

Regular

Name Kameron Delashmutt  
Pinnacle Utilities, LLC  
 Address 2477 NW Canyon Dr  
Redmond, OR 97756  
kameron1959@gmail.com

## DESCRIPTION OF WATER RIGHT(S)

Name of Stream A wellTrib. of Deschutes RiverUse IrrigationCounty Deschutes

Quantity of water (CFS) \_\_\_\_\_

No. of Acres \_\_\_\_\_

Name of ditch \_\_\_\_\_

App# S43479Per # S32049Cert # 96190PR Date 4-13-1967App# S43479Per # S32049Cert # 96192PR Date 4-13-1967

App# \_\_\_\_\_

Per # \_\_\_\_\_

Cert # \_\_\_\_\_

PR Date \_\_\_\_\_

App# \_\_\_\_\_

Per # \_\_\_\_\_

Cert # \_\_\_\_\_

PR Date \_\_\_\_\_

App# \_\_\_\_\_

Per # \_\_\_\_\_

Cert # \_\_\_\_\_

PR Date \_\_\_\_\_

Change in PODDate Filed 11/14/2023

Initial notice date \_\_\_\_\_

DPD issued date \_\_\_\_\_

PD issued date \_\_\_\_\_

PD notice date \_\_\_\_\_

Date of FO Withdrawal 10/21/24 Vol 133 Page 219

C-Date \_\_\_\_\_

COBU due date \_\_\_\_\_

COBU Received date \_\_\_\_\_

Certificate issued \_\_\_\_\_

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

Irrigation District \_\_\_\_\_

Agent John Shortjohnshort@usa.com

CWRE \_\_\_\_\_

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

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

## FEES PAID

Date	Amount	Receipt #
<u>11-14-23</u>	<u>1,970.00</u>	<u>141921</u>

## FEES REFUNDED

Date	Amount	Receipt #
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## DAVIS Arla L \* WRD

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**From:** DAVIS Arla L \* WRD  
**Sent:** Tuesday, September 3, 2024 11:44 AM  
**To:** Howard, Elizabeth E.  
**Cc:** Langford, Shonee D.; John Short; Bryce Withers; JARAMILLO Lisa J \* WRD; Ratcliffe Jesse D; Kameron DeLashmutt  
**Subject:** RE: T-14350 (Return to Surface Water POD) - Withdrawal of Transfer Application

Good Morning Elizabeth,

Thank you for your email. This email correspondence is enough information for me to move forward with the withdrawal of Transfer Application T-14350. I will work on that withdrawal order this week and get it out to the applicant as soon as I am able to. Please let me know if you have any other questions.

### Arla L. Davis

She/Her/Hers  
Water Rights Transfer Specialist  
Transfer and Conservation Section  
725 Summer St. NE, Suite A | Salem, OR 97301 | Phone: 503-979-3129



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

Work Schedule: Mon-Th – 6:00 a.m. to 4:30 p.m.

**NOTE:** The Salem office is now open to the public. Given that many staff will continue teleworking remotely or have job duties that take them into the field on a regular basis, availability of staff in the office is not guaranteed 8:00 a.m. – 5:00 p.m. every day. **Customers and visitors are encouraged to schedule an appointment in advance if they wish to meet in person with specific staff members.** Alternative methods for meeting, such as by phone or virtually via Teams, are also available.

---

**From:** Howard, Elizabeth E. <EHoward@SCHWABE.com>  
**Sent:** Tuesday, September 3, 2024 11:28 AM  
**To:** DAVIS Arla L \* WRD <Arla.L.DAVIS@water.oregon.gov>  
**Cc:** Langford, Shonee D. <SLangford@SCHWABE.com>; John Short <johnshort61@gmail.com>; Bryce Withers <brycewrs@gmail.com>; JARAMILLO Lisa J \* WRD <Lisa.J.JARAMILLO@water.oregon.gov>; Ratcliffe Jesse D <jesse.d.ratcliffe@doj.state.or.us>; Kameron DeLashmutt <kamerond@thornburgh.net>  
**Subject:** T-14350 (Return to Surface Water POD) - Withdrawal of Transfer Application

You don't often get email from [ehoward@schwabe.com](mailto:ehoward@schwabe.com). [Learn why this is important](#)

Hi Arla,

I'm writing on behalf of Kameron DeLashmutt and Pinnacle Utilities, LLC—the applicant for Transfer Application T-14350. Pinnacle has decided to withdraw transfer application T-14350.

Please advise whether there is anything specific you need from Pinnacle beyond this email to complete the withdrawal.

Thank you, Elizabeth

**Elizabeth E. Howard**

Shareholder

Direct: 503-796-2093

Mobile: 503-312-8765

[ehoward@schwabe.com](mailto:ehoward@schwabe.com)

**Schwabe Williamson & Wyatt**



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# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

October 21, 2024

Pinnacle Utilities, LLC  
C/O Kameron Delashmutt  
2477 NW Canyon Dr  
Redmond, OR 97756

### ORDER ON WITHDRAWN APPLICATION

Reference: Transfer Application T-14350

The above referenced transfer application was withdrawn from the record of the Water Resources Department on October 21, 2024, by Special Order Volume 133, Page 219 (copy enclosed).

The transfer application is no further force or effect.

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

Sincerely,

Elyse D. Richman  
Water Right Services Support  
Transfers and Conservation Section

cc: Jeremy T. Giffin, Watermaster Dist. # 11 (via email)  
John A. Short, Agent  
Confederated Tribes of the Warm Springs Reservation, Tribal Stakeholder

Enclosure



BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER WITHDRAWING
T-14350, Deschutes County, Oregon	)	AN APPLICATION FOR A WATER RIGHT
	)	TRANSFER

**Authority**

Oregon Revised Statute (ORS) 540.505 TO 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right.

**Applicant**

PINNACLE UTILITIES LLC  
KAMERON DELASHMUTT  
2477 NW CANYON DR  
REDMOND, OR 97756

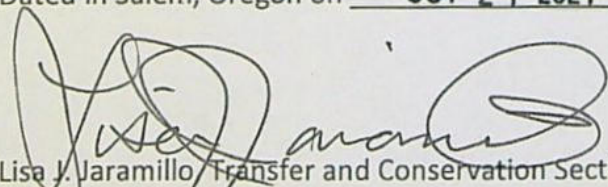
**Findings of Fact**

1. Transfer Application T-14350, in the name of Pinnacle Utilities LLC, Kameron Delashmutt, was received on November 16, 2023.
2. On September 3, 2024, the applicant's attorney Schwabe, Williamson and Wyatt, submitted a written request on behalf of the applicant requesting Transfer Application T-14350 be withdrawn.

**Now, therefore, it is ORDERED:**

Transfer Application T-14350, in the name of PINNACLE UTILITIES LLC, KAMERON DELASHMUTT, is withdrawn and of no further force or effect.

Dated in Salem, Oregon on OCT 21 2024

  
Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
IVAN GALL DIRECTOR  
Oregon Water Resources Department

Mailing date: OCT 22 2024

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.



Oregon Department of Fish and Wildlife  
Water Right and Diversion Transfer Comment Form

*(ODFW provides this review to WRD so that WRD can make findings  
according to statutory requirements.)*

Reference Transfer #: T-14350, Pinnacle Utilities, LLC

Date of review: 01/16/2024

A. The Oregon Department of Fish and Wildlife (ODFW) does not believe this proposed transfer will injure any instream water rights.

B. *Fish screen requirements pursuant to ORS 540.525 or 540.532:*

**Screen Now**

Finding of Fact: The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. This diversion may be eligible for screening cost-share funds.

Condition: Prior to diverting water, the water user shall install an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

The water user shall operate and maintain the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

Jorden Smith (541)805-1990

East Region Hydropower and Water Rights Coordinator

**Jorden Smith** Digitally signed by Jorden Smith  
Date: 2024.01.16 11:48:38 -08'00'

\_\_\_\_\_  
Signature



## Oregon Department of Fish and Wildlife

### Additional Fish Screening and Passage Information for the Applicant

*(To be completed by ODFW for WRD to provide to the applicant.)*

Transfer #: T-14350, Pinnacle Utilities, LLC

**The applicant should be aware that fish screening and passage may be required for certain changes in point of diversion**

Fish screening is required as a condition of this transfer. The fish screen must meet ODFW's design, construction, operational and maintenance standards.

Pursuant to ORS 498.306, cost-share funds may be available to assist in the installation of fish screening.

The applicant should contact the ODFW staff member below to obtain additional information on the design, construction, operational, and maintenance standards for the fish screen and to obtain information about ODFW's cost-sharing program for screening.

Prior to installation, the water user must obtain written approval from ODFW that the required screen meets ODFW's criteria.

ODFW staff name: Toby Schuyler

Address: 3561 KLINDT DR

City/State/Zip: The Dalles, OR 97058

Phone: (541)967-2162

This transfer may trigger requirements for fish passage under ORS 509.585 because a new point of diversion will be constructed, an existing point of diversion's capacity will be increased, or an existing point of diversion will be abandoned. The applicant should contact the ODFW staff member below for a determination of whether native migratory fish are or were present at the applicable location, which will determine whether fish passage must be addressed.

ODFW staff name: Jerry George

Address: 61374 Parrell Rd

City/State/Zip: Bend, OR 97702

Phone: (541)388-6363



**JARAMILLO Lisa J \* WRD**

---

**From:** Legal Assistant LOKGA <legasstlokga@integra.net>  
**Sent:** Tuesday, December 19, 2023 10:01 AM  
**To:** DAVIS Arla L \* WRD; JARAMILLO Lisa J \* WRD  
**Cc:** kga@integra.net; 'Legal Assistant'  
**Subject:** Application: T-14350  
**Attachments:** 12-19-23 Comments T-13450.pdf

Some people who received this message don't often get email from legasstlokga@integra.net. [Learn why this is important](#)

Good morning –

Attached are Comments submitted on behalf of Ms. Gould. A hard copy will follow through regular mail.

Thank you,

Emily Valeno, Legal Assistant  
Law Office of Karl G. Anuta, P.C.  
735 SW First Avenue, Second Floor  
Portland, Oregon 97204  
Phone: (503) 827-0320  
Fax: (503) 386-2168

Received by OWRD  
OCT 19 2023  
Salem, OR



Received by OWRD

OCT 19 2023

Salem, OR

**KARL G. ANUTA**  
LAW OFFICE OF KARL G. ANUTA, P.C.  
735 SW FIRST AVENUE, 2<sup>ND</sup> FLOOR  
PORTLAND, OREGON 97204  
(503) 827-0320  
FACSIMILE (503) 386-2168

TRIAL ATTORNEY  
LICENSED IN  
OREGON & WASHINGTON

E-MAIL  
KGA@INTEGRA.NET

December 19, 2023

VIA ELECTRONIC [Arla.L.DAVIS@water.oregon.gov](mailto:Arla.L.DAVIS@water.oregon.gov)  
and [Lisa.J.Jaramillo@water.oregon.gov](mailto:Lisa.J.Jaramillo@water.oregon.gov)  
AND REGULAR MAIL

Oregon Dept of Water Resources  
Attn: Lisa J. Jaramillo, Manager  
Arla L. Davis, Specialist  
Water Rights Transfer and Conservation Section  
725 Summer Street NE, Suite A  
Salem, OR 97301

RE: Application: T-14350  
Transfer Request  
Kameron DeLashmutt/Pinnacle Utilities

Dear Ms. Jaramillo/Davis:

This office represents Annunziata Gould, a local public interest advocate and land owner, on water issues. These comments are submitted on behalf of Ms. Gould.

We trust that these Comments will be helpful to the agency analysis and decision making on these two Applications. Please promptly confirm receipt of these Comments.

#### BACKGROUND

As the Department well knows, the Deschutes Basin groundwater levels are in decline. Scenic Waterway flows in many parts of the Basin are being negatively affected. The ground and surface water resources in the area are being mined and used at a rate that is not sustainable or stable.

The Department is charged with managing and protecting groundwater and surface water. The Department is the trustee of these resources, which are owned by the public. See, ORS 537.110.

Management of groundwater included the obligation to determine and maintain reasonably stable groundwater levels. See, ORS 537.525(7). The Department is also prohibited by law from allowing over appropriation of ground or surface water. See, OAR Chapter 690, Division 410.



In addition, the Department also has an obligation to protect all existing right holders and the State (and Federal) Scenic Waterways in the Basin – such as the Deschutes and Crooked Rivers – from harm or injury by a proposed transfer.

The water proposed for transfer (or more accurately return) is part of what are now Certificates 96190 and 96192. That water was originally part of surface water irrigation rights with Points Of Diversion (POD) on Deep Canyon Creek. In an Order approved in November 2018, for T-12651, the agency approved transferring those rights to four groundwater Points Of Appropriation (POA).

Specifically, T-12651 transferred Certificates 76371 (1.81 CFS irrigation), 87655 (4.5 CFS supplemental irrigation) and 88027 (3.69 CFS irrigation and supplemental irrigation) from POD's to POA's. The resulting rights that allowed the use of groundwater instead of surface water were Certificates 96190 (1.81 CFS), 96191 (4.5 CFS - supplemental) and 96192 (3.6 CFS – including supplemental).

### **SPECIFIC CONCERNS ABOUT THIS PROPOSED TRANSFER**

A return of the entire water rights in 96190, 96190 and 96192 to the last authorized POD would not be objectionable. A return of these water rights to the POD is consistent with governing rules and regulations on changes of surface water PODs to groundwater wells or POA's. These water rights would stay attached to the lands within their POU and retain their Character Of Use (COU) as seasonal irrigation water.

A full "return" of **all** the water rights involved in T-12651 to the last authorized POD is also consistent with ORS 540.531(6)(a) governing the change from a POD for surface water to a POA for groundwater. The language of ORS 540.531(6) is clear in describing the return of water use by the holder of a water use subject to transfer to the last authorized POD for the same POU and COU.

However, of major concern, is the fact that the proposed transfer T-14350 does not request that the Department move all the transferred water rights in T-12651 back to the original POD. Instead, T-14350 only proposes to "return" a small fraction of the water rights originally transferred in T-12651.

T-14350 proposes to return only .548 CFS of Certificate 96190 (which allows 1.81 CFS) and only 1.22 CFS of Certificate 96192 (which allows 3.69 CFS – some of which is supplemental). That sort of "partial" return is not lawful.

The implementation of the statutory authorization for returns is found in Oregon Administrative Rules (OAR) 690-380-2130. Section (3)(a) of that Rule authorizes the movement from a POD to a POA if there will be no injury or enlargement "of **the water right** proposed for transfer." (emphasis added). The Rule does not authorize transfer of



"a portion" of a water right from a POD to a POA. Nor does the statute.<sup>1</sup>

Another relevant Rule, OAR 690-380-2130(7), provides and requires that the "original" POD **not** be retained as an additional or supplemental point of diversion. This is a key legal obligation for any transfer to be approved.

Yet what is proposed in T-14350, a "partial" return, will violate that "no retention" obligation. Since only a portion of the original transferred rights are proposed for return, and these rights are co-incident with other rights at those same POAs to the same lands, then there will **still be** water diverted under the rights that remain on the POA. In short, if the requested return is allowed, there would be water rights that allowed diversion from both the wells and from the "returned" POD's for the same lands at the same time.

