



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

Application for Instream Lease Pooled Lease Form

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

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

Optional Identification by Lessor/Lessee: _____
Lease Application Number (assigned by WRD): IL-1088

This Lease is between:

Lessor #2: Irrigation District or Other Water Purveyor

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

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

Lessee (if different than Oregon Water Resources Department):

Name Deschutes River Conservancy
Mailing address 700 NW Hill Street
City, State, Zip Code Bend, OR 97701
Telephone number 541-382-4077
Email address gen@deschutesriver.org

Trustee:

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

~I~ Water Right Holder and Water Right Information

1.2 Lessor #2 is the (Check one):

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

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

Certificate No. 74135

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

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

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

Certificate No.: 74135

Priority date: 1895, 1899, 1904 Type of use: IRR

Legal Season of Use: N/A

If an irrigation right, total number of acres to be leased: 156.7 ac 1895

10.2 ac 1899

42.5 ac 1904 = 209.4 ac

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

Maximum rate associated with subject water rights (cfs) being leased: 3.134 cfs 1895

0.204 cfs 1899

0.850 cfs 1904

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

Season 1 (cfs) _____ Time period: _____

Season 2 (cfs) _____ Time period: _____

Season 3 (cfs) _____ Time period: _____

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

Conditions or other limitations, if any: _____

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

~II~ Instream Water Right Information

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

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

Pollution abatement

Recreation and scenic attraction

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

Whychus _____ Creek

Tributary to Deschutes River _____ in the Deschutes _____ Basin.

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

Maximum volume in acre-feet: 571.89 ac-ft 1895

37.23 ac-ft 1899

155.11 ac-ft 1904 = total 764.22 ac-ft

Rate in cfs: 3.134 cfs 1895

0.204 cfs 1899

0.850 cfs 1904 = total 4.188 cfs

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

Rate in cfs: _____

Rate in cfs: _____

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

Conditions to prevent injury, if any:

None

The instream flow will be allocated on a daily average basis up to the described rate from July 16 through October 15.

Other (describe): _____

2.3 Term of lease. This lease shall terminate on October 31, 2010.

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

~III~ Other Information

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

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

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

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

3.5 Termination provision.

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

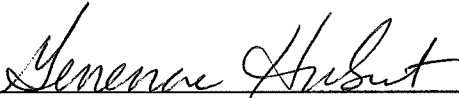
- Written notice to the Department with original signatures;
 - Consent by all parties to the lease; and/or
 - Written notice to the Watermaster's office.
- For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

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

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

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

Lessor #2:  Date: 6/29/2010
Three Sisters Irrigation District

Lessee:  Date: 6/29/2010
Deschutes River Conservancy

Other Attachments as Needed:

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

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

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

Attachment 4: Split Season Instream Use Form

Attachment 5: Pooled Lease Water Right Holder Form

Revised 6/24/2010

TSID season 2 -

Priority	Acres	Acres	Rate	Rate	Rate	Duty	Duty
	acres*	priority	rate*	priority	priority	AF	AF
		subtotal	cfs	subtotal	conv fact	no. days	subtotal
Leason	87		0.02	1.74	1.983471	92	317.51
Tisher et al	46		0.02	0.92	1.983471	92	167.88
Trone	23.7	156.7	0.02	0.474	1.983471	92	86.50
Leason	10.2	10.2	0.02	0.204	1.983471	92	37.23
Herring	42		0.02	0.84	1.983471	92	153.28
Tisher et al	0.5	42.5	0.02	0.01	1.983471	92	1.82
totals	209.4	209.4		4.188	0.019835		764.22

start	end	days	instream
4/15/2010	7/15/2010	92.00	Season 1
7/16/2010	10/15/2010	92.00	Season 2



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Application for Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

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

Optional Identification by Lessor/Lessee: _____
Lease Application Number (assigned by WRD): IL-1088

This Lease is with:

Lessor #1 (Water Right Holder):

Name John Leason
Mailing address 69401 Goodrich Rd
City, State, Zip Code Sisters, OR 97759
Telephone number 541-815-2996
Email address _____

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

Lessor # 2:

Three Sisters Irrigation District Irrigation District
P O Box 2230
Sisters, OR 97759 541-549-8815 manager@tsidonline.org

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

~I~ Water Right Holder and Water Right Information

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

Certificate No. 74135

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

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

T	R	Sect	1/4	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	14	11	30	swse	4800	8.6	IRR	74135	4	1899
2.	14	11	30	sese	4800	7.7	IRR	74135	4	1895
3.	14	11	31	nwse	5300	8	IRR	74135	4	1895
	14		31	nwse	5300	1.6	IRR	74135	4	1899
4.	14	11	31	nene	5300	20	IRR	74135	4	1895
5.	14	11	31	swse	5400	12.2	IRR	74135	5	1895
	14		31	sese	5400	39.1	IRR	74135	5	1895

Total number of acres, if for irrigation, by certificate and priority date: 87 ac IRR 1895
10.2 ac 1899

Conditions or other limitations, if any: _____

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

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

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

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 15, 2010. (If there is a conflict between the Pooled Lease Form and this form, the Pooled Lease Form will be the official term of the lease.)

~III~ Other Information

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

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

- 3.3 Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.
- 3.4 Suspension of original use.** During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights.
- 3.5 Termination provision.**
- For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
 - Written notice to the Department with original signatures;
 - Consent by all parties to the lease; and/or
 - Written notice to the Watermaster's office.
 - For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.
- 3.6 Modification to prevent injury.** Allocation of water to the instream use described in Section 2.2 during the term of this lease is not reasonably expected to cause injury to other rights to use water from the same source. If injury is found after this lease is signed, the lease may be modified or terminated to prevent injury.

