

BALL JANIK LLP

A T T O R N E Y S

15 SW COLORADO, SUITE 3
BEND, OREGON 97702

www.balljanik.com

TELEPHONE 541-617-1309
FACSIMILE 541-617-8824

REAGAN L.B. DESMOND
ALSO ADMITTED IN CALIFORNIA

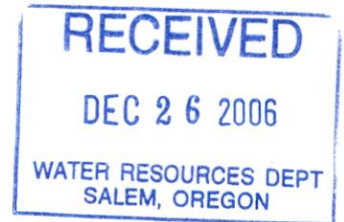
rdesmond@bjllp.com

December 18, 2006

Ms. Anita Huffman
Oregon Water Resources Department
725 Summer Street, NE
Suite A
Salem, OR 97310-0271

Re: Vandevent Ranch/Water Rights Application

Dear Ms. Huffman:



In follow-up to our conversation last March, we are submitting on behalf of Vandevent Ranch a water rights application for appropriation of 112 gallons per minute (not to exceed 58,867,200 gallons per year) of water for pond maintenance and multi-purpose storage use. This application is related to G-16075, withdrawal of which is contingent on approval of this revised application.

Application G-16075 requested appropriation of groundwater from the Little Deschutes River Basin for 23 acres of irrigation, multi-purpose storage and reservoir maintenance. The maximum rate of water requested was 0.38 cubic feet per second (cfs) (0.29 cfs for irrigation and 0.09 for reservoir maintenance), and the maximum volume of water for reservoir storage was 8.25 acre feet (2.75 acre surface area). The period of use for irrigation was April 1 through October 31 and, for the reservoir, year round. The water requested was to be drawn from a well located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 17, T20S, R11E, 160 feet south and 822 feet east from the west $\frac{1}{4}$ corner of Section 17.

OWRD issued a final order in December, 2005, pending submission of 48.74 acre feet of mitigation credits. Mitigation credits have not been submitted to date because the proposed use for the water has changed. Consequently, applicants hereby file the enclosed application and intend to withdraw G-16075 contingent on approval of this application.

This application requests water exclusively for pond maintenance and multi-purpose storage and deletes the former request for water for irrigation uses. This application also reflects an amendment to the pond size: the pond has been increased in size from 2.75 surface acres to 4.19 surface acres. The maximum projected pond volume is 24.6 acre-feet. Thus, although the proposed pond is now larger in scale, the overall request for water has diminished.

::ODMA\PCDOCS\PORTLAND\550713\1

PORTLAND, OREGON WASHINGTON, D.C. BEND, OREGON

G-16769

December 18, 2006

Page 2

If you have any questions or concerns regarding this application, please do not hesitate to contact the applicant's authorized representative Mr. Kenneth Lane at 541-420-0034, Mr. Mathias Perle of Newton Consultants, Inc. at 541-504-9960, or me at 541-617-1309. We thank you for your consideration.

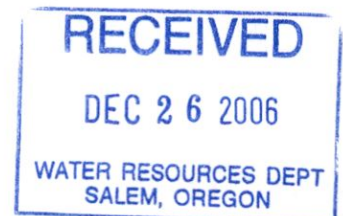
Sincerely,



Reagan L.B. Desmond

RLBD:jcm
Enclosure

cc: Client





Transmittal

To: Anita Huffman
Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1271

Date: 12/22/06

From: Mathias Perle

Project Name: Vandever Ranch

Subject: Water Right Application

Project No.: 1043-101

We are sending you via _____ mail _____ the following items:

Copies	Date	Description
1	12/22/06	Vandever Ranch Association Application for Groundwater Water Right

These are transmitted:

For Approval

For Your Use, As Discussed

As Requested

For Review and Comment

Remarks:
Anita,

Here is the application we spoke about over the phone. Please let us know if you have any questions,

Mathias

Copy To: _____

Signed: Mathias Perle

RECEIVED

DEC 26 2006

WATER RESOURCES DEPT
SALEM, OREGON



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem Oregon 97301-1271
 (503) 986-0900
 www.wrd.state.or.us

Application for a Permit to Use Ground Water

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. 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.

1. APPLICANT INFORMATION

A. Individuals

Applicant: _____
First Last

Mailing address: _____

City State Zip

Phone: _____
Home Work Other

*Fax: _____ *E-Mail address: _____

B. Organizations

(Corporations, associations, firms, partnerships, joint stock companies, cooperatives, public and municipal corporations)

Name of organization: Vandevent Ranch Association

Name and title of person applying: Kenneth Lane, Ranch Forman

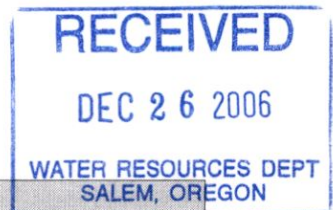
Mailing address of organization: P.O. Box 1572

Bend Oregon 97709
 City State Zip

Phone: (541) 420-0034
Day Evening

*Fax: (541) 593-4689 *E-Mail address: _____

* Optional information



For Department Use		
App. No. <u>G-16769</u>	Permit No. _____	Date _____

2. PROPERTY OWNERSHIP

Do you own all the land where you propose to divert, transport, and use water?

- Yes (*Skip to section 3 "Ground water Development."*)
- No (*Please check the appropriate box below.*)
 - I have a recorded easement or written authorization permitting access.
 - I do not currently have written authorization or easement permitting access.
 - Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040).

You must provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.

List the names and mailing addresses of all affected landowners.

N.A. _____

3. GROUND WATER DEVELOPMENT

A. Well Information

Number of well(s): 1

Name of nearest surface water body: Little Deschutes River

Distance from well(s) to nearest stream or lake: 1) 650 Feet
 2) _____ 3) _____ 4) _____

If distance from surface water is less than one mile, indicate elevation difference between nearest surface water and well head. 1) 18 Feet
 2) _____ 3) _____ 4) _____

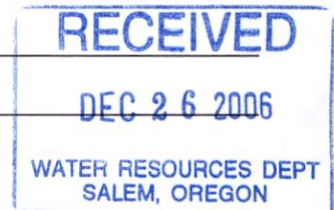
B. Well Characteristics

Wells must be constructed according to standards set by the Department for the construction and maintenance of water wells. If the well is already constructed, please enclose a copy of the well constructor's log and the well ID number, if available, for each well with this application. Identify each well with a number corresponding to the wells designated on the map and proceed to section 4 of the form. If the well has not been constructed, or if you do not have a well log, please complete the following:

Well(s) will be constructed by: See Well Log

Address: _____

Completion date: _____



G-16769

Please provide a description of your well development. *(Attach additional sheets if needed.)*

Well No.	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
		See	Well	Log					

Note: Well numbers in this listing must correspond to well locations(s) shown on accompanying map.

