



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

Application for Instream Lease Pooled Lease Form

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

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

Optional Identification by Lessor/Lessee: _____
Lease Application Number (assigned by WRD): IL-991

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 541-382-3053
Email address tid@tumalo.org

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

Lessee (if different than Oregon Water Resources Department):

Name Deschutes River Conservancy
Mailing address P.O. Box 1560
City, State, Zip Code Bend, OR 97709
Telephone number 541-382-4077
Email address gen@deschutesriver.org

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Trustee:

Oregon Water Resources Department
725 Summer Street NE, Suite A
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~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, 76520 (supplemental)

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 through 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): 9/1/1900 - 105.48 af, 5/27/1907 - 27.54 af, 6/1/1907 - 65.52 af - - - total: 198.54 af

Conditions or other limitations, if any: _____

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

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~II~ Instream Water Right Information

2.1 **Public use.** This lease will increase streamflows that will benefit:

- Conservation, maintenance and enhancement of aquatic and fish life, wildlife, and fish and wildlife habitat
- Pollution abatement
- Recreation and scenic attraction

2.2 **Instream use created by lease.** The instream use to be created is described as follows:

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: _____

Rate in cfs: _____

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

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Conditions to prevent injury, if any:

- None
- The instream flow will be allocated on a daily average basis up to the described rate from April 15 through October 15.
- Other (describe): _____

2.3 Term of lease. This lease shall terminate on November 1, 2009.

2.4 Flow protection. The Trustee will regulate use of water from the source, subject to prior appropriation and the agency enforcement guidance, to assure the water is delivered to the point of diversion, and through the reach past junior downstream users, so long as flow is sufficient to meet the demand under priority date of the new instream use (see Section 2.2). As part of regulation activities the watermaster or a designee has access to the point of diversion and place of use for the water rights involved in this lease. No party is required to continuously measure the flow of the waterway described in Section 2.2.

~III~ Other Information

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

3.2 Lease. Lessor(s) and Lessee(s) agree to lease the water rights listed in Section(s) 1.5 for instream use for the term of this lease through Lessee to the Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077.

3.3 Precedent. If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.

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

3.5 Termination provision.

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

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

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

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

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

Lessor #2: *Elmer & McDaniel* Date: 4-9-09
Tumalo Irrigation District

Lessee: *Genevieve Hubert* Date: 4/08/09
Deschutes River Conservancy

Other Attachments as Needed:

Attachment 1: Tax Lot Map. (See instructions.)

Attachment 2: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. (See instructions.)

Attachment 3: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 is checked).

Attachment 4: Split Season Instream Use Form

Attachment 5: Pooled Lease Water Right Holder Form

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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

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

Enter Total Number of Acres to be Leased Instream Here by Priority	acres instream
August 5, 1900	0.00
September, 1900	58.60
April 28, 1905	15.30
May 27, 1907	36.40
June 1, 1907	110.30
total acres	110.30

Rate (CFS) associated with leased rights for Section 1.5 of the Lease Application Form				
Enter Rates and	Rate/acre (CFS)	Max Rate (CFS)	Duty/acre (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

Rate (CFS) leased instream for Section 2.2 of the Lease Application Form			
Enter Instream Rates and Volumes by Priority Date on Lease Form	Instream Rate (CFS) over full Irrigation Season	Instream Volume (AF)	Period Instream
August 5, 1900	0.000	0.00	April 15 - Oct 15
September, 1900	0.290	105.48	April 15 - Oct 15
April 28, 1905	0.000	0.00	April 15 - Oct 15
May 27, 1907	0.076	27.54	April 15 - Oct 15
June 1, 1907	0.180	65.52	April 15 - Oct 15
Totals	0.545	198.54	

OR

Optional - for alternative instream periods including the full irrigation season (for Section 2.2)			
Enter Proposed begin and end dates (must fall within Irrigation Season)		Number of Days	
begin date	end date	1 Days	
Rate (CFS) leased instream for Section 2.2 of the Lease Application Form			
Enter Instream Rates and Volumes by Priority Date on Lease Form	# Day's Instream	Instream Rate (CFS) over full Irrigation Season	Instream Volume (AF)
August 5, 1900	1	0.000	0.00
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		100.273	198.54

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

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NW 1/4 NW 1/4 600 IR 19.6 Pacific NW Development
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NW 1/4 NE 1/4	400	IR	2.0	Husted, James & Kelly
SW 1/4 NE 1/4	599	IR	1.8	Foucher, Dorothy
SW 1/4 NE 1/4	600	IR	4.0	Shatka, Michael & Shirley
SW 1/4 NE 1/4	601	IR	7.0	Moody, Richard & Denise
SW 1/4 NE 1/4	602	IR	4.0	Galloway, Patrick J.
SW 1/4 NE 1/4	603	POND	0.2	Towell, Thomas & Tammie
SW 1/4 NE 1/4	603	IR	7.0	Towell, Thomas & Tammie
SW 1/4 NE 1/4	700	IR	5.0	Wolf, Richard & Mary Jeanne
SW 1/4 NE 1/4	701	IR	2.0	Ray, James M.
SW 1/4 NE 1/4	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
NE 1/4 NW 1/4	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 1/4 NW 1/4	2003	IR	6.7	Boone, Ryan Kim & Mynna Lynn
SW 1/4 NW 1/4	2004	IR	7.5	Boone, Daniel & Corinna
NE 1/4 SW 1/4	2301	IR	4.0	Davidson, Darrell & Nancy
NE 1/4 SW 1/4	2303	IR	4.0	Mobley, John & Nancy
NE 1/4 SW 1/4	2304	IR	3.0	Williams, Robert D.
NE 1/4 SW 1/4	2305	IR	6.3	Guier, James & Judy
NE 1/4 SW 1/4	2306	IR	2.0	Mobley, John & Nancy
NE 1/4 SE 1/4	2500	IR	14.9	Loomis, Susan <i>Desch River Ranch</i>
NE 1/4 SE 1/4	2501	IR	0.6	Loomis, Susan
NW 1/4 SE 1/4	2400	IR	31.5	Kinsey, William

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	SW 1/4 NE 1/4	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)
3	NW 1/4 SW 1/4	1000	IR	2.3	Brant, Laverne & Betty
3	NW 1/4 SW 1/4	900	IR	15.0	Chilen, David & Geri
4	SW 1/4 SW 1/4	1100	IR	17.5	Sappington, Yvonne
4	SW 1/4 SW 1/4	1102	IR	9.5	Kingen, Dorlee
	SE 1/4 SW 1/4	1100	IR	9.5	Sappington, Yvonne
	SE 1/4 SW 1/4	1102	IR	6.0	Kingen, Dorlee
	SE 1/4 SW 1/4	1200	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	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
	NW 1/4 SE 1/4	700	IR	16.0	Gould, Annunziata O.
	NW 1/4 SE 1/4	701	IR	6.3	Pearson, David & Wyona
	SW 1/4 SE 1/4	1400	IR	3.0	Covell, Charles & Susan
	SW 1/4 SE 1/4	1401	IR	4.0	Grimshaw, Max & Betty
	SW 1/4 SE 1/4	1402	IR	3.0	Wilson, Darrel & Elizabeth
	SW 1/4 SE 1/4	1403	IR	4.0	Riegel/Burton, Gregg & Gail
	SW 1/4 SE 1/4	1500	IR	7.0	Arnold, David & Becky
	SW 1/4 SE 1/4	1501	IR	7.0	Cheney, Dale & Judith

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
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 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 Ranch LLC
16	12	17	NE 1/4 NE 1/4	100 101	20.0 7.50	STOUT/PENNOCK Stout minor Partition 96-22 Partition Plat 1998-35
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	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
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

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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 holder(s) propose to lease the water rights identified in Section 1.3 on the "Pooled Lease Form."

The right(s) to be leased are further described as follows:

Certificate No.: 74147

Priority date: October 29, 1913 Type of use: IRR

Legal Season of Use (if not listed on the certificate): April 1 through Oct 31 **RECEIVED**
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If an irrigation right, total number of acres to be leased: 120.850 ac IRR
Total acre-feet of storage to be leased, if applicable: _____ **WATER RESOURCES DEPT**
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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

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: _____

~II~

Section 2.2 continued from Pooled Lease Form.

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) to the mouth and to the 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 instream reach.)

Rate in cfs: 2.014 cfs IRR - season 2

Rate in cfs: 3.730 cfs IRR - season 3

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

Conditions to prevent injury, if any:

- None
- The instream flow will be allocated on a daily average basis up to the described rate from April 1 through October 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 Acres to be Leased Instream Here	120.850
--	----------------

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		

Rate (CFS) leased instream for Section 2.2 of the Lease Application Form				
Enter Instream Rates and Volumes by Season on Lease Form	Instream Rate (CFS) over full Irrigation Season	Days instream	Instream Volume (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 Prevent Injury for Section 2.2 of the Lease Application Form				
Water protected instream:	April 1 through October 26			

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Additional Water Right Form
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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.

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Section 1.5 continued from Pooled Form.

Water Rights Proposed to be Leased Instream. District and water right holder(s) propose to lease the water rights identified in Section 1.3 on the "Pooled Lease Form."

The right(s) to be leased are further described as follows:

Certificate No.: 76106
Priority date: December 1, 1961 Type of use: IRR
Legal Season of Use (if not listed on the certificate): April 1 through October 31
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 storage
Maximum rate associated with subject water rights (cfs) being leased: 0.52 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): 90.40 total AF

Conditions or other limitations, if any:

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Section 2.2 continued from Pooled Lease Form.

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): Tumalo Resvr: SESW, Sect 33, R16S, T11E, W.M.: Tumalo Creek: SENE, Sect 23, T17S, R11E, W.M. to the mouth of the Deschutes River at river mile 0.

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 instream reach.)

Rate in cfs:

Rate in cfs:

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

Conditions to prevent injury, if any:

- None
The instream flow will be allocated on a daily average basis up to the described rate from through

Other (describe): _____

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**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 Total Number of Acres to be Leased Instream Here →	36.160
--	---------------

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 storage
				50.31

Rate (CFS) leased instream for Section 2.2 of the Lease Application Form				
Enter Instream Rates and Volumes on Lease Form	Instream Rate (CFS) over full Irrigation Season	Days instream	Instream Volume (AF)	Period Instream
	0.21	214	90.40	April 1 - Oct 31
			max portion from storage	
			50.31	

OR

Optional - for alternative instream periods including the full irrigation season				
Enter Proposed begin and end dates (must fall within Irrigation Season)				
begin date	Number of Days			
end date	1 Days			
Rate (CFS) leased instream for Section 2.2 of the Lease Application Form				
Enter Instream Rates and Volumes on Lease Form	Instream Rate (CFS)	Days instream	Instream Volume (AF)	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

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WATER RESOURCES DEPT
SALEM, OREGON



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

Application for Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

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

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WATER RESOURCES DEPT
SALEM, OREGON

Optional Identification by Lessor/Lessee: L09.11
Lease Application Number (assigned by WRD): IL-991

This Lease is with:

Lessor #1 (Water Right Holder):

Name Zapp, Martin & Joann
Mailing address 65385 Cline Falls Road
City, State, Zip Code Bend, OR 97701
Telephone number (541) 382-8543
Email address _____

DIST

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. P74146, 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 1/4 1/4, tax lot number, map orientation and scale.]

T	R	Sect	¼ ¼	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.	16S	12E	19	nese	02001	2.35	Irr	74146	11	9/1/1900 ✓
2.										
3.										
4.										
5.										

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WATER RESOURCES DEPT
SALEM, OREGON

Total number of acres, if for irrigation, by certificate and priority date: 2.35

Conditions or other limitations, if any: _____

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

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

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

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on 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 Termination provision.

- For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
- Written notice to the Department with original signatures;
 - Consent by all parties to the lease; and/or
 - Written notice to the Watermaster's office.
- For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

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

Lessor #1: Martin Zapp Date: 3-3-09
Martin Zapp

Joann Zapp Joann F. Zapp Date: 3-3-09
Joann F. Zapp

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WATER RESOURCES DEPT
SALEM, OREGON

For additional Lessors, type in space for signature and date

Other Attachments As Needed:

- Exhibit 5-A: Tax Lot Map. (See instructions.)
- Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.)
- Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is checked)
- Exhibit 5-D: Split Season Instream Use Form

Deschutes River Conservancy 2009 Instream Leasing Program

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

Signature: Martin Zapp Date: 3-3-09

This form must be returned before lease payment is made.

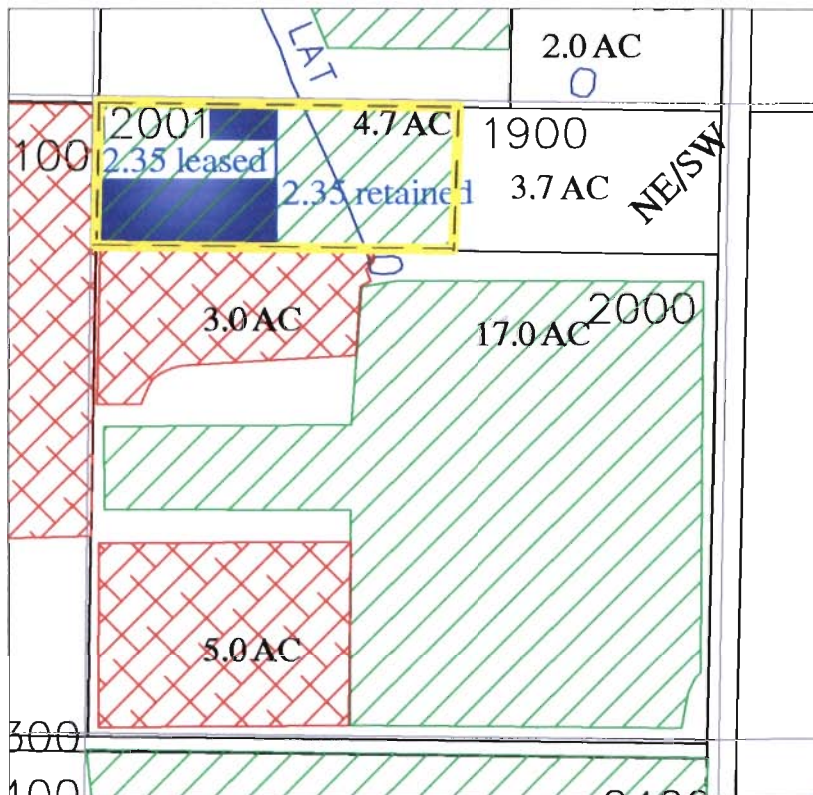
TUMALO IRRIGATION DISTRICT
IN-STREAM LEASED WATER RIGHTS SURVEY

EXHIBIT 5-A & B
L09.11

FOR

Zapp, Martin & Joann

65385 Cline Falls Rd., Bend OR 97701.



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WATER RESOURCES DEPT
SALEM, OREGON



INITIAL: *MJ*

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

	NE 1/4 SW 1/4	1000C	IR	0.9	Brookhart, Ronald C.
	NE 1/4 SW 1/4	100C	IR	1.94	Manina, Steven S.
	NE 1/4 SW 1/4	1100C	IR	1.6	Brookhart, Ronald C.
	NE 1/4 SW 1/4	400C	IR	1.0	Hoisington, John
3	NW 1/4 SW 1/4	1100C	IR	1.9	Brookhart, Ronald C.
3	NW 1/4 SW 1/4	1400C	IR	3.0	Christ, Donald & Iris
3	NW 1/4 SW 1/4	800C	IR	1.5	Kelley, Beverly J.
	NE 1/4 SE 1/4	1900	IR	3.7	Prentice, Jim & Jean
	NE 1/4 SE 1/4	2000	IR	11.0	Shipman, Keith & Pat
	NE 1/4 SE 1/4	2001	IR	3.0	Zapp, Martin & Joann

Section 19

	SW 1/4 NE 1/4	2800	IR	1.0	Barlow, Steven & Jeanette
	NE 1/4 NW 1/4	305	IR	1.0	Billings, Jack & Christina
	NW 1/4 SE 1/4	2500	IR	2.5	Gregg, Patrick & Kathy

Section 30

	NE 1/4 SW 1/4	407	IR	6.6	Bend Research/ Science Properties
3	NW 1/4 SW 1/4	405	IR	2.0	Perkins, Howard & Darlene
3	NW 1/4 SW 1/4	407	IR	3.4	Bend Research/ Science Properties
3	NW 1/4 SW 1/4	414	IR	2.5	Long, Michael & Alice
3	NW 1/4 SW 1/4	415	IR	2.5	Sailors, Robert W.
4	SW 1/4 SW 1/4	400	IR	5.9	Bodwin, Wayne & Laraine
4	SW 1/4 SW 1/4	402	IR	2.7	Boone, Daniel & Corinna
4	SW 1/4 SW 1/4	404	IR	3.0	Gamez, Richard & Claudia
4	SW 1/4 SW 1/4	409	IR	8.0	Hagemann, Roger & Lorraine
4	SW 1/4 SW 1/4	411	IR	2.0	Delay, Mark & Edith
4	SW 1/4 SW 1/4	412	IR	2.0	Delay, Mark & Edith
	SE 1/4 SW 1/4	400	IR	12.1	Bodwin, Wayne & Laraine
	SE 1/4 SW 1/4	402	IR	3.3	Boone, Daniel & Corinna

Section 31

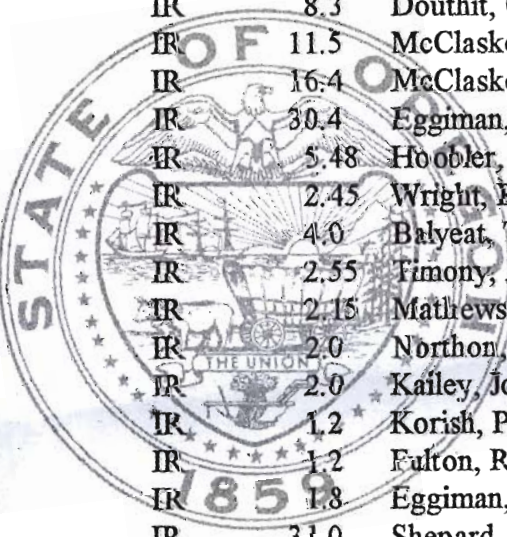
Township 16 South, Range 12 East, W.M.

1	NE 1/4 NE 1/4	100	IR	9.0	Morey, Kenneth & Teresa
1	NE 1/4 NE 1/4	101	IR	19.57	Hoobler, Sharon & Janet
1	NE 1/4 NE 1/4	102	IR	8.3	Douthit, Charles
2	NW 1/4 NE 1/4	200	IR	11.5	McClaskey, Todd & Maxine
2	NW 1/4 NE 1/4	404	IR	16.4	McClaskey, Todd & Maxine
	SW 1/4 NE 1/4	405	IR	30.4	Eggiman, Timothy & Nathalie
	SE 1/4 NE 1/4	101	IR	5.48	Hoobler, Sharon & Janet
	SE 1/4 NE 1/4	500	IR	2.45	Wright, R. Douglas
	SE 1/4 NE 1/4	600	IR	4.0	Balyeat, Timony, Daniel, & Sheila
	SE 1/4 NE 1/4	601	IR	2.55	Timony, Michael & Amy
	NE 1/4 NW 1/4	201	IR	2.15	Mathewson, Edward & Ruth
	NW 1/4 NW 1/4	400	IR	2.0	Northon, Richard & Jeanne
	NW 1/4 NW 1/4	402	IR	2.0	Kailey, John & Janet
	SW 1/4 NW 1/4	407	IR	1.2	Korish, Pat & Theresa
	SW 1/4 NW 1/4	408	IR	1.2	Fulton, Robert & Patricia
	SE 1/4 NW 1/4	405	IR	1.8	Eggiman, Timothy & Nathalie
	SE 1/4 NW 1/4	406	IR	31.0	Shepard, John & Marion
	NE 1/4 SE 1/4	700	IR	30.1	Gisler, Patrick & Deborah
	NE 1/4 SE 1/4	702	IR	0.6	James, John & Dinah -Trustees
	NW 1/4 SE 1/4	701	IR	1.0	Eggiman, Timothy & Nathalie
	NW 1/4 SE 1/4	702	IR	17.2	James, John & Dinah -Trustees
	SW 1/4 SE 1/4	702	IR	33.6	James, John & Dinah -Trustees

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WATER RESOURCES DEPT
SALEM, OREGON





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

Application for
Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

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

Optional Identification by Lessor/Lessee: L09.14
Lease Application Number (assigned by WRD): IL-991

This Lease is with:

Lessor #1 (Water Right Holder):

Name Ponsford, David J.
Mailing address 20480 Harper Road
City, State, Zip Code Bend, OR 97701
Telephone number (541) 330-0292
Email address

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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 74146 S: 74147,74148,74149,76520

1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. [] Yes [X] 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 1/4, tax lot number, map orientation and scale.]

T	R	Sect	¼ ¼	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	12	09	swnw	00500	1.43	Irr	74146	9	9/1/1900 ✓
2.										
3.										
4.										
5.										

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WATER RESOURCES DEPT
SALEM, OREGON

Total number of acres, if for irrigation, by certificate and priority date: 1.43

Conditions or other limitations, if any: _____

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

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

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

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on 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 Termination provision.

- For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
 - Written notice to the Department with original signatures;
 - Consent by all parties to the lease; and/or
 - Written notice to the Watermaster's office.
- For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

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

Lessor #1:  Date: 3/6/09
David J. Ponsford

For additional Lessors, type in space for signature and date

Other Attachments As Needed:

- Exhibit 5-A: Tax Lot Map. (See instructions.)
- Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.)
- Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is checked)
- Exhibit 5-D: Split Season Instream Use Form

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WATER RESOURCES DEPT
SALEM, OREGON

Deschutes River Conservancy 2009 Instream Leasing Program

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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.

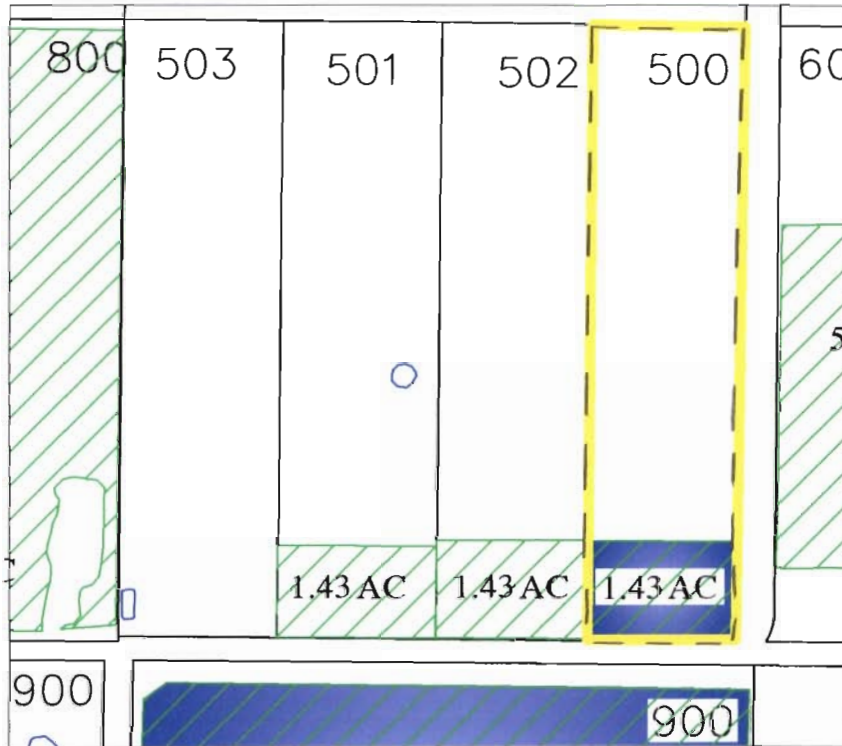
TUMALO IRRIGATION DISTRICT
IN-STREAM LEASED WATER RIGHTS SURVEY

EXHIBIT 5-A & B
L09-014

FOR

Ponsford, David J.

20480 Harper Rd., Bend OR



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WATER RESOURCES DEPT
SALEM, OREGON



Certificate #'s
74146, and 74147



Certificate #
76106



In-Stream Lease

INITIAL: 

LOCATED IN THE SW 1/4 OF THE NW1/4
OF SECTION 09, T16 S., R.12 E., W.M.
TAX LOTS # 500
DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'

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

SE $\frac{1}{4}$ SE $\frac{1}{4}$	1100D	IR	1.0	Ballew, Doug & Judith
SE $\frac{1}{4}$ SE $\frac{1}{4}$	1401D	IR	2.0	Hagemann, Roger & Lorraine

Section 36

Township 16 South, Range 11 East W.M.

