

T-14109

Regular

RA

T-14109

Name Bell "A" Land and Cattle CompanyAddress P.O. Box 97
La Pine OR 97739
bellacattle@gmail.comChange in POU
Date Filed 10-21-2022
Initial notice date 11-1-2022
DPD issued date 4-14-2023
PD issued date 5-18-2023
PD notice date
Date of FO 7/12/2023 Vol 128 Page 635C-Date 10/1/2029
COBU due date 10/1/2030
COBU Received date
Certificate issued

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Little Deschutes RiverTrib. of Deschutes RiverUse Irrigation County Klamath

Quantity of water (CFS) No. of Acres

Name of ditch

App#	Per #	Cert #	PR Date
<u>Decree</u>	<u>v. 8 pg. 405</u>	<u>95746</u>	
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>10-21-2022</u>	<u>\$1,360.00</u>	<u>139391</u>
<u>10-21-2022</u>	<u>\$125.00</u>	<u>139382</u>
<u>12-8-2022</u>	<u>\$1,307.91</u>	<u>139698</u>

FEES REFUNDED		
Date	Amount	Receipt #

Assignments:

Irrigation District La Pine Cooperative Water AssociationAgent John A. Short - johnshort@usa.comCWRE
CC's list Klamath County☐ - Oversized map - Location



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

July 12, 2023

BELL A LAND AND CATTLE CO.

PO BOX 97

LA PINE, OR 97739

REFERENCE: Transfer Application T-14109

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

The time allowed to complete the transfer is specified in the final order. YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT. The water right for any portion of the authorized change in character of use or change in place of use NOT carried out within the time allowed will be lost.

An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change(s) within the time allowed.

You are required to hire a Certified Water Rights Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this Department within one year of the date you complete the change(s) or within one year of the completion date authorized in the transfer final order, whichever occurs first.

If you have any questions related to the approval of this temporary transfer, you may contact your caseworker, Corey Courchane by telephone at (503) 979-3917 or by e-mail at Corey.A.Courchane@oregon.gov.

Sincerely,

Julie C. Baustian

Water Rights Services Support

Transfers and Conservation Section

cc: Jeremy T. Giffin, Watermaster Dist. # 11 (via email)
Klamath and Douglas County Planning Department
John A. Short, Agent

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER APPROVING A CHANGE IN
T-14109, Deschutes and Klamath County)	PLACE OF USE

Authority

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

Applicant

BELL "A" LAND AND CATTLE COMPANY
PO BOX 97
LA PINE, OR 97739

Receiving Landowner

BELL "A" LAND AND CATTLE COMPANY
PO BOX 97
LA PINE, OR 97739

Findings of Fact

1. On October 21, 2022, BELL "A" LAND AND CATTLE COMPANY filed an application to change the place of use under Certificate 95746. The Department assigned the application number T-14109.
2. BELL "A" LAND AND CATTLE COMPANY is the receiving landowner who will be responsible for completion of the changes.
3. Notice of the application for transfer was published on November 1, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
4. On April 14, 2023, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14109 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of May 15, 2023, for the applicant to respond. The applicant requested that the Department proceed with issuance of a

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, 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.

Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

5. On April 24, 2023, the applicant requested to extend the time to complete full beneficial use of the water to October 1, 2029.
6. On May 18, 2023, the Department issued a Preliminary Determination proposing to approve Transfer T-14109 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on May 23, 2023, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
7. The portion of the right to be transferred is as follows:

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

Use: IRRIGATION OF 12.1 ACRES

Priority Date: 1897 for 12.1 acres

Rate/Duty: 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 for each acre irrigated during the irrigation season of each year.

Source: LITTLE DESCHUTES RIVER, a 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	Owner
22 S	10 E	WM	34	NE SW	2803	12.1	LeBeau, Donald and Suzanne

8. Transfer Application T-14109 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
23 S	9 E	WM	14	NE NE	0.1
23 S	9 E	WM	14	SE NE	4.9
23 S	9 E	WM	26	SW NE	7.1
Total					12.1

Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2) and 690-380-2110(2)]

9. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
10. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14109.
11. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
12. The proposed change would not result in enlargement of the right.
13. The proposed change would not result in injury to other existing water rights.
14. All other application requirements are met.

Conclusions of Law

The change in place of use proposed in Transfer Application T-14109 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

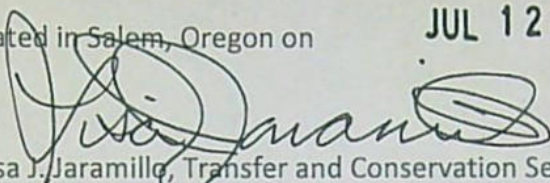
Now, therefore, it is ORDERED:

1. The change in place of use proposed in Transfer Application T-14109 is approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 95746 and any related decree.
3. Water right Certificate 95746 is modified. The Department will issue a superseding certificate describing the right when it determines that is necessary for record keeping.
4. The former place of use of the transferred right shall no longer receive water under the right.
5. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2029**. 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 change and full beneficial use of the water.

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

Dated in Salem, Oregon on

JUL 12 2023



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

Mailing date: **JUL 13 2023**

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 14109

RA

Transfer Specialist:

Corey

Transfer Type: Regular Transfer

Applicant: BELL A LAND AND CATTLE COMPANY PO BOX 97 LA PINE, OR 97339 Email: _____ Phone: _____		Agent: <input type="checkbox"/> N/A JOHN A. SHORT PO BOX 1830 BEND, OR 97709 Email: _____ Phone: _____	
Irrigation District: <input type="checkbox"/> N/A Email: _____		CWRE: <input type="checkbox"/> N/A Email: _____	
Affected Local Gov'ts: <input type="checkbox"/> N/A La Pine Cooperative Water Association Klamath County Email: _____		Affected Tribal Gov't: <input type="checkbox"/> N/A UNAVAILABLE Email: _____	
Current Landowner if other than Applicant: <input type="checkbox"/> N/A Email: _____		Receiving Landowner: <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"/>	Deschutes River Decree	v. 8 pg. 405	95746	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

Key Dates & Initial Actions:

Rec'd: October 21, 2022	Proposed Action(s): PLACE OF USE	
Fees Pd: 1360.00	WM District: 11	ODFW District:
Initial Public Notice: November 1, 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: N/A	Affidavit of publication received:	Last day of publication:

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: 3/13/23 Initials: CC	Date: 3/17/23 Initials: ASD	Date: _____ Initials: _____	Date: 3/23/23 Initials: PKS	Date: _____ Initials: _____	CW Sent: 4/14/23	N/A
PD	Date: 4/26/23 Initials: CC	Date: 5/18/23 Initials: Scott	Date: _____ Initials: _____	Date: 5/10/23 Initials: PKS	Date: _____ Initials: _____	Date: 5/10/23	Date: 5/18/23
FO	Date: 6/19/23 Initials: CC	Date: 6/19/23 Initials: Scott	Date: _____ Initials: _____	Date: 6/14/23 Initials: PKS	Date: 6/29/23 Initials: CC	Date: 6/30/23	Date: 7/12/23

Special Issues: POU

Special Order Volume: Vol. 128 Pages 634

COURCHANE Corey A * WRD

From: MARTIN Duff A * WRD
Sent: Wednesday, May 10, 2023 2:02 PM
To: COURCHANE Corey A * WRD
Subject: RE: Bell "A" Land and Cattle Co., T-14109

Hi Corey,

This has been reviewed by data, no issues and is ready to be signed. Time taken was 15 min.

Thanks,

Duff Martin

Data Tech 2

725 Summer St NE Salem, OR 97301



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

From: COURCHANE Corey A * WRD <Corey.A.COURCHANE@water.oregon.gov>
Sent: Wednesday, May 10, 2023 11:16 AM
To: MARTIN Duff A * WRD <Duff.A.MARTIN@water.oregon.gov>
Subject: Bell "A" Land and Cattle Co., T-14109






Good morning Duff,

T-14109 PD is ready for review, no RR.

Thank you,

Corey

DESCHUTES COUNTY, OR
T22S R10E, WM

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



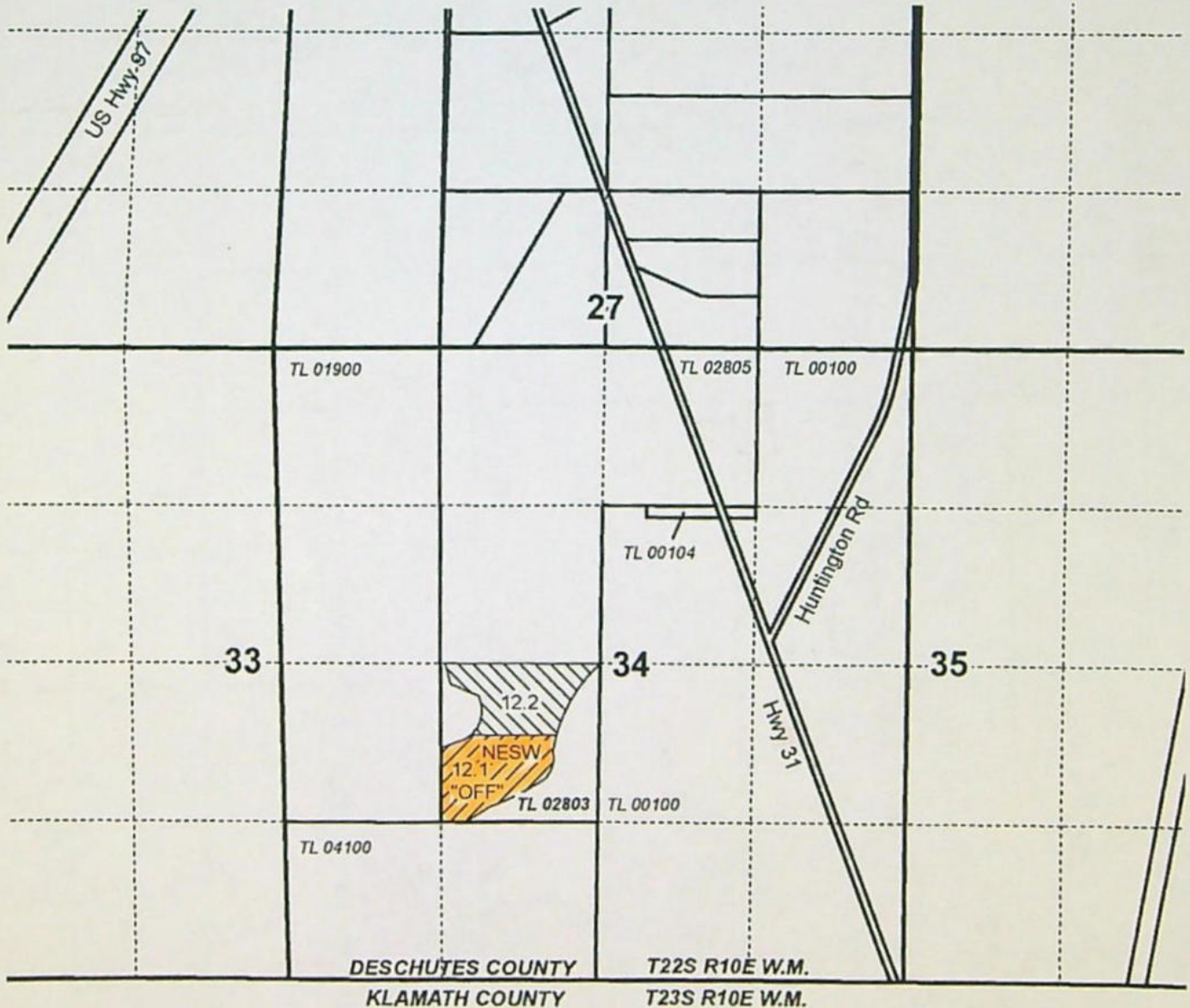
0 1,320 Feet
1" = 1320'

RECEIVED
OCT 21 2022



RENEWAL DATE 12/31/2022

OWRD



TRANSFER "OFF" POU MAP
Bell "A" Land and Cattle Company

Date: 9/6/2022 A portion of C-95746

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

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



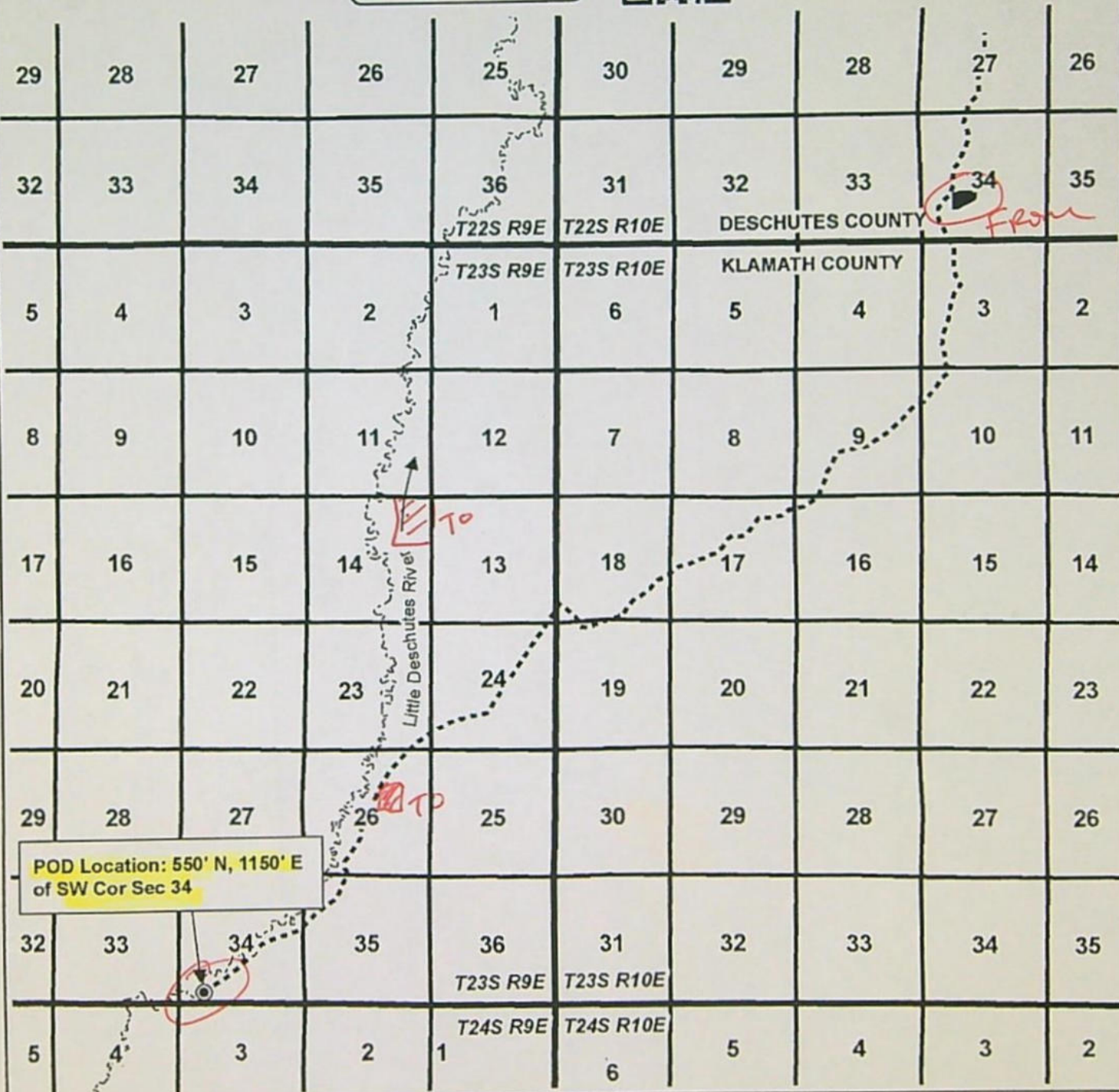
RENEWAL DATE 12/31/2022

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

T22S R10E, WM,
DESCHUTES COUNTY, OR &
RECEIVED T23S R10E & T23S R9E, WM
KLAMATH COUNTY, OR
OCT 21 2022



0 6,000 Feet
1" = 6000'