OAR 690-380-2130(8) governs the return to the last POD within 5 years of the transfer without claim of injury. Section (8) does not provide or keep new POAs for **some** of the water use and returning **some** of the water use to the POD in the original transfer. Instead, the Rule speaks only of the return "of **the** first transfer." (emphasis added). Here, that would be the return of T-12651, not the return of "part" of T-12651.

Interpreting OAR 690-380-2130(8) to allow partial returns would be inherently inconsistent with Section (7) of the same Rule. It would allow a situation where **some** water was being left at the POAs and **some** was being returned to the original POD, with the right to have both irrigate the same land.

The proposed transfer T-14350 is inconsistent technically and legally with the concept of a "return" to the last POD. For instance, T-14350 would enable the landowner of the POU for the water rights, Big Falls Ranch (BFR), to both sell these water rights to another party (as they have done) and but then continue to irrigate the same lands from its other water rights to that POU and COU.

There are, it appears, no lands being proposed to be "dried up" in T-14350. Instead, the "off" lands will continue to be irrigated. As the attached mark ups show, there appear to be multiple supplemental rights still attached to some of the "OFF" lands.

Moreover, a "return" to the last authorized POD for a portion of the water use without a change in POU or COU makes no sense, as the water use as COU cannot be made under T-14350. The applicant cannot physically irrigate the 153.7 acres of water rights from a return to the last authorized POD, as the applicant **does not own** the land where the POD is. Nor is there any mechanism outlined in the transfer materials, for the applicant to divert water at that POD (on land that it does not own) to a POU that is **also** on land that the applicant does not own.

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<sup>1</sup> The Legislature knows how to specify when a "portion" of a right can be transferred. See e.g. ORS 540.585(1)(authorizing transfer of "...**all or a portion** of a water right..." (emphasis added). Since ORS 540.531 and OAR 690-380-2130 do not authorize the "return" of only a portion of a prior POD to POA transfer, it would be unlawful for the Department to allow this sort of partial return.



In other words, this does not appear to be an actual "return" to the last authorized POD for the water, as called for under ORS 540.531 and OAR 690-380-2130. An approval of T-14350 would create two water rights, with two different owners, for use on the same lands. That is inconsistent with orderly accountability for water use and it effectively constitutes an enlargement of the existing rights.

Another concern is whether the partial water rights proposed for return in T-14350 may, in fact, not be "subject to transfer" due to potential forfeiture. There is no evidence that the portion of rights proposed for return have been used at all in the last five years. Absent such evidence, those portions of the rights are subject to forfeiture, and should be cancelled.

An additional concern is that the POD to which the return is sought is a concrete irrigation structure, which currently impedes the flow of Deep Canyon Creek. The weir gate on that structure has been removed, but the remaining structure still impounds or stores water because it is higher than the Creek bed. There is, however, as far as we can tell no reservoir or storage Permit for this water impounding structure.

If the water proposed for return was going to be diverted and stored for seasonal irrigation in an off-channel pond, then that storage might at least arguably fall within the "Bulge In the System" concept. However, this instream impoundment does not qualify as such "Bulge." Instead, it constitutes an illegal storage of water, as no reservoir permit or Certificate appears to exist for it.

Moreover, it is not clear that the applicant has any intention of irrigating with the "returned" water. In those circumstances, the storage of water in the existing concrete structure – with or without a weir gate – and without a reservoir/storage permit, is unlawful. To the extent that Deep Canyon Creek has any resident or migratory fish, this structure would also violate the fish passage laws.

Yet another concern is that there is another pending transfer application for the same water rights. The application for T-14350 acknowledges that another pending transfer application - T-14074 – would affect the same rights. T-14074 in fact proposes to dry up the lands covered the portions of the rights sought to be "returned" in T-14350, and to move the water use to a different location for a different use (shifting from irrigation to consumption). The Department cannot continue processing T-14074 at the same time that it considers T-14350. The applicant should be required to withdraw T-14074 before T-14350 is considered further.

A further concern is interference. Of note, T-14074 proposed to convert the priority date for the same Deep Canyon Creek POD surface water rights, to that of the most junior groundwater rights on the same four POA wells. This proposed change of priority for surface water rights in T-14074 seems to acknowledge the water rights interference that OWRD recognized during its groundwater review of and its processing of T-12651.



There appears to be actual physical interference among a number of water rights holders at the POA's from which T-14350 seeks to return to a POD. That is particularly true for Well 1. OWRD's Groundwater Review for T-12651 – which ultimately generated Certificates 96190 and 96192 - found that physical interference would be created at Well 1 between five existing water rights and the group of three water rights be transferred in T-12651.

Once perfected in September 2020, T-12651 created 8 water rights<sup>2</sup> that have been interfering with one another at the POA's. Those rights are held by at least two or three known owners.

Two of the four POAs in T-14350 are close to their use curtailment conditions. The POAs are curtailed when their individual static water levels have declined more than 10 feet from the 2001 baseline condition set in BFR's Certificate 87558. Well 1 appears to have declined 9.5 feet, as of the March 2023 static water level measurement. Well 3 appears to have declined 9.4 feet, as of March 2023.

In light of the Department's findings of interference in T-12651, the surface water POD's that are sought to be returned under T-14350 should now be junior to the water rights in Certificate 87558. That is because there was interference already caused within 5 years.

Finally, it also is important to note that the long and steady declines in groundwater hydraulic heads at the four POAs involved in this proposed "return" transfer, demonstrate that the groundwater aquifer in this area is being utilized beyond its capacity. It is quite possible, and in fact we think it is even highly likely, that the surface water rights proposed for "return" will have no surface water available at the POD - due to aquifer dehydration and over-appropriation. Thus, even if "returned" to a POD, it is quite likely that there will be no water available for these rights to use (in any form).<sup>3</sup>

Sincerely,

/s/ Karl G. Anuta

Karl G. Anuta

On behalf of Annunziata Gould

C: Client

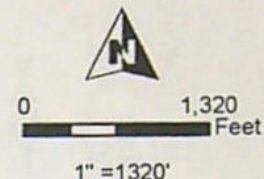
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<sup>2</sup> Certificates 75762, 76373 belonging to Deschutes Valley Farms; Certificates 87558, 88028, 88224, 96191 belonging to Big Falls Ranch; and Certificates 96190 and 96192 owned in part by BFR and in part by the applicant for T-14350, Pinnacle Utilities.

<sup>3</sup> The LUCS submission to the County, on November 8, 2023, includes a letter stating that this transfer is intended to return "...irrigation water back in to the applicable stream..." (emphasis added). It is not clear what is intended by that statement. Application T-14350 certainly does not seek a transfer of these rights to Instream Water Right status. And as outlined, it is not clear that there is anything in the way of actual "wet water" that would be available for such a transfer - if one were to be applied for.



T14S R12E, WM  
DESCHUTES COUNTY, OR



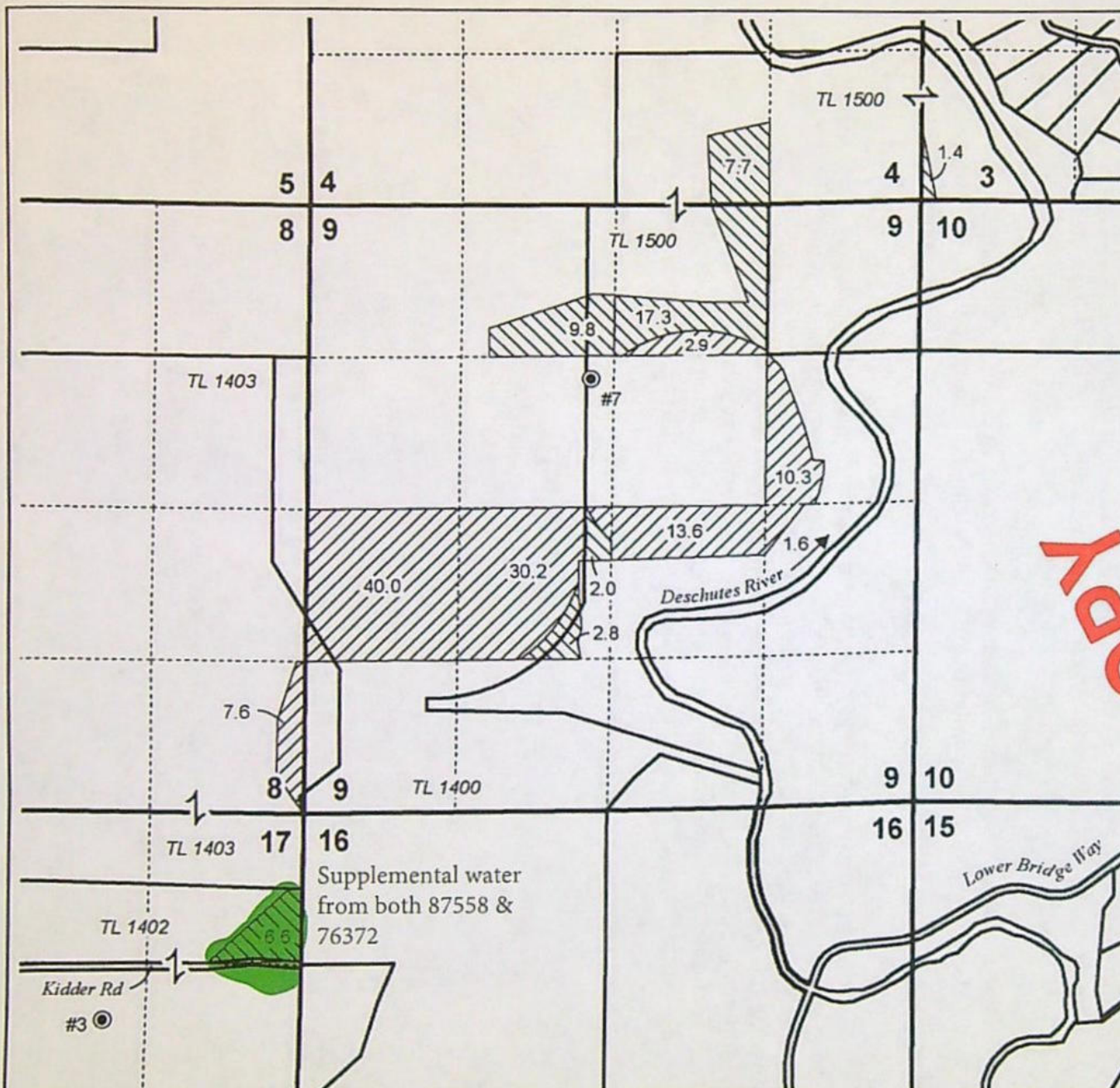
- Well
- POU IR C-96190 "OFF"
- POU IR C-96190 "NO CHANGE"
- Section
- Quarter Quarter
- Tax Lot

COPY

RECEIVED

AUG 17 2022

OWRD



**TEMPORARY TRANSFER MAP**  
**Big Falls Ranch Co. / Pinnacle Utilities, LLC**

Date: 7/1/2022

Cert: 96190 4/13/1967 Priority ("OFF" MAP 1 OF 1)

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

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



**JARAMILLO Lisa J \* WRD**

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**From:** Kimberley Priestley <kjp@waterwatch.org>  
**Sent:** Tuesday, December 19, 2023 10:55 AM  
**To:** JARAMILLO Lisa J \* WRD; FRENCH Dwight W \* WRD  
**Subject:** Comments, T-14350 (Thornburgh)  
**Attachments:** Thornburgh Transfer reversion t 14350.pdf

Received by OWRD  
OCT 19 2023  
Salem, OR

Hi Lisa and Dwight,

Attached please find WaterWatch's comments in opposition to T-14350 (Thornburgh).

There is not a staff person assigned to this transfer yet so I am sending to the two of you in hopes you can get this in the file and/or direct it to the correct staff.

If you have any questions please do not hesitate to call. CELL 503-756-6018

Best, Kimberley

**Kimberley Priestley**/Senior Policy Analyst  
WaterWatch of Oregon  
P: 503.295.4039 x107  
213 SW Ash St, Suite 208  
Portland, OR 97204  
[www.waterwatch.org](http://www.waterwatch.org)

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## WaterWatch of Oregon

### Protecting Natural Flows In Oregon Rivers

December 19, 2023

Oregon Water Resources Department  
Attn: Transfer Section  
725 Summer Street NE, Ste A  
Salem, OR 97301

Received by OWRD

OCT 19 2023

Salem, OR

RE: Comments in opposition to T-14350, Pinnacle Utilities, LLC

Dear OWRD Transfer Section,

WaterWatch submits these comments in opposition to T-14350 (Pinnacle Utilities, LLC). For the reasons outlined below, the proposed reversion is not allowed by law.

#### **Oregon law does not allow a "partial" reversion of a surface water to groundwater transfer**

In transfer application T-14350, Pinnacle Utilities is proposing to unwind a portion of T-12651. T-12651 transferred three surface water rights to three groundwater rights. Specifically, T-12651 transferred certificates 76371 (1.81 cfs irrigation), 87655 (4.5 cfs supplemental irrigation) and 88027 (3.69 cfs irrigation and supplemental irrigation) from a surface water point of diversion to groundwater points of appropriation. The resulting rights that allowed the use of groundwater instead of surface water were certificates 96190 (1.81 cfs), 96191 (4.5 cfs) and 96192 (3.6 cfs).

In transfer application T-14350, the applicant states that it is applying to revert the groundwater points of appropriation (wells 1, 3, 4 and 7) back to the originally authorized surface water point of diversion (Deep Canyon Creek POD). However, the details of the proposed reversion show that the applicant would not in fact revert the groundwater points of appropriation fully. Instead, the applicant is proposing to revert only .548 cfs of cert. 96190 (which allows 1.81 cfs) and 1.22 cfs of cert. 96192 (which allows 3.69 cfs). What this means is that under the applicant's proposal, they would be diverting water from both the wells and the surface water point of diversion.

The transfer statutes and rules do not allow partial reversion, nor the continued use of both surface water and ground water. The construct of ORS 540.531(6)(A) is very clear that it is the whole of the right under the original transfer that must be reverted. The rules are similar in force. See OAR 690-380-2130(8). Importantly, the rules governing the original transfer are very clear that in transferring from surface water to groundwater "the original point of diversion of surface water shall not be retained as an additional or supplemental point of diversion." OAR 690-380-2130(8). It follows both rule construct, and basic logic, that if an applicant could not hold both a surface water point of diversion and a groundwater point of appropriation under the original surface to groundwater transfer, that the reversion provision must follow suite. In other words, the applicant cannot use the reversion provision of ORS 540.531(6)(A) as a loophole to get around the basic sideboards governing a surface water to groundwater transfer process.

**WaterWatch of Oregon**  
Main Office: 213 SW Ash St. Suite 208 Portland, OR 97204  
Southern Oregon Office: PO Box 261, Ashland, OR, 97520

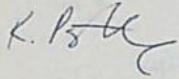
[www.waterwatch.org](http://www.waterwatch.org)  
Main Office: 503.295.4039  
S. OR Office: 541.708.0048



**Conclusion:** Long story short, OWRD does not have the authority to approve a "partial" reversion of a surface water to groundwater transfer, nor can it allow a surface to groundwater transfer to revert back in a way that would maintain both the surface water point of diversion and the groundwater point of appropriation in violation of rule. As such, T-14350 must be denied.

Thank you for your consideration of our comments.

