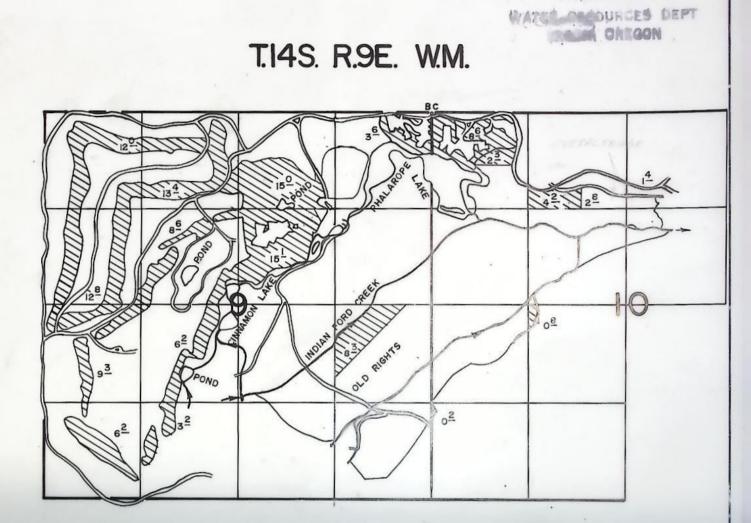


## 32:27

STATUS OF APPLICATION	DESCRIPTION OF WATER RIGHT		FEES PAID	
Change in $place p$ use $point g$ diversion Date filed $b-30-75$ Date of hearing Place of hearing Date of order $11-9-76$ Vol. $28$ , page $112$	Name of stream <u>Inline Farl Creeks</u> Trib. of <u>County of Deschates</u> Use <u>irrigation</u> Quantity of water <u>No. of acres</u>	Date 6-30-75 9-23-76 9-30-76 TOTAL	Amount 1.3.7.80 90.00 P.0 N (90.09(P.0.N) 2 Cert. Fee	Receipt No. 48259 56149 56149 Free 45th 75 56149 Free 45th 75
Date for application of water	Name of ditch Date of priority In name of Squar Cree & Adjudication, Vol, page79 App. No Per. No Cert. No. 26.2	Date	FEES REFUNDED	Check No.
Certificate issued	App. No Per. No Cert. No. 202	Fe	сь: Ехат Rec 129§л. Роц ў	20 - 35 - 55 °
Sec also Res A# 53360 P.O. Box 6119 Bend Dr. 97708 ASSIGNED Brooks Res Area Cor P.O. Box 6119_ Bend	Dap. Block Bittle Ranch Property Mgmt. Conp.	CHECK	Div. ar ED TO RECORDS: A Rge. -vault -safe of W/R objer	Checked

27



# FINAL PROOF SURVEY

TRANSFER NO. 3277 Application No. ..... Permit No. ..... IN NAME OF

BROOKS RESOURCES CORP.

Surveyed JUN 24. 1980, by L.H. NUNN

Revised 14 Mor 83

5

RECEIVED

Aud 12 1981

COURT-500-11-75

### STATE OF OREGON

COUNTY OF DESCHUTES

### CERTIFICATE OF WATER RIGHT

This Is to Certify, That

BROOKS RESOURCES CORPORATION

of PO Box 6119, Bend . a right to the use of the waters of , State of Indian Ford Creek

Oregon 97708 , has

a tributary of Squaw Creek irrigation of 361.5 acres

2 27

for the purpose of

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Crook County, and the said decree entered of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 1, at page 120; that the priority of the right thereby confirmed dates from 1886

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 7.27 cubic feet per second.

The point of diversion is located in the NW% SE%, Section 9, Township 14 South, Range 9 East, WM.