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

TRANSFER "OFF" POD MAP
Bell "A" Land and Cattle Company

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

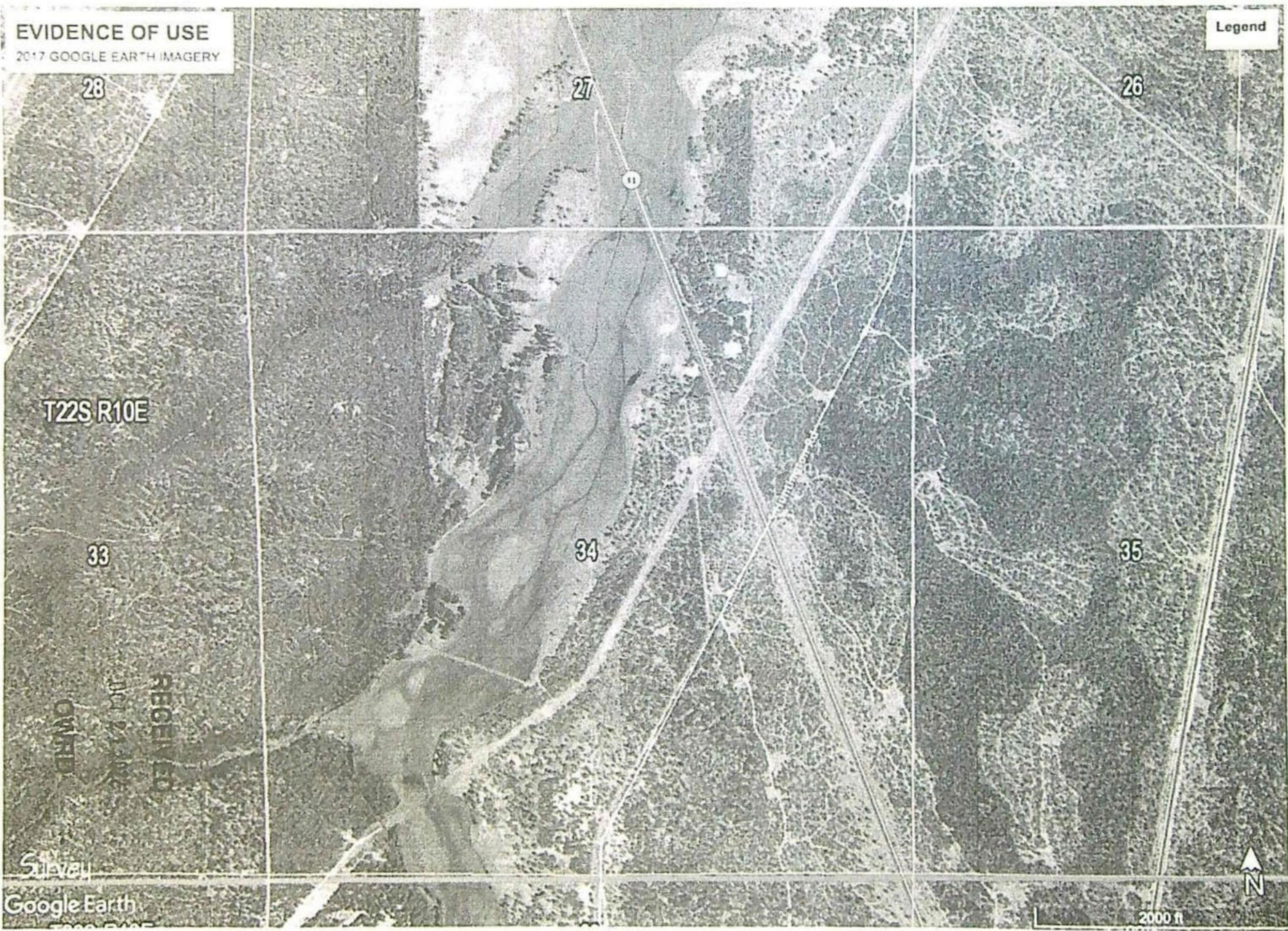
WATER RIGHT SERVICES, LLC
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WWW.OREGONWATER.US 541-389-2837
johnshort@usa.com CCB # 197121

Date: 9/6/2022

A Portion of C-95746

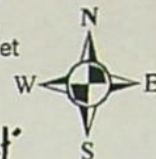
EVIDENCE OF USE
2017 GOOGLE EARTH IMAGERY

Legend



T23S R9E, WM KLAMATH COUNTY, OR

0 1,320 Feet
1" = 1320'



See Map 2/2
TL 200
TL 100
SWNE
TL 101

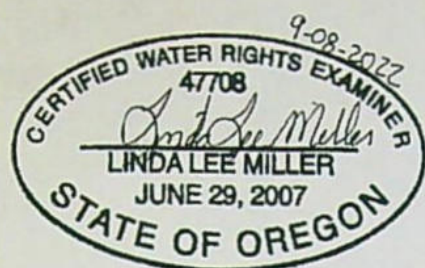
26
TL 300
TL 400
TL 101

TL 3600
TL 3500
TL 3501
TL 3601

TL 3501
TL 3400
US Hwy 97

35
RECEIVED
OCT 21 2022
OWRD

2

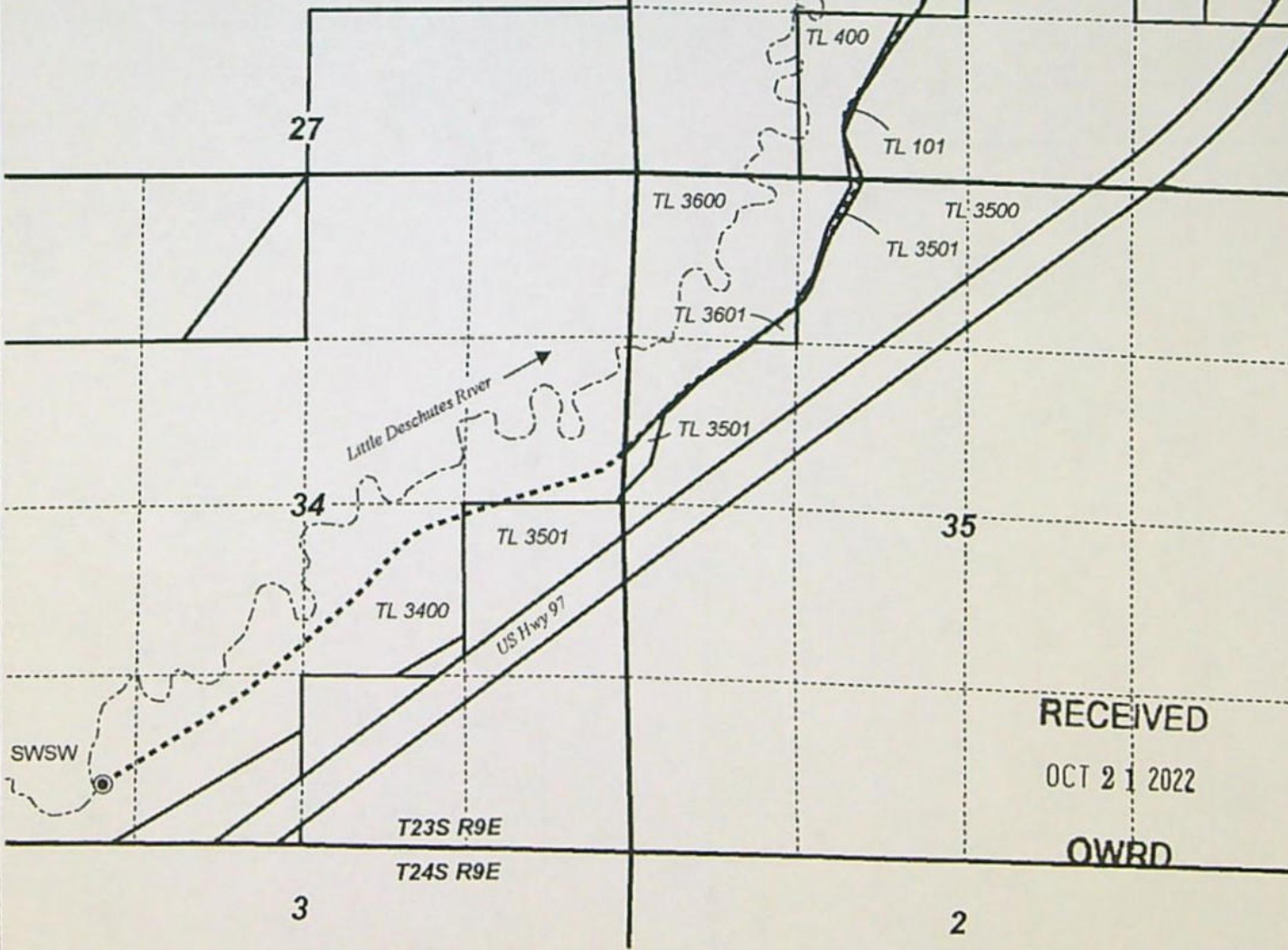


RENEWAL DATE 12/31/2022



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

- POD
- River
- - - Ditch
- - - Canal
- POU IR "ON" 1897 Priority
- Section
- - - Quarter Quarter
- Tax Lot



TRANSFER "ON" MAP 1 OF 2
Bell "A" Land and Cattle Company

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

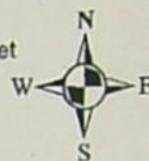
WATER RIGHT SERVICES, LLC
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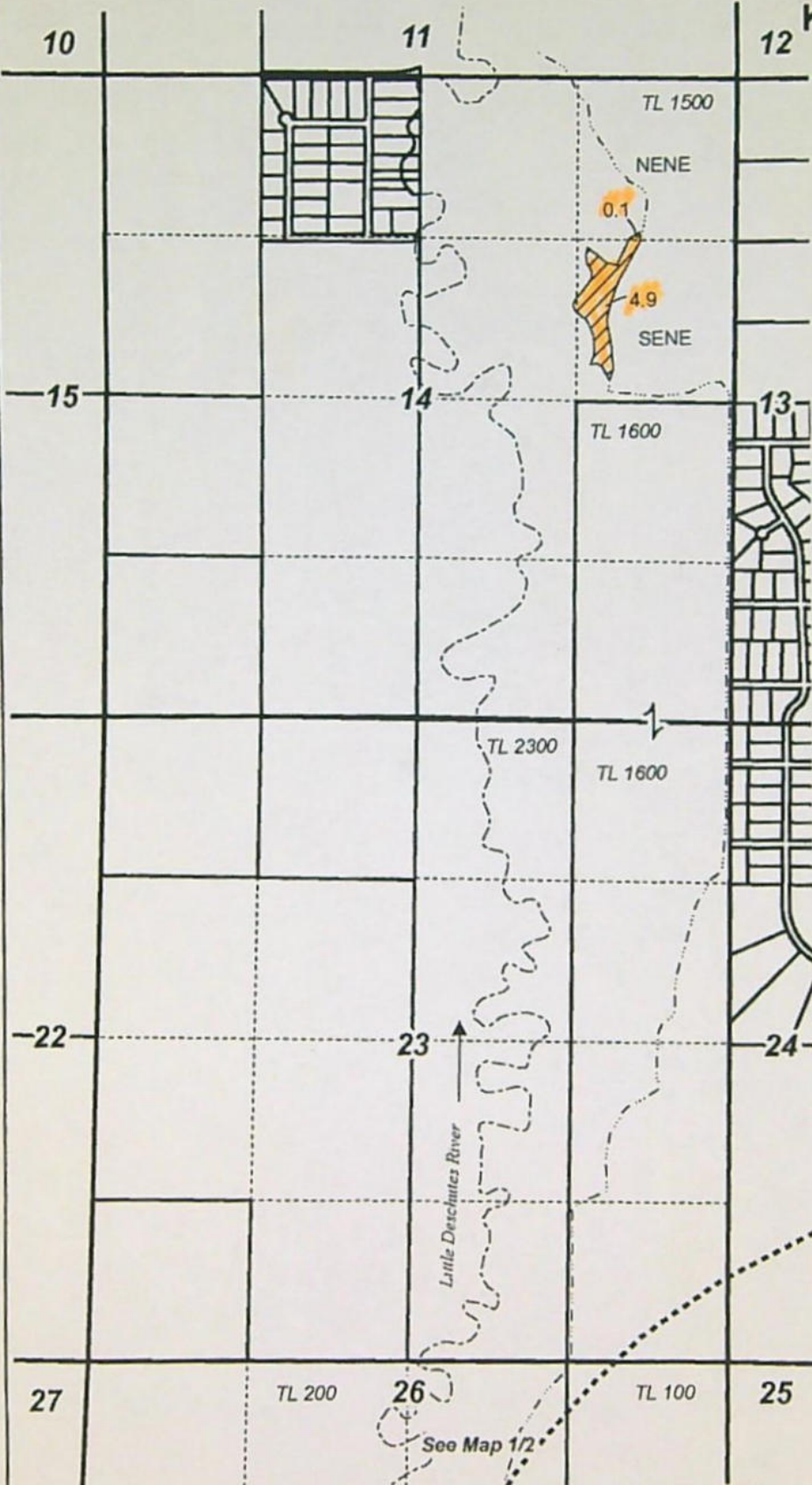
A Portion of C-95746

T23S R9E, WM
KLAMATH COUNTY, OR

0 1,320 Feet
1" = 1320'



- POD
- River
- - - Ditch
- Canal
- POU IR "ON" 1897 Priority
- Section
- - - Quarter Quarter
- Tax Lot



RENEWAL DATE 12/31/2022

RECEIVED

OCT 21 2022

OWRD



TRANSFER "ON" MAP 2 OF 2
Bell "A" Land and Cattle Company

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

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

Date: 9/6/2022

A Portion of C-95746

Oregon Water Resources Department
Water Rights Platcard Report

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Meridian: Willamette ▼ Township: 22 South ▼ Range: 10 East ▼ Section: 34 ▼ Records per Page: 999

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Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40) Q(160)	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ
Select Cert:13656 OR CN <u>Additional Info:</u> FANNIE E STEARNS Decree: DESCHUTES RIVER (F) Cert: 13656		12/31/1897	IRRIGATION	CN				-14.9				-40				-40	-25.2							
Select Cert:30855 CF (RR) CN <u>Additional Info:</u> FANNIE E STEARNS Decree: DESCHUTES RIVER (F) Cert: 30855		12/31/1897	IRRIGATION	CN				-14.9				-40				-40	-25.2							
Select Cert:68720 CF CN <u>Additional Info:</u> LA PINE COOPERATIVE WATER ASSOCIATION Decree: DESCHUTES RIVER (F) Cert: 68720		12/31/1897	IRRIGATION	CN				-19.4				-39.7				-36.7	-24.3							
Select Cert:72196 CF CR CN <u>Additional Info:</u> LA PINE COOPERATIVE WATER ASSOCIATION Decree: DESCHUTES RIVER (F) Cert: 72196	T9835, IL661, IL662, IL663, IL739, IL743, IL644	12/31/1897	IRRIGATION	CN				-19.4				-39.7				-36.7	-24.3							
Select Cert:83653 (RR) CN <u>Additional Info:</u> LA PINE COOPERATIVE WATER ASSOCIATION Decree: DESCHUTES RIVER (F) Cert: 83653	T10623, IL740, T10624	12/31/1897	IRRIGATION	CN				-19.4				-39.7				-36.7	-24.3							
Select Cert:86022 (T 10623, T 10624 RR) CN <u>Additional Info:</u> LA PINE COOPERATIVE WATER ASSOCIATION Decree: DESCHUTES RIVER (F) Cert: 86022	IL1059, T11163, IL1108, IL1123, T11365	12/31/1897	IRRIGATION	CN				-19.4				-39.7				-36.7	-24.3							
Select Cert:87048 (RR) CN <u>Additional Info:</u> Decree: DESCHUTES RIVER (F) Cert: 87048	IL1408, IL1450, T11365	12/31/1897	IRRIGATION	CN				-19.4				-39.7				-36.7	-24.3							

<u>Select</u> Cert:90239 (RR) CN	IL1108, T12439, IL1742, LA PINE COOPERATIVE WATER ASSOCIATION Decree: DESCHUTES RIVER (F) Cert: 90239	12/31/1897 IRRIGATION CN	-19.4			-39.7			-36.7	-24.3								
<u>Additional Info:</u> LA PINE COOPERATIVE WATER ASSOCIATION Decree: DESCHUTES RIVER (F) Cert: 90239	IL1743, T13456, IL1874																	
<u>Select</u> Cert:95746 (T 13456 RR) *	T13764, T13806, T13857, LA PINE COOPERATIVE WATER ASSOCIATION Decree: DESCHUTES RIVER (F) Cert: 95746	12/31/1897 IRRIGATION	19.4			16.4			36.7	24.3								
<u>Additional Info:</u> LA PINE COOPERATIVE WATER ASSOCIATION Decree: DESCHUTES RIVER (F) Cert: 95746	T14068, T14109																	
<u>Select</u> Cert:13651 OR CN		12/31/1900 IRRIGATION CN									-10	-20						
<u>Additional Info:</u> GEORGE T SLY Decree: DESCHUTES RIVER (F) Cert: 13651																		
<u>Select</u> Cert:68720 CF CN		12/31/1900 IRRIGATION CN									-10.1	-11						
<u>Additional Info:</u> LA PINE COOPERATIVE WATER ASSOCIATION Decree: DESCHUTES RIVER (F) Cert: 68720																		
<u>Select</u> Cert:72196 CF CR CN	T9835, IL661, IL662, LA PINE COOPERATIVE WATER ASSOCIATION Decree: DESCHUTES RIVER (F) Cert: 72196	12/31/1900 IRRIGATION CN									-10.1	-11						
<u>Additional Info:</u> LA PINE COOPERATIVE WATER ASSOCIATION Decree: DESCHUTES RIVER (F) Cert: 72196	IL663, IL739, IL743, IL644																	
<u>Select</u> App: G 16326 EX		10/18/2004 IRRIGATION EX									-38							
<u>Additional Info:</u> KAREN HURD App: G16326																		

Acreage Legend: 12.25 Regular
acreage

-12.25 Acreage is on a canceled
right

(12.25) Acreage is part of a transfer and has not been proven up on yet
(inchoate)

[12.25] Acreage has been
suspended

* Acreage is not
specified

Oregon Water Resources Department
Water Rights Platcard Report

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TO NC

Meridian: Willamette ▼ Township: 23 South ▼ Range: 9 East ▼ Section: 14 ▼ Records per Page: 999