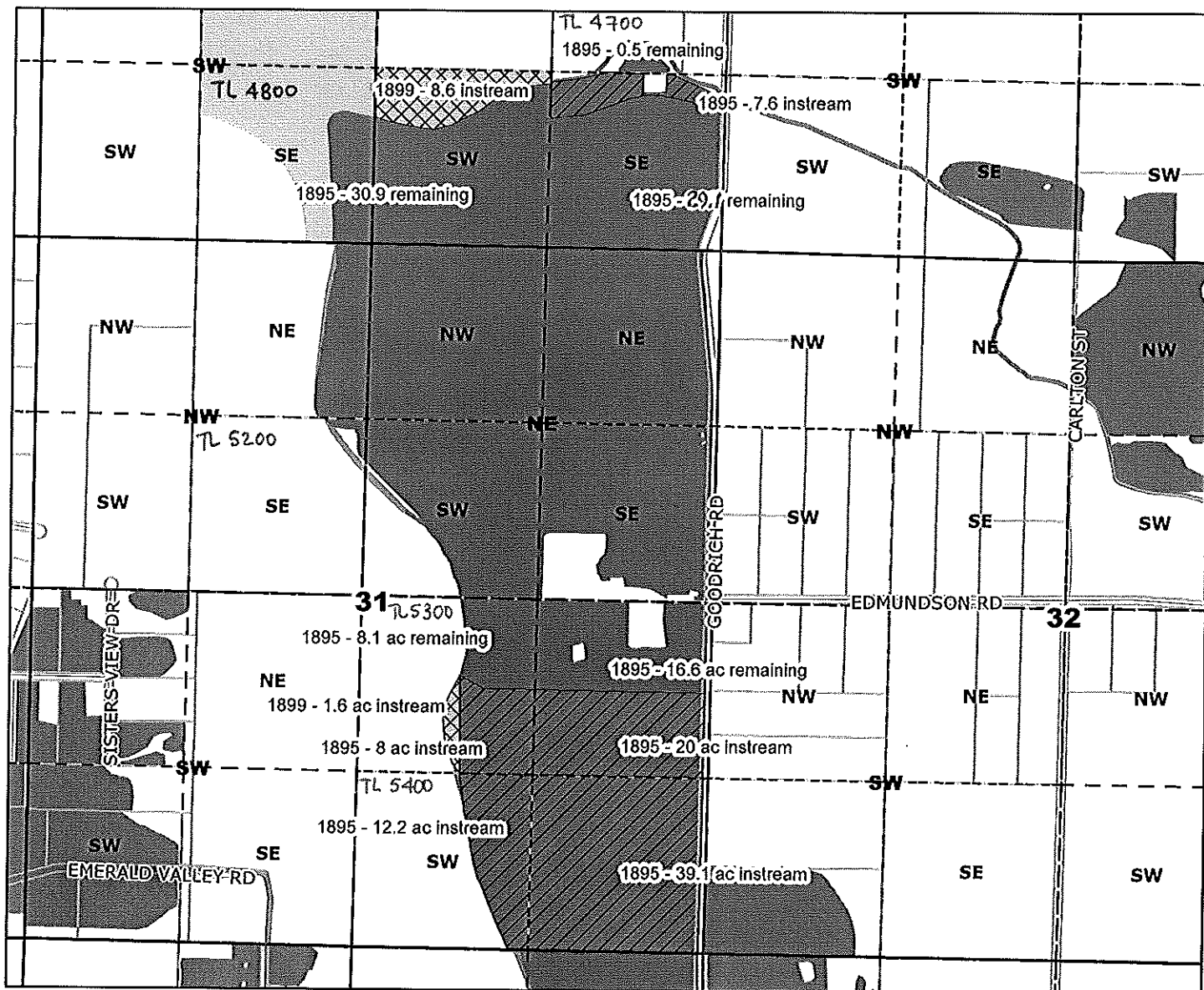
Lessor #1: John Leason Date: 6/28/10
John Leason

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Three Sisters Irrigation District





Other Attachments As Needed:

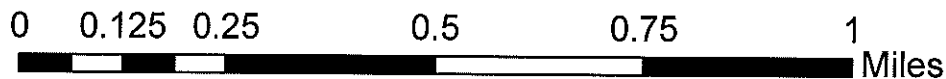
- Exhibit 5-A: Tax Lot Map. (See instructions.)
- Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.)
- Exhibit 5-C: Supporting documentation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



Three Sisters Irrigation District

Legend

- Roads
-  1895 Instream
-  1899 Instream
- Primary Water Rights**
-  1895
-  1899



John Leason - 2010 Season 2
 87 acres Instream - 1895
 10.2 acres Instream - 1899
 Certificate 74135

T14S R11E S30 Taxlot 4800
 SWSE
 8.6 ac instream 1899
 30.9 ac remaining 1895
 SESE
 7.6 ac instream 1895
 29.1 ac remaining 1895

T14S R11E S30 Taxlot 4700
 NESE
 0.5 ac remaining 1895

T14S R11E S31 Taxlot 5300
 NWSE
 8.1 ac remaining 1895
 8 ac instream 1895
 1.6 ac instream 1899
 NENE
 20 ac instream 1895
 16.6 ac remaining 1895

T14S R11E S31 Taxlot 5400
 SWSE 12.2 ac instream 1895
 SESE 39.1 ac instream 1895

Lot	q0	Tax lot	Acres	Type	Priority	Owner
	NE¼ NE¼	100	6.00	IRR	1895	Kavanagh, Geraldine
	NE¼ NE¼	100	1.50	IRR	1904	Kavanagh, Geraldine
	NE¼ NE¼	200	15.00	IRR	1895	Helikson, Paul & Sherry
	NE¼ NE¼	400	1.50	IRR	1895	Kavanagh, Geraldine
	SE¼ NE¼	300	19.80	IRR	1895	Helikson, Paul & Sherry
	SW¼ SW¼	1400	6.80	IRR	1899	Burdick, Robert R.
	SE¼ SW¼	1200	4.20	IRR	1895	Kelley, William & Mildred
	SE¼ SW¼	1300	7.50	IRR	1899	Burdick, Robert R.
	NE¼ SE¼	800	8.00	IRR	1895	Vestal, William & Victoria
	NW¼ SE¼	400	8.00	IRR	1895	Volz, Charles & Jan
	NW¼ SE¼	700	6.50	IRR	1895	Volz, Charles & Jan
	SW¼ SE¼	1000	1.80	IRR	1895	Shirazi, Mostafa & Naoko
	SW¼ SE¼	1100	5.00	IRR	1895	Burdick, Joyce G.
	SW¼ SE¼	1100	5.20	IRR	1899	Burdick, Joyce G.

Section 23

	NE¼ NE¼	100	2.70	IRR	1895	Sanders, Ed & Betty
	NW¼ NE¼	100	1.50	IRR	1895	Sanders, Ed & Betty
	NW¼ NW¼	400	6.00	IRR	1895	Kavanagh, Geraldine
	NW¼ NW¼	500	1.50	IRR	1895	Kavanagh, Geraldine

Section 24

	NW¼ NE¼	300	5.00	IRR	1895	Elmore, Michael
	NW¼ NE¼	400	4.00	IRR	1895	Elmore, Michael

Section 27

	SE¼ SW¼	500	6.00	IRR	1895	Jeffers, Donald & Gail
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Section 28

	SE¼ SW¼	5800	8.00	IRR	1895	Paulus, Tom
	SW¼ SE¼	5802	3.00	IRR	1895	Wilson, Aaron & Helen
	SW¼ SE¼	5802	11.00	IRR	1904	Wilson, Aaron & Helen

Section 29

	NE¼ SW¼	4701	40.00	IRR	1899	Leason, Catherine
	SE¼ SW¼	4800	6.80	IRR	1895	Leason, John
	SE¼ SW¼	4800	19.60	IRR	1899	Leason, John
	NE¼ SE¼	4700	16.50	IRR	1895	Richardson, Reece & Lorene
	NE¼ SE¼	4700	0.50	POND	1895	Richardson, Reece & Lorene
	NE¼ SE¼	4704	3.00	IRR	1895	Richardson, Reece & Lorene
	SW¼ SE¼	4800	30.90	IRR	1895	Leason, John
	SW¼ SE¼	4800	8.60	IRR	1899	Leason, John
	SE¼ SE¼	4800	36.70	IRR	1895	Leason, John

