

# 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.

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### 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: **C-81663 and C-67284.**
- 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: \$ **1000.**  
See the Department's Fee Schedule at [www.wrd.state.or.us](http://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.

(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](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, D.I.C, 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**

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

**Applicant Information**

APPLICANT/BUSINESS NAME <b>John &amp; Peggy Tehan</b>		PHONE NO. <b>541-549-9410</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>PO Box # 34</b>		FAX NO.	
CITY <b>Sisters</b>	STATE <b>OR</b>	ZIP <b>97759</b>	E-MAIL <b>candtepa@bendbroadband.com</b>

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

APPLICANT/BUSINESS NAME <b>Deschutes River Conservancy</b>		PHONE NO. <b>541-382-4077 x.21</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>700 NW Hill St.</b>		FAX NO.	
CITY <b>Bend</b>	STATE <b>OR</b>	ZIP <b>97701</b>	E-MAIL <b>zach@deschutesriver.org</b>

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

*John Tehan*  
Applicant signature

*Peggy Tehan*  
Applicant signature

**John Tehan**  
Name (and title if applicable) (print)

2/17/12  
Date

**Peggy Tehan**  
Name (and title if applicable) (print)

2/17/12  
Date

In your own words tell us what change(s) you want made and the reason for the change(s): **Permanent instream transfer (for mitigation credits) of 11.1 acres of senior, Whychus Creek surface water rights.**

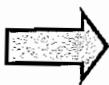
**Check the following boxes that apply:**

- 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 <b>City of Sisters</b>	ADDRESS <b>520 E. Cascade Ave</b>	
CITY <b>Sisters</b>	STATE <b>OR</b>	ZIP <b>97759</b>

ENTITY NAME <b>City of Maupin</b>	ADDRESS <b>408 Deschutes Ave</b>	
CITY <b>Maupin</b>	STATE <b>OR</b>	ZIP <b>97037</b>

ENTITY NAME <b>Deschutes County Planning Dept</b>	ADDRESS <b>117 NW Lafayette Ave</b>	
CITY <b>Bend</b>	STATE <b>OR</b>	ZIP <b>97701</b>

ENTITY NAME <b>Jefferson County Planning Dept</b>	ADDRESS <b>66 SE D St</b>	
CITY <b>Madras</b>	STATE <b>OR</b>	ZIP <b>97741</b>

ENTITY NAME <b>Wasco County Planning Dept</b>	ADDRESS <b>2705 East 2<sup>nd</sup> St</b>	
CITY <b>The Dalles</b>	STATE <b>OR 97058</b>	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 # C-67284**

Name on Certificate: Frank L. Shaw

Date(s) of Priority: 1883

Source(s) of Water to be Affected by the Transfer: Whychus Creek

Description of Water Delivery System

System capacity: 2.0 cubic feet per second (cfs) OR  
 \_\_\_\_\_ gallons per minute (gpm)

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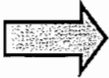
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Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. Water is diverted from Whychus Creek by a diversion structure in Sisters, and conveyed via open ditch to the place of use. Water is applied using a sprinkler irrigation 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: C-81664 (Suppl).



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)

POD Name or Number	Priority Date (if different between PODs)	Twp		Rng		Sec	¼ ¼		Tax Lot, D.L.C or Gov't Lot	Measured Distances (from a recognized survey corner)
POD #1		15	S	10	E	9	SE	NW		2050 ft. South & 1250 Ft. West from North 1/4 Corner of Sec. 9

**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.

Please use additional pages of Table 2 as needed

**Table 2. Description of Change to Water Right Certificate # 67284.**

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	¼¼		Tax Lot	Gov't Lot or DLC	Acreage 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)
2	S	9	E	14	NE	NW	100		15.0	Irrigation	4/1/1900	POD #1 POD #2
"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"
15	S	10	E	4	N		101		3.5	IRR	1883	Buchanan Ditch
TOTAL ACRES												

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Additional remarks: Permanent instream transfer of 3.5 acres from C-67284, plus 7.6 acres from C-81663. The combined transfer is for mitigation credits and is expected to yield 19.98 permanent credits for the Whychus Creek and General zones of impact. The instream water right is for the full rate and duty from the POD to Lake Billy Chinook for a 214 day season (April 1 - Oct 1). See attached exhibits.

**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 # C-81663**

Name on Certificate: John T. Tehau

Date(s) of Priority: 1883

Source(s) of Water to be Affected by the Transfer: Whychus Creek

Description of Water Delivery System

System capacity: 2.0 cubic feet per second (cfs) OR  
 \_\_\_\_\_ gallons per minute (gpm)

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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 Whychus Creek by a diversion structure in Sisters, and conveyed via open ditch to the place of use. Water is applied using a sprinkler irrigation 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: C-81664 (Suppl).



