

T-12595

Regular

T-12595

Name The Wild Waters Revocable
Living TrustAddress Sasa Mill Cr. Rd.
Healdsburg, CA 95448

DESCRIPTION OF WATER RIGHT(S)

Name of Stream A WellTrib. of Goose & Summer Lakes BasinUse Irrigation / Supp. Irrigation County Lake um 12

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

Name of ditch _____

App# G-7704 Per # G-7160 Cert # 91901 PR Date 1977

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

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

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

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

FEES PAID

Date	Amount	Receipt #
<u>2/27/17</u>	<u>\$1,450.00</u>	<u>122 775</u>
<u>5/25/18</u>	<u>129.60</u>	<u>126 773</u>

FEES REFUNDED

Date	Amount	Receipt #

Change in POU, POADate Filed 2-27-17Initial notice date 3-7-17DPD issued date 4-30-18PD issued date 6-18-18PD notice date 6-19-18

Date of FO _____ Vol _____ Page _____

C-Date _____

COBU due date _____

COBU Received date _____

Certificate issued _____

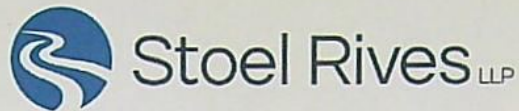
Assignments: _____

Irrigation District _____

Agent Hollie Cannon - Water Right Solutions, LLC
3246 Hammer St. Klamath Falls, OR 97603

CWRE _____

CC's list _____



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.

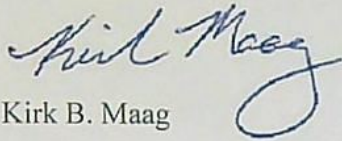
On behalf of Ms. Albertson, I request that the Department place a copy of this letter in the files associated with Application No. G-7704 and Transfer No. T-12595 to ensure that the record accurately reflects that Ms. Albertson's protest of Transfer No. T-12595 remains unresolved. The Department should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

A handwritten signature in cursive script, appearing to read "Kirk B. Maag". The signature is written in dark ink and is positioned above the printed name.

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**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

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

RECEIPT # **127530**

INVOICE # _____

RECEIVED FROM: **STOEL RIVES LLP**

BY: _____

APPLICATION _____

PERMIT _____

TRANSFER **T-12595**

CASH: ☐ CHECK: # **914878** OTHER: (IDENTIFY) _____

TOTAL REC'D \$ **810.00**

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____

OTHER: (IDENTIFY) \$ _____

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES **47235** \$ _____

0410 RESEARCH FEES \$ _____

0408 MISC REVENUE: (IDENTIFY) \$ _____

TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____

0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

0201 SURFACE WATER **EXAM FEE** \$ _____ 0202 **RECORD FEE** \$ _____

0203 GROUND WATER \$ _____ 0204 \$ _____

0205 TRANSFER \$ _____

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR **EXAM FEE** \$ _____ 0219 **LICENSE FEE** \$ _____

LANDOWNER'S PERMIT 0220 \$ _____

0223 OTHER (IDENTIFY) **Protest Fees** \$ **810.00**

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ **CARD #** _____

0210 MONITORING WELLS \$ _____ **CARD #** _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

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

HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION \$ _____

**RECEIVED
OVER THE COUNTER**

RECEIPT: **127530**

DATED: **8/3/18**

BY: **S. Phillips**

RECEIVED

AUG 03 2018

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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

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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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-in-interest 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. Albertson'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).¹ 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 conversations 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).

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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. Albertson 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.

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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	
<i>*Includes one type of change to one water right for up to 1.0 cfs.</i>		

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

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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 certificate.

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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.

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.

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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.

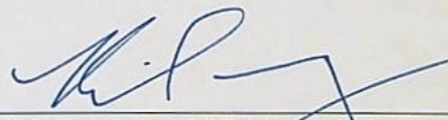
OAR 690-002-0030(1).

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. 105507
Of Attorneys for Florence M. Albertson

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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:

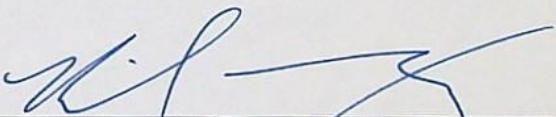
Director Tom Byler
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271

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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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

1. 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.
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. 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:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	19 E	WM	5	NW NW	2.5
40 S	19 E	WM	5	SW NW	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:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	19 E	WM	5	NW NW	4.6
40 S	19 E	WM	5	SW NW	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

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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:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	19 E	WM	5	NW NW	25.9
40 S	19 E	WM	5	SW NW	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

9. 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)

- 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.
- The proposed change would not result in enlargement of the right.
- The proposed change would not result in injury to other water rights.

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14. All other application requirements are met.

Determination and Proposed Action

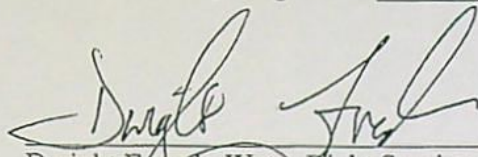
The change in point of appropriation and change in place of use proposed in Transfer Application T-12595 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

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.*
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.*
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.*

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 18 2018,



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

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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>



State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900

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.

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator. 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
- ☐ Land Use Form not enclosed or incomplete
- ☐ Additional signature(s) required
- ☐ Map not included or incomplete
- ☐ Part _____ is incomplete

Other/Explanation _____

Staff: _____ 503-986-0 _____

Date: ____/____/____

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Part 2 of 5 – Transfer Application Map Checklist

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

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

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

Part 4 of 5 – Applicant Information and Signature

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Applicant Information

APPLICANT/BUSINESS NAME The Wild Waters Revocable Living Trust			PHONE NO. 707-287- 707-965-3612 6210	ADDITIONAL CONTACT NO.
ADDRESS 5252 Mill Creek Rd.			FAX NO.	
CITY Healdsburg	STATE CA	ZIP 95448	E-MAIL jcuteen@live.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

AGENT/BUSINESS NAME Hollie Cannon/Water Right Solutions, LLC			PHONE NO. 541-821-5848	ADDITIONAL CONTACT NO.
ADDRESS 3246 Hammer St.			FAX NO.	
CITY Klamath Falls	STATE OR	ZIP 97603	E-MAIL hcannon@waterrightsolutions.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Explain in your own words what you propose to accomplish with this transfer application, and why: 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 separate piece of 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

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

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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.

Applicant signature

Applicant signature

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

Date

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

Date

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

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Check the following boxes that apply:

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

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

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

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see: <http://www.oregon.gov/owrd/docs/transfer-propertytransactions.pdf>

RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	


Describe any special ownership circumstances here: _____

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

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Permanent Transfer Application Form - Page 6 of 10

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Exhibit B
Page 6 of 20

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INSTRUCTIONS for editing the Application Form

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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.

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.

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.

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Part 5 of 5 – Water Right Information

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SALE OF Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form. AUG 03 2018

CERTIFICATE # 91901

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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-)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Existing POA #1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> 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	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		40 S	19 E	6	SE NE		2584.42 feet South and 525.17 feet West from the NE corner of Section 6
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							

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

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

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

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

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

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

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.														
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acre	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acre	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date						
EXAMPLE																										
2	S	9	E	15	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 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

Additional remarks: _____

Certificate #

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For Place of Use or Character of Use Changes

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

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

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

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

Ground water supplemental Permit or Certificate # _____;

Surface water primary Certificate # _____.

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For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

SALEM, OR

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

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

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

http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

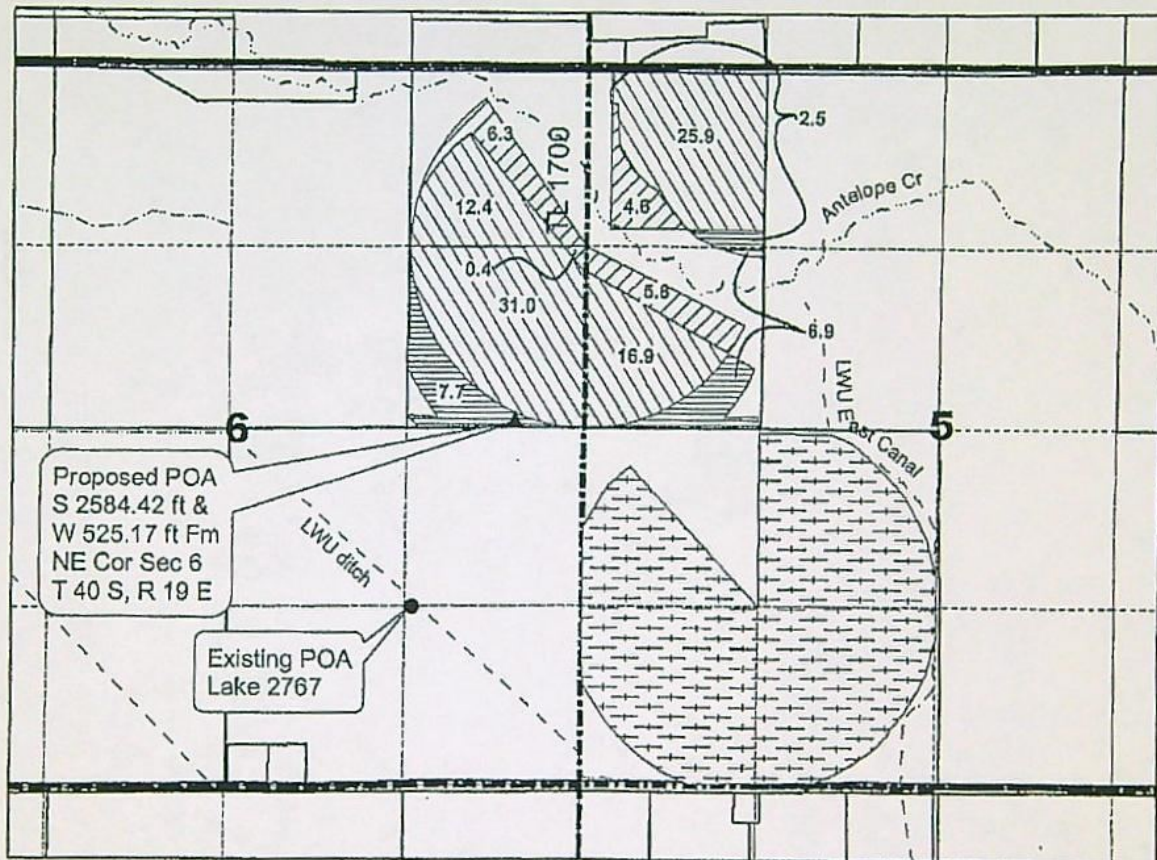
Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well-specific rate (cfs or gpm). If less than full rate of water right
POA#2	No		442	12"	0-375'	0-375'		12'	Black Hard Rock	1.29 cfs

T 40 S, R 19 E, WM
Sections 5 & 6
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Application for Transfer of Water Right
Certificate 91901
Wild Waters Revocable Living Trust

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N

1 inch = 1,320 feet



Legend

- Trans From POU
 - POU unchanged new POA
 - Trans POA & POU to
 - Cert 91901 no change
- Using new POA {

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

T 12595

SALEM, OR

Exhibit B
Page 11 of 20

Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon)
County of LAKE) ss

I, WE: JOHN ANTHONY CUTINO II AND SUSAN GISELLE CUTINO, in my capacity as TRUSTEES OF THE WILD WATERS
REVOCABLE LIVING TRUST,

mailing address 5252 MILL CREEK RD., HEALDSBURG, CA 95448

telephone number (707)965-3612, being first duly sworn depose and say:

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

☒ Personal observation ☐ Professional expertise

FEB 27 2017

2. I attest that:

SALEM, OR

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

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

Certificate #	Township	Range	Mer	Sec	1/4 1/4	Gov't Lot or DLC	Acres (if applicable)

OR

- ☒ Confirming Certificate # 91901 has been issued within the past five years; OR
- ☐ Part or all of the water right was leased instream at some time within the last five years. The
instream lease number is: ____ (Note: If the entire right proposed for
transfer was not leased, additional evidence of use is needed for the portion not leased instream.); OR
- ☐ The water right is not subject to forfeiture and documentation that a presumption of forfeiture for
non-use would be rebutted under ORS 540.610(2) is attached.
- ☐ Water has been used at the actual current point of diversion or appropriation for more than
10 years for Certificate # ____ (For Historic POD/POA Transfers)

(continues on reverse side)

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

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

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John Anthony Cutino II 2/23/2017
Signature of Affiant

2/23/2017
Date

Susan Biselle Cutino 2/23/2017

Signed and sworn to (or affirmed) before me this 23 day of February, 2017.

"See California Jurat for both signers"
Notary Public for Oregon 8

My Commission Expires: April 6th 2017

Supporting Documents	Examples
<input checked="" type="checkbox"/> 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
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none">• Power usage records for pumps associated with irrigation use• Fertilizer or seed bills related to irrigated crops• Farmers Co-op sales receipt
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none">• 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
<input type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added. Sources for aerial photos: OSU - www.oregonexplorer.info/imagery OWRD - www.wrd.state.or.us Google Earth - earth.google.com TerraServer - www.terra-server.com
<input type="checkbox"/> 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 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.

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State of California
County of Sonoma

On _____ 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 Affidavit"

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.

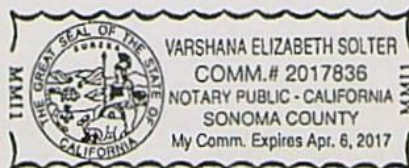
(2 pages)

State of California
County of SONOMA

Subscribed and sworn to (or affirmed) before me on this 23rd day of Feb., 2017, by Susan Giselle Cutino and John Anthony Cutino II, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature [Signature]

(SEAL)



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SALEM, OR

STATE OF OREGON
COUNTY OF LAKE
CERTIFICATE OF WATER RIGHT

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FEB 27 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 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

1 12595

Exhibit B
Page 15 of 20

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	NW NW	28.4
40 S	19 E	WM	5	SW NW	23.8
40 S	19 E	WM	6	NE NE	12.4
40 S	19 E	WM	6	SE NE	38.7

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	GLot
40 S	19 E	WM	5	NE SW	33.4
40 S	19 E	WM	5	NW SW	18.6
40 S	19 E	WM	5	SW SW	33.6
40 S	19 E	WM	5	SE SW	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.

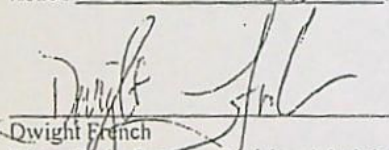
The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times.

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 19 2016


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

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SALEM, OR

Land Use Information Form



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

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NOTE TO APPLICANTS

OWRD

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

T 12595

Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.owrd.org

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SALEM, OR

Applicant(s): The Wild Waters Revocable Living Trust

Mailing Address: c/o 5252 Mill Creek Rd.

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>	<u>19E</u>	<u>5</u>	<u>NWNW</u>	<u>1700</u>	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>IR</u>
<u>40S</u>	<u>19E</u>	<u>5</u>	<u>SW NW</u>	<u>1700</u>	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>IR</u>
<u>40S</u>	<u>19E</u>	<u>6</u>	<u>NE NE</u>	<u>1700</u>	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>IR</u>
<u>40S</u>	<u>19E</u>	<u>6</u>	<u>SE NE</u>	<u>1700</u>	_____	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> 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 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

Intended use of water: ☒ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☐ 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. →

For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Lake County Zoning Ordinance Article 2 (A-1 zone)
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) If approvals have been obtained but all appeal periods have not ended, check "Being pursued."

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

Name: Darwin Johnson Title: Planning Director

Signature: [Signature] Phone: 541-947-6036 Date: 14 FEB 2017

Government Entity: Lake County Planning Department

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

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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:

W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 5 and the E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 6, Township 40 South, Range 19 EWM, excepting that portion of the E $\frac{1}{2}$ NE $\frac{1}{4}$ 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 2018
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

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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10. DEFAULT: In the event of a default by the Lessor herein 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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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
Alberta Towle Severin, Lessor

Jack Albertson
Jack Albertson, Lessee

Florence Albertson
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.

William Sundet
William Sundet

Lillian Sundet
Lillian Sundet



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

file
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Request for Assignment

AUG 03 2018

By Proof of Ownership

OWRD

(If Water Right Holder is Not Available)

If for multiple rights, a separate form and fee for each right will be required.

We

THE WILD WATERS REVOCABLE LIVING TRUST
(Name of Party Requesting Assignment)

5352 MILL CREEK ROAD HEALDSBURG CA 95448 707-965-3612
(Mailing Address) (City) (State) (Zip) (Phone #)

- ☐ 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-7160; Transfer# _____
-OR-

License # _____ GR Statement # _____; GR Certificate of Registration # _____

JACK P AND FLORENCE M. ALBERTSON; NEW FARM CREDIT SERVICES, FLCA
(Name of Holder of Record) 300 KLAMATH AVE SUITE 200
HC 60 Box 2530 KLAMATH FALLS, OR 97601
LAKEVIEW, OR 97630
(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) 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 4th day of July, 2016.

Party Requesting Assignment John A. Cutino II

Party Requesting Assignment Susan Giselle Cutino

ASSIGNMENT BY PROOF
JUL 7/13/2016

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.

Fee receipt # 120484

For Director by Jerry Sauer, Program Analyst in Water Rights Division

Last updated: July 19, 2013

Request for Assignment if Permit Holder not available

The completed "Request for Assignment" form must be submitted to the Department along with the recording fee of \$85.

RECEIVED BY OWRD

JUL 11 2016

W/R
SALEM, OR

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
Cnt=1 Pgs=3
\$15.00 \$11.00 \$20.00 \$10.00 Total: \$56.00



00011854201500011710030031

I, Stacie Geaney, County Clerk for Lake County, Oregon
certify that the instrument identified herein was
recorded in the Clerk records.

Stacie Geaney - County Clerk

RECEIVED

APN 15491

AUG 03 2018

QUITCLAIM DEED

OWRD

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 TENANTS 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 ½ NW ¼

Section 6: The E ½ NE ¼

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

MAIL TAX STATEMENT AS DIRECTED ABOVE

401900-017

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JUL 11 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

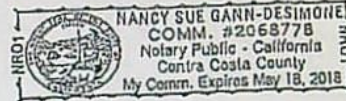
On JULY 15, 2015 before me, Nancy Sue Gann-Desimone, Notary Public
(Insert name and title of the officer)

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(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.

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



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AUG 03 2018

OWRD

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JUL 11 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

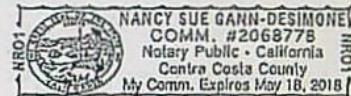
On JULY 15, 2015 before me, NANCY SUE GANN-DESIMONE
(Insert name and title of the officer)

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(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.

Nancy Sue Gann-Desimone
Signature (Seal)



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AUG 03 2018

OWRD

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JUL 11 2015

SALEM, OR

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AUG 03 2018

073854 OWRD

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: SW $\frac{1}{4}$.

Section 6: SE $\frac{1}{4}$, 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 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 SE $\frac{1}{4}$ 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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SALEM, OR

MD140631 - 07

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

William Sundet (SEAL)

Lillian 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.

J. J. [Signature]
Notary Public for Oregon

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AUG 03 2013

OWRD

My Commission Expires

Jan. 23, 1997

State of Oregon }
County of Lake }

Reel 14
File De30

I hereby certify that the within instru-
ment was received and filed for record on
the 29 day of March 1975
at 2:32 o'clock PM and recorded
on Page 666 in book 244 Record
of Deer County

Karen [Signature]
County Clerk
By Apronne [Signature] Deputy

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FEB - 1977
WATER RESOURCES DEPT
SALEM, OREGON

Permit No. G-7160

APPLICATION FOR A PERMIT

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AUG 03 2018

OWRD

To Appropriate the Ground Waters of the State of Oregon

I, Jack Albertson
of Rt. 6 Box 466 Lakeview county of Lake
state of Oregon 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 _____
(Name of stream)

2. The amount of water which the applicant intends to apply to beneficial use is Primary 1.278
feet per second or _____ gallons per minute. Supplemental 1.5000 Cubic

3. The use to which the water is to be applied is Primary & Supplemental
irrigation

4. The well or other source is located 1280 ft. N and 1280 ft. W from the SE
corner of Sec. 6 SE 1/4 SE 1/4
(Section or subdivision)
(If preferable, give distance and bearing to section corner)

being within the SE 1/4 of Sec. 6, Twp. 40S, R. 19E,
W. M., in the county of Lake

5. The Pipe Line to be 3/4 miles
(Canal or pipe line)
in length, terminating in the SW 1/4 NW 1/4 of Sec. 5, Twp. 40S,
(Smallest legal subdivision)
R. 19E, W. M., the proposed location being shown throughout on the accompanying map.

