Application for Permanent Water Right Transfer

Part 1 of 5 - Minimum Requirements Checklist

This transfer application <u>will be returned</u> 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 it | ems included with this application. (N/A = Not Applicable) | | | | | | | |
|--------------|--|---|--|--|--|--|--|--|
| \boxtimes | Part 1 — Completed Minimum Requirements Checklist. | | | | | | | |
| \boxtimes | Part 2 – Completed Transfer Application Map Checklist. | | | | | | | |
| | Part 3 – Application Fee, payable by check to the Oregon Water Resources E completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator . | epartment, and | | | | | | |
| \boxtimes | Part 4 – Completed Applicant Information and Signature. | | | | | | | |
| | Part 5 – Information about Water Rights to be Transferred: How many water be transferred? 2 List them here: C-96190, C-96192 Please include a separate Part 5 for each water right. (See instructions of NOTE: A separate transfer application is required for each water right.) | n page 6) | | | | | | |
| | criteria in OAR 690-380-3220 are met. | RECEIVE | | | | | | |
| | Attachments: | | | | | | | |
| | Completed Transfer Application Map. | NOV 1 4 2023 | | | | | | |
| | Completed Evidence of Use Affidavit and supporting documentation. A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the right is on.) SEE ATTACHED BARGAIN AND SALE DEED PER DESCHUTES COURECORDS NO. 2022-42155 | | | | | | | |
| | A Supplemental Form D – For water rights served by or issued in the name of a district. Complete when the transfer applicant is not the irrigation district. | an irrigation | | | | | | |
| ⊠ □ N/ | Oregon Water Resources Department's Land Use Information Form with apprint signature from each local land use authority in which water is to be diverted and/or used. Not required if water is to be diverted, conveyed, and/or used lands or if all of the following apply: a) a change in place of use only, b) no stochanges, c) the use of water is for irrigation only, and d) the use is located wirrigation district or an exclusive farm use zone. | l, conveyed, only on federal tructural | | | | | | |
| ⊠ □ N/ | Water Well Report/Well Log for changes in point(s) of appropriation (well(s) point(s) of appropriation. |) or additional | | | | | | |
| | A Geologist Report for a change from a surface water point of diversion to a graphint of appropriation (well), if the proposed well is more than 500' from the source and more than 1000' upstream or downstream from the point of diverged to 690-380-2130 for requirements and applicability. | tion (well), if the proposed well is more than 500' from the surface water han 1000' upstream or downstream from the point of diversion. See OAR | | | | | | |
| | (For Staff Use Only) | | | | | | | |
| | WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S): Application fee not enclosed/insufficient Map not included or incomplete | 1 | | | | | | |
| | Application ree not enclosed/insurricient Map not included of incomplete Evidence of Use Form not enclosed or in Additional signature(s) required Part is incomplete Other/Explanation | complete | | | | | | |
| | Staff: 503- Date: /_/ | | | | | | | |

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Permanent Transfer Application Form – Page 1 of 13

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. \boxtimes Permanent quality printed with dark ink on good quality paper. M The size of the map can be $8\% \times 11$ inches, $8\% \times 14$ inches, 11×17 inches, or up to 30×30 inches. For 30 x 30 inch maps, one extra copy is required. 冈 A north arrow, a legend, and scale. 冈 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. \bowtie Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines. 冈 Tax lot boundaries (property lines) are required. Tax lot numbers are recommended. M Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads. M Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches. \square 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. \boxtimes 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. Ø 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)

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14350

| 1 | Base Fee (includes one type of change to one water right for up to 1 cfs) | 1 | \$1,360 |
|----|---|----------|---------|
| | Types of change proposed: | Г | |
| İ | Place of Use Character of Use Point of Diversion/Appropriation | | |
| | Number of above boxes checked = 1 (2a) | | |
| | Subtract 1 from the number in line $2a = 0$ (2b) If only one change, this will be 0 | | |
| 2 | Multiply line 2b by \$1090 and enter » » » » » » » » » » » » » » » » » » » | 2 | \$0 |
| | Number of water rights included in transfer 2 (3a) | Г | |
| | Subtract 1 from the number in 3a above: 1 (3b) If only one water right this will be 0 | | |
| 3 | Multiply line 3b by \$610 and enter » » » » » » » » » » » » » » » » » » » | 3 | \$610 |
| | Do you propose to add or change a well, or change from a surface water POD to a well? | | |
| | \boxtimes No: enter 0 \square Yes: enter \$480 for the 1 st well to be added or changed $(4a)$ | | |
| | Do you propose to add or change additional wells? | | |
| | No: enter 0 Yes: multiply the number of additional wells by \$410 (4b) | | |
| 4 | Add line 4a to line 4b and enter » » » » » » » » » » » » » » » | 4 | \$0 |
| | Do you propose to change the place of use or character of use? | | |
| | No: enter 0 on line 5 | | |
| | Yes: enter the cfs for the portions of the rights to be transferred (see below*): (5a) | | |
| | Subtract 1.0 from the number in 5a above:(5b) | | |
| | If 5b is 0 or less, enter 0 on line 5 » » » » » » » » » » » » » » » | | |
| _ | If 5b is greater than 0, round up to the nearest whole number:(5c) and multiply | | |
| 5 | 5c by \$410, then enter on line 5 » » » » » » » » » » » » » » » » » » | \vdash | \$0 |
| 6 | Add entries on lines 1 through 5 above » » » » » » » » Subtotal: | 6 | \$1970 |
| | Is this transfer: | | |
| | necessary to complete a project funded by the Oregon Watershed Enhancement Board | | |
| | (OWEB) under ORS 541.932? endorsed in writing by ODFW as a change that will result in a net benefit to fish and | | |
| | wildlife habitat? | | |
| | If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 » | | |
| 7 | If no box is applicable, enter 0 on line 7 » » » » » » » » » » » » » » » » » » | 7 | |
| 8 | Subtract line 7 from line 6 » » » » » » » » » » » » » » » » » » | - | \$1970 |
| *E | xample for Line 5a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) | | |
| 1 | of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land: | | |

