



Josh Newton  
Partner  
(541) 318-9817  
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June 7, 2024

**VIA E-MAIL ONLY: GEN@DESCHUTESRIVER.ORG**

Genevieve Hubert  
Senior Program Manager  
Deschutes River Conservancy  
700 NW Hill St., Suite 1  
Bend, OR 97703

**Re: Swalley Irrigation District Leases**

Dear Ms. Hubert:

We represent the Confederated Tribes of the Warm Springs Reservation of Oregon (“Tribe”). Deschutes River Conservancy (“DRC”), on behalf of Swalley Irrigation District, has provided the Tribe with certain information concerning proposed instream leases identified in **Appendix A** hereto (the “Leases”), which Leases propose to lease water for instream purposes.

The Tribe has reviewed the information about the Leases provided by DRC. The Tribe is relying in good faith upon the information provided by DRC. Based on that information, the Tribe does not object to the Department of Water Resources (“Department”) processing the Leases in accordance with applicable law, and the Department’s customary practice. The Tribe, however, expressly reserves, and does not waive, all rights, claims, and defenses that it may possess in connection with the Leases, including, but not limited to, whether the Leases violate the Treaty of June 25, 1855, with the Tribes of Middle Oregon, 12 Stat. 963, or the Confederated Tribes of the Warm Springs Reservation Water Rights Settlement Agreement, dated November 17, 1997, as amended.

Please let us know if you have any questions.

Sincerely,

  
Josh Newton  
of BEST BEST & KRIEGER LLP

Genevieve Hubert

June 7, 2024

Page 2

JN

cc: Robert A. Brunoe  
Austin Smith, Jr.  
Brad Houslet  
David Filippi, Esq.  
Alison K. Toivola, Esq.  
Jeremy Giffin, Oregon Water Resources Department  
Ann Reece, Oregon Water Resources Department

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**APPENDIX - A**

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Application for  
**District Instream Lease**  
 Part 1 of 4 – Minimum Requirements Checklist



Oregon Water Resources  
 Department  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1266  
 (503) 986-0900  
 www.oregon.gov/OWRD

This Application to be used for water rights in the name of or conveyed by an Irrigation District (or similar organization) Complete Parts 1 through 4 and any required attachments	OWRD #	-
	District #	-

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

Fee in the amount of:

<input checked="" type="checkbox"/> \$610.00 for a lease involving four or more landowners or four or more water rights	Or <input type="checkbox"/> \$410.00 for all other leases
<input type="checkbox"/> Check enclosed <u>or</u> <input checked="" type="checkbox"/> Fee Charged to customer account <u>Deschutes River Conservancy</u> (Account name)	

- Yes  N/A Pooled Lease—a lease with more than one LESSOR (Landowner/water right interest holder)
- Part 1 – Completed Minimum Requirements Checklist**
- Part 2 – Completed District and Other Party Signature Page**
- Part 3 – Completed Place of Use and Lessor Signature Page**  
(Include a separate Part 3 for each Lessor.)
- Part 4 – Completed Water Right and Instream Use Information**  
(Include a separate Part 4 for each Water Right.)
- How many Water Rights are included in the lease application? 1** (# of rights)  
List each water right to be leased instream here: 74145
- Yes  N/A **Other water rights**, if any, appurtenant to the lands involved in the lease application and not proposed to be leased instream.  
List those other water rights here: \_\_\_\_\_
- Yes  No Conservation Reserve Enhancement Program **CREP** – Are some or all of the lands to be leased part of CREP or another Federal program (list here: \_\_\_\_\_)?

**Required Attachments:**

- Yes  N/A Instream lease application map(s). More than one QQ and property may be included on each map. A map is **not** required if an entire right is being leased or if the right is for use of municipal or quasi-municipal water use. The map should include the following:
  - A north arrow and map scale (no smaller than 1" = 1320').
  - Label township, range, section and quarter-quarter (QQ).
  - If an irrigation right, the numbers of acres to be leased in each quarter-quarter identify and hachure/shade to differentiate between the acreage being leased and any remaining. If the place of use has more than one priority date, source stream, and/or point of diversion you **must identify each with separate hachuring or shading** and label.
  - Tax lot lines and numbers must be included on the map and should clearly identify the property(s) involved.
- Yes  N/A **If the Lessor(s) is not the deeded land owner**, include one of the following:
  - A notarized statement from the land owner consenting to the lease and a copy of the recorded deed; or
  - A water right conveyance agreement and a copy of the recorded deed for the landowner at the time the water right was conveyed; or
  - Other documentation.
- Yes  N/A **If the right has not been used in the last five years**; provide supporting documentation indicating why a right (or portion thereof) is **not** subject to forfeiture.

**Part 2 of 4 – District and other party Signature**

<b>Term of the Lease:</b> The lease is requested to begin in: <b>month April year 2024</b> and end: <b>month October year 2024</b> .	
<b>Public use:</b> Check the public use(s) this lease will serve (as defined by ORS 537.332): <input checked="" type="checkbox"/> Conservation, maintenance and enhancement of aquatic, fish and wildlife, fish and wildlife habitat and any other ecological values. <input checked="" type="checkbox"/> Recreation <input checked="" type="checkbox"/> Pollution abatement <input type="checkbox"/> Navigation	<b>Termination provision (for multiyear leases):</b> <b>The parties to the lease request (choose one):</b> <input type="checkbox"/> a. The option of terminating the lease prior to expiration of the full term with written notice to the Department by the Lessor(s) and/or Lessee. <input type="checkbox"/> b. The option of terminating the lease prior to expiration of the full term, with consent by all parties to the lease. <input type="checkbox"/> c. The parties would not like to include a Termination Provision. (See instructions for limitations to this provision)
<b>Additive/Replacing Relationship to other instream water rights:</b> Instream leases are generally additive to other existing instream water rights created as a result of instream leases and transfers and/or allocations of conserved water. Since instream leases are also generally senior to other instream rights created through a state agency process or conversion of minimum flows, they generally replace a portion of these junior instream rights. If you would like this lease to relate to other instream water rights differently than described above, please check this box. <input type="checkbox"/> And attach an explanation of your intent.	
<b>Precedent:</b> If a right which has been leased is later proposed to be leased again or later transferred or become part of an allocation of conserved water project, a new injury review shall be required. An instream lease shall not set a precedent on a future transaction.	
<b>Validity of the rights to be leased:</b> <input checked="" type="checkbox"/> The water right(s) to be leased have been used under the terms and conditions of the right(s) during the last five years or have been leased instream; or <input type="checkbox"/> The water right(s) <b>have not been used</b> for the last five years according to the terms and conditions of the rights. However, the water right(s) is not subject to forfeiture under ORS 540.610(2). Documentation describing why the water right is not subject to forfeiture has been provided.	

**SIGNATURES**

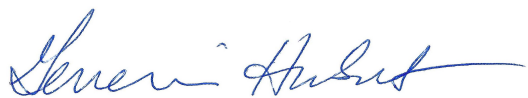
The undersigned declare that the information contained in this application is true and accurate.


 \_\_\_\_\_ Date: 5/22/24  
 Signature of Co-Lessor

Printed name (and title): Jer Camarata, General Manager  
 Business/Organization name: Swalley Irrigation District  
 Mailing Address (with state and zip): 64672 Cook Ave, Ste 1, Bend, OR 97703  
 Phone number (include area code): 541-388-0658      \*\*E-mail address: kathy@swalley.com  
mikayla@swalley.com

\_\_\_\_\_ Date: \_\_\_\_\_  
 Signature of Co-Lessor  
 Printed name (and title): \_\_\_\_\_  
 Business/organization name: \_\_\_\_\_  
 Mailing Address (with state and zip): \_\_\_\_\_  
 Phone number (include area code): \_\_\_\_\_      \*\*E-mail address: \_\_\_\_\_

**See next page for additional signatures.**



Date: 06/05/2024

Signature of Lessee

Printed name (and title): Gen Hubert, Senior Program Manager

Business/organization name: Deschutes River Conservancy

Mailing Address (with state and zip): 700 NW Hill St, Ste 1, Bend, OR 97703

Phone number (include area code): 541-382-4077      \*\*E-mail address: james@deschutesriver.org

