



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

Application for Instream Lease

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

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

Optional Identification by Lessor/Lessee: Mitigation Project
 Lease Application Number (assigned by WRD): IL-1079

This Lease is between:

Lessor #1:

Name City of Sisters
 Mailing address P.O. Box 39
 City, State, Zip Code Sisters, OR 97759
 Telephone number 541-549-6022
 Email address estein@ci.sisters.or.us

Lessor #2, 3, etc.

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

Lessee (if different than Oregon Water Resources Department):

Name Deschutes River Conservancy Mitigation Bank
 Mailing address 700 NW Hill Street
 City, State, Zip Code Bend, OR 97701
 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

- 1.1 Lessor #1 is the water right holder, or authorized agent for water right holder of the property located at: Township 15 S, Range 10 E, Section 4,5,8 & 9 and Tax Lot number . 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.

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

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

Certificate No. 67706, additional rights being leased: C-65091, C-65090, C-13509, C-13501, C-10028, C-3227 – overlying groundwater rights C-66520, P-11418 (as modified by T-10766) are not leased

- 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.: 67706

Priority date: 1885 Type of use: MU

Legal Season of Use: January 1 – December 31

Is the entire water right certificate being leased? Yes No

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

Place of use: T ____, R ____, Section __, $\frac{1}{4}$ $\frac{1}{4}$ - _____ acres to be leased

Enter additional places of use here, using format above:

PREVIOUSLY LEASED L-616 (2005-2009)

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

Number of acres being leased, if for irrigation: N/A

Acre-feet of storage, if applicable: N/A

Maximum rate associated with the right to be leased (cfs): 0.20 cfs

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

Maximum duty associated with the right to be leased (ac-ft): MU – none listed

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

Conditions or other limitations, if any: Only the senior (1885 – C-67706) water is to be used for mitigation.

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

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

- the water has been used over the past five years according to the terms and conditions of the water right certificate or as an instream water right (C-67706, L-616) 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). See MU Certificates Attached.

~II~ Instream Water Right Information

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

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

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

Pole Creek

Tributary to Whychus Creek in the Deschutes Basin.

Describe the point of diversion (POD) and any associated reach(es) of the instream use being created. If possible list the reach by river mile. If no reach is identified, and there is only one POD listed on the certificate, the lease may be processed to be protected at the POD. (If more than one POD is listed on the certificate, then the POD and any associated reach(es) must be identified): NE ¼ NE 1/4 , Section 19, T 15 S, R 10 E, W.M.; 1540 feet South 36 degrees West from the NE corner of Section 19 through Pole Creek and to the mouth of Whychus Creek

Maximum volume in acre-feet: 144.8 (year round use Jan 1 – Dec 31)

Rate in cfs: 0.20 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): _____

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

2.3 Term of lease. This lease shall terminate on December 31, 2014.

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 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 #1: _____

City of Sisters

Date: _____

6-2-10

For additional Lessors, type in space for signature and date

Lessee: _____

Deschutes River Conservancy Mitigation Bank

Date: _____

6/2/2010

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

STATE OF OREGON
COUNTY OF DESCHUTES
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CITY OF SISTERS
SISTERS, OREGON 97759

confirms the right to use the waters of POLE CREEK, a tributary of SQUAW CREEK, for MUNICIPAL USE.

This right was confirmed by decree of the Circuit Court of the State of Oregon for CROOK County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 1, at Page 471. The date of priority is 1885.

The use is limited to 0.20 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion under the subject right.

The point of diversion is located as follows:

NE 1/4 NE 1/4, SECTION 19, T 15 S, R 10 E, W.M.; 1540 FEET SOUTH 36 DEGREES WEST FROM THE NE CORNER OF SECTION 19.

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:

NW 1/4 NE 1/4
SW 1/4
SW 1/4 SE 1/4
SECTION 4

E 1/2 SW 1/4
W 1/2 SE 1/4
SE 1/4 SE 1/4
SECTION 5

E 1/2 NE 1/4
SECTION 8

NE 1/4
NW 1/4
SECTION 9

TOWNSHIP 15 SOUTH, RANGE 10 EAST, W.M.

