

3477

STATUS OF APPLICATION

Change in place of use and point of diversion
 Date filed 9-23-76
 Date of hearing 12-2-76
 Place of hearing Bend
 Date of order 2-4-77 Vol. 28, page 288

Date for application of water 70-1-78-10-1-79

Proof mailed JUN 13 1981

Proof received _____

Certificate issued NOV 28 1977 37, page 44934

Sept 15, 1978
DEC 3 1981

39
44

46380
50360

7-23-81 A
to survey 12/79

REMARKS

DESCRIPTION OF WATER RIGHT

Name of stream Deschutes R.

Trib. of _____ County of Deschutes

Use irrigation

Quantity of water _____ No. of acres _____

Name of ditch _____

Date of priority _____

In name of _____

Adjudication, Vol. 9, page 506

App. No. _____ Per. No. _____ Cert. No. 33007

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
9-23-76	45.00	56149
9-23-76	PEN. 45.00	56149
TOTAL . . .		
2-8-77	46 Cert. Fee	57997

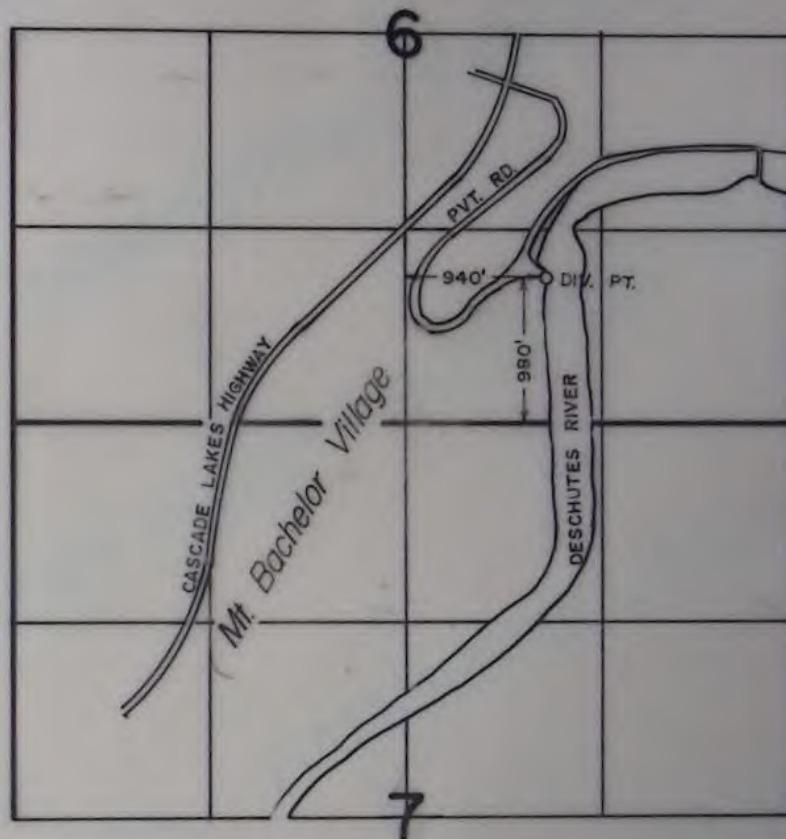
Paid The Bulletin \$ 37.62
 Ch. #952 11/16/76
FEES REFUNDED

Date	Amount	Check No.
11-10-76	7.38	951

Fees Ex 20-
 PDR 15-
 PDR 10-
45.00 OK

INDEX CARDS:	Entered	Checked
WA Name	<input checked="" type="checkbox"/>	<input type="checkbox"/>
WA Stream	<input checked="" type="checkbox"/>	<input type="checkbox"/>
WA Pt. of Div.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
WA Calendar	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CHECKED TO RECORDS:		
WA Twp. & Rge.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
WA Decree-vault	<input checked="" type="checkbox"/>	<input type="checkbox"/>
WA Decree-safe	<input checked="" type="checkbox"/>	<input type="checkbox"/>
WA Cert. of W/R	<input checked="" type="checkbox"/>	<input type="checkbox"/>
WA Per. Folder	<input type="checkbox"/>	<input type="checkbox"/>
WA Chnindex	<input type="checkbox"/>	<input type="checkbox"/>
WA Cross Ref.	<input type="checkbox"/>	<input type="checkbox"/>
WA Power Claim	<input type="checkbox"/>	<input type="checkbox"/>
WA Abstracts	<input checked="" type="checkbox"/>	<input type="checkbox"/>

T.18S. R.12E. W.M.



POINT OF DIVERSION
FINAL PROOF SURVEY
UNDER

TRANSFER NO. 3477

Application No. Permit No.
IN NAME OF

.....**BROOKS RESOURCES CORP.**.....

Surveyed MAY...5.... 1981.., by L.H. NUNN.....

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application)	ORDER APPROVING A TRANSFER,
T-9294 for a change in character of use and)	PARTIAL CANCELLATION, AND
place of use, partial cancellation of a water)	AWARD OF MITIGATION CREDITS
right, and Preliminary and Final Award of)	
Mitigation Credits -- Deschutes County,)	
Oregon)	

AUTHORITY

ORS 540.505 to 540.580 and ORS 537.348 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. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications. OAR Chapter 690, Division 077 provides additional criteria for evaluating transfers to instream water rights.

ORS 540.621 provides: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Commission that the water right has been abandoned by the owner and that the owner desires cancellation thereof, the Commission shall enter an order canceling the water right."

OAR 690-521-0100 to 690-521-0600 establishes the process in which anyone may submit a ground water mitigation project to the Department for the purpose of establishing mitigation credits in the Deschutes Ground Water Study Area.

Pursuant to OAR 690-521-0400 (2), any mitigation credits awarded to a mitigation project are valid until used to fulfill a mitigation obligation of a ground water use in the Deschutes Ground Water Study Area. Valid mitigation credits may be assigned by any person or recognized mitigation bank to any person or other mitigation bank. Mitigation credits are used when a person submits to the Department documentary evidence that valid credits have been obtained and assigned to satisfy a mitigation obligation.

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2).

Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-008, you may either petition for judicial review or petition the Director for reconsideration of this order.

FINDINGS OF FACT

Instream Transfer

1. Mount Bachelor Village Corporation filed an application to transfer the place of use and character of use under Certificate 50360. Mount Bachelor Village Corporation is the owner of the lands or authorized agent for the applicant.
2. The transfer application was received December 13, 2002 and included the required fees. The Department assigned the transfer application number T-9294.
3. Certificate 50360 allows the use of the Deschutes River, tributary to the Columbia River for irrigation of 14.05 acres. The maximum amount of water to which the right is entitled is 0.35 cubic foot per second (cfs) of continuous flow and 148.6 acre-feet (ac-ft) per season. The date of priority of the right is October 10, 1903. The authorized point of diversion is in the SW¼ SE¼, Section 6, T 18 S, R 12 E, W.M.; 980 feet north and 940 feet east of the S¼ corner of Section 6. The authorized place of use is as follows:

Township		Range		Meridian	Section	QQ	Acres
18	S	12	E	W.M.	6	SESW	5.82
18	S	12	E	W.M.	6	SWSE	0.3
18	S	12	E	W.M.	7	NENW	7.11
18	S	12	E	W.M.	7	SENW	0.82

4. Application T-9294 involves changing the character of use and place of use to instream use for fisheries enhancement in the Deschutes River. The reach is from SW¼ SE¼, Section 6, T 18 S, R 12 E, W.M.; 980 feet north and 940 feet east of the S¼ corner of Section 6 to Lake Billy Chinook.
5. The applicant proposes to replace a portion of the instream water right from the Deschutes River, evidenced by Certificate 59777, during the irrigation season from April 1 to November 1 of each year.
6. Notice of this application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
7. Water has been used under the right within the last five years and no evidence has been submitted that would demonstrate that the right is subject to forfeiture under ORS 540.610.
8. A diversion structure, ditch, pump, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
9. The proposed change will not result in enlargement of the right.

10. The proposed change will not result in injury to other water rights.
11. The amount of the proposed instream flow and the timing of the proposed instream flow is allowable within the limits and use of the original water right.
12. The proposed reaches are appropriate, considering;
 - a. The instream water right begins at the recorded point of diversion;
 - b. The location of confluences with other streams downstream of the point of diversion; and,
 - c. There are no known areas of natural loss of streamflow to the river bed.
 - d. Any return flows resulting from the exercise of the existing water right would re-enter the river downstream of the instream water right reach.
13. By replacing a portion of Certificate 59777, the instream right will provide additional protection for streamflows previously identified as necessary to support aquatic life and minimize pollution.

Preliminary Award of Deschutes Basin Mitigation Credits

14. Mt. Bachelor Village Corporation has requested this instream transfer application be used to establish mitigation credits in the Deschutes Ground Water Study Area.
15. The Department assigned this mitigation credit project number MP-1.
16. The Department provided notice of the mitigation credit project pursuant to OAR 690-521-0300 (6). Comments were received from WaterWatch of Oregon.
17. The Department consulted with representatives from Oregon Department of Fish and Wildlife, Oregon Department of Environmental Quality, Oregon State Parks and Recreation Department, Oregon Division of State Lands, the Oregon Department of Agriculture, and the Department's Watermaster pursuant to OAR 690-521-0300 (7) and OAR 690-505-0630 (2).
18. No changes were made to the instream transfer as a result of comments received or consultation with the above named agencies.
19. This mitigation project will provide 22.9 acre-feet of mitigation water. Therefore, 22.9 mitigation credits may be awarded to this mitigation credit project and assigned to Mt. Bachelor Village Corporation. The mitigation credits may be used to mitigate for ground water permit applications and existing conditioned ground water permits and certificates, providing mitigation pursuant to the Deschutes Ground Water Mitigation Rules, OAR Chapter 690, Division 505, within the **Middle Deschutes and General zones of impact**.

20. The Department shall award final mitigation credits upon completion of the approved project by the applicant and verification by the Department that the project is complete. The issuance of the certificate for the proposed instream water right shall result in completion of the project and verification that the project is complete.

Partial Cancellation of Certificate 50360

21. An affidavit was received from Mount Bachelor Village, owners of certain lands and the appurtenant water right, certifying that a portion of the water right has been abandoned and requesting cancellation of that portion of the water right.
22. The portion that has been abandoned is described by Certificate 50360, State Record of Water Right Certificates. The date of priority is October 10, 1903. The water use was for irrigation of 6.85 acres from the Deschutes River, a tributary of the Columbia River. The amount of water used was 0.17 cubic foot per second.
23. The abandoned portion of the water right is located as follows:

Township		Range		Meridian	Section	QQ	Acres
18	S	12	E	W.M.	6	SESW	0.38
18	S	12	E	W.M.	7	NENW	5.59
18	S	12	E	W.M.	7	SENW	0.88

CONCLUSIONS OF LAW

The proposed changes in character of use and place of use in application T-9294 are consistent with the requirements of ORS 540.505 to 540.580, ORS 537.348, OAR 690-380-5000, and OAR 690-077-0075 and are approved.

This mitigation project results in mitigation credits pursuant to ORS 537.746 and OAR 690-521-0300 and 690-521-0400.

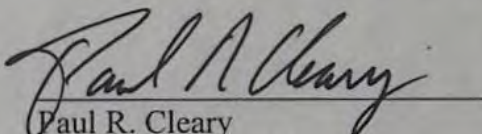
ORDER

It is hereby ORDERED:

1. The proposed change shall effective upon issuance of this order.
2. This instream water right shall replace a portion of the existing instream water right from the Deschutes River, evidenced by Certificate 59777, during the irrigation season from April 1 to November 1 of each year.
3. The former place of use shall no longer be irrigated as a part of this water right.

4. An instream flow of 0.35 cubic foot per second will be maintained during the period from April 1 to November 1 of each year in the Deschutes River, a tributary of the Columbia River from the authorized point of diversion, SW¼ SE¼, Section 6, T 18 S, R 12 E, W.M.; 980 feet north and 940 feet east of the S¼ corner of Section 6, to Lake Billy Chinook. The priority date is October 10, 1903.
5. The abandoned portion of the water right evidenced by Certificate 50360 requested to be canceled is hereby canceled.
6. Certificate 50360 is canceled. A new certificate confirming this water right will be issued.
7. **Final Award of Deschutes Basin Mitigation Credits:** Issuance of the attached instream water right certificate results in completion of the project and verification by the Department that the project is complete. Therefore, mitigation Credits, in the amount of 22.9 credits, described herein are awarded to this mitigation project and assigned to Mt. Bachelor Village Corporation. Mitigation Credits may be used to satisfy a mitigation obligation of a ground water permit applicant and/or ground water permit/certificate holder in the Middle Deschutes Zone of Impact and/or General Zone of Impact.
8. Mitigation credits are valid until used to satisfy a mitigation obligation of a ground water permit applicant and/or ground water permit/certificate holder within the Deschutes Ground Water Study Area pursuant to the Deschutes Ground Water Mitigation Rules. Mitigation credits are used when a person submits to the Department documentary evidence that valid credits have been obtained and assigned to satisfy a mitigation obligation.

Dated at Salem, Oregon this 8th day of August, 2003.


Paul R. Cleary
Director

Requests for reconsideration should be addressed to the attention of: Juno Trump, Enforcement Manager

Requests for reconsideration deadline: October 7, 2003

STATE OF OREGON
COUNTY OF DESCHUTES
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

STATE OF OREGON
WATER RESOURCES DEPARTMENT

confirms the right to use the waters of the DESCHUTES RIVER, a tributary of the COLUMBIA RIVER, to maintain instream flows for FISHERIES ENHANCEMENT.

This right was confirmed by decree of the Circuit Court of the State of Oregon for DESCHUTES County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 9, at Page 362. The date of priority is OCTOBER 10, 1903.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.35 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source, during the period FROM APRIL 1 TO NOVEMBER 1 of each year.

The authorized point of diversion is located as follows:

SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 6, T 18 S, R 12 E, W.M.; 980 FEET NORTH AND 940 FEET EAST FROM THE S $\frac{1}{4}$ CORNER, SECTION 6.

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

From the authorized point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 6, T 18 S, R 12 E, W.M.; 980 FEET NORTH AND 940 FEET EAST FROM THE S $\frac{1}{4}$ CORNER, SECTION 6, to LAKE BILLY CHINOOK.

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within 60 days of the date of service.

This instream right shall replace a portion of the existing instream rights for the DESCHUTES RIVER, evidenced by CERTIFICATE 59777, during the irrigation season each year, FROM APRIL 1 TO NOVEMBER 1 OF EACH YEAR.

This certificate is issued to confirm a change in use and place of use approved by an order of the Water Resources Director approving Transfer 9294, and supersedes Certificate 50360, State Record of Water Right Certificates.

The right to the use of the water for the above purpose is restricted to beneficial use in the place of use described and is subject to all other conditions and limitations contained in said decree.

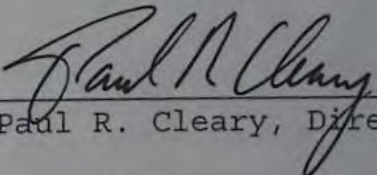
Mitigation Credit Award

Mitigation Project: MP-1
 Mitigation Credits Awarded: 22.9
 Zone of Impact: Mitigation credits may be used to satisfy a mitigation obligation within the Middle Deschutes Zone of Impact and/or General Zone of Impact

This instream water right certificate is a ground water mitigation project and may be used to satisfy a mitigation obligation of a ground water permit application(s) and/or a ground water permit(s)/certificate(s) within the Deschutes Ground Water Study Area pursuant to the Deschutes Ground Water Mitigation Rules.