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Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	qq(40): q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ
Select Cert:29580 OR CN <u>Additional Info:</u> WILLIAM FOSS Decree: DESCHUTES RIVER (F) Cert: 29580		12/31/1907	IRRIGATION	CN				-22.5	-22.5															
Select Cert:68720 CF CN <u>Additional Info:</u> LA PINE COOPERATIVE WATER ASSOCIATION Decree: DESCHUTES RIVER (F) Cert: 68720		12/31/1897	IRRIGATION	CN				-7.7	-34.2	-29.1	-2.1										-5.4	-13.3		
Select Cert:72196 CF CR CN <u>Additional Info:</u> LA PINE COOPERATIVE WATER ASSOCIATION Decree: DESCHUTES RIVER (F) Cert: 72196	T9835, IL661, IL662, IL663, IL739, IL743, IL644	12/31/1897	IRRIGATION	CN				-7.7	-34.2	-29.1	-2.1										-5.4	-13.3		
Select Cert:83653 (RR) CN <u>Additional Info:</u> LA PINE COOPERATIVE WATER ASSOCIATION Decree: DESCHUTES RIVER (F) Cert: 83653	T10623, IL740, T10624	12/31/1897	IRRIGATION	CN				-7.7	-34.2	-29.1	-2.1										-5.4	-13.3		
Select Cert:86022 (T 10623, T 10624 RR) CN <u>Additional Info:</u> LA PINE COOPERATIVE WATER ASSOCIATION Decree: DESCHUTES RIVER (F) Cert: 86022	IL1059, T11163, IL1108, IL1123, T11365	12/31/1897	IRRIGATION	CN				-7.7	-34.2	-29.1	-2.1										-5.4	-13.3		
Select Cert:87048 (RR) CN <u>Additional Info:</u> Decree: DESCHUTES RIVER (F) Cert: 87048	IL1408, IL1450, T11365	12/31/1897	IRRIGATION	CN				-7.7	-34.2	-29.1	-2.1										-5.4	-13.3		
Select Cert:90239 (RR) CN <u>Additional Info:</u> LA PINE COOPERATIVE WATER ASSOCIATION Decree: DESCHUTES RIVER (F) Cert: 90239	IL1108, T12439, IL1742, IL1743, T13456, IL1874	12/31/1897	IRRIGATION	CN				-7.7	-34.2	-29.1	-2.1										-5.4	-13.3		
Select Cert:95746 (T 13456 RR) * <u>Additional Info:</u> LA PINE COOPERATIVE WATER ASSOCIATION	T13764, T13806, T13857,	12/31/1897	IRRIGATION					7.7	34.2	29.1	2.1										5.4	13.3		

[illegible]

[illegible]

<u>Select</u> Cert:95104 CF CR *		MULTIPLE INSTREAM USES		*	*	*		*						*	*		
<u>Additional Info:</u> OREGON WATER RESOURCES DEPARTMENT Decree: DESCHUTES RIVER (F) Cert: 95104																	
<u>Select</u> Cert:95246 CF *	9/1/1898	MULTIPLE INSTREAM USES		*	*	*		*						*	*		
<u>Additional Info:</u> OREGON WATER RESOURCES DEPARTMENT Decree: DESCHUTES RIVER, MODIFY FINDINGS, 1928 Cert: 95246																	
<u>Select</u> Cert:95747 CF *	12/31/1897	MULTIPLE INSTREAM USES		*	*	*		*						*	*		
<u>Additional Info:</u> OREGON WATER RESOURCES DEPARTMENT Decree: DESCHUTES RIVER (F) Cert: 95747																	
<u>Select</u> Cert:95726 CF CR *	4/7/1911	MULTIPLE INSTREAM USES		*	*	*		*						*	*		
<u>Additional Info:</u> OREGON WATER RESOURCES DEPARTMENT App: S1343 Permit: S624 Cert: 95726																	
<u>Select</u> Cert:95727 CF CR *	4/7/1911	MULTIPLE INSTREAM USES		*	*	*		*						*	*		
<u>Additional Info:</u> OREGON WATER RESOURCES DEPARTMENT App: S1343 Permit: S624 Cert: 95727																	
<u>Select</u> Cert:95730 CF *	4/7/1911	MULTIPLE INSTREAM USES		*	*	*		*						*	*		
<u>Additional Info:</u> OREGON WATER RESOURCES DEPARTMENT App: S1343 Permit: S624 Cert: 95730																	
<u>Select</u> Cert:96302 CF *	12/31/1897	MULTIPLE INSTREAM USES		*	*	*		*						*	*		
<u>Additional Info:</u> OREGON WATER RESOURCES DEPARTMENT Decree: DESCHUTES RIVER (F) Cert: 96302																	

Acreage Legend: 12.25 Regular
acreage

-12.25- Acreage is on a canceled
right

(12.25) Acreage is part of a transfer and has not been proven up on yet
(inchoate)

[12.25] Acreage has been
suspended

* Acreage is not
specified

Oregon Water Resources Department
Water Rights Platcard Report

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Search Criteria

TO NC

Meridian: Willamette ▼ Township: 23 South ▼ Range: 9 East ▼ Section: 26 ▼ Records per Page: 999

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Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	Q(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ
Select Cert:73226 OR * Additional Info: OREGON WATER RESOURCES DEPARTMENT App: IS70757 Cert: 73226		10/11/1990	ANADROMOUS AND RESIDENT FISH HABITAT (INSTREAM)						*	*		*			*	*	*	*	*					
Select Cert:83652 CF * Additional Info: OREGON WATER RESOURCES DEPARTMENT Decree: DESCHUTES RIVER (F) Cert: 83652		12/31/1900	MULTIPLE INSTREAM USES						*	*		*			*	*	*	*	*					
Select Cert:84352 CF * Additional Info: OREGON WATER RESOURCES DEPARTMENT App: S1343 Cert: 84352		4/7/1911	MULTIPLE INSTREAM USES						*	*		*			*	*	*	*	*					
Select Cert:86020 CF CN Additional Info: OREGON WATER RESOURCES DEPARTMENT Decree: DESCHUTES RIVER (F) Cert: 86020			MULTIPLE INSTREAM USES		CN				+	+		+			+	+	+	+	+					
Select Cert:86021 CF CN Additional Info: OREGON WATER RESOURCES DEPARTMENT Decree: DESCHUTES RIVER (F) Cert: 86021		4/30/1902	MULTIPLE INSTREAM USES		CN				+	+		+			+	+	+	+	+					
Select Cert:86854 CF * Additional Info: OREGON WATER RESOURCES DEPARTMENT Decree: DESCHUTES RIVER (F) Cert: 86854		9/1/1898	MULTIPLE INSTREAM USES						*	*		*			*	*	*	*	*					
Select Cert:87047 CF * Additional Info: OREGON WATER RESOURCES DEPARTMENT Decree: DESCHUTES RIVER (F) Cert: 87047		12/31/1897	MULTIPLE INSTREAM USES						*	*		*			*	*	*	*	*					
Select Cert:87440 CF * Additional Info: OREGON WATER RESOURCES DEPARTMENT App: S1343		4/7/1911	MULTIPLE INSTREAM USES						*	*		*			*	*	*	*	*					

Permit: S624 Cert: 87440																			
Select	Cert:88992 CF * <u>Additional Info:</u> OREGON WATER RESOURCES DEPARTMENT App: S1343 Permit: S624 Cert: 88992	4/7/1911	MULTIPLE INSTREAM USES		*	*	*	*	*	*	*	*	*	*					
Select	Cert:90238 CF * <u>Additional Info:</u> OREGON WATER RESOURCES DEPARTMENT Decree: DESCHUTES RIVER (F) Cert: 90238	12/31/1897	MULTIPLE INSTREAM USES		*	*	*	*	*	*	*	*	*	*					
Select	Cert:91696 CF * <u>Additional Info:</u> OREGON WATER RESOURCES DEPARTMENT Cert: 91696	9/1/1898	MULTIPLE INSTREAM USES		*	*	*	*	*	*	*	*	*	*					
Select	Cert:91923 CF * <u>Additional Info:</u> OREGON WATER RESOURCES DEPARTMENT App: S1343 Permit: S624 Cert: 91923	4/7/1911	MULTIPLE INSTREAM USES		*	*	*	*	*	*	*	*	*	*					
Select	App: S 88478 * <u>Additional Info:</u> TUMALO IRRIGATION DISTRICT App: S88478	11/29/2017	MULTIPLE INSTREAM USES		*	*	*	*	*	*	*	*	*	*					
Select	Cert:94202 CF CN <u>Additional Info:</u> OREGON WATER RESOURCES DEPARTMENT App: S1343 Permit: S624 Cert: 94202	4/7/1911	MULTIPLE INSTREAM USES	CN	+	+	+	+	+	+	+	+	+	+					
Select	Cert:94857 CF CN <u>Additional Info:</u> OREGON WATER RESOURCES DEPARTMENT App: S1343 Permit: S624 Cert: 94857	4/7/1911	MULTIPLE INSTREAM USES	CN	+	+	+	+	+	+	+	+	+	+					
Select	Cert:94935 CF * <u>Additional Info:</u> OREGON WATER RESOURCES DEPARTMENT Decree: DESCHUTES RIVER, MODIFY FINDINGS, 1928 Cert: 94935		MULTIPLE INSTREAM USES		*	*	*	*	*	*	*	*	*	*					
Select	Cert:95105 CF CR * <u>Additional Info:</u> OREGON WATER RESOURCES DEPARTMENT Decree: DESCHUTES RIVER (F) Cert: 95105	4/30/1902	MULTIPLE INSTREAM USES		*	*	*	*	*	*	*	*	*	*					
Select	Cert:95104 CF CR * <u>Additional Info:</u> OREGON WATER RESOURCES DEPARTMENT		MULTIPLE INSTREAM USES		*	*	*	*	*	*	*	*	*	*					

[illegible]

Decree: DESCHUTES RIVER (F) Cert: 68720																			
<u>Select</u>	Cert:72196 CF CR CN	T9835, IL661, IL662, IL663, IL739, IL743, IL644	4/30/1902	IRRIGATION	CN	-12.5		-2.05			-12	-22.8	-1.1	-3.2	-13.3				
<u>Additional Info:</u> LA PINE COOPERATIVE WATER ASSOCIATION Decree: DESCHUTES RIVER (F) Cert: 72196																			
<u>Select</u>	Cert:83653 (RR) CN	T10623, IL740, T10624	4/30/1902	IRRIGATION	CN	-12.5		-2.05			-12	-22.8	-1.1	-3.2	-13.3				
<u>Additional Info:</u> LA PINE COOPERATIVE WATER ASSOCIATION Decree: DESCHUTES RIVER (F) Cert: 83653																			
<u>Select</u>	Cert:86022 (T 10623, T 10624 RR) CN	IL1059, T11163, IL1108, IL1123, T11365	4/30/1902	IRRIGATION	CN	-12.5		-2.05			-12	-22.8	-1.1	-3.2	-13.3				
<u>Additional Info:</u> LA PINE COOPERATIVE WATER ASSOCIATION Decree: DESCHUTES RIVER (F) Cert: 86022																			
<u>Select</u>	Cert:87048 (RR) CN	IL1408, IL1450, T11365	4/30/1902	IRRIGATION	CN	-12.5		-2.05			-12	-22.8	-1.1	-3.2	-13.3				
<u>Additional Info:</u> Decree: DESCHUTES RIVER (F) Cert: 87048																			
<u>Select</u>	Cert:90239 (RR) CN	IL1108, T12439, IL1742, IL1743, T13456, IL1874	4/30/1902	IRRIGATION	CN	-12.5		-2.05			-12	-22.8	-1.1	-3.2	-13.3				
<u>Additional Info:</u> LA PINE COOPERATIVE WATER ASSOCIATION Decree: DESCHUTES RIVER (F) Cert: 90239																			
<u>Select</u>	Cert:95746 (T 13456 RR) *	T13764, T13806, T13857, T14068, T14109	4/30/1902	IRRIGATION		12.5		2.05			12	22.8	1.1	3.2	13.3				
<u>Additional Info:</u> LA PINE COOPERATIVE WATER ASSOCIATION Decree: DESCHUTES RIVER (F) Cert: 95746																			

Acreage Legend: 12.25 Regular
acreage

~~-12.25~~ Acreage is on a canceled
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(12.25) Acreage is part of a transfer and has not been proven up on yet
(Inchoate)

[12.25] Acreage has been
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* Acreage is not
specified



Oregon

Tina Kotek, Governor

May 8, 2023

VIA CERTIFIED MAIL AND E-MAIL

Applicant

BELL "A" LAND AND CATTLE COMPANY
PO BOX 97
LA PINE, OR 97739

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

BELL A LAND AND CATTLE CO.
PO BOX 97
LA PINE, OR 97739



9590 9402 6878 1104 8766 00

2. Article Number (Transfer from service label)

7021 1970 0001 3950 3242

PS Form 3811, July 2020 PSN 7530-02-000-9053 FPD

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Stella Wright ☐ Agent ☐ Addressee

B. Received by (Printed Name)

Stella Wright

C. Date of Delivery

5/31/23

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

JUN 05 2023

OWRD

3. Service Type

- | | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | |
| <input type="checkbox"/> Insured Mail | |
| <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) | |

T-14109 Domestic Return Receipt

SUBJECT: Water Right Transfer Application T-14109

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-14109. 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.

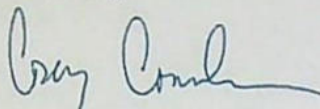
A public notice is being published in the Department's weekly publication, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a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

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 corey.a.courchane@water.oregon.gov or (503) 979-3917, if I may be of assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Corey Courchane".

Corey Courchane
Allocation of Conserved Water
Transfer and Conservation Section

cc: Transfer Application file T-1410914109
 Jeremy T. Giffin, District 11 Watermaster *(via e-mail)*
 John A. Short, Agent for the applicant *(via e-mail)*

encs

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-14109, Deschutes and Klamath County)	PROPOSING APPROVAL OF A CHANGE
)	PLACE OF USE

Authority

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

Applicant

BELL "A" LAND AND CATTLE COMPANY
PO BOX 97
LA PINE, OR 97739

Receiving Landowner

BELL "A" LAND AND CATTLE COMPANY
PO BOX 97
LA PINE, OR 97739

Findings of Fact

1. On October 21, 2022, BELL "A" LAND AND CATTLE COMPANY filed an application to change the place of use under Certificate 95746. The Department assigned the application number T-14109.
2. BELL "A" LAND AND CATTLE COMPANY is the receiving landowner who will be responsible for completion of the changes.
3. Notice of the application for transfer was published on November 1, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
4. On April 14, 2023, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14109 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of May 15, 2023, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later, of this preliminary determination.

5. On April 24, 2023, the applicant requested to extend the time to complete full beneficial use of the water to October 1, 2029.

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

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

Use: IRRIGATION OF 12.1 ACRES

Priority Date: 1897 for 12.1 acres

Rate/Duty: 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 for each acre irrigated during the irrigation season of each year.

Source: LITTLE DESCHUTES RIVER, a 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	Owner
22 S	10 E	WM	34	NE SW	2803	12.1	LeBeau, Donald and Suzanne

7. Transfer Application T-14109 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
23 S	9 E	WM	14	NE NE	0.1
23 S	9 E	WM	14	SE NE	4.9
23 S	9 E	WM	26	SW NE	7.1
Total					12.1

Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2) and 690-380-2110(2)]

8. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
9. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14109.
10. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).

11. The proposed change would not result in enlargement of the right.
12. The proposed change would not result in injury to other existing water rights.
13. All other application requirements are met.

Determination and Proposed Action

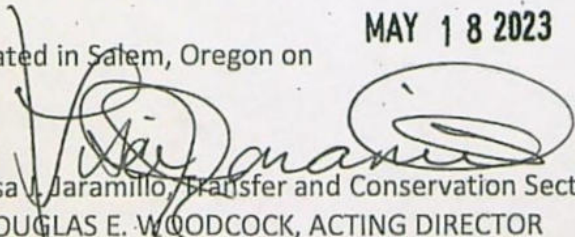
The change in place of use proposed in Transfer Application T-14109 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

If Transfer Application T-14109 is approved, the final order will include the following:

1. *The change in place of use proposed in Transfer Application T-14109 is approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 95746 and any related decree.*
3. *Water right Certificate 95746 is modified. The Department will issue a superseding certificate describing the right when it determines that is necessary for record keeping.*
4. *The former place of use of the transferred right shall no longer receive water under the right.*
5. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2029**. 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 change and full beneficial use of the water.*
6. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on

MAY 18 2023


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

This Preliminary Determination was prepared by Corey Courchane. If you have questions about the information in this document, you may reach me at 971 979-3107 or Corey.A.Courchane@water.oregon.gov.



Property Profile

Property Information:

April 24th, 2023 Bryce Withers

50325 Hwy 31, La Pine, Oregon 97739

Includes the following:

- Tax information
- Assessors Map
- Deed

Please email your customer service requests to customerservice@amerititle.com

The following information is provided at no cost and is for informational purposes only. This report is based on a search of our tract indexes of the county records. This is not a title or ownership report and no examination of the title to the property described has been made. For this reason, the company assumes no liability for any errors or omissions contained herein.