7	SW $\frac{1}{4}$ SW $\frac{1}{4}$	1801	IR	5.0	A.K.A. Productions, Inc.
7	SW $\frac{1}{4}$ SW $\frac{1}{4}$	1802	IR	2.6	Rupp, C. Richard

Section 6

	SE $\frac{1}{4}$ NE $\frac{1}{4}$	103	IR	0.7	Gobeille, David & Carolyn
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	402	IR	1.0	Duntley, Carole A.
1	NW $\frac{1}{4}$ NW $\frac{1}{4}$	401	IR	4.7	VanderBeek, Robert & Laurie
1	NW $\frac{1}{4}$ NW $\frac{1}{4}$	403	IR	3.5	Duntley, Carole A.
1	NW $\frac{1}{4}$ NW $\frac{1}{4}$	403	POND	0.5	Duntley, Carole A.
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	1200	IR	28.9	Pledger, William & Felicia
4	SW $\frac{1}{4}$ SW $\frac{1}{4}$	1100	IR	7.5	Booth, Loran & Toni
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	1200	IR	36.1	Pledger, William & Felicia
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	1300	IR	39.85	Putnam, Lee&Mary/Steve&Arlene
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	1300	IR	37.66	Putnam, Lee&Mary/Steve&Arlene

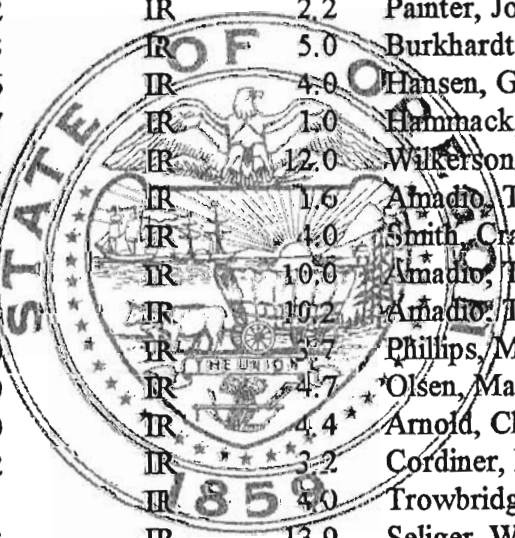
Section 7

	SW $\frac{1}{4}$ NE $\frac{1}{4}$	600	IR	3.75	Wise/Strauss
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	701	IR	3.4	Fournier, Chris
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	702	IR	7.6	Fournier, Chris
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	703	IR	13.9	MacGaffey, Keith
	NW $\frac{1}{4}$ NW $\frac{1}{4}$	402	IR	2.6	Davis, Tim & Madeleine
	NW $\frac{1}{4}$ NW $\frac{1}{4}$	500	IR	2.4	Davis, Tim & Madeleine
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	401	IR	0.6	Reichardt, William & Judith Ann
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	600	IR	0.25	Wise/Strauss
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	700	IR	19.4	Reichardt, William & Judith Ann
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	703	IR	1.1	MacGaffey, Keith
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	1500	IR	15.5	Amadio, Thomas & Dorothy
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	1600	IR	4.0	Rowell, Bob
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	1601	IR	1.6	Parker, John & Arlene
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	1700	IR	6.4	Parker, John & Arlene
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	1702	IR	2.2	Painter, Jon & Etta
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	1703	IR	5.0	Burkhardt, Rick & Lynn
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	1706	IR	4.0	Hansen, Gary & Linda
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	1707	IR	1.0	Hammack, Patrick & Constance
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	1701	IR	12.0	Wilkerson, Richard & Carol
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	1704	IR	1.6	Amadio, Thomas & Dorothy
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	1705	IR	4.0	Smith, Craig & Sandra
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	1501	IR	10.6	Amadio, Thomas & Dorothy
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	1704	IR	10.2	Amadio, Thomas & Dorothy
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	1000	IR	3.7	Phillips, Michael & Nancy
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	1100	IR	4.7	Olsen, Marc & Theresa
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	1200	IR	4.4	Arnold, Charles
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	1302	IR	3.2	Cordiner, Robert & Peggy
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	900	IR	4.0	Trowbridge, William & Lynne
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	1403	IR	13.9	Seliger, William & Kathleen
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	1404	IR	1.8	Wyman, Harold & Jane
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	1401	IR	24.1	Wyman, Harold & Jane
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	1400	IR	19.0	Hull, Judy Ayres
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	1402	IR	14.0	Hull, Judy Ayres

Section 8

sw $\frac{1}{4}$ nw $\frac{1}{4}$	500	IR	1.43	Ponsford, David
-----------------------------------	-----	----	------	-----------------

Section 9



N95-013
T-7466

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WATER RESOURCES DEPT
SALEM, OREGON

SEE NEXT PAGE



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

Application for Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

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

Optional Identification by Lessor/Lessee: L09.18

Lease Application Number (assigned by WRD): IL-991

This Lease is with:

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Lessor #1 (Water Right Holder):

Name Pederson, Robert & Gretchen

Mailing address 18925 Pinehurst Road

City, State, Zip Code Bend, OR 97701

Telephone number (541) 388-0742

Email address _____

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 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.]

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

3.5 **Termination provision.**

- For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
 - Written notice to the Department with original signatures;
 - Consent by all parties to the lease; and/or
 - Written notice to the Watermaster's office.
- For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

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

Lessor #1: *Robert Pederson* Date: MARCH 9, 09
Robert Pederson

Gretchen Pederson *Gretchen B. Pederson* Date: 3/9/09

For additional Lessors, type in space for signature and date

Other Attachments As Needed:

- Exhibit 5-A: Tax Lot Map. (See instructions.)
- Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.)
- Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is checked)
- Exhibit 5-D: Split Season Instream Use Form

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SALEM, OREGON

T	R	Sect	¼ ¼	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	35	senw	01500	2.40	Irr	74147	9	10/29/1913
2.										
3.										
4.										
5.										

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SALEM, OREGON

Total number of acres, if for irrigation, by certificate and priority date: 2.40

Conditions or other limitations, if any: _____

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

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

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

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on 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

Policy Concerning Weeds & Instream Leases Information on Farm Deferral

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

Signature:  Date: MARCH 9, 09

This form must be returned before lease payment is made.

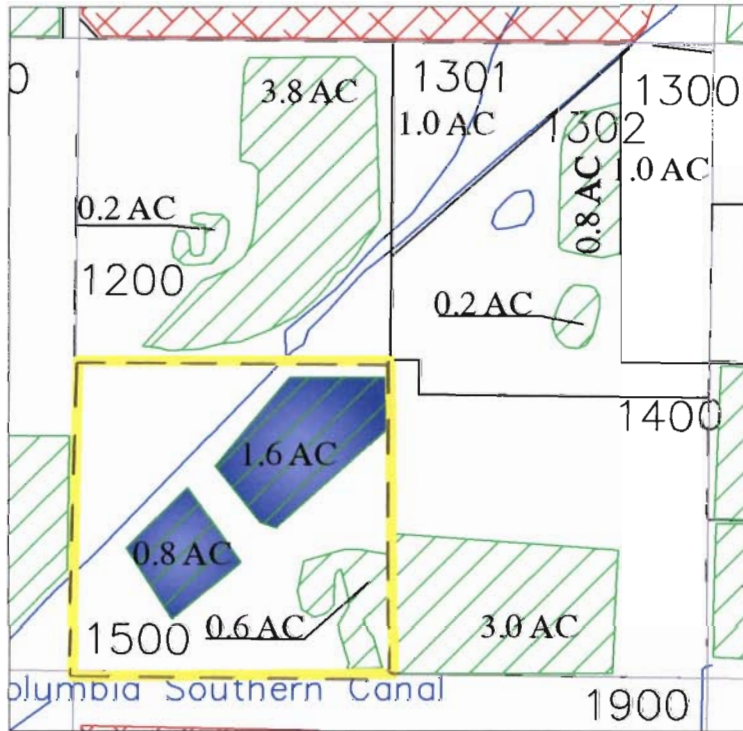
TUMALO IRRIGATION DISTRICT
IN-STREAM LEASED WATER RIGHTS SURVEY

EXHIBIT 5-A & B
L09-018

FOR

Pederson, Robert L. & Gretchen B.

18925 Pinehurst Rd., BEND 97701



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SALEM, OREGON



INITIAL: *RLG*

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



SCALE: 1" = 400'

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

NE $\frac{1}{4}$ NW $\frac{1}{4}$	403	Strong, James J.	IR		13.00
NW $\frac{1}{4}$ NW $\frac{1}{4}$	500	Narber, Kemper & Susan	IR	1.00	
NW $\frac{1}{4}$ NW $\frac{1}{4}$	501	Zenner, Steve	IR	1.60	
NW $\frac{1}{4}$ NW $\frac{1}{4}$	503	Colton/Engelhard	IR	3.80	
SW $\frac{1}{4}$ NW $\frac{1}{4}$	600	Johansen, Kirk & Judith	IR		10.00
SW $\frac{1}{4}$ NW $\frac{1}{4}$	602	Crum, Laurel Ann	IR		5.00
SE $\frac{1}{4}$ NW $\frac{1}{4}$	401	Lawyer, Donald & Paula	IR		9.30
SE $\frac{1}{4}$ NW $\frac{1}{4}$	402	Scott, Stephen H.	IR		7.00
SE $\frac{1}{4}$ NW $\frac{1}{4}$	700	Gscheidle, William & Meri	IR		7.00
SE $\frac{1}{4}$ NW $\frac{1}{4}$	701	Lyle, Boyd L.	IR		7.00
NW $\frac{1}{4}$ SW $\frac{1}{4}$	601	Johansen, Kirk & Judith	IR		15.00
NW $\frac{1}{4}$ SW $\frac{1}{4}$	603	Thomson, Richard & Patsy	IR		15.00
SW $\frac{1}{4}$ SW $\frac{1}{4}$	1500	Harlow, James	IR		5.40
SW $\frac{1}{4}$ SW $\frac{1}{4}$	1600	Johnson, Jimmy Dean	IR		1.90
SW $\frac{1}{4}$ SW $\frac{1}{4}$	1601	Waterman, Faith	IR	2.00	
SW $\frac{1}{4}$ SW $\frac{1}{4}$	1700	Williams, Michael & Arletta	IR		1.90
SW $\frac{1}{4}$ SW $\frac{1}{4}$	1800	McFerran/Lynch, Don & Barbara	IR		2.00
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1100	Lane, Alan	IR	13.00	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	901	Martin, Charles & Susan	IR		4.00
NW $\frac{1}{4}$ SE $\frac{1}{4}$	903	Miller, Ken & Darlene	IR		6.00
NW $\frac{1}{4}$ SE $\frac{1}{4}$	904	Mills, Max & Lori	IR	2.00	3.74
SW $\frac{1}{4}$ SE $\frac{1}{4}$	1300	Sohn, Ray & Sheila	IR	0.90	12.60
SW $\frac{1}{4}$ SE $\frac{1}{4}$	1301	Duhn, Jessica R.	IR	1.00	3.40
SW $\frac{1}{4}$ SE $\frac{1}{4}$	1302	Horton, Richard & Karen	IR		2.00
SW $\frac{1}{4}$ SE $\frac{1}{4}$	1303	McAllister/Burke	IR		7.00
SW $\frac{1}{4}$ SE $\frac{1}{4}$	1304	Schmidt, Robert & Carolyn	IR		4.50

Section 34

NE $\frac{1}{4}$ NE $\frac{1}{4}$	100	Leonard, Ronald	IR		10.00
NE $\frac{1}{4}$ NE $\frac{1}{4}$	202	Jermaczonak, Tony & Laurie	IR		7.50
NE $\frac{1}{4}$ NE $\frac{1}{4}$	203	Bottger, James & Bea	IR		3.30
NE $\frac{1}{4}$ NE $\frac{1}{4}$	206	Bottger, James & Bea	IR		1.70
NE $\frac{1}{4}$ NE $\frac{1}{4}$	800	Michael, Loreen	IR		0.60
NW $\frac{1}{4}$ NE $\frac{1}{4}$	800	Michael, Loreen	IR		4.40
NW $\frac{1}{4}$ NE $\frac{1}{4}$	804	O'Brien, James & Patricia	IR		2.50
NW $\frac{1}{4}$ NE $\frac{1}{4}$	805	Miller, G. J.	IR		2.75
NW $\frac{1}{4}$ NE $\frac{1}{4}$	806	Rush, Lucy K.	IR		5.00
NW $\frac{1}{4}$ NE $\frac{1}{4}$	807	Cooley, Orrin & Stephanie	IR		5.00
SW $\frac{1}{4}$ NE $\frac{1}{4}$	801	Ome, Alan G. & Deborah	IR		5.00
SW $\frac{1}{4}$ NE $\frac{1}{4}$	802	Masters, John	IR		5.00
SW $\frac{1}{4}$ NE $\frac{1}{4}$	808	Gonce, William & Carolyn	IR		5.00
SW $\frac{1}{4}$ NE $\frac{1}{4}$	809	Sheaffer, William & Annie	IR		3.00
SE $\frac{1}{4}$ NE $\frac{1}{4}$	201	Hall, Thomas & Faith	IR		2.00
SE $\frac{1}{4}$ NE $\frac{1}{4}$	204	Dvorak, Louis	IR		7.50
SE $\frac{1}{4}$ NE $\frac{1}{4}$	205	Hall, Thomas & Faith	IR		2.00
SE $\frac{1}{4}$ NE $\frac{1}{4}$	300	Harrison, Daniel	IR		2.50
SE $\frac{1}{4}$ NE $\frac{1}{4}$	400	Tellin, Mahlon & Patricia	IR	2.50	2.00
SE $\frac{1}{4}$ NE $\frac{1}{4}$	600	Dvorak, Louis	IR	0.40	4.10
SE $\frac{1}{4}$ NE $\frac{1}{4}$	700	Dvorak, Louis	IR		4.00
NW $\frac{1}{4}$ NW $\frac{1}{4}$	1000	McGinnis (LE), Harold	IR		19.70
SW $\frac{1}{4}$ NW $\frac{1}{4}$	1100	Ames, George & Elaine	IR	13.00	
SE $\frac{1}{4}$ NW $\frac{1}{4}$	1200	Romaniak/Mendenhall	IR	4.00	
SE $\frac{1}{4}$ NW $\frac{1}{4}$	1300	Patrick, Arthur & Michelle	IR	1.00	
SE $\frac{1}{4}$ NW $\frac{1}{4}$	1301	Hervey, Sharon	IR	1.00	
SE $\frac{1}{4}$ NW $\frac{1}{4}$	1302	Patrick, Arthur & Michelle	IR	1.00	
SE $\frac{1}{4}$ NW $\frac{1}{4}$	1400	Patrick, Arthur & Michelle	IR	3.00	
SE $\frac{1}{4}$ NW $\frac{1}{4}$	1500	King, Charles & Pamela	IR	3.00	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	1900	Schlueter, James & Patricia	IR	2.60	4.40
NW $\frac{1}{4}$ SW $\frac{1}{4}$	1600	Braun Trustees, Jean & Rose	PND	0.10	

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SALE OREGON

Pederson, Robert
Gweckler



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

Application for
Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

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

Optional Identification by Lessor/Lessee: L09.05
Lease Application Number (assigned by WRD): LC-991

This Lease is with:

Lessor #1 (Water Right Holder):

Name Pechin Rev. Trust, Nicholas Pechin, Trustee
Mailing address 1288 Kapiolani Blvd, West 4607
City, State, Zip Code Honolulu, HI 96814
Telephone number (808) 870-4121
Email address

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

T	R	Sect	¼ ¼	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	27	senw	00207	2.0	Irr	74146	7	9/1/1900 ✓
2.										
3.										
4.										
5.										

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WATER RESOURCES DEPT
SALEM, OREGON

Total number of acres, if for irrigation, by certificate and priority date: 2.0

Conditions or other limitations, if any: _____

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

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

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

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on 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.



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

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	¼ ¼	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	27	senw	00207	1.50	Irr	74147	7	10/29/1913
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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 SALEM, OREGON

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

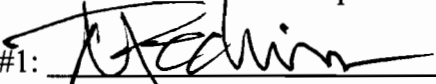
Total number of acres, if for irrigation, by certificate and priority date: 1.50

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

3.5 Termination provision.

- For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
 - Written notice to the Department with original signatures;
 - Consent by all parties to the lease; and/or
 - Written notice to the Watermaster's office.
- For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

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

Lessor #1:  Date: 02/24/09
Nicholas Pechin, Trustee

For additional Lessors, type in space for signature and date

Other Attachments As Needed:

- Exhibit 5-A: Tax Lot Map. (See instructions.)
- Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.)
- Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is checked)
- Exhibit 5-D: Split Season Instream Use Form

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Deschutes River Conservancy 2009 Instream Leasing Program

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

Signature:  Date: 02/24/09

This form must be returned before lease payment is made.

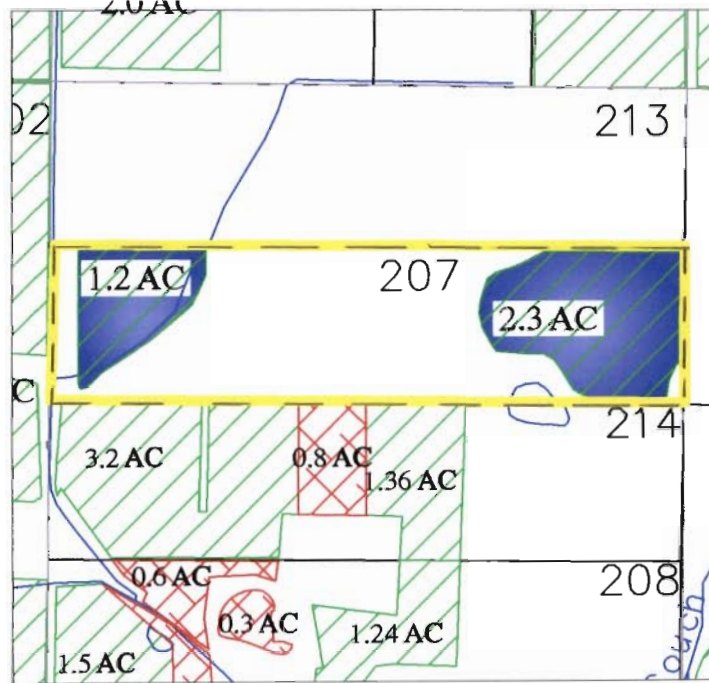
TUMALO IRRIGATION DISTRICT
 IN-STREAM LEASED WATER RIGHTS SURVEY

EXHIBIT 5-A & B
 L09-05

FOR

Pechin Revocable Living Trust

18585 COUCH MARKET RD



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 SALEM, OREGON



		
Certificate #'s 74146, and 74147	Certificate # 76106	In-Stream Lease

INITIAL: TX

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



SCALE: 1" = 400'

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

NW¼ NE¼	103	IR	0.1	Hayes, Edmond Jr.
NW¼ NE¼	109	IR	0.4	Oatman, Christopher & Karen
SW¼ NE¼	201	IR	6.5	Menefee/Menesson/Malarkey
SW¼ NW¼	111	IR	12.0	Maloney, Michael & Linda
SW¼ NW¼	117	IR	13.0	Lemon, Leo & Carol
SE¼ NW¼	204	IR	25.0	Chandler, Yvette M.
NE¼ SW¼	300	IR	31.0	Masters, Richard & Judy
NW¼ SW¼	104	IR	34.67	Koehler, Alice
SW¼ SW¼	400	IR	3.0	OTS Wire & Insulation, Inc.
SE¼ SW¼	800	IR	7.0	Blank/Hitchcock
SE¼ SW¼	801	IR	4.18	Flannery/Nauer

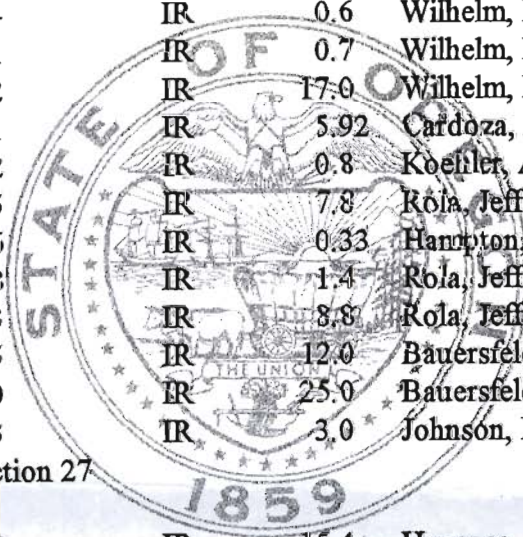
Section 26

NE¼ NE¼	604	IR	1.5	Allen, Charlie & Wendy
NW¼ NE¼	100	IR	2.0	Barber, Murl
NW¼ NE¼	101	IR	3.5	Varco, Robert & Coleen
NW¼ NE¼	107	IR	3.0	Barber, Murl
NW¼ NE¼	108	IR	5.0	Wark, Russell & Sandra
NW¼ NE¼	109	IR	5.0	Hering, Eugene & Suellen
NW¼ NE¼	110	IR	3.5	Moser, Joyce
SW¼ NE¼	200	IR	12.0	Moore, Scott & Margaret
SW¼ NE¼	212	IR	11.0	Souther, David & Connie
SE¼ NE¼	604	IR	18.5	Allen, Charlie & Wendy
NE¼ NW¼	102	IR	9.35	Johnson, Thomas & Lois
NE¼ NW¼	103	IR	6.0	Kochera, Jack & Marilyn
NE¼ NW¼	104	IR	8.0	Kail/Rankin
NE¼ NW¼	105	IR	3.0	Wallace, Peter & Jeanette
NW¼ NW¼	201	IR	3.0	Davis, Ron & Elizabeth
NW¼ NW¼	210	IR	4.0	Costello/Olin
NW¼ NW¼	211	IR	5.5	Lowas, John & Nancy
SW¼ NW¼	202	IR	15.8	Parker, Deryl & Adeline
SW¼ NW¼	206	IR	14.7	O'Neal, Steven & Julianne
SE¼ NW¼	207	IR	2.0	Hanus, Jana <i>Peckin Rev. Trust</i>
SE¼ NW¼	208	IR	1.7	Wilhelm, Diane
SE¼ NW¼	213	IR	0.1	McIntosh, Dotta J.
SE¼ NW¼	214	IR	0.6	Wilhelm, Diane
NE¼ SW¼	301	IR	0.7	Wilhelm, Diane
NW¼ SW¼	302	IR	17.0	Wilhelm, Diane
SE¼ SW¼	401	IR	5.92	Cardoza, Manuel & Linda
NE¼ SE¼	602	IR	0.8	Koehler, Alice
NE¼ SE¼	605	IR	7.8	Rola, Jeff & Susan
NE¼ SE¼	606	IR	0.33	Hampton, John & Carol
NE¼ SE¼	608	IR	1.4	Rola, Jeff & Susan
NW¼ SE¼	203	IR	8.8	Rola, Jeff & Susan
NW¼ SE¼	205	IR	12.0	Bauersfeld, James & Christine
SW¼ SE¼	500	IR	25.0	Bauersfeld, James & Christine
SE¼ SE¼	603	IR	3.0	Johnson, Eleanor B.

Section 27

NE¼ NE¼	100	IR	15.4	Hausner, Jill
NE¼ NE¼	800	IR	2.0	Hausner, Jill
NE¼ NE¼	801	IR	2.0	Barrick, James A.
SW¼ NE¼	900	IR	25.9	Hermens, Stanley & Ruth
SE¼ NE¼	900	IR	29.6	Hermens, Stanley & Ruth
NE¼ SE¼	1200	IR	6.0	Hermens, Stanley & Ruth
NW¼ SE¼	1000	IR	13.3	Hermens, Stanley & Ruth
NW¼ SE¼	1100	IR	4.3	Hermens, Stanley & Ruth

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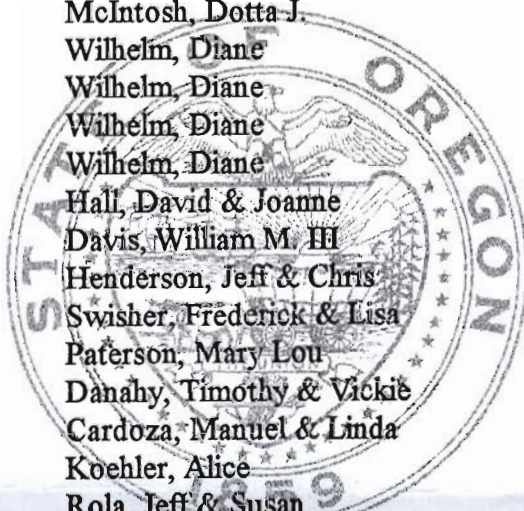
WATER RESOURCES DEPT
SALEM, OREGON

SW $\frac{1}{4}$ SW $\frac{1}{4}$	400	OTS Wire & Insulation, Inc.	IR	2.00	3.00
SE $\frac{1}{4}$ SW $\frac{1}{4}$	800	Blank/Hitchcock	IR	1.00	9.00
SE $\frac{1}{4}$ SW $\frac{1}{4}$	801	Flannery/Nauer	IR		8.18
NE $\frac{1}{4}$ SE $\frac{1}{4}$	600	Amadio, Anthony	IR	19.00	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	202	Milem, John & Kathleen	IR	13.70	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	203	Milem, John & Kathleen	IR	16.30	
SW $\frac{1}{4}$ SE $\frac{1}{4}$	500	Guice, Thomas	IR		36.10
SE $\frac{1}{4}$ SE $\frac{1}{4}$	601	Pickard, Bob & Mary Lou	IR		16.10
SE $\frac{1}{4}$ SE $\frac{1}{4}$	602	Peters, Michael & Dana	IR		1.00
SE $\frac{1}{4}$ SE $\frac{1}{4}$	700	Frick, Charles & Linda	IR		18.00

Section 26

NE $\frac{1}{4}$ NE $\frac{1}{4}$	601	Martin, Jack W.	IR	4.00	8.25
NE $\frac{1}{4}$ NE $\frac{1}{4}$	604	Allen, Charlie & Wendy	IR		1.50
NW $\frac{1}{4}$ NE $\frac{1}{4}$	100	Barber, Murl	IR		2.00
NW $\frac{1}{4}$ NE $\frac{1}{4}$	101	Varco, Robert & Coleen	IR		3.50
NW $\frac{1}{4}$ NE $\frac{1}{4}$	107	Barber, Murl	IR		3.00
NW $\frac{1}{4}$ NE $\frac{1}{4}$	108	Wark, Russell & Sandra	IR		5.00
NW $\frac{1}{4}$ NE $\frac{1}{4}$	109	Hering, Eugene & Suellen	IR		5.00
NW $\frac{1}{4}$ NE $\frac{1}{4}$	110	Moser, Joyce	IR		3.50
SW $\frac{1}{4}$ NE $\frac{1}{4}$	200	Moore, Scott & Margaret	IR		12.00
SW $\frac{1}{4}$ NE $\frac{1}{4}$	212	Souther, David & Connie	IR		11.00
SE $\frac{1}{4}$ NE $\frac{1}{4}$	604	Allen, Charlie & Wendy	IR		18.50
NE $\frac{1}{4}$ NW $\frac{1}{4}$	102	Johnson, Thomas & Lois	IR		9.35
NE $\frac{1}{4}$ NW $\frac{1}{4}$	103	Kochera, Jack & Marilyn	IR		6.00
NE $\frac{1}{4}$ NW $\frac{1}{4}$	104	Kail/Rankin	IR		8.00
NE $\frac{1}{4}$ NW $\frac{1}{4}$	105	Wallace, Peter & Jeanette	IR		3.00
NW $\frac{1}{4}$ NW $\frac{1}{4}$	201	Davis, Ron & Elizabeth	IR		17.60
NW $\frac{1}{4}$ NW $\frac{1}{4}$	209	Plows, Richard & Marcia	IR		4.00
NW $\frac{1}{4}$ NW $\frac{1}{4}$	210	Costello/Olin	IR		4.00
NW $\frac{1}{4}$ NW $\frac{1}{4}$	211	Lowas, John & Nancy	IR		8.00
SW $\frac{1}{4}$ NW $\frac{1}{4}$	202	Parker, Deryl & Adeline	IR		15.80
SW $\frac{1}{4}$ NW $\frac{1}{4}$	206	O'Neal, Steven & Julianne	IR		15.00
SE $\frac{1}{4}$ NW $\frac{1}{4}$	207	Hanus, Jana Pechin Rev. Trust	IR	1.50	2.00
SE $\frac{1}{4}$ NW $\frac{1}{4}$	208	Wilhelm, Diane	IR		1.70
SE $\frac{1}{4}$ NW $\frac{1}{4}$	213	McIntosh, Dotta J.	IR	2.50	2.50
SE $\frac{1}{4}$ NW $\frac{1}{4}$	214	Wilhelm, Diane	IR		0.60
NE $\frac{1}{4}$ SW $\frac{1}{4}$	300	Wilhelm, Diane	IR		19.20
NE $\frac{1}{4}$ SW $\frac{1}{4}$	301	Wilhelm, Diane	IR		0.70
NW $\frac{1}{4}$ SW $\frac{1}{4}$	302	Wilhelm, Diane	IR		37.80
SW $\frac{1}{4}$ SW $\frac{1}{4}$	400	Hall, David & Joanne	IR		9.00
SW $\frac{1}{4}$ SW $\frac{1}{4}$	402	Davis, William M. III	IR		4.00
SW $\frac{1}{4}$ SW $\frac{1}{4}$	403	Henderson, Jeff & Chris	IR		3.00
SW $\frac{1}{4}$ SW $\frac{1}{4}$	404	Swisher, Frederick & Lisa	IR		5.00
SW $\frac{1}{4}$ SW $\frac{1}{4}$	405	Paterson, Mary Lou	IR		3.00
SW $\frac{1}{4}$ SW $\frac{1}{4}$	406	Danahy, Timothy & Vickie	IR		3.00
SE $\frac{1}{4}$ SW $\frac{1}{4}$	401	Cardoza, Manuel & Linda	IR		29.92
NE $\frac{1}{4}$ SE $\frac{1}{4}$	602	Koehler, Alice	IR		0.80
NE $\frac{1}{4}$ SE $\frac{1}{4}$	605	Rola, Jeff & Susan	IR		7.80
NE $\frac{1}{4}$ SE $\frac{1}{4}$	606	Hampton, John & Carol	IR		0.33
NE $\frac{1}{4}$ SE $\frac{1}{4}$	608	Rola, Jeff & Susan	IR		1.40
NW $\frac{1}{4}$ SE $\frac{1}{4}$	203	Rola, Jeff & Susan	IR		8.80
NW $\frac{1}{4}$ SE $\frac{1}{4}$	205	Bauersfeld, James & Christine	IR		12.00
SW $\frac{1}{4}$ SE $\frac{1}{4}$	500	Bauersfeld, James & Christine	IR		25.40
SW $\frac{1}{4}$ SE $\frac{1}{4}$	501	Bauersfeld, James & Christine	IR		1.40
SE $\frac{1}{4}$ SE $\frac{1}{4}$	603	Johnson, Eleanor B.	IR		3.00

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

Application for
Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

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

Optional Identification by Lessor/Lessee: L09.09

Lease Application Number (assigned by WRD): IL-991

This Lease is with:

Lessor #1 (Water Right Holder):

Name Morton, Dean O.
Mailing address 20210 Swalley Road
City, State, Zip Code Bend, OR 97701
Telephone number (541) 382-7240
Email address

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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

1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. [] Yes [X] 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 1/4 1/4, tax lot number, map orientation and scale.]