Section 30

	NE¼ NE¼	4800	37.30	IRR	1895	Leason, John
	NW¼ NE¼	4800	40.00	IRR	1895	Leason, John
	SW¼ NE¼	4800	30.40	IRR	1895	Leason, John
	SE¼ NE¼	4800	31.90	IRR	1895	Leason, John
	NE¼ NW¼	4800	9.70	IRR	1895	Leason, John
	SE¼ NW¼	5200	0.70	IRR	1895	Leason, John
3	NW¼ SW¼	1000	4.00	IRR	1895	Hurtley, David & Judy
3	NW¼ SW¼	300	4.00	IRR	1895	Hurtley, David & Judy
3	NW¼ SW¼	500	3.00	IRR	1895	Hurtley, David & Judy
3	NW¼ SW¼	600	2.00	IRR	1895	Hurtley, David & Judy
3	NW¼ SW¼	700	4.00	IRR	1895	Hurtley, David & Judy
3	NW¼ SW¼	800	2.50	IRR	1895	Hurtley, David & Judy
3	NW¼ SW¼	900	2.00	IRR	1895	Hurtley, David & Judy
4	SW¼ SW¼	200	22.00	IRR	1895	Hurtley, David & Judy
4	SW¼ SW¼	201	6.00	IRR	1895	Hurtley, David & Judy
	NE¼ SE¼	5300	36.60	IRR	1895	Leason, John
	NW¼ SE¼	5300	16.10	IRR	1895	Leason, John

8.6 IS.

7.6 IS.

20.0 IS

8.0 IS

Lot	q0	Tax lot	Acres	Type	Priority	Owner
---	NW¼ SE¼	5300	1.60	IRR	1899	Leason, John
---	SW¼ SE¼	5400	12.20	IRR	1895	Leason, John
---	SE¼ SE¼	5500	39.10	IRR	1895	Leason, John

Section 31

	NE¼ NE¼	100	29.00	IRR	1895	Longley, Tom
	NW¼ NE¼	100	32.50	IRR	1895	Longley, Tom
	SW¼ NE¼	100	7.00	IRR	1895	Longley, Tom
	SE¼ NE¼	100	11.00	IRR	1895	Longley, Tom
	SW¼ SW¼	1200	16.00	IRR	1895	King, Robert & Nancy
	SE¼ SE¼	1700	6.00	IRR	1895	Hicks, John & Barbara
	SE¼ SE¼	1701	12.50	IRR	1895	Russell, Gordon
	SE¼ SE¼	1702	1.50	IRR	1895	Hicks, John & Barbara

Section 32

	NW¼ NW¼	400	20.00	IRR	1895	Longley, Tom
	NW¼ NW¼	400	1.00	POND	1895	Longley, Tom
	SE¼ NW¼	500	5.00	IND	1904	S.C.I.D., Mac. Pond
	NE¼ SW¼	3600	8.50	IRR	1895	Carmell, John P. & Ramona J
	NE¼ SW¼	3600	0.50	POND	1895	Carmell, John P. & Ramona J
	NW¼ SW¼	1300	2.50	IRR	1895	Nicholson, Brad & Molly
	SW¼ SW¼	1300	0.50	IRR	1895	Nicholson, Brad & Molly
	SW¼ SW¼	1400	7.00	IRR	1895	Johnson, Don
	SW¼ SW¼	1500	5.00	IRR	1895	Mason, Don R. & Willadean
	SW¼ SW¼	1600	8.00	IRR	1895	Johnson, Don
	SW¼ SW¼	1700	6.00	IRR	1895	Stephenson, Robert & Patricia
	SW¼ SW¼	3500	1.00	IRR	1895	Jewett, Daniel & Jeanne
	SE¼ SW¼	1700	1.00	IRR	1895	Stephenson, Robert & Patricia
	SE¼ SW¼	1800	5.00	IRR	1895	Sage, L. Gordon & Linda
	SE¼ SW¼	3500	4.00	IRR	1895	Jewett, Daniel & Jeanne
	NW¼ SE¼	500	9.10	POND	1895	S.C.I.D., Mac. Pond
	SE¼ SE¼	2400	8.00	IRR	1895	McCullough, William & Shirley
	SE¼ SE¼	2500	7.50	IRR	1895	Gerland, Jacqueline
	SE¼ SE¼	2600	7.50	IRR	1895	Gerland, Jacqueline

Section 33

Township 14 South, Range 11 East, W.M.

1	NE¼ NE¼	800	15.50	IRR	1895	Williams, Don & Myrtle
2	NW¼ NE¼	800	27.00	IRR	1895	Williams, Don & Myrtle
	SW¼ NE¼	800	25.00	IRR	1895	Williams, Don & Myrtle
	SE¼ NE¼	800	10.00	IRR	1895	Williams, Don & Myrtle
3	NE¼ NW¼	800	10.50	IRR	1895	Williams, Don & Myrtle
	SE¼ NW¼	800	7.00	IRR	1895	Williams, Don & Myrtle

Section 5

3	NE¼ NW¼	902	40.00	IRR	1895	Page, Richard
	SE¼ NW¼	902	1.50	IRR	1895	Page, Richard
	SE¼ NW¼	902	6.00	IRR	1904	Page, Richard
	NE¼ SW¼	900	5.00	IRR	1895	Wallace, Al
6	NW¼ SW¼	1000	2.50	IRR	1895	Wallace, Al
6	NW¼ SW¼	1000	6.00	IRR	1904	Wallace, Al
7	SW¼ SW¼	1000	35.00	IRR	1895	Wallace, Al
7	SW¼ SW¼	1000	5.00	IRR	1904	Wallace, Al
	SE¼ SW¼	900	25.50	IRR	1895	Wallace, Al
	SE¼ SW¼	900	6.00	IRR	1904	Wallace, Al
	SW¼ SE¼	800	18.00	IRR	1895	Williams, Don & Myrtle

Section 6

	NW¼ NE¼	800	11.00	IRR	1895	Williams, Don & Myrtle
	NW¼ NE¼	800	11.50	IRR	1899	Williams, Don & Myrtle
	NE¼ NW¼	999	17.50	IRR	1895	Wallace, Al
1	NW¼ NW¼	1000	31.00	IRR	1895	Wallace, Al

4.6 IS
12.2 IS
39.1 IS



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Application for Instream Lease

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

Optional Identification by Lessor/Lessee: prev. lease 1004
Lease Application Number (assigned by WRD): IL-1088

This Lease is with:

Lessor #1 (Water Right Holder):

Name Susan Trone
Mailing address 16327 South Hattan Rd
City, State, Zip Code Oregon City, OR 97405
Telephone number 503-631-7110
Email address _____

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

Lessor # 2:

Three Sisters Irrigation District Irrigation District
P O Box 2230
Sisters, OR 97759 541-549-8815 manager@tsidonline.org

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

~I~ Water Right Holder and Water Right Information

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

Certificate No. 74135

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

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

T	R	Sect	¼¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	15	11	18	SE SW	2000	23.7	IRR	74135	12	1895
2.										
3.										
4.										
5.										

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

Conditions or other limitations, if any: _____

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

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

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

~II~ Instream Water Right Information

- 2.3 Term of lease.** This lease shall terminate on October 15, 2010. (If there is a conflict between the Pooled Lease Form and this form, the Pooled Lease Form will be the official term of the lease.)