DESCHUTES COUNTY PROPERTY PROFILE INFORMATION

Parcel #: 141364
 Tax Lot: 2210000002803
 Owner: Lebeau, Michael
 CoOwner:
 Site: 50325 Hwy 31
 La Pine OR 97739
 Mail: 1020 Jersey St ## 8
 Denver CO 80220
 Land Use: 550 - Farm - Exclusive Farm Use (EFU) - Vacant
 Std Land Use: AFAR - Farms And Crops
 Legal:
 Twn/Rng/Sec: T:22S R:10E S:34 Q: QQ:

ASSESSMENT & TAX INFORMATION

Market Total: \$991,890.00
 Market Land: \$991,890.00
 Market Impr:
 Assessment Year: 2022
 Assessed Total: \$18,889.00
 Exemption:
 Taxes: \$230.26
 Levy Code: 1-081
 Levy Rate: 12.6724

PROPERTY CHARACTERISTICS

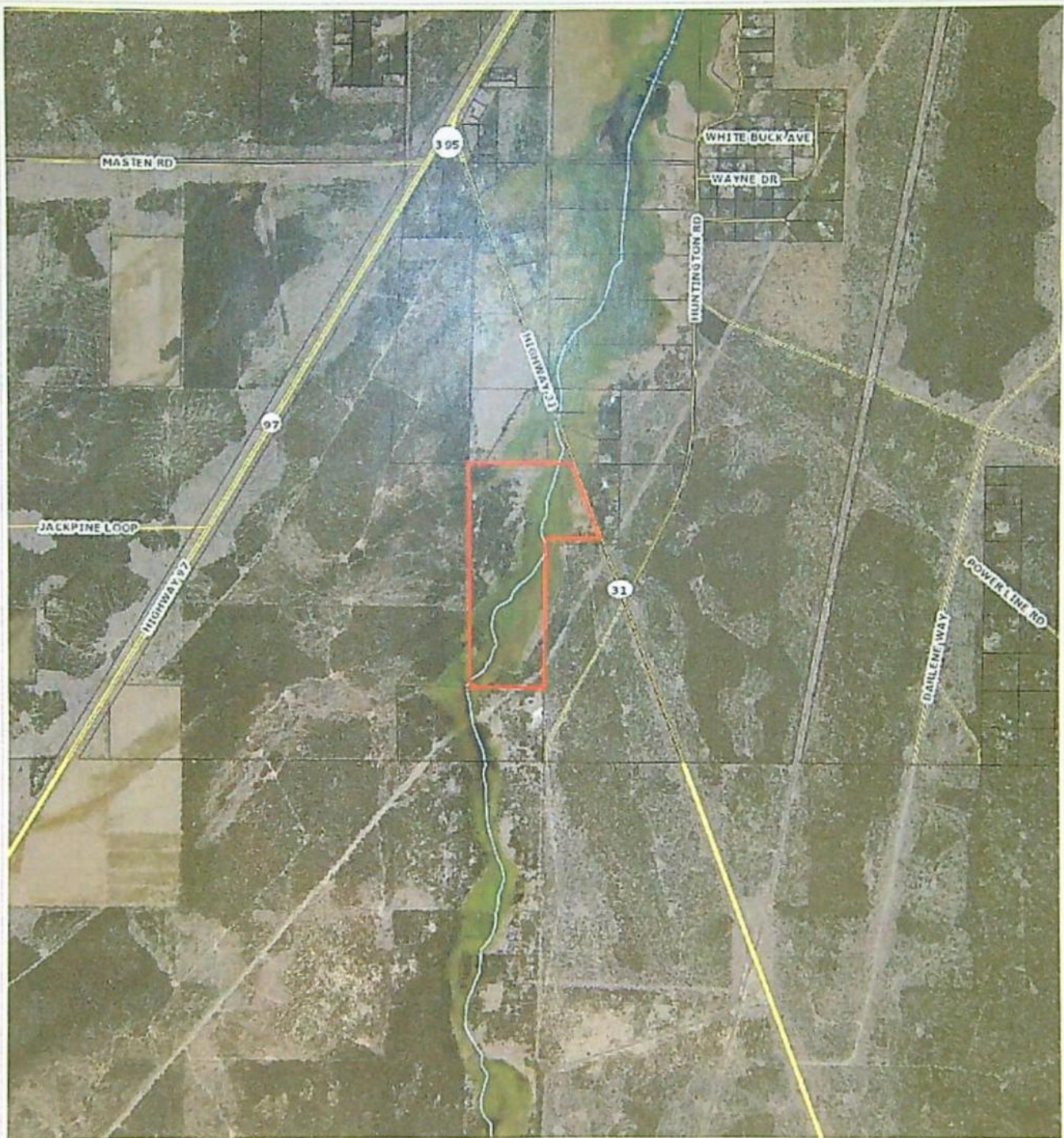
Year Built:
 Eff Year Built:
 Bedrooms:
 Bathrooms:
 # of Stories:
 Total SqFt:
 Floor 1 SqFt:
 Floor 2 SqFt:
 Basement SqFt:
 Lot size: 145.78 Acres (6,349,998 SqFt)
 Garage SqFt:
 Garage Type:
 AC:
 Pool:
 Heat Source:
 Fireplace:
 Bldg Condition:
 Neighborhood:
 Lot:
 Block:
 Plat/Subdiv: N/A
 Zoning: FP - Flood Plain
 School Dist: 1 - Bend - La Pine School District
 Census: 3111 - 000200
 Recreation:

SALE & LOAN INFORMATION

Sale Date: 05/22/2009
 Sale Amount:
 Document #: 21515
 Deed Type: Deed
 Loan Amount:
 Lender:
 Loan Type:
 Interest Type:
 Title Co:

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

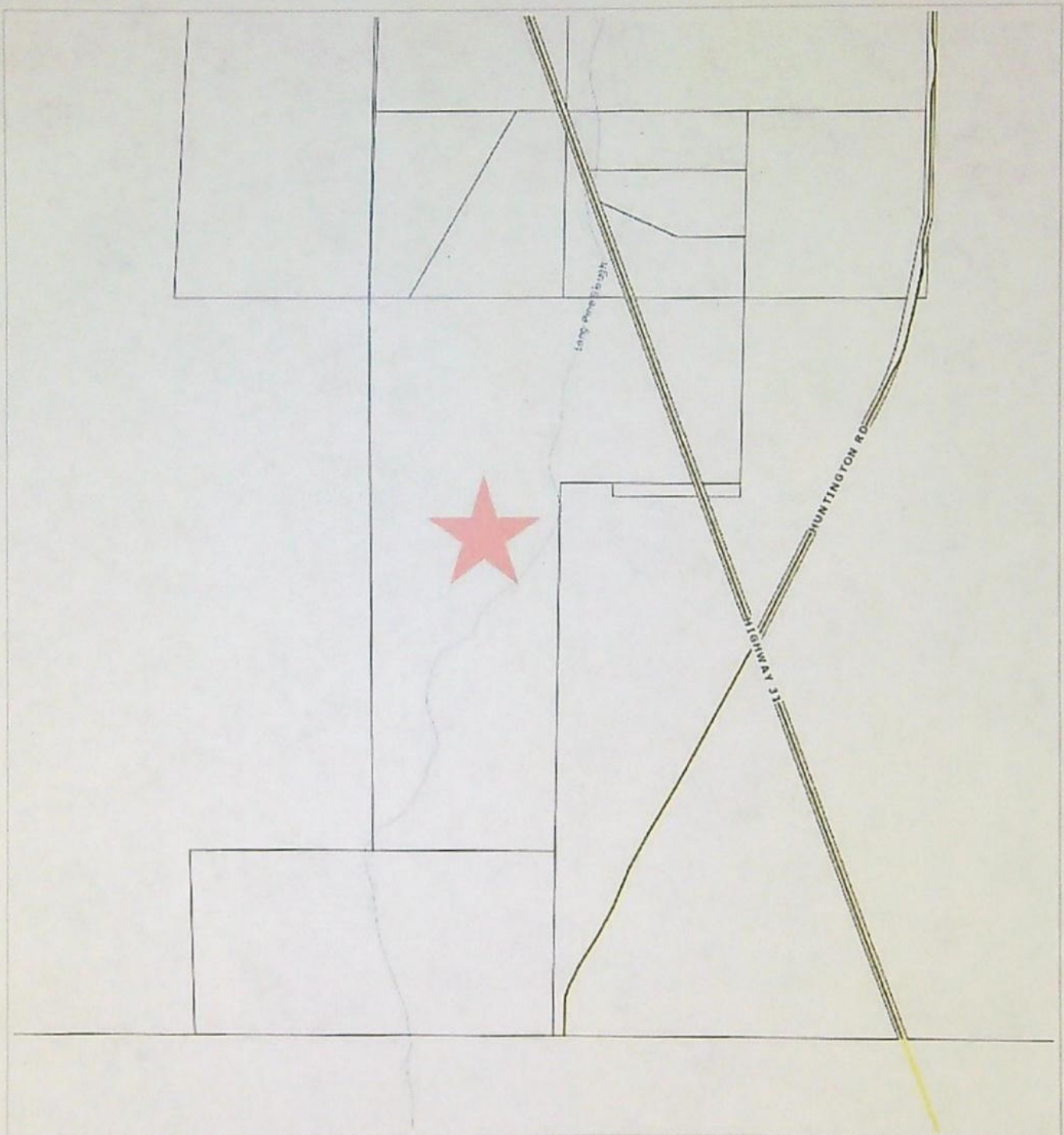
Aerial Map



Parcel ID: 141364

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Assessor Map



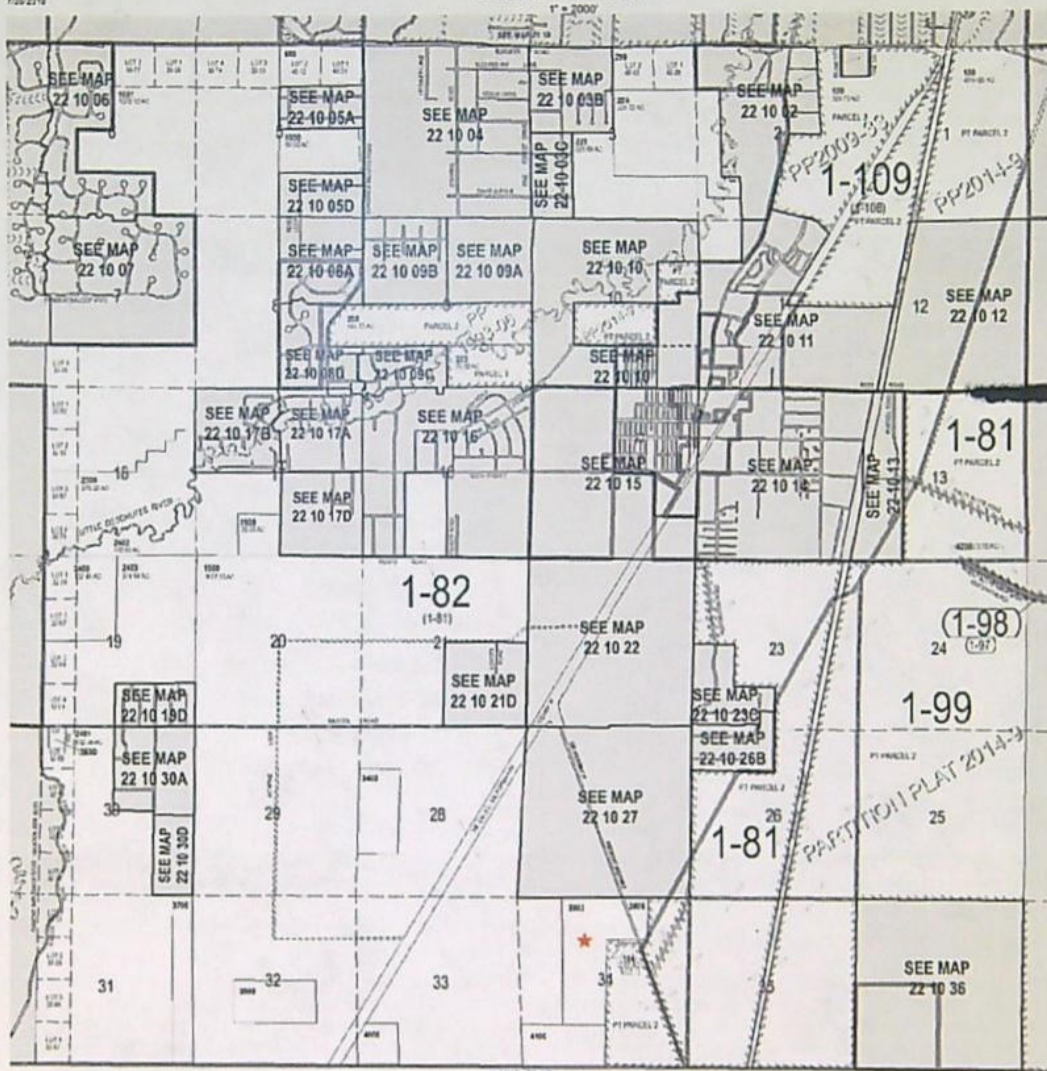
Parcel ID: 141364

Site Address: 50325 Hwy 31

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THIS MAP IS PREPARED FOR
ASSESSMENT PURPOSES ONLY

7/20/23

T.22S. R.10E. W.M.
DESCHUTES COUNTY22 10 00
& INDEX

Cancelled Nos.

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ParcelID: 141364

Tax Account #: 2210000002803

50325 Hwy 31, La Pine OR 97739

This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.



Deschutes County Property Information

Report Date: 4/24/2023 10:51:38 AM

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. 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.

Account Summary

Account Information

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

Property Taxes

Current Tax Year: \$230.26
Tax Code Area: 1081

Assessment

Subdivision:
Lot:
Block:
Assessor Acres: 136.59
Property Class: 550 -- FARM

Ownership

Mailing Address:
LEBEAU, MICHAEL
1020 JERSEY ST ## 8
DENVER, CO 80220

Valuation

Real Market Values as of Jan. 1, 2022

Land	\$991,890
Structures	\$0
Total	\$991,890

Current Assessed Values:

Maximum Assessed	N/A
Assessed Value	\$18,889
Veterans Exemption	

Warnings, Notations, and Special Assessments

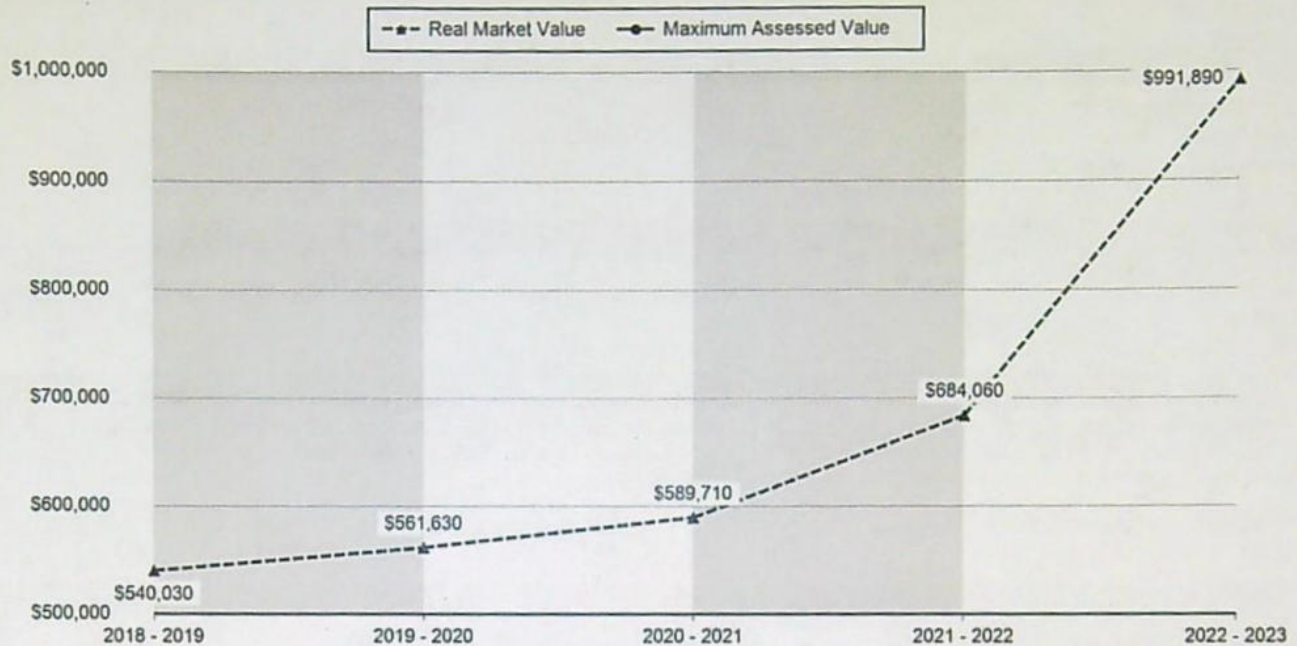
Assessor's Office Notations

EXCLUSIVE FARM USE POTENTIAL ADDITIONAL TAX LIABILITY

Review of digital records maintained by the Deschutes County Assessor's Office, Tax Office, Finance Office, and the Community Development Department indicates that there are County tax, assessment, or property development related notations associated with this account and that have been identified above. Independent verification of the presence of additional Deschutes County tax, assessment, development, and other property related considerations is recommended. Confirmation is commonly provided by title companies, real estate agents, developers, engineering and surveying firms, and other parties who are involved in property transactions or property development. In addition, County departments may be contacted directly to discuss the information.

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

	2018 - 2019	2019 - 2020	2020 - 2021	2021 - 2022	2022 - 2023
Real Market Value - Land	\$540,030	\$561,630	\$589,710	\$684,060	\$991,890
Real Market Value - Structures	\$0	\$0	\$0	\$0	\$0
Total Real Market Value	\$540,030	\$561,630	\$589,710	\$684,060	\$991,890
Maximum Assessed Value	N/A	N/A	N/A	N/A	N/A
Total Assessed Value	\$18,889	\$18,889	\$18,889	\$18,889	\$18,889
Veterans Exemption	\$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
2022	11-15-2022	PAYMENT	11-02-2022	11-02-2022	\$223.35	(\$230.26)	\$6.91	\$0.00	\$0.00
2022	11-15-2022	IMPOSED	10-12-2022	11-15-2022	\$0.00	\$230.26	\$0.00	\$0.00	\$0.00
Total:					\$0.00	\$0.00			
2021	11-15-2021	PAYMENT	11-10-2021	11-10-2021	\$224.71	(\$231.66)	\$6.95	\$0.00	\$0.00
2021	11-15-2021	IMPOSED	10-11-2021	11-15-2021	\$0.00	\$231.66	\$0.00	\$0.00	\$0.00
Total:					\$0.00	\$0.00			
2020	11-15-2020	PAYMENT	02-17-2021	02-15-2021	\$227.32	(\$224.33)	\$0.00	\$2.99	\$0.00
2020	11-15-2020	IMPOSED	10-09-2020	11-15-2020	\$0.00	\$224.33	\$0.00	\$0.00	\$0.00
Total:					\$0.00	\$0.00			

Sales History

Sale Date	Seller	Buyer	Sale Amount	Sale Type	Recording Instrument
05/18/2009	LEBEAU,VIKKI & MICHAEL	LEBEAU, MICHAEL		06-GRANTEE IS RELATED/FRIENDS/BUSINES S ASSOCIATES	2009-21515
08/08/2000	LEBEAU LIVING TRUST	LEBEAU,VIKKI	\$0	06-GRANTEE IS RELATED/FRIENDS/BUSINES S ASSOCIATES	2000-36081
06/29/2000	LEBEAU,DONALD R ESTATE OF	LEBEAU LIVING TRUST	\$0	06-GRANTEE IS RELATED/FRIENDS/BUSINES S ASSOCIATES	2000-28112

No Structures Found.

