



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): IL-1087

This Lease is between:

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

Name Arnold Irrigation District  
Mailing address 19604 Buck Canyon Rd  
City, State, Zip Code Bend, OR 97702  
Telephone number 541-382-7664  
Email address aidist@bendbroadband.com

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 700 NW Hill St  
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**

1.2 Lessor #2 is the (Check one):

- Official representative of Arnold 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. 74197 & 76714 sup

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.: 74197

Priority date: 2/5/1905 & 4/25/1905 Type of use: IRR

Legal Season of Use: April 1 through October 31

If an irrigation right, total number of acres to be leased: 14.54 ac

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

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) 0.083 (2/5/1905), 0.202 (4/25/1905) Time period: 4/1-4/30, 10/1-10/31

Season 2 (cfs) 0.083 (2/5/1905), 0.290 (4/25/1905) Time period: 5/1-5/15, 9/16-9/30

Season 3 (cfs) 0.083 (2/5/1905), 0.415 (4/25/1905) Time period: 5/16-9/15

Maximum duty associated with subject water rights (ac-ft): 224.21 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:

- 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:

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): Arnold Canal: NESW, Sect 27, T 18 S, R 11 E, WM; 2800' South and 3740' West from the NE corner of Section 27 to Lake Billy Chinook and on to the mouth of the Deschutes River at RM 0.

Maximum volume in acre-feet: 62.32 ac-ft

Rate in cfs: 0.029 (2/1/1905), 0.071 (4/25/1905) = 0.100 total

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

Rate in cfs: 0.029 (2/1/1905), 0.101 (4/25/1905) = 0.130 total

Rate in cfs: 0.029 (2/1/1905), 0.145 (4/25/1905) = 0.174 total

(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): \_\_\_\_\_

**2.3 Term of lease.** This lease shall terminate on November 1, 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: *Tom Green*  
Arnold Irrigation District

Date: 6/28/10

Lessee: *Genevieve H. Hubert*  
Deschutes River Conservancy

Date: 6/28/10

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

**AID Pooled Lease 2010**

Landowner/water right holder:	Acres	Map	Pev. Ls	Type Ls
Bend Metro Parks & Rec	7.1	X	L-519	pooled
Carl Urben	4.18	X	L-679	pooled
City of Bend	0.58	X	X	X
Arnold Irrigation District	2.68	X	L-986	Std.
<b>Total Acres:</b>	<b>14.54</b>			

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

Enter Total Number of Acres to be Leased Instream Here		14,540						total acres	3976.05
				Rate (CFS for 1 acre) with transmission loss (65%)				347.59	
	# Days	Full Rate	February 1, 1905	April 25, 1905					
		rate per acre allowed by cert per season	Total Rate if using on all acres based on rate per acre	Max CFS/Acre = 25 CFS/4384.05 ac	Max CFS/Acre = 125 CFS/4384.05 ac	total rate per acre by pri date	Total diverted if using on all acres based on rate per pri date	35.71	
Season 1	61	0.0196	85.962	0.0057	0.0139	0.0196	85.962	23.2	
Season 2	30	0.0256	112.412	0.0057	0.0199	0.0256	112.412	1.5	
Season 3*	123	0.0481	210.772	0.0057	0.0285	0.0342	150.000	4384.05	

\*S3 = proportioned rate

Rates with 65% transmission loss factor taken out				
	Max rate based on total CFS limits	February 1, 1905	April 25, 1905	Total if diverting on all acres
Season 1	0.0069	0.0020	0.0049	30.0866
Season 2	0.0090	0.0020	0.0070	39.3440
Season 3*	0.0120	0.0020	0.0100	52.5000

\*S3 = proportioned rate

Information applicable with this table is to be entered on to the instream lease application form.

For Primary Water Right - Certificate 74197

Rate (CFS) associated with leased rights for Section 1.5 of the Lease Application Form			
Enter Rates by Priority Date on Lease Form	Full Rate	February 1, 1905	April 25, 1905
Season 1	0.285	0.033	0.202
Season 2	0.373	0.033	0.290
Season 3*	0.497	0.033	0.419

\* The rate identified for Season 3 has been proportioned such that the max rate allowed by the right (150.0 CFS) will not be exceeded if all acres were being irrigated.

Duty (AF) associated with leased right for Section 1.5 of the Lease Application Form	
Duty (decree) AF/Acre =	15.42

Rate (CFS) leased instream for Section 2.2 of the Lease Application Form			
Enter Rates by Priority Date on Lease Form	Full Rate	February 1, 1905	April 25, 1905
Season 1	0.100	0.020	0.070
Season 2	0.130	0.020	0.100
Season 3	0.174	0.020	0.148

Volume (AF) leased instream for Section 2.2 of the Lease Application Form			
	# days	AF/Season	Duty (decree) AF/Acre = 5.40
Season 1*	61	12.07	Total = 78.47
Season 2	30	7.76	Feb. 1905 portion = 12.52
Season 3	123	42.48	April 1905 portion = 50.00

Additional Conditions to Prevent Injury for Section 2.2 of the Lease Application Form	
Water protected instream:	300 ft through Colorado

\* Note - The number of days that water may be protected instream in Season 1 has been reduced to prevent enlargement of the right.

For Supplemental Water Right from Crane Prairie Reservoir - Certificate 76714

TOTAL ACRES (for Arnold ID)	Max Duty
4,385.050	15.420 AF/Acre
TOTAL VOL STORED IN RES UNDER THIS CERT (for Arnold ID)	
13,500.0	
ACRE-FEET PER ACRE BASED ON VOLUME AND TOTAL ACRES	
3.08	

Duty Associated with Leased Right for Section 1.5 of the Additional Water Right Form	

Volume (AF) leased instream for Section 2.2 of the Additional Water Right Form	





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

Optional Identification by Lessor/Lessee: Previously leased L-519 pooled  
Lease Application Number (assigned by WRD): IL-1087

This Lease is between:

### Lessor #1:

Name Bend Metro Parks and Recreation  
Mailing address 1675 SW Simpson  
City, State, Zip Code Bend, OR 97702  
Telephone number 541-389-7275  
Email address Contact: Dave Crowther, dave@bendparksandrec.org

### Lessor #2, 3, etc.

Arnold Irrigation District  
19604 Buck Canyon Rd.  
Bend, OR 97702  
541-382-7664, aidist@bendbroadband.com

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 700 NW Hill St  
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 18 S, Range 12 E, Section 03 and Tax Lot number several. 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 Arnold Irrigation District, 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. 74197 and 76714 sup

- 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.: 74197

Priority date: 2/5/1905 & 4/25/1905 Type of use: IRR

Legal Season of Use: April 1 through Oct 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 \_\_\_\_,  $\frac{1}{4}$   $\frac{1}{4}$  - 7.1 acres to be leased

Enter additional places of use here, using format above:

T 18 S, R 12 E, Sect 03, SWSW taxlot 5600\*, 3.9 ac

(\*Taxlots 5600, 5700, 5800 were combined into one taxlot listed as 5600 with 3.9 total acres.)

T 18 S, R 12 E, Sect 03, SWSW taxlot 5900, 1.62 ac

T 18 S, R 12 E, Sect 03, SWSW taxlot 6000, 1.35 ac

Total = 7.1 acres.... Previous transfer # T-7653 (CBU filed in 2006). This water was part of pooled lease L-519 from 2003-2008.

Page On electronic/digital Cert after R-7653 (Identify page number of certificate, if certificate is greater than 10 pages.)

Number of acres being leased, if for irrigation: 7.1

Acre-feet of storage, if applicable: n/a

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

Season 1: 0.40 (2/1/1905) 0.099 (4/25/1905)

Season 2: 0.40 (2/1/1905) 0.142 (4/25/1905)

Season 3: 0.40 (2/1/1905) 0.202 (4/25/1905)

(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): 109.48

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



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

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 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**

**2.1 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:

Deschutes River  
Tributary to Columbia 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 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): Arnold Canal: NESW, Sect 27, T 18 S, R 11 E, WM; 2800' South and 3740' West from the NE corner of Section 27 to Lake Billy Chinook and on to the mouth of the Deschutes River at RM 0

Maximum volume in acre-feet: 30.43 af

Rate in cfs:

Season 1: 0.014 (2/1/1905) 0.035 (4/25/1905), 0.049 total

Season 2: 0.014 (2/1/1905) 0.050 (4/25/1905), 0.064 total

Season 3: 0.014 (2/1/1905) 0.071 (4/25/1905), 0.085 total

(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 November 1, 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 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: Don A. Barton Date: 6.24.10  
Bend Metro Parks and Recreation District

For additional Lessors, type in space for signature and date

Lessor #2: \_\_\_\_\_ Date: \_\_\_\_\_  
Arnold Irrigation District

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

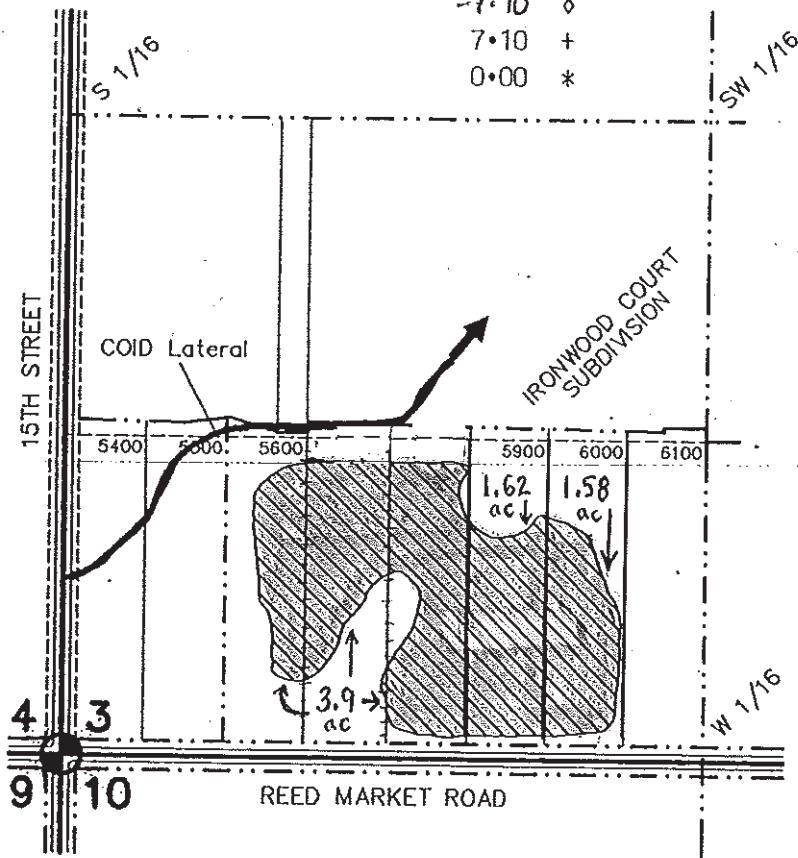


# T.18S., R12E., W.M. SECTION 3


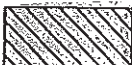
Located In S 1/2, SW 1/4, SW 1/4  
TAX LOTS 18-12-03cc-5600,5700,5800,5900,6000/6100

0. C

18-12-8 TL 100 4.40 NWSW  
18-12-8 TL 24/20 2.70 NWSW  
-7.10 ◊  
7.10 +  
0.00 \*



SCALE: 1" = 400'

-  Existing Right  
0.0 Acres
-  Instream Lease  
7.10 Acres  
Total



## TRANSFER APPLICATION MAP UNDER

2-28-96

Application No. \_\_\_\_\_ Permit No. \_\_\_\_\_

IN NAME OF

**BEND METRO PARKS & RECREATION**

Prepared: February 28, 1996, by: *Matt Steele*

This map is for the purpose of identifying the location of water right only and is not intended to provide legal dimensions or locations of property ownership lines.

THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY  
REVISED: 04/23/2002

SW1/4 SW1/4 SEC. 03 T. 18S. R. 12E. W.M.  
DESCHUTES COUNTY

18 12 03CC

1" = 100'

SEE MAP 18 12 0309



Cancelled No. 5  
1200  
1800  
2100  
2300  
2500  
2700  
2900  
3100  
3300  
3500  
3700  
3900  
4100  
4300  
4500  
4700  
4900  
5100  
5300  
5500  
5700  
5900  
6100

SEE MAP 18 12 0309

SEE MAP 18 12 040

18 12 03CC

SEE MAP 18 12 1088

SW¼NE¼	403	1.02	IRR	ABBOTT, RONALD & PATRICIA
SW¼NE¼	500	1.60	IRR	NASE, GEORGE & BEVERLY
SW¼NE¼	600	0.75	IRR	NASE, GEORGE & BEVERLY
SW¼NE¼	601	0.25	IRR	NASE, GEORGE & BEVERLY
SW¼NE¼	602	0.30	IRR	NASE, GEORGE & BEVERLY
SW¼NE¼	700	1.00	IRR	NASE, GEORGE & BEVERLY
SW¼NE¼	800	0.46	IRR	NASE, GEORGE & BEVERLY
SW¼NE¼	800	1.00	IRR	ALPINE WEST PARTNERS
SW¼NE¼	900	0.70	IRR	ALPINE WEST PARTNERS
SE¼NE¼	100	4.00	IRR	GUDDAT, FLORENCE
SE¼NE¼	101	0.75	IRR	WHEATCROFT, RICKEY
SE¼NE¼	300	1.00	IRR	BAILEY, BRUCE & KARIN
SE¼NE¼	301	3.00	IRR	BAILEY, BRUCE & KARIN
SE¼NE¼	400	3.50	IRR	BAILEY, BRUCE & KARIN
SE¼NE¼	600	0.50	IRR	CASCADE GARDEN CENTER
SE¼NE¼	601	1.96	IRR	CASCADE GARDEN CENTER
SE¼NE¼	700	1.70	IRR	WORMINGTON, CHARLOTTE JANE
SE¼NE¼	900	1.00	IRR	ALPINE WEST PARTNERS
SE¼NE¼	1000	0.70	IRR	REDDEN, JANET
SE¼NE¼	1001	0.60	IRR	DRAHN, CURTIS & MARGARET
NE¼NW¼	1201	0.20	IRR	MORRIS, RONALD & JULIE
NE¼NW¼	1300	0.30	IRR	BLISS, RON & MARVA
NE¼NW¼	1302	0.40	IRR	LONG, DOROTHY & GLENN
NE¼NW¼	1400	1.75	IRR	RYAN, CYRIL & MARTHA
SW¼NW¼	1612	0.50	IRR	ROEBUCK, ROGER & EDITH
SW¼NW¼	1700	0.31	IRR	HUTCHINS, IRENE
SW¼NW¼	1701	0.60	IRR	HUTCHINS, IRENE
SW¼NW¼	1801	0.20	IRR	BAKER, GEORGE & BERTHA
SW¼NW¼	2000	0.25	IRR	HILLIARD, JOHN
SW¼NW¼	2001	1.25	IRR	HAUT, DANIEL
SW¼NW¼	2002	1.75	IRR	RICHTER, CHARLES
SW¼NW¼	2200	0.78	IRR	BAER, PETER
SW¼NW¼	2201	2.00	IRR	ALLWEIN, JUNE R
SE¼NW¼	1201	0.20	IRR	MORRIS, RONALD & JULIE
SE¼NW¼	1300	0.15	IRR	BLISS, RON & MARVA
SE¼NW¼	1501	0.50	IRR	OREGON DEPT. OF TRANS.
SE¼NW¼	1603	0.40	IRR	BAXTER, LYN
SE¼NW¼	1604	0.30	IRR	OGDEN, LOUISE
SE¼NW¼	1613	2.00	IRR	MASTERSON, DEAN & PEGGY
SE¼NW¼	1614	0.25	IRR	WILSON, FRANK
SE¼NW¼	1700	0.82	IRR	HUTCHINS, IRENE
SE¼NW¼	1701	0.27	IRR	HUTCHINS, IRENE
SE¼NW¼	1802	1.00	IRR	MCCULLOUGH, ALICE
SE¼NW¼	1900	4.00	IRR	COULTER, JULIA
SE¼NW¼	1901	1.00	IRR	KURTZ, SUSAN
NE¼SW¼	1601	0.50	IRR	KEITH, MICHAEL & CHARLA-VAL
NE¼SW¼	1608	0.25	IRR	PREHN, JOHN & JUDITH
NE¼SW¼	1609	0.50	IRR	MASTERSON, DEAN & PEGGY
NE¼SW¼	1614	0.25	IRR	WILSON, FRANK
NE¼SW¼	1616	0.15	IRR	OREGON DEPT. OF TRANS.
NE¼SW¼	1617	0.33	IRR	OLSEN, CINDY
NE¼SW¼	1618	0.15	IRR	OREGON DEPT. OF TRANS.
NW¼SW¼	100	4.40	IRR	ELKHORN ESTATES LTD.
NW¼SW¼	200	3.25	IRR	GOUCHER COOK, SARA
NW¼SW¼	400	5.55	IRR	THOM, HOWARD
NW¼SW¼	501	0.34	IRR	DEEKS, CHARLES & MARY JANE
NW¼SW¼	1605	0.30	IRR	PATERSON, DAVID & BARROWS, KENNETH
NW¼SW¼	1615	0.25	IRR	MCPHEARSON, DAVID & DEBBIE
NW¼SW¼	2300	2.12	IRR	KEOWN JR., LARRY & MARY ANN

SEE NEXT PAGE

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 18-12-03  
 T-7653

C-74197



NW¼SW¼	2302	0.25	IRR	LIVELY, ARDYTH
NW¼SW¼	2400	2.70	IRR	ELKHORN ESTATES LTD.
SW¼SW¼	600	5.00	IRR	QUINN, JAMES & TERRY
SW¼SW¼	700	0.93	IRR	CARSSOW, ROBERT & BETTY
SW¼SW¼	800	0.94	IRR	DEEKS, DONALD
SE¼SW¼	1301	0.63	IRR	ISHAM, GLEN & DONNA
SE¼SW¼	1800	0.25	IRR	FRANKLIN, FRAN & KAYE & REGENA
NE¼SE¼	0	10.25	QUA	JUNIPER UTILITY CO.
NE¼SE¼	101	0.28	IRR	EASTMAN, H. & GEN
NE¼SE¼	103	0.20	IRR	OATMAN, BEN & EILEEN
NE¼SE¼	104	0.72	IRR	RICHARDS, P J
NE¼SE¼	200	2.00	IRR	THORSON, ROBERT
NE¼SE¼	2100	2.00	IRR	HOLLANDER, JR, LEWIS
NE¼SE¼	2200	0.25	IRR	LILYENGREN, JOHN
NE¼SE¼	2201	0.25	IRR	DAVIS, LAUREL & BETTY JANE
NW¼SE¼	100	1.00	IRR	BECKLEY, CHARLES
NW¼SE¼	200	2.50	IRR	THORSON, ROBERT
NW¼SE¼	401	0.30	IRR	ENZENSBERGER, MAUDE
SW¼SE¼	1301	0.37	IRR	ISHAM, GLEN & DONNA
SW¼SE¼	1404	1.10	IRR	SALMON, EARL & VERA
SW¼SE¼	1406	0.50	IRR	MEALEY, JOAN & KENNETH
SW¼SE¼	1407	0.25	IRR	BROWN, LARRY
SW¼SE¼	1410	0.25	IRR	LUMPKIN, NANCY
SW¼SE¼	1500	0.40	IRR	SALMON, EARL & VERA
SW¼SE¼	1501	0.70	IRR	PINETTE, ANDRE'
SW¼SE¼	1502	0.50	IRR	FELDT, HARLEY & JOYCE
SW¼SE¼	1600	1.00	IRR	CHRISTOFFERS, JEAN & JANIS PIPER
SW¼SE¼	1700	0.60	IRR	STEVES, CHARLES
SW¼SE¼	1702	0.40	IRR	SCHOSSOW, KYLE & ANITA
SW¼SE¼	1900	0.60	IRR	FROST, VERNON
SW¼SE¼	1901	2.50	IRR	DEBEAUMONT, JUNE
SW¼SE¼	1902	1.00	IRR	DEBEAUMONT, JUNE
SW¼SE¼	2000	2.00	IRR	WOODWARD, MICHAEL & JANET
SE¼SE¼	0	5.00	QUA	JUNIPER UTILITY CO
SE¼SE¼	1406	2.50	IRR	MEALEY, JOAN & KENNETH
SE¼SE¼	1408	0.25	IRR	BLAKE, JEFFREY & AMY
SE¼SE¼	1414	0.25	IRR	SHELLER, RON & DONNA
SE¼SE¼	1415	0.75	IRR	THOMPSON, BRUCE & MAUREEN
SE¼SE¼	1416	0.25	IRR	BELASCHKY, FRANK
SE¼SE¼	1417	0.25	IRR	BROWN, SCOTT & VICKY
SE¼SE¼	1802	0.40	IRR	CUNNINGHAM, CHRIS & JAN
SE¼SE¼	3200	1.53	IRR	NELSON, HOLGER
SE¼SE¼	3300	1.00	IRR	STEVENSON, ALLEN & PHYLLIS

Section 8

18-12-08 ↑

NE¼NE¼	0	5.00	QUA	JUNIPER UTILITY CO
NE¼NE¼	100	0.80	IRR	ALLIANCE COMMUNITY C
NE¼NE¼	101	0.75	IRR	BREEN, MICHAEL & SHIRLEY
NE¼NE¼	102	0.70	IRR	ALLIANCE COMMUNITY C
NE¼NE¼	200	2.50	IRR	LUDERMAN, HOWARD & PATRICIA
NE¼NE¼	300	4.00	IRR	IVY, JESSE & DENISE
NE¼NE¼	400	2.20	IRR	MILLS, GRANT & LISA
NE¼NE¼	500	2.00	IRR	MILLS, ROBERT & FRANCES
NE¼NE¼	600	6.00	IRR	LUDERMAN, HOWARD & PATRICIA
SW¼NE¼	300	3.16	IRR	STANKIEWICZ, IRVIN & BARBARA
SW¼NE¼	301	6.00	IRR	ANDERSON, CHARLES & LINDA
SW¼NE¼	400	23.36	IRR	ANDERSON, CHARLES & LINDA
SE¼NE¼	0	5.00	QUA	JUNIPER UTILITY CO
NE¼NW¼	100	30.00	IRR	ANDERSON, CHARLES & LINDA

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18-12-03  
T-7653

C-74197



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](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: leased 2005 L-679 posted  
Lease Application Number (assigned by WRD): IL-1087

This Lease is between:

**Lessor #1:**

Name Carl Urben  
Mailing address 16935 Green Drake Ct  
City, State, Zip Code Sisters, OR 97759  
Telephone number 541-948-9461  
Email address \_\_\_\_\_

**Lessor #2, 3, etc.**

Arnold Irrigation District, 19604 Buck Canyon Rd., Bend, OR, 97702

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 700 NW Hill St  
City, State, Zip Code Bend, OR 97701  
Telephone number 541-322-4079  
Email address \_\_\_\_\_

**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 18 N, Range 11 W, Section 24 and Tax Lot number 6100. 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 Arnold Irrigation District, 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. 74197 & 76714 Sup

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.: 74197

Priority date: February 1 - April 25, 1905 Type of use: IRRIG

Legal Season of Use: April 1 - October 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 18 S, R 11 E, Section 24, NE $\frac{1}{4}$  SW $\frac{1}{4}$  - 4.18 acres to be leased

Enter additional places of use here, using format above:

\_\_\_\_\_

Page 3 (Identify page number of certificate, if certificate is greater than 10 pages.)

