



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

# Application for District Instream Lease

## Part 1 of 4 – Minimum Requirements Checklist

<b>This Application to be used for water rights in the name of or conveyed by an Irrigation District (or similar organization)</b> <b>Complete Parts 1 through 4 and any required attachments</b>	OWRD #	1L-1558
	District #	

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

Yes  N/A **Pooled Lease**-a lease with more than one **Lessor** (Landowner/water right interest holder)

Fee in the amount of:

<input checked="" type="checkbox"/> \$450.00 for a lease involving <b>four or more landowners or four or more water rights</b>	Or <input type="checkbox"/> \$300.00 for all other leases
<input checked="" type="checkbox"/> Check enclosed <u>or</u>	
<input type="checkbox"/> Fee Charged to customer account _____ (Account name)	

- Part 1 – Completed Minimum Requirements Checklist**
- Part 2 – Completed District and Other Party Signature Page**
- Part 3 – Completed Place of Use and Lessor Signature Page**  
(Include a separate Part 3 for each Lessor.)
- Part 4 – Completed Water Right and Instream Use Information**  
(Include a separate Part 4 for each Water Right.)

**How many Water Rights are included in the lease application?** 1 (# of rights)

List each water right to be leased instream here: 74145

Yes  N/A **Other water rights**, if any, appurtenant to the **lands** involved in the lease application and not proposed to be leased instream.

List those other water rights here: \_\_\_\_\_

Yes  No **Conservation Reserve Enhancement Program CREP** – Are some or all of the lands to be leased part of CREP or another Federal program (list here: \_\_\_\_\_)?

**Required Attachments:**

Yes  N/A Instream lease application map(s). More than one QQ and property may be included on each map. A map is **not** required if an entire right is being leased or if the right is for use of municipal or quasi-municipal water use. The map should include the following:

- A north arrow and map scale (no smaller than 1" = 1320').
- Label township, range, section and quarter-quarter (QQ).
- If an irrigation right, the numbers of acres to be leased in each quarter-quarter identify and hachure/shade to differentiate between the acreage being leased and any remaining. If the place of use has more than one priority date, source stream, and/or point of diversion you **must identify each with separate hachuring or shading** and label.
- Tax lot lines and numbers must be included on the map and should clearly identify the property(s) involved.

Yes  N/A **If the Lessor(s) is not** the deeded land owner, include one of the following:

- A notarized statement from the land owner consenting to the lease and a copy of the recorded deed; or
- A water right conveyance agreement and a copy of the recorded deed for the landowner at the time the water right was conveyed; or
- Other documentation.

Yes  N/A If the right has **not** been used in the last five years; provide supporting documentation indicating why a right (or portion thereof) is **not** subject to forfeiture.

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**Part 2 of 4 – District and other party Signature**

<b>Term of the Lease:</b> The lease is requested to begin in: <b>month</b> <u>April</u> <b>year</b> <u>2016</u> and end: <b>month</b> <u>Oct</u> <b>year</b> <u>2016</u> .	
<b>Public use:</b> Check the public use(s) this lease will serve (as defined by ORS 537.332): <input checked="" type="checkbox"/> Conservation, maintenance and enhancement of aquatic, fish and wildlife, fish and wildlife habitat and any other ecological values. <input checked="" type="checkbox"/> Recreation <input checked="" type="checkbox"/> Pollution abatement <input type="checkbox"/> Navigation	<b>Termination provision (for multiyear leases):</b> <b>The parties to the lease request (choose one):</b> <input type="checkbox"/> a. The option of terminating the lease prior to expiration of the full term with written notice to the Department by the Lessor(s) and/or Lessee. <input type="checkbox"/> b. The option of terminating the lease prior to expiration of the full term, with consent by all parties to the lease. <input type="checkbox"/> c. The parties would not like to include a Termination Provision. (See instructions for limitations to this provision)
<b>Additive/Replacing Relationship to other instream water rights:</b> Instream leases are generally additive to other existing instream water rights created as a result of instream leases and transfers and/or allocations of conserved water. Since instream leases are also generally senior to other instream rights created through a state agency process or conversion of minimum flows, they generally replace a portion of these junior instream rights. If you would like this lease to relate to other instream water rights differently than described above, please check this box. <input type="checkbox"/> And attach an explanation of your intent.	
<b>Precedent:</b> If a right which has been leased is later proposed to be leased again or later transferred or become part of an allocation of conserved water project, a new injury review shall be required. An instream lease shall not set a precedent on a future transaction.	
<b>Validity of the rights to be leased:</b> <input checked="" type="checkbox"/> The water right(s) to be leased have been used under the terms and conditions of the right(s) during the last five years or have been leased instream; or <input type="checkbox"/> The water right(s) <b>have not been used</b> for the last five years according to the terms and conditions of the rights. However, the water right(s) is not subject to forfeiture under ORS 540.610(2). Documentation describing why the water right is not subject to forfeiture has been provided.	

**SIGNATURES**

The undersigned declare that the information contained in this application is true and accurate.

Kathy Ferguson  
Signature of Co-Lessor

Date: 6-15-16

Printed name (and title): Kathy Ferguson

Business/Organization name: Swalley Irrigation District

Mailing Address (with state and zip): 64672 Cook Ave., Ste. 1, Bend, OR 97703

Phone number (include area code): 541-388-0658 \*\*E-mail address: kathy@swalley.com

\_\_\_\_\_  
Signature of Co-Lessor Date: \_\_\_\_\_

Printed name (and title): \_\_\_\_\_

Business/organization name: \_\_\_\_\_

Mailing Address (with state and zip): \_\_\_\_\_

Phone number (include area code): \_\_\_\_\_ \*\*E-mail address: \_\_\_\_\_

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**SALEM, OR**

**See next page for additional signatures.**

Genevieve Hubert  
Signature of Lessee

Date: 6/20/16

Printed name (and title): Genevieve Hubert, Program Manager  
Business/organization name: Deschutes River Conservancy  
Mailing Address (with state and zip): 700 NW Hill St., Bend, OR 97701  
Phone number (include area code): 541-382-4077 \*\*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 TO THE LESSOR**

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**Complete Table 1 Identify water right(s) proposed to be leased instream  
Provide a separate Part 3 for each Lessor (water right interest holder/landowner)**

**Table 1**

**Irrigation District or other Water Purveyor Name: Swalley Irrigation District**

Specify Water Right, Priority Date, point of diversion(s) (POD), place of use, tax lot, gov't lot/DLC, acres to be leased, original use type, certificate page number, and any previous lease.  
If not enough room below, you may add rows (see instructions) or create a spreadsheet/table (matching Table 1) and attach.  
Any attached table should include reference to the Lessor.

Water Right #	Priority Date	POD #	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC #	Acres	Use	Page #	Previous Lease #
74145	9-1-1899	3	17	12	08	N W	SE 01200		1.00	IRR	17	

**Any additional information about the right:** 1.00

**Farm Deferral Tax Status:** Counties make the determination of whether a property qualifies for the farm use assessment without consideration of whether the lands have an associated water right which is leased instream. If you have questions regarding the farm use assessment you should contact your local county assessor. You should contact your County for any weed ordinance and management requirements.

The undersigned declare:

- I/We agree during the term of this lease to suspend use of water allowed under the water right(s) involved in the lease as well as and any other appurtenant primary or supplemental water right(s); and
- I/We certify are the lessor(s) (water right interest holder) of the water right(s) in Table 1. If not the deeded land owner, I/we have obtained consent from the deeded land owner and/or have provided documentation of authorization to pursue the instream lease; and
- I/We affirm that the information in this application is true and accurate.

William M. Lovelace Date: 3/9/16  
Signature of Lessor

Printed name (and title): William Lovelace Business name, if applicable: \_\_\_\_\_  
Mailing Address (with state and zip): 63723 Scenic Dr. Bend, OR 97703  
Phone number (include area code): 940-733-2857 \*\*E-mail address: \_\_\_\_\_

\_\_\_\_\_  
Signature of Lessor Date: \_\_\_\_\_

Printed name (and title): \_\_\_\_\_ Business name, if applicable: \_\_\_\_\_  
Mailing Address (with state and zip): \_\_\_\_\_ Phone Number(include area code): \_\_\_\_\_

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 JUN 24 2016  
 SALEM, OR

## EXHIBIT C

### Deschutes River Conservancy Instream Leasing Program

#### Policy Concerning Weeds & Instream Leases Information on Farm Deferral & Lease Payment

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

#### **Weed Policy**

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

*Information and Resources Attached*

#### **Farm Deferral Notice**

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

*Information and Resources Attached*

**Donated Leases:** Leases of less than 5 acres, leases with public entities, leases submitted after the due date agreed upon by the District and the DRC and posted by the District, and leases with verified weed complaints are not paid a per acre or per acre-foot rate by the DRC.

I, William Lovelace understand the DRC weed policy and have  
*Print Name*  
been informed about farm deferral and donations.

