	1	0.000	0.00
May 27, 1907	1	13,909	27.54
June 1, 1907	1	33,091	. 65,52
Totals		100,278	198.54

*Resulting rates may not exceed the max rate identified for Section 1.5

of the Lease Application

WATER RESOURCES DEPT SALEM, OREGON

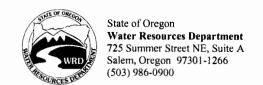
RECEIVED APR 17 2009

					Page 17
	NUM / NUM /	600	ΥD	10.6	De sife NW Development
	NW¹/4 NW¹/4	600 Section 16	IR	19.6	Pacific NW Development RECEIVED
		Section 16			RECEIVED
	NW1/4 NE1/4	400	IR	2.0	Husted, James & Kelly APR 1 7 2009
	SW1/4 NE1/4	599	IR.	1.8	Foucher Dorothy
	SW1/4 NE1/4	600	IR	4.0	Chatles Michael & Chirley
	SW1/4 NE1/4	601	IR.	7.0	Moody, Richard & Denise SALEM, OREGON
	SW1/4 NE1/4	602	IR	4.0	Galloway, Patrick J.
	SW1/4 NE1/4	603	POND	0.2	Towell, Thomas & Tammie
	SW1/4 NE1/4	603	IR	7.0	Towell, Thomas & Tammie
	SW1/4 NE1/4	700	IR	5.0	Wolf, Richard & Mary Jeanne
	SW1/4 NE1/4	701	IR	2.0	Ray, James M.
	SW1/4 NE1/4	702	IR	1.6	Mueller, Lorraine P.
	NE1/4 NW1/4	1300	IR	6.0	Rose, Dennis & Anita
	NE1/4 NW1/4	1400	IR	0.7	Hart, Susan
	NE1/4 NW1/4	1500	IR	7.0	Brickey, Jerry & Patricia
	NE1/4 NW1/4	1600	IR ·	2.8	McNamee, Patrick & Marty
	NW1/4 NW1/4	2000	IR	11.26	Barnhart, John & Jennifer
	NW1/4 NW1/4	2002	IR	13.2	Werner, William & Kristie
	SW1/4 NW1/4	2001	IR	11.0	Rantschler, John & Nancy
	SW1/4 NW1/4	2003	IR	6.7	Boone, Ryan Kim & Myrna Lynn
	SW1/4 NW1/4	2004	IR	7.5	Boone, Daniel & Corinna
	NE1/4 SW1/4	2301	IR	4.0	Davidson, Darrell & Nancy
	NE1/4 SW1/4	2303	IR	4.0	Mobley, John & Nancy
	NE1/4 SW1/4	2304	IR	3.0	Williams, Robert D.
	NE1/4 SW1/4	2305	IR	6.3	Guier, James & Judy
	NE1/4 SW1/4	2306	IR	2.0	Mobley, John & Nancy
			-	110	T CONTRACT CANALA
	NE¼ SE¼	2500	IR	14.9	Loomis, Susan Desch. River Ranch
	NE1/4 SE1/4	2501	IR	0.6	Loomis, Susan
		2501 2400	A MARIA SERVICE SERVIC		Looms, Susan
	NE1/4 SE1/4	2501	IR	0.6	Loomis, Susan
	NE¼ SE¼ NW¼ SE¼	2501 2400 Section 17	IR IR	0.6 31.5	Loomis, Susan
	NE¼ SE¼ NW¼ SE¼ SW¼ NE¼	2501 2400 Section 17 502	IR	0.6	Loomis, Susan Kinsey, William
	NE¼ SE¼ NW¼ SE¼ SW¼ NE¼ NE¼ NW¼	2501 2400 Section 17 502 200	IR IR IR	0.6 31.5	Loomis, Susan Kinsey, William Gardner, James & Virginia
	NE¼ SE¼ NW¼ SE¼ SW¼ NE¼	2501 2400 Section 17 502	IR IR IR	0.6 31.5 1.6 38.8	Loomis, Susan Kinsey, William Gardner, James & Virginia Putnam, Lee&Mary/Steve&Arlene
3	NE¼ SE¼ NW¼ SE¼ SW¼ NE¼ NE¼ NW¼ NE¼ SW¼	2501 2400 Section 17 502 200 800	IR IR IR IR POND	0.6 31.5 1.6 38.8 0.2	Loomis, Susan Kinsey, William Gardner, James & Virginia Putnam, Lee&Mary/Steve&Arlene Barnum, Marie (Lifetime Estate)
3 3	NE¼ SE¼ NW¼ SE¼ SW¼ NE¼ NE¼ NW¼ NE¼ SW¼ NE¼ SW¼	2501 2400 Section 17 502 200 800 800	IR IR IR IR POND IR	0.6 31.5 1.6 38.8 0.2 27.0	Loomis, Susan Kinsey, William Gardner, James & Virginia Putnam, Lee&Mary/Steve&Arlene Barnum, Marie (Lifetime Estate) Barnum, Marie (Lifetime Estate)
	NE¼ SE¼ NW¼ SE¼ SW¼ NE¼ NE¼ NW¼ NE¼ SW¼ NE¼ SW¼ NE¼ SW¼ NE¼ SW¼	2501 2400 Section 17 502 200 800 800 1000	IR IR IR IR POND IR	0.6 31.5 1.6 38.8 0.2 27.0 2.3	Loomis, Susan Kinsey, William Gardner, James & Virginia Putnam, Lee&Mary/Steve&Arlene Barnum, Marie (Lifetime Estate) Barnum, Marie (Lifetime Estate) Brant, Laverne & Betty
3	NE ¹ / ₄ SE ¹ / ₄ NW ¹ / ₄ SE ¹ / ₄ SW ¹ / ₄ NE ¹ / ₄ NE ¹ / ₄ SW ¹ / ₄ NE ¹ / ₄ SW ¹ / ₄ NW ¹ / ₄ SW ¹ / ₄ NW ¹ / ₄ SW ¹ / ₄	2501 2400 Section 17 502 200 800 1000 900	IR IR IR IR POND IR IR IR	0.6 31.5 1.6 38.8 0.2 27.0 2.3 15.0	Loomis, Susan Kinsey, William Gardner, James & Virginia Putnam, Lee&Mary/Steve&Arlene Barnum, Marie (Lifetime Estate) Barnum, Marie (Lifetime Estate) Brant, Laverne & Betty Chilen, David & Geri
3 4	NE¼ SE¼ NW¼ SE¼ SW¼ NE¼ NE¼ NW¼ NE¼ SW¼ NE¼ SW¼ NW¼ SW¼ NW¼ SW¼ SW¼ SW¼	2501 2400 Section 17 502 200 800 800 1000 900 1100	IR IR IR IR POND IR IR IR	0.6 31.5 1.6 38.8 0.2 27.0 2.3 15.0 17.5	Loomis, Susan Kinsey, William Gardner, James & Virginia Putnam, Lee&Mary/Steve&Arlene Barnum, Marie (Lifetime Estate) Barnum, Marie (Lifetime Estate) Brant, Laverne & Betty Chilen, David & Geri Sappington, Yvonne
3 4	NE ¹ / ₄ SE ¹ / ₄ NW ¹ / ₄ SE ¹ / ₄ SW ¹ / ₄ NE ¹ / ₄ NE ¹ / ₄ SW ¹ / ₄ NE ¹ / ₄ SW ¹ / ₄ NW ¹ / ₄ SW ¹ / ₄ SW ¹ / ₄ SW ¹ / ₄ SW ¹ / ₄ SW ¹ / ₄	2501 2400 Section 17 502 200 800 800 1000 900 1100 1102	IR IR IR IR POND IR IR IR IR	0.6 31.5 1.6 38.8 0.2 27.0 2.3 15.0 17.5 9.5	Loomis, Susan Kinsey, William Gardner, James & Virginia Putnam, Lee&Mary/Steve&Arlene Barnum, Marie (Lifetime Estate) Barnum, Marie (Lifetime Estate) Brant, Laverne & Betty Chilen, David & Geri Sappington, Yvonne Kingen, Dorlee
3 4	NE ¹ / ₄ SE ¹ / ₄ NW ¹ / ₄ SE ¹ / ₄ SW ¹ / ₄ NE ¹ / ₄ NE ¹ / ₄ SW ¹ / ₄ NE ¹ / ₄ SW ¹ / ₄ NW ¹ / ₄ SW ¹ / ₄ SW ¹ / ₄ SW ¹ / ₄ SW ¹ / ₄ SW ¹ / ₄ SE ¹ / ₄ SW ¹ / ₄	2501 2400 Section 17 502 200 800 1000 900 1100 1102 1100	IR IR IR POND IR IR IR IR	0.6 31.5 1.6 38.8 0.2 27.0 2.3 15.0 17.5 9.5 9.5	Loomis, Susan Kinsey, William Gardner, James & Virginia Putnam, Lee&Mary/Steve&Arlene Barnum, Marie (Lifetime Estate) Barnum, Marie (Lifetime Estate) Brant, Laverne & Betty Chilen, David & Geri Sappington, Yvonne Kingen, Dorlee Sappington, Yvonne Kingen, Dorlee Miller, Cy
3 4	NE¼ SE¼ NW¼ SE¼ SW¼ NE¼ NE¼ NW¼ NE¼ SW¼ NE¼ SW¼ NW¼ SW¼ NW¼ SW¼ SW¼ SW¼ SW¼ SW¼ SE¼ SW¼	2501 2400 Section 17 502 200 800 800 1000 900 1100 1102 1100	IR IR IR IR POND IR IR IR IR IR IR IR	0.6 31.5 1.6 38.8 0.2 27.0 2.3 15.0 17.5 9.5 6.0 4.5 8.0	Loomis, Susan Kinsey, William Gardner, James & Virginia Putnam, Lee&Mary/Steve&Arlene Barnum, Marie (Lifetime Estate) Barnum, Marie (Lifetime Estate) Brant, Laverne & Betty Chilen, David & Geri Sappington, Yvonne Kingen, Dorlee Sappington, Yvonne Kingen, Dorlee Miller, Cy Goldman, William & Laurel
3 4	NE ¹ / ₄ SE ¹ / ₄ NW ¹ / ₄ SE ¹ / ₄ SW ¹ / ₄ NE ¹ / ₄ NE ¹ / ₄ SW ¹ / ₄ NE ¹ / ₄ SW ¹ / ₄ NW ¹ / ₄ SW ¹ / ₄ SW ¹ / ₄ SW ¹ / ₄ SW ¹ / ₄ SW ¹ / ₄ SE ¹ / ₄ SW ¹ / ₄ SE ¹ / ₄ SW ¹ / ₄ SE ¹ / ₄ SW ¹ / ₄	2501 2400 Section 17 502 200 800 800 1000 900 1100 1102 1100 1102 1200	IR IR IR IR POND IR IR IR IR IR IR IR	0.6 31.5 1.6 38.8 0.2 27.0 2.3 15.0 17.5 9.5 6.0 4.5	Loomis, Susan Kinsey, William Gardner, James & Virginia Putnam, Lee&Mary/Steve&Arlene Barnum, Marie (Lifetime Estate) Barnum, Marie (Lifetime Estate) Brant, Laverne & Betty Chilen, David & Geri Sappington, Yvonne Kingen, Dorlee Sappington, Yvonne Kingen, Dorlee Miller, Cy Goldman, William & Laurel Miller, Cy
3 4	NE ¹ / ₄ SE ¹ / ₄ NW ¹ / ₄ SE ¹ / ₄ SW ¹ / ₄ NE ¹ / ₄ NE ¹ / ₄ SW ¹ / ₄ NE ¹ / ₄ SW ¹ / ₄ NW ¹ / ₄ SW ¹ / ₄ SW ¹ / ₄ SW ¹ / ₄ SW ¹ / ₄ SW ¹ / ₄ SE ¹ / ₄ SW ¹ / ₄	2501 2400 Section 17 502 200 800 1000 900 1100 1102 1100 1102 1200	IR I	0.6 31.5 1.6 38.8 0.2 27.0 2.3 15.0 17.5 9.5 6.0 4.5 8.0 4.0 15.0	Loomis, Susan Kinsey, William Gardner, James & Virginia Putnam, Lee&Mary/Steve&Arlene Barnum, Marie (Lifetime Estate) Barnum, Marie (Lifetime Estate) Brant, Laverne & Betty Chilen, David & Geri Sappington, Yvonne Kingen, Dorlee Sappington, Yvonne Kingen, Dorlee Miller, Cy Goldman, William & Laurel Miller, Cy Manis, Noel & Susan
3 4	NE¼ SE¼ NW¼ SE¼ SW¼ NE¼ NE¼ NW¼ NE¼ SW¼ NE¼ SW¼ NW¼ SW¼ SW¼ SW¼ SW¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼	2501 2400 Section 17 502 200 800 800 1000 900 1100 1102 1100 1102 1200 1201 1300	IR IR IR IR POND IR	0.6 31.5 1.6 38.8 0.2 27.0 2.3 15.0 17.5 9.5 6.0 4.5 8.0 4.0 15.0 15.7	Loomis, Susan Kinsey, William Gardner, James & Virginia Putnam, Lee&Mary/Steve&Arlene Barnum, Marie (Lifetime Estate) Barnum, Marie (Lifetime Estate) Brant, Laverne & Betty Chilen, David & Geri Sappington, Yvonne Kingen, Dorlee Sappington, Yvonne Kingen, Dorlee Miller, Cy Goldman, William & Laurel Miller, Cy Manis, Noel & Susan Towner, Earl & Judith
3 4	NE¼ SE¼ NW¼ SE¼ SW¼ NE¼ NW¼ NE¼ SW¼ NE¼ SW¼ NW¼ SW¼ SW¼ SW¼ SW¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ NE¼ SE¼ SW¼ NE¼ SE¼ SW¼ NE¼ SE¼ SW¼ NE¼ SE¼	2501 2400 Section 17 502 200 800 800 1000 900 1100 1102 1100 1102 1200 1201 1300 600 601 700	IR IR IR IR POND IR	0.6 31.5 1.6 38.8 0.2 27.0 2.3 15.0 17.5 9.5 6.0 4.5 8.0 4.0 15.0 15.7 16.0	Loomis, Susan Kinsey, William Gardner, James & Virginia Putnam, Lee&Mary/Steve&Arlene Barnum, Marie (Lifetime Estate) Barnum, Marie (Lifetime Estate) Brant, Laverne & Betty Chilen, David & Geri Sappington, Yvonne Kingen, Dorlee Sappington, Yvonne Kingen, Dorlee Miller, Cy Goldman, William & Laurel Miller, Cy Manis, Noel & Susan Towner, Earl & Judith Gould, Annunziata O.
3 4	NE¼ SE¼ NW¼ SE¼ SW¼ NE¼ NW¼ NE¼ SW¼ NE¼ SW¼ NW¼ SW¼ SW¼ SW¼ SW¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ NE¼ SE¼ SW¼ NE¼ SE¼ SW¼ NE¼ SE¼ SW¼ NE¼ SE¼ N¼ NE¼ SE¼	2501 2400 Section 17 502 200 800 1000 900 1100 1102 1100 1102 1200 1201 1300 600 601 700 701	IR IR IR IR POND IR	0.6 31.5 1.6 38.8 0.2 27.0 2.3 15.0 17.5 9.5 6.0 4.5 8.0 4.0 15.0 15.7 16.0 6.3	Loomis, Susan Kinsey, William Gardner, James & Virginia Putnam, Lee&Mary/Steve&Arlene Barnum, Marie (Lifetime Estate) Barnum, Marie (Lifetime Estate) Brant, Laverne & Betty Chilen, David & Geri Sappington, Yvonne Kingen, Dorlee Sappington, Yvonne Kingen, Dorlee Miller, Cy Goldman, William & Laurel Miller, Cy Manis, Noel & Susan Towner, Earl & Judith Gould, Annunziata O. Pearson, David & Wyona
3 4	NE¼ SE¼ NW¼ SE¼ SW¼ NE¼ NW¼ NE¼ SW¼ NE¼ SW¼ NW¼ SW¼ SW¼ SW¼ SW¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ NE¼ SE¼ NW¼ SE¼ NW¼ SE¼	2501 2400 Section 17 502 200 800 800 1000 900 1100 1102 1100 1102 1200 1201 1300 600 601 700 701 1400	IR IR IR IR IR POND IR	0.6 31.5 1.6 38.8 0.2 27.0 2.3 15.0 17.5 9.5 6.0 4.5 8.0 4.0 15.7 16.0 6.3 3.0	Loomis, Susan Kinsey, William Gardner, James & Virginia Putnam, Lee&Mary/Steve&Arlene Barnum, Marie (Lifetime Estate) Barnum, Marie (Lifetime Estate) Brant, Laverne & Betty Chilen, David & Geri Sappington, Yvonne Kingen, Dorlee Sappington, Yvonne Kingen, Dorlee Miller, Cy Goldman, William & Laurel Miller, Cy Manis, Noel & Susan Towner, Earl & Judith Gould, Annunziata O. Pearson, David & Wyona Covell, Charles & Susan
3 4	NE¼ SE¼ NW¼ SE¼ SW¼ NE¼ NW¼ NE¼ SW¼ NE¼ SW¼ NW¼ SW¼ SW¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SE¼ SW¼ NE¼ SE¼ SW¼ SE¼ SE¼ SW¼ NE¼ SE¼ NE¼ SE¼ NW¼ SE¼ NE¼ SE¼ NW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SE¼ NW¼ SE¼ SW¼ SE¼ SE¼	2501 2400 Section 17 502 200 800 800 1000 900 1100 1102 1100 1102 1200 1201 1300 600 601 700 701 1400 1401	IR I	0.6 31.5 1.6 38.8 0.2 27.0 2.3 15.0 17.5 9.5 6.0 4.5 8.0 4.0 15.7 16.0 6.3 3.0 4.0	Loomis, Susan Kinsey, William Gardner, James & Virginia Putnam, Lee&Mary/Steve&Arlene Barnum, Marie (Lifetime Estate) Barnum, Marie (Lifetime Estate) Brant, Laverne & Betty Chilen, David & Geri Sappington, Yvonne Kingen, Dorlee Sappington, Yvonne Kingen, Dorlee Miller, Cy Goldman, William & Laurel Miller, Cy Manis, Noel & Susan Towner, Earl & Judith Gould, Annunziata O. Pearson, David & Wyona Covell, Charles & Susan Grimshaw, Max & Betty
3 4	NE¼ SE¼ NW¼ SE¼ SW¼ NE¼ NW¼ NE¼ SW¼ NE¼ SW¼ NW¼ SW¼ SW¼ SW¼ SW¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ NE¼ SE¼ SW¼ NE¼ SE¼ SW¼ SE¼ SW¼ SE¼ SE¼ NE¼ SE¼ NW¼ SE¼ NW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SE¼ NW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SE¼ NW¼ SE¼ SW¼ SE¼ SW¼ SE¼	2501 2400 Section 17 502 200 800 800 1000 900 1100 1102 1100 1102 1200 1201 1300 600 601 700 701 1400 1401 1402	IR IR IR IR POND IR	0.6 31.5 1.6 38.8 0.2 27.0 2.3 15.0 17.5 9.5 6.0 4.5 8.0 4.0 15.7 16.0 6.3 3.0 4.0 3.0	Loomis, Susan Kinsey, William Gardner, James & Virginia Putnam, Lee&Mary/Steve&Arlene Barnum, Marie (Lifetime Estate) Barnum, Marie (Lifetime Estate) Brant, Laverne & Betty Chilen, David & Geri Sappington, Yvonne Kingen, Dorlee Sappington, Yvonne Kingen, Dorlee Miller, Cy Goldman, William & Laurel Miller, Cy Manis, Noel & Susan Towner, Earl & Judith Gould, Annunziata O. Pearson, David & Wyona Covell, Charles & Susan Grimshaw, Max & Betty Wilson, Darrel & Elizabeth
3 4	NE¼ SE¼ NW¼ SE¼ SW¼ NE¼ NW¼ NE¼ SW¼ NE¼ SW¼ NW¼ SW¼ SW¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SE¼ NE¼ SE¼ NE¼ SE¼ NE¼ SE¼ NW¼ SE¼ NE¼ SE¼ NE¼ SE¼ NW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SE¼ NW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼	2501 2400 Section 17 502 200 800 800 1000 900 1100 1102 1100 1102 1200 1201 1300 600 601 700 701 1400 1401 1402 1403	IR I	0.6 31.5 1.6 38.8 0.2 27.0 2.3 15.0 17.5 9.5 6.0 4.5 8.0 4.0 15.7 16.0 6.3 3.0 4.0 3.0 4.0	Loomis, Susan Kinsey, William Gardner, James & Virginia Putnam, Lee&Mary/Steve&Arlene Barnum, Marie (Lifetime Estate) Barnum, Marie (Lifetime Estate) Brant, Laverne & Betty Chilen, David & Geri Sappington, Yvonne Kingen, Dorlee Sappington, Yvonne Kingen, Dorlee Miller, Cy Goldman, William & Laurel Miller, Cy Manis, Noel & Susan Towner, Earl & Judith Gould, Annunziata O. Pearson, David & Wyona Covell, Charles & Susan Grimshaw, Max & Betty Wilson, Darrel & Elizabeth Riegel/Burton, Gregg & Gail
3 4	NE¼ SE¼ NW¼ SE¼ SW¼ NE¼ NW¼ NE¼ SW¼ NE¼ SW¼ NW¼ SW¼ SW¼ SW¼ SW¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ NE¼ SE¼ SW¼ NE¼ SE¼ SW¼ SE¼ SW¼ SE¼ SE¼ NE¼ SE¼ NW¼ SE¼ NW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SE¼ NW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SE¼ NW¼ SE¼ SW¼ SE¼ SW¼ SE¼	2501 2400 Section 17 502 200 800 800 1000 900 1100 1102 1100 1102 1200 1201 1300 600 601 700 701 1400 1401 1402	IR IR IR IR POND IR	0.6 31.5 1.6 38.8 0.2 27.0 2.3 15.0 17.5 9.5 6.0 4.5 8.0 4.0 15.7 16.0 6.3 3.0 4.0 3.0	Loomis, Susan Kinsey, William Gardner, James & Virginia Putnam, Lee&Mary/Steve&Arlene Barnum, Marie (Lifetime Estate) Barnum, Marie (Lifetime Estate) Brant, Laverne & Betty Chilen, David & Geri Sappington, Yvonne Kingen, Dorlee Sappington, Yvonne Kingen, Dorlee Miller, Cy Goldman, William & Laurel Miller, Cy Manis, Noel & Susan Towner, Earl & Judith Gould, Annunziata O. Pearson, David & Wyona Covell, Charles & Susan Grimshaw, Max & Betty Wilson, Darrel & Elizabeth

P	A	GE	3

16							
	12	7	NE 1/4 NE 1/4	102	13.6	GOBEILLE, D& C	
16	12	7	SE 1/4 NE 1/4	101	1.5	GOBEILLE, D & C	
16	12	7	SE 1/4 NE 1/4	102	1.4	GOBEILLE, D & C	
16	12	7	SE 1/4 NE 1/4	103	22.0	GOBEILLE, D & C	
16	12	7	NE 1/4 NW 1/4	402	8.8	DUNTLEY, C	
16	12	7	NE 1/4 NW 1/4	403	4.4	DUNTLEY, C RECE	VED
16	12	7	NW 1/4 NW 1/4	401	8.3	VANDERBEEK, R & L APR 1'	7 2009
16	12	7	NW 1/4 NW 1/4	403	2.8	DUNTLEY, C WATER RESOU	
16	12	7	NW 1/4 NW 1/4	500	2.7	CHANCE, W	EGON
16	12	7	NW 1/4 NW 1/4	600	1.0	CAMPAGNA, D & S	
16	12	8	NW 1/4 NW 1/4	402	30.0	CRYSTAL RIVER PROPERTIES, LLC Nichols, Roger & Therese	
16	12	8	SW 1/4 NW 1/4	400	4.0	CRYSTAL RIVER PROPERTIES, LLC	
16	12	8	SW 1/4 NW 1/4	402	6.0	CRYSTAL RIVER PROPERTIES, LLC	
16	12	8	NW 1/4 SW 1/4	1707	0.5	HAMMACK, P & C	
16	12	9	SW 1/4 SW 1/4	900	15.0	PACIFIC NW DEVELOPMENT CORP.	
16	12	16	NW 1/4 NW 1/4	701	5.0	KHALSA, J & J	
16	12	16	NW 1/4 NW 1/4	702	5.0	TROUT, R & L	
16	12	16	SW 1/4 NW 1/4	700	15.0	BALDWIN/TROUT/KHALSA Desch	River Don't
16	12	17	NE 1/4 NE 1/4	100	20 0	Whole &	sardition
16			NE 1/4 NE 1/4	Ϊοι	20.0		96.22 nitron Plat
10	12	19	SE 1/4 SW 1/4	1900	10.0		1998-35
16	12	19		101		STOUT/ PENNOCK Par	ition Plat
			SE 1/4 SW 1/4	1900	10.0	KLOBY, J & M	ition Plat
16	12	19	SE 1/4 SW 1/4 NE 1/4 SE 1/4	1900	10.0	STOUT PENNOCK Stout KLOBY, J & M SHIPMAN, K & P	ition Plat
16	12	19	SE 1/4 SW 1/4 NE 1/4 SE 1/4 NW 1/4 SE 1/4	1900 2000 2100	10.0 8.0 20.0	STOUT PENNOCK KLOBY, J & M SHIPMAN, K & P SHULL, C	ition Plat
16 16	12 12 12	19 19 30	SE 1/4 SW 1/4 NE 1/4 SE 1/4 NW 1/4 SE 1/4 NE 1/4 SW 1/4	1900 2000 2100 402	10.0 8.0 20.0 5.0	STOUT PENNOCK KLOBY, J & M SHIPMAN, K & P SHULL, C McWILLIAMS, L	ition Plat
16 16 16	12 12 12	19 19 30 30	SE 1/4 SW 1/4 NE 1/4 SE 1/4 NW 1/4 SE 1/4 NE 1/4 SW 1/4 NW 1/4 SW 1/4	1900 2000 2100 402 403	10.0 8.0 20.0 5.0 2.0	STOUT PENNOCK KLOBY, J & M SHIPMAN, K & P SHULL, C McWILLIAMS, L SCOTT, S	ition Plat
16 16 16 16	12 12 12 12 12	19 19 30 30	SE 1/4 SW 1/4 NE 1/4 SE 1/4 NW 1/4 SE 1/4 NE 1/4 SW 1/4 NW 1/4 SW 1/4 NW 1/4 SW 1/4	1900 2000 2100 402 403 404	10.0 8.0 20.0 5.0 2.0	KLOBY, J & M SHIPMAN, K & P SHULL, C McWILLIAMS, L SCOTT, S AYLETT, R & M	ition Plat
16 16 16 16 16	12 12 12 12 12	19 19 30 30 30	SE 1/4 SW 1/4 NE 1/4 SE 1/4 NW 1/4 SE 1/4 NW 1/4 SW 1/4 NW 1/4 SW 1/4 NW 1/4 SW 1/4 NW 1/4 SE 1/4	1900 2000 2100 402 403 404 2500	10.0 8.0 20.0 5.0 2.0 3.0	KLOBY, J & M SHIPMAN, K & P SHULL, C McWILLIAMS, L SCOTT, S AYLETT, R & M WIENEKE, D & N	ition Plat
16 16 16 16 16 16	12 12 12 12 12 12 12	19 19 30 30 30 30 31	SE 1/4 SW 1/4 NE 1/4 SE 1/4 NW 1/4 SE 1/4 NW 1/4 SW 1/4 NW 1/4 SW 1/4 NW 1/4 SE 1/4 SW 1/4 SW 1/4 SW 1/4 SW 1/4	1900 2000 2100 402 403 404 2500 409	10.0 8.0 20.0 5.0 2.0 3.0 1.0 2.0	KLOBY, J & M SHIPMAN, K & P SHULL, C MCWILLIAMS, L SCOTT, S AYLETT, R & M WIENEKE, D & N HAGEMANN, R & L	ition Plat
16 16 16 16 16 16 16	12 12 12 12 12 12 12 11	19 19 30 30 30 30 31	SE 1/4 SW 1/4 NE 1/4 SE 1/4 NW 1/4 SE 1/4 NW 1/4 SW 1/4 NW 1/4 SW 1/4 NW 1/4 SW 1/4 NW 1/4 SE 1/4 SW 1/4 SW 1/4 NW 1/4 SW 1/4	1900 2000 2100 402 403 404 2500 409	10.0 8.0 20.0 5.0 2.0 3.0 1.0 2.0	KLOBY, J & M SHIPMAN, K & P SHULL, C McWILLIAMS, L SCOTT, S AYLETT, R & M WIENEKE, D & N HAGEMANN, R & L NORTHON, R & J	ition Plat
16 16 16 16 16 16 16 17	12 12 12 12 12 12 12 11	19 19 30 30 30 30 31 1	SE 1/4 SW 1/4 NE 1/4 SE 1/4 NW 1/4 SE 1/4 NW 1/4 SW 1/4 NW 1/4 SW 1/4 NW 1/4 SW 1/4 NW 1/4 SE 1/4 SW 1/4 SW 1/4 NW 1/4 SW 1/4 NW 1/4 NW 1/4 NW 1/4 NW 1/4	1900 2000 2100 402 403 404 2500 409 400	10.0 8.0 20.0 5.0 2.0 3.0 1.0 2.0 2.0	KLOBY, J & M SHIPMAN, K & P SHULL, C McWILLIAMS, L SCOTT, S AYLETT, R & M WIENEKE, D & N HAGEMANN, R & L NORTHON, R & J KAILEY, J & J	ition Plat
16 16 16 16 16 16 17 17	12 12 12 12 12 12 12 11 11	19 19 30 30 30 31 1 1	SE 1/4 SW 1/4 NE 1/4 SE 1/4 NW 1/4 SE 1/4 NW 1/4 SW 1/4 NW 1/4 SW 1/4 NW 1/4 SE 1/4 SW 1/4 SW 1/4 NW 1/4 NW 1/4 NW 1/4 NW 1/4 NW 1/4 NW 1/4 NE 1/4 NE 1/4	1900 2000 2100 402 403 404 2500 409 400 402	10.0 8.0 20.0 5.0 2.0 3.0 1.0 2.0 2.0 2.0	KLOBY, J & M SHIPMAN, K & P SHULL, C McWILLIAMS, L SCOTT, S AYLETT, R & M WIENEKE, D & N HAGEMANN, R & L NORTHON, R & J KAILEY, J & J WACHS, D & L	ition Plat
16 16 16 16 16 16 17 17 17	12 12 12 12 12 12 12 11 11 11	19 19 30 30 30 31 1 2 2	SE 1/4 SW 1/4 NE 1/4 SE 1/4 NW 1/4 SE 1/4 NE 1/4 SW 1/4 NW 1/4 SW 1/4 NW 1/4 SW 1/4 NW 1/4 SE 1/4 SW 1/4 SW 1/4 NW 1/4 SW 1/4 NW 1/4 NW 1/4 NW 1/4 NW 1/4 NW 1/4 NW 1/4 NE 1/4 NE 1/4 NE 1/4 NE 1/4	1900 2000 2100 402 403 404 2500 409 400 402 100	10.0 8.0 20.0 5.0 2.0 3.0 1.0 2.0 2.0 2.5 2.5	KLOBY, J & M SHIPMAN, K & P SHULL, C McWILLIAMS, L SCOTT, S AYLETT, R & M WIENEKE, D & N HAGEMANN, R & L NORTHON, R & J KAILEY, J & J WACHS, D & L SILVER, R & J	ition Plat
16 16 16 16 16 16 17 17 17 17	12 12 12 12 12 12 12 11 11 11 11	19 19 30 30 30 31 1 2 2	SE 1/4 SW 1/4 NE 1/4 SE 1/4 NW 1/4 SE 1/4 NW 1/4 SW 1/4 NW 1/4 SW 1/4 NW 1/4 SE 1/4 SW 1/4 SW 1/4 NW 1/4 NW 1/4 NW 1/4 NW 1/4 NE 1/4 NE 1/4 NE 1/4 NE 1/4 NW 1/4 NE 1/4 NW 1/4 NE 1/4	1900 2000 2100 402 403 404 2500 409 400 402 100 106	10.0 8.0 20.0 5.0 2.0 3.0 1.0 2.0 2.0 2.5 2.5	KLOBY, J & M SHIPMAN, K & P SHULL, C McWILLIAMS, L SCOTT, S AYLETT, R & M WIENEKE, D & N HAGEMANN, R & L NORTHON, R & J KAILEY, J & J WACHS, D & L SILVER, R & J MORROW, R & R	ition Plat
16 16 16 16 16 16 17 17 17 17 17	12 12 12 12 12 12 12 11 11 11 11	19 19 30 30 30 31 1 2 2 2	SE 1/4 SW 1/4 NE 1/4 SE 1/4 NW 1/4 SE 1/4 NW 1/4 SW 1/4 NW 1/4 SW 1/4 NW 1/4 SE 1/4 SW 1/4 SW 1/4 NW 1/4 NW 1/4 NW 1/4 NW 1/4 NE 1/4 NE 1/4 NW 1/4 NE 1/4	1900 2000 2100 402 403 404 2500 409 400 402 100 106 101	10.0 8.0 20.0 5.0 2.0 3.0 1.0 2.0 2.0 2.5 2.5 2.5	KLOBY, J & M SHIPMAN, K & P SHULL, C McWILLIAMS, L SCOTT, S AYLETT, R & M WIENEKE, D & N HAGEMANN, R & L NORTHON, R & J KAILEY, J & J WACHS, D & L SILVER, R & J MORROW, R & R JOHNSON, M	ition Plat

76106



Additional Water Right Form for Pooled

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.

~ ! ~	
Section 1.5 continued from Pooled Form. Water Rights Proposed to be Leased Instream. District and water right hol propose to lease the water rights identified in Section 1.3 on the "Pooled Lease"	` ,
The right(s) to be leased are further described as follows: Certificate No.: 74147 Priority date: October 29, 1913 Legal Season of Use (if not listed on the certificate): April 1 through Oct 31	RECEIVED APR 1 7 2009
Maximum rate associated with subject water rights (cfs) being leased: If there is more than one rate associated with a water right, describe below: Season 1 (cfs) 1.511 IRR Time period: 4/1-4/30, 10/1-10/26	ATER RESOURCES DEPT
Season 2 (cfs) 2.014 IRR Time period: 5/1-5/15, 9/15-9/30 Season 3 (cfs) 3.730 IRR Time period: 5/15-9/15 Maximum duty associated with subject water rights (ac-ft): 1197.62 af IRR Conditions or other limitations, if any:	
Section 2.2 continued from Pooled Lease Form. Instream use created by lease. The instream use to be created is described a Tumalo Creek Tributary to Deschutes River in the Deschutes Basin	
Describe the point of diversion (POD) and any associated reach(es) of the instable being created. If possible list the reach by river mile. If no reach is identified is only one POD listed on the certificate, the lease will be processed to be pro POD. (If more than one POD is listed on the certificate, then the POD and an reach(es) must be identified): TID POD #1 (Tumalo Feed Canal) to the mouth mouth of the Deschutes River at river mile 0. Maximum volume in acre-feet: 1197.62 af IRR Rate in cfs: 1.511 cfs IRR - season 1 (If more than one rate, describe the rate associated within each time period or instread Rate in cfs: 2.014 cfs IRR - season 2 Rate in cfs: 3.730 cfs IRR - season 3	l, and there tected at the ny associated n and to the
 (Use the section below to indicate a more restrictive period of use than allowed by the water Conditions to prevent injury, if any: None The instream flow will be allocated on a daily average basis up to the desorter April 1 through October 26 	

Other (describe):

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

Primary Irrigation (See Below Dark Green Line for Supplemental Irrigation Calculator)

TID CERT 74147 (assuming can divert full rate and duty allowed by certificate)
Priority Date = October 29, 1913

Source = Tumalo Creek, Crater Creek, Little Creek and Three Spring Branches

Enter Total Number of Acre	
to be Leased Instream Here	
	120.850
一、大学、人类的特殊。	140.000

Rate (CFS) associated with leased rights for Section 1.5 of the Lease Application Form						
Enter Rates and Duty on Lease Form by Season	Rate/acre (CFS)	Max Rate (CFS)	Duty/acre (AF)	Max Duty (AF)		
Season 1	0.013	1.511	9.91	1,197.62		
Season 2	0.017	2.014				
Season 3	0.031	3.730				

	TERROR WAS IN THE SECOND OF			
Rate (CFS) leased instream t		the Lease Applicati	on Form	
Enter Instream Rates and	Instream Rate			
Volumes by Season on Lease	(CFS) over full		Instream Volume	
Form	Irrigation Season	Days instream	(AF)	
Season 1	1.511	56	167.79	
Season 2	2.014	30	119.85	
Season 3	3.730	123	909.98	
Totals		Total Instream Vol.	1,197.62	_
Additional Conditions to Pre	vent Inury for Sec	tion 2.2 of the Leas	e Application For	ne alter decision
Water protected instream:	April 1 throug	h October 26		

RECEIVED

APR 17 2009

WATER RESOURCES DEPT SALEM, OREGON



Additional Water Right Form for Pooled

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.