If well log is not available, or well is not yet constructed, you must provide: proposed total depth, depth of casing and seal, and the anticipated perforation and open intervals.

C. Artesian Flows

If your water well is flowing artesian, describe your water control and conservation works:

N.A.

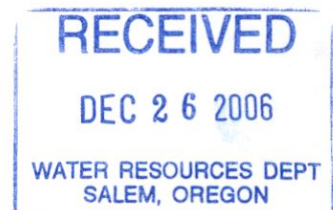
4. WATER USE

Please read the instruction booklet for more details on "type of use" definitions, how to express how much water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

A. Type(s) of Use(s)

See list of beneficial uses provided in the instructions.

- If your proposed use is **domestic**, indicate the number of households to be supplied with water: _____
- If your proposed use is **irrigation**, please attach **Form I**
- If your proposed use is **mining**, attach **Form R**
- If your proposed use is **municipal or quasi-municipal**, attach **Form M**
- If your proposed use is **commercial/industrial**, attach **Form Q**



G-16769

B. Amount of Water

Provide the production rate in gallons per minute (gpm) and the total annual amount of water you need from each well, from each source or aquifer, for each use. You do not need to provide source information if you are submitting a well log with your application.

Well No.	Source or aquifer	Type of use	Total rate of water requested (in gpm)	Total annual quantity (in gallons)	Production rate of well (in gpm)
1	See Well Log	Multi-Purpose	112 gpm	58,867,200 gal	112 gpm

C. Maximum Rate of Use Requested

What is the maximum, instantaneous rate of water that will be used? 112 gpm
(The fees for your application will be based on this amount.)

D. Period of Use

Indicate the time of year you propose to use the water: Jan 1st - Dec 31st
(For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1–October 31.)

E. Acreage

If you will be applying water to land, please give the total number of acres where water will be applied or used: N.A.
(This number should be consistent with your application map.)

5. WATER MANAGEMENT

A. Diversion

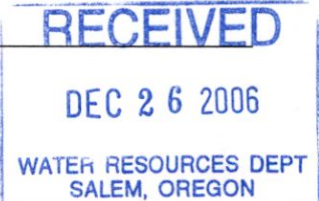
What equipment will you use to pump water from your well(s)?

- Pump (give horsepower and pump type): 15 HP Submersible
- Other means (describe): _____

B. Transport

How will you transport water to your place of use?

- Ditch or canal (give average width and depth):
Width _____ Depth _____
Is the ditch or canal to be lined? Yes No
- Pipe (give diameter and total length):
Diameter 6 Inch Length Approximately 2,200 Feet
- Other (describe) _____



G-16769

C. Application/Distribution Method

What equipment will you use to apply water to your place of use? Water will be delivered via pipe
to the Pond.

Irrigation or land application method (check all that apply):

- Flood
- High-pressure sprinkler
- Low pressure sprinkler
- Drip
- Water cannons
- Center pivot system
- Hand lines
- Wheel lines
- Siphon tubes or gated pipe with furrows
- Other, describe _____

Distribution method

- Direct pipe from source
- In-line storage (tank or pond)
- Open canal

D. Conservation

What methods will you use to conserve water? Why did you choose this distribution or application method? For example, if you are using sprinkler irrigation rather than drip irrigation, explain. If you need additional space, attach a separate sheet.

Using Recommendations of Deschutes Soil and Water Conservation District.

6. PROJECT SCHEDULE

Indicate the anticipated dates that the following construction tasks should begin. If construction has already begun, or is completed, please indicate that date.

Proposed date construction will begin: July 2007

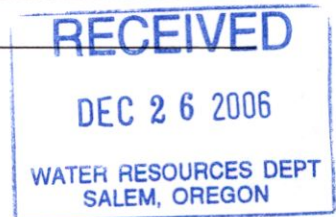
Proposed date construction will be completed: September 2007

Proposed date beneficial water use will begin: October 2007

7. REMARKS

If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.

Existing application G-16075 currently on file requests water for 23 acres of irrigations and pond maintenance and multi-purpose storage with a pond volume not exceeding 8.25 acre-feet. This revised application requests only water for pond maintenance and multi-purpose storage for a pond volume not to exceed 24.6 acre-feet. The water in pond will be used for environmental benefits including wildlife, recreation and aquatic life.



G-16769

8. MAP REQUIREMENTS

The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed well location and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

9. SIGNATURE

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be canceled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and

I swear that all information provided in this application is true and correct to the best of my knowledge:

 RANCH FOREMAN 12/21/06
Signature of Applicant (If more than one applicant, all must sign.) Date

Before you submit your application be sure you have:

- Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included a Land Use Information Form or receipt stub signed by a local official.
- Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount. The Department's fee schedule can be found at www.wrd.state.or.us or call (503) 986-0900.



Vandevert Ranch Association, Inc.

EXHIBIT A

Well Log

RECEIVED

DEC 26 2006

WATER RESOURCES DEPT
SALEM, OREGON

G-16769

STATE OF OREGON
WATER WELL REPORT
(as required by ORS 537.765)

DESC 951

RECEIVED

JUL 10 1991

205/11E/17C6

(START CARD) # 18148

(1) OWNER:

Name: **JAMES GARDNER**
Address: **17600 VANDERVERT RD**
City: **BEND, OR** State: **OR** Zip: **97707**

Well Number: **11** SALEM, OREGON (9) LOCATION OF WELL by legal description:

County: **DESCHUTES** Latitude _____ Longitude _____
Township: **205** N or S Range: **11E** E or W, WM.
Section: **17** NW 1/4 SW 1/4
Tax Lot: **1900** Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address): **17600 VANDERVERT BEND, OR 97707**

(2) TYPE OF WORK:

New Well Deepen Recondition Abandon

(3) DRILL METHOD

Rotary Air Rotary Mud Cable
 Other _____

(4) PROPOSED USE:

Domestic Community Industrial Irrigation
 Thermal Injection Other _____

(5) BORE HOLE CONSTRUCTION:

Special Construction approval Yes No Depth of Completed Well **110** ft.
Explosives used Yes No Type _____ Amount _____

HOLE			SEAL			Amount sacks or pounds
Diameter	From	To	Material	From	To	
16"	0	27	CEMENT	0	27	20SKS.
12"	+1	85				
10"	85	110				

