

Temporary - DROUGHT

Name Pinnacle Utilities LLC  
Kameron Delashmutt  
Address 2477 NW Canyon Dr.  
Redmond, OR 97756  
Kameron1959@gmail.com

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Little Deschutes River  
Trib. of Deschutes River  
Use Irrigation County Deschutes  
Quantity of water (CFS) \_\_\_\_\_ No. of Acres \_\_\_\_\_  
Name of ditch \_\_\_\_\_  
App# Decree Per # v. 8 pg. 405 Cert # 95746 PR Date 1897  
App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_  
App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_  
App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

FEES PAID  
Date 08/11/22 Amount \$250.00 Receipt # 138898

Change in POU  
Date Filed 8-11-2022  
Initial notice date 8-16-2022  
DPD issued date \_\_\_\_\_  
PD issued date \_\_\_\_\_  
PD notice date \_\_\_\_\_  
Date of FO 9-8-2022 Vol 129 Page 680  
C-Date \_\_\_\_\_  
COBU due date \_\_\_\_\_  
COBU Received date \_\_\_\_\_  
Certificate issued \_\_\_\_\_

FEES REFUNDED  
Date \_\_\_\_\_ Amount \_\_\_\_\_ Receipt # \_\_\_\_\_

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

Irrigation District North Unit Irrigation District ; La Pine Cooperative Water Association

Agent John A. Short - johnshort@usa.com

CWRE \_\_\_\_\_

CC's list \_\_\_\_\_

- Oversized map - Location \_\_\_\_\_



# Oregon

Kate Brown, Governor

**Water Resources Department**

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

September 8, 2022

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

REFERENCE: Temporary Drought Transfer Application T-14068

Enclosed is a copy of the final order approving your TEMPORARY DROUGHT water right transfer application.

The temporary change shall be effective upon issuance of this final order. Please note, the use shall revert back to the original authorized place of use at the end of the 2022 irrigation season or the end of the Governor's declared drought, whichever occurs first.

If you have any questions related to the approval of this transfer, you may contact your caseworker, Arla Davis, by telephone at (503) 979-3129 or by e-mail at [Arla.L.Davis@water.oregon.gov](mailto:Arla.L.Davis@water.oregon.gov).

Sincerely,

Stacy H. Phillips  
Restoration Program Technician  
Transfers and Conservation Section

cc: Jeremy T. Giffin, Watermaster Dist. #11 (via email)  
John A. Short, Agent  
North Unit Irrigation District  
La Pine Cooperative Water Association

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER APPROVING AN
T-14068, Deschutes, Klamath County	)	EMERGENCY USE DROUGHT TEMPORARY
	)	CHANGE IN PLACE OF USE

**Authority**

Oregon Revised Statute (ORS) 536.750 establishes the process in which a water right holder may submit a request to temporarily transfer the use, place of use or point of diversion of water in the event of a declaration of drought, without complying with the notice and waiting requirements under ORS 540.520. Oregon Administrative Rule (OAR) Chapter 690, Division 019 implements the statutes and provides the Department's procedures and criteria for evaluating drought transfer applications.

**Applicant**

KAMERON DELASHMUTT  
2447 NW CANYON DR  
REDMOND, OR 97756

**Findings of Fact**

1. On August 11, 2022, KAMERON DELASHMUTT filed an application to temporarily change the place of use under Certificate 95746 for the remainder of the 2022 irrigation season or the term of the Governor's declared drought, whichever is shorter. The Department assigned the application number T-14068.
2. Notice of the application for transfer was published on August 16, 2022, pursuant to OAR 690-380-4000.
3. The portion of the right to be temporarily transferred is as follows:  
**Certificate:** 95746 in the name of LA PINE COOPERATIVE WATER ASSOCIATION  
(confirmed by Deschutes River decree of record at Salem, in the Order Record of the Water Resources Director in Volume 16, at Page 185)  
**Use:** IRRIGATION of 50.0 ACRES  
**Priority Date:** 1897

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

**Rate:** August 20 to November 1: ONE-EIGHTIETH OF ONE CUBIC FOOT PER SECOND(CFS)

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

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

**Authorized Point of Diversion:**

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

**Authorized Place of Use:**

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

4. Temporary Drought Transfer Application T-14068 proposes to temporarily change the place of use to:

IRRIGATION
WITHIN NORTH UNIT IRRIGATION DISTRICT BOUNDARY

**Temporary Drought Transfer Review Criteria**

- Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- A pump and canal, sufficient to use the full amount of water allowed under the existing right are present.
- The Governor issued an executive order on April 25, 2022, declaring a state of drought emergency in Deschutes County and on March 4, 2022, declaring a state of drought emergency in Klamath County, due to drought and extreme weather conditions, which is still in effect and the water right proposed for transfer is on lands included in the area covered by the drought order.

8. The proposed changes would not result in enlargement of the rights.
9. The proposed changes would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under OAR 690-019-055(3) if injury to existing water rights is shown and cannot be mitigated to the satisfaction of the Director and injured parties.

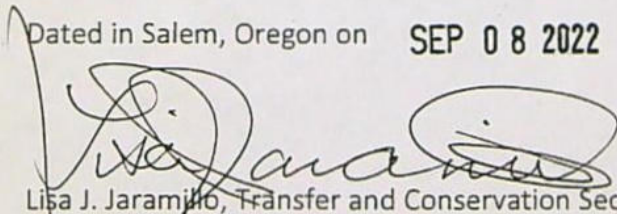
#### Conclusions of Law

The temporary change in place of use proposed in Temporary Drought Transfer Application T-14068 is consistent with the requirements of ORS 536.750 and OAR 690-019-0055.

#### Now, therefore, it is ORDERED:

1. The temporary change in place of use proposed in Temporary Drought Transfer Application T-14068 is approved.
2. The former places of use **shall not** be irrigated as part of these water rights during the remainder of the 2022 irrigation season or until the end of the Governor's declared drought, whichever occurs first.
3. The approval of this temporary drought transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
4. The proposed change in place of use shall revert to the authorized place of use at the end of the 2022 irrigation season or the end of the Governor's declared drought, whichever occurs first.
5. The use of water at the temporary places of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 95746.
6. The use of the remaining water right described by Certificate 95746 shall continue to be in accordance with the terms and conditions of Certificate 95746

Dated in Salem, Oregon on **SEP 08 2022**

  
Lisa J. Jaramila, Transfer and Conservation Section Manager, for  
THOMAS M BYLER, DIRECTOR  
Oregon Water Resources Department

Mailing Date: **SEP 09 2022**

**WATER RIGHT TRANSFER COVER SHEET**

Transfer: T- 14068

Transfer Specialist: *ARUA*

Transfer Type: Drought Transfer

<b>Applicant:</b> KAMERON DELASHMUTT 2447 NW CANYON DR REDMOND, OR 97756 Email: _____ Phone: _____	<b>Agent:</b> <input type="checkbox"/> N/A JOHN A. SHORT PO BOX 1830 BEND, OR 97709 Email: _____ Phone: _____
<b>Irrigation District:</b> <input type="checkbox"/> N/A North Unit Irrigation District Mike Britton Email: _____	<b>CWRE:</b> <input type="checkbox"/> N/A Email: _____
<b>Affected Local Gov'ts:</b> <input type="checkbox"/> N/A Email: _____	<b>Affected Tribal Gov't:</b> <input type="checkbox"/> N/A UNAVAILABLE Email: _____
<b>Current Landowner if other than Applicant:</b> <input type="checkbox"/> N/A Email: _____	<b>Receiving Landowner:</b> <input type="checkbox"/> N/A Email: _____

**Water Rights Affected**

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

**Key Dates & Initial Actions:**

Rec'd: August 11, 2022	Proposed Action(s): PLACE OF USE	
Fees Pd: 250.00	WM District: 11	ODFW District:
Initial Public Notice: 08/16/2022	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent <input type="checkbox"/>		GW Review sent: <input type="checkbox"/> N/A
County sent cc: of Ack Letter <input type="checkbox"/>	BOR notified (date): <input type="checkbox"/> N/A	
Newspaper quote requested:	Request for news \$ sent:	News \$ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	CW Sent: _____	N/A
PD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____
FO	Date: <i>8/30/22</i> Initials: <i>AD</i>	Date: <i>8/28/22</i> Initials: <i>SL</i>	Date: _____ Initials: _____	Date: <i>8/31/22</i> Initials: <i>PKS</i>	Date: <i>9/2/22</i> Initials: <i>SLP</i>	Date: <i>9/2/22</i>	Date: <i>9/8/22</i>

Special Issues: \_\_\_\_\_

Special Order Volume: Vol. 125 Pages 680 - 682

# Watermaster Review Form: Water Right Transfer



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

Transfer Application: T-14068

Review Due Date: 09/14/2022

Applicant Name: Kameron Delashmutt

Proposed Changes:  POU  POD  POA  USE  OTHER

Reviewer(s): Giffin

Date of Review: 08/16/2022

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable?  Yes  No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights?  Yes  No Generally characterize the frequency of any regulation or explain why regulation has not occurred:  
We regulate this stretch of river every day of the year for instream and out of stream water rights. On the driest of years we regulate back to 1900 priority date.
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:

Yes there is a 7% reduction in overall flow as the river flows through the Benham falls complex. All instream and out of stream transfers are deducted the 7% through this reach. Refer to other instream orders from this originating right for exact locations of the instream deductions.

