

# Application for Permanent Water Right Transfer

Oregon Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1266  
 (503) 986-0900  
[www.oregon.gov/OWRD](http://www.oregon.gov/OWRD)

## Part 1 of 5 – Minimum Requirements Checklist

**This transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.**

For questions, please call (503) 986-0900, and ask for Transfer Section.

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: [http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator).
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: C-96029**  
 Please include a separate Part 5 for each water right. (See instructions on page 6)  
**NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.**

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**Attachments:**

- Completed 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.
- N/A Oregon Water Resources Department’s Land Use Information Form with approval and signature from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if **all** of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.
- N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500’ from the surface water source and more than 1000’ upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

**(For Staff Use Only)**

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

- |  |  |
|--|--|
| <input type="checkbox"/> Application fee not enclosed/insufficient | <input type="checkbox"/> Map not included or incomplete                  |
| <input type="checkbox"/> Land Use Form not enclosed or incomplete  | <input type="checkbox"/> Evidence of Use Form not enclosed or incomplete |
| <input type="checkbox"/> Additional signature(s) required          | <input type="checkbox"/> Part _____ is incomplete                        |

Other/Explanation \_\_\_\_\_  
 Staff: \_\_\_\_\_ 503- \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_



## Part 2 of 5 – Transfer Application Map

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

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

- N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see [http://apps.wrd.state.or.us/apps/wr/cwre\\_license\\_view/](http://apps.wrd.state.or.us/apps/wr/cwre_license_view/). CWRE stamp and signature are not required for substitutions.
- 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, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
  - Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
  - Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
  - Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
  - 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.
- N/A Proposed 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.
  - Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
- N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

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## Part 4 of 5 – Applicant Information and Signature

### Applicant Information

|   |                    |                     |  |                        |
|---|--------------------|---------------------|--|------------------------|
| APPLICANT/BUSINESS NAME<br><b>Kameron DeLashmutt / Pinnacle Utilities, LLC</b>  |                    |                     | PHONE NO.<br><b>541-350-8479</b>   | ADDITIONAL CONTACT NO. |
| ADDRESS<br><b>2477 NW Canyon Drive</b>  |                    |                     |  | FAX NO.                |
| CITY<br><b>Redmond</b>  | STATE<br><b>OR</b> | ZIP<br><b>97756</b> | E-MAIL<br><b>kameron1959@gmail.com,<br/>please cc correspondence to<br/>steve.shropshire@jordanramis.com</b> |                        |
| BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED. |                    |                     |  |                        |

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

|   |                    |                     |                                      |                        |
|---|--------------------|---------------------|--------------------------------------|------------------------|
| AGENT/BUSINESS NAME<br><b>Elizabeth Howard / Schwabe, Williamson &amp; Wyatt</b>  |                    |                     | PHONE NO.<br><b>503-796-2093</b>     | ADDITIONAL CONTACT NO. |
| ADDRESS<br><b>1211 SW Fifth Avenue, Suite 1900</b>  |                    |                     |                                      | FAX NO.                |
| CITY<br><b>Portland</b>   | STATE<br><b>OR</b> | ZIP<br><b>97204</b> | E-MAIL<br><b>ehoward@schwabe.com</b> |                        |
| BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED. |                    |                     |                                      |                        |

Explain in your own words what you propose to accomplish with this transfer application, and why:  
**The applicant is proposing to change the place of use, and change the point of appropriation to 7 "ON" wells for a 0.453 cfs portion of Quasi-Municipal certificate 96029 to meet initial QM demand needs of the "ON" property. This transfer is intended to replace the approved temporary transfer of this same water right under T-13703, which expires on 12/31/2025.**

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

### 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 the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

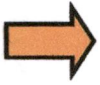
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**By my signature below, I confirm that I understand:**

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: BEND BULLETIN.
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).
- Refunds may only be granted upon request and, as set forth in ORS 536.050(4)(a), if the Director determines that a refund of all or part of a fee is appropriate in the interests of fairness to the public or necessary to correct an error of the Department.

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



[Signature]  
Applicant signature

Kamera DeLisamon  
Print Name (and Title if applicable)

1/2/23  
Date

Applicant signature

Print Name (and Title if applicable)

Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located?  Yes  No\* **APPLICANT OWNS THE 0.453 CFS PORTION OF C-96029 PROPOSED FOR TRANSFER, SEE ATTACHED WATER RIGHT BARGAIN AND SALE DEED – DESCHUTES COUNTY OFFICIAL RECORDS NO. 2021-31366**

*\*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.*

Check the following boxes that apply:

- The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.
- The receiving landowner will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to this landowner.
- Both the receiving landowner and applicant will be responsible for completion of change(s). Copies of notices and correspondence should be sent to this landowner and the applicant.

At this time, are the lands in this transfer application in the process of being sold?  Yes  No

If YES, and you know who the new landowner will be, please complete the receiving landowner information table below. If you do not know who the new landowner will be, then a request for assignment will have to be filed for at a later date.

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see:

[https://www.oregon.gov/owrd/WRDFormsPDF/Transfer\\_Property\\_Transactions.pdf](https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf)

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|   |       |     |           |                        |
|---|-------|-----|-----------|------------------------|
| RECEIVING LANDOWNER NAME<br><b>SAME AS APPLICANT</b>  |       |     | PHONE NO. | ADDITIONAL CONTACT NO. |
| ADDRESS   |       |     |           | FAX NO.                |
| CITY  | STATE | ZIP | E-MAIL    |                        |
| Describe any special ownership circumstances:   |       |     |           |                        |
| The confirming Certificate shall be issued in the name of: <input checked="" type="checkbox"/> Applicant <input type="checkbox"/> Receiving Landowner |       |     |           |                        |

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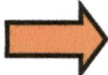


Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (Tip: Complete and attach Supplemental Form D.)

|   |                                     |                     |
|---|-------------------------------------|---------------------|
| IRRIGATION DISTRICT NAME<br><b>Tumalo Irrigation District</b>         | ADDRESS<br><b>64697 Cook Avenue</b> |                     |
| CITY<br><b>Bend</b>   | STATE<br><b>OR</b>                  | ZIP<br><b>97703</b> |
| IRRIGATION DISTRICT NAME<br><b>Central Oregon Irrigation District</b> | ADDRESS<br><b>1055 SW Lake Ct</b>   |                     |
| CITY<br><b>Redmond</b>  | STATE<br><b>OR</b>                  | ZIP<br><b>97756</b> |

Check here if water for any of the rights 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 county, city, municipal corporation, or tribal governments within whose jurisdiction water will be diverted, conveyed or used.

|  |  |                     |
|--|--|---------------------|
| ENTITY NAME<br><b>Deschutes County Community Development</b> | ADDRESS<br><b>117 NW Lafayette Ave</b> |                     |
| CITY<br><b>Bend</b>  | STATE<br><b>OR</b>                     | ZIP<br><b>97703</b> |

|             |         |     |
|-------------|---------|-----|
| ENTITY NAME | ADDRESS |     |
| CITY        | STATE   | ZIP |

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**Part 5 of 5 – Water Right Information**

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add rows to tables within the form.

**Water Right Certificate # 96029**

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**Description of Water Delivery System**

System capacity: 0.78 cubic feet per second (cfs) OR  
\_\_\_\_\_ gallons per minute (gpm)

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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. **The water right was perfected by appropriating groundwater from Well #1 using a 60 HP submersible pump, pumping water into a distribution system, conveying it to a 12,000 gallon above-ground storage tank, and then beneficially using it for quasi-municipal purposes.**

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

(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

| POD/POA Name or Number | Is this POD/POA Authorized on the Certificate or is it Proposed?                    | If POA, OWRD Well Log ID# (or Well ID Tag # L-___) | Twp |   | Rng |   | Sec | ¼ ¼ |    | Tax Lot, DLC or Gov't Lot | Measured Distances (from a recognized survey corner) |
|------------------------|---|--|-----|---|-----|---|-----|-----|----|---------------------------|--|
|                        |   |  |     |   |     |   |     |     |    |                           |  |
| <b>Tree Farm Well</b>  | <input checked="" type="checkbox"/> Authorized<br><input type="checkbox"/> Proposed | <b>DESC 51145/L-16358</b>                          | 17  | S | 11  | E | 35  | NW  | SE | 400                       | 1560' N, 2465' W of SE Cor Sec 35                    |
| <b>Well #1</b>         | <input type="checkbox"/> Authorized<br><input checked="" type="checkbox"/> Proposed |  | 15  | S | 12  | E | 28  | SE  | NE | 7700                      | 2519' S, 578' W of NE Cor Sec 28                     |
| <b>Well #2</b>         | <input type="checkbox"/> Authorized<br><input checked="" type="checkbox"/> Proposed |  | "   | " | "   | " | "   | NW  | SE | 7700                      | 2958' S, 2316' W of NE Cor Sec 28                    |
| <b>Well #3</b>         | <input type="checkbox"/> Authorized<br><input checked="" type="checkbox"/> Proposed |  | "   | " | "   | " | "   | SE  | NW | 7700                      | 1752' S, 3044' W of NE Cor Sec 28                    |
| <b>Well #4</b>         | <input type="checkbox"/> Authorized<br><input checked="" type="checkbox"/> Proposed |  | "   | " | "   | " | 29  | NW  | SE | 7900                      | 1677' N, 1466' W of SE Cor Sec 29                    |
| <b>Well #5</b>         | <input type="checkbox"/> Authorized<br><input checked="" type="checkbox"/> Proposed |  | "   | " | "   | " | 20  | NE  | SE | 7700                      | 205' S, 434' W of E 1/4 Cor Sec 20                   |
| <b>Well #6</b>         | <input type="checkbox"/> Authorized<br><input checked="" type="checkbox"/> Proposed |  | "   | " | "   | " | "   | SW  | NE | 5000                      | 244' N, 1667' W of E 1/4 Cor Sec 20                  |
| <b>Well #7</b>         | <input type="checkbox"/> Authorized<br><input checked="" type="checkbox"/> Proposed |  | "   | " | "   | " | 17  | SE  | NW | 5000                      | 2446' S, 1180' W of N 1/4 Cor Sec 17                 |



