

Application for Water Right Instream Transfer



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

Part 1 of 5 – Minimum Requirements Checklist

This transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.

For questions, please call (503) 986-0900, and ask for Transfer Section.

FOR ALL INSTREAM TRANSFER APPLICATIONS

Check all items included with this application. (N/A = Not Applicable)

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Map Checklist.
- Part 3 – Completed Instream Transfer Application – Applicant Information and Signature.
- Part 4 – Completed Instream Transfer Application – Water Right Information. Please include a separate Part 4 for each water right. List all water right certificates to be transferred here: **87331**.
- Part 5 – Completed Instream Transfer Application - Proposed Instream Use Information.

Attachments:

- Completed Instream Transfer Application Map.
- Completed Evidence of Use Affidavit and supporting documentation.
- Fees – Amount enclosed: \$ **800**.
See the Department’s Fee Schedule at www.wrd.state.or.us or call (503) 986-0883.
Note: Instream transfers are considered both a change in place of use and character of use. In addition, an automatic 50% fee waiver applies to all instream transfers.
- N/A Affidavit(s) of Consent.
- N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
- Land Use Notice - Notice of the intent to file an instream transfer application must be provided to each affected local government along the proposed reach. Copies of the notices must be enclosed with the instream transfer application.

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SALEM, OREGON

(For Staff Use Only)

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

- | | |
|--|---|
| <input type="checkbox"/> Application fee not enclosed/insufficient | <input type="checkbox"/> Map not included or incomplete |
| <input type="checkbox"/> Land Use Form not enclosed or incomplete | <input type="checkbox"/> Land use notice not included or incomplete |
| <input type="checkbox"/> Additional signature(s) required | <input type="checkbox"/> Part _____ is incomplete |

Other/Explanation _____

Staff: _____ 503-986-0 _____ Date: ____/____/____

Part 2 of 5 – Map Checklist

Your transfer application will be returned if any of the map requirements listed below are not met.

Please be sure that the transfer application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.

- N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For list of CWREs see http://www1.wrd.state.or.us/pdfs/cwre_listing.pdf.
- OR**
- N/A Waiver of requirement that map be prepared by a CWRE. Completed map waiver form is signed by the Department's Regional Manager and included in the application. The map **must** still meet Department mapping requirements described below.
- N/A If **more than three** water rights are involved, separate maps are needed for each water right.
- Permanent quality printed with dark ink on white or clear paper or film.
- The size of the map can be 8½ x 11 inches, 8½ x 14 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, three (3) paper copies and an electronic copy in a .pdf, .tiff or .jpg format are required.
- A north arrow, a legend, and scale.
- The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- Township, Range, Section, quarter-quarter, DLC, Government Lot, and other recognized public land survey lines.
- Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- Existing place of use that includes separate hachuring for each water right, priority date and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- Existing diversion point(s) with distance and bearing or coordinates from a recognized survey corner. This information can generally be found in your water right certificate or permit.

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Part 3 of 5 – Applicant Information and Signature

Type of Instream Transfer	
<input checked="" type="checkbox"/> Permanent Instream Transfer	or <input type="checkbox"/> Time-Limited Instream Transfer

Applicant Information

APPLICANT/BUSINESS NAME BUTLER RANCH, INC.		PHONE NO. 541-548-6070	ADDITIONAL CONTACT NO.
ADDRESS 5294 NW LONE PINE ROAD			FAX NO.
CITY TERREBONNE	STATE OR	ZIP 97760	E-MAIL

Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

APPLICANT/BUSINESS NAME WATER RIGHT SERVICES, LLC - JOHN A. SHORT		PHONE NO. 541-389-2837	ADDITIONAL CONTACT NO.
ADDRESS P.O. BOX 1830			FAX NO.
CITY BEND	STATE OR	ZIP 97709	E-MAIL JOHNSHORT@USA.COM

If an agent is listed above, please check **one** of the following:

- Please send all correspondence to Agent. Send copies of correspondence to Applicant; **OR**
- Please send all correspondence to Applicant. Send copies of correspondence to Agent.
- Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? Yes No


If NO, include signatures of all landowners (and mailing address if different than the applicant's) or attach affidavits of consent (and mailing addresses) from all landowners or individuals/entities to which the water right(s) has been conveyed.