1. For irrigation calculate cfs for each water right involved as follows:

a. Divide total authorized cfs by total acres in the water right (for C12345, 1.25 cfs ÷100 ac); then multiply by the number of acres to be transferred to get the transfer cfs (x 45 ac= 0.56 cfs).

b. If the water right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (For C87654, 45.0 ac x 0.0125 cfs/ac = 0.56 cfs)

2. Add cfs for the portions of water rights on all the land included in the transfer; however do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land. The fee should be assessed only once for each "on the ground" acre included in the transfer. (In this example, blank 5a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0).

| 8 | FEE WORKSHEET for SUBSTITUTION | A Comment | s San Pierr |
|---|--|-----------|----------------|
| 1 | Base Fee (includes change to one well) | 1 | \$990.00 |
| 2 | Number of wells included in substitution (2a) Subtract 1 from the number in 2a above: (2b) If only one well this will be 0 Multiply line 2b by \$480 and enter » » » » » » » » » » » » » » | 2 | |
| 3 | Add entries on lines 1 through 2 above » » » » Fee for Substitution: | 3 | |

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Part 4 of 5 – Applicant Information and Signature

Applicant Information

| APPLICANT/BUSINESS NAME KAMERON DELASHMUT | T / PINNACLE UTI | LITIES. LLC | PHONE NO. 541-350-8479 | ADDITIONAL CONTACT NO. |
|---|------------------|--------------|-------------------------------|------------------------|
| ADDRESS 2477 NW CANYON DRIV | | | | FAX NO. |
| CITY REDMOND | STATE OR | ZIP 97756 | E-MAIL kameron1959@gr | nail.com |
| By providing an e-mai electronically. Copies | | | | CE FROM THE DEPARTMENT |

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

| | | E44 000 0007 | ADDITIONAL CONTACT NO. | | |
|--------------------------|---------------|--------------|------------------------|---------|--|
| JOHN A. SHORT / WATER RI | IGHT SERVICES | , LLC | 541-389-2837 | | |
| ADDRESS | | | | FAX NO. | |
| PO BOX 1830 | | | | ` | |
| CITY | STATE | ZIP | E-MAIL | | |
| BEND | OR | 97709 | iohnshort@usa.co | m | |

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 |
|-------|-----|-----|
|-------|-----|-----|

| \mathbf{X} | 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: <u>REDMOND SPOKESMAN.</u>
- 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.

| of the Department. | | | | | , |
|--|-------------|-----------------------|---|------------|--------------------------|
| I (we) affirm that the informati | on contain | ned in this applicati | on is true and accurate | • | 1 1 |
| | / | KAM | ERON DELASHMUTT, N | IANAGER | 11/13/23 |
| Applicant signature | | Print | Name (and Title if appli | cable) | Date |
| Applicant signature | | Print | _ Name (and Title if appli | cable) | Date |
| Is the applicant the sole owner located? ☐ Yes ☒ No* | of the land | d on which the wate | er right, or portion there | of, propos | sed for transfer is |
| *If NO, include signatures of all d attach affidavits of consent (and water right(s) were conveyed. SEI RECORDS (NO. 2022-42155). | mailing an | d/or e-mail addresse | s) from all landowners or | individual | s/entities to which the |
| Check the following boxes that | apply: | | | | |
| The applicant is respon sent to the applicant. | sible for c | ompletion of change | e(s). Notices and corres | pondence | should continue to be |
| | | | pleting the proposed chall be sent to this landowa | | ter the final order is |
| Both the receiving land and correspondence sh | | | esponsible for completions and the applicant. | on of chan | ge(s). Copies of notices |
| At this time, are the lands in thi | s transfer | application in the p | rocess of being sold? | Yes 🔲 I | No |
| if YES, and you know who to below. If you do not know wat a later date. | | | - | - | |
| If a property sells, the certifunless a sale agreement or https://www.oregon.gov/o | other doc | ument states other | vise. For more informat | ion see: | ner, |
| RECEIVING LANDOWNER NAME | • | | PHONE NO. | ADDITIONA | AL CONTACT NO. |
| ADDRESS | | | • | FAX NO. | |
| СІТУ | STATE | ZIP | E-MAIL | | |
| Describe any special ownership | circumsta | nces: | I | | |
| The confirming Certificate shall | be issued | in the name of: | Applicant Receivin | g Landow | ner |
| | | | | | |