6. The name of the well or other works is _____

DESCRIPTION OF WORKS See Application
#55263

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.

8. The development will consist of 1 well having a
(Give number of wells, tunnels, etc.)
diameter of 12" inches and an estimated depth of 442 feet. It is estimated that 369
feet of the well will require 282' 12" 132' 10" casing. Depth to water table is estimated 15'
(Kind) (Feet)

ASSIGNED: See Misc. Rec., Vol. 8 Page 860

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G 7160

OWRD

CANAL SYSTEM OR PIPE LINE—

9. (a) Give dimensions at each point of canal where materially changed in size, stating miles from headgate. At headgate: width on top (at water line) feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

(b) At miles from headgate: width on top (at water line) feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

(c) Length of pipe, 4042 ft.; size at intake 8" in.; in size at 2640 ft. from intake 6" in.; size at place of use 4-5" in.; difference in elevation between intake and place of use, ft. Is grade uniform? NO Estimated capacity, 4.5 sec. ft.

10. If pumps are to be used, give size and type 20 HP Turbine

75 HP boost pump

Give horsepower and type of motor or engine to be used

11. If the location of the well, tunnel, or other development work is less than one-fourth mile from a natural stream or stream channel, give the distance to the nearest point on each of such channels and the difference in elevation between the stream bed and the ground surface at the source of development

12. Location of area to be irrigated, or place of use

Township N. or S.	Range E. or W. of Wilmamie Meridian	Section	Forty-acre Tract	Number Acres To Be Irrigated
<u>Primary</u>				
<u>40S</u>	<u>19E</u>	<u>5</u>	<u>NW 1/4 NW 1/4</u>	<u>31.1</u>
<u>"</u>	<u>"</u>	<u>"</u>	<u>SW 1/4 NW 1/4</u>	<u>24.4</u>
<u>"</u>	<u>"</u>	<u>6</u>	<u>NE 1/4 NE 1/4</u>	<u>11.5</u>
<u>"</u>	<u>"</u>	<u>"</u>	<u>SE 1/4 NE 1/4</u>	<u>36.8</u>
				<u>103.8</u>
<u>Supplementary</u>				
<u>40S</u>	<u>19E</u>	<u>5</u>	<u>NW 1/4 SW 1/4</u>	<u>18.6</u>
<u>"</u>	<u>"</u>	<u>"</u>	<u>SW 1/4 SW 1/4</u>	<u>33.6</u>
<u>"</u>	<u>"</u>	<u>"</u>	<u>SE 1/4 SW 1/4</u>	<u>32.9</u>
<u>"</u>	<u>"</u>	<u>"</u>	<u>NE 1/4 SW 1/4</u>	<u>33.8</u>
				<u>120.9</u>

(If more space required, attach separate sheet)

Character of soil Sandy

Kind of crops raised Grain & Hay

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MUNICIPAL SUPPLY—

13. To supply the city of _____
 in _____ county, having a present population of _____
 and an estimated population of _____ in 19_____

ANSWER QUESTIONS 14, 15, 16, 17 AND 18 IN ALL CASES

14. Estimated cost of proposed works, \$ 30,000
15. Construction work will begin on or before March 1, 1977
16. Construction work will be completed on or before April 15, 1977
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 application for permit, permit, certificate or adjudicated right to appropriate water, made or held by the applicant. Permit # 2186 in the name of Lakeview Water Users Incorporated

Jack P. Altherton
 (Signature of applicant)

Remarks: Primary right will cancel when lease on following property expires.
NW 1/4, NW 1/4 and SW 1/4, NW 1/4 of Section
5 T40S, R17E W1M, and also NE 1/4,
NE 1/4 and SE 1/4, NE 1/4 of Section 6 T40S,
R17E W1M.

STATE OF OREGON, }

County of Marion, }

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 May 9, 1977

WITNESS my hand this 9th day of March 1977, 19_____

JAMES E. SEXSON

Director

By

Vestal R. Garner

Exhibit D
Page 9 of 10

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JUL 11 2016

SALEM, OR

STATE OF OREGON, }
County of Marion, }

PERMIT
G 7160

RECEIVED

AUG 03 2018

OWRD

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.

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 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 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, 1978.

Complete application of the water to the proposed use shall be made on or before October 1, 1979.

WITNESS my hand this 4th day of April, 1977.

James E. Lewis
WATER RESOURCES DIRECTOR

Application No. G-7104 WRS

Permit No. G-7160

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 8 day of February,
1977 at 8 o'clock A. M.

Returned to applicant:

Approved:

Recorded in book No. 64 of G 7160
Ground Water Permits on page 64

STATE ENGINEER

Drainage Basin No. 13 page 64
588

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JUL 11 2018

SALEM, OR

RECEIVED

AUG 03 2018

OWRD

May 9th, 2018

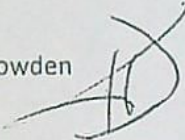
INTER-OFFICE MEMO

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

A handwritten signature in black ink, appearing to be 'KD' with a large, stylized flourish extending from the top right.



Lake County Property Summary Report

RECEIVED

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

AUG 03 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 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
Situation 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

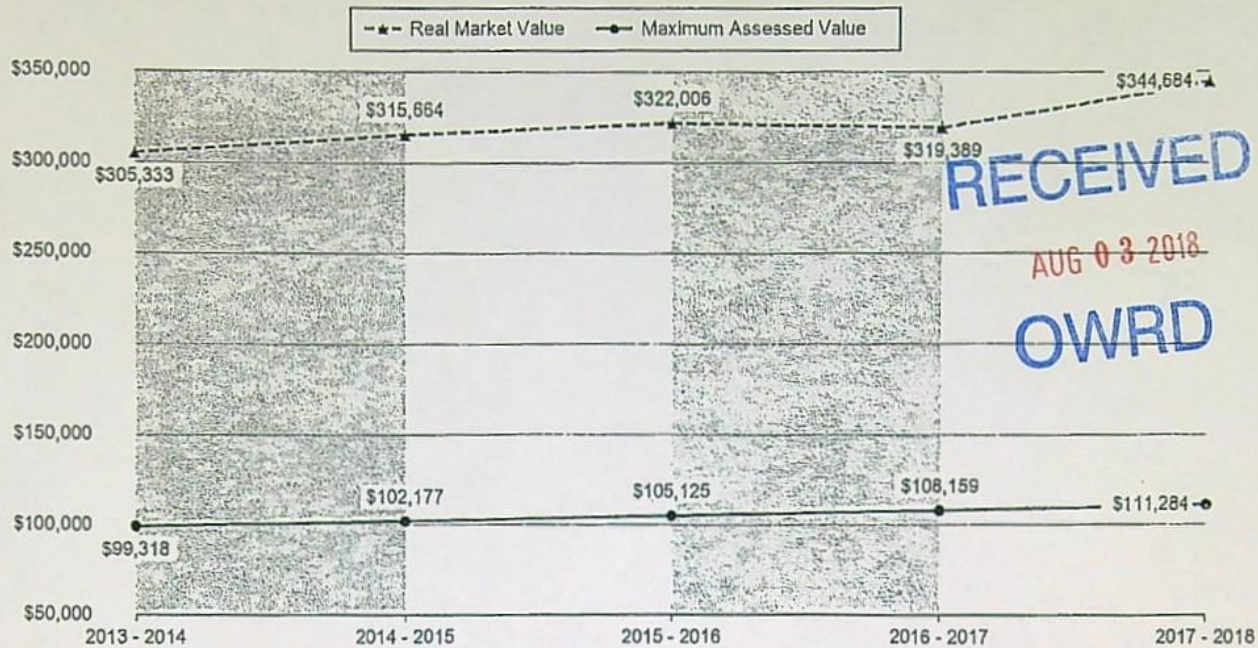
Warnings, Notations, and Special Assessments

Assessor's Office Notations

Code	Description	Remarks
DEFD		ATL

Valuation History All values are as of January 1 of each year. Tax year is July 1st through June 30th of each year.

	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



Tax Payment History

Year	Date Due	Transaction Type	Transaction Date	As Of Date	Amount Received	Tax Due	Discount Amount	Interest Charged	Refund Interest
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
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 Received	Tax Due	Discount Amount	Interest Charged	Refund Interest
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	Seller	Buyer	Sale Amount	Sale Type	Recording
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	\$225,000	WARRANTY DEED	260-430
09/30/2004	MCCULLOUGH, GREG & CUTINO, LINDA	MCCULLOUGH, GREG & CUTINO, LINDA	\$225,000	WARRANTY DEED	263-245
10/31/2014	CUTINO LINDA	CUTINO JOHN ANTHONY II & SUSAN GAIL	\$0	BARGAIN & SALE	2014-1865

Structures

Stat Class/Description	Improvement Description	Code Area	Year Built	Est 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 Loading Shed	176

Land Characteristics

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	
15 - Farm-rmv or sav	37.24	
15 - Farm-rmv or sav	25.60	
81 - OSD FARM--rmv or sav	0.00	

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%

RECEIVED

AUG 03 2018

OWRD

Exhibit F
Page 5 of 5

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # 126773

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

INVOICE # _____

RECEIVED FROM: John A Cutino II;
BY: Susan A Cutino

APPLICATION
PERMIT
TRANSFER T-12595

CASH: ☐ CHECK: # 4868 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 129.60

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 46117 Newspaper Notice \$
0207 OTHER: (IDENTIFY) \$129.60

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$
0410 RESEARCH FEES \$
0408 MISC REVENUE: (IDENTIFY) \$
TC162 DEPOSIT LIAB. (IDENTIFY) \$
0240 EXTENSION OF TIME \$

WATER RIGHTS:

0201 SURFACE WATER EXAM FEE \$ RECORD FEE \$
0203 GROUND WATER \$
0205 TRANSFER \$

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR EXAM FEE \$ LICENSE FEE \$
LANDOWNER'S PERMIT 0220 \$

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ CARD # _____
0210 MONITORING WELLS \$ CARD # _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$

RECEIPT: 126773

DATED: 5-25-18 BY: [Signature]

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

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # 126773

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

INVOICE # _____

RECEIVED FROM: John A Cutino II;
BY: Susan A Cutino

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PERMIT
TRANSFER T-12595

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WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR EXAM FEE \$ LICENSE FEE \$
LANDOWNER'S PERMIT 0220 \$

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ CARD # _____
0210 MONITORING WELLS \$ CARD # _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$

RECEIPT: 126773

DATED: 5-25-18 BY: [Signature]

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff 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 25 2018

OWRD

Affidavit 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

Matilda W. Flynn

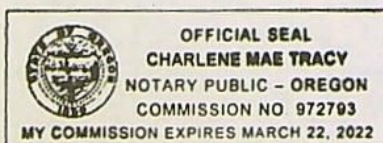
Subscribed and sworn to before me this 12th

day of July 2018.

Charlene Mae Tracy

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

RECEIVED

JUL 16 2018

OWRD



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

June 18, 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

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@wrds.state.or.us if I may be of assistance.

Sincerely,

Sarah Henderson

for Ken Dowden Kelly Starnes
Transfer Specialist
NC Region

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@waterightsolutions.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

1. 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.
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. 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:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	19 E	WM	5	NW NW	2.5
40 S	19 E	WM	5	SW NW	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:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	19 E	WM	5	NW NW	4.6
40 S	19 E	WM	5	SW NW	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:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	19 E	WM	5	NW NW	25.9
40 S	19 E	WM	5	SW NW	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

9. 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

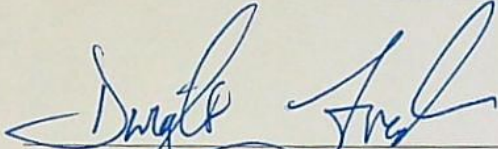
The change in point of appropriation and change in place of use proposed in Transfer Application T-12595 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

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.*
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.*
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.*

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 18 2018,



Dwight French, Water Right 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

Transfer T-12595

Transfer Specialist: LD

Transfer Type: Regular

Applicant Name/Address: THE WILD WATERS REVOCABLE LIVING TRUST 5252 MILL CR RD HEALDSBURG, CA 95448	Agent Name/Address: HOLLIE CANNON 3246 HAMMER ST KLAMATH FALLS, OR 97603	Rec Landowner Name/Address:
CWRE Name/Number:	Irr. District Name/Address:	Affected Gov'ts Name/Address:
Commentors: Name/Address:		Current Landowner Name/Address:

Water Rights Affected

Records Marked	Records Copied	App File No. or Decree Name	Permit No.	Certificate No.	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	<input type="checkbox"/>	G-7704	G-7160	91901	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

Key Dates & Initial Actions

Rec'd: February 27, 2017	Proposed Action(s): POINT OF APPROPRIATION; PLACE OF USE	
Fees Pd: 1450.00	WM District: 12	ODFW District:
Initial Notice: March 7, 2017	WM Review sent: 3/2/2017	ODFW Review sent:
Acknowledgement Letter Sent <input checked="" type="checkbox"/>	GW Review sent: 3/2/17	

Processing Dates & Actions

Deficiency Contacts: _____

DPD Mailed: 4/30/2018

☐ ODFW contact sheet sent with DPD, or ☐ N/A

☐ WM measurement contact sheet sent, or ☐ N/A

PD Signed: 6-18-18

PD Weekly Notice: 6-19-18

Newspaper quote requested: 2

☐ not required

Request for news \$ sent: 5/16/2018

News \$ received: 5/28/2018

Request to publish sent to newspaper: _____

Affidavit of publication received: _____

Lake County
Examiner

DPD Review (Optional)	PD Review (Salem)	Final Order Review (Salem)
Reviewer: _____	Reviewer: _____	Reviewer: _____
Date: _____	Date: _____	Date: _____
Coordinator: _____	Coordinator: <u>PKS</u>	Coordinator: _____
Date: _____	Date: <u>6/15/18</u>	Date: _____
Comments/Special Issues: <u>ΔPOA, ΔPOU</u>		

Special Order Volume: Vol 108 Pages _____ Final Order Signature Date: _____

Notice of FO email'd to processors _____

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:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	19 E	WM	5	NE SW	33.4
40 S	19 E	WM	5	NW SW	18.6
40 S	19 E	WM	5	SW SW	33.6
40 S	19 E	WM	5	SE SW	32.0
Total					117.6

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 _____.

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

0.0125 cfs per acre

WORKING
COPY

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

$\Delta POA \& POO$ for IR 103.3 ac.
 ΔPOO only for 17.1 acres @ 1.29 cfs

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

ALL ΔPOA

RR

117.6 ac
@ 1.47 cfs
129

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.

WORKING
COPY

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

WORKING
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T-12595

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	NW NW	28.4
40 S	19 E	WM	5	SW NW	23.8
40 S	19 E	WM	6	NE NE	12.4
40 S	19 E	WM	6	SE NE	38.7

-28.4
-23.8
-12.4
-38.7

103.3 acres

Δ POA and POB

(same 1/4 1/4, DEPOSIT CONFIRMATION)

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	GLot
40 S	19 E	WM	5	NE SW	33.4
40 S	19 E	WM	5	NW SW	18.6
40 S	19 E	WM	5	SW SW	33.6
40 S	19 E	WM	5	SE SW	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.

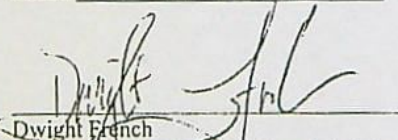
The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times.

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.

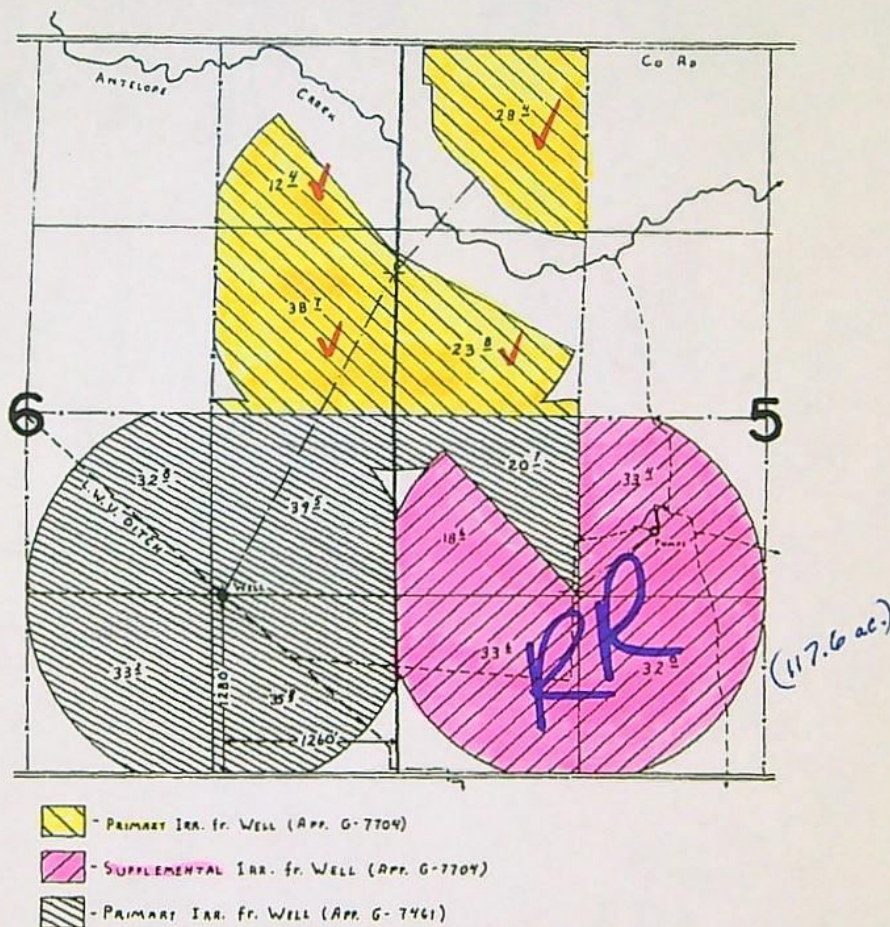
Issued SEP 19 2016


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

WORKING
COPY

WORKING
COPY

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



FINAL PROOF SURVEY
UNDER

Application No. G-7461 Permit No. G-8059
G-7704 G-7160
IN NAME OF

JACK ALBERTSON

Surveyed June 10, 1980, by G.L. Hughes

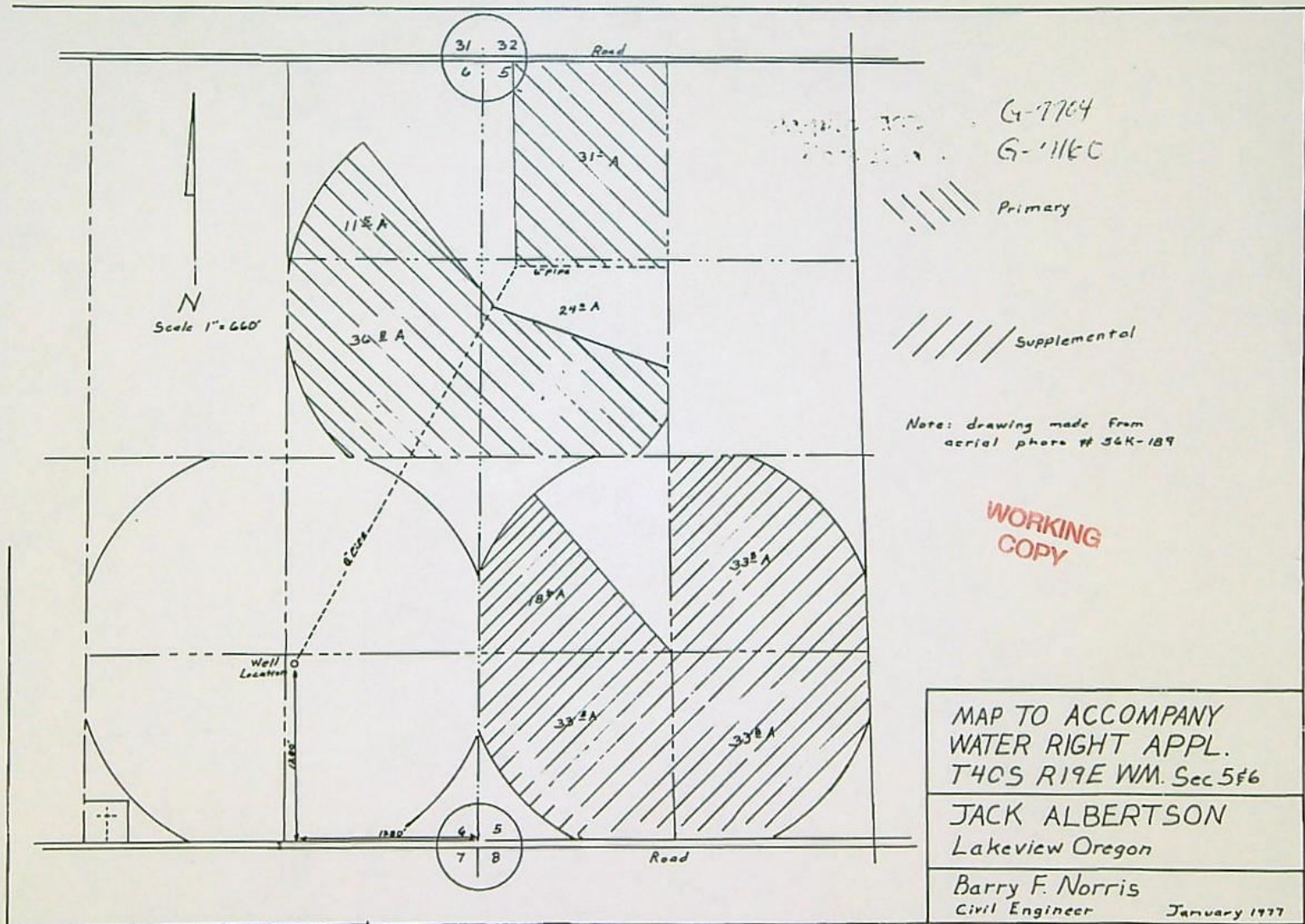
RECEIVED BY OWRD

JUL 11 2016

SALEM, OR

WORKING
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WORKING
COPY



APPL. / PER. MAP

WORKING
COPY



Oregon

Kate Brown, Governor

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

2 SCANNED

SENT

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:

1. 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

X-----

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

May 9th, 2018

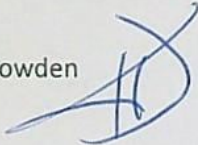
INTER-OFFICE MEMO

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

A handwritten signature in blue ink, appearing to be "KD" with a large, stylized flourish.