~I~

~	
Section 1.5 continued from Pooled Form. Water Rights Proposed to be Leased Instream. District and water right he propose to lease the water rights identified in Section 1.3 on the "Pooled Lease".	· /
The right(s) to be leased are further described as follows: Certificate No.: 76106 Priority date: December 1, 1961 Legal Season of Use (if not listed on the certificate): April 1 through Octobe If an irrigation right, total number of acres to be leased: 36.160 Total acre-feet of storage to be leased, if applicable: 50.31 maximum from s Maximum rate associated with subject water rights (cfs) being leased: 0.52 c If there is more than one rate associated with a water right, describe below: Season 1 (cfs) Time period: Season 2 (cfs) Time period: Season 3 (cfs) Time period: Maximum duty associated with subject water rights (ac-ft): 90.40 total AF	RECEIVED APR 1 7 2009 WATER RESOURCES DEPT
Conditions or other limitations, if any:	SALEM, OREGON
~II~ Section 2.2 continued from Pooled Lease Form. Instream use created by lease. The instream use to be created is described Creek	
Tumalo Creek Tributary to Deschutes River in the Deschutes Basi	n.
Describe the point of diversion (POD) and any associated reach(es) of the inbeing created. If possible list the reach by river mile. If no reach is identified is only one POD listed on the certificate, the lease will be processed to be proposed. (If more than one POD is listed on the certificate, then the POD and a reach(es) must be identified): Tumalo Resvr: SESW, Sect 33, R16S, T11E, Tumalo Creek: SENE, Sect 23, T17S, R11E, W.M. to the mouth of the Descat river mile 0.	ed, and there otected at the any associated W.M.:
Maximum volume in acre-feet: 90.40 af 50.31 max from storage Rate in cfs: 0.21 cfs	
(If more than one rate, describe the rate associated within each time period or instr. Rate in cfs:	eam reach.)
 (Use the section below to indicate a more restrictive period of use than allowed by the water Conditions to prevent injury, if any: ☑ None ☐ The instream flow will be allocated on a daily average basis up to the defrom through 	• ,

RECEIVED

APR 1 7 2009

WATER RESOURCES DEPT SALEM, OREGON

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

Primary Water Use

TID CERT 76106 (assuming can divert full rate and duty allowed by certificate)

Priority Date = December 8, 1961

source = Tumalo Creek and Upper Tumalo Reservoir, constructed under permit R-2743, tributaries of the Deschutes River (live flow and stored water)

Enter Tota	al Number of		
Acres to b	e Leased		
Instream	Here	3	6.160

Rate (CFS) associated with leased rights for Section 1.5 of the Lease Application Form					
Enter Rates and Duty on Lease Form	Rate/acre (CFS)	Rate (CFS)	Duty/acre (AF)	Max Duty (AF)	
	0.014	0.52	2.50	90.40	
		-		max portion from stortage 50.31	

Enter Instream Rates and Volumes on Lease Form	_	Days instream	Instream Volume (AF)	Period Instream
	0.21	214	90.40	April 1 - Oct 31
			max portion from	storage
			50.31	

<u></u>				
Optional - for alternative	instream periods incl	uding the full ir	rigation season	等。 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1
Enter Proposed begin and	end dates (must fall wit	thin Irrigation Se	ason)	
begin date		Number of Day	S	
end date		1	Days	
Rate (CFS) leased instrea	m for Section 2.2 of t	he Lease Appli	cation Form	
Enter Instream Rates and			Instream	
Volumes on Lease Form	Instream Rate (CFS)	Days instream		Period Instream
	45.66	1	90.40	April 1 - Oct 31
			max portion from	storage
			50.31	

*Resulting rates may not exceed the max rate identified for Section 1.5 of the Lease Application

RECEIVED

APR 17 2009

WATER RESOURCES DEPT SALEM, CREGON

Page 1 of 2



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	RECEIVED
Lease	nal Identification by Lessor/Lessee: L09.11 Application Number (assigned by WRD):	APR 17 2009 WATER RESOURCES DEPT SALEM, CREGON
This	Lease is with:	
Name Mailin City, Telep	or #1 (Water Right Holder): e Zapp, Martin & Joann ng address 65385 Cline Falls Road State, Zip Code Bend, OR 97701 hone number (541) 382-8543 l address	DIST
If add	litional water right holders, enter water right holder information below	
Applic	The section numbering associated with this form corresponds to that found on the "Station" form. The "Pooled Lease" form and "Pooled Water Right Holder" form(s) are ation as the "Standard Instream Lease Application" form. Consequently, the number tial.	used to provide the same
	~I~ Water Right Holder and Water Right Inform	ation
1.1	Lessor #1 is the water right holder, or authorized agent for property d If the water right appurtenant to these lands is also appurtenant to lan are not included in this application, then Attachment 1 (tax lot map),	ds owned by others who
1.3	For the water right(s) being leased, list all water rights appurtenant to if there are any supplemental or overlying rights.	the same lands. Indicate
	Certificate No. <u>P74146, S; 74147,74148,74149,76520</u>	
1.4	Are some or all of the lands being leased part of a Conservation Reservation. Yes No	erve Enhancement
1.5	Water Right(s) Proposed to be Leased Instream. Water right holds water rights shown on the map attached as Exhibit 5-B and described [This information may be included on Exhibit 5-A, or an additional map may be at area of water rights being leased. Attached map(s) must identify water right holder section and ½ ½, tax lot number, map orientation and scale.]	l as follows: tached. Crosshatch the

_							er certificate)	0 pages; identify	priority date	ii mere is
1.	16S	12E	19	nese	02001	2.35	Irr	74146	11	9/1/1900
2.										
3.									REC	EIVED
4.									APR	1 7 2009
5.									WATER RES	SOURCES DE
	To	tal num	her of a	cres if	for irrigati	on by cort	ificate and no	iority date: 2.3	SALEN	A, OREGON

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

Term of lease. This lease shall terminate on October 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.

3.4	suspend us	se of water allowed under the subject water rights a stal to the subject water rights.	2			
3.5	For myear v during days p begun until t not occ • Wr • Cor	don provision. Aultiyear leases, the Lessor(s) shall have the option with written notice to the Department. The lease may the calendar year. However, if the termination reprior to the period of allowed instream use or after the formula of the water right(s) being leased, water may not the following calendar year, unless the Director detector. The Department may also require: eitten notice to the Department with original signatures and the parties to the lease; and/or eitten notice to the Watermaster's office. Aultiyear leases, the lessor shall not have the option and by all parties to the lease.	ay be terminated at any time quest is received less then 30- the period of allowed use has be used under the right(s) leased ermines that enlargement would ares;			
3.6	2.2 during use water	ion to prevent injury. Allocation of water to the in the term of this lease is not reasonably expected to from the same source. If injury is found after this lar terminated to prevent injury.	cause injury to other rights to			
Lessor <u>Martin</u>		Marka Supp Date				
Joann	Zapp	Joann F. Bopp Date	: 3-3-09			
	· /		RECEIVED			
For ad	ditional Les	ssors, type in space for signature and date	APR 17 2009			
Other	A ttoohmant	ts As Needed:	WATER RESOURCES DEPT SALEM, CREGON			
	xhibit 5-A: xhibit 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					
Exhibi	it 5-C:	into a single map. (See instructions.) 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			
Exhib	it 5-D:	Split Season Instream Use Form				

Deschutes River Conservancy 2009 Instream Leasing Program

RECEIVED

Policy Concerning Weeds & Instream Leases Information on Farm Deferral APR 1 7 2009
WATER RESOURCES DEPT
SALEM, OREGON

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

Weed Policy

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

Information and Resources Attached

Farm Deferral Notice

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

Information and Resources Attached

t, MAFI. W ZA Communication when we will be understand the new DRC weed policy and have

been informed about farm deferral.

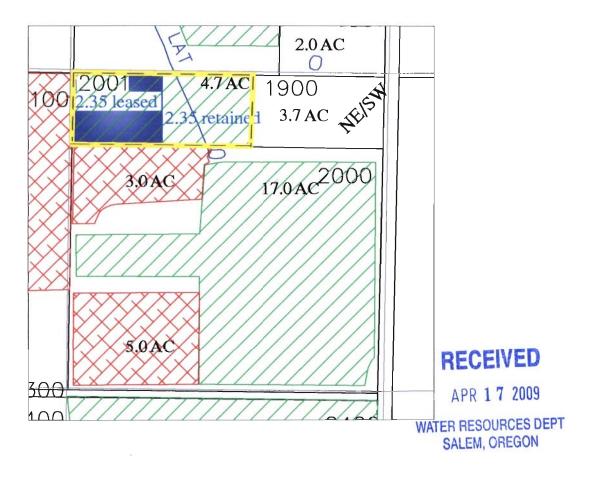
This form must be returned before lease payment is made.

TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY EXHIBIT 5-A & B L09.11

FOR

Zapp, Martin & Joann

65385 Cline Falls Rd., Bend OR 97701.







Certificate #'s 74146, and 74147



Certificate #



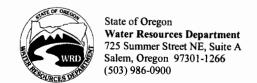
LOCATED IN THE NE 1/4 OF THE SE 1/4 OF SECTION 19, T16 S., R.12 E., W.M. TAX LOTS # 2001 DESCHUTES COUNTY, OREGON

SCALE: 1" = 400'



Prepared By: Tumalo Irrigation District, 64697 Cook Ave, Bend. Oregon 97701 541-382-3053

							311
						Page 11	
-	NE1/4 SW1/4	1000C	IR	0.9	Brookhart, Ronald C.		
	NE1/4 SW1/4	100C	IR	1.94	Manina, Steven S.		
	NE1/4 SW1/4	1100C	IR	1.6	Brookhart, Ronald C.		
	NE1/4 SW1/4	400C	IR	1.0	Hoisington, John		
3	NW1/4 SW1/4	1100C	IR	1.9	Brookhart, Ronald C.		
3	NW1/4 SW1/4	1400C	IR	3.0	Christ, Donald & Iris		
3	NW1/4 SW1/4	800C	IR	1.5	Kelley, Beverly J.		
	NE1/4 SE1/4	1900	IR	3.7	Prentice, Jim & Jean		
	NE1/4 SE1/4	2000	IR	11.0	Shipman, Keith & Pat		
	NE1/4 SE1/4	2001	IR	3.0	Zapp, Martin & Joann		
	A CONTRACTOR OF THE PARTY OF TH	Section 19					
	SW1/4 NE1/4	2800	IR	1.0	Barlow, Steven & Jeanette		
	NE1/4 NW1/4	305	IR	1.0	Billings, Jack & Christina		
	NW1/4 SE1/4	2500	IR	2.5	Gregg, Patrick & Kathy		
		Section 30					
	NE1/4 SW1/4	407	IR	6.6	Bend Research/ Science Proper	ties	
3	NW1/4 SW1/4	405	IR	2.0	Perkins, Howard & Darlene		
3	NW1/4 SW1/4	407	IR	3.4	Bend Research/ Science Proper	ties	
3	NW ¹ / ₄ SW ¹ / ₄	414	IR	2.5	Long, Michael & Alice		
3	NW1/4 SW1/4	415	IR	2.5	Sailors, Robert W.		
4	SW1/4 SW1/4	400	IR	5.9	Bodwin, Wayne & Laraine		
4	SW1/4 SW1/4	402	IR	2.7	Boone, Daniel & Corinna		
4	SW1/4 SW1/4	404	IR	3.0	Gamez, Richard & Claudia	-	
4	SW1/4 SW1/4	409	IR	8.0	Hagemann, Roger & Lorraine		
4	SW1/4 SW1/4	411	IR ·	2.0	Delay, Mark & Edith		
4	SW1/4 SW1/4	412	IR.	2.0	Delay, Mark & Edith	RECEIV	ED
	SE¼ SW¼	400	IR ID	12.1	Bodwin, Wayne & Laraine		Luca
	SE1/4 SW1/4	402 Section 31	, IR	3.3	Boone, Daniel & Corinna	APR 17	Ma
	Township 16 S	South, Range 13	2 East, W.N	√I.		WATER RESOUR	CES DEPT
			TD	0.0	N	SALEM, OF	EGON
1	NE¼ NE¼	100	IR IR	9.0	Morey, Kenneth & Teresa		
1	NE¼ NE¼	101	IR	19.57	Hoobler, Sharon & Janet Douthit, Charles		-
1	NE¼ NE¼	102	IR F	8.3	McClaskey, Todd & Maxine		
2	NW¼ NE¼ NW¼ NE¼	200 404	IR		McClaskey, Todd & Maxine		
2	SW ¹ / ₄ NE ¹ / ₄	405	IR	30.4	Egginan, Timothy & Nathalie		
	SE'4 NE'4	101	IR		Hooler, Sharon & Janet		
	SE'4 NE'4	500	IR	2.45	Wright, R. Douglas		
	SE ¹ /4 NE ¹ /4	600	IR	4.0	Balyeat, Timony, Daniel, & She	eila	
	SE14 NE14	601	IR (2.55	Fimony, Michael & Amy		
	NE ¹ / ₄ NW ¹ / ₄	201 (0) *	TR	2.15	Mathewson, Edward & Ruth		
1	NW1/4 NW1/4	400	TRADE	2.0	Northon Richard & Jeanne	3	
1	NW1/4 NW1/4	402	* THE U	3 30 8/	Kailey John & Janet		
1	SW1/4 NW1/4	407	TR	1,2 *	Korish, Pat & Theresa		
-	SW1/4 NW1/4	408	IR * * *	* 1.2	Fulton, Robert & Patricia		
	SE1/4 NW1/4	405	IR 8	5 98	Eggiman, Timothy & Nathalie		
	SE1/4 NW1/4	406	IR	31.0	Shepard, John & Marion		
	NE1/4 SE1/4	700	IR	30.1	Gisler, Patrick & Deborah		
1	NE1/4 SE1/4	702	IR	0.6	James, John & Dinah -Trustees		
	NW1/4 SE1/4	701	IR	1.0	Eggiman, Timothy & Nathalie		
	NW1/4 SE1/4	702	IR	17.2	James, John & Dinah -Trustees		
	SW1/4 SE1/4	702	IR	33.6	James, John & Dinah -Trustees		
						1	111



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

•	nal Identification by Lessor/Lessee: L09.14 Application Number (assigned by WRD):	1
This L	ease is with:	
	r #1 (Water Right Holder): Ponsford, David J.	RECEIVED
	g address 20480 Harper Road	APR 1 7 2009
	tate, Zip Code Bend, OR 97701	AFR 1 7 2003
	ione number (541) 330-0292	WATER RESOURCES DEPT
	address	SALEM, OREGON
If addi	tional water right holders, enter water right holder information	n below
Applica	the section numbering associated with this form corresponds to that found tion" form. The "Pooled Lease" form and "Pooled Water Right Holder" form as the "Standard Instream Lease Application" form. Consequently, that.	form(s) are used to provide the same
	~I~ Water Right Holder and Water Right	Information
1.1	Lessor #1 is the water right holder, or authorized agent for profit the water right appurtenant to these lands is also appurtenat are not included in this application, then Attachment 1 (tax le	ant to lands owned by others who
1.3	For the water right(s) being leased, list all water rights appur if there are any supplemental or overlying rights.	tenant to the same lands. Indicate
	Certificate No. <u>P 74146 S: 74147,74148,74149,76520</u>	
1.4	Are some or all of the lands being leased part of a Conservat Program. Yes No	ion Reserve Enhancement
1.5	Water Right(s) Proposed to be Leased Instream. Water rights shown on the map attached as Exhibit 5-B and d [This information may be included on Exhibit 5-A, or an additional map area of water rights being leased. Attached map(s) must identify water risection and ¼ ¼, tax lot number, map orientation and scale.]	lescribed as follows: may be attached. Crosshatch the

	T	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Iden	ify pertine	ent page r	number of			is greater than 1 er certificate)	0 pages; identify	priority date	e if there is
1.	16	12	09	swnw	00500	1.43	Irr	74146	9	9/1/1900
2.										
3.									RE	CEIVED
4.									APF	1 7 2009
5.									WATER RE	SOURCES DI
	To	otal num	ber of a	cres, if f	or irrigation	on, by cert	tificate and pr	iority date: 1.4	SVIE	M, OREGON
	C	onditions	s or othe	er limita	tions, if an	y:				

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

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

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 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.

	DEOCUED.
Exhibi	consecutive years (required if the second box in Section 1.6 of this form is checked) it 5-D: Split Season Instream Use Form
Exhibi	forfeiture even though the right has not been exercised for five or more
Other Exhibit	it 5-B: Detailed map illustrating lands under subject rights to be leased; required if only
	ditional Lessors, type in space for signature and date
Lesson David	J. Ponsford
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.
3.5	 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.
	suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights.
3.4	Suspension of original use. During the period of the lease, the water right holder agrees to

RECEIVED

APR 1 7 2009

WATER RESOURCES DEPT SALEM, OREGON



Deschutes River Conservancy 2009 Instream Leasing Program

RECEIVED

APR 17 2009

Policy Concerning Weeds & Instream Leases Information on Farm Deferral WATER RESOURCES DEPT SALEM, OREGON

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

Weed Policy

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

Information and Resources Attached

Farm Deferral Notice

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

Information and Resources Attached

I,	understand the new DRC weed policy and have
Print Name been informed about farm deferral.	- · ·
,	,
Signature:	Date: 3 6 09

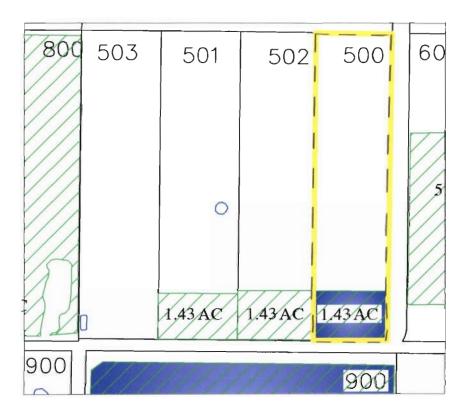
This form must be returned before lease payment is made.

EXHIBIT 5-A & B TUMALO IRRIGATION DISTRICT L09-014 IN-STREAM LEASED WATER RIGHTS SURVEY

FOR

Ponsford, David J.

20480 Harper Rd., Bend OR



RECEIVED

APR 17 2009

WATER RESOURCES DEPT SALEM, OREGON











LOCATED IN THE SW 1/4 OF THE NW1/4 OF SECTION 09, T16 S., R12 E., W.M. TAX LOTS # 500 DESCHUTES COUNTY, OREGON





Prepared By: Tumalo Irrigation District, 64697 Cook Ave, Bend. Oregon 97701 541-382-3053

Page 9

					4480
	SE1/4 SE1/4	1100D	IR	1.0	Ballew, Doug & Judith
	SE1/4 SE1/4	1401D	IR	2.0	Hagemann, Roger & Lorraine
		Section 36			, ,
. *	Township 16	South, Range 11	East W.M	[,	
7	CHU/ CHU/	1001	m	5.0	A V A Draductions Inc
7	SW1/4 SW1/4	1801	IR IB	5.0	A.K.A. Productions, Inc.
7	SW ¹ / ₄ SW ¹ / ₄	1802	IR	2.6	Rupp, C. Richard
		Section 6			
	SE¼ NE¼	103	IR	0.7	Gobeille, David & Carolyn
	NE1/4 NW1/4	402	IR	1.0	Duntley, Carole A.
1	NW1/4 NW1/4	401	IR	4.7	VanderBeek, Robert & Laurie
1	NW1/4 NW1/4	403	IR	3.5	Duntley, Carole A.
1	NW¼ NW¼	403	POND	0.5	Duntley, Carole A.
	NE1/4 SW1/4	1200	\mathbf{IR}	28.9	Pledger, William & Felicia
4	SW1/4 SW1/4	1100	IR	7.5	Booth, Loran & Toni
	SE1/4 SW1/4	1200	IR	36.1	Pledger, William & Felicia
	NW1/4 SE1/4	1300	IR	39.85	Putnam, Lee&Mary/Steve&Arlene
	SW1/4 SE1/4	1300	${ m IR}$	37.66	Putnam, Lee&Mary/Steve&Arlene
		Section 7			
	SW¼ NE¼	600	IR	3.75	Wise/Strauss
	SW14 NE14	701	IR IR	3.4	Fournier, Chris
	SW 74 NE 74 SW 1/4 NE 1/4	702	IR	7.6	Fournier, Chris
	SW14 NE14	702	IR IR	13.9	MacGaffey, Keith
	NW1/4 NW1/4	402	IR IR	2.6	Davis, Tim & Madeleine
	NW1/4 NW1/4	500	IR IR	2.4	Davis, Tim & Madeleine
	SW ¹ / ₄ NW ¹ / ₄	401	IR IR	0.6	Reichardt, William & Judith Ann
	SE ¹ / ₄ NW ¹ / ₄	600	IR	0.25	Wise/Strauss
	SE1/4 NW1/4	700	IR IR	19.4	Reichardt, William & Judith Ann
	SE ¹ / ₄ NW ¹ / ₄	703	IR	1.1	MacGaffey, Keith
	NE ¹ / ₄ SW ¹ / ₄	1500	IR IR	15.5	Amadio, Thomas & Dorothy
	NE¼ SW¼	1600	IR IR	4.0	Rowell, Bob
	NE ¹ / ₄ SW ¹ / ₄	1601	IR	1.6	Parker, John & Arlene
	NW1/4 SW1/4	1700	IR	6.4	Parker, John & Arlene
	NW ¹ / ₄ SW ¹ / ₄	1702	IR	2.2	Painter, Jon & Etta
	NW ¹ / ₄ SW ¹ / ₄	1702	TRO F	THE PERSON NAMED IN COLUMN TWO IS NOT THE PERSON NAMED IN COLUMN TWO IS NAM	Burkhardt, Rick & Lynn
	NW ¹ / ₄ SW ¹ / ₄	1706	IR	ACC	Hansen, Gary & Linda
	NW1/4 SW1/4	1707	TRANS	1.0	Hammack, Patrick & Constance
	SW ¹ / ₄ SW ¹ / ₄	1701	IR.		Wilkerson, Richard & Carol
		1704	R	1.6	Amado Thomas & Dorothy
	SW¼ SW¼ SW¼ SW¼	1705	城丰	4.0	Smith Craig & Sandra
	SW 74 SW 74 SE1/4 SW1/4	1501	IR (10.0	imadio, Thomas & Dorothy
	SE ¹ / ₄ SW ¹ / ₄	1704	IR.	1-1 2 / /2	Amadio, Thomas & Dorothy
	NE1/4 SE1/4	1000	- TO- ONL		Phillips,/Michael & Nancy
	NE ¹ / ₄ SE ¹ / ₄	1100	IR A	3 64 7	Olsen, Marc & Theresa
	NE ¹ / ₄ SE ¹ / ₄	1200	1R	4.4*	Arnold, Charles
	NE¼ SE¼	1302	R	**27	Cordiner, Robert & Peggy
	NE ¹ / ₄ SE ¹ / ₄	900	R/8	5 90	Trowbridge, William & Lynne
	NW ¹ / ₄ SE ¹ / ₄	1403	IR	13.9	Seliger, William & Kathleen
	NW 1/4 SE 1/4 NW 1/4 SE 1/4	1403	IR IR	1.8	Wyman, Harold & Jane
	NW 1/4 SE 1/4 SW 1/4 SE 1/4	1404	IR	24.1	Wyman, Harold & Jane
	SW 74 SE 74 SE 1/4 SE 1/4	1401	IR	19.0	Hull, Judy Ayres
		1400	IR IR	14.0	Hull, Judy Ayres
	SE¼ SE¼	Section 8	ш	17.0	, •
			10	1.43	Ponsford, David Nas-
	Swly nwh	4 500	IR	1173	T-744
		Sectiona			RECEIVED
					The second second

APR 17 2009

WATER RESOURCES DEPT SALEM_OREGON

SEE NEXT PAGE



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	al Identification by Lessor/Lessee: L09.18						
Lease	Application Number (assigned by WRD):						
This L	ease is with:	RECEIVED					
	#1 (Water Right Holder):	APR 1 7 2009					
	Pederson, Robert & Gretchen						
	g address 18925 Pinehurst Road	WATER RESOURCES DEPT					
•	City, State, Zip Code Bend, OR 97701 SALEM, OREGON						
	one number (541) 388-0742						
Email	address						
If addi	tional water right holders, enter water right holder information below						
Applica	the section numbering associated with this form corresponds to that found on the "S tion" form. The "Pooled Lease" form and "Pooled Water Right Holder" form(s) are tion as the "Standard Instream Lease Application" form. Consequently, the numberal.	e used to provide the same					
	~I~ Water Right Holder and Water Right Inform	nation					
1.1	Lessor #1 is the water right holder, or authorized agent for property of the water right appurtenant to these lands is also appurtenant to lar are not included in this application, then Attachment 1 (tax lot map),	nds owned by others who					
1.3	For the water right(s) being leased, list all water rights appurtenant to if there are any supplemental or overlying rights.	o the same lands. Indicate					
	Certificate No. <u>P: 74147, S: 74148,74149,76520</u>						
1.4	Are some or all of the lands being leased part of a Conservation Reservation. Yes No	erve Enhancement					
1.5	Water Right(s) Proposed to be Leased Instream. Water right hold water rights shown on the map attached as Exhibit 5-B and described [This information may be included on Exhibit 5-A, or an additional map may be a area of water rights being leased. Attached map(s) must identify water right holde section and ½ ¼, tax lot number, map orientation and scale.]	d as follows: ttached. Crosshatch the					

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.
Lesson Rober	Date: MARCH 9,09 t Pederson hen Pederson Date: 3/9/09
Gretch	nen Pederson Shetcher B. lederson Date: 3/9/09
For ad	ditional Lessors, type in space for signature and date
Exhib	Attachments As Needed: it 5-A: Tax Lot Map. (See instructions.) 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.)
	into a single map. (See instructions.) 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) it 5-D: Split Season Instream Use Form
	RECEIVED

APR 17 2009

WATER RESOURCES DEPT SALEM, OREGON

	(Ident	ify pertine	ent page n	umber of	certificate,	Acres if certificate than one pe	Type of Use is greater than 1 er certificate)	Certificate # 0 pages; identify		Priority
1.	16	11	35	senw	01500	2.40	Irr	74147	9	10/29/191
2.										
3.									RE	CEIVE
ŀ.									٨٥	D 1 7 200
									— Ar	N 1 / ZUU
5.	Т.	stal num	har of a	omaa ifi			iffacts and no	 	011	L SOURCES D M. OREGON
					or irrigations, if ar	•	ificate and pri	iority date: 2.4	011	SOURCES D M, OREGON
If	Co you nee	onditions ed to ente	s or othe	er limita	tions, if ar	ny:		iority date: 2.4 Water Right F	40 SALE	M, OREGON
If	Co you nee ater Rig	onditions ed to ente	s or othe er anoth er.	er limita er lease	tions, if ar	ny:	e Additional		40 SALE	M, OREGON

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

~II~ Instream Water Right Information

2.3 **Term of lease.** This lease shall terminate on October 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

- Accuracy. The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their 3.1 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.
- Lease. Lessor(s) and Lessee(s) agree to lease the water rights listed in Section(s) 1.5 for 3.2 instream use for the term of this lease through Lessee to the Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077.
- **Precedent.** If a right which has been leased is later proposed to be leased again or transferred 3.3 to an instream use under ORS 537.348 and OAR 690-077 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.

Deschutes River Conservancy 2009 Instream Leasing Program

RECEIVED

APR 17 2009

Policy Concerning Weeds & Instream Leases Information on Farm Deferral

WATER RESOURCES DEPT SALEM, OREGON

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

Weed Policy

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

Information and Resources Attached

Farm Deferral Notice

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

Information and Resources Attached

I, LOCELT L. NEDERSON understand the new DRC weed policy and have

been informed about farm deferral.

Signature: MAJCH 9, 69

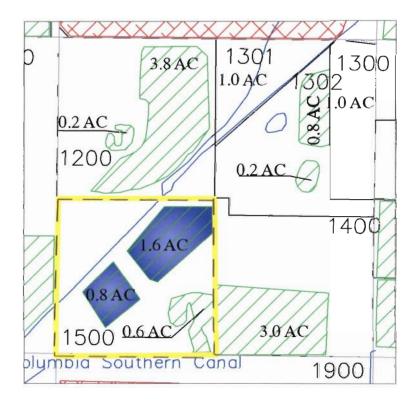
This form must be returned before lease payment is made.

TUMALO IRRIGATION DISTRICT L09-018 IN-STREAM LEASED WATER RIGHTS SURVEY

FOR

Pederson, Robert L. & Gretchen B.

18925 Pinehurst Rd, BEND 97701



RECEIVED

APR 17 2009

WATER RESOURCES DEPT SALEM, OREGON









In-Stream Lease

LOCATED IN THE SE 1/4 OF THE NW1/4 OF SECTION 35, T16 S., R.11 E., W.M. TAX LOTS # 1500 DESCHUTES COUNTY, OREGON



Prepared By: Tumalo Irrigation District, 64697 Cook Ave, Bend. Oregon 97701 541-382-3053

					74147
					Page 9
NE ¹ /4NW ¹ /4	403	Strong, James J.	IR		13.00
NW1/4NW1/4	500	Narber, Kemper & Susan	IR	1.00	15.00
NW1/4NW1/4	501	Zenner, Steve	IR.	1.60	
NW14NW1/4	503	Colton/Engelhard	IR	3.80	
SW1/4NW1/4	600	Johansen, Kirk & Judith	IR		10.00
SW1/4NW1/4	602	Crum, Laurel Ann	IR		5.00
SE¼NW¼	401	Lawyer, Donald & Paula	IR		9.30
SE¼NW¼	402	Scott, Stephen H.	IR		7.00
SE¼NW¼	700	Gscheidle, William & Meri	IR		7.00
SE¼NW¼	701	Lyle, Boyd L.	${ m IR}$		7.00
NW ¹ / ₄ SW ¹ / ₄	601	Johansen, Kirk & Judith	IR		15.00
NW1/4SW1/4	603	Thomson, Richard & Patsy	${ m I\!R}$		15.00
SW1/4SW1/4	1500	Harlow, James	$\rm IR$		5.40
SW1/4SW1/4	1600	Johnson, Jimmy Dean	${ m IR}$		1.90
SW1/4SW1/4	1601	Waterman, Faith	IR	2.00	
SW1/4SW1/4	1700	Williams, Michael & Arletta	IR		1.90
SW1/4SW1/4	1800	McFerran/Lynch, Don & Barbara	IR		2.00
NE ¹ / ₄ SE ¹ / ₄	1100	Lane, Alan	IR	13.00	
NW1/4SE1/4	901	Martin, Charles & Susan	IR		4.00
NW ¹ / ₄ SE ¹ / ₄	903	Miller, Ken & Darlene	IR.	• • •	6.00
NW ¹ / ₄ SE ¹ / ₄	904	Mills, Max & Lori	IR.	2.00	3.74
SW ¹ / ₄ SE ¹ / ₄	1300	Sohn, Ray & Sheila	IR.	0.90	12.60
SW¼SE¼	1301	Duhn, Jessica R.	IR.	1.00	3.40
SW ¹ / ₄ SE ¹ / ₄	1302	Horton, Richard & Karen	IR.		2.00
SW ¹ / ₄ SE ¹ / ₄	1303	McAllister/Burke	IR		7.00
SW ¹ / ₄ SE ¹ / ₄	1304	Schmidt, Robert & Carolyn	IR		4.50
		Section 34			
NE¼NE¼	100	Leonard, Ronald	IR		10.00
NE¼NE¼	202	Jermaczonak, Tony & Laurie	IR.		7.50
NE¼NE¼	203	Bottger, James & Bea	IR		3.30
NE¼NE¼	206	Bottger, James & Bea	IR		1.70
NE¼NE¼	800	Michael, Loreen	IR		0.60
NW1/4NE1/4	800	Michael, Loreen	IR		4.40
NW1/4NE1/4	804	O'Brien, James & Patricia	\mathbf{IR}		2.50
NW1/4NE1/4	805	Miller, G. J.	R	T per per	2.75
NW1/4NE1/4	806	Rush, Lucy K.	REGE	VED	5.00
NW1/4NE1/4	807	Cooley, Orrin & Stephanie	APERI 7	2000	5.00
SW1/4NE1/4	801 ′,	Ome, Alan G. & Deborah	AFERI	2009	5.00
SW1/4NE1/4	802		ER RESOUR	CES DEPT	5.00
SW1/4NE1/4	808	Gonce, William & Carolyn	SALE OR	EGON	5.00
SW1/4NE1/4	809	Sheaffer, William & Annie	IR		3.00
SE¼NE¼	201	Hall, Thomas & Faith	IR T		2.00
SE1/4NE1/4	204	Dvorak, Louis	IR		7.50
SE¼NE¼	205	Hall, Thomas & Faith	IR		2.00
SE¼NE¼	300	Harrison, Daniel	IR TR	0.50	2.50
SE¼NE¼	400	Tellin, Mahlon & Patricia	IR ID	2.50	2.00
SE¼NE¼	600	Dvorak, Louis	IR ID	0.40	4.10
SE¼NE¼	700	Dvorak, Louis	IR IR		4.00
NW1/4NW1/4	1000	McGinnis (LE), Harold	IR IR	13.00	19.70
SW1/4NW1/4	1100 1200	Ames, George & Elaine Romaniak/Mendenhall	IR IR	4.00	
SE¼NW¼ SE¼NW¼	1300	Patrick, Arthur & Michelle	IR IR	1.00	
SE'4NW'/4 SE'4NW'/4	1300	Hervey, Sharon	IR	1.00	
SE14NW1/4	1301	Patrick, Arthur & Michelle	IR	1.00	
SE14NW1/4	1400	Patrick, Arthur & Michelle	IR	2.00	15 K 2
SE'4NW'4	1500	King, Charles & Pamela	IR	3.00 Ped	erson Robt
NE1/4SW1/4	1900	Schlueter, James & Patricia	IR	2.60	4.40
NW ¹ / ₄ SW ¹ / ₄	1600	Braun Trustees, Jean & Rose	PND	0.10	
		,			



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
-	nal Identification by Lessor/Lessee: L09.05 Application Number (assigned by WRD):
This 1	Lease is with:
Mailin City, Telep Email	Pechin Rev. Trust, Nicholas Pechin, Trustee ng address 1288 Kapiolani Blvd, West 4607 State, Zip Code Honolulu, HI 96814 hone number (808) 870-4121 address WATER RESOURCES DEPT SALEM, OREGON itional water right holders, enter water right holder information below
Applic	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 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. Primary 74146, 74147 Supplemental 74147,74148,74149,76520
1.4	Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. Yes No
1.5	Water Right(s) Proposed to be Leased Instream. Water right holder proposes to lease the water rights shown on the map attached as Exhibit 5-B and described as follows: [This information may be included on Exhibit 5-A, or an additional map may be attached. Crosshatch the area of water rights being leased. Attached map(s) must identify water right holder, township, range, section and ½ ¼, tax lot number, map orientation and scale.]

							er certificate)	0 pages; identify		
1.	16	11	27	senw	00207	2.0	Irr	74146	7	9/1/1900
2.										
3.									RE	CEIVED
1.										
5.									- A	R 1 7 200
	То	otal num	ber of a	cres, if	for irrigation	on, by cer	tificate and pr	iority date: 2.0		RESOURCES I LEM, OREGON
	C	ndition	s or othe	er limita	tions, if an	13/*				

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

Water Right Holder.

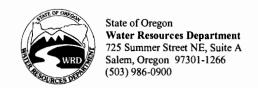
- The water has been used over the past five years according to the terms and conditions of the water right certificate or as an instream water right or
- The water has <u>not</u> been used over the past five years according to the terms and conditions of the water right certificate, however the water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

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 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.



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

Additional Water Right Form For Pooled Water Right Holder

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.

~I~

Section 1.5 continued from Pooled Leasing Water Right Holder Form.

Water Right(s) Proposed to be Leased Instream. Water right holder proposes to lease the water rights shown on the map attached as Exhibit 5-B and described as follows: [This information may be included on Exhibit 5-A, or an additional map may be attached. Crosshatch the area of water rights being leased. Attached map(s) must identify water right holder, township, range, section and ½

	\mathbf{T}	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Identi	fy pertine	ent page r	number of			e is greater than ler certificate)	0 pages; identify	priority date	e if there is
1.	16	11	27	senw	00207	1.50	Irr	74147	7	10/29/191
2.										
3.										
4.									RECE	WED
5.									neve	IVED
6.									APR 1	7 2009
7.								W	ATER RESOL	RCES DEPT
8.									SALEM, C	REGON
9.										
10.										

[Attached map(s) must identify water right holder, township, range, section and ¼ ¼, tax lot number, map orientation and scale.]

Total number of acres, if for irrigation, by certificate and priority date: 1.50

3.4	suspend u	on of original use. During the period of the lease, the water right holder agrees to see of water allowed under the subject water rights and under any water right that is not to the subject water rights.
3.5	For n year durin days begununtil not o W Co W For n	nultiyear 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 g 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 a 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 ccur. The Department may also require: ritten notice to the Department with original signatures; onsent by all parties to the lease; and/or ritten notice to the Watermaster's office. Inultiyear leases, the lessor shall not have the option of terminating the lease, without ent by all parties to the lease.
3.6 Lesson	2.2 during use water modified	tion to prevent injury. Allocation of water to the instream use described in Section 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 or terminated to prevent injury. Date: OZ Z 4 09 Trustee
For ad	ditional Le	ssors, type in space for signature and date
Other	Attachmen	ts As Needed:
Exhibi	it 5-A:	Tax Lot Map. (See instructions.)
Exhibi	it 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.)
Exhibi		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	は 5-D:	Split Season Instream Use Form
		RECEIVED
		APR 1 7 2009
		WATER RESOURCES DEPT

SALEM, OREGON



Deschutes River Conservancy 2009 Instream Leasing Program

RECEIVED

APR 17 2009

Policy Concerning Weeds & Instream Leases Information on Farm Deferral

WATER RESOURCES DEPT SALEM, CREGON

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

Weed Policy

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

Information and Resources Attached

Farm Deferral Notice

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

Information and Resources Attached

I, NICHOLAG PECHN understand the new DRC weed policy and have Print Name been informed about farm deferral.

This form must be returned before lease payment is made.

