



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

Jan 2007

## Application for Instream Lease Pooled Lease Form

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

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

Optional Identification by Lessor/Lessee: Most acres prev. leased, see landowner forms  
Lease Application Number (assigned by WRD): IL-1004

This Lease is between:

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

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

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

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

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

**Trustee:**

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

### ~I~ Water Right Holder and Water Right Information

1.2 Lessor #2 is the (Check one):

- Official representative of Three Sisters Irrigation District, the irrigation district,  
which conveys water to the subject water rights.  
 Another party with an interest in the subject water rights representing \_\_\_\_\_  
 Not applicable.

1.3 For the water right(s) being leased, list all water rights appurtenant to the same lands.  
Indicate if there are any supplemental or overlying rights.

Certificate No. 74135

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1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program.  Yes  No

1.5 **Water Rights Proposed to be Leased Instream.**

The first right to be leased identified in Section 1.3 is further described as follows:

Certificate No.: 74135

Priority date: 1895, 1904 Type of use: Irrigation

Legal Season of Use: N/A

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

1895 - 150.33 ac

1904 - 49.10 ac

(total 199.43 ac)

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

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

1895 - 3.007 cfs

1904 - 0.982 cfs

(total 3.989 cfs)

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

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

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

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

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

Conditions or other limitations, if any: \_\_\_\_\_

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

**~II~ Instream Water Right Information**

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

Conservation, maintenance and enhancement of aquatic and fish life, wildlife, and fish and wildlife habitat

Pollution abatement

Recreation and scenic attraction

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

Whychus Creek

Tributary to Deschutes River in the Deschutes Basin.

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

Maximum volume in acre-feet:

1895 - 548.64 af

1904 - 179.19

(total - 727.84 af)

Rate in cfs:

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1895 - 3.007 cfs

1904 - 0.982 cfs

(total 3.989 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 July 16, 2009 through October 15, 2009.

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

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

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

**~III~ Other Information**

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

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

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

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

**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

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during the calendar year. However, if the termination request is received less than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:

- Written notice to the Department with original signatures;
  - Consent by all parties to the lease; and/or
  - Written notice to the Watermaster's office.
- For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

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

3.7 **Fees.** Pursuant to ORS 536.050, the following fee is included:  
 \$200 for an application with four or more landowners or four or more water rights.  
 \$100 for all other applications.

Lessor #2: *Three Sisters Irrigation District* Date: 5/28/09  
Three Sisters Irrigation District

Lessee: *Deschutes River Conservancy* Date: 5/28/09  
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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*Pooled Lease Form 14*

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Revised 5/27/09

TSID season 2 - Mitigation

Prev. Leased	Priority	acres*	priority subtotal	cfs	rate*	priority subtotal	conv fact	no. days	duty AF	priority subtotal
Koos 943	1895	21.00		0.02	0.420		1.983471	92	76.64	
Swaner 932, 831	1895	16.93		0.02	0.339		1.983471	92	61.79	
Trone	1895	23.70		0.02	0.474		1.983471	92	86.50	
Chelew 831, 701	1895	17.10		0.02	0.342		1.983471	92	62.41	
* Tisher, DiPaolo, Ludi 943 *	1895	46.00		0.02	0.920		1.983471	92	167.88	
Golfside 943, 831, 787	1895	25.60	150.33	0.02	0.512		1.983471	92	93.43	548.64
Koos 943, 787	1904	2.00		0.02	0.040		1.983471	92	7.30	
* Tisher, Ludi 943 *	1904	5.10		0.02	0.102		1.983471	92	18.61	
Herring 909, 787	1904	42.00	49.10	0.02	0.840		1.983471	92	153.28	179.19
	0			0.02	0.000		1.983471	92	0.00	
<b>totals</b>		<b>199.43</b>	<b>199.43</b>		<b>3.989</b>				<b>727.84</b>	<b>727.84</b>

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

\* Not all of the Tisher, DiPaolo, Ludi acres were previously leased, some acres were used.



State of Oregon  
Water Resources Department  
725 Summer Street NE, Suite A  
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# Application for Instream Lease

## Attachment 5: Pooled Water Right Holder Form

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

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

Optional Identification by Lessor/Lessee: Most Acres Prev. Leased L-943  
Lease Application Number (assigned by WRD): IL-1004

This Lease is with:

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

Name Kenneth Tisher & Tim & Wendy DiPaolo & David & Marlene Ludi  
Mailing address 2044 NW Trenton P O Box 482 2700 SW 49th St  
City, State, Zip Code Bend, OR 97701 Stinson, CA 94970 Redmond, OR 97756  
Telephone number 541-385-1033 415-868-0239 503-539-5732  
Email address \_\_\_\_\_

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

### Lessor # 2:

Three Sisters Irrigation District Irrigation District

P O Box 2230

Sisters, OR 97759 541-549-8815 tsid@uci.net

Note: The section numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Water Right Holder" form(s) are used to provide the same information as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always sequential.

### ~I~ Water Right Holder and Water Right Information

- 1.1 Lessor #1 is the water right holder, or authorized agent for property described in Section 1.5. If the water right appurtenant to these lands is also appurtenant to lands owned by others who are not included in this application, then Attachment 1 (tax lot map), needs to be included.
- 1.3 For the water right(s) being leased, list all water rights appurtenant to the same lands. Indicate if there are any supplemental or overlying rights.
- Certificate No. 74135
- 1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program.  Yes  No
- 1.5 **Water Right(s) Proposed to be Leased Instream.** Water right holder proposes to lease the water rights shown on the map attached as Exhibit 5-B and described as follows:

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Pooled Water Right Holder Form / 1

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F	R	Sect	1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	14	11	13	SW SW	700	20.5	IRR	74135	3	1895
2.	14	11	13	SW SW	700	.5	IRR	74135	3	1904
3.	14	11	14	SE SE	700	2.5	IRR	74135	3	1895
4.	14	11	13	SW SW	800	4.5	IRR	74135	3	1895
5.	14	11	14	SESE	800	3.0	IRR	74135	3	1895
	14	11	23	nene	400	2.5	IRR	74135	3	1895
	14	11	24	nwnw	400	4.5	IRR	74135	3	1895
	14	11	14	sese	800	3.1	IRR	74135	3	1904
	14	11	23	nene	400	.4	IRR	74135	3	1904
	14	11	23	nene	100	8.0	IRR	74135	3	1895
	14	11	23	nene	100	1.1	IRR	74135	3	1904
	14	11	13	SWSW	701	0.5	IRR	74135	3	1895

Total number of acres, if for irrigation, by certificate and priority date: 46 ac IRR 1895  
5.10 ac IRR 1904

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.

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- 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(Z) 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: Kenneth Fisher Date: 4/28/09  
Kenneth Fisher

Lessor #1: David & Mariene Ludi Date: 4/28/09  
David & Mariene Ludi

Lessor #1: Tim & Wendy DiPaolo Date: 4/28/09  
Tim & Wendy DiPaolo

For additional Lessors, type in space for signature and date

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

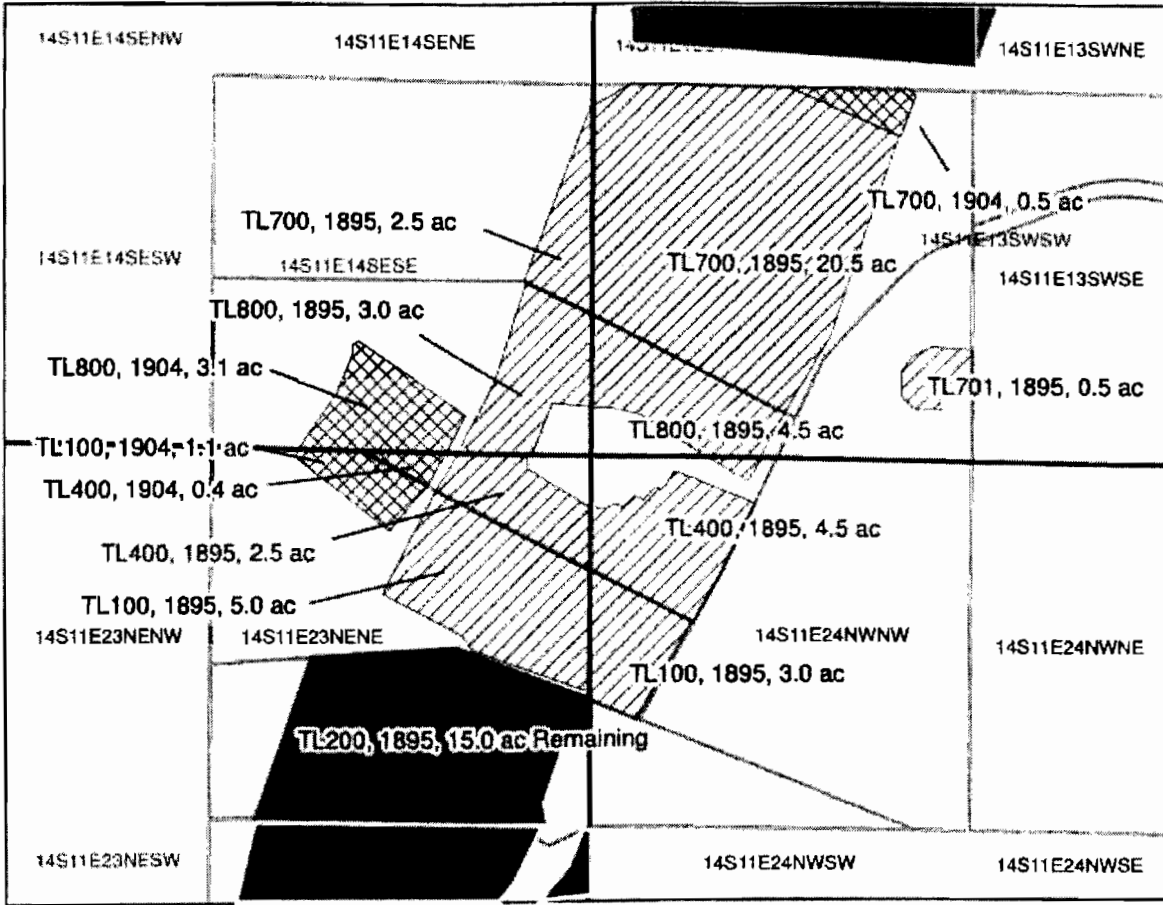
Other Attachments As Needed:  
Exhibit S-A: Tax Lot Map. (See instructions.)

