Name Deschutes River Conservancy
Ву
Address 700 NW Hill St.
Bend, 02 97701
541-388-4077 x 21
Change in 200/201/45E Date filed 4-6-07
Date filed 4-6-07
Date of hearing
Place of hearing
Date of order 9-28-07 Vol. 73, page 382

Date for application of water _____

Proof received _____

Proof mailed _____

Certificate issued ______ Vol. _____, page __

T-10356

INSTREAM

RA

DES	SCRIPTION OF WATER RIGHT
Name of stream	Deschutes River
	nbia River county of Deschutes
Use <u>Aursery</u>	, Pollution, Rec, Pond, I, IR
Quantity of water	No. of acres
Name of ditch —	
Date of priority	1/1/1899
In name of 50	valley Irrigation
	- Adjudication, Vol, page
App. No. ———	—— Per. No. ——— Cert. No. 74/45
Certificate cancell	led ————————————————————————————————————
Notation made on	record by

FEES PAID

Date 4-6-07	Amount 350	DRC ACCOUNT
4-6-07	125	DRC Account
TOTAL		
	Cert. Fee	

FEES REFUNDED

Check No.

REMARKS

Deschutes County Planning Dept 117 MW /afayette Ave Bond, OR 97701

NO EWRE

Public Notice: 4/16/2007

Contractor: Bordon Autom Consumation Strategies



Water Resources Department

North Mall Office Building 725 Summer Street NE, Suite A Salem, OR 97301-1266 503-986-0900 FAX 503-986-0904

October 1, 2007

DESCHUTES RIVER CONSERVANCY 700 NW HILL STREET BEND OR 97701

Sarah Henderson

Reference: Transfer 10356

Enclosed is a copy of the order approving your instream water right transfer application. Also enclosed is a copy of the instream water right certificate #83567.

If you have any questions regarding these documents, please contact Bob Rice at 503-986-0885.

Sincerely,

Sarah Henderson Executive Support

cc: Watermaster #11

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Instream Transfer)	FINAL ORDER APPROVING A
Application T-10356, Deschutes County)	CHANGE IN PLACE OF USE AND
)	CHARACTER OF USE

Authority

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

Applicant

DESCHUTES RIVER CONSERVANCY (DRC) 700 NW HILL STREET BEND OR 97701

Findings of Fact

Background

- On April 2, 2007, the DRC filed an application to change the place of use and character of use under Certificate 74145 to instream use. The Department assigned the application number T-10356.
- 2. The portion of the right to be transferred is as follows:

Certificate: 74145 in the name of Swalley Irrigation District

Use: IRRIGATION of 8.14 ACRES Priority Date: September 1, 1899

Source: DESCHUTES RIVER, tributary to COLUMBIA RIVER

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 137-004-0080, you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Authorized Points of Diversion (POD):

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
17 S	12 E	WM	29	SE NE	POD #3: SWALLEY MAIN CANAL: 985 FEET NORTH AND 617 FEET WEST FROM THE EAST 1/4 CORNER OF SECTION 29
15 S	12 E	WM	14	NW SE	POD #15: ADDITIONAL DISTRICT DIVERSION: 2170 FEET NORTH AND 1350 FEET WEST FROM THE SE CORNER OF SECTION 14

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Additional Information: Tax Lot Number Listed on Application†	
17 S	12 E	WM	20	NW NE	2.14	100	
17 S	12 E	WM	16	SW SE	2.00	2600	
17 S	12 E	WM	17	SW SE	1.00	7900	
17 S	12 E	WM	17	SW SE	1.00	8000	
17 S	12 E	WM	17	SW SE	2.00	8200	

[†] May be a different tax lot number than what is described on the water right certificate.

3. The rate and duty associated with Certificate 74145 is dependent on whether the right is served by the main canal or a direct diversion right. There are a total of 4,561.105 acres listed on the certificate, of which 4,442.795 may be served by the canal, and 118.31 acres that are restricted to being served by direct diversions. The rights served by the canal are entitled to the following rates:

Season 1:	Season 1 Rate:
April 1 - 30 & Oct. 1 - 31	1 cfs to 83.0 acres
Season 2:	Season 2 Rate:
May 1 – 14 & Sept. 15 – 30	1 cfs to 62.0 acres
Season 3:	Season 3 Rate:
May 15 - Sept. 14	1 cfs to 33.45 acres

The above rates include a 43% transmission loss allowed by the Court to compensate for seepage from the canal. This transmission loss is not allowed on direct diversion rates. The total rate of use described on the certificate is limited to 125.0 cfs measured at the points of diversion from the source.

The duty per acre associated with lands served by the canal shall not exceed 9.58 acre feet for each acre irrigated during the irrigation season as measured at the points of diversion from the source. For lands served by direct diversions, the duty per acre is limited to 5.46 acre feet.

Certificate 74145 has been modified (reduced) by allocation of conserved water projects CW-13 (Special Order Volume 61, Page 630), CW-40 (Special Order Volume 70, Page 143), CW-41 (Special Order Volume 71, Page 202), CW-43, which includes canceling 0.03 acres served by the main canal, (Special Order Volume 73, Page 212), CW-47 (project

approved, but not yet finalized, Special Order Volume 71, Page 221), CW-48 (Special Order Volume 73, Page 307), and transfers T-8519 (Special Order Volume 55, Page 1010) which transferred 21.0 acres of direct diversion right to instream right (Certificate 76687), T-8154 (a place of use transfer, Special Order Volume 53, Page 1445), which did not prove up on 1.0 acre of canal diversion, which will be removed from the water right, and T-9308 (a place of use transfer approved by Special Order Volume 65, Page 472) also modified Certificate 74145 and includes 2.0 acres of inchoate canal diversion. The table below shows the initial rate and duty for Certificate 74145 and the reductions in rate and duty made by each of the described modifications. The rate and duty for the 2.0 acres associated with T-9308 are included in the initial rate and duty shown in the table below.

Consequently, the starting point for the rate and duty before this transfer associated with Certificate 74145 is approximately:

	Initial Rate / Duty (includes T-9308)	CW-13 Rate / Duty	T-8519 Rate / Duty	T-8154 Rate / Duty	CW-40 Rate / Duty	CW-41 Rate / Duty	CW-47 Rate/ Duty (Project not finalized)
Season 1 Rate (cfs)	54.340	(0.310)	(0.144)	(0.012)	(1.480)	(4.400)	(4.67)
Season 2 Rate (cfs)	72.746	(0.420)	(0.193)	(0.016)	(1.480)	(4.400)	(6.67)
Season 3 Rate (cfs)	125.000	(0.770)	(0.358)	(0.028)	(1.480)	(4.400)	(9.00)
Duty (AF)	4,3207.95	(417.00)	(114.66)	(9.02)	(627.10)	(1,864.37)	(3,157.62)

	Cancellation Associated with CW-43 Rate/ Duty	CW-43 Rate/ Duty	CW-48 Rate/ Duty	Approximate Before T-10356 Rate/Duty*
Season 1 Rate (cfs)	(0.000)	(0.209)	(0.76)	42.355
Season 2 Rate (cfs)	(0.000)	(0.294)	(1.03)	58.243
Season 3 Rate (cfs)	(0.001)	(0.532)	(1.63)	106.801
Duty (AF)	(0.23)	(172.57)	(551.00)	36,294.38

^{*}This includes the inchoate rate and duty associated with T-9308, and any other transfers completed pursuant to ORS 540.580. Additionally, the rate and duty may have been further modified by other orders of the Department.

The table below then shows the rate and duty associated with the 8.14 acres proposed to be transferred. This was determined by subtracting the existing direct diversion rates from the approximate starting rate and duty for this water right, identified in the table above, and then by determining the maximum rate that could be applied simultaneously to all canal diversion acres. This is the amount that Certificate 74145 will be reduced by as a result of this transfer.

	Approximate Before T-10356 Rate/Duty	Direct Diversion Rate/Duty	Total Canal Diversion Rate/Duty	Canal Rate 1/X cfs/ac and Duty (if exercised simultaneously)	Rate/Duty Associated with 8.14 Canal Acres, including loss
Season 1 Rate (cfs)	42.355	(0.812)	41.543	1/106.944 cfs/ac	0.08
Season 2 Rate (cfs)	58.243	(1.088)	57.155	1/77.732 cfs/ac	0.10
Season 3 Rate (cfs)	106.801	(2.016)	104.785	1/42.399 cfs/ac	0.19
Duty (AF)	36,294.38	(645.97)	35,648.41	7.65 AF/ac	62.28

The transferable portion of the water right, however, is the full rate and duty that can be applied to each acre (see first table contained in Finding of Fact #3) less the canal transmission losses, being:

	Transferable Rate/Duty Per Canal Acre	Transferable Rate/Duty Associated with 8.14 Canal Acres
Season 1 Rate	1cfs to 83.0 ac less 43%	0.06 cfs
Season 2 Rate	1cfs to 62.0 ac less 43%	0.07 cfs
Season 3 Rate	1cfs to 33.45 ac less 43%	0.14 cfs
Duty	9.58 AF/ac less 43% (or 5.46 AF/ac)	44.44 AF

4. The applicant is not the owner of the lands to which the water right described in Finding of Fact #2 is appurtenant. However, water right conveyance agreements have been completed and interest in the water right has been conveyed from each landowner, described in the table below, to the DRC. The portion of this right to be transferred was appurtenant to lands owned by the identified landowners at the time interest in the water right was conveyed through a Quit Claim, a water right conveyance agreement.

Grantor (landowner)	Water Right Interest Holder	Т	R	s	Q-Q	Tax Lot at time of Conveyance
Ted Wise & Martin F. Lofquist	DRC	17 S	12 E	20	NW NE	100
A-1 Excavation, Inc.	DRC	17 S	12 E	16	SW SE	2600
Garth Jackson, President of Palmer Homes	Swalley Irrigation District	17 S	12 E	17	SW SE	7900
Garth Jackson, President of Palmer Homes	Swalley Irrigation District	17 S	12 E	17	SW SE	8000
Garth Jackson, President of Palmer Homes	Swalley Irrigation District	17 S	12 E	17	SW SE	8200

- On August 2, 2007, the applicant provided documentation to the Department demonstrating that on April 3, 2007, Swalley Irrigation District had conveyed ownership interest in the water right, which was appurtenant to tax lots 7900, 8000, and 8200, to the DRC.
- Application T-10356 proposes to change the character of use to instream use for conservation, maintenance and enhancement of aquatic and fish life, fish and wildlife habitat and other ecological values; recreation; and pollution abatement.

- 7. Application T-10356 proposes to change the place of use of the right to create an instream reach from Swalley Main Canal POD #3 (described in Finding of Fact #2) at approximately RM 165 to the mouth of the Deschutes River at RM 0.0.
- 8. The applicant originally proposed the quantities water to be transferred instream to be protected in two reaches as follows:

	Reach 1: POD #3 (RM 165) to RM 120	Reach 2: RM 120 to RM 0.0
Season 1 Rate (cfs): April 1 - 30 & Oct. 1 - 31	0.056 CFS	0.035 CFS
Season 2 Rate (cfs): May 1 – 14 & Sept. 15 - 30	0.075 CFS	0.035 CFS
Season 3 Rate (cfs): May 15 - Sept. 14	0.13 CFS	0.035 CFS
Duty (AF)	42.24 AF	14.65 AF

- 9. There are several existing instream water rights located within the same instream reaches proposed by the applicant. There are two existing instream water rights established through the state agency application process below Lake Billy Chinook and one pending application within the same reach above Lake Billy Chinook. The state agency established instream water rights are junior in priority date to the water right proposed for transfer. The remaining instream water rights were established through the instream transfer and allocation of conserved water processes.
- 10. The applicant has requested to replace a portion of instream water rights established pursuant to ORS 537.341 (minimum perennial streamflow) or 537.346 (state agency application) with a more senior priority date and be in addition to instream water rights established pursuant to ORS 537.348 (instream transfer) or 537.470 (allocation of conserved water).
- Notice of the application for transfer was published on April 10, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- 12. On June 20, 2007, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10356, with modifications to the rate protectable instream, to the applicant and Swalley Irrigation District. The cover letter that accompanied the draft Preliminary Determination set forth a deadline of July 31, 2007, for the applicant to respond. On July 12, 2007, the applicant provided additional information to the Department and requested that the Department reevaluate its injury determination so that the requested rate could be protected instream. On July 31, 2007, the Department e-mailed a revised draft Preliminary Determination to the applicant and Swalley Irrigation District, proposing to allow the full diversion rate to be transferred to instream use, without the 43 percent transmission loss. The cover letter that accompanied the revised draft Preliminary Determination set forth a deadline of August 31, 2007, for the applicant to respond. On August 2, 2007, the applicant requested that the Department proceed with issuance of a

- Preliminary Determination and on August 6 and 8, 2007, the applicant provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
- 13. On August 8, 2007, the Department issued a Preliminary Determination proposing to approve Transfer T-10356 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on August 14, 2007, and in The Bulletin newspaper on August 14, 21, and 28, 2007, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
- 14. On September 21, 2007, a red-lined Draft Final Order was e-mailed to the applicant and Swalley Irrigation District. This red-line draft order highlighted changes to the Proposed Final Order due to the approval of Allocation of Conserved Water application CW-43 and CW-48 that were approved after the Preliminary Determination of T-10356 was issued. On September 21, 2007, the applicant and Swalley Irrigation District gave their consent to the red-lined changes.

Instream Transfer Review Criteria (OAR 690-77-0075 and 690-380-4010)

- 15. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- A diversion structure and ditch sufficient to use the full amount of water allowed under the
 existing right were present within the five-year period prior to submittal of application
 T-10356.
- 17. At the full rate and duty that may be transferred to instream use (see Finding of Fact #3), water may be protected instream for a period of 208 days. The instream period requested by the applicant, April 1 through October 31, (see Finding of Fact #9) is 214 days.

18. Based upon Findings of Fact #3 and #17, on August 2, 2007, the applicant agreed to modify the quantities to be transferred and protected instream as follows:

	Reach 1: POD #3 (RM 165) to RM 120	Reach 2: RM 120 to RM 0.0
Season 1 Rate (cfs): April 1 - 30 & Oct. 1 – 25	0.06 CFS	0.03 CFS
Season 2 Rate (cfs): May 1 – 14 & Sept. 15 - 30	0.07 CFS	0.03 CFS
Season 3 Rate (cfs): May 15 - Sept. 14	0.14 CFS	0.03 CFS
Duty (AF)	44.44 AF	14.65 AF

19. There is an instream lease, L-559, presently in effect for a portion of the water right proposed for transfer to instream use. The portion of the right presently leased instream is associated with the portion conveyed by Ted Wise & Martin F. Lofquist, as described in Finding of Fact #4. The lease was approved by the Department on July 12, 2004, as evidenced by Special order Volume 60, Page 443 (and correcting order, Special Order Volume 60, Page 883). This lease is scheduled to terminate on October 31, 2008, and includes a condition allowing for early termination of the lease order. The applicant has requested that Instream lease L-559 be terminated upon issuance of the final order approving T-10356.

- 20. The proposed change, as modified, would not result in enlargement of the right.
- 21. The proposed change, as modified, would not result in injury to other water rights.
- 22. The amount of the proposed instream flow and the timing of the proposed instream flow are allowable within the limits and use of the original water right as described in Finding of Fact #3.
- 23. The protection of flows within the proposed reaches is 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;
 - There are no known areas of natural loss of streamflow to the river bed downstream from the point of diversion; and
 - d) Any return flows resulting from the exercise of the existing water right would re-enter the river within the proposed reach and have been accounted for in Reach #2 (see Finding of Fact #18).
- 24. Within the proposed reach, the Deschutes River is a designated State Scenic Waterway. The protection of flows necessary to maintain the free flowing character of the Deschutes River for fish and wildlife habitat, and recreation is a matter of statutory policy. Within the reaches proposed by the applicant, there are several existing state agency applied instream water rights, which include the use of water for fish habitat, recreation, and aesthetics. There is also a pending instream water right application filed by Oregon Department of Fish and Wildlife for anadromous and resident fish rearing. In addition to flows for the designated Scenic Waterway and the existing and pending instream water right application, which are at times not met during requested period for instream protection, this segment of the Deschutes River is also on the Oregon Department of Environmental Quality's (DEQ) 303d list of water quality limited streams for temperature and pH above Lake Billy Chinook and for nutrients, sedimentation and temperature below Lake Billy Chinook at the lower end of the river.
- 25. By replacing a portion of state agency established instream water rights, Certificates 73188 and 73237, on the river below Lake Billy Chinook, the instream right will provide protection for streamflows identified as necessary for supporting aquatic life and recreation under an earlier priority date. By adding to other instream water rights located within the same reach proposed by this instream transfer application, the instream right will provide protection for

- additional streamflows necessary for fish and wildlife habitat enhancement, pollution abatement, and recreation.
- 26. The total monthly quantities of water to be protected under the proposed instream water right, in addition to other existing instream water rights established under ORS 537.348 and 537.470 in the proposed reach will provide for a beneficial purpose and do not exceed the estimated average natural flow.

27. After the approval of transfer T-10356, the Certificate 74145 will approximately allow use of the following quantities of water:

Season	Before T-10356 Direct Diversion Rate/Duty	Before T-10356 Canal Diversion Rate/Duty	Total Before T-10356 Maximum Rate/Duty	Reduction Due to T-10356 (from Canal Diversion)	After T-10356 Direct Diversion Rate/Duty	After T-10356 Canal Diversion Rate/Duty	After T-10356 Maximum Rate/Duty
Season 1 Rate: April 1 - 30 & Oct. 1 - 31 (cfs)	0.812	41.543	42.355	0.08	0.812	41.463	42.275
Season 2 Rate: May 1 – 14 & Sept. 15 – 30 (cfs)	1.088	57.155	58.243	0.10	1.088	57.055	58.143
Season 3 Rate: May 15 - Sept. 14 (cfs)	2.016	104.785	106.801	0.19	2.016	104.595	106.611
Duty (AF)	645.97	35,648.41	36,294.38	62.28	645.97	35,586.13	36,232.10

28. As described in Findings of Fact #3 and 27, the portion of the water right affected by this transfer includes the transmission loss and is the amount that may be diverted at the POD. It is the amount that may be diverted at the POD, as described above, if all other acres were taking the full amount of their water right, by which the water right will be reduced upon completion of the transfer.

Conclusions of Law

The changes in character of use and place of use to instream use proposed in application T-10356 are consistent with the requirements of ORS 540.505 to 540.580, ORS 537.348, OAR 690-380-5000, and OAR 690-077-0075.

Now, therefore, it is ORDERED:

- This order does not become effective until an order canceling Instream Lease L-559, is signed. If for any reason an order canceling Instream Lease L-559 does not become effective, then this order does not become effective.
- The changes in character of use and place of use to instream use proposed in application T-10356 are approved.
- Water Right Certificate 74145 is modified. A new certificate confirming the instream water right shall be issued. The Department shall issue a new water right certificate to supersede

Certificate 74145 on a determination that it is necessary to produce a certificate to confirm that portion of the right not involved in this transfer. Approval of this transfer shall reduce the amount of water lawfully available under the remaining portion of Certificate 74145 by the quantities associated with the irrigation of 8.14 acres as measured at the canal diversion, and described in Findings of Fact # 27 and 28, being:

	Rate/Duty Associated with 8.14 Canal Acres, including loss
Season 1 Rate	0.08 cfs
Season 2 Rate	0.10 cfs
Season 3 Rate	0.19 cfs
Duty	62.28 AF

- 4. The instream water right shall provide for the protection of streamflows from POD #3 (Swalley Main Canal) to the mouth of the Deschutes River. The instream right consists of two reaches: Reach #1 extending from the point of diversion (RM 165) to Lake Billy Chinook (RM 120), and Reach #2 extending from Lake Billy Chinook (RM 120) to the mouth (RM 0). The instream water right shall provide for the protection of streamflows for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values; pollution abatement; and recreation in the Deschutes River.
- 5. The quantities of water to be protected under the instream water right are:

	Reach 1: POD #3 (RM 165) to RM 120	Reach 2: RM 120 to RM 0.0
Season 1 Rate (cfs): April 1 - 30 & Oct. 1 - 25	0.06	0.03
Season 2 Rate (cfs): May 1 – 14 & Sept. 15 - 30	0.07	0.03
Season 3 Rate (cfs): May 15 - Sept. 14	0.14	0.03
Duty (AF)	44.44	14.65

- Stream channel losses and gains calculated based on available data and the use of senior
 appropriators will determine the amount of water to which this right is entitled downstream
 from the original point of diversion within the specified stream reaches.
- 7. The instream right established by this transfer shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or 537.470, unless otherwise specified by an order approving a new instream water right under these statutes.
- The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 74145 and any related decree.

9. The former place of use of the transferred water shall no longer receive water as part of this right.

Dated at Salem, Oregon this 28th day of September 2007.

Phillip C. Ward, Director

Mailing date: _

OCT 0 2 2007

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, for instream use for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values; pollution abatement; and recreation.

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 12 at Page 282 and Volume 16 at Pages 148 and 396. The date of priority is September 1, 1899.

The descriptions of the stream reaches in which flows are to be maintained are as follows:

Reach #1: From the location of the diversion authorized previously under Certificate 74145 (approximately at River Mile 165), located approximately at:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
17 S	12 E	WM	29	SE NE	POD #3, SWALLEY MAIN CANAL: 985 FEET NORTH AND 617 FEET WEST FROM THE EAST ¼ CORNER OF SECTION 29

To Lake Billy Chinook (at River Mile 120)

Reach #2: From the Lake Billy Chinook (at River Mile 120)

To the mouth of the Deschutes River (at River Mile 0.0).

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed the quantities described below:

Reach #1:

Instream Period	Instream Rate (cfs)
Season 1 Rate: April 1 through 30, and October 1 through 25	0.06
Season 2 Rate: May 1 through 14, and September 15 through 30	0.07
Season 3 Rate: May 15 through September 14	0.14

Reach #2:

Instream Period	Instream Rate (cfs)
April 1 through October 25	0.03

Stream channel losses and gains calculated based on available data and the use of senior appropriators will determine the amount of water to which this right is entitled downstream from the original point of diversion within the specified stream reaches.

This is a final 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 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

The instream right established by this allocation of conserved water shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and shall be in addition to instream water rights established pursuant to ORS 537.348 or 537.470, unless otherwise specified by a subsequent order establishing a new instream water right.

This certificate is issued to confirm a change in character of use and place of use approved by an order of the Water Resources Director approving Transfer 10356 entered September 28, 2007, and together with the remaining right supersedes Certificate 74145, State Record of Water Right Certificates.

The right is subject to all other terms and conditions of Certificate 74145, and any related decree.

WITNESS the signature of the Water Resources Director, affixed

SEP 2 8 2007 , 2007.

Mailing date: 0CT 0 2 2007

Water Right Transfer Completion Checklist

T- <u>10356</u>		Transf	er Specialist: RA-Bob	
Water Rights Aff	ected			
App File No.	Permit No	. Certificate No.	RR/CR Needed	RR/CR Nos.
Reschutes	decree	74145	Yes No	
			Yes No	
			Yes No	
Copies Needed				
Watermaster Distr	ict: <u>11</u>			
CWRE No.:				
Irrig Dist Name/A	ddress:			
Commentors Nam				
E-mail to	: Caura, K,	le Jerry, Coti	DRC, NFUF, STI	5 - 136 will do
			*	
Draft PD			inary Determination	
DPD Mailed DPD Response		Electronic Files up Preliminary Determinary		Folder updated Lefund Due
Workflow		PD Cover letter		ining Rights
		Newspaper Notice		c Notice, Salem
		Workflow/Date Se	nt to Salem Audit	Sheet
Comments/Specia	l Issues: Should	I we send the DPD to	Swalley? They are not a	party to the
application.	WM recion	still realed from	- B.S Land) V-10	co.veel 9 13
Kenses or Of	o slow the	. Hu s. to Affai		
DDD Berden e	D D	D Review (Salem)	/ Final Order Re	view (Salam)
DPD Review (Option				173 /
Reviewer for LKS	Date: GAR C	oordinator: Date:	7/07 Coordinator:	Date: 9/20/27
Coordinator: for DIP	7/31	Date of	7707	-
			0 0	. ,
Comments/Specia	I Issues: Deb	bie, three or	ders for your si o termuating D (sigolate) Wiles or	Justine ape
Mc(sed: 1) F	approving	transter, a) F	landt) William	C- effectue
1101, and 3)	Isux cere	cettective date	by 9/30. The public	i course to
period ender 9	127. trans	for order is data	28/28.	
				0 78.00
Special Order Vol	ıme: //, Pa	ges 02 Fin	al Order Signature Date	1-20-01

WRIS clone correction needed



Water Resources Department

North Mall Office Building 725 Summer Street NE, Suite A Salem, OR 97301-1266 503-986-0900 FAX 503-986-0904

April 11, 2007

CITY OF PORTLAND; PARKS AND RECREATION 6437 SE DIVISION ST BUILDING 416 PORTLAND OR 97206

Reference: Transfer 10355

On March 30, 2007 we received your water right transfer application requesting an additional point of appropriation change for use of water from a WELL, tributary to COLUMBIA RIVER. The application was accompanied by \$525.00. Our receipt 86897 is enclosed.

By copy of this letter, we are asking the Watermaster for his report regarding the potential for injury to existing water rights which may be caused by the change.

Your application will be examined to determine if additional information is needed. You will be contacted following this examination. A number of other transfer applications are also awaiting review. As a result, it may be some time before we are able to process your application. If you wish to have your application processed more quickly, you may want to consider use of the Department's reimbursement authority. Under this authority an applicant may receive expedited review by paying the full cost for a pre-qualified contractor to process the applications. For more information on the Reimbursement Authority program, see our website at http://www.wrd.state.or.us/OWRD/mgmt_reimbursement.shtml or call the transfer section.

Except as provided under ORS 540.510(3) for municipalities, you may not use water for the new use, in the new place of use or from the new point of diversion until the transfer application has been approved. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right. If the land is sold before the transfer is approved, the buyer's consent to the transfer will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

We will notify you if additional information or corrections to the application or map are required.

If you have any questions, please call the Transfer Section, (503)986-0883.

cc: Watermaster #20 Groundwater

enclosure



Water Resources Department

725 Summer Street NE, Suite A Salem, OR 97301-1271 503-986-0900 FAX 503-986-0904

Notice of Application for Water Right Transfer, Temporary Transfer, or Permit Amendment 04/10/2007

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice.

County:

MULTNOMAH

Transfer:

10355

Water Right:

CERT 44646

Priority Date:

05/20/1969

Name:

CITY OF PORTLAND PARKS AND RECREATION

Address:

6437 SE DIVISION ST BLDG 416; PORTLAND OR 97206

Change:

APOA

Source:

WELL

Authorized APOA: T1N R1E 5

Proposed APOA:

T1S R1E 4

The holder of a water right may apply to permanently change an existing water use subject to transfer. A transfer application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years and, if necessary to convey the water, to temporarily change the point of diversion or appropriation.

The holder of a water right permit may apply to change a point of diversion (POD) or appropriation (POA) or to change the place of use (POU).

Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time. The Director may presume that the transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Director otherwise within 30 days of this notice. Comments should be sent to the Transfers Section at the Department's Salem office.



Application for Water Right Transfer

Please type or print legibly in dark ink. If your application is incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "N/A" to indicate "Not Applicable." As you complete this form, please refer to notes and guidance included on the application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

	1. TYPE OF T	RANSFER APPLICATI	ION	
	<u>P</u>	lease check one		
	Permanent Transfer	☐ Instream Tra	ansfer	
	Temporary Transfer	Perman		190
	total number of years:	_ Time-L		
	(begin year:	Drought Tra	anster	
	(end year:	Other		
	2. APPLIC	CANT INFORMATION		
Name:	City of Portland, Parks and	Recreation		
Address:	6437 SE Division St			
	Portland	OR	97206	
	City	State	Zip	
Phone:		503-823-1607 Work		
Fax: 503-8	23-2246	E-Mail address: pk	dab@ci.portland	l.or.us
		NT INFORMATION	·	
(The age	ent listed is authorized to represent the	e applicant in all matters relat	ing to this transfer	аррисаноп.)
Name:	Dan	Butts		
rumio.	First	Last		
Address:	6437 SE Division St			
		OP	07206	RECEIVED
-	Portland City	OR State	97206 Zip	MAR 2 1 2007
Phone:		503-823-1607		
T HONO.	T 10355	Work		WATER RESOURCES DEP SALEM, OREGON
Fax: 503-8	23-2246	E-Mail address: p	okdab@ci.portla	nd.or.us
	gent is listed above, please chec			
	ase send all correspondence to Age			
Plea	ase send all correspondence to App	olicant. Send copies of corr	esponecel M	ED.
			MAR 30 2	107

Last revised: 1/4/2007

4. PROPOSED CHANGE(S) TO WATER RIGHT(S)

	Application / Decree	Permit / Previous Transfer	Certificate
1.	G-4886	G-4601	44646
2.			
3.			
4.			
5.			
6.			
		oint of Appropriation \square Aurface Water source to Groun	Additional Point of Appropriation
eas	son(s) for change(s): Cann	ot apply sufficient water to ma	
		ot apply sufficient water to maiod of non-use of the golf cou	aintain vegetation within the
esc ith	imited water window (per 5. V) cribe the <i>current</i> water delin the last 5 years. Include to divert, convey and applies multiple rights that has the description must be sufficient.	VATER DELIVERY SYSTE livery system <u>or</u> the system the information on the pumps, coly the water at the authorized are independent systems, described to demonstrate that the full qualities are source and applied at the authorized able to exercise the right.	aintain vegetation within the rse facilities). EM at was in place at some time anals, pipelines and sprinklers place of use. If the transfer ribe each system separately. Intity of water to be transferred can
esc ith	to divert, convey and applicant is ready, willing, an	VATER DELIVERY SYSTE livery system <u>or</u> the system the information on the pumps, coly the water at the authorized are independent systems, described to demonstrate that the full qualities are source and applied at the authorized able to exercise the right.	aintain vegetation within the rse facilities). EM at was in place at some time anals, pipelines and sprinklers place of use. If the transfer ribe each system separately. Intity of water to be transferred can
esc ith sed vo	zribe the current water delain the last 5 years. Include to divert, convey and applicant is ready, willing, and See attached "Exhibit em capacity: s that have independent sy	VATER DELIVERY SYSTE livery system or the system the information on the pumps, coly the water at the authorized ave independent systems, describent to demonstrate that the full qualities and applied at the authorized able to exercise the right. A" cubic feet per second (cfs). It extems, describe the capacity for the systems of the capacity for the systems of the systems.	aintain vegetation within the rese facilities). EM at was in place at some time anals, pipelines and sprinklers place of use. If the transfer ribe each system separately. Intity of water to be transferred can rized location and that the
esc ith sed vo	zribe the current water delain the last 5 years. Include to divert, convey and applies multiple rights that has the description must be sufficient be conveyed from the authorist applicant is ready, willing, and See attached "Exhibit em capacity:	VATER DELIVERY SYSTE livery system or the system the information on the pumps, coly the water at the authorized ave independent systems, describent to demonstrate that the full qualities and applied at the authorized able to exercise the right. A" cubic feet per second (cfs). It extems, describe the capacity for the systems of the capacity for the systems of the systems.	aintain vegetation within the rese facilities). EM at was in place at some time anals, pipelines and sprinklers place of use. If the transfer ribe each system separately. Intity of water to be transferred can rized location and that the

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Last revised: 1/4/2007

4. PROPOSED CHANGE(S) TO WATER RIGHT(S)

List all water rights to be affected by this transfer. Indicate the certificate, permit, decree or
other identifying number(s) in the table below: (Attach additional pages as necessary.)

	Application / Decree	Permit / Previous Transfer	Certificate
1.	G-4886	G-4601	44646
2.	G-16387	G-16140	
3,			
4.			
5.			
6.			

	☐ Point of Diversion ☐ Point of Appropriation ☐ Surface Water source to Cannot apply sufficient water (period of non-use of the go	er to maintain vegetation within the
☐ Instream Transfer Reason(s) for change(s):	☐ Surface Water source to Cannot apply sufficient wate	Ground Water source
limited water windov	v (period of non-use of the go	olf course facilities).
vithin the last 5 years. In used to divert, convey an	nclude information on the pure data apply the water at the author	tem that was in place at some time mps, canals, pipelines and sprinklers orized place of use. If the transfer s, describe each system separately.
The description must be be conveyed from the a		full quantity of water to be transferred can
See attached "Ex	chibit A"	RECEIVED
Political Control	Void	3-28-07 MAR 2 1 2007
System capacity:	cubic feet per second (ent systems, describe the cap	water resources b SALEM, OREGON cfs). If the transfer involves multiple acity for each system separately.
ights that have independ		

MAR 3 0 2007

6. EVIDENCE OF BENEFICIAL WATER USE

- Attach one or more Evidence of Use Affidavits (Supplemental Form B) demonstrating that each of the right(s) involved in the transfer have been exercised in the last five years in accordance with the terms and conditions of the right or that a presumption of forfeiture for non-use could be rebutted. The Evidence of Use Affidavit(s) must include supporting documentation such as the following:
 - ► Copies of receipts from sales of irrigated crops or for expenditures relating to use of water;
 - ▶ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers;
 - Dated aerial photographs of the lands or other photographs containing sufficient detail to establish location and date of the photograph; or
 - ▶ If the right has not been used during the past five years, documentation that the presumption of forfeiture would be rebutted under ORS 540.610(2).

7. AFFECTED DISTRICTS AND LOCA	AL GOVERNMENTS
Are any of the water rights proposed for transfer locate other water district? Yes No	ed within or served by an irrigation or
Will any of the water rights be located within or served after the proposed transfer? Yes No	l by an irrigation or other water district
Is water for any of the rights supplied under a water set stored water with a federal agency or other entity?	
If "Yes", for any of the above, list the name and mailing and/or entity:	g address of the district, agency
List the name and mailing address of all affected local municipal corporation, and tribal governments within v located).	whose jurisdiction the rights are
City of Portland, Parks and Recreation	RECEIVED
6437 SE Division St, Bldg 416	MAR 2 1 2007
Portland, OR 97206	WATER RESOURCES DEPT
	RECEIVED. OREGON

MAR 3 0 2007

Last revised: 1/4/2007

8. LAND OWNERSHIP

Does the applicant own the lands FROM which the right is being transferred? Yes No
If "No", provide the following information. For Temporary Transfers, also include a notarized statement granting consent to the transfer from each of the landowners:
Names of Current Landowner(s): First Last
Address:
City State Zip
Does the applicant own the lands TO which the right is being transferred?
Yes No N/A - NOT APPLICABLE TO INSTREAM TRANSFERS
If "No", provide the following information:
Names of Receiving Landowner(s): First Last
Address:
City State Zip
Check <u>one</u> of the following:
The receiving landowner will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to this landowner.
The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.
□ N/A. (Not applicable. Application is for an Instream Water Right Transfer.)

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SALEM, OREGON

9. ATTACHMENTS

Check each of the following attachments included with this application.

The application will be returned if all required attachments are not included.

	pplemental Form A – Description of Proposed Change(s) to a	Land Use Information Form: Enclosed; or
Su	Water Right A separate Supplemental Form A is enclosed for each water right to be affected by this transfer. pplemental Form B – Evidence of Use Affidavit(s) At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the	 Not Required if all of the following are met: ● In EFU zone or irrigation district, ● Change in place of use only, ● No structural changes needed, including diversion works, delivery facilities, other structures, and ● Irrigation only. Fees: ▼ Amount enclosed: \$ 525.00 See the Department's Fee Schedule at
A	original (not a copy), <u>and</u> The Evidence of Use Affidavit must be accompanied by supporting documentation.	www.wrd.state.or.us or call (503) 986-0900. Instream Water Right Transfers, also include:
M	ap qu	
₩.	Water Right Transfer The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy.	Supplemental Form C – Instream Water Right Transfer Complete this form to describe the desired nature and attributes for the proposed instream water right.
	Temporary Transfer or Historical POD	Temporary Transfers, also include:
W	Change A map meeting the requirements of OAR 690-380-3100 must be included but need <u>not</u> be prepared by a Certified Water Right Examiner. ater Well Report(s)/Well Log(s):	Recorded Deed: The applicant must submit a copy of the current deed of record for the land from which the authorized place of use or point of diversion/appropriation is being moved.
all waters	The application is for a change in point of	Affidavit of Consent:
	appropriation or change from surface water to ground water and copies of all water well reports are attached.	If the applicant is NOT the owner of record for the land from which the authorized place of use or point of diversion/appropriation is being
	Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is	moved, a notarized statement from the actual owner of record consenting to the proposed transfer must be submitted. RECEIVED
	attached.	VILLE
t	N/A. The application does <u>not</u> involve a change in point of appropriation or a change from surface water to ground water, so water well reports are <u>not</u> required.)	MAR 3 0 2007 MAR 2 1 2007 WATER RESOURCES DEPT

Before submitting your application to the Department, be sure you have: Answered each question completely. Included all the required attachments. Provided original signatures for all named deed holders, or other parties, with an interest in the water RECEIVED Included a check payable to the Oregon Water Resources Department for the appropriate amount. 10. SIGNATURES WATER RESOURCES DEPT • Check one of the following, as appropriate, and sign the application in the signature box below: Check one In accordance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the following landownership information and evidence demonstrating that I (we) are authorized to pursue the transfer: A report of ownership and lien information that has been prepared by a title company within the last three months; A copy of written notification of the proposed transfer provided by the applicant to all lien holders on the subject lands unless the report of ownership and lien information shows that a water right conveyance agreement has been recorded for the subject lands. If a water right conveyance agreement has been recorded for the subject lands, a copy of the agreement and identification of the owner of the lands at the time the agreement was recorded must be submitted; and If the landowner identified in the report of ownership and lien information is not the applicant, a notarized statement consenting to the transfer (attached) signed by the landowner identified in the report or an authorized representative of the entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement or other documentation demonstrating that the applicant is authorized to pursue the transfer in the absence of the consent of the landowner. I (we) affirm that the applicant is a municipality, as defined in ORS 540.510(3)(b), and that the right is in the name of the municipality or a predecessor. Therefore, pursuant to OAR 690-380-

I (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the water right proposed for transfer is appurtenant by condemnation. Documentation is provided with this application supporting this statement. Therefore, pursuant to OAR 690-380-3000(13)(c), the applicant is NOT required to provide the above described report of ownership and lien information. (NOTE: Such an entity may only apply for

3000(13)(b), the applicant is NOT required to provide the above described report of ownership and

a transfer under this subsection if it has filed a condemnation action to acquire the property.)

" I (we) affirm that the information contained in this application is true and accurate.

lan a. Butts	Dan A Butts, CWRE	March 12, 2007
applicant signature	name (print)	date
		RECEIVED
applicant signature	name (print)	MECEIVE date

MAR 3 0 2007

(b)

(c)

lien information.

EXHIBIT A

The old point of diversion is identified as Well #2 per Certificate #44646. At the wellhead there is installed a 150 HP U.S. Motor – Emerson and a Jacuzzi turbine pump with a calculated rate of 1,690 gpm affixed thereto. In this irrigation system the water is carried from the pump through 24,100 lineal feet of buried pvc mainline pipe (size varies from 8" down to 2 ½") to 305 individual zones controlled by low voltage electric gate valves. As the zones are opened, the water passes through 38,160 lineal feet of buried pvc lateral line pipe (size varies from 2" down to 1 ½") which are in turn connected to 525 Toro sprinkler heads Model 670.

The new point of diversion is identified as Well #3 per Permit G-16140. At the wellhead there is installed a 25 HP Franklin Electric submersible motor and a Crown 8H-1000 turbine pump with a calculated rate of 275 gpm affixed thereto. In this irrigation system the water is carried from the pump through 1000 lineal feet of 8" pvc mainline pipe to a reservoir (a bulge in the system). From the reservoir the water is pumped using twin 60 HP motors with a calculated rate of 1,400 gpm through 25,265 lineal feet of buried mainline pipe (size varies from 8" down to 2 ½") and 67,590 lineal feet of buried pvc lateral line pipe (size varies from 2" down to 1") which are in turn connected to 1,030 individually actuated Toro sprinkler heads.

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WATER RESOURCES DEPT SALEM, OREGON

WATER RESOURCES DEPT SALEM, OREGON

Last revised: October 13, 2006

Water Right Transfer Supplemental Form A <u>DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT</u>

List only <u>one</u> water right per page. A <u>separate Supplemental Form A</u> must be completed for <u>each</u> certificate, permit, decree, or other right involved in the proposed transfer.

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

Certificate Number or other identifying number: Certificate #44646

1. TYPE OF CHANGE(S) PROPOSED

(Check all that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
Change (The old point of diversion or appropriation will not be used for the portion of the water right affected by the transfer.) Additional (Both the old and new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) Historic Point of Diversion or Appropriation Change (Unauthorized point of diversion or appropriation used for more than 10 years.)	☐ All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) ☐ Only a portion of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.)	Proposed new use: Irrigation Municipal Quasi-municipal Commercial Industrial Instream (complete and attach Supplemental Form C) Domestic (indicate number of households)
□ Surface Water to Ground Water (A new point of appropriation will be used instead of the old point of diversion. The old point of diversion will not be used.) □ Point of Diversion Change due to Government Action (The		□ Substitution (A supplemental ground water right will be substituted for a primary surface water right.) □ Supplemental Use to Primary Use (Primary water right shall be cancelled and the supplemental water right will change to primary use.)
old point of diversion or appropriation can no longer be used due to government action.) Exchange (Water from	MAR 3 0 2007	RECEIVED MAR 2 1 2007
another source will be used in exchange for supplying an	WATER RESOURCES DEPT	WATER RESOURCES DEPT

equal amount of replacement water to that source.)	
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	SALEM, OREGON
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	WATER RESOURCES DEPT SALEM, OREGON
2. CURRENT WATER RIGH	IT INFORMATION

Water Right Subject to Transfer (check and complete one of the following):

rte	Certificated Right	44646	G-4601
تا	Certificated Right	Certificate Number	Permit Number or Decree Name
	Adjudicated,		
	Non-certificated Right	Name of Decree	Page Number
	Permit for which Proof has		
	been Approved	Permit Number	Date Claim of Beneficial Use Submitted
	Transferred Right for which		
	Proof has been Filed	Previous Transfer Number	Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: City of Portland, Bureau of Parks
- County: Multnomah
- Authorized Use(s) to be Affected by Transfer: <u>Irrigation</u>
- Priority Date(s): May 20, 1969

If there are multiple Priority Dates identified on the water right, any information provided on pages 3 through 6 of this form must identify which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

Source(s) of Water to be Affected by Transfer: Waters of Well #2 (old Vanport Well #5)

Tributary to: the Columbia River

If there are multiple Sources listed on the water right, any information provided on pages 3 through 6 of this form must identify which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

For applications proposing a Change in Place of Use or Character of Use:

- Are there Other Water Rights, Permits or Ground Water Registrations associated with this land?
 - ☐ Yes ☐ No ☐ N/A No Change in Place of Use or Character of Use

If "Yes", what are the Permit, Registration or Certificate Numbers?

Pursuant to ORS 540.510, any "layered" water use or a right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled, except as provided in OAR 690-380-2240(5).

Certificate Number or other identifying number:

The following information must be provided <u>only</u> for those points of diversion or appropriation that are involved in the transfer (i.e., <u>list only the portion of the water right you propose to transfer.</u>) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below **only** if the information is reflected on the existing water right.

Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:

(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L)	Source and Priority Date	Township	Range	Mer	Sec	1/4 1/4	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
Vanport Well #5	Tributary to Columbia River May 20, 1969	1 North	1 East	W. M.	5	SE,NE	Brown DLC 67	1540 feet South and 190 feet West from the NE Corner, Section 5
				AR 3	VEC 2007		A Literate	2 1 2007
					URCES			SOURCES DEPT I, OREGON

Does the water right being transferred involve a ground water source(s)? TY Yes ☐ No (Surface water source only.)

If "Yes", for each authorized point of appropriation (well) involved, you must either:

Supply a copy of the well log(s) for each point of appropriation that is clearly labeled and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department's web page at: http://www.wrd.state.or.us)

B. If a well log is not available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.

Construction of Existing Authorized Point(s) of Appropriation - (Only needed if no well log is available.) Wells in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

Certificate Number or other identifying number:

The following information must be provided only for those places of use that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.

Location of Existing Authorized Place of Use to be Affected:

(i.e., the allowed lands listed on the water right that will be affected by the proposed transfer, the "FROM" lands)

Source and Priority Date	Township	Range	Mer	Sec	1/4 1/4 Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Tributary to Columbia River May 20, 1969	2 North	1 East	W. M.	32	SW SE	Lot 5	5.2
"	"	REC	EÏVI	ËĎ	SE SE	REC	EIVED ^{23.1}

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WATER RESOURCES DEPT

WATER RESOURCES DEPT - 4 SALEM, OREGON SALEM, OREGON Change's to a Water Right

Source and Priority Date	Township	Range	Mer	Sec		½ ction	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Fributary to Columbia River May 20, 1969	2 North	1 East	W. M.	33	SW	sw	Lot 1	10.9
"	- 46	46	"	"	SE	SW	Lot 2	2.0
"	1 North	1 East	"	4	NE	NW	Brown DLC 67	2.5
"		"	66	**	NW	NW	ć.	3.4
"	66	"	144	5	NE	NE		16.5
"	**	"	"	ш	NW	NE	46	22.7
**	"	**	"	"	SW	NE	44	11.8
66		"	"		SE	NE	cc	11.7
					MAI	CEN	2007	RECEIVED MAR 2 1 2007
				A	SAI	LEM, OR	EGON	WATER RESOURCES D SALEM, OREGON

3. PROPOSED CHANGES TO THE WATER RIGHT

Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Point(s) of Diversion or Appropriation:

(i.e., the "TO" point(s) of diversion or appropriation)

\[\begin{align*} \ N/A - Instream Water Right Transfer \\ (NOTE: Complete this table only if a \begin{align*} \ Change in Point of Diversion or Appropriation \) is being proposed.)

Source	Township	Range	Mer	Sec	1/4 1/4 Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)

If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? ☐ Yes П No □ N/A - No proposed well(s) listed above.

If "Yes", attach and clearly label the corresponding well log(s) for each proposed well, or if well log(s) are not available, describe the construction of the well(s) using the table below. (NOTE: You may search for well logs on the Department's web page at: http://www.wrd.state.or.us)

If "No", describe the anticipated construction for the proposed well(s) in the following table:

Construction of Proposed Point(s) of Appropriation or Well(s)

Well numbers in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
Yes	Mult 86763	Unknown	14" Steel	137'-	115' – 130'	18'	12'-7"	111	3/4" Threaded hole	136'

Certificate Number or other identifying number: Permit G-16140

Describe proposed changes to the water right involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Place of Use: (i.e., the "TO" lands)	□ N/A – Instream Water Right Transfer
(NOTE: Complete this table only if a Change in Place of Use	is being proposed.)

Source	Township	Range	Mer	Sec	1/4 1/4 Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
							* 1

If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? ☐ Yes ☐ No ☐ N/A - No proposed well(s) listed above.

If "Yes", attach and clearly label the corresponding well log(s) for <u>each</u> proposed well, or if well log(s) are <u>not</u> available, describe the construction of the well(s) using the table below. (<u>NOTE:</u> You may search for well logs on the Department's web page at: http://www.wrd.state.or.us)

If "No", describe the anticipated construction for the proposed well(s) in the following table:

Construction of Proposed Point(s) of Appropriation or Well(s)

Well numbers in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
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Certificate Number or other identifying number:

Describe proposed changes to the water right involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Place of Use: (i.e., the "TO" lands) \[
\begin{align*}
& N/A - Instream Water Right Transfer (NOTE: Complete this table only if a Change in Place of Use is being proposed.)

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Description of Proposed Change(s) to a Water Right

Source	Township	Range	Mer	Sec	1/4 1/4 Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
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WATER RESOURCES DEPT SALEM, OREGON

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WATER RESOURCES DEPT SALEM, OREGON

For Policy of

9-185—July 1935 Revised

UNITED STATES

DEPARTMENT OF THE INTERIOR GEOLOGICAL SURVEY

WATER RESOURCES BRANCH

WELL SCHEDULE	30 SEC. 6		
	, 19.44	Vinnet	
Record byU.W.R.		6.00 No 5_	\$4.60 mes (100 mes)
Source of data J.W. Cunningham	and Associ-th	rough Carl Gra	en.
1. Location: State Oregion	County	4.50	4
Map Portland Quad			-
SW 1 NW 1/2 sec.	4 7 1	NR 1	E
2. Owner Yamport (F.H.A.	Address	7	- W
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3. Topography Fland Plans			5
4. Elevation ft. above	*	OS 19	
	Test pumper	OEZ A	
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7. Casing: Diam. 12 in., to			
Depthft., Finish _perf	Carel Town 10	4 # to 125	- #
8. Chief Aquifer Sand and g	YASHA FIOIII	2.1 10. 00	10.
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9. Water level 8 ft. ment	. Votes Ivilles	below	
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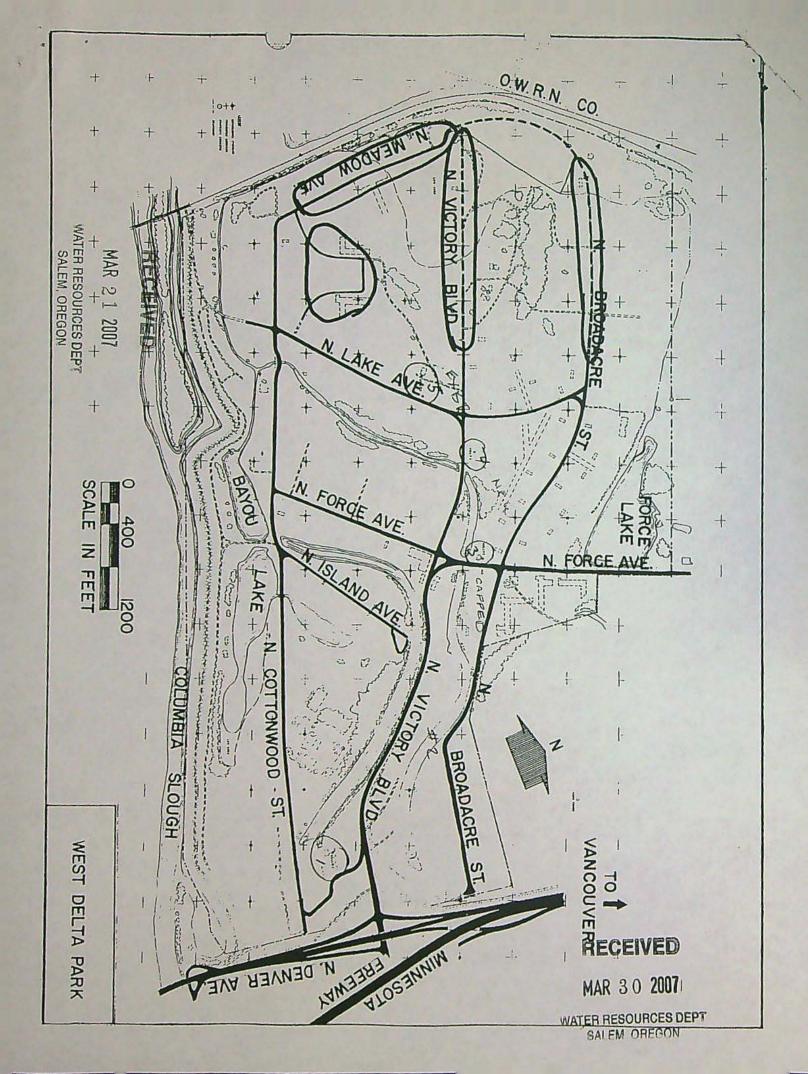
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WATER RESOURCES DEPT SALEM, OREGON



UNITED STATES DEPARTMENT OF THE INTERIOR GEOLOGICAL SURVEY WATER RESOURCES BRANCH

WELL SCHEDULE	44	**		
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Record byWR			To,	
Source of data L.W. Cunningham	and Association	rough Cas	d Green	
1. Location: State Oregon.				
Map Partland Quad		inpart Lay	fout	
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. 2. Owner: Vanport (F.H.A.)	Address			
Tenant	Address			
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5. Type: Dug drilled driven, bored,	Jetted 1413 1942	E	4.	10
6. Depth: Rept. 136 ft. Me		1 1		1
7. Casing: Diam. 14 in., to	_ in., Type			1.4
Depth ft., Finish .p.o.f-	115-130			7
8. Chief Aquifer . Sand and qu	caul From 1	11 ft. to	- 737P	ft.
Others				
9. Water levelft. rept.	Whendrelled	1947 belo	₩	
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o. Pump: Type Turkine				
Power: Kind electric Pax	Hor	epower	50 ·	
11. Yield: Flow G. M., Pun	The second secon			
Drawdown & 8 ft. after				
12. Use: Dom., Stock PS RR., Ind		74		
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13. Quality	Hydron Sec. 1	Temp	, ,	oF.
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14. Remarks: (Log, Analyses, etc.)	Goo Lou	Hi dana da	2 28	pr. V
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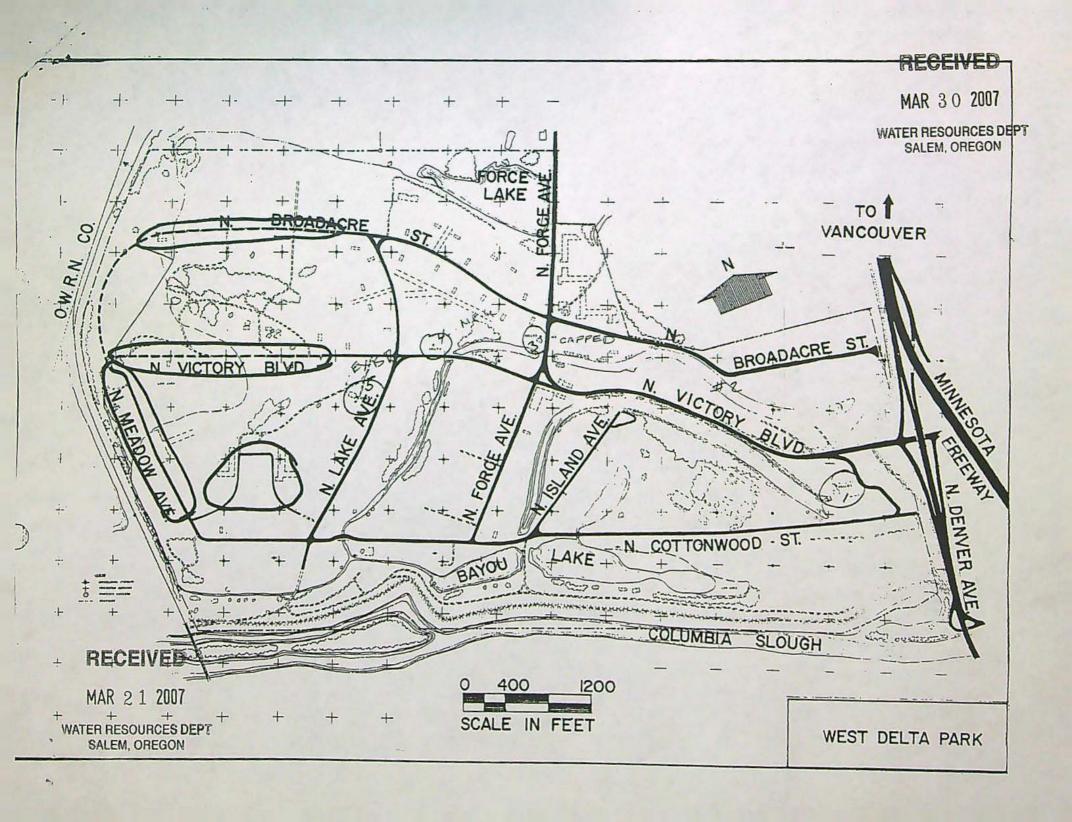
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STATE OF OREGON

COUNTY OF

MULTNOMAH

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

PORTLAND BUREAU OF PARKS

of 1107 S.W. 4th Ave., Portland , State of Oregon, 97204 , has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of two wells

a tributary of Columbia River irrigation of 112.2 acres

for the purpose of

under Permit No. G-4601 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from May 20, 1969

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1.40 cubic feet per second, being 0.03 c.f.s. from well No. 1, and 1.37 c.f.s. from well No. 2

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the \$1-NEW NEW, as projected within Brown DLC 67, \$2-SEW NEW, as projected within Brown DLC 67, Section 5, T. 1 N., R. 1 E., W. M., 490 feet South and 350 feet West, 1540 feet South and 190 feet West both from the NE Corner, Section 5

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth one cubic foot per second per acre. Or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2½ acre feet per acre for each acre irrigated during the irrigation season of each year,

and shall

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

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

SEE NEXT PAGE

| Well #2 |
| 5.2 acres | Lot 5 | (SW4 SF4) |
| 23.1 acres | Lot 5 | (SE4 SE4) |
| Section 32 |
| 10.9 acres | Lot 1 | (SW4 SW4) |
| 2.0 acres | Lot 2 | (SE4 SW4) |
| Section 33 |
| T. 2 N., R. 1 E., W. M.