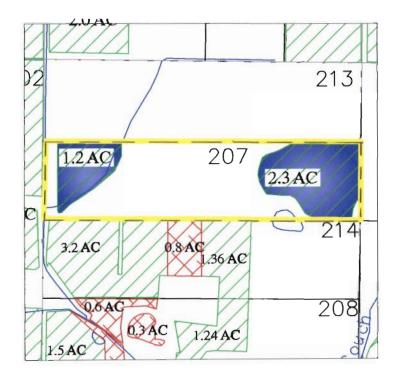
TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY

EXHIBIT 5-A & B L09-05

FOR

Pechin Revocable Living Trust

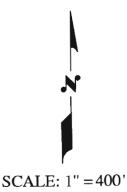
18585 COUCH MARKET RD



RECEIVED

APR 1 7 2009

WATER RESOURCES DEPT SALEM, OREGON









LOCATED IN THE SE 1/4 OF THE NW1/4 OF SECTION 27, T16 S., R11 E., W.M. TAX LOTS # 0207 DESCHUTES COUNTY, OREGON



Prepared By: Tumalo Irrigation District, 64697 Cook Ave, Bend. Oregon 97701 541-382-3053

NW1/4 NE1/4	103	IR	0.1	Hayes, Edmond Jr.
NW1/4 NE1/4	109	IR	0.4	Oatman, Christopher & Karen
SW1/4 NE1/4	201	IR	6.5	Menefee/Mennesson/Malarkey
SW1/4 NW1/4	111	IR	12.0	Maloney, Michael & Linda
SW1/4 NW1/4	117	IR	13.0	Lemon, Leo & Carol
SE1/4 NW1/4	204	IR	25.0	Chandler, Yvette M.
NE¼ SW¼	300	IR.	31.0	Masters, Richard & Judy
NW ¹ / ₄ SW ¹ / ₄	104	IR	34.67	Koehler, Alice
				OTS Wire & Insulation, Inc.
SW1/4 SW1/4	400	IR m	3.0	•
SE ¹ / ₄ SW ¹ / ₄	800	IR IR	7.0	Blank/Hitchcock
SE1/4 SW1/4	801	IR	4.18	Flannery/Nauer
	Section 26			
				44 64 4 0 447 1
NE ¹ / ₄ NE ¹ / ₄	604	IR	1.5	Allen, Charlie & Wendy
NW1/4 NE1/4	100	IR	2.0	Barber, Murl
NW1/4 NE1/4	101	IR	3.5	Varco, Robert & Coleen
NW1/4 NE1/4	107	IR	3.0	Barber, Murl
NW1/4 NE1/4	108	IR	5.0	Wark, Russell & Sandra
NW1/4 NE1/4	109	IR	5.0	Hering, Eugene & Suellen
NW1/4 NE1/4	110	IR	3.5	Moser, Joyce
SW1/4 NE1/4	200	IR	12.0	Moore, Scott & Margaret
SW1/4 NE1/4	212	IR	11.0	Souther, David & Connie
SE¼ NE¼	604	IR	18.5	Allen, Charlie & Wendy
NE ¹ / ₄ NW ¹ / ₄	102	IR.	9.35	Johnson, Thomas & Lois
		IR	6.0	Kochera, Jack & Marilyn
NE¼ NW¼	103			Kail/Rankin
NE ¹ / ₄ NW ¹ / ₄	104	IR	8.0	
NE ¹ / ₄ NW ¹ / ₄	105	IR	3.0	Wallace, Peter & Jeanette
NW ¹ / ₄ NW ¹ / ₄	201	IR	3.0	Davis, Ron & Elizabeth
NW1/4 NW1/4	210	IR	4.0	Costello/Olin
NW ¹ / ₄ NW ¹ / ₄	211	IR	5.5	Lowas, John & Nancy
SW¼ NW¼,	202	IR	15.8	Parker, Deryl & Adeline
SW1/4 NW1/4	206	IR	14.7	O'Neal, Steven & Julianne
SE1/4 NW1/4	207	IR	2.0	Hanus, Jana Pechan Rev. Trust
SE1/4 NW1/4	208	IR	1.7	Wilhelm, Diane
DL/4 11 11 /4		IR	0.1	McIntosh, Dotta J.
SE¼ NW¼	213	ш		Memiosu, Dolla J.
	213 214	IR IR	0.6	Wilhelm, Diane
SE1/4 NW1/4		IR	0.6	,
SE¼ NW¼ SE¼ NW¼ NE¼ SW¼	214 301	IR F	0.7	Wilhelm, Diane
SE¼ NW¼ SE¼ NW¼ NE¼ SW¼ NW¼ SW¼	214 301 302	IR IR IR	0.7 17.0	Wilhelm, Diane Wilhelm, Diane Wilhelm, Diane
SE¼ NW¼ SE¼ NW¼ NE¼ SW¼ NW¼ SW¼ SE¼ SW¼	214 301 302 401	IR IR IR	0.7 17.0 5.92	Wilhelm, Diane Wilhelm, Diane Wilhelm, Diane Cardoza, Manuel & Linda
SE ¹ / ₄ NW ¹ / ₄ SE ¹ / ₄ NW ¹ / ₄ NE ¹ / ₄ SW ¹ / ₄ NW ¹ / ₄ SW ¹ / ₄ SE ¹ / ₄ SW ¹ / ₄ NE ¹ / ₄ SE ¹ / ₄	214 301 302 401 602	IR IR IR IR	0.7 17.0 5.92 0.8	Wilhelm, Diane Wilhelm, Diane Wilhelm, Diane Cardoza, Manuel & Linda Koehler, Alice
SE¼ NW¼ SE¼ NW¼ NE¼ SW¼ NW¼ SW¼ SE¼ SW¼ NE¼ SE¼ NE¼ SE¼	214 301 302 401 602 605	IR IR IR IR IR IR	0.7 17.0 5.92 0.8 7.8	Wilhelm, Diane Wilhelm, Diane Wilhelm, Diane Vardoza, Manuel & Linda Koehler, Alice Roia, Jeff & Susan
SE ¹ / ₄ NW ¹ / ₄ SE ¹ / ₄ NW ¹ / ₄ NE ¹ / ₄ SW ¹ / ₄ NW ¹ / ₄ SW ¹ / ₄ SE ¹ / ₄ SW ¹ / ₄ NE ¹ / ₄ SE ¹ / ₄ NE ¹ / ₄ SE ¹ / ₄	214 301 302 401 602 605 606	IR IR IR IR IR IR	0.7 17.0 C 5.92 0.8 7.8 0.33	Wilhelm, Diane Wilhelm, Diane Wilhelm, Diane Vardoza, Manuel & Linda Koenler, Alice Roia, Jeff & Susan Hannyton, John & Carol
SE ¹ / ₄ NW ¹ / ₄ SE ¹ / ₄ NW ¹ / ₄ NE ¹ / ₄ SW ¹ / ₄ NW ¹ / ₄ SW ¹ / ₄ SE ¹ / ₄ SE ¹ / ₄ NE ¹ / ₄ SE ¹ / ₄ NE ¹ / ₄ SE ¹ / ₄ NE ¹ / ₄ SE ¹ / ₄	214 301 302 401 602 605 606 608	IR IR IR IR IR IR IR IR IR	0.7 17.0 5.92 0.8 7.8 0.33 1.4	Wilhelm, Diane Wilhelm, Diane Wilhelm, Diane Cardoza, Manuel & Linda Koehler, Alice Roia, Jeff & Susan Hangton, John & Carol Roia, Jeff & Susan
SE ¹ / ₄ NW ¹ / ₄ SE ¹ / ₄ NW ¹ / ₄ NE ¹ / ₄ SW ¹ / ₄ SE ¹ / ₄ SW ¹ / ₄ NE ¹ / ₄ SE ¹ / ₄ NW ¹ / ₄ SE ¹ / ₄	214 301 302 401 602 605 606 608 203	IR IR IR IR IR IR	0.7 17.0 5.92 0.8 7.8 0.33 1.4	Wilhelm, Diane Wilhelm, Diane Wilhelm, Diane Wilhelm, Diane Cardoza, Manuel & Linda Koehler, Alice Rola, Jeff & Susan Hampton, John & Carol Rola, Jeff & Susan Rola, Jeff & Susan
SE ¹ / ₄ NW ¹ / ₄ SE ¹ / ₄ NW ¹ / ₄ NE ¹ / ₄ SW ¹ / ₄ NW ¹ / ₄ SW ¹ / ₄ NE ¹ / ₄ SE ¹ / ₄ NE ¹ / ₄ SE ¹ / ₄ NE ¹ / ₄ SE ¹ / ₄ NW ¹ / ₄ SE ¹ / ₄ NW ¹ / ₄ SE ¹ / ₄	214 301 302 401 602 605 606 608 203 205	IR IR IR IR IR IR IR	0.7 17.0 5.92 0.8 7.8 0.33 1.4 8.8 12.0	Wilhelm, Diane Wilhelm, Diane Wilhelm, Diane Wilhelm, Diane Cardoza, Manuel & Linda Koehler, Alice Rola, Jeff & Susan Hampton, John & Carol Rola, Jeff & Susan Rola, Jeff & Susan Bauersfeld, James & Christine
SE ¹ / ₄ NW ¹ / ₄ SE ¹ / ₄ NW ¹ / ₄ NE ¹ / ₄ SW ¹ / ₄ NE ¹ / ₄ SE ¹ / ₄ NW ¹ / ₄ SE ¹ / ₄ NW ¹ / ₄ SE ¹ / ₄ SW ¹ / ₄ SE ¹ / ₄	214 301 302 401 602 605 606 608 203 205 500		0.7 17.0 5.92 0.8 7.8 0.33 1.4 8.8 12.0 25.0	Wilhelm, Diane Wilhelm, Diane Wilhelm, Diane Cardoza, Manuel & Linda Koehler, Alice Roia, Jeff & Susan Hampton, John & Carol Rola, Jeff & Susan Rola, Jeff & Susan Bauersfeld, James & Christine Bauersfeld, James & Christine
SE ¹ / ₄ NW ¹ / ₄ SE ¹ / ₄ NW ¹ / ₄ NE ¹ / ₄ SW ¹ / ₄ NW ¹ / ₄ SW ¹ / ₄ NE ¹ / ₄ SE ¹ / ₄ NE ¹ / ₄ SE ¹ / ₄ NE ¹ / ₄ SE ¹ / ₄ NW ¹ / ₄ SE ¹ / ₄ NW ¹ / ₄ SE ¹ / ₄	214 301 302 401 602 605 606 608 203 205 500 603	IR IR IR IR IR IR IR	0.7 17.0 5.92 0.8 7.8 0.33 1.4 8.8 12.0	Wilhelm, Diane Wilhelm, Diane Wilhelm, Diane Wilhelm, Diane Cardoza, Manuel & Linda Koehler, Alice Rola, Jeff & Susan Hampton, John & Carol Rola, Jeff & Susan Rola, Jeff & Susan Bauersfeld, James & Christine
SE ¹ / ₄ NW ¹ / ₄ SE ¹ / ₄ NW ¹ / ₄ NE ¹ / ₄ SW ¹ / ₄ NE ¹ / ₄ SE ¹ / ₄ NW ¹ / ₄ SE ¹ / ₄ NW ¹ / ₄ SE ¹ / ₄ SW ¹ / ₄ SE ¹ / ₄	214 301 302 401 602 605 606 608 203 205 500		0.7 17.0 5.92 0.8 7.8 0.33 1.4 8.8 12.0 25.0	Wilhelm, Diane Wilhelm, Diane Wilhelm, Diane Cardoza, Manuel & Linda Koehler, Alice Roia, Jeff & Susan Hampton, John & Carol Rola, Jeff & Susan Rola, Jeff & Susan Bauersfeld, James & Christine Bauersfeld, James & Christine
SE¼ NW¼ SE¼ NW¼ NE¼ SW¼ NW¼ SW¼ NE¼ SE¼ NE¼ SE¼ NE¼ SE¼ NE¼ SE¼ NE¼ SE¼ NE¼ SE¼ NW¼ SE¼ NW¼ SE¼ SW¼ SE¼ SE¼ SE¼	214 301 302 401 602 605 606 608 203 205 500 603 Section 27	R R R R R R R R R R R R R R R R R R R	0.7 17.0 5.92 0.8 7.8 0.33 1.4 8.8 12.0 25.0 3.0	Wilhelm, Diane Wilhelm, Diane Wilhelm, Diane Wilhelm, Diane Cardoza, Manuel & Linda Koehler, Alice Roia, Jeff & Susan Hampton, John & Carol Rola, Jeff & Susan Rola, Jeff & Susan Bauersfeld, James & Christine Bauersfeld, James & Christine Johnson, Eleanor B.
SE¼ NW¼ SE¼ NW¼ NE¼ SW¼ NW¼ SW¼ SE¼ SW¼ NE¼ SE¼ NE¼ SE¼ NE¼ SE¼ NE¼ SE¼ NW¼ SE¼ NW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼	214 301 302 401 602 605 606 608 203 205 500 603 Section 27		0.7 17.0 5.92 0.8 7.8 0.33 1.4 8.8 12.0 25.0 3.0	Wilhelm, Diane Kola, Manuel & Linda Koenler, Alice Roia, Jeff & Susan Hangton, John & Carol Rola, Jeff & Susan Rola, Jeff & Susan Bauersfeld, James & Christine Bauersfeld, James & Christine Johnson, Eleanor B. Hausner, Jill
SE¼ NW¼ SE¼ NW¼ NE¼ SW¼ NW¼ SW¼ NE¼ SE¼ NE¼ SE¼ NE¼ SE¼ NE¼ SE¼ NE¼ SE¼ NE¼ SE¼ NW¼ SE¼ NW¼ SE¼ SW¼ SE¼ SE¼ SE¼	214 301 302 401 602 605 606 608 203 205 500 603 Section 27	IR IR IR IR IR IR IR IR	0.7 17.0 5.92 0.8 7.8 0.33 1.4 8.8 12.0 25.0 3.0	Wilhelm, Diane Wilhelm, Diane Wilhelm, Diane Wilhelm, Diane Cardoza, Manuel & Linda Koehler, Alice Rola, Jeff & Susan Hampton, John & Carol Rola, Jeff & Susan Rola, Jeff & Susan Bauersfeld, James & Christine Bauersfeld, James & Christine Johnson, Eleanor B. Hausner, Jill Hausner, Jill
SE¼ NW¼ SE¼ NW¼ NE¼ SW¼ NW¼ SW¼ SE¼ SW¼ NE¼ SE¼ NE¼ SE¼ NE¼ SE¼ NE¼ SE¼ NW¼ SE¼ NW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼	214 301 302 401 602 605 606 608 203 205 500 603 Section 27		0.7 17.0 5.92 0.8 7.8 0.33 1.4 8.8 12.0 25.0 3.0	Wilhelm, Diane Kola, Manuel & Linda Koehler, Alice Roia, Jeff & Susan Hampton, John & Carol Rola, Jeff & Susan Rola, Jeff & Susan Bauersfeld, James & Christine Bauersfeld, James & Christine Johnson, Eleanor B. Hausner, Jill Hausner, Jill Barrick, James A.
SE¼ NW¼ SE¼ NW¼ NE¼ SW¼ NW¼ SW¼ SE¼ SW¼ NE¼ SE¼ NE¼ SE¼ NE¼ SE¼ NE¼ SE¼ NW¼ SE¼ NW¼ SE¼ NW¼ SE¼ SW¼ SE¼ SE¼ SE¼ SE¼ SE¼	214 301 302 401 602 605 606 608 203 205 500 603 Section 27	IR IR IR IR IR IR IR IR	0.7 17.0 5.92 0.8 7.8 0.33 1.4 8.8 12.0 25.0 3.0	Wilhelm, Diane Linda Koenler, Alice Rola, Jeff & Susan Hampton, John & Carol Rola, Jeff & Susan Rola, Jeff & Susan Bauersfeld, James & Christine Bauersfeld, James & Christine Johnson, Eleanor B. Hausner, Jill Hausner, Jill Barrick, James A. Hermens, Stanley & Ruth
SE¼ NW¼ SE¼ NW¼ NE¼ SW¼ NW¼ SW¼ NE¼ SE¼ NE¼ SE¼ NE¼ SE¼ NE¼ SE¼ NE¼ SE¼ NW¼ SE¼ NW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SE¼ SE¼ NW¼ SE¼	214 301 302 401 602 605 606 608 203 205 500 603 Section 27		0.7 17.0 5.92 0.8 7.8 0.33 1.4 8.8 12.0 25.0 3.0	Wilhelm, Diane Wilhelm, Diane Wilhelm, Diane Wilhelm, Diane Cardoza, Manuel & Linda Koeliler, Alice Rola, Jeff & Susan Hampton, John & Carol Rola, Jeff & Susan Rola, Jeff & Susan Bauersfeld, James & Christine Bauersfeld, James & Christine Johnson, Eleanor B. Hausner, Jill Hausner, Jill Barrick, James A. Hermens, Stanley & Ruth Hermens, Stanley & Ruth
SE¼ NW¼ SE¼ NW¼ NE¼ SW¼ NW¼ SW¼ SE¼ SW¼ NE¼ SE¼ NE¼ SE¼ NE¼ SE¼ NE¼ SE¼ NW¼ SE¼ NW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SE¼ SE¼ SE¼ SE¼ SE¼ SE¼	214 301 302 401 602 605 606 608 203 205 500 603 Section 27 100 800 801 900		0.7 17.0 5.92 0.8 7.8 0.33 1.4 8.8 12.0 25.0 3.0 15.4 2.0 2.0 25.9	Wilhelm, Diane Linda Koenler, Alice Rola, Jeff & Susan Hampton, John & Carol Rola, Jeff & Susan Rola, Jeff & Susan Bauersfeld, James & Christine Bauersfeld, James & Christine Johnson, Eleanor B. Hausner, Jill Hausner, Jill Barrick, James A. Hermens, Stanley & Ruth
SE¼ NW¼ SE¼ NW¼ NE¼ SW¼ NW¼ SW¼ NE¼ SE¼ NE¼ SE¼ NE¼ SE¼ NE¼ SE¼ NE¼ SE¼ NW¼ SE¼ NW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SE¼ SE¼ NE¼ NE¼ SE¼ SE¼ SE¼ NE¼ NE¼ SE¼ SE¼	214 301 302 401 602 605 606 608 203 205 500 603 Section 27 100 800 801 900 900 1200	R R R R R R R R R R R R R R R R R R R	0.7 17.0 5.92 0.8 7.8 0.33 1.4 8.8 12.0 25.0 3.0 0 15.4 2.0 2.0 25.9 29.6	Wilhelm, Diane Wilhelm, Diane Wilhelm, Diane Wilhelm, Diane Cardoza, Manuel & Linda Koeliler, Alice Rola, Jeff & Susan Hampton, John & Carol Rola, Jeff & Susan Rola, Jeff & Susan Bauersfeld, James & Christine Bauersfeld, James & Christine Johnson, Eleanor B. Hausner, Jill Hausner, Jill Barrick, James A. Hermens, Stanley & Ruth Hermens, Stanley & Ruth
SE¼ NW¼ SE¼ NW¼ NE¼ SW¼ NW¼ SW¼ NE¼ SE¼ NE¼ SE¼ NE¼ SE¼ NE¼ SE¼ NW¼ SE¼ NW¼ SE¼ NW¼ SE¼ SE¼ SE¼ SE¼ SE¼ SE¼ SE¼ SE¼ SE¼ NE¼ SE¼ NE¼ SE¼ NE¼ SE¼ NE¼ SE¼ NE¼ SE¼ NE¼ SE¼ NE¼ NE¼ SE¼	214 301 302 401 602 605 606 608 203 205 500 603 Section 27 100 800 801 900 900 1200 1000		0.7 17.0 5.92 0.8 7.8 0.33 1.4 8.8 12.0 25.0 3.0 15.4 2.0 2.0 25.9 29.6 6.0 13.3	Wilhelm, Diane Kola, Manuel & Linda Koenler, Alice Roia, Jeff & Susan Handoon, John & Carol Rola, Jeff & Susan Rola, Jeff & Susan Bauersfeld, James & Christine Bauersfeld, James & Christine Johnson, Eleanor B. Hausner, Jill Hausner, Jill Barrick, James A. Hermens, Stanley & Ruth Hermens, Stanley & Ruth Hermens, Stanley & Ruth
SE¼ NW¼ SE¼ NW¼ NE¼ SW¼ NW¼ SW¼ NE¼ SE¼ NE¼ SE¼ NE¼ SE¼ NE¼ SE¼ NE¼ SE¼ NW¼ SE¼ NW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SE¼ SE¼ NE¼ NE¼ SE¼ SE¼ SE¼ NE¼ NE¼ SE¼ SE¼	214 301 302 401 602 605 606 608 203 205 500 603 Section 27 100 800 801 900 900 1200 1000 1100		0.7 17.0 5.92 0.8 7.8 0.33 1.4 8.8 12.0 25.0 3.0 15.4 2.0 2.0 25.9 29.6 6.0	Wilhelm, Diane Linda Koenler, Alice Roia, Jeff & Susan Hangton, John & Carol Roia, Jeff & Susan Roia, Jeff & Susan Bauersfeld, James & Christine Bauersfeld, James & Christine Johnson, Eleanor B. Hausner, Jill Hausner, Jill Barrick, James A. Hermens, Stanley & Ruth
SE¼ NW¼ SE¼ NW¼ NE¼ SW¼ NW¼ SW¼ NE¼ SE¼ NE¼ SE¼ NE¼ SE¼ NE¼ SE¼ NW¼ SE¼ NW¼ SE¼ NW¼ SE¼ SE¼ SE¼ SE¼ SE¼ SE¼ SE¼ SE¼ SE¼ NE¼ SE¼ NE¼ SE¼ NE¼ SE¼ NE¼ SE¼ NE¼ SE¼ NE¼ SE¼ NE¼ NE¼ SE¼	214 301 302 401 602 605 606 608 203 205 500 603 Section 27 100 800 801 900 900 1200 1000		0.7 17.0 5.92 0.8 7.8 0.33 1.4 8.8 12.0 25.0 3.0 15.4 2.0 2.0 25.9 29.6 6.0 13.3	Wilhelm, Diane Wilhelm, Diane Wilhelm, Diane Wilhelm, Diane Wilhelm, Diane Wilhelm, Diane Cardoza, Manuel & Linda Koehler, Alice Rola, Jeff & Susan Hampton, John & Carol Rola, Jeff & Susan Rola, Jeff & Susan Bauersfeld, James & Christine Bauersfeld, James & Christine Johnson, Eleanor B. Hausner, Jill Hausner, Jill Barrick, James A. Hermens, Stanley & Ruth Hermens, Stanley & Ruth Hermens, Stanley & Ruth Hermens, Stanley & Ruth

SEE NEXT PAGE

APR 17 2009

WATER RESOURCES DEPT

					Page 7
SW1/4SW1/4	400	OTS Wire & Insulation, Inc.	IR	2.00	3.00
SE1/4SW1/4	800	Blank/Hitchcock	IR	1.00	9.00
SE1/4SW1/4	801	Flannery/Nauer	IR	1.00	8.18
NE ¹ / ₄ SE ¹ / ₄	600	Amadio, Anthony	IR	19.00	0,10
NW ¹ / ₄ SE ¹ / ₄	202	Milem, John & Kathleen	IR	13.70	
NW ¹ / ₄ SE ¹ / ₄	203	Milem, John & Kathleen	IR	16.30	
SW ¹ / ₄ SE ¹ / ₄	500	Guice, Thomas	IR	10.50	36.10
SE ¹ / ₄ SE ¹ / ₄	601	Pickard, Bob & Mary Lou	IR		16.10
SE1/4SE1/4	602	Peters, Michael & Dana	IR		1.00
SE14SE14	700		IR		18.00
SE74SE74	700	Frick, Charles & Linda Section 26	Щ		16.00
		Section 20			
NE¼NE¼	601	Martin, Jack W.	IR	4.00	8.25
NE¼NE¼	604	Allen, Charlie & Wendy	IR	.,,,,	1.50
NW1/4NE1/4	100	Barber, Murl	IR		2.00
NW1/4NE1/4	101	Varco, Robert & Coleen	IR		3.50
NW1/4NE1/4	107	Barber, Murl	IR		3.00
NW1/4NE1/4	108	Wark, Russell & Sandra	IR		5.00
NW ¹ / ₄ NE ¹ / ₄	109	Hering, Eugene & Suellen	IR		5.00
NW ¹ / ₄ NE ¹ / ₄	110	Moser, Joyce	IR		3.50
SW1/4NE1/4	200	Moore, Scott & Margaret	IR		12.00
SW14NE14	212	Souther, David & Connie	IR		11.00
SE ¹ / ₄ NE ¹ / ₄	604	Allen, Charlie & Wendy	IR		18.50
NE ¹ / ₄ NW ¹ / ₄	102	Johnson, Thomas & Lois	IR		9.35
NE ¹ / ₄ NW ¹ / ₄	102	Kochera, Jack & Marilyn	IR		6.00
	103	Kail/Rankin	IR		8.00
NE¼NW¼ NE¼NW¼	104	Wallace, Peter & Jeanette	IR		3.00
		Davis, Ron & Elizabeth	IR		17.60
NW ¹ / ₄ NW ¹ / ₄	201 209	Plows, Richard & Marcia	IR		4.00
NW ¹ / ₄ NW ¹ / ₄		Costello/Olin	IR		4.00
NW ¹ / ₄ NW ¹ / ₄	210		IR		8.00
NW ¹ / ₄ NW ¹ / ₄	,211	Lowas, John & Nancy	IR		15.80
SW ¹ / ₄ NW ¹ / ₄	202	Parker, Deryl & Adeline	IR		15.00
SW1/4NW1/4 SE1/4NW1/4	206	O'Neal, Steven & Julianne Hanus, Jana Pechin Rev. Trust	IR	1.50	2.00
SE14NW1/4	208	Wilhelm, Diane	IR	1.50	1.70
SE14NW14	213	McIntosh, Dotta J.	IR	2.50	2.50
SE14NW1/4	213	Wilhelm, Dlane	IR	2.50	0.60
NE ¹ / ₄ SW ¹ / ₄	300	Wilhelm, Diane	IR		19.20
NE ¹ / ₄ SW ¹ / ₄	301	Wilhelm Diane	IR		0.70
NW ¹ / ₄ SW ¹ / ₄	302	Wilhelm, Diane	IR		37.80
SW ¹ / ₄ SW ¹ / ₄	400	Hall, David & Joanne	IR	,	9.00
SW 74SW 74 SW 1/4SW 1/4	400	Davis, William M. HI	IR		4.00
SW 74SW 74 SW 1/4SW 1/4	402	Henderson, Jeff & Chris	IR		3.00
SW 74SW 74 SW 1/4SW 1/4	404	Swisher, Frederick & Lisa	IR		5.00
	404	Paterson, Mary Lou	IR		3.00
SW1/4SW1/4	405	Danahy, Timothy & Vickie	IR		3.00
SW1/4SW1/4	400	Cardoza, Manuel & Linda	IR		29.92
SE ¹ /4SW ¹ /4		Koehler, Alice	IR		0.80
NE¼SE¼	602	Rola, Jeff & Susan	IR		7.80
NE¼SE¼	605	Hampton, John & Carol	IR		0.33
NE¼SE¼	606		IR		1.40
NE¼SE¼	608	Rola, Jeff & Susan	IR		8.80
NW ¹ / ₄ SE ¹ / ₄	203	Rola, Jeff & Susan	IR		12.00
NW ¹ / ₄ SE ¹ / ₄	205	Bauersfeld, James & Christine	IR		25.40
SW¼SE¼	500	Bauersfeld, James & Christine			1.40
SW ¹ / ₄ SE ¹ / ₄	501	Bauersfeld, James & Christine	IR IR		3.00
SE ¹ / ₄ SE ¹ / ₄	603	Johnson, Eleanor B.	ТК		3,00
		Section 27	DEC	FIVED	

RECEIVED

APR 17 2009

SEE NEXT PAGE

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

•	e Application Number (assigned by WRD):	
This	Lease is with:	RECEIVED
	or #1 (Water Right Holder): e Morton, Dean O.	APR 17 2009
	ng address 20210 Swalley Road	WATER RESOURCES DEPT
City,	State, Zip Code Bend, OR 97701	SALEM, OREGON
	hone number (541) 382-7240	
Emai	l address	
If add	litional water right holders, enter water right holder information below	,
Applic	The section numbering associated with this form corresponds to that found on the "Station" form. The "Pooled Lease" form and "Pooled Water Right Holder" form(s) a lation as the "Standard Instream Lease Application" form. Consequently, the numberial.	re used to provide the same
	~I~ Water Right Holder and Water Right Inform	mation
1.1	Lessor #1 is the water right holder, or authorized agent for property If the water right appurtenant to these lands is also appurtenant to la are not included in this application, then Attachment 1 (tax lot map)	nds owned by others who
1.3	For the water right(s) being leased, list all water rights appurtenant if there are any supplemental or overlying rights.	to the same lands. Indicate
	Certificate No. P: 74146 S: 74147,74148,74149,76520	
1.4	Are some or all of the lands being leased part of a Conservation Res Program. Yes No	serve Enhancement
1.5	Water Right(s) Proposed to be Leased Instream. Water right hole water rights shown on the map attached as Exhibit 5-B and describe [This information may be included on Exhibit 5-A, or an additional map may be area of water rights being leased. Attached map(s) must identify water right hold section and ¼ ¼, tax lot number, map orientation and scale.]	ed as follows: attached. Crosshatch the

Priority*	Page(s) #		Type of Use	Acres	Tax Lot	1/4 1/4	Sect	R		
if there is	iority date	ages; identify pr	is greater than 10 r certificate)			umber of	ent page n	ify pertin	*(Ident	
6/1/1907	7	1146	Irr	2.40	00600	nwnw	16	12	16	1.
										2.
EIVED	REC									3.
1 7 2009	4 DD									4.
1 1 2000										5.
1	APR ATER RES SALEM		ficate and pri			:66	h 6 .	4-1	T.	3. 4. 5.

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 October 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.

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	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.						
Lesson							
MORIO	<u>, Deán O.</u> RECEIVED						
For ad	itional Lessors, type in space for signature and date APR 1 7 2009						
	WATER RESOURCES DEPT SALEM, CREGON						
Other	ttachments As Needed:						
Exhib							
Exhib	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.)						
Exhib	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						
Exhib	checked) 5-D: Split Season Instream Use Form						
	5-D. Spitt Beason Historia Case I offit						

Deschutes River Conservancy 2009 Instream Leasing Program

Policy Concerning Weeds & Instream Leases Information on Farm Deferral

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

Weed Policy

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

Information and Resources Attached

Farm Deferral Notice

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

Information and Resources Attached

I, Wear O.	morton understa	nd the new DRC	weed policy and have
Prin	t Name		
been informed abo	ut farm deferral.		
	\bigcap	,	
()			
$ \mathcal{L} $	100 T		2 4 49
Signature:	on who	Date:	3-11-09

This form must be returned before lease payment is made.

RECEIVED

APR 17 2009

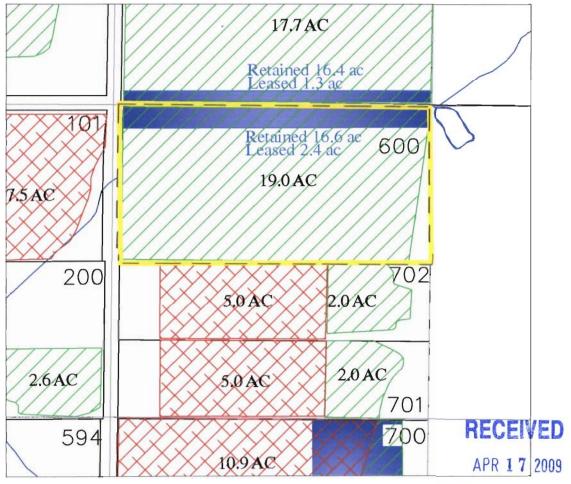
WATER RESOURCES DEPT SALEM, OREGON

EXHIBIT 5-A & B TUMALO IRRIGATION DISTRICT L09-09 IN-STREAM LEASED WATER RIGHTS SURVEY

FOR

Morton, Dean O.

White Rock Loop. BEND 97701



WATER RESOURCES DEPT SALEM, OREGON



SCALE: 1" = 400'







In-Stream Lease

LOCATED IN THE NW 1/4 OF THE NW 1/4 OF SECTION 16, T16 S., R.12 E., W.M. TAX LOTS # 600 DESCHUTES COUNTY, OREGON

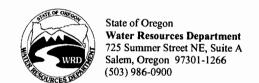
INITIAL:



Prepared By: Tumalo Irrigation District, 64697 Cook Ave, Bend. Oregon 97701 541-382-3053

	(00	The second second	10.6	D. C. MILD 1 Maxima Para
NW1/4 NW1/4	600 Section 16	IR	19.6	Pacific NW Development Morton, Pan
	Section 10			
NW1/4 NE1/4	400	IR	2.0	Husted, James & Kelly
SW1/4 NE1/4	599	IR	1.8	Foucher, Dorothy
SW1/4 NE1/4	600	IR	4.0	Shatka, Michael & Shirley
SW1/4 NE1/4	601	IR	7.0	Moody, Richard & Denise
SW1/4 NE1/4	602	IR	4.0	Galloway, Patrick J.
SW1/4 NE1/4	603	POND	0.2	Towell, Thomas & Tammie
SW1/4 NE1/4	603	IR	7.0	Towell, Thomas & Tammie
SW1/4 NE1/4	700	IR	5.0	Wolf, Richard & Mary Jeanne
SW1/4 NE1/4	701	IR	2.0	Ray, James M.
SW1/4 NE1/4	702	IR	1.6	Mueller, Lorraine P.
NE ¹ / ₄ NW ¹ / ₄	1300	IR	6.0	Rose, Dennis & Anita
NE ¹ / ₄ NW ¹ / ₄	1400	IR	0.7	Hart, Susan
NE ¹ / ₄ NW ¹ / ₄	1500	IR	7.0	Brickey, Jerry & Patricia
NE¼ NW¼	1600	IR .	2.8	McNamee, Patrick & Marty
NW ¹ / ₄ NW ¹ / ₄	2000	IR	11.26	Barnhart, John & Jennifer
NW ¹ / ₄ NW ¹ / ₄	2002	IR	13.2	Werner, William & Kristie
SW ¹ / ₄ NW ¹ / ₄	2001	IR	11.0	Rantschler, John & Nancy
SW /4 NW /4 SW /4 NW /4	2003	IR IR	6.7	Boone, Ryan Kim & Myrna Lynn
	2003	IR IR	7.5	Boone, Daniel & Corinna
SW1/4 NW1/4		IR IR	4.0	
NE¼ SW¼	2301			Davidson, Darrell & Nancy
NE¼ SW¼	2303	IR ID	4.0	Mobley, John & Nancy
NE¼ SW¼	2304	IR	3.0	Williams, Robert D.
NE¼ SW¼	2305	IR ID	6.3	Guier, James & Judy
NE¼ SW¼	2306	IR ID	2.0	Mobley, John & Nancy
NE¼ SE¼	2500	IR T	14.9	Loomis, Susan
NE ¹ / ₄ SE ¹ / ₄	2501	IR	0.6	Loomis, Susan
NW ¹ / ₄ SE ¹ / ₄	2400	IR	31.5	Kinsey, William
	Section 17			
SW1/4 NE1/4	502	IR	1.6	Gardner, James & Virginia
NE ¹ / ₄ NW ¹ / ₄	200	IR	38.8	Putnam, Lee&Mary/Steve&Arlene
NE ¹ / ₄ SW ¹ / ₄	800	POND	0.2	Barnum, Marie (Lifetime Estate)
NE ¹ / ₄ SW ¹ / ₄	800	IR	27.0	Barnum, Marie (Lifetime Estate)
NW ¹ / ₄ SW ¹ / ₄	1000	IR	2.3	Brant, Laverne & Betty
NW ¹ / ₄ SW ¹ / ₄	900	IR	15.0	Chilen, David & Geri
SW1/4 SW1/4	1100	IR	17.5	Sappington, Yvonne
SW /4 SW /4 SW 1/4 SW 1/4	1102	IR	9.5	Kingen, Dorlee
	1100	IR.	9.5	Sappington, Yvonne
SE¼ SW¼	- 11 mile 11 mile	Control of the contro	6.0	Kingen, Dorlee
SE ¹ / ₄ SW ¹ / ₄	1102	IR ID	and the same of	NOTE OF THE PARTY
SE ¹ / ₄ SW ¹ / ₄	1200	IR IR	4.5	Miller, Cy
SE ¹ / ₄ SW ¹ / ₄	1201	IR	8.0	Goldman, William & Laurel
SE ¹ / ₄ SW ¹ / ₄	1300	IR THE UN	4.0	Miller, Cy
NE ¹ / ₄ SE ¹ / ₄	600	* IR	15.0	Manis, Noel & Susan
NE ¹ / ₄ SE ¹ / ₄	601	IR	15.7	Towner, Earl & Judith
NW1/4 SE1/4	700	IR	16.0	Gould, Annunziata O.
NW1/4 SE1/4	701	RO	6.3	Pearson, David & Wyona
SW1/4 SE1/4	1400	IR	3.0	Covell, Charles & Susan
SW1/4 SE1/4	1401	IR	4.0	Grimshaw, Max & Betty
SW1/4 SE1/4	1402	IR	3.0	Wilson, Darrel & Elizabeth
	1403	IR	4.0	Riegel/Burton, Gregg & Gail
SW1/4 SE1/4	1403			
SW ¹ / ₄ SE ¹ / ₄ SW ¹ / ₄ SE ¹ / ₄	1500	IR	7.0	Arnold, David & Becky
		IR IR	7.0 7.0	Arnold, David & Becky Cheney, Dale & Judith

APR 17 2009
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: L09.08 Lease Application Number (assigned by WRD): This Lease is with: Lessor #1 (Water Right Holder): RECEIVED Name Morton, Craig & Rebecca APR 17 2009 Mailing address 20210 Swalley Rd. City, State, Zip Code Bend, OR 97701 WATER RESOURCES DEPT Telephone number (541) 382-7240 SALEM, OREGON Email address If additional water right holders, enter water right holder information below Note: The section numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Water Right Holder" form(s) are used to provide the same information as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always sequential. ~I~ Water Right Holder and Water Right Information 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. P; 74146, S: 74147,74148, 74149, 76520 Are some or all of the lands being leased part of a Conservation Reserve Enhancement 1.4 Program. Yes ⊠ No 1.5 Water Right(s) Proposed to be Leased Instream. Water right holder proposes to lease the water rights shown on the map attached as Exhibit 5-B and described as follows: [This information may be included on Exhibit 5-A, or an additional map may be attached. Crosshatch the area of water rights being leased. Attached map(s) must identify water right holder, township, range, section and ¼ ¼, tax lot number, map orientation and scale.]

	T	\mathbf{R}	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Iden	tify pertin	ent page r	number of	certificate, i more	f certificate than one p	is greater than 1 er certificate)	0 pages; identify	priority date	if there is
1.	16	12	09	nwsw	00900	13.0	Irr	74146	16	6/1/1907
2.	16	12	09	swsw	00900	1.30	Irr	74146	16	6/1/1907
3.										
4.										
5.										ECEWE
									- R	ELEIVE

Total number of acres, if for irrigation, by certificate and priority date: 14.30	APR 1 7 2009
Conditions or other limitations, if any:	WATER RESOURCES DEPT
	SALEM, OREGON

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

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

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 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.

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	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	2.2 during use water	ion to prevent injury. Allocation of water to the instream use described in Section 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 remainated to prevent injury.							
Lessor Mortor	7	Date: 3,05,09							
Morton	n, Rebecca	A. Frank Date: 3/9/09							
For add	ditional Les	ssors, type in space for signature and date							
Other 1	<u>Attachment</u>	s As Needed:							
Exhibi		Tax Lot Map. (See instructions.)							
Exhibi	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.)								
Exhibi	into a single map. (See instructions.) 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	t 5-D:	Split Season Instream Use Form							

RECEIVED

APR 1 7 2009

WATER RESOURCES DEPT SALEM, OREGON

Deschutes River Conservancy 2009 Instream Leasing Program

Policy Concerning Weeds & Instream Leases Information on Farm Deferral

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

Weed Policy

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

Information and Resources Attached

Farm Deferral Notice

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

Information and Resources Attached

I, Crai	a 5. Mul	too	understand the ne	w DRC weed police	y and have
been informed	Print Name	Rebecce A	a.muston		-
occii iniorina	1 about 14111	- delettal.			

This form must be returned before lease payment is made.

