

Janet E. Neuman
Senior Counsel

Direct Dial: 503.802.5722
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July 17, 2014

VIA E-MAIL AND U.S. MAIL

Ms. Susan M. Douthit
District Transfer Program Adviser
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

RECEIVED BY OWRD

JUL 21 2014

SALEM, OR

Re: Comments on Transfer Application 11834

Dear Ms. Douthit:

As you know from my earlier communications, I represent Thomas and Dorbina Bishop, trustees of the Bishop Family Trust dated December 3, 2003, who live at 63382 Fawn Lane, Bend, Oregon, within the boundaries of the Tumalo Irrigation District ("TID" or "the District"). This letter contains comments on the District's Transfer Application 11834. (I have also submitted separate comments for the Bishops today on the District's Transfer Application 11833.)

It is somewhat difficult to provide appropriate comments on T-11834 separately from T-11833, because the two applications concern one unified project. In T-11833, the District requests a change in place of use to move some of the water currently stored at Upper Tumalo Reservoir to a new location (the "storage water"). That new location consists of two newly-constructed, privately-owned reservoirs designed and built to serve as water features for a planned (but not yet permitted) housing development on land owned by Harris Kimble, Eric Cadwell, and/or KC Development Group, LLC (collectively "KCDG"). In *this* application, T-11834, the District requests a change of place of use for irrigation rights that are appurtenant to the parcels of land underlying the new reservoirs, in order to move those rights to different parcels of non-inundated land (the "irrigation water"). The request here is thus dependent on approval of the transfer of storage rights requested in T-11833. If T-11833 is denied, the changes requested here in T-11834 are unnecessary.

My comments on T-11833 discussed in considerable detail why that transfer proceeding should be adjourned or the request denied, and why the KCDG reservoirs should be submitted to a full permit application process. For the same reasons, this transfer should also be

Ms. Susan M. Douthit
July 17, 2014
Page 2

adjourned or denied pending a full permit review of the KCDG water storage facilities. My T-11833 comments are therefore enclosed with this letter and incorporated herein. In the rest of this letter, I will briefly highlight the issues that are particularly pertinent to T-11834.

The District has signed an Agreement with KCDG whereby the District essentially cedes control of both the storage water and the irrigation water to KCDG. In particular, KCDG is allowed to move the irrigation water covered in this transfer "through" its facilities, which will also hold the storage water. However, KCDG is not supposed to store the irrigation water with the storage water. Neither transfer application provides any information at all about how the reservoirs will be managed to accomplish this separation of the two "buckets" of water. The Agreement does not contain any description of the "plumbing" by which the District can access the irrigation water (or the storage water) to provide it to other District users as appropriate. All of the on-site construction to date has been in aid of getting water *to* KCDG's property and *into* the ponds. My clients and other neighbors have not seen evidence of any pipes or other means of getting the water *out* of the ponds to other District lands. Nor is it clear how and where irrigation return flows will be directed back to the rest of the District's system.

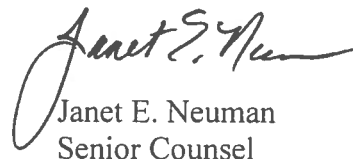
The Bishops' water rights are senior to both the irrigation rights and the storage rights at issue in T-11833 and T-11834. However, KCDG's diversion to its reservoirs is upstream of the Bishops. It is thus critical for the Bishops to have adequate information to determine how the District will meet its delivery obligations to them and thus to evaluate how they will be injured by this transfer. Part 1a, pages 11-13, and Part 2d of the attached incorporated comments further detail the inadequacy of the available information and how the Bishops and other water users are injured by this transfer as proposed. The Bishops reserve the right to provide additional comments when the Department has obtained information about the operation of the KCDG reservoirs sufficient to allow an evaluation of the impact of the proposed changes.

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JUL 21 2014

SALEM, OR

Sincerely,


Janet E. Neuman
Senior Counsel

Enclosure

037351/00001/5710904v1



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

Watermaster Review Form: Water Right Transfer

Transfer Application: T-11834

Review Due Date: 7/11/14

Applicant Name: Tumalo Irrigation District

Proposed Changes: POU POD POA USE OTHER

Reviewer(s): Giffin

Date of Review: Jun. 12, 2014

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? Yes No If "yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? Yes No
Generally characterize the frequency of any regulation or explain why regulation has not occurred: _____
3. Have headgate notices been issued for the source that serves the transferred right(s)?
 Yes No Records not available.
4. In your estimation, after the proposed change would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized?
 Yes No If "Yes", explain: _____
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? Yes No If "Yes", describe how the rights would be affected and list the rights most affected: _____
6. Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most:
Possibly some subsurface return flows, however the return flows will remain the same after the proposed changes due to the localized proximity of the on and off lands. N/A
7. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses: _____. N/A
8. For instream transfers that propose protection of a reach beyond the mouth of the source stream: N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)? Yes No
9. For POU changes: N/A Is it likely the original place of use would continue to receive water from the same source? Yes No If "Yes", explain: _____

10. For POU or USE changes: N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste? Yes No If "Yes", explain: _____
11. Are there other issues not identified through the above questions that should be considered in determining whether the change "can be effected without injury to other rights"? Yes No If "Yes", explain: _____
12. What alternatives may be available for addressing any issues identified above: _____
13. Do conditions need to be included in the transfer order to avoid enlargement of the right or injury to other rights? No Yes, as checked below:

A Headgate should be required prior to diverting water.

Measurement Devices for POD or POA: (if this condition is selected, also fill in the top sections of page 3)

a. ***Before water use may begin under this order, the water user shall install a totalizing flow meter****, or, with prior approval of the Director, another suitable measuring device, at each point of diversion/appropriation (new and existing) or at each new point of diversion/appropriation.

b. *The water user shall maintain the meters or measuring devices in good working order.*

c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*

Reservoir water use measurement: (if this condition is selected, also fill in the top sections of page 3)

a. ***Before water use may begin under this order, the water user shall install staff gages****, or, with prior approval of the Director, other suitable measuring devices, that measure the entire range and stage between empty and full in each reservoir. *Staff gages shall be United States Geological Survey style.*

b. *Before water use may begin under this order, if the reservoir is located in channel, weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, an adjustable outlet valve must be installed. The water user shall maintain such devices in good working order. A written waiver may be obtained, if in the judgment of the Director, the installation of weirs or other suitable measuring devices, or the adjustable outlet valve, will provide no public benefit.*

*** The following alternative device(s) should be substituted for the bold, underlined device in the above selected condition:**

Weir

Submerged Orifice

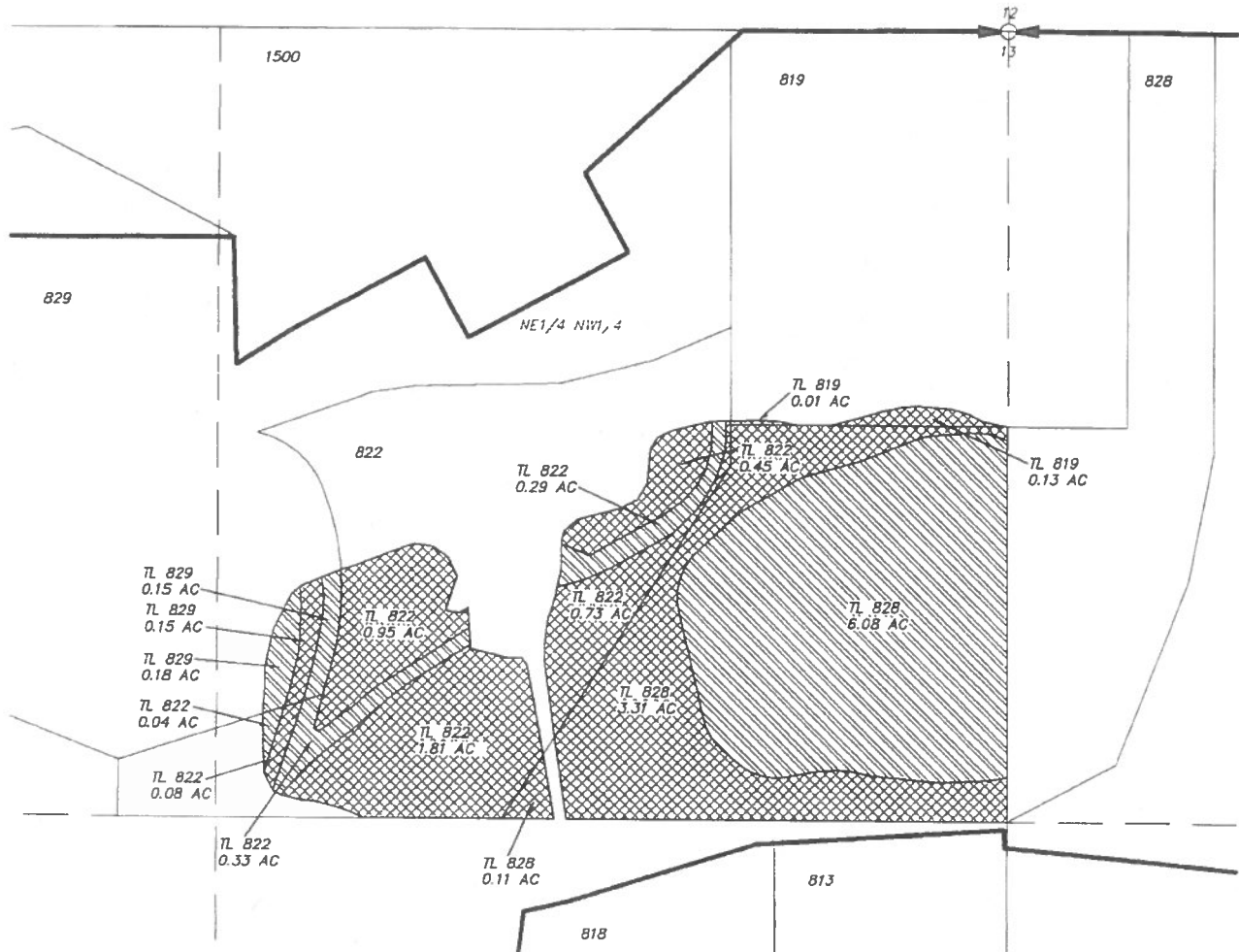
Parshall Flume

Flow Restrictor

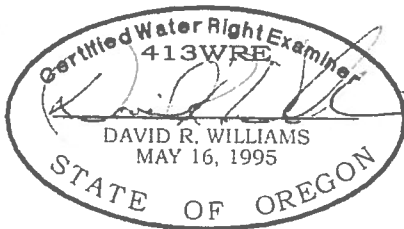
Other: _____

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DESCHUTES COUNTY
 SECTION 13 T17S R11E W.M.
 NE 1/4 OF THE NW 1/4
 SCALE: 1"=300'

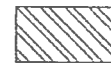


OFF MAP



4/04/14

TAX LOT NO. 822: 0.66 ACRES OFF
 TAX LOT NO. 828: 6.08 ACRES OFF
 TAX LOT NO. 829: 0.33 ACRES OFF



"OFF" LANDS



EXISTING WATER RIGHTS

X.XX AC

PARCELS W/WATER RIGHTS

HWA SURVEYORS, ENGINEERS
 & PLANNERS
 HICKMAN, WILLIAMS & ASSOCIATES, INC
 1201 NW WALL STREET, SUITE 100
 BEND, OREGON 97701
 PHONE: 541.389.9351 FAX: 541.388.5416

APPLICATION FOR WATER RIGHT TRANSFER
 KC DEVELOPMENT GROUP, LLC

DATE: 4/4/2014

041125-WATER RIGHTS-OLDTAXLOTS.DWG

TABLE 2A. - PROPOSED PLACE OF USE

WATER RIGHT		Primary	USE	POD #	TWP	RNG	SEC	QQ	DLC	GOVT LOT	TAX LOT	ACRES	USER NAME
Cert/Decree	Cert/Perm	PRIORITY											
PRIMARY	SUPP												
74147	See Below	10/29/1913	Ir	2	17	11	13	NW/SW			00824	0.71	KC Dev. Group
74147	See Below	10/29/1913	Ir	2	17	11	13	NE/NW			00819	2.72	H. Kimble
74147	See Below	10/29/1913	Ir	2	17	11	13	NE/NW			00822	3.61	KC Dev. Group
74147	See Below	10/29/1913	Ir	2	17	11	13	NE/NW			00828	0.06	KC Dev. Group
74147	See Below	10/29/1913	Ir	2	17	11	13	NE/NW			00829	0.70	KC Dev. Group
74146	See Below	5/27/1907	Ir	1	17	11	13	NW/NW			00829	0.56	KC Dev. Group
74146	See Below	5/27/1907	Ir	1	17	11	13	SE/NW			00824	1.44	KC Dev. Group
74146	See Below	5/27/1907	Ir	1	17	11	13	SE/NW			00828	0.04	KC Dev. Group
74147	See Below	10/29/1913	Ir	2	17	11	13	SE/NW			00828	2.82	KC Dev. Group
74146	See Below	5/27/1907	Ir	1	17	11	13	NW/NE			00819	1.28	H. Kimble
74147	See Below	10/29/1913	Ir	2	17	11	13	NW/NE			00820	0.06	E. Cadwell
74146	See Below	5/27/1907	Ir	1	17	11	13	NW/NE			00828	0.01	KC Dev. Group
74147	See Below	10/29/1913	Ir	2	17	11	13	SW/NW			00823	1.17	KC Dev. Group
74147	See Below	10/29/1913	Ir	2	17	11	13	SW/NW			00824	0.57	KC Dev. Group
74147	See Below	10/29/1913	Ir	2	17	11	13	SW/NW			00828	3.06	KC Dev. Group
74147	See Below	10/29/1913	Ir	2	17	11	14	NE/NE			11401	0.99	KC Dev. Group
74146	See Below	5/27/1907	Ir	1	17	11	14	NE/NE			11401	0.06	KC Dev. Group
74147	See Below	10/29/1913	Ir	2	17	11	13	NE/SW			00824	0.34	KC Dev. Group
74146	See Below	5/27/1907	Ir	1	17	11	13	NE/SW			00824	0.07	KC Dev. Group
74147	See Below	10/29/1913	Ir	2	17	11	13	NE/SW			00826	0.87	KC Dev. Group
											Total	21.14	

* Primary
74146
74147
76106

Supp. Cert.
74147, 74148, 74149, 76520
74148, 74149, 76520
74149, 76520

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State of Oregon
 WATER RESOURCES DEPARTMENT
2014 DISTRICT PETITION FOR PERMANENT TRANSFER
(ORS 540.580)

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TUMALO IRRIGATION DISTRICT
 64697 COOK AVENUE
 BEND, OR 97701
 (541)382-3053 FAX (541)383-3287

1. WATER RIGHT

CERTIFICATE: 74146 PRIORITY: 5/27/1907
 CERTIFICATE: 74147 PRIORITY: 10/29/1913
 CERTIFICATE:

2. TYPE OF CHANGE: PERMANENT CHANGE IN PLACE OF USE

3. LOCATION OF AUTHORIZED PLACE OF USE: (PRESENT USER)

NAME	LEGAL DESCRIPTION	CERT. #/ PRIORITY	USE	NOTICE #	ACRES
See authorized place of use attached.(table 1A)			I		
				TOTAL:	21.14

4. LOCATION OF PROPOSED PLACE OF USE: (PROPOSED USER)

NAME	LEGAL DESCRIPTION	CERT. #/ PRIORITY	USE	NOTICE #	ACRES
See proposed place of use attached.(table 2A)			I		
				TOTAL:	21.14

5. ITEMS ATTACHED:

1. COPY OF NOTICES FILED WITH SALEM AND REGIONAL OWRD OFFICES (N/A for 540.572)
Including maps of "Off" and "On" lands.
2. DISTRICT BOUNDARIES
Description and map on file with OWRD's Regional and Salem offices.
3. FEES
\$2,800.00 IS ATTACHED TO THIS PETITION FOR FILING AND RECORDING FEES.

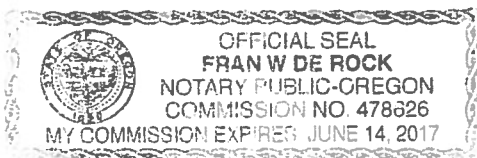
Each landowner affected by this transfer has authorized this transfer by a writing that is on file with the District. (N/A for 540.572)

Tumalo Irrigation District (PETITIONER) hereby certifies that this petition and attachments are accurate to the best of our knowledge and that the water rights referenced in this application have either been used within the last 5 years or are not subject to forfeiture.

K B R
 Kenneth B. Rieck, District Manager

6-9-2014
 Date

Subscribed and sworn to before me: Fran W. DeRock



My commission expires June 14, 2017



Oregon Water Resources Department
721 Summer Street NE, Suite A
Salem, OR 97301-1271

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OAR Chapter 690, Division 385
NOTICE OF DISTRICT PERMANENT TRANSFER
Place of Use

District: Tumalo Irrigation District

Contact Person: Fran W. DeRock Phone: 541-382-3053

Mailing Address: 64697 Cook Ave. Bend, OR 97701

District Internal Notice #: N14.002

I. Pursuant to ORS 540.580 and OAR Chapter 690, Division 385, the district is providing the Water Resources Department this notice of a proposed change in place of use prior to making the change. The district proposes to change the place of use for the following water rights:

WATER RIGHTS			
PERMIT NUMBER	CERTIFICATE NUMBER	DECREE (name, volume, and page)	PRIMARY (P) or SUPP (S)
	74146	See attachment A	
	74147	See attachment A	

II. The authorized point(s) of diversion for the water rights proposed for transfer are as follows:

AUTHORIZED POINT(S) OF DIVERSION / APPROPRIATION				
PERMIT	DECREE or CERTIFICATE	POD#	SOURCE	LOCATION - LEGAL DESCRIPTION
	74146	1P	Tumalo Creek	See Attachment A
	74147	2P	Tumalo Creek	See Attachment A

III. The district proposes to change the place of use from the authorized location listed in Table 1 to the location listed in Table 2.

IV. Enclosed is a map for the proposed change in place of use meeting the standards of OAR Chapter 690, Division 385.

V. The water right proposed for transfer is a water right subject to transfer and has not been forfeited for nonuse under ORS 540.610.

VI. Each user affected by the proposed transfer has provided written authorization for the transfer and such authorization is on file with the district.

TABLE 1. – AUTHORIZED PLACE OF USE-See Table 1A (attached)													
WATER RIGHT		Primary PRIORITY	USE	POD #	LEGAL DESCRIPTION							ACRES	USER NAME
Cert/Decree	Cert/Perm				TWP	RNG	SEC	QQ	DLC	GOV'T LOT	TAX LOT		
PRIMARY	SUPP	DATE											

* Primary Supp. Cert.
74146 74147, 74148, 74149, 76520
74147 74148, 74149, 76520
76106 74149, 76520

TABLE 2. – PROPOSED PLACE OF USE-See Table #2A (attached)													
WATER RIGHT		Primary PRIORITY	USE	POD #	LEGAL DESCRIPTION							ACRES	USER NAME
Cert/Decree	Cert/Perm				TWP	RNG	SEC	QQ	DLC	GOV'T LOT	TAX LOT		
PRIMARY	SUPP	DATE											

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VII. The undersigned understand and acknowledge that the proposed transfer is subject to the approval of the Water Resources Department. The undersigned also understand and acknowledge that if the Water Resources Department finds the change in place of use allowed by the district under this notice results in injury to an existing water right, the Department may direct the district to cease delivery of water to the proposed place of use or direct the district to mitigate the injury.

I certify that the information contained in this Notice of District Permanent Transfer is true and accurate.

KABIR
Signature of District Manager
or Authorized Representative

6.10.2014
Date

Kenneth Rieck
Typed Name of District Manager
or Authorized Representative

X [Signature]
Signature of User Eric Caldwell, for KCDG
(Authorized place of use)

6/10/2014
Date

X [Signature]
Signature of User Eric Caldwell, for KCDG
(Proposed place of use)

6/10/2014
Date

INSTRUCTIONS:

- 1) Pursuant to OAR 690-385-4100(3), the district shall deliver this Notice Form and Map(s) to the local Watermaster *prior to* delivering water to the proposed place of use.
- 2) Pursuant to OAR 690-385-4100(4), the district also shall concurrently deliver a copy of the Notice Form to:
Oregon Water Resources Department
Transfer Section
725 Summer Street NE, Suite A
Salem, OR 97301-1271

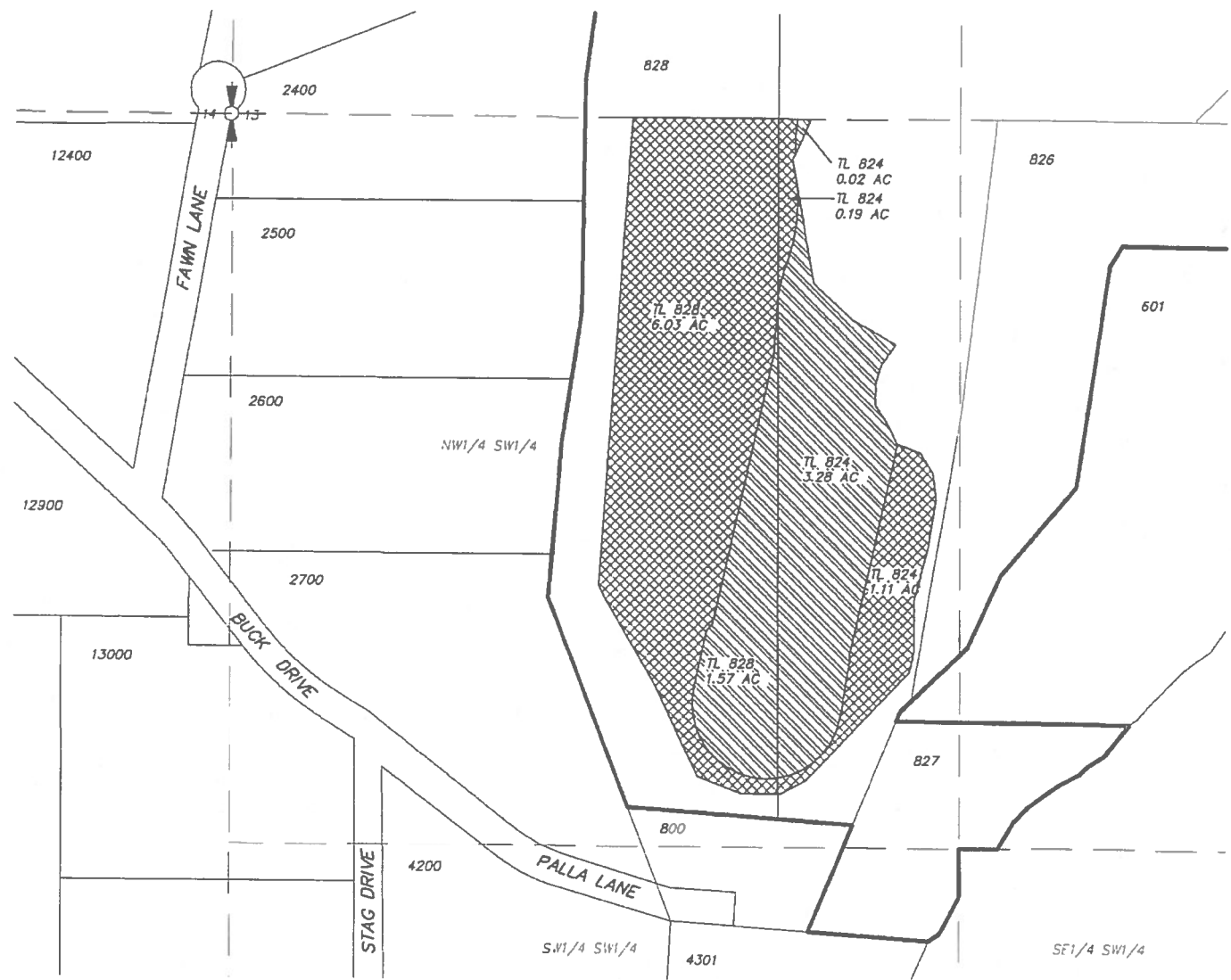
The Water Resources Department shall publish a summary of the Notice of District Permanent Transfer in the Department's weekly publication for the purpose of providing public notice.

