

Regular

Name The Wild Waters Revocable Living Trust

Address Sasa Mill Cr. Rd. Healdsburg, CA 95448

DESCRIPTION OF WATER RIGHT(S)

Name of Stream A Well

Trib. of Goose & Summer Lakes Basin

Use Irrigation / Supp. Irrigation County Lake um 12

Quantity of water (CFS) \_\_\_\_\_ No. of Acres \_\_\_\_\_

Name of ditch \_\_\_\_\_

App# G-7704 Per # G-7160 Cert # 91901 PR Date 1977

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

FEES PAID		
Date	Amount	Receipt #
<u>2/27/17</u>	<u>\$1,450.00</u>	<u>122 775</u>
<u>5/25/18</u>	<u>129.60</u>	<u>126 773</u>

Change in POU, POA

Date Filed 2-27-17

Initial notice date 3-7-17

DPD issued date 4-30-18

PD issued date 6-18-18

PD notice date 6-19-18

Date of FO \_\_\_\_\_ Vol \_\_\_\_\_ Page \_\_\_\_\_

FEES REFUNDED		
Date	Amount	Receipt #

C-Date \_\_\_\_\_

COBU due date \_\_\_\_\_

COBU Received date \_\_\_\_\_

Certificate issued \_\_\_\_\_

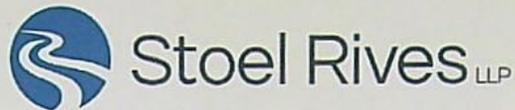
Assignments: \_\_\_\_\_

Irrigation District \_\_\_\_\_

Agent Hollie Cannon - Water Right Solutions, LLC  
3246 Hammer St. Klamath Falls, OR 97603

CWRE \_\_\_\_\_

CC's list \_\_\_\_\_



February 23, 2021

Kirk B. Maag  
760 SW Ninth Avenue, Suite 3000  
Portland, OR 97205  
D. 503.294.9546  
kirk.maag@stoel.com

**VIA EMAIL**

Ms. Patricia McCarty  
Protest Program Coordinator  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271

**Re: Protest of Transfer No. T-12595; Certificate 91901**

Dear Patricia:

As you know, Stoel Rives LLP represents Florence M. Albertson regarding her protest of the preliminary determination dated June 18, 2018 for Water Right Transfer No. T-12595 (the "Determination"). I am not aware that the Oregon Water Resources Department ("Department") has taken any action regarding Ms. Albertson's protest since it was filed on August 3, 2018. Ms. Albertson remains interested in resolving the protest in a manner that is consistent with her rights in Water Right Certificate No. 91901.

The application underlying Transfer No. T-12595 (the "Transfer Application") proposed to change the point of appropriation and the place of use under portions of Certificate 91901. You recently inquired as to whether Ms. Albertson would be willing to withdraw her protest if The Wild Waters Revocable Living Trust ("Trust") withdrew its request to change the place of use and pursued only a change in the point of appropriation for a portion of Certificate 91901. Ms. Albertson is currently unwilling to withdraw her protest. However, Ms. Albertson remains open to discussions with the Trust regarding resolution of the issues raised in her protest.

Ms. Albertson recently learned that the Trust has offered to sell the real property that is included within the place of use that would be affected by the Transfer Application. Any prospective purchaser of that real property should be made aware of the pending protest regarding Transfer No. T-12595 and its potential effect on ownership of the water rights evidenced by Certificate 91901.

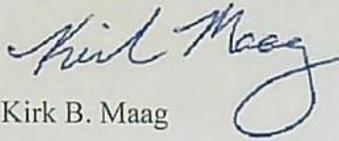
On behalf of Ms. Albertson, I request that the Department place a copy of this letter in the files associated with Application No. G-7704 and Transfer No. T-12595 to ensure that the record accurately reflects that Ms. Albertson's protest of Transfer No. T-12595 remains unresolved. The Department should also place in those files any correspondence to or from the Department

Ms. Patricia McCarty  
February 23, 2021  
Page 2

regarding the protest. Ms. Albertson renews her request that the Department deny the Transfer Application because it does not comply with applicable laws.

Please let me know if you have any questions regarding this letter.

Very truly yours,

A handwritten signature in cursive script that reads "Kirk B. Maag". The signature is written in dark ink and is positioned above the printed name.

Kirk B. Maag

## MCCARTY Patricia E \* WRD

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**From:** FRENCH Dwight W \* WRD  
**Sent:** Tuesday, August 07, 2018 11:43 AM  
**To:** MCCARTY Patricia E \* WRD  
**Subject:** FW: Protest of T-12595

Meant to cc you on the last message.  
Dwight

***Dwight French***

Water Right Services Division Administrator  
Oregon Water Resources Department  
[dwight.w.french@oregon.gov](mailto:dwight.w.french@oregon.gov)  
503-986-0819



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**From:** FRENCH Dwight W \* WRD  
**Sent:** Tuesday, August 07, 2018 11:43 AM  
**To:** 'Hollie Cannon'  
**Subject:** RE: Protest of T-12595

Hollie,  
Thanks for the message. I'm looping in Patricia McCarty who is our Protest Program Coordinator so she can join me in considering your questions.  
Dwight

***Dwight French***

Water Right Services Division Administrator  
Oregon Water Resources Department  
[dwight.w.french@oregon.gov](mailto:dwight.w.french@oregon.gov)  
503-986-0819



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**From:** Hollie Cannon [<mailto:hcannon@waterrightsolutions.com>]  
**Sent:** Tuesday, August 07, 2018 10:19 AM  
**To:** FRENCH Dwight W \* WRD  
**Subject:** Protest of T-12595

Dwight  
I have read the protest of T-12595 presented by Kirk Maag.

I am looking for options to give Wild Water Trust before I tell him to get an attorney. My thoughts are

1. Can Wild Waters Trust withdraw the transfer application and receive reimbursement of the application fee?
2. With Wild Water approval, can OWRD cancel Certificate 91901 and reissue a new certificate without Wild Waters listed on the Certificate?

Hollie Cannon  
Water Right Solutions, LLC  
Office: 409 Pine St, #311  
Klamath Falls, OR  
Mail: 3246 Hammer St  
Klamath Falls, OR 97603  
Phone: 541-821-5848

STATE OF OREGON  
**WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **127530**

INVOICE # \_\_\_\_\_

RECEIVED FROM: STOEL RIVES LLP APPLICATION \_\_\_\_\_

BY: \_\_\_\_\_ PERMIT \_\_\_\_\_

TRANSFER T-12595

CASH:  CHECK:# 914878 OTHER: (IDENTIFY) \_\_\_\_\_

TOTAL REC'D \$ 810.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES \$ \_\_\_\_\_

OTHER: (IDENTIFY) \$ \_\_\_\_\_

0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS** 47235

0407 COPY & TAPE FEES \$ \_\_\_\_\_

0410 RESEARCH FEES \$ \_\_\_\_\_

0408 MISC REVENUE: (IDENTIFY) \$ \_\_\_\_\_

TC162 DEPOSIT LIAB. (IDENTIFY) \$ \_\_\_\_\_

0240 EXTENSION OF TIME \$ \_\_\_\_\_

<b>WATER RIGHTS:</b>	<b>EXAM FEE</b>		<b>RECORD FEE</b>
0201 SURFACE WATER	\$ _____	0202	\$ _____
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ _____		
<b>WELL CONSTRUCTION</b>	<b>EXAM FEE</b>		<b>LICENSE FEE</b>
0218 WELL DRILL CONSTRUCTOR	\$ _____	0219	\$ _____
LANDOWNER'S PERMIT		0220	\$ _____

0223 OTHER (IDENTIFY) Protest Fees \$ 810.00

**0536 TREASURY 0437 WELL CONST. START FEE**

0211 WELL CONST START FEE \$ \_\_\_\_\_ CARD # \_\_\_\_\_

0210 MONITORING WELLS \$ \_\_\_\_\_ CARD # \_\_\_\_\_

OTHER (IDENTIFY) \_\_\_\_\_

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

0233 POWER LICENSE FEE (FW/WRD) \$ \_\_\_\_\_

0231 HYDRO LICENSE FEE (FW/WRD) \$ \_\_\_\_\_

HYDRO APPLICATION \$ \_\_\_\_\_

**TREASURY OTHER / RDX**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_

OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_

DESCRIPTION \_\_\_\_\_ \$ \_\_\_\_\_

**RECEIVED  
 OVER THE COUNTER**

RECEIPT: **127530** DATED: 8/3/18 BY: S. Phillips

RECEIVED

AUG 03 2018

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STATE OF OREGON  
WATER RESOURCES DEPARTMENT  
WATER RIGHTS DIVISION

Before the Director of the Water Resources Department

In the Matter of Water Right	)	<b>PROTEST OF FLORENCE M.</b>
Transfer No. T-12595 Submitted	)	<b>ALBERTSON AND REQUEST FOR</b>
by The Wild Waters Revocable	)	<b>CONTESTED CASE HEARING</b>
Living Trust	)	

Pursuant to ORS 540.520(6) and OAR 690-380-0900, Florence M. Albertson protests the preliminary determination (the "Determination") dated June 18, 2018 for Water Right Transfer No. T-12595 (the "Transfer"). A copy of the Determination is attached to this Protest as Exhibit A, and a copy of the Transfer application (the "Application") is attached to this Protest as Exhibit B. The Application proposed to change the point of appropriation and place of use for a portion of Water Right Certificate 91901. The Determination proposes to approve the Application. As explained in this Protest, the proposed transfer must be denied because it does not comply with applicable laws and would unlawfully deprive Ms. Albertson of her property rights in Certificate 91901.

A protest must be filed within 30 days after the last publication of a newspaper notice of the proposed transfer or publication in the Oregon Water Resources Department's (the "Department") weekly notice, whichever is later. ORS 537.153(7). The last published notice of the Determination appeared in the *Lake County Examiner* on July 4, 2018. This Protest is filed within 30 days after that date and is timely filed. Ms. Albertson requests a contested case hearing.

**1. Protestant's Name, Address, and Telephone Number**

The Protestant's contact information is as follows:

Florence M. Albertson  
91926 Dog Lake Ln.  
Lakeview, OR 97630  
(541) 947-2822

Orders, notices, and other correspondence (including by telephone) concerning this matter should be sent to legal counsel representing Ms. Albertson in this matter as follows:

Kirk B. Maag  
Stoel Rives LLP  
760 SW Ninth Ave., Suite 3000  
Portland, OR 97205  
(503) 294-9546  
[kirk.maag@stoel.com](mailto:kirk.maag@stoel.com)

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## 2. Factual Background

Ms. Albertson is an 88-year-old widow who resides in Lake County, Oregon. Ms. Albertson's late husband, Jack Albertson, was the sole applicant for Water Use Permit G-7160 (the "Permit"), which is the permit underlying Certificate 91901. The Department issued the Permit to Mr. Albertson on February 8, 1977. The Permit authorized supplemental irrigation of 120.0 acres of land owned by the Albertsons. The Permit also authorized primary irrigation of 103.8 acres of land not owned by the Albertsons (the "Sundet Property"). The "Remarks" section of the Permit explicitly noted that the primary irrigation rights were appurtenant to property leased by the Albertsons and evidenced the Albertsons' sole ownership of those rights. Thus, despite the fact that the Albertsons owned only a portion of the authorized place of use, they were the *sole holders and owners of the Permit*.

The Albertsons' sole ownership of the Permit was acknowledged in a lease dated February 17, 1977 between the Albertsons, as lessees, and Alberta Towle Severin, as lessor (the "Lease," attached to this Protest as Exhibit C). The Lease, which covered the Sundet Property, contained the following provision related to water rights: "Lessees now have water rights covering the property herein, and it is understood that this right is a personal right and at the conclusion of the lease *said rights shall remain with the Lessees and will not inure to the land.*" (Emphasis added.)

At the time the parties entered into the Lease, Ms. Severin was under contract to purchase the Sundet Property from William and Lillian Sundet, who also signed the Lease and consented to its terms. That is, both Ms. Severin, who was purchasing the Sundet Property, and the Sundets, who were selling that property, *disclaimed any interest in or right to the Permit*—permanently severing any claim of entitlement by owners of the Sundet Property to the Permit. The Wild Waters Revocable Living Trust (the "Trust"), which now owns the Sundet Property, could not have acquired any interest in or right to the Permit because the Trust's predecessors-in-interest lacked any such interest or right, and the Permit was not appurtenant to the Sundet Property.

Ms. Albertson continued leasing the Sundet Property from Ms. Severin's successors-in-interest for decades under the terms of the Lease, with lease payments increasing over time. At some point, Ms. Albertson's son assumed her rights and obligations under the Lease. This continued through August 6, 2016, when John A. Cutino II and Susan Giselle Cutino (the "Cutinos"), who are purportedly the trustees of the Trust, informed Ms. Albertson's son and daughter-in-law that the property was no longer available for lease.

In 2001, the Albertsons submitted to the Department a Request for Assignment related to the Permit. Pursuant to the request, the rights evidenced by the Permit were assigned to the Albertsons and Northwest Farm Credit Services ("Northwest FCS"). The Albertsons have not subsequently assigned, or consented to any subsequent assignment of, their rights to the Permit. The Department's application file associated with the Permit does not contain any subsequent assignments from the Albertsons or Northwest FCS.

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On July 11, 2016, the Department received a Request for Assignment from the Trust signed by the Cutinos (the "Assignment Request," attached to this Protest as Exhibit D).<sup>1</sup> The Assignment Request purported to evidence a partial assignment of the Permit to the Trust. However, the Assignment Request did not comply with laws applicable to assignments and contained multiple misrepresentations; these issues are further discussed in Section 4.c below. As a result, the attempted partial assignment was invalid and does not bind Ms. Albertson or the Department. Neither Ms. Albertson nor Northwest FCS signed, approved, or otherwise consented to the Assignment Request, and neither Ms. Albertson nor Northwest FCS received notice of the Assignment Request before it was submitted to the Department.

The Department acknowledged receipt of the Assignment Request in a letter dated July 14, 2016. Ms. Albertson received a copy of this letter. Because the letter did not describe a process for challenging or objecting to the partial assignment, Ms. Albertson contacted the Lake County Watermaster and informed him that the Trust was not an owner of the Permit. Ms. Albertson asked what steps she could take to protect her rights in the Permit, but the watermaster did not assist Ms. Albertson in resolving her concerns and led her to believe there was nothing she could do. Ms. Albertson relied, to her detriment, on this erroneous advice from the watermaster.

On September 19, 2016, the Department issued Certificate 91901, which confirmed the right to use water perfected under the Permit.<sup>2</sup> The certificate authorizes primary irrigation of 103.3 acres and supplemental irrigation of 117.6 acres. The certificate was issued to the Albertsons, Northwest FCS, and the Trust. Based on a review of the application file associated with the Permit, it does not appear that the Department ever sent Ms. Albertson a proposed version of either Certificate 91840 or 91901 that identified the Trust as a holder. But the Department *did* email a proposed version of Certificate 91840 to Hollie Cannon, agent for the Trust, on September 8, 2016. The Department did not provide that same opportunity to Ms. Albertson.

The only basis for listing the Trust as a holder of Certificate 91901 was the invalid Assignment Request. On June 17, 2016, before the Department received the Assignment Request, the Department mailed a proposed certificate to Ms. Albertson. The proposed certificate correctly identified the Albertsons and Northwest FCS as the only holders.

The Department received the Application on February 27, 2017. Once Ms. Albertson learned of the Application, she engaged Stoel Rives to protect her ownership interest in Certificate 91901. Stoel Rives sent multiple letters to the Department and had multiple telephone conversations with various Department employees in an effort to explain why the

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<sup>1</sup> This was about one month *before* the Trust notified Ms. Albertson's son and daughter-in-law that the Sundet Property was no longer available for lease.

<sup>2</sup> Certificate 91901 was issued to correct a scrivener's error in Certificate 91840 (issued on September 12, 2016), which incorrectly referred to the Trust as the "Wild Rivers Revocable Living Trust" (emphasis added).

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Trust has no interest in or right to Certificate 91901. On at least two separate occasions, Department employees acknowledged that the Assignment Request did not comply with applicable laws, yet the Department has stubbornly refused to take any action to correct this error. The Determination fails to mention that Ms. Alberton has repeatedly informed the Department that the Trust has no ownership interest in Certificate 91901 and, therefore, lacks authority to pursue the Transfer.

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### 3. Ms. Albertson's Interest in the Determination

The Transfer, if approved, would allow the Trust to unilaterally transfer 103.3 acres of primary irrigation right under Certificate 91901 to a new place of use, despite the fact that the Trust has no interest in or right to Certificate 91901. The Transfer would deprive Ms. Albertson of her interest in and right to a significant portion of Certificate 91901, which represents a valuable property interest.<sup>3</sup> To apply for and develop their rights under the Permit, the Albertsons incurred significant costs. These costs were not shared by the Trust or its predecessors-in-interest.

Subject to Northwest FCS's interest as creditor, Ms. Albertson is the sole owner of the rights evidenced by Certificate 91901. As such, Ms. Albertson—not the Trust—has the authority to transfer the primary irrigation rights under Certificate 91901 to a new place of use. This would allow Ms. Albertson to either put the primary irrigation rights to direct use on property she owns or controls or sell the primary irrigation rights to a third party. Unless modified, the Determination would allow the Trust to strip Ms. Albertson of her interest in and right to 103.3 acres of primary irrigation right, without compensating Ms. Albertson.

### 4. Arguments

#### a. The Department is required to return the Application and fee to the Trust because the Application was deficient.

The Application was not accompanied by the required fee and must be returned to the Trust. *See* OAR 690-380-4000(2). A transfer application *must* contain the information listed in OAR 690-380-3000. This includes “[t]he appropriate fee as required under ORS 536.050, less any portion waived pursuant to OAR 690-380-3400.” OAR 690-380-3000(25). “If the Department determines that the application does not include the required information . . . , the Department *shall* return the application and any fees to the applicant along with a written description of the deficiencies in the application.” OAR 690-380-4000(2) (emphasis added).

Here, the Application was not accompanied by the fee required under ORS 536.050. A check for \$1,450.00 was submitted with the Application, but the fee required under ORS 536.050 at that time was \$2,450.00. The correct fee would have been calculated as follows:

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<sup>3</sup> The Transfer also ignores the rights of Northwest FCS, including its rights under UCC Lien No. 90704788.

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Fee	Amount	Citation
Base*	\$1,000.00	ORS 536.050(1)(h)(A)
Additional Type of Change	\$800.00	ORS 536.050(1)(h)(B)
Additional Rate	\$300.00	ORS 536.050(1)(h)(C)
Additional Point of Appropriation	\$350.00	ORS 536.050(1)(h)(E)
<b>Total</b>	<b>\$2,450.00</b>	
<i>*Includes one type of change to one water right for up to 1.0 cfs.</i>		

Because the Application was not accompanied by the required fee, the Department must return the Application and fee to the Trust. *See* OAR 690-380-4000(2). The Department lacks discretion to accept a late payment to address the deficiency. *See id.*

**b. The Trust failed to provide a report of ownership information by the deadline specified by the Department.**

The Department should deny the Application because the Trust failed to provide a report of ownership. *See* OAR 690-380-4010(5). Upon receiving a draft preliminary determination, an applicant must submit the information listed in OAR 690-380-4010(5). This includes “[a] report of ownership information as defined in OAR 690-380-0100(10) for the land to which the water right is appurtenant.” OAR 690-380-4010(5)(a). A “report of ownership information” is “a document *prepared by a title company* that includes ownership and a *legal description* of the lands to which the water right is appurtenant.” OAR 690-380-0100(10) (emphases added).

Here, an interoffice memorandum from Ken Dowden dated May 9, 2018 suggests that the Department received a report of ownership information. (See attached Exhibit E, hereinafter the “Dowden Memo.”) However, no document that meets the definition of a “report of ownership information” is contained in the transfer file. The transfer file does include a five-page document titled “Lake County Property Summary Report,” which includes the words “Property Information Report” in the footer of each page (see attached Exhibit F), but this document does not meet the definition of a “report of ownership information.” The document appears to have been prepared by Lake County, not by a *title company*, as required under the applicable rules. Moreover, the document does not include a *legal description* of the property to which Certificate 91901 is appurtenant.

The Department’s cover letter dated April 30, 2018 that accompanied the draft preliminary determination provided a deadline of May 30, 2018 for the Trust to provide the report of ownership information. The letter explained that, if the Department did not receive the report by the deadline, the Department may issue a preliminary determination denying the Application. Consistent with the letter, the Department should deny the Application as incomplete.

**c. The Trust lacks any interest in or right to Certificate 91901 and is prohibited from pursuing this Transfer without the consent of Ms. Albertson and Northwest FCS.**

As explained above, the Albertsons were the sole holders and owners of the Permit until they assigned an interest in the Permit to Northwest FCS in 2001. The Cutinos submitted the

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Assignment Request in 2016, without providing notice to Ms. Albertson or Northwest FCS. This purported assignment did not comply with applicable laws and is not binding on the Department, Ms. Albertson, or Northwest FCS. Therefore, the purported assignment did not (and could not) convey any interest or right from Ms. Albertson or Northwest FCS to the Trust.

Under ORS 537.220(2), a request for assignment must “identify the current record owners of all property described in the application, permit or license.” The assignor must furnish “proof acceptable to the department that notice of assignment has been given or attempted for each identified property owner not a party to the assignment.” ORS 537.220(2). The Department’s Request for Assignment form lists the following examples of types of acceptable proof: “a copy of a returned certified mailing, copy of a Death Certificate, or a court order.” Although the Cutinos acknowledged in the Assignment Request that Ms. Albertson was one of the holders of record, they did not attach any proof of notice to the Request for Assignment. Without such proof, the assignment did not satisfy the requirements of ORS 537.220(2) and was not binding upon Ms. Albertson or the Department. See ORS 537.220(1).

Only the permit *holder* has the right to request assignment of a permit. OAR 690-320-0600(1). Here, the permit holders as of July 11, 2016 were Ms. Albertson and Northwest FCS. The Department’s rules provide alternative procedures for requesting assignment of a permit if the holder is *unavailable*. ORS 690-320-0060(2). But here, there is no evidence in the application file that the holders were unavailable. In fact, Ms. Albertson was available but was not contacted by the Trust before it submitted the Request for Assignment.

The Assignment Request was also invalid because the Cutinos made misrepresentations in it. They represented that they had “the legal right to request assignment.” But based on the Lease, the transfer file for T-12595, and the application file for the Permit, neither the Trust nor the Cutinos had such right. Neither the Trust nor the Cutinos were the record holder (or owner) of the Permit, and the Cutinos did not furnish evidence that the record holders were unavailable. The Cutinos also represented that they had “not been able to contact the owner(s) of record for [the permit].” But Ms. Albertson’s contact information was known or available to the Cutinos when they submitted the Request for Assignment. These misrepresentations provide an independent basis for finding that the assignment was invalid and does not bind Ms. Albertson or the Department.

At least two Department employees have acknowledged that the Assignment Request did not satisfy ORS 537.222(2). Yet the Department has refused to update its records to reflect that the Assignment Request was invalid. But regardless of whether the Department updates its records, it is clear that the Assignment Request did not satisfy ORS 537.222(2) and, therefore, did not (and could not) convey any interest or right to the Trust. Because the purported assignment was the only basis for listing the Trust on the face of Certificate 91901, the fact that the Trust is listed on the face of the certificate does not create an ownership interest in Certificate 91901 where none otherwise exists.<sup>4</sup>

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<sup>4</sup> Because the Department does not issue new certificates to reflect changes in ownership, the parties listed on the face of a certificate do not prove current ownership of the certificate.

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Finding of Fact No. 3 in the Determination states that “the applicant . . . provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.” Based on the facts and arguments presented in this Protest, this finding is erroneous and must be corrected. Because the Trust lacks any interest in or right to Certificate 91901, it cannot pursue the Transfer without the consent of Ms. Albertson and Northwest FCS.

**d. Certain Findings of Fact in the Determination are inconsistent with evidence contained in the transfer file.**

Finding of Fact No. 3 in the Determination states that “the applicant agreed to the terms and conditions of the draft Preliminary Determination” and “requested the Department proceed with issuance of the Preliminary Determination.” The transfer file does not contain any written correspondence from the Trust to support these findings. The Dowden Memo summarized a telephone conversation in which Mr. Cutino stated that “they thought the draft of the preliminary Determination was fine.” But the cover letter that accompanied the draft preliminary determination required the Trust to provide a “written response to the conditions and proposed actions in the draft Preliminary Determination.” (Emphasis added.) The transfer file does not contain a written response from the Trust. Consistent with the letter, the Department should deny the Application as incomplete because no written response was received by May 30, 2018.

Finding of Fact No. 3 in the Determination also states that “the applicant . . . provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.” The transfer file does not contain sufficient evidence to support this finding. Even if the Trust has an ownership interest in Certificate 91901 (which it does not), the transfer file does not contain any evidence to demonstrate (1) that the Cutinos are authorized to act as trustees on behalf of the Trust, or (2) that the Application was authorized in accordance with the Trust’s governing documents.

Finding of Fact No. 10 in the Determination states: “Water has been used within the last five years prior to the submittal of Transfer Application T-12595 according to the terms and conditions of the right.” This is inconsistent with the Watermaster Review Form that is contained in the transfer file. On that form, the watermaster checked “yes” in response to the following question: “Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would no likely be rebuttable?” (Underlining in original.) This discrepancy must be resolved by the Department before it can make a decision regarding the Application.

**5. Protest Filing Requirements**

This Protest is timely filed. Any person may submit a protest against a preliminary determination within 30 days after the last publication of a newspaper notice of the proposed transfer or publication in the Department’s weekly notice, whichever is later. ORS 537.153(7). The Department published notice of the Determination in the *Lake County Examiner* on July 4, 2018. Therefore, any protests of the Determination must be submitted on or before August 3, 2018.

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Ms. Albertson has included with this Protest the protest fee of \$810.00. See ORS 536.050(1)(j)(A); OAR 690-380-4030(2).

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Ms. Albertson has complied with the provisions of OAR 690-380-4030(2) and OAR 690-002-0030. The protest is in writing, is signed by the protestant's attorney, is accompanied by the statutory filing fee, and includes a detailed statement of:

- (a) Facts sufficient to show that the protestant is entitled to the relief or action requested;
- (b) The specific relief or action requested;
- (c) The name and address of the protestant and other person or persons necessary to, or having a direct interest in, the proceeding; and
- (d) Citation of legal authority or basis for the claim or relief asserted or requested.

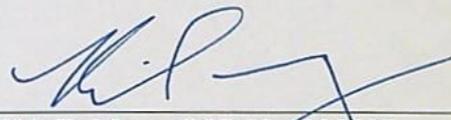
OAR 690-002-0030(1).

**6. Conclusion and Request for Contested Case Hearing**

Based on the foregoing, Ms. Albertson requests that the Department deny the Application because it does not comply with applicable laws. Ms. Albertson requests a contested case hearing for further consideration of this Protest.

DATED: August 3, 2018

Respectfully submitted,



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Kirk B. Maag, OSB No. 105507  
Of Attorneys for Florence M. Albertson

RECEIVED

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CERTIFICATE OF SERVICE

I hereby certify that on August 3, 2018, I caused the original and one copy of the foregoing **Protest of Florence M. Albertson and Request for Contested Case Hearing** to be served by hand delivery to the following address:

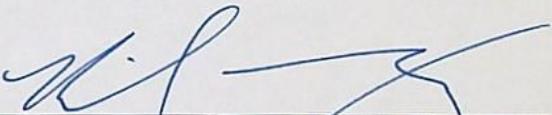
Director Tom Byler  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271

I hereby certify that on August 3, 2018, I served a copy of the foregoing **Protest of Protest of Florence M. Albertson and Request for Contested Case Hearing** by U.S. First-Class Mail to the following addresses:

The Wild Waters Revocable Living Trust  
c/o John A. Cutino II and Susan G. Cutino  
5252 Mill Creek Road  
Healdsburg, CA 95448

Hollie Cannon  
Water Right Solutions LLC  
3246 Hammer Street  
Klamath Falls, OR 97603

DATED: August 3, 2018

  
\_\_\_\_\_  
Kirk B. Maag, OSB No. 105507  
Of Attorneys for Florence M. Albertson

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BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application ) PRELIMINARY DETERMINATION  
T-12595, Lake County ) PROPOSING APPROVAL OF A  
) CHANGE IN POINT OF  
) APPROPRIATION AND A CHANGE IN  
) PLACE OF USE

**Authority**

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

WILD WATERS REVOCABLE LIVING TRUST  
5252 MILL CREEK RD.  
HEALDSBURG, CA 95448

**Agent**

HOLLIE CANNON  
WATER RIGHT SOLUTIONS, LLC  
3246 HAMMER ST.  
KLAMATH FALLS, OR 97603

**Findings of Fact**

1. On February 27, 2017, John Anthony Cutino II and Susan Giselle Cutino, Trustees, WILD WATERS REVOCABLE LIVING TRUST, filed an application proposing to change the point of appropriation and to change the place of use under portions of Certificate 91901. The Department assigned the application number T-12595.
2. Notice of the application for transfer was published on March 7, 2017, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On April 30, 2018, the Department issued a draft Preliminary Determination proposing to approve Transfer Application T-12595. The draft Preliminary Determination cover letter set forth a deadline of May 30, 2018, for the applicant to respond. On May 9, 2018, the applicant agreed to the terms and conditions of the draft Preliminary Determination, requested the Department proceed with issuance of the Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
4. On May 1, 2018, the agent for the applicant requested that the proposed date for complete application of water be extended to allow additional time to guarantee adequate time to complete the project. The Department approved and extended the date by which the applicant must make full beneficial use of water under the terms and conditions of this transfer to October 1, 2021.

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

**Certificate:** 91901 in the name of WILD WATERS REVOCABLE LIVING TRUST  
(perfected under Permit G-7160)  
**Use:** IRRIGATION OF 17.1 ACRES  
**Priority Date:** FEBRUARY 8, 1977  
**Rate:** 0.21 CUBIC FOOT PER SECOND  
**Limit/Duty:** 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 of one cubic foot per second, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.  
**Source:** A WELL within the GOOSE AND SUMMER LAKES BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	19 E	WM	6	SE SE	1280 FEET NORTH AND 1260 FEET WEST FROM THE SE CORNER OF SECTION 6

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	19 E	WM	5	NW NW	2.5
40 S	19 E	WM	5	SW NW	6.9
40 S	19 E	WM	6	SE NE	7.7
Total					17.1

6. Transfer Application T-12595 proposes to change the place of use of the right as follows:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	19 E	WM	5	NW NW	4.6
40 S	19 E	WM	5	SW NW	5.8
40 S	19 E	WM	6	NE NE	6.3
40 S	19 E	WM	6	SE NE	0.4
Total					17.1

7. Transfer Application T-12595 proposes to change the point of appropriation for the above described new place of use northeast approximately 1550 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	19 E	WM	6	SE NE	2584.42 FEET SOUTH AND 525.17 FEET WEST FROM THE NE CORNER OF SECTION 6

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

**Certificate:** 91901 in the name of WILD WATERS REVOCABLE LIVING TRUST  
(perfected under Permit G-7160)  
**Use:** IRRIGATION OF 86.2 ACRES  
**Priority Date:** FEBRUARY 8, 1977  
**Rate:** 1.08 CUBIC FEET PER SECOND  
**Limit/Duty:** 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 of one cubic foot per second, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.  
**Source:** A WELL within the GOOSE AND SUMMER LAKES BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	19 E	WM	6	SE SE	1280 FEET NORTH AND 1260 FEET WEST FROM THE SE CORNER OF SECTION 6

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	19 E	WM	5	NW NW	25.9
40 S	19 E	WM	5	SW NW	16.9
40 S	19 E	WM	6	NE NE	12.4
40 S	19 E	WM	6	SE NE	31.0
Total					86.2

9. Transfer Application T-12595 proposes to change the point of appropriation for the above described 86.2 acres northeast approximately 1550 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	19 E	WM	6	SE NE	2584.42 FEET SOUTH AND 525.17 FEET WEST FROM THE NE CORNER OF SECTION 6

*Transfer Review Criteria (OAR 690-380-4010)*

10. Water has been used within the last five years prior to the submittal of Transfer Application T-12595 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
11. A well, pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-12595.
12. The proposed change would not result in enlargement of the right.
13. The proposed change would not result in injury to other water rights.

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14. All other application requirements are met.

**Determination and Proposed Action**

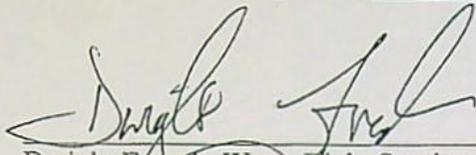
The change in point of appropriation and change in place of use proposed in Transfer Application T-12595 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

*If Transfer Application T-12595 is approved, the final order will include the following:*

1. *The change in point of appropriation and change in place of use proposed in Transfer Application T-12595 are approved.*
2. *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 91901 and any related decree.*
3. *Water right Certificate 91901 is cancelled. A new certificate will be issued describing the portion of the right not affected by this transfer.*
4. *The quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.*
5. *Water use measurement conditions:*
  - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at the new point of appropriation.*
  - b. *The water user shall maintain the meter or measuring devices in good working order.*
  - c. *The water user shall allow the Watermaster access to the meter or measuring devices; provided however, where the meter or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
6. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
7. *The former place of use of the transferred right shall no longer receive water under the right.*
8. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before October 1, 2021. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*

9. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this JUN 18 2018,



Dwight French, Water Right Services Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department

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This Preliminary Determination was prepared by Ken Dowden. If you have questions about the information in this document, you may reach me at 541-278-5456 or [Ken.D.Dowden@oregon.gov](mailto:Ken.D.Dowden@oregon.gov)

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

**Notice Regarding Service Members:** Active duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act. 50 U.S.C. App. §§501-597b. You may contact the Oregon State Bar or the Oregon Military Department for more information. The toll-free telephone number for the Oregon State Bar is: 1 (800) 452-8260. The toll-free telephone number of the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is: <http://legalassistance.law.af.mil>



State of Oregon  
 Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1266  
 (503) 986-0900

# Application for Permanent Water Right Transfer

## Part 1 of 5 – Minimum Requirements Checklist

**This transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.**  
 For questions, please call (503) 986-0900, and ask for Transfer Section.

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Check all items included with this application. (N/A = Not Applicable)

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- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: [http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator). If you have questions, call Customer Service at (503) 986-0801.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: Certificate 91901**  
 Please include a separate Part 5 for each water right. (See instructions on page 6)

**Attachments:**

- Completed Transfer Application Map.
- Completed Evidence of Use Affidavit and supporting documentation.
- N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
- N/A Land Use Information Form with approval and signature (or signed land use form receipt stub). Not required if water is to be diverted, conveyed, and/or used only on federal lands or if all of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.
- N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500' from the surface water source and more than 1000' upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

(For Staff Use Only)

**WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):**

<input type="checkbox"/> Application fee not enclosed/insufficient	<input type="checkbox"/> Map not included or incomplete
<input type="checkbox"/> Land Use Form not enclosed or incomplete	<input type="checkbox"/> Part _____ is incomplete
<input type="checkbox"/> Additional signature(s) required	
Other/Explanation _____	
Staff: _____ 503-986-0 _____	Date: ____/____/____

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## Part 2 of 5 – Transfer Application Map Checklist

Your transfer application will be returned if any of the map requirements listed below are not met.

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Please be sure that the transfer application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.

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- N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see [http://apps.wrd.state.or.us/apps/wr/cwre\\_license\\_view/](http://apps.wrd.state.or.us/apps/wr/cwre_license_view/). CWRE stamp and signature are not required for substitutions.
- N/A If more than three water rights are involved, separate maps are needed for each water right.
- Permanent quality printed with dark ink on good quality paper.
- The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- A north arrow, a legend, and scale.
- The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- N/A Proposed place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
- N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).



Part 4 of 5 – Applicant Information and Signature

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Applicant Information

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APPLICANT/BUSINESS NAME The Wild Waters Revocable Living Trust		PHONE NO. <del>707-287-</del> 707-965-3612 6210	ADDITIONAL CONTACT NO.
ADDRESS 5252 Mill Creek Rd.		FAX NO.	
CITY Healdsburg	STATE CA	ZIP 95448	E-MAIL jcuteen@live.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT/BUSINESS NAME Hollie Cannon/Water Right Solutions, LLC		PHONE NO. 541-821-5848	ADDITIONAL CONTACT NO.
ADDRESS 3246 Hammer St.		FAX NO.	
CITY Klamath Falls	STATE OR	ZIP 97603	E-MAIL hcannon@waterrightsolutions.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

Explain in your own words what you propose to accomplish with this transfer application, and why: The property for a long time was leased by the neighboring landowner and operated as one farm. The well that supplies the water right for this property is not located on this property. This transfer application adds a point of appropriation so the property owner has his own well for his share of the water right. The original configuration used a pivot that irrigated a portion of both properties. The transfer in place of use moves the pivot to only irrigate land of this ownership.

If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

Check One Box

- By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); OR
- I affirm 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; OR
- I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

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I understand that prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: Lake County Examiner

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



*John Anthony Cutino II*  
Applicant signature

*Susan Giselle Cutino*  
Applicant signature

John Anthony Cutino II, Trustee 2/22/2017  
Print Name (and Title if applicable) Date

Susan Giselle Cutino, Trustee 2/23/2017  
Print Name (and Title if applicable) Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located?  Yes  No *If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.*

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Check the following boxes that apply:

- The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.
- The receiving landowner will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to this landowner.
- Both the receiving landowner and applicant will be responsible for completion of change(s). Copies of notices and correspondence should be sent to this landowner and the applicant.

At this time, are the lands in this transfer application in the process of being sold?  Yes  No

If YES, and you know who the new landowner will be, please complete the receiving landowner information table below. If you do not know who the new landowner will be, then a request for assignment will have to be filed for at a later date.

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see: <http://www.oregon.gov/owrd/docs/transfer-propertytransactions.pdf>

RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	

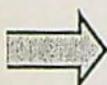
Describe any special ownership circumstances here: \_\_\_\_\_

- Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (Tip: Complete and attach Supplemental Form D.)

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

- Check here if 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.

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



To meet State Land Use Consistency Requirements, you must list all county, city, municipal corporation, or tribal governments within whose jurisdiction water will be diverted, conveyed or used.

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Permanent Transfer Application Form - Page 6 of 10

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Exhibit B  
Page 6 of 20

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INSTRUCTIONS for editing the Application Form

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To add additional lines to tables within the forms or to copy and paste additional Part 5 pages, please save the application form to your computer. Unlock the document by using one of the following instructions for your Microsoft Word software version:

Microsoft Word 2003

Unlock the document by one of the following:

- Using the Tools menu => click **Unprotect Document**;
- OR
- Using the **Forms** toolbar => click on the **Protect/Unprotect** icon.

To relock the document to enable the checkboxes to work, you will need to:

- Using the Tools menu => click **Protect Document**;
- OR
- Using the **Forms** toolbar => click on the **Protect/Unprotect** icon.

Microsoft Word 2007

- Unlock the document by clicking the **Review** tab, then click **Protect Document**, then click **Stop Protect**
- To relock the document, click **Editing Restrictions**, then click **Allow Only This Type of Editing**, select **Filling In Forms** from the drop-down menu, then check **Yes, Start Enforcing Protection**.

Microsoft Word 2010

- Unlock the document by clicking the **Review** tab, toggle the **Restrict Editing** icon at the upper right, then click **Stop Protect** at the bottom right. Then uncheck the "Allow only this type of editing in the document: **Filling in forms**" in the "Editing restrictions" section on the right-hand list of options.
- To relock the document, check the **Editing Restrictions/Allow Only This Type of Editing/Filling In Forms** box from the drop-down menu, then check **Yes, Start Enforcing Protection**. You do not need to assign a password for the editing restrictions.

Other Alternatives:

- Photocopy pages or tables in Part 5, ~~mark through~~ any non-applicable information, insert/attach photocopied pages to document in the appropriate location, and manually amend page numbers as necessary (e.g. Page 5 6 of 9 10).
- You may refer to additional attachments that you may include, such as separately produced tables or spreadsheets to convey large numbers of rows of place of use listings, owner/property parcels, etc. You may contact the Department at 503-986-0900 and ask for Transfer Staff if you have questions.

Once the application has been unlocked, you may:

- add additional rows to tables using the Table tools, and
- select and copy the pages of Part 5 and paste as many additional sets of Part 5 pages as needed at the end of the application.

After editing, re-lock the document to enable checkboxes to work.

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Part 5 of 5 - Water Right Information

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SALE OF Please use a separate Part 5 for each water right being changed. See instructions on page 6 to copy and paste additional Part 5s, or to add additional rows to tables within the form. AUG 03 2018

CERTIFICATE # 91901

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Description of Water Delivery System

System capacity: 2.76 cfs per certificate (1.29 cfs for transferred portion) cubic feet per second (cfs)  
 OR  
 \_\_\_\_\_ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. There is the existing well and a pipeline from the existing well to the pivot center that continues on to the northeast to the land irrigated by a wheel line.

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)  
 (Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L- )	Twp	Rng	Sec	¼	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Existing POA #1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	LAKE 2767	40 S	19 E	6	SE	SE		1280 feet north and 1260 feet west from SE corner, Section 6
Proposed POA #2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		40 S	19 E	6	SE	NE		2584.42 feet South and 525.17 feet West from the NE corner of Section 6
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed								
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed								

Check all type(s) of change(s) proposed below (change "CODES" are provided in parentheses):

- Place of Use (POU)
- Character of Use (USE)
- Point of Diversion (POD)
- Additional Point of Diversion (APOD)
- Surface Water POD to Ground Water POA (SW/GW)
- Supplemental Use to Primary Use (S to P)
- Point of Appropriation/Well (POA)
- Additional Point of Appropriation (APOA)
- Substitution (SUB)
- Government Action POD (GOV)

Will all of the proposed changes affect the entire water right?

- Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.
- No Complete all of Table 2 to describe the portion of the water right to be changed.

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Please use and attach additional pages of Table 2 as needed. See page 6 for instructions.

Do you have questions about how to fill-out the tables? Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Changes to Water Right Certificate # 91901

List the change proposed for the acreage in each 1/4 1/4. If more than one change is proposed, specify the acreage associated with each change. If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.													
Twp	Rng	Sec	1/4	1/4	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	1/4	1/4	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date			
EXAMPLE																									
2	S	9	E	15	NW	NW	100	15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0	IR	POD #5	1901
													2	S	9	E	2	SW	NW	500		5.0	IR	POD #6	1901
40	S	19	E	5	NW	NW	1700	28.4	IR	POA#1	1977	POU/POA	40	S	19	E	5	NW	NW	1700		30.5	IR	POA#2	1977
40	S	19	E	5	SW	NW	1700	23.8	IR	POA#1	1977	POU/POA	40	S	19	E	5	SW	NW	1700		22.7	IR	POA#2	1977
40	S	19	E	6	NE	NE	1700	12.4	IR	POA#1	1977	POU/POA	40	S	19	E	6	NE	NE	1700		18.7	IR	POA#2	1977
40	S	19	E	6	SE	NE	1700	38.7	IR	POA#1	1977	POU/POA	40	S	19	E	6	SE	NE	1700		31.4	IR	POA#2	1977
TOTAL ACRES:							103.3						TOTAL ACRES:							103.3					

Additional remarks: \_\_\_\_\_

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SALEM, OR Exhibit B Page 9 of 20

12595

Certificate # \_\_\_\_\_ **RECEIVED**

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**For Place of Use or Character of Use Changes**

Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands?  Yes  No

If YES, list the certificate, water use permit, or ground water registration numbers: \_\_\_\_\_.

 Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

**For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation)**

Ground water supplemental Permit or Certificate # \_\_\_\_\_;  
Surface water primary Certificate # \_\_\_\_\_.

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**For a change from Supplemental Irrigation Use to Primary Irrigation Use**

Identify the primary certificate to be cancelled. Certificate # \_\_\_\_\_

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**For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:**

Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.

**Tip:** You may search for well logs on the Department's web page at:  
[http://apps.wrd.state.or.us/apps/gw/well\\_log/Default.aspx](http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

**AND/OR**

Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

**Table 3. Construction of Point(s) of Appropriation**

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

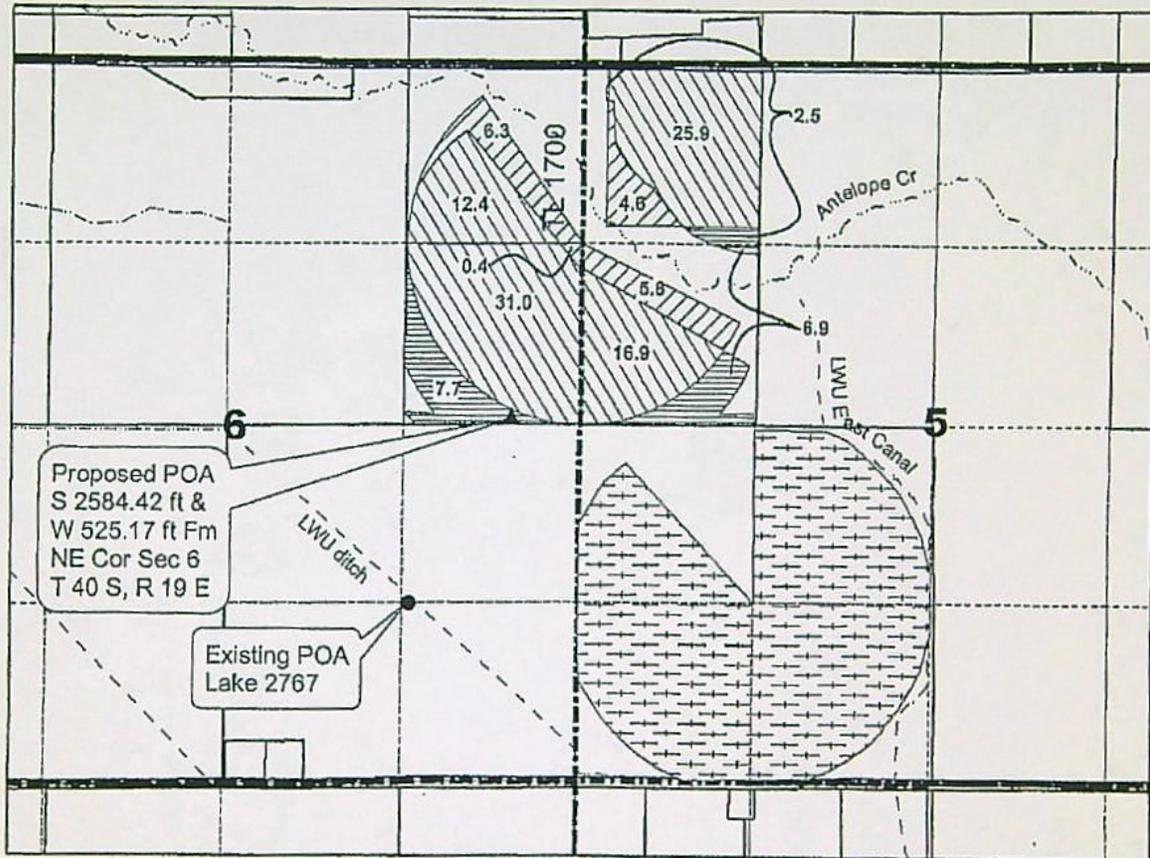
Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well-specific rate (cfs or gpm). If less than full rate of water right
POA#2	No		442	12"	0-375'	0-375'		12'	Black Hard Rock	1.29 cfs

T 12595

Application for Transfer of Water Right  
 Certificate 91901  
 Wild Waters Revocable Living Trust

AUG 03 2018

**OWRD**



N  
 1 inch = 1,320 feet



- Legend**
- Trans From POU
  - POU unchanged new POA
  - Trans POA & POU to
  - Cert 91901 no change
- Using new POA {

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Note: This map for water right purposes only. It is not intended for use to represent the location of property lines.

T 12595

SALEM, OR

# Application for Water Right Transfer

## Evidence of Use Affidavit



Oregon Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1266  
 (503) 986-0900  
 www.wrd.state.or.us

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

State of Oregon )  
 ) ss  
 County of LAKE)

I, WE: JOHN ANTHONY CUTINO II AND SUSAN GISELLE CUTINO, in my capacity as TRUSTEES OF THE WILD WATERS REVOCABLE LIVING TRUST,

mailing address 5252 MILL CREEK RD., HEALDSBURG, CA 95448

telephone number (707)965-3612, being first duly sworn depose and say:

1. My knowledge of the exercise or status of the water right is based on (check one):

- Personal observation       Professional expertise

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2. I attest that:

- Water was used during the previous five years on the entire place of use for Certificate # \_\_\_\_; OR

SALEM, OR

- My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township	Range	Mer	Sec	1/4 1/4	Gov't Lot or DLC	Acres (if applicable)

OR

- Confirming Certificate # 91901 has been issued within the past five years; OR
- Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: \_\_\_\_ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); OR
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
- Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # \_\_\_\_ (For Historic POD/POA Transfers)

(continues on reverse side)

3. The water right was used for: (e.g., crops, pasture, etc.): PASTURE

4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

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John Anthony Cutino II 2/23/2017  
Signature of Affiant

2/23/2017  
Date

Susan Biselle Cutino 2/23/2017

Signed and sworn to (or affirmed) before me this 23 day of February, 2017.

"See California Jurat for both signers"  
Notary Public for Oregon

My Commission Expires: April 6<sup>th</sup> 2017

Supporting Documents	Examples
<input checked="" type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> <li>• Power usage records for pumps associated with irrigation use</li> <li>• Fertilizer or seed bills related to irrigated crops</li> <li>• Farmers Co-op sales receipt</li> </ul>
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"> <li>• District assessment records for water delivered</li> <li>• Crop reports submitted under a federal loan agreement</li> <li>• Beneficial use reports from district</li> <li>• IRS Farm Usage Deduction Report</li> <li>• Agricultural Stabilization Plan</li> <li>• CREP Report</li> </ul>
<input type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	<p>Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos: OSU – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a> OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a> Google Earth – <a href="http://earth.google.com">earth.google.com</a> TerraServer – <a href="http://www.terra-server.com">www.terra-server.com</a></p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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CALIFORNIA NOTARY CERTIFICATE OF ACKNOWLEDGMENT/JURAT ADDENDUM (FOR USE IN CA ONLY)

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OWRD

For use for CA Notary Acknowledgment only:

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of Sonoma

On \_\_\_\_\_ before me VARSHANA ELIZABETH SOLTER (here insert name and title of officer), personally appeared \_\_\_\_\_ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the attached \_\_\_\_\_ [name of document] instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

(SEAL)

(Signature)

For use for CA Notary Jurat only:

"Application for Water Right Transfer Evidence of Use Affidavit"

(2 pages)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of SONOMA

Subscribed and sworn to (or affirmed) before me on this 23<sup>rd</sup> day of Feb., 2017, by Susan Giselle Cutino and John Anthony Cutino II proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature [Handwritten Signature]

(SEAL)



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SALEM, OR

STATE OF OREGON  
COUNTY OF LAKE  
CERTIFICATE OF WATER RIGHT

RECEIVED

AUG 03 2018

OWRD

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FEB 27 2017

SALEM, OR

THIS CERTIFICATE ISSUED TO

JACK P ALBERTSON  
FLORENCE M ALBERTSON  
91926 DOG LAKE LANE  
LAKEVIEW OR 97630

NORTHWEST FARM CREDIT SERVICES, FLCA  
300 KLAMATH AVE SUITE 200  
KLAMATH FALLS OR 97601

WILD WATERS REVOCABLE LIVING TRUST  
c/o 5252 MILL CREEK RD  
HEALDSBURG, CALIFORNIA 95448

confirms the right to the use of water perfected under the terms of Permit G-7160. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-7704

SOURCE OF WATER: A WELL IN THE GOOSE & SUMMER LAKES BASIN

PURPOSE or USE: PRIMARY IRRIGATION OF 103.3 ACRES AND SUPPLEMENTAL IRRIGATION OF 117.6 ACRES

MAXIMUM RATE: 2.76 CUBIC FEET PER SECOND

DATE OF PRIORITY: FEBRUARY 8, 1977

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	19 E	WM	6	SE SE	1280 FEET NORTH AND 1260 FEET WEST FROM SE CORNER, SECTION 6

If for irrigation, this appropriation shall be limited to ONE-EIGHTIETH of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre feet per acre for each acre irrigated during the irrigation season of each year; provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and 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. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

Application G-7704.jlj

Page 1 of 2

Certificate 91901

T 12595

Exhibit B  
Page 15 of 20

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A description of the place of use is as follows:

PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	19 E	WM	5	NW NW	28.4
40 S	19 E	WM	5	SW NW	23.8
40 S	19 E	WM	6	NE NE	12.4
40 S	19 E	WM	6	SE NE	38.7

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	GLot
40 S	19 E	WM	5	NE SW	33.4
40 S	19 E	WM	5	NW SW	18.6
40 S	19 E	WM	5	SW SW	33.6
40 S	19 E	WM	5	SE SW	32.0

The well shall be cased as necessary in accordance with good practice and if the flow is artesian the works shall include proper capping and control valve to prevent the waste of ground water.