Check one box

- By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); **OR**
- I affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; **OR**
- I affirm that the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

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Salem, Oregon

I (we) affirm that the information contained in this application is true and accurate.


pres
1-18-2012
 Applicant signature Name (and title if applicable) (print) Date
 _____ _____ _____
 Applicant signature Name (and title if applicable) (print) Date

In your own words tell us what change(s) you want made and the reason for the change(s): _____.

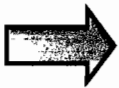
Check the following boxes that apply:

- Check here if any of the water rights proposed for transfer are located within or served by an irrigation district or other water district before the transfer. (**Tip:** Complete and attach Supplemental Form D.)

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

- Check here if water for any of the rights is supplied under a water service agreement or other contract for stored water with a federal agency or other entity.

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



To meet State Land Use Consistency Requirements, you must list all local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction the proposed instream reach will be located.

ENTITY NAME CROOK COUNTY PLANNING	ADDRESS 300 NE THIRD ST, ROOM 11	
CITY PRINEVILLE	STATE OR	ZIP 97754

ENTITY NAME JEFFERSON COUNTY COMMUNITY DEV.	ADDRESS 85 SE "D" STREET	
CITY MADRAS	STATE OR	ZIP 97741

ENTITY NAME DESCHUTES COUNTY COMMUNITY DEV.	ADDRESS 117 NW LAFAYETTE AVE.	
CITY BEND	STATE OR	ZIP 97701

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Part 4 of 5 – Water Right Information

Please use a separate Part 4 for each water right being changed. See instructions at <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>.

CERTIFICATE # 87331

Name on Certificate: CLAUDE BUTLER

Date(s) of Priority: JULY 23, 1946

Source(s) of Water to be Affected by the Transfer: CROOKED RIVER

Description of Water Delivery System

System capacity: 22 cubic feet per second (cfs) OR
_____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. WATER IS DIVERTED FROM CROOKED RIVER AT POD 47A (LOCATED 1,300' SOUTH OF NORTHEAST CORNER OF SECTION 22, T14S, R14E, WM) BY A 100HP ELECTRIC PUMP. THIS PUMP SUPPLIES WATER TO TWO 50HP BOOSTER PUMPS LOCATED APPROX. 500' NORTHWEST OF POD. BOOSTER PUMPS SUPPLY WATER TO SPRINKLER SYSTEM.

Other Water Rights

Are there other water right certificates, water use permits or ground water registrations associated with the "from" lands? Yes No

If YES, list the certificate, water use permit, or ground water registration numbers: 87331 -

SUPPLEMENTAL PORTIONS OF THIS RIGHT COVERED BY PRIMARY INCLUDED IN THIS TRANSFER WILL BE FORFEITED. SEE ATTACHED PARTIAL CANCELLATIONS. 2734 - SECOND PRIMARY COVERED BY PRIMARY INCLUDED IN THIS TRANSFER IN NWNW OF SECTION 22 TO BE DIMINISHED TO SUPPLEMENTAL AND TRANSFERRED TO DIFFERENT PLACE OF USE WITHIN 30 DAYS.


 Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

Table 1. Location of Authorized Point(s) of Diversion (POD)

(Note: If the POD name is not specified on the certificate, assign it a name or number here.

Also, if the POD is not described in the Certificate, provide a description below)

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POD Name or Number	Priority Date (if different between PODs)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
47 A	7/23/1946	14 S	14 E	22	NE NE	100	1,300 SOUTH OF NE CORNER

Will the proposed instream transfer affect the entire water right?