Attachment A		TUMALO IRRIGATION DISTRICT CERTIFICATES SOURCE/POINT OF DIVERSION	
ID #	Primary Cert. #	Source	Location
1P	74146 <i>Tumalo Decree V1, P135 & V16, P188</i>	Tumalo Creek, tributary to the Deschutes River <i>8/5/1900, Sept. 1900, 4/28/1905, 5/27/1907 & 6/1/1907</i>	17S 11E W.M. 23 SW/NE - Tumalo Feed Canal - N 70° 21' W.; 1550 feet from East 1/4 corner of Section 23 (Tumalo Creek POD #1) 18S 10E W.M. 2 NW/SW - N. 14° 02' E.; 1713 feet from South 1/4 corner of Section 2 (Tumalo Creek POD #2)
2P	74147 <i>Permit #19628</i>	Tumalo Creek, tributary to the Deschutes River <i>10/29/1913</i>	17S 11E W.M. 23 SW/NE - Tumalo Feed Canal (Tumalo Creek POD #1) - N. 70° 21' W.; 1550 feet from East 1/4 corner of Section 23
3P	76106 <i>Permit #27840</i>	Tumalo Creek and Upper Tumalo Reservoir, constructed under Permit R-2743, tributaries of the Deschutes River <i>12/8/1961</i>	17S 11E W.M. 23 SE/NE - Tumalo Creek - 2080 feet South and 1310 feet West from NE Corner of Section 23 16S 11E W.M. 33 SE/SW - Upper Tumalo Reservoir
9P	83571	TID Bend Feed Canal <i>10/31/1900</i>	2050 Feet West from NE Corner of Section 32 (POD #9)
Supp. Cert. #			
1S	74147 to 74146 <i>Permit #19628</i>	Tumalo Creek, tributary to the Deschutes River <i>10/29/1913</i>	17S 11E W.M. 23 SW/NE - Tumalo Feed Canal (Tumalo Creek POD #1) - N 70° 21' W.; 1550 feet from East 1/4 corner of Section 23
2S	74148 to 74146, 74147, 74149 <i>Permit #624</i>	Crescent Lake Reservoir, constructed under Permit R-102, tributary to Crescent Creek <i>4/7/1911</i>	24S 6E W.M. 11 SE/SW and SW/SE
3S	74149 to 74146, 74147, 76106 <i>Duffy Decree V9, P362</i>	Deschutes River, tributary to the Columbia River <i>1905</i>	17S 12E W.M. 32 NW/NE - Bend Feed Canal - 100 feet South and 550 feet East from N1/4 corner of Section 32
4S	76520 to 74146, 74147, 74148 74149, 76106 <i>Permit #27841</i>	Crescent Lake Reservoir, constructed under Permit R-2744, tributary to Crescent Creek and the Little Deschutes River <i>12/8/1961</i>	17S 12E W.M. 32 NW/NE - Deschutes River (Tumalo ID Bend Feed Canal) - 2050 feet West from NE corner of Section 32 24S 6E W.M. 11 SE/SW - Crescent Lake Reservoir
11S	76714	Crane Prairie Reservoir, constructed under Permit R-1687, tributary of Deschutes River <i>2/28/1913</i>	COID North Canal: 850 Feet North and 630 feet West from the E1/4 Corner of Section 29 (POD #11)

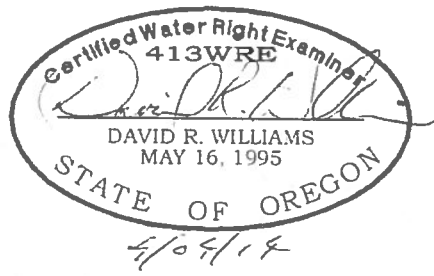
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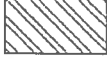

DESCHUTES COUNTY
SECTION 13 T17S R11E W.M.
NW 1/4 OF THE SW 1/4
SCALE: 1"=300'



OFF MAP



TAX LOT NO. 828: 1.57 ACRES OFF
TAX LOT NO. 824: 3.30 ACRES OFF

-  "OFF" LANDS
-  EXISTING WATER RIGHTS
- X.XX AC PARCELS W/WATER RIGHTS

HWA SURVEYORS ENGINEERS & PLANNERS
HICKMAN, WILLIAMS & ASSOCIATES, INC
1201 NW WALL STREET, SUITE 100
BEND, OREGON 97701
PHONE: 541.389.9351 FAX: 541.388.5416

APPLICATION FOR WATER RIGHT TRANSFER
KC DEVELOPMENT GROUP, LLC

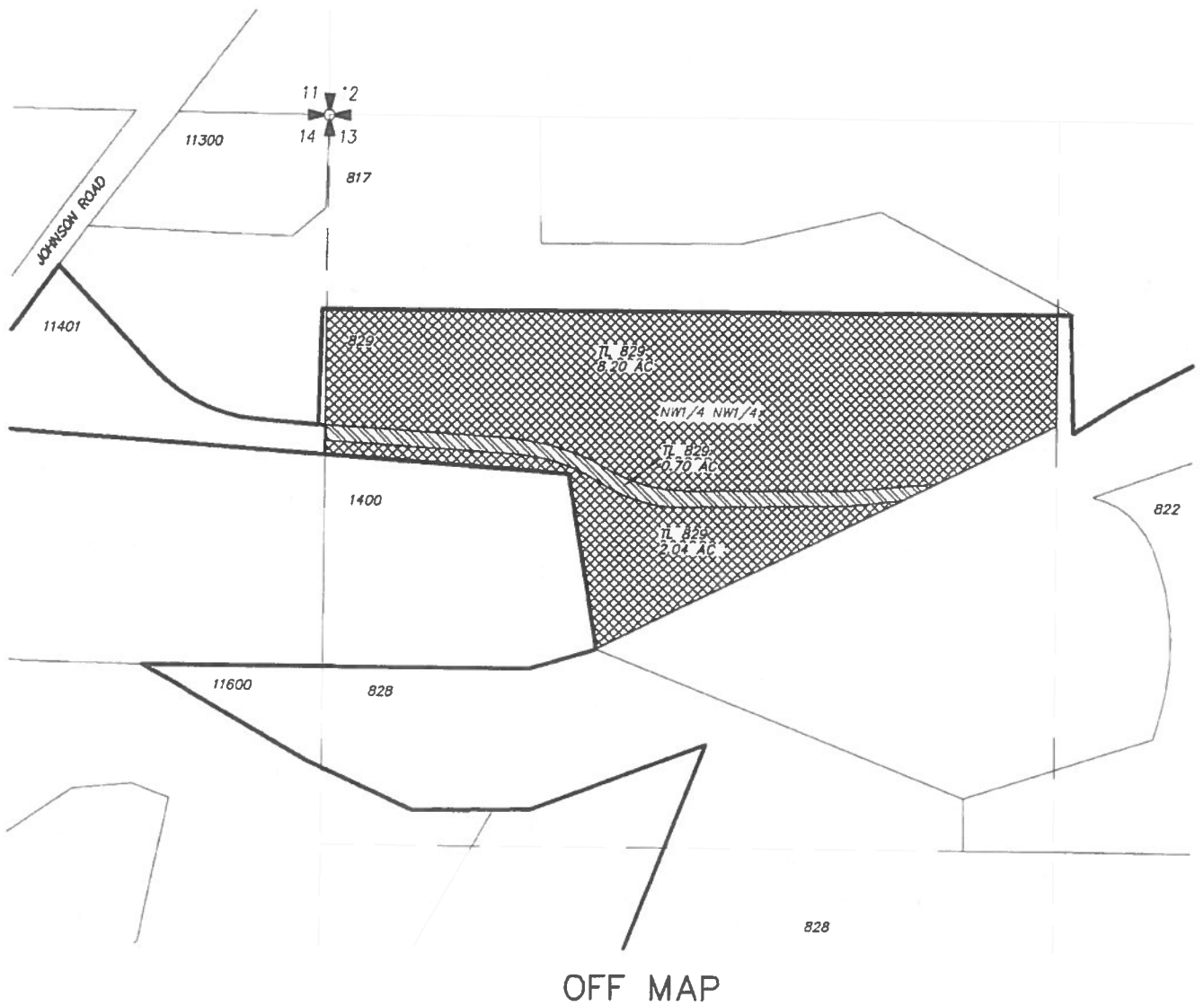
DATE: 4/4/2014

041125-WATER RIGHTS-OLDTAXLOTS.DWG

N14.002



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DESCHUTES COUNTY
SECTION 13 T17S R11E W.M.
NW 1/4 OF THE NW 1/4
SCALE: 1"=300'



Certified Water Right Examiner
413WRE
David R. Williams
DAVID R. WILLIAMS
MAY 16, 1995
STATE OF OREGON
4/04/14

TAX LOT NO. 829: 0.70 ACRES OFF

-  "OFF" LANDS
-  EXISTING WATER RIGHTS
- X.XX AC PARCELS W/WATER RIGHTS

HWA SURVEYORS, ENGINEERS
& PLANNERS
HICKMAN, WILLIAMS & ASSOCIATES, INC
1201 NW WALL STREET, SUITE 100
BEND, OREGON 97701
PHONE: 541.389.9351 FAX 541.388.5416

APPLICATION FOR WATER RIGHT TRANSFER
KC DEVELOPMENT GROUP, LLC

DATE: 4/4/2014

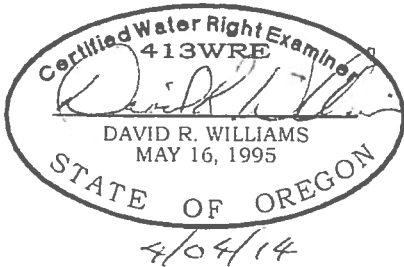
041125-WATER RIGHTS-OLDTAXLOTS.DWG

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DESCHUTES COUNTY
SECTION 13 T17S R11E W.M.
SE 1/4 OF THE NW 1/4
SCALE: 1"=300'



OFF MAP



TAX LOT NO. 828: 1.53 ACRES OFF
TAX LOT NO. 824: 0.28 ACRES OFF

-  "OFF" LANDS
-  EXISTING WATER RIGHTS
- X.XX AC PARCELS W/WATER RIGHTS

HWA SURVEYORS, ENGINEERS
& PLANNERS
HICKMAN, WILLIAMS & ASSOCIATES, INC
1201 NW WALL STREET, SUITE 100
BEND, OREGON 97701
PHONE: 541 389 9351 FAX: 541.388.5416

APPLICATION FOR WATER RIGHT TRANSFER
KC DEVELOPMENT GROUP, LLC

DATE: 4/4/2014

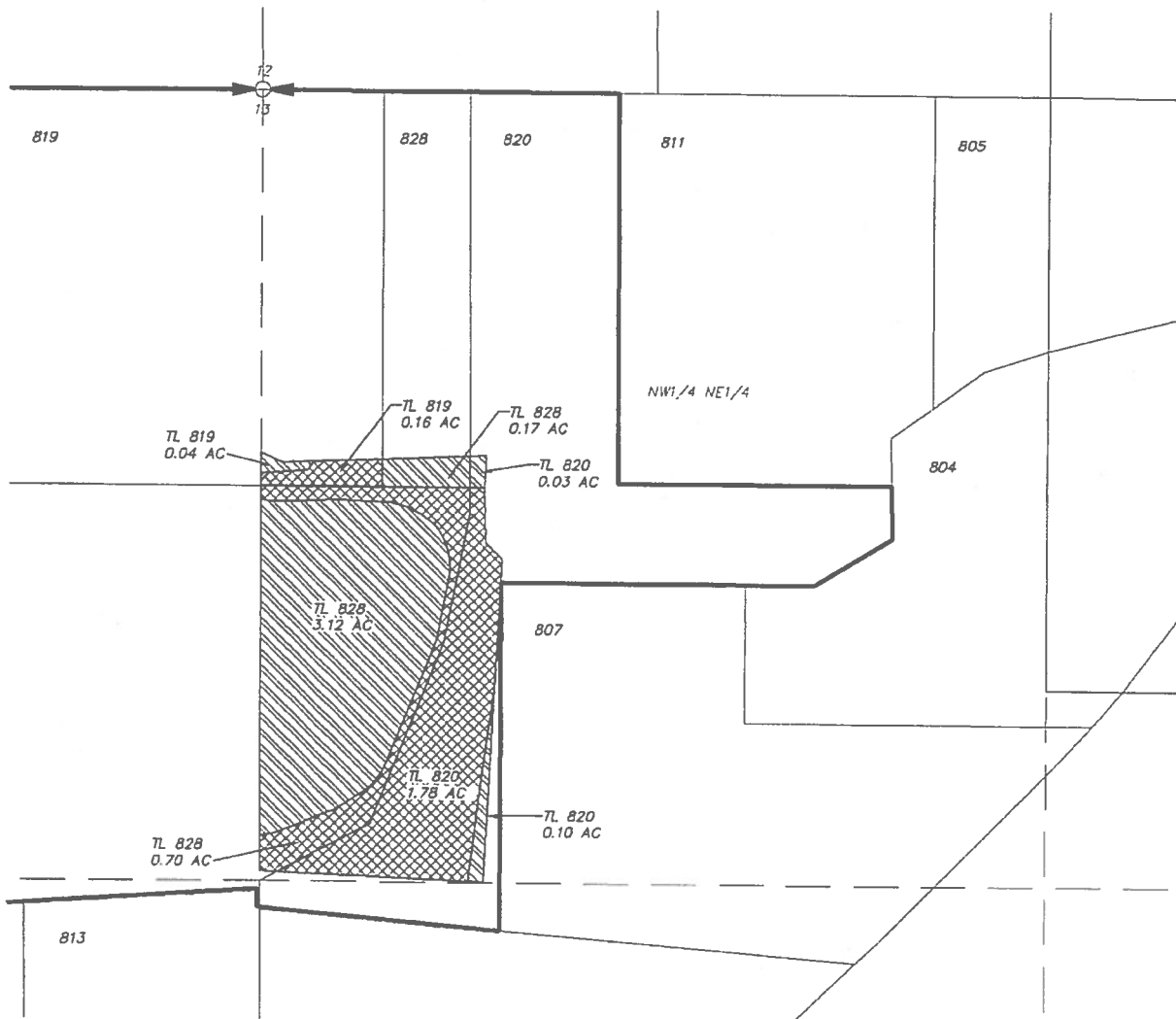
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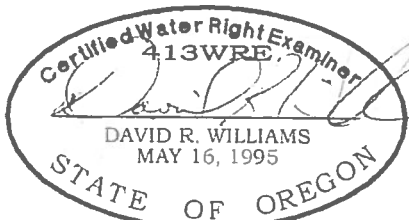
DESCHUTES COUNTY
SECTION 13 T17S R11E W.M.

NW 1/4 OF THE NE 1/4

SCALE: 1"=300'





OFF MAP



4/04/14

TAX LOT NO. 819: 0.04 ACRES OFF
TAX LOT NO. 820: 0.13 ACRES OFF
TAX LOT NO. 828: 3.29 ACRES OFF

-  "OFF" LANDS
-  EXISTING WATER RIGHTS
- X.XX AC PARCELS W/WATER RIGHTS

HWA SURVEYORS, ENGINEERS
& PLANNERS
HICKMAN, WILLIAMS & ASSOCIATES, INC
1201 NW WALL STREET, SUITE 100
BEND, OREGON 97701
PHONE: 541.389.9351 FAX: 541.388.5416

APPLICATION FOR WATER RIGHT TRANSFER
KC DEVELOPMENT GROUP, LLC

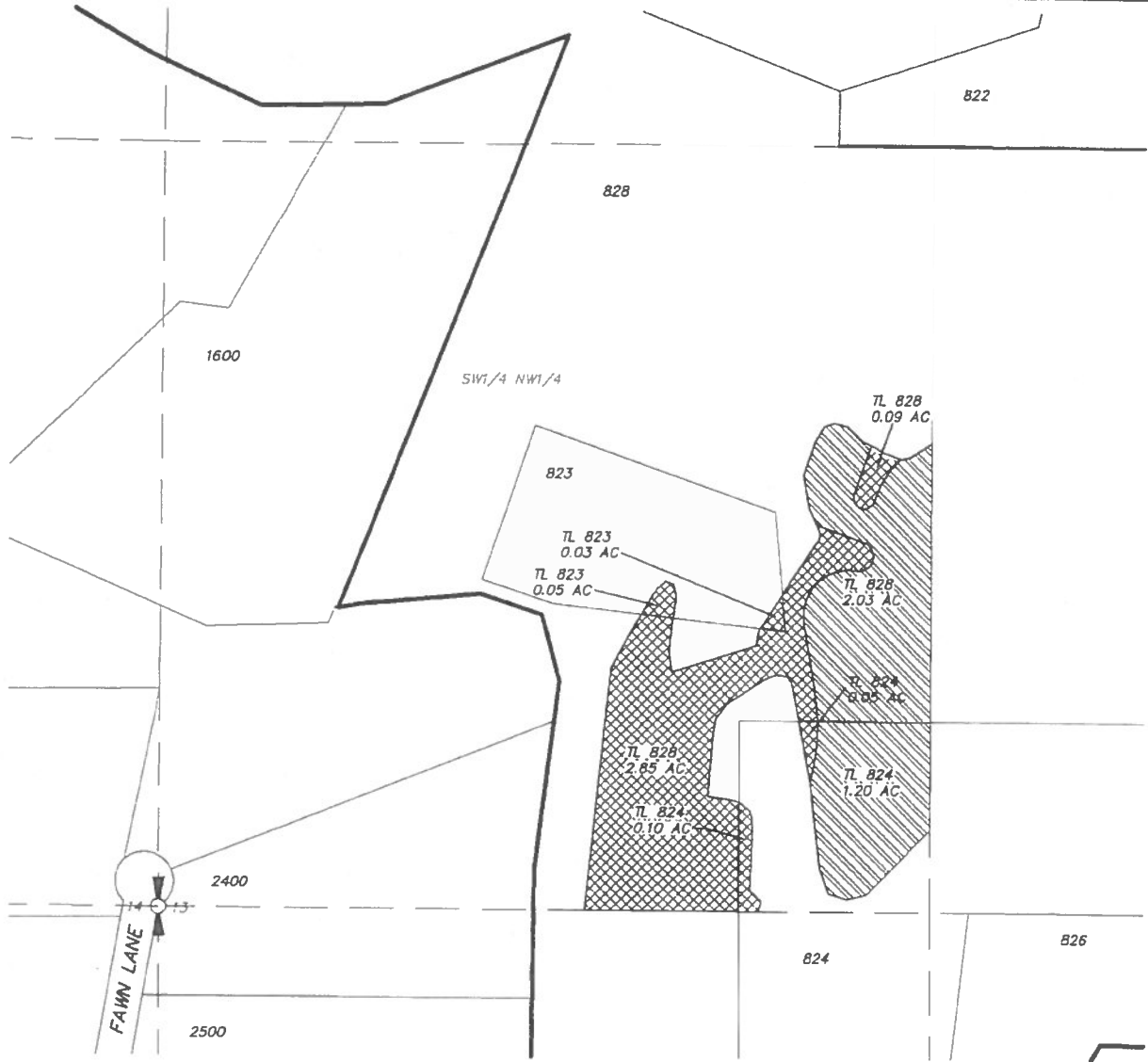
DATE: 4/4/2014

041125-WATER RIGHTS-OLDTAXLOTS.DWG

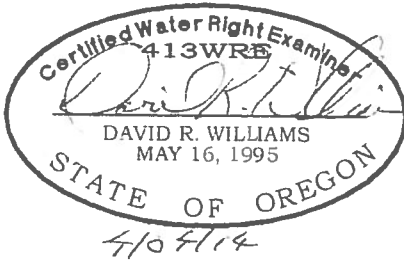
RECEIVED
JUN 11 2014
OWRD

DESCHUTES COUNTY
SECTION 13 T17S R11E W.M.
SW 1/4 OF THE NW 1/4

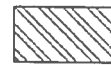
SCALE: 1"=300'



OFF MAP



TAX LOT NO. 828: 2.03 ACRES OFF
TAX LOT NO. 824: 1.20 ACRES OFF



"OFF" LANDS



EXISTING WATER RIGHTS

X.XX AC

PARCELS W/WATER RIGHTS

HWA SURVEYORS, ENGINEERS
& PLANNERS
HICKMAN, WILLIAMS & ASSOCIATES, INC
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PHONE: 541.389.9351 FAX: 541.388.5416

APPLICATION FOR WATER RIGHT TRANSFER
KC DEVELOPMENT GROUP, LLC

DATE: 4/4/2014

041125-WATER RIGHTS-OLDTAXLOTS.DWG

RECEIVED

JUN 11 2014

OWRD

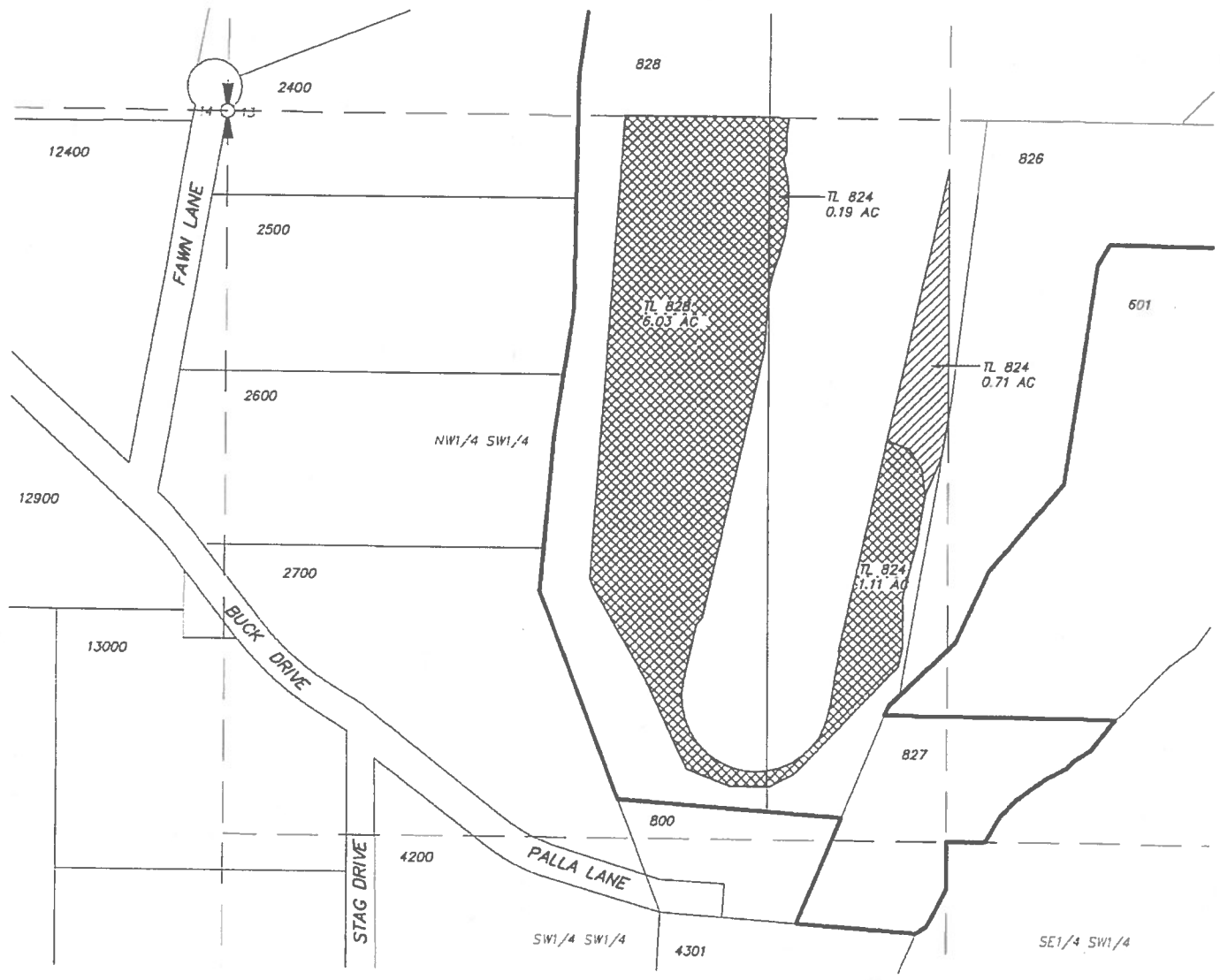
DESCHUTES COUNTY
SECTION 13 T17S R11E W.M.

