

T-13857

Regular

T-13857

RA

Withdrawn

Name Pinnacle Utilities, LLC / Central Land  
and Cattle Company, LLCAddress 2477 NW Canyon Dr.Redmond, OR 97756Kameron1959@gmail.comChange in USE, POW, SW/GWDate Filed 10-22-2021Initial notice date 11-23-2021

DPD issued date \_\_\_\_\_

PD issued date \_\_\_\_\_

PD notice date \_\_\_\_\_

Date of FO 5/17/2023 Vol 128 Page 389-390

C-Date \_\_\_\_\_

COBU due date \_\_\_\_\_

COBU Received date \_\_\_\_\_

Certificate issued \_\_\_\_\_

## DESCRIPTION OF WATER RIGHT(s)

Name of Stream Little Deschutes RiverTrib. of Deschutes RiverUse IrrigationCounty Deschutes

Quantity of water (CFS) \_\_\_\_\_

No. of Acres \_\_\_\_\_

Name of ditch \_\_\_\_\_

App# Decree Per # v. 8 pg. 405 Cert # 957416 PR Date \_\_\_\_\_

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

## FEES PAID

Date	Amount	Receipt #
10-22-2021	\$7,300.00	136679
10-22-2021	\$125.00	136673
12-6-2021	\$2,451.17	136998

## FEES REFUNDED

Date	Amount	Receipt #

Assignments: \_\_\_\_\_

Irrigation District Tumalo Irrigation District ; Central Oregon Irrigation DistrictAgent John A. Short - johnshort@usa.com

CWRE \_\_\_\_\_

CC's list La Pine Cooperative Water Association ; Deschutes County☐ - Oversized map - Location \_\_\_\_\_



# WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13857

Transfer Specialist: *Aula*

Transfer Type: Regular Transfer

<b>Applicant:</b> KAMERON DELASHMUTT / Pinnacle Utl + 2447 NW CANYON DR REDMOND, OR 97756 Email: Phone:		<b>Agent:</b> <input type="checkbox"/> N/A JOHN A. SHORT PO BOX 1830 BEND, OR 97709 Email: Phone:	
<b>Irrigation District:</b> <input type="checkbox"/> N/A Tumalo Irrigation District; COID Email:		<b>CWRE:</b> <input type="checkbox"/> N/A Email:	
<b>Affected Local Gov'ts:</b> <input type="checkbox"/> N/A La Pine Cooperative Water Association; Deschutes County Email:		<b>Affected Tribal Gov't:</b> <input type="checkbox"/> N/A UNAVAILABLE Email:	
<b>Current Landowner if other than Applicant:</b> <input type="checkbox"/> N/A Email:		<b>Receiving Landowner:</b> <input type="checkbox"/> N/A Email:	

## Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	Decree	v. 8 pg. 405	95746	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

## Key Dates & Initial Actions:

Rec'd: October 22, 2021	Proposed Action(s): POU; USE; (POD) – SW/GW	
Fees Pd: 7300.00	WM District: 11	ODFW-District:
Initial Public Notice: November 23, 2021	WM Review sent: <i>6/26 (WUW)</i>	ODFW-Review sent: —
Acknowledgement Letter Sent <input checked="" type="checkbox"/>	<i>Deschutes SW not met (WUW)</i>	GW Review sent: <input type="checkbox"/> N/A
County sent cc: of Ack Letter <input checked="" type="checkbox"/>	BOR notified (date): <input type="checkbox"/> N/A	
Newspaper quote requested:	Request for news \$ sent:	News \$ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

*Ch. of Use = Newspaper BEND BULLETIN*

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: <i>10/1/22</i> Initials: <i>AUD</i>	Date: <i>12-17-22</i> Initials: <i>5204</i>	Date: <del>_____</del> Initials: <del>_____</del>	Date: <i>2/24/23</i> Initials: <i>PKS</i>	Date: <i>4/11/23</i> Initials: <i>AUD</i>	CW Sent: <i>4/11/23</i> <i>AUD</i>	N/A
PD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: <del>_____</del> Initials: <del>_____</del>	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____
<i>Withdrawal</i> FO	Date: <i>5/9/23</i> Initials: <i>AUD</i>	Date: <i>5/9/23</i> Initials: <i>5204</i>	Date: <del>_____</del> Initials: <del>_____</del>	Date: <i>5/10/23</i> Initials: <i>PKS</i>	Date: <i>5/10/23</i> Initials: <i>AUD</i>	Date: <i>5/10/23</i>	Date: <i>5/11/23</i>

Special Issues: *SW/GW, Irr to Qm, POU - Withdrawn !!*

Special Order Volume: Vol. *128* Pages *389-390*



## DAVIS Arla L \* WRD

---

**From:** Weckel, Chris <CWeckel@SCHWABE.com>  
**Sent:** Friday, May 5, 2023 3:39 PM  
**To:** DAVIS Arla L \* WRD  
**Subject:** FW: Withdrawal of Application T-13857  
**Attachments:** LT Arla Davis re Withdrawal T-13857.pdf

I left out the period between your middle initial.....Sorry for the delay

Chris Weckel (her)

Assistant to Elizabeth Howard, Noah Jarrett and Jay Waldron

---

Legal Assistant  
(503) 796-3770  
cweckel@schwabe.com

**Schwabe**

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**From:** Weckel, Chris  
**Sent:** Friday, May 5, 2023 3:19 PM  
**To:** 'arla.ldavis@water.oregon.gov' <arla.ldavis@water.oregon.gov>  
**Cc:** Howard, Elizabeth E. <EHoward@SCHWABE.com>; 'kameron1959@gmail.com' <kameron1959@gmail.com>  
**Subject:** Withdrawal of Application T-13857

Ms. Davis,

Please find attached Elizabeth Howard's letter of today's date withdrawing the application for T-13857. Please let us know if you have any questions or need anything further.

Chris

Chris Weckel (her)

Assistant to Elizabeth Howard, Noah Jarrett and Jay Waldron

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Legal Assistant  
(503) 796-3770  
cweckel@schwabe.com

**Schwabe**





May 5, 2023

Elizabeth E. Howard  
Admitted in Oregon and Washington  
D: 503-796-2093  
C: 503-312-8765  
ehoward@schwabe.com

VIA E-MAIL (ARLA.L.DAVIS@WATER.OREGON.GOV)

Arla L. Davis  
Water Rights Transfer Specialist  
State of Oregon  
725 Summer Street NE, Suite A  
Salem, OR 97301

RE: Water Right Transfer Application T-13857 - Withdrawal  
Our File No.: 135849-277236

Dear Arla:

Our office represents Applicant Kameron Delashmutt, Pinnacle Utilities, LLC, and Central Land and Cattle Company LLC with regard to application T-13857.

On behalf of the Applicant, we are withdrawing application T-13857. In that regard, we also request that the Department cease from any further review or processing of application T-13857.

Please confirm receipt of this letter and that you have noted in the Department's records that the application has been withdrawn. Thank you.

Very truly yours,

A handwritten signature in blue ink, consisting of a stylized 'E' followed by a long horizontal line.

Elizabeth E. Howard

EEH:cw

PDX\135849\277236\EEH\36557991.1





# Oregon

Tina Kotek, 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

May 17, 2023

KAMERON DELASHMUTT, PINNACLE UTILITIES, LLC  
2447 NW CANYON DR  
REDMOND, OR 97756

### ORDER ON WITHDRAWN APPLICATION

Reference: Transfer Application T-13857

The above referenced transfer application was withdrawn from the record of the Water Resources Department on May 17, 2023 by Special Order Volume 128 Page 389-390 (copy enclosed).

The transfer application is no further force or effect.

If you have any questions related to the withdrawal of this transfer, you may contact your caseworker, Kelly Starnes, by telephone at (503) 986-3511 or by e-mail at [Patrick.K.Starnes@water.oregon.gov](mailto:Patrick.K.Starnes@water.oregon.gov).

Sincerely,

Flor Pena

Water Right Services Support

Transfers and Conservation Section

cc: Jeremy T. Giffin, Watermaster Dist. # 11 (via email)  
John A. Short, Agent

Enclosure



BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER WITHDRAWING AN
T-13857, Deschutes, Klamath County	)	APPLICATION FOR A CHANGE FROM A
	)	SURFACE WATER POINT OF DIVERSION TO A
	)	GROUNDWATER POINT OF APPROPRIATION,
	)	PLACE OF USE, AND CHARACTER OF USE

**Authority**

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

KAMERON DELASHMUTT/PINNACLE UTILITIES LLC  
AND CENTRAL LAND AND CATTLE COMPANY LLC  
2447 NW CANYON DR  
REDMOND, OR 97756

**Findings of Fact**

1. On October 22, 2021, KAMERON DELASHMUTT/PINNACLE UTILITIES LLC AND CENTRAL LAND AND CATTLE COMPANY, LLC, filed an application change from a surface water point of diversion to a groundwater point of appropriation, place of use, and character of use under Certificate 95746. The Department assigned the application number T-13857.
2. Notice of the application for transfer was published on November 23, 2021, pursuant to OAR 690-380-4000. Five timely comments were filed in response to the notice.
3. On April 11, 2023, the Department mailed a copy of the draft Preliminary Determination proposing to deny Transfer Application T-13857 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of May 11, 2023, for the applicant to respond.
4. On May 5, 2022, the applicant requested by email that transfer application T-13857 be withdrawn.

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



Now, therefore, it is ORDERED:

Transfer Application T-13857 in the name of KAMERON DELASHMUTT/PINNACLE UTILITIES LLC AND CENTRAL LAND AND CATTLE COMPANY LLC, is withdrawn and of no further force or effect.

Dated at Salem, Oregon on **MAY 17 2023**



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
Douglas E. Woodcock, Acting Director  
Oregon Water Resources Department

Mailing date: **MAY 18 2023**



OCT 22 2021

## Part 4 of 5 – Applicant Information and Signature

## Applicant Information

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APPLICANT/BUSINESS NAME <b>Kameron DeLashmutt / Pinnacle Utilities, LLC &amp; Central Land and Cattle Company, LLC</b>			PHONE NO. <b>541-350-8479</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>2477 NW Canyon Drive</b>			FAX NO.	
CITY <b>Redmond</b>	STATE <b>OR</b>	ZIP <b>97756</b>	E-MAIL <b>kameron1959@gmail.com</b>	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

AGENT/BUSINESS NAME <b>John A. Short / Water Right Services, LLC</b>			PHONE NO. <b>541-389-2837</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>PO Box 1830</b>			FAX NO.	
CITY <b>Bend</b>	STATE <b>OR</b>	ZIP <b>97756</b>	E-MAIL <b>Johnshort@usa.com</b>	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Explain in your own words what you propose to accomplish with this transfer application, and why:  
**The applicant is proposing the following changes to a portion of C-95746; change the place of use, change surface water POD to groundwater POA, and change the type of use to Quasi-municipal use.**

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

## Check One Box

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



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By my signature below, I confirm that I understand:

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

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

Applicant signature

Print Name (and Title if applicable)

Date

Applicant signature

Print Name (and Title if applicable)

Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? ☐ Yes ☒ No\* See attached Deed - Deschutes Co. Official Records Document No. 2021-21099

\*If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.

Check the following boxes that apply:

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

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

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

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see:  
[https://www.oregon.gov/owrd/WRDFormsPDF/Transfer\\_Property\\_Transactions.pdf](https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf)

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



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

DISTRICT NAME <b>Tumalo Irrigation District</b>	ADDRESS <b>64697 Cook Avenue</b>		RECEIVED OCT 22 2021 OWRD
CITY <b>Bend</b>	STATE <b>OR</b>	ZIP <b>97703</b>	
DISTRICT NAME <b>Central Oregon Irrigation District</b>	ADDRESS <b>1055 SW Lake Court</b>		
CITY <b>Redmond</b>	STATE <b>OR</b>	ZIP <b>97756</b>	

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

ENTITY NAME <b>La Pine Cooperative Water Association</b>	ADDRESS <b>PO Box 97</b>	
CITY <b>La Pine</b>	STATE <b>OR</b>	ZIP <b>97739</b>



To meet State Land Use Consistency Requirements, you must list all county, city, municipal corporation, or tribal governments within whose jurisdiction water will be diverted, conveyed or used.

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



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

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

**CERTIFICATE # 95746****Description of Water Delivery System**System capacity: 26.9 cubic feet per second (cfs) OR       gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. **The Authorized POD is located in the SWSW, Section 34, T23S R9E, WM, and has a capacity to divert the entire water right in Certificate 95746, which can reach 26.9 during the peak irrigation season. A canal delivers the water to the POU.**

**Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)**  
(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or Is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		23	S	9	E	34	SW	SW	3400	550' N, 1150' E OF SW COR SEC 34
Well #1	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		15	S	12	E	28	SE	NE	7700	2519' S, 578' W of NE Cor Sec 28
Well #2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		"	"	"	"	"	NW	SE	7700	2958' S, 2316' W of NE Cor Sec 28
Well #3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		"	"	"	"	"	SE	NW	7700	1632' S, 3425' W of NE Cor Sec 28
Well #4	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		"	"	"	"	29	NW	SE	7900	1677' N, 1466' W of SE Cor Sec 29
Well #5	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		"	"	"	"	20	NE	SE	7700	205' S, 434' W of E 1/4 Cor Sec 20
Well #6	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		"	"	"	"	"	SW	NE	5000	244' N, 1667' W of E 1/4 Cor Sec 20
Well #7	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		"	"	"	"	17	SE	NW	5000	2446' S, 1180' W of N 1/4 Cor Sec 17
Well #8	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	DESC 756	"	"	"	"	29	NE	NE	7800	900' S, 850' W of NE Cor Sec 29



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

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

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

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

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

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

**Table 2. Description of Changes to Water Right Certificate # 95746**

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.													
Twp	Rng	Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date					
22	S	10	E	34	NW	NE	2803		16.9	IR	POD	1897	POU, USE, SW/GW	15	S	12	E	17	NW	NE	5000				QM	Wells 1-8	1897
"	"	"	"	"	NE	NW	"		10.5	"	"	"	"	"	"	"	"	"	SW	NE	"				"	"	"
"	"	"	"	"	SE	NW	"		16.7	"	"	"	"	"	"	"	"	"	NE	NW	"				"	"	"
"	"	"	"	"	NE	SW	"		5.9	"	"	"	"	"	"	"	"	"	SE	NW	"				"	"	"
													"	"	"	"	"	"	SW	SW	"				"	"	"
													"	"	"	"	"	"	SE	SW	"				"	"	"
													"	"	"	"	"	"	NW	SE	"				"	"	"
													"	"	"	"	"	"	SW	SE	"				"	"	"
													"	"	"	"	"	20	NW	NE	"				"	"	"
													"	"	"	"	"	"	SW	NE	"				"	"	"
													"	"	"	"	"	"	NE	NW	"				"	"	"
													"	"	"	"	"	"	NW	NW	"				"	"	"

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										POU, USE, SW/GW	15	S	12	E	29	NE	NE	7800				QM	Wells 1-8	1897					
										"	"	"	"	"	"	NW	NE	"				"	"	"					
										"	"	"	"	"	"	SW	NE	"				"	"	"					
										"	"	"	"	"	"	SE	NE	"				"	"	"					
										"	"	"	"	"	"	SW	NW	"				"	"	"					
										"	"	"	"	"	"	SE	NW	"				"	"	"					
										"	"	"	"	"	"	NE	SW	"				"	"	"					
										"	"	"	"	"	"	NW	SW	"				"	"	"					
										"	"	"	"	"	"	NE	SE	"				"	"	"					
										"	"	"	"	"	"	NW	SE	7900				"	"	"					
										"	"	"	"	"	"	SE	SE	7801				"	"	"					
										"	"	"	"	"	30	NW	NE	8000				"	"	"					
										"	"	"	"	"	"	SW	NE	"				"	"	"					
										"	"	"	"	"	"	SE	NE	7800				"	"	"					
										"	"	"	"	"	"	NE	NW	8000				"	"	"					
										"	"	"	"	"	"	SE	NW	"				"	"	"					
										"	"	"	"	"	"	NE	SE	7800				"	"	"					
TOTAL ACRES											50.0													TOTAL ACRES		N/A			

Additional remarks: The proposed place of use will adhere to the season of use and rate and duty limitation of the 50.0 acre portion of C-95746 proposed for transfer, changing to QM use within the service area boundary outlined for the "TO" lands, thereby not enlarging the use.

Revised 7/1/2021

Permanent Transfer Application Form – Page 11 of 13

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Certificate # 95746**For Place of Use or Character of Use Changes**

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

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

**The "to" lands are associated with Permit G-17036. Being quasi-municipal rights, the rights are not "layered" as defined in OAR 690-380-0100(4).**



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

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

Ground water supplemental Permit or Certificate # \_\_\_\_\_;

Surface water primary Certificate # \_\_\_\_\_.

**For a change from Supplemental Irrigation Use to Primary Irrigation Use**

Identify the primary certificate to be cancelled. Certificate # \_\_\_\_\_

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

- ☒ Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.

**Tip:** You may search for well logs on the Department's web page at:

[http://apps.wrd.state.or.us/apps/gw/well\\_log/Default.aspx](http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

**AND/OR**

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



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

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

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well, OWRD Well ID Tag No. L-___	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (Intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well - specific rate (cfs or gpm). If less than full rate of water right
Well 1	No		800-900'	14"	+2-18.5'	0-18.5'			Deschutes Formation	
Well 2	No		"	"	"	"			Deschutes Formation	
Well 3	No		900-1000'	"	"	"			Deschutes Formation	
Well 4	No		"	"	"	"			Deschutes Formation	
Well 5	No		800-900'	"	"	"			Deschutes Formation	
Well 6	No		"	"	"	"			Deschutes Formation	
Well 7	No		"	"	"	"			Deschutes Formation	
Well 8	Yes	DESC 756	880'	8"	+1.5-18.5'	"		730'	Deschutes Formation	



# Land Use Information Form



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

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

Mailing Address: 2477 NW Canyon Drive

City: Redmond

State: OR

Zip Code: 97756

Daytime Phone: 541-350-8479

## A. Land and Location

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

Township	Range	Section	$\frac{1}{4}$ $\frac{1}{4}$	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>15 S</u>	<u>12 E</u>	<u>17 &amp; 20</u>		<u>5000</u>	<u>EFUSC &amp; DR</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>QM</u>
<u>15 S</u>	<u>12 E</u>	<u>20</u>		<u>5001</u>	<u>EFUSC &amp; DR</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>QM</u>
<u>15 S</u>	<u>12 E</u>	<u>20</u>		<u>5002</u>	<u>EFUSC &amp; DR</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>QM</u>
<u>15 S</u>	<u>12 E</u>	<u>20, 21, &amp; 28</u>		<u>7700</u>	<u>EFUSC &amp; DR</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>QM</u>
<u>15 S</u>	<u>12 E</u>	<u>20</u>		<u>7701</u>	<u>EFUSC &amp; DR</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>QM</u>
<u>15 S</u>	<u>12 E</u>	<u>29 &amp; 30</u>		<u>7800</u>	<u>EFUSC &amp; DR</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>QM</u>
<u>15 S</u>	<u>12 E</u>	<u>29</u>		<u>7801</u>	<u>EFUSC &amp; DR</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>QM</u>
<u>15 S</u>	<u>12 E</u>	<u>29</u>		<u>7900</u>	<u>EFUSC &amp; DR</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>QM</u>
<u>15 S</u>	<u>12 E</u>	<u>30</u>		<u>8000</u>	<u>EFUSC &amp; DR</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>QM</u>

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

Deschutes County.



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**B. Description of Proposed Use**

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

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

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Source of water: ☐ Reservoir/Pond    ☒ Ground Water    ☐ Surface Water (name) \_\_\_\_\_Estimated quantity of water needed: 1.25    ☒ cubic feet per second    ☐ gallons per minute    ☐ acre-feetIntended use of water: ☐ Irrigation    ☐ Commercial    ☐ Industrial    ☐ Domestic for \_\_\_\_\_ household(s)  
☐ Municipal    ☒ Quasi-Municipal    ☐ Instream    ☐ Other \_\_\_\_\_

Briefly describe:

The applicant is proposing the following changes to a 50.0 acre portion of C-95746; change the place of use, change surface water POD to groundwater POA, and change the type of use to Quasi-municipal use.

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

See bottom of Page 4. →



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## For Local Government Use Only

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

### Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright, or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): To the extent the water in question is directed to "farm use", as defined in DCC 18.04.030, such use is permitted outright.
- ☒ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
Thornburgh Destination Resort has an extensive County approval process. Master Plans and Golf Course Site Plan have received final local approval. Specific development plans for overnight lodging facilities and other resort development are in progress or are anticipated.	DCC 18.113	<input checked="" type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input checked="" type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

Nothing in this LUCS signature should be interpreted to allow uses on the subject properties other than those allowed outright under the DCC 18.04.030 definition of "farm use" or those uses specifically proposed and approved in the Thornburgh Destination Resort decision history and as subject to the terms and conditions of those approvals.

Name: Will Groves Title: Lead Senior Planner

Signature: *Will Groves* Phone: 541-388-6518 Date: 10/20/21

Government Entity: Deschutes County

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

### Receipt for Request for Land Use Information

Applicant name: \_\_\_\_\_

City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_



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## Supplemental Form D

OWRD

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

[For transfers submitted under OAR Chapter 690 Division 380]



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

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

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

## 1. APPLICANT INFORMATION

NAME KAMERON DELASHMUTT / PINNACLE UTILITIES, LLC & CENTRAL LAND AND CATTLE COMPANY, LLC			PHONE (HM)
PHONE (WK) 541-350-8479	CELL	FAX	
ADDRESS 2447 NW CANYON DRIVE			
CITY REDMOND	STATE OR	ZIP 97756	E-MAIL**

## 2. DISTRICT or WATER SUPPLIER INFORMATION

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

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

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

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

	Application / Decree	Permit / Previous Transfer	Certificate	Is the water right in the name of a district, water supplier, or BOR*?
1.		-	95746	YES <input type="checkbox"/>
2.		-		YES <input type="checkbox"/>
3.		-		YES <input type="checkbox"/>

Attach additional pages for additional water rights if necessary.

\*Bureau of Reclamation



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

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

- YES ☐ NO ☒ One or more of the current POD(s) / POA(s) involved in the transfer are served by a district/water supplier or rely on BOR water.
- YES ☐ NO ☒ All or a portion of the current POU involved in this proposed transfer receives water for either primary or supplemental irrigation from the district/water supplier; i.e., the POU is currently layered with a district or BOR water supplied water right(s).

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

- YES ☐ NO ☒ One or more of the proposed POD(s) / POA(s) involved in the transfer are currently served or will be served by a district/water supplier if the transfer is approved, or rely on BOR water.
- YES ☐ NO ☒ All or a portion of the proposed POU involved in this proposed transfer currently receives or will receive either primary or supplemental irrigation from the district/water supplier; i.e., the POU will be layered with a district/water supplier or BOR water supplied water right(s).

**COMMENTS OR ADDITIONAL INFORMATION :** THE APPLICANT IS PROPOSING TO TEMPORARILY CHANGE THE PLACE OF USE, THE POINT OF APPROPRIATION, AND ADD ADDITIONAL POINTS OF APPROPRIATION FOR A 0.453 CFS PORTION OF QM C- 94958, UNDER OAR 690-380-8000.

**4. APPLICANT'S SIGNATURE**

- (1) I certify that I have notified the district/water supplier about the proposed water right transfer application by [check one]:  
☒ email, ☐ phone, ☐ postal mail, ☐ in person, or ☐ other (please specify) \_\_\_\_\_
- (2) I certify that to the best of my knowledge the information contained in this Supplemental Form D is true and accurate.

Applicant Signature

Name (print)

Date

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

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

The district/water supplier certifies the following:

- (1) The district/water supplier has reviewed the applicant's proposed water right transfer application and maps; and
- (2) The district/water supplier consents to the proposed water right transfer application.
- YES ☐ NO ☐ After proof of completion, the confirming water right certificate is to remain in the name of the U.S. Bureau of Reclamation or the district/water supplier.
- YES ☐ NO ☐ The district/water supplier will be responsible for submitting the claim of beneficial use prepared by a Certified Water Rights Examiner (CWRE).