2.5 acres NEL NWG
3.4 acres NWG NWG
Both as projected within Alexander Brown DLC 67
Section 4
16.5 acres NEL NEL
22.7 acres NWG NEL
11.8 acres SWG NEL
11.7 acres SEC NEL
All as projected within Alexander Brown DLC 67
Section 5

T. 1 N., R. 1 E., W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described. and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. August 3, 1977

James E. Sexson
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 36 , page 44646

STATE OF OREGON

COUNTY OF MULTNOMAH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

CITY OF PORTLAND; PARKS AND RECREATION 6437 SE DIVISION ST, BLDG 416 PORTLAND, OR 97206

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-16387

SOURCE OF WATER: WELL 3 IN COLUMBIA SLOUGH BASIN

PURPOSE OR USE: IRRIGATION USE ON 88.77 ACRES

MAXIMUM RATE: 1.11 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: FEBRUARY 11, 2005

WELL LOCATION: SW 1/4 NW 1/4, SECTION 4, T1N, R1E, W.M.; 1469 FEET SOUTH & 651 FEET EAST FROM NW CORNER, SECTION 4

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE ¼ NW ¼ 8.18 ACRES NW ¼ NW ¼ 20.46 ACRES SW ¼ NW ¼ 10.24 ACRES SE ¼ NW ¼ 8.55 ACRES SECTION 4

NE ¼ NE ¼ 4.45 ACRES SW ¼ NE ¼ 9.03 ACRES SE ¼ NE ¼ 13.43 ACRES NE ¼ SE ¼ 4.89 ACRES NW ¼ SE ¼ 9.54 ACRES SECTION 5

TOWNSHIP 1 NORTH, RANGE 1 EAST, W.M.

Application G-16387 Water Resources Department

PERMIT G-16140

Measurement, recording and reporting conditions:

- Before water use may begin under this permit, the permittee shall install a totalizing flow meter. The totalizing flow meter must be installed and maintained in good working order consistent with those standards identified in OAR 690-507-645(1) through (3). The permittee shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- The permittee shall allow the watermaster access to the meter; В. provided however, where the meter is located within a private structure, the watermaster shall request access reasonable notice.

STANDARD CONDITIONS

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may not be valid, unless the Department authorizes the change in writing.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and appropriators to jointly develop plans to mitigate interferences.

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2011. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued January 4 , 2007

Phillip C. Ward, Director Water Resources Department



Water Resources Department

North Mall Office Building 725 Summer Street NE, Suite A Salem, OR 97301-1266 503-986-0900 FAX 503-986-0904

April 9, 2007

DESCHUTES RIVER CONSERVANCY 700 NW HILL STREET BEND, OR 97701

Reference: Instream Transfer 10218

On APRIL 6, 2007 we received your water right transfer application requesting point of diversion, place of use and character of use changes for use of water from the Deschutes River, tributary to Columbia River. The application fees of \$350.00 plus \$125.00 have been taken from the Deschutes River Conservancy customer account.

By copy of this letter, we are asking the Watermaster for his report regarding the potential for injury to existing water rights which may be caused by the change.

Your application will be examined to determine if additional information is needed. You will be contacted following this examination.

We will notify you if additional information or corrections to the application or map are required.

If you have any questions, please call the Transfer Section, (503)986-0900.

cc: Watermaster #11
Steve Marx, ODFW
Swalley Irrigation District

enclosure



Water Resources Department

725 Summer Street NE, Suite A Salem, OR 97301-1271 503-986-0900 FAX 503-986-0904

Notice of Application for Water Right Transfer, Temporary Transfer, or Permit Amendment 04/10/2007

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice.

County: DESCHUTES

Transfer: 10356

Water Right: CERT 74145 Priority Date: 09/01/1899

Name: DESCHUTES RIVER CONSERVANCY
Address: 700 NW HILL ST; BEND OR 97701

Change: USE/POU/POD

Source: DESHCUTES RIVER Authorized POD: T17S R12E 29

Proposed POD: #1 POD TO LAKE BILLY CHINOOK/RM 165 TO RM 120

#2 LAKE BILLY CHINOOK TO MOUTH/RM 120 TO RM 0

Authorized POU: T17S R12E 16,17,20

Proposed POU: #1 POD TO LAKE BILLY CHINOOK/RM 165 TO RM 120

#2 LAKE BILLY CHINOOK TO MOUTH/RM 120 TO RM 0

Authorized USE: IRRIGATION Proposed USE: INSTREAM

The holder of a water right may apply to permanently change an existing water use subject to transfer. A transfer application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years and, if necessary to convey the water, to temporarily change the point of diversion or appropriation.

The holder of a water right permit may apply to change a point of diversion (POD) or appropriation (POA) or to change the place of use (POU).

Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time. The Director may presume that the transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Director otherwise within 30 days of this notice. Comments should be sent to the Transfers Section at the Department's Salem office.

STATE OF OREGON

COUNTY OF DESCHUTES

CERTIFICATE OF WATER RIGHT

L-564

confirms the right to use the waters of THE DESCHUTES RIVER, a tributary of THE COLUMBIA RIVER, for IRRIGATING 4351.22 ACRES, 3.50 ACRES-EQUIVALENT FOR DUST ABATEMENT, 24.285 ACRES-EQUIVALENT FOR INDUSTRIAL USE, 2.80 ACRES-EQUIVALENT FOR PARK MAINTENANCE, 157.00 ACRES-EQUIVALENT FOR NURSERY USE, 22.30 ACRES-EQUIVALENT FOR POND MAINTENANCE, DOMESTIC AND STOCK USE.

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 12, at Page 282 and Volume 16, at Pages 148 and 396. The date of priority is SEPTEMBER 1, 1899.

The use is limited to 125.0 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the points of diversion from the source.

The points of diversion are located as follows:

THIS CERTIFICATE ISSUED TO

PO BOX 5126

BEND OR 97708-5126

SWALLEY IRRIGATION DISTRICT

- SE1/4 NE1/4, Section 32, T. 17 S., R. 12 E., W.M.; 100 feet South and 50 feet East from the most Northerly corner of tax lot 4100.
- SW1/4 SE1/4, Section 29, T. 17 S., R. 12 E., W.M.; 540 feet West from the SE corner of Section
- 3 Swalley main canal: SE¹/₄ NE¹/₄, Section 29, T. 17 S., R. 12 E., W.M.; 985 feet North and 617 feet West from the East 1/4 Corner of Section 29.
- NW1/4 SE1/4, Section 20, T. 17 S., R. 20 E., W.M.; 1980 feet North and 1980 feet West from the SE Corner of Section 20.
- 5 SE1/4 NW1/4, Section 20, T. 17 S., R. 12 E., W.M.; N. 60° W., 117 feet from the center of Section 20.
- 6 NE1/4 NW1/4, Section 20, T. 17 S., R. 12 E., W.M.; 998.86 feet West and 156.37 feet North from the SE Corner of the NE1/4 NW1/4, Section 20.
- NE¼ NW¼, Section 20, T. 17 S., R. 12 E., W.M.; 590 feet South and 1920 feet East from the NW Corner of Section 20.
- SE¼ SW¼, Section 17, T. 17 S., R. 12 E., W.M.; 375 feet North and 302 feet West from the S 1/4 Corner of Section 17. L-433
- 1-429 9 - NW4 SE4, Section 6, T. 17 S., R. 12 E., W.M.; N. 27° 1' E., 678 feet from the SW Corner 1-428 of the NW1/4 SE1/4, Section 6. T-9308
- 10 SE¼ SE¼, Section 30, T. 16 S., R. 12 E., W.M.; 192 feet North and 1069 feet West from the Instrum lease #256 9/19/01-10/51/01 #276 4-22-02/10-31-02 SE Corner of Section 30. T-89984 Pau

SEE NEXT PAGE T-8647 T-8613 T-8519 T-8385 T-8154 T-8044 T 8018

T-8767 DUSE/POUL V.56p.947

T-9039

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SE¼ NE¼	1400	IRR 8.600	3 & 15	Brinson, Edna
NE¼ NW¼	200	IRR 2.000	3 & 15	OCAT Inc.
NE¼ NW¼	400	IRR 2.600	3 & 15	Kennedy, Robert
NE¼ NW¼	800	IRR 1.500	3 & 15	Warren, Perry W. & Shelley L
NE¼ NW¼	1000	IRR 2.000	3 & 15	Cleveland, Wallace T.
NE1/4 NW1/4	1100	IRR 3.000	3 & 15	Campbell, Michael L. & Sharon B.
SE¼ NW¼	400	IRR 0.400	3 & 15	Kennedy, Robert
SE¼ NW¼	800	IRR 0.500	3 & 15	Warren, Perry W. & Shelley L
NW1/4 SW1/4	1300	IRR 0.500	3 & 15	Hauth, Arlene
NW1/4 SE1/4	100	IRR 3.300	3 & 15	Brinson, Edna
SW1/4 SE1/4	700	IRR 2.000	3 & 15	Beall Jr., Imrie Gustaf
SE¼ SE¼	200	IRR 3.000	3 & 15	Rumgay, Richard & Roxylee
SE¼ SE¼	300	IRR 3.000	3 & 15	Rumgay, Richard & Roxylee
DE74 DE74	300	Section 21	3 & 13	Rumgay, Richard & Roxylec
		Section 21		
NE¼ NE¼	100	NUR 31.300	3 & 15	U.S. Forest Service
NW¼ NE¼	100	NUR 17.000	3 & 15	U.S. Forest Service
SW¼ NE¼	100	NUR 7.900	3 & 15	U.S. Forest Service
SE¼ NE¼	100	NUR 30.400	3 & 15	U.S. Forest Service
SE¼ NE¼	100	NUR 40.000		U.S. Forest Service
NW1/4 SW1/4	400		3 & 15	
		IRR 1.000	3 & 15	Verley, Rupert M.
NW1/4 SW1/4 NW1/4 SW1/4	401	IRR 1.000	3 & 15	Dornath, Terry
	403	IRR 2.000	3 & 15	Detroit, Kenneth & Jo Ann
SW1/4 SW1/4	601	IRR 1.000	3 & 15	Grandma's House
SW1/4 SW1/4	602	IRR 1.500	3 & 15	Rumgay, Richard & Roxylee
SW¼ SW¼	700	IRR 3.000	3 & 15	MacFarlane, Lloyd & Lydia
SW1/4 SW1/4	4800	IRR 1.000	3 & 15	Deschutes County
NE¼ SE¼	102	IRR 4.000	3 & 15	Bend Metro Park & Recreation Dist.
NEW SEW	200	IRR 2.100	3 & 15	Trinity Lutheran Church
NE¼ SE¼	300	IRR 2.200	3 & 15	Trinity Lutheran Church
NE¼ SE¼	1600	IRR 4.800	3 & 15	Babcock Bros. Inc.
NW¼ SE¼	1500	IRR 2.250	3 & 15	Putnam. Mary S.
NW¼ SE¼	1501	IRR 3.000	3 & 15	Al-Hajeri, Yousuf I. & May
NW¼ SE¼	1600	IRR 11.000	3 & 15	Babcock Bros. Inc.
NW¼ SE¼	1600	PND 0.200	3 & 15	Babcock Bros. Inc.
NW1/4 SE1/4	1603	IRR 3.000	3 & 15	Thompson, Doris
		Section 22		
NINTEL NINTEL	1000	3WID 01 (00		
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SW1/4 NW1/4	. 1800	NUR 8.800	3 & 15	U.S. Forest Service
		Section 23		
NW1/4 NE1/4	200	IDD 5 000	2 0 10	P. D. C. L. O. P.
		IRR 5.000	3 & 15	Rose, Patrick & Erin
NW¼ NE¼ NW¼ NE¼	300	IRR 2.800	3 & 15	Sampels, Dennis & Hazel
	1600	IRR 2.000	3 & 15	Bestwick, Mary Jean
NW¼ NE¼	1700	IRR 2.000	3 & 15	Steffy, Steve & Mona
NE¼ NW¼	300	IRR 2.300	3 & 15	Sampels, Dennis & Hazel
NE¼ NW¼	301	IRR 0.100	3 & 15	Sampels, Dennis & Hazel
NE¼ NW¼	900	IRR 1.500	3 & 15	Bright, Lawrence
NW1/4 NW1/4	400	IRR 3.200	3 & 15	Oregon Dept. of Transportation
NW1/4 NW1/4	600	IRR 2.000	3 & 15	Oregon Dept. of Transportation
NW1/4 NW1/4	700	IRR 4.400	3 & 15	Moye, Esther
		Section 28		
SE¼ NE¼	0	IND* 13.625	3 & 15	Deschutes Reclamation & Irrigation
SW1/4 SE1/4	90000	IRR 2.000	2	Bend Riverside Motel
		Section 29		

SE1/4 NW1/4 4100 IRR 1.000 Section 32

Bend Metro Park & Recreation Dist.

Township 17 South, Range 12 East, W.M.

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

This certificate is issued to confirm changes in use and place of use approved by an order of the Water Resources Department Director entered ______, approving the Swalley Irrigation District petition for water rights mapping under ORS 541.325 to 541.331.

This certificate is also issued to confirm changes in points of diversion approved by orders of the Water Resources Director entered March 7, 1997 and prior, affirmed by the order approving the Swalley Irrigation District petition for water rights mapping.

This certificate supersedes certificates of water right numbered 29054 and 29056, State Record of Water Right Certificates.

WITNESS the signature of the Water Resources Director, affixed_JUN 1 9 1997

Martha O. Pagel, Director

Museta 28 hole

KEY TO USES:

IRR = irrigation

PND = pond maintenance

MNT = park maintenance

NUR = nursery

IND = industrial

DUST = dust abatement

* This industrial use may be used anywhere within the district boundaries.

partial instream lease to 10-31-00 VS4p 242

Canceled Sp.Or.Vol. 53 P.1173

T-8613

Canceled Sp.Or.Vol. 52 874 4 885

AMENDED by special order

v. 55 pg. 248

Recorded in State Record of Water Right Certificates numbered 74145.

HB-3111.BWB

V54P332 WM M V P 104

T-8385

8018



Oregon Water Resources Department 725 Summer Street NE, Suite A Salem, Oregon 97301-1271 (503) 986-0900 www.wrd.state.or.us

Watermaster Review Form: Water Right Transfer

Tran	sfer Application:	T- <u>10356</u>		Revi	ew Due Date:	5/8/07
App	licant Name: D	eschutes River	Conservancy			
Prop	osed Changes:	⊠ POU	⊠ POD	□ POA	⊠ USE	OTHER
Rev	iewer(s): Giffin			Date	of Review:	Apr. 18, 2007
1.	Do you have info Yes No cancellation affic should be filed:	If "Yes", de lavit or if you n	scribe the info	rmation and in	ndicate if you in	ntend to file a
2.	Is there a history has involved the characterize the f	right and down	stream water r	ights? 🗌 Ye	s No G	enerally
				4 2 3 2 2		
3.	Check here if it a from the current locations where t	use of the right	? 🔲 If you c	heck the box,	generally chara	cterize the
4.	Are there upstream Yes No most affected:					
5.	For POD change old and new POI describe and, if p	Os or within the	proposed inst	ream reach? [
6.	Would distribution other water right:		t have occurre			
	For POU change source? Yes					from the same
	For POU or USE diversion of more If "Yes", explain	e water than car				
	Are there other is "Yes", explain: _		fied through th	e above quest	ions? Yes	⊠ No If
10.	What alternatives	may be availal	ble for address	ing any issues	identified abo	ve:

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- 11. Have headgate notices been issued for the source that serves the right? \(\subseteq\) Yes \(\subseteq\) No
- 12. What water control and measurement conditions should be included in the transfer:

Measurement Devices	Present and should be maintained.	Should be required prior to diverting water.	May be required in the future.
Headgates	Present and should be maintained.	Should be required prior to diverting water.	May be required in the future.

RECEIVED

APR 20 2007

WATER RESOURCES DEPT SALEM, OREGON Bob Wood WM Review.txt

From: Robert Wood

Sent: Friday, June 15, 2007 1:32 PM

To: Bob Rice

Subject: RE: T-10356 DRC/Swalley Irrigation District Instream Transfer

Hi Bob,

I got your phone message. I'm working in the field today and just stopped in to quickly check messages. Jeremy's review will be sufficient although I would like the following language added for the reach within District 3:

"From the confluence of Warm Springs River at Deschutes River Mile (RM) 84 to the mouth of the Deschutes River there are no known losses. Within this specified reach (RM 84 - 0), the amount of water to which the right is entitled shall not exceed the quantity of water legally available at the beginning of the reach (RM 84). Stream channel losses and gains calculated based on available data and the use of water by senior appropriators will determine the amount of water to which this right is entitled downstream from RM 84."

Have a good weekend,

Bob W

Robert Wood Watermaster, District 3 2705 E 2nd St The Dalles, OR 97058 541- 506- 2650 http://www.wrd.state.or.us

----Original Message----

From: Bob Rice

Sent: Tuesday, June 12, 2007 3:25 PM

To: Bob Wood

Cc: 'Laura.K.SNEDAKER@wrd.state.or.us'; 'Dorothy Pedersen' Subject: T-10356 DRC/Swalley Irrigation District Instream Transfer

Hi Bob W,

I'm looking over another instream transfer that starts in District 11 and goes into District 3 (Deschutes River - to the mouth of the Deschutes).

Would you let me know if you are OK with Jeremy's review? If so, an e-mail stating that would be fine. Otherwise, please fill out a WM review form and fax it to me.

Page 1

Water Right Transfer Supplemental Form A AFFIDAVIT ATTESTING TO THE USE OF WATER

State of Oregon	
County of Deschutes	SS
I, Janet Lee	, in my capacity as General Manager,
mailing address 64672 Cook Ave., Suite	1, Bend, OR 97701
telephone number (541) 388-0658	, being first duly sworn depose and say:
1. I attest that:	
water right proposed for transfer a	us five years on the entire authorized place of use of the s described on the accompanying transfer application, or
	orfeiture and documentation that a presumption of butted under ORS 540.610(2) is attached.
2. My knowledge of the exercise or sta	atus of the water right is based on (check one):
☐ Personal observation	✓ Professional expertise
3. My knowledge is specific to the use	of water at the following locations:

Town	iship	Rai	nge	Mer	Sec	1/4 1/4 Section	Gov't Lot or DLC	Acres (if applicable)
17	S	12	Е	WM	20	NW/NE	00100	2.14

RECEIVED

AUG 0 6 2007

WATER RESOURCES DEPT SALEM, OPER

(continues on reverse side)

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

	he water right was exercised for the authorized purpose described below (e.g., crops grown):
	astere grazing
	The water delivery system used to apply water as authorized by the right is described below:
6.	One or more of the following documentation supporting the above statements is attached:
	Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
	Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
Ø	Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers,
	Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph,
	Dedicated power usage records or receipts,
	Other:
-	
-	
/	Janet Che 1-5-06
Sign	ture of Affiant Date
	Signed and sworn to (or affirmed) before me this 5 day of Janary, 2006
	Signed and sworn to (or attirilled) before the this _3 _ day of _3a na rg _, 2006
	OFFICIAL SEAL Kathy Terguson Notary Public for Oregon
	OFFICIAL SEAL KATHY FERGUSON NOTARY PUBLIC - OREGON
OMN	COMMISSION NO. 400990 SSION EXPIRES JANUARY 5, 2010 My Commission Expires: /- 5 - 2010

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

-2-

Supplemental Form A

Affidavit Attesting to the Use of Water EIVED

CARNELIAN LANE

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AUG 0 6 2007

AFFIDAVIT OF CONSENT TO QUITCLAIM WATER RIGHTS

I, Bradley M. Dahlen hereby consent to the quitclaim of all ownership and interest in water rights appurtenant to land conveyed to me on 8/31/2005. Reference for this transaction is Warranty Deed recorded by Deschutes County (#2005-58420). I am aware that water rights appurtenant to former tax lot #02600 were quitclaimed to Swalley Irrigation District on 12/16/2005 (recorded at #2005-86553) and relinquish all interest and title in water rights that may be appurtenant to the subject property. I am also aware that the Deschutes River Conservancy will transfer this water right permanently instream for streamflow restoration purposes.

Bradley M. Dahlen

8-3-07

Date

State of OREGON Deschutes

Signed or attested before me on

_, 20<u>0</u> 7, by

Bandley M Daplen

Notary Public - State of Oregon



RECEIVED

AUG 0 6 2007

WATER RESOURCES DEPT SALEM, OPEN

Laura Snedaker

From: Zach Tillman [zach@deschutesriver.org]

Sent: Friday, August 03, 2007 1:21 PM

To: Bob Rice; Laura Snedaker

Subject: T-10356 (Dahlen Consent to QC)
Attachments: Bradley Dahlen consent (Signed).pdf

Here is the signed consent to quitclaim. It turned out to be quite an adventure, I had to hire a mobile notary and go find the Dahlen bros. Nice guys.

I'll be mailing the other needed originals today; hopefully they'll be on Laura's desk by Monday. Keep me in the loop, thanks.

- 1. Dahlen Affidavit of Consent to QC of WR's
- 2. Wise Tax map (total acreage = 3.10 acre)
- 3. Wise Affidavit of Use (2.14 acres)

Zachary Tillman, DRC 541-382-4077, x.21 zach@deschutesriver.org

AFFIDAVIT OF CONSENT TO QUITCLAIM WATER RIGHTS

I, Bradley M. Dahlen hereby consent to the quitclaim of all ownership and interest in water rights appurtenant to land conveyed to me on 8/31/2005. Reference for this transaction is Warranty Deed recorded by Deschutes County (#2005-58420). I am aware that water rights appurtenant to former tax lot #02600 were quitclaimed to Swalley Irrigation District on 12/16/2005 (recorded at #2005-86553) and relinquish all interest and title in water rights that may be appurtenant to the subject property. I am also aware that the Deschutes River Conservancy will transfer this water right permanently instream for streamflow restoration purposes.

Bradley M. Dahlen

8-3-07

State of OREGON Deschuter

Signed or attested before me on

_,20<u>0</u>7, by

Bendley M Dablen

Notary Public - State of Oregon

OFFICIA AL
BART W WEVGANDT
NOTARY PUBLIC - OREGON
COMMISSION NO. 404150
MY COMMISSION EXPIRES MARCH 27, 2010

Bob Rice

From: Zach Tillman [zach@deschutesriver.org]

Sent: Thursday, August 02, 2007 10:51 AM

To: Bob Rice

Attachments: T-10356 DPD response.doc

Zachary Tillman, DRC 541-382-4077, x.21 zach@deschutesriver.org

Tesh's e-wal responds to

DO cover Letter this 1,5,4,4

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Abold

Bob Rice Oregon Water Resources Department 725 Summer St. NE, Ste. A Salem, OR 97301-1271

RE: DRC response to Draft Preliminary Determination (DPD) for T-10356

Dear Bob.

This letter is intended as written response to the DPD cover letter (issued July 31, 2007) for Transfer: T-10356.

 Please find a signed copy of page 10 with this correspondence. Regarding the language inserted to reflect the nature of land ownership versus water right ownership in quitclaim scenarios, please replace:

"We have provided land ownership information based upon the date of the signed water right conveyance agreement (Quitclaim Deed). We understand that prior to department approval, the applicant must provide proof that grantors were authorized to pursue the quitclaim and that the applicant is authorized to pursue the transfer as identified in OAR 690-380-4010(5)."

- 2. Wise/Lofquist Site. There is a total of 2.14 acres appurtenant to tax lot 100. The original affidavit signed by the SID field supervisor erroneously stated the acreage incorrectly. Furthermore, all district records reflect an acreage of 2.14 acres. Please find a corrected affidavit of beneficial use and an assessor's map showing the correct acreage of (former) tax lot 100 enclosed.
- 3. <u>Dahlen Site.</u> The portion of the property that was in the name of Bradley Dahlen at the time of the quitclaim was not a portion with appurtenant water rights. Even so, the Dahlen brothers (Scott & Bradley) are returning a signed & notarized consent to the DRC at this moment. I will forward the document electronically as well as a hard copy as soon as I receive it.
- 4. Palmer Homes Site. Please find documentation of SID's release of water rights to the DRC (QC #2) enclosed.
 - The DRC appreciates all the time and effort put in by OWRD to address the issues raised in the first DPD. We support the rationale behind the new instream rate calculation (described in finding of fact #3 of the revised DPD).
- 5. Please omit "navigation" from proposed beneficial uses for this transfer.

Thanks again for your time on this issue.

Sincerely,

Zachary Tillman DRC Transfers Manager 8/1/2007

Bob Rice
Oregon Water Resources Department
725 Summer St. NE, Ste. A
Salem, OR 97301-1271

RE: DRC response to Draft Preliminary Determination (DPD) for T-10356

Please find a signed copy of page 10 with this correspondence. Regarding the language inserted to reflect the nature of land ownership versus water right

ownership in quitclaim scenarios, please replace:

This letter is intended as written response to the DPD cover letter (issued July 31, 2007)

"We have provided land ownership information based upon the date of the signed water right conveyance agreement (Quitclaim Deed). We understand that prior to department approval, the applicant must provide proof that grantors were authorized to pursue the quitclaim and that the applicant is authorized to pursue the transfer as identified in OAR 690-380-4010(5)."

- 2. Wise/Lofquist Site. There is a total of 2.14 acres appurtenant to tax lot 100. The original affidavit signed by the SID field supervisor erroneously stated the acreage incorrectly. Furthermore, all district records reflect an acreage of 2.14 acres. Please find a corrected affidavit of beneficial use and an assessor's map showing the correct acreage of (former) tax lot 100 enclosed.
- 3. <u>Dahlen Site.</u> The portion of the property that was in the name of Bradley Dahlen at the time of the quitclaim was not a portion with appurtenant water rights. Even so, the Dahlen brothers (Scott & Bradley) are returning a signed & notarized consent to the DRC at this moment. I will forward the document electronically as well as a hard copy as soon as I receive it.
- 4. Palmer Homes Site. Please find documentation of SID's release of water rights to the DRC (QC #2) enclosed.
- 5. The DRC appreciates all the time and effort put in by OWRD to address the issues raised in the first DPD. We support the rationale behind the new calculation (described in finding of fact #3 of the revised DPD) however have a question regarding the rate in season #2.

As per our conversation the new rationale for calculating instream rates will affect the rate for season #3 and duty, as compared to the existing SID rate calculator.

Using the SID instream rate calculator, the rate for season #2 for 8.14 acres is .075 cfs. If this rate is taken to 2 decimal places, or significant figures, statistical rules require that it be rounded to the nearest *even* 2nd significant figure (.08 cfs).

6. Please omit "navigation" from proposed beneficial uses for this transfer.

Let's discuss #3 & #5 tomorrow. Thanks again for your time on this issue.

Sincerely,

Zachary Tillman DRC Transfers Manager

Bob Rice

From:

Zach Tillman [zach@deschutesriver.org]

Sent:

Wednesday, August 01, 2007 5:25 PM

To:

Bob Rice

Subject:

T-10356 DPD Response

Attachments: T-10356 DPD response.doc; #1.pdf; #2.pdf; #4.pdf

Hi Bob,

Please find our response to the DPD as well as supporting docs you requested attached to this email. Let's discuss tomorrow if possible. Thanks!

Ps we're having internet issues this evening. Will you reply to this email to confirm? Thanks.

Z

Zachary Tillman, DRC 541-382-4077, x.21 zach@deschutesriver.org

BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of the Proposed Short-Term)	DETERMINATION and
Lease of Existing Water Rights for Instream	í	FINAL ORDER ON
Use, Certificate 74145, Deschutes County,	Ś	PROPOSED INSTREAM
Oregon	í	LEASE

FINDINGS OF FACT

 On April 28, 2004, a Short-Term Lease Application, which proposed to lease a portion of certificate 74145 for instream purposes was submitted to the Department by:

Lessor #1 White Rock LLC 66280 White Rock Loop Bend, OR 97701 Lessor #2 Swalley Irrigation District 64672 Cook Ave. Bend, OR 97701

Lessee Deschutes Resources Conservancy PO Box 1560 Bend, OR 97709

- 2. The Department assigned this lease agreement number L-559.
- The lease application includes the required information under OAR 690-077-0077(3). The
 Department provided notice of the lease application pursuant to OAR 690-077-0077(6). No
 comments were received.
- 4. The right to be leased, as requested by the applicant, is as follows:

Certificate: 74145

Priority Date: September 1, 1899

Use: Irrigation Acres: 2.14

Season of Use: April 1 through October 31, further limited as follows:

April 1 to May 1 and October 1 to November 1 described herein as

Season 1

May 1 to May 15 and September 15 to October 1 described herein as

Season 2

May 15 to September 15 described herein as Season 3

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 the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

Quantity: Season 1 (limited to 1/83rd Cubic Foot per Second (CFS) per acre): 0.03

CFS

Season 2 (limited to 1/62nd cfs per acre): 0.03 CFS Season 3 (limited to 1/33.45th cfs per acre): 0.06 CFS

Duty (limited to 9.58 acre-feet per acre): 20.5 Acre-Feet (AF)

The quantities listed reflect allowance of a 43% transmission loss as determined by decree of the Circuit Court of Deschutes County, dated

March 24, 1933.

Source: Crooked River, tributary to the Deschutes River

Authorized Point of Diversion (POD):

Town	nship	Ra	nge	Meridian	Sec	1/4	1/4	Location
17	S	12	Е	W.M.	29	SE	NE	985 feet North & 617 feet West from East 1/4 Corner, Section 29

Authorized Place of Use:

Town	Township		ge	Meridian	Sec	1/4 1/4	Tax Lot #	Priority Date	Acres
17	S	12	E	W.M.	20	NW NE	100	9/1/1899	2.14

- 5. The Department finds that the lease application requires modification in order to clarify the portion of certificate 74145 that may be leased. During Season 3, the water right allows the diversion of 1/33.45th CFS for each acre to which water is applied. This certificate allows for water to be used on 4561.105 acres, including equivalent acres for uses other than irrigation. If water were being applied to all acres allowed by the certificate, the amount that could be diverted in Season 3, 136.36 CFS, would exceed the rate limitation on the certificate, 125.0 CFS. To identify the portion of this certificate that may be leased in Season 3, the Department has proportioned the 125.0 CFS allowed by the certificate to each acre on which water may be applied, which amounts to 1/36.49th CFS per acre.
- 6. Based upon Finding 5, the portion of the certificate to be leased is clarified as follows (changes are shown in bold text):

Certificate: 74145

Priority Date: September 1, 1899

Use: Irrigation Acres: 2.14

Season of Use: April 1 through October 31, further limited as follows:

April 1 to May 1 and October 1 to November 1 described herein as

Season 1

May 1 to May 15 and September 15 to October 1 described herein as

Season 2

May 15 to September 15 described herein as Season 3

Quantity: Season 1 (limited to 1/83rd Cubic Foot per Second (CFS) per acre): 0.03

CFS

Season 2 (limited to 1/62nd cfs per acre): 0.03 CFS

Season 3 (limited to 1/33.45th cfs per acre): 0.059 CFS (proportioned rate)

Duty (limited to 9.58 acre-feet per acre): 20.5 Acre-Feet (AF)

The quantities listed reflect allowance of a 43% transmission loss as determined by decree of the Circuit Court of Deschutes County, dated

March 24, 1933.

Source:

Crooked River, tributary to the Deschutes River

Authorized Point of Diversion (POD):

Town	nship	Ra	nge	Meridian	Sec	1/4	1/4	Location
17	S	12	Е	W.M.	29	SE	NE	985 feet North & 617 feet West from East 1/4 Corner, Section 29

Authorized Place of Use:

Town	ship	Ran	ge	Meridian	Sec	1/4 1/4	Tax Lot #	Priority Date	Acres
17	S	12	Е	W.M.	20	NW NE	100	9/1/1899	2.14

7. The application proposes to lease water for instream as follows:

Reach: From the Swalley Main Canal POD (SE NE, Section 29, T17S, R12E, W.M.; 985 feet North and 617 feet West from East 1/4 Corner, Section 29 to Lake Billy Chinook.

Certificate	Priority Date	Rate Instream	Period Protected Instream	Days Instream	Volume Instream
74145	9/1/1899	0.01 cfs in Season 1 0.02 cfs in Season 2 0.04 cfs in Season 3	April 1 - Oct. 31, being Season 1: April 1 to May 1 & Oct. 1 to Nov. 1 Season 2: May 1 to May 15 & Sept. 15 to Oct. 1 Season 3: May 15 to Sept. 15	Season 1: 61 Season 2: 30 Season 3: 123	11.85 AF

8. The Department finds that in order to prevent injury and enlargement the applicant's request must be modified. Clarification of the rate at which water is to be leased instream in Season 3 is necessary. The quantity of water to be leased instream for Season 3 has been proportioned based upon the findings made in Finding 5 above. The volume of water to be leased instream has also been modified. At the rates identified below, only 11.1 AF may be leased during the full period requested. Therefore, the Department finds that water may be leased instream as follows (changes are shown in bold text):

Reach: From the Swalley Main Canal POD (SE NE, Section 29, T17S, R12E, W.M.; 985 feet North and 617 feet West from East 1/4 Corner, Section 29 to Lake Billy Chinook.

Certificate	Priority Date	Rate Instream	Period Protected Instream	Days Instream	Volume Instream
74145	9/1/1899	0.01 cfs in Season 1 0.02 cfs in Season 2 0.033 cfs in Season 3	April 1 - Oct. 31, being Season 1: April 1 to May 1 & Oct. 1 to Nov. 1 Season 2: May 1 to May 15 & Sept. 15 to Oct. 1 Season 3: May 15 to Sept. 15	Season 1: 61 Season 2: 30 Season 3: 123	11.1 AF

- 9. To prevent injury an enlargement, the amount of water to be leased instream under certificate 74145 accounts for a 43% transmission loss that may not be leased and protected instream.
- 10. Based upon review of the application, information provided by the Department's Watermaster, and other information, the Department finds that the lease, as proposed and modified above, will not result in injury or enlargement.
- 11. The instream lease application identifies that the lease is to terminate on November 2, 2008. However, the last day of the irrigation season is October 31st. Therefore, the lease will terminate on October 31, 2008. The lessor has requested the option of terminating the lease early, with written notice to the Department.

CONCLUSIONS OF LAW

The Department concludes that the lease, as modified above, will not result in injury or enlargement, OAR 690-077-0077.

ORDER

Therefore, it is ORDERED:

- 1. That the Short-Term Lease described herein is APPROVED.
- 2. The authorized place of use shall not be irrigated during the term of this lease.

3. Water is leased instream as follows:

Reach: From the Swalley Main Canal POD (SE NE, Section 29, T17S, R12E, W.M.; 985 feet North and 617 feet West from East 1/4 Corner, Section 29 to Lake Billy Chinook.

Certificate	Priority Date	Rate Instream	Period Protected Instream	Days Instream	Volume Instream
74145	9/1/1899	0.01 cfs in Season 1 0.02 cfs in Season 2 0.033 cfs in Season 3	April 1 - Oct. 31, being Season 1: April 1 to May 1 & Oct. 1 to Nov. 1 Season 2: May 1 to May 15 & Sept. 15 to Oct. 1 Season 3: May 15 to Sept. 15	Season 1: 61 Season 2: 30 Season 3: 123	11.1 AF

4. The lease will terminate on October 31, 2008. The lessor shall have the option of terminating the lease each year, prior to the lease being exercised (April 1), with 30 days written notice to the Department.

Dated at Salem, Oregon this 12th day of July, 2004.

F-Phillip C. Ward Acting Director

Bob Rice

From: Bob Rice

Sent: Tuesday, July 31, 2007 4:01 PM

To: Zach Tillman

Cc: 'Scott McCaulou'; Jeremy Giffin; Swalley Irrigation District (sid@swalley.com); Jan Lee

(h20kw@aol.com); Jan Lee (h20kw@aol.com)

Subject: T-10356 Revised DPD

Importance: High

Attachments: T10356-2nd-dpd.pdf; T10356-2nd-dpd-redlined.pdf; 10356 2nd-dpd cover letter.pdf





10356 T10356-2nd-d lpd cover letterJ-redlined.pdf (4 Zach,

As we discussed, in order to expedite the processing of this transfer, I'm sending this revised DPD via e-mail. There should be three documents attached to this e-mail:

- A cover letter dated July 31, 2007;
- A revised DPD; and,
- · A revised DPD that is redlined to make changes easy to identify.

Please note that although we have discussed most of the six items listed in the cover letter of the original DPD dated June 20, 2007, the Department needs a written response before we can proceed.

If you agree with the revised DPD and can submit the requested information to me by noon on August 2nd, I will attempt to have the PD signed on August 3rd, so that the transfer can be noticed, and if possible have the FO issued prior to September 30th. If there are major concerns or issues associated with the revised DPD, that cannot be resolved by August 2nd, then this will probably delay issuing the PD, and therefore the FO until after September 30th.

Please call me if you have any questions. Thanks!

--Bob

Bob Rice Field Services Division Water Resources Department 725 Summer Street NE, Suite A Salem, Oregon 97301-1266 (503) 986-0885 Fax: 503.986.0903 www.wrd.state.or.us Revised



Water Resources Department

725 Summer Street NE, Suite A Salem, OR 97301-1271 503-986-0900 FAX 503-986-0904

July 31, 2007

Zachary Tillman
Deschutes River Conservancy
700 NW Hill Street
Bend, OR 97701
(sent via e-mail)

SUBJECT: Application T-10356

Enclosed find a revised draft of our Preliminary Determination (DPD) regarding transfer application T-10356. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved with modifications to the instream quantities and the beneficial uses. This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so. Please review the draft carefully to evaluate whether the document is consistent with your intent in seeking the transfer, and whether you agree with the proposed action.

The DPD includes a number of assumptions due to discrepancies or gaps in the information provided. Before we can proceed with the Preliminary Determination we will need your written response to the following:

 Page 10 of the application is incomplete. Please send us a letter indicating compliance with OAR 690-380-3000(13) and (24). Since this transfer involves quit claims you may send us a statement similar to:

"We have provided information based upon the date of the signed water right conveyance agreement (Quitclaim Deed), and that if for any reason, additional information is needed, we understand that prior to Department approval of the transfer, the applicant will be required to provide land ownership information and evidence that the applicant is authorized to pursue the transfer as identified in OAR 690-380-4010(5)."

Since you represent an entity, please include your title.

- 2. Wise/Lofquist site. A total of 2.14 acres of water rights appear to be appurtenant to (former) tax lot 100. However, the SID field supervisor only attests to the use of 2.00 acres, and another source indicates the property to be only 1.96 acres. Please provide an assessor's map or record of survey showing the correct acreage of (former) tax lot 100, and if appropriate, a corrected affidavit of use. If no documentation is provided the amount available for transfer may be diminished.
- 3. <u>Dahlen site.</u> Documents provided with the application show that A-1 Excavation Inc./R. Scott Dahlen conveyed a portion of this land to Bradley Dahlen on 7-1-05, yet R. Scott Dahlen executed the Quitclaim to all water rights on 11-30-05. Please provide documents showing that either R. Scott Dahlen has retained full legal authority to transfer these water rights, or that Bradley Dahlen has legally quitclaimed his portion of the water

rights to DRC. If no documentation is provided the amount available for transfer may be diminished.

- 4. Palmer Homes site. The Quitclaim transfers the water rights back to Swalley I.D., not the DRC. Please provide documentation that indicates Swalley I.D. releases these rights to the DRC or otherwise consents to their transfer instream. If no documentation is provided the amount available for transfer may be diminished.
- 5. Our calculations yield different figures for the protected rates in both reaches. Please indicate if the figures shown in the DPD (see Finding of Fact #17) are acceptable.
 - 6. No information was provided to justify the instream use for "navigation." The DPD is written to omit this use as a beneficial use. You can either agree to not include navigation as one of the beneficial uses, or provide information showing that this would be beneficial use.

Because of the change in character of use, the applicant is responsible for publishing notice of the transfer in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We will provide a copy of the required notice to you upon issuance of the Preliminary Determination.

Issuance of the Preliminary Determination will occur shortly after we receive your written response to the above items along with the necessary supporting documents. If we do not receive your response and the report by September 3, 2007, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me at 503-986-0885 or Robert.D.Rice@wrd.state.or.us if I may be of assistance.

Sincerely,

Bob Rice Field Services Division

cc: Scott McCaulou, DRC (via e-mail)
Jeremy Giffin, District 11 Watermaster (via e-mail)
Swalley Irrigation District (via e-mail)

enc

BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Instream Transfer Application T-10356, Deschutes County	DRAFT PRELIMINARY DETERMINATION
) PROPOSING APPROVAL OF A
) CHANGE IN PLACE OF USE AND
) CHARACTER OF USE

Authority

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

Applicant

DESCHUTES RIVER CONSERVANCY (DRC) 700 NW HILL STREET BEND OR 97701

Findings of Fact

Background

- On April 2, 2007, the DRC filed an application to change the place of use and character of use under Certificate 74145 to instream use. The Department assigned the application number T-10356.
- 2. The portion of the right to be transferred is as follows:

Certificate: 74145 in the name of Swalley Irrigation District

Use: IRRIGATION of 8.14 ACRES Priority Date: September 1, 1899

Source: DESCHUTES RIVER, tributary to COLUMBIA RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
17 S	12 E	WM	29	SE NE	POD #3: SWALLEY MAIN CANAL: 985 FEET NORTH AND 617 FEET WEST FROM THE EAST 1/4 CORNER OF SECTION 29
15 S	12 E	WM	14	NW SE	POD #15: ADDITIONAL DISTRICT DIVERSION: 2170 FEET NORTH AND 1350 FEET WEST FROM THE SE CORNER OF SECTION 14

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Additional Information: Tax Lot Number Listed on Application†	
17 S	12 E	WM	20	NW NE	2.14	100	
17 S	12 E	WM	16	SW SE	2.00	2600	
17 S	12 E	WM	17	SE SE	1.00	7900	
17 S	12 E	WM	17	SW SE	1.00	8000	
17 S	12 E	WM	17	SW SE	2.00	8200	

† May be a different tax lot than what is described on the water right certificate.

3. The rate and duty associated with Certificate 74145 depends on whether the right is served by the main canal or a direct diversion right. There are a total of 4,561.105 acres listed on the certificate, of which 4,442.795 may be served by the canal, and 118.31 acres that are restricted to being served by direct diversions. The rights served by the canal are entitled to the following rates:

Season 1: April 1 - 30 & Oct. 1 - 31	Season 1 Rate: 1 cfs to 83.0 acres
Season 2: May 1 – 14 & Sept. 15 - 30	Season 2 Rate: 1 cfs to 62.0 acres
Season 3: May 15 - Sept. 14	Season 3 Rate: 1 cfs to 33.45 acres

The above rates include a 43% transmission loss allowed by the Court to compensate for seepage from the canal. This transmission loss is not allowed on direct diversion rates. The total rate of use described on the certificate is limited to 125.0 cfs measured at the points of diversion from the source.

The duty per acre associated with lands served by the canal shall not exceed 9.58 acre feet for each acre irrigated during the irrigation season as measured at the points of diversion from the source. For lands served by direct diversions, the duty per acre is limited to 5.46 acre feet.

Certificate 74145 has been modified (reduced) by allocation of conserved water projects CW-13 (Special Order Volume 61, Page 630), CW-40 (Special Order Volume 70, Page 143), CW-41 (Special Order Volume 71, Page 202), CW-47 (project approved, but not yet finalized, Special Order Volume 71, Page 221) and transfers T-8519 which transferred 21.0 acres of direct diversion right to instream right (Certificate 76687), T-8154 (a place of use transfer, Special Order Volume 53, Page 1445), which did not prove up on 1.0 acre of canal diversion, which will be removed from the water right, and T-9308 (a place of use transfer approved by Special Order Volume 65, Page 472) also modified Certificate 74145 and includes 2.0 acres of inchoate canal diversion. The table below shows the initial rate and duty for Certificate 74145 and the reductions in rate and duty made by each of the described

modifications.. The rate and duty for the 2.0 acres associated with T-9308 are included in the initial rate and duty shown in the table below.

Consequently, the starting point for the rate and duty before this transfer associated with Certificate 74145 is approximately:

	Initial Rate / Duty	CW-13 Rate / Duty	T-8519 Rate / Duty	T-8154 Rate / Duty	CW-40 Rate / Duty	CW-41 Rate / Duty	CW-47 Rate/ Duty (Project not finalized)	Approximate Before T-10356 Rate/Duty*
Season 1 Rate (cfs)	54.340	(0.310)	(0.144)	(0.012)	(1.480)	(4,400)	(4.67)	43.324
Season 2 Rate (cfs)	72.746	(0.420)	(0.193)	(0.016)	(1.480)	(4.400)	(6.67)	59.567
Season 3 Rate (cfs)	125.000	(0.770)	(0.358)	(0.028)	(1.480)	(4.400)	(9.00)	108.964
Duty (AF)	4,3207.95	(417.00)	(114.66)	(9.02)	(627.10)	(1,864.37)	(3,157.62)	37,018.18

^{*}This includes the inchoate rate and duty associated with T-9308, and any other transfers completed pursuant to ORS 540.580. Additionally, the rate and duty may have been further modified by other orders of the Department.

The table below then shows the rate and duty associated with the 8.14 acres proposed to be transferred. This was determined by subtracting the existing direct diversion rates from the approximate starting rate and duty for this water right, identified in the table above, and then by determining the maximum rate that could be applied simultaneously to all canal diversion acres. This is the amount that Certificate 74145 will be reduced by as a result of this transfer.

	Approximate Before T-10356 Rate/Duty	Direct Diversion Rate/Duty	Total Canal Diversion Rate/Duty	Canal Rate 1/X cfs/ac and Duty (if exercised simultaneously)	Rate/Duty Associated with 8.14 Canal Acres, including loss
Season 1 Rate (cfs)	43.324	(0.812)	42.512	104.508	0.08
Season 2 Rate (cfs)	59.567	(1.088)	58.479	75.972	0.11
Season 3 Rate (cfs)	108.964	(2.016)	106.948	41.542	0.20
Duty	37,018.18 AF	(219.27) AF	36,798.91 AF	7.81 AF/ac	63.57 AF

The transferable portion of the water right, however, is the full rate and duty that can be applied to each acre (see table at beginning of Finding of Fact #3) less the canal transmission losses, being:

	Transferable Rate/Duty Per Canal Acre	Transferable Rate/Duty Associated with 8.14 Canal Acres
Season 1 Rate	1cfs to 83.0 ac less 43%	0.06 cfs
Season 2 Rate	1cfs to 62.0 ac less 43%	0.07 cfs
Season 3 Rate	1cfs to 33.45 ac less 43%	0.14 cfs
Duty	9.58 AF/ac less 43% (or 5.46 AF/ac)	44.44 AF

4. Two allocation of conserved water applications, CW-43 and CW-48, were received prior to transfer T-10356. Proposed Final Orders have been issued that would approve these

applications. Both of these applications propose to affect Water Right Certificate 74145. If either or both of these applications, or other application affecting Certificate 74145, are approved prior to this transfer, then the final transferable portion and/or the amount that the water right certificate is reduced by may be subject to change.

5. The applicant is not the owner of the lands to which the water right described in Finding of Fact #2 is appurtenant. However, water right conveyance agreements have been completed and interest in the water rights has been conveyed from each landowner described in the table below to the DRC or to Swalley Irrigation District. The portion of this right to be transferred was appurtenant to lands owned by the identified landowners at the time interest in the water right was conveyed through a Quit Claim, a water right conveyance agreement.