RECEIVED

APR 1 7 2009

WATER RESOURCES DEPT SALEM, CREGON

Signatur

TUMALO IRRIGATION DISTRICT

IN-STREAM LEASED WATER RIGHTS SURVEY

FOR

Morton, Craig S. & Rebecca A. 900 900 4.0 AC 1000 Retained 22.7 ac 7AC 0 35.7AC 1100 4.7 AC 1200 4.4 AC 1000 400 15.0 AC 4.3 AC RECEIVED APR 1 7 2009 402 900 WATER RESOURCES DEPT SALEM, OREGON MAC Retained 16.4 Leased 1.3 ac INITIAL In-Stream Lease White Rock Loop, BEND 97701 LOCATED IN THE W 1/2 OF THE SW QTR OF SECTION 09, T16 S., R.12 E., W.M. TAX LOTS # 900 DESCHUTES COUNTY, OREGON SCALE: 1" = 400' Prepared By: Tumalo Irrigation District, 64697 Cook Ave, Bend. Oregon 97701 541-382-3053

					Page 16
	NE¼ NE¼	601	IR	5.25	Martin, Jack W.
	NW1/4 NW1/4	201	IR IR	14.6	Davis, Ron & Elizabeth
	NW ¹ / ₄ NW ¹ / ₄	201	IR IR	4.0	Plows, Richard & Marcia
		211	IR IR	2.5	Lowas, John & Nancy
	NW1/4 NW1/4	206	IR IR	0.3	O'Neal, Steven & Julianne
	SW1/4 NW1/4	500	IR IR	0.3	Bauersfeld, James & Christine
	SW1/4 SE1/4	501	IR IR	1.4	Bauersfeld, James & Christine Bauersfeld, James & Christine
	SW1/4 SE1/4	Section 27	IK	1.4	Dauersieiu, James & Christine
		Section 27			
	NE1/4 NE1/4	100	IR	5.6	Hausner, Jill
	SW1/4 NE1/4	900	IR	10.0	Hermens, Stanley & Ruth
		Section 28			
	>7771/ >7771/	101	m	1.6	Granet, Peter & Carol Bryant Trust
	NE ¹ / ₄ NE ¹ / ₄	101	IR ID	1.6	
	NE ¹ / ₄ NE ¹ / ₄	102	IR IR	1.5	Anderson, Rev. Robert & Ruth
	NE ¹ / ₄ NE ¹ / ₄	103	IR ID	0.5	Tavares, Louis III & Deborah
	NE¼ NE¼	104	IR TD	1.0	Grant, Cloyce & Catherine
	SW1/4 NE1/4	908	IR	4.0	Payer, Melanie
	NW1/4 SE1/4	901	IR ID	3.0	Martin, Charles & Susan
	NW ¹ / ₄ SE ¹ / ₄	904	IR	3.74	Mills, Max & Lori
		Section 34			
	NW¹/4 NE¹/4	805	IR	0.25	Miller, G. J.
	SE1/4 NE1/4	204	IR	2.7	Dvorak, Louis
	NW1/4 NW1/4	1000	IR	19.7	McGinnis (LE), Harold
	NE1/4 SW1/4	1900	IR 6	4 3.0	Schlueter, James & Patricia 7.7466 +3.4
	SW1/4 SW1/4	1700	IR	9.2	Schlueter, James & Patricia
	SE1/4 SW1/4	1700	IR	1.0	Schlueter, James & Patricia
		Section 35			
	Township 16	South, Range 1	1 East, W.N	M.	
6	NW¹/4 SW¹/4	1800	IR	1.0	Daniels, James & Karen
7	SW ¹ / ₄ SW ¹ / ₄	1801	IR	1.0	A.K.A. Productions, Inc.
,	5117451174	Section 6			,
	NW1/4 NE1/4	400	IR	10.0	Duntley, Carole A.
	NE ¹ / ₄ NW ¹ / ₄	402	IR F		Duntley, Carole A.
2	SW ¹ / ₄ NW ¹ / ₄	900	IR	10.8	Chapman, Drexal & Katheryn
4	SW1/4 SW1/4	1100	IR	1.3	Booth, Loran & Toni
4	SW1/4 SW1/4	1101	IR	12.0	Pledger, Jeffery & Karen
		Section 7	制设上		
	SE1/4 NE1/4	800	IR	10.0	Cronen, Lowell & Ila
	SE1/4 NE1/4	801	IR	4.2	Houshmand, Shamsolmolouk
	NE ¹ / ₄ SE ¹ / ₄	1300	POND	0.06	Turner, Gerald & Judith
	NE¼ SE¼	1300	IR .	9.69	Turner, Gerald & Judith
	NE¼ SE¼	1301	TR	4.0	McIntosh, Thomas & Tamara
	NE¼ SE¼	1302	IR	0.8	Cordiner, Robert & Peggy
	NW1/4 SE1/4	1404	IR 8	11.8	Wyman, Harold & Jane
	SW1/4 SE1/4	1401	IR	5.6	Wyman, Harold & Jane
	5474 5274	Section 8			,,
			and the second	HEXENDER!	Pacific NW Development Day, Matt & Lesley Pacific NW Development
	NW1/4 SW1/4	900	IR	35.7	Pacific NW Development
	SW1/4 SW1/4	1000	IR	4.3	Day, Matt & Lesley
	SW1/4 SW1/4	900	IR	17.7	Pacific NW Development
		Section 9			

SEE NEXT PAGE

RECEIVED
APR 1 7 2009

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

	al Identification by Lessor/Lessee: L09.06 Application Number (assigned by WRD):
This L	ease is with:
	#1 (Water Right Holder): Lyster, Theodore & Eloise RECEIVED
	11 DO D 20
	tate, Zip Code Bend, OR 97709 APR 1 7 2009
	one number (541) 382-3833 WATER RESOURCES DEPT
	addressSALEM, OREGON
	tional water right holders, enter water right holder information below
Applica	ne 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 al.
	~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. Primary 74146, Supplemental 74147,74148,74149,76520
1.4	Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. Yes No
1.5	Water Right(s) Proposed to be Leased Instream. Water right holder proposes to lease the water rights shown on the map attached as Exhibit 5-B and described as follows: [This information may be included on Exhibit 5-A, or an additional map may be attached. Crosshatch the area of water rights being leased. Attached map(s) must identify water right holder, township, range, section and ¼ ¼, tax lot number, map orientation and scale.]

	T	R	Sect	44	Tax Lot	Acres	Type of Use		8	Priority*
	*(Ident	ify pertine	ent page r	number of			is greater than 1 er certificate)	0 pages; identify	priority date	if there is
1.	17S	11E	11	nesw	01600	10.0	Irr	74146	12	9/1/1900
2.										
3.				_		_			RE	CEIVED
4.									APF	1 7 2009
5.										SOURCES D
	То	otal num	ber of a	cres, if	for irrigation	on, by cer	tificate and pr	iority date: <u>10</u>	CALE	M, CREGON
	Co	onditions	s or othe	er limita	tions, if an	ıy:				

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

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

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 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.

3.4	suspension of original use. During the period of the lease, the water right holder agrees suspend use of water allowed under the subject water rights and under any water right the 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 3 days prior to the period of allowed instream use or after the period of allowed use he 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 we 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, with consent by all parties to the lease. 	e 30- as eased vould
3.6	Modification to prevent injury. Allocation of water to the instream use described in Se 2.2 during the term of this lease is not reasonably expected to cause injury to other rights use water from the same source. If injury is found after this lease is signed, the lease ma modified or terminated to prevent injury.	s to
	#1: 1 Salar Date: 3/2/09	_
	Date: 3=2-09 A. Lyster	_
	Attachments As Needed:	
Exhib	* ` · · · · · · · · · · · · · · · · · ·	1
Exhib	5-B: Detailed map illustrating lands under subject rights to be leased; required if o part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.)	
Exhib	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)	
Exhib	5-D: Split Season Instream Use Form	
	RECEIVED	

APR 1 7 2009

WATER RESOURCES DEPT SALEM, CREGON



Deschutes River Conservancy 2009 Instream Leasing Program

Policy Concerning Weeds & Instream Leases Information on Farm Deferral

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

Weed Policy

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

Information and Resources Attached

Farm Deferral Notice

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

Information and Resources Attached

I, <u>led C. Lyster</u> understand the new DRC weed policy and have <u>Print Name</u> been informed about farm deferral.

Date.

This form must be returned before lease payment is madeRECEIVED

APR 17 2009

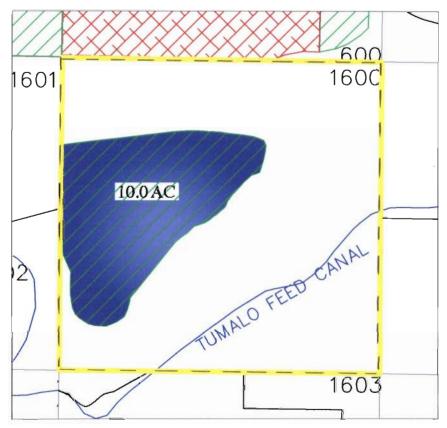
WATER RESOURCES DEPT SALEM, CREGON

TUMALO IRRIGATION DISTRICT EXHIBIT 5-A & B L09-06 IN-STREAM LEASED WATER RIGHTS SURVEY

FOR

Lyster, Theodore C. & Eloise A.

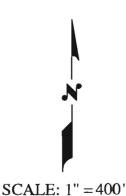
63755 Johnson Rd.



RECEIVED

APR 17 2009

WATER RESOURCES DEPT SALEM, OREGON









ificate#



LOCATED IN THE NE 1/4 OF THE SW 1/4 OF SECTION 11, T17 S., R11 E., W.M. TAX LOTS # 01600 DESCHUTES COUNTY, OREGON





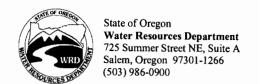
Prepared By: Tumalo Irrigation District, 64697 Cook Ave, Bend. Oregon 97701 541-382-3053

Page 12

	SW1/4 SE1/4	703	IR	5.8	Freeman/Triplett	
	SE1/4 SE1/4	700	POND	0.1	Gisler, Patrick & I	Deborah
	SE1/4 SE1/4	702	IR	2.7	James, John & Dir	
	SE1/4 SE1/4	703	IR	32.0	Freeman/Triplett	
	02/4 02/4	Section 1			1	
		2001011				
2	NW1/4 NE1/4	105	IR	2.5	Haddix, Stephen J	•
	SW1/4 NW1/4	600	IR	15.3	Gill, John	
	SE1/4 NW1/4	700	IR	10.7	Gill, Rockne & Jan	ne
		Section 2				
		10077	TD.	1.0	D.' II 6 I	- A
4	NW1/4 NW1/4	100BB	IR	1.0	Brizee, Harry & Jo	
4	NW1/4 NW1/4	200BB	IR	3.0	Rotondi, Richard	-
4	NW1/4 NW1/4	300BB	IR	1.0	Booth, Jerry & Ju	
4	NW1/4 NW1/4	400BB	IR	2.0	Frederick, Roger	
4	NW¼ NW¼	500BB	IR	1.8	Johnson, David &	
4	NW¼ NW¼	501BB	IR	0.2	Johnson, David &	Bette
		Section 3				
	NT / NT /	1004	TD	1.0	Larson/Gill, Kevin	I & Lodio E
1	NE¼ NE¼	100A	IR ID	1.0	,	
2	NW ¹ / ₄ NE ¹ / ₄	500A	IR	10.0	Cobb, Ann Wright	L .
		Section 4				
	NE1/4 NE1/4	200A	IR	1.0	Steinlicht, Mark &	L. Diane
	SE ¹ / ₄ NE ¹ / ₄	400A	IR.	1.2	Coats, Doug	2. 2.m.c
		500A	IR	3.8	Coats, Doug	
	SE1/4 NE1/4		ш	3.0	Coats, Doug	
		Section 10				
	NW¼ NE¼	200	IR	35.5	Kearns, Daniel &	Barbara
	SW1/4 NW1/4	500	IR	12.6	Coats, R.L. & Joy	vce .
	NE1/4 SW1/4	1600	IR	10.0	Lyster, Ted & Elo	oise
	NW1/4 SW1/4	1601	IR	1.0	McCook, Peter &	
	NE1/4 SE1/4	1000	IR	1.0	Johnson/Peticolas	•
	NE1/4 SE1/4	1001	IR	1.0	Bell, John	
	NW ¹ / ₄ SE ¹ / ₄	1400	IR	1.0	Cooper, Robert &	Beverly
	111774 0.274	Section 11			, , , , , , , , , , , , , , , , , , ,	•
		500002	OF			
	SW1/4 SW1/4	800	IR	4.4	Coats, R.L. & Joy	/ce
		Section 12	(RENY		1011	
		1/12-1/2	Salar Sa	of mundless	1100	2
	SW1/4 NW1/4	2300)IR	1.0	Beighley Taylor, I	Mark & Deborah
	SW1/4 NW1/4	2400	IR I	0.9	Moore Bill & Mi	
	NW ¹ / ₄ SW ¹ / ₄	2400	IR (1.1	Moore, Bill & Mi	
	1111/4 15 11/4	Section 13	Mary Mary	Dining?	銀/* >	
	Township 17	South, Range I	1 East, W.	И.	7.*/	
	,		**	3 2	*///	DECEMEN
2	NW1/4 NE1/4	302	TR	3.0*	C.L.N. INC.	RECEIVED
		Section 6	10	W C	//	APR 1 7 2009
	Township 17	South, Range 1	Z East, W.	MD 3		
						WATER RESOURCES DEPT
	410010=					SALEM, OREGON
Priori	ty: 4/28/05					

Priority: 4/28/05

SE¹/₄ SE¹/₄ 1401 IR 0.44 Kirkhorn, Bruce Section 13



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

	nal Identification by Lessor/Lessee: L09.03 Application Number (assigned by WRD):	
This I	Lease is with:	
Name Mailin City, Telep Email	or #1 (Water Right Holder): Kimble, Harris ng address 63560 Johnson Road State, Zip Code Bend, OR 97701 hone number 541 420-5904 address itional water right holders, enter water right holder information below	RECEIVED APR 1 7 2009 WATER RESOURCES DEPT SALEM, CREGON
Applica	The section numbering associated with this form corresponds to that found on the "Sation" form. The "Pooled Lease" form and "Pooled Water Right Holder" form(s) a ation as the "Standard Instream Lease Application" form. Consequently, the numberial.	re used to provide the same
	~I~ Water Right Holder and Water Right Inform	mation
1.1	Lessor #1 is the water right holder, or authorized agent for property If the water right appurtenant to these lands is also appurtenant to la are not included in this application, then Attachment 1 (tax lot map)	nds owned by others who
1.3	For the water right(s) being leased, list all water rights appurtenant tif there are any supplemental or overlying rights.	to the same lands. Indicate
	Certificate No. <u>P74146, 74147 S:74147,74148,74149,76520</u>	
1.4	Are some or all of the lands being leased part of a Conservation Res Program. Yes No	erve Enhancement
1.5	Water Right(s) Proposed to be Leased Instream. Water right hold water rights shown on the map attached as Exhibit 5-B and describe [This information may be included on Exhibit 5-A, or an additional map may be a area of water rights being leased. Attached map(s) must identify water right hold section and ¼ ¼, tax lot number, map orientation and scale.]	d as follows: attached. Crosshatch the

	T	R	Sect	1/4 1/4	Tax Lot	Acres		Certificate #		Priority*
	*(Iden	tify pertin	ent page r	number of	f certificate, i more	f certificate than one p	is greater than 1 er certificate)	0 pages; identify	priority date	e if there is
1.	17	11	13	nenw	00819	.20	Irr	74146	14	5/27/1907
2.	17	11	13	nwne	00819	6.10	Irr	74146	14	5/27/1907
3.										
4.									RE	CEIVED
5.									ΔP	R 1 7 2009

Total number of acres, if for irrigation, by certificate and priority date: 6.30 WATER RESOURCES DEP SALEM, CREGON
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:

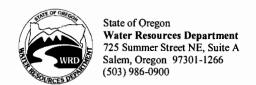
- - The water has been used over the past five years according to the terms and conditions of the water right certificate or as an instream water right or
 - The water has <u>not</u> been used over the past five years according to the terms and conditions of the water right certificate, however the water 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 October 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.



Additional Water Right Form For Pooled Water Right Holder

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.

~I~

Section 1.5 continued from Pooled Leasing Water Right Holder Form.

Water Right(s) Proposed to be Leased Instream. Water right holder proposes to lease the water rights shown on the map attached as Exhibit 5-B and described as follows: [This information may be included on Exhibit 5-A, or an additional map may be attached. Crosshatch the area of water rights being leased. Attached map(s) must identify water right holder, township, range, section and ¼ ¼, tax lot number, map orientation and scale.]

	T	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page r	number of			e is greater than ler certificate)	10 pages; identify	priority date	e if there is
1.	17	11	13	nenw	00819	14.6	Irr	74147	17	10/29/191 3
2.	17	11	13	nwnw	00819	10.94	Irr	74147	17	10/29/191 3
3.	17	11	13	nwsw	00819	12.20	Irr	74147	17	10/29/191
4.	17	11	13	senw	008,8	4.60	Irr	74147	17	10/29/191
5.	17	11	13	swnw	00819	6.40	Irr	74147	17	10/29/191
6.								RE-	CEIVED	
7.								1 1 1500	S Bon i V Ban L	
8.								APF	1 7 2009	
9.								WATER RE	SOURCES D	FPT
10.									, CREGON	

[Attached map(s) must identify water right holder, township, range, section and ¼ ¼, tax lot number, map orientation and scale.]

Total number of acres, if for irrigation, by certificate and priority date: 48.74

3.4	suspend u	on of original use. During the period of the lease, the wase of water allowed under the subject water rights and untal to the subject water rights.	ater right holder agrees to inder any water right that is
3.5	For m year v during days j begur until i not oc Wi Co Wi For m	dion provision. Inultiyear leases, the Lessor(s) shall have the option of the with written notice to the Department. The lease may be gethe calendar year. However, if the termination requestorior to the period of allowed instream use or after the part for the water right(s) being leased, water may not be used the following calendar year, unless the Director determination. The Department may also require: written notice to the Department with original signatures; insent by all parties to the lease; and/or written notice to the Watermaster's office. Inultiyear leases, the lessor shall not have the option of the notice to the lease.	e terminated at any time at is received less then 30- period of allowed use has used under the right(s) leased ines that enlargement would
3.6	2.2 during use water	ion to prevent injury. Allocation of water to the instretche term of this lease is not reasonably expected to cause from the same source. If injury is found after this lease or terminated to prevent injury.	se injury to other rights to is signed, the lease may be
Lesson <u>Harris</u>	r#1: C. Kimble	Date:	Z-3-0)
For ad	lditional Les	ssors, type in space for signature and date	RECEIVED
	-		APR 17 2009
Exhib Exhib	Attachment it 5-A: it 5-B: it 5-C:	Tax Lot Map. (See instructions.) Detailed map illustrating lands under subject rights to part of a right is being leased instream. Exhibits 5-A a into a single map. (See instructions.) Supporting documentation indicating why a right is varior forfeiture even though the right has not been exercised consecutive years (required if the second box in Section	and 5-B may be combined alid and not subject to
Exhib	it 5-D: -	checked) Split Season Instream Use Form	

Deschutes River Conservancy 2009 Instream Leasing Program

Policy Concerning Weeds & Instream Leases Information on Farm Deferral

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

Weed Policy

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

Information and Resources Attached

Farm Deferral Notice

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

Information and Resources Attached

I, HARRIS KIMBLE	understand the new DRC weed policy and have
Print Name	-
been informed about farm deferral	

This form must be returned before lease payment is made.

RECEIVED

APR 17 2009

WATER RESOURCES DEPT SALEM, CREGON

EXHIBIT 5-A & B TUMALO IRRIGATION DISTRICT L09-003 IN-STREAM LEASED WATER RIGHTS SURVEY **FOR** RECEIVED Kimble, Harris C. APR 17 2009 63560 Johnson Road, Bend DR 97701. WATER RESOURCES DEPT 6 2,0 AC SALEM, OREGON 11300 809 819 819 811 805 1500 817 809 300 LOAC 8,36 AC 200 817 3.5 AC 30 10.94 AC 1400 804 819 6.148 116 011800 W,O'AC 3.8AC 11500 807 1600 NW/NW N 0.4AC NWINE NEINE 12000 SW/NW SE/NW 8078W/NE SE/NE 11900 806 DITCH 819 819 0.3 AC 160p 12100 808 1600 810 12200 6.4 AC 812 12500 12300 819 317 12400 819 819 2500 122 KC 601 2000 2600 500 2700

SCALE: 1" = 800'

00 77 200

O. ACO

11100

000



800 NW/SW XE/SW SW/SW SE/SW/

4301

4200 0.5 A

LOCATED IN THE NE 1/4 OF THE NW 1/4 OF SECTION 13, T17 S., R11 E., W.M. TAX LOTS # 819 DESCHUTES COUNTY, OREGON

NW/NE&NW/NW&NW/SW&SE/NW&SW/NW TL819

NW/SE NE/SE

SW/SE SE/SE

500

INITIAL:

100

100

Prepared By: Tumalo Irrigation District, 64697 Cook Ave, Bend. Oregon 97701 541-382-3053

Page 14

Priorit	y: 5/27/07						
7	SW¹/4 SW¹/4	1802 Section 6	IR	;	3.0	Rupp, C. Richard	
	> T		770	,		RECEIVED	
	NW1/4 SE1/4	2100 Section 30	IR	•	3.4	C.L.R. INC. APR 1 7 2009	
	SW1/4 SE1/4	4300D Section 31	IR	(0.8	C.L.R. INC. WATER RESOURCES DEPT SALEM, OREGON	
		South, Range 12				0 1 1 7 74-1	
	SE'4 SE'4 SW'4 NW'4	500 Section 11	IR		1.2	COATS, ERIC & ROBIN T- 7466 Nos. 00'	1
	NW¼ NE¼	804	IR	(0.4	Coats, R.L. & Joyce	
	NW1/4 NE1/4	807	\mathbf{IR}	3.8	5.4	Coats, R.L. & Joyce 1-7466 NOS.00	>4
	NW1/4 NE1/4	817 819	IR		6.1	G.L.R. INC. Harris Kimble	
	SW1/4 NE1/4	806	\mathbf{IR}		2.5	Graham, Kenneth & Joy	
	SW ¹ / ₄ NE ¹ / ₄	807	IR	0.6		Coats, R.L. & Joyce 7-74 LL Nos. 600	t
	SW ¹ / ₄ NE ¹ / ₄	808	IR		2.1	Niedzwiecke, Andrew & Judith	
	SW¼ NE¼	810	IR		0.9	Niedzwiecke, Andrew & Judith	
	NE¼ NW¼	817819	IR		0.2	C.L.R. INC. Hamis Kimbu	
	NW¼ NW¼	809	IR		1.6	C.L.R. INC. C.L.R. INC.	
	NW¼ NW¼	817	IR IB		4.0 1.5	Latham, Mark & Kristen	
	SE¼ NW¼	812	IR ID		1.5 2.5	Schweigert, Ken	
	SE ¹ /4 NW ¹ /4	813 , 818	IR IR		2.5	Hamper, Tom	
	SE¼ NW¼	Section 13	Ж	4	2,3	Transper, Tom	
	NE¼ NE¼	11700	IR	(0.2	Allen, Charles	
	NE¼ NE¼	11800	IR		0.1	Allen, Charles	
	NE ¹ / ₄ NE ¹ / ₄	11900	$\mathbf{I}\mathbf{R}$	(0.4	Rugloski, Paul, Andrew & Cecelia	
	SE1/4 NE1/4	11800	${ m IR}$	(0.7	Allen, Charles	
	SE1/4 NE1/4	11900	\mathbf{IR}	2	2.6	Rugloski, Paul, Andrew & Cecelia	
		Section 14	-	- Marian Company	way		
	Township 17 S	South, Range 11	East,	WM.	-		
2	NW1/4 NE1/4	302	IR	THE CONTRACTOR OF THE PARTY OF	0.1	CLR INC.	
	Township 17 S	Section 6 South, Range 12	East,	M.M			
Priority	y: 6/1/07						
	SE¼ SE¼	Section 1	沙	HE UNION	0	Mahoney, Dan & Martha	
	ONTIL OFFI	003	10.	* * *	**	Paiva, Joe & Wanita	
	SW¼ SE¼	803	ID	Q E		Waldron Jr., Harvey & Genevieve	
	SE¼ SE¼	900 901	IR	land based	73	Waldron Jr., Harvey & Genevieve	
	SE¼ SE¼	Section 11	Ж		٠.٠	manion 31., marvey to denovieve	
	SW1/4 SW1/4	1200	IR	16	5.1	Gillham, John & Audrey	
	SW 74 SW 74 SE1/4 SW1/4	1200	IR		0.2	Gillham, John & Audrey	
	DD/4 D 11 /4	Section 12					
		~					

Page 17

SW1/4NE1/4	010				
	810	Niedzwiecke, Andrew & Judith	IR		0.90
NE1/4NW1/4	817 819	C.L.R. INC. Harrys Kimble	IR	14.60	0.20
NW1/4NW1/4		C.L.R. INC.	IR	3.00	1.60
JNW1/4NW1/4	2300 817	C.L.R. INC. Harris Kirnle	IR	12.30	194 4.00
SW1/4NW1/4	2300	Beighley/Taylor, Mark & Deborah	IR	71.36	1.00
SW1/4NW1/4	2400	Moore, Bill & Mildred	\mathbf{IR}		0.90
SW1/4NW1/4	817 819	C.L.R. INC. Harris Kimble	IR	6.40	
SE1/4NW1/4	812	Latham, Mark & Kristen	IR		1.50
SE1/4NW1/4	813	Schweigert, Ken	IR		2.50
SE1/4NW1/4	817819	G.L.R. INC. Harnis Kimble	IR	4.60	期7
SE1/4NW1/4	818	Hamper, Tom	IR		2.50
NW ¹ / ₄ SW ¹ / ₄	2400	Moore, Bill & Mildred	${ m I\!R}$	1.00	1.10
NW1/4SW1/4	2500	Hanson, Robert & Ruth	IR		2.00
NW1/4SW1/4	817 819	C.L.R. INC. Harris Kimble	IR	12.20	3
SW1/4SW1/4	4200	Reinhardt, George & Jeanne	IR	2.00	
		Section 13			
NE¼NE¼	11300	Woods, William C.	IR	1.00	
NE1/4NE1/4	11400	C.L.R. INC.	IR	3.50	hanged to TLB
NE¼NE¼	11900	Rugloski, Paul, Andrew & Cecelia	\mathbf{IR}		0.40
SE1/4NE1/4	11900	Rugloski, Paul, Andrew & Cecelia	\mathbf{IR}		2.60
22,11,2,1		Section 14			•.
	Town	ship 17 South, Range 11 East, W.M.			
NW1/4NE1/4	300	C.L.R. INC.	IR	1.80	
NW ¹ / ₄ NE ¹ / ₄	301	C.L.R. INC.	\mathbf{R}	0.50	3.00
NW1/4NE1/4	302	C.L.R. INC.	\mathbf{IR}	4.10	3.10
NE ¹ / ₄ NW ¹ / ₄	200 B	Allen/Rice, Rita & Kenny	\mathbb{R}	2.50	
NE¼NW¼	300 B	Dwyer, Michael & Theresa	\mathbf{IR}	16.40	
NW1/4NW1/4	300 B	Dwyer, Michael & Theresa	\mathbb{I} R	17.70	
NW1/4NW1/4	301 B	Greer, Stephen & Denise	IR	2.00	
NW1/4NW1/4	302 B	Greer, Russell & Lois	\mathbf{IR}	2.40	
NW ¹ / ₄ NW ¹ / ₄	400 B	Greer, Russell & Lois	$\rm IR$	2.00	
NW1/4NW1/4	500 B	Randolph, James & Charlotte	\mathbf{IR}	1.00	
211177211171		Section 6			
SW1/4NW1/4	400	Kemple, Harold & Terryl	IR	1.50	10.00
SW1/4NW1/4	401	Erei, Gary & Victoria	IR		14.60
SE ¹ /4NW ¹ /4	400	Kemple, Harold & Terryl	IR	1.20	
	T-1	Section 7 South, Range 12 East, WM			
	1/2	f the above purpose is restricted to ben			111

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

This certificate confirms an order of the Director entered on _______, 1997 and recorded in Special Order Volume 51, Page 55 approving a petition by Tumalo Irrigation District under ORS 541.329 for mapping water rights within a district. This certificate supersedes certificates 26050.

WITNESS the signature of the Water Resources Director, affixed

JUN 1 9 1997

Martha O. Pagel, Director

Marta & hel

Recorded in State Record of Water Right Certificates numbered 74147.

RECEIVED
APR 1 7 2009

WATER RESOURCES DEPT

HB-3111.BWB



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

-	al Identification by Lessor/Lessee: L09.15 Application Number (assigned by WRD):				
This Lease is with:					
Name Mailin City, S Teleph Email	Hickok, Durlin E. & Wallace, Carol A.	APR 17 2009 ATER RESOURCES DEPT SALEM, OREGON			
Applica		e used to provide the same ring on this form is not always			
	~I~ Water Right Holder and Water Right Inforn	nation			
1.1	Lessor #1 is the water right holder, or authorized agent for property of the water right appurtenant to these lands is also appurtenant to lar are not included in this application, then Attachment 1 (tax lot map),	nds owned by others who			
1.3	For the water right(s) being leased, list all water rights appurtenant to if there are any supplemental or overlying rights.	the same lands. Indicate			
	Certificate No. P: 74147 S: 74148,74149,76520				
1.4	Are some or all of the lands being leased part of a Conservation Reservation. Yes No	erve Enhancement			
1.5	Water Right(s) Proposed to be Leased Instream. Water right hold water rights shown on the map attached as Exhibit 5-B and described [This information may be included on Exhibit 5-A, or an additional map may be a area of water rights being leased. Attached map(s) must identify water right holde section and ¼ ¼, tax lot number, map orientation and scale.]	l as follows: ttached. Crosshatch the			

	/1.3	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use			Priority
	-(Ident	iry pertine	ent page r	iumber of			is greater than 1 er certificate)	0 pages; identify	priority date	e if there is
	16S	11E	28	nwnw	00502	3.25	Irr	74147	8	10/29/191
3.									R	ECEIVE
4.										
5.										PR 1 7 200
					or irrigations, if ar		ificate and pr	iority date: 3.2		RESOURCES' LEM, OREGOI
	-	d to ente		er lease	d right, ple	ease use th	e Additional	Water Right F	orm for Po	ooled

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

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

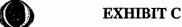
~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 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.

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	 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.					
Lessor Durlin	#1: Date:					
Carol /	Carol A Wallace Date: 3/2/2007					
<u>Caror</u>						
For add	litional Lessors, type in space for signature and date RECEIVED					
	APR 1 7 2009					
Other A	Attachments As Needed: SALEM, OREGON STATES OF TAX Lot Map. (See instructions.)					
	Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.)					
Exhibit	,					
Exhibit	checked)					



Deschutes River Conservancy 2009 Instream Leasing Program

RECEIVED

Policy Concerning Weeds & Instream Leases Information on Farm Deferral

APR 17 2009

WATER RESOURCES DEPT SALEM, OREGON

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

Weed Policy

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

Information and Resources Attached

Farm Deferral Notice

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

Information and Resources Attached

I, QUECI	V WICKER	understand the new DRC weed policy and have
	Print Name about farm deferral.	
•	,	
Signature:	Oh sucua	Date: 3(21/2009

This form must be returned before lease payment is made.

EXHIBIT 5-A & B TUMALO IRRIGATION DISTRICT L09-015 IN-STREAM LEASED WATER RIGHTS SURVEY

FOR

Hickok, Durlin E./Wallace, Carol A.

18140 Couch Market Rd BEND 97701



RECEIVED

APR 17 2009

WATER RESOURCES DEPT SALEM, OREGON

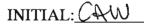




SCALE: 1" = 400'







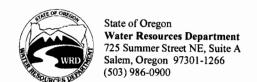
LOCATED IN THE NW 1/4 OF THE NW 1/4 OF SECTION 28, T16 S., R.11 E., W.M. TAX LOTS # 00502 DESCHUTES COUNTY, OREGON



Prepared By: Tumalo Irrigation District, 64697 Cook Ave, Bend. Oregon 97701 541-382-3053

				5 ,	Page 8
NE¼NE¼	100	Hausner, Jill	IR		21.00
NE¼NE¼	800	Hausner, Jill	IR		2.00
NE¼NE¼	801	Barrick, James A.	IR		2.00
SW1/4NE1/4	900	Hermens, Stanley & Ruth	IR		35.90
SE1/4NE1/4	900	Hermens, Stanley & Ruth	IR		29.60
NW1/4NW1/4	500	Throop, Tom & Caryn	IR	2.00	
NW1/4NW1/4	501		IR	2.00	N-06-003
NW1/4NW1/4	502	Variel, Jeffrey & Laurel MeDonald, Dr. Lynn Hickolchwa	Macin	4.00	3.25 T-7672
NE1/4SE1/4	1001	Hermens, Stanley & Ruth	IR		17.20
NE ¹ / ₄ SE ¹ / ₄	1200	Hermens, Stanley & Ruth	IR	1.90	15.00
NW¼SE¼	1000	Hermens, Stanley & Ruth	IR.		13.30
NW1/4SE1/4	1100	Hermens, Stanley & Ruth Collection			8.60
SW ¹ / ₄ SE ¹ / ₄	1400	Parker, Kenneth	IR.	2.00	2.00
SW ¹ / ₄ SE ¹ / ₄	1500	Stringfield, Tom & Rick	IR TD	4.40	3.40
SE ¹ / ₄ SE ¹ / ₄	1300	Stringfield, Tom & Rick	IR.	1.80	8.90
SE ¹ / ₄ SE ¹ / ₄	1302	Pederson, William & Martha	IR		20.00
		Section 28			
NE¼NE¼	200	Russell, Barbara H.	IR	17.00	
SW ¹ / ₄ NE ¹ / ₄	801	Russell, Barbara H.	IR	11.00	
SE1/4NE1/4	1000	Tavares, Louis III & Deborah	IR	11.60	طحالميد
SE1/4NE1/4	900	Russell, Barbara H.	IR	3.00	3.00
NE1/4SW1/4	600	Wessinger, William & Pat	\mathbf{IR}	0.20	3.00 7 7410b
NE ¹ / ₄ SE ¹ / ₄	1000	Tavares, Louis III & Deborah	IR	2.40	
NE ¹ / ₄ SE ¹ / ₄	1100	Batha, Marta	IR		2.00
NE ¹ / ₄ SE ¹ / ₄	1200	Batha, Marta	IR.		4.60
NE ¹ / ₄ SE ¹ / ₄	1300	Batha, Marta	IR.		3.90
NE ¹ / ₄ SE ¹ / ₄	1403	Rudolph, John & Melitta	IR.	0.00	10.30
NW ¹ / ₄ SE ¹ / ₄	802	Lawson, John & Gaye	IR ID	9.00 5.00	
NW ¹ / ₄ SE ¹ / ₄	803	Rahmn, Keith & Lexia	IR IR	7.50	
NW ¹ / ₄ SE ¹ / ₄	804	Lewis, Suzi Dodd, Jack & Barbara, Trustees	IR	5.00	
NW ¹ / ₄ SE ¹ / ₄	805	Moody, Steven	IR	5.00	6.00
SW ¹ / ₄ SE ¹ / ₄ SW ¹ / ₄ SE ¹ / ₄	700 800	McNulty, Ralph & Dee	IR.		10.00
SW 74SE 74 SW 1/4SE 1/4	806	Cullman, Ruth	IR		10.00
SE ¹ / ₄ SE ¹ / ₄	1400	Wagoner, Erances	IR		2.00
SE1/4SE1/4	1401	Owens, Margueritte	IR		2.00
SE1/4SE1/4	1402	Hays, Kenneth & Carolee	IR		2.00
SE¼SE¼	1403	Rudolph John & Welitta	IR		9.20
SE ¹ / ₄ SE ¹ / ₄	1500	Rudolph John & Melitta	IR		4.00
		Section 33	1		
		C L L L L L L L L L L L L L L L L L L L	TD	1 40	0.60
NE¼NE¼	100	Stokoe, Barbara L	Jat IR	1.40	3.00
NE¼NE¼	101	Granet, Peter & Carol Styland	IR IR		2.50
NE¼NE¼	102	Anderson, Rev. Robert & Ruth	7		1.00
NE¼NE¼	103		į	2.00	1.00
NE¼NE¼	104		Į.	2.00	3.00
NW¼NE¼ NW¼NE¼	200 201		ì		6.50
NW1/4NE1/4	201		į		3.50
NW ¹ / ₄ NE ¹ / ₄	300		ţ		5.00
NW ¹ / ₄ NE ¹ / ₄	301	ογλ	ξ		6.00
NW ¹ / ₄ NE ¹ / ₄	302		ţ		3.00
SW ¹ / ₄ NE ¹ / ₄	900	RECEIVED	ξ	1.22	3.00
SW ¹ / ₄ NE ¹ / ₄	905		ţ	1.21	
SW ¹ / ₄ NE ¹ / ₄	906	APR 1 7 2009	ţ	2.00	1.00
SW ¹ / ₄ NE ¹ / ₄	908	WATER RESOURCES DEPT	ţ		4.00
SE1/4NE1/4	1000	SALEM, OREGON	ţ	13.00	18.00
NE¼NW¼	400	- Constitution	٤		17.00

SEE NEXT PAGE



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

	Application Number (assigned by WRD):					
This Lease is with:						
Name Mailin City, S Teleph Email	r #1 (Water Right Holder): Ellis Rev Living Trust, Robert & Susan Ellis, Trustees g address 5344 SE Hillwood Avenue State, Zip Code Milwaukee, OR 97267-5013 none number (503) 659-1664 address	RECEIVED APR 1 7 2009 ER RESOURCES DEPT SALEM, CREGON				
Applica	the section numbering associated with this form corresponds to that found on the "St tion" form. The "Pooled Lease" form and "Pooled Water Right Holder" form(s) are tion as the "Standard Instream Lease Application" form. Consequently, the numberial.	used to provide the same				
	~I~ Water Right Holder and Water Right Inform	ation				
1.1	Lessor #1 is the water right holder, or authorized agent for property defined the water right appurtenant to these lands is also appurtenant to landare not included in this application, then Attachment 1 (tax lot map),	ds owned by others who				
1.3	For the water right(s) being leased, list all water rights appurtenant to if there are any supplemental or overlying rights.	the same lands. Indicate				
	Certificate No. <u>P74146, S: 74147,74148,74149,76520</u>					
1.4	Are some or all of the lands being leased part of a Conservation Reservoiram. Yes No	erve Enhancement				
1.5	Water Right(s) Proposed to be Leased Instream. Water right holder water rights shown on the map attached as Exhibit 5-B and described [This information may be included on Exhibit 5-A, or an additional map may be at area of water rights being leased. Attached map(s) must identify water right holder section and ¼ ¼, tax lot number, map orientation and scale.]	as follows: tached. Crosshatch the				

	T	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Iden	tify pertine	ent page r	umber of			is greater than 1 er certificate)	0 pages; identify	priority date	e if there is
1.	16	11	35	nwnw	01000	19.70	Irr	74146	16	6/1/1907
2.										
3.									RE(EIVED
4.									APR	17 2009
5										
	Te	otal num	ber of a	cres, if f	or irrigation	on, by cert	tificate and pri	iority date: 19	SALEM	OURCES DE , CREGON

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:

Conditions or other limitations, if any:

- 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

Term of lease. This lease shall terminate on October 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.