**\*\* 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 TO THE LESSOR**

## Swalley Irrigation District Pooled and Quitclaim Lease 2024

Name	Acres	Term	Exp	Canal	Use	TRSQQTL	Mailing Address	City	State	Zip	Agreement #	OWRD #	EFU Zoned
Gary, Plagmann (24-05)	7	1	2024	3&15	IR	161228SWSW05200	18851 Baker Rd	Bend	OR	97702			Y-551
Barbara J. Wulf (24-06)	0.9	1	2024	3&15	IR	171203SWSW00400	63290 Chaparrel Dr	Bend	OR	97701			N
Suzanne, Lafty (24-07)	0.7	1	2024	3&15	IR	171204SESE00900	70 SW Century Dr #100, DMB26	Bend	OR	97702			N
Suzanne, Lafty	1.52	1	2024	3&15	IR	171204SESE00902	70 SW Century Dr #100, DMB26	Bend	OR	97702			N
Suzanne, Lafty	2.1	1	2024	3&15	IR	171204SESE00901	70 SW Century Dr #100, DMB26	Bend	OR	97702			N
Bend Park and Rec District (24-08)	24.17	1	2024	3&15	IR	171218SWSE00111	799 SW Columbia St	Bend	OR	97702			Y-940
Edward K. Elkins (24-09)	1.31	1	2024	3&15	IR	171218NENW00601	63613 O.B. Riley Rd	Bend	OR	97703			Y-541
Edward K. Elkins	0.81	1	2024	3&15	IR	171218NWNE00601	63613 O.B. Riley Rd	Bend	OR	97703			Y-541
Edward K. Elkins	2.22	1	2024	3&15	IR	171218NENW00105	63613 O.B. Riley Rd	Bend	OR	97703			Y-541
Edward K. Elkins	3.04	1	2024	3&15	IR	171218NWNE00105	63613 O.B. Riley Rd	Bend	OR	97703			Y-541
Edward K. Elkins	14.95	1	2024	3&15	IR	171207SESW00601	63613 O.B. Riley Rd	Bend	OR	97703			Y-541
Edward K. Elkins	5.22	1	2024	3&15	IR	171207SWSE00601	63613 O.B. Riley Rd	Bend	OR	97703			Y-541
Edward K. Elkins	1.91	1	2024	3&15	IR	171218NESE00105	63613 O.B. Riley Rd	Bend	OR	97703			Y-541
Edward K. Elkins	14.91	1	2024	3&15	IR	171218NESE00110	63613 O.B. Riley Rd	Bend	OR	97703			Y-540
Edward K. Elkins	1.82	1	2024	3&15	IR	171218SENE00105	63613 O.B. Riley Rd	Bend	OR	97703			Y-541
Edward K. Elkins	6.4	1	2024	3&15	IR	171218SENE00110	63613 O.B. Riley Rd	Bend	OR	97703			Y-540
Edward K. Elkins	1.2	1	2024	3&15	IR	171218NESW00105	63613 O.B. Riley Rd	Bend	OR	97703			Y-541
Edward K. Elkins	23.12	1	2024	3&15	IR	171218NWSE00105	63613 O.B. Riley Rd	Bend	OR	97703			Y-541
Edward K. Elkins	2.4	1	2024	3&15	IR	171218SENE00105	63613 O.B. Riley Rd	Bend	OR	97703			Y-541
Edward K. Elkins	20.74	1	2024	3&15	IR	171218SWNE00105	63613 O.B. Riley Rd	Bend	OR	97703	Quitclaim ↓	Deed ↓	Y-541
Swalley Irrigation Dist QC (24-10)	1.75	1	2024	3&15	IR	161215SENE00101	64672 Cook Ave, Suite 1	Bend	OR	97703	2024-01736	2018-001779	N
Swalley Irrigation Dist QC	0.45	1	2024	3&15	IR	171205SENE01100	64672 Cook Ave, Suite 1	Bend	OR	97703	2023-26408	95-03626 (365-01)	N
Swalley Irrigation Dist QC	0.7	1	2024	3&15	IR	161227SENE03500	64672 Cook Ave, Suite 1	Bend	OR	97703	2020-56532	87-23084 (154-14)	N
Swalley Irrigation Dist QC	0.8	1	2024	3&15	IR	161227SENE03501	64672 Cook Ave, Suite 1	Bend	OR	97703	2020-56532	87-23084 (154-14)	N
Swalley Irrigation Dist QC	0.75	1	2024	3&15	IR	161220NWSE01105	64672 Cook Ave, Suite 1	Bend	OR	97703	2023-26407	2015-036510	N
Swalley Irrigation Dist QC	1.22	1	2024	3&15	IR	171207SWSE00105	64672 Cook Ave, Suite 1	Bend	OR	97703	2022-38970	2018-29074	N
Swalley Irrigation Dist QC	0.6	1	2024	3&15	IR	171207SESE00105	64672 Cook Ave, Suite 1	Bend	OR	97703	2022-38970	2018-29074	N
Swalley Irrigation Dist QC	0.75	1	2024	3&15	IR	161220NESE01300	64672 Cook Ave, Suite 1	Bend	OR	97703	2023-26404	2004-40030	N
Swalley Irrigation Dist QC	0.07	1	2024	3&15	IR	171216SESW01200	64672 Cook Ave, Suite 1	Bend	OR	97703	2022-41259	2019-33034	N
Swalley Irrigation Dist QC	0.25	1	2024	3&15	IR	171216SWSE01900	64672 Cook Ave, Suite 1	Bend	OR	97703	2023-25715	2000-52188	N
Swalley Irrigation Dist QC	0.32	1	2024	3&15	IR	161220SWNE00400	64672 Cook Ave, Suite 1	Bend	OR	97703	2023-26403	2019-08853	N
Swalley Irrigation Dist QC	0.22	1	2024	3&15	IR	171217NWSW00703	64672 Cook Ave, Suite 1	Bend	OR	97703	2023-25225	2006-27130	N
Swalley Irrigation Dist QC	0.95	1	2024	3&15	IR	161201SESE00700	64672 Cook Ave, Suite 1	Bend	OR	97703	2017-14902	2006-74934	N

Many of the Swalley ID Quitclaim (QC) TAXLOTS NOT MATCHING ON DIAL/CANNOT FIND - possibly cancelled for development or tax lot changes

Lease Total

145.27

**Part 3 of 4 – Place of Use – Lessor Information and Signatures**

**Complete Table 1 Identify water right(s) proposed to be leased instream  
Provide a separate Part 3 for each Lessor (water right interest holder/landowner)**

**Table 1**

**Irrigation District or other Water Purveyor Name:** Swalley Irrigation District

---

Specify Water Right, Priority Date, point of diversion(s) (POD), place of use, tax lot, gov't lot/DLC, acres to be leased, original use type, certificate page number, and any previous lease.  
If not enough room below, you may add rows (see instructions) or create a spreadsheet/table (matching Table 1) and attach.  
Any attached table should include reference to the Lessor.

Water Right #	Priority Date	POD #	Twp	Rng	Sec	Q-Q		Tax Lot	Gov't Lot/DLC #	Acres	Use	Page #	Previous Lease #
74145	9-1-1899	3&15	16	12	28	SW	SW	05200		7.00	IRR	9	IL-1350

**Any additional information about the right:** \_\_\_\_\_

**Farm Deferral Tax Status:** Counties make the determination of whether a property qualifies for the farm use assessment without consideration of whether the lands have an associated water right which is leased instream. If you have questions regarding the farm use assessment you should contact your local county assessor. You should contact your County for any weed ordinance and management requirements.

The undersigned declare:

1. I/We agree during the term of this lease to suspend use of water allowed under the water right(s) involved in the lease as well as and any other appurtenant primary or supplemental water right(s); and
2. I/We certify are the lessor(s) (water right interest holder) of the water right(s) in Table 1. If not the deeded land owner, I/we have obtained consent from the deeded land owner and/or have provided documentation of authorization to pursue the instream lease; and
3. I/We affirm that the information in this application is true and accurate.

★ Gary Plagmann Date: 4-29-2024  
Signature of Lessor

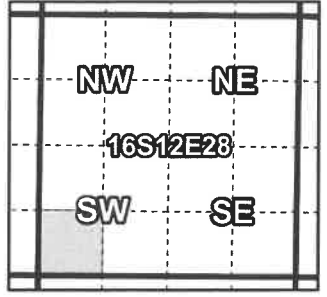
Printed name (and title): Gary Plagmann Business name, if applicable: \_\_\_\_\_  
Mailing Address (with state and zip): 18851 Baker Rd, Bend, OR 97702  
Phone number (include area code): 541-382-0351 \*\*E-mail address: taxplus@eastwestbend.com

★ Cheryl B. Plagmann Date: 04-29-2024  
Signature of Lessor

Printed name (and title): \_\_\_\_\_ Business name, if applicable: \_\_\_\_\_  
Mailing Address (with state and zip): \_\_\_\_\_  
Phone number (include area code): \_\_\_\_\_ \*\*E-mail address: \_\_\_\_\_ } Same as above

# Swalley Irrigation District 2024 Application for Instream Lease Map

Certificates: 74145  
for Plagmann



Taxlot 161228C005200, 16-12-28-SW/SW-05200: 7.0 Acres Leased, 0.0 Acres Remaining

- Pipelines and Canals
- Instream Lease
- ▨ Primary Water Right
- Taxlots

1 inch = 400 feet 

**Part 3 of 4 – Place of Use – Lessor Information and Signatures**

**Complete Table 1 Identify water right(s) proposed to be leased instream  
Provide a separate Part 3 for each Lessor (water right interest holder/landowner)**

**Table 1**

**Irrigation District or other Water Purveyor Name: Swalley Irrigation District**

Specify Water Right, Priority Date, point of diversion(s) (POD), place of use, tax lot, gov't lot/DLC, acres to be leased, original use type, certificate page number, and any previous lease.

If not enough room below, you may add rows (see instructions) or create a spreadsheet/table (matching Table 1) and attach.  
Any attached table should include reference to the Lessor.

Water Right #	Priority Date	POD #	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC #	Acres	Use	Page #	Previous Lease #
74145	9-1-1899	3&15	17	12	03	SW SW	00400		0.90	IRR	13	

Any additional information about the right: \_\_\_\_\_

**Farm Deferral Tax Status:** Counties make the determination of whether a property qualifies for the farm use assessment without consideration of whether the lands have an associated water right which is leased instream. If you have questions regarding the farm use assessment you should contact your local county assessor. You should contact your County for any weed ordinance and management requirements.

The undersigned declare:

1. I/We agree during the term of this lease to suspend use of water allowed under the water right(s) involved in the lease as well as and any other appurtenant primary or supplemental water right(s); and
2. I/We certify are the lessor(s) (water right interest holder) of the water right(s) in Table 1. If not the deeded land owner, I/we have obtained consent from the deeded land owner and/or have provided documentation of authorization to pursue the instream lease; and
3. I/We affirm that the information in this application is true and accurate.