Signature: William M. Lovelace Date: 3/9/16

**This form must be signed and returned with state lease form.**

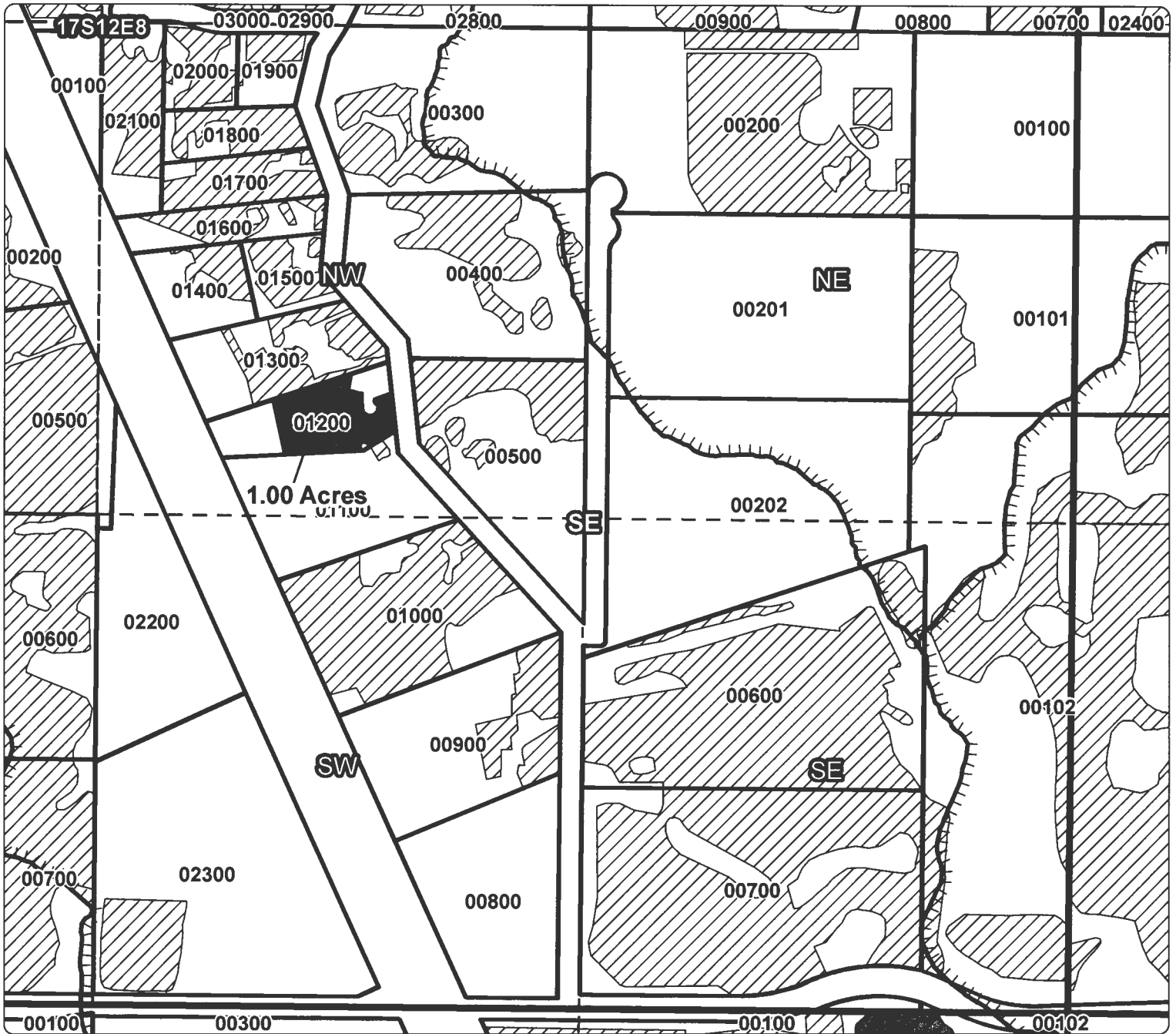
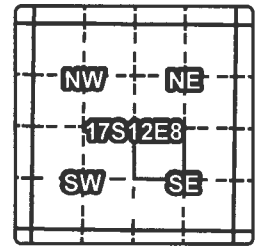
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# Swalley Irrigation District

## Application for Instream Lease

Cert #: 74145

For: William Lovelace



### 1 YEAR INSTREAM LEASE MAP

Taxlot 01200, 17S12E8NWSE: 1.00 Acres Leased, 0 Acres Remaining

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SALEM, OR

- Point of Diversion
- Canals
- Taxlots
- Lease
- Cert 74145

1 inch = 400 feet  
May 2016



JUN 24 2016

Part 3 of 4 – Place of Use – Lessor Information and Signatures

**SALEM, OR** Complete Table 1 Identify water right(s) proposed to be leased instream  
Provide a separate Part 3 for each Lessor (water right interest holder/landowner)

Table 1

Irrigation District or other Water Purveyor Name: **Swalley Irrigation District**

Specify Water Right, Priority Date, point of diversion(s) (POD), place of use, tax lot, gov't lot/DLC, acres to be leased, original use type, certificate page number, and any previous lease.

If not enough room below, you may add rows (see instructions) or create a spreadsheet/table (matching Table 1) and attach.

Any attached table should include reference to the Lessor.

Water Right #	Priority Date	POD #	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC #	Acres	Use	Page #	Previous Lease #
74145	9-1-1899	3	15	12	14	SW SE	00801		6.50	IRR	2	

Any additional information about the right: 6.50

**Farm Deferral Tax Status:** Counties make the determination of whether a property qualifies for the farm use assessment without consideration of whether the lands have an associated water right which is leased instream. If you have questions regarding the farm use assessment you should contact your local county assessor. You should contact your County for any weed ordinance and management requirements.

The undersigned declare:

- I/We agree during the term of this lease to suspend use of water allowed under the water right(s) involved in the lease as well as and any other appurtenant primary or supplemental water right(s); and
- I/We certify are the lessor(s) (water right interest holder) of the water right(s) in Table 1. If not the deeded land owner, I/we have obtained consent from the deeded land owner and/or have provided documentation of authorization to pursue the instream lease; and
- I/We affirm that the information in this application is true and accurate.

\* Frank Neil Chase Date: 16 March 2016  
Signature of Lessor

Printed name (and title): Frank Neil Chase Business name, if applicable: \_\_\_\_\_  
Mailing Address (with state and zip): in c/o Oregon Resorts Acquisition Partners, LP PO Box 1215, Redmond OR  
Phone number (include area code): 541-504-3250 \*\*E-mail address: 97756

\_\_\_\_\_  
Signature of Lessor

Printed name (and title): \_\_\_\_\_ Business name, if applicable: \_\_\_\_\_  
Mailing Address (with state and zip): \_\_\_\_\_ Phone Number(include area code): \_\_\_\_\_  
Phone number (include area code): \_\_\_\_\_ \*\*E-mail address: \_\_\_\_\_



## EXHIBIT C

### Deschutes River Conservancy Instream Leasing Program

#### Policy Concerning Weeds & Instream Leases Information on Farm Deferral & Lease Payment

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

#### **Weed Policy**

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

*Information and Resources Attached*

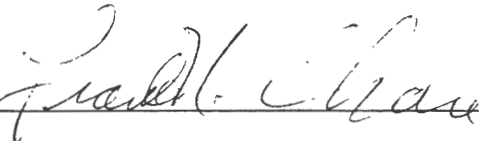
#### **Farm Deferral Notice**

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

*Information and Resources Attached*

**Donated Leases:** Leases of less than 5 acres, leases with public entities, leases submitted after the due date agreed upon by the District and the DRC and posted by the District, and leases with verified weed complaints are not paid a per acre or per acre-foot rate by the DRC.

I, Frank Neil Chase understand the DRC weed policy and have  
*Print Name*  
been informed about farm deferral and donations.

Signature:  Date: 16 March 2016

**This form must be signed and returned with state lease form.**

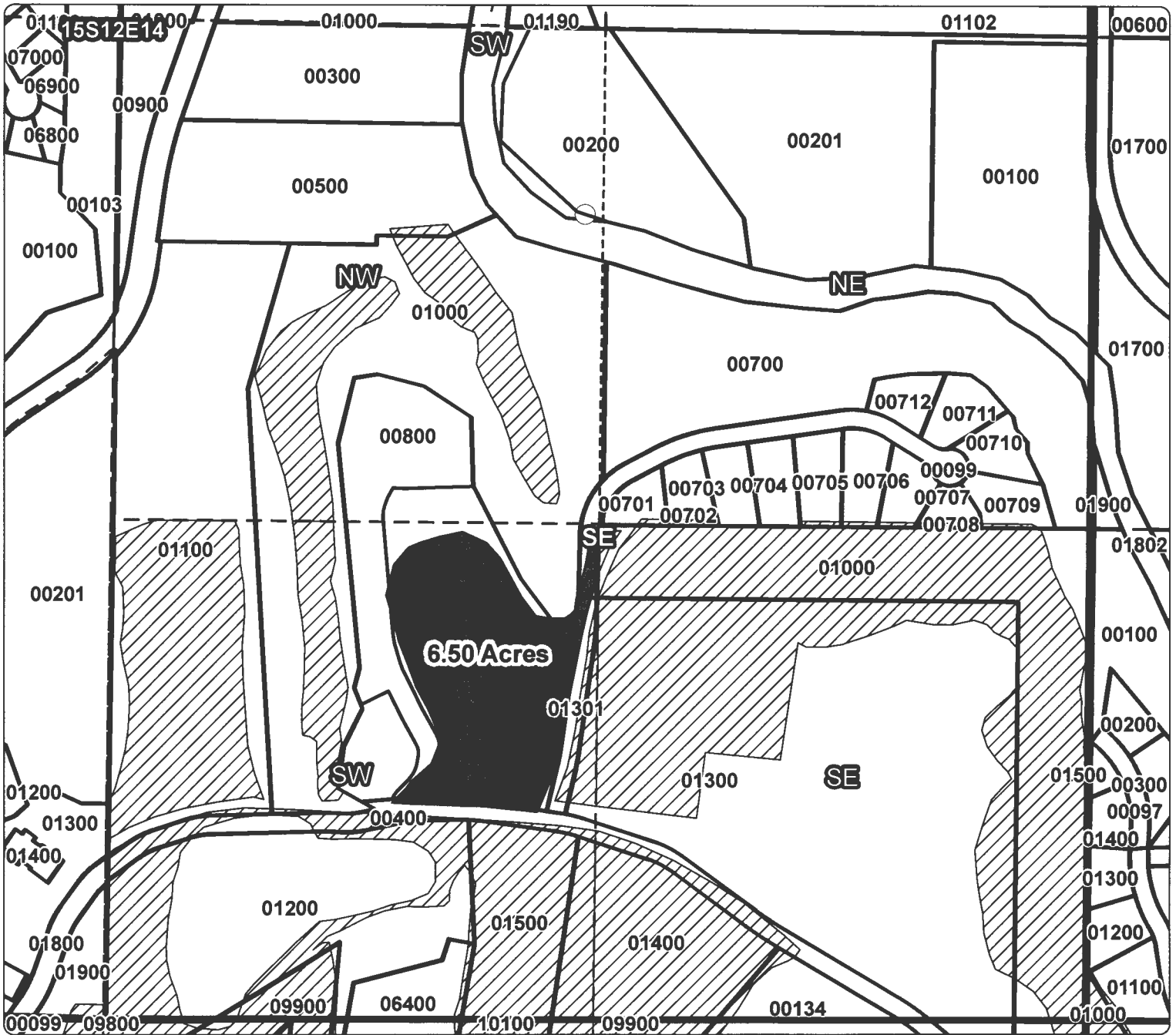
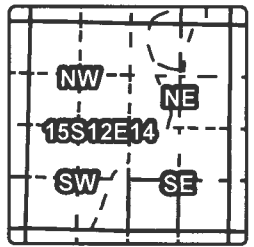
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# Swalley Irrigation District