~III~ Other Information

- 3.1 Accuracy.** The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified or terminated. The lease only exercises the water rights being leased, for the term of the lease. It shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.
- 3.2 Lease.** Lessor(s) and Lessee(s) agree to lease the water rights listed in Section(s) 1.5 for instream use for the term of this lease through Lessee to the Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077.
- 3.3 Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077 a new injury review shall be

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

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

3.5 **Termination provision.**

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

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

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

Lessor #1: Susan Trone

Susan Trone

Date: June 16, 10

For additional Lessors, type in space for signature and date

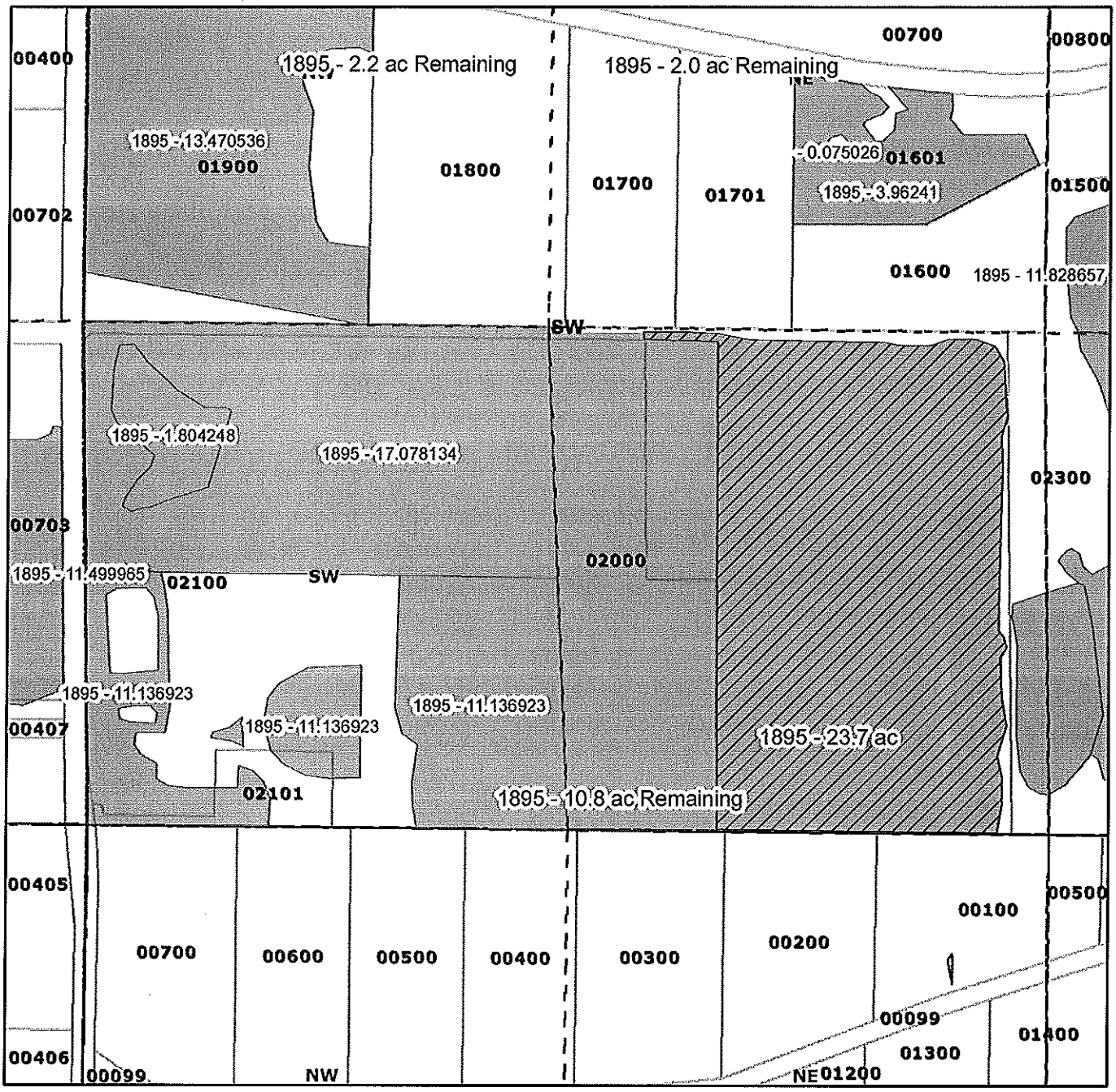
Lessor #2:

Date:







Three Sisters Irrigation District

Other Attachments As Needed:

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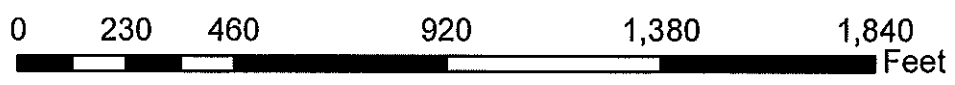


Legend

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

Three Sisters Irrigation District

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



TRONE

Lot
line
adjustment
increased
acres.

	NE¼ SW¼	1601	4.00	IRR	1895	Currie, Albert Lee & Marcy
	NE¼ SW¼	700	7.00	IRR	1869	Cyrus, Willard & Mae
	NE¼ SW¼	700	2.00	IRR	1895	Cyrus, Willard & Mae
3	NW¼ SW¼	1800	10.00	IRR	1901	Nulton, Karl & Patricia
3	NW¼ SW¼	1900	12.50	IRR	1895	Pray, Donald & Corrine
3	NW¼ SW¼	1900	1.00	IRR	1901	Pray, Donald & Corrine
3	NW¼ SW¼	700	6.40	IRR	1869	Cyrus, Willard & Mae
3	NW¼ SW¼	700	2.20	IRR	1895	Cyrus, Willard & Mae
4	SW¼ SW¼	2000	17.00	IRR	1895	MJM Ranch, Gatlin & MacNeill
4	SW¼ SW¼	2000	0.50	POND	1895	MJM Ranch, Gatlin & MacNeill
4	SW¼ SW¼	2100	11.00	IRR	1895	MJM Ranch, Gatlin & MacNeill
	SE¼ SW¼	2000	17.00	IRR	1895	MJM Ranch, Gatlin & MacNeill
	SE¼ SW¼	2100	17.50	IRR	1895	MJM Ranch, Gatlin & MacNeill
	SE¼ SW¼	2200	0.50	POND	1895	Vermilyea, Grace
	NW¼ SE¼	2300	12.00	IRR	1895	Vermilyea, Grace
	SW¼ SE¼	2300	19.00	IRR	1895	Vermilyea, Grace
	SW¼ SE¼	2300	0.50	POND	1895	Vermilyea, Grace

Section 18

	NE¼ NE¼	2800	26.50	IRR	1895	Vetterlein, Don
	NW¼ NE¼	2800	27.00	IRR	1895	Vetterlein, Don
	SW¼ NE¼	2800	23.00	IRR	1895	Vetterlein, Don
	SE¼ NE¼	2800	4.50	IRR	1895	Vetterlein, Don
	NE¼ NW¼	3303	3.50	IRR	1895	Vetterlein, Don
	NE¼ NW¼	3303	2.00	POND	1895	Vetterlein, Don
	NW¼ NW¼	2800	25.50	IRR	1895	Vetterlein, Don
	SW¼ NW¼	2800	11.50	IRR	1895	Vetterlein, Don
	SW¼ NW¼	2800	1.00	POND	1895	Vetterlein, Don
	SE¼ NW¼	3302	1.00	IRR	1895	Vetterlein, Don
	NE¼ SW¼	2800	16.00	IRR	1895	Vetterlein, Don
	NW¼ SW¼	2800	2.00	IRR	1895	Vetterlein, Don
	NW¼ SW¼	2800	1.50	POND	1895	Vetterlein, Don
	NE¼ SE¼	2501	2.00	IRR	1895	Vetterlein, Don
	NW¼ SE¼	2800	15.50	IRR	1895	Vetterlein, Don