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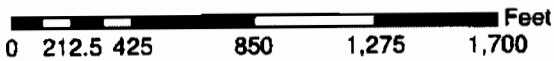
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SALEM, OREGON





**Legend**

- Sections
- QtrQtr
- Taxlots
- 1895 Instream
- 1904 Instream
- 1895 Remaining



**Three Sisters Irrigation District**

- Kenneth Tisher  
 Tim & Wendy DiPaolo  
 David & Mariene Ludi
- 46 acres instream 1895  
 5.1 acres instream 1904
- T14S R11E S13 SWSW  
 TL700, 1895, 20.5 ac ✓  
 TL700, 1904, 0.5 ac ✓  
 TL701, 1895, 0.5 ac ✓  
 TL800, 1895, 4.5 ac ✓  
 T14S R11E S14 SESE  
 TL700, 1895, 2.5 ac ✓  
 TL800, 1895, 3.0 ac  
 TL800, 1904, 3.1 ac
- T14S R11E S23 NENE  
 TL100, 1895, 5.0 ac  
 TL100, 1904, 1.1 ac  
 TL400, 1895, 2.5 ac  
 TL400, 1904, 0.4 ac  
 TL200, 1895, 15.0 ac remaining
- T14S R11E S24 NWNW  
 TL400, 1895, 4.5 ac  
 TL100, 1895, 3.0 ac
- Deschutes County

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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](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

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

Optional Identification by Lessor/Lessee: Previously leased L-821, L-701  
Lease Application Number (assigned by WRD): IL-1004

This Lease is with:

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

Name Don Chelew  
Mailing address 68020 Cloverdale Rd  
City, State, Zip Code Sisters, OR 97759  
Telephone number (541) 923-4554  
Email address \_\_\_\_\_

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

#### Lessor # 2:

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

Note: The section numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Water Right Holder" form(s) are used to provide the same information as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always sequential.

### ~I~ Water Right Holder and Water Right Information

- 1.1 Lessor #1 is the water right holder, or authorized agent for property described in Section 1.5. If the water right appurtenant to these lands is also appurtenant to lands owned by others who are not included in this application, then Attachment 1 (tax lot map), needs to be included.
- 1.3 For the water right(s) being leased, list all water rights appurtenant to the same lands. Indicate if there are any supplemental or overlying rights.
- Certificate No. 74135
- 1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program.  Yes  No
- 1.5 **Water Right(s) Proposed to be Leased Instream.** Water right holder proposes to lease the water rights shown on the map attached as Exhibit 5-B and described as follows:

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Pooled Water Right Holder Form / 1

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T	R	Sec	1/4	Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	15	11	18	SW SW	2100	14.35	IRR	74135	12	1895
2.	15	11	18	SE SW	2100	2.75	IRR	74135	12	1895
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 17.1. ac IRR 1895

Conditions or other limitations, if any: \_\_\_\_\_

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

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

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

**~II~ Instream Water Right Information**

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

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

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

**3.5 Termination provision.**

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

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

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

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

Lessor #1: Don Chelew Date: 4/28/09  
Don Chelew

For additional Lessors, type in space for signature and date

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

Other Attachments As Needed:

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

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

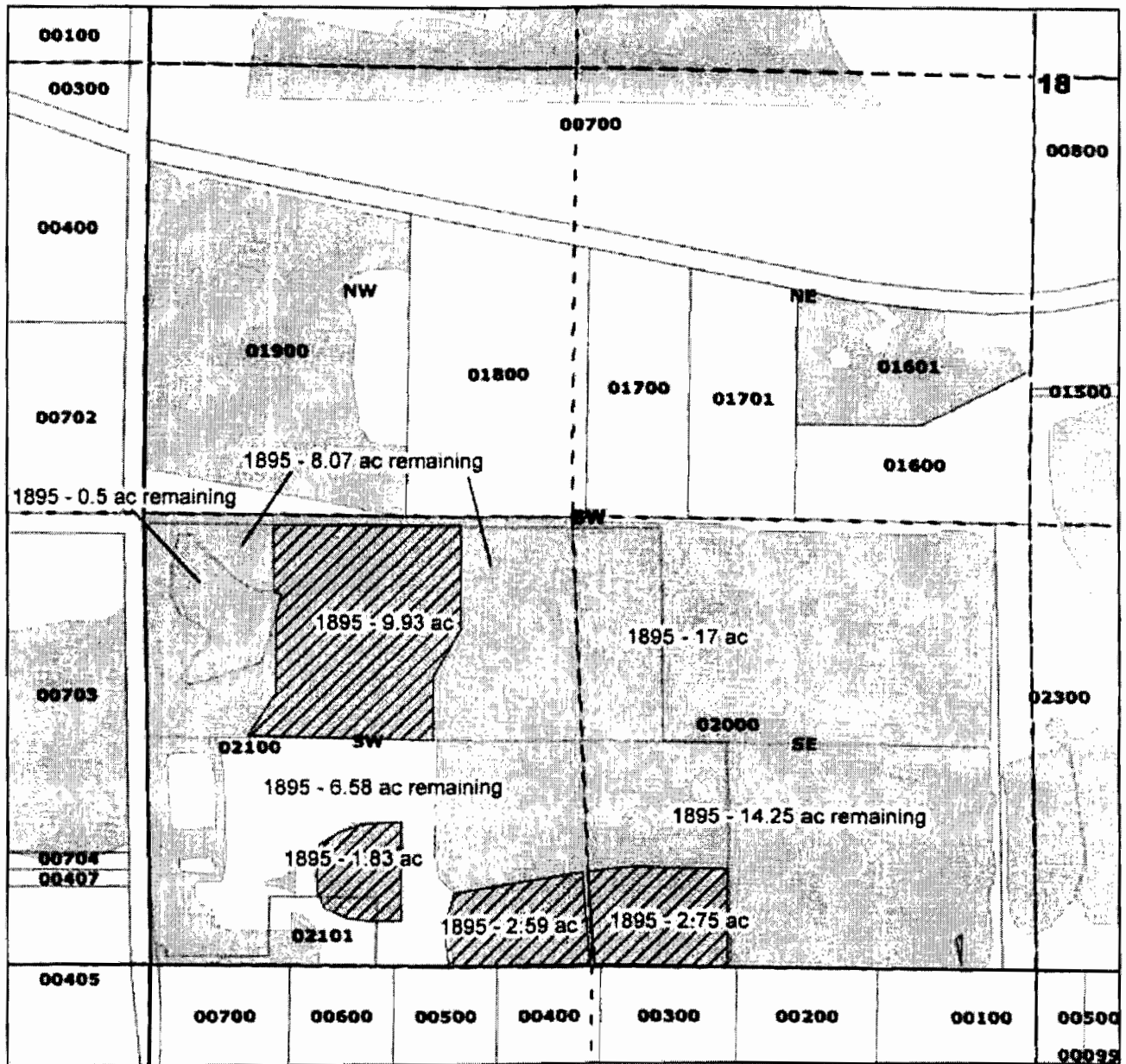
Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is checked)

Exhibit 5-D: Split Season Instream Use Form

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**Three Sisters Irrigation District**

Don Chelew  
 17.1 acres instream - 1895  
 Certificate 74135  
 T15S R11E Sect 18  
 Tax Lot 2100

SWSW 14.35 Acres Instream, 15.15 Acres Remaining  
 SESW 2.75 Acres Instream, 31.25 Acres Remaining  
 Deschutes County

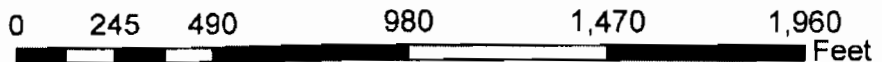
**Legend**

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



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

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# Application for Instream Lease

## Attachment 5: Pooled Water Right Holder Form

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

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

Optional Identification by Lessor/Lessee: Borders chelew  
Lease Application Number (assigned by WRD): TL-1004

This Lease is with:

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

Name Susan Trone  
Mailing address 16327 South Hartan Rd  
City, State, Zip Code Oregon City, OR 97405  
Telephone number 503-631-7110  
Email address Susanc56@gmail.com

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

**Lessor # 2:**

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

Note: The section numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Water Right Holder" form(s) are used to provide the same information as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always sequential.

### ~I~ Water Right Holder and Water Right Information

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

1.3 For the water right(s) being leased, list all water rights appurtenant to the same lands. Indicate if there are any supplemental or overlying rights.

Certificate No. 74135

1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program.  Yes  No

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

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Pooled Water Right Holder Form 1

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WATER RESOURCES DEPT  
SALEM, OREGON

	I	R	Sec	1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	15	11	18	SE SW	2000	23.7	IRR	74135	12	1895
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 23.7 ac IRR 1895

Conditions or other limitations, if any: \_\_\_\_\_

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

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

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

**~II~ Instream Water Right Information**

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

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

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

3.5 **Termination provision.**

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

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

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

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

Lessor #1:  
Susan Trone

*Susan Trone*

Date:

4/29/09

For additional Lessors, type in space for signature and date

Lessor #2:

Three Sisters Irrigation District

Date:

Other Attachments As Needed:

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

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

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

Exhibit 5-D: Split Season Instream Use Form

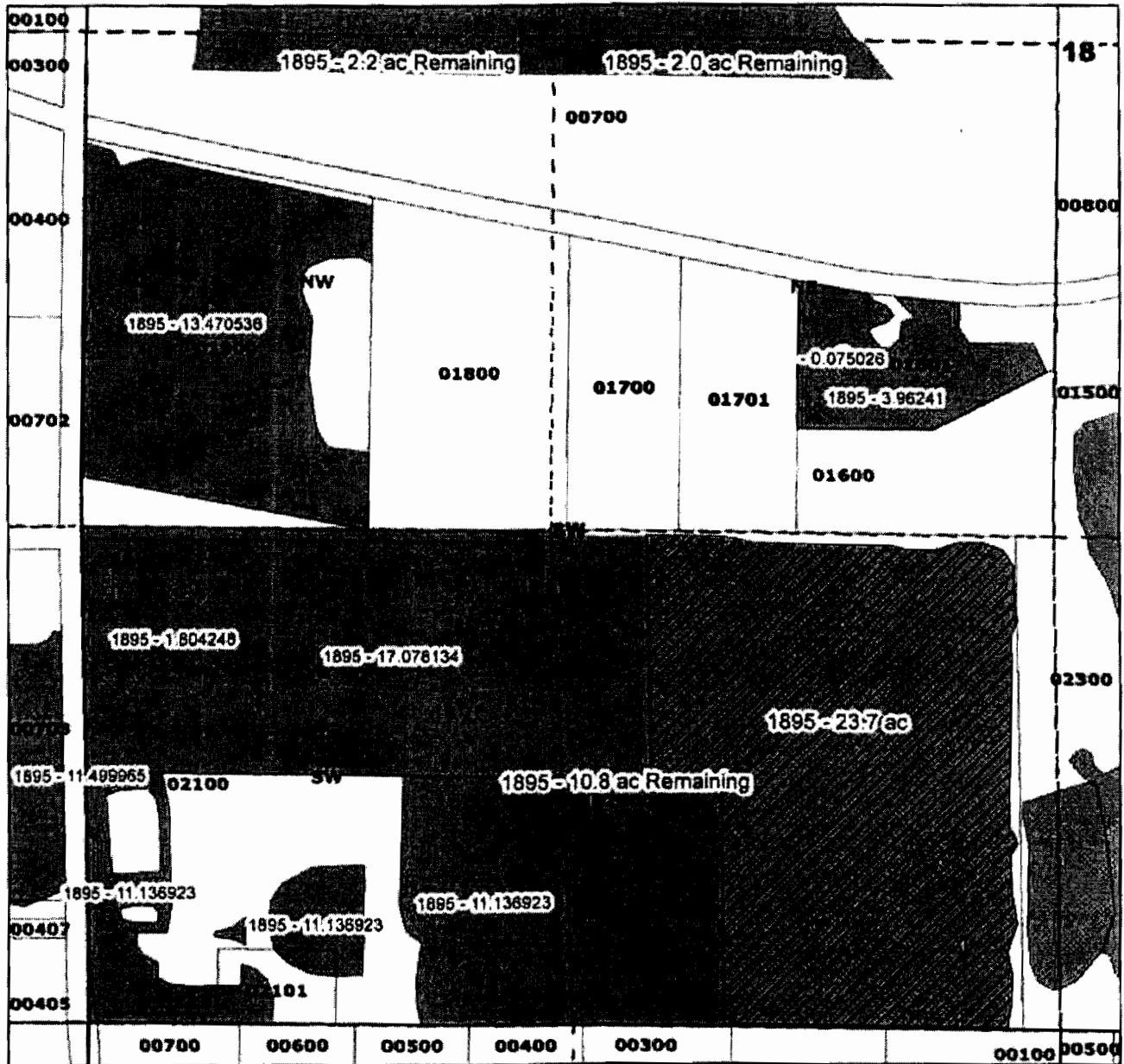
**RECEIVED**

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
Pooled Water Rights Holder Form /

FSD





**Legend**

-  1904 Water Rights
-  1895 Water Rights
-  1895 Instream
-  Township Range
-  Quarter Quarters
-  Taxlots

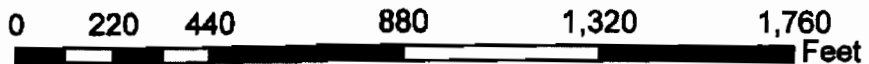
**Three Sisters Irrigation District**

Susan Trone  
 23.7 acres instream - 1895  
 Certificate 74135  
 T15S R11E Sect 18  
 Tax Lot 2000  
 SWSW 23.7 Acres Instream  
 Deschutes County



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MAY 28 2009





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

# Application for Instream Lease

## Attachment 5: Pooled Water Right Holder Form

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

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

Optional Identification by Lessor/Lessee: Previously Leased L-943  
Lease Application Number (assigned by WRD): IL-1004

This Lease is with:

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

Name Mark Koos  
Mailing address P O Box 796  
City, State, Zip Code Scio, OR 97374-0796  
Telephone number 541-740-7180  
Email address \_\_\_\_\_

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

#### Lessor # 2:

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

Note: The section numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Water Right Holder" form(s) are used to provide the same information as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always sequential.

### ~I~ Water Right Holder and Water Right Information

- 1.1 Lessor #1 is the water right holder, or authorized agent for property described in Section 1.5. If the water right appurtenant to these lands is also appurtenant to lands owned by others who are not included in this application, then Attachment 1 (tax lot map), needs to be included.
- 1.3 For the water right(s) being leased, list all water rights appurtenant to the same lands. Indicate if there are any supplemental or overlying rights.
- Certificate No. 74135
- 1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program.  Yes  No
- 1.5 **Water Right(s) Proposed to be Leased Instream.** Water right holder proposes to lease the water rights shown on the map attached as Exhibit 5-B and described as follows:

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	T	R	SECT	1/4	TAX LOT	ACRES	Type of Use	Certificate #	Page(s) #	Priority #
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	15	10	24	SE SE	505	21	IRR	74135	8	1895
2.	15	10	24	NE SE	505	2	IRR	74135	8	1895
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 23ac IRR 1895

Conditions or other limitations, if any: \_\_\_\_\_

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

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

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

**~II~ Instream Water Right Information**

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

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

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

3.5 **Termination provision.**

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

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

Lessor #1: Mark Kees Date: 4/30/09  
**Mark Kees**

For additional Lessors, type in space for signature and date

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

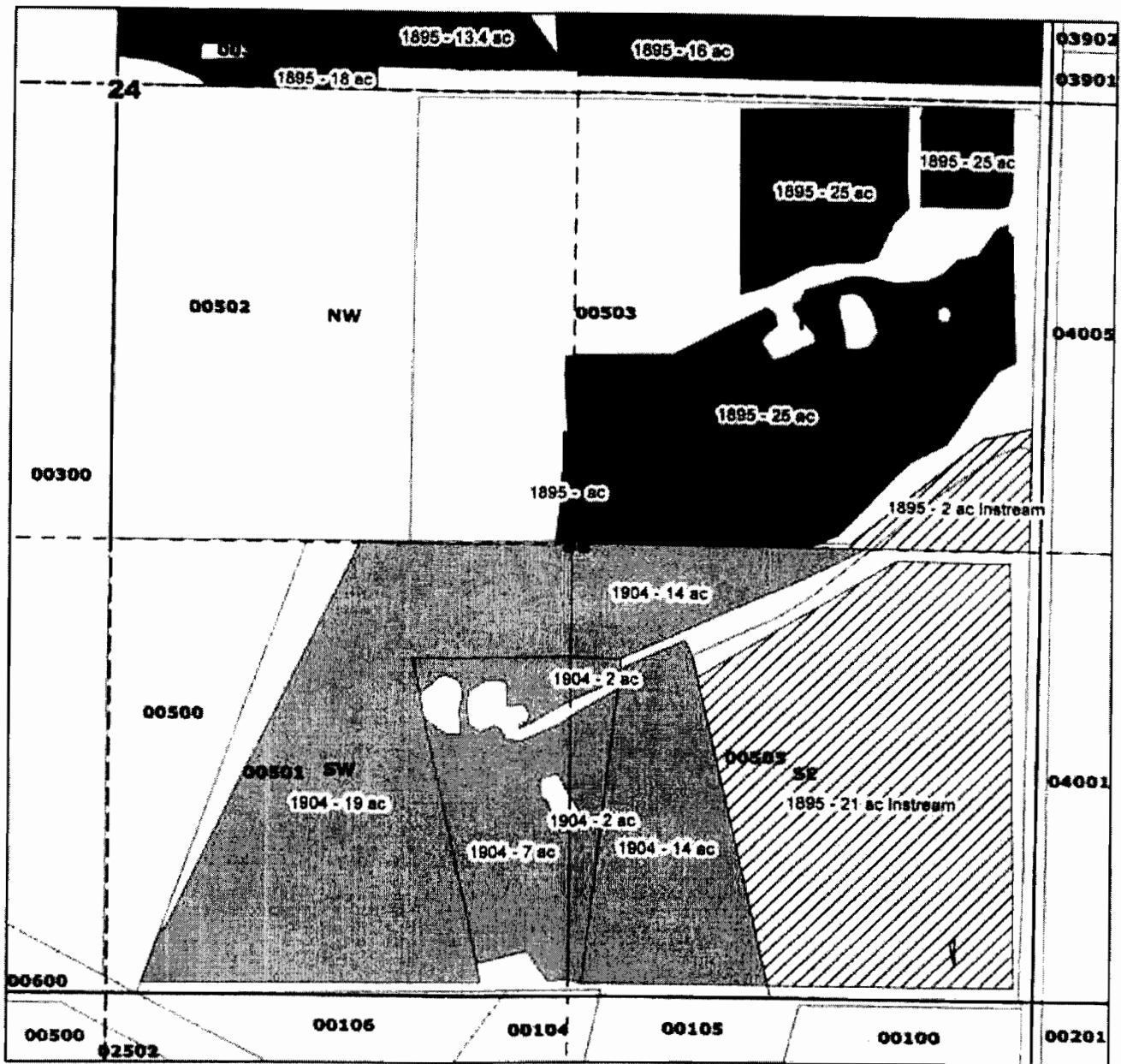
**Other Attachments As Needed:**

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







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WATER RESOURCES DEPT  
SALEM, OREGON



**Legend**

-  1904 Water Rights
-  1895 Water Rights
-  1895 Instream
-  Township Range
-  Quarter Quarters
-  Taxlots

**Three Sisters Irrigation District**

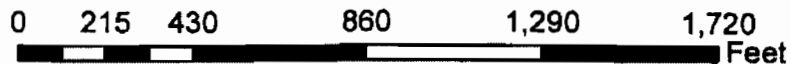
Mark Koos  
 23 acres instream - 1895  
 Certificate 74135  
 T15S R10E Sect 24  
 Tax Lot 505  
 NESE 2.0 Acres Instream  
 SESE 21.0 Acres Instream  
 Deschutes County



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WATER RESOURCES DEPT  
 WASH. 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](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

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

Optional Identification by Lessor/Lessee: Previously Leased (Ange) L943, 831, 787  
Lease Application Number (assigned by WRD): IL-1004

This Lease is with:

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

Name Golfside Investments

Mailing address P.O. Box 871345

City, State, Zip Code Vancouver, WA 98687

Telephone number 360-247-569

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

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

Lessor # 2:

Three Sisters Irrigation District Irrigation District

P O Box 2230

Sisters, OR 97759

541-549-8815

tsid@uci.net

Note: The section numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Water Right Holder" form(s) are used to provide the same information as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always sequential.

### ~I~ Water Right Holder and Water Right Information

- 1.1 Lessor #1 is the water right holder, or authorized agent for property described in Section 1.5. If the water right appurtenant to these lands is also appurtenant to lands owned by others who are not included in this application, then Attachment 1 (tax lot map), needs to be included.
- 1.3 For the water right(s) being leased, list all water rights appurtenant to the same lands. Indicate if there are any supplemental or overlying rights.

