Receipt # 122 7 7 5 126 7 7 3

Receipt #

Regular

Name The Wild Waters Revocab	le						
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Healdsburg, CA 95448		1 1-11			Date 2/27/17	Amount \$1,450.00	Receip 122
	Name of Stream A	wen			5/25/18	129.60	126
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Change in POU, POYA	1110.01_00082 \$	sommer Law	s basin				
Date Filed 2-27-17	Use Irrigation	1 Sixo. Irrigation	County Lake	um 12			
Initial notice date 3-7-17	Quantity of water (CFS)	1 Sup. Irrigation	No. of Acres				
DPD issued date 4-30-18	Name of ditch						
PD issued date 6-/8-18	App# 6-7704	Per # G - 7160	Cert #_ 91901	_ PR Date 1977			
PD notice date 6 - 19 - 18	App#	Per #		PR Date		FEES REFU	NDED
Date of FOVolPage	App#				Date	Amount	Rece
	App#	Per #					
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COBU Received date					-		
Certificate issued			,				
Assignments:							
Irrigation District							
inigation District							
Agent Hollie Cannon - Water Right	- Solutions, L	_C					
3246 Hammer St. Wanath	Falls, OR 976	03					
CWRE	70000						
CC's list							
- Oversized map - Location							



February 23, 2021

Kirk B. Maag 760 SW Ninth Avenue, Suite 3000 Portland, OR 97205 D. 503.294.9546 kirk.maag@stoel.com

VIA EMAIL

Ms. Patricia McCarty
Protest Program Coordinator
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271

Re: Protest of Transfer No. T-12595; Certificate 91901

Dear Patricia:

As you know, Stoel Rives LLP represents Florence M. Albertson regarding her protest of the preliminary determination dated June 18, 2018 for Water Right Transfer No. T-12595 (the "Determination"). I am not aware that the Oregon Water Resources Department ("Department") has taken any action regarding Ms. Albertson's protest since it was filed on August 3, 2018. Ms. Albertson remains interested in resolving the protest in a manner that is consistent with her rights in Water Right Certificate No. 91901.

The application underlying Transfer No. T-12595 (the "Transfer Application") proposed to change the point of appropriation and the place of use under portions of Certificate 91901. You recently inquired as to whether Ms. Albertson would be willing to withdraw her protest if The Wild Waters Revocable Living Trust ("Trust") withdrew its request to change the place of use and pursued only a change in the point of appropriation for a portion of Certificate 91901. Ms. Albertson is currently unwilling to withdraw her protest. However, Ms. Albertson remains open to discussions with the Trust regarding resolution of the issues raised in her protest.

Ms. Albertson recently learned that the Trust has offered to sell the real property that is included within the place of use that would be affected by the Transfer Application. Any prospective purchaser of that real property should be made aware of the pending protest regarding Transfer No. T-12595 and its potential effect on ownership of the water rights evidenced by Certificate 91901.

On behalf of Ms. Albertson, I request that the Department place a copy of this letter in the files associated with Application No. G-7704 and Transfer No. T-12595 to ensure that the record accurately reflects that Ms. Albertson's protest of Transfer No. T-12595 remains unresolved. The Department should also place in those files any correspondence to or from the Department

Ms. Patricia McCarty February 23, 2021 Page 2

regarding the protest. Ms. Albertson renews her request that the Department deny the Transfer Application because it does not comply with applicable laws.

Please let me know if you have any questions regarding this letter.

Very truly yours,

Kirk B. Maag

MCCARTY Patricia E * WRD

From:

FRENCH Dwight W * WRD

Sent:

Tuesday, August 07, 2018 11:43 AM

To:

MCCARTY Patricia E * WRD

Subject:

FW: Protest of T-12595

Meant to cc you on the last message.

Dwight

Dwight French

Water Right Services Division Administrator Oregon Water Resources Department dwight.w.french@oregon.gov 503-986-0819



From: FRENCH Dwight W * WRD

Sent: Tuesday, August 07, 2018 11:43 AM

To: 'Hollie Cannon'

Subject: RE: Protest of T-12595

Hollie

Thanks for the message. I'm looping in Patricia McCarty who is our Protest Program Coordinator so she can join me in considering your questions.

Dwight

Dwight French

Water Right Services Division Administrator Oregon Water Resources Department dwight.w.french@oregon.gov 503-986-0819



From: Hollie Cannon [mailto:hcannon@waterrightsolutions.com]

Sent: Tuesday, August 07, 2018 10:19 AM

To: FRENCH Dwight W * WRD Subject: Protest of T-12595

Dwight

I have read the protest of T-12595 presented by Kirk Maag.

I am looking for options to give Wild Water Trust before I tell him to get an attorney. My thoughts are

- 1. Can Wild Waters Trust withdraw the transfer application and receive reimbursement of the application fee?
- 2. With Wild Water approval, can OWRD cancel Certificate 91901 and reissue a new certificate without Wild Waters listed on the Certificate?

Hollie Cannon Water Right Solutions, LLC Office: 409 Pine St, #311 Klamath Falls, OR Mail: 3246 Hammer St

Klamath Falls, OR 97603 Phone: 541-821-5848

STATE OF OREGON WATER RESOURCES DEPARTMENT

RECEIPT # 127530

725 Summer St. N.E. Ste. A SALEM, OR 97301-4172

INVOICE # _

			(203) 886-0800 /	(503) 986-0904 (18	ix)	
RECI	EIVED FROI	M: STOEL	RIVES	LLP	APPLICATION	
BY:					PERMIT	
					TRANSFER	T-12595
CAS	н: сі 1	1 914878			TOTAL REC'D	s 810.00
_		11701a			TOTAL REC D	9 010.
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		MISCELLANEOUS				
	0407	COPY & TAPE FEES		4723	5	\$
	0410	RESEARCH FEES				\$
	0408	MISC REVENUE: (\$			
	TC162	DEPOSIT LIAB. (ID	D. F. Carrier Co. Co. Co.			\$
	0240	EXTENSION OF TIM	/E			\$
		WATER RIGHTS:		EXAM FEE		RECORD FEE
	0201	SURFACE WATER		S	0202	\$
	0203	GROUND WATER		\$	0204	\$
	0205	TRANSFER		s		
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	_0223	OTHER	(IDENTIFY)	Protest	Fees	\$ 810.00
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	0211	WELL CONST STAF		S	CARD#	
	0210	MONITORING WELL		S	CARD#	
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		1	(IDENTIFY)			
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	0233	POWER LICENSE F	EE (FW/WRD)			\$
	0231	HYDRO LICENSE F	EE (FW/WRD)			\$
		HYDRO APPLICATION	NC			\$
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	OBJ. CODE		VENDOR #	40000		
	DESCRIPT	ION		indiana Aug		\$

RECEIPT: 127530 DATED: 8

RECEIVED

STATE OF OREGON WATER RESOURCES DEPARTMENT WATER RIGHTS DIVISION

AUG 0 3 2018

OWRD

Before the Director of the Water Resources Department

In the Matter of Water Right)	PROTEST OF FLORENCE M.
Transfer No. T-12595 Submitted)	ALBERTSON AND REQUEST FOR
by The Wild Waters Revocable)	CONTESTED CASE HEARING
Living Trust)	

Pursuant to ORS 540.520(6) and OAR 690-380-0900, Florence M. Albertson protests the preliminary determination (the "Determination") dated June 18, 2018 for Water Right Transfer No. T-12595 (the "Transfer"). A copy of the Determination is attached to this Protest as Exhibit A, and a copy of the Transfer application (the "Application") is attached to this Protest as Exhibit B. The Application proposed to change the point of appropriation and place of use for a portion of Water Right Certificate 91901. The Determination proposes to approve the Application. As explained in this Protest, the proposed transfer must be denied because it does not comply with applicable laws and would unlawfully deprive Ms. Albertson of her property rights in Certificate 91901.

A protest must be filed within 30 days after the last publication of a newspaper notice of the proposed transfer or publication in the Oregon Water Resources Department's (the "Department") weekly notice, whichever is later. ORS 537.153(7). The last published notice of the Determination appeared in the *Lake County Examiner* on July 4, 2018. This Protest is filed within 30 days after that date and is timely filed. Ms. Albertson requests a contested case hearing.

1. Protestant's Name, Address, and Telephone Number

The Protestant's contact information is as follows:

Florence M. Albertson 91926 Dog Lake Ln. Lakeview, OR 97630 (541) 947-2822

Orders, notices, and other correspondence (including by telephone) concerning this matter should be sent to legal counsel representing Ms. Albertson in this matter as follows:

Kirk B. Maag Stoel Rives LLP 760 SW Ninth Ave., Suite 3000 Portland, OR 97205 (503) 294-9546 kirk.maag@stoel.com

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AUG 0 3 2018

2. Factual Background

OWRD

Ms. Albertson is an 88-year-old widow who resides in Lake County, Oregon. Ms. Albertson's late husband, Jack Albertson, was the sole applicant for Water Use Permit G-7160 (the "Permit"), which is the permit underlying Certificate 91901. The Department issued the Permit to Mr. Albertson on February 8, 1977. The Permit authorized supplemental irrigation of 120.0 acres of land owned by the Albertsons. The Permit also authorized primary irrigation of 103.8 acres of land not owned by the Albertsons (the "Sundet Property"). The "Remarks" section of the Permit explicitly noted that the primary irrigation rights were appurtenant to property leased by the Albertsons and evidenced the Albertsons' sole ownership of those rights. Thus, despite the fact that the Albertsons owned only a portion of the authorized place of use, they were the *sole holders and owners of the Permit*.

The Albertsons' sole ownership of the Permit was acknowledged in a lease dated February 17, 1977 between the Albertsons, as lessees, and Alberta Towle Severin, as lessor (the "Lease," attached to this Protest as Exhibit C). The Lease, which covered the Sundet Property, contained the following provision related to water rights: "Lessees now have water rights covering the property herein, and it is understood that this right is a personal right and at the conclusion of the lease said rights shall remain with the Lessees and will not inure to the land." (Emphasis added.)

At the time the parties entered into the Lease, Ms. Severin was under contract to purchase the Sundet Property from William and Lillian Sundet, who also signed the Lease and consented to its terms. That is, both Ms. Severin, who was purchasing the Sundet Property, and the Sundets, who were selling that property, disclaimed any interest in or right to the Permit—permanently severing any claim of entitlement by owners of the Sundet Property to the Permit. The Wild Waters Revocable Living Trust (the "Trust"), which now owns the Sundet Property, could not have acquired any interest in or right to the Permit because the Trust's predecessors-in-interest lacked any such interest or right, and the Permit was not appurtenant to the Sundet Property.

Ms. Albertson continued leasing the Sundet Property from Ms. Severin's successors-ininterest for decades under the terms of the Lease, with lease payments increasing over time. At
some point, Ms. Albertson's son assumed her rights and obligations under the Lease. This
continued through August 6, 2016, when John A. Cutino II and Susan Giselle Cutino (the
"Cutinos"), who are purportedly the trustees of the Trust, informed Ms. Alberton's son and
daughter-in-law that the property was no longer available for lease.

In 2001, the Albertsons submitted to the Department a Request for Assignment related to the Permit. Pursuant to the request, the rights evidenced by the Permit were assigned to the Albertsons and Northwest Farm Credit Services ("Northwest FCS"). The Albertsons have not subsequently assigned, or consented to any subsequent assignment of, their rights to the Permit. The Department's application file associated with the Permit does not contain any subsequent assignments from the Albertsons or Northwest FCS.

AUG 0 3 2018

On July 11, 2016, the Department received a Request for Assignment from the signed by the Cutinos (the "Assignment Request," attached to this Protest as Exhibit D). The Assignment Request purported to evidence a partial assignment of the Permit to the Trust. However, the Assignment Request did not comply with laws applicable to assignments and contained multiple misrepresentations; these issues are further discussed in Section 4.c below. As a result, the attempted partial assignment was invalid and does not bind Ms. Albertson or the Department. Neither Ms. Albertson nor Northwest FCS signed, approved, or otherwise consented to the Assignment Request, and neither Ms. Albertson nor Northwest FCS received notice of the Assignment Request before it was submitted to the Department.

The Department acknowledged receipt of the Assignment Request in a letter dated July 14, 2016. Ms. Albertson received a copy of this letter. Because the letter did not describe a process for challenging or objecting to the partial assignment, Ms. Albertson contacted the Lake County Watermaster and informed him that the Trust was not an owner of the Permit. Ms. Albertson asked what steps she could take to protect her rights in the Permit, but the watermaster did not assist Ms. Albertson in resolving her concerns and led her to believe there was nothing she could do. Ms. Albertson relied, to her detriment, on this erroneous advice from the watermaster.

On September 19, 2016, the Department issued Certificate 91901, which confirmed the right to use water perfected under the Permit.² The certificate authorizes primary irrigation of 103.3 acres and supplemental irrigation of 117.6 acres. The certificate was issued to the Albertsons, Northwest FCS, and the Trust. Based on a review of the application file associated with the Permit, it does not appear that the Department ever sent Ms. Albertson a proposed version of either Certificate 91840 or 91901 that identified the Trust as a holder. But the Department *did* email a proposed version of Certificate 91840 to Hollie Cannon, agent for the Trust, on September 8, 2016. The Department did not provide that same opportunity to Ms. Albertson.

The only basis for listing the Trust as a holder of Certificate 91901 was the invalid Assignment Request. On June 17, 2016, before the Department received the Assignment Request, the Department mailed a proposed certificate to Ms. Albertson. The proposed certificate correctly identified the Albertsons and Northwest FCS as the only holders.

The Department received the Application on February 27, 2017. Once Ms. Albertson learned of the Application, she engaged Stoel Rives to protect her ownership interest in Certificate 91901. Stoel Rives sent multiple letters to the Department and had multiple telephone conservations with various Department employees in an effort to explain why the

¹ This was about one month *before* the Trust notified Ms. Albertson's son and daughter-in-law that the Sundet Property was no longer available for lease.

² Certificate 91901 was issued to correct a scrivener's error in Certificate 91840 (issued on September 12, 2016), which incorrectly referred to the Trust as the "Wild *Rivers* Revocable Living Trust" (emphasis added).

AUG 0 3 2018

Trust has no interest in or right to Certificate 91901. On at least two separate occasions. OPED Department employees acknowledged that the Assignment Request did not comply with applicable laws, yet the Department has stubbornly refused to take any action to correct this error. The Determination fails to mention that Ms. Alberton has repeatedly informed the Department that the Trust has no ownership interest in Certificate 91901 and, therefore, lacks authority to pursue the Transfer.

3. Ms. Albertson's Interest in the Determination

The Transfer, if approved, would allow the Trust to unilaterally transfer 103.3 acres of primary irrigation right under Certificate 91901 to a new place of use, despite the fact that the Trust has no interest in or right to Certificate 91901. The Transfer would deprive Ms. Albertson of her interest in and right to a significant portion of Certificate 91901, which represents a valuable property interest.³ To apply for and develop their rights under the Permit, the Albertsons incurred significant costs. These costs were not shared by the Trust or its predecessors-in-interest.

Subject to Northwest FCS's interest as creditor, Ms. Albertson is the sole owner of the rights evidenced by Certificate 91901. As such, Ms. Albertson—not the Trust—has the authority to transfer the primary irrigation rights under Certificate 91901 to a new place of use. This would allow Ms. Albertson to either put the primary irrigation rights to direct use on property she owns or controls or sell the primary irrigation rights to a third party. Unless modified, the Determination would allow the Trust to strip Ms. Albertson of her interest in and right to 103.3 acres of primary irrigation right, without compensating Ms. Albertson.

4. Arguments

a. The Department is required to return the Application and fee to the Trust because the Application was deficient.

The Application was not accompanied by the required fee and must be returned to the Trust. See OAR 690-380-4000(2). A transfer application must contain the information listed in OAR 690-380-3000. This includes "[t]he appropriate fee as required under ORS 536.050, less any portion waived pursuant to OAR 690-380-3400." OAR 690-380-3000(25). "If the Department determines that the application does not include the required information . . . , the Department shall return the application and any fees to the applicant along with a written description of the deficiencies in the application." OAR 690-380-4000(2) (emphasis added).

Here, the Application was not accompanied by the fee required under ORS 536.050. A check for \$1,450.00 was submitted with the Application, but the fee required under ORS 536.050 at that time was \$2,450.00. The correct fee would have been calculated as follows:

³ The Transfer also ignores the rights of Northwest FCS, including its rights under UCC Lien No. 90704788.

Fee	Amount	Citation
Base*	\$1,000.00	ORS 536.050(1)(h)(A)
Additional Type of Change	\$800.00	ORS 536.050(1)(h)(B)
Additional Rate	\$300.00	ORS 536.050(1)(h)(C)
Additional Point of Appropriation	\$350.00	ORS 536.050(1)(h)(E)
Total	\$2,450.00	
*Includes one type of change to one v	vater right for up to 1	1.0 cfs.

Because the Application was not accompanied by the required fee, the Department must return the Application and fee to the Trust. See OAR 690-380-4000(2). The Department lacks discretion to accept a late payment to address the deficiency. See id.

b. The Trust failed to provide a report of ownership information by the deadline specified by the Department.

The Department should deny the Application because the Trust failed to provide a report of ownership. See OAR 690-380-4010(5). Upon receiving a draft preliminary determination, an applicant must submit the information listed in OAR 690-380-4010(5). This includes "[a] report of ownership information as defined in OAR 690-380-0100(10) for the land to which the water right is appurtenant." OAR 690-380-4010(5)(a). A "report of ownership information" is "a document prepared by a title company that includes ownership and a legal description of the lands to which the water right is appurtenant." OAR 690-380-0100(10) (emphases added).

Here, an interoffice memorandum from Ken Dowden dated May 9, 2018 suggests that the Department received a report of ownership information. (See attached Exhibit E, hereinafter the "Dowden Memo.") However, no document that meets the definition of a "report of ownership information" is contained in the transfer file. The transfer file does include a five-page document titled "Lake County Property Summary Report," which includes the words "Property Information Report" in the footer of each page (see attached Exhibit F), but this document does not meet the definition of a "report of ownership information." The document appears to have been prepared by Lake County, not by a *title company*, as required under the applicable rules. Moreover, the document does not include a *legal description* of the property to which Certificate 91901 is appurtenant.

The Department's cover letter dated April 30, 2018 that accompanied the draft preliminary determination provided a deadline of May 30, 2018 for the Trust to provide the report of ownership information. The letter explained that, if the Department did not receive the report by the deadline, the Department may issue a preliminary determination denying the Application. Consistent with the letter, the Department should deny the Application as incomplete.

c. The Trust lacks any interest in or right to Certificate 91901 and is prohibited from pursuing this Transfer without the consent of Ms. Albertson and Northwest FCS.

As explained above, the Albertsons were the sole holders and owners of the Permit until they assigned an interest in the Permit to Northwest FCS in 2001. The Cutinos submitted the

AUG 0 3 2018

Assignment Request in 2016, without providing notice to Ms. Albertson or Northwest Popurported assignment did not comply with applicable laws and is not binding on the Department, Ms. Albertson, or Northwest FCS. Therefore, the purported assignment did not (and could not) convey any interest or right from Ms. Albertson or Northwest FCS to the Trust.

Under ORS 537.220(2), a request for assignment must "identify the current record owners of all property described in the application, permit or license." The assignor must furnish "proof acceptable to the department that notice of assignment has been given or attempted for each identified property owner not a party to the assignment." ORS 537.220(2). The Department's Request for Assignment form lists the following examples of types of acceptable proof: "a copy of a returned certified mailing, copy of a Death Certificate, or a court order." Although the Cutinos acknowledged in the Assignment Request that Ms. Albertson was one of the holders of record, they did not attach any proof of notice to the Request for Assignment. Without such proof, the assignment did not satisfy the requirements of ORS 537.220(2) and was not binding upon Ms. Albertson or the Department. See ORS 537.220(1).

Only the permit *holder* has the right to request assignment of a permit. OAR 690-320-0600(1). Here, the permit holders as of July 11, 2016 were Ms. Albertson and Northwest FCS. The Department's rules provide alternative procedures for requesting assignment of a permit if the holder is *unavailable*. ORS 690-320-0060(2). But here, there is no evidence in the application file that the holders were unavailable. In fact, Ms. Albertson was available but was not contacted by the Trust before it submitted the Request for Assignment.

The Assignment Request was also invalid because the Cutinos made misrepresentations in it. They represented that they had "the legal right to request assignment." But based on the Lease, the transfer file for T-12595, and the application file for the Permit, neither the Trust nor the Cutinos had such right. Neither the Trust nor the Cutinos were the record holder (or owner) of the Permit, and the Cutinos did not furnish evidence that the record holders were unavailable. The Cutinos also represented that they had "not been able to contact the owner(s) of record for [the permit]." But Ms. Albertson's contact information was known or available to the Cutinos when they submitted the Request for Assignment. These misrepresentations provide an independent basis for finding that the assignment was invalid and does not bind Ms. Albertson or the Department.

At least two Department employees have acknowledged that the Assignment Request did not satisfy ORS 537.222(2). Yet the Department has refused to update its records to reflect that the Assignment Request was invalid. But regardless of whether the Department updates its records, it is clear that the Assignment Request did not satisfy ORS 537.222(2) and, therefore, did not (and could not) convey any interest or right to the Trust. Because the purported assignment was the only basis for listing the Trust on the face of Certificate 91901, the fact that the Trust is listed on the face of the certificate does not create an ownership interest in Certificate 91901 where none otherwise exists.⁴

⁴ Because the Department does not issue new certificates to reflect changes in ownership, the parties listed on the face of a certificate do not prove current ownership of the certificate.



Finding of Fact No. 3 in the Determination states that "the applicant . . . provided the RD necessary information to demonstrate that the applicant is authorized to pursue the transfer RD Based on the facts and arguments presented in this Protest, this finding is erroneous and must be corrected. Because the Trust lacks any interest in or right to Certificate 91901, it cannot pursue the Transfer without the consent of Ms. Albertson and Northwest FCS.

d. Certain Findings of Fact in the Determination are inconsistent with evidence contained in the transfer file.

Finding of Fact No. 3 in the Determination states that "the applicant agreed to the terms and conditions of the draft Preliminary Determination" and "requested the Department proceed with issuance of the Preliminary Determination." The transfer file does not contain any written correspondence from the Trust to support these findings. The Dowden Memo summarized a telephone conversation in which Mr. Cutino stated that "they thought the draft of the preliminary Determination was fine." But the cover letter that accompanied the draft preliminary determination required the Trust to provide a "written response to the conditions and proposed actions in the draft Preliminary Determination." (Emphasis added.) The transfer file does not contain a written response from the Trust. Consistent with the letter, the Department should deny the Application as incomplete because no written response was received by May 30, 2018.

Finding of Fact No. 3 in the Determination also states that "the applicant . . . provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer." The transfer file does not contain sufficient evidence to support this finding. Even if the Trust has an ownership interest in Certificate 91901 (which it does not), the transfer file does not contain any evidence to demonstrate (1) that the Cutinos are authorized to act as trustees on behalf of the Trust, or (2) that the Application was authorized in accordance with the Trust's governing documents.

Finding of Fact No. 10 in the Determination states: "Water has been used within the last five years prior to the submittal of Transfer Application T-12595 according to the terms and conditions of the right." This is inconsistent with the Watermaster Review Form that is contained in the transfer file. On that form, the watermaster checked "yes" in response to the following question: "Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would no likely be rebuttable?" (Underlining in original.) This discrepancy must be resolved by the Department before it can make a decision regarding the Application.

5. Protest Filing Requirements

This Protest is timely filed. Any person may submit a protest against a preliminary determination within 30 days after the last publication of a newspaper notice of the proposed transfer or publication in the Department's weekly notice, whichever is later. ORS 537.153(7). The Department published notice of the Determination in the *Lake County Examiner* on July 4, 2018. Therefore, any protests of the Determination must be submitted on or before August 3, 2018.



Ms. Albertson has included with this Protest the protest fee of \$810.00. See ONRD 536.050(1)(j)(A); OAR 690-380-4030(2).

Ms. Albertson has complied with the provisions of OAR 690-380-4030(2) and OAR 690-002-0030. The protest is in writing, is signed by the protestant's attorney, is accompanied by the statutory filing fee, and includes a detailed statement of:

- (a) Facts sufficient to show that the protestant is entitled to the relief or action requested;
- (b) The specific relief or action requested;
- (c) The name and address of the protestant and other person or persons necessary to, or having a direct interest in, the proceeding; and
- (d) Citation of legal authority or basis for the claim or relief asserted or requested.OAR 690-002-0030(1).

6. Conclusion and Request for Contested Case Hearing

Based on the foregoing, Ms. Albertson requests that the Department deny the Application because it does not comply with applicable laws. Ms. Albertson requests a contested case hearing for further consideration of this Protest.

DATED: August 3, 2018

Respectfully submitted,

Kirk B. Maag, OSB No. 105507 Of Attorneys for Florence M. Albertson



OWRD

CERTIFICATE OF SERVICE

I hereby certify that on August 3, 2018, I caused the original and one copy of the foregoing Protest of Florence M. Albertson and Request for Contested Case Hearing to be served by hand delivery to the following address:

Director Tom Byler Oregon Water Resources Department 725 Summer Street NE, Suite A Salem, OR 97301-1271

I hereby certify that on August 3, 2018, I served a copy of the foregoing Protest of Protest of Florence M. Albertson and Request for Contested Case Hearing by U.S. First-Class Mail to the following addresses:

The Wild Waters Revocable Living Trust c/o John A. Cutino II and Susan G. Cutino 5252 Mill Creek Road Healdsburg, CA 95448

Hollie Cannon Water Right Solutions LLC 3246 Hammer Street Klamath Falls, OR 97603

DATED: August 3, 2018

Kirk B. Maag, OSB No. 105507 Of Attorneys for Florence M. Albertson



AUG 0 3 2018

BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON



In the Matter of Transfer Application T-12595, Lake County

PRELIMINARY DETERMINATION
PROPOSING APPROVAL OF A

) CHANGE IN POINT OF

) APPROPRIATION AND A CHANGE IN

) PLACE OF USE

Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, 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

WILD WATERS REVOCABLE LIVING TRUST 5252 MILL CREEK RD. HEALDSBURG, CA 95448

Agent

HOLLIE CANNON WATER RIGHT SOLUTIONS, LLC 3246 HAMMER ST. KLAMATH FALLS, OR 97603

Findings of Fact

- On February 27, 2017, John Anthony Cutino II and Susan Giselle Cutino, Trustees, WILD WATERS REVOCABLE LIVING TRUST, filed an application proposing to change the point of appropriation and to change the place of use under portions of Certificate 91901. The Department assigned the application number T-12595.
- Notice of the application for transfer was published on March 7, 2017, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- 3. On April 30, 2018, the Department issued a draft Preliminary Determination proposing to approve Transfer Application T-12595. The draft Preliminary Determination cover letter set forth a deadline of May 30, 2018, for the applicant to respond. On May 9, 2018, the applicant agreed to the terms and conditions of the draft Preliminary Determination, requested the Department proceed with issuance of the Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
- 4. On May 1, 2018, the agent for the applicant requested that the proposed date for complete application of water be extended to allow additional time to guarantee adequate time to complete the project. The Department approved and extended the date by which the applicant must make full beneficial use of water under the terms and conditions of this transfer to October 1, 2021.

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

Certificate:

91901 in the name of WILD WATERS REVOCABLE LIVING TRUST

(perfected under Permit G-7160)

Use:

IRRIGATION OF 17.1 ACRES

Priority Date: FEBRUARY 8, 1977

Rate:

0.21 CUBIC FOOT PER SECOND

Limit/Duty:

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed

3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source:

A WELL within the GOOSE AND SUMMER LAKES BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	19 E	WM	6	SE SE	1280 FEET NORTH AND 1260 FEET WEST FROM THE SE CORNER OF SECTION 6

Authorized Place of Use:

		114	RIGAT	ION	
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	19 E	WM	5	NWNW	2.5
40 S	19 E	WM	5	SWNW	6.9
40 S	19 E	WM	6	SENE	7.7
				Total	17.1

6. Transfer Application T-12595 proposes to change the place of use of the right as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	19 E	WM	5	NWNW	4.6
40 S	19 E	WM	5	SWNW	5.8
40 S	19 E	WM	6	NENE	6.3
40 S	19 E	WM	6	SE NE	0.4
				Total	17.1

7. Transfer Application T-12595 proposes to change the point of appropriation for the above described new place of use northeast approximately 1550 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	19 E	WM	6	SE NE	2584.42 FEET SOUTH AND 525.17 FEET WEST FROM THE NE CORNER OF SECTION 6



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

Certificate: 91901 in the name of WILD WATERS REVOCABLE LIVING TRUST

(perfected under Permit G-7160)

Use: IRRIGATION OF 86.2 ACRES

Priority Date: FEBRUARY 8, 1977

Rate: 1.08 CUBIC FEET PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured

under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed

3.0 acre-feet per acre for each acre irrigated during the irrigation season of

each year.

Source: A WELL within the GOOSE AND SUMMER LAKES BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	19 E	WM	6	SE SE	1280 FEET NORTH AND 1260 FEET WEST FROM THE SE CORNER OF SECTION 6

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	19 E	WM	5	NWNW	25.9
40 S	19 E	WM	5	SWNW	16.9
40 S	19 E	WM	6	NE NE	12.4
40 S	19 E	WM	6	SE NE	31.0
				Total	86.2

 Transfer Application T-12595 proposes to change the point of appropriation for the above described 86.2 acres northeast approximately 1550 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	19 E	WM	6	SE NE	2584.42 FEET SOUTH AND 525.17 FEET WEST FROM THE NE CORNER OF SECTION 6

Transfer Review Criteria (OAR 690-380-4010)

- 10. Water has been used within the last five years prior to the submittal of Transfer Application T-12595 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.
- A well, pump, pipeline, and sprinkler system 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-12595.
- 12. The proposed change would not result in enlargement of the right.
- 13. The proposed change would not result in injury to other water rights.

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14. All other application requirements are met.

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Determination and Proposed Action

The change in point of appropriation and change in place of use proposed in Transfer Application T-12595 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-12595 is approved, the final order will include the following:

- The change in point of appropriation and change in place of use proposed in Transfer Application T-12595 are approved.
- 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 91901 and any related decree.
- 3. Water right Certificate 91901 is cancelled. A new certificate will be issued describing the portion of the right not affected by this transfer.
- 4. The quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.
- 5. 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 the new point of appropriation.
 - b. The water user shall maintain the meter or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meter or measuring devices; provided however, where the meter or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
- Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
- 7. The former place of use of the transferred right shall no longer receive water under the right.
- 8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before October 1, 2021. 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.

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

Dated at Salem, Oregon this

JUN 1 8 2018

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Dwight French, Water Wight Services Administrator, for

Thomas M. Byler, Director

Oregon Water Resources Department

This Preliminary Determination was prepared by Ken Dowden. If you have questions about the information in this document, you may reach me at 541-278-5456 or Ken.D.Dowden@oregon.gov

Protests should be addressed to the attention of Water Rights Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.

Notice Regarding Service Members: Active duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act. 50 U.S.C. App. §§501-597b. You may contact the Oregon State Bar or the Oregon Military Department for more information. The toll-free telephone number for the Oregon State Bar is: 1 (800) 452-8260. The toll-free telephone number of the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is: http://legalassistance.law.af.mil



Application for Permanent Water Right Transfer

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 CEIVED BY ONE DECEMBER.

Check all ite	ms included with this application. (N/A = Not Applicable) Part 1 – Completed Minimum Requirements Checklist. Part 2 – Completed Transfer Application Map Checklist. SALEM, OR SALEM, OR
	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. If you have questions, call Customer Service at (503) 986-0801.
	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: Certificate 91901 Please include a separate Part 5 for each water right. (See instructions on page 6)
,	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	Land Use Information Form with approval and signature (or signed land use form receipt stub). 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): Application fee not enclosed/insufficient Map not included or incomplete Land Use Form not enclosed or incomplete Additional signature(s) required Part is incomplete Other/Explanation Staff: 503-986-0 Date: / /

SAL	PHI, topps	fer application will be returned if any of the map requirements listed below are not met.
		sure that the transfer application map you submit includes all the required items and V he existing water right map. Check all boxes that apply. AUG 0 3 2018
×ι	\(\begin{align*} \text{N/A} \\ \text{N/A} \	Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see http://apps.wrd.state.or.us/apps/wr/cwre_license_view/ . CWRE standard 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.
\boxtimes		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, 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.
\boxtimes		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.
\boxtimes	□ 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°).

Types of change proposed: Place of Use	- The	FEE WORKSHEET for PERMANENT TRANSFER Part 3 of	5 - Fee	Worksheet
Types of change proposed: Year of Use Character of Use Point of Diversion/Appropriation	1	Base Fee (includes one type of change to one water right for up to 1 cts)	RE	CAFOONE
Character of Use Point of Diversion/Appropriation Number of above boxes checked = 2 (2a) Subtract 1 from the number in line 2a = 1 (2b) If only one change, this will be 0 Multiply line 2b by \$800 and enter » » » » » » » » » » » » » » » » » 2 Number of water rights included in transfer 1 (3a) Subtract 1 from the number in 3a above: 0 (3b) If only one water right this will be 0 Multiply line 3b by \$450 and enter » » » » » » » » » » » » » » » » 3 Do you propose to add or change a well, or change from a surface water POD to a well? No: enter 0 » » » » » » » » » » » » » » » » » »		Types of change proposed: RECEIVED BY OWRD		- Acres
Character of Use Point of Diversion/Appropriation Number of above boxes checked = 2 (2a) SALEM, OR Subtract 1 from the number in line 2a = 1 (2b) If only one change, this will be 0 2 Multiply line 2b by \$800 and enter » » » » » » » » » » » » » » » » 2 800 Number of water rights included in transfer 1 (3a) Subtract 1 from the number in 3a above: 0 (3b) If only one water right this will be 0 3 Multiply line 3b by \$450 and enter » » » » » » » » » » » » » » » 3 0 Do you propose to add or change a well, or change from a surface water POD to a well? No: enter 0 » » » » » » » » » » » » » » » » » »		⊠ Place of Use	1	AUG 0 3 2018
Point of Diversion/Appropriation Number of above boxes checked = 2 (2a) Salem, OR Subtract 1 from the number in line 2a = 1 (2b) If only one change, this will be 0 Multiply line 2b by \$800 and enter » » » » » » » » » » » » » » » » » » 2 800 Number of water rights included in transfer 1 (3a) Subtract 1 from the number in 3a above: 0 (3b) If only one water right this will be 0 3		Character of Use FEB 2 7 2017		2010
Subtract 1 from the number in line 2a = 1 (2b) If only one change, this will be 0 Multiply line 2b by \$800 and enter " " " " " " " " " " " " " " " " " " "		Point of Diversion/Appropriation	1	MADE
Subtract 1 from the number in line 2a = 1 (2b) If only one change, this will be 0 Multiply line 2b by \$800 and enter "" "" "" "" "" "" "" "" "" "" "" "" ""		ORICIVITIE		VVIII
Number of water rights included in transfer 1 (3a) Subtract 1 from the number in 3a above: 0 (3b) If only one water right this will be 0 3 Multiply line 3b by \$450 and enter » » » » » » » » » » » » » » » 3 0 Do you propose to add or change a well, or change from a surface water POD to a well? No: enter 0 » » » » » » » » » » » » » » » » » »		Subtract 1 from the number in line $2a = \frac{1}{2b}$ If only one change, this will be 0		
Subtract 1 from the number in 3a above: O(3b) If only one water right this will be 0 Multiply line 3b by \$450 and enter "" "" "" "" "" "" "" "" "" "" "" "" ""	2		2	800
Multiply line 3b by \$450 and enter				
Multiply line 3b by \$450 and enter » » » » » » » » » » » » » » 3 0 Do you propose to add or change a well, or change from a surface water POD to a well? No: enter 0 » » » » » » » » » » » » » » » » » »				
Do you propose to add or change a well, or change from a surface water POD to a well? No: enter 0 »» » » » » » » » » » » » » » » » » »	3		3	0
to a well? No: enter 0 »» » » » » » » » » » » » » » » » » »	3		3	0
No: enter 0 »» » » » » » » » » » » » » » » » » »				
4 Yes: enter \$350 » » » » » » » » » » » » » » » » » 4 350 Do you propose to change the place of use or character of use? No: enter 0 on line 5 » » » » » » » » » » » » » » » » » »				
Do you propose to change the place of use or character of use? No: enter 0 on line 5 » » » » » » » » » » » » » » » » » »	4		4	350
No: enter 0 on line 5 » » » » » » » » » » » » » » » » » »				
example below*): Subtract 1.0 from the number in 5a above: 0.29 (5b) If 5b is 0 or less, enter 0 on line 5 » » » » » » » » » » » » » » » » » »	4.15			
Subtract 1.0 from the number in 5a above: 0.29 (5b) If 5b is 0 or less, enter 0 on line 5 » » » » » » » » » » » » » » » » » »		Yes: enter the cfs for the portions of the rights to be transferred (see		
If 5b is 0 or less, enter 0 on line 5 » » » » » » » » » » » » » » » » » »				
If 5b is greater than 0, round up to the nearest whole number: 1 (5c) and multiply 5c by \$300, then enter on line 5 » » » » » » » » 5 Add entries on lines 1 through 5 above » » » » » » » » » Subtotal: 6 \$1,450				
5 multiply 5c by \$300, then enter on line 5 » » » » » » » » 5 300 6 Add entries on lines 1 through 5 above » » » » » » » » » Subtotal: 6 \$1,450				
6 Add entries on lines 1 through 5 above » » » » » » » » » Subtotal: 6 \$1,450				
ls this transfer:	6		6	\$1,450
necessary to complete a project funded by the Oregon Watershed				
Enhancement Board (OWEB) under ORS 541.932? endorsed in writing by ODFW as a change that will result in a net				
benefit to fish and wildlife habitat?				
If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 »				
7 If no box is applicable, enter 0 on line 7» » » » » » » » » » » » 7	7		7	0
8 Subtract line 7 from line 6 » » » » » » » » » » » » » Transfer Fee: 8 \$1,450		A*************************************		

*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).

SWA	FEE WORKSHEET for SUBSTITUTION		WALL BEET
1	Base Fee (includes change to one well)	1	\$725.00
	Number of wells included in substitution (2a) Subtract 1 from the number in 3a above: (2b) If only one well this will be 0		
2	Multiply line 2b by \$350 and enter » » » » » » » » » » » » » »	2	
3	Add entries on lines 1 through 2 above » » » » Fee for Substitution:	3	

Part 4 of 5 - Applicant Information August D

Applicant Information						AUG 0.3 2018
APPLICANT/BUSINESS NAME			PHONE NO.701 -2		ADDITIONAL	CONTACT NO.
The Wild Waters Revocable Liv	ving Trust		707-965-3612	6210		AMADO
ADDRESS 5252 Mill Creek Rd.					FAX NO.	שחיייט
CITY	STATE	ZIP	E-MAIL			
Healdsburg	CA	95448	jcuteen@live.co	om		
BY PROVIDING AN E-MAIL AI	DDRESS, C	CONSENT IS GIVEN	TO RECEIVE AL	L COR	RESPONDEN	ICE FROM THE
DEPARTMENT ELECTRONICA	ALLY. CO	PIES OF THE FINA	L ORDER DOCUM	MENTS	WILL ALSO	BE MAILED.
Agent Information - The ag	ent is auth	orized to represen	t the applicant in	all ma	itters relating	g to this application.
AGENT/BUSINESS NAME			PHONE NO.		ADDITIONAL	CONTACT NO.
Hollie Cannon/Water Right Sol	utions, LL	C	541-821-5848			
ADDRESS 3246 Hammer St.					FAX NO.	
CITY	STATE	ZIP	E-MAIL			
Klamath Falls	OR	97603	hcannon@wate	rrights	olutions.com	
BY PROVIDING AN E-MAIL AI	DRESS, C	ONSENT IS GIVEN				
DEPARTMENT ELECTRONICA						
Paralaia i	- de et e			4	C 1'	1 1
Explain in your own words						
The property for a long time			The second secon		The second secon	
The well that supplies the w						
application adds a point of a						
water right. The original con		The state of the s	THE RESERVE OF THE PARTY OF THE		The second secon	erties. The
transfer in place of use move	es the piv	ot to only irrigate	e land of this ow	vnersh	ip.	
If you need additional space, conti		marata nigga of nan-	ar and attach to the	annliae	ation on "Atto	ahmant 1"
It you need additional space, conti	nue on a se	sparate piece of pape	and attach to the	арриса	duon as Atta	inment 1 .
Check this box if this pro			inded by the An	nerica	n Recovery	and
Reinvestment Act. (Fede	ral stimu	lus dollars)				
				_		
		Check Or				
By signing this application, I						
Department approval of the tr authorized to pursue the trans				p intori		
I affirm the applicant is a mun	icinality as	defined in ORS 540	0.510(3)(b) and tha	t the ric	pht is in the	CEIVED BY OWRD
name of the municipality or a	predecesso	or; OR	7.510(5)(6) and an	, ale in	gar is in the	
I affirm the applicant is an ent			nn property and is	acquiri	ng by	FEB 2 7 2017
condemnation the property to	which the	water right proposed	for transfer is app	urtenan	nt and have	
supporting documentation.						SALEM, OR
						COT HELETONIC COT I
I understand that prior to Depar	tment app	roval of the transf	er application, I r	may be	required to	submit payment to
the Department for publication	of a notic	e in a newspaper v	vith general circu	lation	in the area w	here the water
right is located, once per week				THE RESERVE OF THE PARTY OF THE	ying newspa	per is available, I
suggest publishing the notice in	the follow	wing newspaper: I	ake County Exam	miner		
I (we) affirm that the informa	tion cont	ained in this appl	ication is true a	nd acc	urate.	
Se all al	-11			. 1	1 2	
the away lely	WH	John Anthony	Cutino II, Trustee le if applicable)	04/2	2/201/	
Applicant signature	A-	Print Name (and Ti	ie ir applicable)	Date		
Jusan Syrelle	willen	Susan Giselle (Cutino, Trustee	2/2	13/2017	
Applicant signature		Print Name (and Tit	le if applicable)	Date		

Revised 7/1/2013

Permanent Transfer Application Form - Page 4 of 10

TACS

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located?

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

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FEB 2 7 2017

SALEM, OR

Revised 7/1/2013



Check the following boxes to	hat apply):				I A I
The applicant is resp continue to be sent t		And the second s	ion of	change(s). N	otices a	and correspondence should
						posed change state the be sent to this landowner.
						completion of change(s). ner and the applicant.
At this time, are the lands in	n this tran	sfer applica	ation in	the process	of being	g sold? ☐ Yes ⊠ No
	. If you	do not knov	w who			e the receiving landowner vill be, then a request for
If a property sells, the counless a sale agreement http://www.oregon.gov/	or other	document s	tates of	therwise. For	more i	
RECEIVING LANDOWNER NAME				PHONE NO.		ADDITIONAL CONTACT NO.
ADDRESS						FAX NO.
СПҮ	STATE	ZIP		E-MAIL		
Check here if any of the an irrigation or other wa		et. (Tip: Co		e and attach S		located within or served benental Form D.)
IRRIGATION DISTRICT NAME		1	ADDRESS			
СПҮ		S	STATE			ZP
Check here if water for a for stored water with a fe					ervice	agreement or other contrac
ENTITY NAME		A	ADDRESS			
СПҮ		S	STATE			ZIP
To meet State Land Use Corcorporation, or tribal govern						
ENTITY NAME		A	ADDRESS			
CITY		S	STATE			ZIP
ENTITY NAME		A	ADDRESS			
СІТУ		S	STATE			ZIP

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Permanent Transfer Application Form - Page 6 of 10

12595

TACS



INSTRUCTIONS for editing the Application Form

AUG 0.3 2018

To add additional lines to tables within the forms or to copy and paste additional Part 5 page, visase say the application form to your computer. Unlock the document by using one of the following

instructions for your Microsoft Word software version:

Microsoft Word 2003

Unlock the document by one of the following:

- Using the Tools menu => click Unprotect Document; OR
- Using the Forms toolbar => click on the Protect/Unprotect icon.

To relock the document to enable the checkboxes to work, you will need to:

- Using the Tools menu => click Protect Document; OR
- Using the Forms toolbar => click on the Protect/Unprotect icon.

Once the application has been unlocked, you may:

- add additional rows to tables using the Table tools, and
- select and copy the pages of Part 5 and paste as many additional sets of Part 5 pages as needed at the end of the application.

After editing, re-lock the document to enable checkboxes to work.

Microsoft Word 2007

- . Unlock the document by clicking the Review tab, then click Protect Document, then click Stop Protect
- . To relock the document, click Editing Restrictions, then click Allow Only This Type of Editing, select Filling In Forms from the drop-down menu, then check Yes, Start Enforcing Protection.

Microsoft Word 2010

- Unlock the document by clicking the Review tab, toggle the Restrict Editing icon at the upper right, then click Stop Protect at the bottom right. Then uncheck the "Allow only this type of editing in the document: Filling in forms" in the "Editing restrictions" section on the right-hand list of options.
- To relock the document, check the Editing Restrictions/Allow Only This Type of Editing/Filling In Forms box from the drop-down menu, then check Yes, Start Enforcing Protection. You do not need to assign a password for the editing restrictions.

Other Alternatives:

- Photocopy pages or tables in Part 5, -mark-through any non-applicable information, insert/attach photocopied pages to document in the appropriate location, and manually amend page numbers as necessary (e.g. Page 5 6 of 9 10).
- · You may refer to additional attachments that you may include, such as separately produced tables or spreadsheets to convey large numbers of rows of place of use listings, owner/property parcels, etc. You may contact the Department at 503-986-0900 and ask for Transfer Staff if you have questions.

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SALE	Filease use a separate Part 5 for each water right being changed. See instructions on page of to 3	2018
	copy and paste additional Part 5s, or to add additional rows to tables within the form.	

CERTIFICATE # 91901

Description of Water Delivery System

System capacity: 2.76 cfs per certificate (1.29 cfs for transferred portion) cubic feet per second (cfs) 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. There is the existing well and a pipeline from the existing well to the pivot center that continues on to the northeast to the land irrigated by a wheel line.

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L)	T	wp	R	ng	Sec	1/4	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Existing POA #1		LAKE 2767	40	s	19	E	6	SE	SE		1280 feet north and 1260 feet west from SE corner, Section 6
Proposed POA #2	☐ Authorized ☐ Proposed		40	s	19	Е	6	SE	NE		2584.42 feet South and 525.17 feet West from the NE corner of Section 6
	Authorized Proposed										
	Authorized Proposed										

eck	all type(s) of change(s) proposed below (chang	e "CODES" are provided in parentheses):
\boxtimes	Place of Use (POU)		Supplemental Use to Primary Use (S to P)
	Character of Use (USE)	\boxtimes	Point of Appropriation/Well (POA)
	Point of Diversion (POD)		Additional Point of Appropriation (APOA)
	Additional Point of Diversion (APOD)		Substitution (SUB)
	Surface Water POD to Ground Water POA (SW/GW)		Government Action POD (GOV)
ll all	of the proposed changes affect the entir	e wate	er right?
V	Complete only the Proposed ("to" or "on	" land	s) section of Table 2 on the next page. Use the

Wi

Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.

Complete all of Table 2 to describe the portion of the water right to be changed. X No

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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 # 91901

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.

9	Γhe	e lis			t appo	ears o	n the	certific	cate BE		ds) POSED CHA I be changed.	NGES	Proposed			The	lis	ting	PR as it v	OPO: would	l appe	the "to ar AF	TER P	on" lands) ROPOSED	CHANG	ES
Tw	'P	Rr		Sec		1/4	Tax Lot	Gvt Lot or DLC		Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Date	Changes (see "CODES" from previous page)	Tw	p	Rn	g	Sec	14	1/4	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
			4 9 10			10 15		e la lagra		4174			EXAMPLE						Silv	pic licit	1512	1		S. IN STEEL	Variable 1)	G. Sa.
2	S	9	E	15	NU	VW	100		15,0	Trigation	POD #1 POD #2	1901	POU/POD	2	S	(9)	E	1	NW	VW	5001	1	10.0		POD #5	1901
	To the second	醫				**								2	S	9	É	2	SW	777	500		5,01		POD #6	1901
40	S	19	E	5	NW	NW	1700		28.4	IR	POA#1	1977	POU/POA	40	s	19	E	5	NW	NW	1700		30.5	IR	POA#2	1977
40	s	19	E	5	sw	NW	1700		23.8	IR	POA#1	1977	POU/POA	40	s	19	E	5	sw	NW	1700		22.7	IR	POA#2	1977
40	s	19	E	6	NE	NE	1700		12.4	IR	POA#1	1977	POU/POA	40	s	19	E	6	NE	NE	1700		18.7	IR	POA#2	1977
40	S	19	Е	6	SE	NE	1700		38.7	ÎR	POA#1	1977	POU/POA	40	s	19	E	6	SE	NE	1700		31.4	IR	POA#2	1977
																	*									
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4				1																						
						15																				
2										# 1			A CLASS													
0					1	ATOTA	L ACR	ŒS:	103.3				e						Т	OTA	L ACR	ES:	103.3			THE PARTY OF

Additional remarks: _____.

Revised 7/1/2013

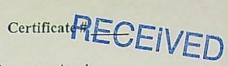
Permanent Transfer Application Form - Page 9 of 10

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TACS

SALEM, OR Exhibit B Page 9 of 20



For Place of Use or Character of Use Changes

	1011	ace of Ose of Character of Ose Changes		LIV
		there other water right certificates, water use permits or ground water registration the "from" or the "to" lands? Yes No		AUG 0.3 201
	If Y	ES, list the certificate, water use permit, or ground water registration numbers:	(DWRD
V	a pr to a	suant to ORS 540.510, any "layered" water use such as an irrigation right that is simary right proposed for transfer must be included in the transfer or be cancelled ground water registration must be filed separately in a ground water registration rication.	Any change	10
	For S	ubstitution (ground water supplemental irrigation will be substituted for surface irrigation)		
		and water supplemental Permit or Certificate #; ace water primary Certificate #;	RECEIVED	BY OWAD
		change from Supplemental Irrigation Use to Primary Irrigation Use	FEB 2	7 2017
	Iden	tify the primary certificate to be cancelled. Certificate #	SALEN	I, OR
	For a	change in point(s) of appropriation (well(s)) or additional point(s) of appropr	riation:	
		Well log(s) are attached for each authorized and proposed well(s) that are clearly with the corresponding well(s) in Table 1 above and on the accompanying application. 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		associated
	ANI	D/OR		
		Describe the construction of the authorized and proposed well(s) in Table 3 for a have a well log. For proposed wells not yet constructed or built, provide "a best requested information element in the table. The Department recommends you co driller, geologist, or certified water right examiner to assist with assembling the ito complete Table 3.	estimate" for nsult a license	each ed well
A ac ap	ny wel ecompa oplicati cell(s) w	Construction of Point(s) of Appropriation l(s) in this listing must be clearly tied to corresponding well(s) described in Table nying application map. Failure to provide the information will delay the procession until it is received. The information is necessary for the department to assess will access the same source aquifer as the authorized point(s) of appropriation (PO ed by law from approving POA changes that do not access the same source aquife	ng of your tra whether the pr A). The Depa	insfer roposed

Is well	well:	Total well depth	Casing Diameter	Casing Intervals (feet)	Scal depth(s) (intervals)	Perforated or screened intervals (in feet)			Well -specific rate (cfs or gpm). If less han full rate of water right
No		442	12"	0-375'	0-375'		12'	Black Hard Rock	1.29 cfs
	Is well already built? ((Yes or No)	already OWRD Well built? ID Tag No. ((Yes or No) L-	Is well well: already OWRD Well Total built? ID Tag No. well ((Yes or No) L- depth	Is well well: already OWRD Well Total built? ID Tag No. well Casing ((Yes or No) L- Diameter	Is well well: already OWRD Well Total Casing Intervals ((Yes or No) L- Diameter (feet)	Is well well: already built? (Yes or No) L- Well Casing Casing Intervals depth Diameter (feet)	Is well well: already OWRD Well Total built? (Yes or No) L- Well Casing Intervals (feet) Casing Gepth Casing Intervals (intervals) Casing Intervals (feet) Casing Intervals (intervals) Cin feet)	Is well well: already OWRD Well Total Casing Seal or screened completed built? ID Tag No. well Casing Intervals depth(s) intervals (in feet) Casing Casing Intervals (intervals) (in feet)	Is well well: already OWRD Well Total Casing built? ID Tag No. Well Casing Intervals depth(s) intervals (in feet) No. 442 12" 0-375' 0-375' 0-375' 12' Black Hard

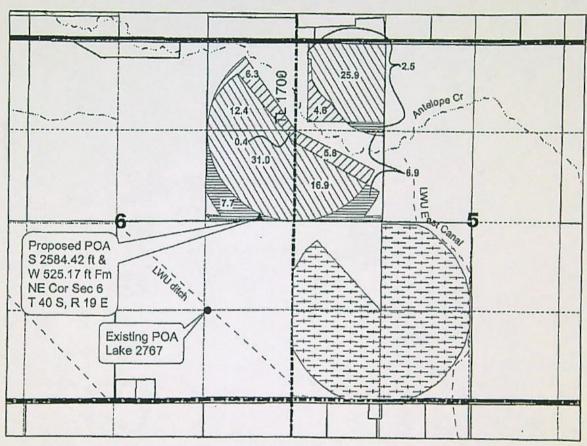
Revised 7/1/2013

T 40 S, R 19 E, WM Sections 5 & 6 RECEIVED

Application for Transfer of Water Right Certificate 91901 Wild Waters Revocable Living Trust

AUG 0 3 2018





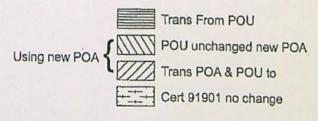


1 inch = 1,320 feet



Note: This map for water right purposes only. It is not intended for use to represent the location of porperty lines.

