

2526 Donald D. & Dimples  
 (COI) I. Peterman  
 Bend, Ore. 97701

2526

**STATUS OF APPLICATION**

Change in Place of Use  
 Date filed May 18, 1971  
 Date of hearing \_\_\_\_\_  
 Place of hearing \_\_\_\_\_  
 Date of order 6-11-71 Vol. 21, page 132  
 Date for application of water 10-1-72  
 Proof mailed \_\_\_\_\_  
 Proof received \_\_\_\_\_  
 Certificate issued \_\_\_\_\_ Vol. \_\_\_\_\_, page \_\_\_\_\_

**DESCRIPTION OF WATER RIGHT**

Name of stream Deschutes River  
 Trib. of \_\_\_\_\_ County of Deschutes  
 Use Irrigation  
 Quantity of water \_\_\_\_\_ No. of acres 16 51  
 Name of ditch Central Oregon Canal  
 Date of priority 10-31-00 & 12-2-07  
 In name of John S. Reeves  
Deschutes River Adjudication, Vol. 16, page 56  
 App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 29052  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by slw

**FEEES PAID**

Date	Amount	Receipt No.
<u>5-18-71</u>	<u>20.00</u>	<u>23618</u>
TOTAL . . .		
	\$1 Cert. Fee	

**FEEES REFUNDED**

Date	Amount	Check No.

**REMARKS**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
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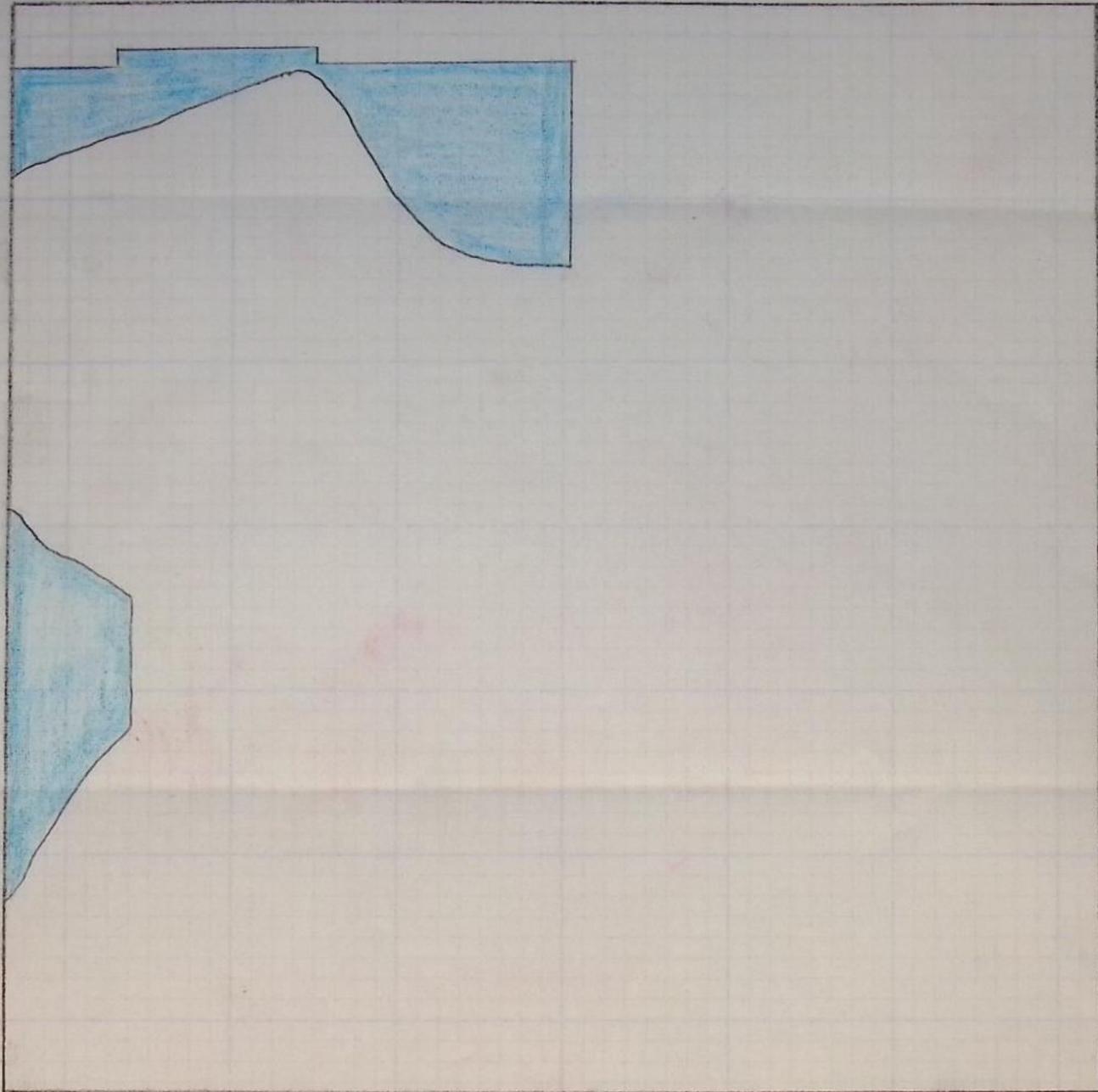
TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
<u>✓</u> Name	<u>slw</u>	_____
<u>✓</u> Stream	<u>slw</u>	_____
<u>✓</u> Pt. of Div.	<u>slw</u>	_____
<u>✓</u> Calendar	<u>slw</u>	_____
CHECKED TO RECORDS:		
<u>✓</u> Twp. & Rge.	<u>slw</u>	_____
<u>✓</u> Decree-vault	<u>slw</u>	_____
<u>✓</u> Decree-safe	<u>slw</u>	_____
<u>✓</u> Cert. of W/R	<u>slw</u>	_____
_____ Per. Folder	_____	_____
_____ Chaindex	_____	_____
_____ Cross Ref.	_____	_____
_____ Power Claim	_____	_____
_____ Abstracts	_____	_____

Sec. 19-17-13

Scale 1"=200'