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)

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)
POD #1		15	S	10	E	9	SE	NW		2050 ft. South & 1250 Ft. West from North 1/4 Corner of Sec. 9

**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.

Please use additional pages of Table 2 as needed

**Table 2. Description of Change to Water Right Certificate # 81663.**

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	Acreage 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)		
2	S	9	E	14	NE	NW	100		15.0	Irrigation	4/1/1900	POD #1 POD #2
"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"
15	S	10	E	4	N		101		7.6	IRR	1883	Buchanan Ditch
TOTAL ACRES												

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Additional remarks: Permanent instream transfer of 3.5 acres from C-67284, plus 7.6 acres from C-81663. The combined transfer is for mitigation credits and is expected to yield 19.98 permanent credits for the Whychus Creek and General zones of impact. The instream water right is for the full rate and duty from the POD to Lake Billy Chinook for a 214 day season (April 1 - Oct 1). See attached exhibits.



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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

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)**
67284	1883	Whychus Creek	April 1 - Oct 1	.07	29.8
81663	1883	Whychus Creek	April 1 - Oct 1	.152	64.4
<b>TOTAL VOLUME</b>					<b>94.2</b>

\*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: Portions of 2 certificates are being transferred instream permanently for mitigation. Instream rates and duties were reduced proportionally to the number of acres being transferred (compared each certificate's total acres). The combined instream water right will be for the full rate and duty from POD to Lake Billy Chinook: 0.22 cfs and 94.2 acre-feet (see Exhibit A).

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): The full rate and duty from the POD 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): \_\_\_\_\_.

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**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): **OWRD maintains a current list of instream water rights for this reach.**

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:

\_\_\_\_\_.

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:  
Conditions: \_\_\_\_\_.

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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) 986-0909  
 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 DESCHUTES)

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I, JOHN AND PEGGY TEHAN, in my capacity as LANDOWNER,  
 mailing address PO BOX 34, SISTERS, OREGON 97759  
 telephone number (541-549-9410), being first duly sworn depose and say:

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	1/4 1/4	Gov't Lot or DEC	Acres (If applicable)
81663	15	S	10	E		4	N		7.6
67284	15	S	10	E		4	N		3.5

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: L-858 (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)

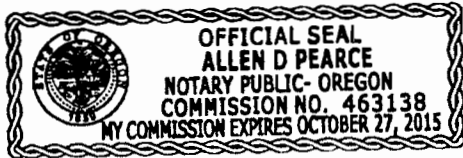
(continues on reverse side)

3. The water right was used for: (e.g., crops, pasture, etc.): \_\_\_\_\_
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]*  
 Signature of Affiant

2/17/12  
 Date

Signed and sworn to (or affirmed) before me this 17 day of February, 2012.



*[Signature]*  
 Notary Public for Oregon

My Commission Expires: 10-27-15

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"> <li>• Power usage records for pumps associated with irrigation use</li> <li>• Fertilizer or seed bills related to irrigated crops</li> <li>• Farmers Co-op sales receipt</li> </ul>
<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"> <li>• District assessment records for water delivered</li> <li>• Crop reports submitted under a federal loan agreement</li> <li>• Beneficial use reports from district</li> <li>• IRS Farm Usage Deduction Report</li> <li>• Agricultural Stabilization Plan</li> <li>• CREP Report</li> </ul>
<input 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 – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a>          OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a>          Google Earth – <a href="http://earth.google.com">earth.google.com</a>          TerraServer – <a href="http://www.terraserver.com">www.terraserver.com</a></p>
<input checked="" type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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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 DESCHUTES)

I, JOHN AND PEGGY TEHAN, in my capacity as LANDOWNER,

mailing address PO BOX 34, SISTERS, OREGON 97759

telephone number (541-549-9410), being first duly sworn depose and say:

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)
81663	15	S	10	E		4	N		7.6
67284	15	S	10	E		4	N		3.5

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: L-358 (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)

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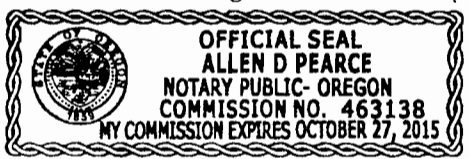
WATER RESOURCES DEPT  
 SALEM, OREGON

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

John T. Khan  
 Signature of Affiant

2/17/12  
 Date

Signed and sworn to (or affirmed) before me this 17 day of February, 2012.



Allen D. Pearce  
 Notary Public for Oregon

My Commission Expires: 10-27-15

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"> <li>• Power usage records for pumps associated with irrigation use</li> <li>• Fertilizer or seed bills related to irrigated crops</li> <li>• Farmers Co-op sales receipt</li> </ul>
<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"> <li>• District assessment records for water delivered</li> <li>• Crop reports submitted under a federal loan agreement</li> <li>• Beneficial use reports from district</li> <li>• IRS Farm Usage Deduction Report</li> <li>• Agricultural Stabilization Plan</li> <li>• CREP Report</li> </ul>
<input 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 – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a>          OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a>          Google Earth – <a href="http://earth.google.com">earth.google.com</a>          TerraServer – <a href="http://www.terra-server.com">www.terra-server.com</a></p>
<input checked="" type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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T 11358

**BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON**

In the Matter of the Proposed Lease of ) DETERMINATION and  
Existing Water Rights for Instream Use, ) FINAL ORDER ON PROPOSED  
Certificates 81663 and 67284, Deschutes ) INSTREAM LEASE  
County )

ORS 537.348 establishes the process in which a water right holder may submit a request to lease an existing water right for instream purposes. OAR Chapter 690, Division 077 implements the statutes and provides the Department's procedures and criteria for evaluating instream lease applications.