Sincerely,

A handwritten signature in dark ink, appearing to read "K. Priestley", with a stylized flourish at the end.

Kimberley Priestley  
Senior Policy Analyst  
WaterWatch of Oregon



## 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](http://www.oregon.gov/OWRD)

Transfer Application: T-14350

Review Due Date: 12/16/2023

Applicant Name: Kameron Delashmutt

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

Reviewer(s): Giffin

Date of Review: 11/22/2023

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:



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

☐ Yes ☒ No If "Yes", explain:

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

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

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

☐ A Headgate should be required prior to diverting water.

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

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

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

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

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

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

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

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

☐ Weir  
☐ Parshall Flume  
☐ Other: \_\_\_\_\_

☐ Submerged Orifice  
☐ Flow Restrictor



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

Transfer #: T-

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

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

Watermaster name:

District:

Address:

City/State/Zip:

Phone:

Email:

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

\*\*\*\*\*

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

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

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_  
 District

\_\_\_\_\_  
 Date

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

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



# WATER RIGHT TRANSFER COVER SHEET

Transfer: T-14350

Transfer Specialist:

Transfer Type: Regular Transfer

Reimbursement Authority? ☐

<b>Applicant:</b> Kameron Delashmutt 2477 NW Canyon Dr Redmond, OR 97756	<b>Agent:</b> John A. Short PO Box 1830 Bend, OR 97709	<b>Receiving Landowner:</b>
<b>Current Landowner if other than Applicant:</b>	<b>CWRE:</b>	<b>Irrigation District:</b>
<b>Affected Local Gov'ts:</b>	<b>Affected Tribal Gov't:</b>	<b>BOR Notified (date):</b>

## Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>				<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 (Support Staff)

Rec'd: November 14, 2023	Proposed Action(s): POINT OF DIVERSION	
Fees Pd: 1970.00	Acknowledgement Letter Sent <input checked="" type="checkbox"/>	Basin: 5 Deschutes
Initial Public Notice: 11/21/2023	County sent cc: of Ack Letter <input type="checkbox"/>	County: DESCHUTES
WM District: 11 Jeremy T. Giffin	WM Review request sent:	WM Review date received:
ODFW District:	ODFW Review sent:	ODFW Review date received:
Groundwater	GW Review sent:	GW Review date received:

## Caseworker Actions: Newspaper & PD Notice:

Newspaper notice needed: <input type="checkbox"/>	Name of Newspaper:
Newspaper notice sent to coordinator:	Newspaper notice quote requested (NRS1):
Request for news \$ sent:	News \$ received:
Affidavit of publication received:	Last day of publication:

## Peer Review:

Document	Drafted	Peer Review	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	CW Sent: _____ WM Sheet <input type="checkbox"/> ODFW Sheet: <input type="checkbox"/>	N/A
PD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____ Data Review Date: _____	Date: _____	Date: _____
FO	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ No. of docs for sig: _____	Date: _____

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

Special Order Volume: Vol. \_\_\_\_\_ Pages \_\_\_\_\_





# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

November 16, 2023

Kameron Delashmutt  
2477 NW Canyon DR  
Redmond, OR 97756  
Reference: Application T-14350

On November 16, 2023, the Department received your water right Permanent Transfer Application. The application was accompanied by \$1970.00. Receipt number 141921 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 Oregon Department of Fish and Wildlife to determine if a fish screen is needed.

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

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

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

If you have any questions, please contact the Transfer Section at (503) 986-0935.

Cc: Watermaster Dist. #11, Jeremy T. Giffin (*via email*)  
John A. Short, Agent

Enclosure









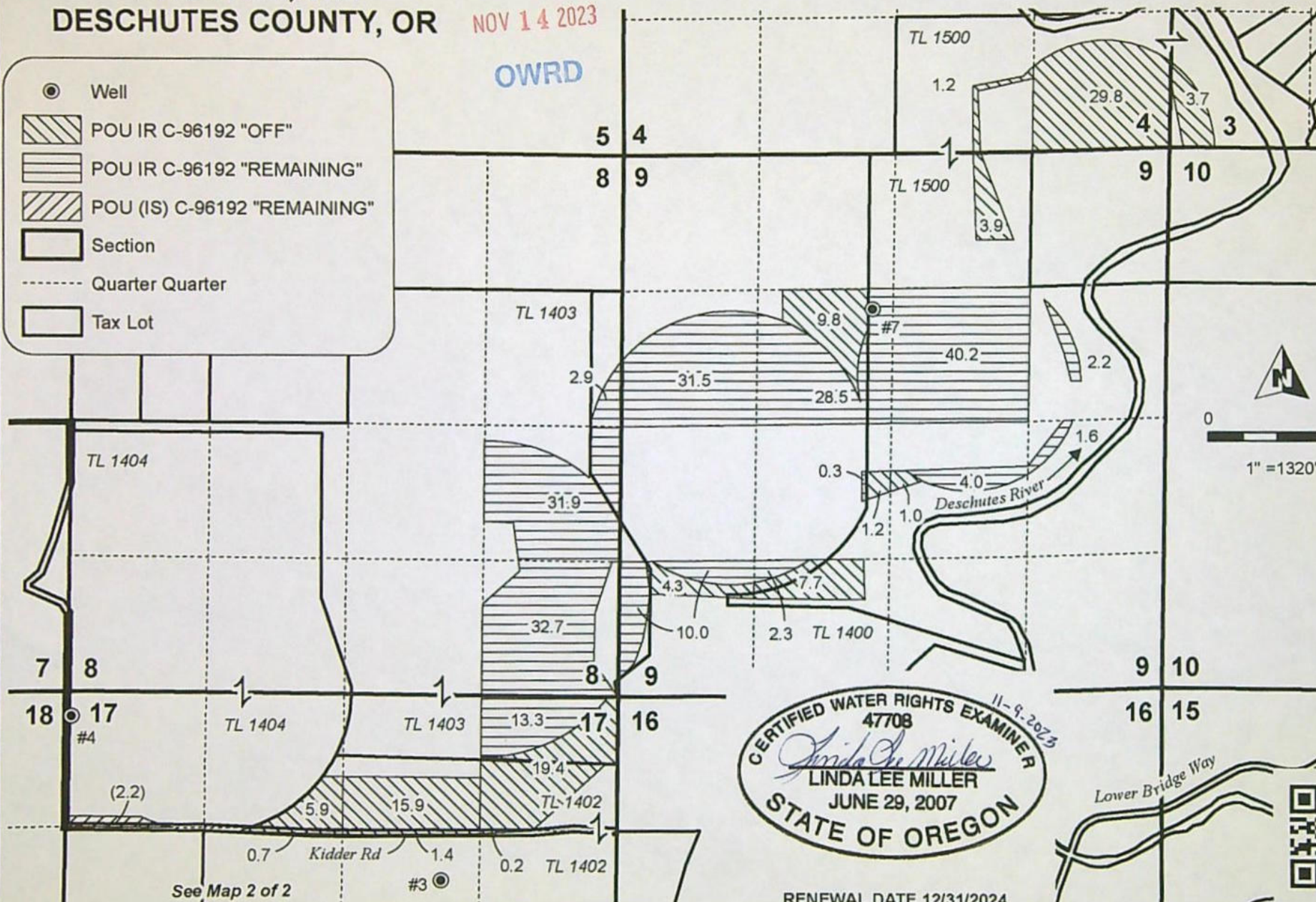
**T14S R12E, WM  
DESCHUTES COUNTY, OR**

RECEIVED

NOV 14 2023

OWRD

- Well
-  POU IR C-96192 "OFF"
-  POU IR C-96192 "REMAINING"
-  POU (IS) C-96192 "REMAINING"
-  Section
-  Quarter Quarter
-  Tax Lot



RENEWAL DATE 12/31/2024

Date: 11/8/2023

**PERMANENT TRANSFER MAP  
Pinnacle Utilities, LLC (Big Falls Ranch)**

Cert: 96192 4/13/1967 Priority (OFF / REMAINING RIGHT MAP 1 OF 2)

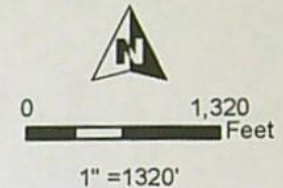
This map is not intended  
to provide legal dimensions  
or locations of property  
ownership lines.

**WATER RIGHT SERVICES, LLC**  
PO BOX 1830, BEND, OR 97709  
[WWW.OREGONWATER.US](http://WWW.OREGONWATER.US) CCB # 197121  
[johnshort@usa.com](mailto:johnshort@usa.com) 541-389-2837

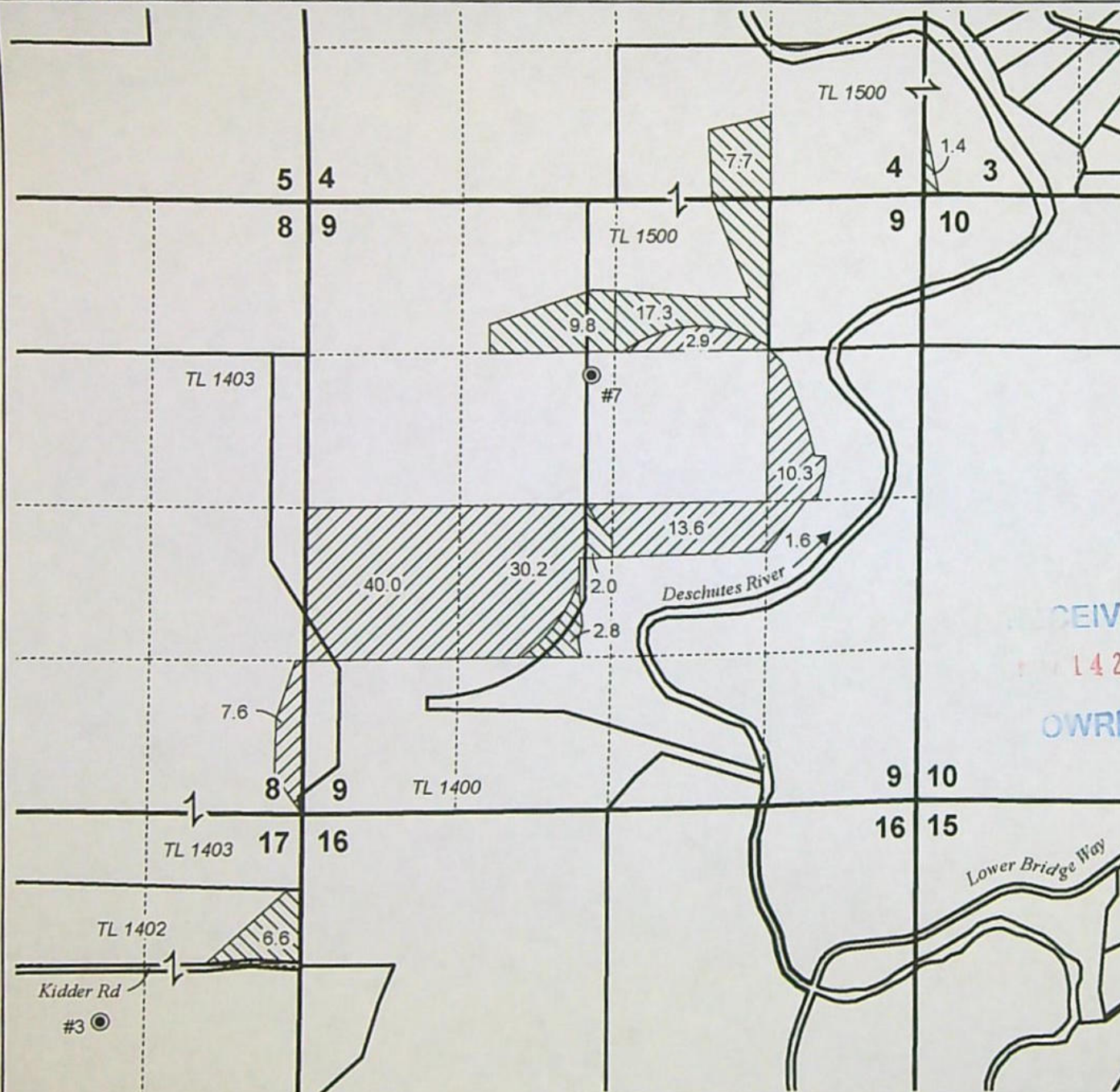
14350 -



**T14S R12E, WM  
DESCHUTES COUNTY, OR**



- Well
- POU IR C-96190 "OFF"
- POU IR C-96190 "REMAINING"
- Section
- Quarter Quarter
- Tax Lot



RECEIVED  
FEB 14 2023

OWRD



RENEWAL DATE 12/31/2024



Date: 11/8/2023

**PERMANENT TRANSFER MAP  
Pinnacle Utilities, LLC (Big Falls Ranch)**

Cert: 96190 4/13/1967 Priority (OFF / REMAINING RIGHT MAP 1 OF 1)

This map is not intended  
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or locations of property  
ownership lines.

**WATER RIGHT SERVICES, LLC**  
PO BOX 1830, BEND, OR 97709  
[WWW.OREGONWATER.US](http://WWW.OREGONWATER.US) CCB # 197121  
johnshort@usa.com 541-389-2837

14350 -

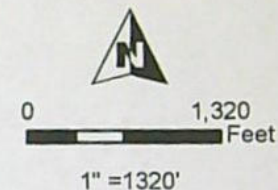
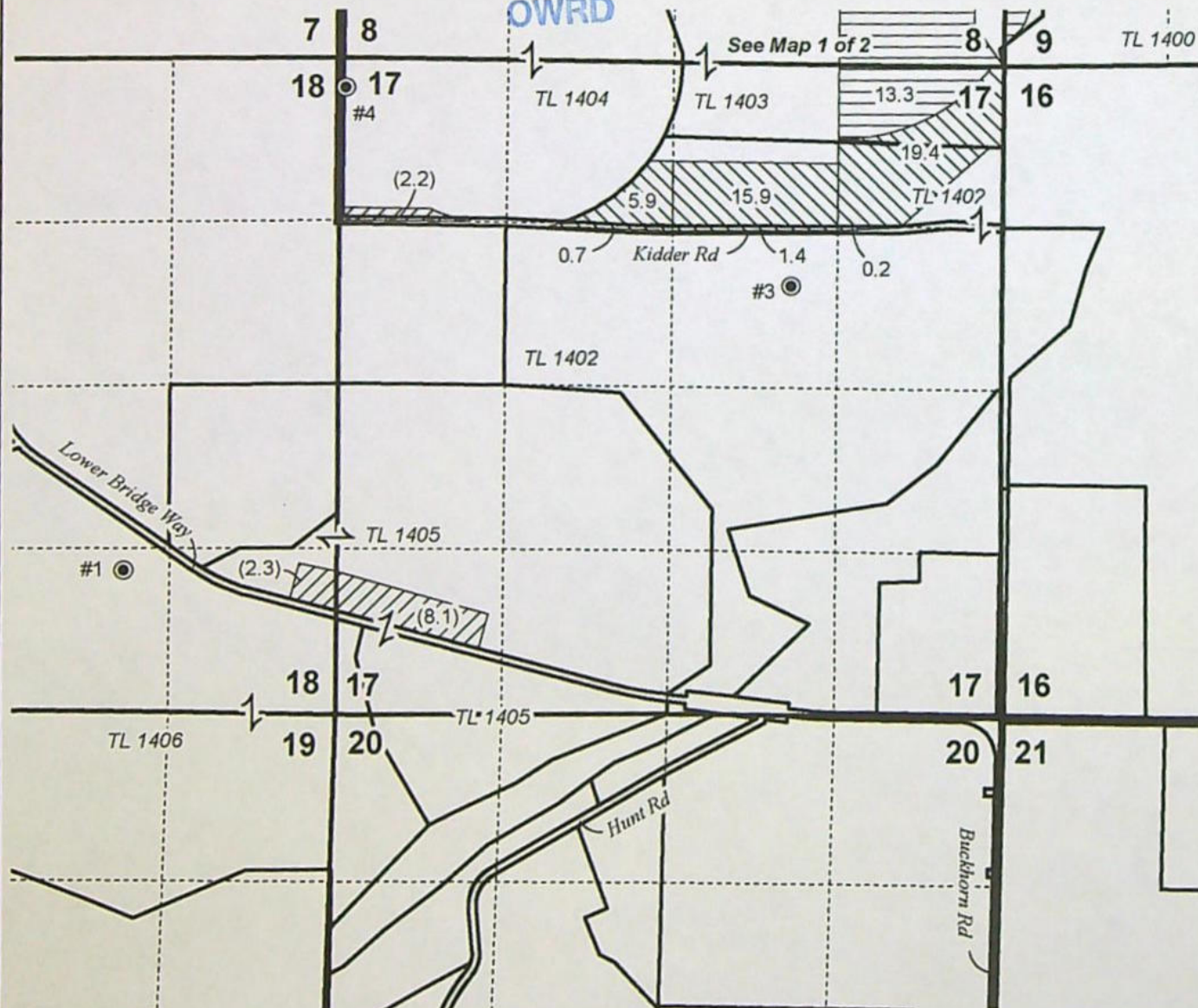


