

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

Application to Split A Permit and Request for Issuance of Replacement Permits (ORS 537.225)

Part 1 of 5 – Minimum Requirements Checklist

This application will be returned if Parts 1 through 5 and all required attachments are not completed and included.
 For questions, please call (503) 986-0900, and ask for Transfer Section.

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Check all items included with this application.

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Application Map Checklist.
- Part 3 – Completed Application with non-refundable \$125.00 Application Fee, Applicant(s) Information and Signature(s).
- Part 4 – Other Landowner Information and proportionate rate(s).
- Part 5 – Water Right Permit Information. List the permit number to be assigned here: G-11577.

Attachments:

- Completed application map prepared by Certified Water Right Examiner (CWRE).
- Completed Affidavit(s) from the applicant(s):
 - Certifying the permit has not been conveyed or withheld, and remains appurtenant to the applicant's land.
 - Certifying the applicant has read the permit.
- Copy(s) of current recorded deed(s) showing that the applicant(s) is/are an owner of the land(s) to which the permit is appurtenant.

INSTRUCTIONS for editing the Application Form

Photocopy pages or tables in Part 5, ~~mark through~~ any non-applicable information, insert/attach photocopied pages to document in the appropriate location, and manually amend page numbers as necessary (e.g., Page 5 of 9 10).

You may refer to additional attachments that you may include, such as separately produced tables or spreadsheets to convey large numbers of rows of place of use listings, owner/property parcels, etc. You may contact the Department at 503-986-0900 and ask for Transfer Staff if you have questions.

For Staff Accounting Purposes Only – PCA #46110 Object #_ _ _ _

Part 2 of 5 –Application Map Checklist

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

Please be sure that the map you submit is based upon the original water right application map or permit amendment map and includes all the items listed below and meets the requirements of OAR 690-325-0050. Check all boxes that apply.

The map shall not include any unauthorized change to the authorized place of use outside of its original perimeters as exhibited on the original water right application map or approved permit amendment map nor any unauthorized change to the location of the point(s) of diversion or appropriation as exhibited on the original water right application map or approved permit amendment map.

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- Certified Water Right Examiner (CWRE) Stamp and Signature. For a list of CWRE's, see http://apps.wrd.state.or.us/apps/wr/cwre_license_view/.
- 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, or up to 30 x 30 inches. For 30 x 30 inch maps, one additional paper copy and an electronic copy in a .pdf, .tiff or .jpg format is required.
- A north arrow, a legend, and scale. The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- Township, Range, Section, ¼ ¼, 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.
- The place of use of each applicant's portion of the water right permit shall be clearly defined by outline and shaded or hachured and shall show the number of acres for each portion in each quarter-quarter section, government lot, or quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If the permit has multiple priority dates or uses, the lands to be served by each priority date and on which use is authorized, must be separately identified.
- The place of use of any part of the permit **not** being assigned shall be clearly defined by outline and shaded or hachured and shall show the number of acres for each portion in each quarter-quarter section, government lot, or quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If the permit has multiple priority dates or uses, the lands to be served by each priority date and on which use is authorized, must be separately identified.
- Each applicant's portion of the permit shall be referenced, by either alphabet letter or number, to each applicant(s) listed in the application form.
- The rate and any applicable acre-feet allowance of water use under the permit for each applicant's portion of the permit shall be clearly labeled on the map.
- The location of each authorized point of diversion or appropriation.

Please use additional pages as needed

Part 3 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME ASPEN LAKES DEVELOPMENT, LLC		MAP ID (LETTER OR NUMBER) 4400 & 4500	PHONE NO. 541-771-4980	ADDITIONAL CONTACT NO.
ADDRESS 16900 ASPEN LAKES DR				FAX NO.
CITY SISTERS	STATE OR	ZIP 97759	E-MAIL	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER AND REPLACEMENT PERMIT DOCUMENTS WILL ALSO BE MAILED.				

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

AGENT/BUSINESS NAME JOHN A. SHORT / WATER RIGHT SERVICES, LLC		PHONE NO. 541-389-2837	ADDITIONAL CONTACT NO.	
ADDRESS P.O. BOX 1830			FAX NO.	
CITY BEND	STATE OR	ZIP 97709	E-MAIL JOHNSHORT@USA.COM	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER AND REPLACEMENT PERMIT DOCUMENTS WILL ALSO BE MAILED.				

ORS 536.050(1)(aa) authorizes the Oregon Water Resources Department (OWRD) to collect fees based upon the actual cost of work to process an application under ORS 537.225.

