



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

Application for Water Right Instream Transfer

Part 1 of 6 – Minimum Requirements Checklist

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

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FOR ALL INSTREAM TRANSFER APPLICATIONS

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator. If you have questions, call Customer Service at (503) 986-0801.
 Note: Instream transfers are considered both a change in place of use and character of use. In addition, an automatic 50% fee waiver applies to all instream transfers.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Completed Instream Use Information.
- Part 6 – Information about the Transferred Water Rights: **How many water rights are to be transferred? 3 List them here: 276, 30561, 265**
 Please include a separate Part 6 for each water right. (See instructions on page 8)

Attachments:

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

(For Staff Use Only)

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

___ Application fee not enclosed/insufficient	___ Map not included or incomplete
___ Land Use Form not enclosed or incomplete	___ Additional signature(s) required
Other/Explanation _____	
Staff: _____ 503-986-0 _____	Date: ___ / ___ / ___

Part 2 of 6 – Map Checklist

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

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

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

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Part 3 of 6 – Fee Worksheet

FEE WORKSHEET for INSTREAM TRANSFER			
1	Base Fee (includes Place of Use and Character of Use to Instream changes to one water right for up to 1 cfs)	1	\$2,090
2	Number of water rights included in transfer <u>3 (2a)</u> Subtract 1 from the number in 2a above: <u>2 (2b)</u> <i>If only one water right, this will be 0</i> Multiply line 2b by \$520 and enter » » » » » » » » » » » » » » » »	2	1040
3	Enter the cfs for the portions of the rights to be transferred (see example below*): <u>0.587 (3a)</u> Subtract 1.0 from the number in 3a above: <u>-0.413 (3b)</u> If 3b is 0, enter 0 on line 3 » » » » » » » » » » » » » » » » If 3b is greater than 0, round up to the nearest whole number: <u>0 (3c)</u> and multiply 3c by \$350, then enter on line 3 » » » » » » » » » » » » » » » »	3	0
4	Add entries on lines 1 through 3 above » » » » » » » » » » » » Subtotal:	4	3130
5	Multiply line 4 by 0.5 and enter on line 5 » » » » » » » » » » » » » » » »	5	1565
6	Subtract line 5 from line 4 » » » » » » » » » » » » » » » » Transfer Fee:	6	1565

*Example for Line 3a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

1. For irrigation calculate cfs for each water right involved as follows:
 - a. Divide total authorized cfs by total acres in the water right (*for C12345, 1.25 cfs ÷ 100 ac*); then multiply by the number of acres to be transferred to get the transfer cfs (*x 45 ac = 0.56 cfs*).
 - b. If the water right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (*For C87654, 45.0 ac x 0.0125 cfs/ac = 0.56 cfs*)
2. Add cfs for the portions of water rights on all the land included in the transfer; however **do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land**. The fee should be assessed only once for each “on the ground” acre included in the transfer. (*In this example, blank 3a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 3b would be 0 and Line 3 would then also become 0*).

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Part 4 of 6 – Applicant Information and Signature

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

Applicant Information

APPLICANT/BUSINESS NAME Deschutes Land Trust		PHONE NO. 541-330-0017	ADDITIONAL CONTACT NO. RECEIVED
ADDRESS 210 NW Irving Ave., Suite 102		FAX NO. FEB 05 2021	
CITY Bend	STATE OR	ZIP 97703	E-MAIL ann@deschuteslandtrust.org OWRD
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.			

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

AGENT/BUSINESS NAME Genevieve Hubert / Deschutes River Conservancy		PHONE NO. 541-382-4077, x16	ADDITIONAL CONTACT NO.
ADDRESS 700 NW Hill Street, Suite 1		FAX NO.	
CITY Bend	STATE OR	ZIP 97703	E-MAIL 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.			

Explain in your own words what you propose to accomplish with this transfer application, and why: The Deschutes Land Trust (DLT) seeks to permanently transfer 40.2 acres of Whychus Creek irrigation water rights instream. Transferring the rights instream will concurrently remove two push up dams that have been used for irrigation. The water rights are appurtenant to DLT's Whychus Canyon Preserve, which protects six miles of Whychus Creek to provide habitat for reintroduced salmon and steelhead, and native redound trout populations. Inadequate streamflows, particularly in summer months, have been identified as a primary limiting factor affecting the viability of efforts to reestablish anadromous fish populations in the Upper Deschutes basin. This transfer will help improve the availability of suitable habitat in Whychus Creek and will enhance instream water rights already protected from previous instream transfers and conserved water projects. Over the next decade, the DLT, in partnership with the Upper Deschutes Watershed Council, plans to implement a large scale floodplain restoration project on the places of use identified in this transfer, further supporting the creation of physical and biological conditions necessary for successful reintroduction of salmon and steelhead to the upper Deschutes Basin.

If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

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

Check one box

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

I understand that prior to Department approval of the transfer, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for

Location (i.e. the point of diversion (POD) – use the POD Name or Number from Table 1): _____

Water is requested to be protected within a reach:

Location of proposed reach (If an instream water right reach is requested, identify the upstream and downstream extent of the reach): **Table 1, certificate 276: POD 1; Table 1, certificate 30561: POD 1; Table 1, certificate 265: POD 1 to the mouth of the Deschutes River.**

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

None

Other (such conditions may include, but are not limited to, reductions in the instream flow levels in cfs per month or total ac-ft, the effective reach(es) or lake levels of the instream flow, measuring locations and the strategy for monitoring the instream flow or lake levels): **The water rights/acres transferring instream will be have a limited instream period, specified cfs (within water right allowance) and will be limited to 4.5 - 5.5 acre-feet per acre. Water rights acres from these certificates not transferring instream will be cancelled.**

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Part 5 of 6 – Proposed Instream Use Information

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

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

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Instream use proposed to be created by the instream transfer:

Originating Water Right Number (as identified in Part 5)	Priority Date	Source	Proposed Instream Period	Rate (cfs)*	Volume (ac-ft)**
276	Aug. 1901	Whychus Creek (Squaw Creek)	April 15 – October 15 (184 days)	0.226	82.5
30561	5/26/1958	Whychus Creek (Squaw Creek)	April 15 – October 15 (184 days)	0.084	30.6
265	1897	Whychus Creek (Squaw Creek)	April 15 – October 15 (184 days)	0.277	101.2
TOTAL VOLUME					214.3

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

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

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

Additional Information: See table in Exhibit G

Cert 276 has a max total rate of 0.3 cfs for 15 total acres, no max duty (but 5.5 acre-feet per acre is used), no season of use, but instream will stay within 3/1-10/31 consistent with OAR 690-250. All 15 acres are transferring to instream use, but to stay within a 5.5 af/ac duty, will be limited to 184 days at a rate of 0.226 cfs (about 0.015 cfs/ac).

Cert 30561 has a max total rate of 0.35 cfs for 17.7 total acres and a max duty of 4.5 acre-feet per acre, no season of use, but instream will stay within 3/1-10/31 consistent with OAR 690-250. 6.8 of 17.7 acres are transferring to instream use, but to stay within the restricted duty of 4.5 af/ac, will be limited to 184 days at a rate of 0.084 cfs (about 0.124 cfs/acre). The remaining 10.9 acres will be cancelled.

Cert 265 has a max total rate of 0.6 cfs for 26.5 total acres, no max duty (but 5.5 acre-feet per acre is used), no season of use, but instream will stay within 3/1-10/31 consistent with OAR 690-250. 18.4 of 26.5 acres are transferring to instream use, but to stay within a 5.5 af/ac duty, will be limited to 184 days at a rate of 0.277 cfs (about 0.015 cfs/acre). The remaining 8.1 acres will be cancelled.

Identify the location of the proposed instream water right.

- Water is requested to be protected at a point.

Check the following boxes that apply:

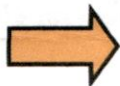
- Check here if any of the water rights proposed for transfer are located within or served by an irrigation district or other water district before the transfer. (Tip: Complete and attach Supplemental Form D.)

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IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME City of Sisters	ADDRESS PO Box 39	
CITY Sisters	STATE OR	ZIP 97759

ENTITY NAME Deschutes County Community Dev/Planning Dept	ADDRESS 117 Lafayette Ave	
CITY Bend	STATE OR	ZIP 97703

ENTITY NAME Jefferson County Planning Dept	ADDRESS 85 SE 'D' Street	
CITY Madras	STATE OR	ZIP 97741

ENTITY NAME Confederated Tribes of Warm Springs, Natural Resources Fish & Wildlife	ADDRESS P.O. Box C	
CITY Warm Springs	STATE OR	ZIP 97761

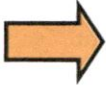
ENTITY NAME City of Maupin / City Manager	ADDRESS 507 Grant Ave., Box 308	
CITY Maupin	STATE OR	ZIP 97037

ENTITY NAME Wasco County/ Planning Dept	ADDRESS 2705 East 2nd Street	
CITY The Dalles	STATE OR	ZIP 97058

ENTITY NAME Sherman County / Planning Dept	ADDRESS P.O. Box 381	
CITY Moro	STATE OR	ZIP 97039

two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: The Bend Bulletin.

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



Ann Richardson
Applicant Signature

Ann Richardson, Acting Executive Director
Print Name (and Title if applicable)

1/13/2021
Date

[Signature]
Applicant Signature

Kate Fitzpatrick, Executive Director 1/25/21
Print Name (and Title if applicable) Date

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

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INSTRUCTIONS for editing the Application Form

To add additional lines to tables within the forms or to copy and paste additional Part 6 pages, please **save the application form to your computer**. Unlock the document by using one of the following instructions for your Microsoft Word software version:

Microsoft Word 2003

Unlock the document by one of the following:

- Using the **Tools** menu => click **Unprotect Document**;
OR
- Using the **Forms** toolbar => click on the **Protect/Unprotect** icon.

To relock the document to enable the checkboxes to work, you will need to:

- Using the **Tools** menu => click **Protect Document**;
OR
- Using the **Forms** toolbar => click on the **Protect/Unprotect** icon.

Microsoft Word 2007

- Unlock the document by clicking the **Review** tab, then click **Protect Document**, then click **Stop Protect**
- To relock the document, click **Editing Restrictions**, then click **Allow Only This Type of Editing**, select **Filling In Forms** from the drop-down menu, then check **Yes, Start Enforcing Protection**.

Microsoft Word 2010

- Unlock the document by clicking the **Review** tab, toggle the **Restrict Editing icon** at the upper right, then click **Stop Protect** at the bottom right. Then uncheck the “**Allow only this type of editing in the document: Filling in forms**” in the “Editing restrictions” section on the right-hand list of options.
- To relock the document, check the **Editing Restrictions/Allow Only This Type of Editing/Filling In Forms** box from the drop-down menu, then check **Yes, Start Enforcing Protection**. You do not need to assign a password for the editing restrictions.

Other Alternatives:

- Photocopy pages or tables in Part 6, ~~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 6 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.

Once the application has been unlocked, you may:

- add additional rows to tables using the Table tools, and
- select and copy the pages of Part 6 and paste as many additional sets of Part 6 pages as needed at the end of the application.

After editing, re-lock the document to enable checkboxes to work.

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

No Yes (identify other instream water rights): See Attachment D.

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

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

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

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

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

- No; **OR**
- Yes (Provide supporting documentation that demonstrates why additional flows are significant for the public use requested.); **OR**
- Yes, and it is presumed that flows that exceed the estimated average natural flow or natural lake levels are significant because:
 - The requested flow does not exceed the maximum amount of any instream water right application applied for under ORS 537.341 (state agency instream water right application process) for the same reach or portion thereof, and the requested public use is for the same public use as the afore mentioned instream water right application, **and**
 - For the specified time period that flows are requested to exceed the estimated average natural flow or lake level, the stream is in an ODFW flow restoration priority watershed. A copy of the priority watershed map indicating the specific watershed involved should be included with the application. Priority watershed maps may be found on the OWRD web page; **or**
 - The stream is listed as water quality limited and DEQ has provided scientific information that demonstrates that increased flows would improve water quality. The scientific information provided by DEQ should be included with the transfer application.

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

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

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

CERTIFICATE # 276

Name on Certificate: Walter S. Fullerton

Date(s) of Priority: August 1901

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

Description of Water Delivery System

System capacity: 0.65 cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

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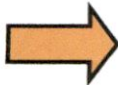
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Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. Land served by ditch and push up dam utilizing flood irrigation as the sole irrigation system..

Other Water Rights

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

If YES, list the certificate, water use permit, or ground water registration numbers: 30561 (265 same ownership, different parcel, also included in this transfer).



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

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

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

POD Name or Number	Priority Date (if different between PODs)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
1	August 1901	14 S	11 E	17	SW SE	2018	Longitude:44.351816 N Latitude:-121.437742 W approximately at River Mile 11.25

Will the proposed instream transfer affect the entire water right?

Yes Then Table 2 on Page 10 does not need to be completed.

No Then complete all of Table 2 to describe the portion of the water right to be changed..

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

Table 2. Description of Change to Water Right Certificate # 276

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

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

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Additional remarks: From instream lease final order. Lease 1405, Findings of Fact #6: Certificates 276 and 30561 do not provide a complete description of the location of the point of diversion. Based upon additional information provided by the Department’s Watermaster, both certificates use the same point of diversion and, for purposes of this instream lease, the point of diversion appears to be located [as entered in table 1 for certificate 276].

Water right 276 is for 15 acres of irrigation. All acres have been regularly leased instream/used and all 15 acres are transferring permanently instream.

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

CERTIFICATE # 30561

Name on Certificate: A.N. Voorhees and Sons

Date(s) of Priority: May 26, 1958

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

Description of Water Delivery System

System capacity: 0.65 cubic feet per second (cfs) **OR**
 _____ gallons per minute (gpm)

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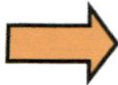
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Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. **Land served by ditch and push up dam utilizing flood irrigation as the sole irrigation system..**

Other Water Rights

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

If YES, list the certificate, water use permit, or ground water registration numbers: **276 (265 same ownership, different parcel, also included in this transfer)**.



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

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

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

POD Name or Number	Priority Date (if different between PODs)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
1	May 26, 1958	14	S	11	E	17	SW	SE	2018	Longitude: 44.351816 N Latitude: -121.437742 W approximately at River Mile 11.25

Will the proposed instream transfer affect the entire water right?

13615 -

Yes Then Table 2 on Page 10 does not need to be completed.

No Then complete all of Table 2 to describe the portion of the water right to be changed.

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

Table 2. Description of Change to Water Right Certificate # 30561

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

Twp	Rng	Sec	¼ ¼		Tax Lot	Gov't Lot or DLC	Acres if Applicable	Type of USE listed on Certificate	Priority Date (if not the same for all acres or type of use)	POD(s) (name or number from Table 1)		
2	S	9	E	14	NE	NW	100		15.0	Irrigation	4/1/1900	POD #1 POD #2
"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"
14	S	11	E	16	S W	NW	2018		1.7	IR		1
14	S	11	E	16	N W	SW	2018		0.0	IR		1
14	S	11	E	17	SE	NE	2018		0.0	IR		1
14	S	11	E	17	NE	SE	2018		5.1	IR		1
14	S	11	E	17	SE	SE	2018		0	IR		1
TOTAL ACRES							6.8					

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Additional remarks: From instream lease final order. Lease 1405, Findings of Fact #6: Certificates 276 and 30561 do not provide a complete description of the location of the point of diversion. Based upon additional information provided by the Department's Watermaster, both certificates use the same point of diversion and, for purposes of this instream lease, the point of diversion appears to be located [as entered in table 1 for certificate 276].

17.7 acres listed on water right certificate 30561.
6.8 acres have been regularly leased instream/used and will be transferring permanently instream.
10.9 remaining acres from certificate will be cancelled.