Legend



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SALEM, OR

Exhibit B Page 11 of 20

Application for Water Right

Transfer

Evidence of Use Affidavit



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

State o	f Oregon))					AUG 0 3 2018 OWRD	
County	of Lake)			SS					OWED	
	JOHN ANTHONY ABLE LIVING TRU		AND SUSA	N GISELL	E CUTIN	vo, in m	y capacity as	TRUSTEES OF T	HE WILD WATERS	
mailin	g address 5252	2 MILL CRE	EK RD., HE	ALDSBUT	RG, CA 9	5448				
teleph	one number (2	707)965-36	12, bein	g first d	uly sw	orn dep	ose and say:			
1. M	y knowledge	of the exe	rcise or	status o	of the v	vater rig	ht is based or	n (check one	RECEIVED BY O	WRD
	⊠ Perso	onal obse	rvation] Profes	sional expert	ise	FEB 2 7:2017	
2. I at	test that: Water was u Certificate #			evious f	ive ye	ars on th	e entire plac	ce of use for	SALEM, OR	
	My knowled	ge is spe	cific to t	he use o	of wate	er at the	following lo	cations within	the last five years:	
	Certificate #	Townshi	p R	ange	Mer	Sec	44	Gov't Lot or DLC	Acres (if applicable)	
OR										
	Confirming	Certificat	e # <u>91901</u>	has be	en issu	aed with	in the past fi	ve years; OR		
	instream leas	se numbe	r is:	_ (Note	: If the	e entire r	ight propose	d for	five years. The ot leased instream.); OI	R
		ght is not	subject	to forfe	iture a	nd docu	mentation the		tion of forfeiture for	
	Water has be				A CONTRACTOR OF THE PARTY OF TH		THE RESERVE THE PARTY OF THE PA		for more than	
				(00	ntlaun	c on rover	ena cida)			

(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 Comporting above statements, my application will be considered incomplete.

2/23/2017 OWRD

"See California Jurat for both signers"
Notary Public for Oregon &

My Commission Expires: April 6th 2017

Supporting Documents	Examples				
Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date				
Copies of receipts from sales of irrigated crops or for expenditures related to use of water	Power usage records for pumps associated with irrigation use Fertilizer or seed bills related to irrigated crops Farmers Co-op sales receipt				
Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	District assessment records for water delivered Crop reports submitted under a federal loan agreement Beneficial use reports from district IRS Farm Usage Deduction Report Agricultural Stabilization Plan CREP Report				
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 –www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terraserver.com				
Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number				

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FEB 2 7 2017 12595

CALIFORNIA NOTARY CERTIFICATE OF ACKNOWLEDGMENT/JURAT ADDENDUM (FOR USE IN CA ONLY)

For use for CA Notary Acknowledgment only:

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that State of California County of Sonoma before me VARSHANA ELIZABETH SOLTER (here insert name and title of officer), personally appeared who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the attached [name of document] instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct. WITNESS my hand and official seal (SEAL) (Signature)

For use for CA Notary Jurat only:

"Application for Water Right Transfer Evidence of Use Affidaut"

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of SONOMA

Subscribed and sworn to (or affirmed) before me on this 23rd day of Feb., 2017, by John Anthony C

Susan Giselle Cutino

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

(SEAL)



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FEB 2 7 2017

SALEM, OR

STATE OF OREGON

COUNTY OF LAKE

CERTIFICATE OF WATER RIGHT

RECEIVED

AUG 0 3 2018

OWRD

RECEIVED BY OWRD

FEB 2 7:2017

SALEM, OR

THIS CERTIFICATE ISSUED TO

JACK P ALBERTSON FLORENCE M ALBERTSON 91926 DOG LAKE LANE LAKEVIEW OR 97630

NORTHWEST FARM CREDIT SERVICES, FLCA 300 KLAMATH AVE SUITE 200 KLAMATH FALLS OR 97601

WILD WATERS REVOCABLE LIVING TRUST c/o 5252 MILL CREEK RD HEALDSBURG, CALIFORNIA 95448

confirms the right to the use of water perfected under the terms of Pennit G-7160. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-7704

SOURCE OF WATER: A WELL IN THE GOOSE & SUMMER LAKES BASIN

PURPOSE or USE: PRIMARY IRRIGATION OF 103.3 ACRES AND SUPPLEMENTAL IRRIGATION OF 117.6

ACRES

MAXIMUM RATE: 2.76 CUBIC FEET PER SECOND

DATE OF PRIORITY: FEBRUARY 8, 1977

The well is located as follows:

Twp Rng Mer Sec		Q-Q	Measured Distances		
40 S			SE SE	1280 FEET NORTH AND 1260 FEET WEST FROM SE CORNER, SECTION 6	

If for irrigation, this appropriation shall be limited to ONE-EIGHTIETH of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre feet per acre for each acre irrigated during the irrigation season of each year; provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

Application G-7704.jlj

Page 1 of 2

Certificate 91901

A description of the place of use is as follows:

PRIMARY IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	
40 S	19 E	WM	5	NWNW	28.4	
40 S	19 E	WM	5	SWNW	23.8	
40 S	19 E	WM	6	NENE	12.4	
40 S	19 E	WM	6	SENE	38.7	

	SUPPLEM	IENTAL	IRRI	GATION	
Twp	Rng	Mer	Sec	Q-Q	GLot
40 S	19 E	WM	5	NESW	33.4
40 S	19 E	WM	5	NWSW	18.6
40 S	19 E	WM	5	SWSW	33.6
40 S	19 E	WM	5	SESW	32.0

The well shall be cased as necessary in accordance with good practice and if the flow is artesian the works shall include proper capping and control valve to prevent the waste of ground water.

The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times.

The water user shall maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

This certificate is issued to correct a scrivener's error by correcting the name of the permit holder of record and supersedes Certificate 91840.

Issued

Water Right Services Division Administrator, for

SEP 1 9 2016

Thomas M. Byler, Director

Oregon Water Resources Department

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AUG 0 3 2018

OWRD

FEB 2 7:2017

SALEM, OR

Land Use Information Form



AUG 0.3 2018

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

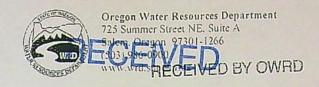
The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. 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.

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FEB 2 7 2017

SALEM, OR

Land Use Information Form



Applicant(s): The Wild Waters Revocable Living Trust

Mailing Address: c/o 5252 Mill Creek Rd.

City: Healdsburg

State: CA

Zip Code: 95448

AUG 0 3 2018 FEB 2 7 2017

Daytime Phone: 707-965-3612

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	9/4/4	Tax Lot #	Plan Designation (e.g., Rurul Residential/RR-5)		Water to be:		Proposed Land Use:
<u>40S</u>	19E	<u>5</u>	NWNW	1700		☐ Diverted	☐ Conveyed	⊠ Used	<u>IR</u>
<u>40S</u>	19E	5	SWNW	1700		Diverted	☐ Conveyed	⊠ Used	<u>IR</u>
<u>40S</u>	19E	<u>6</u>	NENE	1700		Diversed	☐ Conveyed	⊠ Used	<u>IR</u>
<u>40S</u>	19E	6	SENE	1700		☑ Diverted	⊠ Conveyed	☑ Used	<u>IR</u>

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:
<u>LAKE</u>
B. Description of Proposed Use
Type of application to be filed with the Water Resources Department:
□ Permit to Use or Store Water □ Water Right Transfer □ Permit Amendment or Ground Water Registration Modification □ Limited Water Use License □ Allocation of Conserved Water □ Exchange of Water
Source of water: Reservoir/Pond Scround Water Surface Water (name)
Estimated quantity of water needed: 1.29
Intended use of water:
Municipal Quasi-Municipal Instream Other
Briefly describe: The property was previously leased by a neighboring landowner and operated as one farm. The well that supplies the water
Right for this property is not located on this property. This transfer application is to add a point of appropriation so the property
owner has his own well for his share of the water right. The original configuration used a pivot that irrigated a portion of both
properties. The transfer in place of use moves the pivot to only irrigate land of this ownership.

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 3. →

Land Use Information Form - Page 2 of 2

WR / FS



For Local Government Use Only AUG 0.3 2018 SALEM, OF

The following section must be completed by a planning official from each county and city listed unless the project III 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 be	elow and provide the requested info	rmation	
Land uses to be served by the proposed water your comprehensive plan. Cite applicable or	er uses (including proposed construction) are a rdinance section(s): Hake County Zonnij Od	llowed outrigh	t or are not regulated by tick 2 (A-1 2005)
Land uses to be served by the proposed water listed in the table below. (Please attach documents)	er uses (including proposed construction) invo unentation of applicable land-use approvals w ompanying findings are sufficient.) If approve	lve discretionar hich have alrea	y land-use approvals as dy been obtained.
Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Lane	d-Use Approval
	+	☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		Obtained Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
regarding this proposed use of water below, or			
Name: DRAWIN TOHOSON	Title:	Rommy Dise	sore
Signature: 429	Title: Phone: _541-947-66	36 Date: /	14 FEB 2017
Government Entity: Lore Court Promony T	DEPARTMENT		
Note to local government representative: Ple sign the receipt, you will have 30 days from the Form or WRD may presume the land use associ	Water Resources Department's notice date to	return the comp	pleted Land Use Information
Receipt (for Request for Land Use Informa	ation	
Applicant name:			
City or County:	Staff contact:		

Signature:

Phone:

Date:

NOTICE TO WATER WELL CONTRACTOR
The original and first copy
of this report are to be
filed with the

STATE ENGINEER, SALEM, OREGON 9 310 O within 30 days from the date of well completion.

WATER WELL REPORT CEIVED. W. RECE

(Do not write above this line) DEC 301976 State Permit No. WATER RESOURCES DEPT.

AUG 0.3 2018

(1) OWNER:	(10) LOGALEUN CREGONILL:	
Name Jack Albertson	County Lake Driller's well number	
Address Rt. 6 Box 466	NW % SE % Section 6 T. 40S RIGE W.	M.
Lakeview Or. 97630	Bearing and distance from section or subdivision corner	-
(2) TYPE OF WORK (check):		
New Well Deepening Reconditioning Abandon		
If abandonment, describe material and procedure in Item 12.	(11) WATER LEVEL: Completed well.	
(3) TYPE OF WELL: (4) PROPOSED USE (check):	Depth at which water was first found Exist. SWL 12	ft.
Potence Of Polesco D		
Cable Jetted Domestic Industrial Municipal	Static level 12 ft. below land surface. Date 12 2	-10
Dug Bored Irrigation Test Well Other	Artesian pressure lbs. per square inch. Date	_
CASING INSTALLED: Threaded Welded	(12) WELL LOG: Diameter of well below casing 811	
N.A. "Diam, fromft. toft. Gage		ft.
" Diam. from ft. to ft. Gage		_
	Formation: Describe color, texture, grain size and structure of materia and show thickness and nature of each stratum and aquifer penetrate	ed,
DESTROP A MYONG	with at least one entry for each change of formation. Report each change position of Static Water Level and indicate principal water-bearing stra	1 172
PERFORATIONS: Perforated? Yes X No.		_
Type of perforator used	MATERIAL From To SWI	_
Size of perforations in. by in.	Sand Black Coarse 368 369 12	
perforations from ft. to ft.	Rock Black Hard 369 442 12	_
perforations from ft. to ft.		-
perforations from ft. to ft.		_
(7) SCREENS: Well screen installed? ☐ Yes 15 No		-
Manufacturer's Name		
Type Model No		-
Dlam. Slot size Set from it, to ft.		_
Diam. Slot size Set from ft. to ft.	RECEIVED BY OWRD	_
(8) WELL TESTS: Drawdown is amount water level is lowered below static level	FEB 2 7-2017	
Was a pump test made? XXes No If yes, by whom? Volley Plany	7 YEB & (12011	
Yield: 1600 gal./min. with 7 ft. drawdown after 2 hrs.		
" " "	SALEM, OR	
, , , , , , , , , , , , , , , , , , , ,		
		_
Bailer test gal./min. with ft. drawdown after hrs.		
Artesian flow g.p.m.	22 70 70	_
aperature of water Depth artesian flow encountered ft.	Work started 11-30 1976 Completed 12-2 197	100
(9) CONSTRUCTION:	Date well drilling machine moved off of well 12-2 19	76
Well seal-Material used Already Completed	Drilling Machine Operator's Certification:	
Well sealed from land surface toft.	This well was constructed under my direct supervision Materials used and information reported above are true to re-	on.
Diameter of well bore to bottom of sea	best knowledge and belief	my
Diameter of well bore below seal in.		6
Number of sacks of cement used in well scal sacks	[Signed] Local Date , 17 (Drilling Machine Oppdator)	
Number of sacks of bentonite used in well sealsacks	Drilling Machine Operator's License No. / 96	
Brand name of bentonite		
Number of pounds of bentonite per 100 gallons	Water Well Contractor's Certification:	
of waterlbs./100 gals.	This well was drilled under my jurisdiction and this report true to the best of my knowledge and belief.	15
Was a drive shoe used? ☐ Yes 🏖 No Plugs Size: location ft.	Name Sevey Welldrilling (Person, firm or corporation) (Type or print)	
Did any strata contain unusable water? Yes No .	(Person, firm or corporation) (Type or print)	*****
Type of water? depth of strata	Address 117 N.R. Lakeview Or. 97630	
Method of sealing strata off	11/1.	
Was well gravel packed? Yes Size of gravel:	[Signed] (Water Well Contracts)	*****
	Contractor's License No. 617 Date 12-28 , 19	
Gravel placed from ft. to ft.	Community of Dicease 110. On June 1.50	1.0

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LEASE

THIS AGREEMENT is made and entered into by and between Alberta Towle Severin, as Lessor, who is purchasing the real property which is the subject of this lease, from William Sundet and Lillian Sundet under a Contract of Sale, and Jack Albertson and Florence Albertson, husband and wife, as Lessees.

WITNESSETH: That for and in consideration of the payment of rents and the performance of the terms hereinafter stated by Lessees, Lessor does hereby demise and let unto Lessees the following described real property located in Lake County, Oregon:

While of Section 5 and the Einer of Section 6, Township 40 South, Range 19 EWM, excepting that portion of the Einer of Section 6 which is North of the stream located on such property, said exception being 15 acres in size, more or less.

1. TERM AND CONSIDERATION: The primary term of this lease shall be from February 15, 1977 to February 14, 1982 and the consideration for this term shall be the sum of \$3,050.00 annually, payable in advance on or before February 15 of each year unless a later date is otherwise agreed on by the parties hereto.

The secondary term of this lease shall commence February 15, 1982 and shall continue thereafter until February 14, 1987.

The consideration for this secondary term shall be \$3,050.00

annually and in addition thereto Lessees shall pay Lessor an additional amount equal to one-half of the percentage increase of the Consumer Price Index based upon the preceding five years, to-wit:

1977 to 1982. Thus if the Consumer Price Index has increased 20 percent over the preceding five years, Lessees shall pay Lessor on or before February 15, 1982 \$3,050.00 plus 10 percent. On or before February 15, 1983, Lessees shall pay to Lessor the previous year's

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rental amount plus one-half of the percentage increase APF \$1802018

Consumer Price Index for the immediate preceding year

It is expressly understood that this formula as set forth above will continue during the life of the secondary term.

It is further expressly understood and agreed that if the application of said formula will be inequitable to either of the parties hereto, then upon consent of said parties a different agreement may be made.

- 2. TAXES: Lessor shall be responsible for all real property taxes and Lessees will be responsible for personal property taxes as to any cattle and/or equipment which they may be responsible for placing upon the property.
- 3. <u>INSURANCE</u>: Lessor now has and shall continue to maintain an insurance policy covering said property during the term of this lease.
- 4. MAINTENANCE: Lessees agree to maintain the land to the standard that it now exists; such maintenance shall include the repair of perimeter fences except those fences which border the land expressly reserved by Lessor herein as set forth above.
- 5. IMPROVEMENTS: Lessor expressly grants the Lessees the right to erect improvements on the land. It is expressly agreed that at the conclusion of this lease Lessees will have the right to remove any and all improvements so erected.
- 6. WATER RIGHTS: Lessees now have water rights covering the property herein, and it is understood that this right is a personal right and at the conclusion of the lease said rights shall remain with the Lessees and will not inure to the land.
- 7. <u>USE</u>: Lessor gives Lessees unlimited right to use the land as they see fit. However, Lessees shall use the land in a

reasonable manner and will return the land at the conclusion of this lease in at least the condition as the same now exists.

- 8. ASSIGNMENT: In the event the Lessor, pursuant to the terms of her Contract of Sale heretofore mentioned, for any reason decides to assign her interest in said contract, then the Lessees herein shall have the first option to assume her interest and responsibilities under said Contract. In the case of assignment, Lessor and Lessees at such time will make an agreement with respect to the Lessor-Assignor's equity under the Contract under which said Lessor is now purchasing.
- that the term of this lease is for ten years. However, the Lessees shall, due to unforeseen circumstances, have the right to terminate this lease upon giving Lessor 90 days written notice of their intention to do so. Lessor may only terminate this agreement prior to expiration of its term by the Lessees failing to make the required rental payments. If the annual payment is 60 days delinquent, Lessor may by written notice to Lessees hold them in default, terminate this agreement, and take possession of the land.

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as to her obligations set forth in that certain Contract of Sale heretofore mentioned between William and Lillian Sundet as contract sellers
and Alberta Towle Severin as contract purchaser, then said contract
sellers shall give written notice of such default to the Lessees
herein. Lessees upon receipt of such notice shall have 30 days in
which to assume the position of contract purchasers and to discharge
said default. In the event that this assumption is not exercised by
Lessees or the defaults are not cured within the 30 day period, then
such right of assumption is terminated and the contract sellers shall
be free to pursue any court of action that they may elect.

11. ATTORNEY FEES: In the event any suit or action is brought to collect any of said rents or to enforce any of the pro-





AUG 0 3 2018

visions of this agreement or to repossess the property fasonable attorney fees may be awarded by the trial court or appellate court to the prevailing party in such action together with costs and necessary disbursements.

12. ADDRESSES: The addresses of the respective parties are as follows:

Alberta Towle Severin Rt 6, Box 410 Lakeview, Oregon 97630

Jack and Florence Albertson Rt 6, Box 466 Lakeview, Oregon 97630

DATED this 17 day of February, 1977.

Alberta Towle Severin, Lessor

Jack a thereson Lessee

Florence Albertson Lessee

William Sundet and Lillian Sundet, as contract sellers of the real property which is the subject of this lease, having read and inspected this agreement, do hereby consent to the terms contained herein.

DATED this 35 day of February, 1977.

Milliam Stinder

Tillian Sundet

Page 1 of 10

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Request for
Aug 0 3 2018
Assignment
By Proof of Ownershi OWRD
(If Water Right Holder is Not Available)

If for multiple rights, a separate form and fee for ea	ch right will be required.	
Y, THE WILD WATERS REVOCABLE LIV (Name of Party Requesting Assignment)	HAIG TRUST	
	LEAL DERINGE RA GEUJE	707-91-5-3612
(Mailing Address)	(City) (Slate) (Zip)	707-965-3612 (Phone #)
hereby request assignment of application/p	ermit/transfer/license/GR Certifica	ate of Registration;
hereby request assignment of a <u>portion</u> of Registration; (You must include a map sha application/permit/transfer/license/GR Ce	owing the portion of the	
have attached proof of ownership that may include of a land sales contract, a court order or decree, doc Department cannot accept a copy of a tax statement	umentation of survivorship of prop	
Application # G - 7704 ; Permit # G-	7160 ; Transfer#	
Application # <u>G - 7704</u> ; Permit # <u>G - 7</u> License # GR Statement #	OR- GR Certificate of Registry	ation #
Name of Holder of Record) HC 60 BOX 2530 LAKEVIEW OR 97630	NIU FARM CREDIT &	SUITE 200
HC 60 Box 2530	KIAMATH FALLS C	R 97601
(Mailing Address)	(City) (State) (Zip)	(Phone #)
Failure to submit this proof will result in the limited to: a copy of returned certified mai. 1) I certify that I am the current owner of the license or GR Certificate of Registration. 2) I have the legal right to request assignment 3) I have not been able to contact the owner(s right. 4) I further certify that the information provid Witness my hand this	ling, copy of a Death Certificate, of property described in this application under OAR 690-310-0280 and 690 of record for the above referenced the contract is true and correct to the	on, Permit, transfer, 0-320-0060. d application or water best of my knowledge.
Party Requesting Assignment	Sulan Dalle	- Cuara
This certifies assignment and record change at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem. Oregon. Fee receipt # 120484 For Director by Jerry Saurel Pargraph Analyst in Water Rights Division	The completed "Request for Ass form <i>must</i> be submitted to the D along with the recording fee of S	epartment
	if Permit Holder not available	SALEM, OP
		Exhibit D

RECORDING REQUESTED BY: JOHN ANTHONY CUTINO II AND SUSAN GISELLE CUTINO When Recorded Mail Document And Tax Statement To: JOHN ANTHONY CUTINO II AND SUSAN GISELLE CUTINO, TRUSTEES OF THE WILD WATERS REVOCABLE LIVING TRUST C/O 5252 MILL CREEK ROAD HEALDSBURG, CA 95448

2015-001171 LAKE COUNTY, OREGON D-QCDEED 07/20/2015 09:24:57 AM Total:\$56.00 \$15.00.\$11.00.\$20.00.\$10.00

Stade Genney - County Ch

APN 15491

AUG 0.3 2018

OUITCLAIM DEED

MAIDE

The undersigned grantor(s) declare(s) GIFT/NO CONSIDERATION	JVVIL
Documentary Transfer Tax is \$ City tax \$	
() computed on full value of property conveyed, or	
() computed on full value less value of liens or encumbrances remaining at time of sale,	
() Unincorporated Area County of Lake, State of Oregon	,

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, JOHN ANTHONY CUTINO II AND SUSAN GISELLE CUTINO, HUSBAND AND WIFE, AS COMMUNITY PROPERTY AS TEDANTS BY THE ENTIRETY

hereby quitclaims and transfers all right, title and interest held by Grantors to JOHN ANTHONY CUTINO II AND SUSAN GISELLE CUTINO, TRUSTEES OF THE WILD WATERS REVOCABLE LIVING TRUST

the following described real property in the County of Lake, State of Oregon, described as follows: Township 40 South, Range 19, East of the Willamette Meridian, Lake County, Oregon

Section 5: The W 1/2 NW 1/4 Section 6: The E 1/2 NE 1/4

This Quitclaim Deed is freely and fairly given with no consideration in regard to all right, title and interest in and to the real property described herein.

Dated: July 15, 2015

MAIL TAX STATEMENT AS DIRECTED ABOVE

401900-017

RECEIVED BY OWRD

JUL 1 1 2016

SALEM, OR

2015001171

ACKNOWLEDGMENT

A Notary Public or other officer completing this certificate verifies only the identity of the Individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California County of CONTRA COSTA

JULY 15, 2015 before me, Nancy Sue Gann-Desimone, Notary Public (insert name and title of the officer)

JOHN ANTHONY CUTINO II personally appeared proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(les), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature (Seal) Nancy Sue Gann-Desimone, Notary Public

NANCY SUE GANN-DESIMOREL
COMM. #2068778
Notary Public - California
Contra Costa County
My Contrn. Expires May 18, 2018

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JUL 1 1 2016

SALEM, OR

2015001171

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of CONTRA COSTA

On JULY 15, 2015

before me, NANCY SUE GANN-DESIMONE

(Insert name and title of the officer)

personally appeared SUSAN GISELLE CUTINO

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(les), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Jul Jann Comorce. (Seal)

NANCY SUE GANN-DESIMONE COMM. #2068778 = Notary Public - California Contra Costa County Contra Costa County Comm. Expires May 18, 2018 |

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SALEW, OF

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WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: . That we, . William Sundet and Lillian Sundet, husband and wife, for and in consideration of the sum of \$95,000.00 have bargained and sold and by these presents do bargain, sell and convey unto Jack Albertson and. Florence M. Albertson, husband and wife, .the following described real property situated within Lake County, State of Oregon, to wit:

Township 40 South, Range 19 E.W.M.

Section 6: SET, EXCEPTING THEREFROM: Beginning at the Southwest corner of the Southeast Quarter of Section 6, Township 40
South, Range 19 E.W.M., thence running North 296 feet; thence South 296 feet; thence West 592 feet to the point of beginning

TO HAVE AND TO HOLD the above granted premises unto the grantees and unto their heirs and assigns forever, And the grantors do covenant with the grantees that they are lawfully seised of a merchantable fee simple title to the above granted premises; that said premises are free of all liens and encumbrances excepting: (1) Easements and rights of way on ing record and those apparent upon the land, if any; (2) Rights of way for ditches and canals of Lakeview Water Users Inc., a corporation; an undescribed two acre tract in the SW corner of the SEt of Section 6, Township 40 South, Range 19 E.W.M., under that certain deed executed by Elizabeth Nichel, a widow, to the trustee of the Methodist Episcopal Church, North, recorded on January 10, 1895 in volume 8 at page 323, Deed Records of Lake ... County, Oregon! The grantors do further covenant that they will forever warrant and defend the above granted premises unto the grantees their heirs and assigns against the lawful claims and demands of all persons whomsoever.

M0140631 . 67

IN WITNESS WHEREOF the grantors have hereunto set their hands and seals this 20th day of June, 1975.

Millian Sundet (SEAL)

STATE OF OREGON County of Lake

:SS /::

On this 20th day of June, 1975, before we personally appeared the within named William Sundet and Lillian Sundet, husband and wife, and they did then and there acknowledge that they executed the foregoing instrument.

Notary Public for Oregon

AUG 0.3 2013

My Commission Expires

OWRD

State of Oregon

File Co30

I hereby certily that the within instrument was received with filed her beend on the 29 by of Arthur at 2:32 o'clock and and recorded on Page Of an arthur books Record of Page Of The Books Record of

thomas Oncition Deput

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Exhibit D Page 6 of 10

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RECEIVED WATER DISCOURCES DEPT ENLLM, CLESCH

Permit No. G G 7160

APPLICATION FOR A PERMIT

To Appropriate the Ground Waters of the State of Oregon

I, Jack Albert, Som			
of Rr. 6 Box 464 Lakeview, country of Lake			
of Rr. 6 box 4(by Lakeview, county of Lakeview, state of C. 1800 (Partollies Address) State of C. 1800 (Partollies Address)			
If the applicant is a corporation, give date and place of incorporation			
1. Give name of nearest stream to which the well, tunnel or other source of water development is			
situated (Namo of stream)			
(Namo of Bream)			
2. The amount of water which the applicant intends to apply to beneficial use is cubic feet per second or			
3. The use to which the water is to be applied is Pcimacy & Supplemental	/		
irrigation			
4. The well or other source is located 1280ft. No and 1280 ft. W. from the SE			
corner of Sec. 6 (Section or subdivision)			
(II pratestable, give distance and bearing to seatlen corper)			
Allibery is more than one well, each must be described. Use separate sheet if necessary)			
being within the SE 14 of Sec. La Twp. 405, R. 19E,			
W. M., in the county of			
5. The Pipe Lias to be 3/4 miles			
in length, terminating in the SWM, NW V.1 of Sec. 5, Twp. 40.5	1 ;		
R			
6. The name of the well or other works is			
DESCRIPTION OF WORKS See Application	-		
7. If the flow to be utilized is artesian, the works to be used for the control and conservation of the upply when not in use must be described.	OWRE	16	8
	BY	20	-
	Q	1	H
V	NE	=	SALEM
8. The development will consist of	RECEIVED B	=	2,
liameter of	E		
eet of the well will require 282 12" 122' 10" casing. Depth to water table is estimated			
9191	15		
ASSIGNED. See Misc. Rec., Vol. 8 Page 8-10 W	, ,		
I-OA	Exl	hibit D	

Page 7 of 10

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G	7160	٠.,	 0	M	/R	
			-	W 0		-

9. (a) Giv	e dimensions at a	each point of c	anal where materially changed	in size, stating miles fro	m
headgate. At head	dgate: width on t	top (at water l	ine)	feet; width on batto	TIL
	feet; depth of	waten	feet; grade	feet fall per or	ie :
thousand feet.					
(b) At	· m	iles from head	gate: width on top (at water liv	ne)	
			feet; depth of water		
				17 jee	•
grade			4		
			ize at intake		
		,	usein.; differe		
		ft. I	s grade uniform? NO	Estimated capacity	4
4:5	sec. ft.				
10. If pump	os are to be used,	give size and t	ype 20 Hp Turk	Sine .	•
7.5	HP bo	eest Po	407/2		
			ngine to be used		
		24 .			
11. If the lo	ocation of the wel or stream channe	ll, tunnel, or at	her development work is less th tance to the nearest point on eq	ran one-fourth mile from sch of such channels and	
he difference in e	elevation between	the stream be	ed and the ground surface at th	ie source of developmen	
				<u> </u>	
			•		
19. Tanada					
NAME OF TAXABLE PARTY OF TAXABLE PARTY.	-	rigated, or pla	ce of use	A CONTRACTOR OF THE PARTY OF TH	
Township N. cr fl.	Range E. or W. of Wulamatic Meridian	faction .	Forty-stre Treat	Humber Acres To Be Irrigated	
Primary	,	. ,	4	1	
40.5	19E	5	NWK4 NWK4	3/./	
14	11	u ·		24.4	
14	14 .		A SWY NWY		
11	н	11,	NEW NE 14	11.5	
<u> </u>			SE 44 NE 1/4	36.8	
Suppleme	ntary		-	1038	
405	19E	5	NW1/4 SW1/4	18.6	
11		11	SW14 5W14	33-633B	
. 16	. "	0.	SE K SW /4	32.7338	
¥					
	11	" 5		Ben was	
	**	" 5	NE'4 SW14	338	
		" \s		120°	
nana and the core districtly		4		-	
		(II mary space rec	NE Ky SW Ky	180°	DECEIVED BY OUR
	E Hoe	(II more space rec	NEW SWW	180°	RECEIVED BY OWRD
		(II more space rec	NEW SWW	180°	RECEIVED BY OWRD

SALEM, OR Exhibit D Page 8 of 10

STATE OF OREGON,)
County of Marion,	85,

D . J

. 3

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for ... correction and completion.

In order to retain its priority, this application must be returned to the State Engineer, with corrections on or before ...

WITNESS my hand this 9thi day of

KANDERONX Exhibit D

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STATE OF OREGON, County of Marion, 33

PERMIT
G 7160

AUG 0 3 2018

		t I have examined the f IGHTS and the followin			nt the ame
Th	he right herein gran	ted is limited to the amo	unt of water whi	ch can be applied to be	eneficial use
		cubic feet per sec			
		r its equivalent in case of		•	
01 204161					
Th	se use to which this t	water is to be applied is .	irrigation and	supplemental irrig	gation
If		ppropriation shall be limi			
		e irrigated and shall be			
		ere irrigated during the is			
		eroin shall be limi			
		at existing for the			
				•	- 1.00
			The state of the s	A CONTRACTOR OF THE PARTY OF TH	
the work The line, adec The	s shall include propi e works constructed quate to determine e permittee shall in:	I as necessary in accorda or capping and control va shall include an air line water level elevation in stall and maintain a wei of the amount of groun	ive to prevent the and pressure gau the well at all ti r, meter, or othe	e waste of ground water age or an access port for imes. It suitable measuring of	r. measuring
The	e priority date of thi	s permit is Februar	ry 8, 1977		
Act	tual'construction wo	rk shall begin on or befo	re Apri	1 4, 1978	and shall
thereafter	r be prosecuted wit	h reasonable diligence a	nd be completed	on or before October	1. 19. 78
		f the water to the propos			
	4	is 4th day of			The state of the s
	211 DDD my mans en		Desne	& Series	
-		: 7	ATEN RESOURCE	S DIRECTOR	CHEKOCHEK 1
Application No. G-7104 UPS	PERMIT O APPROPRIATE THE GROUND WATERS OF THE STATE - OF OREGON	is instrument was first received in the of the State Engineer at Salem, Oregon, R day of Thurse, at 8 o'clock He M.	ned to applicant:	corded in book No. G 7160	star mathern dinage Basin No. (.Z., page 64

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May 9th, 2018

INTER-OFFICE MEMO

Phone Conversation with Mr. Cutino regarding the Report of Ownership and written "go-ahead response.

Over the phone he stated they thought the draft of the preliminary Determination was fine and would get going on the Report of Ownership at once.

The report of ownership took quite a while to come in.

Ken Dowden

Lake County Property Summary Report RECEIVED

Report Date: 5/9/2018 12:10:00 PM

AUG 0.3 2018

Disclaimer

The information and maps presented in this report are provided for your convenience. Every reasonable effort has been made to assure the accuracy of the data and associated maps. Lake County makes no warranty, representation or guarantee as to the content, sequence, accuracy, timeliness or completeness of any of the data provided herein. Lake County explicitly disclaims any representations and warranties, including, without limitation, the implied warranties of merchantability and fitness for a particular purpose. Lake County shall assume no liability for any errors, omissions, or inaccuracles in the information provided regardless of how caused. Lake County assumes no liability for any decisions made or actions taken or not taken by the user of this information or data furnished hereunder.

Account Summary

Account Information

THE WILD WATERS REVOCABLE LIVING Mailing Name:

TRUST

Map and Taxlot: 40S19E000001700

Account:

15491

Tax Status: Taxable

Situs Address: 91762 SHULTS LN LAKEVIEW, OR 97630

Property Taxes

Current Tax Year: 2017 Tax Code Area: 712

Assessment

Subdivision:

Lot: Block: 0

Assessor Acres: 158.18 Property Class:

Ownership

Mailing Address:

THE WILD WATERS REVOCABLE LIVING TRUST

5252 MILL CREEK RD HEALDSBURG, CA 95448

Valuation

Real Market Values as of Jan. 1,

Land

\$284,185

Structures

\$60,499

Total

\$128,951

Current Assessed Values:

Maximum Assessed

\$58,769

Assessed Value

\$111,284

Veterans Exemption

\$0.00

Warnings, Notations, and Special Assessments

Assessor's Office Notations

Description Code

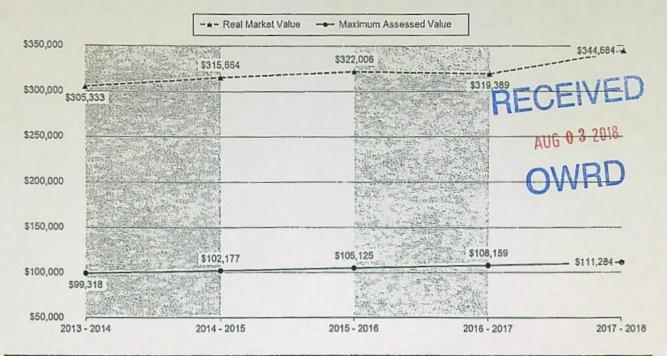
Remarks

DEFD

ATL

Valuation History All values are	as of January 1 of ea	ch year. Tax year is	s July 1st through Ju	ine 30th of each ye	ar.
经验证证明	2013 - 2014	2014 - 2015	2015 - 2016	2016 - 2017	2017 - 2018
Real Market Value - Land	\$239,043	\$251,714	\$258,766	\$257,637	\$284,185
Real Market Value - Structures	\$66,290	\$63,950	\$63,240	\$61,752	\$60,499
Total Real Market Value	\$305,333	\$315,664	\$322,006	\$319,389	\$344,684
Maximum Assessed Value	\$99,318	\$102,177	\$105,125	\$108,159	\$111,284
Total Assessed Value	\$99,318	\$102,177	\$105,125	\$108,159	\$111,284
Exemption Value	\$0	\$0	\$0	\$0	\$0

Exhibit F Page 1 of 5



Tax P	ayment l	listory.							
			Transaction	建筑建筑	Amount Received	Tax Due	Discount	Interest	Refund
Year 2017	11/15/2017	PAYMENT	12/01/2017	As Of Date 11/15/2017	\$1,420.41	(\$1,464.34)	Amount \$43.93	Charged \$0.00	Interest \$0.00
2017	11/15/2017	IMPOSED	11/15/2017	11/15/2017	\$0.00	\$1,464.34	\$0.00	\$0.00	\$0.00
					Total:	\$0.00			-
2016	11/15/2016	PAYMENT	12/05/2016	11/15/2016	\$1,382.49	(\$1,425.25)	\$42.76	\$0.00	\$0.00
2016	11/15/2016	IMPOSED	11/15/2016	11/15/2016	\$0.00	\$1,425.25	\$0.00	\$0.00	\$0.00
					Total:	\$0.00			
2015	11/15/2015	PAYMENT	12/01/2015	11/15/2015	\$1,355.00	(\$1,396.91)	\$41.91	\$0.00	\$0.00
2015	11/15/2015	IMPOSED	11/15/2015	11/15/2015	\$0.00	\$1,396.91	\$0.00	\$0.00	\$0.00
					Total:	\$0.00			
2014	11/15/2014	IMPOSED	11/15/2014	11/15/2014	\$0.00	\$1,351.33	\$0.00	\$0.00	\$0.00
2014	11/15/2014	PAYMENT	11/06/2014	11/15/2014	\$1,310.79	(\$1,351.33)	\$40.54	\$0.00	\$0.00
					Total:	\$0.00			
2013	11/15/2013	PAYMENT	01/02/2014	11/15/2013	\$48.03	(\$48.03)	\$0.00	\$0.00	\$0.00
2013	11/15/2013	PAYMENT	12/03/2013	11/15/2013	\$1,274.77	(\$1,274.77)	\$0.00	\$5.85	\$0.00
2013	11/15/2013	IMPOSED	11/15/2013	11/15/2013	\$0.00	\$1,316.95	\$0.00	\$0.00	\$0.00
2013	11/15/2013	IMPOSED	11/15/2013	11/15/2013	\$0.00	\$5,85	\$0.00	\$0.00	\$0.00
					Total:	\$0.00			
2012	11/15/2012	PAYMENT	12/03/2013	11/15/2012	\$218.67	(\$218.67)	\$0.00	\$18.67	\$0.00
2012	11/15/2012	PAYMENT	12/06/2012	11/15/2012	\$1,092.15	(\$1,092.15)	\$0.00	\$5.72	\$0.00
2012	11/15/2012	IMPOSED	11/15/2012	11/15/2012	\$0.00	\$18.67	\$0.00	\$0.00	\$0.00
2012	11/15/2012	IMPOSED	11/15/2012	11/15/2012	\$0.00	\$1,286.43	\$0.00	\$0.00	\$0.00
2012	11/15/2012	IMPOSED	11/15/2012	11/15/2012	\$0.00	\$5.72	\$0.00	\$0.00	\$0.00
					Total:	\$0.00			
2011	11/15/2011	PAYMENT	12/01/2011	11/15/2011	\$1,147.10	(\$1,182.58)	\$35.48	\$0.00	\$0.00
2011	11/15/2011	IMPOSED	11/15/2011	11/15/2011	\$0.00	\$1,182.58	\$0.00	\$0.00	\$0.00
					Total:	\$0.00			
2010	11/15/2010	PAYMENT	06/13/2011	11/15/2010	\$1,210.92	(\$1,210.92)	\$0.00	\$61.32	\$0.00

Year	Date Due	Transaction Type	Transaction Date	As Of Date	Amount	The second of the second of the second of	Discount	Interest	Refund
2010	11/15/2010	IMPOSED	11/15/2010	11/15/2010	\$0.00	\$61.32	\$0.00	\$0.00	\$0.00
2010	11/15/2010	IMPOSED	11/15/2010	11/15/2010	\$0.00	\$1,149.60	\$0.00	\$0.00	\$0.00
					Total:	\$0.00			
2009	11/15/2009	PAYMENT	12/01/2009	11/15/2009	\$1,084.07	(\$1,117.60)	\$33.53	\$0.00	\$0.00
2009	11/15/2009	IMPOSED	11/15/2009	11/15/2009	\$0.00	\$1,117.60	\$0.00	\$0.00	\$0.00
					Total:	\$0.00			
2008	11/15/2008	PAYMENT	06/12/2009	11/15/2008	\$1,158.93	(\$1,158.93)	\$0.00	\$72.43	\$0.00
2008	11/15/2008	IMPOSED	11/15/2008	11/15/2008	\$0.00	\$1,086.50	\$0.00	\$0.00	\$0.00
2008	11/15/2008	IMPOSED	11/15/2008	11/15/2008	\$0.00	\$72.43	\$0.00	\$0.00	\$0.00
					Total:	\$0.00			
2007	11/15/2007	PAYMENT	12/09/2007	11/15/2007	\$1,024.64	(\$1,056.33)	\$31.69	\$0.00	\$0.00
2007	11/15/2007	IMPOSED	11/15/2007	11/15/2007	\$0.00	\$1,056.33	\$0.00	\$0.00	\$0.00
-					Total:	\$0.00			

Sales History	以为我们的人的关系		(1) (A. 2.5)	
		Sale	The state of the s	
Sale Date Seller	Buyer	Amount	Sale Type	Recording
10/29/1997 SEVERIN, ALBERTA R & JOHN E	PARTLOW, DAVID D JR &	\$175,000	CONTRACT	239-43
12/02/2003 PARTLOW, DAVID D JR & ELAINE S	PARTLOW, DAVID D JR &	\$0	CONTRACT	260-492
11/21/2003 PARTLOW, DAVID D JR & ELAINE S	MCCULLOUGH, GREG	\$225,000	WARRANTY DEED	260-430
09/30/2004 MCCULLOUGH, GREG & CUTINO,	MCCULLOUGH, GREG & CUTIO,	\$225,000	WARRANTY DEED	263-245
10/31/2014 CUTINO LINDA	CUTINO JOHN ANTHONY II &	\$0	BARGAIN & SALE	2014-1865

Structures Stat Class/Descript		n Code Area	Total Total	The state of the second
: DWELL	DWELL DWELL	712	0	t FINE Buil Total Sq-F
Accesso	ries			
Improvem	ent Type	SqFt	要急	AUG 0
Miscellaneo	us		528	01 000
Multi-Purpo	se Shed	1	196	OWH
Miscellaneo	us		0	
General Pu	pose Building	1	572	
Grain Bin			0	
General Pur	pose Building		1300	
Feeder Barr	1	and a series of the series of	1280	
Livestock Lo	pafing Shed	Standburden o ma	176	

Land Characteristic	s			in a great and and the	V. S	(2/10)
Land Description	Acres	Land Classification	A CONTRACTOR OF THE PARTY OF TH		智利。第二十四	
16 - Hs	1.00					
15 - Farm-rmv or sav	39.36			5 8 1 5 1 5 000 C 100 C 10 C 10 C 10 C 10 C	1 1 1 1 mm 4111 go 411 ma	
15 - Farm-rmv or sav	14.00					
15 - Farm-rmv or sav	27.20	1 9 04 mean of 119 11 8 or 11 (c.		10 0 m 10 10 1000 0 0 0 0 0 0 0 0 0 0 0	* ************	
15 - Farm-rmv or sav	13.78					*****
15 - Farm-rmv or sav	37.24	17 5 7 184	1 0 41 101 2 1 1 100 100 100 100 100 100 100			
15 - Farm-rmv or sav	25.60					* *** ***
81 - OSD FARMrmv or sav	0.00	41 1 141 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	*** * * * * * * * * * * * * * * * * *			
			The same section of the same of		10 0	

Related Accounts Related accounts apply to a property that may be on one map and tax lot but due to billing have more than one account. This occurs when a property is in multiple tax code areas. In other cases there may be business personal property or a manufactured home on this property that is not in the same ownership as the land.

No Related Accounts found.

Ownership		WILE CHARLES TO SEE
Name Type	Name Owners	hip Type Percentage
Owner	THE WILD WATERS REVOCABLE LIVING TRUST ,	100.00%
Taxpayer	THE WILD WATERS REVOCABLE LIVING TRUST ,	100.00%
		200.00%

RECEIVED

AUG 0 3 2018

STATE OF OREGON STATE OF OREGON WATER RESOURCES DEPARTMENT WATER RESOURCES DEPARTMENT 725 Summer St. N.E. Ste. A 725 Summer St. N.E. Ste. A INVOICE #_ SALEM, OR 97301-4172 126773 INVOICE #_ SALEM, OR 97301-4172 (503) 986-0900 / (503) 986-0904 (fax) (503) 986-0900 / (503) 986-0904 (fax) Cutino !! APPLICATION APPLICATION RECEIVED FROM: PERMIT PERMIT BY: TRANSFER TRANSFER CASH: OTHER: (IDENTIFY) OTHER: (IDENTIFY) TOTAL REC'D TOTAL REC'D 1083 TREASURY 4170 WRD MISC CASH ACCT 1083 TREASURY 4170 WRD MISC CASH ACCT COPIES 0407 COPIES 020+ OTHER: \$ 4 020+ OTHER: (IDENTIFY) 0243 I/S Lease __ 0244 Muni Water Mgmt. Plan_ 0245 Cons. Water 0243 I/S Lease _ 0244 Muni Water Mgmt. Plan_ 4270 WRD OPERATING ACCT 4270 WRD OPERATING ACCT MISCELLANEOUS MISCELLANEOUS 0407 COPY & TAPE FEES 0407 **COPY & TAPE FEES** 0410 RESEARCH FEES 0410 RESEARCH FEES 0408 MISC REVENUE: (IDENTIFY) 0408 MISC REVENUE: (IDENTIFY) TC162 DEPOSIT LIAB. (IDENTIFY) DEPOSIT LIAB. (IDENTIFY) TC162 **EXTENSION OF TIME** 0240 0240 EXTENSION OF TIME RECORD FEE WATER RIGHTS: EXAM FEE RECORD FEE WATER RIGHTS: EXAM FEE 0201 SURFACE WATER 0202 0201 SURFACE WATER 0202 0203 **GROUND WATER** 0204 0203 **GROUND WATER** 0204 0205 TRANSFER 0205 TRANSFER LICENSE FEE EXAM FEE WELL CONSTRUCTION LICENSE FEE EXAM FEE WELL CONSTRUCTION 0219 0218 WELL DRILL CONSTRUCTOR 0219 0218 WELL DRILL CONSTRUCTOR 0220 LANDOWNER'S PERMIT 0220 LANDOWNER'S PERMIT OTHER (IDENTIFY) OTHER (IDENTIFY) 0437 WELL CONST. START FEE TREASURY 0536 TREASURY 0437 WELL CONST. START FEE 0536 WELL CONST START FEE CARD# 0211 0211 WELL CONST START FEE CARD# CARD# MONITORING WELLS 0210 0210 MONITORING WELLS CARD# OTHER (IDENTIFY) OTHER (IDENTIFY) LIC NUMBER TREASURY 0467 HYDRO ACTIVITY 0607 0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER POWER LICENSE FEE (FW/WRD) 0233 0233 POWER LICENSE FEE (FW/WRD) \$ 0231 HYDRO LICENSE FEE (FW/WRD) \$ 0231 HYDRO LICENSE FEE (FW/WRD) \$ HYDRO APPLICATION \$ HYDRO APPLICATION TREASURY OTHER / RDX TREASURY OTHER / RDX TITLE FUND FUND TITLE OBJ. CODE ___ VENDOR # OBJ. CODE VENDOR # DESCRIPTION _ DESCRIPTION Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal Buft Copy - Fiscal

Attached is a check for \$129.60 (PCA #46117) for Newspaper Notice for Transfer T-12595 made out to Oregon Water Resources Department (or WRD)

• "for T-12595 NOTICE" written on front of check

Mail to: Oregon Water Resources Department 725 Summer St. NE, Suite A

Salem, OR 97301-1266

RECEIVED

MAY 2 5 2018

Affidabit of Publication

STATE OF OREGON, County of Lake,

ss

I, Matilda W. Flynn, being first duly sworn, depose and say that I am the

General Manager

Publisher, Editor or Business Manager

of the Lake County Examiner, a newspaper of general circulation printed and published at Lakeview in the aforesaid county and state, as defined by Chapter 193ORS, that

Notice of Transfer - Dept. Water Res.

a printed copy of which is hereto annexed,
was published in the entire issue of said
newspaper for __Two (2)_ consecutive and
successive weeks in the following issues

June 27, 2018; July 4, 2018

#5051

Subscribed and sworn to before me this 124

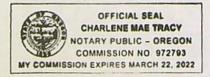
Matilda W. Alyna

day of

2018

Notary Public for Oregon

(My commission expires 3-22-2022)



Notice of Preliminary Determination for Water Right Transfer T-12595

T-12595 filed by Wild Waters Revocable Trust, 5252 Mill Creek Rd, Healdsburg, Ca 95448, proposes a change in place of use and point of appropriation under Certificate 91901. Certificate 91901 allows the use of 0.21 cfs from a well in the Goose and Summer Lakes basin, within Sec. 6, T40S. R19E, WM. for irrigation within Sects. 5 and 6, T40S, R19E, WM. The applicant proposes to change the place of use to within Sec. 6, and change the point of appropriation to within Sects. 5 and 6, T40S, R19E, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, a protest or standing statement within 30 days after the publication of this notice 06/27/2018. Call (503) 986-0807 to obtain ad-

ditional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

DATE OF FIRST PUBLICATION: June 27, 2018

PUBLICATION DATES: June 27, 2018 July 4, 2018

#5051

JUL 16 2018



Water Resources Department

725 Summer St NE, Suite A Salem, OR 97301 (503) 986-0900 Fax (503) 986-0904

June 18, 2018 VIA E-MAII

Applicant

The Wild Waters Revocable Living Trust 5252 Mill Creek Rd. Healdsburg, CA 95448

SUBJECT: Water Right Transfer Application T-12595

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-12595. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication and in the Lake County Examiner newspaper, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will end 30 days after the last date of newspaper publication.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

Please do not hesitate to contact me at 503-986-0886 or Patrick.K.Starnes@oregon.gov 503-986-0886 or Patrick.K.Starnes@wrd.state.or.usif I may be of assistance.

Sincerely,

Ken DowdenKelly Starnes
Transfer Specialist
NC Region

Sarah Henderson

cc:

Transfer Application file T-12595

Brian M. Mayer, District 12 Watermaster (via e-mail)

Hollie Cannon, Agent for the applicant (via e-mail: hcannon@waterrightsolutions.com Joseph L. Strahl, CWRE #222 mailing address: 60 North 4th St., Central Point, OR 97502 Mr. Kirk Maag, Stoel Rives, LLP, commenter, (via e-mail: kirk.maag@stoel.com

encs

BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-12595, Lake County)	PROPOSING APPROVAL OF A
· · · · · · · · · · · · · · · · · · ·)	CHANGE IN POINT OF
)	APPROPRIATION AND A CHANGE IN
)	PLACE OF USE

Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, 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

WILD WATERS REVOCABLE LIVING TRUST 5252 MILL CREEK RD. HEALDSBURG, CA 95448

Agent

HOLLIE CANNON WATER RIGHT SOLUTIONS, LLC 3246 HAMMER ST. KLAMATH FALLS, OR 97603

Findings of Fact

- On February 27, 2017, John Anthony Cutino II and Susan Giselle Cutino, Trustees, WILD WATERS REVOCABLE LIVING TRUST, filed an application proposing to change the point of appropriation and to change the place of use under portions of Certificate 91901. The Department assigned the application number T-12595.
- Notice of the application for transfer was published on March 7, 2017, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- 3. On April 30, 2018, the Department issued a draft Preliminary Determination proposing to approve Transfer Application T-12595. The draft Preliminary Determination cover letter set forth a deadline of May 30, 2018, for the applicant to respond. On May 9, 2018, the applicant agreed to the terms and conditions of the draft Preliminary Determination, requested the Department proceed with issuance of the Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
- 4. On May 1, 2018, the agent for the applicant requested that the proposed date for complete application of water be extended to allow additional time to guarantee adequate time to complete the project. The Department approved and extended the date by which the applicant must make full beneficial use of water under the terms and conditions of this transfer to October 1, 2021.

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

Certificate: 91901 in the name of WILD WATERS REVOCABLE LIVING TRUST

(perfected under Permit G-7160)

Use: IRRIGATION OF 17.1 ACRES

Priority Date: FEBRUARY 8, 1977

Rate: 0.21 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured

under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed

3.0 acre-feet per acre for each acre irrigated during the irrigation season of

each year.