**Lessor**  
John Tehan  
PO Box 34  
Sisters, OR 97759

**Lessee**  
Deschutes River Conservancy (DRC)  
P.O. Box 1560  
Bend, Oregon 97709  
[gen@deschutesriver.org](mailto:gen@deschutesriver.org)

**Findings of Fact**

1. On June 28, 2007, the DRC and John Tehan filed an application to lease a portion of Certificates 81663 and 67284 to instream use. The Department assigned the application number IL-858.
2. The portion of the first right to be leased is as follows:

**Certificate:** 81663  
**Priority Date:** 1883  
**Season of Use:** unspecified by certificate or decree  
**Use:** Irrigation of 7.6 acres  
**Quantity:** 0.15 Cubic Foot per Second (CFS)  
**Source:** Whychus Creek (formerly Squaw Creek), tributary to the Deschutes River  
**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
15 S	10 E	WM	4	SE SE	101	7.6

**Point of Diversion (POD):**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
15 S	10 E	WM	9	SE NW	BUCHANAN DITCH - 2050 FEET SOUTH AND 1250 FEET WEST OF THE N ¼ CORNER OF SECTION 9

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This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.



3. The portion of the second right to be leased is as follows:

**Certificate:** 67284  
**Priority Date:** 1883  
**Season of Use:** unspecified by certificate or decree  
**Use:** Irrigation of 3.5 acres  
**Quantity:** 0.07 Cubic Foot per Second (CFS)  
**Source:** Whychus Creek (formerly Squaw Creek), tributary to the Deschutes River  
**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
15 S	10 E	WM	4	SE SE	101	3.5

**Point of Diversion (POD):**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
15 S	10 E	WM	9	SE NW	BUCHANAN DITCH - 2050 FEET SOUTH AND 1250 FEET WEST OF THE N ¼ CORNER OF SECTION 9

4. There is no duty associated with the water rights proposed to be leased instream.
5. The rights proposed to be leased instream do not have a specified season of use (irrigation season). For purposes of this lease, a season of March 1 through October 31 shall be used.
6. The lease application includes the information required under OAR 690-077-0077(3). The Department provided notice of the lease application pursuant to OAR 690-077-0077(6). No comments were received.
7. As identified in Finding of Fact #4, these rights do not have a duty limitation. The applicant has requested to protect water instream at the full rates during the period April 1 through October 31, a period of 214 days. The instream volume over this period would be 64.52 AF for Certificate 81663 and 29.71 AF for Certificate 67284, which would equate to approximately 8.5 acre feet per acre. This is more water than could be beneficially used without waste. To prevent enlargement of the right, the volume protected instream will be limited to 5.5 AF/acre.
8. Based upon Finding of Fact #7, on July 18, 2007, the Lessee requested that the instream use be modified as follows:

Whychus Creek (formerly Squaw Creek), tributary to the Deschutes River  
**Instream Reach:** From POD (as described in Finding of Fact #2 and #3) to the mouth of Whychus Creek

Certificate	Priority Date	Instream Rate (cfs)	Instream Volume (AF)	Period Protected Instream
81663	1883	0.15	41.80	June 1 through October 16
67284	1883	0.07	19.25	June 1 through October 16

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**WATER RESOURCES DEPT  
 SALEM, OREGON**

9. Other conditions to prevent injury and enlargement are:

The instream reach has been modified to extend only as far as the mouth of Whychus Creek. The applicant originally requested that the reach extend beyond Whychus Creek and into the Deschutes River down to Lake Billy Chinook. However, the quantity of water to be leased instream is not a measurable quantity in the Deschutes River. In order for water to be protected beyond the source stream, the quantity must be measurable in the receiving stream, in this case being the Deschutes River (OAR 690-077-0015 (7)).

10. There is a supplemental water right, Certificate 81664, appurtenant to all or a portion of the lands described in Finding of Fact # 2 and #3. The Lessor and Lessee have not requested that this water right not be included as part of this lease application. During the term of the lease, water use under this right will also be suspended.
11. If approved, this instream lease is not reasonably expected to significantly affect land use as prescribed by ORS 197.180, OAR Chapter 660, Divisions 30 and 31, and OAR Chapter 690, Division 5.
12. Based upon review of the application, comments received, information provided by the Department's Watermaster, and other available information, the Department finds that the lease will not result in injury or enlargement. This finding is made through an abbreviated review recognizing that the lease may be modified or revoked under OAR 690-077-0077 if the Department later finds that the lease is causing injury to any existing water right or enlargement of the original right.
13. 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 690-077-0070 or OAR 690-077-0075 a new injury review shall be required. Transfers will be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380 and Division 077. Approval of this lease does not establish a precedent for approval of future leases or transfers.
14. The lease will terminate on October 31, 2011.
15. The Lessor has requested the option of terminating the lease early with written notice to the Department.