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

CERTIFICATE # 265

Name on Certificate: William E. Claypool

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Date(s) of Priority: 1897

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

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Description of Water Delivery System

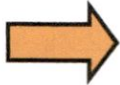
System capacity: 0.6 cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. Land served by ditch and push up dam utilizing flood irrigation as the sole irrigation system..

Other Water Rights

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

If YES, list the certificate, water use permit, or ground water registration numbers: (30561, 276 - same ownership, different parcel, also included in this permanent instream transfer).



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

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

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

POD Name or Number	Priority Date (if different between PODs)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
1	1897	14	S	11	E	9	SE	NE	400	W.E. Claypool Ditch - 800 feet west and 130 feet north of the east ¼ corner of section 9, river mile 9.5, 44.37284 north and 121.41525 west

Will the proposed instream transfer affect the entire water right?

Yes Then Table 2 on Page 10 does not need to be completed.

13615 -

No Then complete all of Table 2 to describe the portion of the water right to be changed.

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

Table 2. Description of Change to Water Right Certificate # 265

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

Twp	Rng	Sec	¼ ¼	Tax Lot	Gov't Lot or DLC	Acres if Applicable	Type of USE listed on Certificate	Priority Date (if not the same for all acres or type of use)	POD(s) (name or number from Table 1)
2	S	9	E 14	NE NW	100	15.0	Irrigation	4/1/1900	POD #1 POD #2
“	“	“	“	“	“	EXAMPLE	“	“	“
14	S	11	E 10	NW	400	2	IR	RECEIVED FEB 05 2021 OWIRD	
14	S	11	E 3	SW	400	6.2	IR		
14	S	11	E 3	SE	400	2.1	IR		
14	S	11	E 3	NW	400	4.8	IR		
14	S	11	E 3	SW	400	3.3	IR		
TOTAL ACRES						18.4			

Additional remarks: From instream lease final order. Lease 1249, fact finding #5: Certificate 265 does not describe the location of the point of diversion. However, additional information provided with the lease application identifies that the point of diversion is located at River Mile 9.5. The Squaw Creek (now known as Whychus Creek) Decree identifies the name of the ditch as W.E. Claypool Ditch. Based upon additional information also provided by the Department’s Watermaster, it appears that the point of diversion is located [as entered above in Table 1 for certificate 265].

26.5 acres listed on water right certificate 265.

18.4 acres have been regularly leased instream/used and will be transferring permanently instream.

8.1 remaining acres from certificate will be cancelled.



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1271
 (503) 986-0900
 www.wrd.state.or.us

Water Right Transfer Supplemental Form Waiver of Mapping Requirements

The Director may waive or assist a transfer applicant in satisfying the mapping requirements (OAR 690-380-3100) for certain transfers if the criteria described in this form are met pursuant to OAR 690-380-3410.

This form must be prepared by the transfer applicant and the appropriate Regional Manager for the Oregon Water Resources Department. To prepare the form, a copy of the complete transfer application, including a description of the water rights to be transferred, must be provided to the Regional Manager.

This map waiver form must be signed by the Regional Manager and submitted with the transfer application.

Transfer Applicant: Deschutes Land Trust

Water Right(s) to be transferred: 265, 276, 30561

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1. The transfer **must** be one of the following. Please check the appropriate box.

- An instream transfer application filed pursuant to ORS 537.348.
- A transfer application necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.375; or
- The transfer application is determined and endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat.

2. For an **instream transfer application filed pursuant to ORS 537.348**, a map waiver shall only be approved if the application meets one of the following additional criteria. Please check the appropriate box.

- The entirety of the right is being transferred to an instream water right and the location of the instream water right can be clearly delineated through reference to the existing point of diversion for the transferred right and other points of diversion or geographic reference points such as the mouth of the stream; or
- A map meeting the requirements of the transfer rules (OAR 690-380-3100) is available showing the lands not included in the transfer and the location of the instream water right can be clearly delineated through reference to the existing point of diversion for the transferred right and other points of diversion or geographic reference points such as the mouth of the stream. (Please include copy of map(s) with transfer application.)

less the cancelled portion.

13815 -

3. For a **transfer application meeting any one of the criteria identified in #1** (including an instream transfer application), a waiver may also be approved if other circumstances are present that make an application map unnecessary. If #2 does not apply, but circumstances are present that make an application map unnecessary, describe those circumstances below:

An adequate map prepared by a GIS specialist is far superior to the existing adjudication maps.

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4. For any transfer application meeting one or more of the criteria identified in #1 that does not meet the criteria for a waiver as described in #2 or #3, the Department may assist the applicant in development of the application map. The Department (through the regional office) may provide this assistance at the discretion of the appropriate Regional Manager. Please check the appropriate box below if the Department has provided assistance in development of the transfer application map:

A map meeting the requirements of OAR 690-380-3100 has been prepared by Department staff and is included with the transfer application.

The map provided with the transfer application has been developed with assistance from Department staff and meets the requirements of OAR 690-380-3100.

Signature: _____



Date: 10-22-2020

OWRD Regional Manager, SC Region

13615 -

EXHIBIT G

Deschutes Land Trust - Remund and Rimrock Certificates

Certificate	Priority	Township	Range	Section	QQ	QQ	Acres	Instream	Cancel
276	Aug 1901	14 S	11 E	16	SW	NW	8	8	0
		14 S	11 E	17	SE	NE	5	5	0
		14 S	11 E	17	NE	SE	2	2	0
						Subtotal	15	15	0
Remund IL-1405									
30561	5/26/1958	14 S	11 E	16	SW	NW	2	1.7	0.3
		14 S	11 E	16	NW	SW	0.2	0	0.2
		14 S	11 E	17	SE	NE	3.7	0	3.7
		14 S	11 E	17	NE	SE	11.7	5.1	6.6
		14 S	11 E	17	SE	SE	0.1	0	0.1
						Subtotal	17.7	6.8	10.9
Remund IL-1405									
265	1897	14 S	11 E	10	NW	NW	4	2	2
		14 S	11 E	3	SW	NW	7	6.2	0.8
		14 S	11 E	3	SE	NW	4	2.1	1.9
		14 S	11 E	3	NW	SW	5	4.8	0.2
		14 S	11 E	3	SW	SW	6.5	3.3	3.2
						Subtotal	26.5	18.4	8.1
						Totals	59.2	40.2	19
Rimrock IL-1249									

POD's

276 Not Described on Certificate. Watermaster description from IL-1405 FO: T14S, R11E, WM, Sect 17, SWSE, Longitude 44.351816, Latitude 121.437742, approx Rivermile 11.25)

30561 SW1/4 SE1/4, Section 17, T 14S, R 11 E, WM. (no distances on certificate, but per Watermaster on IL-1405 FO: Longitude 44.351816, Latitude 121.437742, approx Rivermile 11.25)

265 Not Described on Certificate
(IL-1249 FO) SE 1/4 NE1/4, Section 9, T14S, R 11E, WM, 800 feet West and 130 feet North of the East 1/4 corner of Section 9, Rivermile 9.5, 44.37284 North and 121.41525 West

Season - no seasons described on certificates. (Per IL-1405 FO - use season of 3/1-10/31, consistent with OAR 690-250)

Rate and Duty Limitations

Certificate	Acres	Rate	Rate/Ac	Duty/Ac	Additional Notes
276	15	0.3			No rate or duty per acre limitation listed, will not exceed 0.02/acre and limiting to max of 5.5 acre-feet per acre
30561	17.7	0.35	0.02	4.5	
265	26.5	0.6			No rate or duty per acre limitation listed, will not exceed 0.02/acre and limiting to max of 5.5 acre-feet per acre

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Application for Water Right Transfer

Evidence of Use Affidavit



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

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

State of Oregon)
) ss
 County of DESCHUTES)

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 OWRD

I, ANN RICHARDSON, in my capacity as ACTING EXECUTIVE DIRECTOR - DESCHUTES LAND TRUST,
 mailing address 210 NW IRVING AVE, SUITE 102, BEND, OR 97703
 telephone number (541)330-0017, being first duly sworn depose and say:

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

- Personal observation Professional expertise

2. I attest that:

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

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

Certificate #	Township	Range	Mer	Sec	¼ ¼	Gov't Lot or DLC	Acres (if applicable)
276							See IL-1405 reference below

OR

- Confirming Certificate # ____ has been issued within the past five years; **OR**
- Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: IL-1405 (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
- Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # ____ (For Historic POD/POA Transfers)

(continues on reverse side)

13615 -

3. The water right was used for: (e.g., crops, pasture, etc.): INSTREAM LEASE AND PRIOR TO THAT FOR PASTURE
4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

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A Richardson Acting Exec. Dir.
Signature of Affiant

10/15/20
Date

Signed and sworn to (or affirmed) before me this 15th day of October, 2020.



Patricia E. Cohen
Notary Public for Oregon

My Commission Expires: December 11, 2020

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

13615 -

Application for Water Right Transfer

Evidence of Use Affidavit



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

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

State of Oregon)
) ss
 County of DESCHUTES)

I, ANN RICHARDSON, in my capacity as ACTING EXECUTIVE DIRECTOR - DESCHUTES LAND TRUST,
 mailing address 210 NW IRVING AVE, SUITE 102, BEND, OR 97703
 telephone number (541)330-0017, being first duly sworn depose and say:

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

2. I attest that:

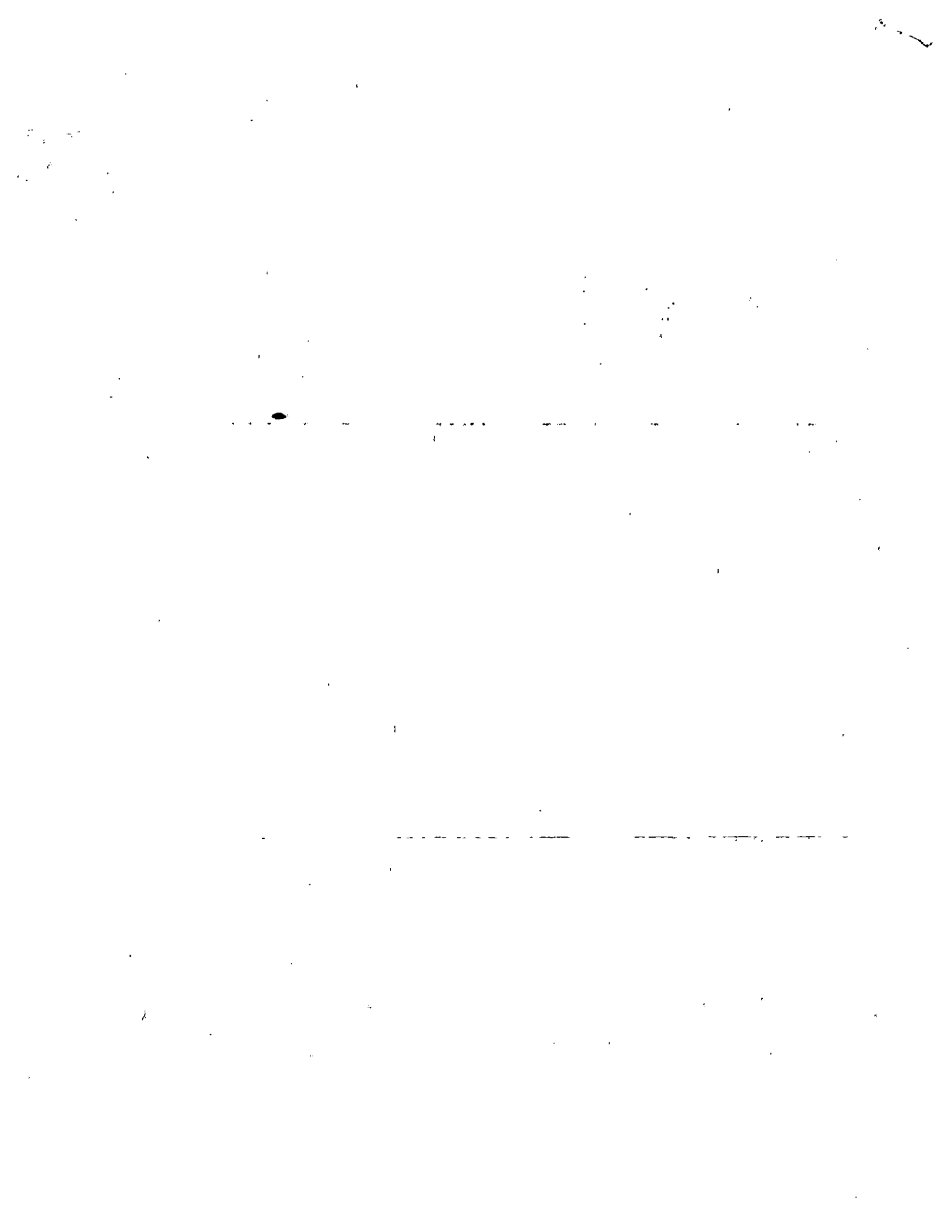
- Water was used during the previous five years on the **entire** place of use for Certificate # ____; **OR**
- My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township	Range	Mer	Sec	¼ ¼	Gov't Lot or DLC	Acres (if applicable)
30561							See IL-1405 referenced below

- OR**
- Confirming Certificate # ____ has been issued within the past five years; **OR**
- Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: IL-1405 (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
- Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # ____ (For Historic POD/POA Transfers)

(continues on reverse side)

13615 - -



3. The water right was used for: (e.g., crops, pasture, etc.): INSTREAM LEASE AND PRIOR TO THAT FOR PASTURE
4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

At Richardson, Acting Exec Dir
Signature of Affiant

10/15/20
Date

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Signed and sworn to (or affirmed) before me this 15th day of October, 2020. OWRD



Patricia E. Cohen
Notary Public for Oregon

My Commission Expires: December 11, 2020

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<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"> • District assessment records for water delivered • Crop reports submitted under a federal loan agreement • Beneficial use reports from district • IRS Farm Usage Deduction Report • Agricultural Stabilization Plan • CREP Report
<input type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	<p>Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terraserver.com</p>
<input checked="" type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

13615 -

MEMORANDUM FOR THE RECORD
SUBJECT: [Illegible]



BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

Expired
2019

In the Matter of Instream Lease Application) DETERMINATION and FINAL
IL-1405 and Preliminary and Final Award) ORDER ON PROPOSED INSTREAM
of Mitigation Credits for Mitigation Project) LEASE and MITIGATION CREDIT
MP-189, Deschutes and Crook County) PROJECT

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Authority

Oregon Revised Statutes (ORS) 537.348 establishes the process in which a water right holder may submit a request to lease an existing water right for instream purposes. Oregon Administrative Rule (OAR) Chapter 690, Division 077 implements the statutes and provides the Department's procedures and criteria for evaluating instream lease applications.

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OAR 690-521-0100 to 690-521-0600 establishes the process in which anyone may submit a ground water mitigation project to the Department for the purpose of establishing mitigation credits in the Deschutes Ground Water Study Area.

Lessor

Deschutes Land Trust (DLT)
210 NW Irving Ave., Suite 102
Bend, Oregon 97701
bsc@deschuteslandtrust.org

Lessee

Deschutes River Conservancy (DRC) Mitigation Bank
700 NW Hill Street
Bend, Oregon 97701
gen@deschutesriver.org

Findings of Fact

1. On May 22, 2015, DLT and the DRC Mitigation Bank filed an application to renew instream lease IL-1405, involving the entirety of Certificate 276 and a portion of Certificate 30561.
2. The first right to be leased is as follows:

Certificate: 276 in the name of Walter S. Fullerton (perfected under the Squaw Creek Decree of record at Salem, in the Order Record of the Board of Control of the State of Oregon, in Volume 1, at Page 120)
Use: Irrigation of 15.0 acres
Priority Date: August, 1901
Quantity: **Rate:** 0.3 Cubic Foot per Second (CFS)
Source: Whychus Creek (formerly known as Squaw Creek), tributary of the Deschutes River

Authorized Point of Diversion (POD): Not described on Certificate

13615 -

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	11 E	WM	16	SW NW	8.0
14 S	11 E	WM	17	SE NE	5.0
14 S	11 E	WM	17	NE SE	2.0
Total Acres					15.0

3. Certificate 276 does not specify a rate and duty limit per acre. By Decree, the rate is limited to 1/50th of a CFS per acre. Every water right is subject to beneficial use without waste, which is the basis for the quantity of water available to be leased to instream use. Based upon consultation with the local Watermaster, the Department has identified that 4.5 acre-feet (AF) per acre appears to be a reasonable quantity of water considering beneficial use without waste. It is also consistent with the duty limit under certificate 30561. Therefore, up to 67.5 AF is available to be leased to instream use.