Land Characteristics

Land Description	Acres	Land Classification
Exclusive Farm Use Zoned	65.00	W4: IRRIGATED GROUND - SOIL CLASS 4
Exclusive Farm Use Zoned	71.59	D7: DRY GROUND - SOIL CLASS 7

Ownership

Name Type	Name	Ownership Type	Ownership Percentage
OWNER	LEBEAU, MICHAEL	OWNER	100.00%

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.

Account ID	Owner Name	Record Type
154017	LEBEAU, MICHAEL	Real Property

Service Providers *Please contact districts to confirm.*

Category	Name	Phone	Address
COUNTY SERVICES	DESCHUTES COUNTY	(541) 388-6570	1300 NW WALL ST, BEND, OR 97703
FIRE DISTRICT	LA PINE RURAL FIRE PROTECTION DISTRICT	(541) 536-2935	51590 HUNTINGTON RD, LA PINE, OR 97739
SCHOOL DISTRICT	BEND - LA PINE SCHOOL DISTRICT	(541) 355-1000	520 NW WALL ST, BEND, OR 97703
ELEMENTARY SCHOOL ATTENDANCE AREA	LA PINE ELEMENTARY SCHOOL	(541) 355-8000	51615 COACH RD, LA PINE, OR 97739
MIDDLE SCHOOL ATTENDANCE AREA	LA PINE MIDDLE SCHOOL	(541) 355-8200	16360 1ST ST, LA PINE, OR 97739
HIGH SCHOOL ATTENDANCE AREA	LA PINE HIGH SCHOOL	(541) 355-8400	51633 COACH RD, LA PINE, OR 97739
EDUCATION SERVICE TAX DISTRICT	HIGH DESERT EDUCATION SERVICE DISTRICT	(541) 693-5600	145 SE SALMON AVE, REDMOND, OR 97756
COLLEGE TAX DISTRICT	CENTRAL OREGON COMMUNITY COLLEGE	(541) 383-7700	2600 NW COLLEGE WAY, BEND, OR 97703
PARK & RECREATION DISTRICT	LA PINE PARK & RECREATION DISTRICT	(541) 536-2223	16405 1ST ST, LA PINE, OR 97739
LIBRARY DISTRICT	DESCHUTES PUBLIC LIBRARY	(541) 617-7050	601 NW WALL ST, BEND, OR 97703
GARBAGE & RECYCLING SERVICE	WILDERNESS GARBAGE & RECYCLING SERVICE	(541) 536-1194	51420 RUSSEL RD, LA PINE, OR 97739

Development Summary

Planning Jurisdiction:	Deschutes County	County Zone	Description
Urban Growth Boundary:	No	EFULA	EXCLUSIVE FARM USE- LA PINE SUBZONE
Urban Reserve Area:	No	F1	FOREST USE 1
		FP	FLOOD PLAIN

County Development Details

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.

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DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK

2009-21515

PBMS



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UNTIL A CHANGE IS REQUESTED ALL TAX STATEMENTS SHALL BE
SENT TO, AND AFTER RECORDING RETURN TO:

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

STATUTORY BARGAIN AND SALE DEED

LeBeau Living Trust, Grantor, and Vikki LeBeau, Grantee coveys and warrants to Michael
LeBeau, Grantee, the following described real property:

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

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.

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.

DATED May 18th, 2009



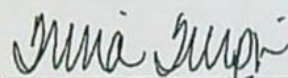
Vikki LeBeau, Co-Trustee

STATE OF Texas)

County of Montgomery)^{ss.}

Personally appeared this 18th day of May, 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: 10/23/11





Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

www.oregon.gov/owrd

April 14, 2023

VIA E-MAIL

Applicant

BELL "A" LAND AND CATTLE COMPANY

PO BOX 97

LA PINE, OR 97339

Reference: Water Right Transfer Application T-14109

Your water right transfer is in the first of three phases of processing. Enclosed is a draft of the Department's Preliminary Determination regarding Transfer Application T-14109. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. Your response and submittal of the items outlined below are required by May 15, 2023.

Required items needing your immediate attention:

1. Please carefully review the Draft Preliminary Determination to verify that it accurately reflects the changes you intend to make and to become familiar with the proposed conditions.
2. **Respond in writing** by MAY 15, 2023, with acknowledgement that you agree to the proposed action and conditions.
3. If you find any errors, please let me know.
4. **REQUIRED:** You must submit a **Report of Ownership** for the lands where the water right(s) are currently located (i.e., the FROM lands). This report:
 - a) Must be prepared by a title company;
 - b) Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;
 - i. Prepared within 3 months of the Draft Preliminary Determination showing current ownership; **OR**
 - ii. Prepared within 3 months of recording of a water right conveyance agreement; **OR**
 - iii. Have a prepared date showing ownership at the time a water right conveyance agreement was recorded.

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

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

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

Please note the proposed date by which all conditions must be met: October 1, 2024. If the required completion date is insufficient to comply with any of the conditions, you may request more time, at no cost to you, during this stage of processing. **Please let me know by the comment deadline if you will need more time and explain the reasons why.**

What happens next...

Once the preliminary determination is issued a publication period is required. The Department will publish a notice in their weekly publication, which opens a 30-day period in which the transfer can be protested.

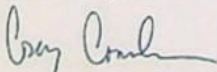
Issuance of the Preliminary Determination will occur shortly after we receive:

1. Your written response to the conditions and proposed action in the Draft Preliminary Determination (e-mail is acceptable); and
2. The Report of Ownership, including affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application. The title company must indicate/state the date that they prepared the ownership report on the coversheet and/or first page of the report.

If we do not receive the items listed above by May 15, 2023, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me, at corey.a.courchane@water.oregon.gov or (503) 979-3917, if I may be of assistance.

Sincerely,



Corey Courchane
Allocation of Conserved Water
Transfer and Conservation Section

cc: Transfer Application file T-14109
Jeremy T. Giffin, District 11 Watermaster (via e-mail)
John A. Short, Agent for the applicant (via e-mail)

encs

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application
T-14109, Deschutes and Klamath County

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D R A F T

PRELIMINARY DETERMINATION
PROPOSING APPROVAL OF A CHANGE
PLACE OF USE

Authority

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

Applicant

BELL "A" LAND AND CATTLE COMPANY
PO BOX 97
LA PINE, OR 97339

Receiving Landowner

BELL "A" LAND AND CATTLE COMPANY
PO BOX 97
LA PINE, OR 97339

Findings of Fact

1. On October 21, 2022, BELL "A" LAND AND CATTLE COMPANY filed an application to change the place of use under Certificate 95746. The Department assigned the application number T-14109.
2. BELL "A" LAND AND CATTLE COMPANY is the receiving landowner who will be responsible for completion of the changes.
3. Notice of the application for transfer was published on November 1, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
4. The portion of the right to be transferred is as follows:

Certificate:	95746 in the name of LA PINE COOPERATIVE WATER ASSOCIATION (confirmed by Deschutes River (F) Decree)
Use:	IRRIGATION OF 12.1 ACRES
Priority Date:	1897 for 12.1 acres
Rate/Duty:	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 for each acre irrigated during the irrigation season of each year.

Source: LITTLE DESCHUTES RIVER, a 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	Owner
22 S	10 E	WM	34	NE SW	2803	12.1	LeBeau, Donald and Suzanne

5. Transfer Application T-14109 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
23 S	9 E	WM	14	NE NE	0.1
23 S	9 E	WM	14	SE NE	4.9
23 S	9 E	WM	26	SW NE	7.1
Total					12.1

Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2) and 690-380-2110(2)]

- Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14109.
- The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
- The proposed change would not result in enlargement of the right.
- The proposed change would not result in injury to other existing water rights.
- All other application requirements are met.

Determination and Proposed Action

The change in place of use proposed in Transfer Application T-14109 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

✓ If Transfer Application T-14109 is approved, the final order will include the following:

1. *The change in place of use proposed in Transfer Application T-14109 is approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 95746 and any related decree.*
3. *Water right Certificate 95746 is modified. The Department will issue a superseding certificate describing the right when it determines that is necessary for record keeping.*
4. *The former place of use of the transferred right shall no longer receive water under the right.*
5. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2024**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.*
6. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on

D R A F T

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

This draft Preliminary Determination was prepared by Corey Courchane. If you have questions about the information in this document, you may reach me at 971 979-3107 or Corey.A.Courchane@water.oregon.gov.

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-14109

Review Due Date: 11/30/2022

Applicant Name: Bell "A" Land and Cattle

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

Reviewer(s): Giffin

Date of Review: 11/11/2022

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 canal back every year to 1900 but never regulate back the 1897.
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:

This was a concern on this field years ago but after many transfers there is no longer enough run off water to flood or irrigate this parcel incidentally.

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:

We will check this parcel on our normal regulation schedule to ensure water does not flow onto these lands.

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

☐ Yes ☒ No If "Yes", explain:

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

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

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

☐ A Headgate should be required prior to diverting water.

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

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

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

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

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

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

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

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

☐ Weir
☐ Parshall Flume
☐ Other: _____

☐ Submerged Orifice
☐ Flow Restrictor

Oregon Water Resources Department

Measurement Condition Information for the Applicant

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

Transfer #: T-

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

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

Watermaster name:

District:

Address:

City/State/Zip:

Phone:

Email:

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

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

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

Watermaster signature_____
District_____
Date

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

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

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

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

RECEIPT # **139698**

INVOICE # _____

RECEIVED FROM: Bell A Land And Cattle
BY: Company

APPLICATION	<u>1-14109</u>
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 3260 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 1307.91

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47124 111406-23 \$ _____

0412 OTHER: (IDENTIFY) Transfer Reimbursement \$ 1307.91

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan Authority 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 \$ _____	0202	RECORD FEE \$ _____
0203	GROUND WATER	\$ _____	0204	\$ _____
0205	TRANSFER	\$ _____		

WELL CONSTRUCTION

0218	WELL DRILL CONSTRUCTOR	EXAM FEE \$ _____	0219	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 (FWWRD)	\$ _____
0231	HYDRO LICENSE FEE (FWWRD)	\$ _____
	HYDRO APPLICATION	\$ _____

TREASURY OTHER / RDX

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

RECEIPT: **139698**

DATED: 12-8-2022 BY: Mindy Carlson

DEC 08 2022

Salem, OR

**REIMBURSEMENT AUTHORITY
APPLICANT'S AGREEMENT**
Contract Number: R11-406-23

This Agreement is between the **Oregon Water Resources Department**, hereafter OWRD, and **Bell "A" Land and Cattle Company**, hereafter Applicant, hereafter known together as the parties.


OWRD Information	Applicant's Information	Applicant's Representative
Contact: Kelly Starnes Title: Transfer Advisor Address: 725 Summer Street, NE, Suite A Salem, OR 97301-1266 Phone: 503 979-3511 Fax: 503 986-0901 Email: patrick.k.starnes@water.oregon.gov	Name: Bell "A" Land and Cattle Company Contact: Address: PO Box 97 La Pine, OR 97739 Phone: (541) 433-2556 Fax: Email: bellacattle@gmail.com	Name: Water Right Services, LLC Contact: Bryce Withers Address: PO Box 1830 Bend, OR 97709 Phone: (541) 389-2837 Fax: Email: johnshort@usa.com

Purpose The purpose of this Agreement is to expedite the processing of the **Transfer Application**. (Application Number: T-14109)

1. **Authority.** The OWRD has been authorized pursuant to ORS 536.055 to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
2. **Restrictions.** Applicant and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
3. **Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service.
4. **Consideration.**
 - a. Applicant shall pay OWRD in advance for actual costs incurred by OWRD. The estimated maximum reimbursement payable to OWRD under this Agreement is **\$1,307.91**. Applicant agrees to pay the full amount of **\$1,307.91** to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost.
 - b. The costs stated in this Agreement do not include the statutory application processing and filing fees.
5. **Confidentiality.** Applicant agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
6. **Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs, and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.

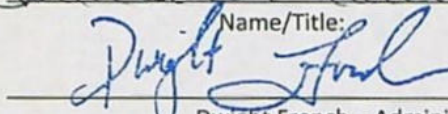
7. **Termination.** Applicant may request to terminate this agreement only in writing at anytime during the process. The Applicant agrees to pay for the work done by OWRD up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant, will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

For Applicant:


Name/Title:

Date

For OWRD:


Dwight French – Administrator

12-9-22

Date

Mail signed Agreement to:

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

Received by OWRD

DEC 08 2022

Salem, OR



Oregon
Kate Brown, Governor

Water Resources Department

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

October 31, 2022

BELL A LAND AND CATTLE COMPANY
PO BOX 97
LA PINE, OR 97339

Reference: Application T-14109

On October 21, 2022, OWRD received your water right Permanent Transfer Application. The application was accompanied by \$1360.00. Our receipt number 139391 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.

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 until a final order approving the transfer application has been issued by the Department. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right.

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

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

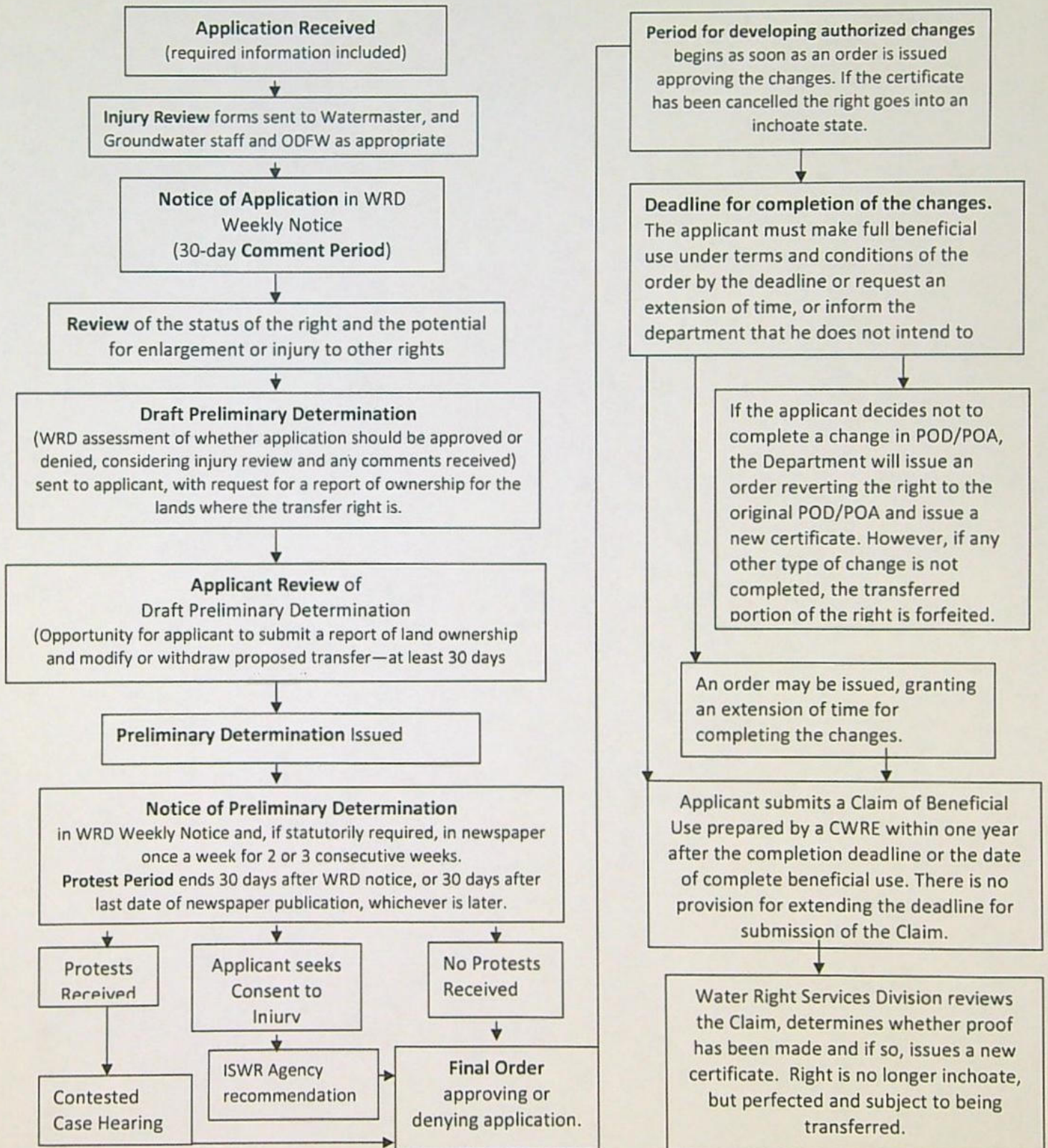
If you have any questions, please contact the Transfer Section at (503) 979-9931.