NW 1/4 OF THE SW 1/4

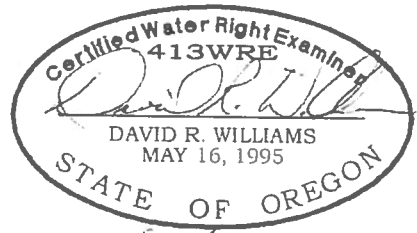
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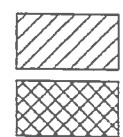
NORTH



ON MAP



TAX LOT NO. 824: 0.71 ACRES



"ON" LANDS

EXISTING WATER RIGHTS

X.XX AC

PARCELS W/WATER RIGHTS

HWA SURVEYORS, ENGINEERS & PLANNERS
 HICKMAN, WILLIAMS & ASSOCIATES, INC
 1201 NW WALL STREET, SUITE 100
 BEND, OREGON 97701
 PHONE: 541.389.9351 FAX: 541.388.5416

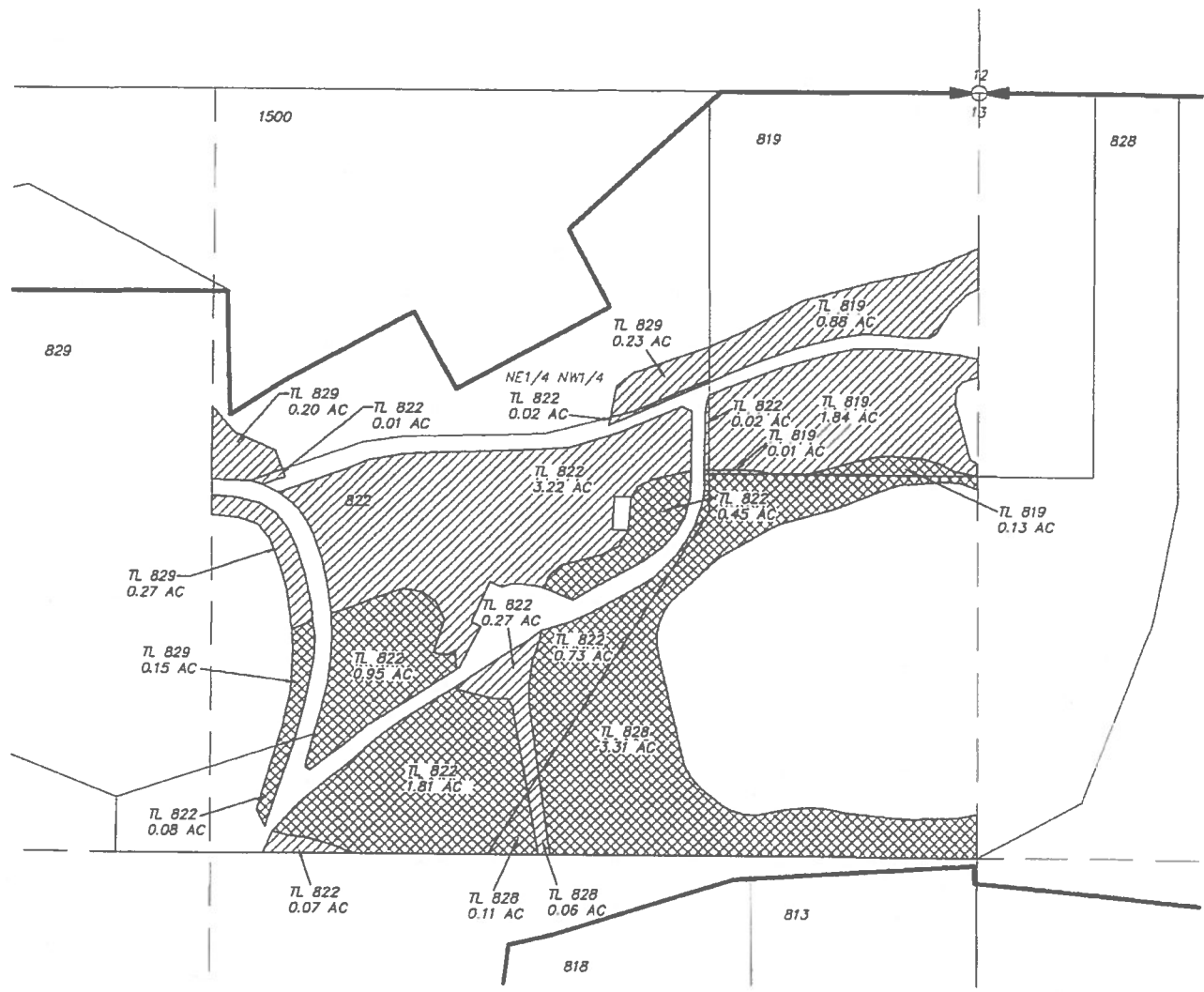
APPLICATION FOR WATER RIGHT TRANSFER
 KC DEVELOPMENT GROUP, LLC

DATE: 4/4/2014

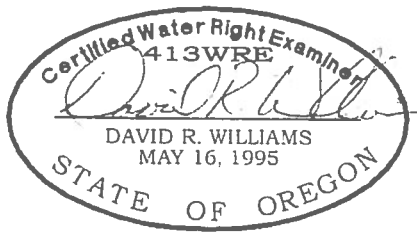
041125-WATER RIGHTS-OLDTAXLOTS.DWG

RECEIVED
JUN 11 2014
OWRD

DESCHUTES COUNTY
SECTION 13 T17S R11E W.M.
NE 1/4 OF THE NW 1/4
SCALE: 1"=300'

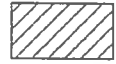
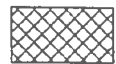


ON MAP



4/04/14

TAX LOT NO. 819:	2.72 ACRES
TAX LOT NO. 822:	3.61 ACRES
TAX LOT NO. 828:	0.06 ACRES
TAX LOT NO. 829:	0.70 ACRES

-  "ON" LANDS
-  EXISTING WATER RIGHTS
- X.XX AC PARCELS W/WATER RIGHTS

HWA SURVEYORS, ENGINEERS & PLANNERS
HICKMAN, WILLIAMS & ASSOCIATES, INC
1201 NW WALL STREET, SUITE 100
BEND, OREGON 97701
PHONE: 541.389.9351 FAX: 541.388.5416

APPLICATION FOR WATER RIGHT TRANSFER
KC DEVELOPMENT GROUP, LLC

DATE: 4/4/2014

041125-WATER RIGHTS-OLDTAXLOTS.DWG

3/1

N14.002

RECEIVED

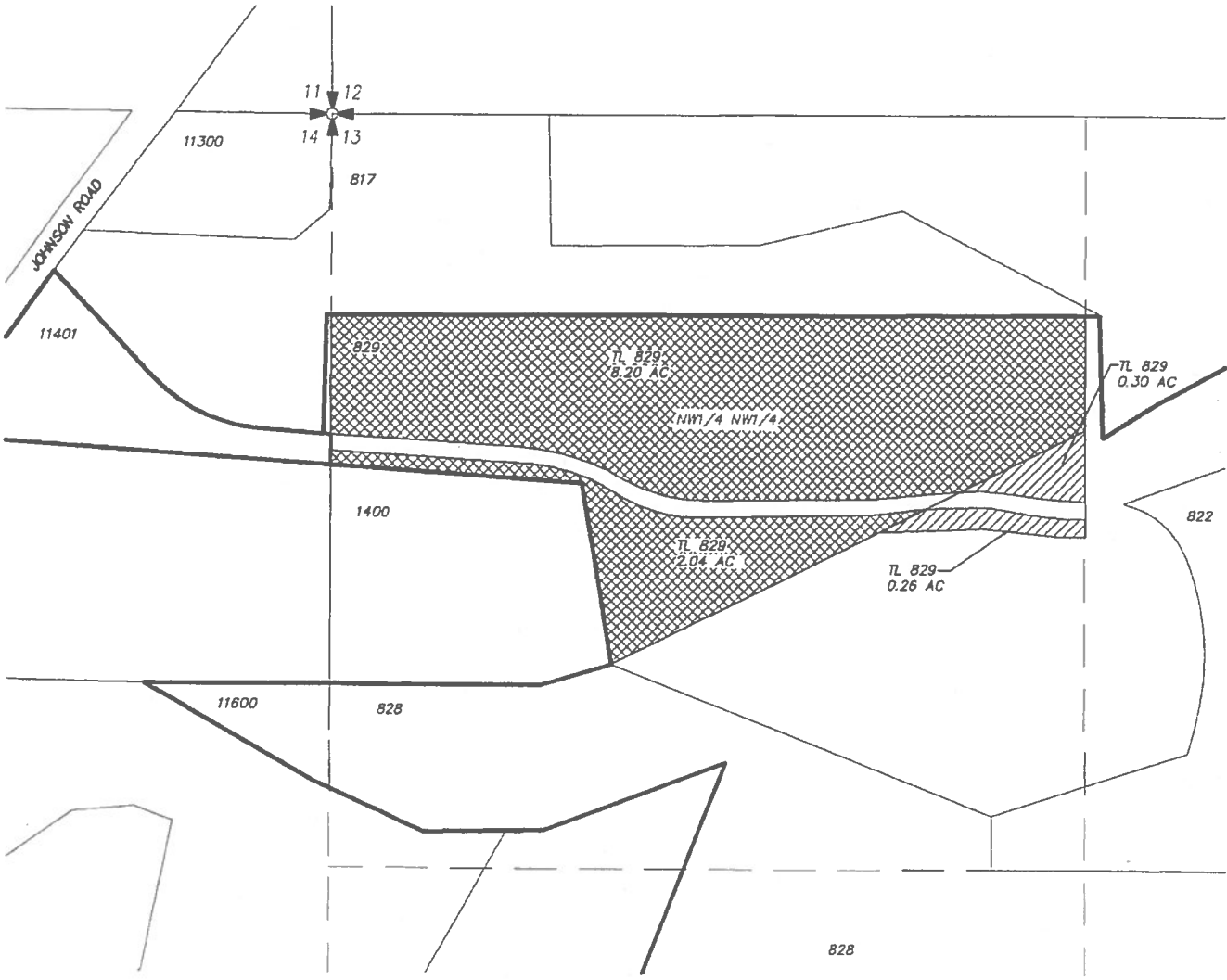
JUN 11 2014

OWRD

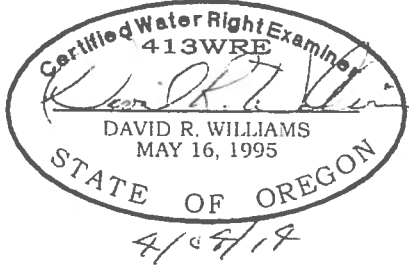
DESCHUTES COUNTY
SECTION 13 T17S R11E W.M.

NW 1/4 OF THE NW 1/4




SCALE: 1"=300'



ON MAP



TAX LOT NO. ~~822~~ ⁸²⁹ 0.56 ACRES

-  "ON" LANDS
-  EXISTING WATER RIGHTS
-  X.XX AC PARCELS W/WATER RIGHTS

HWA SURVEYORS, ENGINEERS & PLANNERS
 HICKMAN, WILLIAMS & ASSOCIATES, INC
 1201 NW WALL STREET, SUITE 100
 BEND, OREGON 97701
 PHONE: 541.389.9351 FAX: 541.388.5414

APPLICATION FOR WATER RIGHT TRANSFER
KC DEVELOPMENT GROUP, LLC

DATE: 4/4/2014

041125-WATER RIGHTS-OLDTAXLOTS.DWG

7"

V14, 072

RECEIVED

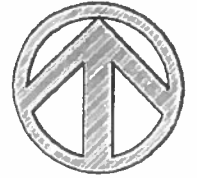
JUN 11 2014

OWRD

DESCHUTES COUNTY
SECTION 13 T17S R11E W.M.

SE 1/4 OF THE NW 1/4

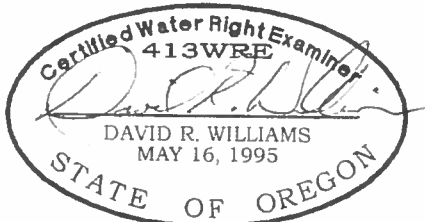
SCALE: 1"=300'



NORTH



ON MAP



4/6/14

TAX LOT NO. 828: 2.86 ACRES

TAX LOT NO. 824: 1.44 ACRES



"ON" LANDS



EXISTING WATER RIGHTS

X.XX AC

PARCELS W/WATER RIGHTS

HWA SURVEYORS, ENGINEERS & PLANNERS
HICKMAN, WILLIAMS & ASSOCIATES, INC
1201 NW WALL STREET, SUITE 100
BEND, OREGON 97701
PHONE: 541.389.9351 FAX: 541.388.5416

APPLICATION FOR WATER RIGHT TRANSFER
KC DEVELOPMENT GROUP, LLC

DATE: 4/4/2014

041125-WATER RIGHTS-OLDTAXLOTS.DWG

RECEIVED

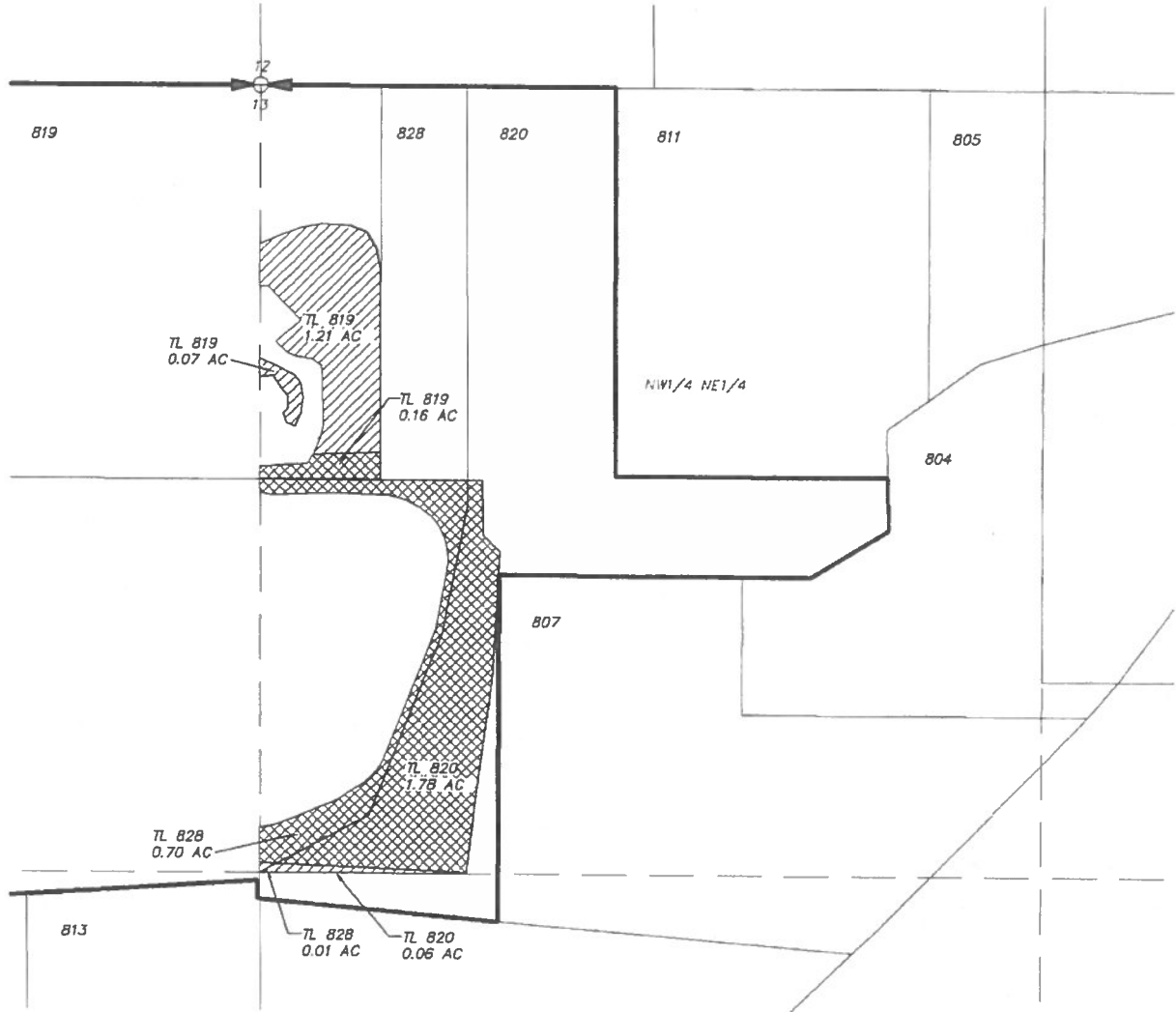
JUN 11 2014

OWRD

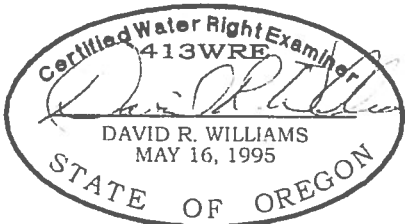
DESCHUTES COUNTY
SECTION 13 T17S R11E W.M.

NW 1/4 OF THE NE 1/4

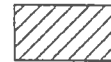
SCALE: 1"=300'



ON MAP



TAX LOT NO. 819: 1.28 ACRES
 TAX LOT NO. 820: 0.06 ACRES
 TAX LOT NO. 828: 0.01 ACRES



"ON" LANDS



EXISTING WATER RIGHTS

X.XX AC

PARCELS W/WATER RIGHTS

HWA SURVEYORS, ENGINEERS
& PLANNERS
HICKMAN, WILLIAMS & ASSOCIATES, INC
1201 NW WALL STREET, SUITE 100
BEND, OREGON 97701
PHONE: 541.389.9351 FAX: 541.388.5416

APPLICATION FOR WATER RIGHT TRANSFER
 KC DEVELOPMENT GROUP, LLC

DATE: 4/4/2014

041125-WATER RIGHTS-OLDTAXLOTS.DWG

RECEIVED

JUN 11 2014

OWRD

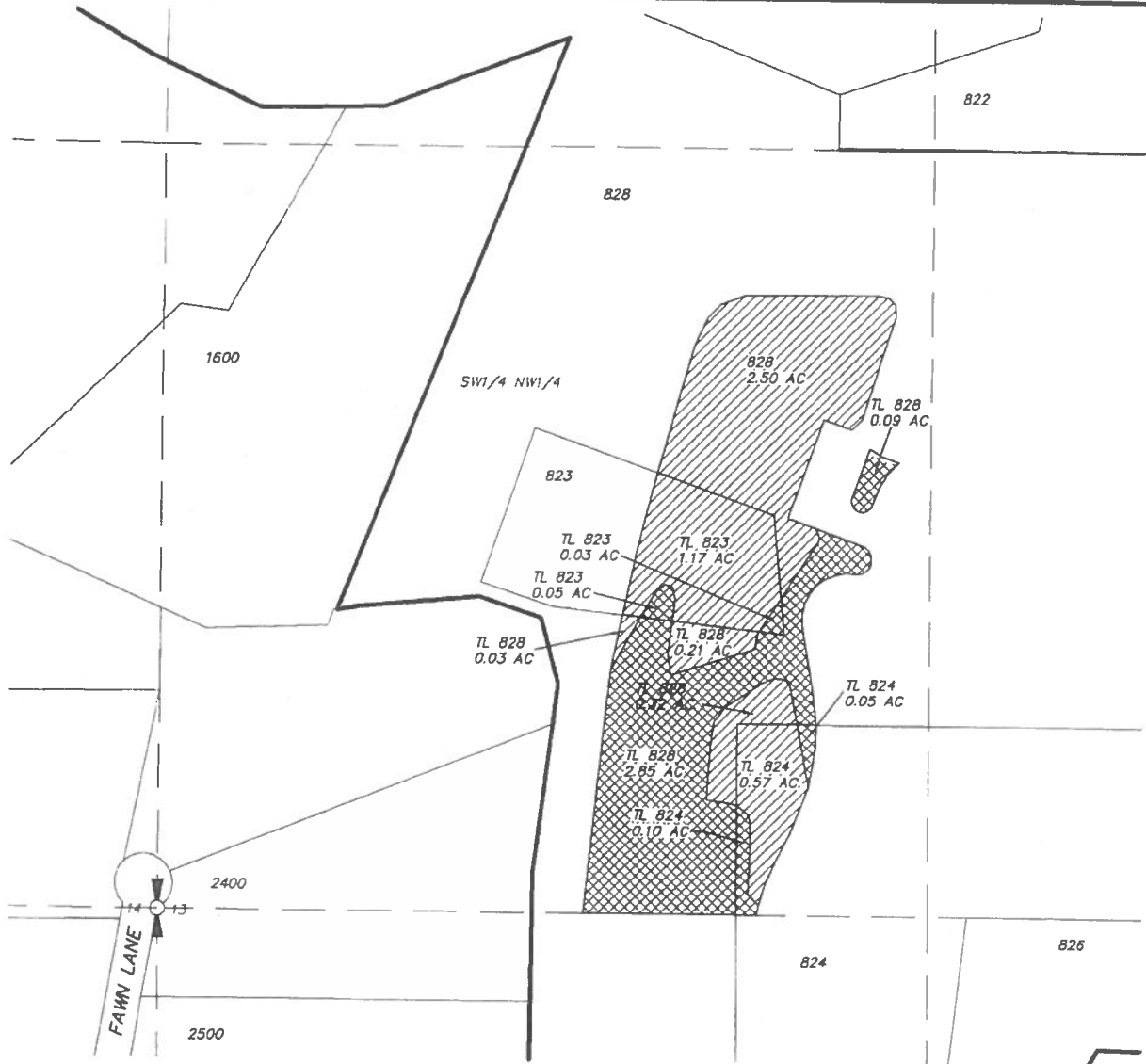
DESCHUTES COUNTY
SECTION 13 T17S R11E W.M.

