



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

# Application for District Instream Lease

## Part 1 of 4 – Minimum Requirements Checklist

<b>This Application to be used for water rights in the name of or conveyed by an Irrigation District (or similar organization)</b> <b>Complete Parts 1 through 4 and any required attachments</b>	OWRD #	11L-1820
	District #	

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

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

**Fee in the amount of:**

<input checked="" type="checkbox"/> \$520.00 for a lease involving four or more landowners or four or more water rights	Or <input type="checkbox"/> \$350.00 for all other leases
<input type="checkbox"/> Check enclosed or	
<input checked="" type="checkbox"/> Fee Charged to customer account <u>Deschutes River Cons</u> (Account name)	

**Part 1 – Completed Minimum Requirements Checklist**

**Part 2 – Completed District and Other Party Signature Page**

**Part 3 – Completed Place of Use and Lessor Signature Page**  
 (Include a separate **Part 3** for each Lessor.)

**Part 4 – Completed Water Right and Instream Use Information**  
 (Include a separate **Part 4** for each Water Right.)

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

**List each water right to be leased instream here:** 74145

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

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

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

**Required Attachments:**

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

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

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

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

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

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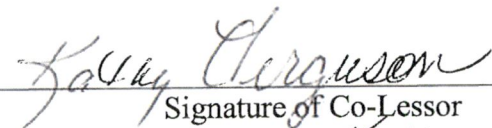
Salem, OR

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

<b>Term of the Lease:</b> The lease is requested to begin in: <b>month</b> <u>April</u> <b>year</b> <u>2020</u> and end: <b>month</b> <u>Nov</u> <b>year</b> <u>2020</u> .	
<b>Public use:</b> Check the public use(s) this lease will serve (as defined by ORS 537.332): <input checked="" type="checkbox"/> Conservation, maintenance and enhancement of aquatic, fish and wildlife, fish and wildlife habitat and any other ecological values. <input checked="" type="checkbox"/> Recreation <input checked="" type="checkbox"/> Pollution abatement <input type="checkbox"/> Navigation	<b>Termination provision (for multiyear leases):</b> <b>The parties to the lease request (choose one):</b> <input type="checkbox"/> a. The option of terminating the lease prior to expiration of the full term with written notice to the Department by the Lessor(s) and/or Lessee. <input type="checkbox"/> b. The option of terminating the lease prior to expiration of the full term, with consent by all parties to the lease. <input type="checkbox"/> c. The parties would not like to include a Termination Provision. (See instructions for limitations to this provision)
<b>Additive/Replacing Relationship to other instream water rights:</b> Instream leases are generally additive to other existing instream water rights created as a result of instream leases and transfers and/or allocations of conserved water. Since instream leases are also generally senior to other instream rights created through a state agency process or conversion of minimum flows, they generally replace a portion of these junior instream rights. If you would like this lease to relate to other instream water rights differently than described above, please check this box. <input type="checkbox"/> And attach an explanation of your intent.	
<b>Precedent:</b> If a right which has been leased is later proposed to be leased again or later transferred or become part of an allocation of conserved water project, a new injury review shall be required. An instream lease shall not set a precedent on a future transaction.	
<b>Validity of the rights to be leased:</b> <input checked="" type="checkbox"/> The water right(s) to be leased have been used under the terms and conditions of the right(s) during the last five years or have been leased instream; or <input type="checkbox"/> The water right(s) <b>have not been used</b> for the last five years according to the terms and conditions of the rights. However, the water right(s) is not subject to forfeiture under ORS 540.610(2). Documentation describing why the water right is not subject to forfeiture has been provided.	

### SIGNATURES

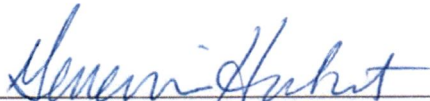
The undersigned declare that the information contained in this application is true and accurate.

  
 Signature of Co-Lessor Date: 6-17-20  
 Printed name (and title): Kathy Ferguson Office Manager  
 Business/Organization name: Swalley Irrigation District  
 Mailing Address (with state and zip): 64672 Cook Ave. Ste 1, Bend, OR 97703  
 Phone number (include area code): 541-388-0658 \*\*E-mail address: kathy@swalley.com

\_\_\_\_\_ Date: \_\_\_\_\_  
 Signature of Co-Lessor  
 Printed name (and title): \_\_\_\_\_  
 Business/organization name: \_\_\_\_\_  
 Mailing Address (with state and zip): \_\_\_\_\_  
 Phone number (include area code): \_\_\_\_\_ \*\*E-mail address: \_\_\_\_\_

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**See next page for additional signatures.**

  
Signature of Lessee

Date: 6/17/2020

Printed name (and title): Genevieve Hubert, Program Manager

Business/organization name: Deschutes River Conservancy

Mailing Address (with state and zip): 700 NW Hill Street, Ste 1, Bend, OR 97703

Phone number (include area code): 541-382-4077 \*\*E-mail address: gen@deschutesriver.org

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

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

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

**Table 1**

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

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

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

Any attached table should include reference to the Lessor.

Water Right #	Priority Date	POD #	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC #	Acres	Use	Page #	Previous Lease #

**Any additional information about the right:** \_\_\_\_\_

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

The undersigned declare:

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

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

Signature of Lessor

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

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

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

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

Signature of Lessor

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

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

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

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

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

**Table 2**

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

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

Priority Date	POD #	Use	Acres	Other Information (such as conditions/limitations on the right)	Rate (cfs)	Volume (af)
9/1/1899	3	IR	47.53	April 1 - Oct 31, 3 seasons of use	.358/.479/.901	308.84
				max rate/duty for acres after finalization of CW-106 on 4/23/2020		

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

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

**Table 3**

<b>Instream Use created by the lease</b>	River Basin: <u>Deschutes</u>	River/Stream Name: <u>Deschutes, tributary to Columbia</u>				
<b>Proposed Instream Reach:</b> <input checked="" type="checkbox"/> A reach typically begins at the POD and ends at the mouth of the source stream: From the POD <u>3</u> to <u>the mouth of Deschutes at RM 0</u>		<b>Or Proposed Instream Point:</b> <input type="checkbox"/> Instream use protected at the POD				
<b>OR</b> <input type="checkbox"/> Please check this box if you are not sure of the proposed reach and want water to be protected within a reach below the POD, if possible. If no reach is identified or the above box is not checked, and there is only one POD listed on the water right, the lease may be processed to be protected at the POD.)						
<b>Instream Portion: May not exceed the maximum rate/volume for the right (identified in Table 2)</b>						
Use the table 3 to illustrate the instream rate, volume and instream period by priority date, POD, Use and acreage, as appropriate. If not enough room below, you may add rows (see instructions) or create a spreadsheet (clearly labeled and matching the below portion of Table 3) and attach.						
Priority date	POD #	Use	Acres	Proposed Instream Period	Instream Rate (cfs)	Total instream volume (af)
9/1/1899	3	IR	47.53	April 1 through October 25, 3 seasons, on farm duty of 5.45 af/ac	.326/.437/.810	259.17

**OR**  Please check this box if you are not sure of the proposed rate, volume and instream period. As part of its review process, the Department will identify the appropriate instream rate, volume and period considering the water right(s) being leased and instream benefits.

Yes  N/A **Conditions to avoid enlargement or injury to other water rights, if any, or other limitations:** list here Instream 4/1-10/25  
Note: The Department may identify additional conditions to prevent injury and/or enlargement.

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

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SID Pooled 2, 2020

**Individual Landowners**

Ronald Cochran	4.3
Bend Parks - Don Horton	33.32
Tuscany Pines Ph I - Fred Boos	0.27
Anna Morrison Spencer 1997 Trust - Robert Spencer Trustee	6.4
<b>Subtotal</b>	<b>44.29</b>

**Water Quitclaimed to SID**

Landowner	Acres	Last lease	TRS QQ	TL QC	Deed
Katie Traen	0.5	L-1484	161229 SENW	1300 2014-39298	2014-39298
Sussie Due	0.24		161727 SENE	1700 2015-48991	92-26093
Sussie Due	0.31		161727 SENE	1800 2015-48991	and
Sussie Due	0.69		161727 SENE	1800 2017-46961	2018-31572
Sussie Due - not leased 0.79			161727 SENE	1700 2017-46961	NOT IN LEASE
Leroy Walton	1.5		161201 SESE	700 2017-14902	2006-74934
<b>Subtotal</b>	<b>3.24</b>				

**Total Acres 47.53**

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

**Complete Table 1 Identify water right(s) proposed to be leased instream  
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**Table 1**

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

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

Water Right #	Priority Date	POD #	Twp	Rng	Sec	Q-Q		Tax Lot	Gov't Lot/DLC #	Acres	Use	Page #	Previous Lease #
74145	9-1-1899	3&15	17	12	08	SW	NW	06201		4.30	IRR	16	IL1483
									<b>TOTAL</b>	<b>4.30</b>			

**Any additional information about the right:** *old owner was Kevin + Jodi O'Hare*

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

The undersigned declare:

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

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

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Salem, OR

*Ronald W Cochran* Date *5/20/2020*

Signature of Lessor

Printed name (and title): Ronald Cochran

Business name, if applicable: ORR Properties, LLC

Mailing Address (with state and zip): 18624 Pinehurst RR Bend, OR 97701

Phone number (include area code): 541-312-3684 \*\*E-mail address: \_\_\_\_\_

## EXHIBIT C

### Deschutes River Conservancy Instream Leasing Program

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

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

#### **Weed Policy**

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

*Information and Resources Attached*

#### **Farm Deferral Notice**

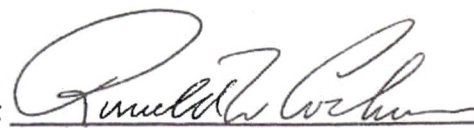
Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal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

*Information and Resources Attached*

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

  
\_\_\_\_\_  
*Print Name*

understand the DRC weed policy and have been informed about farm deferral and donations.