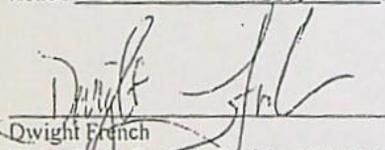
The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times.

The water user shall maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

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.

This certificate is issued to correct a scrivener's error by correcting the name of the permit holder of record and supersedes Certificate 91840.

Issued SEP 19 2016

  
Dwight French  
Water Right Services Division Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department

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SALEM, OR

# Land Use Information Form



Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900  
www.wrd.state.or.us

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## NOTE TO APPLICANTS

OWRD

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

**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) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
  - b) The application involves a change in place of use only;
  - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
  - d) The application involves irrigation water uses only.

## NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

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SALEM, OR

T 12595

# Land Use Information Form



Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900  
www.owrd.org

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AUG 03 2018 FEB 27 2017

OWRD SALEM, OR

Applicant(s): The Wild Waters Revocable Living Trust

Mailing Address: c/o 5252 Mill Creek Rd.

City: Healdsburg

State: CA

Zip Code: 95448

Daytime Phone: 707-965-3612

## A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	1/4	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>40S</u>	<u>19E</u>	<u>5</u>	<u>NWNW</u>	<u>1700</u>	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>IR</u>
<u>40S</u>	<u>19E</u>	<u>5</u>	<u>SW NW</u>	<u>1700</u>	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>IR</u>
<u>40S</u>	<u>19E</u>	<u>6</u>	<u>NE NE</u>	<u>1700</u>	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>IR</u>
<u>40S</u>	<u>19E</u>	<u>6</u>	<u>SE NE</u>	<u>1700</u>	_____	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>IR</u>

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

LAKE

## B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water   
 Water Right Transfer   
 Permit Amendment or Ground Water Registration Modification  
 Limited Water Use License   
 Allocation of Conserved Water   
 Exchange of Water

Source of water:  Reservoir/Pond   
 Ground Water   
 Surface Water (name) \_\_\_\_\_

Estimated quantity of water needed: 1.29   
 cubic feet per second   
 gallons per minute   
 acre-feet

Intended use of water:  Irrigation   
 Commercial   
 Industrial   
 Domestic for \_\_\_\_\_ household(s)  
 Municipal   
 Quasi-Municipal   
 Instream   
 Other \_\_\_\_\_

Briefly describe:

The property was previously leased by a neighboring landowner and operated as one farm. The well that supplies the water Right for this property is not located on this property. This transfer application is to add a point of appropriation so the property owner has his own well for his share of the water right. The original configuration used a pivot that irrigated a portion of both properties. The transfer in place of use moves the pivot to only irrigate land of this ownership.



Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

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**OWRD**

**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.

Please check the appropriate box below and provide the requested information

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): *Lake County Zoning Ordinance Article 2 (A-1 2015)*
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) If approvals have been obtained but all appeal periods have not ended, check "Being pursued."

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Name: *Darwin Johnson* Title: *Planning Director*  
 Signature: *[Signature]* Phone: *541-947-6036* Date: *14 FEB 2017*  
 Government Entity: *Lake County Planning Department*

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant name: \_\_\_\_\_  
 City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

NOTICE TO WATER WELL CONTRACTOR  
The original and first copy  
of this report are to be  
filed with the

Lake  
2767  
NW

WATER WELL REPORT  
STATE OF OREGON  
(Please type or print)  
(Do not write above this line)

RECEIVED RECEIVED  
STATE WELL NO. 1051156

STATE ENGINEER, SALEM, OREGON 97310  
within 30 days from the date  
of well completion.

DEC 30 1976 State Permit No.

AUG 03 2018

WATER RESOURCES DEPT.

(1) OWNER:

Name Jack Albertson  
Address Rt. 6 Box 466  
Lakeview Or. 97630

(2) TYPE OF WORK (check):

New Well  Deepening  Rescuing  Abandon   
If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary  Driven   
Cable  Jetted   
Dug  Bored

(4) PROPOSED USE (check):

Domestic  Industrial  Municipal   
Irrigation  Test Well  Other

CASING INSTALLED:

Threaded  Welded   
N.A. " Diam. from ..... ft. to ..... ft. Gage .....  
" Diam. from ..... ft. to ..... ft. Gage .....  
" Diam. from ..... ft. to ..... ft. Gage .....

PERFORATIONS:

Perforated?  Yes  No.  
Type of perforator used .....  
Size of perforations in. by ..... in.  
..... perforations from ..... ft. to ..... ft.  
..... perforations from ..... ft. to ..... ft.  
..... perforations from ..... ft. to ..... ft.

(7) SCREENS:

Well screen installed?  Yes  No  
Manufacturer's Name .....  
Type ..... Model No. ....  
Diam. .... Slot size ..... Set from ..... ft. to ..... ft.  
Diam. .... Slot size ..... Set from ..... ft. to ..... ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level  
Was a pump test made?  Yes  No If yes, by whom? Volley Pump  
Yield: 1600 gal./min. with 7 ft. drawdown after 2 hrs.  
" " " " " "  
" " " " " "  
Ballor test gal./min. with ..... ft. drawdown after ..... hrs.  
Artesian flow g.p.m. ....  
Temperature of water ..... Depth artesian flow encountered ..... ft.

(9) CONSTRUCTION:

Well seal—Material used Already Completed  
Well sealed from land surface to ..... ft.  
Diameter of well bore to bottom of seal ..... in.  
Diameter of well bore below seal ..... in.  
Number of sacks of cement used in well seal ..... sacks  
Number of sacks of bentonite used in well seal ..... sacks  
Brand name of bentonite .....  
Number of pounds of bentonite per 100 gallons  
of water ..... lbs./100 gals.  
Was a drive shoe used?  Yes  No Plugs ..... Size: location ..... ft.  
Did any strata contain unusable water?  Yes  No  
Type of water? ..... depth of strata .....  
Method of sealing strata off .....  
Was well gravel packed?  Yes  No Size of gravel: .....  
Gravel placed from ..... ft. to ..... ft.

(10) LOCATION OF WELL:

County Lake Driller's well number OWRD  
NW 1/4 SE 1/4 Section 6 T. 40S R. 19E W.M.  
Bearing and distance from section or subdivision corner

(11) WATER LEVEL: Completed well.

Depth at which water was first found Exist. SWL 12 ft.  
Static level 12 ft. below land surface. Date 12-2-76  
Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 8"  
Depth drilled 442 ft. Depth of completed well 442 ft.  
Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Sand Black Coarse	368	369	12
Rock Black Hard	369	442	12

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FEB 27 2017

SALEM, OR

Work started 11-30 1976 Completed 12-2 1976  
Date well drilling machine moved off of well 12-2 1976

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.

[Signed] Maxm Sevey Date 1976  
(Drilling Machine Operator)

Drilling Machine Operator's License No. 196

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

Name Sevey Well Drilling  
(Person, firm or corporation) (Type or print)

Address 117 N.K. Lakeview Or. 97630

[Signed] Alan J Sevey  
(Water Well Contractor)

Contractor's License No. 617 Date 12-28 1976

(USE ADDITIONAL SHEETS IF NECESSARY)

SP-45656-119

I 12595

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LEASE

THIS AGREEMENT is made and entered into by and between Alberta Towle Severin, as Lessor, who is purchasing the real property which is the subject of this lease, from William Sundet and Lillian Sundet under a Contract of Sale, and Jack Albertson and Florence Albertson, husband and wife, as Lessees.

WITNESSETH: That for and in consideration of the payment of rents and the performance of the terms hereinafter stated by Lessees, Lessor does hereby demise and let unto Lessees the following described real property located in Lake County, Oregon:

W $\frac{1}{2}$ NW $\frac{1}{4}$  of Section 5 and the E $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 6, Township 40 South, Range 19 EWM, excepting that portion of the E $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 6 which is North of the stream located on such property, said exception being 15 acres in size, more or less.

1. TERM AND CONSIDERATION: The primary term of this lease shall be from February 15, 1977 to February 14, 1982 and the consideration for this term shall be the sum of \$3,050.00 annually, payable in advance on or before February 15 of each year unless a later date is otherwise agreed on by the parties hereto.

The secondary term of this lease shall commence February 15, 1982 and shall continue thereafter until February 14, 1987. The consideration for this secondary term shall be \$3,050.00 annually and in addition thereto Lessees shall pay Lessor an additional amount equal to one-half of the percentage increase of the Consumer Price Index based upon the preceding five years, to-wit: 1977 to 1982. Thus if the Consumer Price Index has increased 20 percent over the preceding five years, Lessees shall pay Lessor on or before February 15, 1982 \$3,050.00 plus 10 percent. On or before February 15, 1983, Lessees shall pay to Lessor the previous year's

rental amount plus one-half of the percentage increase ~~of the~~ 2018  
Consumer Price Index for the immediate preceding year.

It is expressly understood that this formula as set forth above will continue during the life of the secondary term.

It is further expressly understood and agreed that if the application of said formula will be inequitable to either of the parties hereto, then upon consent of said parties a different agreement may be made.

2. TAXES: Lessor shall be responsible for all real property taxes and Lessees will be responsible for personal property taxes as to any cattle and/or equipment which they may be responsible for placing upon the property.

3. INSURANCE: Lessor now has and shall continue to maintain an insurance policy covering said property during the term of this lease.

4. MAINTENANCE: Lessees agree to maintain the land to the standard that it now exists; such maintenance shall include the repair of perimeter fences except those fences which border the land expressly reserved by Lessor herein as set forth above.

5. IMPROVEMENTS: Lessor expressly grants the Lessees the right to erect improvements on the land. It is expressly agreed that at the conclusion of this lease Lessees will have the right to remove any and all improvements so erected.

6. WATER RIGHTS: Lessees now have water rights covering the property herein, and it is understood that this right is a personal right and at the conclusion of the lease said rights shall remain with the Lessees and will not inure to the land.

7. USE: Lessor gives Lessees unlimited right to use the land as they see fit. However, Lessees shall use the land in a

reasonable manner and will return the land at the conclusion of this lease in at least the condition as the same now exists.

8. ASSIGNMENT: In the event the Lessor, pursuant to the terms of her Contract of Sale heretofore mentioned, for any reason decides to assign her interest in said contract, then the Lessees herein shall have the first option to assume her interest and responsibilities under said Contract. In the case of assignment, Lessor and Lessees at such time will make an agreement with respect to the Lessor-Assignor's equity under the Contract under which said Lessor is now purchasing.

9. TERMINATION: It is understood by the parties hereto that the term of this lease is for ten years. However, the Lessees shall, due to unforeseen circumstances, have the right to terminate this lease upon giving Lessor 90 days written notice of their intention to do so. Lessor may only terminate this agreement prior to expiration of its term by the Lessees failing to make the required rental payments. If the annual payment is 60 days delinquent, Lessor may by written notice to Lessees hold them in default, terminate this agreement, and take possession of the land.

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10. DEFAULT: In the event of a default by the Lessor herein as to her obligations set forth in that certain Contract of Sale heretofore mentioned between William and Lillian Sundet as contract sellers and Alberta Towle Severin as contract purchaser, then said contract sellers shall give written notice of such default to the Lessees herein. Lessees upon receipt of such notice shall have 30 days in which to assume the position of contract purchasers and to discharge said default. In the event that this assumption is not exercised by Lessees or the defaults are not cured within the 30 day period, then such right of assumption is terminated and the contract sellers shall be free to pursue any court of action that they may elect.

11. ATTORNEY FEES: In the event any suit or action is brought to collect any of said rents or to enforce any of the pro-

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visions of this agreement or to repossess the property, reasonable attorney fees may be awarded by the trial court or appellate court to the prevailing party in such action together with costs and necessary disbursements.

12. ADDRESSES: The addresses of the respective parties are as follows:

Alberta Towle Severin  
Rt 6, Box 410  
Lakeview, Oregon 97630

Jack and Florence Albertson  
Rt 6, Box 466  
Lakeview, Oregon 97630

DATED this 17 day of February, 1977.

Alberta Towle Severin  
Alberta Towle Severin, Lessor

Jack Albertson  
Jack Albertson, Lessee

Florence Albertson  
Florence Albertson, Lessee

William Sundet and Lillian Sundet, as contract sellers of the real property which is the subject of this lease, having read and inspected this agreement, do hereby consent to the terms contained herein.

DATED this 25 day of February, 1977.

William Sundet  
William Sundet

Lillian Sundet  
Lillian Sundet



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

file  
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**Request for Assignment**  
By Proof of Ownership **OWRD**  
(If Water Right Holder is Not Available)

AUG 03 2018

If for multiple rights, a separate form and fee for each right will be required.

We X THE WILD WATERS REVOCABLE LIVING TRUST  
(Name of Party Requesting Assignment)

10 5352 MILL CREEK ROAD HEALDSBURG CA 95448 707-965-3612  
(Mailing Address) (City) (State) (Zip) (Phone #)

- hereby request assignment of application/permit/transfer/license/GR Certificate of Registration;
- hereby request assignment of a portion of application/permit/transfer/license/GR Certificate of Registration; (You must include a map showing the portion of the application/permit/transfer/license/GR Certificate of Registration to be assigned.)

I have attached proof of ownership that may include but not be limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property held jointly. The Department cannot accept a copy of a tax statement.

Application # G-7704 ; Permit # G-7160 ; Transfer# \_\_\_\_\_  
-OR-

License # \_\_\_\_\_ GR Statement # \_\_\_\_\_ ; GR Certificate of Registration # \_\_\_\_\_

JACK P AND FLORENCE M. ALBERTSON ; NIU FARM CREDIT SERVICES, FLCA  
(Name of Holder of Record) 300 KLAMATH AVE SUITE 200  
HC 60 Box 2530 KLAMATH FALLS, OR 97601  
LAKEVIEW, OR 97630 (City) (State) (Zip) (Phone #)  
(Mailing Address)

**Note:** You are required to furnish proof acceptable to the Department that notice of the assignment has been given or attempted for each identified property owner not a party to the assignment. ORS 537.220(2) Failure to submit this proof will result in the return of your request. (Proof may include but not be limited to: a copy of returned certified mailing, copy of a Death Certificate, or a court order.)

- 1) I certify that I am the current owner of the property described in this application, Permit, transfer, license or GR Certificate of Registration.
- 2) I have the legal right to request assignment under OAR 690-310-0280 and 690-320-0060.
- 3) I have not been able to contact the owner(s) of record for the above referenced application or water right.
- 4) I further certify that the information provided herein is true and correct to the best of my knowledge.

Witness my hand this 4th day of July, 2016.

Party Requesting Assignment John A. Cutino II

Party Requesting Assignment Susan Giselle Cutino

ASSIGNMENT BY PROOF  
JUL 7/13/2016

**DO NOT WRITE IN THIS BOX**

This certifies assignment and record change at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem, Oregon.  
Fee receipt # 120484  
For Director by Jerry Sauer, Program Analyst in Water Rights Division [Signature]

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$85.

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JUL 11 2016

Last updated: July 19, 2013 Request for Assignment if Permit Holder not available

WR SALEM, OR

RECORDING REQUESTED BY:  
JOHN ANTHONY CUTINO II AND  
SUSAN GISELLE CUTINO  
When Recorded Mail Document  
And Tax Statement To:  
JOHN ANTHONY CUTINO II AND  
SUSAN GISELLE CUTINO, TRUSTEES OF  
THE WILD WATERS REVOCABLE LIVING TRUST  
C/O 5252 MILL CREEK ROAD  
HEALDSBURG, CA 95448

LAKE COUNTY, OREGON 2015-001171  
D-QCDEED 07/20/2015 09:24:57 AM  
Cnt=1 Pgs=3  
\$15.00 \$11.00 \$20.00 \$10.00 Total: \$56.00



I, Stacie Geaney, County Clerk for Lake County, Oregon  
certify that the instrument identified herein was  
recorded in the Clerk records.  
Stacie Geaney - County Clerk

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APN 15491

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QUITCLAIM DEED

OWRD

The undersigned grantor(s) declare(s) GIFT/NO CONSIDERATION  
Documentary Transfer Tax is \$ \_\_\_\_\_ City tax \$ \_\_\_\_\_  
( ) computed on full value of property conveyed, or  
( ) computed on full value less value of liens or encumbrances remaining at time of sale,  
( ) Unincorporated Area County of Lake, State of Oregon

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, JOHN ANTHONY CUTINO II AND SUSAN GISELLE CUTINO, HUSBAND AND WIFE, AS ~~COMMUNITY PROPERTY~~ <sup>AS TENANTS BY THE ENTIRETY</sup>

hereby quitclaims and transfers all right, title and interest held by Grantors to JOHN ANTHONY CUTINO II AND SUSAN GISELLE CUTINO, TRUSTEES OF THE WILD WATERS REVOCABLE LIVING TRUST

the following described real property in the County of Lake, State of Oregon, described as follows:  
Township 40 South, Range 19, East of the Willamette Meridian, Lake County, Oregon

Section 5: The W 1/2 NW 1/4  
Section 6: The E 1/2 NE 1/4

This Quitclaim Deed is freely and fairly given with no consideration in regard to all right, title and interest in and to the real property described herein.

Dated: July 15, 2015

*John Anthony Cutino II*  
JOHN ANTHONY CUTINO II  
*Susan Giselle Cutino*  
SUSAN GISELLE CUTINO

MAIL TAX STATEMENT AS DIRECTED ABOVE

401900-017

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20 15 00 11 71

ACKNOWLEDGMENT

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

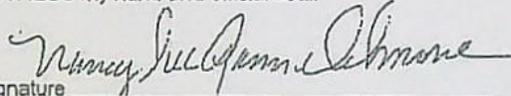
State of California  
County of CONTRA COSTA

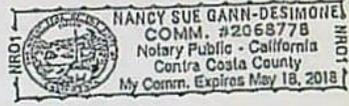
On JULY 15, 2015 before me, Nancy Sue Gann-Desimone, Notary Public  
(insert name and title of the officer)

personally appeared JOHN ANTHONY CUTINO II who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

  
Signature \_\_\_\_\_ (Seal)  
Nancy/Sue Gann-Desimone, Notary Public



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ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of CONTRA COSTA

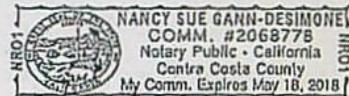
On JULY 15, 2015 before me, NANCY SUE GANN-DESIMONE  
(Insert name and title of the officer)

personally appeared SUSAN GISELLE CUTINO  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Nancy Sue Gann-Desimone  
Signature \_\_\_\_\_ (Seal)



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206

MO140630

WARRANTY DEED

073854 OWRD

KNOW ALL MEN BY THESE PRESENTS: That we, William Sundet and Lillian Sundet, husband and wife, for and in consideration of the sum of \$95,000.00 have bargained and sold and by these presents do bargain, sell and convey unto Jack Albertson and Florence M. Albertson, husband and wife, the following described real property situated within Lake County, State of Oregon, to wit:

Township 40 South, Range 19 E.W.M.

Section 5: SW $\frac{1}{4}$ .

Section 6: SE $\frac{1}{4}$ , EXCEPTING THEREFROM: Beginning at the Southwest corner of the Southeast Quarter of Section 6, Township 40 South, Range 19 E.W.M., thence running North 296 feet; thence East 592 feet; thence South 296 feet; thence West 592 feet to the point of beginning

TO HAVE AND TO HOLD the above granted premises unto the grantees and unto their heirs and assigns forever. And the grantors do covenant with the grantees that they are lawfully seised of a merchantable fee simple title to the above granted premises; that said premises are free of all liens and encumbrances excepting: (1) Easements and rights of way on record and those apparent upon the land, if any; (2) Rights of way for ditches and canals of Lakeview Water Users Inc., a corporation; an undescribed two acre tract in the SW corner of the SE $\frac{1}{4}$  of Section 6, Township 40 South, Range 19 E.W.M., under that certain deed executed by Elizabeth Nichel, a widow, to the trustee of the Methodist Episcopal Church, North, recorded on January 10, 1895 in volume 8 at page 323, Deed Records of Lake County, Oregon. The grantors do further covenant that they will forever warrant and defend the above granted premises unto the grantees their heirs and assigns against the lawful claims and demands of all persons whomsoever.

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SALEM, OR

MD140631-07

IN WITNESS WHEREOF the grantors have hereunto set their hands and seals, this 20th day of June, 1975.

William Sundet (SEAL)  
Lillian Sundet (SEAL)

STATE OF OREGON }  
County of Lake } :SS

On this 20th day of June, 1975, before me personally appeared the within named William Sundet and Lillian Sundet, husband and wife, and they did then and there acknowledge that they executed the foregoing instrument.

J. G. [Signature]  
Notary Public for Oregon

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My Commission Expires  
Jan. 23, 1997

State of Oregon }  
County of Lake } ss. Reel 14  
File De30  
I hereby certify that the within instrument was received and filed for record on the 29 day of March 1975 at 2:32 o'clock PM and recorded on Page 666 in book 277 Record of Deeds of said County  
[Signature]  
County Clerk  
By [Signature] Deputy

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G 7160

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CANAL SYSTEM OR PIPE LINE—

9. (a) Give dimensions at each point of canal where materially changed in size, stating miles from headgate. At headgate: width on top (at water line) ..... feet; width on bottom ..... feet; depth of water ..... feet; grade ..... feet fall per one thousand feet.

(b) At ..... miles from headgate: width on top (at water line) ..... feet; width on bottom ..... feet; depth of water ..... feet; grade ..... feet fall per one thousand feet.

(c) Length of pipe, 4042 ft.; size at intake 8" in.; in size at 2640 ft. from intake 6" in.; size at place of use 4-5" in.; difference in elevation between intake and place of use, ..... ft. Is grade uniform? NO Estimated capacity, 4.5 sec. ft.

10. If pumps are to be used, give size and type 20 HP Turbine

75 HP boost pump

Give horsepower and type of motor or engine to be used

11. If the location of the well, tunnel, or other development work is less than one-fourth mile from a natural stream or stream channel, give the distance to the nearest point on each of such channels and the difference in elevation between the stream bed and the ground surface at the source of development

12. Location of area to be irrigated, or place of use

Township N. or S.	Range E. or W. of Wilmamie Meridian	Section	Tract-acre Tract	Number Acres To be Irrigated
<b>Primary</b>				
40S	19E	5	NW 1/4 NW 1/4	31.1 <del>32.3</del>
"	"	"	SW 1/4 NW 1/4	24.4 <del>23.2</del>
"	"	6	NE 1/4 NE 1/4	11.5
"	"	"	SE 1/4 NE 1/4	36.8
<b>Supplementary</b>				
40S	19E	5	NW 1/4 SW 1/4	18.6
"	"	"	SW 1/4 SW 1/4	33.6 33 <sup>B</sup>
"	"	"	SE 1/4 SW 1/4	32.9 33 <sup>B</sup>
"	"	"	NE 1/4 SW 1/4	33.4 33 <sup>B</sup>
				120 <sup>C</sup>

(If more space required, attach separate sheet)

Character of soil Sandy

Kind of crops raised Grain & Hay

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MUNICIPAL SUPPLY—

13. To supply the city of \_\_\_\_\_  
in \_\_\_\_\_ county, having a present population of \_\_\_\_\_  
and an estimated population of \_\_\_\_\_ in 19\_\_\_\_\_

ANSWER QUESTIONS 14, 15, 16, 17 AND 18 IN ALL CASES

- 14. Estimated cost of proposed works, \$ 30,000
- 15. Construction work will begin on or before March 1, 1977
- 16. Construction work will be completed on or before April 15, 1977
- 17. The water will be completely applied to the proposed use on or before \_\_\_\_\_

18. If the ground water supply is supplemental to an existing water supply, identify any application for permit, permit, certificate or adjudicated right to appropriate water, made or held by the applicant. Permit # 2186 in the name of Lakeview

Water Users Incorporated  
*Jack P. Altherton*  
(Signature of applicant)

Remarks: Primary right will cancel when  
lease on following property expires.  
NW1/4, NW1/4 and SW1/4, NW1/4 of Section  
5 T40S, R17E W1M, and also NE1/4,  
NE1/4 and SE1/4, NE1/4 of Section 6 T40S,  
R17E W1M.

STATE OF OREGON, }  
County of Marion, } ss.

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for correction and completion.

In order to retain its priority, this application must be returned to the State Engineer, with corrections on or before May 9, 1977

WITNESS my hand this 9th day of March 1977, 19\_\_\_\_\_

JAMES E. SEXSON  
Director

By *Vesta R. Garner*  
Vesta R. Garner

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STATE OF OREGON, }  
County of Marion, } ss.

PERMIT  
G 7160

This is to certify that I have examined the foregoing application and do hereby grant the same, SUBJECT TO EXISTING RIGHTS and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 2.80 cubic feet per second measured at the point of diversion from the well or source of appropriation, or its equivalent in case of rotation with other water users, from a well

The use to which this water is to be applied is irrigation and supplemental irrigation

If for irrigation, this appropriation shall be limited to 1/80th of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre feet per acre for each acre irrigated during the irrigation season of each year; provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

The well shall be cased as necessary in accordance with good practice and if the flow is artesian the works shall include proper capping and control valve to prevent the waste of ground water.

The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times.

The permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

The priority date of this permit is February 8, 1977

Actual construction work shall begin on or before April 4, 1978 and shall

thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1978

Complete application of the water to the proposed use shall be made on or before October 1, 1979

WITNESS my hand this 4th day of April, 1977

*James E. Lewis*  
WATER RESOURCES DIRECTOR

Application No. G-1104 WRS

Permit No. G-7160

PERMIT

TO APPROPRIATE THE GROUND WATERS OF THE STATE OF OREGON

This instrument was first received in the office of the State Engineer at Salem, Oregon, on the 8 day of February, 1977, at 8 o'clock A. M.

Returned to applicant:

Approved:

Recorded in book No. \_\_\_\_\_ of G 7160 Ground Water Permits on page \_\_\_\_\_

STATE ENGINEER

Drainage Basin No. 13 page 64  
588

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May 9<sup>th</sup>, 2018

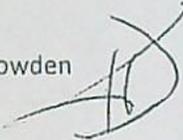
INTER-OFFICE MEMO

Phone Conversation with Mr. Cutino regarding the Report of Ownership and written "go-ahead response.

Over the phone he stated they thought the draft of the preliminary Determination was fine and would get going on the Report of Ownership at once.

The report of ownership took quite a while to come in.

Ken Dowden

A handwritten signature in black ink, appearing to be 'KD' with a stylized flourish.



# Lake County Property Summary Report

# RECEIVED

Report Date: 5/9/2018 12:10:00 PM

AUG 03 2018

## Disclaimer

The information and maps presented in this report are provided for your convenience. Every reasonable effort has been made to assure the accuracy of the data and associated maps. Lake County makes no warranty, representation or guarantee as to the content, sequence, accuracy, timeliness or completeness of any of the data provided herein. Lake County explicitly disclaims any representations and warranties, including, without limitation, the implied warranties of merchantability and fitness for a particular purpose. Lake County shall assume no liability for any errors, omissions, or inaccuracies in the information provided regardless of how caused. Lake County assumes no liability for any decisions made or actions taken or not taken by the user of this information or data furnished hereunder.

## Account Summary

### Account Information

Mailing Name: THE WILD WATERS REVOCABLE LIVING TRUST  
Map and Taxlot: 40S19E000001700  
Account: 15491  
Tax Status: Taxable  
Situation Address: 91762 SHULTS LN LAKEVIEW, OR 97630

### Property Taxes

Current Tax Year: 2017  
Tax Code Area: 712

### Assessment

Subdivision:  
Lot: 0  
Block: 0  
Assessor Acres: 158.18  
Property Class: 559

### Ownership

Mailing Address:  
THE WILD WATERS REVOCABLE LIVING TRUST  
5252 MILL CREEK RD  
HEALDSBURG, CA 95448

### Valuation

Real Market Values as of Jan. 1,  
Land \$284,185  
Structures \$60,499  
Total \$128,951

### Current Assessed Values:

Maximum Assessed \$58,769  
Assessed Value \$111,284  
Veterans Exemption \$0.00

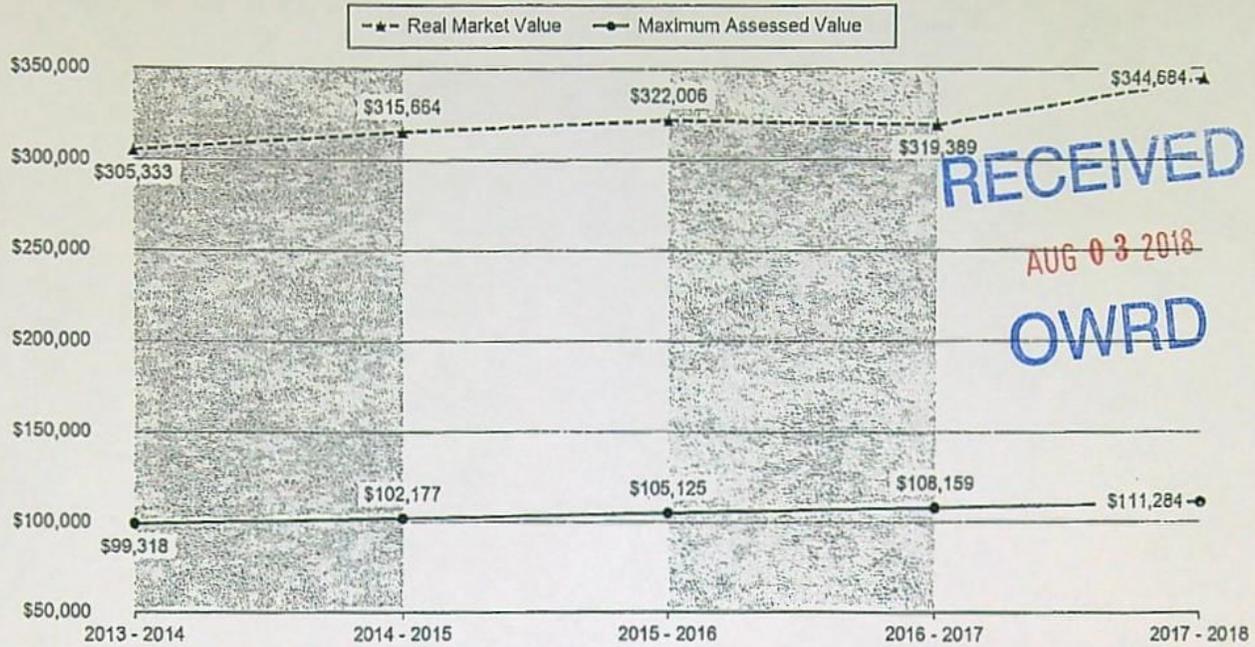
## Warnings, Notations, and Special Assessments

### Assessor's Office Notations

Code	Description	Remarks
DEFD		ATL

## Valuation History All values are as of January 1 of each year. Tax year is July 1st through June 30th of each year.

	2013 - 2014	2014 - 2015	2015 - 2016	2016 - 2017	2017 - 2018
Real Market Value - Land	\$239,043	\$251,714	\$258,766	\$257,637	\$284,185
Real Market Value - Structures	\$66,290	\$63,950	\$63,240	\$61,752	\$60,499
Total Real Market Value	\$305,333	\$315,664	\$322,006	\$319,389	\$344,684
Maximum Assessed Value	\$99,318	\$102,177	\$105,125	\$108,159	\$111,284
Total Assessed Value	\$99,318	\$102,177	\$105,125	\$108,159	\$111,284
Exemption Value	\$0	\$0	\$0	\$0	\$0



### Tax Payment History

Year	Date Due	Transaction Type	Transaction Date	As Of Date	Amount Received	Tax Due	Discount Amount	Interest Charged	Refund Interest
2017	11/15/2017	PAYMENT	12/01/2017	11/15/2017	\$1,420.41	(\$1,464.34)	\$43.93	\$0.00	\$0.00
2017	11/15/2017	IMPOSED	11/15/2017	11/15/2017	\$0.00	\$1,464.34	\$0.00	\$0.00	\$0.00
					Total:	\$0.00			
2016	11/15/2016	PAYMENT	12/05/2016	11/15/2016	\$1,382.49	(\$1,425.25)	\$42.76	\$0.00	\$0.00
2016	11/15/2016	IMPOSED	11/15/2016	11/15/2016	\$0.00	\$1,425.25	\$0.00	\$0.00	\$0.00
					Total:	\$0.00			
2015	11/15/2015	PAYMENT	12/01/2015	11/15/2015	\$1,355.00	(\$1,396.91)	\$41.91	\$0.00	\$0.00
2015	11/15/2015	IMPOSED	11/15/2015	11/15/2015	\$0.00	\$1,396.91	\$0.00	\$0.00	\$0.00
					Total:	\$0.00			
2014	11/15/2014	IMPOSED	11/15/2014	11/15/2014	\$0.00	\$1,351.33	\$0.00	\$0.00	\$0.00
2014	11/15/2014	PAYMENT	11/06/2014	11/15/2014	\$1,310.79	(\$1,351.33)	\$40.54	\$0.00	\$0.00
					Total:	\$0.00			
2013	11/15/2013	PAYMENT	01/02/2014	11/15/2013	\$48.03	(\$48.03)	\$0.00	\$0.00	\$0.00
2013	11/15/2013	PAYMENT	12/03/2013	11/15/2013	\$1,274.77	(\$1,274.77)	\$0.00	\$5.85	\$0.00
2013	11/15/2013	IMPOSED	11/15/2013	11/15/2013	\$0.00	\$1,316.95	\$0.00	\$0.00	\$0.00
2013	11/15/2013	IMPOSED	11/15/2013	11/15/2013	\$0.00	\$5.85	\$0.00	\$0.00	\$0.00
					Total:	\$0.00			
2012	11/15/2012	PAYMENT	12/03/2012	11/15/2012	\$218.67	(\$218.67)	\$0.00	\$18.67	\$0.00
2012	11/15/2012	PAYMENT	12/06/2012	11/15/2012	\$1,092.15	(\$1,092.15)	\$0.00	\$5.72	\$0.00
2012	11/15/2012	IMPOSED	11/15/2012	11/15/2012	\$0.00	\$18.67	\$0.00	\$0.00	\$0.00
2012	11/15/2012	IMPOSED	11/15/2012	11/15/2012	\$0.00	\$1,286.43	\$0.00	\$0.00	\$0.00
2012	11/15/2012	IMPOSED	11/15/2012	11/15/2012	\$0.00	\$5.72	\$0.00	\$0.00	\$0.00
					Total:	\$0.00			
2011	11/15/2011	PAYMENT	12/01/2011	11/15/2011	\$1,147.10	(\$1,182.58)	\$35.48	\$0.00	\$0.00
2011	11/15/2011	IMPOSED	11/15/2011	11/15/2011	\$0.00	\$1,182.58	\$0.00	\$0.00	\$0.00
					Total:	\$0.00			
2010	11/15/2010	PAYMENT	06/13/2011	11/15/2010	\$1,210.92	(\$1,210.92)	\$0.00	\$61.32	\$0.00

Year	Date Due	Transaction Type	Transaction Date	As Of Date	Amount Received	Tax Due	Discount Amount	Interest Charged	Refund Interest
2010	11/15/2010	IMPOSED	11/15/2010	11/15/2010	\$0.00	\$61.32	\$0.00	\$0.00	\$0.00
2010	11/15/2010	IMPOSED	11/15/2010	11/15/2010	\$0.00	\$1,149.60	\$0.00	\$0.00	\$0.00
					Total:	\$0.00			
2009	11/15/2009	PAYMENT	12/01/2009	11/15/2009	\$1,084.07	(\$1,117.60)	\$33.53	\$0.00	\$0.00
2009	11/15/2009	IMPOSED	11/15/2009	11/15/2009	\$0.00	\$1,117.60	\$0.00	\$0.00	\$0.00
					Total:	\$0.00			
2008	11/15/2008	PAYMENT	06/12/2009	11/15/2008	\$1,158.93	(\$1,158.93)	\$0.00	\$72.43	\$0.00
2008	11/15/2008	IMPOSED	11/15/2008	11/15/2008	\$0.00	\$1,086.50	\$0.00	\$0.00	\$0.00
2008	11/15/2008	IMPOSED	11/15/2008	11/15/2008	\$0.00	\$72.43	\$0.00	\$0.00	\$0.00
					Total:	\$0.00			
2007	11/15/2007	PAYMENT	12/09/2007	11/15/2007	\$1,024.64	(\$1,056.33)	\$31.69	\$0.00	\$0.00
2007	11/15/2007	IMPOSED	11/15/2007	11/15/2007	\$0.00	\$1,056.33	\$0.00	\$0.00	\$0.00
					Total:	\$0.00			

### Sales History

Sale Date	Seller	Buyer	Sale Amount	Sale Type	Recording
10/29/1997	SEVERIN, ALBERTA R & JOHN E	PARTLOW, DAVID D JR & ELAINE S	\$175,000	CONTRACT	239-43
12/02/2003	PARTLOW, DAVID D JR & ELAINE S	PARTLOW, DAVID D JR & ELAINE S	\$0	CONTRACT	260-492
11/21/2003	PARTLOW, DAVID D JR & ELAINE S	MCCULLOUGH, GREG	\$225,000	WARRANTY DEED	260-430
09/30/2004	MCCULLOUGH, GREG & CUTINO, LINDA	MCCULLOUGH, GREG & CUTINO, LINDA	\$225,000	WARRANTY DEED	263-245
10/31/2014	CUTINO LINDA	CUTINO JOHN ANTHONY II & SUSAN CICH	\$0	BARGAIN & SALE	2014-1865

### Structures

Stat Class/Description	Improvement Description	Code Area	Year Built	Est Year Built	Total Sq Ft
-- DWELL	DWELL	712	0	195	1318

### Accessories

Improvement Type	Sq Ft
Miscellaneous	528
Multi-Purpose Shed	196
Miscellaneous	0
General Purpose Building	572
Grain Bin	0
General Purpose Building	1300
Feeder Barn	1280
Livestock Loafing Shed	176

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### Land Characteristics

Land Description	Acres	Land Classification
16 - Hs	1.00	
15 - Farm-rmv or sav	39.36	
15 - Farm-rmv or sav	14.00	
15 - Farm-rmv or sav	27.20	
15 - Farm-rmv or sav	13.78	
15 - Farm-rmv or sav	37.24	
15 - Farm-rmv or sav	25.60	
81 - OSD FARM--rmv or sav	0.00	

### Related Accounts

Related accounts apply to a property that may be on one map and tax lot but due to billing have more than one account. This occurs when a property is in multiple tax code areas. In other cases there may be business personal property or a manufactured home on this property that is not in the same ownership as the land.

No Related Accounts found.

### Ownership

Name Type	Name	Ownership Type	Percentage
Owner	THE WILD WATERS REVOCABLE LIVING TRUST ,		100.00%
Taxpayer	THE WILD WATERS REVOCABLE LIVING TRUST ,		100.00%
			200.00%

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Exhibit F  
Page 5 of 5

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

RECEIPT # 126773

725 Summer St. N.E. Ste. A  
SALEM, OR 97301-4172  
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # \_\_\_\_\_

RECEIVED FROM: John A Cutino II;  
BY: Susan A Cutino

CASH:  CHECK: # X 4868 OTHER: (IDENTIFY)

APPLICATION \_\_\_\_\_  
PERMIT \_\_\_\_\_  
TRANSFER T-12595

TOTAL REC'D \$ 129.60

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 46117 \$ \_\_\_\_\_  
0207 OTHER: (IDENTIFY) Newspaper Notice \$ 129.60

0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$ \_\_\_\_\_  
0410 RESEARCH FEES \$ \_\_\_\_\_  
0408 MISC REVENUE: (IDENTIFY) \_\_\_\_\_ \$ \_\_\_\_\_  
TC162 DEPOSIT LIAB. (IDENTIFY) \_\_\_\_\_ \$ \_\_\_\_\_  
0240 EXTENSION OF TIME \$ \_\_\_\_\_

WATER RIGHTS:

EXAM FEE	RECORD FEE
0201 SURFACE WATER \$ _____	0202 \$ _____
0203 GROUND WATER \$ _____	0204 \$ _____
0205 TRANSFER \$ _____	

WELL CONSTRUCTION

EXAM FEE	LICENSE FEE
0218 WELL DRILL CONSTRUCTOR \$ _____	0219 \$ _____
LANDOWNER'S PERMIT _____	0220 \$ _____

OTHER (IDENTIFY) \_\_\_\_\_

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ \_\_\_\_\_ CARD # \_\_\_\_\_  
0210 MONITORING WELLS \$ \_\_\_\_\_ CARD # \_\_\_\_\_  
OTHER (IDENTIFY) \_\_\_\_\_

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$ \_\_\_\_\_  
0231 HYDRO LICENSE FEE (FW/WRD) \$ \_\_\_\_\_  
HYDRO APPLICATION \$ \_\_\_\_\_

TREASURY OTHER / RDX

FUND \_\_\_\_\_ TITLE \_\_\_\_\_  
OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_  
DESCRIPTION \_\_\_\_\_ \$ \_\_\_\_\_

RECEIPT: 126773

DATED: 5-25-18 BY: [Signature]

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Blue Copy - Fiscal

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

RECEIPT # 126773

725 Summer St. N.E. Ste. A  
SALEM, OR 97301-4172  
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # \_\_\_\_\_

RECEIVED FROM: John A Cutino II;  
BY: Susan A Cutino

CASH:  CHECK: # X 4868 OTHER: (IDENTIFY)

APPLICATION \_\_\_\_\_  
PERMIT \_\_\_\_\_  
TRANSFER T-12595

TOTAL REC'D \$ 129.60

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 46117 \$ \_\_\_\_\_  
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4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$ \_\_\_\_\_  
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0240 EXTENSION OF TIME \$ \_\_\_\_\_

WATER RIGHTS:

EXAM FEE	RECORD FEE
0201 SURFACE WATER \$ _____	0202 \$ _____
0203 GROUND WATER \$ _____	0204 \$ _____
0205 TRANSFER \$ _____	

WELL CONSTRUCTION

EXAM FEE	LICENSE FEE
0218 WELL DRILL CONSTRUCTOR \$ _____	0219 \$ _____
LANDOWNER'S PERMIT _____	0220 \$ _____

OTHER (IDENTIFY) \_\_\_\_\_

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ \_\_\_\_\_ CARD # \_\_\_\_\_  
0210 MONITORING WELLS \$ \_\_\_\_\_ CARD # \_\_\_\_\_  
OTHER (IDENTIFY) \_\_\_\_\_

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0233 POWER LICENSE FEE (FW/WRD) \$ \_\_\_\_\_  
0231 HYDRO LICENSE FEE (FW/WRD) \$ \_\_\_\_\_  
HYDRO APPLICATION \$ \_\_\_\_\_

TREASURY OTHER / RDX

FUND \_\_\_\_\_ TITLE \_\_\_\_\_  
OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_  
DESCRIPTION \_\_\_\_\_ \$ \_\_\_\_\_

RECEIPT: 126773

DATED: 5-25-18 BY: [Signature]

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Blue Copy - Fiscal

Attached is a check for \$129.60 (PCA #46117) for Newspaper Notice for Transfer T-12595 made out to Oregon Water Resources Department (or WRD)

- "for T-12595 NOTICE" written on front of check

Mail to: Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301-1266

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MAY 25 2018

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# Affidavit of Publication

STATE OF OREGON,  
County of Lake, } ss.

I, Matilda W. Flynn, being first duly sworn, depose and say that I am the

General Manager  
Publisher, Editor or Business Manager

of the Lake County Examiner, a newspaper of general circulation printed and published at Lakeview in the aforesaid county and state, as defined by Chapter 193ORS, that

Notice of Transfer - Dept. Water Res.

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for Two (2) consecutive and successive weeks in the following issues

June 27, 2018; July 4, 2018

#5051

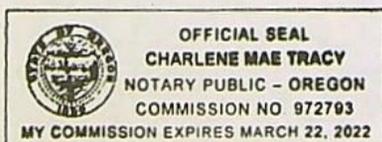
Matilda W. Flynn

Subscribed and sworn to before me this 12<sup>th</sup> day of July 2018.

Charlene Mae Tracy

Notary Public for Oregon

(My commission expires 3-22-2022)



## Notice of Preliminary Determination for Water Right Transfer T-12595

T-12595 filed by Wild Waters Revocable Trust, 5252 Mill Creek Rd, Healdsburg, Ca 95448, proposes a change in place of use and point of appropriation under Certificate 91901. Certificate 91901 allows the use of 0.21 cfs from a well in the Goose and Summer Lakes basin, within Sec. 6, T40S, R19E, WM. for irrigation within Sects. 5 and 6, T40S, R19E, WM. The applicant proposes to change the place of use to within Sec. 6, and change the point of appropriation to within Sects. 5 and 6, T40S, R19E, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, a protest or standing statement within 30 days after the publication of this notice 06/27/2018. Call (503) 986-0807 to obtain ad-

ditional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

DATE OF FIRST PUBLICATION:  
June 27, 2018

PUBLICATION DATES:  
June 27, 2018  
July 4, 2018

#5051

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# Oregon

Kate Brown, Governor

## Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

June 18, 2018

VIA E-MAIL

### Applicant

The Wild Waters Revocable Living Trust  
5252 Mill Creek Rd.  
Healdsburg, CA 95448

SUBJECT: Water Right Transfer Application T-12595

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-12595. 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 and in the Lake County Examiner newspaper, simultaneously with issuance of the Preliminary Determination. The notice initiates a 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. The protest period will end 30 days after the last date of newspaper publication.

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 503-986-0886 or [Patrick.K.Starnes@oregon.gov](mailto:Patrick.K.Starnes@oregon.gov) 503-986-0886 or [Patrick.K.Starnes@wrds.state.or.us](mailto:Patrick.K.Starnes@wrds.state.or.us) if I may be of assistance.

Sincerely,

*Sarah Henderson*

Ken Dowden Kelly Starnes  
Transfer Specialist  
NC Region

*for*

cc: Transfer Application file T-12595  
Brian M. Mayer, District 12 Watermaster (via e-mail)  
Hollie Cannon, Agent for the applicant (via e-mail: [hcannon@waterightsolutions.com](mailto:hcannon@waterightsolutions.com))  
Joseph L. Strahl, CWRE #222 mailing address: 60 North 4th St., Central Point, OR 97502  
Mr. Kirk Maag, Stoel Rives, LLP, commenter, (via e-mail: [kirk.maag@stoel.com](mailto:kirk.maag@stoel.com))

encs

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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-12595, Lake County	)	PROPOSING APPROVAL OF A
	)	CHANGE IN POINT OF
	)	APPROPRIATION AND A CHANGE IN
	)	PLACE OF USE

**Authority**

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

WILD WATERS REVOCABLE LIVING TRUST  
5252 MILL CREEK RD.  
HEALDSBURG, CA 95448

**Agent**

HOLLIE CANNON  
WATER RIGHT SOLUTIONS, LLC  
3246 HAMMER ST.  
KLAMATH FALLS, OR 97603

**Findings of Fact**

1. On February 27, 2017, John Anthony Cutino II and Susan Giselle Cutino, Trustees, WILD WATERS REVOCABLE LIVING TRUST, filed an application proposing to change the point of appropriation and to change the place of use under portions of Certificate 91901. The Department assigned the application number T-12595.
2. Notice of the application for transfer was published on March 7, 2017, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On April 30, 2018, the Department issued a draft Preliminary Determination proposing to approve Transfer Application T-12595. The draft Preliminary Determination cover letter set forth a deadline of May 30, 2018, for the applicant to respond. On May 9, 2018, the applicant agreed to the terms and conditions of the draft Preliminary Determination, requested the Department proceed with issuance of the Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
4. On May 1, 2018, the agent for the applicant requested that the proposed date for complete application of water be extended to allow additional time to guarantee adequate time to complete the project. The Department approved and extended the date by which the applicant must make full beneficial use of water under the terms and conditions of this transfer to October 1, 2021.

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

**Certificate:** 91901 in the name of WILD WATERS REVOCABLE LIVING TRUST  
(perfected under Permit G-7160)  
**Use:** IRRIGATION OF 17.1 ACRES  
**Priority Date:** FEBRUARY 8, 1977  
**Rate:** 0.21 CUBIC FOOT PER SECOND  
**Limit/Duty:** 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 of one cubic foot per second, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.  
**Source:** A WELL within the GOOSE AND SUMMER LAKES BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	19 E	WM	6	SE SE	1280 FEET NORTH AND 1260 FEET WEST FROM THE SE CORNER OF SECTION 6

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	19 E	WM	5	NW NW	2.5
40 S	19 E	WM	5	SW NW	6.9
40 S	19 E	WM	6	SE NE	7.7
Total					17.1

6. Transfer Application T-12595 proposes to change the place of use of the right as follows:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	19 E	WM	5	NW NW	4.6
40 S	19 E	WM	5	SW NW	5.8
40 S	19 E	WM	6	NE NE	6.3
40 S	19 E	WM	6	SE NE	0.4
Total					17.1

7. Transfer Application T-12595 proposes to change the point of appropriation for the above described new place of use northeast approximately 1550 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	19 E	WM	6	SE NE	2584.42 FEET SOUTH AND 525.17 FEET WEST FROM THE NE CORNER OF SECTION 6

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

**Certificate:** 91901 in the name of WILD WATERS REVOCABLE LIVING TRUST  
(perfected under Permit G-7160)  
**Use:** IRRIGATION OF 86.2 ACRES  
**Priority Date:** FEBRUARY 8, 1977  
**Rate:** 1.08 CUBIC FEET PER SECOND  
**Limit/Duty:** 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 of one cubic foot per second, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.  
**Source:** A WELL within the GOOSE AND SUMMER LAKES BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	19 E	WM	6	SE SE	1280 FEET NORTH AND 1260 FEET WEST FROM THE SE CORNER OF SECTION 6

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	19 E	WM	5	NW NW	25.9
40 S	19 E	WM	5	SW NW	16.9
40 S	19 E	WM	6	NE NE	12.4
40 S	19 E	WM	6	SE NE	31.0
Total					86.2

9. Transfer Application T-12595 proposes to change the point of appropriation for the above described 86.2 acres northeast approximately 1550 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	19 E	WM	6	SE NE	2584.42 FEET SOUTH AND 525.17 FEET WEST FROM THE NE CORNER OF SECTION 6

**Transfer Review Criteria (OAR 690-380-4010)**

10. Water has been used within the last five years prior to the submittal of Transfer Application T-12595 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
11. A well, pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-12595.
12. The proposed change would not result in enlargement of the right.
13. The proposed change would not result in injury to other water rights.