Source: A WELL within the GOOSE AND SUMMER LAKES BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	19 E	WM	6	SE SE	1280 FEET NORTH AND 1260 FEET WEST FROM THE SE CORNER OF SECTION 6

Authorized Place of Use:

		IR	RIGAT	ION	
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	19 E	WM	5	NWNW	2.5
40 S	19 E	WM	5	SWNW	6.9
40 S	19 E	WM	6	SE NE	7.7
				Total	17.1

6. Transfer Application T-12595 proposes to change the place of use of the right as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	19 E	WM	5	NWNW	4.6
40 S	19 E	WM	5	SWNW	5.8
40 S	19 E	WM	6	NE NE	6.3
40 S	19 E	WM	6	SE NE	0.4
				Total	17.1

7. Transfer Application T-12595 proposes to change the point of appropriation for the above described new place of use northeast approximately 1550 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	19 E	WM	6	SE NE	2584.42 FEET SOUTH AND 525.17 FEET WEST FROM THE NE CORNER OF SECTION 6

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

Certificate: 91901 in the name of WILD WATERS REVOCABLE LIVING TRUST

(perfected under Permit G-7160)

Use: IRRIGATION OF 86.2 ACRES

Priority Date: FEBRUARY 8, 1977
Rate: 1.08 CUBIC FEET PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured

under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre

irrigated and shall be further limited to a diversion of not to exceed

3.0 acre-feet per acre for each acre irrigated during the irrigation season of

each year.

Source: A WELL within the GOOSE AND SUMMER LAKES BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	19 E	WM	6	SE SE	1280 FEET NORTH AND 1260 FEET WEST FROM THE SE CORNER OF SECTION 6

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	19 E	WM	5	NWNW	25.9
40 S	19 E	WM	5	SWNW	16.9
40 S	19 E	WM	6	NE NE	12.4
40 S	19 E	WM	6	SE NE	31.0
				Total	86.2

 Transfer Application T-12595 proposes to change the point of appropriation for the above described 86.2 acres northeast approximately 1550 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	19 E	WM	6	SE NE	2584.42 FEET SOUTH AND 525.17 FEET WEST FROM THE NE CORNER OF SECTION 6

Transfer Review Criteria (OAR 690-380-4010)

- 10. Water has been used within the last five years prior to the submittal of Transfer Application T-12595 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.
- 11. A well, pump, pipeline, and sprinkler system 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-12595.
- 12. The proposed change would not result in enlargement of the right.
- 13. The proposed change would not result in injury to other water rights.

14. All other application requirements are met.

Determination and Proposed Action

The change in point of appropriation and change in place of use proposed in Transfer Application T-12595 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-12595 is approved, the final order will include the following:

- 1. The change in point of appropriation and change in place of use proposed in Transfer Application T-12595 are approved.
- 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 91901 and any related decree.
- 3. Water right Certificate 91901 is cancelled. A new certificate will be issued describing the portion of the right not affected by this transfer.
- 4. The quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.
- 5. 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 the new point of appropriation.
 - b. The water user shall maintain the meter or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meter or measuring devices; provided however, where the meter or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
- 6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
- 7. The former place of use of the transferred right shall no longer receive water under the right.
- 8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before October 1, 2021. 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.

Dwight French, Water Wight Services Administrator, for

Thomas M. Byler, Director

Oregon Water Resources Department

This Preliminary Determination was prepared by Ken Dowden. If you have questions about the information in this document, you may reach me at 541-278-5456 or Ken.D.Dowden@oregon.gov

Protests should be addressed to the attention of Water Rights Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.

Notice Regarding Service Members: Active duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act. 50 U.S.C. App. §§501-597b. You may contact the Oregon State Bar or the Oregon Military Department for more information. The toll-free telephone number for the Oregon State Bar is: 1 (800) 452-8260. The toll-free telephone number of the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is: http://legalassistance.law.af.mil

Notice of Preliminary Determination for Water Right Transfer T-12595

T-12595 filed by Wild Waters Revocable Trust, 5252 Mill Creek Rd, Healdsburg, Ca 95448, proposes a change in place of use and point of appropriation under Certificate 91901. Certificate 91901 allows the use of 0.21 cfs from a well in the Goose and Summer Lakes Basin, within Sec. 6, T40S, R19E, WM for irrigation within Sects. 5 and 6, T40S, R19E, WM. The applicant proposes to change the place of use to within Sec. 6, and change the point of appropriation to within Sects. 5 and 6, T40S, R19E, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, a protest or standing statement within 30 days after the publication of this notice MM/DD/YEAR. Call (503) 986-0807 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

Water Right Transfer Cover Sheet

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Trans	ter .	-	1	9	Э

Transfer Specialist:

5252 MILL CR RD			KLAMATH FALLS, OR 97603					
	HEALDSBURG, CA 95448 CWRE Name/Number:			trict Name/Addr	ess:	Affected Gov'ts Nar	ne/Address:	
							(4)	
Commen	Commentors: Name/Address:					Current Landowner	Name/Address:	
Water R	ights Affec	ted						
Records Marked	Records App File No. or			Permit No.	Certificate No.	RR/CR Needed	RR/CR Nos	
		G-7704		G-7160	91901	Yes No		
						Yes No		
						Yes No		
Key Date	es & Initial	Actions						
c'd: Febru	uary 27, 2	017	Proposed	d Action(s): PC	INT OF AP	PROPRIATION; PLACE OF U		
es Pd: 145	Pd: 1450.00			trict: 12		ODFW District:		
tial Notice:	al Notice: March 7, 2017			view sent: 3/2/20	17	ODFW Review sent:		
knowledger	nowledgement Letter Sent 🛛					GW Review sent: 3/2/17		
DPD Ma	measurement ded: 6-/8	heet sent with DF		N/A 1 N/A	Request to pub			
PD Signe	DPD Review (Optional)			PD Review (Sa	ilem)	Final Order Review (Salem)		
PD Signe PD Week	D Review	Reviewer:				Reviewer:		
PD Signe PD Week	r:		Date: Coordinator:			Date: Coordinator:		
PD Signe PD Week	r:		Coordin			Date:		
PD Signe PD Week DP Reviewer Date: Coordina	r:		Coordin Date:	6/15/1	8			

STATE OF OREGON COUNTY OF LAKE CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JACK P ALBERTSON FLORENCE M ALBERTSON 91926 DOG LAKE LANE LAKEVIEW, OR 97630 NORTHWEST FARM CREDIT SERVICES, FLCA 300 KLAMATH AVE SUITE 200 KLAMATH FALLS, OR 97601

confirms the right to use the waters of A WELL within the GOOSE AND SUMMER LAKES BASIN for SUPPLEMENTAL IRRIGATION OF 117.6 ACRES.

This right was perfected under Permit G-7160. The date of priority is FEBRUARY 8, 1977. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.47 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	19 E	WM	6	SE SE	1280 FEET NORTH AND 1260 FEET WEST FROM THE SE CORNER OF SECTION 6

If for irrigation, this appropriation shall be limited to ONE-EIGHTIETH of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year; provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	19 E	WM	5	NESW	33.4
40 S	19 E	WM	5	NWSW	18.6
40 S	19 E	WM	5	SWSW	33.6
40 S	19 E	WM	5	SE SW	32.0
10.0	1715	WIVI	3	Total	117.

The well shall be cased as necessary in accordance with good practice and if the flow is artesian the works shall include proper capping and control valve to prevent the waste of ground water.

The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times.

The water user shall maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

This certificate describes that portion of the water right confirmed by Certificate 91901, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered, approving Transfer Application T-12595.
The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.
The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.
WITNESS the signature of the Water Resources Director, affixed
Durinta Francia Water Diela Comiena Administrator for
Dwight French, Water Right Services Administrator, for Thomas M. Byler, Director
Oregon Water Resources Department



STATE OF OREGON

COUNTY OF LAKE

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JACK P ALBERTSON FLORENCE M ALBERTSON 91926 DOG LAKE LANE LAKEVIEW OR 97630

NORTHWEST FARM CREDIT SERVICES, FLCA 300 KLAMATH AVE SUITE 200 KLAMATH FALLS OR 97601

WILD WATERS REVOCABLE LIVING TRUST c/o 5252 MILL CREEK RD HEALDSBURG, CALIFORNIA 95448

APOD ONLY FOR 17.1 acres 2 1.29 -45

confirms the right to the use of water perfected under the terms of Permit G-7160. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed

APPLICATION FILE NUMBER: G-7704

SOURCE OF WATER: A WELL IN THE GOOSE & SUMMER LAKES BASIN

PURPOSE or USE: PRIMARY IRRIGATION OF 103.3 ACRES AND SUPPLEMENTAL IRRIGATION OF 117.6

ALL DPOA MAXIMUM RATE: 2.76 CUBIC FEET PER SECOND

DATE OF PRIORITY: FEBRUARY 8, 1977

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	19 E	WM	6	SE SE	1280 FEET NORTH AND 1260 FEET WEST FROM SE CORNER, SECTION 6

If for irrigation, this appropriation shall be limited to ONE-EIGHTIETH of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre feet per acre for each acre irrigated during the irrigation season of each year; provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein. WORK

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

Application G-7704.jlj

Page 1 of 2

Certificate 91901

COP

WORKING

A description of the place of use is as follows:

PRIMARY IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres			
40 S	19 E	WM	5	NWNW	28.4			
40 S	19 E	WM	5	SWNW	23.8			
40 S	19 E	WM	6	NE NE	12.4			
40 S	19 E	WM	6	SENE	38.7			

-28.4 -23.8 -12.4 -38.1 103.3 acros

> A POA and POB (some 14 14 3, 1

	SUPPLEM	IEMINI	IIIII	GALION	
Twp	Rng	Mer	Sec	Q-Q	GLot
40 S	19 E	WM	5	NESW	33.4
40 S	19 E	WM	5	NWSW	18.6
40 S	19 E	WM	5	SW SW	33.6
40 S	19 E	WM	5	SESW	32.0

The well shall be cased as necessary in accordance with good practice and if the flow is artesian the works shall include proper capping and control valve to prevent the waste of ground water.

The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times.

The water user shall maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

This certificate is issued to correct a scrivener's error by correcting the name of the permit holder of record and supersedes Certificate 91840.

Issued

SEP 1 9 2016

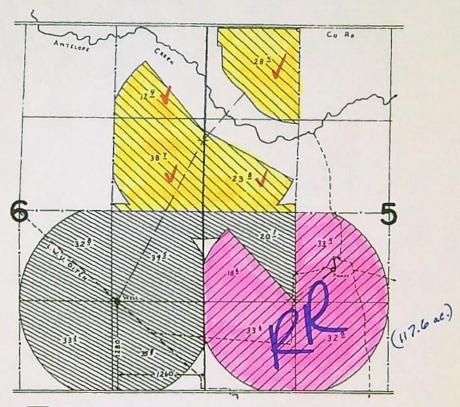
Dwight French
Water Realt-Services Division Administrator, for

Thomas M. Byler, Director

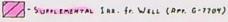
Oregon Water Resources Department

COPY

T.40S. R.19E. W.M.



- PRIMARY IRA. fr. WELL (APP. G-7704)



- PRIMART IRR. fr. WELL (APR. G- 7461)

FINAL PROOF SURVEY

UNDER

Application No. 9:7769 Permit No. 9:7150 IN NAME OF

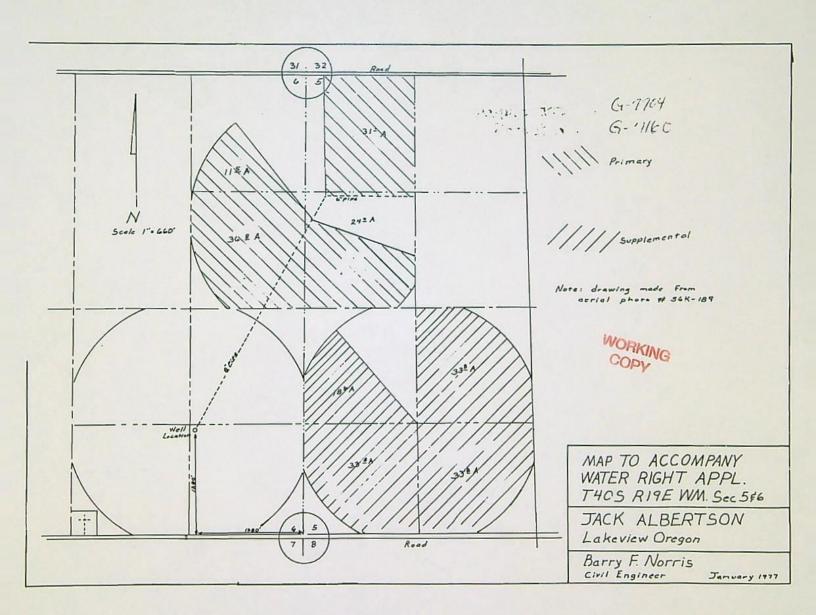
JACK ALBERTSON

Surveyed June IQ. 19.8Q, by .C. L. Hughes. . .

RECEIVED BY OWRD

JUL 1 1 2016

SALEM, OR



App (./PER. MAP WORKING COPY



a CLANNED

Water Resources Department North Central Region

116 S.E. Dorion Avenue Pendleton, OR 97801 Phone (541) 278-5456 Fax (541) 278-0287

May 16, 2018

Applicant

WILD WATERS REVOCABLE LIVING TRUST 5252 MILL CREEK RD. HEALDSBURG, CA 95448 Agent

WATER RIGHT SOLUTIONS, LLC attn.: HOLLIE CANNON 3246 HAMMER ST. KLAMATH FALLS, OR 97603

Reference: Water Right Transfer Application T-12595

Your water right transfer is ready for issuance of the Preliminary Determination, once the Department receives payment for publication of the newspaper notice.

Items needed before the next phase of processing...

At this time you need to:

- submit a check for \$129.60 (to cover cost of publication of the notice), made out to the Oregon Water Resources Department.
- 2. write "for T-12595 NOTICE" on the front of your check, and
- 3. submit it with the tracking stub at the bottom of this letter.

Mail the check to 725 Summer St. NE, Suite A, Salem, OR 97301-1266, no later than 6/16/2018.

What happens next...

Shortly after receiving payment, the Department will issue the Preliminary Determination, initiate publication in the Lake County Examiner newspaper, and also publish the notice on the Department's weekly notice. Publication of the notice will initiate a protest period during which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision.

If we do not receive payment for newspaper notice by 6/16/2018, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me at (541) 278-5456 or Ken.D.Dowden@oregon.gov if I may be of assistance.

Sincerely,

Ken Dowden

Transfer Specialist, NC Region

cc: Transfer Application file T-12595

Attached is a check for \$129.60 (PCA #46117) for Newspaper Notice for Transfer T-12595 made out to Oregon Water Resources Department (or WRD)

• "for T-12595 NOTICE" written on front of check

Mail to: Oregon Water Resources Department

725 Summer St. NE, Suite A Salem, OR 97301-1266

INTER-OFFICE MEMO

Phone Conversation with Mr. Cutino regarding the Report of Ownership and written "go-ahead response.

Over the phone he stated they thought the draft of the preliminary Determination was fine and would get going on the Report of Ownership at once.

The report of ownership took quite a while to come in.

Ken Dowden

RECORDING REQUESTED BY:
JOHN ANTHONY CUTINO II AND
SUSAN GISELLE CUTINO
When Recorded Mail Document
And Tax Statement To:
JOHN ANTHONY CUTINO II AND
SUSAN GISELLE CUTINO, TRUSTEES OF
THE WILD WATERS REVOCABLE LIVING TRUST
C/O 5252 MILL CREEK ROAD
HEALDSBURG, CA 95448

LAKECOUNTY, OREGON 2015-001171
D-QCDEED 07/20/2015 09:24:57 AM \$15.00 \$11.00 \$20.00 \$10.00 Total:\$56.00 \$00011654201500011710030031 \$1.0166 Gransy, County Clerk for Lake County, Organ carefully that the Instrument Identified Printing variables.

Stacle Geaney - County Clerk

APN 15491

QUITCLAIM DEED

The undersigned grantor(s) declare(s) GIFT/NO CONSIDERATION
Documentary Transfer Tax is \$ City tax \$
 () computed on full value of property conveyed, or () computed on full value less value of liens or encumbrances remaining at time of sale,
() Unincorporated Area County of Lake, State of Oregon
FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, JOHN ANTHONY CUTINO II AND SUSAN GISELLE CUTINO, HUSBAND AND WIFE, AS COMMUNITY PROPERTY AS TEDANTS BY THE ENTIRE BY
hereby quitclaims and transfers all right, title and interest held by Grantors to JOHN ANTHONY CUTINO II AND SUSAN GISELLE CUTINO, TRUSTEES OF THE WILD WATERS REVOCABLE LIVING TRUST

the following described real property in the County of Lake, State of Oregon, described as follows: Township 40 South, Range 19, East of the Willamette Meridian, Lake County, Oregon

Section 5: The W 1/2 NW 1/4 Section 6: The E 1/2 NE 1/4

This Quitclaim Deed is freely and fairly given with no consideration in regard to all right, title and interest in and to the real property described herein.

Dated: July 15, 2015

JOHN ANTHONY CYTINO II

SUSAN GISELLE CUTINO

MAIL TAX STATEMENT AS DIRECTED ABOVE

401900-017

VERITY VERT VICENS OUT

who

NANCY SUE GANN-DESIMONEL
COMM. #2068778
Notary Public - California
Contra Costa County
My Cornra. Expires May 18, 2018

ACKNOWLEDGMENT

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California County of CONTRA COSTA On JULY 15, 2015 before me, Nancy Sue Gann-Desimone, Notary Public (insert name and title of the officer) JOHN ANTHONY CUTINO II personally appeared proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the

which the person(s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(les), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of

WITNESS my hand and official seal.

Signature

(Seal) Nancy Sue Gann-Desimone, Notary Public

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of CONTRA COSTA

On JULY 15, 2015

before me, NANCY SUE GANN-DESIMONE

(insert name and title of the officer)

personally appeared SUSAN GISELLE CUTINO

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(les), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

(Seal)

NANCY SUE GANN-DESIMONEL
COMM. #2068778

Notary Public - California
Contra Costa County
My Corum. Expires May 18, 2018

Lake County Property Summary Report

Report Date: 5/9/2018 12:10:00 PM

Disclaimer

The information and maps presented in this report are provided for your convenience. Every reasonable effort has been made to assure the accuracy of the data and associated maps. Lake County makes no warranty, representation or guarantee as to the content, sequence, accuracy, timeliness or completeness of any of the data provided herein. Lake County explicitly disclaims any representations and warranties, including, without limitation, the implied warranties of merchantability and fitness for a particular purpose. Lake County shall assume no liability for any errors, omissions, or inaccuracies in the information provided regardless of how caused. Lake County assumes no liability for any decisions made or actions taken or not taken by the user of this information or data furnished hereunder.

Account Summary

Account Information

Mailing Name: THE WILD WATERS REVOCABLE LIVING

TRUST

Map and Taxlot: 40S19E000001700

Account: 15491 Tax Status: Taxable

Situs Address: 91762 SHULTS LN LAKEVIEW, OR 97630

Property Taxes

Current Tax Year: 2017 Tax Code Area: 712

Assessment

Subdivision: Lot: 0

Block: 0

Assessor Acres: 158.18 Property Class: 559 Ownership

Mailing Address:

THE WILD WATERS REVOCABLE LIVING TRUST

5252 MILL CREEK RD HEALDSBURG, CA 95448

Valuation

Real Market Values as of Jan. 1,

Land \$284,185 Structures \$60,499 Total \$128,951

Current Assessed Values:

Maximum Assessed \$58,769 Assessed Value \$111,284 Veterans Exemption \$0.00

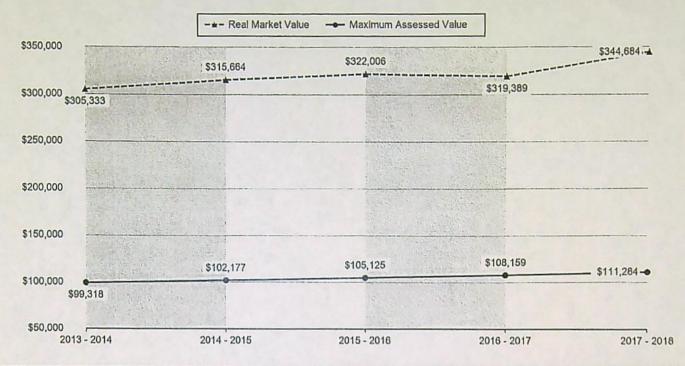
Warnings, Notations, and Special Assessments

Assessor's Office Notations

Code Description Remarks

DEFD ATL

Valuation History All values at	re as of January 1 of e	each year. Tax year	is July 1st through .	lune 30th of each ye	ar.
Real Market Value - Land	2013 - 2014 \$239,043	2014 - 2015 \$251,714	2015 - 2016 \$258,766	2016 - 2017 \$257,637	2017 - 2018 \$284,185
Real Market Value - Structures	\$66,290	\$63,950	\$63,240	\$61,752	\$60,499
Total Real Market Value	\$305,333	\$315,664	\$322,006	\$319,389	\$344,684
Maximum Assessed Value	\$99,318	\$102,177	\$105,125	\$108,159	\$111,284
Total Assessed Value	\$99,318	\$102,177	\$105,125	\$108,159	\$111,284
Exemption Value	\$0	\$0	\$0	\$0	\$0



119		Tunnentin	Total		THE THE PARTY			THE REAL PROPERTY.	AND PERSONAL PROPERTY.
/ear	Date Due	Transaction Type	Transaction Date	As Of Date	Amount	Tax Due	Discount	Interest	Refund
2017	11/15/2017	PAYMENT	12/01/2017	11/15/2017	\$1,420.41	(\$1,464.34)	\$43.93	\$0.00	\$0.00
2017	11/15/2017	IMPOSED	11/15/2017	11/15/2017	\$0.00	\$1,464.34	\$0.00	\$0.00	\$0.00
					Total:	\$0.00			
2016	11/15/2016	PAYMENT	12/05/2016	11/15/2016	\$1,382.49	(\$1,425.25)	\$42.76	\$0.00	\$0.00
2016	11/15/2016	IMPOSED	11/15/2016	11/15/2016	\$0.00	\$1,425.25	\$0.00	\$0.00	\$0.00
					Total:	\$0.00			
2015	11/15/2015	PAYMENT	12/01/2015	11/15/2015	\$1,355.00	(\$1,396.91)	\$41.91	\$0.00	\$0.00
2015	11/15/2015	IMPOSED	11/15/2015	11/15/2015	\$0.00	\$1,396.91	\$0.00	\$0.00	\$0.00
					Total:	\$0.00			
2014	11/15/2014	IMPOSED	11/15/2014	11/15/2014	\$0.00	\$1,351.33	\$0.00	\$0.00	\$0.00
2014	11/15/2014	PAYMENT	11/06/2014	11/15/2014	\$1,310.79	(\$1,351.33)	\$40.54	\$0.00	\$0.00
					Total:	\$0.00			
2013	11/15/2013	PAYMENT	01/02/2014	11/15/2013	\$48.03	(\$48.03)	\$0.00	\$0.00	\$0.00
2013	11/15/2013	PAYMENT	12/03/2013	11/15/2013	\$1,274.77	(\$1,274.77)	\$0.00	\$5.85	\$0.00
013	11/15/2013	IMPOSED	11/15/2013	11/15/2013	\$0.00	\$1,316.95	\$0.00	\$0.00	\$0.00
013	11/15/2013	IMPOSED	11/15/2013	11/15/2013	\$0.00	\$5.85	\$0.00	\$0.00	\$0.00
					Total:	\$0.00			
012	11/15/2012	PAYMENT	12/03/2013	11/15/2012	\$218.67	(\$218.67)	\$0.00	\$18.67	\$0.00
012	11/15/2012	PAYMENT	12/06/2012	11/15/2012	\$1,092.15	(\$1,092.15)	\$0.00	\$5.72	\$0.00
012	11/15/2012	IMPOSED	11/15/2012	11/15/2012	\$0.00	\$18.67	\$0.00	\$0.00	\$0.00
012	11/15/2012	IMPOSED	11/15/2012	11/15/2012	\$0.00	\$1,286.43	\$0.00	\$0.00	\$0.00
012	11/15/2012	IMPOSED	11/15/2012	11/15/2012	\$0.00	\$5.72	\$0.00	\$0.00	\$0.00
					Total:	\$0.00			
011	11/15/2011	PAYMENT	12/01/2011	11/15/2011	\$1,147.10	(\$1,182.58)	\$35.48	\$0.00	\$0.00
011	11/15/2011	IMPOSED	11/15/2011	11/15/2011	\$0.00	\$1,182.58	\$0.00	\$0.00	\$0.00
					Total:	\$0.00			
010	11/15/2010	PAYMENT	06/13/2011	11/15/2010	\$1,210.92	(\$1,210.92)	\$0.00	\$61.32	\$0.00

Year	Date Due	Transaction Type	Transaction Date	As Of Date	Amount Received	Tax Due	Discount Amount	Interest Charged	Refund
2010	11/15/2010	IMPOSED	11/15/2010	11/15/2010	\$0.00	\$61.32	\$0.00	\$0.00	\$0.00
2010	11/15/2010	IMPOSED	11/15/2010	11/15/2010	\$0.00	\$1,149.60	\$0.00	\$0.00	\$0.00
					Total:	\$0.00			
2009	11/15/2009	PAYMENT	12/01/2009	11/15/2009	\$1,084.07	(\$1,117.60)	\$33.53	\$0.00	\$0.00
2009	11/15/2009	IMPOSED	11/15/2009	11/15/2009	\$0.00	\$1,117.60	\$0.00	\$0.00	\$0.00
					Total:	\$0.00			
2008	11/15/2008	PAYMENT	06/12/2009	11/15/2008	\$1,158.93	(\$1,158.93)	\$0.00	\$72.43	\$0.00
2008	11/15/2008	IMPOSED	11/15/2008	11/15/2008	\$0.00	\$1,086.50	\$0.00	\$0.00	\$0.00
2008	11/15/2008	IMPOSED	11/15/2008	11/15/2008	\$0.00	\$72.43	\$0.00	\$0.00	\$0.00
					Total:	\$0.00			
2007	11/15/2007	PAYMENT	12/09/2007	11/15/2007	\$1,024.64	(\$1,056.33)	\$31.69	\$0.00	\$0.00
2007	11/15/2007	IMPOSED	11/15/2007	11/15/2007	\$0.00	\$1,056.33	\$0.00	\$0.00	\$0.00
					Total:	\$0.00			

Sales History							
Sale Date 10/29/1997	Seller SEVERIN, ALBERTA R & JOHN E	Buyer PARTLOW, DAVID D JR &	Sale Amount \$175,000	Sale Type CONTRACT	Recording 239-43		
12/02/2003	PARTLOW, DAVID D JR & ELAINE S	PARTLOW, DAVID D JR &	\$0	CONTRACT	260-492		
11/21/2003	PARTLOW, DAVID D JR & ELAINE S	MCCULLOUGH, GREG	\$225,000	WARRANTY DEED	260-430		
09/30/2004	MCCULLOUGH, GREG & CUTINO,	MCCULLOUGH, GREG & CUTIO,	\$225,000	WARRANTY DEED	263-245		
10/31/2014	CUTINO LINDA	CUTINO JOHN ANTHONY II &	\$0	BARGAIN & SALE	2014-1865		

Structures	STATE OF THE PARTY OF THE PARTY.				in the second
Stat Class/Description	Improvement Description	Code Area	Year Built	Eff Year Built	Total Sq Ft
-: DWELL	DWELL	712	0	1951	1318

Accessories	
Improvement Type	Sq Ft
Miscellaneous	528
Multi-Purpose Shed	196
Miscellaneous	0
General Purpose Building	572
Grain Bin	0
General Purpose Building	1300
Feeder Barn	1280
Livestock Loafing Shed	176

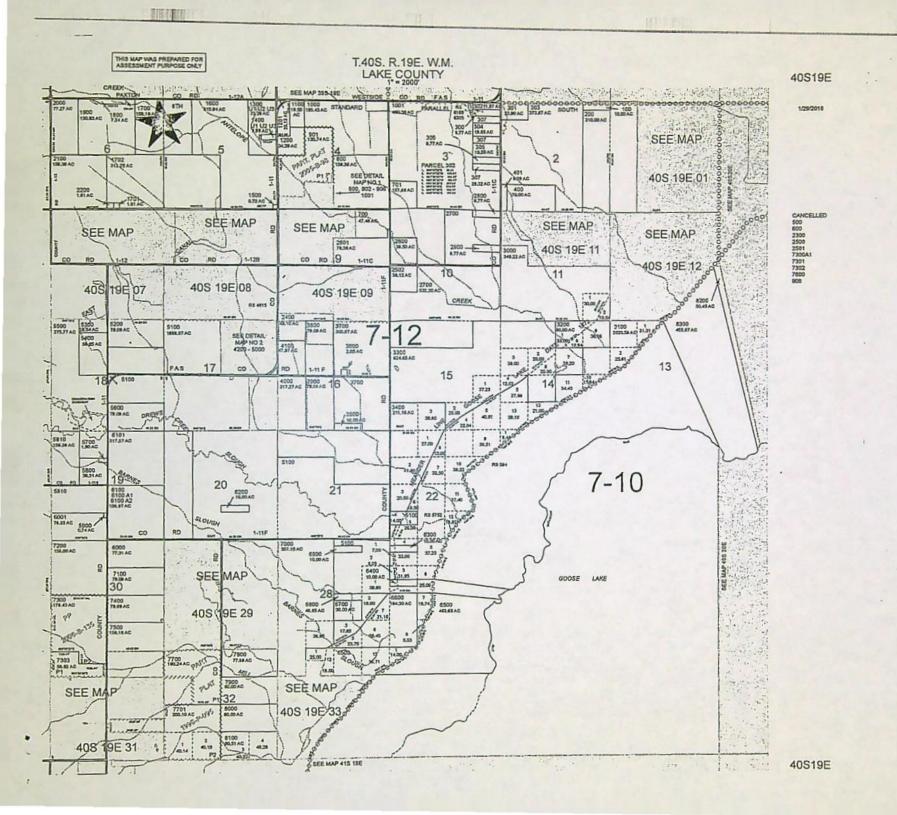
Land Characteristic	cs	and the state of t
Land Description	Acres	Land Classification
16 - Hs	1.00	
15 - Farm-rmv or sav	39.36	
15 - Farm-rmv or sav	14.00	
15 - Farm-rmv or sav	27.20	
15 - Farm-rmv or sav	13.78	The second secon
15 - Farm-rmv or sav	37.24	The state of the s
15 - Farm-rmv or sav	25.60	The second secon
81 - OSD FARM-rmv or sav	0.00	The state of the s
		The state of the s

Related Accounts

Related accounts apply to a property that may be on one map and tax lot but due to billing have more than one account. This occurs when a property is in multiple tax code areas, in other cases there may be business personal property or a manufactured home on this property that is not in the same ownership as the land.

No Related Accounts found.

Ownership		
Name Type	Name Ownership Type	Percentage
Owner	THE WILD WATERS REVOCABLE LIVING TRUST ,	100.00%
Taxpayer	THE WILD WATERS REVOCABLE LIVING TRUST ,	100.00% 200.00%







Water Resources Department

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

SENT

April 30, 2018

VIA E-MAIL

Applicant

The Wild Waters Revocable Living Trust 5252 Mill Creek Rd. Healdsburg, CA 95448

SUBJECT: Water Right Transfer Application T-12595

Your water right transfer is in one of three phases of processing. Enclosed is a draft of our Preliminary Determination regarding Transfer Application T-12595. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved.

Items needed before the next phase of processing...

- Please review the draft carefully to see if it accurately reflects the changes you intend to make, and to
 become familiar with all proposed conditions. You will need to respond in writing by the deadline
 provided below, whether you agree with the proposed action and conditions. Also we will appreciate
 having you let us know if there are typographical errors that need to be corrected.
- 2. A report of landownership for the lands to which the water right(s) are appurtenant (the FROM lands) is required. The report must be prepared by a title company and meet the criteria below. (Reports may be called by various names, such as List Pack, List Kit, Customer Service Report, Property Analysis Report (PAR), Lot Book Report, etc.)
 - a) The title company's report must either 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
 - prepared at any time, but showing ownership at the time a water right conveyance agreement was recorded.
 - b) The ownership report shall include:
 - i) Date reflected by the ownership information
 - ii) List of owners at that time
 - iii) Legal description of the property where the water right to be transferred is currently located.
 - c) You will need to submit a notarized statement of consent from any landowner listed in the ownership report who is not already included in the transfer application, or other information such as a water right conveyance agreement, if applicable.
- Notice of this transfer will need to be published in a local newspaper with general circulation in the
 area where the water rights are currently located. You will be responsible for the charges. We will
 endeavor to solicit the Lake County Examiner for a cost estimate to publish the notice regarding the
 movement of a well.

Conditions to your water right...

The Watermaster has required a water measurement device(s) at the new diversion point (well) prior to diversion of water. Enclosed is a contact information sheet to assist you in pursuing additional information or approval of the required (or alternate) device(s).



Please note the proposed date by which all conditions must be met: October 1, 2019. If the required completion date is insufficient to comply with any of the conditions, you may extend the date at no cost to you during this stage of processing. Please let me know by the comment deadline so we can make the proper arrangements to get you the time you need.

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 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).

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

- your written response to the conditions and proposed action in the draft Preliminary Determination (e-mail is acceptable); and
- report of ownership, and affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application; and
- verify the newspaper Lake County Examiner is the newspaper you wish the Department to use for publication of the notice of the Preliminary Determination.

If we do not receive the items listed above by May 30, 2018, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me at (541) 278-5456 or Ken.d.dowden@oregon.gov if I may be of assistance.

Sincerely,

Ken Dowden
Transfer Specialist
NC REGION

cc: T-12595 filE

Brian M. Mayer, District 12 Watermaster (via e-mail)

Hollie Cannon, Agent for the applicant (via e-mail) <u>hcannon@waterrightsolutions.com</u>
Joseph L. Strahl, CWRE #222 address → 60 North 4th St., Central Point, OR 97502
Commenter: Mr. Kirk Maag, Stoel Rives, LLP (via e-mail) <u>kirk.maag@stoel.com</u>

encs Watermaster contact sheet



BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON



In the Matter of Transfer Application T-12595, Lake County

DRAFT

PRELIMINARY DETERMINATION PROPOSING APPROVAL OF

) CHANGES IN PLACE OF USE AND POINT OF APPROPRIATION

Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, 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

WILD WATERS REVOCABLE LIVING TRUST 5252 MILL CREEK RD. HEALDSBURG, CA 95448 Agent

HOLLIE CANNON/WATER RIGHT SOLUTIONS, LLC 3246 HAMMER ST. KLAMATH FALLS, OR 97603

Findings of Fact

- On February 27, 2017, John Anthony Cutino II and Susan Giselle Cutino, Trustees, WILD WATERS REVOCABLE LIVING TRUST, filed an application proposing to change the point of appropriation and to change the place of use under a portion of Certificate 91901. The Department assigned the application number T-12595.
- 2. Notice of the application for transfer was published on March 7, 2017, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- 3. The first portion of the right to be transferred is as follows:

Certificate: 91901 in the name of WILD WATERS REVOCABLE LIVING TRUST

(perfected under Permit G-7160)

Use: IRRIGATION of 17.1 ACRES

Priority Date: FEBRUARY 8, 1977

Rate: 0.21 CUBIC FOOT PER SECOND (cfs)

Limit/Duty: The amount of water used for irrigation, together with the amount secured

under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acrefeet per acre for each acre irrigated during the irrigation season of each year.

Source: A WELL within the GOOSE and SUMMER LAKES basin

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	19 E	WM	6	SE SE	1280 FEET NORTH AND 1260 FEET WEST FROM THE SE CORNER OF SECTION 6

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	19 E	WM	5	NWNW	2.5
40 S	19 E	WM	5	SWNW	6.9
40 S	19 E	WM	6	SE NE	7.7
				TOTAL:	17.1

 Transfer Application T-12595 proposes to change the place of use of the above described right as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	19 E	WM	5	NWNW	4.6
40 S	19 E	WM	5	SWNW	5.8
40 S	19 E	WM	6	NE NE	6.3
40 S	19 E	WM	6	SE NE	0.4
				TOTAL:	17.1

5. Transfer Application T-12595 proposes to change the point of appropriation for the above described new place of use northeast approximately 1550 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	19 E	WM	6	SE NE	2584.42 FEET SOUTH AND 525.17 FEET WEST FROM THE NE CORNER OF SECTION 6

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

Certificate: 91901 in the name of WILD WATERS REVOCABLE LIVING TRUST

(perfected under Permit G-7160)

Use: IRRIGATION of 86.2 ACRES

Priority Date: FEBRUARY 8, 1977

Rate: 1.08 CUBIC FEET PER SECOND (cfs)

Limit/Duty: The amount of water used for irrigation, together with the amount secured

under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each

vear.

Source: A WELL within the GOOSE and SUMMER LAKES basin

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	19 E	WM	6	SE SE	(LAKE 2767) - 1280 FEET NORTH AND 1260 FEET WEST FROM THE SE CORNER OF SECTION 6

T-12595.kdd Page 2 of 4

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	19 E	WM	5	NWNW	25.9
40 S	19 E	WM	5	SWNW	16.9
40 S	19 E	WM	6	NE NE	12.4
40 S	19 E	WM	6	SE NE	31.0
				TOTAL:	86.2

7. Transfer Application T-12595 proposes to change the point of appropriation for the above described 86.2 acres northeast approximately 1550 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	19 E	WM	6	SE NE	2584.42 FEET SOUTH AND 525.17 FEET WEST FROM THE NE CORNER OF SECTION 6

Transfer Review Criteria (OAR 690-380-4010)

- 8. Water has been used within the last five years prior to the submittal of Transfer Application T-12595 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.
- A well, pump, pipeline, and sprinkler system 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-12595.
- 10. The proposed change would not result in enlargement of the right.
- 11. The proposed change would not result in injury to other water rights.
- 12. All other application requirements are met.

Determination and Proposed Action

The changes in point of appropriation and place of use proposed in Transfer Application T-12595 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-12595 is approved, the final order will include the following:

- The changes in point of appropriation and place of use proposed in Transfer Application T-12595 are approved.
- 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 91901 and any related decree.

- 3. Water right Certificate 91901 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
- 4. The quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.
- 5. 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 the new point of appropriation.
 - b. The water user shall maintain the meter or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meter or measuring devices; provided however, where the meter or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
- 6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
- 7. The former place of use of the transferred right shall no longer receive water under the right.
- 8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before October 1, 2019. 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.
- After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Datad at Salam	Oragon this	day of	2019
Dated at Salem,	Oregon this	day of	2018.

DRAFT

Dwight French, Water Right Services Administrator, for Thomas M. Byler, Director Oregon Water Resources Department

This draft Preliminary Determination was prepared by Ken Dowden. If you have questions about the information in this document, you may reach me at 541-278-5456 or Ken.D.Dowden@oregon.gov



Oregon Water Resources Department

Measurement Condition Information for the Applicant

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



Transfer #: T-12595

	rior to diversion of w	ater, as a condition of	
For additional information, or to obtain approapplicant should contact the area Watermaste	The state of the s	of measurement device	e, the
Watermaster name: Brian Mayer			
District: 12			
Address: 513 center St.			
City/State/Zip: Lakeview OR 97630			
Phone: 541 947-6038			
Email: brian.m.mayer@oregon.gov			
Note: If a device other than the one specified approved by the Watermaster, fill out an ***********************************	nd mail the form below ********** Measurement Devi	to the Salem office. ******** ce T	
On behalf of the Director, I authorize use of	the following suitable	alternate measuremer	nt device:
Watermaster signature	District	Date	
If this form is used for approval of an alterna	ative measurement dev	ice, it must be mailed to	0:
Oregon Water Resources Department 725 Summer Street NE, Suite A Salem, OR 97301-1266			

PATS Links: PATS Home

Lake County Links: Home

Other Property Applications

Other Online Applications

LAKE COUNTY PROPERTY INFORMATION

Sales for account # 15491

The Lake County Assessor's Office is responsible for the appraisal and assessment of all taxable property within the County. Contact this department if you need additional information or if you have questions.

Account Information

Mailing Name: THE WILD WATERS REVOCABLE LIVING TRUST

Map and Taxlot: 40S19E000001700

Account: 15491

Situs Address: 91762 SHULTS LN LAKEVIEW, OR 97630

Tax Status: Taxable

Warning

This account may have potential additional tax liabilities, taxes due, or other special development conditions.

Sales History

For additional information please contact the Clerks Office

Sale Date	Seller	Buyer	Sale Amount	Sale Type	Recording Instrument
10/29/1997	SEVERIN, ALBERTA R & JOHN E	PARTLOW, DAVID D JR & ELAINE S	\$175,000	CONTRACT	239-43
12/02/2003	PARTLOW, DAVID D JR & ELAINE S	PARTLOW, DAVID D JR & ELAINE S	\$0	CONTRACT	260-492
11/21/2003	PARTLOW, DAVID D JR & ELAINE S	MCCULLOUGH, GREG		WARRANTY DEED	260-430
09/30/2004	MCCULLOUGH, GREG & CUTINO, LINDA	MCCULLOUGH, GREG & CUTIO, LINDA	\$225,000	WARRANTY DEED	263-245
10/31/2014	CUTINO LINDA	CUTINO JOHN ANTHONY II & SUSAN GISLL	\$0	BARGAIN & SALE	2014-1865

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PATS Links: PATS Home

Lake County Links: Home

Other Property Applications

Other Online Applications

LAKE COUNTY PROPERTY INFORMATION

Summary for account #15494

Summary information is displayed for the selected property.

Account Information

Mailing Name: ALBERTSON FLORENCE Map and Taxlot: 40S19E000001702

Account: 15494

Situs Address: 91835 DOG LAKE LN LAKEVIEW, OR 97630

Tax Status: Taxable

Warning

This account may have potential additional tax liabilities, taxes due, or other special development conditions.

Ownership

Mailing To: ALBERTSON FLORENCE 91926 DOGLAKE LN LAKEVIEW, OR 97630

Taxes

Property Tax (Current Year): \$2,566.10 Tax Code Area: 712

Assessment

Assessor Acres: 312.75 Property Class: 551

Potential Additional Tax Liability

Valuation

CHILDER'S AND A CHEST HE INFORMATION AND MAPS ACCESSED THROUGH THIS WEB SITE PROVIDE A VISUAL DISPLAY FOR YOUR CONVENIENCE, EVERY REASONABLE EFFORT HAS BEEN MADE TO ASSURE THE ACCESSED THROUGH THIS WEB SITE PROVIDE A VISUAL DISPLAY FOR YOUR CONVENIENCE, EVERY REASONABLE EFFORT HAS BEEN MADE TO ASSURE THE LACE OF ANY OF THE DATA PROVIDED HEREIN, LAKE COUNTY EXPLICITLY DISCLAIMS ANY REPRESENTATIONS AND WARRANTIES, INCLUDING, WITHOUT LIMITATION, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR REPAYMAKE VALUE ASSUME NO LIABILITY FOR ANY ERRORS, OMISSIONS, OR INACCURACIES IN THE INFORMATION PROVIDED REGARDLESS OF HOW CAUSED, LAKE COUNTY ASSUMES NO LIABILITY FOR ANY DECISIONS MADE OR ACTIONS TAKEN OR NOT TAKEN BY THE USER OF THIS INFORMATION OR DATA FURNISHED HEREUNDER.

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Groundwater Transfer Review Summary Form

Transfer/PA # T-	12595		
GW Reviewer	Gerald H. Grondin	Date Review Completed:	12 December 2017
Summary of Enla	argement (Same Source) Review:		
[] The proposed source.	transfer fails to keep the original pla	ce of use from receiving wat	er from the same
Summary of Inju	ry Review:		
	d transfer will result in another, existi t is legally entitled.	ng water right not receiving	previously available
Summary of We	Il Construction Assessment:		
[] The proposed	I POA does not have a well log.		
A CONTRACTOR OF THE PARTY OF TH	I POA does not appear to meet currer in and Compliance Section.	nt well construction standard	ds. Route through
This is only a sun	nmary. Documentation is attached an	nd should be read thoroughly	to understand the



Oregon Water Resources Department 725 Summer Street NE, Suite A

Ground	Water	Review	Form:

Water Right Transfer
Permit Amendment
GR Modification
Other

WATER	Salem, Oregon 97301-1271 (503) 986-0900 www.wrd.state.or.us Permit Amendment GR Modification Other	
App	olication: T- <u>12595</u>	
App	olicant Name: The Wild Waters Revocable Living Trust	
Prop	posed Changes:	
Rev	riewer(s): Gerald H. Grondin Date of Review: 12 December 2017	_
	information provided in the application is insufficient to evaluate whether the propose sfer may be approved because:	d
	The water well reports provided with the application do not correspond to the water right affected by the transfer.	ts
	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:	_
	Transfer application T-12595 relates to certificate 91901 (file G-7704). The application explains the transfer purpose as follows: "The property for a long time was leased by the neighboring landowner and operated as one farm. The well the supplies the water right for this property is not located on this property. This transfer application adds a point of appropriation so the property owner has his own well for his share of the water right. The original configuration used a center pivot the irrigated a portion of both properties. The transfer in place of use moves the pivot only irrigate land of this ownership." The application proposes the following: Certificate 91901 currently authorizes irrigating 220.9 POU acres total (103).	at er or at to
	primary POU acres and 117.6 supplemental POU acres) using a single well (LAK 2766 original, LAKE 2767 deepening) at a maximum allowable rate of 2.76 cfs (1.29 cfor primary and 1.47 cfs for cfs for supplemental) and a maximum annual allowable volume of 662.7 ac-ft total (309.9 ac-ft for primary and 352.8 ac-ft for supplemental).	fs
	The application proposes to reconfigure the 103.3 primary POU acres with T40S/R19E-sec 06. No change is proposed for the 117.6 supplemental POU acres.	in —
	The application further proposes a new POA well (not drilled yet) to irrigate the reconfigured primary 103.3 POU acres (it appears the existing authorized POA we would continue to irrigate the remaining 117.6 supplemental POU acres unchanged).	

Transfer Application: T-12595 Ground Water Review Form Will the proposed POA develop the same aquifer (source) as the existing authorized POA? X Yes No Comments: Primarily ves. It appears the authorized POA well (POA 1, LAKE 2766 original, LAKE 2767 deepening) obtains groundwater primarily (likely 90% or more) from the higher permeability predominantly volcanic rock and sediment unit found beneath the lower permeability predominantly basin fill sediment unit. The proposed construction for the proposed POA well (POA 2) will likely limit groundwater production solely (100%) to the higher permeability predominantly volcanic rock and sediment unit beneath the lower permeability predominantly basin fill sediment unit. This is more protective of shallow exempt use wells and surface water. The overall groundwater system is identified as generally unconfined with discontinuous low permeability layers causing local (discontinuous, limited) confinement. Generally, lower transmissivity (lower permeability) predominantly basin fill sediment unit of varying thickness overlies higher transmissivity (higher permeability) predominantly volcanic rock and sediment unit. Groundwater occurs in both the predominantly basin-fill sediment unit and the predominantly volcanic rock and sediment unit. Groundwater is vertically connected within each unit and between each unit. a) Is there more than one source developed under the right (e.g., basalt and alluvium)? Yes No Comments: Primarily no. See discussion in section 2 above. 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.): a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with another ground water right? X Yes No Comments: The application seeks to change the authorized "from" POA well (LAKE 2766

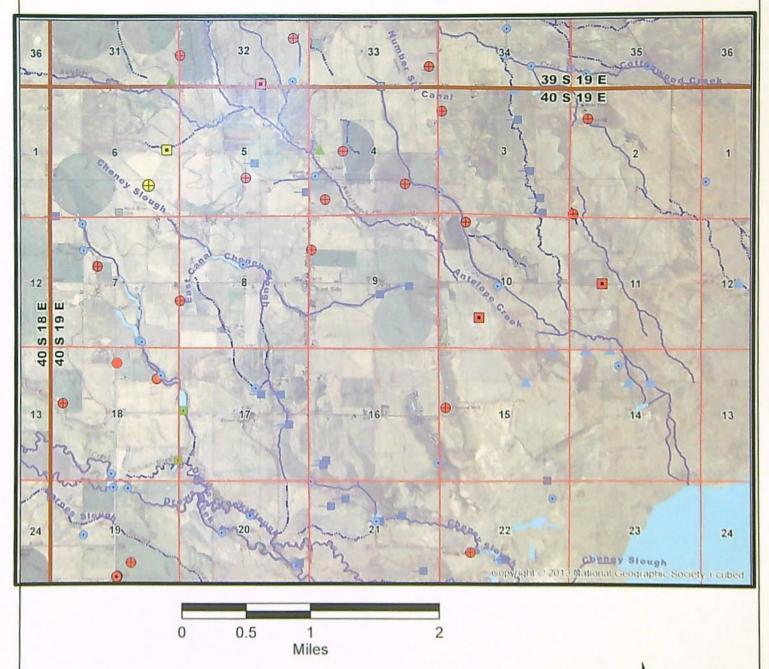
original, LAKE 2767 deepening) for the 103.3 primary POU acres to the proposed "To" POA well (not drilled yet). The drawdown at the well closest to the "From" and "To" POA wells will increase if the transfer is approved. The calculated increase in seasonal drawdown at the closest well is less than 0.05 feet by the end of the irrigation season using continuous pumping at the maximum rate as a worse case scenario. The change at more distant wells will be less.

Ground Water Review Form

Transfer Application: T-12595

	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:
	The increased seasonal drawdown should be less than 0.05 feet, which is within the capacity of the closest neighboring well.
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 closest surface water is Antelope Creek. The proposed "To" POA well (not drilled yet) is a closer distance to Antelope Creek than the "From" POA well. The groundwater interference with Antelope Creek will likely increase 0.001 cfs (0.45 gpm) if the transfer is approved (about 0.7% of the lowest natural creek flow).
	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: Antelope Creek
	See part 5a above.
6.	What conditions or other changes in the application are necessary to address any potential issues identified above:
	If allowable under the transfer process, include the following conditions:
	"Large" flow meter condition for both the "To" and "From" POA wells.
	Condition for groundwater production: "All POA wells under this water right shall comply with existing well construction standards. Groundwater production shall occur from the higher permeability predominantly volcanic rock and sediment unit found beneath the lower permeability predominantly basin fill sediment unit by continuous casing and continuous seal through the predominantly basin fill sediment unit and into the predominantly volcanic rock and sediment unit."
7.	Any additional comments:
	No other comments.

Groundwater Transfer Application T-12595 The Wild Waters Revokable Living Trust



Yellow = Application Noted Well(s)
Red = Other Existing or Proposed Wells

Blue and Other = surface water rights



NOTICE TO WATER WELL CONTRACTOR The original and first copy

of this report are to be filed with the

STATE ENGINEER, SALEM, OREGON 97310 within 30 days from the date of well completion.

WATER WELL REPORT Siale Well No. .. STATE OF OREGON

(Do not write above this line) AUG 2 7 1976 State Permit No. 405 /191-6db

WATER RESOURCES DEPT. (1) OWNER: (10) LOCATION OF WELL: JACK ALBERTSON Driller's well number T. 40 Address Rt. 6 Box 466 Lakeview Or R. 19 6 14 Se 14 Section Bearing and distance from section or subdivision corner (2) TYPE OF WORK (check): New Well Deepening [Reconditioning [Abandon | If abandonment, describe material and procedure in Item 12. (11) WATER LEVEL: Completed well. (3) TYPE OF WELL: (4) PROPOSED USE (check): Depth at which water was first found Driven [Domestic | Industrial | Municipal | ft. below land surface. Date 7-29-76 Static level Cable Jetted [Dug Bored Irrigation N Test Well | Other lbs. per square inch. Date Artesian pressure CASING INSTALLED: Threaded | Welded |X (12) WELL LOG: Diameter of well below casing10 ft. Depth of completed well 369 Depth drilled 369 10 " Diam from 247 ft to 369 ft Gage 250 Formation: Describe color, texture, grain size and structure of materials; ..." Diam. from __ ft. to ____ ft. Gage .. and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in PERFORATIONS: position of Static Water Level and indicate principal water-bearing strata. Perforated? X Yes No. Type of perforator used Factory & Torch MATERIAL 0 Size of perforations Top Soil Brown Claystone Yellow 2 12" 1908 perforations from 282 18 Clay Sandy Yellow 1220 perforations from 247 18 Sand Medium Yellow water ft. sealed Clay Yellow 21 37 (7) SCREENS: Well screen installed? ☐ Yes 🏝 No Clay Blue 31 Manufacturer's Name ... 135 Clay Sandy Blue 35 12 @60' Model No. 135 139 Rock Blue Diam. Slot size Set from Clay Sandy Blue 139 145 Diam. Slot size ___ Set from Sand Coarse 145 148 12 148 Clay Blue 274 Drawdown is amount water level is lowered below static level (8) WELL TESTS: Clay Sandy Blue 214 219 Clay Blue 219 235 Clay Blue Sandy gal./min. with 133 ft. drawdown after 2 235 12 270 Clay Blue 258 Rock Blue 270 275 . Rock Grey/White/Blacksean 275 325 72 Bailer test gal./min. with ft. drawdown after hrs. Rock Black 325 366 Artesian flow g.p.m. KWWX Sand Coarse Black 366 369 70 perature of water 50 Depth artesian flow encountered . Work started 1-18 1976 Completed 7-29 19 76 7-30 Date well drilling machine moved off of well 19 76 (9) CONSTRUCTION: Drilling Machine Operator's Certification: Well seal-Material used Cement This well was constructed under my direct supervision.