## Application for Instream Lease

Cert #: 74145

For: Frank Chase








### 1 YEAR INSTREAM LEASE MAP

Taxlot 00801, 15S12E14SWSE: 6.50 Acres Leased, 0 Acres Remaining

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SALEM, OR

-  Point of Diversion
-  Canals
-  Taxlots
-  Lease
-  Cert 74145

1 inch = 400 feet  
May 2016



**Part 3 of 4 – Place of Use – Lessor Information and Signatures**

**Complete Table 1 Identify water right(s) proposed to be leased instream  
Provide a separate Part 3 for each Lessor (water right interest holder/landowner)**

**Table 1**

**Irrigation District or other Water Purveyor Name: Swalley Irrigation District**

Specify Water Right, Priority Date, point of diversion(s) (POD), place of use, tax lot, gov't lot/DLC, acres to be leased, original use type, certificate page number, and any previous lease.

If not enough room below, you may add rows (see instructions) or create a spreadsheet/table (matching Table 1) and attach.

Any attached table should include reference to the Lessor.

SALEM, OR	Water Right #	Priority Date	POD #	Twp	Rng	Sec	Q-Q		Tax Lot	Gov't Lot/DLC #	Acres	Use	Page #	Previous Lease #
							SE	N W						
	74145	9-1-1899	3	16	12	15	SE	N W	01300		3.40	IRR	6	IL -1175

**Any additional information about the right:** 3.40

**Farm Deferral Tax Status:** Counties make the determination of whether a property qualifies for the farm use assessment without consideration of whether the lands have an associated water right which is leased instream. If you have questions regarding the farm use assessment you should contact your local county assessor. You should contact your County for any weed ordinance and management requirements.

The undersigned declare:

1. I/We agree during the term of this lease to suspend use of water allowed under the water right(s) involved in the lease as well as and any other appurtenant primary or supplemental water right(s); and
2. I/We certify are the lessor(s) (water right interest holder) of the water right(s) in Table 1. If not the deeded land owner, I/we have obtained consent from the deeded land owner and/or have provided documentation of authorization to pursue the instream lease; and
3. I/We affirm that the information in this application is true and accurate.

\* Patrick Agnew Date: 3-29-16  
Signature of Lessor

Printed name (and title): Patrick Agnew Business name, if applicable: \_\_\_\_\_

Mailing Address (with state and zip): 404 Steeple Lane

Phone number (include area code): 636-530-9232 \*\*E-mail address: \_\_\_\_\_

\_\_\_\_\_  
Date: \_\_\_\_\_  
Signature of Lessor

Printed name (and title): \_\_\_\_\_ Business name, if applicable: \_\_\_\_\_

Mailing Address (with state and zip): \_\_\_\_\_ Phone Number(include area code): \_\_\_\_\_

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## EXHIBIT C

### Deschutes River Conservancy Instream Leasing Program

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#### **Weed Policy**

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

*Information and Resources Attached*

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*Information and Resources Attached*

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I, Patrick Agnew understand the DRC weed policy and have  
*Print Name*  
been informed about farm deferral and donations.

Signature: Patrick Agnew Date: 3-29-16

**This form must be signed and returned with state lease form.**

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Leasing Exhibit C – updated 2016

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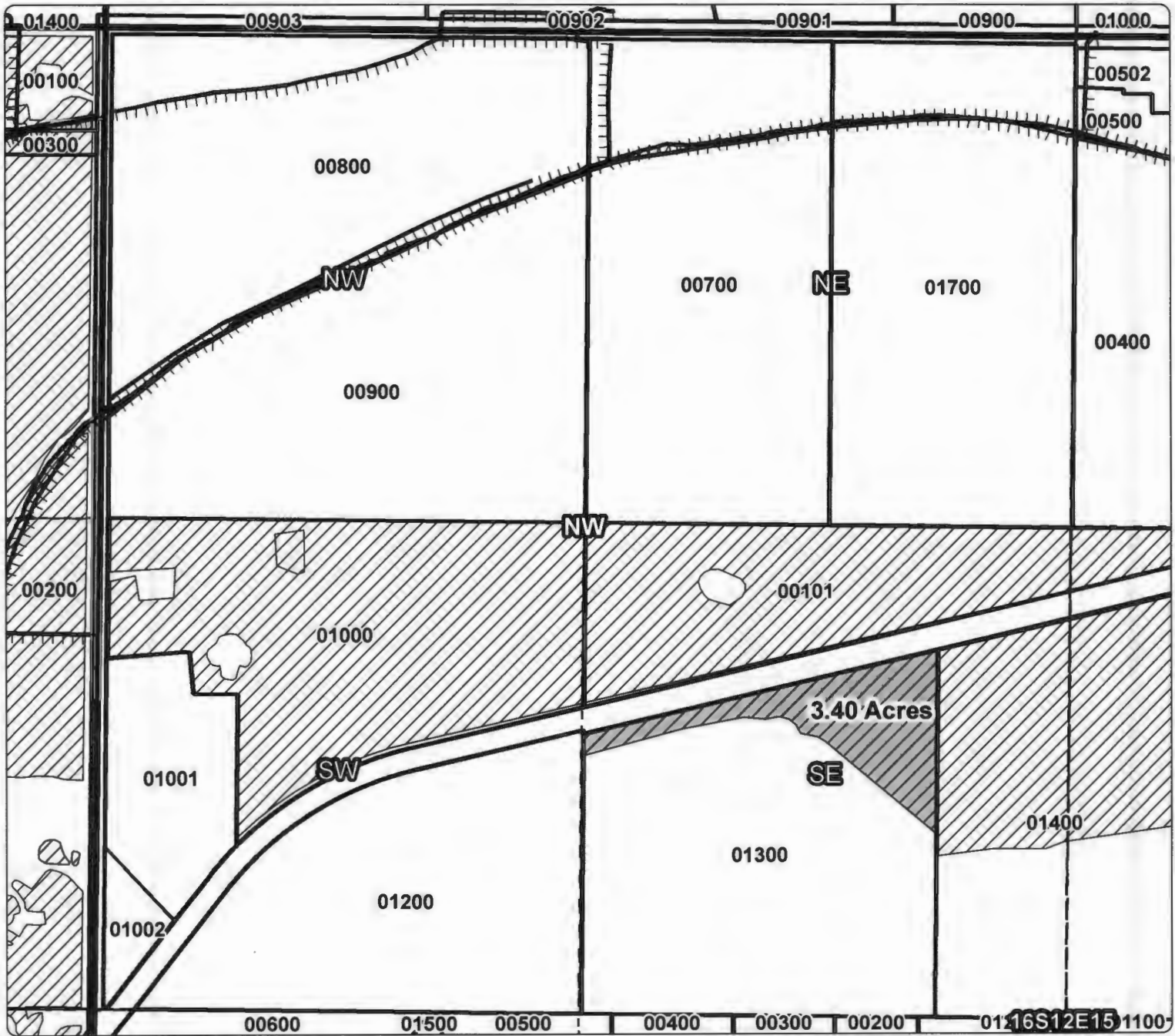
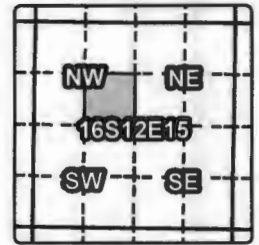
SALEM, OR

# Swalley Irrigation District

## Application for Instream Lease

Cert #: 74145

For: Patrick Agnew



### 1 YEAR INSTREAM LEASE MAP

Taxlot 01300, 16S12E15SESW: 3.40 Acres Leased, 0 Acres Remaining

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SALEM, OR

- Point of Diversion
- ▬ Canals
- ▭ Taxlots
- Lease
- ▭ Cert 74145

1 inch = 400 feet  
May 2016



Part 3 of 4 – Place of Use – Lessor Information and Signatures

JUN 24 2016

**Complete Table 1 Identify water right(s) proposed to be leased instream**  
**SALEM, OR Provide a separate Part 3 for each Lessor (water right interest holder/landowner)**

**Table 1**

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74145	9-1-1899	3	17	12	17	SW NE	00400		3.22	IRR	20	
74145	9-1-1899	3	17	12	17	SW NE	00600		.77	IRR	20	

**Any additional information about the right:** 3.99 ac

**Farm Deferral Tax Status:** Counties make the determination of whether a property qualifies for the farm use assessment without consideration of whether the lands have an associated water right which is leased instream. If you have questions regarding the farm use assessment you should contact your local county assessor. You should contact your County for any weed ordinance and management requirements.