Number of acres being leased, if for irrigation: 4.18

Acre-feet of storage, if applicable: \_\_\_\_\_

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

Season 1 - February 1, 1905 - 0.024, April 25, 1905 - 0.058

Season 2 - February 1, 1905 - 0.024, April 25, 1905 - 0.083

Season 3 - February 1, 1905 - 0.024, April 25, 1905 - 0.119

(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): \_\_\_\_\_

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

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

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 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

2.1 **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:

Deschutes River

Tributary to Columbia 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): location canal diversion river mile 174.5 to Lake Billy

Chinook river mile 120 and to the mouth @ RMO

Maximum volume in acre-feet: 17.92

Rate in cfs: Season 1 - February 1, 1905 - 0.008, April 25, 1905 - 0.020

Season 2 - February 1, 1905 - 0.008, April 25, 1905 - 0.029

Season 3 - February 1, 1905 - 0.008, April 25, 1905 - 0.042

(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 31.
- 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 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 lease shall not set a precedent for the amount of water to be leased or transferred instream.

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

**3.5 Termination provision.**

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

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

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

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

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

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

Lessor #1: \_\_\_\_\_

Carl Urben

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

3/24/2010

For additional Lessors, type in space for signature and date

Lessor #2 \_\_\_\_\_

Arnold Irrigation District

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

6/4/10

Lessee: \_\_\_\_\_

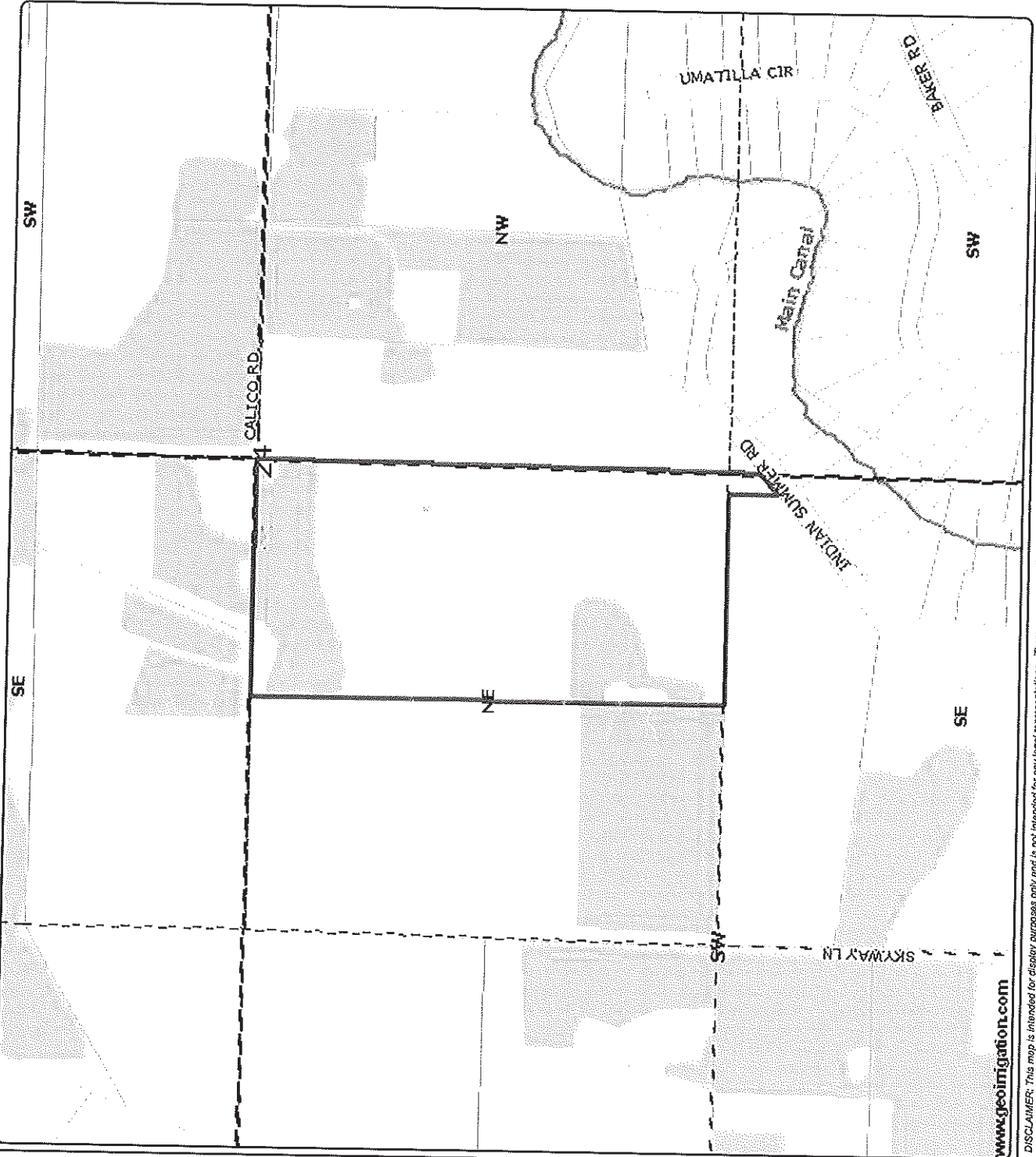
Deschutes River Conservancy

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

# Arnold Irrigation District

Carl & Charlotte Urben -  
19398 Indian Summer Rd  
181124-NESW-06100 - 4.18 ac  
water rights

- District Boundary
- County Boundary
- Road labels
- Township Range
- Sections
- Section Labels
- Quarters
- Quarter Labels
- Quarter Quarters
- Quarter Quarter Labels
- Taxlots
- Canal All
- Canal Piped
- Canal Open
- POU District Primary Fill
- Rivers



Scale 1" = 400'  
Created: 3/23/2010

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

# Application for Instream Lease

*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): IL-1087

This Lease is between:

**Lessor #1:**

Name City of Bend  
Mailing address 62975 Boyd Acres Road  
City, State, Zip Code Bend, OR 97701  
Telephone number 541-548-2380  
Email address \_\_\_\_\_

**Lessor #2, 3, etc.**

Arnold Irrigation District, 19604 Buck Canyon Rd., Bend, OR 97702

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 700 NW Hill St  
City, State, Zip Code Bend, OR 97701  
Telephone number 541-322-4079  
Email address \_\_\_\_\_

**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 18 S, Range 12 E, Section 04 and Tax Lot number 203. 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 Arnold Irrigation District, 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. 74197 ↪ 76714 svp

- 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.: 74197

Priority date: February 1 - April 25, 1905 Type of use: IRRIG

Legal Season of Use: April 1 - October 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 18 S, R 12 E, Section 4, SW $\frac{1}{4}$  SW $\frac{1}{4}$  - 0.58 acres to be leased

Enter additional places of use here, using format above:

\_\_\_\_\_

Page 4 (Identify page number of certificate, if certificate is greater than 10 pages.)

Number of acres being leased, if for irrigation: 0.58

Acre-feet of storage, if applicable: \_\_\_\_\_

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

Season 1 - February 1, 1905 - 0.003, April 25, 1905 - 0.008

Season 2 - February 1, 1905 - 0.003, April 25, 1905 - 0.012

Season 3 - February 1, 1905 - 0.003, April 25, 1905 - 0.017

(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): \_\_\_\_\_

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

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

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 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

2.1 **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:

Deschutes River

Tributary to Columbia 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): location canal diversion river mile 174.5 to Lake Billy

Chinook river mile 120 and to the mouth @ RM 0

Maximum volume in acre-feet: 2.49

Rate in cfs: Season 1 - February 1, 1905 - 0.001, April 25, 1905 - 0.003

Season 2 - February 1, 1905 - 0.001, April 25, 1905 - 0.004

Season 3 - February 1, 1905 - 0.001, April 25, 1905 - 0.006

(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 31.
- 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 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 lease shall not set a precedent for the amount of water to be leased or transferred instream.

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

**3.5 Termination provision.**

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

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

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

~~\$200~~ for an application with four or more landowners or four or more water rights.

~~\$100~~<sup>400</sup> for all other applications.

~~250~~

Lessor #1: Patrick Griffiths / City of Bend  Date: 6-22-10

For additional Lessors, type in space for signature and date  
Lessor #2: Shawn Gerdes f/ Arnold Irrigation District Date: \_\_\_\_\_

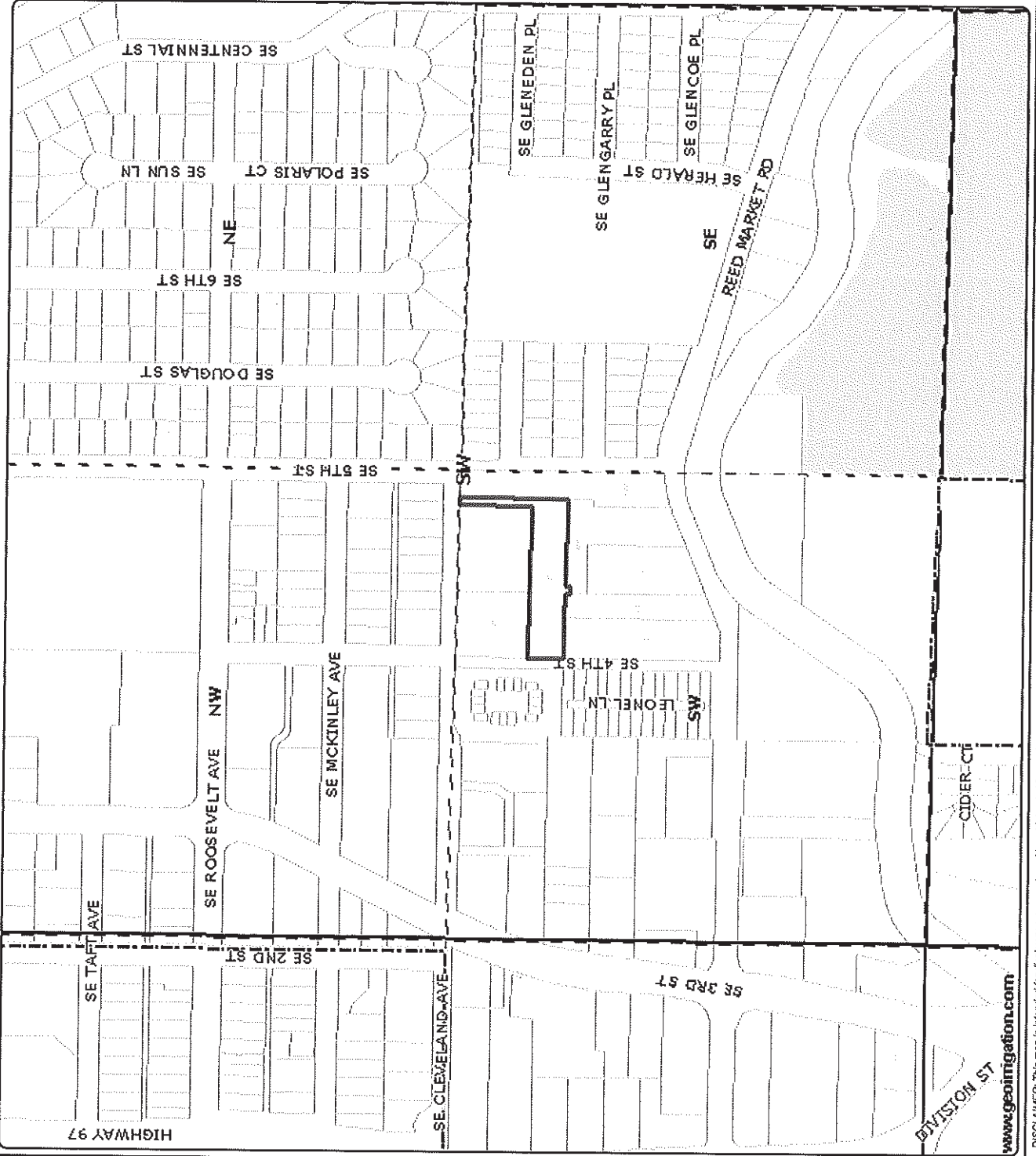
Lessee: Deschutes River Conservancy Date: \_\_\_\_\_