14. All other application requirements are met.

### **Determination and Proposed Action**

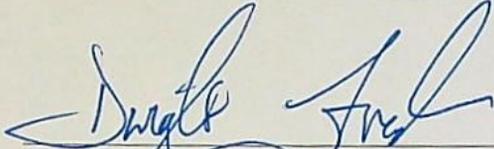
The change in point of appropriation and change in place of use proposed in Transfer Application T-12595 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

*If Transfer Application T-12595 is approved, the final order will include the following:*

1. *The change in point of appropriation and change in place of use proposed in Transfer Application T-12595 are approved.*
2. *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 91901 and any related decree.*
3. *Water right Certificate 91901 is cancelled. A new certificate will be issued describing the portion of the right not affected by this transfer.*
4. *The quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.*
5. *Water use measurement conditions:*
  - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at the new point of appropriation.*
  - b. *The water user shall maintain the meter or measuring devices in good working order.*
  - c. *The water user shall allow the Watermaster access to the meter or measuring devices; provided however, where the meter or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
6. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
7. *The former place of use of the transferred right shall no longer receive water under the right.*
8. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2021**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*

9. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this JUN 18 2018,



Dwight French, Water Right Services Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department

This Preliminary Determination was prepared by Ken Dowden. If you have questions about the information in this document, you may reach me at 541-278-5456 or [Ken.D.Dowden@oregon.gov](mailto:Ken.D.Dowden@oregon.gov)

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

**Notice Regarding Service Members:** Active duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act. 50 U.S.C. App. §§501-597b. You may contact the Oregon State Bar or the Oregon Military Department for more information. The toll-free telephone number for the Oregon State Bar is: 1 (800) 452-8260. The toll-free telephone number of the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is: <http://legalassistance.law.af.mil>

**Notice of Preliminary Determination for  
Water Right Transfer T-12595**

T-12595 filed by Wild Waters Revocable Trust, 5252 Mill Creek Rd, Healdsburg, Ca 95448, proposes a change in place of use and point of appropriation under Certificate 91901. Certificate 91901 allows the use of 0.21 cfs from a well in the Goose and Summer Lakes Basin, within Sec. 6, T40S, R19E, WM for irrigation within Sects. 5 and 6, T40S, R19E, WM. The applicant proposes to change the place of use to within Sec. 6, and change the point of appropriation to within Sects. 5 and 6, T40S, R19E, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, a protest or standing statement within 30 days after the publication of this notice **MM/DD/YEAR**. Call (503) 986-0807 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

**Water Right Transfer Cover Sheet**

Transfer T-12595

Transfer Specialist: LD

Transfer Type: **Regular**

Applicant Name/Address: THE WILD WATERS REVOCABLE LIVING TRUST 5252 MILL CR RD HEALDSBURG, CA 95448	Agent Name/Address: HOLLIE CANNON 3246 HAMMER ST KLAMATH FALLS, OR 97603	Rec Landowner Name/Address:
CWRE Name/Number:	Irr. District Name/Address:	Affected Gov'ts Name/Address:
Commentors: Name/Address:		Current Landowner Name/Address:

**Water Rights Affected**

Records Marked	Records Copied	App File No. or Decree Name	Permit No.	Certificate No.	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	<input type="checkbox"/>	G-7704	G-7160	91901	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

**Key Dates & Initial Actions**

Rec'd: February 27, 2017	Proposed Action(s): POINT OF APPROPRIATION; PLACE OF USE	
Fees Pd: 1450.00	WM District: 12	ODFW District:
Initial Notice: March 7, 2017	WM Review sent: 3/2/2017	ODFW Review sent:
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: 3/2/17

**Processing Dates & Actions**

Deficiency Contacts: \_\_\_\_\_

DPD Mailed: 4/30/2018

- ODFW contact sheet sent with DPD, or  N/A  
 WM measurement contact sheet sent, or  N/A

PD Signed: 6-18-18

PD Weekly Notice: 6-19-18

Newspaper quote requested: 2

not required

Request for news \$ sent: 5/16/2018

News \$ received: 5/28/2018

Request to publish sent to newspaper: \_\_\_\_\_

Affidavit of publication received: \_\_\_\_\_

*Lake County Examiner*

DPD Review (Optional)	PD Review (Salem)	Final Order Review (Salem)
Reviewer: _____	Reviewer: _____	Reviewer: _____
Date: _____	Date: _____	Date: _____
Coordinator: _____	Coordinator: <u>PKS</u>	Coordinator: _____
Date: _____	Date: <u>6/15/18</u>	Date: _____
Comments/Special Issues: <u>ΔPOA, ΔPOU</u>		

Special Order Volume: Vol 108 Pages \_\_\_\_\_ Final Order Signature Date: \_\_\_\_\_

Notice of FO email'd to processors \_\_\_\_\_

STATE OF OREGON  
COUNTY OF LAKE  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JACK P ALBERTSON  
FLORENCE M ALBERTSON  
91926 DOG LAKE LANE  
LAKEVIEW, OR 97630

NORTHWEST FARM CREDIT SERVICES, FLCA  
300 KLAMATH AVE SUITE 200  
KLAMATH FALLS, OR 97601

confirms the right to use the waters of A WELL within the GOOSE AND SUMMER LAKES BASIN for SUPPLEMENTAL IRRIGATION OF 117.6 ACRES.

This right was perfected under Permit G-7160. The date of priority is FEBRUARY 8, 1977. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.47 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	19 E	WM	6	SE SE	1280 FEET NORTH AND 1260 FEET WEST FROM THE SE CORNER OF SECTION 6

If for irrigation, this appropriation shall be limited to ONE-EIGHTIETH of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year; provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

A description of the place of use is as follows:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	19 E	WM	5	NE SW	33.4
40 S	19 E	WM	5	NW SW	18.6
40 S	19 E	WM	5	SW SW	33.6
40 S	19 E	WM	5	SE SW	32.0
Total					117.6

The well shall be cased as necessary in accordance with good practice and if the flow is artesian the works shall include proper capping and control valve to prevent the waste of ground water.

The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times.

The water user shall maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

This certificate describes that portion of the water right confirmed by Certificate 91901, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered \_\_\_\_\_, approving Transfer Application T-12595.

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

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.

WITNESS the signature of the Water Resources Director, affixed \_\_\_\_\_.

---

Dwight French, Water Right Services Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department

0.0125 cfs per acre

WORKING COPY

STATE OF OREGON  
COUNTY OF LAKE  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JACK P ALBERTSON  
FLORENCE M ALBERTSON  
91926 DOG LAKE LANE  
LAKEVIEW OR 97630

*Δ POA & POO for IR 103.3 ac.  
Δ POO only for 17.1 acres @ 1.29 cfs*

NORTHWEST FARM CREDIT SERVICES, FLCA  
300 KLAMATH AVE SUITE 200  
KLAMATH FALLS OR 97601

WILD WATERS REVOCABLE LIVING TRUST  
c/o 5252 MILL CREEK RD  
HEALDSBURG, CALIFORNIA 95448

confirms the right to the use of water perfected under the terms of Permit G-7160. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-7704

SOURCE OF WATER: A WELL IN THE GOOSE & SUMMER LAKES BASIN

PURPOSE or USE: PRIMARY IRRIGATION OF 103.3 ACRES AND SUPPLEMENTAL IRRIGATION OF 117.6 ACRES

*All Δ POA*

*RR*

*117.6 ac  
@ 1.47 cfs  
1.29*

MAXIMUM RATE: 2.76 CUBIC FEET PER SECOND

DATE OF PRIORITY: FEBRUARY 8, 1977

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	19 E	WM	6	SE SE	1280 FEET NORTH AND 1260 FEET WEST FROM SE CORNER, SECTION 6

If for irrigation, this appropriation shall be limited to ONE-EIGHTIETH of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre feet per acre for each acre irrigated during the irrigation season of each year; provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

WORKING COPY

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and 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. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

WORKING COPY

T-12595

A description of the place of use is as follows:

PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	19 E	WM	5	NW NW	28.4
40 S	19 E	WM	5	SW NW	23.8
40 S	19 E	WM	6	NE NE	12.4
40 S	19 E	WM	6	SE NE	38.7

-28.4  
-23.8  
-12.4  
-38.7

103.3 acres

Δ POA and POB

(same 1/4 1/4, DEPOSIT CONFIRMATION)

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	GLot
40 S	19 E	WM	5	NE SW	33.4
40 S	19 E	WM	5	NW SW	18.6
40 S	19 E	WM	5	SW SW	33.6
40 S	19 E	WM	5	SE SW	32.0

RR

The well shall be cased as necessary in accordance with good practice and if the flow is artesian the works shall include proper capping and control valve to prevent the waste of ground water.

The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times.

The water user shall maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

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.

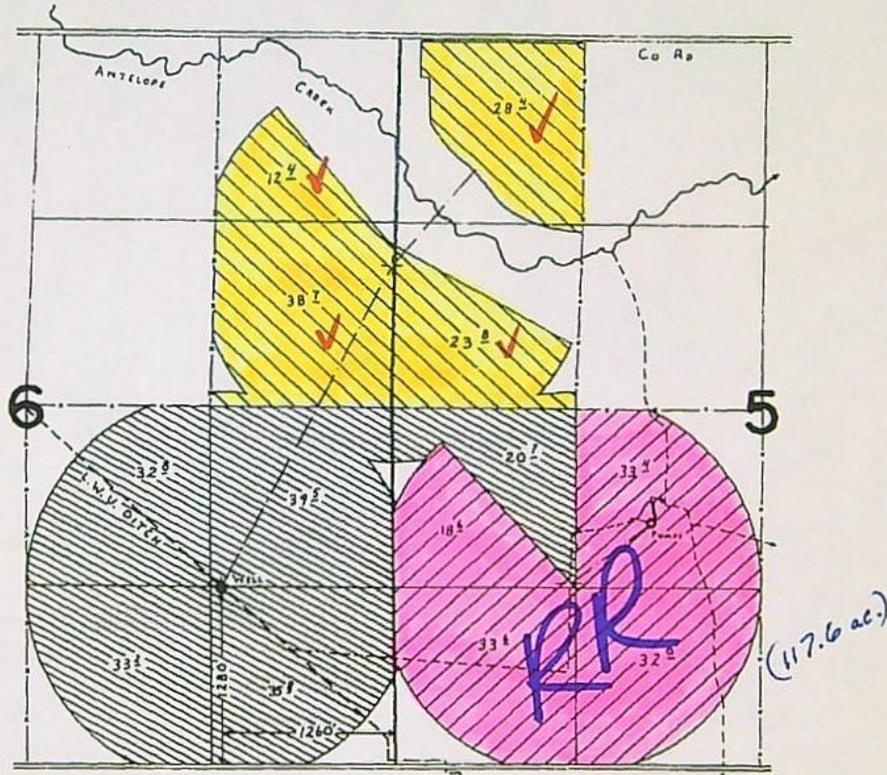
This certificate is issued to correct a scrivener's error by correcting the name of the permit holder of record and supersedes Certificate 91840.

Issued SEP 19 2016

Dwight French  
Water Right Services Division Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department

WORKING COPY

# T.40S. R.19E. W.M.



- PRIMARY IRR. FR. WELL (APP. G-7704)
- SUPPLEMENTAL IRR. FR. WELL (APP. G-7704)
- PRIMARY IRR. FR. WELL (APP. G-7461)

## FINAL PROOF SURVEY UNDER

Application No. G-7461 Permit No. G-8059  
G-7704 G-7160  
 IN NAME OF

JACK ALBERTSON

Surveyed June 10, 1980, by C.L. Hughes

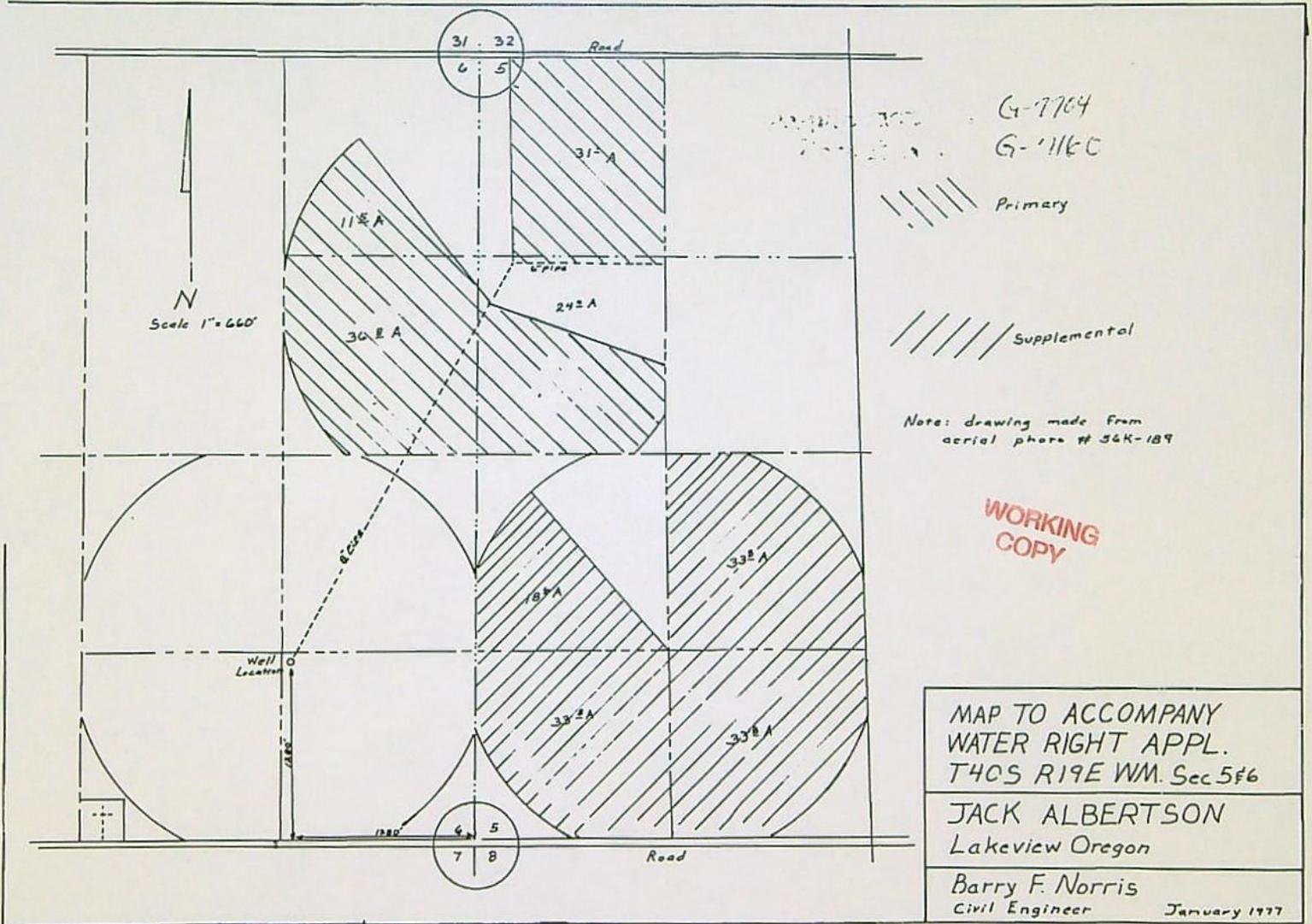
RECEIVED BY OWRD

JUL 11 2016

SALEM, OR

WORKING COPY

WORKING COPY



APPL. / PER. MAP

WORKING COPY



# Oregon

Kate Brown, Governor

Water Resources Department

North Central Region

116 S.E. Dorion Avenue

Pendleton, OR 97801

Phone (541) 278-5456

Fax (541) 278-0287

May 16, 2018

SCANNED

SENT

**Applicant**

WILD WATERS REVOCABLE LIVING TRUST  
5252 MILL CREEK RD.  
HEALDSBURG, CA 95448

**Agent**

WATER RIGHT SOLUTIONS, LLC  
attn.: HOLLIE CANNON  
3246 HAMMER ST.  
KLAMATH FALLS, OR 97603

Reference: Water Right Transfer Application T-12595

Your water right transfer is ready for issuance of the Preliminary Determination, once the Department receives payment for publication of the newspaper notice.

**Items needed before the next phase of processing...**

At this time you need to:

1. submit a check for \$129.60 (to cover cost of publication of the notice), made out to the Oregon Water Resources Department.
2. write "for T-12595 NOTICE" on the front of your check, and
3. submit it with the tracking stub at the bottom of this letter.

Mail the check to 725 Summer St. NE, Suite A, Salem, OR 97301-1266, no later than 6/16/2018.

**What happens next...**

Shortly after receiving payment, the Department will issue the Preliminary Determination, initiate publication in the Lake County Examiner newspaper, and also publish the notice on the Department's weekly notice. Publication of the notice will initiate a protest period during 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.

**If we do not receive payment for newspaper notice by 6/16/2018, a Preliminary Determination may be issued denying the application as incomplete.**

Please do not hesitate to contact me at (541) 278-5456 or [Ken.D.Dowden@oregon.gov](mailto:Ken.D.Dowden@oregon.gov) if I may be of assistance.

Sincerely,

Ken Dowden  
Transfer Specialist, NC Region

cc: Transfer Application file T-12595

X-----

**Attached** is a check for \$129.60 (PCA #46117) for Newspaper Notice for Transfer T-12595 made out to Oregon Water Resources Department (or WRD)

- "for T-12595 NOTICE" written on front of check

Mail to: Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301-1266

May 9<sup>th</sup>, 2018

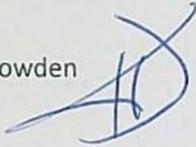
**INTER-OFFICE MEMO**

Phone Conversation with Mr. Cutino regarding the Report of Ownership and written "go-ahead response.

Over the phone he stated they thought the draft of the preliminary Determination was fine and would get going on the Report of Ownership at once.

The report of ownership took quite a while to come in.

Ken Dowden

A handwritten signature in blue ink, appearing to be 'KD' with a large flourish.

RECORDING REQUESTED BY:  
JOHN ANTHONY CUTINO II AND  
SUSAN GISELLE CUTINO  
When Recorded Mail Document  
And Tax Statement To:  
JOHN ANTHONY CUTINO II AND  
SUSAN GISELLE CUTINO, TRUSTEES OF  
THE WILD WATERS REVOCABLE LIVING TRUST  
C/O 5252 MILL CREEK ROAD  
HEALDSBURG, CA 95448

LAKE COUNTY, OREGON 2015-001171  
D-QCDEED 07/20/2015 09:24:57 AM  
Cnt=1 Pgs=3  
\$16.00 \$11.00 \$20.00 \$10.00 Total:\$56.00



00011654201500011710030031

I, Stacie Geaney, County Clerk for Lake County, Oregon  
certify that the instrument identified herein was  
recorded in the Clerk records.

Stacie Geaney - County Clerk

APN 15491

## QUITCLAIM DEED

The undersigned grantor(s) declare(s) **GIFT/NO CONSIDERATION**

Documentary Transfer Tax is \$ \_\_\_\_\_ City tax \$ \_\_\_\_\_

- ( ) computed on full value of property conveyed, or  
( ) computed on full value less value of liens or encumbrances remaining at time of sale,  
( ) Unincorporated Area County of Lake, State of Oregon

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, JOHN ANTHONY CUTINO II AND SUSAN GISELLE CUTINO, HUSBAND AND WIFE, ~~AS COMMUNITY PROPERTY~~ *AS TENANTS BY THE ENTIRETY*

hereby quitclaims and transfers all right, title and interest held by Grantors to JOHN ANTHONY CUTINO II AND SUSAN GISELLE CUTINO, TRUSTEES OF THE WILD WATERS REVOCABLE LIVING TRUST

the following described real property in the County of Lake, State of Oregon, described as follows:  
Township 40 South, Range 19, East of the Willamette Meridian, Lake County, Oregon

Section 5: The W 1/2 NW 1/4

Section 6: The E 1/2 NE 1/4

This Quitclaim Deed is freely and fairly given with no consideration in regard to all right, title and interest in and to the real property described herein.

Dated: July 15, 2015

*John Anthony Cutino II*  
JOHN ANTHONY CUTINO II

*Susan Giselle Cutino*  
SUSAN GISELLE CUTINO

MAIL TAX STATEMENT AS DIRECTED ABOVE

401900-017

VERIFY  
DEED  
LEGAL  
CHECKS OUT

2015001171

ACKNOWLEDGMENT

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of CONTRA COSTA

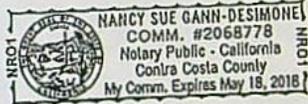
On JULY 15, 2015 before me, Nancy Sue Gann-Desimone, Notary Public  
(insert name and title of the officer)

personally appeared JOHN ANTHONY CUTINO II who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Nancy Sue Gann-Desimone  
Signature (Seal)  
Nancy Sue Gann-Desimone, Notary Public



ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of CONTRA COSTA )

On JULY 15, 2015 before me, NANCY SUE GANN-DESIMONE  
(insert name and title of the officer)

personally appeared SUSAN GISELLE CUTINO  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

*Nancy Sue Gann-Desimone*  
Signature \_\_\_\_\_ (Seal)





# Lake County Property Summary Report

Report Date: 5/9/2018 12:10:00 PM

## Disclaimer

The information and maps presented in this report are provided for your convenience. Every reasonable effort has been made to assure the accuracy of the data and associated maps. Lake County makes no warranty, representation or guarantee as to the content, sequence, accuracy, timeliness or completeness of any of the data provided herein. Lake County explicitly disclaims any representations and warranties, including, without limitation, the implied warranties of merchantability and fitness for a particular purpose. Lake County shall assume no liability for any errors, omissions, or inaccuracies in the information provided regardless of how caused. Lake County assumes no liability for any decisions made or actions taken or not taken by the user of this information or data furnished hereunder.

## Account Summary

### Account Information

Mailing Name: THE WILD WATERS REVOCABLE LIVING TRUST  
Map and Taxlot: 40S19E000001700  
Account: 15491  
Tax Status: Taxable  
Situs Address: 91762 SHULTS LN LAKEVIEW, OR 97630

### Property Taxes

Current Tax Year: 2017  
Tax Code Area: 712

### Assessment

Subdivision:  
Lot: 0  
Block: 0  
Assessor Acres: 158.18  
Property Class: 559

### Ownership

#### Mailing Address:

THE WILD WATERS REVOCABLE LIVING TRUST  
5252 MILL CREEK RD  
HEALDSBURG, CA 95448

### Valuation

#### Real Market Values as of Jan. 1,

Land \$284,185  
Structures \$60,499  
Total \$128,951

#### Current Assessed Values:

Maximum Assessed \$58,769  
Assessed Value \$111,284  
Veterans Exemption \$0.00

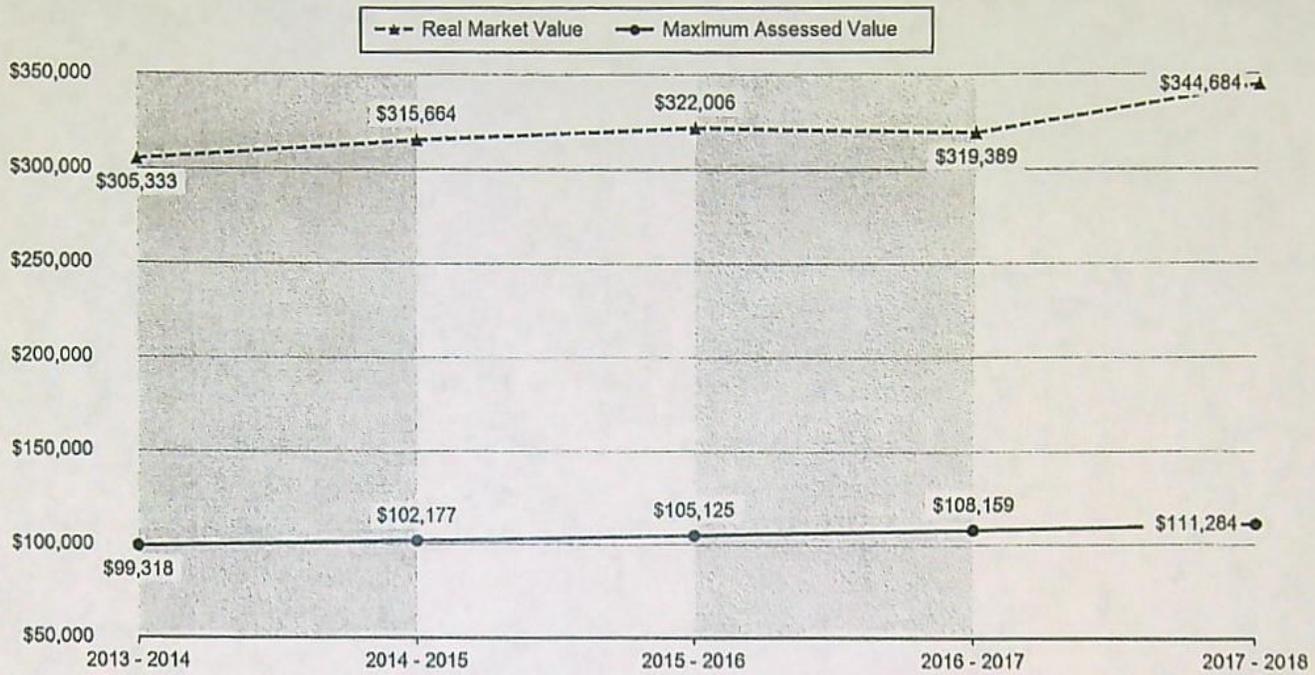
## Warnings, Notations, and Special Assessments

### Assessor's Office Notations

Code	Description	Remarks
DEFD		ATL

## Valuation History *All values are as of January 1 of each year. Tax year is July 1st through June 30th of each year.*

	2013 - 2014	2014 - 2015	2015 - 2016	2016 - 2017	2017 - 2018
Real Market Value - Land	\$239,043	\$251,714	\$258,768	\$257,637	\$284,185
Real Market Value - Structures	\$66,290	\$63,950	\$63,240	\$61,752	\$60,499
Total Real Market Value	\$305,333	\$315,664	\$322,006	\$319,389	\$344,684
Maximum Assessed Value	\$99,318	\$102,177	\$105,125	\$108,159	\$111,284
Total Assessed Value	\$99,318	\$102,177	\$105,125	\$108,159	\$111,284
Exemption Value	\$0	\$0	\$0	\$0	\$0



### Tax Payment History

Year	Date Due	Transaction Type	Transaction Date	As Of Date	Amount Received	Tax Due	Discount Amount	Interest Charged	Refund Interest
2017	11/15/2017	PAYMENT	12/01/2017	11/15/2017	\$1,420.41	(\$1,464.34)	\$43.93	\$0.00	\$0.00
2017	11/15/2017	IMPOSED	11/15/2017	11/15/2017	\$0.00	\$1,464.34	\$0.00	\$0.00	\$0.00
<b>Total:</b>					<b>\$0.00</b>				
2016	11/15/2016	PAYMENT	12/05/2016	11/15/2016	\$1,382.49	(\$1,425.25)	\$42.76	\$0.00	\$0.00
2016	11/15/2016	IMPOSED	11/15/2016	11/15/2016	\$0.00	\$1,425.25	\$0.00	\$0.00	\$0.00
<b>Total:</b>					<b>\$0.00</b>				
2015	11/15/2015	PAYMENT	12/01/2015	11/15/2015	\$1,355.00	(\$1,396.91)	\$41.91	\$0.00	\$0.00
2015	11/15/2015	IMPOSED	11/15/2015	11/15/2015	\$0.00	\$1,396.91	\$0.00	\$0.00	\$0.00
<b>Total:</b>					<b>\$0.00</b>				
2014	11/15/2014	IMPOSED	11/15/2014	11/15/2014	\$0.00	\$1,351.33	\$0.00	\$0.00	\$0.00
2014	11/15/2014	PAYMENT	11/06/2014	11/15/2014	\$1,310.79	(\$1,351.33)	\$40.54	\$0.00	\$0.00
<b>Total:</b>					<b>\$0.00</b>				
2013	11/15/2013	PAYMENT	01/02/2014	11/15/2013	\$48.03	(\$48.03)	\$0.00	\$0.00	\$0.00
2013	11/15/2013	PAYMENT	12/03/2013	11/15/2013	\$1,274.77	(\$1,274.77)	\$0.00	\$5.85	\$0.00
2013	11/15/2013	IMPOSED	11/15/2013	11/15/2013	\$0.00	\$1,316.95	\$0.00	\$0.00	\$0.00
2013	11/15/2013	IMPOSED	11/15/2013	11/15/2013	\$0.00	\$5.85	\$0.00	\$0.00	\$0.00
<b>Total:</b>					<b>\$0.00</b>				
2012	11/15/2012	PAYMENT	12/03/2013	11/15/2012	\$218.67	(\$218.67)	\$0.00	\$18.67	\$0.00
2012	11/15/2012	PAYMENT	12/06/2012	11/15/2012	\$1,092.15	(\$1,092.15)	\$0.00	\$5.72	\$0.00
2012	11/15/2012	IMPOSED	11/15/2012	11/15/2012	\$0.00	\$18.67	\$0.00	\$0.00	\$0.00
2012	11/15/2012	IMPOSED	11/15/2012	11/15/2012	\$0.00	\$1,286.43	\$0.00	\$0.00	\$0.00
2012	11/15/2012	IMPOSED	11/15/2012	11/15/2012	\$0.00	\$5.72	\$0.00	\$0.00	\$0.00
<b>Total:</b>					<b>\$0.00</b>				
2011	11/15/2011	PAYMENT	12/01/2011	11/15/2011	\$1,147.10	(\$1,182.58)	\$35.48	\$0.00	\$0.00
2011	11/15/2011	IMPOSED	11/15/2011	11/15/2011	\$0.00	\$1,182.58	\$0.00	\$0.00	\$0.00
<b>Total:</b>					<b>\$0.00</b>				
2010	11/15/2010	PAYMENT	06/13/2011	11/15/2010	\$1,210.92	(\$1,210.92)	\$0.00	\$61.32	\$0.00

Year	Date Due	Transaction Type	Transaction Date	As Of Date	Amount Received	Tax Due	Discount Amount	Interest Charged	Refund Interest
2010	11/15/2010	IMPOSED	11/15/2010	11/15/2010	\$0.00	\$61.32	\$0.00	\$0.00	\$0.00
2010	11/15/2010	IMPOSED	11/15/2010	11/15/2010	\$0.00	\$1,149.60	\$0.00	\$0.00	\$0.00
					Total:	\$0.00			
2009	11/15/2009	PAYMENT	12/01/2009	11/15/2009	\$1,084.07	(\$1,117.60)	\$33.53	\$0.00	\$0.00
2009	11/15/2009	IMPOSED	11/15/2009	11/15/2009	\$0.00	\$1,117.60	\$0.00	\$0.00	\$0.00
					Total:	\$0.00			
2008	11/15/2008	PAYMENT	06/12/2009	11/15/2008	\$1,158.93	(\$1,158.93)	\$0.00	\$72.43	\$0.00
2008	11/15/2008	IMPOSED	11/15/2008	11/15/2008	\$0.00	\$1,086.50	\$0.00	\$0.00	\$0.00
2008	11/15/2008	IMPOSED	11/15/2008	11/15/2008	\$0.00	\$72.43	\$0.00	\$0.00	\$0.00
					Total:	\$0.00			
2007	11/15/2007	PAYMENT	12/09/2007	11/15/2007	\$1,024.64	(\$1,056.33)	\$31.69	\$0.00	\$0.00
2007	11/15/2007	IMPOSED	11/15/2007	11/15/2007	\$0.00	\$1,056.33	\$0.00	\$0.00	\$0.00
					Total:	\$0.00			

### Sales History

Sale Date	Seller	Buyer	Sale Amount	Sale Type	Recording
10/29/1997	SEVERIN, ALBERTA R & JOHN E	PARTLOW, DAVID D JR & ELAINE S	\$175,000	CONTRACT	239-43
12/02/2003	PARTLOW, DAVID D JR & ELAINE S	PARTLOW, DAVID D JR & ELAINE S	\$0	CONTRACT	260-492
11/21/2003	PARTLOW, DAVID D JR & ELAINE S	MCCULLOUGH, GREG	\$225,000	WARRANTY DEED	260-430
09/30/2004	MCCULLOUGH, GREG & CUTINO, LINDA	MCCULLOUGH, GREG & CUTINO, LINDA	\$225,000	WARRANTY DEED	263-245
10/31/2014	CUTINO LINDA	CUTINO JOHN ANTHONY II & CUCAN, GIGLI	\$0	BARGAIN & SALE	2014-1865

### Structures

Stat Class/Description	Improvement Description	Code Area	Year Built	Eff Year Built	Total Sq Ft
- : DWELL	DWELL	712	0	1951	1318

#### Accessories

Improvement Type	Sq Ft
Miscellaneous	528
Multi-Purpose Shed	196
Miscellaneous	0
General Purpose Building	572
Grain Bin	0
General Purpose Building	1300
Feeder Barn	1280
Livestock Loafing Shed	176

### Land Characteristics

Land Description	Acres	Land Classification
16 - Hs	1.00	
15 - Farm-rmv or sav	39.36	
15 - Farm-rmv or sav	14.00	
15 - Farm-rmv or sav	27.20	
15 - Farm-rmv or sav	13.78	
15 - Farm-rmv or sav	37.24	
15 - Farm-rmv or sav	25.60	
81 - OSD FARM-rmv or sav	0.00	

## Related Accounts

Related accounts apply to a property that may be on one map and tax lot but due to billing have more than one account. This occurs when a property is in multiple tax code areas. In other cases there may be business personal property or a manufactured home on this property that is not in the same ownership as the land.

No Related Accounts found.

## Ownership

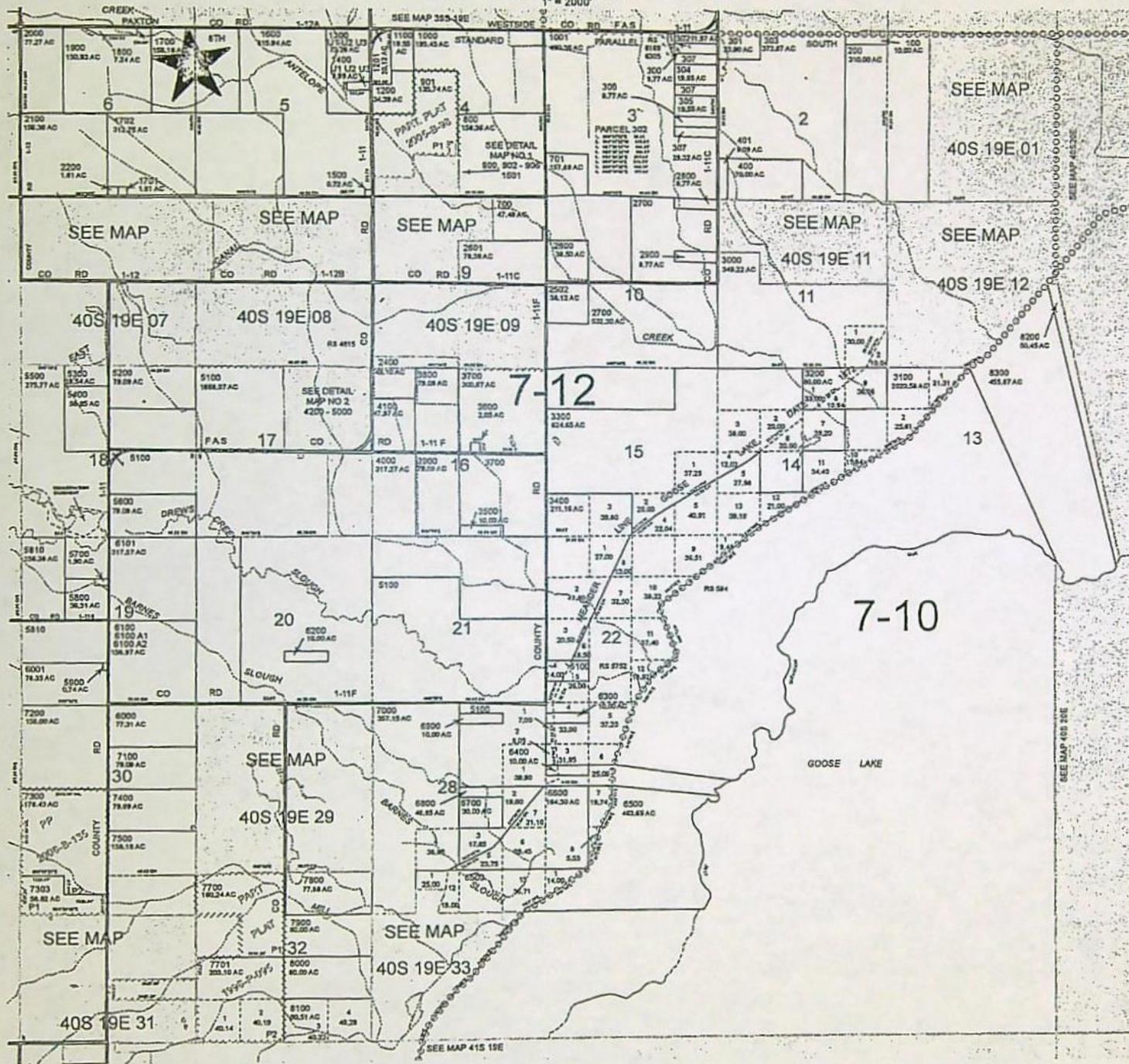
Name Type	Name	Ownership Type	Percentage
Owner	THE WILD WATERS REVOCABLE LIVING TRUST ,		100.00%
Taxpayer	THE WILD WATERS REVOCABLE LIVING TRUST ,		100.00%
			200.00%

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

T.40S. R.19E. W.M. LAKE COUNTY 1" = 2000'

40S19E

12/29/2018



CANCELLED  
 500  
 600  
 2300  
 2500  
 2501  
 7300A1  
 7301  
 7302  
 7600  
 808

40S19E



# Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department  
North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271  
503-986-0900  
FAX 503-986-0904

SCANNED

April 30, 2018

SENT

VIA E-MAIL

## Applicant

The Wild Waters Revocable Living Trust  
5252 Mill Creek Rd.  
Healdsburg, CA 95448

SUBJECT: Water Right Transfer Application T-12595

Your water right transfer is in one of three phases of processing. Enclosed is a draft of our Preliminary Determination regarding Transfer Application T-12595. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved.

## Items needed before the next phase of processing...

1. Please review the draft carefully to see if it accurately reflects the changes you intend to make, and to become familiar with all proposed conditions. **You will need to respond in writing** by the deadline provided below, whether you agree with the proposed action and conditions. Also we will appreciate having you let us know if there are typographical errors that need to be corrected.
2. A report of landownership for the lands to which the water right(s) are appurtenant (the FROM lands) is required. **The report must be prepared by a title company and meet the criteria below.** (*Reports may be called by various names, such as List Pack, List Kit, Customer Service Report, Property Analysis Report (PAR), Lot Book Report, etc.*)
  - a) The title company's report must either be:
    - i) prepared within 3 months of the draft Preliminary Determination showing current ownership, or
    - ii) prepared within 3 months of recording of a water right conveyance agreement, or
    - iii) prepared at any time, but showing ownership at the time a water right conveyance agreement was recorded.
  - b) The ownership report shall include:
    - i) Date reflected by the ownership information
    - ii) List of owners at that time
    - iii) Legal description of the property where the water right to be transferred is currently located.
  - c) You will need to submit a notarized statement of consent from any landowner listed in the ownership report who is not already included in the transfer application, or other information such as a water right conveyance agreement, if applicable.
3. Notice of this transfer will need to be published in a local newspaper with general circulation in the area where the water rights are currently located. You will be responsible for the charges. We will endeavor to solicit the Lake County Examiner for a cost estimate to publish the notice regarding the movement of a well.

## Conditions to your water right...

The Watermaster has required a water measurement device(s) at the new diversion point (well) prior to diversion of water. Enclosed is a contact information sheet to assist you in pursuing additional information or approval of the required (or alternate) device(s).

SCANNED

Please note the proposed date by which all conditions must be met: **October 1, 2019**. If the required completion date is insufficient to comply with any of the conditions, you may extend the date at no cost to you during this stage of processing. Please let me know by the comment deadline so we can make the proper arrangements to get you the time you need.

**What happens next...**

Once the Preliminary Determination is issued a publication period is required. Because there is more than  $\frac{1}{4}$  mile between the new and the authorized point of appropriation, the Department will publish notice of the transfer in a local newspaper having a general circulation in the area of the water right at least once per week for two consecutive weeks. You are responsible for sending a check to cover the cost of publication prior to the issuance of the Preliminary Determination and publication of notice (see below).

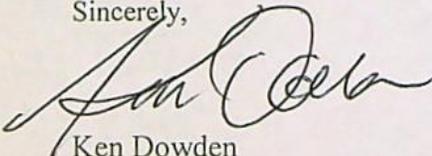
Issuance of the Preliminary Determination will occur shortly after we receive:

1. your written response to the conditions and proposed action in the draft Preliminary Determination (e-mail is acceptable); and
2. report of ownership, and affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application; and
3. verify the newspaper Lake County Examiner is the newspaper you wish the Department to use for publication of the notice of the Preliminary Determination.

**If we do not receive the items listed above by May 30, 2018, a Preliminary Determination may be issued denying the application as incomplete.**

Please do not hesitate to contact me at (541) 278-5456 or [Ken.d.dowden@oregon.gov](mailto:Ken.d.dowden@oregon.gov) if I may be of assistance.

Sincerely,



Ken Dowden  
Transfer Specialist  
NC REGION

cc: T-12595 file  
Brian M. Mayer, District 12 Watermaster (via e-mail)  
Hollie Cannon, Agent for the applicant (via e-mail) [hcannon@waterrightsolutions.com](mailto:hcannon@waterrightsolutions.com)  
Joseph L. Strahl, CWRE #222 address -> 60 North 4th St., Central Point, OR 97502  
Commenter: Mr. Kirk Maag, Stoel Rives, LLP (via e-mail) [kirk.maag@stoel.com](mailto:kirk.maag@stoel.com)

encs Watermaster contact sheet



**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
40 S	19 E	WM	6	SE SE	1280 FEET NORTH AND 1260 FEET WEST FROM THE SE CORNER OF SECTION 6

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
40 S	19 E	WM	5	NW NW	2.5
40 S	19 E	WM	5	SW NW	6.9
40 S	19 E	WM	6	SE NE	7.7
<b>TOTAL:</b>					<b>17.1</b>

4. Transfer Application T-12595 proposes to change the place of use of the above described right as follows:

IRRIGATION (IR)					
Twp	Rng	Mer	Sec	Q - Q	Acres
40 S	19 E	WM	5	NW NW	4.6
40 S	19 E	WM	5	SW NW	5.8
40 S	19 E	WM	6	NE NE	6.3
40 S	19 E	WM	6	SE NE	0.4
<b>TOTAL:</b>					<b>17.1</b>

5. Transfer Application T-12595 proposes to change the point of appropriation for the above described new place of use northeast approximately 1550 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
40 S	19 E	WM	6	SE NE	2584.42 FEET SOUTH AND 525.17 FEET WEST FROM THE NE CORNER OF SECTION 6

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

**Certificate:** 91901 in the name of WILD WATERS REVOCABLE LIVING TRUST (perfected under Permit G-7160)

**Use:** IRRIGATION of 86.2 ACRES

**Priority Date:** FEBRUARY 8, 1977

**Rate:** 1.08 CUBIC FEET PER SECOND (cfs)

**Limit/Duty:** 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 of one cubic foot per second, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** A WELL within the GOOSE and SUMMER LAKES basin

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
40 S	19 E	WM	6	SE SE	(LAKE 2767) - 1280 FEET NORTH AND 1260 FEET WEST FROM THE SE CORNER OF SECTION 6

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
40 S	19 E	WM	5	NW NW	25.9
40 S	19 E	WM	5	SW NW	16.9
40 S	19 E	WM	6	NE NE	12.4
40 S	19 E	WM	6	SE NE	31.0
<b>TOTAL:</b>					<b>86.2</b>

7. Transfer Application T-12595 proposes to change the point of appropriation for the above described 86.2 acres northeast approximately 1550 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
40 S	19 E	WM	6	SE NE	2584.42 FEET SOUTH AND 525.17 FEET WEST FROM THE NE CORNER OF SECTION 6

**Transfer Review Criteria (OAR 690-380-4010)**

8. Water has been used within the last five years prior to the submittal of Transfer Application T-12595 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
9. A well, pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-12595.
10. The proposed change would not result in enlargement of the right.
11. The proposed change would not result in injury to other water rights.
12. All other application requirements are met.

**Determination and Proposed Action**

The changes in point of appropriation and place of use proposed in Transfer Application T-12595 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

*If Transfer Application T-12595 is approved, the final order will include the following:*

1. *The changes in point of appropriation and place of use proposed in Transfer Application T-12595 are approved.*
2. *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 91901 and any related decree.*

3. *Water right Certificate 91901 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
4. *The quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.*
5. *Water use measurement conditions:*
  - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at the new point of appropriation.*
  - b. *The water user shall maintain the meter or measuring devices in good working order.*
  - c. *The water user shall allow the Watermaster access to the meter or measuring devices; provided however, where the meter or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
6. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
7. *The former place of use of the transferred right shall no longer receive water under the right.*
8. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2019**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
9. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this \_\_\_\_ day of \_\_\_\_\_ 2018.

## D R A F T

\_\_\_\_\_  
Dwight French, Water Right Services Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department

This draft Preliminary Determination was prepared by Ken Dowden. If you have questions about the information in this document, you may reach me at 541-278-5456 or Ken.D.Dowden@oregon.gov



Oregon Water Resources Department

Measurement Condition Information for the Applicant
(to be sent with the Draft Preliminary Determination or Final Order) SENT

Transfer #: T-12595

[X] In order to avoid enlargement of the right or injury to other rights, a Totalizing and Instaneous flowmeter will be required to be installed prior to diversion of water, as a condition of this transfer:

- [ ] at each point of diversion/appropriation (new and existing) or
[X] at each new point of diversion/appropriation.

For additional information, or to obtain approval of a different type of measurement device, the applicant should contact the area Watermaster:

Watermaster name: Brian Mayer

District: 12

Address: 513 center St.

City/State/Zip: Lakeview OR 97630

Phone: 541 947-6038

Email: brian.m.mayer@oregon.gov

Note: If a device other than the one specified in the Preliminary Determination or Final Order is approved by the Watermaster, fill out and mail the form below to the Salem office.

\*\*\*\*\*

Approval of an Alternate Measurement Device T-
(to be filled out after consultation with the applicant, or after a site visit)

On behalf of the Director, I authorize use of the following suitable alternate measurement device:

\_\_\_\_\_
\_\_\_\_\_

Watermaster signature District Date

If this form is used for approval of an alternative measurement device, it must be mailed to:

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

# LAKE COUNTY PROPERTY INFORMATION

## Sales for account # 15491

The Lake County Assessor's Office is responsible for the appraisal and assessment of all taxable property within the County. Contact this department if you need additional information or if you have questions.

### Account Information

Mailing Name: THE WILD WATERS REVOCABLE LIVING TRUST  
 Map and Taxlot: 40S19E000001700  
 Account: 15491  
 Situs Address: 91762 SHULTS LN LAKEVIEW, OR 97630  
 Tax Status: Taxable

### Warning

This account may have potential additional tax liabilities, taxes due, or other special development conditions.

### Sales History

For additional information please contact the Clerks Office

Sale Date	Seller	Buyer	Sale Amount	Sale Type	Recording Instrument
10/29/1997	SEVERIN, ALBERTA R & JOHN E	PARTLOW, DAVID D JR & ELAINE S	\$175,000	CONTRACT	239-43
12/02/2003	PARTLOW, DAVID D JR & ELAINE S	PARTLOW, DAVID D JR & ELAINE S	\$0	CONTRACT	260-492
11/21/2003	PARTLOW, DAVID D JR & ELAINE S	MCCULLOUGH, GREG	\$225,000	WARRANTY DEED	260-430
09/30/2004	MCCULLOUGH, GREG & CUTINO, LINDA	MCCULLOUGH, GREG & CUTIO, LINDA	\$225,000	WARRANTY DEED	263-245
10/31/2014	CUTINO LINDA	CUTINO JOHN ANTHONY II & SUSAN GISLL	\$0	BARGAIN & SALE	2014-1865

USER UNDERSTANDS AND AGREES THE INFORMATION AND MAPS ACCESSED THROUGH THIS WEB SITE PROVIDE A VISUAL DISPLAY FOR YOUR CONVENIENCE. EVERY REASONABLE EFFORT HAS BEEN MADE TO ASSURE THE ACCURACY OF THE MAPS AND ASSOCIATED DATA. LAKE COUNTY MAKES NO WARRANTY, REPRESENTATION OR GUARANTEE AS TO THE CONTENT, SEQUENCE, ACCURACY, TIMELINESS OR COMPLETENESS OF ANY OF THE DATA PROVIDED HEREIN. LAKE COUNTY EXPLICITLY DISCLAIMS ANY REPRESENTATIONS AND WARRANTIES, INCLUDING, WITHOUT LIMITATION, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. LAKE COUNTY SHALL ASSUME NO LIABILITY FOR ANY ERRORS, OMISSIONS, OR INACCURACIES IN THE INFORMATION PROVIDED REGARDLESS OF HOW CAUSED. LAKE COUNTY ASSUMES NO LIABILITY FOR ANY DECISIONS MADE OR ACTIONS TAKEN OR NOT TAKEN BY THE USER OF THIS INFORMATION OR DATA FURNISHED HEREUNDER.

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PATS Links: PATS Home Help

Lake County Links: Home Other Property Applications

Other Online Applications

# LAKE COUNTY PROPERTY INFORMATION

## Summary for account #15494

Summary information is displayed for the selected property.

### Account Information

Mailing Name: ALBERTSON FLORENCE  
Map and Taxlot: 40S19E000001702  
Account: 15494  
Situs Address: 91835 DOG LAKE LN LAKEVIEW, OR 97630  
Tax Status: Taxable

### Warning

This account may have potential additional tax liabilities, taxes due, or other special development conditions.