RECEIVED

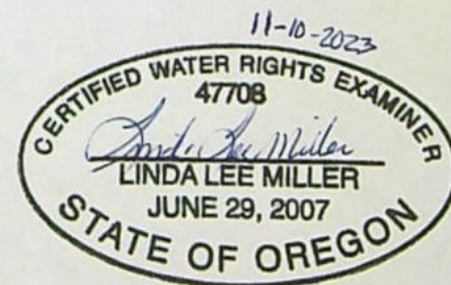
NOV 14 2023

T14S R12E, WM  
DESCHUTES COUNTY, OR

OWRD



- Well
- POU IR C-96192 "OFF"
- POU IR C-96192 "REMAINING"
- POU (IS) C-96192 "REMAINING"
- Section
- Quarter Quarter
- Tax Lot



RENEWAL DATE 12/31/2024



Date: 11/8/2023

**PERMANENT TRANSFER MAP**  
**Pinnacle Utilities, LLC (Big Falls Ranch)**

Cert: 96192 4/13/1967 Priority (OFF / REMAINING RIGHT MAP 2 OF 2)

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

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

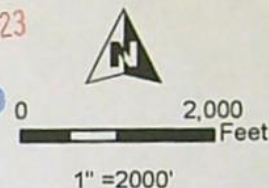
14350 -



**T14S R12E, WM  
DESCHUTES COUNTY, OR**

NOV 14 2023

OWRD



⊙ Deep Canyon Creek POD "ON"

● Well (POA's for Rem. Rights)

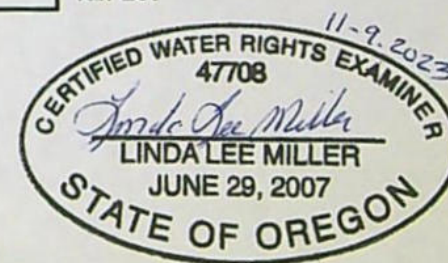
----- Deep Canyon Creek

----- Pipeline

□ Section

----- Quarter Quarter

□ Tax Lot



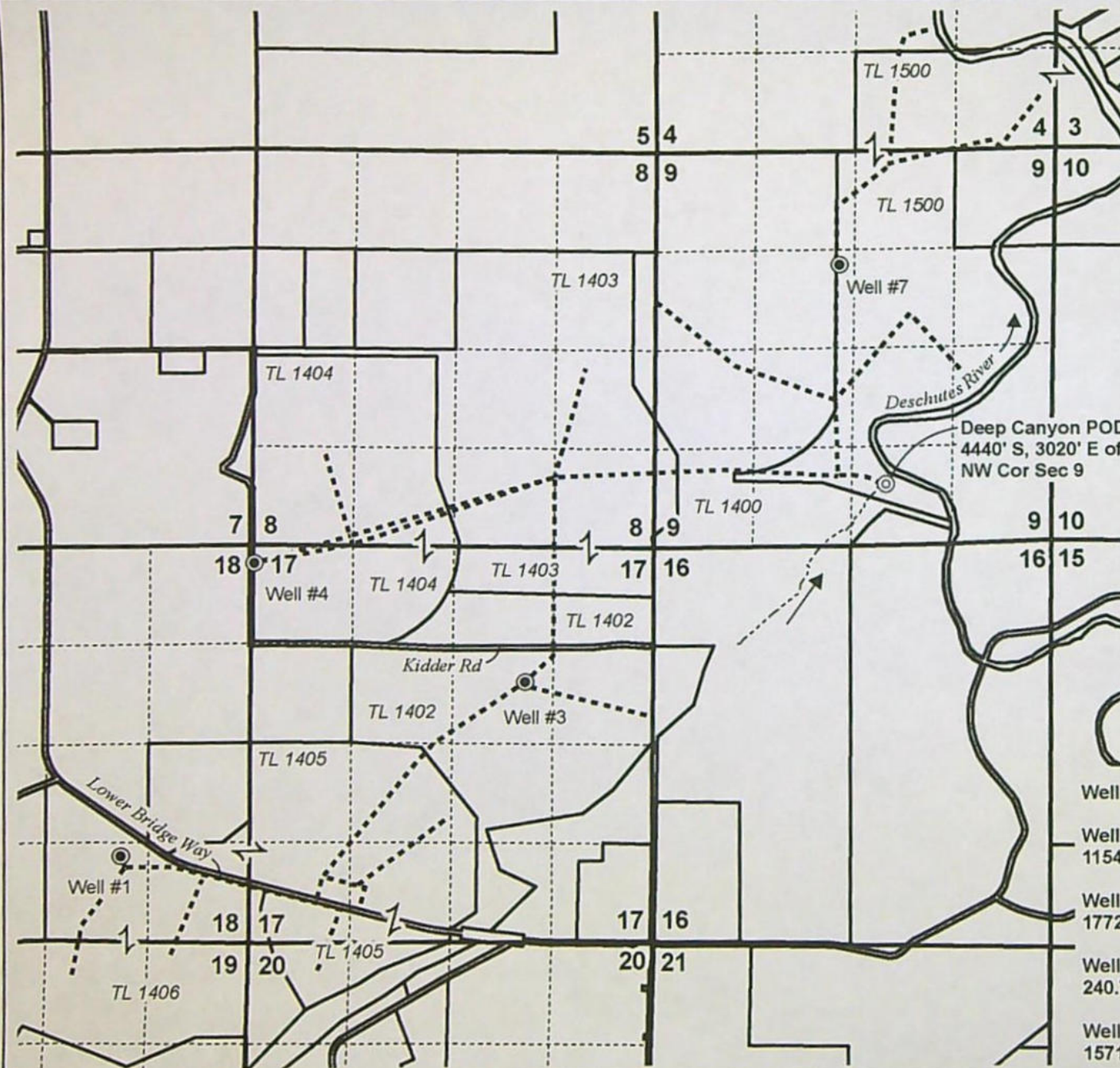
Well Locations: RENEWAL DATE 12/31/2024

Well #1 (DESC 2100):  
1154.2' N, 1680.6' W of SE Cor Sec 18

Well #3 (DESC 2087/L-122702):  
1772.1' S, 1706.6' W of NE Cor Sec 17

Well #4 (DESC 2098/L-122703):  
240.7' S, 32.2' E of NW Cor Sec 17

Well #7 (DESC 768/L-122706):  
1571.4' S, 2862.6' W of NE Cor Sec 9



Date: 11/8/2023

**PERMANENT TRANSFER MAP**  
**Pinnacle Utilities, LLC (Big Falls Ranch)**  
POA/POD & Delivery System Map

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

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

14350 -



**T14S R12E, WM  
DESCHUTES COUNTY, OR**

RECEIVED

NOV 14 2023

OWRD

⊙ Deep Canyon Creek POD "ON"

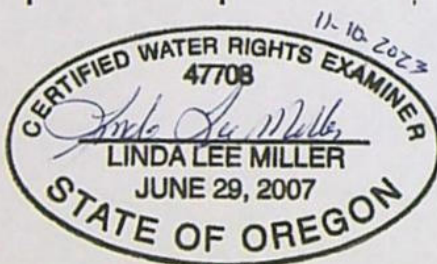
----- Deep Canyon Creek

▨ POU IR C-96192 "ON - CHANGE TO SW POD"

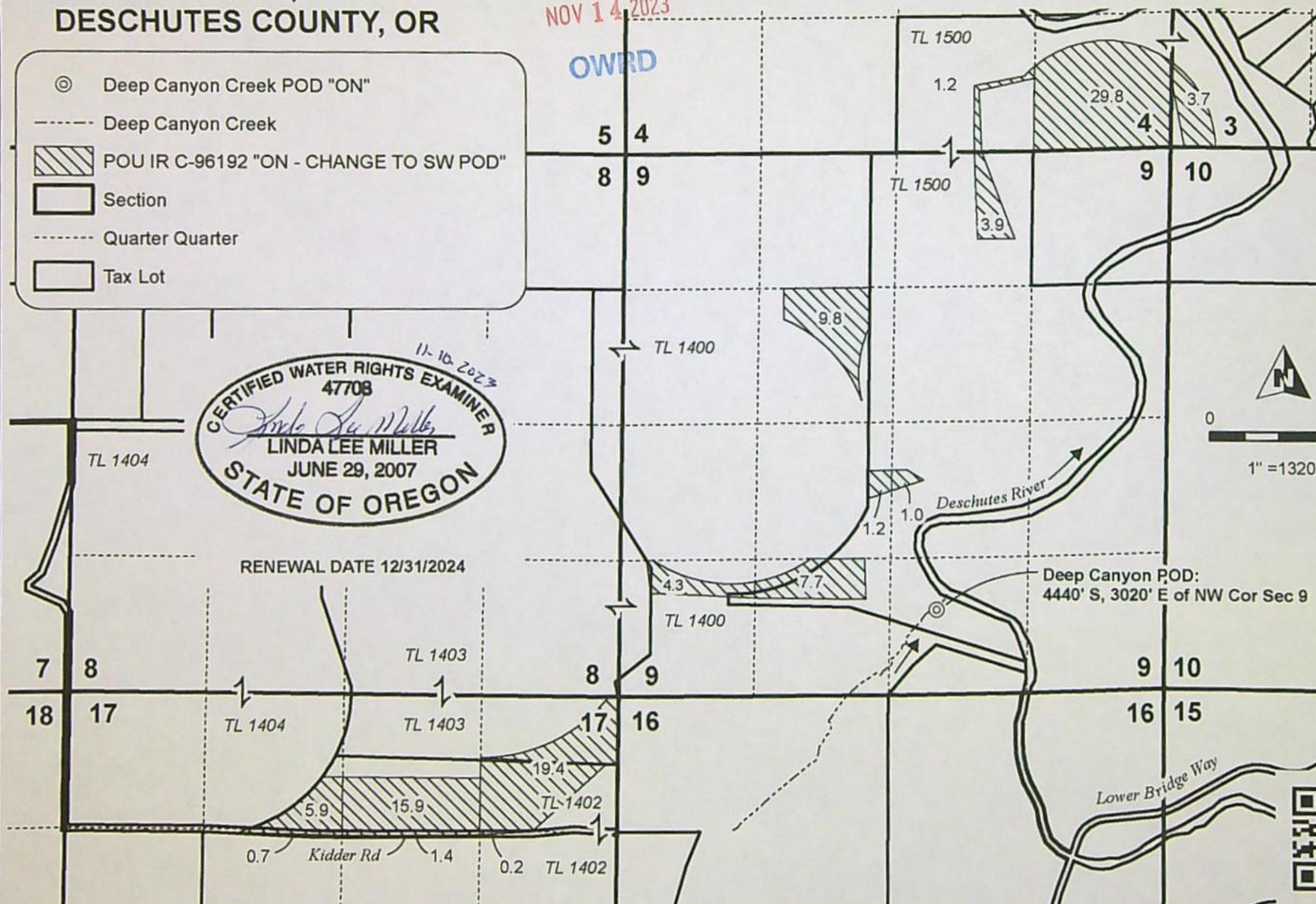
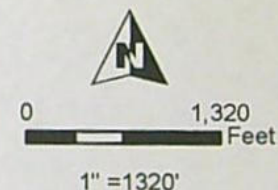
□ Section

----- Quarter Quarter

□ Tax Lot



RENEWAL DATE 12/31/2024



Deep Canyon POD:  
4440' S, 3020' E of NW Cor Sec 9



Date: 11/8/2023

**PERMANENT TRANSFER MAP**  
**Pinnacle Utilities, LLC (Big Falls Ranch)**

Cert: 96192 4/13/1967 Priority (ON MAP 1 OF 1)