Materials used and information reported above are true to my Well scaled from land surface to _____26 Diameter of well bore to bottom of scal 18 Diameter of well bore below seal ...12.... 3 cu.yds. Number of sacks of cement used in well seal Drilling Machine Operator's License No.195 Number of sacks of bentonite used in well seal Brand name of bentonite ... Aquagell Water Well Contractor's Certification: Number of pounds of bentonite per 100 gallons This well was drilled under my jurisdiction and this report is of water 50 _ lbs./100 gals. true to the best of my knowledge and belief. Was a drive shoe used? Yes No Plugs Size: location ... Sevey welldrilling (Type or print) Did any strata contain unusable water?

Yes 1 No Address 117 North K. Lkv., Or. depth of strata Type of water? Method of sealing strata off Was well gravel packed? Yes No Size of gravel:3/16 Contractor's License No. .617.... Date 8-22., 19..7.6

NOTICE TO WATER WELL CONTRACTOR

The original and first copy of this report are to be filed with the

STATE ENGINEER, SALEM, OREGON 91310 within 30 days from the date of well completion.

STATE OF OREGON E CEIVED. WELL NO.

(Do not write above this line) DEC 301976 State Permit No.

405	19E-6 db
0. 7001	

of well completion.	WATER RESOURCES DEPT.	
(1) OWNER:	(10) LOGALINN QUEGONLL:	
	County Lake Driller's well m	umber
Name Jack Albertson	NW % SE % Section 6 T. 408	
Address Rt. 6 Box 466 Lakeview Or. 97630	Bearing and distance from section or subdivisi	
(2) TYPE OF WORK (check):	Bearing and distance from section of subdivisi	on come
New Well □ Deepening ★ Reconditioning ♠ Abandon □		
If abandonment, describe material and procedure in Item 12.	(14) YVA MYDD Y DYYDY Completed on	
	(11) WATER LEVEL: Completed w	Company to the company of the compan
(3) TYPE OF WELL: (4) PROPOSED USE (check):	Depth at which water was first found Exist	
Rotary X Driven Domestic Industrial Municipal Domestic	Static level 12 ft. below land :	surface. Date 12-2-7
Dug 🗍 Bored 🗋 Irrigation 🙀 Test Well 🗎 Other 📋	Artesian pressure lbs. per squar	re inch. Date
CASING INSTALLED: Thrended Welded	(12) WELL LOG: Diameter of well	helest earling 811
N.A. "Diam. fromft. toft. Gage		below casing
" Diam. from ft. to ft. Gage		
	Formation: Describe color, texture, grain size and show thickness and nature of each stratus	m and aquifer penetrated,
	with at least one entry for each change of forma	tion. Report each change in
PERFORATIONS: Perforated? Yes X No.	position of Static Water Level and indicate prin	The same of the sa
Type of perforator used	MATERIAL	From To SWL
Size of perforations in. by in.	Sand Black Coarse	368 369 12
perforations fromft. toft.	Rock Black Hard	369 442 12
perforations from ft, to ft.		
perforations from ft. to ft.	-	
(7) SCREENS: Well screen installed? ☐ Yes 🖔 No		
Manufacturer's Name		
Type Model No	-	
Diam. Slot size Set from ft. to ft.		
Diam. Slot size Set from ft. to ft.		
(8) WELL TESTS: Drawdown is amount water level is lowered below static level		
Was a pump test made? KX es No If yes, by whom? Valley Power	7	
Yield: 1600 gal./min. with 7 ft. drawdown after 2 hrs.		
" " "		
" " " "		
Bailer test gal./min. with ft. drawdown after hrs.		
Artesian flow g.p.m.		
hperature of water Depth artesian flow encountered ft.	Work started 11-30 1976 Complet	ted 12-2 1976
(9) CONSTRUCTION:	Date well drilling machine moved off of well	12-2 1976
Well seal-Material used Already Completed	Drilling Machine Operator's Certification	
Well sealed from land surface to ft.	This well was constructed under my	
Diameter of well bore to bottom of sea	Materials used and information reported best knowledge and belief	above are true to my
Diameter of well bore below seal in.	[Signed] Marin Sever	Date
Number of sacks of cement used in well sealsacks	(Drilling Machine Operator)	196
Number of sacks of bentonite used in well seal sacks	Drilling Machine Operator's License No.	1.19
Brand name of bentonite	Water Well Contractor's Certification:	
Number of pounds of bentonite per 100 gallons	This well was drilled under my jurisd	diction and this report is
of water lbs./100 gals.	true to the best of my knowledge and be	lief.
Was a drive shoe used? ☐ Yes 🎝 No Plugs Size: location ft.	Name Sevey Welldrilling	
Did any strata contain unusable water? Yes No	(Person, firm or corporation)	(Type or print)
Type of water? depth of strata	Address 117 N.K. Lakeview O	r. 97630
Method of sealing strata off	[Signed] Alen ILlan	rely
Was well gravel packed? Yes No Size of gravel:	(Water Well Con	1-
Gravel placed from fit to ft.	Contractor's License No. 617 Date	1-28 1976

Drawdown Calculations Using Theis Equation

Theis Equation: s = [Q/(4*T*pi)][W(u)]

 $u = (r^*r^*S)/(4^*T^*t)$

 $W(u) = (-\ln u) - (0.5772157) + (u/1^*1!) - (u^*u/2^*2!) + (u^*u^*u/3^*3!) - (u^*u^*u/4^*4!) + \dots$

s = drawdown (L)

r = radial distance (L)

T = transmissivity (L*L/T)

t = time (T)

S = storage coefficient (dimensionless)

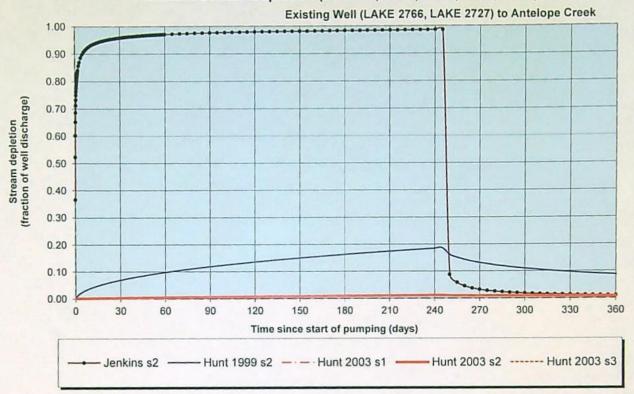
u = dimensionless

pi = 3.141592654

W(u) = well function

Transmissivity	Transmissivity	Storage	Pumping Rate	Pumping Rate	Time	Distance	pi	u	W(u)	Drawdown	Drawdown	Comments
Т	T	Coefficient	Q	Q	t	r			100	S	Difference	
(gpd/ft)	(ft2/day)	S	(gal/min)	(ft3/sec)	(days)	(feet)	The state of the s			(feet)	(feet)	
								Note : W(u) calculation	valid when u	< 7.1	
Note:	yellow grid areas	are where valu	ies are calculate	ed				7.0000	1.1545E-04			W(u) calculation test
Authorized POA V	Vell (LAKE 2766, LA	AKE 2767) to c	losest well (Trai	nsmissivity from	specific c	apacity data)						
439.741.69	58,784.91	0.00100	578,99	1.29	30.00	4,010.00	3.14	0.0023	5.5089	0.8312		Continuous Pumping at Full Rate
439,741.69	58,784.91	0.00100	578.99	1.29	245.00	4,010.00	3.14	0.0003	7.6069	1,1477		Continuous Pumping at Full Rate
439,741.69	58,784.91	0.00100	286.23	0.64	30.00	4,010.00	3.14	0.0023	5.5089	0.4109		Pro-Rated Pumping Rate
439,741.69	58,784.91	0.00100	286.23	0.64	245.00	4,010.00	3.14	0.0003	7.6069	0.5674		Pro-Rated Pumping Rate
Proposed POA We	ell (not drilled yet) t	to closest well	(Transmissivity	from specific ca	apacity dat	a)						
439.741.69	58,784.91	0.00100	578.99	1.29	30.00	3,430.00	3.14	0.0017	5.8207	0.8782	0.0471	Continuous Pumping at Full Rate
439,741.69	58,784.91	0.00100	578.99	1.29	245.00	3,430.00	3.14	0.0002	7.9193	1.1948	0.0471	Continuous Pumping at Full Rate
439,741.69	58.784.91	0.00100	286.23	0.64	30.00	3,430.00	3.14	0.0017	5.8207	0.4342	0.0233	Pro-Rated Pumping Rate
439,741.69	58,784.91	0.00100	286.23	0.64	245.00	3,430.00	3.14	0.0002	7.9193	0.5907	0.0233	Pro-Rated Pumping Rate

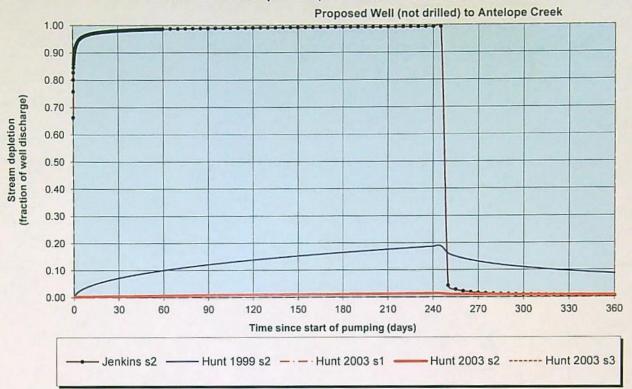
Transient Stream Depletion (Jenkins, 1970; Hunt, 1999, 2003)



Output for St	ream Dep	oletion, S	cenerio :	2 (s2):		Time pump on (pumping duration) = 245 days						
Days	30	60	90	120	150	180	210	240	270	300	330	360
JSD	95.8%	97.1%	97.6%	97.9%	98.1%	98.3%	98.4%	98.5%	3.2%	1.8%	1.2%	0.9%
H SD 1999	7.0%	9.8%	11.9%	13.6%	15.0%	16.3%	17.4%	18.5%	13.1%	11.0%	9.6%	8.7%
H SD 2003	0.3%	0.5%	0.6%	0.7%	0.8%	0.9%	1.0%	1.1%	0.9%	0.9%	0.8%	0.8%
Qw, cfs	0.640	0.640	0.640	0.640	0.640	0.640	0.640	0.640	0.640	0.640	0.640	0.640
H SD 99, cfs	0.044	0.063	0.076	0.087	0.096	0.104	0.112	0.118	0.084	0.070	0.062	0.055
H SD 03, cfs	0.002	0.003	0.004	0.005	0.005	0.006	0.007	0.007	0.006	0.006	0.005	0.005

Parameters:		Scenario 1	Scenario 2	Scenario 3	Units
Net steady pumping rate of well	Qw	0.64	0.64	0.64	cfs
Time pump on (pumping duration)	tpon	245	245	245	days
Perpendicular from well to stream	a	3100	3100	3100	ft
Well depth	d	442	442	442	ft
Aquifer hydraulic conductivity	K	341.77	341.77	341.77	ft/day
Aquifer saturated thickness	b	172	172	172	ft
Aquifer transmissivity	T	58784.44	58784.44	58784.44	ft*ft/day
Aquifer storativity or specific yield	S	0.001	0.001	0.001	
Aquitard vertical hydraulic conductivity	Kva	2.112	2.112	2.112	ft/day
Aquitard saturated thickness	ba	270	270	270	ft
Aquitard thickness below stream	babs	270	270	270	ft
Aquitard porosity	n	0.2	0.2	0.2	
Stream width	ws	25	25	25	ft
Streambed conductance (lambda)	sbc	0.195556	0.195556	0.195556	ft/day
Stream depletion factor	sdf	0.163479	0.163479	0.163479	days
Streambed factor	sbf	0.010313	0.010313	0.010313	
input #1 for Hunt's Q_4 function	ť	6.117007	6.117007	6.117007	
input #2 for Hunt's Q_4 function	K'	1.278766	1.278766	1.278766	
input #3 for Hunt's Q_4 function	epsilon'	0.005000	0.005000	0.005000	
input #4 for Hunt's Q_4 function	lamda'	0.010313	0.010313	0.010313	

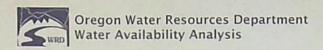
Transient Stream Depletion (Jenkins, 1970; Hunt, 1999, 2003)



Output for St	ream Dep	oletion, S	cenerio :	2 (s2):		Time pur	np on (p	umping o	luration)	= 245 da	ys	
Days	30	60	90	120	150	180	210	240	270	300	330	360
JSD	98.0%	98.6%	98.8%	99.0%	99.1%	99.2%	99.2%	99.3%	1.5%	0.8%	0.6%	0.4%
H SD 1999	7.2%	10.0%	12.1%	13.8%	15.2%	16.5%	17.7%	18.7%	13.1%	10.9%	9.6%	8.6%
H SD 2003	0.5%	0.7%	0.8%	0.9%	1.1%	1.2%	1.3%	1.4%	1.0%	0.9%	0.8%	0.8%
Qw, cfs	0.640	0.640	0.640	0.640	0.640	0.640	0.640	0.640	0.640	0.640	0.640	0.640
H SD 99, cfs	0.046	0.064	0.077	0.088	0.098	0.106	0.113	0.120	0.084	0.070	0.061	0.055
H SD 03, cfs	0.003	0.004	0.005	0.006	0.007	0.007	0.008	0.009	0.006	0.006	0.005	0.005

Parameters:		Scenario 1	Scenario 2	Scenario 3	Units
Net steady pumping rate of well	Qw	0.64	0.64	0.64	cfs
Time pump on (pumping duration)	tpon	245	245	245	days
Perpendicular from well to stream	а	1495	1495	1495	ft
Well depth	d	442	442	442	ft
Aquifer hydraulic conductivity	K	341.77	341.77	341.77	ft/day
Aquifer saturated thickness	b	172	172	172	ft
Aquifer transmissivity	T	58784.44	58784.44	58784.44	ft*ft/day
Aquifer storativity or specific yield	S	0.001	0.001	0.001	
Aquitard vertical hydraulic conductivity	Kva	2.112	2.112	2.112	ft/day
Aquitard saturated thickness	ba	270	270	270	ft
Aquitard thickness below stream	babs	270	270	270	ff
Aquitard porosity	n	0.2	0.2	0.2	
Stream width	ws	25	25	25	fi
Streambed conductance (lambda)	sbc	0.195556	0.195556	0.195556	ft/day
Stream depletion factor	sdf	0.038021	0.038021	0.038021	days
Streambed factor	sbf	0.004973	0.004973	0.004973	
input #1 for Hunt's Q_4 function	t'	26.301469	26.301469	26.301469	
input #2 for Hunt's Q_4 function	K'	0.297406	0.297406	0.297406	
input #3 for Hunt's Q_4 function	epsilon'	0.005000	0.005000	0.005000	
input #4 for Hunt's Q_4 function	lamda'	0.004973	0.004973	0.004973	

Basalt							
Well County	Well Num	Transmissivity	Transmissivity	Open Interval	Conductivity		
		ft2/day	gpd/ft	feet	ft/day		
LAKE	2766	58,784.91	439,741.69	172.00	341.77		
		58,784.91	439,741.69	Average		341.77	ft/day
Basin-Fill							
Well County	Well Num	Transmissivity	Transmissivity	Open Interval	Conductivity		
		ft2/day	gpd/ft	feet	ft/day		
LAKE	2765	1,984.92	14,848.23	94.00	21.12		
		1,984.92	14,848.23	Average		21.12	ft/day



← Main

O Help

@ Return

Contact Us

Water Availability Analysis

ANTELOPE CR > GOOSE L - AT MOUTH GOOSE & SUMMER LAKE BASIN

Water Availability as of 12/12/2017

Watershed ID #: 31300113 (Map)

Date: 12/12/2017

Exceedance Level: 80% V

Time: 1:46 PM

Download Data

Water Availability

Select any Watershed for Details

Nesting Watershed
Order

1D #

1 31300113 ANTELOPE CR> GOOSE L- AT MOUTH No Yes Yes No Yes

Limiting Watersheds

Monthly Streamflow in Cubic Feet per Second Annual Volume at 50% Exceedance in Acre-Feet

Month	Limiting Watershed ID #	Stream Name	Water Available?	Net Water Available
JAN	31300113	ANTELOPE CR > GOOSE L - AT MOUTH	No	-0.11
FEB	31300113	ANTELOPE CR > GOOSE L - AT MOUTH	Yes	0.27
MAR	31300113	ANTELOPE CR > GOOSE L - AT MOUTH	Yes	0.28
APR	31300113	ANTELOPE CR > GOOSE L - AT MOUTH	No	-0.05
MAY	31300113	ANTELOPE CR > GOOSE L - AT MOUTH	No	-5.41
JUN	31300113	ANTELOPE CR > GOOSE L - AT MOUTH	No	-4.92
JUL	31300113	ANTELOPE CR > GOOSE L - AT MOUTH	No	-1,47
AUG	31300113	ANTELOPE CR > GOOSE L - AT MOUTH	No	-0.76
SEP	31300113	ANTELOPE CR > GOOSE L - AT MOUTH	No	-0.61
OCT	31300113	ANTELOPE CR > GOOSE L - AT MOUTH	No	-0.35
NOV	31300113	ANTELOPE CR > GOOSE L - AT MOUTH	No	-0.03
DEC	31300113	ANTELOPE CR > GOOSE L - AT MOUTH	No	-0.15
ANN	31300113	ANTELOPE CR > GOOSE L - AT MOUTH	Yes	771.00

Detailed Reports for Watershed ID #31300113

ANTELOPE CR > GOOSE L - AT MOUTH GOOSE & SUMMER LAKE BASIN Water Availability as of 12/12/2017

Watershed ID #: 31300113 (Map)

Date: 12/12/2017

Exceedance Level: 80% V

Time: 1:46 PM

Water Availability Calculation

Monthly Streamflow in Cubic Feet per Second Annual Volume at 50% Exceedance in Acre-Feet

Month	Natural Consum	ptive Uses and	Expected	Reserved	Instream Flow	Net Water	
	Stream Flow	Storages	Stream Flow	Stream Flow	Requirement	Available	
JAN	0.27	0.38	-0.11	0.00	0.00	-0.11	
FEB	0.53	0.27	0.27	0.00	0.00	0.27	
MAR	1.51	1.24	0.28	0.00	0.00	0.28	
APR	3.71	3.76	-0.05	0.00	0.00	-0.05	
MAY	2.17	7.58	-5.41	0.00	0.00	-5.41	
JUN	0.95	5.87	-4.92	0.00	0.00	-4.92	
JUL	0.25	1.72	-1.47	0.00	0.00	-1.47	
AUG	0.14	0.90	-0.76	0.00	0.00	-0.76	
SEP	0.22	0.83	-0.61	0.00	0.00	-0.61	
OCT	0.17	0.52	-0.35	0.00	0.00	-0.35	
NOV	0.16	0.19	-0.03	0.00	0.00	-0.03	
DEC	0.23	0.38	-0.15	0.00	0.00	-0.15	
ANN	1,710.00	1,430.00	771.00	0.00	0.00	771.00	

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	0.33	0.00	0.00	0.00	0.00	0.00	0.05	0.00	0.38
FEB	0.22	0.00	0.00	0.00	0.00	0.00	0.05	0.00	0.27
MAR	0.70	0.49	0.00	0.00	0.00	0.00	0.05	0.00	1.24
APR	1.40	2.31	0.00	0.00	0.00	0.00	0.05	0.00	3.76
MAY	0.80	6.73	0.00	0.00	0.00	0.00	0.05	0.00	7.58
JUN	0.25	5.57	0.00	0.00	0.00	0.00	0.05	0.00	5.87
JUL	0.06	1.61	0.00	0.00	0.00	0.00	0.05	0.00	1.72
AUG	0.02	0.83	0.00	0.00	0.00	0.00	0.05	0.00	0.90
SEP	0.03	0.75	0.00	0.00	0.00	0.00	0.05	0.00	0.83
OCT	0.03	0.44	0.00	0.00	0.00	0.00	0.05	0.00	0.52
NOV	0.14	0.00	0.00	0.00	0.00	0.00	0.05	0.00	0.19
DEC	0.33	0.00	0.00	0.00	0.00	0.00	0.05	0.00	0.38

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

No instream flow requirements were found for this watershed.

0.0125 of sper acre

STATE OF OREGON

COUNTY OF LAKE

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JACK P ALBERTSON FLORENCE M ALBERTSON 91926 DOG LAKE LANE LAKEVIEW OR 97630

NORTHWEST FARM CREDIT SERVICES, FLCA 300 KLAMATH AVE SUITE 200 KLAMATH FALLS OR 97601

WILD WATERS REVOCABLE LIVING TRUST c/o 5252 MILL CREEK RD HEALDSBURG, CALIFORNIA 95448

TRANSFER = 1.29 of s RR = 1.417 of s

(220.9 ac. TOTAC)

confirms the right to the use of water perfected under the terms of Pennit G-7160. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below. PR= 117.600

APPLICATION FILE NUMBER: G-7704

SOURCE OF WATER: A WELL IN THE GOOSE & SUMMER LAKES BASIN

PURPOSE or USE: PRIMARY IRRIGATION OF 103.3 ACRES AND SUPPLEMENTAL IRRIGATION OF 117.6

ACRES

MAXIMUM RATE: 2.76 CUBIC FEET PER SECOND

DATE OF PRIORITY: FEBRUARY 8, 1977

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	19 E	WM	6	SE SE	1280 FEET NORTH AND 1260 FEET WEST FROM SE CORNER, SECTION 6

If for irrigation, this appropriation shall be limited to ONE-EIGHTIETH of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre feet per acre for each acre irrigated during the irrigation season of each year; provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183,484 and ORS 536,075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

Application G-7704.ili

Page 1 of 2

Certificate 91901

description	on of the plac	ce of use	is as fo	△P00	△PO,	A		
	PRIM	ARY IR	RIGA			area i		
Twp	Rng	Mer	Sec	Q-Q	Acres		RENDOUGE	"TO" UNUS
40 S	19 E	WM	5	NWNW	28.4	-2.5	25.9	4.6
40 S	19 E	WM	5	SWNW	23.8	-6.9	16.9	5.0
40 S	19 E	WM	6	NE NE	12.4		12.4	6.3
40 S	19 E	WM	6	SE NE	38.7	-7.7	31.0	0.4
						•	86.2	17.1

Twp	Rng	Mer	Sec	Q-Q	GLot
40 S	19 E	WM	5	NESW	524
40 S	19 E	WM	5	NWSW	1. 6.6
40 S	19 E	WM	5	SWSW	335
40 S	19 E	WM	5	SESW	32.0

RR

The well shall be cased as necessary in accordance with good practice and if the flow is artesian the works shall include proper capping and control valve to prevent the waste of ground water.

The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times.

The water user shall maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

This certificate is issued to correct a scrivener's error by correcting the name of the permit holder of record and supersedes Certificate 91840.

Icenac

SEP 1 9 2016

Dwight French
Water Rull-Services Division Administrator, for

Thomas M. Byler, Director

Oregon Water Resources Department



760 SW Ninth Ave., Suite 3000 Portland, OR 97205 T. 503.224.3380 F. 503.220.2480 www.stoel.com

> KIRK B. MAAG D. 503.294.9546 kirk.maag@stoel.com

April 20, 2017

VIA U.S. FIRST-CLASS MAIL

Mr. Dwight French Oregon Water Resources Department 725 Summer Street NE, Suite A Salem, OR 97301-1271

Mr. Kelly Starnes Oregon Water Resources Department 725 Summer Street NE, Suite A Salem, OR 97301-1271

Re: Transfer Application T-12595

Dear Messrs, French and Starnes:

Please find enclosed a copy of a letter sent to The Wild Waters Revocable Living Trust (the "Trust") on behalf of Florence M. Albertson. The letter relates to the Request for Assignment of a portion of Water User Permit G-7160 that was submitted to the Oregon Water Resources Department (the "Department") by the Trust.

As explained in the enclosed letter, the Trust did not have the right to assign any portion of the rights evidenced by Permit G-7160. Even if the Trust did have the right to assign a portion of those rights, the Request for Assignment did not comply with applicable statutory requirements. Moreover, certain representations made in the Request for Assignment were inaccurate.

The Trust then submitted Transfer Application T-12595, which was received by the Department on February 27, 2017. If approved, the transfer would change the point of appropriation and place of use for the portion of Permit G-7160 purportedly assigned to the Trust. Because the assignment was invalid, the Trust lacks the right to transfer any portion of the water right now evidenced by Certificate 91901. Therefore, Ms. Albertson requests that the Department either deny T-12595 or place its review on hold while the parties work to resolve the issues identified in the enclosed letter.

RECEIVED BY OWRD

APR 2 4 2017

Mr. Dwight French Mr. Kelly Starnes April 20, 2017 Page 2

Please contact me at (503) 294-9546 or kirk.maag@stoel.com if you would like to discuss.

Very truly yours,

Kirk B. Maag Enclosures cc: Client

RECEIVED BY OWRD

APR 2 4 2017



760 SW Ninth Ave., Suite 3000 Portland, OR 97205 T. 503,224.3380 F. 503,220.2480 www.stoel.com

> Kirk B. MAAG D. 503.294.9546 kirk.maag@stoel.com

April 20, 2017

BY CERTIFIED MAIL RETURN RECEIPT REQUESTED

The Wild Waters Revocable Living Trust c/o John A. and Susan G. Cutino 5252 Mill Creek Road Healdsburg, CA 95448

Re: Water Right Certificate 91901 (Permit G-7160)

Dear Mr. and Mrs. Cutino:

RECEIVED

MAY 1 2017



Stoel Rives LLP represents Florence M. Albertson in connection with the Request for Assignment of a portion of Water User Permit G-7160 that was submitted to the Oregon Water Resources Department (the "Department") by The Wild Waters Revocable Trust (the "Trust"). As explained in this letter, the Trust does not have the right to assign any portion of the rights evidenced by Permit G-7160. Even if the Trust did have the right to assign a portion of those rights, the Request for Assignment does not comply with applicable statutory requirements. Moreover, certain representations made in the Request for Assignment are inaccurate.

Jack Albertson (now deceased) was the sole applicant for Permit G-7160. The Department issued the permit to Mr. Albertson on February 8, 1977. The permit authorized supplemental irrigation of 120.0 acres of land owned by Mr. Albertson and his wife, Florence M. Albertson (the "Albertson Property"). The permit also authorized primary irrigation of 108.8 acres of land not owned by Mr. and Mrs. Albertson (the "Sundet Property"). Despite the fact that Mr. and Mrs. Albertson owned only a portion of the authorized place of use, they were the sole holders and owners of the permit.

Mr. and Mrs. Albertson's ownership of the permit was acknowledged in a Lease dated February 17, 1977 between Mr. and Mrs. Albertson (as lessees) and Alberta Towle Severin (as lessor). The Lease is enclosed as Exhibit A. The Lease, which covered the Sundet Property, contained the following provision related to water rights: "Lessees now have water rights covering the property herein, and it is understood that this right is a personal right and at the conclusion of the lease said rights shall remain with the Lessees and will not inure to the land." (Emphasis added.) At the time the Lease was signed, Ms. Severin was under contract to purchase the Sundet Property from William and Lillian Sundet, who signed the Lease and consented to its terms.

The Wild Waters Revocable Living Trust April 20, 2017 Page 2

In 2001, Mr. and Mrs. Albertson submitted to the Department a Request for Assignment related to Permit G-7160. Pursuant to the Request for Assignment, the rights evidenced by Permit G-7160 were assigned to Northwest Farm Credit Services and Mr. and Mrs. Albertson. The Department's application file associated with Permit G-7160 does not contain any subsequent assignments by Northwest Farm Credit Services or Mr. and Mrs. Albertson.

On July 11, 2016, the Department received a Request for Assignment from the Trust signed by John A. Cutino II and Susan Giselle Cutino. (See attached Exhibit B.) Under ORS 537.220(2), a request for assignment must "identify the current record owners of all property described in the application, permit or license." The assignor must furnish proof "that notice of assignment has been given or attempted for each identified property owner not a party to the assignment." ORS 537.220(2). The application file associated with Permit G-7160 does not contain proof of such notice. Without such proof, the assignment was invalid.

The Department's rules make clear that only the permit *holder* has the right to request assignment of a permit. OAR 690-320-0600(1). Here, the permit holders as of July 11, 2016 were Northwest Farm Credit Services and Ms. Albertson. The Department's rules provide alternative procedures for requesting assignment of a permit if the holder is *unavailable*. ORS 690-320-0060(2). But here, there is no evidence in the application file that the holders were unavailable. In fact, Ms. Albertson was available but was not contacted by the Trust before it submitted the Request for Assignment.

The Request for Assignment also contains representations that are inaccurate. The assignors represented that they had "the legal right to request assignment." Based on the information contained in the application file and the Lease, the Trust lacked such right. The Trust was not the record holder (or owner) of the permit and did not furnish evidence that the record holder was unavailable. The assignors also represented that they had "not been able to contact the owner(s) of record for [the permit]." It appears from the application file that the Department had Ms. Albertson's correct mailing address on or before June 17, 2016, so the assignors should have been able to contact Ms. Albertson before submitting the Request for Assignment.

The assignment is particularly concerning to Ms. Albertson because she understands that the Trust submitted Transfer Application T-12595, which would (if approved) transfer the primary water right associated with the permit—now evidenced by Certificate 91901—to a new place of use. The Department is copied on this letter, and we will separately request that the Department place its review of T-12595 on hold while the parties work to resolve the issues identified in this letter.



The Wild Waters Revocable Living Trust April 20, 2017 Page 3

Please contact me at (503) 294-9546 or <u>kirk.maag@stoel.com</u> within 10 days after your receipt of this letter to discuss a prompt resolution of this matter.

Very truly yours,

Kirk B. Maag

cc: Client

92342993.3 0065417-00001

Dwight French, Oregon Water Resources Department Kelly Starnes, Oregon Water Resources Department

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MAY 1 2017

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LEASE

SALEM, OR

THIS AGREEMENT is made and entered into by and between Alberta Towle Severin, as Lessor, who is purchasing the real property which is the subject of this lease, from William Sundet and Lillian Sundet under a Contract of Sale, and Jack Albertson and Florence Albertson, husband and wife, as Lessees.

WITNESSETH: That for and in consideration of the payment of rents and the performance of the terms hereinafter stated by Lessees, Lessor does hereby demise and let unto Lessees the following described real property located in Lake County, Oregon:

Whit of Section 5 and the Eines of Section 6, Township 40 South, Range 19 EWM, excepting that portion of the Eines of Section 6 which is North of the stream located on such property, said exception being 15 acres in size, more or less.

1. TERM AND CONSIDERATION: The primary term of this lease shall be from February 15, 1977 to February 14, 1982 and the consideration for this term shall be the sum of \$3,050.00 annually, payable in advance on or before February 15 of each year unless a later date is otherwise agreed on by the parties hereto.

The secondary term of this lease shall commence February 15, 1982 and shall continue thereafter until February 14, 1987. The consideration for this secondary term shall be \$3,050.00 annually and in addition thereto Lessees shall pay Lessor an additional amount equal to one-half of the percentage increase of the Consumer Price Index based upon the preceding five years, to-wit: 1977 to 1982. Thus if the Consumer Price Index has increased 20 percent over the preceding five years, Lessees shall pay Lessor on or before February 15, 1982 \$3,050.00 plus 10 percent. On or before February 15, 1983, Lessees shall pay to Lessor the previous year's

rental amount plus one-half of the percentage increase of the Consumer Price Index for the immediate preceding year.

It is expressly understood that this formula as set forth above will continue during the life of the secondary term.

It is further expressly understood and agreed that if the application of said formula will be inequitable to either of the parties hereto, then upon consent of said parties a different agreement may be made.

- 2. TAXES: Lessor shall be responsible for all real property taxes and Lessees will be responsible for personal property taxes as to any cattle and/or equipment which they may be responsible for placing upon the property.
- INSURANCE: Lessor now has and shall continue to maintain an insurance policy covering said property during the term of this lease.
- 4. MAINTENANCE: Lessees agree to maintain the land to the standard that it now exists; such maintenance shall include the repair of perimeter fences except those fences which border the land expressly reserved by Lessor herein as set forth above.
- 5. IMPROVEMENTS: Lessor expressly grants the Lessees the right to erect improvements on the land. It is expressly agreed that at the conclusion of this lease Lessees will have the right to remove any and all improvements so erected.
- 6. WATER RIGHTS: Lessees now have water rights covering the property herein, and it is understood that this right is a personal right and at the conclusion of the lease said rights shall remain with the Lessees and will not inure to the land.
- 7. <u>USE</u>: Lessor gives Lessees unlimited right to use the land as they see fit. However, Lessees shall use the land in a RECEIVED BY OWRD

reasonable manner and will return the land at the conclusion of this lease in at least the condition as the same now exists.

- 8. ASSIGNMENT: In the event the Lessor, pursuant to the terms of her Contract of Sale heretofore mentioned, for any reason decides to assign her interest in said contract, then the Lessees herein shall have the first option to assume her interest and responsibilities under said Contract. In the case of assignment, Lessor and Lessees at such time will make an agreement with respect to the Lessor-Assignor's equity under the Contract under which said Lessor is now purchasing.
- 9. TERMINATION: It is understood by the parties hereto that the term of this lease is for ten years. However, the Lessees shall, due to unforeseen circumstances, have the right to terminate this lease upon giving Lessor 90 days written notice of their intention to do so. Lessor may only terminate this agreement prior to expiration of its term by the Lessees failing to make the required rental payments. If the annual payment is 60 days delinquent, Lessor may by written notice to Lessees hold them in default, terminate this agreement, and take possession of the land.

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APR 2 4 2017

- as to her obligations set forth in that certain Contract of Sale heretofore mentioned between William and Lillian Sundet as contract sellers
 and Alberta Towle Severin as contract purchaser, then said contract
 sellers shall give written notice of such default to the Lessees
 herein. Lessees upon receipt of such notice shall have 30 days in
 which to assume the position of contract purchasers and to discharge
 said default. In the event that this assumption is not exercised by
 Lessees or the defaults are not cured within the 30 day period, then
 such right of assumption is terminated and the contract sellers shall
 be free to pursue any court of action that they may elect.
- 11. ATTORNEY FEES: In the event any suit or action is brought to collect any of said rents or to enforce any of the pro-

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APR 2 4 2017

visions of this agreement or to repossess the property, reasonable attorney fees may be awarded by the trial court or appellate court to the prevailing party in such action together with costs and necessary disbursements.

12. ADDRESSES: The addresses of the respective parties are as follows:

Alberta Towle Severin Rt 6, Box 410 Lakeview, Oregon 97630 Jack and Florence Albertson Rt 6, Box 466 Lakeview, Oregon 97630

DATED this / 7 day of February, 1977.

Alberta Towle Severin, Lessor

Jack Thatream Lessee

Florence Albertson, Lessee

William Sundet and Lillian Sundet, as contract sellers of the real property which is the subject of this lease, having read and inspected this agreement, do hereby consent to the terms contained herein.

DATED this 25 day of February, 1977.

Milliam Sundet

Lillian Sundet

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APR 2 4 2017



Request for

APR 2 4 2017

RECEIVED BY OWRD

Assignment

By Proof of Ownership
(If Water Right Holder is Not Available)

APR 2 4 2017

SALEM, OR

Name of Party Requesting Assignment		(22 1140	or rught	IIOIUCI IS	Tiot Available)	
Name of Party Requesting Assignment		each right will	be require	ed.		
C 5353 MILL CREEK READ Heal DS Blue G. 19 96495 72 76.5-3612	YE THE WILD WINTERS REVOCABLE !	Wikir- TRU	CT			
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hereby request assignment of application/permit/transfer/license/GR Certificate of Registration; hereby request assignment of a portion of application/permit/transfer/license/GR Certificate of Registration; (You must include a map showing the portion of the application/permit/transfer/license/GR Certificate of Registration to be assigned.) I have attached proof of ownership that may include but not be limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property held jointly. The Department cannot accept a copy of a tax statement. Application # G - 7704 ; Permit # G - 7100 ; Transfer# GR Statement # ; GR Certificate of Registration # Mack P and Florence M. Albertson : Nind Farm Creation ** Science ** Florence** Florence** (Mailing Address) (City) (State) (Zip) (Phone #) Note: You are required to furnish proof acceptable to the Department that notice of the assignment has been given or attempted for each identified property owner not a party to the assignment. ORS 537.220(2) Failure to submit this proof will result in the return of your request. (Proof may include but not be limited to: a copy of returned certified mailing, copy of a Death Certificate, or a court order.) 1 Lecrify that I am the current owner of the property described in this application, Permit, transfer, license or GR Certificate of Registration. 2) I have not been able to contact the owner(s) of record for the above referenced application or water right. 4) I further certify that the information provided herein is, true and correct to the best of my knowledge. Witness my hand this	10 5250 Mul 10 500 PGAD	11-11 > 0.		arian.	7170-3112	
hereby request assignment of application/permit/transfer/license/GR Certificate of Registration; hereby request assignment of a portion of application/permit/transfer/license/GR Certificate of Registration; (You must include a map showing the portion of the application/permit/transfer/license/GR Certificate of Registration to be assigned.) I have attached proof of ownership that may include but not be limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property held jointly. The Department cannot accept a copy of a tax statement. Application # G - 7704 ; Permit # G - 7100 ; Transfer# GR Statement # ; GR Certificate of Registration # Mack P and Florence M. Albertson : Nind Farm Creation ** Science ** Florence** Florence** (Mailing Address) (City) (State) (Zip) (Phone #) Note: You are required to furnish proof acceptable to the Department that notice of the assignment has been given or attempted for each identified property owner not a party to the assignment. ORS 537.220(2) Failure to submit this proof will result in the return of your request. (Proof may include but not be limited to: a copy of returned certified mailing, copy of a Death Certificate, or a court order.) 1 Lecrify that I am the current owner of the property described in this application, Permit, transfer, license or GR Certificate of Registration. 2) I have not been able to contact the owner(s) of record for the above referenced application or water right. 4) I further certify that the information provided herein is, true and correct to the best of my knowledge. Witness my hand this	(Mailing Address)	(City)	(Slate)	(Zip)	(Phone #)	-
hereby request assignment of a portion of application/permit/transfer/license/GR Certificate of Registration; (You must include a map showing the portion of the application/permit/transfer/license/GR Certificate of Registration to be assigned.) If have attached proof of ownership that may include but not be limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property held jointly. The Department cannot accept a copy of a tax statement. Application # G-7704 ; Permit # G-7/60 ; Transfer#						
Registration; (You must include a map showing the portion of the application/permit/transfer/license/GR Certificate of Registration to be assigned.) I have attached proof of ownership that may include but not be limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property held jointly. The Department cannot accept a copy of a tax statement. Application # G-7704 ; Permit #G-7160 ; Transfer# OR- License # GR Statement # ; GR Certificate of Registration # MCK P AND FLOCENCE M. Albartson Nie Farm (Rest) To Security Fleed (Mame of Holder of Record) 300 KLAMM IT AUE SUITE 200 (Mailing Address) (City) (State) (Zip) (Phone #) Note: You are required to furnish proof acceptable to the Department that notice of the assignment Nas been given or attempted for each identified property owner not a party to the assignment ORS 537.220(2) Failure to submit this proof will result in the return of your request. (Proof may include but not be limited to: a copy of returned certified mailing, copy of a Death Certificate, or a court order) 1) I certify that I am the current owner of the property described in this application, Permit, transfer, license or GR Certificate of Registration. 2) I have not been able to contact the owner(s) of record for the above referenced application or water right. 4) I further certify that the information provided herein is frue and correct to the best of my knowledge. Witness my hand this						
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OHLEW, SP!				74150	SALE	A, OR



Water Resources Department

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

July 14, 2016

Wild Waters Revocable Living Trust c/o 5252 Mill Creek Rd. Healdsburg, California 95448

Reference: Application G-7704, Permit G-7160

The partial assignment by proof from Jack and Florence Albertson and Northwest Farm Credit Services, FLCA to The Wild Waters Revocable Living Trust has been recorded in the records of the Water Resources Department.

The Departments records will now show Jack and Florence Albertson and Northwest Farm Credit Services, FLCA and The Wild Waters Revocable Living Trust as the permit holders of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 120484 covering the recording fee is also enclosed.

A permit is not a perfected water right, and has conditions and timelines that must be satisfied prior to a Certificate of Water Right being issued. Please review the permit to be familiar with the conditions and timelines contained in the permit.

Sincerely.

Jerry Sauter

Water Rights Program Analyst Water Right Services Division

Enclosure: Receipt 120484

cc: Watermaster 12
Jack and Florence Albertson
Northwest Farm Credit Services, FLCA
Data Center, OWRD (cover letter & request)
Hydrographics
File

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APR 2 4 2017



RECORDING REQUESTED BY:
JOHN ANTHONY CUTINO II AND
SUSAN GISELLE CUTINO
When Recorded Mail Document
And Tax Statement To:
JOHN ANTHONY CUTINO II AND
SUSAN GISELLE CUTINO, TRUSTEES OF
THE WILD WATERS REVOCABLE LIVING TRUST
C/O 5252 MILL CREEK ROAD
HEALDSBURG, CA 95448

D-GCDEED 07/20/2015 09:24:57 AM 07/2015 09:24:57 AM 07/20/2015 09:24

I, Stacle Geansy, County Clerk for Lake County, Oregon certify that the Instrument Identified herein was recorded in the Ciert records.

Stacle Genney - County Clerk

APN 15491

QUITCLAIM DEED

The undersigned grantor(s) declare(s) GIFT/NO CONSIDERATION Documentary Transfer Tax is \$ City tax \$
FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, JOHN ANTHONY CUTINO II AND SUSAN GISELLE CUTINO, HUSBAND AND WIFE, AS COMMUNITY PROPERTY AS TROAMS BY THE ENTIRETY
hereby quitolaims and transfers all right, title and interest held by Grantors to JOHN ANTHONY CUTINO II AND SUSAN GISELLE CUTINO, TRUSTEES OF THE WILD WATERS REVOCABLE LIVING TRUST
the following described real property in the County of Lake, State of Oregon, described as follows: Township 40 South, Range 19, East of the Willamette Meridian, Lake County, Oregon
Section 5: The W 1/2 NW 1/4 Section 6: The E 1/2 NE 1/4
This Quitclaim Deed is freely and fairly given with no consideration in regard to all right, title and interest in and to the real property described herein.
Dated: July 15, 2015 JOHN ANTHONY CYTINO II

MAIL TAX STATEMENT AS DIRECTED ABOVE

SUSAN GISELLE CUTINO

401900-017

RECEIVED BY OWRD

RECEIVED BY OWRD

JUL 1 1 2016

APR 2 4 2017

SALEM, OR

ACKNOWLEDGMENT

A Notary Public or other officer completing this certificate verifies only the identity of the individual attached, and not the truthfulness, accuracy, or

who signed the document to which this certificate is validity of that document. State of California County of CONTRA COSTA before me, Nancy Sue Gann-Desimone, Notary Public (Insert name and title of the officer) On JULY 15, 2015 JOHN ANTHONY CUTINO II personally appeared_ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(les), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct, HANCY SUE GANN-DESIMONES
COMM. #2068778
Notary Public - California
Contra Costa County
My Contin. Expires May 18, 2018 WITNESS my hand and official seal. Signature / Nancy/Sue Gann-Desimone, Notary Public (Seal)

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ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of CONTRA COSTA

On JULY 15, 2015

before me, NANCY SUE GANN-DESIMONE

(Insert name and title of the officer)

personally appeared SUSAN GISELLE CUTINO

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(les), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Same and the same of

(Seal)

NANCY SUE GANN-DESIMONE COMM. #2068778 Notary Public - California Centra Costa County My Comm. Expires May 18, 2018

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SALEM, OR

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MO140630 WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That we, William Sundet and Lillian Sundet, husband and wife, for and in consideration of the sum of \$95,000.00 have bargained and sold and by these presents do bargain, sell and convey unto Jack Albertson and Florence M. Albertson, husband and wife, the following described real property situated within Lake County, State of Oregon, to wit:

Township 40 South, Range 19 E.W.M.

Section 5: SW1.
Section 6: SE1, EXCEPTING THEREFROM: Beginning at the Southwest corner of the Southeast Quarter of Section 6, Township 40
South, Range 19 E.W.M., thence running North 296 feet; thence East 592 feet; thence South 296 feet; thence West 592 feet;
to the point of beginning

TO HAVE AND TO HOLD the above granted premises unto the grantees and unto their heirs and assigns forever. And the granters do covenant with the grantees that they are lawfully seised of a merchantable fee simple title to the above granted premises; that said premises are free of all liens and encumbrances excepting: (1) Easements and rights of way on the record and those apparent upon the land, if any; (2) Rights of way for ditches and canals of Lakeview Water Users Inc., a corporation; an undescribed two acre tract in the SW corner of the SEt of Section 6. Township 40 South, Range 19 E.W.M., under that certain deed executed by Elizabeth Nichel, a widow, to the trustee of the Methodist Episcopal Church, North, recorded on January 10, 1895 in volume 8 at page 323, Deed Records of Lake ... County, Oregon! The grantors do further covenant that they will forever warrant and defend the above granted premises unto the grantees their heirs and assigns against the lawful claims and demands of all persons whomsoever.

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IN WITNESS WHEREOF the grantors have hereunto set their hands and seals this 20th day of June, 1975.

The Clean de let (SEAL)

STATE OF OREGON County of Lake

:SS

On this 20th day of June, 1975, before we personally appeared the within named William Sundet and Lillian Sundet, husband and wife, and they did then and there acknowledge that they executed the foregoing instrument.

Notary Public for Oregon

My Commission Expires

State of Oregon
County of Lake
State of Oregon
SS. File (ABS)

Thereby certify that she william instrument was received with filed lies becord on the hy of the production of the hard she will be a second on Pogo Charles in books. Record of Pogo Charles in books. Record of Pogo Charles in books.

By Strong Overton Deput

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Exhibit B Page 7 of 11 1.7

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FEB-1.1877
WATER DISCOURCES DEPT
CALLA, CLESCH

Permit No. G- G 7160

APPLICATION FOR A PERMIT

To Appropriate the Ground Waters of the State of Oregon

1, Jack Albertson			
of Rt. 6 bex Ulek, Lakeview, county of Lake grant to appropriate the state of Oragin and waters of the state of Oragon, SUBJECT TO EXISTING RIGHTS:			
If the applicant is a corporation, give date and place of incorporation			
1. Give name of nearest stream to which the well, tunnel or other source of water development is			
situated (Name of stream)			
2. The amount of water which the applicant intends to apply to beneficial use is cubic feet per second or gallons per minute.			
3. The use to which the water is to be applied is Pcimary & Supplemental			
in it is at ind			
4. The well or other source is located 1280ft. and 1280 ft. W. from the SE corner of Sec. 6 (Battles er subdivision)	Q		
(Escilon or subdivision) (II profesible, also diriance and bearing to earlien corner)	WH		
Allikare is more than one well, each must be (sanithed Uer separate sheet if necessary)	37.0	2017	6
being within the SE 14 of Sec. 6, Twp. 405, R. 19E	O	4	-
W. M., in the county of	IVE	PR	A
5. The Dipla lines to be 3/4 miles	RECEIVED BY	A	O.
in length, terminating in the SW14 NW 14 of Sec. 5 Twp. 405	E		
R			
6. The name of the well or other works is			
DESCRIPTION OF WORKS See Application #55263	GE GE		
 If the flow to be utilized is artesian, the works to be used for the control and conservation of the supply when not in use must be described. 	OWE	316	Œ
	BY	1 20	M. C
	RECEIVED	1 1	SALE
8. The development will consist of Give number of wells, tunnels, etc., having a	CEI	=	(t)
diameter of 121 inches and an estimated depth of 44.2 feet. It is estimated that 369	A		
feet of the well will require 282 12" 12.2' 10" casing. Depth to water table is estimated 150 (Feet)			
ASSIGNED. See Misc. Rec., Vol. 8 Page 840 W	15		
Exhibit B			

Page 8 of 11

1

9. (a) Giv	M OR PIPE LIN ve dimensions at		canal where materially changed	l in size, stating miles from	
			line)		
		7.	feet; grade		
thousand feet.					•
(b) At	m	iles from hea	idgate: width on top (at water li	ine)	
			feet; depth of wat		
grade					
			size at intakeBin.; is	n alian et 2640 H	
			fusein.; differe		
4.5			Is grade uniform?	Estimated capacity,	1.
The state of the s	and the first of				
			type 20 Hp Tur		
75	HP be	east F	אַרנון ש		
Give horsey	power and type	of motor or	engine to be used		

a natural stream o the difference in c	or stream channe levation between	l, give the di the stream l	ther development work is less the stance to the nearest point on ended and the ground surface at the	ach of such channels and ne source of development	
Automorphism (Proprietor)	***************************************				
	- The same of the				
12. Location	(contraction of the contraction	igated, or pl	ace of use		
Township N. er fl.	Range E. or W. of Wulamatte Meridian	Section	Forty-scre Tract	Number Acres To Be Irrigated	•
Primary		,		1.	
40.5	19E	5	NWHY NWY		
, 11	14	" ,	· A SWHY NWY	24.4	
14	10 .	4	NEW NEW	11.5	•
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Suppleme	ntary			1038	
and the same		·5'.	NW14 SWK4		
The second second			MAN A SWIT	18.6	O=11.4-
40.5	195.	14	Cully Gulle !	75 / 778 175	CEIVED BY OWD
The second second	16	0.	SWW SWW	97 1	CEIVED BY OWR
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. 40.5	. "			25. 5. 25. E	APR 2 4 2017
. 40.5	. 11	0.	SE W SW/4	32-7-33B	APR 2 4 2017
. 40.5	. 11	# 5 # 5	SEW SWW	32.7.33£ -2021	•
#0.5 "	11	(If more space re-	SEW SWW NEW SWW	33 9 33 8 180° 123°	SALEM, OR
HO.5	. 11	(II man space re	SEW SWW NEW SWW Ulired, attach separate shoet)	33 9 33 8 180° 123°	APR 2 4 2017

Exhibit B Page 9 of 11

MUNICIPAL SUPPLY— 13. To supply the city of	1,000.00		
in	******		
and an estimated population ofin 19			
ANSWER QUESTIONS 14, 15, 16, 17 AND 18 IN ALL CASES			
14. Estimated cost of proposed works, \$3.Q.Q.Q.Q			
15. Construction work will begin on or before Manach			
16. Construction work will be completed on or before ARCII 15, 2977			
17. The water will be completely applied to the proposed use on or before			
18. If the ground water supply is supplemental to an existing water supply, identify any appearing for permit, permit, certificate or adjudicated right to appropriate water, made or held by	pli- the		
applicant. Permit # 2186 in the name of Lakeriew			
Water Vears Incorporated Willesto	٠ .		
Remarks: Primary Acy Light Will Colacel Wife			
lease on following property expires.	*****		
NN/H, NNYH and SWW, NN/H of Section			
5 THOS, RIGHT WM. and also NE'14,			
NE 14 and SE 14, NE 14 af Section 5 THO	1.5,		
RITE WOMER			

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Transaction of the second of t	DECE	W/ED	DV OWD
E CONTROL OF OPECON	HECE	IVED	BY OWH
STATE OF OREGON, County of Marion,	А	PR 2 4	2017
This is to certify that I have examined the foregoing application, together with the accompanyi		~	
maps and data, and return the same for correction and completion.		SALEN	I, OR
In order to retain its priority, this application must be returned to the State Engineer, with corr	••		
tions on or before	YR		
	8	910	E
WITNESS my hand this 9th day of March 1977 19	BY	1 20	SALEM, OR
Transfer of the state of the st	G	-	E E
	N N	JOE	SA
TAMES E. SEXSON Director STATES HONOR	RECEIVED BY OWRD		
Ri the Stane	. E		
Vastāl R. Garner WANKE	ax .		