This certificate is issued to confirm a change in USE, PLACE OF USE AND POINT OF DIVERSION approved by an order of the Water Resources Director entered OCTOBER 28, 1977, and together with Certificate 45032, supersedes Certificate 864, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

SEE NEXT PAGE

T-3733.DJ

L-616

C-67706



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

Additional Water Right Form Standard Application for Instream Lease

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~I~ Water Right Holder and Water Right Information

Section 1.5 continued from Standard Application for Instream Lease.

Subject Water Rights. Lessor proposes to lease the water rights listed in 1.3.

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

Certificate No.: 65091

Priority date: 11/17/1967 Type of use: MU

Legal Season of Use (if not listed on the certificate): January 1 - December 31

Is the entire water right certificate being leased? Yes No

If no, list the acres to be leased by legal description of township, range, section, and $\frac{1}{4}$ $\frac{1}{4}$, which will be dried up as part of this lease. Include a map (Attachment 3) showing the lands that will not receive water.

Place of use: T 15 S, R 10 E, Section _____, _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ - _____ acres to be leased
Enter additional places of use here, using format above:

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

Number of acres, if for irrigation: N/A - MU

Acre-feet of storage, if applicable: N/A

Rate associated with leased rights (cfs): 1.45 cfs

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

Duty associated with leased rights (AF): not listed

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

Conditions or other limitations, if any: Not routed through reservoir during instream lease. The town of Sisters is in the wildland interface. This reservoir has been used in the past for fire suppression to protect suburbs of Sisters. In the event of a fire, the reservoir may be filled at some point during the term of the lease for the exempt use of fire suppression.

~II~ Instream Water Right Information

Section 2.2 continued from Standard Application for Short-Term Instream Lease.

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

Pole _____ Creek

Tributary to Whychus Creek in the Deschutes Basin.

Describe the point of diversion (POD) and any associated reach(es) of the instream use being created. If possible list the reach by river mile. If no reach is identified, and there is only one POD listed on the certificate, the lease may be processed to be protected at the POD. (If more than one POD is listed on the certificate, then the POD and any associated reach(es) must be identified): SE 1/4 NE 1/4, NE 1/4 NE 1/4, Section 19, T 15 S, R 10 E, W.M.; Creek Diversion (reservoir not used) through Pole Creek to the mouth of Whychus Creek

Maximum volume in acre-feet: 1,049.75 (year round MU - Jan 1-Dec 31)

Rate in cfs: 1.45 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): _____

C-65091

STATE OF OREGON
COUNTY OF DESCHUTES
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CITY OF SISTERS
SISTERS, OREGON 97759

confirms the right to use the waters of POLE CREEK AND SISTERS' RESERVOIR CONSTRUCTED UNDER PERMIT R-5054, a tributary of SQUAW CREEK, for the purpose of MUNICIPAL USE.

This right was perfected under Permit 32854. The date of priority is NOVEMBER 17, 1967. This right is limited to 1.45 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:

SE 1/4 NE 1/4, NE 1/4 NE 1/4, SECTION 19, T 15 S, R 10 E, W.M.; CREEK DIVERSION- 1810 FEET SOUTH AND 1100 FEET WEST, RESERVOIR OUTLET- 880 FEET SOUTH AND 750 FEET WEST, BOTH FROM THE NE CORNER OF SECTION 19.

This right shall conform to any reasonable rotation system ordered by the proper state officer.

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

SW 1/4 NE 1/4
SE 1/4 NW 1/4
S 1/2
SECTION 4

E 1/2 SW 1/4
SE 1/4
SECTION 5

N 1/2 NE 1/4
SE 1/4 NE 1/4
SECTION 8

W 1/2 NE 1/4
SE 1/4 NE 1/4
NW 1/4
NW 1/4 SW 1/4
SECTION 9

TOWNSHIP 15 SOUTH, RANGE 10 EAST, W.M.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The right is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

WITNESS the signature of the Water Resources Director, affixed
JANUARY 3, 1991.

/s/ WILLIAM H. YOUNG

William H. Young

Recorded in State Record of Water Right Certificates numbered 65091.

44263.DLM



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

Additional Water Right Form
Standard Application for
Instream Lease

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www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

~I~ Water Right Holder and Water Right Information

Section 1.5 continued from Standard Application for Instream Lease.

Subject Water Rights. Lessor proposes to lease the water rights listed in 1.3.