T	R	Sect	¼ ¼	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	12	16	nwnw	00600	2.40	Irr	74146	17	6/1/1907 ✓
2.										
3.										
4.										
5.										

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Total number of acres, if for irrigation, by certificate and priority date: 2.40

Conditions or other limitations, if any: _____

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

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

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

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on 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

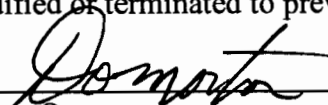
- 3.1 Accuracy.** The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified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

- For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
 - Written notice to the Department with original signatures;
 - Consent by all parties to the lease; and/or
 - Written notice to the Watermaster's office.
- For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

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

Lessor #1:  Date: 3-11-09
Morton, Dean O.

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For additional Lessors, type in space for signature and date

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SALEM, OREGON

Other Attachments As Needed:

- Exhibit 5-A: Tax Lot Map. (See instructions.)
- Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.)
- Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is checked)
- Exhibit 5-D: Split Season Instream Use Form

EXHIBIT C

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

Signature: Dean O. Morton Date: 3-11-09

This form must be returned before lease payment is made.

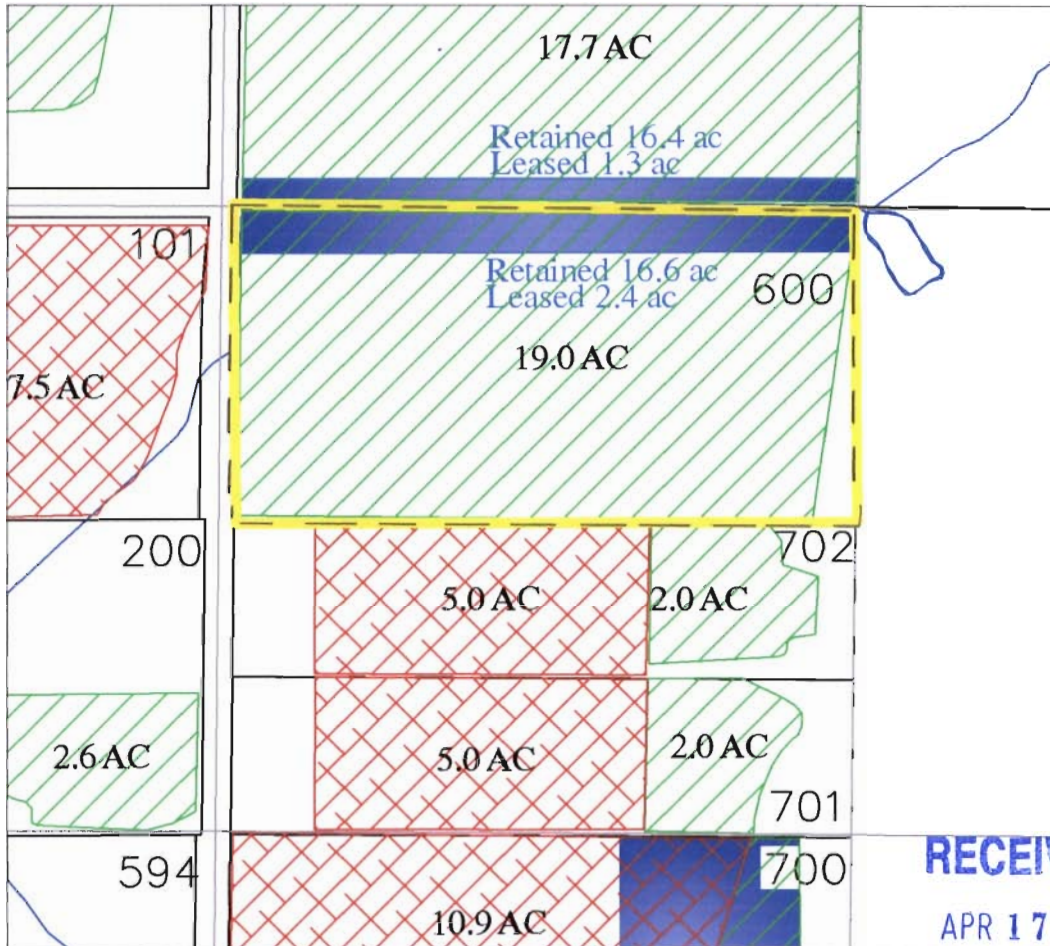
TUMALO IRRIGATION DISTRICT
IN-STREAM LEASED WATER RIGHTS SURVEY

EXHIBIT 5-A & B
L09-09

FOR

Morton, Dean O.

White Rock Loop. BEND 97701



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SALEM, OREGON



 Certificate #'s 74146, and 74147
 Certificate # 76106
 In-Stream Lease

INITIAL: *DM*

LOCATED IN THE NW 1/4 OF THE NW1/4
OF SECTION 16 , T16 S., R.12 E., W.M.
TAX LOTS # 600
DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'

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

NW¼ NW¼ 600 IR 19.6 Pacific NW Development *Morton, Dean*

Section 16

NW¼ NE¼	400	IR	2.0	Husted, James & Kelly
SW¼ NE¼	599	IR	1.8	Foucher, Dorothy
SW¼ NE¼	600	IR	4.0	Shatka, Michael & Shirley
SW¼ NE¼	601	IR	7.0	Moody, Richard & Denise
SW¼ NE¼	602	IR	4.0	Galloway, Patrick J.
SW¼ NE¼	603	POND	0.2	Towell, Thomas & Tammie
SW¼ NE¼	603	IR	7.0	Towell, Thomas & Tammie
SW¼ NE¼	700	IR	5.0	Wolf, Richard & Mary Jeanne
SW¼ NE¼	701	IR	2.0	Ray, James M.
SW¼ NE¼	702	IR	1.6	Mueller, Lorraine P.
NE¼ NW¼	1300	IR	6.0	Rose, Dennis & Anita
NE¼ NW¼	1400	IR	0.7	Hart, Susan
NE¼ NW¼	1500	IR	7.0	Brickey, Jerry & Patricia
NE¼ NW¼	1600	IR	2.8	McNamee, Patrick & Marty
NW¼ NW¼	2000	IR	11.26	Barnhart, John & Jennifer
NW¼ NW¼	2002	IR	13.2	Werner, William & Kristie
SW¼ NW¼	2001	IR	11.0	Rantschler, John & Nancy
SW¼ NW¼	2003	IR	6.7	Boone, Ryan Kim & Myrna Lynn
SW¼ NW¼	2004	IR	7.5	Boone, Daniel & Corinna
NE¼ SW¼	2301	IR	4.0	Davidson, Darrell & Nancy
NE¼ SW¼	2303	IR	4.0	Mobley, John & Nancy
NE¼ SW¼	2304	IR	3.0	Williams, Robert D.
NE¼ SW¼	2305	IR	6.3	Guier, James & Judy
NE¼ SW¼	2306	IR	2.0	Mobley, John & Nancy
NE¼ SE¼	2500	IR	14.9	Loomis, Susan
NE¼ SE¼	2501	IR	0.6	Loomis, Susan
NW¼ SE¼	2400	IR	31.5	Kinsey, William

Section 17

	SW¼ NE¼	502	IR	1.6	Gardner, James & Virginia
	NE¼ NW¼	200	IR	38.8	Putnam, Lee&Mary/Steve&Arlene
	NE¼ SW¼	800	POND	0.2	Barnum, Marie (Lifetime Estate)
	NE¼ SW¼	800	IR	27.0	Barnum, Marie (Lifetime Estate)
3	NW¼ SW¼	1000	IR	2.3	Brant, Laverne & Betty
3	NW¼ SW¼	900	IR	15.0	Chilen, David & Geri
4	SW¼ SW¼	1100	IR	17.5	Sappington, Yvonne
4	SW¼ SW¼	1102	IR	9.5	Kingen, Dorlee
	SE¼ SW¼	1100	IR	9.5	Sappington, Yvonne
	SE¼ SW¼	1102	IR	6.0	Kingen, Dorlee
	SE¼ SW¼	1200	IR	4.5	Miller, Cy
	SE¼ SW¼	1201	IR	8.0	Goldman, William & Laurel
	SE¼ SW¼	1300	IR	4.0	Miller, Cy
	NE¼ SE¼	600	IR	15.0	Manis, Noel & Susan
	NE¼ SE¼	601	IR	15.7	Towner, Earl & Judith
	NW¼ SE¼	700	IR	16.0	Gould, Annunziata O.
	NW¼ SE¼	701	IR	6.3	Pearson, David & Wyona
	SW¼ SE¼	1400	IR	3.0	Covell, Charles & Susan
	SW¼ SE¼	1401	IR	4.0	Grimshaw, Max & Betty
	SW¼ SE¼	1402	IR	3.0	Wilson, Darrel & Elizabeth
	SW¼ SE¼	1403	IR	4.0	Riegel/Burton, Gregg & Gail
	SW¼ SE¼	1500	IR	7.0	Arnold, David & Becky
	SW¼ SE¼	1501	IR	7.0	Cheney, Dale & Judith

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

Application for
Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

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

Optional Identification by Lessor/Lessee: L09.08
Lease Application Number (assigned by WRD): IL-991

This Lease is with:

Lessor #1 (Water Right Holder):

Name Morton, Craig & Rebecca
Mailing address 20210 Swalley Rd.
City, State, Zip Code Bend, OR 97701
Telephone number (541) 382-7240
Email address

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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

1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. [] Yes [X] 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 1/4 1/4, tax lot number, map orientation and scale.]

T	R	Sect	¼ ¼	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	12	09	nsw	00900	13.0	Irr	74146	16	6/1/1907	✓
2.	16	12	09	sww	00900	1.30	Irr	74146	16	6/1/1907	✓
3.											
4.											
5.											

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Total number of acres, if for irrigation, by certificate and priority date: 14.30 APR 17 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 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

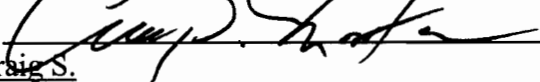
- 3.1 Accuracy.** The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified 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 than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
 - Written notice to the Department with original signatures;
 - Consent by all parties to the lease; and/or
 - Written notice to the Watermaster's office.
- For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

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

Lessor #1:  Date: 3.05.09
Morton, Craig S.

Morton, Rebecca A.  Date: 3/5/09

For additional Lessors, type in space for signature and date

Other Attachments As Needed:

- Exhibit 5-A: Tax Lot Map. (See instructions.)
- Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.)
- Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is checked)
- Exhibit 5-D: Split Season Instream Use Form

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WATER RESOURCES DEPT
SALEM, OREGON

EXHIBIT C

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.

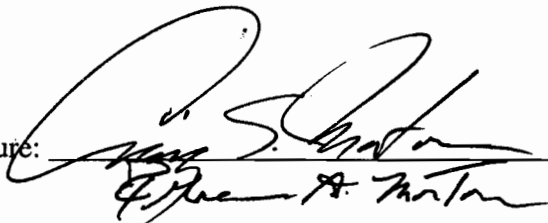
Information and Resources Attached

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, Craig S. Morton understand the new DRC weed policy and have
Print Name Rebecca A. Morton
been informed about farm deferral.

Signature:  Date: 3.05.09

This form must be returned before lease payment is made.

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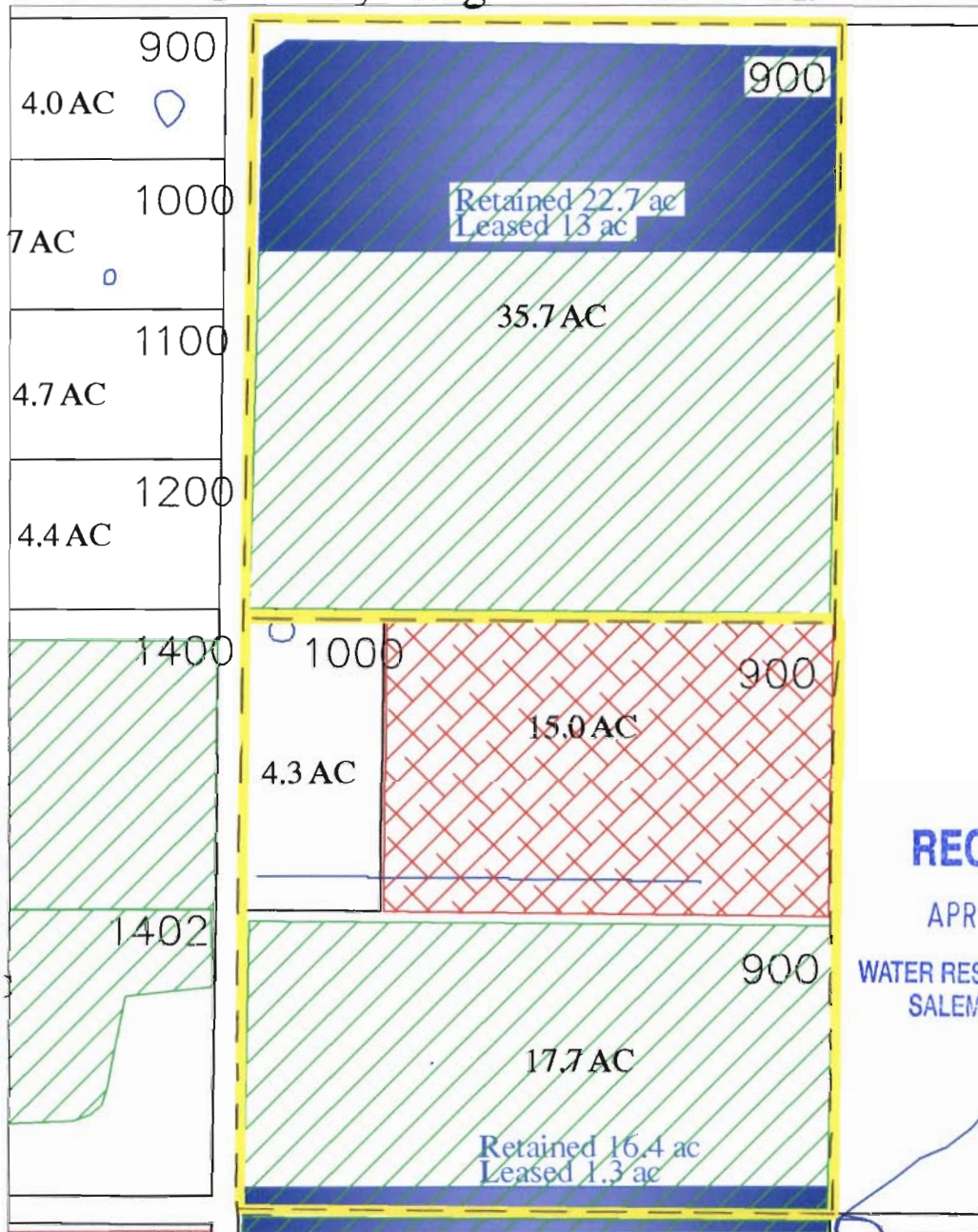
WATER RESOURCES DEPT
SALEM, OREGON

TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY

EXHIBIT 5-A & B
L09-08

FOR

Morton, Craig S. & Rebecca A.



Certificate #'s
74146, and 74147



Certificate #
76106



In-Stream Lease

INITIAL: *CSM*
RA

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

74146

NE¼ NE¼	601	IR	5.25	Martin, Jack W.
NW¼ NW¼	201	IR	14.6	Davis, Ron & Elizabeth
NW¼ NW¼	209	IR	4.0	Plows, Richard & Marcia
NW¼ NW¼	211	IR	2.5	Lowas, John & Nancy
SW¼ NW¼	206	IR	0.3	O'Neal, Steven & Julianne
SW¼ SE¼	500	IR	0.4	Bauersfeld, James & Christine
SW¼ SE¼	501	IR	1.4	Bauersfeld, James & Christine

Section 27

NE¼ NE¼	100	IR	5.6	Hausner, Jill
SW¼ NE¼	900	IR	10.0	Hermens, Stanley & Ruth

Section 28

NE¼ NE¼	101	IR	1.6	Granet, Peter & Carol Bryant Trust
NE¼ NE¼	102	IR	1.5	Anderson, Rev. Robert & Ruth
NE¼ NE¼	103	IR	0.5	Tavares, Louis III & Deborah
NE¼ NE¼	104	IR	1.0	Grant, Cloyce & Catherine
SW¼ NE¼	908	IR	4.0	Payer, Melanie
NW¼ SE¼	901	IR	3.0	Martin, Charles & Susan
NW¼ SE¼	904	IR	3.74	Mills, Max & Lori

Section 34

NW¼ NE¼	805	IR	0.25	Miller, G. J.
SE¼ NE¼	204	IR	2.7	Dvorak, Louis
NW¼ NW¼	1000	IR	19.7	McGinnis (LE), Harold
NE¼ SW¼	1900	IR	6.4 3.0	Schlueter, James & Patricia
SW¼ SW¼	1700	IR	9.2	Schlueter, James & Patricia
SE¼ SW¼	1700	IR	1.0	Schlueter, James & Patricia

Section 35

Township 16 South, Range 11 East, W.M.

6	NW¼ SW¼	1800	IR	1.0	Daniels, James & Karen
7	SW¼ SW¼	1801	IR	1.0	A.K.A. Productions, Inc.

Section 6

	NW¼ NE¼	400	IR	10.0	Duntley, Carole A.
	NE¼ NW¼	402	IR	3.0	Duntley, Carole A.
2	SW¼ NW¼	900	IR	10.8	Chapman, Drexal & Katheryn
4	SW¼ SW¼	1100	IR	1.3	Booth, Loran & Toni
4	SW¼ SW¼	1101	IR	12.0	Pledger, Jeffery & Karen

Section 7

	SE¼ NE¼	800	IR	10.0	Cronen, Lowell & Ila
	SE¼ NE¼	801	IR	4.2	Houshmand, Shamsolmolouk
	NE¼ SE¼	1300	POND	0.06	Turner, Gerald & Judith
	NE¼ SE¼	1300	IR	9.69	Turner, Gerald & Judith
	NE¼ SE¼	1301	IR	4.0	McIntosh, Thomas & Tamara
	NE¼ SE¼	1302	IR	0.8	Cordiner, Robert & Peggy
	NW¼ SE¼	1404	IR	11.8	Wyman, Harold & Jane
	SW¼ SE¼	1401	IR	5.6	Wyman, Harold & Jane

Section 8

	NW¼ SW¼	900	IR	35.7	Pacific NW Development
	SW¼ SW¼	1000	IR	4.3	Day, Matt & Lesley
	SW¼ SW¼	900	IR	17.7	Pacific NW Development

Section 9

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SALEM, OREGON

Morton, CIR
Morton CIR



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

Application for
Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

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

Optional Identification by Lessor/Lessee: L09.06
Lease Application Number (assigned by WRD): IL-991

This Lease is with:

Lessor #1 (Water Right Holder):

Name Lyster, Theodore & Eloise
Mailing address PO Box 28
City, State, Zip Code Bend, OR 97709
Telephone number (541) 382-3833
Email address

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

T	R	Sect	¼ ¼	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.	17S	11E	11	nesw	01600	10.0	Irr	74146	12	9/1/1900
2.										
3.										
4.										
5.										

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WATER RESOURCES DEPT
SALEM, OREGON

Total number of acres, if for irrigation, by certificate and priority date: 10.0

Conditions or other limitations, if any: _____

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

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

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

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on 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 **Termination provision.**

- For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
- Written notice to the Department with original signatures;
 - Consent by all parties to the lease; and/or
 - Written notice to the Watermaster's office.
- For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

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

Lessor #1: *TC Lyster* Date: *3/2/09*
Theodore C. Lyster

For additional Lessors, type in space for signature and date
Eloise A. Lyster Date: *3-2-09*
Eloise A. Lyster

Other Attachments As Needed:

- Exhibit 5-A: Tax Lot Map. (See instructions.)
Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.)
Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is checked)
Exhibit 5-D: Split Season Instream Use Form

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

Signature: TC Lyster

Date: 3/2/09

This form must be returned before lease payment is made **RECEIVED**

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WATER RESOURCES DEPT
SALEM, OREGON

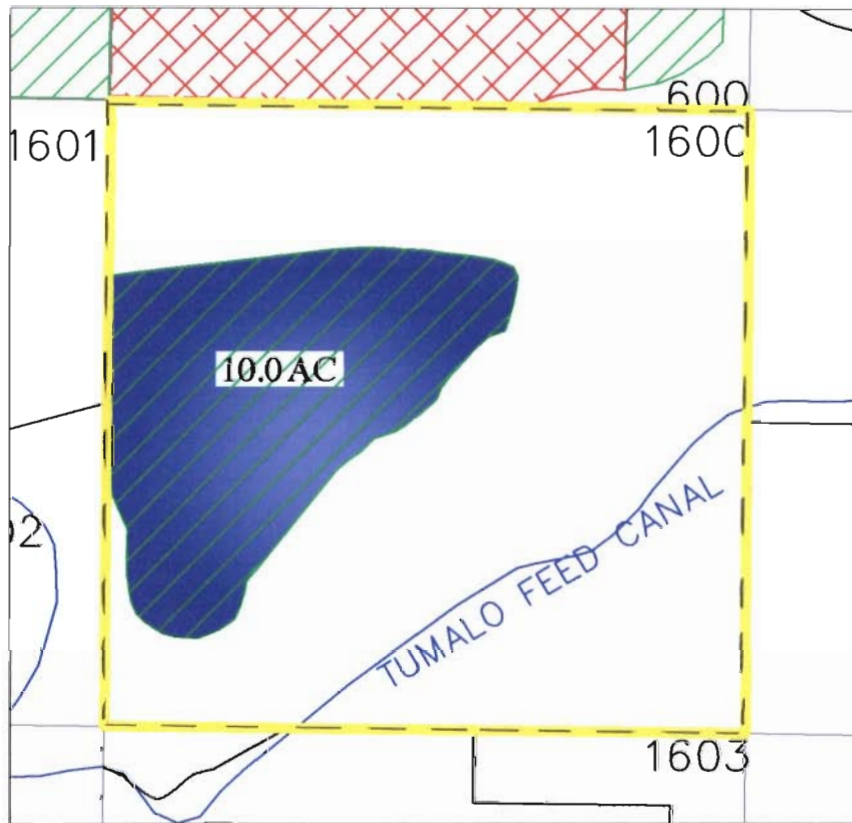
TUMALO IRRIGATION DISTRICT
IN-STREAM LEASED WATER RIGHTS SURVEY

EXHIBIT 5-A & B
L09-06

FOR

Lyster, Theodore C. & Eloise A.

63755 Johnson Rd.



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WATER RESOURCES DEPT
SALEM, OREGON



Certificate #'s
74146, and 74147



Certificate #
76106



In-Stream Lease

INITIAL: *TL* *EA*

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



SCALE: 1" = 400'

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

	SW¼ SE¼	703	IR	5.8	Freeman/Triplett
	SE¼ SE¼	700	POND	0.1	Gisler, Patrick & Deborah
	SE¼ SE¼	702	IR	2.7	James, John & Dinah - Trustees
	SE¼ SE¼	703	IR	32.0	Freeman/Triplett

Section 1

2	NW¼ NE¼	105	IR	2.5	Haddix, Stephen J.
	SW¼ NW¼	600	IR	15.3	Gill, John
	SE¼ NW¼	700	IR	10.7	Gill, Rockne & Jane

Section 2

4	NW¼ NW¼	100BB	IR	1.0	Brizee, Harry & JoAnn
4	NW¼ NW¼	200BB	IR	3.0	Rotondi, Richard & Judy
4	NW¼ NW¼	300BB	IR	1.0	Booth, Jerry & Judi
4	NW¼ NW¼	400BB	IR	2.0	Frederick, Roger & Leslie
4	NW¼ NW¼	500BB	IR	1.8	Johnson, David & Bette
4	NW¼ NW¼	501BB	IR	0.2	Johnson, David & Bette

Section 3

1	NE¼ NE¼	100A	IR	1.0	Larson/Gill, Kevin L. & Leslie E.
2	NW¼ NE¼	500A	IR	10.0	Cobb, Ann Wright

Section 4

	NE¼ NE¼	200A	IR	1.0	Steinlicht, Mark & L. Diane
	SE¼ NE¼	400A	IR	1.2	Coats, Doug
	SE¼ NE¼	500A	IR	3.8	Coats, Doug

Section 10

	NW¼ NE¼	200	IR	35.5	Kearns, Daniel & Barbara
	SW¼ NW¼	500	IR	12.6	Coats, R.L. & Joyce
	NE¼ SW¼	1600	IR	10.0	Lyster, Ted & Eloise
	NW¼ SW¼	1601	IR	1.0	McCook, Peter & Jacqueline
	NE¼ SE¼	1000	IR	1.0	Johnson/Peticolas
	NE¼ SE¼	1001	IR	1.0	Bell, John
	NW¼ SE¼	1400	IR	1.0	Cooper, Robert & Beverly

Section 11

	SW¼ SW¼	800	IR	4.4	Coats, R.L. & Joyce
--	---------	-----	----	-----	---------------------

Section 12

	SW¼ NW¼	2300	IR	1.0	Beighley/Taylor, Mark & Deborah
	SW¼ NW¼	2400	IR	0.9	Moore, Bill & Mildred
	NW¼ SW¼	2400	IR	1.1	Moore, Bill & Mildred

Section 13

Township 17 South, Range 11 East, W.M.