NE-NE

3.21 Ac. Trans. On



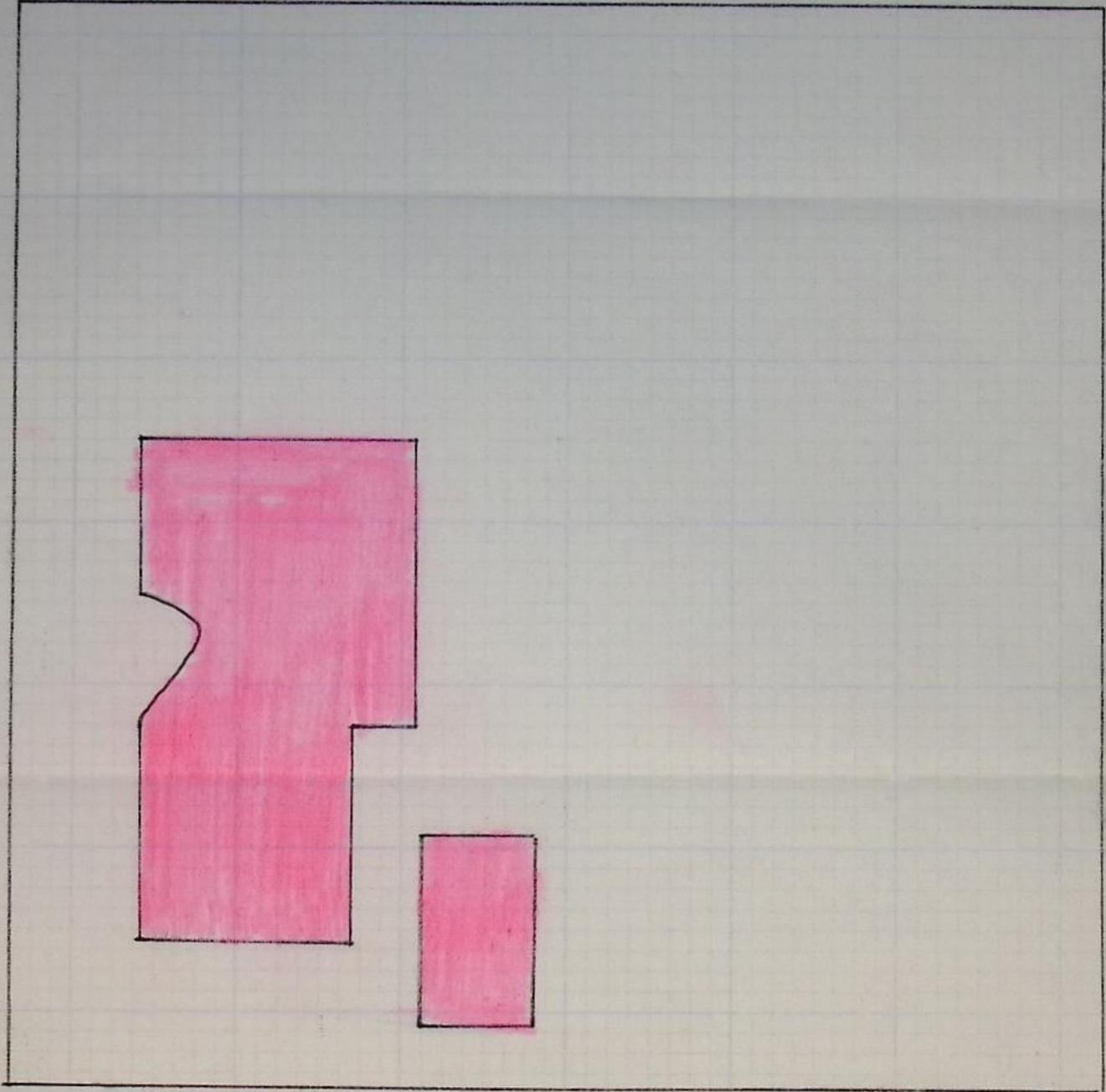
**RECEIVED**  
MAY 18 1971  
STATE ENGINEER  
SALEM, OREGON

SEC. 19-17-13

Scale 1"=200'

NE-NE

6.37 Ac. Trans. OFF

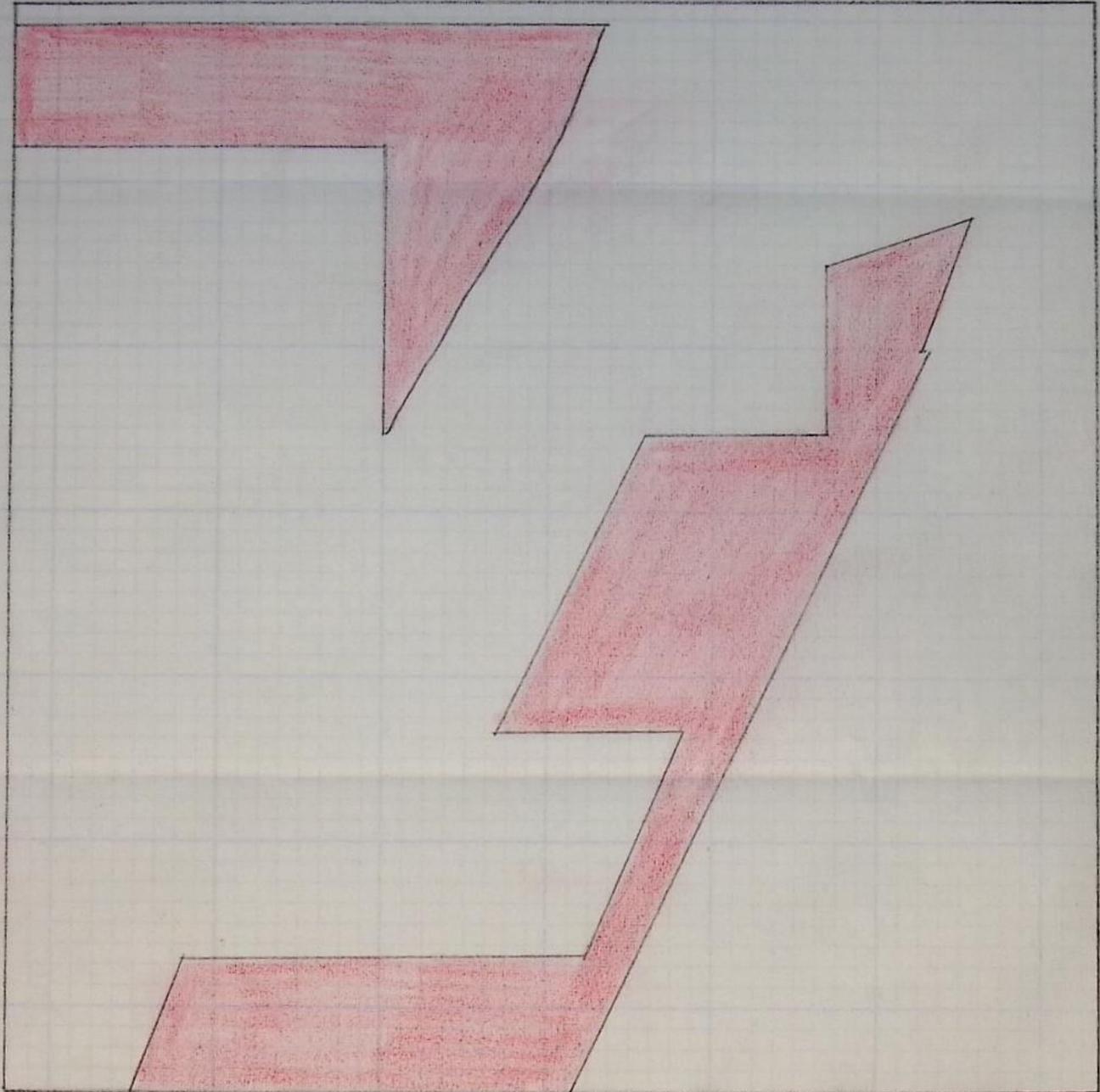


**RECEIVED**  
MAY 18 1971  
STATE ENGINEER  
SALEM, OREGON

Sec. 19-17-13

Scale 1"=200'