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

SEE NEXT PAGE

19.8 acres NE 1/4 NE 1/4 17.1 acres NW 1/4 NE 1/4 25.1 acres SW 1/4 NE 1/4 20.6 acres SE 1/4 NE 1/4 13.4 acres NE 1/4 NW 1/4 12.0 acres NW 1/4 NW 1/4 12.8 acres SW 1/4 NW 1/4 8.6 acres SE 1/4 NW 1/4 6.2 acres NE 1/4 SW 1/4 9.3 acres NW 1/4 SW 1/4 6.2 acres SW 1/4 SW 1/4 3.2 acres SE 1/4 SW 1/4 36.5 acres NE 1/4 SE 1/4 18.0 acres NW 1/4 SE 1/4 8.5 acres SW 1/4 SE 1/4 21.6 acres SE 1/4 SE 1/4 Section 9 8.0 acres SW 1/4 NE 1/4

4.2 acres NE 1/4 NW 1/4 19.0 acres NW 1/4 NW 1/4 39.7 acres SW 1/4 NW 1/4 27.0 acres SE 1/4 NW 1/4 0.8 acres NE 1/4 SW 1/4 23.7 acres NW 1/4 SW 1/4 0.2 acres SW 1/4 SW 1/4 Section 10 Township 14 South, Range 9 East, WM

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 262, Volume 1, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on November 9, 1976, approving Transfer Application 3277 and confirms the change in place of use authorized by that transfer.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

And said right shall be subject to all other conditions and limitations contained in said decree. The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the Water Resources Director, affixed

June 7 this date 1983 ne Water Resources Director

5641B

Recorded in State Record of Water Right Certificates, Volume 46 , 1

, page 51564

V ar

### STATE OF OREGON

### COUNTY OF DESCHUTES

PROOF OF APPROPRIATION OF WATER

RECEIVED APR 2 6 1983 WATER RESOURCES DEPT. SALEM, OREGON

Name: Brooks Resources Corporation

Address: 416 Northeast Greenwood, Bend, Oregon 97701

Source of Supply: Indian Ford Creek (aka Swamp Creek)

Permit: T-3277

Tributary of: Sqaw Creek

Amount of Water: 2.61 cubic feet per second of water

Priority Date: 1886

Use: irrigation of 129.8 acres

Location and Point of Diversion: NW 1/4 SE 1/4, Section 9, Township 14 South, Range 9 East, WM; 1380 feet North and 2680 feet East from SW Corner, Section 9

> 3.6 acres NE 1/4 NE 1/4 15.0 acres NW 1/4 NE 1/4 15.1 acres SW 1/4 NE 1/4 13.4 acres NE 1/4 NW 1/4 12.0 acres NW 1/4 NW 1/4 12.8 acres SW 1/4 NW 1/4 12.8 acres SE 1/4 NW 1/4 6.2 acres NE 1/4 SW 1/4 6.2 acres NE 1/4 SW 1/4 6.2 acres SW 1/4 SW 1/4 6.2 acres SE 1/4 SW 1/4 3.2 acres SE 1/4 SW 1/4 8.3 acres NE 1/4 SE 1/4 Section 9 4.2 acres NE 1/4 NW 1/4

10.9 acres NW 1/4 NW 1/4 0.8 acre NE 1/4 SW 1/4 0.2 acre SW 1/4 SW 1/4 Section 10 Township 14 South. Range 9 East, WM

I have read the above and foregoing proof of appropriation of water defining the extent of use of water under the change of place of use approved by the order of the Water Resources Director entered November 9, 1976; I know the contents thereof, and that the facts therein stated are true.

IN	WITNESS WHEREOF,	I	have	hereunto	set	my	hand	this 22	day
	- the -		1905	•					

BROOKS RESOURCES CORPORATION

Jussard

Legal owner of the above described lands

,Vice President

## BEFORE THE WATER RESOURCES DIRECTCE OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION) OF EROOKS RESOURCES CORFORATION FOR THE APPROVAL OF A CHANGE IN PLACE OF USE OF WATER FROM SQUAW (BIG SWAMP) CREEK

ORDER APPROVING TRANSFER NO. 3277

On June 30, 1975, Brooks Resources Corporation filed an application for transfer of water right in the office of the Water Resources Director proposing a change in place of use under an existing right of record from Squaw (Rig Swamp) Creek.

