



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

# Application for Water Right Instream Transfer

## Part 1 of 6 – Minimum Requirements Checklist

**This transfer application will be returned if Parts 1 through 6 and all required attachments are not completed and included.**  
 For questions, please call (503) 986-0900, and ask for Transfer Section.

### FOR ALL INSTREAM TRANSFER APPLICATIONS

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: [http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator). If you have questions, call Customer Service at (503) 986-0801.  
 Note: Instream transfers are considered both a change in place of use and character of use. In addition, an automatic 50% fee waiver applies to all instream transfers.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Completed Instream Use Information.
- Part 6 – Information about the Transferred Water Rights: **How many water rights are to be transferred? 1 List them here: 87472**  
 Please include a separate Part 6 for each water right. (See instructions on page 8)

**Attachments:**

- Completed Instream Transfer Application Map.
- Completed Evidence of Use Affidavit and supporting documentation.
- N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
- Land Use Notice - Notice of the intent to file an instream transfer application must be provided to each affected local government along the proposed reach. Copies of the notices must be enclosed with the instream transfer application.

**(For Staff Use Only)**

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

___ Application fee not enclosed/insufficient	___ Map not included or incomplete
___ Land Use Form not enclosed or incomplete	___ Part ___ is incomplete
___ Additional signature(s) required	
Other/Explanation _____	
Staff: _____	Date: ___/___/___

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### Part 2 of 6 – Map Checklist

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

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

- N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For list of CWREs see [http://apps.wrd.state.or.us/apps/wr/cwre\\_license\\_view/](http://apps.wrd.state.or.us/apps/wr/cwre_license_view/).

**OR**

- N/A Waiver of requirement that map be prepared by a CWRE. Completed map waiver form is signed by the Department's Regional Manager and included in the application. The map **must** still meet Department mapping requirements described below.
- N/A If **more than three** water rights are involved, separate maps are needed for each water right.
- Permanent quality printed with dark ink on good quality paper.
- The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
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- Township, Range, Section, quarter-quarter, DLC, Government Lot, and other recognized public land survey lines.
- Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- Existing place of use that includes separate hachuring for each water right, priority date and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- Existing diversion point(s) with distance and bearing or coordinates from a recognized survey corner. This information can generally be found in your water right certificate or permit.

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Is this a  Permanent Instream Transfer or  Time-Limited Instream Transfer?

**Applicant Information**

APPLICANT/BUSINESS NAME <b>Carmen Osika-Barbur and Richard Barbur</b>			PHONE NO. <b>503-582-1617</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>6825 SW Fernbrook Ct.</b>				FAX NO.
CITY <b>Wilsonville</b>	STATE <b>OR</b>	ZIP <b>97070</b>	E-MAIL <b>rcbarbur@earthlink.net</b>	
<b>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.</b>				

APPLICANT/BUSINESS NAME <b>Nicoletta Jones and Terry Jones</b>			PHONE NO. <b>503-269-0327</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>17572 Plainview Ct.</b>				FAX NO.
CITY <b>Bend</b>	STATE <b>OR</b>	ZIP <b>97703</b>	E-MAIL <b>tjonesnwtf@yahoo.com</b>	

APPLICANT/BUSINESS NAME <b>Richard Allen</b>			PHONE NO. <b>541-815-4380</b>	ADDITIONAL CONTACT NO. <b>541-475-2220</b>
ADDRESS <b>384 SW 5<sup>th</sup></b>				FAX NO.
CITY <b>Madras</b>	STATE <b>OR</b>	ZIP <b>97741</b>	E-MAIL <b>rlallen@rlallengroup.com</b>	

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

AGENT/BUSINESS NAME <b>Michele Wright Sims Consultant LLC</b>			PHONE NO. <b>541-408-4777</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>14865 Checkrein</b>				FAX NO.
CITY <b>Sisters</b>	STATE <b>OR</b>	ZIP <b>97759</b>	E-MAIL <b>sims.mw@gmail.com</b>	
<b>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.</b>				

Explain in your own words what you propose to accomplish with this transfer application, and why: The applicants propose to transfer 2.0 acres of the water right to instream use. This is a project to create a mitigation credit for a new groundwater permit for irrigation of 1.5 acres.  
If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

Check one box

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

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I understand that prior to Department approval of the transfer, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: The Nugget

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



Carmen Osika-Barbur  
Applicant Signature

Carmen Osika-Barbur  
Print Name (and Title if applicable)

6/23/18  
Date

Richard Barbur  
Applicant Signature

Richard Barbur  
Print Name (and Title if applicable)

6/23/18  
Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located?  Yes  No *If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.*

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



Nicoletta Jones  
Applicant Signature

Nicoletta Jones  
Print Name (and Title if applicable)

7/18/18  
Date

Terry Jones  
Applicant Signature

Terry Jones  
Print Name (and Title if applicable)

7-2-18  
Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located?  Yes  No *If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.*

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



\_\_\_\_\_  
Applicant Signature

Richard Allen  
Print Name (and Title if applicable)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Print Name (and Title if applicable)

\_\_\_\_\_  
Date

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_____	<u>Carmen Osika-Barbur</u>	_____
Applicant Signature	Print Name (and Title if applicable)	Date
_____	<u>Richard Barbur</u>	_____
Applicant Signature	Print Name (and Title if applicable)	Date

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




_____	<u>Nicoletta Jones</u>	_____
Applicant Signature	Print Name (and Title if applicable)	Date
_____	<u>Terry Jones</u>	_____
Applicant Signature	Print Name (and Title if applicable)	Date

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



	<u>Richard Allen</u>	<u>9-10-18</u>
Applicant Signature	Print Name (and Title if applicable)	Date
_____	_____	_____
Applicant Signature	Print Name (and Title if applicable)	Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located?  Yes  No *If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.*

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Check the following boxes that apply:

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

IRRIGATION DISTRICT NAME <b>NA</b>	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME <b>NA</b>	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME <b>Jefferson County Community Development</b>	ADDRESS <b>85 SE D Street</b>	
CITY <b>Madras</b>	STATE <b>OR</b>	ZIP <b>97741</b>

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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## Part 5 of 6 – Proposed Instream Use Information

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

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

**Instream use proposed to be created by the instream transfer:**

Originating Water Right Number (as identified in Part 5)	Priority Date	Source	Proposed Instream Period	Rate (cfs)*	Volume (ac-ft)**
87472	1888	Lake Creek	May1 to Sept 15	0.033	6.0
<b>TOTAL VOLUME</b>					<b>6.0</b>

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

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

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

Additional Information: \_\_\_\_\_.