Cc: Watermaster Dist. #11, Jeremy T. Giffin (*via email*)
John A. Short, Agent
La Pine Cooperative Water Association
Klamath County

Enclosure

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

OAR 690 Division 380



**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

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

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

RECEIPT # **139382**

INVOICE # _____

RECEIVED FROM: Bell A Land and Cattle
BY: Company

APPLICATION	
PERMIT	
TRANSFER	T-14109

CASH: ☐ CHECK: # 3175 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 125.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES	<u>47124</u>	\$
<u>0412</u> OTHER:	(IDENTIFY) <u>Transfer Reimbursement Authority</u>	\$ <u>125.00</u>
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	\$	0202	\$
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$		

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR	\$	0219	\$
LANDOWNER'S PERMIT		0220	\$

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FWWRD)		\$
0231 HYDRO LICENSE FEE (FWWRD)		\$
HYDRO APPLICATION		\$

TREASURY OTHER / RDX

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

RECEIPT: **139382**

DATE: 10/21/2022 BY: [Signature]



OREGON WATER RESOURCES DEPARTMENT
TRANSFER REIMBURSEMENT AUTHORITY
ESTIMATE APPLICATION



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

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

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

REQUEST	TYPE	FILE NUMBER
<input checked="" type="checkbox"/>	Transfer Application	Transfer Number <u>T-14109</u> <u>t.b.d.</u>

	Applicant Information	Applicant's Representative/Contact
Name:	Bell "A" Land and Cattle Company	Bryce Withers/Water Right Services, LLC
Address:	PO Box 97 La Pine, OR 97739	PO Box 1830 Bend, OR 97709
Phone:	541-433-2556	541-389-2837
Fax:		
E-Mail Address:	bellacattle@gmail.com	johnshort@usa.com

I understand the following:

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

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

RECEIVED

OCT 21 2022

OWRD

I certify that I am the (check one):

☐ Applicant ☒ Applicant's Representative ☐ Other (Please specify) _____

Name: Bryce Withers

Signature: Bryce Withers

OWRD USE ONLY: Reimbursement Authority Number: R11-406 -23

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

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

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

RECEIPT # **139391**

INVOICE # _____

RECEIVED FROM: Bill A Land and Cattle
BY: Company

APPLICATION	
PERMIT	
TRANSFER	1-14109

CASH: ☐ CHECK: # 3174 ☒ OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 1,360.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 44127 \$
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:

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	\$

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FWWRD) \$
0231 HYDRO LICENSE FEE (FWWRD) \$
HYDRO APPLICATION \$

TREASURY OTHER / RDX

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

RECEIPT: **139391**

DATE: 10-21-2022 BY: [Signature]

Application for Permanent Water Right Transfer



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

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.

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.
- ☒ 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: 95746**
Please include a separate Part 5 for each water right. (See instructions on page 6)
NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.

Attachments:

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

(For Staff Use Only)

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

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

Other/Explanation _____

Staff: _____ 503- _____ Date: ____/____/____

Part 2 of 5 – Transfer Application Map

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 3 of 5 – Fee Worksheet

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)		
1	Base Fee (includes one type of change to one water right for up to 1 cfs)	\$1,360
2	Types of change proposed: <input checked="" type="checkbox"/> Place of Use <input type="checkbox"/> Character of Use <input type="checkbox"/> Point of Diversion/Appropriation Number of above boxes checked = <u>1 (2a)</u> Subtract 1 from the number in line 2a = <u>0 (2b) If only one change, this will be 0</u>	\$0
3	Number of water rights included in transfer <u>1 (3a)</u> Subtract 1 from the number in 3a above: <u>0 (3b) If only one water right this will be 0</u> Multiply line 3b by \$610 and enter »	\$0
4	Do you propose to add or change a well, or change from a surface water POD to a well? <input checked="" type="checkbox"/> No: enter 0 <input type="checkbox"/> Yes: enter \$480 for the 1 st well to be added or changed _____ (4a) Do you propose to add or change additional wells? <input checked="" type="checkbox"/> No: enter 0 <input type="checkbox"/> Yes: multiply the number of additional wells by \$410 _____ (4b) Add line 4a to line 4b and enter »	\$0
5	Do you propose to change the place of use or character of use? <input type="checkbox"/> No: enter 0 on line 5 <input checked="" type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred (see below*): <u>0.303 (5a)</u> Subtract 1.0 from the number in 5a above: <u>-0.697 (5b)</u> If 5b is 0 or less, enter 0 on line 5 » If 5b is greater than 0, round up to the nearest whole number: _____ (5c) and multiply 5c by \$410, then enter on line 5 »	\$0
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	\$1,360
7	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 » If no box is applicable, enter 0 on line 7 »	
8	Subtract line 7 from line 6 » Transfer Fee:	\$1,360

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

1. For irrigation calculate cfs for each water right involved as follows:
 - a. Divide total authorized cfs by total acres in the water right (for C12345, $1.25 \text{ cfs} \div 100 \text{ ac}$); 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).

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

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME BELL "A" LAND AND CATTLE COMPANY			PHONE NO. 541-433-2556	ADDITIONAL CONTACT NO.
ADDRESS PO BOX 97			FAX NO.	
CITY LA PINE	STATE OR	ZIP 97739	E-MAIL BELLACATTLE@GMAIL.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 JOHN A. SHORT / WATER RIGHT SERVICES, LLC			PHONE NO. 541-389-2837	ADDITIONAL CONTACT NO.
ADDRESS PO 1830			FAX NO.	
CITY BEND	STATE OR	ZIP 97709	E-MAIL JOHNSHORT@USA.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:
CHANGE PLACE OF USE FOR A 12.1 ACRES PORTION OF C-95746.

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

Check One Box

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

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By my signature below, I confirm that I understand:

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

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

Applicant signature

Print Name (and Title if applicable)

Date

Applicant signature

Print Name (and Title if applicable)

Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? ☐ Yes ☒ No*

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

Check the following boxes that apply:

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

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

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

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

https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf

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

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☐ 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 LA PINE COOPERATIVE WATER ASSOCIATION (NOTE: NO LONGER ACTIVE)	ADDRESS PO BOX 97	
CITY LA PINE	STATE OR	ZIP 97739



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 KLAMATH COUNTY COMMUNITY DEVELOPMENT	ADDRESS 305 MAIN ST #1/2	
CITY KLAMATH FALLS	STATE OR	ZIP 97601

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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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 additional rows to tables within the form.

CERTIFICATE # 95746

Description of Water Delivery System

System capacity: 26.9 cubic feet per second (cfs) OR

_____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. **THE AUTHORIZED POD IS LOCATED IN THE SWSW 1/4 1/4, SECTION 34, T 23S R9E, W.M., AND HAS THE CAPACITY TO DIVERT THE ENTIRE WATER RIGHT IN THE CERTIFICATE - 26.9 CFS DURING 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
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										
	<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 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 # 95746

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.														
Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
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
22	S	10	E	34	NE	SW	2803		12.1	IR	POD	1897	POU	23	S	9	E	14	NE	NE	1500		0.1	IR	POD	1897
													"	"	"	"	"	SE	NE	1500		4.9	"	"	"	
													"	"	"	"	26	SW	NE	101		7.1	"	"	"	
TOTAL ACRES:								12.1					TOTAL ACRES:								12.1					

Additional remarks: _____.

Revised 7/7/2022

Permanent Transfer Application Form – Page 8 of 9

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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 # _____.

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. 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

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Land Use Information Form



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

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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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

Applicant(s): BELL "A" LAND AND CATTLE COMPANY

Mailing Address: PO BOX 97

City: LA PINE

State: OR

Zip Code: 97739

Daytime Phone: _____

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	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>23S</u>	<u>9E</u>	<u>34</u>		<u>3400</u>	<u>FORESTRY</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	<u>Irrigation</u>
"	"	<u>34 & 35</u>		<u>3501</u>	"	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	"
"	"	<u>35</u>		<u>3601</u>	"	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	"
"	"	<u>26</u>		<u>100</u>	"	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	"
"	"	<u>26</u>		<u>101</u>	"	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	"
"	"	<u>26</u>		<u>400</u>	"	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	"
"	"	<u>26</u>		<u>300</u>	"	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	"
"	"	<u>26</u>		<u>200</u>	"	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	"
"	"	<u>14 & 23</u>		<u>1600</u>	"	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	"
"	"	<u>14</u>		<u>1500</u>	"	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	"

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

Klamath County.

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) Little Deschutes River

Estimated quantity of water needed: 0.303 ☒ 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:

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Permanent transfer of a portion of water right certificate C-95746 to a new place of use.

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

See bottom of Page 4. →

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For Local Government Use Only

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):
- ☐ 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: LIBBY GALLAGHER Title: PLANNER II

Signature: Libby Gallagher Phone: 541-851-3674 Date: 9-29-2022

Government Entity: KLAMATH 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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Application for Water Right Transfer



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

Consent by Deeded Landowner

State of Colorado *KE*
ML

)ss

County of Denver

)

I MICHAEL LEBEAU in my/our capacity as owner,

mailing address 1020 Jersey Street Unit 8, Denver, CO 80220,

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

consent to the proposed change(s) to Water Right Certificate Number 95746 or superseding
Certificate

described in a Water Right Transfer Application (T-TBD),

(transfer number, if known)

submitted by Bell A Land & Cattle Co. or it's assigns

on the property in tax lot number(s) 2803,

Section 34 Township 22 ~~North~~/South Range 10 East/~~West~~, W.M.,

located at 50325 Hwy 31, La Pine, OR 97739

(site address)

Michael Lebeau

Signature of Affiant

7-1-22

Date

Signature of Affiant

Date

Subscribed and Sworn to before me this 1 day of July, 2022.

Keone Koe Gonzales

Notary Public for Oregon

My commission expires 07/30/2023



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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)
County of DESCHUTES) ss

I, JOHN A. SHORT, in my capacity as WATER RIGHT SPECIALIST,
mailing address PO BOX 1830 BEND, OR 97709

telephone number (541)389-2837, being first duly sworn depose and say:

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

☐ Personal observation ☒ Professional expertise

2. I attest that:

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

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

Certificate #	Township		Range		Mer	Sec	¼ ¼		Gov't Lot or DLC	Acres (if applicable)
95746	22	S	10	E	WM	34	NE	SW		12.1

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

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

Signature of Affiant

Sept 07, 2022
Date

Signed and sworn to (or affirmed) before me this 07 day of Sept, 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 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 checked="" type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added. Sources for aerial photos: OSU - 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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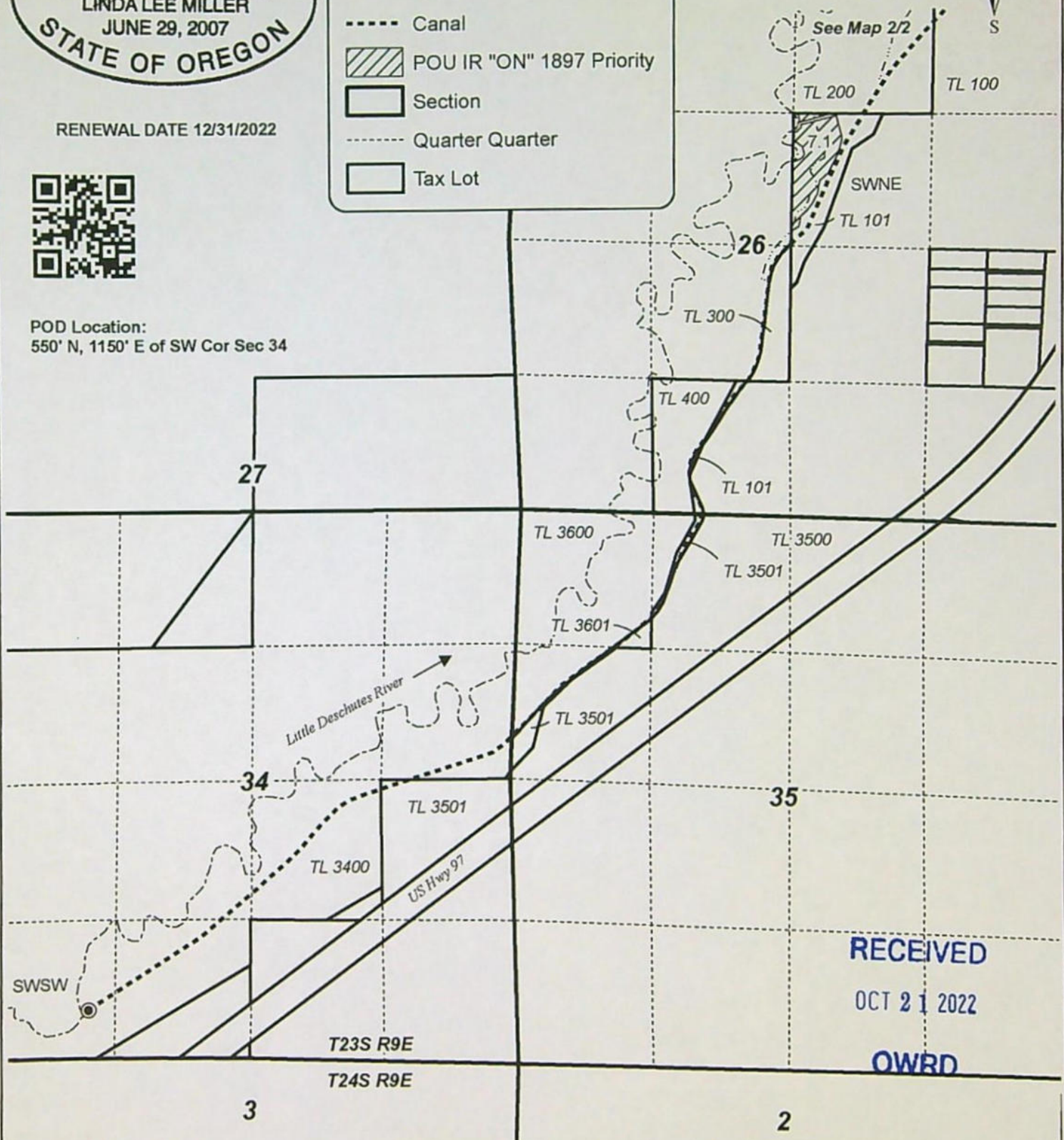
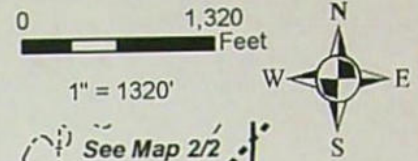
RENEWAL DATE 12/31/2022



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

- POD
- River
- - - Ditch
- Canal
- POU IR "ON" 1897 Priority
- Section
- - - Quarter Quarter
- Tax Lot

T23S R9E, WM KLAMATH COUNTY, OR



RECEIVED
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TRANSFER "ON" MAP 1 OF 2
Bell "A" Land and Cattle Company

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

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

Date: 9/6/2022

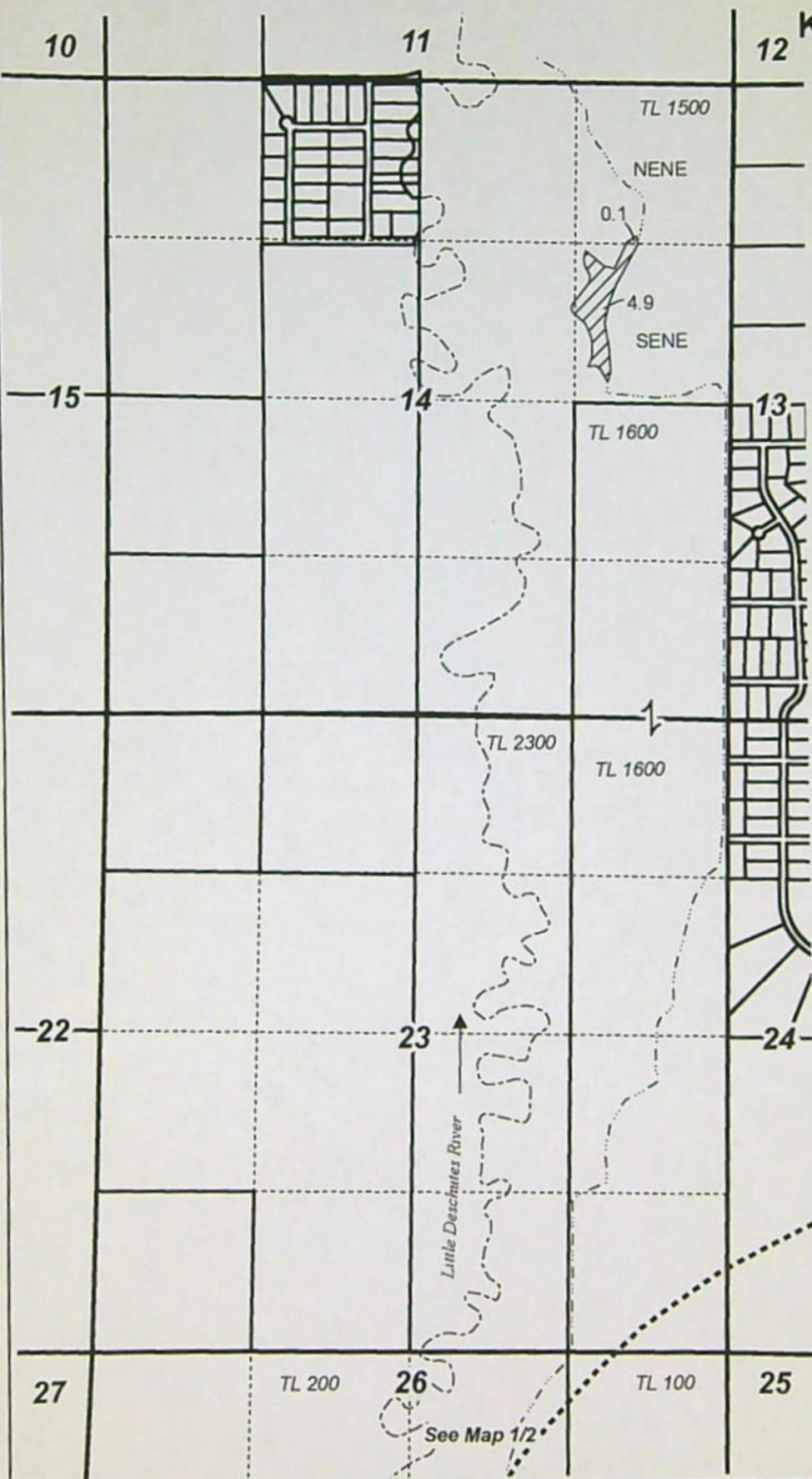
A Portion of C-95746

**T23S R9E, WM
KLAMATH COUNTY, OR**

0 1,320 Feet
1" = 1320'