The certificate recorded at Page 262, Volume 1, State Record of Water Right Certificates, in the name of Black Butte Land & Mivestock Company, confirms a right to the use of not to exceed 7.27 cubic feet per second from Squaw Greek for the irrigation of, among other Lands, 17.8 acres in NEL NEL, 4.9 acres in NW1 HE2, 8.0 acres in SW1 HE1, 19.4 acres in SE1 NE1, 11.8 acres in NE1 SE2, 18.0 acres in NW1 SE2, 6.5 acres in SW1 SE1 and 11.4 acres in SE1 SE2 of Section 9; 7.4 acres in NW1 NW1, 0.3 acres in SW1 NW1, 9.0 acres in SE1 NW1, 3.0 acres in NE1 SW1 and 12.3 acres in NW1 SW1 of Section 10, Township 14 South, Range 9 East, W.M., with a date of priority of 1886.

These lands are irrigated from a point of diversion located 1380 feet North and 2130 feet East from the Southwest corner of Section 9, being within the NE<sup>1</sup> SW<sup>1</sup> of Section 9, Township 14 South, Range 9 East, W.M.

The applicant herein, owner of the above described lands, proposes to sever the water right therefrom and, without loss of priority, change the place of use to irrigation of 14.7 acres in NW2 NE2, 12.1 acres in SW2 NE2, 15.4 acres in NE2 NW2, 13.8 acres in NW2 NW2, 14.7 acres in SW2 NW2, 12.1 acres in SE2 NW2, 15.2 acres in NE2 SW2, 11.5 acres in NW2 SW2, 7.1 acres in SW2 SW2 and 4.7 acres in SE2 SW2 of Section 9; 2.2 acres in SW2 NE2 and 6.3 acres in NW2 NW2 of Section 10, Township 14 South, Range 9 East, W.M.

Gibrolten Onion Skin

MILLERS FALLS

Martton JIA

Mr. Bruce Estes, Watermaster of District No. 11, has filed a statement to the effect that the proposed change in place of use may be made without injury to existing rights.

No objection having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in place of use described herein, without loss of priority, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1977.

It is FURTHER ORDERED that, upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, the certificate of water right heretofore issued to Black Butte Land & Idvestock Company and recorded at Page 262, Volume 1, State Record of Water Right Certificates, be canceled, and in lieu thereof a new certificate of water right shall be issued to Brooks Resources Corporation covering the right as modified under the provisions of this order.

Dated at Salem, Oregon, this 9th day of November, 1976.

Gibralton Onion Skin

MILLERS PALLS

MOTTOR IIA

/s/ JAMES E. SEXSON Director

CH	HANGE IN PLACE OF USE	A
024	REPORT ON INSPECTION UNDER TRANSFER OF WATER RIGHT FOR 595-6152- Stable	RECEIVED AUG 12 1981 WATER RESOURCES DEPT SALEM, OREGON
H & C	nsfer No. 3277 Supersting Alder Ale NE Gra	County Deschutes
1.	Wame brooks Resources corporation Address 410 ME Gre	enwood, Bend 97701
2.	Indian Ford Cr. (aka Swamp Creek) ( Fadron Ford-G) Source of Supply - Squaw (Big Swamp) Greek, Trib. of	Squar Creek
3.	Amount of Water c.f. B. 2. 61 cfs Priority Date	1886
4.	Use irrigation of 1295 ac	
5.	Proposed Point of Diversion NW16 SEV4 Sec. 9.	TIAS, R. 9E WM L
	13.80'N & 2680'E from Str can see	

6. Place of Use DATE FOR APPLICATION OF WATER: 10/1/77

ownship	Range	Section	Forty Acre Tract	Use for Which Transfer Made	λ
145	9E	9	NEX NEXA NWA NEA	36 152 V	14.7 acres
14S 14S	9E 9E	9	SWA NEA NEA NWA	15-1	12.1 acres
14S 14S	9E 9E	9	NWA NWA SWA NWA	12 0 1	13.8 acres
14S 14S	9E 9E	9	SEA NWA NEA SWA	84	12.1 acres 15.2 acres
145 145	9E 9E	9	NWA SWA SWA SWA	93121	11.5 acres
145	9E	99	SEA SWA NEHSEA	a log	4.7 acres
145 145	9E 9E	10	SWA NEA NE'A No'A NWA NWA	402 -	2.2 acres 6.3 acres
		10	NE 14 30 14 Swild 300 14	D I I I I I I I I I I I I I I I I I I I	1915
				1298	

7.27 = 729.8 361.5 = 2.61 7 = 2.61

charge in place of use a order of the Water Resources Resources Directe entered Nov 9, 1976 ?