**Check all type(s) of change(s) proposed below (change "CODES" are provided in parentheses):**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Place of Use (POU)                    | <input type="checkbox"/> Supplemental Use to Primary Use (S to P)     |
| <input type="checkbox"/> Character of Use (USE)                           | <input checked="" type="checkbox"/> Point of Appropriation/Well (POA) |
| <input type="checkbox"/> Point of Diversion (POD)                         | <input type="checkbox"/> Additional Point of Appropriation (APOA)     |
| <input type="checkbox"/> Additional Point of Diversion (APOD)             | <input type="checkbox"/> Substitution (SUB)                           |
| <input type="checkbox"/> Surface Water POD to Ground Water<br>POA (SW/GW) | <input type="checkbox"/> Government Action POD (GOV)                  |

**Will all of the proposed changes affect the entire water right?**

- Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.
- No Complete all of Table 2 to describe the portion of the water right to be changed.

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Please use and attach additional pages of Table 2 as needed.  
See page 6 for instructions.

Do you have questions about how to fill-out the tables?  
Contact the Department at 503-986-0900 and ask for Transfer Staff.

**Table 2. Description of Temporary Changes to Water Right Certificate # 96029**

List only the part of the right that will be changed. For the acreage in each ¼ ¼, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

| AUTHORIZED (the "from" or "off" lands)<br>The listing that appears on the Certificate BEFORE PROPOSED CHANGES<br>List only that part or portion of the water right that will be changed. |     |     |     |         |                |       |                                   |  |               |     | Proposed Changes (see "CODES" from previous page) | PROPOSED (the "to" or "on" lands)<br>The listing as it would appear AFTER PROPOSED CHANGES are made. |         |     |         |                |       |                 |  |               |      |  |  |    |           |           |
|--|-----|-----|-----|---------|----------------|-------|-----------------------------------|--|---------------|-----|---|--|---------|-----|---------|----------------|-------|-----------------|--|---------------|------|--|--|----|-----------|-----------|
| Twp  | Rng | Sec | ¼ ¼ | Tax Lot | Gvt Lot or DLC | Acres | Type of USE listed on Certificate | POD(s) or POA(s) (name or number from Table 1) | Priority Date | Twp |   | Rng  | Sec     | ¼ ¼ | Tax Lot | Gvt Lot or DLC | Acres | New Type of USE | POD(s)/ POA(s) to be used (from Table 1) | Priority Date |      |  |  |    |           |           |
| <b>EXAMPLE</b>   |     |     |     |         |                |       |                                   |  |               |     |   |  |         |     |         |                |       |                 |  |               |      |  |  |    |           |           |
| 17   | S   | 11  | E   | 35      | SW             | NE    | 200/300                           |  |               | QM  | Tree Farm Well                                    | 1/30/1995  | POU/POA | 15  | S       | 12             | E     | 17              | NW                                       | NE            | 5000 |  |  | QM | Wells 1-7 | 1/30/1995 |
| "  | "   | "   | "   | "       | SE             | NE    | 300                               |  |               | "   | "   | "  | "       | "   | "       | "              | "     | "               | SW                                       | NE            | "    |  |  | "  | "         | "         |
| "  | "   | "   | "   | "       | SE             | NW    | 200                               |  |               | "   | "   | "  | "       | "   | "       | "              | "     | "               | NE                                       | NW            | "    |  |  | "  | "         | "         |
| "  | "   | "   | "   | "       | NE             | SW    | 200/400/500                       |  |               | "   | "   | "  | "       | "   | "       | "              | "     | "               | SE                                       | NW            | "    |  |  | "  | "         | "         |
| "  | "   | "   | "   | "       | NW             | SW    | 400                               |  |               | "   | "   | "  | "       | "   | "       | "              | "     | "               | SW                                       | SW            | "    |  |  | "  | "         | "         |
| "  | "   | "   | "   | "       | SW             | SW    | 400                               |  |               | "   | "   | "  | "       | "   | "       | "              | "     | "               | SE                                       | SW            | "    |  |  | "  | "         | "         |
| "  | "   | "   | "   | "       | SE             | SW    | 400                               |  |               | "   | "   | "  | "       | "   | "       | "              | "     | "               | NW                                       | SE            | "    |  |  | "  | "         | "         |
| "  | "   | "   | "   | "       | NE             | SE    | 301                               |  |               | "   | "   | "  | "       | "   | "       | "              | "     | "               | SW                                       | SE            | "    |  |  | "  | "         | "         |
| "  | "   | "   | "   | "       | NW             | SE    | 200/300/301/500                   |  |               | "   | "   | "  | "       | "   | "       | "              | "     | 20              | NW                                       | NE            | "    |  |  | "  | "         | "         |
| "  | "   | "   | "   | "       | SW             | SE    | 301/ 400                          |  |               | "   | "   | "  | "       | "   | "       | "              | "     | "               | SW                                       | NE            | "    |  |  | "  | "         | "         |
|  |     |     |     |         |                |       |                                   |  |               |     |   |  | "       | "   | "       | "              | "     | "               | NE                                       | NW            | "    |  |  | "  | "         | "         |
|  |     |     |     |         |                |       |                                   |  |               |     |   |  | "       | "   | "       | "              | "     | "               | NW                                       | NW            | "    |  |  | "  | "         | "         |

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|  |  |  |  |  |  |  |  |  |  | POU/POA | 15 | S | 12 | E | 20 | SW | NW | "             |  |  |  | QM | Wells<br>1-7 | 1/30/1995 |
|--|--|--|--|--|--|--|--|--|--|---------|----|---|----|---|----|----|----|---------------|--|--|--|----|--------------|-----------|
|  |  |  |  |  |  |  |  |  |  | "       | "  | " | "  | " | "  | SE | NW | 5000/<br>5001 |  |  |  | "  | "            | "         |
|  |  |  |  |  |  |  |  |  |  | "       | "  | " | "  | " | "  | NE | SW | 5000/<br>5002 |  |  |  | "  | "            | "         |
|  |  |  |  |  |  |  |  |  |  | "       | "  | " | "  | " | "  | NW | SW | 5000          |  |  |  | "  | "            | "         |
|  |  |  |  |  |  |  |  |  |  | "       | "  | " | "  | " | "  | SW | SW | "             |  |  |  | "  | "            | "         |
|  |  |  |  |  |  |  |  |  |  | "       | "  | " | "  | " | "  | NE | SE | 7700/<br>7701 |  |  |  | "  | "            | "         |
|  |  |  |  |  |  |  |  |  |  | "       | "  | " | "  | " | "  | SW | SE | 7700          |  |  |  | "  | "            | "         |
|  |  |  |  |  |  |  |  |  |  | "       | "  | " | "  | " | "  | SE | SE | "             |  |  |  | "  | "            | "         |
|  |  |  |  |  |  |  |  |  |  | "       | "  | " | "  | " | 21 | SW | SW | "             |  |  |  | "  | "            | "         |
|  |  |  |  |  |  |  |  |  |  | "       | "  | " | "  | " | 28 | NE | NE | "             |  |  |  | "  | "            | "         |
|  |  |  |  |  |  |  |  |  |  | "       | "  | " | "  | " | "  | NW | NE | "             |  |  |  | "  | "            | "         |
|  |  |  |  |  |  |  |  |  |  | "       | "  | " | "  | " | "  | SW | NE | "             |  |  |  | "  | "            | "         |
|  |  |  |  |  |  |  |  |  |  | "       | "  | " | "  | " | "  | SE | NE | "             |  |  |  | "  | "            | "         |
|  |  |  |  |  |  |  |  |  |  | "       | "  | " | "  | " | "  | NE | NW | "             |  |  |  | "  | "            | "         |
|  |  |  |  |  |  |  |  |  |  | "       | "  | " | "  | " | "  | NW | NW | "             |  |  |  | "  | "            | "         |
|  |  |  |  |  |  |  |  |  |  | "       | "  | " | "  | " | "  | SW | NW | "             |  |  |  | "  | "            | "         |
|  |  |  |  |  |  |  |  |  |  | "       | "  | " | "  | " | "  | SE | NW | "             |  |  |  | "  | "            | "         |
|  |  |  |  |  |  |  |  |  |  | "       | "  | " | "  | " | "  | NE | SW | "             |  |  |  | "  | "            | "         |
|  |  |  |  |  |  |  |  |  |  | "       | "  | " | "  | " | "  | NW | SW | "             |  |  |  | "  | "            | "         |
|  |  |  |  |  |  |  |  |  |  | "       | "  | " | "  | " | "  | NE | SE | "             |  |  |  | "  | "            | "         |
|  |  |  |  |  |  |  |  |  |  | "       | "  | " | "  | " | "  | NW | SE | "             |  |  |  | "  | "            | "         |