- POD
- River
- - - Ditch
- Canal
- POU IR "ON" 1897 Priority
- Section
- - - Quarter Quarter
- Tax Lot



RENEWAL DATE 12/31/2022

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**TRANSFER "ON" MAP 2 OF 2
Bell "A" Land and Cattle Company**

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

WATER RIGHT SERVICES, LLC

PO BOX 1830, BEND, OR 97709

WWW.OREGONWATER.US 541-389-2837






johnshort@usa.com

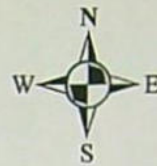
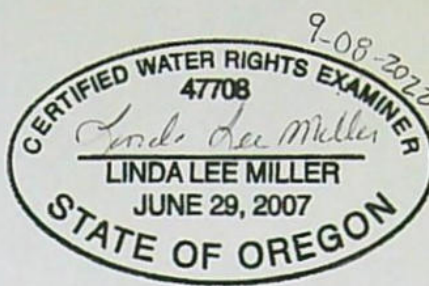
CCB # 197121

Date: 9/6/2022

A Portion of C-95746

DESCHUTES COUNTY, OR
T22S R10E, WM

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



0 1,320 Feet
1" = 1320'

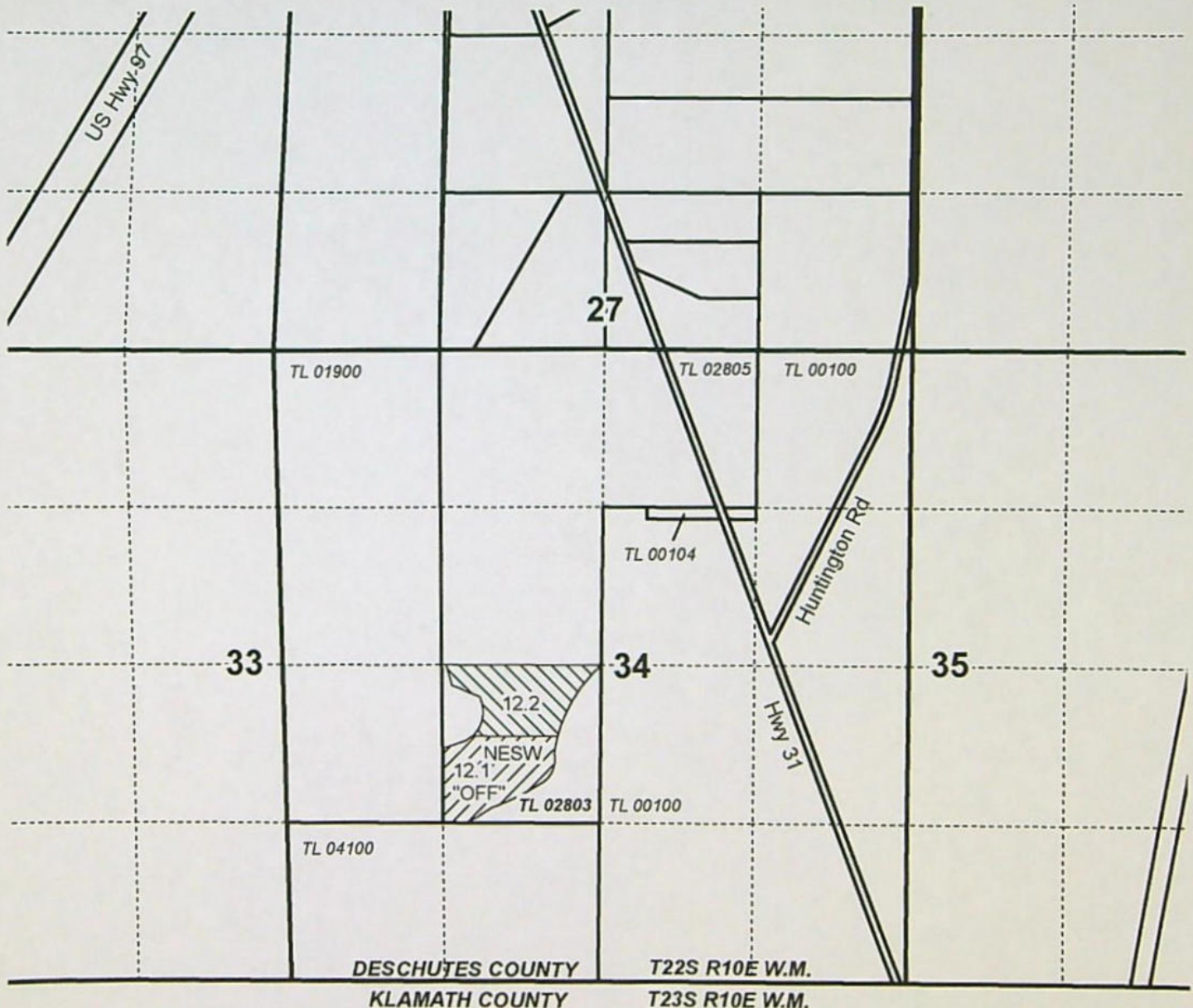
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OCT 21 2022



RENEWAL DATE 12/31/2022

OWRD



TRANSFER "OFF" POU MAP
Bell "A" Land and Cattle Company

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

WATER RIGHT SERVICES, LLC

PO BOX 1830, BEND, OR 97709

WWW.OREGONWATER.US 541-389-2837

johnshort@usa.com

CCB # 197121

Date: 9/6/2022

A portion of C-95746

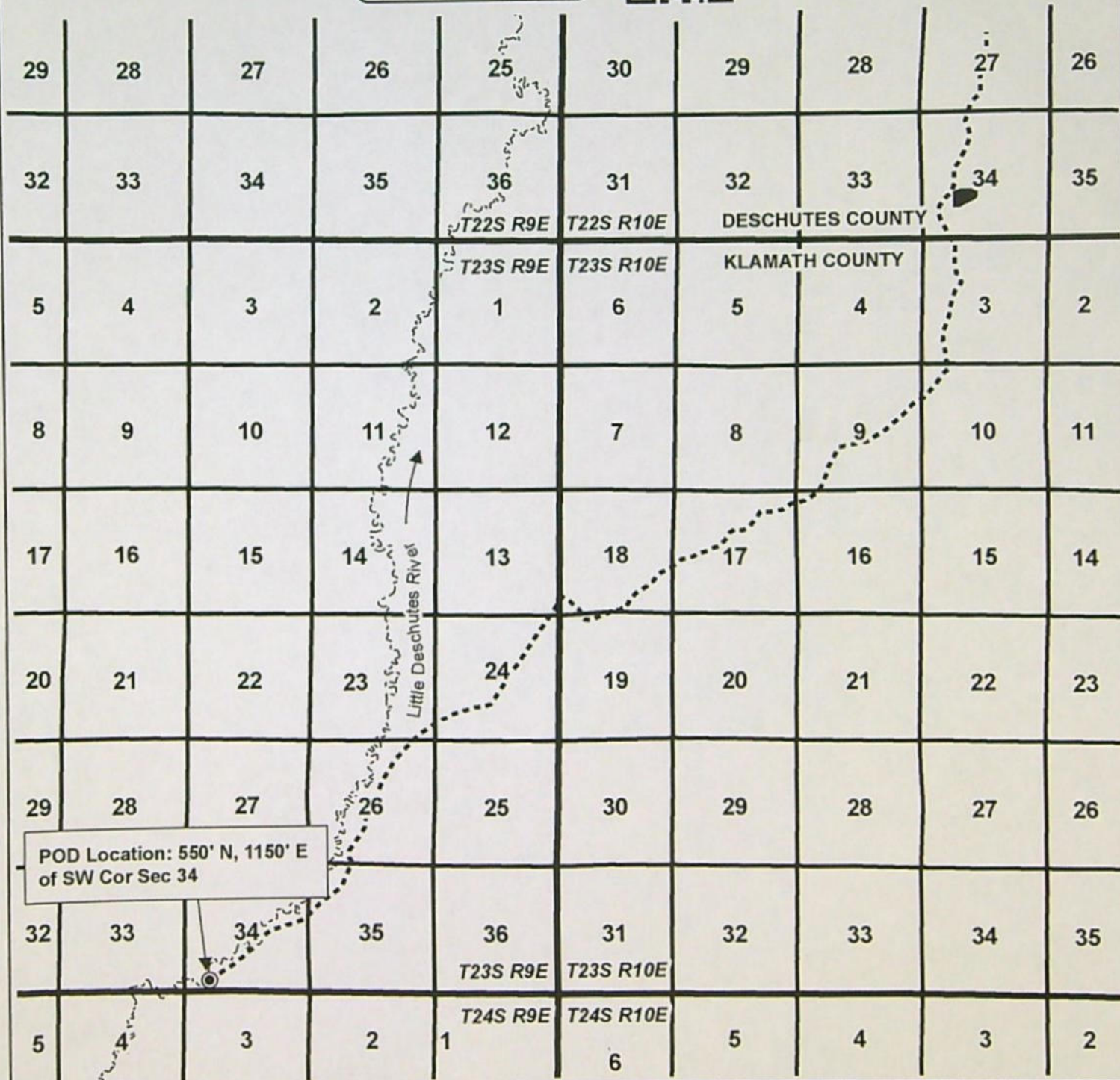
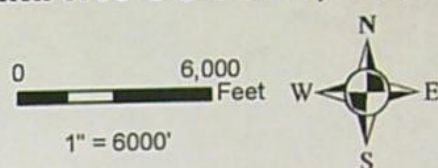


RENEWAL DATE 12/31/2022

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

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

OCT 21 2022



**TRANSFER "OFF" POD MAP
Bell "A" Land and Cattle Company**

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

WATER RIGHT SERVICES, LLC

PO BOX 1830, BEND, OR 97709

WWW.OREGONWATER.US 541-389-2837

johnshort@usa.com CCB # 197121

Date: 9/6/2022

A Portion of C-95746

EVIDENCE OF USE
2017 GOOGLE EARTH IMAGERY

28

T22S R10E

33

OWRID

OCT 21 2022

RECEIVED

Survey
Google Earth
2008-2015

34

27

35

26

Legend



2000 ft

STATE OF OREGON
COUNTIES OF DESCHUTES AND KLAMATH
CERTIFICATE OF WATER RIGHT

*not cancelled
per Sarah*

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 1051.65 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 676.6 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 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	Glott	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 and Henrietta
22 S	10 E	WM	22	NE SE		101	38.70	Wanek, Gordon and Henrietta
22 S	10 E	WM	22	SW SE		101	3.30	Wanek, Gordon and Henrietta
22 S	10 E	WM	22	SW SE		103	1.80	Wanek, Gordon and Henrietta
22 S	10 E	WM	22	SE SE		101	20.30	Wanek, Gordon and Henrietta
22 S	10 E	WM	22	SE SE		103	0.90	Wanek, Gordon and Henrietta
22 S	10 E	WM	23	NW SW		2400	1.00	Wanek, Gordon and Henrietta

Twp	Rng	Mer	Sec	Q-Q	GLot	Tax Lot	Acres	Owner
22 S	10 E	WM	23	NW SW		2401	8.10	Wanek, Gordon and Henrietta
22 S	10 E	WM	23	SW SW		2401	4.80	Wanek, Gordon and Henrietta
22 S	10 E	WM	27	NE NE		103	15.20	Wanek, Gordon and Henrietta
22 S	10 E	WM	27	NW NE		103	36.80	Wanek, Gordon and Henrietta
22 S	10 E	WM	27	SW NE		103	12.80	Wanek, Gordon and Henrietta
22 S	10 E	WM	27	SW NE		108	26.80	Wanek, Gordon and Henrietta
22 S	10 E	WM	27	SE NE		103	5.90	Wanek, Gordon and Henrietta
22 S	10 E	WM	27	SE NE		108	11.10	Wanek, Gordon and Henrietta
22 S	10 E	WM	27	NE SE		108	5.70	Wanek, Gordon and Henrietta
22 S	10 E	WM	27	NW SE		108	34.20	Wanek, Gordon and 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 and Suzanne
22 S	10 E	WM	34	NW NE		2803	18.70	LeBeau, Donald and Suzanne
22 S	10 E	WM	34	NW NE		2805	0.70	Hunt, Rod
22 S	10 E	WM	34	NE NW		2803	16.40	LeBeau, Donald and Suzanne
22 S	10 E	WM	34	SE NW		2803	36.70	LeBeau, Donald and Suzanne
22 S	10 E	WM	34	NE SW		2803	24.30	LeBeau, Donald and 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 and 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 and 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 and Henrietta
22 S	10 E	WM	22	SE NE		101	1.00	Wanek, Gordon and Henrietta
22 S	10 E	WM	22	NW SE		101	39.30	Wanek, Gordon and Henrietta
22 S	10 E	WM	22	SW SE		101	34.20	Wanek, Gordon and Henrietta

not a
part
of 15
transfers

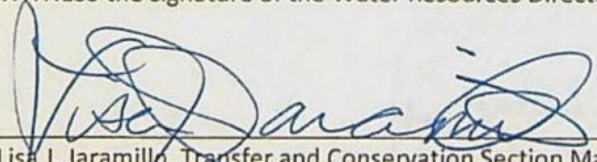
Twp	Rng	Mer	Sec	Q-Q	GLot	Tax Lot	Acres	Owner
22 S	10 E	WM	28	SW NW		3400	39.40	Cliff, Teresa
22 S	10 E	WM	28	NW SW		3400	39.80	Cliff, Teresa
23 S	9 E	WM	23	SW SE		2300	1.70	Cliff, Teresa
23 S	9 E	WM	26	NW NE		200	12.50	Cliff, Teresa
23 S	9 E	WM	26	NE NW		200	2.05	Cliff, Teresa
23 S	9 E	WM	26	SE NW		200	12.00	Cliff, Teresa
23 S	9 E	WM	26	NE SW		200	22.80	Cliff, Teresa
23 S	9 E	WM	26	NW SW		200	1.10	Cliff, Teresa
23 S	9 E	WM	26	SW SW		200	3.20	Cliff, Teresa
23 S	9 E	WM	26	SE SW		400	13.30	Cliff, Teresa
23 S	9 E	WM	35	NE NW		3600	4.10	Cliff, Teresa
23 S	9 E	WM	35	NW NW		3600	7.20	Cliff, Teresa
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 water right Certificate 90239, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered JUN 14 2021, approving Transfer Application T-13456.

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 and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed JUN 14 2021.


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

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Instream Transfer)	FINAL ORDER APPROVING A CHANGE IN
Application T-13764, AND MITIGATION)	PLACE OF USE AND CHARACTER OF USE
PROJECT MP-276, DESCHUTES and)	AND FINAL AWARD OF MITIGATION
KLAMATH Counties)	CREDITS

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications. OAR Chapter 690, Division 077 provides additional criteria for evaluating transfers to instream water rights.

OAR 690-521-0100 to 690-521-0600 establishes the process in which anyone may submit a ground water mitigation project to the Department for the purpose of establishing mitigation credits in the Deschutes Ground Water Study Area.

Pursuant to OAR 690-521-0400 (2), any mitigation credits awarded to a mitigation project are valid until used to fulfill a mitigation obligation of a ground water use in the Deschutes Ground Water Study Area. Valid mitigation credits may be assigned by any person or recognized mitigation bank to any person or other mitigation bank. Mitigation credits are used when a person submits to the Department documentary evidence that valid credits have been obtained and assigned to satisfy a mitigation obligation.

Applicant

JAMES R. & JEAN S. VERHEYDEN
18660 BULL SPRINGS ROAD
BEND, OREGON 97703

Findings of Fact

1. On July 6, 2021, James R. & Jean S. Verheyden, filed an application to change a portion of the place of use and character of use under Certificate 90239 to instream use. The Department assigned the application number T-13764.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, 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.