★ Barbara J. Wulf  
Signature of Lessor

Date: 4/25/2024

Printed name (and title): Barbara J. Wulf  
Business name, if applicable: \_\_\_\_\_  
Mailing Address (with state and zip): 63290 Chaparral Dr Bend OR 97701  
Phone number (include area code): 541-389-3637 \*\*E-mail address: \_\_\_\_\_

★ Bruce H. Wulf  
Signature of Lessor

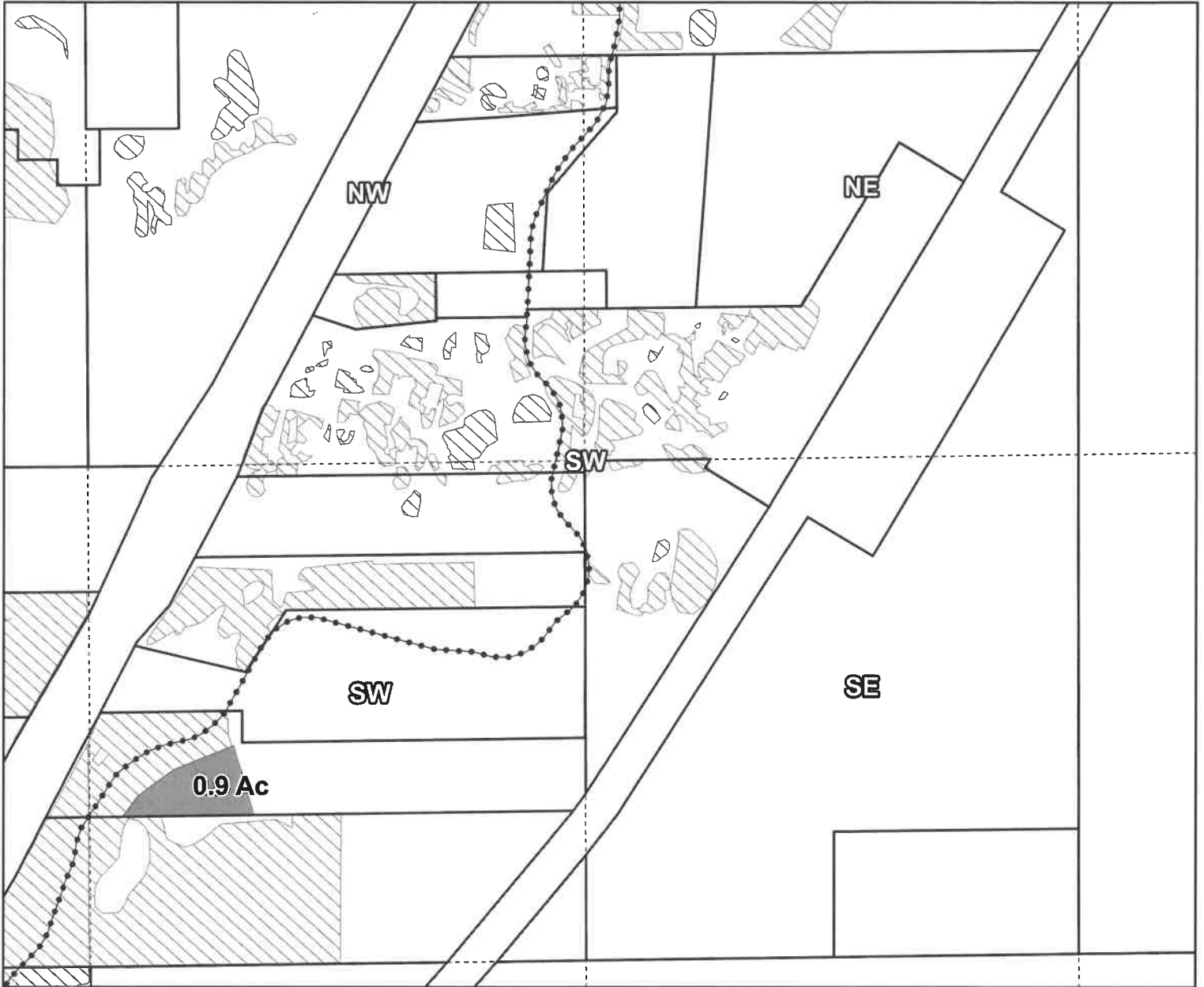
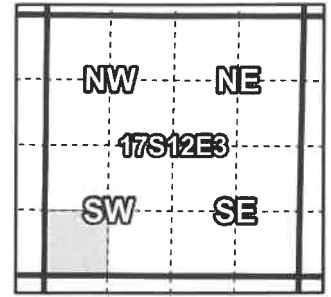
Date: 4/25/2024

Printed name (and title): Bruce H. Wulf  
Business name, if applicable: \_\_\_\_\_  
Mailing Address (with state and zip): \_\_\_\_\_  
Phone number (include area code): \_\_\_\_\_ \*\*E-mail address: wulf@bendbroadband.com

# Swalley Irrigation District 2024 Application for Instream Lease Map

**Certificates: 74145**

for *Wulf*



Taxlot 1712030000400, 17-12-03-SW/SW-00400: 0.90 Acres Leased, 1.10 Acres Remaining

- Pipelines and Canals
- Instream Lease
- ▨ Primary Water Right
- Taxlots

1 inch = 400 feet



**Part 3 of 4 – Place of Use – Lessor Information and Signatures**

**Complete Table 1 Identify water right(s) proposed to be leased instream  
Provide a separate Part 3 for each Lessor (water right interest holder/landowner)**

**Table 1**

**Irrigation District or other Water Purveyor Name: Swalley Irrigation District**

Specify Water Right, Priority Date, point of diversion(s) (POD), place of use, tax lot, gov't lot/DLC, acres to be leased, original use type, certificate page number, and any previous lease.

If not enough room below, you may add rows (see instructions) or create a spreadsheet/table (matching Table 1) and attach.

Any attached table should include reference to the Lessor.

Water Right #	Priority Date	POD #	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC #	Acres	Use	Page #	Previous Lease #
74145	9-1-1899	3&15	17	12	04	SE SE	00900		.70	IRR	14	IL-1766
74145	9-1-1899	3&15	17	12	04	SE SE	00902		1.52	IRR	14	IL-1766
74145	9-1-1899	3&15	17	12	04	SE SE	00901		2.10	IRR	14	IL-1766

Any additional information about the right: \_\_\_\_\_

**Farm Deferral Tax Status:** Counties make the determination of whether a property qualifies for the farm use assessment without consideration of whether the lands have an associated water right which is leased instream. If you have questions regarding the farm use assessment you should contact your local county assessor. You should contact your County for any weed ordinance and management requirements.

The undersigned declare:

1. I/We agree during the term of this lease to suspend use of water allowed under the water right(s) involved in the lease as well as and any other appurtenant primary or supplemental water right(s); and
2. I/We certify are the lessor(s) (water right interest holder) of the water right(s) in Table 1. If not the deeded land owner, I/we have obtained consent from the deeded land owner and/or have provided documentation of authorization to pursue the instream lease; and
3. I/We affirm that the information in this application is true and accurate.

Suzanne Lafky  
Signature of Lessor  
Printed name (and title): A  
Mailing Address (with state and zip): B  
Phone number (include area code): C

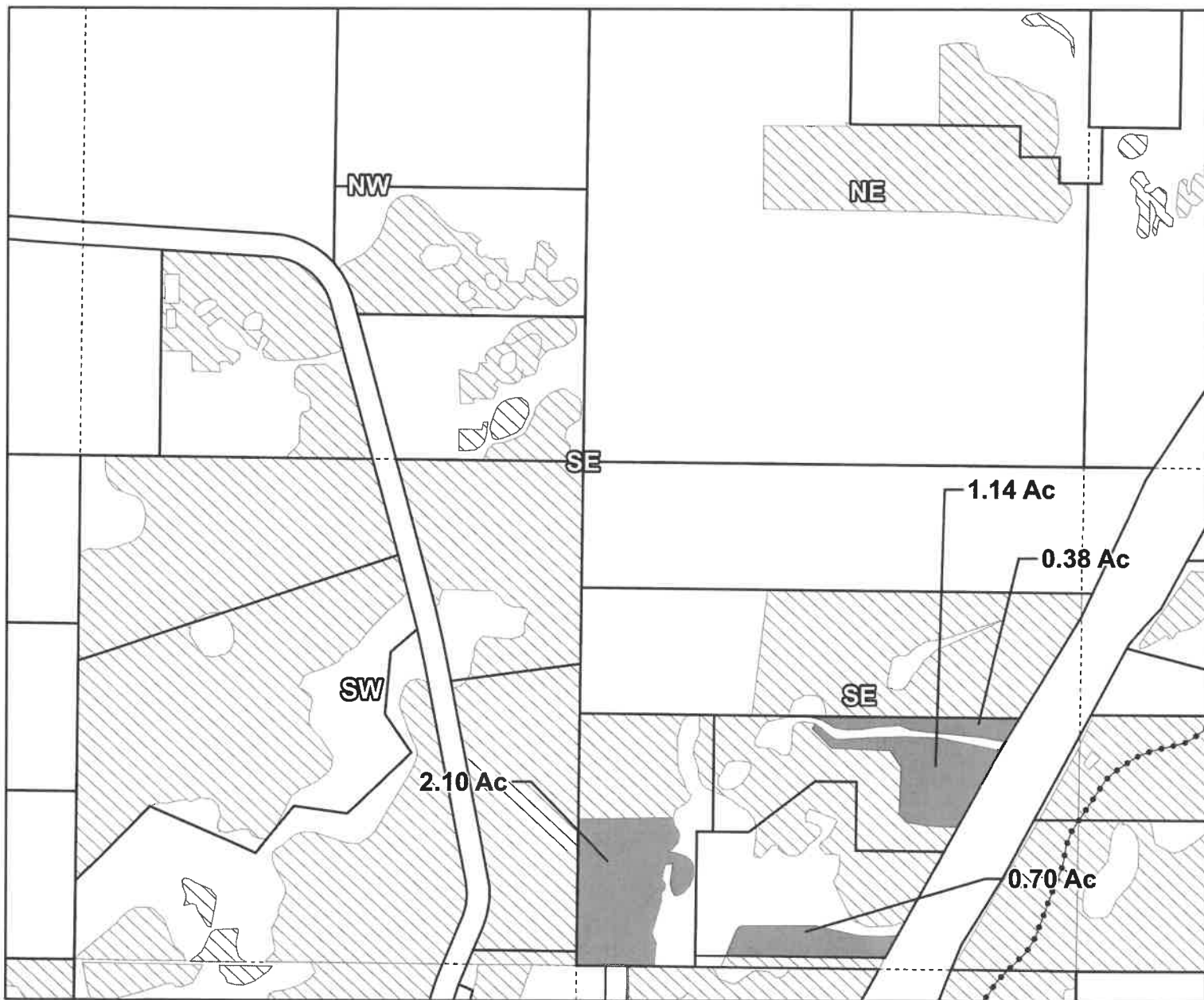
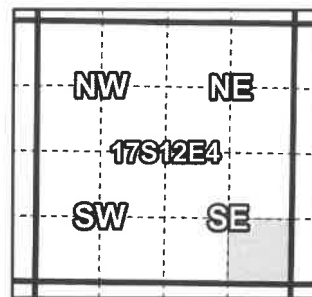
Date: 7/24/24  
Business name, if applicable: E  
\*\*E-mail address: D

- A Suzanne Lafky
- B 70 SW Century Drive, #100, PMB26 Bend, OR 97702
- C (541) 350-7844
- D Suzannelaiky@gmail.com
- E Cramer Farms