Section 20

	NE¼ NW¼	200	8.90	IRR	1895	Whitehead, Ron
	NE¼ NW¼	200	2.00	IRR	1904	Whitehead, Ron
1	NW¼ NW¼	200	1.10	IRR	1895	Whitehead, Ron
1	NW¼ NW¼	201	10.00	IRR	1895	Kolbe, Eugene & Julie
1	NW¼ NW¼	201	3.50	IRR	1904	Kolbe, Eugene & Julie
1	NW¼ NW¼	99	11.00	IRR	1895	Buell, Jerry & Nancy
2	SW¼ NW¼	302	5.00	IRR	1904	Keith, Whitehead
2	SW¼ NW¼	303	10.50	IRR	1895	Keith, Whitehead
2	SW¼ NW¼	303	6.00	IRR	1904	Keith, Whitehead
2	SW¼ NW¼	304	7.00	IRR	1904	Keith, Whitehead
2	SW¼ NW¼	99	3.00	IRR	1895	Buell, Jerry & Nancy
	SE¼ NW¼	302	11.50	IRR	1895	Keith, Whitehead
	SE¼ NW¼	302	4.00	IRR	1904	Keith, Whitehead
	SE¼ NW¼	304	11.50	IRR	1895	Keith, Whitehead
	SE¼ NW¼	304	1.50	IRR	1904	Keith, Whitehead

Section 30

Township 15 South, Range 11 East, W.M.

DESCHUTES COUNTY ASSESSOR'S NAME LEDGER

6/24/2010 4:07:53 PM

Account ID 144305 Township 15 Range 11 Section 18 1/4 1/16 Taxlot 0 Special Interest 02000

Effective Date 16-Aug-1992 12:00 AM Transaction ID -180596 Entry Date 16-Aug-1992 Recorded Date 16-Aug-1992 Sale Price \$0
 Seq Voucher ID Tax Year Document Source Type ID #1 ID #2 PID Source ID PT Operation Sale Date 16-Aug-1992
 1 -219513 1992 CLERK - BOR 1992 2902553 1 NAME CHANGE To/From Map

Size Totals Code Acres Sqft Alternate Size

Effective Date 25-Apr-1996 12:00 AM Transaction ID -149709 Entry Date 25-Apr-1996 Recorded Date 25-Apr-1996 Sale Price \$575,000
 Seq Voucher ID Tax Year Document Source Type ID #1 ID #2 PID Source ID PT Operation Sale Date 25-Apr-1996
 1 -183061 1996 CLERK - BOR 1996 4092255 1 NAME CHANGE To/From Map

Size Totals Code Acres Sqft Alternate Size

Effective Date 15-May-1996 12:00 AM Transaction ID -149710 Entry Date 15-May-1996 Recorded Date 15-May-1996 Sale Price \$0
 Seq Voucher ID Tax Year Document Source Type ID #1 ID #2 PID Source ID PT Operation Sale Date 15-May-1996
 1 -183062 1996 CLERK - BOR 1996 4092253 1 NAME CHANGE To/From Map

Size Totals Code Acres Sqft Alternate Size

Effective Date 07-Sep-1999 12:00 AM Transaction ID -88416 Entry Date 07-Sep-1999 Recorded Date 07-Sep-1999 Sale Price \$0
 Seq Voucher ID Tax Year Document Source Type ID #1 ID #2 PID Source ID PT Operation Sale Date 07-Sep-1999
 1 -110798 1999 CLERK - BOR 1999 43885 1 NAME CHANGE To/From Map

Size Totals Code Acres Sqft Alternate Size

Account ID 144305 Township Range 15 11 Section 1/4 18 Taxlot 1/16 0 Taxlot Special Interest 02000

Effective Date 10-Mar-2000 12:00 AM Transaction ID -190539 Entry Date 10-Mar-2000 Recorded Date 10-Mar-2000 Sale Price \$0 Sale Date 10-Mar-2000

Seq	Voucher ID	Tax Year	Document Source	Type	ID #1	ID #2	PID	Source ID	PT	Operation	To/From Map
1	-231303	2000	CLERK - BOR		2000	11243	1			NAME CHANGE	

Size Totals Code Acres Sqft Alternate Size

Effective Date 21-Jul-2000 12:00 AM Transaction ID -147269 Entry Date 21-Jul-2000 Recorded Date 21-Jul-2000 Sale Price \$250,000 Sale Date 21-Jul-2000

Seq	Voucher ID	Tax Year	Document Source	Type	ID #1	ID #2	PID	Source ID	PT	Operation	To/From Map
1	-180098	2000	CLERK - BOR		2000	29265	1			NAME CHANGE	

Size Totals Code Acres Sqft Alternate Size


Effective Date 15-May-2003 12:00 AM Transaction ID -39929 Entry Date 15-May-2003 Recorded Date 15-May-2003 Sale Price \$0 Sale Date 15-May-2003

Seq	Voucher ID	Tax Year	Document Source	Type	ID #1	ID #2	PID	Source ID	PT	Operation	To/From Map
1	-39929	2003	ASSESSOR'S FILE		2003	144305	1	ASSESSOR'S FILE:CONVERSION:144305		CONVERSION	

Name Changes	Status	Name	Name Type	Ownership Type	Ownership %
A		TRONE, SUSAN E	OWNER	OWNER	
A		TRONE, EUGENE R	OWNER	OWNER	

Size Changes Code 6012 +/- Size 27.39 Acres Code Area Deleted Move to Acct Move To Code

Size Totals Code 6012 Acres 27.39 Sqft Alternate Size



Action Subdivision Block Lot Direction Part Part Type

Add:

Enhancing the lives of citizens by delivering quality services in a cost-effective manner

Deschutes County

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- BUSINESS
- VISITING
- GOVERNMENT
- ESERVICES
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Account: 144305 Map/TL: R 6-012 151118 00 02000

* * * CURRENT Ownership Information ONLY

TRONE, EUGENE R
TRONE, SUSAN E
16327 S HATTAN RD
OREGON CITY OR 97045

NOTATION
Type: EXCLUSIVE FARM USE POTENTIAL ADDITIONAL TAX LIABILITY

Site Address: 68090 CLOVERDALE RD SISTERS 97759

Assessor Property Description
Lot: Block:

Prop Cls: 551 MA: 6 VA: 15 NH 000 Vol-Page: 2000-29265
Asmt Zone: EFU CDD Zone: EFUTRB (EXCLUSIVE FARM USE - TUMALO/REDMOND/BEND)

*** Land Values ***

Asmt type	Acres	
FARM SITE	1.00	
W3 EXCLUSIVE FARM USE ZONED	26.30	DEFERRED
D7 EXCLUSIVE FARM USE ZONED	0.09	DEFERRED
OSD		
*Total	27.39	

*** Improvement Values ***

FB	BLT %GD
143	2000

Room Grid for 143 Total SqFt: 1796

		R O O M S								
		LR	K	DR	FAM	BD	BATH	OTH	FP	UTL
Sq Ft: 1020	1st Fl	1	1	1			1	1	1	1
776	2nd Fl				1	1	1			