I (we) understand the following:

- Upon receipt of my complete application and the non-refundable application fee in the amount of \$125.00, OWRD will, within fifteen (15) days, notify me in writing of the estimate of the cost of work.
- The non-refundable \$125.00 fee covers the cost of OWRD's staff to evaluate and provide the cost of work estimate for processing the application.
- Upon receiving the estimate I may agree or decline to enter into a formal contract to pay the estimated cost of work in advance to initiate the processing of the application.
- If I decline to enter into a formal contract, OWRD will close my application.
- An incomplete or inaccurate application may delay the process and increase the cost to process my request.
- OWRD does not guarantee a favorable review of the application.

I (we) affirm that the most recent water use (if any) under my (our) portion of the permit has been exercised within the relevant terms and conditions of the permit.

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

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Applicant signature

Applicant signature

Brad Chalfaut
Name (and title if applicable) (print)
Executive Director

Matt Cyrus
Name (and title if applicable) (print)
manager member

7/9/19
Date

8/16/19
Date

Please use additional pages as needed

Part 4 of 5 – Other Landowner Information

Please list the owner(s) of land under the permit who are not submitting the assignment and request for issuance of replacement water right permit.

Landowner Information

LANDOWNER/BUSINESS NAME DESCHUTES LAND TRUST		MAP ID (LETTER OR NUMBER) 600 & 1800	
MAILING ADDRESS 210 NW IRVING AVENUE # 102		CITY BEND	STATE OR
TOTAL NUMBER OF ACRES UNDER THE PERMIT (AS DEPICTED ON MAP) 50 ACRES		PROPORTIONATE RATE .625 CFS	

Landowner Information

LANDOWNER/BUSINESS NAME N/A		MAP ID (LETTER OR NUMBER)	
MAILING ADDRESS		CITY	STATE
TOTAL NUMBER OF ACRES UNDER THE PERMIT (AS DEPICTED ON MAP)		PROPORTIONATE RATE	

Landowner Information

LANDOWNER/BUSINESS NAME N/A		MAP ID (LETTER OR NUMBER)	
MAILING ADDRESS		CITY	STATE
TOTAL NUMBER OF ACRES UNDER THE PERMIT (AS DEPICTED ON MAP)		PROPORTIONATE RATE	

Landowner Information

LANDOWNER/BUSINESS NAME N/A		MAP ID (LETTER OR NUMBER)	
MAILING ADDRESS		CITY	STATE
TOTAL NUMBER OF ACRES UNDER THE PERMIT (AS DEPICTED ON MAP)		PROPORTIONATE RATE	

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Part 5 of 5 – Permit Information

PERMIT # G-11577

Completion date of the permit: G-11577

Name(s) currently appearing on permit: KMB ENTERPRISES

Type(s) of use as listed on permit: IR, IS, AS

Note: Type of use must be one or more of the following uses approved for assignment under ORS 537.225(1) and OAR 690-325-0010: irrigation, nursery, temperature control, stock watering, or agricultural water use.

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

POD/POA Name or Number	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well # 5	DESC 992	15	S	10	E	1	SE	SW		N 100', E 2300' of SW Cor S1

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Please use additional pages of Table 2 as needed

Table 2. Description of Permit #G-11577.

List all parts of the permit (both assigned and unassigned). For the acreage or place(s) of use in each ¼ ¼, list the Map ID (letter or number from map and Parts 3 and 4) for each parcel. The acreage listed must equal the total acreage on the permit.

Description of Permitted Lands												
Twp	Rng	Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres (if applicable)	Type of Use	POD(s) or POA(s) (name or number from Table 1)	Map ID (letter or number from map and Parts 3 and 4)		
2	S	9	E	15	NE	NW	100		15.0	IR	POD #1	"A"
2	S	9	E	15	NE	NW	200		4.0	NU	POD #2	"B"
↑EXAMPLE↑												
14	S	10	E	35	NE	NE			20.0	IR	Well #5	4400
"	"	"	"	"	NW	NE			9.0	IR	"	4400
"	"	"	"	"	SW	NE			40.0	IR, AS	"	4400
"	"	"	"	"	SE	NE			32.0	IR	"	4400
"	"	"	"	"	NW	NW			0.6	IS	"	600
"	"	"	"	"	SW	NW			2.0	IR	"	4400
"	"	"	"	"	SW	NW			14.0	IS	"	600
"	"	"	"	"	SE	NW			33.0	IR	"	4400
"	"	"	"	"	NE	SW			18.0	IR	"	4400
"	"	"	"	"	NE	SW			2.0	IS	"	1800
"	"	"	"	"	NW	SW			15.0	IS	"	1800
"	"	"	"	"	SW	SW			13.4	IS	"	1800
"	"	"	"	"	SE	SW			5.0	IS	"	1800
"	"	"	"	"	NE	SE			5.0	IR	"	4400
"	"	"	"	"	NW	SE			39.0	IR, AS	"	4400
"	"	"	"	"	SW	SE			8.0	IR, AS	"	4500
"	"	"	"	"	SE	SE			36.0	IR	"	4400, 4500
							TOTAL ACRES		242.0 IR 50.0 IS 25.0 AS			

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Check the appropriate box, if applicable:

Check here if any portion of the permit is located within an irrigation or other water district.