NW-NE  
10.14 Ac. Trans. Off



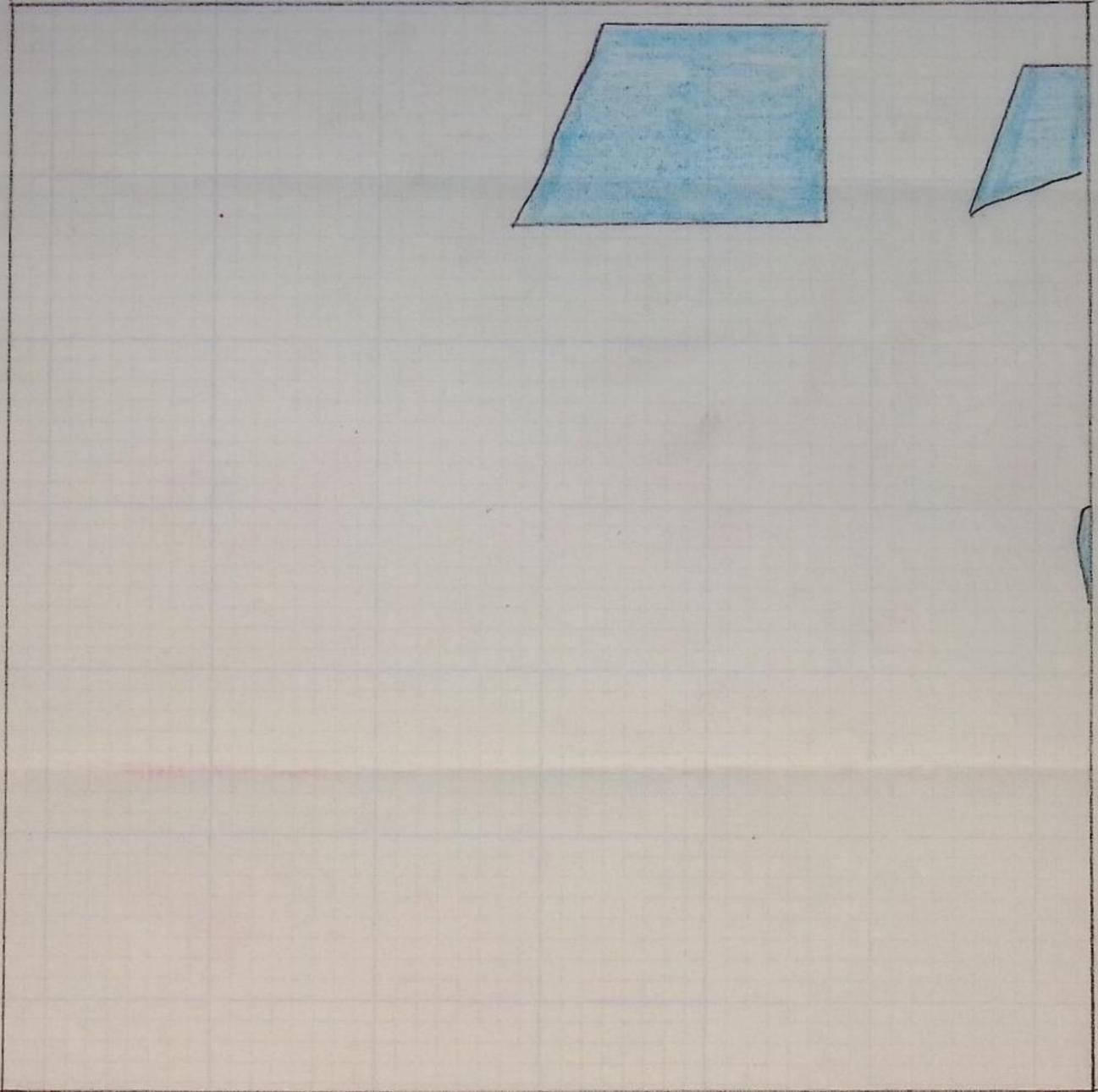
**RECEIVED**  
MAY 18 1971  
STATE ENGINEER  
SALEM, OREGON

Sec. 19-17-13

Scale 1"=200'

NW-NE

1.80 Ac. Trans. On.



# CENTRAL OREGON IRRIGATION DISTRICT

MUNICIPAL CORPORATION OF THE STATE OF OREGON

2598 N. HWY. 97 • P.O. BOX 548

REDMOND, OREGON 97756

PHONE: 548-6047  
FAX: 548-0243

RECEIVED

AUG - 4 1994

WATER RESOURCES DEPARTMENT  
SALEM, OREGON

August 1, 1994

Martha Pagel  
Director Water Resources Department  
555 13th St. N.E.  
Salem, OR 97310

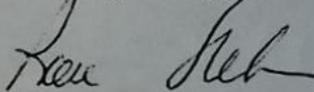
Dear Ms. Pagel:

Enclosed please find a "Water Right Lease Agreement" between the COID and the OWRD. I have also included the support documents.

Please advise us if we have any deficiencies so that we can make changes to subsequent transactions.

Thank you for your assistance in this matter.

Yours Very Truly,



Ron Nelson  
Secretary-Manager

RN:dd  
cc:Bob Maine

WATER RIGHT LEASE AGREEMENT

This LEASE AGREEMENT is made this 29 day of July, 94 between Central Oregon Irrigation District [Lessor(s)] and the Oregon Water Resources Department (Lessee).

I.

- 1.1. Lessor is the holder by lease of water rights appurtenant to T. 18 S., R. 13 E, W.M., Deschutes, County, described in Exhibit A.
- 1.2. The following water right(s) is/are appurtenant to said property:  
Certificate No. 29052, Exhibit B.  
Consolidated Deschutes, Decree, Exhibit D.  
Transfers: 2397, 2526, and 3796.
- 1.3. Pursuant to the provisions of ORS 537.348(2), Lessee desires to lease water to increase the instream flow of the Deschutes River below Bend from mile 165 to mile 120.
- 1.4. The following public uses will be served by the increased instream flow made available under this Lease: enhanced habitat for aquatic life.
- 1.5. Lessor confirms that control of these rights has been acquired by Lessor through a valid lease with Kim and Sally Ward, Exhibit C.

II.

IN CONSIDERATION OF THE MUTUAL COVENANTS CONTAINED HEREIN, THE

PARTIES AGREE AS FOLLOWS:

- 2.1. Lease. Lessor leases to Lessee the following water right for use as an instream water right:  
Certificate No. 29052, Exhibit B.  
Consolidated Deschutes, Decree, Exhibit D.  
Priority Date: October 31, 1900.  
Rate (cfs) : See exhibit E  
Duty (acre-feet/season) : See exhibit E  
Period of Use: 1994 irrigation season.  
Point of Diversion: Central Oregon Canal.  
Place of Use: See exhibit A.

- 2.2. Term. This Lease shall commence upon its execution by the parties and shall continue thereafter for the 1994 irrigation season unless terminated as provided herein.
- 2.3. Termination. Either party may terminate this Lease upon 30-days written notice; provided, however, this Lease may not be terminated during any irrigation season in which the lease is effective during a portion of such season.
- 2.4. Flow Protection. Lessor will not divert or use the water described in Paragraph 2.1 during the Term of this Lease. Neither party is required to measure the flow of the river described in Paragraph 1.3. During the term of this Lease, Lessee will regulate all water rights for use of water from the river described in Paragraph 1.3 according to the relative priority dates of such rights. The water right described in Paragraph 2.1, which is subject to this Lease, will be regulated along with all other rights for use of water from the river described in Paragraph 1.3 in accordance with its relative priority date.
- 2.5. Watermaster Review. The Watermaster for the District where the reach of the river described in Paragraph 1.3 is located shall review this Lease to verify the following:
- 2.5.1 The Lessor is currently entitled to appropriate water under the water right described in Paragraph 2.1.
- 2.5.2. A suitable control device is in place so that use of water under the right described in Paragraph 2.1 may be regulated to insure that said water will not be diverted or otherwise withdrawn from the river described in Paragraph 1.3.
- 2.5.3. Allocation of the water described in paragraph 2.1 during the term of this lease will not cause injury to other rights for use of water form the same source.

Watermaster Kyle Bourn (District 11)

THE UNDERSIGNED LESSOR DECLARES THAT TO THE BEST OF HIS/HER KNOWLEDGE AND BELIEF, THE INFORMATION CONTAINED IN THIS LEASE IS TRUE, CORRECT, AND COMPLETE.