4. The portion of the second right to be leased is as follows:

Certificate: 30561 in the name of A. N. Voorhees and Sons (perfected under Permit S-25548)
Use: Irrigation of 6.8 acres
Priority Date: May 26, 1958
Quantity: **Rate:** 0.13 CFS
Volume: 30.6 AF
Limit: One-fiftieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4.5 acre-feet for each acre irrigated during the irrigation season of each year
Source: Whychus Creek (formerly known as Squaw Creek), tributary of the Deschutes River

Authorized Point of Diversion (POD):

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	11 E	WM	17	SW SE	Not provided on certificate

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	11 E	WM	16	SW NW	1.7
14 S	11 E	WM	17	NE SE	5.1
Total Acres					6.8

5. Certificates 276 and 30561 do not specify the irrigation season; nor is an irrigation season specified by Basin Program or Decree. For the purposes of instream leasing, an irrigation season of March 1 through October 31, consistent with OAR 690-250, shall be used to establish when water may be protected instream.

6. Certificates 276 and 30561 do not provide a complete description of the location of the point of diversion. Based upon additional information provided by the Department's Watermaster, both certificates use the same point of diversion and, for purposes of this instream lease, the point of diversion appears to be located as follows:

Twp	Rng	Mer	Sec	Q-Q	Longitude/Latitude and River Mile
14 S	11 E	WM	17	SW SE	Longitude 44.351816 North Latitude -121.437742 West; approximately at River Mile 11.25

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7. The lease application includes the information required under OAR 690-077-0076(3). The Department provided notice of the lease application pursuant to OAR 690-077-0077(1). No comments were received.
8. The Lessor and Lessee have requested to protect water instream from the POD described in Finding of Fact No. 6 to the mouth of the mouth of Whychus Creek. The place of use is in close proximity to Whychus Creek. A portion of the water diverted at the POD returns to the creek below the point of diversion and is available to downstream water right holders. To prevent injury to downstream water right holders and enlargement, the quantity of water that may be protected instream was previously modified and return flows are accounted for immediately below the point of diversion.
9. The Department previously identified that the maximum rate and volume that may be leased instream is 0.13 CFS and 30.6 AF. At this rate and volume, water may be protected instream for up to 114 days. The lease application originally requested to protect water instream for 113 days (June 11 through October 1). The instream period may be increased by an additional day to June 11 through October 2.
10. For Certificate 276, the Lessor and Lessee requested to protect up to 127.43 AF instream. Water was also requested to be protected instream at a rate of 0.3 CFS over an instream period of April 1 through October 31 (214 days). The Department previously identified that the instream period requested may be modified to match that identified for Certificate 30561, June 11 through October 2 (114 days).
11. The instream use has been modified from the original lease application to prevent injury and enlargement and is as follows:

Whychus Creek, tributary to the Deschutes River

Instream Point No. 1: At the POD (as described in Finding of Fact No. 6)

Certificate	Priority Date	Instream Rate (cfs)	Instream Volume (AF)	Period Protected Instream
276	August, 1901	0.30	67.5	June 11 through October 2
30561	5/26/1958	0.13	30.6	
Total Instream		0.43	98.1	

Instream Reach No. 2: From immediately below the POD to the mouth of Whychus Creek

Certificate	Priority Date	Instream Rate (cfs)	Instream Volume (AF)	Period Protected Instream
276	August, 1901	0.12	27.00	June 11 through October 2
30561	5/26/1958	0.05	12.24	
Total Instream		0.17	39.24	

136.15 =

12. The amount and timing of the proposed instream flow is allowable within the limits and use of the original water rights.

13. The protection of flows within the proposed reach is appropriate, considering:

- a. The instream water use begins at the recorded point of diversion;
- b. The location of confluences with other streams downstream of the point of diversion.
- c. There are no known areas of natural loss of streamflow to the river bed downstream from the point of diversion; and
- d. Return flows resulting from the exercise of the existing water right would re-enter the river within the reach of the instream water right below the POD. The quantity of water to be protected instream in Reach No. 2 has been reduced to account for return flows.

14. Instream water rights, with a senior priority date, created through an instream lease generally replace portions of other instream water rights, which carry junior priority dates, established through minimum flow conversion or the state agency application process to establish new instream water rights. During the month of June, the total quantities of water to be protected under the existing and proposed instream rights in the reach will exceed the quantities identified as necessary for instream use for various fish life stages under Certificate 73223, which was created under ORS 537.341, an application process for state agencies to establish new instream water rights. However, the Department has identified that this instream lease will provide an additional beneficial purpose. The Oregon Department of Fish and Wildlife has identified that Whychus Creek is a high priority for flow restoration. In addition, the original instream flows established under Certificate 73223 were based on flow needs for resident redband trout and did not account for flows necessary to support reintroduction of Mid-Columbia summer steelhead trout and spring Chinook salmon. The Department has identified that during the term of this lease, the quantities protected instream may be additive to other existing instream water rights established within the same reach under ORS 537.341, 537.346, 537.348 or 537.470.

15. The total monthly quantities of water to be protected under the existing and proposed instream rights in the reach will provide for a beneficial purpose.

16. The total monthly quantities of water to be protected instream under existing and proposed instream rights in the reach do not exceed the estimated average natural flow.

17. If approved, this instream lease is not reasonably expected to significantly affect land use as prescribed by ORS 197.180, OAR Chapter 660, Divisions 30 and 31, and OAR Chapter 690, Division 5.

18. Based upon review of the application, information provided by the Department's Watermaster, and other available information, the Department finds that the lease will not result in injury or enlargement. The order approving this instream lease may be modified or revoked under OAR 690-077-0077 if the Department later finds that the lease is causing injury to any existing water right or enlargement of the original right.

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19. If a right which has been leased is later proposed to be leased again, transferred and/or reviewed under an allocation of conserved water, a new injury review shall be required. For example, instream transfers will be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380 and Division 077. Approval of this lease does not establish a precedent for approval of any future transactions.
20. The Lessor and Lessee have requested that the lease terminate on October 31, 2019. The lease may commence on the date this final order is signed.
21. The Lessor and Lessee have requested the option of terminating the lease early with written notice to the Department.

Preliminary Award of Deschutes Basin Mitigation Credits

22. The Lessee, a mitigation bank chartered by the Water Resources Commission, has requested that the portion of the right to be protected instream be used to generate mitigation credits.
23. The Department assigned this mitigation credit project number MP-189.
24. The Department provided notice of the mitigation credit project pursuant to OAR 690-521-0300 (6). The Department also provided notice of the mitigation credit project to the Oregon Department of Fish and Wildlife, Oregon Department of Environmental Quality, Oregon Parks and Recreation Department, Oregon Department of State Lands, the Oregon Department of Agriculture, and the Department's Watermaster pursuant to OAR 690-521-0300 (7) and OAR 690-505-0630 (2). No comments were received.
25. The Department has determined that the lease of 21.8 acres of irrigation use to instream use results in 39.2 AF of mitigation water. Therefore, the Department finds that 39.2 mitigation credits may be awarded to this mitigation credit project and assigned to the DRC Mitigation Bank.
26. The instream right created as a result of this lease is located below the Whychus Creek Zone of Impact and will only provide protection of flows within the General Zone of Impact. Therefore, the mitigation credits may be used to mitigate for ground water permit applications and existing conditioned ground water permits and certificates, providing mitigation pursuant to the Deschutes Ground Water Mitigation Rules, OAR Chapter 690, Division 505, within the General Zone of Impact.
27. The mitigation credits expire on December 31, 2019.
28. The use and maintenance of the mitigation credits is subject to the terms and conditions of the DRC Mitigation Bank Charter.
29. The Department shall award final mitigation credits upon completion of the approved project by the applicant and verification by the Department that the project is complete. The issuance of the Final Order approving the proposed instream lease shall result in completion of the project and verification that the project is complete.

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30. No precedent is set by this Final Order as to the amount of mitigation credits that may be generated by a subsequent mitigation credit project.

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Conclusions of Law

The Department concludes that the lease will not result in injury or enlargement, OAR 690-077-0077. The lease conforms to the applicable provisions of OAR 690-077-0015.

This mitigation project results in mitigation credits pursuant to ORS 537.746 and OAR 690-521-0300 and 690-521-0400.

Now, therefore it is ORDERED:

1. The Lease as described herein is APPROVED.
2. During each year of the term of the lease, the former place of use will no longer receive water as part of these rights, any supplemental rights, or any other layered irrigation water rights, including ground water registrations and permits.
3. The term of the lease will commence upon approval of the instream lease and terminate on October 31, 2019. For multiyear leases, the Lessor and Lessee shall have the option of terminating the lease with written notice to the Department provided to both the Salem office and Watermaster office. Written notice of termination of a lease must be provided by all Lessors and the Lessee. The lease may be terminated at any time during a calendar year. However, if the termination request is received less than 30-days prior to the instream use period (June 11 through October 2) or after the water rights' original period of allowed use has begun, the Department may issue an order terminating the lease but use of water may be allowed until the following calendar year, unless the Director determines that enlargement would not occur.
4. **Final Award of Deschutes Basin Mitigation Credits:** Issuance of this Final Order results in completion of the project and verification by the Department that the project is complete. The Department concludes that the mitigation credit project is awarded mitigation credits, as described above, pursuant to OAR 690-521-0400 and ORS 537.746. Mitigation Credits, in the amount of **39.2 credits**, as described herein, are awarded to this mitigation project and assigned to the DRC Mitigation Bank. Mitigation Credits may be used to satisfy a mitigation obligation of a ground water permit applicant and/or ground water permit/certificate holder in the **General Zone of Impact**.
5. Mitigation credits are valid until used (or until they expire or are terminated) to satisfy a mitigation obligation of a ground water permit applicant and/or ground water permit/certificate holder within the Deschutes Ground Water Study Area pursuant to the Deschutes Ground Water Mitigation Rules. Mitigation credits are used when a person submits to the Department documentary evidence that valid credits have been obtained and assigned to satisfy a mitigation obligation.

6. The mitigation credits shall expire on December 31, 2019.
7. The use and maintenance of the mitigation credits shall be subject to the terms and conditions of the DRC Mitigation Bank Charter.

Dated at Salem, Oregon this 24 day of June, 2015.



Dwight French, Water Right Services Division Administrator, for
Tom M. Byler, Director, Oregon Water Resources Department

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Mailing date: JUN 26 2015

This document was prepared by Sarah Henderson and if you have any questions, please call 503-986-0890.

Application for Water Right Transfer

Evidence of Use Affidavit



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

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

State of Oregon)
) ss
 County of DESCHUTES)

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 OWRD

I, ANN RICHARDSON, in my capacity as ACTING EXECUTIVE DIRECTOR - DESCHUTES LAND TRUST,
 mailing address 210 NW IRVING AVE, SUITE 102, BEND, OR 97703
 telephone number (541)330-0017, being first duly sworn depose and say:

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

2. I attest that:

- Water was used during the previous five years on the **entire** place of use for Certificate # ____; **OR**
 My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township	Range	Mer	Sec	¼ ¼	Gov't Lot or DLC	Acres (if applicable)
265							see IL-1249 reference below

- OR**
- Confirming Certificate # ____ has been issued within the past five years; **OR**
 Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: IL-1249 (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**
 The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
 Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # ____ (For Historic POD/POA Transfers)

(continues on reverse side)

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3. The water right was used for: (e.g., crops, pasture, etc.): INSTREAM LEASE AND PRIOR TO THAT USED FOR PASTURE

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

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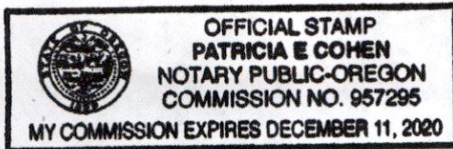
FEB 05 2021

A Richardson, Acting Exec. Dir.
Signature of Affiant

10/15/20
Date

OWRD

Signed and sworn to (or affirmed) before me this 15th day of October, 2020.



Patricia E. Cohen
Notary Public for Oregon

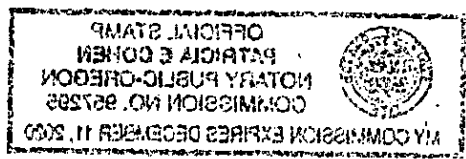
My Commission Expires: December 11, 2020

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

13615 -

A. The undersigned hereby certifies that the foregoing is a true and correct copy of the original as shown to the undersigned and that the same is a true and correct copy of the original as shown to the undersigned.

Signature of (Name) before me this _____ day of _____



Notary Public - Oregon
My Commission Expires December 11, 2008
I, _____, do hereby certify that the foregoing is a true and correct copy of the original as shown to the undersigned and that the same is a true and correct copy of the original as shown to the undersigned.

Copy of this certificate shall be filed with the original instrument in the office of the undersigned and a copy of the same shall be filed with the original instrument in the office of the undersigned.

BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

OWRD

In the Matter of Instream Lease Application) DETERMINATION and
IL-1249, Certificate 265, Deschutes County) FINAL ORDER ON PROPOSED
) INSTREAM LEASE

Expired 2016

Authority

ORS 537.348 establishes the process in which a water right holder may submit a request to lease an existing water right for instream purposes. OAR Chapter 690, Division 077 implements the statutes and provides the Department's procedures and criteria for evaluating instream lease applications.

Lessor

Rimrock Ranch / RRSO Cattle Co, LLC
PO Box 1715
Sisters, OR 97759

Lessee

Deschutes River Conservancy (DRC)
P.O. Box 1560
Bend, Oregon 97709
gen@deschutesriver.org

Findings of Fact

1. On June 19, 2012, the DRC and Rimrock Ranch / RRSO Cattle Co., LLC filed an application to lease a portion of Certificate 265 for instream use. The Department assigned the application number IL-1249.

2. The portion of the right to be leased is as follows:

Certificate: 265 in the name of William E. Claypool (confirmed by Decree)
Use: Irrigation of 18.4 acres
Priority Date: 1897
Quantity: Rate: 0.42 Cubic Foot per Second (CFS)
Limit: One-fiftieth CFS per acre
Source: Whychus Creek (formerly Squaw Creek), tributary to the Deschutes River
Authorized Point of Diversion (POD): Not described by Certificate

Authorized Place of Use:

Table with 6 columns: Twp, Rng, Mer, Sec, Q-Q, Acres. Rows include 14 S 11 E WM 3 SW NW 6.2, 14 S 11 E WM 3 SE NW 2.1, 14 S 11 E WM 3 NW SW 4.8, 14 S 11 E WM 3 SW SW 3.3, 14 S 11 E WM 10 NW NW 2.0

13615 - "

3. Certificate 265 does not specify the irrigation season. Nor is an irrigation season specified by Basin Program or Decree. For the purposes of instream leasing, an irrigation season of

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

March 1 through October 31, consistent with OAR 690-250, shall be used to establish when water may be protected instream.