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

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

14350 -



**T14S R12E, WM  
DESCHUTES COUNTY, OR**

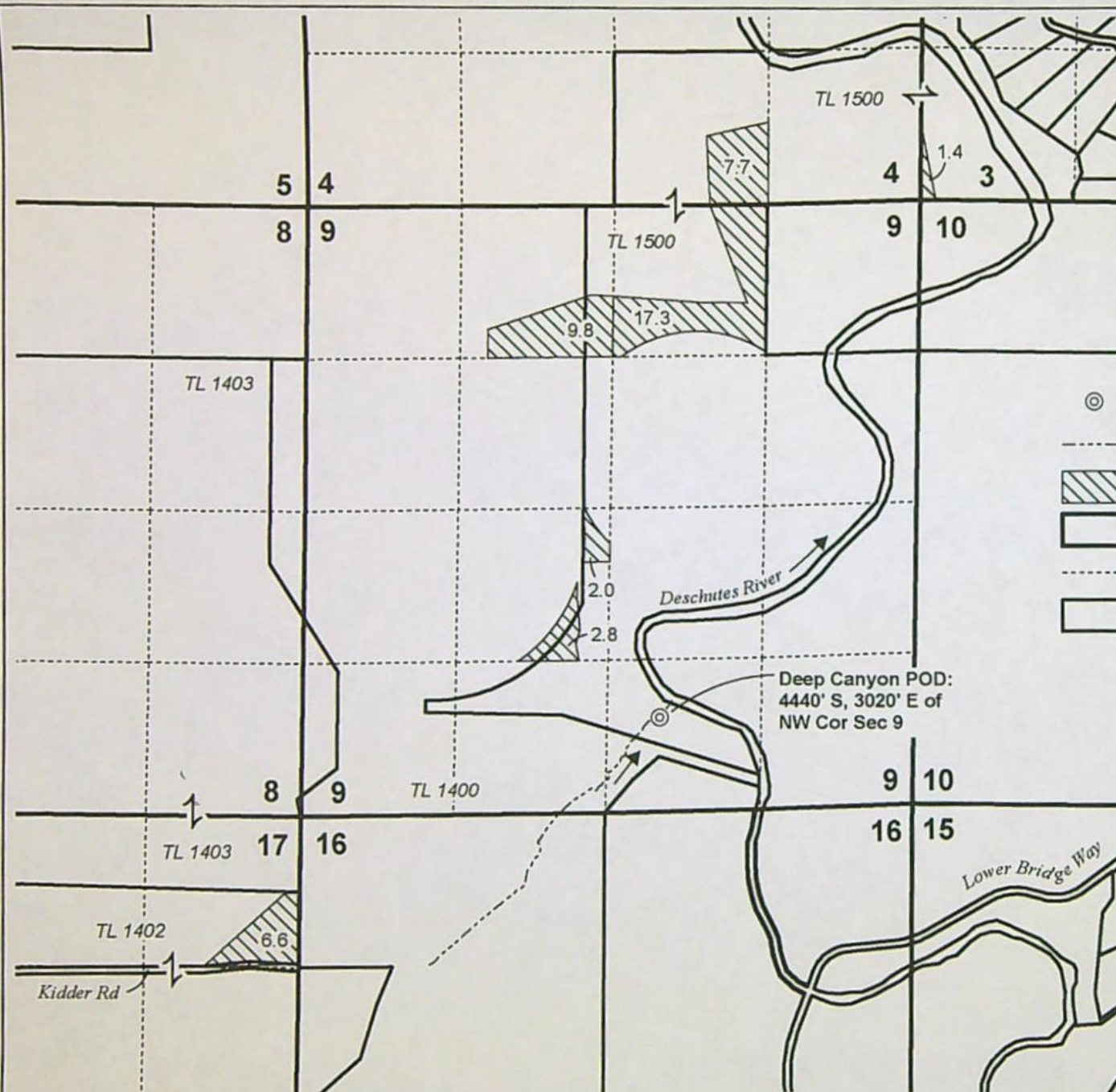


RECEIVED 0 1,320 Feet

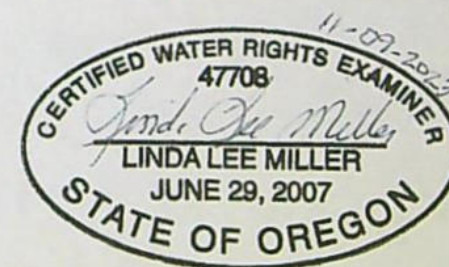
NOV 14 2023 1" = 1320'

OWRD

- ⊙ Deep Canyon Creek POD "ON"
- Deep Canyon Creek
- POU IR C-96190 "ON - CHANGE TO SW POD"
- Section
- Quarter Quarter
- Tax Lot



Deep Canyon POD:  
4440' S, 3020' E of  
NW Cor Sec 9



RENEWAL DATE 12/31/2024



Date: 11/8/2023

**PERMANENT TRANSFER MAP**  
**Pinnacle Utilities, LLC (Big Falls Ranch)**

Cert: 96190 4/13/1967 Priority (ON MAP 1 OF 1)

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

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

14350 -



STATE OF OREGON  
WATER RESOURCES DEPARTMENT

RECEIPT # 141921

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

INVOICE #

RECEIVED FROM: Central Land Cattle Company LLC  
BY:

APPLICATION

PERMIT

TRANSFER T-14350

CASH: ☐ CHECK: # 8560 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 1,970.00

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:

EXAM FEE

RECORD FEE

0201 SURFACE WATER

\$

0202

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$ 1,970.00

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218 WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD#

0210 MONITORING WELLS

\$

CARD#

OTHER (IDENTIFY)

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HYDRO APPLICATION

\$

TREASURY OTHER / RDX

FUND TITLE RECEIVED

OBJ. CODE VENDOR OVER THE COUNTER

DESCRIPTION \$

RECEIPT: 141921

DATED: 11-14-2023 BY: m-mills

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

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

RECEIPT # 141921

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

INVOICE #

RECEIVED FROM: Central Land Cattle Company LLC  
BY:

APPLICATION

PERMIT

TRANSFER T-14350

CASH: ☐ CHECK: # 8560 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 1,970.00

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:

EXAM FEE

RECORD FEE

0201 SURFACE WATER

\$

0202

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$ 1,970.00

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218 WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD#

0210 MONITORING WELLS

\$

CARD#

OTHER (IDENTIFY)

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HYDRO APPLICATION

\$

TREASURY OTHER / RDX

FUND TITLE RECEIVED

OBJ. CODE VENDOR OVER THE COUNTER

DESCRIPTION \$

RECEIPT: 141921

DATED: 11-14-2023 BY: m-mills

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



# Application for Permanent Water Right Transfer

## Part 1 of 5 – Minimum Requirements Checklist



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.

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:  
[http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator).
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 2 List them here: C-96190, C-96192**  
Please include a separate Part 5 for each water right. (See instructions on page 6)  
**NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.**

### Attachments:

- ☒ Completed Transfer Application Map.
- ☒ Completed Evidence of Use Affidavit and supporting documentation.
- ☐ ☒ N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.) **SEE ATTACHED BARGAIN AND SALE DEED PER DESCHUTES COUNTY OFFICIAL RECORDS NO. 2022-42155**
- ☐ ☒ N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
- ☒ ☐ N/A Oregon Water Resources Department's Land Use Information Form with approval and signature from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if all of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- ☒ ☐ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.
- ☐ ☒ N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500' from the surface water source and more than 1000' upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

### (For Staff Use Only)

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

- ☐ Application fee not enclosed/insufficient
- ☐ Land Use Form not enclosed or incomplete
- ☐ Additional signature(s) required
- ☐ Map not included or incomplete
- ☐ Evidence of Use Form not enclosed or incomplete
- ☐ Part \_\_\_\_\_ is incomplete

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

Staff: \_\_\_\_\_ 503- \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

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## Part 2 of 5 – Transfer Application Map

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

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

- ☒ ☐ N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see [http://apps.wrd.state.or.us/apps/wr/cwre\\_license\\_view/](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°).

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)

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### Part 3 of 5 – Fee Worksheet

1	Base Fee (includes one type of change to one water right for up to 1 cfs)	1	\$1,360
	<p>Types of change proposed:</p> <p><input type="checkbox"/> Place of Use      <input type="checkbox"/> Character of Use      <input checked="" type="checkbox"/> Point of Diversion/Appropriation</p> <p>Number of above boxes checked = <u>1 (2a)</u></p> <p>Subtract 1 from the number in line 2a = <u>0 (2b)</u> <i>If only one change, this will be 0</i></p>		
2	Multiply line 2b by \$1090 and enter »	2	\$0
	<p>Number of water rights included in transfer <u>2 (3a)</u></p> <p>Subtract 1 from the number in line 3a above: <u>1 (3b)</u> <i>If only one water right this will be 0</i></p>		
3	Multiply line 3b by \$610 and enter »	3	\$610
	<p>Do you propose to add or change a well, or change from a surface water POD to a well?</p> <p><input checked="" type="checkbox"/> No: enter 0    <input type="checkbox"/> Yes: enter \$480 for the 1<sup>st</sup> well to be added or changed <u>(4a)</u></p> <p>Do you propose to add or change additional wells?</p> <p><input checked="" type="checkbox"/> No: enter 0    <input type="checkbox"/> Yes: multiply the number of additional wells by \$410 <u>(4b)</u></p>		
4	Add line 4a to line 4b and enter »	4	\$0
	<p>Do you propose to change the place of use or character of use?</p> <p><input checked="" type="checkbox"/> No: enter 0 on line 5</p> <p><input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred (see below*): _____ (5a)</p> <p>Subtract 1.0 from the number in 5a above: _____ (5b)</p> <p>If 5b is 0 or less, enter 0 on line 5 »</p> <p>If 5b is greater than 0, round up to the nearest whole number: _____ (5c) and multiply</p>		
5	5c by \$410, then enter on line 5 »	5	\$0
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6	\$1970
	<p>Is this transfer:</p> <p><input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932?</p> <p><input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat?</p> <p>If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 »</p>		
7	If no box is applicable, enter 0 on line 7 »	7	
8	Subtract line 7 from line 6 » <b>Transfer Fee:</b>	8	\$1970

\*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 » » » » » » <b>Fee for Substitution:</b>	3	

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## Part 4 of 5 – Applicant Information and Signature

### Applicant Information

APPLICANT/BUSINESS NAME <b>KAMERON DELASHMUTT / PINNACLE UTILITIES, LLC</b>		PHONE NO. <b>541-350-8479</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>2477 NW CANYON DRIVE</b>		FAX NO.	
CITY <b>REDMOND</b>	STATE <b>OR</b>	ZIP <b>97756</b>	E-MAIL <b>kameron1959@gmail.com</b>
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

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

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

PURSUANT TO ORS 540.531(6)(A), OAR 690-380-2130(8) AND CONDITION #7 (ON PAGE 7) OF THE FINAL ORDER APPROVING T-12651, THE APPLICANT IS PROPOSING TO REVERT THE GROUNDWATER POINTS OF APPROPRIATION (WELLS 1, 3, 4, & 7) BACK TO THE ORIGINALLY AUTHORIZED SURFACE WATER POINT OF DIVERSION (DEEP CANYON CREEK POD), A CHANGE AUTHORIZED BY T-12651. THE CHANGES WILL APPLY TO A 47.6 AC. / 0.548 CFS PORTION OF CERTIFICATE 96190 AND A 106.1 AC. / 1.22 CFS PORTION OF CERTIFICATE 96192, BOTH PORTIONS ARE OWNED BY THE APPLICANT VIA ATTACHED BARGAIN AND SALE DEED PER DESCHUTES COUNTY OFFICIAL RECORDS NO. 2022-42155. THE SAME LANDS PROPOSED FOR CHANGES BY THIS PERMANENT TRANSFER ARE CURRENTLY UNDER REVIEW FOR A TEMPORARY TRANSFER (T-14074). THE APPLICANT PROPOSES TO WITHDRAW T-14074 UPON APPROVAL OF THIS TRANSFER, OR SOONER IF REQUIRED BY OWRD.

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

### Check One Box

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

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By my signature below, I confirm that I understand:

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: REDMOND SPOKESMAN.
- 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

KAMERON DELASHMUTT, MANAGER

Print Name (and Title if applicable)

Date

11/13/23

Applicant signature

Print Name (and Title if applicable)

Date

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

*\*If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed. SEE ATTACHED BARGAIN AND SALE DEED RECORDED IN DESCHUTES COUNTY OFFICIAL RECORDS (NO. 2022-42155).*

Check the following boxes that apply:

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

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

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

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

[https://www.oregon.gov/owrd/WRDFormsPDF/Transfer\\_Property\\_Transactions.pdf](https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf)

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



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

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME <b>DESCHUTES COUNTY COMMUNITY DEVELOPMENT</b>	ADDRESS <b>117 NW LAFAYETTE AVE</b>	
CITY <b>BEND</b>	STATE <b>OR</b>	ZIP <b>97703</b>

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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 # 96190**

### Description of Water Delivery System

System capacity: 1.81 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. **PIPED FROM WELLS TO PIVOTS, WHEEL LINES, AND IRRIPODS.**

**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)
DEEP CANYON CREEK POD "ON"	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		14	S	12	E	9	SW	SE	1500	4440' S, 3020' E OF NW COR SEC 9
WELL #1 "OFF"	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	DESC 2100	14	S	12	E	18	SW	SE	1406	1154.2' N, 1680.6' W OF SE COR SEC 18
WELL #3 "OFF"	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	DESC 2087/ L-122702	"	"	"	"	17	SW	NE	1402	1772.1' S, 1706.6' W OF NE COR SEC 17
WELL #4 "OFF"	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	DESC 2098/ L-122703	"	"	"	"	"	NW	NW	1404	240.7' S, 32.2' E OF NW COR SEC 17
WELL #7 "OFF"	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	DESC 768/ L-122706	"	"	"	"	9	SE	NW	1500	1571.4' S, 2862.6' W OF NE COR SEC 9

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 type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD)                | <input type="checkbox"/> Substitution (SUB)                       |
| <input checked="" type="checkbox"/> Reversion from GW back to SW POD (SW/GW) | <input type="checkbox"/> Government Action POD (GOV)              |

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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 # 96190**

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.										
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date		
EXAMPLE																						
2	S	9	E 15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500	1	10.0		POD #5	1901		
											2	S	9	E 2 SW NW	500		5.0		POD #6	1901		
14	S	12	E 3 SW SW	1500		1.4	IR	"OFF" Wells 1, 3, 4, 7	4/13/1967	SW/GW	14	S	12	E 3 SW SW	1500		1.4	IR	DEEP CANYON POD "ON"	4/13/1967		
"	"	"	" 4 SW SE	"		7.7	"	"	"	"	"	"	"	" 4 SW SE	"		7.7	"	"	"		
"	"	"	" 9 NW NE	"		17.3	"	"	"	"	"	"	"	" 9 NW NE	"		17.3	"	"	"		
"	"	"	" NE NW	1400/1500		9.8	"	"	"	"	"	"	"	" NE NW	1400/1500		9.8	"	"	"		
"	"	"	" NE SW	"		4.8	"	"	"	"	"	"	"	" NE SW	"		4.8	"	"	"		
"	"	"	" 17 NE NE	1402		6.6	"	"	"	"	"	"	"	" 17 NE NE	1402		6.6	"	"	"		
TOTAL ACRES:						47.6					TOTAL ACRES:						47.6					

Additional remarks: THE APPLICANT IS PROPOSING TO CHANGE FROM GROUNDWATER POINTS OF APPROPRIATION "WELLS 1, 3, 4, & 7" TO SURFACE WATER POD "DEEP CANYON CREEK" POD, PREVIOUSLY AUTHORIZED FOR THESE LANDS PRIOR TO T-12651. THE FINAL ORDER FOR T-12651 ORDERED THE ALLOWANCE FOR THE PROPOSED CHANGES OUTLINED BY THIS TRANSFER APPLICATION TO BE APPROVED (ORDER NO. 7 ON SPECIAL ORDER VOLUME 109, PAGE 1005).

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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

If YES, list the certificate, water use permit, or ground water registration numbers: N/A

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

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

Ground water supplemental Permit or Certificate # \_\_\_\_\_;

Surface water primary Certificate # \_\_\_\_\_.