# Arnold Irrigation District

City of Bend Lease Map -  
0.58 ac - 495 SE  
Cleveland

181204CC00203 -  
181204-SWSW-00203

- District Boundary
- County Boundary
- Road Labels
- Township Range
- Sections
- Section Labels
- Quarters
- Quarter Labels
- Quarter Quarters
- Quarter Quarter Labels
- Taxlots
- Canal All
- Canal Piped
- Canal Open
- POU District Primary Fill
- Rivers



Scale 1" = 400'  
Created: 6/11/2010

www.geointegration.com

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

# Application for Instream Lease

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: Leased L-986  
 Lease Application Number (assigned by WRD): IL-1087

This Lease is between:

**Lessor #1:**

Name Arnold Irrigation District  
 Mailing address 19604 Buck Canyon Rd  
 City, State, Zip Code Bend, OR 97702  
 Telephone number 541-382-7664  
 Email address aidist@bendbroadband.com

**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  
 Mailing address 700 NW Hill St  
 City, State, Zip Code Bend, OR 97701  
 Telephone number 541-322-4079  
 Email address \_\_\_\_\_

**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 18 S, Range 11 E, Section 24 and Tax Lot number 7300  
**Township 18 S, Range 11E, Section 25 and Tax Lot number 2000**  
**Township 18S, Range 11E, Section 25 and Tax Lot number 4700**  
**Township 18S, Range 11E, Section 26 and Tax Lot number 8000**  
**Township 18S, Range 12E, Section 8 and Tax Lot number 301**  
**Township 18S, Range 12E, Section 9 and Tax Lot number 700.** 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 Arnold Irrigation District, 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. 74197 § 76714 Sup

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.: 74197

Priority date: February 1 - April 25, 1905 Type of use: IRRIG

Legal Season of Use: April 1 - October 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 ¼ ¼ 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 18 S, R 11 E, Section 24, NE¼ SE¼ - 0.50 acres to be leased

Enter additional places of use here, using format above:

T 18S, R 11E, Section 25, NE 1/4 NW 1/4 - 0.25 ac - Page 4

T 18S, R 11E, Section 25, NW 1/4 NW 1/4 - 0.20 ac - Page 5

T 18S, R 11E, Section 26, NW 1/4 NE 1/4 - 0.50 ac - Page 5

T 18S, R 12E, Section 8, NW 1/4 NE 1/4 - 0.75 ac - Page 7

T 18S, R 12E, Section 9, NW 1/4 NW 1/4 - 0.48 ac - Page 10

Page 4 (Identify page number of certificate, if certificate is greater than 10 pages.)

Number of acres being leased, if for irrigation: 2.68

Acre-feet of storage, if applicable: \_\_\_\_\_

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

Season 1 - February 1, 1905 - 0.015, April 25, 1905 - 0.037

Season 2 - February 1, 1905 - 0.015, April 25, 1905 - 0.053

Season 3 - February 1, 1905 - 0.015, April 25, 1905 - 0.076

(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): \_\_\_\_\_

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

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

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 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**

2.1 **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:

Deschutes River

Tributary to Columbia 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): location canal diversion river mile 174.5 to Lake Billy Chinook river mile 120 and to the mouth of the Deschutes @ RM 0.

Maximum volume in acre-feet: 11.49

Rate in cfs: Season 1 - February 1, 1905 - 0.005, April 25, 1905 - 0.013

Season 2 - February 1, 1905 - 0.005, April 25, 1905 - 0.019

Season 3 - February 1, 1905 - 0.005, April 25, 1905 - 0.027

(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 31.
- 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 Nov. 1, 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 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.** <sup>400</sup> Pursuant to ORS 536.050, the following fee is included:  
 ~~\$200~~ for an application with four or more landowners or four or more water rights.  
 ~~\$100~~ for all other applications.  
<sup>250</sup>



Lessor #1: Shawn Gerdes Date: 6/14/10  
Shawn Gerdes f/ Arnold Irrigation District

For additional Lessors, type in space for signature and date

Lessee: Menemere Hubert Date: June 21, 2010  
Deschutes River Conservancy

Other Attachments as Needed:

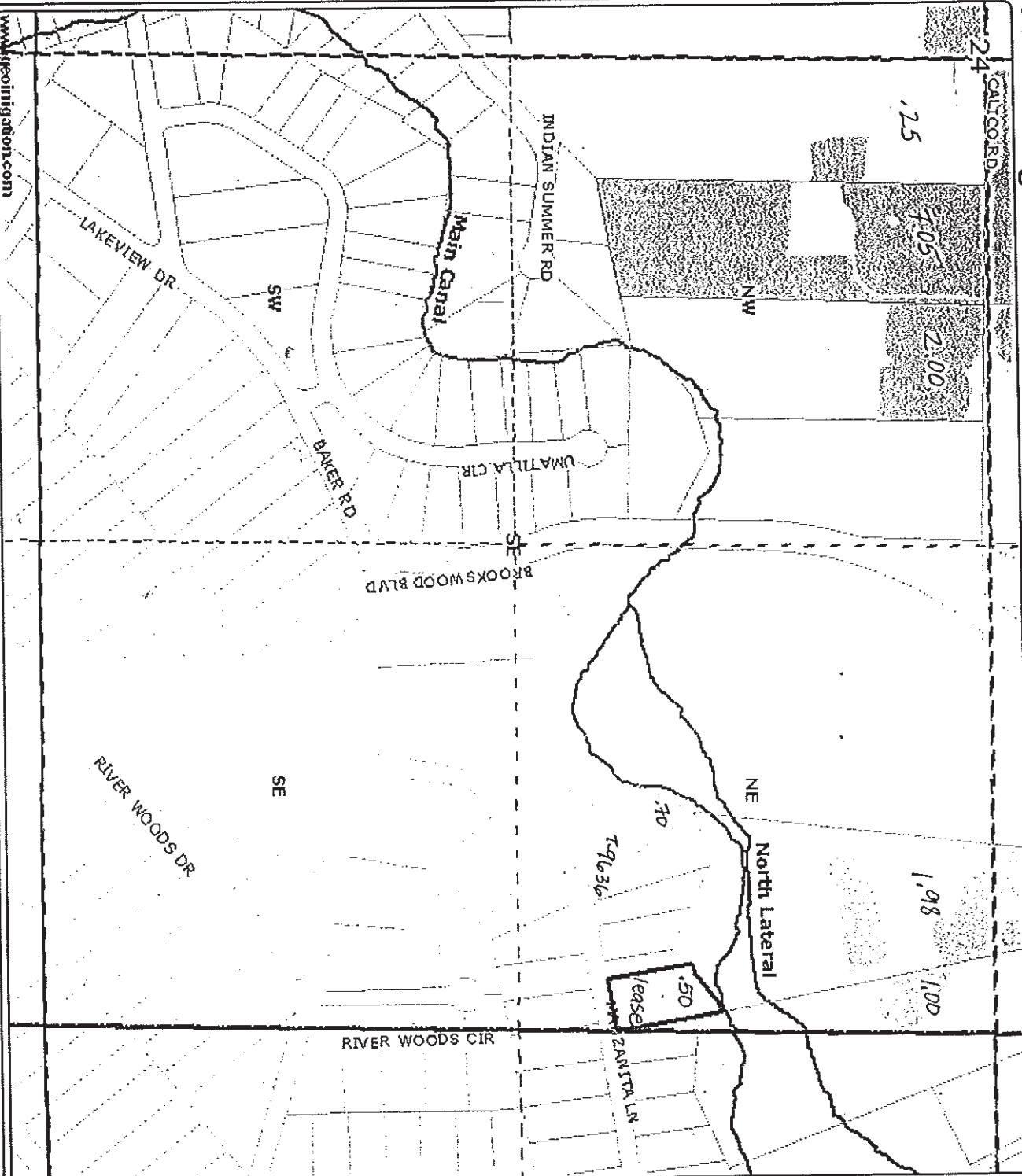
Attachment 1: Tax Lot Map. (See instructions.)

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

# Arnold Irrigation District



AID - Wood -  
181124D007300

181124-NESE-07300 - 0.50 ac

- District Boundary
- County Boundary
- Road Labels
- Township Range
- Sections
- Section Labels
- Quarters
- Quarter Labels
- Quarter Quarters
- Quarter Quarter Labels
- Taxlots
- Canal All
- Canal Piped
- Canal Open
- POU District Primary Fill
- Rivers



Scale: 1" = 400'  
Created: 3/25/2009

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DISCLAIMER: This map is intended for display purposes only and is not intended for any legal representations. There are no warranties, expressed or implied. Each accompany this product.



00627713200800332980030035

08/08/2008 03:42:01 PM

D-D Cnt=1 Stn=1 BN  
\$13.00 \$11.00 \$10.00 \$5.00

## BARGAIN AND SALE DEED

3  
Please Return to:  
Juanita DeJarnett  
Arnold Irrigation District  
P.O. Box 9220  
Bend, OR 97708-9220

The true consideration for this transfer is forgiveness of future annual assessments.

Robert A. Wood, Grantor, conveys to ARNOLD IRRIGATION DISTRICT, Grantee, on March 10, 2006, the following described real property:

0.50 acres of Arnold Irrigation District water rights located upon the following described real property, to-wit:

18-11-24-D0-07300

(See the attached Exhibit "A" for a more detailed description of the property.)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)). THIS INSTRUMENT DOES NOT ALLOW THE USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARM OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)).

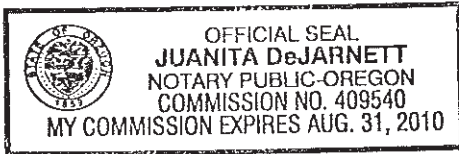
Signed Nunc Pro Tunc this 10th day of March, 2006.

Robert A. Wood, Grantor

Robert A. Wood

STATE OF OREGON, County of Deschutes) ss:

SIGNED before me on the 29 day of may, 2008, by Robert Wood, Grantor.



Juanita DeJarnett  
NOTARY PUBLIC FOR OREGON  
My commission expires: Aug. 31, 2010

ACCEPTANCE

Shawn Gerdes, District Manager, Arnold Irrigation District, does hereby accept the foregoing Bargain and Sale Deed conveying water rights.

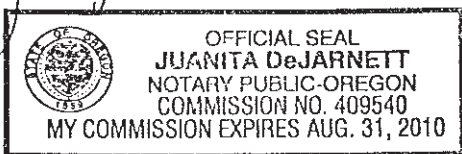
DATED this 30th day of July, 2008.

Arnold Irrigation District

By: Shawn Gerdes  
Shawn Gerdes, District Manager

STATE OF OREGON, County of Deschutes ) ss.

Before me, a Notary Public, personally appeared Shawn Gerdes the above-named manager, and acknowledged the foregoing instrument on behalf of Arnold Irrigation District. Before me this 30th day of July, 2008.



Juanita DeJarnett  
Notary Public for Oregon  
My Commission Expires: Aug. 31, 2010



EXHIBIT "A"

Lot Twenty-two (22) and East half (E ½) of Lot Twenty-three (23), in Block FF, Deschutes River Wood, Deschutes County, Oregon.