N/A

8. For instream transfers that propose protection of a reach beyond the mouth of the source stream:

N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)?  Yes  No

9. For POU changes:  N/A Is it likely the original place of use would continue to receive water from the same source?  Yes  No If "Yes", explain:

10. For POU or USE changes:  N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste?

Yes  No If "Yes", explain:

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

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

Yes  No If "Yes", explain:



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

Yes  No If "Yes", answer the following:

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

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

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

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

Yes  No If "Yes", describe:

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

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

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

Yes  No If "Yes", explain:

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

Yes  No If "Yes", explain:

As long as the right is assessed a 7% reduction as it flows through Benham falls.

12. Are there other issues not identified through the above questions that should be considered in determining whether the change "can be effected without injury to other rights"?

Yes  No If "Yes", explain:

We gage the la Pine cooperative POD as well as the NUID POD so accounting for the transfer will be done by the Distrcit 11 watermaster.

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

14. Do conditions need to be included in the transfer order to avoid enlargement of the right or injury to other rights?  No  Yes, as checked and provided below:

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

A Headgate should be required prior to diverting water.

Measurement Devices for POD or POA: (if this condition is selected, also fill in the top sections of Page 4)

a. Before water use may begin under this order, the water user shall install a **totalizing flow meter\***, or, with prior approval of the Director, another suitable measuring device,  at each point of diversion/appropriation (new and existing) OR at each new point of diversion/appropriation  with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.

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

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

Reservoir water use measurement: (if this condition is selected, also fill in the top sections of Page 4)

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

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

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

- Weir
- Parshall Flume
- Other: \_\_\_
- Submerged Orifice
- Flow Restrictor

**Oregon Water Resources Department**  
**Measurement Condition Information for the Applicant**  
*(To be sent with the Draft Preliminary Determination or Final Order)*

Transfer #: T-

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

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

Watermaster name:

District:

Address:

City/State/Zip:

Phone:

Email:

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

\*\*\*\*\*

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

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

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Watermaster signature

\_\_\_\_\_  
District

\_\_\_\_\_  
Date

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

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



**Part 4 of 5 – Applicant Information and Signature**

**Applicant Information**

APPLICANT/BUSINESS NAME <b>KAMERON DELASHMUTT / PINNACLE UTILITIES, LLC</b>		PHONE NO. <b>541-350-8479</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>2477 NW CANYON DR</b>			FAX NO.
CITY <b>REDMOND</b>	STATE <b>OR</b>	ZIP <b>97756</b>	E-MAIL <b>KAMERON1959@GMAIL.COM</b>
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

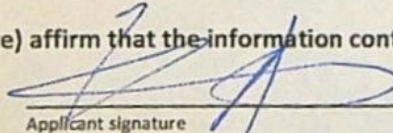
**Agent Information** – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT/BUSINESS NAME <b>JOHN A. SHORT / WATER RIGHT SERVICES, LLC</b>		PHONE NO. <b>541-389-2837</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>PO BOX 1830</b>			FAX NO.
CITY <b>BEND</b>	STATE <b>OR</b>	ZIP <b>97709</b>	E-MAIL <b>JOHNSHORT@USA.COM</b>
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

Explain in your own words what you propose to accomplish with this transfer application and why:  
TEMPORARY DROUGHT TRANSFER OF 50 ACRES OF IRRIGATION UNDER C-95746 TO THE NORTH UNIT IRRIGATION DISTRICT.

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

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

  
 Applicant signature

Kameron Delashmutt  
 Print Name (and Title if applicable)

7/25/22  
 /Date

\_\_\_\_\_  
 Applicant signature

\_\_\_\_\_  
 Print Name (and Title if applicable)

\_\_\_\_\_  
 Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located?  Yes  No *See attached Deed - Deschutes Co. Official Records Document No. 2021-21099- applicant is water right owner of a 50.0 acre / 1.25 cfs portion of C-95746, appurtenant to the "off" lands.*

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

RECEIVED

JUL 28 2022

OWRD

RECEIVED

AUG 11 2022

OWRD

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. (NOTE: If this box is checked, you must complete and attach Supplemental Form D.)

DISTRICT NAME <b>NORTH UNIT IRRIGATION DISTRICT</b>	ADDRESS <b>2024 NW BEECH ST</b>	
CITY <b>MADRAS</b>	STATE <b>OR</b>	ZIP <b>97741</b>

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

ENTITY NAME <b>LA PINE COOPERATIVE WATER ASSOCIATION</b>	ADDRESS <b>PO BOX 97</b>	
CITY <b>LA PINE</b>	STATE <b>OR</b>	ZIP <b>97739</b>

**NOTE: THE LA PINE COOPERATIVE WATER ASSOCIATION IS "INACTIVE" PER OREGON SECRETARY OF STATE CORPORATION DIVISION**



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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

**RECEIVED RECEIVED**  
**JUL 28 2022 AUG 11 2022**  
**OWRD OWRD**



Oregon  
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

August 16, 2022

KAMERON DELASHMUTT  
2447 NW CANYON DR  
REDMOND, OR 97756

Reference: Application T-14068

On August 11, 2022, OWRD received your water right Temporary Transfer Application. The application was accompanied by \$250.00. Our receipt number 138898 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.

Except as provided under ORS 540.510(3) for municipalities, you may not *temporarily* use water at the new place of use until a final order approving the temporary transfer application has been issued by the Department. Additionally, pursuant to OAR 690-380-8010, the lands from which an irrigation water right is to be temporarily transferred and the land to which the right is to be temporarily transferred may not both receive water during the same season. If the temporary transfer is approved during an irrigation season and water has already been used at the currently authorized location during that season, then the temporary transfer will not take effect until the following season.

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

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

Cc: Watermaster Dist. #11, Jeremy T. Giffin (via email)  
John A. Short, Agent  
North Unit Irrigation District

Enclosure

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

RECEIPT # **138898**

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

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

RECEIVED FROM: Water Right Services, LLC; John A. Short  
BY: \_\_\_\_\_

APPLICATION \_\_\_\_\_  
PERMIT \_\_\_\_\_  
TRANSFER T-141068

CASH:  CHECK: # 2030 OTHER: (IDENTIFY)

TOTAL REC'D \$ 250.00

**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 46112 \$ \_\_\_\_\_  
0410 RESEARCH FEES \$ \_\_\_\_\_  
0408 MISC REVENUE: (IDENTIFY) Drought \$ \_\_\_\_\_  
TC162 DEPOSIT LIAB. (IDENTIFY) \$ \_\_\_\_\_  
0240 EXTENSION OF TIME \$ \_\_\_\_\_

WATER RIGHTS:  
0201 SURFACE WATER EXAM FEE \$ \_\_\_\_\_ 0202 RECORD FEE \$ \_\_\_\_\_  
0203 GROUND WATER EXAM FEE \$ \_\_\_\_\_ 0204 RECORD FEE \$ \_\_\_\_\_  
0205 TRANSFER EXAM FEE \$ 250.00 0204 RECORD FEE \$ \_\_\_\_\_

WELL CONSTRUCTION  
0218 WELL DRILL CONSTRUCTOR EXAM FEE \$ \_\_\_\_\_ 0219 LICENSE FEE \$ \_\_\_\_\_  
LANDOWNER'S PERMIT 0220 LICENSE FEE \$ \_\_\_\_\_  
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: **138898**

DATED: 8-11-2022 BY: \_\_\_\_\_

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

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

RECEIPT # **138898**

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

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

RECEIVED FROM: Water Right Services, LLC; John A. Short  
BY: \_\_\_\_\_

APPLICATION \_\_\_\_\_  
PERMIT \_\_\_\_\_  
TRANSFER T-141068

CASH:  CHECK: # 2030 OTHER: (IDENTIFY)

TOTAL REC'D \$ 250.00

**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 46112 \$ \_\_\_\_\_  
0410 RESEARCH FEES \$ \_\_\_\_\_  
0408 MISC REVENUE: (IDENTIFY) Drought \$ \_\_\_\_\_  
TC162 DEPOSIT LIAB. (IDENTIFY) \$ \_\_\_\_\_  
0240 EXTENSION OF TIME \$ \_\_\_\_\_

WATER RIGHTS:  
0201 SURFACE WATER EXAM FEE \$ \_\_\_\_\_ 0202 RECORD FEE \$ \_\_\_\_\_  
0203 GROUND WATER EXAM FEE \$ \_\_\_\_\_ 0204 RECORD FEE \$ \_\_\_\_\_  
0205 TRANSFER EXAM FEE \$ 250.00 0204 RECORD FEE \$ \_\_\_\_\_

WELL CONSTRUCTION  
0218 WELL DRILL CONSTRUCTOR EXAM FEE \$ \_\_\_\_\_ 0219 LICENSE FEE \$ \_\_\_\_\_  
LANDOWNER'S PERMIT 0220 LICENSE FEE \$ \_\_\_\_\_  
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: **138898**

DATED: 8-11-2022 BY: \_\_\_\_\_

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**Application for Water Right  
Temporary or Drought Temporary Transfer  
Part 1 of 5 – Minimum Requirements Checklist**



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

**This temporary 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.

**FOR ALL TEMPORARY TRANSFER APPLICATIONS**

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Temporary 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 online fee calculator at: [http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator).
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Transferred Water Rights: **How many water rights are to be transferred? 1 List them here: 95746**  
Please include a separate Part 5 for each water right. (See instructions on page 6)
- N/A For standard Temporary Transfer (one to five years) **Begin Year:** \_\_\_\_ **End Year:** \_\_\_\_.
- N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

**Attachments:**

- Completed Temporary Transfer Application Map.
- Completed Evidence of Use Affidavit and supporting documentation.
- Current recorded deed for the land **from** which the authorized place of use is temporarily being moved.
- N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land upon which the water right is located.)
- N/A Supplemental Form D – For water rights served by or issued in the name of a district. Complete when the temporary transfer applicant is not the district.
- N/A Oregon Water Resources Department’s Land Use Information Form with approval and signature from each local land use authority in which water is to be diverted, conveyed, and/or used. **Not required if water is to be diverted, conveyed, and/or used only on federal lands or if all of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.**
- N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation (if necessary to convey water to the proposed place of use).