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TACS

|             |  |  |  |  |  |  |  |  |  |  | POU/POA | 15 | S | 12 | E  | 29 | NE | NE   | 7800 |  |   | QM | Wells<br>1-7 | 1/30/1995   |  |     |  |
|-------------|--|--|--|--|--|--|--|--|--|--|---------|----|---|----|----|----|----|------|------|--|---|----|--------------|-------------|--|-----|--|
|             |  |  |  |  |  |  |  |  |  |  | "       | "  | " | "  | "  | NW | NE | "    |      |  | " | "  | "            |             |  |     |  |
|             |  |  |  |  |  |  |  |  |  |  | "       | "  | " | "  | "  | SW | NE | "    |      |  | " | "  | "            |             |  |     |  |
|             |  |  |  |  |  |  |  |  |  |  | "       | "  | " | "  | "  | SE | NE | "    |      |  | " | "  | "            |             |  |     |  |
|             |  |  |  |  |  |  |  |  |  |  | "       | "  | " | "  | "  | SW | NW | "    |      |  | " | "  | "            |             |  |     |  |
|             |  |  |  |  |  |  |  |  |  |  | "       | "  | " | "  | "  | SE | NW | "    |      |  | " | "  | "            |             |  |     |  |
|             |  |  |  |  |  |  |  |  |  |  | "       | "  | " | "  | "  | NE | SW | "    |      |  | " | "  | "            |             |  |     |  |
|             |  |  |  |  |  |  |  |  |  |  | "       | "  | " | "  | "  | NW | SW | "    |      |  | " | "  | "            |             |  |     |  |
|             |  |  |  |  |  |  |  |  |  |  | "       | "  | " | "  | "  | NE | SE | "    |      |  | " | "  | "            |             |  |     |  |
|             |  |  |  |  |  |  |  |  |  |  | "       | "  | " | "  | "  | NW | SE | 7900 |      |  | " | "  | "            |             |  |     |  |
|             |  |  |  |  |  |  |  |  |  |  | "       | "  | " | "  | "  | SE | SE | 7801 |      |  | " | "  | "            |             |  |     |  |
|             |  |  |  |  |  |  |  |  |  |  | "       | "  | " | "  | 30 | NW | NE | 8000 |      |  | " | "  | "            |             |  |     |  |
|             |  |  |  |  |  |  |  |  |  |  | "       | "  | " | "  | "  | SW | NE | "    |      |  | " | "  | "            |             |  |     |  |
|             |  |  |  |  |  |  |  |  |  |  | "       | "  | " | "  | "  | SE | NE | 7800 |      |  | " | "  | "            |             |  |     |  |
|             |  |  |  |  |  |  |  |  |  |  | "       | "  | " | "  | "  | NE | NW | 8000 |      |  | " | "  | "            |             |  |     |  |
|             |  |  |  |  |  |  |  |  |  |  | "       | "  | " | "  | "  | SE | NW | "    |      |  | " | "  | "            |             |  |     |  |
|             |  |  |  |  |  |  |  |  |  |  | "       | "  | " | "  | "  | NE | SE | 7800 |      |  | " | "  | "            |             |  |     |  |
| TOTAL ACRES |  |  |  |  |  |  |  |  |  |  | N/A     |    |   |    |    |    |    |      |      |  |   |    |              | TOTAL ACRES |  | N/A |  |

Additional remarks: **The applicant is proposing to change the place of use, and change the point of appropriation to 7 "ON" wells, for a 0.453 cfs portion of Certificate 96029. The proposed place of use is described by the right side of Table 2.**

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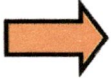
TACS



**For Place of Use Changes**

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

If YES, list the certificate, water use permit, or ground water registration numbers: **The “to” lands are associated with Permit G-17036. As noted, this transfer is intended to replace the approved temporary transfer of this same water right under T-13703. The “from” lands are associated with Permit S-42781/T-10582, Permit S-42782/T-10582, Permit G-18124, Certificate 85414, & Certificate 95495. Being quasi-municipal rights, the rights are not “layered” as defined in OAR 690-380-0100(4).**



Pursuant to ORS 540.525, any “layered” water use such as an irrigation right that is supplemental to a primary right proposed for temporary transfer can be included in the transfer or remain unused on the authorized place of use. If the primary water right does not revert soon enough to allow use of the supplemental right within five years, the supplemental right shall become subject to cancellation for nonuse under ORS 540.610.

**If a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation is necessary to convey the water to the new temporary place of use you must provide:**

- Well log(s) for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map. (Tip: You may search for well logs on the Department’s web page at: [http://apps.wrd.state.or.us/apps/gw/well\\_log/Default.aspx](http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx))

**AND/OR**

- Describe the construction of the authorized and proposed well(s) in Table 3 below for any well that does not have a well log. For a *proposed well(s) not yet constructed or built*, provide “a best estimate” for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

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**Table 3. Construction of Point(s) of Appropriation**

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the Department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

| Proposed or Authorized POA Name or Number | Is well already built? (Yes or No) | If an existing well, OWRD Well ID Tag No. L-___ | Total well depth | Casing Diameter | Casing Intervals (feet) | Seal depth(s) (intervals) | Perforated or screened intervals (in feet) | Static water level of completed well (in feet) | Source aquifer (sand, gravel, basalt, etc.) | Well - specific rate (cfs or gpm). If less than full rate of water right |
|---|------------------------------------|---|------------------|-----------------|-------------------------|---------------------------|--|--|---|--|
| Well 1                                    | No                                 |   | 800-900'         | 14"             | +1-800'                 | 0-20'                     |  |  | Deschutes Formation                         |  |
| Well 2                                    | No                                 |   | "                | "               | "                       | "                         |  |  | Deschutes Formation                         |  |
| Well 3                                    | No                                 |   | 900-1000'        | "               | +1-900'                 | "                         |  |  | Deschutes Formation                         |  |
| Well 4                                    | No                                 |   | "                | "               | "                       | "                         |  |  | Deschutes Formation                         |  |
| Well 5                                    | No                                 |   | 800-900'         | "               | +1-800'                 | "                         |  |  | Deschutes Formation                         |  |
| Well 6                                    | No                                 |   | "                | "               | "                       | "                         |  |  | Deschutes Formation                         |  |
| Well 7                                    | No                                 |   | "                | "               | "                       | "                         |  |  | Deschutes Formation                         |  |

**Note: All proposed wells will be developed such that they access the same source aquifer as the authorized well (DESC 51145) under C-96029.**

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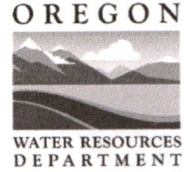
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# Supplemental Form D

## Water Right Transfers Within the Boundaries of or Served by an Irrigation District or other Water Supplier (Association, Ditch Co., etc.)

[For transfers submitted under OAR Chapter 690 Division 380]



**Oregon Water Resources Department**  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1266  
 503-986-0900  
[www.oregon.gov/OWRD](http://www.oregon.gov/OWRD)

The Department requires non-district applicants to communicate with districts/water suppliers during the planning and preparation of transfer applications involving water rights having a point of diversion or appropriation (POD/POA) or place of use (POU) served by or located within the boundaries of an irrigation district, or other type of water supplier to which assessments are paid. In some cases consent will be required from the district or water supplier.

This form must be included with any transfer application that involves rights served by or located within the boundaries of a district or other type of water supplier.

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### 1. APPLICANT INFORMATION

|  |             |                      |                                   |  |  |
|--|-------------|----------------------|-----------------------------------|--|--|
| NAME<br>KAMERON DELASHMUTT / PINNACLE UTILITIES, LLC |             |                      | PHONE (HM)                        |  |  |
| PHONE (WK)   |             | CELL<br>541-350-8479 | FAX                               |  |  |
| ADDRESS<br>2447 NW CANYON DRIVE                      |             |                      |                                   |  |  |
| CITY<br>REDMOND                                      | STATE<br>OR | ZIP<br>97756         | E-MAIL**<br>kameron1959@gmail.com |  |  |

### 2. DISTRICT or WATER SUPPLIER INFORMATION

|  |             |              |                              |  |  |
|--|-------------|--------------|------------------------------|--|--|
| DISTRICT/WATER SUPPLIER NAME<br>TUMALO IRRIGATION DISTRICT |             |              | PHONE (HM)                   |  |  |
| PHONE (WK)<br>541-382-3053                                 |             | CELL         | FAX                          |  |  |
| ADDRESS<br>64697 COOK AVE                                  |             |              |                              |  |  |
| CITY<br>BEND   | STATE<br>OR | ZIP<br>97703 | E-MAIL**<br>APRIL@TUMALO.ORG |  |  |

\*\* By providing an e-mail address, the applicant and/or the district/water supplier consents to receive all correspondence from the Department electronically. Copies of final order documents will also be mailed.

