

T-14022

regular

T-14022

ASSIGNED

Name The tree farm LLC
 Address 409 Franklin Ave
Bend OR 97703

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Well
 Trib. of Deschutes Basin
 Use Quasi muni County Deschutes
 Quantity of water (CFS) _____ No. of Acres _____
 Name of ditch _____
 App# 6139165 Per # 613017 Cert # 96029 PR Date _____
 App# _____ Per # _____ Cert # _____ PR Date _____
 App# _____ Per # _____ Cert # _____ PR Date _____
 App# _____ Per # _____ Cert # _____ PR Date _____

FEES PAID

Date	Amount	Receipt #
5-31-2022	\$1840.00	138299
12-7-2023	\$120.00	142062

Change in APCA
 Date Filed 5/31/2022
 Initial notice date 6/14/2022
 DPD issued date _____
 PD issued date _____
 PD notice date _____
 Date of FO _____ Vol _____ Page _____
 C-Date _____
 COBU due date _____
 COBU Received date _____
 Certificate issued _____

FEES REFUNDED

Date	Amount	Receipt #
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Assignments: 12-12-2023 NWX2 LLC 409 Franklin Ave., Bend, OR 97703

Irrigation District _____

Agent Kim Grigby GSI Water Solutions

CWRE _____
 CC's list City of bend

☐ - Oversized map - Location _____



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301-1266
Phone: 503-986-0900
Fax: 503-986-0904
www.Oregon.gov / OWRD

December 12, 2023

NWX2 LLC
409 Franklin Ave
Bend, OR 97703

Reference: Transfer T-14022

The assignment from The Tree Farm LLC to NWX2 LLC has been recorded in the records of the Water Resources Department.

The Departments records will now show NWX2 LLC as the transfer holder of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 142062 covering the recording fee is also enclosed.

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

Sincerely,

Mary F. Bjork
Water Rights Program Analyst
Water Right Services Division

Enclosure: Original Request and Receipt 142062

cc: The Tree Farm LLC - 409 Franklin Ave, Bend, OR 97703
Data Center, OWRD (cover letter & request)
File



STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **142062**

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

INVOICE # _____

RECEIVED FROM: NWX2 LLC

BY: _____

CASH: ☐ CHECK: # 2609 OTHER: (IDENTIFY) _____

APPLICATION _____
PERMIT _____
TRANSFER F-14022

TOTAL REC'D \$ 120.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____

OTHER: (IDENTIFY) \$ _____

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$ _____

0410 RESEARCH FEES \$ _____

0408 MISC REVENUE: (IDENTIFY) \$ _____

TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____

0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

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

0203 GROUND WATER \$ _____ 0204 \$ _____

0205 TRANSFER EXAM FEE \$ _____

WELL CONSTRUCTION

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

LANDOWNER'S PERMIT

0220 \$ _____

0250 OTHER (IDENTIFY) Assignment \$ 120.00

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD# _____

0210 MONITORING WELLS \$ _____ CARD# _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

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

HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION \$ _____

RECEIPT: **142062**

DATED 12-7-23

BY: Bze

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

Check #

2 TOTAL

120.00

NWX2 LLC
owrd

NAME: Oregon Water Re

CHECK DATE: 12-01-23

2609

REFERENCE NUMBER
Applic # T-140

INVOICE DATE
12-01-23

GROSS AMOUNT
recording fee

DISCOUNT TAKEN

NET AMOUNT PAID

120.00

T-14022

RECEIVED
DEC 07 2023
OWRD

DEC 07 2023

OWRD
Request for Assignment



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

If the Department determines that the application is incomplete, fees have not been paid, or the required documents are not acceptable, the application and all fees submitted will be returned to the applicant.

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

I, The Tree Farm LLC

(Name of Current Holder of Record)

409 Franklin Ave Bend, OR 97703

541-382-1662

(Mailing Address)

(City)

(State) (Zip)

(Phone #)

- ☒ hereby assign all my interest in and to the entire application/permit/transfer order/limited license/groundwater statement; (example, sold all the land authorized under the right)
- ☐ hereby assign all my interest in and to a portion of application/permit/transfer order/limited license/groundwater statement; (*You must include a map showing the portion of the application/permit/transfer order/limited license/groundwater statement to be assigned.* Example, sold a portion of the land authorized under the right)
- ☐ hereby assign a portion of my interest in and to the entire application/permit/transfer order/limited license/groundwater statement; (example, adding an additional person)

Application # T-14022; Permit # _____; Transfer Order # _____;

Limited License # _____; Groundwater Statement # _____;

as filed in the office of the Water Resources Director, to:

NWX2 LLC

(Name of New Owner)

409 Franklin Ave Bend, OR 97703

541-382-1662

(Mailing Address)

(City)

(State) (Zip)

(Phone #)

Note: If there are other owners of the property described in the application, permit, transfer order, limited license, or groundwater statement, you must provide a list of all other owners' names and mailing addresses and attach it to this form. Write the initials (first letters) of your first and last names at the spot indicated below.

MS I hereby certify that I have notified all other owners of the property described in this application, permit, transfer order, limited license, or groundwater statement of this Request of Assignment.

Witness my hand this 1ST day of December, 20 23.
(Day) (Month) (Year)

Signature of Current Holder of Record [Signature]

Failure to provide any of the required information will result in the return of your application.

This certifies assignment and record change at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem, Oregon.

Fee receipt # 142062

For Director by Mary F. Bjork, Program Analyst in Water Rights Division. MR

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$120.

Assign - Approve
MSB 12-13-2023

RECEIVED

DEC 07 2023

OWRD

T-14022 Owners List

NWX2 LLC is the current owner of the property designated as the quasi-municipal service area impacted by Transfer Application No. T-14022 (Certificate 96029). The Tree Farm LLC, which is the current holder of the underlying water right and applicant of record for T-14022, has conveyed the property within the service area to NWX2 LLC.

Both entities are controlled by the same parent company and both consent to this assignment.

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-14022

Review Due Date: 07/14/2022

Applicant Name: The tree Farm

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

Reviewer(s): Giffin

Date of Review: 06/15/2022

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:
3. Have headgate notices been issued for the source that serves the transferred right(s)?
☐ Yes ☒ No ☐ Records not available.
4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? ☐ Yes ☒ No If "Yes", explain:
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? ☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected:

6. Check here ☐ if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most:

☐ N/A

7. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses:

☒ N/A

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

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

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

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

☐ Yes ☐ No If "Yes", explain:

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

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

☐ Yes ☐ No If "Yes", explain:

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

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

- i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer? ☐ Yes ☐ No If "Yes", explain:
- ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry? ☐ Yes ☐ No If "No", explain:
- iii. Did the applicant comply with and meet all of the conditions of the temporary transfer? ☐ Yes ☐ No If "No", explain:
- iv. Do you have any other observations regarding the temporary transfer? ☐ Yes ☐ No If "Yes", describe:
- v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer? ☐ Yes ☐ No If "No", explain:

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

i. "Injury" will occur to other water rights that share the same source? ☐ Yes ☒ No If "Yes", explain:

ii. "Enlargement" of the water right being transferred will occur? ☐ Yes ☒ No If "Yes", explain:

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

☐ Yes ☒ No If "Yes", explain:

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

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

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

☐ A Headgate should be required prior to diverting water.

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

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

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

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

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

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

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

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

☐ Weir
☐ Parshall Flume
☐ Other: _____

☐ Submerged Orifice
☐ Flow Restrictor

Oregon Water Resources Department

Measurement Condition Information for the Applicant

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

Transfer #: T- 14022



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



at each point of diversion/appropriation (new and existing) OR



at each new point of diversion/appropriation.