How was seal placed: Method A B C D E
 Other _____

Backfill placed from _____ ft. to _____ ft. Material _____
Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER:

Casing/Liner	Diameter	From	To	Gauge	Material			
					Steel	Plastic	Welded	Threaded
Casing:	12"	+0	27	1/4	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner:	10"	-2	55	1/4	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	8"	-2	110	1/4	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

HAIR UP

Final location of shoets) _____

(7) PERFORATIONS/SCREENS:

Perforations Method: **MILL KNIFE**
 Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
50'	110'	1/8"		8"	8"	<input type="checkbox"/>	<input checked="" type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour

Pump Bailer Air Flowing Artesian
Yield gal/min: **150GPM** Drawdown: **30'** Drill stem at: **90'** Time: **1 hr.**

Temperature of water: **53** Depth Artesian Flow Found _____
Was a water analysis done? Yes By whom: **JEM BUSSARD**
Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other _____
Depth of strata: _____

(10) STATIC WATER LEVEL:

20 ft. below land surface. Date: **7-4-91**
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:

Depth at which water was first found **12'**

From	To	Estimated Flow Rate	SWL
12'	19'	20GPM.	12'

(12) WELL LOG:

Ground elevation _____

Material	From	To	SWL
SOIL	0	7	
GRAVEL & SAND 4WB	7	19'	12'
BAND CLAY CONG.	19	25	
GRAY ROCK	25	37	
GRAVEL & BOLDERS	37	45	
GRAY ROCK	45	55	
BOLDERS, SAND & GRAVEL 1WB	55	100	20
BLACK SAND 1WB	100	110	

RECEIVED
DEC 26 2006
WATER RESOURCES DEPT
SALEM, OREGON

Date started **6-13-91** Completed **7-4-91**

(unbonded) Water Well Constructor Certification:

I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to my best knowledge and belief.

Signed _____ WWC Number _____ Date _____

(bonded) Water Well Constructor Certification:

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. all work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.

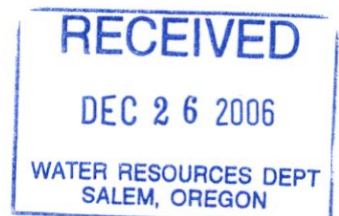
Signed **Larry M. Raley** WWC Number **1536** Date **7-8-91**

G-16769

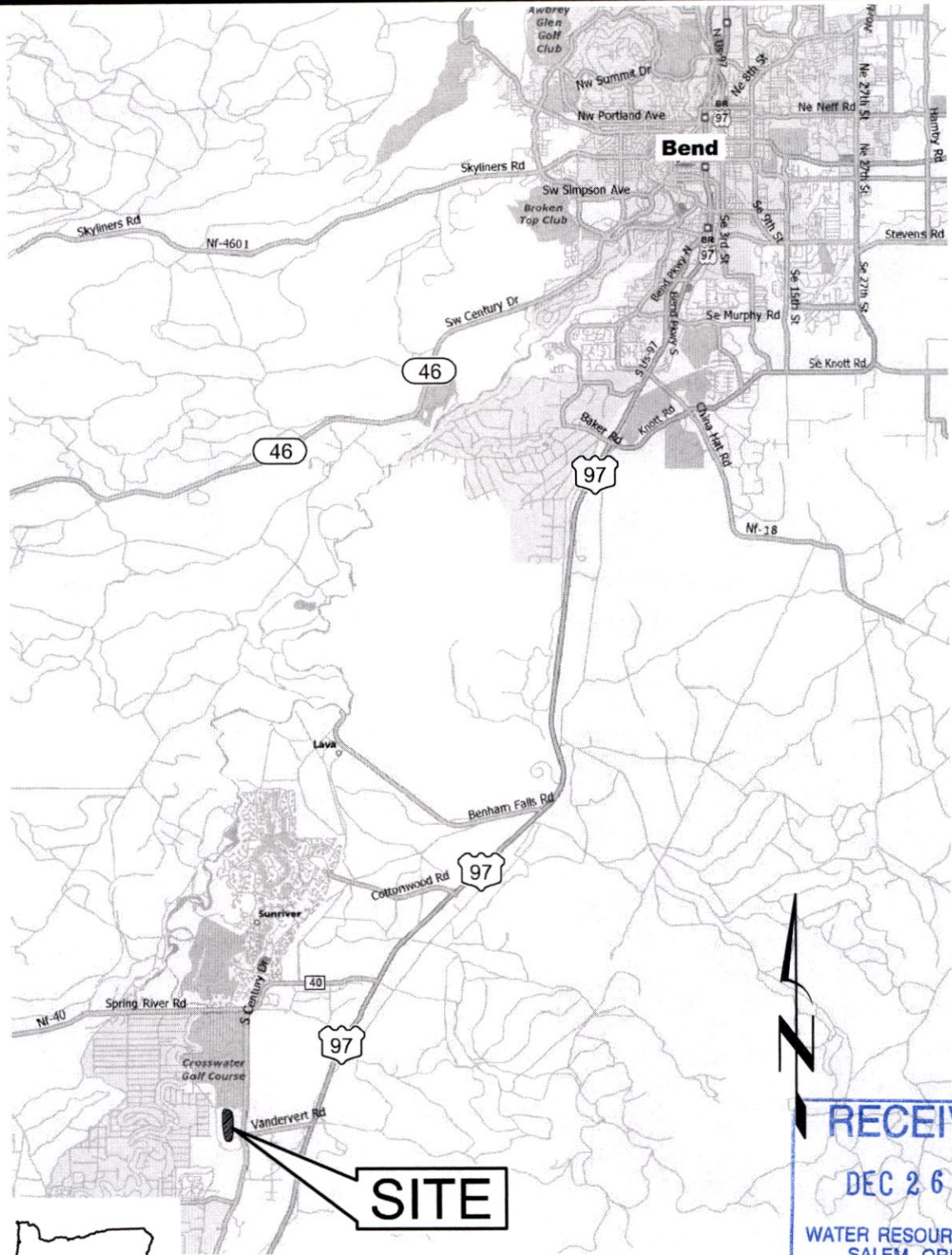
Vandevert Ranch Association, Inc.