2	NW¼ NE¼	302	IR	3.0	C.L.R. INC.
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Section 6

Township 17 South, Range 12 East, W.M.

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WATER RESOURCES DEPT
SALEM, OREGON

Priority: 4/28/05

	SE¼ SE¼	1401	IR	0.44	Kirkhorn, Bruce
--	---------	------	----	------	-----------------

Section 13



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

Application for
Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

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

Optional Identification by Lessor/Lessee: L09.03
Lease Application Number (assigned by WRD): IL-9911

This Lease is with:

Lessor #1 (Water Right Holder):

Name Kimble, Harris
Mailing address 63560 Johnson Road
City, State, Zip Code Bend, OR 97701
Telephone number 541 420-5904
Email address

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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. P74146, 74147 S:74147,74148,74149,76520

1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. [] Yes [X] 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 1/4, tax lot number, map orientation and scale.]

T	R	Sect	¼ ¼	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.	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.										RECEIVED
5.										APR 17 2009

Total number of acres, if for irrigation, by certificate and priority date: 6.30 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 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

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.



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

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	¼ ¼	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.	17	11	13	n ^{ew} w	00819	14.6	Irr	74147	17	10/29/1913	✓
2.	17	11	13	n ^{wn} w	00819	10.94	Irr	74147	17	10/29/1913	✓
3.	17	11	13	n ^{ws} w	00819	12.20	Irr	74147	17	10/29/1913	✓
4.	17	11	13	s ^{en} w	008`9	4.60	Irr	74147	17	10/29/1913	✓
5.	17	11	13	s ^{wn} w	00819	6.40	Irr	74147	17	10/29/1913	✓
6.											
7.											
8.											
9.											
10.											

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WATER RESOURCES DEPT
 SALEM, OREGON

[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

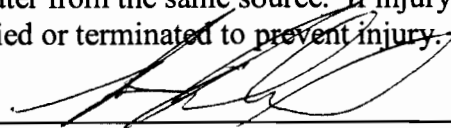
3.4 Suspension of original use. During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights.

3.5 Termination provision.

- For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
 - Written notice to the Department with original signatures;
 - Consent by all parties to the lease; and/or
 - Written notice to the Watermaster's office.
- For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

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

Lessor #1: _____



Date: _____

2-3-09

Harris C. Kimble

For additional Lessors, type in space for signature and date

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Other Attachments As Needed:

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

Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.)

Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is checked)

Exhibit 5-D: Split Season Instream Use Form

EXHIBIT C

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.

Signature:  Date: 2-3-09

This form must be returned before lease payment is made.

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Priority: 5/27/07

7	SW $\frac{1}{4}$ SW $\frac{1}{4}$	1802	IR	3.0	Rupp, C. Richard
		Section 6			
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	2100	IR	3.4	C.L.R. INC.
		Section 30			
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	4300D	IR	0.8	C.L.R. INC.
		Section 31			
Township 16 South, Range 12 East, W.M.					
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	1800	IR	2.0	COATS, ERIC & ROBIN T. 7466 NOS. 004
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	500	IR	1.2	Coats, R.L. & Joyce
		Section 11			
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	804	IR	0.4	Coats, R.L. & Joyce
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	807	IR	3.8 5.4	Coats, R.L. & Joyce 7-7466 NOS. 004
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	817 819	IR	6.1	C.L.R. INC. Harris Kimble
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	806	IR	2.5	Graham, Kenneth & Joy
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	807	IR	0.6 1.0	Coats, R.L. & Joyce 7-7466 NOS. 004
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	808	IR	2.1	Niedzwiecke, Andrew & Judith
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	810	IR	0.9	Niedzwiecke, Andrew & Judith
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	817 819	IR	0.2	C.L.R. INC. Harris Kimble
	NW $\frac{1}{4}$ NW $\frac{1}{4}$	809	IR	1.6	C.L.R. INC.
	NW $\frac{1}{4}$ NW $\frac{1}{4}$	817	IR	4.0	C.L.R. INC.
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	812	IR	1.5	Latham, Mark & Kristen
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	813	IR	2.5	Schweigert, Ken
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	818	IR	2.5	Hamper, Tom
		Section 13			
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	11700	IR	0.2	Allen, Charles
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	11800	IR	0.1	Allen, Charles
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	11900	IR	0.4	Rugloski, Paul, Andrew & Cecelia
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	11800	IR	0.7	Allen, Charles
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	11900	IR	2.6	Rugloski, Paul, Andrew & Cecelia

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Township 17 South, Range 11 East, W.M.

2	NW $\frac{1}{4}$ NE $\frac{1}{4}$	302	IR	0.1	C.L.R. INC.
		Section 6			
Township 17 South, Range 12 East, W.M.					

Priority: 6/1/07

	SE $\frac{1}{4}$ SE $\frac{1}{4}$	800	IR	2.0	Mahoney, Dan & Martha
		Section 1			
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	803	IR	0.5	Paiva, Joe & Wanita
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	900	IR	0.7	Waldron Jr., Harvey & Genevieve
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	901	IR	0.3	Waldron Jr., Harvey & Genevieve
		Section 11			
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	1200	IR	16.1	Gillham, John & Audrey
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	1200	IR	0.2	Gillham, John & Audrey
		Section 12			



SW $\frac{1}{4}$ NE $\frac{1}{4}$	810	Niedzwiecke, Andrew & Judith	IR	0.90
NE $\frac{1}{4}$ NW $\frac{1}{4}$	817 819	C.L.R. INC. Harris Kimble	IR	14.60 0.20
NW $\frac{1}{4}$ NW $\frac{1}{4}$	809	C.L.R. INC.	IR	3.00 1.60
NW $\frac{1}{4}$ NW $\frac{1}{4}$	817 819	C.L.R. INC. Harris Kimble	IR	12.30 10.94 4.00
SW $\frac{1}{4}$ NW $\frac{1}{4}$	2300	Beighley/Taylor, Mark & Deborah	IR	1.36 1.23 1.00
SW $\frac{1}{4}$ NW $\frac{1}{4}$	2400	Moore, Bill & Mildred	IR	0.90
SW $\frac{1}{4}$ NW $\frac{1}{4}$	817 819	C.L.R. INC. Harris Kimble	IR	6.40
SE $\frac{1}{4}$ NW $\frac{1}{4}$	812	Latham, Mark & Kristen	IR	1.50
SE $\frac{1}{4}$ NW $\frac{1}{4}$	813	Schweigert, Ken	IR	2.50
SE $\frac{1}{4}$ NW $\frac{1}{4}$	817 819	C.L.R. INC. Harris Kimble	IR	4.60
SE $\frac{1}{4}$ NW $\frac{1}{4}$	818	Hamper, Tom	IR	2.50
NW $\frac{1}{4}$ SW $\frac{1}{4}$	2400	Moore, Bill & Mildred	IR	1.00 1.10
NW $\frac{1}{4}$ SW $\frac{1}{4}$	2500	Hanson, Robert & Ruth	IR	2.00
NW $\frac{1}{4}$ SW $\frac{1}{4}$	817 819	C.L.R. INC. Harris Kimble	IR	12.20
SW $\frac{1}{4}$ SW $\frac{1}{4}$	4200	Reinhardt, George & Jeanne	IR	2.00

Section 13

NE $\frac{1}{4}$ NE $\frac{1}{4}$	11300	Woods, William C.	IR	1.00
NE $\frac{1}{4}$ NE $\frac{1}{4}$	11400	C.L.R. INC.	IR	3.50 changed to 72817
NE $\frac{1}{4}$ NE $\frac{1}{4}$	11900	Rugloski, Paul, Andrew & Cecelia	IR	0.40
SE $\frac{1}{4}$ NE $\frac{1}{4}$	11900	Rugloski, Paul, Andrew & Cecelia	IR	2.60

Section 14

Township 17 South, Range 11 East, W.M.

2	NW $\frac{1}{4}$ NE $\frac{1}{4}$	300	C.L.R. INC.	IR	1.80
2	NW $\frac{1}{4}$ NE $\frac{1}{4}$	301	C.L.R. INC.	IR	0.50 3.00
2	NW $\frac{1}{4}$ NE $\frac{1}{4}$	302	C.L.R. INC.	IR	4.10 3.10
3	NE $\frac{1}{4}$ NW $\frac{1}{4}$	200 B	Allen/Rice, Rita & Kenny	IR	2.50
3	NE $\frac{1}{4}$ NW $\frac{1}{4}$	300 B	Dwyer, Michael & Theresa	IR	16.40
4	NW $\frac{1}{4}$ NW $\frac{1}{4}$	300 B	Dwyer, Michael & Theresa	IR	17.70
4	NW $\frac{1}{4}$ NW $\frac{1}{4}$	301 B	Greer, Stephen & Denise	IR	2.00
4	NW $\frac{1}{4}$ NW $\frac{1}{4}$	302 B	Greer, Russell & Lois	IR	2.40
4	NW $\frac{1}{4}$ NW $\frac{1}{4}$	400 B	Greer, Russell & Lois	IR	2.00
4	NW $\frac{1}{4}$ NW $\frac{1}{4}$	500 B	Randolph, James & Charlotte	IR	1.00

Section 6

2	SW $\frac{1}{4}$ NW $\frac{1}{4}$	400	Kemple, Harold & Terry	IR	1.50 10.00
2	SW $\frac{1}{4}$ NW $\frac{1}{4}$	401	Erei, Gary & Victoria	IR	14.60
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	400	Kemple, Harold & Terry	IR	1.20

Section 7

Township 17 South, Range 12 East, W.M.

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 JUN 1 9 1997, 1997 and recorded in Special Order Volume 51, Page 756, 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
Martha O. Pagel, Director

Recorded in State Record of Water Right Certificates numbered 74147.

HB-3111.BWB

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

Application for Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

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

Optional Identification by Lessor/Lessee: L09.15
 Lease Application Number (assigned by WRD): IL-991

This Lease is with:

Lessor #1 (Water Right Holder):

Name Hickok, Durlin E. & Wallace, Carol A.
 Mailing address 417 Erie Avenue
 City, State, Zip Code Seattle, WA 98122
 Telephone number (206) 324-2393
 Email address _____

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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	¼ ¼	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.	16S	11E	28	nwnw	00502	3.25	Irr	74147	8	10/29/1913 ✓
2.										
3.										
4.										
5.										

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Total number of acres, if for irrigation, by certificate and priority date: 3.25

Conditions or other limitations, if any: _____

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

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

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

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on 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.

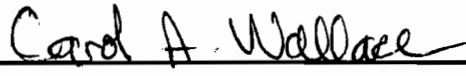
3.4 Suspension of original use. During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights.

3.5 Termination provision.

- For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
 - Written notice to the Department with original signatures;
 - Consent by all parties to the lease; and/or
 - Written notice to the Watermaster's office.
- For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

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

Lessor #1:  Date: 3/21/2009
Durlin E. Hickok

 Date: 3/21/2009
Carol A. Wallace

For additional Lessors, type in space for signature and date

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Other Attachments As Needed:

- Exhibit 5-A: Tax Lot Map. (See instructions.)
- Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.)
- Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is checked)
- Exhibit 5-D: Split Season Instream Use Form

Deschutes River Conservancy 2009 Instream Leasing Program

Policy Concerning Weeds & Instream Leases Information on Farm Deferral

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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.

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

Signature: Durlen Hickok Date: 3/21/2009

This form must be returned before lease payment is made.

TUMALO IRRIGATION DISTRICT
IN-STREAM LEASED WATER RIGHTS SURVEY

EXHIBIT 5-A & B
L09-015

FOR

Hickok, Durlin E./Wallace, Carol A.

18140 Couch Market Rd BEND 97701



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 Certificate #'s
74146, and 74147

 Certificate #
76106

 In-Stream Lease

INITIAL: CAW

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



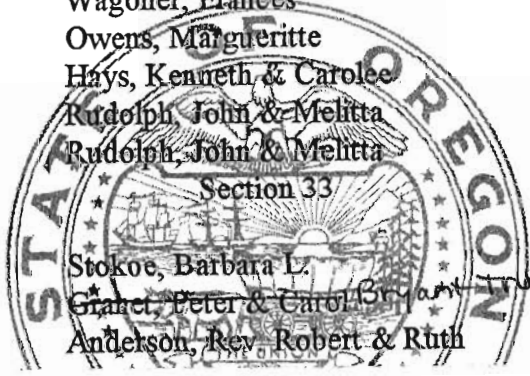
SCALE: 1" = 400'

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

NE $\frac{1}{4}$ NE $\frac{1}{4}$	100	Hausner, Jill	IR		21.00
NE $\frac{1}{4}$ NE $\frac{1}{4}$	800	Hausner, Jill	IR		2.00
NE $\frac{1}{4}$ NE $\frac{1}{4}$	801	Barrick, James A.	IR		2.00
SW $\frac{1}{4}$ NE $\frac{1}{4}$	900	Hermens, Stanley & Ruth	IR		35.90
SE $\frac{1}{4}$ NE $\frac{1}{4}$	900	Hermens, Stanley & Ruth	IR		29.60
NW $\frac{1}{4}$ NW $\frac{1}{4}$	500	Throop, Tom & Caryn	IR	2.00	
NW $\frac{1}{4}$ NW $\frac{1}{4}$	501	Variel, Jeffrey & Laurel	IR	2.00	
NW $\frac{1}{4}$ NW $\frac{1}{4}$	502	McDonald, Dr. Lynn Hickok/Wallace	IR	4.00 3.25	NOB-003 7-7672
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1001	Hermens, Stanley & Ruth	IR		17.20
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1200	Hermens, Stanley & Ruth	IR	1.90	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	1000	Hermens, Stanley & Ruth	IR		13.30
NW $\frac{1}{4}$ SE $\frac{1}{4}$	1100	Hermens, Stanley & Ruth	IR		8.60
SW $\frac{1}{4}$ SE $\frac{1}{4}$	1400	Parker, Kenneth	IR	2.00	
SW $\frac{1}{4}$ SE $\frac{1}{4}$	1500	Stringfield, Tom & Rick	IR	4.40	
SE $\frac{1}{4}$ SE $\frac{1}{4}$	1300	Stringfield, Tom & Rick	IR	1.80	
SE $\frac{1}{4}$ SE $\frac{1}{4}$	1302	Pederson, William & Martha	IR		20.00

Section 28

NE $\frac{1}{4}$ NE $\frac{1}{4}$	200	Russell, Barbara H.	IR	17.00	
SW $\frac{1}{4}$ NE $\frac{1}{4}$	801	Russell, Barbara H.	IR	11.00	
SE $\frac{1}{4}$ NE $\frac{1}{4}$	1000	Tavares, Louis III & Deborah	IR	11.60	
SE $\frac{1}{4}$ NE $\frac{1}{4}$	900	Russell, Barbara H.	IR	3.00	3.00 T-74147b
NE $\frac{1}{4}$ SW $\frac{1}{4}$	600	Wessinger, William & Pat	IR	0.20	1.80 2.80
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1000	Tavares, Louis III & Deborah	IR	2.40	
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1100	Batha, Marta	IR		2.00
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1200	Batha, Marta	IR		4.60
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1300	Batha, Marta	IR		3.90
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1403	Rudolph, John & Melitta	IR		10.30
NW $\frac{1}{4}$ SE $\frac{1}{4}$	802	Lawson, John & Gaye	IR	9.00	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	803	Rahmn, Keith & Lexia	IR	5.00	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	804	Lewis, Suzi	IR	7.50	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	805	Dodd, Jack & Barbara, Trustees	IR	5.00	
SW $\frac{1}{4}$ SE $\frac{1}{4}$	700	Moody, Steven	IR		6.00
SW $\frac{1}{4}$ SE $\frac{1}{4}$	800	McNulty, Ralph & Dee	IR		10.00
SW $\frac{1}{4}$ SE $\frac{1}{4}$	806	Cullman, Ruth	IR		10.00
SE $\frac{1}{4}$ SE $\frac{1}{4}$	1400	Wagoner, Frances	IR		2.00
SE $\frac{1}{4}$ SE $\frac{1}{4}$	1401	Owens, Margueritte	IR		2.00
SE $\frac{1}{4}$ SE $\frac{1}{4}$	1402	Hays, Kenneth & Carolee	IR		2.00
SE $\frac{1}{4}$ SE $\frac{1}{4}$	1403	Rudolph, John & Melitta	IR		9.20
SE $\frac{1}{4}$ SE $\frac{1}{4}$	1500	Rudolph, John & Melitta	IR		4.00



NE $\frac{1}{4}$ NE $\frac{1}{4}$	100	Stokoe, Barbara L.	IR	1.40	0.60
NE $\frac{1}{4}$ NE $\frac{1}{4}$	101	Grant, Peter & Carol Bryant Trust	IR		3.00
NE $\frac{1}{4}$ NE $\frac{1}{4}$	102	Anderson, Rev Robert & Ruth	IR		2.50
NE $\frac{1}{4}$ NE $\frac{1}{4}$	103		IR		1.00
NE $\frac{1}{4}$ NE $\frac{1}{4}$	104		IR	2.00	1.00
NW $\frac{1}{4}$ NE $\frac{1}{4}$	200		IR		3.00
NW $\frac{1}{4}$ NE $\frac{1}{4}$	201		IR		6.50
NW $\frac{1}{4}$ NE $\frac{1}{4}$	202		IR		3.50
NW $\frac{1}{4}$ NE $\frac{1}{4}$	300		IR		5.00
NW $\frac{1}{4}$ NE $\frac{1}{4}$	301		IR		6.00
NW $\frac{1}{4}$ NE $\frac{1}{4}$	302		IR		3.00
SW $\frac{1}{4}$ NE $\frac{1}{4}$	900		IR	1.22	3.00
SW $\frac{1}{4}$ NE $\frac{1}{4}$	905		IR	1.21	
SW $\frac{1}{4}$ NE $\frac{1}{4}$	906		IR	2.00	1.00
SW $\frac{1}{4}$ NE $\frac{1}{4}$	908		IR		4.00
SE $\frac{1}{4}$ NE $\frac{1}{4}$	1000		IR	13.00	
NE $\frac{1}{4}$ NW $\frac{1}{4}$	400		IR		17.00

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SEE NEXT PAGE



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

Application for
Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

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

Optional Identification by Lessor/Lessee: L09.19
Lease Application Number (assigned by WRD): IL-991

This Lease is with:

Lessor #1 (Water Right Holder):

Name Ellis Rev Living Trust, Robert & Susan Ellis, Trustees
Mailing address 5344 SE Hillwood Avenue
City, State, Zip Code Milwaukee, OR 97267-5013
Telephone number (503) 659-1664
Email address

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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. P74146, S: 74147,74148,74149,76520

1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. [] Yes [X] 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 1/4 1/4, tax lot number, map orientation and scale.]

T	R	Sect	¼ ¼	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	35	nwnw	01000	19.70	Irr	74146	16	6/1/1907
2.										
3.										
4.										
5.										

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SALEM, OREGON

Total number of acres, if for irrigation, by certificate and priority date: 19.70

Conditions or other limitations, if any: _____

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

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

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

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on 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 Termination provision.

- For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
 - Written notice to the Department with original signatures;
 - Consent by all parties to the lease; and/or
 - Written notice to the Watermaster's office.
- For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

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

Lessor #1: Robert L. Ellis, Trustee Date: March 9, 2009
Robert L. Ellis, Trustee

Susan M. Ellis, Trustee Susan M. Ellis, Trustee Date: 3/9/09

For additional Lessors, type in space for signature and date

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Other Attachments As Needed:

- Exhibit 5-A: Tax Lot Map. (See instructions.)
- Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.)
- Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is checked)
- Exhibit 5-D: Split Season Instream Use Form

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, Robert Ellis / Susan M. Ellis understand the new DRC weed policy and have
Print Name
been informed about farm deferral.

Signature: Robert L. Ellis / Susan M. Ellis Date: 3/9/09

This form must be returned before lease payment is made.

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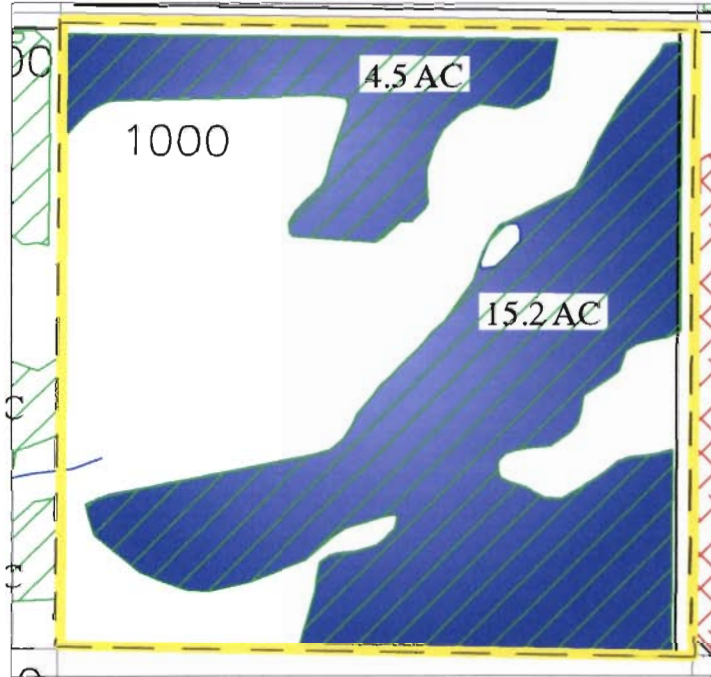
TUMALO IRRIGATION DISTRICT
IN-STREAM LEASED WATER RIGHTS SURVEY

EXHIBIT 5-A & B
L09-019

FOR

Ellis Revocable Living Trust

18845 PINEHURST RD BEND 97701



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WATER RESOURCES DEPT
SALEM, OREGON




Certificate #'s
74146, and 74147


Certificate #
76106


In-Stream Lease

R.L.E.
INITIAL: *SMZ*

LOCATED IN THE NW 1/4 OF THE NW1/4
OF SECTION 35 , T16 S., R.11 E., W.M.
TAX LOTS # 01000
DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'

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

NE¼ NE¼	601	IR	5.25	Martin, Jack W.
NW¼ NW¼	201	IR	14.6	Davis, Ron & Elizabeth
NW¼ NW¼	209	IR	4.0	Plows, Richard & Marcia
NW¼ NW¼	211	IR	2.5	Lowas, John & Nancy
SW¼ NW¼	206	IR	0.3	O'Neal, Steven & Julianne
SW¼ SE¼	500	IR	0.4	Bauersfeld, James & Christine
SW¼ SE¼	501	IR	1.4	Bauersfeld, James & Christine

Section 27

NE¼ NE¼	100	IR	5.6	Hausner, Jill
SW¼ NE¼	900	IR	10.0	Hermens, Stanley & Ruth

Section 28

NE¼ NE¼	101	IR	1.6	Granet, Peter & Carol
NE¼ NE¼	102	IR	1.5	Anderson, Rev. Robert & Ruth
NE¼ NE¼	103	IR	0.5	Tavares, Louis III & Deborah
NE¼ NE¼	104	IR	1.0	Grant, Cloyce & Catherine
SW¼ NE¼	908	IR	4.0	Payer, Melanie
NW¼ SE¼	901	IR	3.0	Martin, Charles & Susan
NW¼ SE¼	904	IR	3.74	Mills, Max & Lori

Section 34

NW¼ NE¼	805	IR	0.25	Miller, G. J.
SE¼ NE¼	204	IR	2.7	Dvorak, Louis
NW¼ NW¼	1000	IR	19.7	McGinnis (LE), Harold Ellis Rev. Trust
NE¼ SW¼	1900	IR	3.0	Schlueter, James & Patricia
SW¼ SW¼	1700	IR	9.2	Schlueter, James & Patricia
SE¼ SW¼	1700	IR	1.0	Schlueter, James & Patricia

Section 35

Township 16 South, Range 11 East, W.M.

6	NW¼ SW¼	1800	IR	1.0	Daniels, James & Karen
7	SW¼ SW¼	1801	IR	1.0	A.K.A. Productions, Inc.

Section 6

	NW¼ NE¼	400	IR	10.0	Duntley, Carole A.
	NE¼ NW¼	402	IR	3.0	Duntley, Carole A.
2	SW¼ NW¼	900	IR	10.8	Chapman, Drexal & Katheryn
4	SW¼ SW¼	1100	IR	1.3	Booth, Loran & Toni
4	SW¼ SW¼	1101	IR	12.0	Pledger, Jeffery & Karen

Section 7

	SE¼ NE¼	800	IR	10.0	Cronen, Lowell & Ila
	SE¼ NE¼	801	IR	4.2	Houshmand, Shamsolmolouk
	NE¼ SE¼	1300	POND	0.06	Turner, Gerald & Judith
	NE¼ SE¼	1300	IR	9.69	Turner, Gerald & Judith
	NE¼ SE¼	1301	IR	4.0	McIntosh, Thomas & Tamara
	NE¼ SE¼	1302	IR	0.8	Cordiner, Robert & Peggy
	NW¼ SE¼	1404	IR	11.8	Wyman, Harold & Jane
	SW¼ SE¼	1401	IR	5.6	Wyman, Harold & Jane

Section 8

	NW¼ SW¼	900	IR	35.7	Pacific NW Development
	SW¼ SW¼	1000	IR	4.3	Day, Matt & Lesley
	SW¼ SW¼	900	IR	17.7	Pacific NW Development

Section 9

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SEE NEXT PAGE

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SALEM, OREGON



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

Application for
Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

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

Optional Identification by Lessor/Lessee: L09.02
Lease Application Number (assigned by WRD): IL-991

This Lease is with:

Lessor #1 (Water Right Holder):

Name Elkins, Craig & Cindy
Mailing address 12820 Huffman Circle
City, State, Zip Code Anchorage, AK 99516
Telephone number (907) 269-6156
Email address

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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. CT 76106

1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. [] Yes [X] 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 1/4 1/4, tax lot number, map orientation and scale.]

T	R	Sect	¼ ¼	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.	17S	11E	14	sene	11800	.30	Irr	76106	4	12/8/1961 ✓
2.										
3.										
4.										RECEIVED
5.										APR 17 2009

Total number of acres, if for irrigation, by certificate and priority date: .30 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 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

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 than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
 - Written notice to the Department with original signatures;
 - Consent by all parties to the lease; and/or
 - Written notice to the Watermaster's office.
- For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

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

Lessor #1: Craig Elkins Date: 2.7.2009
Craig Elkins

For additional Lessors, type in space for signature and date
Cindy Elkins Cynthia L. Forest-Elkins Date: 2/7/2009

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 only part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.)
- Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is checked)
- Exhibit 5-D: Split Season Instream Use Form

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pd # 1723 #107

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FEB 18 2009
By AMW

EXHIBIT C

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

Signature: Craig Elkins Date: 2-7-2009

This form must be returned before lease payment is made.