Signature of District Manager /Water Supplier

Name (print), Title

Date

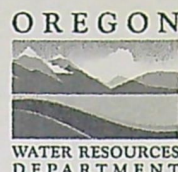


OCT 22 2021

## Supplemental Form D

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

[For transfers submitted under OAR Chapter 690 Division 380]



**Oregon Water Resources Department**  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1266  
 503-986-0900  
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The Department requires non-district applicants to communicate with districts/water suppliers during the planning and preparation of transfer applications involving water rights having a point of diversion or appropriation (POD/POA) or place of use (POU) served by or located within the boundaries of an irrigation district, or other type of water supplier to which assessments are paid. In some cases consent will be required from the district or water supplier.

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

## 1. APPLICANT INFORMATION

NAME KAMERON DELASHMUTT / PINNACLE UTILITIES, LLC CENTRAL LAND AND CATTLE COMPANY, LLC			PHONE (HM)
PHONE (WK) 541-350-8479	CELL	FAX	
ADDRESS 2447 NW CANYON DRIVE			
CITY REDMOND	STATE OR	ZIP 97756	E-MAIL**

## 2. DISTRICT or WATER SUPPLIER INFORMATION

DISTRICT/WATER SUPPLIER NAME TUMALO IRRIGATION DISTRICT			PHONE (HM)
PHONE (WK) 541-382-3053	CELL	FAX	
ADDRESS 64697 COOK AVE			
CITY BEND	STATE OR	ZIP 97703	E-MAIL**

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

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

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

	Application / Decree	Permit / Previous Transfer	Certificate	Is the water right in the name of a district, water supplier, or BOR*?
1.		-	95746	YES <input type="checkbox"/>
2.		-		YES <input type="checkbox"/>
3.		-		YES <input type="checkbox"/>

Attach additional pages for additional water rights if necessary.

\*Bureau of Reclamation



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

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

- YES ☐ NO ☒ One or more of the current POD(s) / POA(s) involved in the transfer are served by a district/water supplier or rely on BOR water.
- YES ☐ NO ☒ All or a portion of the current POU involved in this proposed transfer receives water for either primary or supplemental irrigation from the district/water supplier; i.e., the POU is currently layered with a district or BOR water supplied water right(s).

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

- YES ☐ NO ☒ One or more of the proposed POD(s) / POA(s) involved in the transfer are currently served or will be served by a district/water supplier if the transfer is approved, or rely on BOR water.
- YES ☐ NO ☒ All or a portion of the proposed POU involved in this proposed transfer currently receives or will receive either primary or supplemental irrigation from the district/water supplier; i.e., the POU will be layered with a district/water supplier or BOR water supplied water right(s).

**COMMENTS OR ADDITIONAL INFORMATION :** THE APPLICANT IS PROPOSING TO TEMPORARILY CHANGE THE PLACE OF USE, THE POINT OF APPROPRIATION, AND ADD ADDITIONAL POINTS OF APPROPRIATION FOR A 0.453 CFS PORTION OF QM C- 94958, UNDER OAR 690-380-8000.

**4. APPLICANT'S SIGNATURE**

- (1) I certify that I have notified the district/water supplier about the proposed water right transfer application by [check one]:  
☒ email, ☐ phone, ☐ postal mail, ☐ in person, or ☐ other (please specify) \_\_\_\_\_
- (2) I certify that to the best of my knowledge the information contained in this Supplemental Form D is true and accurate.

Applicant Signature

Name (print)

Date

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

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

The district/water supplier certifies the following:

- (1) The district/water supplier has reviewed the applicant's proposed water right transfer application and maps; and
- (2) The district/water supplier consents to the proposed water right transfer application.
- YES ☐ NO ☐ After proof of completion, the confirming water right certificate is to remain in the name of the U.S. Bureau of Reclamation or the district/water supplier.
- YES ☐ NO ☐ The district/water supplier will be responsible for submitting the claim of beneficial use prepared by a Certified Water Rights Examiner (CWRE).

Signature of District Manager /Water Supplier

Name (print), Title

Date



Application for Water Right  
Transfer  
Consent by Deeded Landowner



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

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State of Colorado )  
Oregon )ss  
County of Denver )

I MICHAEL LEBEAU in my capacity as OWNER,

mailing address 2838 N Jackson St, Denver, CO 80205,

telephone number 503-740-8325, duly sworn depose and say that I

consent to the proposed change(s) to Water Right Certificate Number 90239 or as superseded

described in Transfer Application (T-TBD) submitted by Central Land & Cattle Co., LLC

(transfer number, if known)

and/or Pinnacle Utilities, LLC or assigns, currently appurtenant to the property described as tax

lot number 2803, Section 34, and tax lot number 101 in Section 27, both in Township 22

South, Range 10 East, W.M.

Michael Lebeau

Signature of Affiant

03-31-2021

Date

N/A

Signature of Affiant

Date

Subscribed and Sworn to before me this 31 day of March, 2021.

Jon Pool  
Notary Public for Oregon  
Colorado

My commission expires July 29, 2024



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STATE OF COLORADO, County of Denver ) ss.

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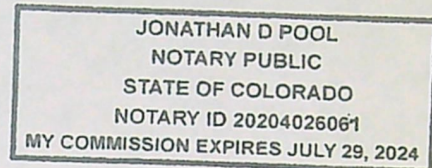
On March 31, 2021, personally appeared the herein named Michael LeBeau,  
and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me:

*Jon Pool*

Notary Public for Colorado

My commission expires: July 29, 2024





# Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon )  
 ) ss  
County of DESCHUTES)

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I, JOHN A. SHORT / WATER RIGHT SERVICES, LLC, in my capacity as WATER RIGHT SPECIALIST,  
mailing address P.O. BOX 1830, BEND, OR 97709  
telephone number (541)389-2837, being first duly sworn depose and say:

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

☒ Personal observation ☒ Professional expertise

2. I attest that:

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

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

Certificate #	Township		Range		Mer	Sec	¼ ¼		Gov't Lot or DLC	Acres (if applicable)
95746	22	S	10	E	WM	34	NW	NE		16.9
"	"	"	"	"	"	"	NE	NW		10.5
"	"	"	"	"	"	"	SE	NW		16.7
"	"	"	"	"	"	"	NE	SW		5.9

OR

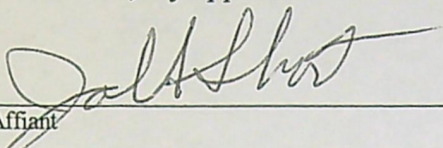
- ☐ Confirming Certificate # \_\_\_\_\_ has been issued within the past five years; **OR**
- ☐ Part or all of the water right was leased instream at some time within the last five years. The  
instream lease number is: \_\_\_\_\_ (Note: If the entire right proposed for  
transfer was not leased, additional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

(continues on reverse side)



3. The water right was used for: (e.g., crops, pasture, etc.): PASTURE

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

  
Signature of Affiant

10-2-21  
Date

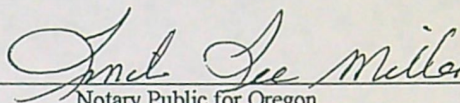
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OWRD

Signed and sworn to (or affirmed) before me this 02 day of October, 20 21.



  
Notary Public for Oregon

My Commission Expires: July 12, 2025

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



October 11, 2021

**Kenneth Katzaroff**

Admitted in Washington and Oregon

T: 206-405-1985

C: 206-755-2011

KKatzaroff@SCHWABE.com

Angie Brewer  
Senior Planner, AICP  
Deschutes County Community Development  
117 NW Lafayette Avenue  
Bend, OR 97708

RE: Deschutes County File No. 247-21-000885 - PS

Dear Angie:

As you know, our office represents Kameron DeLashmutt and Pinnacle Utilities, LLC (collectively, the "Applicant") in a request for a Land Use Information Form ("LUCS") for the Oregon Water Resources Department ("OWRD"). This letter provides additional information regarding that request.

Applicant seeks to transfer the place of use and type of use of 50.00 acres of C-95746, to provide quasi-municipal water to the Thornburgh Destination Resort. Quasi-municipal water is defined under state rule.

To clarify any misunderstanding, a quasi-municipal water use is defined as is relevant at OAR 690-300-0010(40):

"Quasi-Municipal Water Use" means the delivery and use of water through the water service system of a corporation other than a public corporation created for the purpose of operating a water supply system, for those uses usual and ordinary to municipal water use, or a federally recognized Indian tribe that operates a water supply system for uses usual and ordinary to a municipal water use.

That definition refers to uses that are "usual and ordinary to municipal water use", which is defined at OAR 690-300-0010(29):

"Municipal Water Use" means the delivery and use of water through the water service system of a municipal corporation for all water uses usual and ordinary to such systems. Examples of these water uses shall include but are not limited to domestic water use, irrigation of lawns and gardens, commercial water use, industrial water use, fire protection, irrigation and other water uses in park and



Angie Brewer  
October 11, 2021  
Page 2

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recreation facilities, and street washing. Such uses shall not include generation of hydroelectric power.

As is relevant to the LUCS, any number of uses allowed under a quasi-municipal water right are permitted outright in EFU lands, including "irrigation" use.

More importantly, the Applicant (or its affiliates), has also received final master plan approval for a destination resort on the same lands. Applicant has also received tentative plan approval and related infrastructure including road and facility systems, site plan approval for a golf course and related infrastructure, overnight lodging unit ("OLU") site plan approval, and is pursuing a number of other applications. Together, file numbers include but are not limited to:

- Deschutes County Document No. 2006-151; CU-05-20
- MU-07-2/MA-08-6
- 247-19-000881-SP
- 247-20-000279-A
- 247-20-000282-A
- 247-21-000553-MC
- 247-21-000731-A; 18-386-TP, 18-454-SP, 18-542-MA
- 247-21-000508-SP

These multiple and binding land use decisions permit development, including that which may be served by a quasi-municipal water right. Therefore, Applicant requests that the county sign the LUCS indicating that the proposed use of water is permitted outright, permitted pursuant to the multitudes of land use decisions regarding the Thornburgh Destination Resort, and that additional approvals are also being pursued.

Very truly yours,

SCHWABE, WILLIAMSON & WYATT, P.C.

/s/ Kenneth Katzaroff

Kenneth Katzaroff

JKKA:aks

PDX\135849\262760\JKKA\31953643.1



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Bryce Withers <brycewrs@gmail.com>

OWRD

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## Map Scale Waiver Request

2 messages

---

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

Mon, Oct 4, 2021 at 10:23 AM

Hi Kelly,

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

Thank you.


--

Bryce Withers

Water Right Specialist  
(541)408-1400 cell

Water Right Services, LLC  
PO Box 1830  
Bend, OR 97709  
<https://oregonwater.us>

---

 **Lebeau\_Pinnacle\_Perm\_TFR\_MAP\_ON.pdf**  
270K

---

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

Mon, Oct 4, 2021 at 11:41 AM

Hi Bryce,

The Department grants a map scale waiver for the attached transfer application map. Please include a copy of this email in the transfer application when it is submitted.

Sincerely,

Kelly

Kelly Starnes, Transfer Program Analyst  
Oregon Water Resources Department  
725 Summer St NE Suite A  
Salem OR 97301-1271  
Cellphone: 503-979-3511 Fax: 503-986-0903  
E-mail: [patrick.k.starnes@oregon.gov](mailto:patrick.k.starnes@oregon.gov)

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

---

**From:** Bryce Withers <brycewrs@gmail.com>  
**Sent:** Monday, October 4, 2021 10:23 AM  
**To:** STARNES Patrick K \* WRD  
**Subject:** Map Scale Waiver Request





Bryce Withers <brycewrs@gmail.com>

---

## District Notification of Temporary Transfer

1 message

---

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

Wed, Sep 29, 2021 at 11:54 AM

Hi April,

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

Thank you!

—  
Bryce Withers

Water Right Specialist  
(541)408-1400 cell

Water Right Services, LLC  
PO Box 1830  
Bend, OR 97709  
<https://oregonwater.us>


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OWRD

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### 2 attachments

 **Supplemental\_Form\_D\_non-district\_transfer\_within\_District\_TID.pdf**  
130K

 **Lebeau\_Pinnacle\_Perm\_TFR\_MAP\_ON.pdf**  
270K





Bryce Withers <brycewrs@gmail.com>

---

## District Notification of Temporary Transfer

1 message

---

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

Wed, Sep 29, 2021 at 11:53 AM

Hi Leslie,

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

Thank you!

--  
Bryce Withers

Water Right Specialist  
(541)408-1400 cell

Water Right Services, LLC  
PO Box 1830  
Bend, OR 97709  
<https://oregonwater.us>


RECEIVED


OCT 22 2021

OWRD

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### 2 attachments

 **Supplemental\_Form\_D\_non-district\_transfer\_within\_District\_COID.pdf**  
130K

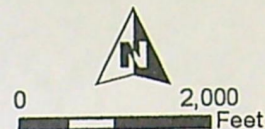
 **Lebeau\_Pinnacle\_Perm\_TFR\_MAP\_ON.pdf**  
270K





RENEWAL DATE 12/31/2022

# T15S R12E, WM DESCHUTES COUNTY, OR



1" = 2,000'

● Well "ON"

POU QM "ON"

Section

Quarter Quarter

Tax Lot

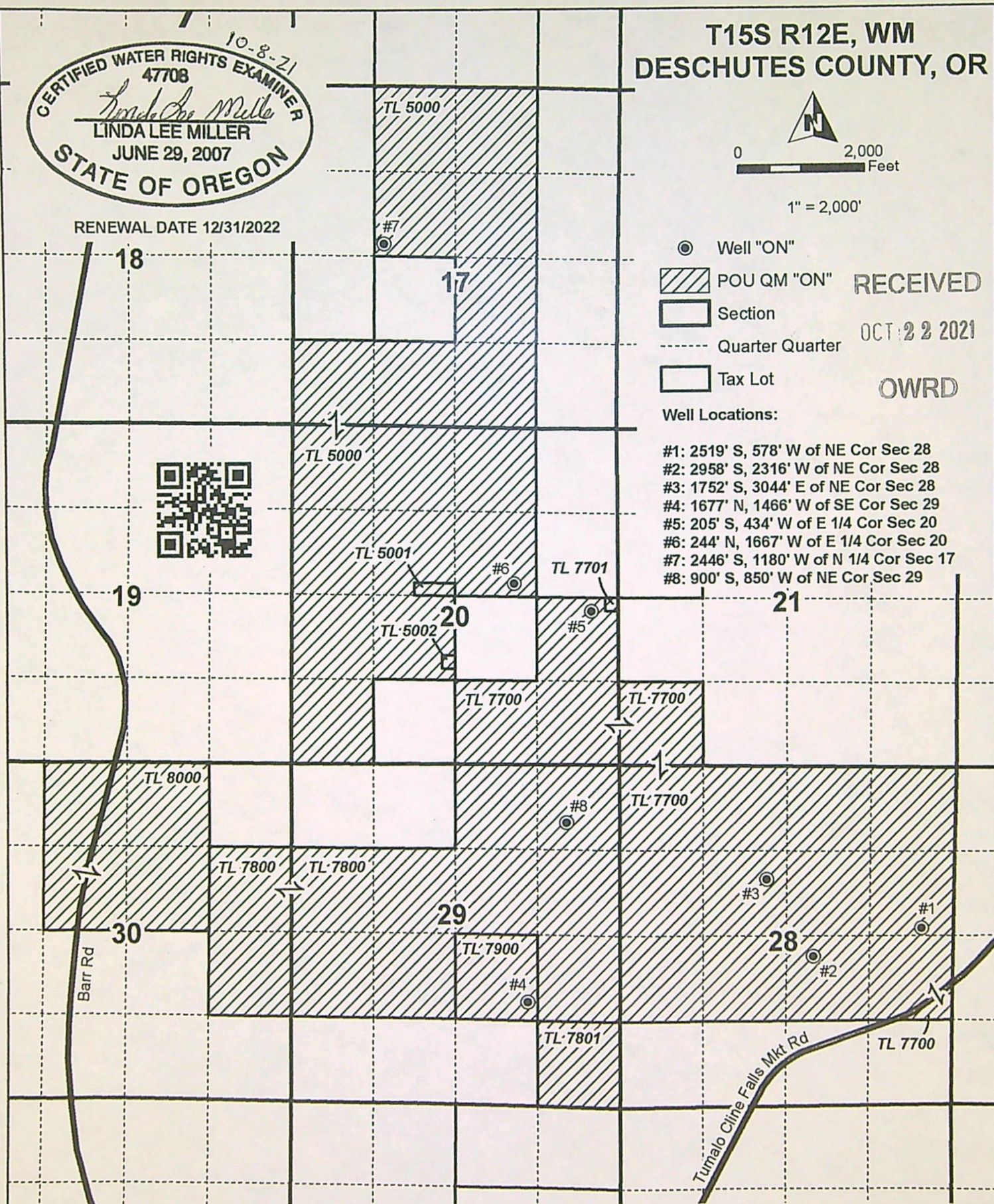
Well Locations:

- #1: 2519' S, 578' W of NE Cor Sec 28  
#2: 2958' S, 2316' W of NE Cor Sec 28  
#3: 1752' S, 3044' E of NE Cor Sec 28  
#4: 1677' N, 1466' W of SE Cor Sec 29  
#5: 205' S, 434' W of E 1/4 Cor Sec 20  
#6: 244' N, 1667' W of E 1/4 Cor Sec 20  
#7: 2446' S, 1180' W of N 1/4 Cor Sec 17  
#8: 900' S, 850' W of NE Cor Sec 29

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PERMANENT TRANSFER "ON" MAP  
For  
Pinnacle Utilities, LLC

Date: 10/6/2021

C-95746

This map is not intended  
to provide legal dimensions  
or locations of property  
ownership lines.

**WATER RIGHT SERVICES, LLC**






PO BOX 1830, BEND, OR 97709

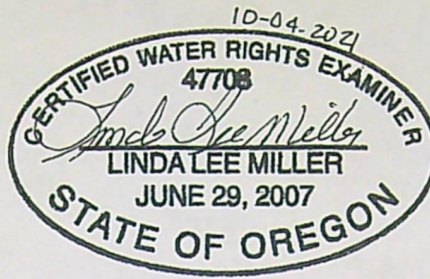
WWW.OREGONWATER.US 541-389-2837

johnshort@usa.com

CCB # 197121



-  POU PER QQ NO CHANGE
-  POU PER QQ "OFF"
-  Section
-  Tax Lot
-  Quarter Quarter



# DESCHUTES COUNTY, OR T22S R10E, WM



0 1,320 Feet  
1" = 1320'

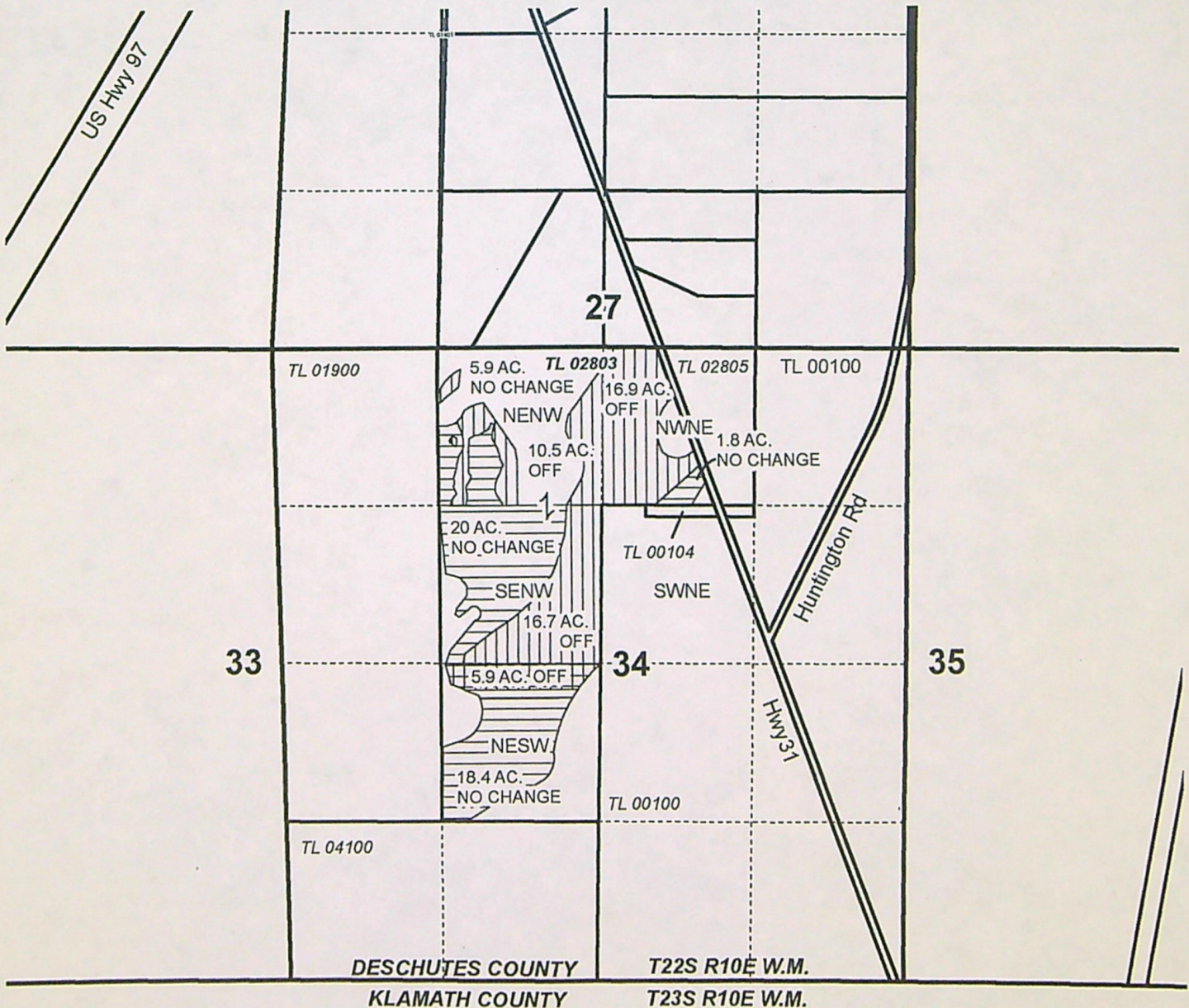
RECEIVED

OCT 22 2021

OWRD



RENEWAL DATE 12/31/2022



**TRANSFER "OFF" MAP**  
**Pinnacle Utilities, LLC**

This map is not intended  
to provide legal dimensions  
or locations of property  
ownership lines.