SW 1/4 OF THE NW 1/4

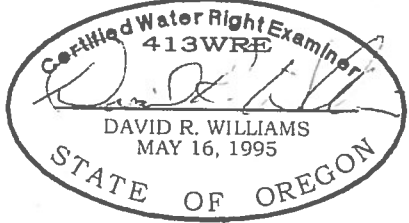
SCALE: 1"=300'



NORTH



ON MAP



4/04/14

TAX LOT NO. 828: 3.06 ACRES
 TAX LOT NO. 824: 0.57 ACRES
 TAX LOT NO. 823: 1.17 ACRES

"ON" LANDS
 EXISTING WATER RIGHTS
 X.XX AC PARCELS W/WATER RIGHTS

HWA SURVEYORS, ENGINEERS & PLANNERS
 HICKMAN, WILLIAMS & ASSOCIATES, INC
 1201 HW WALL STREET, SUITE 100
 BEND, OREGON 97701
 PHONE: 541.389.9351 FAX: 541.388.5416

APPLICATION FOR WATER RIGHT TRANSFER
 KC DEVELOPMENT GROUP, LLC

DATE: 4/4/2014

041125-WATER RIGHTS-OLDTAXLOTS.DWG

RECEIVED

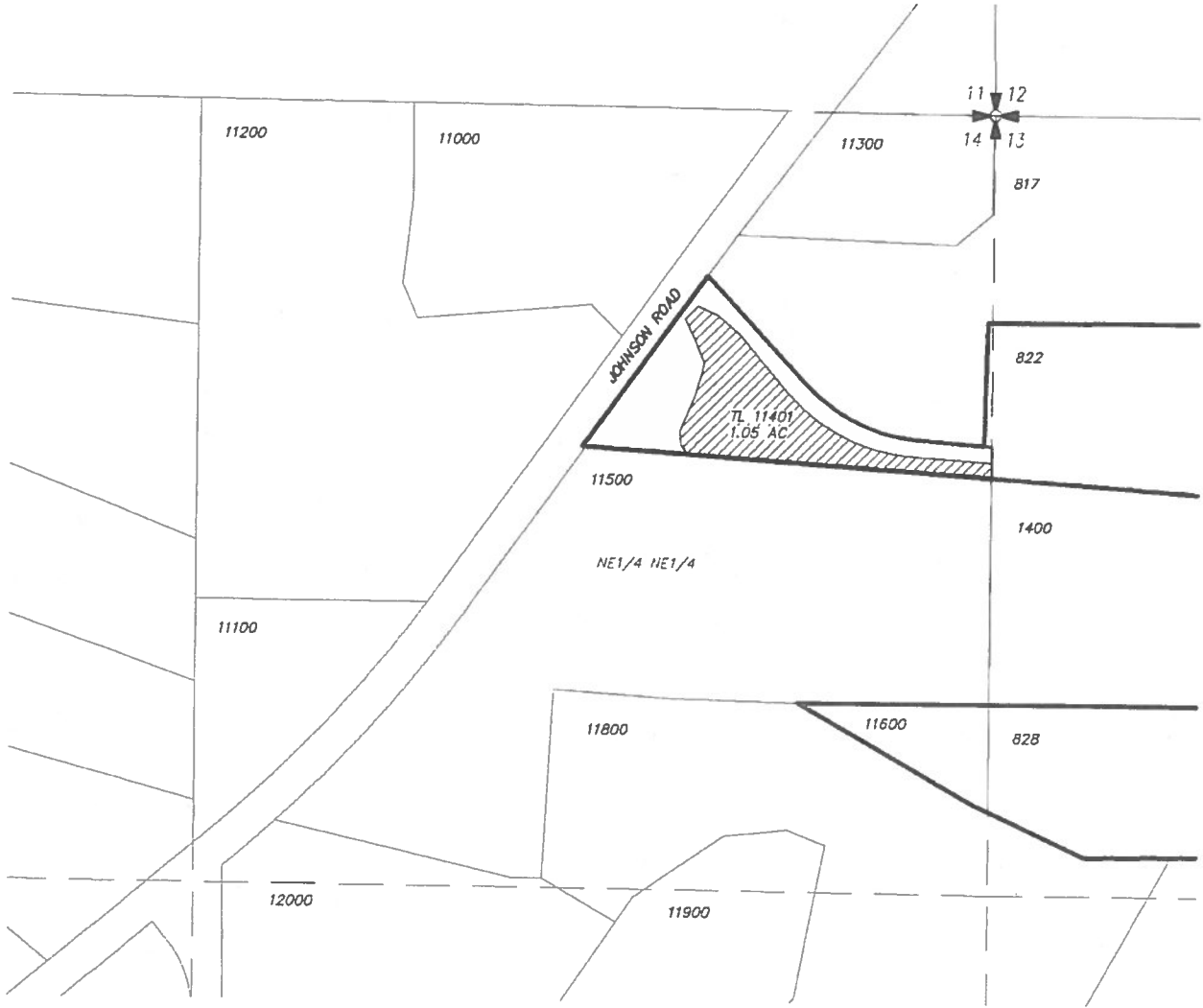
JUN 11 2014

OWRD

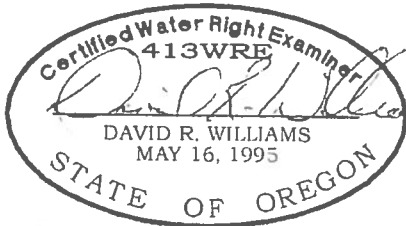
DESCHUTES COUNTY
SECTION 14 T17S R11E W.M.

NE 1/4 OF THE NE 1/4

SCALE: 1"=300'

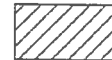


ON MAP



4/04/14

TAX LOT NO. 11401: 1.05 ACRES



"ON" LANDS



EXISTING WATER RIGHTS

X.XX AC

PARCELS W/WATER RIGHTS

HWA SURVEYORS, ENGINEERS & PLANNERS
HICKMAN, WILLIAMS & ASSOCIATES, INC
1201 NW WALL STREET, SUITE 100
BEND, OREGON 97701
PHONE: 541.389.9351 FAX: 541.388.5416

APPLICATION FOR WATER RIGHT TRANSFER
KC DEVELOPMENT GROUP, LLC

DATE: 4/4/2014

041125-WATER RIGHTS-OLDTAXLOTS.DWG

RECEIVED

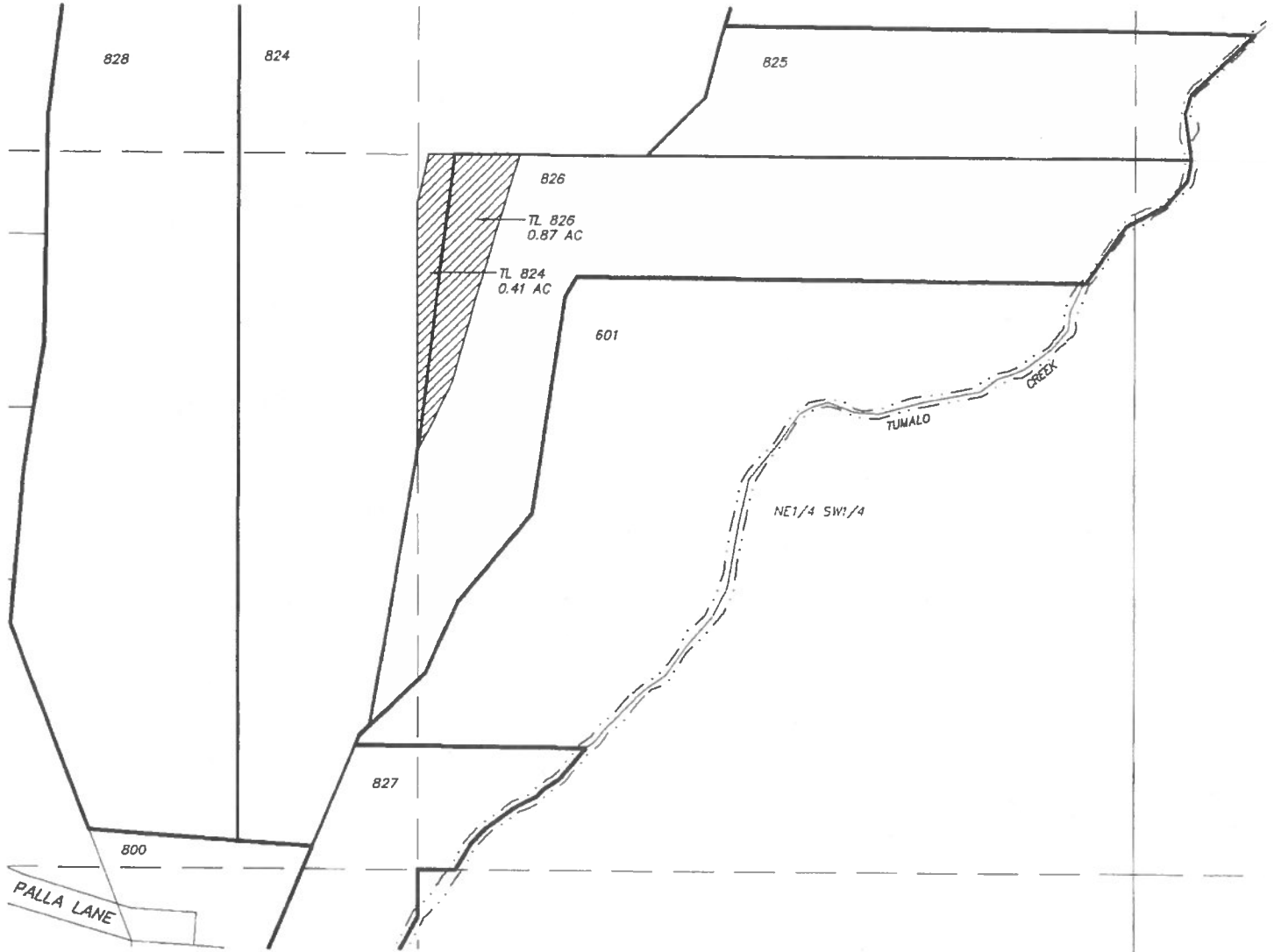
JUN 11 2014

OWRD

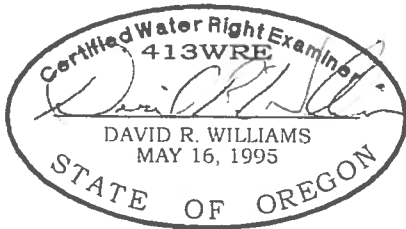
DESCHUTES COUNTY
SECTION 13 T17S R11E W.M.

NE 1/4 OF THE SW 1/4

SCALE: 1"=300'



ON MAP



4/04/14

TAX LOT NO. 824: 0.41 ACRES

TAX LOT NO. 826: 0.87 ACRES



"ON" LANDS



EXISTING WATER RIGHTS

X.XX AC

PARCELS W/WATER RIGHTS

HWA SURVEYORS, ENGINEERS & PLANNERS
HICKMAN, WILLIAMS & ASSOCIATES, INC
1201 NW WALL STREET, SUITE 100
BEND, OREGON 97701
PHONE: 541.389.9351 FAX: 541.388.5416

APPLICATION FOR WATER RIGHT TRANSFER
KC DEVELOPMENT GROUP, LLC

DATE: 4/4/2014

041125-WATER RIGHTS-OLDTAXLOTS.DWG

TUMALO IRRIGATION DISTRICT

64697 Cook Ave.
Bend, Oregon 97701
Phone (541) 382-3053
Email: staff@tumalo.org
Web Page: www.tumalo.org

RECEIVED

JUN 11 2014

OWRD

June 10, 2014

Oregon Water Resources Department
Susan Douthit/Transfer Section
721 Summer St. NE, Suite A
Salem, Oregon 97301-1271

Re: 2014 District Petition for Permanent Transfer
ORS 540.580 & OAR Chapter 690, Division 385

Dear Susan,

Enclosed are the following:

1. 2014 District Petition for Permanent Transfer Application (ORS 540.580 and OAR Chapter 690, Division 385).
2. One notice of District Permanent Transfer (Place of Use) and associated maps.
3. The District's check for \$2,800.00 which represents fees & transfer costs.

Please contact me by phone at 541-382-3053 or by e-mail at fran@tumalo.org if you have any questions or need additional information. Thank you.

Sincerely,



Fran DeRock
Office Manager

Enclosures
Copy to District Watermaster



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

Fax (503) 986-0904

www.wrd.state.or.us

June 11, 2014

TUMALO IRRIGATION DISTRICT
64697 COOK AVE
BEND OR 97701

Reference: District Transfer 11834

On June 11, 2014 we received your district transfer application requesting place of use for use of water from TUMALO CREEK, tributary to DESCHUTES RIVER. The application was accompanied by \$2800.00. Our receipt 112333 is enclosed.

By copy of this letter, we are asking the Watermaster for his report regarding the potential for injury to existing water rights which may be caused by the change.

Your application will be examined to determine if additional information is needed. You will be contacted following this examination.

We will notify you if additional information or corrections to the application or map are required.

If you have any questions, please call the Transfer Section, (503)986-0807.

cc: Watermaster # 11 (*via email*)

enclosure



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

Notice of Application for Water Right Transfer, Temporary Transfer, or Permit Amendment June 17, 2014

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice. The Director may presume that the transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Director otherwise within 30 days of this notice.

County: DESCHUTES
Transfer: 11834
Water Right: CERT 74146; 74147
Priority Date: MAY 27, 1907; OCTOBER 29, 1913
Name: TUMALO IRRIGATION DISTRICT
64697 COOK AVE BEND, OR 97701
Change: place of use
Source: TUMALO CREEK

The holder of a water right may apply to permanently change an existing water use subject to transfer. A transfer application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years and, if necessary to convey the water, to temporarily change the point of diversion or appropriation.

The holder of a water right permit may apply to change a point of diversion (POD) or appropriation (POA) or to change the place of use (POU).

Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time. Comments should be sent to the Transfers Section at the Department's Salem office.



1600 Pioneer Tower
888 SW Fifth Avenue
Portland, Oregon 97204
503.221.1440

Janet E. Neuman
Senior Counsel

Direct Dial: 503.802.5722
Direct Fax: 503.972.7422
janet.neuman@tonkon.com

July 17, 2014

VIA E-MAIL AND U.S. MAIL

Ms. Susan M. Douthit
District Transfer Program Adviser
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

RECEIVED BY OWRD

JUL 21 2014

SALEM, OR

Re: Comments on Transfer Application 11834

Dear Ms. Douthit:

As you know from my earlier communications, I represent Thomas and Dorbina Bishop, trustees of the Bishop Family Trust dated December 3, 2003, who live at 63382 Fawn Lane, Bend, Oregon, within the boundaries of the Tumalo Irrigation District ("TID" or "the District"). This letter contains comments on the District's Transfer Application 11834. (I have also submitted separate comments for the Bishops today on the District's Transfer Application 11833.)

It is somewhat difficult to provide appropriate comments on T-11834 separately from T-11833, because the two applications concern one unified project. In T-11833, the District requests a change in place of use to move some of the water currently stored at Upper Tumalo Reservoir to a new location (the "storage water"). That new location consists of two newly-constructed, privately-owned reservoirs designed and built to serve as water features for a planned (but not yet permitted) housing development on land owned by Harris Kimble, Eric Cadwell, and/or KC Development Group, LLC (collectively "KCDG"). In *this* application, T-11834, the District requests a change of place of use for irrigation rights that are appurtenant to the parcels of land underlying the new reservoirs, in order to move those rights to different parcels of non-inundated land (the "irrigation water"). The request here is thus dependent on approval of the transfer of storage rights requested in T-11833. If T-11833 is denied, the changes requested here in T-11834 are unnecessary.

My comments on T-11833 discussed in considerable detail why that transfer proceeding should be adjourned or the request denied, and why the KCDG reservoirs should be submitted to a full permit application process. For the same reasons, this transfer should also be

Ms. Susan M. Douthit
July 17, 2014
Page 2

adjourned or denied pending a full permit review of the KCDG water storage facilities. My T-11833 comments are therefore enclosed with this letter and incorporated herein. In the rest of this letter, I will briefly highlight the issues that are particularly pertinent to T-11834.

The District has signed an Agreement with KCDG whereby the District essentially cedes control of both the storage water and the irrigation water to KCDG. In particular, KCDG is allowed to move the irrigation water covered in this transfer "through" its facilities, which will also hold the storage water. However, KCDG is not supposed to store the irrigation water with the storage water. Neither transfer application provides any information at all about how the reservoirs will be managed to accomplish this separation of the two "buckets" of water. The Agreement does not contain any description of the "plumbing" by which the District can access the irrigation water (or the storage water) to provide it to other District users as appropriate. All of the on-site construction to date has been in aid of getting water *to* KCDG's property and *into* the ponds. My clients and other neighbors have not seen evidence of any pipes or other means of getting the water *out* of the ponds to other District lands. Nor is it clear how and where irrigation return flows will be directed back to the rest of the District's system.

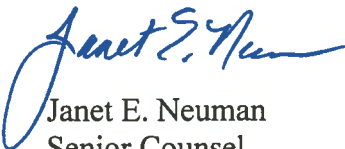
The Bishops' water rights are senior to both the irrigation rights and the storage rights at issue in T-11833 and T-11834. However, KCDG's diversion to its reservoirs is upstream of the Bishops. It is thus critical for the Bishops to have adequate information to determine how the District will meet its delivery obligations to them and thus to evaluate how they will be injured by this transfer. Part 1a, pages 11-13, and Part 2d of the attached incorporated comments further detail the inadequacy of the available information and how the Bishops and other water users are injured by this transfer as proposed. The Bishops reserve the right to provide additional comments when the Department has obtained information about the operation of the KCDG reservoirs sufficient to allow an evaluation of the impact of the proposed changes.

RECEIVED BY OWRD

JUL 21 2014

SALEM, OR

Sincerely,


Janet E. Neuman
Senior Counsel

Enclosure

037351/00001/5710904v1



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

Watermaster Review Form: Water Right Transfer

Transfer Application: T-11834

Review Due Date: 7/11/14

Applicant Name: Tumalo Irrigation District

Proposed Changes: POU POD POA USE OTHER

Reviewer(s): Giffin

Date of Review: Jun. 12, 2014

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? Yes No If "yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? Yes No
Generally characterize the frequency of any regulation or explain why regulation has not occurred: _____
3. Have headgate notices been issued for the source that serves the transferred right(s)?
 Yes No Records not available.
4. In your estimation, after the proposed change would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized?
 Yes No If "Yes", explain: _____
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? Yes No If "Yes", describe how the rights would be affected and list the rights most affected: _____
6. Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most:
Possibly some subsurface return flows, however the return flows will remain the same after the proposed changes due to the localized proximity of the on and off lands. N/A
7. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses: _____. N/A
8. For instream transfers that propose protection of a reach beyond the mouth of the source stream: N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)? Yes No
9. For POU changes: N/A Is it likely the original place of use would continue to receive water from the same source? Yes No If "Yes", explain: _____

10. For POU or USE changes: N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste? Yes No If "Yes", explain: _____
11. Are there other issues not identified through the above questions that should be considered in determining whether the change "can be effected without injury to other rights"?
 Yes No If "Yes", explain: _____
12. What alternatives may be available for addressing any issues identified above: _____
13. Do conditions need to be included in the transfer order to avoid enlargement of the right or injury to other rights? No Yes, as checked below:
- A Headgate should be required prior to diverting water.
- Measurement Devices for POD or POA: (if this condition is selected, also fill in the top sections of page 3)
- a. ***Before water use may begin under this order, the water user shall install a totalizing flow meter*, or, with prior approval of the Director, another suitable measuring device, at each point of diversion/appropriation (new and existing) or at each new point of diversion/appropriation.***
- b. *The water user shall maintain the meters or measuring devices in good working order.*
- c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
- Reservoir water use measurement: (if this condition is selected, also fill in the top sections of page 3)
- a. ***Before water use may begin under this order, the water user shall install staff gages*, or, with prior approval of the Director, other suitable measuring devices, that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style.***
- b. *Before water use may begin under this order, if the reservoir is located in channel, weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, an adjustable outlet valve must be installed. The water user shall maintain such devices in good working order. A written waiver may be obtained, if in the judgment of the Director, the installation of weirs or other suitable measuring devices, or the adjustable outlet valve, will provide no public benefit.*

*** The following alternative device(s) should be substituted for the bold, underlined device in the above selected condition:**

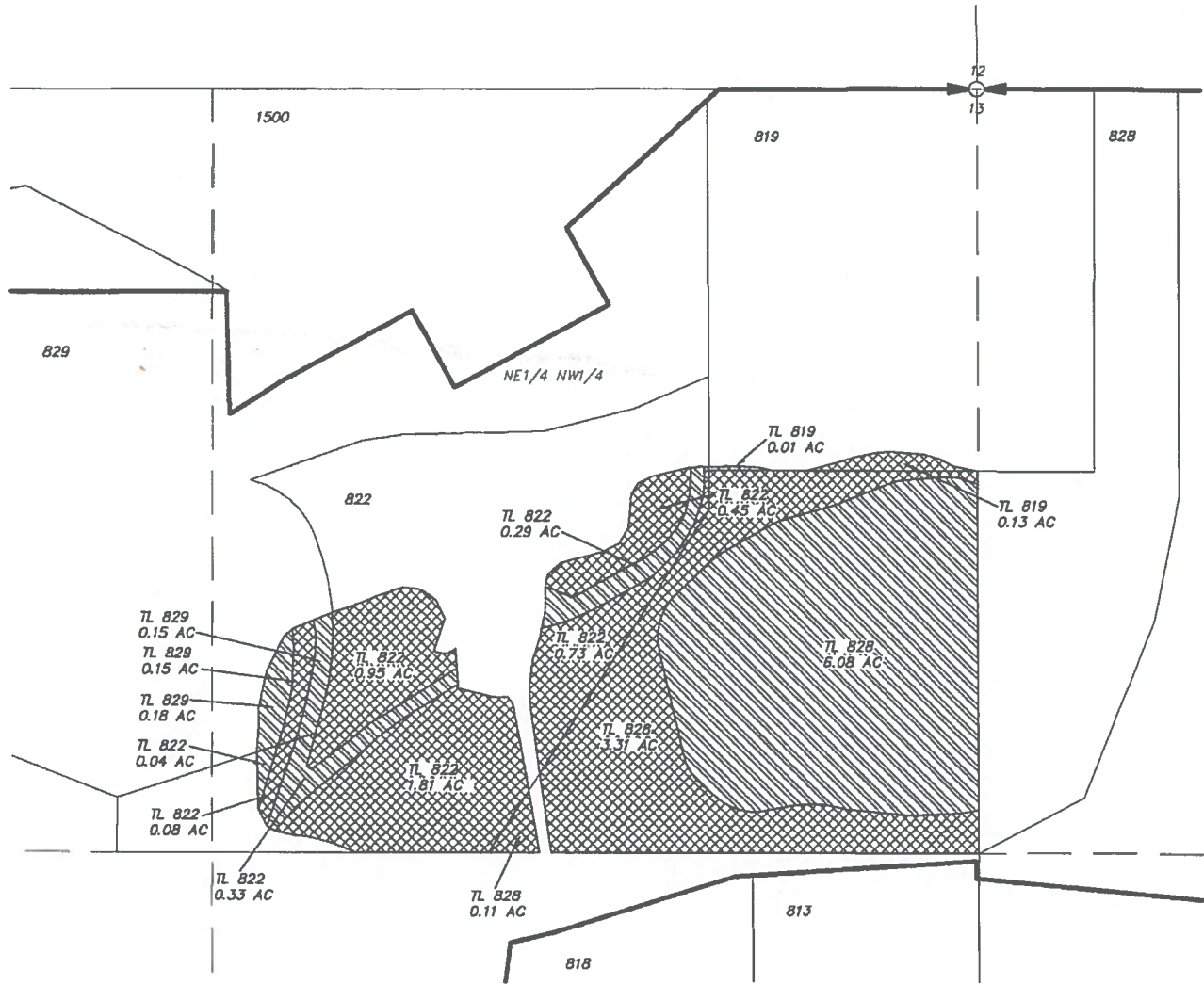
- Weir Submerged Orifice
 Parshall Flume Flow Restrictor
 Other: _____

