

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

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.

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.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 2 List them here: C-96190, C-96192**
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.) **SEE ATTACHED BARGAIN AND SALE DEED PER DESCHUTES COUNTY OFFICIAL RECORDS NO. 2022-42155**
- 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.

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(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/. 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°).

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)

Revised 7/7/2022

Permanent Transfer Application Form – Page 2 of 13

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Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME KAMERON DELASHMUTT / PINNACLE UTILITIES, LLC		PHONE NO. 541-350-8479	ADDITIONAL CONTACT NO.
ADDRESS 2477 NW CANYON DRIVE			FAX NO.
CITY REDMOND	STATE OR	ZIP 97756	E-MAIL kameron1959@gmail.com
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 JOHN A. SHORT / WATER RIGHT SERVICES, LLC		PHONE NO. 541-389-2837	ADDITIONAL CONTACT NO.
ADDRESS PO BOX 1830			FAX NO.
CITY BEND	STATE OR	ZIP 97709	E-MAIL johnshort@usa.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

Explain in your own words what you propose to accomplish with this transfer application, and why:
 PURSUANT TO ORS 540.531(6)(A), OAR 690-380-2130(8) AND CONDITION #7 (ON PAGE 7) OF THE FINAL ORDER APPROVING T-12651, THE APPLICANT IS PROPOSING TO REVERT THE GROUNDWATER POINTS OF APPROPRIATION (WELLS 1, 3, 4, & 7) BACK TO THE ORIGINALLY AUTHORIZED SURFACE WATER POINT OF DIVERSION (DEEP CANYON CREEK POD), A CHANGE AUTHORIZED BY T-12651. THE CHANGES WILL APPLY TO A 47.6 AC. / 0.548 CFS PORTION OF CERTIFICATE 96190 AND A 106.1 AC. / 1.22 CFS PORTION OF CERTIFICATE 96192, BOTH PORTIONS ARE OWNED BY THE APPLICANT VIA ATTACHED BARGAIN AND SALE DEED PER DESCHUTES COUNTY OFFICIAL RECORDS NO. 2022-42155. THE SAME LANDS PROPOSED FOR CHANGES BY THIS PERMANENT TRANSFER ARE CURRENTLY UNDER REVIEW FOR A TEMPORARY TRANSFER (T-14074). THE APPLICANT PROPOSES TO WITHDRAW T-14074 UPON APPROVAL OF THIS TRANSFER, OR SOONER IF REQUIRED BY OWRD.
 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: REDMOND SPOKESMAN.
- 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.



[Handwritten Signature]
Applicant signature

KAMERON DELASHMUTT, MANAGER
Print Name (and Title if applicable)

11/13/23
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*

*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. SEE ATTACHED BARGAIN AND SALE DEED RECORDED IN DESCHUTES COUNTY OFFICIAL RECORDS (NO. 2022-42155).

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

RECEIVING LANDOWNER NAME N/A			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 type="checkbox"/> Applicant <input type="checkbox"/> Receiving Landowner				

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	ADDRESS	
CITY	STATE	ZIP

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 DESCHUTES COUNTY COMMUNITY DEVELOPMENT	ADDRESS 117 NW LAFAYETTE AVE	
CITY BEND	STATE OR	ZIP 97703

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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 additional rows to tables within the form.

CERTIFICATE # 96190

Description of Water Delivery System

System capacity: 1.81 cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. **PIPED FROM WELLS TO PIVOTS, WHEEL LINES, AND IRRIPODS.**