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
Cnt=1 Pgs=3
\$15.00 \$11.00 \$20.00 \$10.00 Total: \$56.00



00011654201500011710030031
I, Stacie Geaney, County Clerk for Lake County, Oregon
certify that the instrument identified herein was
recorded in the Clerk records.
Stacie 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 TENANTS 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 1/4 NW 1/4

Section 6: The E 1/4 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 Cutino II
JOHN ANTHONY CUTINO II

Susan Giselle Cutino
SUSAN GISELLE CUTINO

MAIL TAX STATEMENT AS DIRECTED ABOVE

401900-017

VERIFY
DEED
LEGAL
✓ CHECKS OUT

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

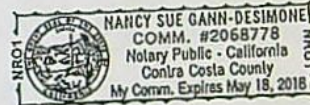
On JULY 15, 2015 before me, Nancy Sue Gann-Desimone, Notary Public
(insert name and title of the officer)

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(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.

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



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.

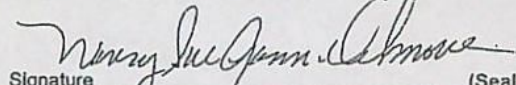
State of California
County of CONTRA COSTA

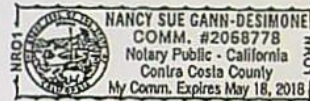
On JULY 15, 2015 before me, NANCY SUE GANN-DESIMONE
(insert name and title of the officer)

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(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.


Signature _____ (Seal)





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

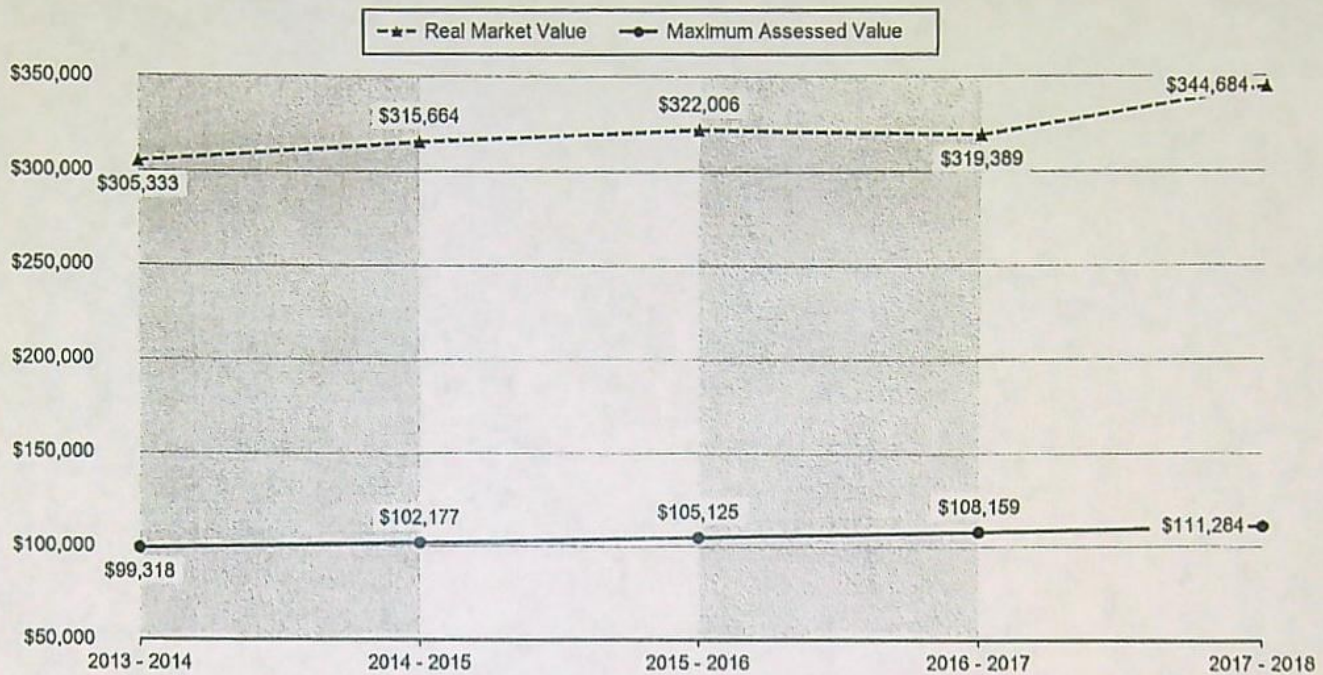
Warnings, Notations, and Special Assessments

Assessor's Office Notations

Code	Description	Remarks
DEFD		ATL

Valuation History *All values are as of January 1 of each year. Tax year is July 1st through June 30th of each year.*

	2013 - 2014	2014 - 2015	2015 - 2016	2016 - 2017	2017 - 2018
Real Market Value - Land	\$239,043	\$251,714	\$258,768	\$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



Tax Payment History

Year	Date Due	Transaction Type	Transaction Date	As Of Date	Amount Received	Tax Due	Discount Amount	Interest Charged	Refund Interest
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
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 Received	Tax Due	Discount Amount	Interest Charged	Refund Interest
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	Seller	Buyer	Sale Amount	Sale Type	Recording
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	\$225,000	WARRANTY DEED	260-430
09/30/2004	MCCULLOUGH, GREG & CUTINO, LINDA	MCCULLOUGH, GREG & CUTINO, LINDA	\$225,000	WARRANTY DEED	263-245
10/31/2014	CUTINO LINDA	CUTINO JOHN ANTHONY II & SUSAN GIGLI	\$0	BARGAIN & SALE	2014-1865

Structures

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 Characteristics

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	
15 - Farm-rmv or sav	37.24	
15 - Farm-rmv or sav	25.60	
81 - OSD FARM-rmv or sav	0.00	

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.

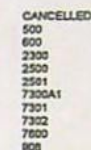
No Related Accounts found.

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%

T.40S. R.19E. W.M.
LAKE COUNTY
1" = 2000'

1/23/2018



40S19E



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

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

SCANNED

April 30, 2018

SENT

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...

1. 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
 - iii) 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.
3. 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).

SCANNED

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).

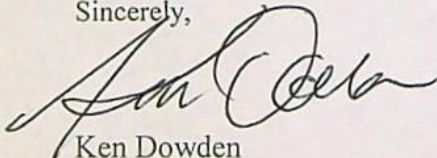
Issuance of the Preliminary Determination will occur shortly after we receive:

1. your written response to the conditions and proposed action in the draft Preliminary Determination (e-mail is acceptable); and
2. report of ownership, and affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application; and
3. 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) hcannon@waterightsolutions.com
Joseph L. Strahl, CWRE #222 address -> 60 North 4th St., Central Point, OR 97502
Commenter: Mr. Kirk Maag, Stoel Rives, LLP (via e-mail) kirk.maag@stoel.com

encs Watermaster contact sheet

SENT

DRAFT

Page 1 of 4

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	NW NW	2.5
40 S	19 E	WM	5	SW NW	6.9
40 S	19 E	WM	6	SE NE	7.7
TOTAL:					17.1

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

IRRIGATION (IR)					
Twp	Rng	Mer	Sec	Q - Q	Acres
40 S	19 E	WM	5	NW NW	4.6
40 S	19 E	WM	5	SW NW	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 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	(LAKE 2767) - 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	NW NW	25.9
40 S	19 E	WM	5	SW NW	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.
9. 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:

1. *The changes in point of appropriation and 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 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.*
9. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this ____ day of _____ 2018.

D R A F T

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


SCANNED

Oregon Water Resources Department

Measurement Condition Information for the Applicant (to be sent with the Draft Preliminary Determination or Final Order)

SENTTransfer #: T-12595

☒ In order to avoid enlargement of the right or injury to other rights, a Totalizing and Instantaneous flowmeter will be required to be installed **prior to diversion of water**, as a condition of this transfer:

- ☐ at each point of diversion/appropriation (new and existing) or
☒ at each new point of diversion/appropriation.

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

Watermaster name: Brian MayerDistrict: 12Address: 513 center St.City/State/Zip: Lakeview OR 97630Phone: 541 947-6038Email: brian.m.mayer@oregon.gov

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

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

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

 Watermaster signature District Date

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

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

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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	\$225,000	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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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
Situation 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

Current Year Value Summary

As of 4/12/2018, 2018 Tax Year
LAKELAND COUNTY PROPERTY ASSESSMENT AND MAPS ACCESSED THROUGH THIS WEB SITE PROVIDE A VISUAL DISPLAY FOR YOUR CONVENIENCE. EVERY REASONABLE EFFORT HAS BEEN MADE TO ASSURE THE ACCURACY OF THE DATA AND ASSOCIATED DATA. 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. ALL 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.

Read More on Taxes

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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 Enlargement (Same Source) Review:

☐ The proposed transfer fails to keep the original place of use from receiving water from the same source.

Summary of Injury Review:

☐ The proposed transfer will result in another, existing water right not receiving previously available water to which it is legally entitled.

Summary of Well Construction Assessment:

☐ The proposed POA does not have a well log.

☐ The proposed POA does not appear to meet current well construction standards. Route through Well Construction and Compliance Section.

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



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

Ground Water Review Form:

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

Application: T- 12595

Applicant Name: The Wild Waters Revocable Living Trust

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

Reviewer(s): Gerald H. Grondin Date of Review: 12 December 2017

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

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

1. Basic description of the changes proposed in this transfer: _____

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 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 center pivot that irrigated a portion of both properties. The transfer in place of use moves the pivot to only irrigate land of this ownership." The application proposes the following:

Certificate 91901 currently authorizes irrigating 220.9 POU acres total (103.3 primary POU acres and 117.6 supplemental POU acres) using a single well (LAKE 2766 original, LAKE 2767 deepening) at a maximum allowable rate of 2.76 cfs (1.29 cfs for 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).

The application proposes to reconfigure the 103.3 primary POU acres within T40S/R19E-sec 06. No change is proposed for the 117.6 supplemental POU acres.

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 well would continue to irrigate the remaining 117.6 supplemental POU acres unchanged).

2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?
☒ Yes ☐ No Comments: _____

Primarily yes. 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.

3. 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.): _____

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

☒ Yes ☐ No Comments: _____

The 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.

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 ☒ Minimal ☐ Significant

Stream: _____ ☐ Minimal ☐ Significant

Provide context for minimal/significant impact: _____

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.

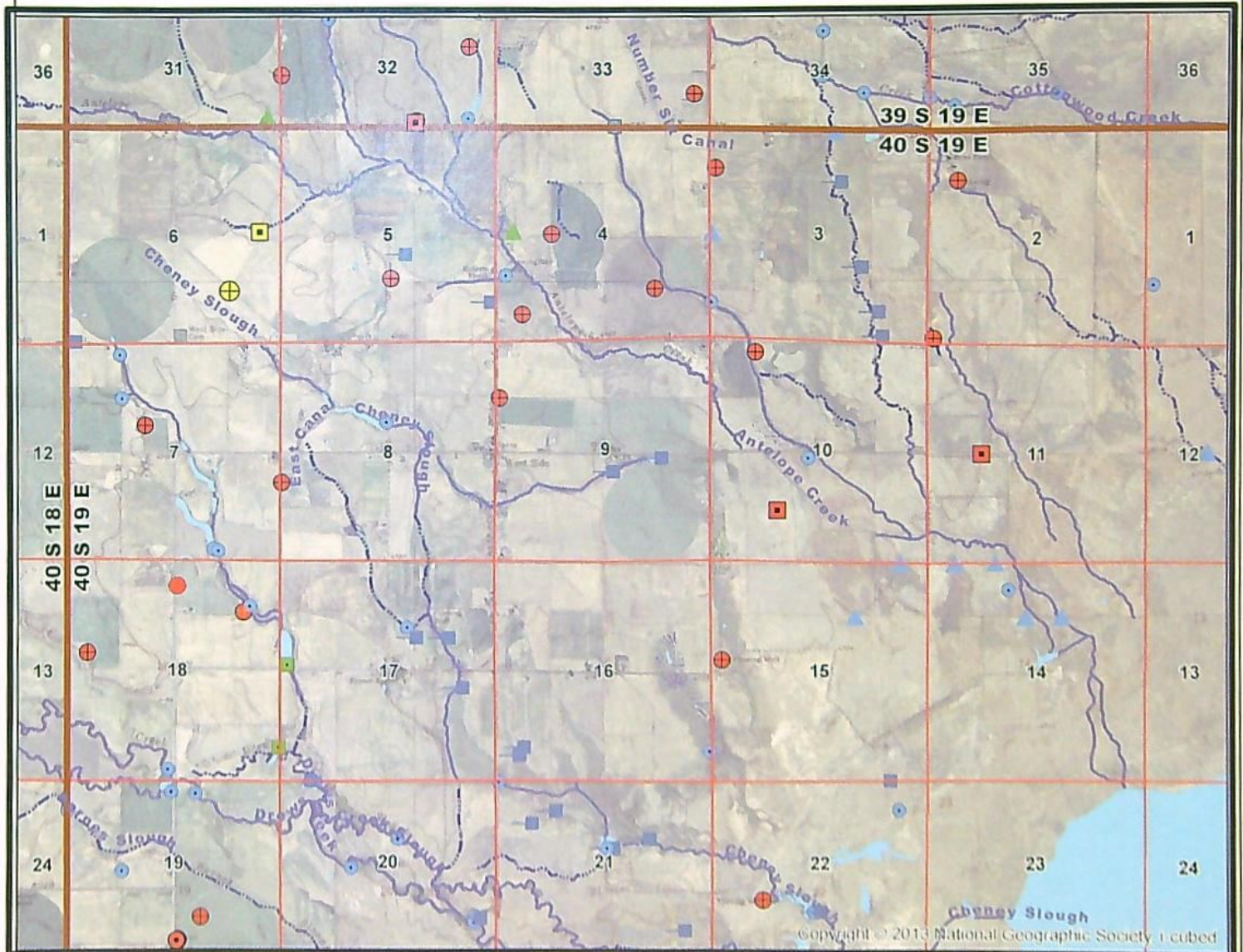
Condition for groundwater production: "All POA wells under this water right shall comply with existing well construction standards. Groundwater production shall occur from the higher permeability predominantly volcanic rock and sediment unit found beneath the lower permeability predominantly basin fill 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

STATE OF OREGON

(Please type or print)

(Do not write above this line)

RECEIVED

State Well No. _____

State Permit No. _____

AUG 27 1976

40s/196-6db

(1) OWNER:

Name JACK ALBERTSON
Address Rt. 6 Box 466 Lakeview Or.

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary ☐ Driven ☐
Cable ☒ Jetted ☐
Dug ☐ Bored ☐

(4) PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐
Irrigation ☒ Test Well ☐ Other ☐

CASING INSTALLED:

Threaded ☐ Welded ☒
12" Diam. from 0 ft. to 282 ft. Gage 250
10" Diam. from 247 ft. to 369 ft. Gage 250
" Diam. from ft. to ft. Gage

PERFORATIONS:

Perforated? ☒ Yes ☐ No.

Type of perforator used Factory & Torch

Size of perforations 1/2 in. by 3 in.
perforations from 6 ft. to ft.
12" 1908 perforations from 123 ft. to 282 ft.
10" 1220 perforations from 247 ft. to 369 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? ☒ Yes ☐ No If yes, by whom? Interstate

Yield: 623 gal./min. with 33 ft. drawdown after 2 hrs.

Bailer test gal./min. with ft. drawdown after hrs.

Artesian flow g.p.m.

Temperature of water 50 Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Well seal—Material used cement

Well sealed from land surface to 26 ft.

Diameter of well bore to bottom of seal 18 in.

Diameter of well bore below seal 12 in.

Number of sacks of cement used in well seal 3 cu. yds.

Number of sacks of bentonite used in well seal 3 sacks

Brand name of bentonite Aquagell

Number of pounds of bentonite per 100 gallons

of water 50 lbs./100 gals.

Was a drive shoe used? ☒ Yes ☐ No Plugs _____ Size: location _____ ft.

Did any strata contain unusable water? ☐ Yes ☒ No

Type of water? _____ depth of strata _____

Method of sealing strata off _____

Was well gravel packed? ☒ Yes ☐ No Size of gravel: 3/16 3/8

Gravel placed from 26 ft. to 369 ft.

WATER RESOURCES DEPT.

(10) LOCATION OF WELL:

County LAKE Driller's well number _____
NW 1/4 SE 1/4 Section 6 T. 40 R. 19 W.M.

Bearing and distance from section or subdivision corner _____

(11) WATER LEVEL: Completed well.

Depth at which water was first found 18 ft.

Static level 12 ft. below land surface. Date 7-29-76

Artesian pressure _____ lbs. per square inch. Date _____

(12) WELL LOG:

Diameter of well below casing 10

Depth drilled 369 ft. Depth of completed well 369 ft.

Formation: Describe color, texture, grain size and structure of materials;
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
position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Top Soil Brown	0	2	
Claystone Yellow	2	7	
Clay Sandy Yellow	7	18	
Sand Medium Yellow water	18	21	sealed
Clay Yellow	21	31	
Clay Blue	31	35	
Clay Sandy Blue	35	135	12 @60'
Rock Blue	135	139	
Clay Sandy Blue	139	145	
Sand Coarse	145	148	12
Clay Blue	148	214	
Clay Sandy Blue	214	219	
Clay Blue	219	235	
Clay Blue Sandy	235	258	12
Clay Blue	258	270	
Rock Blue	270	275	
Rock Grey/White/Black/lean	275	325	12
Rock Black	325	366	
XXXX Sand Coarse Black	366	369	12
Work started <u>1-18</u> <u>1976</u> Completed <u>7-29</u> <u>1976</u>			
Date well drilling machine moved off of well <u>7-30</u> <u>1976</u>			

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision.
Materials used and information reported above are true to my
best knowledge and belief.