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

Certificate No.: 65090

Priority date: 8/10/1967 Type of use: MU

Legal Season of Use (if not listed on the certificate): none listed

Is the entire water right certificate being leased? [X] Yes [] No

If no, list the acres to be leased by legal description of township, range, section, and 1/4 1/4, which will be dried up as part of this lease. Include a map (Attachment 3) showing the lands that will not receive water.

Place of use: T 15 S, R 10 E, Section , 1/4 1/4 - acres to be leased

Enter additional places of use here, using format above:

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

Number of acres, if for irrigation: N/A

Acre-feet of storage, if applicable: 6.3 ac-ft

Rate associated with leased rights (cfs): N/A

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

Duty associated with leased rights (AF): N/A

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

Conditions or other limitations, if any: The town of Sisters is in the wildland interface. In the event of a fire, this reservoir may be used at some point during the term of the lease for the exempt use of fire suppression to protect suburbs of the town of Sisters.

~II~ Instream Water Right Information

Section 2.2 continued from Standard Application for Short-Term Instream Lease.

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

Pole Creek

Tributary to Whychus Creek in the Deschutes Basin.

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

Diversion on Pole Creek to the Mouth of Whychus Creek

Maximum volume in acre-feet: 6.3 ac-ft

Rate in cfs: 0.11 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 April 1 through April 29.
- Other (describe): _____

C-6509D

STATE OF OREGON
COUNTY OF DESCHUTES
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CITY OF SISTERS
SISTERS, OREGON 97759

confirms the right to store the waters of POLE CREEK, a tributary of SQUAW CREEK, in SISTERS' RESERVOIR, appropriated under Permit 32854, for the purpose of MUNICIPAL USE.

The right to store these waters has been perfected under Reservoir Permit R-5054. The date of priority is AUGUST 10, 1967. The amount of water entitled to be stored each year under such right is not more than 6.3 ACRE FEET.

The reservoir is located as follows:

NE 1/4 NE 1/4
SECTION 19
TOWNSHIP 15 SOUTH, RANGE 10 EAST, W.M.

The dam is to be operated and maintained in accordance to the approved plans and specifications.

The right to store and use the water for the above purpose is restricted to beneficial use at the place of use described.

WITNESS the signature of the Water Resources Director, affixed
JANUARY 3, 1991.

/s/ WILLIAM H. YOUNG

William H. Young

Recorded in State Record of Water Right Certificates numbered 65090.

R-43919 DLM



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

Additional Water Right Form Standard Application for Instream Lease

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~I~ Water Right Holder and Water Right Information

Section 1.5 continued from Standard Application for Instream Lease.

Subject Water Rights. Lessor proposes to lease the water rights listed in 1.3.

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

Certificate No.: 13509

Priority date: 11/1/1937 Type of use: MU

Legal Season of Use (if not listed on the certificate): January 1 - December 31

Is the entire water right certificate being leased? Yes No

If no, list the acres to be leased by legal description of township, range, section, and $\frac{1}{4}$ $\frac{1}{4}$, which will be dried up as part of this lease. Include a map (Attachment 3) showing the lands that will not receive water.

Place of use: T 15 S, R 10 E, Section _____, _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ - _____ acres to be leased
Enter additional places of use here, using format above:

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

Number of acres, if for irrigation: N/A - MU

Acre-feet of storage, if applicable: N/A

Rate associated with leased rights (cfs): 1.25

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

Duty associated with leased rights (AF): MU - none listed

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

Conditions or other limitations, if any: _____

~II~ Instream Water Right Information

Section 2.2 continued from Standard Application for Short-Term Instream Lease.

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

9 Springs/Pole Creek

Tributary to Whychus Creek in the Deschutes Basin.

Describe the point of diversion (POD) and any associated reach(es) of the instream use being created. If possible list the reach by river mile. If no reach is identified, and there is only one POD listed on the certificate, the lease may be processed to be protected at the POD. (If more than one POD is listed on the certificate, then the POD and any associated reach(es) must be identified): SW 1/4 SW 1/4, Section 3 and NW 1/4 NW 1/4, Section 10, T 16 S, R 9 E, W.M. through Pole Creek to the mouth of Whychus Creek

Maximum volume in acre-feet: 904.96 (year round MU - Jan 1-Dec 31)

Rate in cfs: 1.25

(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): _____

STATE OF OREGON
COUNTY OF DESCHUTES
CERTIFICATE OF WATER RIGHT

This Is to Certify, That SISTERS DOMESTIC WATER DISTRICT

of Sisters, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of 9 springs a tributary of Squaw Creek for the purpose of Municipal under Permit No. 12869 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from November 1, 1937;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1.25 cubic feet per second,