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NOV 1 4 2023

| IRRIGATION DISTRICT NAME | ADDRESS | |
|---------------------------------------|---|-----|
| ату | STATE | ZIP |
| · · · · · · · · · · · · · · · · · · · | | I |
| · | of the rights supplied under a wa with a federal agency or other ent | • |
| · | | • |



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 | STATE | ZIP | | | |
| BEND | OR | 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. <u>PIPED FROM WELLS TO PIVOTS, WHEEL LINES, AND IRRIPODS.</u>

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) | T \ | ΝÞ | Ri | ng | Sec | 1/4 | % | Tax Lot, DLC or Gov't Lot | Measured Distances (from a recognized survey corner) |
|-------------------------------------|---|---|------------|----|----|----|-----|-----|----|--|--|
| DEEP CANYON CREEK POD "ON" | Authorized Proposed | | 14 | S | 12 | E | 9 | sw | SE | 1500 | 4440' S, 3020' E OF NW COR SEC 9 |
| WELL #1 "OFF" | □ Authorized □ 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" | ☑ Authorized ☐ Proposed | DESC 2087/ L-122702 | " | п | 11 | п | 17 | sw | NE | 1402 | 1772.1' S, 1706.6' W OF NE COR SEC 17 |
| WELL #4 "OFF" | □ Authorized □ Proposed | DESC 2098/ L-122703 | n | п | u | п | п | NW | NW | 1404 | 240.7' S, 32.2' E OF NW COR SEC 17 |
| WELL #7 "OFF" | ☑ Authorized ☐ Proposed | DESC 768/ L-122706 | ı, | tr | | 28 | 9 | SE | NW | 1500 | 1571.4' S, 2862.6' W OF NE COR SEC 9 |

| ⊥#7 FF" | □ Authorized □ Proposed | DESC 768/ L-122706 | a | 117 | | 11 | 9 | SE | NW | 1500 | 1571.4' S, 2862.6' V NE COR SEC 9 | N OF | |
|-------------|-----------------------------|-----------------------------|-------|-------|-------|-------|---------|---------|---------|----------|--------------------------------------|---------|--------|
| ! | | hange(s) prop | ose | d be | low | (cha | nge "(| CODES | " are p | provide | ed in parentheses |): | |
| | Place of Use | (POU) | | | | | | Supple | menta | l Use t | o Primary Use (S t | :o P) | |
| | Character of | Use (USE) | | | | | | Point a | of Appr | opriati | on/Well (POA) | | |
| | Point of Dive | ersion (POD) | | | | | | Additic | onal Po | int of A | Appropriation (AP | | |
| | Additional P | oint of Divers | ion | (APO | D) | | <u></u> | Substit | ution | (SUB) | | REC | EIVED |
| \boxtimes | Reversion fro (SW/GW) | om GW back | to S\ | N PC | Œ | İ | | Goverr | nment | Action | POD (GOV) | | 4 2023 |
| Vill all | of the propos | ed changes a | ffect | the: | enti | ire w | ater r | ight? | | | | OV | VRD |
| Yes | • | nly the Proposed above to o | - | | | | - | | | able 2 d | on the next page. | Use the | |
| ⊠ No | Complete all | of Table 2 to | des | cribe | e the | por | tion o | f the w | vater r | ight to | be changed. | | |
| Revised 7 | /7/2022 | Permaner | t Tra | nsfer | Appli | catio | n Form | – Page | 7 of 13 | | | TACS | |
| | | | | | | | | | | | | | |

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.