**WATER RIGHT SERVICES, LLC**

PO BOX 1830, BEND, OR 97709

WWW.OREGONWATER.US 541-389-2837

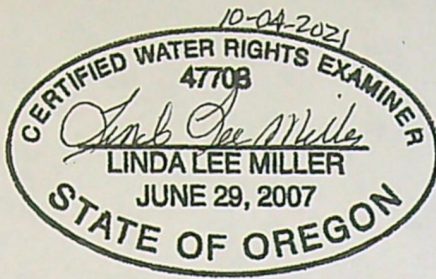
johnshort@usa.com

CCB # 197121

Date: 9/21/2021

A Portion of C-95746





RENEWAL DATE 12/31/2022

RECEIVED

OCT 22 2021

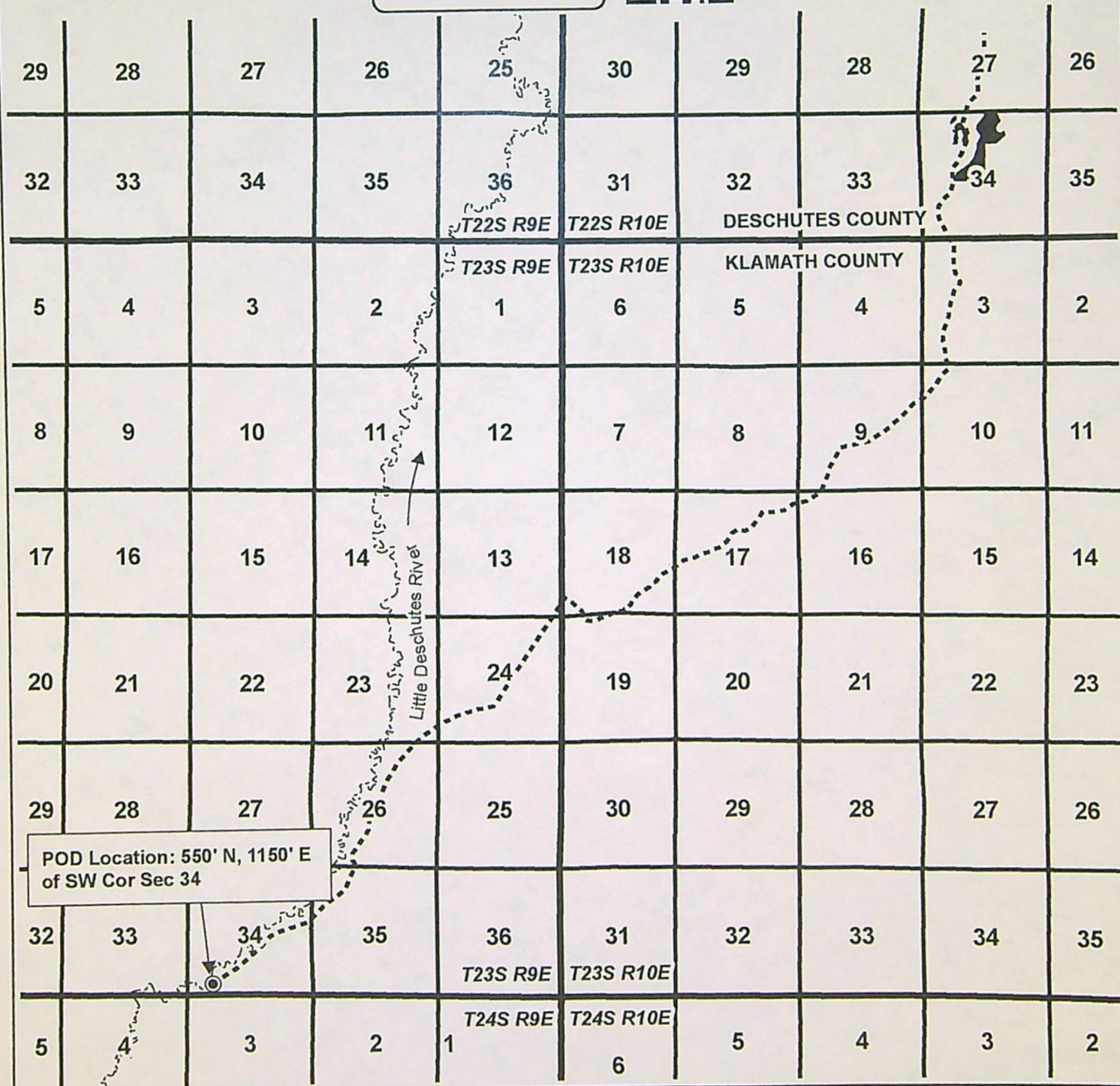
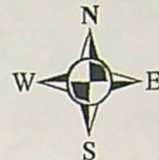
OWRD

T22S R10E, WM,  
DESCHUTES COUNTY, OR &  
T23S R10E & T23S R9E, WM  
KLAMATH COUNTY, OR

- POD
- Canal
- River
- Place of Use
- Township
- Section



0 6,000 Feet  
1" = 6000'



TRANSFER "OFF" MAP  
Pinnacle Utilities, LLC

This map is not intended  
to provide legal dimensions  
or locations of property  
ownership lines.

**WATER RIGHT SERVICES, LLC**

PO BOX 1830, BEND, OR 97709

WWW.OREGONWATER.US 541-389-2837

johnshort@usa.com

CCB # 197121

Date: 9/21/2021

C-95746



# Permanent Transfer Application Intake Completion Checklist

Check the Certificate(s) in WRIS

Transfer # T- 13857

Checked by: <u>B</u>	Type of Change(s) Proposed: Mark the Proposed Changes	Substitution	Supplemental to Primary	POU	POD	APOD
Date: <u>11-1-21</u>		Gov Action	Surface to Ground	USE	POA	APOA
Fee Received: <u>7300</u>						
Calculated Fee: <u>7300</u>			How many rights to be Transferred?			
Additional Observations:			Certificate # <u>95746</u>			
			<u>POA x 8</u>			
			<u>POU, USE, SW to SW</u>			
			<u>POA x 8 → SW = 20 x 1</u>			

If OK and complete, check box to the left; if NOT, fill in.

- ☒ 1. Is applicant information complete? Have all applicants listed at the top of the page signed at the bottom?  
If no, what is missing? Whose signature is missing? \_\_\_\_\_
  - ☒ 2. Does applicant indicate the place of use is in or near an irrigation district? Is a Form D included? ☐ N/A.  
Name of the district: \_\_\_\_\_
  - ☒ 3. Part 5 of application, has the applicant(s) completed the entire page and does the information match the description of the explanation of the reasons for transfer on Part 4 of the application?  
If no, you may need to contact the applicant or agent? \_\_\_\_\_
  - ☒ 4. Is there only one (1) water right included in this transfer application?  
If no, are the criteria of OAR 690-380-3220 for more than one WR met? Yes or No \_\_\_\_\_  
If no, then the transfer application **CANNOT** be accepted. See attached "3220" Decision Tree Flowchart.
  - ☐ 5. For multiple certificates do each of the certificates listed on Application Page 1 have their own separate completed Part 5 tables 1 & 2?  
If no, which certificate(s) are missing a separate Part 5 tables 1 & 2? \_\_\_\_\_
  - ☒ 6. Is the map prepared and signed by a CWRE? Does the map meet requirements?  
If no, what is missing? \_\_\_\_\_. Map waiver included? ☒ Yes ☐ No
  - ☒ 7. If a change in point of appropriation (POA), have the well logs been included? ☐ N/A.
  - ☐ 8. If a change in place of use (POU) within Umatilla County, have the applicant(s) provided a Supplemental Form U? ☒ N/A.
  - ☒ 9. If all boxes on this checklist are checked (with no remaining deficiencies identified), **ACCEPT** the application.  
Put this application intake completeness check sheet in the transfer folder.
- OR: ☐ If all boxes to the left are **NOT** checked, then this application is deficient and **CANNOT** be accepted.  
It should be returned and the deficiencies listed in the "staff" section at the bottom of Application Page 1, unless the applicant or agent can resolve the deficiencies within 2-3 days.

Actions taken: \_\_\_\_\_ Date: \_\_\_\_\_



## Permanent Transfer Application Intake Completion Checklist

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)			
1	Base Fee (includes one type of change to one water right for up to 1 cfs)	1	\$1,360
	Types of change proposed: <input type="checkbox"/> Place of Use <input type="checkbox"/> Character of Use <input type="checkbox"/> Point of Diversion/Appropriation Number of above boxes checked = _____ (2a) Subtract 1 from the number in line 2a = _____ (2b) If only one change, this will be 0. Multiply line 2b by \$1,090 and enter » » » » » » » » » » » » » » » »	2	0
3	Number of water rights included in transfer _____ (3a) Subtract 1 from the number in 3a above: _____ (3b) If only one water right this will be 0 Multiply line 3b by \$610 and enter » » » » » » » » » » » » » » » »	3	0
4	Do you propose to add or change a well, change from a surface water POD to a well, or Substitute a Suppl GW right for a Primary SW right? <input type="checkbox"/> No: enter 0 » <input type="checkbox"/> Yes = \$480 (4a) If YES: enter the number of wells being proposed: _____ (4b) Subtract 1 from the number in line 4b = _____ (4c) If only one well this will be 0. Multiply line 4c by \$410 = _____ (4d) Add lines 4a and 4d and enter » » » » » » » » » » » » » » » »	4	0
5	Do you propose to change the place of use or character of use? <input type="checkbox"/> No: enter 0 on line 5 » <input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred (see example below*): _____ (5a) Subtract 1.0 from the number in 5a above: _____ (5b) If 5b is 0 or less, enter 0 on line 5 » » » » » » » » » » » » » » » » If 5b is greater than 0, round up to the nearest whole number: _____ (5c) and multiply 5c by \$350, then enter on line 5 » » » » » » » » » » » » » » » »	5	0
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6	0
7	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 » » » If no box is applicable, enter 0 on line 7» » » » » » » » » » » » » » » »	7	0
8	Subtract line 7 from line 6 » » » » » » » » » » » Transfer Fee:	8	



Please don't hesitate to contact me at 503-979-3129 or [Arla.L.Davis@water.oregon.gov](mailto:Arla.L.Davis@water.oregon.gov) if I may be of assistance.

Sincerely,

*Arla Davis*

Arla Davis  
Transfer Specialist  
Transfer and Conservation Section

cc: Transfer Application file T-13857  
John Short, Agent for the applicant (*via e-mail*)  
Jeremy Giffin, District 11 Watermaster (*via e-mail*)

encs

Arla L. Davis

She/Her/Hers  
Water Rights Transfer Specialist  
Transfer and Conservation Section  
725 Summer St. NE, Suite A | Salem, OR 97301 | Phone: 503-979-3129



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

Work Schedule (primarily teleworking remotely): Mon, Tues, & Thurs, Fri – 6:00 a.m. to 3:30 p.m. and Wed – 8:00 a.m. to Noon

**NOTE:** The Salem office is now open to the public. Given that many staff will continue teleworking remotely or have job duties that take them into the field on a regular basis, availability of staff in the office is not guaranteed 8:00 a.m. – 5:00 p.m. every day. **Customers and visitors are encouraged to schedule an appointment in advance if they wish to meet in person with specific staff members.** Alternative methods for meeting, such as by phone or virtually via Teams, are also available.



BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application  
T-13857, Deschutes, Klamath County

)  
)  
)  
)  
)  
)  
)  
)

**D R A F T**

PRELIMINARY DETERMINATION  
PROPOSING DENIAL OF A CHANGE FROM  
A SURFACE WATER POINT OF DIVERSION  
TO A GROUNDWATER POINT OF  
APPROPRIATION, PLACE OF USE, AND  
CHARACTER OF USE

**Authority**

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

KAMERON DELASHMUTT/PINNACLE UTILITIES LLC  
AND CENTRAL LAND AND CATTLE COMPANY LLC  
2447 NW CANYON DR  
REDMOND, OR 97756

**Findings of Fact**

1. On October 22, 2021, KAMERON DELASHMUTT/PINNACLE UTILITIES LLC AND CENTRAL LAND AND CATTLE COMPANY, LLC, filed an application change from a surface water point of diversion to a groundwater point of appropriation, place of use, and character of use under Certificate 95746. The Department assigned the application number T-13857.
2. Notice of the application for transfer was published on November 23, 2021, pursuant to OAR 690-380-4000. Five timely comments were filed in response to the notice.
3. The issues raised by the commenter do not address the criteria for review of a water right transfer as per OAR 690-380-4010 and approval of a transfer application under OAR 690-380-5000. The statutory basis for approving a water right transfer application is relatively narrow and confined to the department finding or determining:
  - a) The water right proposed for transfer is a water use subject to transfer;
  - b) The portion of the water right proposed for transfer is not cancelled due to forfeiture for non-use pursuant to ORS 540.610;



c) The proposed transfer would not result in enlargement of the water right proposed for transfer; and

d) The proposed transfer would not result in injury to other water rights.

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

**Certificate:** 95746 in the name of LA PINE COOPERATIVE WATER ASSOCIATION  
(confirmed by Deschutes River Decree)

**Use:** IRRIGATION of 50.0 ACRES

**Priority Date:** 1897

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, FROM MAY 23 TO AUGUST 20, and ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, FROM APRIL 1 TO MAY 23 and FROM AUGUST 20 TO NOVEMBER 1, and shall be further limited to a diversion of not to exceed 4.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** LITTLE DESCHUTES RIVER, tributary to the DESCHUTES RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
23 S	9 E	WM	34	SW SW	550 FEET NORTH AND 1150 FEET EAST FROM THE SW CORNER OF SECTION 34

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
22 S	10 E	WM	34	NW NE	2803	16.9
22 S	10 E	WM	34	NE NW	2803	10.5
22 S	10 E	WM	34	SE NW	2803	16.7
22 S	10 E	WM	34	NE SW	2803	5.9
Total						50.0

5. Transfer Application T-13857 proposes to change the authorized place of use to:

QUASI-MUNICIPAL					
Twp	Rng	Mer	Sec	Q-Q	Tax Lot
15 S	12 E	WM	17	NW NE	5000
15 S	12 E	WM	17	SW NE	5000
15 S	12 E	WM	17	NE NW	5000
15 S	12 E	WM	17	SE NW	5000
15 S	12 E	WM	17	SW SW	5000
15 S	12 E	WM	17	SE SW	5000
15 S	12 E	WM	17	NW SE	5000
15 S	12 E	WM	17	SW SE	5000
15 S	12 E	WM	20	NW NE	5000
15 S	12 E	WM	20	SW NE	5000



QUASI-MUNICIPAL					
Twp	Rng	Mer	Sec	Q-Q	Tax Lot
15 S	12 E	WM	20	NE NW	5000
15 S	12 E	WM	20	NW NW	5000
15 S	12 E	WM	20	SE NW	5000/5001
15 S	12 E	WM	20	NE SW	5000/5002
15 S	12 E	WM	20	NW SW	5000
15 S	12 E	WM	20	SW SW	5000
15 S	12 E	WM	20	NE SE	7700/7701
15 S	12 E	WM	20	SW SE	7700
15 S	12 E	WM	20	SE SE	7700
15 S	12 E	WM	21	SW SW	7700
15 S	12 E	WM	28	NE NE	7700
15 S	12 E	WM	28	NW NE	7700
15 S	12 E	WM	28	SW NE	7700
15 S	12 E	WM	28	SE NE	7700
15 S	12 E	WM	28	NE NW	7700
15 S	12 E	WM	28	NW NW	7700
15 S	12 E	WM	28	SW NW	7700
15 S	12 E	WM	28	SE NW	7700
15 S	12 E	WM	28	NE SW	7700
15 S	12 E	WM	28	NW SW	7700
15 S	12 E	WM	28	NE SE	7700
15 S	12 E	WM	28	NW SE	7700
15 S	12 E	WM	29	NE NE	7800
15 S	12 E	WM	29	NW NE	7800
15 S	12 E	WM	29	SW NE	7800
15 S	12 E	WM	29	SE NE	7800
15 S	12 E	WM	29	SW NW	7800
15 S	12 E	WM	29	SE NW	7800
15 S	12 E	WM	29	NE SW	7800
15 S	12 E	WM	29	NW SW	7800
15 S	12 E	WM	29	NE SE	7800
15 S	12 E	WM	29	NW SE	7900
15 S	12 E	WM	29	SE SE	7801
15 S	12 E	WM	30	NW NE	8000
15 S	12 E	WM	30	SW NE	8000
15 S	12 E	WM	30	SE NE	7800
15 S	12 E	WM	30	NE NW	800
15 S	12 E	WM	30	SE NW	7800
15 S	12 E	WM	30	NE SE	7800

6. Transfer Application T-13857 proposes to move the authorized point of diversion to wells located:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Measured Distances	Approx. distance from the authorized point of diversion (miles)
15 S	12 E	WM	17	SE NW	5000	WELL 7 - 2446 FEET SOUTH AND 1180 FEET WEST FROM THE N 1/4 CORNER OF SECTION 17	53.2 miles



Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Measured Distances	Approx. distance from the authorized point of diversion (miles)
15 S	12 E	WM	20	SW NE	5000	WELL 6 - 244 FEET NORTH AND 1667 FEET WEST FROM THE E 1/4 CORNER OF SECTION 20	52.6 miles
15 S	12 E	WM	20	NE SE	7700	WELL 5 - 205 FEET SOUTH AND 434 FEET WEST FROM THE E 1/4 CORNER OF SECTION 20	52.4 miles
15 S	12 E	WM	28	SE NE	7700	WELL 1 - 2519 FEET SOUTH AND 578 FEET WEST FROM THE NE CORNER OF SECTION 28	51.8 miles
15 S	12 E	WM	28	SE NW	7700	WELL 3 - 1632 FEET SOUTH AND 3425 FEET WEST FROM THE NE CORNER OF SECTION 28	51.7 miles
15 S	12 E	WM	28	NW SE	7700	WELL 2 - 2958 FEET SOUTH AND 2316 FEET WEST FROM THE NE CORNER OF SECTION 28	51.6 miles
15 S	12 E	WM	29	NE NE	7800	WELL 8 - 900 FEET SOUTH AND 850 FEET WEST FROM THE NE CORNER OF SECTION 29	52.2 miles
15 S	12 E	WM	29	NW SE	7900	WELL 4 - 1677 FEET NORTH AND 1466 FEET WEST FROM THE SE CORNER OF SECTION 29	51.6 miles

7. Transfer Application T-13857 proposes to change the character of use to Quasi-Municipal.

***Transfer Review Criteria [OAR 690-380-4010(2), OAR 690-380-2110(2), OAR 690-380-2130]***

8. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
9. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-13857.
10. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
11. The current point of diversion is located on the Little Deschutes River. The nearest surface water to the proposed groundwater points of appropriation is the Deschutes River downstream from the confluence of the Little Deschutes and Deschutes rivers. The distance along the river between the existing surface water point of diversion and the proposed groundwater points of appropriation is over 100 river miles. Pumping from the proposed groundwater points of appropriation will have no effect on the Little Deschutes River but instead will affect the Deschutes River downstream from the proposed groundwater points of appropriation and will also likely affect the Crooked River near the



confluence with the Deschutes River. Previous studies have identified the Crooked River as a major discharge zone for the regional aquifer system that the proposed groundwater points of appropriation are producing from (Gannett et al., 2000; Gannett and Lite, 2003).

12. Surface water in the Crooked River is fully allocated and any new groundwater allocation within the Deschutes Groundwater Study Area, which includes the affected reach of the Crooked River, requires mitigation for impacts to surface water. Approval of this transfer would impact the Crooked River which is not being impacted by use from the current surface water point of diversion and so is considered a significant impact to the Crooked River.
13. OAR 690-380-2130(3) requires that SW-GW transfers in the Deschutes Groundwater Study Area only *"affect the surface water source hydraulically connected to the authorized point of diversion specified in the water use subject to transfer"*. For this application, the surface water source hydraulically connected to the point of diversion is the Little Deschutes River whereas groundwater pumping at the proposed points of appropriation would affect the Deschutes River, Crooked River, and possibly smaller streams north of the proposed groundwater points of appropriation. Groundwater pumping at the proposed points of appropriation would not affect, the original surface water source of the Little Deschutes River.
14. The proposed changes would not result in enlargement of the right.
15. The proposed changes in Transfer Application T-13857 would not result in injury to other water rights.
16. All other application requirements are met.

#### **Determination and Proposed Action**

The change from a surface water point of diversion to a groundwater point of appropriation, place of use, and character of use proposed in Transfer Application T-13857 appear to be not consistent with the requirements of ORS 540.505 to 540.580, OAR 690-380-2130, and 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be denied.

*If the issues identified above are resolved, and Transfer Application T-13857 is approved, the final order will include the following:*

1. *The change from a surface water point of diversion to a groundwater point of appropriation, place of use, and character of use proposed in Transfer Application T-13857 are approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 95746 and any related decree.*



3. *Water right Certificate 95746 is modified and will be cancelled upon approval or denial of T-13764 and T-13857. A new certificate will be used describing that portion of the right not affected by this transfer, and T-13764, and T-13857.*
4. *The quantity of water diverted at the new points of appropriation (WELL 1, WELL 2, WELL 3, WELL 4, WELL 5, WELL 6, WELL 7, and WELL 8) shall not exceed the quantity of water lawfully available at the original point of diversion.*
5. *The use of water under this right shall be subject to regulation consistent with other water rights from the surface water source and to all other applicable conditions and restrictions that existed at the original point of diversion.*
6. *If, within five years after approval of the transfer, the Department finds that the transfer results in substantial or undue interference with an existing ground water right due to use of the wells, that would not have occurred in the absence of the transfer, the new point of appropriation shall be subordinate to the existing right injured by the transfer.*
7. *The original point of diversion of surface water shall not be retained as an additional or supplemental point of diversion under the transferred portion of the right. However, if within five years after approval of the transfer, the Department receives a transfer application to return to the last authorized surface water point of diversion, the application shall be approved.*
8. *Water use measurement conditions:*
  - 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 at each new point of 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.*
9. *The former place of use of the transferred right shall no longer receive water under the right.*
10. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2024**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
11. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*



Dated in Salem, Oregon on

# D R A F T

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
DOUGLAS E. WOODCOCK, ACTING DIRECTOR  
Oregon Water Resources Department

This draft Preliminary Determination was prepared by Arla Davis. If you have any questions about the information in this document, you may reach me at 503-979-3129 or [arla.l.davis@water.oregon.gov](mailto:arla.l.davis@water.oregon.gov)





# Oregon

Kate Brown, Governor

## Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

February \_\_, 2022

VIA E-MAIL

KAMERON DELASHMUTT/PINNACLE UTILITIES LLC AND  
CENTRAL LAND AND CATTLE COMPANY LLC  
2447 NW CANYON DR  
REDMOND, OR 97756

SUBJECT: Water Right Transfer Application T-13857

Please find enclosed a draft of our Preliminary Determination regarding Transfer Application T-13857. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be DENIED. This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so and to withdraw or modify your application to resolve the issues that are prompting our decision to deny the application.

The draft Preliminary Determination proposes to deny the transfer application for the following reasons:

- The proposed change from a surface water point of diversion to a groundwater point of appropriation does not meet the requirements of OAR 690-380-2130(3)(d) :the use of the new point of diversion will affect the surface water source hydraulically connected to the authorized point of diversion specified in the water use subject to transfer.

At this point, you may decide to continue processing the application (see below), or to send a letter requesting to withdraw the transfer application.

**If you wish to proceed with your application, you must submit the following:**

1. **Provide a written response** by MONTH, DAY, YEAR, that describes how you will overcome the issues identified above and submit modifications or additional information as needed, or that indicates you wish to protest a Preliminary Determination to deny the transfer.
2. **REQUIRED:** You must submit a **Report of Ownership** for the lands where the water right(s) are currently located (i.e., the FROM lands). This report:
  - a) Must be prepared by a title company;
  - b) Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;
  - c) Must be:
    - i. Prepared within 3 months of the Draft Preliminary Determination showing current ownership; **OR**
    - ii. Prepared within 3 months of recording of a water right conveyance agreement; **OR**



- iii. Have a prepared date showing ownership at the time a water right conveyance agreement was recorded.

*If water right conveyance agreements are involved, it is helpful to provide copies of those agreements along with the Report of Ownership.*

**IMPORTANT:** In order for the Department to clearly understand the date that the title company prepared the Report of Ownership, the title company must indicate/state the date that they prepared the report on the coversheet and/or first page of the report.

- d) Must include a list of owners at the time the report was generated; **AND**
  - e) Must include a legal description of the property where the water right to be transferred is currently located (i.e., the FROM lands).
5. You must provide a notarized statement of consent signed by any landowner listed in the Report of Ownership who is not already included in the transfer application. The Department's statement of consent form (**Consent By Deeded Landowner**) is available at: [https://www.oregon.gov/OWRD/WRDFormsPDF/consent to transfer form.pdf](https://www.oregon.gov/OWRD/WRDFormsPDF/consent%20to%20transfer%20form.pdf)
  6. Notice of this transfer will need to be published in a newspaper with general circulation in the area where the water rights are currently located. You will be responsible for the charges.

#### **What happens next...**

Once the Preliminary Determination is issued a publication period is required. Because there is more than ¼ mile between the new and the authorized point of diversion and the proposed points of appropriation, the Department will publish notice of the transfer in a local newspaper having a general circulation in the area of the water right at least once per week for two consecutive weeks. You are responsible for sending a check to cover the cost of publication prior to the issuance of the Preliminary Determination and publication of notice (see below).

#### **Conditions to your water right...**

If you modify the application so as to allow approval, conditions may need to be added to the transfer. The Department will notify you of any required conditions prior to issuing the Preliminary Determination.

Issuance of the Preliminary Determination will occur shortly after we receive:

1. Your written response modifying the application to resolve the issues that we have identified or requesting that we proceed with processing of the application; and
2. The Report of Ownership, including affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application. The title company must indicate/state the date that they prepared the ownership report on the coversheet and/or first page of the report.



If we do not receive your response to withdraw the application or the items listed above by [insert 30 day due date here], a Preliminary Determination may be issued denying the application as incomplete.

Please don't hesitate to contact me at 503-979-3129 or Arla.L.Davis@water.oregon.gov if I may be of assistance.