IRRIGATION DISTRICT NAME N/A	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME N/A	ADDRESS	
CITY	STATE	ZIP

Additional Remarks:

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Department**
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
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Application to Split A Permit and Request for Issuance of Replacement Permits

Affidavit of Non-Conveyance and Reading of Permit G-11577

State of Oregon)
) ss
County of Deschutes)

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I/We, ASPEN LAKES DEVELOPMENT, LLC, mailing address 16900 ASPEN LAKES DR, SISTERS, OR 97759, telephone number (541)330-0017, being first duly sworn depose and say:

1. Permit G-11577, has not been conveyed or withheld and remains appurtenant to my/our land.
2. I/We attest that I/we have read Permit G-11577.

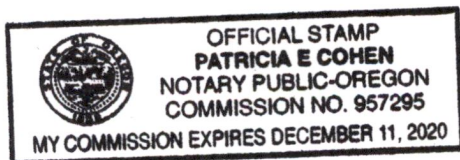
[Signature]
Signature of Affiant

8/12/19
Date

Signature of Affiant

Date

Signed and sworn to (or affirmed) before me this 16th day of August, 2019.



[Signature]
Notary Public for Oregon

My Commission Expires: 12-11-2020



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State of Oregon)
) ss
 County of Deschutes)

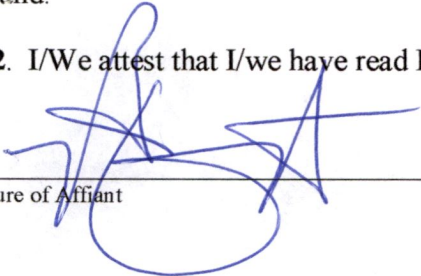
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I/We, DESCHUTES LAND TRUST, mailing address 210 NW IRVING AVE # 102, BEND, OR 97701, telephone number (541)330-0017, being first duly sworn depose and say:

1. Permit G-11577, has not been conveyed or withheld and remains appurtenant to my/our land.
2. I/We attest that I/we have read Permit G-11577.



 Signature of Affiant

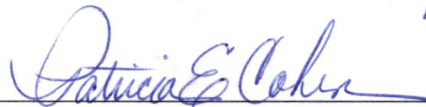
7/9/19

 Date

 Signature of Affiant

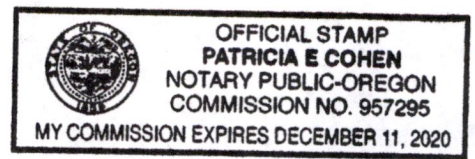
 Date

Signed and sworn to (or affirmed) before me this 9th day of July, 2019.



 Notary Public for Oregon

My Commission Expires: 12-11-2020





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THIS SPACE RESERVED FOR RECORDER'S USE

After recording return to:

Deschutes Land Trust, an Oregon non-profit benefit corporation

210 NW Irving Ave. Suite 102

Bend, OR 97701

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

Deschutes Land Trust, an Oregon non-profit benefit corporation

210 NW Irving Ave. Suite 102

Bend, OR 97701

File No. 137037AM

Deschutes County Official Records **2017-009767**

D-D

03/14/2017 02:40:00 PM

Str=0 BN

\$11.00 \$10.00 \$6.00 \$21.00 \$10.00

\$58.00

I, Nancy Blankenship, County Clerk for Deschutes County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Nancy Blankenship - County Clerk

STATUTORY WARRANTY DEED

Aspen Investments LLC who acquired title as Aspen Lakes Development LLC,

Grantor(s), hereby convey and warrant to

Deschutes Land Trust, an Oregon non-profit benefit corporation,

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

Tract B, The Rim at Aspen Lakes, recorded March 19, 1990 in Cabinet C, Page 388, Deschutes County, Oregon.

FOR INFORMATION PURPOSES ONLY, THE MAP/TAX ACCT #(S) ARE REFERENCED HERE:

141035B0 00600

141035C0 01800

The true and actual consideration for this conveyance is **\$800,000.00**.

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

Deed for TL 600 \$1800



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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. 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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 8 day of March 2017.

