



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

Application for Instream Lease

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

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

Optional Identification by Lessor/Lessee: _____
 Lease Application Number (assigned by WRD): IL-1242

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

This Lease is between:

Lessor #1:

Name Swalley Irrigation District
 Mailing address 64672 Cook Ave., Ste 1
 City, State, Zip Code Bend, OR 97709
 Telephone number 541-388-0658
 E-mail address** kathy@swalley.com

Lessor #2, 3, etc. (provide same information as identified above)

Lessee (if different than Oregon Water Resources Department):

Name Deschutes River Conservancy
 Mailing address 700 NW Hill St
 City, State, Zip Code Bend, OR 97701
 Telephone number 541-382-4077 xt 16
 E-mail address** gen@deschutesriver.org

**BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.

Trustee:

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

~I~ Water Right Holder and Water Right Information

- 1.1 Lessor #1 is the water right holder, or authorized agent for water right holder of the property located at: Township 17 S, Range 12 _____ E, Section mult and Tax Lot number mult _____. If the water right appurtenant to these lands is also appurtenant to lands owned by others who are not included in this application, then Attachment 1 (tax lot map), needs to be included.

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- 1.2 Lessor #2 is the (Check one):
 Not applicable
 Official representative of Swalley Irrigation Dist, the irrigation district which conveys water to the subject water rights.
 Another party with an interest in the subject water rights representing _____.

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

Certificate No(s). 74145

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

1.5 Water Rights Proposed to be Leased Instream.

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

Certificate No.: 74145

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

Legal Season of Use: April 1- Oct 31

Is the entire water right certificate being leased? Yes No

If no, list below the acres of the subject water right by legal description of township, range, section, and ¼ ¼ which will be dried up as part of this lease, and include a map (Attachment 2) showing the lands which will not receive water.

	T	R	Seet	¼ ¼	Tax Lot	Acres	Type of Use	*Page #	*Priority Date	*Previous Lease #
*(Identify pertinent page numbers of certificate, if certificate is greater than 10 pages; identify priority date, if there is more than one on the certificate. If any portion of the right proposed to be leased was leased previously, the previous lease number may be identified. Identification of a previous lease is optional.)										
1.	17	12	09	nenw	00500	0.20	IRR	17	9/1/1899	IL-
2.	17	12	29	nesw	03500	1.0	IRR	10	9/1/1899	IL-
3.	17	12	08	nese	00101	1.4	IRR	17	9/1/1899	IL-
4.	17	12	08	nsws	00101	2.30	IRR	18	9/1/1899	IL-
5.	17	12	09	swws	00200	1.4	IRR	18	9/1/1899	IL-

[Attached maps must identify the water right holder, township, range, section, ¼ ¼, tax lot number, map orientation, and scale.]

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Total number of acres being leased, if for irrigation (or other acre equivalent uses): 6.3 ac

Acre-feet of storage, if applicable: _____

Maximum rate associated with the right to be leased (cfs): 0.048 season 1

0.064 season 2

0.121 season 3

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

Maximum duty associated with the right to be leased (ac-ft): 6.61af/ac = 41.67

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

Conditions or other limitations, if any: _____

- 1.6 **Validity of rights to be leased as described in Section 1.5 of this form and on any Additional Water Right Form.** Lessor(s) attests (mark one) that:

the water has been used over the past five years according to the terms and conditions of the water right certificate or as an instream water right or

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

~II~ Instream Water Right Information

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

- Conservation, maintenance and enhancement of aquatic and fish life, wildlife, and fish and wildlife habitat
 Pollution abatement
 Recreation and scenic attraction

2.2 Instream use created by lease of the water right described in Section 1.5.

The instream use to be created is described as follows:

In the Deschutes River
Tributary to Columbia River in the Columbia Basin.

Instream volume in acre-feet (may be up to the same as the duty identified in Sec 1.5): 34.24

Instream rate in cfs (may be up to the same as the rate identified in Sec 1.5): 0.043 season 1
0.058 season 2
0.107 season 3

(If not certain of the instream rate or volume, please contact the Department for more information on how to fill out this section of the application).

- Instream use protected at the point of diversion (POD).
 Or within a proposed reach.

Describe the proposed reach (an instream reach generally begins at the POD and generally ends at the mouth of the source creek/river). If possible list the reach by river mile):
Swalley Irrigation District Main Canal, T17S, R12E, Section 29 SENE to the mouth of the Deschutes River

Please check this box if you are not sure of the proposed reach and want water to be protected within a reach below the POD, if possible.

(If no reach is identified or the above box is not checked, and there is only one POD listed on the certificate, the lease may be processed to be protected at the POD.)

If the POD is not described on the Certificate or if there is more than one POD listed on the certificate, then the specific POD must be described: _____

Conditions to prevent injury, if any (use this section to indicate a more restrictive period of use than allowed by the water right):

- None
 The instream flow will be allocated on a daily average basis up to the described rate from April 1 through Oct 25.
 Other (describe): _____

(Note: The Department may identify additional conditions to prevent injury and/or enlargement.)

If you need to enter more instream uses, please use the additional water rights form.

2.3 **Term of lease.** This lease shall terminate on November 1, 2012.

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

~III~ Other Information

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

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

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

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

3.5 **Termination provision.**

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

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

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

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

Lessor #1: *Suzanne Butterfield* Date: 4/12/12
Swalley Irrigation District

For additional Lessors, type in space for signature and date

Lessee: *Katherine H. Selt* Date: 4/12/2012
Deschutes River Conservancy

Other Attachments as Needed:

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

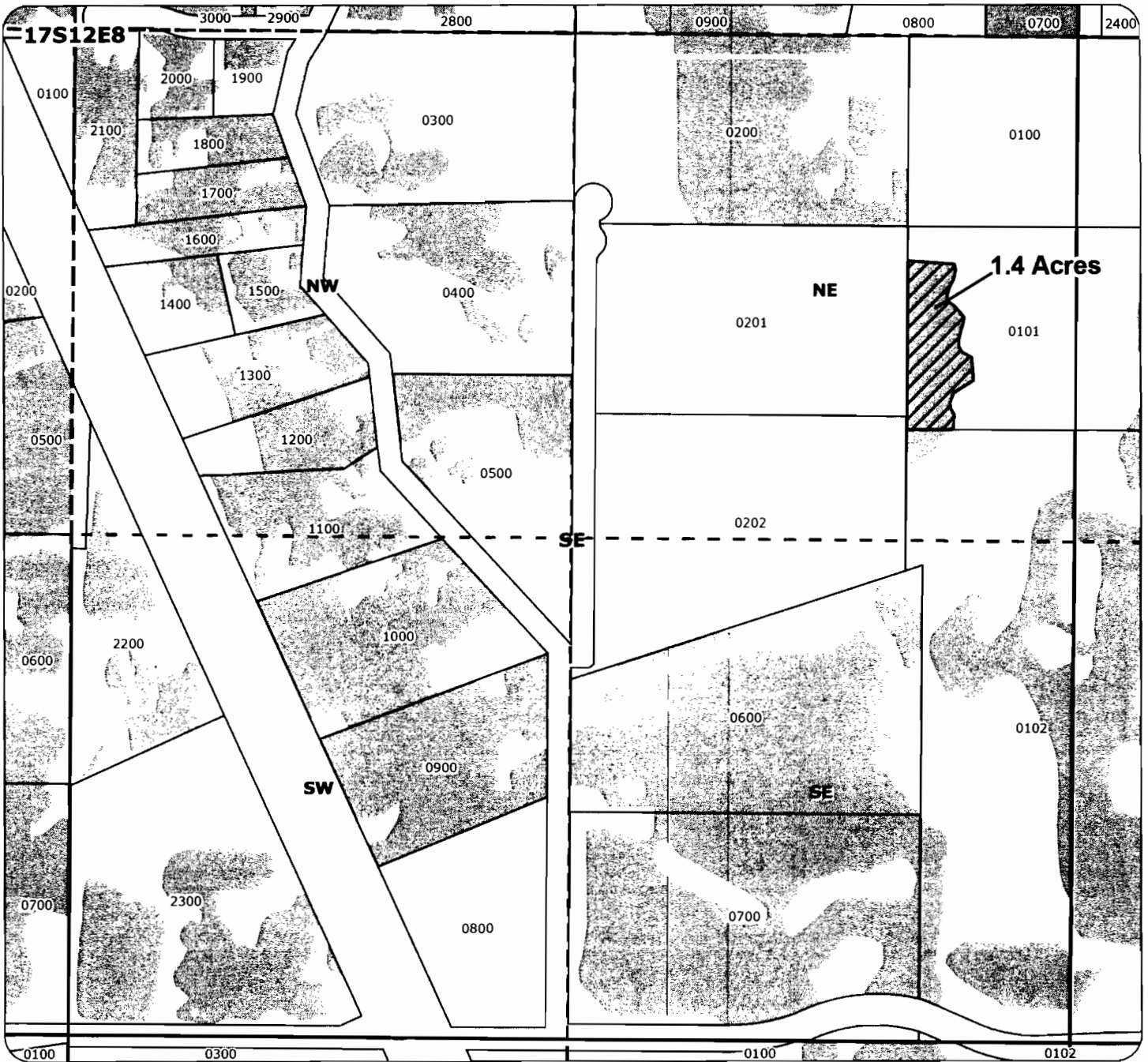
Attachment 2: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. (See instructions.)