Sincerely,

Arla Davis  
Transfer and Conservation Section

cc: Transfer Application file T-13857  
Jeremy Giffin, District 11 Watermaster (*via e-mail*,)  
John Short, Agent for the applicant (*via e-mail*)  
Jessica Talbot, Central Oregon Irrigation District  
LaPine Cooperative Water Association  
Tumalo Irrigation District  
*David A. Arnold, Nancy L. Engebretson, E.Stephane Fries, , commentators*

encs



WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application  
T-13857, Deschutes, Klamath County

DRAFT

PRELIMINARY DETERMINATION  
PROPOSING DENIAL OF A CHANGE FROM  
A SURFACE WATER POINT OF DIVERSION  
TO A GROUNDWATER POINT OF  
APPROPRIATION, PLACE OF USE, AND  
CHARACTER OF USE

## Authority

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

KAMERON DELASHMUTT/PINNACLE UTILITIES LLC  
AND CENTRAL LAND AND CATTLE COMPANY LLC  
2447 NW CANYON DR  
REDMOND, OR 97756

## Findings of Fact

1. On October 22, 2021, KAMERON DELASHMUTT/PINNACLE UTILITIES LLC AND CENTRAL LAND AND CATTLE COMPANY LLC filed an application change from a surface water point of diversion to a groundwater point of appropriation, place of use, and character of use under Certificate 95746. The Department assigned the application number T-13857.
2. Notice of the application for transfer was published on November 23, 2021, pursuant to OAR 690-380-4000. Five timely comments were filed in response to the notice.
3. The issues raised by the commenter do not address the criteria for review of a water right transfer as per OAR 690-380-4010 and approval of a transfer application under OAR 690-380-5000. The statutory basis for approving a water right transfer application is relatively narrow and confined to the department finding or determining:
  - a) The water right proposed for transfer is a water use subject to transfer;
  - b) The portion of the water right proposed for transfer is not cancelled due to forfeiture for non-use pursuant to ORS 540.610;



c) The proposed transfer would not result in enlargement of the water right proposed for transfer; and

d) The proposed transfer would not result in injury to other water rights.

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

**Certificate:** 95746 in the name of LA PINE COOPERATIVE WATER ASSOCIATION  
(confirmed by Deschutes River Decree)

**Use:** IRRIGATION of 50.0 ACRES

**Priority Date:** 1897

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, FROM MAY 23 TO AUGUST 20, and ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, FROM APRIL 1 TO MAY 23 and FROM AUGUST 20 TO NOVEMBER 1, and shall be further limited to a diversion of not to exceed 4.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** LITTLE DESCHUTES RIVER, tributary to the DESCHUTES RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
23 S	9 E	WM	34	SW SW	550 FEET NORTH AND 1150 FEET EAST FROM THE SW CORNER OF SECTION 34

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
22 S	10 E	WM	34	NW NE	2803	16.9
22 S	10 E	WM	34	NE NW	2803	10.5
22 S	10 E	WM	34	SE NW	2803	16.7
22 S	10 E	WM	34	NE SW	2803	5.9
Total						50.0

5. Transfer Application T-13857 proposes to change the authorized place of use to:

QUASI-MUNICIPAL					
Twp	Rng	Mer	Sec	Q-Q	Tax Lot
15 S	12 E	WM	17	NW NE	5000
15 S	12 E	WM	17	SW NE	5000
15 S	12 E	WM	17	NE NW	5000
15 S	12 E	WM	17	SE NW	5000
15 S	12 E	WM	17	SW SW	5000
15 S	12 E	WM	17	SE SW	5000
15 S	12 E	WM	17	NW SE	5000
15 S	12 E	WM	17	SW SE	5000
15 S	12 E	WM	20	NW NE	5000
15 S	12 E	WM	20	SW NE	5000



QUASI-MUNICIPAL					
Twp	Rng	Mer	Sec	Q-Q	Tax Lot
15 S	12 E	WM	20	NE NW	5000
15 S	12 E	WM	20	NW NW	5000
15 S	12 E	WM	20	SE NW	5000/5001
15 S	12 E	WM	20	NE SW	5000/5002
15 S	12 E	WM	20	NW SW	5000
15 S	12 E	WM	20	SW SW	5000
15 S	12 E	WM	20	NE SE	7700/7701
15 S	12 E	WM	20	SW SE	7700
15 S	12 E	WM	20	SE SE	7700
15 S	12 E	WM	21	SW SW	7700
15 S	12 E	WM	28	NE NE	7700
15 S	12 E	WM	28	NW NE	7700
15 S	12 E	WM	28	SW NE	7700
15 S	12 E	WM	28	SE NE	7700
15 S	12 E	WM	28	NE NW	7700
15 S	12 E	WM	28	NW NW	7700
15 S	12 E	WM	28	SW NW	7700
15 S	12 E	WM	28	SE NW	7700
15 S	12 E	WM	28	NE SW	7700
15 S	12 E	WM	28	NW SW	7700
15 S	12 E	WM	28	NE SE	7700
15 S	12 E	WM	28	NW SE	7700
15 S	12 E	WM	29	NE NE	7800
15 S	12 E	WM	29	NW NE	7800
15 S	12 E	WM	29	SW NE	7800
15 S	12 E	WM	29	SE NE	7800
15 S	12 E	WM	29	SW NW	7800
15 S	12 E	WM	29	SE NW	7800
15 S	12 E	WM	29	NE SW	7800
15 S	12 E	WM	29	NW SW	7800
15 S	12 E	WM	29	NE SE	7800
15 S	12 E	WM	29	NW SE	7900
15 S	12 E	WM	29	SE SE	7801
15 S	12 E	WM	30	NW NE	8000
15 S	12 E	WM	30	SW NE	8000
15 S	12 E	WM	30	SE NE	7800
15 S	12 E	WM	30	NE NW	800
15 S	12 E	WM	30	SE NW	7800
15 S	12 E	WM	30	NE SE	7800

6. Transfer Application T-13857 proposes to move the authorized point of diversion to wells located:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Measured Distances	Approx. distance from the authorized point of diversion (miles)
15 S	12 E	WM	17	SE NW	5000	WELL 7 - 2446 FEET SOUTH AND 1180 FEET WEST FROM THE N 1/4 CORNER OF SECTION 17	53.2 miles



Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Measured Distances	Approx. distance from the authorized point of diversion (miles)
15 S	12 E	WM	20	SW NE	5000	WELL 6 - 244 FEET NORTH AND 1667 FEET WEST FROM THE E 1/4 CORNER OF SECTION 20	52.6 miles
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15 S	12 E	WM	28	NW SE	7700	WELL 2 - 2958 FEET SOUTH AND 2316 FEET WEST FROM THE NE CORNER OF SECTION 28	51.6 miles
15 S	12 E	WM	29	NE NE	7800	WELL 8 - 900 FEET SOUTH AND 850 FEET WEST FROM THE NE CORNER OF SECTION 29	52.2 miles
15 S	12 E	WM	29	NW SE	7900	WELL 4 - 1677 FEET NORTH AND 1466 FEET WEST FROM THE SE CORNER OF SECTION 29	51.6 miles

7. Transfer Application T-13857 proposes to change the character of use to Quasi-Municipal.

***Transfer Review Criteria [OAR 690-380-4010(2), OAR 690-380-2110(2), OAR 690-380-2130]***

8. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
9. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-13857.
10. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
11. The current point of diversion is located on the Little Deschutes River. The nearest surface water to the proposed groundwater points of appropriation is the Deschutes River downstream from the confluence of the Little Deschutes and Deschutes rivers. The distance along the river between the existing surface water point of diversion and the proposed groundwater points of appropriation is over 100 river miles. Pumping from the proposed groundwater points of appropriation will have no effect on the Little Deschutes River but instead will affect the Deschutes River downstream from the proposed groundwater points of appropriation and will also likely affect the Crooked River near the



confluence with the Deschutes River. Previous studies have identified the Crooked River as a major discharge zone for the regional aquifer system that the proposed groundwater points of appropriation are producing from (Gannett et al., 2000; Gannett and Lite, 2003).

12. Surface water in the Crooked River is fully allocated and any new groundwater allocation within the Deschutes Groundwater Study Area, which includes the affected reach of the Crooked River, requires mitigation for impacts to surface water. Approval of this transfer would impact the Crooked River which is not being impacted by use from the current surface water point of diversion and so is considered a significant impact to the Crooked River.
13. OAR 690-380-2130(3) requires that SW-GW transfers in the Deschutes Groundwater Study Area only *"affect the surface water source hydraulically connected to the authorized point of diversion specified in the water use subject to transfer"*. For this application, the surface water source hydraulically connected to the point of diversion is the Little Deschutes River whereas groundwater pumping at the proposed points of appropriation would affect the Deschutes River, Crooked River, and possibly smaller streams north of the proposed groundwater points of appropriation. Groundwater pumping at the proposed points of appropriation would not affect, the original surface water source of the Little Deschutes River.
14. The proposed changes would not result in enlargement of the right.
15. The proposed changes in Transfer Application T-13857 would ~~not~~ result in injury to other water rights. Approval of this transfer would impact the Crooked River which is not being impacted by use from the current surface water point of diversion and so is considered a significant impact to the Crooked River *are being injured. need specify which water rights*
16. All other application requirements are met.

#### Determination and Proposed Action

The change from a surface water point of diversion to a groundwater point of appropriation, place of use, and character of use proposed in Transfer Application T-13857 appear to be not consistent with the requirements of ORS 540.505 to 540.580, ~~OAR 690-380-2110 (2)~~, OAR 690-380-2130, and 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be denied.

*not applicable to SW-GW transfers*

*If the issues identified above are resolved, and Transfer Application T-13857 is approved, the final order will include the following:*

1. *The change from a surface water point of diversion to a groundwater point of appropriation, place of use, and character of use proposed in Transfer Application T-13857 are approved.*



2. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 95746 and any related decree.*
3. *Water right Certificate 95746 is modified and will be cancelled upon approval or denial of T-13764 and T-13857. A new certificate will be used describing that portion of the right not affected by this transfer, and T-13764, and T-13857.*
4. *The quantity of water diverted at the new points of appropriation (WELL 1, WELL 2, WELL 3, WELL 4, WELL 5, WELL 6, WELL 7, and WELL 8) shall not exceed the quantity of water lawfully available at the original point of diversion.*
5. *The use of water under this right shall be subject to regulation consistent with other water rights from the surface water source and to all other applicable conditions and restrictions that existed at the original point of diversion.*
6. *If, within five years after approval of the transfer, the Department finds that the transfer results in substantial or undue interference with an existing ground water right due to use of the wells, that would not have occurred in the absence of the transfer, the new point of appropriation shall be subordinate to the existing right injured by the transfer.*
7. *The original point of diversion of surface water shall not be retained as an additional or supplemental point of diversion under the transferred portion of the right. However, if within five years after approval of the transfer, the Department receives a transfer application to return to the last authorized surface water point of diversion, the application shall be approved.*
8. *Water use measurement conditions:*
  - 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 at each new point of 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.*
9. *The former place of use of the transferred right shall no longer receive water under the right.*
10. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2024**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*



11. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on

**D R A F T**

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
DOUGLAS E. WOODCOCK, ACTING DIRECTOR  
Oregon Water Resources Department

This draft Preliminary Determination was prepared by Arla Davis. If you have any questions about the information in this document, you may reach me at 503-979-3129 or [arla.l.davis@water.oregon.gov](mailto:arla.l.davis@water.oregon.gov)



BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application  
T-13857, Deschutes, Klamath County

) **D R A F T**  
)  
) PRELIMINARY DETERMINATION  
) PROPOSING DENIAL OF A CHANGE FROM  
) A SURFACE WATER POINT OF DIVERSION  
) TO A GROUNDWATER POINT OF  
) APPROPRIATION, PLACE OF USE, AND  
) CHARACTER OF USE

**Authority**

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

KAMERON DELASHMUTT/PINNACLE UTILITIES LLC  
AND CENTRAL LAND AND CATTLE COMPANY LLC  
2447 NW CANYON DR  
REDMOND, OR 97756

**Findings of Fact**

1. On October 22, 2021, KAMERON DELASHMUTT/PINNACLE UTILITIES LLC & CENTRAL LAND AND CATTLE COMPANY LLC filed an application change from a surface water point of diversion to a groundwater point of appropriation, place of use, and character of use under Certificate 95746. The Department assigned the application number T-13857.
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3. The issues raised by the commenter do not address the criteria for review of a water right transfer as per OAR 690-380-4010 and approval of a transfer application under OAR 690-380-5000. The statutory basis for approving a water right transfer application is relatively narrow and confined to the department finding or determining:

- 2/29/2021*
- AND*
- I. The water right proposed for transfer is a water use subject to transfer;
  - II. The portion of the water right proposed for transfer is not cancelled due to forfeiture for non-use pursuant to ORS 540.610;
- please do this*



→  
III, The proposed transfer would not result in enlargement of the water right proposed for transfer; and

IV, The proposed transfer would not result in injury to other water rights.

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

**Certificate:** 95746 in the name of LA PINE COOPERATIVE WATER ASSOCIATION  
(confirmed by Deschutes River Decree)

**Use:** IRRIGATION of 50.0 ACRES

**Priority Date:** DECEMBER 31, 1897

*only year  
no month/day*

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, FROM MAY 23 TO AUGUST 20, AND ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, FROM APRIL 1 TO MAY 23 AND FROM AUGUST 20 TO NOVEMBER 1, and shall be further limited to a diversion of not to exceed 4.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** LITTLE DESCHUTES RIVER, tributary to the DESCHUTES RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
23 S	9 E	WM	34	SW SW	550 FEET NORTH AND 1150 FEET EAST FROM THE SW CORNER OF SECTION 34

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
22 S	10 E	WM	34	NW NE	2803	16.9 ✓
22 S	10 E	WM	34	NE NW	2803	10.5 ✓
22 S	10 E	WM	34	SE NW	2803	16.7 ✓
22 S	10 E	WM	34	NE SW	2803	5.9 ✓
Total						50.0 ✓

5. Transfer Application T-13857 proposes to change the authorized place of use to:

QUASI-MUNICIPAL					
Twp	Rng	Mer	Sec	Q-Q	Tax Lot
15 S	12 E	WM	17	NW NE	5000
15 S	12 E	WM	17	SW NE	5000
15 S	12 E	WM	17	NE NW	5000
15 S	12 E	WM	17	SE NW	5000
15 S	12 E	WM	17	SW SW	5000
15 S	12 E	WM	17	SE SW	5000
15 S	12 E	WM	17	NW SE	5000
15 S	12 E	WM	17	SW SE	5000
15 S	12 E	WM	20	NW NE	5000
15 S	12 E	WM	20	SW NE	5000



QUASI-MUNICIPAL					
Twp	Rng	Mer	Sec	Q-Q	Tax Lot
15 S	12 E	WM	20	NE NW	5000
15 S	12 E	WM	20	NW NW	5000
15 S	12 E	WM	20	SE NW	5000/5001
15 S	12 E	WM	20	NE SW	5000/5002
15 S	12 E	WM	20	NW SW	5000
15 S	12 E	WM	20	SW SW	5000
15 S	12 E	WM	20	NE SE	7700/7701
15 S	12 E	WM	20	SW SE	7700
15 S	12 E	WM	20	SE SE	7700
15 S	12 E	WM	21	SW SW	7700
15 S	12 E	WM	28	NE NE	7700
15 S	12 E	WM	28	NW NE	7700
15 S	12 E	WM	28	SW NE	7700
15 S	12 E	WM	28	SE NE	7700
15 S	12 E	WM	28	NE NW	7700
15 S	12 E	WM	28	NW NW	7700
15 S	12 E	WM	28	SW NW	7700
15 S	12 E	WM	28	SE NW	7700
15 S	12 E	WM	28	NE SW	7700
15 S	12 E	WM	28	NW SW	7700
15 S	12 E	WM	28	NE SE	7700
15 S	12 E	WM	28	NW SE	7700
15 S	12 E	WM	29	NE NE	7800
15 S	12 E	WM	29	NW NE	7800
15 S	12 E	WM	29	SW NE	7800
15 S	12 E	WM	29	SE NE	7800
15 S	12 E	WM	29	SW NW	7800
15 S	12 E	WM	29	SE NW	7800
15 S	12 E	WM	29	NE SW	7800
15 S	12 E	WM	29	NW SW	7800
15 S	12 E	WM	29	NE SE	7800
15 S	12 E	WM	29	NW SE	7900
15 S	12 E	WM	29	SE SE	7801
15 S	12 E	WM	30	NW NE	8000
15 S	12 E	WM	30	SW NE	8000
15 S	12 E	WM	30	SE NE	7800
15 S	12 E	WM	30	NE NW	800
15 S	12 E	WM	30	SE NW	7800
15 S	12 E	WM	30	NE SE	7800

6. Transfer Application T-13857 proposes to move the authorized point of diversion to wells located:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Measured Distances	Approx. distance from the authorized point of diversion (miles)
15 S	12 E	WM	17	SE NW	5000	WELL 7 - 2446 FEET SOUTH AND 1180 FEET WEST FROM THE N 1/4 CORNER OF SECTION 17	53.2 miles



Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Measured Distances	Approx. distance from the authorized point of diversion (miles)
15 S	12 E	WM	20	SW NE	5000	WELL 6 - 244 FEET NORTH AND 1667 FEET WEST FROM THE E 1/4 CORNER OF SECTION 20	52.6 miles
15 S	12 E	WM	20	NE SE	7700	WELL 5 - 205 FEET SOUTH AND 434 FEET WEST FROM THE E 1/4 CORNER OF SECTION 20	52.4 miles
15 S	12 E	WM	28	SE NE	7700	WELL 1 - 2519 FEET SOUTH AND 578 FEET WEST FROM THE NE CORNER OF SECTION 28	51.8 miles
15 S	12 E	WM	28	SE NW	7700	WELL 3 - 1632 FEET SOUTH AND 3425 FEET WEST FROM THE NE CORNER OF SECTION 28	51.7 miles
15 S	12 E	WM	28	NW SE	7700	WELL 2 - 2958 FEET SOUTH AND 2316 FEET WEST FROM THE NE CORNER OF SECTION 28	51.6 miles
15 S	12 E	WM	29	NE NE	7800	WELL 8 - 900 FEET SOUTH AND 850 FEET WEST FROM THE NE CORNER OF SECTION 29	52.2 miles
15 S	12 E	WM	29	NW SE	7900	WELL 4 - 1677 FEET NORTH AND 1466 FEET WEST FROM THE SE CORNER OF SECTION 29	51.6 miles

7. Transfer Application T-13857 proposes to change the character of use to Quasi-Municipal.
8. The current point of diversion is located on the Little Deschutes River. The nearest surface water to the proposed groundwater points of appropriation is the Deschutes River downstream from the confluence of the Little Deschutes and Deschutes rivers. The distance along the river between the existing surface water point of diversion and the proposed groundwater points of appropriation is over 100 river miles. Pumping from the proposed groundwater points of appropriation will have no effect on the Little Deschutes River but instead will affect the Deschutes River downstream from the proposed groundwater points of appropriation and will also likely affect the Crooked River near the confluence with the Deschutes River. Previous studies have identified the Crooked River as a major discharge zone for the regional aquifer system that the proposed groundwater points of appropriation are producing from (Gannett et al., 2000; Gannett and Lite, 2003).
9. Surface water in the Crooked River is fully allocated and any new groundwater allocation within the Deschutes Groundwater Study Area, which includes the affected reach of the Crooked River, requires mitigation for impacts to surface water. Approval of this transfer would impact the Crooked River which is not being impacted by use from the current surface water point of diversion and so is considered a significant impact to the Crooked River.
10. OAR 690-380-2130(3) requires that SW-GW transfers in the Deschutes Groundwater Study Area only "affect the surface water source hydraulically connected to the authorized point

8, 9, and 10 should be in Criteria Section

Next Page



640-380-2130(3)(d) The Department may not require that the use of the new point of diversion affect

of diversion specified in the water use subject to transfer". For this application, the surface water source hydraulically connected to the point of diversion is the Little Deschutes River whereas groundwater pumping at the proposed points of appropriation would affect the Deschutes River, Crooked River, and possibly smaller streams north of the proposed groundwater points of appropriation. Groundwater pumping at the proposed points of appropriation would not affect, in any reasonable sense, the original surface water source of the Little Deschutes River.

**Transfer Review Criteria [OAR 690-380-4010(2), OAR 690-380-2110(2), OAR 690-380-2130]**

11. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.

12. A diversion structure and canal sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-13857. *Insert end incorporate (89) @ point here...*

13. The proposed changes in Transfer Application T-13857 would result in enlargement. *not* OAR 690-380-2110(2) Except as provided in ORS 540.531 and OAR 690-380-2130, a change in point of diversion is restricted to the same source of surface water. A change in point of appropriation under a water right or certificate of registration modification is restricted to the same aquifer. *Does not apply to SW-GW*

14. The proposed changes in Transfer Application T-13857 would result in injury to other water rights. Approval of this transfer would impact the Crooked River which is not being impacted by use from the current surface water point of diversion and so is considered a significant impact to the Crooked River. *which water rights are being injured? specific need to list those.*

15. The proposed changes in Transfer Application T-13857 does not meet the definition of similarly as per OAR 690-380-2130. *Deschutes Basin SW-GW do not have to meet the "similar" requirements. See OAR 690-380-2130(3)(d).*

16. All other application requirements are met.

**Determination and Proposed Action**

The change from a surface water point of diversion to a groundwater point of appropriation, place of use, and character of use proposed in Transfer Application T-13857 appear to not be consistent with the requirements of ORS 540.505 to 540.580, OAR 690-380-2110(2), OAR 690-380-2130, and 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be denied. *to be not*  
*not applicable to SW-GW*



*If the issues described above are resolved*

If the enlargement and injury is overcome, and Transfer Application T-13857 is approved, the final order will include the following:

1. The change from a surface water point of diversion to a groundwater point of appropriation, place of use, and character of use proposed in Transfer Application T-13857 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 95746 and any related decree.
3. Water right Certificate 95746 is modified and will be cancelled upon approval or denial of T-13764 and T-13857. A new certificate will be used describing that portion of the right not affected by this transfer, and T-13764, and T-13857.
4. The quantity of water diverted at the new points of appropriation (WELL 1, WELL 2, WELL 3, WELL 4, WELL 5, WELL 6, WELL 7, and WELL 8) shall not exceed the quantity of water lawfully available at the original point of diversion.
5. The use of water under this right shall be subject to regulation consistent with other water rights from the surface water source and to all other applicable conditions and restrictions that existed at the original point of diversion.
6. If, within five years after approval of the transfer, the Department finds that the transfer results in substantial or undue interference with an existing ground water right due to use of the wells, that would not have occurred in the absence of the transfer, the new point of appropriation shall be subordinate to the existing right injured by the transfer.
7. The original point of diversion of surface water shall not be retained as an additional or supplemental point of diversion under the transferred portion of the right. However, if within five years after approval of the transfer, the Department receives a transfer application to return to the last authorized surface water point of diversion, the application shall be approved.
8. Water use measurement conditions: *AD 11/15/12*
  - 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 at each new point of 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.



9. *The former place of use of the transferred right shall no longer receive water under the right.*
10. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2024**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
11. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on

**D R A F T**

Lisa J. Jaramillo, ~~Transfer and Conservation Section Manager, for~~

~~THOMAS M BYLER, DIRECTOR~~ **DOUGLAS E. WOODCOCK, ACTING DIRECTOR**  
Oregon Water Resources Department

This draft Preliminary Determination was prepared by Arla Davis. If you have any questions about the information in this document, you may reach me at 503-979-3129 or [arla.l.davis@water.oregon.gov](mailto:arla.l.davis@water.oregon.gov)





# Oregon

Kate Brown, Governor

## Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

December \_\_, 2022

*update*

VIA E-MAIL

KAMERON DELASHMUTT/PINNACLE UTILITIES LLC AND  
CENTRAL LAND AND CATTLE COMPANY LLC  
2447 NW CANYON DR  
REDMOND, OR 97756

SUBJECT: Water Right Transfer Application T-13857

Please find enclosed a draft of our Preliminary Determination regarding Transfer Application T-13857. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be DENIED. This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so and to withdraw or modify your application to resolve the issues that are prompting our decision to deny the application.

The draft Preliminary Determination proposes to deny the transfer application for the following reasons:

- ~~The proposed change in point of appropriation is not within the same aquifer as per OAR 690-380-2110(2)~~
  - ~~(2) Except as provided in ORS 540.531 and OAR 690-380-2130, a change in point of diversion is restricted to the same source of surface water. A change in point of appropriation under a water right or certificate of registration modification is restricted to the same aquifer.~~
- ~~The proposed transfer will result in another, existing water right not receiving previously available water to which it is legally entitled or result in significant interference with a surface water source per OAR 690-380-0100(3)~~
  - ~~(3) "Injury" or "Injury to an existing water right" means a proposed transfer would result in another, existing water right not receiving previously available water to which it is legally entitled.~~
- ~~The proposed change from a surface water point of diversion to a groundwater point of appropriation doesn't meet the definition of similarly as per OAR 690-380-2130(11)(b)~~
  - ~~(b) "Similarly" means that the use of groundwater at the new point of diversion affects the surface water source specified in the permit or certificated or decreed water right and would result in stream depletion of at least 50 percent of the rate of appropriation within 10 days of continuous pumping.~~

*does not apply to SW-GW*

*which rights are those? need to listen*

*not applicable under OAR 690-380-2130(3)(d).*

- *The proposed change from a surface water point of diversion to a groundwater point of appropriation does not meet the requirements of OAR 690-380-2130(3)(d) "The use of the new point of diversion will affect the surface water source hydraulically connected to the authorized point of diversion specified in the water use subject to transfer."*



At this point, you may decide to continue processing the application (see below), or to send a letter requesting to withdraw the transfer application.