Signature:  Date: 5/20/2020

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

Received by OWRD



# Swalley Irrigation District

## Application for Instream Lease

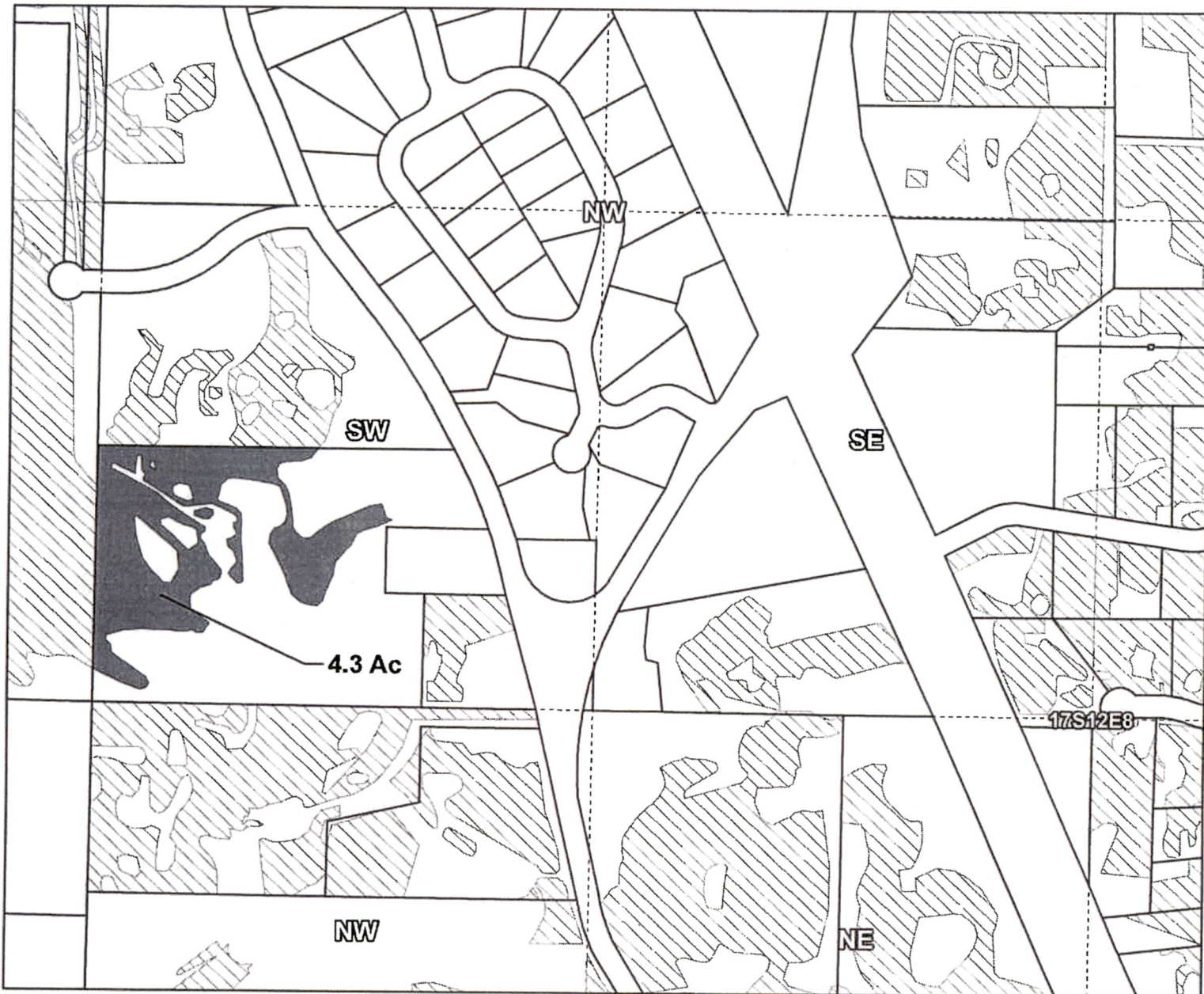
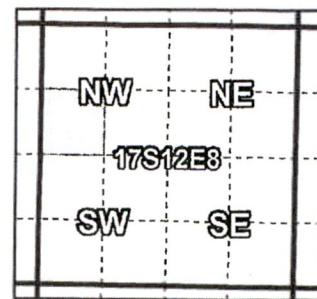
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**Certificate: 74145**

for Ronald Cockron



### 1 YEAR LEASE MAP

Taxlot 171208B006201, 17S12E08 SW/NW: 4.3 Acres Leased, 0.0 Acres Remaining



1 inch = 400 feet

- Pipelines and Canals
- Lease
- Taxlots
- ▨ Primary Water Right

Prepared by Swalley Irrigation District | June 2020

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

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

**Table 1**

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

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

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Any attached table should include reference to the Lessor.

Water Right #	Priority Date	POD #	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC #	Acres	Use	Page #	Previous Lease #
74145	9-1-1899	3&15	17	12	18	SE SE	00201		2.71	IRR	22	
74145	9-1-1899	3&15	17	12	18	SE SW	00201		1.29	IRR	22	
74145	9-1-1899	3&15	17	12	18	SE SE	00200		2.00	IRR	22	
74145	9-1-1899	3&15	17	12	18	N SE W	00111		4.72	IRR	22	IL1612
<b>74145</b>	<b>9-1-1899</b>	<b>3&amp;15</b>	<b>17</b>	<b>12</b>	<b>18</b>	<b>NE SE</b>	<b>00111</b>		<b>10.25</b>	<b>IRR</b>	<b>22</b>	<b>IL1612</b>
<b>74145</b>	<b>9-1-1899</b>	<b>3&amp;15</b>	<b>17</b>	<b>12</b>	<b>18</b>	<b>SE SE</b>	<b>00111</b>		<b>12.35</b>	<b>IRR</b>	<b>22</b>	<b>IL1612</b>
<b>Total</b>									<b>33.32</b>			

*Any additional information about the right: Tax lot 00201 - (old tax lot 00200)*

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

The undersigned declare:

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

→ *Du'...* Date: *6/16/2020*

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Signature of Lessor

Printed name (and title): Bend Metro Parks & Recreation District Business name, if applicable: \_\_\_\_\_  
Mailing Address (with state and zip): 799 SW Columbia St  
Phone number (include area code): 971-322-3698 \*\*E-mail address: \_\_\_\_\_

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

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Salem, OR

# Swalley Irrigation District

## Application for Instream Lease

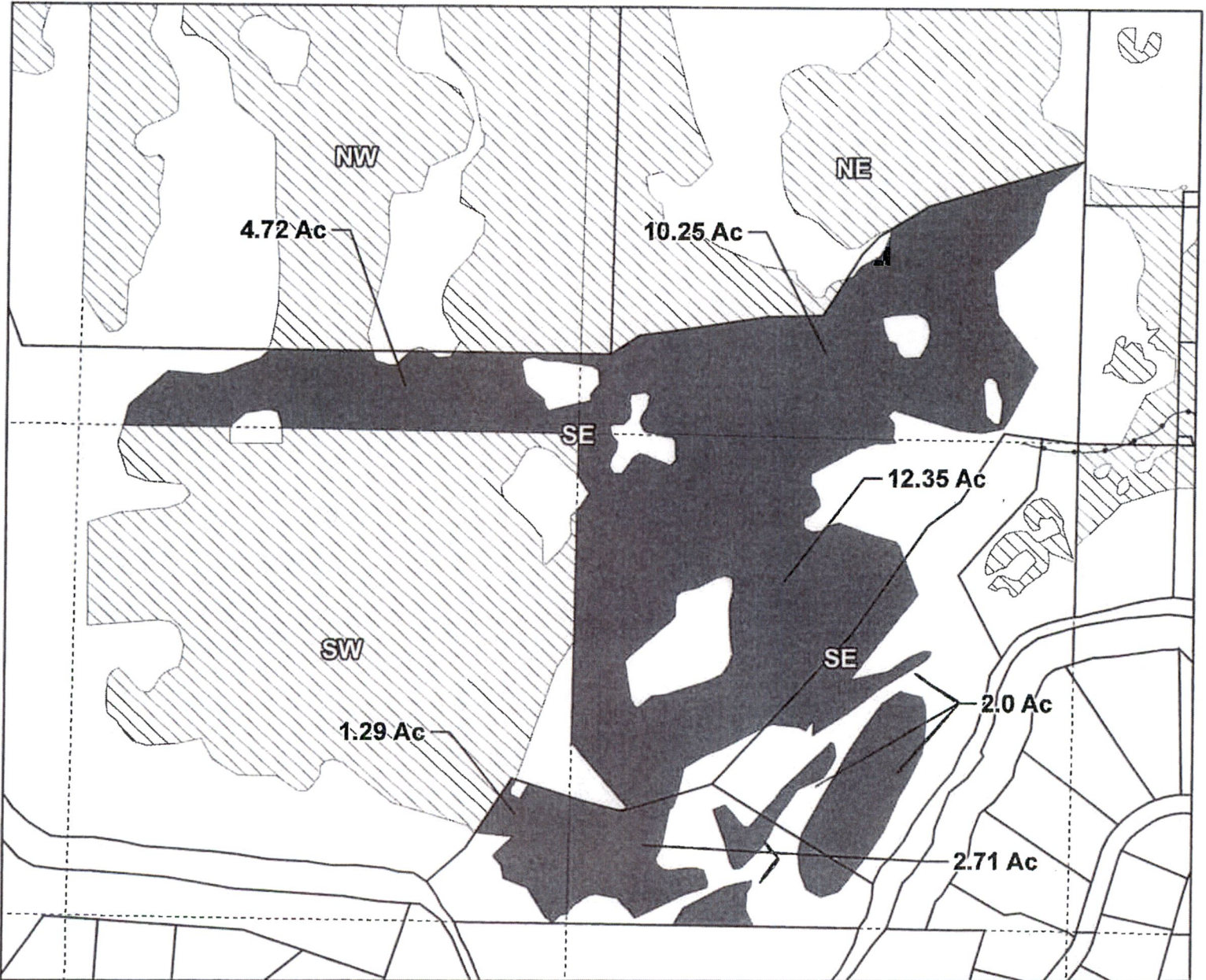
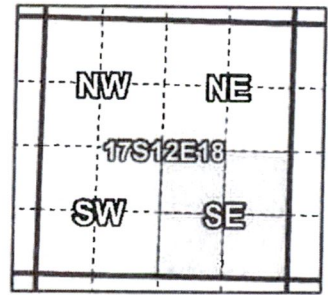
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Salem, OR