### Ownership

Mailing To:  
ALBERTSON FLORENCE  
91926 DOGLAKE LN  
LAKEVIEW, OR 97630

### Taxes

Property Tax (Current Year): \$2,566.10  
Tax Code Area: 712

### Assessment

Assessor Acres: 312.75  
Property Class: 551

Potential Additional Tax Liability

### Valuation

#### Current Year Value Summary

USER UNDERSTANDS AND AGREES THE INFORMATION AND MAPS ACCESSED THROUGH THIS WEB SITE PROVIDE A VISUAL DISPLAY FOR YOUR CONVENIENCE. EVERY REASONABLE EFFORT HAS BEEN MADE TO ASSURE THE ACCURACY OF THE MAPS AND ASSOCIATED DATA. LAKE COUNTY MAKES NO WARRANTY, REPRESENTATION OR GUARANTEE AS TO THE CONTENT, SEQUENCE, ACCURACY, TIMELINESS OR COMPLETENESS OF ANY OF THE DATA PROVIDED HEREIN. LAKE COUNTY EXPLICITLY DISCLAIMS ANY REPRESENTATIONS AND WARRANTIES, INCLUDING, WITHOUT LIMITATION, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. ALL ASSUME NO LIABILITY FOR ANY ERRORS, OMISSIONS, OR INACCURACIES IN THE INFORMATION PROVIDED REGARDLESS OF HOW CAUSED. LAKE COUNTY ASSUMES NO LIABILITY FOR ANY DECISIONS MADE OR ACTIONS TAKEN OR NOT TAKEN BY THE USER OF THIS INFORMATION OR DATA FURNISHED HEREUNDER.

#### Real Market Values

Land 2018 - 575,405 COUNTY. All rights reserved.

## Groundwater Transfer Review Summary Form

Transfer/PA # T- 12595

GW Reviewer Gerald H. Grondin Date Review Completed: 12 December 2017

### Summary of Enlargement (Same Source) Review:

The proposed transfer fails to keep the original place of use from receiving water from the same source.

### Summary of Injury Review:

The proposed transfer will result in another, existing water right not receiving previously available water to which it is legally entitled.

### Summary of Well Construction Assessment:

The proposed POA does not have a well log.

The proposed POA does not appear to meet current well construction standards. Route through Well Construction and Compliance Section.

*This is only a summary. Documentation is attached and should be read thoroughly to understand the basis for determinations.*



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

### Ground Water Review Form:

- Water Right Transfer
- Permit Amendment
- GR Modification
- Other

Application: T- 12595

Applicant Name: The Wild Waters Revocable Living Trust

Proposed Changes:  POA     APOA     SW→GW     RA  
 USE     POU     OTHER

Reviewer(s): Gerald H. Grondin      Date of Review: 12 December 2017

The information provided in the application is insufficient to evaluate whether the proposed transfer may be approved because:

- The water well reports provided with the application do not correspond to the water rights affected by the transfer.
- The application does not include water well reports or a description of the well construction details sufficient to establish the ground water body developed or proposed to be developed.
- Other \_\_\_\_\_

1. Basic description of the changes proposed in this transfer: \_\_\_\_\_

Transfer application T-12595 relates to certificate 91901 (file G-7704). The application explains the transfer purpose as follows: "The property for a long time was leased by the neighboring landowner and operated as one farm. The well that supplies the water right for this property is not located on this property. This transfer application adds a point of appropriation so the property owner has his own well for his share of the water right. The original configuration used a center pivot that irrigated a portion of both properties. The transfer in place of use moves the pivot to only irrigate land of this ownership." The application proposes the following:

Certificate 91901 currently authorizes irrigating 220.9 POU acres total (103.3 primary POU acres and 117.6 supplemental POU acres) using a single well (LAKE 2766 original, LAKE 2767 deepening) at a maximum allowable rate of 2.76 cfs (1.29 cfs for primary and 1.47 cfs for cfs for supplemental) and a maximum annual allowable volume of 662.7 ac-ft total (309.9 ac-ft for primary and 352.8 ac-ft for supplemental).

The application proposes to reconfigure the 103.3 primary POU acres within T40S/R19E-sec 06. No change is proposed for the 117.6 supplemental POU acres.

The application further proposes a new POA well (not drilled yet) to irrigate the reconfigured primary 103.3 POU acres (it appears the existing authorized POA well would continue to irrigate the remaining 117.6 supplemental POU acres unchanged).

2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?  
 Yes  No Comments: \_\_\_\_\_

Primarily yes. It appears the authorized POA well (POA 1, LAKE 2766 original, LAKE 2767 deepening) obtains groundwater primarily (likely 90% or more) from the higher permeability predominantly volcanic rock and sediment unit found beneath the lower permeability predominantly basin fill sediment unit. The proposed construction for the proposed POA well (POA 2) will likely limit groundwater production solely (100%) to the higher permeability predominantly volcanic rock and sediment unit beneath the lower permeability predominantly basin fill sediment unit. This is more protective of shallow exempt use wells and surface water.

The overall groundwater system is identified as generally unconfined with discontinuous low permeability layers causing local (discontinuous, limited) confinement. Generally, lower transmissivity (lower permeability) predominantly basin fill sediment unit of varying thickness overlies higher transmissivity (higher permeability) predominantly volcanic rock and sediment unit. Groundwater occurs in both the predominantly basin-fill sediment unit and the predominantly volcanic rock and sediment unit. Groundwater is vertically connected within each unit and between each unit.

3. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?  
 Yes  No Comments: \_\_\_\_\_

Primarily no. See discussion in section 2 above.

b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): \_\_\_\_\_

4. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with another ground water right?

Yes  No Comments: \_\_\_\_\_

The application seeks to change the authorized "from" POA well (LAKE 2766 original, LAKE 2767 deepening) for the 103.3 primary POU acres to the proposed "To" POA well (not drilled yet). The drawdown at the well closest to the "From" and "To" POA wells will increase if the transfer is approved. The calculated increase in seasonal drawdown at the closest well is less than 0.05 feet by the end of the irrigation season using continuous pumping at the maximum rate as a worse case scenario. The change at more distant wells will be less.

b) If yes, would this proposed change, at its maximum allowed rate of use, likely result in another groundwater right not receiving the water to which it is legally entitled?

Yes  No If yes, explain: \_\_\_\_\_

The increased seasonal drawdown should be less than 0.05 feet, which is within the capacity of the closest neighboring well.

5. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another surface water source**?

Yes  No Comments: \_\_\_\_\_

The closest surface water is Antelope Creek. The proposed "To" POA well (not drilled yet) is a closer distance to Antelope Creek than the "From" POA well. The groundwater interference with Antelope Creek will likely increase 0.001 cfs (0.45 gpm) if the transfer is approved (about 0.7% of the lowest natural creek flow).

b) If yes, at its maximum allowed rate of use, what is the expected change in degree of interference with any **surface water sources** resulting from the proposed change?

Stream: Antelope Creek  Minimal  Significant

Stream: \_\_\_\_\_  Minimal  Significant

Provide context for minimal/significant impact: \_\_\_\_\_

See part 5a above.

6. What conditions or other changes in the application are necessary to address any potential issues identified above: \_\_\_\_\_

If allowable under the transfer process, include the following conditions:

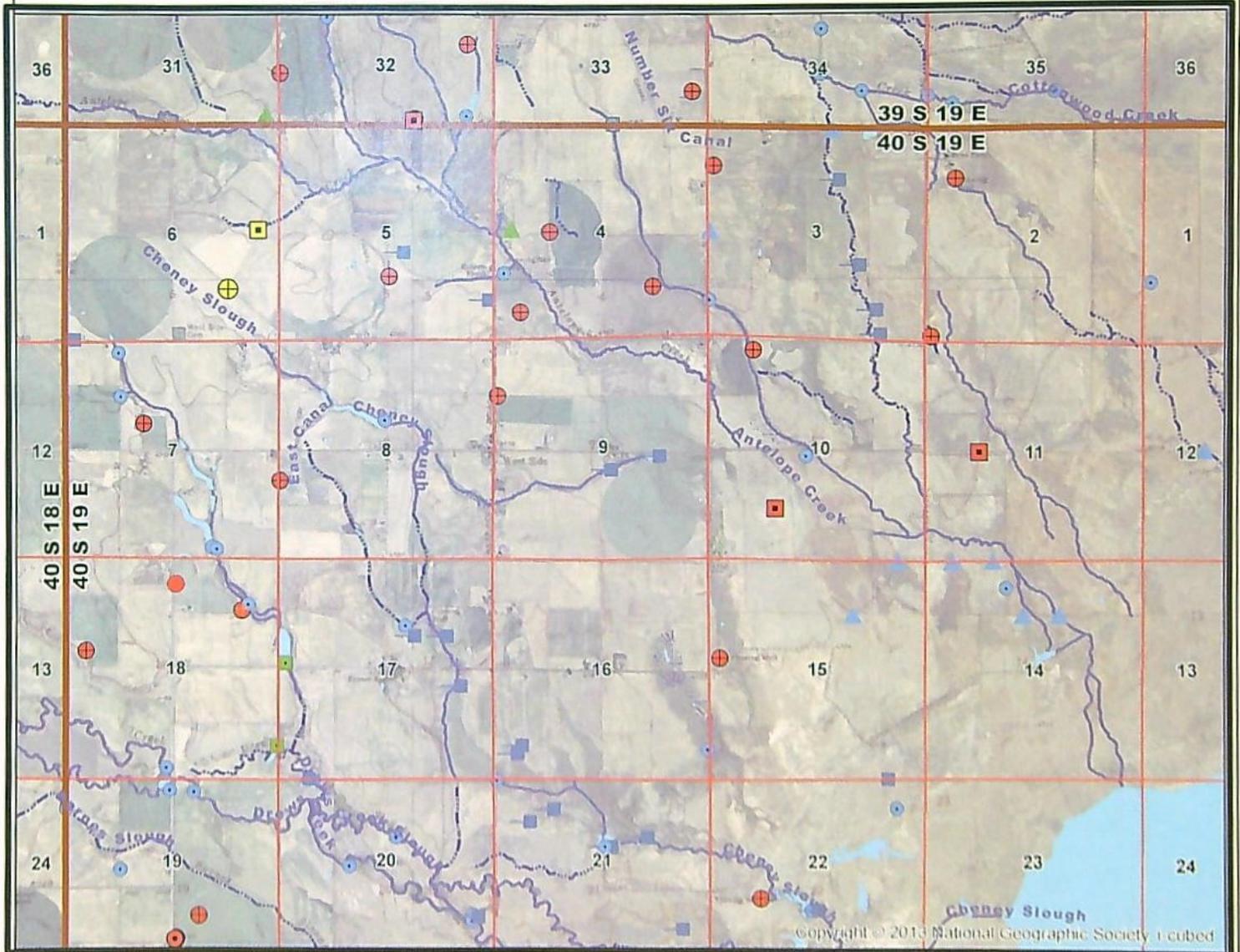
"Large" flow meter condition for both the "To" and "From" POA wells.

Condition for groundwater production: "All POA wells under this water right shall comply with existing well construction standards. Groundwater production shall occur from the higher permeability predominantly volcanic rock and sediment unit found beneath the lower permeability predominantly basin fill sediment unit by continuous casing and continuous seal through the predominantly basin fill sediment unit and into the predominantly volcanic rock and sediment unit."

7. Any additional comments: \_\_\_\_\_

No other comments.

# Groundwater Transfer Application T-12595 The Wild Waters Revokable Living Trust



**Yellow = Application Noted Well(s)**  
**Red = Other Existing or Proposed Wells**

**Blue and Other = surface water rights**



NOTICE TO WATER WELL CONTRACTOR

The original and first copy of this report are to be filed with the

STATE ENGINEER, SALEM, OREGON 97310 within 30 days from the date of well completion.

WATER WELL REPORT

STATE OF OREGON

(Please type or print)

(Do not write above this line)

RECEIVED

State Well No. \_\_\_\_\_

State Permit No. \_\_\_\_\_

AUG 27 1976

40s / 19E-6db

(1) OWNER:

Name JACK ALBERTSON  
Address Rt. 6 Box 466 Lakeview Or.

(2) TYPE OF WORK (check):

New Well  Deepening  Reconditioning  Abandon

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary  Driven   
Cable  Jetted   
Dug  Bored

(4) PROPOSED USE (check):

Domestic  Industrial  Municipal   
Irrigation  Test Well  Other

CASING INSTALLED:

Threaded  Welded   
12" Diam. from 0 ft. to 282 ft. Gage 250  
10" Diam. from 247 ft. to 369 ft. Gage 250

PERFORATIONS:

Perforated?  Yes  No.

Type of perforator used Factory & Torch  
Size of perforations 1/2 in. by 3 in.  
perforations from 6 ft. to \_\_\_\_\_ ft.  
12" 1908 perforations from 123 ft. to 282 ft.  
10" 1220 perforations from 247 ft. to 369 ft.

(7) SCREENS:

Well screen installed?  Yes  No

Manufacturer's Name \_\_\_\_\_  
Type \_\_\_\_\_ Model No. \_\_\_\_\_  
Diam. \_\_\_\_\_ Slot size \_\_\_\_\_ Set from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
Diam. \_\_\_\_\_ Slot size \_\_\_\_\_ Set from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made?  Yes  No If yes, by whom? Interstate  
Yield: 623 gal./min. with 1.33 ft. drawdown after 2 hrs.  
" " " " " "  
" " " " " "  
Bailer test gal./min. with \_\_\_\_\_ ft. drawdown after \_\_\_\_\_ hrs.  
Artesian flow g.p.m. \_\_\_\_\_  
Temperature of water 50 Depth artesian flow encountered \_\_\_\_\_ ft.

(9) CONSTRUCTION:

Well seal—Material used cement  
Well sealed from land surface to 26 ft.  
Diameter of well bore to bottom of seal 18 in.  
Diameter of well bore below seal 12 in.  
Number of sacks of cement used in well seal 3 cu. yds.  
Number of sacks of bentonite used in well seal 3 sacks  
Brand name of bentonite Aquagell  
Number of pounds of bentonite per 100 gallons of water 50 lbs./100 gals.  
Was a drive shoe used?  Yes  No Plugs \_\_\_\_\_ Size: location \_\_\_\_\_ ft.  
Did any strata contain unusable water?  Yes  No  
Type of water? \_\_\_\_\_ depth of strata \_\_\_\_\_  
Method of sealing strata off \_\_\_\_\_  
Was well gravel packed?  Yes  No Size of gravel: 3/16 3/8  
Gravel placed from 26 ft. to 369 ft.

WATER RESOURCES DEPT.

(10) LOCATION OF WELL:

County LAKE Driller's well number \_\_\_\_\_  
NW 1/4 SE 1/4 Section 6 T. 40 R. 19 W.M.  
Bearing and distance from section or subdivision corner \_\_\_\_\_

(11) WATER LEVEL: Completed well.

Depth at which water was first found 18 ft.  
Static level 12 ft. below land surface. Date 7-29-76  
Artesian pressure \_\_\_\_\_ lbs. per square inch. Date \_\_\_\_\_

(12) WELL LOG:

Diameter of well below casing 10

Depth drilled 369 ft. Depth of completed well 369 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Top Soil Brown	0	2	
Claystone Yellow	2	7	
Clay Sandy Yellow	7	18	
Sand Medium Yellow water	18	21	sealed
Clay Yellow	21	31	
Clay Blue	31	35	
Clay Sandy Blue	35	135	12 @60'
Rock Blue	135	139	
Clay Sandy Blue	139	145	
Sand Coarse	145	148	12
Clay Blue	148	214	
Clay Sandy Blue	214	219	
Clay Blue	219	235	
Clay Blue Sandy	235	258	12
Clay Blue	258	270	
Rock Blue	270	275	
Rock Grey/White/Black/lean	275	325	12
Rock Black	325	366	
<del>Rock</del> Sand Coarse Black	366	369	12
Work started	1-18	1976	Completed 7-29 1976
Date well drilling machine moved off of well	7-30		1976

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.

[Signed] Alan S. Sovey Date 8-22, 1976.  
(Drilling Machine Operator)

Drilling Machine Operator's License No. 195

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

Name Sovey well drilling  
(Person, firm or corporation) (Type or print)

Address 117 North K. Lky. Or.

[Signed] Alan S. Sovey  
(Water Well Contractor)

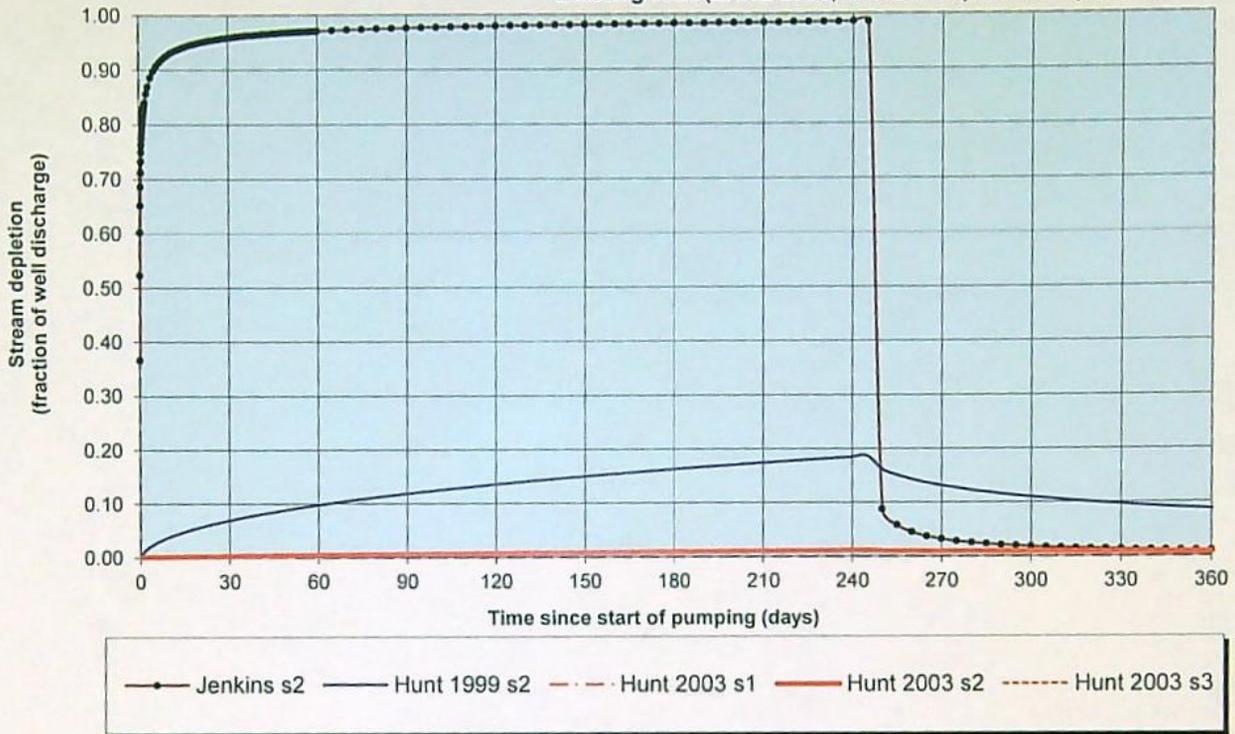
Contractor's License No. 617 Date 8-22, 1976





## Transient Stream Depletion (Jenkins, 1970; Hunt, 1999, 2003)

Existing Well (LAKE 2766, LAKE 2727) to Antelope Creek

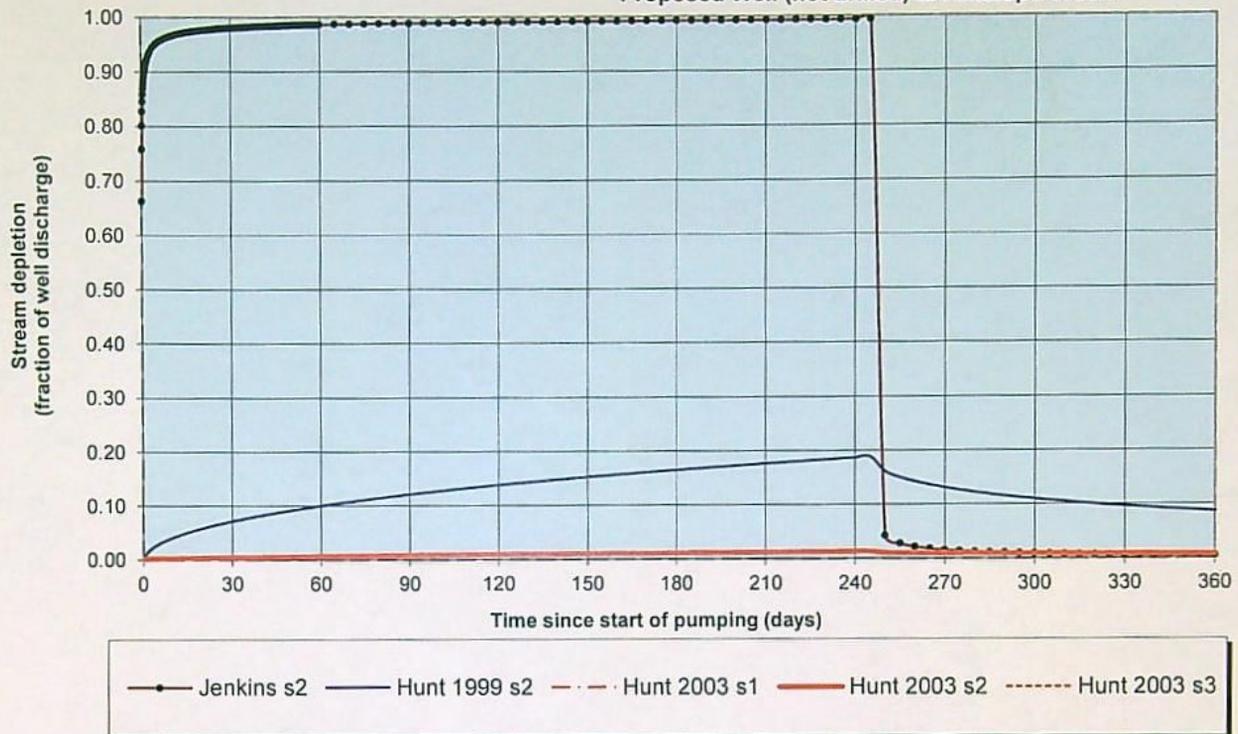


Output for Stream Depletion, Scenerio 2 (s2):					Time pump on (pumping duration) = 245 days							
Days	30	60	90	120	150	180	210	240	270	300	330	360
J SD	95.8%	97.1%	97.6%	97.9%	98.1%	98.3%	98.4%	98.5%	3.2%	1.8%	1.2%	0.9%
H SD 1999	7.0%	9.8%	11.9%	13.6%	15.0%	16.3%	17.4%	18.5%	13.1%	11.0%	9.6%	8.7%
H SD 2003	0.3%	0.5%	0.6%	0.7%	0.8%	0.9%	1.0%	1.1%	0.9%	0.9%	0.8%	0.8%
Qw, cfs	0.640	0.640	0.640	0.640	0.640	0.640	0.640	0.640	0.640	0.640	0.640	0.640
H SD 99, cfs	0.044	0.063	0.076	0.087	0.096	0.104	0.112	0.118	0.084	0.070	0.062	0.055
H SD 03, cfs	0.002	0.003	0.004	0.005	0.005	0.006	0.007	0.007	0.006	0.006	0.005	0.005

Parameters:		Scenario 1	Scenario 2	Scenario 3	Units
Net steady pumping rate of well	Qw	0.64	0.64	0.64	cfs
Time pump on (pumping duration)	tpon	245	245	245	days
Perpendicular from well to stream	a	3100	3100	3100	ft
Well depth	d	442	442	442	ft
Aquifer hydraulic conductivity	K	341.77	341.77	341.77	ft/day
Aquifer saturated thickness	b	172	172	172	ft
Aquifer transmissivity	T	58784.44	58784.44	58784.44	ft*ft/day
Aquifer storativity or specific yield	S	0.001	0.001	0.001	
Aquitard vertical hydraulic conductivity	Kva	2.112	2.112	2.112	ft/day
Aquitard saturated thickness	ba	270	270	270	ft
Aquitard thickness below stream	babs	270	270	270	ft
Aquitard porosity	n	0.2	0.2	0.2	
Stream width	ws	25	25	25	ft
Streambed conductance (lambda)	sbc	0.195556	0.195556	0.195556	ft/day
Stream depletion factor	sdf	0.163479	0.163479	0.163479	days
Streambed factor	sbf	0.010313	0.010313	0.010313	
input #1 for Hunt's Q_4 function	t'	6.117007	6.117007	6.117007	
input #2 for Hunt's Q_4 function	K'	1.278766	1.278766	1.278766	
input #3 for Hunt's Q_4 function	epsilon'	0.005000	0.005000	0.005000	
input #4 for Hunt's Q_4 function	lamda'	0.010313	0.010313	0.010313	

## Transient Stream Depletion (Jenkins, 1970; Hunt, 1999, 2003)

Proposed Well (not drilled) to Antelope Creek



Output for Stream Depletion, Scenerio 2 (s2):					Time pump on (pumping duration) = 245 days							
Days	30	60	90	120	150	180	210	240	270	300	330	360
J SD	98.0%	98.6%	98.8%	99.0%	99.1%	99.2%	99.2%	99.3%	1.5%	0.8%	0.6%	0.4%
H SD 1999	7.2%	10.0%	12.1%	13.8%	15.2%	16.5%	17.7%	18.7%	13.1%	10.9%	9.6%	8.6%
H SD 2003	0.5%	0.7%	0.8%	0.9%	1.1%	1.2%	1.3%	1.4%	1.0%	0.9%	0.8%	0.8%
Qw, cfs	0.640	0.640	0.640	0.640	0.640	0.640	0.640	0.640	0.640	0.640	0.640	0.640
H SD 99, cfs	0.046	0.064	0.077	0.088	0.098	0.106	0.113	0.120	0.084	0.070	0.061	0.055
H SD 03, cfs	0.003	0.004	0.005	0.006	0.007	0.007	0.008	0.009	0.006	0.006	0.005	0.005

Parameters:		Scenario 1	Scenario 2	Scenario 3	Units
Net steady pumping rate of well	Qw	0.64	0.64	0.64	cfs
Time pump on (pumping duration)	tpon	245	245	245	days
Perpendicular from well to stream	a	1495	1495	1495	ft
Well depth	d	442	442	442	ft
Aquifer hydraulic conductivity	K	341.77	341.77	341.77	ft/day
Aquifer saturated thickness	b	172	172	172	ft
Aquifer transmissivity	T	58784.44	58784.44	58784.44	ft*ft/day
Aquifer storativity or specific yield	S	0.001	0.001	0.001	
Aquitard vertical hydraulic conductivity	Kva	2.112	2.112	2.112	ft/day
Aquitard saturated thickness	ba	270	270	270	ft
Aquitard thickness below stream	babs	270	270	270	ft
Aquitard porosity	n	0.2	0.2	0.2	
Stream width	ws	25	25	25	ft
Streambed conductance (lambda)	sbc	0.195556	0.195556	0.195556	ft/day
Stream depletion factor	sdf	0.038021	0.038021	0.038021	days
Streambed factor	sbf	0.004973	0.004973	0.004973	
input #1 for Hunt's Q_4 function	t'	26.301469	26.301469	26.301469	
input #2 for Hunt's Q_4 function	K'	0.297406	0.297406	0.297406	
input #3 for Hunt's Q_4 function	epsilon'	0.005000	0.005000	0.005000	
input #4 for Hunt's Q_4 function	lamda'	0.004973	0.004973	0.004973	

Theis_Equation_specific_capacity_to_transmissivity						
<b>Basalt</b>						
<b>Well County</b>	<b>Well Num</b>	<b>Transmissivity ft<sup>2</sup>/day</b>	<b>Transmissivity gpd/ft</b>	<b>Open Interval feet</b>	<b>Conductivity ft/day</b>	
LAKE	2766	58,784.91	439,741.69	172.00	341.77	
		58,784.91	439,741.69	Average		341.77 ft/day
<b>Basin-Fill</b>						
<b>Well County</b>	<b>Well Num</b>	<b>Transmissivity ft<sup>2</sup>/day</b>	<b>Transmissivity gpd/ft</b>	<b>Open Interval feet</b>	<b>Conductivity ft/day</b>	
LAKE	2765	1,984.92	14,848.23	94.00	21.12	
		1,984.92	14,848.23	Average		21.12 ft/day



Oregon Water Resources Department  
Water Availability Analysis

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## Water Availability Analysis

ANTELOPE CR > GOOSE L - AT MOUTH  
GOOSE & SUMMER LAKE BASIN  
Water Availability as of 12/12/2017

Watershed ID #: 31300113 ([Map](#))

Exceedance Level: 80%

Date: 12/12/2017

Time: 1:46 PM

[Download Data](#)

### Water Availability

Select any Watershed for Details

Nesting Watershed Order	Stream Name ID #	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	31300113 ANTELOPE CR> GOOSE L - AT MOUTH	No	Yes	Yes	No	Yes								

### Limiting Watersheds

Monthly Streamflow in Cubic Feet per Second  
Annual Volume at 50% Exceedance in Acre-Feet

Month	Limiting Watershed ID #	Stream Name	Water Available?	Net Water Available
JAN	31300113	ANTELOPE CR > GOOSE L - AT MOUTH	No	-0.11
FEB	31300113	ANTELOPE CR > GOOSE L - AT MOUTH	Yes	0.27
MAR	31300113	ANTELOPE CR > GOOSE L - AT MOUTH	Yes	0.28
APR	31300113	ANTELOPE CR > GOOSE L - AT MOUTH	No	-0.05
MAY	31300113	ANTELOPE CR > GOOSE L - AT MOUTH	No	-5.41
JUN	31300113	ANTELOPE CR > GOOSE L - AT MOUTH	No	-4.92
JUL	31300113	ANTELOPE CR > GOOSE L - AT MOUTH	No	-1.47
AUG	31300113	ANTELOPE CR > GOOSE L - AT MOUTH	No	-0.76
SEP	31300113	ANTELOPE CR > GOOSE L - AT MOUTH	No	-0.61
OCT	31300113	ANTELOPE CR > GOOSE L - AT MOUTH	No	-0.35
NOV	31300113	ANTELOPE CR > GOOSE L - AT MOUTH	No	-0.03
DEC	31300113	ANTELOPE CR > GOOSE L - AT MOUTH	No	-0.15
ANN	31300113	ANTELOPE CR > GOOSE L - AT MOUTH	Yes	771.00

### Detailed Reports for Watershed ID #31300113

ANTELOPE CR > GOOSE L - AT MOUTH  
GOOSE & SUMMER LAKE BASIN  
Water Availability as of 12/12/2017

Watershed ID #: 31300113 ([Map](#))

Exceedance Level: 80%

Date: 12/12/2017

Time: 1:46 PM

### Water Availability Calculation

Monthly Streamflow in Cubic Feet per Second  
Annual Volume at 50% Exceedance in Acre-Feet

Month	Natural Consumptive Uses and Stream Flow	Expected Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	0.27	0.38	-0.11	0.00	0.00	-0.11
FEB	0.53	0.27	0.27	0.00	0.00	0.27
MAR	1.51	1.24	0.28	0.00	0.00	0.28
APR	3.71	3.76	-0.05	0.00	0.00	-0.05
MAY	2.17	7.58	-5.41	0.00	0.00	-5.41
JUN	0.95	5.87	-4.92	0.00	0.00	-4.92
JUL	0.25	1.72	-1.47	0.00	0.00	-1.47
AUG	0.14	0.90	-0.76	0.00	0.00	-0.76
SEP	0.22	0.83	-0.61	0.00	0.00	-0.61
OCT	0.17	0.52	-0.35	0.00	0.00	-0.35
NOV	0.16	0.19	-0.03	0.00	0.00	-0.03
DEC	0.23	0.38	-0.15	0.00	0.00	-0.15
ANN	1,710.00	1,430.00	771.00	0.00	0.00	771.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	0.33	0.00	0.00	0.00	0.00	0.00	0.05	0.00	0.38
FEB	0.22	0.00	0.00	0.00	0.00	0.00	0.05	0.00	0.27
MAR	0.70	0.49	0.00	0.00	0.00	0.00	0.05	0.00	1.24
APR	1.40	2.31	0.00	0.00	0.00	0.00	0.05	0.00	3.76
MAY	0.80	6.73	0.00	0.00	0.00	0.00	0.05	0.00	7.58
JUN	0.25	5.57	0.00	0.00	0.00	0.00	0.05	0.00	5.87
JUL	0.06	1.61	0.00	0.00	0.00	0.00	0.05	0.00	1.72
AUG	0.02	0.83	0.00	0.00	0.00	0.00	0.05	0.00	0.90
SEP	0.03	0.75	0.00	0.00	0.00	0.00	0.05	0.00	0.83
OCT	0.03	0.44	0.00	0.00	0.00	0.00	0.05	0.00	0.52
NOV	0.14	0.00	0.00	0.00	0.00	0.00	0.05	0.00	0.19
DEC	0.33	0.00	0.00	0.00	0.00	0.00	0.05	0.00	0.38

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

No instream flow requirements were found for this watershed.

0.0125 cfs per acre

STATE OF OREGON  
COUNTY OF LAKE  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JACK P ALBERTSON  
FLORENCE M ALBERTSON  
91926 DOG LAKE LANE  
LAKEVIEW OR 97630

NORTHWEST FARM CREDIT SERVICES, FLCA  
300 KLAMATH AVE SUITE 200  
KLAMATH FALLS OR 97601

WILD WATERS REVOCABLE LIVING TRUST  
c/o 5252 MILL CREEK RD  
HEALDSBURG, CALIFORNIA 95448

TRANSFER = 1.29 cfs  
RR = 1.47 cfs

confirms the right to the use of water perfected under the terms of Permit G-7160. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-7704

SOURCE OF WATER: A WELL IN THE GOOSE & SUMMER LAKES BASIN

PURPOSE or USE: PRIMARY IRRIGATION OF 103.3 ACRES AND SUPPLEMENTAL IRRIGATION OF 117.6 ACRES

RR = 117.6 ac @

(220.9 ac. TOTAL)

MAXIMUM RATE: 2.76 CUBIC FEET PER SECOND

DATE OF PRIORITY: FEBRUARY 8, 1977

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	19 E	WM	6	SE SE	1280 FEET NORTH AND 1260 FEET WEST FROM SE CORNER, SECTION 6

If for irrigation, this appropriation shall be limited to ONE-EIGHTIETH of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre feet per acre for each acre irrigated during the irrigation season of each year; provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and 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. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

A description of the place of use is as follows:

PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	19 E	WM	5	NW NW	28.4
40 S	19 E	WM	5	SW NW	23.8
40 S	19 E	WM	6	NE NE	12.4
40 S	19 E	WM	6	SE NE	38.7

$\Delta POO$

-2.5

-6.9

-7.7

$\Delta POA$

RENTAL

"TO" acres

25.9

4.6

14.9

5.8

12.4

6.3

31.0

0.4

86.2

17.1

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	GLot
40 S	19 E	WM	5	NE SW	33.4
40 S	19 E	WM	5	NW SW	28.6
40 S	19 E	WM	5	SW SW	33.6
40 S	19 E	WM	5	SE SW	22.0

RR

The well shall be cased as necessary in accordance with good practice and if the flow is artesian the works shall include proper capping and control valve to prevent the waste of ground water.

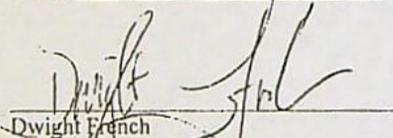
The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times.

The water user shall maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

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.

This certificate is issued to correct a scrivener's error by correcting the name of the permit holder of record and supersedes Certificate 91840.

Issued SEP 19 2016



Dwight French  
Water Right Services Division Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department



760 SW Ninth Ave., Suite 3000  
Portland, OR 97205  
T. 503.224.3380  
F. 503.220.2480  
www.stoel.com

KIRK B. MAAG  
D. 503.294.9546  
kirk.maag@stoel.com

April 20, 2017

**VIA U.S. FIRST-CLASS MAIL**

Mr. Dwight French  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271

Mr. Kelly Starnes  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271

**Re: Transfer Application T-12595**

Dear Messrs. French and Starnes:

Please find enclosed a copy of a letter sent to The Wild Waters Revocable Living Trust (the "Trust") on behalf of Florence M. Albertson. The letter relates to the Request for Assignment of a portion of Water User Permit G-7160 that was submitted to the Oregon Water Resources Department (the "Department") by the Trust.

As explained in the enclosed letter, the Trust did not have the right to assign any portion of the rights evidenced by Permit G-7160. Even if the Trust did have the right to assign a portion of those rights, the Request for Assignment did not comply with applicable statutory requirements. Moreover, certain representations made in the Request for Assignment were inaccurate.

The Trust then submitted Transfer Application T-12595, which was received by the Department on February 27, 2017. If approved, the transfer would change the point of appropriation and place of use for the portion of Permit G-7160 purportedly assigned to the Trust. Because the assignment was invalid, the Trust lacks the right to transfer any portion of the water right now evidenced by Certificate 91901. Therefore, Ms. Albertson requests that the Department either deny T-12595 or place its review on hold while the parties work to resolve the issues identified in the enclosed letter.

**RECEIVED BY OWRD**

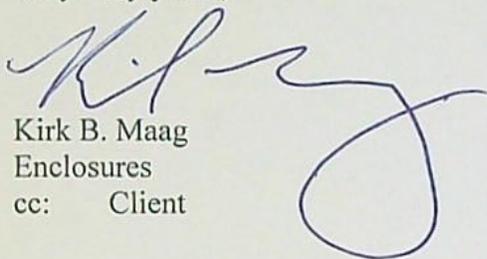
**APR 24 2017**

**SALEM, OR**

Mr. Dwight French  
Mr. Kelly Starnes  
April 20, 2017  
Page 2

Please contact me at (503) 294-9546 or [kirk.maag@stoel.com](mailto:kirk.maag@stoel.com) if you would like to discuss.

Very truly yours,



Kirk B. Maag  
Enclosures  
cc: Client

RECEIVED BY OWRD

APR 24 2017

SALEM, OR



760 SW Ninth Ave., Suite 3000  
Portland, OR 97205  
T. 503.224.3380  
F. 503.220.2480  
www.stoel.com

KIRK B. MAAG  
D. 503.294.9546  
kirk.maag@stoel.com

April 20, 2017

**BY CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

The Wild Waters Revocable Living Trust  
c/o John A. and Susan G. Cutino  
5252 Mill Creek Road  
Healdsburg, CA 95448

RECEIVED

MAY 1 2017

OWRD

**Re: Water Right Certificate 91901 (Permit G-7160)**

Dear Mr. and Mrs. Cutino:

Stoel Rives LLP represents Florence M. Albertson in connection with the Request for Assignment of a portion of Water User Permit G-7160 that was submitted to the Oregon Water Resources Department (the "Department") by The Wild Waters Revocable Trust (the "Trust"). As explained in this letter, the Trust does not have the right to assign any portion of the rights evidenced by Permit G-7160. Even if the Trust did have the right to assign a portion of those rights, the Request for Assignment does not comply with applicable statutory requirements. Moreover, certain representations made in the Request for Assignment are inaccurate.

Jack Albertson (now deceased) was the sole applicant for Permit G-7160. The Department issued the permit to Mr. Albertson on February 8, 1977. The permit authorized supplemental irrigation of 120.0 acres of land owned by Mr. Albertson and his wife, Florence M. Albertson (the "Albertson Property"). The permit also authorized primary irrigation of 108.8 acres of land not owned by Mr. and Mrs. Albertson (the "Sundet Property"). Despite the fact that Mr. and Mrs. Albertson owned only a portion of the authorized place of use, they were the sole holders and owners of the permit.

Mr. and Mrs. Albertson's ownership of the permit was acknowledged in a Lease dated February 17, 1977 between Mr. and Mrs. Albertson (as lessees) and Alberta Towle Severin (as lessor). The Lease is enclosed as Exhibit A. The Lease, which covered the Sundet Property, contained the following provision related to water rights: "Lessees now have water rights covering the property herein, and it is understood that this right is a personal right and at the conclusion of the lease *said rights shall remain with the Lessees and will not inure to the land.*" (Emphasis added.) At the time the Lease was signed, Ms. Severin was under contract to purchase the Sundet Property from William and Lillian Sundet, who signed the Lease and consented to its terms.

The Wild Waters Revocable Living Trust  
April 20, 2017  
Page 2

In 2001, Mr. and Mrs. Albertson submitted to the Department a Request for Assignment related to Permit G-7160. Pursuant to the Request for Assignment, the rights evidenced by Permit G-7160 were assigned to Northwest Farm Credit Services and Mr. and Mrs. Albertson. The Department's application file associated with Permit G-7160 does not contain any subsequent assignments by Northwest Farm Credit Services or Mr. and Mrs. Albertson.

On July 11, 2016, the Department received a Request for Assignment from the Trust signed by John A. Cutino II and Susan Giselle Cutino. (See attached Exhibit B.) Under ORS 537.220(2), a request for assignment must "identify the current record owners of all property described in the application, permit or license." The assignor must furnish proof "that notice of assignment has been given or attempted for each identified property owner not a party to the assignment." ORS 537.220(2). The application file associated with Permit G-7160 does not contain proof of such notice. Without such proof, the assignment was invalid.

The Department's rules make clear that only the permit *holder* has the right to request assignment of a permit. OAR 690-320-0600(1). Here, the permit holders as of July 11, 2016 were Northwest Farm Credit Services and Ms. Albertson. The Department's rules provide alternative procedures for requesting assignment of a permit if the holder is *unavailable*. ORS 690-320-0060(2). But here, there is no evidence in the application file that the holders were unavailable. In fact, Ms. Albertson was available but was not contacted by the Trust before it submitted the Request for Assignment.

The Request for Assignment also contains representations that are inaccurate. The assignors represented that they had "the legal right to request assignment." Based on the information contained in the application file and the Lease, the Trust lacked such right. The Trust was not the record holder (or owner) of the permit and did not furnish evidence that the record holder was unavailable. The assignors also represented that they had "not been able to contact the owner(s) of record for [the permit]." It appears from the application file that the Department had Ms. Albertson's correct mailing address on or before June 17, 2016, so the assignors should have been able to contact Ms. Albertson before submitting the Request for Assignment.

The assignment is particularly concerning to Ms. Albertson because she understands that the Trust submitted Transfer Application T-12595, which would (if approved) transfer the primary water right associated with the permit—now evidenced by Certificate 91901—to a new place of use. The Department is copied on this letter, and we will separately request that the Department place its review of T-12595 on hold while the parties work to resolve the issues identified in this letter.

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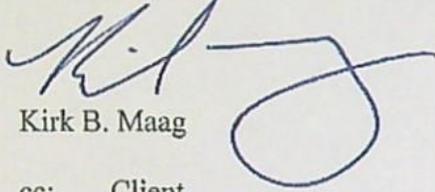
MAY 1 2017

OWRD

The Wild Waters Revocable Living Trust  
April 20, 2017  
Page 3

Please contact me at (503) 294-9546 or [kirk.maag@stoel.com](mailto:kirk.maag@stoel.com) within 10 days after your receipt of this letter to discuss a prompt resolution of this matter.

Very truly yours,



Kirk B. Maag

cc: Client  
Dwight French, Oregon Water Resources Department  
Kelly Starnes, Oregon Water Resources Department

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MAY 1 2017

OWRD

APR 24 2017

## LEASE

SALEM, OR

THIS AGREEMENT is made and entered into by and between Alberta Towle Severin, as Lessor, who is purchasing the real property which is the subject of this lease, from William Sundet and Lillian Sundet under a Contract of Sale, and Jack Albertson and Florence Albertson, husband and wife, as Lessees.

WITNESSETH: That for and in consideration of the payment of rents and the performance of the terms hereinafter stated by Lessees, Lessor does hereby demise and let unto Lessees the following described real property located in Lake County, Oregon:

W $\frac{1}{2}$ NW $\frac{1}{4}$  of Section 5 and the E $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 6, Township 40 South, Range 19 EWM, excepting that portion of the E $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 6 which is North of the stream located on such property, said exception being 15 acres in size, more or less.

1. TERM AND CONSIDERATION: The primary term of this lease shall be from February 15, 1977 to February 14, 1982 and the consideration for this term shall be the sum of \$3,050.00 annually, payable in advance on or before February 15 of each year unless a later date is otherwise agreed on by the parties hereto.

The secondary term of this lease shall commence February 15, 1982 and shall continue thereafter until February 14, 1987. The consideration for this secondary term shall be \$3,050.00 annually and in addition thereto Lessees shall pay Lessor an additional amount equal to one-half of the percentage increase of the Consumer Price Index based upon the preceding five years, to-wit: 1977 to 1982. Thus if the Consumer Price Index has increased 20 percent over the preceding five years, Lessees shall pay Lessor on or before February 15, 1982 \$3,050.00 plus 10 percent. On or before February 15, 1983, Lessees shall pay to Lessor the previous year's

rental amount plus one-half of the percentage increase of the Consumer Price Index for the immediate preceding year.

It is expressly understood that this formula as set forth above will continue during the life of the secondary term.

It is further expressly understood and agreed that if the application of said formula will be inequitable to either of the parties hereto, then upon consent of said parties a different agreement may be made.

2. TAXES: Lessor shall be responsible for all real property taxes and Lessees will be responsible for personal property taxes as to any cattle and/or equipment which they may be responsible for placing upon the property.

3. INSURANCE: Lessor now has and shall continue to maintain an insurance policy covering said property during the term of this lease.

4. MAINTENANCE: Lessees agree to maintain the land to the standard that it now exists; such maintenance shall include the repair of perimeter fences except those fences which border the land expressly reserved by Lessor herein as set forth above.

5. IMPROVEMENTS: Lessor expressly grants the Lessees the right to erect improvements on the land. It is expressly agreed that at the conclusion of this lease Lessees will have the right to remove any and all improvements so erected.

6. WATER RIGHTS: Lessees now have water rights covering the property herein, and it is understood that this right is a personal right and at the conclusion of the lease said rights shall remain with the Lessees and will not inure to the land.

7. USE: Lessor gives Lessees unlimited right to use the land as they see fit. However, Lessees shall use the land in a

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reasonable manner and will return the land at the conclusion of this lease in at least the condition as the same now exists.

8. ASSIGNMENT: In the event the Lessor, pursuant to the terms of her Contract of Sale heretofore mentioned, for any reason decides to assign her interest in said contract, then the Lessees herein shall have the first option to assume her interest and responsibilities under said Contract. In the case of assignment, Lessor and Lessees at such time will make an agreement with respect to the Lessor-Assignor's equity under the Contract under which said Lessor is now purchasing.

9. TERMINATION: It is understood by the parties hereto that the term of this lease is for ten years. However, the Lessees shall, due to unforeseen circumstances, have the right to terminate this lease upon giving Lessor 90 days written notice of their intention to do so. Lessor may only terminate this agreement prior to expiration of its term by the Lessees failing to make the required rental payments. If the annual payment is 60 days delinquent, Lessor ~~may by written notice to Lessees hold them in default, terminate this~~ agreement, and take possession of the land.

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SALEM, OR

10. DEFAULT: In the event of a default by the Lessor herein as to her obligations set forth in that certain Contract of Sale heretofore mentioned between William and Lillian Sundet as contract sellers and Alberta Towle Severin as contract purchaser, then said contract sellers shall give written notice of such default to the Lessees herein. Lessees upon receipt of such notice shall have 30 days in which to assume the position of contract purchasers and to discharge said default. In the event that this assumption is not exercised by Lessees or the defaults are not cured within the 30 day period, then such right of assumption is terminated and the contract sellers shall be free to pursue any court of action that they may elect.

11. ATTORNEY FEES: In the event any suit or action is brought to collect any of said rents or to enforce any of the pro-

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SALEM, OR

visions of this agreement or to repossess the property, reasonable attorney fees may be awarded by the trial court or appellate court to the prevailing party in such action together with costs and necessary disbursements.

12. ADDRESSES: The addresses of the respective parties are as follows:

Alberta Towle Severin  
Rt 6, Box 410  
Lakeview, Oregon 97630

Jack and Florence Albertson  
Rt 6, Box 466  
Lakeview, Oregon 97630

DATED this 17 day of February, 1977.

Alberta Towle Severin  
Alberta Towle Severin, Lessor

Jack Albertson  
Jack Albertson, Lessee

Florence Albertson  
Florence Albertson, Lessee

William Sundet and Lillian Sundet, as contract sellers of the real property which is the subject of this lease, having read and inspected this agreement, do hereby consent to the terms contained herein.

DATED this 25 day of February, 1977.

William Sundet  
William Sundet

Lillian Sundet  
Lillian Sundet

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SALEM, OR

file



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

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# Request for Assignment

APR 24 2017

By Proof of Ownership  
(If Water Right Holder is Not Available)

SALEM, OR

If for multiple rights, a separate form and fee for each right will be required.

WE

X THE WILD WATERS REVOCABLE LIVING TRUST  
(Name of Party Requesting Assignment)

U 5252 MILL CREEK ROAD HEALDSBURG, CA 95448 707-965-3612  
(Mailing Address) (City) (State) (Zip) (Phone #)

- hereby request assignment of application/permit/transfer/license/GR Certificate of Registration;
- hereby request assignment of a portion of application/permit/transfer/license/GR Certificate of Registration; (You must include a map showing the portion of the application/permit/transfer/license/GR Certificate of Registration to be assigned.)

I have attached proof of ownership that may include but not be limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property held jointly. The Department cannot accept a copy of a tax statement.

Application # G-7704; Permit # G-7160; Transfer# \_\_\_\_\_  
-OR-

License # \_\_\_\_\_ GR Statement # \_\_\_\_\_; GR Certificate of Registration # \_\_\_\_\_

JACK P. AND FLORENCE M. ALBERTSON; NEW FARM CREDIT SERVICES, FLCA  
(Name of Holder of Record) (City) (State) (Zip) (Phone #)  
HC 60 Box 2530 300 KLAMATH AVE SUITE 200  
LAKEVIEW, OR 97630 KLAMATH FALLS, OR 97601  
(Mailing Address) (City) (State) (Zip) (Phone #)

**Note:** You are required to furnish proof acceptable to the Department that notice of the assignment has been given or attempted for each identified property owner not a party to the assignment. ORS 537.220(2) Failure to submit this proof will result in the return of your request. (Proof may include but not be limited to: a copy of returned certified mailing, copy of a Death Certificate, or a court order.)

- 1) I certify that I am the current owner of the property described in this application, Permit, transfer, license or GR Certificate of Registration.
- 2) I have the legal right to request assignment under OAR 690-310-0280 and 690-320-0060.
- 3) I have not been able to contact the owner(s) of record for the above referenced application or water right.
- 4) I further certify that the information provided herein is true and correct to the best of my knowledge.

Witness my hand this 4th day of July, 2016.  
Party Requesting Assignment John A. Cutino II  
Party Requesting Assignment Susan Giselle Cutino

ASSIGNMENT BY PROOF JUL 7/13/2016

### DO NOT WRITE IN THIS BOX

This certifies assignment and record change at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem, Oregon.

Fee receipt # 120484  
For Director by Jerry Sauer, Program Analyst in Water Rights Division Jerry Sauer

Last updated: July 19, 2013 Request for Assignment if Permit Holder not available

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$85.