[Signed] Alan L. Savoy Date 8-22, 1976.

(Drilling Machine Operator)

Drilling Machine Operator's License No. 195

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is
true to the best of my knowledge and belief.

Name Savoy well drilling
(Person, firm or corporation) (Type or print)

Address 117 North K. Lkv. Or.

[Signed] Alan L. Savoy
(Water Well Contractor)

Contractor's License No. 617 Date 8-22, 1976

(USE ADDITIONAL SHEETS IF NECESSARY)

SP*45656-119

Drawdown Calculations Using Theis Equation

Theis Equation: $s = [Q/(4 \cdot T \cdot \pi)] [W(u)]$
 $u = (r^2 S)/(4 \cdot T \cdot t)$
 $W(u) = (-\ln u) - (0.5772157) + (u/1 \cdot 1!) - (u^2/2 \cdot 2!) + (u^3/3 \cdot 3!) - (u^4/4 \cdot 4!) + \dots$

s = drawdown (L)
 T = transmissivity (L^2/T)
 S = storage coefficient (dimensionless)
 π = 3.141592654

r = radial distance (L)
 t = time (T)
 u = dimensionless
 $W(u)$ = well function

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

r = radial distance (L)

t = time (T)

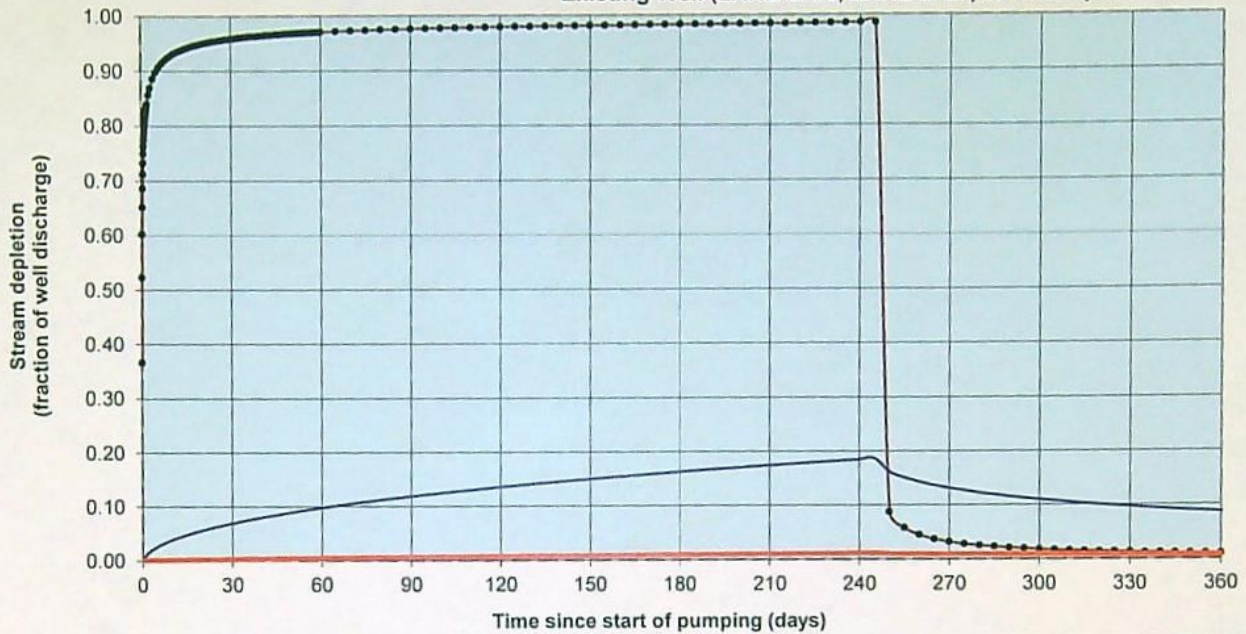
u = dimensionless

$W(u)$ = well function

Transmissivity T (gpd/ft)	Transmissivity T (ft ² /day)	Storage Coefficient S	Pumping Rate Q (gal/min)	Pumping Rate Q (ft ³ /sec)	Time t (days)	Distance r (feet)	pi	u	W(u)	Drawdown s (feet)	Drawdown Difference (feet)	Comments
								Note : W(u) calculation valid when u < 7.1				
Note: yellow grid areas are where values are calculated								7.0000	1.1545E-04			W(u) calculation test
Authorized POA Well (LAKE 2766, LAKE 2767) to closest well (Transmissivity from specific capacity 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 Well (not drilled yet) to closest well (Transmissivity from specific capacity data)												
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)

Existing Well (LAKE 2766, LAKE 2727) to Antelope Creek

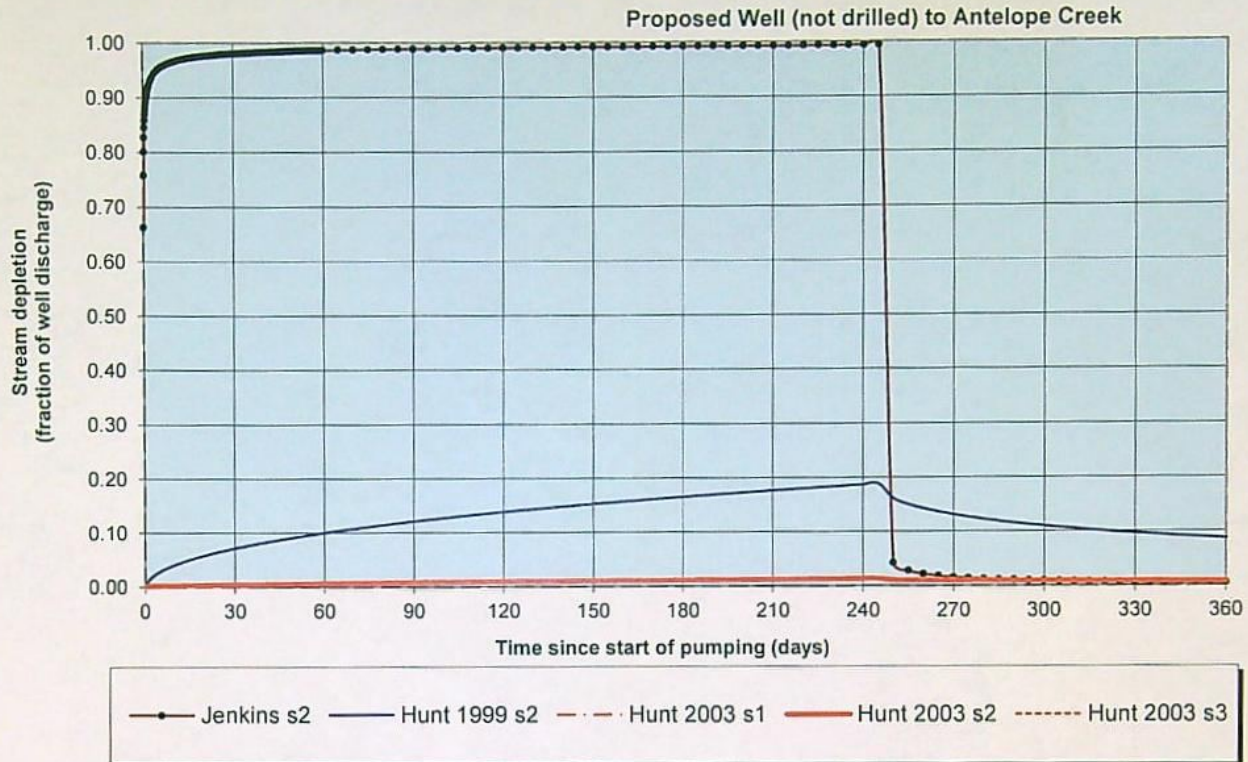


—•— Jenkins s2 — Hunt 1999 s2 - - - Hunt 2003 s1 — Hunt 2003 s2 - - - - - Hunt 2003 s3

Output for Stream Depletion, Scenario 2 (s2):						Time pump on (pumping duration) = 245 days							
Days	30	60	90	120	150	180	210	240	270	300	330	360	
J SD	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	sbfb	0.010313	0.010313	0.010313	
input #1 for Hunt's Q_4 function	t'	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 Stream Depletion, Scenerio 2 (s2):						Time pump on (pumping duration) = 245 days							
Days	30	60	90	120	150	180	210	240	270	300	330	360	
J SD	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	a	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 ² /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	0.038021	0.038021	0.038021	days
Streambed factor	sbfb	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	

Theis_Equation_specific_capacity_to_transmissivity							
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



Oregon Water Resources Department
Water Availability Analysis

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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%

Time: 1:46 PM

[Download Data](#)

Water Availability

Select any Watershed for Details

Nesting Watershed Order	Stream Name ID #	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	31300113 ANTELOPE CR > GOOSE L - AT MOUTH	No	Yes	Yes	No	No	No	No	No	No	No	No	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%

Time: 1:46 PM

Water Availability Calculation

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

Month	Natural Consumptive Uses and Stream Flow	Expected Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water 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 cfs per 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 cfs
RR = 1.47 cfs

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

RR = 117.6 ac @

MAXIMUM RATE: 2.76 CUBIC FEET PER SECOND (220.9 ac. TOTAL)

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.

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	NW NW	28.4
40 S	19 E	WM	5	SW NW	23.8
40 S	19 E	WM	6	NE NE	12.4
40 S	19 E	WM	6	SE NE	38.7

$\Delta P00$

$\Delta P0A$

-2.5

-6.9

-7.7

RENTAL	"TO" acres
25.9	4.6
14.9	5.8
12.4	6.3
31.0	0.4
86.2	17.1

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	GLot
40 S	19 E	WM	5	NE SW	32.4
40 S	19 E	WM	5	NW SW	28.6
40 S	19 E	WM	5	SW SW	32.6
40 S	19 E	WM	5	SE SW	22.0

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.

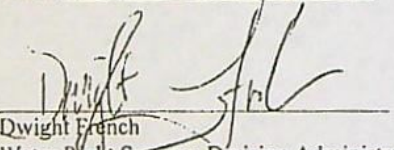
The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times.

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.

Issued SEP 19 2016


Dwight French
Water Right 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

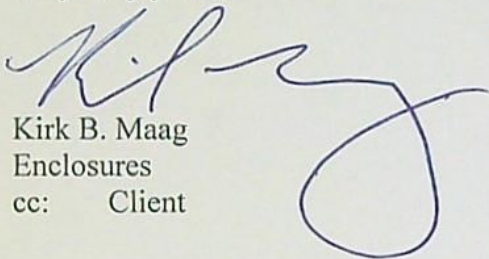
APR 24 2017

SALEM, OR

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,

A handwritten signature in blue ink, appearing to read "K. Maag", with a large, stylized loop at the end.

Kirk B. Maag
Enclosures
cc: Client

RECEIVED BY OWRD

APR 24 2017

SALEM, OR



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

OWRD

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.

RECEIVED

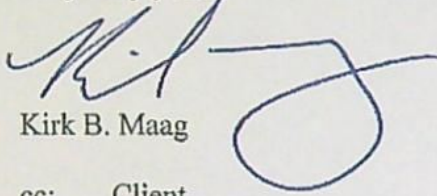
MAY 1 2017

OWRD

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

Please contact me at (503) 294-9546 or kirk.maag@stoel.com 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

RECEIVED

MAY 1 2017

OWRD

APR 24 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:

W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 5 and the E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 6, Township 40 South, Range 19 EWM, excepting that portion of the E $\frac{1}{2}$ NE $\frac{1}{4}$ 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. 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.

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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10. DEFAULT: In the event of a default by the Lessor herein 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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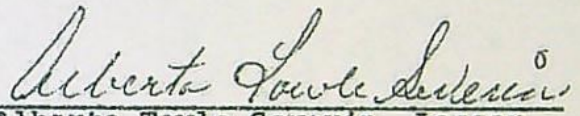
visions of this agreement or to repossess the property, reasonable attorney fees may be awarded by the trial court or appellate court to the prevailing party in such action together with costs and necessary disbursements.

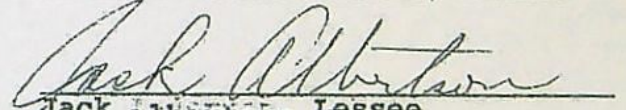
12. ADDRESSES: The addresses of the respective parties are as follows:

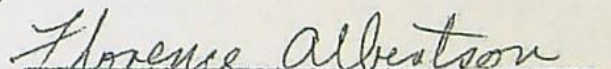
Alberta Towle Severin
Rt 6, Box 410
Lakeview, Oregon 97630

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

DATED this 17 day of February, 1977.

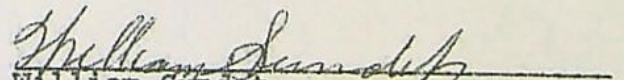

Alberta Towle Severin, Lessor



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 25 day of February, 1977.


William Sundet


Lillian Sundet

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SALEM, OR



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

Request for Assignment

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

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If for multiple rights, a separate form and fee for each right will be required.

WE

X THE WILD WATERS REVOCABLE LIVING TRUST
(Name of Party Requesting Assignment)

U 5252 MILL CREEK ROAD HEALDSBURG, CA 95448 707-965-3612
(Mailing Address) (City) (State) (Zip) (Phone #)

- ☐ 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-7160; Transfer# _____
-OR-

License # _____ GR Statement # _____; GR Certificate of Registration # _____

JACK P. AND FLORENCE M. ALBERTSON; NW FARM CREDIT SERVICES, FLCA
(Name of Holder of Record) 300 KLAMATH AVE SUITE 200
HC 60 BOX 2530 KLAMATH FALLS, OR 97601
LAKEVIEW, OR 97630
(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.)

- I certify that I am the current owner of the property described in this application, Permit, transfer, license or GR Certificate of Registration.
- I have the legal right to request assignment under OAR 690-310-0280 and 690-320-0060.
- I have not been able to contact the owner(s) of record for the above referenced application or water right.
- I further certify that the information provided herein is true and correct to the best of my knowledge.

Witness my hand this 4th day of July, 2016.
Party Requesting Assignment John A. Cutino II
Party Requesting Assignment Susan Giselle Cutino

ASSIGNMENT BY PROOF
JAS 7/13/2016

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.

Fee receipt # 120484

For Director by Jerry Saupe, Program Analyst in Water Rights Division

Last updated: July 19, 2013 Request for Assignment If Permit Holder not available

The completed "Request for Assignment" form must be submitted to the Department along with the recording fee of \$85.

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WR
SALEM, OR



Oregon

Kate Brown, Governor

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

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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SALEM, OR



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
Cnt=1 Pgs=3
\$16.00 \$11.00 \$20.00 \$10.00 Total: \$58.00



00011854201800011710030031

I, Blaise Geaney, County Clerk for Lake County, Oregon
certify that the instrument identified herein was
recorded in the Clerk records.
Blaise 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 TENANTS 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 1/4 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 CUTINO II

SUSAN GISELLE CUTINO

MAIL TAX STATEMENT AS DIRECTED ABOVE

401900-017

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JUL 11 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, 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(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.

Signature

Nancy Sue Gann-Desimone
Nancy Sue Gann-Desimone, Notary Public

(Seal)



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JUL 11 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

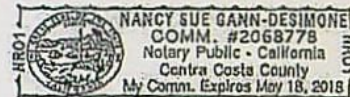
On JULY 15, 2015 before me, NANCY SUE GANN-DESIMONE
(Insert name and title of the officer)

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(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.

Nancy Sue Gann-Desimone
Signature (Seal)



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APR 24 2017

JUL 11 2016

SALEM, OR

SALEM, OR

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: SW $\frac{1}{4}$.

Section 6: SE $\frac{1}{4}$, 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 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 SE $\frac{1}{4}$ 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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SALEM, OR

MD140631-07

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

William Sundet (SEAL)
Lillian 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.

J. J. Cough
Notary Public for Oregon

My Commission Expires
Jan. 23, 1997

State of Oregon }
County of Lake }

Reel 14
File 0030

I hereby certify that the within instru-
ment was received and filed for record on
the 29 day of March, 1975
at 2:32 o'clock P.M. and recorded
on Page 100 in Book 217 Record
of Deer County

By Karen J. Overton Deputy

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FEB 1 1977
WATER RESOURCES DEPT
SALMON, OREGON

Permit No. G-7160

APPLICATION FOR A PERMIT

To Appropriate the Ground Waters of the State of Oregon

I, Jack Albertson (Name of applicant)
of Rt. 6 Box 466 Lakeview county of Lake
(Postoffice Address)
state of Oregon 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 _____
(Name of stream)

tributary of _____

2. The amount of water which the applicant intends to apply to beneficial use is Primary 1.278
feet per second or _____ gallons per minute. Supplemental 1.5000

3. The use to which the water is to be applied is Primary & Supplemental
irrigation

4. The well or other source is located 1280 ft. N and 1280 ft. W from the SE
corner of Sec 6 SE 1/4 SE 1/4
(Section or subdivision)

(If preferable, give distance and bearing to section corner)

being within the SE 1/4 - SE 1/4 of Sec. 6, Twp. 40S, R. 19E
W. M., in the county of Lake

5. The Pipe Line to be 3/4 miles
(Canal or pipe line)
in length, terminating in the SW 1/4 NW 1/4 of Sec. 5, Twp. 40S
(Smallest legal subdivision)
R. 19E, W. M., the proposed location being shown throughout on the accompanying map.

6. The name of the well or other works is _____

DESCRIPTION OF WORKS See Application
#55263

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.

8. The development will consist of 1 well having a
(Give number of wells, tunnels, etc.)
diameter of 12" inches and an estimated depth of 442 feet. It is estimated that 369
feet of the well will require 282' 12" 122' 10" casing. Depth to water table is estimated 12
(Kind) (Feet)

ASSIGNED. See Misc. Rec., Vol. 8 Page 860

Exhibit B

Page 8 of 11

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SALEM, OR

G 7160

CANAL SYSTEM OR PIPE LINE—

9. (a) Give dimensions at each point of canal where materially changed in size, stating miles from headgate. At headgate: width on top (at water line) feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

(b) At miles from headgate: width on top (at water line) feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

(c) Length of pipe, 4042 ft.; size at intake 8" in.; in size at 2640 ft. from intake 6" in.; size at place of use 4-5" in.; difference in elevation between intake and place of use, ft. Is grade uniform? NO Estimated capacity, 4.5 sec. ft.

10. If pumps are to be used, give size and type 20 H.P. Turbine
75 H.P. breast pump

Give horsepower and type of motor or engine to be used

11. If the location of the well, tunnel, or other development work is less than one-fourth mile from a natural stream or stream channel, give the distance to the nearest point on each of such channels and the difference in elevation between the stream bed and the ground surface at the source of development

12. Location of area to be irrigated, or place of use

Township N. or S.	Range E. or W. of Williams Meridian	Section	Forty-acre Tract	Number Acres To Be Irrigated
Primary				
40S	19E	5	NW 1/4 NW 1/4	31.1
"	"	"	SW 1/4 NW 1/4	24.4
"	"	6	NE 1/4 NE 1/4	11.5
"	"	"	SE 1/4 NE 1/4	36.8
				103.8
Supplementary				
40S	19E	5	NW 1/4 SW 1/4	18.6
"	"	"	SW 1/4 SW 1/4	33.6
"	"	"	SE 1/4 SW 1/4	33.9
"	"	"	NE 1/4 SW 1/4	33.9
				120.0

(If more space required, attach separate sheet)

Character of soil SandyKind of crops raised Grain & Hay

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SALEM, OR

MUNICIPAL SUPPLY—

13. To supply the city of _____
in _____ county, having a present population of _____
and an estimated population of _____ in 19____.

ANSWER QUESTIONS 14, 15, 16, 17 AND 18 IN ALL CASES

14. Estimated cost of proposed works, \$ 30,000
15. Construction work will begin on or before March 1, 1977
16. Construction work will be completed on or before April 15, 1977
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 application for permit, permit, certificate or adjudicated right to appropriate water, made or held by the applicant. Permit # 2186 in the name of Lakeview Water Users Incorporated

Jack P. Altherton
(Signature of applicant)

Remarks: Primary right will cancel when lease on following property expires.
NW 1/4, NW 1/4 and SW 1/4, NW 1/4 of Section
5 T40S, R17E W.M. and also NE 1/4,
NE 1/4 and SE 1/4, NE 1/4 of Section 6 T40S,
R17E W.M.