**(For Staff Use Only)**

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

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

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

Staff: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

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## Part 2 of 5 – Temporary Transfer Application Map Checklist

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

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

- 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 temporary 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) to convey water to the new temporary place of use, 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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Temporary Transfer Application – Page 2 of 9

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

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

**Water Right Certificate # 95746**

**Description of Water Delivery System**

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

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

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD –	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		23	S	9	E	34	SW	SW	3400	550' N, 1150' E OF SW COR SEC 34

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

- Place of Use (POU)
- Point of Diversion (POD)
- Additional Point of Diversion (APOD)
- Appropriation/Well (POA)
- Additional Point of Appropriation (APOA)

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

- Place of Use (POU)
- Character of Use (USE)
- Point of Diversion (POD)
- Point of Appropriation/Well (POA)
- Additional Point of Appropriation (APOA)
- Additional Point of Diversion (APOD)

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

- Yes Complete only the Proposed ("to" 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 Temporary Changes to Water Right Certificate # 95746**

List only the part of the right that will be changed. For the acreage in each ¼ ¼, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

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							
<b>EXAMPLE</b>																											
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							
"	"	"	" " " "	"	"	"	EXAMPLE	"	"	"	2	S	9	E 2 SW NW	500		5.0		POD #6	1901							
22	S	10	E 34 NW NE	2803		16.9	IR	POD	1897	POU	SEE MAP OF NORTH UNIT IRRIGATION DISTRICT BOUNDARY																
"	"	"	" " " "	"	"	10.5	"	"	"	"																	
"	"	"	" " " "	"	"	16.7	"	"	"	"																	
"	"	"	" " " "	"	"	5.9	"	"	"	"																	
TOTAL ACRES						50.0															TOTAL ACRES						50.0

**Additional remarks: THE APPLICANT PROPOSES TO MOVE THE 50 ACRES OF IRRIGATION TO THE DISTRICT BOUNDARY OF THE NORTH UNIT IRRIGATION DISTRICT, ADHERING TO THE ORIGINAL RATE AND DUTY LIMITATIONS OF THE 50 ACRE PORTION PROPOSED FOR TRANSFER. THE ORIGINAL POD WILL REMAIN IN PLACE FOR DELIVERY DOWNSTREAM TO THE NORTH UNIT IRRIGATION DISTRICT THROUGH THE DISTRICT DELIVERY SYSTEM.**

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**For Place of Use Changes**

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

If YES, list the certificate, water use permit, or ground water registration numbers: THE "TO" LANDS ARE LAYERED WITH NORTH UNIT IRRIGATION DISTRICT WATER RIGHTS INCLUDING C-72280, C-72282, C-72281, C-72279, C-80936, C-80937, C-93422, C-94079, C-95488, & PERMIT S-54930.



Pursuant to ORS 540.525, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for temporary transfer can be included in the transfer or remain unused on the authorized place of use. If the primary water right does not revert soon enough to allow use of the supplemental right within five years, the supplemental right shall become subject to cancellation for nonuse under ORS 540.610.

**If a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation is necessary to convey the water to the new temporary place of use you must provide:**

- Well log(s) for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map. (Tip: You may search for well logs on the Department's web page at: [http://apps.wrd.state.or.us/apps/gw/well\\_log/Default.aspx](http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx))

**AND/OR**

- Describe the construction of the authorized and proposed well(s) in Table 3 below for any well that does not have a well log. For a *proposed well(s) 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

### Klamath Basin/County Drought Transfer Applications

**Table 4. Klamath Basin/County Well Information (DROUGHT TRANSFER APPLICATIONS ONLY)**

Is there currently a flowmeter installed on each of the POAs listed in Table 1 of this application?     Yes     No\*

*\*Please note that watermaster staff will visit the well to confirm flowmeter presence. Where possible, watermaster staff will take a static water level measurement. Alterations to the well head may be required in order to make the water level measurements.*

For each well, please provide a description of the flowmeter location, the serial number, the current flowmeter reading and the date the reading was taken in the table below.

OWNER'S WELL NAME OR NUMBER.	WELL TAG NUMBER (IF AVAILABLE)	WELL LOG ID (E.G., KLAM 1234)	FLOWMETER SERIAL NUMBER	FLOWMETER READING	FLOWMETER DATE	FLOWMETER LOCATION
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# Groundwater Transfer Review Summary Form

Transfer/PA # T- 13997

GW Reviewer M. Thoma Date Review Completed: 06/16/2022

## Summary of Same Source Review:

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

## Summary of Injury Review:

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

## Summary of GW-SW Transfer Similarity Review:

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

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





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

### Ground Water Review Form:

- Water Right Transfer
- Permit Amendment
- GR Modification
- Other (DROUGHT)

Application: T-13997

Applicant Name: Cheyne Brothers

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

Reviewer(s): M. Thoma

Date of Review: 06/16/2022

Date Reviewed by GW Mgr. and Returned to WRSD: JTI 7/21/22

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

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

1. Basic description of the changes proposed in this transfer: The application proposes to change the POA under Permit G-17708 from one of authorized POAs (KLAM 59347) to a proposed POA (KLAM 55747). The proposed change s for 1.24 cfs.
2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?  
 Yes     No    Comments: \_\_\_\_\_
3. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?  
 Yes     No \_\_\_\_\_  
 b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): \_\_\_\_\_
4. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another ground water right**?  
 Yes     No    Comments: The proposed change would move the appropriation closer to other existing rights which would increase the level of hydraulic interference to those rights  
 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: Wells that are reasonably efficient and fully penetrate the aquifer in the region, would not likely be injured by this transfer due to the thickness of the aquifer and generally-high transmissivity.

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 proposed change would not substantially change the impacts to nearby surface water sources in the area.

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: \_\_\_\_\_  Minimal  Significant

Stream: \_\_\_\_\_  Minimal  Significant

Provide context for minimal/significant impact: \_\_\_\_\_

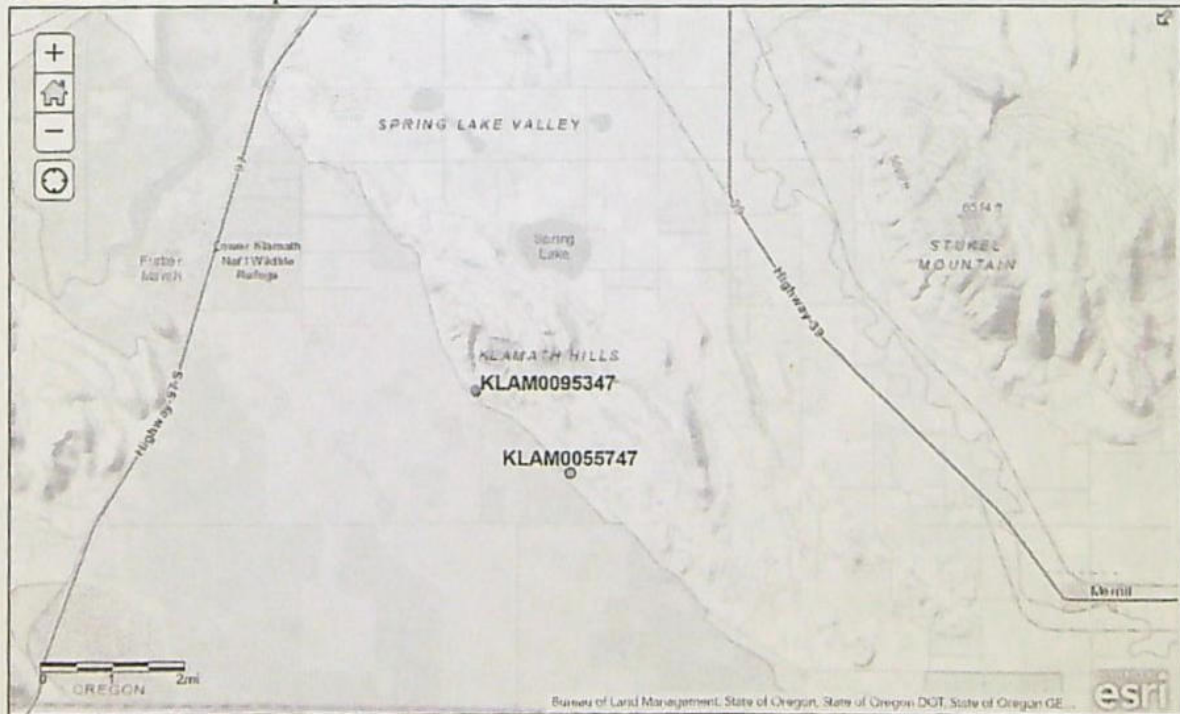
6. For SW-GW transfers, will the proposed change in point of diversion affect the surface water source similarly (as per OAR 690-380-2130) to the authorized point of diversion specified in the water use subject to transfer?