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JUL 11 2016

WR SALEM, OR



# Oregon

Kate Brown, Governor

Water Resources Department  
North Mall Office Building  
725 Summer St NE, Suite A  
Salem, OR 97301  
Phone (503) 986-0900  
Fax (503) 986-0904  
www.wrd.state.or.us

July 14, 2016

Wild Waters Revocable Living Trust  
c/o 5252 Mill Creek Rd.  
Healdsburg, California 95448

Reference: Application G-7704, Permit G-7160

The partial assignment by proof from Jack and Florence Albertson and Northwest Farm Credit Services, FLCA to The Wild Waters Revocable Living Trust has been recorded in the records of the Water Resources Department.

The Departments records will now show Jack and Florence Albertson and Northwest Farm Credit Services, FLCA and The Wild Waters Revocable Living Trust as the permit holders of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 120484 covering the recording fee is also enclosed.

A permit is not a perfected water right, and has conditions and timelines that must be satisfied prior to a Certificate of Water Right being issued. Please review the permit to be familiar with the conditions and timelines contained in the permit.

Sincerely,

Jerry Sauter  
Water Rights Program Analyst  
Water Right Services Division

Enclosure: Receipt 120484

cc: Watermaster 12  
Jack and Florence Albertson  
Northwest Farm Credit Services, FLCA  
Data Center, OWRD (cover letter & request)  
Hydrographics  
File

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SALEM, OR



RECORDING REQUESTED BY:  
JOHN ANTHONY CUTINO II AND  
SUSAN GISELLE CUTINO  
When Recorded Mail Document  
And Tax Statement To:  
JOHN ANTHONY CUTINO II AND  
SUSAN GISELLE CUTINO, TRUSTEES OF  
THE WILD WATERS REVOCABLE LIVING TRUST  
C/O 5252 MILL CREEK ROAD  
HEALDSBURG, CA 95448

LAKE COUNTY, OREGON 2015-001171  
D-QCDEED 07/20/2015 09:24:57 AM  
Cnt=1 Pgs=3  
\$16.00 \$11.00 \$20.00 \$10.00 Total: \$58.00



I, Shacie Geaney, County Clerk for Lake County, Oregon  
certify that the instrument identified herein was  
recorded in the Clerk's records.  
Shacie Geaney - County Clerk

APN 15491

## QUITCLAIM DEED

The undersigned grantor(s) declare(s) **GIFT/NO CONSIDERATION**

Documentary Transfer Tax is \$ \_\_\_\_\_ City tax \$ \_\_\_\_\_

- ( ) computed on full value of property conveyed, or  
( ) computed on full value less value of liens or encumbrances remaining at time of sale,  
( ) Unincorporated Area County of Lake, State of Oregon

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, JOHN ANTHONY CUTINO II AND SUSAN GISELLE CUTINO, HUSBAND AND WIFE, ~~AS COMMUNITY PROPERTY~~ *AS TENANTS BY THE ENTIRETY*

hereby quitclaims and transfers all right, title and interest held by Grantors to JOHN ANTHONY CUTINO II AND SUSAN GISELLE CUTINO, TRUSTEES OF THE WILD WATERS REVOCABLE LIVING TRUST

the following described real property in the County of Lake, State of Oregon, described as follows:  
Township 40 South, Range 19, East of the Willamette Meridian, Lake County, Oregon

Section 5: The W 1/2 NW 1/4

Section 6: The E 1/4 NE 1/4

This Quitclaim Deed is freely and fairly given with no consideration in regard to all right, title and interest in and to the real property described herein.

Dated: July 15, 2015

*John Anthony Cutino II*  
JOHN ANTHONY CUTINO II

*Susan Giselle Cutino*  
SUSAN GISELLE CUTINO

MAIL TAX STATEMENT AS DIRECTED ABOVE

401900-017

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2015001171

ACKNOWLEDGMENT

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of CONTRA COSTA

On JULY 15, 2015 before me, Nancy Sue Gann-Desimone, Notary Public  
(Insert name and title of the officer)

personally appeared JOHN ANTHONY CUTINO II who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

*Nancy Sue Gann-Desimone*  
Signature \_\_\_\_\_ (Seal)  
Nancy Sue Gann-Desimone, Notary Public



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ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of CONTRA COSTA

On JULY 15, 2015 before me, NANCY SUE GANN-DESIMONE  
(Insert name and title of the officer)

personally appeared SUSAN GISELLE CUTINO  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Nancy Sue Gann-Desimone  
Signature (Seal)



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MO140630

WARRANTY DEED

073854

KNOW ALL MEN BY THESE PRESENTS: That we, William Sundet and Lillian Sundet, husband and wife, for and in consideration of the sum of \$95,000.00 have bargained and sold and by these presents do bargain, sell and convey unto Jack Albertson and Florence M. Albertson, husband and wife, the following described real property situated within Lake County, State of Oregon, to wit:

Township 40 South, Range 19 E.W.M.

Section 5: SW $\frac{1}{4}$ .  
Section 6: SE $\frac{1}{4}$ , EXCEPTING THEREFROM: Beginning at the Southwest corner of the Southeast Quarter of Section 6, Township 40 South, Range 19 E.W.M., thence running North 296 feet; thence East 592 feet; thence South 296 feet; thence West 592 feet to the point of beginning

TO HAVE AND TO HOLD the above granted premises unto the grantees and unto their heirs and assigns forever. And the grantors do covenant with the grantees that they are lawfully seised of a merchantable fee simple title to the above granted premises; that said premises are free of all liens and encumbrances excepting: (1) Easements and rights of way on record and those apparent upon the land, if any; (2) Rights of way for ditches and canals of Lakeview Water Users Inc., a corporation; an undescribed two acre tract in the SW corner of the SE $\frac{1}{4}$  of Section 6, Township 40 South, Range 19 E.W.M., under that certain deed executed by Elizabeth Nichel, a widow, to the trustee of the Methodist Episcopal Church, North, recorded on January 10, 1895 in volume 8 at page 323, Deed Records of Lake County, Oregon. The grantors do further covenant that they will forever warrant and defend the above granted premises unto the grantees their heirs and assigns against the lawful claims and demands of all persons whomsoever.

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MD140631-07

IN WITNESS WHEREOF the grantors have hereunto set their hands and seals this 20th day of June, 1975.

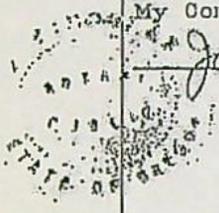
William Sundet (SEAL)  
Lillian Sundet (SEAL)

STATE OF OREGON }  
County of Lake } :SS

On this 20th day of June, 1975, before me personally appeared the within named William Sundet and Lillian Sundet, husband and wife, and they did then and there acknowledge that they executed the foregoing instrument.

J. G. Coyle  
Notary Public for Oregon

My Commission Expires  
Jan. 23, 1997



State of Oregon } Reel 14  
County of Lake } ss. File 2030  
I hereby certify that the within instrument was received and filed for record on the 29 day of March 1975 at 2:32 o'clock P.M. and recorded on Page 100 in book 217 Record of Deeds in said County of Deschutes

By Arionne Overton Deputy

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FEB 1 1977  
WATER RESOURCES DEPT  
SALIDA, OREGON

Permit No. G-2160

APPLICATION FOR A PERMIT

To appropriate the Ground Waters of the State of Oregon

I, Jack Albertson (Name of applicant)  
of Rt. 6 Box 466 Lakeview county of Lake  
(Postoffice Address) 97630 Donk. St. 1161  
state of Oregon, do hereby make application for a permit to appropriate the  
following described ground waters of the state of Oregon, SUBJECT TO EXISTING RIGHTS:

If the applicant is a corporation, give date and place of incorporation

1. Give name of nearest stream to which the well, tunnel or other source of water development is  
situated \_\_\_\_\_  
(Name of stream)

2. The amount of water which the applicant intends to apply to beneficial use is Primary 1.298  
feet per second or \_\_\_\_\_ gallons per minute. Supplemental 1.5000

3. The use to which the water is to be applied is Primary & Supplemental  
irrigation

4. The well or other source is located 1280 ft. N and 1280 ft. W from the SE  
corner of Sec 6 SE 1/4 SE 1/4  
(Section or subdivision)  
(If preferable, give distance and bearing to section corner)

5. If there is more than one well, each must be described. Use separate sheet if necessary.  
being within the SE 1/4 - SE 1/4 of Sec. 6, Twp. 40S, R. 19E  
W. M., in the county of Lake

5. The Pipe Line to be 3/4 miles  
(Canal or pipe line)  
in length, terminating in the SW 1/4 NW 1/4 of Sec. 5, Twp. 40S  
(Smallest legal subdivision)  
R. 19E, W. M., the proposed location being shown throughout on the accompanying map.

6. The name of the well or other works is \_\_\_\_\_

DESCRIPTION OF WORKS See Application  
#55263

7. If the flow to be utilized is artesian, the works to be used for the control and conservation of the  
supply when not in use must be described.

8. The development will consist of 1 well having a  
(Give number of wells, tunnels, etc.)  
diameter of 12" inches and an estimated depth of 442 feet. It is estimated that 369  
feet of the well will require 282' 12" 122' 10" casing. Depth to water table is estimated 12'  
(Kind) (Feet)

ASSIGNED. See Misc. Rec., Vol. 8 Page 860  
9191

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JUL 11 2016

SALEM, OR

WRIS



MUNICIPAL SUPPLY—

13. To supply the city of \_\_\_\_\_  
in \_\_\_\_\_ county, having a present population of \_\_\_\_\_  
and an estimated population of \_\_\_\_\_ in 19\_\_\_\_\_

ANSWER QUESTIONS 14, 15, 16, 17 AND 18 IN ALL CASES

14. Estimated cost of proposed works, \$ 30,000

15. Construction work will begin on or before March 1, 1977

16. Construction work will be completed on or before April 15, 1977

17. The water will be completely applied to the proposed use on or before \_\_\_\_\_

18. If the ground water supply is supplemental to an existing water supply, identify any application for permit, permit, certificate or adjudicated right to appropriate water, made or held by the applicant. Permit # 2186 in the name of Lakeview Water Users Incorporated

*Jack P. Altherton*  
(Signature of applicant)

Remarks: Primary right will cancel when lease on following property expires. NW/4, NW/4 and SW/4, NW/4 of Section 5 T40S, R17E W.M. and also NE/4, NE/4 and SE/4, NE/4 of Section 6 T40S, R17E W.M.

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STATE OF OREGON, }  
County of Marion, } ss.

APR 24 2017

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for \_\_\_\_\_ correction and completion.

SALEM, OR

In order to retain its priority, this application must be returned to the State Engineer, with corrections on or before \_\_\_\_\_ May 9, 19 77

WITNESS my hand this 9th day of \_\_\_\_\_ March 1977, 19\_\_\_\_\_

JAMES E. SEXSON  
Director

By *Vestal R. Garner*  
Vestal R. Garner

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JUL 11 2016

SALEM, OR

STATE OF OREGON, }  
County of Marion, } ss.

PERMIT  
G 7160

This is to certify that I have examined the foregoing application and do hereby grant the same, SUBJECT TO EXISTING RIGHTS and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 2.80 cubic feet per second measured at the point of diversion from the well or source of appropriation, or its equivalent in case of rotation with other water users, from a well.

The use to which this water is to be applied is irrigation and supplemental irrigation.

If for irrigation, this appropriation shall be limited to 1/80th of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre feet per acre for each acre irrigated during the irrigation season of each year; provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

The well shall be cased as necessary in accordance with good practice and if the flow is artesian the works shall include proper capping and control valve to prevent the waste of ground water.

The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times.

The permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

The priority date of this permit is February 8, 1977

Actual construction work shall begin on or before April 4, 1978 and shall

thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1978

Complete application of the water to the proposed use shall be made on or before October 1, 1979

WITNESS my hand this 4th day of April, 1977.

*James B. Lewis*  
WATER RESOURCES DIRECTOR

RECEIVED BY OWRD

APR 24 2017

SALEM, OR

Application No. G 7160 WRS  
Permit No. G 7160

PERMIT

TO APPROPRIATE THE GROUND  
WATERS OF THE STATE  
OF OREGON

This instrument was first received in the  
office of the State Engineer at Salem, Oregon,  
on the 8 day of February  
1977 at 8 o'clock A. M.

Returned to applicant:

Approved:

Recorded in book No. \_\_\_\_\_ of  
Ground Water Permits on page G 7160

STATE ENGINEER  
Drainage Basin No. 13 page 64  
588

RECEIVED BY OWRD

JUL 11 2015

SALEM, OR



760 SW Ninth Ave., Suite 3000  
Portland, OR 97205  
T. 503.224.3380  
F. 503.220.2480  
www.stoel.com

KIRK B. MAAG  
D. 503.294.9546  
kirk.maag@stoel.com

April 20, 2017

VIA U.S. FIRST-CLASS MAIL

Mr. Dwight French  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271

Mr. Kelly Starnes  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271

Re: **Transfer Application T-12595**

Dear Messrs. French and Starnes:

Please find enclosed a copy of a letter sent to The Wild Waters Revocable Living Trust (the "Trust") on behalf of Florence M. Albertson. The letter relates to the Request for Assignment of a portion of Water User Permit G-7160 that was submitted to the Oregon Water Resources Department (the "Department") by the Trust.

As explained in the enclosed letter, the Trust did not have the right to assign any portion of the rights evidenced by Permit G-7160. Even if the Trust did have the right to assign a portion of those rights, the Request for Assignment did not comply with applicable statutory requirements. Moreover, certain representations made in the Request for Assignment were inaccurate.

The Trust then submitted Transfer Application T-12595, which was received by the Department on February 27, 2017. If approved, the transfer would change the point of appropriation and place of use for the portion of Permit G-7160 purportedly assigned to the Trust. Because the assignment was invalid, the Trust lacks the right to transfer any portion of the water right now evidenced by Certificate 91901. Therefore, Ms. Albertson requests that the Department either deny T-12595 or place its review on hold while the parties work to resolve the issues identified in the enclosed letter.

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MAY 1 2017

~~RECEIVED~~

~~MAY 1 2017~~

~~RECEIVED~~

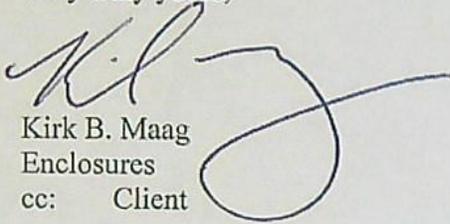
~~MAY 8 2017~~

~~RECEIVED~~

Mr. Dwight French  
Mr. Kelly Starnes  
April 20, 2017  
Page 2

Please contact me at (503) 294-9546 or [kirk.maag@stoel.com](mailto:kirk.maag@stoel.com) if you would like to discuss.

Very truly yours,

  
Kirk B. Maag  
Enclosures  
cc: Client

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MAY 1 2017

OWRD



760 SW Ninth Ave., Suite 3000  
Portland, OR 97205  
T. 503.224.3380  
F. 503.220.2480  
www.stoel.com

KIRK B. MAAG  
D. 503.294.9546  
kirk.maag@stoel.com

April 20, 2017

**BY CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

The Wild Waters Revocable Living Trust  
c/o John A. and Susan G. Cutino  
5252 Mill Creek Road  
Healdsburg, CA 95448

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MAY 1 2017

**Re: Water Right Certificate 91901 (Permit G-7160)**

OWRD

Dear Mr. and Mrs. Cutino:

Stoel Rives LLP represents Florence M. Albertson in connection with the Request for Assignment of a portion of Water User Permit G-7160 that was submitted to the Oregon Water Resources Department (the "Department") by The Wild Waters Revocable Trust (the "Trust"). As explained in this letter, the Trust does not have the right to assign any portion of the rights evidenced by Permit G-7160. Even if the Trust did have the right to assign a portion of those rights, the Request for Assignment does not comply with applicable statutory requirements. Moreover, certain representations made in the Request for Assignment are inaccurate.

Jack Albertson (now deceased) was the sole applicant for Permit G-7160. The Department issued the permit to Mr. Albertson on February 8, 1977. The permit authorized supplemental irrigation of 120.0 acres of land owned by Mr. Albertson and his wife, Florence M. Albertson (the "Albertson Property"). The permit also authorized primary irrigation of 108.8 acres of land not owned by Mr. and Mrs. Albertson (the "Sundet Property"). Despite the fact that Mr. and Mrs. Albertson owned only a portion of the authorized place of use, they were the sole holders and owners of the permit.

Mr. and Mrs. Albertson's ownership of the permit was acknowledged in a Lease dated February 17, 1977 between Mr. and Mrs. Albertson (as lessees) and Alberta Towle Severin (as lessor). The Lease is enclosed as Exhibit A. The Lease, which covered the Sundet Property, contained the following provision related to water rights: "Lessees now have water rights covering the property herein, and it is understood that this right is a personal right and at the conclusion of the lease *said rights shall remain with the Lessees and will not inure to the land.*" (Emphasis added.) At the time the Lease was signed, Ms. Severin was under contract to purchase the Sundet Property from William and Lillian Sundet, who signed the Lease and consented to its terms.

The Wild Waters Revocable Living Trust  
April 20, 2017  
Page 2

In 2001, Mr. and Mrs. Albertson submitted to the Department a Request for Assignment related to Permit G-7160. Pursuant to the Request for Assignment, the rights evidenced by Permit G-7160 were assigned to Northwest Farm Credit Services and Mr. and Mrs. Albertson. The Department's application file associated with Permit G-7160 does not contain any subsequent assignments by Northwest Farm Credit Services or Mr. and Mrs. Albertson.

On July 11, 2016, the Department received a Request for Assignment from the Trust signed by John A. Cutino II and Susan Giselle Cutino. (See attached Exhibit B.) Under ORS 537.220(2), a request for assignment must "identify the current record owners of all property described in the application, permit or license." The assignor must furnish proof "that notice of assignment has been given or attempted for each identified property owner not a party to the assignment." ORS 537.220(2). The application file associated with Permit G-7160 does not contain proof of such notice. Without such proof, the assignment was invalid.

The Department's rules make clear that only the permit *holder* has the right to request assignment of a permit. OAR 690-320-0600(1). Here, the permit holders as of July 11, 2016 were Northwest Farm Credit Services and Ms. Albertson. The Department's rules provide alternative procedures for requesting assignment of a permit if the holder is *unavailable*. ORS 690-320-0060(2). But here, there is no evidence in the application file that the holders were unavailable. In fact, Ms. Albertson was available but was not contacted by the Trust before it submitted the Request for Assignment.

The Request for Assignment also contains representations that are inaccurate. The assignors represented that they had "the legal right to request assignment." Based on the information contained in the application file and the Lease, the Trust lacked such right. The Trust was not the record holder (or owner) of the permit and did not furnish evidence that the record holder was unavailable. The assignors also represented that they had "not been able to contact the owner(s) of record for [the permit]." It appears from the application file that the Department had Ms. Albertson's correct mailing address on or before June 17, 2016, so the assignors should have been able to contact Ms. Albertson before submitting the Request for Assignment.

The assignment is particularly concerning to Ms. Albertson because she understands that the Trust submitted Transfer Application T-12595, which would (if approved) transfer the primary water right associated with the permit—now evidenced by Certificate 91901—to a new place of use. The Department is copied on this letter, and we will separately request that the Department place its review of T-12595 on hold while the parties work to resolve the issues identified in this letter.

RECEIVED

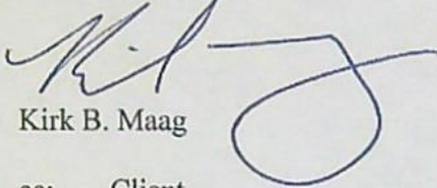
MAY 1 2017

OWRD

The Wild Waters Revocable Living Trust  
April 20, 2017  
Page 3

Please contact me at (503) 294-9546 or [kirk.maag@stoel.com](mailto:kirk.maag@stoel.com) within 10 days after your receipt of this letter to discuss a prompt resolution of this matter.

Very truly yours,



Kirk B. Maag

cc: Client  
Dwight French, Oregon Water Resources Department  
Kelly Starnes, Oregon Water Resources Department

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MAY 1 2017

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MAY 1 2017

LEASE

OWRD

THIS AGREEMENT is made and entered into by and between Alberta Towle Severin, as Lessor, who is purchasing the real property which is the subject of this lease, from William Sundet and Lillian Sundet under a Contract of Sale, and Jack Albertson and Florence Albertson, husband and wife, as Lessees.

WITNESSETH: That for and in consideration of the payment of rents and the performance of the terms hereinafter stated by Lessees, Lessor does hereby demise and let unto Lessees the following described real property located in Lake County, Oregon:

W $\frac{1}{2}$ NW $\frac{1}{4}$  of Section 5 and the E $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 6, Township 40 South, Range 19 EWM, excepting that portion of the E $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 6 which is North of the stream located on such property, said exception being 15 acres in size, more or less.

1. TERM AND CONSIDERATION: The primary term of this lease shall be from February 15, 1977 to February 14, 1982 and the consideration for this term shall be the sum of \$3,050.00 annually, payable in advance on or before February 15 of each year unless a later date is otherwise agreed on by the parties hereto.

The secondary term of this lease shall commence February 15, 1982 and shall continue thereafter until February 14, 1987. The consideration for this secondary term shall be \$3,050.00 annually and in addition thereto Lessees shall pay Lessor an additional amount equal to one-half of the percentage increase of the Consumer Price Index based upon the preceding five years, to-wit: 1977 to 1982. Thus if the Consumer Price Index has increased 20 percent over the preceding five years, Lessees shall pay Lessor on or before February 15, 1982 \$3,050.00 plus 10 percent. On or before February 15, 1983, Lessees shall pay to Lessor the previous year's

rental amount plus one-half of the percentage increase of the Consumer Price Index for the immediate preceding year.

It is expressly understood that this formula as set forth above will continue during the life of the secondary term.

It is further expressly understood and agreed that if the application of said formula will be inequitable to either of the parties hereto, then upon consent of said parties a different agreement may be made.

2. TAXES: Lessor shall be responsible for all real property taxes and Lessees will be responsible for personal property taxes as to any cattle and/or equipment which they may be responsible for placing upon the property.

3. INSURANCE: Lessor now has and shall continue to maintain an insurance policy covering said property during the term of this lease.

4. MAINTENANCE: Lessees agree to maintain the land to the standard that it now exists; such maintenance shall include the repair of perimeter fences except those fences which border the land expressly reserved by Lessor herein as set forth above.

5. IMPROVEMENTS: Lessor expressly grants the Lessees the right to erect improvements on the land. It is expressly agreed that at the conclusion of this lease Lessees will have the right to remove any and all improvements so erected.

6. WATER RIGHTS: Lessees now have water rights covering the property herein, and it is understood that this right is a personal right and at the conclusion of the lease said rights shall remain with the Lessees and will not inure to the land.

7. USE: Lessor gives Lessees unlimited right to use the land as they see fit. However, Lessees shall use the land in a

reasonable manner and will return the land at the conclusion of this lease in at least the condition as the same now exists.

8. ASSIGNMENT: In the event the Lessor, pursuant to the terms of her Contract of Sale heretofore mentioned, for any reason decides to assign her interest in said contract, then the Lessees herein shall have the first option to assume her interest and responsibilities under said Contract. In the case of assignment, Lessor and Lessees at such time will make an agreement with respect to the Lessor-Assignor's equity under the Contract under which said Lessor is now purchasing.

9. TERMINATION: It is understood by the parties hereto that the term of this lease is for ten years. However, the Lessees shall, due to unforeseen circumstances, have the right to terminate this lease upon giving Lessor 90 days written notice of their intention to do so. Lessor may only terminate this agreement prior to expiration of its term by the Lessees failing to make the required rental payments. If the annual payment is 60 days delinquent, Lessor may by written notice to Lessees hold them in default, terminate this agreement, and take possession of the land.

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10. DEFAULT: In the event of a default by the Lessor herein as to her obligations set forth in that certain Contract of Sale heretofore mentioned between William and Lillian Sundet as contract sellers and Alberta Towle Severin as contract purchaser, then said contract sellers shall give written notice of such default to the Lessees herein. Lessees upon receipt of such notice shall have 30 days in which to assume the position of contract purchasers and to discharge said default. In the event that this assumption is not exercised by Lessees or the defaults are not cured within the 30 day period, then such right of assumption is terminated and the contract sellers shall be free to pursue any court of action that they may elect.

11. ATTORNEY FEES: In the event any suit or action is brought to collect any of said rents or to enforce any of the pro-

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visions of this agreement or to repossess the property, reasonable attorney fees may be awarded by the trial court or appellate court to the prevailing party in such action together with costs and necessary disbursements.

12. ADDRESSES: The addresses of the respective parties are as follows:

Alberta Towle Severin  
Rt 6, Box 410  
Lakeview, Oregon 97630

Jack and Florence Albertson  
Rt 6, Box 466  
Lakeview, Oregon 97630

DATED this 17 day of February, 1977.

Alberta Towle Severin  
Alberta Towle Severin, Lessor

Jack Albertson  
Jack Albertson, Lessee

Florence Albertson  
Florence Albertson, Lessee

William Sundet and Lillian Sundet, as contract sellers of the real property which is the subject of this lease, having read and inspected this agreement, do hereby consent to the terms contained herein.

DATED this 25 day of February, 1977.

William Sundet  
William Sundet

Lillian Sundet  
Lillian Sundet

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MAY 1 2017

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

**Request for  
 Assignment**  
 By Proof of Ownership  
 (If Water Right Holder is Not Available)

*file*  
**RECEIVED**  
 MAY 1 2017  
**OWRD**

If for multiple rights, a separate form and fee for each right will be required.

We  
 I. THE WILD WATERS REVICABLE LIVING TRUST  
 (Name of Party Requesting Assignment)  
 U/O 5252 MILL CREEK ROAD HEALDSBURG, CA 95448 707 965-3612  
 (Mailing Address) (City) (State) (Zip) (Phone #)

- hereby request assignment of application/permit/transfer/license/GR Certificate of Registration;  
 hereby request assignment of a portion of application/permit/transfer/license/GR Certificate of Registration; (You must include a map showing the portion of the application/permit/transfer/license/GR Certificate of Registration to be assigned.)

I have attached proof of ownership that may include but not be limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property held jointly. The Department cannot accept a copy of a tax statement.

Application # G-7704 ; Permit # G-7160 ; Transfer# \_\_\_\_\_  
 License # \_\_\_\_\_ GR Statement # \_\_\_\_\_ ; GR Certificate of Registration # \_\_\_\_\_  
 -OR-

JACK P. AND FLORENCE M. ALBERTSON ; NEW FARM CREDIT SERVICES, FLCA  
 (Name of Holder of Record) 300 KLAMATH AVE SUITE 200  
HC 60 BOX 2530 LAKEVIEW, OR 97630 KLAMATH FALLS, OR 97601  
 (Mailing Address) (City) (State) (Zip) (Phone #)

**Note:** You are required to furnish proof acceptable to the Department that notice of the assignment has been given or attempted for each identified property owner not a party to the assignment. ORS 537.220(2) Failure to submit this proof will result in the return of your request. (Proof may include but not be limited to: a copy of returned certified mailing, copy of a Death Certificate, or a court order.)

- I certify that I am the current owner of the property described in this application, Permit, transfer, license or GR Certificate of Registration.
- I have the legal right to request assignment under OAR 690-310-0280 and 690-320-0060.
- I have not been able to contact the owner(s) of record for the above referenced application or water right.
- I further certify that the information provided herein is true and correct to the best of my knowledge.

Witness my hand this 4th day of July, 2016.  
 Party Requesting Assignment [Signature]  
 Party Requesting Assignment [Signature]

ASSIGN PARTIAL BY PROOF  
 JLP 7/13/16

**DO NOT WRITE IN THIS BOX**

This certifies assignment and record change at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem, Oregon.  
 Fee receipt # 120484  
 For Director by Jerry Saucier, Program Analyst In  
 Water Rights Division [Signature]

The completed "Request for Assignment" form must be submitted to the Department along with the recording fee of \$85.

**RECEIVED BY OWRD**

Last updated: July 19, 2013 Request for Assignment if Permit Holder not available

JUL 11 2016

WR  
 SALEM, OR



# Oregon

Kate Brown, Governor

Water Resources Department  
North Mall Office Building  
725 Summer St NE, Suite A  
Salem, OR 97301  
Phone (503) 986-0900  
Fax (503) 986-0904  
www.wrd.state.or.us

July 14, 2016

Wild Waters Revocable Living Trust  
c/o 5252 Mill Creek Rd.  
Healdsburg, California 95448

Reference: Application G-7704, Permit G-7160

The partial assignment by proof from Jack and Florence Albertson and Northwest Farm Credit Services, FLCA to The Wild Waters Revocable Living Trust has been recorded in the records of the Water Resources Department.

The Departments records will now show Jack and Florence Albertson and Northwest Farm Credit Services, FLCA and The Wild Waters Revocable Living Trust as the permit holders of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 120484 covering the recording fee is also enclosed.

A permit is not a perfected water right, and has conditions and timelines that must be satisfied prior to a Certificate of Water Right being issued. Please review the permit to be familiar with the conditions and timelines contained in the permit.

Sincerely,

Jerry Sauter  
Water Rights Program Analyst  
Water Right Services Division

Enclosure: Receipt 120484

cc: Watermaster 12  
Jack and Florence Albertson  
Northwest Farm Credit Services, FLCA  
Data Center, OWRD (cover letter & request)  
Hydrographics  
File

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MAY 1 2017

OWRD



RECORDING REQUESTED BY:  
JOHN ANTHONY CUTINO II AND  
SUSAN GISELLE CUTINO  
When Recorded Mail Document  
And Tax Statement To:  
JOHN ANTHONY CUTINO II AND  
SUSAN GISELLE CUTINO, TRUSTEES OF  
THE WILD WATERS REVOCABLE LIVING TRUST  
C/O 5252 MILL CREEK ROAD  
HEALDSBURG, CA 95448

LAKE COUNTY, OREGON 2015-001171  
D-00DEED 07/20/2015 09:24:57 AM  
Cnt=1 Pgs=3 Total:\$59.00  
\$16.00 \$11.00 \$20.00 \$10.00



00011854201500011710030031

I, Gladis Geaney, County Clerk for Lake County, Oregon  
certify that the instrument identified herein was  
recorded in the Clerk records.  
Gladis Geaney - County Clerk

APN 15491

## QUITCLAIM DEED

The undersigned grantor(s) declare(s) **GIFT/NO CONSIDERATION**

Documentary Transfer Tax is \$ \_\_\_\_\_ City tax \$ \_\_\_\_\_  
( ) computed on full value of property conveyed, or  
( ) computed on full value less value of liens or encumbrances remaining at time of sale,  
( ) Unincorporated Area County of Lake, State of Oregon

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **JOHN ANTHONY CUTINO II AND SUSAN GISELLE CUTINO, HUSBAND AND WIFE, AS COMMUNITY PROPERTY AS TENANTS BY THE ENTIRETY**

hereby quitclaims and transfers all right, title and interest held by Grantors to **JOHN ANTHONY CUTINO II AND SUSAN GISELLE CUTINO, TRUSTEES OF THE WILD WATERS REVOCABLE LIVING TRUST**

the following described real property in the County of Lake, State of Oregon, described as follows:  
Township 40 South, Range 19, East of the Willamette Meridian, Lake County, Oregon

Section 5: The W 1/2 NW 1/4  
Section 6: The E 1/2 NE 1/4

This Quitclaim Deed is freely and fairly given with no consideration in regard to all right, title and interest in and to the real property described herein.

Dated: July 15, 2015

JOHN ANTHONY CUTINO II

SUSAN GISELLE CUTINO

MAIL TAX STATEMENT AS DIRECTED ABOVE

401900-017

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MAY 1 2017  
OWRD

RECEIVED BY OWRD

JUL 11 2016

SALEM, OR

2015001171

ACKNOWLEDGMENT

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of CONTRA COSTA

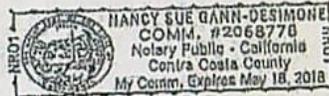
On JULY 15, 2015 before me, Nancy Sue Gann-Desimone, Notary Public  
(insert name and title of the officer)

personally appeared JOHN ANTHONY CUTINO II who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

*Nancy Sue Gann-Desimone*  
Signature \_\_\_\_\_ (Seal)  
Nancy Sue Gann-Desimone, Notary Public



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MAY 1 2017

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JUL 11 2016

SALEM, OR

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of CONTRA COSTA

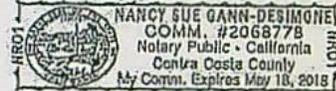
On JULY 15, 2015 before me, NANCY SUE GANN-DESIMONE  
(Insert name and title of the officer)

personally appeared SUSAN GISELLE CUTINO  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

*Nancy Sue Gann-Desimone*  
Signature \_\_\_\_\_ (Seal)



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MAY 1 2017

OWRD

RECEIVED BY OWRD

JUL 11 2018

SALEM, OR

666

M0140630

WARRANTY DEED

073854

KNOW ALL MEN BY THESE PRESENTS: That we, William Sundet and Lillian Sundet, husband and wife, for and in consideration of the sum of \$95,000.00 have bargained and sold and by these presents do bargain, sell and convey unto Jack Albertson and Florence M. Albertson, husband and wife, the following described real property situated within Lake County, State of Oregon, to wit:

Township 40 South, Range 19 E.W.M.

Section 5: SW $\frac{1}{4}$ .  
 Section 6: SE $\frac{1}{4}$ , EXCEPTING THEREFROM: Beginning at the Southwest corner of the Southeast Quarter of Section 6, Township 40 South, Range 19 E.W.M., thence running North 296 feet; thence East 592 Feet; thence South 296 feet; thence West 592 feet to the point of beginning

TO HAVE AND TO HOLD the above granted premises unto the grantees and unto their heirs and assigns forever. And the grantors do covenant with the grantees that they are lawfully seised of a merchantable fee simple title to the above granted premises; that said premises are free of all liens and encumbrances excepting: (1) Easements and rights of way on record and those apparent upon the land, if any; (2) Rights of way for ditches and canals of Lakeview Water Users Inc., a corporation; an undescribed two acre tract in the SW corner of the SE $\frac{1}{4}$  of Section 6, Township 40 South, Range 19 E.W.M., under that certain deed executed by Elizabeth Nichel, a widow, to the trustee of the Methodist Episcopal Church, North, recorded on January 10, 1895 in volume 8 at page 323, Deed Records of Lake County, Oregon. The grantors do further covenant that they will forever warrant and defend the above granted premises unto the grantees their heirs and assigns against the lawful claims and demands of all persons whomsoever.

RECEIVED

MAY 1 2017

OWRD

RECEIVED BY OWRD

JUL 11 2010

SALEM, OR

MD140631-67

IN WITNESS WHEREOF the grantors have hereunto set their hands and seals this 20th day of June, 1975.

William Sundet (SEAL)

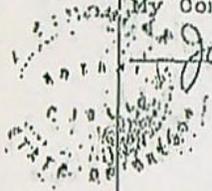
Lillian Sundet (SEAL)

STATE OF OREGON }  
County of Lake } :SS

On this 20th day of June, 1975, before me personally appeared the within named William Sundet and Lillian Sundet, husband and wife, and they did then and there acknowledge that they executed the foregoing instrument.

[Signature]  
Notary Public for Oregon

My Commission Expires  
Jan. 29, 1997



State of Oregon } Reel 14  
County of Lake } ss. File 0630

I hereby certify that the within instrument was received and filed for record on the 29 day of June 1975 at 2:32 o'clock PM and recorded on Page 116 in Book 57 Record of Deeds County of Lake

[Signature]  
County Clerk  
By [Signature] Deputy

RECEIVED

MAY 1 2017

OWRD

RECEIVED BY OWRD

JUL 11 2016

SALEM, OR

RECEIVED  
FEB 1 1977  
WATER RESOURCES DEPT  
SALMON, OREGON

RECEIVED  
MAY 1 2017  
OWRD

Permit No. G-7160  
APPLICATION FOR A PERMIT

### To Appropriate the Ground Waters of the State of Oregon

I, Jack Albertson (Name of applicant)  
of Rt. 6 Box 466 Lakeview county of Lake  
(Postoffice Address)  
state of Oregon 97630 do hereby make application for a permit to appropriate the following described ground waters of the state of Oregon, SUBJECT TO EXISTING RIGHTS:

If the applicant is a corporation, give date and place of incorporation

1. Give name of nearest stream to which the well, tunnel or other source of water development is situated  
(Name of stream)  
tributary of \_\_\_\_\_

2. The amount of water which the applicant intends to apply to beneficial use is \_\_\_\_\_ cubic feet per second or \_\_\_\_\_ gallons per minute.  
*Primary 1.298  
Supplemental 1.5000*

3. The use to which the water is to be applied to Primary & Supplemental Irrigation

4. The well or other source is located 1280 ft. N and 1280 ft. W from the SE corner of Sec. 6 SE 4 SE 4  
(Section or subdivision)  
(If preferable, give distance and bearing to section corner)

being within the SE 1/4 SE 1/4 of Sec. 6 Twp. 40S R. 19E W. M., in the county of Lake

5. The Pipe Line to be 3/4 miles in length, terminating in the SW 1/4 NW 1/4 of Sec. 5 Twp. 40S R. 19E W. M., the proposed location being shown throughout on the accompanying map.

6. The name of the well or other works is \_\_\_\_\_

DESCRIPTION OF WORKS See Application #55263

7. If the flow to be utilized is artesian, the works to be used for the control and conservation of the supply when not in use must be described.

8. The development will consist of 1 well having a diameter of 12" inches and an estimated depth of 442 feet. It is estimated that 369 feet of the well will require 22' 12" 12' 10" casing. Depth to water table is estimated 15'  
(Kind) (Feet)

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SALEM, OR

ASSIGNED. See Misc. Rec., Vol. 8 Page 810  
Exhibit B  
Page 8 of 11

WRIS

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MAY 1 2017

G 7160

OWRD

CANAL SYSTEM OR PIPE LINE—

9. (a) Give dimensions at each point of canal where materially changed in size, stating miles from headgate. At headgate: width on top (at water line) ..... feet; width on bottom ..... feet; depth of water ..... feet; grade ..... feet fall per one thousand feet.

(b) At ..... miles from headgate: width on top (at water line) ..... feet; width on bottom ..... feet; depth of water ..... feet; grade ..... feet fall per one thousand feet.

(c) Length of pipe, 40.42 ft; size at intake 8" in.; in size at 26.40 ft. from intake 6" in.; size at place of use 4-5" in.; difference in elevation between intake and place of use, ..... ft. Is grade uniform? NO Estimated capacity, 4.5 sec. ft.

10. If pumps are to be used, give size and type 20 Hp Turbine 75 Hp boost pump

Give horsepower and type of motor or engine to be used

11. If the location of the well, tunnel, or other development work is less than one-fourth mile from a natural stream or stream channel, give the distance to the nearest point on each of such channels and the difference in elevation between the stream bed and the ground surface at the source of development

12. Location of area to be irrigated, or place of use

Township N. or S.	Range E. or W. of Wabamie Meridian	Section	Forty-acre Tract	Number Acres To be Irrigated
<i>Primary</i>				
40S	19E	5	NW 1/4 NW 1/4	31.1
"	"	"	SW 1/4 NW 1/4	24.4
"	"	6	NE 1/4 NE 1/4	11.5
"	"	"	SE 1/4 NE 1/4	36.8
<i>Supplementary</i>				
40S	19E	5	NW 1/4 SW 1/4	18.6
"	"	"	SW 1/4 SW 1/4	33.6 33B
"	"	"	SE 1/4 SW 1/4	32.9 33B
"	"	"	NE 1/4 SW 1/4	30.4 33B
				120 <sup>c</sup>

(If more space required, attach separate sheet)

Character of soil Sandy

Kind of crops raised Grain & Hay

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MUNICIPAL SUPPLY—

13. To supply the city of \_\_\_\_\_  
in \_\_\_\_\_ county, having a present population of \_\_\_\_\_  
and an estimated population of \_\_\_\_\_ in 19\_\_\_\_\_

ANSWER QUESTIONS 14, 15, 16, 17 AND 18 IN ALL CASES

- 14. Estimated cost of proposed works, \$ 30,000
- 15. Construction work will begin on or before March 1, 1977
- 16. Construction work will be completed on or before April 15, 1977
- 17. The water will be completely applied to the proposed use on or before \_\_\_\_\_

18. If the ground water supply is supplemental to an existing water supply, identify any application for permit, permit, certificate or adjudicated right to appropriate water, made or held by the applicant. Permit # 2186 in the name of Lakeview Water Users Incorporated

John P. Altherton  
(Signature of applicant)

Remarks: Primary right will cancel when lease on following property expires. NW/4, NW/4 and SW/4 NW/4 of Section 5 T40S, R19E W1M and also NE/4, NE/4 and SE/4, NE/4 of Section 6 T40S, R19E W1M.

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MAY 1 2017

OWRPD

STATE OF OREGON, }  
County of Marion, } ss.

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for correction and completion.

In order to retain its priority, this application must be returned to the State Engineer, with corrections on or before May 9, 19 77

WITNESS my hand this 9th day of March 1977

JAMES E. SEXSON  
Director  
By Vesta R. Garner  
Vesta R. Garner

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JUL 11 2016  
SALEM, OR

STATE OF OREGON, } ss.  
County of Marion, }

PERMIT  
G 7160

This is to certify that I have examined the foregoing application and do hereby grant the same, SUBJECT TO EXISTING RIGHTS and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 2.80 cubic feet per second measured at the point of diversion from the well or source of appropriation, or its equivalent in case of rotation with other water users, from a well

The use to which this water is to be applied is irrigation and supplemental irrigation

If for irrigation, this appropriation shall be limited to 1/80th of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre feet per acre for each acre irrigated during the irrigation season of each year; provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

The well shall be cased as necessary in accordance with good practice and if the flow is artesian the works shall include proper capping and control valve to prevent the waste of ground water.

The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times.

The permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

The priority date of this permit is February 8, 1977

Actual construction work shall begin on or before April 4, 1978 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1978

Complete application of the water to the proposed use shall be made on or before October 1, 1979

WITNESS my hand this 4th day of April 1977.

*James B. Lewis*  
WATER RESOURCES DIRECTOR

Application No. G-7704 WRS  
Permit No. G 7160

PERMIT

TO APPROPRIATE THE GROUND  
WATERS OF THE STATE  
OF OREGON

This instrument was first received in the  
office of the State Engineer at Salem, Oregon,  
on the 8 day of February  
1977 at 8 o'clock A. M.

Returned to applicant:

Approved:

Recorded in book No. \_\_\_\_\_ of \_\_\_\_\_  
Ground Water Permits on page G 7160

Drainage Basin No. 13 page 64  
58920

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MAY 11 1977

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MAY 1 2017  
OWWRD



760 SW Ninth Ave., Suite 3000  
Portland, OR 97205  
T. 503.224.3380  
F. 503.220.2480  
www.stoel.com

KIRK B. MAAG  
D. 503.294.9546  
kirk.maag@stoel.com

April 20, 2017

**VIA U.S. FIRST-CLASS MAIL**

Mr. Dwight French  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271

Mr. Kelly Starnes  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271

**Re: Transfer Application T-12595**

Dear Messrs. French and Starnes:

Please find enclosed a copy of a letter sent to The Wild Waters Revocable Living Trust (the "Trust") on behalf of Florence M. Albertson. The letter relates to the Request for Assignment of a portion of Water User Permit G-7160 that was submitted to the Oregon Water Resources Department (the "Department") by the Trust.

As explained in the enclosed letter, the Trust did not have the right to assign any portion of the rights evidenced by Permit G-7160. Even if the Trust did have the right to assign a portion of those rights, the Request for Assignment did not comply with applicable statutory requirements. Moreover, certain representations made in the Request for Assignment were inaccurate.

The Trust then submitted Transfer Application T-12595, which was received by the Department on February 27, 2017. If approved, the transfer would change the point of appropriation and place of use for the portion of Permit G-7160 purportedly assigned to the Trust. Because the assignment was invalid, the Trust lacks the right to transfer any portion of the water right now evidenced by Certificate 91901. Therefore, Ms. Albertson requests that the Department either deny T-12595 or place its review on hold while the parties work to resolve the issues identified in the enclosed letter.

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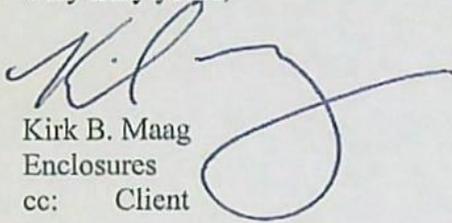
APR 20 2017

SALEM, OR

Mr. Dwight French  
Mr. Kelly Starnes  
April 20, 2017  
Page 2

Please contact me at (503) 294-9546 or [kirk.maag@stoel.com](mailto:kirk.maag@stoel.com) if you would like to discuss.

Very truly yours,



Kirk B. Maag  
Enclosures  
cc: Client

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APR 20 2017

SALEM, OR

## LEASE

THIS AGREEMENT is made and entered into by and between Alberta Towle Severin, as Lessor, who is purchasing the real property which is the subject of this lease, from William Sundet and Lillian Sundet under a Contract of Sale, and Jack Albertson and Florence Albertson, husband and wife, as Lessees.

WITNESSETH: That for and in consideration of the payment of rents and the performance of the terms hereinafter stated by Lessees, Lessor does hereby demise and let unto Lessees the following described real property located in Lake County, Oregon:

W $\frac{1}{2}$ NW $\frac{1}{4}$  of Section 5 and the E $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 6, Township 40 South, Range 19 EWM, excepting that portion of the E $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 6 which is North of the stream located on such property, said exception being 15 acres in size, more or less.

1. TERM AND CONSIDERATION: The primary term of this lease shall be from February 15, 1977 to February 14, 1982 and the consideration for this term shall be the sum of \$3,050.00 annually, payable in advance on or before February 15 of each year unless a later date is otherwise agreed on by the parties hereto.

The secondary term of this lease shall commence February 15, 1982 and shall continue thereafter until February 14, 1987. The consideration for this secondary term shall be \$3,050.00 annually and in addition thereto Lessees shall pay Lessor an additional amount equal to one-half of the percentage increase of the Consumer Price Index based upon the preceding five years, to-wit: 1977 to 1982. Thus if the Consumer Price Index has increased 20 percent over the preceding five years, Lessees shall pay Lessor on or before February 15, 1982 \$3,050.00 plus 10 percent. On or before February 15, 1983, Lessees shall pay to Lessor the previous year's

rental amount plus one-half of the percentage increase of the Consumer Price Index for the immediate preceding year.

It is expressly understood that this formula as set forth above will continue during the life of the secondary term.

It is further expressly understood and agreed that if the application of said formula will be inequitable to either of the parties hereto, then upon consent of said parties a different agreement may be made.

2. TAXES: Lessor shall be responsible for all real property taxes and Lessees will be responsible for personal property taxes as to any cattle and/or equipment which they may be responsible for placing upon the property.

3. INSURANCE: Lessor now has and shall continue to maintain an insurance policy covering said property during the term of this lease.

4. MAINTENANCE: Lessees agree to maintain the land to the standard that it now exists; such maintenance shall include the repair of perimeter fences except those fences which border the land expressly reserved by Lessor herein as set forth above.

5. IMPROVEMENTS: Lessor expressly grants the Lessees the right to erect improvements on the land. It is expressly agreed that at the conclusion of this lease Lessees will have the right to remove any and all improvements so erected.

6. WATER RIGHTS: Lessees now have water rights covering the property herein, and it is understood that this right is a personal right and at the conclusion of the lease said rights shall remain with the Lessees and will not inure to the land.

7. USE: Lessor gives Lessees unlimited right to use the land as they see fit. However, Lessees shall use the land in a

reasonable manner and will return the land at the conclusion of this lease in at least the condition as the same now exists.

8. ASSIGNMENT: In the event the Lessor, pursuant to the terms of her Contract of Sale heretofore mentioned, for any reason decides to assign her interest in said contract, then the Lessees herein shall have the first option to assume her interest and responsibilities under said Contract. In the case of assignment, Lessor and Lessees at such time will make an agreement with respect to the Lessor-Assignor's equity under the Contract under which said Lessor is now purchasing.

9. TERMINATION: It is understood by the parties hereto that the term of this lease is for ten years. However, the Lessees shall, due to unforeseen circumstances, have the right to terminate this lease upon giving Lessor 90 days written notice of their intention to do so. Lessor may only terminate this agreement prior to expiration of its term by the Lessees failing to make the required rental payments. If the annual payment is 60 days delinquent, Lessor may by written notice to Lessees hold them in default, terminate this agreement, and take possession of the land.

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10. DEFAULT: In the event of a default by the Lessor herein as to her obligations set forth in that certain Contract of Sale heretofore mentioned between William and Lillian Sundet as contract sellers and Alberta Towle Severin as contract purchaser, then said contract sellers shall give written notice of such default to the Lessees herein. Lessees upon receipt of such notice shall have 30 days in which to assume the position of contract purchasers and to discharge said default. In the event that this assumption is not exercised by Lessees or the defaults are not cured within the 30 day period, then such right of assumption is terminated and the contract sellers shall be free to pursue any court of action that they may elect.

11. ATTORNEY FEES: In the event any suit or action is brought to collect any of said rents or to enforce any of the pro-

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visions of this agreement or to repossess the property, reasonable attorney fees may be awarded by the trial court or appellate court to the prevailing party in such action together with costs and necessary disbursements.

12. ADDRESSES: The addresses of the respective parties are as follows:

Alberta Towle Severin  
Rt 6, Box 410  
Lakeview, Oregon 97630

Jack and Florence Albertson  
Rt 6, Box 466  
Lakeview, Oregon 97630

DATED this 17 day of February, 1977.

Alberta Towle Severin  
Alberta Towle Severin, Lessor

Jack Albertson  
Jack Albertson, Lessee

Florence Albertson  
Florence Albertson, Lessee

William Sundet and Lillian Sundet, as contract sellers of the real property which is the subject of this lease, having read and inspected this agreement, do hereby consent to the terms contained herein.

DATED this 25 day of February, 1977.

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William Sundet  
William Sundet

Lillian Sundet  
Lillian Sundet

file



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

# Request for Assignment

By Proof of Ownership **RECEIVED BY OWRD**  
(If Water Right Holder is Not Available)

If for multiple rights, a separate form and fee for each right will be required.

APR 20 2017

WE  
X. THE WILD WATERS RENDALE LIVING TRUST  
(Name of Party Requesting Assignment)

SALEM, OR

U/O 5252 MILL CREEK ROAD HEALDSBURG, CA 95448 707 965 3613  
(Mailing Address) (City) (State) (Zip) (Phone #)

- hereby request assignment of application/permit/transfer/license/GR Certificate of Registration;
- hereby request assignment of a portion of application/permit/transfer/license/GR Certificate of Registration; (You must include a map showing the portion of the application/permit/transfer/license/GR Certificate of Registration to be assigned.)

I have attached proof of ownership that may include but not be limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property held jointly. The Department cannot accept a copy of a tax statement.

