



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](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: \_\_\_\_\_  
Lease Application Number (assigned by WRD): \_\_\_\_\_

This Lease is between:

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

Name: Tumalo Irrigation District  
Mailing address 64697 Cook Avenue  
City, State, Zip Code Bend, OR 97701  
Telephone number 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

**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 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, 83751 / 76714 (COID)

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: 8/5/1900, 9/1/1900, 5/27/1907 Type of use: IRR

Legal Season of Use: April 15 through October 15

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

8/5/1900-27.00 ac.

9/1/1900-39.05 ac.

5/27/1907-10.20 ac. Total = 76.25 ac.

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

8/5/1900 - 48.60 af.

9/1/1900 - 70.29 af.

5/27/1907 18.36 af. Total = 137.25 af

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

8/5/1900 - 0.386 cfs.

9/1/1900 - 0.558 cfs.

5/27/1907 - 0.146 cfs. Total = 1.089 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): \_\_\_\_\_

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:

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

X Pollution abatement

X 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: 8/5/1900 - 48.60, 9/1/1900 - 70.29, 5/27/1907 - 18.36, Total = 137.35 af

Rate in cfs: \_\_\_\_\_ 8/5/1900 – 0.133 cfs,  
 \_\_\_\_\_ 9/1/1900 – 0.193 cfs,  
 \_\_\_\_\_ 5/27/1907 – 0.050 cfs. Total = 0.377 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
- x 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 October 31, 2010.

**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:  
 \$400 for an application with four or more landowners or four or more water rights.  
 \$250 for all other applications.

Lessor #2: Edmund T. Daniels Date: 3-18-10  
Tumalo Irrigation District

Lessee: Shelene Hubert Date: 3/18/2010  
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

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	27.00	
September, 1900	39.05	
April 28, 1905		
May 27, 1907	10.20	
June 1, 1907	0.00	
<b>total acres</b>	<b>76.25</b>	

Rate (CFS) associated with leased rights for Section 1.5 of the Lease Application Form			
Enter Rates and	Rate/acre (CFS)	Max Rate (CFS)	Max Duty (AF)
August 5, 1900	0.0143	0.386	48.60
September, 1900	0.0143	0.558	70.29
April 28, 1905	0.0140	0.000	0.00
May 27, 1907	0.0143	0.146	18.36
June 1, 1907	0.0143	0.000	0.00
<b>Totals</b>		<b>1.089</b>	<b>137.25</b>

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	0.133	48.60	April 15 - Oct 15
September, 1900	0.193	70.29	April 15 - Oct 15
April 28, 1905	0.000	0.00	April 15 - Oct 15
May 27, 1907	0.050	18.36	April 15 - Oct 15
June 1, 1907	0.000	0.00	April 15 - Oct 15
<b>Totals</b>	<b>0.377</b>	<b>137.25</b>	

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)	begin date	end date	Number of Days
			1 Days
<b>Rate (CFS) leased instream for Section 2.2 of the Lease Application Form</b>			
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	24.545	48.60
September, 1900	1	35.500	70.29
April 28, 1905	1	0.000	0.00
May 27, 1907	1	9.273	18.36
June 1, 1907	1	0.000	0.00
<b>Totals</b>		<b>69.318</b>	<b>137.25</b>

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



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## Additional Water Right Form for Pooled Instream Lease

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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.: 74147

Priority date: 10/29/1913 Type of use: IRR, IND

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: 54.46 Irr, 2.0 Ind

Total acre-feet of storage to be leased, if applicable: \_\_\_\_\_

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) Irr .681/Ind .025 Time period: 4/1-4/30, 10/1-10/26

Season 2 (cfs) Irr .908/Ind .033 Time period: 5/1-5/15, 9/15-9/30

Season 3 (cfs) Irr 1.681/Ind.062 Time period: 5/15-9/15

Maximum duty associated with subject water rights (ac-ft): Irr 539.70 af, Ind 19.82 af,  
Total 559.52 af

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: 539.70 af IRR, 19.82 af IND, Total = 559.52 af

Rate in cfs: .681 cfs IRR, 0.025 cfs IND season 1

(If more than one rate, describe the rate associated within each time period or instream reach.)

Rate in cfs: .908 cfs IRR, 0.033 cfs IND season 2

Rate in cfs: 1.681 cfs IRR, 0.062 cfs IND 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 →	<b>54.460</b>
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*IRR*

**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	<b>0.681</b>	9.91	<b>539.70</b>
Season 2	0.017	<b>0.908</b>		
Season 3	0.031	<b>1.681</b>		

**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	<b>0.681</b>	56	<b>75.61</b>
Season 2	<b>0.908</b>	30	<b>54.01</b>
Season 3	<b>1.681</b>	123	<b>410.08</b>
<b>Totals</b>		Total Instream Vol.	<b>539.70</b>

**Additional Conditions to Prevent Injury for Section 2.2 of the Lease Application Form**

Water protected instream:	<b>April 1 through October 26</b>	
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**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	<b>2.000</b> IND
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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	<b>0.025</b>	9.91	<b>19.82</b>
Season 2	0.017	<b>0.033</b>		
Season 3	0.031	<b>0.062</b>		

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	<b>0.025</b>	56	<b>2.78</b>	
Season 2	<b>0.033</b>	30	<b>1.98</b>	
Season 3	<b>0.062</b>	123	<b>15.06</b>	
<b>Totals</b>		Total Instream Vol.	<b>19.82</b>	

Additional Conditions to Prevent Injury for Section 2.2 of the Lease Application Form				
Water protected instream:	<b>April 1 through October 26</b>			



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Additional Water Right Form
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~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.: 76106
Priority date: 12/8/1961 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: 83.94 ac IRR
Total acre-feet of storage to be leased, if applicable: 116.79 max from storage
Maximum rate associated with subject water rights (cfs) being leased: 1.20 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): 209.85 Total AF

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): Tumalo Resvr: SESW, Sect 33, R16S, T11E, W.M.; Tumalo Crk: SENE, Sect 23, T17S, R11E, W.M., to the mouth of the Deschutes @ RM0
Maximum volume in acre-feet: 209.85 af, 116.79 max from storage

Rate in cfs: .50 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):

**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 →	<b>83.940</b>
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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	<b>1.20</b>	2.50	<b>209.85</b>
				max portion from storage
				<b>116.79</b>

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
	<b>0.50</b>	214	<b>209.85</b>	April 1 - Oct 31
			max portion from storage	
			<b>116.79</b>	

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
	<b>105.98</b>	1	<b>209.85</b>	April 1 - Oct 31
			max portion from storage	
			<b>116.79</b>	

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



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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.: 83751 priority 1900 & 76714 priority 1907 (COID)

Priority date: 10/31/1900, 12/2/1907 Type of use: IRR

Legal Season of Use (if not listed on the certificate): April 1 through October 26

If an irrigation right, total number of acres to be leased: 2.0 ac IRR

Total acre-feet of storage to be leased, if applicable: \_\_\_\_\_

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) .014 cfs - 1900 Time period: \_\_\_\_\_

Season 2 (cfs) .018 cfs - 1900 Time period: \_\_\_\_\_

Season 3 (cfs) .034 cfs - 1900 & 1907 Time period: \_\_\_\_\_

Maximum duty associated with subject water rights (ac-ft): 10.9 Total AF

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:

Deschutes River

Tributary to Columbia River in the Columbia 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 #9

Maximum volume in acre-feet: 10.9

Rate in cfs: .014 cfs IRR season 1

(If more than one rate, describe the rate associated within each time period or instream reach.)

Rate in cfs: .018 cfs IRR season 2

Rate in cfs: .034 cfs IRR season 3

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

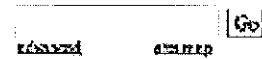
### Conditions to prevent injury, if any:

None

The instream flow will be allocated on a daily average basis up to the described rate from April 1 through Oct 26.

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

**OREGON**



Water Resources Department

**Central Oregon Irrigation District  
Calculator for Certificate 83571**

Revised: 3/9/2009

This calculator is primarily designed to facilitate the calculation of how much water may be protected instream through instream leases and transfers. However, the calculator can also be used to determine the rate and duty associated with other transfers and cancellations. For questions regarding its use, please contact Laura Wilke at 503-986-0884.

Enter Total Number of Acres Involved from POD #1  (CO Canal)

Enter Total Number of Acres Involved from POD #11  (North Canal, also known as PB Canal)

Rate and duty for the acres by which the water right will be reduced by at the Point of Diversion (POD).

POD #1	October 31, 1900	December 2, 1907	Combined
Season 1 Rate (CFS)	0.000		
Season 2 Rate (CFS)	0.000		
Season 3 Rate (CFS)	0.000	0.000	0.000
Duty (AF)			0.00

POD #11	October 31, 1900	December 2, 1907	Combined
Season 1 Rate (CFS)	0.025		
Season 2 Rate (CFS)	0.033		
Season 3 Rate (CFS)	0.044	0.018	0.062
Duty (AF)			19.77

The transmission loss associated with this right is not transferable or protectable instream. The following tables show the amount of water that is protectable for Instream Leases and Instream Transfers, under the October 31, 1900 priority date. (Please contact the Department if you prefer to protect water instream under the combined October 31, 1900 and December 2, 1907 priority dates.) To prevent enlargement and injury, the instream use has been modified from the authorized season of April 1 through October 31, to April 1 through October 26.

From POD #11 to Lake Billy Chinook	
Season 1 Rate (CFS)	0.014
Season 2 Rate (CFS)	0.018
Season 3 Rate (CFS)	0.034
Maximum Volume (AF)	10.90

## Gen Hubert

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**From:** Laura Wilke [snedaklk@wrd.state.or.us]  
**Sent:** Monday, March 15, 2010 10:01 AM  
**To:** Gen Hubert  
**Subject:** RE: TID COID water

Ok, here's what I remember we've done in the past. This has generally come in as a separate lease from TID with COID's signature. And you can use the COID rate calculator and since this is a direct diversion, the diversion rate and instream rate are the same. Use the instream rate numbers as the diversion numbers.

Give me a call if this doesn't make sense.

Laura

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**From:** Gen Hubert [mailto:gen@deschutesriver.org]  
**Sent:** Thursday, March 11, 2010 3:45 PM  
**To:** Laura Wilke  
**Subject:** TID COID water

Laura,

We have one of these pop up every now and then... I have 2.0 acres of COID water that is being delivered by TID and is being leased by TID (we are also getting a COID signature on the lease). I haven't had one of these in a while...

The water is:

Richard and Monica Miron: 16-11-35 SESE taxlot 2002, 2.0 acres IRR

It is listed on page 36 of COID Certificate C-83571

POD #9 – TID feed Canal / pg 4 of C-83571 under POD #9 says that the canal diversion includes 45% transmission loss.

How do you want us to go about calculating the Max rate and duty and the instream rate and duty on this one? COID calculator – just diversion 9?

Thanks!!

Gen

Genevieve Hubert  
Program Manager  
Deschutes River Conservancy  
Phone: 541-382-4077, ext 16  
Fax: 541-382-4078  
[www.deschutesriver.org](http://www.deschutesriver.org)



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: L10,02  
Lease Application Number (assigned by WRD): \_\_\_\_\_

This Lease is with:

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

Name Miron, Richard & Monica  
Mailing address 220 W. Highland Drive  
City, State, Zip Code Camarillo, CA 93010  
Telephone number (661)979-9552  
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. Ct#76358 (T. 9849 - COBU filed 9/24/07)  
↳ superseded by C-83571 + C-76714

- 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	35	se/se	02002	2.0	irr	76358	1/1/1900
2.									
3.									
4.									
5.									

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, 2010. (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: Richard L Miron Date: 2-12-10  
Richard Miron

Monica Miron Date: 2-12-10  
Monica Miron

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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Lessor #1: Richard Miron Date: 2-12-10  
Richard Miron

Monica Miron Date: 2-12-10  
Monica Miron

For additional Lessors, type in space for signature and date

LESSOR #2: Shane Wolfram 03/12/10  
CENTRAL OREGON 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.)
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- Exhibit 5-D: Split Season Instream Use Form

## EXHIBIT C

### Deschutes River Conservancy 2010 Instream Leasing Program

#### Policy Concerning Weeds & Instream Leases Information on Farm Deferral & Lease Payment

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*

**Donated Leases:** Leases of less than 5 acres, leases with public entities, leases submitted after the due date, and leases with verified weed complaints are not paid a per acre or per acre-foot rate by the DRC.

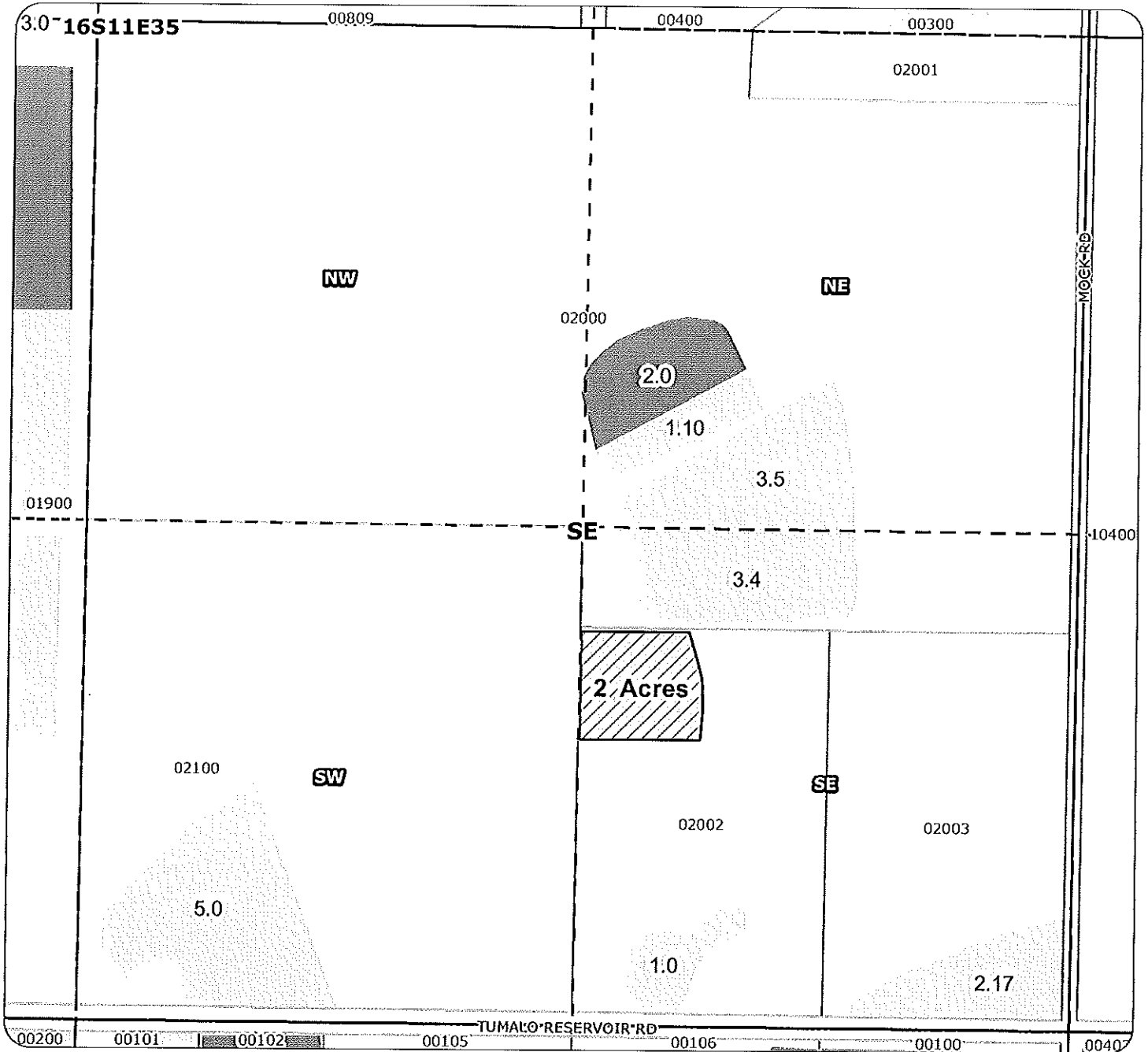
I, Richard L. Miron & Monica Miron understand the DRC weed policy and have  
*Print Name*

been informed about farm deferral and donations.