Yes  No Comments: N/A

7. What conditions or other changes in the application are necessary to address any potential issues identified above: \_\_\_\_\_

8. Any additional comments: \_\_\_\_\_

**Transfer Review Map**



# Deschutes County Property Information

## Development Summary for account # [REDACTED]

The Deschutes County Community Development Department is responsible for land use and permits for properties in the County's jurisdiction. Contact this department if you need additional information or if you have questions.

### Account Information

Mailing Name: LEBEAU, MICHAEL  
Map and Taxlot: 2210000002803  
Account: [REDACTED]  
Situation Address: 50325 HWY 31, LA PINE, OR 97739  
Tax Status: Assessable

### Warning

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

### Property Details

Subdivision:  
Lot: Block:  
Acres: 136.59

### Jurisdiction

Planning Jurisdiction: Deschutes County  
Urban Growth Boundary: No  
Urban Reserve Area: No

### Zoning Designation

Jurisdiction	Zone	Description	Link to Zoning Code
COUNTY	EFULA	EXCLUSIVE FARM USE- LA PINE SUBZONE	<a href="#">View Document</a>
COUNTY	F1	FOREST USE 1	<a href="#">View Document</a>
COUNTY	FP	FLOOD PLAIN	<a href="#">View Document</a>
COUNTY	LM	LANDSCAPE MANAGEMENT COMBINING ZONE	<a href="#">View Document</a>
COUNTY	WA	WILDLIFE AREA COMBINING ZONE	<a href="#">View Document</a>

### County Development Details

Legal Lot of Record	Contact Community Development Department for information
Wetland (National or Local)	Yes
Conservation Easement	No Conservation Easement Recorded
FEMA 100 Year Flood Plain	Yes
TDC/PRC Restrictive Covenant	No TDC/PRC Restrictive Covenant Found
Ground Snow Load	55 #/sq. ft.
Subdivision Has Special Setbacks	NO
Is Historic Designated	NO
Fire Mitigation Required	NO

THE INFORMATION 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 MAPS AND ASSOCIATED DATA. DESCHUTES COUNTY MAKES NO WARRANTY, REPRESENTATION OR GUARANTEE AS TO THE CONTENT, SEQUENCE, ACCURACY, TIMELINESS OR COMPLETENESS OF ANY OF THE DATA PROVIDED HEREIN. DESCHUTES COUNTY EXPLICITLY DISCLAIMS ANY REPRESENTATIONS AND WARRANTIES, INCLUDING, WITHOUT LIMITATION, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. DESCHUTES COUNTY SHALL ASSUME NO LIABILITY FOR ANY ERRORS, OMISSIONS, OR INACCURACIES IN THE INFORMATION PROVIDED REGARDLESS OF HOW CAUSED. DESCHUTES COUNTY ASSUMES NO LIABILITY FOR ANY DECISIONS MADE OR ACTIONS TAKEN OR NOT TAKEN BY THE USER OF THIS INFORMATION OR DATA FURNISHED HEREUNDER.

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# Supplemental Form D

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

[For transfers submitted under OAR Chapter 690 Division 380]



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

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

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

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### 1. APPLICANT INFORMATION

NAME KAMERON DELASHMUTT / PINNACLE UTILITIES, LLC			PHONE (HM) 541-350-8479
PHONE (WK)	CELL	FAX	
ADDRESS 2477 NW CANYON DR			
CITY REDMOND	STATE OR	ZIP 97756	E-MAIL** KAMERON1959@GMAIL.COM

### 2. DISTRICT or WATER SUPPLIER INFORMATION

DISTRICT/WATER SUPPLIER NAME NORTH UNIT IRRIGATION DISTRICT			PHONE (HM)
PHONE (WK) 541-475-3625	CELL	FAX	
ADDRESS 2024 NW BEECH ST			
CITY MADRAS	STATE OR	ZIP 97741	E-MAIL** NUID@NORTHUNITID.COM

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

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

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

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

Attach additional pages for additional water rights if necessary.

\*Bureau of Reclamation

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

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

YES  NO  One or more of the current POD(s) / POA(s) involved in the transfer are served by a district/water supplier or rely on BOR water.

YES  NO  All or a portion of the current POU involved in this proposed transfer receives water for either primary or supplemental irrigation from the district/water supplier; i.e., the POU is currently layered with a district or BOR water supplied water right(s).

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

YES  NO  One or more of the proposed POD(s) / POA(s) involved in the transfer are currently served or will be served by a district/water supplier if the transfer is approved, or rely on BOR water.

YES  NO  All or a portion of the proposed POU involved in this proposed transfer currently receives or will receive either primary or supplemental irrigation from the district/water supplier; i.e., the POU will be layered with a district/water supplier or BOR water supplied water right(s).

COMMENTS OR ADDITIONAL INFORMATION

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**4. APPLICANT'S SIGNATURE**

(1) I certify that I have notified the district/water supplier about the proposed water right transfer application by [check one]:

email,  phone,  postal mail,  in person, or  other (please specify) \_\_\_\_\_

(2) I certify that to the best of my knowledge the information contained in this Supplemental Form D is true and accurate.

Kameron DeLashmutt

Applicant Signature

Kameron DeLashmutt

Name (print)

July 25, 2022

Date

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

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

The district/water supplier certifies the following:

(1) The district/water supplier has reviewed the applicant's proposed water right transfer application and maps; and

(2) The district/water supplier consents to the proposed water right transfer application.

YES  NO  After proof of completion, the confirming water right certificate is to remain in the name of the U.S. Bureau of Reclamation or the district/water supplier.

YES  NO  The district/water supplier will be responsible for submitting the claim of beneficial use prepared by a Certified Water Rights Examiner (CWRE).

Josh Bailey  
Signature of District Manager / Water Supplier

Josh Bailey  
Name (print), Title

7/26/22  
Date

---

**Drought TFR for NUID - Kameron DeLashmutt**

---

Bryce Withers <brycewrs@gmail.com>  
To: Mike Britton <mbritton@northunitid.com>  
Cc: Kameron DeLashmutt <kameron1959@gmail.com>

Mon, Jul 25, 2022 at 10:40 AM

Hi Mike,

Can you please review and sign the Supplemental Form D for the Temporary Drought Transfer Kam is arranging to the NUID. I attached a draft of the application. Let me know if you have any questions.

—  
Bryce Withers

Water Right Specialist  
(541)408-1400 cell

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

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

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**2 attachments**

-  **Supplemental\_Form\_D\_non-district\_transfer\_within\_District\_LEBEAU\_PINNACLE\_NUID.pdf**  
130K
-  **temporary\_wr\_transfer\_app\_LEBEAU\_PINNACLE\_NUID.pdf**  
373K

# Application for Water Right Transfer

## Evidence of Use Affidavit



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

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

State of Oregon )  
 ) ss  
 County of DESCHUTES)

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

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1. My knowledge of the exercise or status of the water right is based on (check one):
- Personal observation                       Professional expertise

2. I attest that:

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

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

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

OR

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

(continues on reverse side)

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

*BWH*

Signature of Affiant

7-26-2022

Date

Signed and sworn to (or affirmed) before me this 7 day of July, 2022.



*Linda Lee Miller*  
Notary Public for Oregon

My Commission Expires: July 12, 2025

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of <b>confirming</b> water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> <li>• Power usage records for pumps associated with irrigation use</li> <li>• Fertilizer or seed bills related to irrigated crops</li> <li>• Farmers Co-op sales receipt</li> </ul>
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"> <li>• District assessment records for water delivered</li> <li>• Crop reports submitted under a federal loan agreement</li> <li>• Beneficial use reports from district</li> <li>• IRS Farm Usage Deduction Report</li> <li>• Agricultural Stabilization Plan</li> <li>• CREP Report</li> </ul>
<input checked="" type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph  <p style="text-align: center;"><b>RECEIVED</b> <b>JUL 28 2022</b> <b>OWRD</b></p>	<p>Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos:  OSU – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a>  OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a>  Google Earth – <a href="http://earth.google.com">earth.google.com</a>  TerraServer – <a href="http://www.terra-server.com">www.terra-server.com</a></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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UNTIL A CHANGE IS REQUESTED ALL TAX STATEMENTS SHALL BE  
SENT TO:

Michael LeBeau  
2225 NW Glisan St #1  
Portland OR 97210

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AND AFTER RECORDING RETURN TO:

Michael B. McCord  
65 NW Greeley Ave  
Bend, OR 97701

### CORRECTED STATUTORY BARGAIN AND SALE DEED

This Deed is recorded to correct Bargain and Sale Deed dated May 22, 2009, recorded in Volume 2009 at Page 21515 in Deschutes County, Oregon.

Vicki LeBeau, Grantor, conveys and warrants to Michael LeBeau, Grantee, the following described real property:

That portion of the Southwest Quarter of the Southeast Quarter of Section 27 lying Westerly of the Fremont Highway, and the Northwest Quarter of the Northeast Quarter lying Westerly of the Fremont Highway, and the East half of the Northwest Quarter, and the Northeast Quarter of the Southwest Quarter of Section 34, Township 22 South, Range 10 East of the Willamette Meridian, Deschutes County, Oregon, together with the water rights appurtenant thereto.

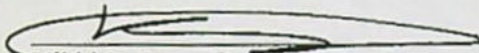
The property is free from all encumbrances except easements, reservations, and restrictions of record.

The true and actual consideration for this conveyance is love and affection.

**BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO**

VERIFY THAT THE UNIT OR LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY UNDER ORS 195.300, 195.301, AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

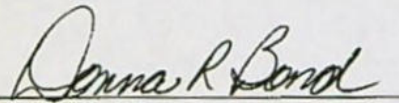
DATED June 26, 2009

  
Vikki LeBeau, Grantor

STATE OF TEXAS            )  
  )ss.  
County of MONTGOMERY )

Personally appeared this 26 day of JUNE, 2009, the above named Vikki LeBeau, and acknowledged the foregoing instrument to be her voluntary act and deed.

Before me:

  
Notary Public for Texas  
My Commission Expires:  
5/3/2011



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Deschutes County Official Records **2021-21099**  
D-D **04/02/2021 03:14 PM**  
Stn=1 BN  
\$30.00 \$11.00 \$10.00 \$61.00 \$6.00 **\$118.00**

I, Nancy Blankenship, County Clerk for Deschutes County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Nancy Blankenship - County Clerk

**AFTER RECORDING RETURN TO:**

Kameron DeLashmutt

Pinnacle Utilities, LLC and Central Land & Cattle Co., LLC

2447 NW Canyon Drive

Redmond, OR 97756

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*This space is reserved for recorder's use.*

### **STATUTORY BARGAIN AND SALE DEED**

MICHAEL LEBEAU, an individual, whose address is 2838 N Jackson Street, Denver, CO 80205 ("Grantor"), conveys jointly to PINNACLE UTILITIES, LLC, an Oregon limited liability company, and CENTRAL LAND & CATTLE COMPANY, LLC, an Oregon limited liability company, (together "Grantee"), whose address is 2447 NW Canyon Drive, Redmond, OR 97756, all of Grantor's right, title, and interest in the following described real property, situated in Deschutes County, State of Oregon:

A portion of that certain Oregon Water Right described within the Order Record of the Oregon Water Resources Director in Volume 16, at Page 185, and reflected in Oregon Water Resources Department Certificate 90239 (a true and correct copy of which certificate is attached hereto and incorporated herein as *Exhibit A*) or any superseding certificate; said portion consisting of 50 acres and 1.25 cubic feet per second of the water and water right appurtenant to Tax Lot 101 in Section 22 and Tax Lot 2803 in Section 34, both in Township 22 South, Range 10 East, WM, as depicted in *Exhibit B*, attached hereto and incorporated herein; and said portion constituting an annual maximum amount of 200 acre feet of water.

The true consideration for this conveyance is Three Hundred Thirty Five Thousand and 00/100 Dollars (\$335,000.00) and other good and valuable consideration.

**[CONTINUES ON FOLLOWING PAGE]**

PAGE 1 -- STATUTORY BARGAIN AND SALE DEED

**Return To:  
Deschutes County  
Title Company**

DF12076

**THIS DOCUMENT FILED FOR RECORD BY  
DESCHUTES COUNTY TITLE COMPANY AS AN  
ACCOMMODATION ONLY. IT HAS NOT  
BEEN EXAMINED AS TO ITS EXECUTION OR  
AS TO ITS EFFECT UPON THE TITLE.**

DATED this 31 day of March, 2021.

MICHAEL LEBEAU

*Michael LeBeau*

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STATE OF Colorado )  
County of Denver ) ss.

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This instrument was acknowledged before me on this 31 day of March, 2021, by Michael LeBeau.

*Jonathan Pool*

NOTARY PUBLIC FOR Colorado

My Commission Expires: July 29, 2024

JONATHAN D POOL  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20204026061  
MY COMMISSION EXPIRES JULY 29, 2024

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Exhibit A  
STATE OF OREGON

COUNTY OF DESCHUTES AND KLAMATH  
CERTIFICATE OF WATER RIGHT

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THIS CERTIFICATE ISSUED TO

LA PINE COOPERATIVE WATER ASSOCIATION  
PO BOX 97  
LA PINE, OR 97739

confirms the right to use the waters of the LITTLE DESCHUTES RIVER, a tributary to the DESCHUTES RIVER, for IRRIGATION of 1074.95 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Deschutes County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 16, at Page 185. The date of priority is 1897 for 699.9 acres, 1900 for 48.9 acres, and APRIL 30, 1902, for 326.15 acres.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, FROM MAY 23 TO AUGUST 20, AND ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, FROM APRIL 1 TO MAY 23 AND FROM AUGUST 20 TO NOVEMBER 1, and shall be further limited to a diversion of not to exceed 4.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer. 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.

The amount of water to which this right is entitled is limited to an amount actually used beneficially measured at the point of diversion.

The point of diversion is located as follows:

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

A description of the place of use to which this right is appurtenant is as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Tax Lot	Acres	Owner
1897 Priority								
22 S	10 E	WM	15	SE SE		2802	7.80	Barney, Joyce
22 S	10 E	WM	22	NE NE		100	3.60	Barney, Joyce
22 S	10 E	WM	22	SE NE		101	28.80	Wanek, Gordon & Henrietta
22 S	10 E	WM	22	NE SE		101	38.70	Wanek, Gordon & Henrietta
22 S	10 E	WM	22	SW SE		101	3.30	Wanek, Gordon & Henrietta
22 S	10 E	WM	22	SW SE		103	1.80	Wanek, Gordon & Henrietta
22 S	10 E	WM	22	SE SE		101	20.30	Wanek, Gordon & Henrietta
22 S	10 E	WM	22	SE SB		103	0.90	Wanek, Gordon & Henrietta
22 S	10 E	WM	23	NW SW		2400	1.00	Wanek, Gordon & Henrietta
22 S	10 E	WM	23	NW SW		2401	8.10	Wanek, Gordon & Henrietta
22 S	10 E	WM	23	SW SW		2401	4.80	Wanek, Gordon & Henrietta
22 S	10 E	WM	27	NE NE		103	15.20	Wanek, Gordon & Henrietta
22 S	10 E	WM	27	NW NE		103	36.80	Wanek, Gordon & Henrietta
22 S	10 E	WM	27	SW NE		103	12.80	Wanek, Gordon & Henrietta
22 S	10 E	WM	27	SW NE		108	26.80	Wanek, Gordon & Henrietta

Twp	Rng	Mer	Sec	Q-Q	GLot	Tax Lot	Acres	Owner
22 S	10 E	WM	27	SE NE		103	5.90	Wanek, Gordon & Henrietta
22 S	10 E	WM	27	SE NE		108	11.10	Wanek, Gordon & Henrietta
22 S	10 E	WM	27	NE SE		108	5.70	Wanek, Gordon & Henrietta
22 S	10 E	WM	27	NW SE		108	34.20	Wanek, Gordon & Henrietta
22 S	10 E	WM	27	SW SE		100	1.80	Hunt, Rod
22 S	10 E	WM	27	SW SE		101	5.60	LeBeau, Donald & Suzanne
22 S	10 E	WM	34	NW NE		2803	18.70	LeBeau, Donald & Suzanne
22 S	10 E	WM	34	NW NE		2805	0.70	Hunt, Rod
22 S	10 E	WM	34	NE NW		2803	39.70	LeBeau, Donald & Suzanne
22 S	10 E	WM	34	SE NW		2803	36.70	LeBeau, Donald & Suzanne
22 S	10 E	WM	34	NE SW		2803	24.30	LeBeau, Donald & Suzanne
23 S	9 E	WM	11	SW NE		700	2.50	Cliff, Theresa
23 S	9 E	WM	11	SE NE		800	28.70	Cliff, Theresa
23 S	9 E	WM	11	NE SE		1300	39.20	Cliff, Theresa
23 S	9 E	WM	11	NW SE		1300	8.60	Cliff, Theresa
23 S	9 E	WM	11	SW SE		1300	24.00	Cliff, Theresa
23 S	9 E	WM	11	SE SE		1300	32.50	Cliff, Theresa
23 S	9 E	WM	14	NE NE		1500	7.70	Cliff, Theresa
23 S	9 E	WM	14	NW NE		1500	34.20	Cliff, Theresa
23 S	9 E	WM	14	SW NE		1500	29.10	Cliff, Theresa
23 S	9 E	WM	14	SE NE		1500	2.10	Cliff, Theresa
23 S	9 E	WM	14	NW SE		1500	5.40	Cliff, Theresa
23 S	9 E	WM	14	SW SE		1500	13.30	Cliff, Theresa
23 S	9 E	WM	23	NW NE		2300	8.80	Cliff, Theresa
23 S	9 E	WM	23	SW NE		2300	7.60	Cliff, Theresa
23 S	9 E	WM	23	NW SE		2300	12.40	Cliff, Theresa
23 S	9 E	WM	23	SW SE		2300	8.30	Cliff, Theresa
23 S	10 E	WM	3	NE SW		400	4.90	Wood, Joyce
23 S	10 E	WM	3	NE SW		500	3.00	Wood, Joyce
23 S	10 E	WM	3	NE SW		600	2.10	Lewis, David & Laurie
23 S	10 E	WM	3	NE SW		700	1.80	Severson, Arlene
23 S	10 E	WM	3	SE SW		800	2.50	Falconer, Neil & Pam
23 S	10 E	WM	3	SE SW		1200	2.60	Jarman, Edwin
23 S	10 E	WM	3	SE SW		1300	2.70	Strunk, Vance
23 S	10 E	WM	3	SE SW		1400	2.90	Wicks, Curtis
23 S	10 E	WM	10	NE NW		400	3.00	Wicks, Curtis
23 S	10 E	WM	10	NE NW		200	8.60	Thomas, Tom
23 S	10 E	WM	10	SE NW		500	2.10	Mickle, Christopher D. and Hollister, Janet M.
23 S	10 E	WM	10	SE NW		600	2.10	Thomas, Robert
23 S	10 E	WM	10	SE NW		700	2.10	Mort, Michael
1900 Priority								
23 S	10 E	WM	3	NE NW	3	400	21.00	Yager, James
23 S	10 E	WM	3	SE NW		400	27.90	Yager, James
April 30, 1902 Priority								
22 S	10 E	WM	22	SW NE		101	37.40	Wanek, Gordon & Henrietta
22 S	10 E	WM	22	SE NE		101	1.00	Wanek, Gordon & Henrietta
22 S	10 E	WM	22	NW SE		101	39.30	Wanek, Gordon & Henrietta
22 S	10 E	WM	22	SW SE		101	34.20	Wanek, Gordon & Henrietta
22 S	10 E	WM	28	SW NW		3400	39.40	Cliff, Theresa
22 S	10 E	WM	28	NW SW		3400	39.80	Cliff, Theresa
23 S	9 E	WM	23	SW SE		2300	1.70	Cliff, Theresa
23 S	9 E	WM	26	NW NE		200	12.50	Cliff, Theresa