EXHIBIT B

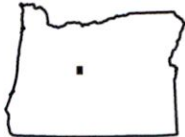
Water Right Transfer Maps



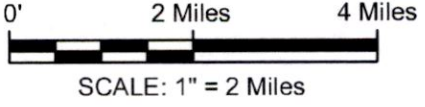
G-116769



RECEIVED
DEC 26 2006
 WATER RESOURCES DEPT
 SALEM, OREGON



Base Map:
 2006 MapQuest Internet



NEWTON
CONSULTANTS INC.
 Earth, Water and Rock Specialists
 Ph. 541 504-9960 Fax: 541 504-9961



Vicinity Map
 Vandervert Ranch Pond
 Deschutes County, Oregon

DESIGNED BY: D. Newton	DRAWN BY: S. Schenck	DATE: Nov 2006	PROJECT NO. 1043-101	FIGURE 1
----------------------------------	--------------------------------	-------------------	-------------------------	-------------

G:\1000\1043\101\Cad\Water\W1043101_F1_VicMap 09:50 10/24/2006 SS

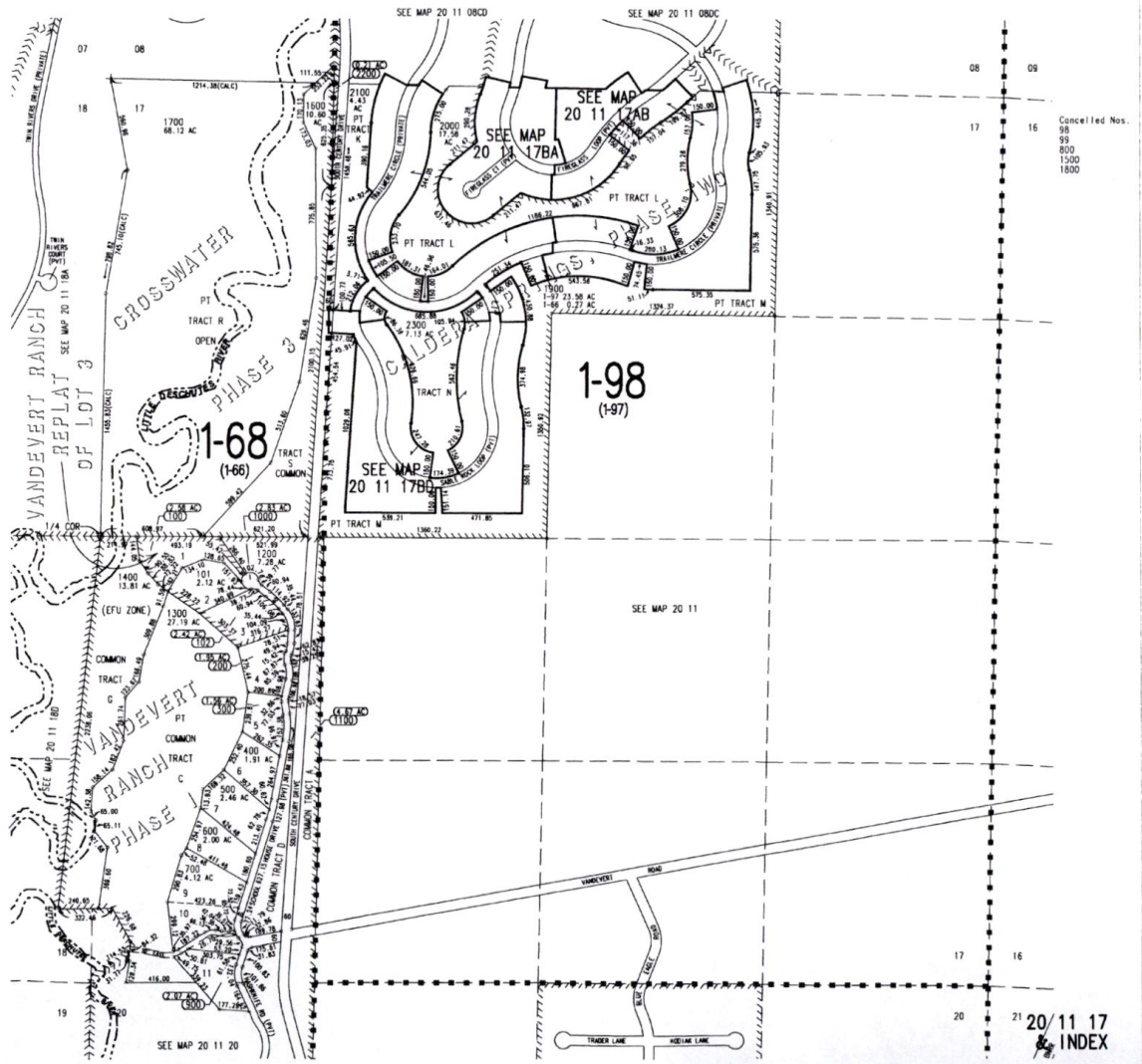
appno G-16769

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY.
REVISED: 08/28/2006

SECTION 17 T.20S. R.11E. W.M.
DESCHUTES COUNTY

20 11 17
& INDEX

1" = 400'