**CONCLUSIONS OF LAW**

The Department concludes that the lease will not result in injury or enlargement, OAR 690-077-0077. The lease conforms to the applicable provisions of OAR 690-077-0015.

**ORDER**

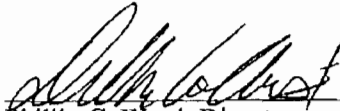
Therefore, it is ORDERED:

1. That the Lease as described herein is APPROVED.

T 11358

2. The former place of use will no longer receive water as part of these rights, any supplemental rights (including Certificate 81664), or any other layered water rights for irrigation use, including ground water registrations during the term of the lease.
3. The lease will terminate on October 31, 2011. The Lessor has the option of terminating the lease each year, with notification to the Department by May 1 of each year, and before any use has occurred on the property.

Dated at Salem, Oregon this 27<sup>th</sup> day of July 2007.

  
Phillip C. Ward, Director

Mailing date: JUL 31 2007

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FEB 28 2012  
WATER RESOURCES DEPT  
SALEM, OREGON

T 11358

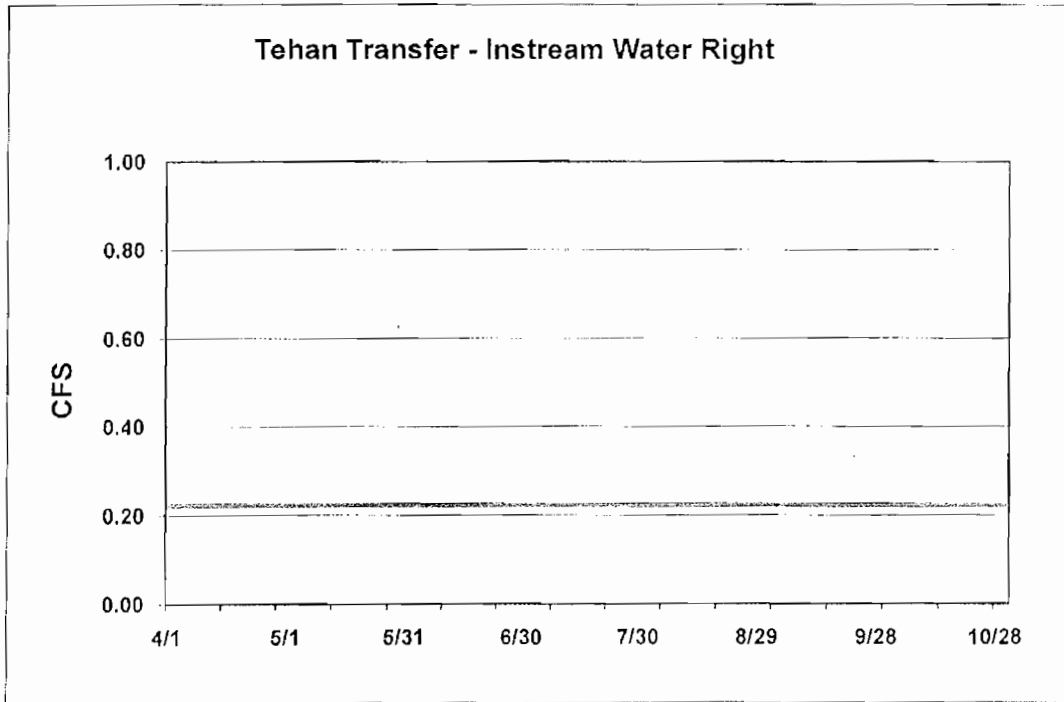
**Exhibit A - Instream Reach**  
**From: POD to Lake Billy Chinook (RM 120)**

Instream Water Right  
 Tehan Transfer

Certificate	Total			Tehan ISWR		
	Acres	Rate	Duty	Acres	Rate	Duty
C-81663	11.6	0.232	98.3	7.6	0.152	64.4
C-67284	22.38	0.45	190.7	3.5	0.070	29.8
	<b>34.0</b>	<b>0.7</b>	<b>289.0</b>	<b>11.1</b>	<b>0.22</b>	<b>94.2</b>