**Identify the location of the proposed instream water right.**

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

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

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

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

No       Yes (identify other instream water rights): \_\_\_\_\_.

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

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

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

\_\_\_\_\_.

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

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

No; **OR**  
 Yes (Provide supporting documentation that demonstrates why additional flows are significant for the public use requested.); **OR**  
 Yes, and it is presumed that flows that exceed the estimated average natural flow or natural lake levels are significant because:

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

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

The time-limited instream transfer is for a specific number of years:  
\_\_\_\_\_ Begin Year to \_\_\_\_\_ End Year  
 Time-limited instream transfer is to terminate based upon other conditions:  
Conditions: \_\_\_\_\_.

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**Part 6 of 6 – Water Right Information**

Please use a separate Part 6 for each water right being changed. See instructions on page 8, to copy and paste additional Part 6s, or to add additional rows to tables within the form.

**CERTIFICATE # 87472**

**Name on Certificate:** Martin Hansen, Cecil Drinkward, Sally Drinkward

**Date(s) of Priority:** 1888

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

**Description of Water Delivery System**

System capacity: 0.033 cubic feet per second (cfs) OR  
 \_\_\_\_\_ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. **Ditches carry water from POD to ponds. Water is pumped from ponds into irrigation system.**

**Other Water Rights**

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

If YES, list the certificate, water use permit, or ground water registration numbers: NA.



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

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

(Note: If the POD name is not specified on the certificate, assign it a name or number here. Also, if the POD is not described in the Certificate, provide a description below)

POD Name or Number	Priority Date (if different between PODs)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
<b>POD2</b>		<b>13</b>	<b>S</b>	<b>9</b>	<b>E</b>	<b>16</b>	<b>SE</b>	<b>NE</b>		<b>2320' S and 1120' W from NE Cor. Sec. 16</b>

**Will the proposed instream transfer affect the entire water right?**

- Yes Then Table 2 on Page 10 does not need to be completed.  
 No Then complete all of Table 2 to describe the portion of the water right to be changed.

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Please use additional pages of Table 2 as needed. See page 8 for instructions. If you have further questions about how to fill out the tables, contact the Department at 503-986-0900 and ask for Transfer Staff.

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

List only the part of the right that will be changed. If more than one POD serves the lands, specify the acreage associated with each POD.

Twp		Rng		Sec	¼ ¼		Tax Lot	Gov't Lot or DLC	Acres if Applicable	Type of USE listed on Certificate	Priority Date (if not the same for all acres or type of use)	POD(s) (name or number from Table 1)
2	S	9	E	14	NE	NW	100		15.0	Irrigation	4/1/1900	POD #1 POD #2
"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"
13	S	9	E	16	SE	SE	3400		1.0	IR, DS	1888	POD2
					SE	SE	3500		1.0	IR, DS	1888	POD2
TOTAL ACRES									2.0			

Additional remarks: \_\_\_\_\_.

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 Water Resources Department  
 725 Summer Street NE, Suite A  
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Staff: \_\_\_\_\_ 503-986-0 \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

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JEFF  
50560

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

AUG 02 1999 WELL I.D. # L 23706  
WATER RESOURCES DEPT. START CARD # 102308  
SALEM, OREGON

Instructions for completing this report are on the last page of this form.

(1) OWNER: Well Number \_\_\_\_\_  
Name Oliver Orcutt  
Address 1877 SW Bear Dr.  
City Madras State OR Zip 97741

(2) TYPE OF WORK  
 New Well  Deepening  Alteration (repair/recondition)  Abandonment

(3) DRILL METHOD:  
 Rotary Air  Rotary Mud  Cable  Auger  
 Other \_\_\_\_\_

(4) PROPOSED USE:  
 Domestic  Community  Industrial  Irrigation  
 Thermal  Injection  Livestock  Other \_\_\_\_\_

(5) BORE HOLE CONSTRUCTION:  
Special Construction approval  Yes  No Depth of Completed Well 68 ft.  
Explosives used  Yes  No Type \_\_\_\_\_ Amount \_\_\_\_\_

HOLE			SEAL			
Diameter	From	To	Material	From	To	Sacks or pounds
12"	0	48	Bentonite	0	48	80 sacks
8"	48	65				

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

Backfill placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_  
Gravel placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Size of gravel \_\_\_\_\_

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
8"	+1	54	250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Liner: \_\_\_\_\_

Final location of shoe(s) \_\_\_\_\_

(7) PERFORATIONS/SCREENS:

Perforations Method Factory cut  
 Screens Type \_\_\_\_\_ Material \_\_\_\_\_

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
45	65	1/8" x 3"	836	6"		<input type="checkbox"/>	<input checked="" type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>

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

Pump	Bailer	Air	Flowing
Yield gal/min	Drawdown	Drill stem at	Artesian
		Time	
22		60'	1 hr.