Signature: Richard L. Miron Date: 2-12-10  
Monica Miron

**This form must be signed and returned with state lease form.**

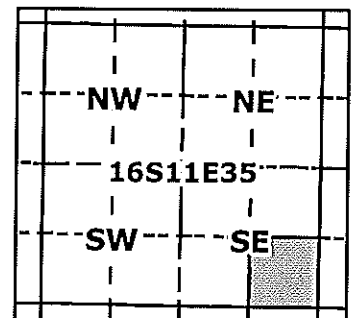
# 2010 Tumalo Irrigation District Instream Lease Map



## Application for Instream Lease

-  Proposed Lease of Irrigation Rights
-  Unmapped Proposed Lease
-  Unmapped Water Rights
-  Cert 76106
-  Cert 74146 & 74147

for  
 Miron L10.02  
 taxlot 2002 - 2.0 acres  
 in 161135SESE  
 1.0 acre remaining in taxlot  
 Total Lease of 2.0 Acres



1 inch equals 400 feet



Geo-Spatial Solutions, Inc.  
[www.geospatialolutions.com](http://www.geospatialolutions.com)

Date Created: February 2010

**BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON**

In the Matter of Transfer Application            )    FINAL ORDER APPROVING  
T-9849, Deschutes County                    )    CHANGES IN POINT OF DIVERSION  
  )    AND PLACE OF USE

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

Central Oregon Irrigation District  
2598 N. Highway 97  
Redmond, OR 97756

**Findings of Fact**

1. On January 12, 2005, Central Oregon Irrigation District (COID), for Tumalo Irrigation District, filed a transfer application to change the point of diversion and place of use under Certificates 76358 and 76714. The Department assigned the application number T-9849. On May 26, 2005 the applicant amended the application to clarify the location of the proposed point of diversion diversion and place of use, and agreed to condition the use to avoid potential injury to the instream water right.
  
2. The portions of the rights to be transferred are as follows:  
**Certificate:** 76358 in the name of Central Oregon Irrigation District  
**Use:** Irrigation  
**Priority Date:** October 31, 1900 & December 2, 1907  
**Season of Use:** April 1 through November 1, further limited as follows:  
April 1 to May 1 & October 1 to November 1 described as Season 1  
May 1 to May 15 & September 15 to October 1 described as Season 2  
May 15 to September 15 described as Season 3  
**Acres:** 16.85  
**Quantity (Rate):** Season 1 (limited to 1/80 cfs per acre): 0.211 cfs  
Season 2 (limited to 1/60 cfs per acre): 0.281 cfs

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Season 3 (limited to 1/32.4 cfs per acre): 0.520 cfs, being 0.371 cfs under the 1900 priority date and 0.149 cfs under the 1907 priority date

**Duty:** Not to exceed 9.91 acre-feet (AF) per acre: (166.98 AF total)

**The quantities listed reflect allowance of a 45% transmission loss as determined by decree of the Circuit Court of Deschutes County, dated March 24, 1933.**

**Source:** Deschutes River, tributary to the Columbia River

**Authorized Point of Diversion:**

Township		Range		Meridian	Sec	¼ ¼		Survey Coordinates
17	S	12	E	W.M.	29	SE	NE	POD # 11 (COID North Canal): 850 feet North & 630 feet West of the E ¼ corner of Section 29

**Authorized Place of Use:**

Township		Range		Meridian	Sec	¼ ¼		Tax Lot	Acres
15	S	13	E	W.M.	04	NW	NE	300	16.85

**Certificate:** 76714 in the name of Central Oregon Irrigation District

**Use:** Supplemental Irrigation

**Priority Date:** February 28, 1913

**Acres:** 16.85

**Quantity:** Not to exceed a portion of the 50,000 acre-feet of stored water for the entire right, if available at the authorized point of diversion from the source, limited to the duty of water as set out in the modified supplemental decree of the circuit court dated March 24, 1933, in the matter of the determination of the relative rights to the use of the water of the Deschutes River and its tributaries. The amount of water allowed under this right, together with the amount secured under any other right existing for the same lands shall not exceed the limitation allowed herein, and is further limited to the terms of the Central Oregon Irrigation District, Crook County Improvement District #1, and the Arnold Irrigation District, and subject to such reasonable rotation system as may be ordered by the proper state officer.

**Source:** Crane Prairie Reservoir, tributary to the Deschutes River

**Authorized Point of Diversion:**

Township		Range		Meridian	Sec	¼ ¼		Survey Coordinates
17	S	12	E	W.M.	29	SE	NE	POD # 11 (COID North Canal): 850 feet North & 630 feet West of the E ¼ corner of Section 29

**Authorized Place of Use:**

Township		Range		Meridian	Sec	¼ ¼		Tax Lot	Acres
15	S	13	E	W.M.	04	NW	NE	300	16.85

3. Application T-9849 proposes to move the authorized point of diversion for each right approximately 0.98 mile upstream in the source to:

Township		Range		Meridian	Sec	¼ ¼		Survey Coordinates
17	S	12	E	W.M.	32	NW	NE	2,050 feet West. from the NE corner of Sec. 32

4. Application T-9849 proposes to change the place of use of each of the rights to:

Township		Range		Meridian	Sec	¼ ¼		Tax Lot	Acres
16	S	11	E	W.M.	28	NE	NW	400	2.0
16	S	11	E	W.M.	35	NE	SE	2000	4.9
16	S	11	E	W.M.	35	SE	SE	2000	3.1
16	S	11	E	W.M.	35	SE	SE	2002	3.0
16	S	11	E	W.M.	35	SE	SE	2003	2.17
16	S	11	E	W.M.	36	NW	NW	10400	1.68

5. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
6. Water has been used within the last five years according to the terms and conditions of the rights, and no evidence is available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
7. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing rights are present.
8. The proposed point of diversion is located within a stretch of the Deschutes River with flows protected by a junior instream water right under Certificate 59778. Instream water right Certificate 59778 was established at the request of the Oregon Department of Fish and Wildlife (ODFW) with a priority date of November 3, 1983.
9. The proposed new point of diversion is located in Watershed ID #197, Deschutes River, tributary to Columbia River, above Tumalo Creek. The Department's streamflow model indicates that levels of natural streamflow are unlikely to meet the requirements of the instream water right (660 cfs) year-round. The proposed change in point of diversion would further reduce flows by up to 0.52 cfs in that portion of the stream reach between the existing point of diversion and the new proposed point of diversion. Thus, the instream water right would be injured as a result of the proposed change.

10. Due to storage of water in, and release of water from, Crane Prairie Reservoir, flows in the river are historically sufficient to meet the requirements of the instream water right (660 cfs) except during the periods from April 1-15 when water from reservoir releases is first coming down river, and October 15-31 when water is no longer being released.
11. The applicant submitted a letter to the Department dated May 26, 2005 to condition the transfer by agreeing to not divert water for the allowed use from the proposed POD when, during the irrigation season, flows in the Deschutes River at the proposed point of diversion drop below 660 cfs. Therefore, the proposed change would not result in injury to the instream water right.
12. There are points of diversion for three other certificated water rights located between the existing authorized point of diversion and the proposed new point of diversion (Certificate 75760 (Oct. 10, 1903 priority date), 17239 (Sept. 15, 1906 priority date), and 17152 (Oct. 10, 1903)). The proposed point of diversion change could reduce flows by up to 0.371 cfs in the stream reach between the existing point of diversion and the new proposed point of diversion. However, the Department has concluded that these rights would not be injured because they would no longer be subject to regulation in response to a call on the water from the senior right (Certificate 76358) which currently is downstream from them.
13. The proposed change would not result in enlargement of the rights.
14. The proposed changes can be effected without injury to other water rights.
15. Tumalo Irrigation District will be responsible for the delivery of the water rights to the new properties. Central Oregon Irrigation District will retain the rights under Certificate 76358 and 76714. The receiving land owners will be responsible for completion of the proposed changes after the final order is issued. These properties are currently owned by:

<b>Owner</b>	<b>Township</b>	<b>Range</b>	<b>Section</b>	<b>¼-¼</b>	<b>Tax Lot</b>
Ronald Scott & Janet Maria Ellson 18161 Couch Market Rd. Bend, OR 97701	16 S	11 E	28	NE NW	400
Columella Properties, LLC 20616 Jayhawk Lane Bend, OR 97702	16 S	11 E	35	NE SE	2000
Richard & Monica Miron 220 W. Highland Dr. Camarillo, CA 93010	16 S	11 E	35	SE SE	2002
Tumalo Irrigation District 64697 Cook Ave. Bend, OR 97701	16 S	11 E	35	SE SE	2003
Tumalo Irrigation District	16 S	11 E	36	NW NW	10400



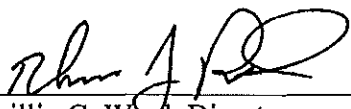
## Conclusions of Law

The changes in point of diversion and place of use in application T-9849, as conditioned under Finding #11 above, are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

### Now, therefore, it is ORDERED:

1. The changes in point of diversion and place of use proposed in application T-9849 are approved.
2. Water right certificates 76358 and 76714 are modified. The Department shall issue new water right certificates to supersede certificates 76358 and 76714 on a determination that it is necessary to produce a certificate to confirm that portion of the right not involved in this transfer.
3. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 76358 and 76714 and any related decree.
4. To prevent injury to instream water right Certificate 59778, water shall not be diverted for the allowed use whenever, during the irrigation season, flows in the Deschutes River at the point of diversion drop below 660 cfs.
5. The proposed change shall be completed on or before October 1, 2006.
6. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2007.
7. The former place of use shall no longer be irrigated as part of these water rights.
8. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
9. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 3<sup>rd</sup> day of AUGUST, 2005.

  
Phillip C. Ward, Director

Mailing date: AUG 05 2005

## Gen Hubert

---

**From:** Laura [lauraw@coid.org]  
**Sent:** Thursday, March 11, 2010 3:46 PM  
**To:** Gen Hubert  
**Subject:** RE: Richard and Monica Miron

We submitted the COBU on 9/24/07, but we have not received a DSP yet. So it should be good to go for an instream lease. I will print the signature page, write in Lessor 2, sign, scan and send it back first thing tomorrow morning.

*Laura*

---

**From:** Gen Hubert [mailto:gen@deschutesriver.org]  
**Sent:** Thursday, March 11, 2010 3:29 PM  
**To:** Laura  
**Subject:** RE: Richard and Monica Miron

Thanks Laura,

I've attached their pooled lease form. We can take a scanned or faxed copy of the signature page. I think we would just write in a "Lessor 2" on this lease as COID and sign next to it. Do you know if this has had a claim of beneficial use filed since the transfer? T-9849...

Thanks again!

Gen

Genevieve Hubert  
Program Manager  
Deschutes River Conservancy  
Phone: 541-382-4077, ext 16  
Fax: 541-382-4078  
[www.deschutesriver.org](http://www.deschutesriver.org)

---

**From:** Laura [mailto:lauraw@coid.org]  
**Sent:** Thursday, March 11, 2010 3:09 PM  
**To:** Gen Hubert  
**Subject:** RE: Richard and Monica Miron

I vaguely remember this one. I believe we signed, but didn't worry about waiting for the board meeting since Tumalo takes care of this water. Send me a signature page and I will sign it & get it back to you right away. I will just update the board at the April meeting.

Laura

*Laura Wollam*  
*Water Use Specialist*  
*Central Oregon Irrigation District*  
*1055 SW Lake Ct*  
*Redmond, OR 97756*



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: L10.03  
Lease Application Number (assigned by WRD): \_\_\_\_\_

This Lease is with:

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

Name Adams Trust, Judith Adams Trustee  
Mailing address 717 W. California Way  
City, State, Zip Code Woodside, CA 94062  
Telephone number (650)465-7281  
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. P74146, 76106

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.

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

Lessor #1: Judith K. Adams, Trustee Adams Trust Date: 2-14-10  
Judith K. Adams, Trustee Adams Trust

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.)
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- \_\_\_\_\_

## EXHIBIT C

### Deschutes River Conservancy 2010 Instream Leasing Program

#### Policy Concerning Weeds & Instream Leases Information on Farm Deferral & Lease Payment

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*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*

**Donated Leases:** Leases of less than 5 acres, leases with public entities, leases submitted after the due date, and leases with verified weed complaints are not paid a per acre or per acre-foot rate by the DRC.

I, JUDITH K. ADAMS understand the DRC weed policy and have  
*Print Name*  
been informed about farm deferral and donations.

Signature: Judith K. Adams Date: 2-14-10

**This form must be signed and returned with state lease 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.	17S	11E	11	nese	01000	1.0	irr	74146	12	9/1/1900
2.										
3.										
4.										
5.										

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

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, 2010. (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](http://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:

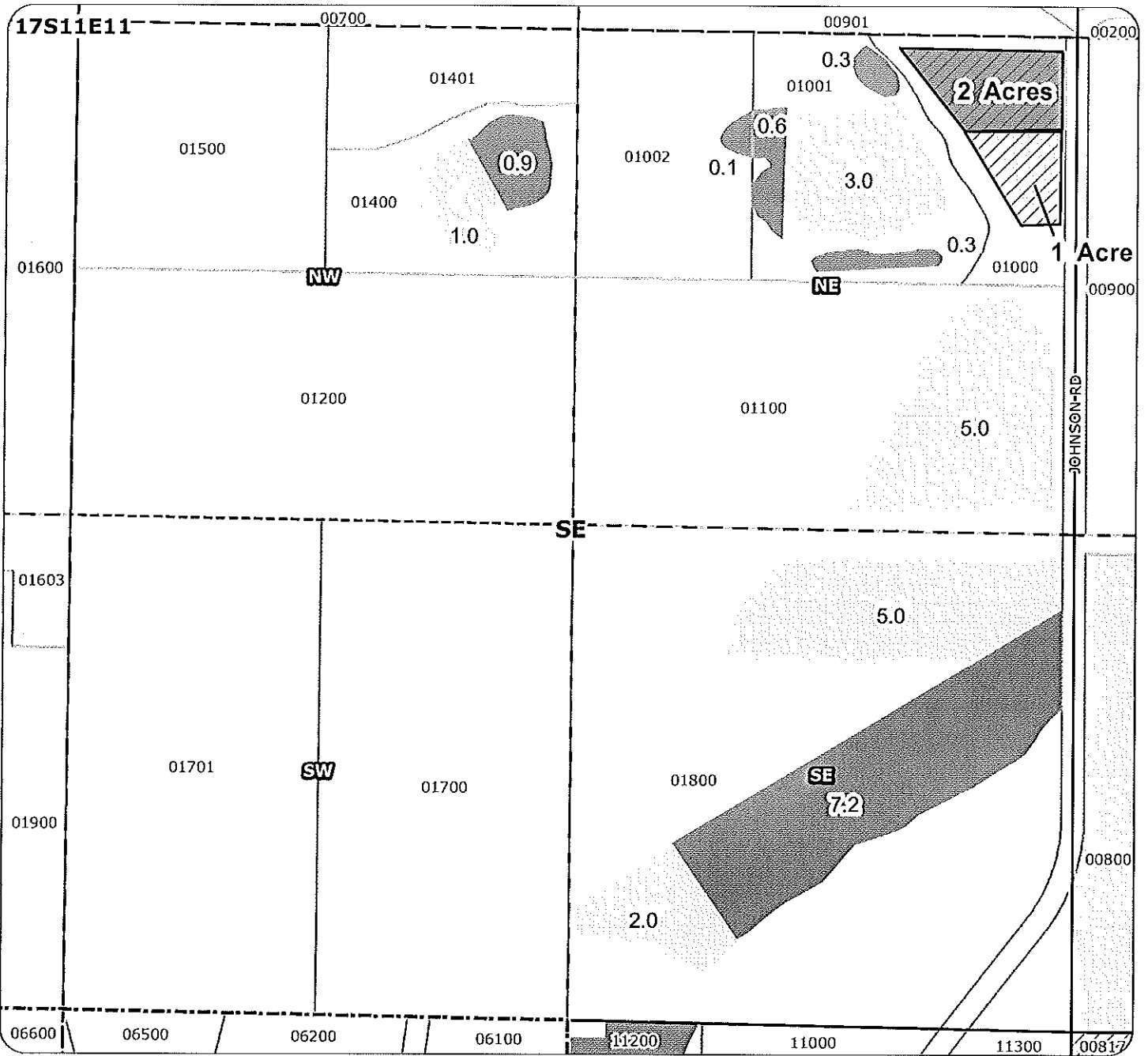
[This information may be included on Exhibit 5-A, or an additional map may be attached. Crosshatch the area of water rights being leased. Attached map(s) must identify water right holder, township, range, section and ¼ ¼, tax lot number, map orientation and scale.]