Mitigation credits are valid until used to satisfy a mitigation obligation of a ground water permit applicant and/or ground water permit/certificate holder.

WITNESS the signature of the Water Resources Director,
 affixed 8/8/03.


 Paul R. Cleary, Director

Recorded in State Record of Water Right Certificates numbered 80400.



WBX

SCALE NORTH
1" = 100'

T-3477

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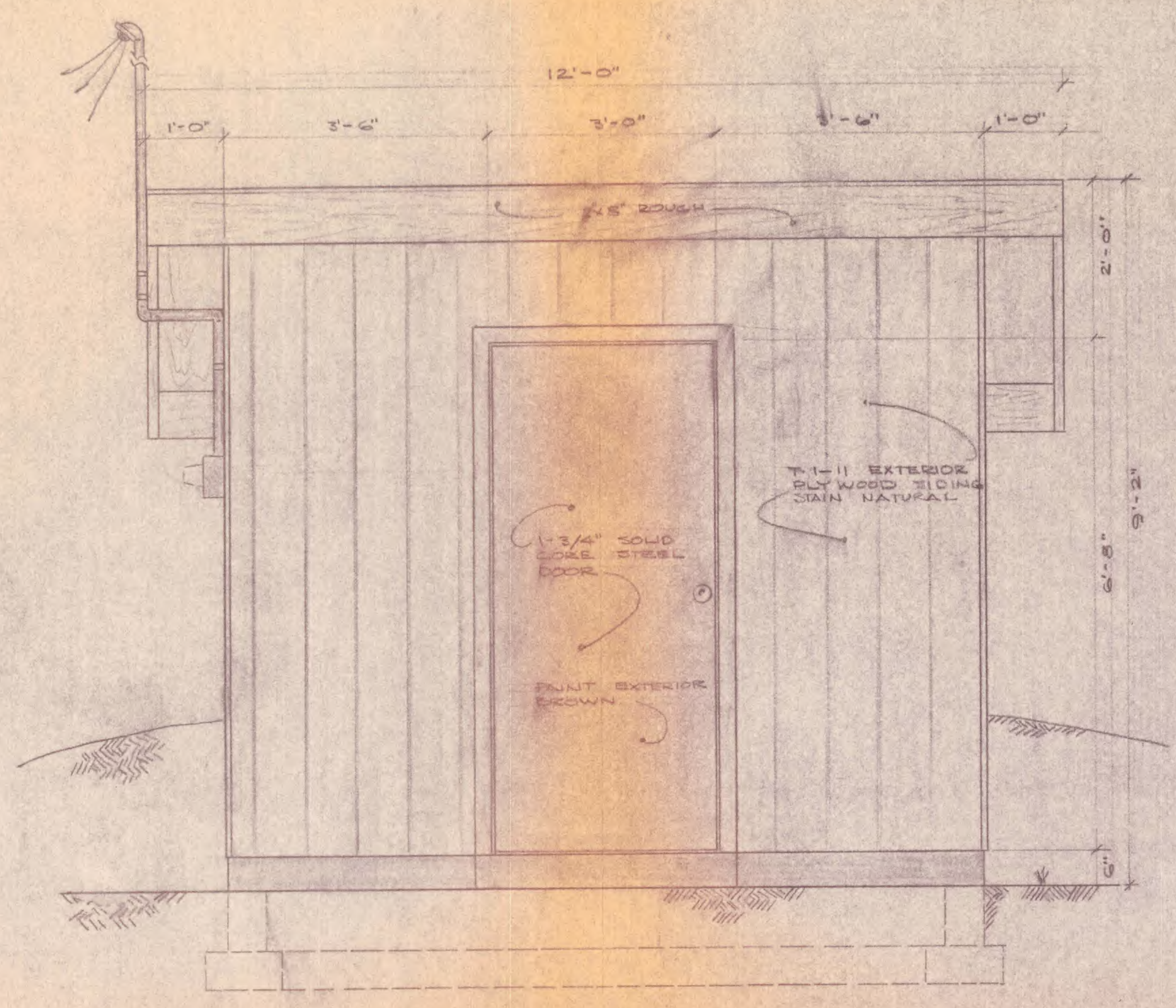
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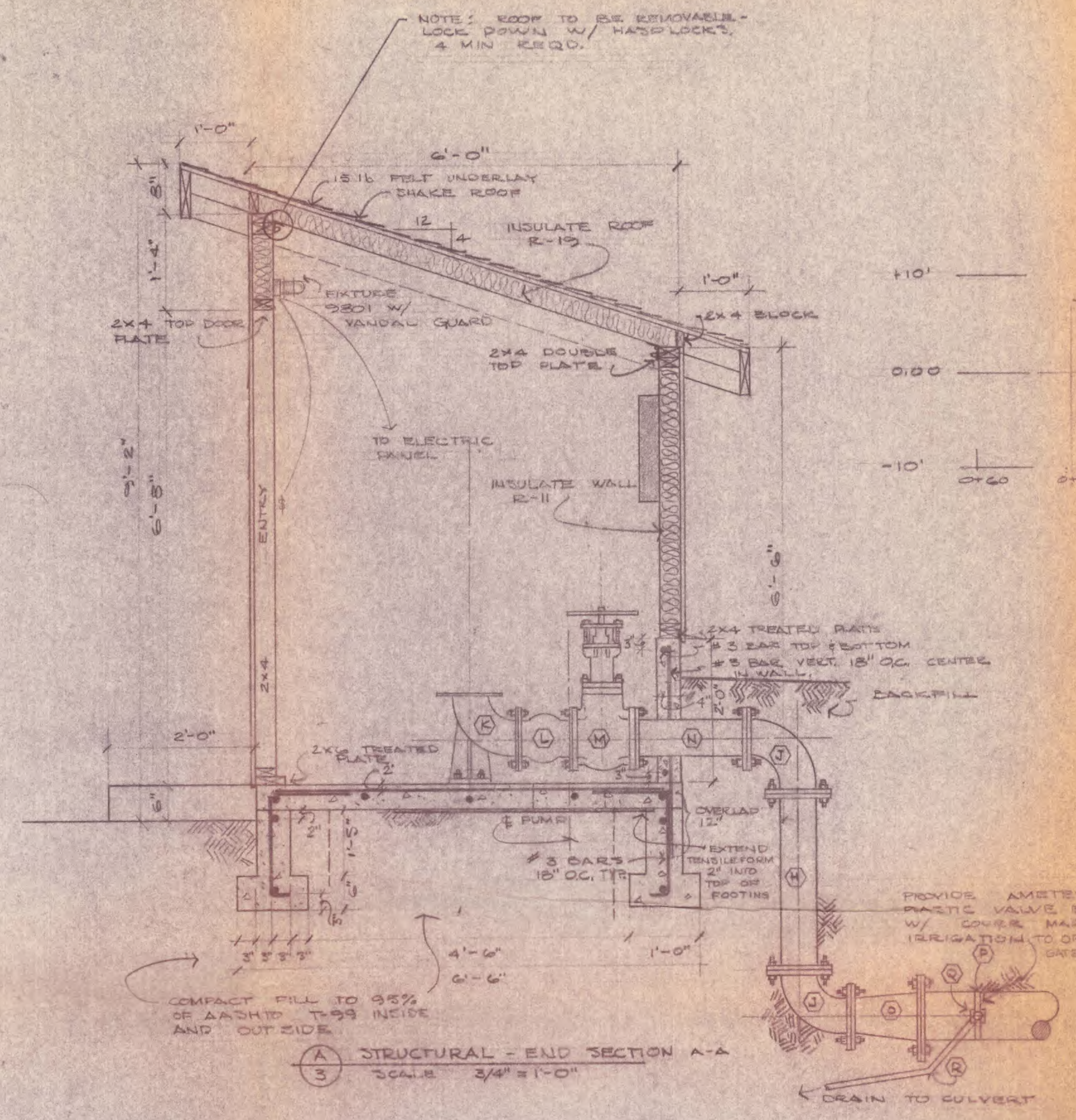
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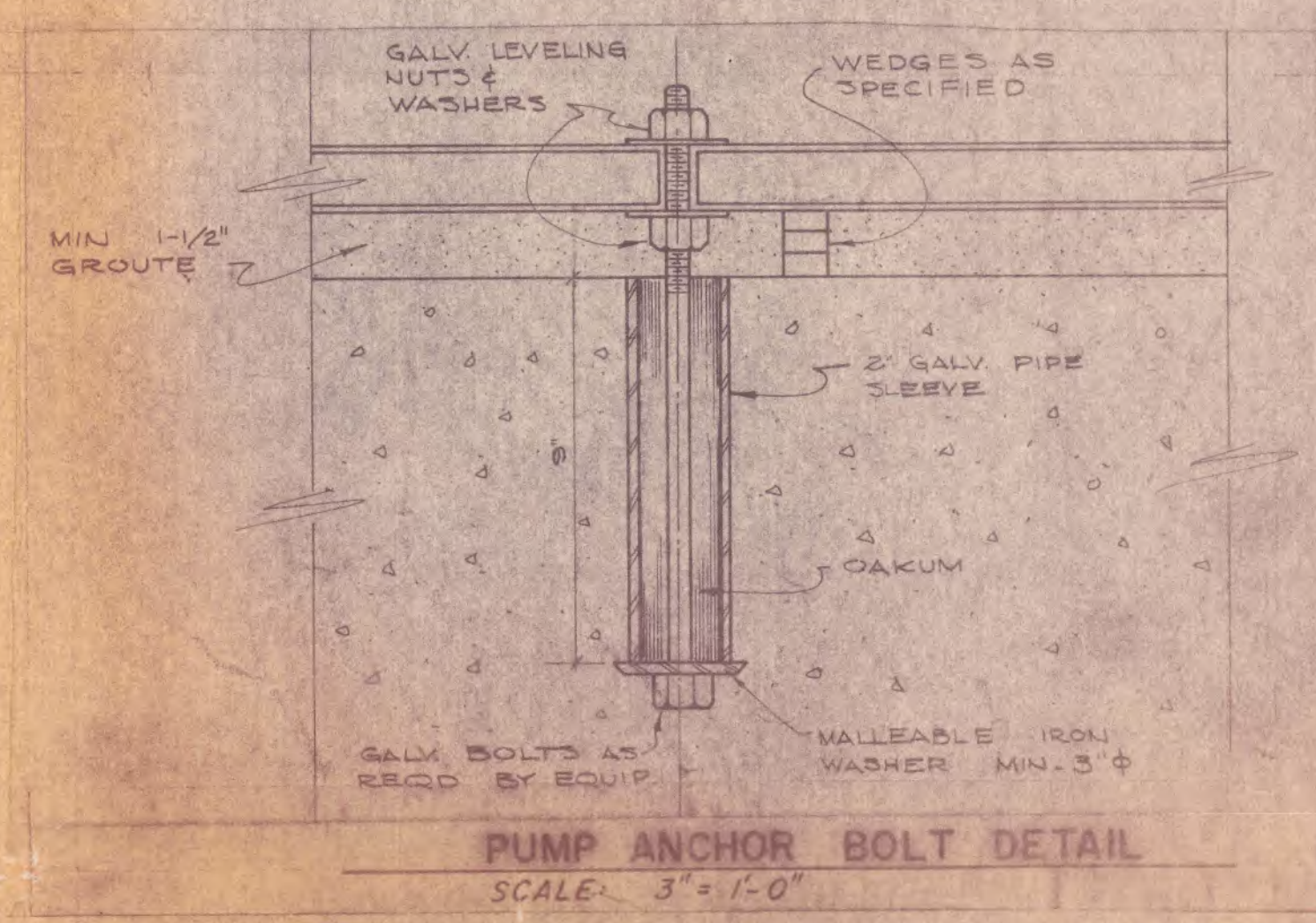
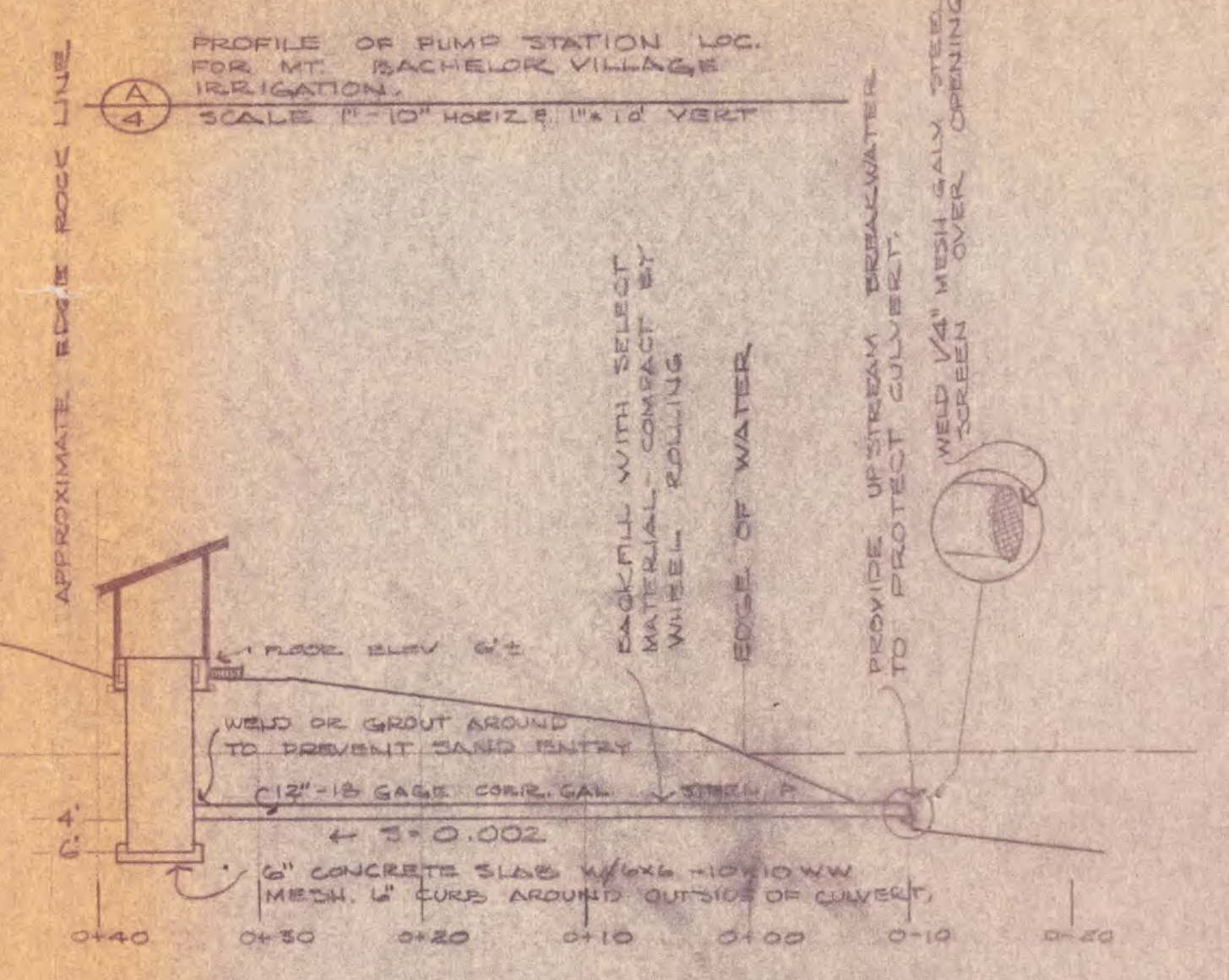
-15.2