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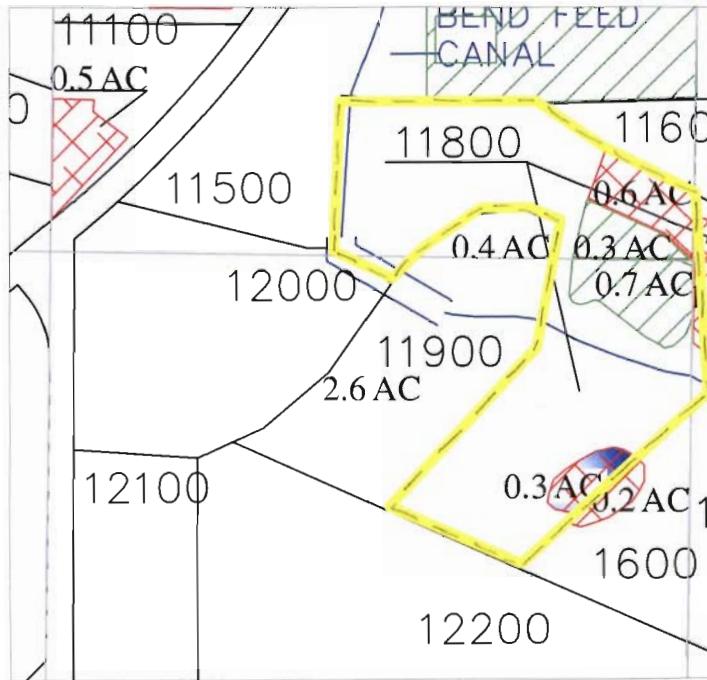
TUMALO IRRIGATION DISTRICT
IN-STREAM LEASED WATER RIGHTS SURVEY

EXHIBIT 5-A & B
L09-002

FOR

Elkins, Craig & Cindy

Site: 19175 Klippel Rd. Bend, OR 97756



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WATER RESOURCES DEPT
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 Certificate #'s
74146, and 74147

 Certificate #
76106

 In-Stream Lease

INITIAL: CF-E
LB

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



SCALE: 1" = 400'

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

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
17	11	11	NE 1/4 NW 1/4	300	5.0	OVERBAY, R
17	11	11	NE 1/4 NW 1/4	302	5.0	MILLER/JILES
17	11	11	NE 1/4 NW 1/4	400	0.9	GRAVES, D & D
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, R/J
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	11800	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	11800	0.5	ALLEN, C Elkins, C/C

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SALEM, OREGON



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

Application for Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

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

Optional Identification by Lessor/Lessee: L09.10
Lease Application Number (assigned by WRD): IL-991

This Lease is with:

Lessor #1 (Water Right Holder):

Name Deschutes River Ranch Group, LLC
Mailing address 20210 Swalley Road
City, State, Zip Code Bend, OR 97701
Telephone number (541) 408-7141
Email address _____

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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: 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	¼ ¼	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	12	16	swnw	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.									
5.									

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

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 than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
 - Written notice to the Department with original signatures;
 - Consent by all parties to the lease; and/or
 - Written notice to the Watermaster's office.
- For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

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

Lessor #1: _____ Date: 3/17/09
Deschutes River Ranch Group, LLC Gary B. Blake, Managing Member

For additional Lessors, type in space for signature and date

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Other Attachments As Needed:

- Exhibit 5-A: Tax Lot Map. (See instructions.)
- Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.)
- Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is checked)
- Exhibit 5-D: Split Season Instream Use Form

WATER RESOURCES DEPT
SALEM, OREGON



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

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	¼ ¼	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	12	16	swnw	00700	4.76	IRR	76106	3	12/8/1961 ✓
2.										
3.										
4.										
5.										RECEIVED
6.										APR 17 2009
7.										WATER RESOURCES DEPT SALEM, OREGON
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: 4.76

Deschutes River Conservancy 2009 Instream Leasing Program

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Policy Concerning Weeds & Instream Leases Information on Farm Deferral

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WATER RESOURCES DEPT
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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, Gary Blake understand the new DRC weed policy and have
Print Name
been informed about farm deferral.

Signature: _____ Date: 3/12/09
managing member

This form must be returned before lease payment is made.

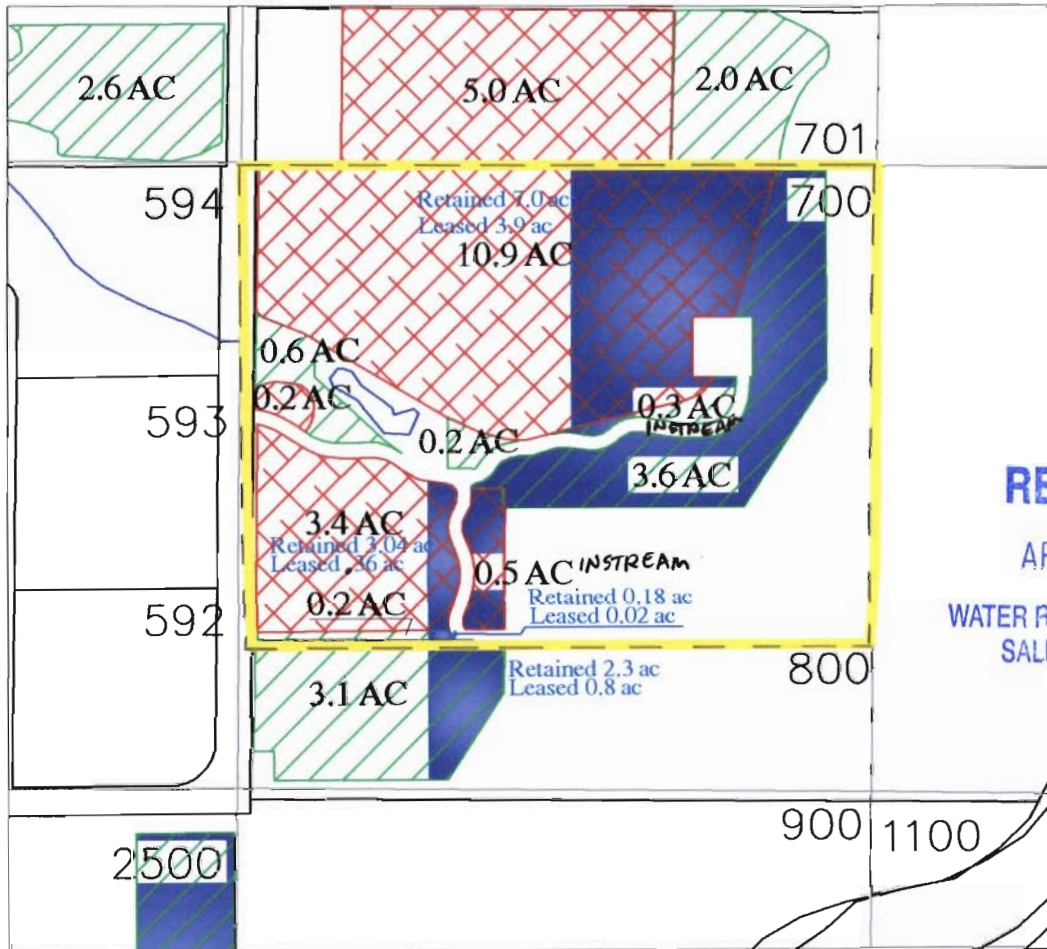
TUMALO IRRIGATION DISTRICT
IN-STREAM LEASED WATER RIGHTS SURVEY

EXHIBIT 5-A & B
L09-10

FOR

Deschutes River Ranch Group, LLC

65900 White Rock Loop. BEND 97701



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WATER RESOURCES DEPT
SALEM, OREGON



		
Certificate #'s 74146, and 74147	Certificate # 76106	In-Stream Lease

INITIAL:

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



SCALE: 1" = 400'

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

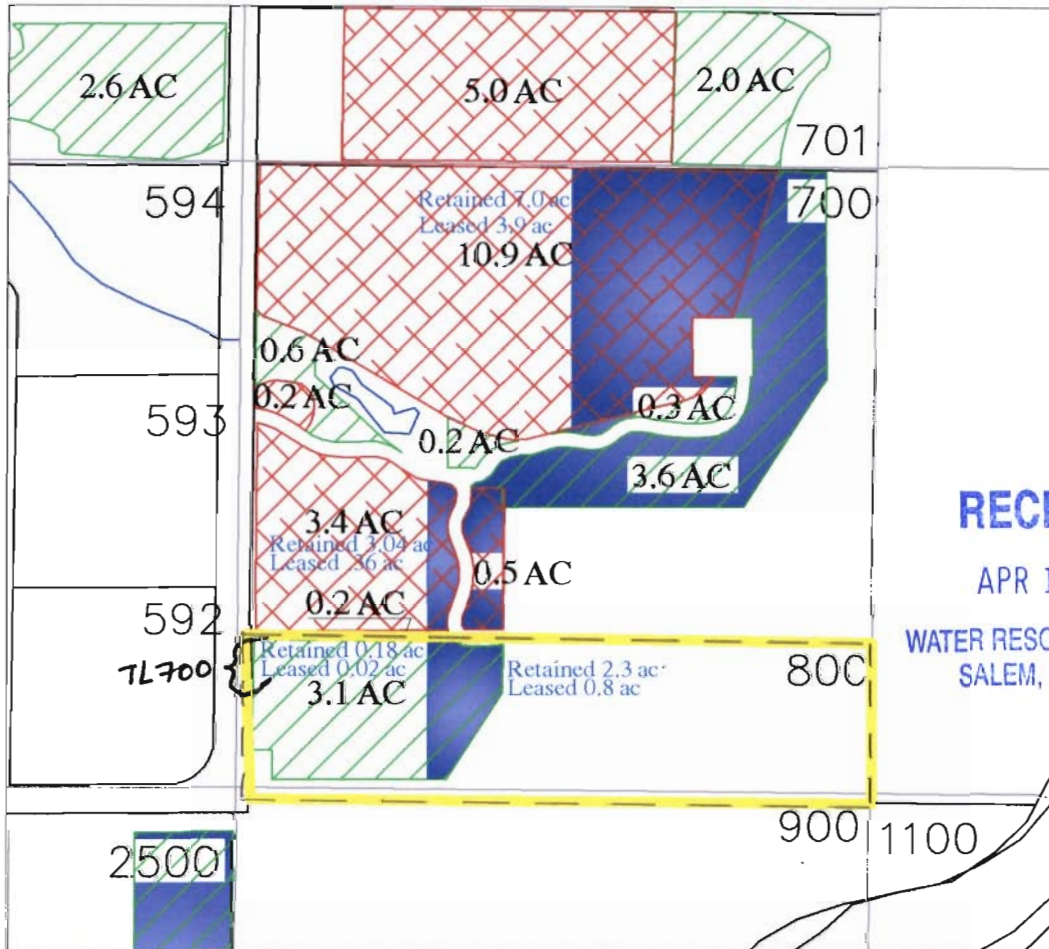
TUMALO IRRIGATION DISTRICT
IN-STREAM LEASED WATER RIGHTS SURVEY

EXHIBIT 5-A & B
L09-10

FOR

Deschutes River Ranch Group, LLC

65900 White Rock Loop, BEND 97701



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WATER RESOURCES DEPT
SALEM, OREGON



		
Certificate #'s 74146, and 74147	Certificate # 76106	In-Stream Lease

INITIAL: *SM*

LOCATED IN THE SW 1/4 OF THE NW1/4
OF SECTION 16, T16 S., R.12 E., W.M.
TAX LOTS # 800
DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'

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

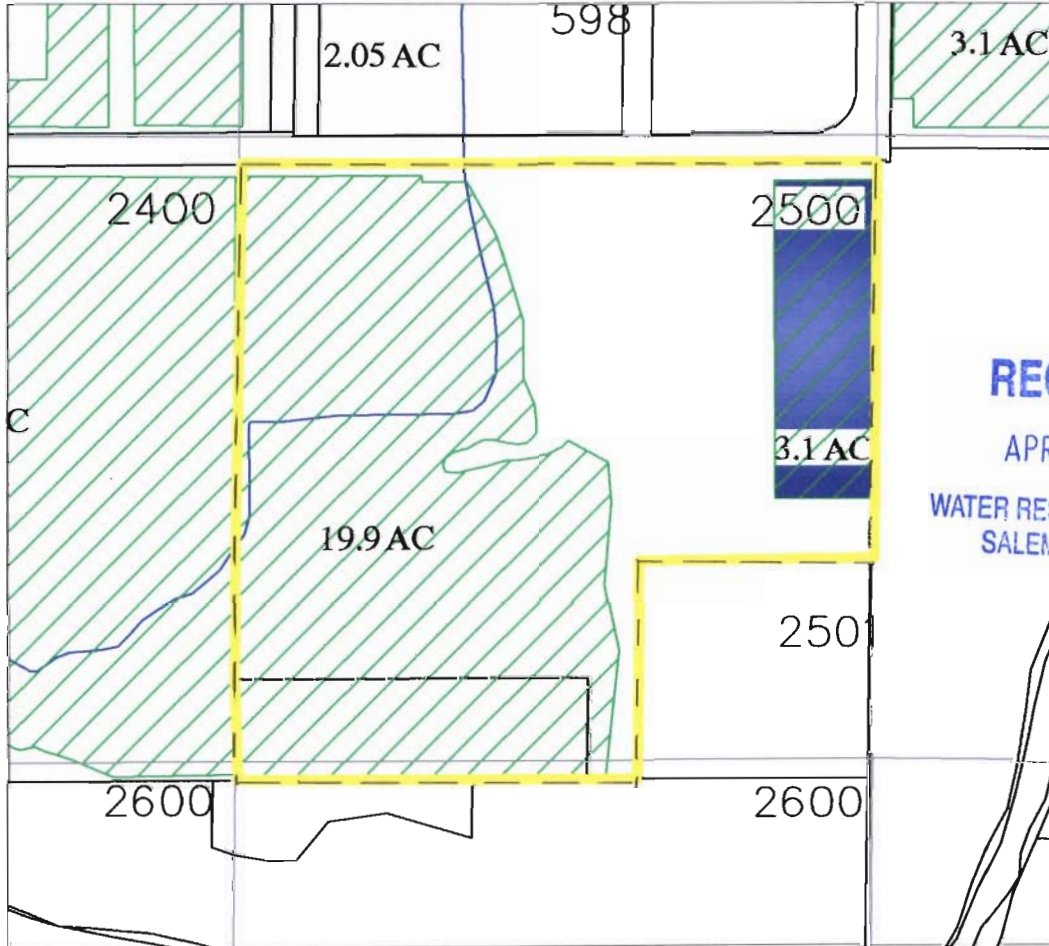
TUMALO IRRIGATION DISTRICT
IN-STREAM LEASED WATER RIGHTS SURVEY

EXHIBIT 5-A & B
L09-10

FOR

Deschutes River Ranch Group, LLC

65798 White Rock Loop, BEND 97701



 Certificate #'s
74146, and 74147

 Certificate #
76106

 In-Stream Lease

INITIAL: SPB

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'

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

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NW¼ NW¼	600	IR	19.6	Pacific NW Development
Section 16				
NW¼ NE¼	400	IR	2.0	Husted, James & Kelly
SW¼ NE¼	599	IR	1.8	Foucher, Dorothy
SW¼ NE¼	600	IR	4.0	Shatka, Michael & Shirley
SW¼ NE¼	601	IR	7.0	Moody, Richard & Denise
SW¼ NE¼	602	IR	4.0	Galloway, Patrick J.
SW¼ NE¼	603	POND	0.2	Towell, Thomas & Tammie
SW¼ NE¼	603	IR	7.0	Towell, Thomas & Tammie
SW¼ NE¼	700	IR	5.0	Wolf, Richard & Mary Jeanne
SW¼ NE¼	701	IR	2.0	Ray, James M.
SW¼ NE¼	702	IR	1.6	Mueller, Lorraine P.
NE¼ NW¼	1300	IR	6.0	Rose, Dennis & Anita
NE¼ NW¼	1400	IR	0.7	Hart, Susan
NE¼ NW¼	1500	IR	7.0	Brickey, Jerry & Patricia
NE¼ NW¼	1600	IR	2.8	McNamee, Patrick & Marty
NW¼ NW¼	2000	IR	11.26	Barnhart, John & Jennifer
NW¼ NW¼	2002	IR	13.2	Werner, William & Kristie
SW¼ NW¼	2001	IR	11.0	Rantschler, John & Nancy
SW¼ NW¼	2003	IR	6.7	Boone, Ryan Kim & Myrna Lynn
SW¼ NW¼	2004	IR	7.5	Boone, Daniel & Corinna
NE¼ SW¼	2301	IR	4.0	Davidson, Darrell & Nancy
NE¼ SW¼	2303	IR	4.0	Mobley, John & Nancy
NE¼ SW¼	2304	IR	3.0	Williams, Robert D.
NE¼ SW¼	2305	IR	6.3	Guier, James & Judy
NE¼ SW¼	2306	IR	2.0	Mobley, John & Nancy
NE¼ SE¼	2500	IR	14.9	Loomis, Susan <i>Desch. River Ranch</i>
NE¼ SE¼	2501	IR	0.6	Loomis, Susan
NW¼ SE¼	2400	IR	31.5	Kinsey, William

Section 17

	SW¼ NE¼	502	IR	1.6	Gardner, James & Virginia
	NE¼ NW¼	200	IR	38.8	Putnam, Lee & Mary/Steve & Arlene
	NE¼ SW¼	800	POND	0.2	Barnum, Marie (Lifetime Estate)
	NE¼ SW¼	800	IR	27.0	Barnum, Marie (Lifetime Estate)
3	NW¼ SW¼	1000	IR	2.3	Brant, Laverne & Betty
3	NW¼ SW¼	900	IR	15.0	Chilen, David & Geri
4	SW¼ SW¼	1100	IR	17.5	Sappington, Yvonne
4	SW¼ SW¼	1102	IR	9.5	Kingen, Dorlee
	SE¼ SW¼	1100	IR	9.5	Sappington, Yvonne
	SE¼ SW¼	1102	IR	6.0	Kingen, Dorlee
	SE¼ SW¼	1200	IR	4.5	Miller, Cy
	SE¼ SW¼	1201	IR	8.0	Goldman, William & Laurel
	SE¼ SW¼	1300	IR	4.0	Miller, Cy
	NE¼ SE¼	600	IR	15.0	Manis, Noel & Susan
	NE¼ SE¼	601	IR	15.7	Towner, Earl & Judith
	NW¼ SE¼	700	IR	16.0	Gould, Annunziata O.
	NW¼ SE¼	701	IR	6.3	Pearson, David & Wyona
	SW¼ SE¼	1400	IR	3.0	Covell, Charles & Susan
	SW¼ SE¼	1401	IR	4.0	Grimshaw, Max & Betty
	SW¼ SE¼	1402	IR	3.0	Wilson, Darrel & Elizabeth
	SW¼ SE¼	1403	IR	4.0	Riegel/Burton, Gregg & Gail
	SW¼ SE¼	1500	IR	7.0	Arnold, David & Becky
	SW¼ SE¼	1501	IR	7.0	Cheney, Dale & Judith

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
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 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 Family LLC
16	12	17	NE 1/4 NE 1/4	100 101	20.0 7.50	STOUT/PENNOCK Stout minor Partition 96-22 Partition Plat 1998-25
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	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
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

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SALEM, OREGON



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

Application for Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

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

Optional Identification by Lessor/Lessee: L09.07
Lease Application Number (assigned by WRD): IL-991

This Lease is with:

Lessor #1 (Water Right Holder):

Name Davis, Gail Hayes
Mailing address 705 SW 48th Drive
City, State, Zip Code Portland, OR 97221
Telephone number (503) 224-0607
Email address _____

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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. 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	¼ ¼	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	nwnw	00401	1.0	Irr	74146	5	9/1/1900
2.										
3.										
4.										
5.										

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Total number of acres, if for irrigation, by certificate and priority date: 1.0 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 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

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

Policy Concerning Weeds & Instream Leases Information on Farm Deferral

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

Signature: Gail Hayes Davis Date: 2/20/2009

This form must be returned before lease payment is made.

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

3.5 Termination provision.

- For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
 - Written notice to the Department with original signatures;
 - Consent by all parties to the lease; and/or
 - Written notice to the Watermaster's office.
- For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

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

Lessor #1: Gail Hayes Davis Date: 2/20/09
Gail Hayes Davis

For additional Lessors, type in space for signature and date

Other Attachments As Needed:

- Exhibit 5-A: Tax Lot Map. (See instructions.)
- Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.)
- Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is checked)
- Exhibit 5-D: Split Season Instream Use Form

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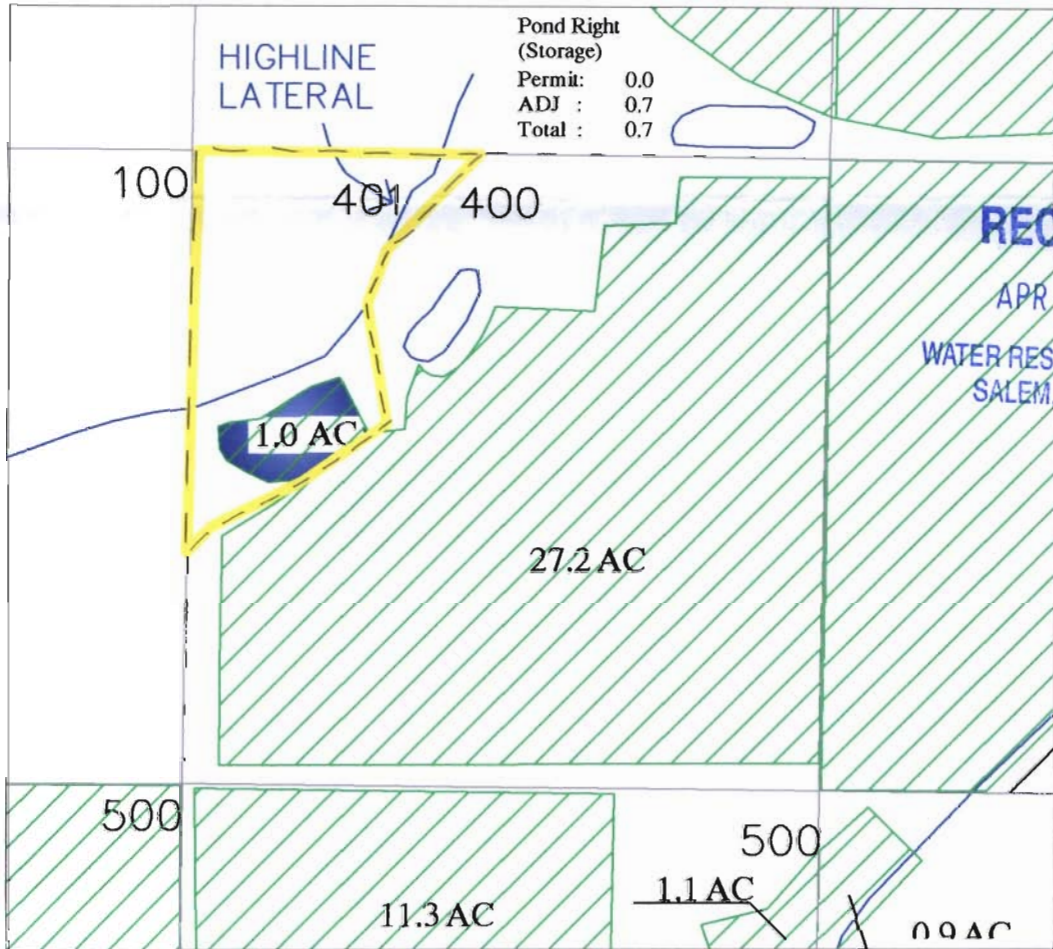
TUMALO IRRIGATION DISTRICT
 IN-STREAM LEASED WATER RIGHTS SURVEY

EXHIBIT 5-A & B
 L09-07

FOR

Davis, Gail Hayes

65599 Tweed Rd. BEND 97701



 Certificate #'s 74146, and 74147
 Certificate # 76106
 In-Stream Lease

INITIAL: GHD

LOCATED IN THE NW 1/4 OF THE NW1/4
 OF SECTION 22 , T16 S., R.11 E., W.M.
 TAX LOTS # 00401
 DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'

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

74146

SE 1/4 NE 1/4	500	IR	5.8	Goldy, Daniel
NE 1/4 SW 1/4	600	IR	0.5	Bend Metro Parks
SW 1/4 SW 1/4	1000	IR	6.0	Hickok/Wallace
SE 1/4 SW 1/4	600	IR	31.7	Bend Metro Parks
NE 1/4 SE 1/4	600	IR	6.7	Bend Metro Parks
SW 1/4 SE 1/4	600	IR	18.1	Bend Metro Parks
SE 1/4 SE 1/4	600	POND	2.0	Bend Metro Parks
SE 1/4 SE 1/4	600	IR	4.7	Bend Metro Parks
SE 1/4 SE 1/4	700	IR	1.0	Denall, Thomas & Linda
SE 1/4 SE 1/4	800	IR	1.0	Denall, Thomas & Linda
SE 1/4 SE 1/4	900	IR	0.1	Denall, Thomas & Linda

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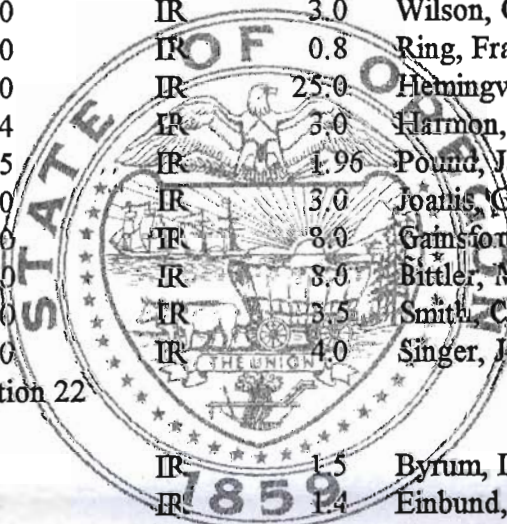
WATER RESOURCES DEPT
SALEM, OREGON

Section 21

NE 1/4 NE 1/4	101	IR	3.0	Green, Leslie & Helen, Trustees
NW 1/4 NE 1/4	200	IR	3.6	Calkins, John & Rose
NW 1/4 NE 1/4	201	IR	4.3	Curl, James & Sheryl
NW 1/4 NE 1/4	202	IR	7.3	Spencer, Kevin & Linda
SW 1/4 NE 1/4	1000	IR	5.0	LaRusso, Thomas
SW 1/4 NE 1/4	900	IR	11.0	Andreson, Wilber & Andrea
NE 1/4 NW 1/4	400	IR	28.6	Hauxwell, Stanley & Jean
NW 1/4 NW 1/4	400	IR	10.2	Hauxwell, Stanley & Jean
NW 1/4 NW 1/4	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
SW 1/4 SW 1/4	2200	IR	8.6	Thompson, Teresa Soriano
SW 1/4 SW 1/4	2200	POND	0.5	Thompson, Teresa Soriano
SW 1/4 SW 1/4	2300	IR	3.0	Chambers, Dwight & Mary Jo
SW 1/4 SW 1/4	2400	IR	3.0	McNeil, James & Rose
SW 1/4 SW 1/4	2401	IR	3.0	White, Roland H.
SE 1/4 SW 1/4	2501	IR	13.2	Sleepy Hollow Trust
SE 1/4 SW 1/4	2502	IR	7.0	Sleepy Hollow Trust
SE 1/4 SW 1/4	2503	IR	6.0	Kennedy, Robert & Charlotte
NE 1/4 SE 1/4	1101	IR	4.5	Meade, Robert & Jerry
NE 1/4 SE 1/4	1200	IR	1.0	Faller, David & Betty
NE 1/4 SE 1/4	1300	IR	2.5	Ebbs, Jon & Mary Ann
NE 1/4 SE 1/4	1400	IR	3.0	Wilson, Gary & Gail
NW 1/4 SE 1/4	1900	IR	0.8	Ring, Frank & Nancy
SW 1/4 SE 1/4	2500	IR	25.0	Hemingway, Collins & Wendy
SW 1/4 SE 1/4	2504	IR	3.0	Harmon, Chester & Jean
SW 1/4 SE 1/4	2505	IR	1.96	Pound, Jack & Linda
SE 1/4 SE 1/4	2600	IR	3.0	Joanis, Gary & Sharon
SE 1/4 SE 1/4	2700	IR	8.0	Gamsforth, Patricia
SE 1/4 SE 1/4	2800	IR	8.0	Bittler, Mickey L.
SE 1/4 SE 1/4	2900	IR	3.5	Smith, Curtis & Lorraine
SE 1/4 SE 1/4	3000	IR	4.0	Singer, Jack & Randi, Trustees

Section 22

SW 1/4 NE 1/4	509	IR	1.5	Byrum, David & Terry
SW 1/4 NE 1/4	519	IR	1.4	Einbund, James
NE 1/4 NW 1/4	200	IR	7.0	Coe, Edwin & Donna
NE 1/4 NW 1/4	700	IR	9.7	Muzzy, Robert & Ruby
SE 1/4 NW 1/4	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
SW 1/4 SW 1/4	502	IR	5.9	McCormick, William P.





