

Name Horace C. & Velda G. Fennell

By C. O. I. D.

Address _____

Change in POU

Date filed Sept. 23, 1977

Date of hearing _____

Place of hearing _____

Date of order 1-27-78 Vol. 30, page 353

Date for application of water 10-1-79 EXT 10-1-80

Proof mailed _____

Proof received _____

Certificate issued _____ Vol. _____, page _____

DESCRIPTION OF WATER RIGHT

Name of stream Deschutes River

Trib. of _____ County of Deschutes

Use Irr.

Quantity of water _____ No. of acres 4

Name of ditch Central Oregon Canal

Date of priority _____

In name of Roe Holly

Deschutes Adjudication, Vol. 16, page 61

App. No. _____ Per. No. _____ Cert. No. 29052

Certificate cancelled _____

Notation made on record by _____

FEEES PAID

Date	Amount	Receipt No.
<u>9-23-77</u>	<u>\$ 30⁰⁰</u>	<u>64058</u>
TOTAL . . .		
	Cert. Fee	

FEEES REFUNDED

Date	Amount	Check No.

Survey 10/80

Surveyed 9/12/84

REMARKS

W.R. I. S.	
Assembled	<u>625-85</u> by <u>SKA</u>
Entered	_____ by _____
Verified	_____ by _____

TO BE ENTERED WHEN CHECKED	INDEX CARDS:	Entered	Checked
	<input checked="" type="checkbox"/> Name	<u>lej</u>	_____
	<input checked="" type="checkbox"/> Stream	<u>lej</u>	_____
	<input checked="" type="checkbox"/> Pt. of Div.	_____	_____
	<input checked="" type="checkbox"/> Calendar	<u>lej</u>	_____
	CHECKED TO RECORDS:		
	<input checked="" type="checkbox"/> Twp. & Rng.	<u>lej</u>	_____
	<input checked="" type="checkbox"/> Decree-ent.	_____	<u>lej</u>
	<input checked="" type="checkbox"/> Decree-adj.	<u>lej</u>	_____
	<input checked="" type="checkbox"/> Cert. of W/R	<u>lej</u>	_____
<input type="checkbox"/> Part. Power	_____	_____	
<input type="checkbox"/> Chundex	_____	_____	
<input type="checkbox"/> Cross Ref.	_____	_____	
<input type="checkbox"/> Power Claim	_____	_____	
<input checked="" type="checkbox"/> Abstracts	<u>lej</u>	_____	

46³ Less THAN Decree

Exhibit B

Superseded by

Cert. No. _____

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

Tr. 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	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Total	
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
6				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
8	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	24.0	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	21.0	355.5	
10	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	11.0	329.0	
11														3.0	6.0	20.0	8.0	37.0
12				13.0		27.0	21.0	14.0	25.0	22.0	25.0	28.0			23.0	15.5	213.5	
13	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	
14	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	
15				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
16	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	35.0	553.0
17	26.0			33.0										27.0				86.0
18	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
19	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	19.0	401.5	
20	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	
21	4.0	17.0	14.0	32.15	19.0								4.0		20.0	20.0	130.15	
22	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	
23	25.0	23.0	16.0	27.0	8.5	36.0	14.5			4.0							154.0	
24	27.0	22.5	26.5	27.0				11.0	37.0	13.0	31.0	29.0	25.0	6.0	30.0	22.0	307.0	
25	6.0	34.0	38.0		31.0	29.0	37.0	34.0	37.0				37.0	19.0	27.0	31.0	29.0	389.0

164.05

② 6.9 Ac. Trsf. Vol. 14, p. 169 ③ 2.2 Trsf. Vol. 16 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.																
Sec. 4																
① 16.0																
12.0 12.0 27.0 29.0																
25.0																
⑦ 1.0																
15.5	21.5	20.0														16.0
4.0	31.0	27.0	22.0	20.0			27.0	21.0			22.0				5.0	105.0
13.0		27.0		32.0			15.0	28.0	27.0		22.0			16.0	16.0	89.0
	5.0	29.0	③ 2.0	33.0	31.0	13.0	6.0									177.0
	17.0	17.0					9.0									196.0
3.0	17.0		12.0	15.0		10.0	30.0					32.0	34.0			119.0
3.0	38.0	31.0	24.0		4.0	38.0	38.0	24.0	12.0						⑦ 1.0	43.0
22.0	14.0	22.0	23.0	23.0	① 26.0	29.0	26.0	0.5			1.5	29.0	33.0	23.0	15.0	178.0

Township 18 South, Range 14 East, W.M.																
20.0 25.0 18.0																
34.0 24.0 26.0 39.0																
26.5 28.0 21.0 13.5																
37.0 32.0 37.0 24.0																
31.0																
29.0 38.0																
① 24.0																