27

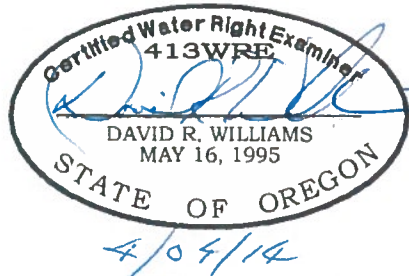
N14.002

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DESCHUTES COUNTY
SECTION 13 T17S R11E W.M.
NE 1/4 OF THE NW 1/4
SCALE: 1"=300'



OFF MAP



TAX LOT NO. 822: 0.66 ACRES OFF
TAX LOT NO. 828: 6.08 ACRES OFF
TAX LOT NO. 829: 0.33 ACRES OFF

-  "OFF" LANDS
-  EXISTING WATER RIGHTS
- X.XX AC PARCELS W/WATER RIGHTS

HWA SURVEYORS, ENGINEERS
& PLANNERS
HICKMAN, WILLIAMS & ASSOCIATES, INC
1201 NW WALL STREET, SUITE 100
BEND, OREGON 97701
PHONE: 541.389.9351 FAX: 541.388.5416

APPLICATION FOR WATER RIGHT TRANSFER
KC DEVELOPMENT GROUP, LLC

DATE: 4/4/2014

041125-WATER RIGHTS-OLDTAXLOTS.DWG

TABLE 1A. - AUTHORIZED PLACE OF USE

WATER RIGHT	Primary		USE	POD #	LEGAL DESCRIPTION							ACRES	USER NAME
	Cert/Decree PRIMARY	Cert/Perm SUPP			PRIORITY DATE	TW P	RN G	SE C	QQ	DL C	GOVT LOT		
74147	See Below	10/29/1913	Ir	2	17	11	13	NW/SW	4.87	✓	00828	1.57	KC Dev. Group
74147	See Below	10/29/1913	Ir	2	17	11	13	NW/SW	4.87	✓	00824	3.30	KC Dev. Group
74147	See Below	10/29/1913	Ir	2	17	11	13	NE/NW		✓	00822	0.66	KC Dev. Group
74147	See Below	10/29/1913	Ir	2	17	11	13	NE/NW	7.07	✓	00828	6.08	KC Dev. Group
74147	See Below	10/29/1913	Ir	2	17	11	13	NE/NW		✓	00829	0.33	KC Dev. Group
74147	See Below	10/29/1913	Ir	2	17	11	13	NW/NW		✓	00829	0.70	KC Dev. Group
74147	See Below	10/29/1913	Ir	2	17	11	13	SW/NW	1.53	✓	00828	1.53	KC Dev. Group
74147	See Below	10/29/1913	Ir	2	17	11	13	SW/NW	1.53	✓	00824	0.28	KC Dev. Group
74146	See Below	5/27/1907	Ir	1	17	11	13	NW/NE		✓	00819	0.04	H. Kimble
74146	See Below	5/27/1907	Ir	1	17	11	13	NW/NE		✓	00820	0.13	E. Cadwell
74146	See Below	5/27/1907	Ir	1	17	11	13	NW/NE		✓	00828	3.29	KC Dev. Group
74147	See Below	10/29/1913	Ir	2	17	11	13	SW/NW		✓	00828	2.03	KC Dev. Group
74147	See Below	10/29/1913	Ir	2	17	11	13	SW/NW	4.23	✓	00824	1.20	KC Dev. Group
											Total	21.14	

* Primary
74146
74147
76106

Supp. Cert.
74147, 74148, 74149, 76520
74148, 74149, 76520
74149, 76520

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TABLE 2A. - PROPOSED PLACE OF USE													
WATER RIGHT		Primary PRIORITY DATE	USE	POD #	TWP	RNG	SEC	QQ	DLC	GOV'T LOT	TAX LOT	ACRES	USER NAME
Cert/Decree PRIMARY	Cert/Perm SUPP												
74147	See Below	10/29/1913	Ir	2	17	11	13	NW/SW			00824	0.71	KC Dev. Group
74147	See Below	10/29/1913	Ir	2	17	11	13	NE/NW			00819	2.72	H. Kimble
74147	See Below	10/29/1913	Ir	2	17	11	13	NE/NW			00822	3.61	KC Dev. Group
74147	See Below	10/29/1913	Ir	2	17	11	13	NE/NW			00828	0.06	KC Dev. Group
74147	See Below	10/29/1913	Ir	2	17	11	13	NE/NW			00829	0.70	KC Dev. Group
74146	See Below	5/27/1907	Ir	1	17	11	13	NW/NW			00829	0.56	KC Dev. Group
74146	See Below	5/27/1907	Ir	1	17	11	13	SE/NW			00824	1.44	KC Dev. Group
74146	See Below	5/27/1907	Ir	1	17	11	13	SE/NW			00828	0.04	KC Dev. Group
74147	See Below	10/29/1913	Ir	2	17	11	13	SE/NW			00828	2.82	KC Dev. Group
74146	See Below	5/27/1907	Ir	1	17	11	13	NW/NE			00819	1.28	H. Kimble
74147	See Below	10/29/1913	Ir	2	17	11	13	NW/NE			00820	0.06	E. Cadwell
74146	See Below	5/27/1907	Ir	1	17	11	13	NW/NE			00828	0.01	KC Dev. Group
74147	See Below	10/29/1913	Ir	2	17	11	13	SW/NW			00823	1.17	KC Dev. Group
74147	See Below	10/29/1913	Ir	2	17	11	13	SW/NW			00824	0.57	KC Dev. Group
74147	See Below	10/29/1913	Ir	2	17	11	13	SW/NW			00828	3.06	KC Dev. Group
74147	See Below	10/29/1913	Ir	2	17	11	14	NE/NE			11401	0.99	KC Dev. Group
74146	See Below	5/27/1907	Ir	1	17	11	14	NE/NE			11401	0.06	KC Dev. Group
74147	See Below	10/29/1913	Ir	2	17	11	13	NE/SW			00824	0.34	KC Dev. Group
74146	See Below	5/27/1907	Ir	1	17	11	13	NE/SW			00824	0.07	KC Dev. Group
74147	See Below	10/29/1913	Ir	2	17	11	13	NE/SW			00826	0.87	KC Dev. Group
											Total	21.14	

* Primary
74146
74147
76106

Supp. Cert.
74147, 74148, 74149, 76520
74148, 74149, 76520
74149, 76520

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TABLE 2A. - PROPOSED PLACE OF USE													
WATER RIGHT		Primary PRIORITY DATE	USE	POD #	TWP	RNG	SEC	QQ	DLC	GOV'T LOT	TAX LOT	ACRES	USER NAME
Cert/Decree PRIMARY	Cert/Perm SUPP												
74147	See Below	10/29/1913	Ir	2	17	11	13	NW/SW			00824	0.71	KC Dev. Group
74147	See Below	10/29/1913	Ir	2	17	11	13	NE/NW			00819	2.72	H. Kimble
74147	See Below	10/29/1913	Ir	2	17	11	13	NE/NW			00822	3.61	KC Dev. Group
74147	See Below	10/29/1913	Ir	2	17	11	13	NE/NW			00828	0.06	KC Dev. Group
74147	See Below	10/29/1913	Ir	2	17	11	13	NE/NW			00829	0.70	KC Dev. Group
74146	See Below	5/27/1907	Ir	1	17	11	13	NW/NW			00829	0.56	KC Dev. Group
74146	See Below	5/27/1907	Ir	1	17	11	13	SE/NW			00824	1.44	KC Dev. Group
74146	See Below	5/27/1907	Ir	1	17	11	13	SE/NW			00828	0.04	KC Dev. Group
74147	See Below	10/29/1913	Ir	2	17	11	13	SE/NW			00828	2.82	KC Dev. Group
74146	See Below	5/27/1907	Ir	1	17	11	13	NW/NE			00819	1.28	H. Kimble
74147	See Below	10/29/1913	Ir	2	17	11	13	NW/NE			00820	0.06	E. Cadwell
74146	See Below	5/27/1907	Ir	1	17	11	13	NW/NE			00828	0.01	KC Dev. Group
74147	See Below	10/29/1913	Ir	2	17	11	13	SW/NW			00823	1.17	KC Dev. Group
74147	See Below	10/29/1913	Ir	2	17	11	13	SW/NW			00824	0.57	KC Dev. Group
74147	See Below	10/29/1913	Ir	2	17	11	13	SW/NW			00828	3.06	KC Dev. Group
74147	See Below	10/29/1913	Ir	2	17	11	14	NE/NE			11401	0.99	KC Dev. Group
74146	See Below	5/27/1907	Ir	1	17	11	14	NE/NE			11401	0.06	KC Dev. Group
74147	See Below	10/29/1913	Ir	2	17	11	13	NE/SW			00824	0.34	KC Dev. Group
74146	See Below	5/27/1907	Ir	1	17	11	13	NE/SW			00824	0.07	KC Dev. Group
74147	See Below	10/29/1913	Ir	2	17	11	13	NE/SW			00826	0.87	KC Dev. Group
											Total	21.14	

* Primary
74146
74147
76106

Supp. Cert.

74147, 74148, 74149, 76520
74148, 74149, 76520
74149, 76520

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State of Oregon
WATER RESOURCES DEPARTMENT
**2014 DISTRICT PETITION FOR PERMANENT TRANSFER
(ORS 540.580)**

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OWRD

TUMALO IRRIGATION DISTRICT
64697 COOK AVENUE
BEND, OR 97701
(541)382-3053 FAX (541)383-3287

1. WATER RIGHT

CERTIFICATE: 74146 PRIORITY: 5/27/1907
CERTIFICATE: 74147 PRIORITY: 10/29/1913
CERTIFICATE:

2. TYPE OF CHANGE: PERMANENT CHANGE IN PLACE OF USE

3. LOCATION OF AUTHORIZED PLACE OF USE: (PRESENT USER)

NAME	LEGAL DESCRIPTION	CERT. #/ PRIORITY	USE	NOTICE #	ACRES
See authorized place of use attached.(table 1A)			I		
				TOTAL:	21.14

4. LOCATION OF PROPOSED PLACE OF USE: (PROPOSED USER)

NAME	LEGAL DESCRIPTION	CERT. #/ PRIORITY	USE	NOTICE #	ACRES
See proposed place of use attached.(table 2A)			I		
				TOTAL:	21.14

5. ITEMS ATTACHED:

1. COPY OF NOTICES FILED WITH SALEM AND REGIONAL OWRD OFFICES (N/A for 540.572)
Including maps of "Off" and "On" lands.
2. DISTRICT BOUNDARIES
Description and map on file with OWRD's Regional and Salem offices.
3. FEES
\$2,800.00 IS ATTACHED TO THIS PETITION FOR FILING AND RECORDING FEES.

Each landowner affected by this transfer has authorized this transfer by a writing that is on file with the District. (N/A for 540.572)

Tumalo Irrigation District (PETITIONER) hereby certifies that this petition and attachments are accurate to the best of our knowledge and that the water rights referenced in this application have either been used within the last 5 years or are not subject to forfeiture.

K B R
Kenneth B. Rieck, District Manager

6-9-2014
Date

Subscribed and sworn to before me: Fran W. DeRock



My commission expires June 14, 2017



Oregon Water Resources Department
 721 Summer Street NE, Suite A
 Salem, OR 97301-1271

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OAR Chapter 690, Division 385
NOTICE OF DISTRICT PERMANENT TRANSFER
Place of Use

District: Tumalo Irrigation District

Contact Person: Fran W. DeRock Phone: 541-382-3053

Mailing Address: 64697 Cook Ave. Bend, OR 97701

District Internal Notice #: N14.002

I. Pursuant to ORS 540.580 and OAR Chapter 690, Division 385, the district is providing the Water Resources Department this notice of a proposed change in place of use prior to making the change. The district proposes to change the place of use for the following water rights:

WATER RIGHTS			
PERMIT NUMBER	CERTIFICATE NUMBER	DECREE (name, volume, and page)	PRIMARY (P) or SUPP (S)
	74146	See attachment A	
	74147	See attachment A	

II. The authorized point(s) of diversion for the water rights proposed for transfer are as follows:

AUTHORIZED POINT(S) OF DIVERSION / APPROPRIATION				
PERMIT	DECREE or CERTIFICATE	POD#	SOURCE	LOCATION - LEGAL DESCRIPTION
	74146	1P	Tumalo Creek	See Attachment A
	74147	2P	Tumalo Creek	See Attachment A

III. The district proposes to change the place of use from the authorized location listed in Table 1 to the location listed in Table 2.

IV. Enclosed is a map for the proposed change in place of use meeting the standards of OAR Chapter 690, Division 385.

V. The water right proposed for transfer is a water right subject to transfer and has not been forfeited for nonuse under ORS 540.610.

VI. Each user affected by the proposed transfer has provided written authorization for the transfer and such authorization is on file with the district.

TABLE 1. – AUTHORIZED PLACE OF USE-See Table 1A (attached)

WATER RIGHT		Primary PRIORITY	USE	POD #	LEGAL DESCRIPTION							ACRES	USER NAME
Cert/Decree	Cert/Perm				TWP	RNG	SEC	QQ	DLC	GOV'T LOT	TAX LOT		
PRIMARY	SUPP	DATE											

* Primary Supp. Cert.
 74146 74147, 74148, 74149, 76520
 74147 74148, 74149, 76520
 76106 74149, 76520

TABLE 2. – PROPOSED PLACE OF USE-See Table #2A (attached)

WATER RIGHT		Primary PRIORITY	USE	POD #	LEGAL DESCRIPTION							ACRES	USER NAME
Cert/Decree	Cert/Perm				TWP	RNG	SEC	QQ	DLC	GOV'T LOT	TAX LOT		
PRIMARY	SUPP	DATE											

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WATER RIGHT Cert/Decre e PRIMAR Y	Primary		USE	POD #	LEGAL DESCRIPTION							ACRES	USER NAME
	Cert/Perm SUPP	PRIORITY DATE			TW P	RN G	SE C	QQ	DL C	GOV'T LOT	TAX LOT		
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74147	See Below	10/29/1913	Ir	2	17	11	13	NE/NW			00829	0.33	KC Dev. Group
74147	See Below	10/29/1913	Ir	2	17	11	13	NW/NW			00829	0.70	KC Dev. Group
74147	See Below	10/29/1913	Ir	2	17	11	13	SW/NW			00828	1.53	KC Dev. Group
74147	See Below	10/29/1913	Ir	2	17	11	13	SW/NW			00824	0.28	KC Dev. Group
74146	See Below	5/27/1907	Ir	1	17	11	13	NW/NE			00819	0.04	H. Kimble
74146	See Below	5/27/1907	Ir	1	17	11	13	NW/NE			00820	0.13	E. Cadwell
74146	See Below	5/27/1907	Ir	1	17	11	13	NW/NE			00828	3.29	KC Dev. Group
74147	See Below	10/29/1913	Ir	2	17	11	13	SW/NW			00828	2.03	KC Dev. Group
74147	See Below	10/29/1913	Ir	2	17	11	13	SW/NW			00824	1.20	KC Dev. Group
											Total	21.14	

* Primary
 74146
 74147
 76106

Supp. Cert. 74147, 74148, 74149, 76520
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 74149, 76520

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TABLE 2A. -- PROPOSED PLACE OF USE

WATER RIGHT		Primary PRIORITY DATE	USE	POD #	TWP	RNG	SEC	QQ	DLC	GOV'T LOT	TAX LOT	ACRES	USER NAME
Cert/Decree PRIMARY	Cert/Perm SUPP												
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74147	See Below	10/29/1913	Ir	2	17	11	13	NE/NW			00819	2.72	H. Kimble
74147	See Below	10/29/1913	Ir	2	17	11	13	NE/NW			00822	3.61	KC Dev. Group
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74147	See Below	10/29/1913	Ir	2	17	11	13	NE/NW			00829	0.70	KC Dev. Group
74146	See Below	5/27/1907	Ir	1	17	11	13	NW/NW			00829	0.56	KC Dev. Group
74146	See Below	5/27/1907	Ir	1	17	11	13	SE/NW			00824	1.44	KC Dev. Group
74146	See Below	5/27/1907	Ir	1	17	11	13	SE/NW			00828	0.04	KC Dev. Group
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74146	See Below	5/27/1907	Ir	1	17	11	13	NW/NE			00819	1.28	H. Kimble
74147	See Below	10/29/1913	Ir	2	17	11	13	NW/NE			00820	0.06	E. Cadwell
74146	See Below	5/27/1907	Ir	1	17	11	13	NW/NE			00828	0.01	KC Dev. Group
74147	See Below	10/29/1913	Ir	2	17	11	13	SW/NW			00823	1.17	KC Dev. Group
74147	See Below	10/29/1913	Ir	2	17	11	13	SW/NW			00824	0.57	KC Dev. Group
74147	See Below	10/29/1913	Ir	2	17	11	13	SW/NW			00828	3.06	KC Dev. Group
74147	See Below	10/29/1913	Ir	2	17	11	14	NE/NE			11401	0.99	KC Dev. Group
74146	See Below	5/27/1907	Ir	1	17	11	14	NE/NE			11401	0.06	KC Dev. Group
74147	See Below	10/29/1913	Ir	2	17	11	13	NE/SW			00824	0.34	KC Dev. Group
74146	See Below	5/27/1907	Ir	1	17	11	13	NE/SW			00824	0.07	KC Dev. Group
74147	See Below	10/29/1913	Ir	2	17	11	13	NE/SW			00826	0.87	KC Dev. Group
											Total	21.14	

* Primary
74146
74147
76106

Supp. Cert.
74147, 74148, 74149, 76520
74148, 74149, 76520
74149, 76520

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VII. The undersigned understand and acknowledge that the proposed transfer is subject to the approval of the Water Resources Department. The undersigned also understand and acknowledge that if the Water Resources Department finds the change in place of use allowed by the district under this notice results in injury to an existing water right, the Department may direct the district to cease delivery of water to the proposed place of use or direct the district to mitigate the injury.

I certify that the information contained in this Notice of District Permanent Transfer is true and accurate.

KABRe
Signature of District Manager
or Authorized Representative

6.10.2014
Date

Kenneth Rieck
Typed Name of District Manager
or Authorized Representative

X [Signature]
Signature of User Eric Cadwell, for KCDG
(Authorized place of use)

6/10/2014
Date

X [Signature]
Signature of User Eric Cadwell, for KCDG
(Proposed place of use)

6/10/2014
Date

INSTRUCTIONS:

- 1) Pursuant to OAR 690-385-4100(3), the district shall deliver this Notice Form and Map(s) to the local Watermaster *prior to* delivering water to the proposed place of use.
- 2) Pursuant to OAR 690-385-4100(4), the district also shall concurrently deliver a copy of the Notice Form to:
Oregon Water Resources Department
Transfer Section
725 Summer Street NE, Suite A
Salem, OR 97301-1271

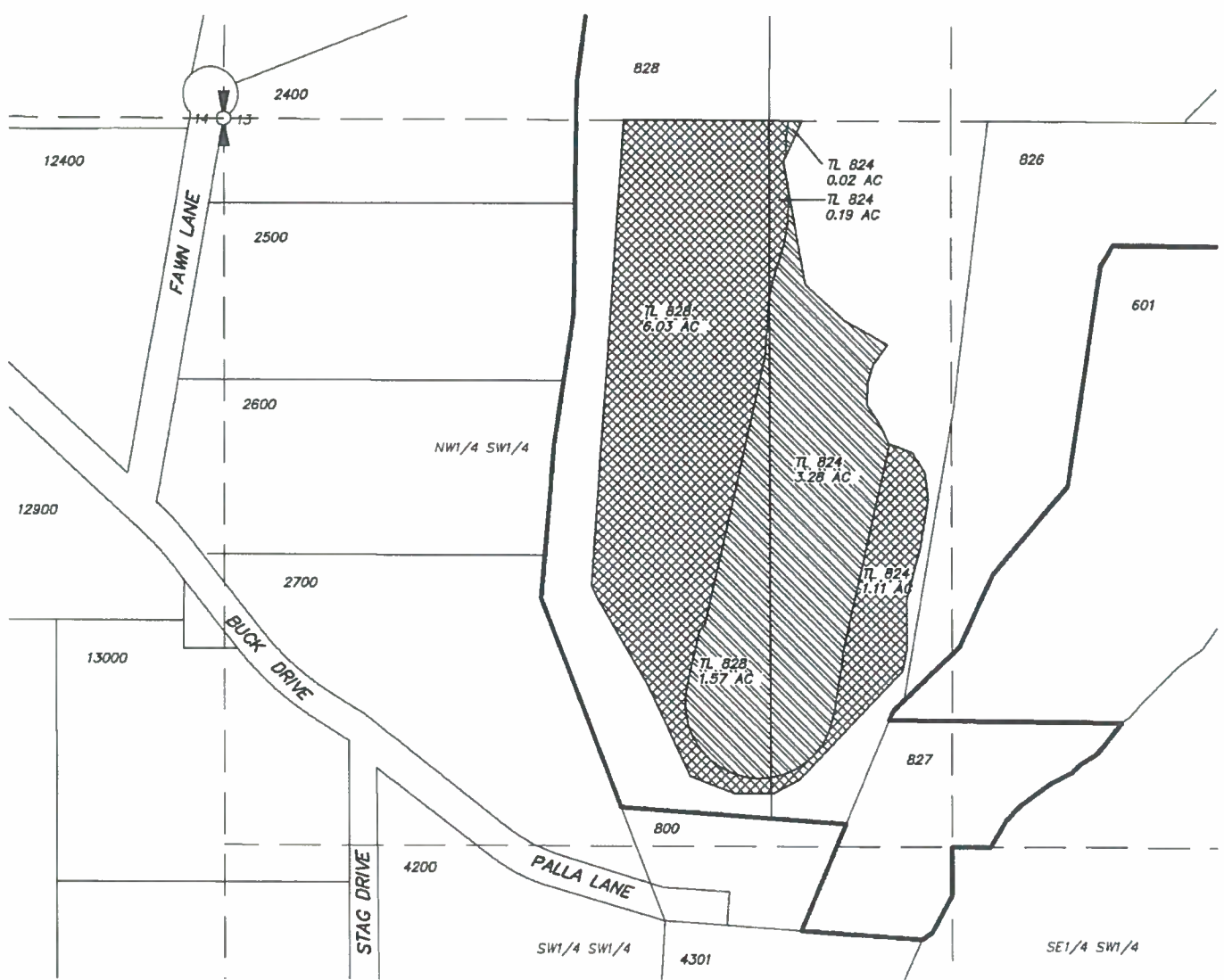
The Water Resources Department shall publish a summary of the Notice of District Permanent Transfer in the Department's weekly publication for the purpose of providing public notice.