Lessor: Rae Sch  
Manager, Central Oregon Irrigation District

Lessee: Mustafa D. Pugh  
Director, Water Resources Department

# INTEROFFICE MEMO SOUTH CENTRAL REGION

1340 NW WALL STREET, SUITE 100, BEND, OREGON 97701-1939 (503) 388-6669 FAX: (503) 388-5101

DATE: August 8, 1994  
TO: REED MARBUT  
FROM: BOB MAIN  
SUBJ: COID (KIM WARD) LEASE TO OWRD FOR INSTREAM FLOWS,  
DESCHUTES RIVER

I inspected the lands to which this 44.8 acres of COID right is appurtenant in July, 1994. The right appears to have been used during the last five years in accordance with the terms of the right. The pump, delivery pond and mainline were in place, but no irrigation appears to have been done this year.

Use of this right for instream flow purposes from river mile 165 to river mile 120 will not create any distribution problems.

T18S R13E B

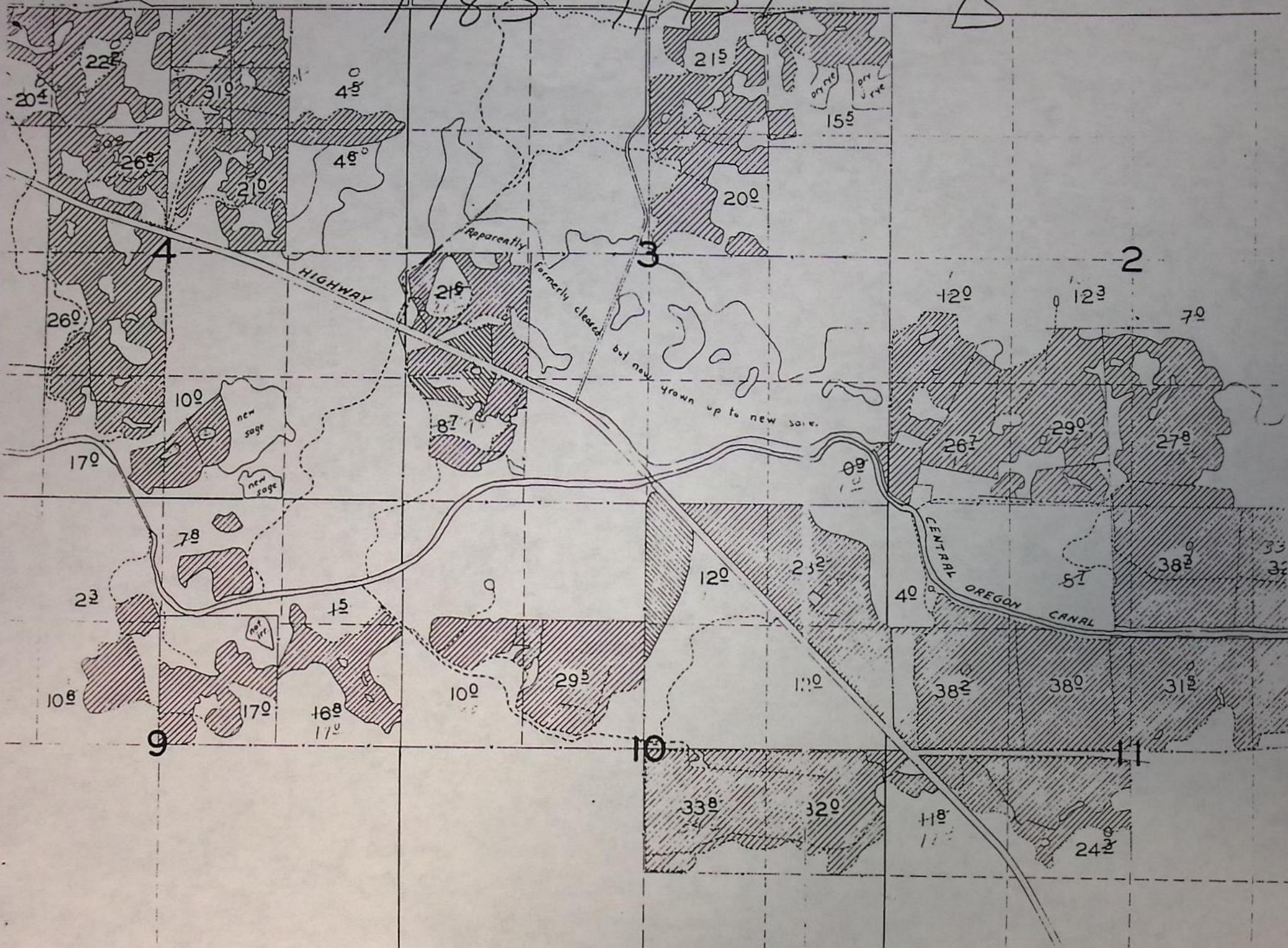


Exhibit A

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** PRINT KEY FROM-W2 BY USER-BARB 07/07/94 14.21.20 **
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CONSOLIDATED REPORT - PAGE 2 - OWNERSHIP P14280
CUSTOMER NUMBER 751140 KIM D WARD & CO.

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S-T-R	SEQ	QTR	LEGAL DESCRIPTION	ACRES	REC
4-18-13	1	SWNE	18-13-04 00 0105 PARCEL 1	11.7000000	1
4-18-13	2	SWNE	18-13-04 00 0105 PARCEL 2	17.0000000	1
4-18-13	3	SENE	18-13-04 00 0105 PARCEL 3	16.3000000	1
TOTAL ACRES FOR CUSTOMER				45.0000000	

HIT ENTER TO ROLL UP CMD KEY 0 - NEW CUST CMD KEY 7 - END JOB

The right-of-record is:

- SWNE 21° decree
- SE NE 4° decree
- SE NE 4<sup>3</sup> N-2397 (V20 p213)
- SE NE 11<sup>5</sup> T2526 (V21 p132)
- SE NE 4° F3796 (V30 p353)

44<sup>8</sup> Total

46<sup>3</sup> LESS THAN DECREE

①

# Exhibit B

Superseded by

Cert. No. \_\_\_\_\_

Trs. Sp. Or. V. 22 p. 33

Tr. Sp. Or. V. 27 p. 148

Tr. 2958

## STATE OF OREGON

COUNTY OF DESCHUTES, CROOK AND JEFFERSON

### CERTIFICATE OF WATER RIGHT

This Is to Certify, That the CENTRAL OREGON IRRIGATION DISTRICT

of Redmond, State of Oregon, has a right to the use of

the waters of Deschutes River

for the purpose of Irrigation, Domestic, Stock and Manufacturing uses.

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Deschutes County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 12, at page 282; that the priority of the right thereby confirmed dates from 16 1 & 390

October 31, 1900 for 985.0 cubic feet per second, and December 2, 1907 for balance allowed by decree.

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 the quantity determined by the duty of water as set by Decree of the Circuit Court for Deschutes County, dated March 24, 1933.