Temperature of water 47 Depth Artesian Flow Found \_\_\_\_\_  
Was a water analysis done?  Yes By whom \_\_\_\_\_  
Did any strata contain water not suitable for intended use?  Too little  
 Salty  Muddy  Odor  Colored  Other \_\_\_\_\_  
Depth of strata: \_\_\_\_\_

(9) LOCATION OF WELL by legal description:  
County Jeff Latitude \_\_\_\_\_ Longitude \_\_\_\_\_  
Township 13 S N or S Range 9 E or W. WM.  
Section 16 dd SE 1/4 SE 1/4  
Tax Lot \_\_\_\_\_ Lot 3500 Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
Street Address of Well (or nearest address) Twin View Resorts

(10) STATIC WATER LEVEL:  
17' ft. below land surface. Date 7-2-99  
Artesian pressure \_\_\_\_\_ lb. per square inch. Date \_\_\_\_\_

(11) WATER BEARING ZONES:  
Depth at which water was first found 6'

From	To	Estimated Flow Rate	SWL
6'	38'	20	6
49'	68'	20+	17

(12) WELL LOG:  
Ground Elevation \_\_\_\_\_

Material	From	To	SWL
TOP SOIL	0	3	
Sand/gravel/boulders	3	38	
Brown clay + brown sand	38	49	
Red cinder conglomerate	49	68	17

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WATER RESOURCES DEPT.  
SALEM, OREGON  
OWRD

Date started 6-28-99 Completed July 2-99  
(unbonded) Water Well Constructor Certification:

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

Signed Mark Kibuka WWC Number Traine  
Date 7-22-99

(bonded) Water Well Constructor Certification:

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

Signed David A. Kuhn WWC Number 4568  
Date 7-27-99



# Application for Water Right Transfer Consent by Deeded Landowner



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

State of Oregon )  
County of Washington )ss )

I Jeffrey Tathwell in my/our capacity as owner,  
mailing address 1521 NE 63rd Ave., Hillsboro, OR 97124,  
telephone number 503-290-4991, duly sworn depose and say that I  
consent to the proposed change(s) to Water Right Certificate Number 87472  
described in a Transfer Application (T-      ) submitted by Michele Sims,  
*(transfer number, if known)*  
on the property in tax lot number(s) 3500, Section 16DD, Township 13  
South, Range 9 East, W.M., located at 13868 SW Camp Sherman Rd, Camp Sherman, Or.  
*(site address)*

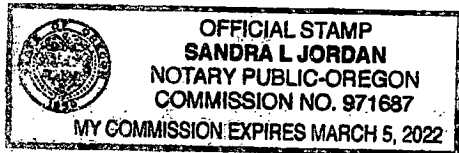
Jeffrey M. Tathwell  
Signature of Affiant

06/05/18  
Date

\_\_\_\_\_  
Signature of Affiant

\_\_\_\_\_  
Date

Subscribed and Sworn to before me this 5<sup>th</sup> day of June, 2018.



Sandra L. Jordan  
Notary Public for Oregon

My commission expires March 5, 2022

**Application for Water Right  
Transfer  
Consent by Deeded Landowner**



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

State of Oregon )  
 )ss  
County of Jefferson )

I Margo, Douglas and Jeffrey Tathwell in my/our capacity as owners,

mailing address 12341 SE Winston Rd. DAMASCUS, OR 97089

telephone number 503-878-5904, duly sworn depose and say that I

consent to the proposed change(s) to Water Right Certificate Number 87472

described in a Transfer Application (T-      ) submitted by Rick Allen,  
(transfer number, if known)

on the property in tax lot number(s) 3500, Section 16DD, Township 13

South, Range 9 East, W.M., located at 13868 SW Camp Sherman Road, Camp Sherman, Or.  
(site address)

Signature of Affiant

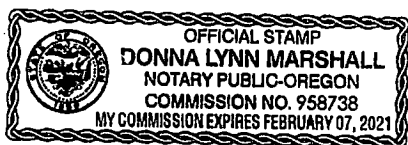
3-22-18

Date

\_\_\_\_\_  
Signature of Affiant

\_\_\_\_\_  
Date

Subscribed and Sworn to before me this 22<sup>nd</sup> day of March, 2018.



Notary Public for Oregon

My commission expires 2-07-21



State of OREGON

County of Multnomah

On this 24<sup>th</sup> day of May, 2018, before me personally appeared Doug Tathwell (personally known to me) to be the person whose name is subscribed to the within instrument (Application for Water Right Transfer Consent by Deeded Landowner) as attorney in fact of: Margo Tathwell, and acknowledged that he subscribed name of Margo Tathwell thereto as principal, and her own name as attorney in fact.

Donna Lynn Marshall  
Notary Public for Oregon



My commission expires: February 7 2021

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**DURABLE POWER OF ATTORNEY**

I, **MARGO W. TATHWELL**, of Madras, Oregon, hereby revoke all prior durable powers of attorney that I may have executed and appoint **DOUGLAS G. TATHWELL** as my Agent and attorney-in-fact ("my Agent"). If **DOUGLAS G. TATHWELL** is unable or unwilling to act as my Agent, I appoint **JEFFREY M. TATHWELL** as my alternate Agent and attorney-in-fact. An alternate agent may act during any period when my Agent is temporarily unable to act. The term "my Agent" in this power of attorney shall include any alternate agent who is authorized to act under this paragraph. My Agent shall have power and authority to:

1. **Support**. Make expenditures for my health, education, support, maintenance, and general welfare.

A. **Health Information**. While my Agent is acting under this power of attorney, have the right to receive, review, and consent to the disclosure of my medical records. I expressly waive any physician-patient privilege or other privilege which otherwise would protect me against the disclosure of confidential information. In addition, despite my privacy rights under the Health Insurance Portability and Accountability Act ("HIPAA"), I specifically authorize any health care professional or facility to disclose all health information about me to my Agent. I designate my Agent as my personal representative for purposes of HIPAA.

B. **Assistance in My Home**. In the event that I require long-term care, make expenditures for care and services which I may need in order to remain in my own home. This power includes the authority to pay for the services of my Agent, family members, and friends who provide in-home care or services for me or who arrange for or manage care and services for me.

C. **Disability and Long-Term Care Insurance**. At my Agent's sole discretion, purchase, pay the premiums for, and collect the proceeds of disability or long-term care insurance and apply those proceeds for my benefit. This power shall not be construed to impose any obligation on either me or my Agent to maintain disability or long-term care insurance for my benefit.

D. **Long-Term Care Outside My Home**. Make expenditures to contract and pay for long-term care outside my home if my Agent determines that I cannot receive the services I need in my home.

2. **Manage and Dispose of Assets**. Take possession of, retain, change the form of, manage, maintain, improve, lease, grant options on, encumber, sell, exchange, or otherwise dispose of any of my real or personal property or any interest in property, in any manner and on any terms my Agent considers to be in my best interests.