4. There is no duty associated with the water right proposed to be leased instream. The Lessor and Lessee have requested to lease 101.1 Acre-Feet (AF) to instream use, the equivalent of 5.49 AF per acre. The Department has determined that this quantity may be leased instream without injury or enlargement.
5. Certificate 265 does not describe the location of the point of diversion. However, additional information provided with the lease application identifies that the point of diversion is located at River Mile 9.5. The Squaw Creek (now known as Whychus Creek) Decree identifies the name of the ditch as W.E. Claypool Ditch. Based upon additional information also provided by the Department's Watermaster, it appears that the point of diversion is located approximately as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	11E	WM	9	SE NE	W.E. CLAYPOOL DITCH – 800 FEET WEST AND 130 FEET NORTH OF THE EAST ¼ CORNER OF SECTION 9, RIVER MILE 9.5, 44.37284 NORTH AND - 12141525 WEST

6. Since Certificate 265 was issued in 1911, mapping techniques have advanced and improved. The map provided by the Lessor and Lessee was prepared with assistance from the Department's Watermaster's office. The map submitted with the lease application identifies the place of use somewhat differently than shown on the original water right map showing the location of decreed water rights for the Squaw Creek (now known as Whychus Creek) Decree. This is likely due to more accurate representation of survey lines such section and quarter quarter lines. The footprint (size and the shape) of the right described in Certificate 265 appears to be the same as that shown on the Department's map for the water right of record. The portion of the right to be leased, as described in Finding of Fact #2, is consistent with the water right of record.
7. The lease application includes the information required under OAR 690-077-0076(3). The Department provided notice of the lease application pursuant to OAR 690-077-0077(1). No comments were received.
8. The lease application requests to protect water instream from Whychus Creek into the Deschutes River. An instream reach is generally from the point of diversion to the mouth of the source stream (Whychus Creek) but may be protected further if measurable in the receiving stream (the Deschutes River) (OAR 690-077-0015 (8)). The quantity that may be leased instream from Whychus Creek is not measurable into the Deschutes River and may not be protected instream in the Deschutes River.

9. The instream use has been modified from the lease application to prevent injury and enlargement and is as follows:

Whychus Creek, tributary to the Deschutes River

Instream Reach: From the POD (as described in Finding of Fact #5) to the mouth of Whychus Creek

Certificate	Priority Date	Instream Rate (cfs)	Instream Volume (AF)	Period Protected Instream
265	1897	0.24	101.1	April 1 through October 31

10. Other conditions to prevent injury and enlargement are:

Within the specified stream reach, the amount of water to which this right is entitled shall not exceed the quantity of water legally available at the original point of diversion. Stream channel losses and gains calculated based on available data and the use of water by senior appropriators will determine the amount of water to which this right is entitled downstream from the original points of diversion within the specified stream reach.

11. If approved, this instream lease is not reasonably expected to significantly affect land use as prescribed by ORS 197.180, OAR Chapter 660, Divisions 30 and 31, and OAR Chapter 690, Division 5.
12. Based upon review of the application, comments received, information provided by the Department's Watermaster, and other available information, the Department finds that the lease will not result in injury or enlargement. This finding is made through an abbreviated review recognizing that the lease may be modified or revoked under OAR 690-077-0077 if the Department later finds that the lease is causing injury to any existing water right or enlargement of the original right.
13. If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077-0070 or OAR 690-077-0075 a new injury review shall be required. Transfers will be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380 and Division 077. Approval of this lease does not establish a precedent for approval of future leases or transfers.
14. The Lessor has requested that the lease terminate on October 31, 2016. The lease may commence the date the final order is signed and on (March 1) of each succeeding calendar year that the lease is in place.
15. The Lessor has requested the option of terminating the lease early with written notice to the Department.

CONCLUSIONS OF LAW

The Department concludes that the lease will not result in injury or enlargement, OAR 690-077-0077. The lease conforms to the applicable provisions of OAR 690-077-0015.

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ORDER

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Therefore, it is ORDERED:

1. That the Lease as described herein is APPROVED.
2. The former place of use will no longer receive water as part of these rights, any supplemental rights, or any other layered water rights for irrigation use, including ground water registrations during the term of the lease.
3. The lease will terminate on October 31, 2016. For multiyear leases, the lease shall commence on approval of the instream lease and on March 1 of each succeeding calendar year of the instream lease. The lessor *shall* have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less than 30-days prior to the period of allowed instream use (April 1 through October 31) or after the period of allowed use has begun for the water right(s) being leased, water shall not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur.

Dated at Salem, Oregon this 20th day of July, 2012.

 *for*

Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

This document was prepared by Laura Wilke and if you have any questions, please call 503-986-0884.

Mailing date: JUL 20 2012

**AFFIDAVIT FOR THE VOLUNTARY CANCELLATION
OF A PORTION OF A WATER RIGHT CERTIFICATE (ORS 540.621)**

State of Oregon)
) ss
County of Deschutes)

I/We (or authorized agent), Ann Richardson (acting Executive Director - Deschutes Land Trust), residing at 210 NW Irving Ave., Suite 102, Bend, OR 97703, telephone number 541-330-0017, being first duly sworn depose and say:

- I/We are the legal and deeded owner(s) of the property described as tax lot number 2017 & 2018, within the *See attached table and map* 1/4 1/4, Section 16 & 17, Township 14S (N/S), Range 11E (E/W), of the Willamette Meridian, in Deschutes County, Oregon, as shown on the attached map and described in the attached deed and legal description and made part of this affidavit.
- I/We wish to cancel the following portion(s) of the water right certificate number 30561 issued to AN Voorhees and Sons with a date of priority of May 26, 1958.

A place of use, or use.

- For the use of (specify irrigation, domestic, etc.) Irrigation

FOR IRRIGATION OR NURSERY USE:

- Total number of acres to be cancelled 10.9
- Location of acres to be cancelled must be clearly identified on a copy of the final proof map.
- In the amount of 0.218 cubic foot per second
- From the water source (s) Whychus (Squaw) Creek

AND/OR (less common)

One or more of the authorized points of diversion (surface water) or points of appropriation (groundwater) authorized under the certificate.

- For the use of (specify irrigation, domestic, etc.) _____
- From the water source (s) _____
- Located within the _____ 1/4 1/4, Section _____, Township _____ (N/S), Range _____ (E/W)
- Location Description (if given on the certificate) _____

13615 - "

3. The appurtenant water right is/is not located within the boundaries of an irrigation, drainage, water improvement, or water control district, or federal reclamation project (if the right is located within a district or reclamation project, name it here: _____)

4. The portion of the water right being cancelled is served by an irrigation district. The signature of the district manager on the line below indicates the concurrence of the district to the cancellation of the portion of the water right served by the district.

Signature of district manager Printed Name Date

5. If the water right is issued in the name of an irrigation district then the affiant must have the concurrence of the district to the cancellation of the portion of the water right. (Signature of district manager on the line below documents consent of the district.)

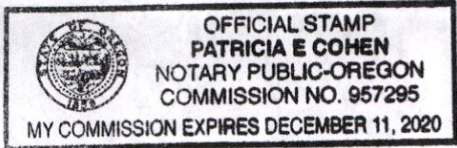
Signature of district manager Printed Name Date

6. I/We have abandoned any and all interest in the portion of the water right described in Item 2, above, and request that portion of the right be canceled.

A Richardson, Acting Exec Dir 10/15/20
Signature of legal owner as listed on deed, or authorized agent Date

Signature of legal co-owner as listed on deed Date
(If applicable)

Subscribed and Sworn to Before Me this 15th day of October, 2020.



Patricia E. Cohen
Notary Public for Oregon

My Commission Expires December 11, 2020

PLEASE ATTACH A LEGIBLE COPY OF:

- 1) A deed which lists landowners and includes a legal description of affected lands, and
- 2) A copy of a water right final proof map, or a tax lot map, or an adjudication map with the abandoned portion of the right clearly drawn and identified.
- 3) IF ACTING AS AN AUTHORIZED AGENT, include a copy of Power of Attorney or other documents granting authority to act on behalf of the legal owner(s).

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**AFFIDAVIT FOR THE VOLUNTARY CANCELLATION
OF A PORTION OF A WATER RIGHT CERTIFICATE (ORS 540.621)**

State of Oregon)
) ss
County of Deschutes)

I/We (or authorized agent), Ann Richarson (acting Executive Director - Deschutes Land Trust), residing at 210 NW Irving Ave., Suite 102, Bend, OR 97703, telephone number 541-330-0017, being first duly sworn depose and say:

1. I/We are the legal and deeded owner(s) of the property described as tax lot number 400, within the *See Attached Table and Map* ¼¼, Section 03 & 10, Township 14S (N/S), Range 11E (E/W), of the Willamette Meridian, in Deschutes County, Oregon, as shown on the attached map and described in the attached deed and legal description and made part of this affidavit.
2. I/We wish to cancel the following portion(s) of the water right certificate number 265 issued to William E Claypool with a date of priority of 1897.

A place of use, or use.

- For the use of (specify irrigation, domestic, etc.) Irrigation

FOR IRRIGATION OR NURSERY USE:

- Total number of acres to be cancelled 8.1
- Location of acres to be cancelled must be clearly identified on a copy of the final proof map.

- In the amount of 0.162 cubic foot per second

- From the water source (s) Whychus (Squaw) Creek

AND/OR (less common)

One or more of the authorized points of diversion (surface water) or points of appropriation (groundwater) authorized under the certificate.

- For the use of (specify irrigation, domestic, etc.) _____
- From the water source (s) _____
- Located within the _____ ¼¼, Section _____, Township _____ (N/S), Range _____ (E/W)

Location Description (if given on the certificate) _____

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3. The appurtenant water right is/is not located within the boundaries of an irrigation, drainage, water improvement, or water control district, or federal reclamation project (if the right is located within a district or reclamation project, name it here: _____)

4. The portion of the water right being cancelled is served by an irrigation district. The signature of the district manager on the line below indicates the concurrence of the district to the cancellation of the portion of the water right served by the district.

Signature of district manager Printed Name Date

5. If the water right is issued in the name of an irrigation district then the affiant must have the concurrence of the district to the cancellation of the portion of the water right. (Signature of district manager on the line below documents consent of the district.)

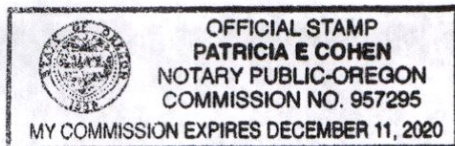
Signature of district manager Printed Name Date

6. I/We have abandoned any and all interest in the portion of the water right described in Item 2, above, and request that portion of the right be canceled.

A Richardson Acting Exec Dir 10/15/20
Signature of legal owner as listed on deed, or authorized agent Date

Signature of legal co-owner as listed on deed Date
(If applicable)

Subscribed and Sworn to Before Me this 15th day of October, 2020.



Patricia E. Cohen
Notary Public for Oregon

My Commission Expires December 11, 2020

PLEASE ATTACH A LEGIBLE COPY OF:

- 1) A deed which lists landowners and includes a legal description of affected lands, and
- 2) A copy of a water right final proof map, or a tax lot map, or an adjudication map with the abandoned portion of the right clearly drawn and identified.
- 3) IF ACTING AS AN AUTHORIZED AGENT, include a copy of Power of Attorney or other documents granting authority to act on behalf of the legal owner(s).

13615 -



Oregon

John A. Kitzhaber, MD, Governor

Department of Environmental Quality

Eastern Region Bend Office
475 NE Bellevue Drive, Suite 110
Bend, OR 97701-7415
(541) 388-6146
Fax (541) 388-8283
TTY 711

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OWRD

July 2, 2014

Dwight French
OWRD Water Right Services Division Administrator
725 Summer Street NE, Suite A
Salem, OR 97301

Re: Letter of support for DRC conserved water projects on Whychus Creek

Dear Dwight:

I am writing this letter in support of the conserved water projects and instream transfers which the Deschutes River Conservancy (DRC) has applied for on Whychus Creek.

It is my understanding that several of their applications are being held up because the State's instream water right has been met at certain locations and times of year. During the irrigation season, the instream water right above Indian Ford Creek is 20 cfs from March-September and 50 cfs in October; below Indian Fork Creek down to the mouth, the instream water right is 50 cfs in March-May and 33 cfs from June-October. These instream water rights were applied for by the Oregon Department of Fish and Wildlife on October 11, 1990 as the flows needed to support habitat for resident fish.

Whychus Creek is water quality limited and 303(d) listed for exceeding the State's 18°C temperature criterion (<http://www.deq.state.or.us/wq/assessment/rpt2010/search.asp>). Two separate stream temperature modeling exercises have been done in recent years to look at the effect of stream flow on stream temperature in Whychus Creek. The first of these was done by Watershed Sciences, Inc. (under contract with the DRC and DEQ) using the Heat Source computer model (2008). Since that time, the Upper Deschutes Watershed Council has been using regression models to evaluate the flow-temperature relationship in Whychus Creek. The UDWC updates their models every year with the addition of another year of data.

Based on data collected since 2000, the most thermally impacted reach of Whychus Creek is located near the Road 6360 crossing, at approximately rivermile 6.0. The two different modeling efforts both indicate that flows between 60-75 cfs are needed in Whychus Creek at Sisters City Park (rivermile 24.25) in order to meet the 18°C criterion at Road 6360 during the

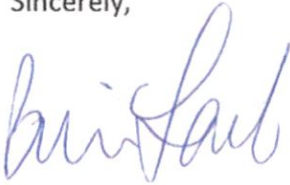
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summer. And in order to achieve 60-75 cfs at Sisters City Park, additional flows are needed above this point, up to the Three Sisters Irrigation District main diversion (rivermile 26).

While the temperature models indicate a range of flows needed to meet the 18°C criterion rather than one target flow, all of the model predictions indicate the need for flows that are considerably higher than the current instream water rights. DEQ is interested in applying for additional instream water rights on Whychus Creek to protect water quality (ORS 537.336(2)). We currently do not have the staff resources to initiate such a process and do the necessary technical analysis but we are investigating options for moving forward on such an action. In the meantime, we encourage OWRD to move forward with the DRC's proposed conserved water projects and instream transfers. We believe this additional water is important for improving stream temperature in Whychus Creek.

Please let me know if you have any questions. I can be reached at (541) 633-2027 or lamb.bonnie@deq.state.or.us. Thank you for considering this letter of support.

Sincerely,



Bonnie Lamb
DEQ Deschutes Basin Coordinator

ec: Gene Foster, DEQ
Eric Nigg, DEQ
Teri Hranac, OWRD
Laura Wilke, OWRD
Rick Kepler, ODFW
Brett Hodgson, ODFW
Lauren Mork, UDWC
Gen Hubert, DRC

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Oregon

John Kitzhaber, M.D., Governor

Department of Fish and Wildlife
Deschutes Watershed District
East Region
61374 Parrell Road
Bend, OR 97702
(541) 388-6363
FAX (541) 388-6281

July 2, 2014

Genevieve Hubert, Program Manager
Deschutes River Conservancy
700 NW Hill Street
Bend, OR 97701

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The purpose of this letter is to support continued efforts to implement conserved water projects in the Whychus Creek subbasin to meet the needs of resident and recently reintroduced anadromous fish. Conserved water projects undertaken by the Deschutes River Conservancy (DRC) and partners have resulted in water rights being transferred or leased for instream use up to the State's instream water right. To maintain adequate habitat for a successful reintroduction effort Oregon Department of Fish and Wildlife (Department) supports additional conserved water projects in excess of the established ISWRs because:

1. Flow targets at the time of establishing the instream water rights were based on the needs of resident redband trout and did not account for flows necessary to support reintroduced Mid-Columbia summer steelhead trout and spring Chinook salmon (see details below);
2. Transferred or leased water rights have varying priority dates and on paper add up to the State's instream water rights (ISWR). However, because of varying priority dates, water flows at the state's instream water right do not always occur;
3. OAR 690-077-0015 (5)(b) allows for flow above the Estimated Average Natural Flow if the basin is a Department flow restoration priority basin ((5)(c)). Whychus Creek (appears in the flow restoration figures as Squaw Creek) is ranked as a 3 for high restoration need.

Whychus Creek was historically inhabited by resident redband trout, bull trout, mountain whitefish, several species of sculpin and anadromous runs of Mid-Columbia summer steelhead trout and spring Chinook salmon. Summer steelhead trout are listed as Threatened under the federal Endangered Species Act.