RECEIVED
DEC 26 2006
WATER RESOURCES DEPT
SALEM, OREGON

appno G-16769

20 11 17
& INDEX

Volume Calculation

Description: Site: 1043-101

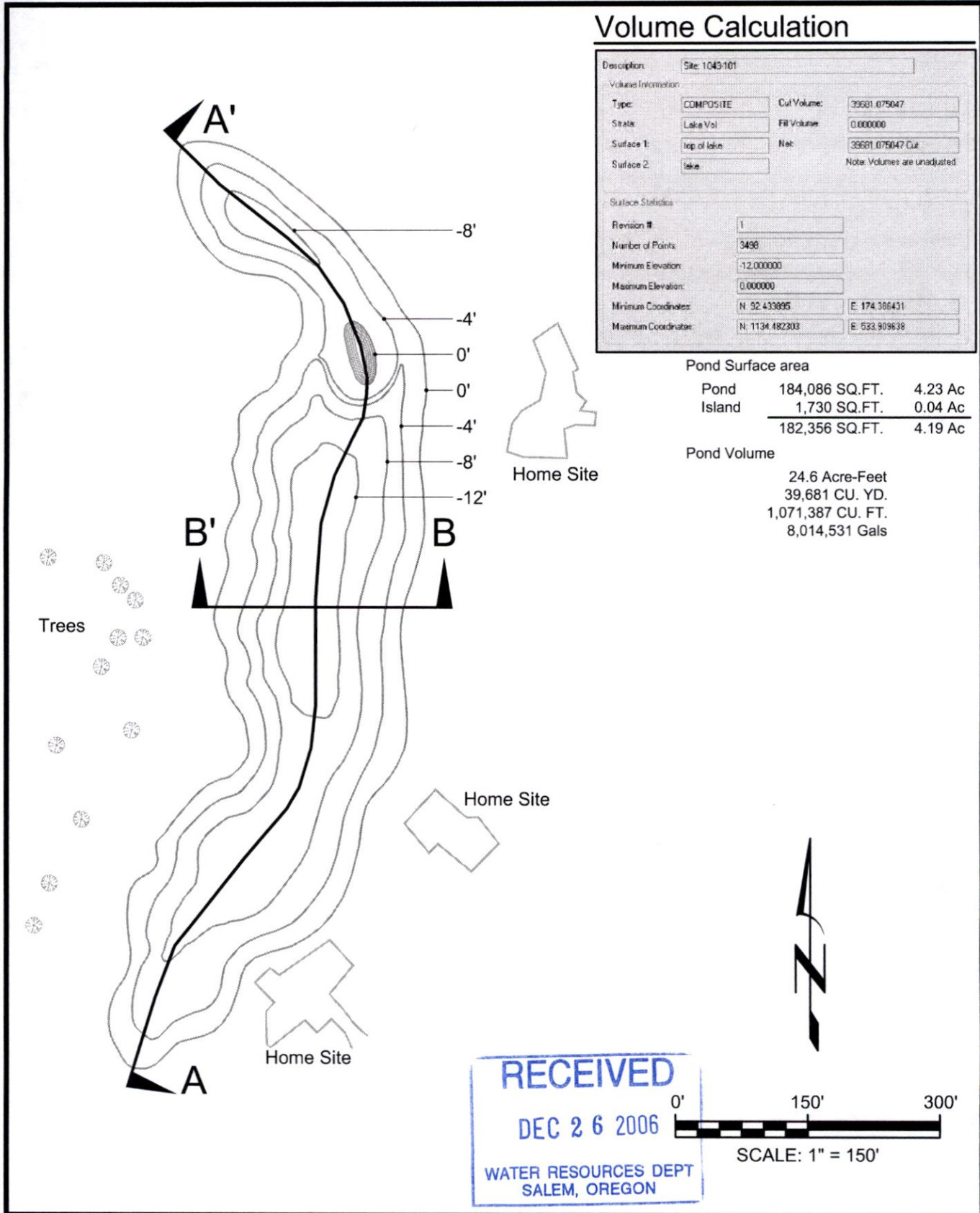
Volume Information:

Type:	COMPOSITE	Cut Volume:	39661.075047
Strata:	Lake Vol	Fill Volume:	0.000000
Surface 1:	top of lake	Net:	39661.075047 Cut
Surface 2:	lake		Note: Volumes are unadjusted.

Surface Statistics:

Revision #:	1
Number of Points:	3498
Minimum Elevation:	-12.000000
Maximum Elevation:	0.000000
Minimum Coordinates:	N: 92.433895 E: 174.386431
Maximum Coordinates:	N: 1134.482303 E: 533.909638

Pond Surface area		
Pond	184,086 SQ.FT.	4.23 Ac
Island	1,730 SQ.FT.	0.04 Ac
	182,356 SQ.FT.	4.19 Ac
Pond Volume		
	24.6 Acre-Feet	
	39,681 CU. YD.	
	1,071,387 CU. FT.	
	8,014,531 Gals	



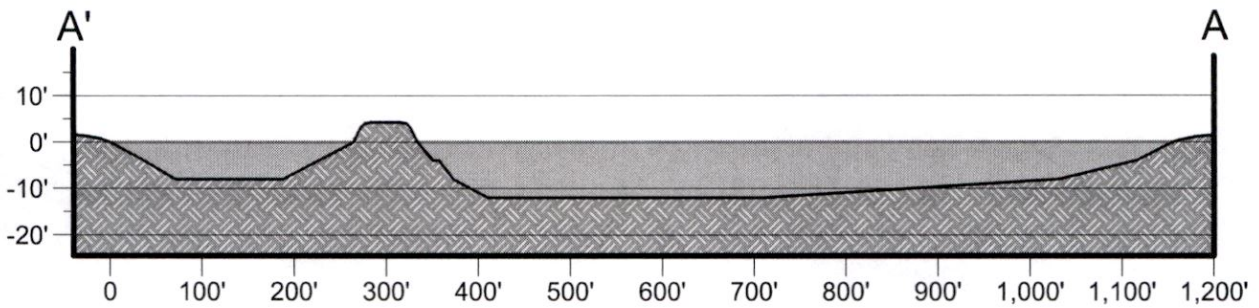
C:\1000\1043\101\Cad\Water\W1043101_F3_Pond 08:41 10/20/2006 SS

NEWTON CONSULTANTS INC.
 Earth, Water and Rock Specialists
 Ph: 541 934-9960 Fax: 541 504-9961

Proposed Pond Location
 Vandevort Ranch Pond
 Deschutes County, Oregon

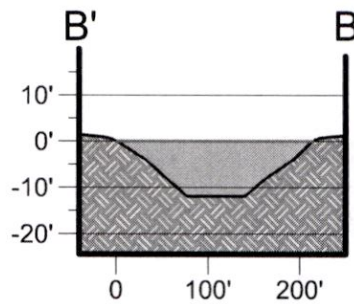
DESIGNED BY: D. Newton	DRAWN BY: S. Schenck	DATE: Nov 2006	PROJECT NO. 1043-101	FIGURE 3
----------------------------------	--------------------------------	-------------------	-------------------------	--------------------

appno G-16769



**Cross Section A'-A
Vandever Ranch Pond**

VERTICAL SCALE: 1" = 40'
HORIZONTAL SCALE: 1" = 200'



**Cross Section B'-B
Vandever Ranch Pond**

VERTICAL SCALE: 1" = 40'
HORIZONTAL SCALE: 1" = 200'

RECEIVED
 DEC 26 2006
 WATER RESOURCES DEPT
 SALEM, OREGON

C:\1000\1043\101\Cod\Water\W1043101_F3_Pond 08:41 10/20/2006 SS

NEWTON
 CONSULTANTS INC.
 Earth, Water and Rock Specialists
 Ph: 541 504-9960 Fax: 541 504-9961

Cross Sections
 Vandever Ranch Pond
 Deschutes County, Oregon

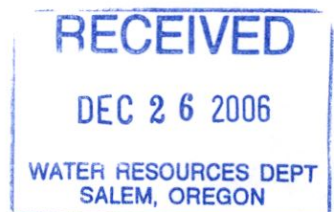
DESIGNED BY: D.Newton	DRAWN BY: S.Schenck	DATE: Nov 2006	PROJECT NO. 1043-101	FIGURE 4
---------------------------------	-------------------------------	-------------------	-------------------------	----------

appno G-16769

Vandevert Ranch Association, Inc.