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)
DEEP CANYON CREEK POD "ON"	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		14	S	12	E	9	SW	SE	1500	4440' S, 3020' E OF NW COR SEC 9
WELL #1 "OFF"	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	DESC 2100	14	S	12	E	18	SW	SE	1406	1154.2' N, 1680.6' W OF SE COR SEC 18
WELL #3 "OFF"	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	DESC 2087/ L-122702	"	"	"	"	17	SW	NE	1402	1772.1' S, 1706.6' W OF NE COR SEC 17
WELL #4 "OFF"	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	DESC 2098/ L-122703	"	"	"	"	"	NW	NW	1404	240.7' S, 32.2' E OF NW COR SEC 17
WELL #7 "OFF"	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	DESC 768/ L-122706	"	"	"	"	9	SE	NW	1500	1571.4' S, 2862.6' W OF NE COR SEC 9

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

- | | |
|--|---|
| <input 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 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 checked="" type="checkbox"/> Reversion from GW back to SW POD (SW/GW) | <input type="checkbox"/> Government Action POD (GOV) |

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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.

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 Changes to Water Right Certificate # 96190

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES 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) 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							
EXAMPLE																											
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901	
14	S	12	E	3	SW	SW	1500		1.4	IR	"OFF" Wells 1, 3, 4, 7	4/13/ 1967	SW/GW	14	S	12	E	3	SW	SW	1500		1.4	IR	DEEP CANYON POD "ON"	4/13/ 1967	
"	"	"	"	4	SW	SE	"		7.7	"	"	"	"	"	"	"	"	4	SW	SE	"		7.7	"	"	"	
"	"	"	"	9	NW	NE	"		17.3	"	"	"	"	"	"	"	"	9	NW	NE	"		17.3	"	"	"	
"	"	"	"	"	NE	NW	1400/ 1500		9.8	"	"	"	"	"	"	"	"	"	NE	NW	1400/ 1500		9.8	"	"	"	
"	"	"	"	"	NE	SW	"		4.8	"	"	"	"	"	"	"	"	"	NE	SW	"		4.8	"	"	"	
"	"	"	"	17	NE	NE	1402		6.6	"	"	"	"	"	"	"	"	17	NE	NE	1402		6.6	"	"	"	
						TOTAL ACRES:	47.6													TOTAL ACRES:	47.6						

Additional remarks: THE APPLICANT IS PROPOSING TO CHANGE FROM GROUNDWATER POINTS OF APPROPRIATION "WELLS 1, 3, 4, & 7" TO SURFACE WATER POD "DEEP CANYON CREEK" POD, PREVIOUSLY AUTHORIZED FOR THESE LANDS PRIOR TO T-12651. THE FINAL ORDER FOR T-12651 ORDERED THE ALLOWANCE FOR THE PROPOSED CHANGES OUTLINED BY THIS TRANSFER APPLICATION TO BE APPROVED (ORDER NO. 7 ON SPECIAL ORDER VOLUME 109, PAGE 1005).

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For Place of Use or Character 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 N/A

If YES, list the certificate, water use permit, or ground water registration numbers: N/A



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

For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # _____;
Surface water primary Certificate # _____.

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For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:

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Well log(s) are attached 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

AND/OR

Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells 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.

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.

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 additional rows to tables within the form.

CERTIFICATE # 96192

Description of Water Delivery System

System capacity: **3.69** cubic feet per second (cfs) **OR**
 _____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. **PIPED FROM WELLS TO PIVOTS, WHEEL LINES, AND IRRIPODS.**

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)
DEEP CANYON CREEK POD "ON"	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		14	S	12	E	9	SW	SE	1500	4440' S, 3020' E OF NW COR SEC 9
WELL #1 "OFF"	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	DESC 2100	14	S	12	E	18	SW	SE	1406	1154.2' N, 1680.6' W OF SE COR SEC 18
WELL #3 "OFF"	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	DESC 2087/ L-122702	"	"	"	"	17	SW	NE	1402	1772.1' S, 1706.6' W OF NE COR SEC 17
WELL #4 "OFF"	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	DESC 2098/ L-122703	"	"	"	"	"	NW	NW	1404	240.7' S, 32.2' E OF NW COR SEC 17
WELL #7 "OFF"	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	DESC 768/ L-122706	"	"	"	"	9	SE	NW	1500	1571.4' S, 2862.6' W OF NE COR SEC 9