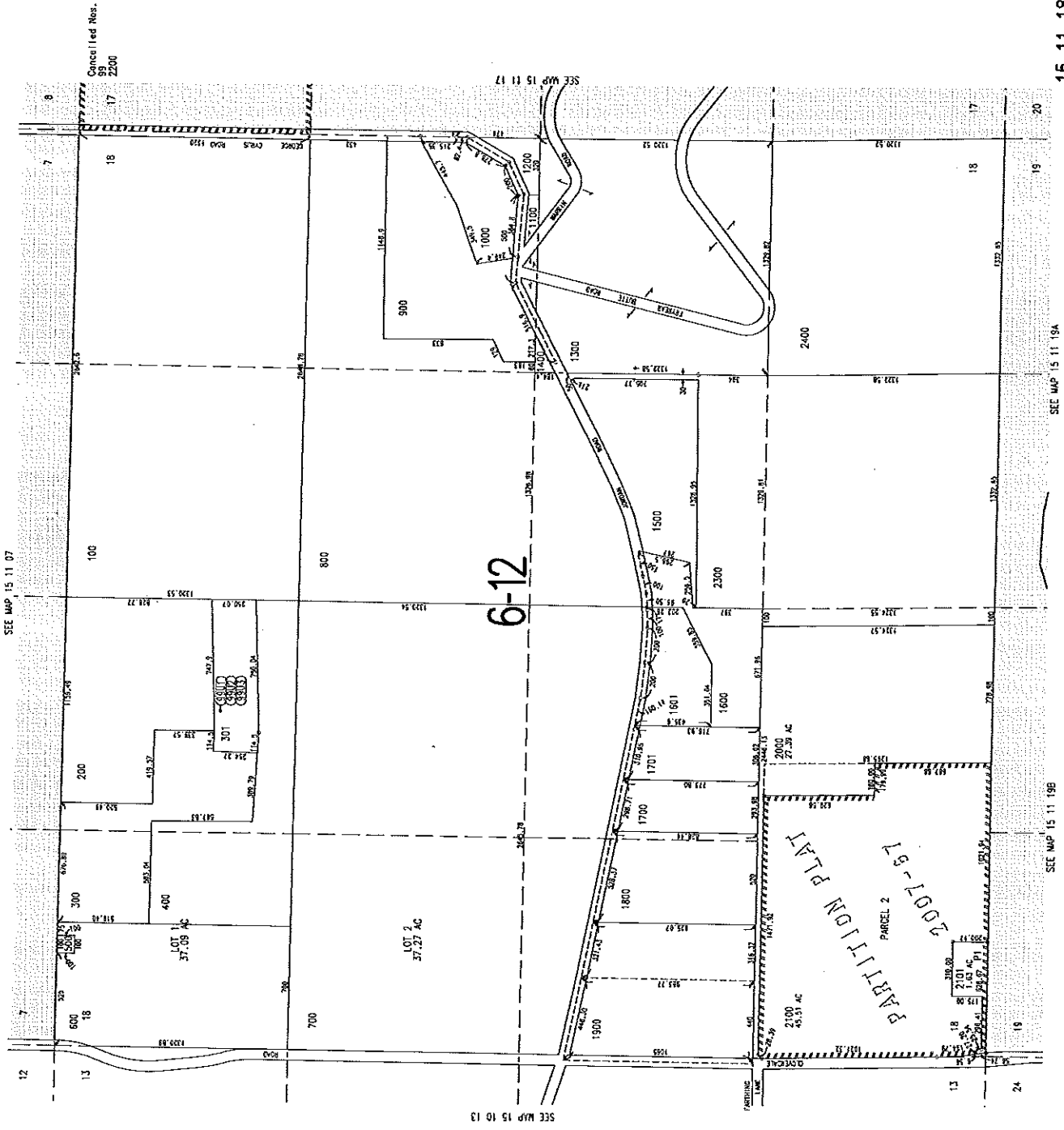
***** Values shown below are as of the Assessment Date, January 1 of each year *****

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY.
REVISED: 10/08/2008

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

1" = 400'

15 11 18



15 11 18

SEE MAP 15 11 19A

SEE MAP 15 10 13

SEE MAP 15 11 07



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

Application for Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

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

*Updated
pg 2*

Optional Identification by Lessor/Lessee: (refer to L-1004, 2009 final order) _____

Lease Application Number (assigned by WRD): IL-1088

This Lease is with:

Lessor #1 (Water Right Holder):

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

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

Three Sisters Irrigation District

P.O. Box 2230

Sisters, OR 97759 541-549-8815 manager@tsidonline.org

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

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Certificate No. 74135

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

1.5 **Water Right(s) Proposed to be Leased Instream.** Water right holder proposes to lease the water rights shown on the map attached as Exhibit 5-B and described as follows:
[This information may be included on Exhibit 5-A, or an additional map may be attached. Crosshatch the area of water rights being leased. Attached map(s) must identify water right holder, township, range, section and 1/4 1/4, tax lot number, map orientation and scale.]

T	R	Sect	¼ ¼	Tax Lot	Acres (Acres pre lot line adj)	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	14	11	13	sww	700	20.5 (21.5)	IRR	74135	3	1895
2.	14	11	13	sww	700	0.5 (0.5)	IRR	74135	3	1904
3.	14	11	14	sese	700	2.5 (3.5)	IRR	74135	3	1895
4.	14	11	13	sww	800	4.5 (4.0)	IRR	74135	3	1895
5.	14	11	14	Sese	800	3.0 (2.0)	IRR	74135	3	1895
6.	14	11	23	Nene	400	2.5 (1.5)	IRR	74135	3	1895
7.	14	11	24	Nwnw	400	4.5 (1.5 tl 100/500 & 6.0 tl 400)	IRR	74135	3	1895
8.	14	11	23	Nene	100	8.0 (6.0)	IRR	74135	3	1895

Total number of acres, if for irrigation, by certificate and priority date: 46.0 ac IRR 1895, 0.5 ac IRR 1904 - [Lot line adjustments have been made on these acres, acres in parenthesis are how the lease was final ordered by the department in L1004, 2009 – the acres not in parenthesis are how the acres show on the water rights map with the lot line adjustment (also as submitted in 2009)] _____

Conditions or other limitations, if any: _____

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

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

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

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06/15/2010 08:40 5415498070
JUN 07 10 08:41A Nandy DiPaolo
06/07/2010 No. 00 343450010