| | 1 | | | | hat a | ppea | rs on ti | ne cer | tificate I | | ls) DPOSED CHA ill be changed | | Proposed Changes (see | | | • | Γhe | listir | | | ıld app | | FTER F | n" lands) PROPOSE | D CHANGES | |
|----|------------|----|----|-----|-------|------|---------------|-----------------------|------------|---|---|------------------|-----------------------------------|-----|-------|----|-----|--------|----|----|---------------|----------------------|--------|----------------------|---|------------------|
| TN | ₽ P | Rn | ıg | Sec | | 4 % | Tax Lo | Gvt tLot or DLC | Acres | Type of USE listed on Certificate | POD(s) or POA(s) (name or number from Table 1) | Priority Date | "CODES" from previous page) | 100 | ે. કે | Ri | 1g | Sec | × | X | Tax Lot | Gyt Lot or DLC | Acres | New Type of USE | POD(s)/ POA(s) to be used (from Table 1) | Priority Date |
| | * | | | | | | | | | 1762 | X - X | | EXAMPLE | | 4.00 | | | | | | 113 | | 4.4 | 135 | W Com | 经头类 |
| 2 | S | 9 | Ε | 15 | NE | NW | 100 | | 15.0 | Irrigation | POD #1 POD #2 | 1901 | POU/POD | 2 | S, | 9 | E | 1 | NW | ŃW | 500 | 1 | 10.0 | | POD #5 | 1901 |
| * | 43.4 | | | | | | 1 | | | | | | | 2 | s | 9 | E | 2 | SW | NW | 500 | | 5.0 | | POD #6 | 1901 |
| 14 | 5 | 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 |
| " | " | u | " | 4 | sw | SE | " | | 7.7 | " | # | " | | " | " | " | " | 4 | sw | SE | H | | 7.7 | " | " | " |
| " | " | " | " | 9 | NW | NE | " | | 17.3 | и | " | # | # | " | " | " | " | 9 | NW | NE | " | | 17.3 | " | и | " |
| " | " | " | " | " | NE | NW | 1400/ 1500 | ľ | 9.8 | u | и | и | | " | " | " | " | " | NE | NW | 1400/ 1500 | | 9.8 | " | " | * |
| " | " | * | " | " | NE | sw | " | | 4.8 | # | " | ** | ** | " | " | " | " | " | NE | sw | u | | 4.8 | * | " | u |
| " | " | " | " | 17 | NE | NE | 1402 | | 6.6 | " | " | " | <i>(4)</i> | " | " | " | " | 17 | NE | NE | 1402 | | 6.6 | u | u | " |
| | | | | | | TC | TAL AC | RES: | 47.6 | | | <u> </u> | | | | | | | | то | TAL AC | RES: | 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 regist with the "from" or the "to" lands? \square Yes \square No \boxtimes N/A | rations associated |
|-------------|--|---------------------------------|
| | If YES, list the certificate, water use permit, or ground water registration numbers | : <u>N/A</u> |
| > | Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that a primary right proposed for transfer must be included in the transfer or be cance to a ground water registration must be filed separately in a ground water registra application. | lled. Any change |
| | For Substitution (ground water supplemental irrigation will be substituted for surfa irrigation) | ce water primary |
| | Ground water supplemental Permit or Certificate #; | |
| | Surface water primary Certificate # | RECEIVE |
| | For a change from Supplemental Irrigation Use to Primary Irrigation Use | NOV 1 4 2023 |
| | 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(s)) or additional point(s) of appropriation (well(s)) or additional point(s) of appropriation (well(s)) or additional point(s) of appropriation (well(s)) or additional point(s) of appropriation (well(s)) or additional point(s) of appropriation (well(s)) or additional point(s) of appropriation (well(s)) or additional point(s) of appropriation (well(s)) or additional point(s) of appropriation (well(s)) or additional point(s) of appropriation (well(s)) or additional point(s) of appropriation (well(s)) or additional point(s) or additional poin | riation: OWRD |
| | Well log(s) are attached for each authorized and proposed well(s) that are classociated with the corresponding well(s) in Table 1 above and on the accommap. | • |
| | 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 do not have a well log. For proposed wells not yet constructed or built, provide estimate" for each requested information element in the table. The Departm you consult a licensed well driller, geologist, or certified water right examine assembling the information necessary to complete Table 3. | de "a best nent recommends |
| t t | Table 3. Construction of Point(s) of Appropriation Any well(s) in this listing must be clearly tied to corresponding well(s) described in Tal the accompanying application map. Failure to provide the information will delay the partmetransfer application until it is received. The information is necessary for the department whether the proposed well(s) will access the same source aquifer as the authorized partment. | processing of your nt to assess |

| 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 |
|---|---|--|---------------------|--------------------|-------------------------------|---------------------------------|---|--|--|--|
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |

appropriation (POA). The Department is prohibited by law from approving POA changes that do not

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access the same source aquifer.

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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 # 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.) Tax Is this POD/POA If POA, OWRD Lot, POD/POA Measured Distances Authorized on Well Log ID# DLC Name or (from a recognized the Certificate or (or Well ID Rng Twp Sec 1/4 1/4 ... OF Number survey corner) is it Proposed? Tag # L-__ Gov't Lot DEEP ☐ Authorized **CANYON** 4440' S, 3020' E OF NW 14 S 12 E SW SE 1500 9 **CREEK POD** COR SEC 9 Proposed "ON" WELL#1 1154.2' N, 1680.6' W OF **DESC 2100** S Ε 18 SW SE 1406 14 12 "OFF" **SE COR SEC 18** □ Proposed **DESC 2087/ WELL #3** 1772.1' S, 1706.6' W OF n n 17 SW NE 1402 "OFF" **NE COR SEC 17** □ Proposed L-122702 **DESC 2098/** □ Authorized WELL#4 240.7' S, 32.2' E OF NW NW NW 1404 "OFF" **COR SEC 17** □ Proposed L-122703 **WELL #7 DESC 768/** 1571.4' S, 2862.6' W OF 13 п 9 1500 SE NW "OFF" L-122706 **NE COR SEC 9** □ Proposed Check all type(s) of change(s) proposed below (change "CODES" are provided in parentheses): Place of Use (POU) Supplemental Use to Primary Use (S to P) Character of Use (USE) Point of Appropriation/Well (POA) Point of Diversion (POD) Additional Point of Appropriation (APOA) Additional Point of Diversion (APOD) Substitution (SUB) Reversion from GW back to SW POD **Government Action POD (GOV)**

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

(SW/GW)

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.