The undersigned declare:

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3. I/We affirm that the information in this application is true and accurate.

Vicki Brownrigg Date: April 4 16  
 Signature of Lessor

Printed name (and title): Vicki Brownrigg Business name, if applicable: \_\_\_\_\_

Mailing Address (with state and zip): P.O. Box 6118, Bend, OR 97708

Phone number (include area code): 541-382-2563 \*\*E-mail address: \_\_\_\_\_

\_\_\_\_\_  
 Signature of Lessor Date: \_\_\_\_\_

Printed name (and title): \_\_\_\_\_ Business name, if applicable: \_\_\_\_\_

Mailing Address (with state and zip): \_\_\_\_\_ Phone Number(include area code): \_\_\_\_\_

Phone number (include area code): \_\_\_\_\_ \*\*E-mail address: \_\_\_\_\_

## EXHIBIT C

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I, Victi Brownrigg understand the DRC weed policy and have  
*Print Name*

been informed about farm deferral and donations.

Signature: Victi Brownrigg Date: April 4 16

**This form must be signed and returned with state lease form.**

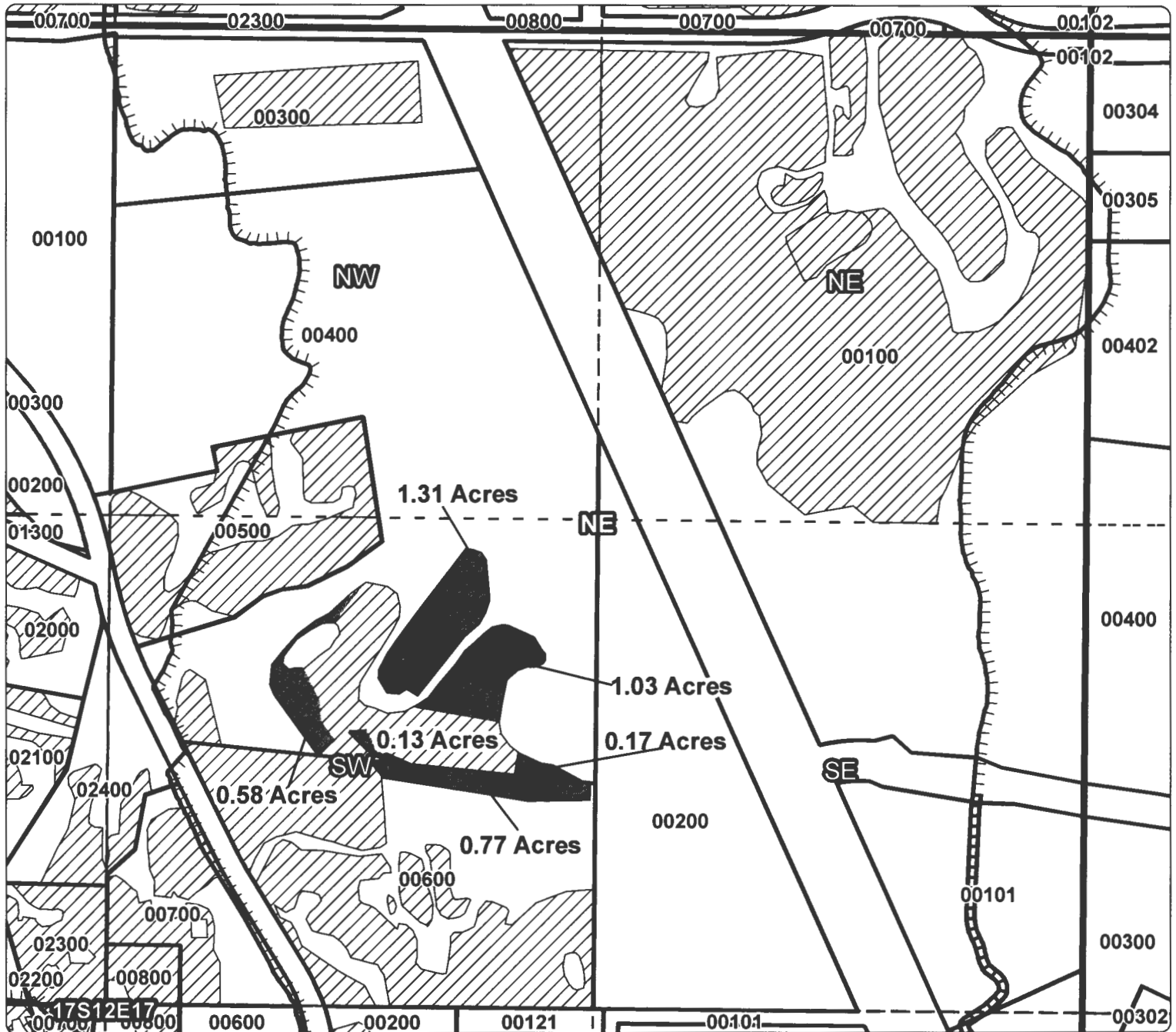
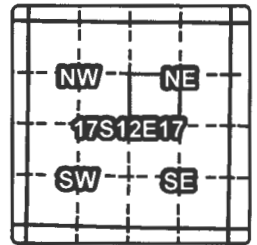
RECEIVED BY OWRD

# Swalley Irrigation District

## Application for Instream Lease

Cert #: 74145

For: Vicki Brownrigg



### 1 YEAR INSTREAM LEASE MAP

Taxlot 00400, 17S12E17SWNE: 3.22 Acres Leased, 3.38 Acres Remaining  
 Taxlot 00600, 17S12E17SWNE: 0.77 Acres Leased, 8.03 Acres Remaining

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SALEM, OR

- Point of Diversion
- Canals
- Taxlots
- Lease
- Cert 74145

1 inch = 400 feet  
 May 2016





**Part 3 of 4 – Place of Use – Lessor Information and Signatures**

**Complete Table 1 Identify water right(s) proposed to be leased instream  
Provide a separate Part 3 for each Lessor (water right interest holder/landowner)**

**Table 1**

**Irrigation District or other Water Purveyor Name: Swalley Irrigation District**

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Water Right #	Priority Date	POD #	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC #	Acres	Use	Page #	Previous Lease #
74145	9-1-1899	3	17	12	09	NE SE	06700		5.35	IRR	18	

**Any additional information about the right:** 5.35 ac

**Farm Deferral Tax Status:** Counties make the determination of whether a property qualifies for the farm use assessment without consideration of whether the lands have an associated water right which is leased instream. If you have questions regarding the farm use assessment you should contact your local county assessor. You should contact your County for any weed ordinance and management requirements.

The undersigned declare:

1. I/We agree during the term of this lease to suspend use of water allowed under the water right(s) involved in the lease as well as any other appurtenant primary or supplemental water right(s); and
2. I/We certify are the lessor(s) (water right interest holder) of the water right(s) in Table 1. If not the deeded land owner, I/we have obtained consent from the deeded land owner and/or have provided documentation of authorization to pursue the instream lease; and
3. I/We affirm that the information in this application is true and accurate.

 \_\_\_\_\_ Date: 4/8/16

Printed name (and title): Paul Brewer, OWNER Business name, if applicable: CASCADE Village

Mailing Address (with state and zip): P.O. Box 6956, Laguna Niguel, CA 92607

Phone number (include area code): 949-500-3964 \*\*E-mail address: PBREWER@VillageNorthwest.com

\_\_\_\_\_  
Signature of Lessor Date: \_\_\_\_\_

Printed name (and title): \_\_\_\_\_ Business name, if applicable: \_\_\_\_\_

Mailing Address (with state and zip): \_\_\_\_\_ Phone Number(include area code): \_\_\_\_\_

Phone number (include area code): \_\_\_\_\_ \*\*E-mail address: \_\_\_\_\_

RECEIVED BY OWIRD  
JUN 24 2016  
SALEM, OR

## EXHIBIT C

### Deschutes River Conservancy Instream Leasing Program

#### Policy Concerning Weeds & Instream Leases Information on Farm Deferral & Lease Payment

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

#### **Weed Policy**

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

*Information and Resources Attached*

#### **Farm Deferral Notice**


Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

*Information and Resources Attached*

**Donated Leases:** Leases of less than 5 acres, leases with public entities, leases submitted after the due date agreed upon by the District and the DRC and posted by the District, and leases with verified weed complaints are not paid a per acre or per acre-foot rate by the DRC.

I, Paul Brewer understand the DRC weed policy and have  
*Print Name*

been informed about farm deferral and donations.