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**For a change from Supplemental Irrigation Use to Primary Irrigation Use**

Identify the primary certificate to be cancelled. Certificate # \_\_\_\_\_

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

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- ☒ 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](http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

**AND/OR**

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

**Table 3. Construction of Point(s) of Appropriation**

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

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



## 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 # 96192**

### Description of Water Delivery System

System capacity: 3.69 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. **PIPED FROM WELLS TO PIVOTS, WHEEL LINES, AND IRRIPODS.**

**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)
DEEP CANYON CREEK POD "ON"	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		14 S	12 E	9	SW SE	1500	4440' S, 3020' E OF NW COR SEC 9
WELL #1 "OFF"	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	DESC 2100	14 S	12 E	18	SW SE	1406	1154.2' N, 1680.6' W OF SE COR SEC 18
WELL #3 "OFF"	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	DESC 2087/ L-122702	" "	" "	17	SW NE	1402	1772.1' S, 1706.6' W OF NE COR SEC 17
WELL #4 "OFF"	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	DESC 2098/ L-122703	" "	" "	"	NW NW	1404	240.7' S, 32.2' E OF NW COR SEC 17
WELL #7 "OFF"	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	DESC 768/ L-122706	" "	" "	9	SE NW	1500	1571.4' S, 2862.6' W OF NE COR SEC 9

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 type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD)                | <input type="checkbox"/> Substitution (SUB)                       |
| <input checked="" type="checkbox"/> Reversion from GW back to SW POD (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 # 96192**

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.														
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date						
EXAMPLE																										
14	S	12	E	3	SW	SW	1500		3.7	IR	"OFF" Wells 1, 3, 4, 7	4/13/1967	SW/GW	14	S	12	E	3	SW	SW	1500		3.7	IR	DEEP CANYON CREEK POD "ON"	4/13/1967
"	"	"	"	4	SW	SE	"		1.2	"	"	"	"	"	"	"	"	4	SW	SE	"		1.2	"	"	"
"	"	"	"	"	SE	SE	"		29.8	"	"	"	"	"	"	"	"	"	SE	SE	"		29.8	"	"	"
"	"	"	"	9	NW	NE	"		3.9	"	"	"	"	"	"	"	"	9	NW	NE	"		3.9	"	"	"
"	"	"	"	"	SE	NW	1400		9.8	"	"	"	"	"	"	"	"	"	SE	NW	1400		9.8	"	"	"
"	"	"	"	"	NE	SW	1500		1.2	"	"	"	"	"	"	"	"	"	NE	SW	1500		1.2	"	"	"
"	"	"	"	"	SW	SW	1400/ 1500		4.3	"	"	"	"	"	"	"	"	"	SW	SW	1400/ 1500		4.3	"	"	"
"	"	"	"	"	SE	SW	"		7.7	"	"	"	"	"	"	"	"	"	SE	SW	"		7.7	"	"	"
"	"	"	"	"	NW	SE	1500		1.0	"	"	"	"	"	"	"	"	"	NW	SE	1500		1.0	"	"	"
"	"	"	"	17	NE	NE	1402/ 1403		19.4	"	"	"	"	"	"	"	"	17	NE	NE	1402/ 1403		19.4	"	"	"
"	"	"	"	"	NW	NE	1402		15.9	"	"	"	"	"	"	"	"	"	NW	NE	1402		15.9	"	"	"
"	"	"	"	"	SW	NE	"		1.4	"	"	"	"	"	"	"	"	"	SW	NE	"		1.4	"	"	"

Revised 7/7/2022

Permanent Transfer Application Form – Page 11 of 13

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
14	S	12	E	17	SE	NE	1402		0.2	IR	"OFF" Wells 1, 3, 4, 7	4/13/1967	SW/GW	14	S	12	E	17	SE	NE	1402		0.2	IR	DEEP CANYON CREEK POD "ON"	4/13/1967			
"	"	"	"	"	NE	NW	"		5.9	"	"	"	"	"	"	"	"	"	NE	NW	"		5.9	"	"	"			
"	"	"	"	"	SE	NW	"		0.7	"	"	"	"	"	"	"	"	"	SE	NW	"		0.7	"	"	"			
TOTAL ACRES									106.1						TOTAL ACRES									106.1					



**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

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

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

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

Ground water supplemental Permit or Certificate # \_\_\_\_\_;

Surface water primary Certificate # \_\_\_\_\_.

**For a change from Supplemental Irrigation Use to Primary Irrigation Use**

Identify the primary certificate to be cancelled. Certificate # \_\_\_\_\_

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

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

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

[http://apps.wrd.state.or.us/apps/gw/well\\_log/Default.aspx](http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

**AND/OR**

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

**Table 3. Construction of Point(s) of Appropriation**

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

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

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**From:** STARNES Patrick K \* WRD  
**To:** Bryce Withers  
**Cc:** JARAMILLO Lisa J \* WRD; Langford, Shonee D.  
**Subject:** RE: TIME SENSITIVE Reversion of Surface Water to Groundwater T-12651  
**Date:** Monday, November 13, 2023 11:27:13 AM  
**Attachments:** image002.png

---

Good Morning Bryce,

In answer to your questions regarding a return transfer:

1. You can check the "No" box for the point of appropriation fee. The application is for a return to the last authorized surface water point of diversion, not a change in point of appropriation to another well.
2. You can file the return transfer while the temporary transfer is still pending. However, prior to issuance of a final order for the return transfer, the temporary transfer will have to either be withdrawn or terminated (if the temporary transfer is approved).

Sincerely,

Kelly

\*\*\*\*\*

Kelly Starnes, Transfer Program Analyst  
(He/Him/His)  
Oregon Water Resources Department  
725 Summer St NE Suite A  
Salem OR 97301-1271  
Cell phone: 503-979-3511 Fax: 503-986-0903  
E-mail: [patrick.k.starnes@water.oregon.gov](mailto:patrick.k.starnes@water.oregon.gov)

Please Note: Under Oregon Law, messages to and from  
this e-mail address may be available to the public.

\*\*\*\*\*

---

**From:** JARAMILLO Lisa J \* WRD <Lisa.J.JARAMILLO@water.oregon.gov>  
**Sent:** Monday, November 13, 2023 8:45 AM  
**To:** STARNES Patrick K \* WRD <Patrick.K.STARNES@water.oregon.gov>  
**Cc:** Bryce Withers <brycewrs@gmail.com>; Langford, Shonee D. <SLangford@schwabe.com>  
**Subject:** RE: TIME SENSITIVE Reversion of Surface Water to Groundwater T-12651  
**Importance:** High

Hi Kelly,

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ARE CURRENTLY UNDER REVIEW FOR A TEMPORARY TRANSFER (T-14074). Can you please confirm whether the department will accept this application while T-14074 is still pending, or should we withdraw T-14074 immediately to avoid the issue?

We just want to make sure that our application is accepted by OWRD due to the issue with the five year deadline. Thank you for your help with this. If you need any other information please let me know.

—

Bryce Withers

Water Right Specialist  
(541)408-1400 cell

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

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Return To:  
Deschutes County  
Title Company  
DE17484

Deschutes County Official Records	2022-42155
D-D	12/01/2022 01:28 PM
Stn=4 SRB	
\$30.00 \$11.00 \$10.00 \$61.00 \$6.00	\$118.00
I, Steve Dennison, County Clerk for Deschutes County, Oregon, certify that the instrument identified herein was recorded in the Official Records. Steve Dennison - County Clerk	

AFTER RECORDING RETURN TO:

Pinnacle Utilities, LLC  
2447 NW Canyon Dr.  
Redmond, OR 97756

UNTIL A CHANGE IS REQUESTED  
SEND TAX STATEMENTS TO:

No change

**BARGAIN AND SALE DEED  
(Water Rights Conveyance)**

BIG FALLS RANCH CO., an Oregon corporation ("Grantor") conveys to Pinnacle Utilities, LLC, an Oregon limited liability company ("Grantee") the following described water rights free of encumbrances except as specifically set forth herein:

160 acres of water rights, as further described in Exhibit A attached hereto and incorporated herein by this reference, that are presently appurtenant to the real property owned by Grantor described in Exhibit B attached hereto and incorporated herein by this reference.

The true consideration for this conveyance is \$1,252,222.50.

No land is conveyed as part of this Bargain and Sale Deed.

**BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS.**

DATED this 30 day of November, 2022.

GRANTOR:

BIG FALLS RANCH CO.



By: Rex T. Barber, Jr., President

[NOTARY PAGE FOLLOWS]

Bargain and Sale Deed  
{01635040-01023832;8}

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

NOV 14 2023

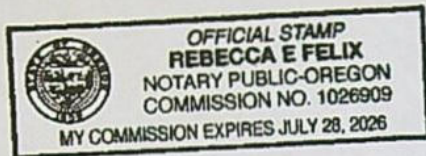
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STATE OF OREGON )  
 ) ss.  
County of Deschutes )

This instrument was acknowledged before me this 30<sup>th</sup> day of November, 2022, by  
Rex T. Barber, Jr., as President of Big Falls Ranch Co.



*Rebecca E. Felix*  
\_\_\_\_\_  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: July 28, 2026

(Bargain and Sale Deed  
{01635040-01023832;8})

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## EXHIBIT A

Conveyed Water Rights					
Water Right Certificate	Township	Range	Section	Quarter-Quarter	Acres
87558	14S	17E	17	NWNW	6.3
96190	14S	17E	3	SWSW	1.4
96190	14S	17E	4	SWSE	7.7
96190	14S	17E	9	NWNE	17.3
96190	14S	17E	9	NENW	9.8
96190	14S	17E	9	NESW	4.8
96190	14S	17E	17	NENE	6.6
96192	14S	17E	3	SWSW	3.7
96192	14S	17E	4	SWSE	1.2
96192	14S	17E	4	SESE	29.8
96192	14S	17E	9	NWNE	3.9
96192	14S	17E	9	SENE	9.8
96192	14S	17E	9	NESW	1.2
96192	14S	17E	9	SWSW	4.3
96192	14S	17E	9	SESW	7.7
96192	14S	17E	9	NWSE	1.0
96192	14S	17E	17	NENE	19.4
96192	14S	17E	17	NWNE	15.9
96192	14S	17E	17	SWNE	1.4
96192	14S	17E	17	SENE	.2
96192	14S	17E	17	NENW	5.9
96192	14S	17E	17	SENE	.7
<b>TOTAL</b>					<b>160</b>

Bargain and Sale Deed  
(01635040-01023832;8)

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**LEGAL DESCRIPTION****PARCEL ONE:**

Parcels 1, 2 & 3 of Partition Plat 1999-51, recorded November 3, 1999, in Partition Cabinet 2, Page 12, Deschutes County, Oregon.

**PARCEL TWO:**

Parcel 3 of Partition Plat 1999-50, recorded November 3, 1999, in Partition Cabinet 2, Page 10, Deschutes County, Oregon.

**PARCEL THREE:**

Parcel 1 of Partition Plat 1996-26, recorded June 4, 1996, in Partition Cabinet 1, Page 508, Deschutes County, Oregon.

**PARCEL FOUR:**

Parcel 2 of Partition Plat No. 1999-50, located in the Southeast Quarter (SE1/4) of Section 18, Township 14 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon.

**EXCEPTING THEREFROM:**

A tract of land situate in Parcel 2 of Partition Plat No. 1999-50, a partition located in the Southeast Quarter (SE1/4) of Section 18, Township 14 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows:

Commencing at a 1/2" pipe per County Survey No. CS13834 monumenting the East 1/4 Corner of said Section 18, the Initial Point; thence along the boundary of said Parcel 2 as surveyed by said CS13834 as follows: S00°25'20"E and along the East line of said Section 18 - 1330.87 feet (cited in CS13834 as S00°24'37"E - 1331.23 feet) to a 3/4" pipe; thence S89°48'14"W and along the South line of the NE1/4 of said section - 769.18 feet to a 1/2" pipe with yellow plastic cap marked "Povey & Assoc." (hereafter called "cap") and to the POINT OF BEGINNING; thence S89°48'14"W and said South line - 518.47 feet to a 1/2" pipe per said CS13834 on the right-of-way (R/W) of Lower Bridge Way, a County Road; thence S89°48'14"W and said South line - 51.83 feet to the centerline of said way; thence S54°49'46"E along said centerline and leaving said Parcel 3 boundary - 237.95 feet to the beginning of a curve of said centerline, a point witnessed by a 1/2" pipe with cap which bears N35°10'14"E - 30.00 feet; thence 62.05 feet along the arc of a 1432.40 foot radius curve of said centerline, concave Northeast, forming a central angle of 02°28'55" and a long chord bearing S56°04'14"E - 62.05 feet; thence N61°50'01"E - 34.46 feet a 1/2" pipe with cap on the R/W of said way; thence N61°50'01"E - 333.41 feet to the POINT OF BEGINNING.

**TOGETHER WITH:**

A tract of land situate in the Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4) of Section 18, Township 14 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows:

Commencing at a 1/2" pipe per County Survey No. CS13834 monumenting the East 1/4 Corner of said Section 18, the Initial Point; thence along the boundary of Parcel 2, Partition Plat No. 1999-50 as surveyed by said CS13834 as follows: S00°25'20"E and along the East line of said Section 18 (cited in CS13834 as S00°24'37"E) - 1048.52 feet to a 1/2" pipe with yellow plastic cap marked "Povey & Assoc." (hereafter called "cap") and to the POINT OF BEGINNING; thence S00°25'20"E and along the East line of said Section 18 - 282.35 feet to a 3/4"

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## Legal Description cont.

pipe; thence S89°48'14"W and along the South line of the NW/2 NE1/4 of said section - 349.95 feet to a 1/2" pipe with cap; thence N50°49'01"E and leaving said Parcel 2 boundary - 448.78 feet to the POINT OF BEGINNING.

## PARCEL FIVE:

Parcel 1 of Partition Plat No. 1999-50 located in Sections 17, 18, 19 and 20 of Township 14 South and Range 12 East of the Willamette Meridian, Deschutes County, Oregon, except the following described parcel described as follows:

Beginning at a 5/8" iron rod at the southerly angle point of said Parcel 1 in Section 19; thence North 76°09'18" West 1432.27 feet along the southerly boundary of said Parcel 1 to a 5/8" iron rod; thence leaving said southerly boundary, North 32°30'26" East 300.00 feet; thence South 69°01'15" East 1056.23 feet to a point that is 1.00 feet north of the northeast corner of a concrete slab for pivot irrigation; thence South 67°34'15" East 412.03 feet to the southerly boundary of said Parcel 1; thence South 66°19'04" West 150.29 feet to the point of beginning.

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397 SW Upper Terrace Dr., Bend OR 97702 · 541-389-2120

**BUYER'S CLOSING STATEMENT**

Buyer: Pinnacle Utilities, LLC  
Seller: Big Falls Ranch Co.  
Property Address: 70 acres Subsequent Purchase Water Rights, OR  
Escrow No.: DE17484  
Close Date: 11/30/2022      Proration Date: 11/30/2022      Date Prepared: 12/1/2022

**Purchase Price** **\$556,972.50**

**Credits**

Buyer Closing Funds	\$540,201.50
Buyer Down Payment Deposit	\$18,000.00
5th Extension Fee Payment	\$10,000.00
6th Extension Fee Payment	\$10,000.00
Final 2 Extension Fees (7th & 8th) Payment	\$20,000.00

**Total Credits** **\$598,201.50**

**Expenses**

5th Extension Fee in addition to Purchase Price	\$10,000.00
6th Extension Fee in addition to Purchase Price	\$10,000.00
2 Final Extension Fees (7th & 8th) in addition to Purchase Price	\$20,000.00
Escrow Fee	\$900.00
Recording Svc Fee (Deed)	\$123.00
Recording Svc Fee (Releases-2)	\$206.00

**Total Expenses** **\$41,229.00**

**Balance Due From Purchaser** **\$0.00**

I have carefully reviewed the Settlement Statement and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and disbursement made on my account or by me in this transaction. I further certify that I have received a copy of the Settlement Statement.

I hereby authorize the Settlement Agent to make expenditures and disbursement as shown on the attached statement and approve same for payment.