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

Watermaster name: Jeremy Giffin

District: 11

Address: 231 Scalehouse Lp, STE 103

City/State/Zip: Bend, OR 97702

Phone: 541-306-6885

Email: Jremy.T.Giffin@Water.Oregon.gov

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

Approval of an Alternate Measurement Device

T-

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

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

Watermaster signature

District

Date

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

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

Groundwater Transfer Review Summary Form

Transfer/PA # T- 14022

GW Reviewer Joe Kemper Date Review Completed: 11/30/2023

Summary of Same Source Review:

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

Summary of Injury Review:

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

Summary of GW-SW Transfer Similarity Review:

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

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

OREGON



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

Ground Water Review Form:

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

Application: T-14022

Applicant Name: The Tree Farm LLC

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

Reviewer(s): Joe KemperDate of Review: 11/30/2023

Date Reviewed by GW Mgr. and Returned to WRSD: _____

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

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

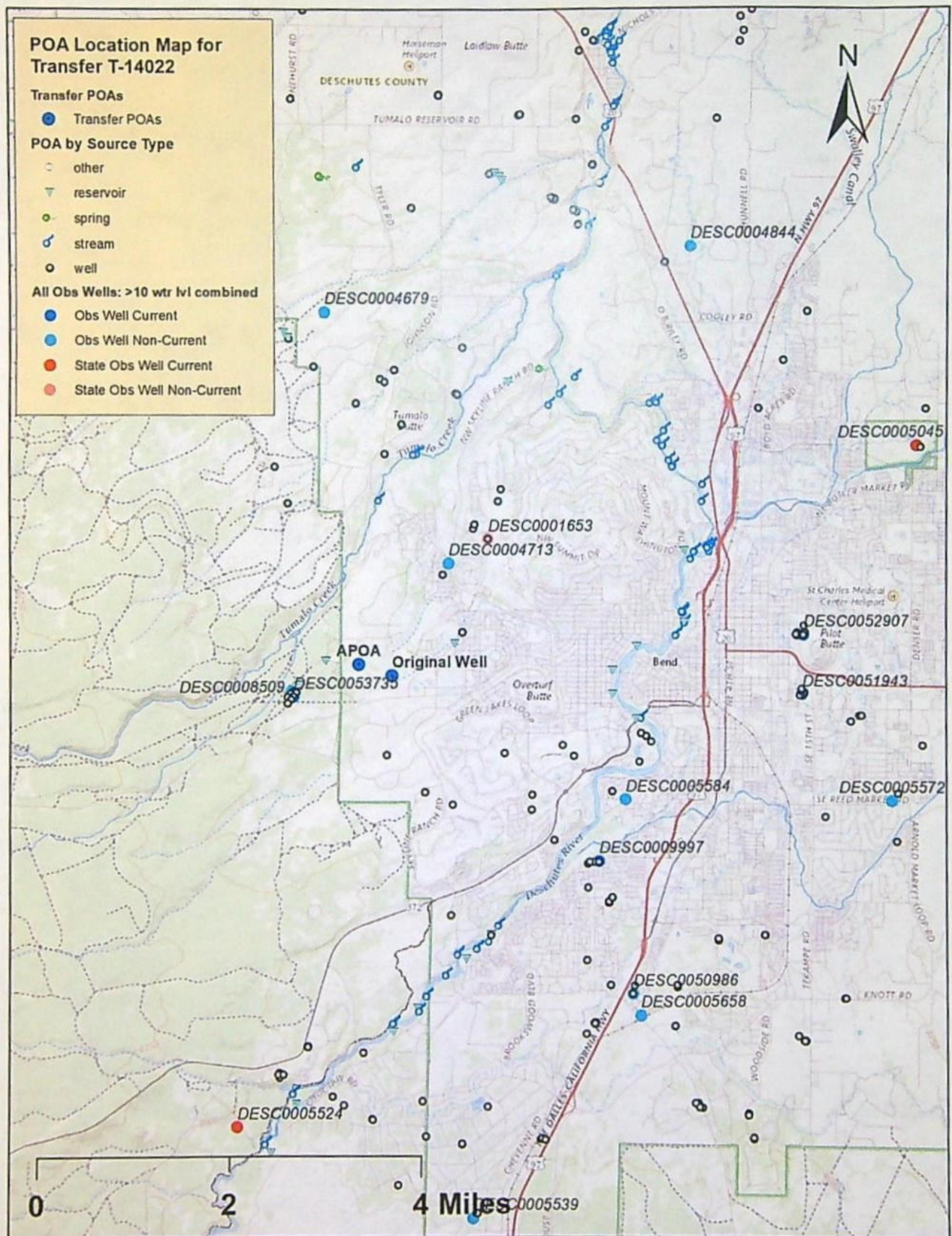
1. Basic description of the changes proposed in this transfer: This transfer proposes adding an APOA to certificate 96029, which authorized 0.7141 cfs of quasi-municipal use from one well (DESC 51145). Certificate 96029 has since been amended by transfer T-13583, resulting in the cancelation of 96029 and issuance of certificate 95715 for 0.4841 cfs of quasi-municipal use from DESC 51145. No changes are proposed to the place or character of use.
2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?
☒ Yes ☐ No Comments: DESC 51145 is drilled into the Quaternary-aged volcanics at the foot of the Cascades, which is considered to be part of the Deschutes regional groundwater system. The undrilled APOA is proposed to be located 1960 feet WNW from DESC 51145 with identical construction details. It would access the same groundwater source.
3. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?
☐ Yes ☒ No _____
- b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): _____

4. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another ground water right**?
☒ Yes ☐ No Comments: Moving some or all groundwater production to the APOA may increase well-to-well interference with groundwater users NW of DESC 51145.
- b) If yes, would this proposed change, at its maximum allowed rate of use, likely result in another groundwater right not receiving the water to which it is legally entitled?
☐ Yes ☒ No If yes, explain: Considering the relatively low permitted rate and the aquifer's storage, permeability, and thickness, any increases in well-to-well interference that result from this transfer are not likely large enough to be considered injury to those users.
5. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another surface water source**?
☐ Yes ☒ No Comments: Water levels in both the existing POA and the proposed POA are several hundred feet below land surface. The nearest hydraulic connection to surface water is near the confluence of the Deschutes and Crooked rivers, approximately 25 miles to the north. This suggests that the impact to surface water will be at a regional scale where the relatively small change in POA location will have negligible effects on surface water.
- b) If yes, at its maximum allowed rate of use, what is the expected change in degree of interference with any **surface water sources** resulting from the proposed change?
 Stream: _____ ☐ Minimal ☐ Significant
 Stream: _____ ☐ Minimal ☐ Significant
 Provide context for minimal/significant impact: _____
6. For SW-GW transfers, will the proposed change in point of diversion affect the surface water source similarly (as per OAR 690-380-2130) to the authorized point of diversion specified in the water use subject to transfer?
☐ Yes ☐ No Comments: _____
7. What conditions or other changes in the application are necessary to address any potential issues identified above: _____
8. Any additional comments: _____