Complete all of Table 2 to describe the portion of the water right to be changed.

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TACS

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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 1/4 1/4, 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.

| 7 | he | | _ | - | at app | oears | on the C | Certif | icate | | nds) ROPOSED CH will be change | | Proposed Changes (see | | | T | ne li | istin | | | ıld app | | FTER P | n" land: ROPOS | s) ED CHANGE | s |
|-----|------|--------|---|-----|--------|-------|---------------|--------|-------|-------------|--------------------------------------|-----------|--------------------------|----|---|-----|-------|-------|-----|----|---------------|----------------------|--------|-----------------------|---|------------------|
| Twp | 34.5 | Rn | | Sec | 1/4 | | Tax Lot | Gvt | Acres | Type of USE | ` non/-\ | 1.5 | "CODES" from previous | Τw | Р | Rng | | Sec | 1/4 | 14 | Tax Lot | Gyt Lot or DLC | Acres | New Type of USE | POD(s)/ POA(s) to be used (from Table 1) | Priority Date |
| | | , JA., | 1 | | | | | 4 | | | 7.7° | | EXAMPLE | | | | | | | | | | | | | *** |
| 4 : | 5 | 12 | E | 3 | sw | sw | 1500 | | 3.7 | IR | "OFF" Wells 1, 3, 4, 7 | 4/13/1967 | sw/gw | 14 | s | | E | 3 | sw | sw | 1500 | | 3.7 | IR | DEEP CANYON CREEK POD "ON" | 4/13/196 |
| " | ' | " | " | 4 | sw | SE | u | | 1.2 | " | и | " | | " | " | " | " | 4 | sw | SE | " | | 1.2 | н | н | " |
| " | • | " | " | " | SE | SE | u | | 29.8 | * | u | " | | * | " | " | " | " | SE | SE | " | | 29.8 | " | " | " |
| " | • | " | " | 9 | NW | NE | " | | 3.9 | и | * | " | | " | " | " | " | 9 | NW | NE | " | | 3.9 | а | " | " |
| " | • | 4 | u | u | SE | NW | 1400 | | 9.8 | и | " | " | | " | " | " | " | " | SE | NW | 1400 | | 9.8 | " | " | 4 |
| " | • | " | " | * | NE | sw | 1500 | | 1.2 | " | u | " | | " | " | " | " | " | NE | sw | 1500 | | 1.2 | и | " | " |
| " | + | " | " | " | sw | sw | 1400/ 1500 | | 4.3 | и | | " | 4 | " | " | " | " | " | sw | sw | 1400/ 1500 | | 4.3 | " | " | " |
| " | • | " | " | " | SE | sw | " | | 7.7 | и | " | " | à | " | " | " | " | " | SE | sw | " | | 7.7 | " | " | " |
| " | 1 | " | н | " | NW | SE | 1500 | | 1.0 | u | " | " | ** *# , | " | " | " | " | " | NW | SE | 1500 | | 1.0 | " | " | # |
| " | • | " | " | 17 | NE | NE | 1402/ 1403 | | 19.4 | и | ". | " | | " | " | " | " | 17 | NE | NE | 1402/ 1403 | | 19.4 | u | " | " |
| " | 1 | " | " | " | NW | NE | 1402 | | 15.9 | u | u | " | | " | " | u | " | " | NW | NE | 1402 | | 15.9 | " | " | " |
| , , | , | 4 | " | " | sw | NE | " . | | 1.4 | " | | " | er in | " | " | " | " | " | sw | NE | " | <u> </u> | 1.4 | " | " | " |

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| 1 | 3 S | 12 | E | 1 | .7 | SE | NE | 1402 | | 0.2 | iR | "OFF" Wells 1, 3, 4, 7 | 4/13/1967 | sw/gw | 14 | 5 12 | E | 17 | SE | NE | 1402 | | 0.2 | iR | DEEP CANYON CREEK POD "ON" | 4/13/1967 |
|---|-----|----|---|---|----|----|----|----------|----|-------|----|------------------------|-----------|---|----|------|---|----|----|----|--------|-----|-------|----|--|-----------|
| • | " | u | " | T | " | NE | NW | " | | 5.9 | " | " | " | * | es | " " | " | " | NE | NW | " | | 5.9 | " | u | " |
| • | " | " | " | 1 | " | SE | NW | " | | 0.7 | н | и | u | # 1 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 | * | " " | " | " | SE | NW | " | | 0.7 | " | " | " |
| | | | | | | | T | OTAL ACR | ES | 106.1 | | | • | | | | | | | TO | TAL AC | RES | 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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TACS

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For Place of Use or Character of Use Changes

| | re there other water right certificates, water use permits or ground water registrations associated ith the "from" or the "to" lands? \square Yes \square No \boxtimes N/A |
|----|---|
| | YES, list the certificate, water use permit, or ground water registration numbers: |
| | ursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to primary right proposed for transfer must be included in the transfer or be cancelled. Any change a ground water registration must be filed separately in a ground water registration modification application |
| F | Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation) |
| | round water supplemental Permit or Certificate #; urface water primary Certificate # |
| F | a change from Supplemental Irrigation Use to Primary Irrigation Use |
| | entify the primary certificate to be cancelled. Certificate # |
| F | 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 associate 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 |
| | ND/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. |
| ab | 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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NOV 1 4 2023

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TACS

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:

- 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.
- 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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Please review Bryce Withers' question in the email below and respond to him by COB today.