\_\_\_\_\_  
Signature of Lessor  
Printed name (and title): \_\_\_\_\_ Business name, if applicable: \_\_\_\_\_  
Mailing Address (with state and zip): \_\_\_\_\_  
Phone number (include area code): \_\_\_\_\_ \*\*E-mail address: \_\_\_\_\_

# Swalley Irrigation District 2024 Application for Instream Lease Map

Certificates: 74145  
for Cramer Farms



Taxlot 1712040000900, 17-12-04-SE/SE-00900: 0.70 Acres Leased, 0.0 Acres Remaining  
 Taxlot 1712040000901, 17-12-04-SE/SE-00901: 2.10 Acres Leased, 1.90 Acres Remaining  
 Taxlot 1712040000902, 17-12-04-SE/SE-00902: 1.52 Acres Leased, 2.48 Acres Remaining

- Pipelines and Canals
- Instream Lease
- ▨ Primary Water Right
- Taxlots



1 inch = 400 feet

Prepared by Swalley Irrigation District | April 2024

**Part 3 of 4 – Place of Use – Lessor Information and Signatures**

**Complete Table 1 identify water right(s) proposed to be leased instream  
Provide a separate Part 3 for each Lessor (water right interest holder/landowner)**

**Table 1**

**Irrigation District or other Water Purveyor Name:** Swalley Irrigation District

**Specify Water Right, Priority Date, point of diversion(s) (POD), place of use, tax lot, gov't lot/DLC, acres to be leased, original use type, certificate page number, and any previous lease.**

**If not enough room below, you may add rows (see instructions) or create a spreadsheet/table (matching Table 1) and attach.  
Any attached table should include reference to the Lessor.**

Water Right #	Priority Date	POD #	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC #	Acres	Use	Page #	Previous Lease #
74145	9-1-1899	3815	17	12	18	SW SE	111		24.17	IRR	22	IL-1766

**Any additional information about the right:** \_\_\_\_\_

**Farm Deferral Tax Status:** Counties make the determination of whether a property qualifies for the farm use assessment without consideration of whether the lands have an associated water right which is leased instream. If you have questions regarding the farm use assessment you should contact your local county assessor. You should contact your County for any weed ordinance and management requirements.

The undersigned declare:

1. I/we agree during the term of this lease to suspend use of water allowed under the water right(s) involved in the lease as well as and any other appurtenant primary or supplemental water right(s); and
2. I/we certify are the lessor(s) (water right interest holder) of the water right(s) in Table 1. If not the deeded land owner, I/we have obtained consent from the deeded land owner and/or have provided documentation of authorization to pursue the instream lease; and
3. I/we affirm that the information in this application is true and accurate.

★ [Signature]  
Signature of Lessor

Date: 4/29/24

Printed name (and title): \_\_\_\_\_ Business name, if applicable: Bend Park and Recreation District

Mailing Address (with state and zip): 799 SW Columbia St. Bend, OR 97702

Phone number (include area code): \_\_\_\_\_ \*\*E-mail address: \_\_\_\_\_

\_\_\_\_\_  
Signature of Lessor Date: \_\_\_\_\_

Printed name (and title): \_\_\_\_\_ Business name, if applicable: \_\_\_\_\_

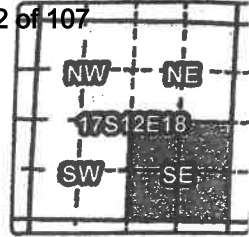
Mailing Address (with state and zip): \_\_\_\_\_

Phone number (include area code): \_\_\_\_\_ \*\*E-mail address: \_\_\_\_\_

# Swalley Irrigation District

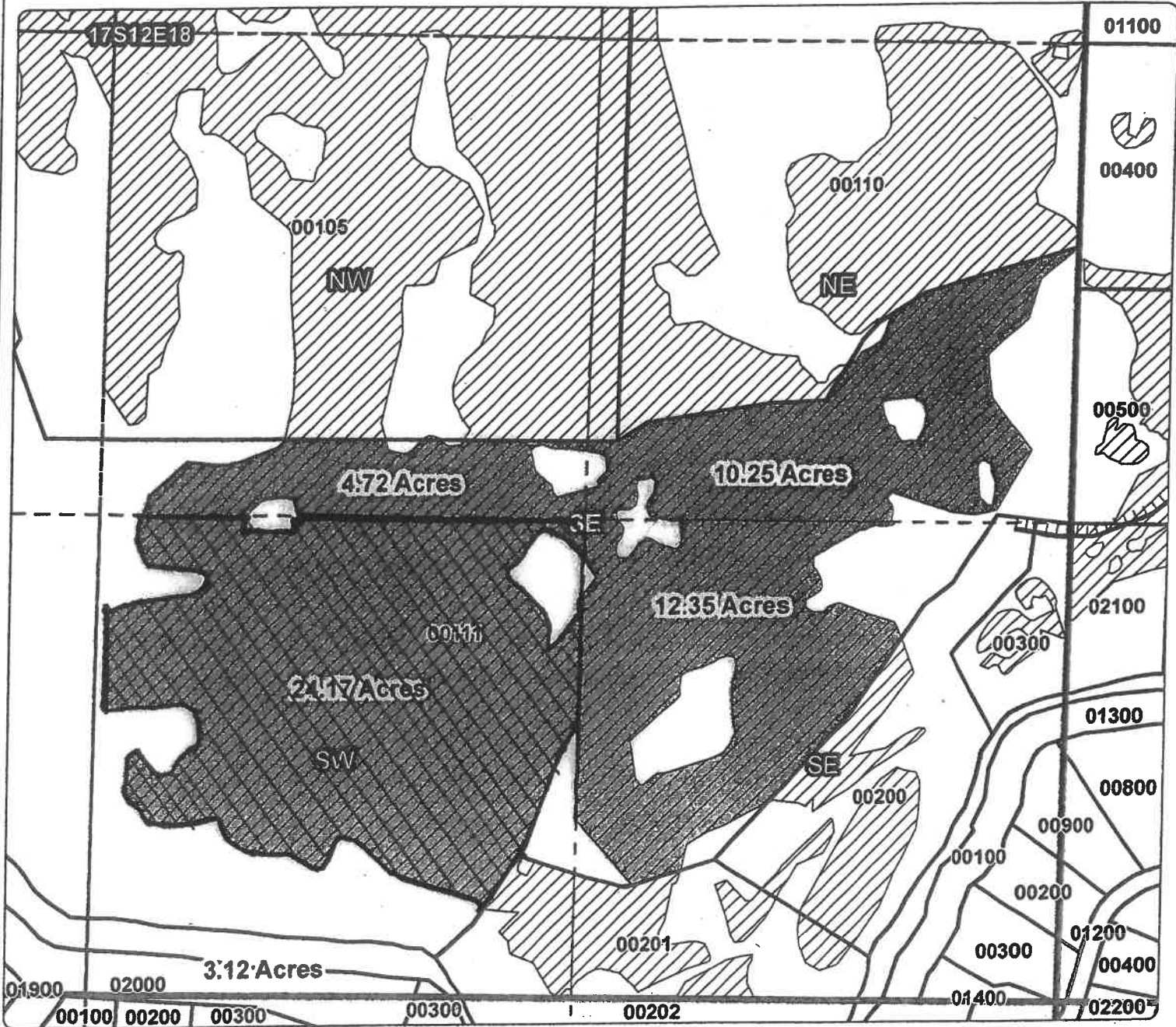
## Application for Instream Lease

2024



Cert #: 74145

For: Bend Metro Park and Recreation District



### 1 YEAR INSTREAM LEASE MAP

Taxlot 00111, 17S12E18SWSE: 24.17 Acres Leased, 0.0 Acres Remaining

- Point of Diversion
- ▬▬▬ Canals
- ▭ Taxlots
- ▨ Lease
- ▧ Cert 74145

1 inch = 400 feet



## Part 3 of 4 – Place of Use – Lessor Information and Signatures

**Complete Table 1 Identify water right(s) proposed to be leased instream  
Provide a separate Part 3 for each Lessor (water right interest holder/landowner)**

**Table 1**Irrigation District or other Water Purveyor Name: **Swalley Irrigation District**

Specify Water Right, Priority Date, point of diversion(s) (POD), place of use, tax lot, gov't lot/DLC, acres to be leased, original use type, certificate page number, and any previous lease.

If not enough room below, you may add rows (see instructions) or create a spreadsheet/table (matching Table 1) and attach.

Any attached table should include reference to the Lessor.

Water Right #	Priority Date	POD #	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC #	Acres	Use	Page #	Previous Lease #
74145	9-1-1899	3&15	17	12	18	NE NW	00601		1.31	IRR	22	IL-1766
74145	9-1-1899	3&15	17	12	18	NW NE	00601		0.81	IRR	21	IL-1766
74145	9-1-1899	3&15	17	12	18	NE NW	00105		2.22	IRR	22	IL-1766
74145	9-1-1899	3&15	17	12	18	NW NE	00105		3.04	IRR	21	IL-1766
74145	9-1-1899	3&15	17	12	07	SE SW	00601		14.95	IRR	15	IL-1793
74145	9-1-1899	3&15	17	12	07	SW SE	00601		5.22	IRR	15	IL-1793
74145	9-1-1899	3&15	17	12	18	NE SE	00105		1.91	IRR	22	IL-1853
74145	9-1-1899	3&15	17	12	18	NE SE	00110		14.91	IRR	22	IL-1853
74145	9-1-1899	3&15	17	12	18	SE NE	00105		1.82	IRR	21	IL-1766
74145	9-1-1899	3&15	17	12	18	SE NE	00110		6.40	IRR	21	IL-1766
74145	9-1-1899	3&15	17	12	18	NE SW	00105		1.20	IRR	22	IL-1766
74145	9-1-1899	3&15	17	12	18	NW SE	00105		23.12	IRR	22	IL-1901
74145	9-1-1899	3&15	17	12	18	SE NW	00105		2.40	IRR	22	IL-1766
74145	9-1-1899	3&15	17	12	18	SW NE	00105		20.74	IRR	21	IL-1853

Any additional information about the right: \_\_\_\_\_

**Farm Deferral Tax Status:** Counties make the determination of whether a property qualifies for the farm use assessment without consideration of whether the lands have an associated water right which is leased instream. If you have questions regarding the farm use assessment you should contact your local county assessor. You should contact your County for any weed ordinance and management requirements.