Dated: December 1, 2022

Deschutes County Title Company

Rebecca E. Felix  
Rebecca E. Felix, Escrow Officer

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November 8, 2023

**Kenneth Katzaroff**  
Admitted in Washington and Oregon  
D: 206-405-1985  
KKatzaroff@schwabe.com

Deschutes County  
117 NW Lafayette Avenue  
Bend, OR

RE: Kameron DeLashmutt and Pinnacle Utilities, LLC - LUCS Request

Mr. Groves:

Please find the attached Land Use Compatibility Statement form, which requests that Deschutes County confirm that a transfer of irrigation water back in to the applicable stream is consistent with the County's land use regulations.

Please do not hesitate to contact me if you have questions.

Very truly yours,

SCHWABE, WILLIAMSON & WYATT, P.C.



Kenneth Katzaroff

JKKA:aks

PDX\135849\262760\JKKA\40601986.1

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# Land Use Information Form



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

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

Mailing Address: 2477 NW Canyon Drive

City: Redmond

State: OR

Zip Code: 97756

Daytime Phone: 541-350-8479

## 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>14S</u>	<u>12E</u>	<u>8, 9</u>		<u>1400</u>	<u>EFULB</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
"	"	<u>16, 17</u>		<u>1402</u>	"	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	"
"	"	<u>8, 9, 17</u>		<u>1403</u>	"	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	"
"	"	<u>3, 4, 9</u>		<u>1500</u>	"	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	"

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

Deschutes County.

## B. Description of Proposed Use

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

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

Source of water: ☐ Reservoir/Pond    ☐ Ground Water    ☒ Surface Water (name) DEEP CANYON CREEK

Estimated quantity of water needed: 1.22 / 0.548    ☒ 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 applicant is proposing to revert the Groundwater Points of Appropriation (Wells) back to the originally authorized Surface Water Point of Diversion (Deep Canyon Creek), for a 47.6 ac./0.548 cfs portion of Certificate 96190 and a 106.1/1.22 cfs portion of Certificate 96192.

**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. →



## 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): DCC 18.16.020.A, DCC 18.56.040 and DCC 18.88.030.
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

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

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

This request states the intended use of the water is "irrigation". The proposed use is allowed outright in the EFU zones, and by extension, in the SMIA and LM combining zones, see DCC 18.16.020.A, DCC 18.56.040 and DCC 18.88.030.

Name: Will Groves Title: Planning Manager

Signature: *Will Groves* Phone: 541-388-6518 Date: 11/8/23

Government Entity: Deschutes County

**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: \_\_\_\_\_



# Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon )  
 ) ss

County of DESCHUTES

I, BRYCE M. WITHERS, in my capacity as WATER RIGHT SPECIALIST,

mailing address PO BOX 1830 BEND, OR 97709

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

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

☐ Personal observation

☒ Professional expertise

2. I attest that:

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

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

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

OR

☒ Confirming Certificate # 96190 & 96192 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.): HAY

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.

B. W. H.

Signature of Affiant

November 08, 2023  
Date

Signed and sworn to (or affirmed) before me this 8 day of November, 2023.



Linda Lee Miller  
Notary Public for Oregon

My Commission Expires: July 12, 2025

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

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STATE OF OREGON  
COUNTY OF DESCHUTES  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BIG FALLS RANCH  
ATTN: REX BARBER  
PO BOX 434  
TERREBONE OR 97760

confirms the right to use the waters of DEEP CANYON CREEK, TRIBUTARY TO DESCHUTES RIVER for IRRIGATION of 157.1 ACRES.

This right was perfected under Permit S-32049. The date of priority is APRIL 13, 1967. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.81 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the points of appropriation.

The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	12 E	WM	9	SE NW	WELL 7 - 1571.4 FEET SOUTH AND 2862.6 FEET WEST FROM NE CORNER, SECTION 9
14 S	12 E	WM	17	SW NE	WELL 3 - 1772.1 FEET SOUTH AND 1706.6 FEET WEST FROM NE CORNER, SECTION 17
14 S	12 E	WM	17	NW NW	WELL 4 - 240.7 FEET SOUTH AND 32.2 FEET EAST FROM NW CORNER, SECTION 17
14 S	12 E	WM	18	SW SE	WELL 1 - 1154.2 FEET NORTH AND 1680.6 FEET WEST FROM SE CORNER, SECTION 18

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4.0 acre-feet for each acre irrigated during the irrigation season of each year.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	12 E	WM	3	SW SW	1.4
14 S	12 E	WM	4	SW SE	7.7
14 S	12 E	WM	8	NE SE	3.3
14 S	12 E	WM	8	SE SE	7.6
14 S	12 E	WM	9	NW NE	20.2
14 S	12 E	WM	9	SE NE	10.3
14 S	12 E	WM	9	NE NW	9.8
14 S	12 E	WM	9	NE SW	35.0

**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 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, 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.

T-12651-cf-76371.ra.klk

Page 1 of 2

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Certificate 96190

NOV 14 2023

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Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	12 E	WM	9	NW SW	40.0
14 S	12 E	WM	9	NE SE	1.6
14 S	12 E	WM	9	NW SE	13.6
14 S	12 E	WM	17	NE NE	6.6

Water use measurement conditions:

- A. The water user shall maintain the totalizing flow meters or other suitable measuring devices as approved by the Director in good working order at each well.
- B. 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.

The quantity of water diverted at the new points of appropriation shall not exceed the quantity of water lawfully available at the original point of diversion described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	12 E	WM	9	SW SE	ORIGINAL POINT OF DIVERSION - 4440 FEET SOUTH AND 3020 FEET EAST FROM NW CORNER, SECTION 9

The use of water under this right shall be subject to regulation consistent with other water rights from the surface water source and to all other applicable conditions and restrictions that existed at the original point of diversion.

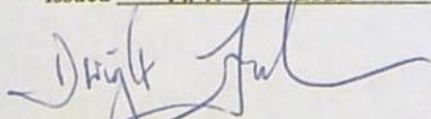
If within five year after approval of the transfer (November 20, 2018), the Department finds that the transfer results in substantial or undue interference with an existing ground water right due to use of the wells, that would not have occurred in the absence of the transfer, the new point of appropriation shall be subordinate to the existing right injured by the transfer.

The original point of diversion of surface water shall not be retained as an additional or supplemental point of diversion under the transferred portion of the right. However, if within five year after approval of the transfer (November 20, 2018), the Department receives a transfer application to return to the last authorized surface water point of diversion, the application shall be approved.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

This certificate is issued to confirm a change from a SURFACE WATER POINT OF DIVERSION TO GROUNDWATER POINTS OF APPROPRIATION approved by an order of the Water Resources Director entered NOVEMBER 20, 2018, at Special Order Volume 109, Page 999, approving Transfer Application T-12651, supersedes Certificate 76371, State Record of Water Right Certificates.

Issued APR 08 2022



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

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STATE OF OREGON  
COUNTY OF DESCHUTES  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BIG FALLS RANCH CO.  
ATTN: REX BARBER  
PO BOX 434  
TERREBONE OR 97760

confirms the right to use the waters of DEEP CANYON CREEK, a tributary of the DESCHUTES RIVER, for IRRIGATION of 307.8 ACRES AND SUPPLEMENTAL IRRIGATION OF 12.6 ACRES.

This right was perfected under Permit S-32049. The date of priority is APRIL 13, 1967. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 3.69 CUBIC FEET PER SECOND (CFS) IN ANY COMBINATION FROM THE WELLS, FURTHER LIMITED TO 3.69 CFS FROM WELL #1, 3.33 CFS FROM WELL #3, 3.69 CFS FROM WELL #4, AND 2.23 CFS FROM WELL #7, or its equivalent in case of rotation, measured at the points of appropriation.

The points of appropriation are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	12 E	WM	9	SE NW	WELL 7 - 1571.4 FEET SOUTH AND 2862.6 FEET WEST FROM NE CORNER, SECTION 9
14 S	12 E	WM	17	SW NE	WELL 3 - 1772.1 FEET SOUTH AND 1706.6 FEET WEST FROM NE CORNER, SECTION 17
14 S	12 E	WM	17	NW NW	WELL 4 - 240.7 FEET SOUTH AND 32.2 FEET EAST FROM NW CORNER, SECTION 17
14 S	12 E	WM	18	SW SE	WELL 1 - 1154.2 FEET NORTH AND 1680.6 FEET WEST FROM SE CORNER, SECTION 18

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

A description of the place of use is as follows:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	12 E	WM	3	SW SW	3.7
14 S	12 E	WM	4	SW SE	1.2
14 S	12 E	WM	4	SE SE	29.8
14 S	12 E	WM	8	SE NE	2.9
14 S	12 E	WM	8	NE SE	31.9
14 S	12 E	WM	8	SE SE	32.7

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**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 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, 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.



IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	12 E	WM	9	NW NE	3.9
14 S	12 E	WM	9	SW NE	40.2
14 S	12 E	WM	9	SE NE	2.2
14 S	12 E	WM	9	SW NW	31.5
14 S	12 E	WM	9	SE NW	38.3
14 S	12 E	WM	9	NE SW	1.5
14 S	12 E	WM	9	SW SW	14.3
14 S	12 E	WM	9	SE SW	10.0
14 S	12 E	WM	9	NE SE	1.6
14 S	12 E	WM	9	NW SE	5.0
14 S	12 E	WM	17	NE NE	32.7
14 S	12 E	WM	17	NW NE	16.2
14 S	12 E	WM	17	SW NE	1.4
14 S	12 E	WM	17	SE NE	0.2
14 S	12 E	WM	17	NE NW	5.9
14 S	12 E	WM	17	SE NW	0.7

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	12 E	WM	17	NW NW	2.2
14 S	12 E	WM	17	SW SW	8.1
14 S	12 E	WM	18	SE SE	2.3

The use shall conform to such reasonable rotation as may be ordered by the proper state officer.

Water use measurement conditions:

- A. The water user shall maintain the totalizing flow meters or other suitable measuring devices as approved by the Director in good working order at each well.
- B. 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.

The quantity of water diverted at the new points of appropriation shall not exceed the quantity of water lawfully available at the original point of diversion described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	12 E	WM	9	SW SE	ORIGINAL POD - 4440 FEET SOUTH AND 3020 FEET EAST FROM NW CORNER, SECTION 9

The use of water under this right shall be subject to regulation consistent with other water rights from the surface water source and to all other applicable conditions and restrictions that existed at the original point of diversion.

If within five year after approval of the transfer (November 20, 2018), the Department finds that the transfer results in substantial or undue interference with an existing ground water right due to use of the wells, that would not have occurred in the absence of the transfer, the new point of appropriation shall be subordinate to the existing right injured by the transfer.

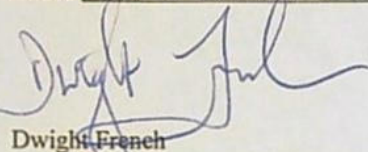
The original point of diversion of surface water shall not be retained as an additional or supplemental point of diversion under the transferred portion of the right. However, if within five year after approval of the transfer (November 20, 2018), the Department receives a transfer application to return to the last authorized surface water point of diversion, the application shall be approved.



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

This certificate is issued to confirm a change from a SURFACE WATER POINT OF DIVERSION TO GROUNDWATER POINTS OF APPROPRIATION approved by an order of the Water Resources Director entered NOVEMBER 20, 2018, at Special Order Volume 109, Page 999, approving Transfer Application T-12651, supersedes Certificate 88027, State Record of Water Right Certificates.

Issued APR 08 2022



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



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

# Application for Well ID Number

POA 1, Well #1

RECEIVED

Do not complete if the well already has a Well Identification Number.

DEC 11 2017

WATER RESOURCES DEPT  
SALEM, OREGON

## I. OWNER INFORMATION

Current Owner Name (please print): BIG FALLS RANCH CO. (REX BARBER)  
Mailing Address: P.O. Box 434  
City, State, Zip: TERREBONNE, OR 97760  
Mail Well ID Tag to: ☐ SAME AS ABOVE ☐ In Care Of (C/O) \_\_\_\_\_  
Name & Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_

## II. WELL LOCATION INFORMATION (Please fill out as completely as possible)

Township: 14 (North / South) Range: 12 (East / West) Section: 18 SW 1/4 of the SE 1/4  
Tax Lot (usually last 3-5 numbers of Tax Map #): 1406 County DESCHUTES  
GPS Coordinates: 44.35252, -121.33780  
Street Address of Well, City: 70505 LOWER BRIDGE WAY, TERREBONNE, OR  
If the property had a different street address in the past: \_\_\_\_\_

## III. GENERAL WELL INFORMATION (Please fill out as completely as possible, AND attach copy of Well Log, if available)

Use of Well (domestic, irrigation, commercial, industrial, monitoring): IRRIGATION  
Date Well Constructed (or property built): 11/14/1966 Total Well Depth: 232' Casing Diameter: 12"  
Owner at time the well was constructed (if known): BOB REHMENSCHEIDER Well Log # (if known): \_\_\_\_\_  
Other Information: POA #1, Well #1

SUBMITTED BY (please print): WILLIAM D. Nodum - Well Inspector - SCIC  
PHONE: 541/639-4109 EMAIL &/or FAX: \_\_\_\_\_

Send application to: Oregon Water Resources Department 725 Summer St NE, Suite A, Salem, Oregon 97301; or fax to (503) 986-0902.  
Applications are processed in the order they are received, and Well ID Numbers are mailed within 4-5 business days.

RECEIVED

NOV 14 2023

OWRD

For Official Use Only by the Oregon Water Resources Department:

Received Date:

12-11-17

Well Log Number:

DESC 2100

Well Identification #:

#L122705



14350 -





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

# Application for Well ID Number

RECEIVED

DEC 11 2017

WATER RESOURCES DEPT  
SALEM, OREGON

Do not complete if the well already has a Well Identification Number.

## I. OWNER INFORMATION

Current Owner Name (please print): BIG FALLS RANCH CO., (REX BARBER)  
Mailing Address: P.O. Box 434  
City, State, Zip: TERREBONNE, OR 97760  
Mail Well ID Tag to: ☐ SAME AS ABOVE ☒ In Care Of (C/O)  
Name & Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_

RECEIVED

NOV 14 2023

## II. WELL LOCATION INFORMATION (Please fill out as completely as possible)

Township: 14 (North / ~~South~~) Range: 12 (~~East~~ / West) Section: 17 SW 1/4 of the NE 1/4  
Tax Lot (usually last 3-5 numbers of Tax Map #): 1402 County DESCHUTES  
GPS Coordinates: 44.35900, -121.31786  
Street Address of Well, City: 70470 NW LOWER BRIDGE WAY, TERREBONNE, OR  
If the property had a different street address in the past: \_\_\_\_\_

OWRD

## III. GENERAL WELL INFORMATION (Please fill out as completely as possible, AND attach copy of Well Log, if available)

Use of Well (domestic, irrigation, commercial, industrial, monitoring): IRRIGATION  
Date Well Constructed (or property built): 1/5/1979 Total Well Depth: 262' Casing Diameter: 16"  
Owner at time the well was constructed (if known): BOB BRESLEY Well Log # (if known): DESC 2087  
Other Information: POA #2, WELL #3; Also, there is a cleanout log - DESC 2086  
SUBMITTED BY (please print): WILLIAM D. NASHAM - WELL INSPECTOR - SCR  
PHONE: 541/639-4109 EMAIL &/or FAX: \_\_\_\_\_

Send application to: Oregon Water Resources Department 725 Summer St NE, Suite A, Salem, Oregon 97301; or fax to (503) 986-0902.  
Applications are processed in the order they are received, and Well ID Numbers are mailed within 4-5 business days.