3.4	suspend u	on of original use. During the period of the lease, the see of water allowed under the subject water rights an antal to the subject water rights.	
3.5	For reyear during days begunutil not on which we will for refer to the form of	nultiyear leases, the Lessor(s) shall have the option of with written notice to the Department. The lease may get the calendar year. However, if the termination require prior to the period of allowed instream use or after the forthe water right(s) being leased, water may not be the following calendar year, unless the Director determination of the Department may also require: written notice to the Department with original signature onsent by all parties to the lease; and/or written notice to the Watermaster's office. In the nultiyear leases, the lessor shall not have the option of the cent by all parties to the lease.	y be terminated at any time uest is received less then 30-ne period of allowed use has the used under the right(s) leased rmines that enlargement would res;
	2.2 during use water modified	1 Q1. Sude	cause injury to other rights to ase is signed, the lease may be $ \frac{1}{2} 1$
For ad	lditional Le	ssors, type in space for signature and date	RECEIVED
	-		APR 17 2009
Exhib Exhib	Attachmen oit 5-A: oit 5-B: oit 5-C:	ts As Needed: Tax Lot Map. (See instructions.) Detailed map illustrating lands under subject rights part of a right is being leased instream. Exhibits 5-into a single map. (See instructions.) Supporting documentation indicating why a right is forfeiture even though the right has not been exerci consecutive years (required if the second box in Sechecked)	A and 5-B may be combined valid and not subject to sed for five or more
Exhib	oit 5-D:	Split Season Instream Use Form	



Deschutes River Conservancy 2009 Instream Leasing Program

Policy Concerning Weeds & Instream Leases Information on Farm Deferral

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

Weed Policy

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

Information and Resources Attached

Farm Deferral Notice

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

Information and Resources Attached

i, Achel Ellis Susan m. Ellis understand the new DRC weed policy and have

been informed about farm deferral.

This form must be returned before lease payment is made.

RECEIVED

APR 1 7 2009

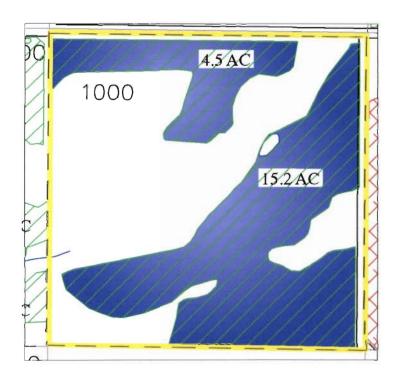
WATER RESOURCES DEPT SALEM, CREGON

TUMALO IRRIGATION DISTRICT EXHIBIT 5-A & B L09-019 IN-STREAM LEASED WATER RIGHTS SURVEY

FOR

Ellis Revocable Living Trust

18845 PINEHURST RD BEND 97701



RECEIVED

APR 1 7 2009

WATER RESOURCES DEPT SALEM, OREGON









e# In-S





LOCATED IN THE NW 1/4 OF THE NW 1/4 OF SECTION 35, T16 S., R.11 E., W.M. TAX LOTS # 01000 DESCHUTES COUNTY, OREGON



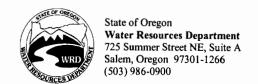
	NE1/4 NE1/4	601	IR	5.25	Martin, Jack W.
	NW1/4 NW1/4	201	IR	14.6	Davis, Ron & Elizabeth
	NW ¹ / ₄ NW ¹ / ₄	209	IR	4.0	Plows, Richard & Marcia
	NW1/4 NW1/4	211	IR.	2.5	Lowas, John & Nancy
	SW ¹ / ₄ NW ¹ / ₄	206	IR	0.3	O'Neal, Steven & Julianne
					•
	SW¼ SE¼	500	IR TD	0.4	Bauersfeld, James & Christine
	SW1/4 SE1/4	501	IR	1.4	Bauersfeld, James & Christine
		Section 27			
	NTCL/ NTCL/	100	IR	5.6	Havenor VIII
	NE¼ NE¼	100		10.0	Hausner, Jill
	SW¼ NE¼	900	IR	10.0	Hermens, Stanley & Ruth
		Section 28			
	NICIZ NICIZ	101	IR	1.6	Granet, Peter & Carol
	NE¼ NE¼	101			Anderson, Rev. Robert & Ruth
	NE¼ NE¼	102	IR IR	1.5	,
	NE¼ NE¼	103	IR.	0.5	Tavares, Louis III & Deborah
	NE¼ NE¼	104	IR	1.0	Grant, Cloyce & Catherine
	SW¼ NE¼	908	IR IR	4.0	Payer, Melanie
	NW1/4 SE1/4	901	IR	3.0	Martin, Charles & Susan
	NW1/4 SE1/4	904	IR	3.74	Mills, Max & Lori
		Section 34			
			-	0.05	NEW CO.
	NW1/4 NE1/4	805	IR	0.25	Miller, G. J.
	SE¼ NE¼	204	IR	2.7	Dvorak, Louis
	NW1/4 NW1/4	1000	IR SP	(19.7)	McGinnis (LE), Harold Ellis Rev. Trus
	NE1/4 SW1/4	1900	IR	3.0	Schlueter, James & Patricia
	SW1/4 SW1/4	1700	IR	9.2	Schlueter, James & Patricia
	SE1/4 SW1/4	1700	IR	1.0	Schlueter, James & Patricia
		Section 35			
	Township 16 S	outh, Range 11	East, W.M	l.	
,	>7771/ CVIII/	1000	TD	1.0	Daniela James & Varon
6	NW ¹ / ₄ SW ¹ / ₄	1800	IR T	1.0	Daniels, James & Karen
7	SW1/4 SW1/4	1801	IR	1.0	A.K.A. Productions, Inc.
		Section 6			
	NUMBER OF STREET	400	TD	10.0	Duntley Carola A
	NW1/4 NE1/4	400	IR	10.0	Duntley, Carole A.
_	NE¼ NW¼	402	IR	3.0	Duntley, Carole A.
2	SW1/4 NW1/4	900	IR	10.8	Chapman, Drexal & Katheryn
4	SW1/4 SW1/4	1100	IR	1.3	Booth, Loran & Toni
4	SW1/4 SW1/4	1101	IR.	12.0	Pledger, Jeffery & Karen
		Section 7		The second second	
	OPI/ NICI/	000	To be seen a	100	Grand Toyoll & Ho
	SE¼ NE¼	800	IR	10.0	Cronen, Lowell & Ila
	SE¼ NE¼	801	IR	4.2	Houshmand, Shamsolmolouk
	NE1/4 SE1/4	1300	POND	0.06	Turner, Gerald & Judith
	NE1/4 SE1/4	1300	IR		Turner, Gerald & Judith
	NE1/4 SE1/4	1301	IR,	the second	McIntosh, Thomas & Tamara
	NE1/4 SE1/4	1302	IR,	0.8	Cordiner, Robert & Peggy
	NW1/4 SE1/4		IR O	11.8	Wyman, Harold & Jane
	SW1/4 SE1/4	1401	IR	5.6	Wyman, Harold & Jane
		Section 8			
			~~		n icanum i
	NW1/4 SW1/4	900	\mathbb{R}	35.7	Pacific NW Development
	SW1/4 SW1/4	1000	IR	4.3	Day, Matt & Lesley
	SW1/4 SW1/4	900	IR	17.7	Pacific NW Development
		Section 9			
					September 1997
					The second secon

RECEIVED

APR 1 7 2009

SEE NEXT PAGE

WATER RESOURCES DEPT SALEM, GREGON



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

_	nal Identification by Lessor/Lessee: L09.02 Application Number (assigned by WRD):	
This L	Lease is with:	
Name Mailin City, S Teleph Email	r #1 (Water Right Holder): Elkins, Craig & Cindy ng address 12820 Huffman Circle State, Zip Code Anchorage, AK 99516 none number (907) 269-6156 address itional water right holders, enter water right holder information below	RECEIVED APR 1 7 2009 WATER RESOURCES DEPT SALEM, CREGON
Applica		are used to provide the same ering on this form is not always
	~I~ Water Right Holder and Water Right Infor	mation
1.1	Lessor #1 is the water right holder, or authorized agent for property If the water right appurtenant to these lands is also appurtenant to la are not included in this application, then Attachment 1 (tax lot map)	ands owned by others who
1.3	For the water right(s) being leased, list all water rights appurtenant if there are any supplemental or overlying rights.	to the same lands. Indicate
	Certificate No. CT 76106	
1.4	Are some or all of the lands being leased part of a Conservation Reprogram. Yes No	serve Enhancement
1.5	Water Right(s) Proposed to be Leased Instream. Water right hole water rights shown on the map attached as Exhibit 5-B and describe [This information may be included on Exhibit 5-A, or an additional map may be area of water rights being leased. Attached map(s) must identify water right hole section and ¼ ¼, tax lot number, map orientation and scale.]	ed as follows: attached. Crosshatch the

	Т	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	tify pertine	ent page n	umber o	f certificate, i	if certificate than one p	e is greater than 1 er certificate)	0 pages; identify	priority date	e if there is
1.	17S	11E	14	sene	11800	.30	Irr	76106	4	12/8/1961
2.										
3.										
4.									RE	CEIVE
5.									AP	R 1 7 2009

	<u> </u>			_					AIN 1 / ZUU9
	Tot	al numb	er of a	cres, if f	or irrigati	on, by cert	tificate and pr	iority date: <u>.30</u>	WATER RESOURCES DEPT SALEM, OREGON
	Cor	nditions	or othe	r limita	tions, if ar	ny:			
	ou need ter Righ			er lease	d right, pl	ease use th	e Additional	Water Right Fo	orm for Pooled
1.6	Valid	ity of r	ights. I	essor(s	attests (r	nark one)	that:		
	\boxtimes					_	e years accord n water right	-	ns and conditions of
		conditi forfeit	ons of	the wate er ORS	er right ce	rtificate, h	owever the w	cording to the ater right is not supporting doc	t subject to
				~II~]	Instream	Water F	Right Inforn	nation	
2.3	Ter	m of le	ase. Thi	is lease	shall term	inate on C	october 15, 20	009 . (If the	re is a conflict between

~III~ Other Information

the Pooled Lease Form and this form, the Pooled Lease Form will be the official term of the lease.)

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

3.4	Suspension of original use. During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights.
3.5	 Termination provision. For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less then 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require: Written notice to the Department with original signatures; Consent by all parties to the lease; and/or Written notice to the Watermaster's office. For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.
3.6	Modification to prevent injury. Allocation of water to the instream use described in Section 2.2 during the term of this lease is not reasonably expected to cause injury to other rights to use water from the same source. If injury is found after this lease is signed, the lease may be modified or terminated to prevent injury.
Lesson Craig	Elkins Date: 2.7.2009
	ditional Lessors, type in space for signature and date Elkins Ynthia J. Forust Elkins Date: 2/7/2009
	Attachments As Needed: it 5-A: Tax Lot Map. (See instructions.) it 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
Exhib	into a single map. (See instructions.) 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)
Exhib	,
	RECEIVED APR 1 7 2009
	WATER RESOURCES DEPT

.

WATER RESOURCES DEPT SALEM, CREGON



Deschutes River Conservancy 2009 Instream Leasing Program

Policy Concerning Weeds & Instream Leases Information on Farm Deferral

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

Weed Policy

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

Information and Resources Attached

Farm Deferral Notice

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

Information and Resources Attached

Ι,	Craic	Elkins	understand the new DRC weed policy and have
		Print Name	· ·
be	en informed	l about farm deferral.	
			,
		_	
Si	gnature:	por Elen	Date: 2-7-2009
		τ	

This form must be returned before lease payment is made.

RECEIVED

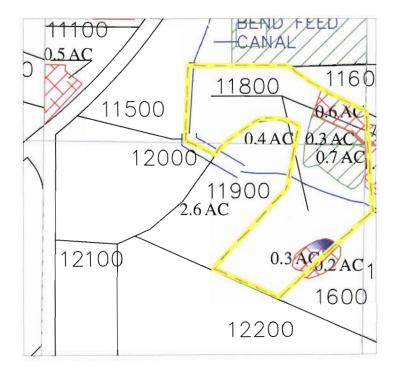
APR 17 2009

TUMALO IRRIGATION DISTRICT L09-002 IN-STREAM LEASED WATER RIGHTS SURVEY

FOR

Elkins, Craig & Cindy

Site: 19175 Klippel Rd. Bend, DR 97756



RECEIVED

APR 17 2009

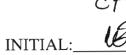
WATER RESOURCES DEPT SALEM, OREGON









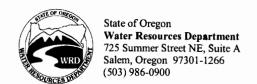


LOCATED IN THE SE 1/4 OF THE NE 1/4 OF SECTION 14, T.17 S., R.11 E., W.M. TAX LOTS # 11800 DESCHUTES COUNTY, OREGON



PAGE 4	
--------	--

17	11	2	NW 1/4 NW 1/4	400	3.0	WALKER, J & L
17	11	2	SE 1/4 NW 1/4	700	8.4	GILL, R & J
17	11	3	NW 1/4 NW 1/4	101	0.9	BRIZEE, H & J
17	11	4	NE 1/4 NE 1/4	100	0.9	LARSON/GILL, K & L
17	11	4	NW 1/4 NE 1/4	400	2.0	SHORES, D & D
17	11	4	SW 1/4 NW 1/4	2000	15.0	BRILES/LOOMIS
17	11	4	SE 1/4 NW 1/4	2000	25.0	BRILES/LOOMIS
17	11	11	SE 1/4 NE 1/4	900	4.6	PARKER, D
17	11	11	SE 1/4 NE 1/4	901	3.9	PARKER, D RECEIVED
17	11	11	NE 1/4 NW 1/4	300	5.0	OVERBAY, R APR 1 7 2009
17	11	11	NE 1/4 NW 1/4	302	5.0	MILLER/JILES WATER RESOURCES DEPT
17	11	11	NE 1/4 NW 1/4	400	0.9	GRAVES, D & D SALEM, OREGON
17	11	11	SE 1/4 NW 1/4	600	32.8	COATS, J
17	11	11	NW 1/4 SW 1/4	1601	2.0	McCOOK, P & J
17	11	11	NE 1/4 SE 1/4	1000	2.0	DYER, L&A Adams. RIJ
17	11	11	NE 1/4 SE 1/4	1001	1.2	BELL, J
17	11	11	NE 1/4 SE 1/4	1002	0.1	BELL, J
17	11	11	NW 1/4 SE 1/4	1400	0.9	COOPER, R & B
17	11	11	SE 1/4 SE 1/4	1800	7.2	HORSMAN REVOCABLE TRUST
17	11	12	SW 1/4 SW 1/4	800	26.6	COATS, J
17	11	13	SW 1/4 NE 1/4	100	13.7	COATS, J
17	11	13	SW 1/4 NE 1/4	806	1.0	GRAHAM, K
17	11	13	SE 1/4 NE 1/4	100	25.6	COATS, J
17	11	13	NW 1/4 NW 1/4	1600	0.4	ALLEN, C
17	11	13	SW 1/4 NW 1/4	1600	1.6	ALLEN, C
17	11	13	SW 1/4 NW 1/4	1,1800	0.9	ALLEN, C
17	11	13	NE 1/4 SW 1/4	500	11.2	COATS, J
17	11	13	SW 1/4 SW 1/4	500	0:4	COATS, J
17	11	13	SE 1/4 SW 1/4	500	29.1	COATS, J
17	11	13	NE 1/4 SE 1/4	100	14.5	COATS, J
17	11	13	NW 1/4 SE 1/4	100	24.1	COATS, J
17	11	13	SW 1/4 SE 1/4	100	2.5	COATS, J
17	11	13	SW 1/4 SE 1/4	500	4.5	COATS, J
17	11	14	NE 1/4 NE 1/4	11000	2.0	STOLLER, E & G
17	11	14	NE 1/4 NE 1/4	11100	7.5	BAXTER, R
17	11	14	NE 1/4 NE 1/4	11200	0.5	BENDIS, J & D
17	11	14	NE 1/4 NE 1/4	11700	0.6	ALLEN, C
17	11	14	SE 1/4 NE 1/4	1.1800	0.5	ALLEN, C Elkins, Cic



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

_	nal Identification by Lessor/Lessee: L09.10 Application Number (assigned by WRD):
This L	ease is with:
Name Mailin City, S Teleph	r #1 (Water Right Holder): Deschutes River Ranch Group, LLC ag address 20210 Swalley Road State, Zip Code Bend, OR 97701 none number (541) 408-7141 address MATER RESOURCES DEPT SALEM, CREGON
If addi	tional water right holders, enter water right holder information below
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 at 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. P: 74146, 76106 S: 74147,74148,74149,76520
1.4	Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. Yes No
1.5	Water Right(s) Proposed to be Leased Instream. Water right holder proposes to lease the water rights shown on the map attached as Exhibit 5-B and described as follows: [This information may be included on Exhibit 5-A, or an additional map may be attached. Crosshatch the area of water rights being leased. Attached map(s) must identify water right holder, township, range, section and ¼ ¼, tax lot number, map orientation and scale.]

	T	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Iden	tify pertin	ent page r	umber of	f certificate,	if certificate	e is greater than 1 er certificate)	0 pages; identify	priority date	if there is
1.	T ₁₆	12	16	swnw	00700	3.92		74146		
	+	12	10	SWIIW	00700	3.92	IRR	74146	17	9/1/1900
2.	16	12	17	nese	02500	3.10	IRR	74146	17	9/1/1900
3.	16	12	16	swnw	00800	.80	IRR	74146	17	9/1/1900
4.									D.F	- A = 11 / m
5.									H.	CEIVE
										D 1 77 000

APR 17 2009

Total number of acres	, if for irrigation,	by certificate and	priority d	late: 7.82
-----------------------	----------------------	--------------------	------------	------------

WATER RESOURCES DEPT SALEM, OREGON

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).

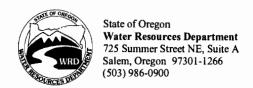
~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 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.

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	year with written notice to the during the calendar year. Ho days prior to the period of all begun for the water right(s) be until the following calendar y not occur. The Department notice to the Depa Consent by all parties to the Water with the water notice to the Water written notice to the Water water water with the water with the water with the water wa	rtment with original signatures; ne lease; and/or ermaster's office. or shall not have the option of te	e terminated at any time t is received less then 30- period of allowed use has sed under the right(s) leased nes that enlargement would				
Lesson Desch	Modification to prevent injury. 2.2 during the term of this lease is use water from the same source. I modified or terminated to prevent or #1: hutes River Ranch Group, LLC Ga	not reasonably expected to cause If injury is found after this lease	se injury to other rights to is signed, the lease may be				
For ac	dditional Lessors, type in space for s	signature and date	RECEIVED				
	-		APR 17 2009				
Other Attachments As Needed: Exhibit 5-A: Tax Lot Map. (See instructions.) Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased; required if or part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.) Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is							
Exhib	checked) bit 5-D: Split Season Instream	Use Form					
	_						



Additional Water Right Form For Pooled Water Right Holder

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.

~I~

Section 1.5 continued from Pooled Leasing Water Right Holder Form.

Water Right(s) Proposed to be Leased Instream. Water right holder proposes to lease the water rights shown on the map attached as Exhibit 5-B and described as follows:

[This information may be included on Exhibit 5-A, or an additional map may be attached. Crosshatch the area of water rights being leased. Attached map(s) must identify water right holder, township, range, section and ¼ ¼, tax lot number, map orientation and scale.]

	Т	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page 1	number of			is greater than 1 er certificate)	0 pages; identify	priority date	e if there is
1.	16	12	16	swnw	00700	4.76	IRR	76106	3	12/8/1961
2.										
3.										
4.										
5.									RECE	VED
6.									ΔPR 1'	7 2009
7.								10/0	TED DECOM	
8.								- 444	TER RESOUR	RCES DEPT
9.										
10.										

[Attached map(s) must identify water right holder, township, range, section and ¼ ¼, tax lot number, map orientation and scale.]

Total number of acres, if for irrigation, by certificate and priority date: 4.76



Deschutes River Conservancy 2009 Instream Leasing Program

RECEIVED

Policy Concerning Weeds & Instream Leases Information on Farm Deferral APR 1 7 2009
WATER RESOURCES DEPT
SALEM, CREGON

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

Weed Policy

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

Information and Resources Attached

Farm Deferral Notice

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

Information and Resources Attached

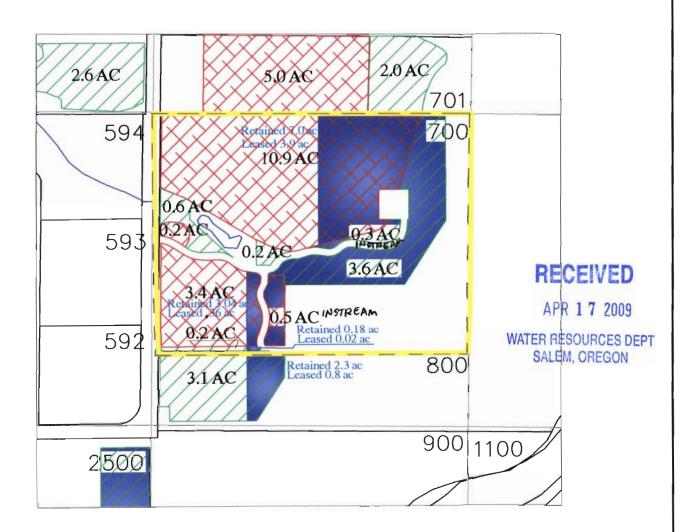
been informed about farm deferral.

This form must be returned before lease payment is made.

EXHIBIT 5-A & B TUMALO IRRIGATION DISTRICT L09-10 IN-STREAM LEASED WATER RIGHTS SURVEY **FOR**

Deschutes River Ranch Group, LLC

65900 White Rock Loop. BEND 97701













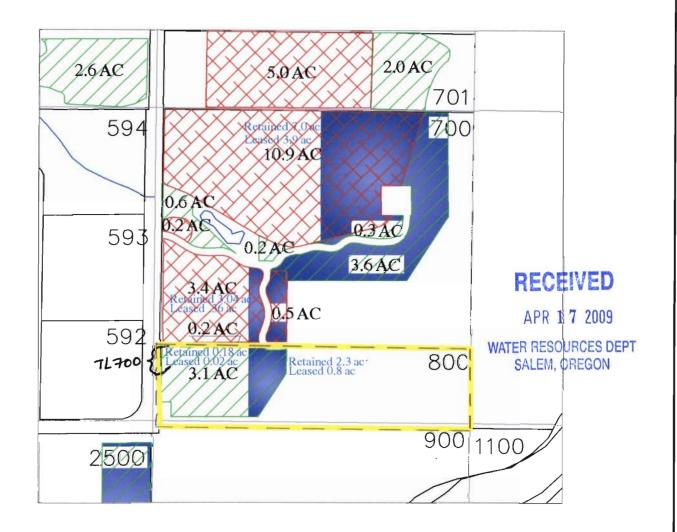
LOCATED IN THE SW 1/4 OF THE NW1/4 OF SECTION 16, T16 S., R.12 E., W.M. TAX LOTS # 700 DESCHUTES COUNTY, OREGON



TUMALO IRRIGATION DISTRICT EXHIBIT 5-A & B L09-10 IN-STREAM LEASED WATER RIGHTS SURVEY FOR

Deschutes River Ranch Group, LLC

65900 White Rock Loop. BEND 97701











Certificate # In-Stream Lea

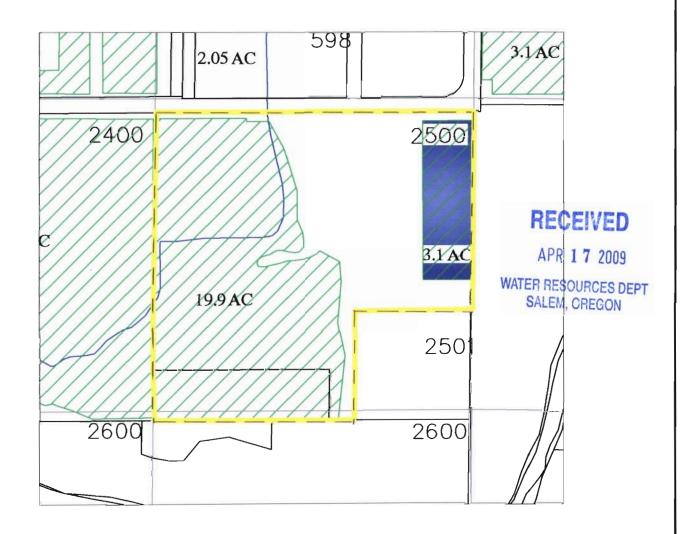
LOCATED IN THE SW 1/4 OF THE NW1/4 OF SECTION 16, T16 S., R12 E., W.M. TAX LOTS # 800 DESCHUTES COUNTY, OREGON



TUMALO IRRIGATION DISTRICT EXHIBIT 5-A & B L09-10 IN-STREAM LEASED WATER RIGHTS SURVEY FOR

Deschutes River Ranch Group, LLC

65798 White Rock Loop. BEND 97701











LOCATED IN THE NE 1/4 OF THE SE 1/4 OF SECTION 17, T16 S., R.12 E., W.M. TAX LOTS # 2500 DESCHUTES COUNTY, OREGON

SCALE: 1" = 400'

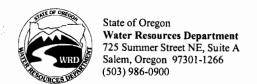
1

INITIAL:

					Page 17	
	NW1/4 NW1/4	600	IR	19.6	Pacific NW Development	
	14 VV 74 14 VV 74	Section 16	ш	17.0	RECEIVED	
		DOMOR 10			REVEIVED	
	NW1/4 NE1/4	400	IR	2.0	Husted, James & Kelly APR 1 7 2009)
	SW1/4 NE1/4	599	IR	1.8	Foucher, Dorothy WATER RESOURCES D	_n
	SW1/4 NE1/4	600	IR	4.0	Shatka, Michael & Shirley SALEM, OREGON	
	SW1/4 NE1/4	601	IR.	7.0	Moody, Richard & Denise	
	SW1/4 NE1/4	602	IR	4.0	Galloway, Patrick J.	
	SW1/4 NE1/4	603	POND	0.2	Towell, Thomas & Tammie	
	SW1/4 NE1/4	603	IR	7.0	Towell, Thomas & Tammie	
	SW1/4 NE1/4	700	IR	5.0	Wolf, Richard & Mary Jeanne	
	SW1/4 NE1/4	701	IR	2.0	Ray, James M.	
	SW1/4 NE1/4	702	IR	1.6	Mueller, Lorraine P.	
	NE ¹ / ₄ NW ¹ / ₄	1300	IR	6.0	Rose, Dennis & Anita	1
	NE1/4 NW1/4	1400	IR	0.7	Hart, Susan	- 1
	NE ¹ / ₄ NW ¹ / ₄	1500	IR	7.0	Brickey, Jerry & Patricia	-
	NE ¹ / ₄ NW ¹ / ₄	1600	IR	2.8	McNamee, Patrick & Marty	ļ
	NW ¹ / ₄ NW ¹ / ₄	2000	IR	11.26	Barnhart, John & Jennifer	
	NW ¹ / ₄ NW ¹ / ₄	2002	IR TD	13.2	Werner, William & Kristie	
	SW ¹ / ₄ NW ¹ / ₄	2001	IR T	11.0	Rantschler, John & Nancy	- [
	SW1/4 NW1/4	2003	IR ID	6.7	Boone, Ryan Kim & Myrna Lynn	
	SW1/4 NW1/4	2004	IR ID	7.5	Boone, Daniel & Corinna	
	NE1/4 SW1/4	2301	IR ID	4.0	Davidson, Darrell & Nancy	- 1
	NE¼ SW¼	2303	IR IB	4.0	Mobley, John & Nancy	
	NE¼ SW¼	2304	IR IB	3.0	Williams, Robert D. Guier, James & Judy	
	NE¼ SW¼	2305	IR IR	6.3 2.0	Mohlay John & Nancy	
	NE1/4 SW1/4	2306	IIX	2.0	Widdley, John & Ivaney	- 1
	NELL CELL	2500	IR	149	Loomis Susan Desch, River Karel	23V
	NE ¹ / ₄ SE ¹ / ₄	2500 2501	IR IR	14.9	Loomis, Susan Desch. River Randle Loomis, Susan	
	NE1/4 SE1/4	2501	IR	0.6	Loomis, Susan Loomis, Susan Kinsey, William	
		2501 2400			Loomis, Susan	
	NE1/4 SE1/4	2501	IR	0.6	Loomis, Susan	
	NE1/4 SE1/4	2501 2400	IR	0.6 31.5	Loomis, Susan Kinsey, William Gardner, James & Virginia	
	NE¼ SE¼ NW¼ SE¼	2501 2400 Section 17	IR IR IR IR	0.6 31.5 1.6 38.8	Loomis, Susan Kinsey, William Gardner, James & Virginia Putnam, Lee&Mary/Steve&Arlene	
	NE¼ SE¼ NW¼ SE¼ SW¼ NE¼	2501 2400 Section 17 502 200 800	IR IR IR IR POND	0.6 31.5 1.6 38.8 0.2	Loomis, Susan Kinsey, William Gardner, James & Virginia Putnam, Lee&Mary/Steve&Arlene Barnum, Marie (Lifetime Estate)	
	NE¼ SE¼ NW¼ SE¼ SW¼ NE¼ NE¼ NW¼	2501 2400 Section 17 502 200 800 800	IR IR IR IR POND IR	0.6 31.5 1.6 38.8 0.2 27.0	Loomis, Susan Kinsey, William Gardner, James & Virginia Putnam, Lee&Mary/Steve&Arlene Barnum, Marie (Lifetime Estate) Barnum, Marie (Lifetime Estate)	
3	NE¼ SE¼ NW¼ SE¼ SW¼ NE¼ NE¼ NW¼ NE¼ SW¼	2501 2400 Section 17 502 200 800 800 1000	IR IR IR IR POND IR	0.6 31.5 1.6 38.8 0.2 27.0 2.3	Loomis, Susan Kinsey, William Gardner, James & Virginia Putnam, Lee&Mary/Steve&Arlene Barnum, Marie (Lifetime Estate) Barnum, Marie (Lifetime Estate) Brant, Laverne & Betty	
3 3	NE¼ SE¼ NW¼ SE¼ SW¼ NE¼ NE¼ NW¼ NE¼ SW¼ NE¼ SW¼ NW¼ SW¼ NW¼ SW¼	2501 2400 Section 17 502 200 800 1000 900	IR IR IR IR POND IR IR IR	0.6 31.5 1.6 38.8 0.2 27.0 2.3 15.0	Cardner, James & Virginia Putnam, Lee&Mary/Steve&Arlene Barnum, Marie (Lifetime Estate) Barnum, Marie (Lifetime Estate) Brant, Laverne & Betty Chilen, David & Geri	
	NE¼ SE¼ NW¼ SE¼ SW¼ NE¼ NE¼ NW¼ NE¼ SW¼ NE¼ SW¼ NW¼ SW¼ NW¼ SW¼ SW¼ SW¼	2501 2400 Section 17 502 200 800 800 1000 900 1100	IR IR IR IR POND IR IR IR	0.6 31.5 1.6 38.8 0.2 27.0 2.3 15.0 17.5	Cardner, James & Virginia Putnam, Lee&Mary/Steve&Arlene Barnum, Marie (Lifetime Estate) Barnum, Marie (Lifetime Estate) Brant, Laverne & Betty Chilen, David & Geri Sappington, Yvonne	
3	NE ¹ / ₄ SE ¹ / ₄ NW ¹ / ₄ SE ¹ / ₄ SW ¹ / ₄ NE ¹ / ₄ NE ¹ / ₄ SW ¹ / ₄ NE ¹ / ₄ SW ¹ / ₄ NW ¹ / ₄ SW ¹ / ₄ SW ¹ / ₄ SW ¹ / ₄ SW ¹ / ₄ SW ¹ / ₄	2501 2400 Section 17 502 200 800 800 1000 900 1100	IR IR IR IR POND IR IR IR IR IR	0.6 31.5 1.6 38.8 0.2 27.0 2.3 15.0 17.5 9.5	Cardner, James & Virginia Putnam, Lee&Mary/Steve&Arlene Barnum, Marie (Lifetime Estate) Barnum, Marie (Lifetime Estate) Brant, Laverne & Betty Chilen, David & Geri Sappington, Yvonne Kingen, Dorlee	
3 4	NE ¹ / ₄ SE ¹ / ₄ NW ¹ / ₄ SE ¹ / ₄ SW ¹ / ₄ NE ¹ / ₄ NE ¹ / ₄ SW ¹ / ₄ NE ¹ / ₄ SW ¹ / ₄ NW ¹ / ₄ SW ¹ / ₄ SW ¹ / ₄ SW ¹ / ₄ SW ¹ / ₄ SW ¹ / ₄ SE ¹ / ₄ SW ¹ / ₄	2501 2400 Section 17 502 200 800 1000 900 1100 1102 1100	IR IR IR POND IR IR IR IR	0.6 31.5 1.6 38.8 0.2 27.0 2.3 15.0 17.5 9.5 9.5	Cardner, James & Virginia Putnam, Lee&Mary/Steve&Arlene Barnum, Marie (Lifetime Estate) Barnum, Marie (Lifetime Estate) Brant, Laverne & Betty Chilen, David & Geri Sappington, Yvonne Kingen, Dorlee Sappington, Yvonne	
3 4	NE ¹ / ₄ SE ¹ / ₄ NW ¹ / ₄ SE ¹ / ₄ NE ¹ / ₄ NW ¹ / ₄ NE ¹ / ₄ SW ¹ / ₄ NE ¹ / ₄ SW ¹ / ₄ NW ¹ / ₄ SW ¹ / ₄ SW ¹ / ₄ SW ¹ / ₄ SW ¹ / ₄ SW ¹ / ₄ SE ¹ / ₄ SW ¹ / ₄ SE ¹ / ₄ SW ¹ / ₄	2501 2400 Section 17 502 200 800 800 1000 900 1100 1102 1100 1102	IR IR IR IR POND IR IR IR IR IR IR IR	0.6 31.5 1.6 38.8 0.2 27.0 2.3 15.0 17.5 9.5 9.5 6.0	Cardner, James & Virginia Putnam, Lee&Mary/Steve&Arlene Barnum, Marie (Lifetime Estate) Barnum, Marie (Lifetime Estate) Brant, Laverne & Betty Chilen, David & Geri Sappington, Yvonne Kingen, Dorlee Sappington, Yvonne Kingen, Dorlee	
3 4	NE¼ SE¼ NW¼ SE¼ SW¼ NE¼ NE¼ NW¼ NE¼ SW¼ NE¼ SW¼ NW¼ SW¼ NW¼ SW¼ SW¼ SW¼ SW¼ SW¼ SE¼ SW¼ SE¼ SW¼	2501 2400 Section 17 502 200 800 800 1000 900 1100 1102 1100 1102 1200	IR IR IR POND IR IR IR IR IR IR	0.6 31.5 1.6 38.8 0.2 27.0 2.3 15.0 17.5 9.5 9.5 6.0 4.5	Loomis, Susan Kinsey, William Gardner, James & Virginia Putnam, Lee&Mary/Steve&Arlene Barnum, Marie (Lifetime Estate) Barnum, Marie (Lifetime Estate) Brant, Laverne & Betty Chilen, David & Geri Sappington, Yvonne Kingen, Dorlee Sappington, Yvonne Kingen, Dorlee Miller, Cy	
3 4	NE ¹ / ₄ SE ¹ / ₄ NW ¹ / ₄ SE ¹ / ₄ SW ¹ / ₄ NE ¹ / ₄ NE ¹ / ₄ SW ¹ / ₄ NE ¹ / ₄ SW ¹ / ₄ NW ¹ / ₄ SW ¹ / ₄ NW ¹ / ₄ SW ¹ / ₄ SW ¹ / ₄ SW ¹ / ₄ SE ¹ / ₄ SW ¹ / ₄	2501 2400 Section 17 502 200 800 800 1000 900 1100 1102 1100 1102 1200	IR IR IR IR POND IR IR IR IR IR IR IR IR	0.6 31.5 1.6 38.8 0.2 27.0 2.3 15.0 17.5 9.5 9.5 6.0 4.5 8.0	Cardner, James & Virginia Putnam, Lee&Mary/Steve&Arlene Barnum, Marie (Lifetime Estate) Barnum, Marie (Lifetime Estate) Brant, Laverne & Betty Chilen, David & Geri Sappington, Yvonne Kingen, Dorlee Sappington, Yvonne Kingen, Dorlee Miller, Cy Goldman, William & Laurel	
3 4	NE¼ SE¼ NW¼ SE¼ SW¼ NE¼ NE¼ NW¼ NE¼ SW¼ NE¼ SW¼ NW¼ SW¼ SW¼ SW¼ SW¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼	2501 2400 Section 17 502 200 800 800 1000 900 1100 1102 1102 1200 1201 1300	IR IR IR IR POND IR	0.6 31.5 1.6 38.8 0.2 27.0 2.3 15.0 17.5 9.5 9.5 6.0 4.5 8.0 4.0	Cardner, James & Virginia Putnam, Lee&Mary/Steve&Arlene Barnum, Marie (Lifetime Estate) Barnum, Marie (Lifetime Estate) Brant, Laverne & Betty Chilen, David & Geri Sappington, Yvonne Kingen, Dorlee Sappington, Yvonne Kingen, Dorlee Miller, Cy Goldman, William & Laurel Miller, Cy	
3 4	NE¼ SE¼ NW¼ SE¼ SW¼ NE¼ NE¼ NW¼ NE¼ SW¼ NE¼ SW¼ NW¼ SW¼ SW¼ SW¼ SW¼ SW¼ SE¼ SW¼	2501 2400 Section 17 502 200 800 800 1000 900 1100 1102 1100 1102 1200 1201 1300 600	IR IR IR IR POND IR IR IR IR IR IR IR	0.6 31.5 1.6 38.8 0.2 27.0 2.3 15.0 17.5 9.5 6.0 4.5 8.0 4.0 15.0	Cardner, James & Virginia Putnam, Lee&Mary/Steve&Arlene Barnum, Marie (Lifetime Estate) Barnum, Marie (Lifetime Estate) Brant, Laverne & Betty Chilen, David & Geri Sappington, Yvonne Kingen, Dorlee Sappington, Yvonne Kingen, Dorlee Miller, Cy Goldman, William & Laurel Miller, Cy Manis, Noel & Susan	
3 4	NE¼ SE¼ NW¼ SE¼ SW¼ NE¼ NE¼ NW¼ NE¼ SW¼ NE¼ SW¼ NW¼ SW¼ SW¼ SW¼ SW¼ SW¼ SE¼ SW¼	2501 2400 Section 17 502 200 800 800 1000 900 1100 1102 1100 1102 1200 1201 1300 600 601	IR IR IR IR POND IR IR IR IR IR IR IR IR IR	0.6 31.5 1.6 38.8 0.2 27.0 2.3 15.0 17.5 9.5 6.0 4.5 8.0 4.0 15.0 15.7	Cardner, James & Virginia Putnam, Lee&Mary/Steve&Arlene Barnum, Marie (Lifetime Estate) Barnum, Marie (Lifetime Estate) Brant, Laverne & Betty Chilen, David & Geri Sappington, Yvonne Kingen, Dorlee Sappington, Yvonne Kingen, Dorlee Miller, Cy Goldman, William & Laurel Miller, Cy Manis, Noel & Susan Towner, Earl & Judith	
3 4	NE¼ SE¼ NW¼ SE¼ SW¼ NE¼ NE¼ NW¼ NE¼ SW¼ NE¼ SW¼ NW¼ SW¼ SW¼ SW¼ SE¼ SW¼ NE¼ SE¼	2501 2400 Section 17 502 200 800 800 1000 900 1100 1102 1100 1102 1200 1201 1300 600 601 700	IR IR IR IR POND IR	0.6 31.5 1.6 38.8 0.2 27.0 2.3 15.0 17.5 9.5 6.0 4.5 8.0 4.0 15.0 15.7 16.0	Cardner, James & Virginia Putnam, Lee&Mary/Steve&Arlene Barnum, Marie (Lifetime Estate) Barnum, Marie (Lifetime Estate) Brant, Laverne & Betty Chilen, David & Geri Sappington, Yvonne Kingen, Dorlee Sappington, Yvonne Kingen, Dorlee Miller, Cy Goldman, William & Laurel Miller, Cy Manis, Noel & Susan Towner, Earl & Judith Gould, Annunziata O.	
3 4	NE¼ SE¼ NW¼ SE¼ SW¼ NE¼ NW¼ NE¼ SW¼ NE¼ SW¼ NW¼ SW¼ SW¼ SW¼ SW¼ SW¼ SE¼ SW¼ NE¼ SE¼ SW¼ NE¼ SE¼ SW¼ NE¼ SE¼ NW¼ NE¼ SE¼	2501 2400 Section 17 502 200 800 800 1000 900 1100 1102 1100 1102 1200 1201 1300 600 601 700 701	IR IR IR IR POND IR	0.6 31.5 1.6 38.8 0.2 27.0 2.3 15.0 17.5 9.5 6.0 4.5 8.0 4.0 15.0 15.7 16.0 6.3	Cardner, James & Virginia Putnam, Lee&Mary/Steve&Arlene Barnum, Marie (Lifetime Estate) Barnum, Marie (Lifetime Estate) Brant, Laverne & Betty Chilen, David & Geri Sappington, Yvonne Kingen, Dorlee Sappington, Yvonne Kingen, Dorlee Miller, Cy Goldman, William & Laurel Miller, Cy Manis, Noel & Susan Towner, Earl & Judith Gould, Annunziata O. Pearson, David & Wyona	
3 4	NE¼ SE¼ NW¼ SE¼ SW¼ NE¼ NE¼ SW¼ NE¼ SW¼ NE¼ SW¼ NW¼ SW¼ SW¼ SW¼ SW¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ NE¼ SE¼ NW¼ SE¼ NW¼ SE¼ NW¼ SE¼	2501 2400 Section 17 502 200 800 800 1000 900 1100 1102 1100 1102 1200 1201 1300 600 601 700 701 1400	IR I	0.6 31.5 1.6 38.8 0.2 27.0 2.3 15.0 17.5 9.5 9.5 6.0 4.5 8.0 4.0 15.7 16.0 6.3 3.0	Cardner, James & Virginia Putnam, Lee&Mary/Steve&Arlene Barnum, Marie (Lifetime Estate) Barnum, Marie (Lifetime Estate) Brant, Laverne & Betty Chilen, David & Geri Sappington, Yvonne Kingen, Dorlee Sappington, Yvonne Kingen, Dorlee Miller, Cy Goldman, William & Laurel Miller, Cy Manis, Noel & Susan Towner, Earl & Judith Gould, Annunziata O. Pearson, David & Wyona Covell, Charles & Susan	
3 4	NE¼ SE¼ NW¼ SE¼ SW¼ NE¼ NW¼ NE¼ SW¼ NE¼ SW¼ NW¼ SW¼ SW¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SE¼ SW¼ NE¼ SE¼ SW¼ SE¼ SW¼ SE¼ SE¼ SW¼ NE¼ SE¼ NW¼ SE¼ NE¼ SE¼ NW¼ SE¼ NW¼ SE¼ NW¼ SE¼ NW¼ SE¼ NW¼ SE¼	2501 2400 Section 17 502 200 800 800 1000 900 1100 1102 1100 1102 1200 1201 1300 600 601 700 701 1400 1401	IR IR IR IR IR IR IR IR IR IR IR IR IR I	0.6 31.5 1.6 38.8 0.2 27.0 2.3 15.0 17.5 9.5 6.0 4.5 8.0 4.0 15.7 16.0 6.3 3.0 4.0	Gardner, James & Virginia Putnam, Lee&Mary/Steve&Arlene Barnum, Marie (Lifetime Estate) Barnum, Marie (Lifetime Estate) Brant, Laverne & Betty Chilen, David & Geri Sappington, Yvonne Kingen, Dorlee Sappington, Yvonne Kingen, Dorlee Miller, Cy Goldman, William & Laurel Miller, Cy Manis, Noel & Susan Towner, Earl & Judith Gould, Annunziata O. Pearson, David & Wyona Covell, Charles & Susan Grimshaw, Max & Betty	
3 4	NE¼ SE¼ NW¼ SE¼ SW¼ NE¼ NW¼ NE¼ SW¼ NE¼ SW¼ NW¼ SW¼ SW¼ SW¼ SW¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SE¼ SW¼ NE¼ SE¼ SW¼ SE¼ SE¼ SW¼ NE¼ SE¼ SW¼ NE¼ SE¼ NW¼ SE¼ NE¼ SE¼ NW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SE¼ NW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼	2501 2400 Section 17 502 200 800 800 1000 900 1100 1102 1100 1102 1200 1201 1300 600 601 700 701 1400 1401 1402	IR IR IR IR POND IR IR IR IR IR IR IR IR IR IR IR IR IR	0.6 31.5 1.6 38.8 0.2 27.0 2.3 15.0 17.5 9.5 6.0 4.5 8.0 4.0 15.0 15.7 16.0 6.3 3.0 4.0 3.0	Cardner, James & Virginia Putnam, Lee&Mary/Steve&Arlene Barnum, Marie (Lifetime Estate) Barnum, Marie (Lifetime Estate) Brant, Laverne & Betty Chilen, David & Geri Sappington, Yvonne Kingen, Dorlee Sappington, Yvonne Kingen, Dorlee Miller, Cy Goldman, William & Laurel Miller, Cy Manis, Noel & Susan Towner, Earl & Judith Gould, Annunziata O. Pearson, David & Wyona Covell, Charles & Susan Grimshaw, Max & Betty Wilson, Darrel & Elizabeth	
3 4	NE¼ SE¼ NW¼ SE¼ SW¼ NE¼ NE¼ SW¼ NE¼ SW¼ NW¼ SW¼ NW¼ SW¼ SW¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SE¼ NE¼ SE¼ NE¼ SE¼ NE¼ SE¼ NE¼ SE¼ NE¼ SE¼ NW¼ SE¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SE¼ NW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼	2501 2400 Section 17 502 200 800 800 1000 900 1100 1102 1100 1102 1200 1201 1300 600 601 700 701 1400 1401 1402 1403	IR IR IR IR IR IR IR IR IR IR IR IR IR I	0.6 31.5 1.6 38.8 0.2 27.0 2.3 15.0 17.5 9.5 6.0 4.5 8.0 4.0 15.7 16.0 6.3 3.0 4.0 3.0 4.0	Cardner, James & Virginia Putnam, Lee&Mary/Steve&Arlene Barnum, Marie (Lifetime Estate) Barnum, Marie (Lifetime Estate) Brant, Laverne & Betty Chilen, David & Geri Sappington, Yvonne Kingen, Dorlee Sappington, Yvonne Kingen, Dorlee Miller, Cy Goldman, William & Laurel Miller, Cy Manis, Noel & Susan Towner, Earl & Judith Gould, Annunziata O. Pearson, David & Wyona Covell, Charles & Susan Grimshaw, Max & Betty Wilson, Darrel & Elizabeth Riegel/Burton, Gregg & Gail	
3 4	NE¼ SE¼ NW¼ SE¼ SW¼ NE¼ NW¼ NE¼ SW¼ NE¼ SW¼ NW¼ SW¼ SW¼ SW¼ SW¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SE¼ SW¼ NE¼ SE¼ SW¼ SE¼ SE¼ SW¼ NE¼ SE¼ SW¼ NE¼ SE¼ NW¼ SE¼ NE¼ SE¼ NW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SE¼ NW¼ SE¼ SW¼ SE¼ SW¼ SE¼ SW¼ SE¼	2501 2400 Section 17 502 200 800 800 1000 900 1100 1102 1100 1102 1200 1201 1300 600 601 700 701 1400 1401 1402	IR IR IR IR POND IR IR IR IR IR IR IR IR IR IR IR IR IR	0.6 31.5 1.6 38.8 0.2 27.0 2.3 15.0 17.5 9.5 6.0 4.5 8.0 4.0 15.0 15.7 16.0 6.3 3.0 4.0 3.0	Cardner, James & Virginia Putnam, Lee&Mary/Steve&Arlene Barnum, Marie (Lifetime Estate) Barnum, Marie (Lifetime Estate) Brant, Laverne & Betty Chilen, David & Geri Sappington, Yvonne Kingen, Dorlee Sappington, Yvonne Kingen, Dorlee Miller, Cy Goldman, William & Laurel Miller, Cy Manis, Noel & Susan Towner, Earl & Judith Gould, Annunziata O. Pearson, David & Wyona Covell, Charles & Susan Grimshaw, Max & Betty Wilson, Darrel & Elizabeth	