**If you wish to proceed with your application, you must submit the following:**

1. **Provide a written response** by MONTH, DAY, YEAR, that describes how you will overcome the issues identified above and submit modifications or additional information as needed, or that indicates you wish to protest a Preliminary Determination to deny the transfer.
2. **REQUIRED:** You must submit a **Report of Ownership** for the lands where the water right(s) are currently located (i.e., the FROM lands). This report:
  - a) Must be prepared by a title company;
  - b) Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;
  - c) Must be:
    - i. Prepared within 3 months of the Draft Preliminary Determination showing current ownership; **OR**
    - ii. Prepared within 3 months of recording of a water right conveyance agreement; **OR**
    - iii. Have a prepared date showing ownership at the time a water right conveyance agreement was recorded.

*If water right conveyance agreements are involved, it is helpful to provide copies of those agreements along with the Report of Ownership.*
  - d) Must include a list of owners at the time the report was generated; **AND**
  - e) Must include a legal description of the property where the water right to be transferred is currently located (i.e., the FROM lands).
5. You must provide a notarized statement of consent signed by any landowner listed in the Report of Ownership who is not already included in the transfer application. The Department's statement of consent form (**Consent By Deeded Landowner**) is available at: [https://www.oregon.gov/OWRD/WRDFormsPDF/consent to transfer form.pdf](https://www.oregon.gov/OWRD/WRDFormsPDF/consent%20to%20transfer%20form.pdf)
6. Notice of this transfer will need to be published in a newspaper with general circulation in the area where the water rights are currently located. You will be responsible for the charges.

#### **What happens next...**

Once the Preliminary Determination is issued a publication period is required. Because there is more than ¼ mile between the new and the authorized point of diversion and the proposed points of appropriation, the Department will publish notice of the transfer in a local newspaper having a general circulation in the area of the water right at least once per



week for two consecutive weeks. You are responsible for sending a check to cover the cost of publication prior to the issuance of the Preliminary Determination and publication of notice (see below).

**Conditions to your water right...**

If you modify the application so as to allow approval, conditions may need to be added to the transfer. The Department will notify you of any required conditions prior to issuing the Preliminary Determination.

Issuance of the Preliminary Determination will occur shortly after we receive:

1. Your written response modifying the application to resolve the issues that we have identified or requesting that we proceed with processing of the application; and
2. The Report of Ownership, including affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application. The title company must indicate/state the date that they prepared the ownership report on the coversheet and/or first page of the report.

If we do not receive your response to withdraw the application or the items listed above by [insert 30 day due date here], a Preliminary Determination may be issued denying the application as incomplete.

Please don't hesitate to contact me at 503-979-3129 or Arla.L.Davis@water.oregon.gov if I may be of assistance.

↑ space

Sincerely,

Arla Davis  
Transfer and Conservation Section

cc: Transfer Application file T-13857  
Jeremy Giffin, District 11 Watermaster (via e-mail,)  
John Short, Agent for the applicant (via e-mail)  
Jessica Talbot, Central Oregon Irrigation District  
LaPine Cooperative Water Association  
Tumalo Irrigation District  
David A. Arnold, Nancy L. Engebretson, E.Stephane Fries, , commentators

encs



## Groundwater Transfer Review Summary Form

Transfer/PA # T- 13857

GW Reviewer M. Thoma

Date Review Completed: 03/08/2022

### Summary of Same Source Review:

☒ The proposed change in point of appropriation is not within the same aquifer as per OAR 690-380-2110(2).

### Summary of Injury Review:

☒ The proposed transfer will result in another, existing water right not receiving previously available water to which it is legally entitled or result in significant interference with a surface water source as per 690-380-0100(3).

### Summary of GW-SW Transfer Similarity Review:

☒ The proposed SW-GW transfer doesn't meet the definition of "similarly" as per OAR 690-380-2130.

*This is only a summary. Documentation is attached and should be read thoroughly to understand the basis for determinations.*





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

## Ground Water Review Form:

- ☒ Water Right Transfer  
☐ Permit Amendment  
☐ GR Modification  
☐ Other

Application: T-13857

Applicant Name: Pinnacle Utilities

Proposed Changes: ☐ POA ☐ APOA ☐ SW→GW ☒ RA  
☒ USE ☒ POU ☐ OTHER

Reviewer(s): M. Thoma

Date of Review: 03/08/2022

Date Reviewed by GW Mgr. and Returned to WRSD: JTI 3/10/22

The information provided in the application is insufficient to evaluate whether the proposed transfer may be approved because:

- ☐ The water well reports provided with the application do not correspond to the water rights affected by the transfer.
- ☐ The application does not include water well reports or a description of the well construction details sufficient to establish the ground water body developed or proposed to be developed.
- ☐ Other \_\_\_\_\_

- 
1. Basic description of the changes proposed in this transfer: The application proposes to change the POD on Cert. 95746 from the existing surface water POD on the Little Deschutes River in T23S/R9E-34 to seven (7) groundwater PODs located within T15S/R12E. The application also proposes to change the POU and the USE type from irrigation to Quasi-Municipal.
  2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?  
☐ Yes ☒ No Comments: see Item 6 below
  3. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?  
☐ Yes ☒ No \_\_\_\_\_  
b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): \_\_\_\_\_



4. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another ground water right**?

☒ Yes   ☐ No   Comments: The additional appropriation from the proposed groundwater PODs will cause direct but minute hydraulic interference with existing groundwater users in the area.

- b) If yes, would this proposed change, at its maximum allowed rate of use, likely result in another groundwater right not receiving the water to which it is legally entitled?

☐ Yes   ☒ No   If yes, explain: \_\_\_\_\_

5. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another surface water source**?

☒ Yes   ☐ No   Comments: The current POD is on the Little Deschutes River but the nearest surface water to the proposed groundwater PODs is the Deschutes River downstream from the confluence of the Little Deschutes and Deschutes rivers. The distance along the river between the existing surface water POD and the proposed groundwater PODs is over 100 river miles. Pumping from the proposed groundwater PODs will have no effect on the Little Deschutes River but instead will affect the Deschutes River downstream from the proposed groundwater PODs and will also likely affect the Crooked River near the confluence with the Deschutes River, which previous studies have identified as a major discharge zone for the regional aquifer system that the proposed groundwater PODs are producing from (Gannett et al., 2000; Gannett and Lite, 2003).

- b) If yes, at its maximum allowed rate of use, what is the expected change in degree of interference with any **surface water sources** resulting from the proposed change?

Stream: Crooked River

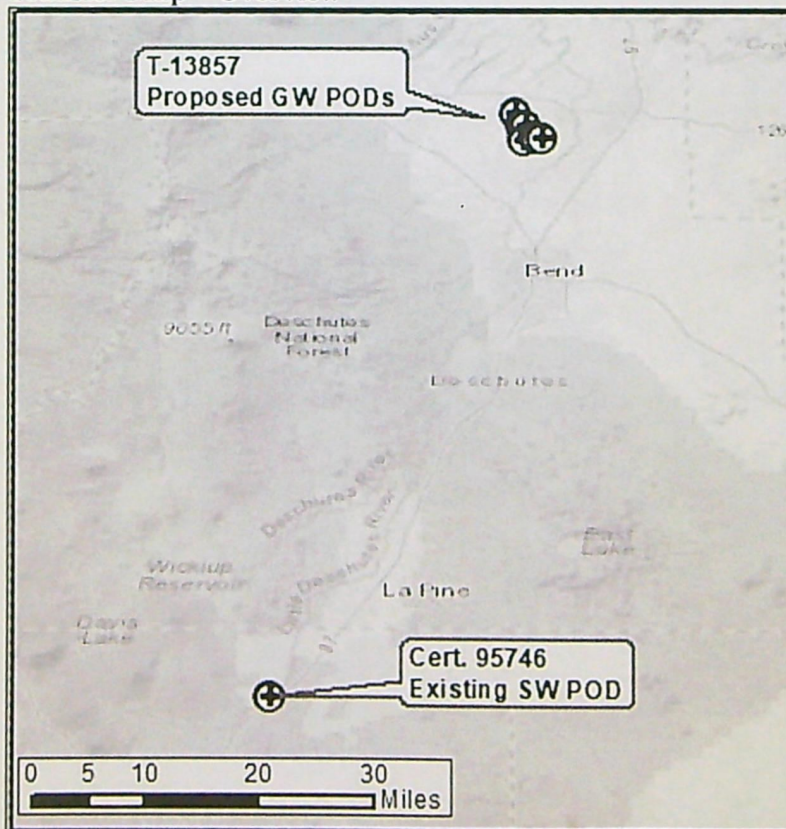
☐ Minimal   ☒ Significant

Provide context for minimal/significant impact: Surface water in the Crooked River is fully allocated and any new groundwater allocation within the Deschutes Groundwater Study Area, which includes the affected reach of the Crooked River, requires mitigation for impacts to surface water. Approval of this transfer would impact the Crooked River which is not being impacted by use from the current surface water POD and so is considered a significant impact to the Crooked River.



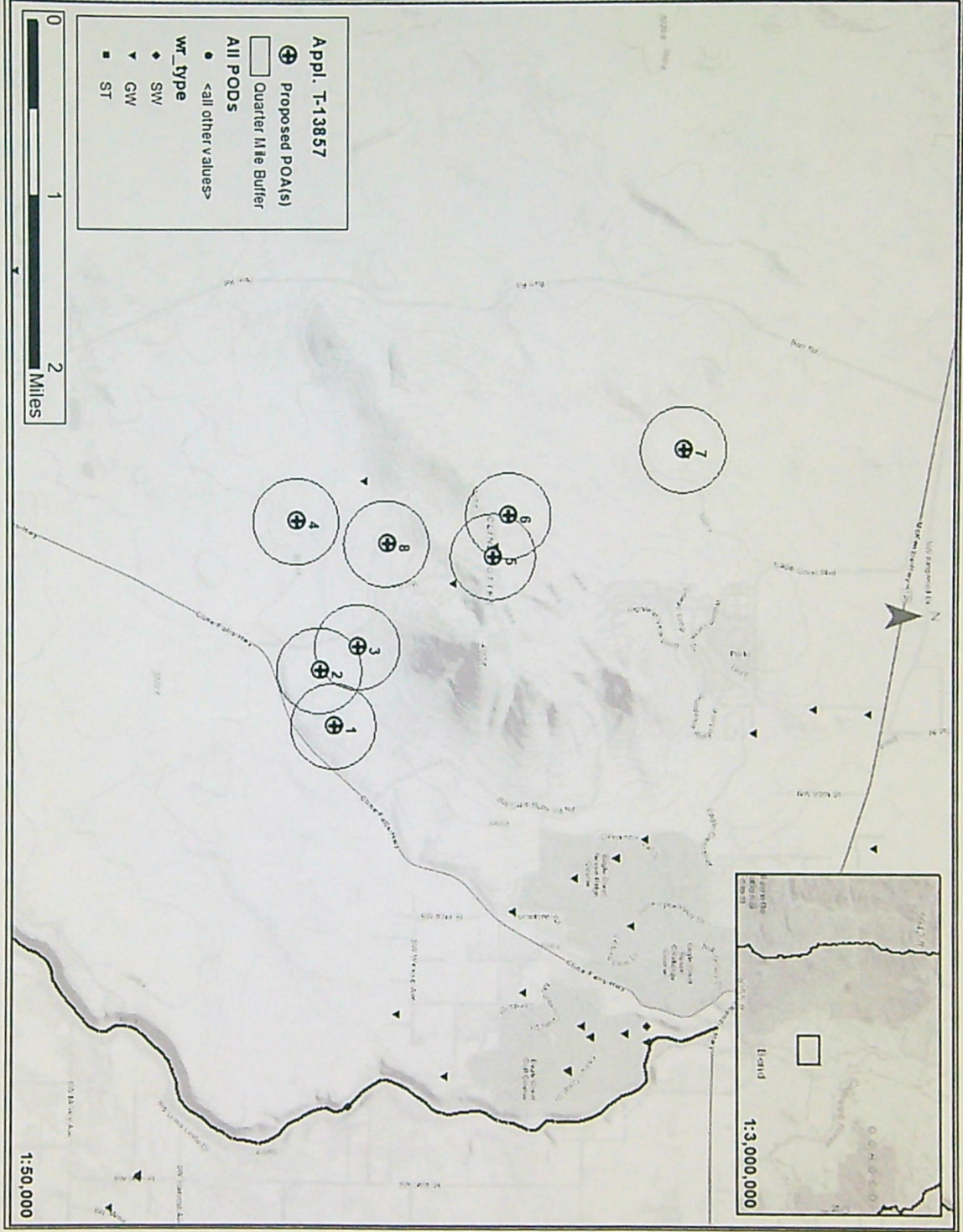
6. For SW-GW transfers, will the proposed change in point of diversion affect the surface water source similarly (as per OAR 690-380-2130) to the authorized point of diversion specified in the water use subject to transfer?
- ☐ Yes ☒ No Comments: OAR 690-380-2130(3) requires that SW-GW transfers in the Deschutes Groundwater Study Area only "affect the surface water source hydraulically connected to the authorized point of diversion specified in the water use subject to transfer". For this application, the surface water source hydraulically connected to the point of diversion is the Little Deschutes River whereas groundwater pumping at the proposed PODs would affect the Deschutes River, Crooked River, and possibly smaller streams north of the proposed groundwater PODs. Groundwater pumping at the proposed PODs would not affect, in any reasonable sense, the original surface water source of the Little Deschutes River.
7. What conditions or other changes in the application are necessary to address any potential issues identified above: \_\_\_\_\_
8. Any additional comments: \_\_\_\_\_

Transfer Map – Overview





Transfer Map – Detailed view of proposed groundwater PODs





## Watermaster Review Form: Water Right Transfer



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

Transfer Application: T-13857

Review Due Date: 12/22/2021

Applicant Name: Pinnacle Utilities LLC

Proposed Changes: ☒ POU ☒ POD ☐ POA ☒ USE ☐ OTHER

Reviewer(s): Giffin

Date of Review: 11/23/2021

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:  
We regulate back to 1900 on the driest of years, this right is 1897 and is not ever regulated back.
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:

☐ 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. For POU changes that involve micro-irrigation: ☒ N/A

- a. Has the applicant made changes (absent a transfer) to convert to micro-irrigation within the current place of use boundary of the water right proposed for transfer, and previously demonstrated to the Department through monitoring and site inspections by the Watermaster that the proposed transfer will not result in injury or enlargement?

☐ Yes ☐ No If "Yes", explain:



- b. Has a temporary transfer of this nature been previously filed and approved on the same lands (or portions thereof) as those lands involved in this transfer?

☐ Yes ☒ No If "Yes", answer the following:

- i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer? ☐ Yes ☐ No If "Yes", explain:

- ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry? ☐ Yes ☐ No If "No", explain:

- iii. Did the applicant comply with and meet all of the conditions of the temporary transfer? ☐ Yes ☐ No If "No", explain:

- iv. Do you have any other observations regarding the temporary transfer?

☐ Yes ☐ No If "Yes", describe:

- v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer? ☐ Yes ☐ No If "No", explain:

- c. To the best of your knowledge, if this transfer is approved, does it appear that:

- i. "Injury" will occur to other water rights that share the same source?

☐ Yes ☒ No If "Yes", explain:

- ii. "Enlargement" of the water right being transferred will occur?

☐ Yes ☒ No If "Yes", explain:



12. 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:

13. What alternatives may be available for addressing any issues identified above:

14. 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 and provided below:

☐ For POU changes that involve micro-irrigation, provide the monitoring and reporting conditions necessary to prevent injury/enlargement:

☐ 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 4)

*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 ☐ with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.*

*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 4)

*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  
☐ Parshall Flume  
☐ Other: \_\_\_\_

☐ Submerged Orifice  
☐ Flow Restrictor



## Oregon Water Resources Department

## Measurement Condition Information for the Applicant

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

Transfer #: T- 13857

☐

In order to avoid enlargement of the right or injury to other rights, a Totalizing flowmeter 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: Jeremy Giffin

District: 11

Address: 231 Scalehouse Loop, STE 103

City/State/Zip: Bend, OR 97702

Phone: 541-306-6885

Email: Jeremy.T.Giffin@oregon.gov

**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



## BAUSTIAN Julie C \* WRD

---

**From:** GIFFIN Jeremy T \* WRD  
**Sent:** Tuesday, November 23, 2021 2:46 PM  
**To:** GORMAN Kyle G \* WRD  
**Cc:** WRD\_DL\_transferreviews  
**Subject:** FW: WM review for T-13857 (thornburgh)  
**Attachments:** 13857review.pdf

Can someone please update the link on the WM review emails, it does not recognize the link.

Jeremy

---

**From:** GIFFIN Jeremy T \* WRD  
**Sent:** Tuesday, November 23, 2021 2:39 PM  
**To:** WRD\_DL\_transferreviews  
**Cc:** GORMAN Kyle G \* WRD <Kyle.G.GORMAN@water.oregon.gov>  
**Subject:** WM review for T-13857 (thornburgh)

This was originally proposed to be an instream transfer for mitigation credits. I went over the fields with the applicant and had them change the map so all of the lands match the field checks I have done for past use issues. This will be a high profile transfer and likely protested by many (see November 2, 2021 email from ODFW to Alyssa, Lisa, Kyle and myself). This transfer proposes to a surface groundwater switch (which in the Deschutes has certain requirements I do not think are met in this application) but will leave that portion to the caseworker and GW reviewer. As proposed in the application I do not see any injury/enlargement concerns as long as the applicant has flowmeters on the "to" lands.

Jeremy



KAMERON DELASHMUTT/PINNACLE UTILITIES LLC & CENTRAL LAND & CATTLE CO. LLC RA R11-331-23 T-13857

Step	Review Step	Est. Time	Hourly Multiplier	Total Est. Hours	Individual	Hourly Rate	Est. Cost
4b	Front Desk Staff receipts received AA funds	0.07		0.07	Front Desk Staff	\$36.74	\$2.57
4c	Transfer Support process Application	0.50		0.50	Julie	\$31.37	\$15.69
5	Administrator signs AA	0.02		0.02	Dwight	\$92.21	\$1.84
6	NRS 1 Support enters workflow record in WRIS and updates RA spreadsheet	0.25		0.25	Stacy	\$29.53	\$7.38
7a	NRS 2 completes initial review of file for deficiencies	2.00	26%	2.52	Tamera	\$45.82	\$115.47
7b	NRS 2 consults with Kelly and/or Lisa	2.50	26%	3.15	Tamera	\$45.82	\$144.33
8a	NRS 2 writes and sends deficiency ltr (email and hard copy)	1.50	26%	1.89	Tamera	\$45.82	\$86.60
8b	NRS 2 addresses correspondence from app/agent regarding deficiencies	0.75	26%	0.95	Tamera	\$45.82	\$43.30
9	Watermaster completes review	0.50		0.50	District WM	\$54.02	\$27.01
10	Groundwater completes review	2.50		2.50	GW Staff	\$60.60	\$151.50
11	NRS 2 completes DPD, PN, and RR	7.50	26%	9.45	Tamera	\$45.82	\$433.00
12	Transfer staff peer reviews DPD, PN, RR	1.00		1.00	Transfer Staff	\$49.56	\$49.56
13	Transfer Analyst completes policy check at DPD stage	1.00		1.00	Kelly	\$64.34	\$64.34
14a	NRS 2 sends DPD to app/agent by email and/or mail	0.50	26%	0.63	Tamera	\$45.82	\$28.87
14b	NRS 2 drafts and sends revised DPD	1.50	26%	1.89	Tamera	\$45.82	\$86.60
14c	Transfer Staff peer reviews revised DPD	1.00		1.00	Transfer Staff	\$49.56	\$49.56
14d	Transfer Analyst peer reviews revised DPD	1.00		1.00	Kelly	\$64.34	\$64.34
15	NRS 2 reviews report of ownership	2.50	26%	3.15	Tamera	\$45.82	\$144.33
16	NRS 2 completes PD	1.50	26%	1.89	Tamera	\$45.82	\$86.60
17	Transfer Staff peer reviews PD	0.50		0.50	Transfer Staff	\$49.56	\$24.78
17a	Transfer Analyst peer reviews PD	0.50		0.50	Kelly	\$64.34	\$30.30
17b	Data Center reviews PD AND RR: (RR where applicable)	4.50		4.50	DC Staff	\$38.03	\$171.14
18a	Transfer Analyst completes peer review of PN review for newspaper noticing	0.25		0.25	Kelly	\$64.34	\$16.09
18b	Transfer Support requests newspaper quote for PN publishing	0.08		0.08	Julie	\$31.37	\$2.51
18c	NRS 2 sends publishing fee request to applicant	0.25	26%	0.32	Tamera	\$45.82	\$14.43
18d	Transfer Support processes fee and newspaper publishing	0.08		0.08	Stacy	\$29.53	\$2.36
18e	Transfer Support processes public notice (dept notice)	0.30		0.30	Julie	\$31.37	\$9.41
19	Administrator signs PD	0.02		0.02	Lisa	\$74.90	\$1.50
20	Transfer Support issues PD, updates WRIS, copy to file, and mails hard copy to applicant	0.33		0.33	Julie	\$31.37	\$10.35
21	NRS 2 completes FO	3.50	26%	4.41	Tamera	\$45.82	\$202.07
22	Transfer Staff peer reviews FO	1.00		1.00	Transfer Staff	\$49.56	\$49.56
22a	Transfer Analyst peer reviews FO	1.00		1.00	Kelly	\$64.34	\$64.34
23	Administrator signs FO	0.02		0.02	Lisa	\$74.90	\$1.50
24	Transfer Support issues FO, updates WRIS, copy to file, record markings, and sends hard copy	0.33		0.33	Julie	\$31.37	\$10.35
25	NRS 1 closes out RA Contract	0.50		0.50	Stacy	\$29.53	\$14.77
TOTAL ESTIMATE HOURS				47.49	SUB-TOTAL ESTIMATE COST		\$2,228.34
					10% OVERHEAD		\$222.83
					TOTAL		\$2,451.17



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## Transfer: T 13857

Name First, Mi, Last David A Arnold Received Date 12/21/2021 Time 5:46 AM

Company

Name Other David A Arnold

Street 19830 Connarn Rd

City Bend

State Oregon ▼

Zip 97703

Home Phone 5414102673

Cell Phone

Company Phone

Fax Phone

Email Address Daarnold66@gmail.com

Comments

I am concerned that the comment period will close and I will not have had a chance to review the ground water study. Study was requested on 11/22/2021 and has not been posted. Comment period for the transfer is closing on 12/23/2021. I ask that the comment period stay open for at least a week once the study is posted. Other ground water study's for the Cline Butte area have not been favorable for ground water pumping. If that is the case for this transfer, I would like to comment.



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## Transfer: T 13857

Name First, Mi, Last David A Arnold Received Date 12/14/2021 Time 8:54 AM

Company

Name Other David A Arnold

Street 19830 Connarn Rd

City Bend

State Oregon

Zip 97703

Home Phone

Cell Phone 5414102673

Company Phone

Fax Phone

Email Address daarnold66@gmail.com

## Comments

I am requesting that OWRD deny this transfer request. This is only a small protion of the water required to support the needs of Thornburgh Resort (TR). A ground water study done for applications G19139 and LL1879 show that if TR was to aquire their required water there would be injury to prior water rights and or not be avaiable ground water capacity. The report goes on to say " There is the potential for substantial interference per Deschutes Basin Rules:. Also it says that, "The proposed use of groundwater will have a localized impact to surface water in the \_\_\_Middle Deschutes\_\_\_ River/Creek Subbasin. A resort of this size should be required to obtain all needed water rights not be able to add a small amount for here and there as needed. In the end, the impact to the aquifer is the same. I have watched as my neighbors wells have go dry and have to be deepened or new deeper wells drilled. We have a declining aquifer and as of yet TR has not pumped any ground water. What happens when they start pumping? More local wells go dry. OWRD needs to not approve this transfer request until a instensive study of the aquifer is done to insure there would be no impact to others, wildlife, fish and the river.