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

- | | |
|--|---|
| <input 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 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 checked="" type="checkbox"/> Reversion from GW back to SW POD (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 Changes to Water Right Certificate # 96192
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) The listing that appears on the Certificate BEFORE PROPOSED CHANGES 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) 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					
EXAMPLE																									
14	S	12	E	3	SW	SW	1500	3.7	IR	"OFF" Wells 1, 3, 4, 7	4/13/1967	SW/GW	14	S	12	E	3	SW	SW	1500	3.7	IR	DEEP CANYON CREEK POD "ON"	4/13/1967	
"	"	"	"	4	SW	SE	"	1.2	"	"	"	"	"	"	"	"	4	SW	SE	"	1.2	"	"	"	
"	"	"	"	"	SE	SE	"	29.8	"	"	"	"	"	"	"	"	"	SE	SE	"	29.8	"	"	"	
"	"	"	"	9	NW	NE	"	3.9	"	"	"	"	"	"	"	"	9	NW	NE	"	3.9	"	"	"	
"	"	"	"	"	SE	NW	1400	9.8	"	"	"	"	"	"	"	"	"	SE	NW	1400	9.8	"	"	"	
"	"	"	"	"	NE	SW	1500	1.2	"	"	"	"	"	"	"	"	"	NE	SW	1500	1.2	"	"	"	
"	"	"	"	"	SW	SW	1400/ 1500	4.3	"	"	"	"	"	"	"	"	"	SW	SW	1400/ 1500	4.3	"	"	"	
"	"	"	"	"	SE	SW	"	7.7	"	"	"	"	"	"	"	"	"	SE	SW	"	7.7	"	"	"	
"	"	"	"	"	NW	SE	1500	1.0	"	"	"	"	"	"	"	"	"	NW	SE	1500	1.0	"	"	"	
"	"	"	"	17	NE	NE	1402/ 1403	19.4	"	"	"	"	"	"	"	"	"	17	NE	NE	1402/ 1403	19.4	"	"	"
"	"	"	"	"	NW	NE	1402	15.9	"	"	"	"	"	"	"	"	"	NW	NE	1402	15.9	"	"	"	
"	"	"	"	"	SW	NE	"	1.4	"	"	"	"	"	"	"	"	"	SW	NE	"	1.4	"	"	"	

Revised 7/7/2022

Permanent Transfer Application Form – Page 11 of 13

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14	S	12	E	17	SE	NE	1402	0.2	IR	"OFF" Wells 1, 3, 4, 7	4/13/1967	SW/GW	14	S	12	E	17	SE	NE	1402	0.2	IR	DEEP CANYON CREEK POD "ON"	4/13/1967								
"	"	"	"	"	NE	NW	"	5.9	"	"	"	"	"	"	"	"	"	NE	NW	"	5.9	"	"	"								
"	"	"	"	"	SE	NW	"	0.7	"	"	"	"	"	"	"	"	"	SE	NW	"	0.7	"	"	"								
TOTAL ACRES								106.1																TOTAL ACRES								106.1

Additional remarks: **THE APPLICANT IS PROPOSING TO CHANGE FROM GROUNDWATER POINTS OF APPROPRIATION "WELLS 1, 3, 4, & 7) TO SURFACE WATER POD "DEEP CANYON CREEK" POD, PREVIOUSLY AUTHORIZED FOR THESE LANDS PRIOR TO T-12651. THE FINAL ORDER FOR T-12651 ORDERED THE ALLOWANCE FOR THE PROPOSED CHANGES OUTLINED BY THIS TRANSFER APPLICATION TO BE APPROVED (ORDER NO. 7 ON SPECIAL ORDER VOLUME 109, PAGE 1005).**

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For Place of Use or Character 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 N/A

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



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

For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # _____;

Surface water primary Certificate # _____.