1	7		
-		- H.	- 5

			NT 4/1 NT 1/1	100	12.5	GODELLE DE G	
16	12	7	NE 1/4 NE 1/4	102	13.6	GOBELLE, D& C	
16	12	7	SE 1/4 NE 1/4	101	1.5	GODELLE, D & C	
16	12	7	SE 1/4 NE 1/4	102	1.4	GOBEILLE, D & C	
16	12	7	SE 1/4 NE 1/4	103	22.0	GOBEILLE, D & C	
16	12	7	NE 1/4 NW 1/4	402	8.8	DUNTLEY, C RECE	VED
16	12	7	NE 1/4 NW 1/4	403	4.4	20112117	
16	12	7	NW 1/4 NW 1/4	401	8.3	VANDERBEEK, R & L APR 11	
16	12	7	NW 1/4 NW 1/4	403	2.8	DUNTLEY, C WATER RESOURCE SALEM, OF	
16	12	7	NW 1/4 NW 1/4	500	2.7	CHANCE, W	
16	12	7	NW 1/4 NW 1/4	600	1.0	CAMPAGNA, D & S	
16	12	8	NW 1/4 NW 1/4	402	30.0	CRYSTAL RIVER PROPERTIES, LLC Nichols, Roger & Therese	
16	12	8	SW 1/4 NW 1/4	400	4.0	CRYSTAL RIVER PROPERTIES, LLC	
16	12	8	SW 1/4 NW 1/4	402	6.0	CRYSTAL RIVER PROPERTIES, LLC	
16	12	8	NW 1/4 SW 1/4	1707	0.5	наммаск, Р & С	
16	12	9	SW 1/4 SW 1/4	900	15.0	PACIFIC NW DEVELOPMENT CORP.	
16	12	16	NW 1/4 NW 1/4	701	5.0	KHALSA, J & J	
16	12	16	NW 1/4 NW 1/4	702	5.0	TROUT, R & L	
16	12	16	SW 1/4 NW 1/4	700	15.0	BALDWIN/TROUT/KHALSA Desch	
16	12	17	NE 1/4 NE 1/4	100	20.0		and them ab 33 ntron Her
16	12	19	SE 1/4 SW 1/4	1900	10.0	KLOBY, J & M	1998 35
16	12	19	NE 1/4 SE 1/4	2000	8.0	SHIPMAN, K & P	
16	12	19	NW 1/4 SE 1/4	2100	20.0	SHULL, C	
16	12	30	NE 1/4 SW 1/4/	402	5.0	McWILLIAMS, L	
16	12	30	NW 1/4 SW 1/4	403	2.0	SCOTT, S	
16	12	30	NW 1/4 SW 1/4	404	3.0	AYLETT, R & M	
16	12	30	NW 1/4 SE 1/4	2500	1.0	WIENEKE, D & N	
16	12	31	SW 1/4 SW 1/4	409	2.0	HAGEMANN, R & L	
17	11	1	NW 1/4 NW 1/4	400	2.0	NORTHON, R & J]
17	11.	1	NW 1/4 NW 1/4	402	1.0	KAILEY, J & J	46
17	11	2	NE 1/4 NE 1/4	100	2.5	WACHS, D & L	
17	11	2	NE 1/4 NE 1/4	106	2.5	SILVER, R & J]]
17	11	2	NW 1/4 NE 1/4	101	2.4	MORROW, R & R]
17	11	2	NW 1/4 NE 1/4	102	2.5	JOHNSON, M]
17	11	2	NW 1/4 NE 1/4	103	0.1	MORROW, R & R	<u> </u>
17	11	2	NE 1/4 NW 1/4	200	3.0	GILL, R & J	
17	11	2	NE 1/4 NW 1/4	201	6.1	GILL, R & J	



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

Lease Application Number (assigned by WRD):						
This L	ease is with:					
Name Mailin City, S Teleph Email		RECEIVED APR 1 7 2009 WATER RESOURCES DEPT SALEM, CREGON				
If addi	tional water right holders, enter water right holder information below	1				
Applica	he section numbering associated with this form corresponds to that found on the "Stion" form. The "Pooled Lease" form and "Pooled Water Right Holder" form(s) a tion as the "Standard Instream Lease Application" form. Consequently, the numberal.	re used to provide the same				
	~I~ Water Right Holder and Water Right Inform	nation				
1.1	Lessor #1 is the water right holder, or authorized agent for property If the water right appurtenant to these lands is also appurtenant to la are not included in this application, then Attachment 1 (tax lot map)	nds owned by others who				
1.3	For the water right(s) being leased, list all water rights appurtenant t if there are any supplemental or overlying rights.	to the same lands. Indicate				
	Certificate No. Primary 74146, Supplemental 74147,74148,74149,7	6520				
1.4	Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. ☐ Yes ☒ No					
1.5	Water Right(s) Proposed to be Leased Instream. Water right holder proposes to lease the water rights shown on the map attached as Exhibit 5-B and described as follows: [This information may be included on Exhibit 5-A, or an additional map may be attached. Crosshatch the area of water rights being leased. Attached map(s) must identify water right holder, township, range, section and ¼ ¼, tax lot number, map orientation and scale.]					

	T	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Iden	tify pertin	ent page r	number of	certificate,	if certificate	e is greater than 1 er certificate)	0 pages; identify	priority date	e if there is
1.	16	11	22	nwnw	00401	1.0	Irr	74146	5	9/1/1900
2.			_							
3.										
4.									R	ECEIVE
5.									Δ	PR 1 7 200

	Tota	al number of acres, if for irrigation, by certificate and priority date: 1.0 WATER RESOURCES DEPT SALEM, CREGON
	Con	ditions or other limitations, if any:
		to enter another leased right, please use the Additional Water Right Form for Pooled t Holder.
1.6 V	alid	ity of rights. Lessor(s) attests (mark one) that:
	\boxtimes	The water has been used over the past five years according to the terms and conditions of the water right certificate or as an instream water right or

~II~ Instream Water Right Information

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).

2.3 Term of lease. This lease shall terminate on October 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.



Deschutes River Conservancy 2009 Instream Leasing Program

RECEIVED

Policy Concerning Weeds & Instream Leases Information on Farm Deferral APR 17 2009
WATER RESOURCES DEPT
SALEM, CREGON

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

Weed Policy

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

Information and Resources Attached

Farm Deferral Notice

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

Information and Resources Attached

I, <u>Gail Haules Davis</u> understand the new DRC weed policy and have been informed about farm deferral.

This form must be returned before lease payment is made.

3.4	suspend us	on of original use. During the period of the lease, the water right holder agrees to see of water allowed under the subject water rights and under any water right that is stal to the subject water rights.					
3.5	For myear v during days p begun until t not oc Wr Co Wr For m	dultiyear 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 in the calendar year. However, if the termination request is received less then 30-perior to the period of allowed instream use or after the period of allowed use has a 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 be cur. The Department may also require: itten notice to the Department with original signatures; insent by all parties to the lease; and/or itten notice to the Watermaster's office. The period of terminating the lease, without into the period of the lease.					
3.6	2.2 during use water is modified of	ion to prevent injury. Allocation of water to the instream use described in Section 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 or terminated to prevent injury.					
Lessor Gail H	#1: ayes Davis	Pail Nayes Davis Date: 2/20/09					
For ad	ditional Les	ssors, type in space for signature and date					
		s As Needed:					
Exhibi Exhibi	t 5-A: t 5-B:	Tax Lot Map. (See instructions.) 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.)					
Exhibi	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)						
Exhibi	t 5-D:	Split Season Instream Use Form					

.

RECEIVED

APR 17 2009

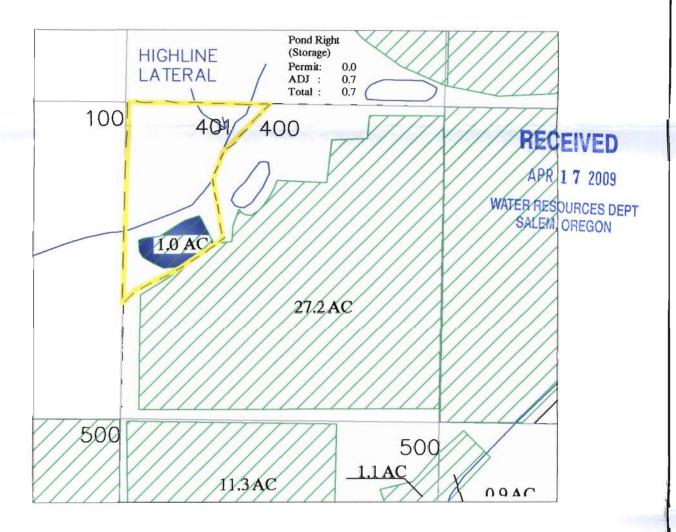
WATER RESOURCES DEPT SALEM, CREGON

TUMALO IRRIGATION DISTRICT L09-07 IN-STREAM LEASED WATER RIGHTS SURVEY

FOR

Davis, Gail Hayes

65599 Tweed Rd. BEND 97701











In-Stream Lease

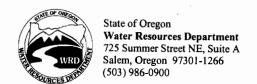
LOCATED IN THE NW 1/4 OF THE NW 1/4 OF SECTION 22, T16 S., R.11 E., W.M. TAX LOTS # 00401 DESCHUTES COUNTY, OREGON





		5

CITIL NICIL	500			0.11
SE¼ NE¼	500	IR T	5.8	Goldy, Daniel
NE¼ SW¼	600	IR	0.5	Bend Metro Parks
SW ¹ / ₄ SW ¹ / ₄	1000	IR	6.0	Hickok/Wallace
SE1/4 SW1/4	600	IR	31.7	Bend Metro Parks
NE ¹ / ₄ SE ¹ / ₄	600	IR	6.7	Bend Metro Parks
SW1/4 SE1/4	600	IR	18.1	Bend Metro Parks RECEIVED
SE1/4 SE1/4	600	POND	2.0	Bend Metro Parks
SE1/4 SE1/4	600	IR	4.7	Bend Metro Parks APR 1 7 2009
SE1/4 SE1/4	700	IR	1.0	Denall, Thomas & LindaWATER RESOURCES DEP
SE1/4 SE1/4	800	IR.	1.0	Denall, Thomas & Linda SALEM, OREGON
SE1/4 SE1/4	900	IR.	0.1	Denall, Thomas & Linda
22712271	Section 21		-,-	
	S C C C C C C C C C C C C C C C C C C C			
NE1/4 NE1/4	101	IR	3.0	Green, Leslie & Helen, Trustees
NW1/4 NE1/4	200	IR	3.6	Calkins, John & Rose
NW ¹ / ₄ NE ¹ / ₄	201	IR	4.3	Curl, James & Sheryl
				•
NW¼ NE¼	202	IR TD	7.3	Spencer, Kevin & Linda
SW¼ NE¼	1000	IR T	5.0	LaRusso, Thomas
SW¼ NE¼	900	IR.	11.0	Andreson, Wilber & Andrea
NE¼ NW¼	400	IR	28.6	Hauxwell, Stanley & Jean
NW1/4 NW1/4	400	IR	10.2	Hauxwell, Stanley & Jean
NW1/4 NW1/4	401	IR	1.0	Hayes, Thomas Sr. & Lenore
NE ¹ / ₄ SW ¹ / ₄	2000	IR	30.6	Ruggieri, Thomas & Monica
NW ¹ / ₄ SW ¹ / ₄	2100	IR	15.0	Settergren, Elizabeth, Trustee
SW1/4 SW1/4	2200	IR	8.6	Thompson, Teresa Soriano
SW1/4 SW1/4	2200	POND	0.5	Thompson, Teresa Soriano
SW1/4 SW1/4	2300	IR	3.0	Chambers, Dwight & Mary Jo
SW1/4 SW1/4	2400	IR.	3.0	McNeil, James & Rose
SW1/4 SW1/4	2401	IR	3.0	White, Roland H.
SE1/4 SW1/4	2501	IR	13.2	Sleepy Hollow Trust
SE1/4 SW1/4	2502	IR	7.0	Sleepy Hollow Trust
SE1/4 SW1/4	2503	IR	6.0	Kennedy, Robert & Charlotte
NE¼ SE¼	1101	IR	4.5	Meade, Robert & Jerry
NE1/4 SE1/4	1200	IR.	1.0	Faller, David & Betty
NE¼ SE¼	1300	IR	2.5	Ebbs, Jon & Mary Ann
NE ¹ / ₄ SE ¹ / ₄	1400	IR.	3.0	Wilson, Gary & Gail
	1900	ROF	0.8	Ring, Frank & Nancy
NW¼ SE¼	11	The state of the s	25:0	Hemingway, Collins & Wendy
SW1/4 SE1/4	2500	R	11 4 4	
SW ¹ / ₄ SE ¹ / ₄	2504	Corde William \ Star	3.0	Harmon, Chester & Jean
SW1/4 SE1/4	2505	P	SV STATE OF THE ST	Polind, Vack & Linda
SE¼ SE¼	2600	R ₄ 1	3.0	roanis, Gary & Sharon
SE¼ SE¼	2706		8.0	Gainsforth, Patricia
SE1/4 SE1/4	2800	R	8.9	Bittler, Mickey L.
SE¼ SE¼	29000	IR	3.5	Smith, Curtis & Lorraine
SE1/4 SE1/4	3000	TR CHEW	4.0	Singer, Jack & Randi, Trustees
	Section 22	*/273	34	**// //
	111	The same of the sa	***	
SW1/4 NE1/4	509	IR	15	Byrum, David & Terry
SW1/4 NE1/4	519	R 8	14	Einbund, James
NE1/4 NW1/4	200	IR	7.0	Coe, Edwin & Donna
NE1/4 NW1/4	700	IR	9.7	Muzzy, Robert & Ruby
SE1/4 NW1/4	200	IR	2.6	Coe, Edwin & Donna
NE ¹ / ₄ SW ¹ / ₄	519	IR	0.3	Einbund, James
NW ¹ / ₄ SW ¹ / ₄	502	IR	7.8	McCormick, William P.
NW ¹ / ₄ SW ¹ / ₄	516	IR	1.4	Hiatt, Melva Joan
NW 1/4 SW 1/4 SW 1/4 SW 1/4	502	IR IR	5.9	McCormick, William P.
D VV 74 D VV 74	302	ш	2.7	111001111100, 11 IIIIIII I .



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

	Application Number (assigned by WRD):			
This L	Lease is with:	RECEIVED		
	r #1 (Water Right Holder): Colker, Audrey	APR 17 2009		
Mailin City, S Teleph	ag address 64955 Collins Road State, Zip Code Bend, OR 97701 none number (541) 388-5013 address	WATER RESOURCES DEPT SALEM, CREGON		
If addi	tional water right holders, enter water right holder information below	,		
Applica	he section numbering associated with this form corresponds to that found on the "Stion" form. The "Pooled Lease" form and "Pooled Water Right Holder" form(s) at tion as the "Standard Instream Lease Application" form. Consequently, the numberial.	re used to provide the same		
	~I~ Water Right Holder and Water Right Inform	nation		
1.1	Lessor #1 is the water right holder, or authorized agent for property If the water right appurtenant to these lands is also appurtenant to la are not included in this application, then Attachment 1 (tax lot map)	nds owned by others who		
1.3	For the water right(s) being leased, list all water rights appurtenant t if there are any supplemental or overlying rights.	o the same lands. Indicat		
	Certificate No. <u>P 74146 S: 74147,74148,74149,76520</u>			
1.4	Are some or all of the lands being leased part of a Conservation Res Program. Yes No	erve Enhancement		
1.5	Water Right(s) Proposed to be Leased Instream. Water right hold water rights shown on the map attached as Exhibit 5-B and describe [This information may be included on Exhibit 5-A, or an additional map may be area of water rights being leased. Attached map(s) must identify water right hold section and ¼ ¼, tax lot number, map orientation and scale.]	d as follows: ttached. Crosshatch the		

	Т	R	Sect	1/4 1/4	Tax Lot	Acres		Certificate #	0 \ /	
	*(Ident	ify pertine	ent page n	umber o	f certificate, more	if certificate than one p	is greater than 1 er certificate)	0 pages; identify	priority date	e if there is
1.	16S	11E	28	nwse	01000	10.30	Irr	74146	7	9/1/1900
2.										
3.									- W 6	m15.15m P
4.									RE	EWED
5.									APR	1 7 2009

Tot	ral number of acres, if for irrigation, by certificate and priority date: 10.3WATER RESOURCES DEPT SALEM, OREGON				
Con	nditions or other limitations, if any:				
If you need Water Righ	I to enter another leased right, please use the Additional Water Right Form for Pooled at Holder.				
1.6 Valid	lity of rights. Lessor(s) attests (mark one) that:				
⊠	The water has been used over the past five years according to the terms and conditions of the water right certificate or as an instream water right or				
The water has <u>not</u> been used over the past five years according to the terms and conditions of the water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)(_)(include necessary supporting documentation as Attachment 3).					
	~II~ Instream Water Right Information				

2.3 Term of lease. This lease shall terminate on October 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.

3.4	suspend u	on of original use. During the period of the lease, the se of water allowed under the subject water rights and ntal to the subject water rights.	
3.5	For n year durin days begununtil not o W Co W For n	nultiyear leases, the Lessor(s) shall have the option of with written notice to the Department. The lease may g the calendar year. However, if the termination requipitor to the period of allowed instream use or after the for the water right(s) being leased, water may not be the following calendar year, unless the Director determination. The Department may also require: ritten notice to the Department with original signature onsent by all parties to the lease; and/or ritten notice to the Watermaster's office. In the notice to the lease, the lessor shall not have the option of the ent by all parties to the lease.	be terminated at any time est is received less then 30- eperiod of allowed use has used under the right(s) leased nines that enlargement would s;
Lesson	2.2 during use water modified	tion to prevent injury. Allocation of water to the instant the term of this lease is not reasonably expected to can from the same source. If injury is found after this leason terminated to prevent injury. Date:	use injury to other rights to
For ad	lditional I e	ssors, type in space for signature and date	RECEIVED
		soots, type at apare for asgumente and ante	APR 1 7 2009
Exhib Exhib Exhib	Attachmen oit 5-A: oit 5-B: oit 5-C:	ts As Needed: Tax Lot Map. (See instructions.) Detailed map illustrating lands under subject rights t part of a right is being leased instream. Exhibits 5-A into a single map. (See instructions.) Supporting documentation indicating why a right is forfeiture even though the right has not been exercise consecutive years (required if the second box in Sectichecked) Split Season Instream Use Form	valid and not subject to ed for five or more
	-		,

Deschutes River Conservancy 2009 Instream Leasing Program

Policy Concerning Weeds & Instream Leases Information on Farm Deferral

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

Weed Policy

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

Information and Resources Attached

Farm Deferral Notice

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

Information and Resources Attached

I, Print Name understand the new DRC weed policy and have been informed about farm deferral.

APR 1 7 2009

APR 1 / Zuus

WATER RESOURCES DEPT SALEM, OREGON

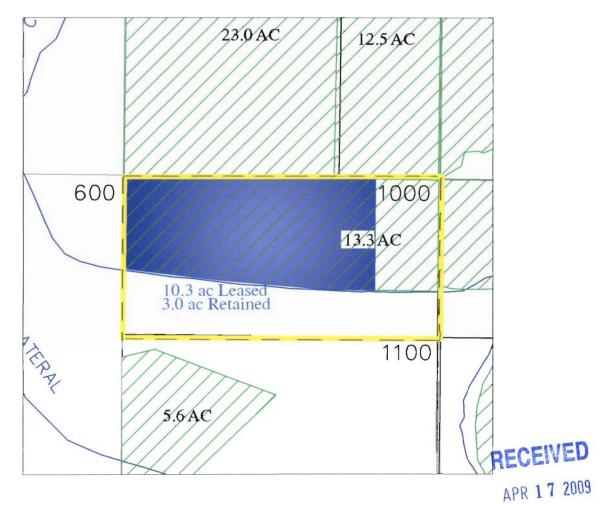
This form must be returned before lease payment is made.

TUMALO IRRIGATION DISTRICT L09-013 IN-STREAM LEASED WATER RIGHTS SURVEY

FOR

Colker, Audrey

64955 Collins Road, Bend 🗆 R



WATER RESOURCES DEPT SALEM, OREGON



SCALE: 1" = 400'







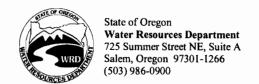
INITIAL:

LOCATED IN THE NW 1/4 OF THE SE 1/4 OF SECTION 28, T16 S., R.11 E., W.M. TAX LOTS # 01000 DESCHUTES COUNTY, OREGON



Page 7

NW1/4 NE1/4	103	IR	0.1	Hayes, Edmond Jr.
NW1/4 NE1/4	109	IR	0.4	Oatman, Christopher & Karen
SW1/4 NE1/4	201	IR	6.5	Menefee/Mennesson/Malarkey
SW1/4 NW1/4	111	IR	12.0	Maloney, Michael & Linda
SW1/4 NW1/4	117	IR	13.0	Lemon, Leo & Carol
SE1/4 NW1/4	204	IR	25.0	Chandler, Yvette M.
NE1/4 SW1/4	300	IR	31.0	Masters, Richard & Judy
NW1/4 SW1/4	104	IR	34.67	Koehler, Alice
SW1/4 SW1/4	400	IR	3.0	OTS Wire & Insulation, Inc.
SE1/4 SW1/4	800	IR	7.0	Blank/Hitchcock RECEIVED
SE1/4 SW1/4	801	IR	4.18	Flannery/Nauer
•	Section 26			APR 17 2009
				WATER RESOURCES DEPT
NE1/4 NE1/4	604	IR	1.5	Allen, Charlie & Wendy SALEM, OREGON
NW1/4 NE1/4	100	IR	2.0	Barber, Murl
NW1/4 NE1/4	101	IR	3.5	Varco, Robert & Coleen
NW1/4 NE1/4	107	IR	3.0	Barber, Murl
NW1/4 NE1/4	108	IR	5.0	Wark, Russell & Sandra
NW1/4 NE1/4	109	IR	5.0	Hering, Eugene & Suellen
NW1/4 NE1/4	110	IR	3.5	Moser, Joyce
SW1/4 NE1/4	200	IR	12.0	Moore, Scott & Margaret
SW1/4 NE1/4	212	IR	11.0	Souther, David & Connie
SE1/4 NE1/4	604	IR	18.5	Allen, Charlie & Wendy
NE1/4 NW1/4	102	IR	9.35	Johnson, Thomas & Lois
NE1/4 NW1/4	103	IR	6.0	Kochera, Jack & Marilyn
NE1/4 NW1/4	104	IR	8.0	Kail/Rankin
NE1/4 NW1/4	105	IR	3.0	Wallace, Peter & Jeanette
NW1/4 NW1/4	201	IR	3.0	Davis, Ron & Elizabeth
NW1/4 NW1/4	210	IR	4.0	Costello/Olin
NW1/4 NW1/4	211	IR	5.5	Lowas, John & Nancy
SW1/4 NW1/4	202	IR	15.8	Parker, Deryl & Adeline
SW1/4 NW1/4	206	IR	14.7	O'Neal, Steven & Julianne
SE1/4 NW1/4	207	IR	2.0	Hanus, Jana
SE1/4 NW1/4	208	IR	1.7	Wilhelm, Diane
SE1/4 NW1/4	213	IR	0.1	McIntosh, Dotta J.
SE1/4 NW1/4	214	IR	0.6	Wilhelm, Diane
NE1/4 SW1/4	301	IRO F	0.7	Wilhelm, Diane
NW1/4 SW1/4	302	IR	17.0	Wilhelm, Diane
SE1/4 SW1/4	401 //4/	IR	5.92	Cardoza, Manuel & Linda
NE1/4 SE1/4	602	IR:	0.8	Koehler, Alice
NE1/4 SE1/4	605	IR	7.8	Rola, Jeff & Susan
NE1/4 SE1/4	606	IR	0.33	Hampton, John & Carol
NE1/4 SE1/4	608	IR (1.4	
NW1/4 SE1/4	203	IR	8.8	Rola, Jeff & Susan
NW1/4 SE1/4	205	IR	12.0	Bauersfeld, James & Christine
SW1/4 SE1/4	500 \ *	R	25.0	Bauersfeld, James & Christine
SE¼ SE¼	603	IR.	3.0 *	Johnson, Eleanor B.
	Section 27	***	**	
		185	59	
NE1/4 NE1/4	100	IR	15.4	Hausner, Jill
NE1/4 NE1/4	800	IR	2.0	Hausner, Jill
NE1/4 NE1/4	801	IR	2.0	Barrick, James A.
SW1/4 NE1/4	900	IR	25.9	Hermens, Stanley & Ruth
SE1/4 NE1/4	900	IR	29.6	Hermens, Stanley & Ruth
NE1/4 SE1/4	1200	IR	6.0	Hermens, Stanley & Ruth
NW1/4 SE1/4	1000	IR	13.3	Hermens, Stanley & Ruth Colker, Avolrey
NW1/4 SE1/4	1100	IR	4.3	Hermens, Stanley & Ruth
	Section 28			,



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: L09.16 Lease Application Number (assigned by WRD): This Lease is with: Lessor #1 (Water Right Holder): Name Coleman, Nancy Mailing address 18770 Tumalo Reservoir Road RECEIVED City, State, Zip Code Bend, OR 97701 Telephone number (541) 382-5357 APR 1 7 2009 Email address WATER RESOURCES DEPT SALEM, OREGON If additional water right holders, enter water right holder information below Note: The section numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Water Right Holder" form(s) are used to provide the same information as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always sequential.

~I~ Water Right Holder and Water Right Information

- 1.1 Lessor #1 is the water right holder, or authorized agent for property described in Section 1.5. If the water right appurtenant to these lands is also appurtenant to lands owned by others who are not included in this application, then Attachment 1 (tax lot map), needs to be included.
- 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. P: 74147 S: 74148,74149,76520

- 1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program.

 Yes No
- 1.5 Water Right(s) Proposed to be Leased Instream. Water right holder proposes to lease the water rights shown on the map attached as Exhibit 5-B and described as follows:

 [This information may be included on Exhibit 5-A, or an additional map may be attached. Crosshatch the area of water rights being leased. Attached map(s) must identify water right holder, township, range, section and ¼ ¼, tax lot number, map orientation and scale.]

	T	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Iden	tify pertine	ent page r	number of	f certificate, i	if certificate than one p	is greater than 1 er certificate)	0 pages; identify	priority date	e if there is
1.	16	11	34	sene	01000	13.0	Irr	74147	8	10/29/191
2.										
3.										
4.									R	ECEIVE
5.			-						Δ	PR 1 7 200

100	ar named of acres, if for irrigation, by certificate and priority date. 15.0	SALEM, C REGON
Cor	nditions or other limitations, if any:	
er Righ	I to enter another leased right, please use the Additional Water Right Form for Int Holder. lity of rights. Lessor(s) attests (mark one) that:	Pooled
	The water has been used over the past five years according to the terms and conthe water right certificate or as an instream water right or	onditions of
	The water has <u>not</u> been used over the past five years according to the terms are conditions of the water right certificate, however the water right is not subject	

Total number of acres, if for irrigation, by certificate and priority date: 13.0

~II~ Instream Water Right Information

Attachment 3).

forfeiture under ORS 540.610(2)() (include necessary supporting documentation as

2.3 Term of lease. This lease shall terminate on October 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.

WATER RESOURCES DEPT

3.4	suspend us	on of original use. During the period of the lease, the water right has of water allowed under the subject water rights and under any water to the subject water rights.	older agrees to ater right that is				
3.5	For m year v during days p begun until t not oc Wr Co: Wr	ion provision. Aultiyear leases, the Lessor(s) shall have the option of terminating the with written notice to the Department. The lease may be terminated go the calendar year. However, if the termination request is received prior to the period of allowed instream use or after the period of allowed instream use or after the period of allowed in for the water right(s) being leased, water may not be used under the following calendar year, unless the Director determines that enlecture. The Department may also require: eitten notice to the Department with original signatures; insent by all parties to the lease; and/or eitten notice to the Watermaster's office. Aultiyear leases, the lessor shall not have the option of terminating the total parties to the lease.	d at any time d less then 30- owed use has ne right(s) leased argement would				
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.						
Lesson Nancy	r#1: D. Colema	n Date: March i	1, 2019				
For ad	lditional Les	ssors, type in space for signature and date	RECEIVED				
	-		APR 1 7 2009				
Exhib		 s As Needed: Tax Lot Map. (See instructions.) Detailed map illustrating lands under subject rights to be leased; re 	-				
Exhib	part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.) Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is						
Exhib:	it 5-D:	checked) Split Season Instream Use Form					



Deschutes River Conservancy 2009 Instream Leasing Program

Policy Concerning Weeds & Instream Leases Information on Farm Deferral

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

Weed Policy

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

Information and Resources Attached

Farm Deferral Notice

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

Information and Resources Attached

I, Nancy Coleman Print Name been informed about farm deferral.	understand the new DRC weed policy and have

Signature: Manay Coleman Date: March 1/ 2009

This form must be returned before lease payment is made.

RECEIVED

APR 17 2009

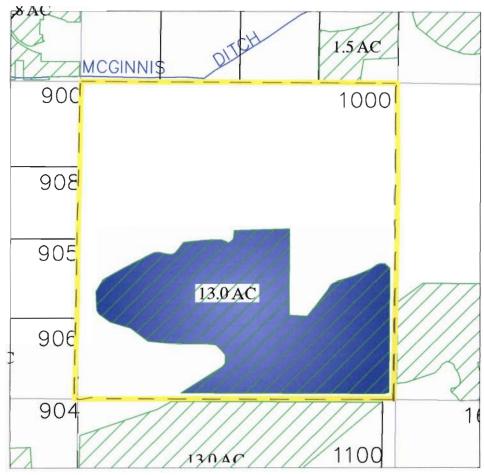
WATER RESOURCES DEPT SALEM, CREGON

TUMALO IRRIGATION DISTRICT EXHIBIT 5-A & B L09-016 IN-STREAM LEASED WATER RIGHTS SURVEY

FOR

Coleman, Nancy D.