State of Oregon  
WATER RESOURCES DEPARTMENT  
NOTICE OF DISTRICT PERMANENT TRANSFER  
(ORS 540.580)



Arnold Irrigation District  
P.O. Box 9220  
Bend, Oregon 97708  
PHONE: 541-382-7664 FAX: 541-382-0833

1. WATER RIGHT  
CERTIFICATE #74197  
PRIORITY DATE 02/01/1905 - 04/25/1905  
DESCHUTES COUNTY  
WATER RIGHT UNDER NAME OF ARNOLD IRRIGATION DISTRICT

2. APPLICANT NAME ROBERT WOOD  
ADDRESS 19600 MANZANITA LN., BEND, OR 97702  
ENCUMBRANCES \_\_\_\_\_

3. TYPE OF CHANGE: PERMANENT CHANGE IN PLACE OF USE

4. LOCATION OF USE  
AUTHORIZED POINT OF DIVERSION \_\_\_\_\_

LOCATION OF AUTHORIZED PLACE OF USE

TOWNSHIP	RANGE	SECTION	¼, ¼ OF SECTION	TAX LOT	# OF ACRES IRRIGATED	OTHER USE
18	11	24	NE SE	7300	.50	

5. RECIPIENT NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

6. LOCATION OF PROPOSED USE

TOWNSHIP	RANGE	SECTION	¼, ¼ OF SECTION	TAX LOT	# OF ACRES IRRIGATED	OTHER USE

7. EXHIBITS  
A. Map showing the location of the present and proposed irrigated lands,

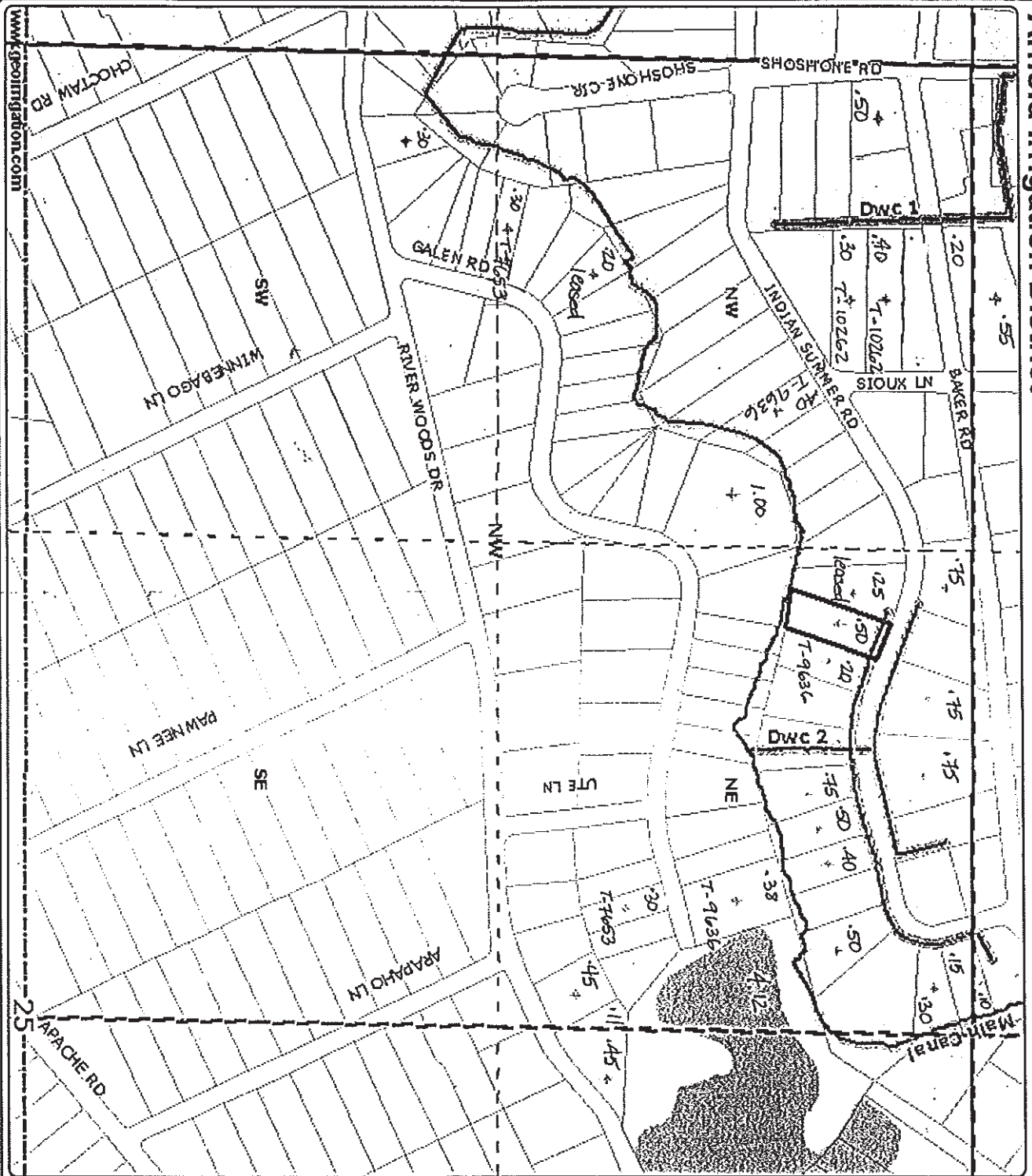
Arnold Irrigation District hereby certifies that the applicant and recipient are the deed holders of subject properties; that our files are complete with a copy of the recorded documents; that the applicant's land has been irrigated within the last five years or the right appurtenant is not subject to forfeiture, and that applicant and recipient hereby authorize the transfer proposed herein.

NOTICE IS HEREBY GIVEN that this proposed change is subject to the approval of the Water Resources Department and that the Water Resources Department may reject the transfer or may require mitigation to avoid injury to other water right holders.

ARNOLD IRRIGATION DISTRICT AND APPLICANT, HEREBY SWEAR THAT THE ABOVE NOTICE FOR TRANSFER OF WATER RIGHT AND THE STATEMENTS MADE ARE TRUE AND CORRECT.

APPLICANT: x Robert A. Wood x 3-10-06  
 Name Date  
 RECIPIENT: Shawn Gerdes 3-10-06  
 Name Date  
 FOR DISTRICT: \_\_\_\_\_  
 Name Date

# Arnold Irrigation District



AID - Lisa Burns -  
181125B002000

181125-NENW-02000 - 0.25 ac

- District Boundary
- County Boundary
- Township Boundary
- Road Labels
- Sections
- Section Labels
- Quarters
- Quarter Labels
- Quarter Quarters
- Quarter Quarter Labels
- Taxlots
- Canal All
- Canal Piped
- Canal Open
- POU District Primary Fill
- Rivers



Scale 1" = 400'  
Created: 3/23/2009

DISCLAIMER: This map is intended for display purposes only and is not intended for any legal representations. There are no warranties, expressed or implied, that accompany this product.

www.gisinfo.com

District Internal  
Notice # \_\_\_\_\_

State of Oregon  
WATER RESOURCES DEPARTMENT  
NOTICE OF DISTRICT PERMANENT TRANSFER  
(ORS 540.580)



Arnold Irrigation District  
P.O. Box 9220  
Bend, Oregon 97708  
PHONE: 541-382-7664 FAX: 541-382-0833

1. WATER RIGHT

CERTIFICATE #74197  
PRIORITY DATE 02/01/1905 - 04/25/1905  
DESCHUTES COUNTY  
WATER RIGHT UNDER NAME OF ARNOLD IRRIGATION DISTRICT

2. APPLICANT

NAME Lisa Burns  
ADDRESS 19315 Indian Summer Rd.  
ENCUMBRANCES \_\_\_\_\_

3. TYPE OF CHANGE: PERMANENT CHANGE IN PLACE OF USE

4. LOCATION OF USE

AUTHORIZED POINT OF DIVERSION \_\_\_\_\_

LOCATION OF AUTHORIZED PLACE OF USE

TOWNSHIP	RANGE	SECTION	¼, ¼ OF SECTION	TAX LOT	# OF ACRES IRRIGATED	OTHER USE
18	11	25	NE NW	2000	.25	

5. RECIPIENT

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

6. LOCATION OF PROPOSED USE

TOWNSHIP	RANGE	SECTION	¼, ¼ OF SECTION	TAX LOT	# OF ACRES IRRIGATED	OTHER USE

7. EXHIBITS

A. Map showing the location of the present and proposed irrigated lands.

Arnold Irrigation District hereby certifies that the applicant and recipient are the deed holders of subject properties; that our files are complete with a copy of the recorded documents; that the applicant's land has been irrigated within the last five years or the right appurtenant is not subject to forfeiture, and that applicant and recipient hereby authorize the transfer proposed herein.

NOTICE IS HEREBY GIVEN that this proposed change is subject to the approval of the Water Resources Department and that the Water Resources Department may reject the transfer or may require mitigation to avoid injury to other water right holders.

ARNOLD IRRIGATION DISTRICT AND APPLICANT, HEREBY SWEAR THAT THE ABOVE NOTICE FOR TRANSFER OF WATER RIGHT AND THE STATEMENTS MADE ARE TRUE AND CORRECT.

APPLICANT: x Lisa M Burns x Nov 29, 2005  
Name Date  
RECIPIENT: Mon Yu 11/29/05  
Name Date  
FOR DISTRICT: \_\_\_\_\_  
Name Date



FR-29-2004 17-10 AMERITITLE

63446-31



THIS SPACE RESERVED FOR RECORDER'S USE

After recording return to:  
LISA M. BURNS  
1976 INDIAN SUMMER RD  
BENTON, OR 97102

DESCHUTES COUNTY OFFICIAL RECORDS  
NANCY BLANKENSHIP, COUNTY CLERK 2004-17376



\$31.00

00254374288488179788818032  
D-D Cnt=1 Stmt=1 BECKET  
\$3.00 \$11.00 \$10.00 \$9.00

03/31/2004 02:05:09 PM

Until a change is requested all  
tax statements shall be sent to  
the following address:

LISA M. BURNS  
1976 INDIAN SUMMER RD  
BENTON, OR 97102

Escrow No. BA063446LR

STATUTORY WARRANTY DEED

RAQUEL D. MOODY, Grantor(s) hereby convey and warrant to LISA M. BURNS, Grantee(s) the following described real property in the County of DESCHUTES and State of Oregon, free of encumbrances except as specifically set forth herein:

Lot 1 contain (14), Block 40, DESCHUTES PLYER WOODS, Deschutes County, Oregon.

IN 11 2406 03000 107331

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any.

The true and actual consideration for this conveyance is \$134,000.00.

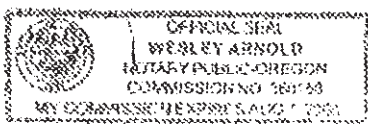
THIS INSTRUMENT WILL NOT ALLOW USE OF THE REAL PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LOCAL USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT THE PERSON ACQUIRING THE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWFUL USES AGAINST FARMING OR FOREST PRACTICES AS DEVISED IN ORS 30.930.

Dated this 30 day of March, 2004

*Raquele Moody*  
RAQUEL D. MOODY

State of Oregon  
County of DESCHUTES

This instrument was acknowledged before me on March 30, 2004 by RAQUEL D. MOODY.