T	R	Sect	¼ ¼	Tax Lot	Aces	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	nese	01000	2.0	irr	76106	4	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: 2.0

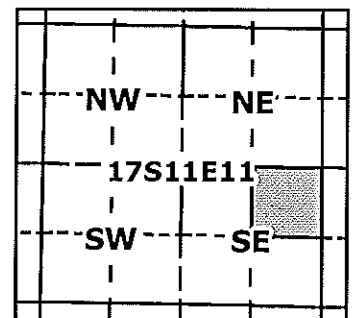
# 2010 Tumalo Irrigation District Instream Lease Map



## Application for Instream Lease

-  Proposed Lease of Irrigation Rights
-  Unmapped Proposed Lease
-  Unmapped Water Rights
-  Cert 76106
-  Cert 74146 & 74147

for  
 Adams Trust L10.03  
 taxlot 1000 - 2.0 acres  
 taxlot 1000 - 1.0 acres  
 in 171111NESE  
 0 acres remaining in taxlot  
 Total Lease of 3.0 Acres



1 inch equals 400 feet



Geo-Spatial Solutions, Inc.

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Date Created: February 2010



	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/Petieolas Adams, RLS
	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.
	Section 6				
	Township 17 South, Range 12 East, W.M.				
	Priority: 4/28/05				
	SE¼ SE¼	1401	IR	0.44	Kirkhorn, Bruce
	Section 13				

SEE NEXT PAGE

	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



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: L10.04  
Lease Application Number (assigned by WRD): \_\_\_\_\_

This Lease is with:

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

Name Christianson, Michael & Roberta  
Mailing address 1635 NW Teak Avenue  
City, State, Zip Code Redmond, OR 97756  
Telephone number 541 504-0374  
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

- 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.										

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

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, 2010. (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**

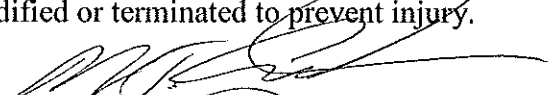
- 3.1 Accuracy.** The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified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

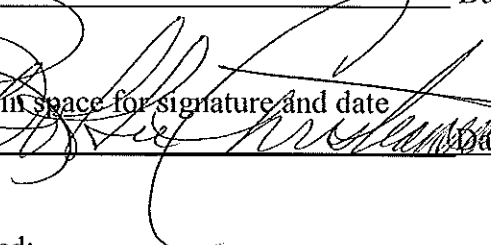
3.4 **Suspension of original use.** During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights.

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: 2/25/2010  
Michael J. Christianson

For additional Lessors, type in space for signature and date  
Roberta H. Christianson  Date: 2/25/2010

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



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](http://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, 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.										

[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](http://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.										

[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

## EXHIBIT C

### Deschutes River Conservancy 2010 Instream Leasing Program

#### Policy Concerning Weeds & Instream Leases Information on Farm Deferral & Lease Payment

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*

**Donated Leases:** Leases of less than 5 acres, leases with public entities, leases submitted after the due date, and leases with verified weed complaints are not paid a per acre or per acre-foot rate by the DRC.

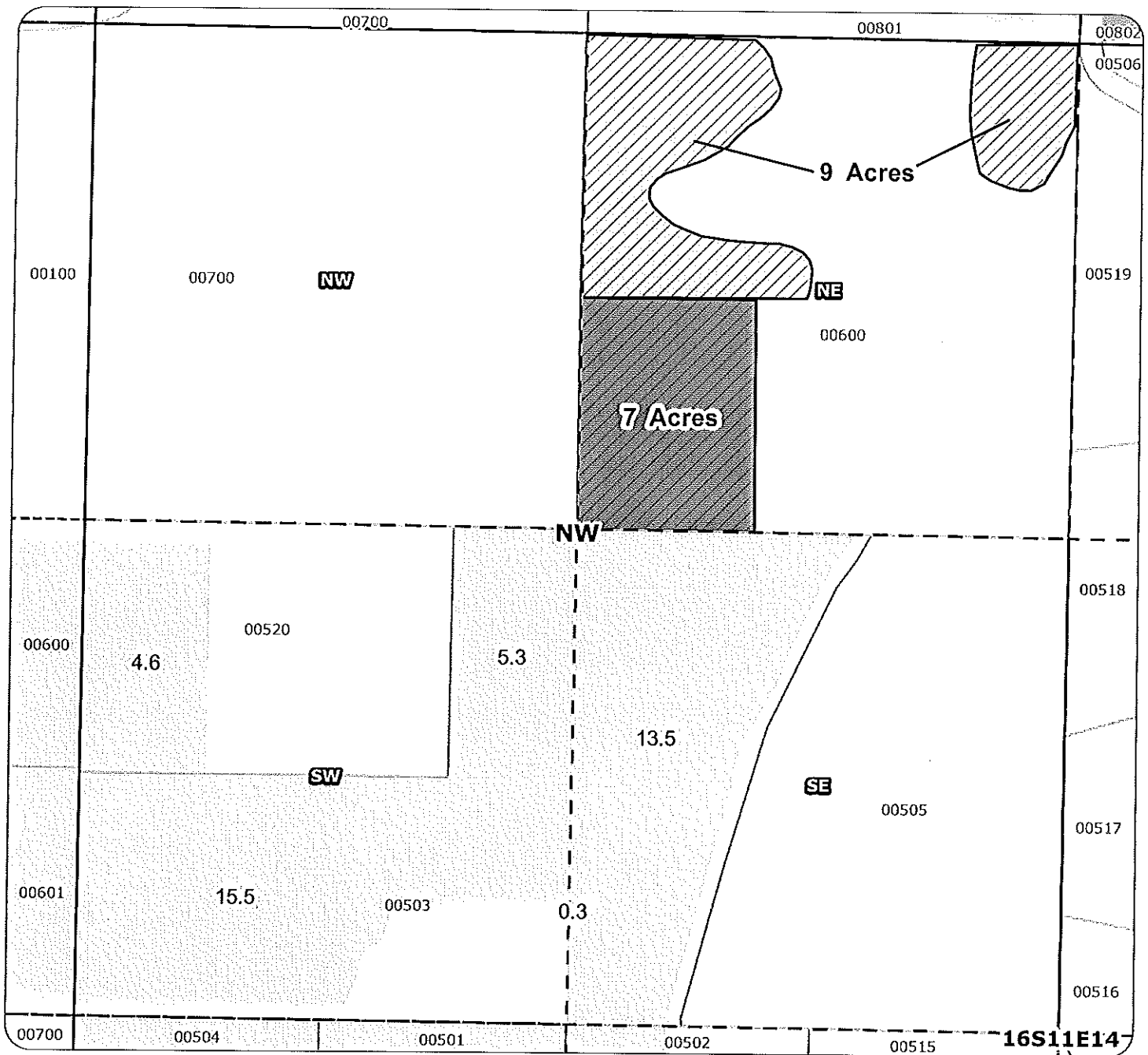
I, M. J. CHRISTIANSON understand the DRC weed policy and have  
*Print Name*  
been informed about farm deferral and donations.

Signature:  Date: 2/25/2010

**This form must be signed and returned with state lease form.**



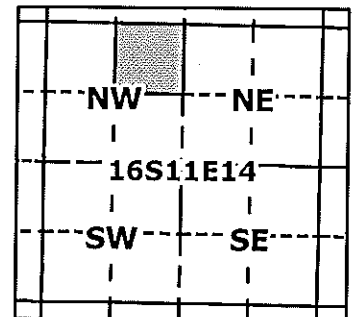
# 2010 Tumalo Irrigation District Instream Lease Map



## Application for Instream Lease

-  Proposed Lease of Irrigation Rights
-  Unmapped Proposed Lease
-  Unmapped Water Rights
-  Cert 76106
-  Cert 74146 & 74147

for  
 Christianson L10.04  
 taxlot 600 - 9.0 acres  
 taxlot 600 - 7.0 acres  
 in 161114NENW  
 0 acres remaining in taxlot  
 Total Lease of 16.0 Acres



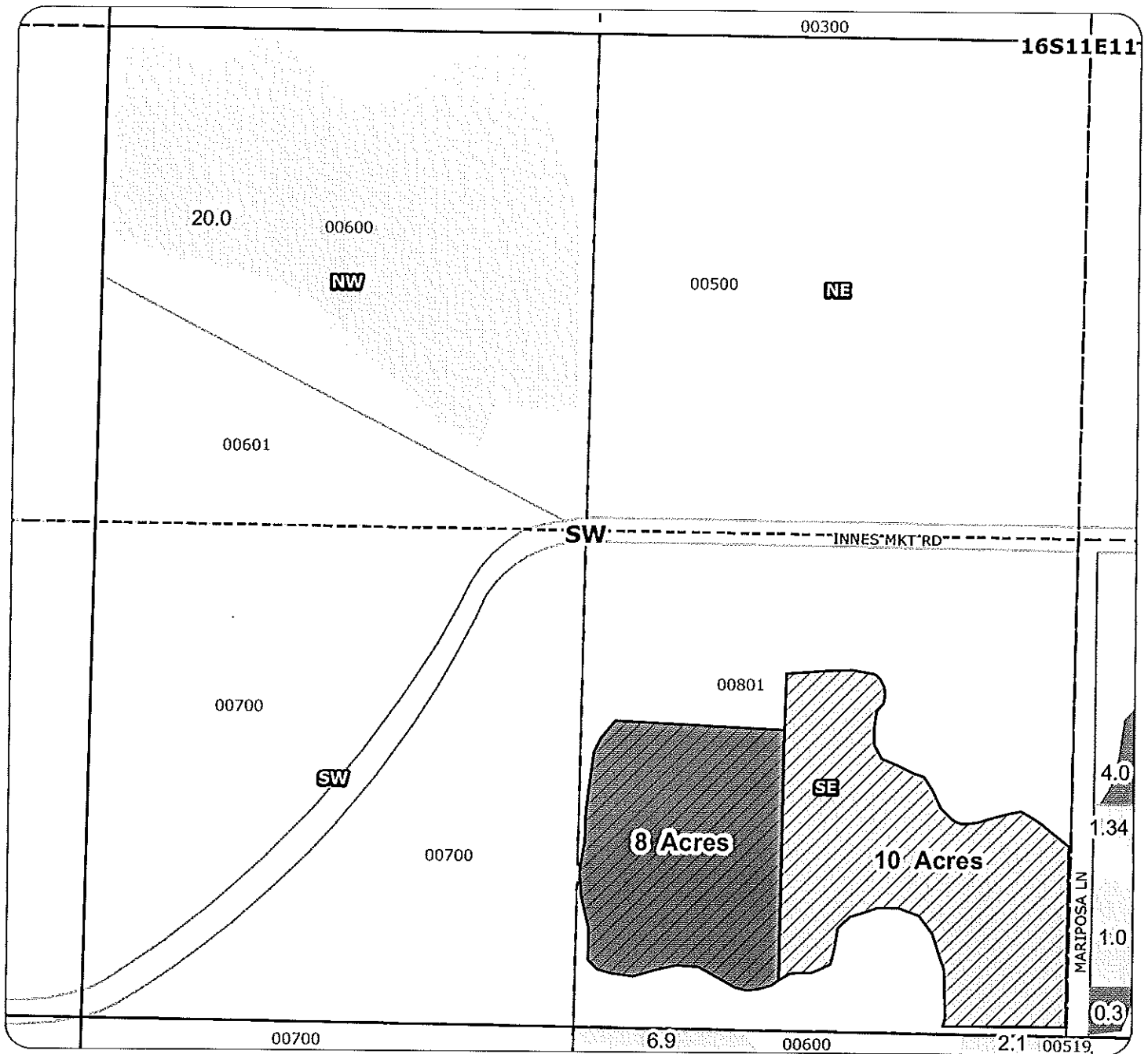
1 inch equals 400 feet



Geo-Spatial Solutions, Inc.  
[www.geospatialsolutions.com](http://www.geospatialsolutions.com)

Date Created: February 2010

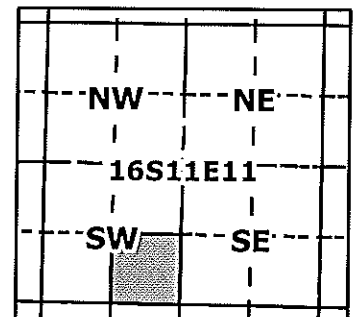
# 2010 Tumalo Irrigation District Instream Lease Map



## Application for Instream Lease

-  Proposed Lease of Irrigation Rights
-  Unmapped Proposed Lease
-  Unmapped Water Rights
-  Cert 76106
-  Cert 74146 & 74147

for  
 Christianson L10.04  
 taxlot 801 - 10.0 acres  
 taxlot 801 - 8.0 acres  
 in 161111SESW  
 0 acres remaining in taxlot  
 Total Lease of 18.0 Acres



1 inch equals 400 feet



**Geo-Spatial Solutions, Inc.**  
[www.geospatialsolutions.com](http://www.geospatialsolutions.com)

Date Created: February 2010

STATE OF OREGON

COUNTY OF DESCHUTES

CERTIFICATE OF WATER RIGHT

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
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

SE¼ SE¼ 1500D IR 0.6 Kelly, Bill & Veronica  
 SE¼ SE¼ 1702D IR 1.4 Tepner, Robert & Karen

Section 36  
 Township 16 South, Range 11 East, W.M.