EXHIBIT C

Land-Use Information Form





Oregon Water Resources Department Land Use Information Form

THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water-right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: Vandevent Ranch Association
Mailing Address: P.O. Box 1572
City: Bend State: Or Zip: 97701 Day Phone: (541) 420-0034

This application is related to a Measure 37 claim. Yes No

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼¼	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
20 S	11 E	17	NW SW	1200	Rural Residential/ RR10	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	Well
20 S	11 E	17	NW SW	1300	Rural Residential/ RR	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Pond
20 S	11 E	17	SW SW	1300	Rural Residential/ RR	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Pond
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

List all counties and cities where water is proposed to be diverted, conveyed, or used. Deschutes County

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water
- Exchange of Water
- Permit Amendment or Ground Water Registration Modification
- Water-Right Transfer
- Allocation of Conserved Water

Source of water: Reservoir/Pond Ground Water Surface Water (name) _____

Estimated quantity of water needed: 0.25 cubic feet per second gallons per minute acre-feet

Intended use of water: Irrigation Commercial Industrial Domestic for _____ household(s)
 Municipal Quasi-municipal Instream Other Wildlife and Recreation

Briefly describe: Water will be stored in a pond for beneficial uses including wildlife, recreation and aquatic life.

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt below and include it with the application filed with the Water Resources Department.

Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266



SCANNED

DEC 18 2006
P50631

G-116769

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form.

This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

- Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 18.60.020.
- Land uses to be served by proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.)
If approvals have been obtained but all appeal periods have not ended, check "Being pursued".

Type of Land-Use Approval Needed (e.g. plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued

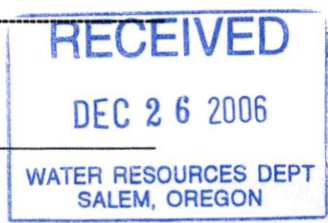
Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Name: KATHLEEN Stockton Title: ASSISTANT PLANNER
 Signature: [Signature] Phone: 388-6552 Date: 12/19/06
 Government Entity: DESCHUTES COUNTY PLANNING DEPT.

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant name: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____



Vandevort Ranch Association, Inc.

EXHIBIT D

Ownership Deed Information

RECEIVED

DEC 26 2006

WATER RESOURCES DEPT
SALEM, OREGON

G-16769

94-49664

WARRANTY DEED

361 - 1828

Unless a change is requested, all tax statements shall be sent to Grantee at the following address:
17600 Vandever Ranch
Bend, OR 97707

After recording, this Deed shall be delivered to:
Robert S. Lovlien
40 NW Greenwood
Bend, OR 97701

The true consideration for this transfer and the purpose of this deed is to comply with Article IV, Section 7 of the Declarations, Restrictions, Protective Covenants and Conditions for Vandever Ranch.

JAMES A. GARDNER and CAROL W. GARDNER, husband and wife, Grantor, conveys and warrants to VANDEVERT RANCH ASSOCIATION, INC., an Oregon Non-Profit Corporation, Grantee, the following described real property, free of encumbrances except as specifically set forth herein:

All of the common areas and private ways as described on the Plat of Vandever Ranch, Phase I, filed December 31, 1991, and the Plat of Vandever Ranch, Phase II, filed September 22, 1994.

SUBJECT TO:

1. Declarations, Restrictions, Protective Covenants and Conditions for Vandever Ranch, including the terms and provisions thereof, contained in Declaration and including the right to levy certain charges and assessments against the subject property recorded August 31, 1992 in Book 275, Page 282, Deschutes County Official Records.
2. Easements for all existing public utilities and easements of record.
3. All easements referred to, shown and noted on the official plat described above.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND

- 1 - WARRANTY DEED (gard040.004)

Holmes Hurky Bryant Lovlien & Lynch
ATTORNEYS AT LAW
40 N.W. Greenwood P.O. Box 1151 Bend, Oregon 97709-1151 (503) 382-4331 Fax (503) 389-3386

RECEIVED

DEC 26 2006

WATER RESOURCES DEPT
SALEM, OREGON

6-16-7609

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.

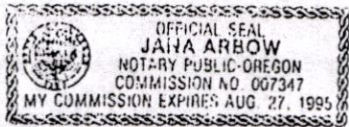
DATED this 19th day of December, 1994.

James A. Gardner
JAMES A. GARDNER

Carol W. Gardner
CAROL W. GARDNER

STATE OF OREGON, County of Deschutes, ss:

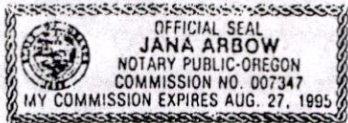
The foregoing instrument was acknowledged before me this 19th day of December, 1994, by JAMES A. GARDNER.



Jana Arbow
Notary Public for Oregon
My Commission Expires: 8-27-95

STATE OF OREGON, County of Deschutes, ss:

The foregoing instrument was acknowledged before me this 19th day of December, 1994, by CAROL W. GARDNER.



Jana Arbow
Notary Public for Oregon
My Commission Expires: 8-27-95

STATE OF OREGON)
COUNTY OF DESCHUTES) SS.

I, MARY SUE PENHOLLOW, COUNTY CLERK AND RECORDER OF CONVEYANCES, IN AND FOR SAID COUNTY, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WAS RECORDED THIS DATE:

94 DEC 22 PM 3:18

MARY SUE PENHOLLOW
COUNTY CLERK

M. S. Penhollow DEPUTY
NO. 94-49664 FEE 40-
DESCHUTES COUNTY OFFICIAL RECORDS

- 2 - WARRANTY DEED (gard040.004)

Holmes Hurley Bryant Lovlen ■ Lynch
ATTORNEYS AT LAW

40 N.W. Greenwood P.O. Box 1151 Bend, Oregon 97709-1151 (503) 382-4331 Fax (503) 389-3386

RECEIVED
DEC 26 2006
WATER RESOURCES DEPT
SALEM, OREGON

6-16769

Vandevert Ranch Association, Inc.

EXHIBIT E

Original Application

RECEIVED

DEC 26 2006

WATER RESOURCES DEPT
SALEM, OREGON

G-16769



RECEIVED
 JUL 11 2003
 WATER RESOURCES DEPT
 SALEM, OREGON

Oregon Water Resources Department

FORM I

FOR IRRIGATION WATER USE

RECEIVED

MAY 09 2003

WATER RESOURCES DEPT.
 SALEM, OREGON

1. Please indicate whether you are requesting a primary or supplemental irrigation water right.

Primary Supplemental

If supplemental, please indicate the number of acres that will be irrigated for each type of use.