The undersigned declare:

1. I/We agree during the term of this lease to suspend use of water allowed under the water right(s) involved in the lease as well as and any other appurtenant primary or supplemental water right(s); and
2. I/We certify are the lessor(s) (water right interest holder) of the water right(s) in Table 1. If not the deeded land owner, I/we have obtained consent from the deeded land owner and/or have provided documentation of authorization to pursue the instream lease; and
3. I/We affirm that the information in this application is true and accurate.

Part 3 of 4 – Place of Use – Lessor Information and Signatures

Edward J. Elkins  
Signature of Lessor

Date: 05/13/2024

Printed name (and title): Edward J. Elkins Owner Business name, if applicable: \_\_\_\_\_

Mailing Address (with state and zip): 63613 O.B. Riley Rd., Bend, OR 97703

Phone number (include area code): 541-389-9662 \*\*E-mail address: gophergulechward@centurylink.net

Doris E. Elkins  
Signature of Lessor

Date: 13 May 24

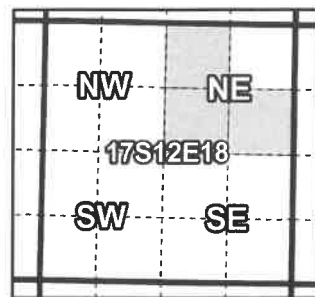
Printed name (and title): Doris E. Elkins Owner Business name, if applicable: \_\_\_\_\_

Mailing Address (with state and zip): 63613 O.B. Riley Rd., Bend, Oregon 97703

Phone number (include area code): 541-389-9662 \*\*E-mail address: Duckyb455@centurylink.net

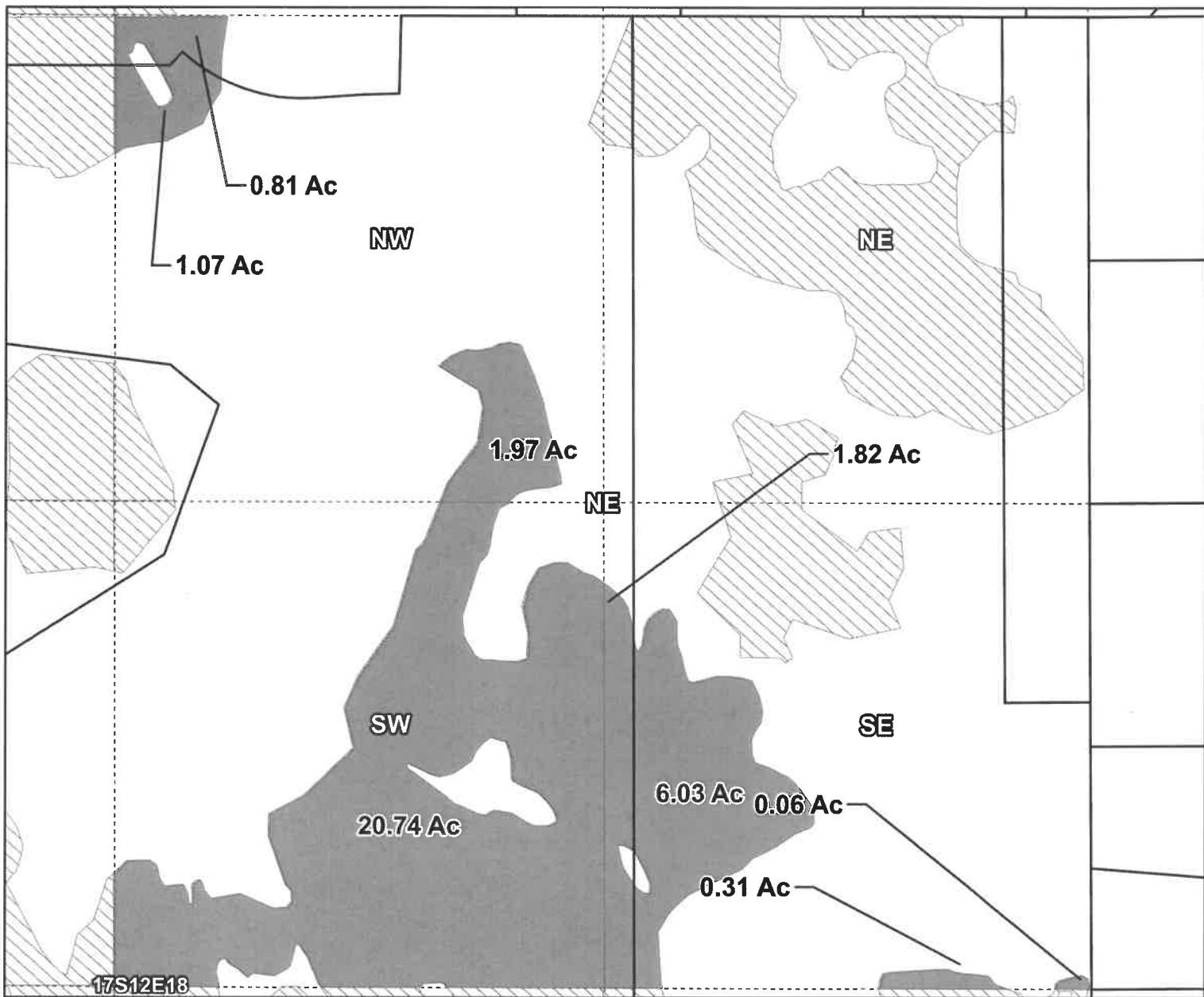
# Swalley Irrigation District

## 2024 Application for Instream Lease Map



Certificates: 74145

for *Elkins*



Taxlot 1712180000105, 17-12-18-NW/NE-00105: 3.04 Acres Leased, 0.0 Acres Remaining  
 Taxlot 1712070000601, 17-12-18-NW/NE-00601: 0.81 Acres Leased, 0.0 Acres Remaining  
 Taxlot 1712180000105, 17-12-18-SW/NE-00105: 20.74 Acres Leased, 0.0 Acres Remaining  
 Taxlot 1712180000105, 17-12-18-SE/NE-00105: 1.82 Acres Leased, 0.0 Acres Remaining  
 Taxlot 1712180000110, 17-12-18-SE/NE-00110: 6.40 Acres Leased, 0.0 Acres Remaining

- Pipelines and Canals
- Instream Lease
- ▨ Primary Water Right
- Taxlots

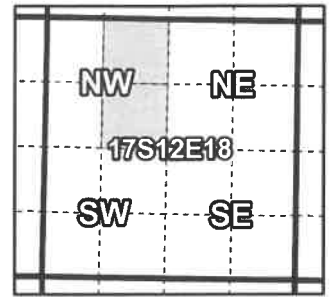
1 inch = 400 feet



Prepared by Swalley Irrigation District | May 2024

# Swalley Irrigation District 2024 Application for Instream Lease Map

Certificates: 74145  
for *Elkins*



Taxlot 1712180000105, 17-12-18-SE/NW-00105: 2.40 Acres Leased, 0.0 Acres Remaining  
 Taxlot 1712180000105, 17-12-18-NE/NW-00105: 2.22 Acres Leased, 0.54 Acres Remaining  
 Taxlot 1712070000601, 17-12-18-NE/NW-00601: 1.31 Acres Leased, 0.47 Acres Remaining

- Pipelines and Canals
- Instream Lease
- ▨ Primary Water Right
- Taxlots

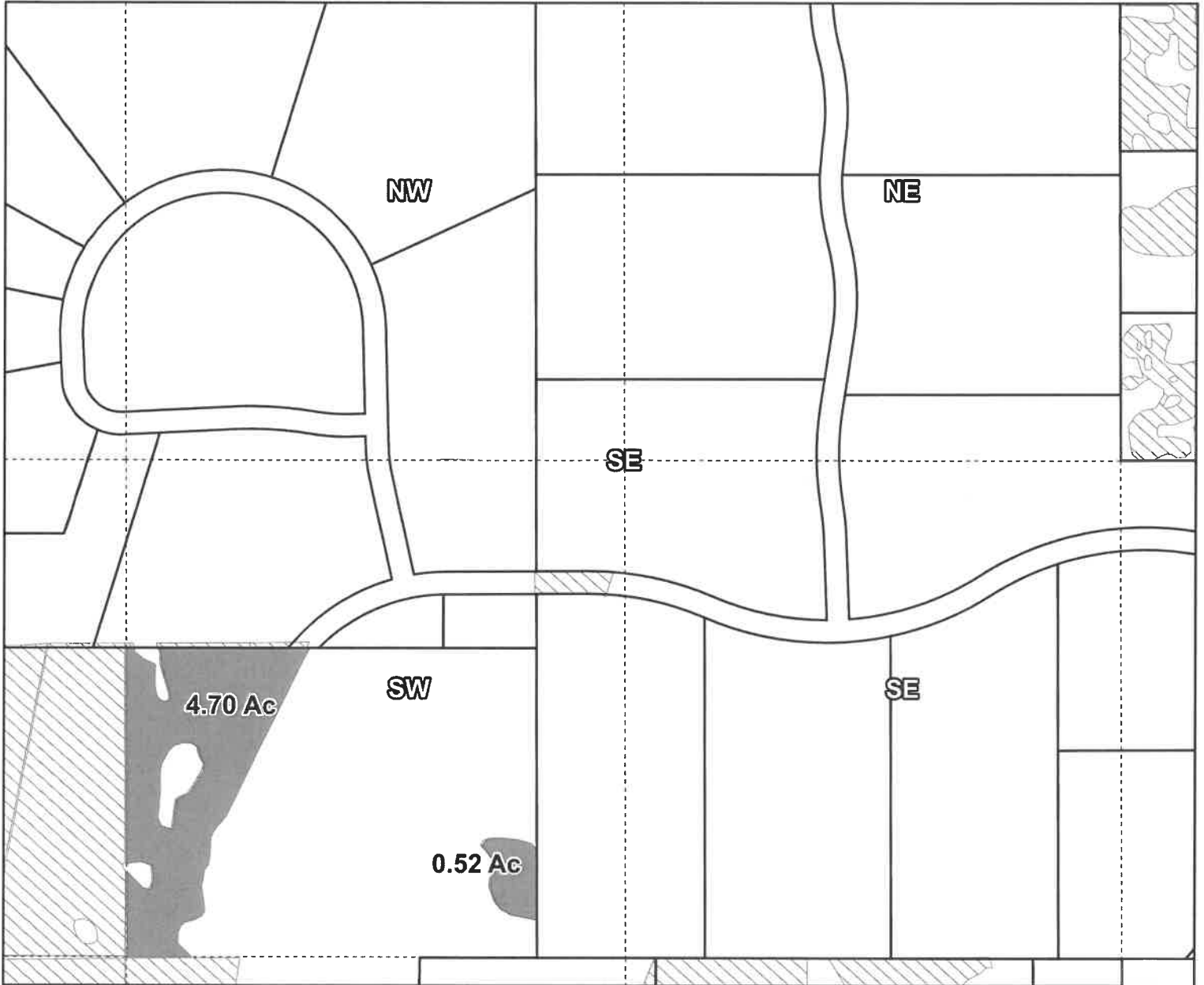
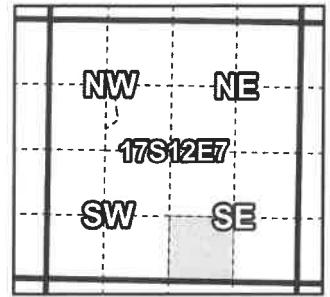
1 inch = 400 feet 