**Certificate: 74145**

for Bend Metro Parks and Recreation District



### 1 YEAR LEASE MAP

Taxlot 1712180000111, 17S12E18 NE/SE: 10.25 Acres Leased, 0.0 Acres Remaining  
Taxlot 1712180000111, 17S12E18 NW/SE: 4.72 Acres Leased, 0.0 Acres Remaining  
Taxlot 1712180000111, 17S12E18 SE/SE: 12.35 Acres Leased, 0.0 Acres Remaining  
Taxlot 171218D000201, 17S12E18 SE/SE: 2.71 Acres Leased, 0.0 Acres Remaining  
Taxlot 171218D000201, 17S12E18 SW/SE: 1.29 Acres Leased, 0.0 Acres Remaining  
Taxlot 171218D000200, 17S12E18 SE/SE: 2.0 Acres Leased, 0.0 Acres Remaining

- Pipelines and Canals
- Lease
- Taxlots
- ▨ Primary Water Right

1 inch = 400 feet

Prepared by Swalley Irrigation District | June 2020

**EXHIBIT C**

JUN 17 2020

**Deschutes River Conservancy  
Instream Leasing Program**

Salem, OR

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

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

**Weed Policy**

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

*Information and Resources Attached*

**Farm Deferral Notice**

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

*Information and Resources Attached*

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

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

Signature: Don Horton Date: 6/16/2020

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

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

**Complete Table 1 Identify water right(s) proposed to be leased instream  
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74145	9-1-1899	3&15	17	12	20	NW	NE	151		.04	IRR	22	IL1483
<b>TOTAL</b>										<b>.27</b>			

**Any additional information about the right:** Taxlot was 100 to 200 now taxlot 129 & 151

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

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

  
Signature of Lessor

Date 5-14-2020

Printed name (and title): Fred Boos / Declarant Business name, if applicable: Tusany Pines Phase I  
 Mailing Address (with state and zip): 20310 Empire Ave, Ste. 4103  
 Phone number (include area code): 541-359-3172 \*\*E-mail address: \_\_\_\_\_

Received by OWRD

**EXHIBIT C**

**Deschutes River Conservancy  
Instream Leasing Program**

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

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

**Weed Policy**

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

*Information and Resources Attached*

**Farm Deferral Notice**

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

*Information and Resources Attached*

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

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

Signature:  Date: 5-14-2020

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

# Swalley Irrigation District

## Application for Instream Lease

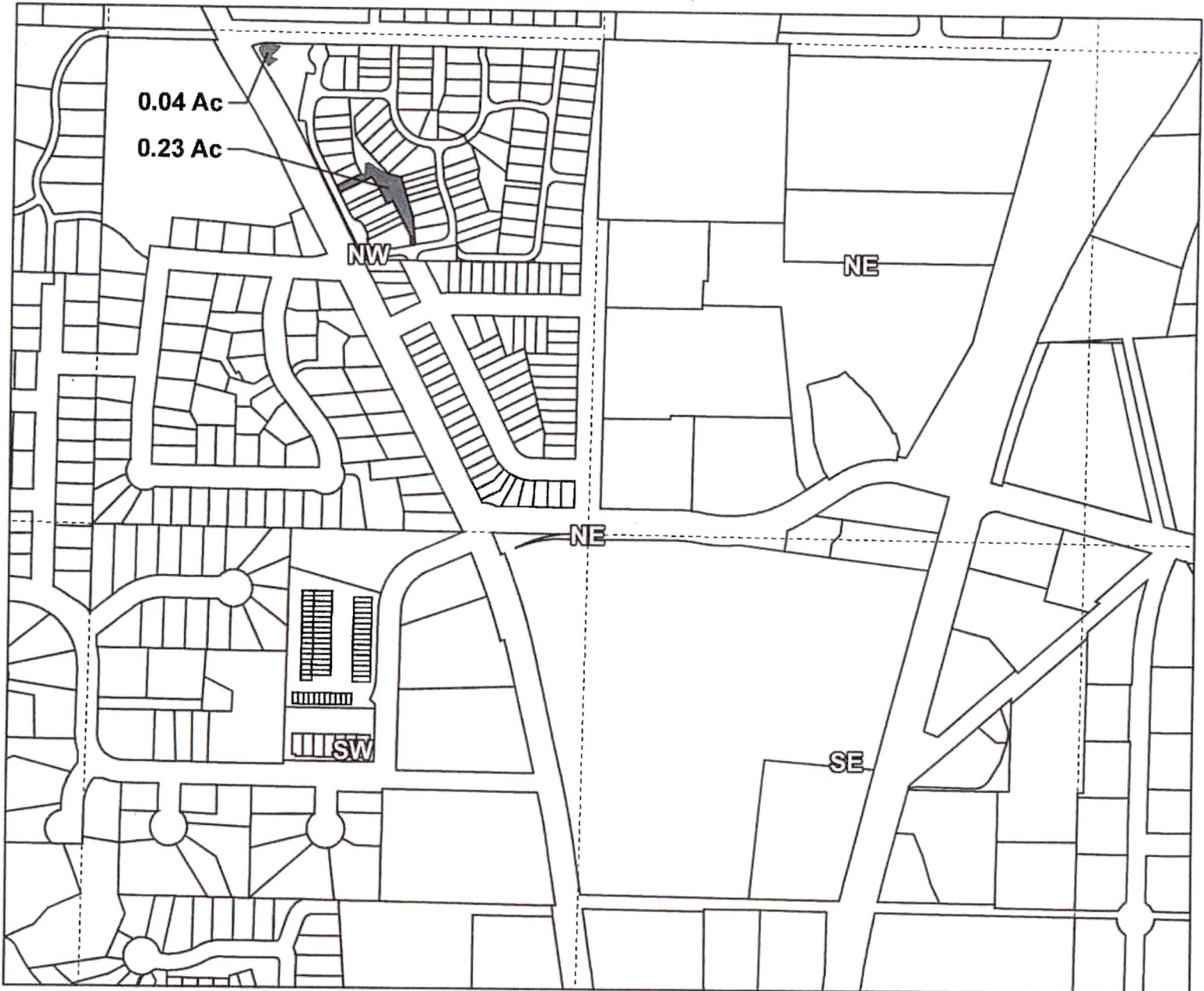
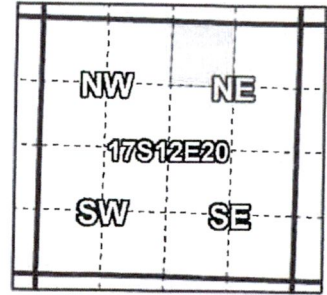
Received by OWRD

JUN 17 2020

Salem, OR

**Certificate: 74145**

for Tuscany Pines Phase 1 Homeowners Association



### 1 YEAR LEASE MAP

Taxlot 171220AB00129, 17S12E20 NW/NE: 0.23 Acres Leased, 0.14 Acres Remaining  
Taxlot 171220AB00151, 17S12E20 NW/NE: 0.04 Acres Leased, 1.48 Acres Remaining

- Pipelines and Canals
- Lease
- Taxlots
- Primary Water Right



1 inch = 400 feet

Prepared by Swalley Irrigation District | June 2020



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

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

**Table 1**

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

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

If not enough room below, you may add rows (see instructions) or create a spreadsheet/table (matching Table 1) and attach.  
Any attached table should include reference to the Lessor.

Water Right #	Priority Date	POD #	Twp	Rng	Sec	Q-Q		Tax Lot	Gov't Lot/DLC #	Acres	Use	Page #	Previous Lease #
74145	9-1-1899	3&15	17	12	09	NE	NE	00800		6.40	IRR	17	IL1484
<b>TOTAL</b>										6.40			

**Any additional information about the right:**

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

The undersigned declare:

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

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

Robert K Spencer, Trustee Date 4/28/2020  
Signature of Lessor

Printed name (and title): Robert K Spencer Trustee

Anna Morrison Spencer 1997 Trust  
Business name, if applicable:

Mailing Address (with state and zip): 6379 Palmyra Avenue, Las Vegas, NV 89146

Phone number (include area code): 702 528 4323 \*\*E-mail address: rkspencer@usn.com

Received by OWRD

**EXHIBIT C**

**Deschutes River Conservancy  
Instream Leasing Program**

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

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

**Weed Policy**

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

*Information and Resources Attached*

**Farm Deferral Notice**

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

*Information and Resources Attached*

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

I, Robert K. Spencer understand the DRC weed policy and have  
*Print Name*  
been informed about farm deferral and donations.