TSID
115 000-0828

PAGE 05/10
p. 3

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 - * Written notice to the Department with original signatures;
 - * Consent by all parties to the lease; and/or
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 - For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.
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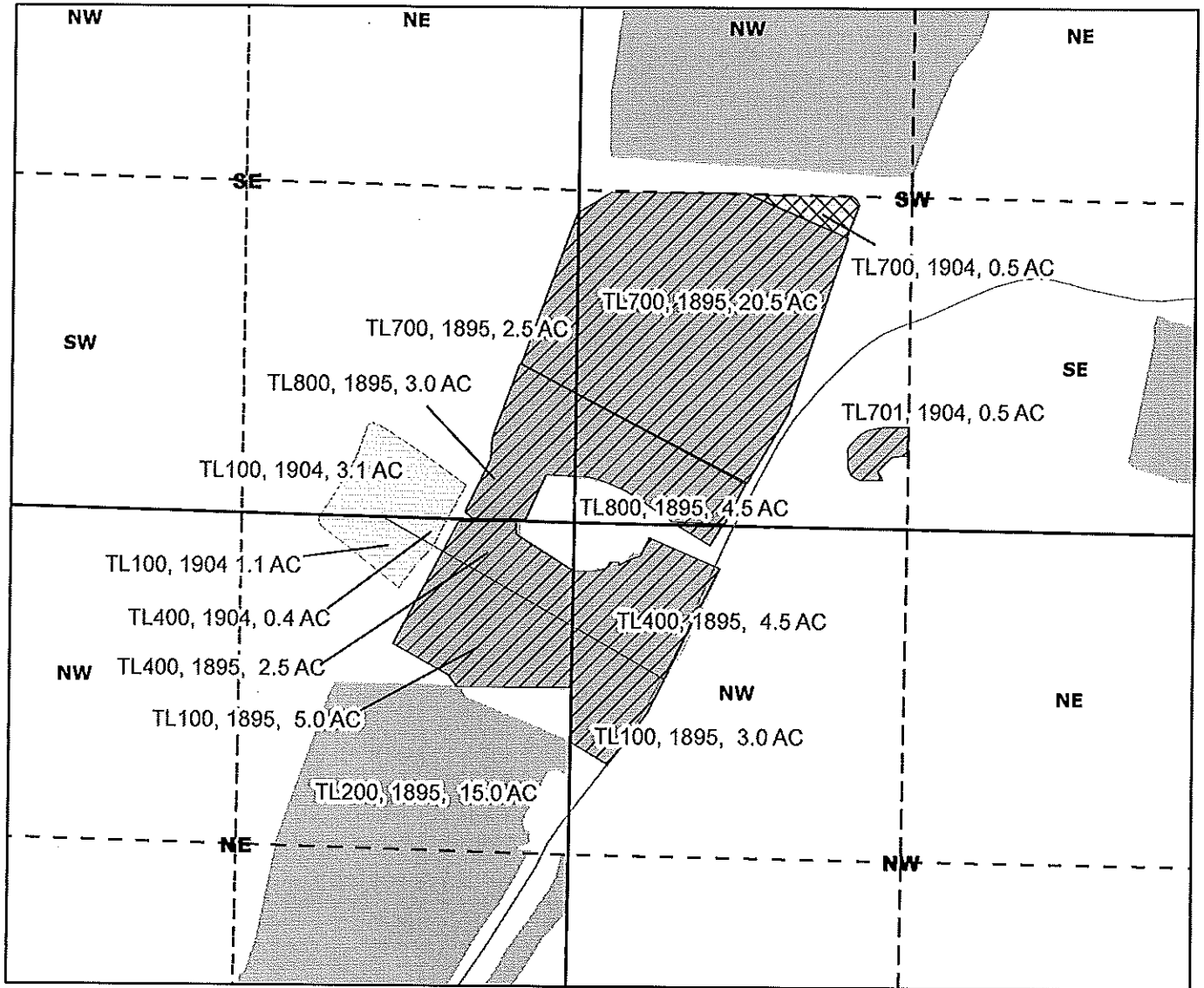
Lessor #1: Kenneth Fisher Date: 6-15-2010
Kenneth Fisher
 Lessor #1: David & Marlene Ludi Date: 6/15/2010
David & Marlene Ludi
 Lessor #1: Tim & Wendy DiPaolo Date: 6/3/10
Tim & Wendy DiPaolo

For additional Lessors, type in space for signature and date

Lessor #2: _____ Date: _____
Three Sisters Irrigation District

Other Attachments As Needed:
Exhibit 3-A: Tax Lot Map. (See instructions.)

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



Three Sisters Irrigation District

Kenneth Tisher, Tim & Wendy DiPaolo, David & Marlene Ludi
 46 ac instream 1895
 0.5 ac instream 1904

Legend

- Township Range
- Quarter Quarters

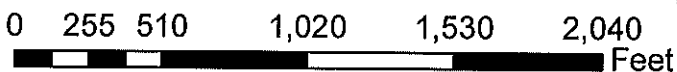
Primary

Priority_Date

- 1895
- 1904

- T14S R11E S13 SWSW
 - TL700, 20.5 ac, 1895
 - TL700, 0.5 ac, 1904
 - TL701, 0.5 ac, 1895
 - TL800, 4.5 ac 1895
- T14S R11E S14 SESE
 - TL700, 2.5 ac, 1895
 - TL800, 3.0 ac, 1895
- T14S R11E S23 NENE
 - TL100, 5.0 ac, 1895
 - TL400, 2.5 ac, 1895
 - TL200, 15 ac remaining, 1895
- T14S R11E S24 NWNW
 - TL400, 4.5 ac, 1895
 - TL100, 3.0 ac, 1895

Deschutes County



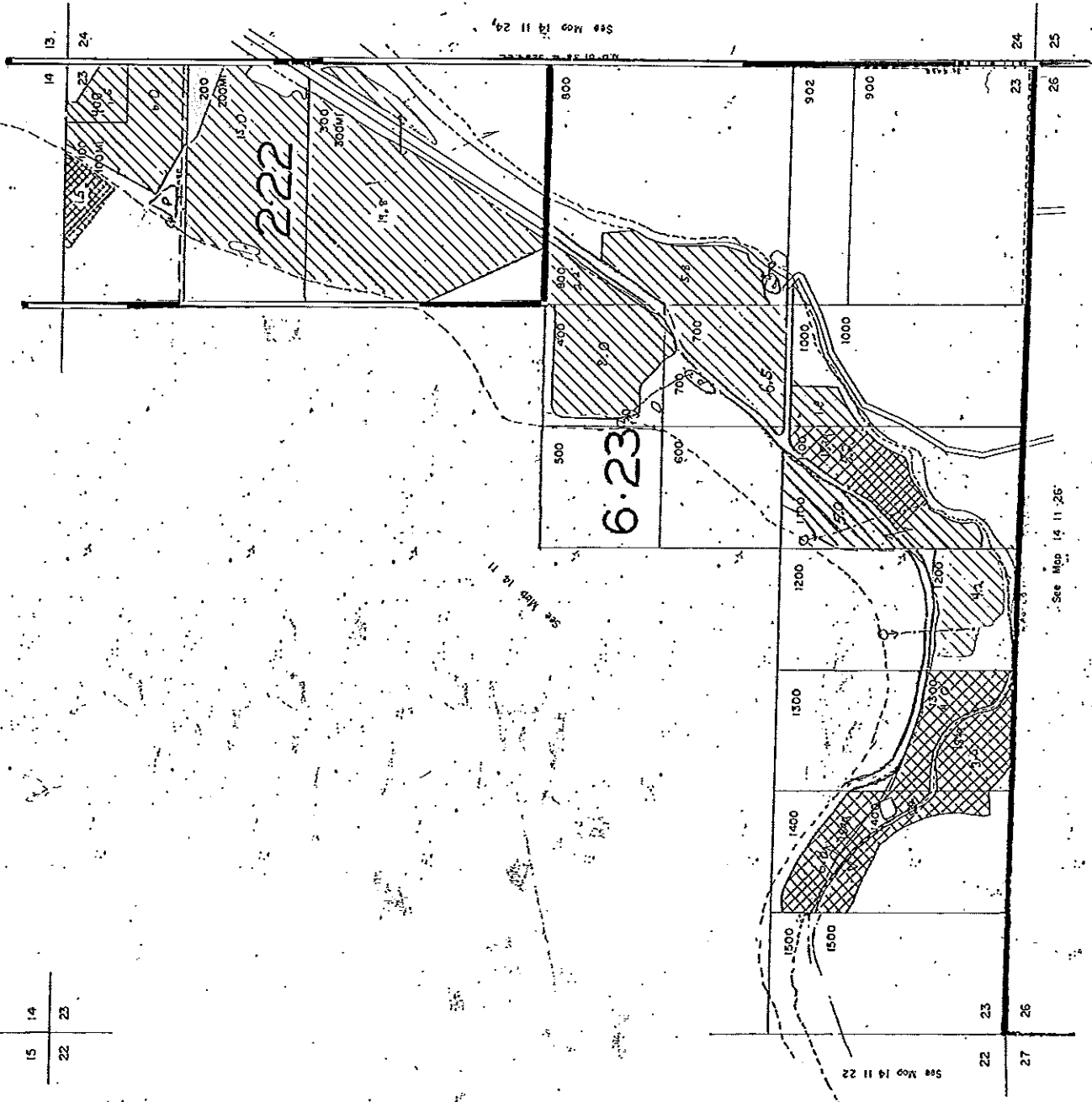
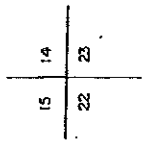
Lisriver
DiPaolo
Ludi