Anadromous stocks of salmon and steelhead trout were extirpated with the construction of the Pelton-Round Butte Hydroelectric complex (dams) at the confluence of the Deschutes, Crooked and Metolius Rivers. As a condition of their new hydroelectric license, Portland General Electric and the Confederated Tribes of the Warm Springs proposed to reintroduce steelhead trout, Chinook salmon and sockeye salmon into their historic habitat above the dams, including Whychus Creek. This effort was initiated with the release of steelhead trout fry into Whychus Creek in 2007. Anadromous fish reintroduction is a collaborative venture among multiple State and Federal agencies, non-governmental organizations and varied central Oregon stakeholders. Success depends upon implementation of comprehensive habitat and flow restoration projects.

The State of Oregon was granted instream water rights for Whychus Creek with a 1991 priority date. ISWR 70753 identifies flow from the mouth upstream to Indian Ford Creek while ISWR 70754 addresses flow from Indian Ford Creek to the South Fork. Instream water rights are junior to many consumptive water rights and until recently, significant reaches of Whychus Creek dried up during the irrigation season. DRC in concert with Three Sisters Irrigation District and private landowners has implemented a comprehensive suite of flow restoration and conserved water projects.

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There is a need to implement additional conserved water projects beyond the ISWR flows. Current flow targets established in the Department's Basin Investigation Report were established based on life history requirements of redband trout. Flows required for successful migration, spawning and rearing of steelhead trout and Chinook salmon are significantly higher than the 20 to 50 cubic feet per second identified in IS-70753 and IS-70754. Establishing self-sustaining, harvestable steelhead trout and Chinook salmon runs is a statewide Department priority. The Mid-Columbia Steelhead Trout Recovery Plan identifies successful reintroduction into Whychus Creek as critical to meeting recovery goals for the Deschutes Westside subpopulation and delisting of the species.

Details for flow needs for life stages of anadromous species (see Table 1)

1) Adult upstream migration. For steelhead (September-January), and for Chinook (May-August), flows need to be higher than IWR for a) physical passage of large fish upstream over riffles and shallow bars, and b) migration cues: relatively high flows to stimulate upstream movement to spawning grounds. The Department recommends flows above the existing IWR, and up to the 50% exceedance natural flows, for September-January and for May-August.

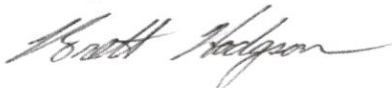
2) Spawning. Habitat Suitability Criteria (HSC) for Steelhead trout and Chinook salmon spawning indicate that these anadromous fish prefer water about 0.5 ft. deeper and 0.8 ft./sec faster than resident rainbow trout. This would equate to much higher recommended flows for anadromous vs. resident spawning. The Department would therefore recommend flows up to the natural 50% exceedance for February-May and September.

3) Outmigration. Outmigrating juvenile steelhead trout (March-June) and Chinook salmon (February-March) will benefit greatly from higher flows to facilitate emigration of juveniles downstream to the mainstem Deschutes. The Department recommends flows up to and beyond the natural 50% exceedance for February-June.

Summary

Adult migration and/or spawning occur during all 12 months of the year. The Department supports instream leases beyond the IWR levels, and up to the natural 50% exceedance flows, for the entire year. For the juvenile outmigration months of February-June, The Department supports flows above the natural 50% exceedance flows.

Sincerely,



Brett Hodgson
District Fish Biologist

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Table 1. Life stage periodicity, instream water rights, and WRD flow estimates for Whychus Creek.

Steelhead	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
adult migr												
spawn												
outmigr												

Chinook	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
adult migr												
spawn												
outmigr												

Whychus Creek below Indian Ford

IS70753	33	33	50	50	50	33	33	33	33	33	33	33
WRD50%	74	71.9	70.3	75.6	133	222	173	108	80.8	66.6	72	75.5
WRD80%	51	49.8	45.9	53	80.4	151	118	82.4	62.4	51.5	53.7	52.2

Whychus Creek above Indian Ford

IS70754	30	20	20	20	20	20	20	20	30	50	30	30
WRD50%	64.9	61.8	61	65.7	121	213	167	103	75.6	61.2	65.6	67.2
WRD80%	51	49.8	45.9	53	80.4	151	118	82.4	62.4	51.5	53.7	52.2



Community Development Department
PO Box 6005 • Bend, OR 97708-6005
117 NW Lafayette Avenue • Bend, OR 97701-1925

063292000158



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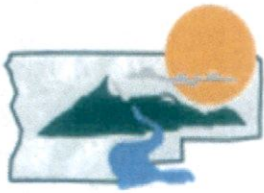
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0116400

DESCHUTES RIVER CONSERVANCY
700 NW HILL ST STE 1
BEND, OR 97703-2960

Land Use Forms
Deschutes &
Jefferson Counties

13615 -



Transaction Receipt
Record ID: 451-20-000156-NQRY
IVR Number: 451071063511

85 SE D St.
Madras, OR 97741
541-475-4462
Fax: 541-325-5004
permits@co.jefferson.or.us

Receipt Number: 18423

Receipt Date: 10/7/20

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www.co.jefferson.or.us
Parcel: 100000

Fees Paid

Transaction date	Units	Description	Account code	Fee amount	Paid amount
10/7/20	1.00 Ea	Agency sign-off incl LUC Statement, DMV, water right, etc	503-100-343-4322	\$41.00	\$41.00

Payment Method: Credit card authorization: 60580Z	Payer: DESCHUTES RC/KELSEY WYMORE	Payment Amount:	\$41.00
---	-----------------------------------	-----------------	---------

Cashier: Tanya Cloutier

Receipt Total: \$41.00

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15 Oregon Ave., Bend, OR 97703
PHONE (541)389-7711 FAX (541)389-0506

STATUS OF RECORD TITLE

Brad Nye
Deschutes Land Trust
210 NW Irving Ave., Ste. 102
Bend, OR 97703
Your Reference No.

December 1, 2020
Title Number: 417662AM
Title Officer: Carrie A Stewart
Fee: \$200.00

We have searched the status of record title as to the following described property:

See attached Exhibit 'A'

Vestee:

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

and dated as of **November 18, 2020** at 7:30 a.m.

Said property is subject to the following on record matters:

Tax Information:

Taxes assessed under Code No. 6033 Account No. 135691 Map No. 1411090001000
NOTE: The 2020-2021 Taxes: \$44.74, are Paid
(Includes 44.74 Fire Patrol)

Taxes assessed under Code No. 2026 Account No. 160657 Map No. 1411090001100
NOTE: The 2020-2021 Taxes: \$79.20, are Paid
(Includes \$79.20 Fire Patrol)

Taxes assessed under Code No. 6033 Account No. 160683 Map No. 1411000002017
NOTE: The 2020-2021 Taxes: \$210.65, are Paid
(Includes \$210.65 Fire Patrol)

Taxes assessed under Code No. 6002 Account No. 135686 Map No. 1411170000300
NOTE: The 2020-2021 Taxes: \$18.75, are Paid
(Includes \$18.75 Fire Patrol)

13615 - "

1. Taxes assessed under Code No. 6033 Account No. 253862 Map No. 1411000002018, including the current fiscal year, not assessed because of Municipal or Other Exemption. If the exempt status is terminated an additional tax may be levied.
2. Taxes deferred, as disclosed by the tax roll, the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use the property will be subject to additional taxes or penalties and interest.
3. Rights of the public and governmental bodies in and to that portion of said premises now or at any time lying below the high water line of Whychus Creek, including any ownership rights which may be claimed by the State of Oregon as to any portion now or at any time lying below the ordinary high water line.

Such rights and easements for navigation and fishing as may exist over that portion of the property now or at any time lying beneath the waters of Whychus Creek.

All matters arising from any shifting in the course of Whychus Creek including but not limited to accretion, reliction and avulsion.

4. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:
Granted To: The Public
Recorded: May 18, 1981
Instrument No.: 341-15

Re-recorded: February 1, 2001
Instrument No.: 2001-4914

Re-recorded: February 2, 2001
Instrument No.: [2001-5118](#)
5. Access Easement Agreement, including the terms and provisions thereof,
Recorded: September 5, 2014
Instrument No.: [2014-29503](#)
6. Conservation Easement, including the terms and provisions thereof,
Recorded: September 5, 2014
Instrument No.: [2014-29510](#)
7. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:
Granted To: Central Electric Cooperative, Inc.
Recorded: July 26, 2016
Instrument No.: [2016-29842](#)
8. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:
Granted To: QWEST Corporation, a Colorado corporation dba CenturyLink QC
Recorded: August 3, 2016
Instrument No.: [2016-31232](#)
9. Deed Restriction, including the terms and provisions thereof,
Recorded: December 8, 2016
Instrument No.: [2016-51023](#)
10. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:
Granted To: Central Electric Cooperative, Inc.
Recorded: June 6, 2018
Instrument No.: [2018-23320](#)

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NOTE: Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.

N/A

THIS IS NOT A TITLE REPORT, A COMMITMENT TO ISSUE TITLE INSURANCE OR A GUARANTEE OF ANY KIND. No liability is assumed with this report. The fee charged for this service does not include supplemental reports or other services. Further dissemination of the information in this report in a form purporting to insure title to the herein described land is prohibited by law.

"Superior Service with Commitment and Respect for Customers and Employees"

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EXHIBIT 'A'

File No. 417662AM

PARCEL 1:

A parcel of land located in Sections Sixteen (16) and Seventeen (17) of Township Fourteen (14) South, Range Eleven (11), East of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows:

Section Sixteen (16): Northwest Quarter of the Southwest Quarter (NW4/SW4) and the Northwest Quarter (NW4). Excepting a portion therefrom more particularly described as follows: beginning at the Northwest corner of the said Northwest Quarter (NW4); thence East along the north line of the said Northwest Quarter (NW4), 990 feet more or less, to a point; thence leaving said north line and running Southwesterly, 1400 feet more or less, to a point on the west line of the said Northwest Quarter (NW4); thence North along the said west line, 990 feet more or less to the aforementioned Northwest corner of said Northwest Quarter (NW4) and the point of beginning.

Section Seventeen (17): Northeast Quarter of the Southwest Quarter (NE4/SW4), the Southeast Quarter of the Northwest Quarter (SE4/NW4), the South Half of the Northeast Quarter (S2/NE4), the North Half of the Southeast Quarter (N2/SE4) and the South Half of the South Half of the Northeast Quarter of the Northeast Quarter (S2/S2/NE4/NE4).

EXCEPTING THEREFROM that portion of that certain parcel of land described in a Bargain and Sale Deed recorded in Book 364, Page 1724, Deschutes County Official Records, situated in the Southwest Quarter of the Northeast Quarter (SW4/NE4) and of the Southeast Quarter of the Northwest Quarter (SE4/NW4) of Section 17, Township 14 South, Range 11, East, of the Willamette Meridian, Deschutes County, Oregon, being more particularly described as follows:

Beginning at the Center-West Sixteenth Corner of said Section 17; thence North $00^{\circ}03'47''$ East, 1321.97 feet to the North-West Sixteenth corner of said Section; thence South $89^{\circ}58'07''$ East, 1319.07 feet to the Center-North Sixteenth corner of said Section; thence South $89^{\circ}54'51''$ East, 1317.75 feet to the North-East Sixteenth corner of said Section; thence South $63^{\circ}25'57''$ West, 2949.74 feet to the point of beginning.

Also EXCEPTING THEREFROM that portion of the herein described property more particularly described in that certain Lot Line Adjustment deed recorded November 7, 2013, Instrument No. 2013-46300, Deschutes County Records, being more particularly described as follows:

A portion of that certain tract of land described in Exhibit A of Document No. 2007-59088, Deschutes County Official Records, situated in Section 17, Township 14 South, Range 11 East, Willamette Meridian, Deschutes County, Oregon, being more particularly described as:

Beginning at the South West Sixteenth corner of said Section; thence, along west line of the Northeast Quarter of the Southwest Quarter of said Section, North 00°06'22" East, 1322.26 feet to the Center-West Sixteenth Corner of said Section; thence, along the southeast boundary of that certain tract of land described in Document No. 2001-01990, Deschutes County Official Records, North 63°25'57" East, 1421.32 feet to a point; thence, leaving said boundary, South 41°29'50" East, 1275.78 feet to a point; thence South 35°45'40" East, 462.53 feet to a point; thence South 00°05'33" East, 635.32 feet to a point on the south line of the Northwest Quarter of the Southeast Quarter of said Section, being also the north boundary of that certain tract of land described in Book 518, Page 1455, Deschutes County Official Records; thence, along said south line and boundary North 89°46'55" West, 689.22 feet, to a point; thence, leaving said south line and boundary, South 50°16'09" West, 339.98 feet, more or less, to a point on the northeasterly boundary of Lot 16, Block 18, Squaw Creek Canyon Recreational Estates, First Addition, a subdivision of record; thence, along said Lot boundary, North 39°04'05" West, 282.00 feet, more or less, to the northeast corner of said Lot; thence, leaving said Lot boundary and along the south line of the Northeast Quarter of the Southwest Quarter of said Section, North 89°49'08" West, 1261.92 feet to the point of beginning.

PARCEL 2:

That portion of the Southwest Quarter of the Southeast Quarter (SW4/SE4) of Section Seventeen (17), Township Fourteen (14) South, Range Eleven (11) East of the Willamette Meridian, Deschutes County, Oregon, lying Northerly of the center line of Whychus Creek and Easterly of Squaw Creek Canyon Recreational Estates First Addition, recorded May 25, 1982, Plat Cabinet C, Page 59.

EXCEPTING THEREFROM a parcel of land situated in the Southwest Quarter of the Southeast Quarter (SW4/SE4) and the Southeast Quarter of the Southwest Quarter (SE4/SW4) of Section 17, Township 14 South, Range 11, East of the Willamette Meridian, Deschutes County, Oregon, being a portion of that certain parcel described in that certain Warranty Deed recorded in Book 156, Page 363, Deed Records, more particularly described as:

Beginning at the Center-South Sixteenth Corner of said Section 17; thence along the north line of the Southwest Quarter of the Southeast Quarter (SW4/SE4) of said Section, South 89°56'12" East, 382.02 feet to a point, thence, leaving said line, South 50°06'52" West, 339.50 feet to a point on the northeast boundary of Lot 16, Block 18, Squaw Creek Canyon Recreation Estates First Addition; thence, along said boundary of said Lot, North 39°04'05" West, 281.22 feet to a point on the north line of the Southeast Quarter of the Southwest Quarter (SE4/SW4) of said Section; thence, along said line and leaving said boundary, South 89°46'55" East, 55.72 feet to the point of beginning.

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PARCEL 3:

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A tract of land located in Section Nine (9), Township Fourteen (14) South, Range Eleven (11), East of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows:

A portion of the Southwest Quarter of the Southwest Quarter (SW4/SW4) more particularly described as follows:

Beginning at the Southwest corner of the said Southwest Quarter of the Southwest Quarter (SW4/SW4); thence East along the South line of said Southwest Quarter of the Southwest Quarter (SW4/SW4), 990 feet more or less, to the true point of beginning; thence continuing along said South line East, 330 feet more or less, to the Southeast corner of the said Southwest Quarter of the Southwest Quarter (SW4/SW4); thence North along the East line of the said Southwest Quarter of the Southwest Quarter (SW4/SW4), 330 feet more or less, to a point; thence leaving said East line and running Southwesterly, 467 feet more or less, to the point of beginning.