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APR 24 2017

SALEM, OR

STATE OF OREGON,

County of Marion,

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 May 9, 1977

WITNESS my hand this 9th day of March 1977, 19____

JAMES E. SEXSON

Director

By

Vastal R. Garner

Exhibit B

Page 10 of 11

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SALEM, OR

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.

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 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 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, 1978

Complete application of the water to the proposed use shall be made on or before October 1, 1979

WITNESS my hand this 4th day of April, 1977.

James P. Senior
WATER RESOURCES DIRECTOR

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APR 24 2017

SALEM, OR

Application No. G-7704 WRS

Permit No. G-7160

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 8 day of February,
1977 at 8 o'clock P. M.

Returned to applicant:

Approved:

Recorded in book No. 64 of
Ground Water Permits on page G 7160

STATE ENGINEER

Drainage Basin No. 13 page 64

58220

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JUL 11 2015

SALEM, OR



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

MAY 1 2017

**OWRD
RECEIVED**

MAY 1 2017

**OWRD
RECEIVED**

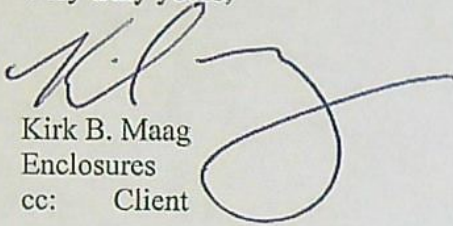
MAY 8 2017

OWRD

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

MAY 1 2017

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

**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

RECEIVED

MAY 1 2017

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

OWRD

Dear Mr. and Mrs. Cutino:

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.

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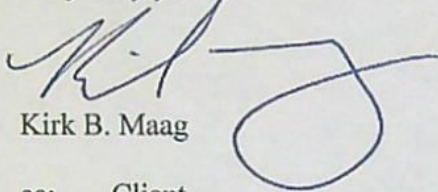
MAY 1 2017

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

Please contact me at (503) 294-9546 or kirk.maag@stoel.com 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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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:

W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 5 and the E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 6, Township 40 South, Range 19 EWM, excepting that portion of the E $\frac{1}{2}$ NE $\frac{1}{4}$ 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. 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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10. DEFAULT: In the event of a default by the Lessor herein 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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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
Alberta Towle Severin, Lessor

Jack Albertson
Jack Albertson, Lessee

Florence Albertson
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.

William Sundet
William Sundet

Lillian Sundet
Lillian Sundet

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

Request for Assignment

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

file
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If for multiple rights, a separate form and fee for each right will be required.

We
I. THE WILD WATERS REVICABLE LIVING TRUST
(Name of Party Requesting Assignment)
C/O 5252 MILL CREEK ROAD HEALDSBURG, CA 95448 707-965-3612
(Mailing Address) (City) (State) (Zip) (Phone #)

- ☐ 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-7160 ; Transfer# _____
-OR-

License # _____ GR Statement # _____ ; GR Certificate of Registration # _____

JACK P. AND FLORENCE M. ALBERTSON ; NEW FARM CREDIT SERVICES, FLCA
(Name of Holder of Record) 300 KLAMATH AVE SUITE 200
HC 60 BOX 2530 KLAMATH FALLS, OR 97601
(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.)

- I certify that I am the current owner of the property described in this application, Permit, transfer, license or GR Certificate of Registration.
- I have the legal right to request assignment under OAR 690-310-0280 and 690-320-0060.
- I have not been able to contact the owner(s) of record for the above referenced application or water right.
- I further certify that the information provided herein is true and correct to the best of my knowledge.

Witness my hand this 4th day of July, 2016.
Party Requesting Assignment John A. Cutino II
Party Requesting Assignment Susan Giselle Cutino

ASSIGNMENT BY PROOF
JUL 11/2016

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.
Fee receipt # 120484
For Director by Jerry Sauer, Program Analyst in Water Rights Division

Last updated: July 19, 2013 Request for Assignment if Permit Holder not available

The completed "Request for Assignment" form must be submitted to the Department along with the recording fee of \$85.

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JUL 11 2016

WR
SALEM, OR



Oregon

Kate Brown, Governor

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

July 14, 2016

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

Reference: Application G-7704, Permit G-7160

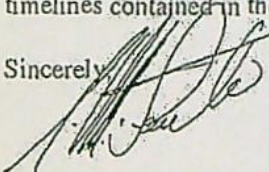
The partial assignment by proof from Jack and Florence Albertson and Northwest Farm Credit Services, FLCA to The Wild Waters Revocable Living Trust has been recorded in the records of the Water Resources Department.

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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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-ODEED 07/20/2015 09:24:57 AM
Cnt=1, Pgs=3
\$16.00 \$11.00 \$20.00 \$10.00 Total: \$569.00



00011854201500011710030031

I, Gladis Geaney, County Clerk for Lake County, Oregon
certify that the instrument identified herein was
recorded in the Clerk records.
Gladis 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 TRANTS 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 1/4 NW 1/4

Section 6: The E 1/4 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 Cutino II
JOHN ANTHONY CUTINO II

Susan Giselle Cutino
SUSAN GISELLE CUTINO

MAIL TAX STATEMENT AS DIRECTED ABOVE

401900-017

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JUL 11 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.

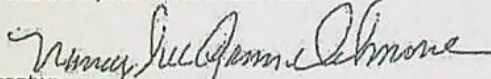
State of California
County of CONTRA COSTA

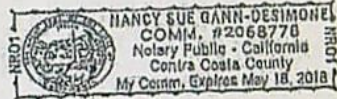
On JULY 15, 2015 before me, Nancy Sue Gann-Desimone, Notary Public
(Insert name and title of the officer)

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(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.


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



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JUL 11 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

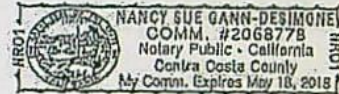
On JULY 15, 2015 before me, NANCY SUE GANN-DESIMONE
(Insert name and title of the officer)

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(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.

Nancy Sue Gann-Desimone
Signature _____ (Seal)



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JUL 11 2015

SALEM, OR

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: SW 1/4.
Section 6: SE 1/4, 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 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 SE 1/4 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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SALEM, OR

MD140631-67

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

William Sundet (SEAL)
Lillian 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.

[Signature]
Notary Public for Oregon

My Commission Expires

Jan. 23, 1977

State of Oregon }
County of Lake }

Reel 14
File 0630

I hereby certify that the within instru-
ment was received and filed for record on
the 29 day of June 1975
at 2:32 o'clock PM and recorded
on Page 116 in Book 272 Record
of Deeds County

By [Signature] Deputy

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JUL 11 2016

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FEB - 1 1977
WATER RESOURCES DEPT
SALMON, OREGON

Permit No. G-.....G 7160

APPLICATION FOR A PERMIT

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To Appropriate the Ground Waters of the State of Oregon

1. Jack Albertson (Name of applicant)
of Rt. 6 Box 466 Lakeview county of Lake
(Postoffice Address)
state of Oregon 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 _____
(Name of stream)

tributary of _____

2. The amount of water which the applicant intends to apply to beneficial use is Primary 1.298
feet per second or _____ gallons per minute. Supplemental 1.5000 cubic

3. The use to which the water is to be applied to Primary & Supplemental
Irrigation

4. The well or other source is located 1280 ft. N and 1280 ft. W from the SE
corner of Sec. 6 SE 1/4 SE 1/4
(Section or subdivision)
(If preferable, give distance and bearing to section corner)

being within the SE 1/4 SE 1/4 of Sec. 6 Twp. 40 S. R. 19 E.
W. M., in the county of Lake

5. The Pipe Line to be 3/4 miles
(Canal or pipe line)
in length, terminating in the SW 1/4 NW 1/4 of Sec. 5 Twp. 40 S.
(Smallest legal subdivision)
R. 19 E. W. M., the proposed location being shown throughout on the accompanying map.

6. The name of the well or other works is _____

DESCRIPTION OF WORKS See Application
55263

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.

8. The development will consist of 1 well having a
(Give number of wells, tunnels, etc.)
diameter of 12" inches and an estimated depth of 442 feet. It is estimated that 369
feet of the well will require 22' 12" 12' 10" casing. Depth to water table is estimated 15'
(Feet)

ASSIGNED. See Misc. Rec., Vol. 8 Page 860

Exhibit B

Page 8 of 11

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G 7160

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CANAL SYSTEM OR PIPE LINE—

9. (a) Give dimensions at each point of canal where materially changed in size, stating miles from headgate. At headgate: width on top (at water line) feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

(b) At miles from headgate: width on top (at water line) feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

(c) Length of pipe, 4042 ft; size at intake 8" in.; in size at 2440 ft. from intake 6" in.; size at place of use 4-5" in.; difference in elevation between intake and place of use, ft. Is grade uniform? NO Estimated capacity, 4.5 sec. ft.

10. If pumps are to be used, give size and type 20 Hp Turbine
75 Hp boost pump

Give horsepower and type of motor or engine to be used

11. If the location of the well, tunnel, or other development work is less than one-fourth mile from a natural stream or stream channel, give the distance to the nearest point on each of such channels and the difference in elevation between the stream bed and the ground surface at the source of development

12. Location of area to be irrigated, or place of use

Township N. or S.	Range E. or W. of Wabamie Meridian	Section	Forty-acre Tract	Number Acres To be Irrigated
<u>Primary</u>				
<u>40S</u>	<u>19E</u>	<u>5</u>	<u>NW 1/4 NW 1/4</u>	<u>31.1</u>
"	"	"	<u>SW 1/4 NW 1/4</u>	<u>24.4</u>
"	"	<u>6</u>	<u>NE 1/4 NE 1/4</u>	<u>11.5</u>
"	"	"	<u>SE 1/4 NE 1/4</u>	<u>36.8</u>
<u>Supplementary</u>				<u>103.8</u>
<u>40S</u>	<u>19E</u>	<u>5</u>	<u>NW 1/4 SW 1/4</u>	<u>18.6</u>
"	"	"	<u>SW 1/4 SW 1/4</u>	<u>33.6 33.8</u>
"	"	"	<u>SE 1/4 SW 1/4</u>	<u>32.4 33.8</u>
"	"	"	<u>NE 1/4 SW 1/4</u>	<u>30.4 33.8</u>
				<u>120.0</u>

(If more space required, attach separate sheet)

Character of soil Sandy

Kind of crops raised Grain & Hay

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JUL 11 2016

SALEM, OR

G 7160

MUNICIPAL SUPPLY—

13. To supply the city of _____
in _____ county, having a present population of _____
and an estimated population of _____ in 19____.

ANSWER QUESTIONS 14, 15, 16, 17 AND 18 IN ALL CASES

14. Estimated cost of proposed works, \$ 30,000

15. Construction work will begin on or before March 1, 1977

16. Construction work will be completed on or before April 15, 1977

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 application for permit, permit, certificate or adjudicated right to appropriate water, made or held by the applicant. Permit # 2186 in the name of Lakeview

Water Users Incorporated
John P. Altherton
(signature of applicant)

Remarks: Primary right will cancel when
lease on following property expires.
NW 1/4, NW 1/4 and SW 1/4, NW 1/4 of Section
5 T40S, R19E W1M, and also NE 1/4,
NE 1/4 and SE 1/4, NE 1/4 of Section 6 T40S,
R19E W1M.

STATE OF OREGON, }
County of Marion, } ss.

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 May 9, 1977

WITNESS my hand this 9th day of March 1977

JAMES E. SEXSON
Director
By Vastai R. Garner
Vastai R. Garner

RECEIVED
MAY 1 2017

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JUL 11 2016
SALEM, OR

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.

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 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 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, 1978

Complete application of the water to the proposed use shall be made on or before October 1, 1979

WITNESS my hand this 4th day of April 1977.

James B. Linton
WATER RESOURCES DIRECTOR

Application No. G-7704 WRS
Permit No. G-7160

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 8 day of February
1977, at 8 o'clock P. M.

Returned to applicant:

Approved:

Recorded in book No. 64 of G 7160
Ground Water Permits on page 64

Drainage Basin No. 13 page 64
58820

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MAY 11 1977

SALEM, OR

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MAY 1 2017
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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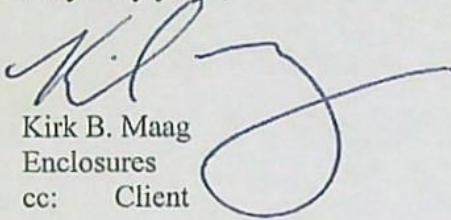
APR 20 2017

SALEM, OR

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 20 2017

SALEM, OR

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:

W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 5 and the E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 6, Township 40 South, Range 19 EWM, excepting that portion of the E $\frac{1}{2}$ NE $\frac{1}{4}$ 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. 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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SALEM, OR

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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10. DEFAULT: In the event of a default by the Lessor herein 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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SALEM, OR

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
Alberta Towle Severin, Lessor

Jack Albertson
Jack Albertson, Lessee

Florence Albertson
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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APR 20 2017

SALEM, OR

William Sundet
William Sundet

Lillian Sundet
Lillian Sundet



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

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 20 2017

WE
X. THE WILD WATERS RENDABLE LIVING TRUST
(Name of Party Requesting Assignment)

SALEM, OR

U. 5252 MILL CREEK ROAD HEALDSBURG, CA 95448 707 965-3613
(Mailing Address) (City) (State) (Zip) (Phone #)

☐ 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-7160; Transfer# _____

License # _____ GR Statement # _____; GR Certificate of Registration # _____

JACK P. AND FLORENCE M. ALBERTSON; NIU FARM CREDIT SERVICES, FLCA
(Name of Holder of Record) 300 KLAMATH AVE SUITE 200
HC 60 BOX 2530 KLAMATH FALLS, OR 97601
LAKEVIEW, OR 97630 (City) (State) (Zip) (Phone #)
(Mailing Address)

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) 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 4th day of July, 2016.

Party Requesting Assignment

Party Requesting Assignment

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.

Fee receipt # 120484

For Director by Jerry Sauer, Program Analyst in Water Rights Division

Last updated: July 19, 2013

Request for Assignment if Permit Holder not available

The completed "Request for Assignment" form must be submitted to the Department along with the recording fee of \$85.

RECEIVED BY OWRD

JUL 11 2016

WR
SALEM, OR

ASSIGNMENT BY PROOF
JUL 7/13/2016



Oregon

Kate Brown, Governor

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

July 14, 2016

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

Reference: Application G-7704, Permit G-7160

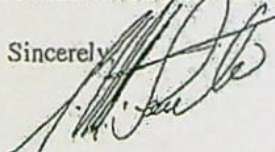
The partial assignment by proof from Jack and Florence Albertson and Northwest Farm Credit Services, FLCA to The Wild Waters Revocable Living Trust has been recorded in the records of the Water Resources Department.

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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SALEM, OR

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-000000 07/20/2015 09:24:57 AM
Cnt=1 Pgs=3 Total: \$59.00
\$16.00 \$11.00 \$20.00 \$10.00



00011854201600011710030031

I, Stacie Geaney, County Clerk for Lake County, Oregon
certify that the instrument identified herein was
recorded in the Clerk's records.

Stacie 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 TENANTS 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 1/4 NW 1/4

Section 6: The E 1/4 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 Cutino II
JOHN ANTHONY CUTINO II

Susan Giselle Cutino
SUSAN GISELLE CUTINO

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.

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)

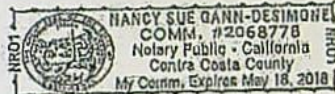
personally appeared JOHN ANTHONY CUTINO II who
proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the
within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized
capacity(ies), and that by his/her/their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

Signature

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



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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.

State of California
County of CONTRA COSTA

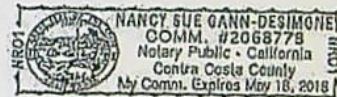
On JULY 15, 2015 before me, NANCY SUE GANN-DESIMONE
(Insert name and title of the officer)

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(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.

Nancy Sue Gann-Desimone
Signature _____ (Seal)



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JUL 11 2018

SALEM, OR

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: SW $\frac{1}{4}$.
Section 6: SE $\frac{1}{4}$, 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 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 SE $\frac{1}{4}$ 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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JUL 11 2010

SALEM, OR

MD140631-67

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

William Sundet (SEAL)
Lillian 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.

J. G. Craft
Notary Public for Oregon

My Commission Expires

Jan. 23, 1977

State of Oregon }
County of Lake }

Reel 14
File 0630

I hereby certify that the within instru-
ment was received and filed for record on
the 29 day of June, 1975
at 2:32 o'clock P.M. and recorded
on Page 66 in Book 212 Record
of Deeds of said County

Karen D. Dutton
County Clerk
By Deanna Dutton Deputy

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JUL 11 2016

SALEM, OR

RECEIVED
FEB - 1 1977
WATER RESOURCES DEPT
SAL. & C. DEPT

Permit No. G-7160

APPLICATION FOR A PERMIT

To Appropriate the Ground Waters of the State of Oregon

1. Jack Albertson
(Name of applicant)
of Rt. 6 Box 446 Lakeview county of Lake
(Postoffice Address)
state of Oregon 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 _____
(Name of stream)

2. The amount of water which the applicant intends to apply to beneficial use is _____
feet per second or _____ gallons per minute. Primary 1.278
Supplemental 1.5000

3. The use to which the water is to be applied is Primary & Supplemental
irrigation

4. The well or other source is located 1280 ft. N and 1280 ft. W from the SE
corner of Sec. 6 SE 1/4 SE 1/4
(Section or subdivision)

(If applicable, also distance and bearing to section corner)

being within the SE 1/4 SE 1/4 of Sec. 6 Twp. 40S R. 19E
W. M., in the county of Lake

5. The Pipe line to be 3/4 miles
(Canal or pipe line)
in length, terminating in the SW 1/4 NW 1/4 of Sec. 5 Twp. 40S
(Smallest legal subdivision)
R. 19E, W. M., the proposed location being shown throughout on the accompanying map.

6. The name of the well or other works is _____

DESCRIPTION OF WORKS See Application
#55263

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.

8. The development will consist of 1 well having a
(Give number of wells, tunnels, etc.)
diameter of 12" inches and an estimated depth of 442 feet. It is estimated that 369
feet of the well will require 22' 12" 12' 10" casing. Depth to water table is estimated 12'
(Feet)

ASSIGNED. See Misc. Rec., Vol. 8 Page 860

Exhibit B

Page 8 of 11

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SALEM, OR

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JUL 11 2016

SALEM, OR

G 7160

CANAL SYSTEM OR PIPE LINE—

2. (a) Give dimensions at each point of canal where materially changed in size, stating miles from headgate. At headgate: width on top (at water line) feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

(b) At miles from headgate: width on top (at water line) feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

(c) Length of pipe, 4042 ft.; size at intake 8" in.; in size at 2640 ft. from intake 6" in.; size at place of use 4-5" in.; difference in elevation between intake and place of use, ft. Is grade uniform? NO Estimated capacity, 4.5 ccc. ft.

10. If pumps are to be used, give size and type 20 HP Turbine

75 HP boost pump

Give horsepower and type of motor or engine to be used

11. If the location of the well, tunnel, or other development work is less than one-fourth mile from a natural stream or stream channel, give the distance to the nearest point on each of such channels and the difference in elevation between the stream bed and the ground surface at the source of development

12. Location of area to be irrigated, or place of use

Township N. or S.	Range E. or W. of Williams Meridian	Section	Forty-acre Tract	Number Acres To Be Irrigated
Primary				
40S	19E	5	NW 1/4 NW 1/4	30.1
"	"	"	SW 1/4 NW 1/4	24.4
"	"	6	NE 1/4 NE 1/4	11.5
"	"	"	SE 1/4 NE 1/4	36.8
				<u>103.8</u>
Supplementary				
40S	19E	5	NW 1/4 SW 1/4	18.6
"	"	"	SW 1/4 SW 1/4	33.6
"	"	"	SE 1/4 SW 1/4	33.9
"	"	"	NE 1/4 SW 1/4	33.9
				<u>120.0</u>

(If more space required, attach separate sheet)

Character of soil Sandy

Kind of crops raised Grain & Hay

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SALEM, OR

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JUL 11 2016

SALEM, OR

G 7160

MUNICIPAL SUPPLY—

13. To supply the city of _____
in _____ county, having a present population of _____
and an estimated population of _____ in 19____.