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

Application for
Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

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

Optional Identification by Lessor/Lessee: L09.13
Lease Application Number (assigned by WRD): IL-991

This Lease is with:

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WATER RESOURCES DEPT
SALEM, OREGON

Lessor #1 (Water Right Holder):
Name Colker, Audrey
Mailing address 64955 Collins Road
City, State, Zip Code Bend, OR 97701
Telephone number (541) 388-5013
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

1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. [] Yes [X] 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 1/4 1/4, tax lot number, map orientation and scale.]

T	R	Sect	¼ ¼	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.	16S	11E	28	nwse	01000	10.30	Irr	74146	7	9/1/1900 ✓
2.										
3.										
4.										
5.										

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Total number of acres, if for irrigation, by certificate and priority date: 10.30 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 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

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 than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
 - Written notice to the Department with original signatures;
 - Consent by all parties to the lease; and/or
 - Written notice to the Watermaster's office.
- For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

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

Lessor #1: Audrey Colker Date: 3/10/09
Audrey Colker

For additional Lessors, type in space for signature and date

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WATER RESOURCES DEPT
SALEM, OREGON

Other Attachments As Needed:

- Exhibit 5-A: Tax Lot Map. (See instructions.)
- Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.)
- Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is checked)
- Exhibit 5-D: Split Season Instream Use Form

Deschutes 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.

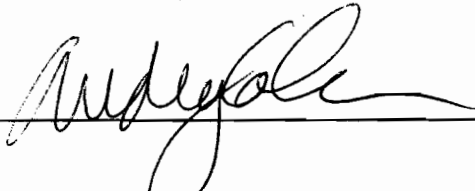
Information and Resources Attached

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

Signature:  Date: 3/10/09

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WATER RESOURCES DEPT
SALEM, OREGON

This form must be returned before lease payment is made.

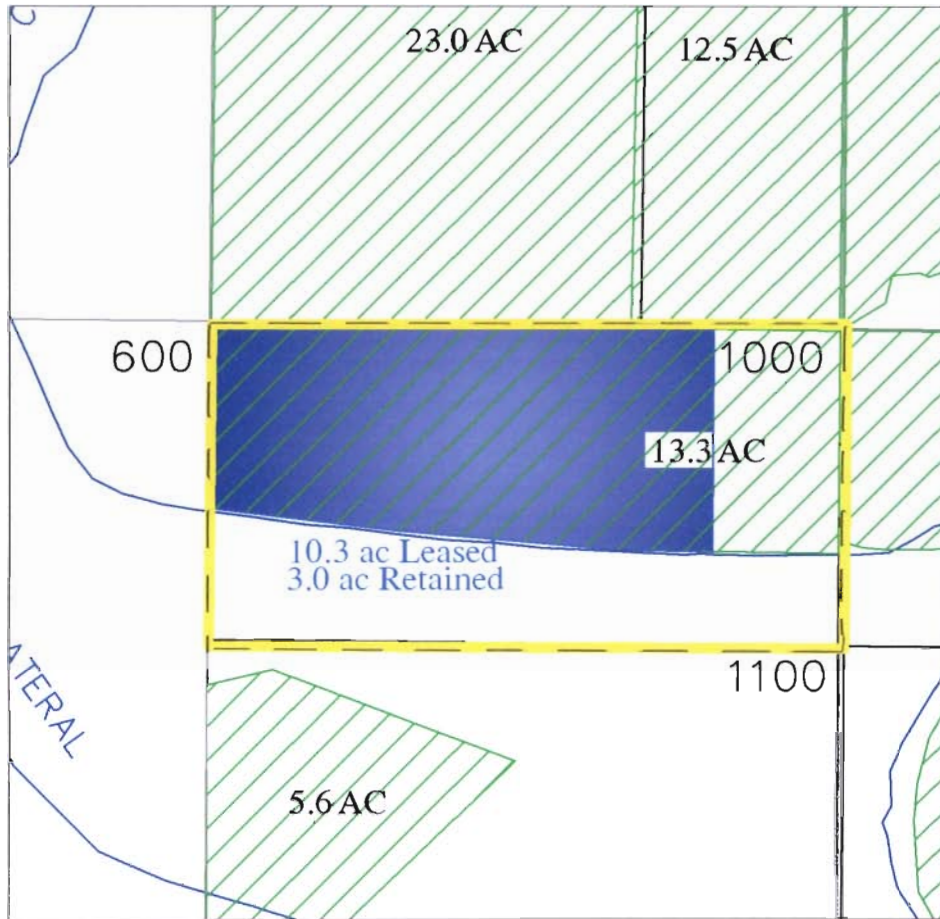
TUMALO IRRIGATION DISTRICT
IN-STREAM LEASED WATER RIGHTS SURVEY

EXHIBIT 5-A & B
L09-013

FOR

Colker, Audrey

64955 Collins Road, Bend OR



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WATER RESOURCES DEPT
SALEM, OREGON



 Certificate #'s
74146, and 74147

 Certificate #
76106

 In-Stream Lease

INITIAL: Ac

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



SCALE: 1" = 400'

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

NW¼ NE¼	103	IR	0.1	Hayes, Edmond Jr.
NW¼ NE¼	109	IR	0.4	Oatman, Christopher & Karen
SW¼ NE¼	201	IR	6.5	Menefee/Menesson/Malarkey
SW¼ NW¼	111	IR	12.0	Maloney, Michael & Linda
SW¼ NW¼	117	IR	13.0	Lemon, Leo & Carol
SE¼ NW¼	204	IR	25.0	Chandler, Yvette M.
NE¼ SW¼	300	IR	31.0	Masters, Richard & Judy
NW¼ SW¼	104	IR	34.67	Koehler, Alice
SW¼ SW¼	400	IR	3.0	OTS Wire & Insulation, Inc.
SE¼ SW¼	800	IR	7.0	Blank/Hitchcock
SE¼ SW¼	801	IR	4.18	Flannery/Nauer

Section 26

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WATER RESOURCES DEPT
SALEM, OREGON

NE¼ NE¼	604	IR	1.5	Allen, Charlie & Wendy
NW¼ NE¼	100	IR	2.0	Barber, Murl
NW¼ NE¼	101	IR	3.5	Varco, Robert & Coleen
NW¼ NE¼	107	IR	3.0	Barber, Murl
NW¼ NE¼	108	IR	5.0	Wark, Russell & Sandra
NW¼ NE¼	109	IR	5.0	Hering, Eugene & Suellen
NW¼ NE¼	110	IR	3.5	Moser, Joyce
SW¼ NE¼	200	IR	12.0	Moore, Scott & Margaret
SW¼ NE¼	212	IR	11.0	Souther, David & Connie
SE¼ NE¼	604	IR	18.5	Allen, Charlie & Wendy
NE¼ NW¼	102	IR	9.35	Johnson, Thomas & Lois
NE¼ NW¼	103	IR	6.0	Kochera, Jack & Marilyn
NE¼ NW¼	104	IR	8.0	Kail/Rankin
NE¼ NW¼	105	IR	3.0	Wallace, Peter & Jeanette
NW¼ NW¼	201	IR	3.0	Davis, Ron & Elizabeth
NW¼ NW¼	210	IR	4.0	Costello/Olin
NW¼ NW¼	211	IR	5.5	Lowas, John & Nancy
SW¼ NW¼	202	IR	15.8	Parker, Deryl & Adeline
SW¼ NW¼	206	IR	14.7	O'Neal, Steven & Julianne
SE¼ NW¼	207	IR	2.0	Hanus, Jana
SE¼ NW¼	208	IR	1.7	Wilhelm, Diane
SE¼ NW¼	213	IR	0.1	McIntosh, Dotta J.
SE¼ NW¼	214	IR	0.6	Wilhelm, Diane
NE¼ SW¼	301	IR	0.7	Wilhelm, Diane
NW¼ SW¼	302	IR	17.0	Wilhelm, Diane
SE¼ SW¼	401	IR	5.92	Cardoza, Manuel & Linda
NE¼ SE¼	602	IR	0.8	Koehler, Alice
NE¼ SE¼	605	IR	7.8	Rola, Jeff & Susan
NE¼ SE¼	606	IR	0.33	Hampton, John & Carol
NE¼ SE¼	608	IR	1.4	Rola, Jeff & Susan
NW¼ SE¼	203	IR	8.8	Rola, Jeff & Susan
NW¼ SE¼	205	IR	12.0	Bauersfeld, James & Christine
SW¼ SE¼	500	IR	25.0	Bauersfeld, James & Christine
SE¼ SE¼	603	IR	3.0	Johnson, Eleanor B.

Section 27

NE¼ NE¼	100	IR	15.4	Hausner, Jill
NE¼ NE¼	800	IR	2.0	Hausner, Jill
NE¼ NE¼	801	IR	2.0	Barrick, James A.
SW¼ NE¼	900	IR	25.9	Hermens, Stanley & Ruth
SE¼ NE¼	900	IR	29.6	Hermens, Stanley & Ruth
NE¼ SE¼	1200	IR	6.0	Hermens, Stanley & Ruth
NW¼ SE¼	1000	IR	13.3	Hermens, Stanley & Ruth Colker, Avatary
NW¼ SE¼	1100	IR	4.3	Hermens, Stanley & Ruth

Section 28

SEE NEXT PAGE



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

Application for Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

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

Optional Identification by Lessor/Lessee: L09.16
 Lease Application Number (assigned by WRD): IL-991

This Lease is with:

Lessor #1 (Water Right Holder):

Name Coleman, Nancy
 Mailing address 18770 Tumalo Reservoir Road
 City, State, Zip Code Bend, OR 97701
 Telephone number (541) 382-5357
 Email address _____

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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	¼ ¼	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	34	sene	01000	13.0	Irr	74147	8	10/29/1913
2.										
3.										
4.										
5.										

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APR 17 2009

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

- 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 than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
 - Written notice to the Department with original signatures;
 - Consent by all parties to the lease; and/or
 - Written notice to the Watermaster's office.
- For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

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

Lessor #1: Nancy Coleman Date: March 11, 2009
Nancy D. Coleman

For additional Lessors, type in space for signature and date

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APR 17 2009

WATER RESOURCES DEPT
SALEM, OREGON

Other Attachments As Needed:

- Exhibit 5-A: Tax Lot Map. (See instructions.)
- Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.)
- Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is checked)
- Exhibit 5-D: Split Season Instream Use Form

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

Signature: Nancy Coleman Date: March 11, 2009

This form must be returned before lease payment is made.

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APR 17 2009

WATER RESOURCES DEPT
SALEM, OREGON

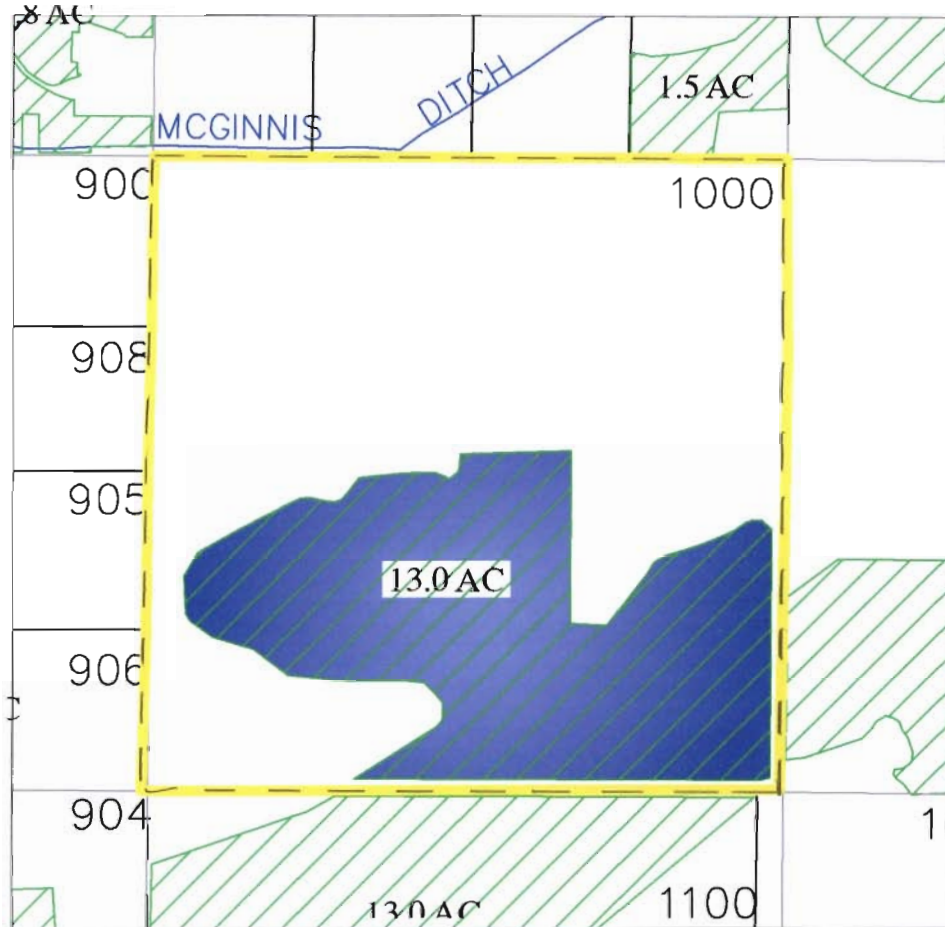
TUMALO IRRIGATION DISTRICT
IN-STREAM LEASED WATER RIGHTS SURVEY

EXHIBIT 5-A & B
L09-016

FOR

Coleman, Nancy D.

18770 Tumalo Reservoir Rd.



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WATER RESOURCES DEPT
SALEM, OREGON

INITIAL: *JMC*



 Certificate #'s
74146, and 74147

 Certificate #
76106

 In-Stream Lease

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



SCALE: 1" = 400'

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

NE¼NE¼	100	Hausner, Jill	IR	21.00
NE¼NE¼	800	Hausner, Jill	IR	2.00
NE¼NE¼	801	Barrick, James A.	IR	2.00
SW¼NE¼	900	Hermens, Stanley & Ruth	IR	35.90
SE¼NE¼	900	Hermens, Stanley & Ruth	IR	29.60
NW¼NW¼	500	Throop, Tom & Caryn	IR	2.00
NW¼NW¼	501	Variel, Jeffrey & Laurel	IR	2.00
NW¼NW¼	502	McDonald, Dr. Lynn	IR	4.00
NE¼SE¼	1001	Hermens, Stanley & Ruth	IR	17.20
NE¼SE¼	1200	Hermens, Stanley & Ruth	IR	1.90 15.00
NW¼SE¼	1000	Hermens, Stanley & Ruth	IR	13.30
NW¼SE¼	1100	Hermens, Stanley & Ruth	IR	8.60
SW¼SE¼	1400	Parker, Kenneth	IR	2.00 2.00
SW¼SE¼	1500	Stringfield, Tom & Rick	IR	4.40 3.40
SE¼SE¼	1300	Stringfield, Tom & Rick	IR	1.80 8.90
SE¼SE¼	1302	Pederson, William & Martha	IR	20.00

Section 28

NE¼NE¼	200	Russell, Barbara H.	IR	17.00
SW¼NE¼	801	Russell, Barbara H.	IR	11.00
SE¼NE¼	1000	Tavares, Louis III & Deborah	IR	11.60
SE¼NE¼	900	Russell, Barbara H.	IR	3.00 3.00
NE¼SW¼	600	Wessinger, William & Pat	IR	0.20 1.80
NE¼SE¼	1000	Tavares, Louis III & Deborah	IR	2.40
NE¼SE¼	1100	Batha, Marta	IR	2.00
NE¼SE¼	1200	Batha, Marta	IR	4.60
NE¼SE¼	1300	Batha, Marta	IR	3.90
NE¼SE¼	1403	Rudolph, John & Melitta	IR	10.30
NW¼SE¼	802	Lawson, John & Gaye	IR	9.00
NW¼SE¼	803	Rahmn, Keith & Lexia	IR	5.00
NW¼SE¼	804	Lewis, Suzi	IR	7.50
NW¼SE¼	805	Dodd, Jack & Barbara, Trustees	IR	5.00
SW¼SE¼	700	Moody, Steven	IR	6.00
SW¼SE¼	800	McNulty, Ralph & Dee	IR	10.00
SW¼SE¼	806	Cullman, Ruth	IR	10.00
SE¼SE¼	1400	Wagoner, Frances	IR	2.00
SE¼SE¼	1401	Owens, Marguerite	IR	2.00
SE¼SE¼	1402	Hays, Kenneth & Carolee	IR	2.00
SE¼SE¼	1403	Rudolph, John & Melitta	IR	9.20
SE¼SE¼	1500	Rudolph, John & Melitta	IR	4.00

Section 33

NE¼NE¼	100	Stokoe, Barbara L.	IR	1.40 0.60
NE¼NE¼	101	Granet, Peter & Carol	IR	3.00
NE¼NE¼	102	Anderson, Rev. Robert & Ruth	IR	2.50
NE¼NE¼	103	Tavares, Louis III & Deborah	IR	1.00
NE¼NE¼	104	Grant, Cloyce & Catherine	IR	2.00 1.00
NW¼NE¼	200	Taylor, Jerry & Janet	IR	3.00
NW¼NE¼	201	Laidlaw, Douglas	IR	6.50
NW¼NE¼	202	Margo, Mark & Desiree	IR	3.50
NW¼NE¼	300	Berg, Michael	IR	5.00
NW¼NE¼	301	Petrie, Thomas & Helen	IR	6.00
NW¼NE¼	302	Parker, Daniel & Jeanette	IR	3.00
SW¼NE¼	900	Cole, Jennifer	IR	1.22 3.00
SW¼NE¼	905	Schwab, Myron & Genevieve	IR	1.21
SW¼NE¼	906	Van Cleave, Sherman & Vicki	IR	2.00 1.00
SW¼NE¼	908	Payer, Melanie	IR	4.00
SE¼NE¼	1000	Coleman, Glen & Nancy	IR	13.00
NE¼NW¼	400	Steele, John & Louise	IR	17.00



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

Application for Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

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

Optional Identification by Lessor/Lessee: L09.20

Lease Application Number (assigned by WRD): IL-991

This Lease is with:

Lessor #1 (Water Right Holder):

Name Cobb, Ann Wright

Mailing address PO Box 103

City, State, Zip Code Alton, MO 65606

Telephone number (417) 270-2214

Email address _____

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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. P74146, 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 1/4, tax lot number, map orientation and scale.]

T	R	Sect	¼ ¼	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.	17	11	04	nwne	00500	6.0	Irr	74146	12	9/1/1900 ✓
2.										
3.										
4.										
5.										

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Total number of acres, if for irrigation, by certificate and priority date: 6.0 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 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

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 than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
 - Written notice to the Department with original signatures;
 - Consent by all parties to the lease; and/or
 - Written notice to the Watermaster's office.
- For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

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

Lessor #1: Ann Wright Cobb Date: 03/12/09
Ann Wright Cobb

For additional Lessors, type in space for signature and date

Other Attachments As Needed:

- Exhibit 5-A: Tax Lot Map. (See instructions.)
- Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.)
- Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is checked)
- Exhibit 5-D: Split Season Instream Use Form

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Deschutes River Conservancy 2009 Instream Leasing Program

Policy Concerning Weeds & Instream Leases Information on Farm Deferral

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

Signature: Ann M. Cobb Date: 03/12/09

This form must be returned before lease payment is made.

TUMALO IRRIGATION DISTRICT
 IN-STREAM LEASED WATER RIGHTS SURVEY

EXHIBIT 5-A & B
 L09-20

FOR

Cobb, Ann Wright

18295 Tumalo Reservoir Rd., Bend OR



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 SALEM, OREGON



		
Certificate #'s 74146, and 74147	Certificate # 76106	In-Stream Lease

INITIAL: amc

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



SCALE: 1" = 400'

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

SW¼ SE¼	703	IR	5.8	Freeman/Triplett
SE¼ SE¼	700	POND	0.1	Gisler, Patrick & Deborah
SE¼ SE¼	702	IR	2.7	James, John & Dinah - Trustees
SE¼ SE¼	703	IR	32.0	Freeman/Triplett

Section 1

2	NW¼ NE¼	105	IR	2.5	Haddix, Stephen J.
	SW¼ NW¼	600	IR	15.3	Gill, John
	SE¼ NW¼	700	IR	10.7	Gill, Rockne & Jane

Section 2

4	NW¼ NW¼	100BB	IR	1.0	Brizee, Harry & JoAnn
4	NW¼ NW¼	200BB	IR	3.0	Rotondi, Richard & Judy
4	NW¼ NW¼	300BB	IR	1.0	Booth, Jerry & Judi
4	NW¼ NW¼	400BB	IR	2.0	Frederick, Roger & Leslie
4	NW¼ NW¼	500BB	IR	1.8	Johnson, David & Bette
4	NW¼ NW¼	501BB	IR	0.2	Johnson, David & Bette

Section 3

1	NE¼ NE¼	100A	IR	1.0	Larson/Gill, Kevin L. & Leslie E.
2	NW¼ NE¼	500A	IR	10.0	Cobb, Ann Wright

Section 4

NE¼ NE¼	200A	IR	1.0	Steinlicht, Mark & L. Diane
SE¼ NE¼	400A	IR	1.2	Coats, Doug
SE¼ NE¼	500A	IR	3.8	Coats, Doug

Section 10

NW¼ NE¼	200	IR	35.5	Kearns, Daniel & Barbara
SW¼ NW¼	500	IR	12.6	Coats, R.L. & Joyce
NE¼ SW¼	1600	IR	10.0	Lyster, Ted & Eloise
NW¼ SW¼	1601	IR	1.0	McCook, Peter & Jacqueline
NE¼ SE¼	1000	IR	1.0	Johnson/Peticolas
NE¼ SE¼	1001	IR	1.0	Bell, John
NW¼ SE¼	1400	IR	1.0	Cooper, Robert & Beverly

Section 11

SW¼ SW¼	800	IR	4.4	Coats, R.L. & Joyce
---------	-----	----	-----	---------------------

Section 12

SW¼ NW¼	2300	IR	1.0	Beighley/Taylor, Mark & Deborah
SW¼ NW¼	2400	IR	0.9	Moore, Bill & Mildred
NW¼ SW¼	2400	IR	1.1	Moore, Bill & Mildred

Section 13

Township 17 South, Range 11 East, W.M.

2	NW¼ NE¼	302	IR	3.0	C.L.R. INC.
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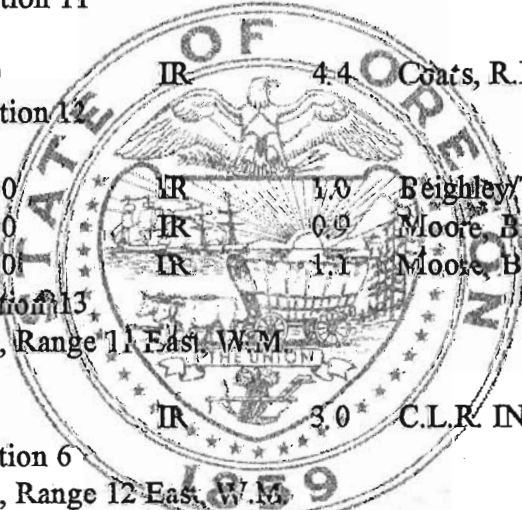
Section 6

Township 17 South, Range 12 East, W.M.

Priority: 4/28/05

SE¼ SE¼	1401	IR	0.44	Kirkhorn, Bruce
---------	------	----	------	-----------------

Section 13



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 SALEM, OREGON

T-7672 N96.009 <4.007
 = 6.00



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

Application for Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

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

Optional Identification by Lessor/Lessee: L09.01
Lease Application Number (assigned by WRD): IL-991

This Lease is with:

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WATER RESOURCES DEPT
SALEM, OREGON

Lessor #1 (Water Right Holder):

Name Christianson, Michael & Roberta
Mailing address 1635 NW Teak Avenue
City, State, Zip Code Redmond, OR 97756
Telephone number 541 385-7895
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. Primary 74146, 74147, 76106 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	¼ ¼	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.	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.										

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Total number of acres, if for irrigation, by certificate and priority date: 13.70 APR 17 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 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

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.



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

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	¼ ¼	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.	16S	11E	11	sesw	00801	5.30	IRR	74147	2	10/29/1913 ✓
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

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 SALEM, OREGON

[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



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

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	¼ ¼	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.	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.										
6.										
7.										
8.										
9.										
10.										