### 3. WATER RIGHTS ISSUED IN THE NAME OF, or LOCATED WITHIN, or SERVED BY AN IRRIGATION DISTRICT, OTHER DISTRICT, OR WATER SUPPLIER

a. List the water right(s) involved in this transfer:

|    | Application / Decree | Permit / Previous Transfer | Certificate | Is the water right in the name of a district, water supplier, or BOR*? |
|----|----------------------|----------------------------|-------------|--|
| 1. |                      | -                          | 96029       | YES <input type="checkbox"/>   |
| 2. |                      | -                          |             | YES <input type="checkbox"/>   |
| 3. |                      | -                          |             | YES <input type="checkbox"/>   |

Attach additional pages for additional water rights if necessary.

\*Bureau of Reclamation

b. Determine a district's/water supplier's connection to your points of diversion (POD) or appropriation (POA) and places of use (POU). [You may need to consult with your district/water supplier.]

**CURRENT ASSOCIATIONS** Please answer the following "yes" or "no" questions:

YES  NO  One or more of the current POD(s) / POA(s) involved in the transfer are served by a district/water supplier or rely on BOR water.

YES  NO  All or a portion of the current POU involved in this proposed transfer receives water for either primary or supplemental irrigation from the district/water supplier; i.e., the POU is currently layered with a district or BOR water supplied water right(s).

**PROPOSED ASSOCIATIONS** Please answer the following "yes" or "no" questions:

YES  NO  One or more of the proposed POD(s) / POA(s) involved in the transfer are currently served or will be served by a district/water supplier if the transfer is approved, or rely on BOR water.

YES  NO  All or a portion of the proposed POU involved in this proposed transfer currently receives or will receive either primary or supplemental irrigation from the district/water supplier; i.e., the POU will be layered with a district/water supplier or BOR water supplied water right(s).

COMMENTS OR ADDITIONAL INFORMATION : THE APPLICANT IS PROPOSING TO CHANGE THE PLACE OF USE & THE POINT OF APPROPRIATION FOR A 0.453 CFS PORTION OF QM C- 96029.

**4. APPLICANT'S SIGNATURE**

(1) I certify that I have notified the district/water supplier about the proposed water right transfer application by [check one]:

email,  phone,  postal mail,  in person, or  other (please specify) \_\_\_\_\_

(2) I certify that to the best of my knowledge the information contained in this Supplemental Form D is true and accurate.

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

KAM DELASAMUN  
Name (print)

1/4/23  
Date

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**5. (WHEN REQUIRED) DISTRICT or WATER SUPPLIER CONSENT TO THE PROPOSED WATER RIGHT TRANSFER**

District Manager or Water Supplier consent is required if any box on this form is marked "YES."

The district/water supplier certifies the following:

(1) The district/water supplier has reviewed the applicant's proposed water right transfer application and maps; and

(2) The district/water supplier consents to the proposed water right transfer application.

YES  NO  After proof of completion, the confirming water right certificate is to remain in the name of the U.S. Bureau of Reclamation or the district/water supplier.

YES  NO  The district/water supplier will be responsible for submitting the claim of beneficial use prepared by a Certified Water Rights Examiner (CWRE).

\_\_\_\_\_  
Signature of District Manager /Water Supplier

\_\_\_\_\_  
Name (print), Title

\_\_\_\_\_  
Date

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---

**District Notification of Water Right Transfer**

1 message

---

**Bryce Withers** <brycewrs@gmail.com>  
To: April Harris <april@tumalo.org>

Tue, Dec 13, 2022 at 11:23 AM

Hi April,

Just sending the required notification for a permanent transfer, the "ON" lands are within your boundary, but not currently any water being delivered. Please let me know if you have any questions or concerns or need any additional information. I have also attached a draft "on" map for your reference.

Thank you!

--  
Bryce Withers

Water Right Specialist  
(541)408-1400 cell

Water Right Services, LLC  
PO Box 1830  
Bend, OR 97709



<https://oregonwater.us>

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**2 attachments**

-  **Supplemental\_Form\_D\_non-district\_transfer\_within\_District\_TID.pdf**  
130K
-  **Tree\_Farm\_TFR\_MAP\_ON\_PERM.pdf**  
351K

# Supplemental Form D

## Water Right Transfers Within the Boundaries of or Served by an Irrigation District or other Water Supplier (Association, Ditch Co., etc.)

[For transfers submitted under OAR Chapter 690 Division 380]

OREGON



WATER RESOURCES DEPARTMENT

Oregon Water Resources Department

725 Summer Street NE, Suite A

Salem, Oregon 97301-1266

503-986-0900

www.oregon.gov/OWRD

The Department requires non-district applicants to communicate with districts/water suppliers during the planning and preparation of transfer applications involving water rights having a point of diversion or appropriation (POD/POA) or place of use (POU) served by or located within the boundaries of an irrigation district, or other type of water supplier to which assessments are paid. In some cases consent will be required from the district or water supplier.

This form must be included with any transfer application that involves rights served by or located within the boundaries of a district or other type of water supplier.

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### 1. APPLICANT INFORMATION

|  |                      |              |                                   |
|--|----------------------|--------------|-----------------------------------|
| NAME<br>KAMERON DELASHMUTT / PINNACLE UTILITIES, LLC |                      |              | PHONE (HM)                        |
| PHONE (WK)   | CELL<br>541-350-8479 | FAX          |                                   |
| ADDRESS<br>2447 NW CANYON DRIVE                      |                      |              |                                   |
| CITY<br>REDMOND                                      | STATE<br>OR          | ZIP<br>97756 | E-MAIL**<br>kameron1959@gmail.com |

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### 2. DISTRICT or WATER SUPPLIER INFORMATION

|  |             |              |                              |
|--|-------------|--------------|------------------------------|
| DISTRICT/WATER SUPPLIER NAME<br>CENTRAL OREGON IRRIGATION DISTRICT |             |              | PHONE (HM)                   |
| PHONE (WK)<br>541-548-6047   | CELL        | FAX          |                              |
| ADDRESS<br>1055 SW LAKE CT   |             |              |                              |
| CITY<br>REDMOND  | STATE<br>OR | ZIP<br>97756 | E-MAIL**<br>LESLIEC@COID.ORG |

\*\* By providing an e-mail address, the applicant and/or the district/water supplier consents to receive all correspondence from the Department electronically. Copies of final order documents will also be mailed.

### 3. WATER RIGHTS ISSUED IN THE NAME OF, or LOCATED WITHIN, or SERVED BY AN IRRIGATION DISTRICT, OTHER DISTRICT, OR WATER SUPPLIER

a. List the water right(s) involved in this transfer:

|    | Application / Decree | Permit / Previous Transfer | Certificate | Is the water right in the name of a district, water supplier, or BOR*? |
|----|----------------------|----------------------------|-------------|--|
| 1. |                      | -                          | 96029       | YES <input type="checkbox"/>   |
| 2. |                      | -                          |             | YES <input type="checkbox"/>   |
| 3. |                      | -                          |             | YES <input type="checkbox"/>   |

Attach additional pages for additional water rights if necessary.

\*Bureau of Reclamation



b. Determine a district's/water supplier's connection to your points of diversion (POD) or appropriation (POA) and places of use (POU). [You may need to consult with your district/water supplier.]

**CURRENT ASSOCIATIONS** Please answer the following "yes" or "no" questions:

YES  NO  One or more of the current POD(s) / POA(s) involved in the transfer are served by a district/water supplier or rely on BOR water.

YES  NO  All or a portion of the current POU involved in this proposed transfer receives water for either primary or supplemental irrigation from the district/water supplier; i.e., the POU is currently layered with a district or BOR water supplied water right(s).

**PROPOSED ASSOCIATIONS** Please answer the following "yes" or "no" questions:

YES  NO  One or more of the proposed POD(s) / POA(s) involved in the transfer are currently served or will be served by a district/water supplier if the transfer is approved, or rely on BOR water.

YES  NO  All or a portion of the proposed POU involved in this proposed transfer currently receives or will receive either primary or supplemental irrigation from the district/water supplier; i.e., the POU will be layered with a district/water supplier or BOR water supplied water right(s).

**COMMENTS OR ADDITIONAL INFORMATION :** THE APPLICANT IS PROPOSING TO CHANGE THE PLACE OF USE & THE POINT OF APPROPRIATION FOR A 0.453 CFS PORTION OF QM C- 96029.