- Yes Then Table 2 on Page 6 does not need to be completed.
- No Then complete all of Table 2 to describe the portion of the water right to be changed.

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 WATER RESOURCES DEPT.
 DALE M. CHENYEN

Please use additional pages of Table 2 as needed

Table 2. Description of Change to Water Right Certificate # 87331

List only the part of the right that will be changed. For the acreage in each quarter-quarter, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD, specify the acreage associated with each POD.

Twp	Rng	Sec	¼ ¼	Tax Lot	Gov't Lot or DLC	Acres if Applicable	Type of USE listed on Certificate	Priority Date (if not the same for all acres or type of use)	POD(s) (name or number from Table 1)
14	S	14	E 15	N W SE	100	0.8	Irrigation		
14	S	14	E 15	NE SE	100	2.2	Irrigation		
14	S	14	E 15	SE SE	100	16.6	Irrigation		
14	S	14	E 22	N W NW	100	16.4	Irrigation		
TOTAL ACRES						36.0			

Additional remarks: _____.

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Part 5 of 5 – Proposed Instream Use Information

Identify the Public Use for which the instream right is requested (check at least one box):

- Conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values.
- Recreation
- Navigation
- Pollution Abatement

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Instream use proposed to be created by the instream transfer:

Originating Water Right Number (as identified in Part 4)	Priority Date	Source	Proposed Instream Period	Rate (cfs)*	Volume (ac-ft)**
87331	7/23/1946	Crooked River	JULY 1 - OCT 15	.71	144
TOTAL VOLUME					144

*Tip: To calculate rate (if other than the rate allowed by the right), divide the volume by the number of days in the period and then divide by 1.983471; or

**Tip: To calculate volume, multiply the rate by the number of days in the instream period and then multiply by 1.983471.

Note: The instream rate may not exceed the max rate allowed by the existing right(s) and the total volume may not exceed to max volume or duty allowed by the existing right(s).

Additional Information: _____.

Identify the location of the proposed instream water right.

- Water is requested to be protected at a point.
Location (i.e. the point of diversion (POD) – use the POD Name or Number from Table 1): _____.
- Water is requested to be protected within a reach:
Location of proposed reach (If an instream water right reach is requested, identify the upstream and downstream extent of the reach): **POD downstream to Lake Billy Chinook.**

Recommendations for conditions on the instream use to avoid taking away or impairing existing water rights.

- None
- Other (such conditions may include, but are not limited to, reductions in the instream flow levels in cfs per month or total ac-ft, the effective reach(es) or lake levels of the instream flow, measuring locations and the strategy for monitoring the instream flow or lake levels): _____.

Are there any existing instream water rights on the same point or within the same requested reach(es) or lake, or on a portion thereof:

No Yes (identify other instream water rights): 87330, IS70353-358, IS70585-590, IS70592-613, IS73197-199, S45404, T9687, IL295, T9829, IL892, IL997, T11007.

Note: New instream water rights are generally (but not always) additive to instream water rights established under ORS 537.348 (instream transfer application process) and ORS 537.470 (allocation of conserved water) and replace a portion of instream water rights established under ORS 537.341 (state agency application process) or ORS 537.346 (conversion of minimum perennial streamflows) with an earlier priority date.

Is it your intent to have the proposed instream water right transfer be additive to any instream water right established under ORS 537.348 and ORS 537.470 and replace a portion of any instream water right established under ORS 537.341 and ORS 537.346 with an earlier priority date?

Yes No. If no, please explain your intent below:

This transfer is to generate mitigation credits under OAR 690-505-0610.

If the proposed conversion would add to the amounts of an existing instream water right(s) established under ORS 537.341 or 537.346, provide documentation demonstrating why additional instream flows are necessary. Supporting documentation should include information from the Oregon Dept. of Fish and Wildlife (ODFW) (fish life), Dept. of Environmental Quality (DEQ) (pollution abatement), and/or Parks and Recreation Dept. (recreation).