Certificate No. 74135

- 1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program.  Yes  No

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

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Pooled Water Right Holder Form / 1

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WATER RESOURCES DEPT

T	R	Seet	1/4	Tax Lot	Acres	Type of Use	Certificate #	Pages #	Priority	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	14	11	30	NE SW	4701	25.6	IRR	74135	4	1899
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 25.6 ac IRR 1899

Conditions or other limitations, if any: \_\_\_\_\_

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

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

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

**~II~ Instream Water Right Information**

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

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

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

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Lessor #1: *Martin Massey Jr*  
Golfside Investments, LLC

Date: 4/29/09

For additional Lessors, type in space for signature and date

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

Date: \_\_\_\_\_

Other Attachments As Needed:

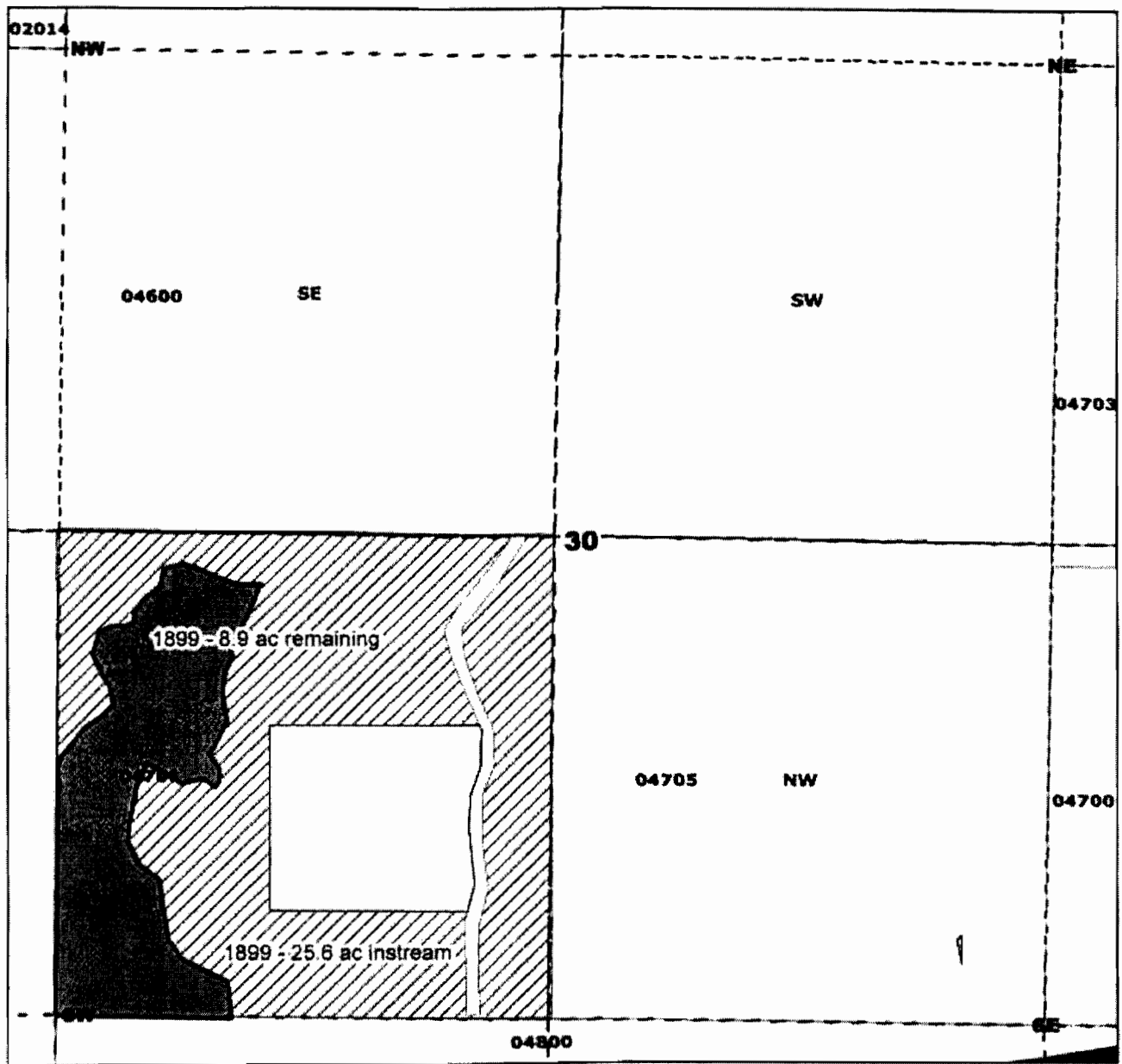
- Exhibit 5-A: Tax Lot Map. (See instructions.)
- Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.)
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-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

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





MAY 28 2009

WATER RESOURCES DEPT  
SALEM, OREGON





**Legend**

-  Remaining Water Rights - 1895
- Instream Water Rights**
- Descrip**
-  Building Site
-  Road
-  Instream - 1895
-  Township Range
-  Quarter Quarters
-  Taxlots

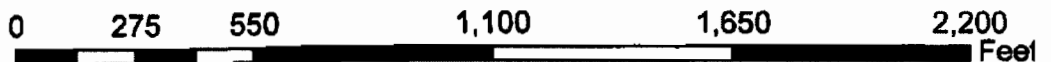
**Three Sisters Irrigation District**

Golfside Investments, LLC  
 25.6 acres instream - 1899  
 Certificate 74135  
 T14S R11E Sect 30  
 Tax Lot 4701  
 NESW 25.6 acres instream  
 8.9 acres remaining  
 Deschutes County

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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](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

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

Optional Identification by Lessor/Lessee: Previously leased L-932, 9 under Angel L-831  
 Lease Application Number (assigned by WRD): IL-1004

This Lease is with:

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

Name Karan Swaner

Mailing address 2420 Niamey Place

City, State, Zip Code Dulles, VA 20189-2420

Telephone number 541-548-5634

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

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

Lessor # 2:

Three Sisters Irrigation District Irrigation District

P O Box 2230

Sisters, OR 97759

541-549-8815

tsid@uci.net

Note: The section numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Water Right Holder" form(s) are used to provide the same information as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always sequential.

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1.3 For the water right(s) being leased, list all water rights appurtenant to the same lands. Indicate if there are any supplemental or overlying rights.

Certificate No. 74135

1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program.  Yes  No

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

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Pooled Water Right Holder Form / 1

FSD

	F	R	Sect	1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority *
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	15	11	04	SE SW	402	16.60	IRR	74135	9	1895
2.	15	11	04	NE SW	402	0.33	IRR	74135	9	1895
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 16.93ac IRR 1895

Conditions or other limitations, if any: \_\_\_\_\_

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

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

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

**~II~ Instream Water Right Information**

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

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

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

**3.5 Termination provision.**

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

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

Lessor #1: Karan Swaner Date: 5/16/2009  
Karan Swaner

For additional Lessors, type in space for signature and date

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

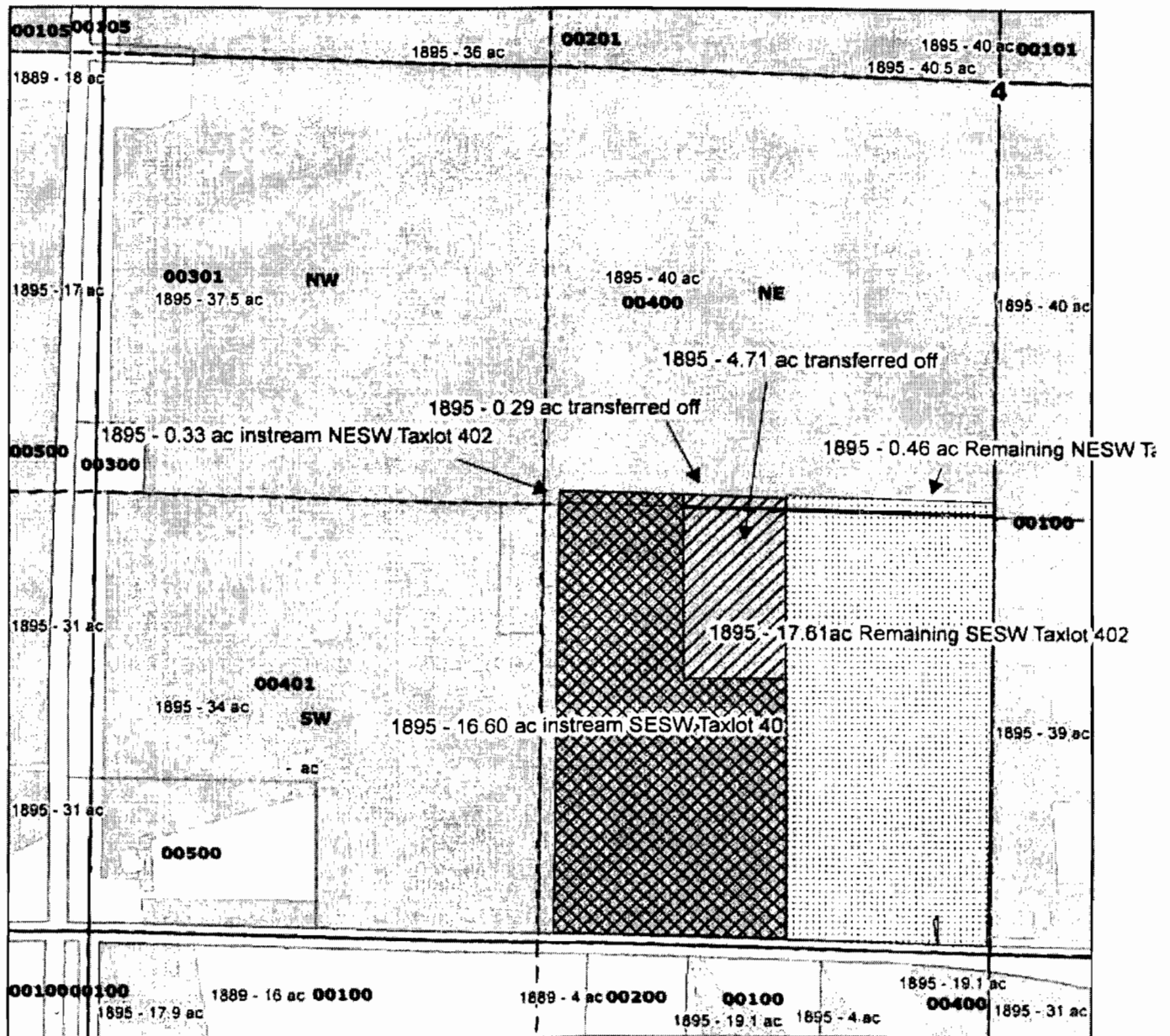
Other Attachments As Needed:

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

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### Three Sisters Irrigation District

#### Legend

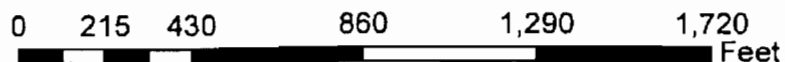
- New Shapefile
- Township Range
- Quarter Quarters
- Taxlots
- 1895
- 1895 Transferred Off
- 1895 Instream

Karan Swaner  
 16.93 acres instream - 1895  
 Certificate 74135  
 T15S R11E Sect 04  
 Tax Lot 402  
 NESW 0.33 Acres Instream  
 SESW 16.60 Acres Instream  
 NESW 0.29 Acres Transferred Off  
 SESW 4.71 Acres Transferred Off  
 NESW 0.46 Acres Remaining  
 SESW 17.61 Acres Remaining  
 Deschutes County



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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](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

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

Optional Identification by Lessor/Lessee: Previously leased L-909, 787  
Lease Application Number (assigned by WRD): IL-1004

This Lease is with:

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

Name Janet Herring  
Mailing address 67717 Cloverdale Road  
City, State, Zip Code Sisters, OR 97759  
Telephone number 541-548-1030  
Email address \_\_\_\_\_

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

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

Note: The section numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Water Right Holder" form(s) are used to provide the same information as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always sequential.