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

Attachment 4: Split Season Instream Use Form

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2012 Swalley Irrigation District Instream Lease Map



Application for 1-year Instream Lease Primary: Certificate 74145



Proposed Lease
Irrigation Rights



Certificate 74145

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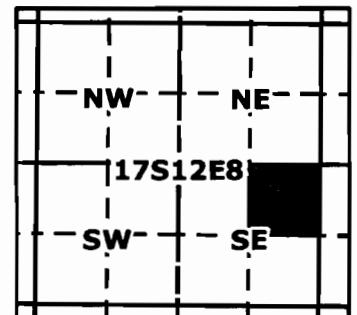
For:

Swalley Irrigation District (Quitclaim)

3111 Taxlot 101 - 1.4 Acres

in 17S12E8NESE

Total Lease of 1.4 Acres



Geo-Spatial Solutions, Inc.

www.geospatialsolutions.com

Date Created: April 2012



1 inch = 400 feet

2012 Swalley Irrigation District Instream Lease Map



Application for 1-year Instream Lease Primary: Certificate 74145

 Proposed Lease of Irrigation Rights

 Certificate 74145

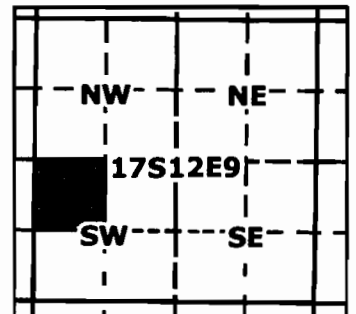
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For:

Swalley Irrigation District (Quitclaim)
3111 Taxlot 101 - 2.3 Acres
in 17S12E9NWSW
Total Lease of 2.3 Acres



1 inch = 400 feet



Geo-Spatial Solutions, Inc.
www.geospatialsolutions.com

Date Created: April 2012

2012 Swalley Irrigation District Instream Lease Map



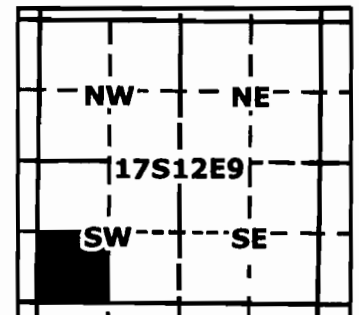
Application for 1-year Instream Lease Primary: Certificate 74145

 Proposed Lease of Irrigation Rights

 Certificate 74145

For:

Swalley Irrigation District (Quitclaim)
Taxlot 200 - 1.4 Acres
in 17S12E9SWSW
Total Lease of 1.4 Acres



1 inch = 400 feet


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Date Created: April 2012

District Internal
Notice #: 2008-919

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

DISTRICT: **Swalley Irrigation District**
ADDRESS: **64672 Cook Avenue, Suite 1, Bend, OR 97701** PHONE: **541/388-0658**

1. **WATER RIGHT: SWALLEY IRRIGATION DISTRICT**
CERTIFICATE(S): 74145 PRIORITY DATE: September 1, 1899

2. **TYPE OF CHANGE: PERMANENT CHANGE IN PLACE OF USE**

3. **APPLICANT (OFF):**

NAME: Mark Anderson
ADDRESS: 63765 & 63660 Berg Lane, Bend, OR 97701

4. **LOCATION OF USE: AUTHORIZED POINT OF DIVERSION:**

POD #3) N 985' & W 617' from the East ¼ corner, SE/NE of Section 29, T17S, R12E., W.M. (Diversion for Swalley's canal system), POD #15) Additional district diversion: NW1/4SE1/4, Section 14, T.15S, R. 12E, W.M.; 2170 feet North and 1350 feet West from the SE Corner of Section 14.

LOCATION OF AUTHORIZED PLACE OF USE (Off Lands)

Township	Range	Section	¼ ¼	Tax Lot	# of acres irrigated	Other Use
S17	E12	08	NE/SE	00101	1.40	IRR
S17	E12	09	NW/SW	00101	1.40	IRR
S17	E12	09	SW/SW	00200	1.40	IRR

5. **RECIPIENT (ON):**

NAME: Swalley Irrigation District
ADDRESS: 64672 Cook Ave., Suite 1, Bend, OR 97701

6. **LOCATION OF PROPOSED USE (On Lands)**

Township	Range	Section	¼ ¼	Tax Lot	# of acres irrigated	Other Use

7. **EXHIBITS** : Maps showing the location of the present and proposed irrigated lands (*On & Off Maps*)

Swalley Irrigation District hereby certifies that the applicant and recipient are the deed holders of subject properties; that our files are complete with a copy of the recorded documents; that the applicant's land has been irrigated within the last five years, and that applicant and recipient hereby authorize the transfer proposed herein.

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

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

APPLICANT: Mark Anderson 9-19-08
Date

APPLICANT: _____
Date

DISTRICT: Swalley Irrigation District: Janet L. Lee, Manager 9-19-08
Date

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SALEM, OREGON



00637887200800422530020021

\$36.00

10/17/2008 10:33:35 AM

D-D Cnt=1 Stn=23 CLERK
\$10.00 \$11.00 \$10.00 \$5.00

After Recording Return To:
SWALLEY IRRIGATION DISTRICT
64672 Cook Avenue, Suite 1
Bend, Oregon 97701

QUITCLAIM DEED
FOR TRANSFER OF INTEREST IN A WATER RIGHT

Grantor, **Mark Anderson** releases and quitclaims to **Swalley Irrigation District (SID)** all rights, title and interest in the following: By this agreement and signed transfer application form, Grantor, the owner of the lands listed in Exhibit A, release their claim and responsibility for **5.10 acres** of Swalley Irrigation District water right that are appurtenant to the lands listed in **Exhibit A**, to Swalley Irrigation District. Swalley Irrigation District may elect to complete the transfer application and submit it to the Water Resources Department for approval of use of the water right at a new location and/or use. Swalley Irrigation District may attach this agreement to the Oregon Water Resources Department's lease form and file with the District's annual Short Term Water Right Lease Agreement.

By entry of this deed, grantor hereby notifies any subsequent purchaser of the lands listed in Exhibit A that grantor, as owner of the subject land, approved the transfer (including a change in the place and type of use and point of diversion) of the water rights that are appurtenant to the subject land; and that upon completion of a transfer, by election of SID, the subject land no longer will have an appurtenant water right, if the transfer includes a change in the place of use.

Furthermore, upon signing of this agreement and the accompanying transfer application **Mark Anderson** shall no longer be liable for any district assessment or charges pertaining to the **5.10 acres** of water right incurred after the date of signing. The water right in question is further described as a portion of certificate # 74145, priority of 1899, located:

T17S-R12E, WM-SEC 08-NE/SE-00101, T17S-R12E, WM-SEC 09-NW/SW-00101, T17S-R12E, WM- SEC 09-SW/SW-00200

This agreement is binding upon the heirs, executors, administrators, successors, and permitted assigns of the parties to this agreement. Consideration for this Quitclaim is \$5,100.00

Grantor:

Mark Anderson

Date 9-19-08

Date _____

State of Oregon SS.
County of Deschutes

Personally appeared Mark Anderson, and acknowledged the forgoing instrument to be his / her voluntary act and deed.



Kathy Ferguson

My commission expires 1-5-2010

Swalley Irrigation District:

Janet L. Lee, Manager

Date 9-19-08

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SALEM, OREGON

State of Oregon SS.
County of Deschutes

Personally appeared, Janet L. Lee as Manager for Swalley Irrigation District, and acknowledged the forgoing instrument to be her voluntary act and deed.