ANSWER QUESTIONS 14, 15, 16, 17 AND 18 IN ALL CASES

14. Estimated cost of proposed works, \$ 30,000
15. Construction work will begin on or before March 1, 1977
16. Construction work will be completed on or before April 15, 1977
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 application for permit, permit, certificate or adjudicated right to appropriate water, made or held by the applicant. Permit # 2186 in the name of Lakeview
Water Users Incorporated

Jack D. Olthoff
(signature of applicant)

Remarks: Primary right will cancel when
lease on following property expires
NW 1/4, NW 1/4 and SW 1/4, NW 1/4 of Section
5 T40S, R17E W1M. and also NE 1/4,
NE 1/4 and SE 1/4, NE 1/4 of Section 6 T40S,
R17E W1M.

STATE OF OREGON, } ss.
County of Marion, }

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 May 9, 1977

WITNESS my hand this 9th day of March 1977, 19____

JAMES E. SEXSON
Director

By Vastai R. Garner
Vastai R. Garner

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APR 20 2017

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JUL 11 2016

SALEM, OR

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.

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 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 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, 1978

Complete application of the water to the proposed use shall be made on or before October 1, 1979

WITNESS my hand this 4th day of April, 1977:

James B. Lewis
WATER RESOURCES DIRECTOR

Application No. G-7704 WPS
Permit No. G-7160

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 8 day of February,
1977 at 8 o'clock A. M.

Returned to applicant:

Approved:

Recorded in book No. _____ of
Ground Water Permits on page G 7160

Drainage Basin No. 13 page 64
58920

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APR 20 2017

JUL 11 2015

SALEM, OR

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

Transfer Application: T-12595

Review Due Date: 4/1/2017

Applicant Name: Wild Waters revocable Living Trust

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

Reviewer(s): Mayer

Date of Review: Mar. 20, 2017

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

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

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

- | | |
|---|--|
| <input type="checkbox"/> Weir | <input type="checkbox"/> Submerged Orifice |
| <input type="checkbox"/> Parshall Flume | <input type="checkbox"/> Flow Restrictor |
| <input type="checkbox"/> Other: _____ | |

Oregon Water Resources Department

Measurement Condition Information for the Applicant

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

Transfer #: T-12595

☒ In order to avoid enlargement of the right or injury to other rights, a Totalizing and Instantaneous flowmeter will be required to be installed **prior to diversion of water**, as a condition of this transfer:

- ☐ at each point of diversion/appropriation (new and existing) **or**
☒ at each new point of diversion/appropriation.

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

Watermaster name: 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 Preliminary Determination or Final Order is approved by the Watermaster, fill out and mail the form below to the Salem office.

Approval of an Alternate Measurement Device

T-_____

(to be filled out after consultation with the applicant, or after a site visit)

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

 Watermaster signature

 District

 Date

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

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



State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900

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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. **RECEIVED BY OWRD**

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

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- ☒ ☒ 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, 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.

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(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: ____/____/____

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Part 2 of 5 – Transfer Application Map Checklist

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

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

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

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Part 3 of 5 – Fee Worksheet

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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, $1.25 \text{ cfs} \div 100 \text{ ac}$); then multiply by the number of acres to be transferred to get the transfer cfs ($\times 45 \text{ ac} = 0.56 \text{ cfs}$).
 - 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, $45.0 \text{ ac} \times 0.0125 \text{ cfs/ac} = 0.56 \text{ cfs}$)
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).

re: 0.0125

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Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME The Wild Waters Revocable Living Trust			PHONE NO. 707-287-707-965-3612 6210	ADDITIONAL CONTACT NO.
ADDRESS 5252 Mill Creek Rd.			FAX NO.	
CITY Healdsburg	STATE CA	ZIP 95448	E-MAIL jcuteen@live.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

AGENT/BUSINESS NAME Hollie Cannon/Water Right Solutions, LLC			PHONE NO. 541-821-5848	ADDITIONAL CONTACT NO.
ADDRESS 3246 Hammer St.			FAX NO.	
CITY Klamath Falls	STATE OR	ZIP 97603	E-MAIL hcannon@waterrightsolutions.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Explain in your own words what you propose to accomplish with this transfer application, and why: 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 separate piece of 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

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

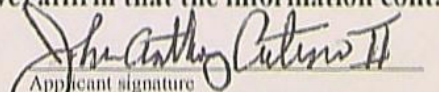
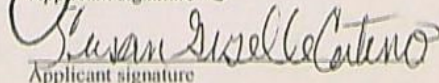
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I understand that prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once 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.


Applicant signature

Applicant signature

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

2/22/2017
Date

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

2/23/2017
Date

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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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Check the following boxes that apply:

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

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

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

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see:
<http://www.oregon.gov/owrd/docs/transfer-propertytransactions.pdf>

RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	


Describe any special ownership circumstances here: _____

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

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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FEB 27 2017 7/1/2013

Permanent Transfer Application Form – Page 6 of 10

T 12595

TACS

SAIFM OR

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:

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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.

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.

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.

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TACS

FEB 27 2017

Part 5 of 5 – Water Right Information

SALE OR

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

CERTIFICATE # 91901WORKING
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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-___)	Twp	Rng	Sec	¼	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Existing POA #1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> 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	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		40 S	19 E	6	SE	NE		2584.42 feet South and 525.17 feet West from the NE corner of Section 6
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed								
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed								

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

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

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

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

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

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

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

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AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.										
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date		
EXAMPLE																						
2	S	9	E 15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500	1	10.0		POD #5	1901		
											2	S	9	E 2 SW NW	500		5.0		POD #6	1901		
40	S	19	E 5 NW NW	1700	ΔPOA	28.4	✓ 2.5 IR	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	ΔPOA	23.8	✓ 6.9 IR	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	1700	ΔPOA	12.4	✓ 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	ΔPOA	38.7	✓ 7.1 IR	POA#1	1977	POU/POA	40	S	19	E 6 SE NE	1700		31.4	✓ IR 0.4	POA#2	1977		
TOTAL ΔPOU = 17.1 ac.											17.1											
TOTAL ACRES: 103.3											TOTAL ACRES: 103.3											

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Additional remarks: _____

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For Place of Use or Character of Use Changes

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

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

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COPY

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

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

Ground water supplemental Permit or Certificate # _____;

Surface water primary Certificate # _____.

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For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

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

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

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

http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

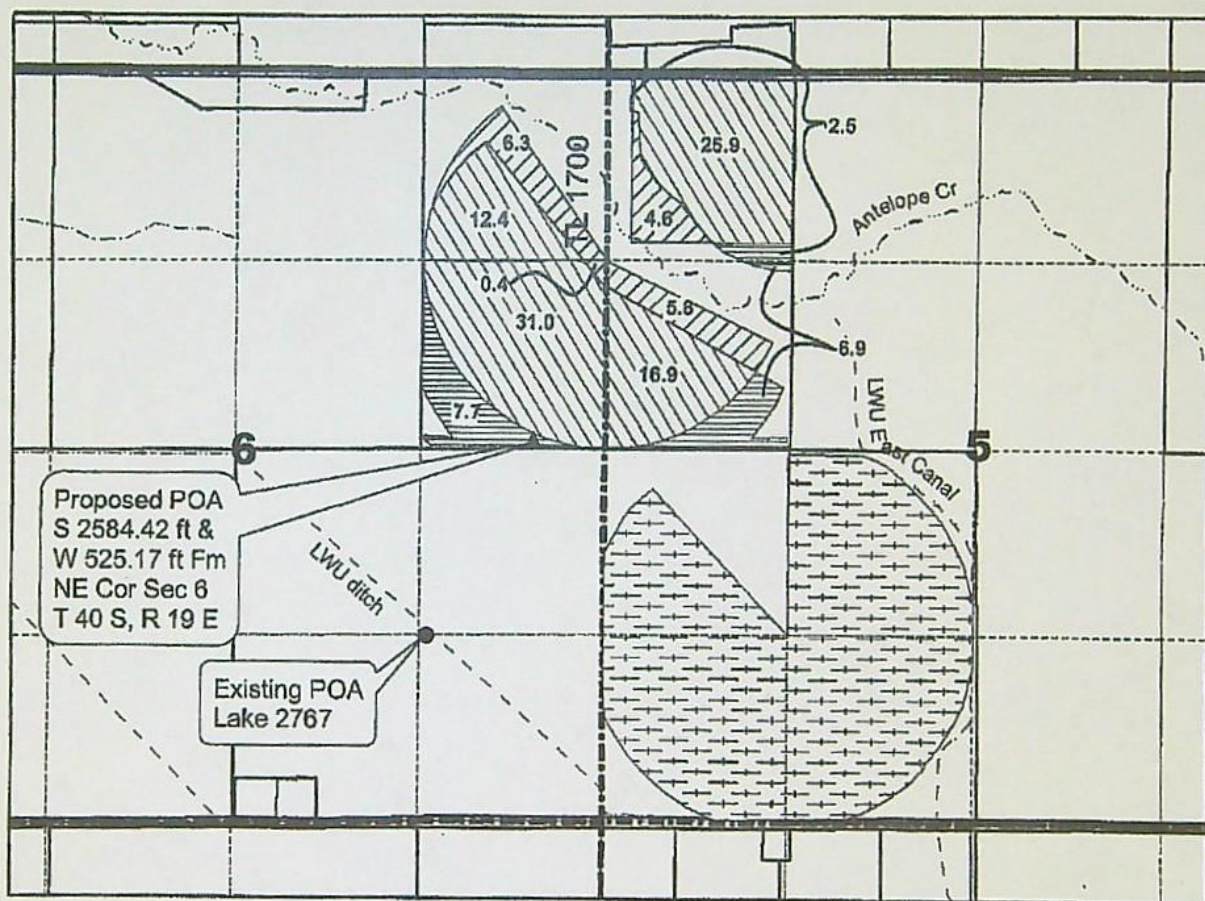
Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the department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

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well -specific rate (cfs or gpm). If less than full rate of water right
POA#2	No		442	12"	0-375'	0-375'		12'	Black Hard Rock	1.29 cfs

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

WORKING
COPY

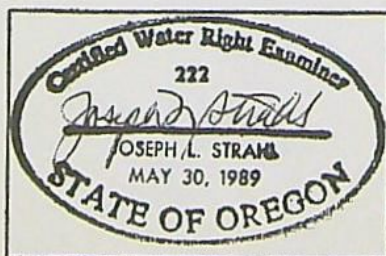
Application for Transfer of Water Right
Certificate 91901
Wild Waters Revocable Living Trust







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COPY

N

1 inch = 1,320 feet



Legend

-  Trans From POU
 -  POU unchanged new POA
 -  Trans POA & POU to
 -  Cert 91901 no change
- Using new POA {

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

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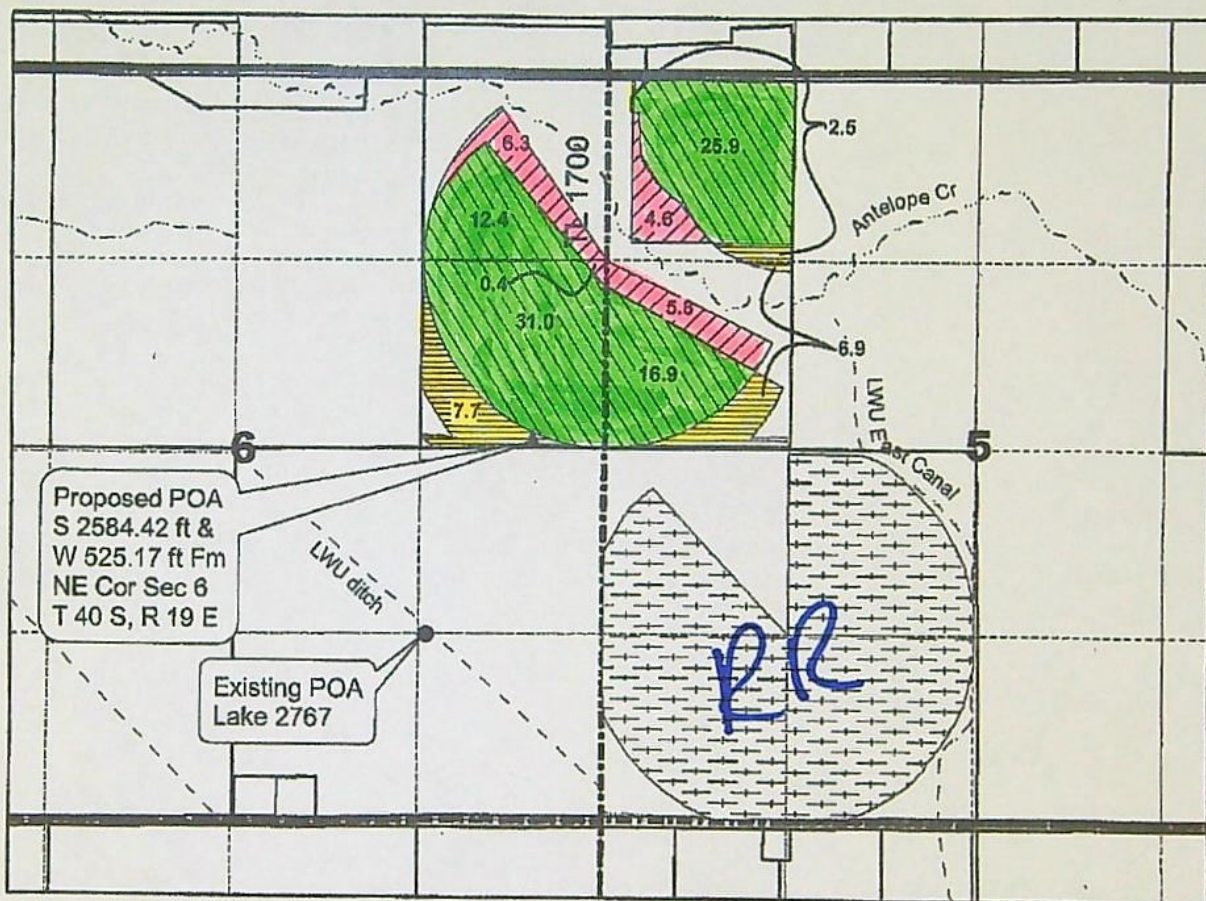
T 12595

SALEM, OR

WORKING
COPY

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

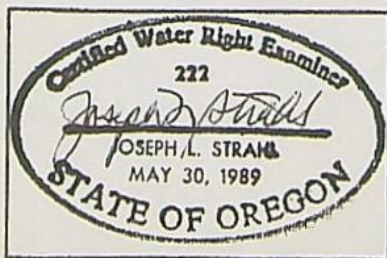
Application for Transfer of Water Right
Certificate 91901
Wild Waters Revocable Living Trust



N



1 inch = 1,320 feet



$\frac{1}{4}$	$\frac{1}{4}$	POA	POU
NW NW (Sec 5)	✓	2.5	only
SW NW (Sec 5)	✓	6.9	only
NE NE (Sec 6)	✓	10	
SE NE (Sec 6)	✓	7.7	only
17.1			

WORKING
COPY

Legend

- Trans From POU (17.1 ac.)
- POU unchanged new POA
- Trans POA & POU to
- Cert 91901 no change

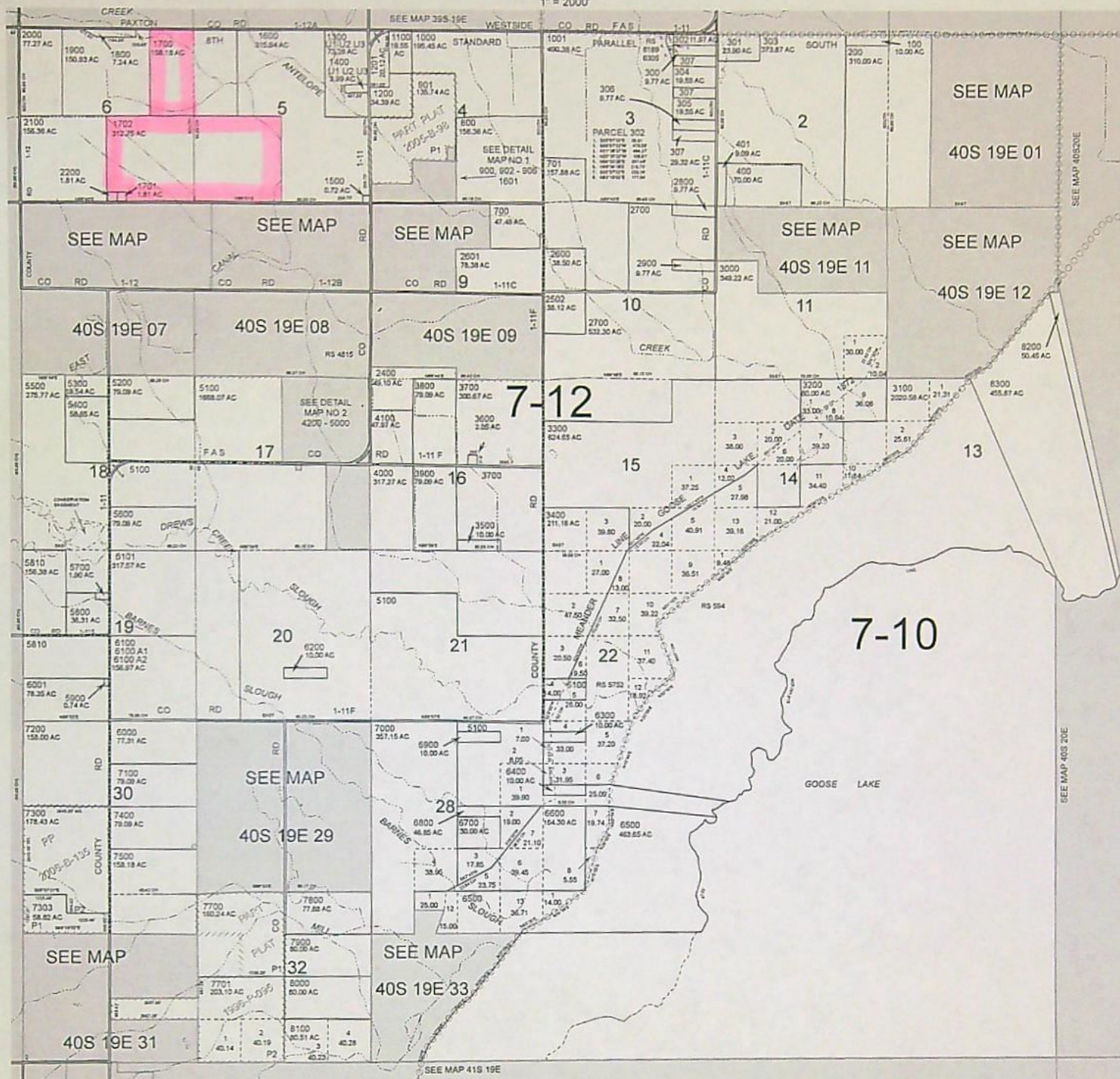
Note: This map for water right purposes only. It is not intended for use to represent the location of property lines.

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1/29/2018

CANCELLED
500
600
2300
2500
2501
7300A1
7301
7302
7600
908

Transfer Application # T-12595

ORIGINALS

- 1) Transfer Application
 - 2) Transfer Map ✓
 - 3) 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**

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

INVOICE # _____

RECEIVED FROM: John A Cutino II
BY: Susan G Cutino

APPLICATION	
PERMIT	
TRANSFER	<u>T-12595</u>

CASH: ☐ CHECK # 4670 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 1,450.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____
OTHER: (IDENTIFY) \$ _____

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

4270 WRD OPERATING ACCT

MISCELLANEOUS 46110

0407 COPY & TAPE FEES \$ _____
0410 RESEARCH FEES \$ _____
0408 MISC REVENUE: (IDENTIFY) \$ _____
TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____
0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

	EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$ _____	0202	\$ _____
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ <u>1,450.00</u>		

WELL CONSTRUCTION

	EXAM FEE		LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$ _____	0219	\$ _____
LANDOWNER'S PERMIT		0220	\$ _____

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD # _____
0210 MONITORING WELLS \$ _____ CARD # _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND _____ TITLE _____
OBJ. CODE _____ VENDOR # _____
DESCRIPTION \$ _____

RECEIPT: **122775**

DATED: 2/27/17 BY: Gilund



State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900

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.