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:

Well log(s) are attached 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

AND/OR

Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells 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.

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

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From: STARNES Patrick K * WRD
To: Bryce Withers
Cc: JARAMILLO Lisa J * WRD; Langford, Shonee D.
Subject: RE: TIME SENSITIVE Reversion of Surface Water to Groundwater T-12651
Date: Monday, November 13, 2023 11:27:13 AM
Attachments: image002.png

Good Morning Bryce,

In answer to your questions regarding a return transfer:

1. You can check the "No" box for the point of appropriation fee. The application is for a return to the last authorized surface water point of diversion, not a change in point of appropriation to another well.
2. You can file the return transfer while the temporary transfer is still pending. However, prior to issuance of a final order for the return transfer, the temporary transfer will have to either be withdrawn or terminated (if the temporary transfer is approved).

Sincerely,

Kelly

Kelly Starnes, Transfer Program Analyst
(He/Him/His)
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

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

From: JARAMILLO Lisa J * WRD <Lisa.J.JARAMILLO@water.oregon.gov>
Sent: Monday, November 13, 2023 8:45 AM
To: STARNES Patrick K * WRD <Patrick.K.STARNES@water.oregon.gov>
Cc: Bryce Withers <brycewrs@gmail.com>; Langford, Shonee D. <SLangford@schwabe.com>
Subject: RE: TIME SENSITIVE Reversion of Surface Water to Groundwater T-12651
Importance: High

Hi Kelly,

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ARE CURRENTLY UNDER REVIEW FOR A TEMPORARY TRANSFER (T-14074). Can you please confirm whether the department will accept this application while T-14074 is still pending, or should we withdraw T-14074 immediately to avoid the issue?

We just want to make sure that our application is accepted by OWRD due to the issue with the five year deadline. Thank you for your help with this. If you need any other information please let me know.

—
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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Return To:
Deschutes County
Title Company
DE17484

Deschutes County Official Records **2022-42155**
D-D
Stn=4 SRB 12/01/2022 01:28 PM
\$30.00 \$11.00 \$10.00 \$61.00 \$6.00 \$118.00

I, Steve Dennison, County Clerk for Deschutes County, Oregon,
certify that the instrument identified herein was recorded in the
Official Records.
Steve Dennison - County Clerk

AFTER RECORDING RETURN TO:

Pinnacle Utilities, LLC
2447 NW Canyon Dr.
Redmond, OR 97756

UNTIL A CHANGE IS REQUESTED
SEND TAX STATEMENTS TO:

No change

**BARGAIN AND SALE DEED
(Water Rights Conveyance)**

BIG FALLS RANCH CO., an Oregon corporation ("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:

160 acres of water rights, as further described in Exhibit A attached hereto and incorporated herein by this reference, that are presently appurtenant to the real property owned by Grantor described in Exhibit B attached hereto and incorporated herein by this reference.

The true consideration for this conveyance is \$1,252,222.50.

No land is conveyed as part of this Bargain and Sale Deed.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS.

DATED this 30 day of November, 2022.

GRANTOR:

BIG FALLS RANCH CO.



By: Rex T. Barber, Jr., President

[NOTARY PAGE FOLLOWS]

THIS DOCUMENT FILED FOR RECORD BY
DESCHUTES COUNTY TITLE COMPANY AS AN
ACCOMMODATION ONLY IT HAS NOT
BEEN EXAMINED AS TO ITS EXECUTION OR
AS TO ITS EFFECT UPON THE TITLE RECEIVED