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SW 1/4 SW 1/4, Section 3 and NW 1/4 NW 1/4, Section 10, Township 16 South, Range 9 East, W. M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to of one cubic foot per second per acre,

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

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

SW 1/4 SW 1/4
SE 1/4 SW 1/4
NW 1/4 SW 1/4
Section 4
NE 1/4 NE 1/4
Section 8
NW 1/4 NW 1/4
NE 1/4 NW 1/4
Section 9
Township 15 South, Range 10 East, W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this 1st day of May, 1937

CHAS. E. STRICKLIN
State Engineer



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

Additional Water Right Form
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www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

~I~ Water Right Holder and Water Right Information

Section 1.5 continued from Standard Application for Instream Lease.

Subject Water Rights. Lessor proposes to lease the water rights listed in 1.3.

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

Certificate No.: 13501

Priority date: 4/7/1937 Type of use: MU and Domestic

Legal Season of Use (if not listed on the certificate): none listed

Is the entire water right certificate being leased? [X] Yes [] No

If no, list the acres to be leased by legal description of township, range, section, and 1/4 1/4, which will be dried up as part of this lease. Include a map (Attachment 3) showing the lands that will not receive water.

Place of use: T 15 S, R 10 E, Section , 1/4 1/4 - acres to be leased

Enter additional places of use here, using format above:

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

Number of acres, if for irrigation: N/A - MU

Acre-feet of storage, if applicable: N/A

Rate associated with leased rights (cfs): 1.25 cfs

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

Duty associated with leased rights (AF): none listed

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

Conditions or other limitations, if any:

~II~ Instream Water Right Information

Section 2.2 continued from Standard Application for Short-Term Instream Lease.

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

Pole Creek Swamp Springs / on Pole Creek

Tributary to Whychus Creek in the Deschutes Basin.

Describe the point of diversion (POD) and any associated reach(es) of the instream use being created. If possible list the reach by river mile. If no reach is identified, and there is only one POD listed on the certificate, the lease may be processed to be protected at the POD. (If more than one POD is listed on the certificate, then the POD and any associated reach(es) must be identified): SW 1/4 SE 1/4, Section 35, T 15 S, R 9 E, W.M. through Pole Creek to the mouth of Whychus Creek

Maximum volume in acre-feet: 904.96 (year round MU, Jan 1 - Dec 31)

Rate in cfs: 1.25

(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): _____

C-13501

STATE OF OREGON

COUNTY OF DESCHUTES

CERTIFICATE OF WATER RIGHT

This Is to Certify, That SISTERS DOMESTIC WATER DISTRICT

of Sisters, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon; of a right to the use of the waters of Pole Creek Swamp Springs, a tributary of Squaw Creek for the purpose of Domestic and Municipal Supply under Permit No. 12597 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from April 7, 1937;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1.25 cubic feet per second,

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SW 1/4 SE 1/4, Section 35, Township 15 South, Range 9 East, W. M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to of one cubic foot per second per acre.

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

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

SW 1/4 of Section 4
NW 1/4 of Section 9
Township 15 South, Range 10 East, W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this 1st day of May, 1937

CHAS. E. STRICKLIN

State Engineer



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

Additional Water Right Form
Standard Application for
Instream Lease

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

~I~ Water Right Holder and Water Right Information

Section 1.5 continued from Standard Application for Instream Lease.

Subject Water Rights. Lessor proposes to lease the water rights listed in 1.3.

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

Certificate No.: 10028

Priority date: 2/11/1929 Type of use: MU

Legal Season of Use (if not listed on the certificate): none listed (Mu - Jan 1-Dec 31)

Is the entire water right certificate being leased? [X] Yes [] No

If no, list the acres to be leased by legal description of township, range, section, and 1/4 1/4, which will be dried up as part of this lease. Include a map (Attachment 3) showing the lands that will not receive water.

Place of use: T 15 S, R 10 E, Section , 1/4 1/4 - acres to be leased
Enter additional places of use here, using format above:

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

Number of acres, if for irrigation: N/A - MU

Acre-feet of storage, if applicable: N/A

Rate associated with leased rights (cfs): 0.20 cfs

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

Duty associated with leased rights (AF): none listed

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

Conditions or other limitations, if any:

~II~ Instream Water Right Information

Section 2.2 continued from Standard Application for Short-Term Instream Lease.