**4. APPLICANT'S SIGNATURE**

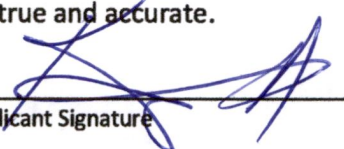
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(1) I certify that I have notified the district/water supplier about the proposed water right transfer application by [check one]:

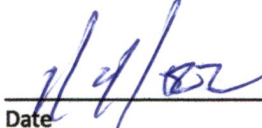
email,  phone,  postal mail,  in person, or  other (please specify) \_\_\_\_\_

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(2) I certify that to the best of my knowledge the information contained in this Supplemental Form D is true and accurate.

  
Applicant Signature

  
Name (print)

  
Date

**5. (WHEN REQUIRED) DISTRICT or WATER SUPPLIER CONSENT TO THE PROPOSED WATER RIGHT TRANSFER**

District Manager or Water Supplier consent is required if any box on this form is marked "YES."

The district/water supplier certifies the following:

(1) The district/water supplier has reviewed the applicant's proposed water right transfer application and maps; and

(2) The district/water supplier consents to the proposed water right transfer application.

YES  NO  After proof of completion, the confirming water right certificate is to remain in the name of the U.S. Bureau of Reclamation or the district/water supplier.

YES  NO  The district/water supplier will be responsible for submitting the claim of beneficial use prepared by a Certified Water Rights Examiner (CWRE).

\_\_\_\_\_  
Signature of District Manager /Water Supplier

\_\_\_\_\_  
Name (print), Title

\_\_\_\_\_  
Date

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Bryce Withers <brycewrs@gmail.com>

## District Notification of Water Right Transfer

1 message

**Bryce Withers** <brycewrs@gmail.com>  
To: LeslieClark <Lesliec@coid.org>

Tue, Dec 13, 2022 at 11:35 AM

Hi Leslie,

Just sending the required notification for a permanent transfer, the "ON" lands are within your boundary, but not currently any water being delivered. Please let me know if you have any questions or concerns or need any additional information. I have also attached a draft "on" map for your reference. No need to sign as all the boxes are checked "no", I just need to document that COID is being notified.

Thank you!

--  
Bryce Withers

Water Right Specialist  
(541)408-1400 cell

Water Right Services, LLC  
PO Box 1830  
Bend, OR 97709

<https://oregonwater.us>

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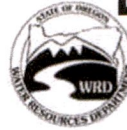
### 2 attachments

 **Tree\_Farm\_TFR\_MAP\_ON\_PERM.pdf**  
351K

 **Supplemental\_Form\_D\_non-district\_transfer\_within\_District\_COID.pdf**  
131K



# Land Use Information Form



Mailing Date:  
Wednesday, January 25, 2023

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

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SALEM, OREGON

## NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

**This form is NOT required if:**

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and **all** of the following apply:
  - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
  - b) The application involves a change in place of use only;
  - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; **and**
  - d) The application involves irrigation water uses only.

## NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

# Land Use Information Form



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

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**SALEM, OREGON**

Applicant(s): Kameron DeLashmutt / Pinnacle Utilities, LLC

Mailing Address: 2477 NW Canyon Drive

City: Redmond

State: OR

Zip Code: 97756

Daytime Phone: 541-526-1235

## A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

| Township    | Range       | Section                 | ¼<br>¼ | Tax Lot #   | Plan Designation (e.g., Rural Residential/RR-5) | Water to be:                                 |  |  | Proposed Land Use: |
|-------------|-------------|-------------------------|--------|-------------|---|--|--|--|--------------------|
| <u>15 S</u> | <u>12 E</u> | <u>17 &amp; 20</u>      |        | <u>5000</u> | <u>EFUSC &amp; DR</u>                           | <input checked="" type="checkbox"/> Diverted | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | <u>QM</u>          |
| <u>15 S</u> | <u>12 E</u> | <u>20</u>               |        | <u>5001</u> | <u>EFUSC &amp; DR</u>                           | <input type="checkbox"/> Diverted            | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | <u>QM</u>          |
| <u>15 S</u> | <u>12 E</u> | <u>20</u>               |        | <u>5002</u> | <u>EFUSC &amp; DR</u>                           | <input type="checkbox"/> Diverted            | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | <u>QM</u>          |
| <u>15 S</u> | <u>12 E</u> | <u>20, 21, &amp; 28</u> |        | <u>7700</u> | <u>EFUSC &amp; DR</u>                           | <input checked="" type="checkbox"/> Diverted | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | <u>QM</u>          |
| <u>15 S</u> | <u>12 E</u> | <u>20</u>               |        | <u>7701</u> | <u>EFUSC &amp; DR</u>                           | <input type="checkbox"/> Diverted            | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | <u>QM</u>          |
| <u>15 S</u> | <u>12 E</u> | <u>29 &amp; 30</u>      |        | <u>7800</u> | <u>EFUSC &amp; DR</u>                           | <input type="checkbox"/> Diverted            | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | <u>QM</u>          |
| <u>15 S</u> | <u>12 E</u> | <u>29</u>               |        | <u>7801</u> | <u>EFUSC &amp; DR</u>                           | <input type="checkbox"/> Diverted            | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | <u>QM</u>          |
| <u>15 S</u> | <u>12 E</u> | <u>29</u>               |        | <u>7900</u> | <u>EFUSC &amp; DR</u>                           | <input checked="" type="checkbox"/> Diverted | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | <u>QM</u>          |
| <u>15 S</u> | <u>12 E</u> | <u>30</u>               |        | <u>8000</u> | <u>EFUSC &amp; DR</u>                           | <input type="checkbox"/> Diverted            | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | <u>QM</u>          |

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

|                          |
|--------------------------|
| <u>Deschutes County.</u> |
|--------------------------|



**B. Description of Proposed Use**

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water     Water Right Transfer     Permit Amendment or Ground Water Registration Modification
- Limited Water Use License     Allocation of Conserved Water     Exchange of Water

Source of water:  Reservoir/Pond     Ground Water     Surface Water (name) \_\_\_\_\_

Estimated quantity of water needed: **0.453**     cubic feet per second     gallons per minute     acre-feet

Intended use of water:  Irrigation     Commercial     Industrial     Domestic for \_\_\_\_\_ household(s)

Municipal     Quasi-Municipal     Instream     Other \_\_\_\_\_

Briefly describe:

**The applicant is proposing to change the place of use and change the point of appropriation for a 0.453 cfs portion of Quasi-Municipal certificate 96029.**

---

**Note to applicant:** If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 4. →

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For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Deschutes County Code (DCC) 18.16.020
Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) If approvals have been obtained but all appeal periods have not ended, check "Being pursued."

Table with 3 columns: Type of Land-Use Approval Needed, Cite Most Significant, Applicable Plan Policies & Ordinance Section References, Land-Use Approval. Contains two rows of data regarding the Thornburgh Destination Resort.

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Nothing in this LUCS signature should be interpreted to allow uses on the subject properties other than those allowed outright under the DCC 18.16.020 or those uses specifically proposed and approved in the Thornburgh Destination Resort land use decisions listed in the attached summary.

Name: Caroline House Title: Senior Planner

Signature: Caroline House Phone: 541-388-6667 Date: 1/24/2023

Government Entity: Deschutes County Planning Division

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant name:

City or County: Staff contact:

Signature: Phone: Date:





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SALEM, OREGON  
COMMUNITY DEVELOPMENT

January 25, 2023

## Thornburgh Destination Resort Land Use Approval Summary

The Thornburgh Destination Resort has a lengthy and complex history that began in 2005, and includes decisions by County Staff, Hearings Officers, the Board of County Commissioners (BOCC), the Land Use Board of Appeals (LUBA), the Oregon Court of Appeals, and the Oregon Supreme Court. Below is a summary of Deschutes County Land Use Approvals for the Thornburgh Destination Resort.

---

*Conceptual Master Plan (File No. CU-05-20):* On February 16, 2005, Thornburgh Resort Company, LLC (TRC) applied for the Resort Conceptual Master Plan (CMP) approval for the Thornburgh Destination Resort. The application was denied by the Hearings Officer on November 9, 2005. The BOCC issued Order Nos. 2005-143 and 2006-016 to call-up the Hearings Officer decision for review. On May 11, 2006, the BOCC approved the CMP. Annunziata Gould ("Gould") and Steve Munson ("Munson") appealed the BOCC decision to the Land Use Board of Appeals (LUBA Nos. 2006-100 and 2006-101). LUBA remanded the BOCC decision on May 14, 2007 (Gould v. Deschutes County, 54 Or LUBA 2005 (2007)). The LUBA decision was appealed to the Court of Appeals. On November 7, 2007, the Court of Appeals reversed and remanded LUBA's decision (Gould v. Deschutes County, 216 Or App150, 171 P3d 1017 (2007)). The result was the BOCC decision in CU-05-20 approving the CMP was remanded to the County for further proceedings.