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

#### Central Oregon Irrigation District

NE				NW				SW				SE				Total
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Township 13 South, Range 13 East, W.M.																
3								13.0	1.0	17.0	23.0	34.0			27.0	115.0
4						6.0		4.0	20.0	36.0	16.0					82.0
Township 14 South, Range 12 East, W.M.																
2	12.0		3.0													15.0
6			16.0													16.0
Township 14 South, Range 13 East, W.M.																
3				6.0			10.0	12.0				6.0	23.0	28.0		85.0
4		22.0	24.0	18.0	14.0	7.0	27.0	24.0	25.0	22.0	22.0	15.0	10.0	16.0	22.0	268.0
5		29.5	20.5			5.5		22.0	38.0	33.0	34.0	7.0	4.0	20.0		213.5
5			5.0	11.0	5.0	26.5	27.5	18.0	24.0	20.0	22.0	32.0	35.0	35.0	27.0	288.0
7	36.0	22.0	15.0	37.0		36.0						39.0	20.0		34.0	239.0
3	36.0	36.0	38.0	27.0	34.0	15.0	18.0	30.0	27.0	40.0	36.5	38.0	25.0	15.0	35.0	474.5
9	22.0	22.0	30.0	13.0	23.0	17.0	14.5	20.0	28.0	27.0	29.0	31.0	36.0	8.0	14.0	355.5
0	9.0	9.0	18.0	16.0	34.0	24.0	13.0	22.0	19.0	23.0	23.0	26.0	32.0	26.0	24.0	329.0
L													3.0	6.0	20.0	37.0
3			13.0		27.0	21.0	14.0	25.0	22.0	25.0	28.0			23.0	15.5	213.5
1	26.0	21.0	25.0	28.0	26.0	12.0	38.0	30.0	26.5	24.0	16.0	25.0	28.0	30.0	25.0	380.5
1	25.0	28.0		31.0	20.0	20.0	24.5	20.0	31.0	35.0	30.0	37.0	34.0	35.0	31.0	401.5
1		15.9	21.16		2.3	21.31	12.28	7.63	16.12	8.19	1.6	20.32	30.78	6.46	164.55	114.05
1	38.0	38.0	39.0	39.0	37.0	38.0	39.0	36.0	39.0	28.0		32.0	37.0	39.0	39.0	553.0
1	26.0			33.0									27.0			86.0
1	39.0	39.0	37.0	35.0	29.0	30.0	26.0	17.0	28.5	28.0			35.0	16.5		360.0
1	26.0	36.0	11.0	26.0	21.0	32.0	34.0	20.0	34.0	35.0	19.0	37.0	26.0	12.0	13.5	401.5
1	23.0	28.0	17.0	25.0	32.0	34.0	34.0	20.0	26.0	20.0	34.0	21.0		20.0	33.0	367.0
1	4.0	17.0	14.0	32.15	19.0								4.0		20.0	130.15
1	35.5	21.0	12.0	14.5	35.0	20.0	31.0	28.0	20.0	28.0	30.0	16.35		20.0	26.0	337.35
1	25.0	23.0	16.0	27.0	8.5	36.0	14.5			4.0						154.0
1	27.0	22.5	26.5	27.0				11.0	37.0	13.0	31.0	29.0	25.0	6.0	30.0	307.0
1	6.0	34.0	38.0		31.0		29.0	37.0	34.0	37.0			37.0	19.0	27.0	389.0

② 6.8 Ac. Trsf. Vol. 14, p. 169    ③ 2.2 Trsf. Vol. 14, p. 432    ④ 3.2 Ac. Trsf. Vol. 17, p. 190    ⑤ 4.2 Ac. Trsf. Vol. 17, p. 190  
 ⑥ 5.0 Ac. Trsf. Vol. 17, p. 192    ⑦ 1.0 Ac. Trsf. Vol. 17, p. 234    ⑧ 1.21 p. 130

NE				NW				SW				SE				Total	
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
Township 18 South, Range 13 East, W.M.																	
																16.0	
																105.0	
15.5	21.5	20.0														89.0	
4.0	31.0	21.0	22.0	20.0			27.0	21.0							1.0	177.0	
13.0		27.0		32.0			15.0	28.0	27.0					5.0		196.0	
	5.0	29.0	2.0	33.0	31.0	13.0	6.0							16.0	16.0	119.0	
		17.0	17.0				9.0									43.0	
3.0	17.0		12.0	15.0		10.0	30.0									178.0	
3.0	38.0	31.0	24.0		4.0	38.0	38.0	24.0	12.0				32.0	34.0		242.0	
22.0	14.0	22.0	23.0	23.0	26.0	29.0	26.0	0.5				1.5	29.0	33.0	23.0	15.0	287.0
-----																	
Township 18 South, Range 14 East, W.M.																	
																186.0	
																219.0	
20.0	25.0	18.0														108.0	
																108.0	
																108.0	
-----																	
															Total Acres	44,528.96	

Equivalent acres of water right for uses other than irrigation:

- 2.0 ac in SE $\frac{1}{4}$ SW $\frac{1}{4}$  for domestic ✓  
Section 16  
T. 14 S., R. 13 E., W.M.
- ①-ch. pl. of 160-Vol. 14, p. 59 8.0 ac in NW $\frac{1}{4}$ SW $\frac{1}{4}$  for manufacturing ✓
- 12.0 ac in SW $\frac{1}{4}$ SW $\frac{1}{4}$  for manufacturing ✓  
Section 10
- ch. use - V167 364 → 448.3 ac within corporate limits of  
City of Redmond for municipal ✓  
Sections 9, 10 and 15 ✓
- 3.0 ac in SE $\frac{1}{4}$ SE $\frac{1}{4}$  for domestic ✓  
Section 31  
T. 15 S., R. 13 E., W.M.
- 1.0 ac in SW $\frac{1}{4}$ SW $\frac{1}{4}$  for domestic ← chg use Vol 27 p. 311 (T-3109)  
Section 22  
T. 15 S., R. 14 E., W.M.
- 1.0 ac in NW $\frac{1}{4}$ SW $\frac{1}{4}$  for stock ✓  
Section 5
- 1.0 ac in NW $\frac{1}{4}$ NW $\frac{1}{4}$  for stock ✓  
Section 27  
T. 15 S., R. 15 E., W.M.
- 1.0 ac in SE $\frac{1}{4}$ SW $\frac{1}{4}$  for domestic ✓  
Section 26
- T. 16 S., R. 12 E., W.M.
- 2.0 ac in SE $\frac{1}{4}$ SW $\frac{1}{4}$  for domestic ✓  
Section 23
- 2.0 ac in NE $\frac{1}{4}$ NW $\frac{1}{4}$  for stock ✓
- 1.0 ac in SE $\frac{1}{4}$ SW $\frac{1}{4}$  for stock ✓  
Section 25
- 1.0 ac in NE $\frac{1}{4}$ NW $\frac{1}{4}$  for domestic ✓  
Section 26
- 1.0 ac in NW $\frac{1}{4}$ NE $\frac{1}{4}$  for domestic ✓  
Section 28  
T. 17 S., R. 14 E., W.M.
- 1.0 ac in NE $\frac{1}{4}$ NE $\frac{1}{4}$  for domestic ✓  
Section 8
- T. 18 S., R. 12 E., W.M.
- 2.0 ac in NE $\frac{1}{4}$ NE $\frac{1}{4}$  for stock ✓  
Section 18  
T. 18 S., R. 14 E., W.M.

Totals: Domestic	12.0
Stock	7.0
Manufacturing	20.0
Municipal	448.3
	487.30
Grand Total	45,016.26

98°

WATER RIGHT LEASE AGREEMENT

THIS LEASE AGREEMENT is made this 28 day of JUNE, 1994, between KIM and SALLY WARD, hereinafter referred to as "Lessor" and the CENTRAL OREGON IRRIGATION DISTRICT, a municipality of the State of Oregon, hereinafter referred to as "COID".