Kathy Ferguson

My commission expires 1-5-2010

Tax statement: No change.

Mark Anderson
Account # 1533

EXHIBIT A

Total Water Rights: 5.10 Acres

Legal Description:	Taxlot	Serial#	WR Acres:
T17S-R12E-WM-SEC 08-NE/SE-00101	171208D000101	113240	1.40 Acres
T17S-R12E-WM-SEC 09-NW/SW-00101	171208D000101	113240	2.30 Acres
T17S-R12E-WM-SEC 09-SW/SW-00200	171209D000200	113240	1.40 Acres

PROPERTY TWO

Legally Described as:

A parcel of land ly in the Southwest Quarter (SW1/4) c ection Nine (9), Township Seventeen (17) Soutl., Range Twelve (12), East of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows:

Commencing at the Southwest corner of Section 9; thence North 89°49'39" East along the South line of said Section 9, 432.82 feet; thence North 00°05'00" West 596.73 feet to the true point of beginning; thence continuing North 00°05'00" West to the North line of said Southwest Quarter, 2,045.91 feet; thence North 89°51'01" East 881.48 feet to the East line of the West One-half of the Southwest One-quarter (W1/2SW1/4) of said Section 9; thence South 00°15'27" East along said East line of the W1/2SW1/4 of said Section 9, 2,045.91 feet to a point North 00°15'27" West 596.38 feet from the South line of said Section 9; thence South 89°51'01" West 887.70 feet to the true point of beginning.

EXCEPTING THEREFROM those portions lying within the limits of Hunnell Road and Berg Lane.

More Commonly Known as:

63660 Berg Lane, Bend, OR 97701

PROPERTY THREE

Legally Described as:

A parcel of land located in the Southeast Quarter (SE1/4) of Section Eight (8) and the Southwest Quarter (SW1/4) of Section Nine (9), Township Seventeen (17) South, Range Twelve (12), East of the Willamette Meridian, Deschutes County, Oregon, being described as follows: Commencing at the One-quarter corner common to said Sections 8 and 9, being a 5/8" iron rod; thence South 89°50'07" West, 445.17 feet; thence South 0°05'39" East, 496.30 feet to a 5/8" iron rod being the True Point of Beginning of this description; thence North 89°38'53" East, 445.08 feet to the line common to Sections 8 and 9; thence North 89°38'53" East, 363.47 feet to a 5/8" iron rod; thence along the arc of a 150.00 foot radius curve concave to the East a distance of 388.64 feet, chord bears South 4°19'44" East, 288.70 feet to a 5/8" iron rod; thence South 0°05'00" East, 244.49 feet to a 5/8" iron rod; thence South 89°38'53" West, 402.83 feet to the line common to Sections 8 and 9; thence South 89°38'53" West, 444.98 feet to a 5/8" iron rod; thence North 0°05'39" West, 532.50 feet to the Point of Beginning and there terminating.

More Commonly Known as:

63765 Berg Lane, Bend, OR 97701

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**Water Right Transfer Supplemental Form A
AFFIDAVIT ATTESTING TO THE USE OF WATER**

State of Oregon)
) ss
 County of Deschutes)

I, Janet Lee, in my capacity as General Manager,
 mailing address 64672 Cook Ave., Suite 1, Bend, OR 97701
 telephone number (541) 388-0658, being first duly sworn depose and say:

1. I attest that:

- Water was used during the previous five years on the entire authorized place of use of the water right proposed for transfer as described on the accompanying transfer application, 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.

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

- Personal observation
- Professional expertise

3. My knowledge is specific to the use of water at the following locations:

Township		Range		Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
17	S	12	E	WM	08	NE/SE	00101	1.40
17	S	12	E	WM	09	NW/SW	00101	2.30
17	S	12	E	WM	09	SW/SW	00200	1.40

(continues on reverse side)

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

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4. The water right was exercised for the authorized purpose described below (e.g., crops grown):

grazing

5. The water delivery system used to apply water as authorized by the right is described below:

Via pipeline running east down Cooley road onto TL# 300, also from a headgate at the end of Berg line.

6. One or more of the following documentation supporting the above statements is attached:

- Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
- Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
- Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers,
- Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph,
- Dedicated power usage records or receipts,
- Other: _____

[Signature]
Signature of Affiant

9-19-08
Date

Signed and sworn to (or affirmed) before me this 19 day of Sept, 2008.



[Signature]
Notary Public for Oregon

My Commission Expires: 1-5-2010

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

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DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK

2005-32231



\$56.00

00365850200500322310070077

05/25/2005 11:25:08 AM

D-D Cnt=1 Str=23 BECKEY
\$30.00 \$11.00 \$10.00 \$5.00

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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After recording return to:
Joel J. Kent
Stahancyk, Gearing, Rackner & Kent
225 NW Franklin Ave.
Ste. C
Bend, OR 97701

Mail all tax statements to:
Mark A. Anderson
1925 NE Cliff Drive
Bend, OR 97701

BARGAIN AND SALE DEED
(Statutory Form)

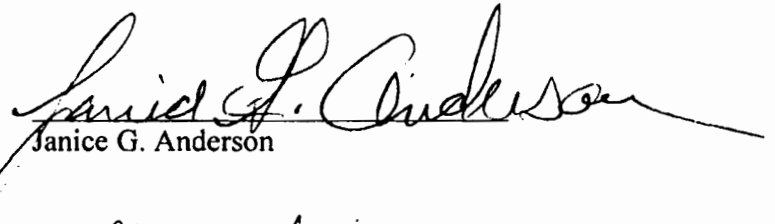
Janice G. Anderson, grantor, conveys to Mark A. Anderson, hereinafter called grantee, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining thereto the following real property, situated in Deschutes County, State of Oregon, described on attached Exhibit "1."

To have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration for this conveyance includes other property or value that represents the whole consideration pursuant to the General Judgment of Unlimited Separation, filed in Deschutes County, case no. 05-DS-0169-MS.

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

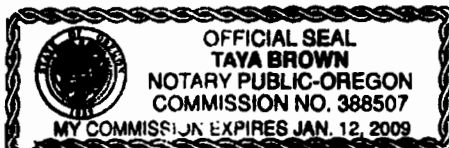
In Witness Whereof, the grantor has executed this instrument this 29 day of April, 2005.


Janice G. Anderson

State of Oregon, County of Deschutes) ss.

This instrument was acknowledged before me this 29 day of April, 2005, by Janice G. Anderson to be her voluntary act and deed.


Notary Public for Oregon



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PROPERTY ONE

Legally Described as:

A parcel of land located in the south one-half of the southwest one-quarter (S1/2SW 1/4) of Section 27, Township 17 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon being more particularly described as follows: Beginning at a point on the south right of way of Cliff Drive, said point being on the west line of Edgecliff, as platted and recorded with the Deschutes County Clerk, said point also being on the east line of that tract of land described as Parcel 1 in deed recorded in Volume 2002, Page 09108, Deschutes County Official Records; thence along said south right of way, North 89°47'19" East, 46.38 feet; thence leaving said right of way, South 26°24'31" West, 99.51 feet to a point on the line common to said Edgecliff and said Parcel 1; thence along said common line, South 01°21'58" East, 87.64 feet to the south line of said Parcel 1; thence along said south line, South 88°43'38" West, 128.44 feet; thence leaving said south line, North 08°40'04" West, 174.35 feet; thence North 00°12'41" West, 21.04 feet; thence North 89°47'19" East, 44.26 feet to a point of curvature; thence along the arc of a 100.00 foot radius curve to the right, through a central angle of 16°19'52", an arc distance of 28.50 feet (the long chord of which bears South 82°02'45" East, 28.41 feet) to a point of reverse curvature; thence along the arc of a 260.00 foot radius curve to the left, through a central angle of 16°19'52", an arc distance of 74.11 feet (the long chord of which bears South 82°02'45" East, 73.86 feet) to a point of tangency; thence North 89°47'19" East, 5.00 feet to the point of beginning.