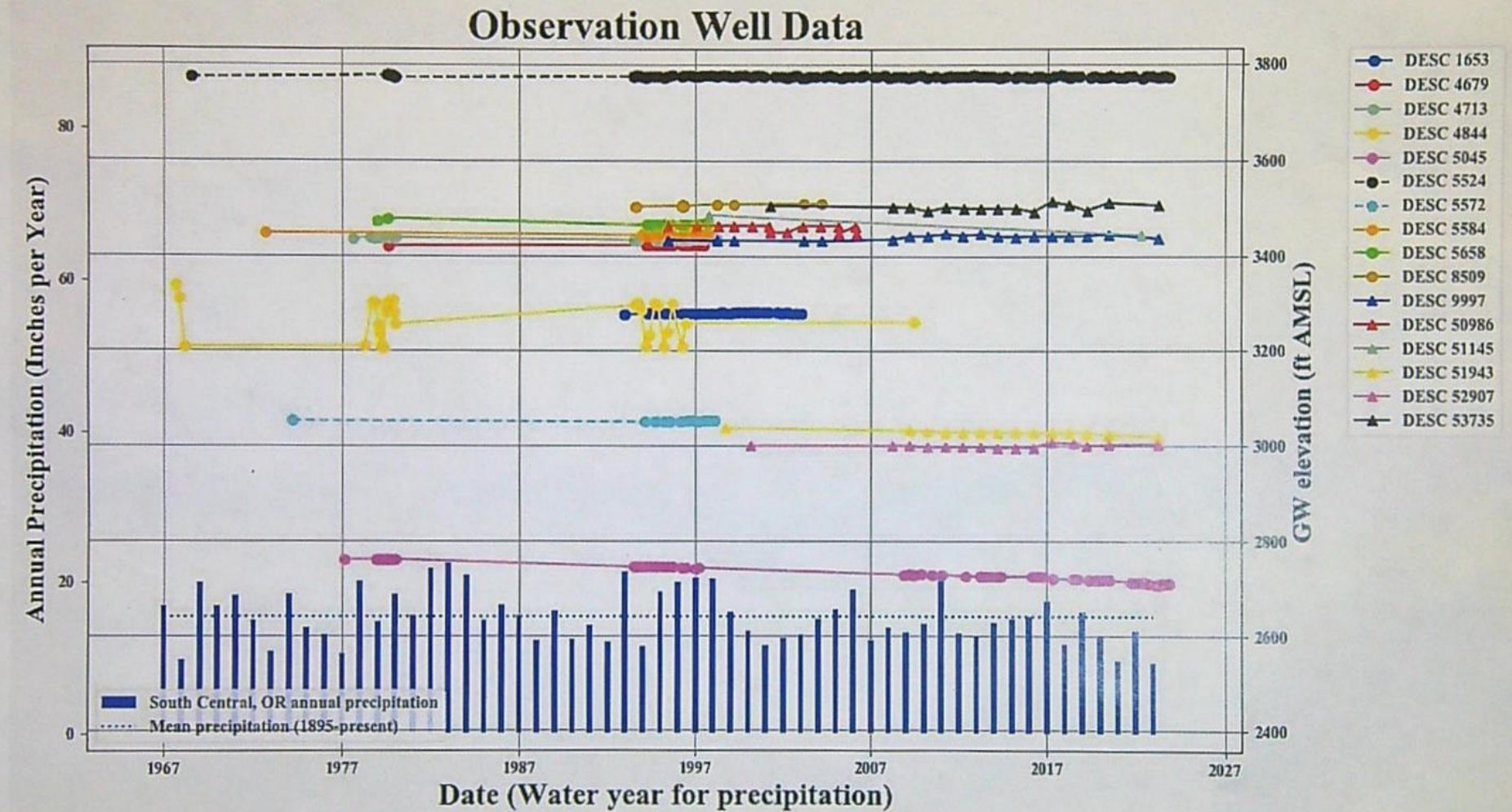
Well Summary Table

POA Name	Well Tag or LOGID	Total Well Depth	Casing Diameter (in)	Casing Intervals (ft)	Seal Depth (ft)	Perforated/ Screened Intervals	SWL of Completed Well	Source Aquifer	Well Specific Rate
Existing Well	DESC 51145	444	10	0-19	0-19	400-503	340	Basalt	NA
Proposed Well	Proposed	444 (est.)	10 (est.)	0-19	0-19	400-503 (est.)	340 (est.)	Basalt	NA

Transfer Map



Water Levels in Adjacent Observation Wells



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

RECEIVED

JAN 30 2023

**OWRD
SALEM, OREGON**

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

Mailing Address: 2477 NW Canyon Drive

City: Redmond

State: OR

Zip Code: 97756

Daytime Phone: 541-526-1235

A. Land and Location

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

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

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

Deschutes County.



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JAN 30 2023

OWRD
SALEM, OREGON**B. Description of Proposed Use**

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

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

Source of water: ☐ Reservoir/Pond ☒ Ground Water ☐ Surface Water (name) _____Estimated quantity of water needed: 0.453 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feetIntended use of water: ☐ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☐ Municipal ☒ Quasi-Municipal ☐ Instream ☐ Other _____

Briefly describe:

The applicant is proposing to change the place of use and change the point of appropriation
for a 0.453 cfs portion of Quasi-Municipal certificate 96029.

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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JAN 30 2023

OWRD
SALEM, OREGON

COMMUNITY DEVELOPMENT

January 25, 2023

Thornburgh Destination Resort Land Use Approval Summary

The Thornburgh Destination Resort has a lengthy and complex history that began in 2005, and includes decisions by County Staff, Hearings Officers, the Board of County Commissioners (BOCC), the Land Use Board of Appeals (LUBA), the Oregon Court of Appeals, and the Oregon Supreme Court. Below is a summary of Deschutes County Land Use Approvals for the Thornburgh Destination Resort.

Conceptual Master Plan (File No. CU-05-20): On February 16, 2005, Thornburgh Resort Company, LLC (TRC) applied for the Resort Conceptual Master Plan (CMP) approval for the Thornburgh Destination Resort. The application was denied by the Hearings Officer on November 9, 2005. The BOCC issued Order Nos. 2005-143 and 2006-016 to call-up the Hearings Officer decision for review. On May 11, 2006, the BOCC approved the CMP. Annunziata Gould ("Gould") and Steve Munson ("Munson") appealed the BOCC decision to the Land Use Board of Appeals (LUBA Nos. 2006-100 and 2006-101). LUBA remanded the BOCC decision on May 14, 2007 (Gould v. Deschutes County, 54 Or LUBA 2005 (2007)). The LUBA decision was appealed to the Court of Appeals. On November 7, 2007, the Court of Appeals reversed and remanded LUBA's decision (Gould v. Deschutes County, 216 Or App 150, 171 P3d 1017 (2007)). The result was the BOCC decision in CU-05-20 approving the CMP was remanded to the County for further proceedings.

On April 15, 2008, the BOCC issued its decision on remand, again approving the CMP (Order No. 2008-151). Gould and Munson appealed the BOCC remand decision to LUBA on May 6, 2008 (LUBA No. 2008-068). On September 11, 2008, LUBA affirmed the BOCC decision (Gould v. Deschutes County, 57 Or LUBA 403 (2008)). That decision was appealed to the Court of Appeals (A140139). On April 22, 2009, the Court affirmed LUBA's decision (Gould v. Deschutes County, 227 Or App 601, 206 P3d 1106 (2009)). On October 9, 2009, the Supreme Court denied review (Gould v. Deschutes County, 347 Or 258, 218 P3d 540 (2009)). On December 9, 2009, the Court of Appeals issued its appellate judgement and the CMP received final approval as of December 9, 2009.

CMP Initiation of Use (File No. DR-11-8): On November 1, 2011, TRC applied for a Declaratory Ruling to demonstrate the CMP had been timely initiated. The Hearings Officer found the CMP was timely initiated. The BOCC declined to hear the appeal and Gould filed a LUBA appeal. On appeal, LUBA remanded that decision (LUBA No 2012-042). LUBA's decision was affirmed by the Court of Appeals, without opinion (Gould v. Deschutes County, 256 Or App 520, 301 P3d 978 (2013)). On remand, the Hearings Officer found the CMP was not timely initiated. TRC appealed the Hearings Officer's decision to the BOCC. The BOCC issued a decision finding the CMP was "initiated" before the two-year deadline expired (Document No. 2014-431). Gould appealed the BOCC decision to LUBA. On

appeal, LUBA remanded this decision back to the BOCC decision on January 30, 2015 (LUBA No 2015-080). However, LUBA's decision was appealed and the Court of Appeals reversed and remanded stating that the express language of the County Code requires Defendant to substantially exercise the permit conditions as a whole, and any failure to initiate development by fully complying with the conditions should not be the fault of the applicant, a determination of which must be based on more than just the complexity of the process. The Court also held that the County could not interpret the County Code contrary to a prior LUBA order in this same litigation, as the lower tribunal was bound to follow the appellate Court's Ruling (Gould v Deschutes County, 272 Or App 666 (2015)). Later, as part of the submitted application materials for the Golf Course Site Plan review, the applicant included the following clarification on the status of the remand:

"Loyal Land has not initiated a review on remand. This application is moot, however, because the Resort's Final Master Plan (FMP) incorporates and satisfies all conditions of the CMP and has received final approval."