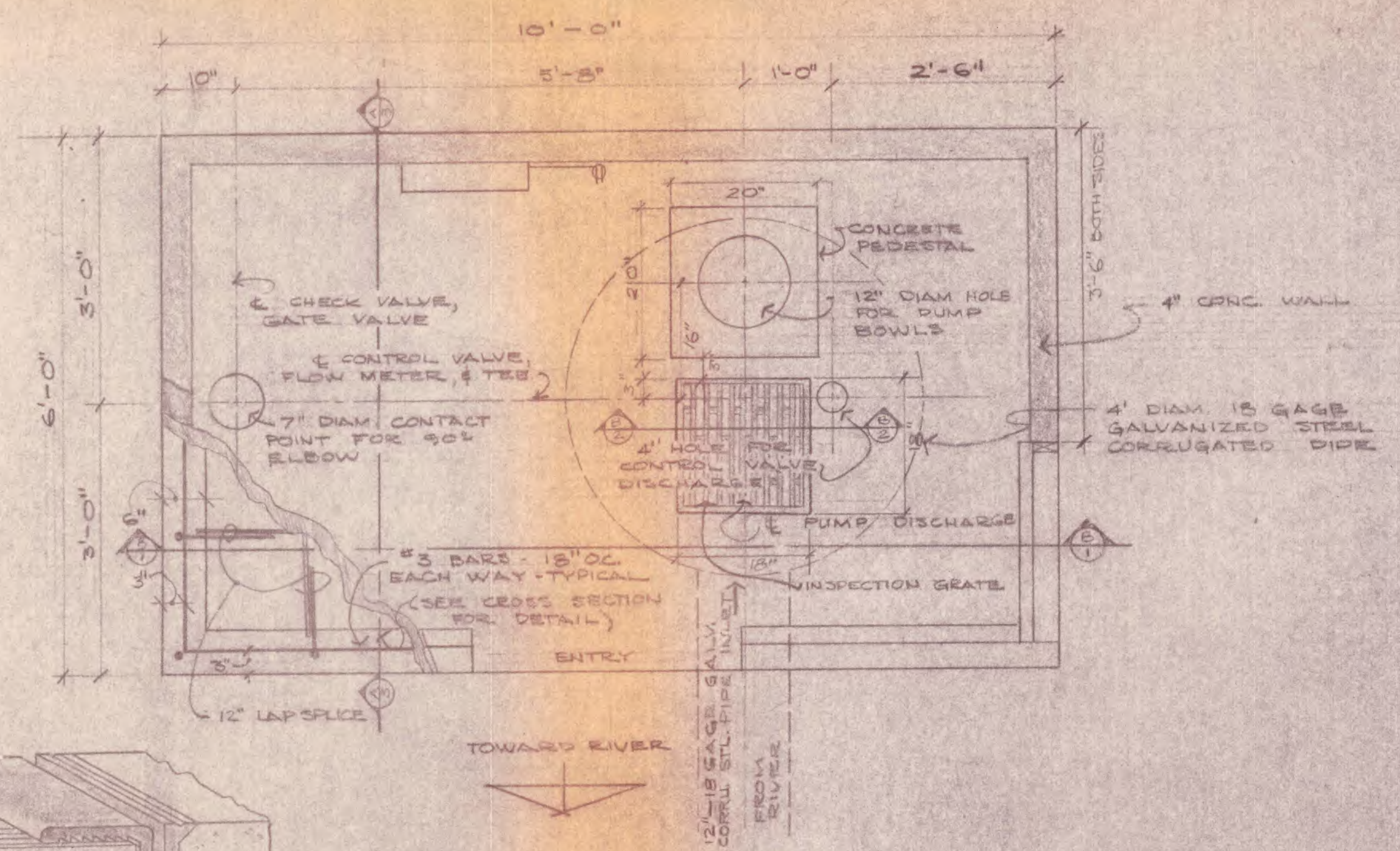
(A) EXTERIOR - FRONT ELEVATION
SCALE 3/4" = 1'-0"



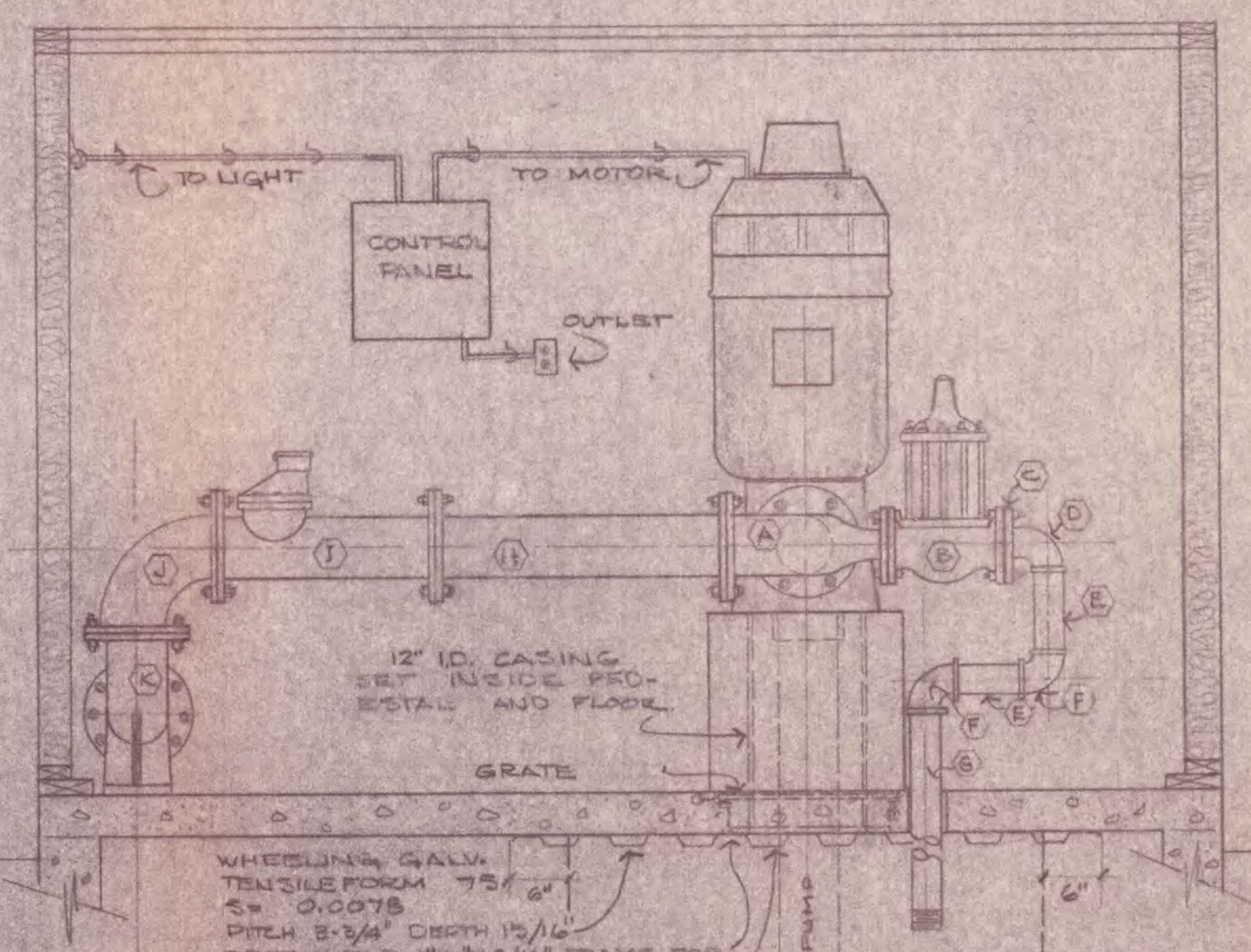
(A) STRUCTURAL - END SECTION A-A
SCALE 3/4" = 1'-0"



PUMP ANCHOR BOLT DETAIL
SCALE 3" = 1'-0"



(A) GENERAL PLAN VIEW
SCALE 3/4" = 1'-0"

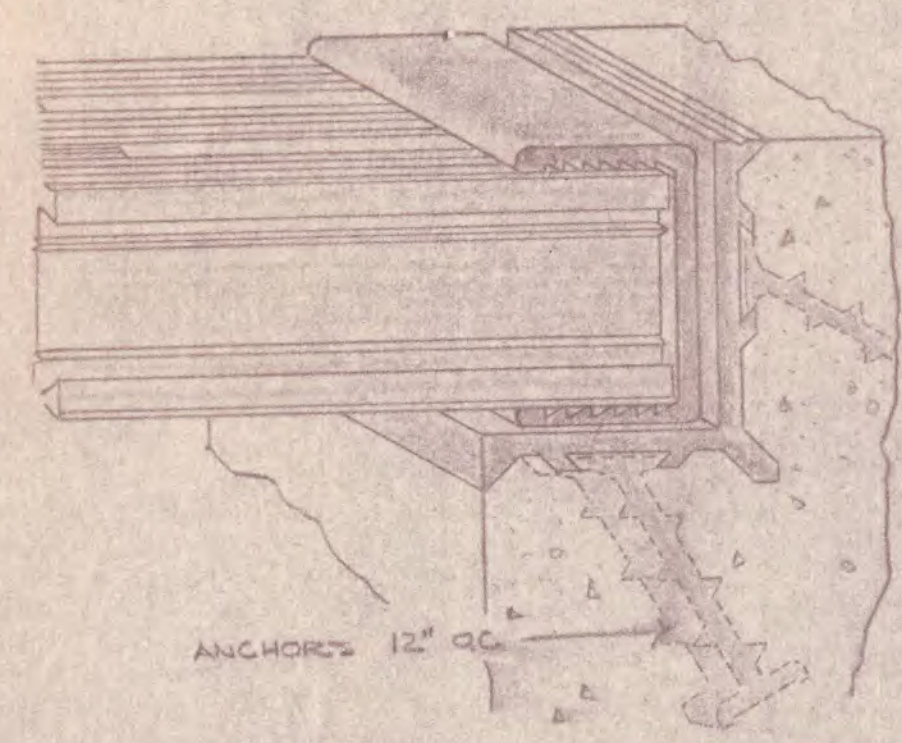


(B) FRONT SECTION ELEV
SCALE 3/4" = 1'-0"

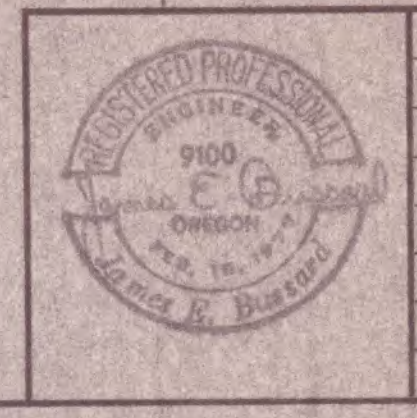
- GENERAL NOTES:
1. ALL CONSTRUCTION AND MATERIALS SHALL CONFORM TO THE UNIFORM BUILDING CODE, A.C.I. STANDARDS.
 2. ALL CONCRETE SHALL HAVE A MIN. STRENGTH @ 28 DAYS OF 3000 PSI. MAX. SLUMP SHALL BE 3". AGGREGATE SHALL BE 1-1/2" MINUS.
 3. ALL REINFORCING STEEL SHALL BE ASTM-A63, GRADE 60.
 4. ALL ELECTRICAL INSTALLATION TO CONFORM TO NATIONAL ELECTRICAL CODE, CURRENT EDITION.

SYSTEM COMPONENTS:

1. PUMP - PRESSURE 10 MA 7 STAGE 50 HP OR EQ. CAPABLE OF 280' TDH, 620 GPM. INCLUDES 480/3 PHASE, NEMA 3 CONTROL PANEL, 3" SCH. 40 G.S. 90° EL. DISCHARGE HEAD & TIMER CONTROL FOR MOTOR.	1
A. 2" X 2" F.L.C.I. REDUCING TEE	1
B. PUMP CONTROL VALVE - CLAYTON 61601-3" W/ FLANGE & HIGH PER. RLM	1
C. 3" REEDED FLANGE - GALV.	1
D. 3" SCH. 40 G.S. 90° EL. MALE/FEMALE	1
E. 7/2" X 3" SCH. 40 G.S. PIPE MALE/MALE	2
F. 3" SCH. 40 G.S. 90° EL. FEMALE/FEMALE	2
G. 24" MIN X 3" SCH. 40 G.S. PIPE MALE	1
H. 30" X 6" F.L.C.I./D.I. SPOOL	1
I. SADDLER, MFT - 6" TOTALIZING FLOW METER (GALS. OR GPM) MIN. WORKING PRESSURE 125 PSI (22' FUEL LENGTH)	1
J. 6" F.L.C.I. 90° ELBOW	3
K. 6" F.L.C.I. GATE ELBOW 90°	1
L. 6" APCO SILENT CHECK VALVE MODEL 606	1
M. 6" F.L.G.V. M.H. PRESSURE RATE 125 PSI	1
N. 15' X 6" F.L.C.I. SPOOL	1
O. 8" X 6" F.L.C.I. 6" X 8" CL-200 RVG REDUCER	1
P. 8" X 1" SADDLE TAP FOR 8" CL-200 RVG PIPE	1
Q. 1" G.V. MALE/FEMALE	1
R. 1" POLYPROPYLENE LINE & MALE CONNECTION ONE END	1



(B) INSPECTION GRATING
NO SCALE
TYPE A OR EQUIV.