### ~I~ Water Right Holder and Water Right Information

- 1.1 Lessor #1 is the water right holder, or authorized agent for property described in Section 1.5. If the water right appurtenant to these lands is also appurtenant to lands owned by others who are not included in this application, then Attachment 1 (tax lot map), needs to be included.
- 1.3 For the water right(s) being leased, list all water rights appurtenant to the same lands. Indicate if there are any supplemental or overlying rights.  
  
Certificate No. 74135
- 1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program.  Yes  No
- 1.5 **Water Right(s) Proposed to be Leased Instream.** Water right holder proposes to lease the water rights shown on the map attached as Exhibit 5-B and described as follows:

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I	R	Sect	1/2	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	15	10	24	SW SE	501	26	IRR	74135	8	1904
2.	15	10	24	SE SE	501	14	IRR	74135	8	1904
3.	15	10	24	SE SE	501	2	IRR	74135	8	1904
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 42.0 ac IRR 1904

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

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

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Lessor #1: Janet Herring *(Signature)* Date: 4-28-09

For additional Lessors, type in space for signature and date

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

Other Attachments As Needed:

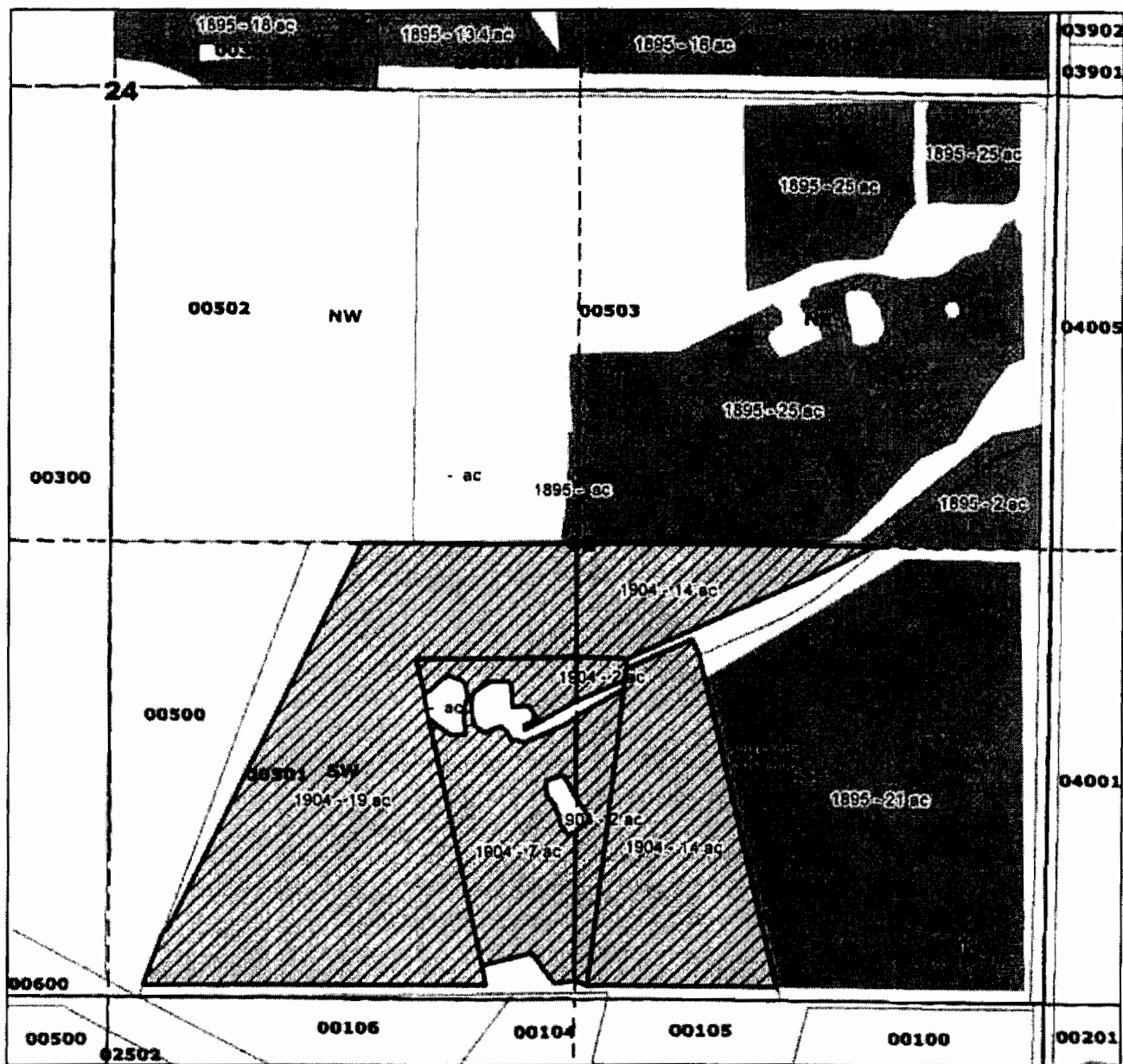
- Exhibit 5-A: Tax Lot Map. (See instructions.)
- Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.)
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-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

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**Legend**

-  Instream
-  Township Range
-  Quarter Quarters
-  Taxlots

**Primary**

**Priority\_Date**

-  1895
-  1904

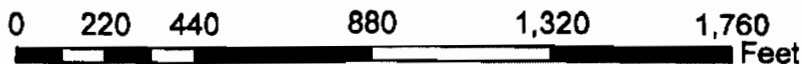
**Three Sisters Irrigation District**

Janet Herring  
 42 acres instream - 1904  
 Certificate 74135  
 T15S R10E Sect 24  
 Tax Lot 501  
 SWSE 26 Acres Instream  
 SESE 16 Acres Instream  
 Deschutes County



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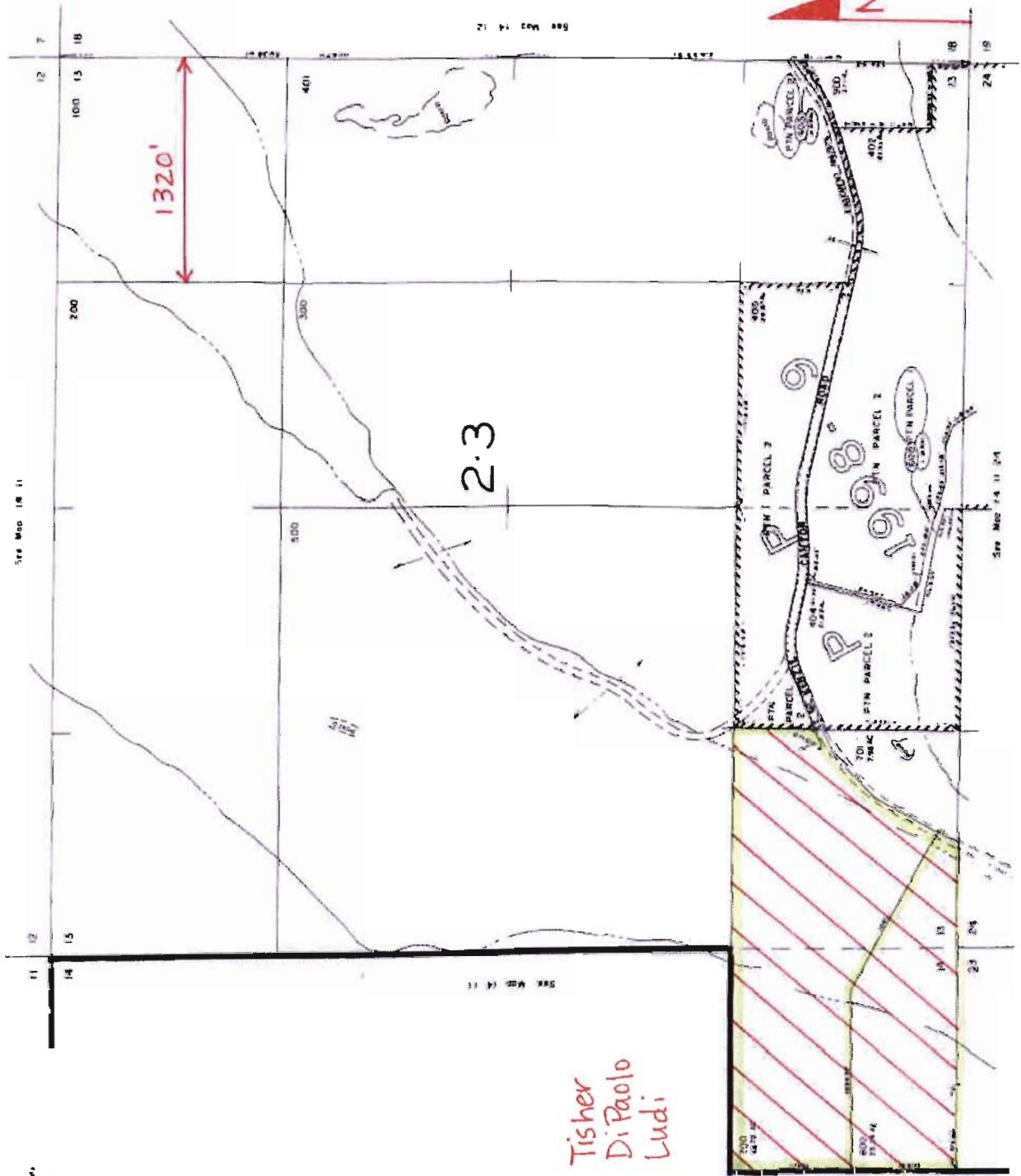
14 11 13

SECTION 13 T14S R11E.W.M.  
DESCHUTES COUNTY

Copyright number 2008, 500M, 700M, 800M

1"=400'