# Swalley Irrigation District

## 2024 Application for Instream Lease Map

Certificates: 74145

for *Elkins*



Taxlot 1712070000601, 17-12-07-SW/SE-00601: 5.22 Acres Leased, 0.0 Acres Remaining

- Pipelines and Canals
- Instream Lease
- ▨ Primary Water Right
- Taxlots

1 inch = 400 feet

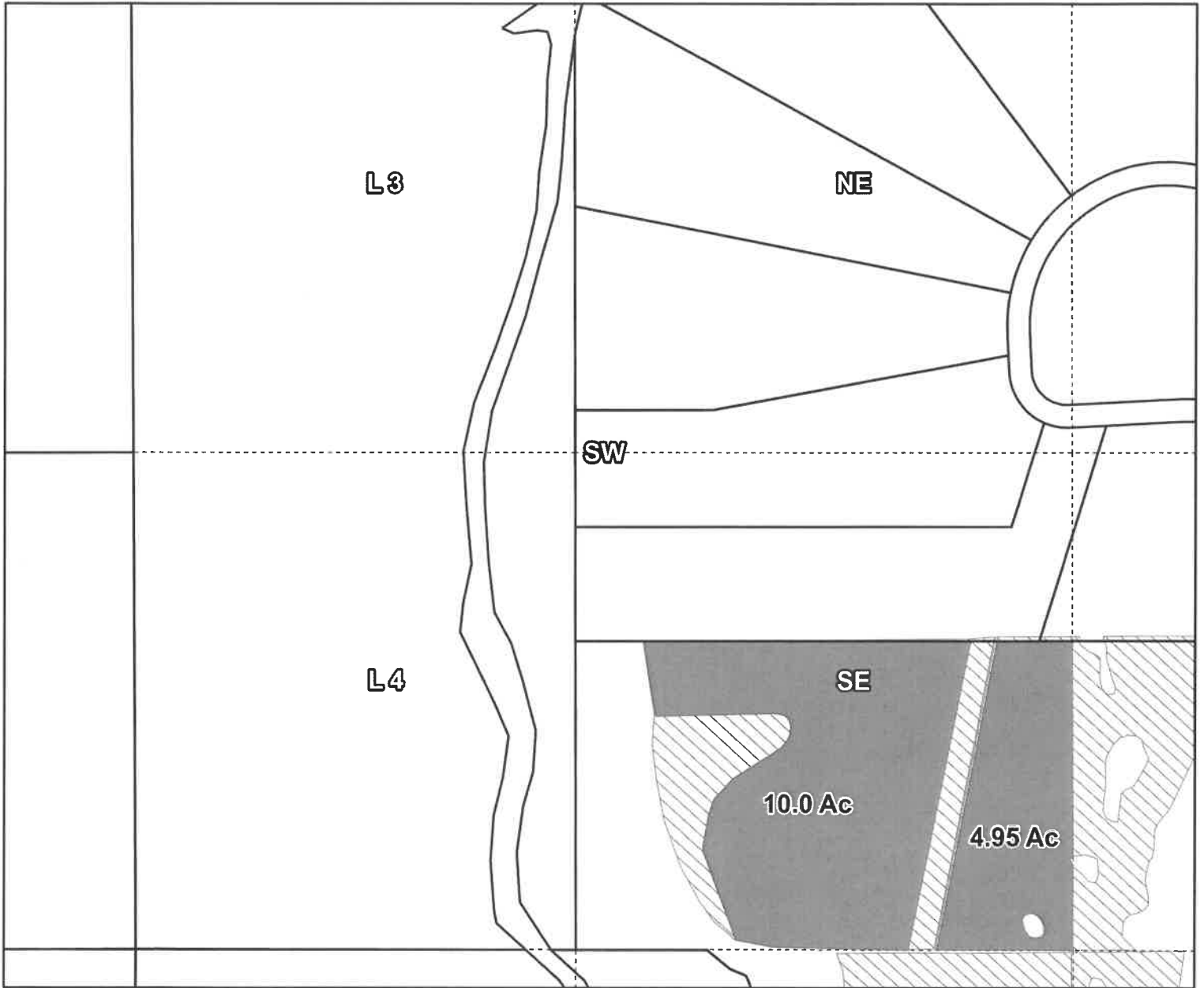
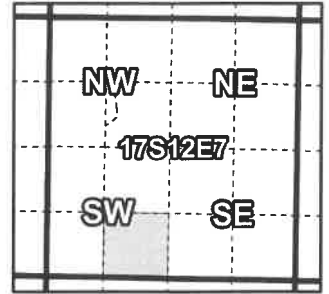


Prepared by Swalley Irrigation District | May 2024

# Swalley Irrigation District 2024 Application for Instream Lease Map

Certificates: 74145

for Elkins



Taxlot 1712070000601, 17-12-07-SE/SW-00601: 14.95 Acres Leased, 4.9 Acres Remaining

- Pipelines and Canals
- Instream Lease
- ▨ Primary Water Right
- Taxlots

1 inch = 400 feet

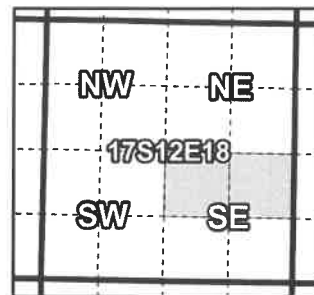


# Swalley Irrigation District

## 2024 Application for Instream Lease Map

**Certificates: 74145**

for *Elkins*



Taxlot 1712180000105, 17-12-18-NW/SE-00105: 23.12 Acres Leased, 0.0 Acres Remaining  
 Taxlot 1712180000105, 17-12-18-NE/SE-00105: 1.91 Acres Leased, 0.0 Acres Remaining  
 Taxlot 1712180000110, 17-12-18-NE/SE-00110: 14.91 Acres Leased, 0.0 Acres Remaining

- Pipelines and Canals
- Instream Lease
- ▨ Primary Water Right
- Taxlots

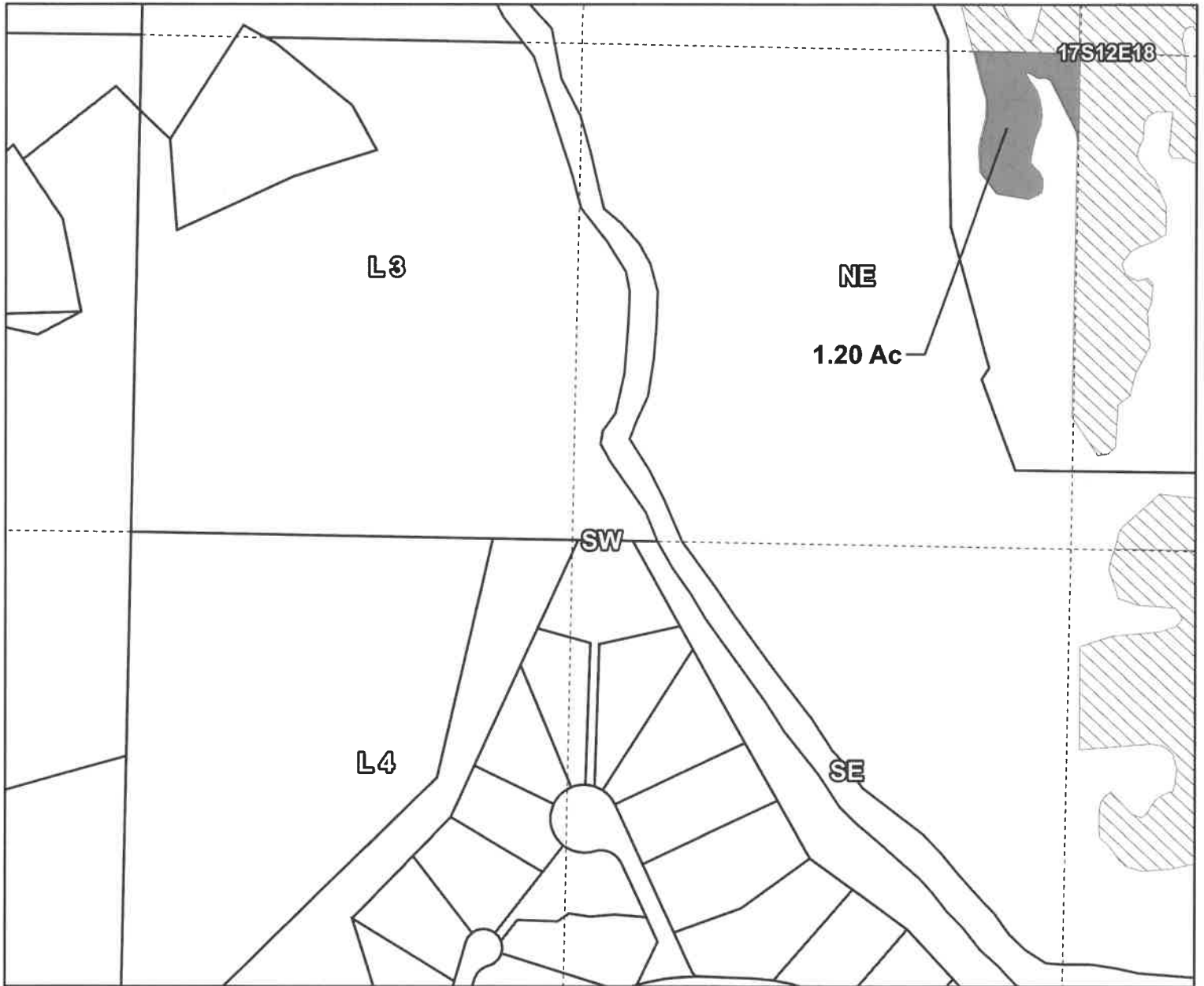
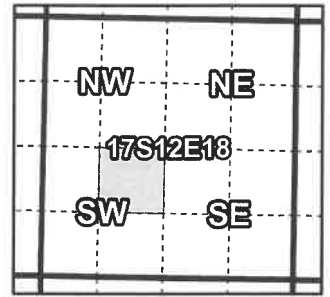
1 inch = 400 feet