18770 Tumalo Reservoir Rd.



RECEIVED

APR 1 7 2009

WATER RESOURCES DEPT SALEM, OREGON

INITIAL:









LOCATED IN THE SE 1/4 OF THE NE 1/4 OF SECTION 34, T16 S., R.11 E., W.M. TAX LOTS # 01000 DESCHUTES COUNTY, OREGON

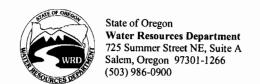


Prepared By: Tumalo Irrigation District, 64697 Cook Ave, Bend. Oregon 97701 541-382-3053

RECEIVED

		Alaka	03		
					74147
		WATER RESOURCES	SDEPT		Page 8
		SALEM, OREGO	NC		
NE¼NE¼	100	Hausner, Jill	IR		21.00
NE¼NE¼	800	Hausner, Jill	IR		2.00
		•			2.00
NE¼NE¼	801	Barrick, James A.	IR		
SW4NE4	900	Hermens, Stanley & Ruth	\mathbf{R}		35.90
SE1/ANE1/4	900	Hermens, Stanley & Ruth	\mathbf{IR}		29.60
NW1/NW1/	500	Throop, Tom & Caryn	${ m IR}$	2.00	
	501	Variel, Jeffrey & Laurel	IR	2.00	
NW4NW4		the contract of the contract o			
NW¼NW¼	502	McDonald, Dr. Lynn	IR	4.00	
NE14SE14	1001	Hermens, Stanley & Ruth	\mathbf{R}		17.20
NE'4SE'4	1200	Hermens, Stanley & Ruth	\mathbb{R}	1.90	15.00
NW1/4SE1/4	1000	Hermens, Stanley & Ruth	\mathbf{R}		13.30
NW4SE4	1100	Hermens, Stanley & Ruth	IR		8.60
			IR	2.00	2.00
SW4SE4	1400	Parker, Kenneth			
SW4SE4	1500	Stringfield, Tom & Rick	\mathbf{R}	4.40	3.40
SE1/4SE1/4	1300	Stringfield, Tom & Rick	\mathbf{R}	1.80	8.90
SE1/4SE1/4	1302	Pederson, William & Martha	\mathbf{IR}		20.00
		Section 28			
		Scotton 20			
		n 11 n 1 77	m	17.00	•
NE1/4NE1/4	200	Russell, Barbara H.	IR	17.00	
SW1/NE1/4	801	Russell, Barbara H.	\mathbf{R}	11.00	
SE1/NE1/4	1000	Tavares, Louis III & Deborah	$\mathbf{I}\mathbf{R}$	11.60	1
SE'4NE'4	900	Russell, Barbara H.	\mathbf{R}	3.00	3.00
	600	Wessinger, William & Pat	IR	0.20	1.80
NE'4SW'4			IR	2.40	1,00
NE4SE4	1000	Tavares, Louis III & Deborah		2.40	. 0. 00
NE'4SE'4	1100	Batha, Marta	$\mathbf{I}\mathbf{R}$		2.00
NE'4SE'4	1200	Batha, Marta	IR		4.60
NE1/4SE1/4	1300	Batha, Marta	\mathbf{IR}		3.90
NE'4SE'4	1403	Rudolph, John & Melitta	\mathbf{R}		10.30
		- ·	IR	9.00	
NW4SE4	802	Lawson, John & Gaye			
NW4SE4	803	Rahmn, Keith & Lexia	IR	5.00	
NW4SE4	804	Lewis, Suzi	\mathbf{R}	7.50	
NW1/SE1/4	805	Dodd, Jack & Barbara, Trustees	\mathbf{IR}	5.00	
SW1/4SE1/4	700	Moody, Steven	\mathbf{R}		6.00
		McNulty, Ralph & Dee	IR		10.00
SW1/4SE1/4	800	* * -	IR		10.00
SW1/SE1/4	806	Cullman, Ruth			
SE1/4SE1/4	1400	Wagoner, Frances	IR		2.00
SE14SE14	1401	Owens, Margueritte	\mathbf{IR}		2.00
SE'4SE'4	1402	Hays, Kenneth & Carolee	\mathbb{R}		2.00
		Rudolph, John & Melitta	IR		9.20
SE'4SE'4	1403		IR		4.00
SE1/SE1/4	1500	Rudolph John & Melitta	IK	,	7,00
		Section 33		• .	
		11. 11. 11. 11. 11. 11. 11. 11. 11. 11.			
NE1/ANE1/4	100	Stokoe, Barbara L	\mathbf{IR}	1.40	0.60
NE¼NE¼	101	Grahet, Perer & Garolous	\mathbb{R}		3.00
		Anderson, Rev. Robert & Ruth	IR		2.50
NE'4NE'4	102	Alliderson, Account to Land	IR		1.00
NE¼NE¼	103	Tavares Louis III & Deborah		2.00	1.00
NE¼NE¼	104	Grant, Cloyce & Catherine	IR	2.00	
NW1/4NE1/4	200	Taylor, Jerry & Janet	IR		3.00
NW1/ANE1/4	201	Laidlaw, Douglas	IR		6.50
NW¼NE¼	202	Margo, Mark & Desiree	\mathbb{R}		3.50
			IR		5.00
NW1/ANE1/4	300	Berg, Michael	IR		6.00
NW1/4NE1/4	301	Petrie, Thomas & Helen			
NW1/4NE1/4	302	Parker, Daniel & Jeanette	IR	_ = -	3.00
SW1/4NE1/4	900	Cole, Jennifer	\mathbb{R}	1.22	3.00
	905	Schwab, Myron & Genevieve	IR	1.21	
SW1/ANE1/4		Van Cleave, Sherman & Vicki	IR	2.00	1.00
SW'ANE'A	906		IR	2.00	4.00
SW1/4NE1/4	908	Payer, Melanie		13.00	-1.00
SE'ANE'A	1000	Coleman, Sien & Nancy	IR	13.00	17.00
NE1/4NW1/4	400	Steele, John & Louise	IR		17.00

SEE NEXT PAGE



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

_	nal Identification by Lessor/Lessee: L09.20 Application Number (assigned by WRD):	
This I	Lease is with:	RECEIVED
	r #1 (Water Right Holder):	APR 17 2009
	Cobb, Ann Wright	AFR 1 1 2003
	ng address PO Box 103 State, Zip Code Alton, MO 65606	WATER RESOURCES DEPT
	hone number (417) 270-2214	SALEM, CREGON
-	address	
	itional water right holders, enter water right holder information below	
Applica	The section numbering associated with this form corresponds to that found on the "Station" form. The "Pooled Lease" form and "Pooled Water Right Holder" form(s) are ation as the "Standard Instream Lease Application" form. Consequently, the number tial.	used to provide the same
	~I~ Water Right Holder and Water Right Inform	ation
1.1	Lessor #1 is the water right holder, or authorized agent for property defined the water right appurtenant to these lands is also appurtenant to landare not included in this application, then Attachment 1 (tax lot map),	ds owned by others who
1.3	For the water right(s) being leased, list all water rights appurtenant to if there are any supplemental or overlying rights.	the same lands. Indicate
	Certificate No. <u>P74146, S: 74147,74148,74149,76520</u>	
1.4	Are some or all of the lands being leased part of a Conservation Rese Program. Yes No	rve Enhancement
1.5	Water Right(s) Proposed to be Leased Instream. Water right holds water rights shown on the map attached as Exhibit 5-B and described [This information may be included on Exhibit 5-A, or an additional map may be at area of water rights being leased. Attached map(s) must identify water right holder section and ¼ ¼, tax lot number, map orientation and scale.]	as follows: tached. Crosshatch the

	T	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Iden	tify pertin	ent page i	number of	f certificate,	if certificate	is greater than 1 er certificate)	0 pages; identify	priority date	if there is
1.	17	11	04	nwne	00500	6.0	Irr	74146	12	9/1/1900
2.										
3.										'EIMED
4.										Fine V has be
5.									APR	1 7 2009

Total number of acres, if for irrigation, by certificate and priority	y date: 6.0 WATER RESOURCES DEPT SALEM, CREGON
Conditions or other limitations, if any:	
If you need to enter another leased right, please use the Additional Water	er Right Form for Pooled

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

Water Right Holder.

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

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 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.

3.4	suspend u	on of original use. During the period of the lease, the wat se of water allowed under the subject water rights and un stal to the subject water rights.	
3.5	For myear value during days placed begun until to not occur. With the work was a constant of the work	ion provision. Aultiyear leases, the Lessor(s) shall have the option of terminative to the Department. The lease may be go the calendar year. However, if the termination request prior to the period of allowed instream use or after the period of the water right(s) being leased, water may not be used the following calendar year, unless the Director determination. The Department may also require: written notice to the Department with original signatures; insent by all parties to the lease; and/or written notice to the Watermaster's office. Aultiyear leases, the lessor shall not have the option of termination to the lease.	terminated at any time is received less then 30- riod of allowed use has ed under the right(s) leased es that enlargement would
3.6	2.2 during use water	the term of this lease is not reasonably expected to cause from the same source. If injury is found after this lease is reterminated to prevent injury.	e injury to other rights to
Lessor Ann V	r #1: Vright Cobb	A Wright Cobb Date: 0	3/12/09
For ad	ditional Le	ssors, type in space for signature and date	RECEIVED
			APR 17 2009
_	Attachment	ts As Needed: Tax Lot Map. (See instructions.)	WATER RESOURCES DEPT SALEM, OREGON
	it 5-B:	Detailed map illustrating lands under subject rights to b part of a right is being leased instream. Exhibits 5-A an into a single map. (See instructions.)	
Exhib	it 5-C:	Supporting documentation indicating why a right is valid forfeiture even though the right has not been exercised to consecutive years (required if the second box in Section checked)	for five or more
Exhib	it 5-D:	Split Season Instream Use Form	
	-		

Deschutes River Conservancy 2009 Instream Leasing Program

RECEIVED

APR 17 2009

WATER RESOURCES DEPT SALEM, CREGON

Policy Concerning Weeds & Instream Leases Information on Farm Deferral

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

Weed Policy

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

Information and Resources Attached

Farm Deferral Notice

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

Information and Resources Attached

I, Print Nan	ne		the new DRC wee	ed policy and have
been informed about ra	,			
Signature:	m.	Cobb	Date: <i>O</i>	3/12/09

This form must be returned before lease payment is made.

TUMALO IRRIGATION DISTRICT EXHIBIT 5-A & B L09-20 IN-STREAM LEASED WATER RIGHTS SURVEY

FOR

Cobb, Ann Wright

18295 Tumalo Reservoir Rd., Bend 🗆 R













LOCATED IN THE NW 1/4 OF THE NE 1/4 OF SECTION 04, T17 S., R.11 E., W.M. TAX LOTS # 00500 DESCHUTES COUNTY, OREGON INITIAL: amc



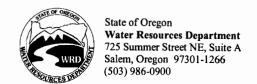
Prepared By: Tumalo Irrigation District, 64697 Cook Ave, Bend. Oregon 97701 541-382-3053

Page 12

	•					Page 12
	SW1/4 SE1/4 SE1/4 SE1/4	703 700	IR POND	5.8 0.1	Freeman/Triplett Gisler, Patrick & Deb	oorah
	SE1/4 SE1/4	702	IR	2.7	James, John & Dinah	-Trustees
- 3 -	SE¼ SE¼	703 Section 1	IR	32.0	Freeman/Triplett	
2	NW1/4 NE1/4	105	TD	2.5	II. 14' Cambon I	RECEIVED
2	SW ¹ / ₄ NW ¹ / ₄	600 ~	IR IR	2.5	Haddix, Stephen J.	4 D.D. N. W. 0000
	SE ¹ / ₄ NW ¹ / ₄	700	IR IR	15.3 10.7	Gill, John Gill, Rockne & Jane	APR 1 7 2009
	SL/4 IVV /4	Section 2	Ж	10.7	Om, Rockie & Jane	ATER RESOURCES DEPT SALEM, OREGON
4	NW1/4 NW1/4	100BB	IR	1.0	Brizee, Harry & JoAn	ın
4	NW1/4 NW1/4	200BB	IR	3.0	Rotondi, Richard & Jo	
4	NW1/4 NW1/4	300BB	IR	1.0	Booth, Jerry & Judi	,
4	NW1/4 NW1/4	400BB	IR	2.0	Frederick, Roger & L	eslie
4	NW1/4 NW1/4	500BB	IR	1.8	Johnson, David & Bet	
4	NW¼ NW¼	501BB Section 3	IR ·	0.2	Johnson, David & Bet	tte
1	NE1/4 NE1/4	100A	IR	1.0	Larson/Gill, Kevin L.	& Leslie E.
2	NW1/4 NE1/4	500A	IR	10.0		-7672 N96,009 (4.00)
		Section 4				=6.00
	NE¼ NE¼	200A	IR T	1.0	Steinlicht, Mark & L.	Diane
	SE¼ NE¼	400A	IR ID	1.2	Coats, Doug	
	SE¼ NE¼	500A Section 10	IR	3.8	Coats, Doug	
	NW1/4 NE1/4	200	IR	35.5	Kearns, Daniel & Barl	para
	SW1/4 NW1/4	500	IR	12.6	Coats, R.L. & Joyce	
	NE1/4 SW1/4	1600	IR	10.0	Lyster, Ted & Eloise	
	NW1/4 SW1/4	1601	IR	1.0	McCook, Peter & Jaco	queline
	NE1/4 SE1/4	1000	IR	1.0	Johnson/Peticolas	•
	NE1/4 SE1/4	1001	IR	1.0	Bell, John	
	NW1/4 SE1/4	1400	IR	1.0	Cooper, Robert & Bev	verly
		Section 11	OF			
	SW1/4 SW1/4	800 Section 12	R	4.4.	Coats, R.L. & Joyce	
	SW1/4 NW1/4	2300	AR	1.0	Beighley/Taylor, Mark	& Deborah
	SW1/4 NW1/4	2400	JR 🕂	0.9	Moore Bill & Mildred	*
	NW1/4 SW1/4	24001 Section 13	IR.	1.1	Moore, Bill & Mildred	1
	Township 17 S	South, Range 1	I Edsi, IN M		[*/]	
2	NW1/4 NE1/4	302 Section 6	IR	3.0	C.L.R. INC.	
	Township 17 S	South, Range 1	2 East W.M	19		

Priority: 4/28/05

SE¼ SE¼ 1401 IR 0.44 Kirkhorn, Bruce Section 13



Application for

Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

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

Optio	onal Identification by Lessor/Lessee: <u>L09.01</u>	
Lease	Application Number (assigned by WRD):	
This	Lease is with:	RECEIVED
Lesse	or #1 (Water Right Holder):	APR 17 2009
Name	Christianson, Michael & Roberta	WATER RESOURCES DEPT
Maili	ng address 1635 NW Teak Avenue	SALEM, CREGON
	State, Zip Code Redmond, OR 97756	SALLIM, ONLOON
Telep	whone number <u>541 385-7895</u>	
Emai	l address	
If add	litional water right holders, enter water right holder information below	
Applic	The section numbering associated with this form corresponds to that found on the "Station" form. The "Pooled Lease" form and "Pooled Water Right Holder" form(s) are ation as the "Standard Instream Lease Application" form. Consequently, the number trial.	e used to provide the same
	~I~ Water Right Holder and Water Right Inform	nation
1.1	Lessor #1 is the water right holder, or authorized agent for property of If the water right appurtenant to these lands is also appurtenant to lar are not included in this application, then Attachment 1 (tax lot map),	nds owned by others who
1.3	For the water right(s) being leased, list all water rights appurtenant to if there are any supplemental or overlying rights.	o the same lands. Indicate
	Certificate No. Primary 74146, 74147, 76106 Supplemental 74147, 7	74148, 74149,76520
1.4	Are some or all of the lands being leased part of a Conservation Reservation. Yes No	erve Enhancement
1.5	Water Right(s) Proposed to be Leased Instream. Water right hold water rights shown on the map attached as Exhibit 5-B and described [This information may be included on Exhibit 5-A, or an additional map may be a area of water rights being leased. Attached map(s) must identify water right holde section and ¼ ¼, tax lot number, map orientation and scale.]	d as follows: ttached. Crosshatch the

	T	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertine	ent page r	number of	f certificate, more	if certificate than one	e is greater than 1 per certificate)	0 pages; identify	priority date	if there is
1.	16S	11E	14	nenw	00600	9.0	IRR	74146	4	9/1/1900
2.	16S	11E	11	sesw	00801	4.70	IRR	74146	3	9/1/1900
3.										
4.										
5.									RF	CEIVE

lotal number of acres, if for irrigation, by certificate and priority dat	e: <u>13.70 APR 1 /</u> 2009
Conditions or other limitations, if any:	WATER RESOURCES DEPT SALEM, OREGON

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

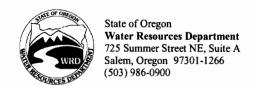
- **1.6** Validity of rights. Lessor(s) attests (mark one) that:
 - The water has been used over the past five years according to the terms and conditions of the water right certificate or as an instream water right or
 - The water has <u>not</u> been used over the past five years according to the terms 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

Term of lease. This lease shall terminate on October 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.



Additional Water Right Form For Pooled Water Right Holder

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.

~I~

Section 1.5 continued from Pooled Leasing Water Right Holder Form.

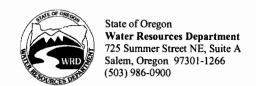
Water Right(s) Proposed to be Leased Instream. Water right holder proposes to lease the water rights shown on the map attached as Exhibit 5-B and described as follows:

[This information may be included on Exhibit 5-A, or an additional map may be attached. Crosshatch the area of water rights being leased. Attached map(s) must identify water right holder, township, range, section and ¼ ¼, tax lot number, map orientation and scale.]

	Т	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Identi	fy pertine	ent page n	umber of			e is greater than ler certificate)	0 pages; identify	priority date	e if there is
1.	16S	11E	11	sesw	00801	5.30	1RR	74147	2	10/29/191 3
2.										
3.										
4.									RECE!	/ED
5.										
6.									APR 17	2009
7.								WAT	RESOUR	
8.									SALEM, OH	EGON
9.										
10.										

[Attached map(s) must identify water right holder, township, range, section and ¼ ¼, tax lot number, map orientation and scale.]

Total number of acres, if for irrigation, by certificate and priority date: 5.30



Additional Water Right Form For Pooled Water Right Holder

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.

~I~

Section 1.5 continued from Pooled Leasing Water Right Holder Form.

Water Right(s) Proposed to be Leased Instream. Water right holder proposes to lease the water rights shown on the map attached as Exhibit 5-B and described as follows:

[This information may be included on Exhibit 5-A, or an additional map may be attached. Crosshatch the area of water rights being leased. Attached map(s) must identify water right holder, township, range, section and ¼ ¼, tax lot number, map orientation and scale.]

	\mathbf{T}	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertin	ent page i	number of			e is greater than 1 er certificate)	0 pages; identify	priority date	e if there is
1.	16S	11E	11	sesw	00801	8.0	IRR	76106	1	12/8/1961
2.	16S	11E	14	nenw	00600	7.0	IRR	76106	1	12/8/1961
3.										
4.										
5.									RECEIV	ED
6.									APR 17	 2009 ——
7.										
8.									R RESOURC SALEM, ORE	ተረነለ
9.									J. (22111, 01 (2	
10.										

[Attached map(s) must identify water right holder, township, range, section and ¼ ¼, tax lot number, map orientation and scale.]

Total number of acres, if for irrigation, by certificate and priority date: 15.0



Deschutes River Conservancy 2009 Instream Leasing Program

RECEIVED

APR 17 2009

WATER RESOURCES DEPT SALEM, OREGON

Policy Concerning Weeds & Instream Leases Information on Farm Deferral

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

Weed Policy

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

Information and Resources Attached

Farm Deferral Notice

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

Information and Resources Attached

understand the new DRC weed policy and have

Print Name

been informed about farm deferral.

This form must be returned before lease payment is made.

Signature: /

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.							
Lessor	#1:							
Micha	el J. Christianson							
Don od	distance I account to the improvement of the distance of							
	ditional Lessors, type in space for signature and date and H. Christianson when to hustun Date: 2/28/09							
RODUL								
Other .	Attachments As Needed:							
Exhibi								
Exhibi	t 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.)							
Exhibi	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	t 5-D: Split Season Instream Use Form							
	RECEIVED							
	APR 17 2009							

WATER RESOURCES DEPT SALEM, OREGON

EXHIBIT 5-A & B TUMALO IRRIGATION DISTRICT L09-001 IN-STREAM LEASED WATER RIGHTS SURVEY FOR Christianson, Michael J. & Roberta 801 803 SE/SW 1,34 8.0 AC 10,0 AC LOAC 700 600 6.9AC 2,1 AC NE/NW 51RECEIVED APR 17 2009 WATER RESOURCES DEPT SALEM, OREGON 7.0AC 518 INITIAL: RC Certificate # 76106 Certificate #'s 74146, and 74147 65070 Smokey Butte Rd, Bend OR 97701. Located in the SE 1 of the SW 1/4 of Section 11, T.16 S., R.11, E.W.M Taxlot 801 and the NE 1/4 of the NW ¼ of Section 14, T.16S., R.11 E.W.M. Taxlot 600 SCALE: 1" =400' Prepared By: Tumalo Irrigation District, 64697 Cook Ave, Bend. Oregon 97701 541-382-3053

STATE OF OREGON

Pa

COUNTY OF DESCHUTES

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

APR 17 2009

TUMALO IRRIGATION DISTRICT 64697 COOK AVE BEND, OREGON 97701

WATER RESOURCES DEPT SALEM, OREGON

confirms the right to use the waters of TUMALO CREEK AND UPPER TUMALO RESER CONSTRUCTED UNDER PERMIT R-2743, tributaries of DESCHUTES RIVER, for IRRIGA OF 790.6 ACRES.

This right was perfected under Permit 27840. The date of priority is DECEMBER 8, 1961. The a of water to which this right is entitled is limited to an amount actually beneficially used and sha exceed 11.3 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the podiversion from the source.

The points of diversion are located as follows:

TUMALO CREEK - SE 1/4 NE 1/4, SECTION 23, TOWNSHIP 17 SOUTH, RANGE 11 E W.M.; 2080 FEET SOUTH AND 1310 FEET WEST FROM THE NE CORNER OF SECTION AND

UPPER TUMALO RESERVOIR - SE 1/4 SW 1/4, SECTION 33, TOWNSHIP 16 SOURANGE 11 EAST, W.M.

The amount of water used for irrigation, together with the amount secured under any other right ex for the same lands, is limited to ONE-SEVENTIETH of one cubic foot per second per acre, equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acr per acre for each acre irrigated during the irrigation season of each year from direct flow and storage Upper Tumalo Reservoir constructed under permit R-2743.

The use shall conform to such reasonable rotation system as may be ordered by the proper state of

A description of the place of use to which this right is appurtenant is as follows:

Т	R	S	Q / Q	Tax Lot	Acres	Owner/Water User
16	11	1	SW 1/4 SE 1/4	500	1.6	BARR/BACH
16	11	1	SW 1/4 SE 1/4	600	14.46	BARR/BACH
16	11	1	SE 1/4 SE 1/4	800	10.0	KAUFELDT, S
16	11	11	SE 1/4 SW 1/4	801	8.0	CHRISTIANSON, M & R
16	11	11	SW 1/4 SE 1/4	803	4.0	PAIVA, J & W
16	11	11	SW 1/4 SE 1/4	802	1.0	TURNER/LUPTON
16	11	12	SW 1/4 NW 1/4	501	5.0	RUSSO, J D
16	11	14	NE 1/4 NW 1/4	600	7.0	CHRISTIANSON, M & R
16	11	22	NW 1/4 SE 1/4	1500	7.0	WOODS, D
16	11	22	NW 1/4 SE 1/4	1800	2.5	RUGGIERI, T & M
16	11	23	SW 1/4 NE 1/4	503	1.5	-MADSEN, J & K
16	11	23	SW 1/4 NE 1/4	505	4.3	BIOCINI, J

37239.SB

ſU

4414.

WATER RESOURCES DEPT

No water in addition to that allowed for irrigation shall be diverted for stock use during the irrigation season.

A description of the place of use to which this right is appurtenant is as follows:

	000010000		-		***		CTIPET
LOT	QTR/QTR	T.L.	ID	OWNER .	USE	PRIM	SUPPL
	SW1/4SE1/4	400		Barr/Bach, Doris & George	${ m IR}$		3.94
	SE¼SE¼	700		Bruder/Casey, Jeanne & Bruce	IR	1.00	
	SE1/4SE1/4	800		Mahoney, Dan & Martha	IR	1.45	17.55
				Section 1			
	NW ¹ / ₄ SW ¹ / ₄	600		Marazzo, Ronald	IR.	20.00	
	SE1/4SW1/4	801		Christianson, Michael & Roberta	IR	5.30	4.70
	SW1/4SE1/4	800	CONTRACTOR OF THE	Paiva, Joe & Wanita	IR	3.40	7.70
	SW1/4SE1/4	802		Turner/Lupton, Robert & Courtney	IR	1.50	1.00
	SW ¹ / ₄ SE ¹ / ₄	803		Paiva, Joe & Wanita	IR	1.60	0.50
	SE1/4SE1/4	900		Waldron Jr., Harvey & Genevieve	IR		3.70
	SE ¹ / ₄ SE ¹ / ₄	901		Waldron Jr., Harvey & Genevieve	IR		0.30
				Section 11		,	
	NE¼NE¼	102		Vollstedt, Scott & Laura	IR		9.00
	NE¼NE¼	103		Barr/Bach, Doris & George	\mathbf{R}		4.00
	NE¼NE¼	105		Barr/Bach, Doris & George	${ m IR}$		12.00
	SW1/4NE1/4	300		Bullat, Chris & Janet	IR	6.80	
	SW1/4NE1/4	301		Bullat, Chris & Janet	\mathbf{R}	0.20	
	SE1/4NE1/4	100		Eddings, Ronald & Jeannie	${ m IR}$	1.50	2.00
	SE1/4NE1/4	101		Hanson, Philip & Leah	\mathbf{IR}	5.50	
	SE1/4NE1/4	102		Vollstedt, Scott & Laura	\mathbf{R}	6.00	:
	SE1/4NE1/4	104		Waldron, Gail L.	IR	2.00	
	SW1/4NW1/4	500	>	DeMaris, Roger & Shirley	IR		2.00
	SW1/4NW1/4	501		Ruso, Joy D.	\mathbf{R}		2.00
	SW¼NW¼	700	· .	Miller, Glen	\mathbf{IR}		2.00
	SE¼NW¼	400		Robbins/Ackley	\mathbf{R}		5.50
	SE¼NW¼	401		Johnson, Barbara & Walt	IR		9.50
	NE¼SW¼	1100		Winch, Martin	IR		0.60
	NW ¹ / ₄ SW ¹ / ₄	1000		Huillade/Price	IR	2.70	21.00
	SW1/4SW1/4	1200		Gillham, John & Audrey	IR.		31.90
	SE¼SW¼	1100	,	Winch, Martin	IR		2.50
	SE¼SW¼	1200	1	Gillham, John & Audrey	IR.	0.10	3.80
	NE ¹ / ₄ SE ¹ / ₄	1900	111	Bagg, Barbara	IR.	8.10	0.40
	NW1/4SE1/4	1100	也	Winch, Martin	IR	10.00	2.40
	SW¼SE¼	1100		Winch, Martin	IR.	10.00	5.30
	SE1/4SE1/4	1900	1.8	Bagg, Barbara	IR	13.40	2.00
			. 02	Section 12	-		21.50
	NE1/ANE1/4	100	1	Tracy-Judy	IR		31.70
	NW1/4NE1/4	100		Tracy Judy	IR		25.00
	NW¼NE¼	1100		Winch, Martin	IR		1.20
	SW1/4NE1/4	902		Field, John & Mary	IR IR		36.20 29.50
	SE¼NE¼	900		Watkins, Chris	IR IR		29.30
•	NE¼NW¼	501		Hilbruner (Trustee), Liddy	IR		6.00
	NE¼NW¼	502		Shook, Russell & Joanne Hanson, Phil Sr. & Ruth	IR		37.50
	NW1/4NW1/4	400		Gardner, Robert & Joyce	IR	1.20	51.50
	SW ¹ / ₄ NW ¹ / ₄	101		Gardner, Robert & Joyce Gardner, Robert & Joyce	IR	2.30	25.00
	SW ¹ / ₄ NW ¹ / ₄	401 902	ŧ	Field, John & Mary	IR	1.30	11.20
	SE¼NW¼ NE¼SE¼	1000		Hately, Pamela H.	IR	1.00	18.00
	NE ¹ / ₄ SE ¹ / ₄	901		Fletcher, Paul T.	IR		18.20
	NE74SE74 NW14SE14	901		Fletcher, Paul T.	IR		34.80
	14 44 /4/31/2/4	701		I I TOTO TOTAL A I			

SEE NEXT PAGE

h an

		SE¼ SE¼ SE¼ SE¼	1500D 1702D	IR IR	0.6 1.4	Kelly, Bill & Veronica Tepner, Robert & Karen	
		Township 16 S	Section 36 South, Range 11	East, W.M.			
	; [}] 1	NE¼ NW¼ NW¼ NW¼	403 500	IR IR	2.0	Duntley, Carole A. Chace, William & Brenda	
	1	NW¼ NW¼	600 Section 7	IR	1.0	Campagna, David & Sharon	
		SW¼ NE¼ SE¼ NE¼	603 595	IR IR	0.8 2.3	Towell, Thomas & Tammie Lehmann, David & Mary	
		SE¼ NE¼	596	IR	2.3	Marks, Magnus & Grace	
		SE¼ NE¼	597	IR	2.0	Kelley, James S.	
		SE¼ NE¼	598	IR	1.4	Losch, Richard & Linda	
		SE¼ NE¼	599	IR	1.2	Foucher, Dorothy	
		22/11/2/1	Section 17				
		SW1/4 NE1/4	2700	IR	2.0	Tucker, Jim & Denise	
		NE1/4 SW1/4	1000C	IR	4.6	Brookhart, Ronald C.	
		NE1/4 SW1/4	200C	IR	1.0	Wyatt, James & Grace	
		NE1/4 SW1/4	500C	IR	1.0	Ward, Dennis	
	3	NW¼ SW¼	1200C	IR	1.0	Clark, Kevin & Pamela	
	3	NW¼ SW¼	1300C	IR	2.0	Tucker, Billy & Bonnie	
:	3	NW1/4 SW1/4	1400C	IR	1.0	Christ, Donald & Iris	
			Section 19			RECEIVED	
;	3	NW1/4 SW1/4	403 Section 30	IR.	2.0	Scott, Cheryl APR 1 7 2009	
		-	South, Range 12	East, W.M.		WATER RESOURCES DEP	Т
	2	NW¼ NE¼	200A Section 3	IR	1.0	Jacobs, Russell & Mary	
		NW1/4 NE1/4	600A Section 10	IR	2.0	Cronin, John & Margaret	
		CMU/ MMU/	500	IR	14.6	Coats, R.L. & Joyce	
		SW¼ NW¼ SE¼ NW¼	600	IR.		Coats, R.L. & Joyce	
		NE¼ SE¼	1100	IR (Hyde/Marcinek, Geoffrey & Helenka	
		NE/4 SE/4	Section 11		Commenced		
		NW ¹ / ₄ SW ¹ / ₄	2500 Section 13	ĪR	2:0	Hanson, Robert & Ruth	
		Township 17 S	South, Range 11	East, W.M.	er en		
	Priority	: 9/1/00					
		SW1/4 SE1/4	400	JR -	3.94	Barr/Bach, Doris & George	
		SE1/4 SE1/4	800	IR	15.55	Mahoney, Dan & Martha	
	,	5574 5574	Section 1				
	1	SE1/4 SW1/4	801	Rational	4.7	Christianson, Michael & Roberta	
		SW1/4 SE1/4	802	IR	1.0	Turner/Lupton, Robert & Courtney	
		SE¼ SE¼	900	IR	3.0	Waldron Jr., Harvey & Genevieve	
			Section 11			RECEIVED	
						APR 1 7 2009	

WATER RESOURCES DEPT SALEM, OREGON

SEE NEXT PAGE

74146 Pg 4

NE¼ NE¼	102	IR	9.0	Vollstedt, Scott & Laura
NE¼ NE¼	103	IR	4.0	Barr/Bach, Doris & George
NE¼ NE¼	105	IR	12.0	Barr/Bach, Doris & George
SE1/4 NE1/4	100	IR	2.0	Eddings, Ronald & Jeannie
SW1/4 NW1/4	500	IR	2.0	DeMaris, Roger & Shirley
SW1/4 NW1/4	700	IR	. 2.0	Miller, Glen
SE¼ NW¼	400	IR	5.5	Robbins/Ackley
SE1/4 NW1/4	401	IR	9.5	Johnson, Barbara & Walt
NE1/4 SW1/4	1100	IR	0.6	Winch, Martin
SW1/4 SW1/4	1200	IR	15.8	Gillham, John & Audrey
SE1/4 SW1/4	1100	IR	2.5	Winch, Martin
SE1/4 SW1/4	1200	IR	3.6	Gillham, John & Audrey
NW1/4 SE1/4	1100	IR	2.4	Winch, Martin
SW1/4 SE1/4	1100	IR	5.3	Winch, Martin
SE1/4 SE1/4	1900	IR	2.0	Bagg, Barbara
	Section 12			
NE1/4 NE1/4	100	IR	31.7	Tracy, Judy
NW1/4 NE1/4	100	IR	25.0	Tracy, Judy
NW1/4 NE1/4	1100	IR	1.2	Winch, Martin
SW1/4 NE1/4	902	IR	36.2	Field, John & Mary
SE¼ NE¼	900	IR	29.5	Watkins, Chris
NE1/4 NW1/4	501	${ m IR}$	2.0	Hilbruner (Trustee), Liddy
NE1/4 NW1/4	502	IR	6.0	Shook, Russell & Joanne
NW¼ NW¼	400	IR	31.1	Hanson, Phil Sr. & Ruth
SW1/4 NW1/4	401	IR	25.0	Gardner, Robert & Joyce
SE¼ NW¼	902	\mathbf{IR}	11.2	Field, John & Mary
NE1/4 SE1/4	1000	IR	18.0	Hately, Pamela H.
NE1/4 SE1/4	901	\mathbf{IR}	18.2	Fletcher, Paul T.
NW1/4 SE1/4	901	\mathbb{R}	34.8	Fletcher, Paul T.
SE¼ SE¾	1100	IR	2.0	Carver, Roy & Jean
SE¼ SE¼	1400	IR	2.5	Day, Matt & Lesley
SE¼ SE¼	1401	$\mathbf{I}\mathbf{R}$	4.5	Kirkhorn, Bruce
	Section 13			
NE¼ NE¼	100	IR	0.5	Edler Terre & Merce
NE'4 NW'4	600	TR	9.0	Fidler, Terry & Mary Christianson, Michael & Roberta
SW1/4 NW1/4	503	IR	48	Mueller Trust, Kenneth & Norma
SW1/4 NW1/4	505	POND	0.5	Mueller Trust, Kenneth & Norma
SW1/4 NW1/4	505	IR		Mueller Trust, Kenneth & Norma
SE1/4 NW1/4	503	IR	8.8	Mueller Trust, Kenneth & Norma
SE1/4 NW1/4	505	R		Mueller Trust, Kenneth & Norma
NW1/4 SW1/4	501	R	9.017	Eyer James
NW1/4 SW1/4	504	R	. 1 1 5 / / 19	Allen Charlie & Wendy
	Section 14	LAT		
	Part Section	1	77	
SW¼ NE¼	500	R		Eyer, Dale & Mary
SE¼ NE¼	600	IR	39.5	Mueller Trust, Kenneth & Norma
SE1/4 NW1/4	1400	R	7.93	Walker, Donald & Marianne
NE1/4 SW1/4	1600	IR	35.27	Walker, Donald & Marianne
NW1/4 SW1/4	1600	IR	35.27	Walker, Donald & Marianne
SW1/4 SW1/4	1600	POND	0.7	Walker, Donald & Marianne
SW1/4 SW1/4	1600	IR	21.87	Walker, Donald & Marianne
SE1/4 SW1/4	1600	IR	37.16	Walker, Donald & Marianne
SW1/4 SE1/4	1000	$\mathbf{I}\mathbf{R}$	6.0	Jungers, Frank & Julia
SW1/4 SE1/4	900	IR	1.0	Jungers, Frank & Julia
SE¼ SE¼	900	IR	2.01	Jungers, Frank & Julia
	Section 15			RECEIVED
				I then the four it is been been

SEE NEXT PAGE

APR 1 7 2009

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: L09.04 Lease Application Number (assigned by WRD):									
This L	This Lease is with:								
Name Mailin City, S Teleph Email	state, Zip Code Bend, OR 97701	RECEIVED APR 1 7 2009 TER RESOURCES DEPT SALEM, OREGON							
Note: T Applica informa	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 of the water right appurtenant to these lands is also appurtenant to lar are not included in this application, then Attachment 1 (tax lot map),	nds owned by others who							
1.3	For the water right(s) being leased, list all water rights appurtenant to if there are any supplemental or overlying rights.	o the same lands. Indicate							
	Certificate No. P; 74146, 74147 S: 74147,74148, 74149, 76520								
1.4	Are some or all of the lands being leased part of a Conservation Reservation. Yes No	erve Enhancement							
1.5	Water Right(s) Proposed to be Leased Instream. Water right hold water rights shown on the map attached as Exhibit 5-B and described [This information may be included on Exhibit 5-A, or an additional map may be a area of water rights being leased. Attached map(s) must identify water right holde section and ¼ ¼, tax lot number, map orientation and scale.]	d as follows: ttached. Crosshatch the							

	T	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Ident	ify pertine	ent page r	number of	certificate, more	if certificate than one pe	is greater than 1 er certificate)	0 pages; identify	priority date	e if there is
1.	16S	12E	30	nwse	02100	3.40	Irr	74146	14	5/27/1907
2.	17S	11E	13	nwnw	00817	4.0	Irr	74146	14	5/27/1907
3.	17S	11E	13	nwnw	00809	1.60	Irr	74146	14	5/27/1907
4.										PARIL
5.									 	RECEIV

Total number of acres, if for irrigation, by certificate and priority date: 9.0

WATER RESOURCES DEPT SALEM, OREGON

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

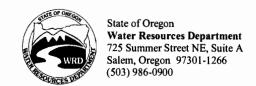
- **1.6** Validity of rights. Lessor(s) attests (mark one) that:
 - The water has been used over the past five years according to the terms and conditions of the water right certificate or as an instream water right or
 - The water has <u>not</u> been used over the past five years according to the terms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

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 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.



Additional Water Right Form For Pooled Water Right Holder

Instream Lease

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

~I~

APR 17 2009

WATER RESOURCES DEPT SALEM, OREGON

Section 1.5 continued from Pooled Leasing Water Right Holder Form.