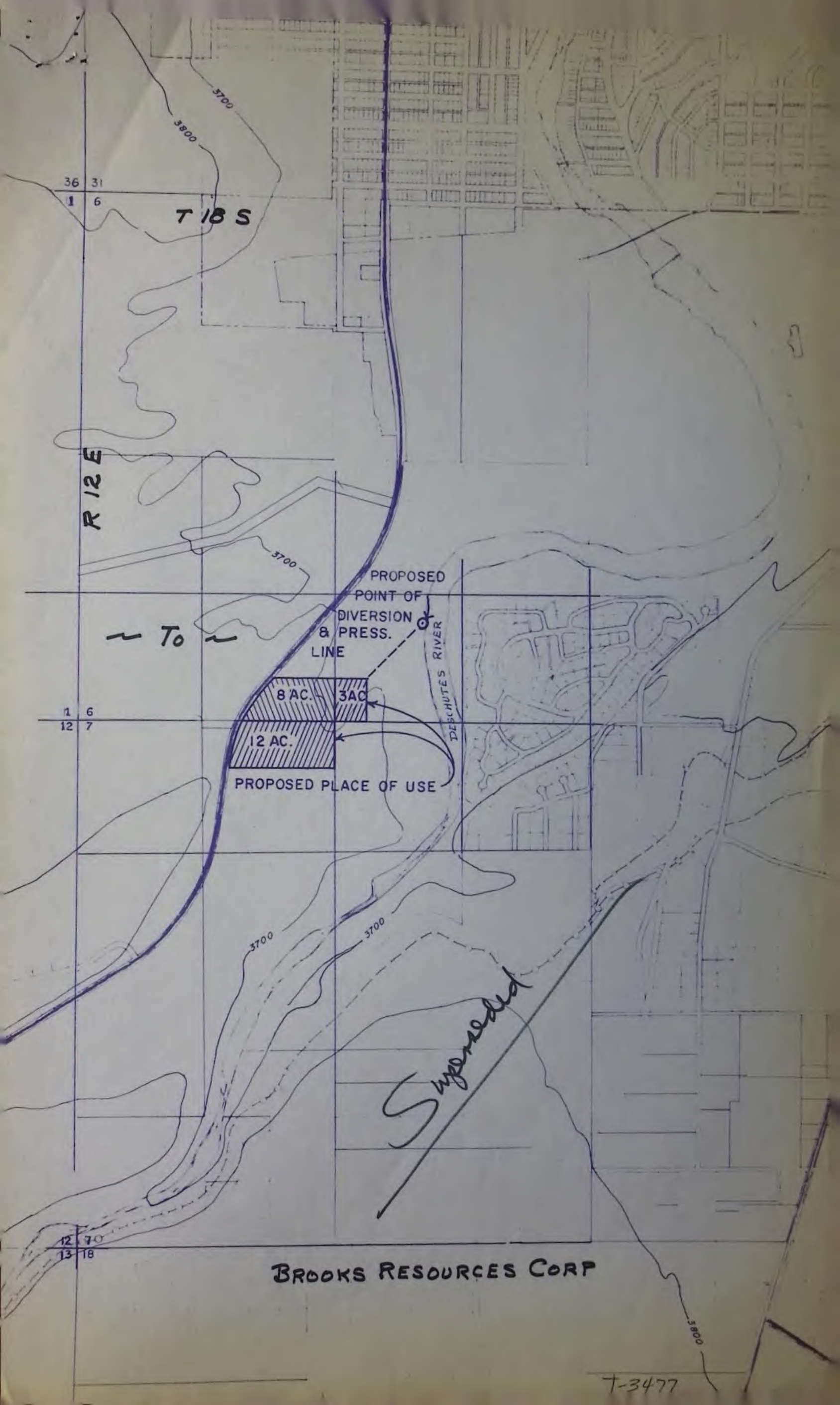


Design By	Drawn By	Checked By	Approved By	Date	Project No.	Work Order No.
JMD	KAD	JMD	JMD	2/14/77	0001.107.01	

REVISIONS	No.	By	Date

MT BACHELOR VILLAGE
IRRIGATION PUMP SYSTEM

Design By	Drawn By	Checked By	Approved By	Date	Project No.	Work Order No.
JMD	KAD	JMD	JMD	2/14/77	0001.107.01	



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~ To ~

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12 7

PROPOSED
POINT OF
DIVERSION
& PRESS.
LINE

DESCHUTES RIVER

8 AC.
3 AC.
12 AC.

PROPOSED PLACE OF USE

Superseded

BROOKS RESOURCES CORP

T-3477

FROM

ORIGINAL & EXISTING
POINT OF DIVERSION

EXISTING PLACE OF USE
& PRESSURE LINE

11.06 AC.

4.1
AC.

2.6 AC 5.24 AC.

R 11 E
T 17 S R 12 E

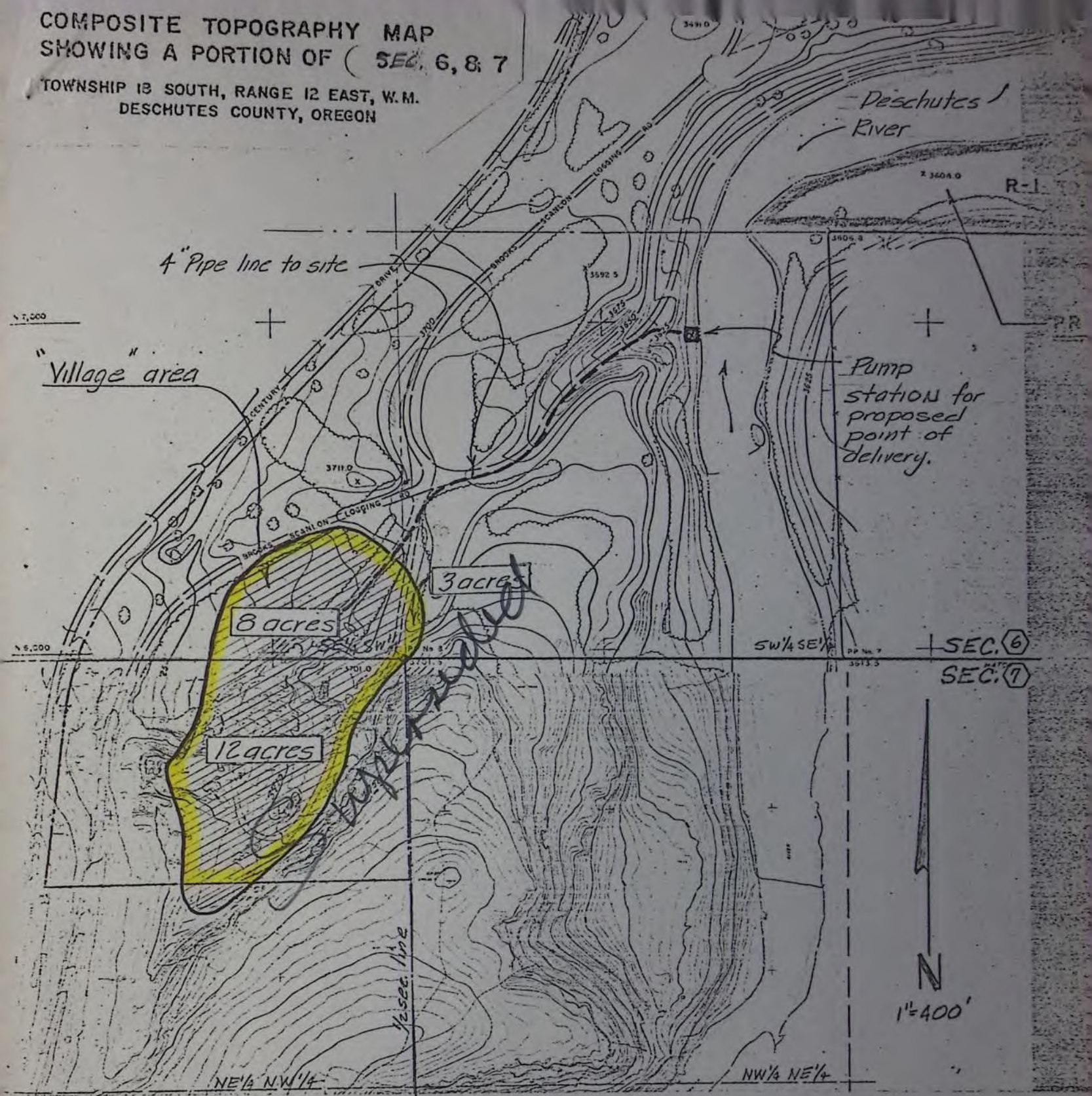
BROOKS RESOURCES CORP.

24 19
25 30

T-2477

COMPOSITE TOPOGRAPHY MAP
SHOWING A PORTION OF (SEC. 6, 8, 7

TOWNSHIP 13 SOUTH, RANGE 12 EAST, W.M.
DESCHUTES COUNTY, OREGON



New allocation of 23 acre direct river right to:

T#3477 "To"

MT. BACHELOR VILLAGE

Irrigation water supply
system

RECEIVED

OCT 23 1976

WATER RESOURCES DEPT
SALEM, OREGON

CENTURY WEST ENGINEERING CORP.

P. O. BOX 1174

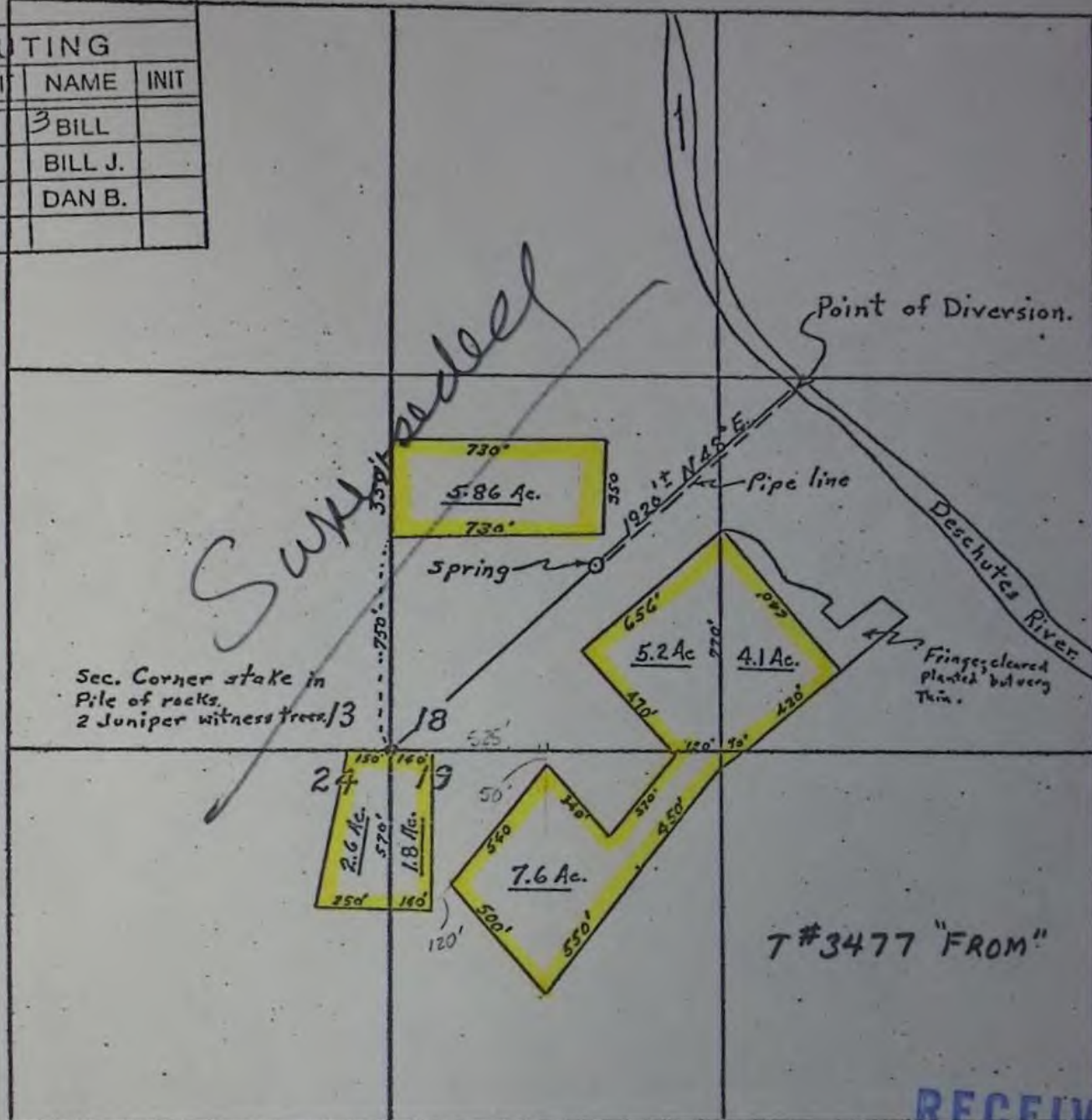
BEND, OREGON 97701

WO SWR. 1179.2

Date:

ROUTING

NAME	INIT	NAME	INIT
WIM B		3 BILL	
2 NED		BILL J.	
JEFF		DAN B.	
1 Dave			



T. 17 S., R. 11 E.

T. 17 S., R. 12 E.

RECEIVED

OCT 22 1976

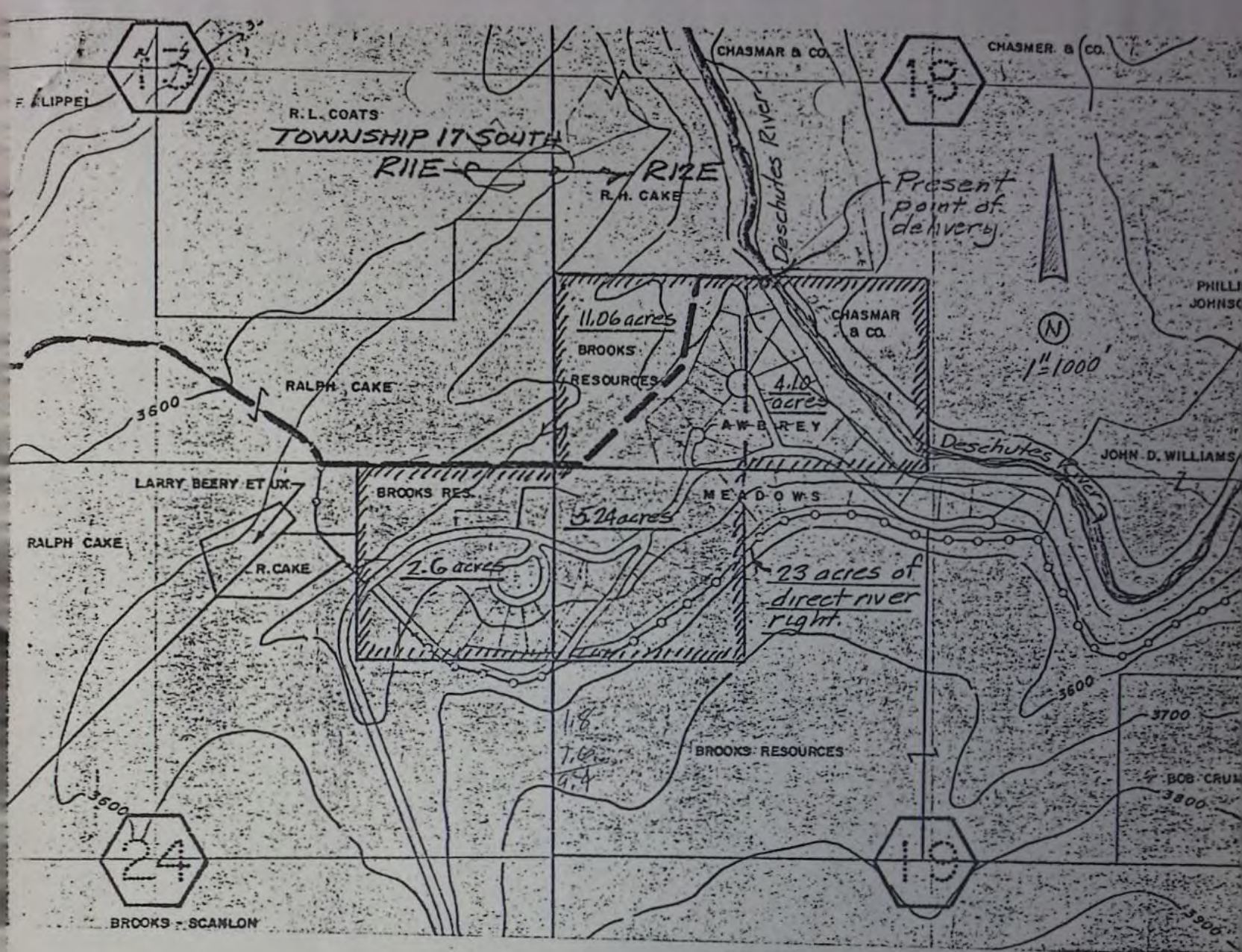
WATER RESOURCES DEPT
SALEM, OREGON

This survey was made by Mr. Robert L. Coats, Registered Professional Engineer, and on Feb. 21, 1964 was checked by the undersigned. Mr. Coats squared the areas and did not include fringes. Transfer calls for 23 acres and there are 27.2* acres actually planted and irrigated.