Signature:  Date: 4/8/16

**This form must be signed and returned with state lease form.**

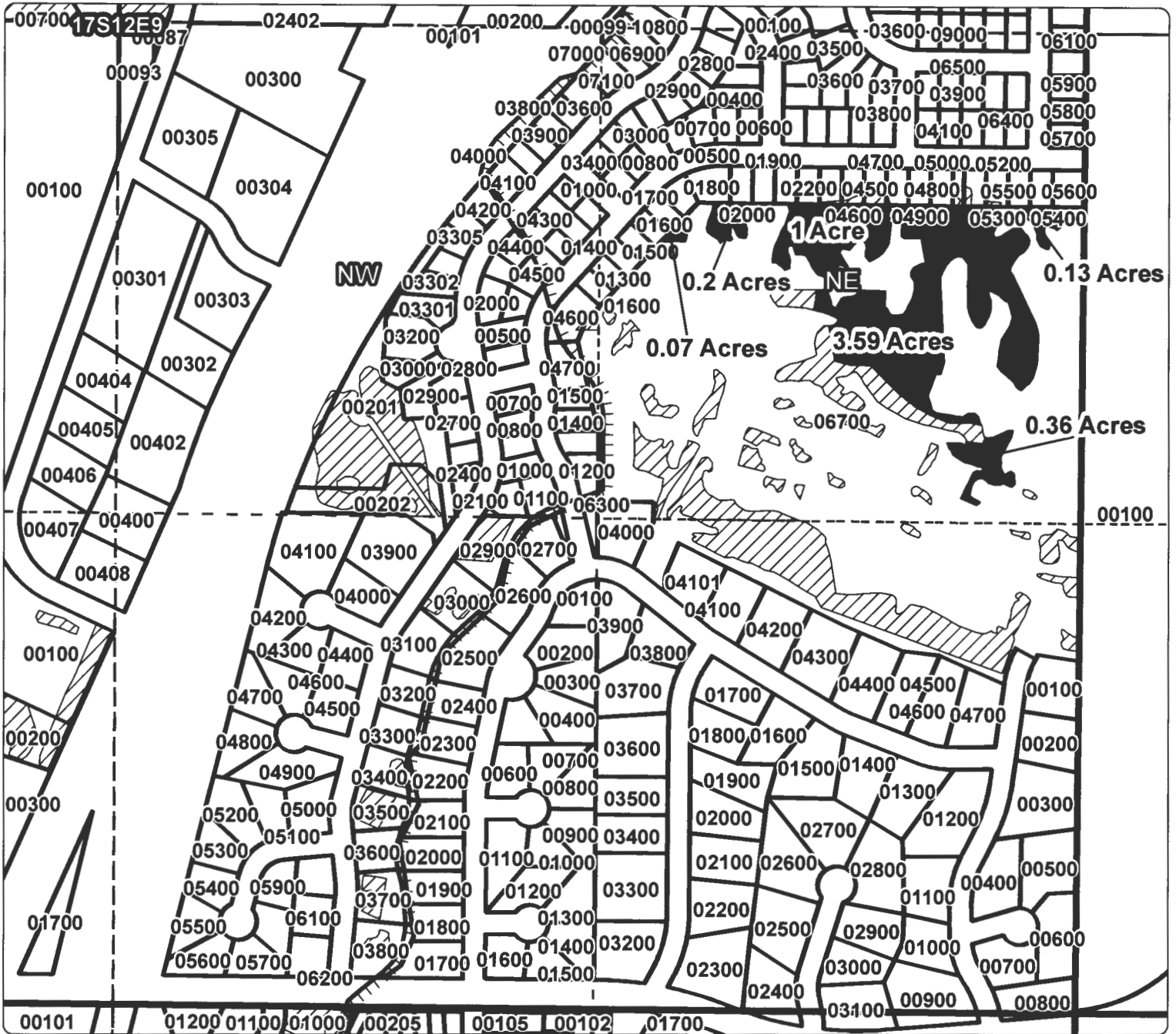
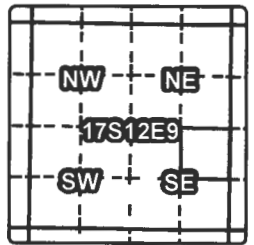
RECEIVED BY OWRD

# Swalley Irrigation District

## Application for Instream Lease

Cert #: 74145

For: Cascade Village NW, LLC - Paul Brewer



### 1 YEAR INSTREAM LEASE MAP

Taxlot 06700, 17S12E9NESE: 5.35 Acres Leased, 3.75 Acres Remaining

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JUN 24 2016

SALEM, OR

- Point of Diversion
- Canals
- Taxlots
- Lease
- Cert 74145

1 inch = 400 feet  
May 2016



**Part 3 of 4 – Place of Use – Lessor Information and Signatures**

**Complete Table 1 Identify water right(s) proposed to be leased instream  
Provide a separate Part 3 for each Lessor (water right interest holder/landowner)**

**Table 1**

**Irrigation District or other Water Purveyor Name: Swalley Irrigation District**

Specify Water Right, Priority Date, point of diversion(s) (POD), place of use, tax lot, gov't lot/DLC, acres to be leased, original use type, certificate page number, and any previous lease.

If not enough room below, you may add rows (see instructions) or create a spreadsheet/table (matching Table 1) and attach.

Any attached table should include reference to the Lessor.

Water Right #	Priority Date	POD #	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC #	Acres	Use	Page #	Previous Lease #
74145	9-1-1899	3	17	12	08	N W SW	01300		1.50	IRR	16	IL -1176

**Any additional information about the right:** 1.50 ac

**Farm Deferral Tax Status:** Counties make the determination of whether a property qualifies for the farm use assessment without consideration of whether the lands have an associated water right which is leased instream. If you have questions regarding the farm use assessment you should contact your local county assessor. You should contact your County for any weed ordinance and management requirements.

The undersigned declare:

1. I/We agree during the term of this lease to suspend use of water allowed under the water right(s) involved in the lease as well as any other appurtenant primary or supplemental water right(s); and
2. I/We certify are the lessor(s) (water right interest holder) of the water right(s) in Table 1. If not the deeded land owner, I/we have obtained consent from the deeded land owner and/or have provided documentation of authorization to pursue the instream lease; and
3. I/We affirm that the information in this application is true and accurate.

*R. Williams* Date: 5-5-16  
Signature of Lessor

Printed name (and title): \_\_\_\_\_ Business name, if applicable: \_\_\_\_\_  
Mailing Address (with state and zip): PO Box 99, Lyons, OR 97358  
Phone number (include area code): \_\_\_\_\_ \*\*E-mail address: \_\_\_\_\_

\_\_\_\_\_  
Signature of Lessor Date: \_\_\_\_\_

Printed name (and title): \_\_\_\_\_ Business name, if applicable: \_\_\_\_\_  
Mailing Address (with state and zip): \_\_\_\_\_ Phone Number(include area code): \_\_\_\_\_

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JUN 24 2016  
SALEM, OR

**EXHIBIT C**

**Deschutes River Conservancy  
Instream Leasing Program**

**Policy Concerning Weeds & Instream Leases  
Information on Farm Deferral & Lease Payment**

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

**Weed Policy**

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

*Information and Resources Attached*

**Farm Deferral Notice**

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

*Information and Resources Attached*

**Donated Leases:** Leases of less than 5 acres, leases with public entities, leases submitted after the due date agreed upon by the District and the DRC and posted by the District, and leases with verified weed complaints are not paid a per acre or per acre-foot rate by the DRC.

I, R F Wisseral understand the DRC weed policy and have  
*Print Name*  
been informed about farm deferral and donations.

Signature: R F Wisseral Date: 5-5-16

**This form must be signed and returned with state lease form.**

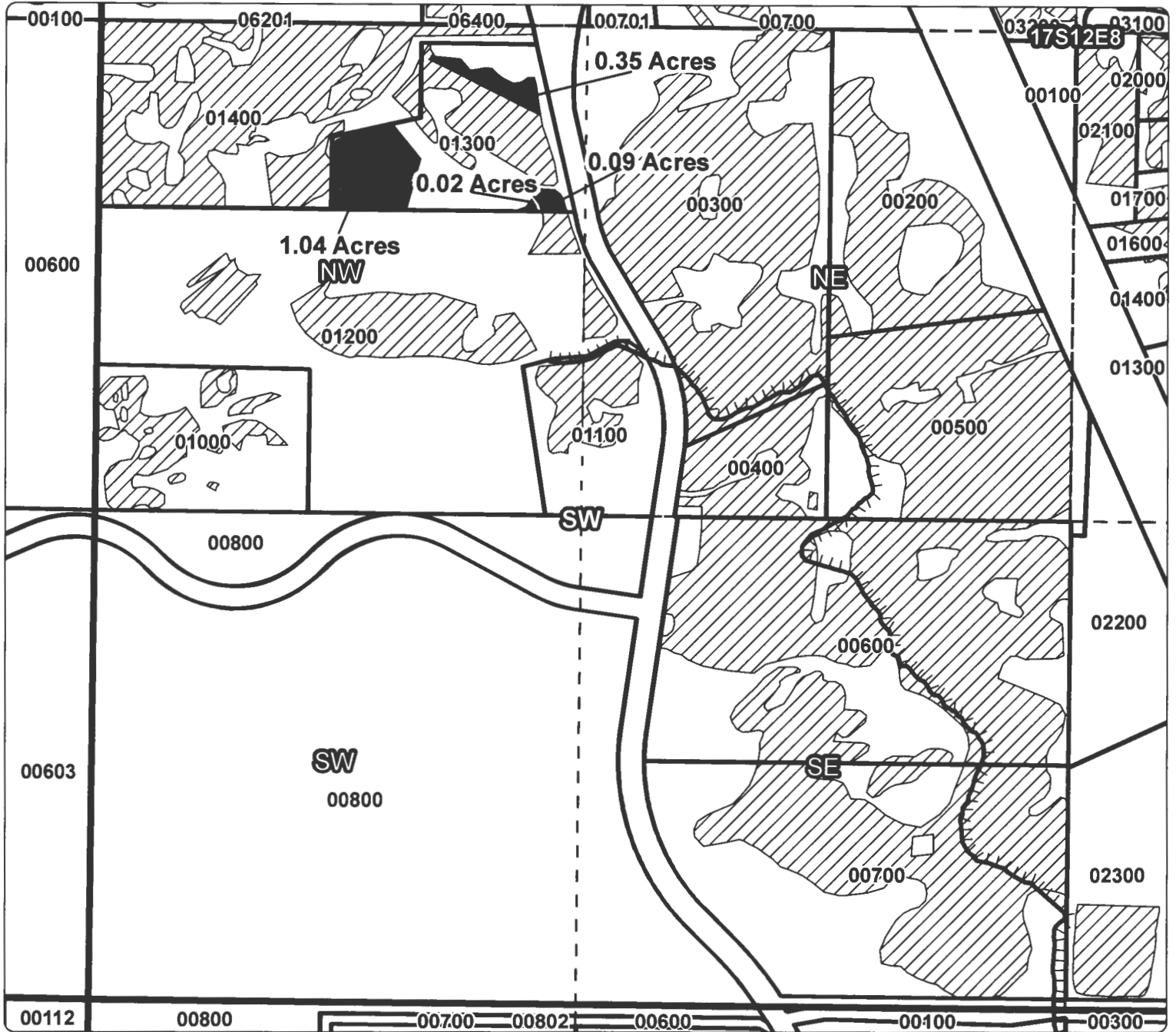
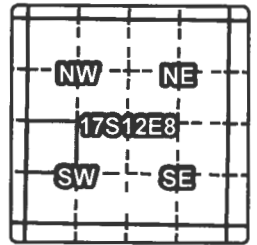
RECEIVED BY OWRD