TOGETHER WITH the Southeast Quarter of the Southwest Quarter (SE4/SW4), excepting a portion therefrom more particularly described as follows:

Beginning at the Southwest corner of the Southeast Quarter of the Southwest Quarter (SE4/SW4); thence North along the West line of said Southeast Quarter of the Southwest Quarter (SE4/SW4), 330 feet more or less, to the true point of beginning; thence running Northeasterly, 933 feet more or less, to a point which bears South, 330 feet more or less and East, 660 feet more or less, from the Northwest corner of the said Southeast Quarter of the Southwest Quarter (SE4/SW4); thence North parallel with the West line of the said Southeast Quarter of the Southwest Quarter (SE4/SW4), 66 feet more or less, to a point; thence West parallel with the North line of the said Southeast Quarter of the Southwest Quarter (SE4/SW4), 660 feet more or less, to a point on the aforementioned West line, which point bears South 264 feet more or less, from the Northwest corner of the said Southeast Quarter of the Southwest Quarter (SE4/SW4); thence South along the said West line, 726 feet more or less, to the point of beginning.

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TOGETHER WITH:

The South Half of the Southeast Quarter (S2/SE4).

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ALSO TOGETHER WITH:

The Northeast Quarter of the Southeast Quarter (NE4/SE4), excepting a portion therefrom more particularly described as follows:

Beginning at the Northwest corner of the said Northeast Quarter of the Southeast Quarter (NE4/SE4), which corner is the true point of beginning; thence East along the North line of said Northeast Quarter of the Southeast Quarter (NE4/SE4), 435.6 feet more or less to a point; thence South parallel with the West line of the Northeast Quarter of the Southeast Quarter (NE4/SE4), 1000 feet more or less, to a point; thence West parallel with the aforementioned North line, 435.6 feet more or less, to a point on the aforementioned West line of the said Northeast Quarter of the Southeast Quarter (NE4/SE4); thence North along said West line, 1000 feet more or less, to the point of beginning.

EXCEPTING THEREFROM:

Beginning at the Southwest corner of the said Northeast Quarter of the Southeast Quarter (NE4/SE4), which corner is the true point of beginning; thence North along the West line of the said Northeast Quarter of the Southeast Quarter (NE4/SE4), 320 feet more or less; thence leaving said West line and running East parallel with the North line of said Northeast Quarter of the Southeast Quarter (NE4/SE4), 435.6 feet more or less; thence running Southwesterly, 540.5 feet more or less, to the Southwest corner of the said Northeast Quarter of the Southeast Quarter (NE4/SE4) and the point of beginning.

PARCEL 4:

An easement for ingress and egress, including the terms and provisions thereof, recorded September 5, 2014, Instrument No. 2014-29503, Deschutes County Records.

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PRELIMINARY REPORT

In response to the application for a policy of title insurance referenced herein Western Title & Escrow Company hereby reports that it is prepared to issue, or cause to be issued, as of the specified date, a policy or policies of title insurance describing the land and the estate or interest hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an exception herein or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations or Conditions of said policy forms.

The printed Exceptions and Exclusions from the coverage of said policy or policies are set forth in Exhibit One. Copies of the policy forms should be read. They are available from the office which issued this report.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby.

The policy(s) of title insurance to be issued hereunder will be policy(s) of Fidelity National Title Insurance Company, a/an Florida corporation.

Please read the exceptions shown or referred to herein and the Exceptions and Exclusions set forth in Exhibit One of this report carefully. The Exceptions and Exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects and encumbrances affecting title to the land.

This preliminary report is for the exclusive use of the parties to the contemplated transaction, and the Company does not have any liability to any third parties nor any liability until the full premium is paid and a policy is issued. Until all necessary documents are placed of record, the Company reserves the right to amend or supplement this preliminary report.

Countersigned

A handwritten signature in black ink, appearing to be "al RTO", is written over a horizontal line.

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360 SW Bond Street, Suite 100, Bend, OR 97702
(541)389-5751 FAX (541)330-1242

PRELIMINARY REPORT

ESCROW OFFICER: Tonya Moore
tonya.moore@westerntitle.com
541-330-1210

ORDER NO.: WT0172264
Revision 4-add 234 endorse

TITLE OFFICER: Dave I. Hemmerling
Email: titleofficersupport@westerntitle.com

TO: Western Title & Escrow Company
360 SW Bond Street, Suite 100
Bend, OR 97702

ESCROW LICENSE NO.: 870700109

OWNER/SELLER: Gayle H. Baker, Trustee of the Gayle H. Baker Revocable Trust

BUYER/BORROWER: Deschutes Land Trust an Oregon non-profit benefit Corporation

PROPERTY ADDRESS: Rimrock Ranch, OR

EFFECTIVE DATE: March 6, 2020, 05:00 PM

1. THE POLICY AND ENDORSEMENTS TO BE ISSUED AND THE RELATED CHARGES ARE:

	<u>AMOUNT</u>	<u>PREMIUM</u>
ALTA Owner's Policy 2006	\$ 2,000,000.00	\$ 3,600.00
Owner's Standard		
Proposed Insured: Deschutes Land Trust an Oregon non-profit benefit Corporation		
OTIRO 234-06 - Identified Risk Coverage (ALTA 34-06)		\$ 250.00

2. THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO COVERED BY THIS REPORT IS:

Fee Simple

3. TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS VESTED IN:

Gayle H. Baker, Trustee of the Gayle H. Baker Revocable Trust

4. THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN THE COUNTY OF DESCHUTES, STATE OF OREGON, AND IS DESCRIBED AS FOLLOWS:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

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Order No.: WT0172264
Revision 4-add 234 endorse

EXHIBIT "A" **OWRD**
Legal Description

PARCEL 1:

In Township 14 South, Range 11 East of the Willamette Meridian, Deschutes County, Oregon: Section 3: Lots 2, 3, 4 and the South Half of the Northwest Quarter (S1/2 NW1/4) and the West Half of the Southwest Quarter (W1/2 SW1/4). Section 4: the East Half of the Southeast Quarter (E1/2 SE1/4) and the Southeast Quarter of the Southwest Quarter (SE1/4 SW1/4). Section 9: The North Half of the Northeast Quarter (N1/2 NE1/4) and the Southeast Quarter of the Northeast Quarter (SE1/4 NE1/4). Section 10: Lot 2. Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13 and 14 in Block 1 of SQUAW CREEK CANYON PHASE 1, Deschutes County, Oregon.

EXCEPTING THEREFROM a parcel of land consisting of portions of Lots 10 and 11, Block 1, SQUAW CREEK CANYON – PHASE 1, a subdivision of record and a portion of the East Half of the Northeast Quarter (E1/2 NE1/4) of Section 5, Township 14 South, Range 11 East, Willamette Meridian, Deschutes County, Oregon, being more particularly described as follows:

Beginning at the Northeast corner of said Section 5; thence South 00°04'19" West, on the East line of said Section 5, 1335.22 feet to a 5/8" iron rod; thence North 89°43'55" West, leaving said East line, 1317.06 feet to a 5/8" iron rod on the West line of the East Half of the Northeast Quarter (E1/2 NE1/4) of said section 5; thence North 00°03'51" East, on said West line, 1343.06 feet to a 5/8" iron rod at the Northwest corner of said East Half (E1/2) on the North line of said Section 5; thence South 89°21'41" East, on said North line, 1241.47 feet to a 3-1/4" aluminum capped pipe at the corner common to Sections 32 and 33, Township 13 South, Range 11 East, Willamette Meridian, Jefferson County, Oregon; thence continuing on the North line of said Section 5, South 89°52'50" East, 75.83 feet to the point of beginning.

ALSO EXCEPTING THEREFROM the right of way of Wilt Road.

PARCEL 2:

The South Half of the Southeast Quarter (S1/2 SE1/4) in Section 34, Township 13 South, Range 11 East of the Willamette Meridian, Jefferson County, Oregon.

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AS OF THE DATE OF THIS REPORT, ITEMS TO BE CONSIDERED AND EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN THE POLICY FORM WOULD BE AS FOLLOWS:

GENERAL EXCEPTIONS:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests or claims, which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, which are not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the Land onto adjoining land or of existing improvements located on adjoining land onto the subject Land), encumbrance, violation, variation or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the subject Land.
5. Any lien or right to a lien for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the Public Records.

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SPECIFIC ITEMS AND EXCEPTIONS as to Parcel 1:

6. See Exhibit B Property Taxes.
7. Taxes, including current year, have been assessed with an exemption. If the exempt status is terminated under the statute prior to the date on which the assessment roll becomes the tax roll in the year in which said taxes were assessed, an additional tax may be levied.

Exemption: Veterans
Tax Account No.: 124739
8. The Land has been classified as Farm Use, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.
9. The rights of the public in and to that portion of the herein described property lying within the limits of public roads, streets or highways.
10. The existence of roads, railroads, irrigation ditches and canals, telephone, telegraph and power transmission facilities.
11. Such rights and easements for navigation, commerce, recreation and fishery which may exist over that portion of said land lying beneath the waters of Squaw Creek.
12. Rights of the public, riparian owners and of governmental bodies in that portion of the above described property lying below the high water mark of Squaw Creek as to the use of the waters and the natural flow thereof.

13. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Central Electric Cooperative, Inc., a cooperative corporation
Recording Date: September 21, 1953
Recording No: 105-166

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14. Effect, if any, of Agreement, including the terms and provisions thereof,

Recording Date: January 4, 1960
Recording No.: 114-139

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15. Easements, conditions, restrictions and notes as delineated on the recorded plat of Squaw Creek Canyon – Phase I, Deschutes County, Oregon.

16. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Central Electric Cooperative, Inc., a cooperative corporation
Recording Date: June 28, 1994
Recording No: 344-0375

17. Note: Well Ownership Identification Form containing a Well Identification Number and other information. This informational note will not appear in the title insurance policy as this recorded form is not a matter within the scope of policy coverages.

Well Identification No.: L21946
Recording Date: 05/18/1998
Recording No.: 493-2624

18. Fire Suppression Agreement, including the terms and provisions thereof,

Recording Date: August 24, 1998
Recording No.: 508-2060

19. Terms, provisions and conditions, including, but not limited to, maintenance provisions, contained in Easement,

Recording Date: February 14, 2000
Recording No.: 2000-5681

20. Grant of Conservation Easement, including the terms and provisions thereof,

Recording Date: August 31, 2006
Recording No: 2006-59831
Between: Robert B. and Gayle H. Baker, husband and wife
And: Deschutes Basin Land Trust

21. Memorandum of Option Agreement and Agreement of Purchase and Sale, including the terms and provisions thereof,

Recording Date: August 1, 2014
Recording No: 2014-24975
Between: Gayle H. Baker, Trustee of the Gayle H. Baker Revocable Trust
And: Deschutes Land Trust, an Oregon nonprofit corporation

13615 -

22. Please be advised that our search did not disclose any open Deeds of Trust of record. If you should have knowledge of any outstanding obligation, please contact the Title Department immediately for further review prior to closing.
23. A certified copy of a short-form death certificate for Robert B. Baker, former vestee, must be furnished for recording in Deschutes County.

Note: Pursuant to ORS 432.355, as revised by 2014 Oregon Laws, Chapter 60, if the death certificate is from another state or the death occurred in Oregon prior to January 1, 2014, a long-form death certificate (that is, one containing medical information related to the cause of death) may be recorded.

24. If title is to be insured in the trustee(s) of a trust (or if their act is to be insured), this Company will require a copy of said Trust Agreement or a current Trust Certification pursuant to ORS Chapter 130.860. **(The Gayle H. Baker Revocable Trust)**

The Company reserves the right to make additional requirements or add additional items or exceptions after review of the requested documentation.

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SPECIFIC ITEMS AND EXCEPTIONS as to Parcel 2:

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25. See Exhibit B Property Taxes.
26. The Land has been classified as Farm Use, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.
27. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Deschutes Basin Land Trust
Recording Date: September 5, 2006
Recording No: 2006-005438 Jefferson County

28. One or more of the multiple parcels identified in Schedule A do not abut a public road, but instead abut directly or indirectly on one or more of the other parcels identified in Schedule A that do abut a public road and thereby have access only by the owner's rights to pass on and over its own lands.
29. Please be advised that our search did not disclose any open Deeds of Trust of record. If you should have knowledge of any outstanding obligation, please contact the Title Department immediately for further review prior to closing.
30. Agreement, including the terms and provisions thereof,

Recording Date: January 4, 1960
Recording No.: 114-139

ADDITIONAL REQUIREMENTS/NOTES:

- A. Notice: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.
- B. In addition to the standard policy exceptions, the exceptions enumerated above shall appear on the final 2006 ALTA Policy unless removed prior to issuance.

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Order No.: WT0172264
Revision 4-add 234 endorse

- C. Note: There are no matters against the party(ies) shown below which would appear as exceptions to coverage in a title insurance product:

Parties: Deschutes Land Trust, an Oregon non-profit benefit Corporation

- D. The Company will require the following documents for review prior to the issuance of any title insurance predicated upon a conveyance or encumbrance by the corporation named below:

Name of Corporation: Deschutes Land Trust, an Oregon nonprofit corporation

- a) A Copy of the corporation By-laws and Articles of Incorporation
- b) An original or certified copy of a resolution authorizing the transaction contemplated herein
- c) If the Articles and/or By-laws require approval by a 'parent' organization, a copy of the Articles and By-laws of the parent
- d) A current dated certificate of good standing from the proper governmental authority of the state in which the entity was created

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

The Oregon Corporation Commission records show that as of May 15, 2019, Deschutes Land Trust is an active Oregon corporation and is currently in good standing.

- E. Note: There are NO conveyances affecting said Land recorded within 24 months of the date of this report.

- F. THE FOLLOWING NOTICE IS REQUIRED BY STATE LAW: YOU WILL BE REVIEWING, APPROVING AND SIGNING IMPORTANT DOCUMENTS AT CLOSING. LEGAL CONSEQUENCES FOLLOW FROM THE SELECTION AND USE OF THESE DOCUMENTS. YOU MAY CONSULT AN ATTORNEY ABOUT THESE DOCUMENTS. YOU SHOULD CONSULT AN ATTORNEY IF YOU HAVE QUESTIONS OR CONCERNS ABOUT THE TRANSACTION OR ABOUT THE DOCUMENTS. IF YOU WISH TO REVIEW TRANSACTION DOCUMENTS THAT YOU HAVE NOT SEEN, PLEASE CONTACT THE ESCROW AGENT.

- G. Note: No utility search has been made or will be made for water, sewer or storm drainage charges unless the City/Service District claims them as liens (i.e. foreclosable) and reflects them on its lien docket as of the date of closing. Buyers should check with the appropriate city bureau or water service district and obtain a billing cutoff. Such charges must be adjusted outside of escrow.

- H. Note: This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances or acreage shown thereon.

- I. Note: Recording charge per document for:
Deschutes County - \$93.00 for the first page, \$5.00 for each additional page

E-recording fee is an additional \$5.00 per document

Send Recording Packages to:
Western Title & Escrow Company
Attention: Recording
360 SW Bond, Suite 100
Bend, OR 97702
Email: desrecording@westerntitle.com

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- J. Note: Recording charge per document for:
Jefferson County - \$91.00 for the first page, \$5.00 for each additional page

E-recording fee is an additional \$5.00 per document

Send Recording Packages to:
Western Title & Escrow Company
Attention: Recording
360 SW Bond, Suite 100
Bend, OR 97702
Email: desrecording@westerntitle.com

EXHIBIT ONE

2006 AMERICAN LAND TITLE ASSOCIATION LOAN POLICY (06-17-06)
EXCLUSIONS FROM COVERAGE

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The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses that arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning) restricting, regulating, prohibiting or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions or location of any improvement erected on the land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.

(b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed or agreed to by the Insured Claimant;
 - (b) not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;

- (c) resulting in no loss or damage to the Insured Claimant;
- (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
- (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with the applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
 - (a) a fraudulent conveyance or fraudulent transfer, or
 - (b) a preferential transfer for any reason not stated in the Covered Risk 13(b) of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage.

SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
5. Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.

2006 AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY (06-17-06)
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses that arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning) restricting, regulating, prohibiting or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions or location of any improvement erected on the land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.