Total Acres 44,528.96																

Equivalent acres of water right for uses other than irrigation:

- 2.0 ac in SE 1/4 SW 1/4 for domestic ✓
Section 16
T. 14 S., R. 13 E., W.M.
- ①-ch. pl. of Use - Vol. 14, p. 59
- 8.0 ac in NW 1/4 SW 1/4 for manufacturing ✓
- 12.0 ac in SW 1/4 SW 1/4 for manufacturing ✓
Section 10
- ch. use - V 16 p 364 → 448.3 ac within corporate limits of
City of Redmond for municipal ✓
Sections 9, 10 and 15 ✓
- 3.0 ac in SE 1/4 SE 1/4 for domestic ✓
Section 31
T. 15 S., R. 13 E., W.M.
- 1.0 ac in SW 1/4 SW 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 1/4 SW 1/4 for stock ✓
Section 5
- 1.0 ac in NW 1/4 NW 1/4 for stock ✓
Section 27
T. 15 S., R. 15 E., W.M.
- 1.0 ac in SE 1/4 SW 1/4 for domestic ✓
Section 26
T. 16 S., R. 12 E., W.M.
- 2.0 ac in SE 1/4 SW 1/4 for domestic ✓
Section 23
- 2.0 ac in NE 1/4 NW 1/4 for stock ✓
- 1.0 ac in SE 1/4 SW 1/4 for stock ✓
Section 25
- 1.0 ac in NE 1/4 NW 1/4 for domestic ✓
Section 26
- 1.0 ac in NW 1/4 NE 1/4 for domestic ✓
Section 28
T. 17 S., R. 14 E., W.M.
- 1.0 ac in NE 1/4 NE 1/4 for domestic ✓
Section 8
T. 18 S., R. 12 E., W.M.
- 2.0 ac in NE 1/4 NE 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
	<u>487.30</u>
Grand Total	45,016.26

98.0

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 10, 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.

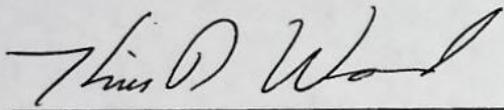
4. TERMINATION: Either party may terminate this Agreement upon 30 days prior written notice; provided, however, this Agreement may not be terminated during any irrigation season in which the Agreement is in effect during a portion of such season.

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.

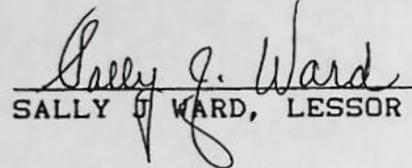
6. ASSIGNMENT: Lessor hereby grants to COID the right to assign the terms of this Agreement to Oregon Water Resources Department in order to provide in-stream uses to any party that COID shall reasonably believe will be of assistance in increasing the in-stream flow of the Deschutes River below the Bend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

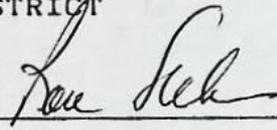


KIM D. WARD, LESSOR



SALLY J. WARD, LESSOR

CENTRAL OREGON IRRIGATION
DISTRICT

By 

6-30-94

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DESCHUTES COUNTY

IN THE MATTER OF THE APPLICATION OF)
HORACE C. & VELDA G. FENNEL (CENTRAL)
OREGON IRRIGATION DISTRICT) FOR AP-)
PROVAL OF A CHANGE IN PLACE OF USE)
OF WATER FROM DESCHUTES RIVER)

ORDER APPROVING
TRANSFER NO. 3796

On September 23, 1977, Horace C. and Velda G. Fennell filed an application in the office of the Water Resources Director 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 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, 4.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 4, Township 18 South, Range 13 East, W.M., being tabulated in the name of Roe Holly, with dates of priority of October 31, 1900 and December 2, 1907, 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. These lands are irrigated by means of the Central Oregon Canal.

The applicants herein, owners of the lands above described, propose to transfer the water right therefrom, without loss of priority, to 4.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 4, Township 18 South, Range 13 East, W.M.

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 May 4, 1977.

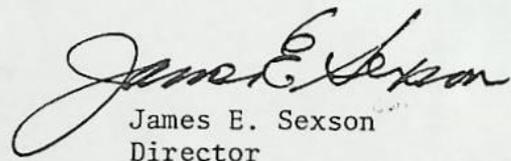
No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

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, 1979.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the Water Resources Director of complete application of water to beneficial use on the lands to which water is transferred hereby, a certificate of water right will be issued to the Central Oregon Irrigation District confirming this and prior changes within the District.

Dated at Salem, Oregon, this 27th day of January, 1978.


James E. Sexson
Director