# Swalley Irrigation District

## Application for Instream Lease

Cert #: 74145

For: RF Wilson



### 1 YEAR INSTREAM LEASE MAP

Taxlot 01300, 17S12E8NWSW: 1.50 Acres Leased, 1.5 Acres Remaining

RECEIVED BY OWRD

JUN 24 2016

SALEM, OR

- Point of Diversion
- ▬▬▬ Canals
- ▭ Taxlots
- ⋈ Lease
- ▨ Cert 74145

1 inch = 400 feet  
May 2016



**Part 3 of 4 – Place of Use – Lessor Information and Signatures**

**Complete Table 1 Identify water right(s) proposed to be leased instream  
Provide a separate Part 3 for each Lessor (water right interest holder/landowner)**

**Table 1**

**Irrigation District or other Water Purveyor Name: Swalley Irrigation District**

Specify Water Right, Priority Date, point of diversion(s) (POD), place of use, tax lot, gov't lot/DLC, acres to be leased, original use type, certificate page number, and any previous lease.

If not enough room below, you may add rows (see instructions) or create a spreadsheet/table (matching Table 1) and attach.

Any attached table should include reference to the Lessor.

Water Right #	Priority Date	POD #	Twsp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC #	Acres	Use	Page #	Previous Lease #
74145	9-1-1899	3	17	12	08	N W	SW	01200	.94	IRR	16	IL -1176
74145	9-1-1899	3	16	12	29	SE	SE	01200	2.51	IRR	11	IL -1176

**Any additional information about the right:** 3.45

**Farm Deferral Tax Status:** Counties make the determination of whether a property qualifies for the farm use assessment without consideration of whether the lands have an associated water right which is leased instream. If you have questions regarding the farm use assessment you should contact your local county assessor. You should contact your County for any weed ordinance and management requirements.

The undersigned declare:

1. I/We agree during the term of this lease to suspend use of water allowed under the water right(s) involved in the lease as well as and any other appurtenant primary or supplemental water right(s); and
2. I/We certify are the lessor(s) (water right interest holder) of the water right(s) in Table 1. If not the deeded land owner, I/we have obtained consent from the deeded land owner and/or have provided documentation of authorization to pursue the instream lease; and
3. I/We affirm that the information in this application is true and accurate.

Kathy Ferguson Date: 5-4-16 SID  
 Signature of Lessor  
 Printed name (and title): Kathy Ferguson Office Manager Business name, if applicable: Swalley ID  
 Mailing Address (with state and zip): 64672 Cook Ave. Ste. 1 Bend, OR 97703  
 Phone number (include area code): 541-388-0658 \*\*E-mail address: Kathy@swalley.com

\_\_\_\_\_  
 Signature of Lessor Date: \_\_\_\_\_  
 Printed name (and title): \_\_\_\_\_ Business name, if applicable: \_\_\_\_\_  
 Mailing Address (with state and zip): \_\_\_\_\_ Phone Number(include area code): \_\_\_\_\_

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 JUN 24 2016  
 SALEM, OR

## EXHIBIT C

### Deschutes River Conservancy Instream Leasing Program

#### Policy Concerning Weeds & Instream Leases Information on Farm Deferral & Lease Payment

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

#### **Weed Policy**

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

*Information and Resources Attached*

#### **Farm Deferral Notice**

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*Information and Resources Attached*

**Donated Leases:** Leases of less than 5 acres, leases with public entities, leases submitted after the due date agreed upon by the District and the DRC and posted by the District, and leases with verified weed complaints are not paid a per acre or per acre-foot rate by the DRC.

I, Kathy Ferguson understand the DRC weed policy and have  
Print Name  
been informed about farm deferral and donations.

Signature: Kathy Ferguson Date: 5-4-16

**This form must be signed and returned with state lease form.**

RECEIVED BY OWRD





\$36.0

03/24/2008 01:17:07 P

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, **John and Rebecca Marshall** 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 **2.51 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 **John and Rebecca Marshall** shall no longer be liable for any district assessment or charges pertaining to the **2.51 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:

**T16S-R12E,WM-SEC29-SE/SE-01200**

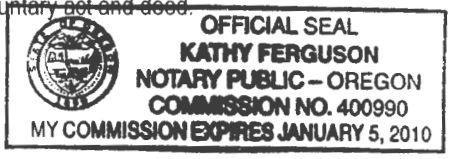
This agreement is binding upon the heirs, executors, administrators, successors, and permitted assigns of the parties to this agreement. Consideration for this Quitclaim is \$2,510.00

Grantor;

John Marshall Date 3-18-08  
Rebecca Marshall Date 3-18-08

State of Oregon SS.  
County of Deschutes

Personally appeared John + Rebecca Marshall 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 Date 3-18-08  
Janet L. Lee, Manager

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JUN 24 2016

State of Oregon SS.  
County of Deschutes

SALEM, OR

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

John and Rebecca Marshall  
#1840

# EXHIBIT A

Legal Description:	Taxlot	Serial#	Total Water Rights:	WR Acres:
T16S-R12E-WM-SEC 29-SE/SE-01200	1612290001200		2.51 Acres	2.51 AC

## Exhibit "A"

### PARCEL 1:

The East Half of the Southeast Quarter (E1/2SE1/4) in Section Twenty-nine (29), Township Sixteen (16) South, Range Twelve (12), East of the Willamette Meridian, Deschutes County, Oregon.

### EXCEPTING THEREFROM:

Section 29: The Northeast Quarter, Southeast Quarter, (NE1/4SE1/4) and the West Half of the Southeast Quarter of the Southeast Quarter (W1/2SE1/4SE1/4) of said Section as set forth in that certain warranty deed recorded May 22, 1987, in Book 146, Page 73 of the official records of Deschutes County, Oregon.

RECEIVED BY OWRD

JUN 24 2016

SALEM, OR

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

RECEIVED BY OWRD

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

JUN 24 2016

3. **APPLICANT**

NAME: John and Rebecca Marshall  
 ADDRESS: 64885 Old Bend Redmond Hwy., Bend, OR 97701

SALEM, OR

4. **LOCATION OF USE**

AUTHORIZED POINT OF DIVERSION:  
 N 985' & W 617' from the East ¼ 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*)

Township	Range	Section	¼ ¼	Tax Lot	# of acres irrigated	Other Use
T16S	R12E	29	SE/SE	01200	2.51	irrigation

5. **RECIPIENT**

NAME: Swalley Irrigation District for use by:  
 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
T16S	R12E	29	SE/SE	01200	2.51	Irr

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: John Marshall 3-18-08  
 John Marshall Date

CO-APPLICANTS: Rebecca Marshall 3/18/08  
 Rebecca Marshall Date

RECIPIENT: Janel L. Lee 3/4/08  
 Janel L. Lee, Manager, Swalley Irrigation District Date



**WARRANTY DEED**

Recording requested and  
when recorded return to:

James E. Petersen  
Karnopp Petersen LLP  
1201 NW Wall Street, Suite 300  
Bend, Oregon 97701-1957

Until a change is requested,  
all tax statements shall be  
sent to the following address:

No change

SALEM, OR

JUN 24 2016

RECEIVED BY OWRD

*The true consideration for this conveyance is for estate planning purposes.*

**JOHN W. MARSHALL** and **REBECCA A. MARSHALL**, husband and wife, Grantors,  
convey and warrant to **JOHN W. MARSHALL** and **REBECCA A. MARSHALL**, as Co-Trustees of  
the Marshall Revocable Trust U/T/A dated November 12, 2010, Grantees, whose address is 64885 Old  
Bend Redmond Hwy., Bend, OR 97701, the following described real property free of encumbrances  
except covenants, conditions, restrictions, liens and encumbrances of record as of the date hereof:

**PARCEL 1:**

The East Half of the Southeast Quarter (E ½ SE ¼) in Section Twenty-nine (29), Township  
Sixteen (16) South, Range Twelve (12), East of the Willamette Meridian, Deschutes County,  
Oregon

**EXCEPTING THEREFROM:**

Section 29: The Northeast Quarter, Southeast Quarter, (NE ¼ SE ¼) and the West Half of the  
Southeast Quarter of the Southeast Quarter (W ½ SE ¼ SE ¼) of said Section as set forth in that  
certain warranty deed recorded May 22, 1987, in Book 146, Page 73 of the official records of  
Deschutes County, Oregon.


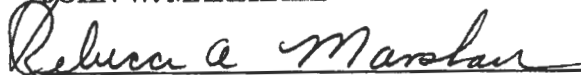
**PARCEL 2:**

Commencing at the Southwest corner of Section Twenty-eight (28), Township Sixteen (16)  
South, Range Twelve (12), East of the Willamette Meridian, Deschutes County, Oregon; thence  
North along the Section line 1,087 feet to the true point of beginning; thence North along said  
Section line 16 feet; thence at a somewhat Southwesterly direction 715 feet to its intersection  
with the West line of The Dalles-California Highway at a point 1,065 feet along the West line of  
The Dalles-California Highway from its intersection with the South line of Section 28; thence  
South along the West line of The Dalles-California Highway a distance of 16 feet; thence  
somewhat North-Westerly a distance of 715 feet to the point of beginning.



BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, 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 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

DATED this 12<sup>th</sup> day of November, 2010.

  
 \_\_\_\_\_  
 JOHN W. MARSHALL  
  
 \_\_\_\_\_  
 REBECCA A. MARSHALL

RECEIVED BY OWRD

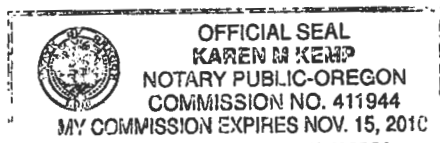
JUN 24 2016

SALEM, OR

STATE OF OREGON                    )  
   ) ss.  
 County of Deschutes                )

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of November, 2010, by JOHN W. MARSHALL and REBECCA A. MARSHALL, husband and wife.

  
 \_\_\_\_\_  
 NOTARY PUBLIC FOR OREGON



53

DESCHUTES COUNTY OFFICIAL RECORDS  
NANCY BLANKENSHIP, COUNTY CLERK

2010-41611

After recording return to:

Gottlieb R. Ruppel  
Melvina S. Ruppel  
63747 OB Riley Rd.  
Bend, OR 97701

---

Until a change is requested, all tax statements shall be sent to the following address:

Same as Above



\$53.00

00752106201000416110020020

10/19/2010 11:47:06 AM

D-D Cnt=1 Str=1 BN

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

Order No. 38149

Reserved for Recorder's Use

**STATUTORY WARRANTY DEED**

G. Raymond Ruppel and M. Sharon Ruppel, Grantor, conveys and warrants to Gottlieb R. Ruppel and Melvina S. Ruppel, as tenants by the entirety, Grantee, the following described real property free of encumbrances except as specifically set forth herein:

2

**SEE ATTACHED EXHIBIT "A"**

Account No(s): 113065

Map/Tax Lot No(s): 17-12-08-C0-01200

This property is free of encumbrances, EXCEPT: All those items of record, if any, as of the date of this deed, including any real property taxes due, but not yet payable.

The true consideration for this conveyance is Other Value. (Here comply with requirements of ORS 93.030.)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, 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 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

Executed this 14th day of October, 2010

Gottlieb R. Ruppel

Melvina S. Ruppel

State of Oregon, County of Deschutes ) ss.

This instrument was acknowledged before me on this 14th day of October, 2010 by Gottlieb R. Ruppel and Melvina S. Ruppel

Notary Public for Oregon  
My commission expires:



Recorded by Western Title as an accommodation only. No liability accepted for condition of title or validity, sufficiency or affect of document.

Order No. 38149

"EXHIBIT A"

A tract of land situated in the Northwest Quarter of the Southwest Quarter (NW1/4 SW1/4) of Section 8, Township 17 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows:

Commencing at the Quarter section corner common to Sections 7 and 8, Township 17 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon; thence South 00°05'35" West 1318.83 feet to the point of beginning, said point being the South 1/16 section corner between said Sections 7 and 8; thence South 89°56'00" East 1221.76 feet along the East-West centerline of the Southwest Quarter (SW1/4) of said Section 8; thence North 09°04'45" West 405.25 feet; thence North 75°29'09" East 82.58 feet to the centerline of the Deschutes Reclamation and Irrigation Company secondary lateral; thence following along said lateral North 85°32'23" East 94.12 feet; thence North 62°07'01" East 81.66 feet; thence North 85°46'37" East 33.81 feet; thence South 55°53'34" East 52.57 feet, more or less, to the intersection of the Westerly right-of-way of the O.B. Riley County Road; thence along said right-of-way North 27°52'24" West 413.84 feet; thence departing from said right-of-way North 89°19'51" West 1286.30 feet to the intersection of the West boundary of said Section 8; thence South 00°05'35" West 818.83 feet to the point of beginning.

EXCEPT FOR: A tract of land situated in the Northwest Quarter of the Southwest Quarter (NW1/4 SW1/4) of Section 8, Township 17 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows:

Commencing at the Quarter section corner common to Sections 7 and 8, Township 17 South, Range 12 East Willamette Meridian, Deschutes County, Oregon; thence South 00°05'35" West, along the line between said Sections 7 and 8, a distance of 927.00 feet to the point of beginning; thence continuing South 00°05'35" West 391.83 feet to the South sixteenth section corner common to said Sections 7 and 8; thence along the East-West centerline of the Southwest Quarter (SW1/4) of said Section 8, South 89°56'00" East 579.97 feet; thence departing from said East-West centerline, North 00°05'35" East 385.73 feet; thence North 89°19'51" West 580.00 feet, more or less, to the point of beginning.

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SALEM, OR

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

RECORDED COUNTY OF DESCHUTES  
NANCY BLANKENSHIP, COUNTY CLERK

2008-01933



\$36.00

00593216200800019330020024

01/15/2008 02:34:06 PM

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

QUITCLAIM DEED  
FOR TRANSFER OF INTEREST IN A WATER RIGHT

Grantor, **Ray and Sharon Ruppel** 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 **3.00 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 **Ray and Sharon Ruppel** shall no longer be liable for any district assessment or charges pertaining to the **3.00 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:  
**T17S-R12E,WM-SEC08-NW/SW-01200.**

This agreement is binding upon the heirs, executors, administrators, successors, and permitted assigns of the parties to this agreement. Consideration for this Quitclaim is \$3,000.00

Grantor:

[Signature]  
[Signature]

Date 11-16-07  
Date 11/16/07

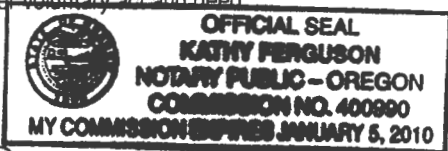
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State of Oregon SS.  
County of Deschutes

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Personally appeared Ray + Sharon Ruppel and acknowledged the forgoing instrument to be his / her voluntary act and deed.



[Signature]

My commission expires 1-5-2010

Swalley Irrigation District:

[Signature]  
Janet L. Lee, Manager

Date 1-15-2008

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.



[Signature]

My commission expires 1-5-2010



Ray and Sharon Ruppel  
Account # 1359

# EXHIBIT A

<b>Legal Description:</b> T17S-R12E-WM-SEC 8-NW/SW-01200	<b>Taxlot</b> 171208C001200	<b>Serial#</b>	<b>WR Acres:</b> 3.00 AC
		<b>Total Water Rights:</b>	<b>3.00 Acres</b>

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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

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

3. **APPLICANT**  
NAME: Ray and Sharon Ruppel  
ADDRESS: 63747 OB Riley RD, Bend, OR 97701

JUN 24 2016

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.

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**LOCATION OF AUTHORIZED PLACE OF USE (Off Lands)**

Township	Range	Section	1/4 1/4	Tax Lot	# of acres irrigated	Other Use
17S	12E	SEC 8	NW/SW	01200	3.00	irrigation

5. **RECIPIENT**  
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
17S	12E	SEC 8	NW/SW	01200	3.00	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 FOR TRANSFER OF WATER RIGHT AND THE STATEMENTS MADE ARE TRUE AND CORRECT.

APPLICANT: [Signature] 11-16-07  
Date  
APPLICANT: [Signature] 11-16-07  
Date

RECIPIENT: \_\_\_\_\_  
Date

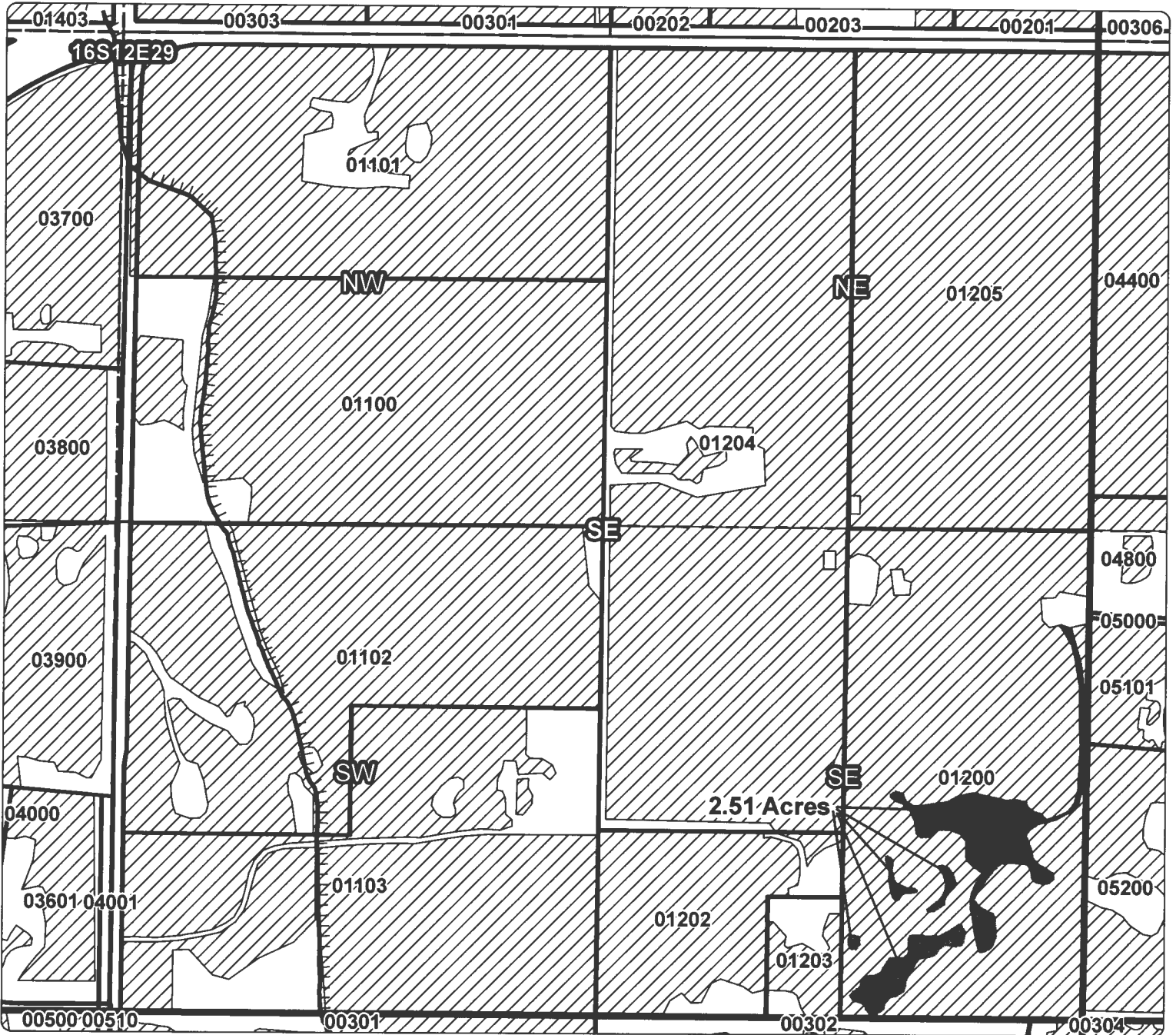
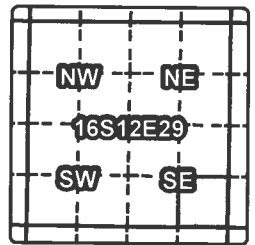
DISTRICT: [Signature] 11-16-07  
Janet L Lee, Manager, Swalley Irrigation District  
Date