Exhibit B Page 10 of 11 STATE OF OREGON, County of Marion,

PERMIT G 7160

This is to certify that I have examined the foregoing application and do hereby grant the same, SUBJECT TO EXISTING RIGHTS and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use	
and shall not exceed 2.80 cubic feet per second measured at the point of diversion from the well	
or source of appropriation, or its equivalent in case of rotation with other water users, from _a well	
The use to which this water is to be applied is irrigation and supplemental irrigation	
If for irrigation, this appropriation shall be limited to 1/80th of one cubic foot per second	
or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3	
acre feet per acre for each acre irrigated during the irrigation season of each year; provided further	
that the right allowed herein shall be limited to any deficiency in the available	:
supply of any prior right existing for the same land and shall not exceed the	
limitation allowed herein,	
(many many many many many many many many	
and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.	
The well shall be cased as necessary in accordance with good practice and if the flow is artesian the works shall include proper capping and control value to prevent the waste of ground water.	
The works constructed shall include an air line and pressure gauge or an access port for measuring * line, adequate to determine water level elevation in the well at all times.	
The permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.	
The priority date of this permit is February 8, 1977	
Actual construction work shall begin on or before April 4, 1978 and shall	
thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 19.78	CEIVED BY OWRD
Complete application of the water to the proposed use shall be made on or before October 1, 19.79	
WITNESS my hand this 4th day of April 1977	APR 2:4 2017
WATER RESOURCES DIRECTOR , MAXIMUM MAKE	7 00) =11 0=
PERMIT PERMIT APPROPRIATE. THE CROUND WATERS OF THE STATE OF OREGON State State Engineer at Scalem, Oregon, A day of Hell Link A day of Hell	SALEM, OR
Permit No. G. 1704 UP Permit No. G. G *** CO *** PERMIT TO APPROPRIATE THE GROUND WATERS OF THE STATE OF OREGON This instrument was first received in the ice of the State Engineer at Salem, Oregon, the State	
Application No. G. 7704 Permit No. G. G. 7460 PERMIT TO APPROPRIATE. THE GROUND WATERS OF THE STATE OF OREGON This instrument was first received in ice of the State Engineer at Salem, Ore the State Permits on page G. 72 of Mater Permits on page G. 72 of Mater Permits on page G. 73 of State Engineer S	0
Permit No. G. G. C.	RECEIVED BY OWRD JUL 1.1 20:3 SALEM, OR
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No. G. C. THE STAND OPPRATE. THE SERS OF THE SOF OF OREGON OF OREGON OF OREGON Of OREGON Solve No. C.	EIVED BY O
PE PRIL COM NO. 10 P. C.	ED 1
PERN Permit No. G. C. C. Permit No. G. C. C. Permit No. G. C.	SALEM, OR
AA APP	CE
Application No. G. 7104 W. Permit No. G. G. 7169 W. Permit No. G. G. 7160 W. Permit No. G. G. 7160 WATERS OF THE STATE OF OREGON This instrument was first received in the office of the State Engineer at Salem, Oregon, on the S. day of Afficient H. M. Returned to applicant: Returned to applicant: Returned to applicant: Recorded in book No. G. page G. 716 Orainage Basin No. 13. page 64.	H
PERN PERN PERN TO APPROPRIATE WATERS OF T OF ORES This instrument tous office of the State Engine on the A day of This instrument tous office of the State Engine Approved: Recorded in book No. Ground Water Permits on Brain No. L See 25	
Page 11 of 11	



760 SW Ninth Ave., Suite 3000 Portland, OR 97205 T. 503.224.3380 F. 503.220.2480 www.stoel.com

April 20, 2017

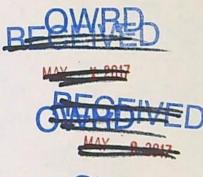
KIRK B. MAAG D. 503.294.9546 kirk.maag@stoel.com

VIA U.S. FIRST-CLASS MAIL

RECEIVED

Mr. Dwight French Oregon Water Resources Department 725 Summer Street NE, Suite A Salem, OR 97301-1271 MAY 1 2017

Mr. Kelly Starnes Oregon Water Resources Department 725 Summer Street NE, Suite A Salem, OR 97301-1271



Re: Transfer Application T-12595

Dear Messrs. French and Starnes:

Please find enclosed a copy of a letter sent to The Wild Waters Revocable Living Trust (the "Trust") on behalf of Florence M. Albertson. The letter relates to the Request for Assignment of a portion of Water User Permit G-7160 that was submitted to the Oregon Water Resources Department (the "Department") by the Trust.

As explained in the enclosed letter, the Trust did not have the right to assign any portion of the rights evidenced by Permit G-7160. Even if the Trust did have the right to assign a portion of those rights, the Request for Assignment did not comply with applicable statutory requirements. Moreover, certain representations made in the Request for Assignment were inaccurate.

The Trust then submitted Transfer Application T-12595, which was received by the Department on February 27, 2017. If approved, the transfer would change the point of appropriation and place of use for the portion of Permit G-7160 purportedly assigned to the Trust. Because the assignment was invalid, the Trust lacks the right to transfer any portion of the water right now evidenced by Certificate 91901. Therefore, Ms. Albertson requests that the Department either deny T-12595 or place its review on hold while the parties work to resolve the issues identified in the enclosed letter.

Mr. Dwight French Mr. Kelly Starnes April 20, 2017 Page 2

Please contact me at (503) 294-9546 or kirk.maag@stoel.com if you would like to discuss.

Very truly yours,

Kirk B. Maag Enclosures

cc: Client

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MAY 1 2017



760 SW Ninth Ave., Suite 3000 Portland, OR 97205 T. 503.224.3380 F. 503.220.2480 www.stoel.com

> KIRK B. MAAG D. 503.294.9546 kirk.maag@stoel.com

April 20, 2017

BY CERTIFIED MAIL RETURN RECEIPT REQUESTED

The Wild Waters Revocable Living Trust c/o John A. and Susan G. Cutino 5252 Mill Creek Road Healdsburg, CA 95448

Re: Water Right Certificate 91901 (Permit G-7160)

Dear Mr. and Mrs. Cutino:

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Stoel Rives LLP represents Florence M. Albertson in connection with the Request for Assignment of a portion of Water User Permit G-7160 that was submitted to the Oregon Water Resources Department (the "Department") by The Wild Waters Revocable Trust (the "Trust"). As explained in this letter, the Trust does not have the right to assign any portion of the rights evidenced by Permit G-7160. Even if the Trust did have the right to assign a portion of those rights, the Request for Assignment does not comply with applicable statutory requirements. Moreover, certain representations made in the Request for Assignment are inaccurate.

Jack Albertson (now deceased) was the sole applicant for Permit G-7160. The Department issued the permit to Mr. Albertson on February 8, 1977. The permit authorized supplemental irrigation of 120.0 acres of land owned by Mr. Albertson and his wife, Florence M. Albertson (the "Albertson Property"). The permit also authorized primary irrigation of 108.8 acres of land not owned by Mr. and Mrs. Albertson (the "Sundet Property"). Despite the fact that Mr. and Mrs. Albertson owned only a portion of the authorized place of use, they were the sole holders and owners of the permit.

Mr. and Mrs. Albertson's ownership of the permit was acknowledged in a Lease dated February 17, 1977 between Mr. and Mrs. Albertson (as lessees) and Alberta Towle Severin (as lessor). The Lease is enclosed as Exhibit A. The Lease, which covered the Sundet Property, contained the following provision related to water rights: "Lessees now have water rights covering the property herein, and it is understood that this right is a personal right and at the conclusion of the lease said rights shall remain with the Lessees and will not imure to the land." (Emphasis added.) At the time the Lease was signed, Ms. Severin was under contract to purchase the Sundet Property from William and Lillian Sundet, who signed the Lease and consented to its terms.

The Wild Waters Revocable Living Trust April 20, 2017 Page 2

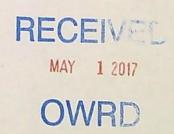
In 2001, Mr. and Mrs. Albertson submitted to the Department a Request for Assignment related to Permit G-7160. Pursuant to the Request for Assignment, the rights evidenced by Permit G-7160 were assigned to Northwest Farm Credit Services and Mr. and Mrs. Albertson. The Department's application file associated with Permit G-7160 does not contain any subsequent assignments by Northwest Farm Credit Services or Mr. and Mrs. Albertson.

On July 11, 2016, the Department received a Request for Assignment from the Trust signed by John A. Cutino II and Susan Giselle Cutino. (See attached <u>Exhibit B.</u>) Under ORS 537.220(2), a request for assignment must "identify the current record owners of all property described in the application, permit or license." The assignor must furnish proof "that notice of assignment has been given or attempted for each identified property owner not a party to the assignment." ORS 537.220(2). The application file associated with Permit G-7160 does not contain proof of such notice. Without such proof, the assignment was invalid.

The Department's rules make clear that only the permit *holder* has the right to request assignment of a permit. OAR 690-320-0600(1). Here, the permit holders as of July 11, 2016 were Northwest Farm Credit Services and Ms. Albertson. The Department's rules provide alternative procedures for requesting assignment of a permit if the holder is *unavailable*. ORS 690-320-0060(2). But here, there is no evidence in the application file that the holders were unavailable. In fact, Ms. Albertson was available but was not contacted by the Trust before it submitted the Request for Assignment.

The Request for Assignment also contains representations that are inaccurate. The assignors represented that they had "the legal right to request assignment." Based on the information contained in the application file and the Lease, the Trust lacked such right. The Trust was not the record holder (or owner) of the permit and did not furnish evidence that the record holder was unavailable. The assignors also represented that they had "not been able to contact the owner(s) of record for [the permit]." It appears from the application file that the Department had Ms. Albertson's correct mailing address on or before June 17, 2016, so the assignors should have been able to contact Ms. Albertson before submitting the Request for Assignment.

The assignment is particularly concerning to Ms. Albertson because she understands that the Trust submitted Transfer Application T-12595, which would (if approved) transfer the primary water right associated with the permit—now evidenced by Certificate 91901—to a new place of use. The Department is copied on this letter, and we will separately request that the Department place its review of T-12595 on hold while the parties work to resolve the issues identified in this letter.



The Wild Waters Revocable Living Trust April 20, 2017 Page 3

Please contact me at (503) 294-9546 or <u>kirk.maag@stoel.com</u> within 10 days after your receipt of this letter to discuss a prompt resolution of this matter.

Very truly yours,

Kirk B. Maag

cc: Client

Dwight French, Oregon Water Resources Department Kelly Starnes, Oregon Water Resources Department

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MAY 1 2017

LEASE

OWRD

THIS AGREEMENT is made and entered into by and between Alberta Towle Severin, as Lessor, who is purchasing the real property which is the subject of this lease, from William Sundet and Lillian Sundet under a Contract of Sale, and Jack Albertson and Florence Albertson, husband and wife, as Lessees.

WITNESSETH: That for and in consideration of the payment of rents and the performance of the terms hereinafter stated by Lessees, Lessor does hereby demise and let unto Lessees the following described real property located in Lake County, Oregon:

While of Section 5 and the Elene of Section 6, Township 40 South, Range 19 EWM, excepting that portion of the Elene of Section 6 which is North of the stream located on such property, said exception being 15 acres in size, more or less.

1. TERM AND CONSIDERATION: The primary term of this lease shall be from February 15, 1977 to February 14, 1982 and the consideration for this term shall be the sum of \$3,050.00 annually, payable in advance on or before February 15 of each year unless a later date is otherwise agreed on by the parties hereto.

The secondary term of this lease shall commence February 15, 1982 and shall continue thereafter until February 14, 1987. The consideration for this secondary term shall be \$3,050.00 annually and in addition thereto Lessees shall pay Lessor an additional amount equal to one-half of the percentage increase of the Consumer Price Index based upon the preceding five years, to-wit: 1977 to 1982. Thus if the Consumer Price Index has increased 20 percent over the preceding five years, Lessees shall pay Lessor on or before February 15, 1982 \$3,050.00 plus 10 percent. On or before February 15, 1983, Lessees shall pay to Lessor the previous year's

rental amount plus one-half of the percentage increase of the Consumer Price Index for the immediate preceding year.

It is expressly understood that this formula as set forth above will continue during the life of the secondary term.

It is further expressly understood and agreed that if the application of said formula will be inequitable to either of the parties hereto, then upon consent of said parties a different agreement may be made.

- 2. TAXES: Lessor shall be responsible for all real property taxes and Lessees will be responsible for personal property taxes as to any cattle and/or equipment which they may be responsible for placing upon the property.
- 3. INSURANCE: Lessor now has and shall continue to maintain an insurance policy covering said property during the term of this lease.
- 4. MAINTENANCE: Lessees agree to maintain the land to the standard that it now exists; such maintenance shall include the repair of perimeter fences except those fences which border the land expressly reserved by Lessor herein as set forth above.
- 5. IMPROVEMENTS: Lessor expressly grants the Lessees the right to erect improvements on the land. It is expressly agreed that at the conclusion of this lease Lessees will have the right to remove any and all improvements so erected.
- 6. WATER RIGHTS: Lessees now have water rights covering the property herein, and it is understood that this right is a personal right and at the conclusion of the lease said rights shall remain with the Lessees and will not inure to the land.
- 7. <u>USE</u>: Lessor gives Lessees unlimited right to use the land as they see fit. However, Lessees shall be the land in a

MAY 1 2017

reasonable manner and will return the land at the conclusion of this lease in at least the condition as the same now exists.

- 8. ASSIGNMENT: In the event the Lessor, pursuant to the terms of her Contract of Sale heretofore mentioned, for any reason decides to assign her interest in said contract, then the Lessees herein shall have the first option to assume her interest and responsibilities under said Contract. In the case of assignment, Lessor and Lessees at such time will make an agreement with respect to the Lessor-Assignor's equity under the Contract under which said Lessor is now purchasing.
- 9. TERMINATION: It is understood by the parties hereto that the term of this lease is for ten years. However, the Lessees shall, due to unforeseen circumstances, have the right to terminate this lease upon giving Lessor 90 days written notice of their intention to do so. Lessor may only terminate this agreement prior to expiration of its term by the Lessees failing to make the required rental payments. If the annual payment is 60 days delinquent, Lessor may by written notice to Lessees hold them in default, terminate this agreement, and take possession of the land.



- as to her obligations set forth in that certain Contract of Sale heretofore mentioned between William and Lillian Sundet as contract sellers
 and Alberta Towle Severin as contract purchaser, then said contract
 sellers shall give written notice of such default to the Lessees
 herein. Lessees upon receipt of such notice shall have 30 days in
 which to assume the position of contract purchasers and to discharge
 said default. In the event that this assumption is not exercised by
 Lessees or the defaults are not cured within the 30 day period, then
 such right of assumption is terminated and the contract sellers shall
 be free to pursue any court of action that they may elect.
- 11. ATTORNEY FEES: In the event any suit or action is brought to collect any of said rents or to enforce any of the pro-



visions of this agreement or to repossess the property, reasonable attorney fees may be awarded by the trial court or appellate court to the prevailing party in such action together with costs and necessary disbursements.

12. ADDRESSES: The addresses of the respective parties are as follows:

Alberta Towle Severin Rt 6, Box 410 Lakeview, Oregon 97630 Jack and Florence Albertson Rt 6, Box 466 Lakeview, Oregon 97630

DATED this 17 day of February, 1977.

alberta Towle Severin, Lessor

Jack albertson Lessee

Florence Albertson, Lessee

William Sundet and Lillian Sundet, as contract sellers of the real property which is the subject of this lease, having read and inspected this agreement, do hereby consent to the terms contained herein.

DATED this 35 day of February, 1977.

Thellian Sundel

Lillian Sundet

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MAY 1 2017

Exhibit A Page 5 of 5



BILLE RECEIVED

MAY 12017

OWAD Request for Assignment
By Proof of Ownership
(If Water Right Holder is Not Available)

**I. THE WILD WATERS RENDERALE LINKS TRUST* (Name of Party Requesting Assignment) **O 5352 MILL EREEK ROD HENLDS BURE OF 95448 767-865-36/13 (Mailing Address) hereby request assignment of application/permit/transfer/license/GR Certificate of Registration;	If for multiple rights, a separate form and fee for each right will be required.	
(Name of Party Requesting Assignment) Sasa Mill Creek Read Heal De Bluke Ca Stuye 70.7 Res-3612 (Mulling Address) City (State) (City) (State) (City) (Phone #) hereby request assignment of a partion of application/permit/transfer/license/GR Certificate of Registration; hereby request assignment of a partion of application/permit/transfer/license/GR Certificate of Registration; hereby request assignment of a partion of application/permit/transfer/license/GR Certificate of Registration to be assigned.) I have attached proof of ownership that may include but not be limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decre, documentation of survivorship of property held jointly. The Department cannot accept a copy of a tax statement. Application # G-7704 Permit # G-7160 Transfer# OR. License # GR Statement # GR Certificate of Registration # MACK P AND FLOCKICE M. Alburdsol NIW FARM CREDIT SCRUKES FLOCA (Name of Holder of Record) (Name of Holder of Record) NIW FARM CREDIT SCRUKES FLOCA (National Address) NIW FARM CREDIT SCRUKES FLOCA (National Address) NIW FARM CREDIT SCRUKES FLOCA (National Address) Nate You are required to furnish proof acceptable to the Department that notice of the assignment NRS 537.220(2) Palture to submit this proof will result in the return of your request. (Proof may include but not be limited to: a copy of returned certified mailing, copy of a Death Certificate, or a court order.) 1) I certify that I am the current owner of the property described in this application, Permit, transfer, license or GR Certificate of Registration. 2) I have the legal right to request assignment under OAR 690-310-0280 and 690-320-0060. 3) I have not been able to contact the owner(s) of record for the above referenced application or water right. 4) I further certify that the information provided herein is true and correct to the best of my knowledge. Witness my hand this		
hereby request assignment of application/permit/transfer/license/GR Certificate of Registration; hereby request assignment of a portion of application/permit/transfer/license/GR Certificate of Registration; (You must include a map showing the portion of the application/permit/transfer/license/GR Certificate of Registration to be assigned.) I have attached proof of ownership that may include but not be limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property held jointly. The Department cannot accept a copy of a tax statement. Application # C - 7704	(Name of Party Requesting Assignment)	
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Registration; (You must include a map showing the portion of the application) from the application permit/transfer/license/GR Certificate of Registration to be assigned.) I have attached proof of ownership that may include but not be limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property held jointly. The Department cannot accept a copy of a tax statement. Application # G-7704 ; Permit # G-7160 ; Transfer# OR. License # GR Statement # ; GR Certificate of Registration # Mack P. Bush Flocesce M. Albertson . Niv Farm Creation # Mack P. Bush Flocesce M. Alb		
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Nick R and Florence M. Albertson Nick Farm Credit Screeces, Flora	of a land sales contract, a court order or decree, documentation of survivorship of property held jointly. The	•
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This certifies assignment and record change at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem. Oregon. Fee receipt #120484 For Director by Jerry Saugh Program Analyst in 11 1 2016	given or attempted for each identified property owner not a party to the assignment. ORS 537.220(2) Failure to submit this proof will result in the return of your request. (Proof may include but not be limited to: a copy of returned certified mailing, copy of a Death Certificate, or a court order.) 1) I certify that I am the current owner of the property described in this application, Permit, transfer, license or GR Certificate of Registration. 2) I have the legal right to request assignment under OAR 690-310-0280 and 690-320-0060. 3) I have not been able to contact the owner(s) of record for the above referenced application or water right. 4) I further certify that the information provided herein is true and correct to the best of my knowledge. Witness my hand this	14 Jrs 7
Last updated: July 19, 2013 Request for Assignment if Permit Holder not available WR SALEW, OF	This certifies assignment and record change at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem. Oregon. Fee receipt #120484 For Director by Jerry Saure Program Analyst in Water Rights Division Last updated: July 19, 2013 Request for Assignment of the Department along with the recording fee of \$85. The completed "Request for Assignment" form must be submitted to the Department along with the recording fee of \$85. BECEIVED JUL 11 Last updated: July 19, 2013 Request for Assignment" form must be submitted to the Department along with the recording fee of \$85. BECEIVED WR	2016



July 14, 2016

Water Resources Department

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

Wild Waters Revocable Living Trust c/o 5252 Mill Creek Rd. Healdsburg, California 95448

Reference: Application G-7704, Permit G-7160

The partial assignment by proof from Jack and Florence Albertson and Northwest Farm Credit Services, FLCA to The Wild Waters Revocable Living Trust has been recorded in the records of the Water Resources Department.

The Departments records will now show Jack and Florence Albertson and Northwest Farm Credit Services, FLCA and The Wild Waters Revocable Living Trust as the permit holders of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 120484 covering the recording fee is also enclosed.

A permit is not a perfected water right, and has conditions and timelines that must be satisfied prior to a Certificate of Water Right being issued. Please review the permit to be familiar with the conditions and timelines contained in the permit.

Sincerely

Jerry Sauter

Water Rights Program Analyst Water Right Services Division

Enclosure: Receipt 120484

cc: Watermaster 12
Jack and Florence Albertson
Northwest Farm Credit Services, FLCA
Data Center, OWRD (cover letter & request)
Hydrographics
File

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MAY 1 2017





RECORDING REQUESTED BY:
JOHN ANTHONY CUTINO II AND
SUSAN GISELLE CUTINO
When Recorded Mail Document
And Tax Statement To:
JOHN ANTHONY CUTINO II AND
SUSAN GISELLE CUTINO, TRUSTEES OF
THE WILD WATERS REVOCABLE LIVING TRUST
C/O 5252 MILL CREEK ROAD
HEALDSBURG, CA 95448

LAKE COUNTY, OREGON 2015-001171
D-QODEED 07/20/2015 09:24:57 AM 15:00\$11:00\$20,00\$10.00 Total:\$59.00

00011854201500011710030031

I, Blasis Gazney, County Clerk for Lake County, Oregon dertify that the instrument identified herein was recorded in the Clerk records.

Stacle Genney - County Clark

APN 15491

QUITCLAIM DEED

The undersigned grantor(s) declare(s) GIFT/NO CONSIDERATION Documentary Transfer Tax is \$ City tax \$ () computed on full value of property conveyed, or () computed on full value less value of liens or encumbrances remaining at time of sale, () Unincorporated Area County of Lake, State of Oregon
FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, JOHN ANTHONY CUTINO II AND SUSAN GISELLE CUTINO, HUSBAND AND WIFE, AS COMMENTY PROPERTY AS TECAMIS BY THE ENTIRETY hereby quitclaims and transfers all right, title and interest held by Grantors to JOHN ANTHONY CUTINO II AND SUSAN GISELLE CUTINO, TRUSTIES OF THE WILD WATERS REVOCABLE LIVING TRUST
the following described real property in the County of Lake, State of Oregon, described as follows: Township 40 South, Range 19, East of the Willamette Meridian, Lake County, Oregon
Section 5: The W ½ NW ½ Section 6: The E ½ NE ½ This Quitclaim Deed is freely and fairly given with no consideration in regard to all right, title and interest in
and to the real property described herein.
Dated: July 15, 2015 JOHN ANTHONY CUTINO II
SUSAN GISELLE CUTINO CULTURE

MAIL TAX STATEMENT AS DIRECTED ABOVE

401900-017

on a sense of the total more and and animal building

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SALEM, OR

OWAD Exhibit B Page 3 of 11

ACKNOWLEDGMENT

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of CONTRA COSTA

On JULY 15, 2015 before me, Nancy Sue Gann-Desimone, Notary Public (insert name and title of the officer)

personally appeared JOHN ANTHONY CUTINO II who proved to me on the basis of salisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(les), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature (Seal)
Nancy (Sue Gann-Desimone, Notary Public



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JUL 1 1 2016

2015001171

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of CONTRA COSTA

On JULY 15, 2015

before me, NANCY SUE GANN-DESIMONE

(Insert name and title of the officer)

personally appeared SUSAN GISELLE CUTINO

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(les), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Juc Jann Colmorce. (Seal)

NANCY SUE GANN-DESIMONEL
COMM. #206877B

COMM. #206877B

Notary Public - California S

Contra Costa County
Ny Comm. Expires May 18, 2018

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SALEW, OF

MO140630 WARRANTY DEED

073854

KNOW ALL MEN BY THESE PRESENTS: That we, William Sundet and Lillian Sundet, husband and wife, for and in consideration of the sum of \$95,000.00 have bargained and sold and by these presents do bargain, sell and convey unto Jack Albertson and. Florence M. Albertson, husband and wife, the following described real property situated within Lake County, State of Oregon, to wit:

Township 40 South, Range 19 E.W.M.

Section 5: SW4.
Section 6: SB4, EXCEPTING THEREFROM: Deginning at the Southwest corner of the Southeast Quarter of Section 6, Township 40
South, Range 19 E.W.M., thence running North 296 feet; thence South 592 feet; thence South 296 feet; thence West 592 feet; to the point of beginning

TO HAVE AND TO HOLD the above granted premises unto the grantees and unto their beirs and assigns forever, And the grantors do covenant with the grantees that they are lawfully seised of a merchantable fee simple title to the above granted premises; that said premises are free of all liens and encumbrances excepting: (1) Easements and rights of way on! (a) record and those apparent upon the land, if any; (2). Rights way for ditches and canals of Lakeview Water Users Inc., a corporation; an undescribed two acre tract in the SW corner of the SEt of Section 6, Township 40 South, Range 19 E.W.M., under that certain doed executed by Elizabeth Nichel, a widow, to the trustee of the Methodist Episcopal Church, North, recorded on January 10, 1895 in volume 8 at page 323, Deed Records of Lake County, Oregon The grantors do further covenant that they will forever warrant and defend the above granted promises unto the grantees their heirs and assigns against the layful claims and demands of all persons whomsoever.

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Exhibit B Page 6 of 11

M0140631 - 67

IN WITNESS WHEREOF the grantors have hereunto set their hands and seals this 20th day of June, 1975.

Highlian de de (SEAL)

STATE OF OREGON County of Lake

:88

On this 20th day of June, 1975, before me personally appeared the within named William Sundet and Lillian Sundet, husband and wife, and they did then and there acknowledge that they executed the foregoing instrument.

Notary Public for Orogony

My Commission Expires

State of Oregon

County of Lake

I hereby cortly that she within histraturent was received with filed for isolard on the lay of the

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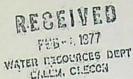
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Exhibit B Page 7 of 11

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Permit No. G ... G 7160 ; APPLICATION FOR A PERMIT

To Appropriate the Ground Waters of the State of Oregon

I, Jack Albertson		
(Punicities Asserts) - Jon Chi & Now)		
of Rr. 6 bex Ules Lakewise Gounty of Lake States of County of Lake Gounty of Lake States of County of Lake Gounty of Lake Goun		
If the applicant is a corporation, give date and place of incorporation		
1. Give name of nearest stream to which the well, tunnel or other source of water development is		
situated		
	+	
2. The amount of water which the applicant intends to apply to beneficial use is a gallons per minute.		
3. The use to which the water is to be applied to Reimacy & Supplemental		
- Actigation		
4. The well or other source is located _L2BOft and L2BOft from the		
corner of Serie C (Section or subdivideo)		
(if projetable, tive dirence and bearing to cettlen corper)		
being within the SE Mills on order than one will each must be described. On reports their if accounts to the life		
W. M., in the county of		
5. The Dipage (Canal or pipe line) to be 3/4 miles		
in length, terminating in the SWM, NW W of Sec. 5 Twp. 405	1.	
R		
6. The name of the well or other works is		
DESCRIPTION OF WORKS See Application #55263	Q	
7. If the flow to be utilized is artesian, the works to be used for the control and conservation of the supply when not in use must be described.	BY OWR	٠
And the state of t	BY	0
and a superior of the superior	ED	1
		10
8. The development will consist of	RECEIV	2
diameter of	E	
feet of the well will require 282 12" 22 10" casing. Depth to water table is estimated		
19191	5	
ASSIGNED. See Misc. Rec., Vol. 8 Page 840 USC	, ,	
Exhibit B		
Page 8 of 11		

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MAY 1 2017

G 7160

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CANAL SYSTEM 9. (a) Give			anal where materially changed	in size, stating miles from	WRD
headgate. At head	lgats: width on i	top (at water l	ine)	feet; width on bottom	
*******	feet; depth of	waten	feet; grade	feet fall per one	
thousand feet.					•
THE RESERVE TO SERVE THE PARTY OF THE PARTY	· m	tles from head	gate: width on top (at water II	ne)	
			feet; dopth of water		
grade				,	
	STATE OF THE PARTY		ize at intoke		
			uso		
		ft. 1	s grade uniform?	Estimated capacity,	1 .
4:5					
10. If pump	es are to be used,	give size and t	upe 20 Hp Tur	6144	
75	HP b	eest p	4177/2		
Give horsey	nower and type	of motor or a	ngine to be used	t name (pass) from a parige and order order (sea sea sea sea	
			indiani in itangananan ini mangandari.	enter commence quantities and an	
11. If the lo	cation of the wei	II, tunnel, or at	her development work is less to	han one-fourth mile from	•
			tance to the nearest point on eged and the ground surface at the		
	•				
un destruction de la constitución de la constitució	***************************************			***************************************	
arekena garantana anan	***************************************			riante article in the confirmation in the	
12. Location	of area to be ir	rigated, or pla	ce of use		•
Township N. or si,	Raines M. of W. of Wulamatic Meridian	Section	Forty-sere Treet	Number Acres To be Intented	•
Primary				7.	
405	19 E	5	NWKY NWKY	Served.	
, 14	H	u '	· A SWA NWKY	24.4	
j.	11 .	4	NEW NEW	11.5	
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40.5	196.	-5"·	NW14 SWK	18.6	
- 11	11	0.	SW14 5W14	35-633E	
. ,	',,	P 5	SEN SWH	33-4334	
		- 1	NE 4 SW 14	380 V	
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AND DESCRIPTION OF THE PERSONS	Indiana Caracana	1	Daniel Committee of the	The ample of the Control of the Cont	
	1	The state of the s	suired, attach separate shoot)	236	•
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	i raised G.C.F.			nation in the same of the same	
				1.	JUL 1 1 2016
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Exhibit B Page 9 of 11

in	county, ha	aving a present i	population of		
				- more and a second	minimum quantum.
and an astimated pop			and the	•	
j-	ANSWER QUESTION	18 14, 18, 10, 17 A	ND 18 IN ALL	OASES	
14. Estimated	cost of proposed wor	10, \$ 30,00	20		
15. Construction	n work will begin or	n or beforeM	arch 1	,1777	
16. Construction	n work will be com	pleted on or befo	re Apcil	15, 197	7
17. The water	will be completely ap	oplied to the prop	osed use on or	before	
18. If the grou cation for permit, pe	nd water supply is rmit, certificate or	supplemental to adjudicated righ	an existing we	ster supply, identi	fy any appli-
applicant. Person	it # 2180	6t.b.		af Lake	erlew [
Water U	samsIn	conpuncti	10/ BY	0 /10%	2 10000
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N. W. M.		STORY OF THE REAL PROPERTY.			
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K	harmania de la company	i			
STATE OF OREGON	5)			•••	
County of Marion,	\$8.		4		
13 []	1			•	
This is to certify	y that I have exami	ned the foregoin	g application, t	ogether with the a	ccompanying
naps and data, and ret	turn the same for	correction	and comple	tion.	
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ions on or before		lay 9 19 77			
or or organa mana	. 49	mamming Louisin			
2000	0.5			Wayeh 107	7
WITNESS my h	and this July	lan of		March 197	10

MUNICIPAL SUPPLY-

13. To supply the city of ..

By Vastal R. Garner MANUFACTOR

Exhibit B Page 10 of 11 RECEIVED BY OWRD JUL 1 1 2016

STATE OF OREGON,)
County of Marion.	33

PERMIT

G 74.60

This is to cartify that I have examined the foregoing application and do hereby grant the same, SUBJECT TO EXISTING RIGHTS and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use cubio feet per second measured at the point of diversion from the well or source of appropriation, or its equivalent in case of rotation with other water users, from a well

If for irrigation, this appropriation shall be limited to 1/80th. or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed ...3.... acre feet per acre for each acre trrigated during the trrigation season of each year; provided Eurther that the right allowed herein shall be limited to any deficiency in the available

The well shall be cased as necessary in accordance with good practice and if the flow is artesian the works shall include proper capping and control value to prevent the waste of ground water.

The works constructed shall include an air line and pressure gauge or an access port for measuring 'line, adequate to determine water level elevation in the well at all times.

The permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

The priority date of this permit is . Actual construction work shall begin on or before. thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 19.78. Complete application of the water to the proposed use shall be made on or before October 1, 19 79

Returned to applicant

Page 11 of 11

Application No. G-7704 Permit No. G. G 796

PERMIT

This instrument was first received in the office of the State Engineer at Salem, Oregon TO APPROPRIATE. THE GROUND day of Lethurs WATERS OF THE STATE OF OREGON o'clock 200 on the Exhibit B

Recorded in book No.

Drainage Basin No. 13

RECEIVED BY OWRD



760 SW Ninth Ave., Suite 3000 Portland, OR 97205 T. 503.224.3380 F. 503.220.2480 www.stoel.com

> KIRK B. MAAG D. 503.294.9546 kirk.maag@stoel.com

April 20, 2017

VIA U.S. FIRST-CLASS MAIL

Mr. Dwight French Oregon Water Resources Department 725 Summer Street NE, Suite A Salem, OR 97301-1271

Mr. Kelly Starnes Oregon Water Resources Department 725 Summer Street NE, Suite A Salem, OR 97301-1271

Re: Transfer Application T-12595

Dear Messrs. French and Starnes:

Please find enclosed a copy of a letter sent to The Wild Waters Revocable Living Trust (the "Trust") on behalf of Florence M. Albertson. The letter relates to the Request for Assignment of a portion of Water User Permit G-7160 that was submitted to the Oregon Water Resources Department (the "Department") by the Trust.

As explained in the enclosed letter, the Trust did not have the right to assign any portion of the rights evidenced by Permit G-7160. Even if the Trust did have the right to assign a portion of those rights, the Request for Assignment did not comply with applicable statutory requirements. Moreover, certain representations made in the Request for Assignment were inaccurate.

The Trust then submitted Transfer Application T-12595, which was received by the Department on February 27, 2017. If approved, the transfer would change the point of appropriation and place of use for the portion of Permit G-7160 purportedly assigned to the Trust. Because the assignment was invalid, the Trust lacks the right to transfer any portion of the water right now evidenced by Certificate 91901. Therefore, Ms. Albertson requests that the Department either deny T-12595 or place its review on hold while the parties work to resolve the issues identified in the enclosed letter.

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APR 2 0 2017

Mr. Dwight French Mr. Kelly Starnes April 20, 2017 Page 2

Please contact me at (503) 294-9546 or kirk.maag@stoel.com if you would like to discuss.

Very truly yours,

Kirk B. Maag Enclosures

cc: Client

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APR 2 0 2017

APR 2 0 2017

LEASE

SALEM, OR

THIS AGREEMENT is made and entered into by and between Alberta Towle Severin, as Lessor, who is purchasing the real property which is the subject of this lease, from William Sundet and Lillian Sundet under a Contract of Sale, and Jack Albertson and Florence Albertson, husband and wife, as Lessees.

WITNESSETH: That for and in consideration of the payment of rents and the performance of the terms hereinafter stated by Lessees, Lessor does hereby demise and let unto Lessees the following described real property located in Lake County, Oregon:

> Winwi of Section 5 and the Einel of Section 6, Township 40 South, Range 19 EWM, excepting that portion of the Einel of Section 6 which is North of the stream located on such property, said exception being 15 acres in size, more or less.

1. TERM AND CONSIDERATION: The primary term of this lease shall be from February 15, 1977 to February 14, 1982 and the consideration for this term shall be the sum of \$3,050.00 annually, payable in advance on or before February 15 of each year unless a later date is otherwise agreed on by the parties hereto.

The secondary term of this lease shall commence February 15, 1982 and shall continue thereafter until February 14, 1987.

The consideration for this secondary term shall be \$3,050.00

annually and in addition thereto Lessees shall pay Lessor an additional amount equal to one-half of the percentage increase of the Consumer Price Index based upon the preceding five years, to-wit:

1977 to 1982. Thus if the Consumer Price Index has increased 20 percent over the preceding five years, Lessees shall pay Lessor on or before February 15, 1982 \$3,050.00 plus 10 percent. On or before February 15, 1983, Lessees shall pay to Lessor the previous year's

rental amount plus one-half of the percentage increase of the Consumer Price Index for the immediate preceding year.

It is expressly understood that this formula as set forth above will continue during the life of the secondary term.

It is further expressly understood and agreed that if the application of said formula will be inequitable to either of the parties hereto, then upon consent of said parties a different agreement may be made.

- 2. TAXES: Lessor shall be responsible for all real property taxes and Lessees will be responsible for personal property taxes as to any cattle and/or equipment which they may be responsible for placing upon the property.
- INSURANCE: Lessor now has and shall continue to maintain an insurance policy covering said property during the term of this lease.
- 4. MAINTENANCE: Lessees agree to maintain the land to the standard that it now exists; such maintenance shall include the repair of perimeter fences except those fences which border the land expressly reserved by Lessor herein as set forth above.
- 5. IMPROVEMENTS: Lessor expressly grants the Lessees the right to erect improvements on the land. It is expressly agreed that at the conclusion of this lease Lessees will have the right to remove any and all improvements so erected.
- 6. WATER RIGHTS: Lessees now have water rights covering the property herein, and it is understood that this right is a personal right and at the conclusion of the lease said rights shall remain with the Lessees and will not inure to the land.
- 7. USE: Lessor gives Lessees unlimited right to use the land as they see fit. However, Lessees shall use the land in a

reasonable manner and will return the land at the conclusion of this lease in at least the condition as the same now exists.

- 8. ASSIGNMENT: In the event the Lessor, pursuant to the terms of her Contract of Sale heretofore mentioned, for any reason decides to assign her interest in said contract, then the Lessees herein shall have the first option to assume her interest and responsibilities under said Contract. In the case of assignment, Lessor and Lessees at such time will make an agreement with respect to the Lessor-Assignor's equity under the Contract under which said Lessor is now purchasing.
- 9. TERMINATION: It is understood by the parties hereto that the term of this lease is for ten years. However, the Lessees shall, due to unforeseen circumstances, have the right to terminate this lease upon giving Lessor 90 days written notice of their intention to do so. Lessor may only terminate this agreement prior to expiration of its term by the Lessees failing to make the required rental payments. If the annual payment is 60 days delinquent, Lessor may by written notice to Lessees hold them in default, terminate this agreement, and take possession of the land.

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- as to her obligations set forth in that certain Contract of Sale heretofore mentioned between William and Lillian Sundet as contract sellers
 and Alberta Towle Severin as contract purchaser, then said contract
 sellers shall give written notice of such default to the Lessees
 herein. Lessees upon receipt of such notice shall have 30 days in
 which to assume the position of contract purchasers and to discharge
 said default. In the event that this assumption is not exercised by
 Lessees or the defaults are not cured within the 30 day period, then
 such right of assumption is terminated and the contract sellers shall
 be free to pursue any court of action that they may elect.
- 11. ATTORNEY FEES: In the event any suit or action is brought to collect any of said rents or to enforce any of the pro-

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APR 2 0 2017

visions of this agreement or to repossess the property, reasonable attorney fees may be awarded by the trial court or appellate court to the prevailing party in such action together with costs and necessary disbursements.

12. ADDRESSES: The addresses of the respective parties are as follows:

Alberta Towle Severin Rt 6, Box 410 Lakeview, Oregon 97630 Jack and Florence Albertson Rt 6, Box 466 Lakeview, Oregon 97630

DATED this 17 day of February, 1977.

alberta Towle Severin, Lessor

Jack Interior Lessee

Florence Albertson, Lessee

william Sundet and Lillian Sundet, as contract sellers of the real property which is the subject of this lease, having read and inspected this agreement, do hereby consent to the terms contained herein.

DATED this 25 day of February, 1977.

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SALEM, OR

The Milliam Sunder

Lillian Sundet



Request for

Assignment

By Proof of Ownership RECEIVED BY OWRD

(If Water Right Holder is Not Available)

If for multiple rights, a separate form and fee for each right will be required.	APR 2 0 2017
VE THE WALL WATER CONTROL - I WHITE TO HET	
Y, THE WILD WATERS REVOCABLE LIVING TRUST (Name of Party Requesting Assignment)	SALEM, OR
	Control Company and Control Co
(Mailing Address) (Mailing Address) (Mailing Address) (City) (Slate) (Zip) (Phone #)	612
(Multing returess) (City) (State) (21p) (Finone #)	
hereby request assignment of application/permit/transfer/license/GR Certificate of Registration	on;
hereby request assignment of a <u>portion</u> of application/permit/transfer/license/GR Certificate Registration; (You must include a map showing the portion of the application/permit/transfer/license/GR Certificate of Registration to be assigned.)	of .
I have attached proof of ownership that may include but not be limited to: a copy of the deed to the land of a land sales contract, a court order or decree, documentation of survivorship of property held jointly Department cannot accept a copy of a tax statement.	
Application # G - 7704 ; Permit # G - 7160 ; Transfer# License # GR Statement # ; GR Certificate of Registration #	
License # GR Statement # ; GR Certificate of Registration #	
DACK P. AND FLORENCE M. ALBERTSON; NIW FARM EREDIT SCENCES, A (Name of Holder of Record) HC 60 BOX 2530 LAKEVIEW OR 97630 KLAMATH FALLS, OR 97601	FLCA
HC 60 Box 2530	
(Mailing Address) (City) (State) (Zip) (Phone #)	
Note: You are required to furnish proof acceptable to the Department that notice of the assignment has given or attempted for each identified property owner not a party to the assignment. ORS 537. Failure to submit this proof will result in the return of your request. (Proof may include but no limited to: a copy of returned certified mailing, copy of a Death Certificate, or a court order.) 1) I certify that I am the current owner of the property described in this application, Permit, translicense or GR Certificate of Registration. 2) I have the legal right to request assignment under OAR 690-310-0280 and 690-320-0060. 3) I have not been able to contact the owner(s) of record for the above referenced application or right. 4) I further certify that the information provided herein is true and correct to the best of my know Witness my hand this Party Requesting Assignment Party Requesting Assignment Party Requesting Assignment	220(2) of be defer, water
8:00 a.m. on date of receipt at Salem. Oregon. Fee receipt #120484 For Director by Jerry Saurell Program Analyst in	EIVED BY OWAG
Water Rights Division A Request for Assignment if Permit Holder not available	WR
A 1 S and Training	SALEM, OF



July 14, 2016

Water Resources Department

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

Wild Waters Revocable Living Trust c/o 5252 Mill Creek Rd. Healdsburg, California 95448

Reference: Application G-7704, Permit G-7160

The partial assignment by proof from Jack and Florence Albertson and Northwest Farm Credit Services, FLCA to The Wild Waters Revocable Living Trust has been recorded in the records of the Water Resources Department.

The Departments records will now show Jack and Florence Albertson and Northwest Farm Credit Services, FLCA and The Wild Waters Revocable Living Trust as the permit holders of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 120484 covering the recording fee is also enclosed.

A permit is not a perfected water right, and has conditions and timelines that must be satisfied prior to a Certificate of Water Right being issued. Please review the permit to be familiar with the conditions and timelines contained in the permit.

Sincerely

Jerry Sauter

Water Rights Program Analyst Water Right Services Division

Enclosure: Receipt 120484

cc: Watermaster 12 Jack and Florence Albertson

Northwest Farm Credit Services, FLCA Data Center, OWRD (cover letter & request) Hydrographics

File

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APR 2 0 2017

RECORDING REQUESTED BY: JOHN ANTHONY CUTINO II AND SUSAN GISELLE CUTINO When Recorded Mail Document And Tax Statement To: JOHN ANTHONY CUTINO II AND SUSAN GISELLE CUTINO, TRUSTEES OF THE WILD WATERS REVOCABLE LIVING TRUST C/O 5252 MILL CREEK ROAD

LAKE COUNTY, OREGON D-GODEED 0: Cnt*1 Pg&*3 0: \$16.00 \$11.00 \$20.00 \$10.00 2015-001171 07/20/2015 09:24:57 AM Total:\$59.00

Stacle Genney - County Clerk

HEALDSBURG, CA 95448

APN 15491

OUITCLAIM DEED

The undersigned grantor(s) declare(s) GIFT/NO CONSIDERATION Documentary Transfer Tax is \$ City tax \$
() computed on full value of property conveyed, or
computed on full value less value of liens or encumbrances remaining at time of sale, Unincorporated Area County of Lake, State of Oregon
() Chimospotatou Area County of Bare, Guite of Orogon
FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, JOHN ANTHONY CUTINO II AND SUSAN GISELLE CUTINO, HUSBAND AND WIFE, AS COMMUNITY PROPERTY AS TROAMS BY THE GOTTRETY
nereby quitclaims and transfers all right, title and interest held by Grantors to JOHN ANTHONY CUTINO II AND SUSAN GISELLE CUTINO, TRUSTEES OF THE WILD WATERS REVOCABLE LIVING IRUST
the following described real property in the County of Lake, State of Oregon, described as follows: Township 40 South, Range 19, East of the Willamotte Meridian, Lake County, Oregon
Section 5: The W 1/2 NW 1/4 Section 6: The E 1/2 NE 1/4
This Quitclaim Deed is freely and fairly given with no consideration in regard to all right, title and interest in and to the real property described herein.

Dated: July 15, 2015

MAIL TAX STATEMENT AS DIRECTED ABOVE

401900-017

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SALEM, OR

2015001171

ACKNOWLEDGMENT

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of CONTRA COSTA

On JULY 15, 2015 before me, Nancy Sue Gann-Desimone, Notary Public (Insert name and title of the officer)

personally appeared JOHN ANTHONY CUTINO II who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(les), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature (Seal)
Nancy (Sue Gann-Desimone, Notary Public

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SALEM, OR

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JUL 11 2016

ACKNOWLEDGMENT

A notary public or other officer completing this cartificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of Celifornia
County of CONTRA COSTA

JULY 15, 2015

before me, NANCY SUE GANN-DESIMONE

(Insert name and title of the officer)

personally appeared SUSAN GISELLE CUTINO
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(les), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct,

WITNESS my hand and official seal,

Signature (Seal) NANCY SUE GANN-DESIMONEL COMM. #2068778 = Notary Public - California & Contra Costa Cetanty My Comn. Expires May 18, 2018

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BALEW, OF

MO140630 WARRANTY DEED

073854

KNOW ALL MEN BY THESE PRESENTS: That we, William Sundet and Lillian Sundet, husband and wife, for and in consideration of the sum of \$95,000.00 have bargained and sold and by these presents do bargain, sell and convey unto Jack Albertson and Florence M. Albertson, husband and wife, the following described real property situated within Lake County, State of Oregon, to wit:

Township 40 South, Range 19 E.W.M.

Section 5: SW4.
Section 6: SB2, EXCEPTING THEREFROM: Beginning at the Southwest corner of the Southeast Quarter of Section 6, Township 40
South, Range 19 E.W.M., thence running North 296 feet; thence
East 592 feet; thence South 296 feet; thence West 592 feet
to the point of beginning

TO HAVE AND TO HOLD the above granted premises unto the grantees and unto their heirs and assigns forever. And the granters do covenant with the grantees that they are lawfully seised of a merchantable fee simple title to the above granted premises; that said premises are free of all liens and encumbrances excepting: (1) Easements and rights of way on! record and those apparent upon the land, if any; (2) Rights of way for ditches and canals of Lakeview Water Users Inc., a corn poration; an undescribed two acre tract in the SW corner of the SEt of Section 6, Township 40 South, Range 19 E.W.M., under that certain deed executed by Elizabeth Nichel, a widow, to the trustee of the Methodist Episcopal Church, North, recorded on January 10, 1895 in volume 8 at page 323, Deed Records of Lake ... County, Oregon! The grantors do further covenant that they will forever warrant and defend the above granted promises unto the grantees their heirs and assigns against the lawful claims and demands of all persons whomsoever.

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M0140631 - 67

IN WITNESS WHEREOF the grantors have hereunto set their hands and seals this 20th day of June, 1975.

The Course de de (SEAL)

STATE OF OREGON.

:SS

On this 20th day of June, 1975, before me personally appeared the within named William Sundet and Lillian Sundet, husband and wife, and they did then and there acknowledge that they executed the foregoing instrument.