More Commonly Known as:

1925 Cliff Drive, Bend, OR 97701

PROPERTY TWO

Legally Described as:

A parcel of land ly in the Southwest Quarter (SW1/4) c ection Nine (9), Township Seventeen (17) Sout., Range Twelve (12), East of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows:

Commencing at the Southwest corner of Section 9; thence North 89°49'39" East along the South line of said Section 9, 432.82 feet; thence North 00°05'00" West 596.73 feet to the true point of beginning; thence continuing North 00°05'00" West to the North line of said Southwest Quarter, 2,045.91 feet; thence North 89°51'01" East 881.48 feet to the East line of the West One-half of the Southwest One-quarter (W1/2SW1/4) of said Section 9; thence South 00°15'27" East along said East line of the W1/2SW1/4 of said Section 9, 2,045.91 feet to a point North 00°15'27" West 596.38 feet from the South line of said Section 9; thence South 89°51'01" West 887.70 feet to the true point of beginning.

EXCEPTING THEREFROM those portions lying within the limits of Hunnell Road and Berg Lane.

More Commonly Known as:

63660 Berg Lane, Bend, OR 97701

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SALEM, OREGON

PROPERTY THREE

Legally Described as:

A parcel of land located in the Southeast Quarter (SE1/4) of Section Eight (8) and the Southwest Quarter (SW1/4) of Section Nine (9), Township Seventeen (17) South, Range Twelve (12), East of the Willamette Meridian, Deschutes County, Oregon, being described as follows: Commencing at the One-quarter corner common to said Sections 8 and 9, being a 5/8" iron rod; thence South 89°50'07" West, 445.17 feet; thence South 0°05'39" East, 496.30 feet to a 5/8" iron rod being the True Point of Beginning of this description; thence North 89°38'53" East, 445.08 feet to the line common to Sections 8 and 9; thence North 89°38'53" East, 363.47 feet to a 5/8" iron rod; thence along the arc of a 150.00 foot radius curve concave to the East a distance of 388.64 feet, chord bears South 4°19'44" East, 288.70 feet to a 5/8" iron rod; thence South 0°05'00" East, 244.49 feet to a 5/8" iron rod; thence South 89°38'53" West, 402.83 feet to the line common to Sections 8 and 9; thence South 89°38'53" West, 444.98 feet to a 5/8" iron rod; thence North 0°05'39" West, 532.50 feet to the Point of Beginning and there terminating.

More Commonly Known as:

63765 Berg Lane, Bend, OR 97701

PROPERTY FOUR

Legally Described as:

A parcel of land located in the Southeast Quarter (SE1/4) of Section Eight (8) and the Southwest Quarter of Section Nine (9), Township Seventeen (17) South, Range Twelve (12), East of the Willamette Meridian, Deschutes County, Oregon, described as follows:

Beginning at the 1/4 corner common to Sections 8 and 9, being a 5/8" iron rod; thence North 89°27'20" East, 432.83 feet to a cross chiseled in bedrock; thence South 0°05'00" East, 487.48 feet to a 5/8" iron rod; thence along the arc of a 150.0 foot radius curve concave South, a distance of 52.42 feet (chord bears South 79°54'22" West, 52.15 feet) to a 5/8" iron rod; thence South 89°38'53" West, 363.47 feet to the line common to said Sections 8 and 9; thence South 89°38'53" West, 445.08 feet to a 5/8" iron rod; thence North 0°05'39" West, 496.30 feet to a 1/2" iron rod; thence North 89°50'07" East, 445.17 feet to the Point of Beginning.

More Commonly Known as:

63775 Berg Lane, Bend, OR 97701

PROPERTY FIVE

Legally Described as:

THE NORTH ONE HUNDRED SIXTY-FIVE FEET (N.165') OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER (SE1/4NW1/4) OF SECTION ELEVEN (11), TOWNSHIP SEVENTEEN (17) SOUTH, RANGE TWELVE (12), EAST OF THE WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON;

More Commonly Known as:

63893 Deschutes Market Road, Bend, OR 97701

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Legally Described as:

PROPERTY SIX

PARCEL I:

A tract of land located in the Northeast Quarter of the Northeast Quarter (NE1/4 NE1/4) of Section Nine (9), Township Eighteen (18) South, Range Twelve (12), East of the Willamette Meridian, Deschutes County, Oregon, being more particularly described as follows:

Beginning at the Northeast corner to Section 9, Township 18 South, Range 12, East of the Willamette Meridian, Deschutes County, Oregon, the true point of beginning of this description; thence South 00°49'12" West, 231.95 feet along the east line of said Section 9, said line being also the centerline of Ferguson Road; thence North 89°53'14" West, 329.80 feet; thence North 00°49'12" East, 231.52 feet to the North line of said Section 9, said line being also the centerline of Reed Market Road; thence South 89°57'43" East, 329.81 feet along said line to the Northeast corner of said Section 9, the true point of beginning and terminus of this description.

EXCEPTING THEREFROM that portion described in Declaration of Dedication recorded December 12, 1985 in Volume 112, Page 240, Official Records, Deschutes County, Oregon.

More Commonly Known as:

20785 Reed Market Road, Bend, OR 97702

PROPERTY SEVEN

Legally Described as:

LOTS FOURTEEN (14), FIFTEEN (15) AND THE EASTERLY TEN FEET (E.10') OF LOTS TWELVE (12) AND THIRTEEN (13) OF BLOCK ONE HUNDRED TWENTY ONE (121) OF BEND PARK FIRST ADDITION, CITY OF BEND, DESCHUTES COUNTY, OREGON.

More Commonly Known as:

617 NE 10th Street, Bend, OR 97701

PROPERTY EIGHT

Legally Described as:

LOT 12 IN BLOCK 26 of TOWNSITE OF REDMOND, CITY OF REDMOND, DESCHUTES COUNTY, OREGON.

TAX ACCT #15-13-16-AB-07300, 2-1

More Commonly Known as:

361 SW 6th Street, Redmond, OR 97756

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**WATER RESOURCES DEPT
SALEM, OREGON**

PROPERTY NINE

Legally Described as:

Site Address: 65315 85TH PL BEND 97701

Assessor Property Description
SECOND ADDITION TO WHISPERING PINES ESTATES Lot: 2 Block: 19

Prop Cls:400 MA:3 VA:62 NH 000 Vol-Page:1992-2572283
Asmt Zone:RR CDD Zone:SMIA (SURFACE MINING IMPACT AREA COMBINING)
" :AS (AIRPORT SAFETY COMBINING ZONE)
" :RR10 (RURAL RESIDENTIAL - 10 ACRES MINIMUM)

Local Improvement District Assessment Due - W429

More Commonly Known as:

65315 85th Place, Bend, OR 97701

PROPERTY TEN

Legally Described as:

PARCEL II:

A tract of land located in the Northeast Quarter of the Northeast Quarter (NE1/4 NE1/4) of Section Nine(9), Township Eighteen(18)South, Range Twelve(12), East of the Willamette Meridian, Deschutes County, Oregon, being more particularly described as follows:

Beginning at the Northeast corner to Section 9, Township 18 South, Range 12, East of the Willamette Meridian, Deschutes County, Oregon; thence South 00°49'12" West, 231.95 feet along the East line of said Section 9 (said line being also the centerline of Ferguson Road) to a point, said point being the true point of beginning of this description; thence continuing along said line South 00°49'12" West, 200.00 feet; thence North 89°53'14" West, 329.80 feet; thence North 00°49'12" East, 200.00 feet; thence South 89°53'14" East, 329.80 feet to a point on the East line of said Section 9, said point being the true point of beginning and terminus of this description.

EXCEPTING THEREFROM that portion described in Declaration of Dedication recorded December 12, 1985 in Volume 112, Page 242, Official Records, Deschutes County, Oregon.

More Commonly Known as:

61575 SE 15th Street, Bend, OR 97702

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WATER RESOURCES DEPT
SALEM, OREGON

PROPERTY ELEVEN

Legally Described as:

A tract of land situated in the Northwest Quarter of the Northwest Quarter (NW ¼ NW ¼) of Section 3, Township 18 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon, being more particularly described as follows:

Commencing at the Northwest corner of said Section 3; thence along the Northerly section line North 89°58'41" East (by deed 89°36'43" East) 1058.36 feet to the Northeast corner of that parcel of land conveyed to Duane E. Dudley and Irene Dudley, husband and wife by Bargain and Sale Deed recorded March 4, 1992 in Book 258 Page 1232, of Deschutes County Official Records and also the true point of beginning; thence North 89°58'41" East 112.00 feet; thence South 00°17'28" West 232.00 feet; thence South 89°58'41" West 112.00 feet to the East line of the above described parcel of land; thence along the East line of said parcel North 00°17'48" East (by deed 00°16'15" East) 232.00 to the true point of beginning.