B.R. Photo

RECEIVED ··· · AUG 12 1981 r ## 3277 WATER RESOURCES DEPT SALEM, OREGON Brocks Resource Corp Infos Bob Rickoba, head grounds keeper Sources What appears from the map to be Indian Ford Cr. trib Squaw Cr. Dris Pump from a lake (pond) (wide spot in Cr.) Pump: GE 25 Ap @ 1765 Johnsten Turbines 8"out 2 of them Pipes Buried system through out 6" mains Heads about 400 Thompson 17/2 gam pop-ups, lots of RB 65 1/4 Mr. Rickaba said he has 34 clocks (outo-control) which run 4 big heads at a time each Press: 120 psi, at the pumps 65-70 psi at the heads. Ties Inspection of appl. map for galf course. 1979-P tied to appl. for laws around condo's. Remarks: Mr. Rickaba said he pumps about 500, 000 gol per night (8 his), 5 nights a week 1 1 B 1 The golf course is watered \$ as shown. Now they also water the lawns around the cordo's & Lodge. This was formally done with the domestic system but now 15 done from the golf cource water. The PTS was run at the application map scale. They water from the road to the lakes and cr. The Two ends of irrigation were plane tabled

Note: still need to talk to posture irrigator 5-21-79 about lond south of Creek Javou Blunn Freld Engineer

T#3277 Brooks Resources Corp

...

### RECEIVED

AUG 12 1981 WATER RESOURCES DEPT SALEM, OREGON

Held Engineer

Infoo Gil Ticoulat, Black Butte Stables & Bob Ricobough, Golf Course Supr. Pumps & heads? Some as 5-21-72 report for golf course Remarks? The golf course is pretty much as shown on the application map, except for a few changes in the exact Size of the fairways. There were some major changes in the farrways for #1, 9, 10\$ 18. In addition the area around the tag lodge and some Condo areas are now in cluded. 15 all east of the man creek channel (ditch?) as for downstream as the junction with the outlet of the reservoirs. Then both sides are floded. The land west of the main ever ditch, above the loke outlet is either not watered or is watered from sewer plant efficient. east of the ditch, is too high to be watered, according to Mr. Ticoulot. Tics Linen Overlay's made from photos borrowed from Contury West Engineering. 6-24-80

JUN 3 0 1975 STATE ENGINEER SALEM, OREGON

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### **Application for Transfer of Water Right**

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		416							~					utes				
of			(	Postoffie	ce)		••••••		, Co	unty	of	•••••						
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1	l. The	source	of p	resent	wate	r righ	nt is .			Ind	ian 1	Ford (Nan	Cre	eek eam)			••••••	
2	2. The	use to	whicl	h the	water	is ap	plied	is		Irr	igat: Irrigation	ion ; Minir	g; Powe	r; Manuf	acturing	; etc.)		
3	3. The	name	of the	ditch	, cana	lorp	oipe li	ne is		None	Э							
	of ion			(Section	or subd	ivision)												
5	. List	the nu	mber	of ac	res iri	rigate	d in e	each sr										
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11. Was your water right determined by State Engineer's order of Determination or Decree of Court?

12. Is the water right recorded in your name? .....Black Butte Land and Livestock Co.....

13. I propose to transfer the water right to the following described lands: (Do not answer if your application is for change in point of diversion only.)