Grantor (landowner)	Water Right Interest Holder	Т	R	S	Q-Q	Tax Lot at time of Conveyance
Ted Wise & Martin F. Lofquist	DRC	17 S	12 E	20	NW NE	100
A-1 Excavation Inc	DRC	17 S	12 E	16	SW SE	2600
Garth Jackson, President of Palmer Homes	Swalley Irrigation District	17 S	12 E	17	SE SE	7900
Garth Jackson, President of Palmer Homes	Swalley Irrigation District	17 S	12 E	17	SW SE	8000
Garth Jackson, President of Palmer Homes	Swalley Irrigation District	17 S	12 E	17	SW SE	8200

- On ______, the applicant provided documentation to the Department demonstrating that Swalley Irrigation District has consented (as a water right holder) to the transfer of this water right to instream use.
- Application T-10356 proposes to change the character of use to instream use for conservation, maintenance and enhancement of aquatic and fish life, fish and wildlife habitat and other ecological values; recreation; and pollution abatement.
- Application T-10356 proposes to change the place of use of the right to create an instream reach from Swalley Main Canal POD #3 (described in Finding of Fact #2) at approximately RM 165 to the mouth of the Deschutes River at RM 0.0.
- 9. The applicant originally proposed the quantities water to be transferred instream to be protected in two reaches as follows:

	Reach 1: POD #3 (RM 165) to RM 120.0	Reach 2: RM 120 to RM 0.0
Season 1 Rate (cfs): April 1 - 30 & Oct. 1 - 31	0.056 CFS	0.035 CFS
Season 2 Rate (cfs): May 1 – 14 & Sept. 15 - 30	0.075 CFS	0.035 CFS
Season 3 Rate (cfs): May 15 - Sept. 14	0.13 CFS	0.035 CFS
Duty (AF)	42.24 AF	14.65 AF

- 10. There are several existing instream water rights located within the same instream reaches proposed by the applicant. There are two existing instream water rights established through the state agency application process below Lake Billy Chinook and one pending application within the same reach above Lake Billy Chinook. The state agency established instream water rights are junior in priority date to the water right proposed for transfer. The remaining instream water rights were established through the instream transfer and allocation of conserved water processes.
- 11. The applicant has requested to replace a portion of instream water rights established pursuant to ORS 537.341 (minimum perennial streamflow) or 537.346(state agency application) with a more senior priority date and be in addition to instream water rights established pursuant to ORS 537.348 (instream transfer) or 537.470 (allocation of conserved water).
- 12. Notice of the application for transfer was published on April 10, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- 13. On June 20, 2007, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10356, with modifications to the rate protectable instream, to the applicant and Swalley Irrigation District. The draft Preliminary Determination set forth a deadline of July 31, 2007, for the applicant to respond. On July 12, 2007, the applicant provided additional information to the Department and requested that the Department reevaluate its injury determination so that the requested rate could be protected instream. On July ___, 2007, the Department e-mailed a revised draft Preliminary Determination to the applicant and Swalley Irrigation District proposing to approve Transfer Application T-10356, proposing to allow the full diversion rate to be transferred to instream use, without the 43 percent transmission loss. The revised draft Preliminary Determination set forth a deadline of August 31, 2007, for the applicant to respond.

Instream Transfer Review Criteria (OAR 690-77-0075 and 690-380-4010)

14. Water has been used within the last five years according to the terms and conditions of the rights, and there is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.

- A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of application T-10356.
- 16. At the full rate and duty that may be transferred to instream use (see Finding of Fact #3), water may be protected instream for a period of 208 days. The instream period requested by the applicant (April 1 through October 31) (see Finding of Fact #9) is 214 days.

17. Based upon Findings of Fact #3 and #16, on ______, the applicant agreed to modify the quantities to be transferred and protected instream as follows:

	Reach 1: POD #3 (RM 165) to RM 120.0	Reach 2: RM 120 to RM 0.0
Season 1 Rate (cfs): April 1 - 30 & Oct. 1 - 25	0.06 CFS	0.03 CFS
Season 2 Rate (cfs): May 1 – 14 & Sept. 15 - 30	0.07 CFS	0.03 CFS
Season 3 Rate (cfs): May 15 - Sept. 14	0.14 CFS	0.03 CFS
Duty (AF)	44.44 AF	14.65 AF

- 18. The proposed change, as modified, would not result in enlargement of the right.
- 19. The proposed change, as modified, would not result in injury to other water rights.
- 20. The amount of the proposed instream flow and the timing of the proposed instream flow are allowable within the limits and use of the original water right as described in Finding of Fact #3.
- 21. The protection of flows within the proposed reaches is 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;
 - c) There are no known areas of natural loss of streamflow to the river bed downstream from the point of diversion; and
 - d) Any return flows resulting from the exercise of the existing water right would re-enter the river within the proposed reach and have been accounted for in Reach #2 (see Finding of Fact #17).
- 22. Within the proposed reach, the Deschutes River is a designated State Scenic Waterway. The protection of flows necessary to maintain the free flowing character of the Deschutes River for fish and wildlife habitat, and recreation is a matter of statutory policy. Within the reaches proposed by the applicant, there are several existing state agency applied instream water rights, which include the use of water for fish habitat, recreation, and aesthetics. There is also a pending instream water right application filed by Oregon Department of

Fish and Wildlife for anadromous and resident fish rearing. In addition to flows for the designated Scenic Waterway and the existing and pending instream water right application, which are at times not met during requested period for instream protection, this segment of the Deschutes River is also on the Oregon Department of Environmental Quality's (DEQ) 303d list of water quality limited streams for temperature and pH above Lake Billy Chinook and for nutrients, sedimentation and temperature below Lake Billy Chinook at the lower end of the river.

- 23. By replacing a portion of state agency established instream water rights, Certificates 73188 and 73237, on the river below Lake Billy Chinook, the instream right will provide protection for streamflows identified as necessary for supporting aquatic life and recreation under an earlier priority date. By adding to other instream water rights located within the same reach proposed by this instream transfer application, the instream right will provide protection for additional streamflows necessary for fish and wildlife habitat enhancement, pollution abatement, and recreation.
- 24. The total monthly quantities of water to be protected under the proposed instream water right, in addition to other existing instream water rights established under ORS 537.348 and 537.470 in the proposed reach will provide for a beneficial purpose and do not exceed the estimated average natural flow.

Determination and Proposed Action

The changes in character of use and place of use to instream use proposed in application T-10356 appear to be consistent with the requirements of ORS 540.505 to 540.580, ORS 537.348, OAR 690-380-5000, and OAR 690-077-0075. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If application T-10356 is approved, the final order will include the following:

- 1. The changes in character of use and place of use to instream use proposed in application T-10356 are approved.
- 2. Water Right Certificate 74145 is modified. A new certificate confirming the instream water right shall be issued. The Department shall issue a new water right certificate to supersede Certificate 74145 on a determination that it is necessary to produce a certificate to confirm that portion of the right not involved in this transfer. Approval of this transfer shall reduce the amount of water lawfully available under the remaining portion of Certificate 74145 by the quantities associated with the irrigation of 8.14 acres as measured at the canal diversion, being:

	Rate/Duty Associated with 8.14 Canal Acres, including loss
Season 1 Rate	0.08 cfs
Season 2 Rate	0.11 cfs
Season 3 Rate	0.20 cfs
Duty	63.57 AF

- 3. The instream water right shall provide for the protection of streamflows from POD 3 (Swalley Main Canal) to the mouth of the Deschutes River. The instream right consists of two reaches: Reach #1 extending from the point of diversion (RM 165) to Lake Billy Chinook (RM 120), and Reach #2 extending from Lake Billy Chinook (RM 120) to the mouth (RM 0). The instream water right shall provide for the protection of streamflows for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values; pollution abatement; and recreation in the Deschutes River.
- 4. The quantities of water to be protected under the instream water right are:

	Reach 1: POD #3 (RM 165) to RM 120.0	Reach 2: RM 120 to RM 0.0
Season 1 Rate (cfs): April 1 - 30 & Oct. 1 - 25	0.06	0.03
Season 2 Rate (cfs): May 1 – 14 & Sept. 15 - 30	0.07	0.03
Season 3 Rate (cfs): May 15 - Sept. 14	0.14	0.03
Duty (AF)	44.44	14.65

- Stream channel losses and gains calculated based on available data and the use of senior appropriators will determine the amount of water to which this right is entitled downstream from the original point of diversion within the specified stream reaches.
- 6. The instream right established by this transfer shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or 537.470 unless otherwise specified by an order approving a new instream water right under these statutes.
- 7. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 74145 and any related decree.
- 8. The former place of use of the transferred water shall no longer receive water as part of these rights.

Dated at Salem, Oregon this	day of	2007.
DRAFT		
Phillip C. Ward, Director		

This draft Preliminary Determination was prepared by a Reimbursement Authority contractor. If you have questions about the information in this document, you may reach Bob Rice at 503-986-0885 or Robert.D.Rice@wrd.state.or.us.

Water Rights Information Query Results

	Contacts	Application	Permit	Certificate	Claim	Decree	Transfers	Status
Select	OREGON DEPARTMENT OF FISH & WILDLIFE PO BOX 59 PORTLAND, 97207	IS70695						NC
Select	▶ no contact information available	MF199		59776				NC
Select	▶ no contact information available	MF198		59777				NC
Select	▶ no contact information available	MF197		59778				NC
Select	▶ no contact information available	IS70087		73188				NC
Select	Þ no contact information available	IS70763		73232				NC
Select	▶ no contact information available	IS70764		73233				NC
Select	▶ no contact information available	IS71194		73237				NC
Select	OREGON WATER RESOURCES DEPARTMENT D 725 SUMMER ST NE SUITE A SALEM, OR 97301-1271			76687		DESCHUTES RIVER (S) MODIFIED, 1933	▶ T8519	NC
Select	OREGON WATER RESOURCES DEPARTMENT > 725 SUMMER ST NE SUITE A SALEM, OR 97301-1271			80400			▶ <u>T9294</u> (Confirming)	NC

12

Help understanding and working with the Water Rights Information System

Download: Point of diversion data, Place of use data, Stakeholder data

Return to WRIS Query

Water Rights Information Query Results

	Contacts	Application	Permit	Certificate	Claim	Decree	Transfers	Status
Select	OREGON WATER RESOURCES DEPARTMENT 725 SUMMER ST NE SUITE A SALEM, OR 97301-1271			80856		DESCHUTES RIVER (F)	▶ <u>19603</u>	NC
Select	OREGON WATER RESOURCES DEPARTMENT 725 SUMMER ST NE SUITE A SALEM, OR 97301-1271	S20434	S15920	81313			▶ <u>T9697</u> (Confirming)	NC
Select	OREGON WATER RESOURCES DEPARTMENT 725 SUMMER ST NE SUITE A SALEM, OR 97301-1271	S20434	S15920	81314			▶ <u>T9697</u> (Confirming)	NC
Select	OREGON WATER RESOURCES DEPARTMENT 725 SUMMER ST NE SUITE A SALEM, OR 97301-1271			81553		DESCHUTES RIVER, 1958	▶ <u>CW13</u>	NC
Select	OREGON WATER RESOURCES DEPARTMENT 725 SUMMER ST NE SUITE A SALEM, OR 97301-1271			81324		DESCHUTES RIVER (F)	♪ <u>T9824</u>	NC
Select	OREGON WATER RESOURCES DEPARTMENT 725 SUMMER ST NE SUITE A SALEM, OR 97301-1271			81509		DESCHUTES RIVER (F)	▶ T9883 (Confirming)	NC
Select	OREGON WATER RESOURCES DEPARTMENT > 725 SUMMER ST NE SUITE A SALEM, OR 97301-1271			81612		DESCHUTES RIVER (F)	▶ CW29	NC

12

Help understanding and working with the Water Rights Information System

Download: Point of diversion data, Place of use data, Stakeholder data

Return to WRIS Query

MP = mitigation project

CW = Conserved Water

AP = Applicant's portion of conserved water (temporarily leased instream)

MF = Minimum Flow Conversion T = Instream Transfer

Note: State Agency ISWR is still a pending application and does not presently protect any water instream

4/	5/	2	0	0	7

4/5/2007								Poto //	CEC) for Period Inc.	traam	n and does not pre			
ISWR	Priority Date	Project ID	Source	Jan 1 - March 31 Ap		- A Managaliu	45 May 24 1	Rate (tule 1 July 31 Au	na 1 Aug 31	Sent 1 - Sent 14	Sent 15 - Sent 30	Oct 1 - Oct 31	Nov 1 - Dec 31
					orii 1 - Aprii 30 IM	ay 1 - May 14 Mia	ay 15 - May 31 J	une 1 - June 30 1	July 1 - July 31 Au	ig 1 - Aug 31	Зерг 1 - Зерг 14	dept to dept of		
	servoir to the co		And in case of the last of the	The state of the s						2.125	0.405	0.195	0.195	
CW-24	2/28/1913		Wickiup Res		0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.760	0.760	
CW-24	2/28/1913	CW-24	Wickiup Res		0.760	0.760	0.760	0.760	0.760	0.760	0.760	300.000	300.000	300.0
59776	11/3/1983	MF-199	Deschutes R	300.000	300.000	300.000	300.000	300.000	300.000	300.000	300.000	300.000	300.000	
Totals for ACV	V and Transfers			0.000	0.955	0.955	0.955	0.955	0.955	0.955	0.955	0.955	0.955	0.0
Totals for Min				300.000	300.000	300.000	300.000	300.000	300.000	300.000	300.000	300.000	300.000	300.00
	e Agency ISWR			0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.00
Total Instream				300.000	300.000	300.000	300.000	300.000	300.000	300.000	300.000	300.000	300.000	300.00
Mouth of Li	ttle Deschutes R	. to mouth of	f Spring R.											
CW-24	2/28/1913	CW-24 (AP)	Wickiup Res		0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	
CW-24	2/28/1913	CW-24	Wickiup Res		0.760	0.760	0.760	0.760	0.760	0.760	0.760	0.760	0.760	
59777	11/3/1983	MF-198	Deschutes R	400.000	400.000	400.000	400.000	400.000	400.000	400.000	400.000	400.000	400.000	400.00
Totals for ACV	V and Transfers			0.000	0.955	0.955	0.955	0.955	0.955	0.955	0.955	0.955	0.955	0.00
Totals for Min	Streamflow			400.000	400.000	400.000	400.000	400.000	400.000	400.000	400.000	400.000	400.000	400.00
Totals for Stat	e Agency ISWR			0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.00
Total Instream				400.000	400.000	400.000	400.000	400.000	400.000	400.000	400.000	400.000	400.000	400.00
Mouth of S	pring R. to CO Ca	anal (T18S, R	11E, Sec 13)											
CW-24	2/28/1913		Wickiup Res		0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	
CW-24	2/28/1913	CW-24	Wickiup Res		0.760	0.760	0.760	0.760	0.760	0.760	0.760	0.760	0.760	
59778	11/3/1983	MF-197	Deschutes R	660.000	660.000	660.000	660.000	660.000	660.000	660.000	660.000	660.000	660.000	660.00
Totals for AC	W and Transfers			0.000	0.955	0.955	0.955	0.955	0.955	0.955	0.955	0.955	0.955	0.00
Totals for Min	als for Min Streamflow			660.000	660.000	660.000	660.000	660.000	660.000	660.000	660.000	660.000	660.000	660.00
Totals for Stat	als for State Agency ISWR			0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.00
Total Instream				660.000	660.000	660.000	660.000	660.000	660.000	660.000	660.000	660.000	660.000	660.00

ISWR	Priority Date	Project ID	Source		11				(CFS) for Period				0.14 0.121	Nov 1 - Dec 31
NETERIOR (Thomas Date	rioject ib	Source	Jan 1 - March 31	April 1 - April 30	May 1 - May 14	May 15 - May 31	June 1 - June 30	July 1 - July 31	Aug 1 - Aug 31	Sept 1 - Sept 14	Sept 15 - Sept 30	Oct 1 - Oct 31	NOV 1 - Dec o :
CO Canal (1	T18S, R11E, Sec	13) to POD (18	8S, R12E, Sec	c 6)										
81324	The state of the s	T-9824/MP-27	Deschutes R		0.146	0.195	0.258	0.258	0.258	0.258	0.258	0.195	0.146	
	12/2/1907						0.405	0.405	0.405	0.405	0.405			
81612	10/31/1900	CW-29	Deschutes R		1.250	1.670	2.200	2.200	2.200	2.200	2.200	1.670	1.250	
	12/2/1907						0.890	0.890	0.890	0.890	0.890			
82635	10/31/1900	T-10058/MP-57	Deschutes R		0.050	0.060	0.120	0.120	0.120	0.120	0.120	0.060	0.050	
CW-24	2/28/1913	CW-24 (AP)	Wickiup Res		0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	
CW-24	2/28/1913	CW-24	Wickiup Res		0.760	0.760	0.760	0.760	0.760	0.760	0.760	0.760	0.760	000
59778	11/3/1983	MF-197	Deschutes R	660.000	660.000	660.000	660.000	660.000	660.000	660.000	660.000	660.000	660.000	660
										1.000	4.000	2 200	2.401	0.
	V and Transfers			0.000	10000000	2.880	4.828	4.828		4.828	4.828	2.880		660
otals for Min				660.000		660.000	660.000	660.000	660.000	660.000	660.000	660.000	660.000	0.
otals for State	for State Agency ISWR			0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	
otal Instream				660.000	660.000	660.000	660.000	660.000	660.000	660.000	660.000	660.000	660.000	660.
OD (18S, F	R12E, Sec 6) to N	North Canal Da	am (T17S, R1	2E, Sec 29)										
OD (18S, F 81324		North Canal Da	am (T17S, R1	2E, Sec 29)	0.146	0.195	0.258	0.258	0.258	0.258	0.258	0.195	0.146	
				2E, Sec 29)	0.146	0.195	0.258 0.405	0.258 0.405		0.258 0.405	0.258 0.405	0.195	0.146	
	10/31/1900			2E, Sec 29)	0.146						0.405 2.200	0.195	0.146	
81324	10/31/1900 12/2/1907	T-9824/MP-27	Deschutes R	2E, Sec 29)			0.405	0.405	0.405	0.405	0.405			
81324	10/31/1900 12/2/1907 10/31/1900	T-9824/MP-27 CW-29	Deschutes R	2E, Sec 29)			0.405 2.200	0.405 2.200	0.405 2.200	0.405 2.200	0.405 2.200			
81324 81612	10/31/1900 12/2/1907 10/31/1900 12/2/1907	T-9824/MP-27 CW-29 T-10058/MP-57	Deschutes R Deschutes R	2E, Sec 29)	1.250	1.670	0.405 2.200 0.890	0.405 2.200 0.890	0.405 2.200 0.890	0.405 2.200 0.890	0.405 2.200 0.890	1.670	1.250	
81324 81612 82635	10/31/1900 12/2/1907 10/31/1900 12/2/1907 10/31/1900	T-9824/MP-27 CW-29 T-10058/MP-57	Deschutes R Deschutes R Deschutes R	2E, Sec 29)	1.250	1.670 0.060 0.350	0.405 2.200 0.890 0.120	0.405 2.200 0.890 0.120	0.405 2.200 0.890 0.120 0.350	0.405 2.200 0.890 0.120	0.405 2.200 0.890 0.120	1.670	1.250	
81324 81612 82635 80400	10/31/1900 12/2/1907 10/31/1900 12/2/1907 10/31/1900 10/10/1903	T-9824/MP-27 CW-29 T-10058/MP-57 T-9294/MP-1	Deschutes R Deschutes R Deschutes R Deschutes R	2E, Sec 29)	1.250 0.050 0.350	1.670 0.060 0.350 0.195	0.405 2.200 0.890 0.120 0.350	0.405 2.200 0.890 0.120 0.350	0.405 2.200 0.890 0.120 0.350	0.405 2.200 0.890 0.120 0.350	0.405 2.200 0.890 0.120 0.350	1.670 0.060 0.350	0.050 0.350	
81324 81612 82635 80400 CW-24	10/31/1900 12/2/1907 10/31/1900 12/2/1907 10/31/1900 10/10/1903 2/28/1913	T-9824/MP-27 CW-29 T-10058/MP-57 T-9294/MP-1 CW-24 (AP)	Deschutes R Deschutes R Deschutes R Deschutes R Wickiup Res	2E, Sec 29) 660.000	0.050 0.350 0.195 0.760	1.670 0.060 0.350 0.195	0.405 2.200 0.890 0.120 0.350 0.195	0.405 2.200 0.890 0.120 0.350 0.195	0.405 2.200 0.890 0.120 0.350 0.195	0.405 2.200 0.890 0.120 0.350 0.195	0.405 2.200 0.890 0.120 0.350 0.195	0.060 0.350 0.195	0.050 0.350 0.195	660
81324 81612 82635 80400 CW-24 CW-24 59778	10/31/1900 12/2/1907 10/31/1900 12/2/1907 10/31/1900 10/10/1903 2/28/1913 2/28/1913 11/3/1983	T-9824/MP-27 CW-29 T-10058/MP-57 T-9294/MP-1 CW-24 (AP) CW-24	Deschutes R Deschutes R Deschutes R Deschutes R Wickiup Res Wickiup Res	660.000	1.250 0.050 0.350 0.195 0.760 660.000	1.670 0.060 0.350 0.195 0.760 660.000	0.405 2.200 0.890 0.120 0.350 0.195 0.760 660.000	0.405 2.200 0.890 0.120 0.350 0.195 0.760 660.000	0.405 2.200 0.890 0.120 0.350 0.195 0.760 660.000	0.405 2.200 0.890 0.120 0.350 0.195 0.760 660.000	0.405 2.200 0.890 0.120 0.350 0.195 0.760 660.000	0.060 0.350 0.195 0.760 660.000	0.050 0.350 0.195 0.760 660.000	
81324 81612 82635 80400 CW-24 CW-24 59778	10/31/1900 12/2/1907 10/31/1900 12/2/1907 10/31/1900 10/10/1903 2/28/1913 2/28/1913 11/3/1983 V and Transfers	T-9824/MP-27 CW-29 T-10058/MP-57 T-9294/MP-1 CW-24 (AP) CW-24	Deschutes R Deschutes R Deschutes R Deschutes R Wickiup Res Wickiup Res	660.000	1.250 0.050 0.350 0.195 0.760 660.000	1.670 0.060 0.350 0.195 0.760 660.000	0.405 2.200 0.890 0.120 0.350 0.195 0.760 660.000	0.405 2.200 0.890 0.120 0.350 0.195 0.760 660.000	0.405 2.200 0.890 0.120 0.350 0.195 0.760 660.000	0.405 2.200 0.890 0.120 0.350 0.195 0.760 660.000	0.405 2.200 0.890 0.120 0.350 0.195 0.760 660.000	0.060 0.350 0.195 0.760 660.000	0.050 0.350 0.195 0.760 660.000	0.
81324 81612 82635 80400 CW-24 CW-24 59778 otals for ACW	10/31/1900 12/2/1907 10/31/1900 12/2/1907 10/31/1900 10/10/1903 2/28/1913 2/28/1913 11/3/1983 V and Transfers Streamflow	T-9824/MP-27 CW-29 T-10058/MP-57 T-9294/MP-1 CW-24 (AP) CW-24	Deschutes R Deschutes R Deschutes R Deschutes R Wickiup Res Wickiup Res	660.000 0.000 660.000	1.250 0.050 0.350 0.195 0.760 660.000 2.751 660.000	1.670 0.060 0.350 0.195 0.760 660.000 3.230 660.000	0.405 2.200 0.890 0.120 0.350 0.195 0.760 660.000	0.405 2.200 0.890 0.120 0.350 0.195 0.760 660.000 5.178 660.000	0.405 2.200 0.890 0.120 0.350 0.195 0.760 660.000	0.405 2.200 0.890 0.120 0.350 0.195 0.760 660.000	0.405 2.200 0.890 0.120 0.350 0.195 0.760 660.000	1.670 0.060 0.350 0.195 0.760 660.000 3.230 660.000	0.050 0.350 0.195 0.760 660.000 2.751 660.000	0. 660.
81324 81612 82635 80400 CW-24 CW-24 59778 otals for ACW	10/31/1900 12/2/1907 10/31/1900 12/2/1907 10/31/1900 10/10/1903 2/28/1913 2/28/1913 11/3/1983 V and Transfers Streamflow e Agency ISWR	T-9824/MP-27 CW-29 T-10058/MP-57 T-9294/MP-1 CW-24 (AP) CW-24	Deschutes R Deschutes R Deschutes R Deschutes R Wickiup Res Wickiup Res	660.000	1.250 0.050 0.350 0.195 0.760 660.000 2.751 660.000 0.000	1.670 0.060 0.350 0.195 0.760 660.000	0.405 2.200 0.890 0.120 0.350 0.195 0.760 660.000	0.405 2.200 0.890 0.120 0.350 0.195 0.760 660.000	0.405 2.200 0.890 0.120 0.350 0.195 0.760 660.000	0.405 2.200 0.890 0.120 0.350 0.195 0.760 660.000	0.405 2.200 0.890 0.120 0.350 0.195 0.760 660.000	0.060 0.350 0.195 0.760 660.000	0.050 0.350 0.195 0.760 660.000	660 0. 660. 0.

ISWR	Priority Date	Project ID	Source					Rate	(CFS) for Period	Instream		2 145 0120	Opt 1 Opt 21	Nov 1 - Dec 31
IOVIX	1 Honly Date	Fiojectio	Source	Jan 1 - March 31 Apr	ril 1 - April 30	May 1 - May 14	May 15 - May 31	June 1 - June 30	July 1 - July 31	Aug 1 - Aug 31	Sept 1 - Sept 14	Sept 15 - Sept 30	Oct 1 - Oct 31	NOV 1 - DEC C.
North Cana	I Dam (T17S, R12	E, Sec 29) to	mouth of Tu	malo Creek										
76687	9/1/1899	T-8519	Deschutes R		0.144	0.193	0.358	0.358	0.358	0.358	0.358	0.193	0.144	
82657	9/1/1899	CW-40	Deschutes R		1.480	1.480	1.480	1.480	1.480	1,480	1.480	1.480	1.480	
83143	9/1/1899	CW-41	Deschutes R		4.400	4.400	4.400	4.400	4.400	4.400	4.400	4.400	4.400	
80856	10/31/1900	T-9603/MP-11	Deschutes R		0.130	0.170	0.220	0.220	0.220	0.220	0.220	0.170	0.130	
	12/2/1907						0.080	0.080	0.080	0.080	0.080		2112	
81324	10/31/1900	T-9824/MP-27	Deschutes R		0.571	0.762	1.005	1.005	1.005	1.005	1.005	0.762	0.571	
	12/2/1907						0.405	0.405	0.405	0.405	0.405			
81612	10/31/1900	CW-29	Deschutes R		1.250	1.670	2.200	2.200	2.200	2,200	2.200	1.670	1.250	
	12/2/1907						0.890	0.890	0.890	0.890	0.890			
82822	10/31/1900	T-9883	Deschutes R		0.210	0.280	0.520	0.520	0.520	0.520	0.520	0.280	0.210	
82635	10/31/1900	T-10058/MP-57	Deschutes R		0.150	0.200		0.380	0.380	0.380	0.380	0.200	0.150	
82725	10/31/1900	CW-39	Deschutes R		0.150	0.200	0.265	0.265	0.265	0.265	0.265	0.200	0.150	
	12/2/1907						0.105	0.105	0.105	0.105	0.105			
83244	10/31/1900	CW-39	Deschutes R		0.150	0.200	0.265	0.265	0.265	0.265	0.265	0.200	0.150	
	12/2/1907						0.105	0.105	0.105	0.105	0.105			
82731	10/31/1900	CW-42	Deschutes R		0.145	0.190	0.250	0.250	0.250	0.250	0.250	0.190	0.145	
	12/2/1907						0.105	0.105	0.105	0.105	0.105			
83293	10/31/1900	CW-42	Deschutes R		0.145	0.190	0.250	0.250	0.250	0.250	0.250	0.190	0.145	
	12/2/1907						0.105	0.105	0.105	0.105	0.105			
80400	10/10/1903	T-9294/MP-1	Deschutes R		0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	
CW-24	2/28/1913	CW-24 (AP)	Wickiup Res		0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	
CW-24	2/28/1913	CW-24	Wickiup Res		0.760	0.760	0.760	0.760	0.760	0.760	0.760	0.760	0.760	
CW-24	2/28/1913	CW-24 (AP)	Deschutes R		0.065	0.065	0.065	0.065	0.065	0.065	0.065	0.065	0.065	0.0
82830	2/28/1913	CW-24	Deschutes R		0.210	0.210	0.210	0.210	0.210	0.210	0.210	0.210	0.210	
IS 70695														
(application)	9/24/1990	IS-70695	Deschutes R	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.
tals for ACV	W and Transfers			0.000	10.505	11.515	14.968	14.968	14.968	14.968	14.968	11.515	10.505	0.0
	te Agency ISWR			250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.0
tal Instream				250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.0

ISWR	Priority Date	Project ID	Source					Rate	(CFS) for Period	Instream			To 14 0 124	New 1 Dec 31
IOVVI	Filonty Date	Projectio	Source	Jan 1 - March 31	April 1 - April 30	May 1 - May 14	May 15 - May 31	June 1 - June 30	July 1 - July 31	Aug 1 - Aug 31	Sept 1 - Sept 14	Sept 15 - Sept 30	Oct 1 - Oct 31	NOV 1 - DEC 31
Mouth of Tu	imalo Creek to P	OD (T15S, R1	2E, Sec 14)											
76687	9/1/1899	T-8519	Deschutes R		0.144	0.193	0.358	0.358	0.358	0.358		0.193		
82657	9/1/1899	CW-40	Deschutes R	THE PARTY OF	1.480	1.480	1.480	1.480	1.480	1.480	1.480	1.480		
83143	9/1/1899	CW-41	Deschutes R		4,400	4.400	4.400	4.400	4.400	4.400	4.400	4.400		
81333	September 1900	CW-9	Tumalo Cr		5.820	5.820	5.820	5.820	5.820	5.820	5.820	5.820		
80856	10/31/1900	T-9603/MP-11	Deschutes R		0.130	0.170	0.220	0.220	0.220	0.220	0.220	0.170	0.130	
	12/2/1907						0.080	0.080	0.080	0.080	0.080			
81324	10/31/1900	T-9824/MP-27	Deschutes R		0.571	0.762	1.005	1.005	1.005	1.005	1.005	0.762	0.571	
	12/2/1907						0.405	0.405	0.405	0.405	0.405			
81612	10/31/1900	CW-29	Deschutes R		1.250	1.670	2.200	2.200	2.200	2.200	2.200	1.670	1.250	
	12/2/1907						0.890	0.890	0.890	0.890	0.890			
82822	10/31/1900	T-9883	Deschutes R		0.210	0.280	0.520	0.520	0.520	0.520	0.520	0.280	0.210	
82635	10/31/1900				0.150	0.200		0.380	0.380	0.380	0.380	0.200	0.150	
82725	10/31/1900	CW-39	Deschutes R		0.150	0.200		0.265	0.265	0.265	0.265	0.200	0.150	
	12/2/1907						0.105	0.105	0.105	0.105	0.105			
83244	10/31/1900	CW-39	Deschutes R		0.150	0.200	0.265	0.265	0.265	0.265	0.265	0.200	0.150	
	12/2/1907						0.105	0.105	0.105	0.105	0.105			
82731	10/31/1900	CW-42	Deschutes R		0.145	0.190	0.250	0.250	0.250	0.250	0.250	0.190	0.145	
	12/2/1907						0.105	0.105	0.105	0.105	0.105			
83293	10/31/1900	CW-42	Deschutes R		0.145	0.190	0.250	0.250	0.250	0.250	0.250	0.190	0.145	
	12/2/1907						0.105	0.105	0.105	0.105	0.105			
80400	10/10/1903	T-9294/MP-1	Deschutes R		0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	
CW-24	2/28/1913	CW-24 (AP)	Wickiup Res		0.195		0.195	0.195	0.195		0.195	0.195	0.195	
CW-24	2/28/1913	CW-24	Wickiup Res		0.760	0.760	0.760	0.760	0.760	0.760	0.760	0.760	0.760	
CW-24	2/28/1913	CW-24 (AP)	Deschutes R		0.065	0.065	0.065	0.065	0.065	0.065	0.065	0.065	0.065	0.06
82830	2/28/1913	CW-24	Deschutes R		0.210	0.210	0.210	0.210	0.210		0.210	0.210	0.210	100000
81332	12/8/1961	CW-9	Tumalo Cr		1.900	4.300	4.300	6.300	7.800	6.300	4.300	4.300	1.700	
IS 70695 (application)	9/24/1990	IS-70695	Deschutes R	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.00
otals for ACW	V and Transfers			0.000	18.225	21.635	25.088	27.088	28.588	27.088	25.088	21.635	18.025	0.06
The same of the sa	e Agency ISWR			250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.00
otal Instream				250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.00

ISWR	Priority Date	Project ID	Causes					Rate	(CFS) for Period	Instream			0.104	Nov 1 - Dec 31
ISVIK	Phoney Date	Project ID	Source	Jan 1 - March 31	April 1 - April 30	May 1 - May 14	May 15 - May 31	June 1 - June 30	July 1 - July 31	Aug 1 - Aug 31	Sept 1 - Sept 14	Sept 15 - Sept 30	Oct 1 - Oct 31	Nov 1 - Dec 31
OD (T15S.	, R12E, Sec 14) to	POD (T14S,	R12E, Sec 26											
76687	9/1/1899	T-8519	Deschutes R		0.144	0.193	0.358	0.358	0.358	0.358	0.358		0.144	
82657	9/1/1899	CW-40	Deschutes R		1.480	1.480	1.480	1.480	1.480	1.480	1.480	1.480	1.480	
81553	9/1/1899	CW-13	Deschutes R		0.080	0.110	0.190	0.190	0.190	0.190	0.190	0.110	0.080	
CW-13	9/1/1899	CW-13 (AP)	Deschutes R		0.230	0.310	0.580	0.580	0.580	0.580	0.580	0.310	0.230	
83143	9/1/1899	CW-41	Deschutes R		4.400	4.400	4.400	4.400	4.400	4.400	4.400	4.400	4.400	
81333	September 1900	CW-9	Tumalo Cr		5.820	5.820	5.820	5.820	5.820	5.820	5.820	5.820	5.820	
80856	10/31/1900	T-9603/MP-11	Deschutes R		0.130	0.170	0.220	0.220	0.220	0.220	0.220	0.170	0.130	
	12/2/1907						0.080	0.080	0.080	0.080	0.080			
81612	10/31/1900	CW-29	Deschutes R		1.250	1.670	2.200	2.200	2.200	2.200	2.200	1.670	1.250	
	12/2/1907						0.890	0.890	0.890	0.890	0.890			
81324	10/31/1900	T-9824/MP-27	Deschutes R		0.571	0.762	1.005	1.005	1.005	1.005	1.005	0.762	0.571	
	12/2/1907						0.405	0.405	0.405	0.405	0.405			
82822	10/31/1900	T-9883	Deschutes R		0.210	0.280	0.520	0.520	0.520	0.520	0.520	0.280	0.210	
82635	10/31/1900	T-10058/MP-57	Deschutes R		0.150	0.200	0.380	0.380	0.380	0.380	0.380	0.200	0.150	
82725	10/31/1900	CW-39	Deschutes R		0.150	0.200	0.265	0.265	0.265	0.265	0.265	0.200	0.150	
	12/2/1907						0.105	0.105	0.105	0.105	0.105			
83244	10/31/1900	CW-39	Deschutes R		0.150	0.200	0.265	0.265	0.265	0.265	0.265	0.200	0.150	
	12/2/1907						0.105	0.105	0.105	0.105	0.105			
82731	10/31/1900	CW-42	Deschutes R		0.145	0.190	0.250	0.250	0.250	0.250	0.250	0.190	0.145	
	12/2/1907						0.105	0.105	0.105	0.105	0.105			
83293	10/31/1900	CW-42	Deschutes R		0.145	0.190	0.250	0.250	0.250	0.250	0.250	0.190	0.145	
	12/2/1907						0.105	0.105	0.105	0.105	0.105			
80400	10/10/1903	T-9294/MP-1	Deschutes R		0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	
CW-24	2/28/1913	CW-24 (AP)	Wickiup Res		0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	
CW-24	2/28/1913	CW-24	Wickiup Res		0.760	0.760	0.760	0.760	0.760	0.760	0.760	0.760	0.760	
CW-24	2/28/1913	CW-24 (AP)	Deschutes R		0.065	0.065	0.065	0.065	0.065	0.065	0.065	0.065	0.065	0.
82830	2/28/1913	CW-24	Deschutes R		0.210	0.210	0.210	0.210	0.210	0.210	0.210	0.210	0.210	
81332	12/8/1961	CW-9	Turnalo Cr		1.900	4.300	4.300	6.300	7.800	6.300	4.300	4.300	1.700	
IS 70695														
(application)	9/24/1990	IS-70695	Deschutes R	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.
tals for ACV	V and Transfers			0.000	18.535	22.055	25.858	27.858	29.358	27.858	25.858	22.055	18.335	0.0
	e Agency ISWR			250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.0
otal Instream				250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.0

ISWR	Priority Data	Project ID	Course					Rate	(CFS) for Period	Instream			0-14 0-124	Nov 1 - Dec 31
ISVVK	Priority Date	Project ID	Source	Jan 1 - March 31	April 1 - April 30	May 1 - May 14	May 15 - May 31	June 1 - June 30	July 1 - July 31	Aug 1 - Aug 31	Sept 1 - Sept 14	Sept 15 - Sept 30	Oct 1 - Oct 31	NOV 1 - Dec 31
OD (T14S,	R12E, Sec 26) to	River Mile 12												
76687	9/1/1899	T-8519	Deschutes R		0.144	0.193	0.358	0.358					0.144	
82657	9/1/1899	CW-40	Deschutes R		1.480	1.480	1.480	1.480	1.480	1.480	1.480		1.480	
81553	9/1/1899	CW-13	Deschutes R		0.080	0.110	0.190	0.190	0.190	0.190	0.190	0.110	0.080	
CW-13	9/1/1899	CW-13 (AP)	Deschutes R		0.230	0.310	0.580	0.580	0.580	0.580		0.310	0.230	
83143	9/1/1899	CW-41	Deschutes R		4.400	4.400	4.400	4.400	4.400	4.400		4.400	4.400	
81333	September 1900	CW-9	Tumalo Cr		5.820	5.820	5.820	5.820	5.820		5.820	5.820	5.820	
80856	10/31/1900	T-9603/MP-11	Deschutes R		0.130	0.170	0.220	0.220	0.220	0.220	0.220	0.170	0.130	
	12/2/1907						0.080	0.080	0.080	0.080	0.080			
81612	10/31/1900	CW-29	Deschutes R		1.250	1.670	2.200	2.200	2.200	2.200	2.200	1.670	1.250	
	12/2/1907						0.890	0.890	0.890	0.890	0.890			
81324	10/31/1900	T-9824/MP-27	Deschutes R		0.571	0.762		1.005	1.005	1.005	1.005	0.762	0.571	
	12/2/1907						0.405	0.405	0.405	0.405	0.405			
82822	10/31/1900	T-9883	Deschutes R		0.210	0.280	0.520	0.520	0.520	0.520	0.520	0.280	0.210	
82635	10/31/1900	T-10058/MP-57	Deschutes R		0.150	0.200	0.380	0.380	0.380	0.380	0.380	0.200	0.150	
82725	10/31/1900	CW-39	Deschutes R		0.150	0.200	0.265	0.265	0.265	0.265	0.265	0.200	0.150	
	12/2/1907						0.105	0.105	0.105	0.105	0.105			
83244	10/31/1900	CW-39	Deschutes R		0.150	0.200	0.265	0.265	0.265	0.265	0.265	0.200	0.150	
	12/2/1907						0.105	0.105	0.105	0.105	0.105			
82731	10/31/1900	CW-42	Deschutes R		0.145	0.190	0.250	0.250	0.250	0.250	0.250	0.190	0.145	
	12/2/1907						0.105	0.105	0.105	0.105	0.105			
83293	10/31/1900	CW-42	Deschutes R		0.145	0.190	0.250	0.250	0.250	0.250	0.250	0.190	0.145	
	12/2/1907						0.105	0.105	0.105	0.105	0.105			
80400	10/10/1903	T-9294/MP-1	Deschutes R		0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	
CW-24	2/28/1913	CW-24 (AP)	Wickiup Res		0.195	0.195	0,195	0.195	0.195	0.195	0.195	0.195	0.195	
CW-24	2/28/1913	CW-24	Wickiup Res		0.760	0.760	0.760	0.760	0.760	0.760	0.760	0.760	0.760	
CW-24	2/28/1913	CW-24 (AP)	Deschutes R		0.065	0.065	0.065	0.065	0.065	0.065	0.065	0.065	0.065	0
82830	2/28/1913	CW-24	Deschutes R		0.210	0.210	0.210	0.210	0.210	0.210	0.210	0.210	0.210	
81313	5/12/1944	T-9697/MP-24	Deschutes R		0.233	0.233	0.233	0.233	0.233	0.233	0.233	0.233	0.233	
81314	5/12/1944	T-9697/MP-24	Deschutes R		0.015	0.015	0.015	0.015	0.015	0.015	0.015	0.015	0.015	
81332	12/8/1961	CW-9	Tumalo Cr		1,900	4.300	4.300	6.300	7.800	6.300	4.300	4.300	1.700	
IS 70695														
application)	9/24/1990	IS-70695	Deschutes R	250.000	250,000	250.000	250.000	250.000	250,000	250.000	250.000	250.000	250.000	250
tals for ACV	V and Transfers			0.000	18.783	22.303	26.106	28.106	29.606	28.106	26.106	22.303	18.583	0.
	e Agency ISWR			250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.
tal Instream				250.000	250.000	250.000	250.000	250.000	250.000		250.000	250.000	250.000	250.0

ISWR	Delocity Data	Droinet ID	Carrier						(CFS) for Period			NIC TO THE RESERVE TO	lo 14 O-124	Nov 1 - Dec 31
ISVVK	Priority Date	Project ID	Source	Jan 1 - March 31	April 1 - April 30	May 1 - May 14	May 15 - May 31	June 1 - June 30	July 1 - July 31	Aug 1 - Aug 31	Sept 1 - Sept 14	Sept 15 - Sept 30	Oct 1 - Oct 31	NOV 1 - DEC 31
River Mile	125 to Lake Billy	Chinook			THE RESERVE OF STREET								2.127	
76687	9/1/1899	T-8519	Deschutes R		0.144	0.193	0.358	0.358	0.358	0.358	0.358		0.144	
82657	9/1/1899	CW-40	Deschutes R		1.480	1.480	1.480	1,480	1.480	1.480	1.480		1.480	
81553	9/1/1899	CW-13	Deschutes R		0.080	0.110	0.190	0.190	0.190	0.190	0.190		0.080	
CW-13	9/1/1899	CW-13 (AP)	Deschutes R		0.230	0.310	0.580	0.580	0.580	0.580	0.580	0.310	0.230	
83143	9/1/1899	CW-41	Deschutes R		4.400	4.400	4.400	4.400	4.400	4.400	4.400	4.400	4.400	
81333	September 1900	CW-9	Tumalo Cr		5.820		5.820	5.820	5.820	5.820	5.820	5.820	5.820	
80856	10/31/1900		Deschutes R		0.130				0.220	0.220	0.220	0.170	0.130	
	12/2/1907					U del la sectional	0.080	0.080	0.080	0.080	0.080			
81612	10/31/1900	CW-29	Deschutes R		1.250	1.670	2.200			2.200	2.200	1.670	1.250	
	12/2/1907	742.00				11/07/05/05	0.890		0.890	0.890	0.890			
81324	10/31/1900	T-9824/MP-27	Deschutes R		0.571	0.762	1.005				1.005	0.762	0.571	
	12/2/1907						0.405		0.405	0.405	0.405			
82822	10/31/1900	T-9883	Deschutes R		0.070	0.090	0.170	0.170	0.170	0.170	0.170	0.090	0.070	
82635	10/31/1900		Deschutes R		0.150	0.200		0.380	0.380	0.380	0.380	0.200	0.150	
82725	10/31/1900	CW-39	Deschutes R		0.150	0.200	0.265	0.265	0.265	0.265	0.265	0.200	0.150	
	12/2/1907						0.105	0.105	0.105	0.105	0.105			
83244	10/31/1900	CW-39	Deschutes R		0.150	0.200	0.265	0.265	0.265	0.265	0.265	0.200	0.150	
	12/2/1907						0.105	0.105	0.105	0.105	0.105			
82731	10/31/1900	CW-42	Deschutes R		0.145	0.190	0.250	0.250	0.250		0.250	0.190	0.145	
	12/2/1907						0.105	0.105	0.105	0.105	0.105			
83293	10/31/1900	CW-42	Deschutes R		0.145	0.190	0.250	0.250	0.250	0.250	0.250	0.190	0.145	
	12/2/1907						0.105	0.105	0.105	0.105	0.105			
80400	10/10/1903	T-9294/MP-1	Deschutes R		0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	
CW-24	2/28/1913	CW-24 (AP)	Wickiup Res		0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	
CW-24	2/28/1913	CW-24	Wickiup Res		0.760	0.760	0.760	0.760	0.760	0.760	0.760	0.760	0.760	
CW-24	2/28/1913	CW-24 (AP)	Deschutes R		0.065	0.065	201500000			0.065	0.065	0.065	0.065	0.06
82830	2/28/1913	CW-24	Deschutes R		0.210		1777				0.210	0.210	0.210	
81313		T-9697/MP-24	Deschutes R		0.233	0.233	0.233			0.233	0.233	0.233	0.233	
81314	5/12/1944	T-9697/MP-24	Deschutes R		0.015	0.015	0.015		2010 2010 2010		0.015	0.015	0.015	
81332	12/8/1961	CW-9	Tumalo Cr		1.900	4.300	4.300	6.300	7.800	6.300	4.300	4.300	1.700	
IS 70695														
(application)	9/24/1990	IS-70695	Deschutes R	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250,000	250.00
otals for ACI	W and Transfers			0.000	18.643	22.113	25.756	27.756	29.256	27.756	25.756	22.113	18.443	0.06
the state of the s	te Agency ISWR			250.000	250.000		250.000				250.000	250.000	250.000	250.000
				250.000	250.000		250.000				250.000	250.000	250.000	
otal Instream											200,000	200.000	200.000	250.000

Reach 1	rate season	time period	certificated rate limit	decimal equivalent		calculated allowable rate to be transferred	duration of rate season	volume/rate conversion factor		share of hypothetical transferrable volume	calculated allowable transferrable volume_1	calculated actual volume to be transferred		volume/rate conversion factor	calculated actual rate to be transferred
Reach	Season 1	April 1-30 & Oct 1-31	1 cfs/83.0 acres	0.012 cfs/acre	8.15 acres	0.098 cfs	61 days	1.983471 AF/cfs/day	11.857 acrefeet	0.1497	44.504 acre-	6.664 acrefeet	61 days	1.983471 AF/cfs/day	0.055 cfs
	Season 2	May 1-14 & Sep 15-30	1 cfs/62.0 acres	0.016 cfs/acre	8.15 acres	0.131 cfs	30 days	1.983471 AF/cfs/day	7.795 acrefeet	0.0984	44.504 acrefeet	4.381 acrefeet	30 days	1.983471 AF/cfs/day	0.074 cfs
	Season 3	May 15 to Sept 14	1 cfs/33.45 acres	0.030 cfs/acre	8.15 acres	0.244 cfs	123 days	1.983471 AF/cfs/day	59.528 acrefeet	0.7518		33.458 acrefeet	123 days	1.983471 AF/cfs/day	0.137 cfs
		1					214 days		79.18 acrefeet	0.9999	•				
		certificated duty	allowed consumptive portion*	calculated consumptive duty	acres to be	calculated allowable transferrable volume									
		9.58 acre- feet/acre	57%	5.461acre- feet/acre	8.15 acres	44.504 acre- feet	liceion								
		43% of the a		diversions from											
	rate season	time period		protectable portion below RM 120**	protectable volume below	hypothetical	calculated protectable volume by season	duration of rate season	volume/rate conversion factor	protectable rate below RM 120					
Reach 2	Season 1	April 1-30 & Oct 1-31	44.504 acrefeet	35%	15.576 acrefeet		2.332 acre- feet	61 days	1.983471 AF/cfs/day	0.019 cfs					
	Season 2		44.504 acrefeet	35%	15.576 acrefeet		1.533 acre- feet	30 days	1.983471 AF/cfs/day	0.026 cfs					
	Season 3	May 15 to Sept 14	44.504 acrefeet	35%	15.576 acrefeet	0.7518	11.71 acre- feet	123 days	1.983471 AF/cfs/day	0.048 cfs					
		**this figure w	as derived by	dividing the ap	olicant's calcula	0.9999 ated allowable			24 AF) for Re	ach 1 by the es	me for Peach	2/14 65 45)	and interprets	d to	

^{**}this figure was derived by dividing the applicant's calculated allowable volume to be transferred (42.24 AF) for Reach 1 by the same for Reach 2 (14.65 AF), and interpreted to represent adjustments for

	rate season	time period	certificated rate limit		acres to be	calculated allowable rate to be transferred	duration of rate season	volume/rate conversion factor	calculated hypothetical transferrable volume	share of hypothetical transferrable volume	calculated allowable transferrable volume_1	calculated actual volume to be transferred	duration of season	volume/rate conversion factor	calculated actual rate to be transferred
Reach 1	Season 1	April 1-30 & Oct 1-31	1 cfs/83.0 acres	0.012 cfs/acre	8.15 acres	0.098 cfs	61 days	1.983471 AF/cfs/day	11.857 acrefeet	0.1497	44.504 acre-	6.664 acrefeet	61 days	1.983471 AF/cfs/day	0.055 cfs
	Season 2	May 1-14 & Sep 15-30	1 cfs/62.0 acres	0.016 cfs/acre	8.15 acres	0.131 cfs	30 days	1.983471 AF/cfs/day	7.795 acrefeet	0.0984	44.504 acrefeet	4.381 acrefeet	30 days	1.983471 AF/cfs/day	0.074 cfs
	Season 3	May 15 to Sept 14	1 cfs/33.45 acres	0.030 cfs/acre	8.15 acres	0.244 cfs	123 days	1.983471 AF/cfs/day	59.528 acrefeet	0.7518		33.458 acrefeet	123 days	1.983471 AF/cfs/day	0.137 cfs
		1					214 days		79.18 acrefeet	0.9999					
		certificated duty	allowed consumptive portion*	calculated consumptive duty		calculated allowable transferrable volume									
		9.58 acre- feet/acre	57% allowed rate on	5.461acre- feet/acre	8.15 acres	44.504 acre- feet	piesion								
	rate season	time period	calculated allowable	protectable	calculated	calculated prorated	calculated protectable volume by season	duration of rate season	volume/rate conversion factor	protectable rate below RM 120					
Reach 2	Season 1	April 1-30 & Oct 1-31	44.504 acrefeet	35%	15.576 acrefeet	0.285	4.44 acre- feet	61 days	1.983471 AF/cfs/day	0.367 cfs	Hogs	her the	w,		
	Season 2	May 1-14 & Sep 15-30	44.504 acrefeet	35%	15.576 acrefeet		2.184 acre- feet	30 days	1.983471 AF/cfs/day	0.367 cfs	/ Re	each (
	Season 3	May 15 to Sept 14	44.504 acrefeet	35%	15.576 acrefeet	0.578	8.953 acre- feet	123 days	1.983471 AF/cfs/day	0.367 cfs					
		**** Course	was desired by	dividing the an	nlicant's calcul	1.003		transferred (A'	2 24 AF) for Re	ach 1 by the s	ame for Peach	2 (14 65 AE)	and interprete	d to represent	adjustments for

^{**}this figure was derived by dividing the applicant's calculated allowable volume to be transferred (42.24 AF) for Reach 1 by the same for Reach 2 (14.65 AF), and interpreted to represent adjustments for ***obtained by dividing duration of rate season by total days available (214) in the decreed season

INTEROFFICE MEMO

	DATE	:	April 3, 2007
	TO:		Sarah Henderson
	FROM	1:	Laura Snedaker
	SUBJ	ECT:	Acceptance of IS Transfer Application/Mitigation Project MP
	The a	ttached	IS transfer application is ok to accept. Please do the following as applicable:
V		Pleas	e debit \$ <u>\$475.00</u> from <u>DRC's</u> account.
		Pleas	e accept application and fees.
		Refun	d Due:
V	Ø	Pleas	e put IS transfer application in a transfer file folder.
V	Ø	Pleas	e make copy of the IS transfer for the Watermaster.
	7	Pleas	e make copy of IS transfer (including attachments – unless otherwise specified) and put in dark blue Mitigation Project file folder.
		Pleas	e scan IS transfer application and save to appropriate transfer file folder as ******-application
V		Pleas	e put copy of this page in IS transfer file folder.

Notes: Application was submitted with out the check identified in the cover letter. However, Zach Tillman forwarded an e-mail requesting that the \$475 be debited from the DRC account.

Laura Snedaker

From: Zach Tillman [zach@deschutesriver.org]

Sent: Tuesday, April 03, 2007 12:53 PM

To: Laura Snedaker

Subject: RE: Instream Transfer - fees

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This is to confirm that \$475 (\$375 appl. fee plus \$175 reimbursement auth. appl. fee) is to be w/drawn from the DRC's account at OWRD.