Application # G-7704 ; Permit # G-7160 ; Transfer# \_\_\_\_\_  
-OR-

License # \_\_\_\_\_ GR Statement # \_\_\_\_\_ ; GR Certificate of Registration # \_\_\_\_\_

JACK P. AND FLORENCE M. ALBERTSON ; NW FARM CREDIT SERVICES, FLCA  
(Name of Holder of Record) 300 KLAMATH AVE SUITE 200  
LAKEVIEW, OR 97630 KLAMATH FALLS, OR 97601  
(Mailing Address) (City) (State) (Zip) (Phone #)

**Note:** You are required to furnish proof acceptable to the Department that notice of the assignment has been given or attempted for each identified property owner not a party to the assignment. ORS 537.220(2) Failure to submit this proof will result in the return of your request. (Proof may include but not be limited to: a copy of returned certified mailing, copy of a Death Certificate, or a court order.)

- 1) I certify that I am the current owner of the property described in this application, Permit, transfer, license or GR Certificate of Registration.
- 2) I have the legal right to request assignment under OAR 690-310-0280 and 690-320-0060.
- 3) I have not been able to contact the owner(s) of record for the above referenced application or water right.
- 4) I further certify that the information provided herein is true and correct to the best of my knowledge.

Witness my hand this 4th day of July, 2016.

Party Requesting Assignment John A. Cutino II

Party Requesting Assignment Susan Giselle Cutino

ASSIGNMENT BY PROOF  
JUL 11 2016

### DO NOT WRITE IN THIS BOX

This certifies assignment and record change at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem, Oregon.  
Fee receipt # 120484  
For Director by Jerry Sauer, Program Analyst in Water Rights Division [Signature]

The completed "Request for Assignment" form **must** be submitted to the Department along with the recording fee of \$85.

**RECEIVED BY OWRD**

JUL 11 2016

WR  
SALEM, OR

Last updated: July 19, 2013 Request for Assignment if Permit Holder not available



# Oregon

Kate Brown, Governor

Water Resources Department  
North Mall Office Building  
725 Summer St NE, Suite A  
Salem, OR 97301  
Phone (503) 986-0900  
Fax (503) 986-0904  
www.wrd.state.or.us

July 14, 2016

Wild Waters Revocable Living Trust  
c/o 5252 Mill Creek Rd.  
Healdsburg, California 95448

Reference: Application G-7704, Permit G-7160

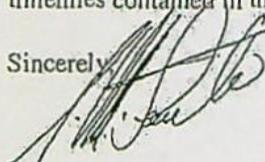
The partial assignment by proof from Jack and Florence Albertson and Northwest Farm Credit Services, FLCA to The Wild Waters Revocable Living Trust has been recorded in the records of the Water Resources Department.

The Departments records will now show Jack and Florence Albertson and Northwest Farm Credit Services, FLCA and The Wild Waters Revocable Living Trust as the permit holders of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 120484 covering the recording fee is also enclosed.

A permit is not a perfected water right, and has conditions and timelines that must be satisfied prior to a Certificate of Water Right being issued. Please review the permit to be familiar with the conditions and timelines contained in the permit.

Sincerely,



Jerry Sauter  
Water Rights Program Analyst  
Water Right Services Division

Enclosure: Receipt 120484

cc: Watermaster 12  
Jack and Florence Albertson  
Northwest Farm Credit Services, FLCA  
Data Center, OWRD (cover letter & request)  
Hydrographics  
File

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APR 20 2017

SALEM, OR

RECORDING REQUESTED BY:  
JOHN ANTHONY CUTINO II AND  
SUSAN GISELLE CUTINO  
When Recorded Mail Document  
And Tax Statement To:  
JOHN ANTHONY CUTINO II AND  
SUSAN GISELLE CUTINO, TRUSTEES OF  
THE WILD WATERS REVOCABLE LIVING TRUST  
C/O 5252 MILL CREEK ROAD  
HEALDSBURG, CA 95448

LAKE COUNTY, OREGON 2015-001171  
D-Q0DEED  
Cnt# 1 Pgs# 3 07/20/2015 09:24:57 AM  
\$16.00 \$11.00 \$20.00 \$10.00 Total: \$58.00



00011854201600011710030031

I, Stacie Geaney, County Clerk for Lake County, Oregon  
certify that the instrument identified herein was  
recorded in the Clerk records.  
Stacie Geaney - County Clerk

APN 15491

## QUITCLAIM DEED

The undersigned grantor(s) declare(s) **GIFT/NO CONSIDERATION**

Documentary Transfer Tax is \$ \_\_\_\_\_ City tax \$ \_\_\_\_\_

- ( ) computed on full value of property conveyed, or  
( ) computed on full value less value of liens or encumbrances remaining at time of sale,  
( ) Unincorporated Area County of Lake, State of Oregon.

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, JOHN ANTHONY CUTINO II AND SUSAN GISELLE CUTINO, HUSBAND AND WIFE, ~~AS COMMUNITY PROPERTY~~ <sup>AS TENANTS BY THE ENTIRETY</sup>

hereby quitclaims and transfers all right, title and interest held by Grantors to JOHN ANTHONY CUTINO II AND SUSAN GISELLE CUTINO, TRUSTEES OF THE WILD WATERS REVOCABLE LIVING TRUST

the following described real property in the County of Lake, State of Oregon, described as follows:  
Township 40 South, Range 19, East of the Willamette Meridian, Lake County, Oregon

Section 5: The W 1/4 NW 1/4

Section 6: The E 1/4 NE 1/4

This Quitclaim Deed is freely and fairly given with no consideration in regard to all right, title and interest in and to the real property described herein.

Dated: July 15, 2015

JOHN ANTHONY CUTINO II

SUSAN GISELLE CUTINO

MAIL TAX STATEMENT AS DIRECTED ABOVE

401900-017

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JUL 11 2016

SALEM, OR

2015001171

ACKNOWLEDGMENT

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of CONTRA COSTA

On JULY 15, 2015 before me, Nancy Sue Gann-Desimone, Notary Public  
(insert name and title of the officer)

personally appeared JOHN ANTHONY CUTINO II who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

*Nancy Sue Gann-Desimone*  
Signature \_\_\_\_\_ (Seal)  
Nancy Sue Gann-Desimone, Notary Public



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APR 20 2017

SALEM, OR

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JUL 11 2016

SALEM, OR

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of CONTRA COSTA

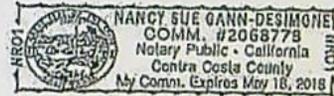
On JULY 15, 2015 before me, NANCY SUE GANN-DESIMONE  
(Insert name and title of the officer)

personally appeared SUSAN GISELLE CUTINO  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

*Nancy Sue Gann-Desimone*  
Signature \_\_\_\_\_ (Seal)



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SALEM, OR

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JUL 11 2018

SALEM, OR

Colo

MD140630

WARRANTY DEED

073854

KNOW ALL MEN BY THESE PRESENTS: That we, William Sundet and Lillian Sundet, husband and wife, for and in consideration of the sum of \$95,000.00 have bargained and sold and by these presents do bargain, sell and convey unto Jack Albertson and Florence M. Albertson, husband and wife, the following described real property situated within Lake County, State of Oregon, to wit:

Township 40 South, Range 19 E.W.M.

Section 5: SW $\frac{1}{4}$ .  
 Section 6: SE $\frac{1}{4}$ , EXCEPTING THEREFROM: Beginning at the Southwest corner of the Southeast Quarter of Section 6, Township 40 South, Range 19 E.W.M., thence running North 296 feet; thence East 592 feet; thence South 296 feet; thence West 592 feet to the point of beginning

TO HAVE AND TO HOLD the above granted premises unto the grantees and unto their heirs and assigns forever. And the grantors do covenant with the grantees that they are lawfully seised of a merchantable fee simple title to the above granted premises; that said premises are free of all liens and encumbrances excepting: (1) Easements and rights of way on record and those apparent upon the land, if any; (2) Rights of way for ditches and canals of Lakeview Water Users Inc., a corporation; an undescribed two acre tract in the SW corner of the SE $\frac{1}{4}$  of Section 6, Township 40 South, Range 19 E.W.M., under that certain deed executed by Elizabeth Nichel, a widow, to the trustee of the Methodist Episcopal Church, North, recorded on January 10, 1895 in volume 8 at page 323, Deed Records of Lake County, Oregon. The grantors do further covenant that they will forever warrant and defend the above granted premises unto the grantees their heirs and assigns against the lawful claims and demands of all persons whomsoever.

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JUL 11 2010

SALEM, OR

MD140631-07

IN WITNESS WHEREOF the grantors have hereunto set their hands and seals this 20th day of June, 1975.

William Sundet (SEAL)

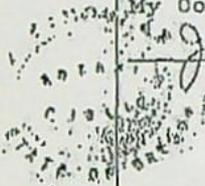
Lillian Sundet (SEAL)

STATE OF OREGON }  
County of Lake } :SS

On this 20th day of June, 1975, before me personally appeared the within named William Sundet and Lillian Sundet, husband and wife, and they did then and there acknowledge that they executed the foregoing instrument.

J. G. [Signature]  
Notary Public for Oregon

My Commission Expires  
Jan. 27, 1997



State of Oregon } Reel 14  
County of Lake } ss. File 0630

I hereby certify that the within instrument was received and filed for record on the 29 day of June 1975 at 2:32 o'clock PM in Record on Page 66 in Book 212 of Deed County of Deschutes

[Signature]  
County Clerk  
By [Signature] Deputy

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WATER RESOURCES DEPT  
CALIF. CISECON

Permit No. G-7160

APPLICATION FOR A PERMIT

To Appropriate the Ground Waters of the State of Oregon

I, Jack Albertson (Name of applicant)  
of Rt. 6 Box 466 Lakeview county of Lake  
(Postoffice Address) Oregon 97630 do hereby make application for a permit to appropriate the following described ground waters of the state of Oregon, SUBJECT TO EXISTING RIGHTS:

If the applicant is a corporation, give date and place of incorporation

1. Give name of nearest stream to which the well, tunnel or other source of water development is situated tributary of  
(Name of stream)

2. The amount of water which the applicant intends to apply to beneficial use is Primary 1,278  
Supplemental 1,800 gallons per second or Public gallons per minute.

3. The use to which the water is to be applied is Primary & Supplemental  
irrigation

4. The well or other source is located 1280 ft. N and 1280 ft. W from the SE  
corner of Sec. 6 SE 1/4 SE 1/4  
(Section or subdivision)

(If practicable, also distance and bearing to section corner)  
being within the SE 1/4 of SE 1/4 of Sec. 6, Twp. 40S, R. 19E  
W. M., in the county of Lake

5. The Pipe line to be 3/4 miles  
(Canal or pipe line) in length, terminating in the SW 1/4 NW 1/4 of Sec. 5, Twp. 40S  
(Smallest legal subdivision) R. 19E, W. M., the proposed location being shown throughout on the accompanying map.

6. The name of the well or other works is

DESCRIPTION OF WORKS See Application  
#55263

7. If the flow to be utilized is artesian, the works to be used for the control and conservation of the supply when not in use must be described.

8. The development will consist of 1 well having a  
(Give number of wells, tunnels, etc.) diameter of 12" inches and an estimated depth of 442 feet. It is estimated that 369  
feet of the well will require 22' x 12" 12' x 10" casing. Depth to water table is estimated 12'  
(Feet)

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ASSIGNED. See Misc. Rec., Vol. 8 Page 860

Exhibit B  
Page 8 of 11

01-24

WRIS

CANAL SYSTEM OR PIPE LINE—

9. (a) Give dimensions at each point of canal where materially changed in size, stating miles from headgate. At headgate: width on top (at water line) ..... feet; width on bottom ..... feet; depth of water ..... feet; grade ..... feet fall per one thousand feet.

(b) At ..... miles from headgate: width on top (at water line) ..... feet; width on bottom ..... feet; depth of water ..... feet; grade ..... feet fall per one thousand feet.

(c) Length of pipe, 4042 ft.; size at intake 8" in.; in size at 2640 ft. from intake 6" in.; size at place of use 4-5" in.; difference in elevation between intake and place of use, ..... ft. Is grade uniform? NO Estimated capacity, 4.5 ccc. ft.

10. If pumps are to be used, give size and type 20 Hp Turbine

75 Hp boost pump

Give horsepower and type of motor or engine to be used

11. If the location of the well, tunnel, or other development work is less than one-fourth mile from a natural stream or stream channel, give the distance to the nearest point on each of such channels and the difference in elevation between the stream bed and the ground surface at the source of development

12. Location of area to be irrigated, or place of use

Township N. or S.	Range E. or W. of Wilmamette Meridian	Section	Four-acre Tract	Number Acres To Be Irrigated
<b>Primary</b>				
40S	19E	5	NW 1/4 NW 1/4	37.1
"	"	"	SW 1/4 NW 1/4	24.4
"	"	6	NE 1/4 NE 1/4	11.5
"	"	"	SE 1/4 NE 1/4	36.8
<b>Supplementary</b>				
40S	19E	5	NW 1/4 SW 1/4	18.6
"	"	"	SW 1/4 SW 1/4	33-633B
"	"	"	SE 1/4 SW 1/4	32-933B
"	"	"	NE 1/4 SW 1/4	32-933B
				180 <sup>c</sup>

(If more space required, attach separate sheet)

Character of soil sandy

Kind of crops raised Grain & Hay

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G 7160

MUNICIPAL SUPPLY—

13. To supply the city of \_\_\_\_\_  
in \_\_\_\_\_ county, having a present population of \_\_\_\_\_  
and an estimated population of \_\_\_\_\_ in 19\_\_\_\_\_

ANSWER QUESTIONS 14, 16, 18, 19 AND 20 IN ALL CASES

- 14. Estimated cost of proposed works, \$ 30,000
- 16. Construction work will begin on or before March 1, 1977
- 16. Construction work will be completed on or before April 15, 1977
- 17. The water will be completely applied to the proposed use on or before \_\_\_\_\_

18. If the ground water supply is supplemental to an existing water supply, identify any application for permit, permit, certificate or adjudicated right to appropriate water, made or held by the applicant. Permit # 2186 in the name of Lakeview  
Water Users Incorporated

*Jack P. Altherton*  
(signature of applicant)

Remarks: Primary right will cancel when  
lease on following property expires  
NW 1/4, NW 1/4 and SW 1/4, NW 1/4 of Section  
5 T40S, R17E W.M. and also NE 1/4,  
NE 1/4 and SE 1/4, NE 1/4 of Section 6 T40S,  
R17E W.M.

STATE OF OREGON, }  
County of Marion, } ss.

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for correction and completion.

In order to retain its priority, this application must be returned to the State Engineer, with corrections on or before May 9, 19 77

WITNESS my hand this 9th day of March 1977, 1977

JAMES E. SEXSON  
Director  
By *Vastai R. Garner*  
Vastai R. Garner

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APR 20 2017  
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STATE OF OREGON, }  
County of Marion, }

PERMIT  
G 7160

This is to certify that I have examined the foregoing application and do hereby grant the same, SUBJECT TO EXISTING RIGHTS and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 2.80 cubic feet per second measured at the point of diversion from the well or source of appropriation, or its equivalent in case of rotation with other water users, from a well

The use to which this water is to be applied is irrigation and supplemental irrigation

If for irrigation, this appropriation shall be limited to 1/80th of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre feet per acre for each acre irrigated during the irrigation season of each year, provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

The well shall be cased as necessary in accordance with good practice and if the flow is artesian the works shall include proper capping and control valve to prevent the waste of ground water.

The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times.

The permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

The priority date of this permit is February 8, 1977

Actual construction work shall begin on or before April 4, 1978 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1978

Complete application of the water to the proposed use shall be made on or before October 1, 1979

WITNESS my hand this 4th day of April, 1977:

*James B. Lewis*  
WATER RESOURCES DIRECTOR

Application No. G-1104 WRS  
Permit No. G-7160

PERMIT

TO APPROPRIATE THE GROUND  
WATERS OF THE STATE  
OF OREGON

This instrument was first received in the  
office of the State Engineer at Salem, Oregon,  
on the 8 day of February,  
1977 at 8 o'clock A. M.

Returned to applicant

Approved:

Recorded in book No. \_\_\_\_\_ of \_\_\_\_\_  
Ground Water Permits on page G 7160

Drainage Basin No. 13 page 64  
58920

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Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900  
www.wrd.state.or.us

## Watermaster Review Form: Water Right Transfer

Transfer Application: T-12595

Review Due Date: 4/1/2017

Applicant Name: Wild Waters revocable Living Trust

Proposed Changes:  POU  POD  POA  USE  OTHER

Reviewer(s): Mayer

Date of Review: Mar. 20, 2017

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable?  Yes  No If "yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights?  Yes  No  
Generally characterize the frequency of any regulation or explain why regulation has not occurred: \_\_\_\_\_
3. Have headgate notices been issued for the source that serves the transferred right(s)?  
 Yes  No  Records not available.
4. In your estimation, after the proposed change would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized?  
 Yes  No If "Yes", explain: \_\_\_\_\_
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected?  Yes  No If "Yes", describe how the rights would be affected and list the rights most affected: \_\_\_\_\_
6. Check here  if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most: \_\_\_\_\_  N/A
7. For POD changes and instream transfers, check here  if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses: \_\_\_\_\_  N/A
8. For instream transfers that propose protection of a reach beyond the mouth of the source stream:  N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)?  Yes  No
9. For POU changes:  N/A Is it likely the original place of use would continue to receive water from the same source?  Yes  No If "Yes", explain: \_\_\_\_\_

10. For POU or USE changes:  N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste?  Yes  No If "Yes", explain: \_\_\_\_\_
11. Are there other issues not identified through the above questions that should be considered in determining whether the change "can be effected without injury to other rights"?  Yes  No If "Yes", explain: \_\_\_\_\_
12. What alternatives may be available for addressing any issues identified above: \_\_\_\_\_
13. Do conditions need to be included in the transfer order to avoid enlargement of the right or injury to other rights?  No  Yes, as checked below:

A Headgate should be required prior to diverting water.

Measurement Devices for POD or POA: (if this condition is selected, also fill in the top sections of page 3)

a. *Before water use may begin under this order, the water user shall install a **totalizing flow meter**\*, or, with prior approval of the Director, another suitable measuring device,  at each point of diversion/appropriation (new and existing) or  at each new point of diversion/appropriation.*

b. *The water user shall maintain the meters or measuring devices in good working order.*

c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*

Reservoir water use measurement: (if this condition is selected, also fill in the top sections of page 3)

a. *Before water use may begin under this order, the water user shall install **staff gages**\*, or, with prior approval of the Director, other suitable measuring devices, that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style.*

b. *Before water use may begin under this order, if the reservoir is located in channel, weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, an adjustable outlet valve must be installed. The water user shall maintain such devices in good working order. A written waiver may be obtained, if in the judgment of the Director, the installation of weirs or other suitable measuring devices, or the adjustable outlet valve, will provide no public benefit.*

\* **The following alternative device(s) should be substituted for the bold, underlined device in the above selected condition:**

Weir

Submerged Orifice

Parshall Flume

Flow Restrictor

Other: \_\_\_\_\_

Oregon Water Resources Department

Measurement Condition Information for the Applicant

(to be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T-12595

[X] In order to avoid enlargement of the right or injury to other rights, a Totalizing and Instaneous flowmeter will be required to be installed prior to diversion of water, as a condition of this transfer:

[ ] at each point of diversion/appropriation (new and existing) or

[X] at each new point of diversion/appropriation.

For additional information, or to obtain approval of a different type of measurement device, the applicant should contact the area Watermaster:

Watermaster name: Brian Mayer

District: 12

Address: 513 center St.

City/State/Zip: Lakeview OR 97630

Phone: 541 947-6038

Email: brian.m.mayer@oregon.gov

Note: If a device other than the one specified in the Preliminary Determination or Final Order is approved by the Watermaster, fill out and mail the form below to the Salem office.

\*\*\*\*\*

Approval of an Alternate Measurement Device T-\_\_\_\_\_
(to be filled out after consultation with the applicant, or after a site visit)

On behalf of the Director, I authorize use of the following suitable alternate measurement device:

\_\_\_\_\_
\_\_\_\_\_

Watermaster signature District Date

If this form is used for approval of an alternative measurement device, it must be mailed to:
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266



State of Oregon  
 Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1266  
 (503) 986-0900

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# Application for Permanent Water Right Transfer

## Part 1 of 5 – Minimum Requirements Checklist

**This transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.**

For questions, please call (503) 986-0900, and ask for Transfer Section

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Check all items included with this application. (N/A = Not Applicable)

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- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: [http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator). If you have questions, call Customer Service at (503) 986-0801.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: Certificate 91901**  
 Please include a separate Part 5 for each water right. (See instructions on page 6)

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**Attachments:**

- Completed Transfer Application Map.
- Completed Evidence of Use Affidavit and supporting documentation.
- N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
- N/A Land Use Information Form with approval and signature (or signed land use form receipt stub). Not required if water is to be diverted, conveyed, and/or used only on federal lands or if **all** of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.
- N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500' from the surface water source and more than 1000' upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

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(For Staff Use Only)

**WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):**

- Application fee not enclosed/insufficient
- Land Use Form not enclosed or incomplete
- Additional signature(s) required
- Map not included or incomplete
- Part \_\_\_\_\_ is incomplete

Other/Explanation \_\_\_\_\_

Staff: \_\_\_\_\_ 503-986-0 \_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

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## Part 2 of 5 – Transfer Application Map Checklist

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Your transfer application will be returned if any of the map requirements listed below are not met.

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Please be sure that the transfer application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.

- N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see [http://apps.wrd.state.or.us/apps/wr/cwre\\_license\\_view/](http://apps.wrd.state.or.us/apps/wr/cwre_license_view/). CWRE stamp and signature are not required for substitutions.
- N/A If **more than three** water rights are involved, separate maps are needed for each water right.
- Permanent quality printed with dark ink on good quality paper.
- The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- A north arrow, a legend, and scale.
- The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- N/A Proposed place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
- N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).



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### Part 4 of 5 – Applicant Information and Signature

#### Applicant Information

APPLICANT/BUSINESS NAME <b>The Wild Waters Revocable Living Trust</b>		PHONE NO. <b>707-287-707-965-3612 6210</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>5252 Mill Creek Rd.</b>		FAX NO.	
CITY <b>Healdsburg</b>	STATE <b>CA</b>	ZIP <b>95448</b>	E-MAIL <b>jcuteen@live.com</b>
<b>BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.</b>			

**Agent Information** – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT/BUSINESS NAME <b>Hollie Cannon/Water Right Solutions, LLC</b>		PHONE NO. <b>541-821-5848</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>3246 Hammer St.</b>		FAX NO.	
CITY <b>Klamath Falls</b>	STATE <b>OR</b>	ZIP <b>97603</b>	E-MAIL <b>hcannon@waterrightsolutions.com</b>
<b>BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.</b>			

Explain in your own words what you propose to accomplish with this transfer application, and why: The property for a long time was leased by the neighboring landowner and operated as one farm. The well that supplies the water right for this property is not located on this property. This transfer application adds a point of appropriation so the property owner has his own well for his share of the water right. The original configuration used a pivot that irrigated a portion of both properties. The transfer in place of use moves the pivot to only irrigate land of this ownership.

If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

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#### Check One Box

- By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); **OR**
- I affirm 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; **OR**
- I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

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I understand that prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: Lake County Examiner

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

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*John Anthony Cutino II*  
Applicant signature

*Susan Giselle Cutino*  
Applicant signature

**John Anthony Cutino II, Trustee** 2/22/2017  
Print Name (and Title if applicable) Date

**Susan Giselle Cutino, Trustee** 2/23/2017  
Print Name (and Title if applicable) Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located?  Yes  No *If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.*

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Check the following boxes that apply:

- The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.
- The receiving landowner will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to this landowner.
- Both the receiving landowner and applicant will be responsible for completion of change(s). Copies of notices and correspondence should be sent to this landowner and the applicant.

At this time, are the lands in this transfer application in the process of being sold?  Yes  No

If YES, and you know who the new landowner will be, please complete the receiving landowner information table below. If you do not know who the new landowner will be, then a request for assignment will have to be filed for at a later date.

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see: <http://www.oregon.gov/owrd/docs/transfer-propertytransactions.pdf>

RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	

Describe any special ownership circumstances here: \_\_\_\_\_

- Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (Tip: Complete and attach Supplemental Form D.)

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

- Check here if 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.

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



To meet State Land Use Consistency Requirements, you must list all county, city, municipal corporation, or tribal governments within whose jurisdiction water will be diverted, conveyed or used.

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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FEB 27 2017 7/1/2013

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TACS

## INSTRUCTIONS for editing the Application Form

To add additional lines to tables within the forms or to copy and paste additional Part 5 pages, please **save the application form to your computer**. Unlock the document by using one of the following instructions for your Microsoft Word software version:

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COPY

### Microsoft Word 2003

Unlock the document by one of the following:

- Using the **Tools** menu => click **Unprotect Document**;
- OR**
- Using the **Forms** toolbar => click on the **Protect/Unprotect** icon.

To relock the document to enable the checkboxes to work, you will need to:

- Using the **Tools** menu => click **Protect Document**;
- OR**
- Using the **Forms** toolbar => click on the **Protect/Unprotect** icon.

### Microsoft Word 2007

- Unlock the document by clicking the **Review** tab, then click **Protect Document**, then click **Stop Protect**
- To relock the document, click **Editing Restrictions**, then click **Allow Only This Type of Editing**, select **Filling In Forms** from the drop-down menu, then check **Yes, Start Enforcing Protection**.

### Microsoft Word 2010

- Unlock the document by clicking the **Review** tab, toggle the **Restrict Editing** icon at the upper right, then click **Stop Protect** at the bottom right. Then uncheck the "Allow only this type of editing in the document: **Filling in forms**" in the "Editing restrictions" section on the right-hand list of options.
- To relock the document, check the **Editing Restrictions/Allow Only This Type of Editing/Filling In Forms** box from the drop-down menu, then check **Yes, Start Enforcing Protection**. You do not need to assign a password for the editing restrictions.

### Other Alternatives:

- Photocopy pages or tables in Part 5, ~~mark through~~ any non-applicable information, insert/attach photocopied pages to document in the appropriate location, and manually amend page numbers as necessary (e.g. Page 5 6 of 9 10).
- You may refer to additional attachments that you may include, such as separately produced tables or spreadsheets to convey large numbers of rows of place of use listings, owner/property parcels, etc. You may contact the Department at 503-986-0900 and ask for Transfer Staff if you have questions.

Once the application has been unlocked, you may:

- add additional rows to tables using the Table tools, and
- select and copy the pages of Part 5 and paste as many additional sets of Part 5 pages as needed at the end of the application.

After editing, re-lock the document to enable checkboxes to work.

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Part 5 of 5 – Water Right Information

**SALEM, OR** Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

CERTIFICATE # 91901

WORKING COPY

**Description of Water Delivery System**

System capacity: 2.76 cfs per certificate (1.29 cfs for transferred portion) cubic feet per second (cfs)  
 OR  
 \_\_\_\_\_ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. There is the existing well and a pipeline from the existing well to the pivot center that continues on to the northeast to the land irrigated by a wheel line.

**Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)**  
 (Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Existing POA #1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	LAKE 2767	40	S	19	E	6	SE	SE		1280 feet north and 1260 feet west from SE corner, Section 6
Proposed POA #2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		40	S	19	E	6	SE	NE		2584.42 feet South and 525.17 feet West from the NE corner of Section 6
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										

**Check all type(s) of change(s) proposed below (change "CODES" are provided in parentheses):**

- Place of Use (POU)
- Character of Use (USE)
- Point of Diversion (POD)
- Additional Point of Diversion (APOD)
- Surface Water POD to Ground Water POA (SW/GW)
- Supplemental Use to Primary Use (S to P)
- Point of Appropriation/Well (POA)
- Additional Point of Appropriation (APOA)
- Substitution (SUB)
- Government Action POD (GOV)

**Will all of the proposed changes affect the entire water right?**

- Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.
- No Complete all of Table 2 to describe the portion of the water right to be changed.

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Please use and attach additional pages of Table 2 as needed.  
See page 6 for instructions.

Do you have questions about how to fill-out the tables?  
Contact the Department at 503-986-0900 and ask for Transfer Staff.

**Table 2. Description of Changes to Water Right Certificate # 91901**

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.  
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

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AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.									
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/POA(s) to be used (from Table 1)	Priority Date	
<b>EXAMPLE</b>																					
2	S	9	E 15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500	1	10.0	POD #5	1901		
											2	S	9	E 2 SW NW	500		5.0	POD #6	1901		
40	S	19	E 5 NW NW	1700	ΔPOA	28.4	✓ 2.5 IR <sup>POD</sup>	POA#1	1977	POU/POA	40	S	19	E 5 NW NW	1700		30.5	IR 4.6	POA#2	1977	
40	S	19	E 5 SW NW	1700	ΔPOA	23.8	✓ 6.9 IR <sup>POD</sup>	POA#1	1977	POU/POA	40	S	19	E 5 SW NW	1700		22.7	IR 5.8	POA#2	1977	
40	S	19	E 6 NE NE	1700	ΔPOA	12.4	✓ IR	POA#1	1977	<del>POU/POA</del>	40	S	19	E 6 NE NE	1700		18.7	IR 6.3	POA#2	1977	
40	S	19	E 6 SE NE	1700	ΔPOA	38.7	✓ 7.1 IR <sup>POD</sup>	POA#1	1977	POU/POA	40	S	19	E 6 SE NE	1700		31.4	IR 0.4	POA#2	1977	
																	17.1				
																	TOTAL ACRES: 103.3 ✓				
																	TOTAL ACRES: 103.3 ✓				

TOTAL ΔPOU = 17.1 ac.

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12595

Additional remarks: \_\_\_\_\_

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**For Place of Use or Character of Use Changes**

Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands?  Yes  No

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If YES, list the certificate, water use permit, or ground water registration numbers: \_\_\_\_\_.



Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

**For Substitution** (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # \_\_\_\_\_;

Surface water primary Certificate # \_\_\_\_\_.

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**For a change from Supplemental Irrigation Use to Primary Irrigation Use**

Identify the primary certificate to be cancelled. Certificate # \_\_\_\_\_

SALEM, OR

**For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:**

- Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.

**Tip:** You may search for well logs on the Department's web page at:

[http://apps.wrd.state.or.us/apps/gw/well\\_log/Default.aspx](http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

**AND/OR**

- Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

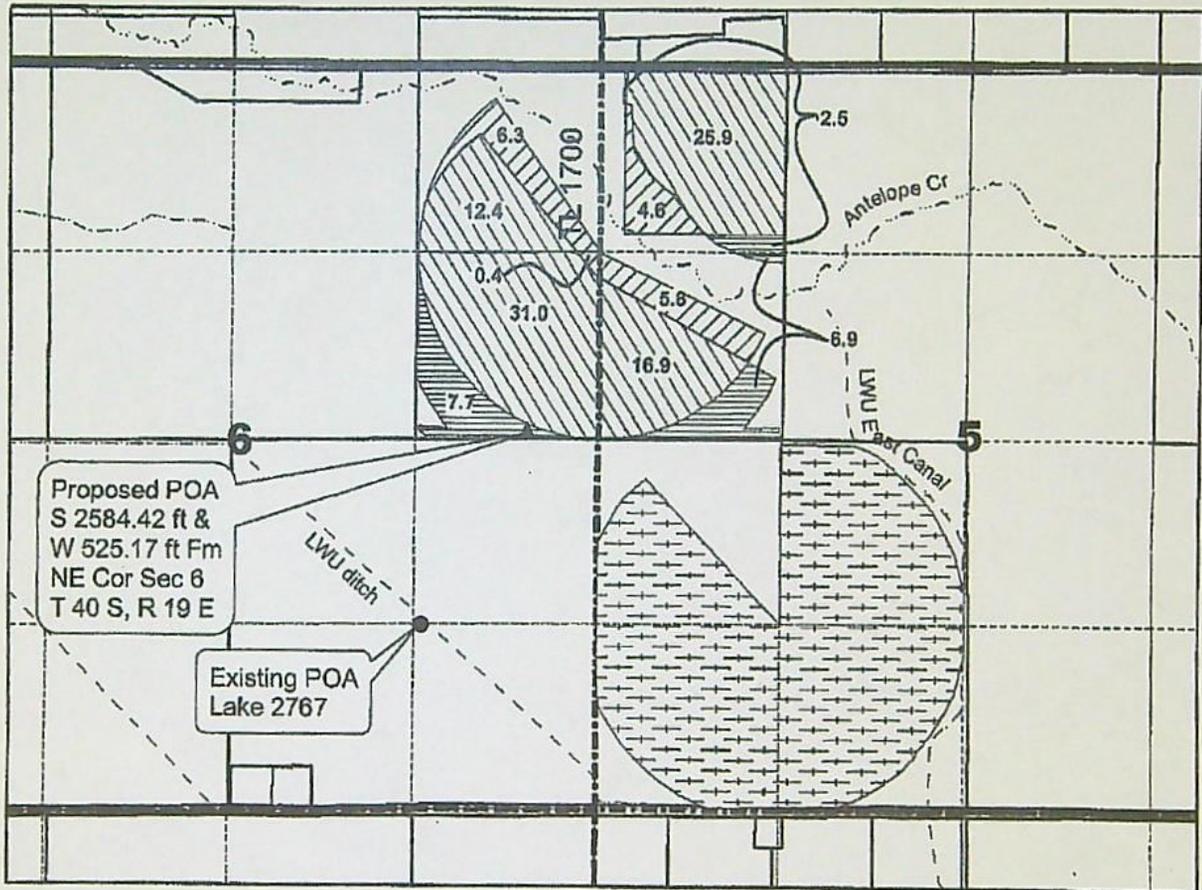
**Table 3. Construction of Point(s) of Appropriation**

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well -specific rate (cfs or gpm). If less than full rate of water right
POA#2	No		442	12"	0-375'	0-375'		12'	Black Hard Rock	1.29 cfs

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COPY

Application for Transfer of Water Right  
Certificate 91901  
Wild Waters Revocable Living Trust



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COPY



1 inch = 1,320 feet



Legend

- Trans From POU
  - POU unchanged new POA
  - Trans POA & POU to
  - Cert 91901 no change
- Using new POA {

Note: This map for water right purposes only. It is not intended for use to represent the location of property lines.

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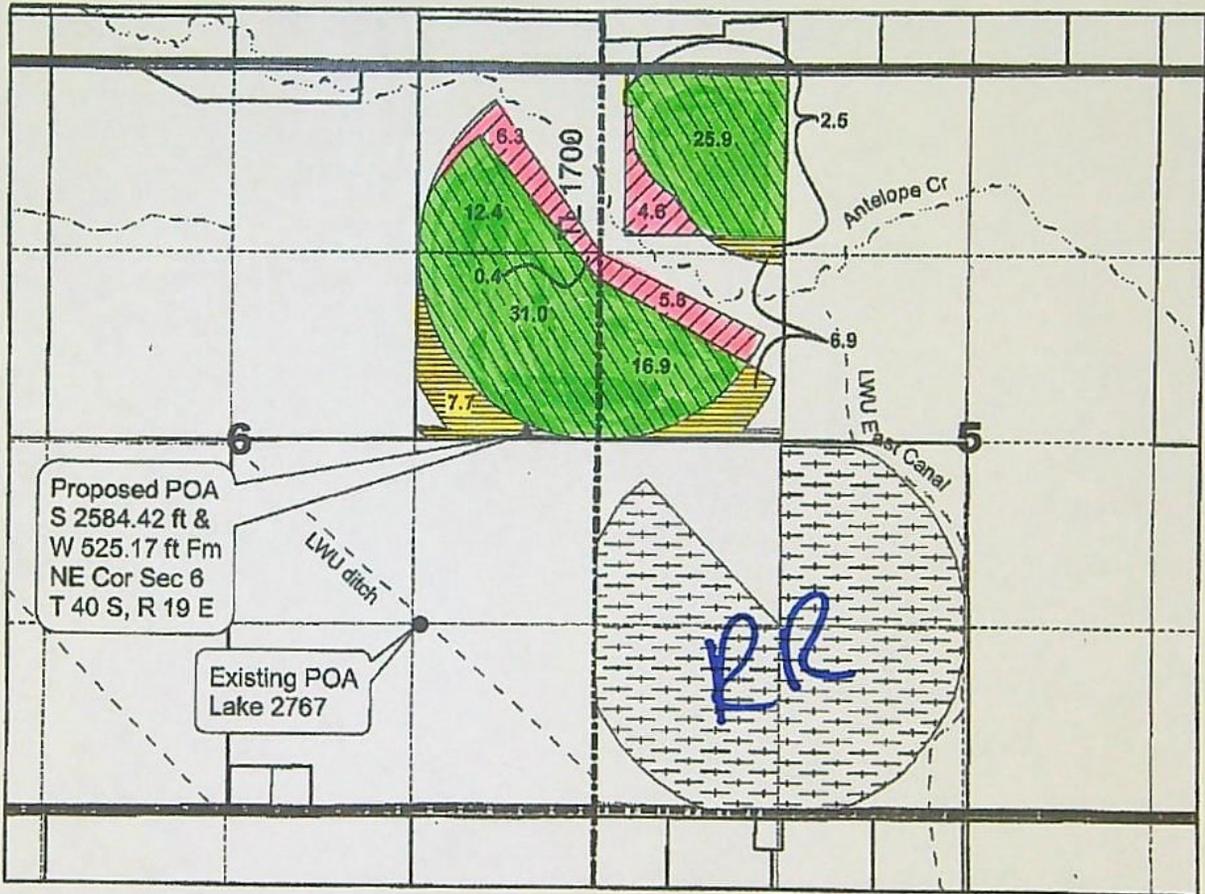
WORKING  
COPY

FEB 27 2017

T 12595

SALEM, OR

Application for Transfer of Water Right  
Certificate 91901  
Wild Waters Revocable Living Trust



N



1 inch = 1,320 feet

1/4	1/4	POA	POU
NW NW (sec.5)	✓	2.5	only
Sul NW (sec.5)	✓	6.9	only
NE NE (sec.6)	✓	0	
SE NE (sec.6)	✓	7.7	only
		17.1	

WORKING COPY



- Legend**
- Trans From POU (17.1 ac.)
  - POU unchanged new POA
  - Trans POA & POU to
  - Cert 91901 no change

Note: This map for water right purposes only. It is not intended for use to represent the location of property lines.

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FEB 27 2017

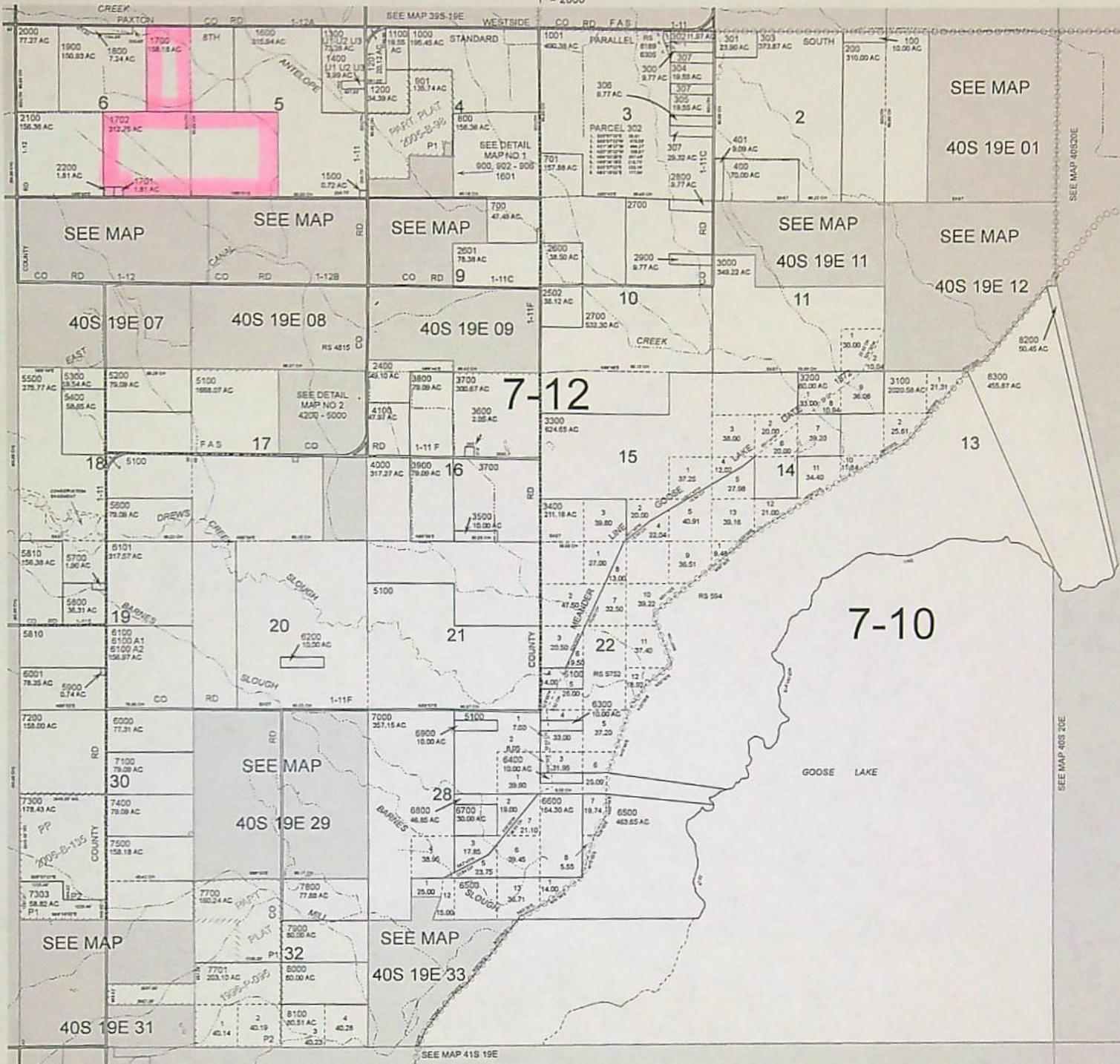
T 12595

SALEM, OR

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

T.40S. R.19E. W.M.  
LAKE COUNTY  
1" = 2000

40S19E



1/29/2018

CANCELLED  
 500  
 600  
 2500  
 2500  
 7300A1  
 7301  
 7302  
 7600  
 908

40S19E

Transfer Application # T-12595

## ORIGINALS

- 1) Transfer Application
  - 2) Transfer Map ✓
  - 3) Evidence of Use affidavit and accompanying proof ✓
  - 4) Land Use Information Form ✓
  - 5) ~~Notarized Landowner Consent Affidavit~~
  - 6) ~~Form "D" from Irrigation District~~
  - 7) Other Supporting Documentation
  - 8) Acknowledgment letter sent out to applicant
- cc: ODFW ✓  
GW section ✓
- 9) Receipt

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **122775**

725 Summer St. N.E. Ste. A  
SALEM, OR 97301-4172  
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # \_\_\_\_\_

RECEIVED FROM: <u>John A Cutino II</u>	APPLICATION
BY: <u>Susan &amp; Cutino</u>	PERMIT
CASH: <input type="checkbox"/>	TRANSFER <u>T-12595</u>
CHECK # <u>4670</u> <input checked="" type="checkbox"/>	TOTAL REC'D \$ <u>1,450.00</u>
OTHER: (IDENTIFY) <input type="checkbox"/>	

<b>1083 TREASURY</b>	<b>4170 WRD MISC CASH ACCT</b>
0407 COPIES	\$
OTHER: (IDENTIFY)	\$
0243 I/S Lease	0244 Muni Water Mgmt. Plan
	0245 Cons. Water

<b>4270 WRD OPERATING ACCT</b>	
MISCELLANEOUS <u>46110</u>	
0407 COPY & TAPE FEES	\$
0410 RESEARCH FEES	\$
0408 MISC REVENUE: (IDENTIFY)	\$
TC162 DEPOSIT LIAB. (IDENTIFY)	\$
0240 EXTENSION OF TIME	\$
<b>WATER RIGHTS:</b>	<b>EXAM FEE</b>
0201 SURFACE WATER	\$
0203 GROUND WATER	\$
0205 TRANSFER	\$ <u>1,450.00</u>
<b>WELL CONSTRUCTION</b>	<b>EXAM FEE</b>
0218 WELL DRILL CONSTRUCTOR	\$
LANDOWNER'S PERMIT	\$
OTHER (IDENTIFY)	

<b>0536 TREASURY</b>	<b>0437 WELL CONST. START FEE</b>
0211 WELL CONST START FEE	\$
0210 MONITORING WELLS	\$
OTHER (IDENTIFY)	

<b>0607 TREASURY</b>	<b>0467 HYDRO ACTIVITY</b>	LIC NUMBER
0233 POWER LICENSE FEE (FWWRD)		\$
0231 HYDRO LICENSE FEE (FWWRD)		\$
HYDRO APPLICATION		\$

<b>TREASURY</b>	<b>OTHER / RDX</b>
FUND _____	TITLE _____
OBJ. CODE _____	VENDOR # _____
DESCRIPTION _____	\$ _____

RECEIPT: **122775** DATED: 2/29/17 BY: Billund



State of Oregon  
 Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1266  
 (503) 986-0900

# Application for Permanent Water Right Transfer

## Part 1 of 5 – Minimum Requirements Checklist

**This transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.**

For questions, please call (503) 986-0900, and ask for Transfer Section

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Check all items included with this application. (N/A = Not Applicable)

FEB 27 2017

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Transfer Application Map Checklist. SALEM, OR
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: [http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator). If you have questions, call Customer Service at (503) 986-0801.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: Certificate 91901**  
Please include a separate Part 5 for each water right. (See instructions on page 6)

**Attachments:**

- Completed Transfer Application Map.
- Completed Evidence of Use Affidavit and supporting documentation.
- N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
- N/A Land Use Information Form with approval and signature (or signed land use form receipt stub). Not required if water is to be diverted, conveyed, and/or used only on federal lands or if **all** of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.
- N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500' from the surface water source and more than 1000' upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

(For Staff Use Only)

**WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):**

- Application fee not enclosed/insufficient  Map not included or incomplete
- Land Use Form not enclosed or incomplete
- Additional signature(s) required  Part \_\_\_\_\_ is incomplete

Other/Explanation \_\_\_\_\_

Staff: \_\_\_\_\_ 503-986-0\_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

FEB 27 2017

**Your transfer application will be returned if any of the map requirements listed below are not met.**

SALEM, OH

Please be sure that the transfer application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.

- N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see [http://apps.wrd.state.or.us/apps/wr/cwre\\_license\\_view/](http://apps.wrd.state.or.us/apps/wr/cwre_license_view/). CWRE stamp and signature are not required for substitutions.
- N/A If **more than three** water rights are involved, separate maps are needed for each water right.
- Permanent quality printed with dark ink on good quality paper.
- The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- A north arrow, a legend, and scale.
- The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- N/A Proposed place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
- N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).



## Part 4 of 5 – Applicant Information and Signature

### Applicant Information

APPLICANT/BUSINESS NAME <b>The Wild Waters Revocable Living Trust</b>		PHONE NO. <b>707-287-707-965-3612 6210</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>5252 Mill Creek Rd.</b>			FAX NO.
CITY <b>Healdsburg</b>	STATE <b>CA</b>	ZIP <b>95448</b>	E-MAIL <b>jcuteen@live.com</b>
<b>BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.</b>			

**Agent Information** – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT/BUSINESS NAME <b>Hollie Cannon/Water Right Solutions, LLC</b>		PHONE NO. <b>541-821-5848</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>3246 Hammer St.</b>			FAX NO.
CITY <b>Klamath Falls</b>	STATE <b>OR</b>	ZIP <b>97603</b>	E-MAIL <b>hcannon@waterrightsolutions.com</b>
<b>BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.</b>			

Explain in your own words what you propose to accomplish with this transfer application, and why: The property for a long time was leased by the neighboring landowner and operated as one farm. The well that supplies the water right for this property is not located on this property. This transfer application adds a point of appropriation so the property owner has his own well for his share of the water right. The original configuration used a pivot that irrigated a portion of both properties. The transfer in place of use moves the pivot to only irrigate land of this ownership.

If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

#### Check One Box

- By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); **OR**
- I affirm 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; **OR**
- I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

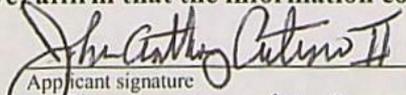
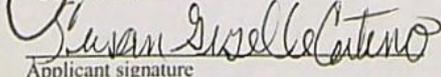
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**FEB 27 2017**

**SALEM, OR**

I understand that prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: Lake County Examiner.

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

  
  
 Applicant signature  
  
 Applicant signature

**John Anthony Cutino II, Trustee** 2/22/2017  
 Print Name (and Title if applicable) Date

**Susan Giselle Cutino, Trustee** 2/23/2017  
 Print Name (and Title if applicable) Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located?  Yes  No *If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.*

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SALEM, OR

Check the following boxes that apply:

- The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.
- The receiving landowner will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to this landowner.
- Both the receiving landowner and applicant will be responsible for completion of change(s). Copies of notices and correspondence should be sent to this landowner and the applicant.

At this time, are the lands in this transfer application in the process of being sold?  Yes  No

If YES, and you know who the new landowner will be, please complete the receiving landowner information table below. If you do not know who the new landowner will be, then a request for assignment will have to be filed for at a later date.

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see: <http://www.oregon.gov/owrd/docs/transfer-propertytransactions.pdf>

RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.	
ADDRESS				FAX NO.	
CITY	STATE	ZIP	E-MAIL		

Describe any special ownership circumstances here: \_\_\_\_\_

- Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (**Tip:** Complete and attach Supplemental Form D.)

IRRIGATION DISTRICT NAME	ADDRESS		
CITY	STATE	ZIP	

- Check here if 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.

ENTITY NAME	ADDRESS		
CITY	STATE	ZIP	



To meet State Land Use Consistency Requirements, you must list all county, city, municipal corporation, or tribal governments within whose jurisdiction water will be diverted, conveyed or used.

ENTITY NAME	ADDRESS		
CITY	STATE	ZIP	

ENTITY NAME	ADDRESS		
CITY	STATE	ZIP	

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FEB 27 2013

12595

## INSTRUCTIONS for editing the Application Form

To add additional lines to tables within the forms or to copy and paste additional Part 5 pages, please **save the application form to your computer**. Unlock the document by using one of the following instructions for your Microsoft Word software version:

### Microsoft Word 2003

Unlock the document by one of the following:

- Using the **Tools** menu => click **Unprotect Document**;

**OR**

- Using the **Forms** toolbar => click on the **Protect/Unprotect** icon.

To relock the document to enable the checkboxes to work, you will need to:

- Using the **Tools** menu => click **Protect Document**;

**OR**

- Using the **Forms** toolbar => click on the **Protect/Unprotect** icon.

### Microsoft Word 2007

- Unlock the document by clicking the **Review** tab, then click **Protect Document**, then click **Stop Protect**
- To relock the document, click **Editing Restrictions**, then click **Allow Only This Type of Editing**, select **Filling In Forms** from the drop-down menu, then check **Yes, Start Enforcing Protection**.

### Microsoft Word 2010

- Unlock the document by clicking the **Review** tab, toggle the **Restrict Editing** icon at the upper right, then click **Stop Protect** at the bottom right. Then uncheck the "Allow only this type of editing in the document: **Filling in forms**" in the "Editing restrictions" section on the right-hand list of options.
- To relock the document, check the **Editing Restrictions/Allow Only This Type of Editing/Filling In Forms** box from the drop-down menu, then check **Yes, Start Enforcing Protection**. You do not need to assign a password for the editing restrictions.