1 NE¼ NW¼ 403 IR 2.0 Duntley, Carole A.  
 1 NW¼ NW¼ 500 IR 1.0 Chace, William & Brenda  
 1 NW¼ NW¼ 600 IR 1.0 Campagna, David & Sharon

Section 7

SW¼ NE¼ 603 IR 0.8 Towell, Thomas & Tammie  
 SE¼ NE¼ 595 IR 2.3 Lehmann, David & Mary  
 SE¼ NE¼ 596 IR 2.3 Marks, Magnus & Grace  
 SE¼ NE¼ 597 IR 2.0 Kelley, James S.  
 SE¼ NE¼ 598 IR 1.4 Losch, Richard & Linda  
 SE¼ NE¼ 599 IR 1.2 Foucher, Dorothy

Section 17

3 SW¼ NE¼ 2700 IR 2.0 Tucker, Jim & Denise  
 3 NE¼ SW¼ 1000C IR 4.6 Brookhart, Ronald C.  
 3 NE¼ SW¼ 200C IR 1.0 Wyatt, James & Grace  
 3 NE¼ SW¼ 500C IR 1.0 Ward, Dennis  
 3 NW¼ SW¼ 1200C IR 1.0 Clark, Kevin & Pamela  
 3 NW¼ SW¼ 1300C IR 2.0 Tucker, Billy & Bonnie  
 3 NW¼ SW¼ 1400C IR 1.0 Christ, Donald & Iris

Section 19

3 NW¼ SW¼ 403 IR 2.0 Scott, Cheryl

Section 30

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

2 NW¼ NE¼ 200A IR 1.0 Jacobs, Russell & Mary

Section 3

NW¼ NE¼ 600A IR 2.0 Cronin, John & Margaret

Section 10

SW¼ NW¼ 500 IR 14.6 Coats, R.L. & Joyce  
 SE¼ NW¼ 600 IR 5.4 Coats, R.L. & Joyce  
 NE¼ SE¼ 1100 IR 5.0 Hyde/Marciuek, Geoffrey & Helenka

Section 11

NW¼ SW¼ 2500 IR 2.0 Hanson, Robert & Ruth

Section 13

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

Priority: 9/1/00

SW¼ SE¼ 400 IR 3.94 Barr/Bach, Doris & George  
 SE¼ SE¼ 800 IR 15.55 Mahoney, Dan & Martha

Section 1

SE¼ SW¼ 801 IR 4.7 Christianson, Michael & Roberta  
 SW¼ SE¼ 802 IR 1.0 Turner/Lupton, Robert & Courtney  
 SE¼ SE¼ 900 IR 3.0 Waldron Jr., Harvey & Genevieve

Section 11

NE¼ NE¼	102	IR	9.0	Vollstedt, Scott & Laura
NE¼ NE¼	103	IR	4.0	Barr/Bach, Doris & George
NE¼ NE¼	105	IR	12.0	Barr/Bach, Doris & George
SE¼ NE¼	100	IR	2.0	Eddings, Ronald & Jeannie
SW¼ NW¼	500	IR	2.0	DeMaris, Roger & Shirley
SW¼ NW¼	700	IR	2.0	Miller, Glen
SE¼ NW¼	400	IR	5.5	Robbins/Ackley
SE¼ NW¼	401	IR	9.5	Johnson, Barbara & Walt
NE¼ SW¼	1100	IR	0.6	Winch, Martin
SW¼ SW¼	1200	IR	15.8	Gillham, John & Audrey
SE¼ SW¼	1100	IR	2.5	Winch, Martin
SE¼ SW¼	1200	IR	3.6	Gillham, John & Audrey
NW¼ SE¼	1100	IR	2.4	Winch, Martin
SW¼ SE¼	1100	IR	5.3	Winch, Martin
SE¼ SE¼	1900	IR	2.0	Bagg, Barbara

Section 12

NE¼ NE¼	100	IR	31.7	Tracy, Judy
NW¼ NE¼	100	IR	25.0	Tracy, Judy
NW¼ NE¼	1100	IR	1.2	Winch, Martin
SW¼ NE¼	902	IR	36.2	Field, John & Mary
SE¼ NE¼	900	IR	29.5	Watkins, Chris
NE¼ NW¼	501	IR	2.0	Hilbruner (Trustee), Liddy
NE¼ NW¼	502	IR	6.0	Shook, Russell & Joanne
NW¼ NW¼	400	IR	31.1	Hanson, Phil Sr. & Ruth
SW¼ NW¼	401	IR	25.0	Gardner, Robert & Joyce
SE¼ NW¼	902	IR	11.2	Field, John & Mary
NE¼ SE¼	1000	IR	18.0	Hately, Pamela H.
NE¼ SE¼	901	IR	18.2	Fletcher, Paul T.
NW¼ SE¼	901	IR	34.8	Fletcher, Paul T.
SE¼ SE¼	1100	IR	2.0	Carver, Roy & Jean
SE¼ SE¼	1400	IR	2.5	Day, Matt & Lesley
SE¼ SE¼	1401	IR	4.5	Kirkhom, Bruce

Section 13

NE¼ NE¼	100	IR	0.5	Fidler, Terry & Mary
NE¼ NW¼	600	IR	9.0	Christianson, Michael & Roberta
SW¼ NW¼	503	IR	20.0	Mueller Trust, Kenneth & Norma
SW¼ NW¼	505	POND	0.5	Mueller Trust, Kenneth & Norma
SW¼ NW¼	505	IR	15.5	Mueller Trust, Kenneth & Norma
SE¼ NW¼	503	IR	8.8	Mueller Trust, Kenneth & Norma
SE¼ NW¼	505	IR	5.0	Mueller Trust, Kenneth & Norma
NW¼ SW¼	501	IR	9.0	Eyer, James
NW¼ SW¼	504	IR	14.2	Allen, Charlie & Wendy

Section 14

SW¼ NE¼	500	IR	4.0	Eyer, Dale & Mary
SE¼ NE¼	600	IR	39.5	Mueller Trust, Kenneth & Norma
SE¼ NW¼	1400	IR	7.93	Walker, Donald & Marianne
NE¼ SW¼	1600	IR	35.27	Walker, Donald & Marianne
NW¼ SW¼	1600	IR	35.27	Walker, Donald & Marianne
SW¼ SW¼	1600	POND	0.7	Walker, Donald & Marianne
SW¼ SW¼	1600	IR	21.87	Walker, Donald & Marianne
SE¼ SW¼	1600	IR	37.16	Walker, Donald & Marianne
SW¼ SE¼	1000	IR	6.0	Jungers, Frank & Julia
SW¼ SE¼	900	IR	1.0	Jungers, Frank & Julia
SE¼ SE¼	900	IR	2.01	Jungers, Frank & Julia

Section 15

SEE NEXT PAGE

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



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: L10.01  
Lease Application Number (assigned by WRD): \_\_\_\_\_

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 \_\_\_\_\_

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 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	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.										

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

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, 2010. (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](http://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	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	ncse	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.]

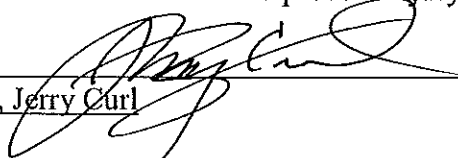
Total number of acres, if for irrigation, by certificate and priority date: 46.66

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: 2/12/10  
C.L.R. Inc., Jerry Curl

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

## EXHIBIT C

### Deschutes River Conservancy 2010 Instream Leasing Program

#### Policy Concerning Weeds & Instream Leases Information on Farm Deferral & Lease Payment

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*

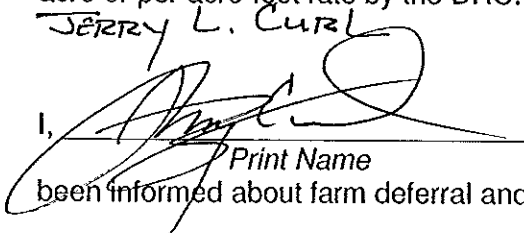
#### **Farm Deferral Notice**

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.

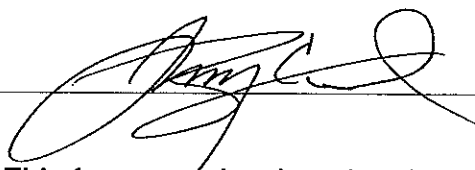
*Information and Resources Attached*

**Donated Leases:** Leases of less than 5 acres, leases with public entities, leases submitted after the due date, and leases with verified weed complaints are not paid a per acre or per acre-foot rate by the DRC.

*JERRY L. CURTIS*

I,  understand the DRC weed policy and have been informed about farm deferral and donations.

Print Name

Signature: 

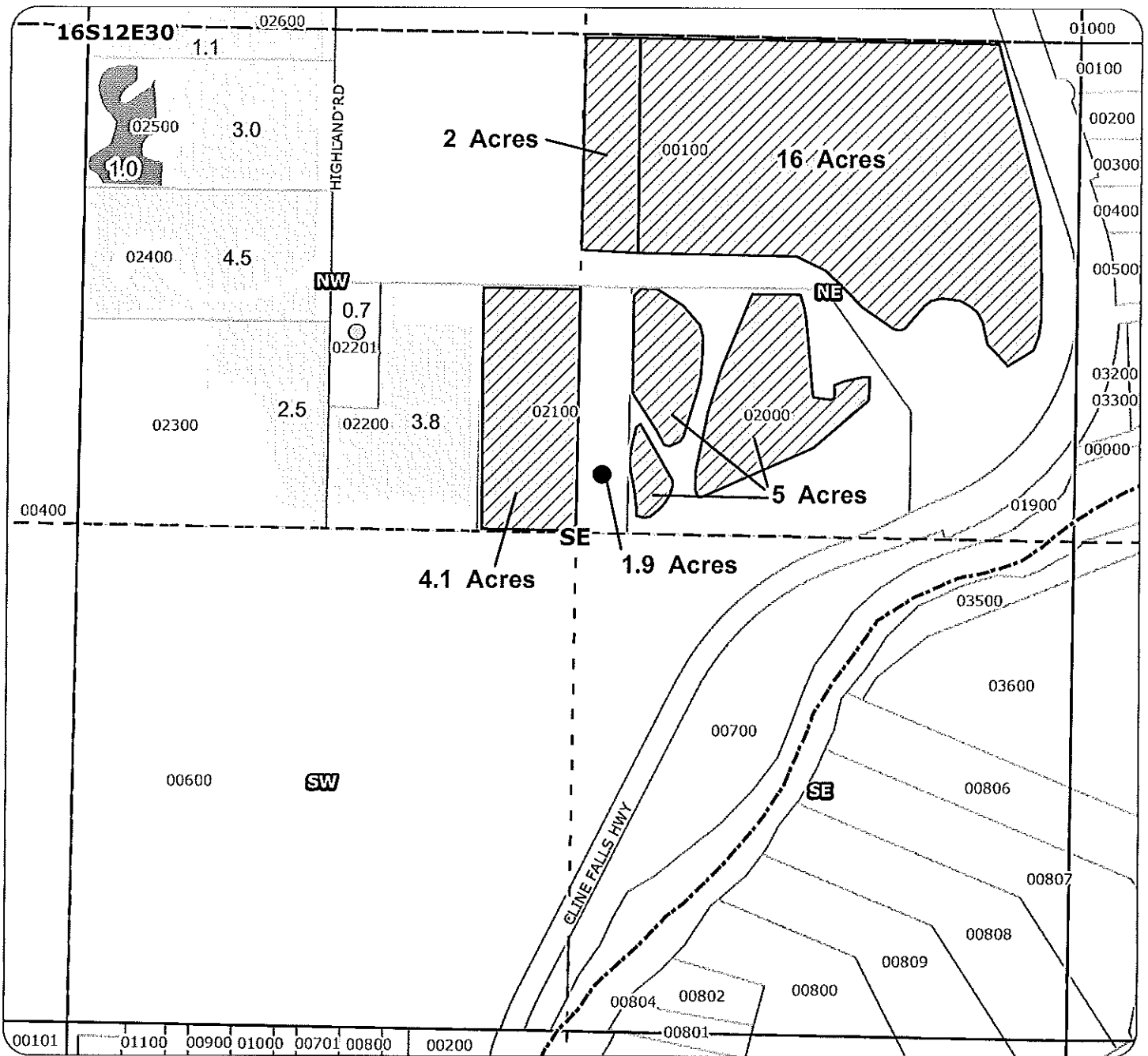
Date: 2/14/10

**This form must be signed and returned with state lease form.**





# 2010 Tumalo Irrigation District Instream Lease Map



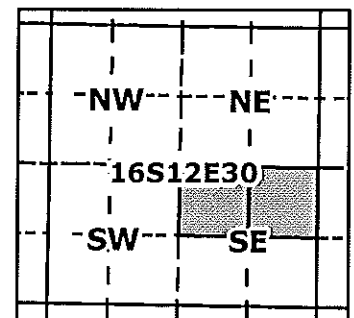
## Application for Instream Lease

-  Proposed Lease of Irrigation Rights
-  Unmapped Proposed Lease
-  Unmapped Water Rights
-  Cert 76106
-  Cert 74146 & 74147

for C.L.R. L10.01  
 taxlot 100 - 16 acres  
 taxlot 100 - 2.0 acres  
 taxlot 2000 - 5.0 acres  
 taxlot 2100 - 1.9 acres  
 in 161230NESE  
 taxlot 2100 - 4.1 acres  
 in 161230NWSE

0 acres remaining in each taxlot  
 Total Lease of 29 Acres

Date Created: February 2010



1 inch equals 400 feet

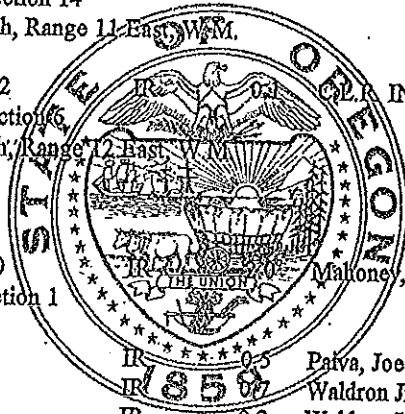
Priority: 5/27/07

7	SW¼ SW¼	1802 Section 6	IR	3.0	Rupp, C. Richard
	NW¼ SE¼	2100 Section 30	IR	3.4	C.L.R. INC.
	SW¼ SE¼	4300D Section 31	IR	0.8	C.L.R. INC.
Township 16 South, Range 12 East, W.M.					
	SW¼ NW¼	500 Section 11	IR	1.2	Coats, R.L. & Joyce
	NW¼ NE¼	804	IR	0.4	Coats, R.L. & Joyce
	NW¼ NE¼	807	IR	5.4	Coats, R.L. & Joyce
	NW¼ NE¼	817	IR	6.1	C.L.R. INC.
	SW¼ NE¼	806	IR	2.5	Graham, Kenneth & Joy
	SW¼ NE¼	807	IR	1.0	Coats, R.L. & Joyce
	SW¼ NE¼	808	IR	2.1	Niedzwiecke, Andrew & Judith
	SW¼ NE¼	810	IR	0.9	Niedzwiecke, Andrew & Judith
	NE¼ NW¼	817	IR	0.2	C.L.R. INC.
	NW¼ NW¼	809	IR	1.6	C.L.R. INC.
	NW¼ NW¼	817	IR	4.0	C.L.R. INC.
	SE¼ NW¼	812	IR	1.5	Latham, Mark & Kristen
	SE¼ NW¼	813	IR	2.5	Schweigert, Ken
	SE¼ NW¼	818	IR	2.5	Hamper, Tom
Section 13					
	NE¼ NE¼	11700	IR	0.2	Allen, Charles
	NE¼ NE¼	11800	IR	0.1	Allen, Charles
	NE¼ NE¼	11900	IR	0.4	Rugloski, Paul, Andrew & Cecelia
	SE¼ NE¼	11800	IR	0.7	Allen, Charles
	SE¼ NE¼	11900	IR	2.6	Rugloski, Paul, Andrew & Cecelia
Section 14					
Township 17 South, Range 11 East, W.M.					