3111 map

SECTION 23 T14S. R11E.W1M.
DESCHUTES COUNTY

1"=400'

dead numbers 901



14 11 23



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

Application for Instream Lease

Attachment 5: Pooled Water Right Holder Form

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

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

Optional Identification by Lessor/Lessee: prev. lease 1004
Lease Application Number (assigned by WRD): IL-1088

This Lease is with:

Lessor #1 (Water Right Holder):

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

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

Lessor # 2:

Three Sisters Irrigation District Irrigation District
P O Box 2230
Sisters, OR 97759 541-549-8815 manager@tsidonline.org

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

~I~ Water Right Holder and Water Right Information

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

Certificate No. 74135

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

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

T	R	Sect	¼¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	15	10	24	SW SE	501	26	IRR	74135	8	1904
2.	15	10	24	SE SE	501	14	IRR	74135	8	1904
3.	15	10	24	SE SE	501	2	IRR	74135	8	1904
4.										
5.										

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

Conditions or other limitations, if any: _____

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

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

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

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 15, 2010. (If there is a conflict between the Pooled Lease Form and this form, the Pooled Lease Form will be the official term of the lease.)

~III~ Other Information

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

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

3.3 Precedent. If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077 a new injury review shall be

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

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

3.5 Termination provision.

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

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

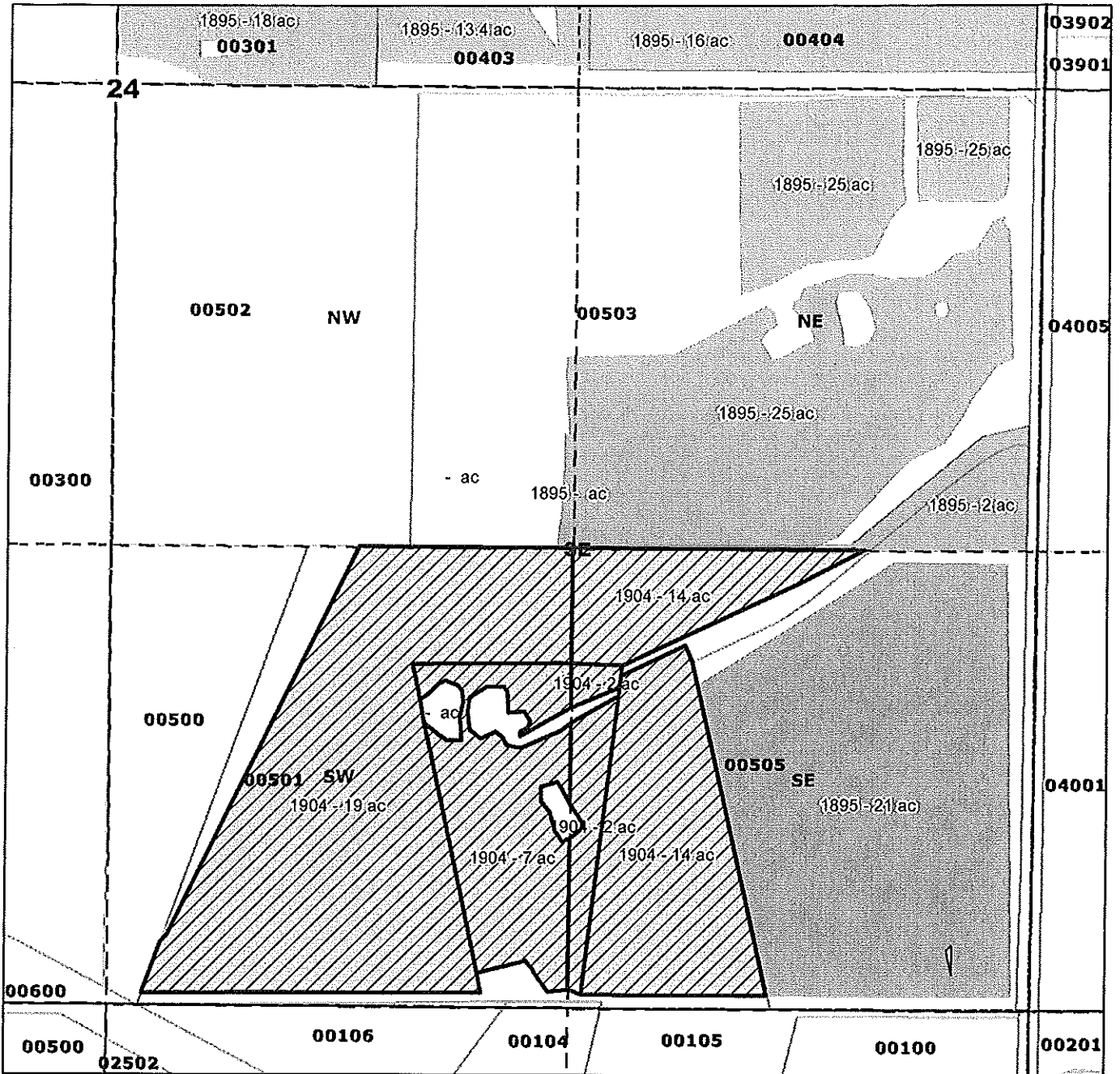
Lessor #1: Janet Herring Date: 6-8-10
Janet Herring

For additional Lessors, type in space for signature and date







Lessor #2: _____ Date: _____
Three Sisters Irrigation District

Other Attachments As Needed:

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



Legend

-  Instream
-  Township Range
-  Quarter Quarters
-  Taxlots
- Primary**
- Priority_Date**
-  1895
-  1904

Three Sisters Irrigation District

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