<b>Instream Rates</b>	<b>11.1 acres</b>	
April 1 - Oct. 31	0.22	CFS

Instream Duty      94.2      Acre-Feet



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 SALEM, OREGON

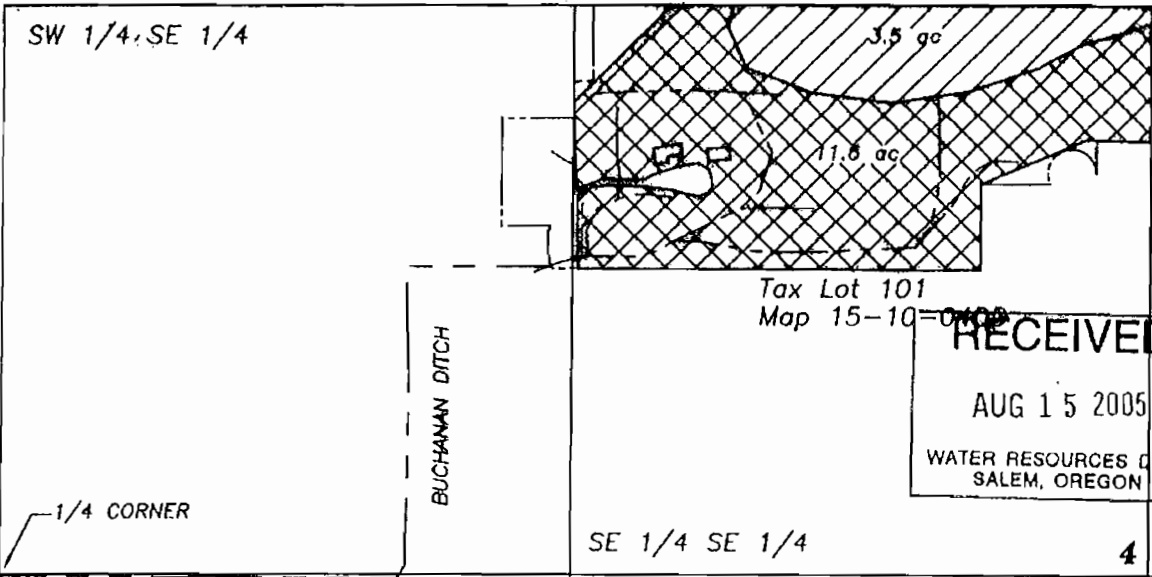
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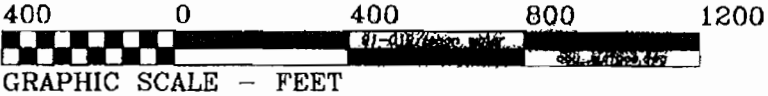
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SALEM, OREGON



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AUG 15 2005  
WATER RESOURCES DEPT  
SALEM, OREGON

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FEB 22 2012

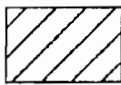

T15S, R10E, W.M. 9 10  
Deschutes Co. Oregon

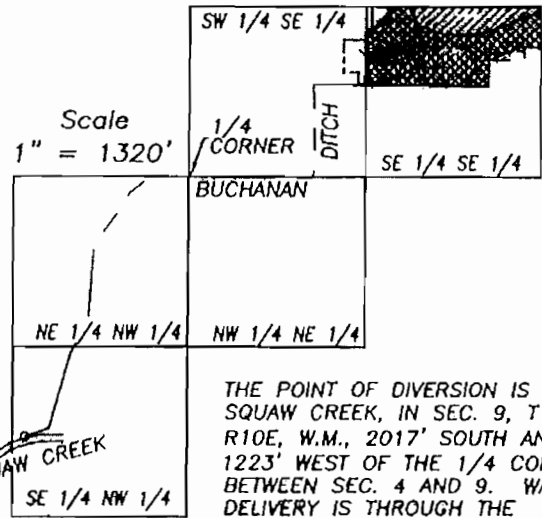


WATER RESOURCES DEPT  
SALEM, OREGON

# Water Right Transfer

## T-6608

-  3.5 AC. 1883 WATER RIGHT (EXISTING)
-  11.6 AC. 1883 WATER RIGHT TO TRANSFER ON

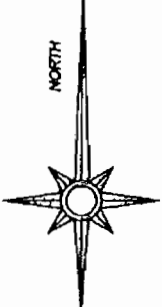


DITCH  
8-12-05

Certified Water Right Examiner  
#008

Fred A. Ast, Jr.  
Nov. 19, 1987

STATE OF OREGON



THE POINT OF DIVERSION IS ON SQUAW CREEK, IN SEC. 9, T15S, R10E, W.M., 2017' SOUTH AND 1223' WEST OF THE 1/4 CORNER BETWEEN SEC. 4 AND 9. WATER DELIVERY IS THROUGH THE BUCHANAN DITCH.

THIS MAP IS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.

Fred A. Ast Jr., & Assoc. P.O. Box 751 Sisters, OR 97769 541-549-7651

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WATER RESOURCES DEPT  
SALEM, OREGON

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

STATE OF OREGON

COUNTY OF DESCHUTES

CERTIFICATE OF WATER RIGHT

**RECEIVED**

FEB 22 2012

WATER RESOURCES DEPT  
SALEM, OREGON

THIS CERTIFICATE ISSUED TO

JOHN T. TEHAN  
P. O. BOX 34  
SISTERS, OREGON 97759

confirms the right to use the waters of SQUAW CREEK, A TRIBUTARY OF THE DESCHUTES RIVER, for IRRIGATION OF 11.6 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Crook County, the said decree entered of record at Salem, in the Order Record of the Water Resources Director, in Volume 1, at Page 120. The date of priority is 1883.

The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed 0.232 CUBIC FOOT PER SECOND, or its equivalent in base of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE 1/4 NW 1/4, SECTION 9, TOWNSHIP 15 SOUTH, RANGE 10 EAST, W.M.;  
BUCHANAN DITCH - 2050 FEET SOUTH AND 1250 FEET WEST OF THE N 1/4  
CORNER, SECTION 9.

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

SE 1/4 SE 1/4 11.6 ACRES.  
SECTION 4  
TOWNSHIP 15 SOUTH, RANGE 10 EAST, W.M.