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WATER RESOURCES DEPT
 SALEM, OREGON

[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

Policy Concerning Weeds & Instream Leases Information on Farm Deferral

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

Signature:  Date: 2/28/09

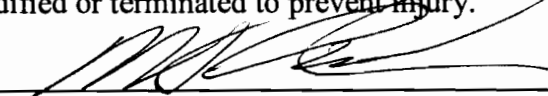
This form must be returned before lease payment is made.

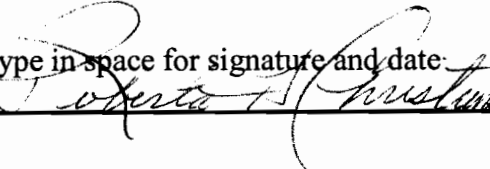
3.4 **Suspension of original use.** During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights.

3.5 **Termination provision.**

- For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
 - Written notice to the Department with original signatures;
 - Consent by all parties to the lease; and/or
 - Written notice to the Watermaster's office.
- For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

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

Lessor #1:  Date: 2/28/09
Michael J. Christianson

For additional Lessors, type in space for signature and date:
Roberta H. Christianson  Date: 2/28/09

Other Attachments As Needed:

- Exhibit 5-A: Tax Lot Map. (See instructions.)
- Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.)
- Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is checked)
- Exhibit 5-D: Split Season Instream Use Form

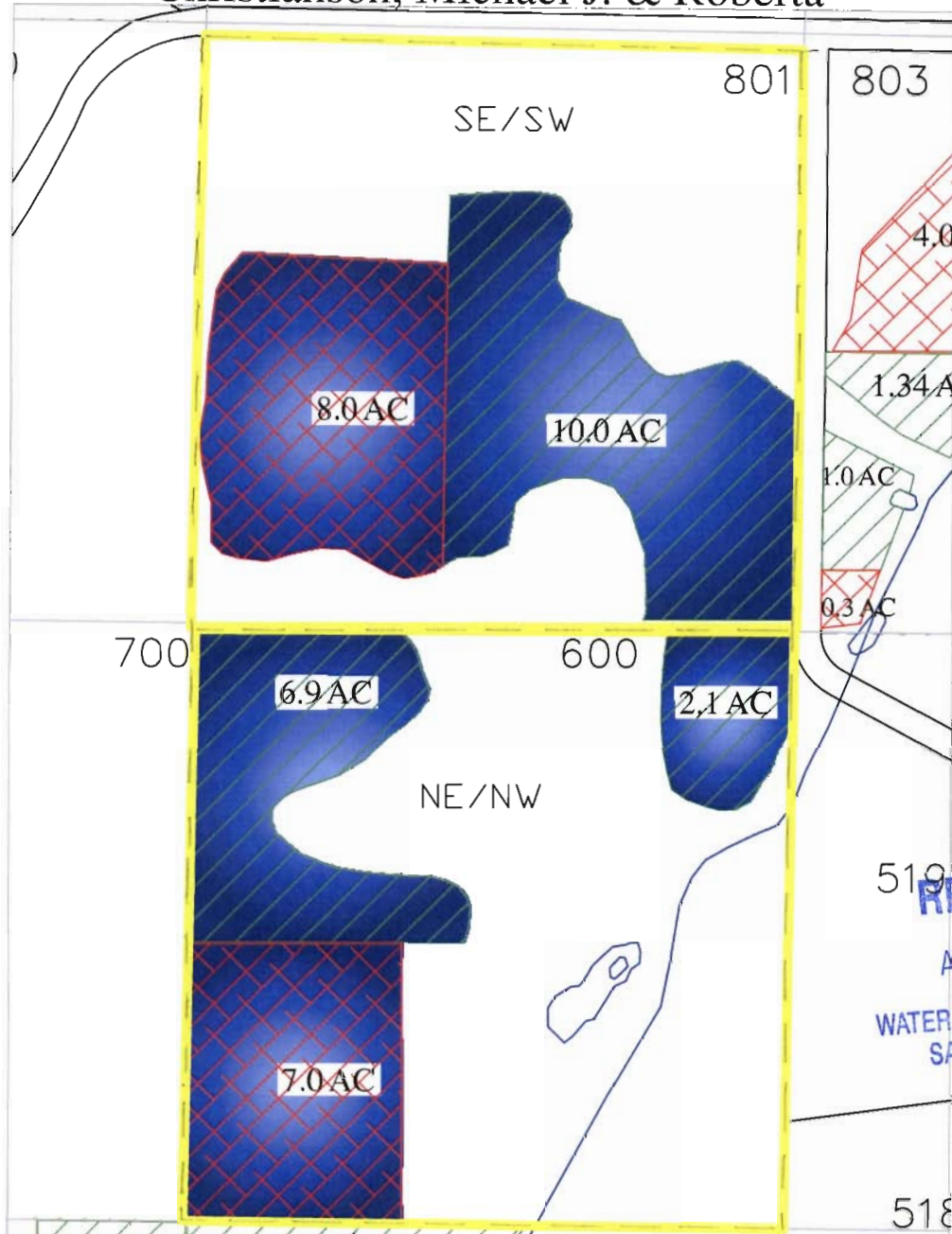
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SALEM, OREGON

TUMALO IRRIGATION DISTRICT
IN-STREAM LEASED WATER RIGHTS SURVEY

EXHIBIT 5-A & B
L09-001

FOR

Christianson, Michael J. & Roberta



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WATER RESOURCES DEPT
SALEM, OREGON



		
Certificate #'s 74146, and 74147	Certificate # 76106	In-Stream Lease

INITIAL: *MC*

65070 Smokey Butte Rd, Bend OR 97701.
Located in the SE 1/4 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 1/4 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

76106
Pg 1

76

PS

STATE OF OREGON

COUNTY OF DESCHUTES

CERTIFICATE OF WATER RIGHT

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APR 17 2009

WATER RESOURCES DEPT
SALEM, OREGON

THIS CERTIFICATE ISSUED TO

TUMALO IRRIGATION DISTRICT
64697 COOK AVE
BEND, OREGON 97701

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, 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 in the 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 or federal authority.

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

T	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

P
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300

0072

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:

LOT	QTR/QTR	T.L.	ID	OWNER	USE	PRIM	SUPPL
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	400		Barr/Bach, Doris & George	IR		3.94
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	700		Bruder/Casey, Jeanne & Bruce	IR	1.00	
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	800		Mahoney, Dan & Martha	IR	1.45	17.55
Section 1							
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	600		Marazzo, Ronald	IR	20.00	
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	801		Christianson, Michael & Roberta	IR	5.30	4.70
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	800		Paiva, Joe & Wanita	IR	3.40	
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	802		Turner/Lupton, Robert & Courtney	IR	1.50	1.00
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	803		Paiva, Joe & Wanita	IR	1.60	0.50
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	900		Waldron Jr., Harvey & Genevieve	IR		3.70
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	901		Waldron Jr., Harvey & Genevieve	IR		0.30
Section 11							
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	102		Vollstedt, Scott & Laura	IR		9.00
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	103		Barr/Bach, Doris & George	IR		4.00
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	105		Barr/Bach, Doris & George	IR		12.00
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	300		Bullat, Chris & Janet	IR	6.80	
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	301		Bullat, Chris & Janet	IR	0.20	
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	100		Eddings, Ronald & Jeannie	IR	1.50	2.00
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	101		Hanson, Philip & Leah	IR	5.50	
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	102		Vollstedt, Scott & Laura	IR	6.00	
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	104		Waldron, Gail L.	IR	2.00	
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	500		DeMaris, Roger & Shirley	IR		2.00
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	501		Ruso, Joy D.	IR		2.00
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	700		Miller, Glen	IR		2.00
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	400		Robbins/Ackley	IR		5.50
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	401		Johnson, Barbara & Walt	IR		9.50
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	1100		Winch, Martin	IR		0.60
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	1000		Huillade/Price	IR	2.70	
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	1200		Gillham, John & Audrey	IR		31.90
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	1100		Winch, Martin	IR		2.50
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	1200		Gillham, John & Audrey	IR		3.80
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	1900		Bagg, Barbara	IR	8.10	
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	1100		Winch, Martin	IR		2.40
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	1100		Winch, Martin	IR	10.00	5.30
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	1900		Bagg, Barbara	IR	13.40	2.00
Section 12							
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	100		Tracy, Judy	IR		31.70
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	100		Tracy, Judy	IR		25.00
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	1100		Winch, Martin	IR		1.20
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	902		Field, John & Mary	IR		36.20
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	900		Watkins, Chris	IR		29.50
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	501		Hilbruner (Trustee), Liddy	IR		2.00
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	502		Shook, Russell & Joanne	IR		6.00
	NW $\frac{1}{4}$ NW $\frac{1}{4}$	400		Hanson, Phil Sr. & Ruth	IR		37.50
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	101		Gardner, Robert & Joyce	IR	1.20	
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	401		Gardner, Robert & Joyce	IR	2.30	25.00
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	902		Field, John & Mary	IR	1.30	11.20
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	1000		Hately, Pamela H.	IR		18.00
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	901		Fletcher, Paul T.	IR		18.20
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	901		Fletcher, Paul T.	IR		34.80

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 1500D IR 0.6 Kelly, Bill & Veronica
 SE $\frac{1}{4}$ SE $\frac{1}{4}$ 1702D IR 1.4 Tepner, Robert & Karen
 Section 36

Township 16 South, Range 11 East, W.M.

1 NE $\frac{1}{4}$ NW $\frac{1}{4}$ 403 IR 2.0 Duntley, Carole A.
 1 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 500 IR 1.0 Chace, William & Brenda
 1 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 600 IR 1.0 Campagna, David & Sharon
 Section 7

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 603 IR 0.8 Towell, Thomas & Tammie
 SE $\frac{1}{4}$ NE $\frac{1}{4}$ 595 IR 2.3 Lehmann, David & Mary
 SE $\frac{1}{4}$ NE $\frac{1}{4}$ 596 IR 2.3 Marks, Magnus & Grace
 SE $\frac{1}{4}$ NE $\frac{1}{4}$ 597 IR 2.0 Kelley, James S.
 SE $\frac{1}{4}$ NE $\frac{1}{4}$ 598 IR 1.4 Losch, Richard & Linda
 SE $\frac{1}{4}$ NE $\frac{1}{4}$ 599 IR 1.2 Foucher, Dorothy
 Section 17

3 SW $\frac{1}{4}$ NE $\frac{1}{4}$ 2700 IR 2.0 Tucker, Jim & Denise
 NE $\frac{1}{4}$ SW $\frac{1}{4}$ 1000C IR 4.6 Brookhart, Ronald C.
 NE $\frac{1}{4}$ SW $\frac{1}{4}$ 200C IR 1.0 Wyatt, James & Grace
 NE $\frac{1}{4}$ SW $\frac{1}{4}$ 500C IR 1.0 Ward, Dennis
 3 NW $\frac{1}{4}$ SW $\frac{1}{4}$ 1200C IR 1.0 Clark, Kevin & Pamela
 3 NW $\frac{1}{4}$ SW $\frac{1}{4}$ 1300C IR 2.0 Tucker, Billy & Bonnie
 3 NW $\frac{1}{4}$ SW $\frac{1}{4}$ 1400C IR 1.0 Christ, Donald & Iris
 Section 19

3 NW $\frac{1}{4}$ SW $\frac{1}{4}$ 403 IR 2.0 Scott, Cheryl
 Section 30

Township 16 South, Range 12 East, W.M.

2 NW $\frac{1}{4}$ NE $\frac{1}{4}$ 200A IR 1.0 Jacobs, Russell & Mary
 Section 3

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 600A IR 2.0 Cronin, John & Margaret
 Section 10

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 500 IR 14.6 Coats, R.L. & Joyce
 SE $\frac{1}{4}$ NW $\frac{1}{4}$ 600 IR 5.4 Coats, R.L. & Joyce
 NE $\frac{1}{4}$ SE $\frac{1}{4}$ 1100 IR 5.0 Hyde/Marcinek, Geoffrey & Helenka
 Section 11

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 2500 IR 2.0 Hanson, Robert & Ruth
 Section 13

Township 17 South, Range 11 East, W.M.

Priority: 9/1/00

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 400 IR 3.94 Barr/Bach, Doris & George
 SE $\frac{1}{4}$ SE $\frac{1}{4}$ 800 IR 15.55 Mahoney, Dan & Martha
 Section 1

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 801 IR 4.7 Christianson, Michael & Roberta
 SW $\frac{1}{4}$ SE $\frac{1}{4}$ 802 IR 1.0 Turner/Lupton, Robert & Courtney
 SE $\frac{1}{4}$ SE $\frac{1}{4}$ 900 IR 3.0 Waldron Jr., Harvey & Genevieve
 Section 11

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NE 1/4 NE 1/4	102	IR	9.0	Vollstedt, Scott & Laura
NE 1/4 NE 1/4	103	IR	4.0	Barr/Bach, Doris & George
NE 1/4 NE 1/4	105	IR	12.0	Barr/Bach, Doris & George
SE 1/4 NE 1/4	100	IR	2.0	Eddings, Ronald & Jeannie
SW 1/4 NW 1/4	500	IR	2.0	DeMaris, Roger & Shirley
SW 1/4 NW 1/4	700	IR	2.0	Miller, Glen
SE 1/4 NW 1/4	400	IR	5.5	Robbins/Ackley
SE 1/4 NW 1/4	401	IR	9.5	Johnson, Barbara & Walt
NE 1/4 SW 1/4	1100	IR	0.6	Winch, Martin
SW 1/4 SW 1/4	1200	IR	15.8	Gillham, John & Audrey
SE 1/4 SW 1/4	1100	IR	2.5	Winch, Martin
SE 1/4 SW 1/4	1200	IR	3.6	Gillham, John & Audrey
NW 1/4 SE 1/4	1100	IR	2.4	Winch, Martin
SW 1/4 SE 1/4	1100	IR	5.3	Winch, Martin
SE 1/4 SE 1/4	1900	IR	2.0	Bagg, Barbara

Section 12

NE 1/4 NE 1/4	100	IR	31.7	Tracy, Judy
NW 1/4 NE 1/4	100	IR	25.0	Tracy, Judy
NW 1/4 NE 1/4	1100	IR	1.2	Winch, Martin
SW 1/4 NE 1/4	902	IR	36.2	Field, John & Mary
SE 1/4 NE 1/4	900	IR	29.5	Watkins, Chris
NE 1/4 NW 1/4	501	IR	2.0	Hilbruner (Trustee), Liddy
NE 1/4 NW 1/4	502	IR	6.0	Shook, Russell & Joanne
NW 1/4 NW 1/4	400	IR	31.1	Hanson, Phil Sr. & Ruth
SW 1/4 NW 1/4	401	IR	25.0	Gardner, Robert & Joyce
SE 1/4 NW 1/4	902	IR	11.2	Field, John & Mary
NE 1/4 SE 1/4	1000	IR	18.0	Hately, Pamela H.
NE 1/4 SE 1/4	901	IR	18.2	Fletcher, Paul T.
NW 1/4 SE 1/4	901	IR	34.8	Fletcher, Paul T.
SE 1/4 SE 1/4	1100	IR	2.0	Carver, Roy & Jean
SE 1/4 SE 1/4	1400	IR	2.5	Day, Matt & Lesley
SE 1/4 SE 1/4	1401	IR	4.5	Kirkhorn, Bruce

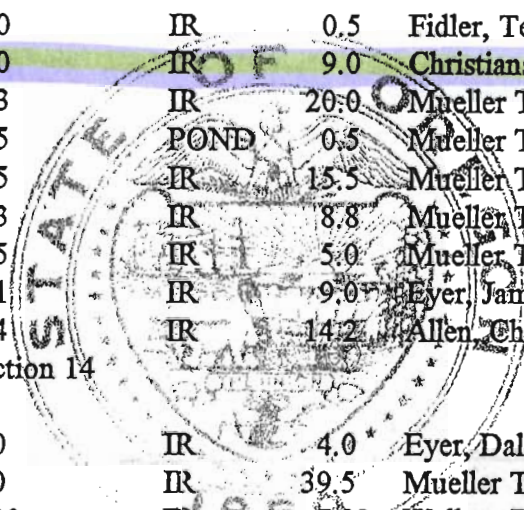
Section 13

NE 1/4 NE 1/4	100	IR	0.5	Fidler, Terry & Mary
NE 1/4 NW 1/4	600	IR	9.0	Christianson, Michael & Roberta
SW 1/4 NW 1/4	503	IR	20.0	Mueller Trust, Kenneth & Norma
SW 1/4 NW 1/4	505	POND	0.5	Mueller Trust, Kenneth & Norma
SW 1/4 NW 1/4	505	IR	15.5	Mueller Trust, Kenneth & Norma
SE 1/4 NW 1/4	503	IR	8.8	Mueller Trust, Kenneth & Norma
SE 1/4 NW 1/4	505	IR	5.0	Mueller Trust, Kenneth & Norma
NW 1/4 SW 1/4	501	IR	9.0	Eyer, James
NW 1/4 SW 1/4	504	IR	14.2	Allen, Charlie & Wendy

Section 14

SW 1/4 NE 1/4	500	IR	4.0	Eyer, Dale & Mary
SE 1/4 NE 1/4	600	IR	39.5	Mueller Trust, Kenneth & Norma
SE 1/4 NW 1/4	1400	IR	7.93	Walker, Donald & Marianne
NE 1/4 SW 1/4	1600	IR	35.27	Walker, Donald & Marianne
NW 1/4 SW 1/4	1600	IR	35.27	Walker, Donald & Marianne
SW 1/4 SW 1/4	1600	POND	0.7	Walker, Donald & Marianne
SW 1/4 SW 1/4	1600	IR	21.87	Walker, Donald & Marianne
SE 1/4 SW 1/4	1600	IR	37.16	Walker, Donald & Marianne
SW 1/4 SE 1/4	1000	IR	6.0	Jungers, Frank & Julia
SW 1/4 SE 1/4	900	IR	1.0	Jungers, Frank & Julia
SE 1/4 SE 1/4	900	IR	2.01	Jungers, Frank & Julia

Section 15



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

Application for Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

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

Optional Identification by Lessor/Lessee: L09.04
 Lease Application Number (assigned by WRD): IL-991

This Lease is with:

Lessor #1 (Water Right Holder):

Name C.L.R. Inc.
 Mailing address 703 NW Stone Pine Drive
 City, State, Zip Code Bend, OR 97701
 Telephone number 541 389-6562
 Email address _____

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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, 74147 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	¼ ¼	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.	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.										
5.										

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

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Conditions or other limitations, if any: _____

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

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

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

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on 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.



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

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.

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~I~

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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, tax lot number, map orientation and scale.]

T	R	Sect	¼ ¼	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.	16S	12E	30	nwse	02100	.70	Irr	74147	14	10/29/1913 ✓
2.	16S	12E	30	nese	02100	1.90	Irr	74147	14	10/29/1913 ✓
3.	16S	12E	30	nese	02000	5.0	Irr	74147	14	10/29/1913 ✓
4.	16S	12E	30	nese	00100	16.0	Irr	74147	14	10/29/1913 ✓
5.	16S	12E	30	nese	00100	2.0	IND	74147	14	10/29/1913 ✓
6.	16S	12E	30	sene	00100	13.20	Irr	74147	14	10/29/1913 ✓
7.	17S	11E	13	nwnw	00817	1.36	Irr	74147	17	10/29/1913 ✓
8.	17S	11E	13	nwnw	00809	3.0	Irr	74147	17	10/29/;1913 ✓
9.	17S	11E	14	nene	00817	3.50	Irr	74147	17	10/29/1913 ✓
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: 46.66

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

3.5 Termination provision.

- For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
 - Written notice to the Department with original signatures;
 - Consent by all parties to the lease; and/or
 - Written notice to the Watermaster's office.
- For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

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

Lessor #1:  Date: 2/20/09
C.L.R. Inc., Jerry Curl

For additional Lessors, type in space for signature and date

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Other Attachments As Needed:

- Exhibit 5-A: Tax Lot Map. (See instructions.)
 - Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.)
 - Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is checked)
 - Exhibit 5-D: Split Season Instream Use Form
- _____

Deschutes River Conservancy 2009 Instream Leasing Program

Policy Concerning Weeds & Instream Leases Information on Farm Deferral

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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

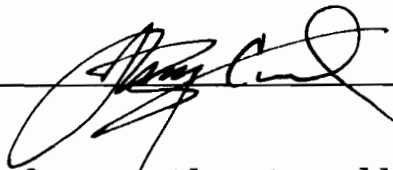
Farm Deferral Notice

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

Signature: _____



Date: _____

2/20/09

This form must be returned before lease payment is made.

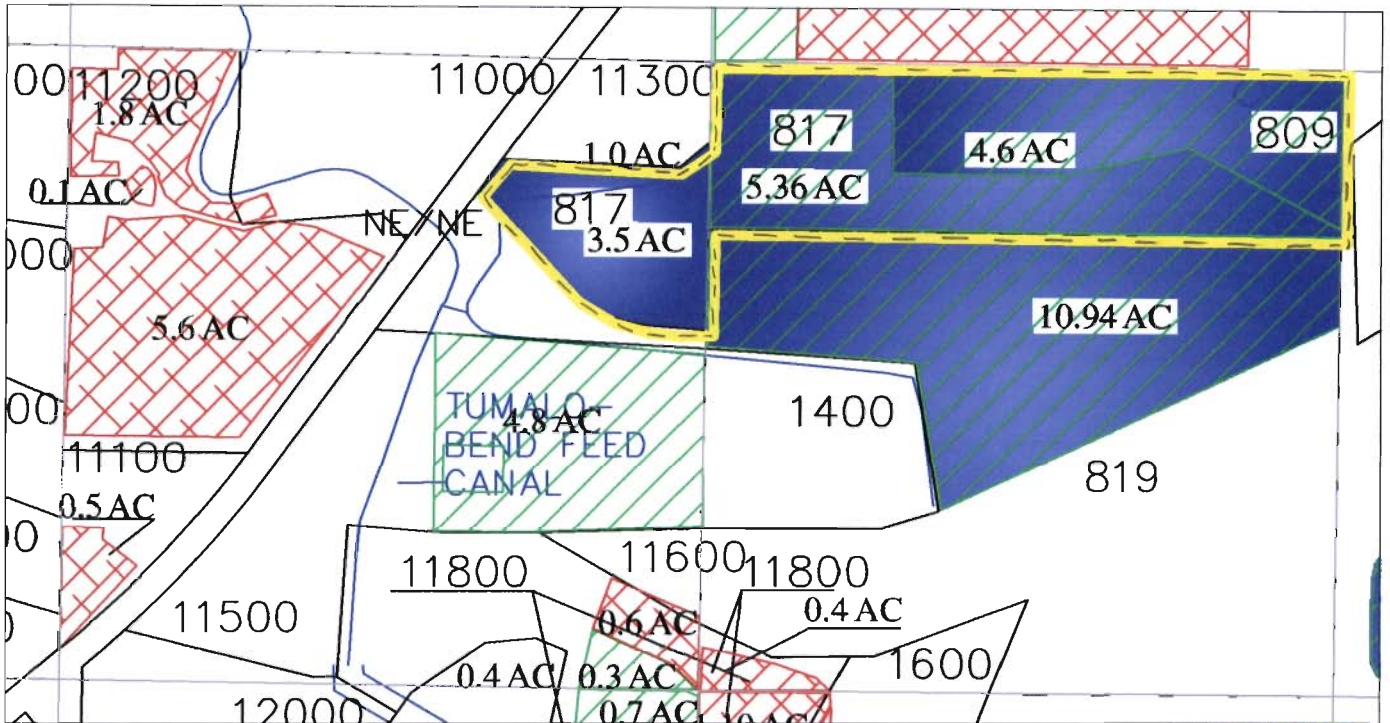
TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY

EXHIBIT 5-A & B
L09-004

FOR
C.L.R., Inc.

19260 Klipple Rd., BEND 97701

L09-004 - 2 of 2



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NW/NW

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INITIAL: *ABC*

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



SCALE: 1" = 400'

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

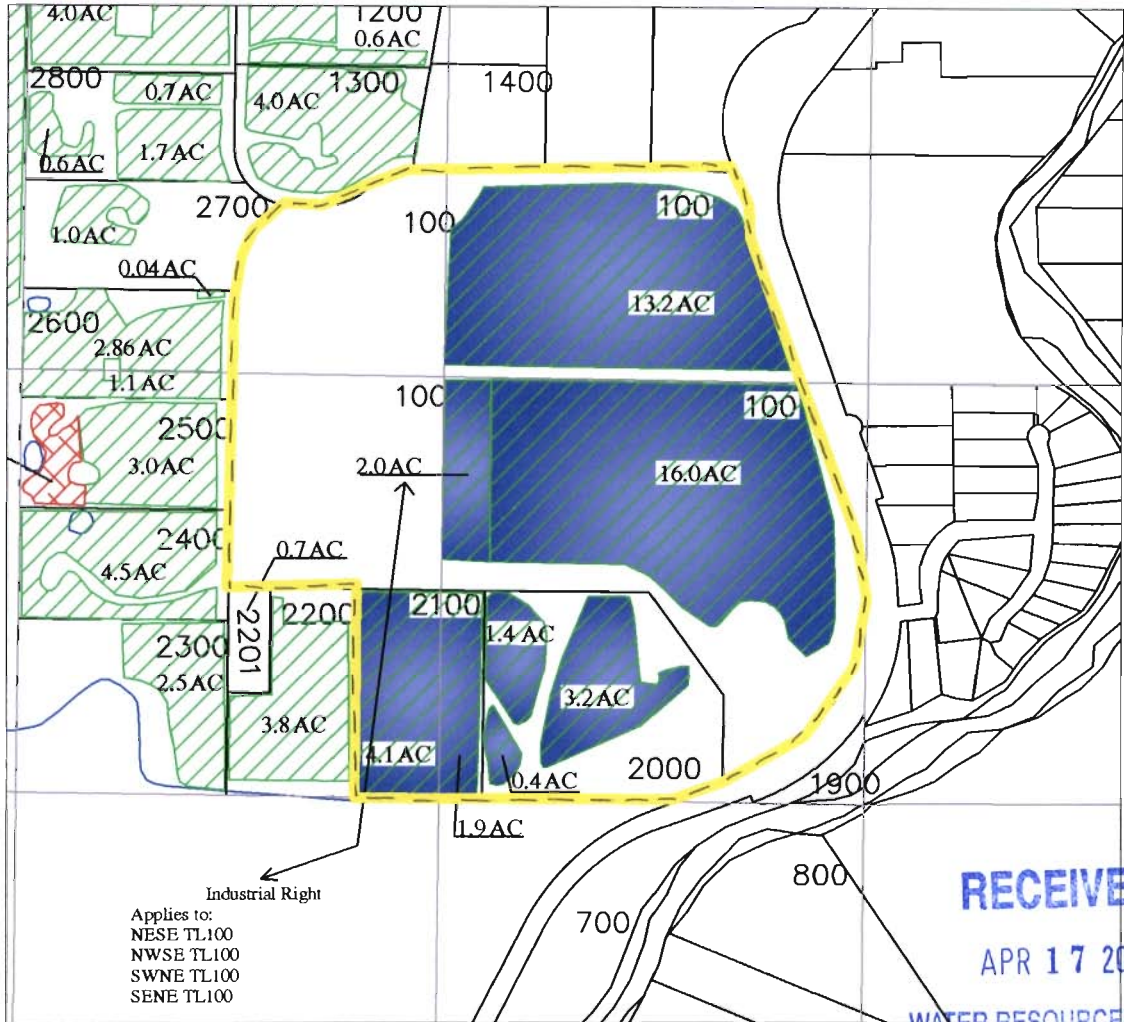
TUMALO IRRIGATION DISTRICT IN-STREAM LEASED WATER RIGHTS SURVEY

EXHIBIT 5-A & B
L09-004

FOR
C.L.R., Inc.