Signature: Robert K. Spencer Date: 4/28/2020

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

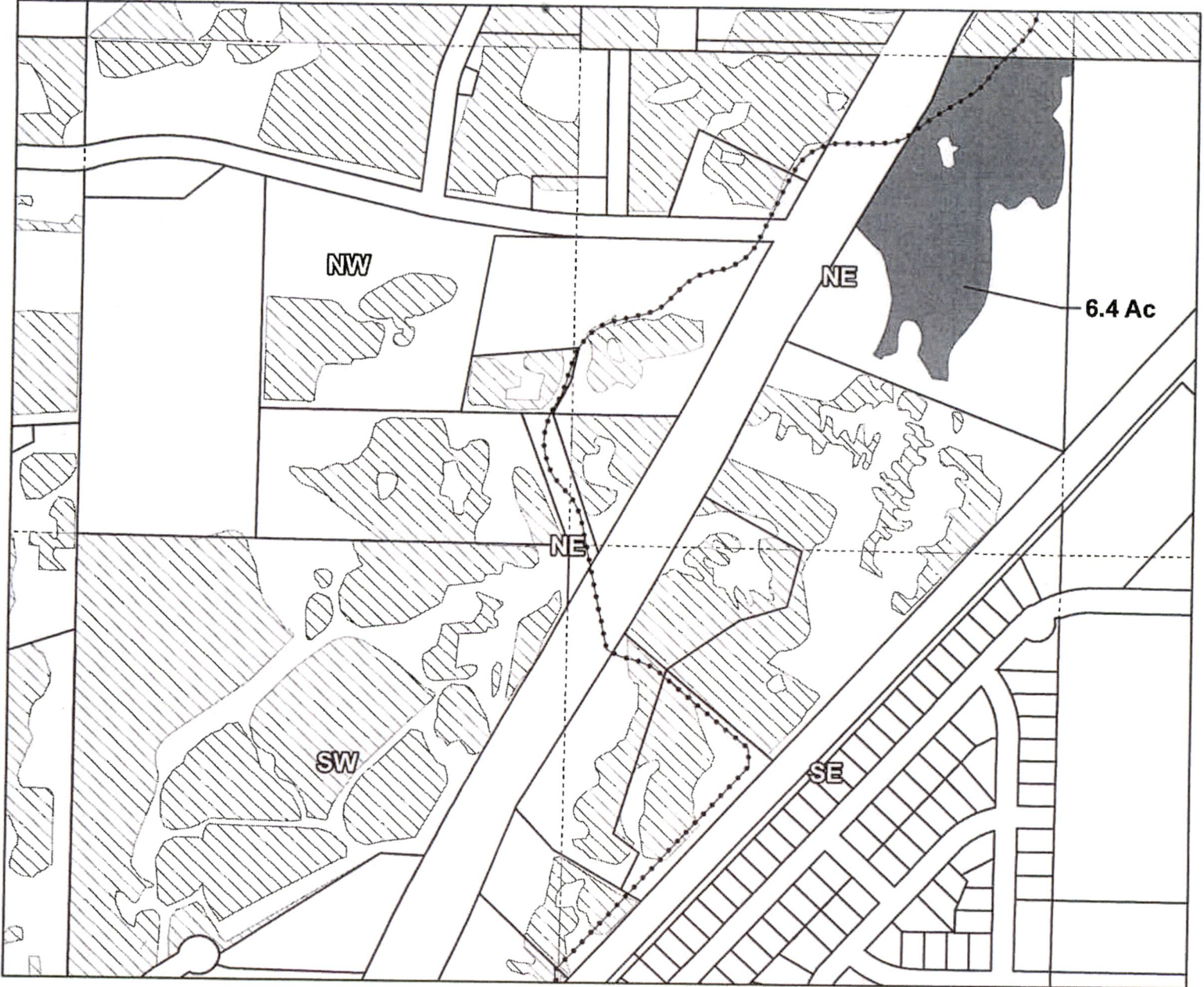
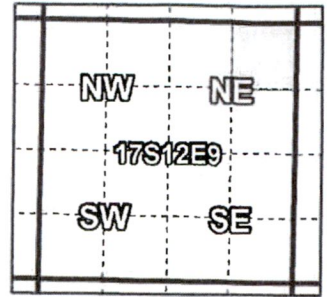
Received by OWRD

# Swalley Irrigation District

## Application for Instream Lease

Certificate: 74145

for Peggy Jo Spencer



### 1 YEAR LEASE MAP

Taxlot 171209A000800, 17S12E09 NE/NE: 6.4 Acres Leased, 0.0 Acres Remaining

Received by OWRD

JUN 17 2020

Salem, OR

- Pipelines and Canals
- Lease
- Taxlots
- Primary Water Right



1 inch = 400 feet

Prepared by Swalley Irrigation District | June 2020

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

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

**Table 1**

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

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

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

Any attached table should include reference to the Lessor.

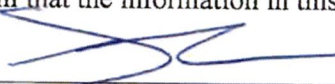
Water Right #	Priority Date	POD #	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC #	Acres	Use	Page #	Previous Lease #
74145	9-1-1899	3&15	16	12	29	SE N W	01300		.50 ✓	IRR	10	IL1484
74145	9-1-1899	3&15	16	12	27	SE NE	01800		1.00 ✓	IRR	7	
74145	9-1-1899	3&15	16	12	27	SE NE	01700		.24 ✓	IRR	7	
74145	9-1-1899	3&15	16	12	01	SE SE	00700		1.50 ✓	IRR	5	

**Any additional information about the right: Quitclaim water rights **TOTAL 3.24 acres****

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

The undersigned declare:

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



Date: 5-26-20

Signature of Lessor

Printed name (and title): Jer Camarata Business name, if applicable: Swalley Irrigation Dist

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

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

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

Signature of Lessor

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

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

Received by OWRD

JUN 17 2020

Salem, OR

**EXHIBIT C**

JUN 17 2020

**Deschutes River Conservancy  
Instream Leasing Program**

Salem, OR

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

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

**Weed Policy**

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

*Information and Resources Attached*

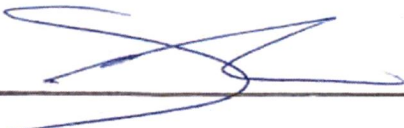
**Farm Deferral Notice**

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

*Information and Resources Attached*

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

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

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  


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

# Swalley Irrigation District

Application for Instream Lease 2020

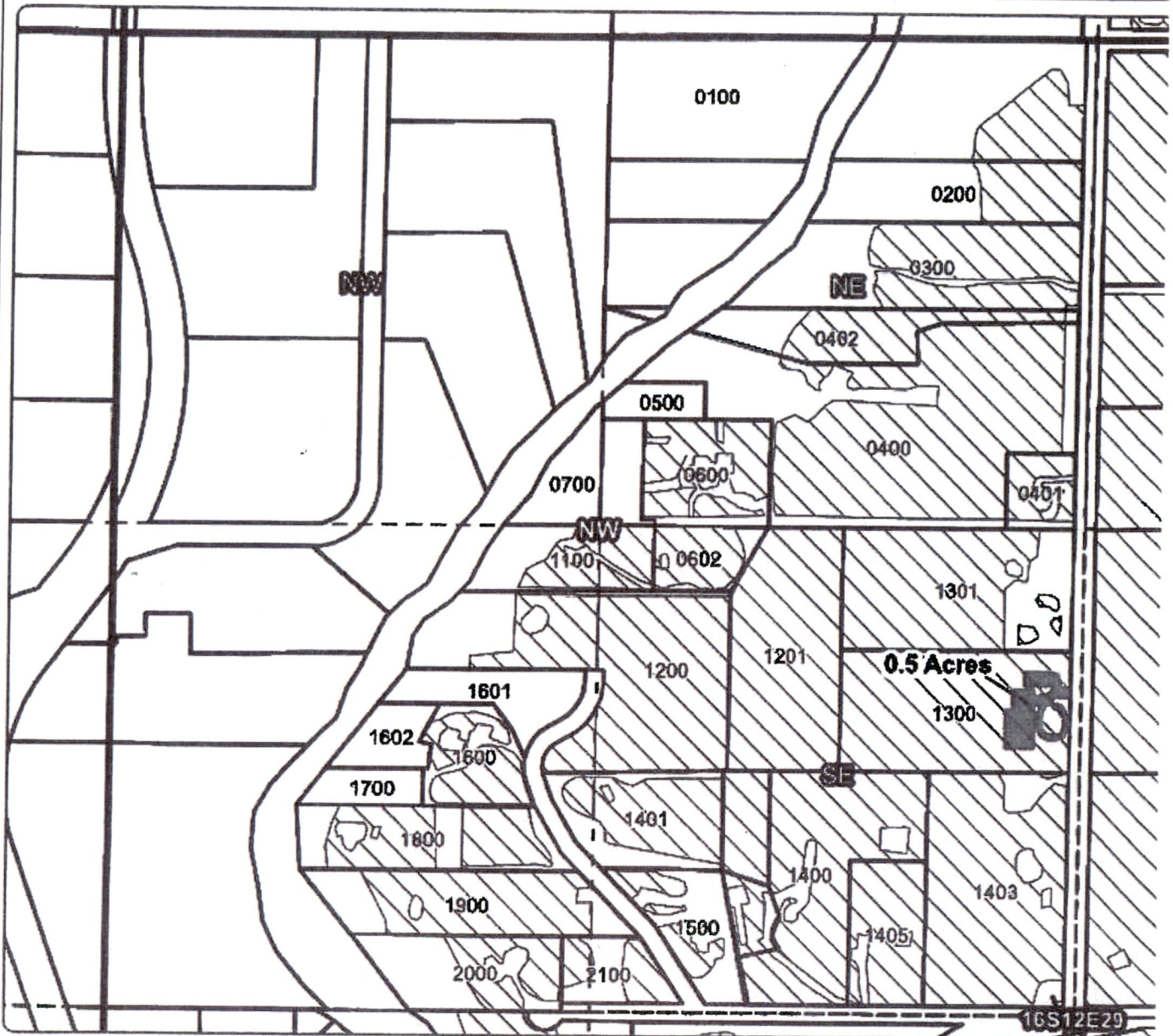
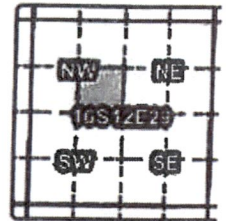
Cert #: 74145