Thanks!

-Lisa

Lisa J. Jaramillo

Transfer and Conservation Section Manager
725 Summer Street NE, Suite A, Salem, OR 97301 | Phone: 503-871-1889 (work cell)



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

NOTE: OWRD offices are now open to the public. Given that many staff will continue teleworking remotely or have job duties that take them into the field on a regular basis, however, availability of staff in the office is not guaranteed 8 a.m. - 5 p.m. every day (M-F). OWRD's Salem office is closed for customer service drop-ins from Noon — 1pm. **Customers and visitors are encouraged to schedule an appointment in advance if they wish to meet in person with specific staff members.**Alternative methods for meeting, such as by phone or virtually via Teams, are also available.

From: Bryce Withers < brycewrs@gmail.com > Sent: Thursday, November 9, 2023 1:02 PM

To: JARAMILLO Lisa J * WRD < lisa.j.jaramillo@water.oregon.gov>

Cc: Langford, Shonee D. <<u>SLangford@schwabe.com</u>>

Subject: TIME SENSITIVE Reversion of Surface Water to Groundwater T-12651

Hi Lisa,

We are putting together a time sensitive Permanent Transfer Application regarding "reverting" a portion of T-12651 for Kameron Delashmutt / Pinnacle Utilities, LLC. T-12651 was a transfer that changed a Surface Water POD to 4 Groundwater POA's. The idea is to apply to change a portion of two certificates back to the originally authorized single Surface Water POD, an allowance that was permitted by the T-12651 final order (condition 7 on page 7 of the final order) if done within five years. We have two main questions that we hope you can answer prior to us submitting the Permanent Transfer Application by the upcoming deadline.

1. The fee calculation Part 4 regarding adding/changing wells does not really fit the atypical situation that we are applying for. Can you confirm whether we can check the boxes "No" vs. paying \$1710 (there are 4 currently authorized wells) for a change that is already allowed?

| _ |
|----------|
| 4 \$1710 |
| ١. |

2. THE SAME LANDS PROPOSED FOR CHANGES BY THIS PERMANENT TRANSFER

RECEIVED NOV 1 4 2023 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

Return To: **Deschutes County Title Company** DE17484

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

Deschutes County Official Records

2022-42155

D-D

12/01/2022 01:28 PM

Stn=4 SRB \$30,00 \$11,00 \$10,00 \$61,00 \$6,00

\$118.00

Steve Dennison, County Clerk for Deschutes County, Oregon, certify that the Instrument Identified herein was recorded in the Official Records.

Steve Dennison - County Clerk

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

GRANTOR:

BIG FALLS RANCH CO.

By: Réx 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 OF IVED AS TO ITS EFFECT UPON THE TITLE

1 4 2023

(oRargain and Sale Deed {01635040-01023832;8}

| STATE OF OREGON |) |
|---------------------|-------|
| |) ss. |
| County of Deschutes |) |

This instrument was acknowledged before me this 30 day of November, 2022, by Rex T. Barber, Jr., as President of Big Falls Ranch Co.



NOTARY PUBLIC FOR OREGON
My Commission Expires:

(Chargain and Sale Deed (01635040-01023832;8)