Is the requested instream flow intended to exceed the estimated average natural flow or level occurring from the drainage system?

No; **OR**
 Yes (Provide supporting documentation that demonstrates why additional flows are significant for the public use requested.); **OR**

Yes, and it is presumed that flows that exceed the estimated average natural flow or natural lake levels are significant because:

- The requested flow does not exceed the maximum amount of any instream water right application applied for under ORS 537.341 (state agency instream water right application process) for the same reach or portion thereof, and the requested public use is for the same public use as the afore mentioned instream water right application, **and**
- For the specified time period that flows are requested to exceed the estimated average natural flow or lake level, the stream is in an ODFW flow restoration priority watershed. A copy of the priority watershed map indicating the specific watershed involved should be included with the application. Priority watershed maps may be found on the OWRD web page; **or**
- The stream is listed as water quality limited and DEQ has provided scientific information that demonstrates that increased flows would improve water quality. The scientific information provided by DEQ should be included with the transfer application.

For a Time Limited Instream Transfer, please answer the following:

The time-limited instream transfer is for a specific number of years:
_____ Begin Year to _____ End Year

Time-limited instream transfer is to terminate based upon other conditions:

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DALEA J. STANLEY

Conditions: _____.

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

Water Right Transfer Supplemental Form Waiver of Mapping Requirements

The Director may waive or assist a transfer applicant in satisfying the mapping requirements (OAR 690-380-3100) for certain transfers if the criteria described in this form are met pursuant to OAR 690-380-3410.

This form must be prepared by the transfer applicant and the appropriate Regional Manager for the Oregon Water Resources Department. To prepare the form, a copy of the complete transfer application, including a description of the water rights to be transferred, must be provided to the Regional Manager.

This map waiver form must be signed by the Regional Manager and submitted with the transfer application.

Transfer Applicant: BUTLER RANCH, INC

Water Right(s) to be transferred: 87331

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1. The transfer **must** be one of the following. Please check the appropriate box.



An instream transfer application filed pursuant to ORS 537.348.



A transfer application necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.375; or



The transfer application is determined and endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat.

2. For an **instream transfer application filed pursuant to ORS 537.348**, a map waiver shall only be approved if the application meets one of the following additional criteria. Please check the appropriate box.



The entirety of the right is being transferred to an instream water right and the location of the instream water right can be clearly delineated through reference to the existing point of diversion for the transferred right and other points of diversion or geographic reference points such as the mouth of the stream; or



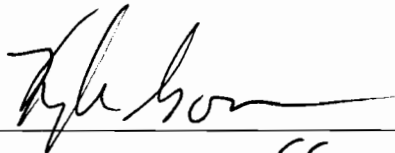
A map meeting the requirements of the transfer rules (OAR 690-380-3100) is available showing the lands not included in the transfer and the location of the instream water right can be clearly delineated through reference to the existing point of diversion for the transferred right and other points of diversion or geographic reference points such as the mouth of the stream. (Please include copy of map(s) with transfer application.)

3. For a **transfer application meeting any one of the criteria identified in #1** (including an instream transfer application), a waiver may also be approved if other circumstances are present that make an application map unnecessary. If #2 does not apply, but circumstances are present that make an application map unnecessary, describe those circumstances below:

4. For any transfer application meeting one or more of the criteria identified in #1 that does not meet the criteria for a waiver as described in #2 or #3, the Department may assist the applicant in development of the application map. The Department (through the regional office) may provide this assistance at the discretion of the appropriate Regional Manager. Please check the appropriate box below if the Department has provided assistance in development of the transfer application map:

A map meeting the requirements of OAR 690-380-3100 has been prepared by Department staff and is included with the transfer application.

The map provided with the transfer application has been developed with assistance from Department staff and meets the requirements of OAR 690-380-3100.