On April 15, 2008, the BOCC issued its decision on remand, again approving the CMP (Order No. 2008-151). Gould and Munson appealed the BOCC remand decision to LUBA on May 6, 2008 (LUBA No. 2008-068). On September 11, 2008, LUBA affirmed the BOCC decision (Gould v. Deschutes County, 57 Or LUBA 403 (2008)). That decision was appealed to the Court of Appeals (A140139). On April 22, 2009, the Court affirmed LUBA's decision (Gould v. Deschutes County, 227 Or App 601, 206 P3d 1106 (2009)). On October 9, 2009, the Supreme Court denied review (Gould v. Deschutes County, 347 Or 258, 218 P3d 540 (2009)). On December 9, 2009, the Court of Appeals issued its appellate judgement and the CMP received final approval as of December 9, 2009.

*CMP Initiation of Use (File No. DR-11-8):* On November 1, 2011, TRC applied for a Declaratory Ruling to demonstrate the CMP had been timely initiated. The Hearings Officer found the CMP was timely initiated. The BOCC declined to hear the appeal and Gould filed a LUBA appeal. On appeal, LUBA remanded that decision (LUBA No 2012-042). LUBA's decision was affirmed by the Court of Appeals, without opinion (Gould v. Deschutes County, 256 Or App 520, 301 P3d 978 (2013)). On remand, the Hearings Officer found the CMP was not timely initiated. TRC appealed the Hearings Officer's decision to the BOCC. The BOCC issued a decision finding the CMP was "initiated" before the two-year deadline expired (Document No. 2014-431). Gould appealed the BOCC decision to LUBA. On



appeal, LUBA remanded this decision back to the BOCC decision on January 30, 2015 (LUBA No 2015-080). However, LUBA's decision was appealed and the Court of Appeals reversed and remanded stating that the express language of the County Code requires Defendant to substantially exercise the permit conditions as a whole, and any failure to initiate development by fully complying with the conditions should not be the fault of the applicant, a determination of which must be based on more than just the complexity of the process. The Court also held that the County could not interpret the County Code contrary to a prior LUBA order in this same litigation, as the lower tribunal was bound to follow the appellate Court's Ruling (Gould v Deschutes County, 272 Or App 666 (2015)). Later, as part of the submitted application materials for the Golf Course Site Plan review, the applicant included the following clarification on the status of the remand:

*"Loyal Land has not initiated a review on remand. This application is moot, however, because the Resort's Final Master Plan (FMP) incorporates and satisfies all conditions of the CMP and has received final approval."*

Final Master Plan (File Nos. M-07-2/MA-08-6): Thornburgh Resort Company filed for approval of the Resort Final Master Plan (FMP) in 2007, which was later amended in 2008. The application was approved by the County, appealed by Gould, and subsequently remanded by LUBA to address issues regarding the Thornburgh Wildlife Mitigation Plan (LUBA No. 2008-203). The LUBA decision was appealed to the Court of Appeals. The Court affirmed LUBA's decision (Gould v. Deschutes County, 233 Or App 623, 227 P3d 759 (2010)). In 2015, on remand, the County denied approval of the FMP. Central Land and Cattle Company, LLC ("Central") successfully appealed the denial and LUBA remanded the County decision (Central Land and Cattle Company v. Deschutes County, 74 Or LUBA 326 (2016)). The Court of Appeals affirmed LUBA's decision without opinion (A163359). On the second remand, the FMP was approved by the County. The County decision was appealed by Gould. The County's approval was affirmed by LUBA (LUBA No. 2018-008) and the FMP is now final.

Tentative Plan & Site Plan - Phase A-1 Residential/OLU Lots & Utility Facilities (File Nos. 247-18-000386-TP/247-18-000454-SP/247-18-000592-MA): In May 2018, Central filed for approval of its Phase A-1 Tentative Plan and Site Plan review for utility facilities authorized by the CMP and FMP. The Hearings Officer approved the request with conditions. The BOCC declined review of an appeal (Order No. 2018-073). Gould filed an appeal to LUBA (LUBA No. 2018-140). LUBA remanded the County's decision on following issue:

*"On remand, the county must consider whether, without TP Condition 17, the tentative plan for Phase A-1 satisfies the no net loss/degradation standard and whether a change in the source of mitigation water constitutes a substantial change to the FMP approval, requiring a new application, modification of the application, or other further review consistent with FMP and DCC destination resort regulations."*

The LUBA remand decision was appealed to the Court of Appeals (A171603), but the appeal was dismissed based on the filing deadline. The Court of Appeals denied reconsideration of said order of dismissal. The Oregon Supreme Court accepted review of Court of Appeals order denying reconsideration of the order-dismissing petition for review (S067074). The Supreme Court agreed with Gould and instructed the Court of Appeals to hear that matter. The Court of Appeals



subsequently affirmed LUBA's decision in LUBA No. 2018-140 (A171603). In August 2021, Central initiated a second remand application (file no. 247-21-000731-A). The Hearings Officer issued a remand decision approving 247-21-000731-A (the Tentative Plan for Phase A-1 of the Thornburgh Destination Resort), thus clarifying and affirming the County's past approval of 247-18-000386-TP, 18-000454-SP, and 18-000542-MA. The BOCC declined review of an appeal (Order No. 2021-059). The County's decision has been appealed to LUBA and the Oregon Court of Appeals by Gould. Both LUBA and the Court of Appeals affirmed the County's decision (LUBA No. 2021-112 / A178963). However, an appeal has been filed by Gould to the Oregon Supreme Court.

Site Plan – Phase A Golf Course (File No. 247-19-000881-SP): In December 2019, Central filed for Site Plan approval for a golf course authorized by the CMP and FMP. In April 2020, the Deschutes County Planning Division administratively approved the application. The BOCC called up an appeal filed by Gould and Central Oregon LandWatch (Order No. 2020-016). The BOCC affirmed the administrative approval on August 31, 2020. The County's decision was appealed to LUBA, the Oregon Court of Appeals, and the Oregon Supreme Court by Gould. Both LUBA and the Oregon Court of Appeals affirmed the County's decision (LUBA No. 2020-095 / A176353) and the Oregon Supreme Court declined review (S069050). Therefore, the Site Plan approval for the Phase A golf course is final.

Site Plan – Phase A 80 OLU's (File No. 247-21-000508-SP): In May 2021, Central filed for site plan approval for 80 overnight lodging units authorized under the CMP and FMP. In September 2021, the Deschutes County Planning Division administratively approved the site plan. An appeal was filed by Gould, and the Hearings Officer denied the issues on appeal (file no. 247-21-000849-A) and approved the site plan. The BOCC declined review of an appeal of the Hearing's Officers decision (Order No. 2022-002). The County's decision was appealed to LUBA, the Oregon Court of Appeals, and the Oregon Supreme Court by Gould. Both LUBA and the Oregon Court of Appeals affirmed the County's decision (LUBA No. 2022-013 / A178949) and the Oregon Supreme Court declined review (S069882). Therefore, the Site Plan approval for 80 overnight lodging units is final.

Site Plan - Phase A-1 Resort Facilities (File No. 247-21-000537-SP): In May 2021, Central filed for Site Plan approval for a Welcome Center, Gatehouse, Golf Clubhouse and Community Hall authorized under the CMP and FMP. In November 2021, the Deschutes County Planning Division administratively approved the Site Plan. An appeal was filed by Gould, and the Hearings Officer denied the issues on appeal (file no. 247-21-001009-A) and approved the site plan. The BOCC declined review of an appeal of the Hearing's Officers decision (Order No. 2022-012). The County's decision has been appealed to LUBA, the Oregon Court of Appeals, and the Oregon Supreme Court by Gould. Both LUBA and the Court of Appeals affirmed the County's decision (LUBA No. 2022-026 / A179306). However, an appeal has been filed by Gould to the Oregon Supreme Court.

Modification of FMP – OLU Ratio (File No. 247-21-000553-MC): In June 2021, Central filed a Modification to amend the ratio of OLU's per single-family dwelling unit (from 2:1 to 2.5:1) and related bonding requirements. In October 2021, the Deschutes County Planning Division administratively approved the modification. An appeal was filed by Gould, and the Hearings Officer denied the issues on appeal (file no. 247-21-000920-A) and approved the Modification. The BOCC declined review of the of the Hearing's Officers decision (Order No. 2022-003). The County's decision was appealed to LUBA, the Oregon Court of Appeals, and the Oregon Supreme Court by Gould. Both LUBA and the Court of

Appeals affirmed the County's decision (LUBA No. 2022-011 / A179002) and the Oregon Supreme Court declined review (S069813). Therefore, this Modification approval is final.

*Tentative Plan - Phase A-2 Residential Lots (File No. 247-21-000637-TP)*: In June 2021, Central filed for Tentative Plan approval for 108 single-family dwelling lots authorized under the CMP and FMP. In October 2021, the Deschutes County Planning Division administratively approved the application. An appeal with filed by Christine Larson, and the Hearings Officer denied the issues on appeal (file no. 247-21-00948-A) and approved the Tentative Plan. The BOCC declined review of an appeal of the Hearing's Officers decision (Order No. 2022-011). The County's decision was appealed to LUBA and the Oregon Court of Appeals by Gould. Both LUBA and the Court of Appeals affirmed the County's decision (LUBA No. 2022-025 / A179620). It is unknown at this time if an appeal has been filed to the Oregon Supreme Court.