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

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- ☒ ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ ☒ Part 2 – Completed Transfer Application Map Checklist.
- ☒ ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator. 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)

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Attachments:

- ☒ ☒ Completed Transfer Application Map.
- ☒ ☒ Completed Evidence of Use Affidavit and supporting documentation.
- ☐ ☒ N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- ☐ ☒ 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: ____/____/____

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Part 2 of 5 – Transfer Application Map Checklist

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

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

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

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME The Wild Waters Revocable Living Trust			PHONE NO. 707-287-707-965-3612 6210	ADDITIONAL CONTACT NO.
ADDRESS 5252 Mill Creek Rd.			FAX NO.	
CITY Healdsburg	STATE CA	ZIP 95448	E-MAIL jcuteen@live.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

AGENT/BUSINESS NAME Hollie Cannon/Water Right Solutions, LLC			PHONE NO. 541-821-5848	ADDITIONAL CONTACT NO.
ADDRESS 3246 Hammer St.			FAX NO.	
CITY Klamath Falls	STATE OR	ZIP 97603	E-MAIL hcannon@waterrightsolutions.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Explain in your own words what you propose to accomplish with this transfer application, and why: 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 separate piece of 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

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

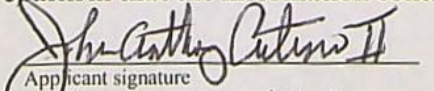
RECEIVED BY OWRD

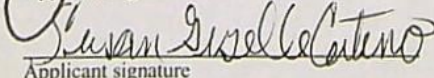
FEB 27 2017

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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.


Applicant signature


Applicant signature

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

2/22/2017
Date

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

2/23/2017
Date

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

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Check the following boxes that apply:

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

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

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

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see: <http://www.oregon.gov/owrd/docs/transfer-propertytransactions.pdf>

RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	

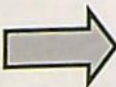
Describe any special ownership circumstances here: _____

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

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Permanent Transfer Application Form – Page 6 of 10

T 12595

TACS

SALEM, OR

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.

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 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.

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.

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TACS

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Part 5 of 5 – Water Right Information

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

CERTIFICATE # 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-___)	Twp	Rng	Sec	¼	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Existing POA #1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> 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	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		40 S	19 E	6	SE	NE		2584.42 feet South and 525.17 feet West from the NE corner of Section 6
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed								
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed								

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

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

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

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

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 CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.														
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date						
EXAMPLE																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
														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
TOTAL ACRES:									103.3				TOTAL ACRES:									103.3				

Additional remarks: _____.

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125955

For Place of Use or Character of Use Changes

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

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

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

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

Ground water supplemental Permit or Certificate # _____;

Surface water primary Certificate # _____.

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For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

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

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

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

http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

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

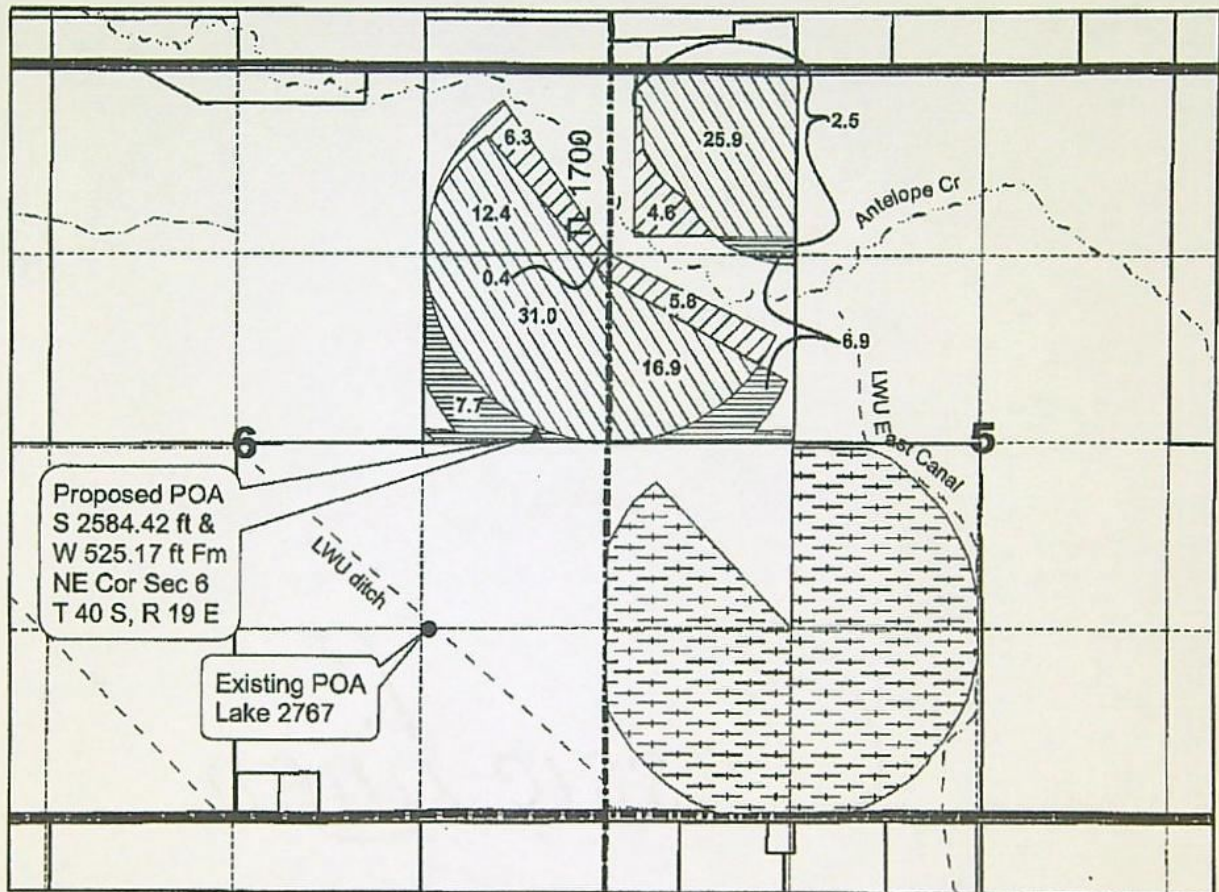
Table 3. Construction of Point(s) of Appropriation

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

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well -specific rate (cfs or gpm). If less than full rate of water right
POA#2	No		442	12"	0-375'	0-375'		12'	Black Hard Rock	1.29 cfs

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

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



N



1 inch = 1,320 feet



Legend

- Trans From POU
 - POU unchanged new POA
 - Trans POA & POU to
 - Cert 91901 no change
- Using new POA

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

T 12595

Application for Water Right Transfer

Evidence of Use Affidavit



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

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

State of Oregon)
) ss
County of LAKE)

I, WE: JOHN ANTHONY CUTINO II AND SUSAN GISELLE CUTINO, in my capacity as TRUSTEES OF THE WILD WATERS REVOCABLE LIVING TRUST,

mailing address 5252 MILL CREEK RD., HEALDSBURG, CA 95448

telephone number (707)965-3612, being first duly sworn depose and say:

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

☒ Personal observation

☐ Professional expertise

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2. I attest that:

SALEM, OR

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

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

Certificate #	Township	Range	Mer	Sec	¼ ¼	Gov't Lot or DLC	Acres (if applicable)

OR

☒ Confirming Certificate # 91901 has been issued within the past five years; **OR**

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

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

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

(continues on reverse side)

3. The water right was used for: (e.g., crops, pasture, etc.): PASTURE
4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

John Anthony Cutino II 2/23/2017
Signature of Affiant

2/23/2017
Date

Susan Giselle Cutino 2/23/2017

Signed and sworn to (or affirmed) before me this 23 day of February, 2017.

"See California Jurat for both signers"
Notary Public for ~~Oregon~~ OR

My Commission Expires: April 6th 2017

Supporting Documents	Examples
<input checked="" type="checkbox"/> 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
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> • Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"> • 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
<input type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	<p>Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terra-server.com</p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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FEB 27 2017 T 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 document.

State of California
County of Sonoma

On _____ 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 Affidavit"

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.

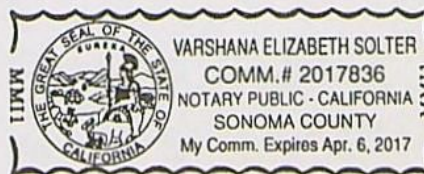
(2 pages)

State of California
County of SONOMA

Subscribed and sworn to (or affirmed) before me on this 23rd day of Feb., 2017, by Susan Giselle Cutino and John Anthony Cutino II, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature [Signature]

(SEAL)



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FEB 27 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

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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.

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	NW NW	28.4
40 S	19 E	WM	5	SW NW	23.8
40 S	19 E	WM	6	NE NE	12.4
40 S	19 E	WM	6	SE NE	38.7

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	GLot
40 S	19 E	WM	5	NE SW	33.4
40 S	19 E	WM	5	NW SW	18.6
40 S	19 E	WM	5	SW SW	33.6
40 S	19 E	WM	5	SE SW	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.

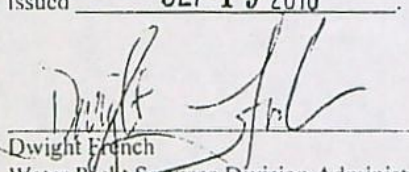
The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times.

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 19 2016


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

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SALEM, OR

Land Use Information Form



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

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



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

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Applicant(s): The Wild Waters Revocable Living Trust

FEB 27 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>	<u>19E</u>	<u>5</u>	<u>NWNW</u>	<u>1700</u>	_____	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>IR</u>
<u>40S</u>	<u>19E</u>	<u>5</u>	<u>SW NW</u>	<u>1700</u>	_____	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>IR</u>
<u>40S</u>	<u>19E</u>	<u>6</u>	<u>NE NE</u>	<u>1700</u>	_____	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>IR</u>
<u>40S</u>	<u>19E</u>	<u>6</u>	<u>SE NE</u>	<u>1700</u>	_____	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> 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 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

Intended use of water: ☒ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☐ 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. →

FEB 27 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.

Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Lake County Zoning Ordinance Article 2 (A-1) 2005
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

Name: DARWIN JOHNSON Title: Planning Director
 Signature: [Signature] Phone: 541-947-6036 Date: 14 FEB 2017
 Government Entity: LAKE COUNTY PLANNING DEPARTMENT

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

Receipt for Request for Land Use Information

Applicant name: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

Fax (503) 986-0904

www.wrd.state.or.us

March 2, 2017

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

Except as provided under ORS 540.510(3) for municipalities, you may not use water 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

(If OK, check box to left; if not, fill in the blank)

Certs & acres involved

91901

Changes: POU, POA

cfs involved 1-29

Source: _____

☒ 1. Page 1 of application: Are all attachments that have been checked actually included?
If not, what is missing? _____

☒ 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)

Base fee for 1 well (POA)		\$725.00
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:

Base fee for one water right, one change and first cfs =		\$1,000.00
# of additional water rights beyond the first (see Part 4 of application) =	_____	x \$450.00 = <u>450</u>
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 <i>Place of Use</i> or <i>Character of Use</i> 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		
Sub-total =		<u>1450</u>
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 _____ (district)

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.

COPY

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

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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-in-interest 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. Albertson'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).¹ 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.

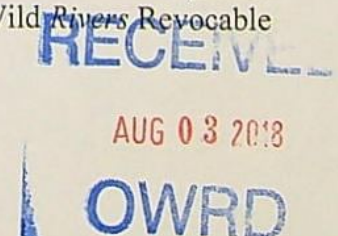
On September 19, 2016, the Department issued Certificate 91901, which confirmed the right to use water perfected under the Permit.² The certificate authorizes primary irrigation of 103.3 acres and supplemental irrigation of 117.6 acres. The certificate was issued to the Albertsons, Northwest FCS, and 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 conversations 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).



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. Albertson 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.

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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 water right for up to 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

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 certificate.

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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.

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.

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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.

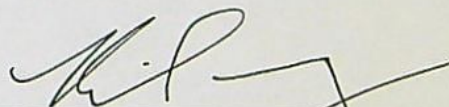
OAR 690-002-0030(1).

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. 105507
Of Attorneys for Florence M. Albertson

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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:

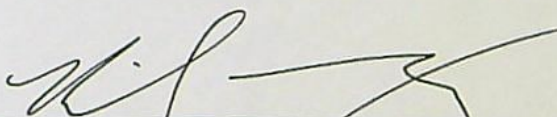
Director Tom Byler
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271

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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**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

1. 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.
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. 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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Exhibit A
Page 1 of 5

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:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	19 E	WM	5	NW NW	2.5
40 S	19 E	WM	5	SW NW	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:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	19 E	WM	5	NW NW	4.6
40 S	19 E	WM	5	SW NW	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

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Exhibit A
Page 2 of 5

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:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	19 E	WM	5	NW NW	25.9
40 S	19 E	WM	5	SW NW	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

9. 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.

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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.*
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.*
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.*

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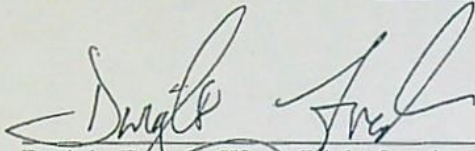
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Exhibit A
Page 4 of 5

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 18 2018,



Dwight French, Water Right 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>

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State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900

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. **RECEIVED BY OWRD**

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

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- ☒ ☒ 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, 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: ____/____/____

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Part 2 of 5 – Transfer Application Map Checklist

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

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

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

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Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME The Wild Waters Revocable Living Trust			PHONE NO. <u>707-287-707-965-3642 6210</u>	ADDITIONAL CONTACT NO.
ADDRESS 5252 Mill Creek Rd.			FAX NO.	
CITY Healdsburg	STATE CA	ZIP 95448	E-MAIL jcuteen@live.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

AGENT/BUSINESS NAME Hollie Cannon/Water Right Solutions, LLC			PHONE NO. 541-821-5848	ADDITIONAL CONTACT NO.
ADDRESS 3246 Hammer St.			FAX NO.	
CITY Klamath Falls	STATE OR	ZIP 97603	E-MAIL hcannon@waterrightsolutions.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Explain in your own words what you propose to accomplish with this transfer application, and why: 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 separate piece of 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

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

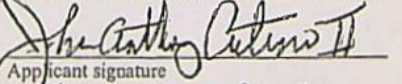
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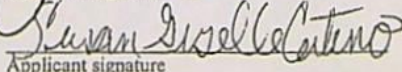
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I understand that prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once 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.


Applicant signature


Applicant signature

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

2/22/2017
Date

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

2/23/2017
Date

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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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Check the following boxes that apply:

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

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

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

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see: <http://www.oregon.gov/owrd/docs/transfer-propertytransactions.pdf>

RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	

Describe any special ownership circumstances here: _____

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

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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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.

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 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.

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.

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Part 5 of 5 – Water Right Information

SALE # 105

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

CERTIFICATE # 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-___)	Twp	Rng	Sec	¼	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Existing POA #1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> 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	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		40 S	19 E	6	SE	NE		2584.42 feet South and 525.17 feet West from the NE corner of Section 6
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed								
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed								

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

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

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

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

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 $\frac{1}{4}$. 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.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.													
Twp	Rng	Sec	1/4	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		Twp	Rng	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																									
2	S	9	E	1			15.0	Irrigation	POD #1 POD #2	1901	POU/POA	2	S	9	E	1	NW	NW	500	1	10.0	POD #5	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

Additional remarks: _____

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SALEM, OR Exhibit B
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For Place of Use or Character of Use Changes

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

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

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

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

Ground water supplemental Permit or Certificate # _____;

Surface water primary Certificate # _____.

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For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

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

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

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

http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

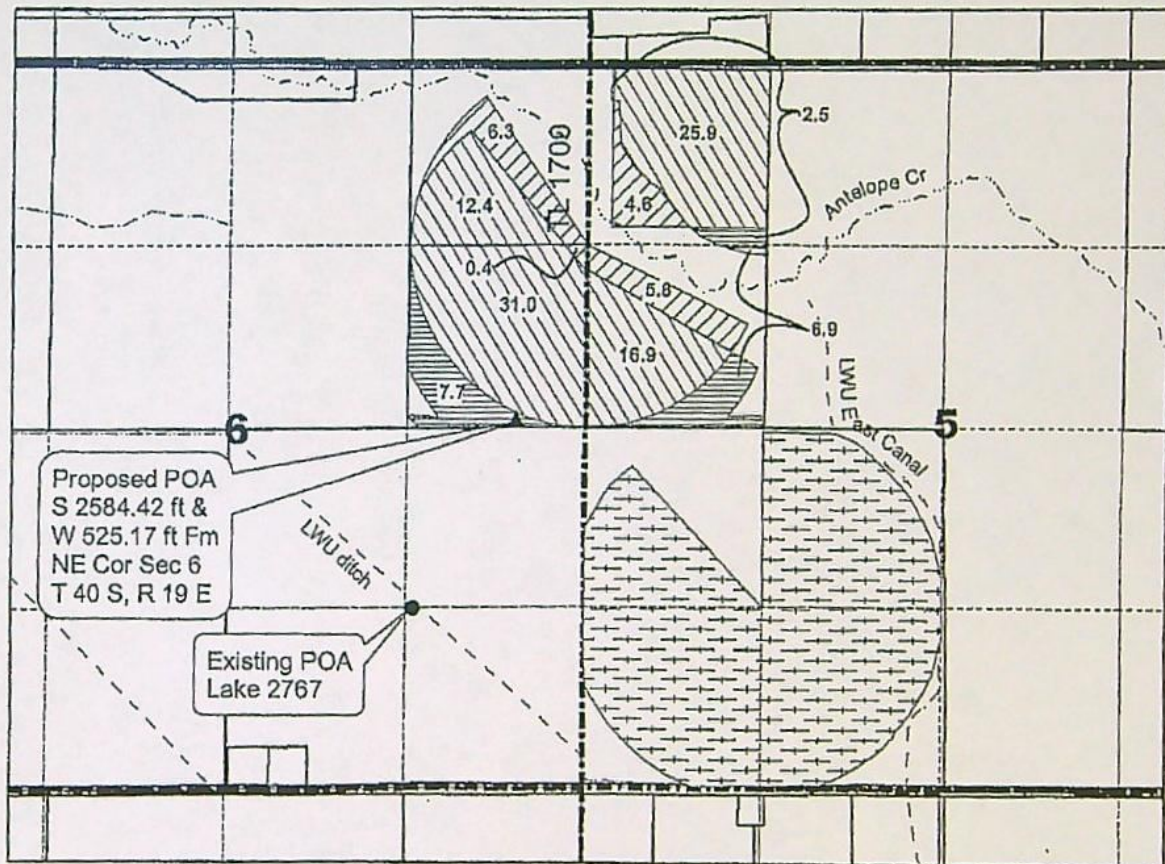
Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the department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

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No.	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well -specific rate (cfs or gpm). If less than full rate of water right
POA#2	No		442	12"	0-375'	0-375'		12'	Black Hard Rock	1.29 cfs

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

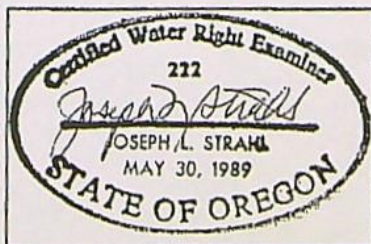
Application for Transfer of Water Right
Certificate 91901
Wild Waters Revocable Living Trust



N



1 inch = 1,320 feet



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

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Legend

- Trans From POU
 - POU unchanged new POA
 - Trans POA & POU to
 - Cert 91901 no change
- Using new POA {

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Exhibit B
Page 11 of 20

Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon)
) ss
County of LAKE)

I, WE: JOHN ANTHONY CUTINO II AND SUSAN GISELLE CUTINO, in my capacity as TRUSTEES OF THE WILD WATERS
REVOCABLE LIVING TRUST,

mailing address 5252 MILL CREEK RD., HEALDSBURG, CA 95448

telephone number (707)965-3612, being first duly sworn depose and say:

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

☒ Personal observation ☐ Professional expertise

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2. I attest that:

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

SALEM, OR

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

Certificate #	Township	Range	Mer	Sec	1/4 1/4	Gov't Lot or DLC	Acres (if applicable)

OR

- ☒ Confirming Certificate # 91901 has been issued within the past five years; OR
- ☐ Part or all of the water right was leased instream at some time within the last five years. The
instream lease number is: ____ (Note: If the entire right proposed for
transfer was not leased, additional evidence of use is needed for the portion not leased instream.); OR
- ☐ The water right is not subject to forfeiture and documentation that a presumption of forfeiture for
non-use would be rebutted under ORS 540.610(2) is attached.
- ☐ Water has been used at the actual current point of diversion or appropriation for more than
10 years for Certificate # ____ (For Historic POD/POA Transfers)

(continues on reverse side)

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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.