For: Swalley Irrigation District

Received by OWRD






JUN 17 2020

Salem, OR



## 1 YEAR INSTREAM LEASE MAP

Taxlot 1300, 16S12E29SENW: 0.5 Acres Leased, 4.3 Acres Remaining

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



1 inch = 400 feet



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

NANCY BLANKENSHIP, COUNTY CLERK

2014-39298



\$58.00

00972736201400392980020027

11/21/2014 12:16:12 PM

D-D Cnt=1 Stn=4 SRB  
\$10.00 \$11.00 \$21.00 \$10.00 \$8.00

QUITCLAIM DEED  
FOR TRANSFER OF INTEREST IN A WATER RIGHT

Grantor, Katie Thraen, releases and quitclaims to Swalley Irrigation District (SID) all rights, title and interest in the following: By this agreement and signed transfer application form, Grantor, the owner of the lands listed in Exhibit A, release their claim and responsibility for .50 acres of Swalley Irrigation District water right that are appurtenant to the lands listed in Exhibit A, to Swalley Irrigation District. Swalley Irrigation District may elect to complete the transfer application and submit it to the Water Resources Department for approval of use of the water right at a new location and/or use. Swalley Irrigation District may attach this agreement to the Oregon Water Resources Department's lease form and file with the District's annual Short Term Water Right Lease Agreement.

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

Furthermore, upon signing of this agreement and the accompanying transfer application Katie Thraen, shall no longer be liable for any district assessment or charges pertaining to the .50 acres of water right incurred after the date of signing. The water right in question is further described as a portion of certificate # 74145, priority of 1899, located:  
T16S-R12E,WM-SEC29-SE/NW-01300

This agreement is binding upon the heirs, executors, administrators, successors, and permitted assigns of the parties to this agreement. Consideration for this Quitclaim is 0.00

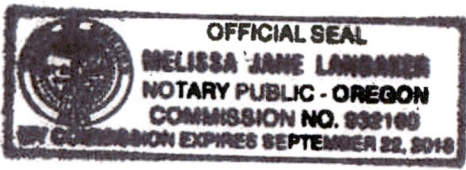
Grantor: [Signature]  
Katie Thraen

Date 10/21/14

Received by OWRI  
JUN 17 2020  
Salem, OR

State of Oregon SS.  
County of Deschutes

Personally appeared KATIE THRAEN and acknowledged the forgoing instrument to be his (her) voluntary act and deed.



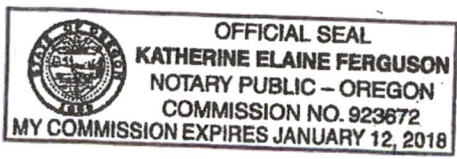
[Signature]  
My commission expires Sept. 22, 2018

Swalley Irrigation District:  
[Signature]  
Suzanne Butterfield, General Manager

Date 10/22/14

State of Oregon SS.  
County of Deschutes

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



[Signature]  
My commission expires 1-12-2018

Tax statement: No change.

**Katie Thraen**  
**65035 Swalley Rd.**  
**Bend, OR 97701**

#2455

## **EXHIBIT A**

<b>Legal Description:</b>	<b>Taxlot</b>	<b>Serial#</b>	<b>WR Acres:</b>
<b>T16S-R12E-WM-SEC29-SE/NW-01300</b>	<b>161229B001300</b>	<b>133342</b>	<b>.50 ac</b>

**The South Half of the Northeast Quarter of the Southeast Quarter of the Northwest Quarter (S1/2 NE1/4 SE1/4 NW1/4) of Section Twenty-nine (29), Township Sixteen (16) South, Range Twelve (12), East of the Willamette Meridian, Deschutes County, Oregon.**

Received by OWRD

JUN 17 2020

Salem, OR





After recording return to:

Katie Thraen  
19528 Sunshine Way  
Bend, OR 97702

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

Katie Thraen  
19528 Sunshine Way  
Bend, OR 97702

Escrow No. OM151053DM  
Title No. 151053  
SWD r.020212

Deschutes County Official Records **2014-000519**  
D-D  
Stn=2 PG **01/09/2014 10:14:40 AM**  
\$10.00 \$11.00 \$10.00 \$6.00 \$21.00 **\$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**

**Bruce J. Brothers and Carol L. Brothers, trustees of The Brothers Living Trust dated April 20, 2010,**

Grantor(s), hereby convey and warrant to

**Katie Thraen,**

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:

**The South Half of the Northeast Quarter of the Southeast Quarter of the Northwest Quarter (S1/2 NE1/4 SE1/4 NW1/4) of Section Twenty-nine (29), Township Sixteen (16) South, Range Twelve (12), East of the Willamette Meridian, Deschutes County, Oregon.**

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

Account No 133342 161229BO01300

The true and actual consideration for this conveyance is \$260,000.00.

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:

Received by OWRD

JUN 17 2020

Salem, OR



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 6 day of January, 2014.

The Brothers Living Trust

BY: [Signature]  
Bruce J. Brothers, Trustee

BY: [Signature]  
Carol L. Brothers, Trustee

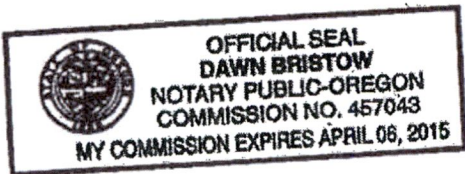
Received by OWRD

JUN 17 2020

Salem, OR

State of Oregon  
County of Deschutes

This instrument was acknowledged before me on Jan 6, 2014 by Bruce J. Brothers and Carol L. Brothers, trustees of The Brothers Living Trust dated April 20, 2010.



[Signature]  
(Notary Public for Oregon)

My commission expires 4/6/15



12/04/2015 11:10:19 AM

D-D Cnt=1 Stn=4 SRB  
\$10.00 \$11.00 \$21.00 \$10.00 \$8.00

QUITCLAIM DEED  
FOR TRANSFER OF INTEREST IN A WATER RIGHT

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

Grantor, Sussie Due, releases and quitclaims to Swalley Irrigation District (SID) all rights, title and interest in the following: By this agreement and signed transfer application form, Grantor, the owner of the lands listed in Exhibit A, release their claim and responsibility for .55 acres of Swalley Irrigation District water right that are appurtenant to the lands listed in Exhibit A, to Swalley Irrigation District. Swalley Irrigation District may elect to complete the transfer application and submit it to the Water Resources Department for approval of use of the water right at a new location and/or use. Swalley Irrigation District may attach this agreement to the Oregon Water Resources Department's lease form and file with the District's annual Short Term Water Right Lease Agreement.

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

Furthermore, upon signing of this agreement and the accompanying transfer application Sussie Due shall no longer be liable for any district assessment or charges pertaining to the .55 acres of water right incurred after the date of signing. The water right in question is further described as a portion of certificate # 74145, priority of 1899, located:

T16S-R12E,WM-SEC27-SE/NE-01700, T16S-R12E,WM-SEC27-SE/NE-01800

This agreement is binding upon the heirs, executors, administrators, successors, and permitted assigns of the parties to this agreement.  
Consideration for this Quitclaim is 0.00

Grantor: Sussie Due Date 10-30-15

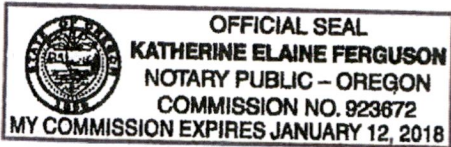
Received by OWRD

JUN 17 2020

Salem, OR

State of Oregon SS.  
County of Deschutes

Personally appeared Sussie Due and acknowledged the forgoing instrument to be his / her voluntary act and deed.

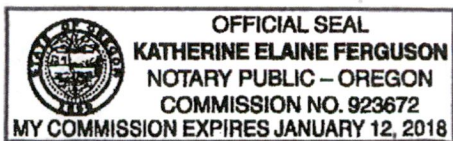


Katherine Elaine Ferguson  
My commission expires 1-12-2018

Swalley Irrigation District:  
Suzanne Butterfield Date 11-9-2015  
Suzanne Butterfield, General Manager

State of Oregon SS.  
County of Deschutes

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



Katherine Elaine Ferguson  
My commission expires 1-12-2018

Tax statement: No change

Sussie Due  
21114 Tumalo Rd.  
Bend, OR 97703

Acct: # 1107

## EXHIBIT A

Legal Description:	Taxlot	Serial#	WR Acres:
T16S-R12E-WM-SEC27-SE/NE-01700	161227AD001700	132993	.24 ac.
T16S-R12E-WM-SEC27-SE/NE-01800	161227AD001800	132993	.31 ac.

Lots Eleven (11) and Twelve (12) in Block Seven (7) in the first addition to WHISPERING PINES ESTATES according to the official plat thereof on file in the office of the County Recorder of Deschutes County, Oregon.