Twp	Rng	Mer	Sec	Q-Q	GLot	Tax Lot	Acres	Owner
23 S	9 E	WM	26	NE NW		200	2.05	Cliff, Theresa
23 S	9 E	WM	26	SE NW		200	12.00	Cliff, Theresa
23 S	9 E	WM	26	NE SW		200	22.80	Cliff, Theresa
23 S	9 E	WM	26	NW SW		200	1.10	Cliff, Theresa
23 S	9 E	WM	26	SW SW		200	3.20	Cliff, Theresa
23 S	9 E	WM	26	SE SW		400	13.30	Cliff, Theresa
23 S	9 E	WM	35	NE NW		3600	4.10	Cliff, Theresa
23 S	9 E	WM	35	NW NW		3600	7.20	Cliff, Theresa
23 S	10 E	WM	3	NE SW		500	0.70	Wood, Joyce
23 S	10 E	WM	3	NE SW		400	1.30	Wood, Joyce
23 S	10 E	WM	3	SE SW		1200	2.00	Jarman, Edwin
23 S	10 E	WM	6	NE NE	1	700	32.70	Havlik, Ann K.
23 S	10 E	WM	6	NW NE	2	700	5.00	Havlik, Ann K.
23 S	10 E	WM	6	SE NE		700	6.40	Havlik, Ann K.
23 S	10 E	WM	10	NE NW		200	7.00	Wicks, Curtis

This certificate describes that portion of the water right confirmed by Certificate 87048, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered MAY 04 2015, approving Transfer Application T-11365.

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.

This right is subject to all other terms and conditions contained in the said decree.

WITNESS the signature of the Water Resources Director, affixed MAY 4, 2015

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

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**Deschutes County, OR**

**Exhibit B**

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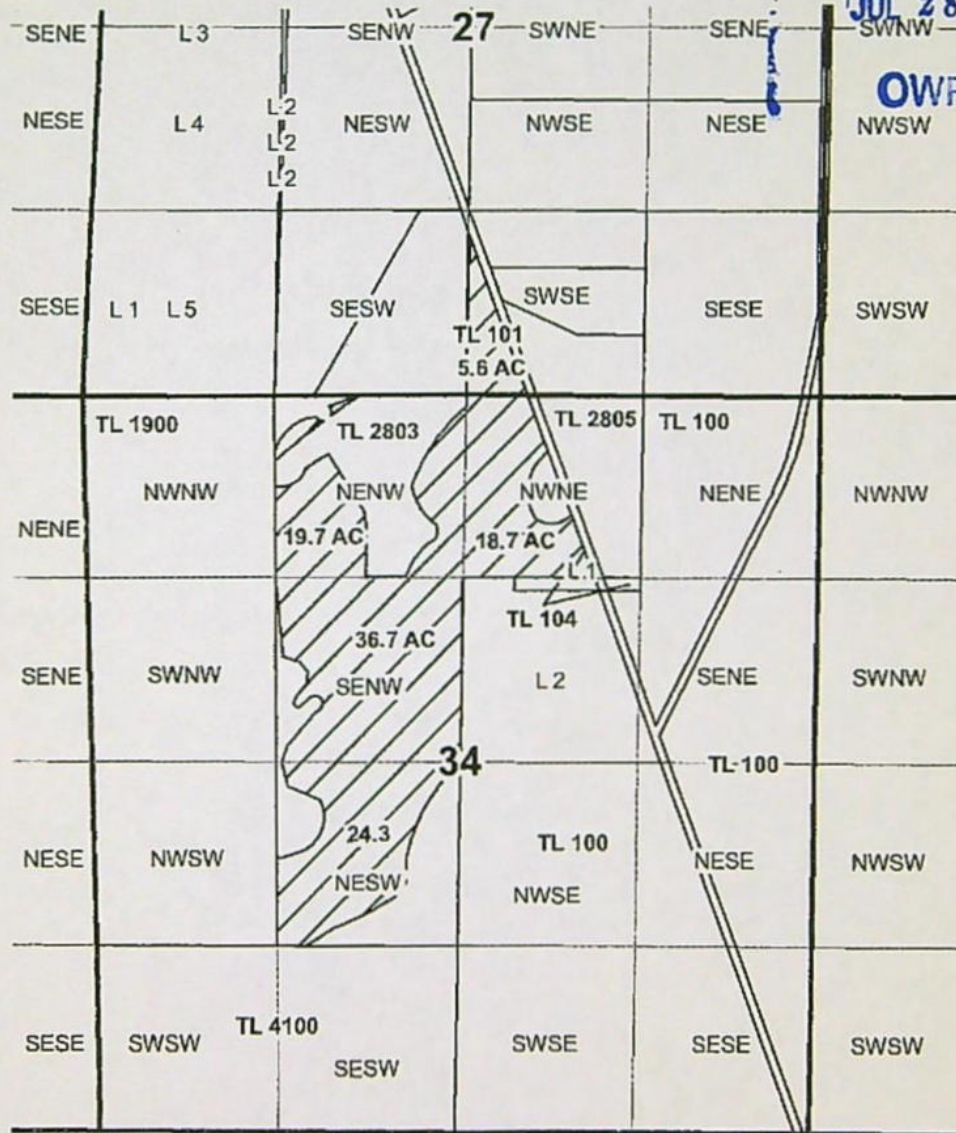
JUL 28 2022

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

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

-  Water Right
-  Sections
-  QQ

**WATER RIGHT OFF MAP for**  
**Pinnacle Utilities, LLC**

**WATER RIGHT SERVICES, LLC**

PO BOX 1830, BEND, OR 97709

WWW.OREGONWATER.US 541-389-2837

johnshorl@usa.com CCB # 197121

Date: 12/24/20



DESCHUTES COUNTY, OR  
T22S R10E, WM

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JUL 28 2022

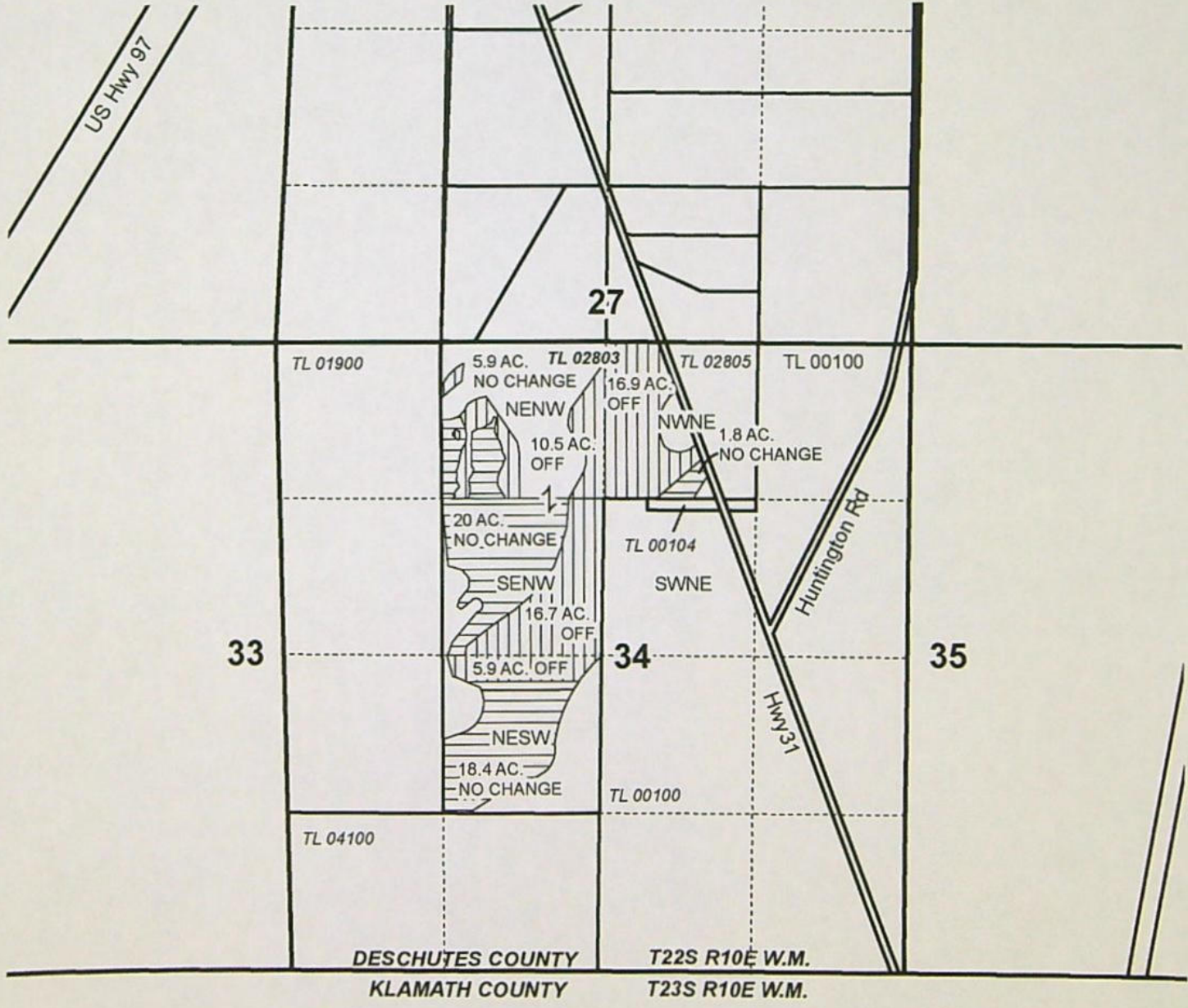
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0 1,320 Feet  
1" = 1320'