Revised Copy  
1-24-08  
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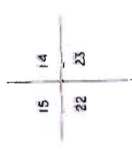
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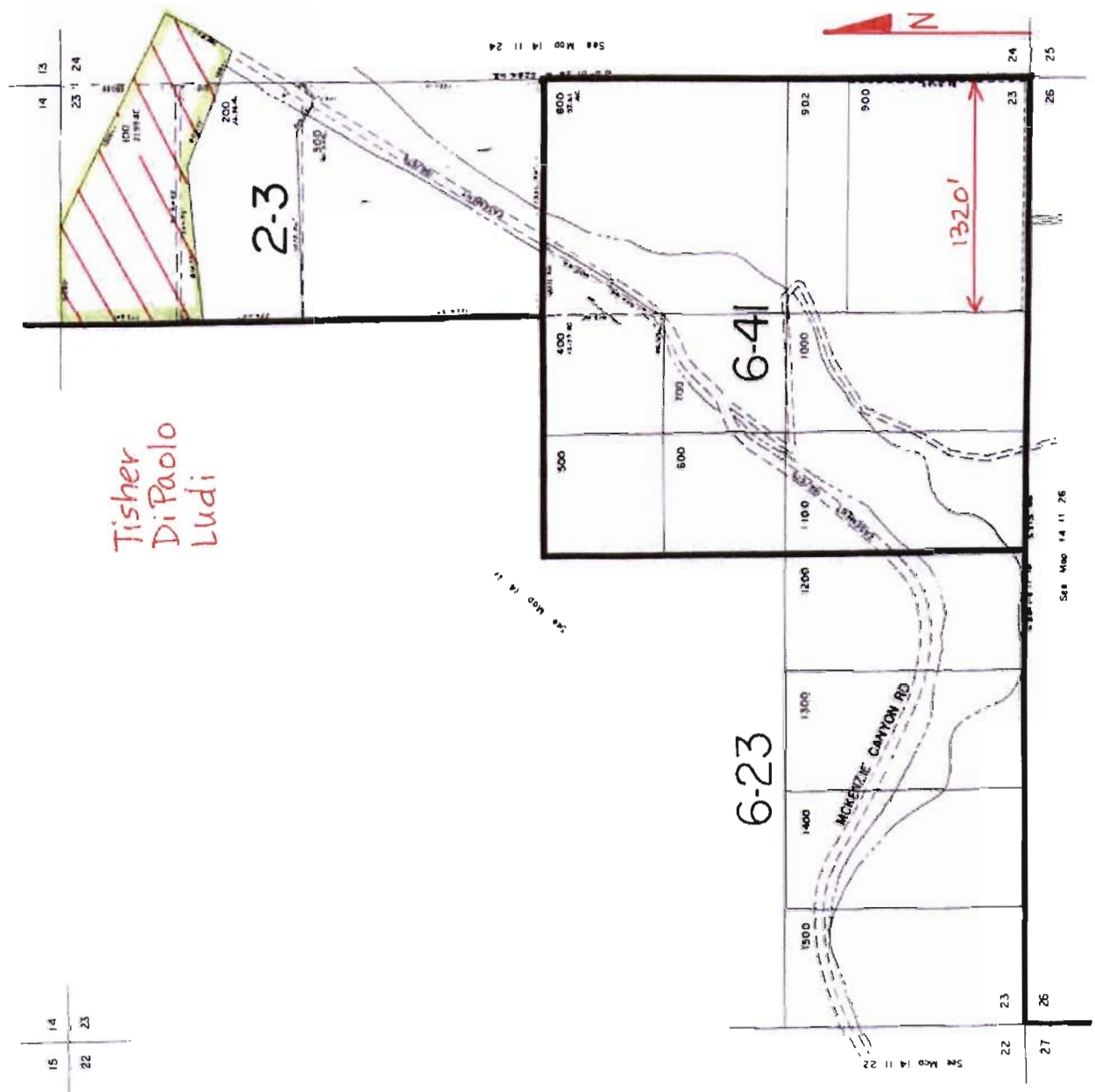
depth numbers 100, 400, 200, 300, 400, 500

SECTION 23 T14S, R11E, W1M,  
DESCHUTES COUNTY

1"=400'



Revised Date  
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 10-24-05  
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 1-20-06



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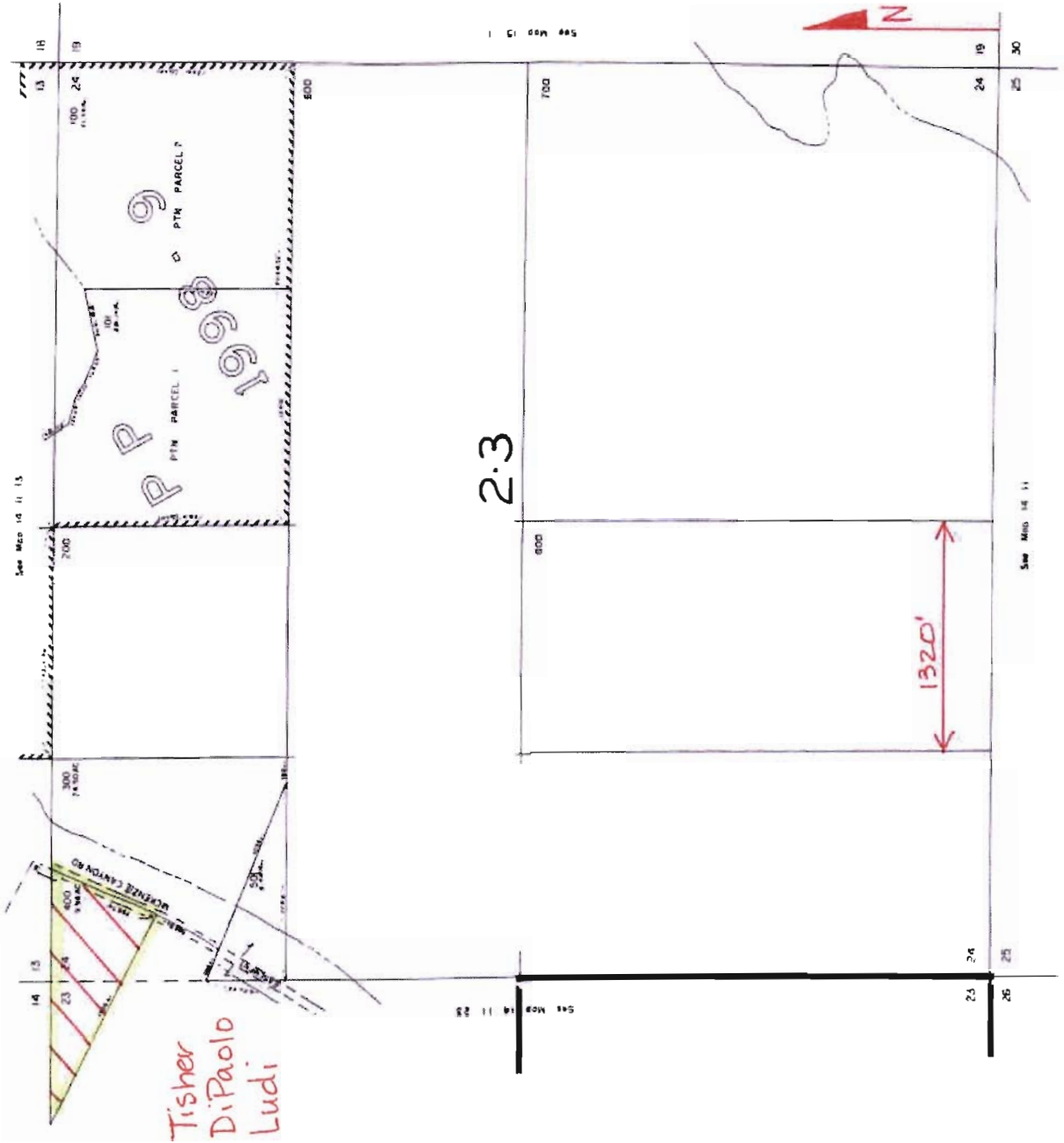
WATER RESOURCES DEPT  
 SALEM, OREGON

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SECTION 24 T.14S. R.11E.W.M.  
DESCHUTES COUNTY

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1"=400'



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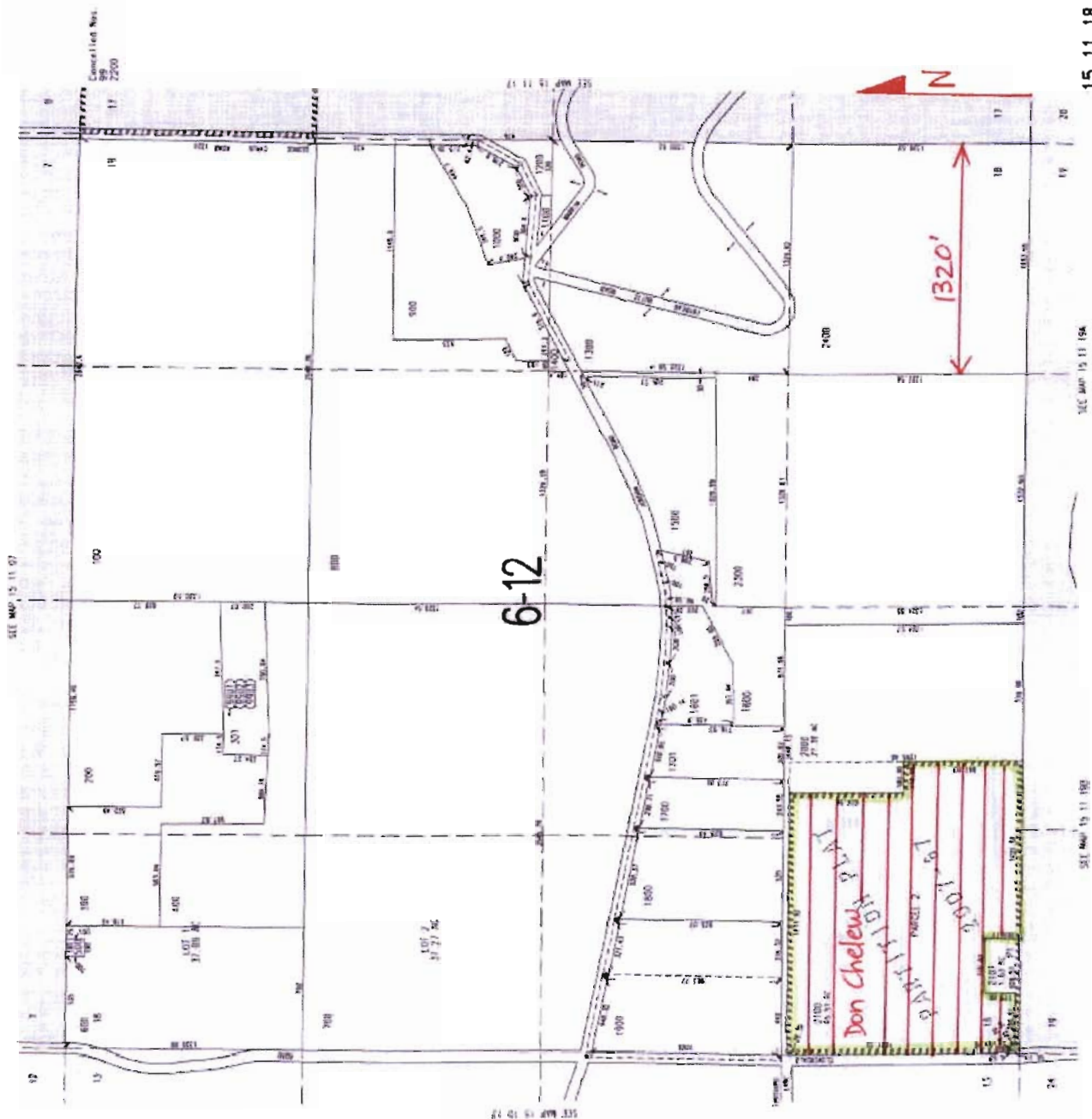
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WATER RESOURCES DEPT  
SALEM, OREGON