Water Right(s) Proposed to be Leased Instream. Water right holder proposes to lease the water rights shown on the map attached as Exhibit 5-B and described as follows:

[This information may be included on Exhibit 5-A, or an additional map may be attached. Crosshatch the area

[This information may be included on Exhibit 5-A, or an additional map may be attached. Crosshatch the area of water rights being leased. Attached map(s) must identify water right holder, township, range, section and ¼ ¼, tax lot number, map orientation and scale.]

	T	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Identi	fy pertine	ent page r	number of			is greater than 1 er certificate)	0 pages; identify	priority date	e if there is
1.	16S	12E	30	nwse	02100	.70	Irr	74147	14	10/29/191 3
2.	16S	12E	30	nese	02100	1.90	Irr	74147	14	10/29/191 3
3.	16S	12E	30	nese	02000	5.0	Irr	74147	14	10/29/191
4.	16S	12E	30	nese	00100	16.0	Irr	74147	14	10/29/191
5.	16S	12E	30	nese	00100	2.0	IND	74147	14	10/29/191 3
6.	16S	12E	30	sene	00100	13.20	Irr	74147	14	10/29/191 3
7.	178	11E	13	nwnw	00817	1.36	Irr	74147	17	10/29/191 3
8.	17S	11E	13	nwnw	00809	3.0	Irr	74147	17	10/29/;19 13
9.	17S	11E	14	nene	00817	3.50	Irr	74147	17	10/29/191 3
10.								I I/ I/ ton let mus		

[Attached map(s) must identify water right holder, township, range, section and ¼ ¼, tax lot number, map orientation and scale.]

Total number of acres, if for irrigation, by certificate and priority date: 46.66

su	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.								
 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) lea 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, with consent by all parties to the lease. 									
2.: us	Modification to prevent injury. Allocation of water to the instream use described in Section 2.2 during the term of this lease is not reasonably expected to cause injury to other rights to use water from the same source. If injury is found after this lease is signed, the lease may be modified or terminated to prevent injury.								
Lessor #1	:	2/20/09							
C.L.R. In	c., Jerry Curl	/							
For additi	ional Lessors, type in space for signature and date	RECEIVED							
		APR 17 2009							
Other Att	achments As Needed:	WATER RESOURCES DEPT SALEM, OREGON							
Exhibit 5	-A: Tax Lot Map. (See instructions.)								
Exhibit 5	-B: Detailed map illustrating lands under subject rights to be part of a right is being leased instream. Exhibits 5-A as								
	into a single map. (See instructions.)	·							
Exhibit 5									
	forfeiture even though the right has not been exercised consecutive years (required if the second box in Section								
	checked)	11.0 01 11115 101111 15							
Exhibit 5	,								
									

Deschutes River Conservancy 2009 Instream Leasing Program

RECEIVED

Policy Concerning Weeds & Instream Leases Information on Farm Deferral

APR 17 2009

WATER RESOURCES DEPT SALEM, OREGON

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

Weed Policy

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

Information and Resources Attached

Farm Deferral Notice

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

Information and Resources Attached

I, JERRY CURL	understand the new DRC weed policy and have
Print Name	•
been informed about farm deferral.	

Signature: Date: 2/26/09

This form must be returned before lease payment is made.

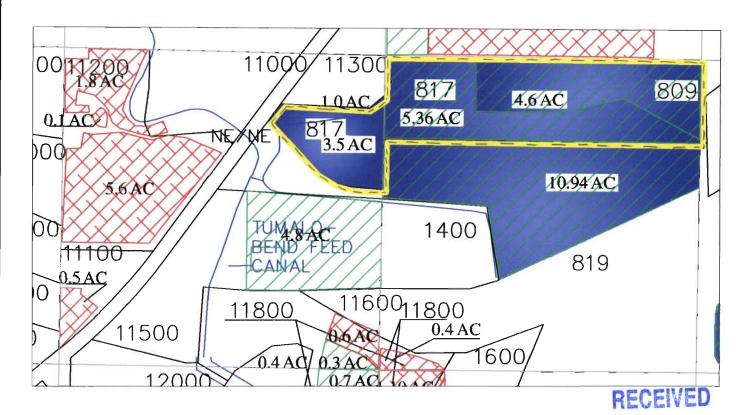
TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY

EXHIBIT 5-A & B L09-004

FOR

C.L.R., Inc.

19260 Klipple Rd., BEND 97701 L09-004 - 2 of 2



NW/NW

APR 17 2009

WATER RESOURCES DEPT SALEM, OREGON









INITIAL:

Located in the NW ¼ of the NW ¼ of Taxlots 809, and 817 in Section 13, AND the NE 1/4 of the NE 1/4 of Taxlot 817 in Section 14 Township 16 S., Range 12 E.W.M. in Deschutes County Oregon.

Prepared By: Tumalo Irrigation District, 64697 Cook Ave, Bend. Oregon 97701 541-382-3053

EXHIBIT 5-A & B TUMALO IRRIGATION DISTRICT L09-004 IN-STREAM LEASED WATER RIGHTS SURVEY

FOR

C.L.R., Inc.

Cline Falls Rd., BEND 97701

L09-004 - 1 of 2















Located in the NE ¼ of the SE ¼ of Taxlots 100, 2000, and 2100 AND the SE 1/4 of the NE 1/4 of Taxlot 100 AND the NW 1/4 of the SE \(\frac{1}{4}\) of Taxlot 2100 in Section 30, Township 16 S., Range 12 E.W.M. in Deschutes County Oregon.



Prepared By: Tumalo Irrigation District, 64697 Cook Ave, Bend. Oregon 97701 541-382-3053

Priority: 5/27/07

7	SW ¹ / ₄ SW ¹ / ₄	1802 Section 6	IR	3.0	Rupp, C. Richa	rd
	NW1/4 SE1/4	2100	IR	3.4	C.L.R. INC.	LOSS .
		Section 30	-			
	SW1/4 SE1/4	4300D	IR.	0.8	C.L.R. INC.	RECEIVED
		Section 31				APR 17 2009
	Township 16	South, Range	12 East, W	′.M.		
	SW1/4 NW1/4	500 Section 11	IR	1.2	Coats, R.L. & J	WATER RESOURCES DE SALEM, OREGON
,	NW¼ NE¼	804	IR	0.4	Coats, R.L. & Jo	O.V.O.O.
	NW1/4 NE1/4	807	IR	5.4	Coats, R.L. & Jo	
	NW¼ NE¼	817	IR IR	6.1	C.L.R. INC.	byce
	SW1/4 NE1/4	806	ĪR	2.5	Graham, Kennet	h fr Torr
	SW1/4 NE1/4	807	IR.	1.0	Coats, R.L. & Jo	•
	SW1/4 NE1/4	808	IR.	2.1	Niedzwiecke, A	-
	SW1/4 NE1/4	810	IR	0.9	Niedzwiecke, An	
	NE¼ NW¼	817	IR	0.2	C.L.R. INC.	idiew & Judim
	NW1/4 NW1/4	809	IR	1.6	C.L.R. INC.	MONTH IN THE PARTY OF THE PARTY
	NW1/4 NW1/4	817	IR	4.0	C.L.R. INC.	
	SE1/4 NW1/4	812	IR	1.5	Latham, Mark &	Kristen
	SE1/4 NW1/4	813	${ m IR}$	2.5	Schweigert, Ken	•
	SE1/4 NW1/4	818	${ m I\!R}$	2.5	Hamper, Tom	,
		Section 13			• /	:
	>1771 / >1771 /	11500				
	NE¼ NE¼	11700	IR.	0.2	Allen, Charles	
	NE¼ NE¼	11800	IR ID	0.1	Allen, Charles	
	NE¼ NE¼	11900	IR TD	0.4		Andrew & Cecelia
	SE¼ NE¼	11800	IR IR	0.7	Allen, Charles	1 1 0 0 11
	SE¼ NE¼	11900 Section 14	IR	2.6	Rugioski, Paul, A	Andrew & Cecelia
	Township 17	South, Range 1	1-Free NVA	M		
	10 Wilsing 17	South, runge 1	2.1.430,771			
2	NW1/4 NE1/4	302 Section 6	IR	0.1	CP.R INC.	
	Township 17	South, Range*I	2 East, W.	M		And the second second
Priority	y: 6/1/07		- Garan			
	SE¼ SE¼	800 * Section 1		NION O	Malioney, Dan &	Martha
	CATAL CERV	903	* * * * * * * * * * * * * * * * * * *	* * O	De la Cara & War	
	SW1/4 SE1/4	803	П		Paiva, Joe & War	
	SE¼ SE¼ SE¼ SE¼	900 901	IB O	0.3	Waldron Jr., Harv	•
	SE74 SE74	Section 11	IR	0.3	Waldron Jr., Harv	cy & Genevieve
		Section 11				
	SW1/4 SW1/4	1200	IR:	16.1	Gillham, John & A	Andrey
	SE ¹ / ₄ SW ¹ / ₄	1200	IR	0.2	Gillham, John & A	
	~~/~ WTY /4	Section 12		V.2	James William Co. 2	
		Section 12				

			APRIL 1			
			WATER RESOURCE	SDEDT		
			SALEM, OREG	ON		Page 14
Al .	NE4SE4	2001	Zapp, Martin & Joann	IR		4.70
	NW4SE4	2200	Cole, Robert & Nancy	IR	5.00	1.70
	SW4SE4	2400	Kloby, Jay & Melody	IR	31.40	
	SE'4SE'4	2400	Kloby, Jay & Melody	IR	28.10	
	777		Section 19		20,10	
11						
	NW4NE4	1000	Ireland, Stephen P.	IR	3.00	
	NW4NE4		Cardwell, Ken & Janice	IR	3.00	
	NW4NE4		Robertson, Brian T.	IR	3.00	
}	NW1/4NE1/4		Arnett, Gary J.	IR	3.00	
	NW1/NE1/4		Outhsye, Joseph & Joann	IR	3.70	
	NW1/NE1/4		Dierberger, Kenneth & Dona	IR	4.00	
	NW¼NE¼	3300	Wickham, Kent & Beth	IR	1.40	
1	NW1/NE1/4	3301	Wickham, Kent & Beth	IR	0.60	
	SW4NE4	1300	Dyson, Brian & Sheryl	IR		
	SW1/4NE1/4	2600	Miller, Dianne M.		4.00	
<u> </u>	SW1/4NE1/4	2700	Barber, Richard & Mary	IR.	1.70	
	SW1/4NE1/4	2800		IR	1.00	2.00
1	SW1/ANE1/4	2900	Barlow, Steven & Jeanette	IR IR	4.00	3.00
	SE'ANE'A	100	Hauge, Christopher & Susan C.L.R. INC.	IR	4.00	
	NE'4NW'4	300	McDougal, Melvin	IR IR		and the same of
	NE¼NW¼	305	Billings, Jack & Christina		11.50	1.00
	NE¼NW¼	311	Outhsye, Joseph & Joann	IR IB	2.00	1.00
	NE½NW¼	312	McDougal, Melvin	IR	4.30	
1	NW1/4NW1/4	202	Hayden, James & Katharina	IR IR	17.20	
ĩ	NW14NW14	203	Romesburg, Ernie & Naomi		1.00	
î	NW1/4NW1/4	300	McDougal, Melvin	IR IR	1.60	;
1	NW¼NW¼	312	McDougal, Melvin	IR	7.38 0.80	
î	NW¼NW¼	313	McDougal (Trustee), Joy	IR	18.00	
2	SW1/4NW1/4	302 »	Cantrell, John & Jean	IR	5.00	
2	SW1/4NW1/4	306	Barnes, Ed & Gayla Ann	IR.	3.00	
2	SW1/4NW1/4	307	Barnes, Gayla Ann	IR	8.00	
	SW1/4NW1/4	308	Binger, Richard & Cheryl	IR	4.50	
2 2	SW1/4NW1/4	309	Robertson, Frances M.	IR	4.00	
	SE1/4NW1/4	2900	Hauge, Christopher & Susan	IR	18.50	•
	SE1/4NW1/4	301	Hauge, Christopher & Susan	IR	18.00	
	NW1/4SW1/4	401	Lorenz, Hillyard & Linda	IR	5.00	
	NW1/4SW1/4	403	Soott, Cheryl On	IR	2.00	2.00
	NW1/4SW1/4	404	Boney Cow extended P	IR	2.00	2.00
	NE'4SE'4	100	CA REAL PROPERTY OF THE PARTY O	IND	2.00	
	NEWSEW	100	d to Na	IR	16.00	No. of the Local Division in the Local Divis
	NE'4SE'4	2000	(1)	IR	5.00	Separate Sep
	NE'4SE'4	2100		IR	1.90	
	NW4SE4	2100	MCI RENCE	IR	0.70	3.40
	NW¼SE¼	2200	Kelley Charles Cipana / *	IR	3.80	3.10
	NW¼SE¼	2201	Kelleta Charles & Diana +*	IR	0.70	
	NW4SE4	2300	Kelle Charles & Diana	IR	2.50	
	NW4SE4	2400	Alexander Jack & amar	IR	4.50	MANAGE TO SERVICE AND ADDRESS OF THE PARTY O
	NW1/4SE1/4	2500	Gregg, Parisk Erkathy	IR	0.50	2.50
	NW1/4SE1/4	2600	Miller, Dianne M.	IR	0.30	2.50
	2111742274		Section 30		0.00	
	NE14SW1/4	406	Salciccioli, Greg & Dianna L.	IR	1.00	
	NE¼SW¼	407	Bend Research/ Science Properties	IR	1,00	6.60
	NE ¹ / ₄ SW ¹ / ₄	408	Wendel, John & Cathleen	IR	2.00	0.00
	NE ¹ 4SW ¹ 4	410	Allen, Michael & Patty	IR	3.00	
	NE ¹ / ₄ SW ¹ / ₄	418	Bend Research/ Science Properties	IR	5.80	
3	NW ¹ / ₄ SW ¹ / ₄	405	Perkins, Howard & Darlene	IR.	1.00	2.00
3	NW ¹ / ₄ SW ¹ / ₄	407	Bend Research/ Science Properties	IR	0.10	3.40
J	A 1 1 1 / 413 1 1 74	TV I.	Della Researem Belence I Topelnes	ж.	. 10	J.TU
			CET NEVE DACE			

SEE NEXT PAGE

21.1		*							
							. <		Page 17
	7	SW1/4NE1/4	810		Niedzwiecke, Andrew & Judith	IR			0.90
		NE1/4NW1/4	817		C.L.R. INC.	IR	14.60		0.20
11	-	NW4NW4	809		C.L.R. INC.	IR	3.00		1.60
		NW4NW1/4	817	SUN TOWN	C.L.R. INC.	IR.	12.30		4.00
		SW1/4NW1/4	2300)	Beighley/Taylor, Mark & Deborah	IR	44	A	1.00
		SW¼NW¼	2400)	Moore, Bill & Mildred	IR			0.90
1		SW1/4NW1/4	817		C.L.R. INC.	IR	6.40		0.50
'	•	SE¼NW¼	812		Latham, Mark & Kristen	ĪR	0,10		1.50
		SE14NW1/4	813		Schweigert, Ken	IR			2.50
		SE'4NW'4	817		C.L.R. INC.	IR	4.60		
		SE1/ANW1/4	818		Hamper, Tom	IR			2.50
		NW¼SW¼	2400)	Moore, Bill & Mildred	\mathbf{R}	1.00		1.10
		NW¼SW¼	2500)	Hanson, Robert & Ruth	IR			2.00
		NW1/4SW1/4	817		C.L.R. INC.	IR	12.20		
		SW14SW1/4	4200)	Reinhardt, George & Jeanne	IR	2.00		
					Section 13				
		NE¼NE¼	1130	0	Woods, William C.	IR	1.00		
		NE'4NE'4	1140	7180	C.L.R. INC.	IR	3.50	changed	to TLOSOFT of
		NE¼NE¼	1190	0	Rugloski, Paul, Andrew & Cecelia	IR		0	.40
		SE'4NE'4	1190	0	Rugloski, Paul, Andrew & Cecelia	IR			.60
					Section 14				
				Town	ship 17 South, Range 11 East, W.M.				
	^	NITT / NITT /	200		CI P DIO	_			
	2	NW¼NE¼	300		C.L.R. INC.	IR.	1.80	_	
	2	NW4NE4	301		C.L.R. INC.	IR	0.50		.00
		NW¼NE¼	302	70	C.L.R. INC.	IR ID	4.10	3	.10
	<i>3</i>	NE¼NW¼ NE¼NW¼	200 300	B B	Allen/Rice, Rita & Kenny	IR IR	2.50		
	-	NW1/4NW1/4	300		Dwyer, Michael & Theresa	IR IR	16.40		
		NW14NW14	301	"B	Dwyer, Michael & Theresa	IR	17.70		
		NW14NW14	302	B B	Greer, Stephen & Denise Greer, Russell & Lois	IR IB	2.00		
		NW¼NW¼	400	B	Greer, Russell & Lois	IR IR	2.40 2.00		
		NW¼NW¼	500	В	Randolph, James & Charlotte	IR	1.00		٠.
	•	2111/42111/4	500	D	Section 6	ж	1.00		
		A444. /	400		P774	_			
2		SW4NW4	400		Kemple, Harold & Terry	IR.	1.50	10.	
2		SW¼NW¼	401		Frei, Gary Wictoria	IR.		14.	60
	i	SE¼NW¼	400		Kemple Harold & Terry	IR	1.20	.·	
				//4	Section				
				Toy	hip.77 South Range 12 Bast, W.M.				
7	Tha rial	it to the use of	faha	2	THE PROPERTY OF THE PROPERTY O	ficial ma	e on the	landa a	m m1000
		escribed.	. IIIC W			metar us	е од ше	ianus o	i place
	n uso u	.05011000.		1/20	11 T Language VI GROUND CONTROL MANAGEMENT TO 1	n 1007	•		
T	This cer	tificate confirm	กร ภาค	rder de	the Director entered on ** JUN 1	9 1997		10	97 and
				• • • • • • • • • • • • • • • • • • • •	Rage 151, approving a petition by To	ımalo Ir	rigation		
		1.329 for map							
		1			1859			1127	THE PER

WITNESS the signature of the Water Resources Director, affixed

Recorded in State Record of Water Right Certificates numbered 74147.

JUN 1 9 1997

Martha O. Pagel, Director

RECEIVED

APR 17 2009

HB-3111.BWB

WATER RESOURCES DEPT



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

-	e Application Number (assigned by WRD):	
This L	Lease is with:	RECEIVED
Lesso	or #1 (Water Right Holder):	
	Bugas Family Trust	APR 17 2009
	ng address 1562 SE Elliott Ave	TER RESOURCES DEPT
		SALEM, OREGON
	hone number <u>503 - 233 - 5320</u>	SALLINI OTTE
Emaii	address bobbugas @gmail.com	
If addi Be c	litional water right holders, enter water right holder information below the Joseph Bucari, 1 Lidgerwood Place, Morris	stown, NJ 07
Applica	The section numbering associated with this form corresponds to that found on the "Sta ation" form. The "Pooled Lease" form and "Pooled Water Right Holder" form(s) are ation as the "Standard Instream Lease Application" form. Consequently, the numberi tial.	used to provide the same
	~I~ Water Right Holder and Water Right Informa	ation
1.1	Lessor #1 is the water right holder, or authorized agent for property do If the water right appurtenant to these lands is also appurtenant to land are not included in this application, then Attachment 1 (tax lot map), respectively.	ls owned by others who
1.3	For the water right(s) being leased, list all water rights appurtenant to if there are any supplemental or overlying rights.	the same lands. Indicate
	Certificate No. <u>P74146, 76106 S: 74147,74148,74149,76520</u>	
1.4	Are some or all of the lands being leased part of a Conservation Reservogram. Yes No	rve Enhancement
1.5	Water Right(s) Proposed to be Leased Instream. Water right holde water rights shown on the map attached as Exhibit 5-B and described [This information may be included on Exhibit 5-A, or an additional map may be attached of water rights being leased. Attached map(s) must identify water right holder, section and ¼¼, tax lot number, map orientation and scale.]	as follows: ached. Crosshatch the

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	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.						
Lesso Bugas	Family Trust, Trustee Date: 3/15/09						
For a	ditional Lessors, type in space for signature and date						
	APR 17 2009						
Other	Attachments As Needed: WATER RESOURCES DEPT						
	it 5-A: Tax Lot Map. (See instructions.) 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.)						
Exhib	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)						
Exhib	it 5-D: Split Season Instream Use Form						

	T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Iden	tify pertin	ent page n	umber of			is greater than 1 er certificate)	0 pages; identify	priority date	if there is
1.	16	11	22	nwse	01500	4.0	Irr	74146	5	9/1/1900
2.										
3.									REC	EWED
4.										
5.									APR	17 2009
			_		<u> </u>			· · ·	WATER RE	SOURCES D

Total number of acres, if for irrigation, by certificate and priority date: 4.0 SALEM, CREGON

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 October 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.



Additional Water Right Form For Pooled Water Right Holder

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.

~I~

APR 17 2009

Section 1.5 continued from Pooled Leasing Water Right Holder Form.

WATER RESOURCES DEPT SALEM, OREGON

Water Right(s) Proposed to be Leased Instream. Water right holder proposes to lease the water rights shown on the map attached as Exhibit 5-B and described as follows: [This information may be included on Exhibit 5-A, or an additional map may be attached. Crosshatch the area of water rights being leased. Attached map(s) must identify water right holder, township, range, section and ¼ ¼, tax lot number, map orientation and scale.]

	Т	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
	*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	16	11	22	nwse	01500	7.0	Irr	76106	1	12/8/1961	
2.											
3.											
4.											
5.											
6.											
7.									_		
8.								_			
9.											
10.											

[Attached map(s) must identify water right holder, township, range, section and ¼ ¼, tax lot number, map orientation and scale.]

Total number of acres, if for irrigation, by certificate and priority date: 7.0

Deschutes River Conservancy 2009 Instream Leasing Program

RECEIVED

Policy Concerning Weeds & Instream Leases Information on Farm Deferral APR 17 2009

WATER RESOURCES DEPT SALEM, CREGON

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

Weed Policy

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

Information and Resources Attached

Farm Deferral Notice

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

Information and Resources Attached

I, <u>Karen</u> Bugas understand the new DRC weed policy and have been informed about farm deferral.

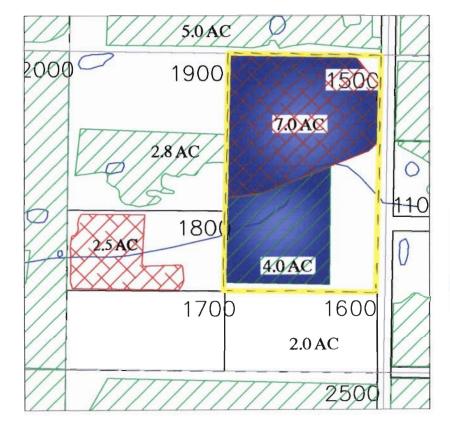
This form must be returned before lease payment is made.

EXHIBIT 5-A & B TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY

FOR

Bugas Family Trust

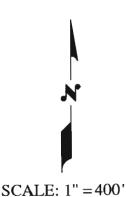
65365 Tweed Rd., Bend 🗆 97701.



RECEIVED

APR 17 2009

WATER RESOURCES DEPT SALEM, OREGON









LOCATED IN THE NW 1/4 OF THE SE 1/4 OF SECTION 22, T16 S., R11 E., W.M. TAX LOTS # 1500 DESCHUTES COUNTY, OREGON





Prepared By: Tumalo Irrigation District, 64697 Cook Ave, Bend. Oregon 97701 541-382-3053

STATE OF OREGON

COUNTY OF DESCHUTES

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

RECEIVED

APR 17 2009

TUMALO IRRIGATION DISTRICT 64697 COOK AVE BEND, OREGON 97701

WATER RESOURCES DEPT SALEM, OREGON

confirms the right to use the waters of TUMALO CREEK AND UPPER TUMALO RESERVOIR CONSTRUCTED UNDER PERMIT R-2743, tributaries of DESCHUTES RIVER, for IRRIGATION OF 790.6 ACRES.

This right was perfected under Permit 27840. The date of priority is DECEMBER 8, 1961. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 11.3 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

TUMALO CREEK - SE 1/4 NE 1/4, SECTION 23, TOWNSHIP 17 SOUTH, RANGE 11 EAST, W.M.; 2080 FEET SOUTH AND 1310 FEET WEST FROM THE NE CORNER OF SECTION 23; AND

UPPER TUMALO RESERVOIR - SE 1/4 SW 1/4, SECTION 33, TOWNSHIP 16 SOUTH, RANGE 11 EAST, W.M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-SEVENTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year from direct flow and storage from Upper Tumalo Reservoir constructed under permit R-2743.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

Т	R	S	Q / Q	Ţax Lot	Acres	Owner/Water User
16	11	1	SW 1/4 SE 1/4	500	1.6	BARR/BACH
16	11	1	SW 1/4 SE 1/4	600	14.46	BARR/BACH
16	11	1	SE 1/4 SE 1/4	800	10.0	KAUFELDT, S
16	11	11	SE 1/4 SW 1/4	801	8.0	CHRISTIANSON, M & R
16	11	11	SW 1/4 SE 1/4	803	4.0	PAIVA, J & W
16	11	11	SW 1/4 SE 1/4	802	1.0	TURNER/LUPTON
16	11	12	SW 1/4 NW 1/4	501	5.0	RUSSO, J D
16	11	14	NE 1/4 NW 1/4	600	7.0	CHRISTIANSON, M & R
16	11	22	NW 1/4 SE 1/4	1500	7.0	WOODS, D BUGASTIVST
16	11	22	NW 1/4 SE 1/4	1800	2.5	RUGGIERI, T & M
16	11	23	SW 1/4 NE 1/4	503	1.5	MADSEN, J & K
16	11	23	SW 1/4 NE 1/4	505	4.3	BIOCINI, J

Page 5

					ange o
SE1/4 NE1/4	500	IR	5.8	Goldy, Daniel	
NE1/4 SW1/4	600	IR	0.5	Bend Metro Parks	
SW1/4 SW1/4	1000	IR	6.0	Hickok/Wallace	neceuren
SE1/4 SW1/4	600	IR	31.7	Bend Metro Parks	RECEIVED
NE1/4 SE1/4	600	IR	6.7	Bend Metro Parks	APR 1 7 2009
SW1/4 SE1/4	600	IR	18.1	Bend Metro Parks	
SE1/4 SE1/4	600	POND	2.0	Bend Metro Parks	WATER RESOURCES DEPT
SE1/4 SE1/4	600	IR	4.7	Bend Metro Parks	SALEM, OREGON
SE1/4 SE1/4	700	IR	1.0	Denall, Thomas & L	inda
SE1/4 SE1/4	800	IR	1.0	Denall, Thomas & L	
SE1/4 SE1/4	900	·IR	0.1	Denall, Thomas & L	inda
	Section 21				009
nw/4 52/14	1500	12	4.0	woods Trust	17672 T7672
NE1/4 NE1/4	101	IR	3.0	Green, Leslie & Hele	en, Trustees
NW1/4 NE1/4	200	IR	3.6	Calkins, John & Ros	e
NW1/4 NE1/4	201	IR	4.3	Curl, James & Shery	1
NW1/4 NE1/4	202	IR	7.3	Spencer, Kevin & Li	nda
SW1/4 NE1/4	1000	IR	5.0	LaRusso, Thomas	
SW1/4 NE1/4	900	IR	11.0	Andreson, Wilber &	
NE1/4 NW1/4	400	IR	28.6	Hauxwell, Stanley &	
NW ¹ / ₄ NW ¹ / ₄	400	IR	10.2	Hauxwell, Stanley &	
NW ¹ / ₄ NW ¹ / ₄	401	$\rm IR$	1.0	Hayes, Thomas Sr. &	
NE1/4 SW1/4	2000	IR	30.6	Ruggieri, Thomas &	
NW ¹ / ₄ SW ¹ / ₄	2100	${ m IR}$	15.0	Settergren, Elizabeth	
SW1/4 SW1/4	2200	IR	8.6	Thompson, Teresa S	
SW1/4 SW1/4	2200	POND	0.5	Thompson, Teresa S	
SW1/4 SW1/4	2300	IR —	3.0	Chambers, Dwight &	•
SW1/4 SW1/4	2400	IR	3.0	McNeil, James & Ro	se
SW1/4 SW1/4	2401	IR	3.0	White, Roland H.	
SE1/4 SW1/4	2501	IR	13.2	Sleepy Hollow Trust	
SE1/4 SW1/4	2502	IR.	7.0	Sleepy Hollow Trust	
SE ¹ / ₄ SW ¹ / ₄	2503	IR T	6.0	Kennedy, Robert &	
NE ¹ / ₄ SE ¹ / ₄	1101	IR T	4.5	Meade, Robert & Je	•
NE¼ SE¼	1200	IR	1.0	Faller, David & Bett	•
NE¼ SE¼	1300	IR	2.5	Ebbs, Jon & Mary A	
NE¼ SE¼	1400	IRO F	3.0	Wilson, Gary & Gail	
NW ¹ / ₄ SE ¹ / ₄	1900	A CORPORATION AND ADDRESS OF THE PERSON AND		Ring, Frank & Nanc	
SW1/4 SE1/4	2500	P	25.0	Hemingway, Collins	
SW1/4 SE1/4	2504	P	3.0	Harmon, Chester &	
SW1/4 SE1/4	2505	TR	1.96	Pound, Jack & Linds	
SE¼ SE¼	2600	IR 1	3.0	Joanis, Gary & Shar	on
SE¼ SE¼	2700	取	3.5	Cainsforth, Patricia	
SE¼ SE¼	2800	IR	8.6	Bittier, Mickey L.	rain a
SE¼ SE¼	2900	II.	3.5	Smith, Cortis & Lor	
SE1/4 SE1/4	3000	IR CTHE U	NION 4.9	Singer, Jack & Rand	ii, Trustees
	Section 22	**/	4/x	* // //	
CXXII/ NTC1/	500	ID * * *	**	Byrum, David & Ter	PPPC7
SW ¹ / ₄ NE ¹ / ₄	509	IR ID 8	59	Einbund, James	ary .
SW¼ NE¼	519	IR O	7.0	Coe, Edwin & Donn	9
NE¼ NW¼	200 700	IR IR	9.7	Muzzy, Robert & Ri	
NE ¹ / ₄ NW ¹ / ₄	200	IR IR	2.6	Coe, Edwin & Donn	
SE ¹ / ₄ NW ¹ / ₄ NE ¹ / ₄ SW ¹ / ₄	519	IR IR	0.3	Einbund, James	
NE ⁷⁴ SW ⁷⁴ NW ¹ / ₄ SW ¹ / ₄	502	IR IR	7.8	McCormick, William	ı P.
NW ¹ / ₄ SW ¹ / ₄ NW ¹ / ₄ SW ¹ / ₄	516	IR IR	1.4	Hiatt, Melva Joan	
	502	IR IR	5.9	McCormick, Willian	ı P.
SW1/4 SW1/4	302	Щ	٥,٦	Minor, William	



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: L09.17 Application Number (assigned by WRD):	
This	Lease is with:	
	or #1 (Water Right Holder):	RECEIVED
	Bowgun Properties, LLP	APR 1 7 2009
	ng address 40-160-Via Valencia	•
		WATER RESOURCES DEPT
	hone number (541) 382-7191 l address	SALEM, OREGON
	litional water right holders, enter water right holder information below	V
	intonal water right holders, enter water right holder information below	•
Applic	The section numbering associated with this form corresponds to that found on the "ation" form. The "Pooled Lease" form and "Pooled Water Right Holder" form(s) ation as the "Standard Instream Lease Application" form. Consequently, the numberial.	are used to provide the same
	~I~ Water Right Holder and Water Right Infor	mation
1.1	Lessor #1 is the water right holder, or authorized agent for property If the water right appurtenant to these lands is also appurtenant to lare not included in this application, then Attachment 1 (tax lot map	ands owned by others who
1.3	For the water right(s) being leased, list all water rights appurtenant if there are any supplemental or overlying rights.	to the same lands. Indicat
	Certificate No. <u>P76106 S: 74149,76520</u>	
1.4	Are some or all of the lands being leased part of a Conservation Re Program. Yes No	serve Enhancement
1.5	Water Right(s) Proposed to be Leased Instream. Water right ho water rights shown on the map attached as Exhibit 5-B and describ [This information may be included on Exhibit 5-A, or an additional map may be area of water rights being leased. Attached map(s) must identify water right hol section and ¼ ¼, tax lot number, map orientation and scale.]	ed as follows: attached. Crosshatch the

	\mathbf{T}	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*
	*(Iden	tify pertine	ent page r	number of				0 pages; identify	priority dat	e if there is
	T		1	T		unan one p	er certificate)		1	
1.	17	11	02	nenw	00200	3.0	Irr	76106	3	12/8/1961
2.	17	11	02	nenw	00201	6.10	Irr	76106	3	12/8/1961
3.										
4.										
5.									 K	ECEIVE
									Λ	PR 1 7 200

Total number of acres, if for irrigation, by certificate and priority date: 9.10

WATER RESOURCES DEPT SALEM, OREGON

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 ____. (If there is a conflict between **Term of lease.** This lease shall terminate on October 15, 2009 the Pooled Lease Form and this form, the Pooled Lease Form will be the official term of the lease.)

~III~ Other Information

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

3.4	Suspension of original use. During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights.						
3.5	Termination provision. For multiyear leases, the Lessor(s) shall have the option of terminating the lease 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.						
Lesson	#1: Rocken Din Parture Date: 3-9-09						
Bowg	RECEIVED						
For ad	ditional Lessors, type in space for signature and date APR 1 7 2009						
	WATER RESOURCES DEPT SALEM, GREGON						
	Attachments As Needed:						
	it 5-A: Tax Lot Map. (See instructions.)						
Exhib	it 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.)						
Exhib	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						
Exhib	checked) it 5-D: Split Season Instream Use Form						



Deschutes River Conservancy 2009 Instream Leasing Program

RECEIVED

APR 17 2009

Policy Concerning Weeds & Instream Leases Information on Farm Deferral

WATER RESOURCES DEPT SALEM, OREGON

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

Weed Policy

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

Information and Resources Attached

Farm Deferral Notice

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

Information and Resources Attached

I,	BOCKNE GIV	understand the new DRC weed policy and hav
	Print Name	
been info	ormed about farm deferral.	•
		·
•		,
		•
	_ ^ .	
Signatur	e: Ricken Down	Date: 3-05-05
- 6		

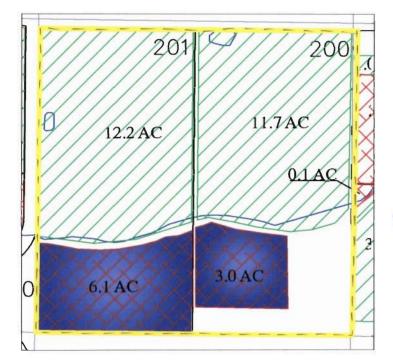
This form must be returned before lease payment is made.

TUMALO IRRIGATION DISTRICT EXHIBIT 5-A & B L09-017 IN-STREAM LEASED WATER RIGHTS SURVEY

FOR

Bowgun Properties LP

Reservoir and Mock Rd, Bend Oregon



RECEIVED

APR 17 2009

WATER RESOURCES DEPT SALEM, OREGON









e#



LOCATED IN THE NE 1/4 OF THE NW 1/4 OF SECTION 02, T17 S., R.11 E., W.M. TAX LOTS # 200 & 201 DESCHUTES COUNTY, OREGON INITIAL: でな



Prepared By: Tumalo Irrigation District, 64697 Cook Ave, Bend. Oregon 97701 541-382-3053

PAGE 3

16	12	7	NE 1/4 NE 1/4	102	13.6	GOBEILLE, D& C
16	12	7	SE 1/4 NE 1/4	101	1.5	GOBEILLE, D & C
16	12	7	SE 1/4 NE 1/4	102	1.4	GOBEILLE, D & C RECEIVED
16	12	7	SE 1/4 NE 1/4	103	22.0	GOBEILLE, D & C APR 17 200
16	12	7	NE 1/4 NW 1/4	402	8.8	DUNTLEY, C WATER RESOURCES
16	12	7	NE 1/4 NW 1/4	403	4.4	DUNTLEY, C SALEM, OREGO
16	12	7	NW 1/4 NW 1/4	401	8.3	VANDERBEEK, R & L
16	12	7	NW 1/4 NW 1/4	403	2.8	DUNTLEY, C
16	12	7	NW 1/4 NW 1/4	500	2.7	CHANCE, W
16	12	7	NW 1/4 NW 1/4	600	1.0	CAMPAGNA, D & S
16	12	8	NW 1/4 NW 1/4	402	30.0	CRYSTAL RIVER PROPERTIES, LLC
16	12	8	SW 1/4 NW 1/4	400	4.0	CRYSTAL RIVER PROPERTIES, LLC
16	12	8	SW 1/4 NW 1/4	402	6.0	CRYSTAL RIVER PROPERTIES,
16	12	8	NW 1/4 SW 1/4	1707	0.5	HAMMACK, P & C
16	12	9	SW 1/4 SW 1/4	900	15.0	PACIFIC NW DEVELOPMENT CORP.
16	12	16	NW 1/4 NW 1/4	701	5.0	KHALSA, J & J
16	12	16	NW 1/4 NW 1/4	702	5.0	TROUT, R & L
16	12	16	SW 1/4 NW 1/4	700	15.0	BALDWIN/TROUT/KHALSA
16	12	17	NE 1/4 NE 1/4	100	20.0	STOUT/PENNOCK
16	12	19	SE 1/4 SW 1/4	1900	10.0	KLOBY, J & M
16	12	19	NE 1/4 SE 1/4	2000	8.0	SHIPMAN, K & P
16	12	19	NW 1/4 SE 1/4	2100	20.0	SHULL, C
16	12	30	NE 1/4 SW 1/4/	402	5.0	McWilliams, L
16	12	30	NW 1/4 SW 1/4	4 0 3	2.0	SCOTT, S
16	12	30	NW 1/4 SW 1/4	404	3.6	AYLETT, R. & M
16	12	30	NW 1/4 SE 1/4	明 电 \$ 400	1.0	WIENEKE, D & N
16	12	31	SW 1/4 SW 1/4	409	2.0	HAGEMANN, R & L
17	11	1	NW 1/4 NW 1/4	400	2.0	NORTHON, R & J
17	11	1	NW 1/4 NW 1/4	402	120	KALLEY, J & J
17	11	2	NE 1/4 NE 1/4	100	2.5	WACHS, D & L
17	11	2	NE 1/4 NE 1/4	106	2.5	SILVER, R & J
17	11	2	NW 1/4 NE 1/4	101	2.4	MORROW, R & R
17	11	2	NW 1/4 NE 1/4	102	2.5	JOHNSON, M
17	11	2	NW 1/4 NE 1/4	103	0.1	MORROW, R & R
17	11	2	NE 1/4 NW 1/4	200	3.0	GILL, R & J
17	11	2	NE 1/4 NW 1/4	201	6.1	GILL, R & J