### Other Alternatives:

- Photocopy pages or tables in Part 5, ~~mark through~~ any non-applicable information, insert/attach photocopied pages to document in the appropriate location, and manually amend page numbers as necessary (e.g. Page 5 6 of 9 10).
- You may refer to additional attachments that you may include, such as separately produced tables or spreadsheets to convey large numbers of rows of place of use listings, owner/property parcels, etc. You may contact the Department at 503-986-0900 and ask for Transfer Staff if you have questions.

Once the application has been unlocked, you may:

- add additional rows to tables using the Table tools, and
- select and copy the pages of Part 5 and paste as many additional sets of Part 5 pages as needed at the end of the application.

After editing, re-lock the document to enable checkboxes to work.

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FEB 27 2017

Part 5 of 5 – Water Right Information

SALEM, OR

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

CERTIFICATE # 91901

Description of Water Delivery System

System capacity: 2.76 cfs per certificate (1.29 cfs for transferred portion) cubic feet per second (cfs)  
OR

\_\_\_\_\_ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. There is the existing well and a pipeline from the existing well to the pivot center that continues on to the northeast to the land irrigated by a wheel line.

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)

(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Existing POA #1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	LAKE 2767	40 S	19 E	6	SE	SE		1280 feet north and 1260 feet west from SE corner, Section 6
Proposed POA #2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		40 S	19 E	6	SE	NE		2584.42 feet South and 525.17 feet West from the NE corner of Section 6
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed								
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed								

Check all type(s) of change(s) proposed below (change "CODES" are provided in parentheses):

- Place of Use (POU)
- Character of Use (USE)
- Point of Diversion (POD)
- Additional Point of Diversion (APOD)
- Surface Water POD to Ground Water POA (SW/GW)
- Supplemental Use to Primary Use (S to P)
- Point of Appropriation/Well (POA)
- Additional Point of Appropriation (APOA)
- Substitution (SUB)
- Government Action POD (GOV)

Will all of the proposed changes affect the entire water right?

- Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.
- No Complete all of Table 2 to describe the portion of the water right to be changed.

Please use and attach additional pages of Table 2 as needed.  
See page 6 for instructions.

Do you have questions about how to fill-out the tables?  
Contact the Department at 503-986-0900 and ask for Transfer Staff.

**Table 2. Description of Changes to Water Right Certificate # 91901**

List the change proposed for the acreage in each 1/4 1/4. If more than one change is proposed, specify the acreage associated with each change.  
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp	Rng	Sec	1/4	1/4	Tax Lot	Gvt Lot or DLC	Acre	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng		Sec	1/4	1/4	Tax Lot	Gvt Lot or DLC	Acre	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
<b>EXAMPLE</b>																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
														2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
40	S	19	E	5	NW	NW	1700		28.4	IR	POA#1	1977	POU/POA	40	S	19	E	5	NW	NW	1700		30.5	IR	POA#2	1977
40	S	19	E	5	SW	NW	1700		23.8	IR	POA#1	1977	POU/POA	40	S	19	E	5	SW	NW	1700		22.7	IR	POA#2	1977
40	S	19	E	6	NE	NE	1700		12.4	IR	POA#1	1977	POU/POA	40	S	19	E	6	NE	NE	1700		18.7	IR	POA#2	1977
40	S	19	E	6	SE	NE	1700		38.7	IR	POA#1	1977	POU/POA	40	S	19	E	6	SE	NE	1700		31.4	IR	POA#2	1977
TOTAL ACRES:							103.3							TOTAL ACRES:							103.3					

12595

Additional remarks: \_\_\_\_\_.

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**For Place of Use or Character of Use Changes**

Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands?  Yes  No

If YES, list the certificate, water use permit, or ground water registration numbers: \_\_\_\_\_.

 Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

**For Substitution** (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # \_\_\_\_\_;  
Surface water primary Certificate # \_\_\_\_\_.

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**For a change from Supplemental Irrigation Use to Primary Irrigation Use**

Identify the primary certificate to be cancelled. Certificate # \_\_\_\_\_

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**For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:**

Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.

**Tip:** You may search for well logs on the Department's web page at:

[http://apps.wrd.state.or.us/apps/gw/well\\_log/Default.aspx](http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

**AND/OR**

Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

**Table 3. Construction of Point(s) of Appropriation**

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well-specific rate (cfs or gpm). If less than full rate of water right
POA#2	No		442	12"	0-375'	0-375'		12'	Black Hard Rock	1.29 cfs



# Application for Water Right Transfer

## Evidence of Use Affidavit



Oregon Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1266  
 (503) 986-0900  
 www.wrd.state.or.us

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

State of Oregon )  
 ) ss  
 County of LAKE)

I, WE: JOHN ANTHONY CUTINO II AND SUSAN GISELLE CUTINO, in my capacity as TRUSTEES OF THE WILD WATERS REVOCABLE LIVING TRUST,

mailing address 5252 MILL CREEK RD., HEALDSBURG, CA 95448

telephone number (707)965-3612, being first duly sworn depose and say:

1. My knowledge of the exercise or status of the water right is based on (check one):

- Personal observation       Professional expertise

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2. I attest that:

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Water was used during the previous five years on the **entire** place of use for Certificate # \_\_\_\_; **OR**

My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township	Range	Mer	Sec	¼ ¼	Gov't Lot or DLC	Acres (if applicable)

**OR**

- Confirming Certificate # 91901 has been issued within the past five years; **OR**
- Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: \_\_\_\_ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
- Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # \_\_\_\_ (For Historic POD/POA Transfers)

(continues on reverse side)

3. The water right was used for: (e.g., crops, pasture, etc.): PASTURE
4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

John Anthony Cutino II 2/23/2017  
Signature of Affiant

2/23/2017  
Date

Susan Giselle Cutino 2/23/2017

Signed and sworn to (or affirmed) before me this 23 day of February, 2017.

"see California Jurat for both signers"  
Notary Public for Oregon 8

My Commission Expires: April 6<sup>th</sup> 2017

Supporting Documents	Examples
<input checked="" type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of <b>confirming</b> water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> <li>• Power usage records for pumps associated with irrigation use</li> <li>• Fertilizer or seed bills related to irrigated crops</li> <li>• Farmers Co-op sales receipt</li> </ul>
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"> <li>• District assessment records for water delivered</li> <li>• Crop reports submitted under a federal loan agreement</li> <li>• Beneficial use reports from district</li> <li>• IRS Farm Usage Deduction Report</li> <li>• Agricultural Stabilization Plan</li> <li>• CREP Report</li> </ul>
<input type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	<p>Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos: OSU – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a> OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a> Google Earth – <a href="http://earth.google.com">earth.google.com</a> TerraServer – <a href="http://www.terra-server.com">www.terra-server.com</a></p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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SALEM, OR

**CALIFORNIA NOTARY CERTIFICATE OF ACKNOWLEDGMENT/JURAT ADDENDUM (FOR USE IN CA ONLY)**

**For use for CA Notary Acknowledgment only:**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of Sonoma

On \_\_\_\_\_ before me VARSHANA ELIZABETH SOLTER (here insert name and title of officer), personally appeared \_\_\_\_\_ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the attached \_\_\_\_\_ [name of document] instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

\_\_\_\_\_  
(Signature) (SEAL)

**For use for CA Notary Jurat only:**

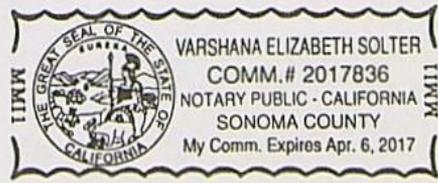
*"Application for Water Right Transfer Evidence of Use Affidavit"*  
*(2 pages)*

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of SONOMA

Subscribed and sworn to (or affirmed) before me on this 23<sup>rd</sup> day of Feb., 2017, by Susan Giselle Cutino and John Anthony Cutino II, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature [Handwritten Signature] (SEAL)



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FEB 27 2017  
SALEM, OR

STATE OF OREGON  
COUNTY OF LAKE  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JACK P ALBERTSON  
FLORENCE M ALBERTSON  
91926 DOG LAKE LANE  
LAKEVIEW OR 97630

NORTHWEST FARM CREDIT SERVICES, FLCA  
300 KLAMATH AVE SUITE 200  
KLAMATH FALLS OR 97601

WILD WATERS REVOCABLE LIVING TRUST  
c/o 5252 MILL CREEK RD  
HEALDSBURG, CALIFORNIA 95448

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confirms the right to the use of water perfected under the terms of Permit G-7160. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-7704

SOURCE OF WATER: A WELL IN THE GOOSE & SUMMER LAKES BASIN

PURPOSE or USE: PRIMARY IRRIGATION OF 103.3 ACRES AND SUPPLEMENTAL IRRIGATION OF 117.6 ACRES

MAXIMUM RATE: 2.76 CUBIC FEET PER SECOND

DATE OF PRIORITY: FEBRUARY 8, 1977

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	19 E	WM	6	SE SE	1280 FEET NORTH AND 1260 FEET WEST FROM SE CORNER, SECTION 6

If for irrigation, this appropriation shall be limited to ONE-EIGHTIETH of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre feet per acre for each acre irrigated during the irrigation season of each year; provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and 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. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

A description of the place of use is as follows:

PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	19 E	WM	5	NW NW	28.4
40 S	19 E	WM	5	SW NW	23.8
40 S	19 E	WM	6	NE NE	12.4
40 S	19 E	WM	6	SE NE	38.7

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	GLot
40 S	19 E	WM	5	NE SW	33.4
40 S	19 E	WM	5	NW SW	18.6
40 S	19 E	WM	5	SW SW	33.6
40 S	19 E	WM	5	SE SW	32.0

The well shall be cased as necessary in accordance with good practice and if the flow is artesian the works shall include proper capping and control valve to prevent the waste of ground water.

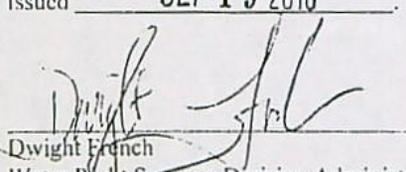
The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times.

The water user shall maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

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.

This certificate is issued to correct a scrivener's error by correcting the name of the permit holder of record and supersedes Certificate 91840.

Issued SEP 19 2016

  
Dwight French  
Water Right Services Division Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department

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SALEM, OR

# Land Use Information Form



Oregon Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1266  
 (503) 986-0900  
 www.wrd.s **RECEIVED BY OWRD**

Applicant(s): The Wild Waters Revocable Living Trust

**FEB 27 2017**

Mailing Address: c/o 5252 Mill Creek Rd.

**SALEM, OR**

City: Healdsburg

State: CA

Zip Code: 95448

Daytime Phone: 707-965-3612

## A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>40S</u>	<u>19E</u>	<u>5</u>	<u>NWNW</u>	<u>1700</u>	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>IR</u>
<u>40S</u>	<u>19E</u>	<u>5</u>	<u>SW NW</u>	<u>1700</u>	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>IR</u>
<u>40S</u>	<u>19E</u>	<u>6</u>	<u>NE NE</u>	<u>1700</u>	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>IR</u>
<u>40S</u>	<u>19E</u>	<u>6</u>	<u>SE NE</u>	<u>1700</u>	_____	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>IR</u>

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

LAKE

## B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water   
  Water Right Transfer   
  Permit Amendment or Ground Water Registration Modification  
 Limited Water Use License   
  Allocation of Conserved Water   
  Exchange of Water

Source of water:  Reservoir/Pond   
 Ground Water   
 Surface Water (name) \_\_\_\_\_

Estimated quantity of water needed: 1.29   
 cubic feet per second   
 gallons per minute   
 acre-feet

Intended use of water:  Irrigation   
 Commercial   
 Industrial   
 Domestic for \_\_\_\_\_ household(s)  
 Municipal   
 Quasi-Municipal   
 Instream   
 Other \_\_\_\_\_

Briefly describe:

The property was previously leased by a neighboring landowner and operated as one farm. The well that supplies the water Right for this property is not located on this property. This transfer application is to add a point of appropriation so the property owner has his own well for his share of the water right. The original configuration used a pivot that irrigated a portion of both properties. The transfer in place of use moves the pivot to only irrigate land of this ownership.

**Note to applicant:** If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

FEB 27 2017

## For Local Government Use Only

SALEM, OR

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.

**Please check the appropriate box below and provide the requested information**

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): *Lake County Zoning Ordinance Article 2 (A-1 2005)*
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Name: DARWIN JOHNSON Title: Planning Director  
 Signature: [Signature] Phone: 541-947-6036 Date: 14 FEB 2017  
 Government Entity: Lake County Planning Department

**Note to local government representative:** Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

**Receipt for Request for Land Use Information**

Applicant name: \_\_\_\_\_  
 City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_





# Oregon

Kate Brown, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

Fax (503) 986-0904

[www.wrd.state.or.us](http://www.wrd.state.or.us)

March 2, 2017

THE WILD WATERS REVOCABLE LIVING TRUST  
5252 MILL CR RD  
HEALDSBURG, CA 95448

Reference: Application T- 12595

On February 27, 2017, we received your water right Transfer application. The application was accompanied by \$1450.00. Our receipt number 122775 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the requested change. A review form will also be sent to our groundwater staff to determine whether the proposed well accesses the same source of water as the original well.

Your application will be examined to determine whether additional information is needed. We will notify you if further information or corrections to the application or map are required.

This application may require publication of a notice for two consecutive weeks in a newspaper with general circulation in the area where the water right is located. If it is determined that newspaper notice will be required, the Department will prepare the notice and notify you of the cost. You will be responsible for submitting payment to the Department prior to publication of the notice.

Except as provided under ORS 540.510(3) for municipalities, you may not use water in the new place of use or from the new point of appropriation until a final order approving the transfer application has been issued by the Department.

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 application is approved, the buyer's consent to the application will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

Refer to the following page for a chart showing the steps and expected timelines for the processing of your application.

If you have any questions, please contact the Transfer Section at (503) 986-0807.

Cc: Watermaster Dist. #12 (via email)  
Hollie Cannon, Agent

Enclosure



## Transfer Applications: Regular

The holder of a water right may apply to permanently change an existing water use subject to transfer as defined in ORS 540.505(4). An application may involve any of the following changes: Point of diversion or appropriation; Additional point of diversion or appropriation; Historic POD; Place of use; Character of use; Instream; Substitution; or Exchange.

The Department seeks public comment on the recently-filed transfer applications listed below. Any person may comment on a transfer application. Comments must be received by the Department on or before April 06, 2017. 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.

Transfer                    T 12595  
Water Right                Cert:91901 CR  
County/Basin              Lake / Goose & Summer Lake(13)  
Applicant Name          THE WILD WATERS REVOCABLE LIVING TRUST  
                                  5252 MILL CR RD  
                                  HEALDSBURG, CA 95448  
Proposed Change        POINT OF APPROPRIATION, PLACE OF USE  
Sources/TRSQ40Q160    A WELL > GOOSE AND SUMMER LAKES BASIN / 40.00S 19.00E 6 SESE  
Use/Quantity              IRRIGATION / 2.760 CFS  
Priority Date               02/08/1977

Transfer                    T 12596  
Water Right                Cert:31423 , Cert:23974 , Cert:33596  
County/Basin              Douglas / Umpqua(16)  
Applicant Name          PORTER, ELLEN  
                                  ROSEBURG FOREST PRODUCTS  
                                  PO BOX 1088  
                                  ROSEBURG, OR 97470  
Proposed Change        ADDITIONAL POINT OF DIVERSION, USE  
Sources/TRSQ40Q160    LIVINGSTON CREEK > NORTH FORK DEER CREEK / 27.00S 4.00W 19 NWNE  
                                  LIVINGSTON CREEK > NORTH FORK DEER CREEK / 27.00S 4.00W 19 NWNE  
                                  NORTH FORK DEER CR/RESERVOIR > SOUTH UMPQUA RIVER / 27.00S 4.00W 19  
NWNW  
Use/Quantity              INDUSTRIAL/MANUFACTURING USES / 903.000 AF  
                                  POND MAINTENANCE / 0.750 CFS  
                                  INDUSTRIAL/MANUFACTURING USES / 0.750 CFS  
Priority Date               10/17/1956, 10/17/1956, 11/18/1963

Transfer                    T 12598  
Water Right                Cert:83164  
County/Basin              Polk / Willamette(2)  
Applicant Name          LEVINE, JONATHAN  
                                  CRANFORD LAND COMPANY  
                                  PO BOX 19643  
                                  PORTLAND, OR 97280  
Proposed Change        USE  
Sources/TRSQ40Q160    RUNOFF > FULLER CREEK / 10.00S 5.00W 6 SENW  
                                  SPRINGS > FULLER CREEK / 10.00S 5.00W 6 SENW  
Use/Quantity              RECREATION / 0.350 AF  
                                  RECREATION / 0.350 AF  
Priority Date               07/29/1983

# Regular Permanent Water Right Transfer Application Checklist

Checked by TS Date 2-28-2017

Certs & acres involved  
1901

Changes: POU, POA

# cfs involved 1-29

Source: \_\_\_\_\_

(If OK, check box to left; if not, fill in the blank)

1. Page 1 of application: Are all attachments that have been checked actually included?  
If not, what is missing? \_\_\_\_\_

2. Are fees included and correct? Fee paid: \$ 1450  
If not, the correct fee would be: \_\_\_\_\_, so the amount missing is: \_\_\_\_\_

▶ If a Substitution (see Page 5 of application)

Base fee for 1 well (POA)		\$725.00
Number of additional wells = _____	x \$350.00 =	
Total =		

▶ If a Government Action POD change (see: Page 5): NO CHARGE

▶ If any other type of "regular permanent" transfer:

Base fee for one water right, one change and first cfs =		\$1,000.00
# of additional water rights beyond the first (see Part 4 of application) = _____	x \$450.00 =	<u>450</u>
Additional fee for groundwater staff review if any number of changes to well location(s), additional well(s) or change from SW diversion point to a well =	\$350.00	
1 or 2 additional TYPEs of change* (see Page 5 of application) = _____	x \$800.00 =	
If <i>Place of Use</i> or <i>Character of Use</i> change and transfer involves more than 1 cfs (based on primary acres x rate). # cfs or fraction above the first cfs = _____	x \$300.00 =	
<i>HINT: Total cfs on WR (÷) total # acres on WR (x) # acres involved in transfer = # cfs involved in transfer</i>		
Sub-total =		<u>1450</u>
If a letter from ODFW endorsing this as a "fish-friendly" transfer is included, multiply sub-total by 0.50 =		
Total = sub-total minus 50% "fish-friendly" reduction, if applicable =		

\*NOTE: [POD/APOD, POA/APOA, SW to GW, Gov Action] are all counted as one type  
POU is counted as one type  
[USE or (Supplemental to Primary)] are counted as one type

3. Page 3 of application: Have all the applicants listed at the top of the page signed?  
If no, whose signature is missing? \_\_\_\_\_

4. Are all listed certificates or permits shown by WRIS as non-cancelled?  
If no, which are cancelled? \_\_\_\_\_  
For each cancelled certificate, if there has been a remaining right certificate issued that covers the lands in the left side of Table 2, list its number \_\_\_\_\_ and check the #4 box at left on this checklist.

5. If any certificate is in the name of a "district", is a Supplemental Form D from that district enclosed?  
 N/A  Form D needed from \_\_\_\_\_ (district)

6. If all #1-#5 boxes on this checklist are checked (with no remaining deficiencies identified), accept the application and assign it a numbered transfer folder. Put this check sheet in the transfer folder. If #1, #2, #3, #4 or #5 on this checklist is deficient, the application cannot be accepted. It should be returned and the deficiencies listed in the "staff" section at the bottom of Application Page 1, unless the applicant or agent can resolve the deficiencies within 2-3 days.

COPY

STATE OF OREGON  
WATER RESOURCES DEPARTMENT  
WATER RIGHTS DIVISION

Before the Director of the Water Resources Department

In the Matter of Water Right	)	<b>PROTEST OF FLORENCE M.</b>
Transfer No. T-12595 Submitted	)	<b>ALBERTSON AND REQUEST FOR</b>
by The Wild Waters Revocable	)	<b>CONTESTED CASE HEARING</b>
Living Trust	)	

Pursuant to ORS 540.520(6) and OAR 690-380-0900, Florence M. Albertson protests the preliminary determination (the "Determination") dated June 18, 2018 for Water Right Transfer No. T-12595 (the "Transfer"). A copy of the Determination is attached to this Protest as Exhibit A, and a copy of the Transfer application (the "Application") is attached to this Protest as Exhibit B. The Application proposed to change the point of appropriation and place of use for a portion of Water Right Certificate 91901. The Determination proposes to approve the Application. As explained in this Protest, the proposed transfer must be denied because it does not comply with applicable laws and would unlawfully deprive Ms. Albertson of her property rights in Certificate 91901.

A protest must be filed within 30 days after the last publication of a newspaper notice of the proposed transfer or publication in the Oregon Water Resources Department's (the "Department") weekly notice, whichever is later. ORS 537.153(7). The last published notice of the Determination appeared in the *Lake County Examiner* on July 4, 2018. This Protest is filed within 30 days after that date and is timely filed. Ms. Albertson requests a contested case hearing.

**1. Protestant's Name, Address, and Telephone Number**

The Protestant's contact information is as follows:

Florence M. Albertson  
91926 Dog Lake Ln.  
Lakeview, OR 97630  
(541) 947-2822

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Orders, notices, and other correspondence (including by telephone) concerning this matter should be sent to legal counsel representing Ms. Albertson in this matter as follows:

Kirk B. Maag  
Stoel Rives LLP  
760 SW Ninth Ave., Suite 3000  
Portland, OR 97205  
(503) 294-9546  
[kirk.maag@stoel.com](mailto:kirk.maag@stoel.com)

## 2. Factual Background

Ms. Albertson is an 88-year-old widow who resides in Lake County, Oregon. Ms. Albertson's late husband, Jack Albertson, was the sole applicant for Water Use Permit G-7160 (the "Permit"), which is the permit underlying Certificate 91901. The Department issued the Permit to Mr. Albertson on February 8, 1977. The Permit authorized supplemental irrigation of 120.0 acres of land owned by the Albertsons. The Permit also authorized primary irrigation of 103.8 acres of land not owned by the Albertsons (the "Sundet Property"). The "Remarks" section of the Permit explicitly noted that the primary irrigation rights were appurtenant to property leased by the Albertsons and evidenced the Albertsons' sole ownership of those rights. Thus, despite the fact that the Albertsons owned only a portion of the authorized place of use, they were the *sole holders and owners of the Permit*.

The Albertsons' sole ownership of the Permit was acknowledged in a lease dated February 17, 1977 between the Albertsons, as lessees, and Alberta Towle Severin, as lessor (the "Lease," attached to this Protest as Exhibit C). The Lease, which covered the Sundet Property, contained the following provision related to water rights: "Lessees now have water rights covering the property herein, and it is understood that this right is a personal right and at the conclusion of the lease *said rights shall remain with the Lessees and will not inure to the land.*" (Emphasis added.)

At the time the parties entered into the Lease, Ms. Severin was under contract to purchase the Sundet Property from William and Lillian Sundet, who also signed the Lease and consented to its terms. That is, both Ms. Severin, who was purchasing the Sundet Property, and the Sundets, who were selling that property, *disclaimed any interest in or right to the Permit*—permanently severing any claim of entitlement by owners of the Sundet Property to the Permit. The Wild Waters Revocable Living Trust (the "Trust"), which now owns the Sundet Property, could not have acquired any interest in or right to the Permit because the Trust's predecessors-in-interest lacked any such interest or right, and the Permit was not appurtenant to the Sundet Property.

Ms. Albertson continued leasing the Sundet Property from Ms. Severin's successors-in-interest for decades under the terms of the Lease, with lease payments increasing over time. At some point, Ms. Albertson's son assumed her rights and obligations under the Lease. This continued through August 6, 2016, when John A. Cutino II and Susan Giselle Cutino (the "Cutinos"), who are purportedly the trustees of the Trust, informed Ms. Albertson's son and daughter-in-law that the property was no longer available for lease.

In 2001, the Albertsons submitted to the Department a Request for Assignment related to the Permit. Pursuant to the request, the rights evidenced by the Permit were assigned to the Albertsons and Northwest Farm Credit Services ("Northwest FCS"). The Albertsons have not subsequently assigned, or consented to any subsequent assignment of, their rights to the Permit. The Department's application file associated with the Permit does not contain any subsequent assignments from the Albertsons or Northwest FCS.

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On July 11, 2016, the Department received a Request for Assignment from the Trust signed by the Cutinos (the "Assignment Request," attached to this Protest as Exhibit D).<sup>1</sup> The Assignment Request purported to evidence a partial assignment of the Permit to the Trust. However, the Assignment Request did not comply with laws applicable to assignments and contained multiple misrepresentations; these issues are further discussed in Section 4.c below. As a result, the attempted partial assignment was invalid and does not bind Ms. Albertson or the Department. Neither Ms. Albertson nor Northwest FCS signed, approved, or otherwise consented to the Assignment Request, and neither Ms. Albertson nor Northwest FCS received notice of the Assignment Request before it was submitted to the Department.

The Department acknowledged receipt of the Assignment Request in a letter dated July 14, 2016. Ms. Albertson received a copy of this letter. Because the letter did not describe a process for challenging or objecting to the partial assignment, Ms. Albertson contacted the Lake County Watermaster and informed him that the Trust was not an owner of the Permit. Ms. Albertson asked what steps she could take to protect her rights in the Permit, but the watermaster did not assist Ms. Albertson in resolving her concerns and led her to believe there was nothing she could do. Ms. Albertson relied, to her detriment, on this erroneous advice from the watermaster.

On September 19, 2016, the Department issued Certificate 91901, which confirmed the right to use water perfected under the Permit.<sup>2</sup> The certificate authorizes primary irrigation of 103.3 acres and supplemental irrigation of 117.6 acres. The certificate was issued to the Albertsons, Northwest FCS, and the Trust. Based on a review of the application file associated with the Permit, it does not appear that the Department ever sent Ms. Albertson a proposed version of either Certificate 91840 or 91901 that identified the Trust as a holder. But the Department *did* email a proposed version of Certificate 91840 to Hollie Cannon, agent for the Trust, on September 8, 2016. The Department did not provide that same opportunity to Ms. Albertson.

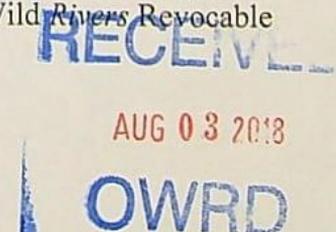
The only basis for listing the Trust as a holder of Certificate 91901 was the invalid Assignment Request. On June 17, 2016, before the Department received the Assignment Request, the Department mailed a proposed certificate to Ms. Albertson. The proposed certificate correctly identified the Albertsons and Northwest FCS as the only holders.

The Department received the Application on February 27, 2017. Once Ms. Albertson learned of the Application, she engaged Stoel Rives to protect her ownership interest in Certificate 91901. Stoel Rives sent multiple letters to the Department and had multiple telephone conversations with various Department employees in an effort to explain why the

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<sup>1</sup> This was about one month *before* the Trust notified Ms. Albertson's son and daughter-in-law that the Sundet Property was no longer available for lease.

<sup>2</sup> Certificate 91901 was issued to correct a scrivener's error in Certificate 91840 (issued on September 12, 2016), which incorrectly referred to the Trust as the "Wild Rivers Revocable Living Trust" (emphasis added).



Trust has no interest in or right to Certificate 91901. On at least two separate occasions, Department employees acknowledged that the Assignment Request did not comply with applicable laws, yet the Department has stubbornly refused to take any action to correct this error. The Determination fails to mention that Ms. Albertson has repeatedly informed the Department that the Trust has no ownership interest in Certificate 91901 and, therefore, lacks authority to pursue the Transfer.

### 3. Ms. Albertson's Interest in the Determination

The Transfer, if approved, would allow the Trust to unilaterally transfer 103.3 acres of primary irrigation right under Certificate 91901 to a new place of use, despite the fact that the Trust has no interest in or right to Certificate 91901. The Transfer would deprive Ms. Albertson of her interest in and right to a significant portion of Certificate 91901, which represents a valuable property interest.<sup>3</sup> To apply for and develop their rights under the Permit, the Albertsons incurred significant costs. These costs were not shared by the Trust or its predecessors-in-interest.

Subject to Northwest FCS's interest as creditor, Ms. Albertson is the sole owner of the rights evidenced by Certificate 91901. As such, Ms. Albertson—not the Trust—has the authority to transfer the primary irrigation rights under Certificate 91901 to a new place of use. This would allow Ms. Albertson to either put the primary irrigation rights to direct use on property she owns or controls or sell the primary irrigation rights to a third party. Unless modified, the Determination would allow the Trust to strip Ms. Albertson of her interest in and right to 103.3 acres of primary irrigation right, without compensating Ms. Albertson.

### 4. Arguments

#### a. The Department is required to return the Application and fee to the Trust because the Application was deficient.

The Application was not accompanied by the required fee and must be returned to the Trust. See OAR 690-380-4000(2). A transfer application *must* contain the information listed in OAR 690-380-3000. This includes “[t]he appropriate fee as required under ORS 536.050, less any portion waived pursuant to OAR 690-380-3400.” OAR 690-380-3000(25). “If the Department determines that the application does not include the required information . . . , the Department *shall* return the application and any fees to the applicant along with a written description of the deficiencies in the application.” OAR 690-380-4000(2) (emphasis added).

Here, the Application was not accompanied by the fee required under ORS 536.050. A check for \$1,450.00 was submitted with the Application, but the fee required under ORS 536.050 at that time was \$2,450.00. The correct fee would have been calculated as follows:

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<sup>3</sup> The Transfer also ignores the rights of Northwest FCS, including its rights under UCC Lien No. 90704788.

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Fee	Amount	Citation
Base*	\$1,000.00	ORS 536.050(1)(h)(A)
Additional Type of Change	\$800.00	ORS 536.050(1)(h)(B)
Additional Rate	\$300.00	ORS 536.050(1)(h)(C)
Additional Point of Appropriation	\$350.00	ORS 536.050(1)(h)(E)
<b>Total</b>	<b>\$2,450.00</b>	
<i>*Includes one type of change to one water right for up to 1.0 cfs.</i>		

Because the Application was not accompanied by the required fee, the Department must return the Application and fee to the Trust. *See* OAR 690-380-4000(2). The Department lacks discretion to accept a late payment to address the deficiency. *See id.*

**b. The Trust failed to provide a report of ownership information by the deadline specified by the Department.**

The Department should deny the Application because the Trust failed to provide a report of ownership. *See* OAR 690-380-4010(5). Upon receiving a draft preliminary determination, an applicant must submit the information listed in OAR 690-380-4010(5). This includes “[a] report of ownership information as defined in OAR 690-380-0100(10) for the land to which the water right is appurtenant.” OAR 690-380-4010(5)(a). A “report of ownership information” is “a document *prepared by a title company* that includes ownership and a *legal description* of the lands to which the water right is appurtenant.” OAR 690-380-0100(10) (emphases added).

Here, an interoffice memorandum from Ken Dowden dated May 9, 2018 suggests that the Department received a report of ownership information. (See attached Exhibit E, hereinafter the “Dowden Memo.”) However, no document that meets the definition of a “report of ownership information” is contained in the transfer file. The transfer file does include a five-page document titled “Lake County Property Summary Report,” which includes the words “Property Information Report” in the footer of each page (see attached Exhibit F), but this document does not meet the definition of a “report of ownership information.” The document appears to have been prepared by Lake County, not by a *title company*, as required under the applicable rules. Moreover, the document does not include a *legal description* of the property to which Certificate 91901 is appurtenant.

The Department’s cover letter dated April 30, 2018 that accompanied the draft preliminary determination provided a deadline of May 30, 2018 for the Trust to provide the report of ownership information. The letter explained that, if the Department did not receive the report by the deadline, the Department may issue a preliminary determination denying the Application. Consistent with the letter, the Department should deny the Application as incomplete.

**c. The Trust lacks any interest in or right to Certificate 91901 and is prohibited from pursuing this Transfer without the consent of Ms. Albertson and Northwest FCS.**

As explained above, the Albertsons were the sole holders and owners of the Permit until they assigned an interest in the Permit to Northwest FCS in 2001. The Cutinos submitted the

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Assignment Request in 2016, without providing notice to Ms. Albertson or Northwest FCS. This purported assignment did not comply with applicable laws and is not binding on the Department, Ms. Albertson, or Northwest FCS. Therefore, the purported assignment did not (and could not) convey any interest or right from Ms. Albertson or Northwest FCS to the Trust.

Under ORS 537.220(2), a request for assignment must “identify the current record owners of all property described in the application, permit or license.” The assignor must furnish “proof acceptable to the department that notice of assignment has been given or attempted for each identified property owner not a party to the assignment.” ORS 537.220(2). The Department’s Request for Assignment form lists the following examples of types of acceptable proof: “a copy of a returned certified mailing, copy of a Death Certificate, or a court order.” Although the Cutinos acknowledged in the Assignment Request that Ms. Albertson was one of the holders of record, they did not attach any proof of notice to the Request for Assignment. Without such proof, the assignment did not satisfy the requirements of ORS 537.220(2) and was not binding upon Ms. Albertson or the Department. See ORS 537.220(1).

Only the permit *holder* has the right to request assignment of a permit. OAR 690-320-0600(1). Here, the permit holders as of July 11, 2016 were Ms. Albertson and Northwest FCS. The Department’s rules provide alternative procedures for requesting assignment of a permit if the holder is *unavailable*. ORS 690-320-0060(2). But here, there is no evidence in the application file that the holders were unavailable. In fact, Ms. Albertson was available but was not contacted by the Trust before it submitted the Request for Assignment.

The Assignment Request was also invalid because the Cutinos made misrepresentations in it. They represented that they had “the legal right to request assignment.” But based on the Lease, the transfer file for T-12595, and the application file for the Permit, neither the Trust nor the Cutinos had such right. Neither the Trust nor the Cutinos were the record holder (or owner) of the Permit, and the Cutinos did not furnish evidence that the record holders were unavailable. The Cutinos also represented that they had “not been able to contact the owner(s) of record for [the permit].” But Ms. Albertson’s contact information was known or available to the Cutinos when they submitted the Request for Assignment. These misrepresentations provide an independent basis for finding that the assignment was invalid and does not bind Ms. Albertson or the Department.

At least two Department employees have acknowledged that the Assignment Request did not satisfy ORS 537.222(2). Yet the Department has refused to update its records to reflect that the Assignment Request was invalid. But regardless of whether the Department updates its records, it is clear that the Assignment Request did not satisfy ORS 537.222(2) and, therefore, did not (and could not) convey any interest or right to the Trust. Because the purported assignment was the only basis for listing the Trust on the face of Certificate 91901, the fact that the Trust is listed on the face of the certificate does not create an ownership interest in Certificate 91901 where none otherwise exists.<sup>4</sup>

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<sup>4</sup> Because the Department does not issue new certificates to reflect changes in ownership, the parties listed on the face of a certificate do not prove current ownership of the certificate.

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Finding of Fact No. 3 in the Determination states that “the applicant . . . provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.” Based on the facts and arguments presented in this Protest, this finding is erroneous and must be corrected. Because the Trust lacks any interest in or right to Certificate 91901, it cannot pursue the Transfer without the consent of Ms. Albertson and Northwest FCS.

**d. Certain Findings of Fact in the Determination are inconsistent with evidence contained in the transfer file.**

Finding of Fact No. 3 in the Determination states that “the applicant agreed to the terms and conditions of the draft Preliminary Determination” and “requested the Department proceed with issuance of the Preliminary Determination.” The transfer file does not contain any written correspondence from the Trust to support these findings. The Dowden Memo summarized a telephone conversation in which Mr. Cutino stated that “they thought the draft of the preliminary Determination was fine.” But the cover letter that accompanied the draft preliminary determination required the Trust to provide a “*written* response to the conditions and proposed actions in the draft Preliminary Determination.” (Emphasis added.) The transfer file does not contain a written response from the Trust. Consistent with the letter, the Department should deny the Application as incomplete because no written response was received by May 30, 2018.

Finding of Fact No. 3 in the Determination also states that “the applicant . . . provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.” The transfer file does not contain sufficient evidence to support this finding. Even if the Trust has an ownership interest in Certificate 91901 (which it does not), the transfer file does not contain any evidence to demonstrate (1) that the Cutinos are authorized to act as trustees on behalf of the Trust, or (2) that the Application was authorized in accordance with the Trust’s governing documents.

Finding of Fact No. 10 in the Determination states: “Water has been used within the last five years prior to the submittal of Transfer Application T-12595 according to the terms and conditions of the right.” This is inconsistent with the Watermaster Review Form that is contained in the transfer file. On that form, the watermaster checked “yes” in response to the following question: “Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would no likely be rebuttable?” (Underlining in original.) This discrepancy must be resolved by the Department before it can make a decision regarding the Application.

**5. Protest Filing Requirements**

This Protest is timely filed. Any person may submit a protest against a preliminary determination within 30 days after the last publication of a newspaper notice of the proposed transfer or publication in the Department’s weekly notice, whichever is later. ORS 537.153(7). The Department published notice of the Determination in the *Lake County Examiner* on July 4, 2018. Therefore, any protests of the Determination must be submitted on or before August 3, 2018.

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Ms. Albertson has included with this Protest the protest fee of \$810.00. *See* ORS 536.050(1)(j)(A); OAR 690-380-4030(2).

Ms. Albertson has complied with the provisions of OAR 690-380-4030(2) and OAR 690-002-0030. The protest is in writing, is signed by the protestant's attorney, is accompanied by the statutory filing fee, and includes a detailed statement of:

- (a) Facts sufficient to show that the protestant is entitled to the relief or action requested;
- (b) The specific relief or action requested;
- (c) The name and address of the protestant and other person or persons necessary to, or having a direct interest in, the proceeding; and
- (d) Citation of legal authority or basis for the claim or relief asserted or requested.

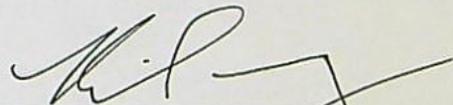
OAR 690-002-0030(1).

**6. Conclusion and Request for Contested Case Hearing**

Based on the foregoing, Ms. Albertson requests that the Department deny the Application because it does not comply with applicable laws. Ms. Albertson requests a contested case hearing for further consideration of this Protest.

DATED: August 3, 2018

Respectfully submitted,



Kirk B. Maag, OSB No. 105507  
Of Attorneys for Florence M. Albertson

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 3, 2018, I caused the original and one copy of the foregoing **Protest of Florence M. Albertson and Request for Contested Case Hearing** to be served by hand delivery to the following address:

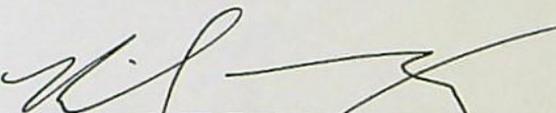
Director Tom Byler  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271

I hereby certify that on August 3, 2018, I served a copy of the foregoing **Protest of Protest of Florence M. Albertson and Request for Contested Case Hearing** by U.S. First-Class Mail to the following addresses:

The Wild Waters Revocable Living Trust  
c/o John A. Cutino II and Susan G. Cutino  
5252 Mill Creek Road  
Healdsburg, CA 95448

Hollie Cannon  
Water Right Solutions LLC  
3246 Hammer Street  
Klamath Falls, OR 97603

DATED: August 3, 2018

  
\_\_\_\_\_  
Kirk B. Maag, OSB No. 105507  
Of Attorneys for Florence M. Albertson

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

In the Matter of Transfer Application            )  
T-12595, Lake County                            )  
  )  
  )  
  )  
  )

PRELIMINARY DETERMINATION  
PROPOSING APPROVAL OF A  
CHANGE IN POINT OF  
APPROPRIATION AND A CHANGE IN  
PLACE OF USE

**Authority**

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department’s procedures and criteria for evaluating transfer applications.

**Applicant**

WILD WATERS REVOCABLE LIVING TRUST  
5252 MILL CREEK RD.  
HEALDSBURG, CA 95448

**Agent**

HOLLIE CANNON  
WATER RIGHT SOLUTIONS, LLC  
3246 HAMMER ST.  
KLAMATH FALLS, OR 97603

**Findings of Fact**

1. On February 27, 2017, John Anthony Cutino II and Susan Giselle Cutino, Trustees, WILD WATERS REVOCABLE LIVING TRUST, filed an application proposing to change the point of appropriation and to change the place of use under portions of Certificate 91901. The Department assigned the application number T-12595.
2. Notice of the application for transfer was published on March 7, 2017, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On April 30, 2018, the Department issued a draft Preliminary Determination proposing to approve Transfer Application T-12595. The draft Preliminary Determination cover letter set forth a deadline of May 30, 2018, for the applicant to respond. On May 9, 2018, the applicant agreed to the terms and conditions of the draft Preliminary Determination, requested the Department proceed with issuance of the Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
4. On May 1, 2018, the agent for the applicant requested that the proposed date for complete application of water be extended to allow additional time to guarantee adequate time to complete the project. The Department approved and extended the date by which the applicant must make full beneficial use of water under the terms and conditions of this transfer to October 1, 2021.

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Exhibit A  
Page 1 of 5

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

**Certificate:** 91901 in the name of WILD WATERS REVOCABLE LIVING TRUST  
(perfected under Permit G-7160)  
**Use:** IRRIGATION OF 17.1 ACRES  
**Priority Date:** FEBRUARY 8, 1977  
**Rate:** 0.21 CUBIC FOOT PER SECOND  
**Limit/Duty:** 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 of one cubic foot per second, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.  
**Source:** A WELL within the GOOSE AND SUMMER LAKES BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	19 E	WM	6	SE SE	1280 FEET NORTH AND 1260 FEET WEST FROM THE SE CORNER OF SECTION 6

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	19 E	WM	5	NW NW	2.5
40 S	19 E	WM	5	SW NW	6.9
40 S	19 E	WM	6	SE NE	7.7
Total					17.1

6. Transfer Application T-12595 proposes to change the place of use of the right as follows:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	19 E	WM	5	NW NW	4.6
40 S	19 E	WM	5	SW NW	5.8
40 S	19 E	WM	6	NE NE	6.3
40 S	19 E	WM	6	SE NE	0.4
Total					17.1

7. Transfer Application T-12595 proposes to change the point of appropriation for the above described new place of use northeast approximately 1550 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	19 E	WM	6	SE NE	2584.42 FEET SOUTH AND 525.17 FEET WEST FROM THE NE CORNER OF SECTION 6

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 Exhibit A  
 Page 2 of 5

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

**Certificate:** 91901 in the name of WILD WATERS REVOCABLE LIVING TRUST  
(perfected under Permit G-7160)  
**Use:** IRRIGATION OF 86.2 ACRES  
**Priority Date:** FEBRUARY 8, 1977  
**Rate:** 1.08 CUBIC FEET PER SECOND  
**Limit/Duty:** 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 of one cubic foot per second, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.  
**Source:** A WELL within the GOOSE AND SUMMER LAKES BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	19 E	WM	6	SE SE	1280 FEET NORTH AND 1260 FEET WEST FROM THE SE CORNER OF SECTION 6

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	19 E	WM	5	NW NW	25.9
40 S	19 E	WM	5	SW NW	16.9
40 S	19 E	WM	6	NE NE	12.4
40 S	19 E	WM	6	SE NE	31.0
Total					86.2

9. Transfer Application T-12595 proposes to change the point of appropriation for the above described 86.2 acres northeast approximately 1550 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	19 E	WM	6	SE NE	2584.42 FEET SOUTH AND 525.17 FEET WEST FROM THE NE CORNER OF SECTION 6

*Transfer Review Criteria (OAR 690-380-4010)*

10. Water has been used within the last five years prior to the submittal of Transfer Application T-12595 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
11. A well, pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-12595.
12. The proposed change would not result in enlargement of the right.
13. The proposed change would not result in injury to other water rights.

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Exhibit A  
Page 3 of 5

14. All other application requirements are met.

#### Determination and Proposed Action

The change in point of appropriation and change in place of use proposed in Transfer Application T-12595 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

*If Transfer Application T-12595 is approved, the final order will include the following:*

1. *The change in point of appropriation and change in place of use proposed in Transfer Application T-12595 are approved.*
2. *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 91901 and any related decree.*
3. *Water right Certificate 91901 is cancelled. A new certificate will be issued describing the portion of the right not affected by this transfer.*
4. *The quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.*
5. *Water use measurement conditions:*
  - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at the new point of appropriation.*
  - b. *The water user shall maintain the meter or measuring devices in good working order.*
  - c. *The water user shall allow the Watermaster access to the meter or measuring devices; provided however, where the meter or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
6. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
7. *The former place of use of the transferred right shall no longer receive water under the right.*
8. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before October 1, 2021. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*

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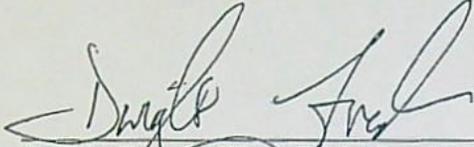
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Exhibit A  
Page 4 of 5

9. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this JUN 18 2018,



Dwight French, Water Right Services Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department

This Preliminary Determination was prepared by Ken Dowden. If you have questions about the information in this document, you may reach me at 541-278-5456 or [Ken.D.Dowden@oregon.gov](mailto:Ken.D.Dowden@oregon.gov)

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

**Notice Regarding Service Members:** Active duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act. 50 U.S.C. App. §§501-597b. You may contact the Oregon State Bar or the Oregon Military Department for more information. The toll-free telephone number for the Oregon State Bar is: 1 (800) 452-8260. The toll-free telephone number of the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is: <http://legalassistance.law.af.mil>

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State of Oregon  
Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900

# Application for Permanent Water Right Transfer

Part 1 of 5 – Minimum Requirements Checklist

**This transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.**  
For questions, please call (503) 986-0900, and ask for Transfer Section. **RECEIVED BY OWRD**

Check all items included with this application. (N/A = Not Applicable)

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- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Transfer Application Map Checklist. SALEM, OR
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: [http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator). If you have questions, call Customer Service at (503) 986-0801.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: Certificate 91901**  
Please include a separate Part 5 for each water right. (See instructions on page 6)

**Attachments:**

- Completed Transfer Application Map.
- Completed Evidence of Use Affidavit and supporting documentation.
- N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
- N/A Land Use Information Form with approval and signature (or signed land use form receipt stub). Not required if water is to be diverted, conveyed, and/or used only on federal lands or if all of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.
- N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500' from the surface water source and more than 1000' upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

(For Staff Use Only)

**WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):**

Application fee not enclosed/insufficient       Map not included or incomplete

Land Use Form not enclosed or incomplete

Additional signature(s) required       Part \_\_\_\_\_ is incomplete

Other/Explanation \_\_\_\_\_

Staff: \_\_\_\_\_ 503-986-0 \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

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Your transfer application will be returned if any of the map requirements listed below are not met.

Please be sure that the transfer application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.

- N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see [http://apps.wrd.state.or.us/apps/wr/cwre\\_license\\_view/](http://apps.wrd.state.or.us/apps/wr/cwre_license_view/). CWRE stamp and signature are not required for substitutions.
- N/A If more than three water rights are involved, separate maps are needed for each water right.
- Permanent quality printed with dark ink on good quality paper.
- The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- A north arrow, a legend, and scale.
- The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- N/A Proposed place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
- N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

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**Part 4 of 5 – Applicant Information and Signature**

**Applicant Information**

APPLICANT/BUSINESS NAME The Wild Waters Revocable Living Trust			PHONE NO. <u>707-287-7072</u> - <u>707-965-3642 6210</u>	ADDITIONAL CONTACT NO.
ADDRESS 5252 Mill Creek Rd.				FAX NO.
CITY Healdsburg	STATE CA	ZIP 95448	E-MAIL jcuteen@live.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

**Agent Information** – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT/BUSINESS NAME Hollie Cannon/Water Right Solutions, LLC			PHONE NO. 541-821-5848	ADDITIONAL CONTACT NO.
ADDRESS 3246 Hammer St.				FAX NO.
CITY Klamath Falls	STATE OR	ZIP 97603	E-MAIL hcannon@waterrightsolutions.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Explain in your own words what you propose to accomplish with this transfer application, and why: The property for a long time was leased by the neighboring landowner and operated as one farm. The well that supplies the water right for this property is not located on this property. This transfer application adds a point of appropriation so the property owner has his own well for his share of the water right. The original configuration used a pivot that irrigated a portion of both properties. The transfer in place of use moves the pivot to only irrigate land of this ownership.

If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

**Check One Box**

- By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); OR
- I affirm 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; OR
- I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

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I understand that prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: Lake County Examiner.

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



*John Anthony Cutino II*  
Applicant signature  
*Susan Giselle Cutino*  
Applicant signature

**John Anthony Cutino II, Trustee** 2/22/2017  
Print Name (and Title if applicable) Date  
**Susan Giselle Cutino, Trustee** 2/23/2017  
Print Name (and Title if applicable) Date

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Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located?  Yes  No *If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.*

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Check the following boxes that apply:

- The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.
- The receiving landowner will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to this landowner.
- Both the receiving landowner and applicant will be responsible for completion of change(s). Copies of notices and correspondence should be sent to this landowner and the applicant.

At this time, are the lands in this transfer application in the process of being sold?  Yes  No

If YES, and you know who the new landowner will be, please complete the receiving landowner information table below. If you do not know who the new landowner will be, then a request for assignment will have to be filed for at a later date.

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see: <http://www.oregon.gov/owrd/docs/transfer-propertytransactions.pdf>

RECEIVING LANDOWNER NAME		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS			FAX NO.
CITY	STATE	ZIP	E-MAIL

Describe any special ownership circumstances here: \_\_\_\_\_

- Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (Tip: Complete and attach Supplemental Form D.)

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

- Check here if 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.

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

 To meet State Land Use Consistency Requirements, you must list all county, city, municipal corporation, or tribal governments within whose jurisdiction water will be diverted, conveyed or used.

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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**SALES TIP:** Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

CERTIFICATE # 91901

Description of Water Delivery System

System capacity: 2.76 cfs per certificate (1.29 cfs for transferred portion) cubic feet per second (cfs)  
 OR  
 \_\_\_\_\_ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. There is the existing well and a pipeline from the existing well to the pivot center that continues on to the northeast to the land irrigated by a wheel line.

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA) (Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Existing POA #1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	LAKE 2767	40	S	19	E	6	SE	SE		1280 feet north and 1260 feet west from SE corner, Section 6
Proposed POA #2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		40	S	19	E	6	SE	NE		2584.42 feet South and 525.17 feet West from the NE corner of Section 6
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										

Check all type(s) of change(s) proposed below (change "CODES" are provided in parentheses):

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Place of Use (POU)                 | <input type="checkbox"/> Supplemental Use to Primary Use (S to P)     |
| <input type="checkbox"/> Character of Use (USE)                        | <input checked="" type="checkbox"/> Point of Appropriation/Well (POA) |
| <input type="checkbox"/> Point of Diversion (POD)                      | <input type="checkbox"/> Additional Point of Appropriation (APOA)     |
| <input type="checkbox"/> Additional Point of Diversion (APOD)          | <input type="checkbox"/> Substitution (SUB)                           |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | <input type="checkbox"/> Government Action POD (GOV)                  |

Will all of the proposed changes affect the entire water right?

- Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.
- No Complete all of Table 2 to describe the portion of the water right to be changed.