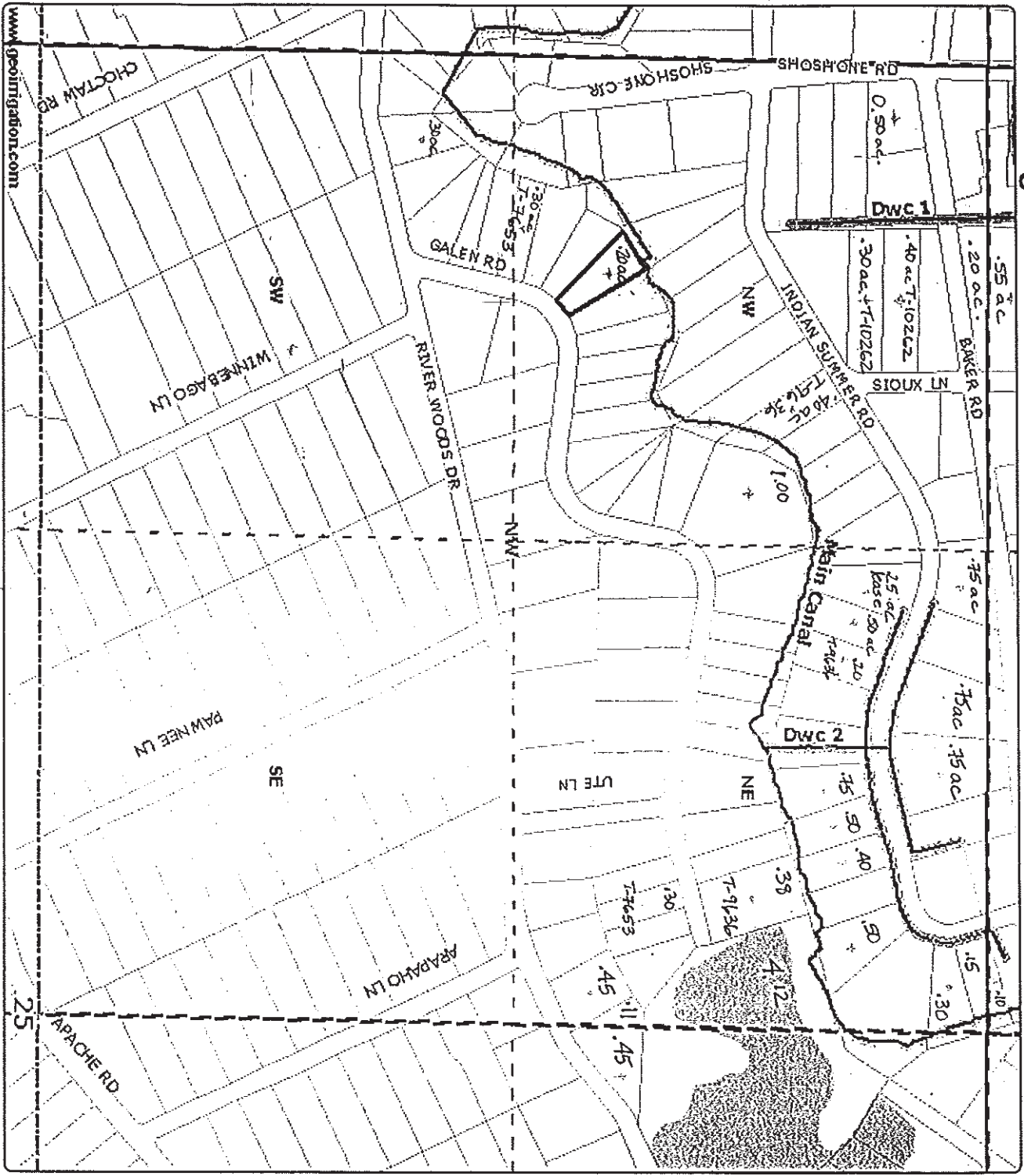


*Wesley Arnold*  
(Notary Public for Oregon)

My commission expires August 7, 2006

After recording return to  
Amerititle  
15 JACOBSON AVENUE, BEND

# Arnold Irrigation District



AID - Leslie Hansen -  
181125B004700

181125-B0-04700 - 0.20 ac.

- District Boundary
- County Boundary
- Road labels
- Township Range
- Sections
- Section Labels
- Quarters
- Quarter Labels
- Quarter Quarters
- Quarter Quarter Labels
- Taxlots
- Canal All
- Canal Filled
- Canal Open
- POU District Primary Fill
- Rivers



Scale 1" = 400'  
Created: 3/23/2009

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State of Oregon  
WATER RESOURCES DEPARTMENT  
NOTICE OF DISTRICT PERMANENT TRANSFER  
(ORS 540.580)



Arnold Irrigation District  
P.O. Box 9220  
Bend, Oregon 97708  
PHONE: 541-382-7664 FAX: 541-382-0833

1. WATER RIGHT  
CERTIFICATE #74197  
PRIORITY DATE 02/01/1905 - 04/25/1905  
DESCHUTES COUNTY  
WATER RIGHT UNDER NAME OF ARNOLD IRRIGATION DISTRICT

2. APPLICANT  
NAME LESLIE R. HANSEN  
ADDRESS 19242 GALEN RD., BEND, OR 97702  
ENCUMBRANCES \_\_\_\_\_

3. TYPE OF CHANGE: PERMANENT CHANGE IN PLACE OF USE

4. LOCATION OF USE  
AUTHORIZED POINT OF DIVERSION \_\_\_\_\_

LOCATION OF AUTHORIZED PLACE OF USE

TOWNSHIP	RANGE	SECTION	¼, ¼ OF SECTION	TAX LOT	# OF ACRES IRRIGATED	OTHER USE
18	11	25	NW NW	4700	.20	

5. RECIPIENT  
NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

6. LOCATION OF PROPOSED USE

TOWNSHIP	RANGE	SECTION	¼, ¼ OF SECTION	TAX LOT	# OF ACRES IRRIGATED	OTHER USE

7. EXHIBITS

A. Map showing the location of the present and proposed irrigated lands.

Arnold Irrigation District hereby certifies that the applicant and recipient are the deed holders of subject properties; that our files are complete with a copy of the recorded documents; that the applicant's land has been irrigated within the last five years or the right appurtenant is not subject to forfeiture, and that applicant and recipient hereby authorize the transfer proposed herein.

NOTICE IS HEREBY GIVEN that this proposed change is subject to the approval of the Water Resources Department and that the Water Resources Department may reject the transfer or may require mitigation to avoid injury to other water right holders.

ARNOLD IRRIGATION DISTRICT AND APPLICANT, HEREBY SWEAR THAT THE ABOVE NOTICE FOR TRANSFER OF WATER RIGHT AND THE STATEMENTS MADE ARE TRUE AND CORRECT.

APPLICANT: Leslie R Hansen 2-4-04  
Name Date

RECIPIENT: [Signature] 3/17/04  
Name Date

FOR DISTRICT: \_\_\_\_\_  
Name Date



668 35

97-34966

463 - 1081

WARRANTY DEED

JEFFERY A. MOORE AND JEWELLE A. MOORE, Grantor(s) hereby grant, bargain, sell and convey to: LESLIE R. HANSEN, Grantee(s) and grantor's heirs, successors and assigns the following described real property, free of encumbrances except as specifically set forth herein in the County of DESCHUTES and State of Oregon, to wit:

LOT ONE HUNDRED NINETY-FOUR (194), BLOCK PP, DESCHUTES RIVER WOODS, DESCHUTES COUNTY, OREGON.

TAX ACCOUNT NO.: 18-11-2580 04700

SUBJECT TO: all those items of record and those apparent upon the land, if any, as of the date of this deed and those shown below, if any; and the grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING PER TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true and actual consideration for this conveyance is \$ 36,800.00.

Until a change is requested, all tax statements shall be sent to Grantee at the following address: 19242 Golden Rd, Beryl, OR 97702

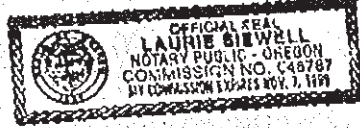
Dated this 15 day of Aug 1997

Jeffery A. Moore
JEFFERY A. MOORE
Jewelle A. Moore
JEWELLE A. MOORE

STATE OF Oregon ss. August 15 1997
COUNTY OF Coos

Personally appeared the above named Jeffery A Moore and Jewelle A. Moore

and acknowledged the foregoing instrument to be a voluntary act.



Before me: Laurie Sigwell
Notary Public for Oregon
My commission expires Nov 7, 1999

(seal)

ESCKON NO. 98006685DS

Return to: LESLIE R. HANSEN

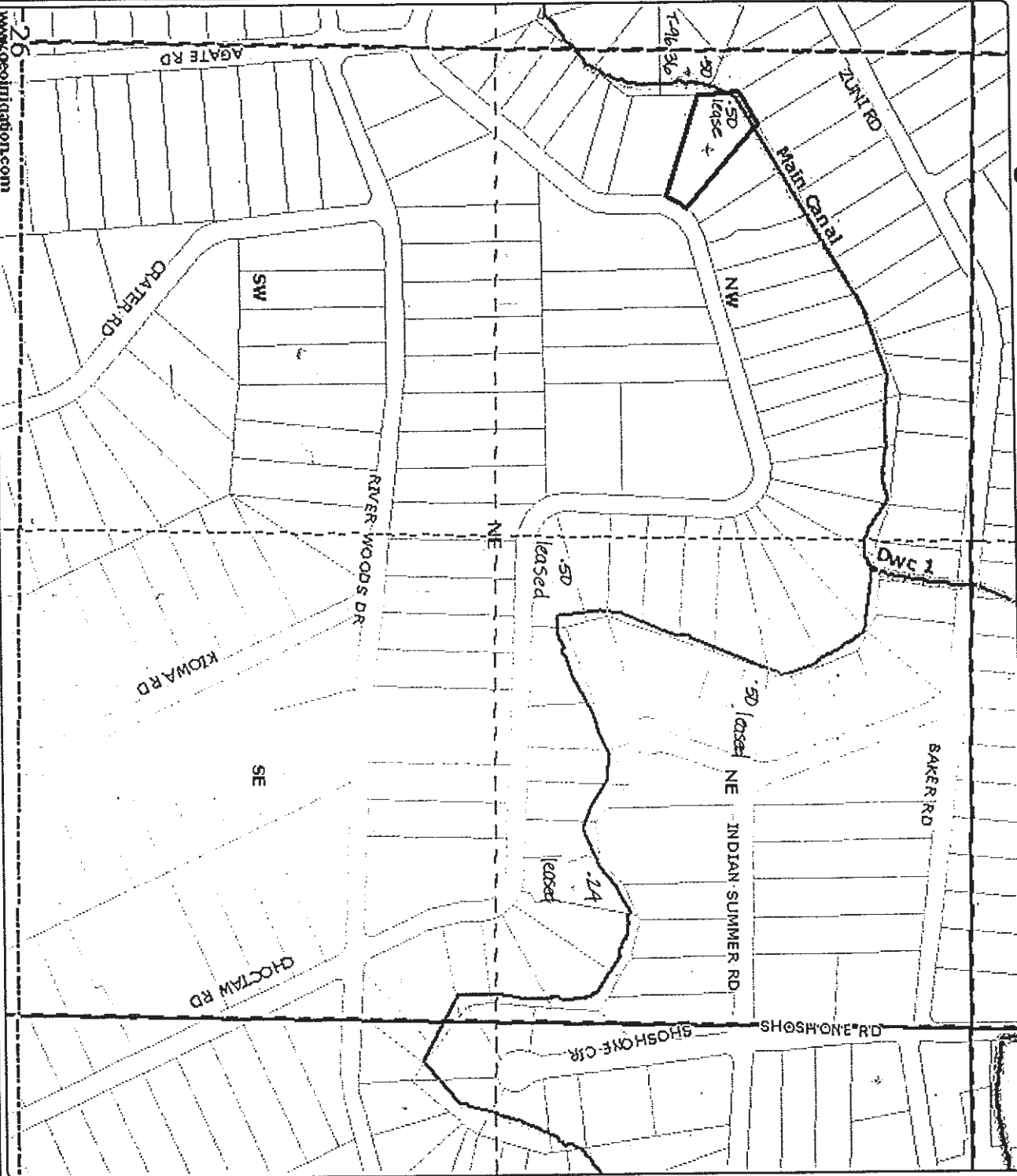
After recording, return to AmeriTitle 16 OREGON AVENUE, BEND

STATE OF OREGON COUNTY OF DESCHUTES
I, MARY JUE PENNELL, COUNTY CLERK AND RECORDER OF COMMISSIONS, IN AND FOR SAID COUNTY, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WAS RECORDED THIS DAY: 97 SEP 29 11:09 AM