Thur	Range	Sec.		N	E 1-4			NW	1-4			SW	1-4			SE	1-4	
Twp.	Range	Sec.	NE!4	NWI	SW14	SE!4	NE!4	NWIA	SWI	SE!4	NE!4	NW!4	SW14	SE14	NE!4	NW!4	SWI	SE!4
14S	9E	9	16.2	16.	822.1	20.6	15.4	13.8	14.7	12.1	15.2	11.5	7.1	4.7	28.2	18_	8.5	21.6
14S	9E	10	ļ	ļ	10.2			14.4	39,7	.27.	 	23.	7					
	ABOVE																	
-SEE	ATTACH	MENT	A	FOR .	DISTI	IG-OF	129	8 AC	INV	DLAEI	IN	CHANC	EIN	PLA	E OF	USE		

#### (Attach separate sheet if necessary)

NOTE: Answer questions 14, 15, 16 and 17, if the application is for change in point of diversion.

14.	The proposed p	oint of diversio	n is located .	(N. or S.)	and ft.	(E. or W.) from	the
corner of .	••••	being within	(Smallest legal st	of Section	Tp.	R	W. M.,
in the cour	nty of		The name of	the ditch to be u	used is		

15. Are you the owner of the land on which the proposed point of diversion is to be located? ......

16. If not the owner of the land on which the proposed point of diversion is to be located, give the name and address of owner and submit evidence of your right-of-way for your proposed ditch, canal, or pipe line.

17. Are there any diversions between your present point of diversion and the proposed point of diver-

sion? .....

NOTE: Answer questions 18 and 19 if application is for change in use or place of use.

18. Are the lands from which you propose to transfer your water right free of all encumbrances, includ-

19. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

20. Reasons for the proposed changes are \_\_\_\_\_ Planned\_unit\_development\_of\_area\_from

primarily argricultural to primarily residential useage.

### AFFIDAVIT OF APPLICANT

STATE OF OREGON, SS. County of ..... Deschutes I, ......Keith R. Battleson , the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief. th 19.75 In Witness Whereof, I have hereunto set my hand this .... day of . BROOKS RESOURCE CORPORATION 19..7.5.. UBLIC FOR OREGON My commission expires June 18, 1978 Remarks

THIS APPLICATION MUST BE ACCOMPANIED BY A MAP SHOWING THE LOCATION OF THE POINT OF DIVERSION, PLACE OF USE AND WORKS UTILIZED UNDER THE PRESENT WATER RIGHT. THE MAP SHOULD ALSO SHOW THE NEW POINT OF DIVERSION OR PLACE OF USE, AS THE CASE MAY BE.

378-8508 or 1-800-452-7813

(message line)

March 8, 1983

James E. Busserd, PE Vice President-Development Brooks Resources Corporation PO Box 6119 Bend, OR 97708

Dear Jim,

**REFERENCE:** File T-3277

I have received your letter of January 10, 1983, to Larry Nunn, our Water Rights Examiner in Bend regarding the transfer of place of use of rights at Black Butte Ranch.

The areas you have outlined in red on the map are of no consequence so far as the transfer is concerned. Transfer 3277 was requested and granted to change the place of use of 129.8 acres of land. The acreages as shown on the final proof survey total the 129.8 acres plus some other parcels indicated. If the areas shown in red on your map need to have water rights identified to them, they would have to be subject to a separate transfer. The maximum limit for this one is, of course, the 129.8 acres. There is some flexibility involved in this permit in Section 10 as noted by open field boundaries and acreages shown in the NW 1/4 NE 1/4 1.4 acres, SW 1/4 NE 1/4 4.8 acres, and 2.8 acres in the NE 1/4 NW 1/4. If there are acreages shown on the map cross-hachured, which you would prefer have deleted from the location as shown and be included in the three fourties indicated, then please let us know so that we can make that adjustment. If this is not a desirable transaction to the transfer, then you should sign the proof of appropriation sent you so that a certificate can be issued identifying the placement of the acreages as indicated in the final proof survey.

I will be glad to help you with anything I can regarding another transfer in order to correct the acreages needed to cover all the land being irrigated in its proper location. There are 231.7 acres of water right in the general location under the 1886 priority which were not involved in the transfer.