Notary Fublic for Oregon

My Commission Expires

State of Oregon

Reel 14 No. File No.30

Thereby cartly that she within instrument was received with filed for second on the 2 22 of april 19 book and anterpretation on Pege 19 of the book of the Count

By from Dreston Deput

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JUL 11 2016

SALEM, OR

Exhibit B Page 7 of 11 WATER GEOURCES DEPT CALCA, CLECON

Permit No. G G ... 7160

APPLICATION FOR A PERMIT

To Appropriate the Ground Waters of the State of Oregon

I, Jack Albertson			
(Name of applicant)			
(Paricilles Address) Jon Ch. 18776			
of Rr. 6 Dex Uld Lakeriety county of Lake Grantelles Address For Ck. 1811er of Lake Grantelles Address For Ck. 1811er of Lake Grantelles Address of the state of Oregon, SUBJECT TO EXISTING RIGHTS:			
If the applicant is a corporation, give date and place of incorporation			
1. Give name of nearest stream to which the well, tunnel or other source of water development is			
situated			
(Name of stream)			
tributary of Primary 1-278			
2. The amount of water which the applicant intends to apply to beneficial use is a subject of set per second or			
3. The use to which the water is to be applied is Pcimary & Supplementa	1		
istigation			
4. The well or other source is located _12ROft. and 12ROft. M. from the SE.	0		
corner of Serie C	Œ.		
(#ecilon or zubdividen)*	\$		
(If professible, give distance and bearing to seedin corner)	0	2017	OR
of Approp is more than one well, each must be described. Use supersic sheat if necessary)	3	21	0
being within the State State of Sec. Le Twp. 405, R. 195	CEIVED BY OWR	2 0	SALEM,
W. M., in the county of	EIV6	APR	SAL
5. The	EC		
in length, terminating in the SML (moulted least enderlying) of Sec. 5 Twp. 4.0.5	T.		
R			
6. The name of the well or other works is			
DESCRIPTION OF WORKS See Application			
7. If the flow to be utilized is artesian, the works to be used for the control and conservation of the	믔		
7. If the flow to be utilized is artesian, the works to be used for the control and conservation of the supply when not in use must be described.	BY OWRI	316	E
on the bridge of the state of t	34	7	0
		1-4	F
	Œ	1	3
transportation of the state of	2	₫	S
8. The development will consist of having a	8	,	
diameter of	RECEIV		
feet of the well will require 282 12" 122' 10" casing. Depth to water table is estimated 12 (resu			
9191	RIS		
ASSIGNED. See Misc. Rec., Vol. 8 Page 8400 (1)	JK.		
Exhibit B			

Page 8 of 11

1

CANAL SYSTEM	OR PIPE LINE				
2. (a) Give			anal where materially changed	in size, stating miles from	
headgate. At head	igate: width on to	op (at water li	ne)	feet; width on bottom	
	feet; depth of u	paten	feet; grade	feet fall per one	1
thousand feet.					
	i and	Too folio head	gate: width on top (at water li	ne)	
			feet; dopth of water	•	
	and the same of the same of the same of			ir	
grade					
(c) Length	of pipe,4.Q.	#. Z ft.; sl:	ze at intake Bz in.; in	size at 2.6.40 ft.	
rom intake	é fin; slz	e at place of 1	ise	nce in elevation between	
ntake and place o	of use,	ft. I	grade uniform?	Estimated capacity,	1
4:5	ecc. ft.				
10. If pump	s are to be used,	give size and to	pe 20 Hp Turk	51ac	
			ensp.		
	1		aging to be used	•	•
		" .	adamatica irrina pagamari a minang pagabira.		
11. If the lo	ocation of the well or stream channel	l, tunnel, or atl	her development work is less the ance to the nearest point on e	han one-fourth mile from ach of such channels and	
			ed and the ground surface at th		
			•		
	W	***************************************		***************************************	
		,			
					•
indiana programa di apago apro-					
18. Location	n of area to be irr	rigated, or plac	06 of 484 mm		• • • • • • • • • • • • • • • • • • • •
erificonius en destingações en					
13. Location	n of area to be irr	rigated, or plac	06 of 484 mm	Number Acres To Be traigned	•
13. Location	n of area to be irr	rigated, or plac	06 of 484 mm	Number Acres To Be tritared 37.4/ SAF-29-3.	•
18. Location Township H. er B.	n of area to be in	rigated, or place	Forty-acre Trest NWKY NWKY	Number Acres To Be Uniqued	
18. Location Township N. et al. Primary 40.5	n of area to be in	rigated, or place	Forth acre Treat NWKY NWYY SWKY NWKY	Number Acres To Be tritigated 31/ 1/ Superior 24-4	
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18. Location Township N. er a. Primary 40.5 11 14 Supplement 40.5	n of area to be irr	rigated, or place section 5 11	FORWALLS THAT NWYY NWYY SEY NEY NEY NEY NEY NEY SEY SWYY SWYY SWYY SWYY SWYY SWYY SWYY SWYY SEW SWYY	Number Acres fo the Uniqued 37.1 97.2 97.4 77.4 77.5 136.8 10.38 18.6 33.6 33.8 18.6	APR 2 0 2017
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18. Location Township The mary Hos II Suppleme Hos II II Character o	n of area to be irr	figated, or place for the section of	Forty acre trees NWKY NWYY SWYY NWYY NEY NE YY SE YY SWYY SE YY SWYY NE YY SWYY	Humber Acres To the frigated 30.1 30.1 30.1 30.1 30.1 30.2 30.8 30.8 30.8 30.8 30.8 30.8 30.8 30.8 30.8 30.8 18.6 30.8	APR 2 0 2017 SALEM, OR

Exhibit B Page 9 of 11

MUNICIPAL SUPPLY— 13. To supply the city of	
	having a present population of
end an estimated population of	in 19
	IONE 14, 18, 19, 17 AND 18 IN ALL CASES
14. Estimated cost of proposed w	ports \$ 30,000.
	on or before March 1,1777
	impleted on or before A. R. 1. 1.5. 27.7.
	applied to the proposed use on or before
	is supplemental is an existing water supply, identify any appli- or adjudicated right to appropriate water, made or held by the
	8.6 to the paste of Lakeriew
What some	Conputer today
Remarks: Primary	eight will concel when
lease on followi	AS PROPERTY PRINCE
HWH JHY HA	d SWW, NWW af Section
5 T405 R19	E WM. and also NE 14,
	, NE'M OF Section & THOS,
ACT AND ADMINISTRATION OF THE PARTY OF THE P	
K.	Take the second
TATE OF OREGON,	• • • • • • • • • • • • • • • • • • • •
County of Marion,	
This is to certify that I have exa	mined the foregoing application, together with the accompanying
sape and data, and return the same for	correction and completion.
r; '}	
In order to retain its priority, this	s application must be returned to the State Engineer, with correc-
	May 9 , 19 77
. 49	
WITNESS my hand this 9thi	day of March 1977 to
WITHERS My hand this	aug of
	t' tames e. sexson
	Director MKWXKNOWAC

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Exhibit B Page 10 of 11

1	OREGON,	ÓF	STATE
38.	f Marion.	tu o	Coun

PERMIT

G 74.60

This is to certify that I have examined the foregoing application and do hereby grant the same,

SUBJECT TO EXISTING RIGHTS and the foll	owing limitations	and conditio	ne:	
The right herein granted is limited to the	amount of water	which can b	e applied to be	neficial use
and shall not exceed 2.80 cubic feet pe	r second measure	d at the point	of dissertion fee	on the snall
· · · · · · · · · · · · · · · · · · ·			,	
or source of appropriation, or its equivalent in co				
The use to which this water is to be applie		and supple	mental irrig	ation
If for irrigation, this appropriation shall be			many and a comment	
or its equivalent for each acre irrigated and shal	ha devethan limit	ad to a dinare	ton of put to an	anad 3
	AND A DOOR OF THE PARTY OF THE	and the same of th		
acre feet per acre for each acre trrigated during	the irrigation seas	on of each ye	er; Provided	Eurther
that the right allowed herein shall be	limited to any	deficiency	in the avoi	lable
supply of any prior right existing for	the same land a	and shall n	ot exceed the	a
limitation allowed herein,				*

***************************************			, , ,	
and shall be subject to such reasonable rotation s	ystem as may be a	ordered by th	e proper state	officer.
The well shall be cased as necessary in act the works shall include proper capping and contr The works constructed shall include an at line, adequate to determine water level elevati The permittee shall install and maintain a	ol value to preven r line and pressure on in the well at	et the waste of e gauge or an all times.	f ground water access port for	measuring *
shall keep a complete record of the amount of s	ground water with	idraion.		
The priority date of this permit is Fal	bruary 8, 1977			
The priority date of this cornect is a sup-	the street I will did I !		THE RESERVE AND ADDRESS OF THE PARTY OF THE	

Actual'construction work shall begin on or before thereafter be prosecuted with reasonable diligence and be completed on or before October Application No. G-7704 WRS 2160 This instrument was first received in the office of the State Engineer at Salem, Oregon, TO APPROPRIATE. THE GROUND & day of the way WATERS OF THE STATE Permit No. G. G 79 GO Ground Water Permits on page OF OREGON PERMIT Drainage Basin No. 13_ - o'clock Bade 19-77 at Socioci of phicant: Recorded in book No. \$ 88 20 Approved: on the

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SALEM, OR



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

Watermaster Review Form: Water Right Transfer

Tra	nsfer Application: T-12595	Review Due I	Date: 4/1/2017
App	olicant Name: Wild Waters revocable Living Tr	<u>ust</u>	
Pro	posed Changes: POU POD	N POA ☐ US	E OTHER
Rev	riewer(s): Mayer	Date of Revie	w: <u>Mar. 20, 2017</u>
1.	Do you have <u>evidence</u> that the right has not been presumption of forfeiture would not likely be rebevidence (e.g. dated aerial photo showing pavements)	uttable? X Yes	No If "yes", attach
2.	Is there a history of regulation on the source that involved the transferred right(s) and downstream Generally characterize the frequency of any regulation occurred:	water rights? Y	es 🛛 No
3.	Have headgate notices been issued for the source Yes No Records not available.	that serves the trans	ferred right(s)?
4.	In your estimation, after the proposed change we result in regulation of other water rights that wou original right(s) was/were maximized? Yes No If "Yes", explain:		
5.	In your estimation, if the proposed change is app would be affected? Yes No If "Yes", and list the rights most affected:		
6.	Check here ☐ if it appears that downstream wat from the current use of the transferred right(s)? the locations where the return flows likely occur ☑N/A	If you check the box,	generally characterize
7.	For POD changes and instream transfers, check I the old and new PODs or within the proposed instruction describe and, if possible, estimate the losses:	stream reach? If you	
8.	For instream transfers that propose protection of stream: N/A Would the quantity be measure with OAR 690-077-0015(8)? Yes No	a reach beyond the rable into the receiving	nouth of the source
9.	For POU changes: N/A Is it likely the origin water from the same source? Yes No	nal place of use woul If "Yes", explain:	d continue to receive

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

Transfer #: T-12595

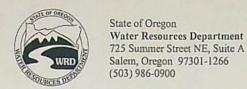
Oregon Water Resources Department

Measurement Condition Information for the Applicant

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

In order to avoid enlargement of the right or injury flowmeter will be required to be installed prior to diversifier:	to other rights, a <u>Total</u> rersion of water, as a c	izing and Instanious condition of this
at each point of diversion/appropriation (ne at each new point of diversion/appropriation)	w and existing) or 1.	
For additional information, or to obtain approval of a diapplicant should contact the area Watermaster:	fferent type of measure	ement device, the
Watermaster name:Brian Mayer		
District: 12		
Address: 513 center St.		
City/State/Zip: Lakeview OR 97630		
Phone: 541 947-6038		
Email: brian.m.mayer@oregon.gov		
Note: If a device other than the one specified in the Pre approved by the Watermaster, fill out and mail the	liminary Determination form below to the Sale	n or Final Order is m office.
**************	***************	******
Approval of an Alternate Measuren (to be filled out after consultation with the		T
On behalf of the Director, I authorize use of the following	ng suitable alternate n	neasurement device
Watermaster signature Dis	trict Dat	e
If this form is used for approval of an alternative measure	rement device, it must	be mailed to:
Oregon Water Resources Department		
725 Summer Street NE, Suite A		

Salem, OR 97301-1266





Application for Permanent Water Right Transfer

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 SectimeCEIVED BY OWRD

Part 1 – Completed Minimum Requirements Checklist. Part 2 – Completed Transfer Application Map Checklist. SALEM, OR Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, a completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator . If you have questions, call	
Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, a completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd fee calculator. If you have questions, call	
completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator . If you have questions, call	
Customer Service at (503) 986-0801.	to
Part 4 – Completed Applicant Information and Signature.	to
Part 5 – Information about Water Rights to be Transferred: How many water rights are be transferred? 1 List them here: Certificate 91901 Please include a separate Part 5 for each water right. (See instructions on page 6)	
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 war ight is on.)	iter
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 Land Use Information Form with approval and signature (or signed land use form receipt stub). Not required if water is to be diverted, conveyed, and/or used only on federal lands if all of the following apply: a) a change in place of use only, b) no structural changes, c) use of water is for irrigation only, and d) the use is located within an irrigation district or a exclusive farm use zone.	s or the
N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or addition point(s) of appropriation.	nal
Geologist Report for a change from a surface water point of diversion to a ground water p of appropriation (well), if the proposed well is more than 500' from the surface water sour and more than 1000' upstream or downstream from the point of diversion. See OAR 690 380-2130 for requirements and applicability.	irce
WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):	
Application fee not enclosed/insufficient Map not included or incomplete Additional signature(s) required Part is incomplete	
Other/Explanation	



FEB 2 7:2017

SAL	PM, tons	fer application will be returned if any of the map requirements listed below are not met.
		sure that the transfer application map you submit includes all the required items and the existing water right map. Check all boxes that apply.
	√□ N/A	Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see http://apps.wrd.state.or.us/apps/wr/cwre_license_view/ . CWRE stamp and signature are not required for substitutions.
	⊠ N/A	If more than three water rights are involved, separate maps are needed for each water right.
\boxtimes		Permanent quality printed with dark ink on good quality paper.
		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.
\boxtimes	/	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.
\boxtimes	/	Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
\boxtimes		Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
	/	Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
		Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
	□ N/A	Proposed place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
		Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
	□ N/A	If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

	FEE WORKSHEET for PERMANENT TRANSFER Part 3 of 5	- Fee	Worksheet
1	Base Fee (includes one type of change to one water right for up to 1 cts)	1	\$1,000
	Types of change proposed: Place of Use Character of Use Point of Diversion/Appropriation RECEIVED BY OWRD WORKING COPY FEB 2 7 2017		
2	Number of above boxes checked = 2 (2a) SaleM, OR Subtract 1 from the number in line 2a = 1 (2b) If only one change, this will be 0 Multiply line 2b by \$800 and enter » » » » » » » » » » » » » » » » »	2	800
3	Number of water rights included in transfer 1 (3a) Subtract 1 from the number in 3a above: 0 (3b) If only one water right this will be 0 Multiply line 3b by \$450 and enter » » » » » » » » » » » » » » »	3	0
4	Do you propose to add or change a well, or change from a surface water POD to a well? No: enter 0 »» » » » » » » » » » » » » » » » » »	4	350
5	Do you propose to change the place of use or character of use? No: enter 0 on line 5 » » » » » » » » » » » » » » » » » »	5	300
6	Add entries on lines 1 through 5 above » » » » » » » » » Subtotal:	6	\$1,450
	Is this transfer: necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 »		
7	If no box is applicable, enter 0 on line 7» » » » » » » » » » » » » » » » » » »	7	0
8	Subtract line 7 from line 6 » » » » » » » » » » » » » Transfer Fee:	8	\$1,450

*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	\$725.00
2	Number of wells included in substitution (2a) Subtract 1 from the number in 3a above: (2b) If only one well this will be 0 Multiply line 2b by \$350 and enter » » » » » » » » » » » » » »	2	
3	Add entries on lines 1 through 2 above » » » » » Fee for Substitution:	3	



Part 4 of 5 - Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME The Wild Waters Revocable Living Trust			PHONE NO. 707 -28) - 707-965-3612 6210	ADDITIONAL CONTACT NO.		
ADDRESS				FAX NO.		
5252 Mill Creek Rd.						
CITY	STATE	ZIP	E-MAIL	-MAIL		
Healdsburg	CA	95448	jcuteen@live.com			
BY PROVIDING AN E	-MAIL ADDRESS,	CONSENT IS G	IVEN TO RECEIVE ALL COR	RESPONDENCE FROM THE		
DEPARTMENT ELEC	TRONICALLY. CO	PIES OF THE	FINAL ORDER DOCUMENTS	WILL ALSO BE MAILED.		

AGENT/BUSINESS NAME Hollie Cannon/Water Right Sol	lutions, LL	C	PHONE NO. 541-821-5848	ADDITIONAL	CONTACT NO.	
ADDRESS 3246 Hammer St.				FAX NO.		
CITY	STATE	ZIP	E-MAIL			
Klamath Falls BY PROVIDING AN E-MAIL A	OR	97603	hcannon@waterri		CE EDOM THE	
DEPARTMENT ELECTRONIC						
The property for a long time. The well that supplies the wapplication adds a point of a water right. The original contransfer in place of use moved of the supplied of the sup	vater right appropriat infiguration es the pive	for this property ion so the proper n used a pivot the ot to only irrigate eparate piece of paper	is not located on ty owner has his cat irrigated a portion e land of this owner er and attach to the ap	this property. Town well for his on of both propership.	his transfer share of the erties. The	
Reinvestment Act. (Fed	understand ransfer, I w sfer as ident nicipality as	Check Or that, upon receipt of ill be required to pro- ified in OAR 690-38 defined in ORS 540 or; OR	ne Box f the draft preliminary ovide landownership i 80-4010(5); OR 0.510(3)(b) and that the	nformation and ev	idence that I am CEIVED BY OW	
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.						
I understand that prior to Department for publication right is located, once per week suggest publishing the notice is I (we) affirm that the information of the location of t	of a notice for two con the follo	e in a newspaper vonsecutive weeks. wing newspaper: I	with general circular If more than one quake County Exami	tion in the area walifying newspaner	here the water	



Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for
transfer is located? Xes No If NO, include signatures of all deeded landowners (and mailing
and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-
mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.

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Check the following boxes t	hat apply	<i>:</i>				COF
The applicant is resp continue to be sent t			of change(s).	Notices an	d corresponden	ce should
The receiving lando final order is issued.						
Both the receiving la Copies of notices an	andowner	and applicant ondence shoul	will be respon d be sent to the	sible for co	ompletion of charge and the appli	ange(s).
At this time, are the lands in	n this tran	sfer applicatio	n in the proces	s of being	sold? Yes [⊠ No
If YES, and you know winformation table below assignment will have to	. If you o	do not know w	ho the new lan			
If a property sells, the counless a sale agreement http://www.oregon.gov/	or other o	document state	s otherwise. F	or more in		wner,
RECEIVING LANDOWNER NAME			PHONE NO.	1	ADDITIONAL CONTA	CT NO.
ADDRESS				F	FAX NO.	
СПҮ	STATE	ZIP	E-MAIL			
Check here if any of the an irrigation or other wa						r served
IRRIGATION DISTRICT NAME		ADD	RESS			TAIN
CITY		STA	ГЕ		ZIP	
Check here if water for for stored water with a f				er service a	greement or oth	er contra
ENTITY NAME		ADD	RESS			
СІТҮ		STA	ГЕ		ZIP	•
To meet State Land Use Co corporation, or tribal govern			risdiction wate	r will be di	verted, conveye	
ENTITY NAME		ADD	RESS	WORKING		
СПУ		STA	TE	OPY	ZIP	
ENTITY NAME		ADD	PRESS			
CITY		STA	TE	1	ZIP	

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INSTRUCTIONS for editing the Application Form

To add additional lines to tables within the forms or to copy and paste additional Part 5 pages, please save the application form to your computer. Unlock the document by using one of the following

instructions for your Microsoft Word software version:

COPY

Microsoft Word 2003

Unlock the document by one of the following:

- Using the Tools menu => click Unprotect Document;
 OR
- Using the Forms toolbar => click on the Protect/Unprotect icon.

To relock the document to enable the checkboxes to work, you will need to:

- Using the Tools menu => click Protect Document;
 OR
- Using the Forms toolbar => click on the Protect/Unprotect icon.

Once the application has been unlocked, you may:

- add additional rows to tables using the Table tools, and
- select and copy the pages of Part 5 and paste as many additional sets of Part 5 pages as needed at the end of the application.

After editing, re-lock the document to enable checkboxes to work.

Microsoft Word 2007

- Unlock the document by clicking the Review tab, then click Protect Document, then click Stop Protect
- To relock the document, click Editing Restrictions, then click Allow Only This Type of Editing, select Filling In Forms from the drop-down menu, then check Yes, Start Enforcing Protection.

Microsoft Word 2010

- Unlock the document by clicking the Review tab, toggle the Restrict Editing icon at the upper right, then click Stop Protect at the bottom right. Then uncheck the "Allow only this type of editing in the document: Filling in forms" in the "Editing restrictions" section on the right-hand list of options.
- To relock the document, check the Editing Restrictions/Allow Only This Type of Editing/Filling In
 Forms box from the drop-down menu, then check Yes, Start Enforcing Protection. You do not need
 to assign a password for the editing restrictions.

Other Alternatives:

- Photocopy pages or tables in Part 5, -mark-through any non-applicable information, insert/attach
 photocopied pages to document in the appropriate location, and manually amend page numbers as
 necessary (e.g. Page 5 6 of 9 10).
- You may refer to additional attachments that you may include, such as separately produced tables or spreadsheets to convey large numbers of rows of place of use listings, owner/property parcels, etc. You may contact the Department at 503-986-0900 and ask for Transfer Staff if you have questions.

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SALEMICAE 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 # 91901



Description of Water Delivery System

System capacity: 2.76 cfs per certificate (1.29 cfs for transferred portion) 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. There is the existing well and a pipeline from the existing well to the pivot center that continues on to the northeast to the land irrigated by a wheel line.

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L)	T	wp	R	ng	Sec	1/4	1/4	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Existing POA #1	Authorized Proposed	LAKE 2767	40	s	19	E	6	SE	SE		1280 feet north and 1260 feet west from SE corner, Section 6
Proposed POA #2	☐ Authorized ☐ Proposed		40	S	19	E	6	SE	NE		2584.42 feet South and 525.17 feet West from the NE corner of Section 6
	☐ Authorized☐ Proposed☐ Authorized☐										
	Proposed										

	Пторозса								
Check	all type(s) of c	hange(s) pro	posed be	low (ch	ange	"CODES" a	re prov	vided in paren	theses):
	Place of Use	(POU)		[Supplementa	l Use to	Primary Use (S to P)
	Character of	Use (USE)		[X	Point of App	ropriati	on/Well (POA)	
	Point of Dive	ersion (POD)		[Additional Po	oint of	Appropriation (APOA)
	Additional P	oint of Diver	sion (APC	D) [_	Substitution (
	Surface Wate POA (SW/G		ound Wate	er [Government	Action	POD (GOV)	
Will al	of the propos	ed changes a	affect the	entire v	vater	right?			
Yes	Complete on "CODES" lis	ly the Propos sted above to	ed ("to" o describe t	r "on" l	ands)	section of Ta	able 2 o	on the next page	
⊠ No	Complete all			1000			ght to b	e changed.	COPY

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 # 91901

List the change proposed for the acreage in each 1/4 1/4. 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.

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WORKING COPY

	Th	e lis			t app	ears o	n the	certific	cate BE	or "off" land FORE PROPERTIES.	POSED CHA	NGES	Proposed Changes (see			The	e lis	ting			appea		TER P	on" lands) ROPOSED	CHANG	ES
T	vp	Rr	ng	Sec	3/4	1/4	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	"CODES" from previous page)	Tv	vp	Rr	ng	Sec	1/4	1/4	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
													EXAMPLE										SHE			
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1.	10.0		POD #5	1901
														2	S	9	E	2	sw	NW	500		5.0	P AP00	POD #6	1901
40	S	19	E	5	NW	NW	1700	APOR	28.4	125 11800	POA#1	1977	POU/POA	40	S	19	E	5	NW	NW	1700		30.5	IR 4.6	POA#2	1977
40	S	19	E	5	sw	NW	1700	DPOP	23.8	16.9 R POO	POA#1	1977	POU/POA	40	s	19	E	5	sw	NW	1700		22.7	/ IR 5.8	POA#2	1977
40	S	19	E	6	NE	NE		APOA		√ IR	POA#1	1977	POU/POA	40	s	19	E	6	NE	NE	1700		18.7	IR 6.3	POA#2	1977
40	S	19	E	6	SE	NE	1700	SPOA		17.1 IR \$ POO	NEW YORK OF THE PARTY OF THE PA	1977	POU/POA	40	s	19	E	6	SE	NE	1700		31.4	IR 0.4	POA#2	1977
										TAL DROV	7.10c.													17.1		
									70	TAL DROU																
-1																					a di					
2																										
2										, wo	RIGING											-				
)					Т	OTAI	LACR	ES:	103.3	V C	OPY		NI TOTAL						П	OTA	L ACR	ES:	103.3	V		

Additional remarks: _____.

Revised 7/1/2013

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Permanent Transfer Application Form - Page 9 of 10

FEB 2 7 2017

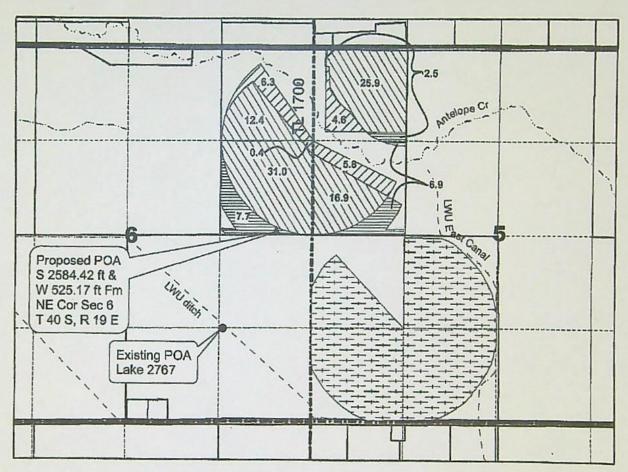
SALEM, OR

		Certificate #						
1	For Place of Use or Character of Use Changes	Certificate #						
	Are there other water right certificates, water use permits or ground water regist with the "from" or the "to" lands? ☐ Yes ☒ No	WORKING						
	If YES, list the certificate, water use permit, or ground water registration numb	ers:						
\Rightarrow	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.							
1	For Substitution (ground water supplemental irrigation will be substituted for suririgation)							
	Ground water supplemental Permit or Certificate #; Surface water primary Certificate #;	RECEIVED BY OWRD						
I	For a change from Supplemental Irrigation Use to Primary Irrigation Use	FEB 2 7 2017						
	Identify the primary certificate to be cancelled. Certificate #	SALEM, OR						
1	or a change in point(s) of appropriation (well(s)) or additional point(s) of ap	propriation:						
	Well log(s) are attached for each authorized and proposed well(s) that are with the corresponding well(s) in Table 1 above and on the accompanying 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	clearly labeled and associated application map.						
	AND/OR							
	Describe the construction of the authorized and proposed well(s) in Table 3 have a well log. For proposed wells not yet constructed or built, provide "requested information element in the table. The Department recommends y driller, geologist, or certified water right examiner to assist with assembling to complete Table 3.	a best estimate" for each						
An acc app wel	le 3. Construction of Point(s) of Appropriation y well(s) in this listing must be clearly tied to corresponding well(s) described in ompanying application map. Failure to provide the information will delay the pro- dication until it is received. The information is necessary for the department to as all(s) will access the same source aquifer as the authorized point(s) of appropriation hibited by law from approving POA changes that do not access the same source a	ocessing of your transfer ssess whether the proposed in (POA). The Department is						

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 han full rate of water right
POA#2	No		442	12"	0-375'	0-375'		12'	Black Hard Rock	1.29 cfs

WORKING

Application for Transfer of Water Right Certificate 91901 Wild Waters Revocable Living Trust



WOFKING

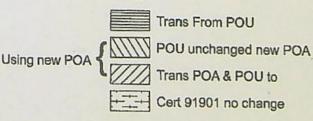


1 inch = 1,320 feet



Note: This map for water right purposes only. It is not intended for use to represent the location of porperty lines.

Legend



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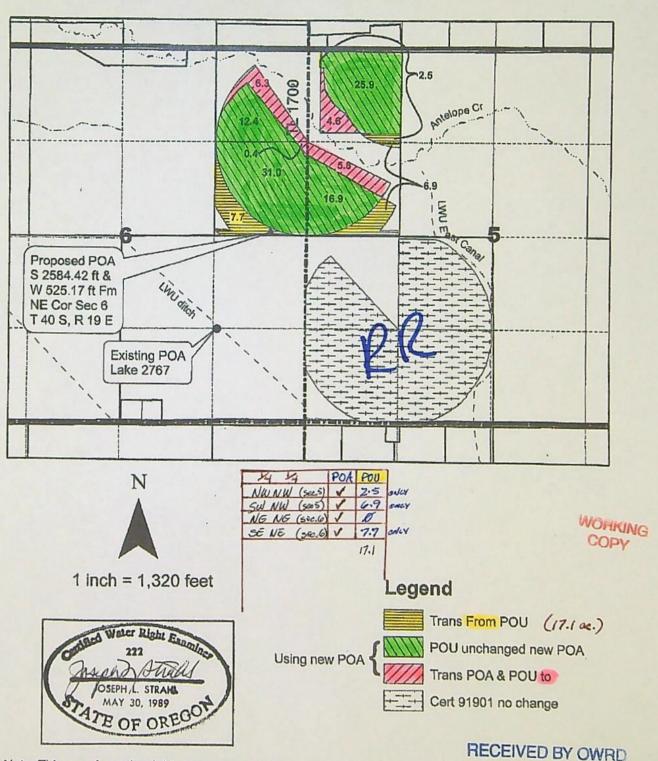
WORKING

FEB 2 7 2017

1 12595

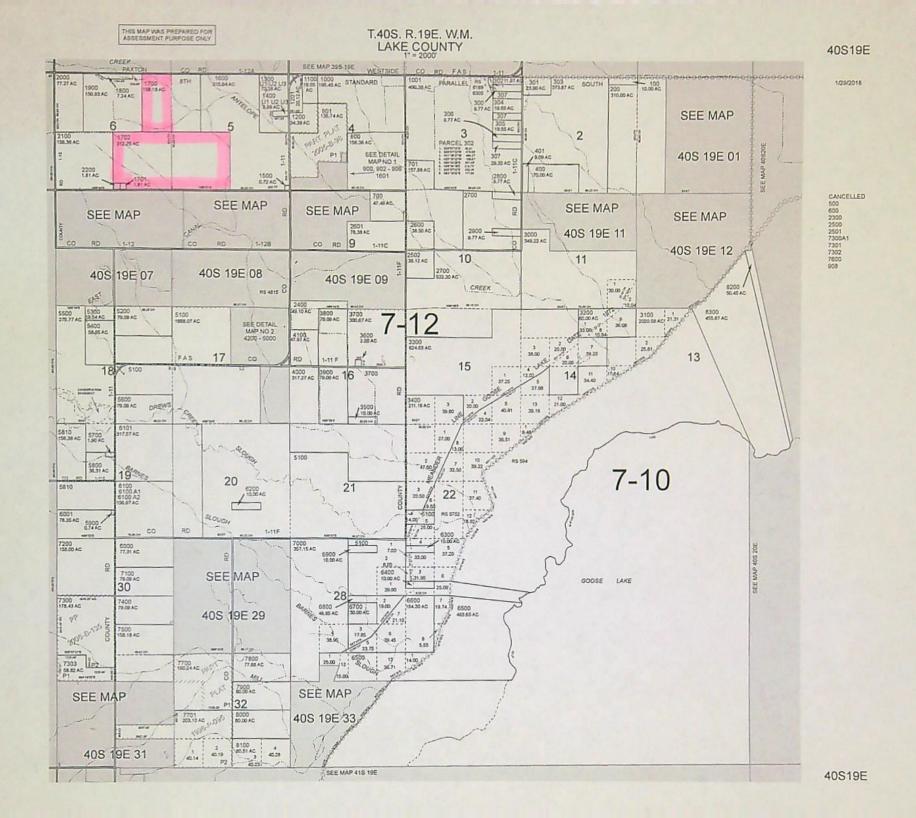
SALEM, OR

Application for Transfer of Water Right Certificate 91901 Wild Waters Revocable Living Trust



Note: This map for water right purposes only. It is not intended for use to represent the location of porperty lines. TOTIVED DI ONNE

FEB 2 7 2017



ORIGINALS

- 1) Transfer Application
- 2) Transfer Map \square
- Evidence of Use affidavit and accompanying proof
- 4) Land Use Information Form
- 5) Notarized Landowner Consent Affidavit
- -6) Form "D" from Irrigation District
 - 7) Other Supporting Documentation
 - 8) Acknowledgment letter sent out to applicant

cc: ODFW √

GW section √

9) Receipt

STATE OF OREGON WATER RESOURCES DEPARTMENT

RECEIPT # 122775

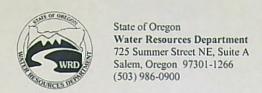
RECEIPT:

725 Summer St. N.E. Ste. A SALEM, OR 97301-4172 (503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _

RECE	EIVED FROM	MA John A	Cutino II		APPLICATION	
3Y:		Susan	6 Cutino		PERMIT	
					TRANSFER	T-12595
CASI	H: Ch	HECK:#1/4 70 0	THER: (IDENTIFY)		TOTAL BEOLD	
		X 70 10			TOTAL REC'D	\$1,450.00
	1083	TREASURY	4170 WRD M	SC CASH AC	CT	
	West production	U service de la constitució de	4170 WIID WI	O OAOII AC		s
	0407	COPIES				\$
	-	OTHER: (ID	DENTIFY)			9
	0243 I/S Le	ase 0244 I	Muni Water Mgmt. Pla	n 0245	Cons. Water	
			4270 WRD OI	PERATING AC	CCT	
		MISCELLANEOUS	46110			
	0407	COPY & TAPE FEE	s			\$
	0410	RESEARCH FEES				\$
	0408	MISC REVENUE:	(IDENTIFY)			\$
	TC162	DEPOSIT LIAB. (ID	ENTIFY)			\$
	0240	EXTENSION OF TIM	ME			\$
		WATER RIGHTS:		EXAM FEE	1	RECORD FEE
	0201	SURFACE WATER		\$	0202	\$
	0203	GROUND WATER		\$	0204	\$
	0205	TRANSFER		\$ 1,450.00		
		WELL CONSTRUCT	TION	EXAM FEE		LICENSE FEE
	0218	WELL DRILL CONS		S	0219	\$
	0210	LANDOWNER'S PE			0220	S
	-	OTHER	(IDENTIFY)			
	0536	TREASURY	0437 WELL 0	ONST. STAR	TFEE	
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	0211			\$	CARD#	
	0210	MONITORING WEL		3	CARD	
		OTHER	(IDENTIFY)			
	0607	TREASURY	0467 HYDRO	ACTIVITY	LIC NUMBER	
	0233	POWER LICENSE	FEE (FW/WRD)			\$
	0231	HYDRO LICENSE F	EE (FW/WRD)		7	\$
		HYDRO APPLICATI	ION			\$
				/ DDV		
		TREASURY	OTHER	/ HDX		
	FUND		TITLE			
	OBJ. CODE	=	VENDOR #			
		ION				\$
	DECOMINA				,/	A
	4	22775	-1	11,7	113:11	1.
RECI	EIPT:	.22775	DATED: 4/4	BY:	fille	di.

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal



Application for Permanent Water Right Transfer

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 ECEIVED BY OWRD

Chec	k all ite	ms included with this application. (N/A = Not Applicable)	FEB 2 7 2017
\boxtimes		Part 1 – Completed Minimum Requirements Checklist.	I LD D I LON
		Part 2 – Completed Transfer Application Map Checklist.	SALEM, OR
	1	Part 3 – Application Fee, payable by check to the Oregon Water Rescompleted Fee Worksheet, page 3. Try the new online fee calculator a http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator . If you have Customer Service at (503) 986-0801.	at:
		Part 4 – Completed Applicant Information and Signature.	
	/	Part 5 – Information about Water Rights to be Transferred: How mare be transferred? <u>1</u> List them here: <u>Certificate 91901</u> Please include a separate Part 5 for each water right. (See instructions	
	,	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 right is on.)	own the land the water
	N/A €	Supplemental Form D – For water rights served by or issued in the na district. Complete when the transfer applicant is not the irrigation dis	
	□ N/A	Land Use Information Form with approval and signature (or signed la stub). Not required if water is to be diverted, conveyed, and/or used of all of the following apply: a) a change in place of use only, b) no st use of water is for irrigation only, and d) the use is located within an exclusive farm use zone.	only on federal lands or ructural changes, c) the
\boxtimes	□ N/A	Water Well Report/Well Log for changes in point(s) of appropriation point(s) of appropriation.	(well(s)) or additional
	⊠ N/A	Geologist Report for a change from a surface water point of diversion of appropriation (well), if the proposed well is more than 500' from the and more than 1000' upstream or downstream from the point of diversion 380-2130 for requirements and applicability.	ne surface water source
		(For Staff Use Only) WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING Application fee not enclosed/insufficient Map not included or in Land Use Form not enclosed or incomplete Additional signature(s) required Part is incomp Other/Explanation Staff: 503-986-0 Date:/	ncomplete

FEB 2 7 2017

SAL	EM, COMST	er application will be returned if any of the map requirements listed below are not met.
		sure that the transfer application map you submit includes all the required items and ne existing water right map. Check all boxes that apply.
×	√ N/A	Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see http://apps.wrd.state.or.us/apps/wr/cwre_license_view/ . CWRE stamp and signature are not required for substitutions.
	N/A	If more than three water rights are involved, separate maps are needed for each water right.
\boxtimes		Permanent quality printed with dark ink on good quality paper.
		The size of the map can be $8\frac{1}{2}$ x 11 inches, $8\frac{1}{2}$ 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.
\boxtimes	/	A north arrow, a legend, and scale.
	V	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.
\boxtimes	/	Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
		Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
		Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
		Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
	□ N/A	Proposed place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
		Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
	□ N/A	If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

	FEE WORKSHEET for PERMANENT TRANSFER Part 3 of 5	- Fee	Workshee
1	Base Fee (includes one type of change to one water right for up to 1 cts)	1	\$1,000
	Types of change proposed: Place of Use Character of Use FFB 2 7 2017		
	Character of Use Point of Diversion/Appropriation FEB 2 7 2017		
	Number of above boxes checked = $\frac{2(2a)}{1(2b)}$ SALEM, OR Subtract 1 from the number in line $2a = \frac{1(2b)}{1}$ If only one change, this will be 0		
2	Multiply line 2b by \$800 and enter » » » » » » » » » » » » » » »	2	800
	Number of water rights included in transfer 1 (3a)		
	Subtract 1 from the number in 3a above: 0 (3b) If only one water right this will		
1	be 0	2	0
3	Multiply line 3b by \$450 and enter » » » » » » » » » » » » » »	3	0
	Do you propose to add or change a well, or change from a surface water POD		
	to a well?		
4	No: enter 0 »» » » » » » » » » » » » » » » » » »	4	350
4	Do you propose to change the place of use or character of use?	7	330
	No: enter 0 on line 5 » » » » » » » » » » » » » » » » » »		
	Yes: enter the cfs for the portions of the rights to be transferred (see		
	example below*): 1.29 (5a)		
	Subtract 1.0 from the number in 5a above: 0.29 (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: 1 (5c) and		
5	multiply 5c by \$300, then enter on line 5 » » » » » » » »	5	300
6	Add entries on lines 1 through 5 above » » » » » » » » » Subtotal:	6	\$1,450
	Is this transfer:	En	
	necessary to complete a project funded by the Oregon Watershed		
19-8	Enhancement Board (OWEB) under ORS 541.932?		
	endorsed in writing by ODFW as a change that will result in a net		
	benefit to fish and wildlife habitat?		
7	If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 »	7	0
8	If no box is applicable, enter 0 on line 7» » » » » » » » » » » » » » » » » » »	8	\$1,450
0	Subtract file / from file 0 " " " " " " " " " " " " " " " " " "	0	\$1,450

*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 \div 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).

1	Base Fee (includes change to one well)	1	\$725.00
2	Number of wells included in substitution (2a) Subtract 1 from the number in 3a above: (2b) If only one well this will be 0 Multiply line 2b by \$350 and enter » » » » » » » » » » » » » » » »	2	
3	Add entries on lines 1 through 2 above » » » » Fee for Substitution:	3	

Applicant Information

APPLICANT/BUSINESS NAM	APPLICANT/BUSINESS NAME PHONE NO.707 • 287 - The Wild Waters Revocable Living Trust 707-965-3612 6210							
The Wild Waters Revoc	cable Living Trus		707-965-3612 6210					
ADDRESS				FAX NO.				
5252 Mill Creek Rd.								
CITY	STATE	ZIP	E-MAIL					
Healdsburg	CA	95448	jcuteen@live.com					
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE								
DEPARTMENT ELECT	WILL ALSO BE MAILED.							

Healdsburg	CA	95448	jcuteen@live.com		
BY PROVIDING AN E-MAIL A	DDRESS, C	CONSENT IS GIVEN	TO RECEIVE ALL COL	RRESPONDEN	CE FROM THE
DEPARTMENT ELECTRONIC					
Agent Information - The ag	ent is auth	norized to represen	t the applicant in all ma	atters relating	to this application.
AGENT/BUSINESS NAME			PHONE NO.		CONTACT NO.
Hollie Cannon/Water Right Sol	utions, LI	C	541-821-5848	ADDITIONAL	commer nor
ADDRESS				FAX NO.	
3246 Hammer St.					
CITY	STATE	ZIP	E-MAIL		
Klamath Falls	OR	97603	hcannon@waterright	solutions.com	
BY PROVIDING AN E-MAIL A	DDRESS, C	CONSENT IS GIVEN	TO RECEIVE ALL COR	RESPONDEN	CE FROM THE
DEPARTMENT ELECTRONICA	ALLY. CO	PIES OF THE FINA	L ORDER DOCUMENTS	WILL ALSO	BE MAILED.
F 1::	1 .		12.1 24.41.4	C 1: .:	1 1
Explain in your own words	The second secon			Contract to the Contract of th	
The property for a long time					
The well that supplies the w	ater right	for this property	is not located on this	s property. T	his transfer
application adds a point of a	ppropriat	tion so the proper	ty owner has his own	well for his	s share of the
water right. The original con	nfiguratio	n used a pivot the	at irrigated a portion	of both prop	erties. The
transfer in place of use mov	-				Positive Parket Colonian
transfer in place of age mov	es die pri	or to only migat	o faile of this owners.	mp.	
If you need additional space, cont	tinue on a s	enarate niece of nan	er and attach to the applic	eation as "Atta	chment 1"
Check this box if this pr	oject is fi	ally or partially fo	inded by the America	an Recovery	and
Reinvestment Act. (Fede	eral stimu	ilus dollars)			
		Check Or	ne Box		
By signing this application, I	understand			termination an	d prior to
Department approval of the t					
authorized to pursue the trans					CEIVED BY OWRD
I affirm the applicant is a mu	nicipality a	s defined in ORS 54	0.510(3)(b) and that the r	ight is in the	DEIVED DI OWNE
name of the municipality or a					
☐ I affirm the applicant is an en					FEB 2 7 2017
condemnation the property to	which the	water right proposed	d for transfer is appurtena	int and have	
supporting documentation.					CALEN OD
					SALEM, OR
I understand that prior to Depa	rtment an	proval of the trans	fer application I may b	e required to	submit normant to
the Department for publication	of a notice	provar or the trans	with general airculation	in the area	submit payment to
right is located, once per week					
suggest publishing the notice i					iper is available, I
suggest publishing the notice i	if the follo	wing newspaper: I	Bake County Examiner		
I (we) affirm that the inform	ation con	tained in this ann	lication is true and ac	anvata	



John Anthony Cutino II, Trustee Print Name (and Title if applicable)

Date

Susan Giselle Cutino, Trustee Print Name (and Title if applicable)

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located?

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

FEB 2 7 2017
SALEM, OR

1 12595

The applicant is resp								
The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.								
		THE RESERVE OF THE PERSON NAMED IN COLUMN TWO IS NOT THE OWNER.		ne proposed change(s) after the ould be sent to this landowner.				
				e for completion of change(s). ndowner and the applicant.				
At this time, are the lands in	n this tran	sfer application	on in the process of	being sold? Yes No				
	. If you	do not know w	ho the new landow	nplete the receiving landowner oner will be, then a request for				
If a property sells, the cunless a sale agreement http://www.oregon.gov/	or other	document state	es otherwise. For r					
RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.				
ADDRESS				FAX NO.				
CITY	STATE	ZIP	E-MAIL					
		amstances here		vill be located within or served				
	water rig	ghts proposed to	for transfer are or v					
Check here if any of the an irrigation or other wa	water rig	ghts proposed to	for transfer are or v plete and attach Su press	pplemental Form D.)				
Check here if any of the an irrigation or other wa	water rig	ghts proposed to	for transfer are or v plete and attach Su press					
Check here if any of the an irrigation or other was IRRIGATION DISTRICT NAME	water rig	ghts proposed to t. (Tip : Com	for transfer are or very plete and attach Subsection of the section of the sectio	pplemental Form D.)				
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Check here if any of the an irrigation or other was IRRIGATION DISTRICT NAME CITY Check here if water for a for stored water with a fertity NAME CITY To meet State Land Use Cocorporation, or tribal governments of the components of the compone	any of the federal ag	ghts proposed tot. (Tip : Come and state rights supplied to state and state	for transfer are or very plete and attach Supplete and attach Supp	zip zip zip zip county, city, municipal ll be diverted, conveyed or use				

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FEB 2 19-20177/1/2013

INSTRUCTIONS for editing the Application Form

To add additional lines to tables within the forms or to copy and paste additional Part 5 pages, please save the application form to your computer. Unlock the document by using one of the following

instructions for your Microsoft Word software version:

Microsoft Word 2003

Unlock the document by one of the following:

- Using the Tools menu => click Unprotect Document; OR
- Using the Forms toolbar => click on the Protect/Unprotect icon.

To relock the document to enable the checkboxes to work, you will need to:

- Using the Tools menu => click Protect Document; OR
- Using the Forms toolbar => click on the Protect/Unprotect icon.

Once the application has been unlocked, you may:

- add additional rows to tables using the Table tools, and
- select and copy the pages of Part 5 and paste as many additional sets of Part 5 pages as needed at the end of the application.

After editing, re-lock the document to enable checkboxes to work.

Microsoft Word 2007

- Unlock the document by clicking the Review tab, then click Protect Document, then click Stop Protect
- To relock the document, click Editing Restrictions, then click Allow Only This Type of Editing, select Filling In Forms from the drop-down menu, then check Yes, Start Enforcing Protection.

Microsoft Word 2010

- Unlock the document by clicking the Review tab, toggle the Restrict Editing icon at the upper right, then click Stop Protect at the bottom right. Then uncheck the "Allow only this type of editing in the document: Filling in forms" in the "Editing restrictions" section on the right-hand list of options.
- To relock the document, check the Editing Restrictions/Allow Only This Type of Editing/Filling In Forms box from the drop-down menu, then check Yes, Start Enforcing Protection. You do not need to assign a password for the editing restrictions.

Other Alternatives:

- Photocopy pages or tables in Part 5, -mark-through any non-applicable information, insert/attach photocopied pages to document in the appropriate location, and manually amend page numbers as necessary (e.g. Page 5 6 of 9 10).
- You may refer to additional attachments that you may include, such as separately produced tables or spreadsheets to convey large numbers of rows of place of use listings, owner/property parcels, etc. You may contact the Department at 503-986-0900 and ask for Transfer Staff if you have questions.

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SALEMICSE 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 #91901

Description of Water Delivery System

System capacity: 2.76 cfs per certificate (1.29 cfs for transferred portion) 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. There is the existing well and a pipeline from the existing well to the pivot center that continues on to the northeast to the land irrigated by a wheel line.

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L)	T	wp	R	ng	Sec	1/4	1/4 1/4		Measured Distances (from a recognized survey corner)		
Existing POA #1	Authorized Proposed	LAKE 2767	40	s	19	E	6	SE	SE		1280 feet north and 1260 feet west from SE corner, Section 6		
Proposed POA #2	☐ Authorized ☐ Proposed		40	s	19	E	6	SE NE			2584.42 feet South and 525.17 feet West from the NE corner of Section 6		
	Authorized Proposed												
	☐ Authorized ☐ Proposed												

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

\boxtimes	Place of Use (POU)		Supplemental Use to Primary Use (S to P)
	Character of Use (USE)	\boxtimes	Point of Appropriation/Well (POA)
	Point of Diversion (POD)		Additional Point of Appropriation (APOA)
	Additional Point of Diversion (APOD)		Substitution (SUB)
	Surface Water POD to Ground Water POA (SW/GW)		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.

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 # 91901

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 CHANG List only that part or portion of the water right that will be changed.								NGES	Proposed Changes (see	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.															
Т	wp	Rn		Sec		1/4	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or	Priority Date	"CODES" from previous page)	Tv	vp	Rı	ng	Sec	1/4	1/4	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
													EXAMPLE				A Transaction									
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	s	9	E	1	NW	NW	500	1	10.0		POD #5	1901
	180													2	S	9	E	2	sw	NW	500		5.0		POD #6	1901
40	S	19	E	5	NW	NW	1700		28.4	IR	POA#1	1977	POU/POA	40	s	19	E	5	NW	NW	1700		30.5	IR	POA#2	1977
40	S	19	E	5	sw	NW	1700		23.8	IR	POA#1	1977	POU/POA	40	S	19	E	5	sw	NW	1700		22.7	IR	POA#2	1977
40	S	19	E	6	NE	NE	1700		12.4	IR	POA#1	1977	POU/POA	40	S	19	E	6	NE	NE	1700		18.7	IR	POA#2	1977
40	S	19	E	6	SE	NE	1700		38.7	IR	POA#1	1977	POU/POA	40	S	19	E	6	SE	NE	1700		31.4	IR	POA#2	1977
259					7	ОТА	L ACR	ES:	103.3											ГОТА	L ACE	RES:	103.3			

Additional remarks: _____.

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Permanent Transfer Application Form - Page 9 of 10

FEB 2 7 2017

TACS

SALEM, OR

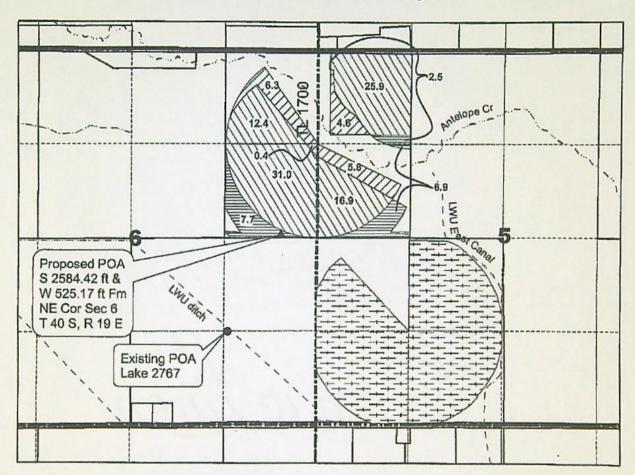
Revised 7/1/2013

		Certificate #						
F	For Place of Use or Character of Use Changes							
	Are there other water right certificates, water use permits or ground water with the "from" or the "to" lands? ☐ Yes ☒ No	er registrations associated						
	If YES, list the certificate, water use permit, or ground water registratio	n numbers:						
>	Pursuant to ORS 540.510, any "layered" water use such as an irrigation a primary right proposed for transfer must be included in the transfer or to a ground water registration must be filed separately in a ground water application.	be cancelled. Any change						
I	For Substitution (ground water supplemental irrigation will be substituted irrigation)							
	Ground water supplemental Permit or Certificate #;	RECEIVED BY OWR						
	Surface water primary Certificate #	FED A PLANT						
H	For a change from Supplemental Irrigation Use to Primary Irrigation	Use FEB 2 7 2017						
	Identify the primary certificate to be cancelled. Certificate #	SALEM, OR						
I	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) the with the corresponding well(s) in Table 1 above and on the accompanion of the You may search for well logs on the Department's web pages a http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx	panying application map.						
	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 <i>proposed wells not yet constructed or built</i> , 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.							
An	able 3. Construction of Point(s) of Appropriation any well(s) in this listing must be clearly tied to corresponding well(s) description map. Failure to provide the information will dela							

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	Well -specific rate (cfs or gpm). If less han full rate of water right
POA#2	No		442	12"	0-375'	0-375'		12'	Black Hard Rock	1.29 cfs

Application for Transfer of Water Right Certificate 91901 Wild Waters Revocable Living Trust



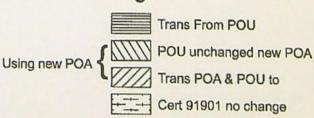


1 inch = 1,320 feet



Note: This map for water right purposes only. It is not intended for use to represent the location of porperty lines.

Legend



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SALEM, OR

Application for Water Right Transfer

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

Evidence of Use Affidavit

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

State o	f Oregon)	SS						
County	of Lake)			,	33						
	JOHN ANTHONY ABLE LIVING TRU		II AND	SUSAN (GISELL	E CUTIN	o, in my	capacity as	TRUSTEES OF	THE WILD WATERS	
mailin	g address 5252	2 MILL CR	REEK RD	., HEAL	DSBUI	RG, CA 9:	5448				
teleph	elephone number (707)965-3612, being first duly sworn depose and say:										
1. M	y knowledge o	of the ex	xercise	e or sta	atus c	of the w	ater righ	nt is based o	n (check one	e): RECEIVED E	Y OWR
	□ Personal observation □ Professional expertise										2017
2. I at	Water was u Certificate #			e previ	ious f	five yea	ars on th	e entire pla	ce of use for	SALEM,	OR
	My knowled	lge is sp	ecific	to the	use	of wate	r at the f	following lo	cations with	in the last five year	s:
	Certificate #	Towns	ship	Ran	ge	Mer	Sec	1/4 1/4	Gov't Lot or DLC	Acres (if applicable)	
OR											
\boxtimes	Confirming	Certific	ate # 9	91901 h	nas be	en issu	ed with	n the past f	ive years; O	R	
	instream leas	se numb	per is:		(Note	e: If the	entire r	ight propose	ed for	t five years. The not leased instream	.); OR
	The water rig								at a presum	ption of forfeiture for	or
	Water has be 10 years for									for more than	

(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 Siselle Cutino 2/23/2017	2/23/2017
Signature of Affiant	/Date /
Susan biselle Cutino 2/23/2017	

My Commission Expires: April 6 th 2017

Supporting Documents	Examples
Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
Copies of receipts from sales of irrigated crops or for expenditures related to use of water	Power usage records for pumps associated with irrigation use Fertilizer or seed bills related to irrigated crops Farmers Co-op sales receipt
Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	District assessment records for water delivered Crop reports submitted under a federal loan agreement Beneficial use reports from district IRS Farm Usage Deduction Report Agricultural Stabilization Plan CREP Report
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 –www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terraserver.com
Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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CALIFORNIA NOTARY CERTIFICATE OF ACKNOWLEDGMENT/JURAT ADDENDUM (FOR USE IN CA ONLY)

For use for CA Notary Acknowledgment only:		
A notary public or other officer completing this certificate of document to which this certificate is attached, and not the	verifies only the identity of the truthfulness, accuracy, or ve	e individual who signed the alidity of that document.
State of California County of Sonoma		
Onbefore me VARSHANA ELIZABI title of officer), personally appeared basis of satisfactory evidence to be the perso [name of document] ins same in his/her/their authorized capacity(ies), and that be entity upon behalf of which the person(s) acted executed	n(s) whose name(s) is/a strument and acknowledged y his/her/their signature(s) or	to me that he/she/they executed the
I certify under PENALTY OF PERJURY under the laws of correct.	of the State of California that	t the foregoing paragraph is true and
WITNESS my hand and official seal (Signature)	(SEAL)	
For use for CA Notary Jurat only:		Application for Water Right r Evidence of USE Affidavit
A notary public or other officer completing this certificate document to which this certificate is attached, and not the	verifies only the identity of the truthfulness, accuracy, or verifies	e individual who signed the alidity of that document.
State of California County of SONOMA Subscribed and sworn to (or affirmed) before me on this proved to me on the basis of satisfactory evidence to be	23 rd day of <u>Feb.</u> , 20 <u>17</u> the person(s) who appeared	Susan Giselle Cutino and by John Anthony Cutino II. before me.
Signature Men Stur	(SEAL)	
E PASSELLE I	ARSHANA ELIZABETH SOLTER COMM.# 2017836 \(\Exists	RECEIVED BY OWRD
- ()	NOTARY PUBLIC - CALIFORNIA SONOMA COUNTY My Comm. Expires Apr. 6, 2017	FEB 2 7 2017
		SALEM, OR

STATE OF OREGON

COUNTY OF LAKE

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JACK P ALBERTSON FLORENCE M ALBERTSON 91926 DOG LAKE LANE LAKEVIEW OR 97630

NORTHWEST FARM CREDIT SERVICES, FLCA 300 KLAMATH AVE SUITE 200 KLAMATH FALLS OR 97601

WILD WATERS REVOCABLE LIVING TRUST c/o 5252 MILL CREEK RD HEALDSBURG, CALIFORNIA 95448 RECEIVED BY OWRD

FEB 2 7 2017

SALEM, OR

confirms the right to the use of water perfected under the terms of Permit G-7160. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-7704

SOURCE OF WATER: A WELL IN THE GOOSE & SUMMER LAKES BASIN

PURPOSE or USE: PRIMARY IRRIGATION OF 103.3 ACRES AND SUPPLEMENTAL IRRIGATION OF 117.6

ACRES

MAXIMUM RATE: 2.76 CUBIC FEET PER SECOND

DATE OF PRIORITY: FEBRUARY 8, 1977

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	19 E	WM	6	SE SE	1280 FEET NORTH AND 1260 FEET WEST FROM SE CORNER, SECTION 6

If for irrigation, this appropriation shall be limited to ONE-EIGHTIETH of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre feet per acre for each acre irrigated during the irrigation season of each year; provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

Application G-7704.jlj

Page 1 of 2

Certificate 91901

A description of the place of use is as follows:

	PRIM	ARY IR	RIGA	TION	
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	19 E	WM	5	NWNW	28.4
40 S	19 E	WM	5	SWNW	23.8
40 S	19 E	WM	6	NE NE	12.4
40 S	19 E	WM	6	SE NE	38.7

	SUPPLEM	IENTAL	IRRI	GATION	
Twp	Rng	Mer	Sec	Q-Q	GLot
40 S	19 E	WM	5	NESW	33.4
40 S	19 E	WM	5	NWSW	18.6
40 S	19 E	WM	5	SW SW	33.6
40 S	19 E	WM	5	SESW	32.0

The well shall be cased as necessary in accordance with good practice and if the flow is artesian the works shall include proper capping and control valve to prevent the waste of ground water.