(b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed or agreed to by the Insured Claimant;

- (b) not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
- (c) resulting in no loss or damage to the Insured Claimant;
- (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
- (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
 - (a) a fraudulent conveyance or fraudulent transfer, or
 - (b) a preferential transfer for any reason not stated in the Covered Risk 9 of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage.

SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
5. Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.

13615 -



Inquire before you wire!

WIRE FRAUD ALERT

This Notice is not intended to provide legal or professional advice.
If you have any questions, please consult with a lawyer.

All parties to a real estate transaction are targets for wire fraud and many have lost hundreds of thousands of dollars because they simply relied on the wire instructions received via email, without further verification. **If funds are to be wired in conjunction with this real estate transaction, we strongly recommend verbal verification of wire instructions through a known, trusted phone number prior to sending funds.**

In addition, the following non-exclusive self-protection strategies are recommended to minimize exposure to possible wire fraud.

- **NEVER RELY** on emails purporting to change wire instructions. Parties to a transaction rarely change wire instructions in the course of a transaction.
- **ALWAYS VERIFY** wire instructions, specifically the ABA routing number and account number, by calling the party who sent the instructions to you. **DO NOT** use the phone number provided in the email containing the instructions, use phone numbers you have called before or can otherwise verify. **Obtain the number of relevant parties to the transaction as soon as an escrow account is opened.** **DO NOT** send an email to verify as the email address may be incorrect or the email may be intercepted by the fraudster.
- **USE COMPLEX EMAIL PASSWORDS** that employ a combination of mixed case, numbers, and symbols. Make your passwords greater than eight (8) characters. Also, change your password often and do **NOT** reuse the same password for other online accounts.
- **USE MULTI-FACTOR AUTHENTICATION** for email accounts. Your email provider or IT staff may have specific instructions on how to implement this feature.

For more information on wire-fraud scams or to report an incident, please refer to the following links:

Federal Bureau of Investigation:

<http://www.fbi.gov>

Internet Crime Complaint Center:

<http://www.ic3.gov>

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**FIDELITY NATIONAL FINANCIAL
PRIVACY NOTICE**

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Effective January 1, 2020

Fidelity National Financial, Inc. and its majority-owned subsidiary companies (collectively, "FNF," "our," or "we") respect and are committed to protecting your privacy. This Privacy Notice explains how we collect, use, and protect personal information, when and to whom we disclose such information, and the choices you have about the use and disclosure of that information.

A limited number of FNF subsidiaries have their own privacy notices. If a subsidiary has its own privacy notice, the privacy notice will be available on the subsidiary's website and this Privacy Notice does not apply.

Collection of Personal Information

FNF may collect the following categories of Personal Information:

- contact information (e.g., name, address, phone number, email address);
- demographic information (e.g., date of birth, gender, marital status);
- identity information (e.g. Social Security Number, driver's license, passport, or other government ID number);
- financial account information (e.g. loan or bank account information); and
- other personal information necessary to provide products or services to you.

We may collect Personal Information about you from:

- information we receive from you or your agent;
- information about your transactions with FNF, our affiliates, or others; and
- information we receive from consumer reporting agencies and/or governmental entities, either directly from these entities or through others.

Collection of Browsing Information

FNF automatically collects the following types of Browsing Information when you access an FNF website, online service, or application (each an "FNF Website") from your Internet browser, computer, and/or device:

- Internet Protocol (IP) address and operating system;
- browser version, language, and type;
- domain name system requests; and
- browsing history on the FNF Website, such as date and time of your visit to the FNF Website and visits to the pages within the FNF Website.

Like most websites, our servers automatically log each visitor to the FNF Website and may collect the Browsing Information described above. We use Browsing Information for system administration, troubleshooting, fraud investigation, and to improve our websites. Browsing Information generally does not reveal anything personal about you, though if you have created a user account for an FNF Website and are logged into that account, the FNF Website may be able to link certain browsing activity to your user account.

Other Online Specifics

Cookies. When you visit an FNF Website, a "cookie" may be sent to your computer. A cookie is a small piece of data that is sent to your Internet browser from a web server and stored on your computer's hard drive. Information gathered using cookies helps us improve your user experience. For example, a cookie can help the website load properly or can customize the display page based on your browser type and user preferences. You can choose whether or not to accept cookies by changing your Internet browser settings. Be aware that doing so may impair or limit some functionality of the FNF Website.

13615 - "

Web Beacons. We use web beacons to determine when and how many times a page has been viewed. This information is used to improve our websites.

Do Not Track. Currently our FNF Websites do not respond to "Do Not Track" features enabled through your browser.

Links to Other Sites. FNF Websites may contain links to unaffiliated third-party websites. FNF is not responsible for the privacy practices or content of those websites. We recommend that you read the privacy policy of every website you visit.

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Use of Personal Information

FNF uses Personal Information for three main purposes:

- To provide products and services to you or in connection with a transaction involving you.
- To improve our products and services.
- To communicate with you about our, our affiliates', and others' products and services, jointly or independently.

When Information Is Disclosed

We may disclose your Personal Information and Browsing Information in the following circumstances:

- to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure;
- to nonaffiliated service providers who provide or perform services or functions on our behalf and who agree to use the information only to provide such services or functions;
- to nonaffiliated third party service providers with whom we perform joint marketing, pursuant to an agreement with them to jointly market financial products or services to you;
- to law enforcement or authorities in connection with an investigation, or in response to a subpoena or court order; or
- in the good-faith belief that such disclosure is necessary to comply with legal process or applicable laws, or to protect the rights, property, or safety of FNF, its customers, or the public.

The law does not require your prior authorization and does not allow you to restrict the disclosures described above. Additionally, we may disclose your information to third parties for whom you have given us authorization or consent to make such disclosure. We do not otherwise share your Personal Information or Browsing Information with nonaffiliated third parties, except as required or permitted by law. We do share Personal Information among affiliates (other companies owned by FNF) to directly market to you. Please see "Choices with Your Information" to learn how to restrict that sharing.

We reserve the right to transfer your Personal Information, Browsing Information, and any other information, in connection with the sale or other disposition of all or part of the FNF business and/or assets, or in the event of bankruptcy, reorganization, insolvency, receivership, or an assignment for the benefit of creditors. By submitting Personal Information and/or Browsing Information to FNF, you expressly agree and consent to the use and/or transfer of the foregoing information in connection with any of the above described proceedings.

Security of Your Information

We maintain physical, electronic, and procedural safeguards to protect your Personal Information.

Choices With Your Information

If you do not want FNF to share your information among our affiliates to directly market to you, you may send an "opt out" request by email, phone, or physical mail as directed at the end of this Privacy Notice. We do not share your Personal Information with nonaffiliates for their use to direct market to you.

Whether you submit Personal Information or Browsing Information to FNF is entirely up to you. If you decide not to submit Personal Information or Browsing Information, FNF may not be able to provide certain services or products to you.



DESCHUTES RIVER
CONSERVANCY

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FEB 05 2021

OWRD

October 21, 2020

Deschutes County
Attn: Community Development Planning Department
117 Lafayette Ave.
Bend, OR 97703

RE: PROPOSED INSTREAM WATER TRANSFER IN YOUR JURISDICTION

We are notifying you of our intent to transfer water rights to instream use. The Deschutes River Conservancy and Deschutes Land Trust will be submitting an application to the Oregon Water Resources Department to permanently transfer three small irrigation water rights from Whychus Canyon, downstream from Camp Polk and the City of Sisters to instream use.

Water rights from Whychus Canyon will be transferred instream from the POU located on lands owned by the Deschutes Land Trust. The water rights will be permanently protected in Whychus Creek from the original points of diversion through lower Whychus Creek and to the mouth of the Deschutes River.

This transfer will result in up to 1.25 cfs of water protected instream and the rehabilitation of two push up dams. The 59.2 acres of water rights over two locations have priority dates ranging of 1897, 1901 and 1958. The diversion locations on the Creek and the old pastures will be rehabilitated. This combined restoration and increased streamflows will support improved water quality and lower stream temperatures, help maintain riparian areas, improve wildlife habitat, and provide crucial support for resident and anadromous fish. An additional small number of un-utilized acres will be canceled.

If you have questions regarding this application or are interested in receiving additional information, please call the DRC at the number below. The Oregon Water Resources Department will provide you with additional notice of this transfer once it has been submitted for review.

Please contact Gen at 541-382-4077, ext 16 or gen@deschutesriver.org if you have any questions.

Best Regards,

Sincerely,

Genevieve Hubert
Deschutes River Conservancy
700 NW Hill Street, Ste 1
Bend, OR 97703

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FEB 05 2021

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DESCHUTES RIVER
CONSERVANCY

October 21, 2020

Sherman County Planning Department
PO Box 381
Moro, OR 97039

RE: PROPOSED INSTREAM WATER TRANSFER IN YOUR JURISDICTION

We are notifying you of our intent to transfer water rights to instream use. The Deschutes River Conservancy and Deschutes Land Trust will be submitting an application to the Oregon Water Resources Department to permanently transfer three small irrigation water rights from Whychus Canyon, downstream from Camp Polk and the City of Sisters to instream use.

Water rights from Whychus Canyon will be transferred instream from the POU located on lands owned by the Deschutes Land Trust. The water rights will be permanently protected in Whychus Creek from the original points of diversion through lower Whychus Creek and to the mouth of the Deschutes River.

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If you have questions regarding this application or are interested in receiving additional information, please call the DRC at the number below. The Oregon Water Resources Department will provide you with additional notice of this transfer once it has been submitted for review.

Please contact Gen at 541-382-4077, ext 16 or gen@deschutesriver.org if you have any questions.

Best Regards,

Sincerely,

Genevieve Hubert
Deschutes River Conservancy
700 NW Hill Street, Ste 1
Bend, OR 97703

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For California Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties, except as permitted by California law. For additional information about your California privacy rights, please visit the "California Privacy" link on our website (<https://fnf.com/pages/californiaprivacy.aspx>) or call (888) 413-1748.

For Nevada Residents: You may be placed on our internal Do Not Call List by calling (888) 934-3354 or by contacting us via the information set forth at the end of this Privacy Notice. Nevada law requires that we also provide you with the following contact information: Bureau of Consumer Protection, Office of the Nevada Attorney General, 555 E. Washington St., Suite 3900, Las Vegas, NV 89101; Phone number: (702) 486-3132; email: BCPINFO@ag.state.nv.us.

For Oregon Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties for marketing purposes, except after you have been informed by us of such sharing and had an opportunity to indicate that you do not want a disclosure made for marketing purposes.

For Vermont Residents: We will not disclose information about your creditworthiness to our affiliates and will not disclose your personal information, financial information, credit report, or health information to nonaffiliated third parties to market to you, other than as permitted by Vermont law, unless you authorize us to make those disclosures.

Information From Children

The FNF Websites are not intended or designed to attract persons under the age of eighteen (18). We do not collect Personal Information from any person that we know to be under the age of thirteen (13) without permission from a parent or guardian.

International Users

FNF's headquarters is located within the United States. If you reside outside the United States and choose to provide Personal Information or Browsing Information to us, please note that we may transfer that information outside of your country of residence. By providing FNF with your Personal Information and/or Browsing Information, you consent to our collection, transfer, and use of such information in accordance with this Privacy Notice.

FNF Website Services for Mortgage Loans

Certain FNF companies provide services to mortgage loan servicers, including hosting websites that collect customer information on behalf of mortgage loan servicers (the "Service Websites"). The Service Websites may contain links to both this Privacy Notice and the mortgage loan servicer or lender's privacy notice. The sections of this Privacy Notice titled When Information is Disclosed, Choices with Your Information, and Accessing and Correcting Information do not apply to the Service Websites. The mortgage loan servicer or lender's privacy notice governs use, disclosure, and access to your Personal Information. FNF does not share Personal Information collected through the Service Websites, except as required or authorized by contract with the mortgage loan servicer or lender, or as required by law or in the good-faith belief that such disclosure is necessary: to comply with a legal process or applicable law, to enforce this Privacy Notice, or to protect the rights, property, or safety of FNF or the public.

Your Consent To This Privacy Notice; Notice Changes; Use of Comments or Feedback

By submitting Personal Information and/or Browsing Information to FNF, you consent to the collection and use of the information in accordance with this Privacy Notice. We may change this Privacy Notice at any time. The Privacy Notice's effective date will show the last date changes were made. If you provide information to us following any change of the Privacy Notice, that signifies your assent to and acceptance of the changes to the Privacy Notice. We may use comments or feedback that you submit to us in any manner without notice or compensation to you.

13615 -

Accessing and Correcting Information: Contact Us

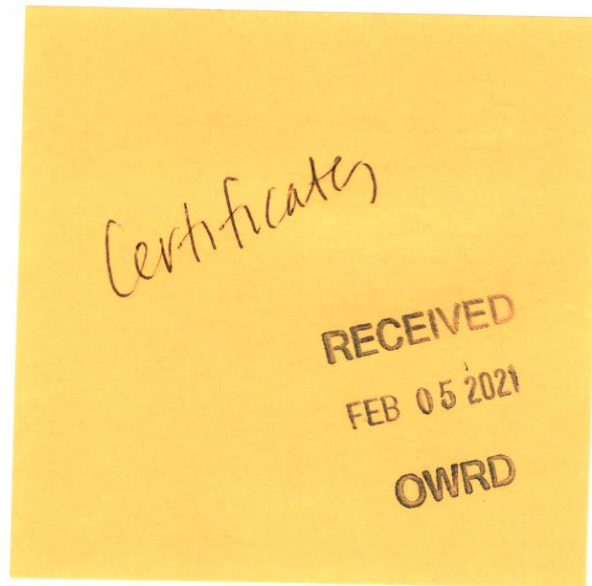
If you have questions, would like to correct your Personal Information, or want to opt-out of information sharing for affiliate marketing, send your requests to privacy@fnf.com, by phone to (888) 934-3354, or by mail to:

Fidelity National Financial, Inc.
601 Riverside Avenue,
Jacksonville, Florida 32204
Attn: Chief Privacy Officer

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FEB 05 2021

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STATE OF OREGON

WATER DIVISION NO. 2 COUNTY OF CROOK.

CERTIFICATE OF WATER RIGHT

(For Rights which have been confirmed by the Courts)

RECEIVED

FEB 05 2021

OWRD

This is to Certify, That WILLIAM E. CLAYPOOL, of Sisters, State of Oregon, has a right to the use of the waters of SQUAW CREEK, a tributary of the Deschutes River, in Crook County, Oregon,

for the purpose of irrigation; (during the irrigation season)

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Crook County, and the said decree entered of record at Salem, in the Order Record of the Board of Control of the State of Oregon, in Volume 1, at page 120 ; that the priority of the right hereby confirmed dates from 1897;

that the amount of water to which such right is entitled and hereby confirmed for the purpose aforesaid, is limited to an amount actually beneficially used for said purpose, and shall not exceed .6 cubic feet per second.

A description of the lands irrigated under such right, and to which the water hereby confirmed is appurtenant, or, if for other purposes, the place where such water is put to beneficial use, is as follows:

4 acres in NW 1/4 of NW 1/4, Sec. 10; 7 acres in SW 1/4 of NW 1/4; 4 acres in SE 1/4 of NW 1/4; 5 acres in NW 1/4 of SW 1/4; and 6 1/2 acres in SW 1/4 of SW 1/4; Sec. 3; all in Tp. 14 S. R. 11 E., W. M., in Crook County, Oregon.

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described.

WITNESS the seal and signature of the Board of Control, affixed this 29th day of November, 1911.

BOARD OF CONTROL

(Seal of Board of Control)

By JOHN H. LEWIS, State Engineer, President

Attest:

M. B. Wann, Secretary

STATE OF OREGON
COUNTY OF DESCHUTES
CERTIFICATE OF WATER RIGHT

RECEIVED

FEB 05 2021

This Is to Certify, That A. N. VOORHEES and SONS

OWRD

of P. O. Box 188, Sisters, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Squaw Creek:

a tributary of Deschutes River for the purpose of irrigation of 17.7 acres

under Permit No. 25548 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from May 26, 1958,

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.35 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 17, T. 14 S., R. 11 E., W. M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-fiftieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed $4\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season of each year,

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

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

2.0 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
0.2 acre NW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 16
3.7 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
11.7 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
0.1 acre SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 17
T. 14 S., R. 11 E., W. M.