Signature:  Date: 1-10-12
OWRD Regional Manager, 5C Region

for 36 acres IS on Crooked River
part of Butler Ranch property.

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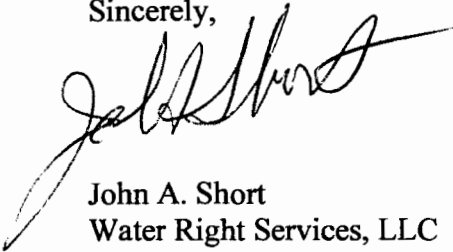
Date: 1-9-12
TO: Deschutes County Community Development
117 NW Lafayette Ave.
Bend, OR 97701
FROM: John A. Short – Water Right Services, LLC
SUBJECT: Proposed Instream Water Right Transfer In Your Jurisdiction

The Water Resources Department requires applicants intending to file an application to transfer a water right to instream purposes to notify local governments that could be affected, so that the local government can make sure that the proposed new use does not result in a land use that would be incompatible with its comprehensive plan.

As such, we are notifying you that we intend to submit an application to the Oregon Water Resources Department proposing to transfer a portion of water right 87331 to instream use. The proposed place of instream use would be in the Crooked River from approximately river Mile 35.5 (1,300' South of the NE Corner, Section 22, T14S, R14E, WM) downstream to Lake Billy Chinook.

If you have any questions regarding the proposed application, or are interested in receiving additional information, please call me at 541-389-2837.

Sincerely,



John A. Short
Water Right Services, LLC
P.O. Box 1830
Bend, OR 97709

541-389-2837
johnshort@usa.com
www.oregonwater.us

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Water Right Services, LLC – John A. Short
P.O. Box 1830, Bend, OR 97709

www.oregonwater.us

541-389-2837

johnshort@usa.com

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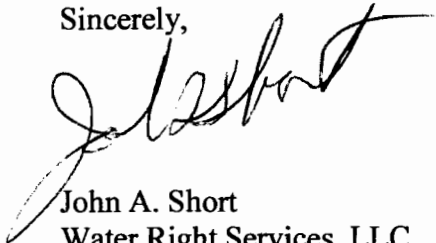
Date: 1-9-12
TO: Jefferson County Community Development
85 SE "D" St.
Madras, OR 97741
FROM: John A. Short – Water Right Services, LLC
SUBJECT: Proposed Instream Water Right Transfer In Your Jurisdiction

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Sincerely,



John A. Short
Water Right Services, LLC
P.O. Box 1830
Bend, OR 97709

541-389-2837
johnshort@usa.com
www.oregonwater.us

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3,000 N. 28TH ST
BEND, OREGON

Water Right Services, LLC – John A. Short
P.O. Box 1830, Bend, OR 97709
541-389-2837

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johnshort@usa.com

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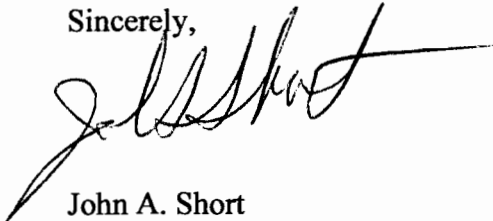
Date: 1-9-12
TO: Crook County Planning Dept.
300 NE Third St., Room 11
Prineville, OR 97754
FROM: John A. Short – Water Right Services, LLC
SUBJECT: Proposed Instream Water Right Transfer In Your Jurisdiction

The Water Resources Department requires applicants intending to file an application to transfer a water right to instream purposes to notify local governments that could be affected, so that the local government can make sure that the proposed new use does not result in a land use that would be incompatible with its comprehensive plan.

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If you have any questions regarding the proposed application, or are interested in receiving additional information, please call me at 541-389-2837.