2 NW¼ NE¼ 302 C.L.R. INC.  
Section 6  
Township 17 South, Range 12 East, W.M.

Priority: 6/1/07

	SE¼ SE¼	800 Section 1	IR	0.3	Malloney, Dan & Martha
	SW¼ SE¼	803	IR	0.3	Paiva, Joe & Wanita
	SE¼ SE¼	900	IR	0.3	Waldron Jr., Harvey & Genevieve
	SE¼ SE¼	901	IR	0.3	Waldron Jr., Harvey & Genevieve
Section 11					
	SW¼ SW¼	1200	IR	16.1	Gillham, John & Audrey
	SE¼ SW¼	1200	IR	0.2	Gillham, John & Audrey
Section 12					



SEE NEXT PAGE

	NE $\frac{1}{4}$ SE $\frac{1}{4}$	2001	Zapp, Martin & Joann	IR		
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	2200	Cole, Robert & Nancy	IR	5.00	4.70
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	2400	Kloby, Jay & Melody	IR	31.40	
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	2400	Kloby, Jay & Melody	IR	28.10	
Section 19						
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	1000	Ireland, Stephen P.	IR	3.00	
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	1101	Cardwell, Ken & Janice	IR	3.00	
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	1800	Robertson, Brian T.	IR	3.00	
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	303	Arnett, Gary J.	IR	3.00	
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	304	Outhsye, Joseph & Joann	IR	3.70	
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	310	Dierberger, Kenneth & Dona	IR	4.00	
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	3300	Wickham, Kent & Beth	IR	1.40	
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	3301	Wickham, Kent & Beth	IR	0.60	
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	1300	Dyson, Brian & Sheryl	IR	4.00	
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	2600	Miller, Dianne M.	IR	1.70	
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	2700	Barber, Richard & Mary	IR	1.00	
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	2800	Barlow, Steven & Jeanette	IR		3.00
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	2900	Hauge, Christopher & Susan	IR	4.00	
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	100	C.L.R. INC.	IR	13.20	
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	300	McDougal, Melvin	IR	11.50	
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	305	Billings, Jack & Christina	IR	2.00	1.00
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	311	Outhsye, Joseph & Joann	IR	4.30	
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	312	McDougal, Melvin	IR	17.20	
1	NW $\frac{1}{4}$ NW $\frac{1}{4}$	202	Hayden, James & Katharina	IR	1.00	
1	NW $\frac{1}{4}$ NW $\frac{1}{4}$	203	Romesburg, Ernie & Naomi	IR	1.60	
1	NW $\frac{1}{4}$ NW $\frac{1}{4}$	300	McDougal, Melvin	IR	7.38	
1	NW $\frac{1}{4}$ NW $\frac{1}{4}$	312	McDougal, Melvin	IR	0.80	
1	NW $\frac{1}{4}$ NW $\frac{1}{4}$	313	McDougal (Trustee), Joy	IR	18.00	
2	SW $\frac{1}{4}$ NW $\frac{1}{4}$	302	Cantrell, John & Jean	IR	5.00	
2	SW $\frac{1}{4}$ NW $\frac{1}{4}$	306	Barnes, Ed & Gayla Ann	IR	3.00	
2	SW $\frac{1}{4}$ NW $\frac{1}{4}$	307	Barnes, Gayla Ann	IR	8.00	
2	SW $\frac{1}{4}$ NW $\frac{1}{4}$	308	Binger, Richard & Cheryl	IR	4.50	
2	SW $\frac{1}{4}$ NW $\frac{1}{4}$	309	Robertson, Frances M.	IR	4.00	
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	2900	Hauge, Christopher & Susan	IR	18.50	
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	301	Hauge, Christopher & Susan	IR	18.00	
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	401	Lorenz, Edward & Linda	IR	5.00	
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	403	Scott, Cheryl	IR		2.00
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	404	Bailey, SW & Linda	IR	2.00	
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	100	C.L.R. INC.	IND	2.00	
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	100	C.L.R. INC.	IR	16.00	
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	2000	C.L.R. INC.	IR	5.00	
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	2100	C.L.R. INC.	IR	1.90	
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	2100	Kelley, Charles & Diana	IR	0.70	3.40
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	2200	Kelley, Charles & Diana	IR	3.80	
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	2201	Kelley, Charles & Diana	IR	0.70	
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	2300	Alexander, Jack & Janar	IR	2.50	
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	2400	Gregg, Patrick & Kathy	IR	4.50	
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	2500	Miller, Dianne M.	IR	0.50	2.50
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	2600	Miller, Dianne M.	IR	0.30	
Section 30						
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	406	Salciccioli, Greg & Dianna L.	IR	1.00	
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	407	Bend Research/ Science Properties	IR		6.60
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	408	Wendel, John & Cathleen	IR	2.00	
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	410	Allen, Michael & Patty	IR	3.00	
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	418	Bend Research/ Science Properties	IR	5.80	
3	NW $\frac{1}{4}$ SW $\frac{1}{4}$	405	Perkins, Howard & Darlene	IR	1.00	2.00
3	NW $\frac{1}{4}$ SW $\frac{1}{4}$	407	Bend Research/ Science Properties	IR	0.10	3.40





SW $\frac{1}{4}$ NE $\frac{1}{4}$	810	Niedzwiecko, 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 $\frac{1}{4}$	<del>11400</del> 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

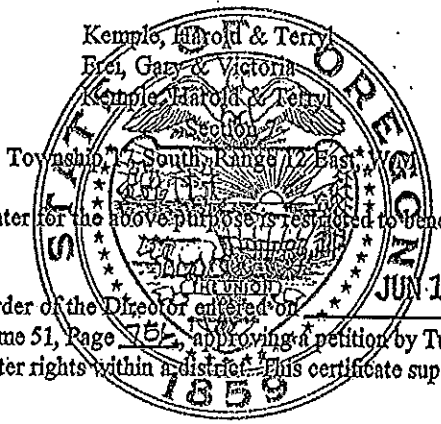
Section 14

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	Kempie, Harold & Terry	IR	1.50	10.00
2	SW $\frac{1}{4}$ NW $\frac{1}{4}$	401	Brei, Gary & Victoria	IR		14.60
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	400	Kempie, 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 25, 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.



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: L10.07  
Lease Application Number (assigned by WRD): \_\_\_\_\_

This Lease is with:

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

Name Joyce Coats Rev Trust, Joyce Coats & Eric Coats, Trustees  
Mailing address 63285 Skyline Ranch  
City, State, Zip Code Bend, OR 97701  
Telephone number (541) 480-6335  
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, 76106

- 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.	17S	11E	11	swnw	00500	14.6	irr	74146	3	8/5/1900
2.	17S	11E	11	swnw	00500	12.6	irr	74146	12	9/1/1900
3.	17S	11E	11	swnw	00500	1.20	irr	74146	14	5/27/1907
4.	17S	11E	11	senw	00600	5.40	irr	74146	3	8/5/1900
5.	17S	11E	12	sww	00800	4.40	irr	74146	12	9/1/1900

Total number of acres, if for irrigation, by certificate and priority date: 38.20

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, 2010. (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](http://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, 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	senw	00600	32.80	irr	76106	4	12/8/1961
2.	17S	11E	12	sww	00800	21.64	irr	76106	4	12/8/1961
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: 54.44

**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: Eric W. Coats Date: 2-15-'10  
Joyce Coats Rev Trust, Eric Coats, 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

\_\_\_\_\_

## EXHIBIT C

### Deschutes River Conservancy 2010 Instream Leasing Program

#### Policy Concerning Weeds & Instream Leases Information on Farm Deferral & Lease Payment

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*

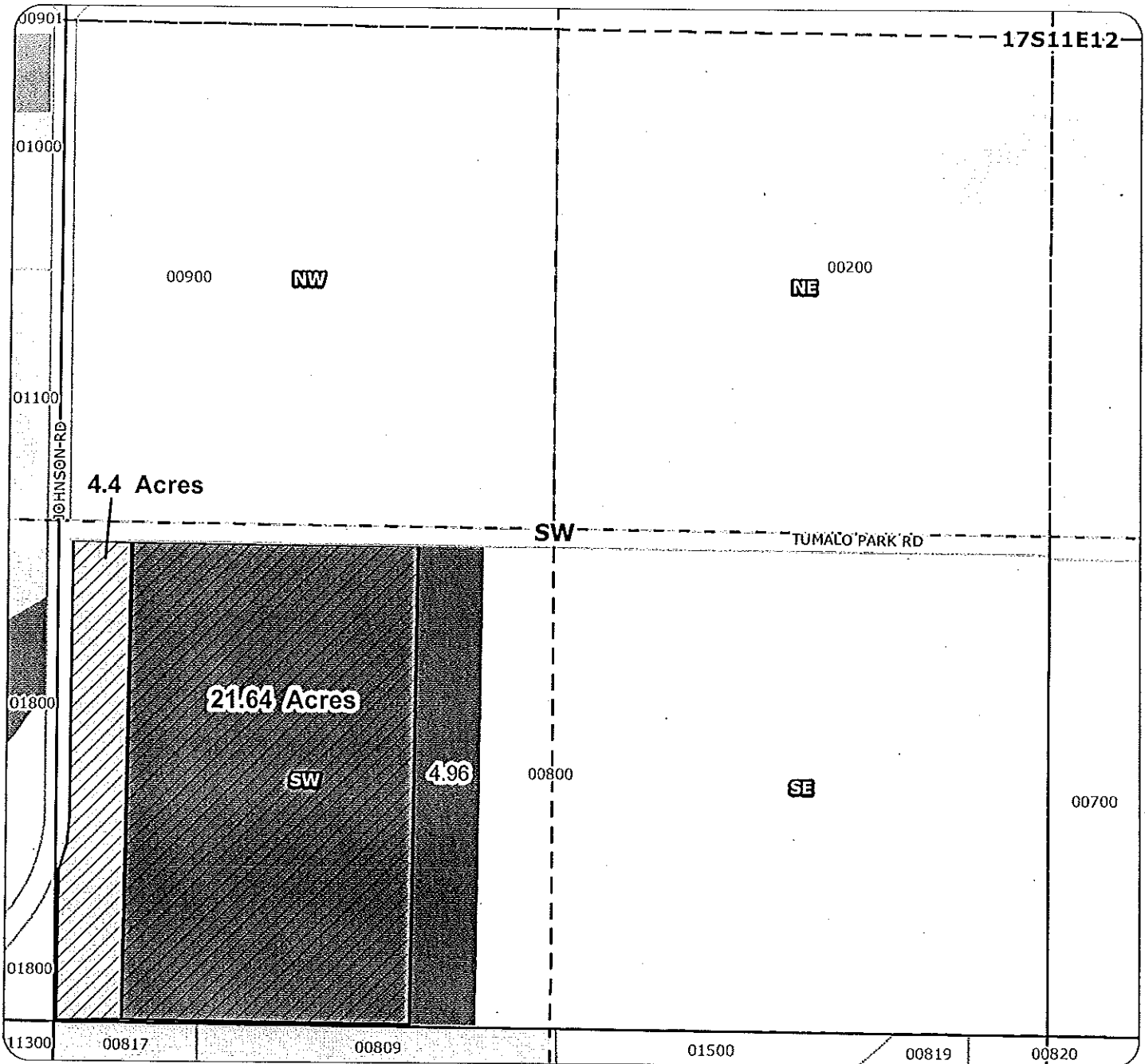
**Donated Leases:** Leases of less than 5 acres, leases with public entities, leases submitted after the due date, and leases with verified weed complaints are not paid a per acre or per acre-foot rate by the DRC.

I, Eric W. Coats understand the DRC weed policy and have  
*Print Name*  
been informed about farm deferral and donations.

Signature: Eric W. Coats Date: 2-15-10

**This form must be signed and returned with state lease form.**

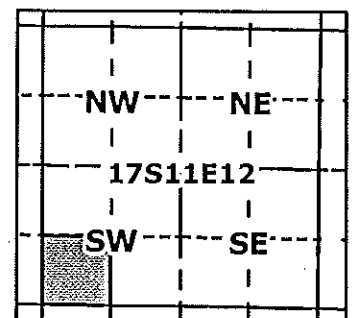
# 2010 Tumalo Irrigation District Instream Lease Map



## Application for Instream Lease

-  Proposed Lease of Irrigation Rights
-  Unmapped Proposed Lease
-  Unmapped Water Rights
-  Cert 76106
-  Cert 74146 & 74147

for Coats L10.07  
 taxlot 800 - 4.4 acres  
 taxlot 800 - 21.64 acres  
 in 171112SWSW  
 The 4.96 acres remaining in taxlot  
 Total Lease of 26.04 Acres



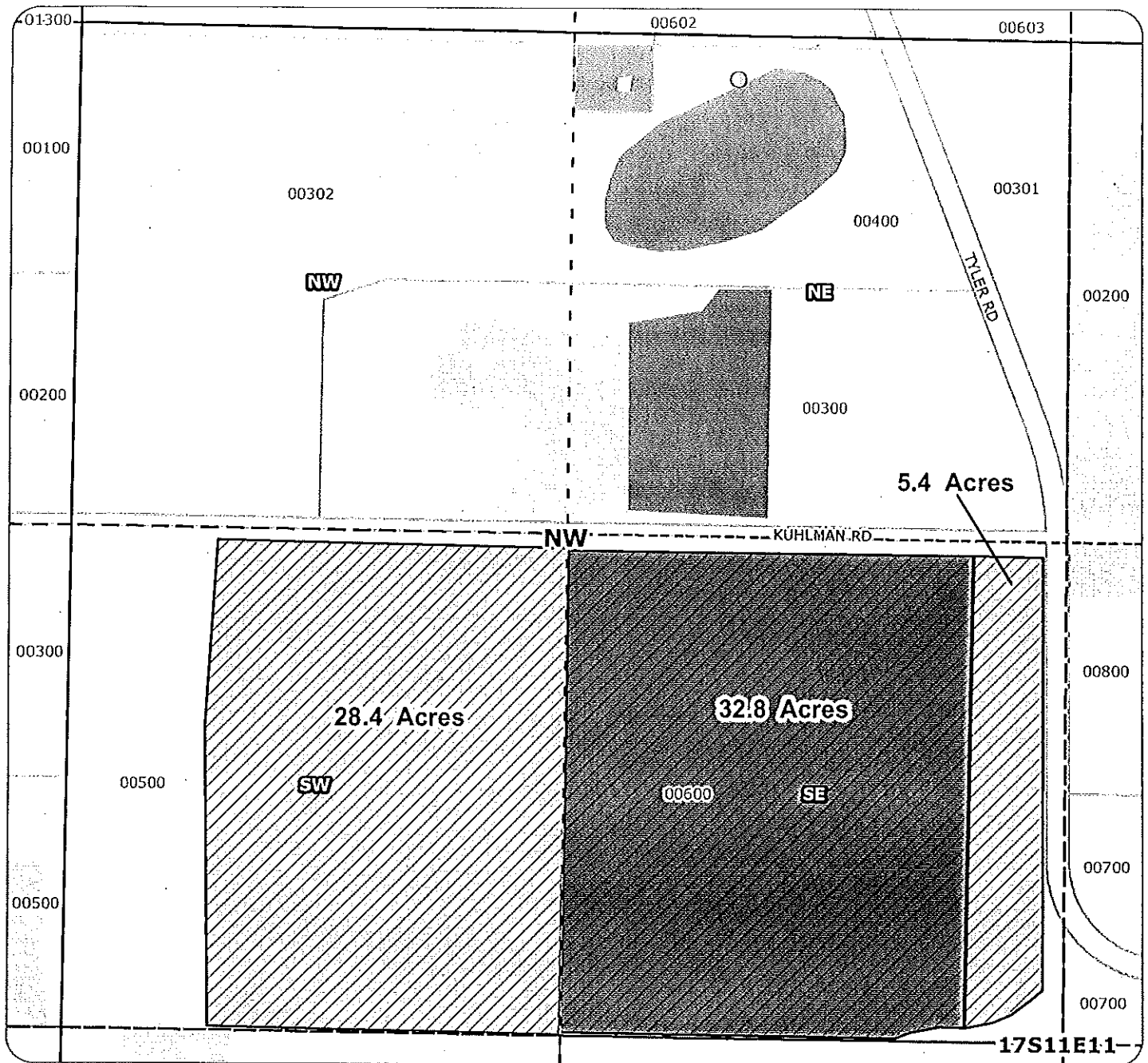
1 inch equals 400 feet





Geo-Spatial Solutions, Inc.  
[www.geospatialsolutions.com](http://www.geospatialsolutions.com)