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EXHIBIT A

| 148 17E 17 NWNW 148 17E 17 NWNW 148 17E 3 SWSW 148 17E 4 SWSE 148 17E 9 NWNE 148 17E 9 NENW 148 17E 9 NENW 148 17E 4 SWSW 148 17E 4 SWSW 148 17E 4 SWSW 148 17E 9 NWNE 148 17E 9 NWNE 148 17E 9 NWNW 148 17E 9 NWSW 148 17E 9 NWSW 148 17E 9 NWSW 148 17E 17 NWNE 148 17E 17 NWNE 148 17E 17 NWNE 148 17E 17 NWNE <th>160</th> <th></th> <th></th> <th></th> <th></th> <th>TOTAL</th> | 160 | | | | | TOTAL |
|--|-------|----------|---------|-------|----------|-------------|
| 148 17E 17E Quarter 148 17E 17 NWNW 148 17E 3 SWSW 148 17E 4 SWSE 148 17E 9 NWNE 148 17E 9 NENW 148 17E 9 NENW 148 17E 4 SWSW 148 17E 4 SWSW 148 17E 4 SWSW 148 17E 4 SWSW 148 17E 9 NWNE 148 17E 9 NWNE 148 17E 9 NESW 148 17E 9 SESW 148 17E 9 NWSE 148 17E 9 NWSE 148 17E 17 NENW 148 17E 17 NWNE 148 17E 17 NWNE < | .7 | SENW | 17 | 17E | 14S | 96192 |
| 148 17E 17 NWNW 148 17E 17 NWNW 148 17E 3 SWSW 148 17E 4 SWSE 148 17E 9 NWNE 148 17E 9 NENW 148 17E 9 NESW 148 17E 4 SWSW 148 17E 4 SWSW 148 17E 9 NWNE 148 17E 9 NWNE 148 17E 9 NWNE 148 17E 9 NWNE 148 17E 9 NESW 148 17E 9 SESW 148 17E 9 NWSE 148 17E 9 NWSE 148 17E 17 NWNE 148 17E 17 NWNE 148 17E 17 NWNE | 5.9 | NENW | 17 | 17E | 14S | 96192 |
| 148 17E 17 NWNW 148 17E 17 NWNW 148 17E 3 SWSW 148 17E 4 SWSE 148 17E 9 NWNE 148 17E 9 NENW 148 17E 9 NESW 148 17E 4 SWSW 148 17E 4 SWSW 148 17E 9 NWNE 148 17E 9 NWNE 148 17E 9 NWNE 148 17E 9 NESW 148 17E 9 NESW 148 17E 9 SESW 148 17E 9 NWSE 148 17E 9 NWSE 148 17E 17 NENB 148 17E 17 NENB 148 17E 17 NWNE | .2 | SENE | 17 | 17E | 14S | 96192 |
| 148 17E 17 NWNW 148 17E 17 NWNW 148 17E 3 SWSW 148 17E 4 SWSE 148 17E 9 NWNE 148 17E 9 NESW 148 17E 9 NESW 148 17E 3 SWSW 148 17E 4 SWSE 148 17E 9 NWNE 148 17E 9 NWNE 148 17E 9 NWNE 148 17E 9 NESW 148 17E 9 NWSE 148 17E 9 NWSE 148 17E 1 NWNE | 1.4 | SWNE | 17 | 17E | 14S | 96192 |
| 148 17E 17 NWNW 148 17E 17 NWNW 148 17E 3 SWSW 148 17E 4 SWSE 148 17E 9 NESW 148 17E 9 NESW 148 17E 9 NESW 148 17E 3 SWSW 148 17E 3 SWSW 148 17E 4 SESE 148 17E 9 NWNE 148 17E 9 NESW 148 17E 9 NESW 148 17E 9 SESW 148 17E 15.9 | NWNE | 17 | 17E | 14S | 96192 |
| Average Average Output 148 17E 17 NWNW 148 17E 17 NWNW 148 17E 3 SWSW 148 17E 9 NWNE 148 17E 9 NENW 148 17E 9 NENW 148 17E 17 NENE 148 17E 3 SWSW 148 17E 4 SWSE 148 17E 9 NWNE 148 17E 9 NWNE 148 17E 9 NWNE 148 17E 9 NWNE 148 17E 9 NESW 148 17E 9 NESW 148 17E 9 NESW 148 17E 9 SESW 148 17E 9 NESW 148 17E 9 NWSE | 19.4 | NENE | 17 | 17E | 14S | 96192 |
| Average Average Outside Quarter 148 17E 17 NWNW 148 17E 3 SWSW 148 17E 4 SWSE 148 17E 9 NENW 148 17E 9 NENW 148 17E 9 NENW 148 17E 17 NENE 148 17E 4 SWSW 148 17E 4 SWSE 148 17E 9 NWNE 148 17E 9 NESW 148 17E 9 NESW 148 17E 9 NESW< | 1.0 | NWSE | 9 | 17E | 14S | 96192 |
| 148 17E 17 NWNW 148 17E 17 NWNW 148 17E 3 SWSW 148 17E 3 SWSW 148 17E 9 NWNE 148 17E 9 NENW 148 17E 9 NESW 148 17E 17 NENE 148 17E 4 SWSW 148 17E 4 SWSE 148 17E 9 NWNE | 7.7 | SESW | 9 | 17E | 14S | 96192 |
| 14S 17E 17 NWNW 14S 17E 17 NWNW 14S 17E 3 SWSW 14S 17E 4 SWSE 14S 17E 9 NWNE 14S 17E 9 NENW 14S 17E 9 NENW 14S 17E 17 NENB 14S 17E 4 SWSW 14S 17E 4 SWSE 14S 17E 9 NWNE | 4.3 | SWSW | 9 | 17E | 14S | 96192 |
| 14S 17E 17 NWNW 14S 17E 17 NWNW 14S 17E 3 SWSW 14S 17E 4 SWSE 14S 17E 9 NWNE 14S 17E 9 NESW 14S 17E 9 NESW 14S 17E 17 NENE 14S 17E 3 SWSW 14S 17E 4 SWSE 14S 17E 4 SWSE 14S 17E 9 NWNE 14S 17E 9 NWNE 14S 17E 4 SWSE 14S 17E 9 NWNE 14S 17E 9 NWNE | 1.2 | NESW | 9 | 17E | 14S | 96192 |
| 14S 17E 17 NWNW 14S 17E 17 NWNW 14S 17E 3 SWSW 14S 17E 4 SWSE 14S 17E 9 NWNE 14S 17E 9 NESW 14S 17E 9 NESW 14S 17E 17 NENE 14S 17E 3 SWSW 14S 17E 4 SWSE 14S 17E 4 SWSE 14S 17E 9 NWNE | 9.8 | SENW | 9 | 17E | 14S | 96192 |
| Average Average Output 14S 17E 17 NWNW 14S 17E 17 NWNW 14S 17E 3 SWSW 14S 17E 4 SWSE 14S 17E 9 NENW 14S 17E 9 NENW 14S 17E 17 NENE 14S 17E 3 SWSW 14S 17E 4 SWSE 14S 17E 4 SWSE | 3.9 | NWNE | 9 | 17E | 14S | 96192 |
| Average Average 148 17E 17 NWNW 148 17E 17 NWNW 148 17E 3 SWSW 148 17E 4 SWSE 148 17E 9 NWNE 148 17E 9 NENW 148 17E 17 NENE 148 17E 17 NENE 148 17E 4 SWSW | 29.8 | SESE | 4 | 17E | 14S | 96192 |
| 14S 17E 17 NWNW 14S 17E 17 NWNW 14S 17E 3 SWSW 14S 17E 4 SWSE 14S 17E 9 NWNE 14S 17E 9 NENW 14S 17E 9 NESW 14S 17E 9 NESW 14S 17E 17 NENE 14S 17E 3 SWSW | 1.2 | SWSE | 4 | 17E | 14S | 96192 |
| 14S 17E 17 NWNW 14S 17E 17 NWNW 14S 17E 3 SWSW 14S 17E 4 SWSE 14S 17E 9 NWNE 14S 17E 9 NENW 14S 17E 9 NESW 14S 17E 9 NESW 14S 17E 17 NENE | 3.7 | SWSW | 3 | 17E | 14S | 96192 |
| 14S 17E 17 NWNW 14S 17E 17 NWNW 14S 17E 3 SWSW 14S 17E 4 SWSE 14S 17E 9 NWNE 14S 17E 9 NENW 14S 17E 9 NESW | 6.6 | NENE | 17 | 17E | 14S | 96190 |
| 14S 17E 17 NWNW 14S 17E 17 NWNW 14S 17E 3 SWSW 14S 17E 4 SWSE 14S 17E 9 NWNE 14S 17E 9 NENW | 4.8 | NESW | 9 | 17E | 14S | 96190 |
| 14S 17E 17 NWNW 14S 17E 3 SWSW 14S 17E 4 SWSE 14S 17E 9 NWNE | 9.8 | NENW | 9 | 17E | 14S | 96190 |
| 14S 17E 17 NWNW 14S 17E 3 SWSW 14S 17E 4 SWSE | 17.3 | NWNE | 9 | 17E | 14S | 96190 |
| 14S 17E 17 NWNW 14S 17E 3 SWSW | 7.7 | SWSE | 4 | 17E | 14S | 96190 |
| 14S 17E 17 NWNW | 1.4 | SWSW | 3 | 17E | 14S | 96190 |
| Quarter Quarter | 6.3 | WWW | 17 | 17E | 14S | 87558 |
| Township Ivange Section Charter. | | Quarter | | | | Certificate |
| Township Paners Section Quarter | Acres | Quarter- | Section | Range | Township | Water Right |
| | | | | | | |