Final Master Plan (File Nos. M-07-2/MA-08-6): Thornburgh Resort Company filed for approval of the Resort Final Master Plan (FMP) in 2007, which was later amended in 2008. The application was approved by the County, appealed by Gould, and subsequently remanded by LUBA to address issues regarding the Thornburgh Wildlife Mitigation Plan (LUBA No. 2008-203). The LUBA decision was appealed to the Court of Appeals. The Court affirmed LUBA's decision (Gould v. Deschutes County, 233 Or App 623, 227 P3d 759 (2010)). In 2015, on remand, the County denied approval of the FMP. Central Land and Cattle Company, LLC ("Central") successfully appealed the denial and LUBA remanded the County decision (Central Land and Cattle Company v. Deschutes County, 74 Or LUBA 326 (2016)). The Court of Appeals affirmed LUBA's decision without opinion (A163359). On the second remand, the FMP was approved by the County. The County decision was appealed by Gould. The County's approval was affirmed by LUBA (LUBA No. 2018-008) and the FMP is now final.

Tentative Plan & Site Plan - Phase A-1 Residential/OLU Lots & Utility Facilities (File Nos. 247-18-000386-TP/247-18-000454-SP/247-18-000592-MA): In May 2018, Central filed for approval of its Phase A-1 Tentative Plan and Site Plan review for utility facilities authorized by the CMP and FMP. The Hearings Officer approved the request with conditions. The BOCC declined review of an appeal (Order No. 2018-073). Gould filed an appeal to LUBA (LUBA No. 2018-140). LUBA remanded the County's decision on following issue:

"On remand, the county must consider whether, without TP Condition 17, the tentative plan for Phase A-1 satisfies the no net loss/degradation standard and whether a change in the source of mitigation water constitutes a substantial change to the FMP approval, requiring a new application, modification of the application, or other further review consistent with FMP and DCC destination resort regulations."

The LUBA remand decision was appealed to the Court of Appeals (A171603), but the appeal was dismissed based on the filing deadline. The Court of Appeals denied reconsideration of said order of dismissal. The Oregon Supreme Court accepted review of Court of Appeals order denying reconsideration of the order-dismissing petition for review (S067074). The Supreme Court agreed with Gould and instructed the Court of Appeals to hear that matter. The Court of Appeals



subsequently affirmed LUBA's decision in LUBA No. 2018-140 (A171603). In August 2021, Central initiated a second remand application (file no. 247-21-000731-A). The Hearings Officer issued a remand decision approving 247-21-000731-A (the Tentative Plan for Phase A-1 of the Thornburgh Destination Resort), thus clarifying and affirming the County's past approval of 247-18-000386-TP, 18-000454-SP, and 18-000542-MA. The BOCC declined review of an appeal (Order No. 2021-059). The County's decision has been appealed to LUBA and the Oregon Court of Appeals by Gould. Both LUBA and the Court of Appeals affirmed the County's decision (LUBA No. 2021-112 / A178963). However, an appeal has been filed by Gould to the Oregon Supreme Court.

Site Plan – Phase A Golf Course (File No. 247-19-000881-SP): In December 2019, Central filed for Site Plan approval for a golf course authorized by the CMP and FMP. In April 2020, the Deschutes County Planning Division administratively approved the application. The BOCC called up an appeal filed by Gould and Central Oregon LandWatch (Order No. 2020-016). The BOCC affirmed the administrative approval on August 31, 2020. The County's decision was appealed to LUBA, the Oregon Court of Appeals, and the Oregon Supreme Court by Gould. Both LUBA and the Oregon Court of Appeals affirmed the County's decision (LUBA No. 2020-095 / A176353) and the Oregon Supreme Court declined review (S069050). Therefore, the Site Plan approval for the Phase A golf course is final.

Site Plan – Phase A 80 OLU's (File No. 247-21-000508-SP): In May 2021, Central filed for site plan approval for 80 overnight lodging units authorized under the CMP and FMP. In September 2021, the Deschutes County Planning Division administratively approved the site plan. An appeal was filed by Gould, and the Hearings Officer denied the issues on appeal (file no. 247-21-000849-A) and approved the site plan. The BOCC declined review of an appeal of the Hearing's Officers decision (Order No. 2022-002). The County's decision was appealed to LUBA, the Oregon Court of Appeals, and the Oregon Supreme Court by Gould. Both LUBA and the Oregon Court of Appeals affirmed the County's decision (LUBA No. 2022-013 / A178949) and the Oregon Supreme Court declined review (S069882). Therefore, the Site Plan approval for 80 overnight lodging units is final.

Site Plan - Phase A-1 Resort Facilities (File No. 247-21-000537-SP): In May 2021, Central filed for Site Plan approval for a Welcome Center, Gatehouse, Golf Clubhouse and Community Hall authorized under the CMP and FMP. In November 2021, the Deschutes County Planning Division administratively approved the Site Plan. An appeal was filed by Gould, and the Hearings Officer denied the issues on appeal (file no. 247-21-001009-A) and approved the site plan. The BOCC declined review of an appeal of the Hearing's Officers decision (Order No. 2022-012). The County's decision has been appealed to LUBA, the Oregon Court of Appeals, and the Oregon Supreme Court by Gould. Both LUBA and the Court of Appeals affirmed the County's decision (LUBA No. 2022-026 / A179306). However, an appeal has been filed by Gould to the Oregon Supreme Court.

Modification of FMP – OLU Ratio (File No. 247-21-000553-MC): In June 2021, Central filed a Modification to amend the ratio of OLU's per single-family dwelling unit (from 2:1 to 2.5:1) and related bonding requirements. In October 2021, the Deschutes County Planning Division administratively approved the modification. An appeal was filed by Gould, and the Hearings Officer denied the issues on appeal (file no. 247-21-000920-A) and approved the Modification. The BOCC declined review of the of the Hearing's Officers decision (Order No. 2022-003). The County's decision was appealed to LUBA, the Oregon Court of Appeals, and the Oregon Supreme Court by Gould. Both LUBA and the Court of

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Appeals affirmed the County's decision (LUBA No. 2022-011 / A179002) and the Oregon Supreme Court declined review (S069813). Therefore, this Modification approval is final.

Tentative Plan - Phase A-2 Residential Lots (File No. 247-21-000637-TP): In June 2021, Central filed for Tentative Plan approval for 108 single-family dwelling lots authorized under the CMP and FMP. In October 2021, the Deschutes County Planning Division administratively approved the application. An appeal with filed by Christine Larson, and the Hearings Officer denied the issues on appeal (file no. 247-21-00948-A) and approved the Tentative Plan. The BOCC declined review of an appeal of the Hearing's Officers decision (Order No. 2022-011). The County's decision was appealed to LUBA and the Oregon Court of Appeals by Gould. Both LUBA and the Court of Appeals affirmed the County's decision (LUBA No. 2022-025 / A179620). It is unknown at this time if an appeal has been filed to the Oregon Supreme Court.

Local Active Application(s)

- 247-22-000678-MC – A land use action review to amend the Final Master Plan (FMP) for the Thornburgh Destination Resort by amending the Fish and Wildlife Management Plan (FWMP) and imposing limitations on the scope of development and water use allowed by the Thornburgh Destination Resort. This application was received by the Planning Division on August 17, 2022. A public hearing was conducted by a Deschutes County Hearings Officer on October 24, 2022. The Hearings Officer's denied the applicant's request on December 19, 2022. Two appeals of the Hearings Officer's decision were filed (ref. appeal nos. 247-22-000984-A / 247-23-000003-A). The Board of County Commissioners accepted review of the appeals and will hold a public hearing on February 1, 2023.