Primary: 23 Acres

Supplemental: _____ Acres

List the permit or certificate number of the primary water right: No. _____

2. Please list the anticipated crops you will grow and whether you will be irrigating them for a full or partial season:

- | | | |
|-----------------|--------------------------------------|---|
| 1. <u>GRASS</u> | <input type="checkbox"/> Full season | <input checked="" type="checkbox"/> Partial season (from <u>May 1</u> to <u>Oct. 31</u>) |
| 2. _____ | <input type="checkbox"/> Full season | <input type="checkbox"/> Partial season (from: _____ to _____) |
| 3. _____ | <input type="checkbox"/> Full season | <input type="checkbox"/> Partial season (from: _____ to _____) |
| 4. _____ | <input type="checkbox"/> Full season | <input type="checkbox"/> Partial season (from: _____ to _____) |

3. Indicate the maximum total number of acre-feet you expect to use in an irrigation season:

34.5 acre-feet
 (1 acre-foot equals 12 inches of water spread over 1 acre, or 43,560 cubic feet, or 325,851 gallons.)

4. How will you schedule your applications of water? Will you be applying water in the evenings, twice a week, daily?

- | | |
|--|--|
| <input type="checkbox"/> Daily during daytime hours | <input type="checkbox"/> Daily during nighttime hours |
| <input checked="" type="checkbox"/> Two or three times weekly during daytime | <input checked="" type="checkbox"/> Two or three times weekly during nighttime |
| <input type="checkbox"/> Weekly, during daytime hours | <input type="checkbox"/> Weekly, during nighttime hours |
| <input type="checkbox"/> Other, explain: _____ | |

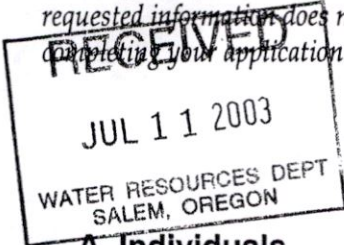
RECEIVED
 DEC 26 2006
 WATER RESOURCES DEPT
 SALEM, OREGON



State of Oregon
Water Resources Department
158 12th Street NE, Salem, OR 97310
(503)378-8455 • (800)624-3199
www.wrd.state.or.us

Application for a Permit to Use Ground Water

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. Thank you.



1. APPLICANT INFORMATION

RECEIVED

MAY 09 2003

WATER RESOURCES DEPT.
SALEM, OREGON

A. Individuals

Applicant: _____
First Last

Co-applicant: _____
First Last

Mailing address: _____
City State Zip

Phone: _____
Home Work Other

*Fax: _____ *E-Mail address: _____

B. Organizations

(Corporations, associations, firms, partnerships, joint stock companies, cooperatives, public and municipal corporations)

Name of organization: VANDEVEERT RANCH HOA, INC.

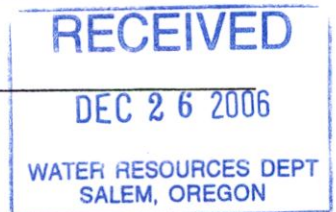
Name and title of person applying: KENNETH E. LAWE - RANCH FOREMAN

Mailing address of organization: P.O. BOX 1572
BEND OR 97709
City State Zip

Phone: (541) 420-0034
Day Evening

*Fax: (541) 593-4689 *E-Mail address: _____

*Optional information



For Department Use		
App. No. <u>G.16048</u>	Permit No. _____	Date _____

RECEIVED
 JUL 11 2003
 WATER RESOURCES DEPT
 SALEM, OREGON

2. Please provide a description of your well development. (Attach additional sheets if needed)

Well No.	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
1		PLEASE SEE WELL REPORT ATTACHED							

F. Artesian Flows

If your water well is flowing artesian, describe your water control and conservation works:

NA

4. WATER USE

Please read the instruction booklet for more details on "type of use" definitions, how to express how much water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

A. Type(s) of Use(s)

See list of beneficial uses provided in the instructions.

- If your proposed use is **domestic**, indicate the number of households to be supplied with water: _____
- If your proposed use is **irrigation**, please attach Form I
- If your proposed use is **mining**, attach Form R
- If your proposed use is **municipal or quasi-municipal**, attach Form M
- If your proposed use is **commercial/industrial**, attach Form Q

RECEIVED
 DEC 26 2006
 WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED
 MAY 09 2003
 WATER RESOURCES DEPT.
 SALEM, OREGON

RECEIVED
 JUL 11 2003
 WATER RESOURCES DEPT
 SALEM, OREGON

B. Amount of Water

Provide the production rate in gallons per minute (gpm) and the total annual amount of water you need from each well, from each source or aquifer, for each use. You do not need to provide this information if you are submitting a well log with your application.

Well No.	Source or aquifer	Type of use	Total rate of water requested (in gpm)	Total annual quantity (in gallons)	Production rate of well (in gpm)
1	WELL	IRRIGATION	300	11,241,859	300

C. Maximum Rate of Use Requested

What is the maximum, instantaneous rate of water that will be used? 300 GPM
 (The fees for your application will be based on this amount.)

D. Period of Use

Indicate the time of year you propose to use the water: APR 1 - OCT 31
 (For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1–October 31.)

E. Acreage

If you will be applying water to land, please give the total number of acres where water will be applied or used: 23
 (This number should be consistent with you application map.)

5. WATER MANAGEMENT

A. Diversion

What equipment will you use to pump water from your well(s)?

- Pump (give horsepower and pump type) 15 HP SUBMERSIBLE
- Other means (describe) _____

B. Transport

How will you transport water to your place of use?

- Ditch or canal (give average width and depth)
 Width _____ Depth _____
 Is the ditch or canal to be lined? Yes No
- Pipe (give diameter and total length)
 Diameter 6 INCH Length 2200 FEET
- Other (describe) _____

RECEIVED
 DEC 26 2006
 WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED

MAY 09 2003

WATER RESOURCES DEPT.
 SALEM, OREGON

RECEIVED
JUL 11 2003
WATER RESOURCES DEPT
SALEM, OREGON

C. Application/Distribution Method

What equipment will you use to apply water to your place of use? HAND LINE

IRRIGATION

Irrigation or land application method (check all that apply):

- Flood
- High-pressure sprinkler
- Low pressure sprinkler
- Drip
- Water cannons
- Center pivot system
- Hand lines
- Wheel lines
- Siphon tubes or gated pipe with furrows
- Other, describe _____

Distribution method

- Direct pipe from source
- In-line storage (tank or pond)
- Open canal

D. Conservation

What methods will you use to conserve water? Why did you choose this distribution or application method? For example, if you are using sprinkler irrigation rather than drip irrigation, explain. If you need additional space, attach a separate sheet.