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Please use and attach additional pages of Table 2 as needed.  
See page 6 for instructions.

Do you have questions about how to fill-out the tables?  
Contact the Department at 503-986-0900 and ask for Transfer Staff.

**Table 2. Description of Changes to Water Right Certificate # 91901**

List the change proposed for the acreage in each 1/4. If more than one change is proposed, specify the acreage associated with each change.  
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.													
Twp	Rng	Sec	1/4	1/4	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	1/4	1/4	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date			
EXAMPLE																									
2	S	9	E	1	SW	NW	100	15.0	Irrigation	POD #1 POD #2	1901	POU/POA	2	S	9	E	1	NW	NW	500	1	10.0	POD #5	1901	
40	S	19	E	5	NW	NW	1700	28.4	IR	POA#1	1977	POU/POA	40	S	19	E	5	NW	NW	1700		30.5	IR	POA#2	1977
40	S	19	E	5	SW	NW	1700	23.8	IR	POA#1	1977	POU/POA	40	S	19	E	5	SW	NW	1700		22.7	IR	POA#2	1977
40	S	19	E	6	NE	NE	1700	12.4	IR	POA#1	1977	POU/POA	40	S	19	E	6	NE	NE	1700		18.7	IR	POA#2	1977
40	S	19	E	6	SE	NE	1700	38.7	IR	POA#1	1977	POU/POA	40	S	19	E	6	SE	NE	1700		31.4	IR	POA#2	1977
TOTAL ACRES:							103.3						TOTAL ACRES:							103.3					

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Additional remarks: \_\_\_\_\_

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Page 9 of 20

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**For Place of Use or Character of Use Changes**

Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands?  Yes  No

If YES, list the certificate, water use permit, or ground water registration numbers: \_\_\_\_\_.

➔ Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

**For Substitution** (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # \_\_\_\_\_;  
Surface water primary Certificate # \_\_\_\_\_.

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**For a change from Supplemental Irrigation Use to Primary Irrigation Use**

Identify the primary certificate to be cancelled. Certificate # \_\_\_\_\_

**For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:**

Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.

Tip: You may search for well logs on the Department's web page at:

[http://apps.wrd.state.or.us/apps/gw/well\\_log/Default.aspx](http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

**AND/OR**

Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

**Table 3. Construction of Point(s) of Appropriation**

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

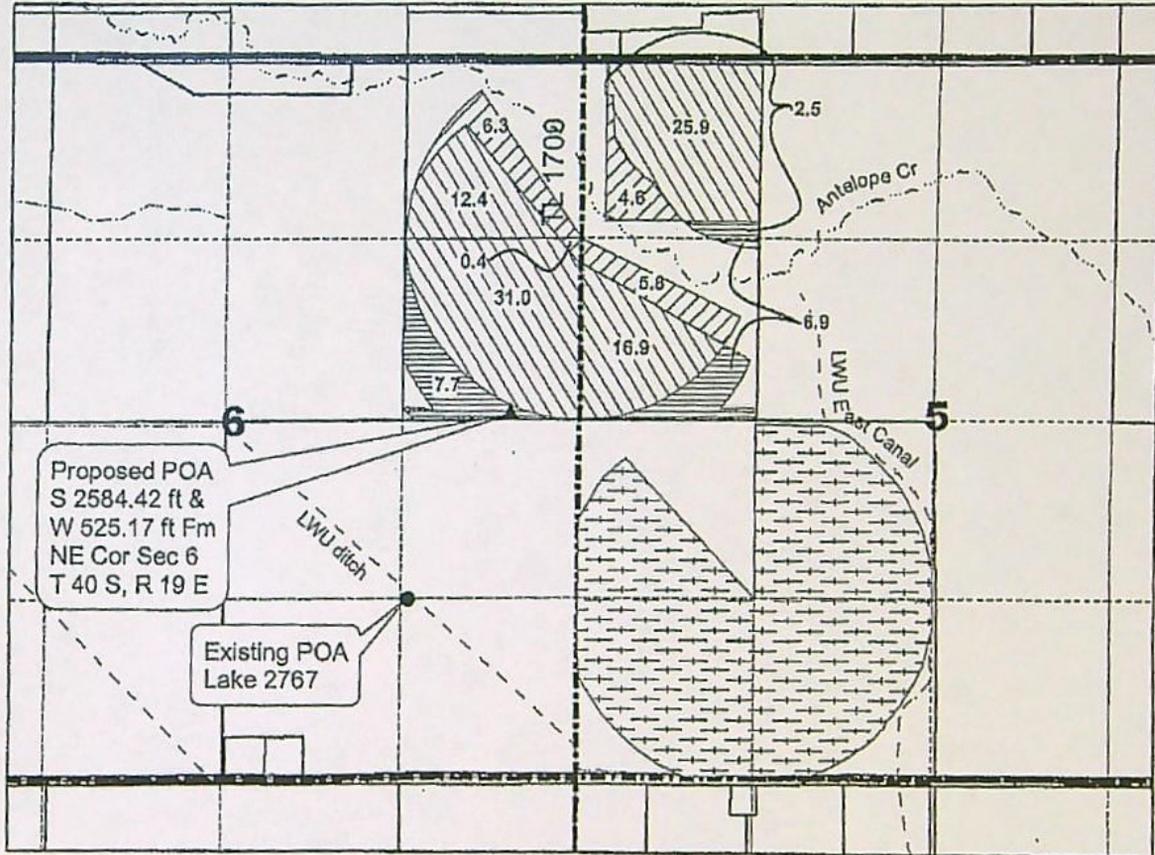
Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well -specific rate (cfs or gpm). If less than full rate of water right
POA#2	No		442	12"	0-375'	0-375'		12'	Black Hard Rock	1.29 cfs

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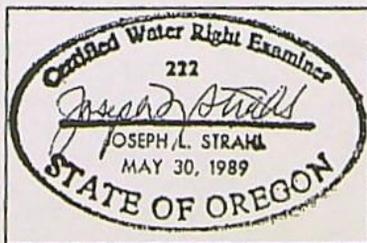
Application for Transfer of Water Right  
Certificate 91901  
Wild Waters Revocable Living Trust



N



1 inch = 1,320 feet



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Legend

- Trans From POU
  - POU unchanged new POA
  - Trans POA & POU to
  - Cert 91901 no change
- Using new POA {

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Note: This map for water right purposes only. It is not intended for use to represent the location of property lines.

T 12595

SALEM, OR

# Application for Water Right Transfer

## Evidence of Use Affidavit



Oregon Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1266  
 (503) 986-0900  
 www.wrd.state.or.us

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

State of Oregon )  
 ) ss  
 County of LAKE)

I, WE: JOHN ANTHONY CUTINO II AND SUSAN GISELLE CUTINO, in my capacity as TRUSTEES OF THE WILD WATERS REVOCABLE LIVING TRUST,

mailing address 5252 MILL CREEK RD., HEALDSBURG, CA 95448

telephone number (707)965-3612, being first duly sworn depose and say:

1. My knowledge of the exercise or status of the water right is based on (check one):

- Personal observation       Professional expertise

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2. I attest that:

- Water was used during the previous five years on the entire place of use for Certificate # \_\_\_\_; OR

SALEM, OR

- My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township	Range	Mer	Sec	1/4 1/4	Gov't Lot or DLC	Acres (if applicable)

OR

- Confirming Certificate # 91901 has been issued within the past five years; OR
- Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: \_\_\_\_ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); OR
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
- Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # \_\_\_\_ (For Historic POD/POA Transfers)

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(continues on reverse side)

3. The water right was used for: (e.g., crops, pasture, etc.): PASTURE

4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

John Anthony Cutino II 2/23/2017  
Signature of Affiant

2/23/2017  
Date

Susan Biselle Cutino 2/23/2017

Signed and sworn to (or affirmed) before me this 23 day of February, 2017.

"See California Jurat for both signers"  
Notary Public for Oregon

My Commission Expires: April 6<sup>th</sup> 2017

Supporting Documents	Examples
<input checked="" type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> <li>• Power usage records for pumps associated with irrigation use</li> <li>• Fertilizer or seed bills related to irrigated crops</li> <li>• Farmers Co-op sales receipt</li> </ul>
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"> <li>• District assessment records for water delivered</li> <li>• Crop reports submitted under a federal loan agreement</li> <li>• Beneficial use reports from district</li> <li>• IRS Farm Usage Deduction Report</li> <li>• Agricultural Stabilization Plan</li> <li>• CREP Report</li> </ul>
<input type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	<p>Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos: OSU – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a> OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a> Google Earth – <a href="http://earth.google.com">earth.google.com</a> TerraServer – <a href="http://www.terraserver.com">www.terraserver.com</a></p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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CALIFORNIA NOTARY CERTIFICATE OF ACKNOWLEDGMENT/JURAT ADDENDUM (FOR USE IN CA ONLY)

For use for CA Notary Acknowledgment only:

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of Sonoma

On \_\_\_\_\_ before me VARSHANA ELIZABETH SOLTER (here insert name and title of officer), personally appeared \_\_\_\_\_ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the attached \_\_\_\_\_ [name of document] instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

\_\_\_\_\_  
(Signature) (SEAL)

For use for CA Notary Jurat only:

*"Application for Water Right Transfer Evidence of Use Affidavit"*

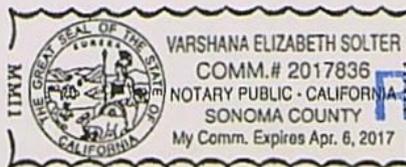
*(2 pages)*

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of SONOMA

Subscribed and sworn to (or affirmed) before me on this 23<sup>rd</sup> day of Feb., 2017, by Susan Giselle Cutino and John Anthony Cutino II proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature *[Handwritten Signature]* (SEAL)



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STATE OF OREGON  
COUNTY OF LAKE  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JACK P ALBERTSON  
FLORENCE M ALBERTSON  
91926 DOG LAKE LANE  
LAKEVIEW OR 97630

NORTHWEST FARM CREDIT SERVICES, FLCA  
300 KLAMATH AVE SUITE 200  
KLAMATH FALLS OR 97601

WILD WATERS REVOCABLE LIVING TRUST  
c/o 5252 MILL CREEK RD  
HEALDSBURG, CALIFORNIA 95448

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confirms the right to the use of water perfected under the terms of Permit G-7160. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-7704

SOURCE OF WATER: A WELL IN THE GOOSE & SUMMER LAKES BASIN

PURPOSE or USE: PRIMARY IRRIGATION OF 103.3 ACRES AND SUPPLEMENTAL IRRIGATION OF 117.6 ACRES

MAXIMUM RATE: 2.76 CUBIC FEET PER SECOND

DATE OF PRIORITY: FEBRUARY 8, 1977

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	19 E	WM	6	SE SE	1280 FEET NORTH AND 1260 FEET WEST FROM SE CORNER, SECTION 6

If for irrigation, this appropriation shall be limited to ONE-EIGHTIETH of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre feet per acre for each acre irrigated during the irrigation season of each year; provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and 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. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

Application G-7704.jlj

Page 1 of 2

Certificate 91901

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Exhibit B  
Page 15 of 20

A description of the place of use is as follows:

PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	19 E	WM	5	NW NW	28.4
40 S	19 E	WM	5	SW NW	23.8
40 S	19 E	WM	6	NE NE	12.4
40 S	19 E	WM	6	SE NE	38.7

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	GLot
40 S	19 E	WM	5	NE SW	33.4
40 S	19 E	WM	5	NW SW	18.6
40 S	19 E	WM	5	SW SW	33.6
40 S	19 E	WM	5	SE SW	32.0

The well shall be cased as necessary in accordance with good practice and if the flow is artesian the works shall include proper capping and control valve to prevent the waste of ground water.

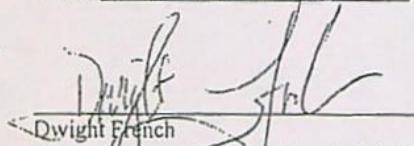
The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times.

The water user shall maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

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.

This certificate is issued to correct a scrivener's error by correcting the name of the permit holder of record and supersedes Certificate 91840.

Issued SEP 19 2016

  
Dwight French  
Water Right Services Division Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department

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12595 Exhibit B  
Page 16 of 20

# Land Use Information Form



Oregon Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1266  
 (503) 986-0900  
 www.wrd.state.or.us

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Applicant(s): The Wild Waters Revocable Living Trust

FEB 27 2017

Mailing Address: c/o 5252 Mill Creek Rd.

SALEM, OR

City: Healdsburg

State: CA

Zip Code: 95448

Daytime Phone: 707-965-3612

## A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
40S	19E	5	NWNW	1700	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IR
40S	19E	5	SW NW	1700	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IR
40S	19E	6	NENE	1700	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IR
40S	19E	6	SE NE	1700	_____	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IR

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

LAKE

## B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water   
  Water Right Transfer   
  Permit Amendment or Ground Water Registration Modification  
 Limited Water Use License   
  Allocation of Conserved Water   
  Exchange of Water

Source of water:  Reservoir/Pond   
 Ground Water   
 Surface Water (name) \_\_\_\_\_

Estimated quantity of water needed: 1.29   
 cubic feet per second   
 gallons per minute   
 acre-feet

Intended use of water:  Irrigation   
 Commercial   
 Industrial   
 Domestic for \_\_\_\_\_ household(s)  
 Municipal   
 Quasi-Municipal   
 Instream   
 Other \_\_\_\_\_

Briefly describe:

The property was previously leased by a neighboring landowner and operated as one farm. The well that supplies the water Right for this property is not located on this property. This transfer application is to add a point of appropriation so the property owner has his own well for his share of the water right. The original configuration used a pivot that irrigated a portion of both properties. The transfer in place of use moves the pivot to only irrigate land of this ownership.

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

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## For Local Government Use Only

SALEM, OR

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.

Please check the appropriate box below and provide the requested information

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): *Trask County Zoning Ordinance Article 2 (A-1 2015)*
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) If approvals have been obtained but all appeal periods have not ended, check "Being pursued."

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Name: *Darwin Johnson* Title: *Planning Director*  
 Signature: *[Signature]* Phone: *541-947-6036* Date: *14 FEB 2017*  
 Government Entity: *Lake County Planning Department*

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant name: \_\_\_\_\_  
 City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

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NOTICE TO WATER WELL CONTRACTOR

The original and first copy of this report are to be filed with the

STATE ENGINEER, SALEM, OREGON 97310 within 30 days from the date of well completion.

WATER WELL REPORT  
STATE OF OREGON  
(Please type or print)  
(Do not write above this line)

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State Well No. 405/19E-6 db

DEC 30 1976

State Permit No. \_\_\_\_\_

WATER RESOURCES DEPT.

(1) OWNER:

Name Jack Albertson

Address Rt. 6 Box 466

Lakeview Or. 97630

(2) TYPE OF WORK (check):

New Well  Deepening  Reconditioning  Abandon

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary  Driven   
Cable  Jetted   
Dug  Bored

(4) PROPOSED USE (check):

Domestic  Industrial  Municipal   
Irrigation  Test Well  Other

CASING INSTALLED:

Threaded  Welded

N.A. " Diam. from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Gage \_\_\_\_\_  
" Diam. from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Gage \_\_\_\_\_  
" Diam. from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Gage \_\_\_\_\_

PERFORATIONS:

Perforated?  Yes  No.

Type of perforator used \_\_\_\_\_

Size of perforations in. by in.  
\_\_\_\_\_ perforations from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
\_\_\_\_\_ perforations from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
\_\_\_\_\_ perforations from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

(7) SCREENS:

Well screen installed?  Yes  No

Manufacturer's Name \_\_\_\_\_  
Type \_\_\_\_\_ Model No. \_\_\_\_\_  
Diam. \_\_\_\_\_ Slot size \_\_\_\_\_ Set from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
Diam. \_\_\_\_\_ Slot size \_\_\_\_\_ Set from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made?  Yes  No If yes, by whom? Volley Pump  
Yield: 1600 gal./min. with 7 ft. drawdown after 2 hrs.  
" " " " " "  
" " " " " "  
Baller test gal./min. with ft. drawdown after hrs.  
Artesian flow g.p.m.  
Temperature of water Depth artesian flow encountered \_\_\_\_\_ ft.

(9) CONSTRUCTION:

Well seal—Material used Already Completed  
Well sealed from land surface to \_\_\_\_\_ ft.  
Diameter of well bore to bottom of seal \_\_\_\_\_ in.  
Diameter of well bore below seal \_\_\_\_\_ in.  
Number of sacks of cement used in well seal \_\_\_\_\_ sacks  
Number of sacks of bentonite used in well seal \_\_\_\_\_ sacks  
Brand name of bentonite \_\_\_\_\_  
Number of pounds of bentonite per 100 gallons of water \_\_\_\_\_ lbs./100 gals.  
Was a drive shoe used?  Yes  No Plugs \_\_\_\_\_ Size location \_\_\_\_\_  
Did any strata contain unusable water?  Yes  No  
Type of water? \_\_\_\_\_ depth of strata \_\_\_\_\_  
Method of sealing strata off \_\_\_\_\_  
Was well gravel packed?  Yes  No Size of gravel: \_\_\_\_\_  
Gravel placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

(10) LOCATION:

County Lake Driller's well number \_\_\_\_\_  
NW 1/4 SE 1/4 Section 6 T. 40S R. 19E W.M.  
Bearing and distance from section or subdivision corner \_\_\_\_\_

(11) WATER LEVEL: Completed well.

Depth at which water was first found Exist. SWL 12 ft.  
Static level 12 ft. below land surface. Date 12-2-76  
Artesian pressure \_\_\_\_\_ lbs. per square inch. Date \_\_\_\_\_

(12) WELL LOG:

Diameter of well below casing 8"

Depth drilled 442 ft. Depth of completed well 442 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Sand Black Coarse	368	369	12
Rock Black Hard	369	442	12

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Work started 11-30 1976 Completed 12-2 1976  
Date well drilling machine moved off of well 12-2 1976

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.

[Signed] Norm Sevey Date 1976  
(Drilling Machine Operator)

Drilling Machine Operator's License No. 196

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

Name Sevey Well Drilling  
(Person, firm or corporation) (Type or print)

Address 117 N.K. Lakeview Or. 97630

[Signed] Alan L Sevey  
(Water Well Contractor)

Contractor's License No. 617 Date 12-28 1976

(USE ADDITIONAL SHEETS IF NECESSARY)

SP-45856-119

I 12595

LEASE

THIS AGREEMENT is made and entered into by and between Alberta Towle Severin, as Lessor, who is purchasing the real property which is the subject of this lease, from William Sundet and Lillian Sundet under a Contract of Sale, and Jack Albertson and Florence Albertson, husband and wife, as Lessees.

WITNESSETH: That for and in consideration of the payment of rents and the performance of the terms hereinafter stated by Lessees, Lessor does hereby demise and let unto Lessees the following described real property located in Lake County, Oregon:

W $\frac{1}{2}$ NW $\frac{1}{4}$  of Section 5 and the E $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 6, Township 40 South, Range 19 EWM, excepting that portion of the E $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 6 which is North of the stream located on such property, said exception being 15 acres in size, more or less.

1. TERM AND CONSIDERATION: The primary term of this lease shall be from February 15, 1977 to February 14, 1982 and the consideration for this term shall be the sum of \$3,050.00 annually, payable in advance on or before February 15 of each year unless a later date is otherwise agreed on by the parties hereto.

The secondary term of this lease shall commence February 15, 1982 and shall continue thereafter until February 14, 1987. The consideration for this secondary term shall be \$3,050.00 annually and in addition thereto Lessees shall pay Lessor an additional amount equal to one-half of the percentage increase of the Consumer Price Index based upon the preceding five years, to-wit: 1977 to 1982. Thus if the Consumer Price Index has increased 20 percent over the preceding five years, Lessees shall pay Lessor on or before February 15, 1982 \$3,050.00 plus 10 percent. On or before February 15, 1983, Lessees shall pay to Lessor the previous year's

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rental amount plus one-half of the percentage increase of the Consumer Price Index for the immediate preceding year.

It is expressly understood that this formula as set forth above will continue during the life of the secondary term.

It is further expressly understood and agreed that if the application of said formula will be inequitable to either of the parties hereto, then upon consent of said parties a different agreement may be made.

2. TAXES: Lessor shall be responsible for all real property taxes and Lessees will be responsible for personal property taxes as to any cattle and/or equipment which they may be responsible for placing upon the property.

3. INSURANCE: Lessor now has and shall continue to maintain an insurance policy covering said property during the term of this lease.

4. MAINTENANCE: Lessees agree to maintain the land to the standard that it now exists; such maintenance shall include the repair of perimeter fences except those fences which border the land expressly reserved by Lessor herein as set forth above.

5. IMPROVEMENTS: Lessor expressly grants the Lessees the right to erect improvements on the land. It is expressly agreed that at the conclusion of this lease Lessees will have the right to remove any and all improvements so erected.

6. WATER RIGHTS: Lessees now have water rights covering the property herein, and it is understood that this right is a personal right and at the conclusion of the lease said rights shall remain with the Lessees and will not inure to the land.

7. USE: Lessor gives Lessees unlimited right to use the land as they see fit. However, Lessees shall use the land in a

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reasonable manner and will return the land at the conclusion of this lease in at least the condition as the same now exists.

8. ASSIGNMENT: In the event the Lessor, pursuant to the terms of her Contract of Sale heretofore mentioned, for any reason decides to assign her interest in said contract, then the Lessees herein shall have the first option to assume her interest and responsibilities under said Contract. In the case of assignment, Lessor and Lessees at such time will make an agreement with respect to the Lessor-Assignor's equity under the Contract under which said Lessor is now purchasing.

9. TERMINATION: It is understood by the parties hereto that the term of this lease is for ten years. However, the Lessees shall, due to unforeseen circumstances, have the right to terminate this lease upon giving Lessor 90 days written notice of their intention to do so. Lessor may only terminate this agreement prior to expiration of its term by the Lessees failing to make the required rental payments. If the annual payment is 60 days delinquent, Lessor may by written notice to Lessees hold them in default, terminate this agreement, and take possession of the land.

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Exhibit C  
Page 3 of 5

10. DEFAULT: In the event of a default by the Lessor herein as to her obligations set forth in that certain Contract of Sale heretofore mentioned between William and Lillian Sundet as contract sellers and Alberta Towle Severin as contract purchaser, then said contract sellers shall give written notice of such default to the Lessees herein. Lessees upon receipt of such notice shall have 30 days in which to assume the position of contract purchasers and to discharge said default. In the event that this assumption is not exercised by Lessees or the defaults are not cured within the 30 day period, then such right of assumption is terminated and the contract sellers shall be free to pursue any court of action that they may elect.

11. ATTORNEY FEES: In the event any suit or action is brought to collect any of said rents or to enforce any of the pro-

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Exhibit C  
Page 4 of 5

visions of this agreement or to repossess the property, reasonable attorney fees may be awarded by the trial court or appellate court to the prevailing party in such action together with costs and necessary disbursements.

12. ADDRESSES: The addresses of the respective parties are as follows:

Alberta Towle Severin  
Rt 6, Box 410  
Lakeview, Oregon 97630

Jack and Florence Albertson  
Rt 6, Box 466  
Lakeview, Oregon 97630

DATED this 17 day of February, 1977.

Alberta Towle Severin  
Alberta Towle Severin, Lessor

Jack Albertson  
Jack Albertson, Lessee

Florence Albertson  
Florence Albertson, Lessee

William Sundet and Lillian Sundet, as contract sellers of the real property which is the subject of this lease, having read and inspected this agreement, do hereby consent to the terms contained herein.

DATED this 25 day of February, 1977.

William Sundet  
William Sundet

Lillian Sundet  
Lillian Sundet

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file



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

# Request for Assignment

By Proof of Ownership  
(If Water Right Holder is Not Available)

If for multiple rights, a separate form and fee for each right will be required.

WE  
X, THE WILD WATERS REVOCABLE LIVING TRUST  
(Name of Party Requesting Assignment)

U/5252 MILL CREEK ROAD HEALDSBURG, CA 95448 707-965-3612  
(Mailing Address) (City) (State) (Zip) (Phone #)

- hereby request assignment of application/permit/transfer/license/GR Certificate of Registration;
- hereby request assignment of a portion of application/permit/transfer/license/GR Certificate of Registration; (You must include a map showing the portion of the application/permit/transfer/license/GR Certificate of Registration to be assigned.)

I have attached proof of ownership that may include but not be limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property held jointly. The Department cannot accept a copy of a tax statement.

Application # G-7704 ; Permit # G-7160 ; Transfer# \_\_\_\_\_  
-OR-  
License # \_\_\_\_\_ GR Statement # \_\_\_\_\_ ; GR Certificate of Registration # \_\_\_\_\_

JACK P AND FLORENCE M. ALBERTSON ; NEW FARM CREDIT SERVICES, FLCA  
(Name of Holder of Record) 300 KLAMATH AVE SUITE 200  
HC 60 Box 2530 KLAMATH FALLS, OR 97601  
LAKEVIEW, OR 97630 (City) (State) (Zip) (Phone #)

**Note:** You are required to furnish proof acceptable to the Department that notice of the assignment has been given or attempted for each identified property owner not a party to the assignment. ORS 537.220(2) Failure to submit this proof will result in the return of your request. (Proof may include but not be limited to: a copy of returned certified mailing, copy of a Death Certificate, or a court order.)

- 1) I certify that I am the current owner of the property described in this application, Permit, transfer, license or GR Certificate of Registration.
- 2) I have the legal right to request assignment under OAR 690-310-0280 and 690-320-0060.
- 3) I have not been able to contact the owner(s) of record for the above referenced application or water right.
- 4) I further certify that the information provided herein is true and correct to the best of my knowledge.

Witness my hand this 4th day of July, 2016.

Party Requesting Assignment John A. Cutino II

Party Requesting Assignment Susan Biselle Cutino

ASSIGNMENT BY PROOF JUL 13 2016

### DO NOT WRITE IN THIS BOX

This certifies assignment and record change at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem, Oregon.  
Fee receipt # 120484  
For Director by Jerry Sauer, Program Analyst in Water Rights Division [Signature]  
Last updated: July 19, 2013 Request for Assignment if Permit Holder not available

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$85. RECEIVED BY OWRD

RECEIVED

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OWRD

RECORDING REQUESTED BY:  
JOHN ANTHONY CUTINO II AND  
SUSAN GISELLE CUTINO  
When Recorded Mail Document  
And Tax Statement To:  
JOHN ANTHONY CUTINO II AND  
SUSAN GISELLE CUTINO, TRUSTEES OF  
THE WILD WATERS REVOCABLE LIVING TRUST  
C/O 5252 MILL CREEK ROAD  
HEALDSBURG, CA 95448

LAKE COUNTY, OREGON 2015-001171  
D-QCDEED 07/20/2015 09:24:57 AM  
Cnt=1 Pgs=3 Total:\$58.00  
\$16.00 \$11.00 \$20.00 \$10.00



I, Stacie Geaney, County Clerk for Lake County, Oregon  
certify that the instrument identified herein was  
recorded in the Clerk records.  
Stacie Geaney - County Clerk

APN 15491

## QUITCLAIM DEED

The undersigned grantor(s) declare(s) **GIFT/NO CONSIDERATION**  
Documentary Transfer Tax is \$ \_\_\_\_\_ City tax \$ \_\_\_\_\_  
( ) computed on full value of property conveyed, or  
( ) computed on full value less value of liens or encumbrances remaining at time of sale,  
( ) Unincorporated Area County of Lake, State of Oregon

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, JOHN ANTHONY CUTINO II AND SUSAN GISELLE CUTINO, HUSBAND AND WIFE, ~~AS COMMUNITY PROPERTY~~ *AS TENANTS BY THE ENTIRETY*  
hereby quitclaims and transfers all right, title and interest held by Grantors to JOHN ANTHONY CUTINO II AND SUSAN GISELLE CUTINO, TRUSTEES OF THE WILD WATERS REVOCABLE LIVING TRUST

the following described real property in the County of Lake, State of Oregon, described as follows:  
Township 40 South, Range 19, East of the Willamette Meridian, Lake County, Oregon

Section 5: The W 1/4 NW 1/4  
Section 6: The E 1/4 NE 1/4

This Quitclaim Deed is freely and fairly given with no consideration in regard to all right, title and interest in and to the real property described herein.

Dated: July 15, 2015

JOHN ANTHONY CUTINO II  
  
SUSAN GISELLE CUTINO

MAIL TAX STATEMENT AS DIRECTED ABOVE

401900-017

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OWRD

2015001171

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of CONTRA COSTA

On JULY 15, 2015 before me, NANCY SUE GANN-DESIMONE  
(Insert name and title of the officer)

personally appeared SUSAN GISELLE CUTINO  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Nancy Sue Gann-Desimone  
Signature \_\_\_\_\_ (Seal)



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SALEM, OR

2015001171

ACKNOWLEDGMENT

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of CONTRA COSTA

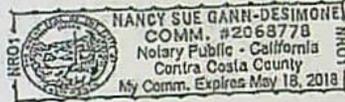
On JULY 15, 2015 before me, Nancy Sue Gann-Desimone, Notary Public  
(Insert name and title of the officer)

personally appeared JOHN ANTHONY CUTINO II who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature *Nancy Sue Gann-Desimone* (Seal)  
Nancy Sue Gann-Desimone, Notary Public



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206

MO140630

WARRANTY DEED

073854

KNOW ALL MEN BY THESE PRESENTS: That we, William Sundet and Lillian Sundet, husband and wife, for and in consideration of the sum of \$95,000.00 have bargained and sold and by these presents do bargain, sell and convey unto Jack Albertson and Florence M. Albertson, husband and wife, the following described real property situated within Lake County, State of Oregon, to wit:

Township 40 South, Range 19 E.W.M.

Section 5: SW $\frac{1}{4}$ .

Section 6: SE $\frac{1}{4}$ , EXCEPTING THEREFROM: Beginning at the Southwest corner of the Southeast Quarter of Section 6, Township 40 South, Range 19 E.W.M., thence running North 296 feet; thence East 592 feet; thence South 296 feet; thence West 592 feet to the point of beginning

TO HAVE AND TO HOLD the above granted premises unto the grantees and unto their heirs and assigns forever. And the grantors do covenant with the grantees that they are lawfully seised of a merchantable fee simple title to the above granted premises; that said premises are free of all liens and encumbrances excepting: (1) Easements and rights of way on record and those apparent upon the land, if any; (2) Rights of way for ditches and canals of Lakeview Water Users Inc., a corporation; an undescribed two acre tract in the SW corner of the SE $\frac{1}{4}$  of Section 6, Township 40 South, Range 19 E.W.M., under that certain deed executed by Elizabeth Nichel, a widow, to the trustee of the Methodist Episcopal Church, North, recorded on January 10, 1895 in volume 8 at page 323, Deed Records of Lake County, Oregon. The grantors do further covenant that they will forever warrant and defend the above granted premises unto the grantees their heirs and assigns against the lawful claims and demands of all persons whomsoever.

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MO140631-07

IN WITNESS WHEREOF the grantors have hereunto set their hands and seals this 20th day of June, 1975.

William Sundet (SEAL)  
Lillian Sundet (SEAL)

STATE OF OREGON }  
County of Lake } :SS

On this 20th day of June, 1975, before me personally appeared the within named William Sundet and Lillian Sundet, husband and wife, and they did then and there acknowledge that they executed the foregoing instrument.

J. G. Coyle  
Notary Public for Oregon

My Commission Expires  
Jan. 23, 1997

State of Oregon } Reel 14  
County of Lake } ss. File No 30  
I hereby certify that the within instrument was received and filed for record on the 29 day of March 1975 at 2:32 o'clock P.M. and recorded on Page 106 in book 277 Record of Deeds of Clatsop County

By James Overton Deputy

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FEB - 1 1977  
WATER RESOURCES DEPT  
SALIDA, OREGON

Permit No. G-7160

APPLICATION FOR A PERMIT

To appropriate the Ground Waters of the State of Oregon

I, Jack Albertson  
(Name of applicant)  
of Rt. 6 Box 466 Lakeview  
(Postoffice Address) county of Lake  
state of Oregon 97630, do hereby make application for a permit to appropriate the following described ground waters of the state of Oregon, SUBJECT TO EXISTING RIGHTS:

If the applicant is a corporation, give date and place of incorporation

1. Give name of nearest stream to which the well, tunnel or other source of water development is situated \_\_\_\_\_  
(Name of stream)

2. The amount of water which the applicant intends to apply to beneficial use is \_\_\_\_\_ cubic feet per second or \_\_\_\_\_ gallons per minute. Primary 1.278 Supplemental 1.500

3. The use to which the water is to be applied is Primary & Supplemental irrigation

4. The well or other source is located 1280 ft. N and 1280 ft. W from the SE corner of Sec 6 SE 1/4 SE 1/4  
(Section or subdivision)

(If preferable, give distance and bearing to section corner)

being within the SE 1/4 of Sec. 6, Twp. 40S, R. 19E, W. M., in the county of Lake

5. The Pipe line to be 3/4 miles in length, terminating in the SW 1/4 NW 1/4 of Sec. 5, Twp. 40S, R. 19E, W. M., the proposed location being shown throughout on the accompanying map.

6. The name of the well or other works is \_\_\_\_\_

DESCRIPTION OF WORKS See Application #55263

7. If the flow to be utilized is artesian, the works to be used for the control and conservation of the supply when not in use must be described.

8. The development will consist of 1 well having a diameter of 12" inches and an estimated depth of 442 feet. It is estimated that 369 feet of the well will require 2 1/2" 12' 10" casing. Depth to water table is estimated 15'  
(Kind) (Feet)

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ASSIGNED. See Misc. Rec., Vol. 8 Page 860

WRIS

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CANAL SYSTEM OR PIPE LINE—

9. (a) Give dimensions at each point of canal where materially changed in size, stating miles from headgate. At headgate: width on top (at water line) ..... feet; width on bottom ..... feet; depth of water ..... feet; grade ..... feet fall per one thousand feet.

(b) At ..... miles from headgate: width on top (at water line) ..... feet; width on bottom ..... feet; depth of water ..... feet; grade ..... feet fall per one thousand feet.

(c) Length of pipe, 4042 ft.; size at intake 8" in.; in size at 2640 ft. from intake 6" in.; size at place of use 4-5" in.; difference in elevation between intake and place of use, ..... ft. Is grade uniform? NO Estimated capacity, 4.5 sec. ft.

10. If pumps are to be used, give size and type 20 Hp Turbine  
75 Hp boost pump

Give horsepower and type of motor or engine to be used .....

11. If the location of the well, tunnel, or other development work is less than one-fourth mile from a natural stream or stream channel, give the distance to the nearest point on each of such channels and the difference in elevation between the stream bed and the ground surface at the source of development

12. Location of area to be irrigated, or place of use .....

Township N. or S.	Range E. or W. of Williams Meridian	Section	Forty-acre Tract	Number Acres To Be Irrigated
<i>Primary</i>				
40S	19E	5	NW 1/4 NW 1/4	31.1 <del>32.3</del>
"	"	"	SW 1/4 NW 1/4	24.4 <del>25.2</del>
"	"	6	NE 1/4 NE 1/4	11.5
"	"	"	SE 1/4 NE 1/4	36.8
<i>Supplementary</i>				
40S	19E	5	NW 1/4 SW 1/4	18.6
"	"	"	SW 1/4 SW 1/4	33.6 33B
"	"	"	SE 1/4 SW 1/4	32.9 33B
"	"	"	NE 1/4 SW 1/4	33.7 33B
				120 <sup>0</sup>

(If more space required, attach separate sheet)

Character of soil Sandy

Kind of crops raised Grain & Hay

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MUNICIPAL SUPPLY—

13. To supply the city of .....  
in ..... county, having a present population of .....  
and an estimated population of ..... in 19.....

ANSWER QUESTIONS 14, 15, 16, 17 AND 18 IN ALL CASES

- 14. Estimated cost of proposed works, \$ 30,000
- 15. Construction work will begin on or before March 1, 1977
- 16. Construction work will be completed on or before April 15, 1977
- 17. The water will be completely applied to the proposed use on or before .....

18. If the ground water supply is supplemental to an existing water supply, identify any application for permit, permit, certificate or adjudicated right to appropriate water, made or held by the applicant. Permit # 2186 in the name of Lakeview Water Users Incorporated

*Jack P. Albertson*  
(Signature of applicant)

Remarks: Primary right will cancel when lease on following property expires. NW/4, NW/4 and SW/4, NW/4 of Section 5 T40S, R19E W.M. and also NE/4, NE/4 and SE/4, NE/4 of Section 6 T40S, R19E W.M.

STATE OF OREGON, }  
County of Marion, } ss.

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for correction and completion.

In order to retain its priority, this application must be returned to the State Engineer, with corrections on or before May 9, 1977

WITNESS my hand this 9th day of March 1977, 19.....

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JAMES E. SEXSON  
Director

By *Vestil R. Garner*  
Vestil R. Garner

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STATE OF OREGON, }  
County of Marion, } 39.

PERMIT  
G 7160

This is to certify that I have examined the foregoing application and do hereby grant the same, SUBJECT TO EXISTING RIGHTS and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 2.80 cubic feet per second measured at the point of diversion from the well or source of appropriation, or its equivalent in case of rotation with other water users, from a well

The use to which this water is to be applied is irrigation and supplemental irrigation

If for irrigation, this appropriation shall be limited to 1/80th of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre feet per acre for each acre irrigated during the irrigation season of each year; provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

The well shall be cased as necessary in accordance with good practice and if the flow is artesian the works shall include proper capping and control valve to prevent the waste of ground water. The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times. The permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

The priority date of this permit is February 8, 1977

Actual construction work shall begin on or before April 4, 1978 and shall

thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1978

Complete application of the water to the proposed use shall be made on or before October 1, 1979

WITNESS my hand this 4th day of April, 1977

*James E. Lewis*  
WATER RESOURCES DIRECTOR

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Application No. G-1104 WRS  
Permit No. G-7160

PERMIT  
TO APPROPRIATE THE GROUND  
WATERS OF THE STATE  
OF OREGON

This instrument was first received in the office of the State Engineer at Salem, Oregon, on the 8 day of February, 1977, at 8 o'clock A. M.

Returned to applicant:

Approved:

Recorded in book No. \_\_\_\_\_ of G 7160 Ground Water Permits on page \_\_\_\_\_

STATE ENGINEER

Drainage Basin No. 13, page 64  
588

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JUL 11 2015

SALEM, OR

May 9<sup>th</sup>, 2018

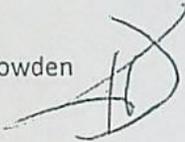
INTER-OFFICE MEMO

Phone Conversation with Mr. Cutino regarding the Report of Ownership and written "go-ahead response.

Over the phone he stated they thought the draft of the preliminary Determination was fine and would get going on the Report of Ownership at once.

The report of ownership took quite a while to come in.

Ken Dowden

A handwritten signature in blue ink, appearing to be 'KD' with a large flourish.

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# Lake County Property Summary Report

Report Date: 5/9/2018 12:10:00 PM

## Disclaimer

The information and maps presented in this report are provided for your convenience. Every reasonable effort has been made to assure the accuracy of the data and associated maps. Lake County makes no warranty, representation or guarantee as to the content, sequence, accuracy, timeliness or completeness of any of the data provided herein. Lake County explicitly disclaims any representations and warranties, including, without limitation, the implied warranties of merchantability and fitness for a particular purpose. Lake County shall assume no liability for any errors, omissions, or inaccuracies in the information provided regardless of how caused. Lake County assumes no liability for any decisions made or actions taken or not taken by the user of this information or data furnished hereunder.

## Account Summary

### Account Information

Mailing Name: THE WILD WATERS REVOCABLE LIVING TRUST  
Map and Taxlot: 40S19E000001700  
Account: 15491  
Tax Status: Taxable  
Situs Address: 91762 SHULTS LN LAKEVIEW, OR 97630

### Property Taxes

Current Tax Year: 2017  
Tax Code Area: 712

### Assessment

Subdivision:  
Lot: 0  
Block: 0  
Assessor Acres: 158.18  
Property Class: 559

### Ownership

#### Mailing Address:

THE WILD WATERS REVOCABLE LIVING TRUST  
5252 MILL CREEK RD  
HEALDSBURG, CA 95448

### Valuation

#### Real Market Values as of Jan. 1,

Land \$284,185  
Structures \$60,499  
Total \$128,951

#### Current Assessed Values:

Maximum Assessed \$58,769  
Assessed Value \$111,284  
Veterans Exemption \$0.00

## Warnings, Notations, and Special Assessments

### Assessor's Office Notations

Code	Description	Remarks
DEFD		ATL

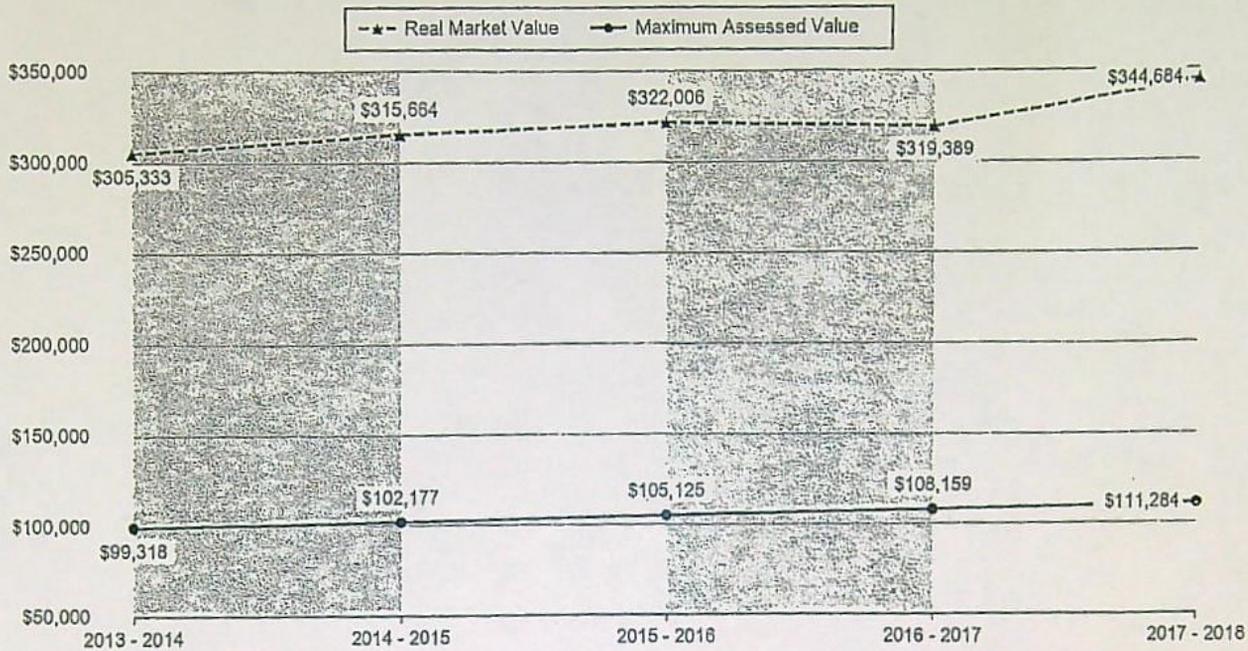
## Valuation History All values are as of January 1 of each year. Tax year is July 1st through June 30th of each year.

	2013 - 2014	2014 - 2015	2015 - 2016	2016 - 2017	2017 - 2018
Real Market Value - Land	\$239,043	\$251,714	\$258,766	\$257,637	\$284,185
Real Market Value - Structures	\$66,290	\$63,950	\$63,240	\$61,752	\$60,499
Total Real Market Value	\$305,333	\$315,664	\$322,006	\$319,389	\$344,684
Maximum Assessed Value	\$99,318	\$102,177	\$105,125	\$108,159	\$111,284
Total Assessed Value	\$99,318	\$102,177	\$105,125	\$108,159	\$111,284
Exemption Value	\$0	\$0	\$0	\$0	\$0

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### Tax Payment History

Year	Date Due	Transaction Type	Transaction Date	As Of Date	Amount Received	Tax Due	Discount Amount	Interest Charged	Refund Interest
2017	11/15/2017	PAYMENT	12/01/2017	11/15/2017	\$1,420.41	(\$1,464.34)	\$43.93	\$0.00	\$0.00
2017	11/15/2017	IMPOSED	11/15/2017	11/15/2017	\$0.00	\$1,464.34	\$0.00	\$0.00	\$0.00
					Total:	\$0.00			
2016	11/15/2016	PAYMENT	12/05/2016	11/15/2016	\$1,382.49	(\$1,425.25)	\$42.76	\$0.00	\$0.00
2016	11/15/2016	IMPOSED	11/15/2016	11/15/2016	\$0.00	\$1,425.25	\$0.00	\$0.00	\$0.00
					Total:	\$0.00			
2015	11/15/2015	PAYMENT	12/01/2015	11/15/2015	\$1,355.00	(\$1,396.91)	\$41.91	\$0.00	\$0.00
2015	11/15/2015	IMPOSED	11/15/2015	11/15/2015	\$0.00	\$1,396.91	\$0.00	\$0.00	\$0.00
					Total:	\$0.00			
2014	11/15/2014	IMPOSED	11/15/2014	11/15/2014	\$0.00	\$1,351.33	\$0.00	\$0.00	\$0.00
2014	11/15/2014	PAYMENT	11/06/2014	11/15/2014	\$1,310.79	(\$1,351.33)	\$40.54	\$0.00	\$0.00
					Total:	\$0.00			
2013	11/15/2013	PAYMENT	01/02/2014	11/15/2013	\$48.03	(\$48.03)	\$0.00	\$0.00	\$0.00
2013	11/15/2013	PAYMENT	12/03/2013	11/15/2013	\$1,274.77	(\$1,274.77)	\$0.00	\$5.85	\$0.00
2013	11/15/2013	IMPOSED	11/15/2013	11/15/2013	\$0.00	\$1,316.95	\$0.00	\$0.00	\$0.00
2013	11/15/2013	IMPOSED	11/15/2013	11/15/2013	\$0.00	\$5.85	\$0.00	\$0.00	\$0.00
					Total:	\$0.00			
2012	11/15/2012	PAYMENT	12/03/2013	11/15/2012	\$218.67	(\$218.67)	\$0.00	\$18.67	\$0.00
2012	11/15/2012	PAYMENT	12/06/2012	11/15/2012	\$1,092.15	(\$1,092.15)	\$0.00	\$5.72	\$0.00
2012	11/15/2012	IMPOSED	11/15/2012	11/15/2012	\$0.00	\$18.67	\$0.00	\$0.00	\$0.00
2012	11/15/2012	IMPOSED	11/15/2012	11/15/2012	\$0.00	\$1,286.43	\$0.00	\$0.00	\$0.00
2012	11/15/2012	IMPOSED	11/15/2012	11/15/2012	\$0.00	\$5.72	\$0.00	\$0.00	\$0.00
					Total:	\$0.00			
2011	11/15/2011	PAYMENT	12/01/2011	11/15/2011	\$1,147.10	(\$1,182.58)	\$35.48	\$0.00	\$0.00
2011	11/15/2011	IMPOSED	11/15/2011	11/15/2011	\$0.00	\$1,182.58	\$0.00	\$0.00	\$0.00
					Total:	\$0.00			
2010	11/15/2010	PAYMENT	06/13/2011	11/15/2010	\$1,210.92	(\$1,210.92)	\$0.00	\$61.32	\$0.00

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Year	Date Due	Transaction Type	Transaction Date	As Of Date	Amount Received	Tax Due	Discount Amount	Interest Charged	Refund Interest
2010	11/15/2010	IMPOSED	11/15/2010	11/15/2010	\$0.00	\$61.32	\$0.00	\$0.00	\$0.00
2010	11/15/2010	IMPOSED	11/15/2010	11/15/2010	\$0.00	\$1,149.60	\$0.00	\$0.00	\$0.00
					Total:	\$0.00			
2009	11/15/2009	PAYMENT	12/01/2009	11/15/2009	\$1,084.07	(\$1,117.60)	\$33.53	\$0.00	\$0.00
2009	11/15/2009	IMPOSED	11/15/2009	11/15/2009	\$0.00	\$1,117.60	\$0.00	\$0.00	\$0.00
					Total:	\$0.00			
2008	11/15/2008	PAYMENT	06/12/2009	11/15/2008	\$1,158.93	(\$1,158.93)	\$0.00	\$72.43	\$0.00
2008	11/15/2008	IMPOSED	11/15/2008	11/15/2008	\$0.00	\$1,086.50	\$0.00	\$0.00	\$0.00
2008	11/15/2008	IMPOSED	11/15/2008	11/15/2008	\$0.00	\$72.43	\$0.00	\$0.00	\$0.00
					Total:	\$0.00			
2007	11/15/2007	PAYMENT	12/09/2007	11/15/2007	\$1,024.64	(\$1,056.33)	\$31.69	\$0.00	\$0.00
2007	11/15/2007	IMPOSED	11/15/2007	11/15/2007	\$0.00	\$1,056.33	\$0.00	\$0.00	\$0.00
					Total:	\$0.00			

### Sales History

Sale Date	Seller	Buyer	Sale Amount	Sale Type	Recording
10/29/1997	SEVERIN, ALBERTA R & JOHN E	PARTLOW, DAVID D JR & ELAINE S	\$175,000	CONTRACT	239-43
12/02/2003	PARTLOW, DAVID D JR & ELAINE S	PARTLOW, DAVID D JR & ELAINE S	\$0	CONTRACT	260-492
11/21/2003	PARTLOW, DAVID D JR & ELAINE S	MCCULLOUGH, GREG	\$225,000	WARRANTY DEED	260-430
09/30/2004	MCCULLOUGH, GREG & CUTINO, LINDA	MCCULLOUGH, GREG & CUTINO, LINDA	\$225,000	WARRANTY DEED	263-245
10/31/2014	CUTINO LINDA	CUTINO JOHN ANTHONY II & SUSAN GIBB	\$0	BARGAIN & SALE	2014-1865

### Structures

Stat Class/Description	Improvement Description	Code Area	Year Built	Eff Year Built	Total Sq Ft
- : DWELL	DWELL	712	0	1951	1318

### Accessories

Improvement Type	Sq Ft
Miscellaneous	528
Multi-Purpose Shed	196
Miscellaneous	0
General Purpose Building	572
Grain Bin	0
General Purpose Building	1300
Feeder Barn	1280
Livestock Loafing Shed	176

### Land Characteristics

Land Description	Acres	Land Classification
16 - Hs	1.00	
15 - Farm-rmv or sav	39.36	
15 - Farm-rmv or sav	14.00	
15 - Farm-rmv or sav	27.20	
15 - Farm-rmv or sav	13.78	
15 - Farm-rmv or sav	37.24	
15 - Farm-rmv or sav	25.60	
81 - OSD FARM--rmv or sav	0.00	

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## Related Accounts

Related accounts apply to a property that may be on one map and tax lot but due to billing have more than one account. This occurs when a property is in multiple tax code areas. In other cases there may be business personal property or a manufactured home on this property that is not in the same ownership as the land.

No Related Accounts found.

## Ownership

Name Type	Name	Ownership Type	Percentage
Owner	THE WILD WATERS REVOCABLE LIVING TRUST ,		100.00%
Taxpayer	THE WILD WATERS REVOCABLE LIVING TRUST ,		100.00%
			200.00%

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Exhibit F  
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