15 11 18

SECTION 18 T. 15S. R. 11E. W.M.  
DESCHUTES COUNTY

1" = 400'



15 11 18

THIS MAP WAS PREPARED FOR  
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REVISED: 10/06/2008

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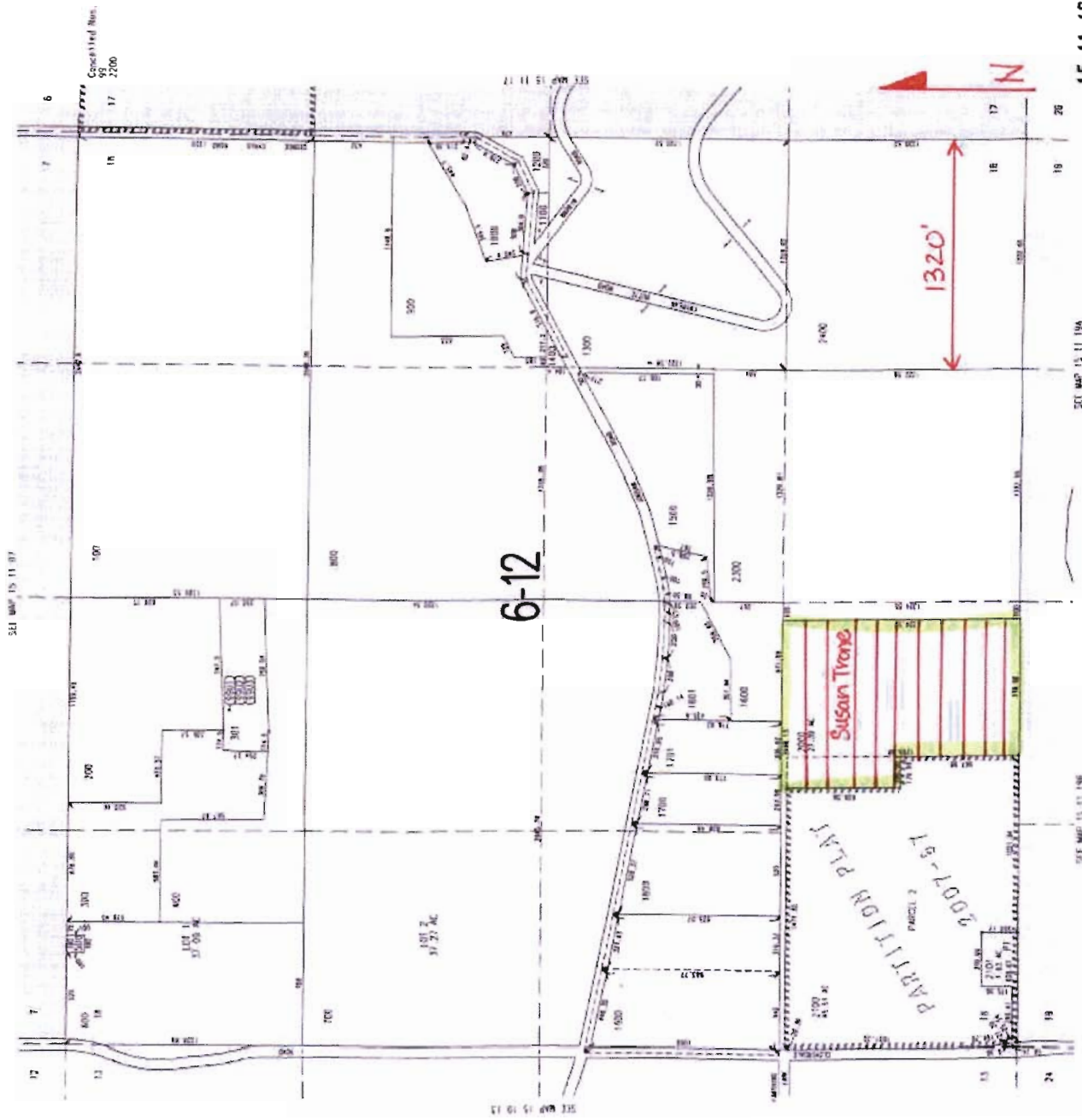
MAY 28 2009

WATER RESOURCES DEPT  
SALEM, OREGON

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SECTION 18 T. 15S. R. 11E. W.M.  
DESCHUTES COUNTY

1" = 400'



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ASSESSMENT PURPOSES ONLY.  
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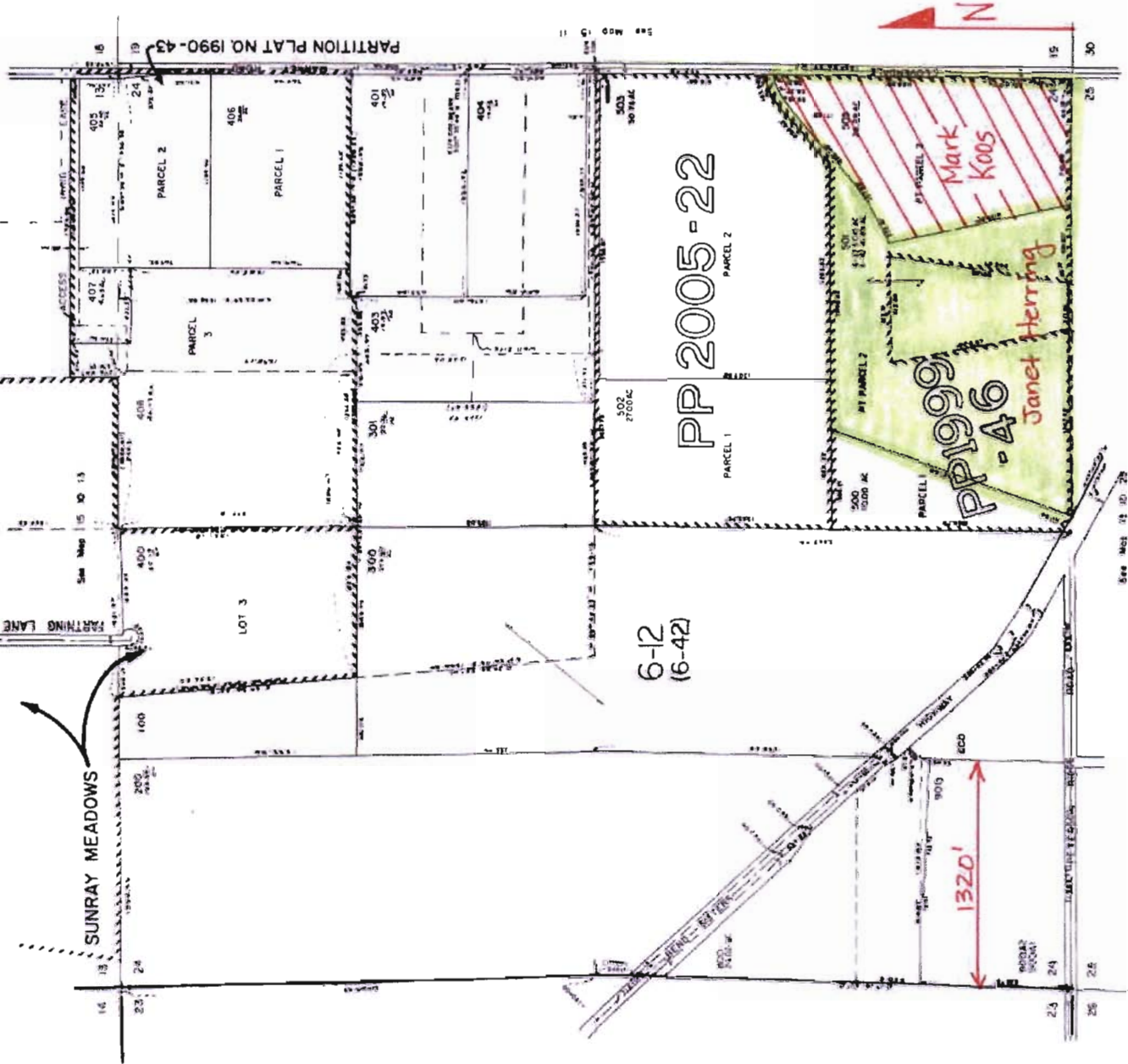
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SECTION 24 T15S. R10E.W.M.  
DESCHUTES COUNTY

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information purposes only.