13615 -

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this date. FEBRUARY 8 1963

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 33, page 30561

STATE OF OREGON

WATER DIVISION NO. 2 COUNTY OF CROOK.

CERTIFICATE OF WATER RIGHT

(For Rights which have been confirmed by the Courts)

This is to Certify, That WALTER S. FULLERTON, of Sisters, State of Oregon, has a right to the use of the waters of SQUAW CREEK, a tributary of the Deschutes River, in Crook County, Oregon,

for the purpose of irrigation, (during the irrigation season)

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Crook County, and the said decree entered of record at Salem, in the Order Record of the Board of Control of the State of Oregon, in Volume 1, at page 120 ; that the priority of the right hereby confirmed dates from August, 1901;

that the amount of water to which such right is entitled and hereby confirmed for the purpose aforesaid, is limited to an amount actually beneficially used for said purpose , and shall not exceed .3 cubic feet per second.

A description of the lands irrigated under such right, and to which the water hereby confirmed is appurtenant, or, if for other purposes, the place where such water is put to beneficial use, is as follows:

8 acres in SW 1/4 of NW 1/4, Sec. 16; 5 acres in SE 1/4 of NE 1/4; and 2 acres in NE 1/4 of SE 1/4, Sec. 17; all in Tp. 14 S. R. 11 E., W. M., in Crook County, Oregon.

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described.

WITNESS the seal and signature of the Board of Control, affixed this 29th day of November . 19 11 .

BOARD OF CONTROL

(Seal of the Board of Control)

By JOHN H. LEWIS, State Engineer, President

136 15 -

Attest:

M. B. Wann, Secretary

RECEIVED

FEB 05 2021

OWRD

Letters of

Support

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Oregon

Kate Brown, Governor

Department of Environmental Quality
Eastern Region Bend Office
475 NE Bellevue Drive, Suite 110
Bend, OR 97701
(541) 388-6146
FAX (541) 388-8283
TTY 711

October 8, 2020

Ron Nelson
Executive Director
Deschutes River Conservancy
700 NW Hill St., Suite 1
Bend, Oregon 97703

RECEIVED

FEB 05 2021

OWRD

RE: Deschutes Land Trust's application to transfer Whychus Creek irrigation water rights instream

Dear Mr. Nelson:

The Oregon Department of Environmental Quality (ODEQ) would like to express its support of the Deschutes Land Trust's application to transfer water rights instream in Whychus Creek.

The Deschutes Land Trust (DLT) seeks to permanently transfer up to 59.2 acres of Whychus Creek irrigation water rights instream from Certificates 276, 30561, and 265. The water rights are appurtenant to DLT's Whychus Canyon Preserve, which protects six miles of Whychus Creek to provide habitat for reintroduced salmon and steelhead, and native redound trout populations. These transfers will permanently increase flows in Whychus Creek.

Whychus Creek is on the Clean Water Act 303(d) list of impaired waters due to reduced flows and elevated temperatures. Stream temperatures that exceed Oregon's water quality standards disrupt life cycles and cause mortality in fish and aquatic life. Summertime irrigation diversions in Whychus Creek diminish streamflow and cause extreme fluctuations in daytime and nighttime stream temperatures. By transferring water rights instream, the stream's heat capacity is increased and the daily swings in stream temperatures are reduced. This project will also remove two push up diversion dams. Dams and diversions alter the volume, timing, and temperature of flows. They prevent fish and aquatic life from accessing habitat or receiving cues to migrate or change life stages at the appropriate time. Removing the dams will improve stream flow and temperature and help to restore water quality in Whychus Creek.

This project will improve water quality for fish and aquatic life and is consistent with ODEQ's water quality goals for Whychus Creek.

Sincerely,

Smita Mehta
TMDL Basin Coordinator

13615 -

THE CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION OF OREGON



Warm Springs, Oregon 97761 / 541-553-1161

November 23, 2020

This letter is written in support of Deschutes River Conservancy's instream transfer application to Oregon Water Resources Department on behalf of the Deschutes Land Trust. The proposed transfer from Deschutes Land Trust's properties, Remund and Rimrock Ranch, would permanently transfer 59.2 acres of water rights instream. These water rights are appurtenant to DLT's Whychus Canyon Preserve, which protects six miles of Whychus Creek to provide habitat for reintroduced salmon and steelhead, and native redound trout populations. In addition, the project will remove two push-up dams contributing to water quality.

Over the next decade, the DLT, in partnership with the Upper Deschutes Watershed Council, plans to implement a large-scale floodplain restoration project on the places of use identified in this transfer, further supporting the creation of physical and biological conditions necessary for successful reintroduction of salmon and steelhead to the upper Deschutes Basin.

The Confederated Tribes of the Warm Springs Reservation understand the importance of improving flows in Whychus Creek. The tribes and PGE have invested heavily in this reintroduction program and support efforts to restore flow to Whychus Creek during critical times. We have supported previous transfers and water conservation projects and look forward to continuing progress being made in Whychus Creek.

Respectfully,

Robert A. Brunoe, General Manager, Branch of Natural Resources/THPO

Cc: Deschutes River Conservancy

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FEB 05 2021

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13615 -



DESCHUTES RIVER
CONSERVANCY

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FEB 05 2021

OWRD

October 21, 2020

Wasco County Planning Department
2705 East 2nd Street
The Dalles, OR 97058

RE: PROPOSED INSTREAM WATER TRANSFER IN YOUR JURISDICTION

We are notifying you of our intent to transfer water rights to instream use. The Deschutes River Conservancy and Deschutes Land Trust will be submitting an application to the Oregon Water Resources Department to permanently transfer three small irrigation water rights from Whychus Canyon, downstream from Camp Polk and the City of Sisters to instream use.

Water rights from Whychus Canyon will be transferred instream from the POU located on lands owned by the Deschutes Land Trust. The water rights will be permanently protected in Whychus Creek from the original points of diversion through lower Whychus Creek and to the mouth of the Deschutes River.

This transfer will result in up to 1.25 cfs of water protected instream and the rehabilitation of two push up dams. The 59.2 acres of water rights over two locations have priority dates ranging of 1897, 1901 and 1958. The diversion locations on the Creek and the old pastures will be rehabilitated. This combined restoration and increased streamflows will support improved water quality and lower stream temperatures, help maintain riparian areas, improve wildlife habitat, and provide crucial support for resident and anadromous fish. An additional small number of un-utilized acres will be canceled.

If you have questions regarding this application or are interested in receiving additional information, please call the DRC at the number below. The Oregon Water Resources Department will provide you with additional notice of this transfer once it has been submitted for review.

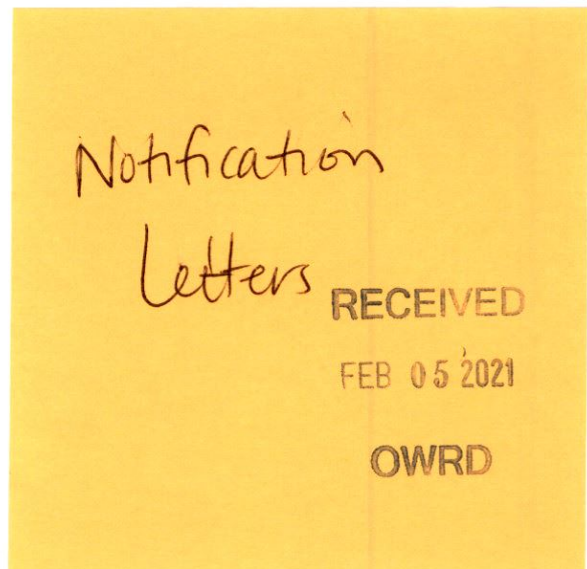
Please contact Gen at 541-382-4077, ext 16 or gen@deschutesriver.org if you have any questions.

Best Regards,

Sincerely,

Genevieve Hubert
Deschutes River Conservancy
700 NW Hill Street, Ste 1
Bend, OR 97703

13615 -





DESCHUTES RIVER
CONSERVANCY

RECEIVED

FEB 05 2021

OWRD

October 21, 2020

Jefferson County
Attn: Planning Department
85 SE "D" Street
Madras, OR 97741

RE: PROPOSED INSTREAM WATER TRANSFER IN YOUR JURISDICTION

We are notifying you of our intent to transfer water rights to instream use. The Deschutes River Conservancy and Deschutes Land Trust will be submitting an application to the Oregon Water Resources Department to permanently transfer three small irrigation water rights from Whychus Canyon, downstream from Camp Polk and the City of Sisters to instream use.

Water rights from Whychus Canyon will be transferred instream from the POU located on lands owned by the Deschutes Land Trust. The water rights will be permanently protected in Whychus Creek from the original points of diversion through lower Whychus Creek and to the mouth of the Deschutes River.

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Please contact Gen at 541-382-4077, ext 16 or gen@deschutesriver.org if you have any questions.

Best Regards,

Sincerely,

Genevieve Hubert
Deschutes River Conservancy
700 NW Hill Street, Ste 1
Bend, OR 97703

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FEB 05 2021

OWRD



DESCHUTES RIVER
CONSERVANCY

November 5, 2020

City of Maupin
Attn: Kevin Lewis, City Manager
507 Grant Ave, Box 308
Maupin, OR 97037

RE: PROPOSED INSTREAM WATER TRANSFER IN YOUR JURISDICTION

We are notifying you of our intent to transfer water rights to instream use. The Deschutes River Conservancy and Deschutes Land Trust will be submitting an application to the Oregon Water Resources Department to permanently transfer three small irrigation water rights from Whychus Canyon, downstream from Camp Polk and the City of Sisters to instream use.

Water rights from Whychus Canyon will be transferred instream from the POU located on lands owned by the Deschutes Land Trust. The water rights will be permanently protected in Whychus Creek from the original points of diversion through lower Whychus Creek and to the mouth of the Deschutes River.

This transfer will result in up to 1.25 cfs of water protected instream and the rehabilitation of two push up dams. The 59.2 acres of water rights over two locations have priority dates ranging of 1897, 1901 and 1958. The diversion locations on the Creek and the old pastures will be rehabilitated. This combined restoration and increased streamflows will support improved water quality and lower stream temperatures, help maintain riparian areas, improve wildlife habitat, and provide crucial support for resident and anadromous fish. An additional small number of un-utilized acres will be canceled.

If you have questions regarding this application or are interested in receiving additional information, please call the DRC at the number below. The Oregon Water Resources Department will provide you with additional notice of this transfer once it has been submitted for review.

Please contact Gen at 541-382-4077, ext 16 or gen@deschutesriver.org if you have any questions.

Best Regards,

Sincerely,

Genevieve Hubert
Deschutes River Conservancy
700 NW Hill Street, Ste 1
Bend, OR 97703

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FEB 05 2021

OWRD



DESCHUTES RIVER
CONSERVANCY

November 5, 2020

City of Sisters
Attn: Planning Department
P.O. Box 39
Sisters, OR 97759

RE: PROPOSED INSTREAM WATER TRANSFER IN YOUR JURISDICTION

We are notifying you of our intent to transfer water rights to instream use. The Deschutes River Conservancy and Deschutes Land Trust will be submitting an application to the Oregon Water Resources Department to permanently transfer three small irrigation water rights from Whychus Canyon, downstream from Camp Polk and the City of Sisters to instream use.

Water rights from Whychus Canyon will be transferred instream from the POU located on lands owned by the Deschutes Land Trust. The water rights will be permanently protected in Whychus Creek from the original points of diversion through lower Whychus Creek and to the mouth of the Deschutes River.

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If you have questions regarding this application or are interested in receiving additional information, please call the DRC at the number below. The Oregon Water Resources Department will provide you with additional notice of this transfer once it has been submitted for review.

Please contact Gen at 541-382-4077, ext 16 or gen@deschutesriver.org if you have any questions.

Best Regards,

Sincerely,

A handwritten signature in cursive script that reads "Genevieve Hubert".

Genevieve Hubert
Deschutes River Conservancy
700 NW Hill Street, Ste 1
Bend, OR 97703

13615 -

RECEIVED

FEB 05 2021

OWRD



DESCHUTES RIVER
CONSERVANCY

October 21, 2020

Conf. Tribes of Warm Springs
Attn: Natural Resources, Fish and Wildlife
Bobby Brunoe
P.O. Box C
Warm Springs, OR 97761

RE: PROPOSED INSTREAM WATER TRANSFER IN YOUR JURISDICTION

We are notifying you of our intent to transfer water rights to instream use. The Deschutes River Conservancy and Deschutes Land Trust will be submitting an application to the Oregon Water Resources Department to permanently transfer three small irrigation water rights from Whychus Canyon, downstream from Camp Polk and the City of Sisters to instream use.

Water rights from Whychus Canyon will be transferred instream from the POU located on lands owned by the Deschutes Land Trust. The water rights will be permanently protected in Whychus Creek from the original points of diversion through lower Whychus Creek and to the mouth of the Deschutes River.

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If you have questions regarding this application or are interested in receiving additional information, please call the DRC at the number below. The Oregon Water Resources Department will provide you with additional notice of this transfer once it has been submitted for review.

Please contact Gen at 541-382-4077, ext 16 or gen@deschutesriver.org if you have any questions.

Best Regards,

Sincerely,

A handwritten signature in cursive script that reads "Genevieve Hubert".

Genevieve Hubert
Deschutes River Conservancy
700 NW Hill Street, Ste 1
Bend, OR 97703

13615 -



DESCHUTES RIVER
CONSERVANCY

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FEB 05 2021

OWRD

February 2, 2021

Oregon Water Resources Department
Attn: Instream Water Transfer
725 Summer St. NE, Suite A
Salem, OR 97301-1266

RE: Permanent Instream Transfer – Whychus Creek, Deschutes Land Trust

Water Transfers Staff,

The Deschutes River Conservancy (DRC) is acting as agent for The Deschutes Land Trust (DLT) for a permanent instream transfer of water rights associated with properties owned by DLT on Whychus Creek.

Attached you will find the transfer application and all supporting documentation. The transfer water is not associated with any irrigation districts and has been leased instream for beneficial use within the past 5 years (IL-1249 and IL-1405). Certain acres that have not been used within the past 5 years are identified for cancellation with cancellation affidavits attached.

This transfer involves 3 water right certificates: 276, 30561 and 265. The certificates total 59.2 acres, of which 40.2 acres are transferring permanently instream and 19 acres are to be cancelled.

Please deduct the \$1565.00 instream transfer fee from the DRC's state fees account.

Thank you in advance for your assistance and please don't hesitate to call me with questions regarding this application.

Sincerely,

Genevieve Hubert
Program Manager
Deschutes River Conservancy
Office: 541-382-4077, ext.16
Mobile: 541-771-0760
gen@deschutesriver.org

Please use mobile or email as method of contact during Covid-19 restrictions.

Encl: Permanent instream transfer application & supporting documentation
Cc: Ann Richardson, DLT / Kate Fitzpatrick, DRC / Jeremy Giffin, Watermaster, OWRD

13615 -

OREGON WATER RESOURCES DEPARTMENT
ACCOUNT ACTIVITY RECORD

Account Name: DRC - Deschutes River Conservancy Mitigation Bank- CA0004

Activity Date: February 5, 2021
Please complete and leave at the WRIG counter.

Transaction Description		Project Name	Customer contact name	Department personnel providing service	Amount of Activity
Deposit to account					
Copying					
Other: Instream Transfer Applications	1	T-13615-Deschutes Land Trust-DRC: 1 @\$1,565.00 ea.	Gen Hubert	Stacy Phillips For Sarah Henderson	Total: \$1,565.00