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A. **Real Estate.** I specifically authorize my Agent to take all these actions as to any real estate (as defined in ORS 696.010(16)) that I now own or that is later acquired by me or on my behalf.

B. **No Professional Real Estate Activity.** My Agent shall not use this power of attorney to engage in professional real estate activity (as defined in ORS 696.010(15)) and shall not receive any compensation for activities that could constitute engaging in professional real estate activity.

3. **Checks and Notes.** Receive, endorse, sign, sell, discount, deliver, and deposit checks, drafts, notes, and negotiable or nonnegotiable instruments, including any drawn on the Treasury of the United States or the State of Oregon or any other state or governmental entity.

4. **Financial Institutions.** Enter into any transaction with and contract for any services rendered by a financial institution, including continuing, modifying, or terminating existing accounts; opening new accounts; drawing, endorsing, or depositing checks, drafts, and other negotiable instruments; acquiring and transferring certificates of deposit; withdrawing funds deposited in my name alone or in my name and the name of any other person or persons; and providing or receiving financial statements. "Financial institutions" means banks, trust companies, savings banks, commercial banks, savings and loan associations, credit unions, loan companies, thrift institutions, mutual fund companies, investment advisors, brokerage firms, and other similar institutions.

5. **Investments and Securities Transactions.** Invest and reinvest in common or preferred stocks, bonds, mutual funds, common trust funds, money market accounts, secured and unsecured obligations, mortgages, and other real or personal property; engage in investment transactions (including transactions involving margin accounts or commodities contracts) with any financial institution; and hold my securities in the name of my Agent's nominee or in unregistered form.

6. **Insurance and Annuity Contracts.** Purchase, maintain, modify, renew, convert, exchange, borrow against, surrender, cancel, and collect or select payment options under any insurance or annuity contract. This power shall extend to any insurance I own on the life of my Agent. Any receipt, release, or other instrument executed by my Agent in connection with any insurance or annuity contract shall be binding and conclusive upon all persons.

7. **Business Interests.** Continue, participate in, sell, reorganize, or liquidate any business or other enterprise owned by me, either alone or with any other person or persons.

8. **Voting.** Appear and vote for me in person or by proxy at any corporate or other meeting.

9. **Flower Bonds.** Purchase U.S. Treasury bonds redeemable at par in payment of federal estate tax, and borrow funds and pledge the bonds as collateral to make the purchase.

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10. **Retirement Plans.** Establish, modify, contribute to, select payment options under, make elections under, receive payments from, make rollovers to, and take any other steps I might take with respect to IRA accounts and other retirement plans.
11. **Credit Cards.** Cancel or continue my credit cards and charge accounts, use my credit cards to make purchases, and sign charge slips on my behalf.
12. **Collections.** Demand and collect any money or property owed to me and give a receipt or discharge for the money or property collected.
13. **Debts.** Pay my debts and other obligations.
14. **Litigation.** Sue upon, defend, compromise, or submit to arbitration any controversies in which I may be interested; and act in my name in connection with any complaint, proceeding, or suit.
15. **Borrowing.** Borrow in any manner and on any terms my Agent considers to be in my best interests (including borrowing from my Agent's own funds), and give security for repayment.
16. **Lending.** Lend funds to any person, provided that the loan is adequately secured and bears a reasonable rate of interest.
17. **Taxes and Assessments.** For the years 2012 through 2032, and any other tax years permitted under applicable law, do the following: pay any tax or assessment; appear for and represent me, in person or by attorney, in all tax matters; execute any power of attorney forms required by the Internal Revenue Service, the Oregon Department of Revenue, or any other taxing authority; receive confidential information from any taxing authority; prepare, sign, and file federal, state, and local tax returns and reports for all tax matters, including income, gift, estate, inheritance, generation-skipping, sales, business, FICA, payroll, and property tax matters; execute waivers, including waivers of restrictions on assessment or collection of tax deficiencies and waivers of notice of disallowance of a claim for credit or refund; execute consents, closing agreements, and other documents related to my tax liability; make any elections available under federal or state tax law; and delegate authority or substitute another representative with respect to all matters described in this paragraph; provided, however, that the power granted in this paragraph to appear for and represent me in tax matters related to the Internal Revenue Service or any state department of revenue, shall apply only to those prior tax years for which the applicable statute of limitations has not run and for all future tax years ending during the period this Power of Attorney is in force.
18. **Government Benefits.** Perform any act necessary or desirable (including acting as representative payee) in order for me to qualify for and receive all types of government benefits, including Medicare, Medicaid, Social Security, veterans', and workers' compensation benefits. The power granted under this paragraph shall include the power to dispose of any property or interest in property by any means (including making gifts or establishing and funding trusts) and the power to name or change beneficiaries under insurance policies, pay-on-death

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arrangements, retirement plans and accounts, and any other assets, provided that any disposition or designation shall be consistent with my existing estate plan to the extent reasonably possible.

19. **Disclaimer.** Disclaim any property, interest in property, or power to which I may be entitled; and take all steps required to make the disclaimer effective under state and federal laws, including Section 2518 of the Internal Revenue Code or any successor statute. In deciding whether to disclaim, my Agent shall consider the effect of disclaimer on taxes that may be payable, on qualification for government benefits, and on my existing estate plan.

20. **Elective Share Rights.** Exercise any right to claim an elective share in any estate or under any Will.

21. **Fiduciary Positions.** Resign from or renounce on my behalf fiduciary positions, including personal representative, trustee, conservator, guardian, attorney-in-fact, and officer or director of a corporation; and discharge me from further responsibility by filing accountings with a court or settling by formal or informal methods.

22. **Safe Deposit Box.** Have access to and make deposits to or withdrawals from any safe deposit box rented in my name alone or in my name and the name of any other person or persons.

23. **Mail.** Redirect my mail.

24. **Custody of Documents.** Take custody of important documents, including any Will, trust agreements, deeds, life insurance policies, and contracts.