Received by OWRD

JUN 17 2020

Salem, OR

# Swalley Irrigation District

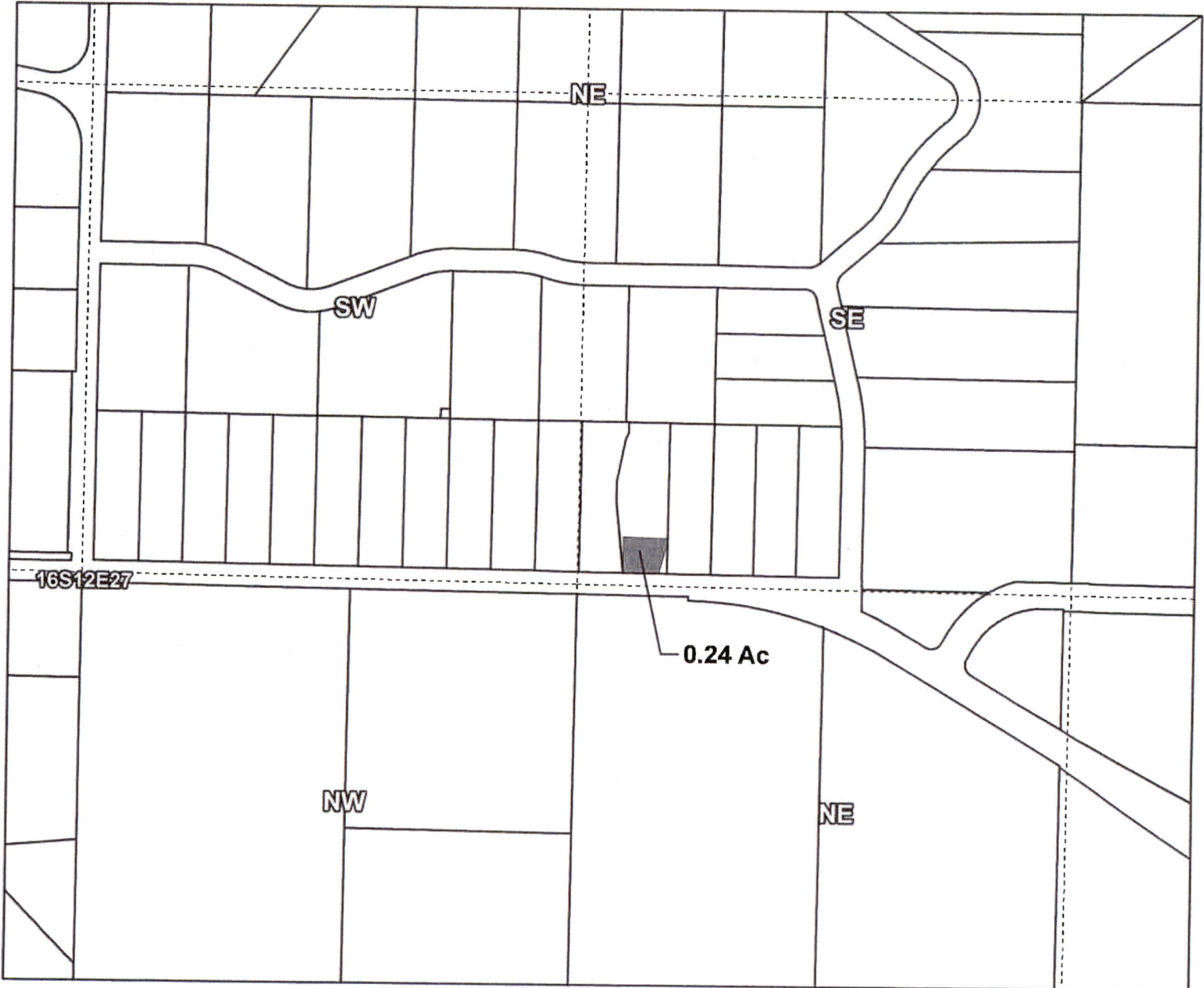
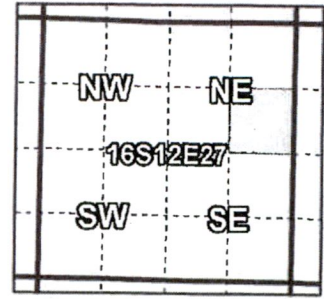
## Application for Instream Lease

Received by OWRD

JUN 17 2020

Salem, OR

**Certificate: 74145**  
for SID Quitclaim



### 1 YEAR LEASE MAP

Taxlot 161227A001700, 16S12E27 SE/NE: 0.24 Acres Leased, 0.0 Acres Remaining

- Pipelines and Canals
- Lease
- Taxlots
- Primary Water Right



1 inch = 400 feet

Prepared by Swalley Irrigation District | June 2020

# Swalley Irrigation District

## Application for Instream Lease

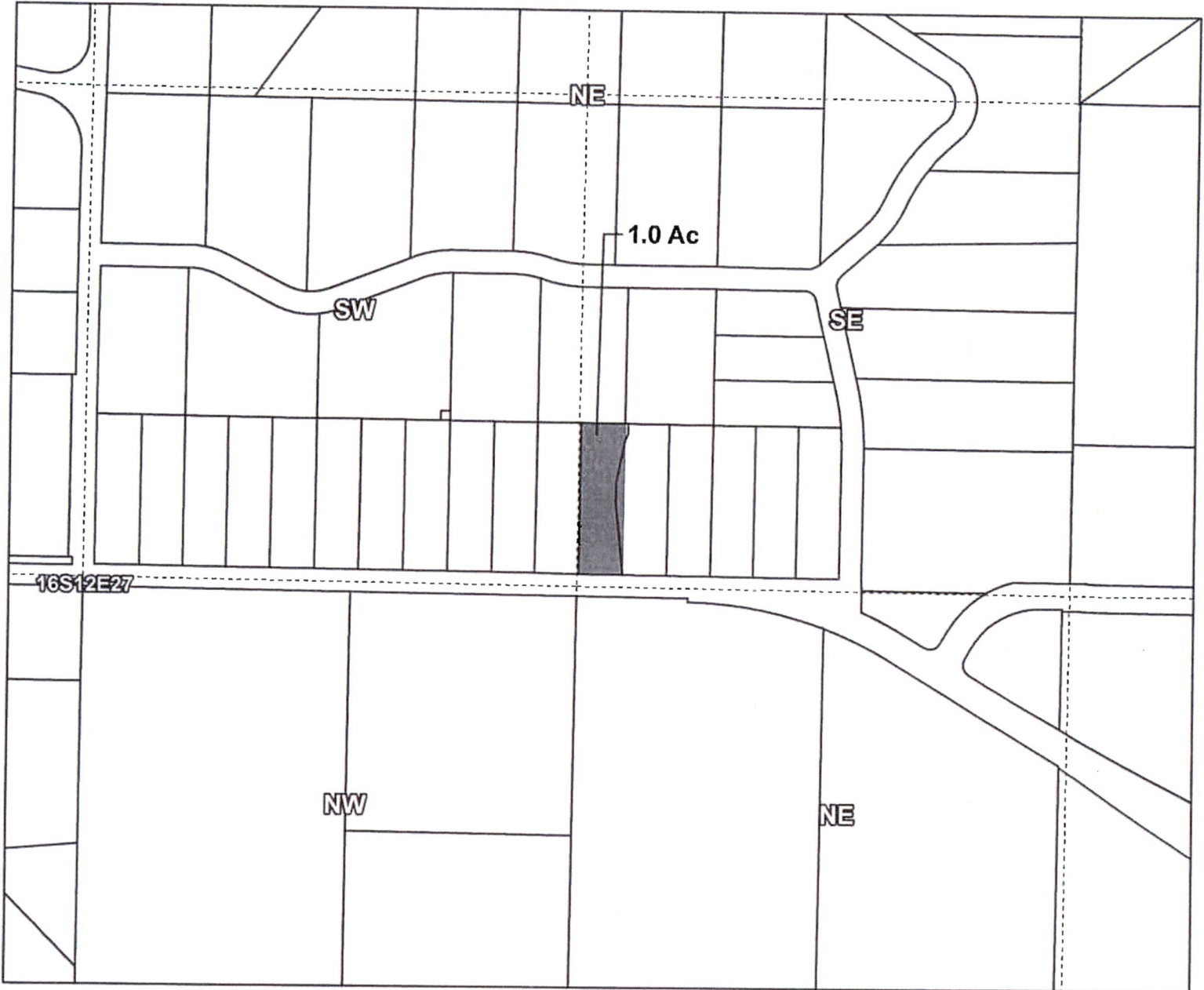
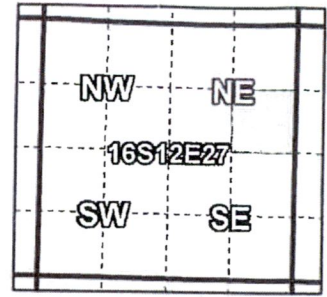
Received by OWRD

JUN 17 2020

Salem, OR

Certificate: 74145

for SID Quitclaim



### 1 YEAR LEASE MAP

Taxlot 161227A001800, 16S12E27 SE/NE: 1.0 Acres Leased, 0.0 Acres Remaining

- Pipelines and Canals
- Lease
- Taxlots
- Primary Water Right



1 inch = 400 feet

Prepared by Swalley Irrigation District | June 2020

Sussie Due  
21114 Tumalo Rd  
Bend, OR 97703

#1107

## EXHIBIT A

Legal Description:	Taxlot	Serial#	WR Acres:
T16S-R12E-WM-SEC27-SE/NE-01700	161227A001700	132993	.76 ac.
T16S-R12E-WM-SEC27-SE/NE-01800	161227A001800	132993	.69 ac.