The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times.

The water user shall maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

This certificate is issued to correct a scrivener's error by correcting the name of the permit holder of record and supersedes Certificate 91840.

Issued

SEP 1 9 2016

Dwight French
Water Regul Services Division Administrator, for

Thomas M. Byler, Director

Oregon Water Resources Department

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SALEM, OR

Application G-7704.jlj

Page 2 of 2

Certificate 91901

Land Use Information Form



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

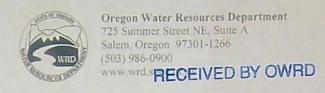
The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. 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.

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SALEM, OR

Land Use Information Form



Applicant(s): The Wild Waters Revocable Living Trust

FEB 2 7 2017

Mailing Address: c/o 5252 Mill Creek Rd.

SALEM, OR

City: Healdsburg

Zip Code: 95448

Daytime Phone: 707-965-3612

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.

State: CA

Township	Range	Section	1/4 1/4	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)		Water to be:		Proposed Land Use:
<u>40S</u>	19E	5	NWNW	1700		☐ Diverted	☐ Conveyed	☑ Used	<u>IR</u>
<u>40S</u>	19E	5	SWNW	1700		☐ Diverted	☐ Conveyed	☑ Used	<u>IR</u>
<u>40S</u>	19E	6	NE NE	1700		☐ Diverted	☐ Conveyed	☑ Used	<u>IR</u>
<u>40S</u>	19E	6	<u>SE NE</u>	1700		☑ Diverted	☑ Conveyed	☑ Used	<u>IR</u>

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed: LAKE 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: 1.29 a cubic feet per second gallons per minute acre-feet Domestic for _____ household(s) Intended use of water: Irrigation Commercial Industrial Municipal Quasi-Municipal Instream Other Briefly describe: The property was previously leased by a neighboring landowner and operated as one farm. The well that supplies the water Right for this property is not located on this property. This transfer application is to add a point of appropriation so the property owner has his own well for his share of the water right. The original configuration used a pivot that irrigated a portion of both properties. The transfer in place of use moves the pivot to only irrigate land of this ownership.

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 3. →

Land Use Information Form - Page 2 of 2

WR / FS

FEB 2 7:2017

For Local Government Use Only

SALEM, OR

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.

riease check the appropriate box be	now and provide the requested into	rmation	
Land uses to be served by the proposed water your comprehensive plan. Cite applicable or	er uses (including proposed construction) are addinance section(s): Kale County Zonij Os		
Land uses to be served by the proposed water listed in the table below. (Please attach docu	r uses (including proposed construction) involumentation of applicable land-use approvals wompanying findings are sufficient.) If approv	lve discretiona hich have alrea	ry land-use approvals as ady been obtained.
Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Lan	nd-Use Approval.
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		Obtained Denied	☐ Being Pursued ☐ Not Being Pursued
		Obtained Denied	☐ Being Pursued ☐ Not Being Pursued
		7	
Name: DARWIN JOHNSON	Title:	Homey DIM	scrope
Signature: 44	Phone: 541-947-6	036 Date:	14 FEB 2017
Government Entity: LAKE COUNTY Promoting T	DEPARTMENT		
Note to local government representative: Pleating the receipt, you will have 30 days from the form or WRD may presume the land use associated the land	Water Resources Department's notice date to	return the com-	pleted I and Use Informat
Receipt f	or Request for Land Use Informa	ation	
pplicant name:			
ity or County:	Staff contact:		
ignature:	Phone:	Date:	

NOTICE TO WATER WELL CONTRACTOR The original and first copy

of this report are to be

(1) OWNER:

Rotary

Cable

Dug

Name Jack Albertson Address Rt. 6 Box 466

(3) TYPE OF WELL:

OK Driven

.." Diam. from

PERFORATIONS:

Type of perforator used

Size of perforations

(7) SCREENS:

Турс ...

Bailer test

of water

Type of water?

Artesian flow

Manufacturer's Name

(8) WELL TESTS:

.... Slot size

Well sealed from land surface to .. Diameter of well bore to bottom of sea Diameter of well bore below seal

Brand name of bentonite

Method of sealing strata off

Gravel placed from

Was well gravel packed? [Yes [N

Jetted [

Bored | CASING INSTALLED:

(2) TYPE OF WORK (check):

Deepening X

If abandonment, describe material and procedure in Item 12.

N.A. "Diam. from _____ft. to _____ft. Gage .

..... ft. to

..... ft. to

in, by

Well screen installed? | Yes No

.... Set from ft. to ...

Model No. .

Drawdown is amount water level is lowered below static level

..... in.

ft. drawdown after

perforations from ft. to ... __ perforations from _____ ft. to ... perforations from ft. to

Diam. Slot size Set from ft. to

Was a pump test made? KXYes | No If yes, by whom? Vollage Yjeld: 1600 gal./min. with 7 ft. drawdown after

gal./min. with

Well seal-Material used Already Completed

Number of sacks of cement used in well seal Number of sacks of bentonite used in well seal

Number of pounds of bentonite per 100 gallons

Did any strata contain unusable water? [] Yes [] No

g.p.m.

operature of water Depth artesian flow encountered ...

Was a drive shoe used? ☐ Yes X No Plugs Size: location ft

depth of strata

fit to .

Size of gravel:

Reconditioning

(4) PROPOSED USE (check):

Domestic | Industrial | Municipal |

Threaded | Welded |

____ ft. Gage

..... ft. Gage ..

Perforated? Yes X No.

Irrigation 📮 Test Well 🗌 Other

filed with the STATE ENGINEER, SALEM, OREGON 91310 C within 30 days from the date of well completion.

STATE OF OREGON E CEIVED WELL NO. 405 19E-6 46

(Please type or print)

(Do not write :

DEC 301976 State Permit No.

(Do not write ab	WATER RESOURCES DEPT.			
	(10) LOGALENN QUEGONLL:			
	County Lake Driller's well no	umber		
	NW 14 SE 14 Section 6 T. 408	R.T OF		W.M.
	Bearing and distance from section or subdivisi			
Abandon 🗆				
	(11) WATER LEVEL: Completed w	ell.		
(check):	Depth at which water was first found Exist	. SW	L 12	ft.
Municipal	Static level 12 ft. below land :			2-2-76
Other 🗆	Artesian pressure lbs. per squar			
lded 🗆	(18) WELL LOC.			8"
ge	(12) WELL LOG: Diameter of well 1 Depth drilled 442 ft. Depth of compl			ft.
ge	Formation: Describe color, texture, grain size			
ge	and show thickness and nature of each stratus with at least one entry for each change of forma	m and a	quifer pe	netrated,
K) No.	position of Static Water Level and indicate prin	cipal wa	ter-beari	ng strata.
	MATERIAL	From	То	SWL
	Sand Black Coarse	368	369	12
, ft.	Rock Black Hard	369	142	12
ft.				
ft.				
K No				
ft.	RECEIVED BY OV	VBD		
ft.	TILOLIVED BY OF	1		
r level is	FED 8 # 2017			
10/1/4 Planx	FEB 2 7 2017			
ter hrs.	+			
"	SALEM, OR			
"				
ofter hrs.				
d ft.	Work started 11-30 1976 Complete	ted 12.	-2	1976
	Date well drilling machine moved off of well	Name and Address of the Owner, where the Owner, which is the Owner, wh		1976
	Drilling Machine Operator's Certification			
ft.	This well was constructed under my Materials used and information reported best knowledge and belief		t super	rvision. e to my
	[Signed] Hours I live	Date		176
sacks	(Drilling Machine Operator) Drilling Machine Operator's License No.	190	6	
sacks	Dianis amenine Operator & Election No.			
***************************************	Water Well Contractor's Certification:			
1bs./100 gals.	This well was drilled under my jurisd true to the best of my knowledge and be	liction a	nd this	report is
ation ft.	Name Sevey Welldrilling (Person, firm or corporation)		Type or pr	4=+>
	Address 117 N.K. Lakeview C		hand delicated the second	
	[Signed] Ally Lan (Water Well Con	racide)		
t.	Contractor's License No. 617 Date	1 -	8	, 1976
		The second residence of the second second		

(USE ADDITIONAL SHEETS IF NECESSARY)

SP*45656-119



March 2, 2017

Water Resources Department

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

THE WILD WATERS REVOCABLE LIVING TRUST 5252 MILL CR RD HEALDSBURG, CA 95448

Reference: Application T- 12595

On February 27, 2017, we received your water right Transfer application. The application was accompanied by \$1450.00. Our receipt number 122775 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.

Your application will be examined to determine whether additional information is needed. We will notify you if further information or corrections to the application or map are required.

This application <u>may</u> 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 in the new place of use or from the new point of appropriation 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) 986-0807.

Cc: Watermaster Dist. #12 (via email)

Hollie Cannon, Agent

Enclosure

Transfer Applications: Regular

The holder of a water right may apply to permanently change an existing water use subject to transfer as defined in ORS 540.505(4). An application may involve any of the following changes: Point of diversion or appropriation; Additional point of diversion or appropriation; Historic POD; Place of use; Character of use; Instream; Substitution; or Exchange.

The Department seeks public comment on the recently-filed transfer applications listed below. Any person may comment on a transfer application. Comments must be received by the Department on or before April 06, 2017. Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time.

 Transfer
 T 12595

 Water Right
 Cert:91901 CR

County/Basin Lake / Goose & Summer Lake(13)

Applicant Name THE WILD WATERS REVOCABLE LIVING TRUST

5252 MILL CR RD HEALDSBURG, CA 95448

Proposed Change POINT OF APPROPRIATION, PLACE OF USE

Sources/TRSQ40Q160 A WELL > GOOSE AND SUMMER LAKES BASIN / 40.00S 19.00E 6 SESE

Use/Quantity IRRIGATION / 2.760 CFS

Priority Date 02/08/1977

Transfer T 12596

Water Right Cert:31423 , Cert:23974 , Cert:33596

County/Basin Douglas / Umpqua(16)
Applicant Name PORTER, ELLEN

ROSEBURG FOREST PRODUCTS

PO BOX 1088

ROSEBURG, OR 97470

Proposed Change ADDITIONAL POINT OF DIVERSION, USE

Sources/TRSQ40Q160 LIVINGSTON CREEK > NORTH FORK DEER CREEK / 27.00S 4.00W 19 NWNE

LIVINGSTON CREEK > NORTH FORK DEER CREEK / 27.00S 4.00W 19 NWNE NORTH FORK DEER CR/RESERVOIR > SOUTH UMPQUA RIVER / 27.00S 4.00W 19

NWNW

Use/Quantity INDUSTRIAL/MANUFACTURING USES / 903.000 AF

POND MAINTENANCE / 0.750 CFS

INDUSTRIAL/MANUFACTURING USES / 0.750 CFS

Priority Date 10/17/1956, 10/17/1956, 11/18/1963

 Transfer
 T 12598

 Water Right
 Cert:83164

County/Basin Polk / Willamette(2)
Applicant Name LEVINE, JONATHAN

CRANFORD LAND COMPANY

PO BOX 19643

PORTLAND, OR 97280

Proposed Change USE

Sources/TRSQ40Q160 RUNOFF > FULLER CREEK / 10.00S 5.00W 6 SENW

SPRINGS > FULLER CREEK / 10.00S 5.00W 6 SENW

Use/Quantity RECREATION / 0.350 AF

RECREATION / 0.350 AF

Priority Date 07/29/1983

Regular Permanent Water Right Transfer Application Checklist Checked by TS Date 2 28.2017 Certs & acres involved (If OK-check box to left; if not, fill in the blank) Changes: POU, POA 1. Page 1 of application: Are all attachments that have been checked actually included? If not, what is missing? ___ # cfs involved 1-29 2. Are fees included and correct? Fee paid: # 1450 -If not, the correct fee would be: ___ _____. so the amount missing is: _____ ▶ If a Substitution (see Page 5 of application) \$725.00 Base fee for 1 well (POA) Number of additional wells = x \$350.00 =Total = ▶ If a Government Action POD change (see: Page 5): NO CHARGE ▶ If any other type of "regular permanent" transfer: \$1,000.00 Base fee for one water right, one change and first cfs = # of additional water rights beyond the first (see Part 4 of application) = x \$450.00 =Additional fee for groundwater staff review if any number of changes to well location(s), additional well(s) or change from SW diversion point to a well = \$350.00 1 or 2 additional TYPEs of change® (see Page 5 of application) = x \$800.00 =If Place of Use or Character of Use change and transfer involves more than 1 cfs (based on primary acres x rate). # cfs or fraction above the first cfs = x = \$300.00 =HINT: Total cfs on WR (+) total # acres on WR (x) # acres involved in transfer = # cfs involved in transfer 1450 Sub-total = If a letter from ODFW endorsing this as a "fish-friendly" transfer is included, multiply sub-total by 0.50 = Total = sub-total minus 50% "fish-friendly" reduction, if applicable = *NOTE: [POD/APOD, POA/APOA, SW to GW, Gov Action] are all counted as one type POU is counted as one type [USE or (Supplemental to Primary)] are counted as one type 3. Page 3 of application: Have all the applicants listed at the top of the page signed? If no, whose signature is missing? __ 4. Are all listed certificates or permits shown by WRIS as non-cancelled? If no, which are cancelled? For each cancelled certificate, if there has been a remaining right certificate issued that covers the lands in the left side of Table 2. list its number and check the #4 box at left on this checklist. 5. If any certificate is in the name of a "district", is a Supplemental Form D from that district enclosed? □ N/A □ Form D needed from _

6. If all #1-#5 boxes on this checklist are checked (with no remaining deficiencies identified), accept the application and assign it a numbered transfer folder. Put this check sheet in the transfer folder. If #1, #2, #3, #4 or #5 on this checklist is deficient, the application 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.



STATE OF OREGON WATER RESOURCES DEPARTMENT WATER RIGHTS DIVISION

Before the Director of the Water Resources Department

In the Matter of Water Right)	PROTEST OF FLORENCE M.
Transfer No. T-12595 Submitted)	ALBERTSON AND REQUEST FOR
by The Wild Waters Revocable)	CONTESTED CASE HEARING
Living Trust)	

Pursuant to ORS 540.520(6) and OAR 690-380-0900, Florence M. Albertson protests the preliminary determination (the "Determination") dated June 18, 2018 for Water Right Transfer No. T-12595 (the "Transfer"). A copy of the Determination is attached to this Protest as Exhibit A, and a copy of the Transfer application (the "Application") is attached to this Protest as Exhibit B. The Application proposed to change the point of appropriation and place of use for a portion of Water Right Certificate 91901. The Determination proposes to approve the Application. As explained in this Protest, the proposed transfer must be denied because it does not comply with applicable laws and would unlawfully deprive Ms. Albertson of her property rights in Certificate 91901.

A protest must be filed within 30 days after the last publication of a newspaper notice of the proposed transfer or publication in the Oregon Water Resources Department's (the "Department") weekly notice, whichever is later. ORS 537.153(7). The last published notice of the Determination appeared in the *Lake County Examiner* on July 4, 2018. This Protest is filed within 30 days after that date and is timely filed. Ms. Albertson requests a contested case hearing.

1. Protestant's Name, Address, and Telephone Number

The Protestant's contact information is as follows:

Florence M. Albertson 91926 Dog Lake Ln. Lakeview, OR 97630 (541) 947-2822 RECEIVED

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Orders, notices, and other correspondence (including by telephone) concerning this matter should be sent to legal counsel representing Ms. Albertson in this matter as follows:

Kirk B. Maag Stoel Rives LLP 760 SW Ninth Ave., Suite 3000 Portland, OR 97205 (503) 294-9546 kirk.maag@stoel.com

2. Factual Background

Ms. Albertson is an 88-year-old widow who resides in Lake County, Oregon. Ms. Albertson's late husband, Jack Albertson, was the sole applicant for Water Use Permit G-7160 (the "Permit"), which is the permit underlying Certificate 91901. The Department issued the Permit to Mr. Albertson on February 8, 1977. The Permit authorized supplemental irrigation of 120.0 acres of land owned by the Albertsons. The Permit also authorized primary irrigation of 103.8 acres of land not owned by the Albertsons (the "Sundet Property"). The "Remarks" section of the Permit explicitly noted that the primary irrigation rights were appurtenant to property leased by the Albertsons and evidenced the Albertsons' sole ownership of those rights. Thus, despite the fact that the Albertsons owned only a portion of the authorized place of use, they were the *sole holders and owners of the Permit*.

The Albertsons' sole ownership of the Permit was acknowledged in a lease dated February 17, 1977 between the Albertsons, as lessees, and Alberta Towle Severin, as lessor (the "Lease," attached to this Protest as Exhibit C). The Lease, which covered the Sundet Property, contained the following provision related to water rights: "Lessees now have water rights covering the property herein, and it is understood that this right is a personal right and at the conclusion of the lease said rights shall remain with the Lessees and will not inure to the land." (Emphasis added.)

At the time the parties entered into the Lease, Ms. Severin was under contract to purchase the Sundet Property from William and Lillian Sundet, who also signed the Lease and consented to its terms. That is, both Ms. Severin, who was purchasing the Sundet Property, and the Sundets, who were selling that property, disclaimed any interest in or right to the Permit—permanently severing any claim of entitlement by owners of the Sundet Property to the Permit. The Wild Waters Revocable Living Trust (the "Trust"), which now owns the Sundet Property, could not have acquired any interest in or right to the Permit because the Trust's predecessors-in-interest lacked any such interest or right, and the Permit was not appurtenant to the Sundet Property.

Ms. Albertson continued leasing the Sundet Property from Ms. Severin's successors-ininterest for decades under the terms of the Lease, with lease payments increasing over time. At
some point, Ms. Albertson's son assumed her rights and obligations under the Lease. This
continued through August 6, 2016, when John A. Cutino II and Susan Giselle Cutino (the
"Cutinos"), who are purportedly the trustees of the Trust, informed Ms. Alberton's son and
daughter-in-law that the property was no longer available for lease.

In 2001, the Albertsons submitted to the Department a Request for Assignment related to the Permit. Pursuant to the request, the rights evidenced by the Permit were assigned to the Albertsons and Northwest Farm Credit Services ("Northwest FCS"). The Albertsons have not subsequently assigned, or consented to any subsequent assignment of, their rights to the Permit. The Department's application file associated with the Permit does not contain any subsequent assignments from the Albertsons or Northwest FCS.

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On July 11, 2016, the Department received a Request for Assignment from the Trust signed by the Cutinos (the "Assignment Request," attached to this Protest as Exhibit D). The Assignment Request purported to evidence a partial assignment of the Permit to the Trust. However, the Assignment Request did not comply with laws applicable to assignments and contained multiple misrepresentations; these issues are further discussed in Section 4.c below. As a result, the attempted partial assignment was invalid and does not bind Ms. Albertson or the Department. Neither Ms. Albertson nor Northwest FCS signed, approved, or otherwise consented to the Assignment Request, and neither Ms. Albertson nor Northwest FCS received notice of the Assignment Request before it was submitted to the Department.

The Department acknowledged receipt of the Assignment Request in a letter dated July 14, 2016. Ms. Albertson received a copy of this letter. Because the letter did not describe a process for challenging or objecting to the partial assignment, Ms. Albertson contacted the Lake County Watermaster and informed him that the Trust was not an owner of the Permit. Ms. Albertson asked what steps she could take to protect her rights in the Permit, but the watermaster did not assist Ms. Albertson in resolving her concerns and led her to believe there was nothing she could do. Ms. Albertson relied, to her detriment, on this erroneous advice from the watermaster.

On September 19, 2016, the Department issued Certificate 91901, which confirmed the right to use water perfected under the Permit.² The certificate authorizes primary irrigation of 103.3 acres and supplemental irrigation of 117.6 acres. The certificate was issued to the Albertsons, Northwest FCS, and the Trust. Based on a review of the application file associated with the Permit, it does not appear that the Department ever sent Ms. Albertson a proposed version of either Certificate 91840 or 91901 that identified the Trust as a holder. But the Department did email a proposed version of Certificate 91840 to Hollie Cannon, agent for the Trust, on September 8, 2016. The Department did not provide that same opportunity to Ms. Albertson.

The only basis for listing the Trust as a holder of Certificate 91901 was the invalid Assignment Request. On June 17, 2016, before the Department received the Assignment Request, the Department mailed a proposed certificate to Ms. Albertson. The proposed certificate correctly identified the Albertsons and Northwest FCS as the only holders.

The Department received the Application on February 27, 2017. Once Ms. Albertson learned of the Application, she engaged Stoel Rives to protect her ownership interest in Certificate 91901. Stoel Rives sent multiple letters to the Department and had multiple telephone conservations with various Department employees in an effort to explain why the

² Certificate 91901 was issued to correct a scrivener's error in Certificate 91840 (issued on September 12, 2016), which incorrectly referred to the Trust as the "Wild Rivers Revocable Living Trust" (emphasis added).



¹ This was about one month *before* the Trust notified Ms. Albertson's son and daughter-in-law that the Sundet Property was no longer available for lease.

Trust has no interest in or right to Certificate 91901. On at least two separate occasions, Department employees acknowledged that the Assignment Request did not comply with applicable laws, yet the Department has stubbornly refused to take any action to correct this error. The Determination fails to mention that Ms. Alberton has repeatedly informed the Department that the Trust has no ownership interest in Certificate 91901 and, therefore, lacks authority to pursue the Transfer.

3. Ms. Albertson's Interest in the Determination

The Transfer, if approved, would allow the Trust to unilaterally transfer 103.3 acres of primary irrigation right under Certificate 91901 to a new place of use, despite the fact that the Trust has no interest in or right to Certificate 91901. The Transfer would deprive Ms. Albertson of her interest in and right to a significant portion of Certificate 91901, which represents a valuable property interest.³ To apply for and develop their rights under the Permit, the Albertsons incurred significant costs. These costs were not shared by the Trust or its predecessors-in-interest.

Subject to Northwest FCS's interest as creditor, Ms. Albertson is the sole owner of the rights evidenced by Certificate 91901. As such, Ms. Albertson—not the Trust—has the authority to transfer the primary irrigation rights under Certificate 91901 to a new place of use. This would allow Ms. Albertson to either put the primary irrigation rights to direct use on property she owns or controls or sell the primary irrigation rights to a third party. Unless modified, the Determination would allow the Trust to strip Ms. Albertson of her interest in and right to 103.3 acres of primary irrigation right, without compensating Ms. Albertson.

4. Arguments

a. The Department is required to return the Application and fee to the Trust because the Application was deficient.

The Application was not accompanied by the required fee and must be returned to the Trust. See OAR 690-380-4000(2). A transfer application must contain the information listed in OAR 690-380-3000. This includes "[t]he appropriate fee as required under ORS 536.050, less any portion waived pursuant to OAR 690-380-3400." OAR 690-380-3000(25). "If the Department determines that the application does not include the required information . . . , the Department shall return the application and any fees to the applicant along with a written description of the deficiencies in the application." OAR 690-380-4000(2) (emphasis added).

Here, the Application was not accompanied by the fee required under ORS 536.050. A check for \$1,450.00 was submitted with the Application, but the fee required under ORS 536.050 at that time was \$2,450.00. The correct fee would have been calculated as follows:

The Transfer also ignores the rights of Northwest FCS, including its phts under UCC Lien No. 90704788.



Citation	Amount	Fee
ORS 536.050(1)(h)(A)	\$1,000.00	Base*
ORS 536.050(1)(h)(B)	\$800.00	Additional Type of Change
ORS 536.050(1)(h)(C)	\$300.00	Additional Rate
ORS 536.050(1)(h)(E)	\$350.00	Additional Point of Appropriation
	\$2,450.00	Total
	\$2,450.00	

Because the Application was not accompanied by the required fee, the Department must return the Application and fee to the Trust. See OAR 690-380-4000(2). The Department lacks discretion to accept a late payment to address the deficiency. See id.

b. The Trust failed to provide a report of ownership information by the deadline specified by the Department.

The Department should deny the Application because the Trust failed to provide a report of ownership. See OAR 690-380-4010(5). Upon receiving a draft preliminary determination, an applicant must submit the information listed in OAR 690-380-4010(5). This includes "[a] report of ownership information as defined in OAR 690-380-0100(10) for the land to which the water right is appurtenant." OAR 690-380-4010(5)(a). A "report of ownership information" is "a document prepared by a title company that includes ownership and a legal description of the lands to which the water right is appurtenant." OAR 690-380-0100(10) (emphases added).

Here, an interoffice memorandum from Ken Dowden dated May 9, 2018 suggests that the Department received a report of ownership information. (See attached Exhibit E, hereinafter the "Dowden Memo.") However, no document that meets the definition of a "report of ownership information" is contained in the transfer file. The transfer file does include a five-page document titled "Lake County Property Summary Report," which includes the words "Property Information Report" in the footer of each page (see attached Exhibit F), but this document does not meet the definition of a "report of ownership information." The document appears to have been prepared by Lake County, not by a *title company*, as required under the applicable rules. Moreover, the document does not include a *legal description* of the property to which Certificate 91901 is appurtenant.

The Department's cover letter dated April 30, 2018 that accompanied the draft preliminary determination provided a deadline of May 30, 2018 for the Trust to provide the report of ownership information. The letter explained that, if the Department did not receive the report by the deadline, the Department may issue a preliminary determination denying the Application. Consistent with the letter, the Department should deny the Application as incomplete.

c. The Trust lacks any interest in or right to Certificate 91901 and is prohibited from pursuing this Transfer without the consent of Ms. Albertson and Northwest FCS.

As explained above, the Albertsons were the sole holders and owners of the Permit until they assigned an interest in the Permit to Northwest FCS in 2001. The Cutinos submitted the AUG 0 3 2018

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Assignment Request in 2016, without providing notice to Ms. Albertson or Northwest FCS. This purported assignment did not comply with applicable laws and is not binding on the Department, Ms. Albertson, or Northwest FCS. Therefore, the purported assignment did not (and could not) convey any interest or right from Ms. Albertson or Northwest FCS to the Trust.

Under ORS 537.220(2), a request for assignment must "identify the current record owners of all property described in the application, permit or license." The assignor must furnish "proof acceptable to the department that notice of assignment has been given or attempted for each identified property owner not a party to the assignment." ORS 537.220(2). The Department's Request for Assignment form lists the following examples of types of acceptable proof: "a copy of a returned certified mailing, copy of a Death Certificate, or a court order." Although the Cutinos acknowledged in the Assignment Request that Ms. Albertson was one of the holders of record, they did not attach any proof of notice to the Request for Assignment. Without such proof, the assignment did not satisfy the requirements of ORS 537.220(2) and was not binding upon Ms. Albertson or the Department. See ORS 537.220(1).

Only the permit *holder* has the right to request assignment of a permit. OAR 690-320-0600(1). Here, the permit holders as of July 11, 2016 were Ms. Albertson and Northwest FCS. The Department's rules provide alternative procedures for requesting assignment of a permit if the holder is *unavailable*. ORS 690-320-0060(2). But here, there is no evidence in the application file that the holders were unavailable. In fact, Ms. Albertson was available but was not contacted by the Trust before it submitted the Request for Assignment.

The Assignment Request was also invalid because the Cutinos made misrepresentations in it. They represented that they had "the legal right to request assignment." But based on the Lease, the transfer file for T-12595, and the application file for the Permit, neither the Trust nor the Cutinos had such right. Neither the Trust nor the Cutinos were the record holder (or owner) of the Permit, and the Cutinos did not furnish evidence that the record holders were unavailable. The Cutinos also represented that they had "not been able to contact the owner(s) of record for [the permit]." But Ms. Albertson's contact information was known or available to the Cutinos when they submitted the Request for Assignment. These misrepresentations provide an independent basis for finding that the assignment was invalid and does not bind Ms. Albertson or the Department.

At least two Department employees have acknowledged that the Assignment Request did not satisfy ORS 537.222(2). Yet the Department has refused to update its records to reflect that the Assignment Request was invalid. But regardless of whether the Department updates its records, it is clear that the Assignment Request did not satisfy ORS 537.222(2) and, therefore, did not (and could not) convey any interest or right to the Trust. Because the purported assignment was the only basis for listing the Trust on the face of Certificate 91901, the fact that the Trust is listed on the face of the certificate does not create an ownership interest in Certificate 91901 where none otherwise exists.⁴

⁴ Because the Department does not issue new certificates to reflect changes in ownership, the parties listed on the face of a certificate do not prove current ownership of the detrificate.



Finding of Fact No. 3 in the Determination states that "the applicant . . . provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer." Based on the facts and arguments presented in this Protest, this finding is erroneous and must be corrected. Because the Trust lacks any interest in or right to Certificate 91901, it cannot pursue the Transfer without the consent of Ms. Albertson and Northwest FCS.

Certain Findings of Fact in the Determination are inconsistent with evidence contained in the transfer file.

Finding of Fact No. 3 in the Determination states that "the applicant agreed to the terms and conditions of the draft Preliminary Determination" and "requested the Department proceed with issuance of the Preliminary Determination." The transfer file does not contain any written correspondence from the Trust to support these findings. The Dowden Memo summarized a telephone conversation in which Mr. Cutino stated that "they thought the draft of the preliminary Determination was fine." But the cover letter that accompanied the draft preliminary determination required the Trust to provide a "written response to the conditions and proposed actions in the draft Preliminary Determination." (Emphasis added.) The transfer file does not contain a written response from the Trust. Consistent with the letter, the Department should deny the Application as incomplete because no written response was received by May 30, 2018.

Finding of Fact No. 3 in the Determination also states that "the applicant . . . provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer." The transfer file does not contain sufficient evidence to support this finding. Even if the Trust has an ownership interest in Certificate 91901 (which it does not), the transfer file does not contain any evidence to demonstrate (1) that the Cutinos are authorized to act as trustees on behalf of the Trust, or (2) that the Application was authorized in accordance with the Trust's governing documents.

Finding of Fact No. 10 in the Determination states: "Water has been used within the last five years prior to the submittal of Transfer Application T-12595 according to the terms and conditions of the right." This is inconsistent with the Watermaster Review Form that is contained in the transfer file. On that form, the watermaster checked "yes" in response to the following question: "Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would no likely be rebuttable?" (Underlining in original.) This discrepancy must be resolved by the Department before it can make a decision regarding the Application.

5. **Protest Filing Requirements**

This Protest is timely filed. Any person may submit a protest against a preliminary determination within 30 days after the last publication of a newspaper notice of the proposed transfer or publication in the Department's weekly notice, whichever is later. ORS 537.153(7). The Department published notice of the Determination in the Lake County Examiner on July 4, 2018. Therefore, any protests of the Determination must be submitted on or before August 3, 2018. RECEIVED

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Ms. Albertson has included with this Protest the protest fee of \$810.00. See ORS 536.050(1)(j)(A); OAR 690-380-4030(2).

Ms. Albertson has complied with the provisions of OAR 690-380-4030(2) and OAR 690-002-0030. The protest is in writing, is signed by the protestant's attorney, is accompanied by the statutory filing fee, and includes a detailed statement of:

- (a) Facts sufficient to show that the protestant is entitled to the relief or action requested;
- (b) The specific relief or action requested;
- (c) The name and address of the protestant and other person or persons necessary to, or having a direct interest in, the proceeding; and
- (d) Citation of legal authority or basis for the claim or relief asserted or requested.OAR 690-002-0030(1).

6. Conclusion and Request for Contested Case Hearing

Based on the foregoing, Ms. Albertson requests that the Department deny the Application because it does not comply with applicable laws. Ms. Albertson requests a contested case hearing for further consideration of this Protest.

DATED: August 3, 2018

Respectfully submitted,

Kirk B. Maag, OSB No. 105 07 Of Attorneys for Florence M. Albertson



CERTIFICATE OF SERVICE

I hereby certify that on August 3, 2018, I caused the original and one copy of the foregoing Protest of Florence M. Albertson and Request for Contested Case Hearing to be served by hand delivery to the following address:

Director Tom Byler Oregon Water Resources Department 725 Summer Street NE, Suite A Salem, OR 97301-1271

I hereby certify that on August 3, 2018, I served a copy of the foregoing Protest of Protest of Florence M. Albertson and Request for Contested Case Hearing by U.S. First-Class Mail to the following addresses:

The Wild Waters Revocable Living Trust c/o John A. Cutino II and Susan G. Cutino 5252 Mill Creek Road Healdsburg, CA 95448

Hollie Cannon Water Right Solutions LLC 3246 Hammer Street Klamath Falls, OR 97603

DATED: August 3, 2018

Kirk B. Maag, OSB No. 105507 Of Attorneys for Florence M. Albertson

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AUG 0.3 2018

BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer Application) PRELIMINARY DETERMINATION	
T-12595, Lake County) PROPOSING APPROVAL OF A	
) CHANGE IN POINT OF	
) APPROPRIATION AND A CHANGE I	N
) PLACE OF USE	

Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, 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

WILD WATERS REVOCABLE LIVING TRUST 5252 MILL CREEK RD. HEALDSBURG, CA 95448

Agent

HOLLIE CANNON WATER RIGHT SOLUTIONS, LLC 3246 HAMMER ST. KLAMATH FALLS, OR 97603

Findings of Fact

- On February 27, 2017, John Anthony Cutino II and Susan Giselle Cutino, Trustees, WILD WATERS REVOCABLE LIVING TRUST, filed an application proposing to change the point of appropriation and to change the place of use under portions of Certificate 91901. The Department assigned the application number T-12595.
- Notice of the application for transfer was published on March 7, 2017, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- 3. On April 30, 2018, the Department issued a draft Preliminary Determination proposing to approve Transfer Application T-12595. The draft Preliminary Determination cover letter set forth a deadline of May 30, 2018, for the applicant to respond. On May 9, 2018, the applicant agreed to the terms and conditions of the draft Preliminary Determination, requested the Department proceed with issuance of the Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
- 4. On May 1, 2018, the agent for the applicant requested that the proposed date for complete application of water be extended to allow additional time to guarantee adequate time to complete the project. The Department approved and extended the date by which the applicant must make full beneficial use of water under the terms and conditions of this CEIVETT transfer to October 1, 2021.

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

Certificate: 91901 in the name of WILD WATERS REVOCABLE LIVING TRUST

(perfected under Permit G-7160)

Use: IRRIGATION OF 17.1 ACRES
Priority Date: FEBRUARY 8, 1977

Rate: 0.21 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured

under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed

3.0 acre-feet per acre for each acre irrigated during the irrigation season of

each year.

Source: A WELL within the GOOSE AND SUMMER LAKES BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	19 E	WM	6	SE SE	1280 FEET NORTH AND 1260 FEET WEST FROM THE SE CORNER OF SECTION 6

Authorized Place of Use:

		IR	RIGAT	ION	
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	19 E	WM	5	NWNW	2.5
40 S	19 E	WM	5	SWNW	6.9
40 S	19 E	WM	6	SE NE	7.7
				Total	17.1

6. Transfer Application T-12595 proposes to change the place of use of the right as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	19 E	WM	5	NWNW	4.6
40 S	19 E	WM ·	5	SWNW	5.8
40 S	19 E	WM	6	NENE	6.3
40 S	19 E	WM	6	SE NE	0.4
				Total	17.1

7. Transfer Application T-12595 proposes to change the point of appropriation for the above described new place of use northeast approximately 1550 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	19 E	WM	6	SE NE	2584.42 FEET SOUTH AND 525.17 FEET WEST FROM THE NE CORNER OF SECTION 6



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

Certificate: 91901 in the name of WILD WATERS REVOCABLE LIVING TRUST

(perfected under Permit G-7160) IRRIGATION OF 86.2 ACRES

Priority Date: FEBRUARY 8, 1977

Use:

Rate: 1.08 CUBIC FEET PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured

under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed

3.0 acre-feet per acre for each acre irrigated during the irrigation season of

each year.

Source: A WELL within the GOOSE AND SUMMER LAKES BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	19 E	WM	6	SE SE	1280 FEET NORTH AND 1260 FEET WEST FROM THE SE CORNER OF SECTION 6

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	19 E	WM	5	NW NW	25.9
40 S	19 E	WM	5	SWNW	16.9
40 S	19 E	WM	6	NE NE	12.4
40 S	19 E	WM	6	SE NE	31.0
				Total	86.2

 Transfer Application T-12595 proposes to change the point of appropriation for the above described 86.2 acres northeast approximately 1550 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	19 E	WM	6	SE NE	2584.42 FEET SOUTH AND 525.17 FEET WEST FROM THE NE CORNER OF SECTION 6

Transfer Review Criteria (OAR 690-380-4010)

- 10. Water has been used within the last five years prior to the submittal of Transfer Application T-12595 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.
- A well, pump, pipeline, and sprinkler system 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-12595.
- 12. The proposed change would not result in enlargement of the right.
- The proposed change would not result in injury to other water rights.



AUG 0 3 2018



14. All other application requirements are met.

Determination and Proposed Action

The change in point of appropriation and change in place of use proposed in Transfer Application T-12595 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-12595 is approved, the final order will include the following:

- The change in point of appropriation and change in place of use proposed in Transfer Application T-12595 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 91901 and any related decree.
- 3. Water right Certificate 91901 is cancelled. A new certificate will be issued describing the portion of the right not affected by this transfer.
- 4. The quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.
- 5. 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 the new point of appropriation.
 - b. The water user shall maintain the meter or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meter or measuring devices; provided however, where the meter or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
- Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
- The former place of use of the transferred right shall no longer receive water under the right.
- 8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before October 1, 2021. 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.

AUG 0 3 2018

OWEXhibit Page 4 of 5

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

Dated at Salem, Oregon this

JUN 1 8 2018

Dwight Erench, Water Bight Services Administrator, for

Thomas M. Byler, Director

Oregon Water Resources Department

This Preliminary Determination was prepared by Ken Dowden. If you have questions about the information in this document, you may reach me at 541-278-5456 or Ken.D.Dowden@oregon.gov

Protests should be addressed to the attention of Water Rights Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.

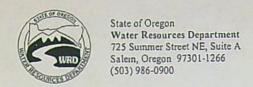
Notice Regarding Service Members: Active duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act. 50 U.S.C. App. §§501-597b. You may contact the Oregon State Bar or the Oregon Military Department for more information. The toll-free telephone number for the Oregon State Bar is: 1 (800) 452-8260. The toll-free telephone number of the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is: http://legalassistance.law.af.mil



AUG 0 3 2018



Exhibit A Page 5 of 5



Application for Permanent Water Right Transfer

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 SectIRECEIVED BY OWRD

Check all iter	ns included with this application. (N/A = Not Applicable) Part 1 – Completed Minimum Requirements Checklist.
× V	Part 2 – Completed Transfer Application Map Checklist. SALEM, OR
	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. If you have questions, call Customer Service at (503) 986-0801.
	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: Certificate 91901 Please include a separate Part 5 for each water right. (See instructions on page 6)
	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	Land Use Information Form with approval and signature (or signed land use form receipt stub). 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): Application fee not enclosed/insufficient Map not included or incomplete Land Use Form not enclosed or incomplete Additional signature(s) required Part is incomplete RECEIVED Other/Explanation Staff: 503-986-0 Date: / /
	Staff:

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SALENI, TOPPS	fer application will be returned if any of the map requirements listed below are not met.
	sure that the transfer application map you submit includes all the required items and the existing water right map. Check all boxes that apply.
⊠√□ N/A	Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see http://apps.wrd.state.or.us/apps/wr/cwre_license_view/ . CWRE stamp and signature are not required for substitutions.
□ ⊠ N/A	If more than three water rights are involved, separate maps are needed for each water right.
\boxtimes \checkmark	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, Finch = 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 Revised 7/1/2	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°). Permanent Transfer Application Form – Page 2.of 10

を は 対象報	FEE WORKSHEET for PERMANENT TRANSFER Part 3 of	5 – Fee	Workshee
1	Base Fee (includes one type of change to one water right for up to 1 cfs)	1	\$1,000
	Types of change proposed: HECEIVED BY OWRD		
	☐ Place of Use		
	Character of Use FEB 2 7 2017		
	□ Point of Diversion/Appropriation		
	Number of above boxes checked = 2(2a) SALEM, OB		
	Subtract 1 from the number in line $2a = \frac{2(2a)}{1(2b)}$ If only one change, this will be 0		
2	Multiply line 2b by \$800 and enter » » » » » » » » » » » » » » »	2	800
	Number of water rights included in transfer 1 (3a)		
	Subtract 1 from the number in 3a above: <u>0 (3b)</u> If only one water right this will		
2	be 0	3	0
3	Multiply line 3b by \$450 and enter » » » » » » » » » » » » » »	3	0
	Do you propose to add or change a well, or change from a surface water POD to a well?		
	□ No: enter 0 »» » » » » » » » » » » » » » » » » »		
4	▼ Yes: enter \$350 » » » » » » » » » » » » » » » » » » »	4	350
-	Do you propose to change the place of use or character of use?		330
	No: enter 0 on line 5 » » » » » » » » » » » » » » » » » »		
	Yes: enter the cfs for the portions of the rights to be transferred (see		
	example below*): 1.29 (5a)		
	Subtract 1.0 from the number in 5a above: 0.29 (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: 1 (5c) and		
5	multiply 5c by \$300, then enter on line 5 » » » » » » » »	5	300
6	Add entries on lines 1 through 5 above » » » » » » » » » Subtotal:	6	\$1,450
	Is this transfer:		
	necessary to complete a project funded by the Oregon Watershed		
	Enhancement Board (OWEB) under ORS 541.932?		
	endorsed in writing by ODFW as a change that will result in a net		
	benefit to fish and wildlife habitat?		
-	If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 »	-	0
7	If no box is applicable, enter 0 on line 7» » » » » » » » » » » » » » » »	7	0
8	Subtract line 7 from line 6 » » » » » » » » » » » » Transfer Fee:	8	\$1.450

*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).

がある。	FEE WORKSHEET for SUBSTITUTION	N. Line		
1	Base Fee (includes change to one well)	1	\$725.00	
2	Number of wells included in substitution (2a) Subtract 1 from the number in 3a above: (2b) If only one well this will be 0 Multiply line 2b by \$350 and enter » » » » » » » » » » » » » » »	Ŗ	CEN	/EI
3	Add entries on lines 1 through 2 above » » » » Fee for Substitution:	3		

Part 4 of 5 - Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAM The Wild Waters Revoc	ADDITIONAL CONTACT NO.			
ADDRESS	FAX NO.			
5252 Mill Creek Rd.				
CITY	STATE	ZIP	E-MAIL	
Healdsburg	CA	95448	jcuteen@live.com	
BY PROVIDING AN E-M	IVEN TO RECEIVE ALL COR	RESPONDENCE FROM THE		
DEPARTMENT ELECTI	RONICALLY. CO	PIES OF THE 1	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 Hollie Cannon/Water R	ight Solutions, Ll	LC	PHONE NO. 541-821-5848	ADDITIONAL CONTACT NO.
ADDRESS 3246 Hammer St.			FAX NO.	
CITY Klamath Falls	STATE	ZIP 97603	E-MAIL hcannon@waterri	ghtsolutions.com
				CORRESPONDENCE FROM THE NTS WILL ALSO BE MAILED.

Explain in your own words what you propose to accomplish with this transfer application, and why: The property for a long time was leased by the neighboring landowner and operated as one farm. The well that supplies the water right for this property is not located on this property. This transfer application adds a point of appropriation so the property owner has his own well for his share of the water right. The original configuration used a pivot that irrigated a portion of both properties. The transfer in place of use moves the pivot to only irrigate land of this ownership.

If	you need additional	space,	continue on a s	eparate piece o	f paper and	attach to	the application as	"Attachment	1"
_									_

Check this box if this project is fully or partially funded by the American Recovery	and
Reinvestment Act. (Federal stimulus dollars)	

Check One Box

\boxtimes	By signing this application, I understand that, upon receipt of the draft preliminary determinat	ion 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	RECEIVED BY OWRE
	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	FEB 2 7 2017

condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

SALEM, OR

I understand that 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: Lake County Examiner

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

John Anthony Cutino II, Trustee of Print Name (and Title if applicable)

Susan Giselle Cutino, Trustee
Print Name (and Title if applicable)

Date

1/22/2017 AUG (

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OWRD

Revised 7/1/2013

Permanent Transfer Application Form - Page 4 of 10

1 2 5 9 5 Exhibit B Page 4 of 20

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? Xes No If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or email addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.

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Page 5 of 20

	or completing the respondence should be responsible to sent to this larger of the process of the new landown cated on the land therwise. For mytransactions.pd	e proposed change(s) after the ould be sent to this landowner. e for completion of change(s). ndowner and the applicant. being sold? Yes No uplete the receiving landowner ner will be, then a request for d belong to the new owner, hore information see:					
final order is issued. Copies of notices and com Both the receiving landowner and applicant will Copies of notices and correspondence should be At this time, are the lands in this transfer application in If YES, and you know who the new landowner will information table below. If you do not know who the assignment will have to be filed for at a later date. If a property sells, the certificated water right(s) locunless a sale agreement or other document states of http://www.oregon.gov/owrd/docs/transfer-property RECEIVING LANDOWNER NAME ADDRESS CITY STATE ZIP Describe any special ownership circumstances here: Check here if any of the water rights proposed for the company of the state of the company of the compan	respondence should be responsible to this lare to this lare the process of the process of the new landown cated on the land therwise. For mytransactions.pd	ould be sent to this landowner. e for completion of change(s). ndowner and the applicant. being sold? Yes No nplete the receiving landowner ner will be, then a request for d belong to the new owner, nore information see: If ADDITIONAL CONTACT NO.					
At this time, are the lands in this transfer application in If YES, and you know who the new landowner will information table below. If you do not know who t assignment will have to be filed for at a later date. If a property sells, the certificated water right(s) loc unless a sale agreement or other document states ot http://www.oregon.gov/owrd/docs/transfer-property RECEIVING LANDOWNER NAME ADDRESS CITY STATE ZIP Describe any special ownership circumstances here: Check here if any of the water rights proposed for tr	the sent to this lar in the process of all be, please come the new landown cated on the land therwise. For many transactions.pd	being sold? Yes No splete the receiving landowner ner will be, then a request for d belong to the new owner, sore information see: ADDITIONAL CONTACT NO.					
If YES, and you know who the new landowner will information table below. If you do not know who to assignment will have to be filed for at a later date. If a property sells, the certificated water right(s) locunless a sale agreement or other document states of http://www.oregon.gov/owrd/docs/transfer-property RECEIVING LANDOWNER NAME ADDRESS CITY STATE Describe any special ownership circumstances here: Check here if any of the water rights proposed for transfer-proposed for-	Il be, please com the new landown cated on the land therwise. For m	aplete the receiving landowner ner will be, then a request for d belong to the new owner, tore information see: ADDITIONAL CONTACT NO.					
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unless a sale agreement or other document states of http://www.oregon.gov/owrd/docs/transfer-property RECEIVING LANDOWNER NAME ADDRESS CITY STATE ZIP Describe any special ownership circumstances here: Check here if any of the water rights proposed for transfer-property	therwise. For mytransactions.pd	additional contact no.					
ADDRESS CITY STATE ZIP Describe any special ownership circumstances here: Check here if any of the water rights proposed for tr	E-MAIL						
Describe any special ownership circumstances here: Check here if any of the water rights proposed for tr		FAX NO.					
Describe any special ownership circumstances here: Check here if any of the water rights proposed for tr							
Check here if any of the water rights proposed for tr							
an irrigation of other water district. (Tip: Complete IRRIGATION DISTRICT NAME ADDRESS	posed for transfer are or will be located within or serve: Complete and attach Supplemental Form D.) ADDRESS						
CITY STATE		ZIP					
Check here if water for any of the rights supplied un for stored water with a federal agency or other entity		vice agreement or other contrac					
ENTITY NAME ADDRESS							
CITY STATE		ZIP					
To meet State Land Use Consistency Requirements, you corporation, or tribal governments within whose jurisdictions.							
ENTITY NAME ADDRESS							
CITY STATE		ZIP					
ENTITY NAME ADDRESS		RECEIVED					
CITY STATE		ZIP AUG 0 3 2018					
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Permanent Transfer Application Form - Page 6 of 10

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Exhibit B Page 6 of 20

INSTRUCTIONS for editing the Application Form

To add additional lines to tables within the forms or to copy and paste additional Part 5 pages, please save the application form to your computer. Unlock the document by using one of the following

instructions for your Microsoft Word software version:

Microsoft Word 2003

Unlock the document by one of the following:

- Using the Tools menu => click Unprotect Document; OR
- Using the Forms toolbar => click on the Protect/Unprotect icon.

To relock the document to enable the checkboxes to work, you will need to:

- Using the Tools menu => click Protect Document; OR
- Using the Forms toolbar => click on the Protect/Unprotect icon.

Once the application has been unlocked, you may:

- add additional rows to tables using the Table tools, and
- select and copy the pages of Part 5 and paste as many additional sets of Part 5 pages as needed at the end of the application.

After editing, re-lock the document to enable checkboxes to work.

Microsoft Word 2007

- Unlock the document by clicking the Review tab, then click Protect Document, then click Stop Protect
- To relock the document, click Editing Restrictions, then click Allow Only This Type of Editing, select Filling In Forms from the drop-down menu, then check Yes, Start Enforcing Protection.

Microsoft Word 2010

- · Unlock the document by clicking the Review tab, toggle the Restrict Editing icon at the upper right. then click Stop Protect at the bottom right. Then uncheck the "Allow only this type of editing in the document: Filling in forms" in the "Editing restrictions" section on the right-hand list of options.
- To relock the document, check the Editing Restrictions/Allow Only This Type of Editing/Filling In Forms box from the drop-down menu, then check Yes, Start Enforcing Protection. You do not need to assign a password for the editing restrictions.

Other Alternatives:

- · Photocopy pages or tables in Part 5, -mark-through any non-applicable information, insert/attach photocopied pages to document in the appropriate location, and manually amend page numbers as necessary (e.g. Page 5 6 of 9 10).
- · You may refer to additional attachments that you may include, such as separately produced tables or spreadsheets to convey large numbers of rows of place of use listings, owner/property parcels, etc. You may contact the Department at 503-986-0900 and ask for Transfer Staff if you have questions.

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SALEIPIGASE 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 #91901

Description	of Water	Delivery	System
-------------	----------	----------	--------

System capacity: 2.76 cfs per certificate (1.29 cfs for transferred portion) 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. There is the existing well and a pipeline from the existing well to the pivot center that continues on to the northeast to the land irrigated by a wheel line.

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L)	T	wp	R	ng	Sec	1/4	4	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Existing POA #1		LAKE 2767	40	s	19	E	6	SE	SE		1280 feet north and 1260 feet west from SE corner, Section 6
Proposed POA #2	☐ Authorized ☐ Proposed		40	s	19	E	6	SE	NE		2584.42 feet South and 525.17 feet West from the NE corner of Section 6
	☐ Authorized ☐ Proposed										
	Authorized Proposed										

	The state of the s		
Check	all type(s) of change(s) proposed below	(chang	e "CODES" are provided in parentheses):
	Place of Use (POU)		Supplemental Use to Primary Use (S to P)
	Character of Use (USE)	\boxtimes	Point of Appropriation/Well (POA)
	Point of Diversion (POD)		Additional Point of Appropriation (APOA) Substitution (SUB)
	Additional Point of Diversion (APOD)		Substitution (SUB)
	Surface Water POD to Ground Water POA (SW/GW)		Government Action POD (GOV) AUG 0 5 7113
Will al	l of the proposed changes affect the enti	re wate	er right? OWRD
Yes	Complete only the Proposed ("to" or "o "CODES" listed above to describe the r		s) section of Table 2 on the next page. Use the

Complete all of Table 2 to describe the portion of the water right to be changed. X No

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Permanent Transfer Application Form - Page 8 of 10

TACS

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

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

Table 2. Description of Changes to Water Right Certificate # 91901

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.