25. **Employees and Advisors.** Employ, compensate, and discharge attorneys, accountants, investment advisors, property managers, custodians, physicians, dentists, nurses, household help, and others to render services to me or for my benefit.

26. **Waiver of Privileges.** Waive any attorney-client, physician-patient, or other professional privilege which would otherwise protect me against the disclosure of confidential information, in order to obtain information from the professional.

27. **Nomination of Guardian and Conservator.** To the extent permitted by state law, I nominate **DOUGLAS G. TATHWELL** to act as my guardian and conservator if I become incapacitated. If **DOUGLAS G. TATHWELL** is unable or unwilling to act as my guardian or conservator, I nominate **JEFFREY M. TATHWELL** to act as my alternate guardian or conservator. The nominee named in this instrument as guardian and/or conservator shall not be required at any time to give bond in order to act in either capacity. If the court for any reason refuses to approve my waiver for a requirement for bond, such refusal shall not invalidate this nomination of guardian and/or conservator and the remaining provisions shall be carried into effect.

28. **Compensation of My Agent.** Compensate my Agent for the reasonable value of my Agent's financial management services while acting under this power of attorney.

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29. **Accounting.** My Agent shall be required to account within a reasonable period after receiving a request from me, any successor Agent, my guardian, or my Personal Representative. During any period that a conservator is appointed for me, my Agent shall account to the conservator rather than to me.

30. **Gifts.** Make gifts and consent to split gifts on my behalf, whether outright, in trust, or in custodianship, to or for the benefit of my descendants.

A. Gifts made under this paragraph shall be limited to the amount eligible for exclusion from taxable gifts under Section 2503 of the Internal Revenue Code or any successor statute.

B. Gifts made under this paragraph shall be consistent with my existing estate plan to the extent reasonably possible and with the reduction or elimination of estate and inheritance taxes payable by reason of my death.

C. My Agent shall have power to make withdrawals from any revocable living trust of which I am a trustor for the purpose of making gifts under this paragraph.

31. **Trusts.** Transfer any of my real or personal property to the Trustee of the Margo W. Tathwell Revocable Trust U/T/A dated January 23, 2015, as it may be amended whether before or after the execution of this instrument.

32. **Beneficiary Designations.** Designate or change beneficiaries under insurance policies, pay-on-death arrangements, retirement plans and accounts, and any other assets, provided that any beneficiary designation shall be consistent with my existing estate plan to the extent reasonably possible. This power includes the power to designate my Agent as a beneficiary.

33. **Substitution and Delegation.** Appoint and substitute for my Agent any nominee or agent to exercise the powers granted in this instrument and revoke the appointment or substitution at any time.

34. **Perform Other Acts to Carry Out the Powers Granted.** Execute and deliver any written instrument and perform any other act necessary or desirable to carry out any of the powers granted to my Agent under this power of attorney, as fully as I might do personally. I ratify and confirm all acts performed by my Agent pursuant to this power of attorney.

35. **Third Party Reliance.** Third parties who rely in good faith on the authority of my Agent under this power of attorney shall not be liable to me, to my estate, or to my heirs, successors, or assigns. Third parties without actual notice of revocation may conclusively rely on the continued validity of this power of attorney. If requested, my Agent shall furnish, and a third party may conclusively rely on, an affidavit or certificate stating that (1) I was competent at the time this power of attorney was executed, (2) the power of attorney

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has not been revoked, (3) my Agent continues to serve as attorney-in-fact under the power of attorney, and (4) my Agent is acting within the scope of authority granted under the power of attorney. My Agent may sue or pursue other action against any third party who refuses to honor this power of attorney after such an affidavit or certificate has been provided.

36. **Durability.** The powers granted to my Agent under this power of attorney shall continue to be exercisable even though I have become disabled or incompetent.

37. **Governing Law.** The validity and construction of this power of attorney shall be determined under Oregon law.

I have signed this power of attorney this 23<sup>rd</sup> day of January, 2015.

*Margo W. Tathwell*  
MARGO W. TATHWELL

STATE OF OREGON            )  
  ) ss.  
County of Deschutes        )

The foregoing instrument was acknowledged before me this 23<sup>rd</sup> day of January, 2015, by MARGO W. TATHWELL.



*Karen M. Kemp*  
NOTARY PUBLIC FOR OREGON

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January 23, 2015

To: ~~DOUGLAS G. TATHWELL~~

I have delivered to you a signed Durable Power of Attorney naming you as my attorney-in-fact to act on my behalf. I instruct you to hold it unused unless either I become financially incapable or disabled by illness, age, accident, or absence to the extent that I am unable to manage my own affairs. You are to determine whether I am so financially incapable or disabled, and you may do so by any means you decide are adequate. Upon making such a determination or upon my requesting you to act, I ask you to act on my behalf using your best judgment.

If you act in good faith in the belief that I am so financially incapable or disabled, you shall not be liable for any acts or omissions on your part in reliance upon that belief.

Except in the circumstances just described, it is understood that you will not use the Durable Power of Attorney without my express consent.

Whenever you use the Power of Attorney, you are to do so in accordance with your best judgment on my behalf, and, provided you are acting within your powers, you shall be responsible for good faith only.

Sincerely,

  
MARGO W. TATHWELL

EKM/kmk  
Enclosure

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1201 NW WALL ST STE 200

BEND, OR 97701

11088-001756299.docx  
541.382.3011

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**Application for Water Right  
Transfer  
Consent by Deeded Landowner**



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

State of Oregon )  
 )ss  
County of Jefferson )

I Gary and Marlene Marshall in my/our capacity as owner,  
mailing address P.O. Box 414 Camp Sherman,  
telephone number 541-595-0941, duly sworn depose and say that I  
consent to the proposed change(s) to Water Right Certificate Number 87472  
described in a Transfer Application (T-       ) submitted by Rick Allen,  
*(transfer number, if known)*  
on the property in tax lot number(s) 3500, Section 16DD, Township 13  
South, Range 9 East, W.M., located at 13868 SW Camp Sherman Road, Camp Sherman, Or.  
*(site address)*

[Signature]  
Signature of Affiant  
[Signature]  
Signature of Affiant

03/22/18  
Date  
03/22/18  
Date

Subscribed and Sworn to before me this 22 day of March, 2018.