# Swalley Irrigation District 2024 Application for Instream Lease Map

**Certificates: 74145**

for *Elkins*



Taxlot 1712180000105, 17-12-18-NE/SW-00105: 1.20 Acres Leased, 0.0 Acres Remaining

- Pipelines and Canals
- Instream Lease
- ▨ Primary Water Right
- Taxlots

1 inch = 400 feet



## Part 3 of 4 – Place of Use – Lessor Information and Signatures

**Complete Table 1 Identify water right(s) proposed to be leased instream  
Provide a separate Part 3 for each Lessor (water right interest holder/landowner)**

Table 1

Irrigation District or other Water Purveyor Name: Swalley Irrigation District													
Specify Water Right, Priority Date, point of diversion(s) (POD), place of use, tax lot, gov't lot/DLC, acres to be leased, original use type, certificate page number, and any previous lease. If not enough room below, you may add rows (see instructions) or create a spreadsheet/table (matching Table 1) and attach. Any attached table should include reference to the Lessor.													
Water Right #	Priority Date	POD #	Twp	Rng	Sec	Q-Q		Tax Lot	Gov't Lot/DLC #	Acres	Use	Page #	Previous Lease #
74145	9-1-1899	3&15	16	12	15	SE	NW	00101		1.75	IRR	6	
74145	9-1-1899	3&15	17	12	05	SE	NW	01100		0.45	IRR	14	
74145	9-1-1899	3&15	16	12	27	SE	NE	03500		0.70	IRR	8	
74145	9-1-1899	3&15	16	12	27	SE	NE	03501		0.80	IRR	8	
74145	9-1-1899	3&15	16	12	20	NW	SE	01105		0.75	IRR	7	
74145	9-1-1899	3&15	17	12	07	SW	SE	00105		1.22	IRR	15	IL-1766
74145	9-1-1899	3&15	17	12	07	SE	SE	00105		0.60	IRR	15	IL-1766
74145	9-1-1899	3&15	16	12	20	NE	SE	01300		0.75	IRR	6	
74145	9-1-1899	3&15	17	12	16	SE	SW	01200		0.07	IRR	20	
74145	9-1-1899	3&15	17	12	16	SW	SE	01900		0.25	IRR	20	
74145	9-1-1899	3&15	16	12	20	SW	NE	00400		0.32	IRR	6	
74145	9-1-1899	3&15	17	12	17	NW	SW	00703		0.22	IRR	21	
74145	9-1-1899	3&15	16	12	01	SE	SE	00700		0.95	IRR	5	
<b>Any additional information about the right:</b> _____													
<b>Farm Deferral Tax Status:</b> Counties make the determination of whether a property qualifies for the farm use assessment without consideration of whether the lands have an associated water right which is leased instream. If you have questions regarding the farm use assessment you should contact your local county assessor. You should contact your County for any weed ordinance and management requirements.													

The undersigned declare:

1. I/We agree during the term of this lease to suspend use of water allowed under the water right(s) involved in the lease as well as and any other appurtenant primary or supplemental water right(s); and
2. I/We certify are the lessor(s) (water right interest holder) of the water right(s) in Table 1. If not the deeded land owner, I/we have obtained consent from the deeded land owner and/or have provided documentation of authorization to pursue the instream lease; and
3. I/We affirm that the information in this application is true and accurate.

Part 3 of 4 – Place of Use – Lessor Information and Signatures

  
\_\_\_\_\_  
Signature of Lessor

Date: 5/22/24

Printed name (and title): Jer Camarata (General Manager) Business name, if applicable: Swalley Irrigation District

Mailing Address (with state and zip): 64672 Cook Ave. Suite 1, Bend, OR 97703

Phone number (include area code): (541)388-0658 \*\*E-mail address: Kathy@swalley.com Mikayla@swalley.com

\_\_\_\_\_  
Signature of Lessor Date: \_\_\_\_\_

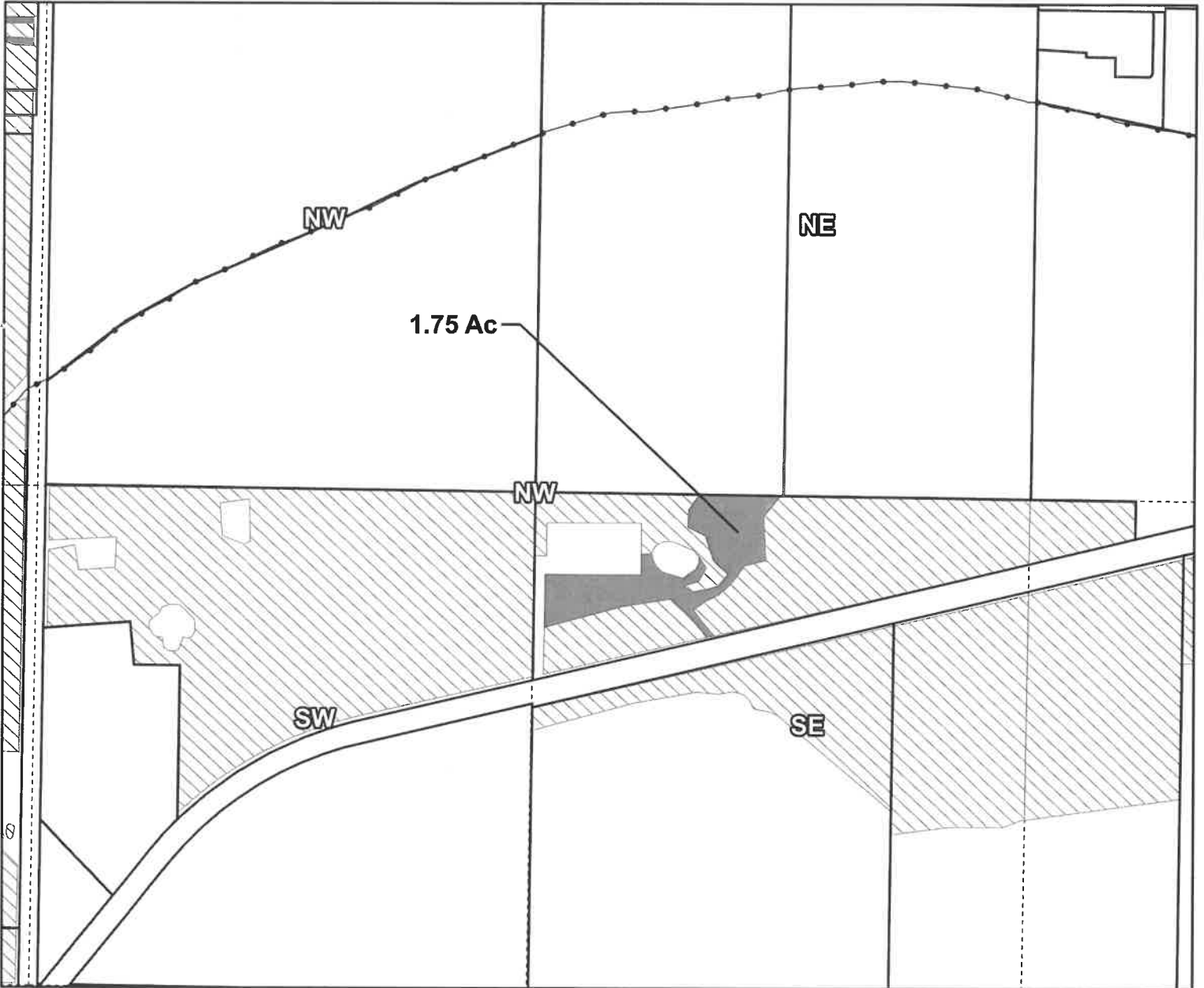
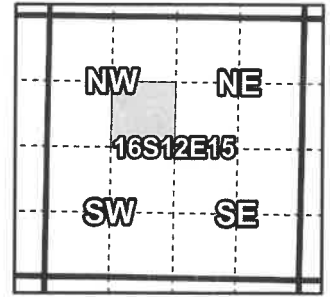
Printed name (and title): \_\_\_\_\_ Business name, if applicable: \_\_\_\_\_

Mailing Address (with state and zip): \_\_\_\_\_

Phone number (include area code): \_\_\_\_\_ \*\*E-mail address: \_\_\_\_\_

# Swalley Irrigation District 2024 Application for Instream Lease Map

**Certificates: 74145**  
for Swalley Irrigation District



Taxlot 1612150000101, 16-12-15-SE/NW-00101: 1.75 Acres Leased, 7.15 Acres Remaining

- Pipelines and Canals
- Instream Lease
- ▨ Primary Water Right
- Taxlots

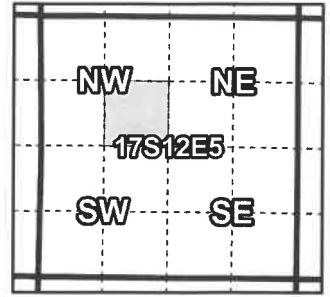


1 inch = 400 feet

Prepared by Swalley Irrigation District | April 2024

# Swalley Irrigation District 2024 Application for Instream Lease Map

**Certificates: 74145**  
for Swalley Irrigation District



Taxlot 171205B001100, 17-12-05-SE/NW-01100: 0.45 Acres Leased, 2.55 Acres Remaining