Lots Eleven (11) and Twelve (12) in Block Seven (7) in the first addition to WISPERING PINES ESTATES according to the official plat thereof on file in the office of the County Recorder of Deschutes County, Oregon.

**SUBJECT TO:** Covenants, conditions, reservations, restrictions, easements, right and rights of way and agreements of record.

**TOGETHER WITH** all of seller's right, title and interest in and to certain water rights, well, water easements, service lines and so forth as set forth in a certain Joint Well Agreement dated July, 1976, a copy of which ~~is attached hereto.~~

*was recorded Nov. 26, 1974  
Vol. 31 Page 756 J.E.*

Received by OWRD

JUN 17 2020

Salem, OR

After Recording Return To:  
**SWALLEY IRRIGATION DISTRICT**  
64672 Cook Avenue, Suite 1  
Bend, Oregon 97703

Deschutes County Official Records  
Nancy Blankenship, County Clerk

**2017-46961**



\$58.00

D-D Cnt=1 Str=2 AS  
\$10.00 \$11.00 \$21.00 \$10.00 \$6.00

11/22/2017 11:20:41 AM

**QUITCLAIM DEED  
FOR TRANSFER OF INTEREST IN A WATER RIGHT**

Grantor, Sussie Due, releases and quitclaims to **Swalley Irrigation District (SID)** all rights, title and interest in the following: By this agreement and signed transfer application form, Grantor, the owner of the lands listed in Exhibit A, release their claim and responsibility for 1.45 acres of Swalley Irrigation District water right that are appurtenant to the lands listed in **Exhibit A**, to Swalley Irrigation District. Swalley Irrigation District may elect to complete the transfer application and submit it to the Water Resources Department for approval of use of the water right at a new location and/or use. Swalley Irrigation District may attach this agreement to the Oregon Water Resources Department's lease form and file with the District's annual Short Term Water Right Lease Agreement.

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

Furthermore, upon signing of this agreement and the accompanying transfer application Sussie Due, shall no longer be liable for any district assessment or charges pertaining to the 1.45 acres of water right incurred after the date of signing. The water right in question is further described as a portion of certificate # 74145, priority of 1899, located:

**T16S-R12E,WM-SEC27-SE/NE-01700 .76 acre, T16S-R12E,WM-SEC27-SE/NE-01800 .69 acre**

This agreement is binding upon the heirs, executors, administrators, successors, and permitted assigns of the parties to this agreement. **Consideration for this Quitclaim is 0.00**

Grantor:

*Sussie Due*

Date 9-26-17

Sussie Due

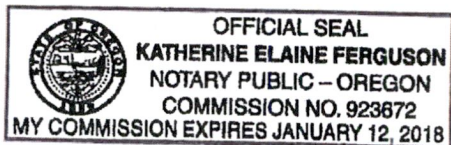
Received by OWRD

State of Oregon SS.  
County of Deschutes

JUN 17 2020

Salem, OR

Personally appeared: Sussie Due and acknowledged the forgoing instrument to be his / her voluntary act and deed.



*Katherine Elaine Ferguson*

My commission expires 1-12-2018

Swalley Irrigation District:

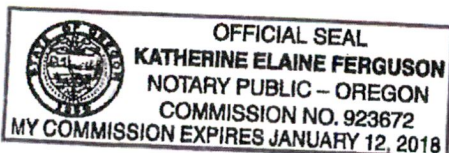
*Jer Camarata*

Date 10/10/17

Jer Camarata, General Manager

State of Oregon SS.  
County of Deschutes

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



K7 *Kathy Ferguson Katherine Elaine Ferguson*

My commission expires 1-12-2018

Tax statement: No change.



KNOW ALL MEN BY THESE PRESENTS, That JORGEN DUE, a single man, hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto SUSAN MARIE FORRESTER, joint tenants with right of survivorship hereinafter called grantee, and unto grantee's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Deschutes, State of Oregon, described as follows, to-wit:

Lots Eleven (11) and Twelve (12) in Block Seven (7) in the first addition to WHISPERING PINES ESTATES according to the official plat thereof on file in the office of the County Recorder of Deschutes County, Oregon.

SUBJECT TO: Covenants, conditions, reservations, restrictions, easements, right and rights of way and agreements of record.

TOGETHER WITH all of seller's right, title and interest in and to certain water rights, well, water easements, service lines and so forth as set forth in a certain Joint Well Agreement dated July, 1976, a copy of which is attached hereto.

WAS RECORDED Nov. 26, 1994 Vol. 31 Page 956 JED

Received by OWRD

JUN 17 2020

Salem, OR

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever. The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 10.00 and affixation.

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 7th day of August, 1992. If a corporate grantor, it has caused its name to be signed and its seal affixed by an officer or other person duly authorized to do so by order of its board of directors.

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.

Jorgen C. Due JORGEN DUE

STATE OF OREGON, County of Deschutes This instrument was acknowledged before me on August 7th, 1992 by Jorgen Due This instrument was acknowledged before me on August 7th, 1992

by Michael A. Maxwell Notary Public for Oregon My commission expires 12-31-95



Grantor's Name and Address: Jorgen C. Due, Summit St, Prineville, OR 97534. Also recording before to Grantee, Address, City: Susan Marie Forrester, 2014 Tullahoma Rd, Bend, OR 97701. Each registered abstract send all tax statements to Grantee, Address, City: Same as above.

STATE OF OREGON, COUNTY OF DESCHUTES. 92 AUG 10 AM 10:00. DEPUTY CLERK. 92-26093 RE 332. DEBATES COUNTY OFFICIAL RECORDS.

After recording return to:  
First American Title  
395 SW Bluff Drive, Suite 100  
Bend, OR 97702



After recording return to:  
Sussie Marie Due  
21114 Tumalo Rd.  
Bend, OR 97703

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

File No.: 7061-3029992 (HH)  
Date: August 01, 2018

THIS SPACE RESERVED FOR RECORDER'S USE

Deschutes County Official Records **2018-31574**  
D-D  
Str=1 BN **08/02/2018 03:10:00 PM**  
\$15.00 \$11.00 \$10.00 \$61.00 \$6.00 **\$103.00**

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

Received by OWRD

JUN 17 2020

Salem, OR

### STATUTORY BARGAIN AND SALE DEED

**Sussie Marie Due, formerly Susan Marie Due, who acquired title as Susan Marie Forrester,**  
Grantor, conveys to **Sussie Marie Due, Grantee,** the following described real property:

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

**See Attached Exhibit A**

The true consideration for this conveyance is **\$This legal description has been prepared to  
effectuate the lot line adjustment approved by Deschutes County file No. 247-18-000344-  
LL.** (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD  
INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO  
195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, 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

APN: 132994

Bargain and Sale Deed  
- continued

File No.: 7061-3029992 (HH)  
Date: 08/01/2018

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 2 day of August, 2018.

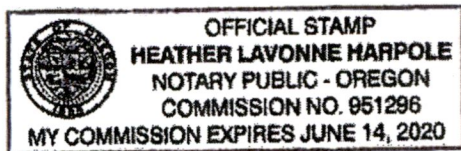
Sussie Marie Due  
Sussie Marie Due

STATE OF Oregon )  
County of Deschutes )ss.  
)

This instrument was acknowledged before me on this 2 day of August, 2018  
by **Sussie Marie Due**.

Heather Lavonne Harpole

Notary Public for Oregon  
My commission expires: June 14, 2020



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JUN 17 2020

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Exhibit "A"

JUN 17 2020

**CONVEYANCE AREA  
PORTION OF LOT 11**

Salem, OR

A tract of land located in Lot 11, Block 7, First Addition to Whispering Pines Estates, in the NE 1/4 of Section 27, Township 16 South, Range 12 East, of the Willamette Meridian, Deschutes County, Oregon, being more particularly described as follows:

BEGINNING at a 1/2" rebar at the Northwest corner of said Lot 11, Block 7, First Addition to Whispering Pines Estates, thence along the northerly line of said Lot 11, North 89°39'27" East 8.52 feet to a 5/8" rebar with yellow plastic cap stamped "TYE ENGINEERING"; thence leaving said northerly line of said Lot 11, South 27.18 feet to a 5/8" rebar with yellow plastic cap stamped "TYE ENGINEERING"; thence South 25°18'11" West 19.83 feet to a 5/8" rebar with yellow plastic cap stamped "TYE ENGINEERING" said point lying on the west line of said Lot 11; thence along said west line North 00°03'23" West 45.06 feet to a 5/8" rebar with yellow plastic cap stamped "TYE ENGINEERING" and the POINT OF BEGINNING.

This legal description has been prepared to effectuate the lot line adjustment approved by Deschutes County file No. 247-18-000344-LL.