<https://www.deschutes.org/cd/page/247-22-000678-mc-thornburgh-destination-resort-modification-cmpfmpfwmp>

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December 30, 2022

Kenneth Katzaroff

Admitted in Washington and Oregon

T: 206-405-1985

C: 206-755-2011

KKatzaroff@SCHWABE.com

Deschutes County Community Development
Department
c/o Caroline House, Senior Planner
PO Box 6005
Bend, OR 97708-6005

RE: OWRD Land Use Compatibility Statement Request
Our File No.: 135849-262760

Dear Caroline:

As you know, our office represents Kameron DeLashmutt and Pinnacle Utilities, LLC (collectively the "Applicant"). The Applicant seeks a permanent transfer of a portion of quasi-municipal certificate 94958. On May 13, 2021, the County issued a LUCS in File No. 247-21-000467-PS, which constituted a temporary transfer of the same water right certificate. That record is incorporated by reference herein. We request that the County fill out this current request in the same manner but reflecting the various additional approvals received by the Thornburgh Destination Resort.

As may be relevant, a "quasi-municipal water use" is defined by OAR 690-300-0010(40) and refers to uses that are "usual and ordinary to municipal use" as defined at OAR 690-300-0010(29). Under these definitions, any number of uses allowed under a quasi-municipal water right are permitted outright in EFU lands, including an irrigation use, for example. More importantly, the Applicant (or its affiliates) have also received final master plan approval for a destination resort on the same lands. Additional and final land use approvals include:

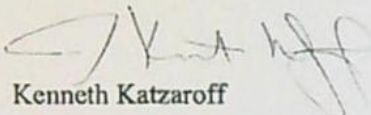
- Site plan approval for a golf course,
- Site plan approval for overnight lodging units,
- Tentative plan approval for Phase A-1,
- Site plan approval for a welcome center and other facilities, and
- Tentative plan approval for Phase A-2.

Deschutes County Community Development Department
December 30, 2022
Page 2

Therefore, the request to transfer quasi-municipal water is both permitted outright and pursuant to the final land use decisions on the subject property.

Very truly yours,

SCHWABE, WILLIAMSON & WYATT, P.C.


Kenneth Katzaroff



Oregon
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

June 15, 2022

THE TREE FARM LLC
409 FRANKLIN AVE
BEND, OR 97703

Reference: Application T-14022

On May 31, 2022, OWRD received your water right Permanent Transfer Application. The application was accompanied by \$1840.00. Our receipt number 138299 is enclosed.

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

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

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

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

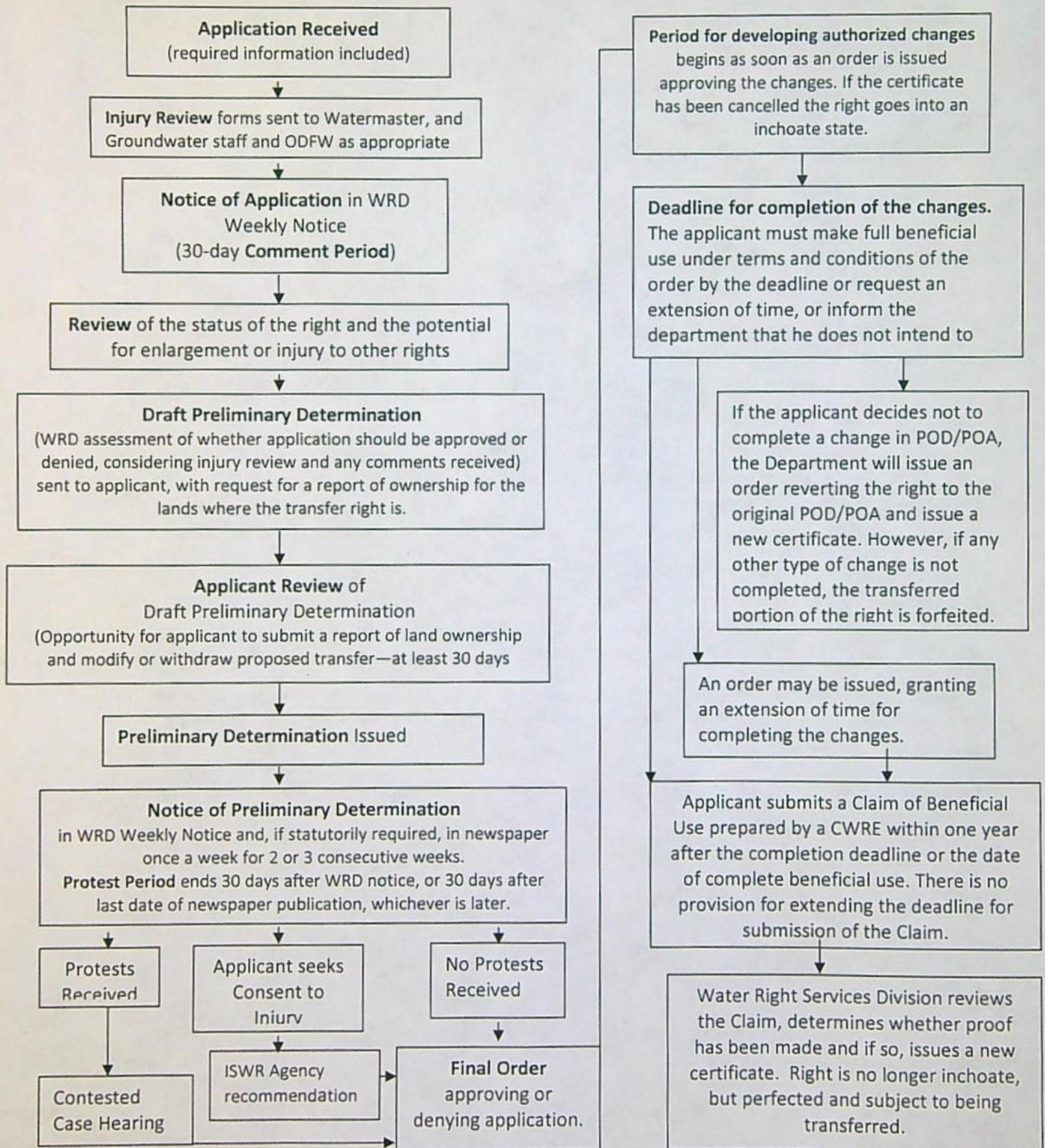
If you have any questions, please contact the Transfer Section at (503) 979-9931.

Cc: Watermaster Dist. #11, Jeremy T. Giffin (*via email*)
City of Bend
Kim Grigsby, Agent

Enclosure

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

OAR 690 Division 380



WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 14022

Transfer Specialist:

Transfer Type: Regular Transfer

Applicant: THE TREE FARM LLC 409 FRANKLIN AVE BEND, OR 97703 Email: _____ Phone: _____		Agent: <input type="checkbox"/> N/A KIM GRIGSBY 1600 SW WESTERN BLVD SUITE 240 CORVALLIS, OR 97333 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 City Of Bend Planning Division 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"/>	G13965	G13017	96029	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

Key Dates & Initial Actions:

Rec'd: May 31, 2022	Proposed Action(s): ADDITIONAL POINT OF APPROPRIATION	
Fees Pd: 1840.00	WM District: 11	ODFW District:
Initial Public Notice: June 14, 2022	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: <input type="checkbox"/> N/A
County sent cc: of Ack Letter <input type="checkbox"/>	BOR notified (date): <input type="checkbox"/> N/A	
Newspaper quote requested:	Request for news \$ sent:	News \$ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	CW Sent: _____	N/A
PD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____
FO	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____