EXCEPTING THEREFROM any portion of Bear Creek Road.

ALSO EXCEPTING all that portion which lies North of the North right-of-way of Bear Creek Road.

More Commonly Known as:

1751 SE Bear Creek Drive, Bend, OR 97702

PROPERTY TWELVE

Legally Described as:

A portion of Lot 17 in Block Q of DESCHUTES RIVER WOODS, Deschutes County, Oregon, described as follows:

Beginning at the most Northerly corner of said Lot 17; thence South 39°58'41" East along the Northeasterly lot line, 100 feet; thence South 50°01'19" West for a distance of 100 feet; thence North 39°58'41" West along the Southwesterly lot line, 100 feet to the most Westerly corner of said Lot 17; thence North 50°01'19" East along the Northwesterly lot line, 100 feet to the point of beginning.

Tax Account No(s): 109740

Map/Tax Lot No(s): 18-11-25-D0-12602

More Commonly Known as:

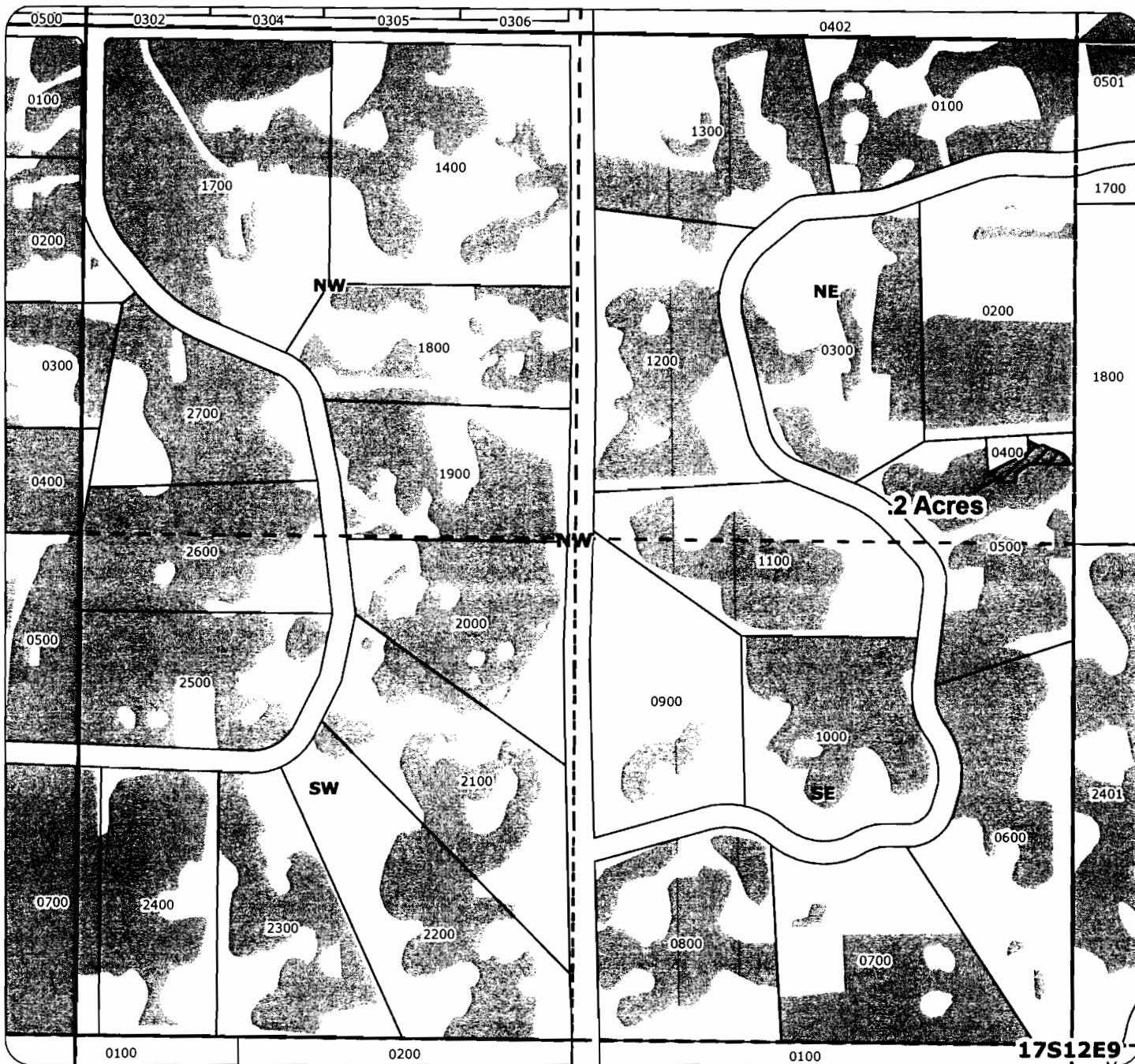
60212 Cinder Butte Road, Bend, OR 97702

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**WATER RESOURCES DEPT
SALEM, OREGON**

2012 Swalley Irrigation District Instream Lease Map



Application for 1-year Instream Lease Primary: Certificate 74145

 Proposed Lease of Irrigation Rights

 Certificate 74145

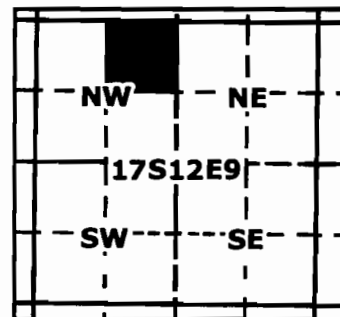
For:

Swalley Irrigation District (Quitclaim)

Taxlot 500 - .2 Acres

in 17S12E9NENW

Total Lease of .2 Acres



1 inch = 400 feet

 **GSS**
Geo-Spatial Solutions, Inc.
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Geo-Spatial Solutions, Inc.
www.geospatialolutions.com

WATER RESOURCES DEPT
SALEM, OREGON

Date Created: April 2012

District Internal
Notice #: 2009-430

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

DISTRICT: **Swalley Irrigation District**
ADDRESS: **64672 Cook Avenue, Suite 1, Bend, OR 97701** PHONE: **541/388-0658**

1. **WATER RIGHT: SWALLEY IRRIGATION DISTRICT**
CERTIFICATE(S): 74145 PRIORITY DATE: September 1, 1899

2. **TYPE OF CHANGE: PERMANENT CHANGE IN PLACE OF USE**

3. **APPLICANT (OFF):**

NAME: Holly & Joshua Steele
ADDRESS: 20545 Bowery Lane, Bend, Oregon 97701

4. **LOCATION OF USE: AUTHORIZED POINT OF DIVERSION:**

POD #3) N 985' & W 617' from the East 1/4 corner, SE/NE of Section 29, T17S, R12E.,W.M. (Diversion for Swalley's canal system), POD #15) Additional district diversion: NW1/4SE1/4, Section 14, T.15S, R. 12E,W.M.; 2170 feet North and 1350 feet West from the SE Corner of Section 14.

LOCATION OF AUTHORIZED PLACE OF USE (Off Lands)

Township	Range	Section	1/4 1/4	Tax Lot	# of acres irrigated	Other Use
S17	E12	09	NE/NW	00500	.65	IRR
S17	E12	09	SE/NW	00500	.75	IRR

5. **RECIPIENT (ON):**

NAME: Swalley Irrigation District
ADDRESS: 64672 Cook Ave., Ste 1, Bend, OR 97701

6. **LOCATION OF PROPOSED USE (On Lands)**

Township	Range	Section	1/4 1/4	Tax Lot	# of acres irrigated	Other Use

7. **EXHIBITS** : Maps showing the location of the present and proposed irrigated lands (*On & Off Maps*)

Swalley Irrigation District hereby certifies that the applicant and recipient are the deed holders of subject properties; that our files are complete with a copy of the recorded documents; that the applicant's land has been irrigated within the last five years, and that applicant and recipient hereby authorize the transfer proposed herein.