Sincerely,

BRUCE A. ESTES, Supervisor Survey/Certificate Section

BAE:wpc cc: Gary Hall

### NOTICE OF COMPLETE APPLICATION OF WATER TO BENEFICIAL USE

I, <u>William L. Smith</u> hereby certify that on <u>December 20</u>, 19<u>76</u>, the water has been applied to the lands to which the water right was transferred by an order of the Water Resources Director dated <u>November 9, 1976</u>, approving an application for a change in place of use of water from <u>Squaw (Big Swamp)</u> <u>Creek</u>

December 21, 1976 Date

Signature

RECEIVED DEC231976 WATER RESOURCES DEPT SALEM, OREGON

#### CENTURY WEST ENGINEERING CORPORATION

CONSULTING ENGINEERS

382.6455

RECEIVED

SEP 1 61976 WATER RESOURCES DEPT SALEM, OREGON

September 13, 1976

Water Resources Department 1178 Chemeketa Street, N. E. Salem, Oregon 97310

RE: Water Rights Transfer for Brooks Resources Corporation Transfer No. 3277 W.O. 451, S.W.R. 448

Dear Mr. Carver:

Attached herewith is Brooks Resources Water Rights Transfer Application No. 3277 and a revised print showing the water useage areas. In answer to your letter of September 10, 1976 I offer the following comments:

1. The original point of diversion will not change.

2. Irrigation water will not be used to maintain the lake levels against evaporation loss. The irrigation water originally allocated will be used for pasture irrigation, and golf course or driving range irrigation as set forth on the Revised Plan Sheet #451-448-1.

3. The waste water distribution area is to be considered the prime irrigation source in the areas designated on Plan Sheet #451-448-1.

I hope the revised application, plans and this letter answer your questions and properly complete the form.

If you have further questions or comments, please give me a call.

Very truly yours,

CENTURY WEST ENGINEERING CORPORATION

Jeff M. Daggett, P. E

JMD:kma enclosures

378-3066

#### September 3, 1976

File Tr-3277

Century West Engineering Corporation P.O. Box 1174 Bend. OR 97701

ATTENTION: Jeff M. Daggett

Dear Mr. Daggett:

On July 30, 1975 we received from you a water right transfer application in the name of Brooks Resources Corporation which was filed under transfer No. 3277, together with your letter of transmittal, a supporting map, legal description, and photographs. Our receipt numbered 48255 is enclosed in acknowledgement of fees in the amount of \$137.80.

The accompanying reservoir application and supporting data will be the subject of a separate letter.

As discussed in our recent telephone conversation, the following points were noted in an examination of the transfer application and supporting data:

- (1) Entries on the application and the accompanying map propose a change in point of diversion. I am not familiar with the features of the system on the ground, however the map indicates that the water is diverted away from its natural channel by man made works located near the south line of the NE½ SW½ of Section 9 and conveyed northerly in a channel through a series of lakes and past the point where the water is to be pumped into a pipeline system. Therefore, there is a question as to whether a change in point of diversion in fact is proposed.
- (2) With reference to item 13 of the application and the map, it is noted that the surface areas of the lake are

included in the areas of use in the change in place of use for the irrigation right. If it is intended to change the use of water for the areas inundated by the lakes to maintenance of the lake levels against evaporation loss, the application should be amended to clearly set this out.

(3) Again in reference to the map if the area identified as being irrigated from reclaimed waste water from the domestic system secondary treatment plant is also receiving water from the stream, you may wish to amend the application to show the area as being irrigated under the water right involved in the transfer and file an application for a water right permit to use the reclaimed waste water as a supplemental supply for the designated area.

For your reference in referring to the data, I am enclosing a print of a portion of a page from the court decree, a portion of a page from the adjudication map, and a copy of the sheet I have prepared to show the various acreages tabulated on the map. If you wish to use a similar tabulation to further clarify item 13 to show the proposed use and place of use of the water right as transferred you may do so.

The application is enclosed so that you can make appropriate corrections.

If you have questions or wish to discuss any of the points, please call me at 378-3066.

Sincerely,

James W. Carver, Jr. Engineer

JWC:cc