Sincerely,



John A. Short
Water Right Services, LLC
P.O. Box 1830
Bend, OR 97709

541-389-2837
johnshort@usa.com
www.oregonwater.us

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WATER RESOURCES DEPARTMENT
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Water Right Services, LLC – John A. Short
P.O. Box 1830, Bend, OR 97709
541-389-2837

www.oregonwater.us

johnshort@usa.com

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Application for Water Right Transfer

Evidence of Use Affidavit



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 (503) 986-0900
 www.wrd.state.or.us

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more spacing. Supporting documentation must be attached.

State of Oregon)
) ss
 County of)

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I, JOHN A. SHORT, in my capacity as WATER RIGHT PROFESSIONAL,
 mailing address P.O. BOX 1830, BEND, OR 97709
 telephone number (541)389-2837, being first duly sworn depose and say:

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 SALEM, OREGON

1. My knowledge of the exercise or status of the water right is based on (check one):

- Personal observation Professional expertise

2. I attest that:

- Water was used during the previous five years on the **entire** place of use for Certificate # ____; **OR**
- My knowledge is specific to the use of water at the following locations within the last five years:

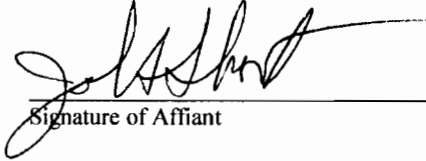
Certificate #	Township		Range		Mer	Sec	¼ ¼		Gov't Lot or DLC	Acres (if applicable)
87331	14	S	14	E	WM	15	NW	SE		0.8
							NE	SE		2.2
							SE	SE		16.6
						22	NW	NW		16.4

- OR**
- Confirming Certificate # ____ has been issued within the past five years; **OR**
- Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: ____ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
- Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # ____ (For Historic POD/POA Transfers)

(continues on reverse side)

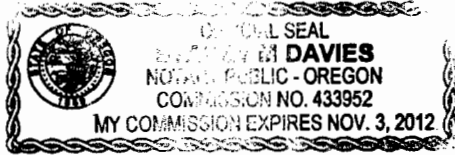
3. The water right was used for: (e.g., crops, pasture, etc.): CROPS, PASTURE

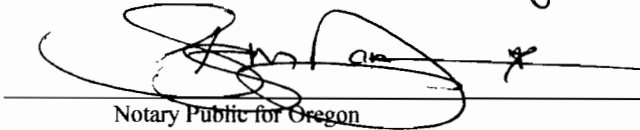
4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.


 Signature of Affiant

1-18-12
 Date

Signed and sworn to (or affirmed) before me this 18 day of January, 2012.




 Notary Public for Oregon

My Commission Expires: Nov. 3rd 2012

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> • Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"> • District assessment records for water delivered • Crop reports submitted under a federal loan agreement • Beneficial use reports from district • IRS Farm Usage Deduction Report • Agricultural Stabilization Plan • CREP Report
<input checked="" type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	<p>Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terra-server.com</p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

RECEIVED

JAN 27 2012

WATER RESOURCES DEPT
 S.W. OREGON

T 11347

**AFFIDAVIT FOR THE PARTIAL CANCELLATION OF A
WATER RIGHT CERTIFICATE**

State of Oregon)
) ss
County of _____)

RECEIVED

JAN 27 2012

I/We (or authorized agent),
DAVID R. BUTLER, PRESIDENT, BUTLER RANCH, INC. _____, residing at
5294 NW LONE PINE ROAD, TERREBONNE, OR 97760 _____,
telephone 541-548-6070 _____, being first duly sworn depose and say:

- I/We are the legal owner(s) of the property described as tax lot number 100, within the _____ 1/4 _____ 1/4, Section 22, Township 14 S N/S, Range 14 E E/W, of the Willamette Meridian, in CROOK County, Oregon, as shown on the attached map and described in the attached deed and legal description and made part of this affidavit;
- A portion of water right certificate number 87331 issued to CLAUDE BUTLER, with a date of priority of JULY 23, 1946 for use of 3.89 cubic foot per second of water from THE CROOKED RIVER (source) for the purpose of IRRIGATION AND SUPPLEMENTAL IRRIGATION (use) is appurtenant to my/our property;
- The appurtenant water right is/is not located within the boundaries of an irrigation, drainage, water improvement, or water control district, or federal reclamation project (*if the right is located within a district or reclamation project, name it here*)
N/A
- If the water right is issued in the name of an irrigation district then the affiant must have the concurrence of the district to the cancellation of the portion of the water right. (*Signature of district manager on the line below documents consent of the district.*)