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



TRANSFER "OFF" MAP  
Pinnacle Utilities, LLC

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

**WATER RIGHT SERVICES, LLC**  
 PO BOX 1830, BEND, OR 97709  
 WWW.OREGONWATER.US 541-389-2837  
 johnshort@usa.com CCB # 197121

Date: 7/25/2022

A Portion of C-95746

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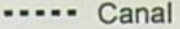
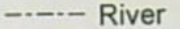



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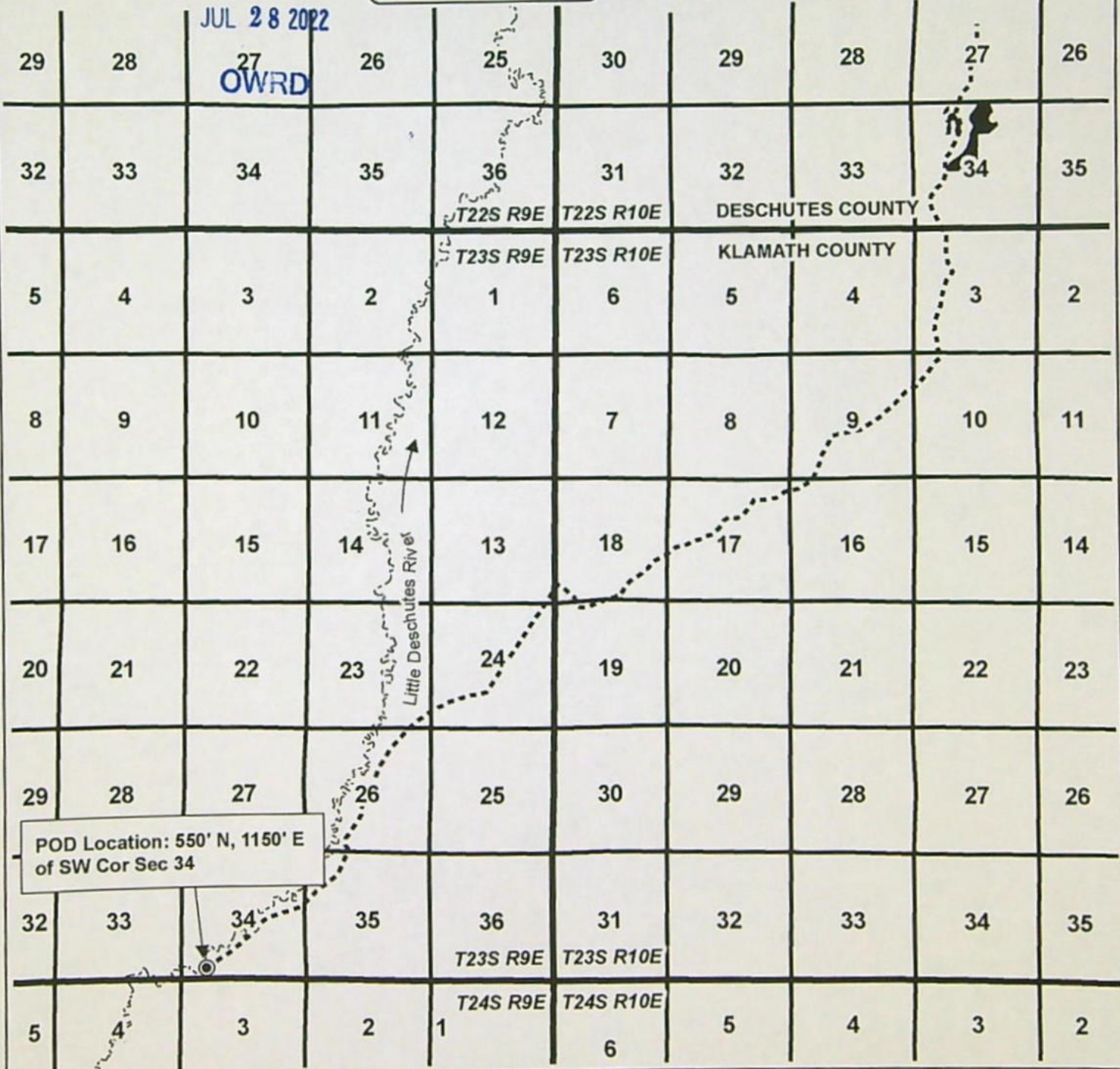
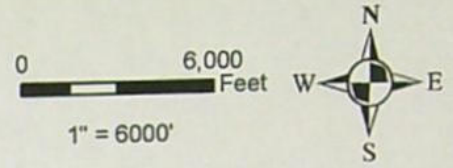
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# T22S R10E, WM, DESCHUTES COUNTY, OR & T23S R10E & T23S R9E, WM KLAMATH COUNTY, OR

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



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

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

**WATER RIGHT SERVICES, LLC**

PO BOX 1830, BEND, OR 97709

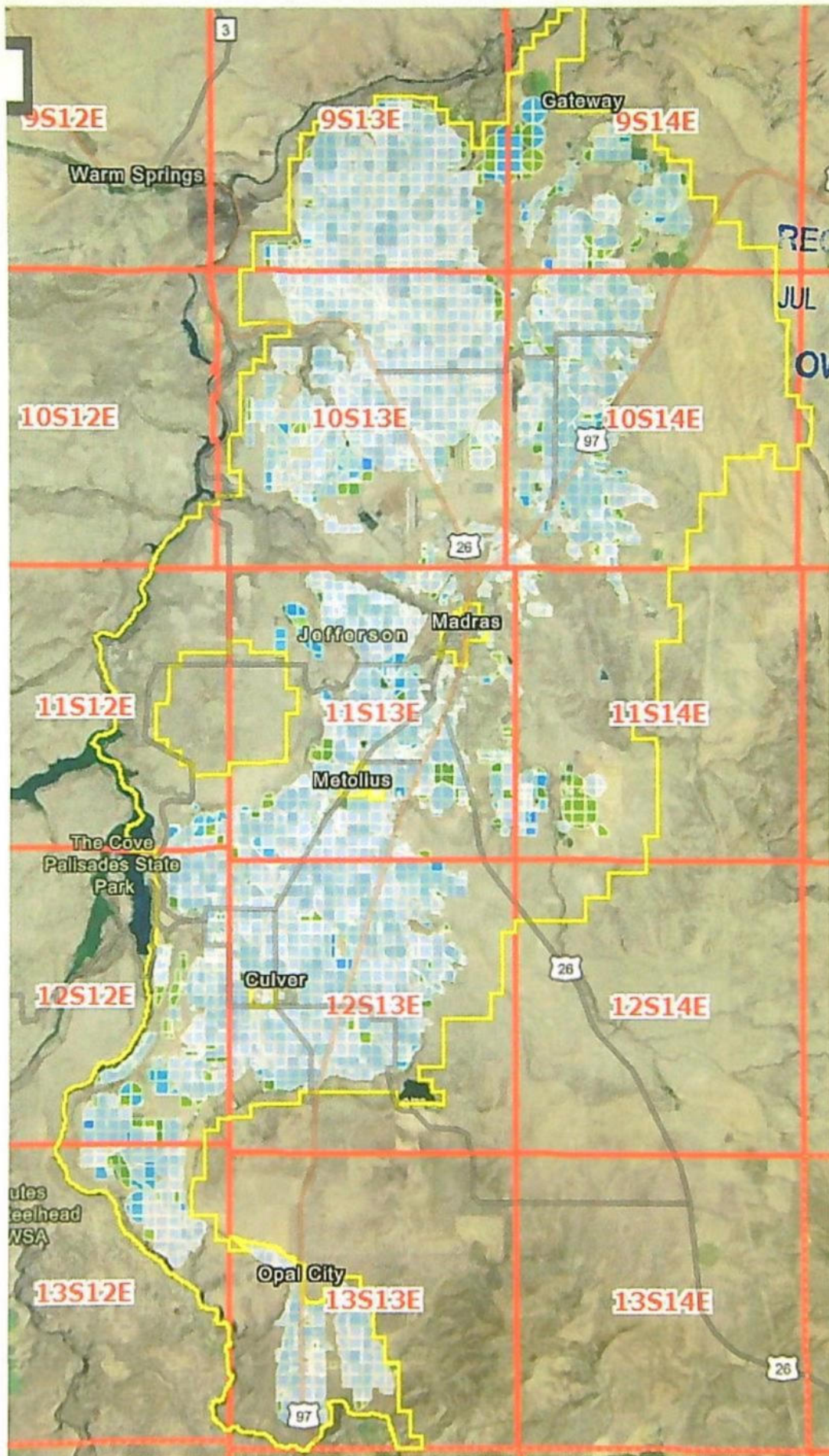
WWW.OREGONWATER.US 541-389-2837

johnshort@usa.com

CCB # 197121

Date: 7/25/2022

C-95746



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"ON" MAP - NORTH UNIT IRRIGATION DISTRICT