### **Local Active Application(s)**

- 247-22-000678-MC – A land use action review to amend the Final Master Plan (FMP) for the Thornburgh Destination Resort by amending the Fish and Wildlife Management Plan (FWMP) and imposing limitations on the scope of development and water use allowed by the Thornburgh Destination Resort. This application was received by the Planning Division on August 17, 2022. A public hearing was conducted by a Deschutes County Hearings Officer on October 24, 2022. The Hearings Officer's denied the applicant's request on December 19, 2022. Two appeals of the Hearings Officer's decision were filed (ref. appeal nos. 247-22-000984-A / 247-23-000003-A). The Board of County Commissioners accepted review of the appeals and will hold a public hearing on February 1, 2023.

<https://www.deschutes.org/cd/page/247-22-000678-mc-thornburgh-destination-resort-modification-cmpfmpfwmp>

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December 30, 2022

**Kenneth Kataroff**

Admitted in Washington and Oregon

T: 206-405-1985

C: 206-755-2011

KKataroff@SCHWABE.com

Deschutes County Community Development  
Department  
c/o Caroline House, Senior Planner  
PO Box 6005  
Bend, OR 97708-6005

RE: OWRD Land Use Compatibility Statement Request  
Our File No.: 135849-262760

Dear Caroline:

As you know, our office represents Kameron DeLashmutt and Pinnacle Utilities, LLC (collectively the "Applicant"). The Applicant seeks a permanent transfer of a portion of quasi-municipal certificate 94958. On May 13, 2021, the County issued a LUCS in File No. 247-21-000467-PS, which constituted a temporary transfer of the same water right certificate. That record is incorporated by reference herein. We request that the County fill out this current request in the same manner but reflecting the various additional approvals received by the Thornburgh Destination Resort.

As may be relevant, a "quasi-municipal water use" is defined by OAR 690-300-0010(40) and refers to uses that are "usual and ordinary to municipal use" as defined at OAR 690-300-0010(29). Under these definitions, any number of uses allowed under a quasi-municipal water right are permitted outright in EFU lands, including an irrigation use, for example. More importantly, the Applicant (or its affiliates) have also received final master plan approval for a destination resort on the same lands. Additional and final land use approvals include:

- Site plan approval for a golf course,
- Site plan approval for overnight lodging units,
- Tentative plan approval for Phase A-1,
- Site plan approval for a welcome center and other facilities, and
- Tentative plan approval for Phase A-2.

Deschutes County Community Development Department  
December 30, 2022  
Page 2

Therefore, the request to transfer quasi-municipal water is both permitted outright and pursuant to the final land use decisions on the subject property.

Very truly yours,

SCHWABE, WILLIAMSON & WYATT, P.C.

  
Kenneth Katzaroff

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| owner                                      | agent           | inCareof | address                      | cityStZip          | type          | cdd id    |
|--|-----------------|----------|------------------------------|--------------------|---------------|-----------|
| Oregon Water Resources Department          |                 |          | 725 Summer St NE, Suite A    | Salem, OR 97301    | Reviewed LUCS | 22-985-PS |
| Kameron DeLashmutt/Pinnacle Utilities, LLC |                 |          | 2477 NW Canyon Drive         | Redmond, OR 97756  | Reviewed LUCS | 22-985-PS |
| Kenneth Katzaroff                          |                 |          | 1420 5th Ave, Ste 3400       | Seattle, WA 98101  | Reviewed LUCS | 22-985-PS |
| Tomasi Bragar DuBay                        | Jennifer Bragar |          | 121 SW Morrison St, Ste 1850 | Portland, OR 97204 | Reviewed LUCS | 22-985-PS |

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**JAN 30 2023**

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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

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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, JOHN A. SHORT, in my capacity as WATER RIGHT SPECIALIST,  
 mailing address PO BOX 1830 BEND, OR 97709

telephone number (541)389-2837, 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) |
|---------------|----------|-------|-----|-----|-----|------------------|-----------------------|
|               |          |       |     |     |     |                  |                       |
|               |          |       |     |     |     |                  |                       |
|               |          |       |     |     |     |                  |                       |
|               |          |       |     |     |     |                  |                       |
|               |          |       |     |     |     |                  |                       |
|               |          |       |     |     |     |                  |                       |
|               |          |       |     |     |     |                  |                       |

OR

- Confirming Certificate # 96029 has been issued within the past five years; **OR**
- Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: \_\_\_\_\_ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
- Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # \_\_\_\_\_ (For Historic POD/POA Transfers)

(continues on reverse side)



3. The water right was used for: (e.g., crops, pasture, etc.): QUASI-MUNICIPAL USES

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

[Signature]  
Signature of Affiant

October 26, 2022  
Date

Signed and sworn to (or affirmed) before me this 26 day of Oct, 2022.



[Signature]  
Notary Public for Oregon

My Commission Expires: July 12, 2025

| Supporting Documents   | Examples   |
|--|--|
| <input checked="" type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate) | Copy of <b>confirming</b> water right certificate that shows issue date  |
| <input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water                                      | <ul style="list-style-type: none"> <li>• Power usage records for pumps associated with irrigation use</li> <li>• Fertilizer or seed bills related to irrigated crops</li> <li>• Farmers Co-op sales receipt</li> </ul>   |
| <input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers     | <ul style="list-style-type: none"> <li>• District assessment records for water delivered</li> <li>• Crop reports submitted under a federal loan agreement</li> <li>• Beneficial use reports from district</li> <li>• IRS Farm Usage Deduction Report</li> <li>• Agricultural Stabilization Plan</li> <li>• CREP Report</li> </ul>  |
| <input 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.<br/>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:<br/>OSU – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a><br/>OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a><br/>Google Earth – <a href="http://earth.google.com">earth.google.com</a><br/>TerraServer – <a href="http://www.terra-server.com">www.terra-server.com</a></p> |
| <input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years  | Copy of instream lease or lease number   |

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JAN 30 2023

OWRD  
SALEM, OREGON

STATE OF OREGON

COUNTY OF DESCHUTES

CERTIFICATE OF WATER RIGHT

RECEIVED

JAN 10 2023

OWRD

THIS CERTIFICATE ISSUED TO

THE TREE FARM LLC  
409 FRANKLIN AVE  
BEND OR 97703

confirms the right to the use of water perfected under the terms of Permit G-13017. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-13965

SOURCE OF WATER: A WELL WITHIN THE DESCHUTES BASIN

PURPOSE OR USE: QUASI-MUNICIPAL

MAXIMUM RATE: 0.7141 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JANUARY 30, 1995

WELL LOCATION:

| Twp  | Rng  | Mer | Sec | Q-Q   | Measured Distances  |
|------|------|-----|-----|-------|---|
| 17 S | 11 E | WM  | 35  | NW SE | 1560 FEET NORTH AND 2465 FEET WEST FROM THE SE CORNER, SECTION 35 |

THE PLACE OF USE IS LOCATED WITHIN:

| Twp  | Rng  | Mer | Sec | Q-Q   |
|------|------|-----|-----|-------|
| 17 S | 11 E | WM  | 35  | SW NE |

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and 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. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.



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| Twp  | Rng  | Mer | Sec | Q-Q   |
|------|------|-----|-----|-------|
| 17 S | 11 E | WM  | 35  | SE NE |
| 17 S | 11 E | WM  | 35  | SE NW |
| 17 S | 11 E | WM  | 35  | NE SW |
| 17 S | 11 E | WM  | 35  | NW SW |
| 17 S | 11 E | WM  | 35  | SW SW |
| 17 S | 11 E | WM  | 35  | SE SW |
| 17 S | 11 E | WM  | 35  | NE SE |
| 17 S | 11 E | WM  | 35  | NW SE |
| 17 S | 11 E | WM  | 35  | SW SE |
| 17 S | 11 E | WM  | 36  | SW NW |

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or other suitable measuring device as approved by the Director in good working order.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

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

Use of water under authority of this certificate may be regulated if analysis of data available after the certificate is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

The wells shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine the water level elevation in the well at all times.

The Director may require water level or pump test results every ten years.

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

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

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

The use of water shall be limited when it interferes with any prior surface or ground water rights.

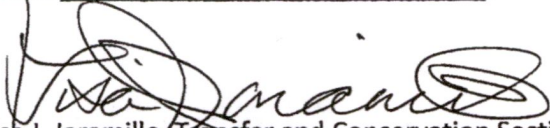
Certificate 95926 was issued to describe the right NOT modified by provisions of an order of the Water Resources Director, entered October 6, 2021, and recorded in Special Order Volume 121, Pages 752-754, approving a partial cancellation of the right evidenced by Certificate 94958. This correcting certificate is issued to describe the remaining right as corrected by a superseding order of the Water Resources Director, entered OCT 25 2021, and recorded in Special Order Volume 121, Pages 807-609. This correcting certificate correctly describes the maximum rate allowed and supersedes Certificate 95926.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described; however, water may be applied to lands which are not specifically described above, provided the holder of this right complies with ORS 540.510(3).