_____	N/A	_____
Signature of district manager	Printed Name	Date

- I/We have abandoned any and all interest in the portion of this water right shown on the attached map and described as follows:
The right to the use of 0.31 cubic foot per second from THE CROOKED RIVER for SUPPLEMENTAL IRRIGATION, and irrigation of 16.4 (SUPP) acres located:

(use) (if applicable)

NW 1/4	NW 1/4	<u>16.4</u>	Acres
_____ 1/4	_____ 1/4	_____	Acres
_____ 1/4	_____ 1/4	_____	Acres

Section 22
Township 14 S N/S, Range 14 E E/W, WM; and

6. I/We request the portion of the water right described above be canceled.

[Handwritten Signature]

Signature of legal owner as listed on deed, or authorized agent

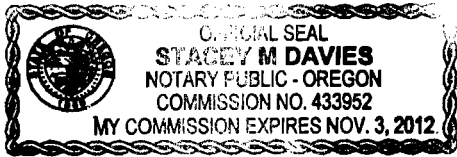
1-18-2012

Date

Signature of legal co-owner as listed on deed
(if applicable)

Date

Subscribed and Sworn to Before Me this 18th day of January, 2012.



[Handwritten Signature]
Notary Public for Oregon

My Commission Expires Nov. 3rd 2012

PLEASE ATTACH A LEGIBLE COPY OF : 1) A DEED WHICH LISTS LAND OWNERS AND INCLUDES A LEGAL DESCRIPTION OF AFFECTED LANDS, AND 2) AN ADJUDICATION MAP, WATER RIGHT FINAL PROOF MAP, OR A TAX LOT MAP WITH THE PORTION OF THE ABANDONED RIGHT CLEARLY DRAWN AND IDENTIFIED. IF ACTING AS AN AUTHORIZED AGENT, INCLUDE COPY OF POWER OF ATTORNEY OR OTHER DOCUMENTS GRANTING AUTHORITY TO ACT ON BEHALF OF LEGAL OWNER(S) AS LISTED ON THE DEED.

RECEIVED

JAN 27 2012

WATER RIGHTS DEPT
SALEM, OREGON

**AFFIDAVIT FOR THE PARTIAL CANCELLATION OF A
WATER RIGHT CERTIFICATE**

State of Oregon)
) ss
County of _____)

I/We (or authorized agent),
DAVID R. BUTLER, PRESIDENT, BUTLER RANCH, INC. _____, residing at
5294 NW LONE PINE ROAD, TERREBONNE, OR 97760 _____,
telephone 541-548-6070 _____, being first duly sworn depose and say:

1. I/We are the legal owner(s) of the property described as tax lot number 100, within the _____¹/₄ _____¹/₄, Section 15, Township 14 S N/S, Range 14 E E/W, of the Willamette Meridian, in CROOK County, Oregon, as shown on the attached map and described in the attached deed and legal description and made part of this affidavit;
2. A portion of water right certificate number 87331 issued to CLAUDE BUTLER, with a date of priority of JULY 23, 1946 for use of 3.89 cubic foot per second of water from THE CROOKED RIVER (source) for the purpose of IRRIGATION AND SUPPLEMENTAL IRRIGATION (use) is appurtenant to my/our property;
3. The appurtenant water right is/is not located within the boundaries of an irrigation, drainage, water improvement, or water control district, or federal reclamation project (*if the right is located within a district or reclamation project, name it here*)
N/A
4. If the water right is issued in the name of an irrigation district then the affiant must have the concurrence of the district to the cancellation of the portion of the water right. (*Signature of district manager on the line below documents consent of the district.*)