Zachary Tillman, DRC

541-382-4077, x.21

zach@deschutesriver.org

From: Laura Snedaker [mailto:Laura.K.SNEDAKER@wrd.state.or.us]

Sent: Tuesday, April 03, 2007 12:25 PM

To: Zach Tillman; Zach Tillman Subject: Instream Transfer - fees

Zach:

Please send me an e-mail confirming that the DRC would like the Department to deduct the fees (\$350.00 + \$175.00) for the transfer received yesterday from the DRC's account. This will avoid us having to return the application.

Thanks, Laura

I 10356

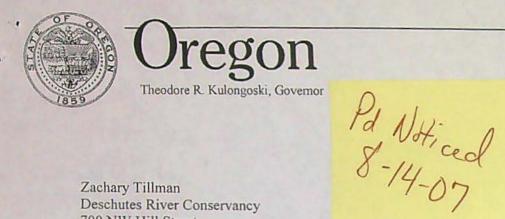
Laura Snedaker

Senior Water Resources Coordinator

Oregon Water Resources Department

725 Summer Street NE, Suite A

App 350 RA 125 Total 475



Water Resources Department

725 Summer Street NE, Suite A Salem, OR 97301-1271 503-986-0900 FAX 503-986-0904

August 8, 2007

Zachary Tillman Deschutes River Conservancy 700 NW Hill Street Bend, OR 97701

SUBJECT: Transfer Application T-10356

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-10356. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication simultaneously with issuance of the Preliminary Determination. The notice initiates a 30-day period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision.

Because there will be a change in the character of use, the applicant is responsible for giving public notice of the transfer changes in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We have prepared the notice for you (enclosed). The deadline for individuals to file protests or standing statements is 30 days after the date of last publication. Please have the newspaper insert the date of last publication in the proper place. After publication, the Department needs to receive an affidavit specifying the dates the notice was published. Typically, the newspaper will prepare and mail an original affidavit of publication to the Department, however you will want to request specifically that they do so. The newspaper can mail the affidavit to me at the address above.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

Please do not hesitate to contact me at if I may be of assistance.

Sincerely,

R Field Services Division

Sarah Henderson

co: Jeremy Giffin, District 11 Watermaster

Swalley Irrigation District

Encs Public Notice

Notice of Preliminary Determination for Water Right Transfer T-10356

T-10356 filed by Deschutes River Conservancy, 700 NW Hill Street, Bend, OR 97701, proposes a change in character and place of use for a portion of the right under Certificate 74145. The right allows the use of 0.08 cubic foot per second (cfs) from 4/1 to 5/1 and 10/1 to 11/1; 0.11 cfs from 5/1 to 5/15 and 9/15 to 10/1; and 0.20 cfs from 5/15 to 9/15 (priority date September 1, 1899) from POD#3 (Swalley Main Canal) in SE1/4 NE1/4, Sec. 29, T17S, R12E, W.M., for irrigation in Sec. 16, 17, and 20, T17S, R12E, W.M. (Deschutes Basin). The applicant proposes to change the place of use and character of use to instream in the Deschutes River (from POD #3 to the mouth of the Deschutes River), at a maximum rate of 0.14 cfs. The application was amended with respect to the instream rate, reach and beneficial use. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000 and OAR 690-077-0075.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0881. The last date of newspaper publication is [DATE OF LAST PUBLICATION]. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Instream Transfer) PRELIMINARY DETERMINATIO	N
Application T-10356, Deschutes County) PROPOSING APPROVAL OF A	
) CHANGE IN PLACE OF USE ANI	0
) CHARACTER OF USE	

Authority

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

Applicant

DESCHUTES RIVER CONSERVANCY (DRC) 700 NW HILL STREET BEND OR 97701

Findings of Fact

Background

- On April 2, 2007, the DRC filed an application to change the place of use and character of use under Certificate 74145 to instream use. The Department assigned the application number T-10356.
- The portion of the right to be transferred is as follows:

Certificate: 74145 in the name of Swalley Irrigation District

Use: IRRIGATION of 8.14 ACRES
Priority Date: September 1, 1899

Source: DESCHUTES RIVER, tributary to COLUMBIA RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
17 S	12 E	WM	29	SE NE	POD #3: SWALLEY MAIN CANAL: 985 FEET NORTH AND 617 FEET WEST FROM THE EAST ¼ CORNER OF SECTION 29
15 S	12 E	WM	14	NW SE	POD #15: ADDITIONAL DISTRICT DIVERSION: 2170 FEET NORTH AND 1350 FEET WEST FROM THE SE CORNER OF SECTION 14

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.

Authorized Place of Use:

IRRIGATION								
Twp Rng		Mer	Sec	Q-Q	Acres	Additional Information: Tax Lot Number Listed on Application†		
17 S	12 E	WM	20	NW NE	2.14	100		
17 S	12 E	WM	16	SW SE	2.00	2600		
17 S	12 E	WM	17	SW SE	1.00	7900		
17 S	12 E	WM	17	SW SE	1.00	8000		
17 S	12 E	WM	17	SW SE	2.00	8200		

† May be a different tax lot number than what is described on the water right certificate.

3. The rate and duty associated with Certificate 74145 is dependent on whether the right is served by the main canal or a direct diversion right. There are a total of 4,561.105 acres listed on the certificate, of which 4,442.795 may be served by the canal, and 118.31 acres that are restricted to being served by direct diversions. The rights served by the canal are entitled to the following rates:

Season 1:	Season 1 Rate:
April 1 - 30 & Oct. 1 - 31	1 cfs to 83.0 acres
Season 2:	Season 2 Rate:
May 1 – 14 & Sept. 15 – 30	1 cfs to 62.0 acres
Season 3:	Season 3 Rate:
May 15 - Sept. 14	1 cfs to 33.45 acres

The above rates include a 43% transmission loss allowed by the Court to compensate for seepage from the canal. This transmission loss is not allowed on direct diversion rates. The total rate of use described on the certificate is limited to 125.0 cfs measured at the points of diversion from the source.

The duty per acre associated with lands served by the canal shall not exceed 9.58 acre feet for each acre irrigated during the irrigation season as measured at the points of diversion from the source. For lands served by direct diversions, the duty per acre is limited to 5.46 acre feet.

Certificate 74145 has been modified (reduced) by allocation of conserved water projects CW-13 (Special Order Volume 61, Page 630), CW-40 (Special Order Volume 70, Page 143), CW-41 (Special Order Volume 71, Page 202), CW-47 (project approved, but not yet finalized, Special Order Volume 71, Page 221) and transfers T-8519 (Special Order Volume 55, Page 1010) which transferred 21.0 acres of direct diversion right to instream right (Certificate 76687), T-8154 (a place of use transfer, Special Order Volume 53, Page 1445), which did not prove up on 1.0 acre of canal diversion, which will be removed from the water right, and T-9308 (a place of use transfer approved by Special Order Volume 65, Page 472) also modified Certificate 74145 and includes 2.0 acres of inchoate canal diversion. The table below shows the initial rate and duty for Certificate 74145 and the reductions in rate and duty made by each of the described modifications. The rate and duty for the 2.0 acres associated with T-9308 are included in the initial rate and duty shown in the table below.

Consequently, the starting point for the rate and duty before this transfer associated with Certificate 74145 is approximately:

	Initial Rate / Duty	CW-13 Rate / Duty	T-8519 Rate / Duty	T-8154 Rate / Duty	CW-40 Rate / Duty	CW-41 Rate / Duty	CW-47 Rate/ Duty (Project not finalized)	Approximate Before T-10356 Rate/Duty*
Season 1 Rate (cfs)	54.340	(0.310)	(0.144)	(0.012)	(1.480)	(4.400)	(4.67)	43.324
Season 2 Rate (cfs)	72.746	(0.420)	(0.193)	(0.016)	(1.480)	(4.400)	(6.67)	59.567
Season 3 Rate (cfs)	125.000	(0.770)	(0.358)	(0.028)	(1.480)	(4.400)	(9.00)	108.964
Duty (AF)	4,3207.95	(417.00)	(114.66)	(9.02)	(627.10)	(1,864.37)	(3,157.62)	37,018.18

^{*}This includes the inchoate rate and duty associated with T-9308, and any other transfers completed pursuant to ORS 540.580. Additionally, the rate and duty may have been further modified by other orders of the Department.

The table below then shows the rate and duty associated with the 8.14 acres proposed to be transferred. This was determined by subtracting the existing direct diversion rates from the approximate starting rate and duty for this water right, identified in the table above, and then by determining the maximum rate that could be applied simultaneously to all canal diversion acres. This is the amount that Certificate 74145 will be reduced by as a result of this transfer.

	Approximate Before T-10356 Rate/Duty	Direct Diversion Rate/Duty	Total Canal Diversion Rate/Duty	Canal Rate 1/X cfs/ac and Duty (if exercised simultaneously)	Rate/Duty Associated with 8.14 Canal Acres, including loss
Season 1 Rate (cfs)	43.324	(0.812)	42.512	1/104.508 cfs/ac	0.08
Season 2 Rate (cfs)	59.567	(1.088)	58.479	1/75.972 cfs/ac	0.11
Season 3 Rate (cfs)	108.964	(2.016)	106.948	1/41.542 cfs/ac	0.20
Duty	37,018.18 AF	(219.27) AF	36,798.91 AF	7.81 AF/ac	63.57 AF

The transferable portion of the water right, however, is the full rate and duty that can be applied to each acre (see first table contained in Finding of Fact #3) less the canal transmission losses, being:

	Transferable Rate/Duty Per Canal Acre	Transferable Rate/Duty Associated with 8.14 Canal Acres
Season 1 Rate	1cfs to 83.0 ac less 43%	0.06 cfs
Season 2 Rate	1cfs to 62.0 ac less 43%	0.07 cfs
Season 3 Rate	1cfs to 33.45 ac less 43%	0.14 cfs
Duty	9.58 AF/ac less 43% (or 5.46 AF/ac)	44.44 AF

4. Two allocation of conserved water applications, CW-43 and CW-48, were received prior to transfer T-10356. Proposed Final Orders have been issued that would approve these applications. Both of these applications propose to affect Water Right Certificate 74145. If either or both of these applications, or other applications affecting Certificate 74145, are approved prior to this transfer, then the final transferable portion and/or the amount that the water right certificate is reduced by may be subject to change.

5. The applicant is not the owner of the lands to which the water right described in Finding of Fact #2 is appurtenant. However, water right conveyance agreements have been completed and interest in the water right has been conveyed from each landowner, described in the table below, to the DRC. The portion of this right to be transferred was appurtenant to lands owned by the identified landowners at the time interest in the water right was conveyed through a Quit Claim, a water right conveyance agreement.

Grantor (landowner)	Water Right Interest Holder	Т	R	s	Q-Q	Tax Lot at time of Conveyance
Ted Wise & Martin F. Lofquist	DRC	17 S	12 E	20	NW NE	100
A-1 Excavation, Inc.	DRC	17 S	12 E	16	SW SE	2600
Garth Jackson, President of Palmer Homes	Swalley Irrigation District	17 S	12 E	17	SW SE	7900
Garth Jackson, President of Palmer Homes	Swalley Irrigation District	17 S	12 E	17	SW SE	8000
Garth Jackson, President of Palmer Homes	Swalley Irrigation District	17 S	12 E	17	SW SE	8200

- On August 2, 2007, the applicant provided documentation to the Department demonstrating that on April 3, 2007, Swalley Irrigation District had conveyed ownership interest in the water right, which was appurtenant to tax lots 7900, 8000, and 8200, to the DRC.
- Application T-10356 proposes to change the character of use to instream use for conservation, maintenance and enhancement of aquatic and fish life, fish and wildlife habitat and other ecological values; recreation; and pollution abatement.
- Application T-10356 proposes to change the place of use of the right to create an instream reach from Swalley Main Canal POD #3 (described in Finding of Fact #2) at approximately RM 165 to the mouth of the Deschutes River at RM 0.0.
- The applicant originally proposed the quantities water to be transferred instream to be protected in two reaches as follows:

	Reach 1: POD #3 (RM 165) to RM 120.0	Reach 2: RM 120 to RM 0.0
Season 1 Rate (cfs): April 1 - 30 & Oct. 1 - 31	0.056 CFS	0.035 CFS
Season 2 Rate (cfs): May 1 - 14 & Sept. 15 - 30	0.075 CFS	0.035 CFS
Season 3 Rate (cfs): May 15 - Sept. 14	0.13 CFS	0.035 CFS
Duty (AF)	42.24 AF	14.65 AF

- 10. There are several existing instream water rights located within the same instream reaches proposed by the applicant. There are two existing instream water rights established through the state agency application process below Lake Billy Chinook and one pending application within the same reach above Lake Billy Chinook. The state agency established instream water rights are junior in priority date to the water right proposed for transfer. The remaining instream water rights were established through the instream transfer and allocation of conserved water processes.
- 11. The applicant has requested to replace a portion of instream water rights established pursuant to ORS 537.341 (minimum perennial streamflow) or 537.346 (state agency application) with a more senior priority date and be in addition to instream water rights established pursuant to ORS 537.348 (instream transfer) or 537.470 (allocation of conserved water).
- 12. Notice of the application for transfer was published on April 10, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- 13. On June 20, 2007, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10356, with modifications to the rate protectable instream, to the applicant and Swalley Irrigation District. The cover letter that accompanied the draft Preliminary Determination set forth a deadline of July 31, 2007, for the applicant to respond. On July 12, 2007, the applicant provided additional information to the Department and requested that the Department reevaluate its injury determination so that the requested rate could be protected instream. On July 31, 2007, the Department e-mailed a revised draft Preliminary Determination to the applicant and Swalley Irrigation District proposing to approve Transfer Application T-10356, proposing to allow the full diversion rate to be transferred to instream use, without the 43 percent transmission loss. The cover letter that accompanied the revised draft Preliminary Determination set forth a deadline of August 31, 2007, for the applicant to respond. On August 2, 2007, the applicant requested that the Department proceed with issuance of a Preliminary Determination and on August 6 and 8, 2007, the applicant provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

Instream Transfer Review Criteria (OAR 690-77-0075 and 690-380-4010)

- 14. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of application T-10356.

- 16. At the full rate and duty that may be transferred to instream use (see Finding of Fact #3), water may be protected instream for a period of 208 days. The instream period requested by the applicant, April 1 through October 31, (see Finding of Fact #9) is 214 days.
- 17. Based upon Findings of Fact #3 and #16, on August 2, 2007, the applicant agreed to modify the quantities to be transferred and protected instream as follows:

	Reach 1: POD #3 (RM 165) to RM 120.0	Reach 2: RM 120 to RM 0.0
Season 1 Rate (cfs): April 1 - 30 & Oct. 1 – 25	0.06 CFS	0.03 CFS
Season 2 Rate (cfs): May 1 – 14 & Sept. 15 - 30	0.07 CFS	0.03 CFS
Season 3 Rate (cfs): May 15 - Sept. 14	0.14 CFS	0.03 CFS
Duty (AF)	44.44 AF	14.65 AF

- 18. There is an instream lease, L-559, presently in effect for a portion of the water right proposed for transfer to instream use. The portion of the right presently leased instream is associated with the portion conveyed by Ted Wise & Martin F. Lofquist, as described in Finding of Fact #5. The lease was approved by the Department on July 12, 2004, as evidenced by Special order Volume 60, Page 443 (and correcting order, Special Order Volume 60, Page 883). This lease is scheduled to terminate on October 31, 2008, and includes a condition allowing for early termination of the lease order. The applicant has requested that Instream lease L-559 be terminated upon issuance of the final order approving T-10356.
- 19. The proposed change, as modified, would not result in enlargement of the right.
- 20. The proposed change, as modified, would not result in injury to other water rights.
- 21. The amount of the proposed instream flow and the timing of the proposed instream flow are allowable within the limits and use of the original water right as described in Finding of Fact #3.
- 22. The protection of flows within the proposed reaches is 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;
 - c) There are no known areas of natural loss of streamflow to the river bed downstream from the point of diversion; and
 - d) Any return flows resulting from the exercise of the existing water right would re-enter the river within the proposed reach and have been accounted for in Reach #2 (see Finding of Fact #17).

- 23. Within the proposed reach, the Deschutes River is a designated State Scenic Waterway. The protection of flows necessary to maintain the free flowing character of the Deschutes River for fish and wildlife habitat, and recreation is a matter of statutory policy. Within the reaches proposed by the applicant, there are several existing state agency applied instream water rights, which include the use of water for fish habitat, recreation, and aesthetics. There is also a pending instream water right application filed by Oregon Department of Fish and Wildlife for anadromous and resident fish rearing. In addition to flows for the designated Scenic Waterway and the existing and pending instream water right application, which are at times not met during requested period for instream protection, this segment of the Deschutes River is also on the Oregon Department of Environmental Quality's (DEQ) 303d list of water quality limited streams for temperature and pH above Lake Billy Chinook and for nutrients, sedimentation and temperature below Lake Billy Chinook at the lower end of the river.
- 24. By replacing a portion of state agency established instream water rights, Certificates 73188 and 73237, on the river below Lake Billy Chinook, the instream right will provide protection for streamflows identified as necessary for supporting aquatic life and recreation under an earlier priority date. By adding to other instream water rights located within the same reach proposed by this instream transfer application, the instream right will provide protection for additional streamflows necessary for fish and wildlife habitat enhancement, pollution abatement, and recreation.
- 25. The total monthly quantities of water to be protected under the proposed instream water right, in addition to other existing instream water rights established under ORS 537.348 and 537.470 in the proposed reach will provide for a beneficial purpose and do not exceed the estimated average natural flow.

Determination and Proposed Action

The changes in character of use and place of use to instream use proposed in application T-10356 appear to be consistent with the requirements of ORS 540.505 to 540.580, ORS 537.348, OAR 690-380-5000, and OAR 690-077-0075. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If application T-10356 is approved, the final order will include the following:

- This order does not become effective until the order canceling Instream Lease L-559, is signed. If for any reason the order canceling Instream Lease L-559 does not become effective, then this order does not become effective.
- 2. The changes in character of use and place of use to instream use proposed in application T-10356 are approved.
- Water Right Certificate 74145 is modified. A new certificate confirming the instream water right shall be issued. The Department shall issue a new water right certificate to supersede Certificate 74145 on a determination that it is necessary to produce a certificate to confirm

that portion of the right not involved in this transfer. Approval of this transfer shall reduce the amount of water lawfully available under the remaining portion of Certificate 74145 by the quantities associated with the irrigation of 8.14 acres as measured at the canal diversion, being:

	Rate/Duty Associated with 8.14 Canal Acres, including loss	
Season 1 Rate	0.08 cfs	
Season 2 Rate	0.11 cfs	
Season 3 Rate	0.20 cfs	
Duty	63.57 AF	

- 4. The instream water right shall provide for the protection of streamflows from POD #3
 (Swalley Main Canal) to the mouth of the Deschutes River. The instream right consists of two reaches: Reach #1 extending from the point of diversion (RM 165) to Lake Billy Chinook (RM 120), and Reach #2 extending from Lake Billy Chinook (RM 120) to the mouth (RM 0). The instream water right shall provide for the protection of streamflows for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values; pollution abatement; and recreation in the Deschutes River.
- 5. The quantities of water to be protected under the instream water right are:

	Reach 1: POD #3 (RM 165) to RM 120.0	Reach 2: RM 120 to RM 0.0
Season 1 Rate (cfs): April 1 - 30 & Oct. 1 - 25	0.06	0.03
Season 2 Rate (cfs): May 1 – 14 & Sept. 15 - 30	0.07	0.03
Season 3 Rate (cfs): May 15 - Sept. 14	0.14	0.03
Duty (AF)	44.44	14.65

- 6. Stream channel losses and gains calculated based on available data and the use of senior appropriators will determine the amount of water to which this right is entitled downstream from the original point of diversion within the specified stream reaches.
- 7. The instream right established by this transfer shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or 537.470 unless otherwise specified by an order approving a new instream water right under these statutes.
- 8. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 74145 and any related decree.

9. The former place of use of the transferred water shall no longer receive water as part of this right.

Dated at Salem, Oregon this 8 Hoday of August 2007.

Pm Phillip C. Ward, Director

This Preliminary Determination was prepared by a Reimbursement Authority contractor. If you have questions about the information in this document, you may reach Bob Rice at 503-986-0885 or Robert.D.Rice@wrd.state.or.us.

Protests should be addressed to the attention of Field Services Division, Water Resources Department, 725 Summer St. NE. Suite A, Salem, OR 97301-1266.

Bob Rice

From: H20KW@aol.com

Sent: Friday, September 21, 2007 5:24 PM
To: Bob Rice; zach@deschutesriver.org

Cc: sid@swalley.com
Subject: Re: T-10356 Draft FO

Bob, I'm fine too. Sorry didn't get back to you sooner, at a retreat all day. Proceed! Jan

Jan Lee, Manager Swalley Irrigation District 64672 Cook Avenue, Suite 1 Bend, Oregon 97701 (541) 388-0658 Phone (541) 410-8623 Cell (541) 389-0433 Fax h20kw@aol.com or jan@swalley.com www.swalley.com

See what's new at AOL.com and Make AOL Your Homepage.

Bob Rice

From: Sent: Zach Tillman [zach@deschutesriver.org] Friday, September 21, 2007 3:27 PM

To:

Bob Rice; H20KW@aol.com

Cc: Subject: sid@swalley.com RE: T-10356 Draft FO

Hi Bob,

Looks good to me Bob. Thanks for the heads up.

Zach

Zachary Tillman, DRC 541-382-4077, x.21 zach@deschutesriver.org

----Original Message----

From: Bob Rice [mailto:ricerd@wrd.state.or.us]

Sent: Friday, September 21, 2007 2:39 PM

To: Zach Tillman; H20KW@aol.com

Cc: sid@swalley.com

Subject: T-10356 Draft FO

Zach and Jan,

Since the issuance of the Preliminary Determination for T-10356, the Department has issued Final Orders (FO) for two allocations of conserved water that affect Certificate 74145. Consequently, some changes are necessary in the FO for T-10356.

Attached please find a red-lined Draft FO for T-10356. Although the DRC is the applicant on this application, I would appreciate it if you would both review the red-line draft and let me know if you concur with the changes.

The public comment period for this application ends at 5:00 on September 27th, and its my goal to have the FO signed on September 28. I would appreciate hearing from you at your earliest convenience. Please call me if you have any questions.

Many thanks!!

--Bob

P.S. The FO for Frakes Lateral, CW-48, has been signed and an e-mail of the order will be sent out in the next day or two.

Bob Rice Field Services Division Water Resources Department 725 Summer Street NE, Suite A

Bob Rice

From: Terrance Anthony [conservationstrategies@comcast.net]

Sent: Sunday, June 10, 2007 11:22 PM

To: Bob Rice Cc: Laura Snedaker Subject: Re: T-10356 SID/DRC

Attachments: T10356-dpd cover.doc; T10356-dpd.doc; Deschutes IWR list pq1.pdf; Deschutes IWR list

pg2.pdf









T10356-dpd T10356-dpd.d Deschutes IWR Deschutes IWR over.doc (36 KE oc (104 KB) st pg1.pdf (33..st pg2.pdf (31.. Bob and Laura,

Attached are the proposed DPD and cover letter for T-10356 SID/DRC, along with pdfs showing the existing instream rights. Let me know if you want any changes.

Sorry for the delay. I should have the rest of the documents to you by Tuesday.

Terry

Terrance Anthony ph 503.282.1953 fax 503.493.2512 conservationstrategies@comcast.net

---- Original Message -----

From: "Bob Rice" <ricerd@wrd.state.or.us>

To: "Terrance Anthony" <conservationstrategies@comcast.net>

Cc: <Laura.K.SNEDAKER@wrd.state.or.us> Sent: Thursday, June 07, 2007 4:58 PM

Subject: T-10356 SID/DRC

Hi Terry,

When you send in your DPD and related information, please cc Laura Snedaker. I'll be out of the office Friday, and time-permitting, Laura will start the review of the DPD.

Thanks!

-- Bob

Bob Rice Field Services Division Water Resources Department 725 Summer Street NE, Suite A 97301-1266 Salem, Oregon (503) 986-0885

Bob Rice

From:

Robert Wood

Sent:

Friday, June 15, 2007 1:32 PM

To:

Bob Rice

Subject:

RE: T-10356 DRC/Swalley Irrigation District Instream Transfer

Hi Bob,

I got your phone message. I'm working in the field today and just stopped in to quickly check messages. Jeremy's review will be sufficient although I would like the following language added for the reach within District 3:

"From the confluence of Warm Springs River at Deschutes River Mile (RM) 84 to the mouth of the Deschutes River there are no known losses. Within this specified reach (RM 84-0), the amount of water to which the right is entitled shall not exceed the quantity of water legally available at the beginning of the reach (RM 84). Stream channel losses and gains calculated based on available data and the use of water by senior appropriators will determine the amount of water to which this right is entitled downstream from RM 84."

Have a good weekend,

Bob W

Robert Wood Watermaster, District 3 2705 E 2nd St The Dalles, OR 97058 541- 506- 2650 http://www.wrd.state.or.us

----Original Message----

From: Bob Rice

Sent: Tuesday, June 12, 2007 3:25 PM

To: Bob Wood

Cc: 'Laura.K. SNEDAKER@wrd.state.or.us'; 'Dorothy Pedersen'

Subject: T-10356 DRC/Swalley Irrigation District Instream Transfer

Hi Bob W,

I'm looking over another instream transfer that starts in District 11 and goes into District 3 (Deschutes River - to the mouth of the Deschutes).

Would you let me know if you are OK with Jeremy's review? If so, an e-mail stating that would be fine. Otherwise, please fill out a WM review form and fax it to me.

Bob Rice

From: Terrance Anthony [conservationstrategies@comcast.net]

Sent: Tuesday, June 12, 2007 12:16 AM

To: Bob Rice

Cc: Laura Snedaker

Subject: Re: T-10356 SID/DRC

Attachments: T10356-dpd_rev1.doc; T10356 rate calcs.xls; T10356-dpd cover_rev1.doc

Bob,

I got your voicemail this evening-I'm actually on vacation this week in Bend....

I've revised the DPD as you suggest, except for the following:

1) the spreadsheet is attached, not inserted. On reviewing it I found an error in the Reach #2 calculations. Those have been corrected on the DPD document but please review my numbers to see if my assumptions and methodology are correct. If you open the spreadsheet you'll see the DRC calcs in the first sheet and my calcs in the second sheet, with the column in question highlighted in yellow. (This spreadsheet does not contain formulas-calculations were done by hand.) I've also modified the DPD cover to address this issue.

2) I'm not sure what additional detail I can honestly provide at this time on #11 because this finding is just a wild guess until the applicant explains where these numbers came from. This item remains highlighted on the DPD.

I will get the rest of the documents to you on Wednesday.

Terrance Anthony ph 503.282.1953 fax 503.493.2512 conservationstrategies@comcast.net

---- Original Message ---From: Bob Rice
To: Terrance Anthony

Sent: Monday, June 11, 2007 1:58 PM Subject: RE: T-10356 SID/DRC

Hi Terry,

This e-mail is following up on the voice-mail message I left you concerning the DPD.

In the DPD I was expecting:

- A spreadsheet showing how you calculated the rates and volumes used in the DPD.
- An additional finding describing the rate in more detail, similar to the one I sent you, and indicating that it could change if the conserved water's are approved prior to this project.
- Greater explanation in Finding #11.

Bob Rice

From:

Terrance Anthony [conservationstrategies@comcast.net]

Sent:

Tuesday, June 12, 2007 10:43 PM

To:

Bob Rice

Cc:

Laura Snedaker

Subject:

remaining DPD docs T-10356

Attachments: T10356-dpd cover_rev2.doc; T10356 Contact List.doc; T10356-rec-notice.doc

Bob.

See attached. Let me know if there is anything I've missed.

During a subsequent review of the application I noticed that I overlooked the fact that R Scott Dahlen still controls that property via A-1 Excavation Inc. and that only a small portion was transferred to Bradley Dahlen--not the entire property as I initially implied. Bradley Dahlen must still quitclaim his share of teh water right, but I modified the cover letter so this was more clear, and made some other embellishments. Please substitute cover_rev2 for cover_rev1.

-Thanks.

Terrance Anthony
ph 503.282.1953
fax 503.493.2512
conservationstrategies@comcast.net

Zachary Tillman Deschutes River Conservancy 700 NW Hill Street Bend, OR 97701

SUBJECT: Application T-10356

Enclosed find a draft of our Preliminary Determination regarding transfer application T-10356. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved with minor modifications to the instream quantities. This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so. Please review the draft carefully to evaluate whether the document is consistent with your intent in seeking the transfer, and whether you agree with the proposed action.

The draft Preliminary Determination includes a number of assumptions due to discrepancies or gaps in the information provided. Before we can proceed with the Preliminary Determination we will need your response to the following:

- Page 10 of the application is incomplete. Please submit a new signature page for the application
 with the appropriate box checked. If the signatory is to be other than an officer of the DRC,
 please show that they/you have the authority to transfer property on behalf of the DRC.
- Reach #2 seems to account for return flows on the order of 65% occurring at Lake Billy Chinook.
 Please provide a basis or rationale for these return flows or the alternate reason for reduction of
 the instream water right.
- 3. Wise/Lofquist site. A total of 2.14 acres of water rights appear to be appurtenant to (former) tax lot 100. However the SID field supervisor only attests to the use of 2.00 acres, and another source indicates the property to be only 1.96 acres. Please provide an assessor's map or record of survey showing the correct acreage of (former) tax lot 100, and if appropriate, a corrected affidavit of use. If no documentation is provided the amount available for transfer may be diminished.
- 4. <u>Dahlen site.</u> Documents provided with the application show that A-1 Excavation Inc./R. Scott Dahlen conveyed a portion of this land to Bradley Dahlen on 7-1-05, yet R. Scott Dahlen executed the Quitclaim to all water rights on 11-30-05. Please provide documents showing that either R. Scott Dahlen has retained full legal authority to transfer these water rights, or that Bradley Dahlen has legally quitclaimed his portion of the water rights to DRC. If no documentation is provided the amount available for transfer may be diminished.
- Palmer Homes site. The Quitclaim transfers the water rights back to Swalley I.D, not the DRC.
 Please provide documentation that indicates Swalley I.D. releases these rights to the DRC or
 otherwise consents to their transfer instream. If no documentation is provided the amount
 available for transfer may be diminished.
- Our calculations yield different figures for the protected rates in Reach #2, which are shown on
 the draft Preliminary Determination. Please indicate if these figures are acceptable or provide an
 explanation of how you arrived at and/or justify your own figures.

No lienholders were identified on the title reports supplied by you. However if in the course of due diligence additional lienholders are identified that have not previously been notified of the transfer, you

must send notice of the transfer to them, and submit copies of each such notice to the Department to document that each lienholder has been informed of the transfer.

Because of the change in character of use, the applicant is responsible for publishing notice of the transfer in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We will provide a copy of the required notice to you upon issuance of the Preliminary Determination.

Issuance of the Preliminary Determination will occur shortly after we receive your written response to the above items along with the necessary supporting documents. If we do not receive your response and the report by July 31, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me at if I may be of assistance.

Sincerely,

Bob Rice Field Services Division

cc: Jeremy Giffin, District 11 Watermaster

enc

Contacts for Application T-10356

Applicant:

Deschutes River Conservancy 700 NW Hill Street Bend, OR 97701 Attn: Zachary Tillman Phone 541-382-4077 Fax 541-382-4078 zach@deschutesriver.org

Agent:

None

Receiving Landowner:

Oregon Water Resources Dept.

CWRE:

None

District #11 Watermaster - Jeremy Giffin

Local and Tribal Governments:

Deschutes County Community Development 117 NW Lafayette Ave Bend OR 97701

Jefferson County 66 SE D St Madras OR 97741

Wasco County 511 Washington St The Dalles OR 97058

Sherman County 500 Court St Moro OR 97039

City of Bend PO Box 431 Bend OR 97709

City of Maupin PO Box 308 Maupin OR 97307

Commenters: ODFW --?

Irrigation Districts: Swalley Irrigation District 64672 Cook Ave. Bend, OR 97701 Phone 541-388-0658



Water Resources Department

725 Summer Street NE, Suite A Salem, OR 97301-1271 503-986-0900 FAX 503-986-0904

Notice of Application for Water Right Transfer, Temporary Transfer, or Permit Amendment 04/12/2007

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice.

County:

DESCHUTES

Transfer:

10356

Water Right:

CERT 74145

Priority Date:

09/01/1899

Name:

DESCHUTES RIVER CONSERVANCY

Address:

700 NW HILL ST; BEND OR 97701

Address: Change:

USE/POU/POD

Source:

DESCHUTES RIVER

Authorized POD:

T17S R12E S29

Proposed POD:

SAME

Authorized POU:

T17S R12E S16, 17, 20

Proposed POU:

#1 POD TO LAKE BILLY CHINOOK/RM 165 TO RM 120

#2 LAKE BILLY CHINOOK TO MOUTH/RM 120 TO RM 0

Authorized USE:

IRRIGATION

Proposed USE:

INSTREAM

The holder of a water right may apply to permanently change an existing water use subject to transfer. A transfer application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years and, if necessary to convey the water, to temporarily change the point of diversion or appropriation.

The holder of a water right permit may apply to change a point of diversion (POD) or appropriation (POA) or to change the place of use (POU).

Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time. The Director may presume that the transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Director otherwise within 30 days of this notice. Comments should be sent to the Transfers Section at the Department's Salem office.

Affidavit of Publication

STATE OF OREGON, COUNTY OF DESCHUTES

I, Tara Stokes, a citizen of the United States and a resident of the county aforesaid; I am or RECEIVED age of eighteen years, and not party to or interested in the above-entitled matter. I am the principal clerk of the printer of

AUG 3 1 2007

The Bulletin

WATER RESOURCES DEPT SALEM OREGON

a daily newspaper of general circulation, published in the aforesaid county and state as defined by ORS 193.010 and ORS 193.020, that

Acct Name: DESCHUTES RIVER CONSERVANCY

Legal Description: LEGAL NOTICE

Notice of Preliminary Determination for

Water Right Transfer T-10356

a printed copy of which is hereto affixed was published in each regular and entire issue of the said newspaper and not in any supplement thereof on the following dates, to wit:

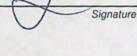
08/14/2007

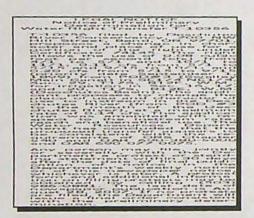
08/21/2007

08/28/2007

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Bend, Oregon, this 29 day of August, 2007.







1000 Legal Notices

(priority date September 1, 1899) from POD#3 (Swalley Main Canal) in SE1/4 NE1/4, Sec. 29, T17S, R12E, W.M., for irrigation in Sec. 16, 17, and 20, T17S, R12E, W.M. (Deschutes Basin). The applicant proposes to change the place of use and character of use to instream in the Deschutes River (from POD #3 to the mouth of the Deschutes River), at a maximum rate of 0.14 cfs. The application was amended with re-(priority date September 1, tion was amended with re-spect to the instream rate, reach and beneficial use. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the re-quirements of ORS Chapter 540 and OAR 690-380-5000 and OAR 690-077-0075.

Any person may file, jointly or severally, with the Department a protest or stand-ing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice whichever is later. A protess form and additional information on filing protests may be obtained by calling (503) 986-0881. The last date of newspaper publication is August 28, 2007. If no protests are filed, the Department will issue a final order consistent with the preliminary deter-

In the _ Court of the

> STATE OF OREGON for the COUNTY OF DESCHUTES

AFFIDAVIT OF PUBLICATION

From the Office of Attorney for ____

Notice of Preliminary Determination for Water Right Transfer T-10356

> T-10356 filed by Deschutes River Conservancy, 700 NW Hill Street, Bend, OR 97701, proposes a change in charproposes a change in character and place of use for a portion of the right under Certificate 74145. The right allows the use of 0.08 cubic foot per second (cfs) from 4/1 to 5/1 and 10/1 to 11/1; 0.11 cfs from 5/1 to 5/15 and 9/15 to 10/1; and 0.20 cfs from 5/15 to 9/15

From: Zach Tillman [zach@deschutesriver.org]

Sent: Wednesday, August 08, 2007 3:45 PM

To: Laura Snedaker; Bob Rice

Subject: T-10356 (palmer homes QC correction)

Attachments: Palmer QC (correction#2).pdf

Hi Laura,

Here is the corrected QC for Palmer Homes.

http://recordings.deschutes.org/TempImages/233438015154057.pdf

You may need to sign up to Deschutes Cty. Clerk to get access to this site; it's free but just in case: See attachment

Let me know where this puts in terms of the status of the PD for T-10356. If we're all good, please cc me on email w/any docs (PD & public notice language) asap so that we don't lose time to snail mail. Thanks.

Zach

Zachary Tillman, DRC 541-382-4077, x.21 zach@deschutesriver.org

DESCHUTES COUNTY OFFICIAL RECORDS NANCY BLANKENSHIP, COUNTY CLERK

00565962200700435980040044

2007-43598

08/08/2007 11:19:20 AM

D-D Cnt=1 Stn=25 PG \$15.00 \$11.00 \$10.00 \$5.00

Do not remove this page from original document.

Deschutes County Clerk Certificate Page



If this instrument is being re-recorded, please complete the following statement, in accordance with ORS 205.244:

Re-recorded to correct [give reason] _		
previously recorded in Book	and Page	,
or as Fee Number		

DESCHUTES COUNTY OFFICIAL RECORDS NANCY BLANKENSHIP, COUNTY CLERK

2007-03372

00522249200700033720030031

\$36.00

01/18/2007 03:42:18 PM

D-D Cnt=1 Stn=25 TM \$10.00 \$11.00 \$10.00 \$5.00

Do not remove this page from original document.

Deschutes County Clerk Certificate Page



If this instrument is being re-recorded, please complete the following statement, in accordance with ORS 205.244:

Re-recorded to correct [give reason]	Legal Description	
previously recorded in Book 3006	and Page 32477	,
or as Fee Number		

Re-record to Correct Legal Description on Exhibit "A"
Book 2007- Page 03372

After Recording Return To: SWALLEY IRRIGATION DISTRICT 64672 Cook Avenue, Suite 1 Bend, Oregon 97701

DESCHUTES COUNTY OFFICIAL RECORDS NANCY BLANKENSHIP, COUNTY CLERK

05/10/2006 03:03:10 PM

D-D Cnt=1 Stn=23 BECKEY \$10.00 \$11.00 \$10.00 \$5.00

QUITCLAIM DEED FOR TRANSFER OF INTEREST IN A WATER RIGHT

Grantor, Garth Jackson, President of Palmer Homes, releases and quitclaims to Swalley Irrigation District (SID) all rights, title and interest in the following: By this agreement and signed transfer application form, Grantor, the owner of the lands listed in Exhibit A, release their claim and responsibility for 4.00 acres of Swalley Irrigation District water right that are appurtenant to the lands listed in Exhibit A, to Swalley Irrigation District. Swalley Irrigation District may elect to complete the transfer application and submit it to the Water Resources Department for approval of use of the water right at a new location and/or use. Swalley Irrigation District may attach this agreement to the Oregon Water Resources Department's lease form and file with the District's annual Short Term Water Right Lease Agreement.

By entry of this deed, grantor hereby notifies any subsequent purchaser of the lands listed in Exhibit A that grantor, as owner of the subject land, approved the transfer (including a change in the place and type of use and point of diversion) of the water rights that are appurtenant to the subject land; and that upon completion of a transfer, by election of SID, the subject land no longer will have an appurtenant water right, if the transfer includes a change in the place of use.

Furthermore, upon signing of this agreement and the accompanying transfer application Garth Jackson, President of Palmer Homes, shall no longer be liable for any district assessment or charges pertaining to the 4.00 acres of water right incurred after the date of signing. The water right in question is further described as a portion of certificate # 74145, priority of 1899, located:

T178-R12E,WM-SEC16-NE/NE-00100 & T175-R12E,WM-SEC18-NW/NE-00100

This agreement is binding upon the heirs, executors, administrators, successors, and permitted assigns of the parties to this agreement. Consideration for this Quitclaim is \$ 000.00.

Salogy	Date 4/24/06
W/	Date
State of <u>Oregon</u> SS, County of <u>Deschutes</u>	
Personally appeared Ganth Jackson	and acknowledged the forgoin
instrument to be his / her voluntary act and deed.	Sheryl aleel.
OFFICIAL SEAL SHERYL ABELL NOTARY PUBLIC-OREGON COMMISSION NO 377194 MY COMMISSION 1-APIRES FEB 8 2008	My commission expires 02 -08-2008
Swalley Irrigation District:	4/1
Junt Chee	Date / 20/0 6
Janét L. Lee, Manager	
State of Oregon SS. County of Deschutes	

Personally appeared, Janet L. Lee as Manager for Swalley Irrigation District, and acknowledged the forgoing instrument to be her voluntary act and deed.

OFFICIAL SEAL KATHY FERGUSON NOTARY PUBLIC - OREGON COMMISSION NO. 400990 MY COMMISSION EXPIRES JANUARY 5, 2010

My commission expires

Tax statement: No change.

Garth Jackson President of Palmer Homes

EXHIBIT A

Acct#

Total Water Rights: 4.00

Legal Description: Sid	Taxlot	Serial#	WR Acres:
T17S-12E-WM-SEC17-SE/SE-07900	171217DD07900	118075	1.00
T17S-12E-WM-SEC17-SW/SE-08000	171217DC08000	118071	1.00
T17S-12E-WM-SEC17-SW/SE-08200	171217DC08200	184089	2.00

1 Range

From: Zach Tillman [zach@deschutesriver.org]

Sent: Tuesday, August 07, 2007 4:37 PM

To: Laura Snedaker

Subject: RE: T-10356 - revised draft PD

Great thank you.

Zachary Tillman, DRC 541-382-4077, x.21 zach@deschutesriver.org

From: Laura Snedaker [mailto:snedaklk@wrd.state.or.us]

Sent: Tuesday, August 07, 2007 4:40 PM

To: Zach Tillman

Subject: RE: T-10356 - revised draft PD

Zach:

I too wish this had been identified earlier.

Everything is ready to go o this end - the PD, the cover letter, and the notice language. I knew there was a time crunch, so I wanted to be ready to go as soon as you can turn things around. Just let me know when you've got the new quit claim recorded. I'll print it out on this and send the file on its way.

Laura

Laura Snedaker Senior Water Resources Coordinator Oregon Water Resources Department 725 Summer Street NE, Suite A Salem, OR 97301-1271

Phone: (503) 986-0884

Web: www.oregon.gov/OWRD

From: Zach Tillman [mailto:zach@deschutesriver.org]

Sent: Tuesday, August 07, 2007 4:31 PM

To: Laura Snedaker

Subject: RE: T-10356 - revised draft PD

Hi Laura,

Yes that was my understanding, I tried to address the lease termination in my cover letter.

As far as the QQ is concerned, I wish we had identified it earlier. It's frustrating that we may now miss our deadline b/c of such a seemingly mundane detail. I am trying to get the original QC (from SID) but won't be able to until tomorrow; then I can have it re-re-recorded and will email you with the web address for the new doc. If you could try to have the PD and the wording for publication in the Bulletin ready to go, then we can minimize the amount of time lost. (?).

Thanks for the updates.

Zachary Tillman, DRC

541-382-4077, x.21 zach@deschutesriver.org

From: Laura Snedaker [mailto:snedaklk@wrd.state.or.us]

Sent: Tuesday, August 07, 2007 3:58 PM

To: Zach Tillman Cc: Bob Rice

Subject: T-10356 - revised draft PD

Zach:

I wanted to show you what the PD is shaping up to look like. I've highlighted some areas in yellow. The quarter quarter that is highlighted is one where we have the legal description issue in the quit claim that I noted in my previous e-mail. The other significant thing that is highlighted is a new finding that has been added with regard to instream lease L-559, which is presently in place. I wanted to make sure this additional finding was consistent with your understanding of what's going to happen with that lease in conjunction with this transfer.

Thanks, Laura

Laura Snedaker Senior Water Resources Coordinator Oregon Water Resources Department 725 Summer Street NE, Suite A Salem, OR 97301-1271 Phone: (503) 986-0884

Web: www.oregon.gov/OWRD

From:

Laura Snedaker

Sent:

Tuesday, August 07, 2007 3:58 PM

To:

'Zach Tillman'

Cc:

Bob Rice

Subject:

T-10356 - revised draft PD

Attachments: 10356-PD.doc

Zach:

I wanted to show you what the PD is shaping up to look like. I've highlighted some areas in yellow. The quarter quarter that is highlighted is one where we have the legal description issue in the quit claim that I noted in my previous e-mail. The other significant thing that is highlighted is a new finding that has been added with regard to instream lease L-559, which is presently in place. I wanted to make sure this additional finding was consistent with your understanding of what's going to happen with that lease in conjunction with this transfer.

Thanks, Laura

Laura Snedaker Senior Water Resources Coordinator Oregon Water Resources Department 725 Summer Street NE, Suite A Salem, OR 97301-1271

Phone: (503) 986-0884

Web: www.oregon.gov/OWRD

BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Instream Transfer)	PRELIMINARY DETERMINATION
Application T-10356, Deschutes County)	PROPOSING APPROVAL OF A
)	CHANGE IN PLACE OF USE AND
)	CHARACTER OF USE

Authority

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

Applicant

DESCHUTES RIVER CONSERVANCY (DRC) 700 NW HILL STREET BEND OR 97701

Findings of Fact

Background

- On April 2, 2007, the DRC filed an application to change the place of use and character of use under Certificate 74145 to instream use. The Department assigned the application number T-10356.
- 2. The portion of the right to be transferred is as follows:

Certificate: 74145 in the name of Swalley Irrigation District

Use: IRRIGATION of 8.14 ACRES Priority Date: September 1, 1899

Source: DESCHUTES RIVER, tributary to COLUMBIA RIVER

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.

Authorized Points of Diversion:

Twp	Rng	Mer	Mer Sec Q-Q Survey Coordinates						Sec	Sec	Q-Q	Survey Coordinates
17 S	12 E	WM	29	SE NE	POD #3: SWALLEY MAIN CANAL: 985 FEET NORTH AND 617 FEET WEST FROM THE EAST ¼ CORNER OF SECTION 29							
15 S	12 E	WM	14	NW SE	POD #15: ADDITIONAL DISTRICT DIVERSION: 2170 FEET NORTH AND 1350 FEET WEST FROM THE SE CORNER OF SECTION 14							

Authorized Place of Use:

IRRIGATION								
Twp Rng		Rng Mer Sec		Q-Q Acres		Additional Information: Tax Lot Number Listed on Application†		
17 S	12 E	WM	20	NW NE	2.14	100		
17 S	12 E	WM	16	SW SE	2.00	2600		
17 S	12 E	WM	17	SW SE	1.00	7900		
17 S	12 E	WM	17	SW SE	1.00	8000		
17 S	12 E	WM	17	SW SE	2.00	8200		

[†] May be a different tax lot than what is described on the water right certificate.

3. The rate and duty associated with Certificate 74145 is dependant on whether the right is served by the main canal or a direct diversion right. There are a total of 4,561.105 acres listed on the certificate, of which 4,442.795 may be served by the canal, and 118.31 acres that are restricted to being served by direct diversions. The rights served by the canal are entitled to the following rates:

Season 1: April 1 - 30 & Oct. 1 - 31	Season 1 Rate: 1 cfs to 83.0 acres
Season 2: May 1 – 14 & Sept. 15 - 30	Season 2 Rate: 1 cfs to 62.0 acres
Season 3: May 15 - Sept. 14	Season 3 Rate: 1 cfs to 33.45 acres

The above rates include a 43% transmission loss allowed by the Court to compensate for seepage from the canal. This transmission loss is not allowed on direct diversion rates. The total rate of use described on the certificate is limited to 125.0 cfs measured at the points of diversion from the source.

The duty per acre associated with lands served by the canal shall not exceed 9.58 acre feet for each acre irrigated during the irrigation season as measured at the points of diversion from the source. For lands served by direct diversions, the duty per acre is limited to 5.46 acre feet.

Certificate 74145 has been modified (reduced) by allocation of conserved water projects CW-13 (Special Order Volume 61, Page 630), CW-40 (Special Order Volume 70, Page 143), CW-41 (Special Order Volume 71, Page 202), CW-47 (project approved, but not yet finalized, Special Order Volume 71, Page 221) and transfers T-8519 which transferred 21.0 acres of direct diversion right to instream right (Certificate 76687), T-8154 (a place of use transfer, Special Order Volume 53, Page 1445), which did not prove up on 1.0 acre of canal diversion, which will be removed from the water right, and T-9308 (a place of use transfer approved by Special Order Volume 65, Page 472) also modified Certificate 74145 and includes 2.0 acres of inchoate canal diversion. The table below shows the initial rate and duty for Certificate 74145 and the reductions in rate and duty made by each of the described modifications. The rate and duty for the 2.0 acres associated with T-9308 are included in the initial rate and duty shown in the table below.

Consequently, the starting point for the rate and duty before this transfer associated with Certificate 74145 is approximately:

	Initial Rate / Duty	CW-13 Rate / Duty	T-8519 Rate / Duty	T-8154 Rate / Duty	CW-40 Rate / Duty	CW-41 Rate / Duty	CW-47 Rate/ Duty (Project not finalized)	Approximate Before T-10356 Rate/Duty*
Season 1 Rate (cfs)	54.340	(0.310)	(0.144)	(0.012)	(1.480)	(4.400)	(4.67)	43.324
Season 2 Rate (cfs)	72.746	(0.420)	(0.193)	(0.016)	(1.480)	(4.400)	(6.67)	59.567
Season 3 Rate (cfs)	125.000	(0.770)	(0.358)	(0.028)	(1.480)	(4.400)	(9.00)	108.964
Duty (AF)	4,3207.95	(417.00)	(114.66)	(9.02)	(627.10)	(1,864.37)	(3,157.62)	37,018.18

^{*}This includes the inchoate rate and duty associated with T-9308, and any other transfers completed pursuant to ORS 540.580. Additionally, the rate and duty may have been further modified by other orders of the Department.

The table below then shows the rate and duty associated with the 8.14 acres proposed to be transferred. This was determined by subtracting the existing direct diversion rates from the approximate starting rate and duty for this water right, identified in the table above, and then by determining the maximum rate that could be applied simultaneously to all canal diversion acres. This is the amount that Certificate 74145 will be reduced by as a result of this transfer.

Approximat Before T-10356 Rate/Duty		Direct Diversion Rate/Duty	Total Canal Diversion Rate/Duty	Canal Rate 1/X cfs/ac and Duty (if exercised simultaneously)	Rate/Duty Associated with 8.14 Canal Acres, including loss	
Season 1 Rate (cfs)	43.324	(0.812)	42.512	1/104.508 cfs/ac	0.08	
Season 2 Rate (cfs)	59.567	(1.088)	58.479	1/75.972 cfs/ac	0.11	
Season 3 Rate (cfs)	108.964	(2.016)	106.948	1/41.542 cfs/ac	0.20	
Duty	37,018.18 AF	(219.27) AF	36,798.91 AF	7.81 AF/ac	63.57 AF	

The transferable portion of the water right, however, is the full rate and duty that can be applied to each acre (see first table contained in Finding of Fact #3) less the canal transmission losses, being:

	Transferable Rate/Duty Per Canal Acre	Transferable Rate/Duty Associated with 8.14 Canal Acres
Season 1 Rate	1cfs to 83.0 ac less 43%	0.06 cfs
Season 2 Rate	1cfs to 62.0 ac less 43%	0.07 cfs
Season 3 Rate	1cfs to 33.45 ac less 43%	0.14 cfs
Duty	9.58 AF/ac less 43% (or 5.46 AF/ac)	44.44 AF

- 4. Two allocation of conserved water applications, CW-43 and CW-48, were received prior to transfer T-10356. Proposed Final Orders have been issued that would approve these applications. Both of these applications propose to affect Water Right Certificate 74145. If either or both of these applications, or other application affecting Certificate 74145, are approved prior to this transfer, then the final transferable portion and/or the amount that the water right certificate is reduced by may be subject to change.
- 5. The applicant is not the owner of the lands to which the water right described in Finding of Fact #2 is appurtenant. However, water right conveyance agreements have been completed and interest in the water rights has been conveyed from each landowner described in the table below to the DRC. The portion of this right to be transferred was appurtenant to lands owned by the identified landowners at the time interest in the water right was conveyed through a Ouit Claim, a water right conveyance agreement.