RECITALS:

A. Lessor is the owner of that certain real property described in Exhibit "A", attached hereto and by this reference incorporated herein, which is included within the Central Oregon Irrigation District boundaries.

B. Lessor has a water right appurtenant to said real property.

C. Lessor has agreed to lease to COID for the term set forth in this Agreement the water right appurtenant to the real property described above, to increase the in-stream flow of the Deschutes River below the North Canal Dam in Bend, Oregon, pursuant to the provisions of ORS 537.348(2).

D. The increased in-stream flow will be beneficial to water quality and fish habitat below the Bend Diversion Dam during the irrigation season.

NOW, THEREFORE, in consideration of the mutual covenants herein, the parties hereby agree as follows:

AGREEMENT:

1. The recitals set forth above are hereby made part of this agreement.

2. Lessor hereby leases to COID the water rights which are appurtenant to the real property described in Exhibit "A", which water rights are described as follows:

PLACE OF USE: Section 4, Township 18, Range 13

45 ACRES

POINT OF DIVERSION: COC @ BEND, OREGON

3. TERM: The term of this lease shall commence on 1/1/94 and shall continue for a period of 1 year unless terminated as provided herein.

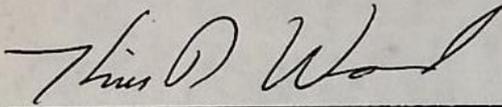
4. TERMINATION: Either party may terminate this Agreement upon 30 days prior written notice; provided, however, this Agreement may not be terminated during any irrigation season in which the Agreement is in effect during a portion of such season.

5. DIVERSION: Lessor understands and agrees that COID will not deliver the water rights as described above to Lessor's land during the term of this Agreement.

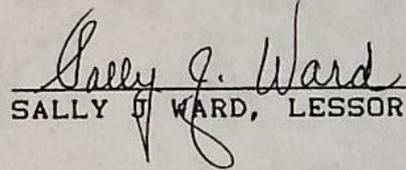
6. ASSIGNMENT: Lessor hereby grants to COID the right to assign the terms of this Agreement to Oregon Water Resources Department in order to provide in-stream uses to any party that COID shall reasonably believe will be of assistance in increasing the in-stream flow of the Deschutes River below the Bend Diversion Dam in Bend, Oregon.

7. REVIEW: This Agreement is contingent upon COID confirming that the Lessor is currently in title to the water rights described above.

8. O & M CHARGES: The Lessor shall continue to be responsible for the operation and maintenance charges and base rate charge applicable to the water rights described above, which payment shall be due at such time as those are billed by COID.

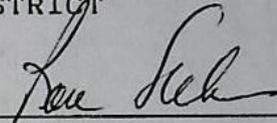


KIM D. WARD, LESSOR



SALLY J. WARD, LESSOR

CENTRAL OREGON IRRIGATION  
DISTRICT

By 

6-30-94

Bill McGreer

44.0

21.0 acres in the NE 1/4 NE 1/4,  
3.0 acres in the SW 1/4 SE 1/4,  
20.0 acres in the SE 1/4 SE 1/4,  
Section 33,  
T. 17 S., R. 13 E., W.M.

Mina May Wiley

20.0

TRANSF 3.0 VOL 31 p 74 3.0130 p 341

20.0 acres in the NW 1/4 NE 1/4,  
Section 33,  
T. 17 S., R. 13 E., W.M.

Doc Holly

156.0

22.0 acres in the NE 1/4 SW 1/4,  
23.0 acres in the SE 1/4 SW 1/4,  
Section 33,  
T. 17 S., R. 13 E., W.M.,  
4.0 acres in the NE 1/4 NE 1/4,  
31.0 acres in the NW 1/4 NE 1/4,  
21.0 acres in the SW 1/4 NE 1/4,  
4.0 acres in the SE 1/4 NE 1/4,  
20.0 acres in the SE 1/4 NW 1/4,  
11.0 acres in the NE 1/4 SW 1/4,  
10.0 acres in the SE 1/4 SW 1/4,  
10.0 acres in the SW 1/4 SE 1/4,  
Section 4,  
T. 18 S., R. 13 E., W.M.

54.00 34  
1.000 0 ac. 5189

42 55..

1.34 1231 p 565 - -

+ 5.0 ac Trst Sp. Or. Vol. 14 p. 169

Robert Swenson

8.0

8.0 acres in the SW 1/4 SW 1/4,  
Section 34,  
T. 17 S., R. 13 E., W.M.

5.0 ac Trst Sp. Or. Vol. 20 p. 62 - SE SW  
1.0 ac Trst Sp. Or. Vol. 20 p. 62 - SW SE

E. M. Davis

48.0

20.0 acres in the SE 1/4 SW 1/4,  
28.0 acres in the SW 1/4 SE 1/4,  
Section 34,  
T. 17 S., R. 13 E., W.M.

1.0 ac Trst Sp. Or. Vol. 12 p. 52  
10.0 ac Trst Sp. Or. Vol. 12 p. 451

Jack Shumway

102.0

10.0 acres in the NE 1/4 SW 1/4,  
38.0 acres in the NW 1/4 SW 1/4,  
38.0 acres in the SW 1/4 SW 1/4,  
16.0 acres in the SE 1/4 SW 1/4,  
Section 2,  
T. 17 S., R. 14 E., W.M.

See also under:  
Sections 20, 21, 27, 28, and 34, T. 16 S.,  
R. 14 E., W.M.  
Sections 13 and 14, T. 17 S., R. 14 E., W.M.

Harold Miller

73.0

36.0 acres in the NE 1/4 SE 1/4,  
37.0 acres in the SE 1/4 SE 1/4,  
Section 3,  
T. 17 S., R. 14 E., W.M.

D. F. Ross

118.0

1231 p 147 0.4

23.0 acres in the NE 1/4 NE 1/4,  
25.0 acres in the SE 1/4 NE 1/4,  
27.0 acres in the NE 1/4 SE 1/4,  
26.0 acres in the SE 1/4 SE 1/4,  
Section 10,  
17.0 acres in the SW 1/4 SW 1/4,  
Section 11,  
T. 17 S., R. 14 E., W.M.

Jack Shumway

117.0

26.0 acres in the SW 1/4 NW 1/4,  
31.0 acres in the NW 1/4 SW 1/4,  
Section 13,  
26.0 acres in the NE 1/4 NE 1/4,  
34.0 acres in the SE 1/4 NE 1/4,  
Section 14,  
T. 17 S., R. 14 E., W.M.

See also under:  
Sections 20, 21, 27, 28, and 34, T. 16 S.,  
R. 14 E., W.M.  
Section 2, T. 17 S., R. 14 E., W.M.

61  
60

Deschutes Co

EXHIBIT E  
RATE AND DUTY

The irrigation season in the Deschutes basin is April 1 to October 31.

The Deschutes Decree allows, for 45 acres, a diversion rate as follows:

April 1-30	0.56 cfs
May 1-14	0.75 cfs
May 15-Sept 14	1.38 cfs
Sept 15-Sept 30	0.75 cfs
Oct 1-31	0.56 cfs

and a total diversion of 444 acre feet. Of this amount of water, the Court assumed that 45 % would be lost in transmission. Thus, the Court intended that a maximum of 5.4 acre feet per acre would be delivered. The actual delivery rate of COID, due to conservation efforts and a short water supply, is 4 acre feet per acre, or 179 acre feet for 44.8 acres. The average irrigation season is 180 days. Since transmission losses constitute a right held by the district, not the landowner, the amount of water available for leasing, averaged over the irrigation season, is 1 acre foot per day, or 0.5 cfs. Therefore, it is the intent of this lease that the flow of the Deschutes River below Bend be increased by 0.5 cfs for the 1994 irrigation season, to be effective the date of signing of this lease by the Director of the Oregon Water Resources Department.