NOV 14 2023

Bargain and Sale Deed
{01635040-01023832;8}

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EXHIBIT A

Conveyed Water Rights					
Water Right Certificate	Township	Range	Section	Quarter-Quarter	Acres
87558	14S	17E	17	NW/NW	6.3
96190	14S	17E	3	SWSW	1.4
96190	14S	17E	4	SWSE	7.7
96190	14S	17E	9	NWNE	17.3
96190	14S	17E	9	NENW	9.8
96190	14S	17E	9	NESW	4.8
96190	14S	17E	17	NENE	6.6
96192	14S	17E	3	SWSW	3.7
96192	14S	17E	4	SWSE	1.2
96192	14S	17E	4	SESE	29.8
96192	14S	17E	9	NWNE	3.9
96192	14S	17E	9	SENW	9.8
96192	14S	17E	9	NESW	1.2
96192	14S	17E	9	SWSW	4.3
96192	14S	17E	9	SESW	7.7
96192	14S	17E	9	NWSE	1.0
96192	14S	17E	17	NENE	19.4
96192	14S	17E	17	NWNE	15.9
96192	14S	17E	17	SWNE	1.4
96192	14S	17E	17	SENE	.2
96192	14S	17E	17	NENW	5.9
96192	14S	17E	17	SENW	.7
TOTAL					160

(Bargain and Sale Deed
 (01635040-010238228))

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EXHIBIT B
Legal Description of Grantor Property

[attached]

Bargain and Sale Deed
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LEGAL DESCRIPTION**PARCEL ONE:**

Parcels 1, 2 & 3 of Partition Plat 1999-51, recorded November 3, 1999, in Partition Cabinet 2, Page 12, Deschutes County, Oregon.

PARCEL TWO:

Parcel 3 of Partition Plat 1999-50, recorded November 3, 1999, in Partition Cabinet 2, Page 10, Deschutes County, Oregon.

PARCEL THREE:

Parcel 1 of Partition Plat 1996-26, recorded June 4, 1996, in Partition Cabinet 1, Page 508, Deschutes County, Oregon.

PARCEL FOUR:

Parcel 2 of Partition Plat No. 1999-50, located in the Southeast Quarter (SE1/4) of Section 18, Township 14 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon.

EXCEPTING THEREFROM:

A tract of land situate in Parcel 2 of Partition Plat No. 1999-50, a portion located in the Southeast Quarter (SE1/4) of Section 18, Township 14 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows:

Commencing at a 1/2" pipe per County Survey No. CS13834 monumenting the East 1/4 Corner of said Section 18, the Initial Point; thence along the boundary of said Parcel 2 as surveyed by said CS13834 as follows: S00°25'20"E and along the East line of said Section 18 - 1330.87 feet (cited in CS13834 as S00°24'37"E - 1331.23 feet) to a 3/4" pipe; thence S89°48'14"W and along the South line of the N1/2 SE1/4 of said section - 769.18 feet to a 1/2" pipe with yellow plastic cap marked "Povey & Assoc." (hereafter called "cap") and to the POINT OF BEGINNING; thence S89°48'14"W and said South line - 518.47 feet to a 1/2" pipe per said CS13834 on the right-of-way (R/W) of Lower Bridge Way, a County Road; thence S89°48'14"W and said South line - 51.83 feet to the centerline of said way; thence S54°49'46"E along said centerline and leaving said Parcel 3 boundary - 237.95 feet to the beginning of a curve of said centerline, a point witnessed by a 1/2" pipe with cap which bears N35°10'14"E - 30.00 feet; thence 62.05 feet along the arc of a 1432.40 foot radius curve of said centerline, concave Northeast, forming a central angle of 02°28'55" and a long chord bearing S56°04'14"E - 62.05 feet; thence N61°50'01"E - 34.46 feet a 1/2" pipe with cap on the R/W of said way; thence N61°50'01"E - 333.41 feet to the POINT OF BEGINNING.