Date Created: March 2010

# 2010 Tumalo Irrigation District Instream Lease Map

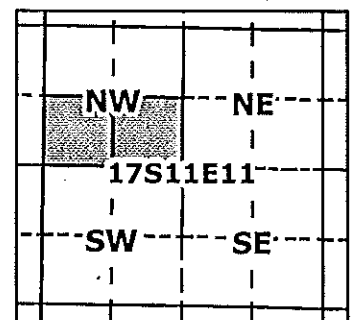


## Application for Instream Lease

-  Proposed Lease of Irrigation Rights
-  Unmapped Water Rights
-  Cert 76106
-  Cert 74146 & 74147

for  
 Coats L10.07  
 taxlot 500 - 28.4 acres  
 in 171111SWNW  
 taxlot 600 - 32.8 acres  
 in 171111SENE  
 taxlot 600 - 5.4 acres  
 in 171111SENE

0 acres remaining in each taxlot  
 Total Lease of 66.6 Acres



1 inch equals 400 feet



**Geo-Spatial Solutions, Inc.**  
[www.geospatialsolutions.com](http://www.geospatialsolutions.com)

Date Created: March 2010



SE¼ SE¼	1500D	IR	0.6	Kelly, Bill & Veronica
SE¼ SE¼	1702D	IR	1.4	Tepner, Robert & Karen

Section 36

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

1	NE¼ NW¼	403	IR	2.0	Duntley, Carole A.
1	NW¼ NW¼	500	IR	1.0	Chace, William & Brenda
1	NW¼ NW¼	600	IR	1.0	Campagna, David & Sharon

Section 7

SW¼ NE¼	603	IR	0.8	Towell, Thomas & Tammie
SE¼ NE¼	595	IR	2.3	Lehmann, David & Mary
SE¼ NE¼	596	IR	2.3	Marks, Magnus & Grace
SE¼ NE¼	597	IR	2.0	Kelley, James S.
SE¼ NE¼	598	IR	1.4	Losch, Richard & Linda
SE¼ NE¼	599	IR	1.2	Foucher, Dorothy

Section 17

SW¼ NE¼	2700	IR	2.0	Tucker, Jim & Denise	
NE¼ SW¼	1000C	IR	4.6	Brookhart, Ronald C.	
NE¼ SW¼	200C	IR	1.0	Wyatt, James & Grace	
NE¼ SW¼	500C	IR	1.0	Ward, Dennis	
3	NW¼ SW¼	1200C	IR	1.0	Clark, Kevin & Pamela
3	NW¼ SW¼	1300C	IR	2.0	Tucker, Billy & Bonnie
3	NW¼ SW¼	1400C	IR	1.0	Christ, Donald & Iris

Section 19

3	NW¼ SW¼	403	IR	2.0	Scott, Cheryl
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Section 30

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

2	NW¼ NE¼	200A	IR	1.0	Jacobs, Russell & Mary
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Section 3

NW¼ NE¼	600A	IR	2.0	Cronin, John & Margaret
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Section 10

SW¼ NW¼	500	IR	14.6	Coats, R.L. & Joyce
SE¼ NW¼	600	IR	5.4	Coats, R.L. & Joyce
NE¼ SE¼	1100	IR	5.0	Hyde/Marcinek, Geoffrey & Helenka

Section 11

NW¼ SW¼	2500	IR	2.0	Hanson, Robert & Ruth
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Section 13

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

Priority: 9/1/00

SW¼ SE¼	400	IR	3.94	Barr/Bach, Doris & George
SE¼ SE¼	800	IR	15.55	Mahoney, Dan & Martha

Section 1

SE¼ SW¼	801	IR	4.7	Christianson, Michael & Roberta
SW¼ SE¼	802	IR	1.0	Turner/Lupton, Robert & Courtney
SE¼ SE¼	900	IR	3.0	Waldron Jr., Harvey & Genevieve

Section 11

	SW $\frac{1}{4}$ SE $\frac{1}{4}$	703	IR	5.8	Freeman/Triplett
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	700	POND	0.1	Gisler, Patrick & Deborah
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	702	IR	2.7	James, John & Dinah - Trustees
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	703	IR	32.0	Freeman/Triplett
	Section 1				
2	NW $\frac{1}{4}$ NE $\frac{1}{4}$	105	IR	2.5	Haddix, Stephen J.
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	600	IR	15.3	Gill, John
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	700	IR	10.7	Gill, Rockne & Jane
	Section 2				
4	NW $\frac{1}{4}$ NW $\frac{1}{4}$	100BB	IR	1.0	Brizee, Harry & JoAnn
4	NW $\frac{1}{4}$ NW $\frac{1}{4}$	200BB	IR	3.0	Rotondi, Richard & Judy
4	NW $\frac{1}{4}$ NW $\frac{1}{4}$	300BB	IR	1.0	Booth, Jerry & Judi
4	NW $\frac{1}{4}$ NW $\frac{1}{4}$	400BB	IR	2.0	Frederick, Roger & Leslie
4	NW $\frac{1}{4}$ NW $\frac{1}{4}$	500BB	IR	1.8	Johnson, David & Bette
4	NW $\frac{1}{4}$ NW $\frac{1}{4}$	501BB	IR	0.2	Johnson, David & Bette
	Section 3				
1	NE $\frac{1}{4}$ NE $\frac{1}{4}$	100A	IR	1.0	Larson/Gill, Kevin L. & Leslie E.
2	NW $\frac{1}{4}$ NE $\frac{1}{4}$	500A	IR	10.0	Cobb, Ann Wright
	Section 4				
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	200A	IR	1.0	Steinlicht, Mark & L. Diane
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	400A	IR	1.2	Coats, Doug
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	500A	IR	3.8	Coats, Doug
	Section 10				
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	200	IR	35.5	Kearns, Daniel & Barbara
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	500	IR	12.6	Coats, R.L. & Joyce
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	1600	IR	10.0	Lyster, Ted & Eloise
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	1601	IR	1.0	McCook, Peter & Jacqueline
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	1000	IR	1.0	Johnson/Petieolas Adams, R.I.S.
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	1001	IR	1.0	Bell, John
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	1400	IR	1.0	Cooper, Robert & Beverly
	Section 11				
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	800	IR	4.4	Coats, R.L. & Joyce
	Section 12				
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	2300	IR	1.0	Beighley/Taylor, Mark & Deborah
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	2400	IR	0.9	Moore, Bill & Mildred
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	2400	IR	1.1	Moore, Bill & Mildred
	Section 13				
	Township 17 South, Range 11 East, W.M.				
2	NW $\frac{1}{4}$ NE $\frac{1}{4}$	302	IR	3.0	C.L.R. INC.
	Section 6				
	Township 17 South, Range 12 East, W.M.				
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	1401	IR	0.44	Kirkhorn, Bruce
	Section 13				

Priority: 4/28/05

SEE NEXT PAGE

Priority: 5/27/07

7	SW¼ SW¼	1802 Section 6	IR	3.0	Rupp, C. Richard
	NW¼ SE¼	2100 Section 30	IR	3.4	C.L.R. INC.
	SW¼ SE¼	4300D Section 31	IR	0.8	C.L.R. INC.
Township 16 South, Range 12 East, W.M.					
	SE¼ SE¼	1800	IR	2.0	COATS, ERIC & ROBIN T. 7466
	SW¼ NW¼	500 Section 11	IR	1.2	Coats, R.L. & Joyce NOS.004
	NW¼ NE¼	804	IR	0.4	Coats, R.L. & Joyce
	NW¼ NE¼	807	IR	3.8 5.4	Coats, R.L. & Joyce 7466 NOS.004
	NW¼ NE¼	817	IR	6.1	C.L.R. INC.
	SW¼ NE¼	806	IR	2.5	Graham, Kenneth & Joy
	SW¼ NE¼	807	IR	0.6 1.0	Coats, R.L. & Joyce 7466 NOS.004
	SW¼ NE¼	808	IR	2.1	Niedzwiecke, Andrew & Judith
	SW¼ NE¼	810	IR	0.9	Niedzwiecke, Andrew & Judith
	NE¼ NW¼	817	IR	0.2	C.L.R. INC.
	NW¼ NW¼	809	IR	1.6	C.L.R. INC.
	NW¼ NW¼	817	IR	4.0	C.L.R. INC.
	SE¼ NW¼	812	IR	1.5	Latham, Mark & Kristen
	SE¼ NW¼	813	IR	2.5	Schweigert, Ken
	SE¼ NW¼	818 Section 13	IR	2.5	Hamper, Tom
	NE¼ NE¼	11700	IR	0.2	Allen, Charles
	NE¼ NE¼	11800	IR	0.1	Allen, Charles
	NE¼ NE¼	11900	IR	0.4	Rugloski, Paul, Andrew & Cecelia
	SE¼ NE¼	11800	IR	0.7	Allen, Charles
	SE¼ NE¼	11900 Section 14	IR	2.6	Rugloski, Paul, Andrew & Cecelia

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

2	NW¼ NE¼	302 Section 6	IR	0.1	C.L.R. INC.
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Towuship 17 South, Range 12 East, W.M.

Priority: 6/1/07

	SE¼ SE¼	800 Section 1	IR	2.0	Mahoney, Dan & Martha
	SW¼ SE¼	803	IR	0.5	Paiva, Joe & Wanita
	SE¼ SE¼	900	IR	0.7	Waldron Jr., Harvey & Genevieve
	SE¼ SE¼	901 Section 11	IR	0.3	Waldron Jr., Harvey & Genevieve
	SW¼ SW¼	1200	IR	16.1	Gillham, John & Audrey
	SE¼ SW¼	1200 Section 12	IR	0.2	Gillham, John & Audrey

SEE NEXT PAGE

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
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	10.4	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	21.1	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



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: L10.10  
Lease Application Number (assigned by WRD): \_\_\_\_\_

This Lease is with:

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

Name Dodd Family Trust, Barbara J. Dodd, Trustee  
Mailing address 64515 Rock Springs Rd.  
City, State, Zip Code Bend, OR 97701  
Telephone number (541) 385-1394  
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. P74147

- 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	33	nwse	00805	4.50	irr	74147	8	10/29/1913
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 4.50

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, 2010. (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: Barbara J. Dodd Date: Feb. 25, 2010  
Dodd Family Trust, Barbara J. Dodd, Trustee

For additional Lessors, type in space for signature and date

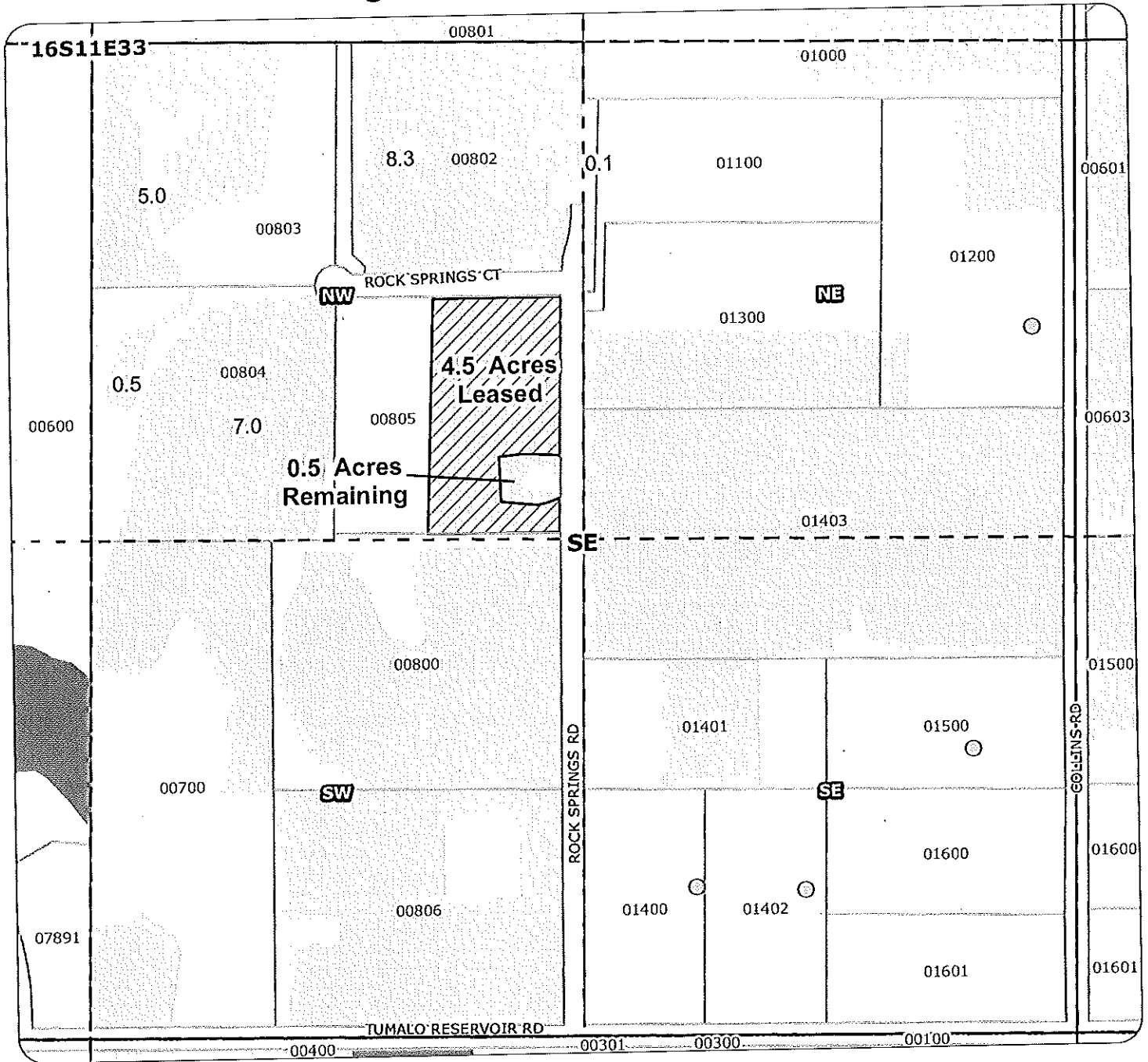
\_\_\_\_\_

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

\_\_\_\_\_

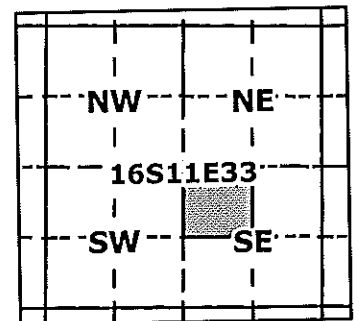
# 2010 Tumalo Irrigation District Instream Lease Map



## Application for Instream Lease

-  Proposed Lease of Irrigation Rights
-  Unmapped Water Rights
-  Cert 76106
-  Cert 74146 & 74147

for  
 Dodd Family Trust L10.10  
 taxlot 805- 4.5 acres  
 in 161133NWSE  
 0.5 acres remaining in taxlot  
 Total Lease of 4.5 Acres



1 inch equals 400 feet



Geo-Spatial Solutions, Inc.  
[www.geospatialolutions.com](http://www.geospatialolutions.com)

Date Created: March 2010



## EXHIBIT C

### Deschutes River Conservancy 2010 Instream Leasing Program

#### Policy Concerning Weeds & Instream Leases Information on Farm Deferral & Lease Payment

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*

**Donated Leases:** Leases of less than 5 acres, leases with public entities, leases submitted after the due date, and leases with verified weed complaints are not paid a per acre or per acre-foot rate by the DRC.