Grantor (landowner)	Water Right Interest Holder	Т	R	s	Q-Q	Tax Lot at time of Conveyance
Ted Wise & Martin F. Lofquist	DRC	17 S	12 E	20	NW NE	100
A-1 Excavation, Inc.	DRC	17 S	12 E	16	SW SE	2600
Garth Jackson, President of Palmer Homes	Swalley Irrigation District	17 S	12 E	17	SW SE	7900
Garth Jackson, President of Palmer Homes	Swalley Irrigation District	17 S	12 E	17	SW SE	8000
Garth Jackson, President of Palmer Homes	Swalley Irrigation District	17 S	12 E	17	SW SE	8200

- On August 2, 2007, the applicant provided documentation to the Department demonstrating that on April 3, 2007, Swalley Irrigation District had conveyed ownership interest in the water right, which was appurtenant to tax lots 7900, 8000, and 8200, to the DRC.
- Application T-10356 proposes to change the character of use to instream use for conservation, maintenance and enhancement of aquatic and fish life, fish and wildlife habitat and other ecological values; recreation; and pollution abatement.
- 8. Application T-10356 proposes to change the place of use of the right to create an instream reach from Swalley Main Canal POD #3 (described in Finding of Fact #2) at approximately RM 165 to the mouth of the Deschutes River at RM 0.0.
- 9. The applicant originally proposed the quantities water to be transferred instream to be protected in two reaches as follows:

	Reach 1: POD #3 (RM 165) to RM 120.0	Reach 2: RM 120 to RM 0.0
Season 1 Rate (cfs): April 1 - 30 & Oct. 1 - 31	0.056 CFS	0.035 CFS
Season 2 Rate (cfs): May 1 – 14 & Sept. 15 - 30	0.075 CFS	0.035 CFS
Season 3 Rate (cfs): May 15 - Sept. 14	0.13 CFS	0.035 CFS
Duty (AF)	42.24 AF	14.65 AF

- 10. There are several existing instream water rights located within the same instream reaches proposed by the applicant. There are two existing instream water rights established through the state agency application process below Lake Billy Chinook and one pending application within the same reach above Lake Billy Chinook. The state agency established instream water rights are junior in priority date to the water right proposed for transfer. The remaining instream water rights were established through the instream transfer and allocation of conserved water processes.
- 11. The applicant has requested to replace a portion of instream water rights established pursuant to ORS 537.341 (minimum perennial streamflow) or 537.346 (state agency application) with a more senior priority date and be in addition to instream water rights established pursuant to ORS 537.348 (instream transfer) or 537.470 (allocation of conserved water).
- 12. Notice of the application for transfer was published on April 10, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- 13. On June 20, 2007, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10356, with modifications to the rate protectable instream, to the applicant and Swalley Irrigation District. The cover letter that

accompanied the draft Preliminary Determination set forth a deadline of July 31, 2007, for the applicant to respond. On July 12, 2007, the applicant provided additional information to the Department and requested that the Department reevaluate its injury determination so that the requested rate could be protected instream. On July 31, 2007, the Department e-mailed a revised draft Preliminary Determination to the applicant and Swalley Irrigation District proposing to approve Transfer Application T-10356, proposing to allow the full diversion rate to be transferred to instream use, without the 43 percent transmission loss. The cover letter that accompanied the revised draft Preliminary Determination set forth a deadline of August 31, 2007, for the applicant to respond. On August 2, 2007, the applicant requested that the Department proceed with issuance of a Preliminary Determination and on August _____, 2007, the applicant provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

Instream Transfer Review Criteria (OAR 690-77-0075 and 690-380-4010)

- 14. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of application T-10356.
- 16. At the full rate and duty that may be transferred to instream use (see Finding of Fact #3), water may be protected instream for a period of 208 days. The instream period requested by the applicant, April 1 through October 31, (see Finding of Fact #9) is 214 days.

17. Based upon Findings of Fact #3 and #16, on August 2, 2007, the applicant agreed to modify the quantities to be transferred and protected instream as follows:

	Reach 1: POD #3 (RM 165) to RM 120.0	Reach 2: RM 120 to RM 0.0
Season 1 Rate (cfs): April 1 - 30 & Oct. 1 - 25	0.06 CFS	0.03 CFS
Season 2 Rate (cfs): May 1 – 14 & Sept. 15 - 30	0.07 CFS	0.03 CFS
Season 3 Rate (cfs): May 15 - Sept. 14	0.14 CFS	0.03 CFS
Duty (AF)	44.44 AF	14.65 AF

18. There is an instream lease, L-559, presently in effect for a portion of the water right proposed for transfer to instream use. The portion of the right presently leased instream is associated with portion conveyed by Ted Wise & Martin F. Lofquist, as described in Finding of Fact #5. The lease was approved by the Department on July 12, 2004, as evidenced by Special order Volume 60, Page 443 (and correcting order, Special Order Volume 60, Page 883). This lease is scheduled to terminate on October 31, 2008, and includes a condition

allowing for early termination of the lease order. The applicant has requested that Instream lease L-559 be terminated upon issuance of the final order approving T-10356.

- 19. The proposed change, as modified, would not result in enlargement of the right.
- 20. The proposed change, as modified, would not result in injury to other water rights.
- 21. The amount of the proposed instream flow and the timing of the proposed instream flow are allowable within the limits and use of the original water right as described in Finding of Fact #3.
- 22. The protection of flows within the proposed reaches is 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;
 - c) There are no known areas of natural loss of streamflow to the river bed downstream from the point of diversion; and
 - d) Any return flows resulting from the exercise of the existing water right would re-enter the river within the proposed reach and have been accounted for in Reach #2 (see Finding of Fact #17).
- 23. Within the proposed reach, the Deschutes River is a designated State Scenic Waterway. The protection of flows necessary to maintain the free flowing character of the Deschutes River for fish and wildlife habitat, and recreation is a matter of statutory policy. Within the reaches proposed by the applicant, there are several existing state agency applied instream water rights, which include the use of water for fish habitat, recreation, and aesthetics. There is also a pending instream water right application filed by Oregon Department of Fish and Wildlife for anadromous and resident fish rearing. In addition to flows for the designated Scenic Waterway and the existing and pending instream water right application, which are at times not met during requested period for instream protection, this segment of the Deschutes River is also on the Oregon Department of Environmental Quality's (DEQ) 303d list of water quality limited streams for temperature and pH above Lake Billy Chinook and for nutrients, sedimentation and temperature below Lake Billy Chinook at the lower end of the river.
- 24. By replacing a portion of state agency established instream water rights, Certificates 73188 and 73237, on the river below Lake Billy Chinook, the instream right will provide protection for streamflows identified as necessary for supporting aquatic life and recreation under an earlier priority date. By adding to other instream water rights located within the same reach proposed by this instream transfer application, the instream right will provide protection for additional streamflows necessary for fish and wildlife habitat enhancement, pollution abatement, and recreation.

25. The total monthly quantities of water to be protected under the proposed instream water right, in addition to other existing instream water rights established under ORS 537.348 and 537.470 in the proposed reach will provide for a beneficial purpose and do not exceed the estimated average natural flow.

Determination and Proposed Action

The changes in character of use and place of use to instream use proposed in application T-10356 appear to be consistent with the requirements of ORS 540.505 to 540.580, ORS 537.348, OAR 690-380-5000, and OAR 690-077-0075. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If application T-10356 is approved, the final order will include the following:

- 1. This order does not become effective until the order canceling Instream Lease L-559, is signed. If for any reason the order canceling Instream Lease L-559 does not become effective, then this order does not become effective.
- 2. The changes in character of use and place of use to instream use proposed in application T-10356 are approved.
- 3. Water Right Certificate 74145 is modified. A new certificate confirming the instream water right shall be issued. The Department shall issue a new water right certificate to supersede Certificate 74145 on a determination that it is necessary to produce a certificate to confirm that portion of the right not involved in this transfer. Approval of this transfer shall reduce the amount of water lawfully available under the remaining portion of Certificate 74145 by the quantities associated with the irrigation of 8.14 acres as measured at the canal diversion, being:

	Rate/Duty Associated with 8.14 Canal Acres, including loss
Season 1 Rate	0.08 cfs
Season 2 Rate	0.11 cfs
Season 3 Rate	0.20 cfs
Duty	63.57 AF

4. The instream water right shall provide for the protection of streamflows from POD #3
(Swalley Main Canal) to the mouth of the Deschutes River. The instream right consists of two reaches: Reach #1 extending from the point of diversion (RM 165) to Lake Billy Chinook (RM 120), and Reach #2 extending from Lake Billy Chinook (RM 120) to the mouth (RM 0). The instream water right shall provide for the protection of streamflows for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values; pollution abatement; and recreation in the Deschutes River.

5. The quantities of water to be protected under the instream water right are:

	Reach 1: POD #3 (RM 165) to RM 120.0	Reach 2: RM 120 to RM 0.0
Season 1 Rate (cfs): April 1 - 30 & Oct. 1 - 25	0.06	0.03
Season 2 Rate (cfs): May 1 – 14 & Sept. 15 - 30	0.07	0.03
Season 3 Rate (cfs): May 15 - Sept. 14	0.14	0.03
Duty (AF)	44.44	14.65

- 6. Stream channel losses and gains calculated based on available data and the use of senior appropriators will determine the amount of water to which this right is entitled downstream from the original point of diversion within the specified stream reaches.
- 7. The instream right established by this transfer shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or 537.470 unless otherwise specified by an order approving a new instream water right under these statutes.
- The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 74145 and any related decree.
- 9. The former place of use of the transferred water shall no longer receive water as part of these rights.

Dated at Salem, Oregon this	day of August 2007.

This Preliminary Determination was prepared by a Reimbursement Authority contractor. If you have questions about the information in this document, you may reach Bob Rice at 503-986-0885 or Robert.D.Rice@wrd.state.or.us.

Protests should be addressed to the attention of Field Services Division, Water Resources Department, 725 Summer St. NE, Salem, OR 97301-1266.

Phillip C. Ward, Director

From:

Laura Snedaker

Sent:

Tuesday, August 07, 2007 2:13 PM

To:

'Zach Tillman'

Cc:

Bob Rice; Dorothy Pedersen

Subject:

with correct attachment - IS Transfer T-10356 - Quit Claim correction

Attachments: 10356-Palmer-SID-QC.pdf

Hi Zach:

Via the peer review process, it's been identified that the quit claim involving tax lot 7900 (Palmer to SID) describes tax lot 7900 as being in the wrong quarter quarter.

This error actually turns out throughout various pieces of the application and its materials.

It does appear that this lot is actually located in the SW SE of Section 17, Township 17 South, Range 12 East. However, the quit claim from Palmer to SID describes this lot as being in the SE SE of Section 17. No other description is provided in the quit claim except to identify it as being in the SE SE. Because other documentation in the file, including the title and lien report, supports that this lot is actually located in the SW SE, it looks like all that needs to be done here to close the loop (to show that the water right was conveyed to SID from right quarter quarter) is have the quit claim re recorded with the correct quarter quarter description (based upon discussion with Dorothy). I've attached a copy of the quit claim in question.

It looks like the correct description for lot 7900 should be:

Legal: T17S-R12E-WM-SEC17-SW/SE-7900

Tax lot: 171217DC07900

Do you agree?

This will provide assurance to the Department that the correct portion of the water right has been conveyed and is being transferred.

We've identified this same quarter error on the application, the affidavit of use, and the quit claim from SID to the DRC. However, in each of these instances there's a further description of the property that links 7900 to being located in the SW SE. This is not the case with the original quit claim from Palmer to SID.

I'm going to put a memo in the file describing the Department's understanding that for the purposes of the application, affidavit of use and quit claim from SID to DRC that this lot is actually located in the SW SE. But to make this complete, we need the correction to the attached quit claim.

I'm working on making some other edits based upon the peer review process and we should be able to move forward once we have this final piece resolved.

Laura

Laura Snedaker Senior Water Resources Coordinator Oregon Water Resources Department 725 Summer Street NE, Suite A Salem, OR 97301-1271

Phone: (503) 986-0884

Web: www.oregon.gov/OWRD

DESCHUTES COUNTY OFFICIAL RECORDS NANCY BLANKENSHIP, COUNTY CLERK

2007-03372

00522249200700033720030031

\$36.00

01/18/2007 03:42:18 PM

D-D Cnt=1 Stn=25 TM \$10.00 \$11.00 \$10.00 \$5.00

Do not remove this page from original document.

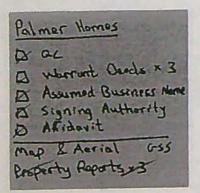
Deschutes County Clerk

Certificate Page

FYI

Quitclaim references Tou Lots 7900 & 8000.

These 2 Tox Lots have been combined, leaving anly 7900.





If this instrument is being re-recorded, please complete the following statement, in accordance with ORS 205.244:

Re-recorded to correct [give reason] Legal Description previously recorded in Book 3006 and Page 32477 , or as Fee Number

RECEIVED

APR 0 2 2007
WATER RESOURCES DEPT
SALEM, OREGON

After Recording Return To: SWALLEY IRRIGATION DISTRICT 64672 Cook Avenue, Sulte 1 Bend, Oregon 97701

DESCHUTES COUNTY OFFICIAL RECORDS HANCY BLANKENSHIP, COUNTY CLERK

\$36.00

05/10/2006 03:03:10 PM

\$10.00 \$11.00 \$10.00 \$5.00

QUITCLAIM DEED FOR TRANSFER OF INTEREST IN A WATER RIGHT

Grantor, Garth Jackson, President of Palmer Homes, releases and quitclaims to Swalley Irrigation District (SID) all rights, title and interest in the following: By this agreement and signed transfer application form, Grantor, the owner of the lands listed in Exhibit A, release their claim and responsibility for 4.00 acres of Swalley Imgation District water right that are appurtenant to the lands listed in Exhibit A, to Swalley Irrigation District. Swalley Irrigation District may elect to complete the transfer application and submit it to the Water Resources Department for approval of use of the water right at a new location and/or use. Swalley Irrigation District may attach this agreement to the Oregon Water Resources Department's lease form and file with the District's annual Short Term Water Right Lease Agreement.

By entry of this deed, grantor hereby notifies any subsequent purchaser of the lands listed in Exhibit A that grantor, as owner of the subject land, approved the transfer (including a change in the place and type of use and point of diversion) of the water rights that are appurtenant to the subject land; and that upon completion of a transfer, by election of SID, the subject land no longer will have an appurtenant water right, if the transfer includes a change in the place of use.

Furthermore, upon signing of this agreement and the accompanying transfer application Garth Jackson, President of Palmer Homes, shall no longer be liable for any district assessment or charges pertaining to the 4.00 acres of water right incurred after the date of signing. The water right in question is further described as a portion of certificate #74145, priority of 1899, located:

This agreement is binding upon the heirs, executors, administrators, successors, and permitted assigns of the parties to this agreement. Consideration for this Quitclaim is \$ 000.00. State of Oregon County of Deschutes and acknowledged the forgoing Personally appeared instrument to be his / her voluntary act and deed. 02-08-2008 OFFICIAL SEAL SHERYLABELL NOTARY PUBLIC-OREGON COMMISSION NO 377194 COMMISSION LAPIRES FEB. 8, 2008 My commission expires Swalley Irrigation District: Janet L. Lee, Manager SS State of Oregon County of Deschutes Personally appeared, Janet L. Lee as Manager for Swalley Irrigation District, and acknowledged the forgoing instrument to be her voluntary act and deed.

My commission expires

Tax statement: No change.

OFFICIAL SEAL KATHY FERGUSON NOTARY PUBLIC - OREGON COMMISSION NO. 400990 MY COMMISSION EXPIRES JANUARY 5, 2010

RECEIVED

APR 0 2 2007

WATER RESOURCES D SALEM, OREGON

Garth Jackson President of Palmer Homes

EXHIBIT A

Acct#

Total Water Rights: 4.00

 Legal Description:
 Taxlot
 Serial#
 WR Acres:

 T17S-12E-WM-SEC17-SE/SE-07900
 171217DD07900
 118075
 1.00

 T17S-12E-WM-SEC17-SW/SE-08000
 171217DC08000
 118071
 1.00

 T17S-12E-WM-SEC17-SW/SE-08200
 171217DC08200
 184089
 2.00

Range

RECEIVED

APR 0.2. 2007 WATER RESOURCES DEPT SALEM, OREGON

From: Laura Snedaker

Sent: Thursday, August 09, 2007 9:50 AM

To: 'Zach Tillman'

Subject: PD for Instream Transfer T-10356

Attachments: 10356-pd.pdf; 10356-PD-cov-approve-RA.pdf; 10356-pd-notice-RA.doc

Zach:

Here's the signed PD, the cover letter, and the language for the newspaper notice. A hard copy is coming in the mail.

Laura

Laura Snedaker Senior Water Resources Coordinator Oregon Water Resources Department 725 Summer Street NE, Suite A Salem, OR 97301-1271 Phone: (503) 986-0884

Web: www.oregon.gov/OWRD

From:

Laura Snedaker

Sent:

Thursday, August 09, 2007 9:54 AM

To:

'Kathy Ferguson'

Subject:

PD for Instream Transfer T-10356

Attachments: 10356-pd.pdf; 10356-PD-cov-approve-RA.pdf

Kathy:

Attached is a Preliminary Determination completed on instream transfer T-10356. I think SID will also be getting a hard copy as well.

Laura

Laura Snedaker Senior Water Resources Coordinator Oregon Water Resources Department 725 Summer Street NE, Suite A Salem, OR 97301-1271 Phone: (503) 986-0884

Web: www.oregon.gov/OWRD

From:

Terrance Anthony [conservationstrategies@comcast.net]

Sent:

Saturday, August 04, 2007 1:18 PM

To:

Bob Rice; Laura Snedaker

Subject:

T10356 pd notice

Importance: High

Attachments: T10356-PD Cover.doc; SID-sect17swse.pdf; T10356-PD Notice.doc

Bob & Laura,

Attached are the PD cover letter and notice for T-10356, based on DPD rev 2 (I understand you have/will prepare the PD itself).

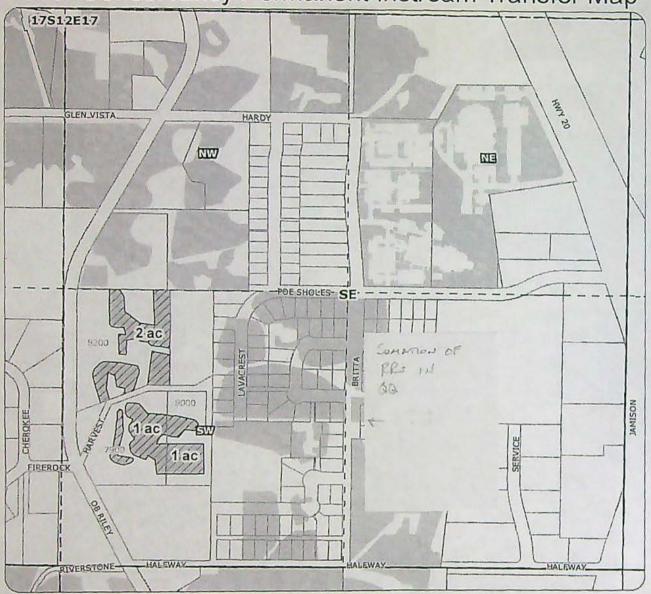
My apologies for the discrepancy on the acreage-I can't explain it, given the number of times I cross-checked everything.

However you may want to revisit the DPD for the 1/4 1/4 sections listed on the Palmer Homes site. DRC listed on the application that TL 7900 is in SE SE Sec 17. However the tax lot info I have, as well as the application map (attached) and deed, indicates that all of the Palmer lands are in SW SE Sec 17. The Quitclaim Exhibit A and the SID affidavit of use appear to contain the original errors, which I did not flag earlier. Perhaps these should be rectified before the Final Order? I you think so, go ahead and modify the PD cover letter accordingly.

I will send the draft instream certificate later this week. Have a good vacation.

Terrance Anthony ph 503.282.1953 fax 503.493.2512 conservationstrategies@comcast.net

2007 Swalley Irrigation District and Deschutes River Conservancy Permanent Instream Transfer Map



Application for Permanent Instream Transfer

Proposed Transfer of Irrigation Rights

Swalley Irrigation District

4 acres total

taxlot 8200 2 acres

taxlot 8000

1 acre

taxlot 7900

1 acre (171217SWSE)

Date Created: April 2007

NE SE

1 inch equals 400 feet

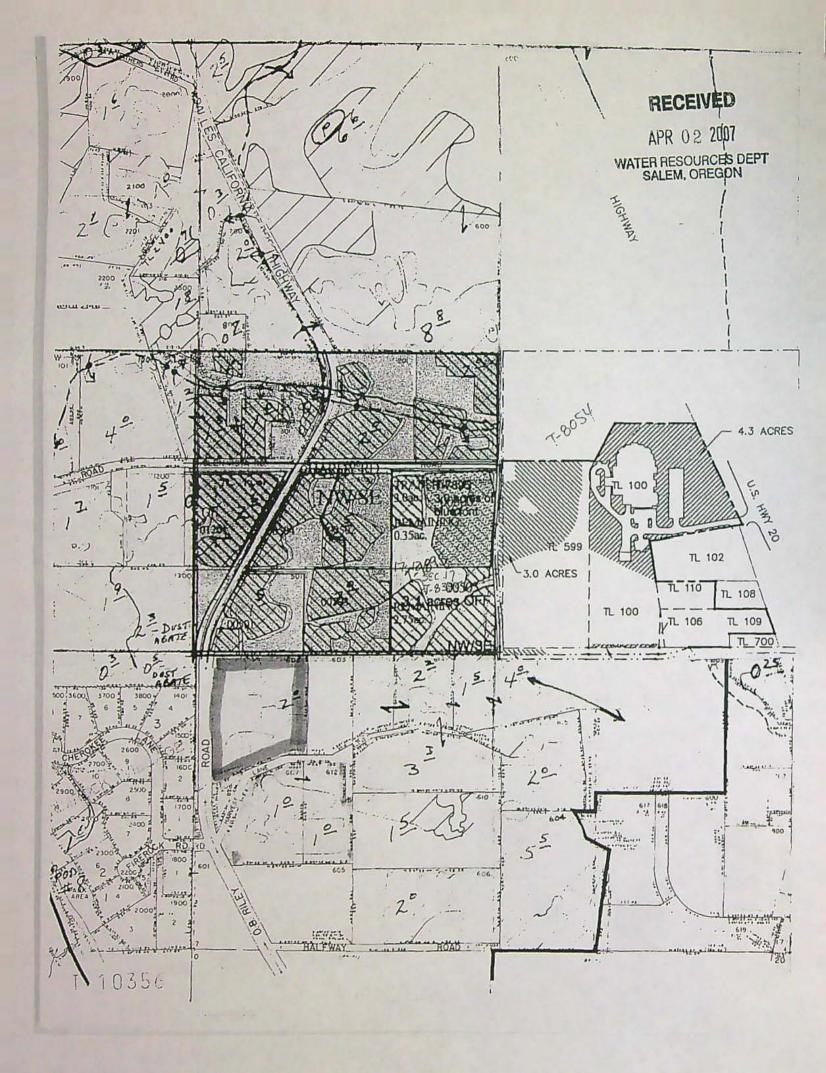
Water Rights

Geo-Spatial Solutions, Inc.

www.geospatialsolutions.com

Some background information —

F10355 Not a map for Received via email



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NE SW	100		17.00S-12.00E-17		
NE SW	101	1.0	17.00S-12.00E-17	NC	
NE SW	102		17.005-12.00E-17	NC	
NE SW	103		17.00S-12.00E-17	-	
NE SW	200	-	17.00S-12.00E-17		
NE SW	400	-	17.00S-12.00E-17	NC	
NE SW	1001	2.0	17.00S-12.00E-17		
NE SW	1002		17.005-12.00E-17	NC	
NE SW	1100	1.0	17.00S-12.00E-17	NC	-
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NE SW	1102	Laborator.	17.00S-12.00E-17	NC	
NE SW	1200	1.5	17.00S-12.00E-17	NC	
NE SW	1201	0.4	17.00S-12.00E-17	NC	
NE SW	1300		17.00S-12.00E-17	-	
NW SW	300	-	17.00S-12.00E-17		
NW SW	400	_	17.005-12.00E-17	NC	
NW SW	500	-	17.00S-12.00E-17		
NW SW	700		17.005-12.00E-17		
NW SW	701		17.00S-12.00E-17	-	
NW SW	702		17.005-12.00E-17	-	
NW SW	703	-	17.00S-12.00E-17	NC	
NW SW	704	-	17.00S-12.00E-17	-	
NW SW	705	-	17.00S-12.00E-17		
NW SW	706	-	17.00S-12.00E-17		
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NW SE	201		17.00S-12.00E-17		
NW SE	300	-	17.00S-12.00E-17		
NW SE	302		17.005-12.00E-17		
NW SE	400		17.005-12.00E-17	NC	
NW SE	401		17.005-12.00E-17		
NW SE	501		17.00S-12.00E-17		
NW SE	502	-	17.00S-12.00E-17		
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SENE	901	1,2	17.00S-12.00E-20	NC
SE NE	1701	1.1	17.00S-12.00E-20	NC
NE NW	100	1.4	17.00S-12.00E-20	NC
NE NW	101	1.0	17.00S-12.00E-20	NC
NE NW	102	1.6	17.00S-12.00E-20	NC
NE NW	400	0.375	17.00S-12.00E-20	NC
NE NW	402	0.375	17.005-12.00E-20	NC
NE NW	600	1.5	17.00S-12.00E-20	NC
NE NW	601	0.5	17.00S-12.00E-20	NC
NE NW	702	0.66	17.00S-12.00E-20	NC
NE NW	703	0.6	17.00S-12.00E-20	NC
SENW	703	0.4	17.00S-12,00E-20	NC
NE SE	700	0.1	17.00S-12.00E-20	NC
NE SE	1100	0.1	17.00S-12.00E-20	NC
NESE	1200	0.25	17.005-12.00E-20	NC
NE SE	1300	0.25	17.00S-12.00E-20	NC
NE SE	2200	2.0	17.005-12.00E-20	NC
NE SE	2800	0,3	17.005-12.00E-20	NC
NW SE	2000	11.0	17.00S-12.00E-20	NC

- > Section: 21 > Section: 22 > Section: 28

- > Section: 29

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F Section: 32
Water Right Genealogy
                                                                                                                                                 1
 -- Cert: 74145 CF CN
    Inchoate: T 7463 CF (DST)
       -- Cert: 74145 CF CN
          Inchoate: T 7678 CF (DST)
             -- Cert: 74145 CF CN
                 - Cert:74145 CF CN
                   -Inchoate: T 8054 CF (REG)
                       -- Cert:74145 CF CN
                          Inchoate: T 8018 CF (REG)
                             -- Cert: 74145 CF CN
                                -Inchoate: T 7895 CF (DST)
                                    - Cert: 74145 CF CN
                                       Inchoate: T 8154 CF (DST)
                                          -- Cert:74145 CF CN
                                             Inchoate: T 8385 CF (DST)
                                                -- Cert: 74145 CF CN
                                                   -Inchoate: T 8613 CF (REG)
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                                                                                                              -Inchoate: T 8769 CF (REG)
                                                                                                                 -- Cert: 74145 CF CN
                                                                                                                     Inchoate: T 9308 CF (DST)
                                                                                                                        -- Cert: 74145 CF *
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                                                                                                                              -Cert:81553 CF *
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2 of 3

Notice of Preliminary Determination for Water Right Transfer T-10356

T-10356 filed by Deschutes River Conservancy, 700 NW Hill Street, Bend, OR 97701, proposes a change in character and place of use for a portion of the right under Certificate 74145. The right allows the use of 0.08 cfs from April 1-30 & October 1-31; 0.11 cfs from May 1-14 & September 15-30; and 0.20 cfs from May 15 to September 14 (a total of 63.57 acre-feet; priority date September 1, 1899) inclusive of allowed transmission losses, from the Deschutes River via a point of diversion identified as POD#3-Swalley Main Canal in SE1/4 NE1/4 Sec. 29 T17S R12E, for irrigation in Sections 16,17&20,T17S,R12E,W.M (Deschutes Basin). The applicant proposes to change the character of use to instream for the purpose of fish and wildlife habitat enhancement, recreation, and pollution abatement, and to modify the place of use to extend downstream from the current point of diversion to river mile 120 (reach #1) and from river mile 120 to the river mouth in Sec. 26 T2N R15E (reach #2). After deductions for transmission losses and return flows related to irrigation, the instream right will allow the use of 0.06 cfs from April 1-30 & October 1-25; 0.07 cfs from May 1-14 & September 15-30; and 0.14 cfs from May 15 to September 14 (a total of 44.44 acre-feet) in reach #1, and 0.03 cfs from April 1 to October 25(a total of 14.65 acre-feet) in reach #1; The original application dated 4/2/07 was amended by the applicant to remove navigation as a proposed beneficial use. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0881. The last date of newspaper publication is [DATE OF LAST PUBLICATION]. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

Bob Rice

From: Bob Rice

Sent: Friday, August 03, 2007 1:30 PM

To: 'Terrance Anthony'
Cc: Laura Snedaker

Subject: T-10356 PD Cover and Draft Certs

Hi Terry,

Two more things that we need on this transfer, that I didn't see in my files are:
PD Cover letter, and
Draft Instream Certificate.

Of the three items requested, the priority is:

#1 - Newspaper Public Notice

#2 - PD Cover Letter

#3 - Draft Instream Certificate

The Draft Instream Certificate isn't needed for a couple of weeks, but the other two items, particular the newspaper public notice are high priorities.

Thanks!!

--Bob

Bob Rice Field Services Division Water Resources Department 725 Summer Street NE, Suite A Salem, Oregon 97301-1266 (503) 986-0885 Fax: 503.986.0903 www.wrd.state.or.us

Bob Rice

From: Bob Rice

Sent: Friday, August 03, 2007 1:22 PM

To: 'Terrance Anthony'
Cc: Laura Snedaker
Subject: T-10356 DRC

Terry,

I didn't see a newspaper public notice in the RA material for this application. If you don't already have one put together, can you put it together and e-mail it Laura and me?

The DRC is up against some timelines, so if you could do this by Monday 09:00, it'd be appreciated. If this isn't possible, please let Laura know when you expect to have it completed. (I'll be on vacation next week, so Laura will be covering for me.)

Many thanks!

--Bob

Bob Rice Field Services Division Water Resources Department 725 Summer Street NE, Suite A Salem, Oregon 97301-1266 (503) 986-0885 Fax: 503.986.0903 www.wrd.state.or.us From: Zach Tillman [mailto:zach@deschutesriver.org]

Sent: Thursday, July 12, 2007 2:48 PM

To: Bob Rice Subject: SID Cert.

Hi Bob,

I attached my attempt to frame some of the issues we're having w/SID's certificate. It's a mix of identifying issues & at times, offering possible solutions using my own brand of "horse sense". It is intended to help us bounce ideas off each other, so let me know what you think. Thanks!

Zachary Tillman, DRC 541-382-4077, x.21 zach@deschutesriver.org

7/11/2007

Notes from conversation w/Bob Rice (OWRD)

RE: Instream rates for xfers in SID

SID Certificate: C-74145

Total Acres 4561.105 Max Rate 125 cfs

> 1cfs to 83.0 ac (season #1) 1cfs to 62.0 ac (season #2) 1cfs to 33.45 ac (season #3)

Season 214 (or 215) days

Duty CD 9.58 af/acre

Duty DD 5.46 af/acre (43% of 9.58 af/ac, or "on-farm rate")

Trans.Loss 43%

Issue:

The DRC has completed several instream transfers in SID that have affected both the max. diversion rate(s) and the transmission loss for canal (diversions). Currently the DRC is attempting to transfer 8.14 acres of SID Direct Diversions permanently instream and the method for calculating the correct allowable instream rate is unclear due to several factors.

- The maximum allowed rate for each season (cfs/acre) spread across all SID acres
 exceeds SID's duty limitation (9.58 af/ac). In real life, this is resolved by sharing
 among patrons within the district; each patron is delivered a pro-rated amount of
 water while the district maintains its paper right to divert at the maximum rate. In
 theory, this pro-rated delivery is something less than the specified 5.46 af/ac onfarm duty.
- 2. The max rate in season #3 is 1 cfs to 33.45 acres, or .03 cfs/acre. Before any transfers or CW projects were implemented, this would have most likely been equal to 125 cfs (SID's maximum allowed diversion from all of SID's diversions). However, instream transfers and CW projects have reduced both the total number of acres in the district and the maximum allowed diversion rate, which no longer equals the .03 cfs/acre as specified for season #3. SID cannot divert at the specified per acre rate (for each season) without exceeding the rate limitation (~115 cfs).

I am looking at the 3 seasonal diversion rates as an unusual limitation on the water right: Normally, there is a rate limitation (in cfs) and a duty limitation (in af/ac), neither of which may be exceeded. The additional seasonal diversion limitations seem like a hybrid. Either way, season #3 (~.03 cfs/acre) is precluded by both the rate & duty limitations (125 cfs max & 9.58 af/ac) and is misleading in this case.

3. The Certificate states that "the above rates include a 43% transmission loss". By decree, this amount is considered to be constant. However, piping projects reduce this loss (by definition). If a piping project is completed (thereby reducing the transmission loss), it would be injurious to reduce the canal diversion rate and divide by SID's total acreage (to calculate cfs/acre) and then apply the full 43% loss factor. This method would not reflect the nature of the project or the intention of the certificate. First, the loss factor is no longer exactly 43% but something less. Second, this method causes injury to SID water right holders in that their on-farm duty is now something less than the on-farm duty allowed for direct diversions. The most accurate method to determine the new loss factor would be to reduce the canal diversion rate by the amount of conserved water exiting the district and subtract on-farm delivery rate to find your new transmission loss. Fortunately, SID is currently in the process of re-issuing a "living" certificate which may be adjusted to reflect changes to loss factors.

The decree for the 43% loss factor cannot have been intended to remain constant in a CW scenario. If the law is clear on this, we should get legal advice for how to change it.

On-Farm Rate:

• 5.46 af/ac * (5461.105 acres) * (1/214 days) * (1cfs*day/1.98 af) = 70.37 cfs

Transmission Loss:

• 125 cfs - 70.37 cfs = 54.63 cfs

For instream transfers of *irrigated acres*, the total on-farm rate will be reduced. This will also cause SID's maximum diversion (125) cfs to be reduced.

For CW projects, the transmission loss rate will be reduced. This will also cause SID's maximum diversion (125 cfs) to be reduced.



Water Resources Department

725 Summer Street NE, Suite A Salem, OR 97301-1271 503-986-0900 FAX 503-986-0904

Notice of Application for Water Right Transfer, Temporary Transfer, or Permit Amendment 06/20/2007

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice. The Director may presume that the transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Director otherwise within 30 days of this notice. Comments should be sent to the Transfers Section at the Department's Salem office.

County:

DESCHUTES

Transfer:

10356

Water Right:

CERT 74145

Priority Date:

09/01/1899

Name:

DESCHUTES RIVER CONSERVANCY

Address:

700 NW HILL ST; BEND OR 97701

Change:

USE/POU/POD

Source:

DESCHUTES RIVER

Authorized POD:

POD #3: T17S R12E SECTION 29

Proposed POD:

INSTREAM

Authorized POU:

T17S R12E 16,17,20

Proposed POU:

INSTREAM REACH #1 FROM POD TO LAKE BILLY

CHINOOK/RM 165 TO RM 120

INSTREAM REACH #2 FROM LAKE BILLY CHINOOK TO

MOUTH/RM 120 TO RM 0

Authorized USE:

IRRIGATION

Proposed USE:

INSTREAM

The holder of a water right may apply to permanently change an existing water use subject to transfer. A transfer application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years and, if necessary to convey the water, to temporarily change the point of diversion or appropriation.

The holder of a water right permit may apply to change a point of diversion (POD) or appropriation (POA) or to change the place of use (POU).

Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time.



Water Resources Department

725 Summer Street NE, Suite A Salem, OR 97301-1271 503-986-0900 FAX 503-986-0904

June 20, 2007

Zachary Tillman Deschutes River Conservancy 700 NW Hill Street Bend, OR 97701

SUBJECT: Application T-10356



Enclosed find a draft of our Preliminary Determination (DPD) regarding transfer application T-10356. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved with modifications to the instream quantities and the beneficial uses. This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so. Please review the draft carefully to evaluate whether the document is consistent with your intent in seeking the transfer, and whether you agree with the proposed action.

The DPD includes a number of assumptions due to discrepancies or gaps in the information provided. Before we can proceed with the Preliminary Determination we will need your response to the following:

 Page 10 of the application is incomplete. Please send us a letter indicating compliance with OAR 690-380-3000(13) and (24). Since this transfer involves quit claims you may send us a statement similar to:

"We have provided information based upon the date of the signed water right conveyance agreement (Quitclaim Deed), and that if for any reason, additional information is needed, we understand that prior to Department approval of the transfer, the applicant will be required to provide land ownership information and evidence that the applicant is authorized to pursue the transfer as identified in OAR 690-380-4010(5)."

Since you represent an entity, please include your title.

- 2. Wise/Lofquist site. A total of 2.14 acres of water rights appear to be appurtenant to (former) tax lot 100. However, the SID field supervisor only attests to the use of 2.00 acres, and another source indicates the property to be only 1.96 acres. Please provide an assessor's map or record of survey showing the correct acreage of (former) tax lot 100, and if appropriate, a corrected affidavit of use. If no documentation is provided the amount available for transfer may be diminished.
- 3. <u>Dahlen site.</u> Documents provided with the application show that A-1 Excavation Inc./R. Scott Dahlen conveyed a portion of this land to Bradley Dahlen on 7-1-05, yet R. Scott Dahlen executed the Quitclaim to all water rights on 11-30-05. Please provide documents showing that either R. Scott Dahlen has retained full legal authority to transfer these water rights, or that Bradley Dahlen has legally quitclaimed his portion of the water

rights to DRC. If no documentation is provided the amount available for transfer may be diminished.

- 4. Palmer Homes site. The Quitclaim transfers the water rights back to Swalley I.D., not the DRC. Please provide documentation that indicates Swalley I.D. releases these rights to the DRC or otherwise consents to their transfer instream. If no documentation is provided the amount available for transfer may be diminished.
- 5. Our calculations yield different figures for the protected rates in both reaches. Please indicate if the figures shown in the DPD (see Finding of Fact #15) are acceptable. If you desire it, I would be happy to e-mail you a spreadsheet showing how our figures were calculated, and would be happy to discuss the numbers with you.
- 6. No information was provided to justify the instream use for "navigation." The DPD is written to omit this use as a beneficial use. You can either agree to not include navigation as one of the beneficial uses, or provide information showing that this would be beneficial use.

Because of the change in character of use, the applicant is responsible for publishing notice of the transfer in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We will provide a copy of the required notice to you upon issuance of the Preliminary Determination.

Issuance of the Preliminary Determination will occur shortly after we receive your written response to the above items along with the necessary supporting documents. If we do not receive your response and the report by July 31, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me at 503-986-0885 or Robert.D.Rice@wrd.state.or.us if I may be of assistance.

Sincerely,

Bob Rice

Field Services Division

Bob Rice

ce: Jeremy Giffin, District 11 Watermaster

Swalley Irrigation District

enc

BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Instream Transfer Application T-10356, Deschutes County	DRAFT
) PRELIMINARY DETERMINATION
) PROPOSING APPROVAL OF A
) CHANGE IN PLACE OF USE AND
) CHARACTER OF USE

Authority

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

Applicant

DESCHUTES RIVER CONSERVANCY (DRC) 700 NW HILL STREET BEND OR 97701

Findings of Fact

Background

 On April 2, 2007, the DRC filed an application to change the place of use and character of use under Certificate 74145 to instream use. The Department assigned the application number T-10356.

2. The portion of the right to be transferred is as follows:

Certificate: 74145 in the name of Swalley Irrigation District

Use: IRRIGATION of 8.14 ACRES
Priority Date: September 1, 1899

Source: DESCHUTES RIVER, tributary to COLUMBIA RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
17 S	12 E	WM	29	SE NE	POD #3: SWALLEY MAIN CANAL: 985 FEET NORTH AND 617 FEET WEST FROM THE EAST ¼ CORNER OF SECTION 29
15 S	12 E	WM	14	NW SE	POD #15: ADDITIONAL DISTRICT DIVERSION: 2170 FEET NORTH AND 1350 FEET WEST FROM THE SE CORNER OF SECTION 14

Authorized Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Additional Information: Tax Lot Number Listed on Application†		
17 S	12 E	WM	20	NW NE	2.14	100		
17 S	12 E	WM	16	SW SE	2.00	2600		
17 S	12 E	WM	17	SE SE	1.00	7900		
17 S	12 E	WM	17	SW SE	1.00	8000		
17 S	12 E	WM	17	SW SE	2.00	8200		

[†] May be a different tax lot than what is described on the water right certificate.

3. The rate and duty associated with Certificate 74145 depends on whether the right is served by the main canal or a direct diversion right. There are a total of 4,561.105 acres listed on the certificate, of which 4,442.795 may be served by the canal, and 118.31 acres that are restricted to being served by direct diversions. The rights served by the canal are entitled to the following rates:

Season 1: April 1 - 30 & Oct. 1 - 31	Season 1 Rate: 1 cfs to 83.0 acres
Season 2: May 1 – 14 & Sept. 15 - 30	Season 2 Rate: 1 cfs to 62.0 acres
Season 3: May 15 - Sept. 14	Season 3 Rate: 1 cfs to 33.45 acres

The above rates include a 43% transmission loss allowed by the Court to compensate for seepage from the canal. This transmission loss is not allowed on direct diversion rates. The total rate of use described on the certificate is limited to 125.0 cfs measured at the points of diversion from the source.

The duty per acre associated with lands served by the canal shall not exceed 9.58 acre feet for each acre irrigated during the irrigation season as measured at the points of diversion from the source. For lands served by direct diversions, the duty per acre is limited to 5.46 acre feet.

Certificate 74145 has been modified (reduced) by allocation of conserved water projects CW-13 (Special Order Volume 61, Page 630), CW-40 (Special Order Volume 70, Page 143), CW-41 (Special Order Volume 71, Page 202), CW-47 (project approved, but not yet finalized, Special Order Volume 71, Page 221) and transfers T-8519 which transferred 21.0 acres of direct diversion right to instream right (Certificate 76687), T-8154 (a place of use transfer, Special Order Volume 53, Page 1445), which did not prove up on 1.0 acre of canal diversion, which will be removed from the water right, and T-9308 (a place of use transfer approved by Special Order Volume 65, Page 472) also modified Certificate 74145 and includes 2.0 acres of inchoate canal diversion. The table below shows the initial rate and duty for Certificate 74145 and the reductions in rate and duty made by each of the described

modifications.. The rate and duty for the 2.0 acres associated with T-9308 are included in the initial rate and duty shown in the table below.

Consequently, the starting point for the rate and duty before this transfer associated with Certificate 74145 is approximately:

	Initial Rate / Duty	CW-13 Rate / Duty	T-8519 Rate / Duty	T-8154 Rate / Duty	CW-40 Rate / Duty	CW-41 Rate / Duty	CW-47 Rate/ Duty (Project not finalized)	Approximate Before T-10356 Rate/Duty*
Season 1 Rate (cfs)	54.340	(0.310)	(0.144)	(0.012)	(1.480)	(4.400)	(4.67)	43.324
Season 2 Rate (cfs)	72.746	(0.420)	(0.193)	(0.016)	(1.480)	(4.400)	(6.67)	59.567
Season 3 Rate (cfs)	125.000	(0.770)	(0.358)	(0.028)	(1.480)	(4.400)	(9.00)	108.964
Duty (AF)	4,3207.95	(417.00)	(114.66)	(9.02)	(627.10)	(1,864.37)	(3,157.62)	37,018.18

^{*}This includes the inchoate rate and duty associated with T-9308, and any other transfers completed pursuant to ORS 540.580. Additionally, the rate and duty may have been further modified by other orders of the Department.

The table below then shows the rate and duty associated with the 8.14 acres proposed to be transferred. This was determined by subtracting the existing direct diversion rates from the approximate starting rate and duty for this water right, identified in the table above, and then by determining the maximum rate that could be applied simultaneously to all canal diversion acres, less the 43 percent transmission loss. This is the amount available for transfer to instream use.

	Approximate Before T-10356 Rate/Duty	Direct Diversion Rate/Duty	Total Canal Diversion Rate/Duty	Canal Rate 1/X cfs/ac and Duty (if exercised simultaneously)	Rate/Duty Associated with 8.14 Canal Acres, including loss	Rate/Duty Associated with 8.14 Canal Acres, excluding loss
Season 1 Rate (cfs)	43.324	(0.812)	42.512	104.508	0.08	0.04
Season 2 Rate (cfs)	59.567	(1.088)	58.479	75.972	0.11	0.06
Season 3 Rate (cfs)	108.964	(2.016)	106.948	41.542	0.20	0.11
Duty	37,018.18 AF	(219.27) AF	36,798.91 AF	7.81 AF/ac	63.57 AF	36.24 AF

- 4. Two allocation of conserved water applications, CW-43 and CW-48, were received prior to transfer T-10356. Both of these applications propose to affect Water Right Certificate 74145. If either or both of these applications, or other application affecting Certificate 74145, are approved prior to this transfer, then the final transferable portion of the right may be subject to change.
- 5. The applicant is not the owner of the lands to which the water right described in Finding of Fact #2 is appurtenant. However, water right conveyance agreements have been completed and interest in the water rights has been conveyed from each landowner described in the

table below. The portion of this right to be transferred was appurtenant to lands owned by the identified landowners at the time interest in the water right was conveyed through a Quit

Claim, a water right conveyance agreement.

	The state of the s					
Grantor (landowner)	Water Right Interest Holder	T	R	S	Q-Q	Tax Lot at time of Conveyance
Ted Wise & Martin F. Lofquist	DRC	17 S	12 E	20	NW NE	100
A-1 Excavation Inc	DRC	17 S	12 E	16	SW SE	2600
Garth Jackson, President of Palmer Homes	Swalley Irrigation District	17 S	12 E	17	SE SE	7900
Garth Jackson, President of Palmer Homes	Swalley Irrigation District	17 S	12 E	17	SW SE	8000
Garth Jackson, President of Palmer Homes	Swalley Irrigation District	17 S	12 E	17	SW SE	8200

- On ______, the applicant provided documentation to the Department demonstrating that Swalley Irrigation District has consented (as a water right holder) to the transfer of this water right to instream use.
- Application T-10356 proposes to change the character of use to instream use for conservation, maintenance and enhancement of aquatic and fish life, fish and wildlife habitat and other ecological values; recreation; and pollution abatement.
- 8. Application T-10356 proposes to change the place of use of the right to create an instream reach from Swalley Main Canal POD #3 (described in Finding of Fact #2) at approximately RM 165 to the mouth of the Deschutes River at RM 0.0.
- 9. The applicant proposes the quantities water to be transferred instream to be protected in two reaches as follows:

	Reach 1: POD #3 (RM 165) to RM 120.0	Reach 2: RM 120 to RM 0.0
Season 1 Rate (cfs): April 1 - 30 & Oct. 1 - 31	0.056 CFS	0.035 CFS
Season 2 Rate (cfs): May 1 – 14 & Sept. 15 - 30	0.075 CFS	0.035 CFS
Season 3 Rate (cfs): May 15 - Sept. 14	0.13 CFS	0.035 CFS
Duty (AF)	42.24 AF	14.65 AF

10. There are several existing instream water rights located within the same instream reaches proposed by the applicant. There are two existing instream water rights established through the state agency application process below Lake Billy Chinook and one pending application within the same reach above Lake Billy Chinook. The state agency established instream water rights are junior in priority date to the water right proposed for transfer. The remaining instream water rights were established through the instream transfer and allocation of conserved water processes.

- 11. The applicant has requested to replace a portion of instream water rights established pursuant to ORS 537.341 (minimum perennial streamflow) or 537.346(state agency application) with a more senior priority date and be in addition to instream water rights established pursuant to ORS 537.348 (instream transfer) or 537.470 (allocation of conserved water).
- 12. Notice of the application for transfer was published on April 10, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

Instream Transfer Review Criteria (OAR 690-77-0075 and 690-380-4010)

- 13. Water has been used within the last five years according to the terms and conditions of the rights, and there is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
- A diversion structure and ditch sufficient to use the full amount of water allowed under the
 existing right were present within the five-year period prior to submittal of application
 T-10356.

15. Based upon Findings of Fact #3, on _____, the applicant agreed to modify the quantities to be transferred and protected instream as follows:

	Reach 1: POD #3 (RM 165) to RM 120.0	Reach 2: RM 120 to RM 0.0
Season 1 Rate (cfs): April 1 - 30 & Oct. 1 - 31	0.04 CFS	0.03 CFS
Season 2 Rate (cfs): May 1 – 14 & Sept. 15 - 30	0.06 CFS	0.03 CFS
Season 3 Rate (cfs): May 15 - Sept. 14	0.11 CFS	0.03 CFS
Duty (AF)	36.24 AF	14.65 AF

- 16. The proposed change would not result in enlargement of the right.
- 17. The proposed change would not result in injury to other water rights.
- 18. 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 as described in Finding of Fact #3.
- 19. The protection of flows at the authorized point of diversion is 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;
 - c) There are no known areas of natural loss of streamflow to the river bed downstream from the point of diversion; and

- d) Any return flows resulting from the exercise of the existing water right would re-enter the river within the proposed reach and have been accounted for in Reach #2.
- 20. Within the proposed reach, the Deschutes River is a designated State Scenic Waterway. The protection of flows necessary to maintain the free flowing character of the Deschutes River for fish and wildlife habitat, and recreation is a matter of statutory policy. Within the reaches proposed by the applicant, there are several existing state agency applied instream water rights, which include the use of water for fish habitat, recreation, and aesthetics. There is also a pending instream water right application filed by Oregon Department of Fish and Wildlife for anadromous and resident fish rearing. In addition to flows for the designated Scenic Waterway and the existing and pending instream water right application, which are at times not met during requested period for instream protection, this segment of the Deschutes River is also on the Oregon Department of Environmental Quality's (DEQ) 303d list of water quality limited streams for temperature and pH above Lake Billy Chinook and for nutrients, sedimentation and temperature below Lake Billy Chinook at the lower end of the river.
- 21. By replacing a portion of state agency established instream water rights, Certificates 73188 and 73237, on the river below Lake Billy Chinook, the instream right will provide protection for streamflows identified as necessary for supporting aquatic life and recreation under an earlier priority date. By adding to other instream water rights located within the same reach proposed by this instream transfer application, the instream right will provide protection for additional streamflows necessary for fish and wildlife habitat enhancement, pollution abatement, and recreation.
- 22. The total monthly quantities of water to be protected under the proposed instream water right, in addition to other existing instream water rights established under ORS 537.348 and 537.470 in the proposed reach will provide for a beneficial purpose and do not exceed the estimated average natural flow.

Determination and Proposed Action

The changes in character of use and place of use to instream use proposed in application T-10356 appear to be consistent with the requirements of ORS 540.505 to 540.580, ORS 537.348, OAR 690-380-5000, and OAR 690-077-0075. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If application T-10356 is approved, the final order will include the following:

- The changes in character of use and place of use to instream use proposed in application T-10356 are approved.
- 2. Water Right Certificate 74145 is modified. A new certificate confirming the instream water right shall be issued. The Department shall issue a new water right certificate to supersede Certificate 74145 on a determination that it is necessary to produce a certificate to confirm that portion of the right not involved in this transfer. Approval of this transfer shall reduce the amount of water lawfully available under the remaining portion of Certificate 74145 by

the quantities associated with the irrigation of 8.14 acres as measured at the canal diversion, being:

	Rate/Duty Associated with 8.14 Canal Acres, including loss
Season 1 Rate	0.08 cfs
Season 2 Rate	0.11 cfs
Season 3 Rate	0.20 cfs
Duty	63.57 AF

- 3. The instream water right shall provide for the protection of streamflows from POD 3 (Swalley Main Canal) to the mouth of the Deschutes River. The instream right consists of two reaches: Reach #1 extending from the point of diversion (RM 165) to Lake Billy Chinook (RM 120), and Reach #2 extending from Lake Billy Chinook (RM 120) to the mouth (RM 0). The instream water right shall provide for the protection of streamflows for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values; pollution abatement; and recreation in the Deschutes River.
- 4. The quantities of water to be protected under the instream water right are:

	Reach 1: POD #3 (RM 165) to RM 120.0	Reach 2: RM 120 to RM 0.0
Season 1 Rate (cfs): April 1 - 30 & Oct. 1 - 31	0.04	0.03
Season 2 Rate (cfs): May 1 – 14 & Sept. 15 - 30	0.06	0.03
Season 3 Rate (cfs): May 15 - Sept. 14	0.11	0.03
Duty (AF)	36.24	14.65

- 5. Stream channel losses and gains calculated based on available data and the use of senior appropriators will determine the amount of water to which this right is entitled downstream from the original point of diversion within the specified stream reaches.
- 6. The instream right established by this transfer shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or 537.470 unless otherwise specified by an order approving a new instream water right under these statutes.
- 7. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 74145 and any related decree.