This certificate is issued to confirm a change in CHANGE OF PLACE OF USE approved by an order of the Water Resources Director entered April 22, 1992, and together with Certificate 67284, supercedes Certificate 52522, State Record of Water Right Certificates.

T-6608.RA

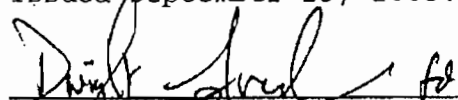
Certificate Number 81663

T 11358



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 and is subject to all other conditions and limitations contained in said decree.

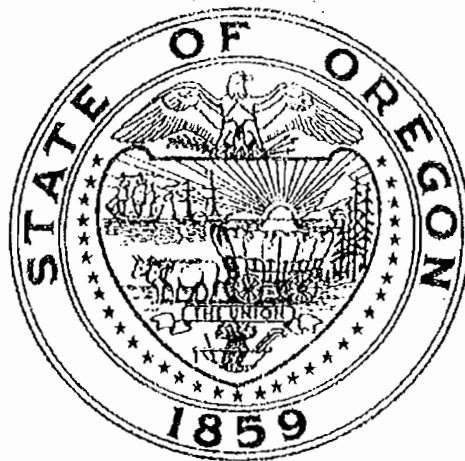
Issued September 23, 2005.

  
Phillip C. Ward, Director  
Water Resources Department

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WATER RESOURCES DEPT  
SALEM, OREGON



Recorded in State Record of Water Right Certificates Number 81663.

T-6608.RA

T 11358

STATE OF OREGON  
COUNTY OF DESCHUTES  
CERTIFICATE OF WATER RIGHT

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THIS CERTIFICATE ISSUED TO

FRANK L. SHAW  
SISTERS, OREGON 97759

**WATER RESOURCES DEPT  
SALEM, OREGON**

confirms the right to use the waters of SQUAW CREEK, a tributary of DESCHUTES RIVER, for IRRIGATION OF 22.38 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for CROOK County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 1, at Page 120. The date of priority is 1883.

The use is limited to 0.45 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE $\frac{1}{4}$  NW $\frac{1}{4}$ , SECTION 9, T 15 S, R 10 E, W.M.; BUCHANAN DITCH - 2050 FEET SOUTH AND 1250 FEET WEST FROM THE N $\frac{1}{4}$  CORNER OF SECTION 9.

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

NW $\frac{1}{4}$  SE $\frac{1}{4}$  12.00 ACRES  
SE $\frac{1}{4}$  SE $\frac{1}{4}$  10.38 ACRES  
SECTION 4  
TOWNSHIP 15 SOUTH, RANGE 10 EAST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 52522, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered APRIL 22, 1992, approving Transfer Application 6608.

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 and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed APRIL 22, 1992.

/s/ WILLIAM H. YOUNG

William H. Young

Recorded in State Record of Water Right Certificates numbered 67284.

T-6608.LHN

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WATER RESOURCES DEPT  
SALEM, OREGON

T 11358

DESCHUTES COUNTY OFFICIAL RECORDS  
NANCY BLANKENSHIP, COUNTY CLERK

2006-20610



\$71.00

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03/27/2006 10:47:10 AM

D-D Cnt=1 Stn=1 BECKEY

\$25.00 \$11.00 \$10.00 \$5.00 \$20.00

# DESCHUTES COUNTY CLERK

## CERTIFICATE PAGE



This page must be included  
if document is re-recorded.  
Do Not remove from original document.

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WATER RESOURCES DEPT  
SALEM, OREGON

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om 82213 GC 5/11

AFTER RECORDING RETURN TO:

Rocky Mountain Land, LLC  
63088 NE 18<sup>th</sup> Street, Suite 100  
Bend, OR 97701

UNTIL A CHANGE IS REQUESTED, ALL  
TAX STATEMENTS SHALL BE SENT TO:

Rocky Mountain Land, LLC  
63088 NE 18<sup>th</sup> Street, Suite 100  
Bend, OR 97701

5/6/02

STATUTORY WARRANTY DEED

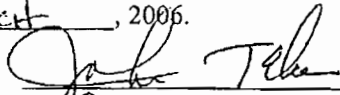
John and Peggy Tehan, as tenants by the entirety, Grantors, hereby convey and warrant to Rocky Mountain Land, LLC, an Oregon Limited Liability Company, Grantee, the real property in Deschutes County Oregon that is legally described in Exhibit A, attached hereto, free of encumbrances except as specifically set forth herein:

The true consideration for this conveyance is \$5,567,922.00, all or part of which is being paid to an accommodation party as part of a Section 1031 exchange of properties.

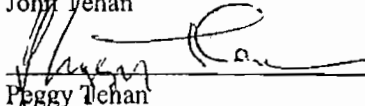
The above described real property is free of encumbrances except all those items of record as of the date of this deed and those items identified herein.

**BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.**

Dated this 24<sup>th</sup> day of March, 2006.