**OCT 25 2021**

Issued \_\_\_\_\_



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
THOMAS M. BYLER, DIRECTOR  
Oregon Water Resources Department

Mailing Date: OCT 26 2021

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433450AM

AFTER RECORDING RETURN TO:  
Kameron DeLashmut  
2447 NW Canyon Drive  
Redmond, OR 97756

UNTIL A CHANGE IS REQUESTED  
SEND TAX STATEMENTS TO:  
Kameron DeLashmutt  
2447 NW Canyon Drive  
Redmond, OR 97756

Deschutes County Official Records **2021-31366**  
D-D  
Stn=1 BN **05/21/2021 09:33 AM**  
\$15.00 \$11.00 \$10.00 \$61.00 \$6.00 **\$103.00**  
I, Nancy Blankenship, County Clerk for Deschutes County, Oregon,  
certify that the instrument identified herein was recorded in the Clerk  
records.  
Nancy Blankenship - County Clerk

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*This space is reserved for recorder's use.*

**BARGAIN AND SALE DEED (WATER RIGHTS)**

THE TREE FARM LLC, an Oregon limited liability company ("Grantor"), conveys to PINNACLE UTILITIES, LLC, an Oregon limited liability company ("Grantee"), the following described water rights free of encumbrances except as specifically set forth herein:

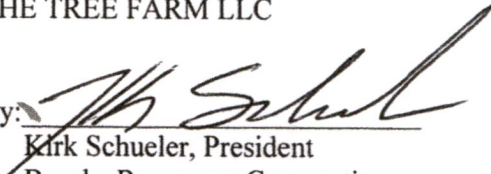
See Exhibit A attached hereto and incorporated herein by this reference.

This instrument does not convey fee title to real estate, and therefore is exempt from the statement of true consideration under ORS 93.030 and from the mandatory statements under ORS 93.040.

DATED this 20<sup>th</sup> day of May, 2021.

GRANTOR:

THE TREE FARM LLC

By:   
Kirk Schueler, President  
Brooks Resources Corporation,  
Managing Member of The Tree Farm LLC

[NOTARY PAGE FOLLOWS]







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**EXHIBIT A**  
Water Rights Description

A 0.453 cfs portion of Oregon Water Resources Department Water Right Certificate No. 94958, which authorizes the appropriation of groundwater for quasi-municipal use at a rate of up to 0.78 cfs in total on Deschutes County Tax Lot Nos. 1711350000100, 1711350000200, 1711350000300, 1711350000400, and 171135D000400.

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STATE OF OREGON  
 WATER SUPPLY WELL REPORTS DEPT.  
 (as required by ORS 537.765)  
 SALEM, OREGON

AMENDED LOG

L16358 (START CARD) # 104259 104263

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

1) OWNER: Well Number \_\_\_\_\_  
 Name Central Oregon Pumice Co.  
 Address 1 NW Greenwood Ave  
 City  Bend  State  OR  Zip  97170

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

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

(4) PROPOSED USE:  
 Domestic  Community  Industrial  Irrigation  
 Thermal  Injection  Livestock  Other Quasi Mun.

(5) BORE HOLE CONSTRUCTION:  
 Special Construction approval  Yes  No Depth of Completed Well 503 ft.  
 Explosives used  Yes  No Type \_\_\_\_\_ Amount \_\_\_\_\_

| HOLE     |      |     | SEAL     |      |    | Sacks or pounds |
|----------|------|-----|----------|------|----|-----------------|
| Diameter | From | To  | Material | From | To |                 |
| 13       | 0    | 19  | Cement   | 0    | 19 | 10 SACKS        |
| 10       | 19   | 503 | -        | -    | -  | -               |

How was seal placed: Method  A  B  C  D  E  
 Other \_\_\_\_\_  
 Backfill placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_  
 Gravel placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Size of gravel \_\_\_\_\_

(6) CASING/LINER:

| Casing/Liner | Diameter | From | To  | Gauge | Material                            |                          |                                     |                          |
|--------------|----------|------|-----|-------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
|              |          |      |     |       | Steel                               | Plastic                  | Welded                              | Threaded                 |
| Casing       | 10       | +1   | 19  | .25   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Liner        | 8        | -1   | 503 | .25   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

(7) PERFORATIONS/SCREENS:

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

| From | To  | Slot size | Number | Diameter | Tele/pipe size | Casing                   | Liner                               |
|------|-----|-----------|--------|----------|----------------|--------------------------|-------------------------------------|
| 400  | 503 | 1/8x3     | 3200   |          | 8              | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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

Pump  Bailer  Air  Flowing Artesian

| Yield gal/min | Drawdown | Drill stem at | Time  |
|---------------|----------|---------------|-------|
| 200+          |          |               | 1 hr. |

Temperature of water 54 Depth Artesian Flow Found \_\_\_\_\_  
 Was a water analysis done?  Yes By whom \_\_\_\_\_  
 Did any strata contain water not suitable for intended use?  Too little  
 Salty  Muddy  Odor  Colored  Other \_\_\_\_\_  
 Depth of strata: \_\_\_\_\_

(9) LOCATION OF WELL by legal description:  
 County Deschutes Latitude \_\_\_\_\_ Longitude \_\_\_\_\_  
 Township 17S N or S Range 11E E or W. WM. \_\_\_\_\_  
 Section 35 NW 1/4 SE 1/4  
 Tax Lot 6201 Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
 Street Address of Well (or nearest address) Skyliner Rd

(10) STATIC WATER LEVEL:  
340 ft. below land surface. Date 10/1/97  
 Artesian pressure \_\_\_\_\_ lb. per square inch. Date \_\_\_\_\_

(11) WATER BEARING ZONES:  
 Depth at which water was first found 448

| From | To  | Estimated Flow Rate | SWL |
|------|-----|---------------------|-----|
| 448  | 504 | 200+                | 340 |

(12) WELL LOG: JAN 10 2023 OWRD  
 Ground Elevation \_\_\_\_\_ SALEM, OREGON

| Material                | From | To  | SWL |
|-------------------------|------|-----|-----|
| Top Soil                | 0    | 15  |     |
| Basalt                  | 15   | 25  |     |
| Pumice                  | 25   | 90  |     |
| Basalt blk gray med hrd | 90   | 180 |     |
| Lava blk red soft       | 180  | 220 |     |
| Basalt gray hrd         | 220  | 239 |     |
| Basalt gray med hrd     | 239  | 270 |     |
| Voidy - lost circ       | 270  | 275 |     |
| Basalt gray hrd         | 275  | 285 |     |
| Winklers lava red soft  | 285  | 315 |     |
| lava blk med hrd        | 315  | 335 |     |
| Winklers red soft       | 335  | 351 |     |
| Lava blk med hrd        | 351  |     |     |
| Winklers Liner          |      |     |     |
| Basalt gray med hrd     | 368  | 375 |     |
| Pumice clay cov red     | 375  |     |     |
| Liner soft              |      | 435 |     |
| Lava little gray red    | 435  |     |     |
| soft                    |      | 444 |     |

Date started \_\_\_\_\_ Completed \_\_\_\_\_  
 (unbonded) Water Well Constructor Certification:  
 I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.  
 Signed Greg C. [Signature] WWC Number 11761 Date 10/16/97

(bonded) Water Well Constructor Certification:  
 I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.  
 Signed [Signature] WWC Number 1123 Date 10/16/97







Map Scale Waiver Request

2 messages

Bryce Withers <brycewrs@gmail.com>  
To: Patrick.K.STARNES@water.oregon.gov

Fri, Oct 28, 2022 at 9:22 AM

Hi Kelly,

Can the department please grant a waiver for an atypical map scale for this property? Attached is a copy of an "ON" map for a transfer that is drawn to the same scale as the tax map (1"=2000'), allowing for a single map instead of 3 pages.

Thank you.

--

Bryce Withers

Water Right Specialist  
(541)408-1400 cell

Water Right Services, LLC  
PO Box 1830  
Bend, OR 97709

<https://oregonwater.us>

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 Tree\_Farm\_TFR\_MAP\_ON\_PERM.pdf  
351K

STARNES Patrick K \* WRD <Patrick.K.STARNES@water.oregon.gov>  
To: Bryce Withers <brycewrs@gmail.com>

Fri, Oct 28, 2022 at 10:18 AM

Good Morning Bryce,

The Department grants a map scale waiver for the attached transfer application map.

Please include a copy of this e-mail when the transfer application is submitted to the Department.

Kelly

\*\*\*\*\*

Kelly Stames, Transfer Program Analyst

Oregon Water Resources Department

725 Summer St NE Suite A

Salem OR 97301-1271

Cell phone: 503-979-3511

Fax: 503-986-0903



E-mail: [patrick.k.starnes@water.oregon.gov](mailto:patrick.k.starnes@water.oregon.gov)

Please Note: Under Oregon Law, messages to and from this e-mail address may be available to the public.

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