Attachment A		TUMALO IRRIGATION DISTRICT CERTIFICATES SOURCE/POINT OF DIVERSION	
ID #	Primary Cert. #	Source	Location
1P	74146 <i>Tumalo Decree V1, P135 & V16, P188.</i>	Tumalo Creek, tributary to the Deschutes River 8/5/1900, Sept. 1900, 4/28/1905, 5/27/1907 & 6/1/1907	17S 11E W.M. 23 SW/NE - Tumalo Feed Canal - N 70° 21' W.; 1550 feet from East 1/4 corner of Section 23 (Tumalo Creek POD #1) 18S 10E W.M. 2 NW/SW - N. 14° 02' E.; 1713 feet from South 1/4 corner of Section 2 (Tumalo Creek POD #2)
2P	74147 <i>Permit #19628</i>	Tumalo Creek, tributary to the Deschutes River 10/29/1913	17S 11E W.M. 23 SW/NE - Tumalo Feed Canal (Tumalo Creek POD #1) - N. 70° 21' W.; 1550 feet from East 1/4 corner of Section 23
3P	76106 <i>Permit #27840</i>	Tumalo Creek and Upper Tumalo Reservoir, constructed under Permit R-2743, tributaries of the Deschutes River 12/8/1961	17S 11E W.M. 23 SE/NE - Tumalo Creek - 2080 feet South and 1310 feet West from NE Corner of Section 23 16S 11E W.M. 33 SE/SW - Upper Tumalo Reservoir
9P	83571	TID Bend Feed Canal 10/31/1900	2050 Feet West from NE Corner of Section 32 (POD #9)
Supp. Cert. #			
1S	74147 to 74146 <i>Permit #19628</i>	Tumalo Creek, tributary to the Deschutes River 10/29/1913	17S 11E W.M. 23 SW/NE - Tumalo Feed Canal (Tumalo Creek POD #1) - N 70° 21' W.; 1550 feet from East 1/4 corner of Section 23
2S	74148 to 74146, 74147, 74149 <i>Permit #624</i>	Crescent Lake Reservoir, constructed under Permit R-102, tributary to Crescent Creek 4/7/1911	24S 6E W.M. 11 SE/SW and SW/SE
3S	74149 to 74146, 74147, 76106 <i>Duffy Decree V9, P362</i>	Deschutes River, tributary to the Columbia River 1905	17S 12E W.M. 32 NW/NE - Bend Feed Canal - 100 feet South and 550 feet East from N1/4 corner of Section 32
4S	76520 to 74146, 74147, 74148 74149, 76106 <i>Permit #27841</i>	Crescent Lake Reservoir, constructed under Permit R-2744, tributary to Crescent Creek and the Little Deschutes River 12/8/1961	17S 12E W.M. 32 NW/NE - Deschutes River (Tumalo ID Bend Feed Canal) - 2050 feet West from NE corner of Section 32 24S 6E W.M. 11 SE/SW - Crescent Lake Reservoir
11S	76714	Crane Prairie Reservoir, constructed under Permit R-1687, tributary of Deschutes River 2/28/1913	COID North Canal: 850 Feet North and 630 feet West from the E1/4 Corner of Section 29 (POD #11)

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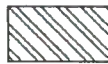

DESCHUTES COUNTY
SECTION 13 T17S R11E W.M.
NW 1/4 OF THE SW 1/4
SCALE: 1"=300'



OFF MAP

Certified Water Right Examiner
413WRE
David R. Williams
DAVID R. WILLIAMS
MAY 16, 1995
STATE OF OREGON
5/09/14

TAX LOT NO. 828: 1.57 ACRES OFF
TAX LOT NO. 824: 3.30 ACRES OFF

-  "OFF" LANDS
-  EXISTING WATER RIGHTS
- X.XX AC PARCELS W/WATER RIGHTS

HWA SURVEYORS, ENGINEERS
& PLANNERS
HICKMAN, WILLIAMS & ASSOCIATES, INC
1201 NW WALL STREET, SUITE 100
BEND, OREGON 97701
PHONE: 541.389.9351 FAX: 541.388.5416

APPLICATION FOR WATER RIGHT TRANSFER
KC DEVELOPMENT GROUP, LLC

DATE: 4/4/2014

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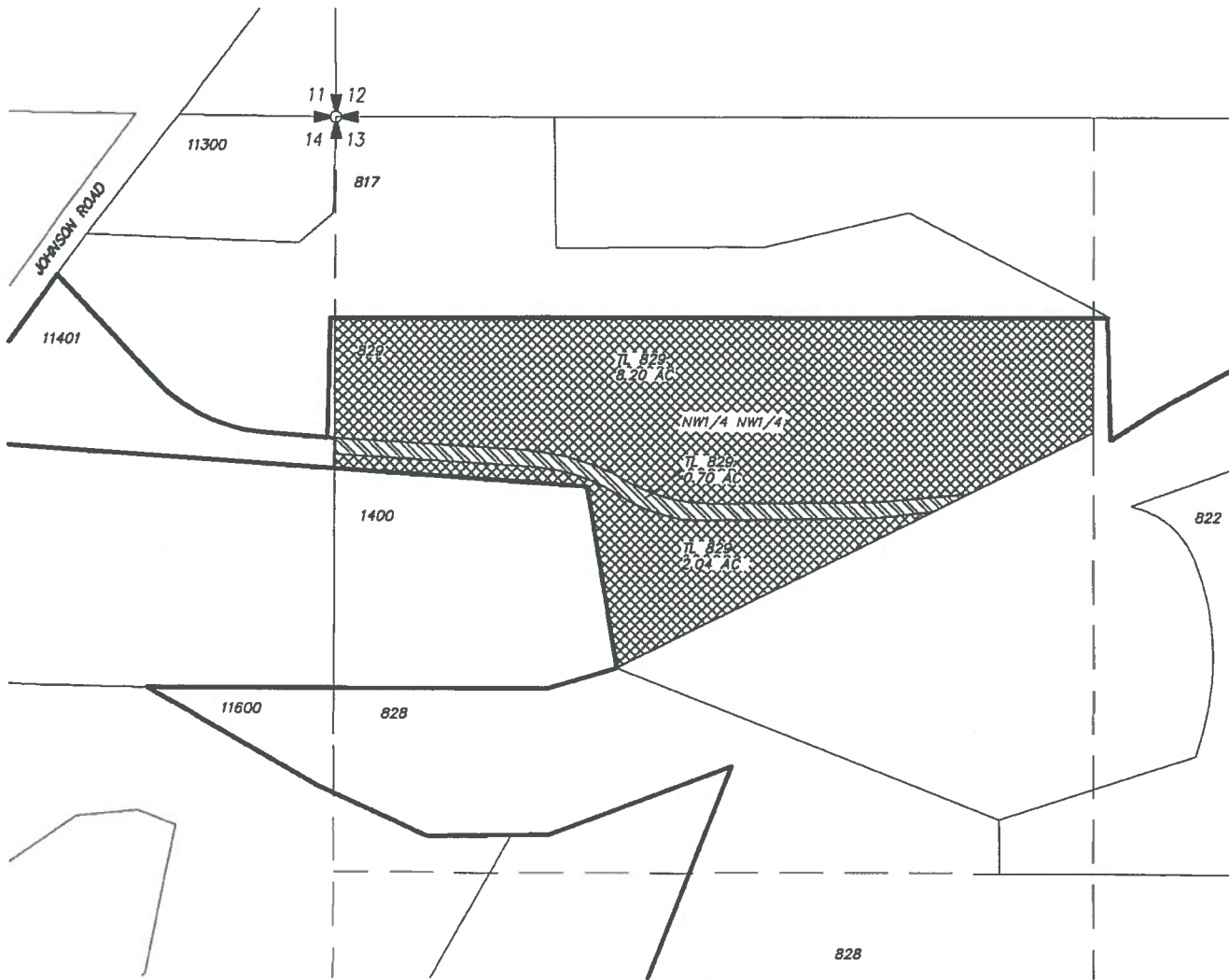
DESCHUTES COUNTY
SECTION 13 T17S R11E W.M.

NW 1/4 OF THE NW 1/4

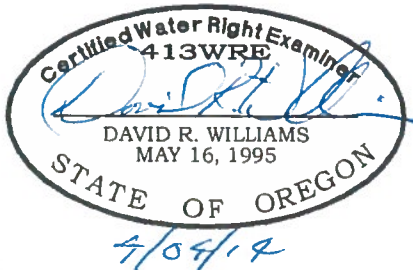
SCALE: 1"=300'



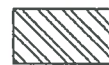
NORTH



OFF MAP



TAX LOT NO. 829: 0.70 ACRES OFF



"OFF" LANDS



EXISTING WATER RIGHTS

X.XX AC

PARCELS W/WATER RIGHTS

HWA SURVEYORS, ENGINEERS
& PLANNERS
HICKMAN, WILLIAMS & ASSOCIATES, INC
1201 NW WALL STREET, SUITE 100
BEND, OREGON 97701
PHONE: 541.389.9351 FAX: 541.388.5416

APPLICATION FOR WATER RIGHT TRANSFER
KC DEVELOPMENT GROUP, LLC

DATE: 4/4/2014

041125-WATER RIGHTS-OLDTAXLOTS.DWG

77

N14.002

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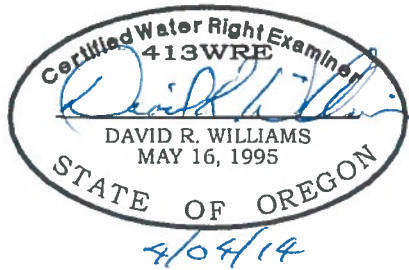
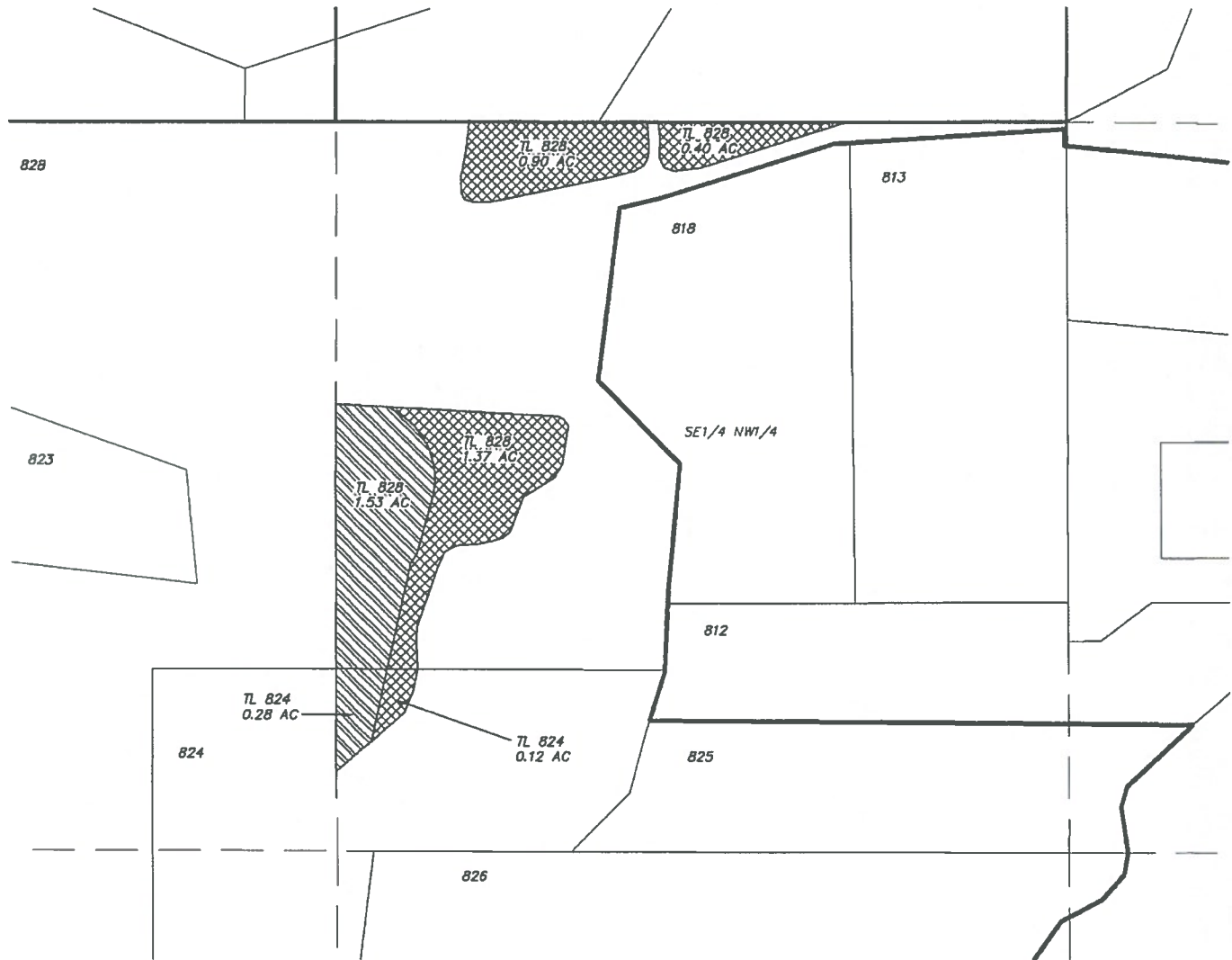
DESCHUTES COUNTY
SECTION 13 T17S R11E W.M.

SE 1/4 OF THE NW 1/4



SCALE: 1"=300'



NORTH



TAX LOT NO. 828: 1.53 ACRES OFF
TAX LOT NO. 824: 0.28 ACRES OFF

-  "OFF" LANDS
-  EXISTING WATER RIGHTS
- X.XX AC PARCELS W/WATER RIGHTS

HWA SURVEYORS, ENGINEERS & PLANNERS
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BEND, OREGON 97701
PHONE: 541.389.9351 FAX: 541.388.5416

APPLICATION FOR WATER RIGHT TRANSFER
KC DEVELOPMENT GROUP, LLC

DATE: 4/4/2014

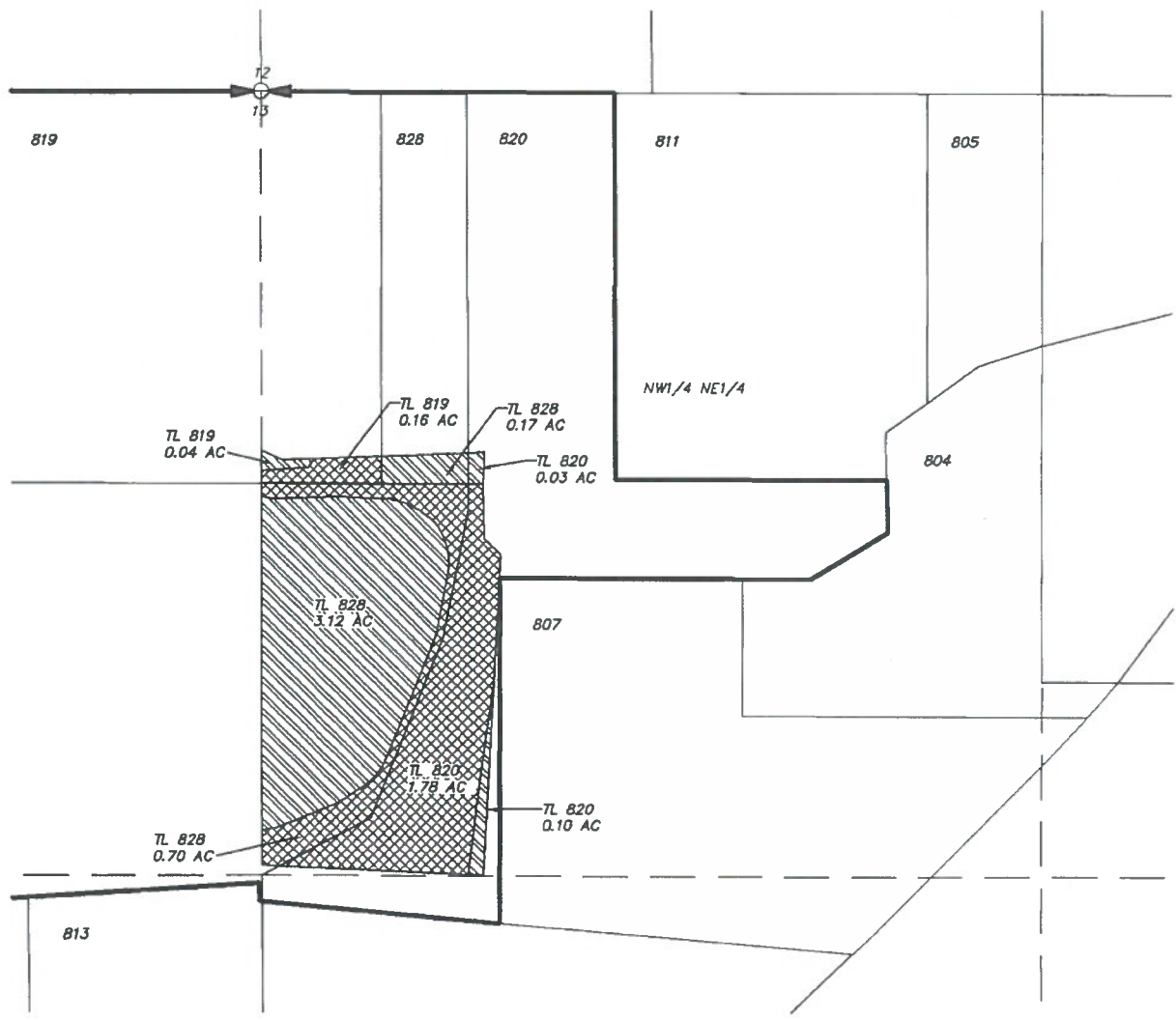
041125-WATER RIGHTS-OLDTAXLOTS.DWG

57

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DESCHUTES COUNTY
SECTION 13 T17S R11E W.M.
NW 1/4 OF THE NE 1/4
SCALE: 1"=300'



OFF MAP

Certified Water Right Examiner
413WRP
David R. Williams
DAVID R. WILLIAMS
MAY 16, 1995
STATE OF OREGON
4/04/14

TAX LOT NO. 819: 0.04 ACRES OFF
TAX LOT NO. 820: 0.13 ACRES OFF
TAX LOT NO. 828: 3.29 ACRES OFF

 "OFF" LANDS
 EXISTING WATER RIGHTS
X.XX AC PARCELS W/WATER RIGHTS

HWA SURVEYORS, ENGINEERS
& PLANNERS
HICKMAN, WILLIAMS & ASSOCIATES, INC
1201 NW WALL STREET, SUITE 100
BEND, OREGON 97701
PHONE: 541.389.9351 FAX: 541.388.5416

APPLICATION FOR WATER RIGHT TRANSFER
KC DEVELOPMENT GROUP, LLC

DATE: 4/4/2014

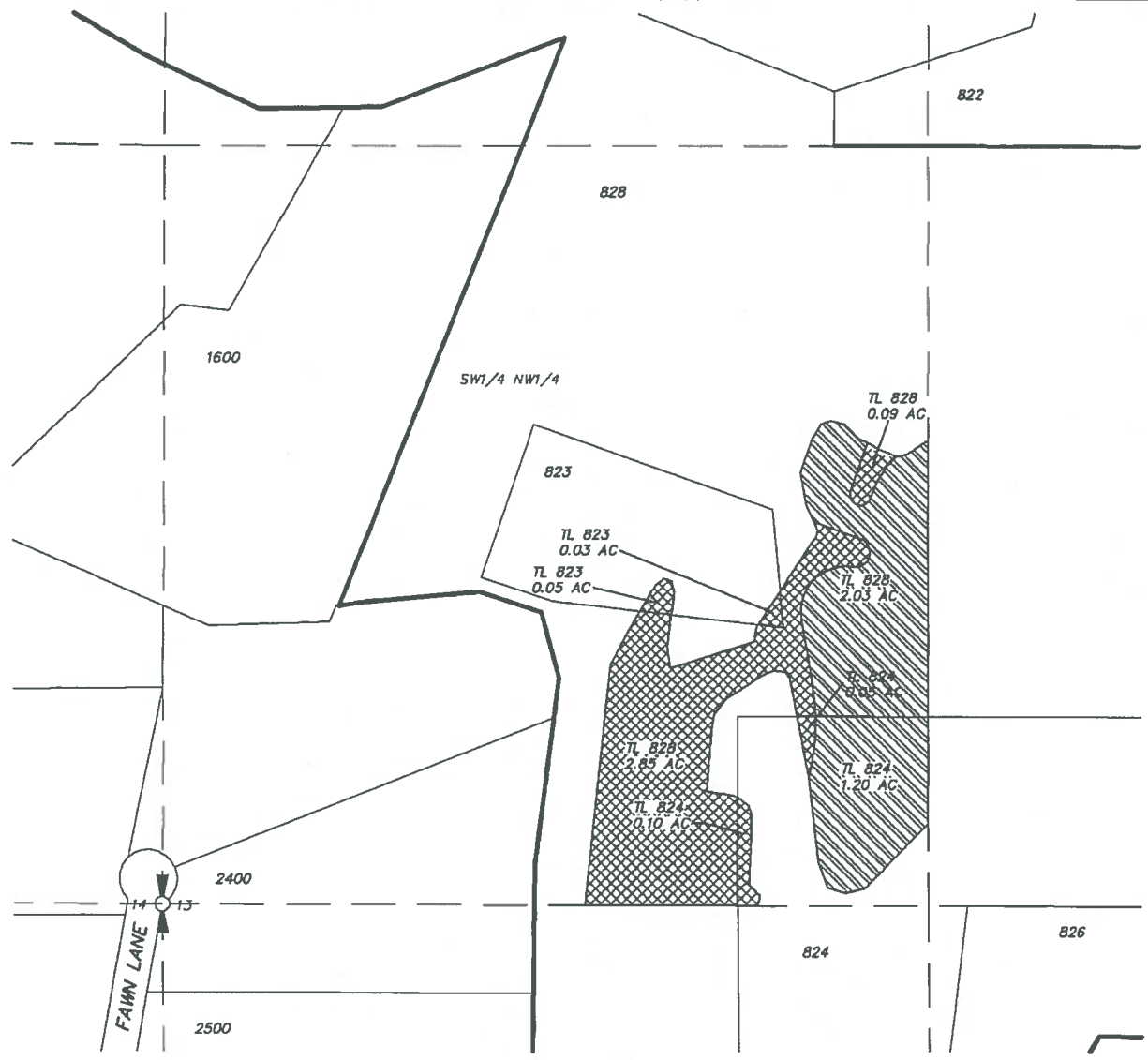
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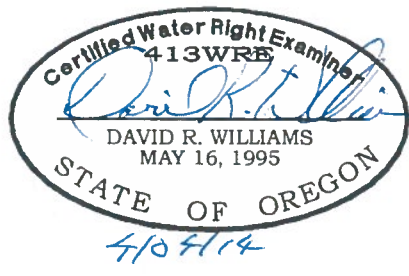
N14.002

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JUN 11 2014
OWRD



DESCHUTES COUNTY
SECTION 13 T17S R11E W.M.
SW 1/4 OF THE NW 1/4
SCALE: 1"=300'



OFF MAP



TAX LOT NO. 828: 2.03 ACRES OFF
TAX LOT NO. 824: 1.20 ACRES OFF

-  "OFF" LANDS
-  EXISTING WATER RIGHTS
- X.XX AC PARCELS W/WATER RIGHTS

HWA SURVEYORS, ENGINEERS
& PLANNERS
HICKMAN, WILLIAMS & ASSOCIATES, INC
1201 NW WALL STREET, SUITE 100
BEND, OREGON 97701
PHONE: 541.389.9351 FAX: 541.388.5416