John Anthony Cutino II 2/23/2017
Signature of Affiant

2/23/2017
Date

Susan Giselle Cutino 2/23/2017

Signed and sworn to (or affirmed) before me this 23 day of February, 2017.

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

My Commission Expires: April 6th 2017

Supporting Documents	Examples
<input checked="" type="checkbox"/> 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
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none">• Power usage records for pumps associated with irrigation use• Fertilizer or seed bills related to irrigated crops• Farmers Co-op sales receipt
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none">• 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
<input type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added. Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terraserver.com
<input type="checkbox"/> 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 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

On _____ 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 Affidavit"

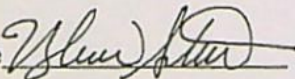
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

(2 pages)

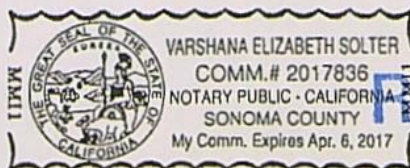
State of California
County of SONOMA

Subscribed and sworn to (or affirmed) before me on this 23rd day of Feb., 2017, by Susan Giselle Cutino and John Anthony Cutino II proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature



(SEAL)



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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

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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

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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	NW NW	28.4
40 S	19 E	WM	5	SW NW	23.8
40 S	19 E	WM	6	NE NE	12.4
40 S	19 E	WM	6	SE NE	38.7

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	GLot
40 S	19 E	WM	5	NE SW	33.4
40 S	19 E	WM	5	NW SW	18.6
40 S	19 E	WM	5	SW SW	33.6
40 S	19 E	WM	5	SE SW	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.

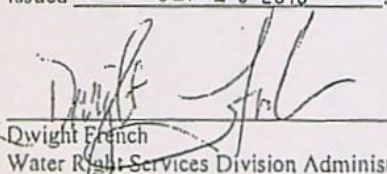
The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times.

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 19 2016


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

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12595 Exhibit B
Page 16 of 20

Land Use Information Form



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

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



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

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Applicant(s): The Wild Waters Revocable Living Trust

FEB 27 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>	<u>19E</u>	<u>5</u>	<u>NWNW</u>	<u>1700</u>	_____	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>IR</u>
<u>40S</u>	<u>19E</u>	<u>5</u>	<u>SW NW</u>	<u>1700</u>	_____	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>IR</u>
<u>40S</u>	<u>19E</u>	<u>6</u>	<u>NE NE</u>	<u>1700</u>	_____	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>IR</u>
<u>40S</u>	<u>19E</u>	<u>6</u>	<u>SE NE</u>	<u>1700</u>	_____	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> 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 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

Intended use of water: ☒ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☐ 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. →

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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.

Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Snake County Zoning Ordinance Article 2 (A-1 zone)
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) If approvals have been obtained but all appeal periods have not ended, check "Being pursued."

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued


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

Name: Theresa Johnson Title: Planning Director

Signature: [Signature] Phone: 541-947-6036 Date: 14 Feb 2017

Government Entity: Lake County Planning Department

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



Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

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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
STATE OF OREGON
(Please type or print)
(Do not write above this line)

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State Well No. 405/19E-6 db

DEC 30 1976

State Permit No. _____

WATER RESOURCES DEPT.

(1) OWNER:

Name Jack Albertson

Address Rt. 6 Box 466

Lakeview Or. 97630

(2) TYPE OF WORK (check):

New Well ☐ Deepening ☒ Reconditioning ☒ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary ☒ Driven ☐
Cable ☐ Jetted ☐
Dug ☐ Bored ☐

(4) PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐
Irrigation ☒ Test Well ☐ Other ☐

CASING INSTALLED:

Threaded ☐ Welded ☐

N.A. " Diam. from _____ ft. to _____ ft. Gage _____
" Diam. from _____ ft. to _____ ft. Gage _____
" Diam. from _____ ft. to _____ ft. Gage _____

PERFORATIONS:

Perforated? ☐ Yes ☒ No.

Type of perforator used _____

Size of perforations _____ in. by _____ in.
_____ perforations from _____ ft. to _____ ft.
_____ 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? ☒ Yes ☐ No If yes, by whom? Volley Pump

Yield: 1600 gal./min. with 7 ft. drawdown after 2 hrs.

" " " " " "

" " " " " "

Ball test _____ gal./min. with _____ ft. drawdown after _____ hrs.

Artesian flow _____ g.p.m.

Temperature of water _____ Depth artesian flow encountered _____ ft.

(9) CONSTRUCTION:

Already Completed

Well seal—Material used _____

Well sealed from land surface to _____ ft.

Diameter of well bore to bottom of seal _____ in.

Diameter of well bore below seal _____ in.

Number of sacks of cement used in well seal _____ sacks

Number of sacks of bentonite used in well seal _____ sacks

Brand name of bentonite _____

Number of pounds of bentonite per 100 gallons _____

of water _____ lbs./100 gals.

Was a drive shoe used? ☐ Yes ☒ No Plugs _____ Size: location _____ ft.

Did any strata contain unusable water? ☐ Yes ☒ No

Type of water? _____ depth of strata _____

Method of sealing strata off _____

Was well gravel packed? ☐ Yes ☒ No Size of gravel: _____

Gravel placed from _____ ft. to _____ ft.

(10) LOCATION:

County Lake Driller's well number _____

NW 1/4 SE 1/4 Section 6 T. 40S R. 19E W.M.

Bearing and distance from section or subdivision corner _____

(11) WATER LEVEL: Completed well.

Depth at which water was first found Exist. SWL 12 ft.

Static level 12 ft. below land surface. Date 12-2-76

Artesian pressure _____ lbs. per square inch. Date _____

(12) WELL LOG:

Diameter of well below casing 8"

Depth drilled 442 ft. Depth of completed well 442 ft.

Formation: Describe color, texture, grain size and structure of materials;
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
position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Sand Black Coarse	368	369	12
Rock Black Hard	369	442	12

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Work started 11-30 1976 Completed 12-2 1976

Date well drilling machine moved off of well 12-2 1976

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision.
Materials used and information reported above are true to my
best knowledge and belief.

[Signed] Norm Sevey Date 1976

(Drilling Machine Operator)

Drilling Machine Operator's License No. 196

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is
true to the best of my knowledge and belief.

Name Sevey Well Drilling

(Person, firm or corporation) (Type or print)

Address 117 N.E. Lakeview Or. 97630

[Signed] Alan L. Sevey

(Water Well Contractor)

Contractor's License No. 617 Date 12-28 1976

(USE ADDITIONAL SHEETS IF NECESSARY)

SP 45856-119

I 12595

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:

W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 5 and the E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 6, Township 40 South, Range 19 EWM, excepting that portion of the E $\frac{1}{2}$ NE $\frac{1}{4}$ 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 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.

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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Exhibit C
Page 3 of 5

10. DEFAULT: In the event of a default by the Lessor herein 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 17 day of February, 1977.

Alberta Towle Severin
Alberta Towle Severin, Lessor

Jack Albertson
Jack Albertson, Lessee

Florence Albertson
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.

William Sundet
William Sundet

Lillian Sundet
Lillian Sundet

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OWRD



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

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.

WE

X, THE WILD WATERS REVOCABLE LIVING TRUST
(Name of Party Requesting Assignment)

105252 MILL CREEK ROAD HEALDSBURG, CA 95448 707-965-3612
(Mailing Address) (City) (State) (Zip) (Phone #)

- ☐ 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-7160; Transfer# _____
-OR-
License # _____ GR Statement # _____; GR Certificate of Registration # _____

JACK P AND FLORENCE M. ALBERTSON; NEW FARM CREDIT SERVICES, FLCA
(Name of Holder of Record) 300 KLAMATH AVE SUITE 200
HC 60 Box 2530 KLAMATH FALLS, OR 97601
LAKEVIEW, OR 97630
(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) 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 4th day of July, 2016.

Party Requesting Assignment

Party Requesting Assignment

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.

Fee receipt # 120484

For Director by Jerry Sauer, Program Analyst in Water Rights Division

Last updated: July 19, 2013

Request for Assignment if Permit Holder not available

The completed "Request for Assignment" form must be submitted to the Department along with the recording fee of \$85.

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Exhibit D
Page 1 of 10

ASSIGNMENT BY PROOF
JUL 7/13/2016

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
Cnt=1 Pgs=3 Total:\$58.00
\$16.00 \$11.00 \$20.00 \$10.00



I, Stacie Geaney, County Clerk for Lake County, Oregon
certify that the instrument identified herein was
recorded in the Clerk's records.
Stacie 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 TENANTS 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 1/4 NW 1/4

Section 6: The E 1/4 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 CUTINO II

SUSAN GISELLE CUTINO

MAIL TAX STATEMENT AS DIRECTED ABOVE

401900-017

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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

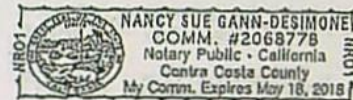
On JULY 15, 2015 before me, NANCY SUE GANN-DESIMONE
(Insert name and title of the officer)

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(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.

Signature Nancy Sue Gann-Desimone (Seal)



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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.

State of California

County of CONTRA COSTA

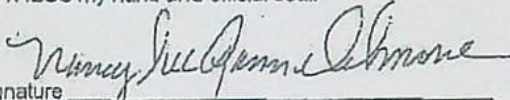
On JULY 15, 2015 before me, Nancy Sue Gann-Desimone, Notary Public
(Insert name and title of the officer)

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(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.

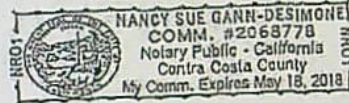
WITNESS my hand and official seal.

Signature



(Seal)

Nancy Sue Gann-Desimone, Notary Public



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2060

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: SW $\frac{1}{4}$.

Section 6: SE $\frac{1}{4}$, 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 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 SE $\frac{1}{4}$ 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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MO140631-67

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

William Sundet (SEAL)
Lillian 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.

J. J. Cough
Notary Public for Oregon

My Commission Expires

Jan. 23, 1977

State of Oregon }
County of Lake }

Reel 14
File No 30

I hereby certify that the within instru-
ment was received and filed for record on
the 29 day of March 1976
at 4:32 o'clock PM and recorded
on Page 166 in book 277 Record
of Deeds County

Kenneth Carson
County Clerk
By James Overton Deputy

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FEB - 1 1977

WATER RESOURCES DEPT
SAL. & C. DECON

Permit No. G-7160

APPLICATION FOR A PERMIT

To Appropriate the Ground Waters of the State of Oregon

I, Jack Albertson
(Name of applicant)
of Rt. 6 Box 466 Lakeview county of Lake
(Postoffice Address)
state of Oregon 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 _____
(Name of stream)

2. The amount of water which the applicant intends to apply to beneficial use is Primary 1.278
Supplemental 1.5000 cubic
feet per second or _____ gallons per minute.

3. The use to which the water is to be applied is Primary & Supplemental
irrigation

4. The well or other source is located 1280 ft. N and 1280 ft. W from the SE
(N. or S.) (E. or W.)
corner of Sec. 6 SE 1/4 SE 1/4
(Section or subdivision)

(If preferable, give distance and bearing to section corner)

5. If there is more than one well, each must be described. Use separate sheet if necessary.
being within the SE 1/4 of Sec. 6, Twp. 40S, R. 19E,
W. M., in the county of Lake

5. The Pipe line to be 3/4 miles
(Canal or pipe line)
in length, terminating in the SW 1/4 NW 1/4 of Sec. 5, Twp. 40S,
(Smallest legal subdivision)
R. 19E, W. M., the proposed location being shown throughout on the accompanying map.

6. The name of the well or other works is _____

DESCRIPTION OF WORKS See Application
#55263

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.

8. The development will consist of 1 well having a
(Give number of wells, tunnels, etc.)
diameter of 12" inches and an estimated depth of 442 feet. It is estimated that 369
feet of the well will require 2 1/2" 12' 10" casing. Depth to water table is estimated 12'
(Kind) (Feet)

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ASSIGNED. See Misc. Rec., Vol. 8 Page 860

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SALEM, OR

G 7160

CANAL SYSTEM OR PIPE LINE—

9. (a) Give dimensions at each point of canal where materially changed in size, stating miles from headgate. At headgate: width on top (at water line) feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

(b) At miles from headgate: width on top (at water line) feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

(c) Length of pipe, 4042 ft.; size at intake 8" in.; in size at 2640 ft. from intake 6" in.; size at place of use 4-5" in.; difference in elevation between intake and place of use, ft. Is grade uniform? NO Estimated capacity, 4.5 sec. ft.

10. If pumps are to be used, give size and type 20 Hp Turbine

75 Hp boost pump

Give horsepower and type of motor or engine to be used

11. If the location of the well, tunnel, or other development work is less than one-fourth mile from a natural stream or stream channel, give the distance to the nearest point on each of such channels and the difference in elevation between the stream bed and the ground surface at the source of development

12. Location of area to be irrigated, or place of use

Township N. or S.	Range E. or W. of Williams Meridian	Section	Four-acre Tract	Number Acres To Be Irrigated
Primary				
40S	19E	5	NW 1/4 NW 1/4	37.1
"	"	"	SW 1/4 NW 1/4	24.4
"	"	6	NE 1/4 NE 1/4	11.5
"	"	"	SE 1/4 NE 1/4	36.8
				103.8
Supplementary				
40S	19E	5	NW 1/4 SW 1/4	18.6
"	"	"	SW 1/4 SW 1/4	33.6
"	"	"	SE 1/4 SW 1/4	33.8
"	"	"	NE 1/4 SW 1/4	33.8
				120.8

(If more space required, attach separate sheet)

Character of soil Sandy

Kind of crops raised Grain & Hay

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SALEM, OR
Exhibit D
Page 8 of 10

G 7160

MUNICIPAL SUPPLY—

13. To supply the city of _____
in _____ county, having a present population of _____
and an estimated population of _____ in 19____.

ANSWER QUESTIONS 14, 15, 16, 17 AND 18 IN ALL CASES

14. Estimated cost of proposed works, \$ 30,000

15. Construction work will begin on or before March 1, 1977

16. Construction work will be completed on or before April 15, 1977

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 application for permit, permit, certificate or adjudicated right to appropriate water, made or held by the applicant. Permit # 2186 in the name of Lakeview

Water Users Incorporated

Jack P. Albreton
(signature of applicant)

Remarks: Primary right will cancel when
lease on following property expires.
NW 1/4, NW 1/4 and SW 1/4, NW 1/4 of Section
5 T40S, R19E W1M and also NE 1/4,
NE 1/4 and SE 1/4, NE 1/4 of Section 6 T40S,
R19E W1M.

STATE OF OREGON, }

County of Marion, }

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 May 9, 1977

WITNESS my hand this 9th day of March 1977, 19____

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JAMES E. SEXSON

Director

By

Vestil R. Garner

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JUL 11 2016

SALEM, OR

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.

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 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 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, 1978

Complete application of the water to the proposed use shall be made on or before October 1, 1979

WITNESS my hand this 4th day of April, 1977

James E. Lewis
WATER RESOURCES DIRECTOR

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Application No. G-7104 WRS

Permit No. G-7160

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 8 day of February,
1977, at 8 o'clock A. M.

Returned to applicant:

Approved:

Recorded in book No. 64 of G 7160
Ground Water Permits on page 64

Drainage Basin No. 13, page 64
582

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JUL 11 2015

SALEM, OR

May 9th, 2018

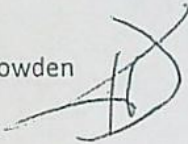
INTER-OFFICE MEMO

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

A handwritten signature in black ink, appearing to be "KD" with a large loop and a horizontal line through it.

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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

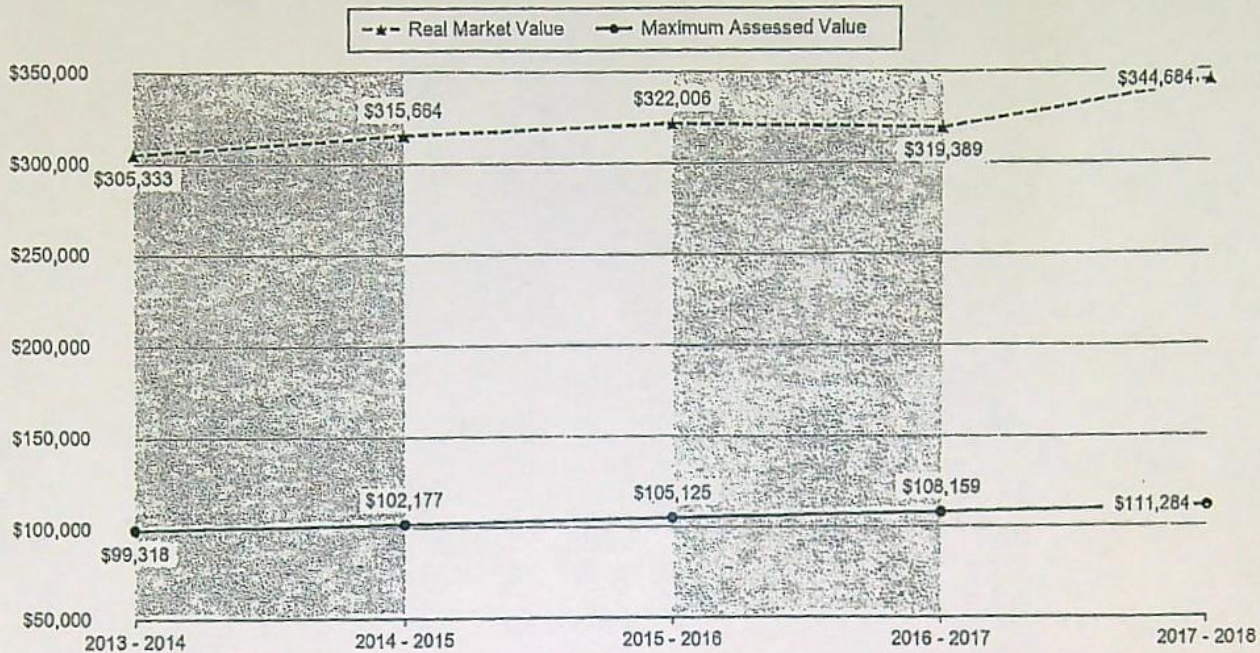
Valuation History All values are as of January 1 of each year. Tax year is July 1st through June 30th of each year.

	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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Tax Payment History

Year	Date Due	Transaction Type	Transaction Date	As Of Date	Amount Received	Tax Due	Discount Amount	Interest Charged	Refund Interest
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	\$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	\$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	\$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	\$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	\$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	\$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	\$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 Received	Tax Due	Discount Amount	Interest Charged	Refund Interest
2010	11/15/2010	IMPOSED	11/15/2010	11/15/2010	\$0.00	\$51.32	\$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	Seller	Buyer	Sale Amount	Sale Type	Recording
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	\$225,000	WARRANTY DEED	260-430
09/30/2004	MCCULLOUGH, GREG & CUTINO, LINDA	MCCULLOUGH, GREG & CUTINO, LINDA	\$225,000	WARRANTY DEED	263-245
10/31/2014	CUTINO LINDA	CUTINO JOHN ANTHONY II & SUSAN J	\$0	BARGAIN & SALE	2014-1865

Structures

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 Characteristics

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	
15 - Farm-rmv or sav	37.24	
15 - Farm-rmv or sav	25.60	
81 - OSD FARM--rmv or sav	0.00	

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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%

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Exhibit F
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