BY: A. Patterson DEPUTY
NO. 97-34966 REC 35-
DESCHUTES COUNTY OFFICIAL RECORDS



# Arnold Irrigation District



AID - Dennis Fiore -  
181126A008000

181126-NWNE-08000 - 0.50 ac

- District Boundary
- County Boundary
- Road Labels
- Township Range
- Sections
- Section Labels
- Quarters
- Quarter Labels
- Quarter Quarters
- Quarter Quarter Labels
- Taxlots
- Canal All
- Canal Piped
- Canal Open
- POU District Primary Fill
- Rivers



Scale 1" = 400'  
Created: 3/23/2009

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State of Oregon  
WATER RESOURCES DEPARTMENT  
NOTICE OF DISTRICT PERMANENT TRANSFER  
(ORS 540.580)



Arnold Irrigation District  
P.O. Box 9220  
Bend, Oregon 97708  
PHONE: 541-382-7664 FAX: 541-382-0833

1. WATER RIGHT

CERTIFICATE #74197  
PRIORITY DATE 02/01/1905 - 04/25/1905  
DESCHUTES COUNTY  
WATER RIGHT UNDER NAME OF ARNOLD IRRIGATION DISTRICT

2. APPLICANT

NAME DENNIS FIORE  
ADDRESS 19038 CHOCTAW RD.  
ENCUMBRANCES \_\_\_\_\_

3. TYPE OF CHANGE: PERMANENT CHANGE IN PLACE OF USE

4. LOCATION OF USE

AUTHORIZED POINT OF DIVERSION \_\_\_\_\_

LOCATION OF AUTHORIZED PLACE OF USE

TOWNSHIP	RANGE	SECTION	¼, ¼ OF SECTION	TAX LOT	# OF ACRES IRRIGATED	OTHER USE
18	11	26	NW NE	08000	.50	

5. RECIPIENT

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

6. LOCATION OF PROPOSED USE

TOWNSHIP	RANGE	SECTION	¼, ¼ OF SECTION	TAX LOT	# OF ACRES IRRIGATED	OTHER USE

7. EXHIBITS

A. Map showing the location of the present and proposed irrigated lands.

Arnold Irrigation District hereby certifies that the applicant and recipient are the deed holders of subject properties; that our files are complete with a copy of the recorded documents; that the applicant's land has been irrigated within the last five years or the right appurtenant is not subject to forfeiture, and that applicant and recipient hereby authorize the transfer proposed herein.

NOTICE IS HEREBY GIVEN that this proposed change is subject to the approval of the Water Resources Department and that the Water Resources Department may reject the transfer or may require mitigation to avoid injury to other water right holders.

ARNOLD IRRIGATION DISTRICT AND APPLICANT, HEREBY SWEAR THAT THE ABOVE NOTICE FOR TRANSFER OF WATER RIGHT AND THE STATEMENTS MADE ARE TRUE AND CORRECT.

APPLICANT: \* Dennis Fiore \* 3/17/05  
 Name Date  
 RECIPIENT: Adam Heuer 3/17/05  
 Name Date  
 FOR DISTRICT: \_\_\_\_\_  
 Name Date

8/17



After recording return to:  
Dennis J. Fiore  
19038 Choctaw Road  
Bend, OR 97702

Until a change is requested all tax statements shall be sent to the following address:  
Dennis J. Fiore  
19038 Choctaw Road  
Bend, OR 97702

36 File No.: 7061-77291 (MSR) *on*  
Date: December 12, 2002  
FIRST AMERICAN TITLE  
INSURANCE COMPANY OF OREGON  
P.O. BOX 828  
BEND, OR 97709

THIS SPACE RESERVED FOR RECORDER'S USE

DESCHUTES COUNTY OFFICIAL RECORDS  
MARY SUE PENHOLLOW, COUNTY CLERK

2002-73841

\$36.00

00125145200200738410020025

12/31/2002 12:53:03 PM

D-D Cnt=1 Stn=4 BECKEY  
\$10.00 \$11.00 \$10.00 \$5.00

### STATUTORY WARRANTY DEED

Jesse J. Dobson and Roxanne M. Dobson, as tenants by the entirety, Grantor, conveys and warrants to Dennis J. Fiore, the following described real property free of liens and encumbrances, except as specifically set forth herein:

Lot 150 in Block PP of DESCHUTES RIVER WOODS, Deschutes County, Oregon.

This property is free from liens and encumbrances, EXCEPT: The premises fall within the boundaries of ARnold Irrigation District and are subject to rules and regulations thereof.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is \$111,000.00. (Here comply with requirements of ORS 93.030)

Jesse J. Dobson

Roxanne M. Dobson


APN: 109749

Statutory Warranty Deed  
- continued

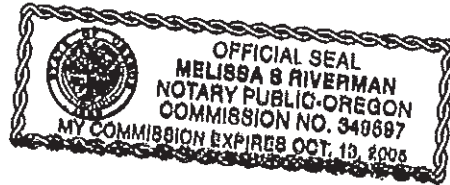
File No.: 7061-77291 (MSR)  
Date: 12/12/2002

STATE OF Oregon )  
County of Deschutes ) ss.

This instrument was acknowledged before me on this 27 day of December, 2002  
by **Jesse J. Dobson and Roxanne M. Dobson**.

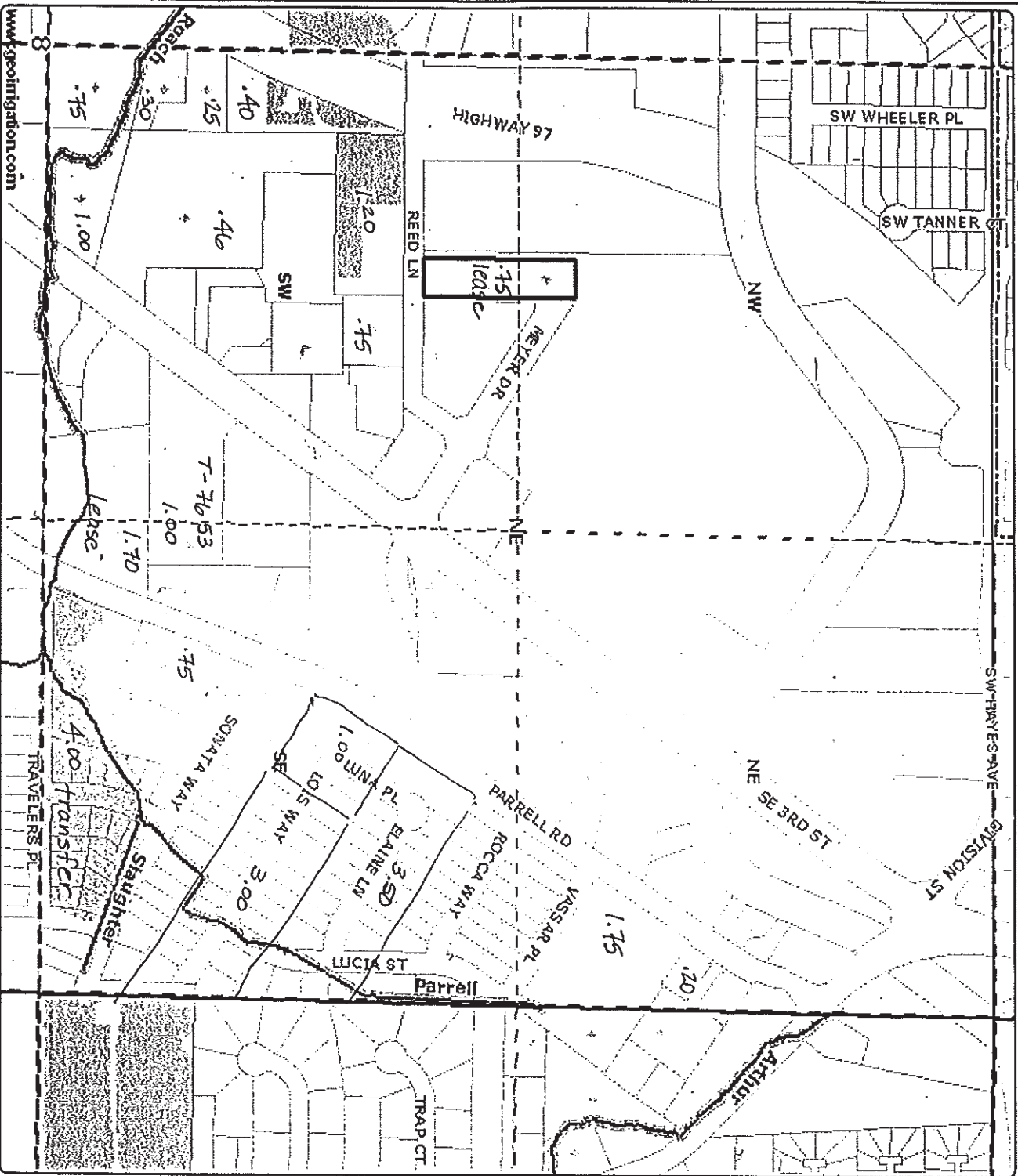
  
Notary Public for Oregon

My commission expires:





# Arnold Irrigation District



www.geoinformation.com

DISCLAIMER: This map is intended for display purposes only and is not intended for any legal representations. There are no warranties, expressed or implied, that accompany this product.



Scale 1" = 400'  
Created: 3/23/2009

- District Boundary
- County Boundary
- Road Labels
- Township Range
- Sections
- Section Labels
- Quarters
- Quarter Labels
- Quarter Quarters
- Quarter Quarter Labels
- Taxlots
- Canal All
- Canal Piped
- Canal Open
- POU District Primary Fill
- Rivers

AID - B&C Development,  
LLC - 181208AB00301  
181208-NWNE-00301 - 0.75 ac



**BARGAIN AND SALE DEED**

Please Return to:  
Juanita DeJarnett  
Arnold Irrigation District  
P.O. Box 9220  
Bend, OR 97708-9220

Unless a change is requested,  
All tax statements shall be sent to:  
Arnold Irrigation District  
P.O. Box 9220  
Bend, OR 97708-9220

The true consideration for this transfer is forgiveness of future annual assessments.

B & C Development, LLC, Grantor, conveys to ARNOLD IRRIGATION DISTRICT, Grantee, on January 31, 2005, the following described real property:

0.75 acres of Arnold Irrigation District water rights located upon the following described real property, to-wit:

\*\* 18-12-08-AB-00301

(See the attached Exhibit "A" for a more detailed description of the property.)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)). THIS INSTRUMENT DOES NOT ALLOW THE USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARM OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)).

Signed Nunc Pro Tunc this 31<sup>st</sup> day of January, 2005.

Exhibit "A"

The Southerly 435.27 feet of the Easterly 105.00 feet of the Westerly 125.00 feet of the following described property:

A tract of land as platted in an allotment near the City of Bend, Deschutes County, Oregon known as "Reed Highway Acreage" Section 2, (which plat was vacated December 7, 1932) and being in Section 8, Township 18 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon, being Lot No. 21 as formerly platted, and more particularly described as follows: Starting at the initial point of the allotment survey which is the Northwest corner of the Northeast Quarter (NE 1/4) of Section 8, Township 18 South, Range 12 East of the Willamette Meridian, thence South  $00^{\circ} 36' 21''$  West for a distance of 1589.89 lineal feet to a point; thence through an angle of  $90^{\circ} 21'$  West to the left and on a bearing of  $90^{\circ}$  East for a distance of 538 lineal feet to the Southwest corner of said Lot 21 as formerly platted for a point of beginning. From this beginning point and on a bearing of  $00^{\circ} 00''$  East, run 870.53 lineal feet to the Southerly right of way line of the Central Oregon Irrigation Canal, thence Northeasterly along said right of way 290.64 feet to the Northeast corner of said Lot 21, thence 1015.01 lineal feet to the Southeast corner of Lot No. 21, thence West 250 feet to the point of beginning.

Carey M. Sheldon, Grantor

*Carey M. Sheldon*

STATE OF OREGON, County of Deschutes) ss:

SIGNED before me on the 16 day of MAY, 2008, by Carey Sheldon Grantor.