8. The former place of use of the these rights.	he transferred wai	er shall no longer receive water a	s part of
Dated at Salem, Oregon this	day of	2007.	
DRAFT			
Phillip C. Ward, Director			

This draft Preliminary Determination was prepared by a Reimbursement Authority contractor. If you have questions about the information in this document, you may reach Bob Rice at 503-986-0885 or Robert.D.Rice@wrd.state.or.us.



3/30/2007

Oregon Water Resources Department Attn. Laura Snedaker Water Resources Department 725 Summer Street NE, Suite A Salem, OR 97301

RE: PERMANENT INSTREAM TRANSFER FOR RESTORATION OF 8.18 ACRES OF SID SENIOR DESCHUTES RIVER WATER RIGHTS

Dear Laura,

Enclosed please find the transfer application, supplemental forms and required documentation for the permanent instream transfer of 8.14 acres of Swalley Irrigation District, senior Deschutes River water rights. This transfer is funded by the Columbia Basin Water Transactions Program.

Attached to this cover letter is a table that may be used as a reference to the documentation included with this application. Note that one of the affected water rights is currently leased instream (L-559). Please be advised that L-559 is to terminate upon Final Order for this transfer.

It is the intention of the DRC that this transfer application be processed using Reimbursement Authority, thus expediting the process to the greatest extent possible. Once the application has been received and assigned a transfer number, it will be sent to contractors for bids to process the application using reimbursement authority. It is my understanding that we may reasonably expect these bids/estimates within 2-3 weeks of submitting the transfer to OWRD.

Also included is the required transfer fee of \$475.00 (\$350.00 application fee, plus \$125.00 for Reimbursement Authority bid processing). Please feel free to contact me via email or by phone if you have questions regarding this, or other transfer applications. Thank you.

Best Regards,

Zachary Tillman, DRC 541-382-4077 x.21

zach@deschutesriver.org

Go Bollman

10356

APR 02 2007
WATER RESOURCES DEPT SALEM, OREGON

700 NW Hill Street • Bend, Oregon 97701 (P.O. Box 1560 • 97709) 541.382.4077 • Fax 541.382.4078 www.deschutesrc.org / info@deschutesrc.org

Cty. File #	Grantor Last	Acres	# T/L #	POU	00	Sign Au	QC	Report	Man		WR Map	# Rem WR?	Affadavit		oof of U	se Lease	Year
2005 96522		0.44			40			rtoport	map	1701701							2004
2006-32478	Ted Wise/Martin Lofquist Scott Dahlen/Rose River		1	1	Y	na na	Y	Y	Y	Y	22 20	N N	Y	Y		L-559	2004
2006-32477	Palmer Homes	4.00	3	3	Y	Y	Y	Y	Y	Υ	21	N	Y	Y			

8.14 5 5

APR 02 2007
WATER RESOURCES DEPT
SALEM, OREGON

Return by 5-8-07

RECEIVED

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

APR 3 0 2007

(ODFW provides to WRD so that WRD can make findings according to statutory requirements.) SALEM, OREGON

Reference Transfer #: 10556 A. Please check box if you believe there is a potential for injury to an instream water right. The Oregon Department of Fish and Wildlife (ODFW) believes this proposed transfer may injure an instream water right(s) on , tributary to . Because, (Stream) (Please attach any available supporting information.) Note: This will prompt WRD to further evaluate and make a determin IF the right is instream water right. (WRD is the agency that makes the determinatio ODFW's role is to raise concerns and to evaluate proposed mitigation requests concurrence with injury to an instream water right.) B. Please check one of the following four boxes related to req pass device pursuant to ORS 540.525 or 540.532: 1. The new Point of Diversion (POD) requires a fish screen required per Bret currently equipped with an appropriate fish screening and/c Note: This option will yield the following: Finding of Fact: The Oregon Department of Fish and Wildlife has deter pass device is necessary at the new point of diversion to prevent fish fre transport fish back to the body of water from which the fish were divert New plowe at 541-447-541 equipped with an appropriate fish screening and/or by-pass device. Condition: The water user shall maintain and operate a fish screening a at the point of diversion consistent with the Oregon Department of Fish maintenance standards. 2. The new Point of Diversion (POD) requires a fish screening and/or by-pass device prior to water being diverted. The diversion may be eligible for cost share assistance under ODFW's cost share program. Option 2 should generally be selected if listed fish species are present at the point of diversion and/or the originating water right diversion is currently screened. If Option 2 is

Please return all 4 pages to: Transfers Section, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1271

The electronic version of this form is available at: http://www1.wrd.state.or.us/msword/ODFWScreen.doc.

selected, provide contact information on the "Fish Screening and Passage Information" sheet. The new diversion may be eligible for cost-share.

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

Condition: Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

3. The new Point of Diversion (POD) requires a fish screening and/or by-pass device. However, the diversion may be used for up to two years pending a determination of whether cost share assistance under ODFW's cost share program is available.

If Option 3 is selected, provide contact information on the "Fish Screening and Passage Information" sheet. Except in extraordinary circumstances, Option 3 should **NOT** be checked if listed fish species are present at the point of diversion, the originating water right diversion is screened, cost-share funds are currently available, or the diversion is not eligible for ODFW's cost-share program. If extraordinary circumstances are present, please explain:

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. Listed fish species are not present at the point of diversion, the originating water right diversion is not screened, cost-share funds are not currently available, and the proposed diversion may be eligible for ODFW's cost-share program. A grace period of two years is appropriate until such time as cost share funds become available to assist in the construction of a fish screening and/or by-pass device. If cost share funds do not become available, the water user must screen within the indicated time period regardless of the availability of cost share funding.

Condition: Within two years after the date of this order, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. The water user may withdraw water at the new point of diversion without screening or by-pass devices until two years after the date of this order. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

8)	
	4. The new Point of Diversion (POD) does not currently require a fish screen and/or by-pass device, however, the permittee may be required in the future to install, maintain, and operate fish screening and/or by-pass devices.
	Note: This option will yield the following:
	Finding of Fact: The Oregon Department of Fish and Wildlife has determined that a fish screening and/or by-pass device may be required in the future at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device.
	Condition: Within one year after receiving written notification from the Oregon Department of Fish and Wildlife (ODFW) that a fish screening and/or by-pass device is required, the water user shall install a screening and/or by-pass device, as appropriate, at the new point of diversion. The fish screening and/or by-pass device must meet ODFW's design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screening and/or by-pass device meets ODFW's criteria. Once installed the water user shall maintain and operate the fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.
	Signature Hodgson
	Printed Name
	Title Mistrict Fish Biologist
	(54/) 388-6363 x 227
	Phone

Oregon Department of Fish and Wildlife Additional Fish Screening and Passage Information for the Applicant (To be completed by ODFW for WRD to provide to the applicant.)

Transfer # 10356

The applicant should be aware that fish screening and passage may be required for certain changes in point of diversion if the boxes below are checked.
Fish screening and/or fish by-pass devices are required as a condition of this transfer. The fish screen and/or by-pass device must meet ODFW's design, construction, operational and maintenance standards. Fish screening prevents fish from entering the diversion, while a by-pass device safely transports fish back to the body of water from which the fish were diverted.
Pursuant to ORS 498.306, cost share funds may be available to assist in the installation of fish screening and by-pass devices at diversions.
The applicant should contact the ODFW staff below to obtain additional information on the design, construction, operational, and maintenance standards for the required fish screening and/or by-pass device and to obtain information about ODFW's cost sharing program for screening and by-pass devices. Prior to installation, the water user must obtain written approval from ODFW that the required screening and/or by-pass device meets ODFW's criteria.
ODFW staff name:
Address:
City/State/Zip:
Phone: ()
This transfer may trigger requirements for fish passage under ORS 509.585 because a new point of diversion will be constructed, an existing point of diversion's capacity will be increased, or an existing point of diversion will be abandoned. The applicant should contact the ODFW staff below for a determination of whether native migratory fish are or were present at the applicable location, which will determine whether fish passage must be addressed.
ODFW staff name:
Address:
City/State/Zip:
Phone: ()

Reimbursement Authority Process Itemized Estimate Sheet for Water Rights Transfer

Application Number T-10356

Name of Applicant: Deschutes River Conservancy

Proposed Timeline

4/10/07	Public Notice (start of 30-day comment period).
6/8/07	Completion of draft preliminary determination—I week after contracts signed and removal of deficiencies, but not before the end of the Public Notice comment period and receipt of all agency reviews (Watermaster, groundwater and ODFW as applicable).
7/13/07	Deadline for applicant review of draft preliminary determination30 days or more after draft PD mailed to applicant, depending on issues to be resolved.
5 working days after DPD comments received	Completion of contract work: Submittal of PD cover letter, PD public notice (and remaining rights certificates if applicable)—within 5 business days after comments received from applicant that the draft is satisfactory, or after the end of the period for applicant to comment on draft PD and remedy deficiencies.

For purposes of water right transfers, all deliverables must be in Microsoft Word except remaining right certificates for which electronic copies of the existing certificates are currently available in WordPerfect.

Estimate

	Item	Time
1	Review of application for completeness.	5,0
2	Review of "From" lands to confirm consistency with existing right(s) and ownership.	6.0
3	Review of "To" lands for conflicts and preparation of draft deficiency letter (if necessary).	4.0
4	Preparation of draft preliminary determination, DPD cover letter and contact list.	6.5
5	Preparation of PD public notice, PD cover letter (and remaining right certificate(s) if necessary), and processing documentation.	3.5
	Total Estimated Time:	25.0

(Indicate the estimated amount of time, in 1/2 hour increments, needed to complete each item listed.)

Prior to preparing an estimate, contact Department staff if work could not be performed consistent with the proposed timeline. In developing the estimate, review the transfer application, transfer map, existing certificate, and final proof map. Pay particular attention to the clarity of the existing rights and the complexity of the request.

Name of Consultant: Conservation Strategies

Authorized Representative: - 11 12 de 5

Date: 5-23-07

Dorothy Pedersen

From: Bob Rice

Sent: Friday, May 11, 2007 12:48 PM

To: Terrence Anthony (conservationstrategies@comcast.net)
Cc: 'Laura.K.SNEDAKER@wrd.state.or.us'; 'Dorothy Pedersen'

Subject: T-10356; Rate Calculator for Swalley ID

Terry,

The starting point for the Swalley Irrigation District water right is not what is shown on the certificate. This is a "living right" certificate which has been modified several times, including by some allocations of conserved water.

Shown below is the starting point for the certificate. Currently, there are two pending allocations of conserved water. Both of these applications are likely to have Final Orders issued prior to T-10356. This will mean that once the conserved water orders are issued, that the numbers for the transfer will need to be modified.

Some language reflecting the likely change will need to be worked into the transfer DPD and PD's.

Laura Snedaker plans to revise the Swalley "rate calculator" templates, and one of us will get it to you when its available.

--Bob

P.S. I plan to get you some revised maps for this application before the end of the work day.

Bob Rice Field Services Division Water Resources Department 725 Summer Street NE, Suite A Salem, Oregon 97301-1266 (503) 986-0885

Fax: 503.986.0903 www.wrd.state.or.us

After CW-47 (Swalley Main Canal Project which conserved up to 9 cfs) (Special Order Volume 71, Page 221) Certificate 74145 has the associated rate and duty (approximately):

Season	After Project Maximum	Maximum per acre
Season 1 Rate: April 1 - 30 & Oct. 1 - 31	43.324 cfs	1 cfs to 83.0 acres
Season 2 Rate: May 1 – 14 & Sept. 15 - 30	59.567 cfs	1 cfs to 62.0 acres
Season 3 Rate: May 15 - Sept. 14	108.964 cfs	1 cfs to 33.45 acres
Duty	37,018.18 AF	9.58 AF

The rate and duty associated with Certificate 74145 depends on whether the right is served by the main canal or a direct diversion right. There are a total of 4,561.105 acres listed on the certificate, of which 4,442.795 may be served by the canal, and 118.31 acres that are restricted to being served by direct

diversions.

Background Info

Certificate 74145 has been modified (reduced) by allocation of conserved water projects CW-13 (Special Order Volume 61, Page 630), CW-40 (Special Order Volume 70, Page 143), CW-41 (which the applicant has not yet finalized, Special Order Volume 70, Page 153), and transfers T-8519 which transferred 21.0 acres of direct diversion right to an instream right, T-8154 (a place of use transfer approved by Special Order Volume 53, Page 1173 and superseded by Special Order Volume 53, Page 1445), which did not prove up on 1.0 acre of canal diversion. This 1.0 acre will be removed from the water right. The rates and duties associated with these modifications have been subtracted from the initial rate/duty shown in the table below. Additionally, T-9308 (a place of use transfer approved by Special Order Volume 65, Page 472) also modified Certificate 74145 and includes 2.0 acres of inchoate canal diversion. The rate and duty for these 2.0 acres is included in the initial rate/duty show in the table below.

Consequently, the starting point for the before project rate and duty associated with Certificate 74145 are:

	Initial Rate / Duty	CW-13 Rate / Duty	T-8519 Rate / Duty	T-8154 Rate / Duty	CW-40 Rate / Duty	CW-41 Rate / Duty (Project not finalized)	Before CW-47 Project Rate/ Duty*
Season 1 Rate	54.340 cfs	(0.310 cfs)	(0.144 cfs)	(0.012 cfs)	(1.480 cfs)	(4.400 cfs)	47.994 cfs
Season 2 Rate	72.746 cfs	(0.420 cfs)	(0.193 cfs)	(0.016 cfs)	(1.480 cfs)	(4.400 cfs)	66.237 cfs
Season 3 Rate	125.000 cfs	(0.770 cfs)	(0.358 cfs)	(0.028 cfs)	(1.480 cfs)	(4.400 cfs)	117.964 cfs
Duty	4,3207.95 AF	(417.00 AF)	(114.66 AF)	(9.02 AF)	(627.10 AF)	(1,864.37 AF)	40,175.80 AF

^{*}Includes the inchoate rate and duty associated with T-9308, and any other transfers completed pursuant to ORS 540.580. Additionally, the rate and duty may have been further modified by other orders of the Department.

Please note, that I've got two other allocation of conserved water projects in the door that work on the Swalley right [CW-43 (Deschutes River Ranch, this also involves cancelling 0.03 acres of 74145), and CW-48 (Frakes lateral)].

Shipping Checklist for Reimbursement Authority File

	File 1-10356 Applicant: Deschutes River Conservancy
	Agent/Contact: Zachary Tillman
	Ship to Contract Consultant: Conservation Strategies
ies of irrigation tried inco	Items included: ☐ Copy of front of file folder ☐ Reimbursement Authority Estimate Application ☐ Transfer Application form ☐ Transfer map — there may be additional or revised maps coming ☐ Evidence of use affidavit ☐ Supporting documentation for evidence of use ☐ Land-use Information form ☐ Lot book report (or deed if instream or temporary transfer, or application received before 7/1/03) — should be a chain of custody for each property ☐ Certificate or copy of decree for each right to be transferred (Title Common Reports)
	☐ Final Deliverable cover Sheet ☐ Itemized Estimate sheet for contractor
	Additional things to check: ☑ All regular application processing fees paid ☑ Reimbursement Authority \$125 fee paid for preparing estimate ☑ Date of WRD initial Public Notice
	Number of sheets copied
	File contents copied by <u>Lisa Paschke</u> Date <u>4/6/07</u>

Reimbursement Authority Process Itemized Estimate Sheet for Water Rights Transfer

Application Number T-10356

Name of Applicant: Deschutes River Conservancy

Proposed Timeline

4/10/07	Public Notice (start of 30-day comment period).
6/8/07	Completion of draft preliminary determination—1 week after contracts signed and removal of deficiencies, but not before the end of the Public Notice comment period and receipt of all agency reviews (Watermaster, groundwater and ODFW as applicable).
7/13/07	Deadline for applicant review of draft preliminary determination30 days or more after draft PD mailed to applicant, depending on issues to be resolved.
5 working days after DPD comments received	Completion of contract work: Submittal of PD cover letter, PD public notice (and remaining rights certificates if applicable)within 5 business days after comments received from applicant that the draft is satisfactory, or after the end of the period for applicant to comment on draft PD and remedy deficiencies.

For purposes of water right transfers, all deliverables must be in Microsoft Word except remaining right certificates for which electronic copies of the existing certificates are currently available in WordPerfect.

Estimate

	Item	Time	
1	Review of application for completeness.		
2	Review of "From" lands to confirm consistency with existing right(s) and ownership.		
3	Review of "To" lands for conflicts and preparation of draft deficiency letter (if necessary).		
4	Preparation of draft preliminary determination, DPD cover letter and contact list.		
5	Preparation of PD public notice, PD cover letter (and remaining right certificate(s) if necessary), and processing documentation.		
	Total Estimated Time:		

(Indicate the estimated amount of time, in 1/2 hour increments, needed to complete each item listed.)

Prior to preparing an estimate, contact Department staff if work could not be performed consistent with the proposed timeline. In developing the estimate, review the transfer application, transfer map, existing certificate, and final proof map. Pay particular attention to the clarity of the existing rights and the complexity of the request.

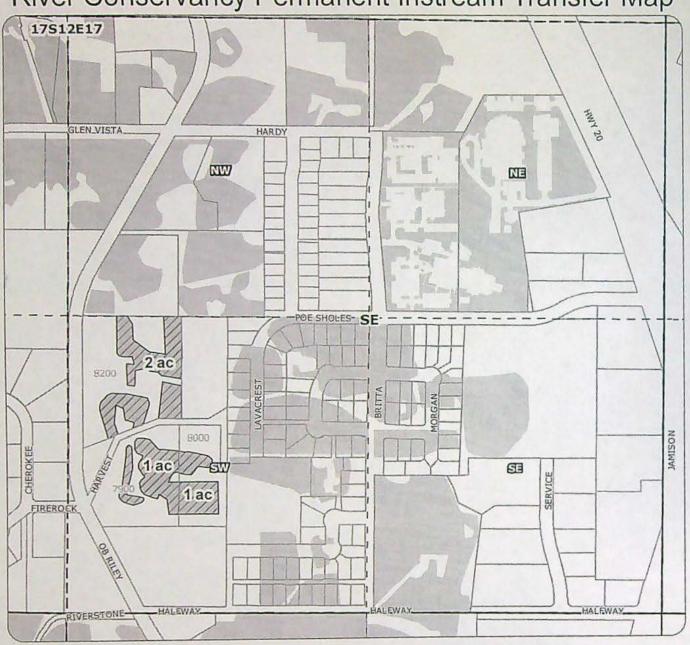
Name of Consultant: Conservation Strategies	
Authorized Representative:	Date:

Reimbursement Authority Final Deliverables Cover Sheet

Transfers

Transfer # <u>T-10356</u>	Applicant: Deschutes	River Conservancy			
The following items have	been submitted electro	nically*:			
Contact List					
Draft Preliminary	Determination (DPD)				
☐ DPD Cover Letter	DPD Cover Letter				
☐ PD Notice					
PD Cover Letter					
Instream Water Ri	Instream Water Right Certificate				
*NOTE: Transfer documents should be submitted in MS Word format preferably, or "rich text" format.					
Torring					
The following items are	enclosed:				
Marked copy of tr	ansfer application				
(for POU changes)	(for POU changes) Plat Card Report marked to indicate any other rights on the "From" lands				
[(for POU changes) Plat Card Report market	d to indicate rights overlapping proposed POU			
help document wh	Notes or sketches, maps, etc. from evaluation of changes, injury evaluation, etc. that will help document what was considered in reaching the findings and determination in the Preliminary Determination.				
Copies of each cer to show what porti	Copies of each certificate that is only partially included in the transfer, marked as needed to show what portion of the right is being affected, and what remains unchanged.				
Signature of Con	tractor:	Date:			
For WRD use only:					
WRD approval by: Date:					

2007 Swalley Irrigation District and Deschutes River Conservancy Permanent Instream Transfer Map



Application for Permanent Instream Transfer

Proposed Transfer of Irrigation Rights

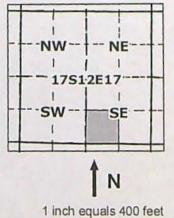
Water Rights

Swalley Irrigation District 4 acres total taxlot 8200 2 acres

taxlot 8000 1 acre taxlot 7900

1 acre (171217SWSE)

Date Created: April 2007





Geo-Spatial Solutions, Inc.

www.geospatialsolutions.com

Some background information

1 Hot a map for Received via email 4/24/07 Not a map finis transfer

Dorothy Pedersen

From: Dorothy Pedersen

Sent: Thursday, April 19, 2007 1:59 PM
To: 'zach@deschutesriver.org'
Subject: T-10356 information request

Zach,

We are preparing to send copies of your T-10356 transfer application to a contractor for estimate, but noticed that the listing of the tax lots on page 4 of Supplemental Form A for Certificate 74145 does not match the tax lots in the certificate. It would help make the contractor's review easier (and therefore less time-consuming and expensive) if you can provide a listing of the "from" lands AS THEY ARE LISTED on the certificate, then tie them to the current numbering and configuration that will be found on current maps.

You may submit the information by email or postal mail, or fax to (503) 986-0903.

Thank you,

Dorothy

Dorothy I. Pedersen
Field Services Division
Oregon Water Resources Department
Dorothy.I.PEDERSEN@wrd.state.or.us
503-986-0890

Dorothy Pedersen

From: Dorothy Pedersen

Sent: Thursday, April 19, 2007 2:02 PM
To: 'zach@deschutesriver.org'
Subject: T-10356--one more question

Hello again Zach,

As soon as I clicked "send" for the previous email, I noticed what may be an error in the listing of the lands proposed for transfer in T-10356. Please clarify whether tax lot 7900 in Section 17 is in the SE SE, or in the SW SE.

Thank you, Dorothy

Dorothy I. Pedersen
Field Services Division
Oregon Water Resources Department
Dorothy.I.PEDERSEN@wrd.state.or.us
503-986-0890

WATER RESOURCES DEPARTMENT

APR 02 2007

REIMBURSEMENT AUTHORITY ESTIMATE APPLICATION WATER RESOURCES DEPT

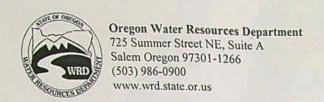
House Bill 2551(2003 Oregon Laws) authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement. The voluntary agreement can be entered into with any person requesting services and agreeing to pay the Department's costs of providing the service.

The Department has established a pool of qualified contractors to perform expedited services for water right transfers, water right permits extensions, and water right certificates.

The purpose of this application is to obtain an estimate from the next qualified contractor in the appropriate pool. There is a non-refundable application fee of \$125.00 per request. The contractor will provide an estimate of the cost and of the time required to process and develop a recommendation on the request of a: (check one):

REQUEST	TYPE	FILE NUMBER				
Ø	Transfer Application					
	Certificate Request					
	Extension of Time Request					
	Applicant Information	Applicant's Representative/Contact				
Name: (Please Print)	Deschutes River Conservancy	Zachary Tillman - DRC				
Address:	700 NW Hill St.					
	P \ .0 0770\					
Phone:	Bend, OR 97701 541-382-4077 x.21					
Fax	541 - 382 - 4078					
E-Mail Address:	Zach @ deschutesriver, org					
That upon receipt of my non-refundable application fee in the amount of \$ 125.00, OWRD will assign my request the next contractor in the pool of contractors performing expedited services. That this fee covers the copying, the mailing cost, as well as the cost for the contractor to evaluate and provide the estimate for processing of the request. That OWRD will provide all pertinent information to the assigned contractor within three (3) business days. That OWRD will, within fourteen (14) days, notify me in writing of the estimates of costs and time frame for the expedited service. That upon receiving the estimates I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service. An incomplete or inaccurate application may delay the process and increase the cost to process my request. Expedited processing does not guarantee a favorable review of my request. Send completed Application and payment to: OWRD − Reimbursement Authority Program 725 Summer St. NE, Suite A Salem, OR 97301-1266. I certify that I am the (check one) Applicant Applicant's Representative □ Other (Please specify)						
OWRD USE ONLY Contractor Assi	gned: Ballon Nam	c: Zachary Tillman Total Amount Paid: \$ 125				

Molesson



Application for Water Right Transfer

Please type or print legibly in dark ink. If your application is incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "N/A" to indicate "Not Applicable." As you complete this form, please refer to notes and guidance included on the application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

		NSFER APPLICATIO	
	Permanent Transfer Temporary Transfer total number of years: (begin year:) (end year:)	Instream Trans Permanen Time-Lim Drought Trans	t iited
	2. APPLICAN	T INFORMATION	
Name:	Deschutes River Conserv	oney	
	700 NW Hill SE	Last	
Address	Bend	oR	97701
	City	State	Zip
Phone:	541- 388- 4077 x. 21	Work	Other
Fax:		E-Mail address: _&	uch @ deschutes rice org
(The age	ent listed is authorized to represent the app		g to this transfer application.)
A 11	First	Last	
Address: _			
	City	State	Zip
Phone:	Home	Work	Other
Fax:		E-Mail address:	
■ If an ag	gent is listed above, please check <u>or</u> ase send all correspondence to Agent. ase send all correspondence to Applica	Send copies of correspon	

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Last revised: 10/13/2006

Transfer Application/1

APR 02 2007

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4. PROPOSED CHANGE(S) TO WATER RIGHT(S)

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Transfer Application/2 WATE

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Last revised: 10/13/2006

6. EVIDENCE OF BENEFICIAL WATER USE

- Attach one or more Evidence of Use Affidavits (Supplemental Form B) demonstrating that each of the right(s) involved in the transfer have been exercised in the last five years in accordance with the terms and conditions of the right or that a presumption of forfeiture for non-use could be rebutted. The Evidence of Use Affidavit(s) must include supporting documentation such as the following:
 - Copies of receipts from sales of irrigated crops or for expenditures relating to use of water;
 - ▶ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers;
 - ▶ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish location and date of the photograph; or
 - ▶ If the right has **not** been used during the past five years, documentation that the presumption of forfeiture would be rebutted under ORS 540.610(2).

	7. AFFECTED DISTRICTS AND LOCAL GOVERNMENTS
	Are any of the water rights proposed for transfer located within or served by an irrigation or other water district? ✓ Yes 🗆 No
•	Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer? Yes No
	Is water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity? Yes No If "Yes", for any of the above, list the name and mailing address of the district, agency
	and/or entity:
	Swolley
	ailing address of all affected local governments (e.g., county, city, municipal corporation), and tribal governments within whose jurisdiction the rights are located).
	Deschutes County Planning Dept
	117 NW Lafayette Ave.
	Bend, OR 97701

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8. LAND OWNERSHIP

Does the applicant own the lands FROM which the right is be	Does the applicant own the lands FROM which the right is being transferred? Yes No							
If "No", provide the following information. For Temporary notarized statement granting consent to the transfer from ea	Transfers, also include a ch of the landowners:							
Names of Current Landowner(s): See Exhibits (Qui	tclaims & Supporting Docs)							
Address:								
City State	Zip							
Does the applicant own the lands TO which the right is being	g transferred?							
☐ Yes ☐ No ☐ N/A - NOT APPLIC	ABLE TO INSTREAM TRANSFERS							
If "No", provide the following information:								
Names of Receiving Landowner(s):								
Address:	Last							
Address.								
City State	Zip							
• Check <u>one</u> of the following:								
The receiving landowner will be responsible for complet the final order is issued. All notices and correspondence								
The applicant will remain responsible for completion of correspondence should continue to be sent to the applicant	and the same of th							
N/A. (Not applicable. Application is for an Instream Wa	ter Right Transfer.)							

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Last revised: 10/13/2006

APR 02 2007
WATER RESOURCES DEPT SALEM, OREGON

9. ATTACHMENTS

Check each of the following attachments included with this application.

The application will be returned if all required attachments are <u>not</u> included.

Supplemental Form A — Description of Proposed Change(s) to a Water Right A separate Supplemental Form A is enclosed for each water right to be affected by this transfer. Supplemental Form B — Evidence of Use Affidavit(s) At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original (not a copy), and The Evidence of Use Affidavit must be accompanied by supporting documentation. Map Water Right Transfer The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy. Temporary Transfer or Historical POD Change A map meeting the requirements of OAR 690-380-3100 must be included but need not be prepared by a Certified Water Right Examiner. Water Well Report(s)/Well Log(s): The application is for a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached. Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is	Land Use Information Form: ☐ Enclosed; or ☐ Not Required if all of the following are met: ① In EFU zone or irrigation district, ② Change in place of use only, ③ No structural changes needed, including diversion works, delivery facilities, other structures, and ③ Irrigation only. Fees: ☐ Amount enclosed: \$ 350.	= # 475 92
developed or proposed to be developed is attached. N/A. The application does <u>not</u> involve a change in point of appropriation or a change from surface water to ground water, so water well reports are <u>not</u> required.)	RECEIVED	
	25/4/2007	

10356

Last revised: 10/13/2006

WATER RESOURCES DEPT SALEM, OREGON

Before submitting your application to the Department, be sure you have:

- Answered each question completely.
- Included all the required attachments.
- Provided original signatures for <u>all</u> named deed holders, or other parties, with an interest in the water right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

	10. SIGNATURES
Check o	one of the following, as appropriate, and sign the application in the signature box below:
All (Qu	information is provided based upon the date of the signed water conveyance agreement itclaim Deed) and is attached with this application a per discussion with OWRD.
of a prop follo	dance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval permanent transfer and upon my receipt of a draft Preliminary Determination for the posed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the owing landownership information and evidence demonstrating that I (we) are authorized to sue the transfer:
(a)	A report of ownership and lien information that has been prepared by a title company within the last three months;
(b)	A copy of written notification of the proposed transfer provided by the applicant to <u>all</u> lien holders on the subject lands unless the report of ownership and lien information shows that a water right conveyance agreement has been recorded for the subject lands. If a water right conveyance agreement has been recorded for the subject lands, a copy of the agreement and identification of the owner of the lands at the time the agreement was recorded must be submitted; and
(c)	If the landowner identified in the report of ownership and lien information is <u>not</u> the applicant, a notarized statement consenting to the transfer (attached) signed by the landowner identified in the report or an authorized representative of the entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement or other documentation demonstrating that the applicant is authorized to pursue the transfer in the absence of the consent of the landowner.
righ 3000	re) affirm that the applicant is a municipality, as defined in ORS 540.510(3)(b), and that the at is in the name of the municipality or a predecessor. Therefore, pursuant to OAR 690-380-0(13)(b), the applicant is <u>NOT</u> required to provide the above described report of ownership and information.
acque cond There above a tra	e) affirm that the applicant is an entity with the authority to condemn property and is uiring the property to which the water right proposed for transfer is appurtenant by demnation. Documentation is provided with this application supporting this statement. refore, pursuant to OAR 690-380-3000(13)(c), the applicant is NOT required to provide the we described report of ownership and lien information. (NOTE: Such an entity may only apply for unsfer under this subsection if it has filed a condemnation action to acquire the property.) ffirm that the information contained in this application is true and accurate.
applica	2 Zochary Tillman 3-30.07 ant signature name (print) date
applica	ant signature name (print) RECEIVED date

10356

Last revised: 1/4/2007

APR 02 2007

Water Right Transfer Supplemental Form A <u>DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT</u>

List only <u>one</u> water right per page. A <u>separate Supplemental Form A</u> must be completed for <u>each</u> certificate, permit, decree, or other right involved in the proposed transfer.

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

Certificate Number or other identifying number:	74145

1. TYPE OF CHANGE(S) PROPOSED

(Check all that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
Change (The old point of diversion or appropriation will not be used for the portion of the water right affected by the transfer.) Additional (Both the old and new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) Historic Point of Diversion or Appropriation Change (Unauthorized point of diversion or appropriation used for more than 10 years.) Surface Water to Ground Water (A new point of appropriation will be used instead of the old point of diversion. The old point of diversion will not be used.) Point of Diversion Change due to Government Action (The old point of diversion or appropriation can no longer be used due to government action.) Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) Only a portion of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.)	Proposed new use: Irrigation Municipal Quasi-municipal Commercial Industrial Instream (complete and attach Supplemental Form C) Domestic (indicate number of households) Other Substitution (A supplemental ground water right will be substituted for a primary surface water right.) Supplemental Use to Primary Use (Primary water right shall be cancelled and the supplemental water right will change to primary use.) RECEIVED APR 0 2 2007 WATER RESOURCES DEPT SALEM, OREGON

2. CURRENT WATER RIGHT INFORMATION

Water Right Subject to Transfer (check and complete one of the following): Certificated Right 74145 Certificate Number Permit Number or Decree Name Adjudicated, Non-certificated Right Name of Decree Page Number Permit for which Proof has Permit Number been Approved Date Claim of Beneficial Use Submitted Transferred Right for which Proof has been Filed Previous Transfer Number Date Claim of Beneficial Use Submitted Name on Permit, Certificate, or Decree: Swalley Irrigation District Authorized Use(s) to be Affected by Transfer: Irrigation Priority Date(s): If there are multiple Priority Dates identified on the water right, any information provided on pages 3 through 6 of this form must identify which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use. Source(s) of Water to be Affected by Transfer: Deschutes R Columbia R Tributary to: If there are multiple Sources listed on the water right, any information provided on pages 3 through 6 of this form must identify which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use. For applications proposing a Change in Place of Use or Character of Use: Are there Other Water Rights, Permits or Ground Water Registrations associated with this land? □ N/A – No Change in Place of Use or Character of Use ☐ Yes If "Yes", what are the Permit, Registration or Certificate Numbers? Pursuant to ORS 540.510, any "layered" water use or a right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled, except as provided in OAR 690-380-2240(5). RECEIVED

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WATER RESOURCES DEPT SALEM, OREGON
Description of Proposed Change(s) to a Water Right

Certificate Number or other identifying number:	74145

The following information must be provided <u>only</u> for those points of diversion or appropriation that are involved in the transfer (i.e., <u>list only the portion of the water right you propose to transfer.</u>) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.

Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:

(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L)	Source and Priority Date	Township	Range	Mer	Sec	1/4 1/4	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
	Deschudes R. 9-1-1899	17 S.	12 E		29	SENE	/	985 Ft. North, 617 Ft. West from East corner of Sec. 29.

	Door the me	ton wicht boing	transformed inviolers	a amound westen assumed	2/3
-	Does the wa	fer tight being	transferred involve	a ground water source(SI
	Docs me wa	tol light oding	Hansiciicu mvoive	a ground water source	v١

Yes No (Surface water source only.)

If "Yes", for each authorized point of appropriation (well) involved, you must either:

A. Supply a copy of the well log(s) for <u>each</u> point of appropriation that is clearly labeled and associated with the corresponding well in the table above and on the accompanying application map. (<u>NOTE</u>: You may search for well logs on the Department's web page at: http://www.wrd.state.or.us)

or

B. If a well log is <u>not</u> available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.

Construction of Existing Authorized Point(s) of Appropriation – (Only needed if <u>no</u> well log is available.)

Wells in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

	casing	casing	perforated (in feet)	Seal depth	depth to water	to water bearing stratum	access port or measuring device	Total well depth
			RE	CEIVI	ED .			
			APR	02 7	007			

Supplemental Form A

Description of Proposed Change(s) to a Water Right

Certificate Number or other identifying number:	74145

The following information must be provided <u>only</u> for those places of use that are involved in the transfer (i.e., <u>list only the portion of the water right you propose to transfer</u>.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below **only** if the information is reflected on the existing water right.

Location of Existing Authorized Place of Use to be Affected:

(i.e., the allowed lands listed on the water right that will be affected by the proposed transfer, the "FROM" lands)

(Hely the different tables		olu, ilia		-5,5 - 5,1 - 6,1	- June proposed		1110111 1111110)
Source and Priority Date	Township	Range	Mer	Sec	1/4 1/4 Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Deschutes R.	17	10		20	11-1-1-		2 111
9-1-1899	17	12		20	NWNE	100	2.14
	17	12		16	SWSE	2600	2.00
	FI	12		17	SESE	7900	1.00
	17	12		17	SWSE	8000	1,00
1	17	12		IT	SWSE	8200	2.00
					RECI	EIVED-	
\$6						2 2007	
				-	WATER RESO	URCES DE	PT

SALEM, OREGON

	_	3.	PROPOS	SED C	HAN	GES TO T	HE WAT	ER RIGI	TH		
Survey	y coordina	tes de	escribed b	elow s	hould	ht involving accurately tional pages	correspond	l to the p	on and/or oints sho	appropria	ition.
Lo (i.e	ocation of	Prop	osed Poir	it(s) of	Dive	rsion or Ap	propriati	on: stream Wa			d)
Source		nship	Range	Mer	Sec	1/4 1/4 Section	Tax Lot, DLC or Gov't Lot		Survey C	oordinates a recognized s	
	1.								47-5		
/											
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Co	well(s) a listed ab If "Yes" well, or the table http://ww If "No", following	lready ove. , attack if well below www.wrd descriptable n of l	ch and cle l log(s) ar w. (NOTE: l.state.or.u. ribe the ar e: Proposed	early la e not a You m	Yes whel the wailab ay sear ted cor (s) of A	e corresponde, describe ch for well instruction f	No ding well in the constitution or We	N/A - No log(s) for ruction of Department posed well	o proposi each prof the well nt's web p	oposed (s) using page at:	
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Certificate Number or other identifying number:	74145

Describe proposed changes to the water right involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Place of Use: (i.e., the "TO" lands) N/A – Instream Water Right Transfer (NOTE: Complete this table only if a Change in Place of Use is being proposed.)

Source	Township	Range	Mer	Sec	1/4 1/4 Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)

Remarks:	RECEIVED
	APR 02 2007
	WATER RESOURCES DEPT SALEM, OREGON

Water Right Transfer Supplemental Form C INSTREAM WATER RIGHT TRANSFER

Permanent Instream Please contact the Depart	n Transfer ment with any quest	or ions on filling out th		me-Limited I ttach additional		
 Identify the public was Conservation, most aquatic and fix wildlife habitat at a conservation. Instream use proposed 	aintenance and en sh life, wildlife, f and other ecologi	nhancement ish and cal values.	Recree Navig	eation gation tion Abatemen		
Originating Water Right Number (as identified in the transfer application)	Priority Date	Source	Propo	osed Instream Period	Rate (cfs)*	Volume (ac-ft)**
C- 74145	09/01/1899	Deschutes A.	4/1 > 11/1		0.13	42.24
			See E	exhibits B	& C for	details
* To calculate rate (if other					l Volume:	
** To calculate volume, multi- The quantity allocated du- during that period. The to- during the year under the Additional information Use the location Use the period on the water	ring any period may neal volume of water existing right. on: Instrument of the proposed to be protected oint of diversion (PC)	not exceed the quar for the year may not water right b I instream water at a point.	ntity that not exceed the exceed the exceed converged converged converged converged that not the exceed converged that no exceed the exceed that no exce	nay be used under total volume of	er the existing f water that n	right nay be used for SID
Water is requested Location of propo	sed reach (if an in the reach): Reach	stream water right r	k. Billy	Chinook (RM	165 → R	M 120~)
4. Recommendations for existing water rights None Other (such condition month or total ac-ft, the egreen for monitoring the instream	ns may include, but of fective reach(es) or	are not limited to, re lake levels of the ins	eductions i	in the instream fi v, measuring loc	low levels in a	cfs per e strategy
Supplemental Form C		- Airoria	007	Instream W	ater Right T	ransfer

MATER DESCRIBERS -

	□No	reach(es) or lake, or o		
		maintains curren	Yes (identity oth	er instream water rights):
	New instream 537.348 (instr portion of ins	water rights generally (bu ream transfer application p stream water rights establis	nt not always) are additive to instr process) and ORS 537.470 (alloca	eam water rights established under ORS tion of conserved water) and replace a ency application process) or ORS 537.34
	water right	established under OR	S 537.348 and ORS 537.470	and replace a portion of any 5 537.346 with an earlier priority
	Yes		☐ No. If no, pleas	e explain your intent below.
	established	under ORS 537.341 o	r 537.346, provide documen	risting instream water right(s) station demonstrating why on should include information from the
	Dept. of Fish	and Wildlife (ODFW) (fish ecreation Dept. (recreation)	life), Dept. of Environmental Qui	ality (DEQ) (pollution abatement), and/o
6.	level occur	uested instream flow i		nated average natural flow or
		ovide supporting document requested.); <u>Or</u>	tation that demonstrates why addit	tional flows are significant for the public
	Yes, an	The state of the s		ed average natural flow or natural
	ap ap is	pplication applied for upplication process) for	inder ORS 537.341 (state ag the same reach or portion th	mount of any instream water right ency instream water right ereof, and the requested public us tream water right application;
	☐ Fe	or the specified time p atural flow or lake leve a copy of the priority water.	el, the stream is in an ODFW	d to exceed the estimated average flow restoration priority watersh vatershed involved should be included with OWRD web page); or
	in	formation that demons	vater quality limited and DE0 strates that increased flows we and by DEQ should be included with	would improve water quality. (The
7.			nsfer, please answer the fol	
	The state of the s	e-limited instream tran Begin Yearto	sfer is for a specific number of End Year	of years:
		e-limited instream tran	sfer is to terminate based up	oon other conditions:
03			RECEIVED	
	oplemental For	m C	ADI3 -0 9 2007	Instream Water Right Transfer

WATER RESOURCES SET



Oregon Water Resources Department 725 Summer Street NE, Suite A Salem, Oregon 97301-1271 (503) 986-0900 www.wrd.state.or.us

Water Right Transfer Supplemental Form

Map Waiver

The Director may waive or assist a transfer applicant in satisfying the map requirement (OAR 690-380-3100) for certain transfers if the criteria described in this form are met pursuant to OAR 690-380-3410.

This form must be prepared by the transfer applicant and the appropriate Regional Manager for the Oregon Water Resources Department. To prepare the form, a copy of the complete transfer application, including a description of the water rights to be transferred, must be provided to the Regional Manager.

This map waiver form must be signed by the Regional Manager and submitted with the transfer application.

applicatio	114:
Transfer A	Applicant: Deschutes River Conservancy
Water Rig	ght(s) to be transferred: S10 water rights (C-74145)
1. The tra	insfer must be one of the following. Please check the appropriate box.
	An instream transfer application filed pursuant to ORS 537.348.
	A transfer application necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.375; or
	The transfer application is determined and endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat.
only be	instream transfer application filed pursuant to ORS 537.348, a map waiver shall approved if the application meets one of the following additional criteria. Please the appropriate box. No remaining water rights on individual tax lots. The entirety of the right is being transferred to an instream water right and the location of the instream water right can be clearly delineated through reference to the existing point of diversion for the transferred right and other points of diversion or geographic reference points such as the mouth of the stream; or A map meeting the requirements of the transfer rules (OAR 690-380-3100) is available showing the lands not included in the transfer and the location of the
	instream water right can be clearly delineated through reference to the existing point of diversion for the transferred right and other points of diversion or geographic reference points such as the mouth of the stream. (Please include copy of map(s) with transfer application.)

1 10356

Transfer Application Map Waiver Form

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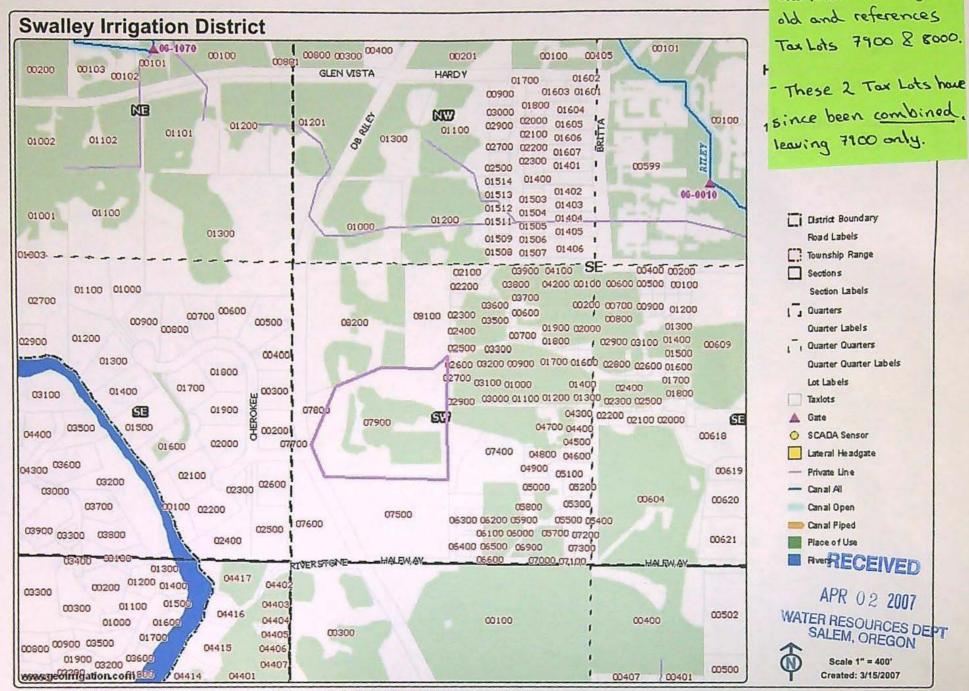
APR 02 2007

FSD Last Revised 3/6/2006

	instream present t	ansfer application meeting any one of the criteria identified in a transfer application), a map waiver may also be approved if other that make an application map unnecessary. If #2 does not apply, beent that make an application map unnecessary, describe those circumstants.	circumstances are ut circumstances
	-		
4.	meet th applica office) Please	r transfer application meeting one or more of the criteria identified in transfer application meeting one or more of the criteria identified in the criteria for a map waiver as described in #2 or #3, the Department in development of the application map. The Department (through may provide this assistance at the discretion of the appropriate Region check the appropriate box below if the Department has provided assistance.	t may assist the h the regional ional Manager.
	develop	A map meeting the requirements of OAR 690-380-3100 has been Department staff and is included with the transfer application.	prepared by
		The map provided with the transfer application has been developed from Department staff and meets the requirements of OAR 690-38	
Si	gnature:	Date.	3-20-07
		OWRD Regional Manager, Sc Region	

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APR 02 2001



-Quitclaim is 1-ye

DISCLAIMER: This map is intended for display purposes only and is not intended for any legal representations. There are no warranties, expressed or implied, that accompany this product



Oregon Water Resources Department <u>Land Use Information Form</u>

THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water-right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applica	nt Name	<u></u> D	esch	utes	River	(0	nserv	onci	4			
Mailing	Address	:_70	00	NW	11:H	st.			J			
City:		B	bons	Sta	te: OR	Zip:	977	10	_ Day F	hone: 51	11 - 3	82-4077
			ed to a	Measure :	37 claim.	□Yes	□No					
Land and	Locati	on										
ase include insported), I proposed	or used.	Applica	nts for i	municipal	use, or in	rigation	uses with	in irrig	ation dis	n from its stricts may	source y substi	e), conveyed itute existing
Township	Range	Section	1414	Tax Lot #	Plan	Designati	on (e.g.			r to be:	+_	Proposed Land Use:
N/A					1,441	resident	aride 57	□ Dive	ented DC	onveyed []	Used	Lanu Osc.
								□ Dive	erted DC	onveyed []	Used	
										onveyed []		
				4			34	O Dive	ented DC	onveyed []	Used	
☐ Perr	er: 🗆 R	ndment o	Pond	nd Water I	d Water	on Modi	fication Surface	Water	(name)	Desch		
imated qua	ntity of v	vater nee	ded: _6	0.065		cubic f	cet per so	econd	□ gallo	ns per mi	nute	□ acre-feet
ended use o	f water:	□ Irriga □ Muni		□ Comn □ Quasi	nercial -municipa	al 🎜	Industri Instream	al C	Domes Other	tic for	h	ousehold(s)
efly describ	e: _I	nstrea	m +	romsfe	r ef	notes	rig	nts.	for re	ertorot	200	britone?
												V
e to applic ernment rep partment.												
***************************************		1	Recei	pt for Re	equest	for Lar	nd Use	Inforn	nation			
	REC	EIVE	D							Q.	VA N	
	O Eam o		y lend		State	of Oreg	on			DCA	ALL	NED
	APR	02 20	007		er Resou ummer S	irces De	partmer			FE	BI	INED 4 2007
TREATE	DDEC	OURCE	SDF	Market Company	alem, Ol					2	5-	* ~ ~

T 10356

SALEM OREGON

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form.