James C. Fellows
James C. Fellows
Watermaster Dist. No. 11

Decree V 16, p. 184
Transf. 5-146
- ch 11 12 189

REC 1610196



Existing allocation of 23 acre
direct river right. Cert. #33007

RECEIVED

OCT 22 1976

WATER RESOURCES DEPT
SALEM, OREGON

WATER RIGHT TRANSFER
MAP to MT. BACHELOR VILLAGE

RECEIVED

JUN 24 1981

STATE OF OREGON

WATER RESOURCES DEPT
SALEM, OREGON

COUNTY OF DESCHUTES

Proof of Appropriation of Water

Name: Brooks Resources Corporation

Address: 416 NE Greenwood, Bend, OR 97701

Source of Supply: Deschutes River

Permit No.: _____ Transfer No.: 3477

Tributary of: Columbia River

Amount of Water: 0.52 cfs

Priority Date: October 10, 1903

Use: irrigation

Location and Point of Diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 6, T18S, R12E, WM; 980 feet

North and 940 feet East from S $\frac{1}{4}$ Corner, Section 6.

The description of land given below and as shown on the attached map corresponds to that found to be irrigated:

6.2 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$

0.3 acre SW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 6

12.7 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$

1.7 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$

Section 7

Township 18 South, Range 12 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 and point of diversion of water approved by the order of the Water Resources Director entered February 4, 1977; I know the contents thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 23 day of June 1981.

By: William L. Smith Pres
BROOKS RESOURCES CORPORATION

Legal owner of the above described lands

Transfer No. 3477

County Dechutes

PROOF OF APPROPRIATION OF WATER

1. Name Brooks Resource Corp 2. Address 416 NE Greenwood
Band, A 97701
3. Source of Supply Dechutes River
Tributary of Columbia River
4. Amount of water 0.52 cfs 5. Priority date 2-10-1903
6. Use irrigation
7. Location of point of diversion SW 1/4 SE 1/4, Sec 6, T 18 S, R 12 E, W 11
980' N and 940' E from SW corner of sec 6

8. The description of land given below and as shown on the attached map corresponds to that found to be irrigated:

6.2 ac SE 1/4 SW 1/4
0.3 ac SW 1/4 SE 1/4
Sec 6

12.7 ac NE 1/4 NW 1/4
1.7 ac SE 1/4 NW 1/4
Sec 7

T 18 S, R 12 E, W 11

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____
19 _____.

Legal Owner of the above described lands

U-2 18-12-16
5-5-81 LHM

REPORT ON INSPECTION UNDER TRANSFER
OF WATER RIGHT FOR CHANGE IN:

POD
POU
USE
Add'l POD

388-3500
8:15

Transfer NO. 3477

County Deschutes

Old Certificate NO. 33007

- Name Brooks Resources Corp / AID 37 New Irving Ave
Address 416 NE Greenwood, Bend, OR 97701 Bend Or 97701
- Source of Supply Deschutes River, Trib of _____
- Use irrigation of 20² ac
- Amount of Water 0.53 cfs Priority Date Oct 10, 1903
- Proposed Point of Diversion ^{980'} 1000 ft N & 940 ⁹⁴⁰ ft E from the S $\frac{1}{4}$ corner
of Section 6, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6, T18S, R12E, W1M.
- Completion Date Sept 27, 1979
- Place of Use:

Township	Range	Section	Forty Acre Tract	Use for Which Transfer Made
18S	12E	6	SE SW	80 56 6 ²
			SW SE	12 02 0 ²
		7	NE NW	120 126 12 ²
			SE NW	21.3 16 1 ²
				24 20 ⁹

Info: Gory Hall, Century West Engr. & Dave, SR grounds keeper

Div: Pump from Riv.

Pump: GE 60 Hp @ 1765
Cornell Turbine - 8" out

$$\begin{array}{l} h = 100' \\ p = 115' \end{array} \quad \frac{(6.61)(40)}{215} = 1.24$$

Pipe: Buried main from pump thru common area & landscape area
3" alum lat. (Gory didn't know how many - uses about 600 gpm)
(50 gpm is upper area)

Heads: RB's in common area & RB 20 pop-ups in upper area around
Condo's. 75 RB's in lower area & up to 32 pop-ups in upper area
 $\frac{75(4.2)}{450} = .78$

Lift: about +100' from pump to common area & another +60' to upper
area around Condo's

Use: Common area is grass field for park-like uses of Condo
residents. Upper area is lawn & shrubs for landscaping.

Remarks: Upper area is lawn & shrubs between road & parking area
& lawn around north group of condos. Shrubs around condos
west of parking is from city water. Also landscaping east
of road.

Tic: U-2 18-12-16 & Century West. Contour map

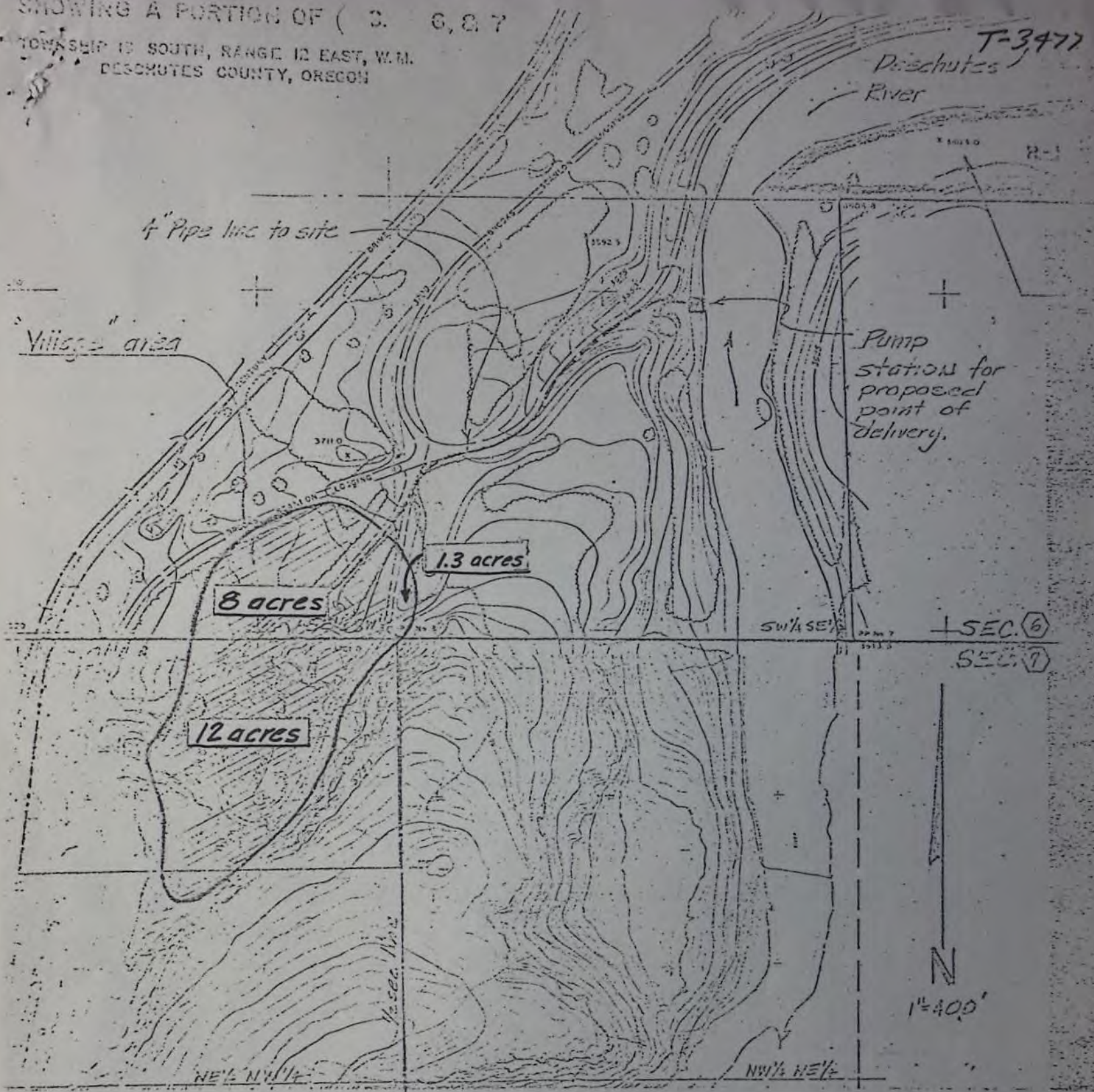
May 5, 1981

Larry H. Gunn
Field Engineer

SHOWING A PORTION OF (3. 6, 8, 7

TOWNSHIP 13 SOUTH, RANGE 12 EAST, W.M.
DESCHUTES COUNTY, OREGON

T-3477



New allocation of 21.3 acre direct river right to:

MT. BACHELOR VILLAGE

Irrigation water supply system

RECEIVED

FEB-31977
WATER RESOURCES DEPT
SALEM, OREGON

MURPHY WEST ENGINEERING CORP.
P. O. BOX 1174
BEND, OREGON 97701

T#3477
"To"

MEMORANDUM

From: G.HellTo: File 0001.685A9Date: 5/18/81Re: MBV Water Rights

Project Request: _____

	Larry & Garry Original Area in ²	Garry's Ac	Larry's Ac
1/4 1/4 Sec.			
SW, SE, 6	$0.40 + 0.67 = 1.17$	0.25	0.20
SE, SW, 6	$7.80 + 18.60 = 26.40$	6.06	5.60
NE, NW, 7	$47.18 + 0.19 + 0.10 + 0.28 +$ $+ 0.55 + 0.06 + 0.19 + 0.03 +$ $+ 2.31 + 0.02 + 3.73 = 54.64$	12.54	12.60
SE, NW, 7	$0.09 + 7.30 =$	1.70	1.60
		20.55	20.00

Scale = 1" = 100'

CWEC Planimeter S.N. 24923

Add'l. Areas

		Add.	Resulting
1/4 1/4 Sec.	in ²	Ac	Ac
SW, SE, 6	0.13	0.03	0.28
SE, SW, 6	$0.16 + 0.33 = 0.49$	0.11	6.17
NE, NW, 7	$0.11 + 0.44 = 0.55$	0.13	12.67
SE, NW, 7	0	0	1.70
			20.82



Water Resources Department

1507 EAST FIRST STREET, BEND, OREGON 97701 PHONE 388-6669

May 11, 1981

Gary Hall
Century West Engineering
1444 NW College Way
Bend Or 97701

Reference: Transfer 3477

I have completed the final proof survey of the water right transfer for Mt. Bachelor Villige. My preliminary figures indicate that they are irrigating 20.0 acres.

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 5.6 acres
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 0.2 acres
Section 6
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 12.6 acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 1.6 acres
Section 7
T.18S. R.12E. W.M.

These figures are preliminary until Brooks Resources Corp. has a chance to examine and approve the Proof of Appropriation.

If you have any questions, please call me. I will be sending all of the material to Bruce Estes in Salem, about May 27, 1981. After that, it may be easier to call Bruce.

Sincerely,

Larry Nunn
Field Engineer

LN

Info: Gory Hall

Remarks: After my letter, Mr. Hall ~~again~~ again when out and checked the area we had looked at and found a few small areas being watered that we had missed. He planimetered the map w/ Century West's planimeter and came up with the new acreages. He still is about $\frac{1}{2}$ acre low. Brooks Resources will probably ask for an extension.

5-18-81
Larry H. Jensen
Field Engineer

SHOWING A PORTION OF (3. 6, 8, 7

TOWNSHIP 12 SOUTH, RANGE 12 EAST, W.M.
DESCHUTES COUNTY, OREGON

T-3477

Deschutes
River

4" Pipe line to site

Village area

Pump
station for
proposed
point of
delivery.

1.3 acres

8 acres

12 acres

SW 1/4 SE 1/4

SEC. 6

SEC. 7

N

1"=400'

New allocation of 21.3 acre direct river right to:

MT. BACHELOR VILLAGE

Irrigation water supply
system

RECEIVED
FEB-31977
WATER RESOURCES DEPT
SALEM, OREGON

T#3477

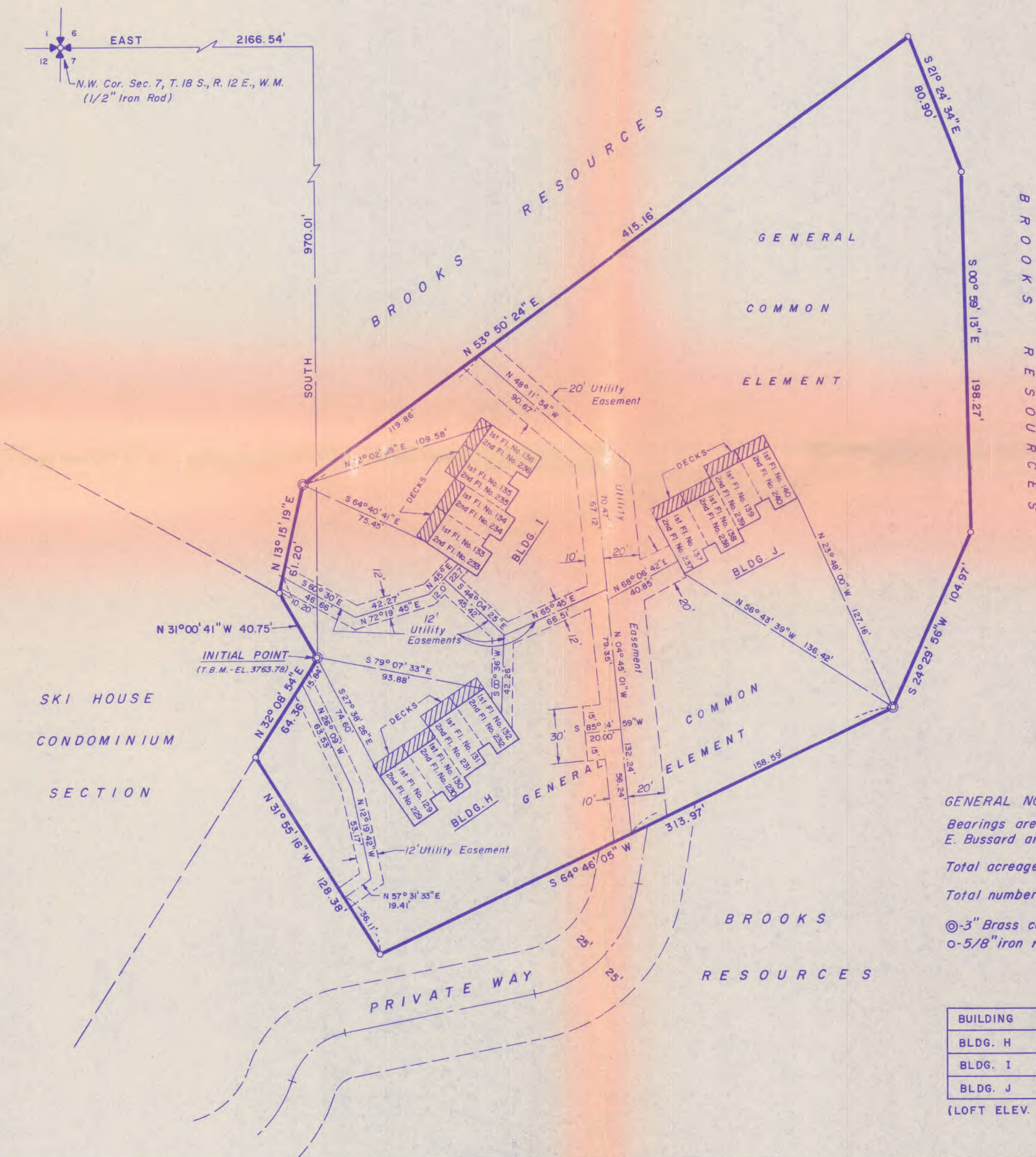
"To"