	N/A	
Signature of district manager	Printed Name	Date

5. I/We have abandoned any and all interest in the portion of this water right shown on the attached map and described as follows:
The right to the use of 0.37 cubic foot per second from THE CROOKED RIVER
for SUPPLEMENTAL IRRIGATION, and irrigation of 19.6 (SUPP) acres located:

(use)	(if applicable)
NW ¹ / ₄ SE ¹ / ₄	<u>0.8</u> Acres
NE ¹ / ₄ SE ¹ / ₄	<u>2.2</u> Acres
SE ¹ / ₄ SE ¹ / ₄	<u>16.6</u> Acres
Section <u>15</u>	
Township <u>14 S</u> N/S, Range <u>14 E</u> E/W, WM; and	

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JAN 21 2012
COURT CLERK
SALEM, OREGON

6. I/We request the portion of the water right described above be canceled.

[Signature]
Signature of legal owner as listed on deed, or authorized agent

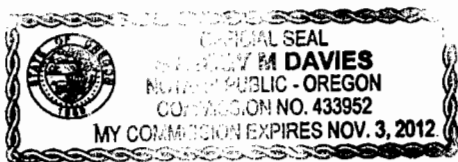
1-18-2012
Date

Signature of legal co-owner as listed on deed
(if applicable)

Date

Subscribed and Sworn to Before Me this 18th day of January, 2012.

[Signature]
Notary Public for Oregon



My Commission Expires Nov. 3rd 2012

PLEASE ATTACH A LEGIBLE COPY OF : 1) A DEED WHICH LISTS LAND OWNERS AND INCLUDES A LEGAL DESCRIPTION OF AFFECTED LANDS, AND 2) AN ADJUDICATION MAP, WATER RIGHT FINAL PROOF MAP, OR A TAX LOT MAP WITH THE PORTION OF THE ABANDONED RIGHT CLEARLY DRAWN AND IDENTIFIED. IF ACTING AS AN AUTHORIZED AGENT, INCLUDE COPY OF POWER OF ATTORNEY OR OTHER DOCUMENTS GRANTING AUTHORITY TO ACT ON BEHALF OF LEGAL OWNER(S) AS LISTED ON THE DEED.

RECEIVED

JAN 27 2012

RECEIVED
LANDS DEPT
SALES DIVISION

STATE OF OREGON
 COUNTY OF CROOK
 CERTIFICATE OF WATER RIGHT

RECEIVED
 JAN 27 2012

THIS CERTIFICATE ISSUED TO

CLAUDE BUTLER
 TERREBONNE, OR 97760

confirms the right to use the waters of CROOKED RIVER, a tributary of DESCHUTES RIVER for IRRIGATION AND SUPPLEMENTAL IRRIGATION.

This right was perfected under Permit S-17167. The date of priority is JULY 23, 1946. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 3.89 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q
14 S	14 E	WM	22	NE NE

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	14 E	WM	15	SW SW	5.2
14 S	14 E	WM	15	SE SW	19.6
14 S	14 E	WM	15	NE SE	2.2
14 S	14 E	WM	15	NW SE	0.8
14 S	14 E	WM	15	SW SE	39.4
14 S	14 E	WM	15	SE SE	34.2
14 S	14 E	WM	22	NE NE	16.4
14 S	14 E	WM	22	NW NE	16.0
14 S	14 E	WM	22	NE NW	40.0
14 S	14 E	WM	22	NW NW	31.6

This certificate describes that portion of the water right confirmed by Certificate 22454, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered DEC 06 2011 approving Transfer Application T-11243.

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

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources Director, affixed December 6, 2011



 Dwight French, Water Right Services Administrator, for
 PHILLIP C. WARD, DIRECTOR

T 11347 mp-162