BEST METHOD FOR CONSERVATION. WORKING WITH DESCHUTES SOIL AND WATER DISTRICT. WILL USE THEIR RECOMMENDATIONS.

6. PROJECT SCHEDULE

Indicate the anticipated dates that the following construction tasks should begin. If construction has already begun, or is completed, please indicate that date.

- Proposed date construction will begin APRIL 2004
- Proposed date construction will be completed MAY 2004
- Proposed date beneficial water use will begin MAY 2004

7. REMARKS

If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.

WATER WILL BE PUMPED FROM WELL TO LAKE AND THEN PUMPED FROM LAKE TO PASTURE.

RECEIVED
DEC 26 2006
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

MAY 09 2003

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED
JUL 11 2003
WATER RESOURCES DEPT
SALEM, OREGON

8. MAP REQUIREMENTS

The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed well location and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

9. SIGNATURE

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be canceled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and

I swear that all information provided in this application is true and correct to the best of my knowledge:

[Handwritten Signature]

Signature of Applicant

5/6/03

Date

Signature of Co-applicant

Date

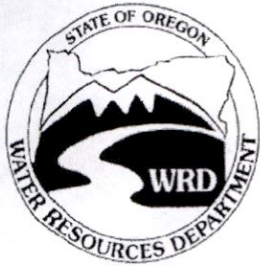
Before you submit your application be sure you have:

- Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included a Land Use Information Form or receipt stub signed by a local official.
- Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

RECEIVED
DEC 26 2006
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

MAY 09 2003



RECEIVED
JUL 11 2003
Rev. 2/14/02
WATER RESOURCES DEPT
SALEM, OREGON

Application for a Permit to Construct a Reservoir

Please type or print in dark ink. If your application is found to be incomplete or inaccurate,
it will be returned.

State of Oregon
Water Resources Department
158 12th Street NE
Salem, OR. 97301-4172
(503) 378-8455
www.wrd.state.or.us

RECEIVED
MAY 09 2003
WATER RESOURCES DEPT.
SALEM, OREGON

Applicant: VANDEVERT RANCH HOA, INC.
First Last

Mailing address: P.O. Box 1572

City BEND State OR Zip 97709

Phone: (541) 420-0034
Home Work Other

*Fax: (541) 593-4689 *E-Mail address: _____

**optional information*

I(We) make application for a permit to ~~construct a reservoir and~~ store the following described waters of
the State of Oregon. The name of the reservoir is RAINBOW LAKE.

1. SOURCE OF WATER for the proposed use: WELL,
a tributary of _____.

Is the proposed use an enlargement of an existing dam/reservoir? YES NO

If the reservoir is not in channel of a stream, state how it is to be filled: FROM EXISTING
WELL. SEE WELL REPORT.

For Department Use		
App. No. <u>G-16075</u>	Permit No. _____	Date _____

RECEIVED
DEC 26 2006
WATER RESOURCES DEPT
SALEM, OREGON

2. DAM HEIGHT AND COMPOSITION :

The maximum height of the structure will be 0 feet above stream bed or ground surface at the centerline of the crest of the dam.

Note: If your dam height is greater than or equal to 10.0' above land surface AND your reservoir will store equal to or greater than 9.2 acre-feet, engineered plans and specifications must be approved prior to storage of water.

The dam will be (check one) Earthfill Concrete Flash board Other

If "other" give description: _____

3. PRIMARY OUTLET WORKS

Describe the location and the dimensions of the outlet conduit through the dam: NA

NOTE: Most dams across a natural stream channel will need an outlet conduit having a minimum diameter of 8 inches or greater.

4. EMERGENCY SPILLWAY

Describe the location and the dimensions of the spillway channel: NA

5. THE USE(s) of the impounded water will be: MULTI PURPOSE
IRRIGATION, STOCKWATER, FIRE CONTROL, RECREATION,
WETLAND ENHANCEMENT, WILDLIFE.

6. THE AMOUNT OF WATER to be stored is: 8.25 acre-feet.
The area submerged by the reservoir, when filled, will be 2.75 acres.

7. PROJECT SCHEDULE: (List Month and Year)
Proposed date construction work will begin EXISTING RESERVOIR.
Proposed date construction work will be completed _____
Proposed date water use will be completed _____

RECEIVED
DEC 26 2006
WATER RESOURCES DEPT
SALEM, OREGON

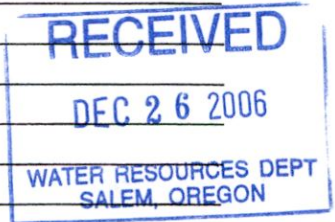
RECEIVED
JUL 11 2003
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
MAY 09 2003
WATER RESOURCES DEPT.
SALEM, OREGON

8. Are all the lands involved in the diversion, conveyance and use of water under your ownership?

YES NO

If "no," please list the mailing addresses of the legal owners of all properties involved in the proposed development.

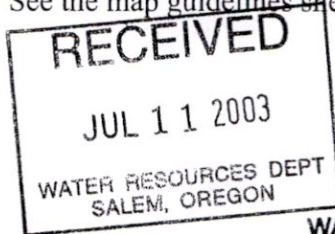


attach additional sheet(s) if necessary

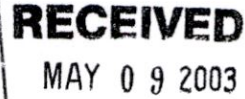
9. If you answered "NO" to question #8 above, do you have written authorization for an easement permitting access to the lands you do not own? YES NO

10. MAP REQUIREMENTS

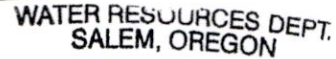
The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section and quarter/quarter section of the proposed reservoir location and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.



11. SIGNATURE



By my signature below I confirm that I understand:



- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be canceled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and...

I certify that the information I have provided in this application is an accurate representation of the proposed water use and is true and correct to the best of my knowledge:

Applicant Frank E. Lane
Signature

5/6/03
Date

Before you submit your application be sure you have:

- Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot.
- Included a Land Use Information Form or receipt stub signed by a local official.
- Included the legal description of all the property involved with this application. You may include a copy of your deed land sales contract or title insurance policy to meet this requirement.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.