NOTE: The Central Oregon Irrigation District HB-3111 petition notes 45.0 acres of right on these lands. The right-of-record is 44.8 acres. To avoid complications, this agreement shall provide for instream flow the amount of water allowed for 44.8 acres.

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION )  
OF DONALD D. AND DIMPLES I. )  
PETERMAN (CENTRAL OREGON IRRI- )  
GATION DISTRICT) FOR THE APPROVAL )  
OF A CHANGE IN PLACE OF USE OF )  
WATER FROM DESCHUTES RIVER )  
-----

ORDER APPROVING  
TRANSFER NO. 2526

On May 18, 1971, Donald D. and Dimples I. Peterman filed an application in the office of the State Engineer for the approval of a change in place of use of water from Deschutes River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Deschutes County, Oregon, entered September 30, 1958, In the Matter of the Determination of the Relative Rights to the Use of the Waters of the Deschutes River and its Tributaries, a water right was established in the name of Central Oregon Irrigation District for the use of the waters of Deschutes River for the irrigation of, among other lands, 6.37 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$  and 10.14 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 19, Township 17 South, Range 13 East, W.M., with dates of priority of October 31, 1900, and December 2, 1907, being tabulated in the name of John S. Reeves as evidenced by certificate of water right recorded at page 29052, Volume 21, State Record of Water Right Certificates. These lands also have a supplemental right under permit No. 23256 to the use of the water stored in Crane Prairie Reservoir with a date of priority of February 28, 1913.

The applicants herein, owners of the lands above described, propose to transfer the water right therefrom, without loss of priority, to 3.21 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , 1.80 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 19, Township 17 South, Range 13 East, W.M. and 11.5 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 4, Township 18 South, Range 13 East, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason that said section provides notice is not required on an application for a change in place of use of water.

The lands involved herein are within the boundaries of the Central Oregon Irrigation District and the Board of Directors of said District approved the proposed change in place of use of water at a regular meeting held April 7, 1971.

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

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water is approved and the water right hereinbefore described as appurtenant to 6.37 acres in NE¼ NE¼ and 10.14 acres in NW¼ NE¼, Section 19, Township 17 South, Range 13 East, W.M., with dates of priority of October 31, 1900, and December 2, 1907, be severed therefrom and simultaneously and without loss of priority transferred to 3.21 acres in NE¼ NE¼, 1.80 acres in NW¼ NE¼, Section 19, Township 17 South, Range 13 East, W.M. and 11.5 acres in SE¼ NE¼, Section 4, Township 18 South, Range 13 East, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1972.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer of complete application of water to beneficial use on the lands to which the water is transferred hereby, certificate of water right shall be issued to Central Oregon Irrigation District at the time certificate is issued to the District confirming other transfers within the District.

Dated at Salem, Oregon, this 11<sup>th</sup> day of June, 1971.

/s/ CHRIS L. WHEELER  
State Engineer

**RECEIVED**  
MAY 18 1971  
STATE ENGINEER  
SALEM, OREGON

## Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Donald D Peterman & Dimples I Peterman, husband & wife  
(Name of applicant)

of Bend (Postoffice), County of Deschutes,

State of Oregon, do hereby make application for change

place of use  
(In point of diversion; place of use; use heretofore made of the water)

1. The source of present water right is Deschutes River  
(Name of stream)

2. The use to which the water is applied is irrigation  
(Irrigation; Mining; Power; Manufacturing; etc.)

3. The name of the ditch, canal or pipe line is Central Oregon Canal

4. The point of diversion is located \_\_\_\_\_ ft. \_\_\_\_\_ and \_\_\_\_\_ ft. \_\_\_\_\_ from the \_\_\_\_\_  
(N. or S.) (E. or W.)

corner of \_\_\_\_\_ being within the \_\_\_\_\_  
(Section or subdivision)

of Section \_\_\_\_\_ Tp. \_\_\_\_\_ R. \_\_\_\_\_ W. M., in the County of \_\_\_\_\_  
(No. N. or S.) (No. E. or W.)

5. List the number of acres irrigated in each smallest legal subdivision (40-acre tract) involved in this transfer. If for any other use, indicate place of use.

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$
17	13	19	6.37	10.14														

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.

(Attach separate sheet if necessary)

6. Are you the legal owner of the above described lands? Yes  
(If not owner, explain your interest)

7. Has water been used beneficially for the purposes indicated herein during the past 5 years? Yes

8. What is the date of priority of your water right? Oct. 31, 1900 & Dec. 2, 1907

9. Was your water right acquired by State Engineer's Permit? No If so, give number  
(Yes or No)

of permit \_\_\_\_\_

10. Do you hold a water right certificate? No If so, give number of certificate 29052  
(Yes or No)

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?

Yes If so, give title of proceedings Adjudication of Deschutes River  
(Yes or No)

12. Is the water right recorded in your name? John S. Reeves - page 56 of decree  
(If not, give name)

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.)

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$
17	13	19	3.21	1.80														
18	13	4				11.5												

(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 point of diversion is located ..... ft. ..... and ..... ft. .... from the .....  
(N. or S.) (E. or W.)  
 corner of ..... being within the ..... of Section ..... Tp. .... R. .... W. M.,  
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)  
 in the county of ..... The name of the ditch to be 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 diversion? .....

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, including taxes, mortgages, liens, etc.? Yes  
(Answer Yes or No)

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

20. Reasons for the proposed changes are More beneficial use

.....  
 .....  
 .....

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

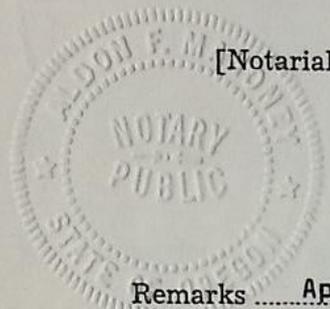
County of Deschutes } ss.

I, Donald D. Peterman + Douglas J. Peterman, 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.

In Witness Whereof, I have hereunto set my hand this 2 day of April, 1971.

Donald D. Peterman  
Douglas J. Peterman  
(Name of applicant)

Subscribed and sworn to before me this 2 day of April, 1971.



[Notarial Seal]