I, Barbara Dodd \_\_\_\_\_ understand the DRC weed policy and have  
*Print Name*  
been informed about farm deferral and donations.

Signature: Barbara Dodd \_\_\_\_\_ Date: Feb 25, 2010

**This form must be signed and returned with state lease form.**

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 collector, 19.	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 T-1146
NE¼SW¼	600	Wessinger, William & Pat	IR	0.20	1.80 2.50
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	Grant, 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](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: L10.08  
 Lease Application Number (assigned by WRD): \_\_\_\_\_

This Lease is with:

**Lessor #1 (Water Right Holder):**  
 Name Khalsa, Jai Hari S. & Jai Hari K.  
 Mailing address 65914 White Rock Loop  
 City, State, Zip Code Bend, OR 97701  
 Telephone number 541.382.2047  
 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. P76106

- 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	16	nwnw	00701	5.0	irr	76106	3	12/8/1961
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 5.0

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, 2010. (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.

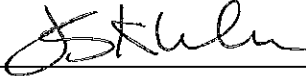
**3.3 Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred 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: 2-19-10  
Jai Hari S. Khalsa

 Date: 2/19/10  
Jai Hari K. Khalsa

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
- \_\_\_\_\_

## EXHIBIT C

### Deschutes River Conservancy 2010 Instream Leasing Program

#### Policy Concerning Weeds & Instream Leases Information on Farm Deferral & Lease Payment

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*

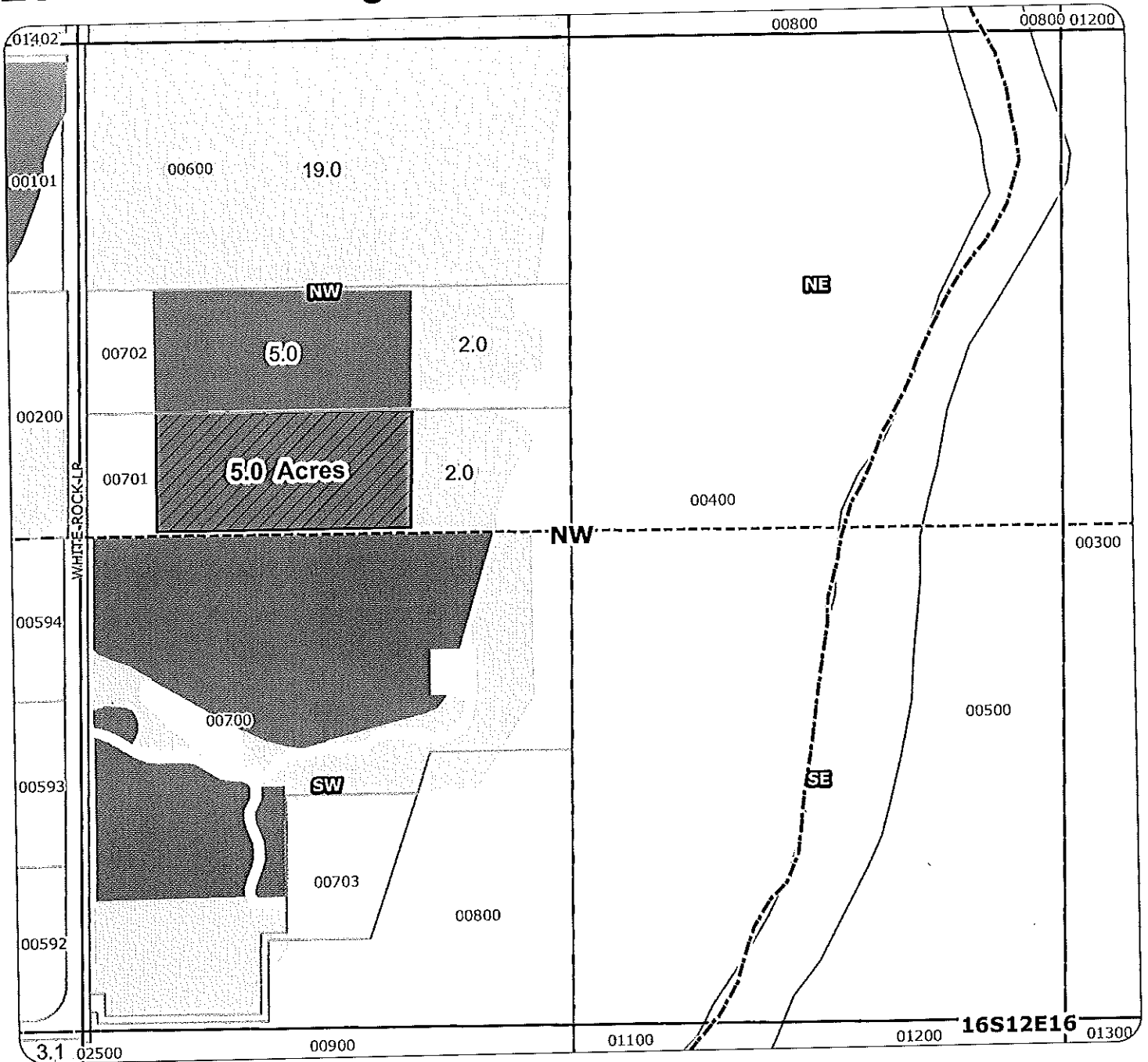
**Donated Leases:** Leases of less than 5 acres, leases with public entities, leases submitted after the due date, and leases with verified weed complaints are not paid a per acre or per acre-foot rate by the DRC.

I, Dr. Harry Kalsen understand the DRC weed policy and have  
*Print Name*  
been informed about farm deferral and donations.




Signature:  Date: 2-11-10

**This form must be signed and returned with state lease form.**

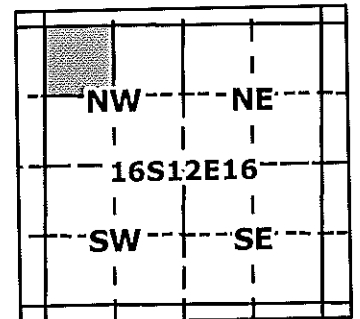
# 2010 Tumalo Irrigation District Instream Lease Map



## Application for Instream Lease

-  Proposed Lease of Irrigation Rights
-  Cert 76106
-  Cert 74146 & 74147

for  
 Khalsa L10.08  
 taxlot 701- 5.0 acres  
 in 161216NWNW  
 0 acres remaining in taxlot  
 Total Lease of 5.0 Acres



1 inch equals 400 feet.



Geo-Spatial Solutions, Inc.  
[www.geospatialolutions.com](http://www.geospatialolutions.com)

Date Created: March 2010

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	100 101	20.0 7.50	STOUT/PENNOCK Stout
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	KALLEY, J & J
17	11	2	NE 1/4 NE 1/4	100	2.5	WACHS, D & L
17	11	2	NE 1/4 NE 1/4	106	2.5	SILVER, R & J
17	11	2	NW 1/4 NE 1/4	101	2.4	MORROW, R & R
17	11	2	NW 1/4 NE 1/4	102	2.5	JOHNSON, M
17	11	2	NW 1/4 NE 1/4	103	0.1	MORROW, R & R
17	11	2	NE 1/4 NW 1/4	200	3.0	GILL, R & J
17	11	2	NE 1/4 NW 1/4	201	6.1	GILL, R & J

minor hardtion  
96-22  
Partition Plat  
1998-35





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: L10.09  
Lease Application Number (assigned by WRD): \_\_\_\_\_

This Lease is with:

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

Name Morehen, Patricia  
Mailing address 632 Calle de la Mesa  
City, State, Zip Code Novato, CA 94949  
Telephone number (415) 883-6338  
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. P74146

- 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	26	nwnw	00116	7.0	irr	74146	13	4/28/1905
2.										
3.										
4.										
5.										

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

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, 2010. (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: Patricia Morehen Date: 2/22/10  
Patricia Morehen

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

## EXHIBIT C

### Deschutes River Conservancy 2010 Instream Leasing Program

#### Policy Concerning Weeds & Instream Leases Information on Farm Deferral & Lease Payment

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*

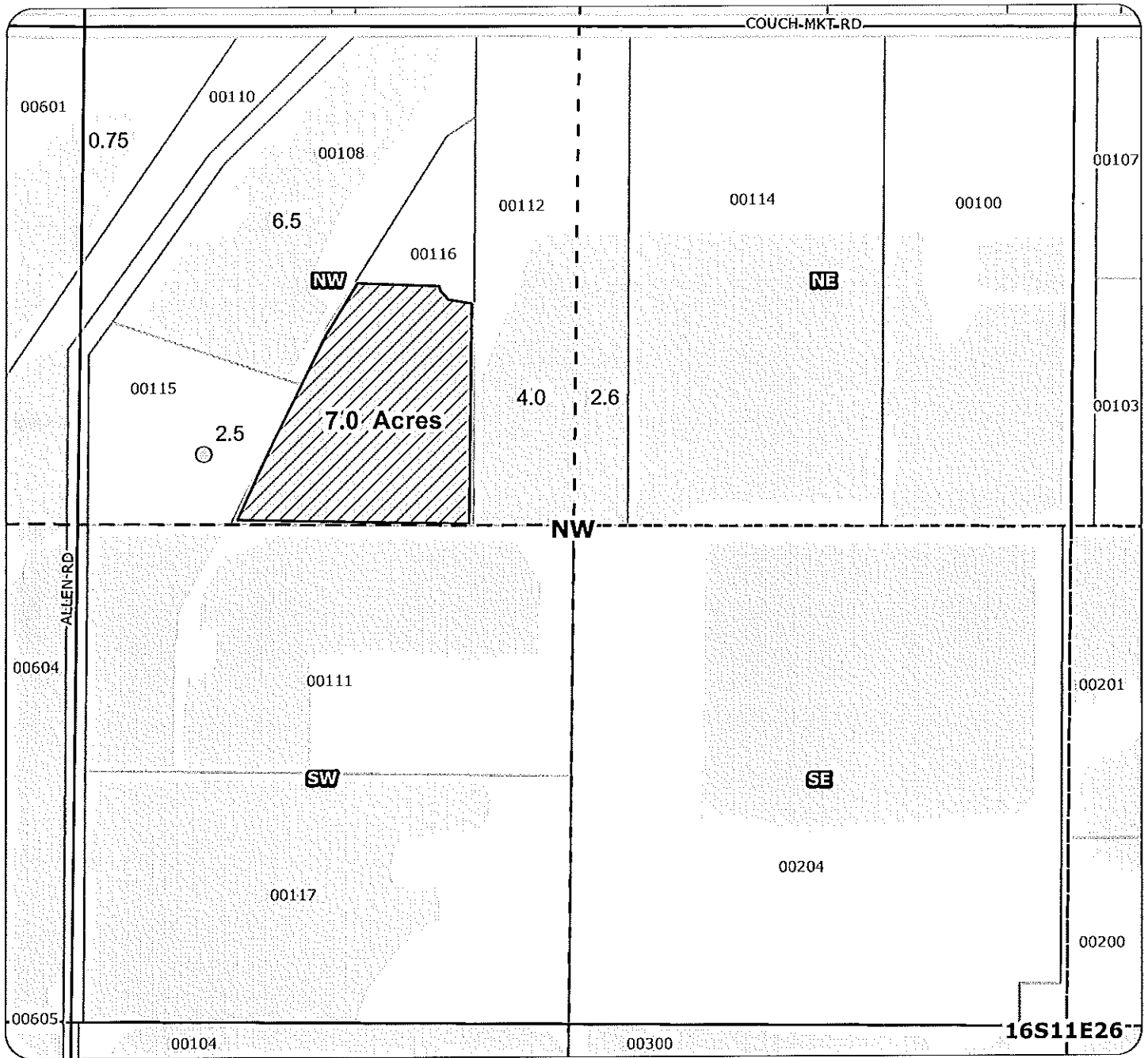
**Donated Leases:** Leases of less than 5 acres, leases with public entities, leases submitted after the due date, and leases with verified weed complaints are not paid a per acre or per acre-foot rate by the DRC.

I, Patricia Morehen understand the DRC weed policy and have  
*Print Name*  
been informed about farm deferral and donations.

Signature: Patricia Morehen Date: 2/22/10

**This form must be signed and returned with state lease form.**

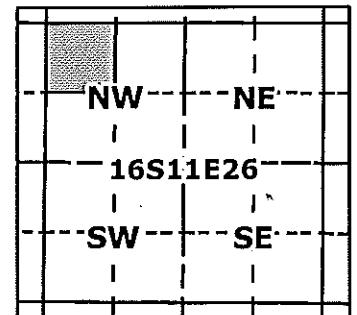
# 2010 Tumalo Irrigation District Instream Lease Map



## Application for Instream Lease

-  Proposed Lease of Irrigation Rights
-  Unmapped Water Rights
-  Cert 74146 & 74147

for  
 Morehen L10.09  
 taxlot 116- 7.0 acres  
 in 161126NWNW  
 0 acres remaining in taxlot  
 Total Lease of 7.0 Acres



1 inch equals 400 feet



SW¼ SE¼	1000	IR	0.2	Jungers, Frank & Julia
SW¼ SE¼	900	IR	1.17	Jungers, Frank & Julia

Section 15

NW¼ NW¼	400	IR	17.0	Hauxwell, Stanley & Jean
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Section 22

NE¼ NE¼	100	IR	37.8	Anliker, Mrs. R. J.
NW¼ NE¼	205	IR	0.5	Pitmon, William & Elizabeth
NW¼ SE¼	800	IR	0.16	Hammack, Jonas

Section 25

NW¼ NW¼	108	IR	5.1	Samuelson/Connell
NW¼ NW¼	112	IR	4.0	Smith, Lawrence & Emily
NW¼ NW¼	115	IR	2.5	Karcher, William Jr. & Stephanie
NW¼ NW¼	116	IR	7.0	Morehen, Patricia
SW¼ SE¼	500	IR	13.43	Guice, Thomas

Section 26

NE¼ NE¼	601	IR	3.0	Martin, Jack W.
SW¼ SW¼	400	IR	4.0	Hall, David & Joanne

Section 27

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

NW¼ NE¼	300	IR	1.1	Smith, Phillip & Darlene
NW¼ NE¼	301	IR	0.3	Smith, Phillip & Darlene
NW¼ NE¼	302	IR	2.6	Smith, Phillip & Darlene

Section 17

NE¼ SE¼	2001	IR	1.7	Zapp, Martin & Joann
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Section 19

SW¼ NE¼	2800	IR	2.0	Barlow, Steven & Jeanette
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Section 30

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

NW¼ NE¼	201	IR	30.5	Davenport, Craig & Peggy, Trustees
SW¼ NE¼	200	IR	3.6	Murphy/Mark
SW¼ NE¼	201	IR	6.8	Davenport, Craig & Peggy, Trustees
SW¼ NE¼	202	IR	5.6	Parker, David & Denise
SE¼ NE¼	300	IR	35.0	Twylla Knake
NE¼ NW¼	201	IR	26.0	Davenport, Craig & Peggy, Trustees
NE¼ NW¼	201	POND	0.6	Davenport, Craig & Peggy, Trustees
NW¼ NW¼	201	IR	31.1	Davenport, Craig & Peggy, Trustees
SW¼ NW¼	201	IR	10.1	Davenport, Craig & Peggy, Trustees
SE¼ NW¼	200	IR	5.2	Murphy/Mark
SE¼ NW¼	201	IR	9.0	Davenport, Craig & Peggy, Trustees
NW¼ SE¼	200	IR	2.9	Murphy/Mark
NW¼ SE¼	202	IR	6.6	Parker, David & Denise

Section 12

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

2	SW¼ NW¼	400	IR	10.0	Kemple, Harold & Terryl
2	SW¼ NW¼	401	IR	14.6	Frei, Gary & Victoria

Section 7

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

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](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: L10,06  
Lease Application Number (assigned by WRD): \_\_\_\_\_

This Lease is with:

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

Name John & Carol Page  
Mailing address 11851 Presilla Road  
City, State, Zip Code Camarillo, CA 93012  
Telephone number (805)531-9592  
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. P74146

- 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	24	SWN W	00501	5.0	irr	74146	6	9/1/1900
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 5.0

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, 2010. (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: John R. Page Date: 2-22-10  
John Page  
Carol Page Carol R. Page Date: 2-22-10

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

**EXHIBIT C**

**Deschutes River Conservancy  
2010 Instream Leasing Program**

**Policy Concerning Weeds & Instream Leases  
Information on Farm Deferral & Lease Payment**

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*

**Donated Leases:** Leases of less than 5 acres, leases with public entities, leases submitted after the due date, and leases with verified weed complaints are not paid a per acre or per acre-foot rate by the DRC.