[Signature]  
Notary Public for Oregon  
My commission expires 5/4/2020

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OWRD 13098

**Application for Water Right  
Transfer  
Consent by Deeded Landowner**



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

State of Oregon )

)ss

County of Jefferson )

Oliver and Janelle Orcutt in my/our capacity as owner,  
mailing address 1877 SW Bear Dr Madras Or,  
telephone number 541-419-4773 duly sworn depose and say that

consent to the proposed change(s) to Water Right Certificate Number 87472

described in a Transfer Application (T-\_\_\_\_) submitted by Rick Allen,

*(transfer number, if known)*

on the property in tax lot number(s) 3500, Section 16DD, Township 13

, Range 9, W.M., located at 13868 SW Camp Sherman Road, Camp Sherman, Or.

*(site address)*

*Oliver Orcutt*

Signature of Affiant

Date

3-27-18

*Janelle Orcutt*

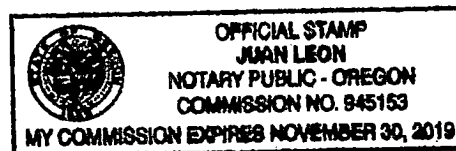
Signature of Affiant

Date

3-27-18

Subscribed and Sworn to before me this 27<sup>th</sup> day of March, 2018.

*Juan Leon*  
Notary Public for Oregon



My commission expires 11/30/19.

Revised 9/2/10

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# Application for Water Right Transfer

## Evidence of Use Affidavit



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

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

State of Oregon )  
 County of ) JEFFERSON ) ss

I, CARMEN BARBUR, in my capacity as OWNER,

mailing address

telephone number (503) 582-1617, being first duly sworn depose and say:

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

- Personal observation                       Professional expertise

2. I attest that:

Water was used during the previous five years on the **entire** place of use for Certificate # \_\_\_\_; **OR**

My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township		Range		Mer	Sec	1/4 1/4		Gov't Lot or DLC	Acres (if applicable)
87472	13	S	9	E	WM	16	SE	SE		1.0

*C. Barbur*

**OR**

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

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

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

Carmen A. Osika-Barlowe  
Signature of Affiant

3/28/18  
Date

Signed and sworn to (or affirmed) before me this 28 day of March, 2018.



Taurino Ivan Guzman

Notary Public for Oregon

My Commission Expires: Feb 13, 2022

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

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FS

# Application for Water Right Transfer

## Evidence of Use Affidavit



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

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

State of Oregon )  
 ) ss  
 County of )

I, RICK ALLEN, in my capacity as OWNER,  
 mailing address

telephone number (541) 815-4380, being first duly sworn depose and say:

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

- Personal observation       Professional expertise

2. I attest that:

Water was used during the previous five years on the **entire** place of use for Certificate # \_\_\_\_; **OR**

My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township		Range		Mer	Sec	¼ ¼		Gov't Lot or DLC	Acres (if applicable)
87472	13	S	9	E	WM	16	SE	SE		1.0

*Ready*

**OR**

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

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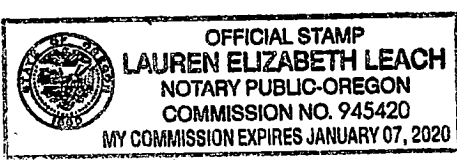
3. The water right was used for: (e.g., crops, pasture, etc.): IRRIGATION

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

[Signature]  
Signature of Affiant

3-23-18  
Date

Signed and sworn to (or affirmed) before me this 23 day of March, 2018.



[Signature]  
Notary Public for Oregon

My Commission Expires: January 7, 2020

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

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00106723201500023150020021

\$56.00

07/02/2015 12:39:11 PM

D-BSD Cnt=1 Str=19 KATES  
\$10.00 \$11.00 \$20.00 \$10.00 \$5.00

After recording, return to:  
Terry Jones & Nicoletta Jones  
17572 Plainview Ct.  
Bend, OR 97701

**Until a change is requested, tax statements shall be sent to:**  
Terry Jones & Nicoletta Jones, 17572 Plainview Ct., Bend, OR 97701

**BARGAIN AND SALE DEED**

Carmen A. Osika-Barbur and Nicoletta Y. Jones, Grantors, hereby convey to Carmen A. Osika-Barbur and Richard T. Barbur husband and wife an undivided one-half interest (50%) and to Nicoletta Y. Jones and Terry F. Jones, husband and wife, an undivided one-half interest (50%), their right, title and interest to the following real property situated in Jefferson County, Oregon, to-wit:

A tract of land in the Southeast quarter of the Southeast quarter of section 16, Township 13 South, Range 9 East of the Willamette Meridian, described as follows: Beginning at a point on the Section line between Sections 15 and 16, Township 13 South, Range 9 East of the Willamette Meridian, North 0°36' East 632 feet from the corner of Sections 15, 16, 21 and 22, and running thence North 0°36' East a distance of 150 feet along the Section line; thence South 89°50' West a distance of 290.4 feet; thence South 0°36' West a distance of 150 feet; thence North 89°50' East a distance of 290.4 feet to the point of beginning, in Jefferson County, Oregon.

Subject to a power line and telephone easement.

Together with Appurtenances.

Subject to all restrictions and encumbrances of record. The true consideration for this conveyance is other than money.

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.

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

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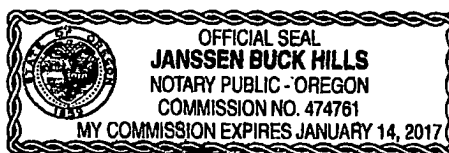
CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 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.

DATED this \_\_\_ day of June 2015

Carmen A. Osika-Barbur

Carmen A. Osika-Barbur

STATE OF OREGON )  
County of Clackamas ) ss:



Personally appeared Carmen A. Osika-Barbur and acknowledged the foregoing instrument to be her voluntary act and deed. Before me this 30<sup>th</sup> day of June, 2015

Janssen Buck Hills  
Notary Public  
My Commission Expires: Jan 14, 2017

DATED this \_\_\_ day of June 2015.