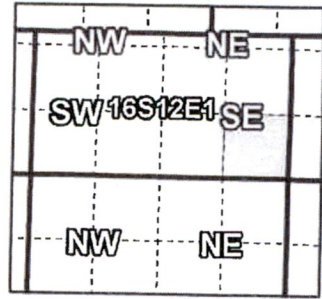
# Swalley Irrigation District

## Application for Instream Lease

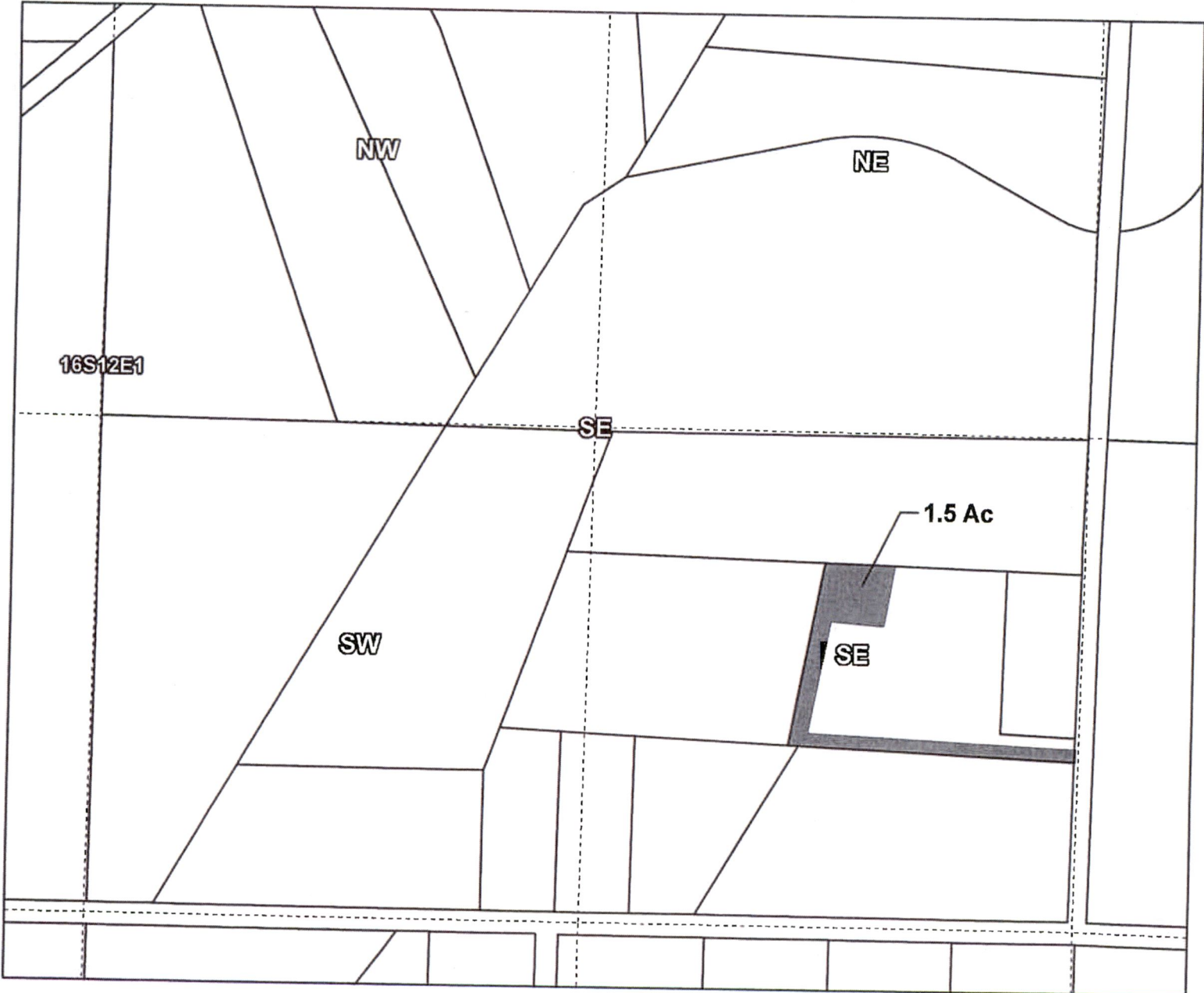
Received by OWRD

JUN 17 2020

Salem, OR



**Certificate: 74145**  
for SID Quitclaim



### 1 YEAR LEASE MAP

Taxlot 161201D000700, 16S12E01 SE/SE: 1.5 Acres Leased, 4.8 Acres Remaining



1 inch = 400 feet

- Pipelines and Canals
- Lease
- Taxlots
- Primary Water Right

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

Deschutes County Official Records  
Nancy Blankenship, County Clerk **2017-14902**



**\$58.00**

**04/19/2017 03:24:14 PM**

D-D Cnt=1 Stn=4 SRB  
\$10.00 \$11.00 \$21.00 \$10.00 \$6.00

**QUITCLAIM DEED  
FOR TRANSFER OF INTEREST IN A WATER RIGHT**

Grantor, Leroy Walton, releases and quitclaims to Swalley Irrigation District (SID) all rights, title and interest in the following: By this agreement and signed transfer application form, Grantor, the owner of the lands listed in Exhibit A, release their claim and responsibility for **1.50 acres** of Swalley Irrigation District water right that are appurtenant to the lands listed in Exhibit A, to Swalley Irrigation District. Swalley Irrigation District may elect to complete the transfer application and submit it to the Water Resources Department for approval of use of the water right at a new location and/or use. Swalley Irrigation District may attach this agreement to the Oregon Water Resources Department's lease form and file with the District's annual Short Term Water Right Lease Agreement.

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

Furthermore, upon signing of this agreement and the accompanying transfer application Leroy Walton shall no longer be liable for any district assessment or charges pertaining to the 1.50 acres of water right incurred after the date of signing. The water right in question is further described as a portion of certificate # 74145, priority of 1899, located:  
**T16S-R12E,WM-SEC01-SE/SE-00700**

This agreement is binding upon the heirs, executors, administrators, successors, and permitted assigns of the parties to this agreement.  
**Consideration for this Quitclaim is 0.00**

Grantor: *Leroy Walton* Date 4/17/17  
Leroy Walton

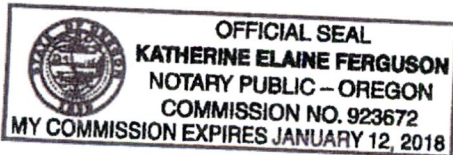
Received by OWRD

JUN 17 2020

Salem, OR

State of Oregon SS.  
County of Deschutes

Personally appeared Leroy Walton and acknowledged the forgoing instrument to be his her voluntary act and deed.

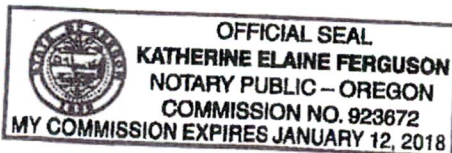


*Katherine Elaine Ferguson*  
My commission expires 1-12-2018

Swalley Irrigation District:  
*[Signature]* Date 4/17/2017  
Jer Camarata, General Manager

State of Oregon SS.  
County of Deschutes

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



*Katherine Elaine Ferguson*  
My commission expires 1-12-2018

Tax statement: No change.

LeRoy Walton

#1609

Legal Description:	Taxlot	Serial#	WR Acres:
T16S-R12E-WM-SEC01-SE/SE-00700	161201D000700	130388	1.50 ac.

PROPERTY DESCRIPTION  
TAX LOT 700

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 16 SOUTH, RANGE 12 EAST, W.M., DESCHUTES COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the South East Corner of Section 1, Township 16 South, Range 12 East, W.M., Deschutes County, Oregon; thence N 33°17'48" W 35.75 FT. to a REBAR on the West Line of SW 46th Street; thence along the West Line of S.W. 46th Street N 00° 21' 00" E 491.19 FT. to The True Point of Beginning being a 5/8" REBAR; thence along the West Line of S.W. 46th Street S 00° 21' 00" W for 65.00 FT to a REBAR.; thence N 87° 54' 06" W for 770.91 FT. to a REBAR; thence N 09° 49' 13" E for 493.83 FT. to a REBAR; thence S 88° 52' 43" E for 489.34 FT. to a 5/8" REBAR; thence S 00° 21' 00" W for 432.93 FT. to a 5/8" REBAR; thence S 87° 54' 06" E for 200.09 FT. to a 5/8" REBAR, at the True Point of Beginning, the Area being 6.301 Acres.

Received by OWRD

JUN 17 2020

Salem, OR



D-D Cntm1 Strm1 BN  
\$5.00 \$11.00 \$10.00 \$5.00

11/13/2006 02:02:00 PM

After recording return to:  
WESTERN TITLE & ESCROW COMPANY  
1345 NW WALL STREET, STE 200  
BEND, OR 97701

Received by OWRD

JUN 17 2020

Salem, OR

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

✓ LEROY S. WALTON  
6969 SW 46TH ST  
REDMOND, OR 97756

STATUTORY BARGAIN AND SALE DEED

1 LEROY WALTON, Grantor, conveys to LEROY S. WALTON, GRANTEE, the following described real property:

That portion of the Southeast Quarter of Section One (1), Township Sixteen (16) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon, described as follows: Beginning at the South Quarter corner of said Section 1; thence along the Southerly line of said Section, North 89°45' East, 1049.05 feet; thence at right angles to said Southerly line, North 0°15' West, 402.04 feet; thence North 17°20'00" East, 121.00 feet to the true point of beginning for this description; thence North 19°20' East, 500.36 feet; thence South 88°57'00" East, 1378.74 feet to the Westerly line of Phillips Road (now known as S.W. 46th Street), 50 feet wide; thence along said Westerly line South 0°21'00" West, 501.08 feet to a point in said Westerly line distant Northerly thereon, 426.49 feet from the Northerly line of Whittmore Road (now known as Quarry Avenue), 60 feet wide; thence North 87°59'08" West, 1542.04 feet to the true point of beginning. EXCEPTING THEREFROM the following: Beginning at the South Quarter corner of said Section 1; thence along the Southerly line of said Section, North 89°45' East, 1049.05 feet; thence at right angles to said Southerly line, North 0°15' West, 402.04 feet; thence North 17°20'00" East, 121.00 feet to the true point of beginning for this description; thence North 19°20' East, 500.36 feet; thence South 88°57'00" East, 689.37 feet; thence South 09°50'07" West, 493.87 feet; thence North 87°59'08" West, 771.02 feet to the true point of beginning.

Tax Account No(s): 130388 CODE 2-004  
Map/Tax Lot No(s): 161201 DO 00701

- The true consideration for this conveyance is \$ -0-

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

Dated this 7 day of November, 2006.