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Aspen Investments LLC

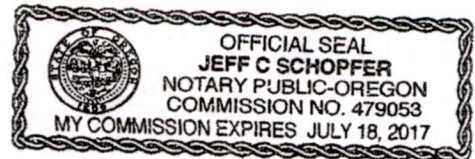
By: [Signature]
Matthew Cyrus, Member

State of _____ OR} ss
County of _____ Deschutes}

On this 8 day of March, in the year 2017, before me, Jeff C Schopfer, a Notary Public in and for said state, personally appeared Matthew Cyrus known or identified to me to be the Managing Member in the Limited Liability Company known as Aspen Investment LLC who executed the foregoing instrument, and acknowledged to me that he/she executed the same in said LLC name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

[Signature]
Notary Public for the State of OR
Residing at: Deschutes County
Commission Expires: 7/18/17



STATE OF OREGON
COUNTY OF DESCHUTES

PERMIT TO APPROPRIATE THE PUBLIC WATERS

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THIS PERMIT IS HEREBY ISSUED TO

KMB ENTERPRISES
17204 HIGHWAY 126
SISTERS, OREGON 97759

503-548-3149

to use the waters of WELL #5 in the SQUAW CREEK BASIN for PRIMARY IRRIGATION OF 242.0 ACRES, SUPPLEMENTAL IRRIGATION OF 50.0 ACRES AND MAINTAINING 25.0 ACRES OF PONDS FOR AESTHETICS.

This permit is issued approving Application G-12420. The date of priority is FEBRUARY 20, 1991. The use is limited to not more than 1740 GALLONS PER MINUTE (GPM), BEING 1638 GPM FOR IRRIGATION AND 112 GPM FOR PONDS or its equivalent in case of rotation, measured at the well.

The well is located as follows:

SE 1/4 SW 1/4, SECTION 1, T 15 S, R 10 E, W.M.; 100 FEET NORTH AND 2300 FEET EAST FROM SW CORNER, SECTION 1.

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year. This right is limited to any deficiency in the available supply of any prior right existing for the same land.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the proposed place of use under this permit is as follows:

	PRIMARY	SUPPLEMENTAL	PONDS
NE 1/4 NE 1/4	20.0 ACRES		
NW 1/4 NE 1/4	9.0 ACRES		
SW 1/4 NE 1/4	40.0 ACRES		SW 1/4 NE 1/4
SE 1/4 NE 1/4	32.0 ACRES		
NW 1/4 NW 1/4		0.6 ACRES	
SW 1/4 NW 1/4	2.0 ACRES	14.0 ACRES	
SE 1/4 NW 1/4	33.0 ACRES		
NE 1/4 SW 1/4	18.0 ACRES	2.0 ACRES	
NW 1/4 SW 1/4		15.0 ACRES	
SW 1/4 SW 1/4		13.4 ACRES	
SE 1/4 SW 1/4		5.0 ACRES	
NE 1/4 SE 1/4	5.0 ACRES		
NW 1/4 SE 1/4	39.0 ACRES		NW 1/4 SE 1/4
SW 1/4 SE 1/4	8.0 ACRES		SW 1/4 SE 1/4
SE 1/4 SE 1/4	36.0 ACRES		
	SECTION 35		
	TOWNSHIP 14 SOUTH, RANGE 10 EAST, W.M.		

This development was reviewed and approved by the Water Resources Commission on JULY 17, 1992.

The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times. The permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

Application G-12420

Water Resources Department

PERMIT G-11577

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PAGE TWO

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

Actual construction work shall begin on or before July 20, 1993, and shall be completed on or before October 1, 1994. Complete application of the water shall be made on or before October 1, 1995.

The LANDOWNER shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted well(s). The plan shall be submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to periodically measure static water levels within the permitted well(s) or an adequate substitute such as water levels in nearby wells. The plan shall also stipulate a reference water level against which any water-level declines will be compared. If a well listed on this permit displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the LANDOWNER shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the LANDOWNER'S or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The LANDOWNER shall in no instance allow excessive decline to occur within the aquifer as a result of use under this permit.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for beneficial use of water without waste. The water user is advised that new regulations may require use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

Issued this date, July 20, 1992.

/s/ MARTHA O. PAGEL

Water Resources Department
Martha O. Pagel
Director

B ext. to 10-1-95

B+C 10-1-96

ext. BC97

ext. C15

Application G-12420
Basin 5
G-12420.TES

Water Resources Department
Volume 1 Squaw Creek & Misc.
MGMT.CODES 3BW, 4HG, 4IG

PERMIT G-11577
District 11