CENTURY WEST ENGINEERING CORP.
P. O. BOX 1174
BEND, OREGON 97701

Plat no. 267 of

SKI HOUSE II CONDOMINIUM SECTION, MT. BACHELOR VILLAGE

Located in the NE 1/4 NW 1/4, Section 7, T. 18 S., R. 12 E., W.M.,
Deschutes County, Oregon



SURVEYOR'S CERTIFICATE:

I, James E. Bussard, a registered land surveyor for the State of Oregon, being first duly sworn, depose and say that I have correctly surveyed and marked with legal monuments the land represented and accurately depicted the layout of the units and buildings comprising the plat of SKI HOUSE II CONDOMINIUM SECTION, MT. BACHELOR VILLAGE in Deschutes County, Oregon; that a 3" bronze cap was set at the initial point and that the property platted is described as follows:

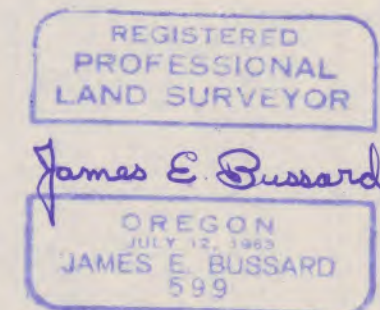
Commencing at the initial point which is located EAST, 2166.54 feet and SOUTH, 970.01 feet from the northwest corner of Section 7, Township 18 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon; thence North 31° 00' 41" West, 40.75 feet along the boundary of the plat of Ski House Condominium Section, Mt. Bachelor Village; thence leaving said boundary North 13° 15' 19" East, 61.20 feet; thence North 53° 20' 24" East, 415.16 feet; thence South 21° 24' 34" East, 80.90 feet; thence South 00° 59' 13" East, 198.27 feet; thence South 24° 29' 56" West, 104.97 feet; thence South 64° 46' 05" West, 313.97 feet; thence North 31° 55' 16" West, 128.38 feet to a point on the boundary of the above said plat; thence along said boundary North 32° 08' 54" East, 64.36 feet to the initial point of this subdivision.

By James E. Bussard

Subscribed and sworn to before me this 28th day of December 1976.

Kathleen D. Stiller
Notary Public for the State of Oregon

My Commission Expires February 19 1979



GENERAL NOTES

Bearings are based on subdivision of Section 7 by James E. Bussard and filed in the Deschutes County Surveyor's office.

Total acreage within plat boundary- 2.66 acres

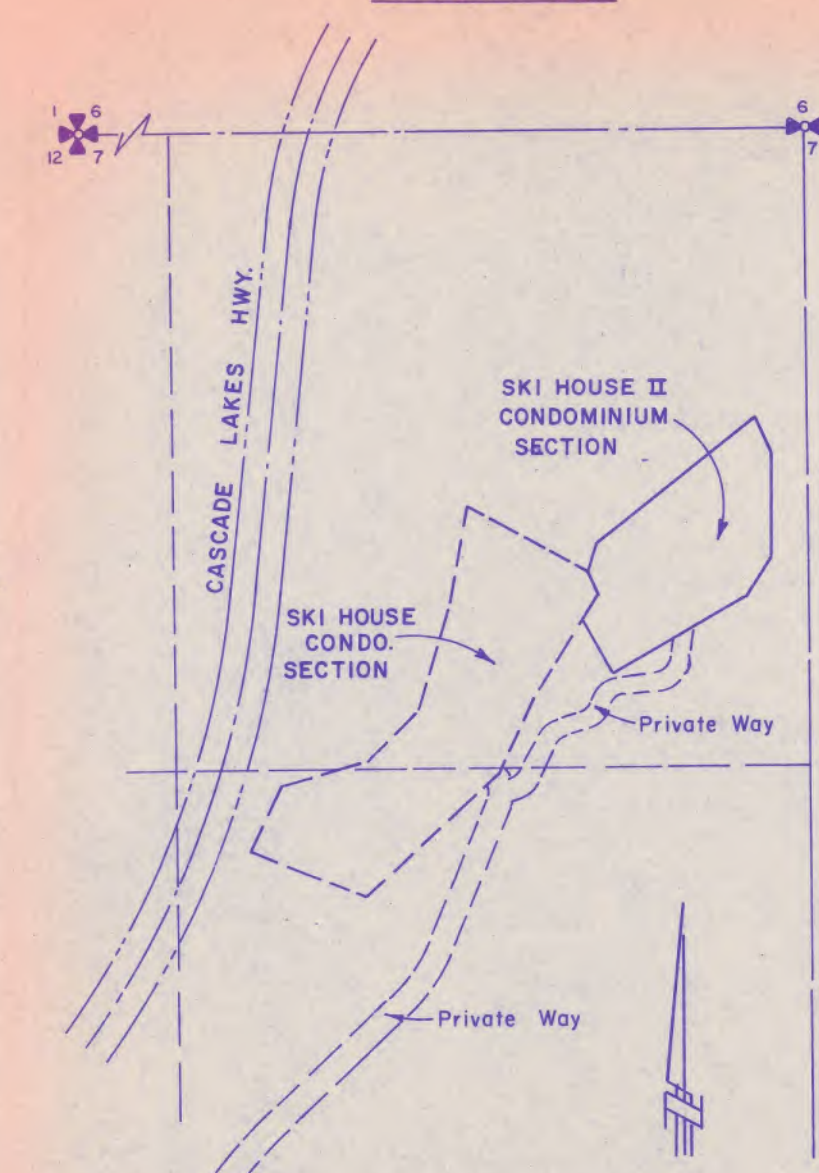
Total number of units- 24

©-3" Brass cap set
o-5/8" iron rod set

BUILDING	1ST FL. ELEV.	2ND FL. ELEV.
BLDG. H	3771.25	3780.25
BLDG. I	3765.95	3774.95
BLDG. J	3768.97	3777.97

(LOFT ELEV. NOT SHOWN)

VICINITY MAP



SKI HOUSE CONDOMINIUM SECTION, MT. BACHELOR VILLAGE

LOCATED IN THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 7, T. 18 S., R. 12 E., W.M., DESCHUTES COUNTY, ORE.

SURVEYOR'S CERTIFICATE

I, JAMES E. BUSSARD, A REGISTERED LAND SURVEYOR FOR THE STATE OF OREGON, BEING FIRST DULY SWORN, DEPOSE AND SAY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS THE LAND REPRESENTED AND ACCURATELY DEPICTED THE LAYOUT OF THE UNITS AND BUILDINGS COMPRISING THE PLAT OF SKI HOUSE CONDOMINIUM SECTION, MT. BACHELOR VILLAGE IN DES. CO., ORE.; THAT A 3" BRONZE CAP WAS SET AT THE INITIAL POINT AND THAT THE PROPERTY PLATTED IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE INITIAL POINT WHICH IS EAST, 2166.539 FEET AND SOUTH, 970.010 FEET FROM THE NORTHWEST CORNER OF SECTION 7, TOWNSHIP 18 SOUTH, RANGE 12 EAST, W.M., DESCHUTES COUNTY, OREGON, THENCE SOUTH 32°08'54" WEST, 254.36 FEET; THENCE SOUTH 24°46'42" WEST, 171.74 FEET; THENCE SOUTH 47°08'22" WEST, 370.65 FEET; THENCE NORTH 68°40'54" WEST, 252.86 FEET; THENCE NORTH 19°33'52" EAST, 133.15 FEET; THENCE NORTH 74°22'32" EAST, 182.14 FEET; THENCE NORTH 44°14'00" EAST, 154.68 FEET; THENCE NORTH 17°21'10" EAST, 233.04 FEET; THENCE NORTH 11°02'27" EAST, 205.60 FEET; THENCE SOUTH 60°51'36" EAST, 294.03 FEET; THENCE SOUTH 31°00'41" EAST, 40.75 FEET TO THE INITIAL POINT OF THIS SUBDIVISION.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

James E. Bussard

DATE: May 7, 1977

MY COMMISSION EXPIRES April 23, 1977



NORTH
SCALE - 1" = 50'

LOFT ELEV. NOT SHOWN

UNIT No.s	FL. ELEV.
1 - 4	3757.45
5 - 8	3766.28
9 - 12	3760.08
13 - 16	3768.91
17 - 20	3763.26
21 - 24	3772.09
25 - 28	3765.12
29 - 32	3773.95
33 - 36	3765.60
37 - 40	3774.43
41 - 44	3765.78
45 - 48	3773.61
49 - 52	3765.26
53 - 56	3774.09

NOTES:
BEARINGS BASED ON SECTION SUBDIVISION OF SECTION 7, T. 18 S., R. 12 E., W.M. BY JAMES E. BUSSARD AND FILED IN DESCHUTES COUNTY SURVEYORS OFFICE.
PARKING AND WALKWAYS ARE SHOWN ON PLATE 3.
TOTAL ACREAGE WITHIN PLAT BOUNDARY - 4.77 ACRES
TOTAL ACREAGE OF PRIVATE WAY - 2.55 ACRES

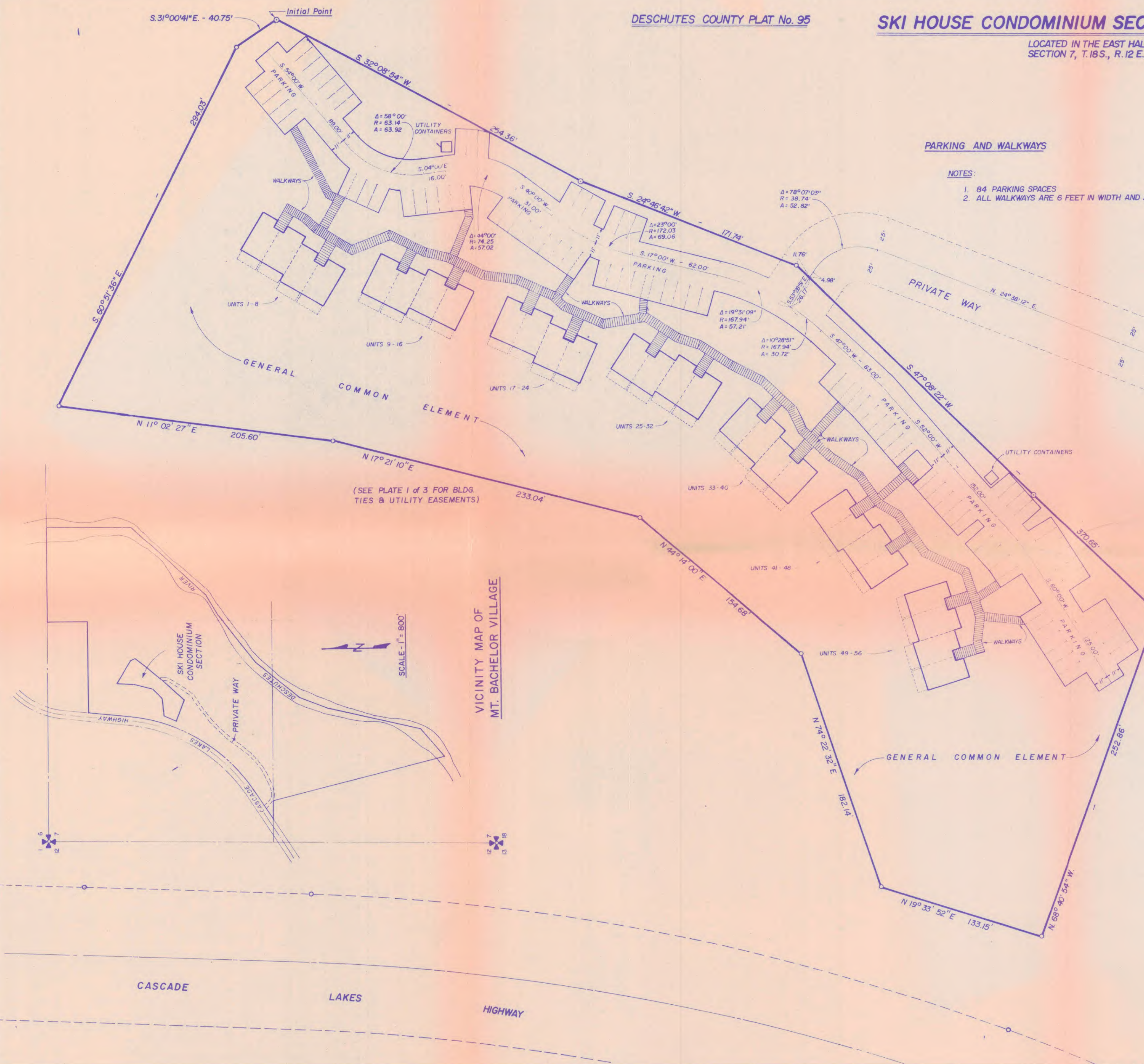
SKI HOUSE CONDOMINIUM SECTION, MT. BACHELOR VILLAGE

LOCATED IN THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 7, T.18 S., R.12 E., W.M., DESCHUTES COUNTY, ORE..

PARKING AND WALKWAYS

NOTES:

1. 84 PARKING SPACES
2. ALL WALKWAYS ARE 6 FEET IN WIDTH AND ARE OF WOOD CONSTRUCTION.