Nicoletta Y. Jones  
Nicoletta Y. Jones

STATE OF OREGON )  
County of Deschutes ) ss:

Kristina Maxwell  
Notary Public  
My Commission Expires: 11/16/2018

Personally appeared Nicoletta Y. Jones and acknowledged the foregoing instrument to be her voluntary act and deed. Before me this 23 day of June, 2015

Account: 8586 Map/TL: 130916DD0340



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00088760201200026310050058

\$66.00

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\$25.00 \$11.00 \$15.00 \$10.00 \$5.00

1309/6 DD -3520

JEFFERSON COUNTY TITLE COMPANY

**RECORDING COVER SHEET\***

**AFTER RECORDING RETURN TO:** Jefferson County Title Company  
534 SW Fourth Street/PO Box 51  
Madras, OR 97741

1. **Title of transaction(s) (ORS 205.234(a):**

**WARRANTY DEED**

2. **The Party or parties involved, as described in ORS 205.125(1)(a) and (b) and 205.160:**

**GRANTOR:** Oliver G. Orcutt and Janelle X. Orcutt, Trustees or the Successor Trustee of the Oliver G. Orcutt and Janelle X. Orcutt Revocable Living Trust, u/t/a/dated September 8, 2000; Richard Allen; and Gary N. Marshall and Marlene L. Marshall, husband and wife.

**GRANTEE:** A. Roger Tathwell and Margo Tathwell

3. **True and Actual Consideration ORS 93.030:**

\$120,000.00

5. **Send Tax Statements to:**

Roger Tathwell and Margo Tathwell

1860 NE Skyview Dr.  
Madras, OR 97741

**If this box is checked, then this Document is being Rerecorded pursuant to ORS 205.244 at the request of \_\_\_\_\_: to correct \_\_\_\_\_, previously recorded as Fee No.: \_\_\_\_\_**

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Call 2169/Erika

*\*ORS 205 requires this information to be set forth on the first page of any instrument presented to a county clerk for recording. This cover sheet has been prepared by the person presenting the attached instrument for recording. Any errors in this Cover sheet do not affect the transaction(s) contained in the instrument itself.*

**WARRANTY DEED**

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

A. Roger Tathwell and Margo Tathwell  
1860 NE SKYVIEW DR.  
MADRAS OR 97741

After recording, this Deed shall be delivered to:

A. Roger Tathwell and Margo Tathwell  
1860 NE SKYVIEW DR.  
MADRAS OR 97741

The true consideration for this transfer is \$120,000.00.

OLIVER G. ORCUTT and JANELLE X. ORCUTT, Trustees or the Successor Trustee of the Oliver G. Orcutt and Janelle X. Orcutt Revocable Living Trust, u/t/a dated September 8, 2000; RICHARD ALLEN; and GARY N. MARSHALL and MARLENE L. MARSHALL, husband and wife, Grantors, convey and warrant to A. ROGER TATHWELL and MARGO TATHWELL, husband and wife, Grantees, the following described real property, free of encumbrances except as specifically set forth herein:

An undivided one-fourth (1/4) interest in the real property located at: 13880 SW Forest Service Road 1419, Camp Sherman, Jefferson County, Oregon, as tenants in common, as more particularly described on Exhibit "A" attached hereto and incorporated herein by reference, including the exclusive right to occupy Cabin #2.

**SUBJECT TO:**

1. A Tenancy in Common Agreement, to be entered into between the parties, together with an Amendment to Tenancy in Common Agreement, which documents are attached hereto as Exhibits "B" and "C" and incorporated herein by reference.
2. Taxes for the year 2002-2003, Ref. #8587, Code #312, Map 13-09-16DD-3500, Assessed Value: \$247,422.00, Original Amount: \$2,065.49, UNPAID Balance: \$688.49, plus interest.

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- 1 - WARRANTY DEED

M:\DATA\ARSL\CLIENTS\O\Orcutt.023.Deed to Tathwell

BRYANT, LOVLIE & JARVIS, PC  
ATTORNEYS AT LAW, ESTABLISHED 1915

591 SW Mill View Way PO Box 1151 Bend, Oregon 97709-1151 (541) 382-4331 fax (541) 389-3386 www.bryantlovlienjarvis.com  
24 SW Fifth Street Madras, Oregon 97741 (541) 475-2757 fax (541) 475-2962

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*[Handwritten initials]*

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3. Power Line and Telephone Easement as disclosed by Contract of Sale recorded February 22, 1974 in Book 12, Page 212, Miscellaneous Records, Jefferson County, Oregon.

4. Unrecorded Contract of Sale, including the terms and provisions thereof, and such other exceptions as may appear necessary upon the recording thereof as disclosed by Memorandum of Sale, recorded April 23, 1999 as instrument #991837, Official Records, wherein the vendor is Nick G. Osika and Joyce Osika, husband and wife and the vendee is Oliver G. Orcutt and Janelle X. Orcutt, husband and wife.

The vendee's interest in said Contract was assigned by Bargain and Sale Deed recorded December 11, 2000, as instrument #20005083, Official Records, from Oliver G. Orcutt and Janelle X. Orcutt, husband and wife, to Oliver G. Orcutt and Janelle X. Orcutt, Trustees or their Successor Trustees in the Oliver G. Orcutt and Janelle X. Orcutt Revocable Living Trust, u/t/a dated September 8, 2000.

Said Bargain and Sale Deed contains an erroneous legal description.

5. Unrecorded Contract of Sale, including the terms and provisions thereof, and such other exceptions as may appear necessary upon the recording thereof, dated November 1, 2001 as disclosed by Memorandum of Contract of Sale recorded November 1, 2001 as instrument #20014766, Official Records, wherein the vendor is Oliver G. Orcutt and Janelle X. Orcutt, Trustees of the Oliver G. Orcutt and Janelle X. Orcutt Revocable Living Trust, u/t/a dated September 8, 2000 and the vendee is Gary N. Marshall and Marlene L. Marshall, husband and wife, (affects an undivided 1/3 interest).