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

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

APPLICANT: Holly Steele April 30, 2009
Holly Steele Date

APPLICANT: Joshua Steele 30 APR 2009
Joshua Steele Date

RECIPIENT: _____
Date

DISTRICT: Janet L. Lee 4-30-09
Swalley Irrigation District: Janet L. Lee, Manager Date

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SALEM, OREGON



00669308200900203740020024

05/15/2009 02:43:49 PM

D-D Cnt=1 Stn=25 CLERK \$10.00 \$11.00 \$10.00 \$5.00

After Recording Return To:
SWALLEY IRRIGATION DISTRICT
64672 Cook Avenue, Suite 1
Bend, Oregon 97701

QUITCLAIM DEED
FOR TRANSFER OF INTEREST IN A WATER RIGHT

Grantor **Joshua & Holly Steele** releases and quitclaims to **Swalley Irrigation District (SID)** all rights, title and interest in the following: By this agreement and signed transfer application form, Grantor, the owner of the lands listed in Exhibit A, release their claim and responsibility for **1.40 acres** of Swalley Irrigation District water right that are appurtenant to the lands listed in **Exhibit A**, to Swalley Irrigation District. Swalley Irrigation District may elect to complete the transfer application and submit it to the Water Resources Department for approval of use of the water right at a new location and/or use. Swalley Irrigation District may attach this agreement to the Oregon Water Resources Department's lease form and file with the District's annual Short Term Water Right Lease Agreement.

By entry of this deed, grantor hereby notifies any subsequent purchaser of the lands listed in Exhibit A that grantor, as owner of the subject land, approved the transfer (including a change in the place and type of use and point of diversion) of the water rights that are appurtenant to the subject land; and that upon completion of a transfer, by election of SID, the subject land no longer will have an appurtenant water right, if the transfer includes a change in the place of use.

Furthermore, upon signing of this agreement and the accompanying transfer application **Joshua & Holly Steele** shall no longer be liable for any district assessment or charges pertaining to the **1.40 acres** of water right incurred after the date of signing. The water right in question is further described as a portion of certificate # 74145, priority of 1899, located:

T17S-R12E, WM- SEC 09-NE/NW-00500, T17S-R12E, WM-SEC 09-SE/NW-00500

This agreement is binding upon the heirs, executors, administrators, successors, and permitted assigns of the parties to this agreement. Consideration for this Quitclaim is \$1400.00

Grantor:

Joshua Steele Date 30 APR 2009
Holly Steele Date 30 APR 2009

State of Oregon SS.
County of Deschutes

Personally appeared Holly + Josh Steele and acknowledged the forgoing instrument to be his / her voluntary act and deed.



Kathy Ferguson
My commission expires 1-5-2010

Swalley Irrigation District:
Janet Lee Date 4-30-09
Janet L. Lee, Manager

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State of Oregon SS.
County of Deschutes

WATER RESOURCES DEPT
SALEM, OREGON

Personally appeared, Janet L. Lee as Manager for Swalley Irrigation District, and acknowledged the forgoing instrument to be her voluntary act and deed.



Kathy Ferguson
My commission expires 1-5-2010

Joshua & Holly Steele
Account # 2078

EXHIBIT A

Total Water Rights: 1.40 Acres

Legal Description:	Taxlot	Serial#	WR Acres:
T17S-R12E-WM-SEC 09-NE/NW-00500	171209B000500	113217	.65
T17S-R12E-WM-SEC 09-SE/NW-00500	171209B000500	113217	.75

Real property in the County of Deschutes, State of Oregon, described as follows:

PARCEL I: A tract of land situated in the East Half of the Northwest Quarter (E1/2 NW1/4) of Section Nine (9), TOWNSHIP SEVENTEEN (17) SOUTH, RANGE TWELVE (12), EAST OF THE WILLAMETTE MERIDIAN, Deschutes County, Oregon, more particularly described as follows:

Beginning at the North Quarter corner of said Section; thence South 00°03'35" West, 259.64 feet; thence South 00°25'05" East, 762.74 feet to the True Point of Beginning; thence South 85°57'20" West, 398.26 feet; thence South 58°52'00" West, 215.20 feet to the Easterly right of way line of Bowery Lane; thence following said Easterly right of way line along a 352.00 foot radius curve to the right, 155.14 feet, the long chord of which bears South 56°02'45" East, 153.89 feet; thence South 43°25'10" East, 111.09 feet; thence along a 147.00 foot radius curve to the right, 127.82 feet, the long chord of which bears South 18°30'32" East, 123.83 feet; thence South 06°24'05" West, 249.48 feet; thence leaving said Easterly right of way line North 71°00'50" East, 387.56 feet to a point on the East line of the Southeast Quarter of the Northwest Quarter (SE1/4 NW1/4) of said Section; thence along said East line North 00°03'30" West, 545.27 feet to the True Point of Beginning.

EXCEPT that portion used for water well in common with others as shown in Deed recorded October 18, 1974, in Book 212, Page 369, Deed Records.

PARCEL II: An undivided one-third (1/3) interest in that certain parcel used for water well in common with others as described in Deed recorded October 18, 1974, in Book 212, Page 369, Deed Records.

Tax Parcel Number: 113217 and 113232

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WATER RESOURCES DEPT
SALEM, OREGON

**Water Right Transfer Supplemental Form A
AFFIDAVIT ATTESTING TO THE USE OF WATER**

State of Oregon)
County of Deschutes) ss

I, Karl Conklin, in my capacity as Field Operations Manager,
mailing address 64672 Cook Ave., Suite 1, Bend, OR 97701
telephone number (541) 388-0658, being first duly sworn depose and say:

1. I attest that:

- Water was used during the previous five years on the entire authorized place of use of the water right proposed for transfer as described on the accompanying transfer application, 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.

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

- Personal observation
- Professional expertise

3. My knowledge is specific to the use of water at the following locations:

Township		Range		Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
17	S	12	E	WM	09	NE/NW	00500	.65
17	S	12	E	WM	09	SE/NW	00500	.75

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WATER RESOURCES DEPT
SALEM, OREGON

(continues on reverse side)

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

4. The water right was exercised for the authorized purpose described below (e.g., crops grown):

pasture.

5. The water delivery system used to apply water as authorized by the right is described below:

Water travels from the Rogers lateral into the Rogers Sub lateral, then into a private ditch system where it is divided proportionally to the landowner

6. One or more of the following documentation supporting the above statements is attached:

- Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
- Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
- Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers,
- Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph,
- Dedicated power usage records or receipts,
- Other: _____

[Signature]
Signature of Affiant

5/5/09
Date

Signed and sworn to (or affirmed) before me this 5 day of May, 2009.

[Signature]
Notary Public for Oregon



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APR 26 2009
WATER RESOURCES DEPT
SALEM, OREGON

My Commission Expires: 1-5-2010

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

DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK

2007-20947



\$41.00

00541189200700209470030031

04/11/2007 03:43:19 PM

D-D Cnt=1 Str=1 BN
\$15.00 \$11.00 \$10.00 \$5.00

2007-1001484

APN: 113217 & 113232

Affix R.P.T.T.:

Escrow NO.: 07-03-7264DH

**WHEN RECORDED MAIL DEED
AND TAX STATEMENTS TO:**

Holly J. Steele
Joshua L. Steele
20545 Bowery Lane
Bend, OR 97701

GRANT, BARGAIN, SALE DEED

THIS INDENTURE WITNESSETH: That Joshua L. Steele and Holly J. Steele, as tenants by entirety

For true consideration of this conveyance TO CHANGE VESTING, receipt of which is hereby acknowledged, hereby Grant, Bargain, Sell and Convey to Holly J. Steele and Joshua L. Steele, as tenants by entirety

All that real property situated in the County of Deschutes, State of Oregon, bounded and described as follows:

SEE EXHIBIT "A"

SUBJECT TO: 1. Taxes for the current fiscal year.
2. Rights of way, reservations, restrictions, easements and conditions of record.

FIRST AMERICAN TITLE
INSURANCE COMPANY OF OREGON
P.O. BOX 323
BEND, OR 97709

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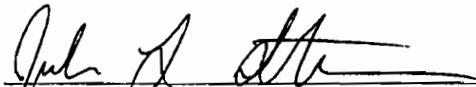
APR 26 2012


WATER RESOURCES DEPT
SALEM, OREGON

41
3

Together with all an singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

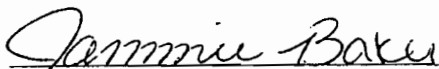
Witness my/our hand(s) this 5 day of April, 2007

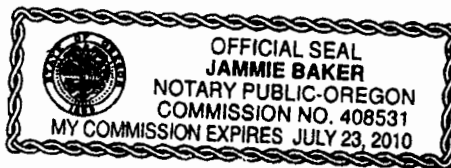

Joshua L. Steele


Holly J. Steele

STATE OF OREGON
COUNTY OF DESCHUTES

On 4-5-07 personally appeared before me, a Notary Public, Joshua L. Steele and Holly J. Steele, personally known (or proven) to me to be the person(s) whose name(s) is/are subscribed to the within instrument and who acknowledged that he/she/they executed the instrument.