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

Springs on Pole Creek

Tributary to Whychus Creek in the Deschutes Basin.

Describe the point of diversion (POD) and any associated reach(es) of the instream use being created. If possible list the reach by river mile. If no reach is identified, and there is only one POD listed on the certificate, the lease may be processed to be protected at the POD. (If more than one POD is listed on the certificate, then the POD and any associated reach(es) must be identified): SE 1/4 SE 1/4 of Section 8, T 15 S, R 10 E, W.M. through Pole Creek and to the mouth of Whychus Creek

Maximum volume in acre-feet: 144.8 (year round MU, Jan 1-Dec 31)

Rate in cfs: 0.20 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): _____

STATE OF OREGON
COUNTY OF DESCHUTES
CERTIFICATE OF WATER RIGHT

This Is to Certify, That THE SISTERS WATER USERS ASSOCIATION

of Sisters , State of Oregon , has made proof
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
 Springs
a tributary of Squaw Creek for the purpose of
Municipal supply
under Permit No. 8906 of the State Engineer, and that said right to the use of said waters
has been perfected in accordance with the laws of Oregon; that the priority of the right hereby
confirmed dates from February 11, 1929;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed
0.2 cubic foot per second

The point of diversion is located in the ~~SE 1/4~~ ^{SE 1/4} of Section 8 , Township 15 S , Range 10 E, W. M.
The use hereunder for irrigation shall conform to such reasonable rotation system as may be
ordered by the proper state officer.

The amount of water used for irrigation, together with the amount secured under any other
right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per
acre, or its equivalent in case of rotation.

A description of the lands irrigated under the right hereby confirmed, and to which such
right is appurtenant (if for irrigation, or any other purpose), is as follows:

PLACE OF USE:

Section 4,
Township 15 South, Range 10 East, W. M.,
being within the town of Sisters.

The right to the use of the water for any purpose is restricted to the lands or place of use
herein described.

After the expiration of fifty years from the date of this certificate or on the expiration of
any federal power license issued in connection with this right, and after not less than two years
notice in writing to the holder hereof, the State of Oregon, or any municipality thereof, shall have
the right to take over the dams, plants and other structures and all appurtenances thereto which have
been constructed for the purpose of devoting to beneficial use the water rights specified herein, upon
condition that before taking possession the State or municipality shall pay not to exceed the fair
value of the property so taken, plus such reasonable damages, if any, to valuable, serviceable and
dependable property of the holder of this certificate, not taken over, as may be caused by the
severance therefrom of the property taken in accordance with the provisions of section 47-508,
Oregon Code 1980.

WITNESS the signature of the State Engineer,

affixed this 1st day

of June , 1928

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 9 , page 10028 .



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

Additional Water Right Form Standard Application for Instream Lease

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

~I~ Water Right Holder and Water Right Information

Section 1.5 continued from Standard Application for Instream Lease.

Subject Water Rights. Lessor proposes to lease the water rights listed in 1.3.

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

Certificate No.: 3227

Priority date: 5/18/1917 Type of use: MU

Legal Season of Use (if not listed on the certificate): none listed

Is the entire water right certificate being leased? Yes No

If no, list the acres to be leased by legal description of township, range, section, and 1/4 1/4, which will be dried up as part of this lease. Include a map (Attachment 3) showing the lands that will not receive water.

Place of use: T _____ N, R _____ W, Section _____, _____ 1/4 _____ 1/4 - _____ acres to be leased
 Enter additional places of use here, using format above:

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

Number of acres, if for irrigation: N/A - MU

Acre-feet of storage, if applicable: N/A

Rate associated with leased rights (cfs): 1.5 cfs

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

Duty associated with leased rights (AF): none listed

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

Conditions or other limitations, if any: _____

~II~ Instream Water Right Information

Section 2.2 continued from Standard Application for Short-Term Instream Lease.

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

Whychus Creek

Tributary to Deschutes River in the Deschutes Basin.

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

Branton Ditch (off Whychus Creek) to the mouth of Whychus Creek

Maximum volume in acre-feet: 1,085.95 ac-ft (year round MU, Jan 1-Dec 31)

Rate in cfs: 1.5 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): _____

STATE OF OREGON

WATER DIVISION NO.