- 3-12-1989
- 2-28-2000
- 4-17-2000
- 5-14-2000
- 5-11-2008
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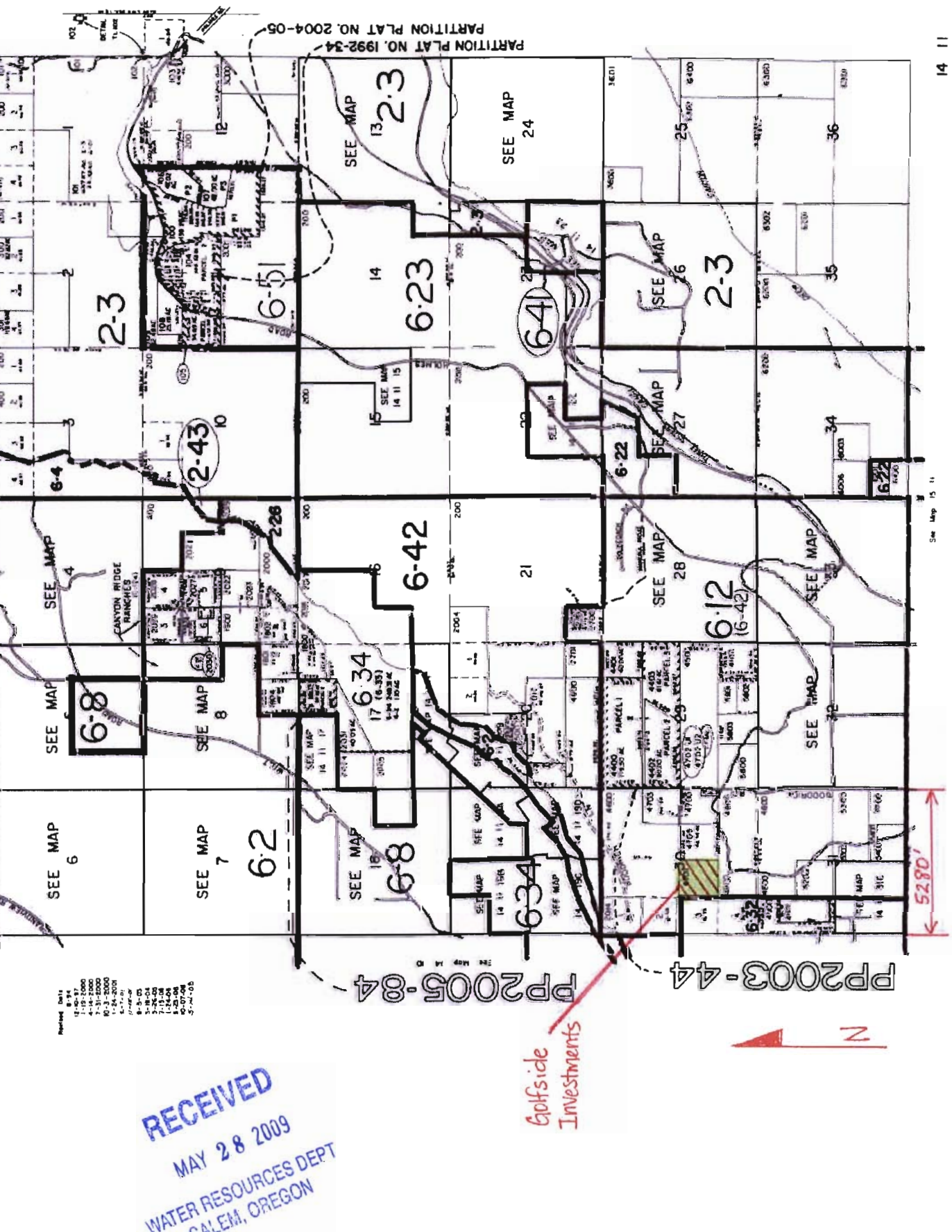
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TIAS RIEWIM  
DESCHUTES COUNTY

SEE MAP 6  
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Golfside  
Investments



5280'

See Map 15 11

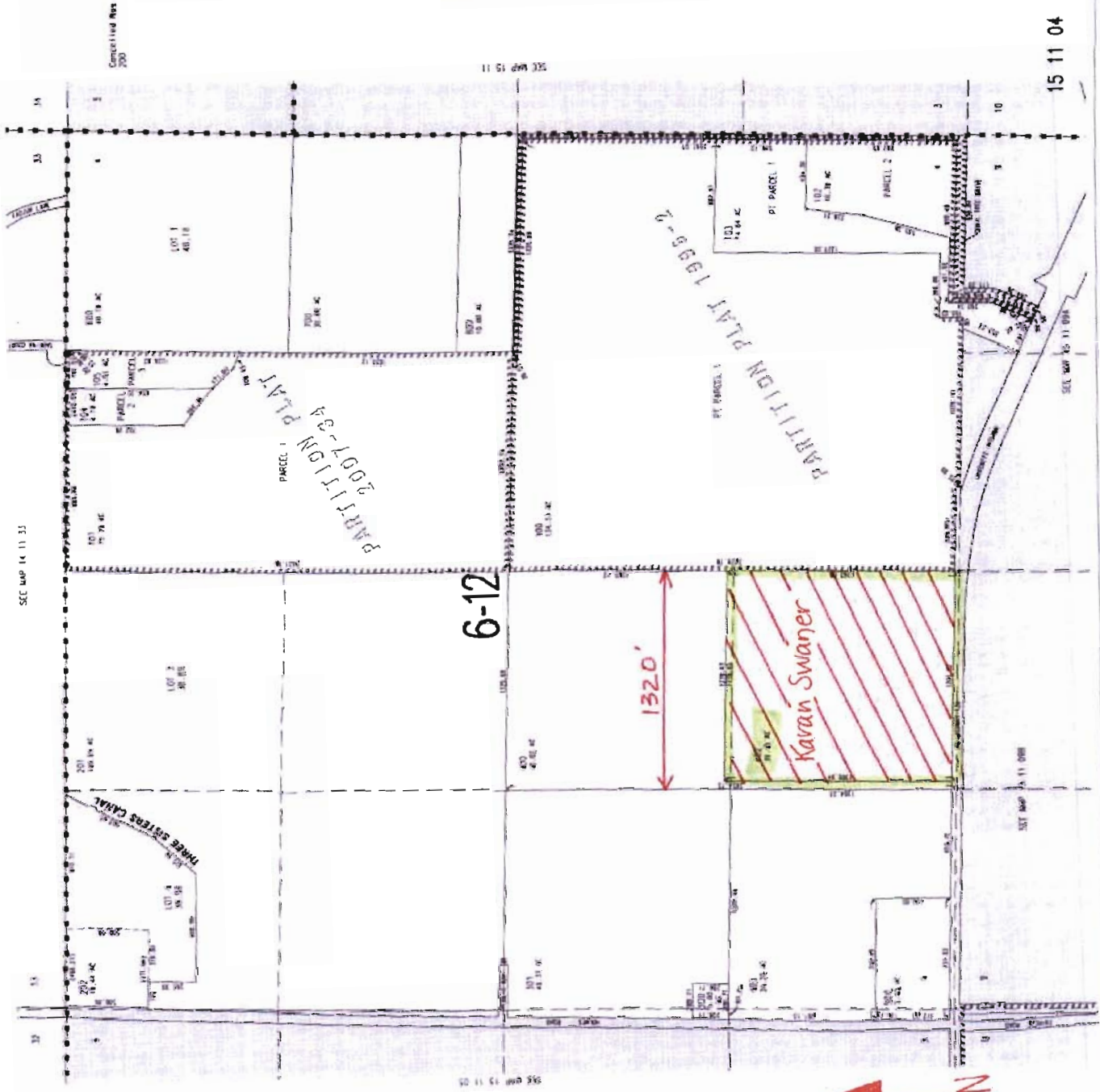
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15 11 04

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

1" = 400'



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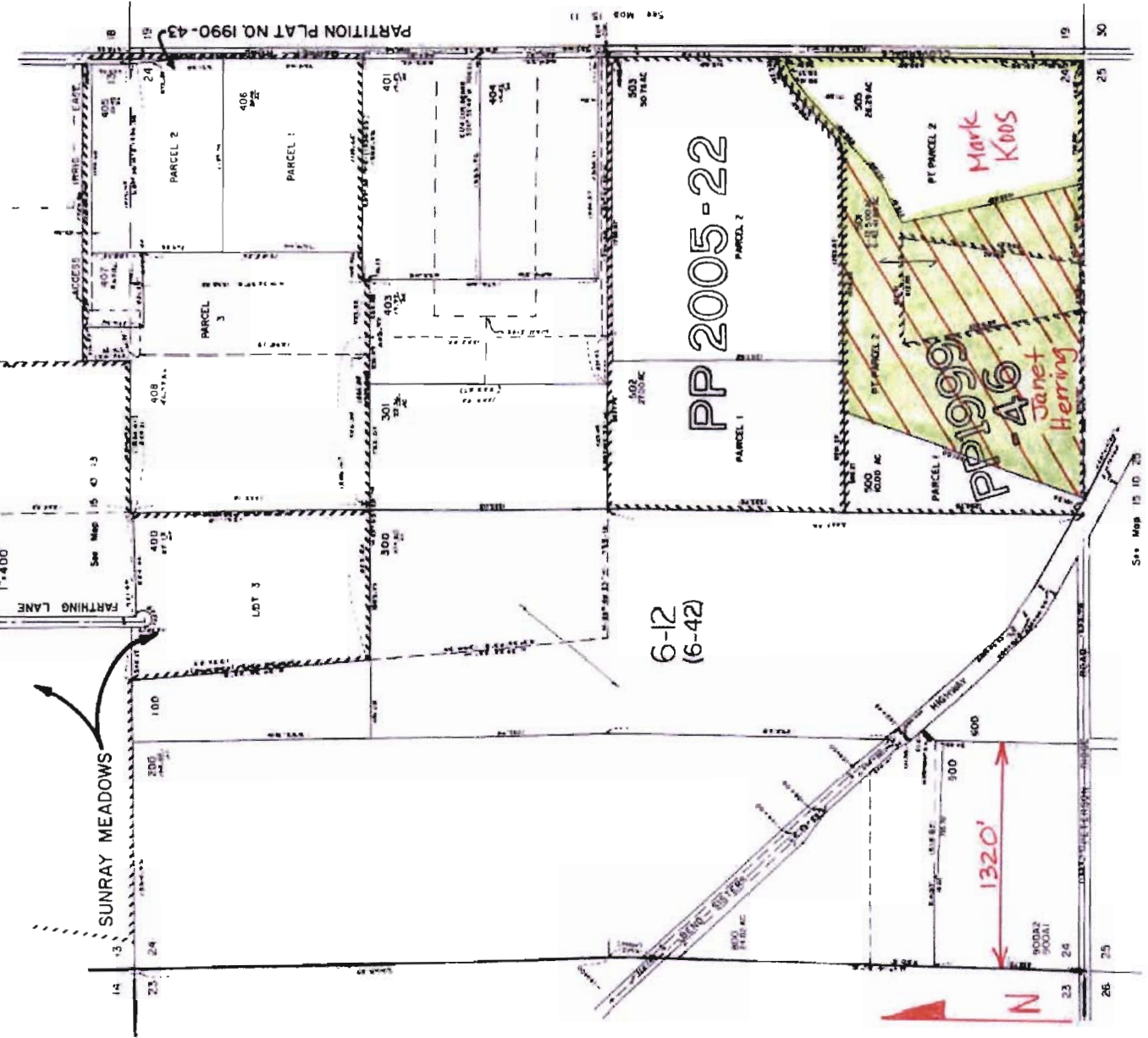
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SALEM, OREGON

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REVISED: 06/23/2008

SECTION 24 T15S R10E W1M.  
DESCHUTES COUNTY

This map was prepared for assessment purposes only.

- 3-2-1985
- 2-29-2000
- 4-24-2004
- 5-11-2006
- 8-14-2008
- 11-11-2008



PARTITION PLAT NO. 1990-43

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