Special Issues: _____

Special Order Volume: Vol. _____ Pages _____

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 # **138299**

INVOICE # _____

RECEIVED FROM: 651 Water Solutions, Inc.
 BY: _____

CASH: ☐ CHECK: # 24632 OTHER: (IDENTIFY) ☐

APPLICATION	
PERMIT	
TRANSFER	<u>T-14022</u>
TOTAL REC'D	\$ <u>1,840.00</u>

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$
 OTHER: (IDENTIFY) \$
 0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS 46110
 0407 COPY & TAPE FEES \$
 0410 RESEARCH FEES \$
 0408 MISC REVENUE: (IDENTIFY) \$
 TC162 DEPOSIT LIAB. (IDENTIFY) \$
 0240 EXTENSION OF TIME \$
 WATER RIGHTS:
 0201 SURFACE WATER EXAM FEE 0202 RECORD FEE \$
 0203 GROUND WATER \$ 0204 \$
 0205 TRANSFER \$ 1,840.00
 WELL CONSTRUCTION EXAM FEE
 0218 WELL DRILL CONSTRUCTOR \$ 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 (FW/WRD) \$
 0231 HYDRO LICENSE FEE (FW/WRD) \$
 HYDRO APPLICATION \$

TREASURY OTHER / RDX

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

RECEIPT: **138299**

DATED: 05/31/22 BY: [Signature]

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

GS1 WATER SOLUTIONS, INC.

Check Date: 4/27/2022

024632

Invoice Number	Date	Voucher	Amount	Discounts	Previous Pay	Net Amount
TA 948.001.001	4/27/2022	0019965	1,840.00			1,840.00
Oregon Water Resources Department						
Key Bank 8460 - GSI Water 1		00245	1,840.00			1,840.00
		TOTAL				

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MAY 31 2022

OWRD

Application for
Permanent Water Right Transfer

Part 1 of 5 – Minimum Requirements Checklist



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

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

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

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

MAY 31 2022

- ☒ 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. The Application Fee in the amount of \$1,840 is enclosed.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1** List them here: Certificate 96029 (Attachment A)
Please include a separate Part 5 for each water right. (See instructions on page 6)

OWRD

Attachments:

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

14022

MAY 31 2022

Part 2 of 5 – Transfer Application Map

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

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

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

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***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	

14022

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME The Tree Farm LLC		PHONE NO. 541-749-2936	ADDITIONAL CONTACT NO.
ADDRESS 409 Franklin Ave.			FAX NO.
CITY Bend	STATE OR	ZIP 97703	E-MAIL
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 GSI Water Solutions, Inc. ATTN: Kimberly Grigsby		PHONE NO. 541-257-9004	ADDITIONAL CONTACT NO.
ADDRESS 1600 SW Western Boulevard, Suite 240			FAX NO.
CITY Corvallis	STATE OR	ZIP 97333	E-MAIL kgrigsby@gsiws.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

Explain in your own words what you propose to accomplish with this transfer application, and why:
The Applicant is proposing to add an additional point of appropriation to Certificate 96029.

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.

RECEIVED

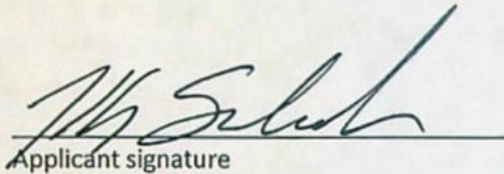
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By my signature below, I confirm that I understand:

- 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

Kirk Schueler,
President of Brooks Resources
Corporation, Managing Member of
The Tree Farm LLC
Print Name (and Title if applicable)

5/10/22
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 * N/A - The right is for quasi-municipal use with a designated service area that consists of land owned only by the Applicant or its affiliated companies.

**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.

RECEIVING LANDOWNER NAME N/A			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS			FAX NO. RECEIVED	
CITY	STATE	ZIP	E-MAIL MAY 31 2022	
Describe any special ownership circumstances: OWRD				
The confirming Certificate shall be issued in the name of: <input type="checkbox"/> Applicant <input type="checkbox"/> Receiving Landowner				

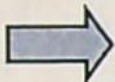
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☐ Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (Tip: Complete and attach Supplemental Form D.)

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 N/A	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME City of Bend	ADDRESS 1055 SW Lake Court 710 NW Wall St	
CITY Bend	STATE OR	ZIP 97756 97701

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 # 96029

Description of Water Delivery System

System capacity: 0.7141 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 water right was perfected by appropriating groundwater from the Tree Farm Well using a 60 Hp submersible pump, pumping water into a distribution system, conveying it to a 12,000 gallon above-ground storage tank, and then beneficially using it for quasi-municipal purposes.

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)
Authorized Well	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	DESC 51145	17 S	11 E	35	NW	SE	400	1560 feet North and 2465 feet West from the SE corner of Section 35
Proposed Well	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		17 S	11 E	35	NW	SW	400	2185 feet North and 4290 feet West from the SE corner of Section 35
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed								

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

- | | |
|--|--|
| <input 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 checked="" 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 # 96029

List the change proposed for the acreage in each $\frac{1}{4}$ $\frac{1}{4}$. If more than one change is proposed, specify the acreage associated with each change.
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.												Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.													
Twp	Rng	Sec	$\frac{1}{4}$ $\frac{1}{4}$	Tax Lot	Gvt Lot or DLC	Acre	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng		Sec	$\frac{1}{4}$ $\frac{1}{4}$	Tax Lot	Gvt Lot or DLC	Acre	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date						
EXAMPLE																										
2	S	9	E	15	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
													APOA	See authorized place of use on the map in Attachment B								Quasi- Municipal	Authorized Well, Proposed Well	1/30/1995		
TOTAL ACRES:											TOTAL ACRES:															

Additional remarks:_____.

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For Place of Use or Character of Use Changes

Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands? ☐ Yes ☐ No N/A – Certificate 96029 is for Quasi-Municipal use, so "layering" does not apply.

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 # N/A;

Surface water primary Certificate # N/A.

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For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # N/A

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

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

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

http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx (See attachment E)

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
Authorized Well	Yes	DESC 51145	444ft	10in	+1-19ft	0-19ft	400-503ft	340	Basalt	
Proposed Well	No	-	444ft (est.)	10in (est.)	+1-19ft (est.)	0-19ft (est.)	400-503ft (est.)	340 (est.)	Basalt	

STATE OF OREGON

COUNTY OF DESCHUTES

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

THE TREE FARM LLC
409 FRANKLIN AVE
BEND OR 97703

confirms the right to the use of water perfected under the terms of Permit G-13017. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-13965

SOURCE OF WATER: A WELL WITHIN THE DESCHUTES BASIN

PURPOSE OR USE: QUASI-MUNICIPAL

MAXIMUM RATE: 0.7141 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JANUARY 30, 1995

WELL LOCATION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	11 E	WM	35	NW SE	1560 FEET NORTH AND 2465 FEET WEST FROM THE SE CORNER, SECTION 35

THE PLACE OF USE IS LOCATED WITHIN:

Twp	Rng	Mer	Sec	Q-Q
17 S	11 E	WM	35	SW NE

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

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Twp	Rng	Mer	Sec	Q-Q
17 S	11 E	WM	35	SE NE
17 S	11 E	WM	35	SE NW
17 S	11 E	WM	35	NE SW
17 S	11 E	WM	35	NW SW
17 S	11 E	WM	35	SW SW
17 S	11 E	WM	35	SE SW
17 S	11 E	WM	35	NE SE
17 S	11 E	WM	35	NW SE
17 S	11 E	WM	35	SW SE
17 S	11 E	WM	36	SW NW

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Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or other suitable measuring device as approved by the Director in good working order.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this right, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

Use of water under authority of this certificate may be regulated if analysis of data available after the certificate is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

The wells shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine the water level elevation in the well at all times.

The Director may require water level or pump test results every ten years.

Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

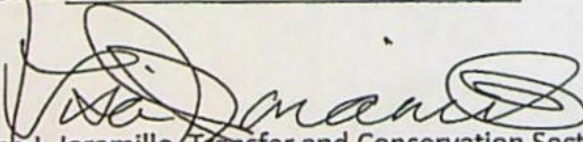
Certificate 95926 was issued to describe the right NOT modified by provisions of an order of the Water Resources Director, entered October 6, 2021, and recorded in Special Order Volume 121, Pages 752-754, approving a partial cancellation of the right evidenced by Certificate 94958. This correcting certificate is issued to describe the remaining right as corrected by a superseding order of the Water Resources Director, entered OCT 25 2021, and recorded in Special Order Volume 121, Pages 807-69. This correcting certificate correctly describes the maximum rate allowed and supersedes Certificate 95926.

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; however, water may be applied to lands which are not specifically described above, provided the holder of this right complies with ORS 540.510(3).

OCT 25 2021

Issued _____



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

Mailing Date: OCT 26 2021

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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)
) ss
County of DESCHUTES

I, KIRK SCHUELER, in my capacity as President of Brooks Resources Corporation, Managing Member of
The Tree Farm LLC mailing address 409 FRANKLIN AVE, BEND, OR, 97703
telephone number (541)749-2936, being first duly sworn depose and say:

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

☐ Personal observation ☒ Professional expertise

2. I attest that:

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

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

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

OR

☒ Confirming Certificate # 94958 (predecessor to 96029) has been issued within the past five years; OR

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

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

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

(continues on reverse side)

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3. The water right was used for: (e.g., crops, pasture, etc.): QUASI-MUNICIPAL USES

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

[Signature]
Signature of Affiant

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MAY 31 2022

May 10, 2022
Date

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Signed and sworn to (or affirmed) before me this 10 day of May, 20 22.



[Signature]

Notary Public for Oregon

My Commission Expires: 9.17.22

Supporting Documents	Examples
<input checked="" type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date <u>See attached Certificate 94958. Certificate 96029 is a correcting certificate for a remaining right certificate and supersedes Certificate 94958.</u>
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none">• Power usage records for pumps associated with irrigation use• Fertilizer or seed bills related to irrigated crops• Farmers Co-op sales receipt
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none">• District assessment records for water delivered• Crop reports submitted under a federal loan agreement• Beneficial use reports from district• IRS Farm Usage Deduction Report• Agricultural Stabilization Plan• CREP Report
<input type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added. Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terra-server.com
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

STATE OF OREGON
COUNTY OF DESCHUTES
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

THE TREE FARM LLC
409 FRANKLIN AVE
BEND OR 97703

confirms the right to the use of water perfected under the terms of Permit G-13017. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-13965

SOURCE OF WATER: A WELL WITHIN THE DESCHUTES BASIN

PURPOSE OR USE: QUASI-MUNICIPAL

MAXIMUM RATE: 0.78 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JANUARY 30, 1995

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WELL LOCATION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	11 E	WM	35	NW SE	1560 FEET NORTH AND 2465 FEET WEST FROM THE SE CORNER, SECTION 35

THE PLACE OF USE IS LOCATED WITHIN:

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17 S	11 E	WM	35	SW NE
17 S	11 E	WM	35	SE NE
17 S	11 E	WM	35	SE NW
17 S	11 E	WM	35	NE SW
17 S	11 E	WM	35	NW SW
17 S	11 E	WM	35	SW SW

Twp	Rng	Mer	Sec	Q-Q
17 S	11 E	WM	35	SE SW
17 S	11 E	WM	35	NE SE
17 S	11 E	WM	35	NW SE
17 S	11 E	WM	35	SW SE
17 S	11 E	WM	36	SW NW

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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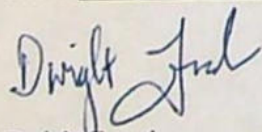
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Issued MAR 06 2020



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

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MAY 31 2022

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51145

OCT 10 1997 Page 1 of 2

AMENDED LOG

STATE OF OREGON
WATER SUPPLY WELL CONSTRUCTION DEPT.

(as required by ORS 537.765)

SALEM, OREGON

Instructions for completing this report are on the last page of this form.

L16358

(START CARD) # 104259 104263

(1) OWNER:

Well Number

Name: Central Oregon Pumice Co.
Address: 1 NW Greenwood Ave.
City: Bend State: OR Zip: 97701

(2) TYPE OF WORK

☒ New Well ☐ Deepening ☐ Alteration (repair/recondition) ☐ Abandonment

(3) DRILL METHOD:

☒ Rotary Air ☐ Rotary Mud ☐ Cable ☐ Auger
☐ Other

(4) PROPOSED USE:

☐ Domestic ☐ Community ☐ Industrial ☒ Irrigation
☐ Thermal ☐ Injection ☐ Livestock ☒ Other Quasi Min.

(5) BORE HOLE CONSTRUCTION:

Special Construction approval: ☐ Yes ☒ No Depth of Completed Well: 503 ft.
Explosives used: ☐ Yes ☒ No Type: Amount:

HOLE

SEAL

Diameter	From	To	Material	From	To	Sacks or pounds
13	0	19	Cement	0	19	10 SACKS
10	19	503				

How was seal placed: Method ☐ A ☐ B ☒ C ☐ D ☐ E
☐ OtherBackfill placed from: ft. to ft. Material:
Gravel placed from: ft. to ft. Size of gravel:

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: 10	+1	19	.25	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner: 8	-1	503	.25	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s):

(7) PERFORATIONS/SCREENS:

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
400	503	1/8 x 3/16	3200		8	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

Yield gal/min	Drawdown	Drill stem at	Flowing Artesian Time
200+			1 hr.

Temperature of water: 54 Depth Artesian Flow Found: _____

Was a water analysis done? ☐ Yes By whom: _____

Did any strata contain water not suitable for intended use? ☐ Too little

☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other

Depth of strata: _____

(9) LOCATION OF WELL by legal description:

County: Deschutes Latitude: Longitude: _____

Township: 17S N or S Range: 11E E or W. WM.

Section: 35 NW 1/4 SE 1/4

Tax Lot: 6201 Lot: Block: Subdivision:

Street Address of Well (or nearest address): Skyliner Rd.

(10) STATIC WATER LEVEL:

340 ft. below land surface. Date: 10/1/97

Artesian pressure: lb. per square inch: Date:

(11) WATER BEARING ZONES:

From	To	Estimated Flow Rate	SWL
448	504	200+	340
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MAY 31 2022			

(12) WELL LOG:

Ground Elevation

OWRD

Material	From	To	SWL
Top Soil	0	15	
Basalt	15	25	
Pumice	25	90	
Basalt blk gray med hrd	90	180	
Lava blk red soft	180	220	
Basalt gray hrd	220	239	
Basalt gray tan + frac hrd	239	270	
Volcanic - lost circ	270	275	
Basalt gray hrd	275	285	
Cinders lava red soft	285	315	
Lava blk med x hrd	315	335	
Cinders red soft	335	351	
Basalt + pumice ring	351		
Wklay Lin		368	
Basalt gray blk hrd	368	375	
Pumice blk lava red	375		
Brk soft		435	
Lava blue gray red	435		
soft		444	
CONTINUED			

Date started: Completed:

(unbonded) Water Well Constructor Certification:

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

Signed: [Signature] WWC Number: 1761 Date: 10/1/97

(bonded) Water Well Constructor Certification:

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

Signed: [Signature] WWC Number: 1403 Date: 10/1/97



May 24, 2022

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

RECEIVED

MAY 31 2022

OWRD

RE: Transfer Application for Certificate 96029 in the name of The Tree Farm LLC

Dear Kelly:

The Tree Farm LLC (Tree Farm) is the holder of water right Certificate 96029, which authorizes the appropriation of 0.7141 cfs of groundwater for quasi-municipal use. Tree Farm is filing the enclosed transfer application to add a point of appropriation to the Certificate.

Also enclosed is a check for the required processing fee of \$1,840.

Please contact me if you have any questions or concerns. My phone number is 541-257-9004.