I, JOHN R. PAGE  
CAROL A. PAGE understand the DRC weed policy and have  
*Print Name*  
been informed about farm deferral and donations.

Signature: John R Page Date: 2-22-10

X Carol A Page  
This form must be signed and returned with state lease form.



SW¼ SW¼	520	IR	1.7	Allen, Lawrence
SW¼ SW¼	523	IR	9.9	Coyote Ridge, Inc.
SE¼ SW¼	523	IR	7.6	Coyote Ridge, Inc.
SE¼ SW¼	524	IR	14.2	Lucas, Lee & Karen
NW¼ SE¼	515	IR	5.3	Vincent, Kenneth & Karen
SW¼ SE¼	524	IR	14.9	Lucas, Lee & Karen

## Section 23

SW¼ NE¼	1000	IR	14.9	Sheehan, Thomas & Mimi
SW¼ NE¼	1100	IR	5.0	Day, Matt & Lesley
SW¼ NE¼	1101	IR	8.1	Doherty, Barbara
SW¼ NW¼	501	IR	5.0	Page, John & Carol
SE¼ NW¼	600	IR	4.0	Anderson, Robert & Bonita
SE¼ NW¼	700	IR	2.4	Day, Matt & Lesley
SE¼ NW¼	800	IR	2.6	Day, Matt & Lesley
SE¼ NW¼	900	IR	14.0	Ahern, Robert & Lisa
NE¼ SW¼	1500	IR	5.0	Brand, Donald
NE¼ SW¼	1600	IR	2.0	Hays, Kenneth & Karen
NE¼ SW¼	1601	IR	2.0	Wilson, Lawrence & Joann, Trustees
NE¼ SW¼	1701	IR	6.0	Curley, Richard & Beverly
NW¼ SW¼	1801	IR	2.3	Niebauer, Douglas W.
NW¼ SW¼	1805	IR	2.8	Wegner, Eugene & Sally
NW¼ SW¼	1900	IR	0.7	Niebauer, Douglas W.
SE¼ SW¼	2200	IR	1.18	Susac, John A.
SE¼ SW¼	2800	IR	1.82	Susac, John A.
NE¼ SE¼	1200	IR	7.0	Valverde, Daniel & Jeanette
NE¼ SE¼	1204	IR	8.0	Barker, Dennis & Doris
NW¼ SE¼	1300	IR	2.5	Kashner, Richard & Carrie
NW¼ SE¼	1301	IR	2.5	Siano, Vince & Ruth
NW¼ SE¼	1302	IR	5.0	Hoover, Bruce & Priscilla
NW¼ SE¼	1400	IR	5.0	Walker, Derald & Linda
NW¼ SE¼	1403	IR	3.0	Helle, John & Stephanie
SW¼ SE¼	2201	IR	3.0	Helle, John & Stephanie
SW¼ SE¼	2300	IR	10.0	Van Sooy, Lance & Alene
SW¼ SE¼	2500	IR	1.5	Helle, John & Stephanie
SW¼ SE¼	2600	IR	1.0	Helle, John & Stephanie
SW¼ SE¼	2700	IR	3.0	Helle, John & Stephanie
SE¼ SE¼	2400	IR	19.0	Weitzman, Lawrence & Kimberly
SE¼ SE¼	2401	IR	11.0	Weitzman, Lawrence & Kimberly

## Section 24

NW¼ NE¼	205	IR	2.5	Pitmon, William & Elizabeth
SW¼ NE¼	500	IR	0.5	Mahoney, Dan & Martha
SW¼ NE¼	505	IR	16.0	Hastings, Martha G.
SE¼ NE¼	502	IR	5.0	Nolan, James
SE¼ NE¼	504	IR	3.0	Pimentel, Kenneth & Virginia
NE¼ NW¼	302	IR	3.4	Richardson Family 1990 Trust
NE¼ NW¼	306	IR	2.6	Holling, Barry & Barbara
SE¼ NW¼	405	IR	0.3	Wonser, Michael & Mary
SE¼ NW¼	406	IR	2.7	Hughes, Marion & Maureen
SE¼ NW¼	407	IR	2.5	Larson, Mark & Katharyn
SW¼ SW¼	902	IR	1.0	Aldridge, Daniel & Deborah
SW¼ SW¼	904	IR	9.1	Vincent Family Farms Inc.
SW¼ SW¼	906	IR	11.0	Vincent, Tim & Teresa

## Section 25



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: L10.11

Lease Application Number (assigned by WRD): \_\_\_\_\_

This Lease is with:

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

Name Stout, Melvin & Marsha

Mailing address 10667 SW Lancaster Rd.

City, State, Zip Code Portland, OR 97219

Telephone number (503)246-0897

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. P76106

- 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	17	nene	00101	7.50	irr	76106	3	12/8/1961
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 7.50

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, 2010. (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.



**EXHIBIT C**

**Deschutes River Conservancy  
2010 Instream Leasing Program**

**Policy Concerning Weeds & Instream Leases  
Information on Farm Deferral & Lease Payment**

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*

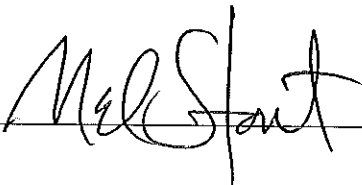
**Farm Deferral Notice**

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*

**Donated Leases:** Leases of less than 5 acres, leases with public entities, leases submitted after the due date, and leases with verified weed complaints are not paid a per acre or per acre-foot rate by the DRC.

I, MEL STOUT understand the DRC weed policy and have  
*Print Name*  
been informed about farm deferral and donations.

Signature:  Date: 2/26/2010



**This form must be signed and returned with state lease form.**



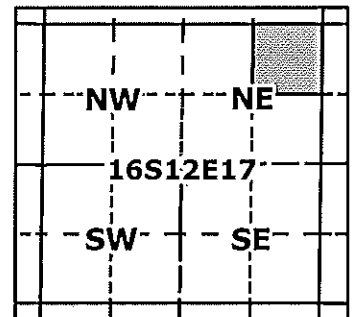
# 2010 Tumalo Irrigation District Instream Lease Map



## Application for Instream Lease

-  Proposed Lease of Irrigation Rights
-  Unmapped Water Rights
-  Cert 76106
-  Cert 74146 & 74147

for  
 Stout, Mel L10.11  
 taxlot 101- 7.5 acres  
 in 161217NENE  
 0 acres remaining in taxlot  
 Total Lease of 7.5 Acres



1 inch equals 400 feet



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	100 101	20.0 3.8 9.50	STOUT/PENNOCK } MP 96-22
16	12	19	SE 1/4 SW 1/4	182 1900	10.0 2.7 6.7	STOUT PENNOCK } T. 9303 No. 003 KLOBY, J & M } 2.07
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	KALLEY, J & J
17	11	2	NE 1/4 NE 1/4	100	2.5	WACHS, D & L
17	11	2	NE 1/4 NE 1/4	106	2.5	SILVER, R & J
17	11	2	NW 1/4 NE 1/4	101	2.4	MORROW, R & R
17	11	2	NW 1/4 NE 1/4	102	2.5	JOHNSON, M
17	11	2	NW 1/4 NE 1/4	103	0.1	MORROW, R & R
17	11	2	NE 1/4 NW 1/4	200	3.0	GILL, R & J
17	11	2	NE 1/4 NW 1/4	201	6.1	GILL, R & J



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: L10.05

Lease Application Number (assigned by WRD): \_\_\_\_\_

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 \_\_\_\_\_

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 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	19	nese	02001	2.35	Irr	74146	11	9/1/1900
2.										
3.										
4.										
5.										

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, 2010. (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: 2-12-10  
Martin Zapp

*Joann Zapp* Date: 2-16-10  
Joann Zapp

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

\_\_\_\_\_

## EXHIBIT C

### Deschutes River Conservancy 2010 Instream Leasing Program

#### Policy Concerning Weeds & Instream Leases Information on Farm Deferral & Lease Payment

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*

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*Information and Resources Attached*

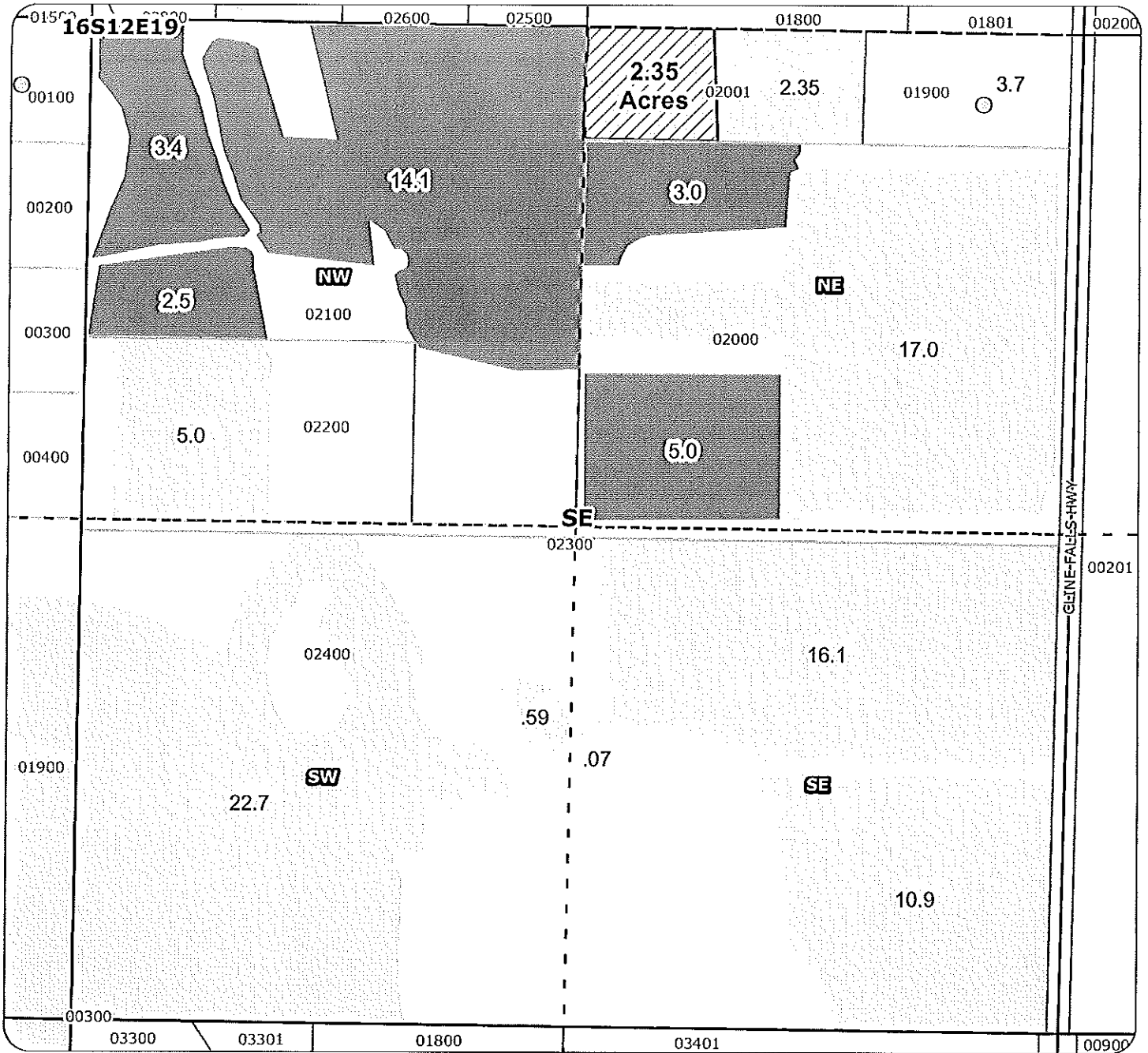
**Donated Leases:** Leases of less than 5 acres, leases with public entities, leases submitted after the due date, and leases with verified weed complaints are not paid a per acre or per acre-foot rate by the DRC.

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

Signature:  Date: 2/12/10

**This form must be signed and returned with state lease form.**

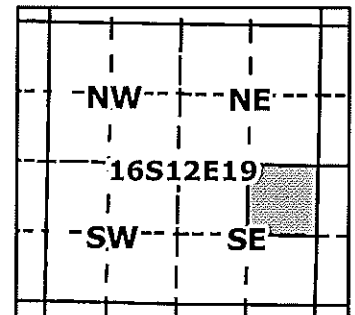
# 2010 Tumalo Irrigation District Instream Lease Map



## Application for Instream Lease

-  Proposed Lease of Irrigation Rights
-  Unmapped Proposed Lease
-  Unmapped Water Rights
-  Cert 76106
-  Cert 74146 & 74147

for  
 Zapp, Martin & Joann L10.05  
 taxlot 2001 - 2.35 acres  
 in 161219NESE  
 2.35 acres remaining in taxlot  
 Total Lease of 2.35 Acres



1 inch equals 400 feet



Geo-Spatial Solutions, Inc.

[www.geospatialolutions.com](http://www.geospatialolutions.com)

Date Created: February 2010

	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.
3	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
	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				

3	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
4	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
4	SW 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
	SE 1/4 SW 1/4	402	IR		
	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
	NW 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	2.74	Wright, R. Douglas
	SE 1/4 NE 1/4	600	IR	2.74	Wright, R. Douglas
	SE 1/4 NE 1/4	601	IR	2.74	Wright, R. Douglas
	NE 1/4 NW 1/4	201	IR	2.74	Wright, R. Douglas
	NW 1/4 NW 1/4	400	IR	2.74	Wright, R. Douglas
	NW 1/4 NW 1/4	402	IR	2.74	Wright, R. Douglas
	NW 1/4 NW 1/4	407	IR	2.74	Wright, R. Douglas
	SW 1/4 NW 1/4	408	IR	2.74	Wright, R. Douglas
	SW 1/4 NW 1/4	405	IR	2.74	Wright, R. Douglas
	SE 1/4 NW 1/4	406	IR	2.74	Wright, R. Douglas
	NE 1/4 SE 1/4	700	IR	31.0	Eggiman, Timothy & Nathalie
	NE 1/4 SE 1/4	702	IR	30.1	Shepard, John & Marion
	NW 1/4 SE 1/4	701	IR	0.6	Gisler, Patrick & Deborah
	NW 1/4 SE 1/4	702	IR	1.0	James, John & Dinah - Trustees
	NW 1/4 SE 1/4	702	IR	17.2	Eggiman, Timothy & Nathalie
	SW 1/4 SE 1/4	702	IR	33.6	James, John & Dinah - Trustees