(obsasgaimaad48a)e Deed (01635040-01023832;8)

14350 -

OWRD

EXHIBIT B Legal Description of Grantor Property

[attached]

(**Bargain and Sale** Deed (01635040-01023832;8)

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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:

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

PARCEL THREE:

Parcel 1 of Pardition Plat 1996-26, recorded June 4, 1996; in Partition Cebinet 1, Page 508, Deschutes County, Oregon,

PARCEL FOUR:

Parcel 2 of Partition Plat No. 1999-50, located in the Southeast Quarter (SEI/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 partition located in the Southeast Quarter (SEV4) 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 Bast 1/4 Corner of said Section 18, the Initial Point; there along the boundary of said Parcel 2 as surveyed by said CS13834 as follows: 500°25′20″E and along the East line of said Section 18 - 1330.87 feet (cited in CS13834 as 500°24′37″E - 1331.23 feet) to a 3/4″ pipe; thence S89°48′14″W and along the South line of the Ni/2 SB1/4 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 S89°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 n 1/2° pipe with cap which bears N35°10′14″E - 30.00 feet; thence 62.05 feet along the are of a 1432.40 from radius curve of said centerline, concave Northeast, forming a central angle of 02°28′55° and a long chord bearing S56°04′14″B - 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 HEGINNING.

TOGETHER WITH:

A tract of land situate in the Northeast Quarter of the Southeast Quarter (NEI/4 SEI/4) of Section 18, Township 14 South, Reage 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"B 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 Ni/2 NE1/4 of said section - 349.95 feet to a 1/2" pipe with cap; thence NS0°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 Runge 12 East of the Willamente 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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NOV 1 4 2023



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:

| 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 | <i>)))</i> | \$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 | ce | \$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 | | <u>\$41,229.00</u> |
| 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. Feliz

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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