# Swalley Irrigation District

## Application for Instream Lease

Cert #: 74145

For: Swalley Quitclaim Water



### 1 YEAR INSTREAM LEASE MAP

Taxlot 01200, 16S12E29SESE: 2.51 Acres Leased, 16.39 Acres Remaining

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- Point of Diversion
- ▬ Canals
- ▭ Taxlots
- Lease
- ▨ Cert 74145

1 inch = 400 feet  
May 2016

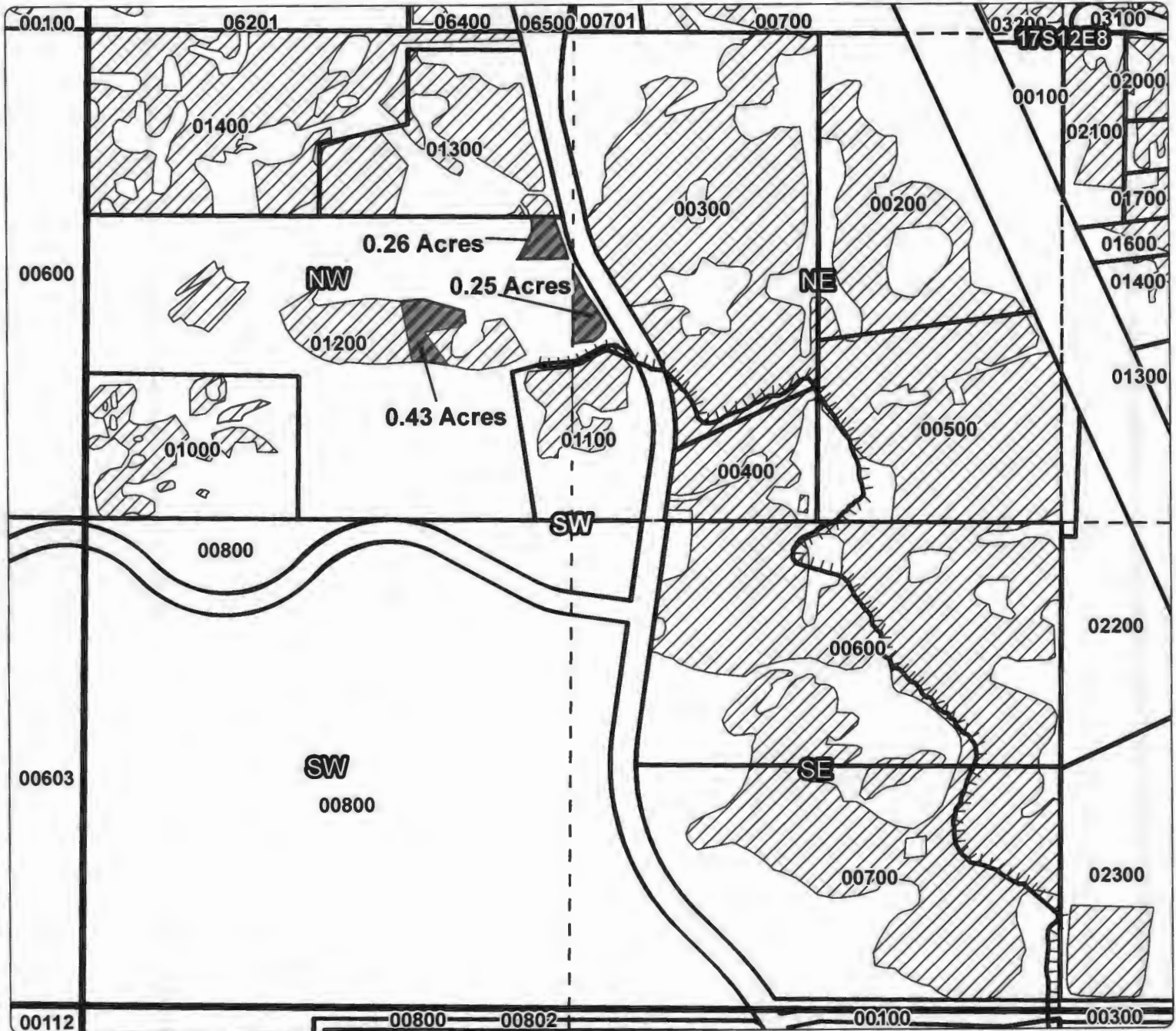
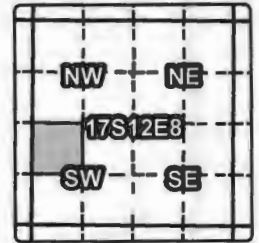


# Swalley Irrigation District

## Application for Instream Lease

Cert #: 74145

For: Swalley Quitclaim Water



### 1 YEAR INSTREAM LEASE MAP

Taxlot 01200, 17S12E8NWSW: 0.94 Acres Leased, 1.00 Acres Remaining

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- Point of Diversion
- TTT Canals
- Taxlots
- Lease
- ▨ Cert 74145

1 inch = 400 feet  
May 2016



**Part 4 of 4 – Water Right and Instream Use Information**

**Use a separate Part 4 for each water right to be leased instream**

**Table 2**

**Use Table 2 to illustrate the totals for the water right proposed to be leased instream (based on Part 3 of 4)      Water Right # 74145**

Total rate and volume by priority date, POD, use and acreage as appropriate considering the right to be leased. If not enough room below, you may add rows (see instructions) or create a spreadsheet (matching Table 2 and clearly labeled) and attach.  
(cfs = cubic feet per second and af = acre-feet)

Priority Date	POD #	Use	Acre	Other Information (such as conditions/limitations on the right)	Rate (cfs)	Volume (af)
9-1-1899	3-Mai	IRR	25.19	Season 1	0.192	166.59
				Season 2	0.257	
				Season 3	0.486	

Total af from storage, if applicable: \_\_\_\_\_ AF or  N/A

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:

**Table 3**

<b>Instream Use created by the lease</b>	<b>River Basin:</b> <u>Deschutes</u>	<b>River/Stream Name:</b> <u>Deschutes</u> , tributary to <u>Columbia</u>				
<b>Proposed Instream Reach:</b> <input checked="" type="checkbox"/> A reach typically begins at the POD and ends at the mouth of the source stream: From the POD <u>3- Main Canal</u> to <u>the mouth of the Deschutes River</u>		<b>Or Proposed Instream Point:</b> <input type="checkbox"/> Instream use protected at the POD				
<b>OR</b> <input type="checkbox"/> 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 water right, the lease may be processed to be protected at the POD.)						
<b>Instream Portion: May not exceed the maximum rate/volume for the right (identified in Table 2)</b> Use the table 3 to illustrate the instream rate, volume and instream period by priority date, POD, Use and acreage, as appropriate. If not enough room below, you may add rows (see instructions) or create a spreadsheet (clearly labeled and matching the below portion of Table 3) and attach.						
<b>Priority date</b>	<b>POD #</b>	<b>Use</b>	<b>Acre</b>	<b>Proposed Instream Period</b>	<b>Instream Rate (cfs)</b>	<b>Total instream volume (af)</b>
9-1-1899	3-Ma	IRR	25.19	Season 1	0.173	137.33
				Season 2	0.232	
				SEason 3	0.429	
<b>OR</b> <input type="checkbox"/> Please check this box if you are not sure of the proposed rate, volume and instream period. As part of its review process, the Department will identify the appropriate instream rate, volume and period considering the water right(s) being leased and instream benefits.						
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A <b>Conditions to avoid enlargement or injury to other water rights, if any, or other limitations:</b> list here <u>Instream Lease - April 1, - Oct 25</u>						
Note: The Department may identify additional conditions to prevent injury and/or enlargement.					<b>RECEIVED BY OWRD</b>	

Any additional information about the proposed instream use: \_\_\_\_\_

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