Cline Falls Rd., BEND 97701

L09-004 - 1 of 2



Industrial Right
Applies to:
NESE TL100
NWSE TL100
SWNE TL100
SENE TL100

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WATER RESOURCES DEPT
SALEM, OREGON



Certificate #'s
74146, and 74147



Certificate #
76106



In-Stream Lease

INITIAL: *ASC*

Located in the NE ¼ of the SE ¼ of Taxlots 100, 200, and 2100
AND the SE ¼ of the NE ¼ of Taxlot 100 AND the NW ¼ of
the SE ¼ of Taxlot 2100 in Section 30, Township 16 S., Range
12 E.W.M. in Deschutes County Oregon.



SCALE: 1" = 600'

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

Priority: 5/27/07

7	SW $\frac{1}{4}$ SW $\frac{1}{4}$	1802 Section 6	IR	3.0	Rupp, C. Richard
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	2100 Section 30	IR	3.4	C.L.R. INC.
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	4300D Section 31	IR	0.8	C.L.R. INC.
Township 16 South, Range 12 East, W.M.					
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	500 Section 11	IR	1.2	Coats, R.L. & Joyce
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	804	IR	0.4	Coats, R.L. & Joyce
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	807	IR	5.4	Coats, R.L. & Joyce
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	817	IR	6.1	C.L.R. INC.
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	806	IR	2.5	Graham, Kenneth & Joy
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	807	IR	1.0	Coats, R.L. & Joyce
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	808	IR	2.1	Niedzwiecke, Andrew & Judith
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	810	IR	0.9	Niedzwiecke, Andrew & Judith
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	817	IR	0.2	C.L.R. INC.
	NW $\frac{1}{4}$ NW $\frac{1}{4}$	809	IR	1.6	C.L.R. INC.
	NW $\frac{1}{4}$ NW $\frac{1}{4}$	817	IR	4.0	C.L.R. INC.
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	812	IR	1.5	Latham, Mark & Kristen
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	813	IR	2.5	Schweigert, Ken
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	818	IR	2.5	Hamper, Tom
Section 13					
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	11700	IR	0.2	Allen, Charles
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	11800	IR	0.1	Allen, Charles
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	11900	IR	0.4	Rugloski, Paul, Andrew & Cecelia
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	11800	IR	0.7	Allen, Charles
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	11900	IR	2.6	Rugloski, Paul, Andrew & Cecelia
Section 14					
Township 17 South, Range 11 East, W.M.					
2	NW $\frac{1}{4}$ NE $\frac{1}{4}$	302 Section 6	IR	0.1	C.L.R. INC.
Township 17 South, Range 12 East, W.M.					

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Priority: 6/1/07

	SE $\frac{1}{4}$ SE $\frac{1}{4}$	800 Section 1	IR	2.0	Mahoney, Dan & Martha
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	803	IR	0.5	Paiva, Joe & Wanita
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	900	IR	0.7	Waldron Jr., Harvey & Genevieve
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	901	IR	0.3	Waldron Jr., Harvey & Genevieve
Section 11					
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	1200	IR	16.1	Gillham, John & Audrey
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	1200	IR	0.2	Gillham, John & Audrey
Section 12					



SEE NEXT PAGE

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NE¼SE¼	2001	Zapp, Martin & Joann	IR		4.70
NW¼SE¼	2200	Cole, Robert & Nancy	IR	5.00	
SW¼SE¼	2400	Kloby, Jay & Melody	IR	31.40	
SE¼SE¼	2400	Kloby, Jay & Melody	IR	28.10	

Section 19

	NW¼NE¼	1000	Ireland, Stephen P.	IR	3.00	
	NW¼NE¼	1101	Cardwell, Ken & Janice	IR	3.00	
	NW¼NE¼	1800	Robertson, Brian T.	IR	3.00	
	NW¼NE¼	303	Arnett, Gary J.	IR	3.00	
	NW¼NE¼	304	Outhsye, Joseph & Joann	IR	3.70	
	NW¼NE¼	310	Dierberger, Kenneth & Dona	IR	4.00	
	NW¼NE¼	3300	Wickham, Kent & Beth	IR	1.40	
	NW¼NE¼	3301	Wickham, Kent & Beth	IR	0.60	
	SW¼NE¼	1300	Dyson, Brian & Sheryl	IR	4.00	
	SW¼NE¼	2600	Miller, Dianne M.	IR	1.70	
	SW¼NE¼	2700	Barber, Richard & Mary	IR	1.00	
	SW¼NE¼	2800	Barlow, Steven & Jeanette	IR		3.00
	SW¼NE¼	2900	Hauge, Christopher & Susan	IR	4.00	
	SE¼NE¼	100	C.L.R. INC.	IR	13.20	
	NE¼NW¼	300	McDougal, Melvin	IR	11.50	
	NE¼NW¼	305	Billings, Jack & Christina	IR	2.00	1.00
	NE¼NW¼	311	Outhsye, Joseph & Joann	IR	4.30	
	NE¼NW¼	312	McDougal, Melvin	IR	17.20	
1	NW¼NW¼	202	Hayden, James & Katharina	IR	1.00	
1	NW¼NW¼	203	Romesburg, Ernie & Naomi	IR	1.60	
1	NW¼NW¼	300	McDougal, Melvin	IR	7.38	
1	NW¼NW¼	312	McDougal, Melvin	IR	0.80	
1	NW¼NW¼	313	McDougal (Trustee), Joy	IR	18.00	
2	SW¼NW¼	302	Cantrell, John & Jean	IR	5.00	
2	SW¼NW¼	306	Barnes, Ed & Gayla Ann	IR	3.00	
2	SW¼NW¼	307	Barnes, Gayla Ann	IR	8.00	
2	SW¼NW¼	308	Binger, Richard & Cheryl	IR	4.50	
2	SW¼NW¼	309	Robertson, Frances M.	IR	4.00	
	SE¼NW¼	2900	Hauge, Christopher & Susan	IR	18.50	
	SE¼NW¼	301	Hauge, Christopher & Susan	IR	18.00	
	NW¼SW¼	401	Lorenz, Edward & Linda	IR	5.00	
	NW¼SW¼	403	Scott, Cheryl	IR		2.00
	NW¼SW¼	404	Bailey, G.W. & Linda	IR	2.00	
	NE¼SE¼	100	C.L.R. INC.	IND	2.00	
	NE¼SE¼	100	C.L.R. INC.	IR	16.00	
	NE¼SE¼	2000	C.L.R. INC.	IR	5.00	
	NE¼SE¼	2100	C.L.R. INC.	IR	1.90	
	NW¼SE¼	2100	C.L.R. INC.	IR	0.70	3.40
	NW¼SE¼	2200	Kelley, Charles & Diana	IR	3.80	
	NW¼SE¼	2201	Kelley, Charles & Diana	IR	0.70	
	NW¼SE¼	2300	Kelley, Charles & Diana	IR	2.50	
	NW¼SE¼	2400	Alexander, Jack & Jamar	IR	4.50	
	NW¼SE¼	2500	Gregg, Patrick & Kathy	IR	0.50	2.50
	NW¼SE¼	2600	Miller, Dianne M.	IR	0.30	

Section 30

	NE¼SW¼	406	Saliccioli, Greg & Dianna L.	IR	1.00	
	NE¼SW¼	407	Bend Research/ Science Properties	IR		6.60
	NE¼SW¼	408	Wendel, John & Cathleen	IR	2.00	
	NE¼SW¼	410	Allen, Michael & Patty	IR	3.00	
	NE¼SW¼	418	Bend Research/ Science Properties	IR	5.80	
3	NW¼SW¼	405	Perkins, Howard & Darlene	IR	1.00	2.00
3	NW¼SW¼	407	Bend Research/ Science Properties	IR	0.10	3.40

SW $\frac{1}{4}$ NE $\frac{1}{4}$	810	Niedzwiecke, Andrew & Judith	IR		0.90
NE $\frac{1}{4}$ NW $\frac{1}{4}$	817	C.L.R. INC.	IR	14.60	0.20
NW $\frac{1}{4}$ NW $\frac{1}{4}$	809	C.L.R. INC.	IR	3.00	1.60
NW $\frac{1}{4}$ NW $\frac{1}{4}$	817	C.L.R. INC.	IR	12.30 / 1.34	4.00
SW $\frac{1}{4}$ NW $\frac{1}{4}$	2300	Beighley/Taylor, Mark & Deborah	IR	LLA	1.00
SW $\frac{1}{4}$ NW $\frac{1}{4}$	2400	Moore, Bill & Mildred	IR		0.90
SW $\frac{1}{4}$ NW $\frac{1}{4}$	817	C.L.R. INC.	IR	6.40	
SE $\frac{1}{4}$ NW $\frac{1}{4}$	812	Latham, Mark & Kristen	IR		1.50
SE $\frac{1}{4}$ NW $\frac{1}{4}$	813	Schweigert, Ken	IR		2.50
SE $\frac{1}{4}$ NW $\frac{1}{4}$	817	C.L.R. INC.	IR	4.60	
SE $\frac{1}{4}$ NW $\frac{1}{4}$	818	Hamper, Tom	IR		2.50
NW $\frac{1}{4}$ SW $\frac{1}{4}$	2400	Moore, Bill & Mildred	IR	1.00	1.10
NW $\frac{1}{4}$ SW $\frac{1}{4}$	2500	Hanson, Robert & Ruth	IR		2.00
NW $\frac{1}{4}$ SW $\frac{1}{4}$	817	C.L.R. INC.	IR	12.20	
SW $\frac{1}{4}$ SW $\frac{1}{4}$	4200	Reinhardt, George & Jeanne	IR	2.00	

Section 13

NE $\frac{1}{4}$ NE $\frac{1}{4}$	11300	Woods, William C.	IR	1.00	
NE $\frac{1}{4}$ NE $\frac{1}{4}$	11400 817	C.L.R. INC.	IR	3.50	changed to 12.847
NE $\frac{1}{4}$ NE $\frac{1}{4}$	11900	Rugloski, Paul, Andrew & Cecelia	IR		0.40
SE $\frac{1}{4}$ NE $\frac{1}{4}$	11900	Rugloski, Paul, Andrew & Cecelia	IR		2.60

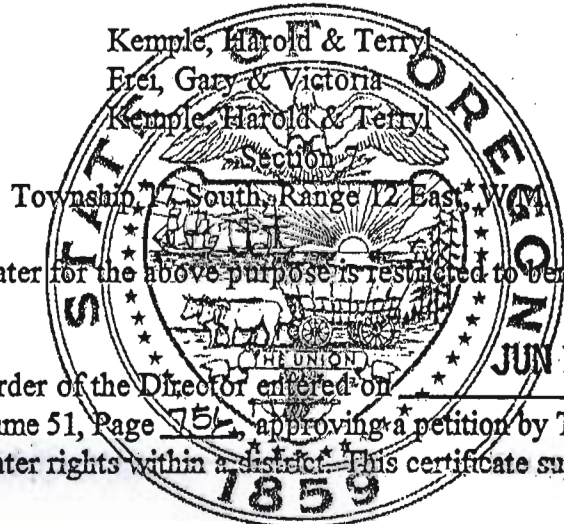
Section 14

Township 17 South, Range 11 East, W.M.

2	NW $\frac{1}{4}$ NE $\frac{1}{4}$	300		C.L.R. INC.	IR	1.80	
2	NW $\frac{1}{4}$ NE $\frac{1}{4}$	301		C.L.R. INC.	IR	0.50	3.00
2	NW $\frac{1}{4}$ NE $\frac{1}{4}$	302		C.L.R. INC.	IR	4.10	3.10
3	NE $\frac{1}{4}$ NW $\frac{1}{4}$	200	B	Allen/Rice, Rita & Kenny	IR	2.50	
3	NE $\frac{1}{4}$ NW $\frac{1}{4}$	300	B	Dwyer, Michael & Theresa	IR	16.40	
4	NW $\frac{1}{4}$ NW $\frac{1}{4}$	300	B	Dwyer, Michael & Theresa	IR	17.70	
4	NW $\frac{1}{4}$ NW $\frac{1}{4}$	301	B	Greer, Stephen & Denise	IR	2.00	
4	NW $\frac{1}{4}$ NW $\frac{1}{4}$	302	B	Greer, Russell & Lois	IR	2.40	
4	NW $\frac{1}{4}$ NW $\frac{1}{4}$	400	B	Greer, Russell & Lois	IR	2.00	
4	NW $\frac{1}{4}$ NW $\frac{1}{4}$	500	B	Randolph, James & Charlotte	IR	1.00	

Section 6

2	SW $\frac{1}{4}$ NW $\frac{1}{4}$	400		Kemple, Harold & Terry	IR	1.50	10.00
2	SW $\frac{1}{4}$ NW $\frac{1}{4}$	401		Erci, Gary & Victoria	IR		14.60
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	400		Kemple, Harold & Terry	IR	1.20	



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 752, 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 19 1997

Martha O. Pagel
Martha O. Pagel, Director

Recorded in State Record of Water Right Certificates numbered 74147.

HB-3111.BWB

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

Application for Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

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

Optional Identification by Lessor/Lessee: L09.12
Lease Application Number (assigned by WRD): IL-991

This Lease is with:

Lessor #1 (Water Right Holder):

Name Bugas Family Trust
Mailing address 1562 SE Elliott Ave
City, State, Zip Code Portland, OR 97214-4808
Telephone number 503-233-5380
Email address bobbugas@gmail.com

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

Becky Jo Bucari, 1 Lidgerwood Place, Morristown, NJ 07960

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. P74146, 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 1/4 1/4, tax lot number, map orientation and scale.]

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

3.5 **Termination provision.**

- For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
 - Written notice to the Department with original signatures;
 - Consent by all parties to the lease; and/or
 - Written notice to the Watermaster's office.
- For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

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

Lessor #1: *Kenn Rank Bugas* Date: *3/15/09*
Bugas Family Trust, Trustee

For additional Lessors, type in space for signature and date

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Other Attachments As Needed:

- Exhibit 5-A: Tax Lot Map. (See instructions.)
- Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.)
- Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is checked)
- Exhibit 5-D: Split Season Instream Use Form

T	R	Sect	¼ ¼	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	4.0	Irr	74146	5	9/1/1900 ✓
2.										
3.										
4.										
5.										

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

Conditions or other limitations, if any: _____

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

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

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

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on 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.



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

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.

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Section 1.5 continued from Pooled Leasing Water Right Holder Form.

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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, tax lot number, map orientation and scale.]

T	R	Sect	¼ ¼	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

Policy Concerning Weeds & Instream Leases Information on Farm Deferral

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

Signature: Karen Bugas Date: 3/15/09

This form must be returned before lease payment is made.

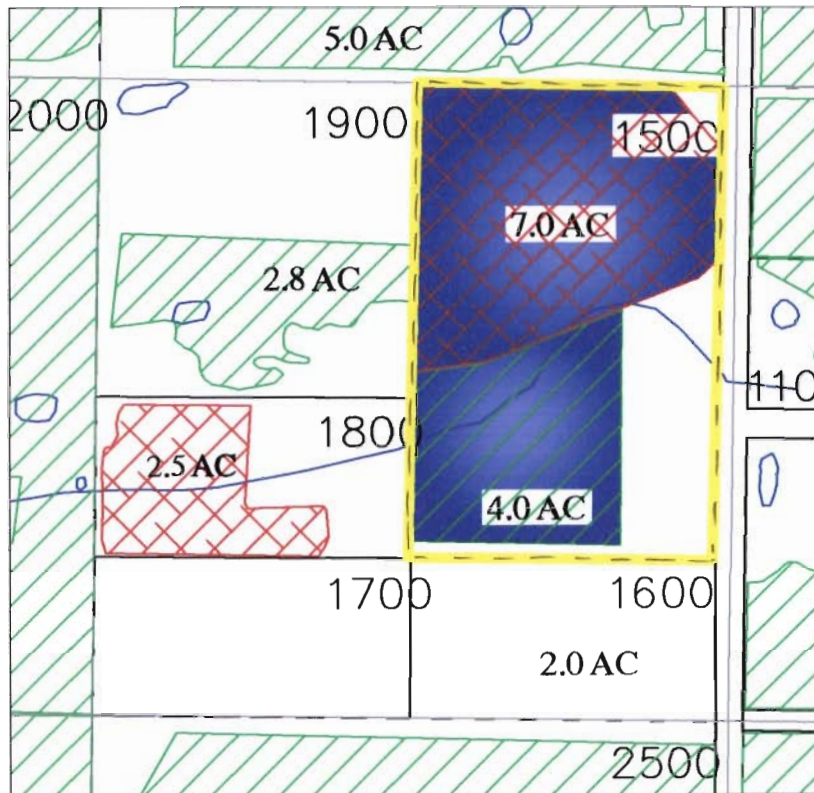
TUMALO IRRIGATION DISTRICT
IN-STREAM LEASED WATER RIGHTS SURVEY

EXHIBIT 5-A & B
L09.12

FOR

Bugas Family Trust

65365 Tweed Rd., Bend OR 97701.



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Certificate #'s 74146, and 74147	Certificate # 76106	In-Stream Lease

INITIAL: KB

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



SCALE: 1" = 400'

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

STATE OF OREGON

COUNTY OF DESCHUTES

CERTIFICATE OF WATER RIGHT

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WATER RESOURCES DEPT
SALEM, OREGON

THIS CERTIFICATE ISSUED TO

TUMALO IRRIGATION DISTRICT
64697 COOK AVE
BEND, OREGON 97701

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:

T	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 <i>Bigas Trust</i>
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

SE 1/4 NE 1/4	500	IR	5.8	Goldy, Daniel
NE 1/4 SW 1/4	600	IR	0.5	Bend Metro Parks
SW 1/4 SW 1/4	1000	IR	6.0	Hickok/Wallace
SE 1/4 SW 1/4	600	IR	31.7	Bend Metro Parks
NE 1/4 SE 1/4	600	IR	6.7	Bend Metro Parks
SW 1/4 SE 1/4	600	IR	18.1	Bend Metro Parks
SE 1/4 SE 1/4	600	POND	2.0	Bend Metro Parks
SE 1/4 SE 1/4	600	IR	4.7	Bend Metro Parks
SE 1/4 SE 1/4	700	IR	1.0	Denall, Thomas & Linda
SE 1/4 SE 1/4	800	IR	1.0	Denall, Thomas & Linda
SE 1/4 SE 1/4	900	IR	0.1	Denall, Thomas & Linda

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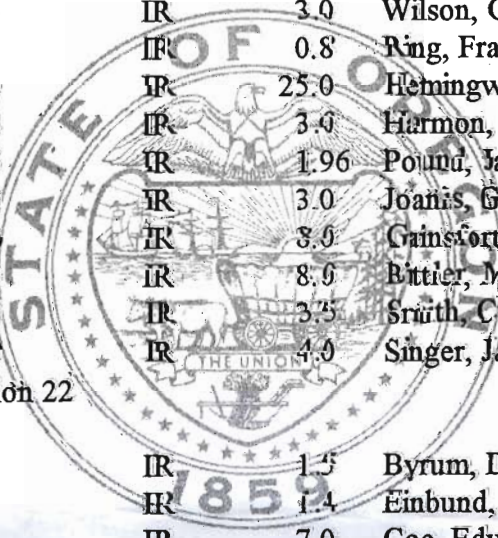
Section 21

nw 1/4 se 1/4	1500	IR	4.0	Woods Trust
NE 1/4 NE 1/4	101	IR	3.0	Green, Leslie & Helen, Trustees
NW 1/4 NE 1/4	200	IR	3.6	Calkins, John & Rose
NW 1/4 NE 1/4	201	IR	4.3	Curl, James & Sheryl
NW 1/4 NE 1/4	202	IR	7.3	Spencer, Kevin & Linda
SW 1/4 NE 1/4	1000	IR	5.0	LaRusso, Thomas
SW 1/4 NE 1/4	900	IR	11.0	Andreson, Wilber & Andrea
NE 1/4 NW 1/4	400	IR	28.6	Hauxwell, Stanley & Jean
NW 1/4 NW 1/4	400	IR	10.2	Hauxwell, Stanley & Jean
NW 1/4 NW 1/4	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
SW 1/4 SW 1/4	2200	IR	8.6	Thompson, Teresa Soriano
SW 1/4 SW 1/4	2200	POND	0.5	Thompson, Teresa Soriano
SW 1/4 SW 1/4	2300	IR	3.0	Chambers, Dwight & Mary Jo
SW 1/4 SW 1/4	2400	IR	3.0	McNeil, James & Rose
SW 1/4 SW 1/4	2401	IR	3.0	White, Roland H.
SE 1/4 SW 1/4	2501	IR	13.2	Sleepy Hollow Trust
SE 1/4 SW 1/4	2502	IR	7.0	Sleepy Hollow Trust
SE 1/4 SW 1/4	2503	IR	6.0	Kennedy, Robert & Charlotte
NE 1/4 SE 1/4	1101	IR	4.5	Meade, Robert & Jerry
NE 1/4 SE 1/4	1200	IR	1.0	Faller, David & Betty
NE 1/4 SE 1/4	1300	IR	2.5	Ebbs, Jon & Mary Ann
NE 1/4 SE 1/4	1400	IR	3.0	Wilson, Gary & Gail
NW 1/4 SE 1/4	1900	IR	0.8	Ring, Frank & Nancy
SW 1/4 SE 1/4	2500	IR	25.0	Hemingway, Collins & Wendy
SW 1/4 SE 1/4	2504	IR	3.0	Harmon, Chester & Jean
SW 1/4 SE 1/4	2505	IR	1.96	Pound, Jack & Linda
SE 1/4 SE 1/4	2600	IR	3.0	Joanis, Gary & Sharon
SE 1/4 SE 1/4	2700	IR	3.0	Gainsforth, Patricia
SE 1/4 SE 1/4	2800	IR	8.0	Bittler, Mickey L.
SE 1/4 SE 1/4	2900	IR	3.5	Sriith, Curtis & Lorraine
SE 1/4 SE 1/4	3000	IR	4.0	Singer, Jack & Randi, Trustees

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Section 22

SW 1/4 NE 1/4	509	IR	1.5	Byrum, David & Terry
SW 1/4 NE 1/4	519	IR	1.4	Einbund, James
NE 1/4 NW 1/4	200	IR	7.0	Coe, Edwin & Donna
NE 1/4 NW 1/4	700	IR	9.7	Muzzy, Robert & Ruby
SE 1/4 NW 1/4	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
SW 1/4 SW 1/4	502	IR	5.9	McCormick, William P.





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

Application for
Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

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

Optional Identification by Lessor/Lessee: L09.17
Lease Application Number (assigned by WRD): IL-991

This Lease is with:

Lessor #1 (Water Right Holder):
Name Bowgun Properties, LLP
Mailing address 40-160-Via Valencia
City, State, Zip Code Rancho Mirage, CA 92270
Telephone number (541) 382-7191
Email address

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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. P76106 S: 74149,76520

1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. [] Yes [X] 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 1/4 1/4, tax lot number, map orientation and scale.]

T	R	Sect	¼ ¼	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.	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.										

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

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Conditions or other limitations, if any: _____

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

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

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

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on 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 Termination provision.

- For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
 - Written notice to the Department with original signatures;
 - Consent by all parties to the lease; and/or
 - Written notice to the Watermaster's office.
- For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

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

Lessor #1: Rockman Dier, Partner Date: 3-9-09
Bowgun Properties LLP

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For additional Lessors, type in space for signature and date

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Other Attachments As Needed:

- Exhibit 5-A: Tax Lot Map. (See instructions.)
- Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.)
- Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is checked)
- Exhibit 5-D: Split Season Instream Use Form

Deschutes River Conservancy 2009 Instream Leasing Program

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Policy Concerning Weeds & Instream Leases Information on Farm Deferral

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

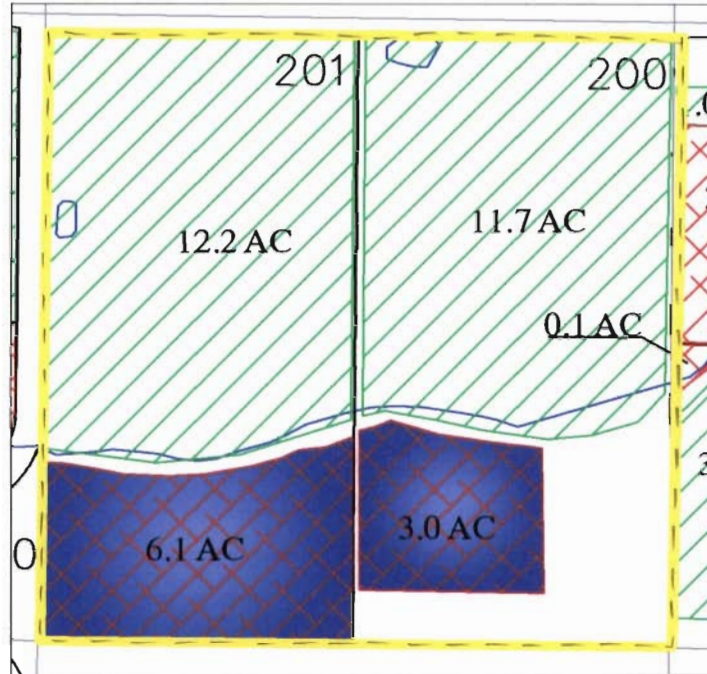
Signature: Rockne Gill Date: 3-09-09

This form must be returned before lease payment is made.

TUMALO IRRIGATION DISTRICT
IN-STREAM LEASED WATER RIGHTS SURVEY

EXHIBIT 5-A & B
L09-017

FOR
Bowgun Properties LP
Reservoir and Mock Rd, Bend Oregon



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Certificate #'s
74146, and 74147


Certificate #
76106


In-Stream Lease

INITIAL: zjs

LOCATED IN THE NE 1/4 OF THE NW1/4
OF SECTION 02, T17 S., R11 E., W.M.
TAX LOTS # 200 & 201
DESCHUTES COUNTY, OREGON



SCALE: 1" = 400'

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

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
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, 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
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	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
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

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