This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Land uses to be served by proposed water uses (including proposed or use approvals as listed in the table below. (Please attach documentation have already been obtained. Record of Action/land-use decision and a If approvals have been obtained but all appeal periods have not end to the Imperiod of Land-Use Approval Needed (e.g. plan amendments, rezones, conditional-use permits, etc.) Cite Most Significant, Applicable Plan Policies & Ordinance Section References	on of applica accompanyin nded, check	able land-use approvals which ng findings are sufficient.)
(e.g. plan amendments, rezones, conditional-use permits, etc.) Policies & Ordinance Section References	46	
	Lanc	d-Use Approval:
	Obtained	☐ Being pursued
	☐ Denied ☐ Obtained	☐ Not being pursued ☐ Being pursued
	□ Denied	☐ Not being pursued
	☐ Obtained	C Being pursued
	☐ Denied ☐ Obtained	☐ Not being pursued ☐ Being pursued
	☐ Denied	☐ Not being pursued
	☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
ne: Will Grove Title: As nature: Phone: 388 vernment Entity: DESCHIETES Co.	(OCZX)	<u>PE Pergran</u> Date: 2/23/7
te to local government representative: Please complete this form or sign the licant. If you sign the receipt, you will have 30 days from the Water Resource upleted Land Use Information Form or WRD may presume the land use associated.	es Departme	nt's notice date to return the
spatible with local comprehensive plans.		
patible with local comprehensive plans.		RECEIVED
Receipt for Request for Land Use Info	ormation	RECEIVED APR 0.2 2007
	ormation	6 Ham Aprillad of Control

10356

Signature: _

Phone: __

Date: _

Exhibit A

Description of WR Delivery Systems SID #1

(See Affidavits of Beneficial Use)

Wise/Lofquist, 2.14 acres

- · Purpose Pasture, grazing
- System Delivered from NC-1 Lateral. Flood irrigated.
- Delivery System Capacity 1.63 cfs

Dahlen, 2.0 acres

- · Purpose Landscape
- System Delivered from SID Main Canal. Pressurized using pump system
- Delivery System Capacity 125 cfs

Palmer Homes, 4.00 acres

- · Purpose Irrigation of pasture grass
- · System Delivered from Roger's Lateral. Pumped & metered
- Delivery System Capacity 20.41 cfs

APR 0.2 2007
WATER RESOURCES DEPT SALEM, OREGON

Exhibit B

Instream Water Right - Reach #1 POD to Lake Billy Chinook SID #1

Instream Rates	1900		
Season 1	0.056 CFS		
Season 2	0.075 CFS		
Season 3	0.13 CFS		

Instream Duty 42.24 Acre-Feet

Seasons are	as follows:
Season 1	April 1 - May 1 & Oct 1 - Nov 1
Season 2	May 1 - May 15 & Sept 15 - Oct 1
Season 3	May 15 - Spet 15

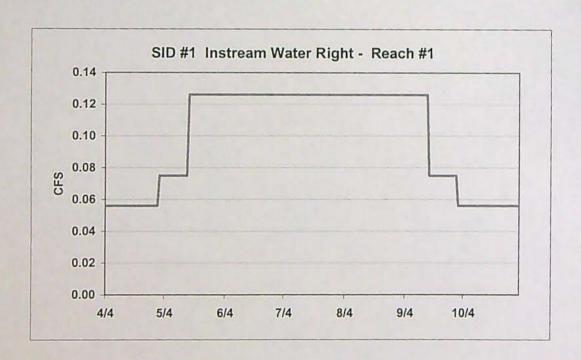
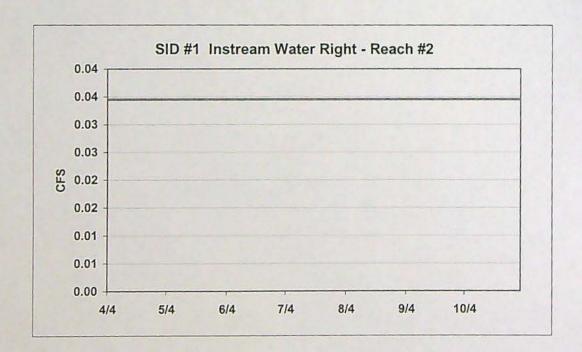


Exhibit C
Instream Water Right - Reach #2
Lake Billy Chinook to Mouth
SID #1

Instream Rates	1900		
Season 1	0.035 CFS		
Season 2	0.035 CFS		
Season 3	0.035 CFS		

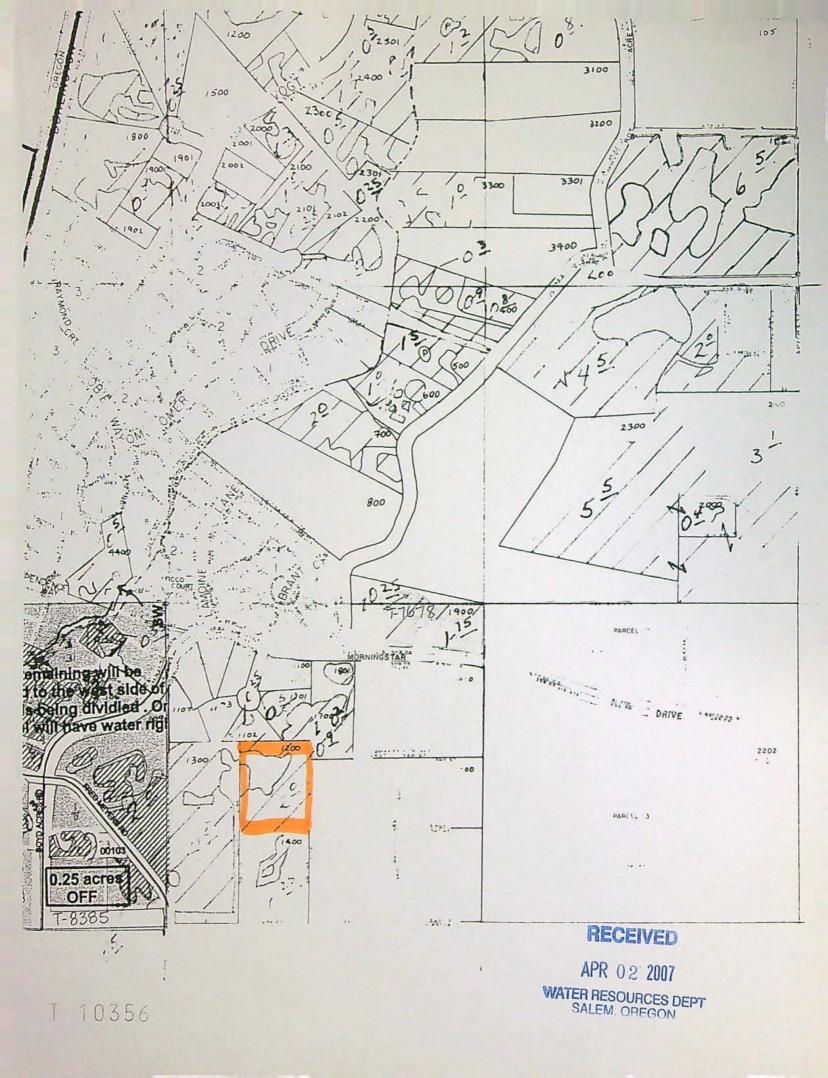
Instream Duty 14.65 Acre-Feet

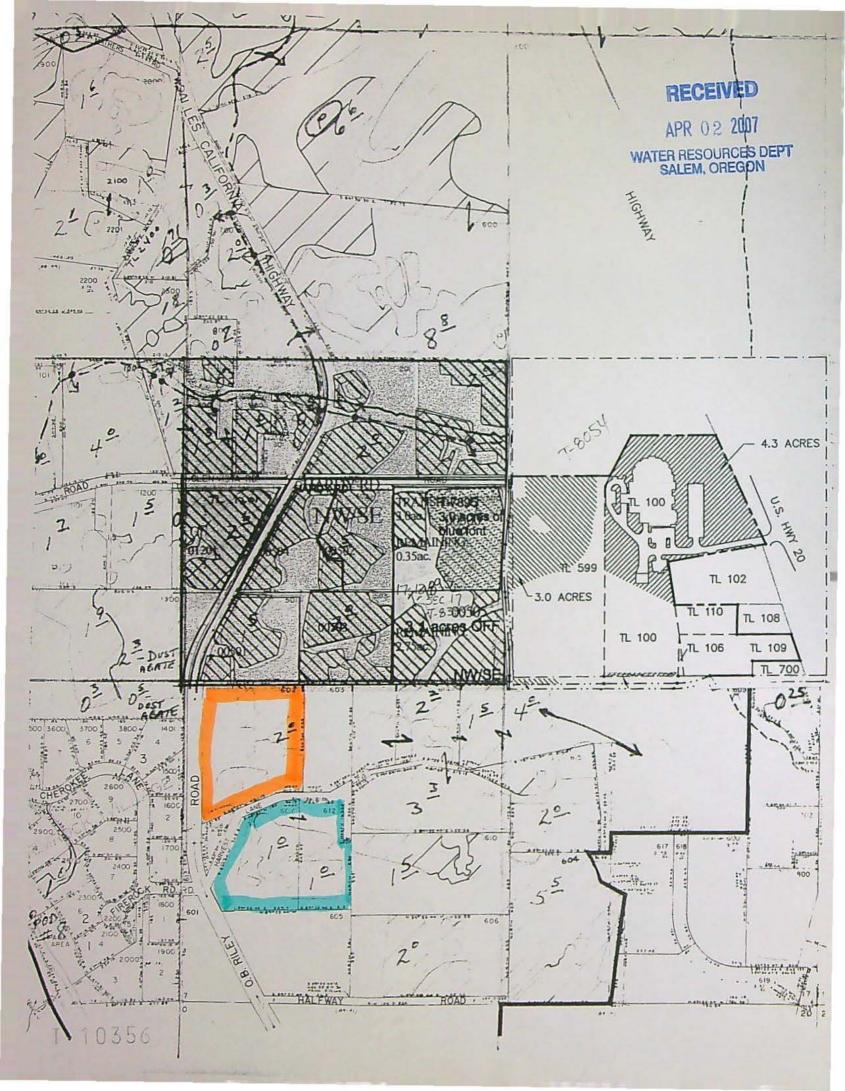
Seasons are	ons are as follows:			
Season 1	April 1 - May 1 & Oct 1 - Nov 1			
Season 2	May 1 - May 15 & Sept 15 - Oct 1			
Season 3	May 15 - Spet 15			



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APR 02 2007 WATER RESOURCES DEPT SALEM, OREGON





After Recording return to: Deschutes River Conservancy 700 NW Hill Street Bend, OR 97701

MAIL TAX STATEMENT TO: NO CHANGE RECEIVED

WATER RESOURCES DEPT SALEM, OREGON DESCHUTES COUNTY OFFICIAL RECORDS NANCY BLANKENSHIP, COUNTY CLERK

00423584200500865330030034

\$41.00

12/16/2005 02:16:30 PM

D-D Cnt=1 Stn=25 SUEB0 \$15.00 \$11.00 \$10.00 \$5.00

QUITCLAIM DEED

FOR TRANSFER OF INTEREST IN A WATER RIGHT

Grantors, Ted Wise and Martin F. Lofquist, releases and quitclaims for valuable consideration to the Deschutes River Conservancy, Grantee, all of Grantor's rights, title and interest in 2.14 acres of Swalley Irrigation District water rights ("Water Rights") that are appurtenant to Grantor's land listed in Exhibit A, attached hereto and incorporated hereto by reference. The Water Rights are further described as that portion of Certificate #74145, priority date of 1899 located: T17S-R12E, WM-SEC20-NW/NE-00100.

By the execution of this deed, Grantor hereby notifies any subsequent purchaser of the lands listed in Exhibit A ("Grantor's Land"), that Grantor, as the current owner of Grantor's Land, has effectively severed the water rights from Grantor's Land and agreed to the removal and transfer of the water rights (including a change in the place and type of use and point of diversion) that are appurtenant to Grantor's Land; and that upon completion of a water right transfer, Grantor's Land will no longer have the said appurtenant Water Rights.

No transfer or sale of the Water Rights shall be pursued by Grantee without the written consent of the District and by executing this agreement the District hereby agrees to give its written consent to any application to the State of Oregon to temporarily or permanently transfer the Water Rights to instream use.

Furthermore, upon recording of this quitclaim deed Grantee assumes all liability to pay any assessments or charges pertaining to the Water Rights by the District that are assessed for periods that occur after the execution of this agreement.

This agreement and quitclaim deed is binding upon the heirs, executors, administrators, successors, and permitted assigns of all the parties to this quitclaim deed.

Judg West Marts R Tofquest	Date 12/4/05 Date 12-14-05
Grantee: 3nAghs	Date 11/15/05 Wise Date 11/15/05
District Manager / Board Chair	Date 1/15/65 Dead Worranty Dead MAGGARVIT
STATE OF OREGON)) ss. County of Deschutes)	D 15 Lease

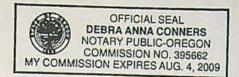
I certify that I know or have satisfactory evidence that Ted Wise is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as co-Landowner, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: dec. 6, 2005

Aebra anna Comers

Notary Public for the State of Oregon

My Appointment expires Aug 4, 2009



STATE OF OREGON)
) s:
County of Deschutes)

I certify that I know or have satisfactory evidence that Martin R. Lofquist is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as co-Landowner, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: <u>Jec. 14</u>, 2005

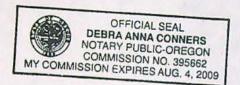
Stelva and Connect

Notary Public for the State of Oregon

My Appointment expires Aug 4, 2009

STATE OF OREGON
) ss.

County of Deschutes
)



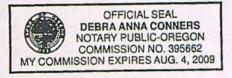
I certify that I know or have satisfactory evidence that Bruce Aylward is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Program Manager of the Deschutes River Conservancy, an Oregon not-for-profit corporation, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: Nov 15 ____, 2005

Delura anna Corners

Notary Public for the State of Oregon

My Appointment expires Aug 4, 2009



STATE OF OREGON) ss County of Deschutes)

I certify that I know or have satisfactory evidence that Jan Lee is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that she was authorized to execute the instrument and acknowledged it as the Manager of the Swalley Irrigation District and to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

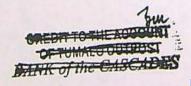
Dated: Wov. 15, 2005

Bruce Wagn

Notary Public for the State of Oregon

My Appointment expires OCT 28, 2007





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APR 0.2 2007
WATER RESOURCES DEPT
SALEM, OREGON

#1992 - Ted Wise &Martin R. Lofquis6t

EXHIBIT A

Property Description:

Located in the Northwest Quarter of the Northeast Quarter (NW ¼ NE ¼) of Section Twenty (20), Township Seventeen (17) South, Range Twelve (12) East of the Willamette Meridian, Tax Lot 00100, Deschutes County, Oregon.

Taxlot: 171220A000100

Serial #: 118137

RECEIVED

APR 02 2007 WATER RESOURCES DEPT SALEM, OREGON Send tax statements to: No Change

After recording, return to: Bob Turner Slothower & Petersen, PC 205 NW Franklin Avenue Bend, OR 97701 DESCHUTES COUNTY OFFICIAL RECORDS NANCY BLANKENSHIP, COUNTY CLERK

2004-59106

20326105200400591060030030

\$41.00

09/30/2004 03:25:56 PM

D-D Cnt=1 Stn=23 PAM \$15.00 \$11.00 \$10.00 \$5.00

QUIT CLAIM DEED FOR TRANSFER OF INTEREST IN A WATER RIGHT

Grantors, White Rock LLC, releases and quitclaims to Ted Wise and Martin R. Lofquist, individually (grantees), all rights, title and interest in the following: By this agreement and signed transfer application form, Grantor, the owner of the lands listed in Exhibit 1, release its claim and responsibility for 2.14 acres of Swalley Irrigation District water rights that are appurtenant to the lands listed in Exhibit A, to Ted Wise and Martin R. Lofquist, individually. Swalley Irrigation District or grantees may elect to complete the transfer application and submit it to the Water Resources Department for approval of use of the water right at a new location and/or use. Swalley Irrigation District or grantees may attach this agreement to the Oregon Water Resources Department's lease form and file with the District's Water Right Lease Agreement.

By entry of this deed, grantor hereby notifies any subsequent purchaser of the lands listed in Exhibit 1 that grantor, as owner of the subject land, approved the transfer (including a change in the place and type of use and point of diversion) of the water rights that are appurtenant to the subject land; and that upon completion of a transfer, by election of grantees, the subject land no longer will have an appurtenant water right, if the transfer includes a change in the place of use.

Furthermore, upon signing of this agreement and the accompanying transfer application, White Rock, LLC shall no longer be liable for any district assessment or charges pertaining to the 2.14 acres of water right incurred after the date of signing. The water right in question is further described as a portion of certificate # 74145 with a priority date of September 1, 1899, located: T17S, R12E, W.M., S20, NW1/4 of NE 1/4, T.L. 100. This agreement is binding upon the heirs, executors, administrators, successors, and permitted assigns of the parties to this agreement.

Consideration for this Quitclaim is: Ted Wise's and Martin R. Lofquist's service and contributions to White Rock, LLC.

Grantor:

White Rock, LLC

By:

Martin R. Lofquist

Susan Strauss

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WATEH HESOURCES DEPT SALEM, OREGON

1 10356

. / /	
By: Judg Mise	
Robert Strauss Living Trust	
By: Robert Strauss, Trustee	By: Susan Strauss, Trustee By: Susan Strauss, Trustee
STATE OF OREGON)) ss. County of Deschutes)	
SUBSCRIBED AND SWORN to	before me this 29 day of September, 2004 by Martin R. Lofquist.
MY COMMISSION FXPIRES JAN. 26, 2008	Notary Public For Oregon My Commission Expires: \(\(\sigma \) \(\sigma \)
SUBSCRIBED AND SWORN to	before me this <u>29</u> day of September, 2004 by Ted Wise.
MY COMS SPERIES JAN. 26, 2008	Notary Public For Oregon My Commission Expires: 1/210/08
SUBSCRIBED AND SWORN to	before me this 29 day of September, 2004 by Susan Strauss.
MY COMMISSION EXPIRES JAN. 26, 2008	Notary Public For Oregon My Commission Expires: 1/26/08
SUBSCRIBED AND SWORN to	before me this 29 day of September, 2004 by Robert Strauss.
OFFICIAL SEAL KATHERINE A SWEENEY NOTARY PUBLIC-OREGON COMMISSION NO. 375810 MY COMMISSION EXPIRES JAN. 26, 2008	Notary Public For Oregon My Commission Expires: 1200
F:\WPDOC\Bob\Real Estate\White Rock\water quitclaim.wpd	RECEIVED
T 10356	APR 02 2007

WATER RESOURCES DEPT SALEM, OREGON

EXHIBIT 1 LEGAL DESCRIPTION

PARCEL 1:

A tract of land being a portion of Tract One (1) of NORWOOD, according to the official plat thereof on file in the office of the County Clerk of Deschutes County, Oregon, being described as follows:

Commencing at the Southwest corner of said Tract One of Norwood, said point also being the Southwest corner of the Northwest Quarter of the Northeast Quarter (NW1/4 NE1/4) of Section Twenty (20), Township Seventeen (17) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon; thence North 0°30'07" East 331.30 feet to the true point of beginning of this description; thence South 82°57'49" East 256.20 feet; thence North 10°20'51" East 370.50 feet; thence South 87°47'29" East 336.90 feet to a point on the Westerly right of way line of the Old Dalles-California Highway; thence North 27°12'08" West along said right of way line 58.67 feet; thence leaving said right of way line North 87°47'29" West 358.08 feet; thence South 2°12'31" West 50.00 feet; thence North 86°31'09" West 148.29 feet; thence South 0°30'07" West 65.00 feet; thence Westerly 120 feet, more or less, to a point on the west line of said Tract 1 of Norwood; thence South 0°30'07" West 282.30 feet, more or less, to the point of beginning and there terminating.

PARCEL 2:

A tract of land in the Northwest Quarter of the Northeast Quarter (NW1/4NE1/4) of Section Twenty (20), Township Seventeen (17) South, Range Twelve (12), East of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows:

Beginning at the 1/4 corner at the Northwest corner of the Northwest Quarter of the Northeast Quarter of Section 20, Township 17 South, Range 12, East of the Willamette Meridian, Deschutes County, Oregon, and running thence South 0°30'07" West 627.75 feet, to the true point of beginning; thence South 86°31'09" East 268.29 feet, thence North 03°28'51" East 50 feet; thence North 86°31'09" West 270.46 feet; thence South 00°30'07" West 50.07 feet to the point of beginning.

PARCEL 3:

A tract of land in the Northwest Quarter of the Northeast Quarter (NW1/4NE1/4) of Section Twenty (20), Township Seventeen (17) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows:

Beginning at the 1/4 corner at the Northwest corner of the NW1/4NE1/4 of Section 20, Township 17 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon, and running thence South 0°30'07" West 627.75 feet, to the true point of beginning; thence South 86°31'09" East 120 feet; thence South 0°30'07" West 65 feet; thence Westerly approximately 120 feet to a point on the section line 70 feet South of the true point of beginning; thence 70 feet North along said Section line to the true point of beginning.

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APR 02 2007
WATER RESOURCES DEPT



IRRIGATION DISTRICT PUBLIC RECORD REPORT

THIS REPORT IS FOR THE EXCLUSIVE USE OF:

Deschutes River Conservancy 700 NW Hill St Bend OR 97701

Attn: Zach Tillman

Date Prepared: February 22, 2007

Report #1

Title Officer : Chuck Nichols

CONDITIONS, STIPULATIONS AND DEFINITIONS

- (I) Definitions:
 - (a) "Customer": The person or persons named or shown on this cover sheet
 - (b) "Public records": Those records which by the laws of the state of Oregon impart constructive notice of matters relating to said land.
- (c) "Land": The land specifically described in this public record report and improvements affixed thereto which by law constitute real property.
- (II) Liability of AmeriTitle:
 - (a) This Is Not A Commitment To Issue Title Insurance And Does Not Constitute A Policy Of Title Insurance.
 - (b) The liability of AmeriTitle for errors or omissions in this public record report is limited to the amount of the fee paid by the customer, provided, however, that AmeriTitle has no liability in the event of no actual loss to the customer.
 - (c) No costs (including without limitation attorney fees and other expenses) of defense, or prosecution of any action, is afforded to the customer.
- (III) Report Entire Contract:

Any right or action or right of action that the customer may have or may bring against AmeriTitle arising out of the subject matter of this report must be based on the provisions of this report. No provision or condition of this report can be waived or changed except by a writing signed by an authorized officer of AmeriTitle. By accepting this form report, the customer acknowledges and agrees that the customer has elected to utilize this form of public record report and accepts the limitation of liability of AmeriTitle as set forth herein.

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APR 02 2001

WATER RESOURCES DEPT SALEM, OREGON Irrigation District Public Record Report Conditions, Stipulations and Definitions, continued...

(IV) Fee:

The fee charge for this Report does not include supplemental reports, updates or other additional services of AmeriTitle.

REPORT

Effective Date: September 30, 2004

Reference: DRC-1

A. The Land referred to in this public record report is located in the County of Deschutes, State of Oregon, and is described as follows:

See Attached Exhibit "A"

B. As of the Effective Date and according to the public records, we find the last deed of record runs to:

WHITE ROCK LLC

C. According to the public records, the Land is the subject of the following chain of conveyances and contracts to convey title during the period beginning on the recording date of the earliest recorded instrument shown below and ending on the effective date:

Instrument : Warranty Deed May 9, 2003 Recorded

Document No.: 2003-31230, Deschutes County Records

Susan E. Strauss, Ted Wise, Robert Strauss and Susan Strauss-Wise, Trustees of the Robert Strauss Living

Trust, dated December 27, 1999 and Lofquist Construction

: White Rock LLC Grantee

Instrument : Quit Claim Deed for Transfer of Interest in a Water

Right

Recorded : September 30, 2004

2004-59106, Deschutes County Records Document No.:

White Rock LLC Grantor :

: Ted Wise and Martin R.Lofquist, individually Grantee

"Superior Service with Commitment and Respect for Customers and Employees"

T 10356

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APR 02 2007

WATER RESOURCES DEPT SALEM OREGON

EXHIBIT "A" LEGAL DESCRIPTION

PARCEL 1:

A tract of land being a portion of Tract One (1) of NORWOOD, according to the official plat thereof on file in the office of the County Clerk of Deschutes County, Oregon, being described as follows:

Commencing at the Southwest corner of said Tract One of Norwood, said point also being the Southwest corner of the Northwest Quarter of the Northeast Quarter (NW1/4 NE1/4) of Section Twenty (20), Township Seventeen (17) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon; thence North 0°30'07" East 331.30 feet to the true point of beginning of this description; thence South 82°57'49" East 256.20 feet; thence North 10°20'51" East 370.50 feet; thence South 87°47'29" East 336.90 feet to a point on the Westerly right of way line of the Old Dalles-California Highway; thence North 27°12'08" West along said right of way line 58.67 feet; thence leaving said right of way line North 87°47'29" West 358.08 feet; thence South 2°12'31" West 50.00 feet; thence North 86°31'09" West 148.29 feet; thence South 0°30'07" West 65.00 feet; thence Westerly 120 feet, more or less, to a point on the west line of said Tract 1 of Norwood; thence South 0°30'07" West 282.30 feet, more or less, to the point of beginning and there terminating.

PARCEL 2:

A tract of land in the Northwest Quarter of the Northeast Quarter (NW1/4NE1/4) of Section Twenty (20), Township Seventeen (17) South, Range Twelve (12), East of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows:

Beginning at the 1/4 corner at the Northwest corner of the Northwest Quarter of the Northeast Quarter of Section 20, Township 17 South, Range 12, East of the Willamette Meridian, Deschutes County, Oregon, and running thence South 0°30'07" West 627.75 feet, to the true point of beginning; thence South 86°31'09" East 268.29 feet, thence North 03°28'51" East 50 feet; thence North 86°31'09" West 270.46 feet; thence South 00°30'07" West 50.07 feet to the point of beginning.

PARCEL 3:

A tract of land in the Northwest Quarter of the Northeast Quarter (NW1/4NE1/4) of Section Twenty (20), Township Seventeen (17) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows:

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T 10356

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APR 02 2007

After recording return to:

WHITE ROCK LLC

66280 WHITE ROCK LOOP

BEND, OR 97701

Until a change is requested all tax statements shall be sent to the following address:

WHITE ROCK LLC

66280 WHITE ROCK LOOP

BEND, OR 97701

Escrow No. SBDIANE Title No. _

THIS SPACE RESERVED FOR RECORDER'S USE

DESCHUTES COUNTY OFFICIAL RECORDS NANCY BLANKENSHIP, COUNTY CLERK

2003-31230

\$36.00

05/09/2003 04:02:37 PM

Cnt=1 Stn=1 MICHELLE \$10.00 \$11.00 \$10.00 \$5.00

> Recorded by AmeriTitle as an accommodation only. No liability is accepted for the condition of title or for the validity, sufficiency, or effect of this document

WARRANTY DEED

SUSAN E. STRAUSS, TED WISE, ROBERT STRAUSS AND SUSAN STRAUSS-WISE, TRUSTEES OF THE ROBERT STRAUSS LIVING TRUST, DATED DECEMBER 27, 1999 AND LOFQUIST CONSTRUCTION,

CONSTRUCTION,
Grantor(s) hereby grant, bargain, sell, warrant and convey to:
WHITE ROCK LLC
Grantee(s) and grantee's heirs, successors and assigns the following described real property, free of encumbrances except as specifically set forth herein in the County of DESCHUTES and State of Oregon, to wit:
SEE EXHIBIT A WHICH IS MADE A PART HEREOF BY THIS REFERENCE
17 12 20AO 00100

SUBJECT TO: all those items of record and those apparent upon the land, if any, as of the date of this deed and those shown below, if any: and the grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration for this conveyance is \$

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

day of May SUSAN

State of Oregon County of DESCHUTES

may This instrument was acknowledged before me on Tricuty 7

E. STRASS, TED WISE, SUSAN STRAUSS-WISE, TRUSTEE AND MARTIN LOFQUIST AS PRESIDENT OF LOFQUIST CONSTRUCTION. by SUSAN

555555555555 DIANE E SULLIVAN NOTARY PUBLIC-OREGON COMMISSION NO. 359569 MISSION EXPIRES AUG. 21, 2006

no (Notary Public for My commission expires

9 ,2003 by Ted This instrument was acknowledged before me on Man Wise.

10356

Valley Jublic for Oregon)

y commission expires Nov.

After recording, return to Amerititie 15 OREGON AVENUE, BEND RECEIVED

APR 02 2007

WATER RESOURCES DEPT SALEM, OREGON

OFFICIAL SEAL ERIN VALLEY NOTARY PUBLIC-OREGON COMMISSION NO. 363330 MY COMMISSION EXPIRES NOV. 24, 2006 IN

PARCEL 1:

A tract of land being a portion of Tract One (1) of NORWOOD, according to the official plat thereof on file in the office of the County Clerk of Deschutes County, Oregon, being described as follows: Commencing at the Southwest corner of said Tract One of Norwood, said point also being the Southwest corner of the Northwest Quarter of the Northeast Quarter (NW1/4 NE1/4) of Section Twenty (20), Township Seventeen (17) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon; thence North 0°30'07" East 331.30 feet to the true point of beginning of this description; thence South 82°57'49" East 256.20 feet; thence North 10°20'51" East 370.50 feet; thence South 87°47'29" East 336.90 feet to a point on the Westerly right of way line of the Old Dalles-California Highway; thence North 27°12'08" West along said right of way line 58.67 feet; thence leaving said right of way line North 87°47'29" West 358.08 feet; thence South 2°12'31" West 50.00 feet; thence North 86°31'09" West 148.29 feet; thence South 0°30'07" West 65.00 feet; thence Westerly 120 feet, more or less, to a point on the west line of said Tract 1 of Norwood; thence South 0°30'07" West 282.30 feet, more or less, to the point of beginning and there terminating. PARCEL 2: A tract of land in the Northwest Quarter of the Northeast Quarter (NW1/4NE1/4) of Section Twenty (20), Township Seventeen (17) South, Range Twelve (12), East of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows: Beginning at the 1/4 corner at the Northwest corner of the Northwest Quarter of the Northeast Quarter of Section 20, Township 17 South, Range 12, East of the Willamette Meridian, Deschutes County, Oregon, and running thence South 0°30'07" West 627.75 feet, to the true point of beginning; thence South 86°31'09" East 268.29 feet, thence North 03°28'51" East 50 feet; thence North 86°31'09" West 270.46 feet; thence South 00°30'07" West 50.07 feet to the point of beginning. PARCEL 3: A tract of land in the Northwest Quarter of the Northeast Quarter (NW1/4NE1/4) of Section Twenty (20), Township Seventeen (17) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows: Beginning at the 1/4 corner at the Northwest corner of the NW1/4NE1/4 of Section 20, Township 17 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon, and running thence South 0°30'07" West 627.75 feet, to the true point of beginning; thence South 86°31'09" East 120 feet; thence South 0°30'07" West 65 feet; thence Westerly approximately 120 feet to a point on the section line 70 feet South of the true point of beginning; thence 70 feet North along said Section line to the true point of beginning.

17-12-20AO 00100

118137

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APR 02 2007

MATER RESOURCES DEPT SALEM, OREGON

Water Right Transfer Supplemental Form A AFFIDAVIT ATTESTING TO THE USE OF WATER

State of Oregon	
County of Deschutees) s	S
I, Korl ConKlin mailing address Swalley Irrigation District,	, in my capacity as Field Superincov, 64672 Cook Ave. Ste 1, Bend, OR 97701
telephone number (_541_)388-0658	, being first duly sworn depose and say:
water right proposed for transfer as d The water right is not subject to forfe	ive years on the entire authorized place of use of the escribed on the accompanying transfer application, or iture and documentation that a presumption of ted under ORS 540.610(2) is attached.
2. My knowledge of the exercise or status	of the water right is based on (check one):
☐ Personal observation	☐ Professional expertise
3. My knowledge is specific to the use of	water at the following locations:

Town	nship	Rai	nge	Mer	Sec	1/4 1/4 Section	Gov't Lot or DLC	Acres (if applicable)	
17	S	12	Е	WM	20	NW/NE	00100	2.00	
								*	
						-			
								1	RECEIVED
									PR 02 2007
								WATER	RESOURCES I

1 10356

(continues on reverse side)

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

4. J	he water right was exercised for the authorized purpose described below (e.g., crops grown
	testa a genzing
5.	The water delivery system used to apply water as authorized by the right is described below.
6.	One or more of the following documentation supporting the above statements is attached:
	Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
	Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
	Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers,
	Dated aerial photographs of the lands or other photographs containing sufficient detail to
	establish the location and date of the photograph, Dedicated power usage records or receipts,
	Other:
-	
Sign	fure of Affiant Date
A	Signed and sworn to (or affirmed) before me this 24 day of July, 2006 OFFICIAL SEAL KATHY FERGUSC Notary Public for Oregon
	NOTARY PUBLIC - ORL 2014 COMMISSION NO. 400503 SION EXPIRES JANUARY 5, 2010
6	My Commission Expires: 1-5-2010
-5	

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

Supplemental Form A

103

APR 02 2007

Affidavit Attesting to the Use of Water

BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of the Proposed Short-Term Lease of Existing Water Rights for Instream)	CORRECTING FINAL
Use, Certificate 74145, Deschutes County,)	ORDER
Oregon	5	

FINDINGS OF FACT

 Swalley Irrigation District, Lessor #2, and Deschutes Water Exchange Mitigation Bank, Lessee, submitted several Short-Term Lease Application, which were assigned lease agreement numbers L-554, L-556, L-557, L-558, L-559, L-560, L-561, L-563, and L-564. The Department issued Final Orders approving these Short-Term Lease applications on July 12, 2004. The orders approving each of these leases along with Lessor #1 are identified below:

Lease Number	Order Number	Lessor #1
L-554	Special Order Volume 60, Page 463	Roger C. Graham Etux
L-556	Special Order Volume 60, Page 458	Marial B. Gertz
L-557	Special Order Volume 60, Page 453	Jane Spink
L-558	Special Order Volume 60, Page 448	Trinity Evalgelical Lutheran Church of Bend
L-559	Special Order Volume 60, Page 443	White Rock LLC
L-560	Special Order Volume 60, Page 438	Basil S. & Elfriede L Karras
L-561	Special Order Volume 60, Page 433	Multiple Landowners (Pooled Lease)
L-563	Special Order Volume 60, Page 428	Sidney S. & Marguerite Wilson
L-564	Special Order Volume 60, Page 423	Topliff Family Revocable Trust

- Subsequent to issuance of the Final Orders, the Department identified that the source of water for these leases was incorrectly identified as the Crooked River. The correct source of water is the Deschutes River, tributary to the Columbia River.
- 3. All other conditions of the original Final Orders, identified above, remain the same.
- 4. The Department finds that the lease, as modified above, will not result in injury or enlargement.

CONCLUSIONS OF LAW

The Department concludes that the leases, as modified above, will not result in injury or RECEIVED enlargement, OAR 690-077-0077.

WATER RESOURCES DEPT SALEM, OREGON

10356

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 the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

ORDER

Therefore, it is ORDERED that the Short-Term Leases, as described in Special Orders, identified above, with the above modifications are APPROVED.

Dated at Salem, Oregon this 28th day of July, 2004.

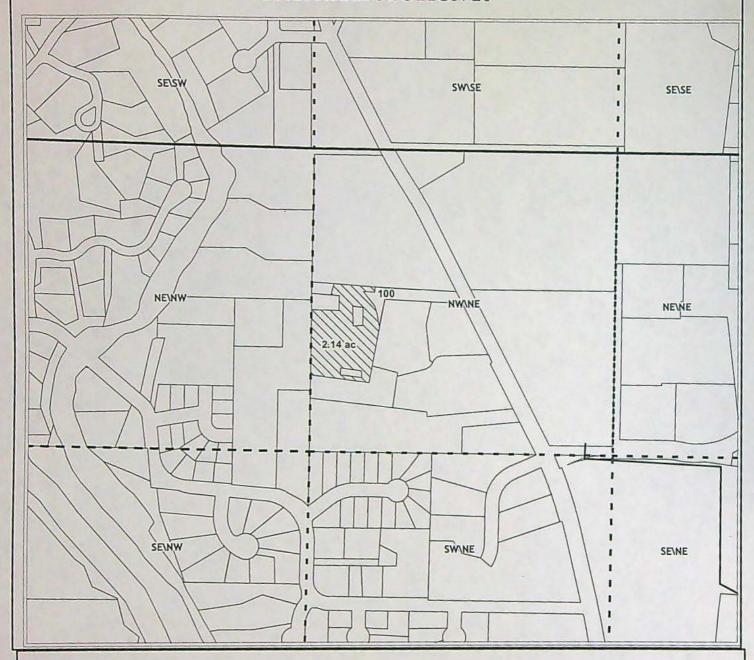
Phillip C. Ward, Acting Director

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APR 0.2 2007 WATER RESOURCES DEPT SALEM, OREGON

INSTREAM LEASE MAP T17S. R12E. SECTION 20



APPLICATION FOR INSTREAM LEASE

for

10356

White Rock LLC.
Tax Lot 100 - 2.14 AcreRECEIVED



Geo-Spatial Solutions, Inc.

www.geospatialsolutions.com

APR 02 2007
WATER RESOURCES DEPT SALEM, OREGON

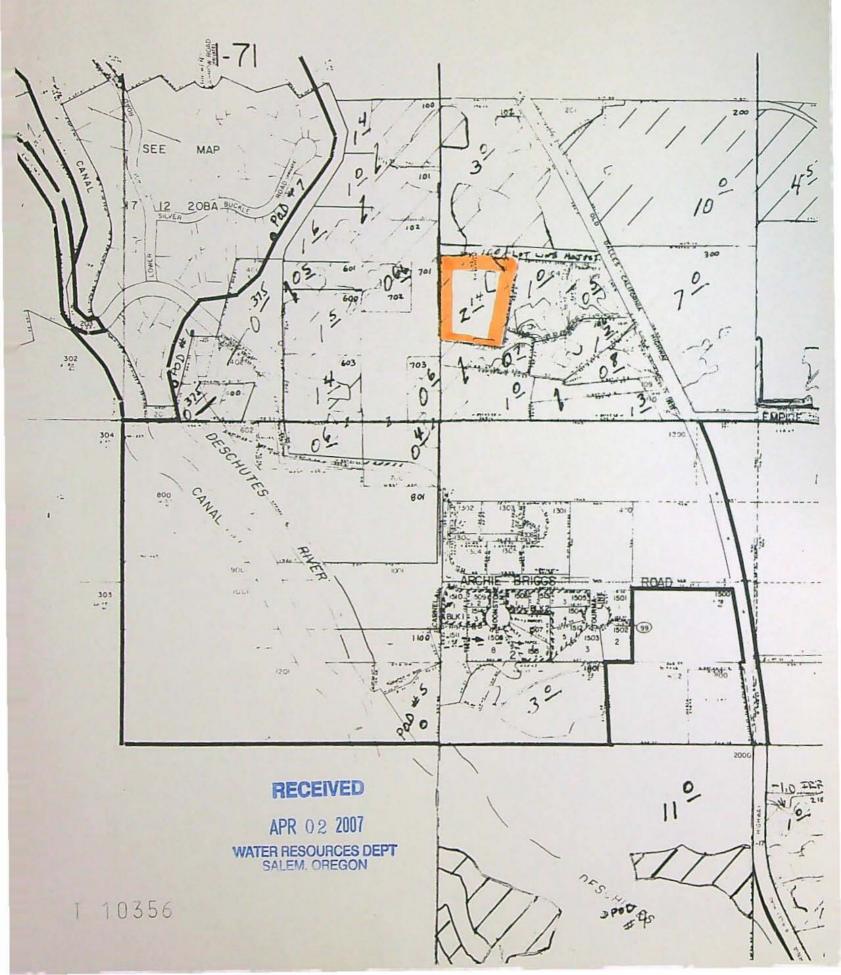


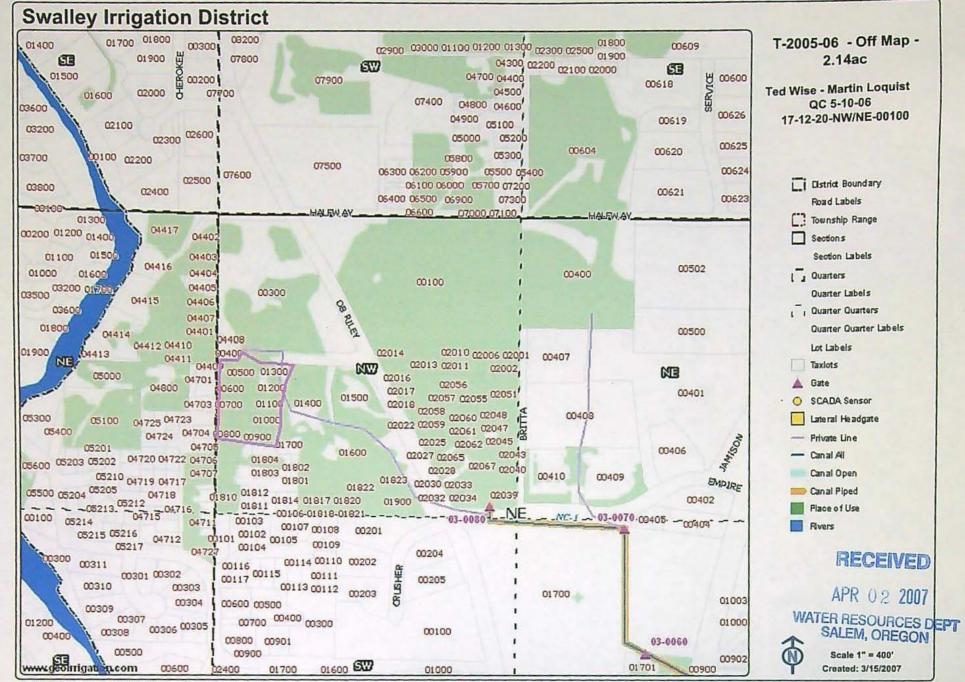
Date Created: April 1, 2004

1 inch equals 400 feet

SECTION 20 T.17S. R.12E.W.M. DESCHUTES COUNTY

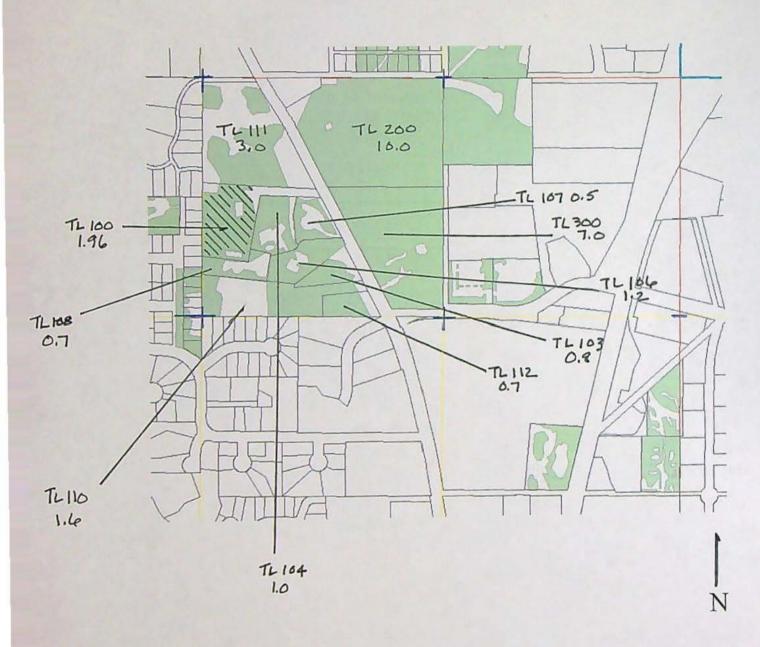
1"=400"





T17S R12E 20 NW NE

Tax Lot 100 1.96 acres

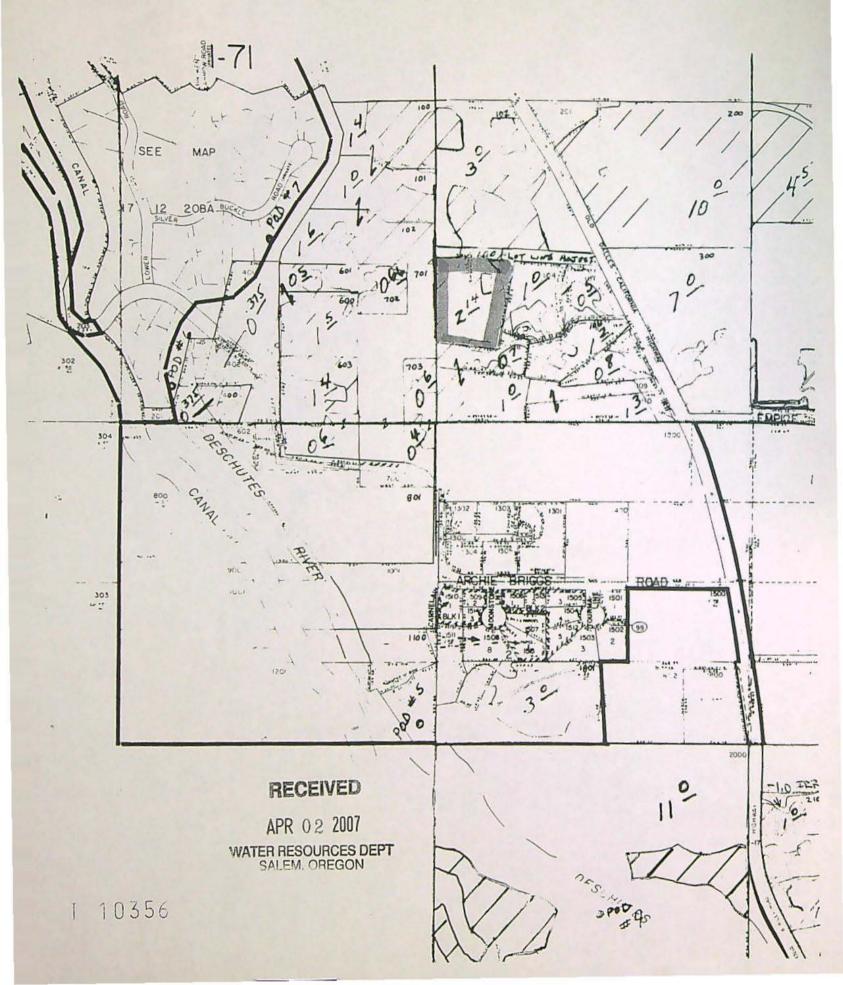


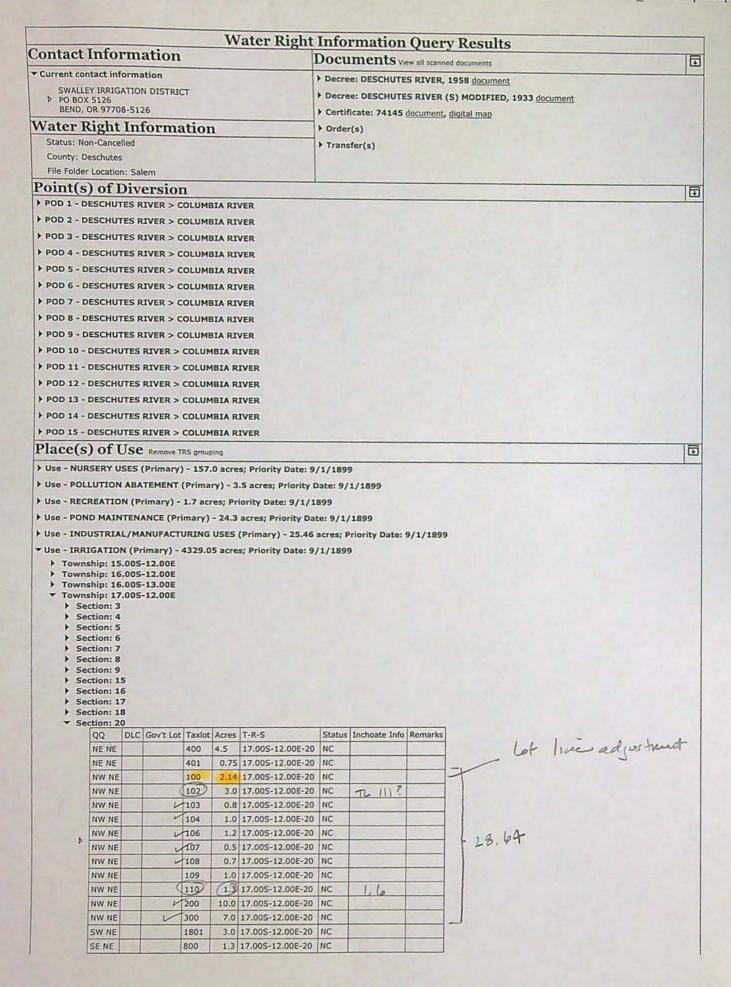
Scale: 1 inch equals 400 feet

HW HE Section 20 1500ES re: WKS

DESCHUTES COUNTY

1"=400"





ENE	901	1.2	17.00S-12.00E-20	NC	
SENE	1701	1.1	17.00S-12.00E-20	NC	
NE NW	100	1.4	17.005-12.00E-20	NC	
NE NW	101	1.0	17.00S-12.00E-20	NC	
NE NW	102	1.6	17.005-12.00E-20	NC	
NE NW	400	0.375	17.00S-12.00E-20	NC	
NE NW	402	0.375	17.00S-12.00E-20	NC	
NE NW	600	1.5	17.00S-12.00E-20	NC	
NE NW	601	0.5	17.00S-12.00E-20	NC	
NE NW	702	0.66	17.00S-12.00E-20	NC	
NE NW	703	0.6	17.005-12.00E-20	NC	
SE NW	703	0.4	17.005-12.00E-20	NC	
NE SE	700	0.1	17.00S-12.00E-20	NC	
NE SE	1100	0.1	17.00S-12.00E-20	NC	
NE SE	1200	0.25	17.00S-12.00E-20	NC	
NE SE	1300	0.25	17.00S-12.00E-20	NC	
NE SE	2200	2.0	17.00S-12.00E-20	NC	
NE SE	2800	0.3	17.00S-12.00E-20	NC	
NW SE	2000	11.0	17.00S-12.00E-20	NC	