*Ronda L. Powers*  
NOTARY PUBLIC FOR OREGON  
My commission expires: 12/04/09

ACCEPTANCE

Shawn Gerdes, District Manager, Arnold Irrigation District, does hereby accept the foregoing Bargain and Sale Deed conveying water rights.

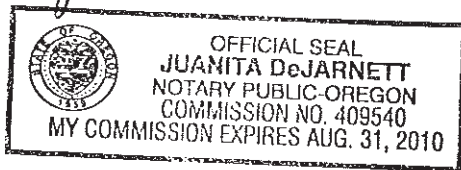
DATED this 30th day of July, 2008.

Arnold Irrigation District

By: *Shawn Gerdes*  
Shawn Gerdes, District Manager

STATE OF OREGON, County of Deschutes ) ss.

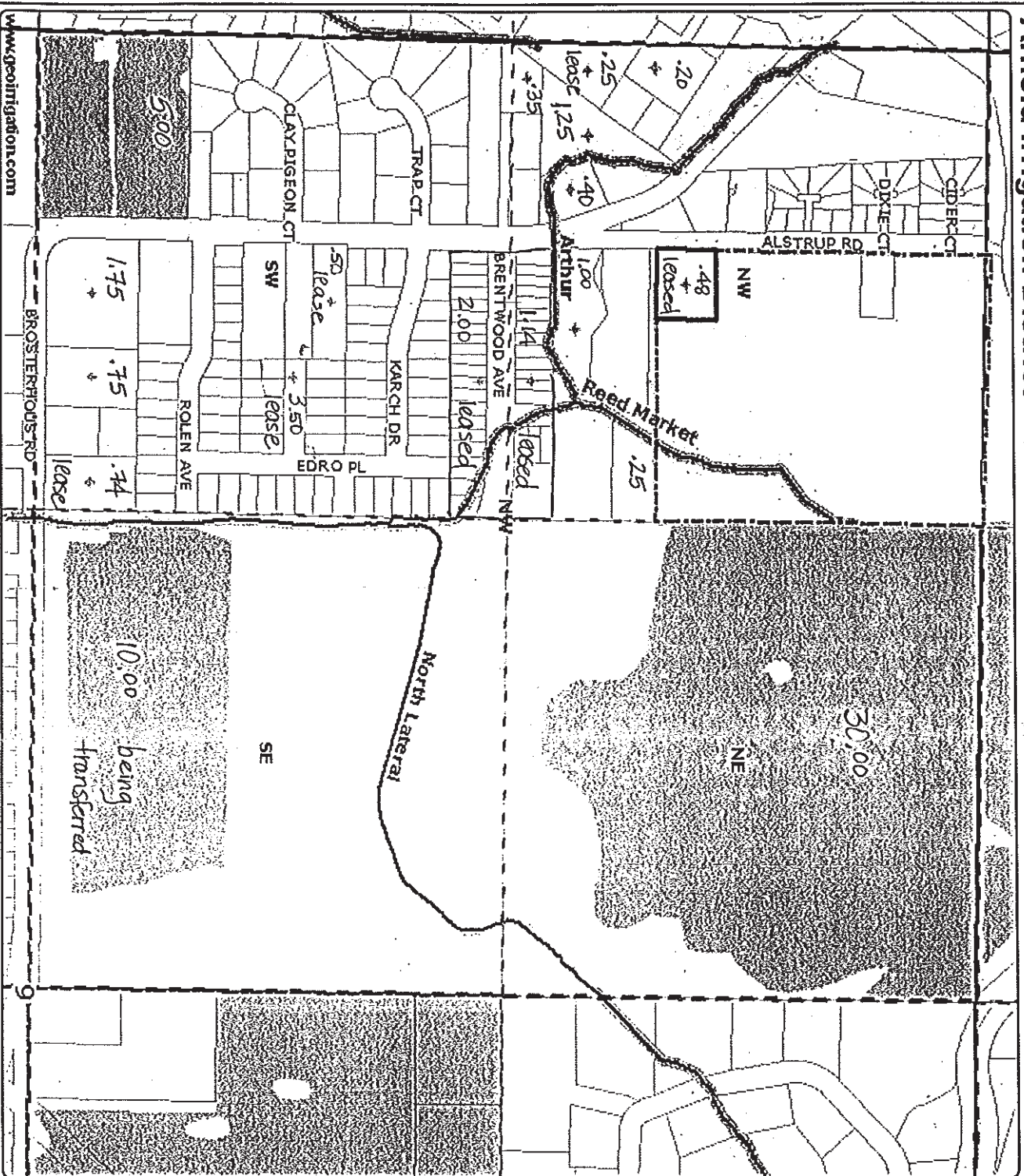
Before me, a Notary Public, personally appeared Shawn Gerdes the above-named manager, and acknowledged the foregoing instrument on behalf of Arnold Irrigation District. Before me this 30th day of July, 2008.



*Juanita DeJarnett*  
Notary Public for Oregon  
My Commission Expires: Aug. 31, 2010



# Arnold Irrigation District



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DISCLAIMER: This map is intended for display purposes only and is not intended for any legal representations. There are no warranties, expressed or implied, that accompany this product.

AID - Central Oregon

Investors -

181209BB00700

181209-NW/NW-00700 - 0.48 ac

- District Boundary
- County Boundary
- Road Labels
- Township Range
- Sections
- Section Labels
- Quarters
- Quarter Labels
- Quarter Quarters
- Quarter Quarter Labels
- Taxlots
- Canal All
- Canal Filled
- Canal Open
- POU Distri & Primary Fill
- Rivers



Scale: 1" = 400'  
Created: 3/23/2009



00823914200800300030030038

07/15/2008 04:01:48 PM

D-D Cnt=1 Stn=1 BN

\$15.00 \$11.00 \$10.00 \$5.00

## BARGAIN AND SALE DEED

Please Return to:  
Juanita DeJarnett  
Arnold Irrigation District  
P.O. Box 9220  
Bend, OR 97708-9220

Unless a change is requested,  
All tax statements shall be sent to:  
Arnold Irrigation District  
P.O. Box 9220  
Bend, OR 97708-9220

The true consideration for this transfer is forgiveness of future annual assessments.

Central Oregon Investors, LLC, Grantor, by and through its Member, Brent Keys,  
conveys to Arnold Irrigation District, Grantee, the following described real property:

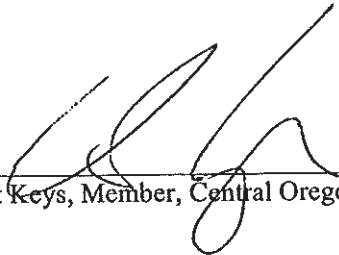
0.48 acres of Arnold Irrigation District water rights located upon the following described  
real property, to-wit:

\*\* 181209BB00700

(See the attached Exhibit "A" for a more detailed description of the property.)"

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)). THIS INSTRUMENT DOES NOT ALLOW THE USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARM OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)).

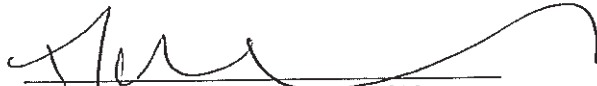
Signed this 19 day of June, 2008.

  
Brent Keys, Member, Central Oregon Investors, LLC

STATE OF OREGON, County of Deschutes) ss:

SIGNED before me on the 19 day of June, 2008, by Brent Keys  
Grantor.



  
NOTARY PUBLIC FOR OREGON  
My commission expires: 4/16/10

ACCEPTANCE

Shawn Gerdes, District Manager, Arnold Irrigation District, does hereby accept the foregoing Bargain and Sale Deed conveying water rights.

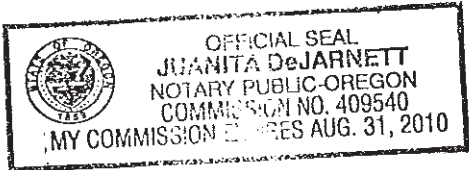
DATED this 1st day of July, 2008.

Arnold Irrigation District

By:   
Shawn Gerdes; District Manager

STATE OF OREGON, County of Deschutes ) ss.

Before me, a Notary Public, personally appeared Shawn Gerdes the above-named manager, and acknowledged the foregoing instrument on behalf of Arnold Irrigation District. Before me this 1st day of July, 2008.



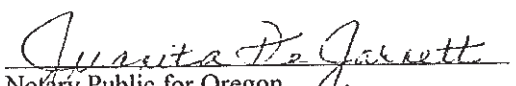
  
Notary Public for Oregon  
My Commission Expires: Aug 31, 2010

Exhibit "A"

Parcel 7:

A portion of Tract Twelve (12) of the unofficial plat of CARROLL ACRES, in the Northwest Quarter of the Northwest Quarter (NW ¼ NW ¼) of Section Nine (9), Township Eighteen (18) South, Range Twelve (12), East of the Willamette Meridian, Deschutes County, Oregon, described as follows: Beginning at an iron pipe at the Southwest corner of Tract Twelve 912); thence North 0° 44' 43" East for 169.66 feet to an iron pipe; thence South 89° 36' 42" East for 192.00 feet to an iron pipe; thence South 0° 44' 43" West for 169.66 feet to an iron pipe, thence North 89° 36' 42" West for 192.00 feet to the Point of Beginning.



District Internal  
Notice # \_\_\_\_\_

State of Oregon  
WATER RESOURCES DEPARTMENT  
NOTICE OF DISTRICT PERMANENT TRANSFER  
(ORS 540.580)



Arnold Irrigation District  
P.O. Box 9220  
Bend, Oregon 97708  
PHONE: 541-382-7664 FAX: 541-382-0833

1. WATER RIGHT  
CERTIFICATE #74197  
PRIORITY DATE 02/01/1905 - 04/25/1905  
DESCHUTES COUNTY  
WATER RIGHT UNDER NAME OF ARNOLD IRRIGATION DISTRICT

2. APPLICANT  
NAME Central Oregon Investors, LLC  
ADDRESS 1750 SW Harbor Way, Suite 310 - Portland, OR 97201  
ENCUMBRANCES none

3. TYPE OF CHANGE: PERMANENT CHANGE IN PLACE OF USE

4. LOCATION OF USE  
AUTHORIZED POINT OF DIVERSION \_\_\_\_\_

LOCATION OF AUTHORIZED PLACE OF USE

TOWNSHIP	RANGE	SECTION	¼, ¼ OF SECTION	TAX LOT	# OF ACRES IRRIGATED	OTHER USE
18	12	09	BB	00700	.48	Irrigation

5. RECIPIENT  
NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

6. LOCATION OF PROPOSED USE

TOWNSHIP	RANGE	SECTION	¼, ¼ OF SECTION	TAX LOT	# OF ACRES IRRIGATED	OTHER USE

7. EXHIBITS

A. Map showing the location of the present and proposed irrigated lands.

Arnold Irrigation District hereby certifies that the applicant and recipient are the deed holders of subject properties; that our files are complete with a copy of the recorded documents; that the applicant's land has been irrigated within the last five years or the right appurtenant is not subject to forfeiture, and that applicant and recipient hereby authorize the transfer proposed herein.

NOTICE IS HEREBY GIVEN that this proposed change is subject to the approval of the Water Resources Department and that the Water Resources Department may reject the transfer or may require mitigation to avoid injury to other water right holders.

ARNOLD IRRIGATION DISTRICT AND APPLICANT HEREBY SWEAR THAT THE ABOVE NOTICE FOR TRANSFER OF WATER RIGHT AND THE STATEMENTS MADE ARE TRUE AND CORRECT.

APPLICANT: \_\_\_\_\_ Date 6-20-08  
RECIPIENT: \_\_\_\_\_ Date \_\_\_\_\_  
FOR DISTRICT: Juanita DeJarnett Date June 25, 2008  
Name \_\_\_\_\_ Date \_\_\_\_\_