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## Transfer: T 13857

Name First, Mi, Last	David	Arnold	Received Date 11/29/2021 Time 8:06 AM
Company			
Name Other	David A Arnold		
Street	19830 Connarn Rd		
City	Bend	State	Oregon ▼ Zip 97703
Home Phone	5414102673	Cell Phone	
Company Phone		Fax Phone	
Email Address	daarnold66@gmail.com		

## Comments

I would ask that this transfer request not be approved at this time. Declining water levels of the local aquifer, piping of irrigation canals and the ongoing drought have reduced available ground water in the Tumalo area. A recent ground water study done for applications G19139 and LL1879 have shown the negative impacts to the aquifer. I do not understand how changing a surface water right in southern Deschutes County to ground water use for Pinnacle Utilities in the Tumalo area will prevent the issues raised by the ground water study. I have also read that the ground water around Cline Buttes is actually affected by Wychus Creek. The major concern of land owners in the northern Tumalo and Cline Buttes area is the amount of water requested for Thornburgh Resort and the fact so many wells in this area are going dry and need to either be deepened or and new well drilled. Also the fact that Pinnacle Utilities permit is under Contested Case. I would ask that any water requests be held until OWRD has ruled in the Contested Case.



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## Transfer: T 13857

Name First, Mi, Last	Nancy	L	Engebretson	Received Date	12/14/2021	Time	4:19 PM
Company							
Name Other							
Street	PO Box 2301						
City	Bend	State	Oregon	Zip	97709		
Home Phone			Cell Phone				
Company Phone			Fax Phone				
Email Address	Sopranancy@bendcable.com						

**Comments** I am very concerned about water usage in my neighborhood, which is just east of Cline Butte. Building Thornburgh Resort is an extremely unacceptable use of dwindling water supplies. Our water levels are dropping and many of us have had to drill new, deeper wells recently. I do not support another water sucking resort in our neighborhood.



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## Transfer: T 13857

Name First, Mi, Last E.Stephanie fries Received Date 12/14/2021 Time 2:40 PM

Company

Name Other

Street 364 Volunteer Park Lane

City redmond

State Oregon ▼

Zip 97756

Home Phone 5415260757

Cell Phone

Company Phone

Fax Phone

Email Address Stephkaz20@gmail.com

Comments

We are very concerned about the proposal and water issues. living in Eagle Crest it could affect our water here. It should not be approved until the climate issues affecting everyone locally, the county, state, the US and the rest of our Planet are addressed and we all work together.



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **136679**

INVOICE # \_\_\_\_\_

RECEIVED FROM: Central Land, Cattle

BY: Company LLC

APPLICATION

PERMIT

TRANSFER T-13857

CASH: ☐

CHECK: # 8009

OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 7,300.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES

\$

OTHER: (IDENTIFY) \_\_\_\_\_

\$

0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY) \_\_\_\_\_

\$

TC162 DEPOSIT LIAB. (IDENTIFY) \_\_\_\_\_

\$

0240 EXTENSION OF TIME

\$

**WATER RIGHTS:**

**EXAM FEE**

**RECORD FEE**

0201 SURFACE WATER

\$

0202

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$ 7,300.00

**WELL CONSTRUCTION**

**EXAM FEE**

**LICENSE FEE**

0218 WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY) \_\_\_\_\_

**0536 TREASURY 0437 WELL CONST. START FEE**

0211 WELL CONST START FEE

\$

CARD#

0210 MONITORING WELLS

\$

CARD#

OTHER (IDENTIFY) \_\_\_\_\_

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

0233 POWER LICENSE FEE (FWWRD)

\$

0231 HYDRO LICENSE FEE (FWWRD)

\$

HYDRO APPLICATION

\$

**TREASURY OTHER / RDX**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_

OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_

DESCRIPTION \_\_\_\_\_

\$

RECEIPT: **136679**

DATE: 10.22.2021

BY: [Signature]



# Application for Permanent Water Right Transfer

OREGON Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900  
www.oregon.gov/OWRD  
WATER RESOURCES  
DEPARTMENT

## Part 1 of 5 – Minimum Requirements Checklist

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

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

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OWRD

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:  
[http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator).
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: C-95746**  
Please include a separate Part 5 for each water right. (See instructions on page 6)  
**NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.**

### Attachments:

- ☒ Completed Transfer Application Map.
- ☒ Completed Evidence of Use Affidavit and supporting documentation.
- ☒ ☐ N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- ☒ ☐ N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
- ☒ ☐ N/A Oregon Water Resources Department's Land Use Information Form with approval and signature (or signed land use form receipt stub) from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if all of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- ☒ ☐ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.
- ☐ ☒ N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500' from the surface water source and more than 1000' upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

### (For Staff Use Only)

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

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

Other/Explanation \_\_\_\_\_

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



OCT 22 2021

## Part 2 of 5 – Transfer Application Map

OWRD

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

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

- ☒ ☐ N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see [http://apps.wrd.state.or.us/apps/wr/cwre\\_license\\_view/](http://apps.wrd.state.or.us/apps/wr/cwre_license_view/). CWRE stamp and signature are not required for substitutions.
- ☐ ☒ N/A If **more than three** water rights are involved, separate maps are needed for each water right.
- ☒ Permanent quality printed with dark ink on good quality paper.
- ☒ The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- ☒ A north arrow, a legend, and scale.
- ☒ The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- ☒ Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- ☒ Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- ☒ Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- ☒ Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- ☒ Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- ☒ ☐ N/A Proposed place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- ☒ Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
- ☒ ☐ N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).



### Part 3 of 5 – Fee Worksheet

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OCT 22 2021  
QWRD  
5 5410

**\*Example for Line 5a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:**

1. For irrigation calculate cfs for each water right involved as follows:
  - a. Divide total authorized cfs by total acres in the water right (*for C12345, 1.25 cfs ÷ 100 ac*); then multiply by the number of acres to be transferred to get the transfer cfs (*x 45 ac = 0.56 cfs*).
  - b. If the water right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (*For C87654, 45.0 ac x 0.0125 cfs/ac = 0.56 cfs*)
2. Add cfs for the portions of water rights on all the land included in the transfer; however **do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land**. The fee should be assessed only once for each "on the ground" acre included in the transfer. (*In this example, blank 5a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0*).

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



OCT 22 2021

## Part 4 of 5 – Applicant Information and Signature

## Applicant Information

OWRD

APPLICANT/BUSINESS NAME <b>Kameron DeLashmott / Pinnacle Utilities, LLC &amp; Central Land and Cattle Company, LLC</b>			PHONE NO. <b>541-350-8479</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>2477 NW Canyon Drive</b>				FAX NO.
CITY <b>Redmond</b>	STATE <b>OR</b>	ZIP <b>97756</b>	E-MAIL <b>kameron1959@gmail.com</b>	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

AGENT/BUSINESS NAME <b>John A. Short / Water Right Services, LLC</b>			PHONE NO. <b>541-389-2837</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>PO Box 1830</b>				FAX NO.
CITY <b>Bend</b>	STATE <b>OR</b>	ZIP <b>97756</b>	E-MAIL <b>johnshort@usa.com</b>	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Explain in your own words what you propose to accomplish with this transfer application, and why:  
**The applicant is proposing the following changes to a portion of C-95746; change the place of use, change surface water POD to groundwater POA, and change the type of use to Quasi-municipal use.**

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

## Check One Box

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



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By my signature below, I confirm that I understand:

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

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

Applicant signature

Print Name (and Title if applicable)

Date

Applicant signature

Print Name (and Title if applicable)

Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? ☐ Yes ☒ No\* See attached Deed - Deschutes Co. Official Records Document No. 2021-21099

\*If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.

Check the following boxes that apply:

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

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

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

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

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

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



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

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

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

ENTITY NAME <b>La Pine Cooperative Water Association</b>	ADDRESS <b>PO Box 97</b>	
CITY <b>La Pine</b>	STATE <b>OR</b>	ZIP <b>97739</b>



To meet State Land Use Consistency Requirements, you must list all county, city, municipal corporation, or tribal governments within whose jurisdiction water will be diverted, conveyed or used.

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



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## Part 5 of 5 – Water Right Information

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

CERTIFICATE # 95746

## Description of Water Delivery System

System capacity: 26.9 cubic feet per second (cfs) OR  
 \_\_\_\_\_ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. The Authorized POD is located in the SWSW, Section 34, T23S R9E, WM, and has a capacity to divert the entire water right in Certificate 95746, which can reach 26.9 during the peak irrigation season. A canal delivers the water to the POU.

**Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)**  
 (Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		23 S	9 E	34	SW	SW	3400	550' N, 1150' E OF SW COR SEC 34
Well #1	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		15 S	12 E	28	SE	NE	7700	2519' S, 578' W of NE Cor Sec 28
Well #2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		" "	" "	" "	NW	SE	7700	2958' S, 2316' W of NE Cor Sec 28
Well #3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		" "	" "	" "	SE	NW	7700	1632' S, 3425' W of NE Cor Sec 28
Well #4	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		" "	" "	29	NW	SE	7900	1677' N, 1466' W of SE Cor Sec 29
Well #5	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		" "	" "	20	NE	SE	7700	205' S, 434' W of E 1/4 Cor Sec 20
Well #6	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		" "	" "	" "	SW	NE	5000	244' N, 1667' W of E 1/4 Cor Sec 20
Well #7	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		" "	" "	17	SE	NW	5000	2446' S, 1180' W of N 1/4 Cor Sec 17
Well #8	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	DESC 756	" "	" "	29	NE	NE	7800	900' S, 850' W of NE Cor Sec 29



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

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

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

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

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

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

**Table 2. Description of Changes to Water Right Certificate # 95746**

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp	Rng		Sec		¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng		Sec		¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
22	S	10	E	34	NW	NE	2803		16.9	IR	POD	1897	POU, USE, SW/GW	15	S	12	E	17	NW	NE	5000			QM	Wells 1-8	1897
"	"	"	"	"	NE	NW	"		10.5	"	"	"	"	"	"	"	"	"	SW	NE	"			"	"	"
"	"	"	"	"	SE	NW	"		16.7	"	"	"	"	"	"	"	"	"	NE	NW	"			"	"	"
"	"	"	"	"	NE	SW	"		5.9	"	"	"	"	"	"	"	"	"	SE	NW	"			"	"	"
													"	"	"	"	"	"	SW	SW	"			"	"	"
													"	"	"	"	"	"	SE	SW	"			"	"	"
													"	"	"	"	"	"	NW	SE	"			"	"	"
													"	"	"	"	"	"	SW	SE	"			"	"	"
													"	"	"	"	"	20	NW	NE	"			"	"	"
													"	"	"	"	"	"	SW	NE	"			"	"	"
													"	"	"	"	"	"	NE	NW	"			"	"	"
													"	"	"	"	"	"	NW	NW	"			"	"	"

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											POU, USE, SW/GW	15	S	12	E	29	NE	NE	7800				QM	Wells 1-8	1897							
											"	"	"	"	"	"	NW	NE	"				"	"	"							
											"	"	"	"	"	"	SW	NE	"				"	"	"							
											"	"	"	"	"	"	SE	NE	"				"	"	"							
											"	"	"	"	"	"	SW	NW	"				"	"	"							
											"	"	"	"	"	"	SE	NW	"				"	"	"							
											"	"	"	"	"	"	NE	SW	"				"	"	"							
											"	"	"	"	"	"	NW	SW	"				"	"	"							
											"	"	"	"	"	"	NE	SE	"				"	"	"							
											"	"	"	"	"	"	NW	SE	7900				"	"	"							
											"	"	"	"	"	"	SE	SE	7801				"	"	"							
											"	"	"	"	"	30	NW	NE	8000				"	"	"							
											"	"	"	"	"	"	SW	NE	"				"	"	"							
											"	"	"	"	"	"	SE	NE	7800				"	"	"							
											"	"	"	"	"	"	NE	NW	8000				"	"	"							
											"	"	"	"	"	"	SE	NW	"				"	"	"							
											"	"	"	"	"	"	NE	SE	7800				"	"	"							
TOTAL ACRES												50.0															TOTAL ACRES			N/A		

Additional remarks: The proposed place of use will adhere to the season of use and rate and duty limitation of the 50.0 acre portion of C-95746 proposed for transfer, changing to QM use within the service area boundary outlined for the "TO" lands, thereby not enlarging the use.

Revised 7/1/2021

Permanent Transfer Application Form – Page 11 of 13

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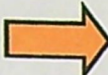
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Certificate # 95746**For Place of Use or Character of Use Changes**

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

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

**The "to" lands are associated with Permit G-17036. Being quasi-municipal rights, the rights are not "layered" as defined in OAR 690-380-0100(4).**



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

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

Ground water supplemental Permit or Certificate # \_\_\_\_\_;

Surface water primary Certificate # \_\_\_\_\_.

**For a change from Supplemental Irrigation Use to Primary Irrigation Use**

Identify the primary certificate to be cancelled. Certificate # \_\_\_\_\_

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

- ☒ Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.

**Tip:** You may search for well logs on the Department's web page at:

[http://apps.wrd.state.or.us/apps/gw/well\\_log/Default.aspx](http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

**AND/OR**

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



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

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

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well, OWRD Well ID Tag No. L-___	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well - specific rate (cfs or gpm). If less than full rate of water right
Well 1	No		800-900'	14"	+2-18.5'	0-18.5'			Deschutes Formation	
Well 2	No		"	"	"	"			Deschutes Formation	
Well 3	No		900-1000'	"	"	"			Deschutes Formation	
Well 4	No		"	"	"	"			Deschutes Formation	
Well 5	No		800-900'	"	"	"			Deschutes Formation	
Well 6	No		"	"	"	"			Deschutes Formation	
Well 7	No		"	"	"	"			Deschutes Formation	
Well 8	Yes	DESC 756	880'	8"	+1.5-18.5'	"		730'	Deschutes Formation	



# Land Use Information Form



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

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

Mailing Address: 2477 NW Canyon Drive

City: Redmond

State: OR

Zip Code: 97756

Daytime Phone: 541-350-8479

## A. Land and Location

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

Township	Range	Section	$\frac{1}{4}$ $\frac{1}{4}$	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>15 S</u>	<u>12 E</u>	<u>17 &amp; 20</u>		<u>5000</u>	<u>EFUSC &amp; DR</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>QM</u>
<u>15 S</u>	<u>12 E</u>	<u>20</u>		<u>5001</u>	<u>EFUSC &amp; DR</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>QM</u>
<u>15 S</u>	<u>12 E</u>	<u>20</u>		<u>5002</u>	<u>EFUSC &amp; DR</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>QM</u>
<u>15 S</u>	<u>12 E</u>	<u>20, 21, &amp; 28</u>		<u>7700</u>	<u>EFUSC &amp; DR</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>QM</u>
<u>15 S</u>	<u>12 E</u>	<u>20</u>		<u>7701</u>	<u>EFUSC &amp; DR</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>QM</u>
<u>15 S</u>	<u>12 E</u>	<u>29 &amp; 30</u>		<u>7800</u>	<u>EFUSC &amp; DR</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>QM</u>
<u>15 S</u>	<u>12 E</u>	<u>29</u>		<u>7801</u>	<u>EFUSC &amp; DR</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>QM</u>
<u>15 S</u>	<u>12 E</u>	<u>29</u>		<u>7900</u>	<u>EFUSC &amp; DR</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>QM</u>
<u>15 S</u>	<u>12 E</u>	<u>30</u>		<u>8000</u>	<u>EFUSC &amp; DR</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>QM</u>

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

Deschutes County.



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**B. Description of Proposed Use**

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

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

Source of water: ☐ Reservoir/Pond    ☒ Ground Water    ☐ Surface Water (name) \_\_\_\_\_Estimated quantity of water needed: 1.25    ☒ cubic feet per second    ☐ gallons per minute    ☐ acre-feetIntended use of water: ☐ Irrigation    ☐ Commercial    ☐ Industrial    ☐ Domestic for \_\_\_\_\_ household(s)  
☐ Municipal    ☒ Quasi-Municipal    ☐ Instream    ☐ Other \_\_\_\_\_

Briefly describe:

The applicant is proposing the following changes to a 50.0 acre portion of C-95746; change the place of use, change surface water POD to groundwater POA, and change the type of use to Quasi-municipal use.

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

See bottom of Page 4. →



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## For Local Government Use Only

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

**Please check the appropriate box below and provide the requested information**

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): **To the extent the water in question is directed to "farm use", as defined in DCC 18.04.030, such use is permitted outright.**
- ☒ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
Thornburgh Destination Resort has an extensive County approval process. Master Plans and Golf Course Site Plan have received final local approval. Specific development plans for overnight lodging facilities and other resort development are in progress or are anticipated.	DCC 18.113	<input checked="" type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input checked="" type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

Nothing in this LUCS signature should be interpreted to allow uses on the subject properties other than those allowed outright under the DCC 18.04.030 definition of "farm use" or those uses specifically proposed and approved in the Thornburgh Destination Resort decision history and as subject to the terms and conditions of those approvals.

Name: Will Groves Title: Lead Senior Planner

Signature: *Will Groves* Phone: 541-388-6518 Date: 10/20/21

Government Entity: Deschutes County

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

**Receipt for Request for Land Use Information**

Applicant name: \_\_\_\_\_

City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_



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## Supplemental Form D

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

[For transfers submitted under OAR Chapter 690 Division 380]

OREGON

WATER RESOURCES  
DEPARTMENT

Oregon Water Resources Department

725 Summer Street NE, Suite A

Salem, Oregon 97301-1266

503-986-0900

www.oregon.gov/OWRD

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

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

## 1. APPLICANT INFORMATION

NAME KAMERON DELASHMUTT / PINNACLE UTILITIES, LLC & CENTRAL LAND AND CATTLE COMPANY, LLC			PHONE (HM)
PHONE (WK) 541-350-8479	CELL	FAX	
ADDRESS 2447 NW CANYON DRIVE			
CITY REDMOND	STATE OR	ZIP 97756	E-MAIL**

## 2. DISTRICT or WATER SUPPLIER INFORMATION

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

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

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

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

	Application / Decree	Permit / Previous Transfer	Certificate	Is the water right in the name of a district, water supplier, or BOR*?
1.		-	95746	YES <input type="checkbox"/>
2.		-		YES <input type="checkbox"/>
3.		-		YES <input type="checkbox"/>

Attach additional pages for additional water rights if necessary.

\*Bureau of Reclamation



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

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

- YES ☐ NO ☒ One or more of the current POD(s) / POA(s) involved in the transfer are served by a district/water supplier or rely on BOR water.
- YES ☐ NO ☒ All or a portion of the current POU involved in this proposed transfer receives water for either primary or supplemental irrigation from the district/water supplier; i.e., the POU is currently layered with a district or BOR water supplied water right(s).

OWRD

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

- YES ☐ NO ☒ One or more of the proposed POD(s) / POA(s) involved in the transfer are currently served or will be served by a district/water supplier if the transfer is approved, or rely on BOR water.
- YES ☐ NO ☒ All or a portion of the proposed POU involved in this proposed transfer currently receives or will receive either primary or supplemental irrigation from the district/water supplier; i.e., the POU will be layered with a district/water supplier or BOR water supplied water right(s).

**COMMENTS OR ADDITIONAL INFORMATION :** THE APPLICANT IS PROPOSING TO TEMPORARILY CHANGE THE PLACE OF USE, THE POINT OF APPROPRIATION, AND ADD ADDITIONAL POINTS OF APPROPRIATION FOR A 0.453 CFS PORTION OF QM C- 94958, UNDER OAR 690-380-8000.

**4. APPLICANT'S SIGNATURE**

- (1) I certify that I have notified the district/water supplier about the proposed water right transfer application by [check one]:  
☒ email, ☐ phone, ☐ postal mail, ☐ in person, or ☐ other (please specify) \_\_\_\_\_
- (2) I certify that to the best of my knowledge the information contained in this Supplemental Form D is true and accurate.

Applicant Signature

Name (print)

Date

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

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

The district/water supplier certifies the following:

- (1) The district/water supplier has reviewed the applicant's proposed water right transfer application and maps; and
- (2) The district/water supplier consents to the proposed water right transfer application.
- YES ☐ NO ☐ After proof of completion, the confirming water right certificate is to remain in the name of the U.S. Bureau of Reclamation or the district/water supplier.
- YES ☐ NO ☐ The district/water supplier will be responsible for submitting the claim of beneficial use prepared by a Certified Water Rights Examiner (CWRE).

Signature of District Manager /Water Supplier

Name (print), Title

Date



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## Supplemental Form D

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

[For transfers submitted under OAR Chapter 690 Division 380]



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

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

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

## 1. APPLICANT INFORMATION

NAME KAMERON DELASHMUTT / PINNACLE UTILITIES, LLC CENTRAL LAND AND CATTLE COMPANY, LLC			PHONE (HM)
PHONE (WK) 541-350-8479	CELL		FAX
ADDRESS 2447 NW CANYON DRIVE			
CITY REDMOND	STATE OR	ZIP 97756	E-MAIL**

## 2. DISTRICT or WATER SUPPLIER INFORMATION

DISTRICT/WATER SUPPLIER NAME TUMALO IRRIGATION DISTRICT			PHONE (HM)
PHONE (WK) 541-382-3053	CELL		FAX
ADDRESS 64697 COOK AVE			
CITY BEND	STATE OR	ZIP 97703	E-MAIL**

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

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

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

	Application / Decree	Permit / Previous Transfer	Certificate	Is the water right in the name of a district, water supplier, or BOR*?
1.		-	95746	YES <input type="checkbox"/>
2.		-		YES <input type="checkbox"/>
3.		-		YES <input type="checkbox"/>

Attach additional pages for additional water rights if necessary.

\*Bureau of Reclamation



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

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

- YES ☐ NO ☒ One or more of the current POD(s) / POA(s) involved in the transfer are served by a district/water supplier or rely on BOR water.
- YES ☐ NO ☒ All or a portion of the current POU involved in this proposed transfer receives water for either primary or supplemental irrigation from the district/water supplier; i.e., the POU is currently layered with a district or BOR water supplied water right(s).

OWRD

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

- YES ☐ NO ☒ One or more of the proposed POD(s) / POA(s) involved in the transfer are currently served or will be served by a district/water supplier if the transfer is approved, or rely on BOR water.
- YES ☐ NO ☒ All or a portion of the proposed POU involved in this proposed transfer currently receives or will receive either primary or supplemental irrigation from the district/water supplier; i.e., the POU will be layered with a district/water supplier or BOR water supplied water right(s).

**COMMENTS OR ADDITIONAL INFORMATION :** THE APPLICANT IS PROPOSING TO TEMPORARILY CHANGE THE PLACE OF USE, THE POINT OF APPROPRIATION, AND ADD ADDITIONAL POINTS OF APPROPRIATION FOR A 0.453 CFS PORTION OF QM C- 94958, UNDER OAR 690-380-8000.

**4. APPLICANT'S SIGNATURE**

- (1) I certify that I have notified the district/water supplier about the proposed water right transfer application by [check one]:  
☒ email, ☐ phone, ☐ postal mail, ☐ in person, or ☐ other (please specify) \_\_\_\_\_
- (2) I certify that to the best of my knowledge the information contained in this Supplemental Form D is true and accurate

Applicant Signature

Name (print)

Date

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

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

The district/water supplier certifies the following:

- (1) The district/water supplier has reviewed the applicant's proposed water right transfer application and maps; and
- (2) The district/water supplier consents to the proposed water right transfer application.
- YES ☐ NO ☐ After proof of completion, the confirming water right certificate is to remain in the name of the U.S. Bureau of Reclamation or the district/water supplier.
- YES ☐ NO ☐ The district/water supplier will be responsible for submitting the claim of beneficial use prepared by a Certified Water Rights Examiner (CWRE).

Signature of District Manager /Water Supplier

Name (print), Title

Date



Application for Water Right  
Transfer  
Consent by Deeded Landowner



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

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State of Colorado )  
Oregon )ss  
County of Denver )

I MICHAEL LEBEAU in my capacity as OWNER,

mailing address 2838 N Jackson St, Denver, CO 80205,

telephone number 503-740-8325, duly sworn depose and say that I

consent to the proposed change(s) to Water Right Certificate Number 90239 or as superseded

described in Transfer Application (T-TBD) submitted by Central Land & Cattle Co., LLC

(transfer number, if known)

and/or Pinnacle Utilities, LLC or assigns, currently appurtenant to the property described as tax

lot number 2803, Section 34, and tax lot number 101 in Section 27, both in Township 22

South, Range 10 East, W.M.