Notary Public



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SALEM, OREGON

Exhibit "A"

Real property in the County of Deschutes, State of Oregon, described as follows:

PARCEL I: A tract of land situated in the East Half of the Northwest Quarter (E1/2 NW1/4) of Section 9, TOWNSHIP 17 SOUTH, RANGE 12, EAST OF THE WILLAMETTE MERIDIAN, Deschutes County, Oregon, more particularly described as follows:

Beginning at the North Quarter corner of said Section; thence South 00°03'35" West, 259.64 feet; thence South 00°25'05" East, 762.74 feet to the True Point of Beginning; thence South 85°57'20" West, 398.26 feet; thence South 58°52'00" West, 215.20 feet to the Easterly right of way line of Bowery Lane; thence following said Easterly right of way line along a 352.00 foot radius curve to the right, 155.14 feet, the long chord of which bears South 56°02'45" East, 153.89 feet; thence South 43°25'10" East, 111.09 feet; thence along a 147.00 foot radius curve to the right, 127.82 feet, the long chord of which bears South 18°30'32" East, 123.83 feet; thence South 06°24'05" West, 249.48 feet; thence leaving said Easterly right of way line North 71°00'50" East, 387.56 feet to a point on the East line of the Southeast Quarter of the Northwest Quarter (SE1/4 NW1/4) of said Section; thence along said East line North 00°03'30" West, 545.27 feet to the True Point of Beginning.

EXCEPT that portion used for water well in common with others as shown in Deed recorded October 18, 1974, in Book 212, Page 369, Deed Records.

PARCEL II: An undivided one-third (1/3) interest in that certain parcel used for water well in common with others as described in Deed recorded October 18, 1974, in Book 212, Page 369, Deed Records.

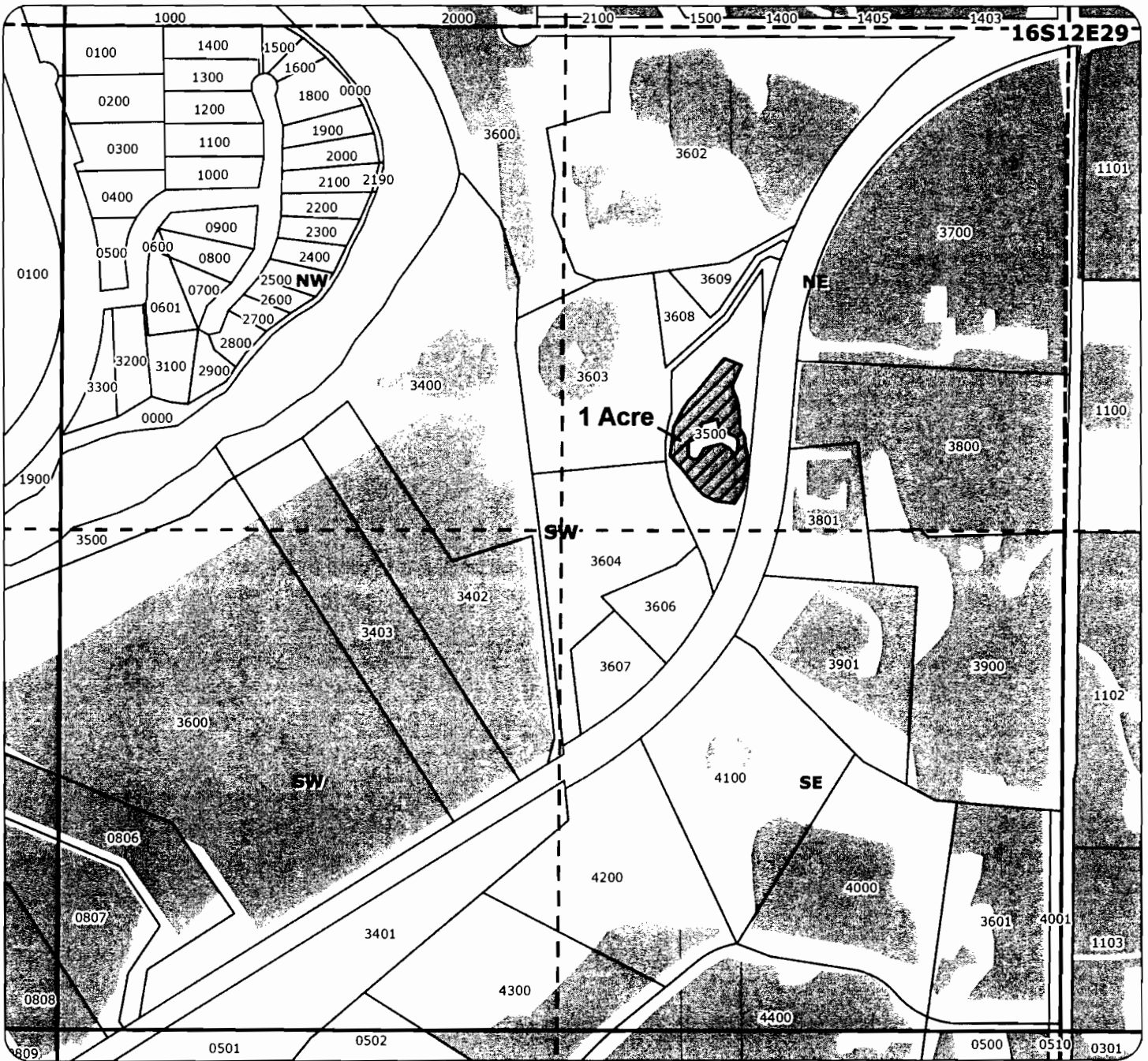
Tax Parcel Number: 113217 and 113232

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WATER RESOURCES DEPT
SALEM, OREGON

2012 Swalley Irrigation District Instream Lease Map



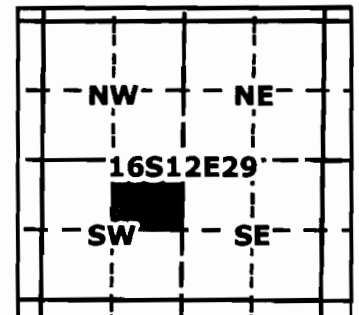
Application for 1-year Instream Lease Primary: Certificate 74145

 Proposed Lease of Irrigation Rights

 Certificate 74145

For:

Swalley Irrigation District (Quitclaim)
Taxlot 3500 - 1 Acre
in 16S12E29NESW
Total Lease of 1 Acre



1 inch = 400 feet

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APR 26 2012
GSS Geo-Spatial Solutions
WATER RESOURCES DEPT
SALEM, OREGON
Geo-Spatial Solutions, Inc.
www.geospatialolutions.com

Date Created: April 2012

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

DISTRICT: Swalley Irrigation District
ADDRESS: 64672 Cook Avenue, Suite 1, Bend, OR 97701
PHONE: 541/388-0658

1. WATER RIGHT: Swalley Irrigation District
CERTIFICATE(S): #74145 PRIORITY DATE: September 1, 1899

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

3. APPLICANT

NAME: Jeffery & Anna Phelps
ADDRESS: 20148 Tumalo Rd, Bend OR 97701

4. LOCATION OF USE

AUTHORIZED POINT OF DIVERSION:
N 985' & W 617' from the East 1/4 corner, SE/NE of Section 29, T17S, R12E W.M (diversion for Swalley's canal system), Additional district diversion: NW1/4SE1/4, Section 14, T.15S, R. 12E, W.M.; 2170 feet North and 1350 feet West from the SE Corner of Section 14.

LOCATION OF AUTHORIZED PLACE OF USE (Off Lands)

Table with 7 columns: Township, Range, Section, 1/4 1/4, Tax Lot, # of acres irrigated, Other Use. Row 1: T11S, R12E, 29, NE/SW, 03500, 1.00, Irrigation.

5. RECIPIENT

NAME: Swalley Irrigation District
ADDRESS: 64672 Cook Ave, Ste 1, Bend, OR 97701

6. LOCATION OF PROPOSED USE (On Lands)

Table with 7 columns: Township, Range, Section, 1/4 1/4, Tax Lot, # of acres irrigated, Other Use. Row 1: T11S, R12E, 29, NE/SW, 03500, 1.00, Irrigation.