TOGETHER WITH:

A tract of land situate in the Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4) of Section 18, Township 14 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows:

Commencing at a 1/2" pipe per County Survey No. CS13834 monumenting the East 1/4 Corner of said Section 18, the Initial Point; thence along the boundary of Parcel 2, Partition Plat No. 1999-50 as surveyed by said CS13834 as follows: S00°25'20"E and along the East line of said Section 18 (cited in CS13834 as S00°24'37"E) - 1048.52 feet to a 1/2" pipe with yellow plastic cap marked "Povey & Assoc." (hereafter called "cap") and to the POINT OF BEGINNING; thence S00°25'20"E and along the East line of said Section 18 - 282.35 feet to a 3/4"

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Legal Description cont.

pipe; thence S89°48'14"W and along the South line of the NW/2 NE1/4 of said section - 349.95 feet to a 1/2" pipe with cap; thence N50°49'01"E and leaving said Parcel 2 boundary - 448.78 feet to the POINT OF BEGINNING.

PARCEL FIVE:

Parcel 1 of Partition Plat No. 1999-50 located in Sections 17, 18, 19 and 20 of Township 14 South and Range 12 East of the Willamette Meridian, Deschutes County, Oregon, except the following described parcel described as follows:

Beginning at a 5/8" iron rod at the southerly angle point of said Parcel 1 in Section 19; thence North 76°09'18" West 1432.27 feet along the southerly boundary of said Parcel 1 to a 5/8" iron rod; thence leaving said southerly boundary, North 32°30'26" East 300.00 feet; thence South 69°01'15" East 1056.23 feet to a point that is 1.00 feet north of the northeast corner of a concrete slab for pivot irrigation; thence South 67°34'15" East 412.03 feet to the southerly boundary of said Parcel 1; thence South 66°19'04" West 150.29 feet to the point of beginning.

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397 SW Upper Terrace Dr., Bend OR 97702 · 541-389-2120

BUYER'S CLOSING STATEMENT

Buyer: Pinnacle Utilities, LLC
Seller: Big Falls Ranch Co.
Property Address: 70 acres Subsequent Purchase Water Rights, OR
Escrow No.: DE17484
Close Date: 11/30/2022 **Proration Date:** 11/30/2022 **Date Prepared:** 12/1/2022

Purchase Price **\$556,972.50**

Credits

Buyer Closing Funds	\$540,201.50
Buyer Down Payment Deposit	\$18,000.00
5th Extension Fee Payment	\$10,000.00
6th Extension Fee Payment	\$10,000.00
Final 2 Extension Fees (7th & 8th) Payment	\$20,000.00

Total Credits **\$598,201.50**

Expenses

5th Extension Fee in addition to Purchase Price	\$10,000.00
6th Extension Fee in addition to Purchase Price	\$10,000.00
2 Final Extension Fees (7th & 8th) in addition to Purchase Price	\$20,000.00
Escrow Fee	To Deschutes Title \$900.00
Recording Svc Fee (Deed)	To Deschutes Title \$123.00
Recording Svc Fee (Releases-2)	To Deschutes Title \$206.00

Total Expenses **\$41,229.00**

Balance Due From Purchaser **\$0.00**

I have carefully reviewed the Settlement Statement and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and disbursement made on my account or by me in this transaction. I further certify that I have received a copy of the Settlement Statement.

I hereby authorize the Settlement Agent to make expenditures and disbursement as shown on the attached statement and approve same for payment.

Dated: December 1, 2022

Deschutes County Title Company

Rebecca E. Felix
Rebecca E. Felix, Escrow Officer

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Schwabe

November 8, 2023

Kenneth Katzaroff
Admitted in Washington and Oregon
D: 206-405-1985
KKatzaroff@schwabe.com

Deschutes County
117 NW Lafayette Avenue
Bend, OR

RE: Kameron DeLashmutt and Pinnacle Utilities, LLC - LUCS Request

Mr. Groves:

Please find the attached Land Use Compatibility Statement form, which requests that Deschutes County confirm that a transfer of irrigation water back in to the applicable stream is consistent with the County's land use regulations.

Please do not hesitate to contact me if you have questions.

Very truly yours,

SCHWABE, WILLIAMSON & WYATT, P.C.


Kenneth Katzaroff

JKKA:aks

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