NORTH
SCALE - 1" = 50'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

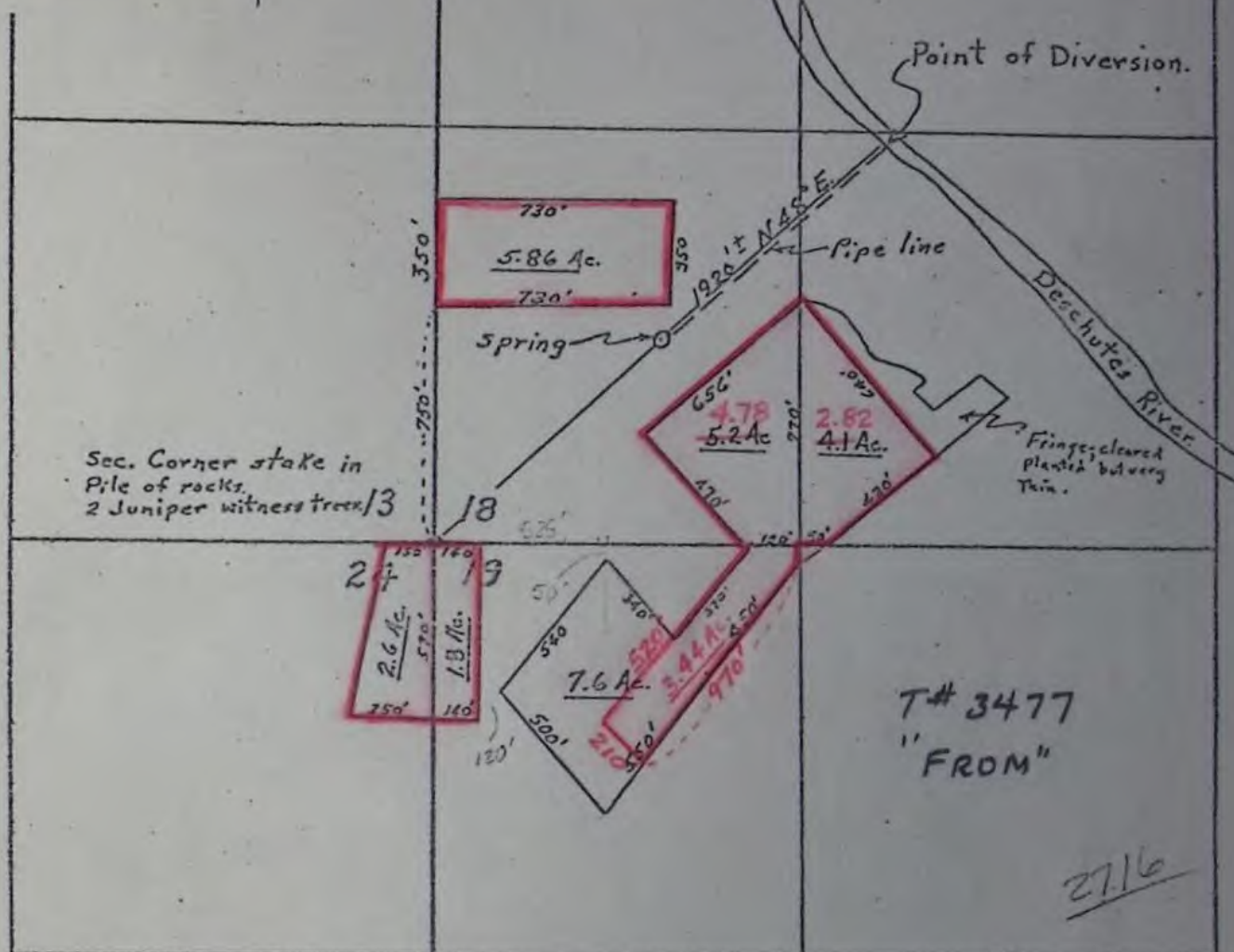
James E. Bussard

OREGON
JULY 12, 1983
JAMES E. BUSSARD
599

T-3477

RECEIVED

FEB-31977

WATER RESOURCES DEPT
SALEM, OREGON

T. 17 S., R. 11 E.

T. 17 S., R. 12 E.

This survey was made by Mr. Robert L. Coats, Registered Professional Engineer, and on Feb. 21, 1964 was checked by the undersigned. Mr. Coats squared the areas and did not include fringes. Transfer calls for 23 acres and there are 27.2⁺ acres actually planted and irrigated.

James C. Fellows
James C. Fellows
Watermaster Dist. No. 11

Decree V 16, p. 184
Trans. 5-146
- 16 11 12 13 14

REC'D AUG 10 1976

RECEIVED

NOV - 5 1979

WATER RESOURCES DEPT
SALEM, OREGON

NOTICE OF COMPLETE APPLICATION
OF WATER TO BENEFICIAL USE

Transfer No. 3477

I, Brooks Resources Corporation, hereby certify that on September 27, 1979, the water has been applied to the lands to which the water right was transferred by an order of the Water Resources Director dated February 4, 1977, approving an application for a change in place of use of water from the Deschutes River.

11-1-1979
Date

James E. Bussard
Signature

ok
Oci

Application for Extension of Time

TO THE WATER RESOURCES DIRECTOR OF OREGON

RECEIVED

JAN 22 1979

**WATER RESOURCES DEPT.
SALEM, OREGON**

I, Brooks Resources Corporation

Name

416 Northeast Greenwood

Mailing Address

Bend

City

Oregon

State

97701

Zip

record owner of water right permit No. T-3477, do hereby request that the time in which to:

☐ complete the construction of works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 19....., be extended to October 1, 19.....; and/or the time in which to

☒ accomplish beneficial use of water to the full extent now intended under the terms of said permit, which time now expires on October 1, 19⁷⁸, be extended to October 1, 19⁷⁹

I have accomplished the following described works and/or purchase and installation of equipment necessary to the use of water under said permit:

within the past year Installed river pump station and all mainlines and
purchased all laterals and sprinklers necessary to irrigate the
acreage before September 30, 1978.

prior to this past year NA

~~and have accomplished beneficial use of water to the extent of use for irrigation. STATE HOW MANY~~
~~ACRES HAVE BEEN IRRIGATED~~ Seeding of the acreage was not done because.....
it was too late in the year to do so. Seeding is planned for.....
Spring, 1979

(If additional space is required, attach separate sheet)

[Signature]
(If signing for a corporation please identify your title)

Dated 1/18/79

MAIL COMPLETED APPLICATION AND STATUTORY FEE
OF \$10.00 TO:

Water Resources Department
Mill Creek Office Park
555 13th Street, N.E.
Salem, Oregon 97310

10-1-79
OK JWC

810.00

8694

1-22-79

T-3477

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Brooks Resources Corporation

(Name of applicant)

of Bend

(Postoffice)

County of Deschutes

State of Oregon

, do hereby make application for change in place of

use and point of diversion

(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 _____

4. The point of diversion is located 1300 ft. N and 1425 ft. E from the SW

(N. or S.)

(E. or W.)

corner of Section 18

(Section or subdivision)

being within the SE1/4, SW1/4

of Section 18

Tp. 17S

(No. N. or S.)

R. 12E

(No. E. or W.)

W. M., in the County of Deschutes

5. List the number of acres irrigated in each smallest legal subdivision (40-acre tract) involved in this

* 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 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
17 S	11 E	24	260															
"	12 E	18											1064	282				
"	"	19						524										

Part

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)

21.3 ac

0.53 cts

* 6. Are you the legal owner of the above described lands? Yes for 18.92 acres, and

(If not owner, explain your interest)

hold Quitclaim Deeds to rights for other 2.38 Acres

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? October 10, 1903

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? yes If so, give number of certificate 33007
(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 Deschutes River
(Yes or No)

12. Is the water right recorded in your name? no; R. L. Coats (certification)
(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 $\frac{1}{4}$
18S	12E	6												8.0			1.3	3.0
18S	12E	7					12.0											

* See letter of autho 2/1/77

(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 1000 ft. N and 900 ft. E from the S1/4 corner of Section 6 being within the SW1/4, SE1/4 of Section 6 Tp. 18S R. 12E W. M.,
(N. or S.) (E. or W.) (Smallest legal subdivision) (No. N. or S.) (No. E. or W.)
in the county of Deschutes The name of the ditch to be used is new buried pipe

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

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? yes

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.? (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 Present land is in the process of becoming a municipal subdivision (Awbrey Meadows) with irrigation from domestic water sources.

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Deschutes

} ss.

I, Brooks Resources Corporation, 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 10th day of September, 1976.

William A. [Signature]
(Name of applicant)

Subscribed and sworn to before me this 10th day of September, 1976.

[Notarial Seal]

Linda A. [Signature]
NOTARY PUBLIC FOR OREGON

My commission expires April 18, 1979

Remarks Water is being transferred to a country condominium acreage known as Mt. Bachelor Village for site irrigation in the village area.

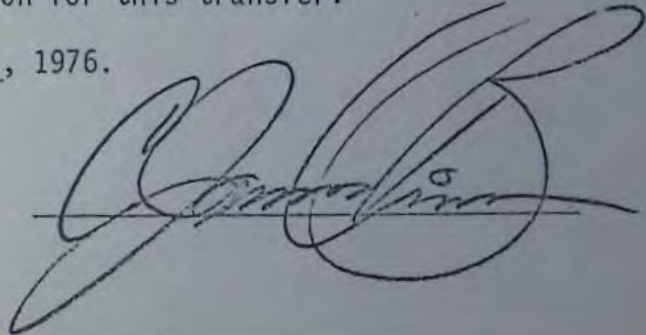
THIS APPLICATION MUST BE ACCOMPANIED BY A MAP SHOWING THE LOCATION OF THE POINT OF DIVERSION, PLACE OF USE AND WORKS UTILIZED UNDER THE PRESENT WATER RIGHT. THE MAP SHOULD ALSO SHOW THE NEW POINT OF DIVERSION OR PLACE OF USE, AS THE CASE MAY BE.

QUITCLAIM DEED

The undersigned, Grantor, owner of Lot 42 Awbrey Meadows, Deschutes County, Oregon, releases and quitclaims to BROOKS RESOURCES CORPORATION, Grantee, all right, title and interest in and to whatever interest Grantor might have in and to those certain water rights described in the Oregon State Record of Water Right Certificates, Volume 25, Page 33007 and Volume 22, Page 30938, said water right being appurtenant to property located in Sections 18 and 19, Township 17 South, Range 12, East of the Willamette Meridian, and Section 24, Township 17 South, Range 11, East of the Willamette Meridian, Deschutes County, Oregon.

There is no consideration for this transfer.

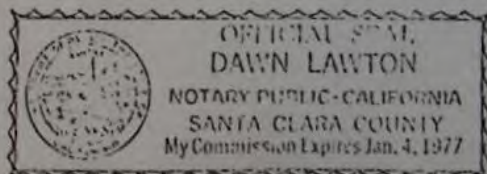
DATED 12-27, 1976.



STATE OF California County of Santa Clara ss:
December 27, 1976

Personally appeared the above named C. James Brinson
and acknowledged the foregoing instrument to be his voluntary act.
Before me:

Dawn Lawton
NOTARY PUBLIC FOR
My Commission Expires Jan. 4, 1977



QUITCLAIM DEED

The undersigned, Grantor, owner of Lot 35 Awbrey Meadows, Deschutes County, Oregon, releases and quitclaims to BROOKS RESOURCES CORPORATION, Grantee, all right, title and interest in and to whatever interest Grantor might have in and to those certain water rights described in the Oregon State Record of Water Right Certificates, Volume 25, Page 33007 and Volume 22, Page 30938, said water right being appurtenant to property located in Sections 18 and 19, Township 17 South, Range 12, East of the Willamette Meridian, and Section 24, Township 17 South, Range 11, East of the Willamette Meridian, Deschutes County, Oregon.

There is no consideration for this transfer.

DATED October 29, 1976.

Union of Soviet Socialist Republics
Russian Soviet Federated Socialist Republic
Moscow Oblast
City of Moscow
Embassy of the United States of America
Consular Section

SS:

Martha Birkett White
D. F. Smith

STATE OF _____, County of _____ ss:

Oct 29, 1976

Personally appeared the above named _____ and acknowledged the foregoing instrument to be A voluntary act.
me:

NOTARY PUBLIC FOR
My Commission Expires: _____

Raymond F. Smith
Raymond F. Smith
Consul of the United States of America

QUITCLAIM DEED

The undersigned, Grantor, owner of Lot 33 Awbrey Meadows, Deschutes County, Oregon, releases and quitclaims to BROOKS RESOURCES CORPORATION, Grantee, all right, title and interest in and to whatever interest Grantor might have in and to those certain water rights described in the Oregon State Record of Water Right Certificates, Volume 75, Page 3300 and Volume 22, Page 30938, said water right being appurtenant to land located in Sections 18 and 19, Township 17 South, Range 12, East of the Willamette Meridian, and Section 24, Township 17 South, Range 11, East of the Willamette Meridian, Deschutes County, Oregon.

There is no consideration for this transfer.

DATED October 23, 1976.

Raymond J. Le Blanc

Mariam S. Le Blanc

STATE OF Oregon, County of Deschutes

ss: October 23, 1976

Raymond J. Le Blanc and
Mariam S. Le Blanc

Personally appeared the above named
and acknowledged the foregoing instrument to be their voluntary act.
before me:

James S. [Signature]
NOTARY PUBLIC FOR

My Commission Expires: 5-24-77

QUITCLAIM DEED

The undersigned, Grantor, owner of Lot 37 Awbrey Meadows, Deschutes County, Oregon, releases and quitclaims to BROOKS RESOURCES CORPORATION, Grantee, all right, title and interest in and to whatever interest Grantor might have in and to those certain water rights described in the Oregon State Record of Water Right Certificates, Volume 25, Page 33007 and Volume 22, Page 30938, said water right being appurtenant to property located in Sections 18 and 19, Township 17 South, Range 12, East of the Willamette Meridian, and Section 24, Township 17 South, Range 11, East of the Willamette Meridian, Deschutes County, Oregon.

There is no consideration for this transfer.

DATED 10/19, 1976.

Edward D. Lygus

Betty L. Lygus

STATE OF Oregon, County of

ss:

Waukegan, 1976

Personally appeared the above named Edward Lygus & Betty L. Lygus and acknowledged the foregoing instrument to be a voluntary act.
Before me:

Samuel L. Lynd
NOTARY PUBLIC FOR
My Commission Expires: June 23, 1979

QUITCLAIM DEED

The undersigned, Grantor, owner of Lot 36 Awbrey Meadows, Deschutes County, Oregon, releases and quitclaims to BROOKS RESOURCES CORPORATION, Grantee, all right, title and interest in and to whatever interest Grantor might have in and to those certain water rights described in the Oregon State Record of Water Right Certificates, Volume 25, Page 33007 and Volume 22, Page 30938, said water right being appurtenant to property located in Sections 18 and 19, Township 17 South, Range 12, East of the Willamette Meridian, and Section 24, Township 17 South, Range 11, East of the Willamette Meridian, Deschutes County, Oregon.

There is no consideration for this transfer.

DATED Oct. 16, 1976.