EVIDENCE OF USE  
2017 GOOGLE EARTH IMAGERY

Legend

28

27

26

11

T22S R10E

33

34

35

QWRD

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QWRD

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Survey

Google Earth

2000 ft



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EXECUTIVE ORDER NO. 22-04

**DETERMINATION OF A STATE OF DROUGHT EMERGENCY IN  
CROOK, JEFFERSON AND MORROW COUNTIES.**

At the request of Crook County (by Resolution No. 2022-10, dated March 3, 2022), Jefferson County (by Resolution No. R-002-22, dated March 2, 2022), and Morrow County (by Resolution No. R-2022-4, dated March 2, 2022) and based on the recommendations of the Drought Readiness Council and the Water Supply Availability Committee, and pursuant to ORS 536.740, I find the low snowpack, low reservoir levels, and low streamflow have caused or will cause natural and economic disaster conditions in Crook, Jefferson and Morrow Counties.

Forecasted water supply conditions and precipitation levels are not expected to improve. Drought is likely to have a significant economic impact on the farm, ranch, recreation, and natural resources sectors, as well as an impact on drinking water, fish and wildlife, and important minimum flows for public instream uses and other natural resources dependent on adequate precipitation, stored water, and streamflow in these areas. Extreme conditions are expected to affect local growers, increase the potential for fire, shorten the growing season, and decrease water supplies.

Conditions continue to be monitored by the State's natural resource and public safety agencies, including the Oregon Water Resources Department, the Oregon Office of Emergency Management, the Oregon Office of the State Fire Marshal, and the Oregon Department of Forestry's Fire Protection Division.

Preparation and resiliency to drought are vital to the health and safety of persons, property, and the economic security of the citizens and businesses of these counties. I, therefore, declare that a severe, continuing drought emergency exists and is likely to continue to exist in Crook, Jefferson and Morrow Counties.

**NOW, THEREFORE, IT IS HEREBY DIRECTED AND ORDERED:**

- I. The Oregon Department of Agriculture is directed to coordinate and provide assistance in seeking federal resources to mitigate drought conditions and assist in agricultural recovery in Crook, Jefferson and Morrow Counties.
- II. The Oregon Water Resources Department and the Water Resources Commission are directed to coordinate and provide assistance to water



EXECUTIVE ORDER NO. 22-04  
PAGE TWO

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users in Crook, Jefferson and Morrow Counties as the Department and Commission determine necessary and appropriate in accordance with ORS 536.700 to 536.780.

- III. The Oregon Water Resources Department is directed to seek information from the Oregon Department of Fish and Wildlife to help understand the impacts of water availability on Oregon's fish and wildlife, as necessary and appropriate in accordance with ORS 536.700 to 536.780.
- IV. The Office of Emergency Management is directed to coordinate and assist as needed with assessment and mitigation activities to address current and projected conditions in Crook, Jefferson and Morrow Counties.
- V. All other state agencies are directed to coordinate with the above agencies and provide appropriate state resources as needed to assist affected political subdivisions and water users in Crook, Jefferson and Morrow Counties.
- VI. This Executive Order expires on December 31, 2022.

Done at Salem, Oregon, this 21<sup>st</sup> day of March, 2022.

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Kate Brown  
GOVERNOR

ATTEST:

Shemia Fagan  
SECRETARY OF STATE



# Oregon

Kate Brown, Governor

## Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

August 4, 2022

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AUG 11 2022

John A. Short / Water Right Services, LLC  
P.O. Box 1830  
Bend, OR. 97709

OWRD

Kameron DeLashmutt/Pinnacle Utilities, LLC  
13437 N. 103<sup>rd</sup> St.  
Scottsdale, AZ 85260

Type of Transfer: Drought Temporary Transfer

The Department is returning your application for the following reason(s).

- Application fee was not enclosed
- The water right is cancelled
- The Groundwater Registration/Permit is not **assigned**, or proper permissions were not included
- Application Fee is insufficient. See the attached calculator for the proper fee assessment.
- Land Use form was not enclosed
- Land use form was not complete
- Map was not enclosed
- Map is incomplete
- Part and/or Tables 1 and 2 are missing
- Additional signature (s) are required (see remarks below)
- Other reasons

### Reasons:

**The Applicant has requested a waiver of the fees, however, this type application has historically reduced fees, no other reductions or waivers are eligible for this type of application at this time.**

**In Addition, if re-submitting the signature on Form D is illegible and will need to be legible.**

Please contact the customer service number at 503-986-0801  
If you need assistance with your application.

Transfer and Conservation Section  
Oregon Department of Water Resources

July 25<sup>th</sup>, 2022

Kelly Starnes  
Water Right Services Division  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

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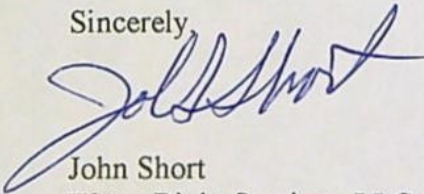
Re: Temporary Drought Transfer of a portion of C-95746 to North Unit Irrigation District

Kelly Starnes:

Please accept this Application for Drought Temporary Transfer. It is being submitted on behalf of the water right holder Kameron DeLashmutt / Pinnacle Utilities, LLC. The intent is to temporarily transfer a 50.0 acre / 1.25 cfs portion of C-95746 downstream to a new place of use – being the North Unit Irrigation district. The original rate and duty of the “off” lands will be adhered to on the new temporary place of use. The applicant is requesting a waiver of the \$250 fee.

Thank you for your help and attention to this matter. Please contact me with any questions or issues regarding the application materials at [johnshort@usa.com](mailto:johnshort@usa.com) or 541-389-2837.

Sincerely,



John Short  
Water Right Services, LLC  
PO Box 1830  
Bend, OR 97709  
541-389-2837



# Temporary Transfer Application Checklist

**DROUGHT**  
IF drought mark drought here

## Check the Certificate(s)

Transfer # T- 140

Checked by- <u>Jam</u> Date- <u>8/15/2022</u>	Type of Change(s) <u>No other changes other than those listed:</u> (Mark the proposed changes)	POU/POD	POU/APOD	POU
Fee Received: <u>250.00</u>		POU/POA	POU/APOA	
Calculated Fee: <u>250.00</u>		How many rights to be Transferred?		
Additional observations:		Certificate #		

If OK, check box; if not, fill in.

1. Is the applicant information complete? Have all the applicants listed at the top of the page signed at the bottom?

If not, what is missing? Whose signature is missing? \_\_\_\_\_

2. Has the applicant indicated that the place of use is in or near an irrigation district? Have they included a Form D?  N/A.

Name of the District \_\_\_\_\_

3. Part 5 of application, have the applicants completed the entire page and does the information match the description of the explanation of the reasons on Part 4 of the application?

If not, you may need to contact the applicant or agent? \_\_\_\_\_

4. For multiple certificates do each of the certificates listed on Application Page 1 have their own separate completed Part 5 tables 1 & 2?

If no, which certificates are missing a separate Part 5 tables 1 & 2? \_\_\_\_\_

5. Has the map been completed? Does the map meet the requirements? Can you tell which lands are off and on and where the lands are located? If not, what is missing?

\_\_\_\_\_

6. If a change in point of appropriation, have the well logs been included?  N/A.

7. If a change in place of use within Umatilla County, have the applicant(s) provided a Supplemental Form U?  N/A.

8. If all boxes on this checklist are checked (with no remaining deficiencies identified), accept the application. Put this check sheet in the transfer folder.

OR:

- This application is deficient, and **CANNOT** be accepted. It should be returned and the deficiencies listed in the "staff" section at the bottom of Application Page 1, unless the applicant or agent can resolve the deficiencies within 2-3 days.

Actions taken: \_\_\_\_\_ date \_\_\_\_\_

## Temporary Transfer Application Checklist

FEE WORKSHEET for TEMPORARY DROUGHT TRANSFERS			
1	Base Fee (includes drought application and recording fee for up to 1.0 cubic foot per second (cfs))	Line -1	\$200.00
2	Enter the cfs for the portions of the rights to be transferred (see example below*) _____(2a) Subtract 1.0 from the number in 2a above _____(2b) If <u>2b</u> is <u>0</u> enter <u>0</u> on line 2 If 2b is greater than 0, round to the nearest whole number: _____(2c) and multiply by \$50.00, then enter on line 2	Line -2	
3	Add entries on lines 1 through 2 above <span style="float: right;">Total Fee</span>	Line -3	

\*Example for Line 2a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land: 1. Divide total authorized cfs by total acres in the water right (for C12345, 1.25 cfs ÷ 100 ac); then multiply by the number of acres to be transferred to get the transfer cfs (x 45 ac = 0.56 cfs). 2. If the water right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (For C87654, 45.0 ac x 0.0125 cfs/ac = 0.56 cfs) 3. 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 2a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 2b would be 0 and Line 2 would then also become 0).