John Tehan



Peggy Tehan

1 - STATUTORY WARRANTY DEED  
PDX/114031/144778/MCO/1406838.1

After recording, return to  
AmeriTitle  
15 OREGON AVENUE, BEND

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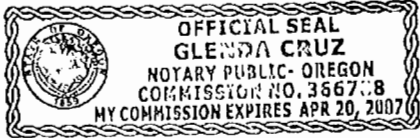
FEB 22 2012

WATER RESOURCES DEPT  
SALEM, OREGON

1 11358

STATE OF OREGON )  
 ) ss.  
County of Deschutes )

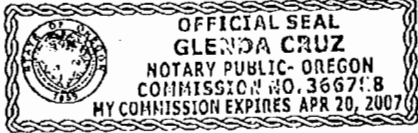
This instrument was acknowledged before me this 24<sup>th</sup> day of MARCH, 2006,  
by John Tehan.



Glenda Cruz  
NOTARY PUBLIC FOR Oregon  
My Commission Expires: 4-20-2007

STATE OF OREGON )  
 ) ss.  
County of Deschutes )

This instrument was acknowledged before me this 24<sup>th</sup> day of MARCH, 2006,  
by Peggy Tehan.



Glenda Cruz  
NOTARY PUBLIC FOR Oregon  
My Commission Expires: 4-20-2007

2 - EXHIBIT A  
STATUTORY WARRANTY DEED  
PDX/114031/144778/MCO/1406838.1

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WATER RESOURCES DEPT  
SALEM, OREGON

T 11358

EXHIBIT "A"  
LEGAL DESCRIPTION

A parcel of land located in a portion of the Southwest One-Quarter of the Southeast One-Quarter (SW1/4SE1/4) and in the Southeast One-Quarter of the Southeast One-Quarter (SE1/4SE1/4) of Section Four (4), Township Fifteen (15) South, Range Ten (10), East of the Willamette Meridian, City of Sisters, Deschutes County, Oregon, being more particularly described as follows:

Parcel 1 of Partition Plat No. 1991-55.

EXCEPTING THEREFROM:

Black Butte Avenue per Declaration of Dedication recorded March 3, 2004, in Volume 2004, Page 11615, Deschutes County Official Records.

ALSO EXCEPTING THEREFROM:

A parcel of land being located in a portion of the Southeast One-quarter of the Southeast One-quarter (SE1/4SE1/4) of Section Four (4), Township Fifteen (15) South, Range Ten (10), East of the Willamette Meridian, City of Sisters, Deschutes County, Oregon, being more particularly described as follows:

Beginning at the Northwesterly most corner of Parcel 1, Partition Plat No. 1991-55 on the Northerly boundary of said SE1/4SE1/4; thence along the said Northerly boundary, North 89°58'07" East a distance of 45.00 feet; thence leaving said Northerly boundary, South 00°06'07" East a distance of 120.88 feet to the Northeastly corner of that parcel of land dedicated as Black Butte Avenue per Declaration of Dedication recorded March 3, 2004, in Volume 2004, Page 11615, Deschutes County Official Records; thence along the Northerly right of way of said Black Butte Avenue, South 89°52'09" West a distance of 45.00 feet to the Westerly boundary of said Parcel 1; thence along said Westerly boundary, North 00°06'07" West a distance of 120.96 feet to the point of beginning, the terminus of this description.

ALSO EXCEPTING THEREFROM:

A parcel of land being located in a portion of the Southwest One-Quarter Southeast One-quarter (SW1/4SE1/4) of Section Four (4), Township Fifteen (15) South, Range Ten (10), East of the Willamette Meridian, City of Sisters, Deschutes County, Oregon, being more particularly described as follows:

Beginning at the Southeast corner of Parcel 3 described in Statutory Warranty Deed recorded May 12, 1999, in Volume 493, Page 193, Deschutes County Official Records at an angle point in the Westerly boundary of said Parcel 1, Partition Plat No. 1991-55; thence along the Southerly prolongation of the Easterly boundary of said Volume 493, Page 193, South 00°06'07" East a distance of 41.00 feet; thence leaving said Southerly prolongation, South 89°55'41" West a distance of 164.86 feet to the Westerly boundary of said Parcel 1; thence along said Westerly boundary the following two (2) courses: North 00°04'41" West a distance of 41.00 feet and North 89°55'41" East a distance of 164.84 feet to the point of beginning, the terminus of this description.

3 - EXHIBIT B  
STATUTORY WARRANTY DEED  
PDX/114031/144778/MCO/1406838.1

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FEB 22 2012  
WATER RESOURCES DEPT  
SALEM, OREGON

T 11358

EXCEPTING AND RESERVING UNTO GRANTOR all right, title and interest in and to 11.1 acres of primary and supplemental irrigation water rights appurtenant to the Property, as depicted in Exhibit B attached hereto and as evidenced by State Water Right Certificates 67284, 81663 and 81664. The reserved water rights are further described as follows:

Water Right Certificate: 67284  
Type of Use: Irrigation  
Priority Date: 1883  
Place of Use: T15S, R10E, Section 4, SE SE, 3.5 acres

Water Right Certificate: 81663  
Type of Use: Irrigation  
Priority Date: 1883  
Place of Use: T15S, R10E, Section 4, SE SE, 7.6 acres

Water Right Certificate: 81664  
Type of Use: Supplemental Irrigation  
Priority Date: June 22, 1990  
Place of Use: T15S, R10E, Section 4, SE SE, 11.1 acres

FURTHER RESERVING UNTO GRANTOR all right, title and interest in and to any other water rights that may be later determined to be appurtenant to the Property.