6. Unrecorded Contract of Sale, including the terms and provisions thereof, and such other exceptions as may appear necessary upon the recording thereof, dated November 14 2001 as disclosed by Memorandum of Contract of Sale recorded November 14 2001 as instrument #20014991, Official Records, wherein the vendor is Oliver G. Orcutt and Janelle X. Orcutt, Trustees of the Oliver G. Orcutt and Janelle X. Orcutt Revocable Living Trust, u/t/a dated September 8, 2000 and the vendee is Richard Allen (Affects an undivided 1/3 interest).

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

- 2 - WARRANTY DEED

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MADATAVARSCLAIENTS O Orcutt 023, Deed to Tathwell

BRYANT, LOVLIE & JARVIS, PC  
ATTORNEYS AT LAW, ESTABLISHED 1915

591 SW Mill View Way PO Box 1151 Bend, Oregon 97709-1151 (541) 382-4331 fax (541) 389-3386 www.bryantlovlienjarvis.com  
24 SW Fifth Street Madras, Oregon 97741 (541) 475-2757 fax (541) 475-2962

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DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

DATED this 1 day of April, 2003.

Oliver G. Orcutt  
OLIVER G. ORCUTT

Gary N. Marshall  
GARY N. MARSHALL

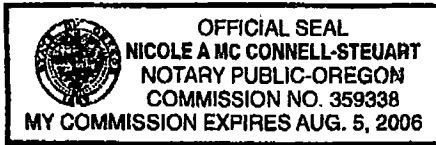
Janelle X. Orcutt  
JANELLE X. ORCUTT

Marlene L. Marshall  
MARLENE L. MARSHALL

Richard Allen  
RICHARD ALLEN

STATE OF OREGON, County of Jefferson, ss:

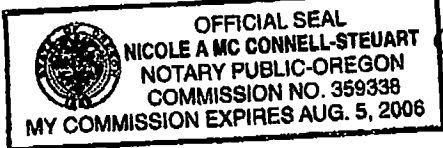
The foregoing instrument was acknowledged before me this 14 day of March, 2003, by Oliver G. Orcutt and Janelle X. Orcutt, Trustees.



[Signature]  
Notary Public for Oregon  
My Commission Expires: 8-5-06

STATE OF OREGON, County of Jefferson, ss:

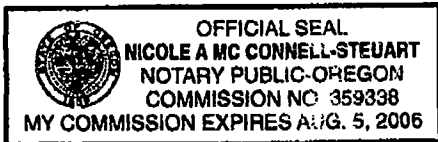
The foregoing instrument was acknowledged before me this 20th day of March, 2003, by Gary N. Marshall and Marlene L. Marshall.



[Signature]  
Notary Public for Oregon  
My Commission Expires: 8-5-06

STATE OF OREGON, County of Jefferson, ss:

The foregoing instrument was acknowledged before me this 1 day of April, 2003, by Richard Allen.



[Signature]  
Notary Public for Oregon  
My Commission Expires: 8-5-06

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**\*\* EXHIBIT A - Legal Description \*\***

A tract of land in the Southeast quarter of the Southeast quarter of Section 16, Township 13 South, Range 9 East of the Willamette Meridian, described as follows:

Beginning at a point on the Section line between Sections 15 and 16, Township 13 South, Range 9 East of the Willamette Meridian, North 0°36' East, 482 feet from the corner of Sections 15, 16, 21 and 22, and running thence North 0°36' East a distance of 150 feet along the Section line; thence South 89°50' West a distance of 290.4 feet; thence South 0°36' West a distance of 150 feet; thence North 89°50' East a distance of 290.4 feet to the point of beginning in Jefferson County, Oregon.

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**UPPER DESCHUTES**  
WATERSHED COUNCIL

December 20<sup>th</sup>, 2018

Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301

**RE: Groundwater Permit Application and Certificate 87472 Instream Transfer for mitigation**

Dear OWRD,

The Upper Deschutes Watershed Council (UDWC) and its partners including Lake Creek water right holders, Oregon Department of Fish and Wildlife, and the Deschutes National Forest (DNF) have been working to provide fish passage and screening on Lake Creek for the past ten years. The attached documents include a permit application to use groundwater and an accompanying instream transfer of Certificate 87472 to be used as mitigation for the new groundwater use.

Together, they are part of a broader project to provide fish passage and screening in a two step process on the Point of Diversion (POD) that provides water for 14 water right holders:

1. With these water right applications, the Allen, Barbur and Jones families intend to continue irrigating their land using groundwater instead of their existing surface water rights.
2. A portion of the remaining 14 water right holders have filed water right applications (separate from attached applications) to transfer (T-12370) their POD downstream onto private property and install a new pump equipped with a state and federally approved fish screen.

The UDWC through grant funds have been facilitating this process by paying for water right consultants and paying for OWRD application fees. Thank you in advance for any help you can provide in the water right process associated with this project and please do not hesitate to contact me should you have any questions concerning the project as a whole.

Sincerely,

Mathias Perle  
Restoration Program Manager  
Upper Deschutes Watershed Council

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**Application for Instream Transfer and New Groundwater Permit**

**Applicants: Allen, Barbur, Jones**

**Tax Lots 3400 & 3500, Map 13-9-16DD, Jefferson County, Oregon**

**List of enclosed documents**

1. Application and map for Instream Transfer
2. Application and map for Groundwater Permit
3. Land Use Compatibility Statement Jefferson County
4. Well logs: JEFF645 and JEFF50568
5. Consent to transfer Doug Tathwell
6. Consent to transfer Jeffrey Tathwell
7. Consent to transfer Margot Tathwell/Power of Attorney to Doug Tathwell
8. Consent to transfer Gary and Marlene Marshall
9. Consent to transfer Janelle and Oliver Orcutt
10. Affidavits of Use from Allen and Barbur with attached photos
11. Deed: Barbur/Jones, Document No. 2015-2315 Jefferson County Official Records
12. Deed: Allen et al, Document No. 2012-2631 Jefferson County Official Records

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