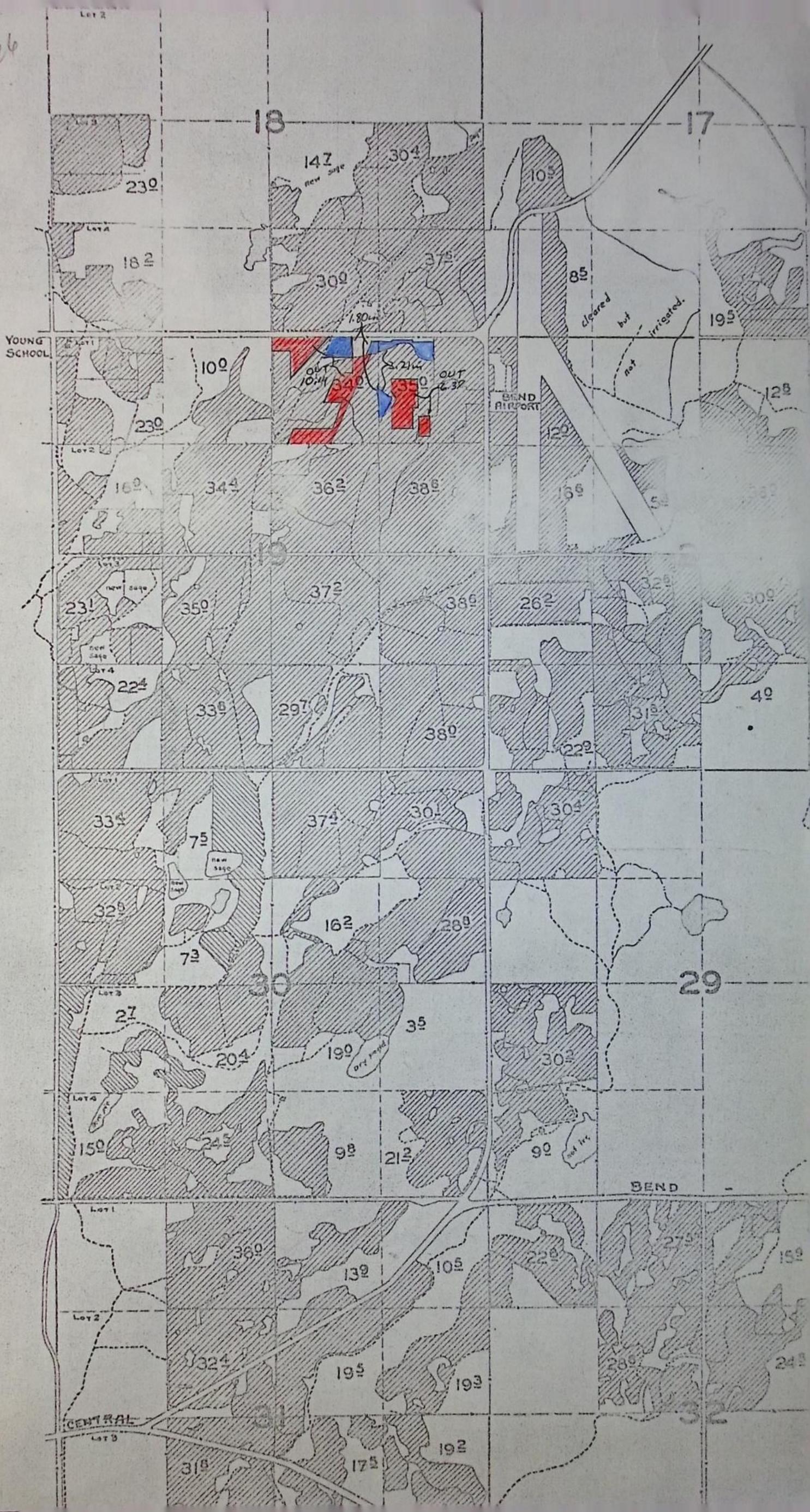
Aldeo J. Mahoney  
NOTARY PUBLIC FOR OREGON

My commission expires 11-3-72

Remarks Approved by the Board of Directors of the Central Oregon Irrigation District at regular meeting held April 7, 1971.

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.

2526



YOUNG SCHOOL

BEND AIRPORT

BEND

CENTRAL

18

17

19

29

30

32

Lot 2

Lot 3

Lot 4

Lot 1

Lot 2

Lot 3

Lot 4

Lot 1

Lot 2

Lot 3

Lot 4

Lot 1

Lot 2

Lot 3

147

304

230

182

309

375

105

85

195

100

230

340

350

128

169

344

362

386

129

166

231

350

372

386

262

328

309

224

338

297

380

229

318

40

334

75

374

301

304

328

73

162

289

29

27

204

190

35

302

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212

90

BEND

369

139

105

228

275

159

324

195

193

285

248

CENTRAL

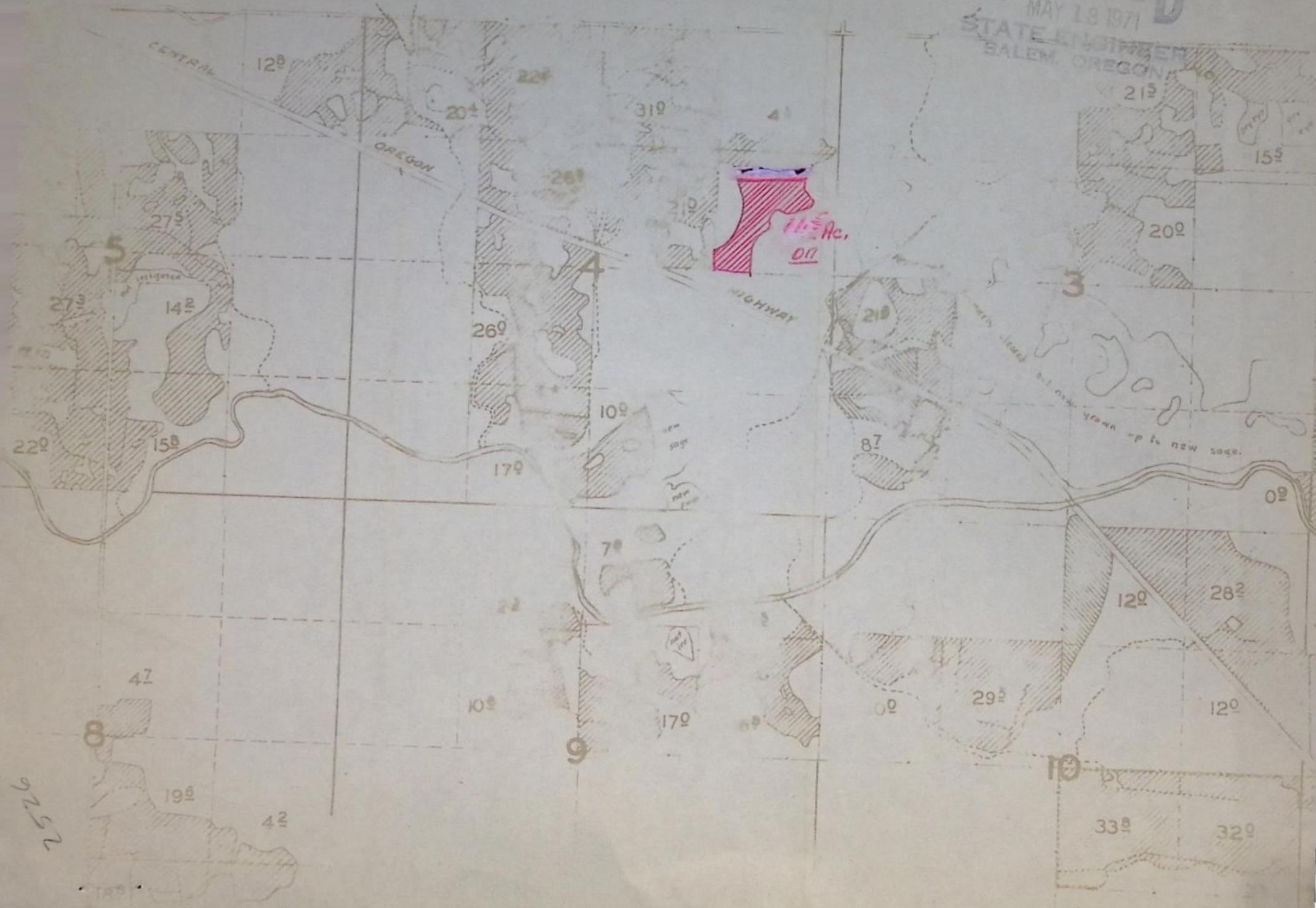
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RECEIVED  
MAY 18 1971  
STATE ENGINEER  
SALEM, OREGON



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