COUNTY OF DESCHUTES

CERTIFICATE OF WATER RIGHT

(For rights perfected under original, enlargement or secondary permits)

This is to Certify, That THE SISTERS DOMESTIC WATER USERS ASSOCIATION
of Sisters, State of Oregon, has made proof
to the satisfaction of the STATE WATER BOARD of Oregon, of a right to the use of the
waters of Branton Ditch out of Squaw Creek, a tributary of Deschutes River
, for the purpose of municipal supply for the Town of
Sisters, Oregon
under Permit No. 3384 of the State Engineer, and that said right to
the use of said waters has been perfected in accordance with the laws of Oregon and
duly confirmed by order of the STATE WATER BOARD of Oregon, made and entered
of record in the Record of Proceedings of said Board, at Salem, in Volume 1,
at page 389, on the 13th day of April, 1921; that the priority of
the right hereby confirmed dates from May 18, 1917; that the amount of
water to which such right is entitled and hereby confirmed, for the purposes aforesaid,
is limited to an amount actually beneficially used for said purposes, and shall not
exceed 1.50 cubic feet per second.

A description of the lands under such right, and to which the water hereby
confirmed is appurtenant, or, if for other purposes, the place where such water is put
to beneficial use, is as follows: The Town of Sisters, in Deschutes County, Oregon.

The right to the use of the water aforesaid hereby confirmed is restricted to the
lands or place of use herein described.

Rights to the use of water for power purposes are limited to a period of forty
years from the date of priority of the right, as herein set forth, subject to a preference
right of renewal under the laws existing at the date of the expiration of the right for
power purposes, as hereby confirmed and limited.

Witness the seal and signature of the STATE

WATER BOARD affixed this 13th day

of April, 1921.

STATE WATER BOARD

(SEAL OF STATE WATER BOARD)

By: PERCY A. CUPPER
State Engineer, President

Attest: R. W. POTTER
Secretary

City of Sisters Lease No Transmission Losses

Certificate	Priority	Reach	acres ¹	cfs	rate*	conv fact	*	no. days	duty AF
C-67706	N/A	AF/AC	max duty	max cfs					
C-65091	N/A	AF/AC	1.00	0.2	0.200	1.983471	0.3967	365	144.79
C-13059	N/A	AF/AC	1.00	1.45	1.450	1.983471	2.8760	365	1,049.75
C-13051	N/A	AF/AC	1.00	1.25	1.250	1.983471	2.4793	365	904.96
C-10028	N/A	AF/AC	1.00	1.25	1.250	1.983471	2.4793	365	904.96
C-3227	N/A	AF/AC	1.00	0.2	0.200	1.983471	0.3967	365	144.79
C-65090	6.3 (storage)	AF	1.00	1.5	1.500	1.983471	2.9752	365	1,085.95
C-81663	N/A	AF/AC	1.00	0.11	0.110	1.983471	0.2182	29	6.33

Certificate	Priority	Reach	acres ¹	cfs	rate*	conv fact	*	no. days	duty AF
67706		1885 Pole Cr	1.00	0.2	0.200	1.983471	0.3967	365	144.79
65091		11/17/1967 Pole Cr	1.00	1.45	1.450	1.983471	2.8760	365	1,049.75
13509		11/1/1937 9 Springs	1.00	1.25	1.250	1.983471	2.4793	365	904.96
13501		4/7/1937 Pole Cr +	1.00	1.25	1.250	1.983471	2.4793	365	904.96
10028		2/11/1929 Springs	1.00	0.2	0.200	1.983471	0.3967	365	144.79
3227		5/18/1917 Whychus	1.00	1.5	1.500	1.983471	2.9752	365	1,085.95
65090		8/10/1967 Pole Cr Stc	1.00	0.11	0.110	1.983471	0.2182	29	6.33
sub totals					5.960				4,241.53

Certificate	Priority	Reach	acres ¹	cfs	rate*	conv fact	*	no. days	duty AF
L-846 - IS 2007-2011									
81663		1883 Whychus	4.00	0.02	0.080	1.983471	0.1587	138	22.00
Totals					6.040				4,263.53

¹No acres associated - municipal right, year round use, 1 rate year round

start	end	days instream
1/1/2010	12/31/2010	365
4/1/2010	4/29/2010	29
6/1/2010	10/16/2010	138