4 - EXHIBIT A  
STATUTORY WARRANTY DEED  
PDX/114031/144778/MCO/1406838.1

**RECEIVED**

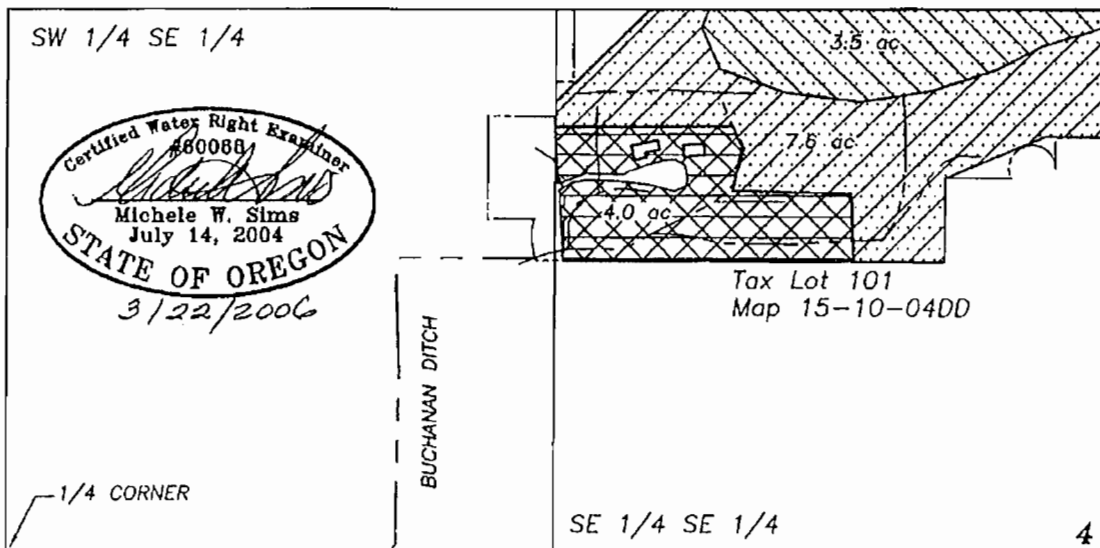
FEB 22 2012

WATER RESOURCES DEPT  
SALEM, OREGON

T 11358



# Exhibit B



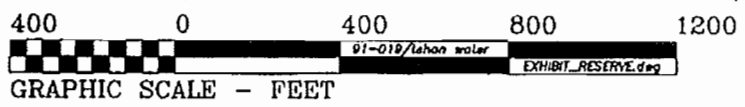
Certified Water Right Examiner  
#60068  
*Michele W. Sims*  
Michele W. Sims  
July 14, 2004  
STATE OF OREGON  
3/22/2006


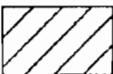

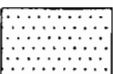
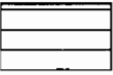
Tax Lot 101  
Map 15-10-0400

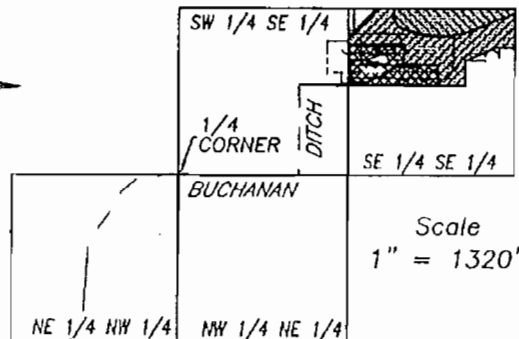
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FEB 22 2012

WATER RESOURCES DEPT  
SALEM, OREGON



-  3.5 AC. WATER RIGHTS RESERVED (CERTIFICATE 67284, PRIORITY DATE 1883)
-  7.6 AC. WATER RIGHTS RESERVED (CERTIFICATE 81663, PRIORITY DATE 1883.)
-  4.0 AC. WATER RIGHTS TO REMAIN (CERTIFICATE 81663, PRIORITY DATE 1883.)
-  11.1 ACRES SUPPLEMENTAL RIGHTS RESERVED (CERTIFICATE 81664, PRIORITY DATE 6/22/1990).
-  4.0 ACRES SUPPLEMENTAL RIGHTS TO REMAIN (CERTIFICATE 81664, PRIORITY DATE 6/22/1990).



Scale  
1" = 1320'

THE POINT OF DIVERSION IS ON SQUAW CREEK, IN SEC. 9, T15S, R10E, W.M., 2050' SOUTH AND 1250' WEST OF THE 1/4 CORNER BETWEEN SEC. 4 AND 9. WATER DELIVERY IS THROUGH THE BUCHANAN DITCH.

THIS MAP IS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.

Fred A. Ast Jr., & Assoc. P.O. Box 751 Sisters, OR 97759 541-549-7851