Michael Lebeau

Signature of Affiant

03-31-2021

Date

N/A

Signature of Affiant

Date

Subscribed and Sworn to before me this 31 day of March, 2021.

Jon Pool  
Notary Public for Oregon  
Colorado

My commission expires July 29, 2024



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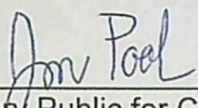
OCT 22 2021

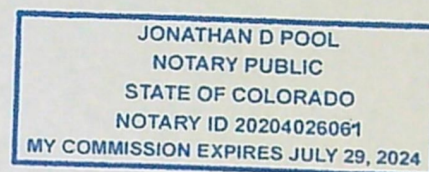
STATE OF COLORADO, County of Denver ) ss.

OWRD

On March 31, 2021, personally appeared the herein named Michael LeBeau,  
and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me:

  
\_\_\_\_\_  
Notary Public for Colorado  
My commission expires: July 29, 2024





# Application for Water Right Transfer

## Evidence of Use Affidavit



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

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

State of Oregon )  
 ) ss  
County of DESCHUTES)

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I, JOHN A. SHORT / WATER RIGHT SERVICES, LLC, in my capacity as WATER RIGHT SPECIALIST,  
mailing address P.O. BOX 1830, BEND, OR 97709  
telephone number (541)389-2837, being first duly sworn depose and say:

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

☒ Personal observation

☒ Professional expertise

2. I attest that:

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

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

Certificate #	Township		Range		Mer	Sec	1/4 1/4		Gov't Lot or DLC	Acres (if applicable)
95746	22	S	10	E	WM	34	NW	NE		16.9
"	"	"	"	"	"	"	NE	NW		10.5
"	"	"	"	"	"	"	SE	NW		16.7
"	"	"	"	"	"	"	NE	SW		5.9

OR

☐ Confirming Certificate # \_\_\_\_\_ has been issued within the past five years; **OR**

☐ Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: \_\_\_\_\_ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**

☐ The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.

☐ Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # \_\_\_\_\_ (For Historic POD/POA Transfers)

(continues on reverse side)



3. The water right was used for: (e.g., crops, pasture, etc.): PASTURE

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

[Signature]  
Signature of Affiant

10-2-21  
Date

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Signed and sworn to (or affirmed) before me this 02 day of October, 20 21.



[Signature]  
Notary Public for Oregon

My Commission Expires: July 12, 2025

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



EVIDENCE OF USE

2017 GOOGLE EARTH IMAGERY

Legend

28

27

26

T22S R10E

33

34

35

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Survey

Google Earth

2000 ft





October 11, 2021

**Kenneth Kataroff**

Admitted in Washington and Oregon

T: 206-405-1985

C: 206-755-2011

KKataroff@SCHWABE.com

Angie Brewer  
Senior Planner, AICP  
Deschutes County Community Development  
117 NW Lafayette Avenue  
Bend, OR 97708

RE: Deschutes County File No. 247-21-000885 - PS

Dear Angie:

As you know, our office represents Kameron DeLashmutt and Pinnacle Utilities, LLC (collectively, the "Applicant") in a request for a Land Use Information Form ("LUCS") for the Oregon Water Resources Department ("OWRD"). This letter provides additional information regarding that request.

Applicant seeks to transfer the place of use and type of use of 50.00 acres of C-95746, to provide quasi-municipal water to the Thornburgh Destination Resort. Quasi-municipal water is defined under state rule.

To clarify any misunderstanding, a quasi-municipal water use is defined as is relevant at OAR 690-300-0010(40):

"Quasi-Municipal Water Use" means the delivery and use of water through the water service system of a corporation other than a public corporation created for the purpose of operating a water supply system, for those uses usual and ordinary to municipal water use, or a federally recognized Indian tribe that operates a water supply system for uses usual and ordinary to a municipal water use.

That definition refers to uses that are "usual and ordinary to municipal water use", which is defined at OAR 690-300-0010(29):

"Municipal Water Use" means the delivery and use of water through the water service system of a municipal corporation for all water uses usual and ordinary to such systems. Examples of these water uses shall include but are not limited to domestic water use, irrigation of lawns and gardens, commercial water use, industrial water use, fire protection, irrigation and other water uses in park and



OCT 22 2021

OWRD

Angie Brewer  
October 11, 2021  
Page 2

recreation facilities, and street washing. Such uses shall not include generation of hydroelectric power.

As is relevant to the LUCS, any number of uses allowed under a quasi-municipal water right are permitted outright in EFU lands, including "irrigation" use.

More importantly, the Applicant (or its affiliates), has also received final master plan approval for a destination resort on the same lands. Applicant has also received tentative plan approval and related infrastructure including road and facility systems, site plan approval for a golf course and related infrastructure, overnight lodging unit ("OLU") site plan approval, and is pursuing a number of other applications. Together, file numbers include but are not limited to:

- Deschutes County Document No. 2006-151; CU-05-20
- MU-07-2/MA-08-6
- 247-19-000881-SP
- 247-20-000279-A
- 247-20-000282-A
- 247-21-000553-MC
- 247-21-000731-A; 18-386-TP, 18-454-SP, 18-542-MA
- 247-21-000508-SP

These multiple and binding land use decisions permit development, including that which may be served by a quasi-municipal water right. Therefore, Applicant requests that the county sign the LUCS indicating that the proposed use of water is permitted outright, permitted pursuant to the multitudes of land use decisions regarding the Thornburgh Destination Resort, and that additional approvals are also being pursued.

Very truly yours,

SCHWABE, WILLIAMSON & WYATT, P.C.

/s/ Kenneth Katzaroff

Kenneth Katzaroff

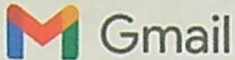
JKKA:aks

PDX\135849\262760\JKKA\31953643.1



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Bryce Withers <brycewrs@gmail.com>

OWRD

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## Map Scale Waiver Request

2 messages

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

Mon, Oct 4, 2021 at 10:23 AM

Hi Kelly,

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

Thank you.


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Bryce Withers

Water Right Specialist  
(541)408-1400 cell

Water Right Services, LLC  
PO Box 1830  
Bend, OR 97709  
<https://oregonwater.us>

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 **Lebeau\_Pinnacle\_Perm\_TFR\_MAP\_ON.pdf**  
270K

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

Mon, Oct 4, 2021 at 11:41 AM

Hi Bryce,

The Department grants a map scale waiver for the attached transfer application map. Please include a copy of this email in the transfer application when it is submitted.

Sincerely,

Kelly

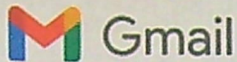
Kelly Starnes, Transfer Program Analyst  
Oregon Water Resources Department  
725 Summer St NE Suite A  
Salem OR 97301-1271  
Cellphone: 503-979-3511 Fax: 503-986-0903  
E-mail: [patrick.k.starnes@oregon.gov](mailto:patrick.k.starnes@oregon.gov)

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

---

**From:** Bryce Withers <brycewrs@gmail.com>  
**Sent:** Monday, October 4, 2021 10:23 AM  
**To:** STARNES Patrick K \* WRD  
**Subject:** Map Scale Waiver Request





Bryce Withers <brycewrs@gmail.com>

---

## District Notification of Temporary Transfer

1 message

---

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

Wed, Sep 29, 2021 at 11:54 AM

Hi April,

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

Thank you!

—  
Bryce Withers

Water Right Specialist  
(541)408-1400 cell

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

<https://oregonwater.us>

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OCT 22 2021

OWRD

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### 2 attachments

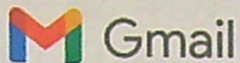


**Supplemental\_Form\_D\_non-district\_transfer\_within\_District\_TID.pdf**  
130K



**Lebeau\_Pinnacle\_Perm\_TFR\_MAP\_ON.pdf**  
270K





Bryce Withers <brycewrs@gmail.com>

---

## District Notification of Temporary Transfer

1 message

---

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

Wed, Sep 29, 2021 at 11:53 AM

Hi Leslie,

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

Thank you!

--

Bryce Withers

Water Right Specialist  
(541)408-1400 cell

Water Right Services, LLC  
PO Box 1830  
Bend, OR 97709  
<https://oregonwater.us>


RECEIVED


OCT 22 2021

OWRD

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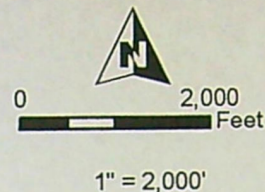
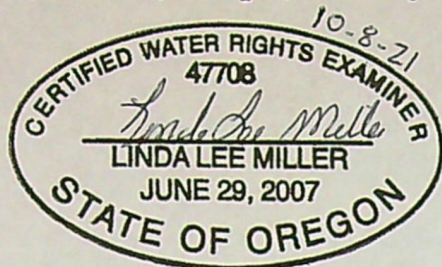
### 2 attachments

 **Supplemental\_Form\_D\_non-district\_transfer\_within\_District\_COID.pdf**  
130K

 **Lebeau\_Pinnacle\_Perm\_TFR\_MAP\_ON.pdf**  
270K



# T15S R12E, WM DESCHUTES COUNTY, OR



- Well "ON"
- POU QM "ON"
- Section
- Quarter Quarter
- Tax Lot

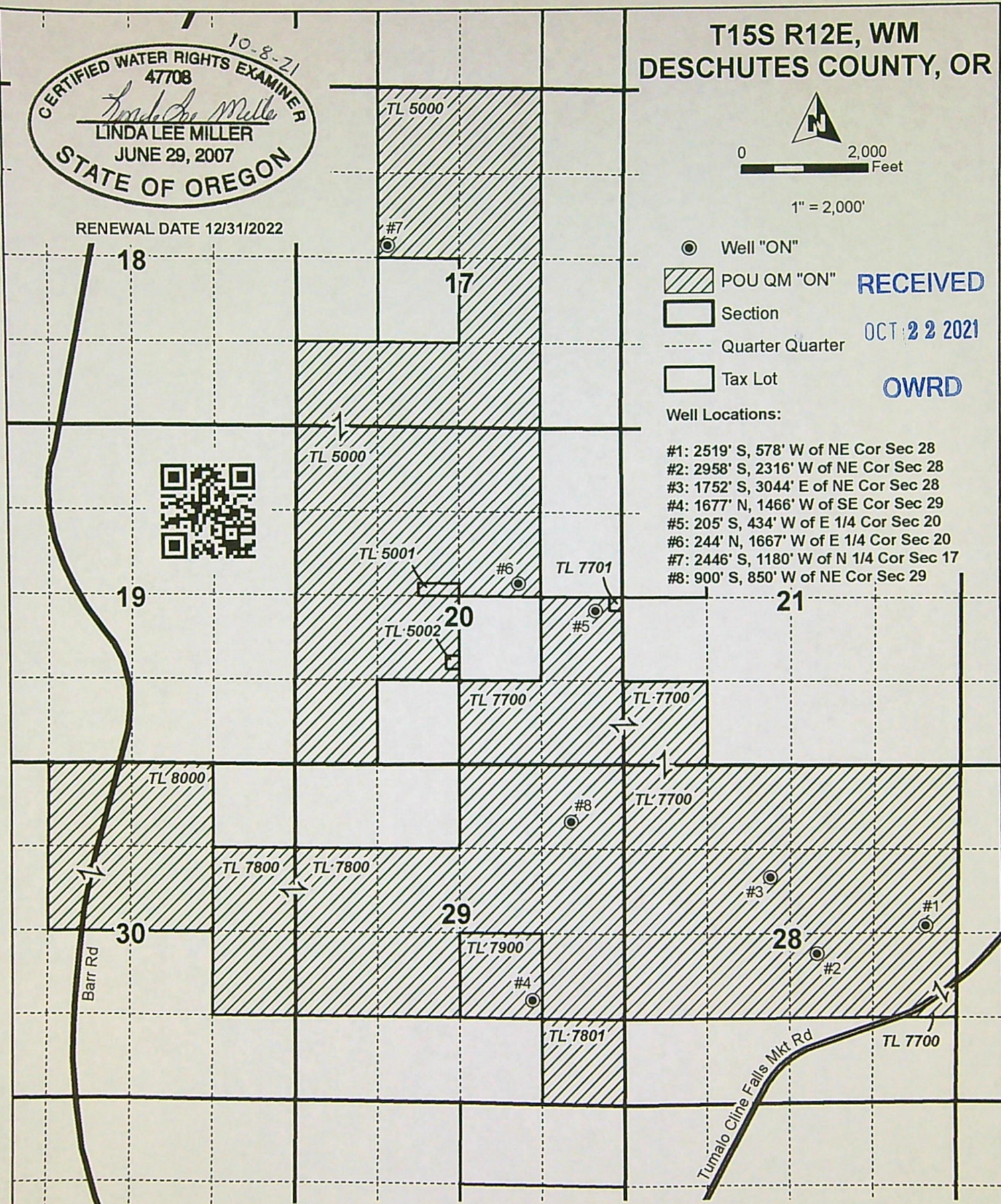
**RECEIVED**

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**OWRD**

## Well Locations:

- #1: 2519' S, 578' W of NE Cor Sec 28
- #2: 2958' S, 2316' W of NE Cor Sec 28
- #3: 1752' S, 3044' E of NE Cor Sec 28
- #4: 1677' N, 1466' W of SE Cor Sec 29
- #5: 205' S, 434' W of E 1/4 Cor Sec 20
- #6: 244' N, 1667' W of E 1/4 Cor Sec 20
- #7: 2446' S, 1180' W of N 1/4 Cor Sec 17
- #8: 900' S, 850' W of NE Cor Sec 29



**PERMANENT TRANSFER "ON" MAP**  
For  
**Pinnacle Utilities, LLC**

Date: 10/6/2021

C-95746

This map is not intended  
to provide legal dimensions  
or locations of property  
ownership lines.

**WATER RIGHT SERVICES, LLC**






PO BOX 1830, BEND, OR 97709

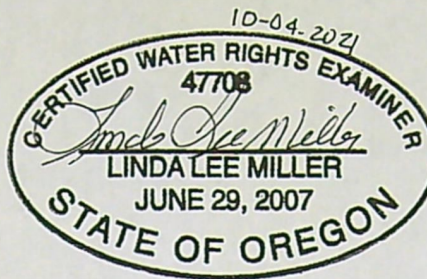
**WWW.OREGONWATER.US 541-389-2837**

johnshort@usa.com

CCB # 197121



-  POU PER QQ NO CHANGE
-  POU PER QQ "OFF"
-  Section
-  Tax Lot
-  Quarter Quarter



# DESCHUTES COUNTY, OR T22S R10E, WM



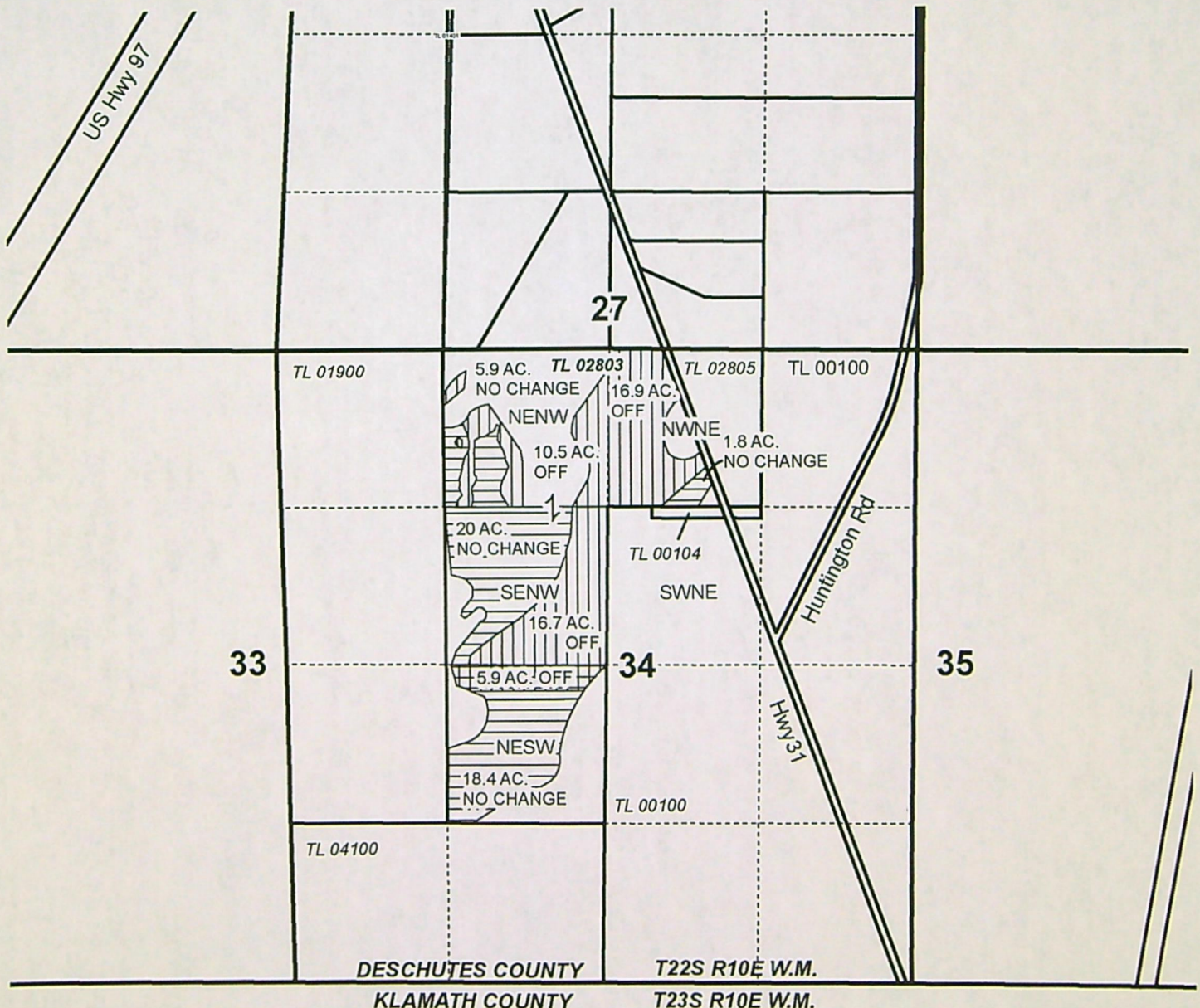
0 1,320 Feet  
1" = 1320'

RENEWAL DATE 12/31/2022

RECEIVED

OCT 22 2021

OWRD



**TRANSFER "OFF" MAP**  
**Pinnacle Utilities, LLC**

This map is not intended  
to provide legal dimensions  
or locations of property  
ownership lines.

**WATER RIGHT SERVICES, LLC**

PO BOX 1830, BEND, OR 97709

WWW.OREGONWATER.US 541-389-2837

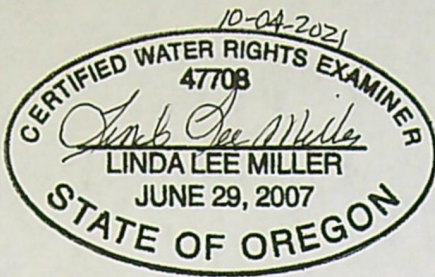
johnshort@usa.com

CCB # 197121

Date: 9/21/2021

A Portion of C-95746





RENEWAL DATE 12/31/2022

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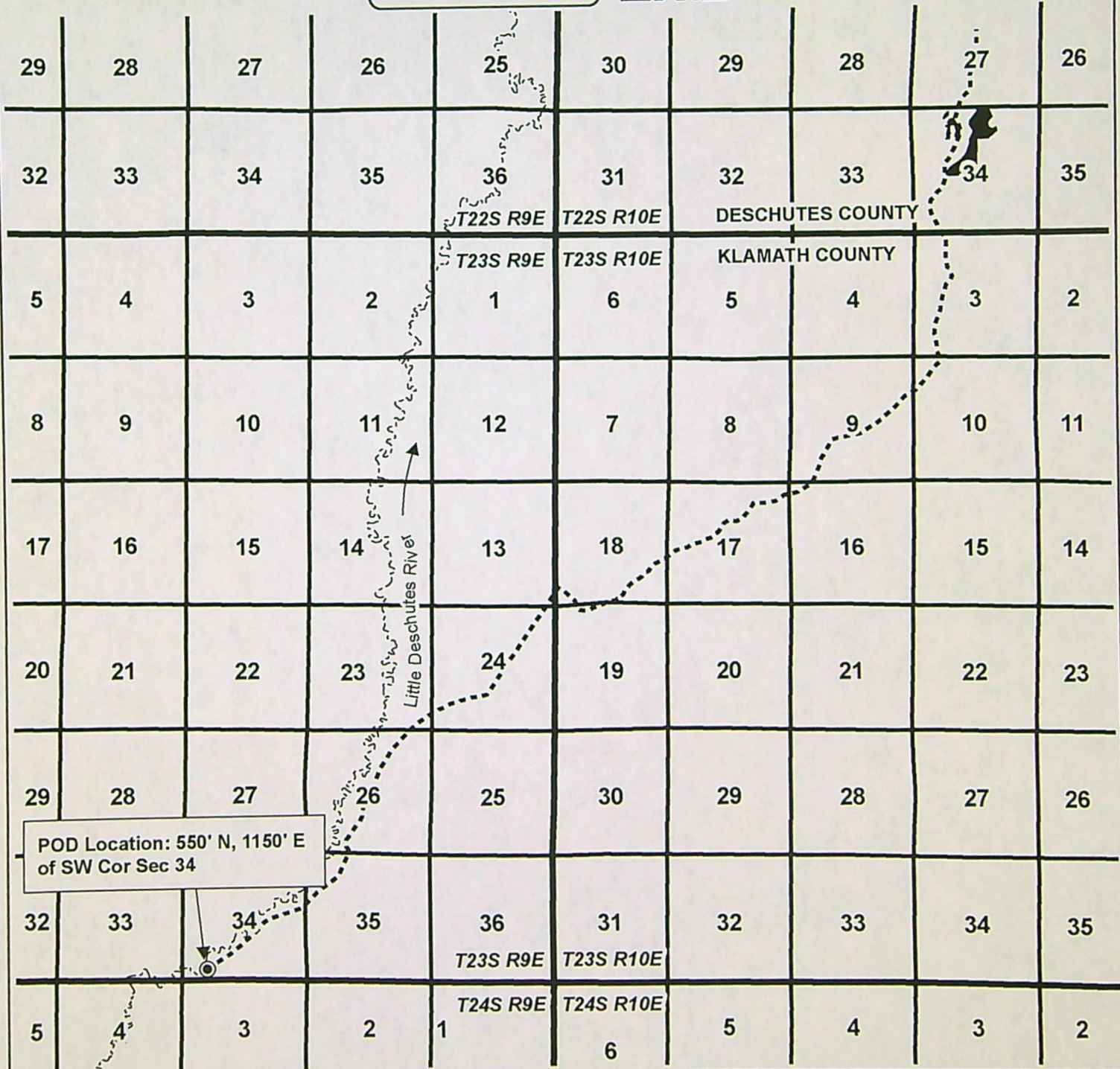
OWRD

T22S R10E, WM,  
DESCHUTES COUNTY, OR &  
T23S R10E & T23S R9E, WM  
KLAMATH COUNTY, OR

- POD
- Canal
- River
- Place of Use
- Township
- Section



0 6,000 Feet  
1" = 6000'



POD Location: 550' N, 1150' E  
of SW Cor Sec 34

TRANSFER "OFF" MAP  
Pinnacle Utilities, LLC

This map is not intended  
to provide legal dimensions  
or locations of property  
ownership lines.