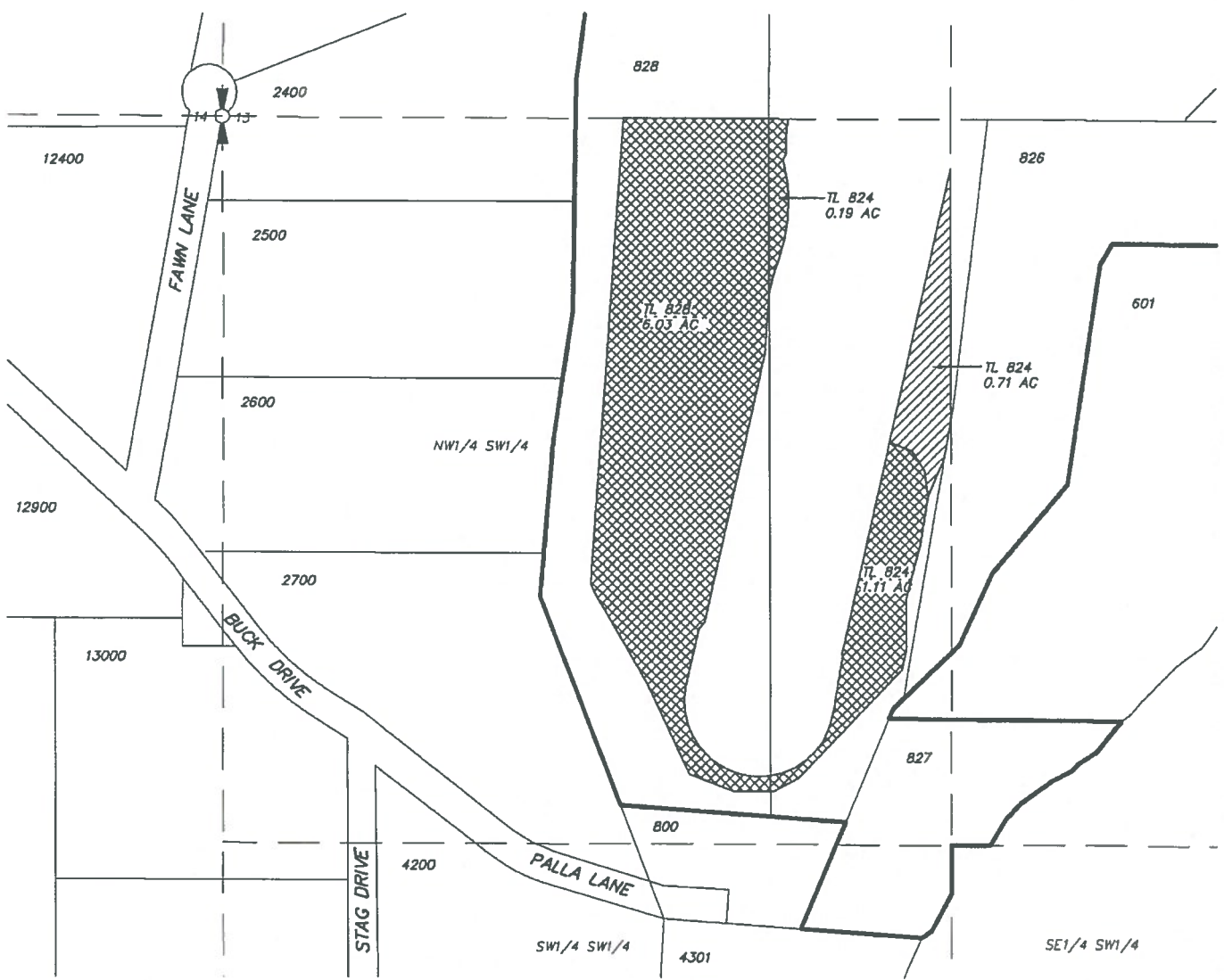
APPLICATION FOR WATER RIGHT TRANSFER
KC DEVELOPMENT GROUP, LLC

DATE: 4/4/2014

041125-WATER RIGHTS-OLDTAXLOTS.DWG

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JUN 11 2014
OWRD



DESCHUTES COUNTY
SECTION 13 T17S R11E W.M.
NW 1/4 OF THE SW 1/4
SCALE: 1"=300'



ON MAP

Certified Water Right Examiner
413WRE
David R. Williams
DAVID R. WILLIAMS
MAY 16, 1995
STATE OF OREGON
4/8/14

TAX LOT NO. 824: 0.71 ACRES

-  "ON" LANDS
-  EXISTING WATER RIGHTS
- X.XX AC PARCELS W/WATER RIGHTS

HWA SURVEYORS, ENGINEERS
& PLANNERS
HICKMAN, WILLIAMS & ASSOCIATES, INC
1201 NW WALL STREET, SUITE 100
BEND, OREGON 97701
PHONE: 541.389.9351 FAX: 541.388.5416

APPLICATION FOR WATER RIGHT TRANSFER
KC DEVELOPMENT GROUP, LLC

DATE: 4/4/2014

041125-WATER RIGHTS-OLDTAXLOTS.DWG

214

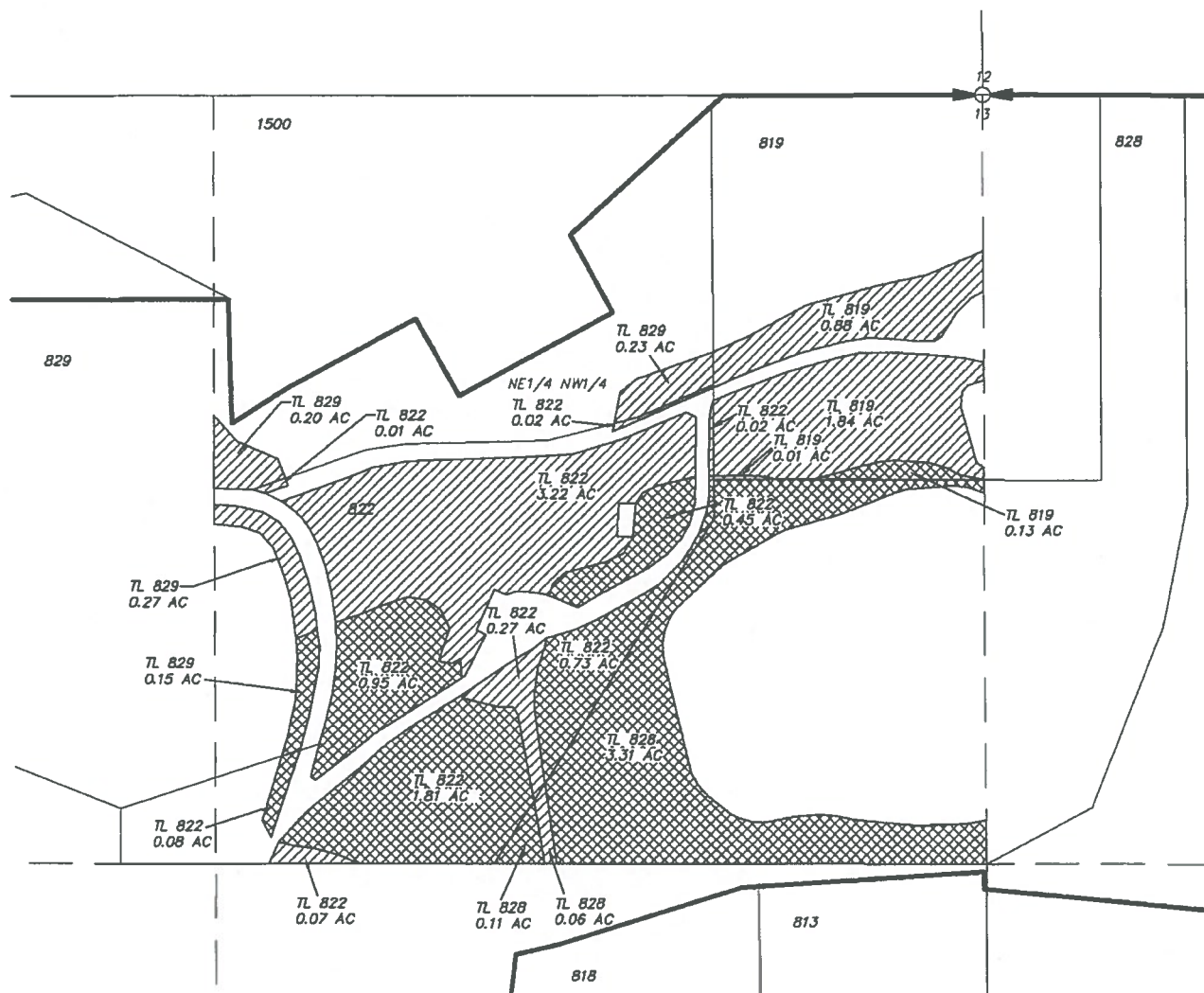
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JUN 11 2014
OWRD

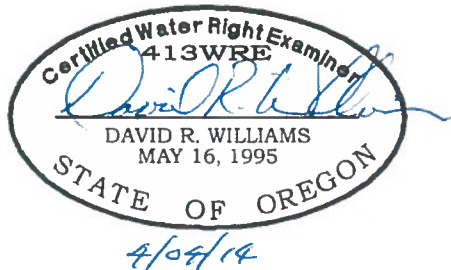
DESCHUTES COUNTY
SECTION 13 T17S R11E W.M.

NE 1/4 OF THE NW 1/4



SCALE: 1"=300'



ON MAP



TAX LOT NO. 819: 2.72 ACRES
TAX LOT NO. 822: 3.61 ACRES
TAX LOT NO. 828: 0.06 ACRES
TAX LOT NO. 829: 0.70 ACRES

 "ON" LANDS
 EXISTING WATER RIGHTS
X.XX AC PARCELS W/WATER RIGHTS

HWA SURVEYORS, ENGINEERS
& PLANNERS
HICKMAN, WILLIAMS & ASSOCIATES, INC
1201 NW WALL STREET, SUITE 100
BEND, OREGON 97701
PHONE: 541.387.9351 FAX: 541.388.5416

APPLICATION FOR WATER RIGHT TRANSFER
KC DEVELOPMENT GROUP, LLC

DATE: 4/4/2014

041125-WATER RIGHTS-OLDTAXLOTS.DWG

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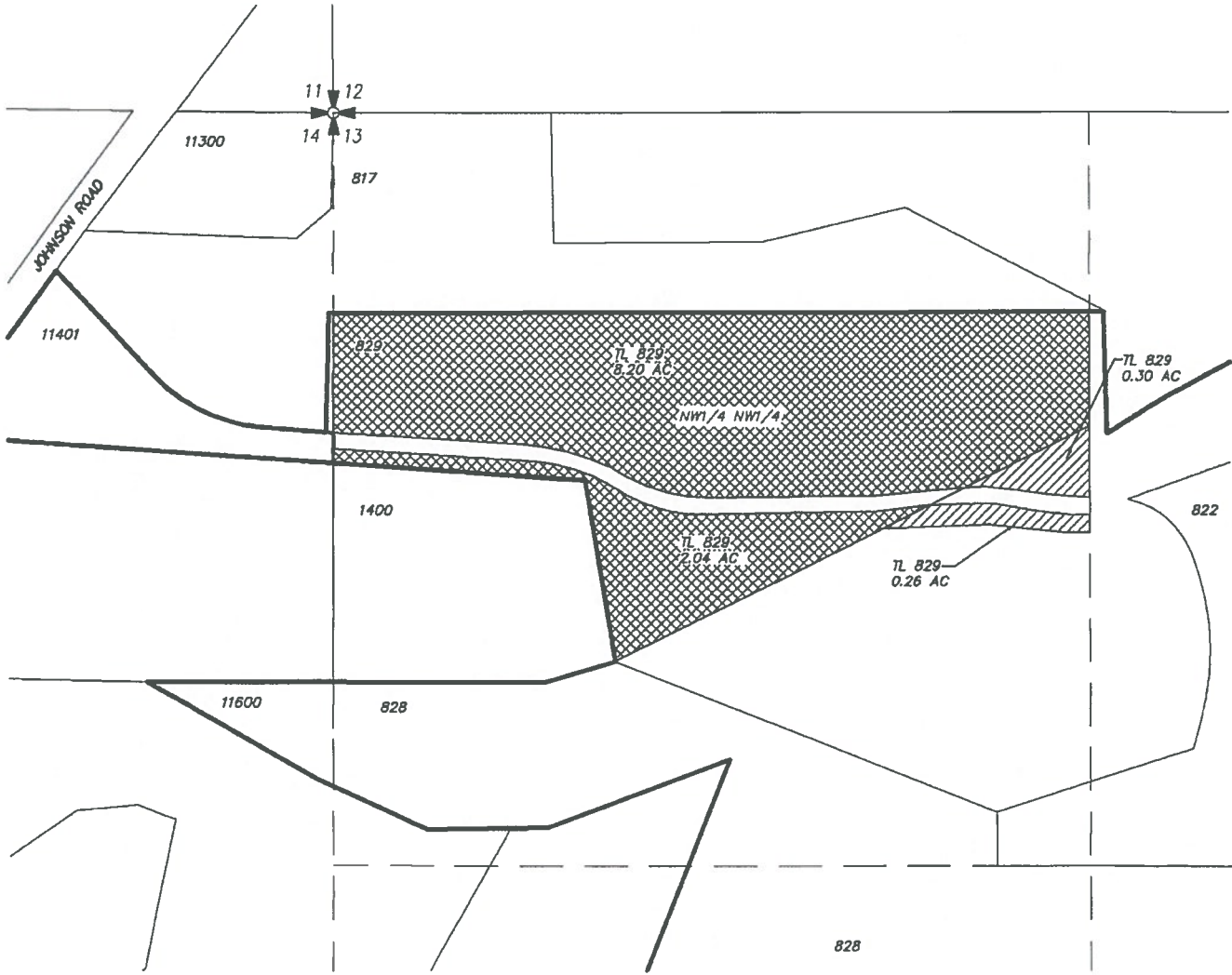
DESCHUTES COUNTY
SECTION 13 T17S R11E W.M.

NW 1/4 OF THE NW 1/4

SCALE: 1"=300'



NORTH



ON MAP



TAX LOT NO. ⁸²⁹~~822~~ 0.56 ACRES

- "ON" LANDS
- EXISTING WATER RIGHTS
- X.XX AC PARCELS W/WATER RIGHTS

HWA SURVEYORS, ENGINEERS & PLANNERS
 HICKMAN, WILLIAMS & ASSOCIATES, INC
 1201 NW WALL STREET, SUITE 100
 BEND, OREGON 97701
 PHONE: 541.389.9351 FAX: 541.388.5416

APPLICATION FOR WATER RIGHT TRANSFER
KC DEVELOPMENT GROUP, LLC

DATE: 4/4/2014

041125-WATER RIGHTS-OLDTAXLOTS.DWG

4N

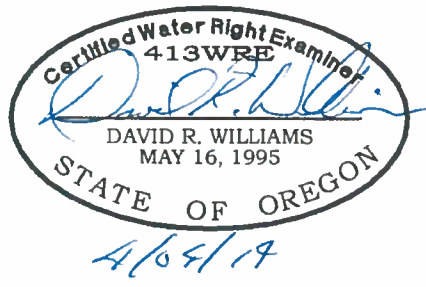
N14, 002

RECEIVED
JUN 11 2014
OWRD



DESCHUTES COUNTY
SECTION 13 T17S R11E W.M.
SE 1/4 OF THE NW 1/4
SCALE: 1"=300'



ON MAP



TAX LOT NO. 828: 2.86 ACRES
TAX LOT NO. 824: 1.44 ACRES

-  "ON" LANDS
-  EXISTING WATER RIGHTS
- X.XX AC PARCELS W/WATER RIGHTS

HWA SURVEYORS, ENGINEERS
& PLANNERS
HICKMAN, WILLIAMS & ASSOCIATES, INC
1201 NW WALL STREET, SUITE 100
BEND, OREGON 97701
PHONE: 541.389.9351 FAX: 541.388.5416

APPLICATION FOR WATER RIGHT TRANSFER
KC DEVELOPMENT GROUP, LLC

DATE: 4/4/2014

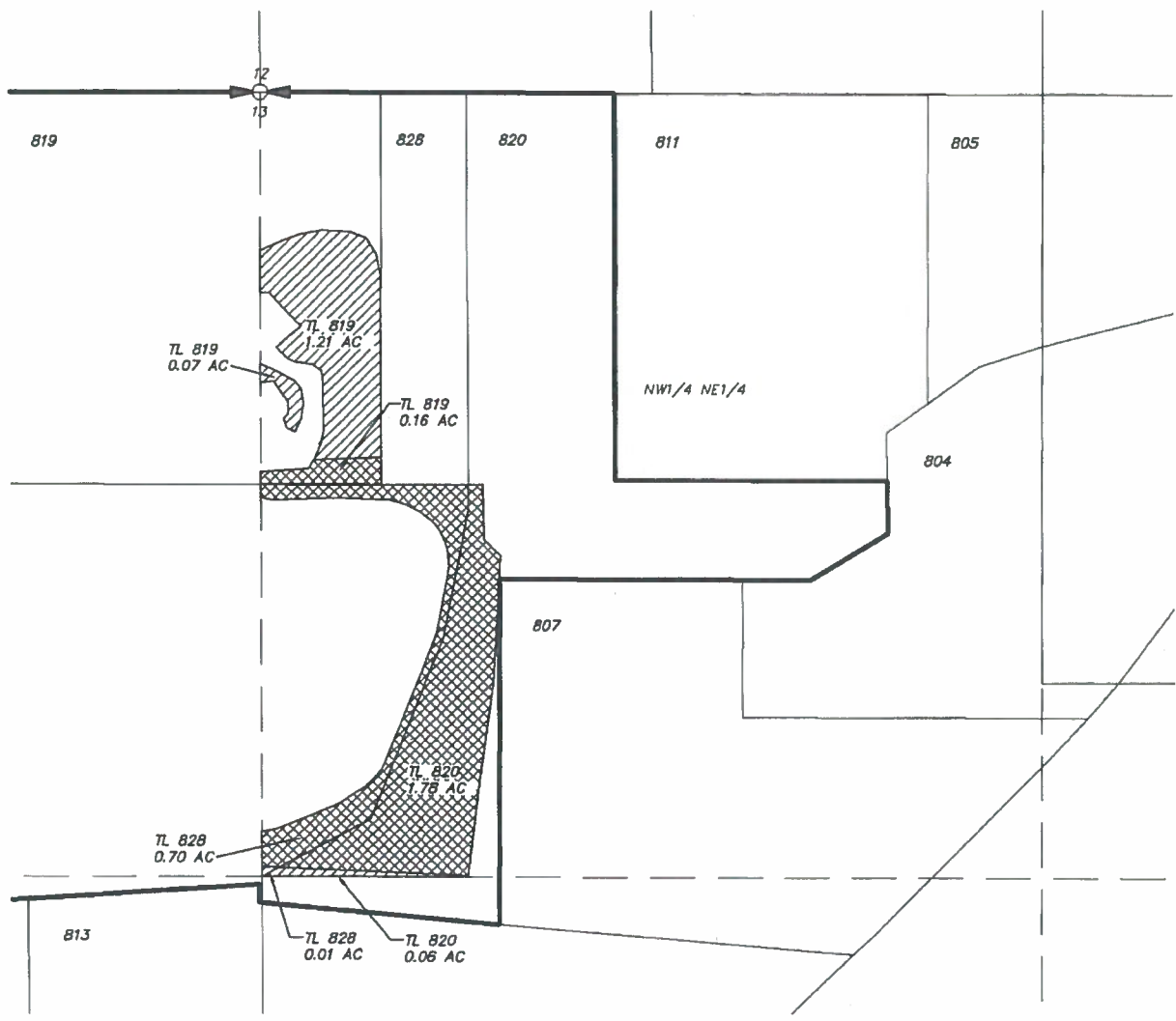
041125-WATER RIGHTS-OLDTAXLOTS.DWG

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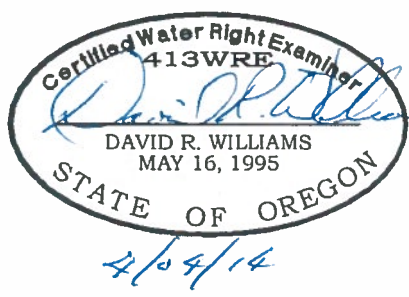
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RECEIVED
JUN 11 2014
OWRD



DESCHUTES COUNTY
SECTION 13 T17S R11E W.M.
NW 1/4 OF THE NE 1/4
SCALE: 1"=300'



ON MAP



TAX LOT NO. 819: 1.28 ACRES
TAX LOT NO. 820: 0.06 ACRES
TAX LOT NO. 828: 0.01 ACRES

 "ON" LANDS
 EXISTING WATER RIGHTS
X.XX AC PARCELS W/WATER RIGHTS

HWA SURVEYORS, ENGINEERS
& PLANNERS
HICKMAN, WILLIAMS & ASSOCIATES, INC
1201 NW WALL STREET, SUITE 100
BEND, OREGON 97701
PHONE: 541.389.9351 FAX: 541.388.5416

APPLICATION FOR WATER RIGHT TRANSFER
KC DEVELOPMENT GROUP, LLC

DATE: 4/4/2014

041125-WATER RIGHTS-OLDTAXLOTS.DWG

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N14.002

RECEIVED
JUN 11 2014
OWRD

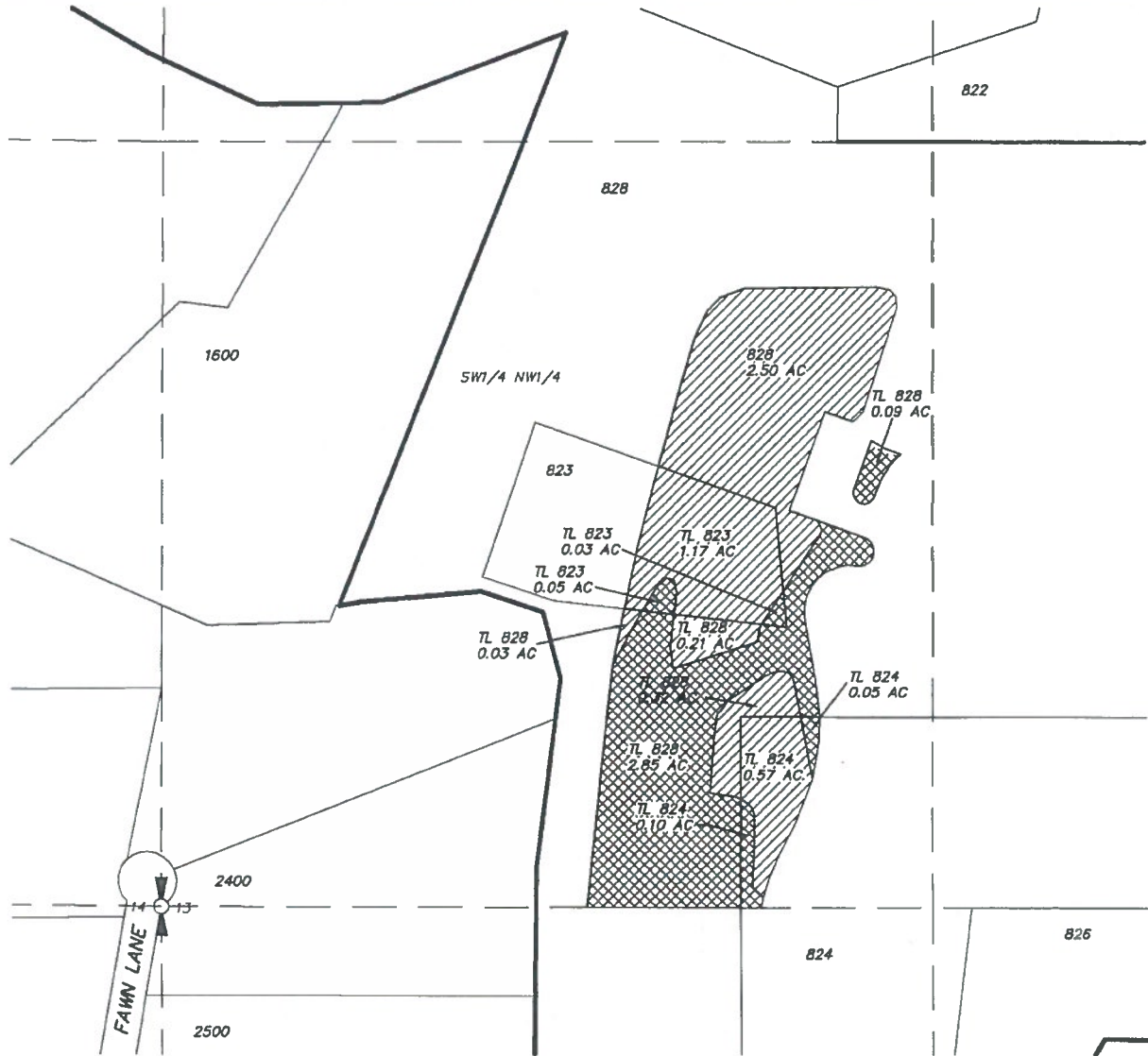
DESCHUTES COUNTY
SECTION 13 T17S R11E W.M.