7. EXHIBITS : Maps showing the location of the present and proposed irrigated lands (On & Off Maps)

Swalley Irrigation District hereby certifies that the applicant and recipient are the deed holders of subject properties; that our files are complete with a copy of the recorded documents; that the applicant's land has been irrigated within the last five years, and that applicant and recipient hereby authorize the transfer proposed herein.

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

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

APPLICANT: [Signature] Date 5/6/2011

APPLICANT: [Signature] Anna Phelps Date June 6, 2011

RECIPIENT: [Signature] Suzanne Butterfield, Swalley Irrigation District General Manager Date 11-10-11

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WATER RESOURCES DEPT SALEM, OREGON



00807312201100400600020021

11/10/2011 02:48:56 PM

D-D Cnt=1 Stn=25 CLERK

\$10.00 \$11.00 \$18.00 \$10.00 \$8.00

After Recording Return To:
SWALLEY IRRIGATION DISTRICT
64672 Cook Avenue, Suite 1
Bend, Oregon 97701

QUITCLAIM DEED
FOR TRANSFER OF INTEREST IN A WATER RIGHT

Grantor **Jeffery & Anna Phelps** releases and quitclaims to **Swalley Irrigation District (SID)** all rights, title and interest in the following: By this agreement and signed transfer application form, Grantor, the owner of the lands listed in Exhibit A, release their claim and responsibility for **1.00 acres** of Swalley Irrigation District water right that are appurtenant to the lands listed in **Exhibit A**, to Swalley Irrigation District. Swalley Irrigation District may elect to complete the transfer application and submit it to the Water Resources Department for approval of use of the water right at a new location and/or use. Swalley Irrigation District may attach this agreement to the Oregon Water Resources Department's lease form and file with the District's annual Short Term Water Right Lease Agreement.

By entry of this deed, grantor hereby notifies any subsequent purchaser of the lands listed in Exhibit A that grantor, as owner of the subject land, approved the transfer (including a change in the place and type of use and point of diversion) of the water rights that are appurtenant to the subject land; and that upon completion of a transfer, by election of SID, the subject land no longer will have an appurtenant water right, if the transfer includes a change in the place of use.

Furthermore, upon signing of this agreement and the accompanying transfer application **Jeffery & Anna Phelps** shall no longer be liable for any district assessment or charges pertaining to the **1.00 acres** of water right incurred after the date of signing. The water right in question is further described as a portion of certificate # 74145, priority of 1899, located:

T16-S-R12E,WM-SEC29-NE/SW-03500

This agreement is binding upon the heirs, executors, administrators, successors, and permitted assigns of the parties to this agreement. Consideration for this Quitclaim is \$0

Grantor:

[Signature]
Jeffery Phelps
[Signature]
Anna Phelps

Date 6/6/2011

Date June 6, 2011

State of Oregon SS.
County of Deschutes

Personally appeared **Jeffery & Anna Phelps** and acknowledged the forgoing instrument to be his / her voluntary act and deed.



[Signature] (Bruce Moon)

My commission expires OCT. 28, 2011

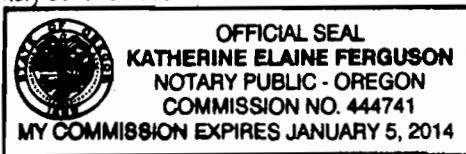
Swalley Irrigation District:

[Signature]
Suzanne Butterfield, Manager

Date 11-10-11

State of Oregon SS.
County of Deschutes

Personally appeared, **Suzanne Butterfield** as Manager for Swalley Irrigation District, and acknowledged the forgoing instrument to be her voluntary act and deed.



[Signature]

My commission expires 1-5-2014

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Jeffrey & Anna Phelps
Account # 2090

EXHIBIT A

Total Water Rights: 1.00 Acres

Legal Description:	Taxlot	Serial#	WR Acres:
T16S-R12E-WM-SEC 29-NE/SW-03500	161229C003500	133389	1.00

A parcel of land lying in the East Half of the Southwest Quarter (E1/2 SW 1/4) of Section 29, Township 16 South, Range 12 East of The Willamette Meridian, Deschutes County, Oregon, and being a portion of that property described in that certain deed of State of Oregon, by and through its State Highway Commission, recorded in Book 76 Page 227 of Deschutes County Records of Deeds; the said parcel being that portion of said property lying Westerly of a line which is parallel to and 50 feet Westerly of the centerline of the relocated Tumalo-Deschutes Highway and lying between lines at right angles to said centerline as Stations 47+29.5 and 47+40 respectively, the centerline herein referred to being described in State of Oregon Deed, and Easterly of the Westerly right of way line of the Old Tumalo-Deschutes Highway as originally located;

AND ALSO a parcel of land located in Section 29, Township 16 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows: Commencing at the center quarter corner of said Section 29; thence South 48°49'34" West, 1181.12 feet to the True Point of Beginning; thence South 48°00'00" West, 200.00 feet; thence South, 106.72 feet; thence 83.52 feet along a curve to the right whose radius is 316.48 feet and whose long chord bears North 26°22'18" East; thence North 33°55'53" East, 200.00 feet to the point of beginning.

EXCEPTING THEREFROM a parcel of land located in Section 29, Township 16 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows: Commencing at the center quarter corner of said Section 29; thence South 53°54'01" West 889 feet to the True Point of Beginning; thence South 33°55'53" West, 143.23 feet; thence South 04°19'07" East, 154.135 feet to Westerly right of way of Nichols Market Road; thence along a curve to the right whose radius is 1004.94 feet and whose long chord bears North 14°04'40" East to the point of beginning

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SALEM, OREGON

4. The water right was exercised for the authorized purpose described below (e.g., crops grown):

Landscape

5. The water delivery system used to apply water as authorized by the right is described below:

Water comes off of the end of the Elder lateral into private pipeline to the property and into a pond.

6. One or more of the following documentation supporting the above statements is attached:

- Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
- Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
- Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers,
- Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph,
- Dedicated power usage records or receipts,
- Other: _____

Anne E. M.

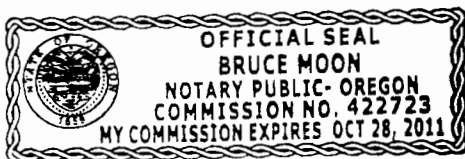
Signature of Affiant

July 21, 2009
Date

Signed and sworn to (or affirmed) before me this 21st day of July, 2009.

Bruce Moon

Notary Public for Oregon



My Commission Expires: OCT 28, 2011

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

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SALEM, OREGON

36
144008699
TRANSNATION
2



After Recording, Return to:
Jeffrey and Anna Phelps
1907 NW 25th
Portland OR 97210

Until a change is requested, tax statements shall be sent to the following address:
Jeffrey and Anna Phelps
1907 NW 25th
Portland OR 97210

STATUTORY WARRANTY DEED
(Individual)

Diana R. Groneman

conveys and warrants to
Jeffrey N. Phelps and Anna E. Phelps

the following described real property in the State of Oregon and County of Deschutes free of encumbrances, except as specifically set forth herein:

AS PER EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Tax Account Number(s): R161229C003500

This property is free of encumbrances, EXCEPT:
Covenants, conditions, restrictions, rights of way, easements and reservations now of record.

The true consideration for this conveyance is \$415,000.00

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

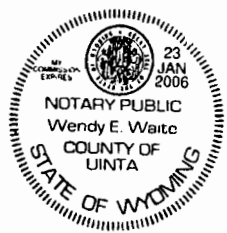
DATED this 1 day of ~~May~~ ^{June}, 2005.

Diana R. Groneman
Diana R. Groneman

STATE OF WYOMING, County of Uinta:
This instrument was acknowledged before me this 1st day of ~~May~~ ^{June}, 2005 by Diana R. Groneman.

Wendy E. Waite
Notary Public for Wyoming

My commission expires: 01-23-06



Order No.: 14y0008699eo

RECORDED BY:
WESTERN TITLE & ESCROW CO.
10-0133805 TO

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SALEM, OREGON

DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK
2005-35121



00368833200508351210020028
D-D Cnt=1 Str=26 SHIRLEY
\$10.00 \$11.00 \$10.00 \$5.00
06/06/2005 02:03:26 PM

(Above Space Reserved for Recorder's Use)

EXHIBIT "A"

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