- Section: 21
- ▶ Section: 22
- Section: 28
- Section: 29
- Section: 32

```
Water Right Genealogy
                                                                                                                                            1
E-Cert:74145 CF CN
   -Inchoate: T 7463 CF (DST)
      ⊟-Cert:74145 CF CN
         Inchoate: T 7678 CF (DST)
            E-Cert:74145 CF CN
                Cert: 74145 CF CN
                   -Inchoate: T 8054 CF (REG)
                      -Cert:74145 CF CN
                         - Inchoate: T 8018 CF (REG)
                            E-Cert:74145 CF CN
                               -Inchoate: T 7895 CF (DST)
                                  -Cert:74145 CF CN
                                     -Inchoate: T 8154 CF (DST)
                                        E-Cert:74145 CF CN
                                           Inchoate: T 8385 CF (DST)
                                              -Cert: 74145 CF CN
                                                 -Inchoate: T 8613 CF (REG)
                                                    -Cert:74145 CF CN
                                                       - Cert:74145 CF CN
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                                                                -Inchoate: T 8647 CF (DST)
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                                                                      E-Cert: 74145 CF CN
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                                                                               i-Inchoate: T 8519 CF (ACW)
                                                                                  - Cert: 74145 CF CN
                                                                                     inchoate: T 8879 CF (REG)
                                                                                        Cert:74145 CF CN
                                                                                           -Inchoate: T 9039 CF (DST)
                                                                                              E-Cert:74145 CF CN
                                                                                                 -Inchoate: T 8998 CF (DST)
                                                                                                    E-Cert: 74145 CF CN
                                                                                                       - Cert: 74145 CF CN
                                                                                                           Inchoate: T 8769 CF (REG)
                                                                                                              -- Cert: 74145 CF CN
                                                                                                                Inchoate: T 9308 CF (DST)
                                                                                                                   -Cert:74145 CF *
                                                                                                                      inchoate; CW 13 CF (ACW)
                                                                                                                          Cert:81553 CF *
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2 of 3

DESCHUTES COUNTY OFFICIAL RECORDS NANCY BLANKENSHIP, COUNTY CLERK

2007-09002

02/12/2007 04:01:06 PM

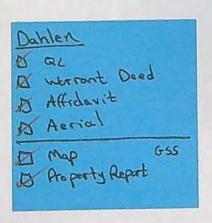
\$41.00

D-D Cnt=1 Stn=23 JS \$15.00 \$11.00 \$10.00 \$5.00

Do not remove this page from original document.

Deschutes County Clerk Certificate Page





If this instrument is being re-recorded, please complete the following statement, in accordance with ORS 205.244:

Re-recorded to correct [give reason]	Grantor		
previously recorded in Book	and Page	86553	
or as Fee Number			

RECEIVED

APR 02 2007 WATER RESOURCES DEPT SALEM, OREGON

After Recording return to: Deschutes River Conservancy 700 NW Hill Street Bend, OR 97701

MAIL TAX STATEMENT TO: NO CHANGE NANCY BLANKENSHIP, COUNTY CLERK

00423604200500865530030038

\$41.00

12/16/2005 02:27:30 PM

D-D Cnt=1 Stn=25 SUEB0 \$15.00 \$11.00 \$10.00 \$5.00

QUITCLAIM DEED

FOR TRANSFER OF INTEREST IN A WATER RIGHT

A-1 Excavation, Inc., of which R. Scott Dohlen is a member

Grantor, R. Scott Dhalen, Member of Rose River LLC, releases and quitclaims for valuable consideration to the Deschutes River Conservancy, Grantee, all of Grantor's rights, title and interest in 2.0 acres of Swalley Irrigation District water rights ("Water Rights") that are appurtenant to Grantor's land listed in Exhibit A, attached hereto and incorporated hereto by reference. The Water Rights are further described as that portion of Certificate #74145, priority date of 1899 located: T17S-R12E, WM-SEC16-SW/SE-02600.

By the execution of this deed, Grantor hereby notifies any subsequent purchaser of the lands listed in Exhibit A ("Grantor's Land"), that Grantor, as the current owner of Grantor's Land, has effectively severed the water rights from Grantor's Land and agreed to the removal and transfer of the water rights (including a change in the place and type of use and point of diversion) that are appurtenant to Grantor's Land; and that upon completion of a water right transfer, Grantor's Land will no longer have the said appurtenant Water Rights.

No transfer or sale of the Water Rights shall be pursued by Grantee without the written consent of the District and by executing this agreement the District hereby agrees to give its written consent to any application to the State of Oregon to temporarily or permanently transfer the Water Rights to instream use.

Furthermore, upon recording of this quitclaim deed Grantee assumes all liability to pay any assessments or charges pertaining to the Water Rights by the District that are assessed for periods that occur after the execution of this agreement.

This agreement and quitclaim deed is binding upon the heirs, executors, administrators, successors, and permitted assigns of all the parties to this quitclaim deed.

Grantor:

Grantee:

Date 11/15/05

District Manager / Board Chair

Date

This document is being re-recorded to correct Grantor.

Previously recorded at: 2005-86553

RECEIVED

APR 02 2007

WATER RESOURCES DEPT SALEM, OREGON

STATE OF OREGON)
) ss.
County of Deschutes)

A-1 Excavation Inc.

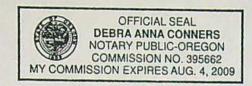
I certify that I know or have satisfactory evidence that R. Scott Dahlen, as member for Rose River-LLC is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as co-Landowner, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: 11 - 30 , 2005

Debra Anna Conners

Notary Public for the State of Oregon

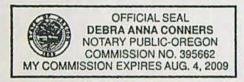
My Appointment expires Aug. 4, 2009



STATE OF OREGON) ss. County of Deschutes

I certify that I know or have satisfactory evidence that Bruce Aylward is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Program Manager of the Deschutes River Conservancy, an Oregon not-for-profit corporation, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Aelira Anna Cenners)
Notary Public for the State of Oregon My Appointment expires Aug. 4, 2009

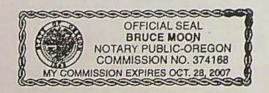


STATE OF OREGON) ss County of Deschutes

I certify that I know or have satisfactory evidence that Jan Lee is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that she was authorized to execute the instrument and acknowledged it as the Manager of the Swalley Irrigation District and to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: NOV, 15, 2005

Notary Public for the State of Oregon
My Appointment expires OCT 28, 2007



APR 02 2007 WATER RESOURCES DEPT SALEM, OREGON

#1948 - Rose River LLC

EXHIBIT A

Property Description:

Located in the Southwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4) of Section Sixteen (16), Township Seventeen (17) South, Range Twelve (12) East of the Willamette Meridian, Tax Lot 02600, Deschutes County, Oregon.

Taxlot: 171216DC02600

Serial #: 109009

RECEIVED

APR 0.2 2007 WATER RESOURCES DEPT SALEM, OREGON



IRRIGATION DISTRICT PUBLIC RECORD REPORT

THIS REPORT IS FOR THE EXCLUSIVE USE OF:

Deschutes River Conservancy 700 N.W. Hill St. Bend, OR 97701 Attn: Zach Tillman

Date Prepared: February 28, 2007

Report #1

Title Officer : Chuck Nichols

CONDITIONS, STIPULATIONS AND DEFINITIONS

- (I) Definitions:
 - (a) "Customer": The person or persons named or shown on this cover sheet
 - (b) "Public records": Those records which by the laws of the state of Oregon impart constructive notice of matters relating to said land.
 - (c) "Land": The land specifically described in this public record report and improvements affixed thereto which by law constitute real property.
- (II) Liability of AmeriTitle:
 - (a) This Is Not A Commitment To Issue Title Insurance And Does Not Constitute A Policy Of Title Insurance.
 - (b) The liability of AmeriTitle for errors or omissions in this public record report is limited to the amount of the fee paid by the customer, provided, however, that AmeriTitle has no liability in the event of no actual loss to the customer.
 - (c) No costs (including without limitation attorney fees and other expenses) of defense, or prosecution of any action, is afforded to the customer.
- (III) Report Entire Contract:

Any right or action or right of action that the customer may have or may bring against AmeriTitle arising out of the subject matter of this report must be based on the provisions of this report. No provision or condition of this report can be waived or changed except by a writing signed by an authorized officer of AmeriTitle. By accepting this form report, the customer acknowledges and agrees that the customer has elected to utilize this form of public record report and accepts the limitation of liability of AmeriTitle as set forth herein.

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APR 0 2 2007
WATER RESOURCES DEPT SALEM, OREGON

T 10356

.. F.

Irrigation District Public Record Report Conditions, Stipulations and Definitions, continued...

(IV) Fee:

The fee charge for this Report does not include supplemental reports, updates or other additional services of AmeriTitle.

REPORT

Effective Date: December 16, 2005

Reference No.: DRC-6

A. The Land referred to in this public record report is located in the County of Deschutes, State of Oregon, and is described as follows:

A parcel of land located in a portion of the Southwest Quarter of the Southeast Quarter (SW1/4SE1/4) of Section Sixteen (16), Township Seventeen (17) South, Range Twelve (12), East of the Willamette Meridian, Deschutes County, Oregon, being more particularly described as follows:

Beginning at the Southeast corner of the plat of WHITEWING PARK as recorded October 26, 1978 in plat cabinet B, Page 544 in the office of the Deschutes County Clerk; thence South 00°03′34″ West, a distance of 386.98 feet; thence North 89°56′46″ West, a distance of 296.18 feet to a point on the East boundary of the plat of Madison, Phases 1, 2 and 3 as recorded on January 12, 2004, in plat cabinet G, Page 167 in the office of the Deschutes County Clerk; thence along said East boundary North 00°04′32″ East, a distance of 386.94 feet to the Southerly boundary line of said plat of WHITEWING PARK; thence along said Southerly boundary line, South 89°67′16″ East, a distance of 296.07 feet to the "point of beginning", the terminus of this description.

B. As of the Effective Date and according to the public records, we find the last deed of record runs to:

A-1 EXCAVATION, INC., an Oregon Corporation and BRADLEY M. DAHLEN, as their interest may appear

C. As of the Effective Date and according to the public records, the Land is the subject of the following chain of conveyances and contracts to convey title during the period beginning on the recording date of the earliest recorded instrument shown below and ending on the recording date of the Latest recorded instrument shown below:

Instrument : Warranty Deed Recorded : May 5, 2003

Document No.: 2003-29714, Deschutes County Records

Grantor : R. Scott and Ann Dahlen

Grantee : Rose River LLC, an Oregon Limited Liability Company

RECEIVED

APR 02 2007

WATER RESOURCES DÊPT SALEM, OREGON Page 3

+ . is.

Instrument : Warranty Deed

Recorded : August 31, 2005 Document No.: 2005-58419, Deschutes County Records

Grantor : Rose River LLC, an Oregon Limited Liability Company

Grantee : A-1 Excavation, Inc., an Oregon Corporation

Instrument : Warranty Deed Recorded: August 31, 2005

Document No.: 2005-58420, Deschutes County Records

Grantor: A-1 Excavation, Inc., an Oregon Corporation

Grantee: Bradley M. Dables

: Bradley M. Dahlen Grantee

Instrument : Quitclaim Deed for Transfer of Interest in a Water Right

Recorded : December 16, 2005

Document No.: 2005-86553, Deschutes County Records Grantor : R. Scott Dhalen, Member of Rose River LLC Grantee : Deschutes River Conservancy

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APR 02 2007

WATER RESOURCES DEPT SALEM, OREGON

"Superior Service with Commitment and Respect for Customers and Employees"

T 10356 3

ACCOMODATION ONLY NO LIABILITY IS ACCEPTED FOR THE CONDITION OF TITLE OR FOR THE VALITITY, SUFFICIENCY, OR EFFECT OF THIS COCUMENT

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APR 02 2007

WATER RESOURCES DEF SALEM, OREGON

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

The property is free from encumbrances, except (if none, so state):

Those items of record.

The true consideration for this conveyance is \$_1.00 (Here, comply with the requirements of ORS 93.030.) and other good and valuable consideration.

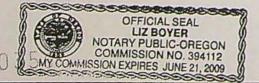
DATED July 1st, 2005

36

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPRO-PRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Dahlen, President Scott

STATE OF OREGON, County of __ This instrument was acknowledged before me on ________ Scott Danien member of



Notary Public for Oregon My commission expires __ Exhibit "A" Description Sheet

A Forty-Six (46) foot wide and One-Hundred Eighteen (118) foot deep section located in the Southwest corner of the property described below:

A parcel of land located in a portion of the Southwest Quarter of the Southeast Quarter (SW1/4 SE1/4) of Section 16, TOWNSHIP 17 SOUTH, RANGE 12, EAST OF THE WILLAMETTE MERIDIAN, City of Bend, Deschutes County, Oregon, being more particularly described as follows:

Beginning at the southeast corner of the plat of Whitewing Park as recorded October 26, 1978 in plat cabinet B, page 544 in the officie of the Deschutes County Clerk; thence South 00° 03' 34" West a distance of 386.98 feet; thence North 89° 56' 46" West a distance of 296.18 feet to a point on the east boundary of the plat of Madison, Phases 1, 2 & 3 as recorded on January 12, 2004 in plat cabinet G, page 167 in the office of the Deschutes County Clerk; thence along said east boundary North 00° 04' 32" East a distance of 386.94 feet to the southerly boundary line of said plat of Whitewing Park; thence along said southerly boundary line, South 89° 67' 16" East a distance of 296.07 feet to the "Point of Beginning", the terminus of this description.

RECEIVED

APR 0.2. 2007 WATER RESOURCES DEPT SALEM, OREGON

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OB MECHANICAL M DESCHUTES COUNTY OFFICIAL RECORDS NANCY BLANKENSHIP, COUNTY CLERK	W 11
Rose River LLC NHNCY BLANKENSHIP, COUNTY CLERK	DONE EDATE
	2005-58419
64585 Old Bend-Redmond Hwy.	425 00
Bend OR 97701	\$36.00
Grantor's Name and Address 00393898200500584190020029	
A-1 Excavation, Inc. 64585 Old Bend-Redmond Hwy. D-D Cote 1 Store 2 Post 12	2:09:53 PM
Bond OP 07701	
\$10.00 \$11.00 \$10.00 \$5.00 SPACE RESERVED	
After recording, return to (Name, Address, Zip): FOR No. Records of this County	
A-1 Excavation, Inc. RECORDER'S USE	
-64585 Old Bend-Redmond Hwy Witness my hand and seal of County	affixed.
Bend OR 97701	
Until requested otherwise, send all tax statements to (Name, Address, Zip): A = 1	
A-1 Excavation, Inc. 64585 Old Bend-Redmond Hwy.	
64585 Old Bend-Redmond Hwy. By By By	, Deputy.
WARRANTY DEED - STATUTORY FORM	
Rose River LLC, an Oregon Limited Liability Company	
Mose River BBo, an oregon branted brability Company	Grantor
conveys and warrants toA=1 _Excavation, _Inc. an Oregon corporation	, Grantor,
See Attached Exhibit "A" HELDELG BY FIRST AMERICAN TITLE IRRUMANCE COMPANY OF OREGON AS AN AUGUMODATION ONLY NO LIABILITY IS ACCEPTED FOR THE CONDITION OF TITLE OR FOR THE VALITTY SUFFICIENCY, OR SEFECT OF THIS DOCUMENT.	
(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE) The property is free from encumbrances, except (if none, so state):	CEIVED
	Company of the pro-
Those items of record.	
APR	0.9 2007
	0 2 2007
The true consideration for this conveyance is \$ 1.00 (Here, comply with the requirements of OR\$ 3300 ES and other good and valuable consideration SALEM	
The true consideration for this conveyance is \$_1.00(Here, comply with the requirements of OR\$ 3370 PES and other good and valuable consideration.	
The true consideration for this conveyance is \$ 1.00 (Here, comply with the requirements of OR\$ 93 500 ES and other good and valuable consideration. DATED July 1st, 2005	
The true consideration for this conveyance is \$ 1.00 (Here, comply with the requirements of ORS 33 50 ES and other good and valuable consideration SALEM DATED July 1st, 2005	
The true consideration for this conveyance is \$ 1.00 (Here, comply with the requirements of ORS 31530 ES and other good and valuable consideration SALEN and other good and valuable consideration. DATED July 1st, 2005 THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.	
The true consideration for this conveyance is \$ 1.00 (Here, comply with the requirements of ORS 33 530 ES and other good and valuable consideration. DATED July 1st, 2005 THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930. STATE OF OREGON, County of DESCINATES.	
The true consideration for this conveyance is \$1.00	
The true consideration for this conveyance is \$ _1.00	
The true consideration for this conveyance is \$ 1.00	
The true consideration for this conveyance is \$ _1.00	

20

A parcel of land located in a portion of the Southwest Quarter of the Southeast Quarter (SW1/4 SE1/4) of Section 16, TOWNSHIP 17 SOUTH, RANGE 12, EAST OF THE WILLAMETTE MERIDIAN, City of Bend, Deschutes County, Oregon, being more particularly described as follows:

Beginning at the southeast corner of the plat of Whitewing Park as recorded October 26, 1978 in plat cabinet B, page 544 in the officie of the Deschutes County Clerk; thence South 00° 03' 34" West a distance of 386.98 feet; thence North 89° 56' 46" West a distance of 296.18 feet to a point on the east boundary of the plat of Madison, Phases 1, 2 & 3 as recorded on January 12, 2004 in plat cabinet G, page 167 in the office of the Deschutes County Clerk; thence along said east boundary North 00° 04' 32" East a distance of 386.94 feet to the southerly boundary line of said plat of Whitewing Park; thence along said southerly boundary line, South 89° 67' 16" East a distance of 296.07 feet to the "Point of Beginning", the terminus of this description.

RECEIVED

APR 0 2 2007
WATER RESOURCES DEPT
SALEM, OREGON

Water Right Transfer Supplemental Form A AFFIDAVIT ATTESTING TO THE USE OF WATER

State of Oregon	
County of Deschutees) ss ·
I, Karl Conklin mailing address Swalley Irrigation Di	in my capacity as Freed Supervisor, strict, 64672 Cook Ave. Ste 1, Bend, OR 97701
telephone number (541) 388-0658	
1. I attest that:	
Water was used during the prev water right proposed for transfe	rious five years on the entire authorized place of use of the er as described on the accompanying transfer application, or
☐ The water right is not subject to	forfeiture and documentation that a presumption of rebutted under ORS 540.610(2) is attached.
2. My knowledge of the exercise or	status of the water right is based on (check one):
Personal observation	☐ Professional expertise
3. My knowledge is specific to the	use of water at the following locations:

Township		Rar	ige	Mer	Sec	1/4 1/4 Section	Gov't Lot or DLC	Acres (if applicable)
17	S	12	Е	WM	16	SW/SE	02600	2.00

RECEIVED

APR 02 2007

WATER RESOURCES DEPT SALEM, OREGON

(continues on reverse side)

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

4. The water right was exercised for the authorized purpose described below (e.g., crops grown):
5. The water delivery system used to apply water as authorized by the right is described below:
pressurized using pump system.
6. One or more of the following documentation supporting the above statements is attached:
Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers,
Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph,
☐ Dedicated power usage records or receipts, ☐ Other:
RECEIVED
APR 02 2007
WATER RESOURCES DEPT SALEM, OREGON
Signature of Affiant Date
Signed and sworn to (or affirmed) before me this 24 day of July, 2006.
OFFICIAL SEAL KATHY FERGUSON NOTARY PUBLIC - OREGON Notary Public for Oregon
COMMISSION NO. 400990 MY COMMISSION EXPIRES JANUARY 5, 2010
My Commission Expires: 1-5-2010

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

Supplemental Form A

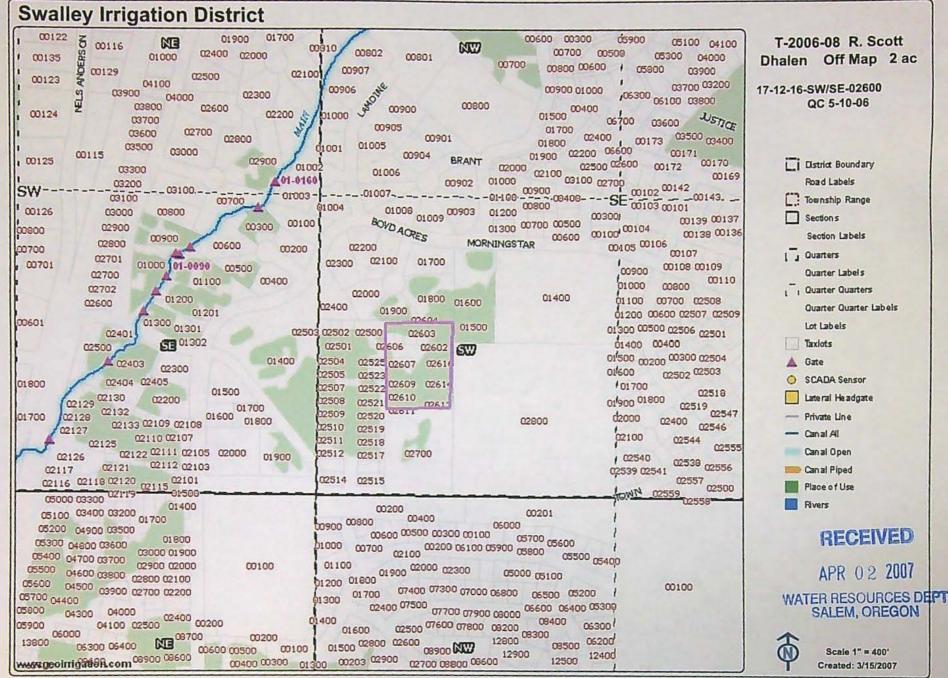
-2-

Affidavit Attesting to the Use of Water



WATER RESOURCES DEPT

APR 02 2007



DESCHUTES COUNTY OFFICIAL RECORDS NANCY BLANKENSHIP, COUNTY CLERK

2007-03372



\$36.00

01/18/2007 03:42:18 PM

D-D Cnt=1 Stn=25 TM \$10.00 \$11.00 \$10.00 \$5.00

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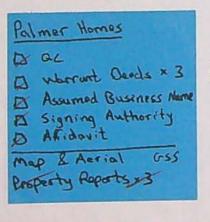
Deschutes County Clerk

Certificate Page

ENI

Quitclaim references
Tex Lots 7900 & 8000.

These 2 Tox Lots have been combined, leaving anly 7900.





If this instrument is being re-recorded, please complete the following statement, in accordance with ORS 205.244:

Re-recorded to correct [give reason] Legal Description previously recorded in Book 3006 and Page 32477 , or as Fee Number

RECEIVED

APR 02 2007 WATER RESOURCES DEPT

SALEM, OREGON

After Recording Return To: SWALLEY IRRIGATION DISTRICT 64672 Cook Avenue, Suite 1 Bend, Oregon 97701 DESCHUTES COUNTY OFFICIAL RECORDS NANCY BLANKENSHIP, COUNTY CLERK

2006-32477



\$36.00

05/10/2006 03:03:10 PM

D-D Cnt=1 Stn=23 BECKEY \$10.00 \$11.00 \$10.00 \$5.00

QUITCLAIM DEED FOR TRANSFER OF INTEREST IN A WATER RIGHT

Grantor, Garth Jackson, President of Palmer Homes, releases and quitclaims to Swalley Irrigation District (SID) all rights, title and interest in the following: By this agreement and signed transfer application form, Grantor, the owner of the lands listed in Exhibit A, release their claim and responsibility for 4.00 acres of Swalley Irrigation District water right that are appurtenant to the lands listed in Exhibit A, to Swalley Irrigation District. Swalley Irrigation District may elect to complete the transfer application and submit it to the Water Resources Department for approval of use of the water right at a new location and/or use. Swalley Irrigation District may attach this agreement to the Oregon Water Resources Department's lease form and file with the District's annual Short Term Water Right Lease Agreement.

By entry of this deed, grantor hereby notifies any subsequent purchaser of the lands listed in Exhibit A that grantor, as owner of the subject land, approved the transfer (including a change in the place and type of use and point of diversion) of the water rights that are appurtenant to the subject land; and that upon completion of a transfer, by election of SID, the subject land no longer will have an appurtenant water right, if the transfer includes a change in the place of use.

Furthermore, upon signing of this agreement and the accompanying transfer application Garth Jackson, President of Palmer Homes, shall no longer be liable for any district assessment or charges pertaining to the 4.00 acres of water right incurred after the date of signing. The water right in question is further described as a portion of certificate # 74145, priority of 1899, located:

This agreement is binding upon the heirs, executors, administrators, successors, and permitted assigns of the parties to this agreement. Consideration for this Quitclaim is \$ 000.00. Date State of Oregon SS County of Deschutes Personally appeared and acknowledged the forgoing instrument to be his / her voluntary act and deed OFFICIAL SEAL SHERYL ABELL NUTARY PUBLIC-OREGON COMMISSION NO 377194 My commission expires Swalley Irrigation District: Janét L. Lee, Manager State of Oregon SS County of Deschutes Personally appeared, Janet L. Lee as Manager for Swalley Irrigation District, and acknowledged the forgoing instrument to be

My commission expires 1-5-2010

Tax statement: No change.

her voluntary act and deed.

OFFICIAL SEAL KATHY FERGUSON

NOTARY PUBLIC - OREGON COMMISSION NO. 400990 MY COMMISSION EXPIRES JANUARY 5, 2010

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APR 02 2007

WATER RESOURCES DEPT SALEM, OREGON

0356

Garth Jackson President of Palmer Homes

EXHIBIT A

Acct#

Total Water Rights: 4.00

Legal Description: Serial# Taxlot WR Acres: T17S-12E-WM-SEC17-SE/SE-07900 171217DD07900 118075 1.00 T17S-12E-WM-SEC17-SW/SE-08000 171217DC08000 118071 1.00 T17S-12E-WM-SEC17-SW/SE-08200 171217DC08200 184089 2.00

1 Range

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APR 0 2 2007 WATER RESOURCES DEPT SALEM, OREGON



IRRIGATION DISTRICT PUBLIC RECORD REPORT

THIS REPORT IS FOR THE EXCLUSIVE USE OF:

Deschutes River Conservancy 700 NW Hill St Bend OR 97701 Attn: Zach Tillman

Date Prepared : March 5, 2007 Report #1

Title Officer : Chuck Nichols

CONDITIONS, STIPULATIONS AND DEFINITIONS

- (I) Definitions:
- (a) "Customer": The person or persons named or shown on this cover sheet
- (b) "Public records": Those records which by the laws of the state of Oregon impart constructive notice of matters relating to said land.
- (c) "Land": The land specifically described in this public record report and improvements affixed thereto which by law constitute real property.
- (II) Liability of AmeriTitle:
 - (a) This Is Not A Commitment To Issue Title Insurance And Does Not Constitute A Policy Of Title Insurance.
 - (b) The liability of AmeriTitle for errors or omissions in this public record report is limited to the amount of the fee paid by the customer, provided, however, that AmeriTitle has no liability in the event of no actual loss to the customer.
 - (c) No costs (including without limitation attorney fees and other expenses) of defense, or prosecution of any action, is afforded to the customer.
- (III) Report Entire Contract:

Any right or action or right of action that the customer may have or may bring against AmeriTitle arising out of the subject matter of this report must be based on the provisions of this report. No provision or condition of this report can be waived or changed except by a writing signed by an authorized officer of AmeriTitle. By accepting this form report, the customer acknowledges and agrees that the customer has elected to utilize this form of public record report and accepts the limitation of liability of AmeriTitle as set forth herein.

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APR 0 2 2007
WATER RESOURCES DEPT
SALEM, OREGON

Page 2

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APR 0 2 2007 WATER RESOURCES DEPT SALEM, OREGON

Irrigation District Public Record Report Conditions, Stipulations and Definitions, continued.

(IV) Fee:

The fee charge for this Report does not include supplemental reports, updates or other additional services of AmeriTitle.

REPORT

Effective Date: May 10, 2006

Reference: DRC-7

A. The Land referred to in this public record report is located in the County of Deschutes, State of Oregon, and is described as follows:

PARCEL 1:

A portion of the Southwest Quarter of the Southeast Quarter (SW1/4SE1/4) of Section Seventeen (17), Township Seventeen 17) South, Range Twelve (12), East of the Willamette Meridian, more particularly described as follows: Beginning at the Northwest corner of the SW1/4SE1/4 in Section 17, Township 17 South, Range 12, East of the Willamette Meridian, Deschutes County, Oregon; thence South 89°54′07″ East for a distance of 492.0 feet; thence due South for a distance of 455.0 feet; thence due West for a distance of 102.27 feet; thence South 68°27′ West for a distance of 420.19 feet to a point on the West line of the SW1/4SE1/4 of said Section 17; thence North 00°06′07″ East for a distance of 610.20 feet to the point of beginning, lying Deschutes County, Oregon.

PARCEL 2:

That part of the Northwest Quarter of the Southwest Quarter of the Southeast Quarter (NW1/4SW1/4SE1/4), in Section Seventeen (17), Township Seventeen 17) South, Range Twelve (12), East of the Willamette Meridian, lying South of a line bearing North 68°27′ East from a point 610 feet from the Northwest corner of the SW1/4SE1/4 of said Section 17 and being West of old D. C. Highway. ALSO, that part of the West Half of the SW1/4SE1/4 of said Section 17, described as follows: Beginning at the Northwest corner of the SW1/4SE1/4; thence North 68°27′ East, 231.85 feet to the true point of beginning; thence South 23° West, 290 feet to the East highway right of way line; thence Northwesterly along the right of way line to a point South 68°27′ West of the point of beginning; thence North 68°27′ East to the point of beginning, all in Deschutes County, Oregon.

PARCEL 3:

In Township Seventeen (17) South, Range Twelve (12), East of the Willamette Meridian, Deschutes County, Oregon:

Section Seventeen (17): A tract of land lying in the Southwest Quarter of the Southeast Quarter (SW1/4SE1/4), described as follows: Beginning on the Easterly boundary of the Old Dalles-California Highway at a point which is 390.0 feet North of the South line of the SW1/4SE1/4 of said Section; thence South 89°55′44″ East for a distance of 541.7 feet, more or less, to a point which is located South 89°55′44″ East, a distance of 694.35 feet and North 390.0 feet from the Southwest corner of the SW1/4SE1/4 of said Section 17; thence North for a distance of 280.0 feet;

1.

thence West for 30.0 feet; thence North for 169.65 feet; thence West for 272.13 feet; thence South 68°27' Wes for 180.0 feet; thence South 23'30" West for 303.8 feet, more or less, to the Easterly boundary of the Old Dalles-California Highway; thence Southeasterly along the boundary of said highway to the point of beginning.

B. As of the Effective Date and according to the public records, we find the last deed of record runs to:

VERNON C. PALMER, INCORPORATED, an Oregon Corporation

C. As of the Effective Date and according to the public records, the Land is the subject of the following chain of conveyances and contracts to convey title during the period beginning on the recording date of the earliest recorded instrument shown below and ending on the recording date of the Latest recorded instrument shown below:

Instrument : Warranty Deed Recorded : January 13, 2006

Document No.: 2006-02716, Deschutes County Records

: Greg K. Jensen and Catherine S. Jensen, Trustee, or the

Successor Trustee, of the Jensen Family Revocable Trust,

dated May 15, 2002

: Vernon C. Palmer, Incorporated, an Oregon Corporation Grantee

Instrument : Warranty Deed Recorded : January 13, 2006

Document No.: 2006-02717, Deschutes County Records

Grantor : Edgar Gardner

: Vernon C. Palmer, Incorporated, an Oregon Corporation Grantee

Instrument : Bargain and Sale Deed

Recorded : April 24, 2006

Document No.: 2006-28063, Deschutes County Records Grantor : Vernon C. Palmer, Inc. : Vernon C. Palmer, Inc. Grantee

Instrument : Quitclaim Deed Recorded : May 10, 2006

Document No.: 2006-32477, Deschutes County Records

January 18, 2007 Rerecorded:

Document No.: 2007-03372, Deschutes County Records Grantor : Garth Jackson, President of Palmer Homes

: Swalley Irrigation District Grantee

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APR 02 2007 WATER RESOURCES DEPT SALEM, OREGON

"Superior Service with Commitment and Respect for Customers and Employees"

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DESCHUTES COUNTY OFFICIAL RECORDS NANCY BLANKENSHIP, COUNTY CLERK

2006-28063

00457355299690280630040044

\$41.00

04/24/2006 03:18:04 PM

D-D Cnt=1 Stn=23 SHIRLEY \$15.00 \$11.00 \$10.00 \$5.00

DESCHUTES COUNTY CLERK CERTIFICATE PAGE



This page must be included if document is re-recorded.

Do Not remove from original document.

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APR 0.2 2007
WATER RESOURCES DEPT
SALEM OREGON

AFTER RECORDING, RETURN TO: UNTIL FURTHER NOTICE, ALL FUTURE TAX STATEMENTS SHALL BE SENT TO: Isa A. Taylor SAME c/o Schwabe, Williamson & Wyatt 549 SW Mill View Way, Suite 100 Bend, OR 97702

BARGAIN AND SALE DEED

Vernon C. Palmer, Inc., Grantor, conveys to Vernon C. Palmer, Inc., Grantee, the real property described on Exhibit "A" attached hereto.

This conveyance is made to record a lot line adjustment approved by the City of Bend Planning Division on November 28, 2005, File No. 05-555. No consideration is paid for this conveyance.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTIVES AS DEFINED IN ORS 30.930.

DATED this 24 day of April

Garth Jackson
President and Chief Operating Officer

Vernon C. Palmer, Inc.

STATE OF OREGON

) ss.

County of Deschutes

This instrument was acknowledged before me this 24 day of April 2006, by Garth Jackson, President and Chief Operating Officer, Vernon C. Palmer, Inc...

DEFICIAL SEAL SHERYL ABELL COMMISSION NO 377194

Notary Public for Oregon

My Commission Expires: 02-08-2008

0356

APR 02 2007 WATER RESOURCES DEPT SALEM, OREGON

BARGAIN AND SALE DEED PDX/113829/143895/IAT/1415614.1

EXHIBIT A

A parcel of land containing 5.90 acres, more or less, located in a portion of the Southwest One-quarter of the Southeast One-quarter (SW1/4 SE1/4) of Section 17, Township 17 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, being more particularly described as follows:

Beginning at a 5/8" iron rod with a yellow plastic cap stamped "LDC DESIGN GROUP" marking the southwest corner of the plat of "Chestnut Park – Phase 2"; thence along the south boundary of said plat the following three (3) courses:

North 89°57'37" East a distance of 100.00 feet to a 5/8" iron rod with a yellow plastic cap stamped "LDC DESIGN GROUP";

North 00°03'19" West a distance of 30.00 feet to a 5/8" iron rod with a yellow plastic cap stamped "LDC DESIGN GROUP";

South 89°55'51" East a distance of 60.00 feet a 5/8" iron rod with a yellow plastic cap stamped "TYE ENGINEERING" marking the southwest corner of Lot 64 of said plat;

Thence leaving said plat boundary South 00°03'19" East a distance of 29.48 feet; thence 157.28 feet along the arc of a tangent curve to the right with a radius of 210.00 feet, the chord of which bears South 21°24'01" West for a distance of 153.63 feet; thence South 42°51'21" West a distance of 48.57 feet; thence 112.22 feet along the arc of a tangent curve to the left with a radius of 150.00 feet, the chord of which bears South 21°25'21" West for a distance of 109.63 feet; thence South 00°00'39" East a distance of 79.50 feet to a point on the north boundary of the 30 foot wide strip of land dedicated for street right-of-way per Dedication Warranty Deed recorded in Volume 2004, Page 43760 of Deschutes County Official Records; thence along said north boundary North 89°57'22" West a distance of 30.00 feet to a point on the west boundary of the lands described in Quitclaim Deed recorded in Volume 2003, Page 3595 of Deschutes County Official Records; thence along said west boundary the following two (2) courses:

North 00°00'39" West a distance of 55.06 feet to a 3/4" inside diameter iron pipe; North 00°09'54" West a distance of 24.77 feet to the southeast corner of the parcel described in Warranty Deed – Statutory Form recorded in Volume 2006, Page 2716 of Deschutes County Official Records;

Thence along the south boundary of said Volume 2006, Page 2716 North 89°54'52" West a distance of 543.50 feet to a point on the east right-of-way line of O.B. Riley Road (being the1919 location of the Dalles-California Highway); thence along said right-of-way line the following one (1) curve and one (1) course:

North 26°59'59" West a distance of 86.66 feet;

15.97 feet along the arc of a tangent curve to the right with a radius of 447.46 feet, the chord of which bears North 25°58'39" West for a distance of 15.97 feet to the most

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February 24, 2006

S:\Land Projects\050418 PALMER\DOCS\LLA 05-555 PALMER to PALMER.doc WATER RESOURCES DE T

SALEM, OREGON

southerly corner of the parcel dedicated for public right-of-way per Dedication Deed recorded in Volume 136, Page 76 of Deschutes County Deed Records;

Thence along the south boundary of said parcel the following five (5) courses:

North 23°23'49" East a distance of 316.44 feet;

North 68°20'49" East a distance of 180.03 feet:

North 89°53'49" East a distance of 266.23 feet;

South 00°03'40" West a distance of 169.65 feet;

South 89°56'20" East a distance of 30.00 feet to a point on the west boundary of said plat of "Chestnut Park – Phase 2";

Thence along said west boundary South 00°03'40" West a distance of 0.21 feet to the point of beginning, the terminus of this description.

Subject to: All easements, restrictions and right-of-ways of record and those common and apparent on the land.

2-27-06
REGISTERED
PROFESSIONAL

OREGON JULY 17, 1986 PETER A. MANLEY 2214

AND SURVEYOR

RENEWAL DATE: 12/31/06

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WATER RESOURCES DEPT SALEM, OREGON

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BEND, OR 97702

DESCHUTES COUNTY OFFICIAL RECORDS NANCY BLANKENSHIP, COUNTY CLERK

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\$10.00 \$11.00 \$10.00 \$5.00

\$36.00

D-D Cot=1 Stn=1 BECKEY 01/13/2006 03:32:19 PM

After recording return to: VERNON C. PALMER, INCORPORATED MARK LANDERS 120 SW CROWELL WAY BEND, OR 97702

Until a change is requested all tax statements shall be sent to the following address:
VERNON C. PALMER, INCORPORATED
MARK LANDERS
120 SW CROWELL WAY

WARRANTY DEED -- STATUTORY FORM

GREG K. JENSEN AND CATHERINE S. JENSEN, TRUSTEE, OR THE SUCCESSOR TRUSTEE, OF THE JENSEN FAMILY REVOCABLE TRUST, DATED MAY 15, 2002, Grantor, conveys and warrants to VERNON C. PALMER, INCORPORATED, an Oregon Corporation, Grantee, the following described real property, free of encumbrances except as specifically set forth herein, to wit:

In Township 17 South, Range 12, East of the Willamette Meridian, Deschutes County, Oregon:

Section 17: A tract of land lying in the Southwest Quarter of the Southeast Quarter (SW1/4 SE1/4), described as follows:

Quarter (SW1/4 SE1/4), described as follows:
Beginning on the Easterly boundary of the Old Dalles-California Highway at a
point which is 390.0 feet North of the South line of the Southwest Quarter of
the Southeast Quarter (SW1/4 SE1/4) of said section; thence South 89'55'44"
East for a distance of 541.7 feet, more or less, to a point which is located
South 89'55'44" East a distance of 694.35 feet and North 390.0 feet from the
Southwest corner of the Southwest Quarter of the Southeast Quarter (SW1/4
SE1/4) of said Section 17; thence North for a distance of 280.0 feet; thence
West for 30.0 feet; thence North for 169.65 feet; thence West for 272.13 feet;
thence South 68'27' West for 180.0 feet; thence South 23'30' West for 303.8
feet, more or less, to the Easterly boundary of the Old Dalles-California
Highway; thence Southeasterly along the boundary of said highway to the point
of beginning.

Tax Account No(s): 118075 118071

Map/Tax Lot No(s): 17-12-17-DC-7900 17-12-17-DC-8000

This property is free from encumbrances, EXCEPT: All those items of record, if any, as of the date of this deed, including any real property taxes due, but not yet payable.

The true consideration for this conveyance is \$ 1,400,000.00.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON
TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS,
IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37
(2004)). THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY
DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE
LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS
INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD
CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO
VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS
AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND
TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY
UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)).

Dated this (3Th day of January, 2006.

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WATER RESOURCES DEPT SALEM, OREGON

RECORDED BY:
WESTERN TITLE & ESCROW CO.
10-0172605

0356

GREG K. JENSEN, TRUSTEE

Catherine S. JENSEN, TRUSTEE Cotherine S. Jensen, Trastee

STATE OF OREGON, COUNTY OF DESCHUTES) SS.

This instrument was acknowledged before me on January 13, 2006 by GREG K. JENSEN, TRUSTEE and CATHERINE S. JENSEN, TRUSTEE.

(Notary Public My commission expires

TITLE NO. ESCROW NO. 10-0172605 10-0172605 OFFICIAL SEAL
LOFI D WELSH
NOTARY PUBLIC-OREGON
COMMISSION NO. 396175
MY COMMISSION EXPIRES SEPT. 28, 2009

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APR 02 2007 WATER RESOURCES DEPT SALEM, OREGON 36 23

RECORDED BY WESTERN TITLE & FSCROW CO.

10-0171705

After recording return to: VERNON C. PALMER, INCORPORATED MARK LANDERS 120 SW CROWELL WAY BEND, OR 97702 DESCHUTES COUNTY OFFICIAL RECORDS NANCY BLANKENSHIP, COUNTY CLERK



2006-02717

\$36.00

01/13/2006 03:32:19 PM

D-D Cnt=1 Stn=1 BECKEY \$10.00 \$11.00 \$10.00 \$5.00

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Until a change is requested all tax statements shall be sent to the following address:

VERNON C. PALMER, INCORPORATED

MARK LANDERS

120 SW CROWELL WAY

BEND, OR 97702

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APR 0 2 2007

WATER RESOURCES DEPT SALEM, OREGON

WARRANTY DEED -- STATUTORY FORM

EDGAR GARDNER, Grantor, conveys and warrants to VERNON C. PAIMER, INCORPORATED, an Oregon Corporation, Grantee, the following described real property, free of encumbrances except as specifically set forth herein, to wit:

PARCEL 1:

A portion of the Southwest Quarter of the Southeast Quarter (SW1/4 SE1/4) of Section 17, Township 17 South, Range 12 East of the Willamette Meridian, more particularly described as follows: Beginning at the Northwest corner of the Southwest Quarter of the Southeast Quarter (SW1/4 SE1/4) in Section 17, Township 17 South, Range 12 East of the Willamette Meridian; thence South 89'54'07" East for a distance of 492.0 feet; thence due South for a distance of 455.0 feet; thence due West for a distance of 102.27 feet; thence South 68'27' West for a distance of 420.19 feet to a point on the West line of the Southwest Quarter of the Southeast Quarter (SW1/4 SE1/4) of said Section 17; thence North 00'06'07" East for a distance of 610.20 feet to the point of beginning, lying in Deschutes County, Oregon.

PARCEL 2:

That part of the Northwest Quarter of the Southwest Quarter of the Southeast Quarter (NWI/4 SWI/4 SE1/4), in Section 17, Range 12 East of the Willamette Meridian, lying South of a line bearing North 68°27' East from a point 610 feet from the Northwest corner of the Southwest Quarter of the Southeast Quarter (SWI/4 SE1/4) of said Section 17 and being West of old D. C. Highway. Also, that part of the West Half of the Southwest Quarter of the Southeast Quarter (WI/2 SWI/4 SE1/4) of said Section 17, described as follows: Beginning at the Northwest corner of the Southwest Quarter of the Southeast Quarter (SWI/4 SE1/4); thence North 68°27' East 231.85 feet to the true point of beginning; thence South 23° West 290 feet to the East highway right-of-way line; thence Northwesterly along the right-of-way line to a point South 68°27' West of the point of beginning; thence North 68°27' East to the point of beginning, all in Deschutes County, Oregon.

Tax Account No(s): 118074 184089

Map/Tax Lot No(s): 17-12-17-DC-7800 17-12-17-DC-8200

This property is free from encumbrances, EXCEPT: All those items of record, if any, as of the date of this deed, including any real property taxes due, but not yet payable.

The true consideration for this conveyance is \$ 1,180,000.00.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON
TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS,
IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37
(2004)). THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY
DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE
LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS
INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD
CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO
VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS
AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND
TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY
UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)).

Dated this 12 day of January, 2006.

STATE OF OREGON, COUNTY OF DESCHUTES) SS.

This instrument was acknowledged before me on January 12, 2006 by EDGAR

GARDNER.

My commission expires

TITLE NO. 10-0172705 ESCROW NO. 10-0172705 OFFICIAL SEAL LORI D WELSH NOTARY PUBLIC-OREGON COMMISSION NO. 396175 MY COMMISSION EXPIRES SEPT. 28, 2009

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APR 02 2007 WATER RESOURCES DEPT SALEM, OREGON



Phone: (503) 986-2200 Fax: (503) 378-4381

Assumed Business Name - Amendment

Secretary of State Corporation Division 255 Capitol St. NE, Suite 151 Salem, OR 97310-1327 FilingInOregon.com

REGISTRY NUMBER:	33558-89				*	
In keeping with Oregon 5 We must release this info	Statute 192.410-192.595, the	e information on the ap	plication is public record	ı.	For office use only	
Please Type or Print Leg	ibly in Black Ink. Attach Ad	ditional Sheet if Neces	sary.			
	To cha	nge business name u	se new registration, F	orm 101.		
1) ASSUMED BUSINESS	NAME: Palmer	Homes				
2) DESCRIPTION OF BU	SINESS		4) AUTHORIZED REP	RESENTATIVE (One name o	nly)	
Homeb	wilding		Gretchen M. Paimer			
3) PRINCIPAL PLACE OF	Business (Street address,	city, state, zip)	CONTINUING	New		
	Crowellux	щ	5) MAILING ADDRESS	FOR AUTHORIZED REP (Address, city, state, zip)	
Bend, OF	2 97702		P.O. Box	184		
			Bend or	97709		
7) COUNTIES B ALL COUNTIES B	aker	Vernon C. Gretchen 180 NW Bend, OR (Jessi	Palmer M. Palmer 17th St. 97701 dence.) Lake River Lane	WITHDRAWING REG	Union Wallowa	
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102 (Rev. 8/02)

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APR 0 2 2007 WATER RESOURCES DEPT SALEM, OREGON

CONSENT OF SHAREHOLDERS AND DIRECTORS

OF

VERNON C. PALMER, INCORPORATED

In accordance with the Oregon Business Corporation Act, the following actions are taken by the written consent of the shareholders and directors of Vernon C. Palmer, Incorporated, an Oregon corporation (the "Company"), in lieu of a special meeting:

Company Directors

WHEREAS, it is the shareholders desire to clarify and reaffirm the members of the board of directors, it is therefore,

RESOLVED, that the board of directors consists of two (2) members.

BE IT FURTHER RESOLVED, that the present members of the board of directors are Vernon C. Palmer and Gretchen M. Palmer, that these directors have served on the board of directors since their initial election on January 1, 1986 and that these directors shall continue to serve until the annual meeting of the Company's shareholders and/or until a successor has been duly appointed, elected and qualified.

Appointment of Officers

WHEREAS, it is the directors desire to clarify and reaffirm the officers of the Company, it is therefore,

RESOLVED, that the present officers of the Company are as follows:

Name Office

Vernon C. Palmer Chief Executive Officer

Garth Jackson President & Chief Operating Officer

Gretchen M. Palmer Secretary & Treasurer

Reissuance of Stock Certificates

WHEREAS, the board of directors desires to have all of the Company's stock, which was issued in the Company's prior name of Palmer Development Corporation, recalled and new stock certificates issued to each shareholder, it is therefore,

RESOLVED, that the form of the share certificate attached as <u>Exhibit A</u> is adopted as the new form of certificate to be used by the Company to evidence its capital shares.

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APR 0.2 2007 WATER RESOURCES DEPT

SALEM, OREGON

1 – CONSENT OF DIRECTORS PDX/113829/147143/ALB/1402954.1 RESOLVED, that the officers of the Company or such transfer agent as the officers duly appoint, are authorized and directed to recall all existing certificates represent common stock of the Company and to re-issue new certificates evidencing such common stock.

Company Minutes and Consents

WHEREAS, the shareholders and board of directors have met at regular intervals since the inception of the Company and the minutes of such meetings have been collected in the Company's corporate minute book (the "Minute Book"); and

WHEREAS, it appears that certain minutes were not signed or adopted and ratified by the board of directors or shareholders, it is therefore

RESOLVED, that all previous minutes contained in the Minute Book are hereby approved, adopted and ratified by the board of directors and shareholders.

Amended and Restated Bylaws

RESOLVED, that the form of Amended and Restated Bylaws presented to the board of directors is adopted as the Restated Bylaws of the Company.

General Authority

RESOLVED, that the appropriate officers of the Company are authorized to sign and deliver all documents and to take or cause to be taken all other acts on behalf of the Company that they deem necessary or appropriate to effect and carry out the intent of the above resolutions.

RESOLVED, that all acts previously taken by any officer of the Company on behalf of the Company to effect and carry out the intent of the above resolutions are approved, ratified, and confirmed, provided the acts were not inconsistent with the Company's Articles of Incorporation or Bylaws, the Oregon Business Corporation Act, or any other applicable law.

Approval of Prior Acts

RESOLVED, that all acts previously taken by any officer of the Company on behalf of the Company are approved, ratified, and confirmed, provided the acts were not inconsistent with the Company's Articles of Incorporation or Bylaws, the Oregon Business Corporation Act, or any other applicable law.

[signature page to follow]

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WATER RESOURCES DEPT
SALEM, OREGON

Signing of this Consent constitutes a written waiver of any notice required by the Oregon Business Corporation Act, the Company's Articles of Incorporation or Bylaws, or otherwise.

Dated effective: April 30, 2006

Directors:

VERNON C PALMER

GRETCHEN M. PALMER

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APR 0 2 2007 WATER RESOURCES DEPT SALEM, OREGON

Water Right Transfer Supplemental Form A AFFIDAVIT ATTESTING TO THE USE OF WATER

State of Ore	gon)					
County of	DE	SON	lut	ES)	SS				
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(continues on reverse side)

VATER RESOURCES DEPT SALEM, OREGON

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

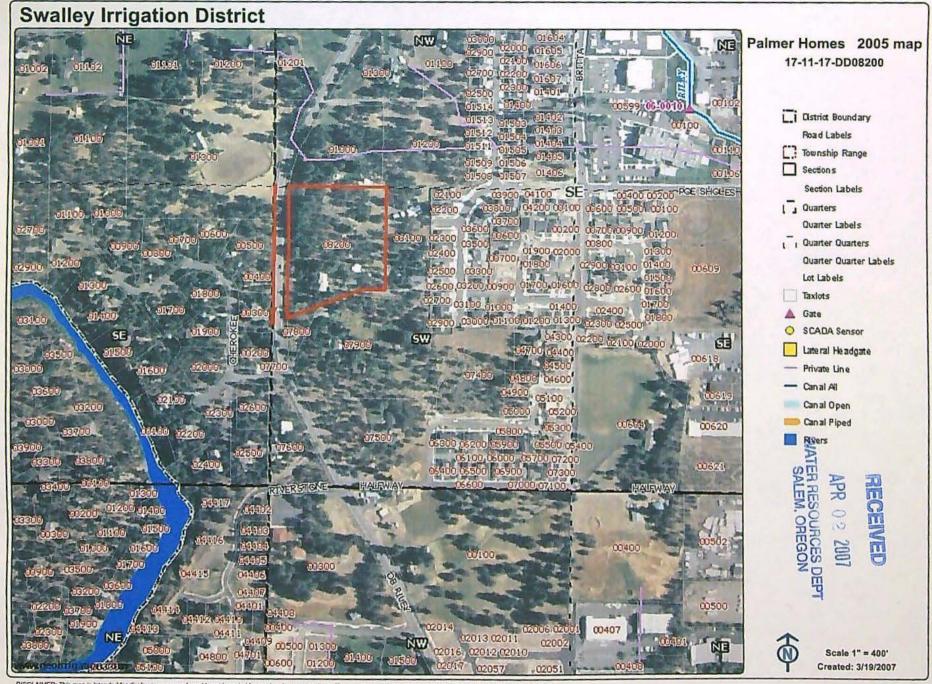
4. The water right was exercised for the authorized purpose described below (e.g., crops grown):
IRRIGATION-PASTURE
5. The water delivery system used to apply water as authorized by the right is described below: Pumped out of River - This is metered.
6. One or more of the following documentation supporting the above statements is attached:
Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers,
Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph,
Dedicated power usage records or receipts,
Other: 615 pHOTOS FROM SWALLEY DATABASE 2001 92005
200(\$ 2005
Signature of Affiant Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date Date
Signed and sworn to (or affirmed) before me this 2 day of June, 200 6
OFFICIAL SEAL KATHY FERGUSON NOTARY PUBLIC - OREGON COMMISSION NO. 400990
My Commission Expires: 1-5-2010

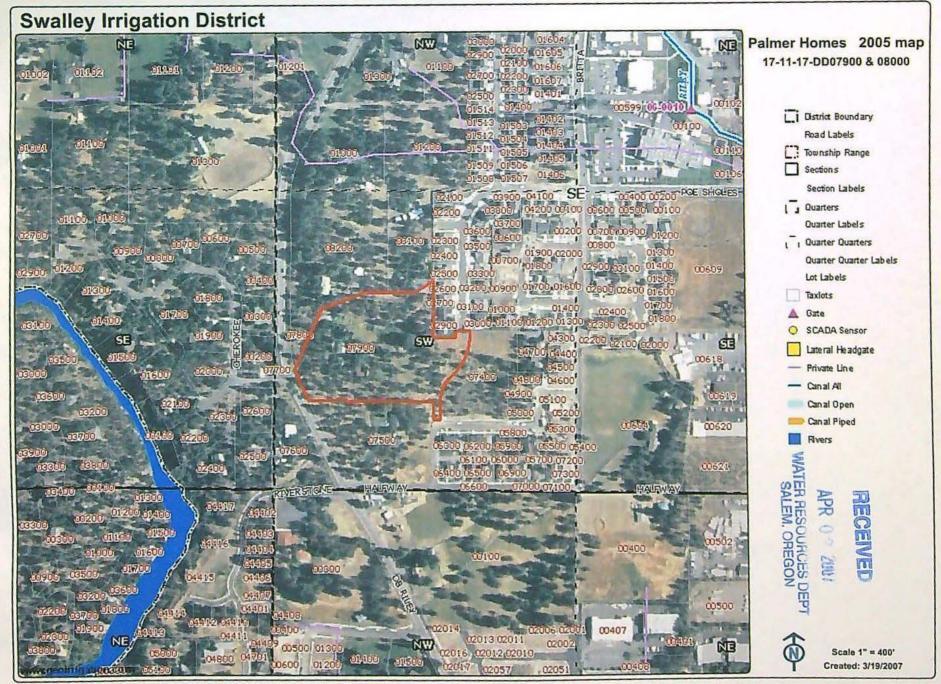
Please print legibly or type. Be as specific as possible. Attach additional pages if you need more space. Supporting documentation must be attached.

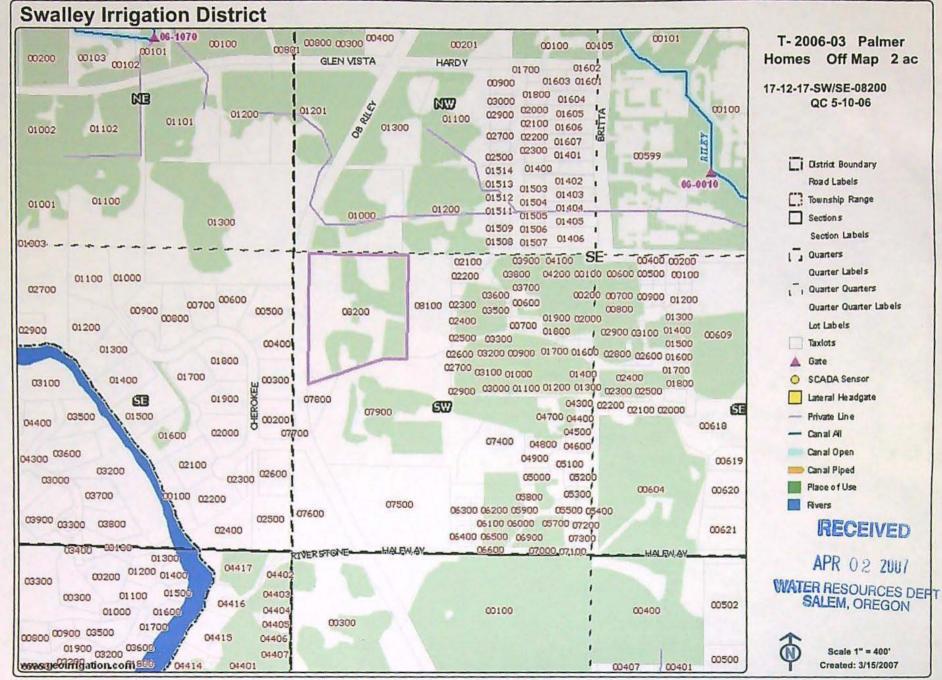
Supplemental Form A

RECEIVED

Affidavit Attesting to the Use of Water







TRANSFER CHECK OFF LIS	T		
TRANSFER FILE # DATE RECEIVED DATE MONEY SLIPPED DATE RECEIPTED VALID WATER RIGHT? TEMP ALT AC	10356 4-6-07 4-6-07 4-6-07 X Yes RR DIST_ ISWR: X	No PERM AMEND(DIV 15
LETTER FROM ATTORNEY	YES (PU	T INFO ON FRONT COVER)	NO
FOLDER FILLED OUT*	yes.	-	
ENTERED IN DB	yes.		
CONTENTS MARKED COLOR CODED 4 COPIES MADE & STAMPED CERTIFICATE MARKED CERTIFICATE COPIED PULL APPLICATIONS APP FOLDER MARKED FINAL PROOF MAP COPIED PERMIT MARKED PERMIT COPIED PERMIT MAP COPIED DECREE MARKED DECREE COPIED ADJUDICATION MAP COPIED	125 125 100		
CONTRIES CHECKED PUBLIC NOTICE DATE BITTER SENT COPY TO WM PLUE FORM TO WM COPY TO GW CUE FORM TO GW OPY TO CWRE	4-10-07 Yes Jes Ho No No Yes	CHECKED BY (PREPARED & COPIED) Irrigation District Orange Perm Amend/Yellow Ten POA, APOA, or [SW TO GW ONL Orange Perm Amend/Yellow Ten	np/Gru Dist/Lav Alt Acr/pink his Y(as POD)] np/Gru Dist/Lav Alt Acr/pink his
ANSFER SENT TO:	-	ALL Surface water POU/USE (POI	