**WATER RIGHT SERVICES, LLC**

PO BOX 1830, BEND, OR 97709

WWW.OREGONWATER.US 541-389-2837

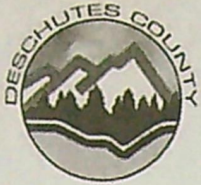
johnshort@usa.com

CCB # 197121

Date: 9/21/2021

C-95746





# Land Use Application

Permit Sign-Off - Other Agency - New

DESCHUTES COUNTY  
117 NW Lafayette Avenue  
PO Box 6005  
Bend, OR 97703  
541-388-6575

247-21-000885-PS

[www.deschutes.org/cd](http://www.deschutes.org/cd)

[cdd-webmaster@deschutes.org](mailto:cdd-webmaster@deschutes.org)

## APPLICATION DESCRIPTION

**Type of Application:** Permit Sign-Off - Other Agency - New

**Description of Work:** Oregon Water Resources Department- LUCS

## LOCATION INFORMATION

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**Property Address:**

67525 Cline Falls Rd, Redmond, OR 97756  
 67400 Barr Rd, Redmond, OR 97756  
 67205 Cline Falls Rd, Redmond, OR 97756  
 67545 Cline Falls Rd, Redmond, OR 97756  
 67555 Cline Falls Rd, Redmond, OR 97756  
 67705 Cline Falls Rd, Redmond, OR 97756  
 11800 Eagle Crest Blvd, Redmond, OR 97756  
 11810 Eagle Crest Blvd, Redmond, OR 97756  
 11820 Eagle Crest Blvd, Redmond, OR 97756

**Parcel:**

1512000007801 - Primary  
 1512000005000  
 1512000005001  
 1512000005002  
 1512000007700  
 1512000007701  
 1512000007800  
 1512000007900  
 1512000008000

**Owner:** CENTRAL LAND & CATTLE  
 COMPANY LLC

**Address:** 2447 NW CANYON DR  
 REDMOND OR 97756

**Owner:** LOYAL LAND LLC

**Address:** 78340 BIRKDALE CT  
 LA QUINTA CA 92253

**Owner:** CENTRAL LAND & CATTLE  
 COMPANY LLC

**Address:** 2223 CEDAR ELM TERR  
 WESTLAKE TX 76262

**Owner:** CENTRAL LAND & CATTLE  
 COMPANY LLC

**Address:** 2447 NW CANYON DR  
 REDMOND OR 97756

**Owner:** DELASHMUTT, KAMERON

**Address:** 2447 NW CANYON DR  
 REDMOND OR 97756

**Owner:** CENTRAL LAND & CATTLE  
 COMPANY LLC

**Address:** 2447 NW CANYON DR  
 REDMOND OR 97756

**Owner:** CENTRAL LAND & CATTLE  
 COMPANY LLC

**Address:** 2447 NW CANYON DR  
 REDMOND OR 97756

**Owner:** CENTRAL LAND & CATTLE  
 COMPANY LLC

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 COMPANY LLC

**Address:** 2447 NW CANYON DR  
 REDMOND OR 97756

**Owner:** CENTRAL LAND & CATTLE  
 COMPANY LLC

**Address:** 2447 NW CANYON DR  
 REDMOND OR 97756

**RECEIVED****OCT 22 2021****OWRD****APPLICANT INFORMATION**

<b>Applicant:</b>	<b>Business Name:</b>	<b>Address:</b>	<b>City:</b>	<b>State:</b>	<b>Zip</b>
Kameron DeLashmutt/Pinnacle Utilities	Kameron DeLashmutt/Pinnacle Utilities	2477 NW Canyon Dr.	Redmond	OR	97756



# APPLICATION FEES

<u>Fee Description</u>	<u>Quantity</u>	<u>Amount</u>
Permit Sign-Off for Other Agency - LUCS sign off	1.00 Qty	\$98.00
	<b>Total Fees:</b>	<b>\$98.00</b>

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# Land Use Information Form



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

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## NOTE TO APPLICANTS

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

**This form is NOT required if:**

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

## NOTE TO LOCAL GOVERNMENTS

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



STATE OF OREGON  
WATER WELL REPORT  
(as required by ORS 537.765)

JAN 25 1991

WATER RESOURCES DEPT. (START CARD) #

55/12E/3900  
24901

(1) OWNER:

Name Harry Kern  
Address 1336 NE Eby  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Well Number: SALEM 957

(9) LOCATION OF WELL by legal description:

County Desch Latitude \_\_\_\_\_ Longitude \_\_\_\_\_  
Township 15 Nor S. Range 12 E or W, WM.  
Section 29 NE ¼ NE ¼  
Tax Lot 7800 Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
Street Address of Well (or nearest address) Cline Butte

(2) TYPE OF WORK:

☒ New Well ☐ Deepen ☐ Recondition ☐ Abandon

(3) DRILL METHOD

☒ Rotary Air ☐ Rotary Mud ☐ Cable  
☐ Other \_\_\_\_\_

(4) PROPOSED USE:

☒ Domestic ☐ Community ☐ Industrial ☐ Irrigation  
☐ Thermal ☐ Injection ☐ Other \_\_\_\_\_

(5) BORE HOLE CONSTRUCTION:

Special Construction approval Yes ☐ No ☒ Depth of Completed Well 880 ft.  
Explosives used ☐ ☒ Type \_\_\_\_\_ Amount \_\_\_\_\_

HOLE			SEAL			Amount sacks or pounds
Diameter	From	To	Material	From	To	
12	0	18 1/2	Cement	0	18 1/2	8 Sacks
8	18 1/2	880				

How was seal placed: Method ☐ A ☐ B ☒ C ☐ D ☐ E  
☐ Other \_\_\_\_\_

Backfill placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_  
Gravel placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Size of gravel \_\_\_\_\_

(6) CASING/LINER:

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:	8	+1 1/2	18 1/2	250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Liner:					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) \_\_\_\_\_

(7) PERFORATIONS/SCREENS:

☐ Perforations Method \_\_\_\_\_  
☐ Screens Type \_\_\_\_\_ Material \_\_\_\_\_

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>

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

☐ Pump ☐ Bailer ☒ Air ☐ Flowing ☐ Artesian

Yield gal/min	Drawdown	Drill stem at	Time
10	0	8600	1 hr.

Temperature of water 53 Depth Artesian Flow Found \_\_\_\_\_  
Was a water analysis done? ☐ Yes By whom \_\_\_\_\_  
Did any strata contain water not suitable for intended use? ☐ Too little  
☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other \_\_\_\_\_  
Depth of strata: \_\_\_\_\_

(10) STATIC WATER LEVEL:

730 ft. below land surface. Date 1-15-91  
Artesian pressure \_\_\_\_\_ lb. per square inch. Date \_\_\_\_\_

(11) WATER BEARING ZONES:

From	To	Estimated Flow Rate	SWL
830	880	RECEIVED	730

(12) WELL LOG:

Material	From	To	SWL
Top Soil	0	3	
Brown S.S. Congl.	3	32	
dark S.S. Congl.	32	37	
Red S.S. Congl.	37	45	
Brown S.S. Congl.	45	78	
Dark Br. S.S. Congl.	78	117	
Brown S.S.	117	136	
Dark Br. S.S.	136	154	
Brown S.S.	154	360	
Brown S.S. Congl. Hard	360	390	
Brown S.S. Congl. Softer	390	406	
Brown S.S. Congl. Hard	406	421	
Brown S.S. Congl. soft	421	426	
Brown S.S. Hard	426	483	
Red S.S. Hard	483	546	
lava	546	582	
Brown S.S. Congl.	582	674	
lava	674	707	
Brown S.S.	707	780	
lava	780	828	
Red S.S. (w.B.)	828	830	
frac. lava	830	880	

Date started 1-9-91 Completed 1-15-91

(unbonded) Water Well Constructor Certification:

I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to my best knowledge and belief.

WWC Number \_\_\_\_\_  
Signed \_\_\_\_\_ Date \_\_\_\_\_

(bonded) Water Well Constructor Certification:

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. all work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.

WWC Number 1255  
Signed William D. Kern Date 1-16-91



Transaction Code: 300921E3D-1F77A11E-FFD2-46DF-8A42-  
99FB53E1C31D  
Date: 09/30/2021 03:19:11 PM  
Card Type: Visa  
Card Number: xxxxxxxxxxxx8987  
Authorization Code: 097736  
Total Amount: \$98.00  
Operator ID: ANGIEB  
Cash Drawer ID :  
Record: 247-21-000885-PS  
I agree to pay the above amount according to the Credit Card issuer  
agreement.  
Sign Below:  
-----

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# Oregon

Kate Brown, Governor

## Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

November 22, 2021

KAMERON DELASHMUTT  
2447 NW CANYON DR  
REDMOND, OR 97756

Reference: Application T-13857

On October 22, 2021, OWRD received your water right Permanent Transfer Application. The application was accompanied by \$7300.00. Our receipt number 136679 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the requested change. A review form will also be sent to our groundwater staff to determine whether the proposed well accesses the same source of water as the original well.

This application may require publication of a notice for two consecutive weeks in a newspaper with general circulation in the area where the water right is located. If it is determined that newspaper notice will be required, the Department will prepare the notice and notify you of the cost. You will be responsible for submitting payment to the Department prior to publication of the notice.

Except as provided under ORS 540.510(3) for municipalities, you may not use water for the new use or in the new place of use until a final order approving the transfer application has been issued by the Department. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right.

If the land is sold before the application is approved, the buyer's consent to the application will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

Refer to the following page for a chart showing the steps and expected timelines for the processing of your application.

If you have any questions, please contact the Transfer Section at (503) 979-9931.

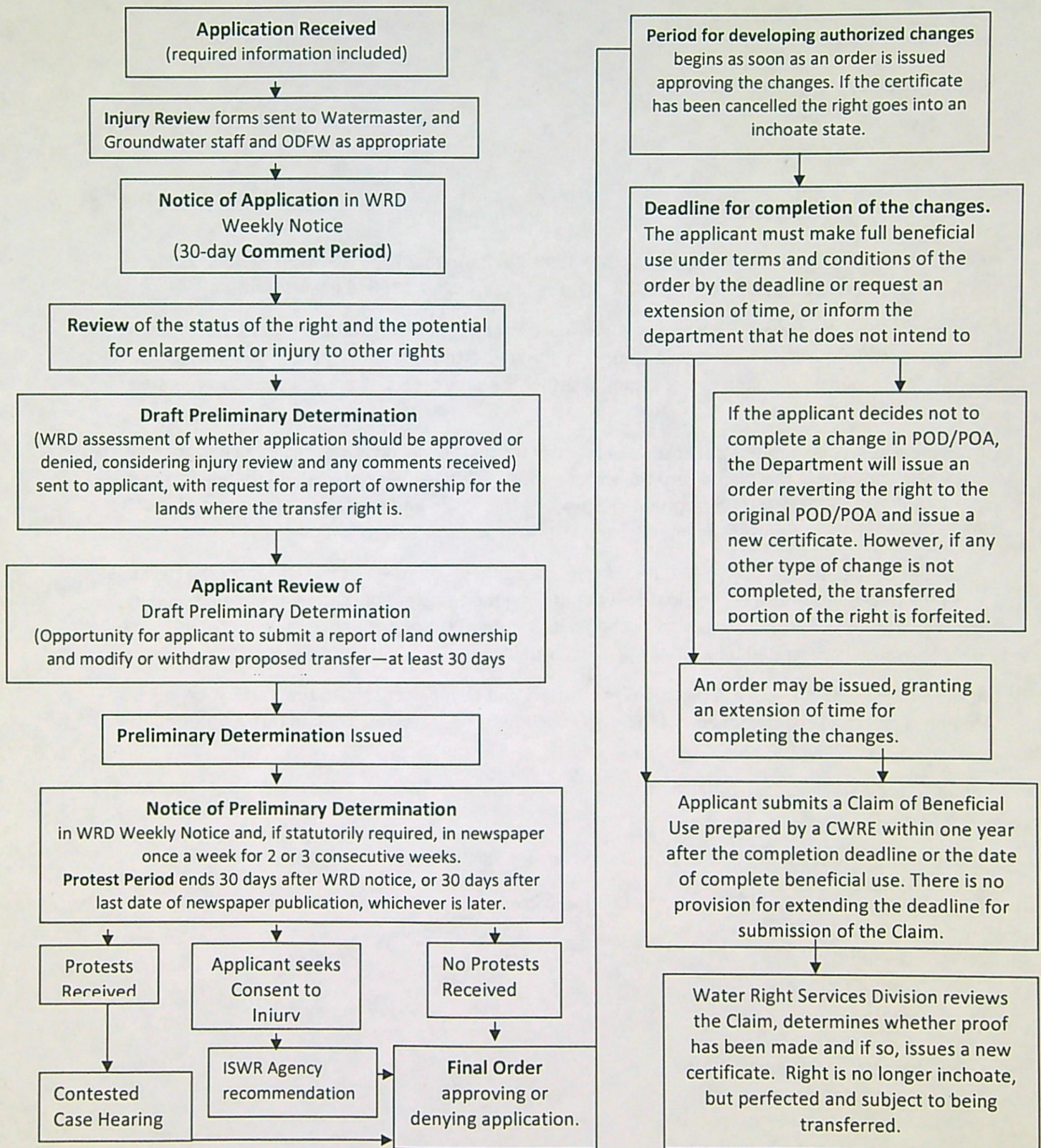
Cc: Watermaster Dist. #11, Jeremy T. Giffin (*via email*)  
John A. Short, Agent  
La Pine Cooperative Water Association  
Tumalo Irrigation District  
Central Oregon Irrigation District  
Ann Reece  
Bureau of Reclamation  
Deschutes County

Enclosure



## Regular Transfer Process (including "Proving Up" on the changes)

OAR 690 Division 380





**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **136673**

INVOICE # \_\_\_\_\_

RECEIVED FROM: Central Land Cattle Company

BY: LLC

APPLICATION	
PERMIT	
TRANSFER	<u>T-13857</u>

CASH: ☐ CHECK# 8010 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 125.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES

0412 OTHER: (IDENTIFY) 47124 Transfer R11331-23

\$ 125.00

0243 I/S Lease \_\_\_\_\_

0244 Muni Water Mgmt. Plan \_\_\_\_\_

0245 Cons. Water \_\_\_\_\_

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

0407 COPY & TAPE FEES

\$ \_\_\_\_\_

0410 RESEARCH FEES

\$ \_\_\_\_\_

0408 MISC REVENUE: (IDENTIFY) \_\_\_\_\_

\$ \_\_\_\_\_

TC162 DEPOSIT LIAB. (IDENTIFY) \_\_\_\_\_

\$ \_\_\_\_\_

0240 EXTENSION OF TIME

\$ \_\_\_\_\_

**WATER RIGHTS:**

**EXAM FEE**

**RECORD FEE**

0201 SURFACE WATER

\$ \_\_\_\_\_

0202

\$ \_\_\_\_\_

0203 GROUND WATER

\$ \_\_\_\_\_

0204

\$ \_\_\_\_\_

0205 TRANSFER

\$ \_\_\_\_\_

**WELL CONSTRUCTION**

**EXAM FEE**

**LICENSE FEE**

0218 WELL DRILL CONSTRUCTOR

\$ \_\_\_\_\_

0219

\$ \_\_\_\_\_

LANDOWNER'S PERMIT

0220

\$ \_\_\_\_\_

OTHER (IDENTIFY) \_\_\_\_\_

**0536 TREASURY 0437 WELL CONST. START FEE**

0211 WELL CONST START FEE

\$ \_\_\_\_\_

CARD# \_\_\_\_\_

0210 MONITORING WELLS

\$ \_\_\_\_\_

CARD# \_\_\_\_\_

OTHER (IDENTIFY) \_\_\_\_\_

**0607 TREASURY 0467 HYDRO ACTIVITY**

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\_\_\_\_\_

\$ \_\_\_\_\_

0231 HYDRO LICENSE FEE (FW/WRD)

\_\_\_\_\_

\$ \_\_\_\_\_

HYDRO APPLICATION

\$ \_\_\_\_\_

**TREASURY OTHER / RDX**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_

OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_

DESCRIPTION \_\_\_\_\_

\$ \_\_\_\_\_

RECEIPT: **136673**

DATED: 10-22-2021 BY: [Signature]





OREGON WATER RESOURCES DEPARTMENT  
TRANSFER REIMBURSEMENT AUTHORITY  
ESTIMATE APPLICATION



ORS 536.055 authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement.

**Please contact Transfer Personnel before submitting this request; as the application fee is a non-refundable \$125.00 fee per request. Checks submitted for this application should be separate from Transfer fees.**

The purpose of this application is to obtain estimates of the cost and time required to process a Transfer Application Request. **There is a non-refundable application fee of \$125.00 per request.**

REQUEST	TYPE	FILE NUMBER
<input checked="" type="checkbox"/>	Transfer Application	Transfer Number <u>T-13857</u> <del>tbl</del>

	Applicant Information	Applicant's Representative/Contact
Name:	Kameron Delashmutter / Pinnacle Utilities, LLC & Central Land and Cattle Co., LLC	Bryce Withers / Water Right Services, LLC
Address:	2477 NW Canyon Dr	PO Box 1830
	Redmond, OR 97756	Bend, OR 97709
Phone:	541-350-8479	541-389-2837
Fax:		
E-Mail Address:	kameron1959@gmail.com	johnshort@usa.com

I understand the following:

- That upon receipt of my non-refundable application fee of **\$125.00**, OWRD will, within fourteen (14) days, notify me in writing of the estimate of costs and time frame for the expedited service.
- That this fee covers the reimbursement authority staff to evaluate and provide the estimate for processing of the request.
- That OWRD will, within fourteen (14) days, notify me in writing of the estimates of costs and time frame for the expedited service.
- That upon receiving the estimate I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate application may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.
- Send completed Application and payment to:

Oregon Water Resources Department  
Transfer Reimbursement Authority Program  
725 Summer St. NE, Suite A  
Salem, OR 97301-1271

Received by OWRD

OCT 22 2021

Salem, OR

I certify that I am the (check one):

☒ Applicant ☐ Applicant's Representative ☐ Other (Please specify) \_\_\_\_\_

Name: Bryce Withers

Signature: BW

OWRD USE ONLY: Reimbursement Authority Number: R11-331 -23



STATE OF OREGON  
WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **136998**

INVOICE # \_\_\_\_\_

RECEIVED FROM: \_\_\_\_\_

BY: \_\_\_\_\_

CASH: ☐ CHECK: # 8041 OTHER: (IDENTIFY) \_\_\_\_\_

APPLICATION \_\_\_\_\_

PERMIT \_\_\_\_\_

TRANSFER T-13857

TOTAL REC'D \$ 2,451.17

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407

COPIES

47124

R11331-23

\$

0412

OTHER:

(IDENTIFY)

Transfer Reimbursement Authority

\$

2,451.17

0243 I/S Lease \_\_\_\_\_

0244 Muni Water Mgmt. Plan \_\_\_\_\_

0245 Cons. Water \_\_\_\_\_

**4270 WRD OPERATING ACCT**

MISCELLANEOUS

0407

COPY & TAPE FEES

\$

0410

RESEARCH FEES

\$

0408

MISC REVENUE: (IDENTIFY) \_\_\_\_\_

\$

TC162

DEPOSIT LIAB. (IDENTIFY) \_\_\_\_\_

\$

0240

EXTENSION OF TIME

\$

WATER RIGHTS:

EXAM FEE

RECORD FEE

0201

SURFACE WATER

\$

0202

\$

0203

GROUND WATER

\$

0204

\$

0205

TRANSFER

\$

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218

WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER

(IDENTIFY) \_\_\_\_\_

**0536 TREASURY 0437 WELL CONST. START FEE**

0211

WELL CONST START FEE

\$

CARD#

0210

MONITORING WELLS

\$

CARD#

OTHER

(IDENTIFY) \_\_\_\_\_

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

0233

POWER LICENSE FEE (FW/WRD)

\$

0231

HYDRO LICENSE FEE (FW/WRD)

\$

HYDRO APPLICATION

\$

**TREASURY OTHER / RDX**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_

OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_

DESCRIPTION \_\_\_\_\_

\$

RECEIPT: **136998**

DATED: 12-6-2021

BY: [Signature]



**REIMBURSEMENT AUTHORITY  
APPLICANT'S AGREEMENT  
Contract Number: R11-331-23**

RECEIVED

DEC 06 2021

**OWRD**

This Agreement is between the **Oregon Water Resources Department**, hereafter OWRD, and Pinnacle Utilities, LLC & Central Land & Cattle Company, LLC, hereafter Applicant, hereafter known together as the parties.

**OWRD Information**

Contact: **Kelly Starnes**  
Title: Transfer Advisor  
Address: 725 Summer Street, NE, Suite A  
Salem, OR 97301-1266  
  
Phone: 503 986-0886  
Fax: 503 986-0901  
Email: [patrick.k.starnes@oregon.gov](mailto:patrick.k.starnes@oregon.gov)

**Applicant's Information**

Name: Pinnacle Utilities, LLC & Central  
Land & Cattle Company, LLC  
Contact: Kameron Delashmutt  
Address: 2477 NW Canyon Dr.  
Redmond, OR 97756  
  
Phone: (541) 350-8479  
Fax:  
Email: [kameron1959@gmail.com](mailto:kameron1959@gmail.com)

**Applicant's Representative**

Name: Water Right Services, LLC  
Contact: Bryce Withers  
Address: PO Box 1830  
Bend, OR 97709  
  
Phone: (541) 389-2837  
Fax:  
Email: [johnshort@usa.com](mailto:johnshort@usa.com)

**Purpose** The purpose of this Agreement is to expedite the processing of the **Transfer Application**. (**Application Number: T-13857**)

1. **Authority.** The OWRD has been authorized pursuant to ORS 536.055 to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
2. **Restrictions.** Applicant and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
3. **Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service.
4. **Consideration.**
  - a. Applicant shall pay OWRD in advance for actual costs incurred by OWRD. The estimated maximum reimbursement payable to OWRD under this Agreement is **\$2,451.17**. Applicant agrees to pay the full amount of **\$2,451.17** to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost.
  - b. The costs stated in this Agreement do not include the statutory application processing and filing fees.
5. **Confidentiality.** Applicant agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
6. **Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs, and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.



7. **Termination.** Applicant may request to terminate this agreement only in writing at anytime during the process. The Applicant agrees to pay for the work done by OWRD up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant, will refund any unspent balance.
8. **Funds Authorized and Available.** By its execution of this Agreement, Applicants certify that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.
9. **Duration of Estimate.** The Estimate of Time to completion is **approximately** 120 days once this Agreement has been fully executed and payment of the estimated cost deposited. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant may need to re-apply for a new estimate. NOTE: Any time estimate is approximate; No guarantee of Final Order issuance of a date is certain. Duration estimates do not include any statutory waiting periods.
10. **Completion Date.** OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information. **IMPORTANT:** Due to COVID-19 and actions taken by the State of Oregon to facilitate teleworking as a tool to help prevent the spread of the disease, Department processes for Reimbursement Authority may be unavoidably delayed.
11. **Captions.** The captions or headings in this Agreement are for the convenience only and in no way define, limit, or describe the scope, or intent, of any provision of this Agreement.
12. **Amendment and Merger.** The terms of this Agreement shall not be waived, altered, modified, supplemented, or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.
13. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

For Applicant: \_\_\_\_\_

Name/Title: \_\_\_\_\_

For OWRD: \_\_\_\_\_

Dwight French - Administrator

12/3/21  
Date

12-8-2021  
Date

Mail signed Agreement to:

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

RECEIVED

DEC 06 2021

OWRD



KAMERON DELASHMUTT/PINNACLE UTILITIES LLC & CENTRAL LAND & CATTLE CO. LLC RA R11-331-23 T-13857				
Front Desk Staff receipts received AA funds				
Transfer Support process Application				
Administrator signs AA				
NRS 1 Support enters workflow record in WRIS and updates RA spreadsheet				
NRS 2 completes initial review of file for deficiencies				
NRS 2 consults with Kelly and/or Lisa				
NRS 2 writes and sends deficiency ltr (email and hard copy)				
NRS 2 addresses correspondence from app/agent regarding deficiencies				
Watermaster completes review				
Groundwater completes review				
NRS 2 completes DPD, PN, and RR				
Transfer staff peer reviews DPD, PN, RR				
Transfer Analyst completes policy check at DPD stage				
NRS 2 sends DPD to app/agent by email and/or mail				
NRS 2 drafts and sends revised DPD				
Transfer Staff peer reviews revised DPD				
Transfer Analyst peer reviews revised DPD				
NRS 2 reviews report of ownership				
NRS 2 completes PD				
Transfer Staff peer reviews PD				
Transfer Analyst peer reviews PD				
Data Center reviews PD AND RR				
Transfer Analyst completes peer review of PN review for newspaper noticing				
Transfer Support requests newspaper quote for PN publishing				
NRS 2 sends publishing fee request to applicant				
Transfer Support processes fee and newspaper publishing				
Transfer Support processes public notice (dept notice)				
Administrator signs PD				
NRS 2 completes FO				
Transfer Staff peer reviews FO				
Transfer Analyst peer reviews FO				
Administrator signs FO				
Transfer Support issues FO, updates WRIS, copy to file, record markings, and sends hard copy				
NRS 1 closes out RA Contract				
TOTAL ESTIMATE HOURS		47.49		
			TOTAL	\$2,451.17