For Official Use Only by the Oregon Water Resources Department:

Received Date:

12-11-17

Well Log Number:

DESC 2087 + 2086

Well Identification #:

L122702



Second.

14350 -





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

# Application for Well ID Number

RECEIVED

DEC 11 2017

WATER RESOURCES DEPT  
SALEM, OREGON

Do not complete if the well already has a Well Identification Number.

## I. OWNER INFORMATION

Current Owner Name (please print): BIG FALLS RANCH CO., (REX BARBER)  
Mailing Address: P.O. Box 434  
City, State, Zip: TERREBONNE, OR 97760  
Mail Well ID Tag to: ☐ SAME AS ABOVE ☐ In Care Of (CIO)  
Name & Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_

## II. WELL LOCATION INFORMATION (Please fill out as completely as possible)

Township: 14 (North / ~~South~~) Range: 12 (East / West) Section: 17 SW 1/4 of the NE 1/4  
Tax Lot (usually last 3-5 numbers of Tax Map #): 1402 County DESCHUTES  
GPS Coordinates: 44.35900, -121.31786  
Street Address of Well, City: 70470 NW LOWER BRIDGE WAY, TERREBONNE, OR  
If the property had a different street address in the past: \_\_\_\_\_

## III. GENERAL WELL INFORMATION (Please fill out as completely as possible, AND attach copy of Well Log, if available)

Use of Well (domestic, irrigation, commercial, industrial, monitoring): IRRIGATION  
Date Well Constructed (or property built): 1/5/1979 Total Well Depth: 262' Casing Diameter: 16"  
Owner at time the well was constructed (if known): BOB BOESLEY Well Log # (if known): DESC 2087  
Other Information: POA #2, WELL #3; Also, there is a cleanout log - DESC 2086  
SUBMITTED BY (please print): WILLIAM D. NASHAM - WELL INSPECTOR - SCR  
PHONE: 541/639-4109 EMAIL &/or FAX: \_\_\_\_\_

Send application to: Oregon Water Resources Department 725 Summer St NE, Suite A, Salem, Oregon 97301; or fax to (503) 986-0902.  
Applications are processed in the order they are received, and Well ID Numbers are mailed within 4-5 business days.

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NOV 14 2023

OWRD

For Official Use Only by the Oregon Water Resources Department:

Received Date:

12-11-17

Well Log Number:

DESC 2087 + 2086

Well Identification #:

L122702



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

WATER RESOURCES DEPARTMENT,  
SALEM, OREGON 97310  
within 30 days from the date  
of well completion.

RECEIVED  
FEB-01 1978  
WATER WELL REPORT  
STATE OF OREGON  
WATER RESOURCES DEPT.  
SALEM, OREGON  
Do not write above this line.

State Well No. 145/12E-1820  
State Permit No.  
JAN 10 1978  
WATER RESOURCES DEPT.

(1) OWNER:

Name Bob Beesley

Address Rt. 1, Box 31

Culver, Ore. 97734

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

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

(4) PROPOSED USE (check):

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

CASING INSTALLED:

16" Diam. from 1 ft. to -19 ft. Gage .250

PERFORATIONS:

Perforated? ☐ Yes ☒ No.

Type of perforator used

Size of perforations in. by in.  
perforations from ft. to ft.  
perforations from ft. to ft.  
perforations from ft. to ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name

Type Model No.  
Diam. Slot size Set from ft. to ft.  
Diam. Slot size Set from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is  
lowered below static level

Was a pump test made? ☐ Yes ☒ No If yes, by whom?

Yield: gal./min. with ft. drawdown after hrs.  
" " " " " "

Baller test 20 gal./min. with no ft. drawdown after 1 hrs.

Artesian flow g.p.m.

Temperature of water Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Well seal—Material used cement  
Well sealed from land surface to 18 ft.  
Diameter of well bore to bottom of seal 20 in.  
Diameter of well bore below seal 15 in.  
Number of sacks of cement used in well seal 11 sacks  
How was cement grout placed? gravity flow

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

Did any strata contain unusable water? ☐ Yes ☒ No

Type of water? depth of strata

Method of sealing strata off

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

Gravel placed from ft. to ft.

(10) LOCATION OF WELL:

County Jefferson-Deschutes  
NE 1/4 NE 1/4 Section 18 T. 14S R. 12 W.M.

Bearing and distance from section or subdivision corner  
1110 ft. south of the NE corner of  
section 18

(11) WATER LEVEL: Completed well.

Depth at which water was first found 210 ft.

Static level 163 ft. below land surface. Date 12/20/77

Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 15

Depth drilled 288 ft. Depth of completed well 288 ft.

Formation: Describe color, texture, grain size and structure of materials;  
and show thickness and nature of each stratum and aquifer penetrated,  
with at least one entry for each change of formation. Report each change in  
position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
brown sandy soil	0	3	
brown sandstone	3	28	
soft red rock	28	36	
brown sandstone	36	210	163
brown coarse gravel W. B.	210	267	
red soft rock	267	279	
black hard rock	279	288	

Work started 12/19 19 77 Completed 12/21 19 77

Date well drilling machine moved off of well 12/22 19 77

Drilling Machine Operator's Certification:

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

[Signed] Dale Paul Mue Date 1-7, 1978  
(Drilling Machine Operator)

Drilling Machine Operator's License No. 934

Water Well Contractor's Certification:

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

Name Crawford Well Drilling  
(Person, firm or corporation) (Type or print)

Address 1245 N.W. Lower Bridge Terrebonne, Ore.

[Signed] Larry K. Crawford  
(Water Well Contractor)

Contractor's License No. 570 Date 1-7, 1978





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

# Application for Well ID Number

POA 3, Well #4

RECEIVED

DEC 11 2017

Do not complete if the well already has a Well Identification Number.

WATER RESOURCES DEPT  
SALEM, OREGON

## I. OWNER INFORMATION

Current Owner Name (please print): BIG FALLS RANCH CO. (REX BARBER)  
Mailing Address: P.O. Box 434  
City, State, Zip: TERREBONNE, OR 97760  
Mail Well ID Tag to: ☐ SAME AS ABOVE ☐ In Care Of (C/O) \_\_\_\_\_  
Name & Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_

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NOV 14 2017

OWRD

## II. WELL LOCATION INFORMATION (Please fill out as completely as possible)

Township: 14 (North / South) Range: 12 (East / West) Section: 17 NW 1/4 of the NW 1/4  
Tax Lot (usually last 3-5 numbers of Tax Map #): 1404 County DESCHUTES  
GPS Coordinates: 44.36325, -121.33143  
Street Address of Well, City: 70700 NW LOWER BRIDGE WAY, TERREBONNE, OR  
If the property had a different street address in the past: \_\_\_\_\_

## III. GENERAL WELL INFORMATION (Please fill out as completely as possible, AND attach copy of Well Log, if available)

Use of Well (domestic, irrigation, commercial, industrial, monitoring): IRRIGATION  
Date Well Constructed (or property built): 12/22/1977 Total Well Depth: 288' Casing Diameter: 16"  
Owner at time the well was constructed (if known): BOB BEESLEY Well Log # (if known): DESC 2098  
Other Information: POA #3, Well #4

SUBMITTED BY (please print): WILLIAM D. NASHEN - WELL INSPECTOR - SCR  
PHONE: 541/639-4109 EMAIL &/or FAX: \_\_\_\_\_

Send application to: Oregon Water Resources Department 725 Summer St NE, Suite A, Salem, Oregon 97301; or fax to (503) 986-0902.  
Applications are processed in the order they are received, and Well ID Numbers are mailed within 4-5 business days.

For Official Use Only by the Oregon Water Resources Department:

Received Date:

12-11-17

Well Log Number:

DESC 2098

Well Identification #:

L122703









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

# Application for Well ID Number

bigfalls@cbbmail.com

RECEIVED

DEC 11 2017

WATER RESOURCES DEPT  
SALEM, OREGON

Do not complete if the well already has a Well Identification Number.

## I. OWNER INFORMATION

Current Owner Name (please print): BIG FALLS RANCH CO. (REX BARBER)

Mailing Address: P.O. Box 434

City, State, Zip: TERREBONNE, OR 97760

Mail Well ID Tag to: ☐ SAME AS ABOVE ☐ In Care Of (C/O)

Name & Address:

City, State, Zip:

## II. WELL LOCATION INFORMATION (Please fill out as completely as possible)

Township: 14 (North / ~~South~~) Range: 12 (~~East~~ / West) Section: 9 SE 1/4 of the NW 1/4

Tax Lot (usually last 3-5 numbers of Tax Map #): 1500 County DESCHUTES

GPS Coordinates: 44.37438, -121.30203

Street Address of Well, City: 70480 NW LOWER BRIDGE WAY, TERREBONNE, OR

If the property had a different street address in the past:

## III. GENERAL WELL INFORMATION (Please fill out as completely as possible, AND attach copy of Well Log, if available)

Use of Well (domestic, irrigation, commercial, industrial, monitoring): IRRIGATION

Date Well Constructed (or property built): 11/10/90 Total Well Depth: 340' Casing Diameter: 12"

Owner at time the well was constructed (if known): Rex Barber Well Log # (if known): DESC 224

Other Information: POA #4, WELL #7; WELL ALSO RECONDITIONED IN 1991 → DESC 768

SUBMITTED BY (please print): WILLIAM D. NAGHEM - WELL INSPECTOR - SCR

PHONE: 541/639-4109

EMAIL &/or FAX:

Send application to: Oregon Water Resources Department 725 Summer St NE, Suite A, Salem, Oregon 97301; or fax to (503) 986-0902.  
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NOV 14 2023

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For Official Use Only by the Oregon Water Resources Department:

Received Date:

12-11-17

Well Log Number:

DESC 224 + DESC 768

Well Identification #:

L122706



(Vesci 224)

140/12E17 W

9809C 3/88

14350 -





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

# Application for Well ID Number

bigfalls@cbbmail.com

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WATER RESOURCES DEPT  
SALEM, OREGON

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Name & Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_

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Township: 14 (North / South) Range: 12 (East / West) Section: 9 SE 1/4 of the NW 1/4  
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GPS Coordinates: 44.37438, -121.30203  
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Owner at time the well was constructed (if known): Rex Barber Well Log # (if known): DESC 224  
Other Information: POA #4, WELL #7; WELL ALSO RECONDITIONED IN 1991 → DESC 768

SUBMITTED BY (please print): WILLIAM D. NASHIM - WELL INSPECTOR - SLT  
PHONE: 541/639-4109 EMAIL &/or FAX: \_\_\_\_\_

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For Official Use Only by the Oregon Water Resources Department:

Received Date:

12-11-17

Well Log Number:

DESC 224 + DESC 768

Well Identification #:

L122706





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NOV 14 2023

OWRD

Date Received (Date Stamp Here)

## OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Kameron Delashmuth/Pinnacle Utilities  
2477 NW Canyon Dr, Redmond OR, 97756

Transaction Type: Transfer

Fees Received: \$ 1970.00

☐ Cash

☒ Check

Check No. 8560

Name(s) on Check: Central Land Cattle Co.

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,

OWRD Customer Service Staff

Submission received by:

Conie Lounien

(Name of OWRD staff)

### Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt with submission (application/other document) in the top drawer of filing cabinet.

14350 -



Oregon Water Resources Department  
Transfer Fee Calculation for Permanent (Non-District) Transfer[Main](#) [Help](#)  
[Return](#) [Contact Us](#)

Today's Date: Wednesday, November 15, 2023		Fee Calculation
Base Fee (includes one type of change to one water right for up to 1 cfs)		\$1,360.00
Fill in information below-- Check each box that applies.		
Types of Change Proposed:		
<input type="checkbox"/> Place of Use		
<input checked="" type="checkbox"/> Point of Diversion (POD)/Appropriation (POA); and/or Additional POD/POA; and/or SW POD to GW POD		
<input type="checkbox"/> Character of Use		\$0.00
Enter total number of water rights included in transfer. <input type="text" value="2"/>		\$610.00
<input type="checkbox"/> Check this box if you propose to add or change a well, or change from a surface water POD to a well.		
Enter total number of groundwater wells (POAs) included in transfer. <input type="text" value="0"/>		\$0.00
<input type="checkbox"/> Check this box if you propose to change the place of use or character of use for a NON-irrigation right.		
<input type="checkbox"/> Check this box if you propose to change the place of use or character of use for an irrigation right.		
Total Transfer CFS(rounded up to the next whole cfs):		
Subtotal:		\$1,970.00
Check each box that applies.		
<input type="checkbox"/> The transfer is necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932.		
<input type="checkbox"/> The transfer is endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat.		
Discount:		
Transfer Fee:		\$1,970.00
<a href="#">Return to Edit</a> <a href="#">Clear</a>		

14350 -



# Permanent Transfer Application Intake Checklist

Transfer # T-14350

Reviewer Nick Date 11/15/2023	Type of Change(s) Proposed: <input type="checkbox"/> POU <input type="checkbox"/> POD <input type="checkbox"/> APOD <input type="checkbox"/> POA <input type="checkbox"/> APOA <input type="checkbox"/> USE <input type="checkbox"/> Substitution <input type="checkbox"/> Gov't Action <input type="checkbox"/> Sup to Primary <input type="checkbox"/> SW to GW	
Calculated Fee \$	Use fee calculator on back of this form	Fee Received \$1970
Certificate(s): 96190, 96192	Check <u>all</u> Certs in WRIS to confirm they are not cancelled	
For multiple certificates, does application meet requirement of OAR 690-380-3220? If no, why?      Use the flow chart for multiple Certs		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
Notes: Change is reversion from groundwater to surface water. Bargain and Sale Deed included instead of signatures		

Application: OAR 690-380-3000; OAR 690-380-3220			
1.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Have <u>ALL</u> of the applicant's signed and dated the application? If no, whose signature is missing?	
2.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Part 5 of application: Does the information match the description of the explanation on Part 4 of the application?	
3.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	For multiple certificates: Each certificate proposed for transfer has their own separate completed Part 5, Tables 1 & 2? If no, which certificate(s) are missing separate Part 5, Tables 1 & 2?	

Map Requirements: OAR 690-380-3100			
4.	<input type="checkbox"/> YES <input type="checkbox"/> NO	Has the map been completed and signed by a CWRE?	
5.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	Map Waiver? The map waiver must be issued by the Department	
Notes:			

Attachments: OAR 690-380-3000			
6.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Evidence of Use included, signed, & notarized w/supporting documentation?	
7.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	Land Use Form included and signed by the County?	
8.	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A	Consent Form included, signed, and notarized?	
9.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	District: Place of use is in <u>or</u> near an irrigation district?	
	<input type="checkbox"/> YES <input type="checkbox"/> NO	If Yes, is Form D included? Name of the District	
10.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	For changes in POA/APOA – are the well logs included?	
11.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	For change in POU within Umatilla County, Supplemental Form U included?	

<input type="checkbox"/>	Application complete: no deficiencies identified, assign a T-number and put this checklist in T-folder.
--------------------------	---

14350 -