2. On June 14, 2021, Certificate 90239 was cancelled by Special Order Volume 120, pages 807-816, which approved T-13456, and was superseded by Certificate 95746.
3. On September 9, 2021, the applicant's agent provided a revised map and application page clarifying the acreage being transferred instream as requested by the Watermaster.
4. On August 23, 2021, Transfer Application T-13806 was filed, and on October 22, 2021, Transfer Application T-13857 was filed. These transfers modify the same right, described by Certificate 95746, that has been proposed to be modified in T-13764. Certificate 95746 shall be canceled after all transfer applications are processed and one remaining right certificate will be issued describing the lands not involved in the three transfer applications.
5. Notice of the application for transfer was published on July 13, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
6. Consistent with land use requirements, prior to submitting the instream transfer application, the applicant provided notification of the proposed action to the City of La Pine, Deschutes County, Jefferson County, Klamath County, the City of Bend and the Confederated Tribes of Warm Springs. Additionally, the Department provided notice of the proposed action to these local governments and the Tribe upon processing of Transfer Application T-13764.
7. On January 11, 2022, the Department mailed a copy of the draft Preliminary Determination proposing to approve Instream Transfer Application T-13764 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of February 9, 2022, for the applicants to respond. The applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
8. On March 21, 2022, the Department issued a Preliminary Determination proposing to approve Transfer T-13764 and mailed a copy to the applicants. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on March 22, 2022, and in the Bend Bulletin newspaper on March 24, 2022 and March 31, 2022 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.
9. The portion of the right to be transferred is as follows:
 - Certificate:** 95746 in the name of LA PINE COOPERATIVE WATER ASSOCIATION (confirmed by Deschutes River decree of record at Salem, in the Order Record of the Water Resources Director in Volume 16, at Page 185)
 - Use:** IRRIGATION of 20.0 ACRES
 - Priority Date:** 1897
 - Rate:** April 1 to May 23 and August 20 to November 1: 0.25 cubic foot per second (cfs)

May 23 to August 20: 0.50 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, a 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	SE NW	2803	15.1
22 S	10 E	WM	34	NE SW	2803	4.9
Total Acres						20.0

10. A total of 80.0 Acre-Feet (AF) of water may be beneficially used annually under the portion of existing Certificate 95746 proposed for transfer.
11. Transfer Application T-13764 proposes to change the character of use to instream use for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values; pollution abatement; and to establish mitigation credits in the Deschutes Ground Water Study Area.
12. Transfer Application T-13764 proposes to change the place of use of the portion of the water right to create an instream reach from the POD on the Little Deschutes River, into the mainstem Deschutes River and down to Lake Billy Chinook.
13. The applicant proposed the quantities of water to be transferred instream be protected as follows:

Period	Rate (cfs)	Volume (acre-feet)
April 1 to May 23	0.25	80.0
May 23 to August 20	0.50	
August 20 to November 1	0.25	

14. The applicant has requested that any instream water right established as a result of this instream transfer be additive to existing instream water rights for the same reach

established pursuant to ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of conserved water process). The applicant has also requested that any instream water rights established as a result of this instream transfer replace a portion of any existing instream rights established pursuant to ORS 537.346 (minimum streamflow conversion) and ORS 537.341 (state agency instream application process), with a more senior priority date.

Instream Transfer Review Criteria (OAR 690-77-0075 and 690-380-4010)

15. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
16. A diversion structure and ditch 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-13764.
17. A portion of the water diverted at the POD returns to the Little Deschutes River below the POD and is available to downstream water right holders. To prevent injury to downstream water right holders and enlargement, the quantity of water that may be protected instream requires modification to account for both surface and subsurface return flows.

The hydrogeologic evaluation of where subsurface return flows occur is generally based on the following information: 1) the local shallow and regional ground water elevations, 2) the shallow and regional head gradient (i.e. ground water flow direction), 3) elevation of nearby streams, 4) elevation of closest gaining stream reaches, 5) distance from nearby streams and gaining stream reaches, and 6) local geologic information.

When evaluating for return flows, the Department generally considers the place of use as a whole and where the majority of return flows occur based upon the presence of surface return flows (overland flow) and the factors described above for any subsurface return flows.

A portion of the water diverted to the place of use returns to the Little Deschutes River through Long Prairie Slough. Remaining return flows take the form of subsurface return flows. Subsurface returns would also return to the river system in the area of the confluence of Long Prairie Slough and the Little Deschutes River, at approximately River Mile 28.6.

The instream flows at River Mile 28.6 have been reduced to the consumptive portion of the right to account for both surface and subsurface return flows.

18. The transfer application requests to protect water instream from the Little Deschutes River into the mainstem Deschutes River. An instream reach is generally from the point of diversion to the mouth of the source stream (Little Deschutes River) but may be protected

further if measurable in the receiving stream (the Deschutes River) (OAR 690-077-0015 (8)). The quantity that may be leased instream from the Little Deschutes River is measurable into the Deschutes River and may be protected instream in the Deschutes River.

19. Also, the segment of the reach on the mainstem Deschutes River between the confluence with the Little Deschutes River and Bend is a losing reach and loses approximately 7% of its flows. The quantity of water that may be protected instream in the mainstem Deschutes River requires additional modification to prevent injury and enlargement.
20. Based on Findings of Fact No. 17 through No. 19, the Department proposes to modify the quantities to be transferred and protected instream as follows:

Instream Reach 1: From POD (as described in Finding of Fact No. 9) to the confluence of the Little Deschutes River and Long Prairie Slough (approximately River Mile 28.6)

Priority Date	Instream Rate (cfs)	Instream Volume (AF)	Period Protected Instream
1897	0.50	80.0	July 7 through August 19
	0.25		August 20 through October 31

Instream Reach 2: From the confluence of the Little Deschutes River and Long Prairie Slough (approximately River Mile 28.6) to the mouth of the Little Deschutes River

Priority Date	Instream Rate (cfs)	Instream Volume (AF)	Period Protected Instream
1897	0.16	36.0	July 7 through October 31

Instream Reach 3: In the Deschutes River from the confluence with the Little Deschutes River to Lake Billy Chinook (approximately River Mile 120.0)

Priority Date	Instream Rate (cfs)	Instream Volume (AF)	Period Protected Instream
1897	0.14	33.5	July 7 through October 31

21. The proposed changes, as modified, would not result in enlargement of the right.
22. The proposed changes, as modified, would not result in injury to other water rights.
23. The amount and timing of the proposed instream flow, as modified, is allowable within the limits and use of the original water right.
24. The protection of flows as modified, within the proposed reach is appropriate, considering:
 - a) The instream water right begins at the recorded point of diversion;
 - b) The location of confluences with other streams downstream of the point of diversion;
 - c) There are known areas of natural loss of streamflow to the river bed downstream from the point of diversion and channel losses have been accounted for within Reach No. 3; and

- d) Return flows resulting from the exercise of the existing water right would re-enter the river downstream of the point of diversion and within the reach of the instream water right. Return flows have been accounted for at River Mile 28.6 on the Little Deschutes River.
25. Within the proposed instream reaches on the Little Deschutes River, there is an existing instream water right, Certificate 73226, established under ORS 537.341 (state agency application process), for the purpose of fish migration, spawning, egg incubation, fry emergence and juvenile rearing. There are also existing instream water rights established under ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of conserved water process) for the purpose of conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and any other ecological values; pollution abatement; and recreation.
26. The Little Deschutes River is also on the Oregon Department of Environmental Quality's (DEQ) 303d list of water quality limited streams for a variety of water quality concerns and a TMDL (Total Maximum Daily Load) study is underway.
27. Within the proposed instream reach on the mainstem Deschutes River, there are several existing instream water rights. There is one instream water right, Certificate 59777, established under ORS 537.346 (minimum streamflow conversion) for the purpose of supporting aquatic life and minimizing pollution, from the confluence of the Little Deschutes River to the confluence with Spring River. There is another instream water right, Certificate 59778, also established under ORS 537.346 for the purpose of supporting aquatic life and minimizing pollution, from the confluence with Spring River to the Central Oregon Irrigation District (COID) North Canal Dam. There is also a pending instream water right application, IS-70695, filed by the ODFW pursuant to ORS 537.341 (state agency application process), with the Department to establish an instream water right from the COID North Canal Dam to Lake Billy Chinook. The remaining instream water rights were established under ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of conserved water process) and are generally located between the Central Oregon Canal and Lake Billy Chinook.

This portion of the Deschutes River is a designated State Scenic Waterway. The State Scenic Waterway designation provides for protection of flows necessary to maintain the free flowing character of the Deschutes River for fish and wildlife habitat, and recreation, which is a matter of statutory policy. In addition to flows for the designated Scenic Waterway, which are not always met during requested period for instream protection, this segment of the Deschutes River is on DEQ's 303d list of water quality limited streams and a TMDL (Total Maximum Daily Load) study is underway.

28. The existing instream water rights, established under ORS 537.346 (minimum streamflow conversion) and ORS 537.341 (state agency application process), within the proposed reach on the Little Deschutes River are sufficient to protect the monthly quantities of water

necessary for various fishlife stages, supporting aquatic life, and minimizing pollution, but are not always met. By replacing a portion of these instream water rights, any instream water right created as a result of this transfer will provide protection of stream flows identified as necessary for various fishlife stages, supporting aquatic life, and minimizing pollution under an earlier priority date.

29. By adding to other instream water rights, established pursuant to ORS 537.348 (instream transfer process and instream lease) and ORS 537.470 (allocation of conserved water process), located within the proposed reach, any new instream water right established by this transfer would provide protection for additional flows identified as necessary for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values, and pollution abatement.
30. During the period July 7 through October 31, any instream water right established by this transfer application may replace a portion of instream water rights established pursuant to ORS 537.341 or ORS 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or ORS 537.470, unless otherwise specified in an order approving a new instream water right under these statutes.
31. The total monthly quantities of water to be protected under the existing and proposed instream rights in the reach will provide for a beneficial purpose and do not exceed the estimated average natural flow.

Preliminary Award of Deschutes Basin Mitigation Credits

32. James R. & Jean S. Verheyden (the Applicant) has requested this instream transfer application be used to establish mitigation credits in the Deschutes Ground Water Study Area. The Applicant has requested that any mitigation credits generated from this project be assigned to James R. & Jean S. Verheyden.
33. The Department assigned this mitigation credit project number MP-276.
34. The Department provided notice of the mitigation credit project pursuant to OAR 690-521-0300 (6) on July 13, 2021. No comments were received in response to this notice.
35. The Department consulted with representatives from Oregon Department of Fish and Wildlife, Oregon Department of Environmental Quality (DEQ), Oregon Parks and Recreation Department, Oregon Department of State Lands, the Oregon Department of Agriculture, and the Department's Watermaster pursuant to OAR 690-521-0300 (7) and OAR 690-505-0630 (2) on July 12, 2021. Comments were received by DEQ in response to this notice and in favor of the application.
36. As part of the public notice of the mitigation project, the Department identified that the project may result in 36.0 mitigation credits. This preliminary determination was based upon the proposal to transfer 20.0 acres of irrigation use to instream use with a priority date of 1897. The Watermaster has identified that any mitigation credits established by

this project with the 1897 priority date will likely be 100% available. Irrigation of 20.0 acres has an average consumptive use of 36.0 acre-feet. However, this volume may only be protected instream to the mouth of the Little Deschutes River, the lower boundary of the Little Deschutes Zone of Impact.

37. As part of the public notice of the mitigation project, the Department also identified that mitigation credits may be available for use in the Little Deschutes, Upper Deschutes, Middle Deschutes, and General Zones of Impact.
38. Up to 33.5 AF may be protected instream in the mainstem Deschutes River, as identified in Finding of Fact No. 20. The reach of the instream use described in Finding of Fact No. 20 extends through the lower portion of the Upper Deschutes Zone of Impact and then into the Middle Deschutes Zone of Impact and ending at the General Zone of Impact.
39. Therefore, a maximum of 36.0 mitigation credits (1.0 mitigation credit = 1.0 AF of mitigation water) may be awarded to this mitigation credit project. The mitigation credits may be used to mitigate for ground water permit applications and existing conditioned ground water permits and certificates, providing mitigation pursuant to the Deschutes Ground Water Mitigation Rules, OAR Chapter 690, Division 505, within the **Little Deschutes and General Zone of Impact**. Of the 36.0 mitigation credits that may be awarded to this mitigation project, up to 33.5 of those mitigation credits may also be used in the **Upper Deschutes, Middle Deschutes, and General Zones of Impact**.
40. The Department shall award final mitigation credits upon completion of the approved project by the applicant and verification by the Department that the project is complete. The issuance of a certificate for the proposed instream water right shall result in completion of the project and verification that the project is complete.
41. Mitigation credits awarded to this mitigation credit project will be valid beginning the first calendar year that water will be protected instream under any new instream water right created as a result of this instream transfer application.

Conclusions of Law

The changes in character of use and place of use to instream use proposed in application T-13764 are consistent with the requirements of ORS 540.505 to 540.580, ORS 537.348, OAR 690-380-5000, and OAR 690-077-0075.

This mitigation project does result in mitigation credits pursuant to ORS 537.746 and OAR 690-521-0300 and 690-521-0400.

Now, therefore, it is ORDERED:

1. The changes in character of use and place of use to instream use proposed in application T-13764 are approved.

2. Water right certificate 95746 is modified. Certificate 95746 shall be cancelled upon approval or denial of Transfer Applications T-13806 and T-13857. A new certificate will be issued describing that portion of the right not affected by this transfer and transfer applications T-13806 and T-13857.
3. A new certificate confirming the instream water right shall be issued.
4. The instream water right shall provide for the protection of streamflows from the authorized point of diversion on the Little Deschutes to Lake Billy Chinook on the mainstem Deschutes River. The quantities to be protected under the instream water right are:

Instream Reach 1: From POD (as described in Finding of Fact No. 9) to the confluence of the Little Deschutes River and Long Prairie Slough (approximately River Mile 28.6)

Priority Date	Instream Rate (cfs)	Instream Volume (AF)	Period Protected Instream
1897	0.50	80.0	July 7 through August 19
	0.25		August 20 through October 31

Instream Reach 2: From the confluence of the Little Deschutes River and Long Prairie Slough (approximately River Mile 28.6) to the mouth of the Little Deschutes River

Priority Date	Instream Rate (cfs)	Instream Volume (AF)	Period Protected Instream
1897	0.16	36.0	July 7 through October 31

Instream Reach 3: In the Deschutes River from the confluence with the Little Deschutes River to Lake Billy Chinook (approximately River Mile 120.0)

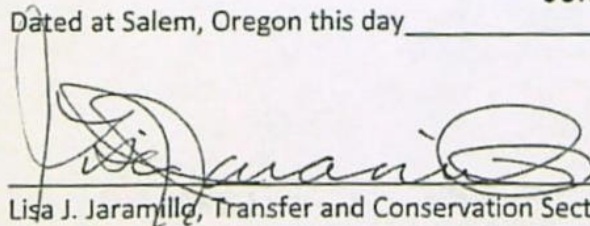
Priority Date	Instream Rate (cfs)	Instream Volume (AF)	Period Protected Instream
1897	0.14	33.5	July 7 through October 31

5. Water rights upstream of the original point of diversion shall not be subject to regulation for flows in excess of the quantities to which this instream water right is entitled at the original point of diversion.
6. Within the specified stream reach, the amount of water to which this right is entitled shall not exceed the quantity of water legally available at the original point of diversion. Stream channel losses and gains calculated based on available data and the use of senior appropriators will determine the amount of water to which this right is entitled downstream from the original point of diversion within the specified stream reach.
7. The instream right established by this transfer shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or 537.470 unless otherwise specified by an order approving a new instream water right under these statutes.
8. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 95746 and any related decree.

9. The former place of use of the transferred water shall no longer receive water as part of this right.
10. **Preliminary Award of Mitigation Credits:** Final Award of Mitigation Credits may be made upon completion of the project and verification by the Department that the project has been completed as proposed. Issuance of a new instream water right certificate, as described herein, will result in completion of the project and verification by the Department that the project is complete. If completed as proposed, mitigation credits, in the amount of **36.0 credits**, as described herein, may be awarded to this mitigation project and assigned to James R. & Jean S. Verheyden. Mitigation credits awarded may be used to satisfy a mitigation obligation of a ground water permit applicant and/or ground water permit/certificate holder in the **Little Deschutes and General Zone of Impacts**. Of the 36.0 mitigation credits awarded to this project, up to **33.5 credits** may also be used in the **Upper Deschutes, Middle Deschutes, and General Zones of Impact**. Mitigation credits generated by this project will be available for use as mitigation beginning the first calendar year that water will be protected instream under a new instream water right.
11. Mitigation credits are valid until used to satisfy a mitigation obligation of a ground water permit applicant and/or ground water permit/certificate holder within the Deschutes Ground Water Study Area pursuant to the Deschutes Ground Water Mitigation Rules. Mitigation credits are used when a person submits to the Department documentary evidence that valid credits have been obtained and assigned to satisfy a mitigation obligation.
12. The instream certificate created as a result of the approval of this transfer shall be identified as a mitigation credit project for a ground water permit applicant and/or ground water permit/certificate holder. As set forth in #4 and #10 above, the instream certificate shall specify the number of mitigation credits, the zone of impact in which the mitigation credits were generated and may be used, and the volume of water dedicated instream solely for instream benefits.

JUN 0 1 2022

Dated at Salem, Oregon this day _____.



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
Tom M. Byler, Director, Oregon Water Resources Department

JUN 0 2 2022

Mailing date: _____

Permanent Transfer Application Intake Completion Checklist

Check the Certificate(s) in WRIS

Transfer # T- 14109

Checked by: <u>Orla</u>	Type of Change(s) Proposed: <i>Mark the Proposed Changes</i>	Substitution	Supplemental to Primary	<u>POU</u>	POD	APOD
Date: <u>10/25/22</u>		Gov Action	Surface to Ground	USE	POA	APOA
Fee Received: <u>1360.00</u>						
Calculated Fee: <u>1360.00</u>						
Additional Observations: <u>Cert 9574 - not cancelled</u>			How many rights to be Transferred? <u>1</u>			
<u>Involved in 15 transfers T-13456,</u>			Certificate # <u>95746</u>			
<u>T-13764, T-13806, T-13857</u>						
<u>Work w/ Sarah</u>						

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

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

Actions taken: _____ Date: _____