* Kathleen Benson
* David Beal

STATE OF Wash., County of Spokane ss:

Oct 16 76, 1976

Personally appeared the above named
and acknowledged the foregoing instrument to be voluntary act.
Before me: David Beal and Kathleen Benson

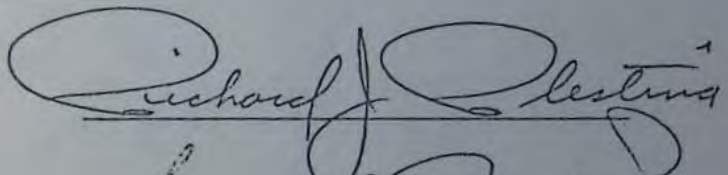
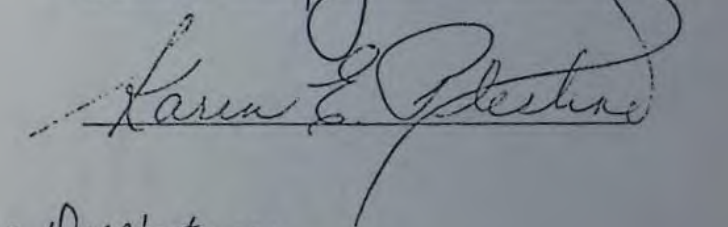
Adeline P. Bragg
NOTARY PUBLIC FOR Spokane Co. W.
My Commission Expires: June 12, 1980

QUITCLAIM DEED

The undersigned, Grantor, owner of Lot 21 Awbrey Meadows, Deschutes County, Oregon, releases and quitclaims to BROOKS RESOURCES CORPORATION, Grantee, all right, title and interest in and to whatever interest Grantor might have in and to those certain water rights described in the Oregon State Record of Water Right Certificates, Volume 25, Page 33007 and Volume 22, Page 30938, said water right being appurtenant to property located in Sections 18 and 19, Township 17 South, Range 12, East of the Willamette Meridian, and Section 24, Township 17 South, Range 11, East of the Willamette Meridian, Deschutes County, Oregon.

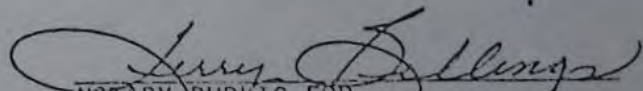
There is no consideration for this transfer.

DATED 12/23, 1976.

STATE OF Oregon, County of Deschutes ss:
Dec. 23rd, 1976

Personally appeared the above named
and acknowledged the foregoing instrument to be voluntary act.
Before me:


NOTARY PUBLIC FOR
My Commission Expires: 8-4-78

QUITCLAIM DEED

The undersigned, Grantor, owner of Lot 22 Awbrey Meadows, Deschutes County, Oregon, releases and quitclaims to BROOKS RESOURCES CORPORATION, Grantee, all right, title and interest in and to whatever interest Grantor might have in and to those certain water rights described in the Oregon State Record of Water Right Certificates, Volume 25, Page 33007 and Volume 22, Page 30938, said water right being appurtenant to property located in Sections 18 and 19, Township 17 South, Range 12, East of the Willamette Meridian, and Section 24, Township 17 South, Range 11, East of the Willamette Meridian, Deschutes County, Oregon.

There is no consideration for this transfer.

DATED October 18, 1976.

W.T. Terrell

Marion L. Terrell

STATE OF Oregon, County of Multnomah

ss: OCT. 18, 1976

Personally appeared the above named
and acknowledged the foregoing instrument to be voluntary act.
Before me:

Heide Kromm
NOTARY PUBLIC FOR
My Commission Expires: _____

My Commission Expires Jan. 20, 1978

**NOTICE OF FILING
APPLICATION FOR A
CHANGE IN POINT
OF DIVERSION AND
PLACE OF USE**

Notice is given hereby that Brooks Resources Corporation has filed an application for transfer of water right proposing a change in point of diversion and place of use under an existing right of record for appropriation of not to exceed 0.575 cubic foot per second from the Deschutes River at a point located 1300 ft. N. and 1425 ft. E. from the SW corner of Sec. 18, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 18, T. 17 S., R. 12 E., W.M., for irrigation of 2.6 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 24, T. 17 S., R. 11 E., W.M.; 11.06 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 4.1 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 18, and 5.24 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 19, T. 17 S., R. 12 E., W.M., with a priority date of Oct. 10, 1903, as confirmed by the certificate recorded at Page 33007, Vol. 25, State Record of Water Right Certificates, in the name of R.L. Coats.

The applicant herein proposes to change the point of diversion and place of use, without loss of priority, to divert the water at a point located 1000 ft. N. and 900 ft. E. from the S $\frac{1}{4}$ corner of Sec. 6, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 6, T. 18 S., R. 12 E., W.M., and thereby irrigate 8.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 3.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 6, and 12.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 7, T. 18 S., R. 12 E., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Bend, Oregon, on Dec. 2, 1976, at 9:30 a.m. All objections to the proposed change, if any there are, will be heard at said time and place. Any and all objections shall be prepared in writing, one copy to be served on Brooks Resources Corporation, 416 E. Greenwood, Bend, Or., 97701, and one copy filed with the Water Resources Department, Salem, Oregon 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. IF NO OBJECTION IS FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this 1st day of October, 1976.

JAMES E. SEXSON
Director

262,268,274c

Affidavit of Publication

STATE OF OREGON, COUNTY OF DESCHUTES, — ss.

I, Kathy Grindstaff, being first duly sworn, depose and say that I am the ~~General Manager, Advertising Manager, Principal Clerk~~ of the Publisher, of The Bulletin, a newspaper of general circulation printed and published at Bend in the aforesaid county and state as defined by

ORS 193.010 and ORS 193.020, that Notice of Filing

a printed copy of which is hereto annexed, was published in the entire issue of

said newspaper for three successive and consecutive weeks in the

following issues: October 8, October 15, October

22, 1976

Subscribed and sworn to before me this 25th day

of October, 1976.

Margot McWilliams
Notary Public for Oregon

(My Commission Expires September 8, 1978)

RECEIVED

OCT 26 1976

WATER RESOURCES DEPT.
SALEM, OREGON



WATER RESOURCES DEPARTMENT

1507 EAST FIRST STREET • BEND, OR • 97701 • Phone 382-4005

ROBERT W. STRAUB
GOVERNOR

Oct. 19, 1976

JAMES E. SEXSON
Director

WATER POLICY REVIEW
BOARD

EMERY N. CASTLE
Chairman
Corvallis

CHAPIN D. CLARK
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GEORGE H. PROCTOR
Klamath Falls

ANN W. SQUIER
Portland

RICHARD ROY
Portland

JAMES HILL
Arch Cape

JEAN FROST
Portland

James W. Carver, Jr.
Water Rights Engineer
1178 Chemeketa St. NE
Salem, Ore. 97310

RE: T-3477

Dear Jim:

I inspected the proposed Brooks-Resources transfer on the Deschutes River today. The land shown on the map representing 11.06 ac in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 4.1 ac in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of section 18 Tp 17S R 12E is obviously incorrect. The actual field that was irrigated is quite evident but is not located as shown. The pump and pipe line have already been removed from the river and it has probably been several years since it was cropped, but I couldn't say that it's been 5 years.

I have no objection to the transfer. It may in fact be a more beneficial use of the water. The change moves the P.O.D. between the C.O. Canal and the DCMID Canal so I feel we should enact provision #1 requiring a measuring device. I have contacted Dave Faller of Century West Engineering and am sure this will be taken care of.

If I can be of further help please let me know.

Sincerely yours,

Bruce A. Estes
Watermaster Dist.#11

BAE:rs
cc: Dave Faller

P.S. Glad to have you back with us.

RECEIVED

OCT 25 1976

WATER RESOURCES DEPT
SALEM, OREGON

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION)
OF BROOKS RESOURCES CORPORATION)
FOR THE APPROVAL OF A CHANGE IN)
POINT OF DIVERSION AND PLACE OF)
USE OF WATER FROM DESCHUTES RIVER)

ORDER APPROVING
TRANSFER NO. 3477

On September 23, 1976, Brooks Resources Corporation filed an application in the office of the Water Resources Director for the approval of a change in point of diversion and place of use of water from Deschutes River pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right recorded at Page 33007, Volume 25, State Record of Water Right Certificates, in the name of R. L. Coats, describes an existing right of record which includes appropriation of not to exceed 0.53 cubic foot per second from the Deschutes River at a point located 1300 feet North and 1425 feet East from the Southwest corner of Section 18, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 18, Township 17 South, Range 12 East, W.M., for irrigation of 2.6 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 24, Township 17 South, Range 11 East, W.M.; 10.64 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 2.82 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 18, and 5.24 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 19, Township 17 South, Range 12 East, W.M., with a priority date of October 10, 1903.

The applicant herein proposes to change the point of diversion and place of use, without loss of priority, to divert the water at a point located 1000 feet North and 900 feet East from the South quarter-corner of Section 6, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6, Township 18 South, Range 12 East, W.M., and thereby irrigate 8.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 1.3 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6, and 12.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 7, Township 18 South, Range 12 East, W.M.

Notice of the application, pursuant to ORS 540.510 was published in the Bend Bulletin, a newspaper printed and having general circulation in Deschutes County, Oregon, for a period of three weeks in the issues of October 8, 15 and 22, 1976.

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

No objection having been filed and it appearing that the proposed changes in point of diversion and 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 changes in point of diversion and place of use from Deschutes River, described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion, and shall not exceed 0.53 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed:

That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be completed, the change in point of diversion of water made, and water so transferred shall be applied to beneficial use on or before October 1, 1978.

It is FURTHER ORDERED that the certificate of water right heretofore issued to R. L. Coats and recorded at Page 33007, Volume 25, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right not involved in this proceeding, and 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, a confirming certificate of water right shall be issued to Brooks Resources Corporation.

Dated at Salem, Oregon, this 4th day of February, 1977.

/s/ JAMES E. SEXSON
Director

Deschutes River	Tr. S-23	Tr. M-45	Remaining
Deer			Right
20.0 ac in NE $\frac{1}{4}$ NE $\frac{1}{4}$		2.0 ac (out)	18.0 ac
20.0 ac in SW $\frac{1}{4}$ NE $\frac{1}{4}$	20.0 ac (out)		Cert #17153
Section 29			
T.17 S., R.12 E., W.M.			

Tr. S-23 (To)	Tr. S-29	Proof made on S-23 & S-29
10.0 ac. in SW $\frac{1}{4}$ SE $\frac{1}{4}$	2.0 ac. (out)	and Cert. #17154 issued
Sec 20		for: 1.2 ac SW $\frac{1}{4}$ SE $\frac{1}{4}$
10.0 ac in NW $\frac{1}{4}$ SE $\frac{1}{4}$	1.0 ac. out	Sec 20
Sec 29		13.3 ac NW $\frac{1}{4}$ NE $\frac{1}{4}$
	Tr S-29 (To)	0.9 ac SW $\frac{1}{4}$ NE $\frac{1}{4}$
	2.0 ac in SE $\frac{1}{4}$ NE $\frac{1}{4}$	4.6 ac SE $\frac{1}{4}$ NE $\frac{1}{4}$
	1.0 ac in SW $\frac{1}{4}$ NE $\frac{1}{4}$	Sec 29
	Sec 29	T.17 S., R.12 E., W.M.

Tr. M-45 (to)	confirming Cert #17152 issued
2.0 ac SW $\frac{1}{4}$ NE $\frac{1}{4}$	
Sec 29	
T.17 S., R.12 E., W.M.	

Cert # 17154	S-146	Remaining Right
--------------	-------	-----------------

1.2 ac in SW $\frac{1}{4}$ SE $\frac{1}{4}$	1.2 ac (out)	
---	--------------	--

Sec 20

13.3 ac in NW $\frac{1}{4}$ NE $\frac{1}{4}$	6.3 ac (out)	7.0 ac
--	--------------	--------

0.9 ac in SW $\frac{1}{4}$ NE $\frac{1}{4}$	0.9 ac (out)	
---	--------------	--

~~Cert # 30904~~

4.6 ac in SE $\frac{1}{4}$ NE $\frac{1}{4}$	4.6 ac (out)	
---	--------------	--

Cert # 33006

Sec 29

T. 17 S., R. 12 E., W. M.

Cert # 17153	S-146	Remaining Right
--------------	-------	-----------------

18.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$	10.0 ac (out)	8.0 ac.
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Sec 29

~~Cert # 30903~~

T. 17 S., R. 12 E., W. M.

Cert # 33005

(Note: Tr. 5-60 must have changed the Div. Pt. for this 8.0 ac.)

S-146 (To)

Proof made & Cert # 33007 issued for:

3.5 ac NE $\frac{1}{4}$ NE $\frac{1}{4}$

2.6 ac in NE $\frac{1}{4}$ NE $\frac{1}{4}$

Sec 24

Sec 24

T. 17 S., R. 11 E., W. M.

T. 17 S., R. 11 E., W. M.

11.5 ac in SW $\frac{1}{4}$ SW $\frac{1}{4}$

11.06 ac in SW $\frac{1}{4}$ SW $\frac{1}{4}$

4.5 ac in SE $\frac{1}{4}$ SW $\frac{1}{4}$

4.10 ac in SE $\frac{1}{4}$ SW $\frac{1}{4}$

Sec 18

~~8~~ Sec 18

3.5 ac in NW $\frac{1}{4}$ NW $\frac{1}{4}$

5.24 ac in NW $\frac{1}{4}$ NW $\frac{1}{4}$

Sec 19

Sec 19

T. 17 S., R. 12 E., W. M.

T. 17 S., R. 12 E., W. M.

Cert #33007

Tr. 3477

Remaining Right

2.6 ac in NE $\frac{1}{4}$ NE $\frac{1}{4}$

2.6 ac (out)

Sec 29

T. 17 S., R. 11 E., W. M.

11.06 ac in SW $\frac{1}{4}$ SW $\frac{1}{4}$

10.64 ac (out)

0.42 ac

4.10 ac in SE $\frac{1}{4}$ SW $\frac{1}{4}$

2.82 ac (out)

1.28 ac

Sec 18

Cert #44934

5.24 ac in NW $\frac{1}{4}$ NW $\frac{1}{4}$

5.24 ac (out)

Sec 19

T. 17 S., R. 12 E., W. M.

Cert #44934

Tr. 3642

Remaining Right

0.42 ac in SW $\frac{1}{4}$ SW $\frac{1}{4}$

0.42 ac

1.28 ac in SE $\frac{1}{4}$ SW $\frac{1}{4}$

0.7 ac (out)

0.58 ac

Sec 18

T. 17 S., R. 12 E., W. M.

Cert # _____

Tr. 3477 (to)

8.0 ac in SE $\frac{1}{4}$ SW $\frac{1}{4}$

1.3 ac in SW $\frac{1}{4}$ SE $\frac{1}{4}$

Sec 6

12.0 ac in NE $\frac{1}{4}$ NW $\frac{1}{4}$

Sec 7

T. 18 S., R. 12 E., W. M.

Tr. 3642 (to)

0.5 ac in SE $\frac{1}{4}$ SW $\frac{1}{4}$
(0.02 ac)

domestic for one residence

in SE $\frac{1}{4}$ SW $\frac{1}{4}$

Sec 17

T. 17 S., R. 12 E., W. M.

(5)

Cert # 17152 2.0 ac in SW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 29

Cert # 33006 7.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 29

Cert # 33005 8.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 29
T 17 S R 12 E W M

Tr. 3477 (to) 8.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$

Cert # _____ 1.3 ac in SW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 6

12.0 ac in NE $\frac{1}{4}$ NW $\frac{1}{4}$

Section 7

T 17 S R 12 E W M

Tr. 3642 (to) 0.5 ac &

Cert # _____ (0.2) ac
Dom one in SE $\frac{1}{4}$ SW $\frac{1}{4}$

Sec 17

T. 17 S., R. 12 E. W. M.

R.R.

Cert # _____ 0.42 ac in SW $\frac{1}{4}$ SW $\frac{1}{4}$

0.58 ac in SE $\frac{1}{4}$ SW $\frac{1}{4}$

Sec 18

T 17 S R 12 E W M