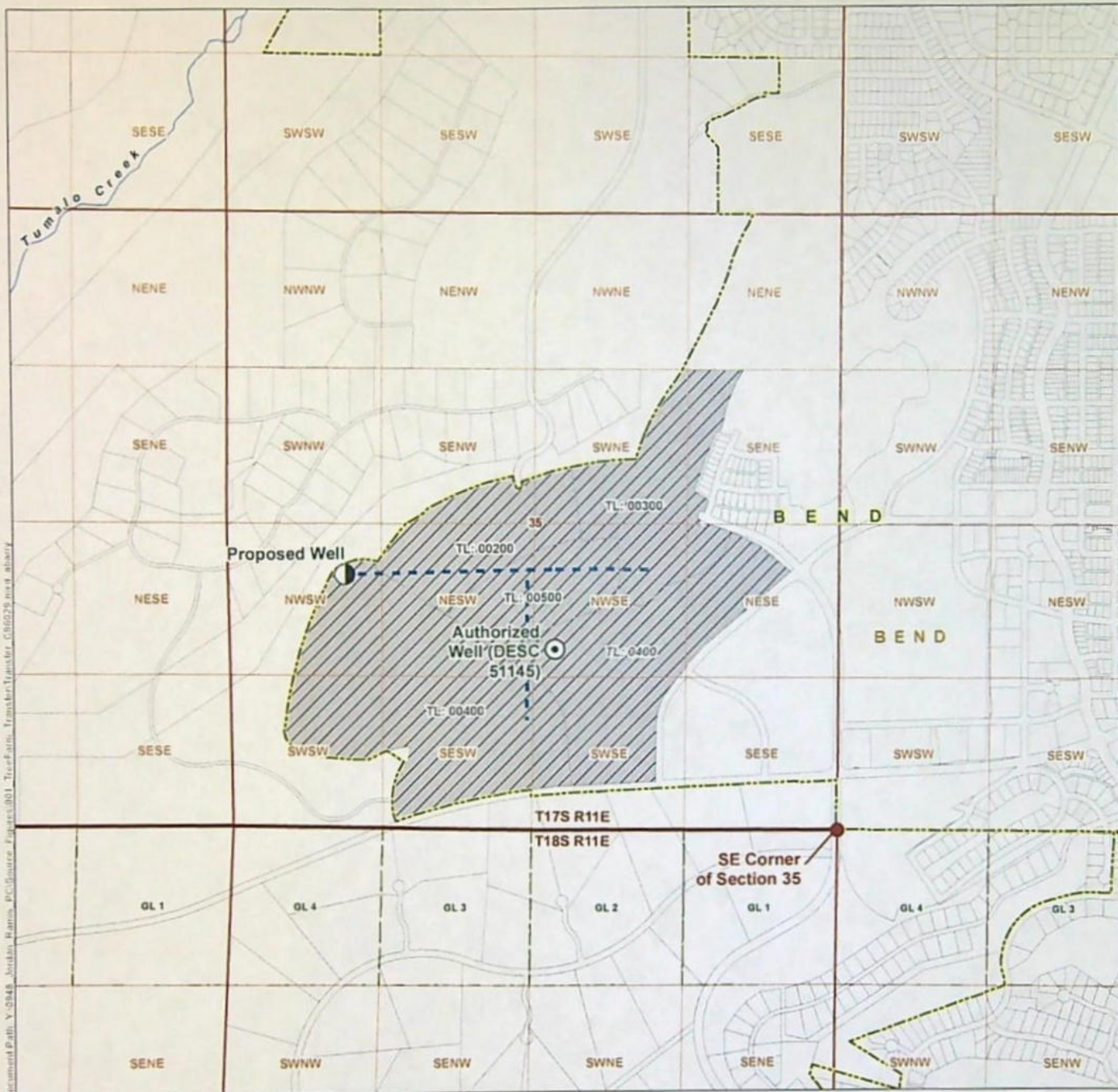
Sincerely,

A handwritten signature in black ink that reads "Kimberly Grigsby". The signature is written in a cursive, flowing style.

Kimberly Grigsby
Principal Water Resources Consultant

Enclosures: Water Right Transfer Application
Check for application fee in the amount of \$1,840

14022



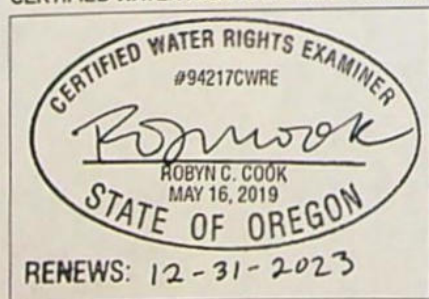
LEGEND

Name

- Proposed Point of Appropriation (POA)
- Authorized Point of Appropriation (POA)
- Conveyance
- Authorized Place of Use (POU)

- City Boundary
- Tax Lot
- Government Lot (GL)
- Watercourse
- Waterbody

CERTIFIED WATER RIGHTS EXAMINER STAMP



RECEIVED

MAY 31 2022

OWRD

Application for a Permanent Water Right Transfer in the Name of The Tree Farm LLC

Certificate 96029

Deschutes County
Township 17 South, Range 11 East (W.M.)

DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

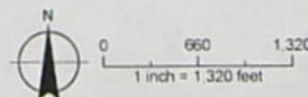
Date: May 11, 2022

Data Sources: BLM, ESRI, OWRD, USGS, Deschutes Co

POA LOCATION DESCRIPTION

Authorized Well (DESC 51145)
Located 1560 feet North and 2465 feet West from the SE corner of Section 35, Township 17 South, Range 11 East (W.M.)
Proposed Well
Located 2185 feet North and 4290 feet West from the SE corner of Section 35, Township 17 South, Range 11 East (W.M.)

14022



Land Use Information Form



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

Applicant(s): The Tree Farm, LLC

Mailing Address: 409 Franklin Ave.

City: Bend

State: OR

Zip Code: 97333

Daytime Phone: (541) 749-2936 **OWRD**

RECEIVED

MAY 31 2022

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>17S</u>	<u>11E</u>	<u>35</u>	<u>NWSW</u>	<u>400</u>	<u>Future Urban Development</u>	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	<u>Quasi-Municipal</u>

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

City of Bend

B. Description of Proposed Use

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

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

Source of water: ☐ Reservoir/Pond ☒ Ground Water ☐ Surface Water (name) _____

Estimated quantity of water needed: 0.7141 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

Intended use of water: ☐ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☐ Municipal ☒ Quasi-Municipal ☐ Instream ☐ Other _____

Briefly describe:

The Tree Farm, LLC is proposing to add a well to water right Certificate 96029.

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

See bottom of Page 3. →

For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s):
- ☐ 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
	RECEIVED	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	MAY 31 2022	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	OWRD	<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: Colin Stephens Title: Community & Economic Dev Dir
 Signature: [Signature] Phone: 541-697-2119 Date: 5.19.22
 Government Entity: City of Bend

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: _____

Permanent Transfer Application Intake Completion Checklist

Check the Certificate(s) in WRIS

Transfer # T- 14022

Checked by: <u>Joan</u> Date: <u>6/2/22</u>	Type of Change(s) Proposed: <i>Mark the Proposed Changes</i>	Substitution Gov Action	Supplemental to Primary Surface to Ground	POU USE	POD POA	APOD APOA
Fee Received: <u>1840.00</u>						
Calculated Fee: <u>1840.00</u>		How many rights to be Transferred? Certificate # <u>96029</u>				
Additional Observations: _____						

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

OR: ☐ If all boxes to the left are NOT checked, then this application is deficient and **CANNOT** be accepted.
It should be returned and the deficiencies listed in the "staff" section at the bottom of Application Page 1, unless the applicant or agent can resolve the deficiencies within 2-3 days.

Actions taken: _____ Date: _____

Permanent Transfer Application Intake Completion Checklist

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