SW 1/4 OF THE NW 1/4

SCALE: 1"=300'



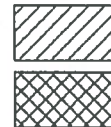
NORTH



ON MAP



TAX LOT NO. 828: 3.06 ACRES
TAX LOT NO. 824: 0.57 ACRES
TAX LOT NO. 823: 1.17 ACRES



"ON" LANDS

EXISTING WATER RIGHTS

X.XX AC PARCELS W/WATER RIGHTS

HWA SURVEYORS, ENGINEERS
& PLANNERS
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BEND, OREGON 97701
PHONE: 541.389.9351 FAX: 541.388.5416

APPLICATION FOR WATER RIGHT TRANSFER
KC DEVELOPMENT GROUP, LLC

DATE: 4/4/2014

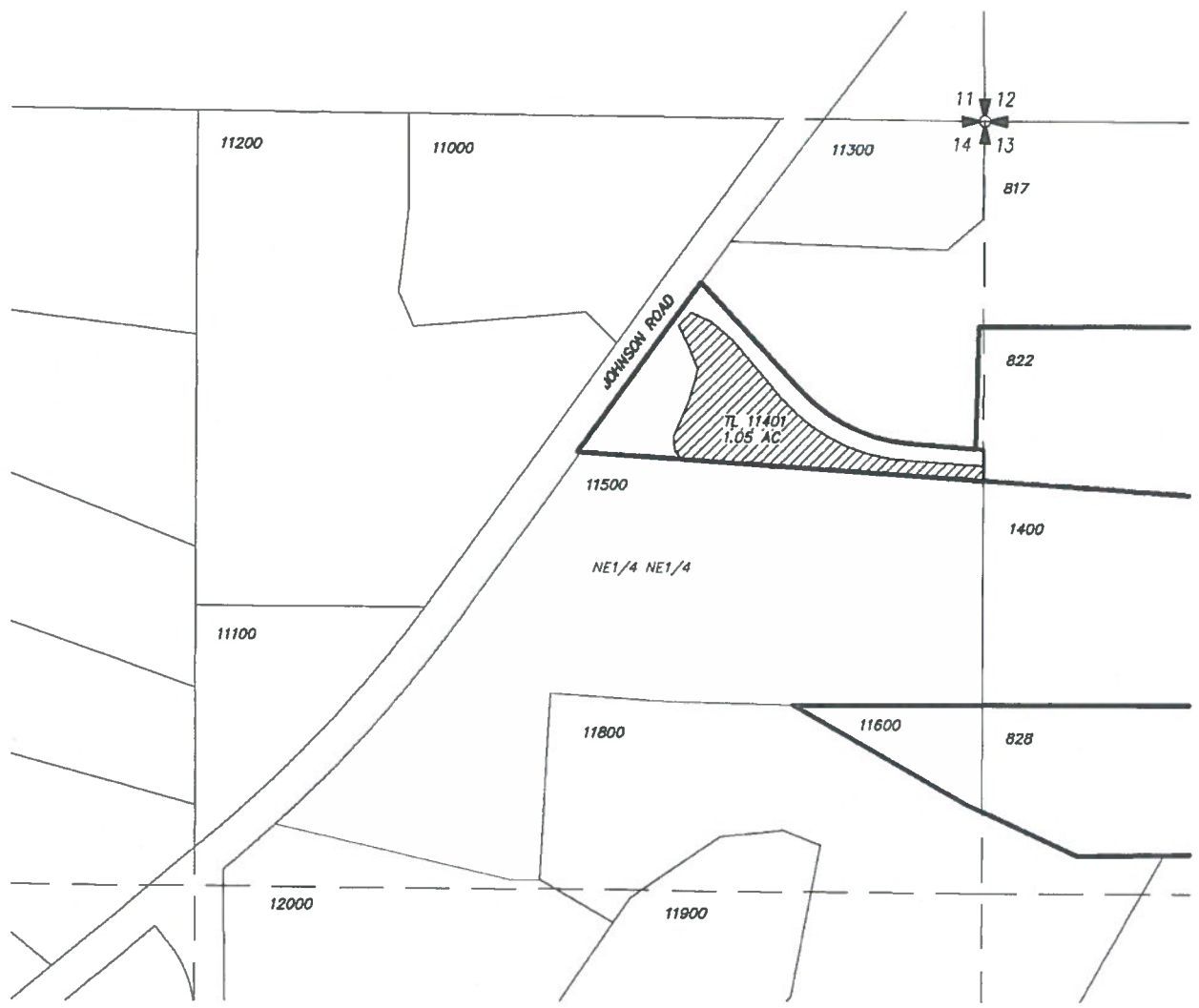
041125-WATER RIGHTS-OLDTAXLOTS.DWG

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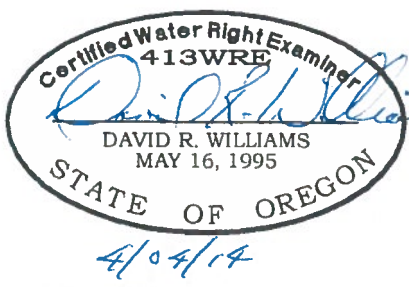
N14.062

RECEIVED
JUN 11 2014
OWRD



DESCHUTES COUNTY
SECTION 14 T17S R11E W.M.
NE 1/4 OF THE NE 1/4
SCALE: 1"=300'



ON MAP



TAX LOT NO. 11401: 1.05 ACRES

-  "ON" LANDS
-  EXISTING WATER RIGHTS
- X.XX AC PARCELS W/WATER RIGHTS

HWA SURVEYORS, ENGINEERS & PLANNERS
HICKMAN, WILLIAMS & ASSOCIATES, INC
1201 NW WALL STREET, SUITE 100
BEND, OREGON 97701
PHONE: 541.389.9351 FAX: 541.388.5416

APPLICATION FOR WATER RIGHT TRANSFER
KC DEVELOPMENT GROUP, LLC

DATE: 4/4/2014

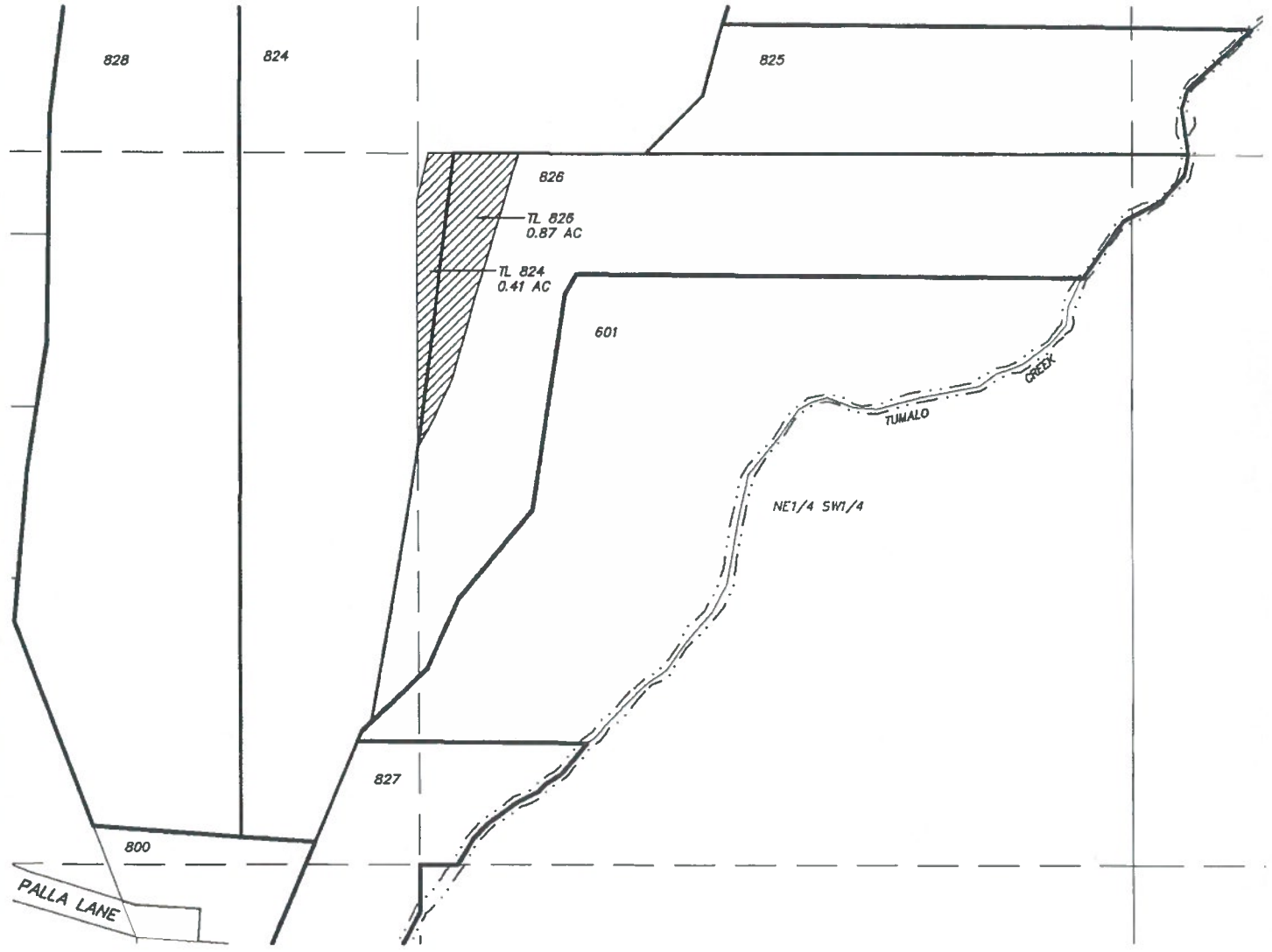
041125-WATER RIGHTS-OLDTAXLOTS.DWG

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N14.002

RECEIVED
JUN 11 2014
OWRD

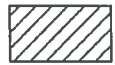

DESCHUTES COUNTY
SECTION 13 T17S R11E W.M.
NE 1/4 OF THE SW 1/4
SCALE: 1"=300'



ON MAP

Certified Water Right Examiner
413WRE
David R. Williams
DAVID R. WILLIAMS
MAY 16, 1995
STATE OF OREGON
4/04/14

TAX LOT NO. 824: 0.41 ACRES
TAX LOT NO. 826: 0.87 ACRES

-  "ON" LANDS
-  EXISTING WATER RIGHTS
- X.XX AC PARCELS W/WATER RIGHTS

HWA SURVEYORS, ENGINEERS
& PLANNERS
HICKMAN, WILLIAMS & ASSOCIATES, INC
1201 NW WALL STREET, SUITE 100
BEND, OREGON 97701
PHONE: 541.389.9351 FAX: 541.388.5416

APPLICATION FOR WATER RIGHT TRANSFER
KC DEVELOPMENT GROUP, LLC

DATE: 4/4/2014

041125-WATER RIGHTS-OLDTAXLOTS.DWG

TUMALO IRRIGATION DISTRICT

64697 Cook Ave.
Bend, Oregon 97701
Phone (541) 382-3053
Email: staff@tumalo.org
Web Page: www.tumalo.org

RECEIVED

JUN 11 2014

OWRD

June 10, 2014

Oregon Water Resources Department
Susan Douthit/Transfer Section
721 Summer St. NE, Suite A
Salem, Oregon 97301-1271

Re: 2014 District Petition for Permanent Transfer
ORS 540.580 & OAR Chapter 690, Division 385

Dear Susan,

Enclosed are the following:

1. 2014 District Petition for Permanent Transfer Application (ORS 540.580 and OAR Chapter 690, Division 385).
2. One notice of District Permanent Transfer (Place of Use) and associated maps.
3. The District's check for \$2,800.00 which represents fees & transfer costs.

Please contact me by phone at 541-382-3053 or by e-mail at fran@tumalo.org if you have any questions or need additional information. Thank you.

Sincerely,



Fran DeRock
Office Manager

Enclosures
Copy to District Watermaster



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone (503) 986-0900
Fax (503) 986-0904
www.wrd.state.or.us

June 11, 2014

TUMALO IRRIGATION DISTRICT
64697 COOK AVE
BEND OR 97701

Reference: District Transfer 11834

On June 11, 2014 we received your district transfer application requesting place of use for use of water from TUMALO CREEK, tributary to DESCHUTES RIVER. The application was accompanied by \$2800.00. Our receipt 112333 is enclosed.

By copy of this letter, we are asking the Watermaster for his report regarding the potential for injury to existing water rights which may be caused by the change.

Your application will be examined to determine if additional information is needed. You will be contacted following this examination.

We will notify you if additional information or corrections to the application or map are required.

If you have any questions, please call the Transfer Section, (503)986-0807.

cc: Watermaster # 11 (*via email*)

enclosure





Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

**Notice of Application for
Water Right Transfer, Temporary Transfer, or Permit Amendment**
June 17, 2014

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice. The Director may presume that the transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Director otherwise within 30 days of this notice.

County: DESCHUTES
Transfer: 11834
Water Right: CERT 74146; 74147
Priority Date: MAY 27, 1907; OCTOBER 29, 1913
Name: TUMALO IRRIGATION DISTRICT
64697 COOK AVE BEND, OR 97701
Change: place of use
Source: TUMALO CREEK

The holder of a water right may apply to permanently change an existing water use subject to transfer. A transfer application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years and, if necessary to convey the water, to temporarily change the point of diversion or appropriation.

The holder of a water right permit may apply to change a point of diversion (POD) or appropriation (POA) or to change the place of use (POU).

Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time. Comments should be sent to the Transfers Section at the Department's Salem office.

Water Right Transfer Cover Sheet

Transfer T-11834

Transfer Specialist: _____

Transfer Type: Irrigation District Transfer

Applicant Name/Address: TUMALO IRR DISTRICT 64697 COOK AVE BEND, OR 97701	Agent Name/Address: UNAVAILABLE	Rec Landowner Name/Address:
CWRE Name/Number:	Irr. District Name/Address:	Affected Gov'ts Name/Address:
Commentors: Name/Address:		Current Landowner Name/Address:

Water Rights Affected

Records Marked	Records Copied	App File No. or Decree Name	Permit No.	Certificate No.	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	<input type="checkbox"/>			74146	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>			74147	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

Key Dates & Initial Actions

Rec'd: June 11, 2014	Proposed Action(s): place of use	
Fees Pd: 2800.00	WM District: 11	ODFW District: N/A
Initial Notice: June 17, 2014	WM Review sent: 6/11/14	ODFW Review sent:
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: N/A

Processing Dates & Actions

Deficiency Contacts: _____

Newspaper quote requested: _____

not required

DPD Mailed: _____

Request for news \$ sent: _____

ODFW contact sheet sent with DPD, or N/A

News \$ received: _____

WM measurement contact sheet sent, or N/A

PD Signed: _____

Request to publish sent to newspaper: _____

PD Weekly Notice: _____

Affidavit of publication received: _____

DPD Review (Optional)	PD Review (Salem)	Final Order Review (Salem)
Reviewer: _____	Reviewer: _____	Reviewer: _____
Date: _____	Date: _____	Date: _____
Coordinator: _____	Coordinator: _____	Coordinator: _____
Date: _____	Date: _____	Date: _____
Comments/Special Issues:		

Special Order Volume: Vol _____ Pages _____ Final Order Signature Date: _____

Notice of FO email'd to processors _____

DOUTHIT Susan M

From: GIFFIN Jeremy T
Sent: Thursday, June 12, 2014 12:09 PM
To: DOUTHIT Susan M
Subject: RE: Tumalo's res

Susan, I found it leased in 2007 and 2009 and TID says it was leased under several different names and leases. I see one of the leases was IL-916. I have the lease application for 2009 with all of the acreage listed on it, but do not have a lease number. Our leasing database does not track by location so it is hard to research.

J

From: DOUTHIT Susan M
Sent: Wednesday, June 11, 2014 9:15 AM
To: dwight.w.french@state.or.us
Cc: GIFFIN Jeremy T; Kelly Starnes (patrick.k.starnes@state.or.us) (patrick.k.starnes@state.or.us)
Subject: Tumalo's res

I understand that Tumalo's board approved the temporary transfer of the place of use for a portion of their storage right yesterday and dropped the application off w/Fed Ex yesterday.

~S

Susan Douthit
District Analyst
OR Water Resources
503-986-0858





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

Watermaster Review Form: Water Right Transfer

Transfer Application: T-11834

Review Due Date: 7/11/14

Applicant Name: Tumalo Irrigation District

Proposed Changes: POU POD POA USE OTHER

Reviewer(s): Giffin

Date of Review: Jun. 12, 2014

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? Yes No If "yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? Yes No
Generally characterize the frequency of any regulation or explain why regulation has not occurred: _____
3. Have headgate notices been issued for the source that serves the transferred right(s)?
 Yes No Records not available.
4. In your estimation, after the proposed change would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized?
 Yes No If "Yes", explain: _____
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? Yes No If "Yes", describe how the rights would be affected and list the rights most affected: _____
6. Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most:
Possibly some subsurface return flows, however the return flows will remain the same after the proposed changes due to the localized proximity of the on and off lands. N/A
7. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses: _____. N/A
8. For instream transfers that propose protection of a reach beyond the mouth of the source stream: N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)? Yes No
9. For POU changes: N/A Is it likely the original place of use would continue to receive water from the same source? Yes No If "Yes", explain: _____

10. For POU or USE changes: N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste? Yes No If "Yes", explain: _____
11. Are there other issues not identified through the above questions that should be considered in determining whether the change "can be effected without injury to other rights"? Yes No If "Yes", explain: _____
12. What alternatives may be available for addressing any issues identified above: _____
13. Do conditions need to be included in the transfer order to avoid enlargement of the right or injury to other rights? No Yes, as checked below:

A Headgate should be required prior to diverting water.

Measurement Devices for POD or POA: (if this condition is selected, also fill in the top sections of page 3)

a. *Before water use may begin under this order, the water user shall install a **totalizing flow meter***, or, with prior approval of the Director, another suitable measuring device, at each point of diversion/appropriation (new and existing) or at each new point of diversion/appropriation.*

b. *The water user shall maintain the meters or measuring devices in good working order.*

c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*

Reservoir water use measurement: (if this condition is selected, also fill in the top sections of page 3)

a. *Before water use may begin under this order, the water user shall install **staff gages***, or, with prior approval of the Director, other suitable measuring devices, that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style.*

b. *Before water use may begin under this order, if the reservoir is located in channel, weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, an adjustable outlet valve must be installed. The water user shall maintain such devices in good working order. A written waiver may be obtained, if in the judgment of the Director, the installation of weirs or other suitable measuring devices, or the adjustable outlet valve, will provide no public benefit.*

*** The following alternative device(s) should be substituted for the bold, underlined device in the above selected condition:**

Weir

Submerged Orifice

Parshall Flume

Flow Restrictor

Other: _____

Oregon Water Resources Department

Measurement Condition Information for the Applicant

(to be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T-_____

- In order to avoid enlargement of the right or injury to other rights, a _____ will be required to be installed **prior to diversion of water**, as a condition of this transfer:
 - at each point of diversion/appropriation (new and existing) or
 - at each new point of diversion/appropriation.

For additional information, or to obtain approval of a different type of measurement device, the applicant should contact the area Watermaster:

Watermaster name: _____

District: _____

Address: _____

City/State/Zip: _____

Phone: _____

Email: _____

Note: If a device other than the one specified in the Preliminary Determination or Final Order is approved by the Watermaster, fill out and mail the form below to the Salem office.

Approval of an Alternate Measurement Device T-_____
(to be filled out after consultation with the applicant, or after a site visit)

On behalf of the Director, I authorize use of the following suitable alternate measurement device:

Watermaster signature District Date

If this form is used for approval of an alternative measurement device, it must be mailed to:

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

STATE OF OREGON
WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A
 SALEM, OR 97301-4172
 (503) 988-0900 / (503) 988-0904 (fax)

RECEIPT # **112333**

INVOICE # _____

RECEIVED FROM: Tumalo Irrigation District
 BY: _____

CASH: CHECK: # 15430 OTHER: (IDENTIFY) _____
 \$ 2800.00

0407 COPIES \$ _____
 OTHER: (IDENTIFY) \$ _____
 0243 VS Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

MISCELLANEOUS
 0407 COPY & TAPE FEES \$ _____
 0410 RESEARCH FEES \$ _____
 0408 MISC REVENUE: (IDENTIFY) _____
 TC182 DEPOSIT LIAB. (IDENTIFY) _____
 0240 EXTENSION OF TIME \$ _____
WATER RIGHTS:
 0201 SURFACE WATER \$ _____
 0203 GROUND WATER \$ _____
 0205 TRANSFER \$ 2800.00
WELL CONSTRUCTION
 0218 WELL DRILL CONSTRUCTOR \$ _____
 LANDOWNER'S PERMIT \$ _____
 OTHER (IDENTIFY) _____

0211 WELL CONST START FEE \$ _____
 0210 MONITORING WELLS \$ _____
 OTHER (IDENTIFY) _____

0233 POWER LICENSE FEE (FW/WRD) \$ _____
 0231 HYDRO LICENSE FEE (FW/WRD) \$ _____
 HYDRO APPLICATION \$ _____

FUND _____ TITLE **OVER THE COUNTER**
 OBJ. CODE _____ VENDOR # _____
 DESCRIPTION _____ \$ _____

RECEIPT: **112333** DATED: 6/11/14 BY: Chungate

15430

06/09/14 Check #: _____

Vendor Name: Oregon Water Resources

Vendor ID: OWRD

Date	Invoice No.	Invoice Amount	Amount Paid	Discounts Taken	Credits Taken	Net Amount
06/09/14	N14.002	2800.00	2800.00	0.00	0.00	2800.00
Net Check Amt						2800.00

RECEIVED

JUN 11 2014

OWRD

TUMALO IRRIGATION DISTRICT

Name TUMALO IRRIGATION DIST

Address 64697 COOK AVE
BEND OR 97701

Change in POU

Date Filed 6/11/14

Initial notice date _____

DPD issued date _____

PD issued date _____

PD notice date _____

Date of FO _____ Vol _____ Page _____

C-Date _____

COBU due date _____

COBU Received date _____

Certificate issued _____

DESCRIPTION OF WATER RIGHT(S)

Name of Stream TUMALO CRK

Trib. of DESCHUTES R

Use _____ County DESCHUTES

Quantity of water (CFS) _____ No. of Acres _____

Name of ditch _____

App # TUMALO CRK Per # DEGREE Cert # 74146 PR Date 5/27/1907

App # _____ Per # DEGREE Cert # 74147 PR Date 10/29/1913

App # _____ Per # _____ Cert # _____ PR Date _____

App # _____ Per # _____ Cert # _____ PR Date _____

App # _____ Per # _____ Cert # _____ PR Date _____

Date	FEES PAID	
	Amount	Receipt #
<u>6/11/14</u>	<u>2800.00</u>	<u>112333</u>

Date	FEES REFUNDED	
	Amount	Receipt#

Assignments: _____

Irrigation District _____

Agent _____

CWRE _____

CC's list _____

- Oversized map - Location _____