Т	he				appe	ears o	n the	certific	ate BE		ids) POSED CHA Il be changed.		Proposed Changes (see			The	lis	ting			appe		TER P	on" lands) ROPOSED	CHANG	ES
Tw	2	Rn		Sec	-14	1	Tax Lot	Gvt Lot or DLC		Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	"CODES" from previous page)	Tw	p	Rn	8	Sec		%	Tax Lot	Gvt Lot or DLC	Carlo	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
			7 10 1 2 1 1									TWO DESCRIPTIONS	DXAMPLE			99								STOLEN	NEW A	
7	Š	ij			NT	Vii)	1000		15.0	Herigation	POD #1	1901	POU/POD	2	S	6.			NW	N.	500		1010		POD#5	1901
			IP.											2	S	Q		2.	221	VV.	500	115000000000000000000000000000000000000	10.5		POD#6	F1901
40	s	19	E	5	NW	NW	1700		28.4	IR	POA#1	1977	POU/POA	40		19	E	5	NW		The same of the same of		30.5	IR	POA#2	1977
40	s	19	E	5	sw	NW	1700		23.8	IR	POA#1	1977	POU/POA	40	s	19	E	5	sw	NW	1700		22.7	IR	POA#2	1977
40	s	19	E	6	NE	NE	1700		12.4	IR	POA#1	1977	POU/POA	40	s	19	E	6	NE	NE	1700		18.7	IR	POA#2	1977
40	S	19	E	6	SE	NE	1700		38.7	IR	POA#1	1977	POU/POA	40	s	19	E	6	SE	NE	1700		31.4	IR	POA#2	1977
													1-4-1-1													
													3 Same													
													(1)													
5													44, 24,													
0					7	ATOTA	L ACE	ES:	103.3				张 为学						1	TOTA	L ACE	ŒS:	103.3			

Additional remarks: _____.

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Permanent Transfer Application Form - Page 9 of 10

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SALEM, OR Page 9 of 20
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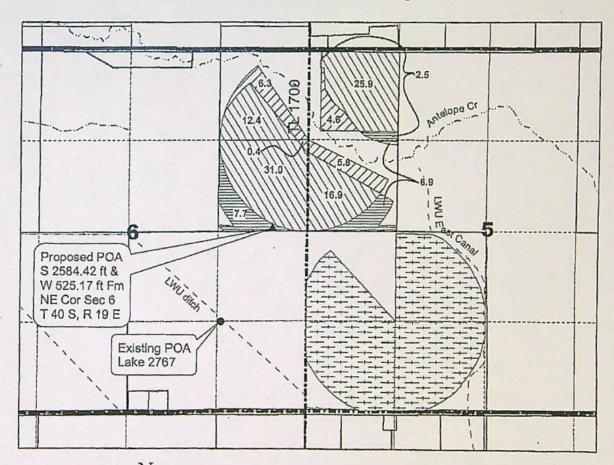
								Cer	tificate#_	
For P	lace of Us	e or Charact	er of Use	Changes	3					
		water right of or the "to"				s or ground	d water reg	istrations a	ssociated	
If Y	ES, list the	e certificate,	vater use	permit, o	r ground	water regis	tration nun	nbers:		
a pr	imary righ	RS 540.510, a t proposed fo ter registratio	r transfer	must be i	ncluded i	n the trans	fer or be ca	ncelled. A	ny change	0
For Su	ubstitution	(ground wat irrigation)	er supple	mental in	rigation w	vill be subs	tituted for s			
		upplemental orimary Certi			te#	_;		R	ECEIVED	BY OWRD
		om Supplem			se to Prin	nary Irrig	ation Use		FEB 27	2017
Ident	ify the prin	mary certifica	SALEM, OR							
For a	change in	point(s) of a	ppropriat	ion:						
	with the c Tip: You http://apps	s) are attache orresponding may search f s.wrd.state.or	well(s) i or well lo	n Table 1 gs on the	above an Departme	d on the ac ent's web p	companyin	e clearly la g applicati	beled and as on map.	ssociated
AND										
	have a we requested driller, geo	he constructi Il log. For pr information e blogist, or cer te Table 3.	oposed welement in	vells not yen the table	et constru . The Dej	<i>icted or bu</i> partment re	ilt, provide ecommends	"a best est you consu	imate" for e	each I well
Any well accompar application well(s) w	(s) in this laying apple on until it i ill access t	on of Point(s listing must b ication map. s received. T he same sour om approvin	e clearly Failure to the inform ce aquife	tied to con provide nation is r r as the au	rrespondi the inform necessary nthorized	nation will for the dep point(s) of	delay the partment to appropriati	orocessing assess whe on (POA).	of your tran	sfer posed
Proposed or Authorized POA Name or Number	Is well already built? ((Yes or No)	If an existing well: OWRD Well ID Tag No.	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	Well -specific rate (cfs or gpm). If less han full rate of water right
POA#2	No		442	12"	0-375'	0-375'		12'	Black Hard	1.29 cfs

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Application for Transfer of Water Right Certificate 91901 Wild Waters Revocable Living Trust





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1 inch = 1,320 feet

Legend

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Trans From POU POU unchanged new POA Using new POA Trans POA & POU to Cert 91901 no change

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Note: This map for water right purposes only. It is not intended for use to represent the location of porperty lines.

Application for Water Right

Transfer

Evidence of Use Affidavit



Please print legibly or type. Be as specific as possible. Attach additional pages if you need more spacing.

Supporting documentation must be attached.

				Бир	porting	docum	спинион	must be attach	icu.				
State of	of Oregon)	22								
Count	y of Lake)			,	SS								
	JOHN ANTHONY		O II AN	D SUSA	N GISELI	LE CUTIN	o, in m	y capacity as	TRUSTEES OF	THE WILD WA	TERS		
mailir	ng address 525	2 MILL C	CREEK I	RD., HE	ALDSBU	RG, CA 9	5448						
teleph	one number (707)965	5-3612,	, being	g first d	luly sw	orn dep	ose and say:					
1. M	y knowledge	of the	exerci	ise or s	status o	of the v	vater rig	ht is based o	n (check on	e): RECE	IVED BY	OWRD	
	⊠ Pers	onal of	bserva	ation			Profes	sional expert	tise	F	EB 2 7:2	017	
2. I a	ttest that: Water was u Certificate #			he pre	vious i	five ye	ars on th	ie entire plac	ce of use for		SALEM, C)R	
	My knowled	lge is s	pecifi	ic to th	ne use	of wate	er at the	following lo	cations with	in the last fi	ive years:		
	Certificate #	Town	nship	Ra	inge	Mer	Sec	1/4 1/4	Gov't Lot or DLC	Acres	NY 80 - 1 30 - 4 30 - 4 30 - 4		
OR													
	Confirming (Certific	cate#	91901	has be	en issu	ed with	in the past fi	ve years; O)	R			
	Part or all of instream leas transfer was	se num	ber is	:	(Note	: If the	entire r	ight propose	d for			OR	
	The water rig	ght is n	not sub	bject to	o forfe	iture ar	nd docu	mentation tha		ation of fore			n
	Water has be										an	3 2018	
					(co	ntinues	on rever	se side)			OW	RD	

- 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 Susan Giselle Cutino 2/23/2017	2/23/2017
Signature of Affiant	/Date /
Sugar Siselle Cutino 2/23/2017	

My Commission Expires: April 6th 2017

Supporting Documents	Examples
Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
Copies of receipts from sales of irrigated crops or for expenditures related to use of water	Power usage records for pumps associated with irrigation use
	Fertilizer or seed bills related to irrigated crops
	Farmers Co-op sales receipt
Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or	District assessment records for water delivered
records of other water suppliers	Crop reports submitted under a federal loan agreement
	Beneficial use reports from district
	IRS Farm Usage Deduction Report
	Agricultural Stabilization Plan
	CREP Report
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 –www.oregonexplorer.info/imagery
	OW/PD warms werd state or us
	Google Earth – earth.google.com TerraServer – www.terraserver.com
Approved Lease establishing beneficial use	Copy of instream lease or lease number
within the last 5 years	AUG

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CALIFORNIA NOTARY CERTIFICATE OF ACKNOWLEDGMENT/JURAT ADDENDUM (FOR USE IN CA ONLY)

For use for CA Notary Acknowledgment only:	
A notary public or other officer completing this certificate verifies only document to which this certificate is attached, and not the truthfulness	
State of California County of Sonoma	
same in his/her/their authorized capacity(ies), and that by his/her/the entity upon behalf of which the person(s) acted executed the instrum	who proved to me on the e name(s) is/are subscribed to the attached d acknowledged to me that he/she/they executed the eir signature(s) on the instrument the person(s) or the ent.
I certify under PENALTY OF PERJURY under the laws of the State correct.	of California that the foregoing paragraph is true and
WITNESS my hand and official seal (Signature)	(SEAL)
For use for CA Notary Jurat only:	"Application for Water Right Transfer Evidence of USE Affidavit"
A notary public or other officer completing this certificate verifies only document to which this certificate is attached, and not the truthfulness	
State of California County of SONOMA Subscribed and sworn to (or affirmed) before me on this 23 rd day of proved to me on the basis of satisfactory evidence to be the person (s	Susan Giselle Cutino and Feb., 2017, by John Anthony. Cutino II, who appeared before me.
Signature Mun Stur	(SEAL)
VARSHANA ELIZABE COMM.# 20 NOTARY PUBLIC - O SONOMA CO My Comm. Expires	17836 AECEIVED CALIFORNATE CEIVED API. 6, 2017 AUG. 0, 3, 2018
05-53-8123NSBW 06-2015	OWRD I 12595 Exhibit B Page 14 of 20

STATE OF OREGON

COUNTY OF LAKE

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JACK P ALBERTSON FLORENCE M ALBERTSON 91926 DOG LAKE LANE LAKEVIEW OR 97630

NORTHWEST FARM CREDIT SERVICES, FLCA 300 KLAMATH AVE SUITE 200 KLAMATH FALLS OR 97601

WILD WATERS REVOCABLE LIVING TRUST c/o 5252 MILL CREEK RD HEALDSBURG, CALIFORNIA 95448 RECEIVED BY OWRD

FEB 27:2017

SALEM, OR

confirms the right to the use of water perfected under the terms of Pennit G-7160. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-7704

SOURCE OF WATER: A WELL IN THE GOOSE & SUMMER LAKES BASIN

PURPOSE or USE: PRIMARY IRRIGATION OF 103.3 ACRES AND SUPPLEMENTAL IRRIGATION OF 117.6

ACRES

MAXIMUM RATE: 2.76 CUBIC FEET PER SECOND

DATE OF PRIORITY: FEBRUARY 8, 1977

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	19 E	WM	6	SE SE	1280 FEET NORTH AND 1260 FEET WEST FROM SE CORNER, SECTION 6

If for irrigation, this appropriation shall be limited to ONE-EIGHTIETH of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre feet per acre for each acre irrigated during the irrigation season of each year; provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

Application G-7704.jlj

Page 1 of 2

Certificate 91901

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Exhibit B Page 15 of 20 A description of the place of use is as follows:

	PRIM	ARY IR	RIGA	TION	
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	19 E	WM	5	NWNW	28.4
40 S	19 E	WM	5	SWNW	23.8
40 S	19 E	WM	6	NE NE	12.4
40 S	19 E	WM	6	SENE	38.7

	SUPPLEM	IENTAL	IRRI	GATION	
Twp	Rng	Mer	Sec	Q-Q	GLot
40 S	19 E	WM	5	NESW	33.4
40 S	19 E	WM	5	NWSW	18.6
40 S	19 E	WM	5	SWSW	33.6
40 S	19 E	WM	5	SESW	32.0

The well shall be cased as necessary in accordance with good practice and if the flow is artesian the works shall include proper capping and control valve to prevent the waste of ground water.

The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times.

The water user shall maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

This certificate is issued to correct a scrivener's error by correcting the name of the permit holder of record and supersedes Certificate 91840.

Issued

Dwight French
Water Right Services Division Administrator, for

SEP 1 9 2016

Thomas M. Byler, Director

Oregon Water Resources Department

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SALEM, OR

Application G-7704.jlj

Page 2 of 2

RECEIVenticute 91901

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12595 Exhibit B

Land Use Information Form



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

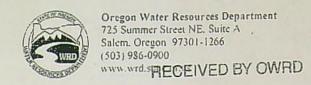
The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. 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. FIVE RECEIVED BY OWRD

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FEB 2 7 2017

SALEM, OR

Land Use Information Form



Applicant(s): The Wild Waters Revocable Living Trust

FEB 2 7 2017

Mailing Address: c/o 5252 Mill Creek Rd.

SALEM, OR

City: Healdsburg

State: CA

Zip Code: 95448

Daytime Phone: 707-965-3612

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	1/4 1/4	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)		Water to be:		Proposed Land Use:
<u>40S</u>	19E	5	NWNW	1700		☐ Diverted	☐ Conveyed	⊠ Used	IR
40S	19E	5	SWNW	1700		☐ Diverted	☐ Conveyed	⊠ Used	<u>IR</u>
40S	19E	6	NENE	1700		Diversed	☐ Conveyed	⊠ Used	<u>IR</u>
<u>40S</u>	19E	6	SENE	1700		☑ Diverted	⊠ Conveyed	☑ Used	<u>IR</u>

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:
LAKE
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 Scround Water Surface Water (name)
Estimated quantity of water needed: 1.29
Intended use of water:
Briefly describe:
The property was previously leased by a neighboring landowner and operated as one farm. The well that supplies the water Right for this property is not located on this property. This transfer application is to add a point of appropriation so the property owner has his own well for his share of the water right. The original configuration used a pivot that irrigated a portion of both properties. The transfer in place of use moves the pivot to only irrigate land of this ownership.
Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government

See bottom of Page 3. →

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OWRD

Department.

FEB 27:2017

For Local Government Use Only

SALEM, OF

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 be	low and provide the requested info	rmation	
Land uses to be served by the proposed water your comprehensive plan. Cite applicable or	r uses (including proposed construction) are a dinance section(s): Kake County Zonni On		
Land uses to be served by the proposed wate listed in the table below. (Please attach docu	r uses (including proposed construction) invo mentation of applicable land-use approvals w empanying findings are sufficient.) If approv	lve discretionar	y land-use approvals as dy been obtained.
Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Lan	d-Use Approval:
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued '☐ Not Being Pursued
Name: DARWIN TOHISON	Title: _/	Promy Dine	work
Signature: 4400	Phone: 541-947-60	36 Date: _/	4 FEB 2017
Government Entity: LAKE COUNTY Planning I	DEPARTMENT		
Note to local government representative: Plea sign the receipt, you will have 30 days from the V Form or WRD may presume the land use associa	Water Resources Department's notice date to	return the comp	leted Land Use Information
Receipt fo	or Request for Land Use Informa	ition	· Ca
Applicant name:			
City or County:			
ignature:	Phone: ECEN	/ Date:)	

Land Use Information Form - Page 3 of 3

AUG 0 3 2013

VRD T 12595

NOTICE TO WATER WELL CONTRACTOR The original and first copy of this report are to be filed with the

Lakeview or. 97630 (2) TYPE OF WORK (check):

New Well | Deepening | Resentitioning If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL: (4) PROPOSED USE (check

N.A. "Diam, from ______ft. to ______ft. Gage ____" Diam, from ft. to ft. Gage" Diam. from ft. to ft. Gage ..

in. by

perforations from ft. to ... perforations from ft. to ...

____ Set from ____

Diam. Slot size Set from ft. to ..

Was a pump test made? XXYes | No If yes, by whom? Vo. Vield: 1600 gal./min. with 7 ft. drawdown after

gal./min. with

Well seal-Material used Already Completed

g.p.m.

depth of strata

aperature of water Depth artesian flow encountered .

Domestic | Industrial | Municip

Perforated? | Yes X No.

Well screen installed? | Yes K No

Model No. ..

Drawdown is amount water level is

ft. drawdown after

Threaded | Welded |

Irrigation 📮 Test Well 🗆 Other

STATE ENGINEER, SALEM, OREGON 9731 within 30 days from the date of well completion.

Name Jack Albertson Address Rt. 6 Box 466

OX Driven [].

PERFORATIONS:

Type of perforator used

Size of perforations

(7) SCREENS:

Manufacturer's Name

(8) WELL TESTS:

(9) CONSTRUCTION:

Brand name of bentonite

Method of sealing strata off

Type of water?

Gravel placed from ..

Well sealed from land surface to Diameter of well bore to bottom of sea Diameter of well bore below seal Number of sacks of cement used in well seal -Number of sacks of bentonite used in well seal .

Number of pounds of bentonite per 100 gallons

Was a drive shoe used? | Yes X No Plugs ...

Bailer test

Artesian flow

___ Slot size

Jetted [

Bored [CASING INSTALLED:

(1) OWNER:

Rotary

Cable

Dug

STATE OF OREGON E CEIVED. Well No. 405 195-6 db

(Please type or print) (Do not

DEC 301976 State Permit No.

(10) LOGALIUN QUE GONLL:			
County Lake Driller's well r	umber		
NW % SE % Section 6 T. 408	R.] 91	<u> </u>	W.M.
Bearing and distance from section or subdivis			
(11) WATER LEVEL: Completed v	vell.		
Depth at which water was first found EXIS	. SY	/L 12	ft.
Static level 12 ft. below land	surface.	Date	2-2-7
Artesian pressure lbs. per squa	re inch.	Date	
(12) WELL LOG: Diameter of well	halam as	-1-2	811
Depth drilled 442 ft. Depth of comp	leted we	מלא ה	ft.
Formation: Describe color, texture, grain size and show thickness and nature of each stratu	m and a	agulfer pe	enetrated,
with at least one entry for each change of forms position of Static Water Level and indicate prin	tion. Rep	port each ster-beari	ng strata.
MATERIAL	From	То	SWL
	-		7.0
Sand Black Coarse Rock Black Hard	368	442	12
NOCK BLACK MAPO	208	144	12
RECEIVED BY OV	VRD	-	_
FEB 2 7:2017			
TED & COU			
SALEM, OR			
Work started 11-30 1976 Complete	ed 10	2	1976
Date well drilling machine moved off of well	-		1976
Drilling Machine Operator's Certification		t enne	referen
This well was constructed under my Materials used and information reported	above	are tru	e to my
best knowledge and belief	-		.76
			, 13.6.
Drilling Machine Operator's License No.	190	6	
Water Well Contractor's Certification:			
	Hattan a	and this	monant la
This well was drilled under my jurisd true to the best of my knowledge and be	lief.	ind this	report is
Name Sevey Welldrilling			
(Person, firm or corporation) Address 117 N.K. Lakeview C	(Type or pr	int)
Address mathematical and Littleview (L9	1.0.50	
(Signed) Glen I San			

Did any strata contain unusable water? Yes F No Was well gravel packed? [Yes Dyo Size of gravel: Contractor's License No. 617..... Date 12-28 .., 197.6 (USE ADDITIONAL SHEETS IF NECESSARY) SP*45856-119 Exhibit B

LEASE

Alberta Towle Severin, as Lessor, who is purchasing the real property which is the subject of this lease, from William Sundet and Lillian Sundet under a Contract of Sale, and Jack Albertson and Florence Albertson, husband and wife, as Lessees.

WITNESSETH: That for and in consideration of the payment of rents and the performance of the terms hereinafter stated by Lessees, Lessor does hereby demise and let unto Lessees the following described real property located in Lake County, Oregon:

While of Section 5 and the Einer of Section 6, Township 40 South, Range 19 EWM, excepting that portion of the Einer of Section 6 which is North of the stream located on such property, said exception being 15 acres in size, more or less.

1. TERM AND CONSIDERATION: The primary term of this lease shall be from February 15, 1977 to February 14, 1982 and the consideration for this term shall be the sum of \$3,050.00 annually, payable in advance on or before February 15 of each year unless a later date is otherwise agreed on by the parties hereto.

The secondary term of this lease shall commence February 15, 1982 and shall continue thereafter until February 14, 1987.

The consideration for this secondary term shall be \$3,050.00

annually and in addition thereto Lessees shall pay Lessor an additional amount equal to one-half of the percentage increase of the Consumer Price Index based upon the preceding five years, to-wit:

1977 to 1982. Thus if the Consumer Price Index has increased 20 percent over the preceding five years shall pay Lessor on or before February 15, 1982 \$3,050.00 plus 10 percent. On or before February 15, 1983, Lessees shall pay to Lessor the previous year's

rental amount plus one-half of the percentage increase of the Consumer Price Index for the immediate preceding year.

It is expressly understood that this formula as set forth above will continue during the life of the secondary term.

It is further expressly understood and agreed that if the application of said formula will be inequitable to either of the parties hereto, then upon consent of said parties a different agreement may be made.

- 2. TAXES: Lessor shall be responsible for all real property taxes and Lessees will be responsible for personal property taxes as to any cattle and/or equipment which they may be responsible for placing upon the property.
- 3. INSURANCE: Lessor now has and shall continue to maintain an insurance policy covering said property during the term of this lease.
- 4. MAINTENANCE: Lessees agree to maintain the land to the standard that it now exists; such maintenance shall include the repair of perimeter fences except those fences which border the land expressly reserved by Lessor herein as set forth above.
- 5. IMPROVEMENTS: Lessor expressly grants the Lessees the right to erect improvements on the land. It is expressly agreed that at the conclusion of this lease Lessees will have the right to remove any and all improvements so erected.
- 6. WATER RIGHTS: Lessees now have water rights covering the property herein, and it is understood that this right is a personal right and at the conclusion of the lease said rights shall remain with the Lessees and will not inure to the land.
- 7. USE: Lessor gives Lessees unlimited right to use the land as they see fit. However, Lessees shall use the land in a

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reasonable manner and will return the land at the conclusion of this lease in at least the condition as the same now exists.

- 8. ASSIGNMENT: In the event the Lessor, pursuant to the terms of her Contract of Sale heretofore mentioned, for any reason decides to assign her interest in said contract, then the Lessees herein shall have the first option to assume her interest and responsibilities under said Contract. In the case of assignment, Lessor and Lessees at such time will make an agreement with respect to the Lessor-Assignor's equity under the Contract under which said Lessor is now purchasing.
- that the term of this lease is for ten years. However, the Lessees shall, due to unforeseen circumstances, have the right to terminate this lease upon giving Lessor 90 days written notice of their intention to do so. Lessor may only terminate this agreement prior to expiration of its term by the Lessees failing to make the required rental payments. If the annual payment is 60 days delinquent, Lessor may by written notice to Lessees hold them in default, terminate this agreement, and take possession of the land.

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- as to her obligations set forth in that certain Contract of Sale heretofore mentioned between William and Lillian Sundet as contract sellers
 and Alberta Towle Severin as contract purchaser, then said contract
 sellers shall give written notice of such default to the Lessees
 herein. Lessees upon receipt of such notice shall have 30 days in
 which to assume the position of contract purchasers and to discharge
 said default. In the event that this assumption is not exercised by
 Lessees or the defaults are not cured within the 30 day period, then
 such right of assumption is terminated and the contract sellers shall
 be free to pursue any court of action that they may elect.
- 11. ATTORNEY FEES: In the event any suit or action is brought to collect any of said rents or to enforce any of the pro-



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Exhibit C Page 4 of 5 visions of this agreement or to repossess the property, reasonable attorney fees may be awarded by the trial court or appellate court to the prevailing party in such action together with costs and necessary disbursements.

12. ADDRESSES: The addresses of the respective parties are as follows:

Alberta Towle Severin Rt 6, Box 410 Lakeview, Oregon 97630

Jack and Florence Albertson Rt 6, Box 466 Lakeview, Oregon 97630

DATED this / 7 day of February, 1977.

alberta Towle Severin, Lessor

Jack albertson Lessee

Florence Albertson, Lessee

William Sundet and Lillian Sundet, as contract sellers of the real property which is the subject of this lease, having read and inspected this agreement, do hereby consent to the terms contained herein.

DATED this 25 day of February, 1977.

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Request for

Assignment
By Proof of Ownership
(If Water Right Holder is Not Available)

If for multiple rights, a separate form and fee for each right will be required. $W \in \mathcal{C}$	
Y, THE WILD WATERS REVOCABLE LIVING TRUST (Name of Party Requesting Assignment)	
(Mailing Address) WEALDS BURG CA 95445 707-965-3612 (City) (Slate) (Zip) (Phone #)	-
hereby request assignment of application/permit/transfer/license/GR Certificate of Registration;	
hereby request assignment of a <u>portion</u> of application/permit/transfer/license/GR Certificate of Registration; (You must include a map showing the portion of the application/permit/transfer/license/GR Certificate of Registration to be assigned.)	
I have attached proof of ownership that may include but not be limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property held jointly. The Department cannot accept a copy of a tax statement.	
Application # G - 7704 ; Permit # G - 7160 ; Transfer#	
Application # G - 7704 ; Permit # G - 7160 ; Transfer#	
JACK P AND FLORENCE M. ALBERTSON; NIU FARM CREDIT SERVICES, FLOR (Name of Holder of Record) HC LO BOX 2530 KLAMATH FALLS, OR 9760, LAKEVIEW, OR 97630 (City) (State) (7in) (Phone #)	
(Mailing Address) (City) (State) (Zip) (Phone #)	-
Note: You are required to furnish proof acceptable to the Department that notice of the assignment has been	
given or attempted for each identified property owner not a party to the assignment. ORS 537.220(2) Failure to submit this proof will result in the return of your request. (Proof may include but not be limited to: a copy of returned certified mailing, copy of a Death Certificate, or a court order.)	d Q
 I certify that I am the current owner of the property described in this application, Permit, transfer, license or GR Certificate of Registration. 	AMETER EY PROOF
2) I have the legal right to request assignment under OAR 690-310-0280 and 690-320-0060. 3) I have not been able to contact the owner(s) of record for the above referenced application or water	7 20
right. 4) I further certify that the information provided herein is true and correct to the best of my knowledge.	3/204
Witness my hand this	47
Party Requesting Assignment About a Culturo H.	ALS/161
Party Requesting Assignment Susan Diselle Cutting	₹
DO NOT WRITE IN THIS BOX	
This certifies assignment and record change at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem. Oregon. The completed "Request for Assignment" form must be submitted to the Department along with the recording fee of \$85. RECEIVED	BY OWAD
Fee receipt # 120484 For Director by Jerry Saure Pengruh Analyst in Water Rights Division AUC 0.2 2019	2016
Last updated: July 19, 2013 Request for Assignment if Permit Holder not available UG 0 3 2018 WR SALEY	A. GO
OWRD	Exhibit D Page 1 of 10

RECORDING REQUESTED BY:
JOHN ANTHONY CUTINO II AND
SUSAN GISELLE CUTINO
When Recorded Mail Document
And Tax Statement To:
JOHN ANTHONY CUTINO II AND
SUSAN GISELLE CUTINO, TRUSTEES OF
THE WILD WATERS REVOCABLE LIVING TRUST
C/O 5252 MILL CREEK ROAD
HEALDSBURG, CA 95448

LAKE COUNTY, OREGON 2015-001171
D-QCDEED 07/20/2015 09:24:57 AM 515,00\$11:00\$20,00\$10:00 Total:\$550.00

00011854201500011710030031
L State Dearny, County, Clark for Lake County, Oregon

I, Stack Geansy, County Clerk for Lake County, Oregon certify that the instrument identified herein was recorded in the Clerk records.

Stade Geaney - County Clork

APN 15491

QUITCLAIM DEED

The undersigned grantor(s) declare(s) GIFT/NO CONSIDERATION Documentary Transfer Tex is \$ City tax \$ () computed on full value of property conveyed, or () computed on full value less value of liens or encumbrances remaining at time of sale, () Unincorporated Area County of Lake, State of Oregon
FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, JOHN ANTHONY CUTINO II AND SUSAN GISELLE CUTINO, HUSBAND AND WIFE, AS COMMUNITY PROPERTY AS TROADED BY THE EINTIGETY
hereby quitolaims and transfers all right, title and interest held by Grantors to JOHN ANTHONY CUTINO II AND SUSAN GISELLE CUTINO, TRUSTEES OF THE WILD WATERS REVOCABLE LIVING TRUST
the following described real property in the County of Lake, State of Oregon, described as follows: Township 40 South, Range 19, East of the Willamette Meridian, Lake County, Oregon
Section 5: The W ½ NW ½ Section 6: The E ½ NE ½

This Quitelaim Deed is freely and fairly given with no consideration in regard to all right, title and interest in and to the real property described herein.

Dated: July 15, 2015

Dusan Gesello

MAIL TAX STATEMENT AS DIRECTED ABOVE

401900-017

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RECEIVED JUL 1 1 2016

AUG 0 3 2018

SALEM, OR

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ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the Identity of the Individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California County of CONTRA COSTA

JULY 15, 2015

before me, NANCY SUE GANN-DESIMONE

(Insert name and title of the officer)

personally appeared SUSAN GISELLE CUTINO

personally appeared who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(les), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

(Seal)

NANCY SUE GANN-DESIMONEL COMM. #2068778 = Notary Public - California Contra Costa County My Comm. Expires May 18, 2018 (

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NANCY SUE GANN-DESIMONEL COMM. #2068778 = Noisry Public - Californis Contra Costa County My Comm. Expires May 18, 2018

ACKNOWLEDGMENT

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of CONTRA COSTA

On JULY 15, 2015 before me, Nancy Sue Gann-Desimone, Notary Public (insert name and title of the officer)

personally appeared JOHN ANTHONY CUTINO 11 who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(les), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature (Seal)
Nancy (Sue Gann-Desimone, Notary Public

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SALEM, OR



KNOW ALL MEN BY THESE PRESENTS: That we, William Sundet and Lillian Sundet, husband and wife, for and in consideration of the sum of \$95,000.00 have bargained and sold and by these presents do bargain, sell and convey unto Jack Albertson and Florence M. Albertson, husband and wife, the following described real property situated within Lake County, State of Oregon, to wit:

Township 40 South, Range 19 E.W.M.

Section 5: SW1.
Section 6: SE1, EXCEPTING THEREFROM: Beginning at the Southwest corner of the Southeast Quarter of Section 6, Township 40
South, Range 19 E.W.M., thence running North 296 feet; thence East 592 feet; thence South 296 feet; thence West 592 feet
to the point of beginning

TO HAVE AND TO HOLD the above granted premises unto the grantees and unto their heirs and assigns forever, And the grantors do covenant with the grantees that they are lawfully seised of a merchantable fee simple title to the above granted premises; that said premises are free of all liens and encumbrances excepting: (1) Easements and rights of way on in record and those apparent upon the land, if any; (2) Rights of way for ditches and canals of Lakeview Water Users Inc., a cora poration; an undescribed two acre tract in the SW corner of the SET of Section 6, Township 40 South, Range 19 E.W.M., under that certain deed executed by Elizabeth Nichel, a widow, to the trustee of the Methodist Episcopal Church, North, recorded on January 10, 1895 in volume 8 at page 323, Deed Records of Lake ... County, Oregon! The grantors do further covenant that they will forever warrant and defend the above granted premises unto the grantees their heirs and assigns against the lawful claims and demands of all persons whomsoever.

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M0140631 - 67

IN WITNESS WHEREOF the grantors have hereunto set their hands and seals this 20th day of June, 1975.

History Sundet. (SEAL)

STATE OF OREGON County of Lake

:SS

On this 20th day of June, 1975, before me personally appeared the within named William Sundet and Lillian Sundet, husband and wife, and they did then and there acknowledge that they executed the foregoing instrument.

Notary Public for Oregon

My Commission Expires

State of Oregon

County of Lake

I hereby certify that she within instrument was received and filed for feeord on the 29 by of the Addition feeord on Page 1970 by of the Addition of of the Addi

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SALEM, OR

Exhibit D Page 6 of 10

Permit No. G. G. 7160

APPLICATION FOR A PERMIT

To Appropriate the Ground Waters of the State of Oregon

I, Jack Albertson	
Rt. Co how Ill. La Kan San J. La Kan	
Of CPartofiles Address) From CE 31111001	
of Rt. 6 by Ulek Lakeview county of Lake (Parcelles Address) For child local state of Crasica 97630, do hereby make application for a permit to appropriate the following described ground waters of the state of Oregon, SUBJECT TO EXISTING RIGHTS:	
If the applicant is a corporation, give date and place of incorporation	
1. Give name of nearest stream to which the well, tunnel or other source of water development is	
situated (Namo of stream)	
2. The amount of water which the applicant intends to apply to beneficial use is cuoic feet per second or gallons per minute.	
3. The use to which the water is to be applied is PCIMELY & Supplemented	/
irrigation	
4. The well or other source is located 1280ft. No and 1280 ft. 1 from the SE corner of Sec. 6 (Section or subdivision) SE 4	
corner of Sec 6 SE4 SE4	
(section or subdivided).	
(If preferable, give dirience and bearing to restien edepart)	
Afficiacy is more than one well, each must be described. Use aspects shoul it necessary)	
being within the SE 14 of Sec. 6, Twp. 405, R. 19E,	
W. M., in the county of	
5. The Pipe I date to be 3/4 miles	
in length, terminating in the SW14 NW 14 of Sec. 5 Twp. 405	1:
R	
6. The name of the well or other works is	
DESCRIPTION OF WORKS See Application	0
 If the flow to be utilized is artesian, the works to be used for the control and conservation of the supply when not in use must be described. 	OWR
	BY
4	/ED
8. The development will consist of	RECEIVED
liameter of the well will require 272 /2 /2 / 10° casing, Depth to water table is estimated / 2	REC
AUC 0 2 2019	,
1 9191	17
ASSIGNED. See Misc. Rec., Vol. 8 Page 840	E:

ibit D

	M OR PIPE LIN	E_	G 716	30
9. (a) Gi			canal where materially changed	in size, stating miles from
			line)	
		7	feet; grade	
ousand feet.				
and the contract of the contract of				
			adgate: width on top (at water liv	
			feet; depth of water	r feot;
	feet fall 1			
(c) Length	h of pipe,40	4.2 1ti.	size at intake	size at2.4.40ft.
om intake	6" in; el	ze at place of	use 4-5" in.; differen	nce in elevation between
take and place	of use,	ft.	Is grade uniform?	Estimated capacity,
4.5	sec. ft,			
10. If num	ns are to be used	give size and	type 20 Hp Tuck	lac
1/1			2 CUND	
Give horse	power and type	of motor or	engine to be used	
	*			
difference tit	elevation between	the stream	bed and the ground surface at th	e source of development
	elevation between	the stream (bed and the ground surface at th	e source of development
ranjerence m	elevation oetween	the stream	bed and the ground surface at th	e source of development
			bed and the ground surface at th	
12. Locatio	Range Williams of Marie Marie Meridian	rigated, or pl	ace of use	
12. Location Township N. er B.	Range Williams of Marie Marie Meridian	rigated, or pl	ace of use	
12. Location Township N. er B.	Range R. or W. of wulameste Meridian	rigated, or pl	Torty-acre Trest NW 14 NW 14	Number Acres To Be Irrigated
12. Location Township N. er B.	n of area to be in Range E. or W. of Wulametic Meridian	rigated, or pli	Torty-acre Treat NW 14 NW 14 At SW/4 NW 14	Number Acres To Be Irrigated
12. Location Township N. er B. Primary 40.5	Range R. or W. of wulameste Meridian	rigated, or pl	Toch-acre Tract NW 14 NW 14 A SW 14 NW 14 NE 4 NE 4	Number Acres To Be Irrigated
12. Location Township N. cr d. Primary 40.5	mante a to be in Range with a water with a world an water with a water	section Section 5 11	Torty-acre Treat NW 14 NW 14 At SW/4 NW 14	Number Acres To Be Irrigated 30-1 3-1 3-1 3-1 3-1 3-1 3-1 3-1 3-1 3-1 3
12. Location Township N. er B. Timp str. 40.5 11 14	Range W. of wulderdlan y 19E	rigated, or plus	Torty-acre Treat NW 14 NW 14 A SW 14 NW 14 NE 14 NE 14 SE 14 NE 14	Number Acres To Be Irrigated 31.1 31.1 32.1 34.4 36.8 10.38
12. Location Township N. cr d. Primary 40.5	mante a to be in Range with a water with a world an water with a water	section Section 5 11	Technology Treet NW Y NW Y A SW N N W Y NE Y NE Y SE Y NE Y NW Y SW Y	Number Acres To Be Irrigated 31.1 32.7 32.7 33.8 136.8 1038
12. Location Township N. er B. Timp str. 40.5 11 14	Range W. of wulderdlan y 19E	section 5 11	TOTU-ACTE TRACE NWY4 NWY4 A SWY4 NWY4 NEY NE Y4 SE Y4 NE Y4 NWY4 SWY4 SWY4 SWY4	Number Aeres To Be Irrigated 37.1 37.4 37.4 37.4 36.8 103.8 18.6 33.6.33.8
12. Location Township N. er B. Primary 40.5 11 11 11 11 11 11 11 11 11 11 11 11 11	There	section 5 11 4	TOTU-ACTE TRACE NW 14 NW 14 AT SW 14 NW 14 NE 4 NE 14 NE 4 NE 14 NW 14 SW 14 SE 14 SW 14 SE 14 SW 14 SE 14 SW 14	Number Acres To the Irrigated 30.1 30.1 30.1 30.1 30.1 30.5 36.8 10.38 18.6 33.6.338
12. Location Township N. er B. Primary 40.5 11 11 11 11 11 11 11 11 11 11 11 11 11	Tense Tense Willem	section 5 11 4 11 11	TOTU-ACTE TRACE NWY4 NWY4 A SWY4 NWY4 NEY NE Y4 SE Y4 NE Y4 NWY4 SWY4 SWY4 SWY4	Number Aeres To Be Infigured 311 322 322 315 36.8 -103.8
12. Location Township N. er B. Primary 40.5 11 11 11 11 11 11 11 11 11 11 11 11 11	There	section 5 11 4	TOTU-ACTE TRACE NW 14 NW 14 AT SW 14 NW 14 NE 4 NE 14 NE 4 NE 14 NW 14 SW 14 SE 14 SW 14 SE 14 SW 14 SE 14 SW 14	Number Acres To Be Irrigated 30.1 30.1 30.1 30.1 30.8 11.5 36.8 1038 18.6 33.6 338

Character of soil Sandy	RECEIVED
Character of soil	

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Kind of crops raised Grain & Hay

AUG U 3 2018

JUL 11 2016



MANUEL Exhibit D

Page 9 of 10

STATE	ÓF	OREGON,	1
Coun	tun	Marian	33.

PERMIT G 79.60

SUBJECT TO EXISTING	RIGHTS and the followi			eoy grant ti	ie same,			
The right herein gra	nted is limited to the am	ount of water wh	ich can be appl	led to beneft	icial use	W.		
and shall not exceed2	.80 cub feet per se	cond measured at	the point of div	ersion from	the well			
or source of appropriation,	or its equivalent in case	of rotation with o	ther water user:	s, froma 1	re11			
	•							
The use to which this	water is to be applied is	irrigation and	d aupplemente	l irrigati	on			
	appropriation shall be lin							
or its equivalent for each a	ere irrigated and shall be	further limited to	a diversion of	not to excee	d 3			
acre feet per acre for each	iere irrigated during the	irrigation season o	f each year; .P.T.	ovided fur	ther		•	
that the right allowed	herein shall be limi	ited to any def	iciency in t	ne availab	ie			
supply of any prior rig	ht existing for the	same land and	shall not ex	ceed the				
limitation allowed here	in,							
		AMERICA COMPANIES CONTRACTOR						
				-				
and shall be subject to such			St I'll of his and					
					*	-		
the works shall include prop	ed as necessary in accord per capping and control v d shall include an air lin	alve to prevent the	e waste of group	nd water.				
line, adequate to determine		in the well at all ti	mes.		1	1		
shall keep a complete recor				,				
The pulprity date of the	is permit isFebrua	rv 8, 1977						
The priority date of th	ork shall begin on or bef	Anet	1. 4 1978					
thereafter be prosecuted wi	th reasonable diligence of the water to the propo- is4thday of	and be completed	on or before O	ctober 1, 19.	78			
Complete application	of the water to the propos	sed use shall be me	ide on or before	October 1, 1	9 79 =	CF	IVE	- 1-1
WITNESS my hand th	ris 4th day of	April .	60	1977			INC	L
	÷ . •	WATER RESOURCE	S DIRECTOR	BOANICK ICO	CONNECT AL	JG 0 3	2012	
Co.		0				A	2010	
S Comp	gon,		p 27.60		. 0	WF	30	
O · MO	or Or		1	- Ethicipa	4	0		
PAR BE	dem dem		9	STATE BRIGINESS) = d	IA.		
PE SE	at S			1 .	pd -	NO	.00	Œ
S S S S S S S S S S S S S S S S S S S	Engineer of y of		0		EL .	. 3≼	53	Ö
PERMIT POPRIATE. THE SRS OF THE SRS OF OREGON	Eng Eng ny of	cant	ok N		No.	DE	1 1	E
Application No. G. 710cf Permit No. G. G. 7460 PERMIT APPROPRIATE: THE GROI WATERS OF THE STATE OF OREGON	State &	Idda	in bo	. []	SS 3 25	VE	JUL 1.1 20:5	SALEM, OR
APP.	the the	4 50	ded ded		20 00	SE	=	(1)
Application No. G. 7104 C. Permit No. G. G. 7460 PERMIT TO APPROPRIATE: THE GROUND WATERS OF THE STATE OF OREGON	This instrument was first received in the office of the State Engineer at Salem, Oregon, on the Ady of Ady of Alexander.	Returned to applicant:	Recorded in book No.	.	FSG W.	RECEIVED BY OWRD		
i	om t	Retr	H	5	P	Exh	ibit D	

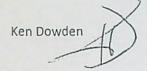
Page 10 of 10

INTER-OFFICE MEMO

Phone Conversation with Mr. Cutino regarding the Report of Ownership and written "go-ahead response.

Over the phone he stated they thought the draft of the preliminary Determination was fine and would get going on the Report of Ownership at once.

The report of ownership took quite a while to come in.





Lake County Property Summary Report

Report Date: 5/9/2018 12:10:00 PM

Disclaimer

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Account Summary

Account Information

Mailing Name: THE WILD WATERS REVOCABLE LIVING

TRUST

Map and Taxlot: 40S19E000001700

Account:

15491

Tax Status: Taxable

Situs Address: 91762 SHULTS LN LAKEVIEW, OR 97630

Property Taxes

Current Tax Year: 2017 Tax Code Area: 712

Assessment Subdivision:

Lot: 0

Block: 0

Assessor Acres: 158.18 Property Class: 559 Ownership

Mailing Address:

THE WILD WATERS REVOCABLE LIVING TRUST

5252 MILL CREEK RD HEALDSBURG, CA 95448

Valuation

Real Market Values as of Jan. 1,

Land

\$284,185

Structures

\$60,499

Total \$128,951

Current Assessed Values:

Maximum Assessed \$58,769

Assessed Value

\$111,284

Veterans Exemption

\$0.00

Warnings, Notations, and Special Assessments

Assessor's Office Notations

Code Description Remarks

DEFD ATL

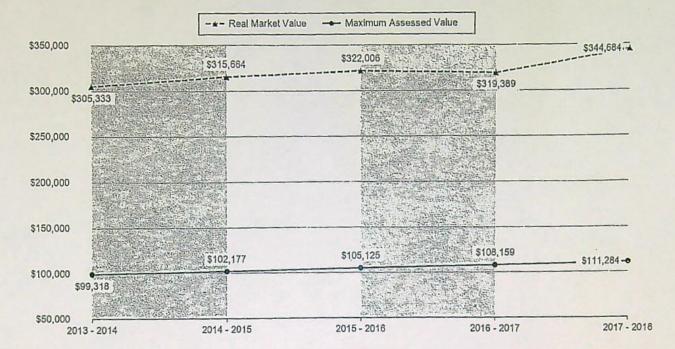
Valuation History All values are	as of January 1 of ea	ch year. Tax year is J	uly 1st through.	une 30th of each yea	Frank in the
	2013 - 2014	2014 - 2015	2015 - 2016	2016 - 2017	2017 - 2018
Real Market Value - Land	\$239,043	\$251,714	\$258,766	\$257,637	\$284,185
Real Market Value - Structures	\$66,290	\$63,950	\$63,240	\$61,752	\$60,499
Total Real Market Value	\$305,333	\$315,664	\$322,006	\$319,389	\$344,684
Maximum Assessed Value	\$99,318	\$102,177	\$105,125	\$108,159	\$111,284
Total Assessed Value	\$99,318	\$102,177	\$105,125	\$108,159	\$111,284
Exemption Value	\$0	\$0	\$0	\$0	\$0

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Exhibit F Page 1 of 5



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		Transaction	Transaction	中国在19年2日 第二十二十二十二十二十二十二十二十二十二十二十二十二十二十二十二十二十二十二十	Amount		Discount	Interest	Refund
#Year	The Paris of the P		是 Dath salls		Received	Tex Due			\$0.00
2017	11/15/2017	PAYMENT	12/01/2017	11/15/2017	\$1,420.41	(\$1,464.34)	\$43.93	\$0.00	
2017	11/15/2017	IMPOSED	11/15/2017	11/15/2017	\$0.00 Total:	\$1,464.34	\$0.00	\$0.00	\$0.00
						***************************************		4000	
2016	11/15/2016	PAYMENT	12/05/2016	11/15/2016	\$1,382.49	(\$1,425.25)	\$42.76	\$0.00	\$0.00
2016	11/15/2016	IMPOSED	11/15/2016	11/15/2016	\$0.00	\$1,425.25	\$0.00	\$0.00	\$0.00
					Total:	\$0.00			
2015	11/15/2015	PAYMENT	12/01/2015	11/15/2015	\$1,355.00	(\$1,396.91)	\$41.91	\$0.00	\$0.00
2015	11/15/2015	IMPOSED	11/15/2015	11/15/2015	\$0.00	\$1,396.91	\$0.00	\$0.00	\$0.00
					Total:	\$0.00			
2014	11/15/2014	IMPOSED	11/15/2014	11/15/2014	\$0.00	\$1,351.33	\$0.00	\$0.00	\$0.00
2014	11/15/2014	PAYMENT	11/06/2014	11/15/2014	\$1,310.79	(\$1,351.33)	\$40.54	\$0.00	\$0.00
					Total:	\$0.00			
2013	11/15/2013	PAYMENT	01/02/2014	11/15/2013	\$48.03	(\$48.03)	\$0.00	\$0.00	\$0.00
2013	11/15/2013	PAYMENT	12/03/2013	11/15/2013	\$1,274.77	(\$1,274.77)	\$0.00	\$5.85	\$0.00
2013	11/15/2013	IMPOSED	11/15/2013	11/15/2013	\$0.00	\$1,316.95	\$0.00	\$0.00	\$0.00
2013	11/15/2013	IMPOSED	11/15/2013	11/15/2013	\$0.00	\$5.85	\$0.00	\$0.00	\$0.00
					Total:	\$0.00	THE RESERVE OF THE PERSON NAMED IN COLUMN TWO IS NOT THE PERSON NAMED IN COLUMN TWO IS NAMED IN COLUMN TW		
2012	11/15/2012	PAYMENT	12/03/2013	11/15/2012	\$218.67	(\$218.67)	\$0.00	\$18.67	\$0.00
2012	11/15/2012	PAYMENT	12/06/2012	11/15/2012	\$1,092.15	(\$1,092.15)	\$0.00	\$5.72	\$0.00
2012	11/15/2012	IMPOSED	11/15/2012	11/15/2012	\$0.00	\$18.67	\$0.00	\$0.00	\$0.00
2012	11/15/2012	IMPOSED	11/15/2012	11/15/2012	\$0.00	\$1,286.43	\$0.00	\$0.00	\$0.00
2012	11/15/2012	IMPOSED	11/15/2012	11/15/2012	\$0.00	\$5.72	\$0.00	\$0.00	\$0.00
-					Total:	\$0.00			
2011	11/15/2011	PAYMENT	12/01/2011	11/15/2011	\$1,147.10	(\$1,182.58)	\$35.48	\$0.00	\$0.00
2011	11/15/2011	IMPOSED	11/15/2011	11/15/2011	\$0.00	\$1,182,58	50,00	\$0.00	\$0.00
					Total;	\$0.00	CEIV	EU	
2010	11/15/2010	PAYMENT	06/13/2011	11/15/2010	\$1,210.92	(\$1,210.92)	\$0.00	\$61.32	\$0.00
							ALIC 0 2 20	10	

Property Information Report, page 3 (For Report Disclaimer see page 1)

AUG 0 3 2018

Exhibit F Page 3 of 5



			Transaction		Amount		Discount	Interest	Refund
Year	Date Due	Туре	Date	As Of Date	Received	Tax Due	Amount	Charged -	Interes
2010	11/15/2010	IMPOSED	11/15/2010	11/15/2010	\$0.00	\$61.32	\$0.00	\$0.00	\$0.0
2010	11/15/2010	IMPOSED	11/15/2010	11/15/2010	\$0.00	\$1,149.60	\$0.00	\$0.00	\$0.00
					Total:	\$0.00			
2009	11/15/2009	PAYMENT	12/01/2009	11/15/2009	\$1,084.07	(\$1,117.60)	\$33.53	\$0.00	\$0.00
2009	11/15/2009	IMPOSED	11/15/2009	11/15/2009	\$0.00	\$1,117.60	\$0.00	\$0.00	\$0.00
					Total:	\$0.00			
2008	11/15/2008	PAYMENT	06/12/2009	11/15/2008	\$1,158.93	(\$1,158.93)	\$0.00	\$72.43	\$0.00
2008	11/15/2008	IMPOSED	11/15/2008	11/15/2008	\$0.00	\$1,086.50	\$0.00	\$0.00	\$0.00
2008	11/15/2008	IMPOSED	11/15/2008	11/15/2008	\$0.00	\$72.43	\$0.00	\$0.00	\$0.00
R. C.					Total:	\$0.00			
2007	11/15/2007	PAYMENT	12/09/2007	11/15/2007	\$1,024.64	(\$1,056.33)	\$31.69	\$0.00	\$0.00
2007	11/15/2007	IMPOSED	11/15/2007	11/15/2007	\$0.00	\$1,056.33	\$0.00	\$0.00	\$0.00
					Total:	\$0.00			

Sales History		Tanga Et		
		Sale	THE REPORT OF THE PARTY OF THE	
Sale Date: Seller	Buyer	Amount	Sale Type	Recording);
10/29/1997 SEVERIN, ALBERTA R & JOHN E	PARTLOW, DAVID D JR &	\$175,000	CONTRACT	239-43
12/02/2003 PARTLOW, DAVID D JR & ELAINE S	PARTLOW, DAVID D JR &	\$0	CONTRACT	260-492
11/21/2003 PARTLOW, DAVID D JR & ELAINE S	MCCULLOUGH, GREG	\$225,000	WARRANTY DEED	260-430
09/30/2004 MCCULLOUGH, GREG & CUTINO,	MCCULLOUGH, GREG & CUTIO,	\$225,000	WARRANTY DEED	263-245
10/31/2014 CUTINO LINDA	CUTINO JOHN ANTHONY II &	\$0	BARGAIN & SALE	2014-1865

Structures	第112章 医克克克克克克克克克克克克克克克克克克克克克克克克克克克克克克克克克克克克	等国和国际中心。1970年	(1)	连位公司建筑	A CONTRACTOR
Stat Class/Descrip	tion Improvement Description	Code Area	Year Built	Eff Year Built	Total Sq Ft
-: DWELL	DWELL	712	0	1951	1318
Access	ories				
Els temporal management	是一个时间,我们也是一个时间,我们就是一个时间,我们就是一个时间,我们就是一个时间,我们就是一个时间,我们就是一个时间,我们就是一个时间,我们就是一个时间,我们	これがたなるのできないというはは、あってはないかられていることできない	\$10.000 miles		

Accessories	Salet
Miscellaneous	528
Multi-Purpose Shed	1 196
Miscellaneous .	;
General Purpose Building	572
Grain Bin	
General Purpose Building	1300
Feeder Barn	1280
Livestock Loafing Shed	176

Land Characteristic	cs	
Land Description	Acres	Land Classification
16 - Hs	1.00	
15 - Farm-rmv or sav	39,36	
15 - Farm-rmv or sav	14.00	(FITTER) 1 1 1 1 1 1 1 1 1
15 - Farm-rmv or sav	27.20	**
15 - Farm-rmv or sav	13.78	
15 - Farm-rmv or sav	37.24	1000 1 2 7 7 7 1 10 10 10 10 10 10 10 10 10 10 10 10 1
15 - Farm-rmv or sav	25.60	
81 - OSD FARMrmv or sav	0.00	RECEIVED

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Exhibit F Page 4 of 5 4

Related accounts apply to a property that may be on one map and tax lot but due to billing have more than one account. This occurs when a property is in multiple tax code areas, in other cases there may be business personal property or a manufactured home on this property that is not in the same ownership as the land.

No Related Accounts found.

Ownership		
Name Type Name Percentage		
Owner	THE WILD WATERS REVOCABLE LIVING TRUST ,	100.00%
Taxpayer	THE WILD WATERS REVOCABLE LIVING TRUST ,	100.00%
		200.00%

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Exhibit F Page 5 of 5