- Pipelines and Canals
- Instream Lease
- Primary Water Right
- Taxlots

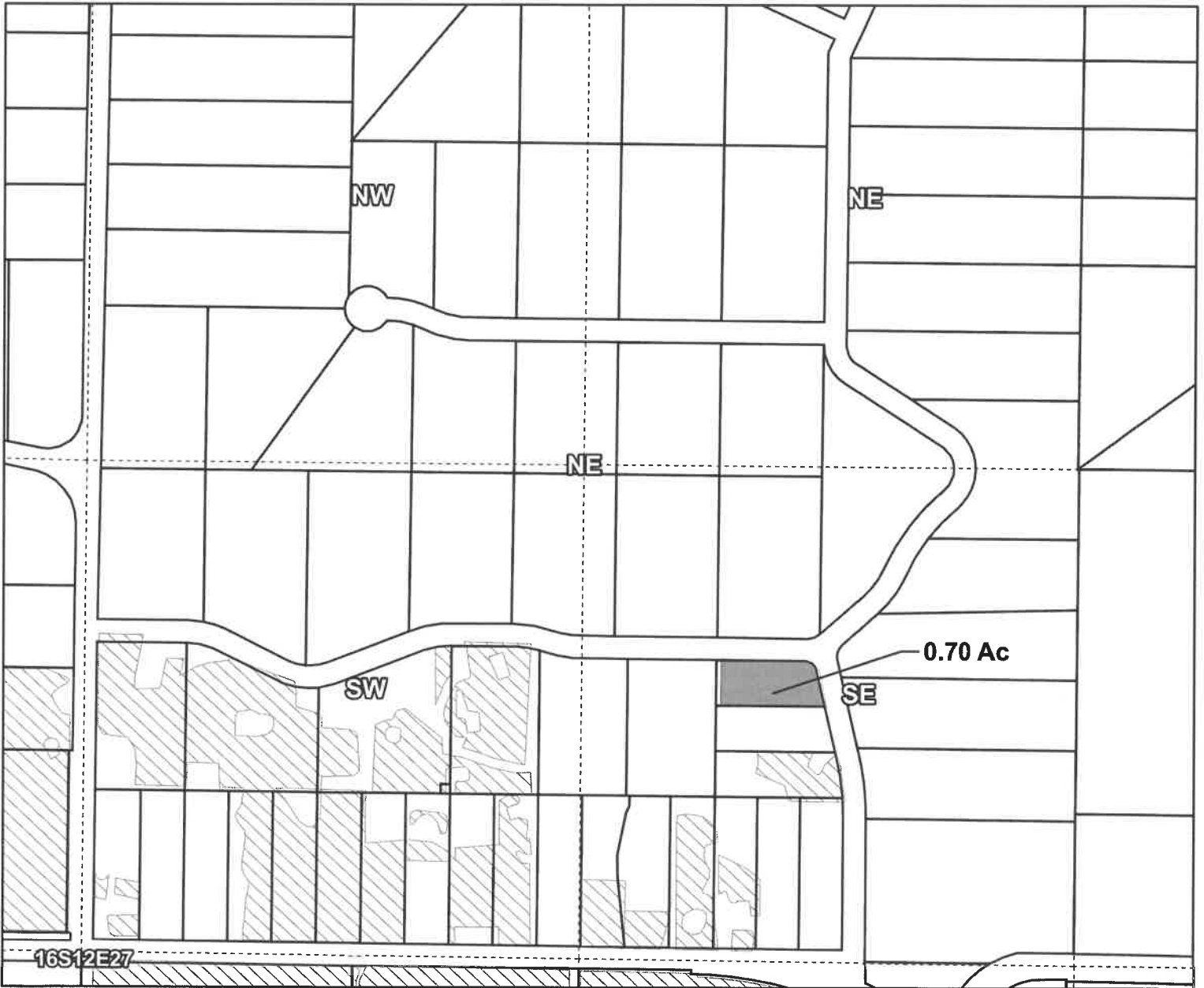
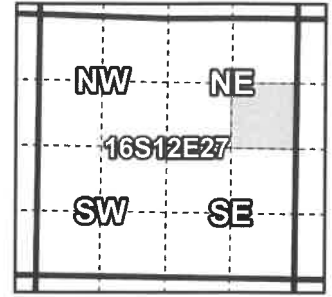


1 inch = 400 feet

# Swalley Irrigation District 2024 Application for Instream Lease Map

**Certificates: 74145**

for Swalley Irrigation District



Taxlot 161227A003500, 16-12-27-SE/NE-03500: 0.70 Acres Leased, 0.0 Acres Remaining

- Pipelines and Canals
- Instream Lease
- ▨ Primary Water Right
- Taxlots

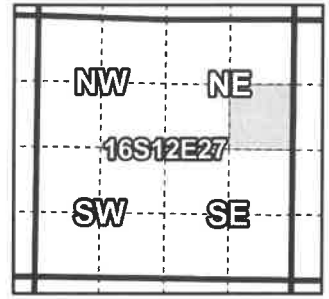


1 inch = 400 feet

# Swalley Irrigation District

## 2024 Application for Instream Lease Map

**Certificates: 74145**  
for Swalley Irrigation District



Taxlot 161227A003501, 16-12-27-SE/NE-03501: 0.80 Acres Leased, 0.0 Acres Remaining

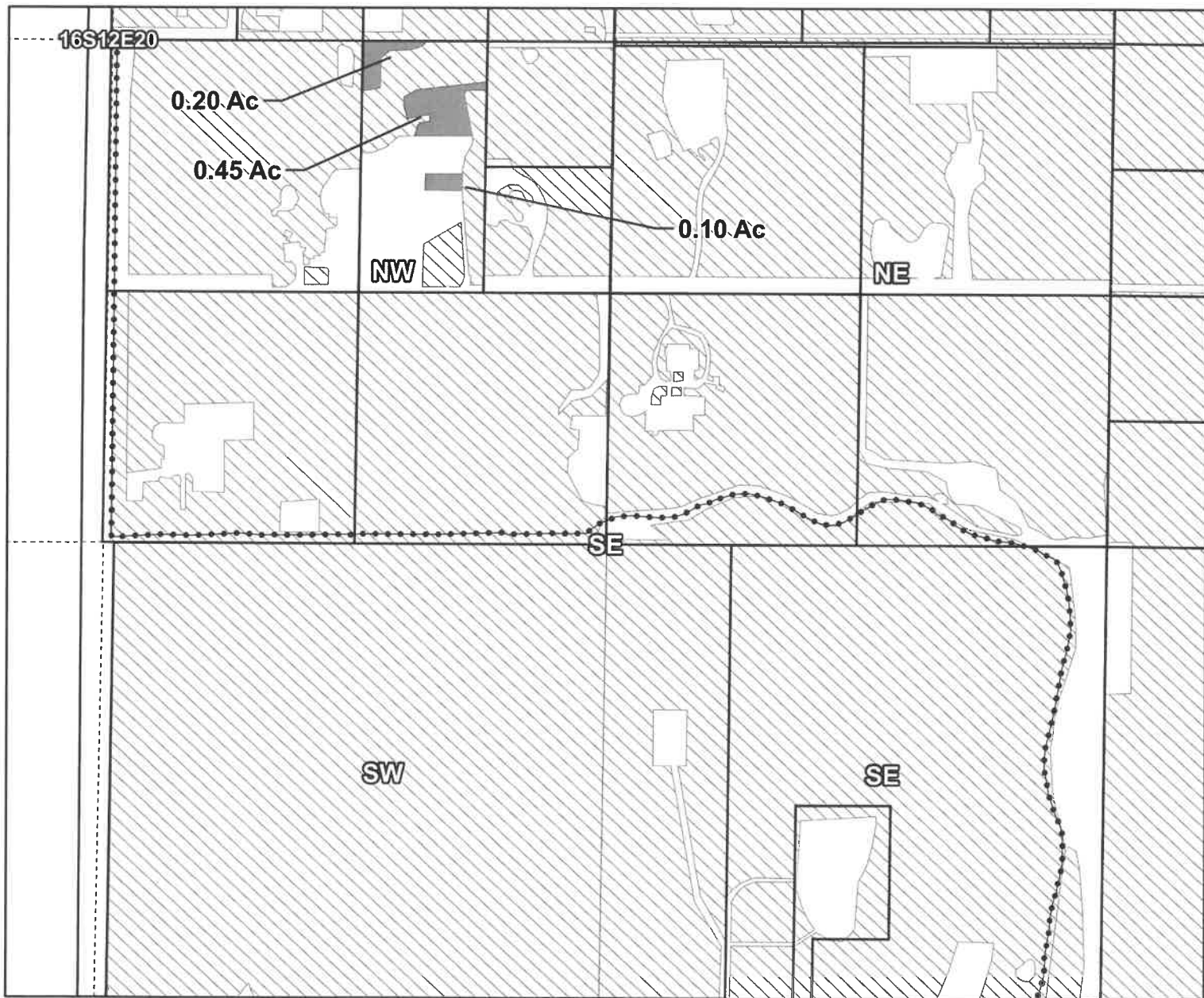
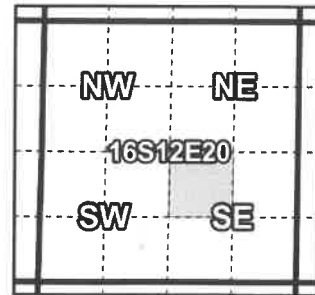
- Pipelines and Canals
- Instream Lease
- Primary Water Right
- Taxlots



1 inch = 400 feet

# Swalley Irrigation District 2024 Application for Instream Lease Map

**Certificates: 74145**  
for Swalley Irrigation District



Taxlot 1612200001105, 16-12-20-NW/SE-01105: 0.75 Acres Leased, 3.0 Acres Remaining

- Pipelines and Canals
- Instream Lease
- ▨ Primary Water Right
- Taxlots

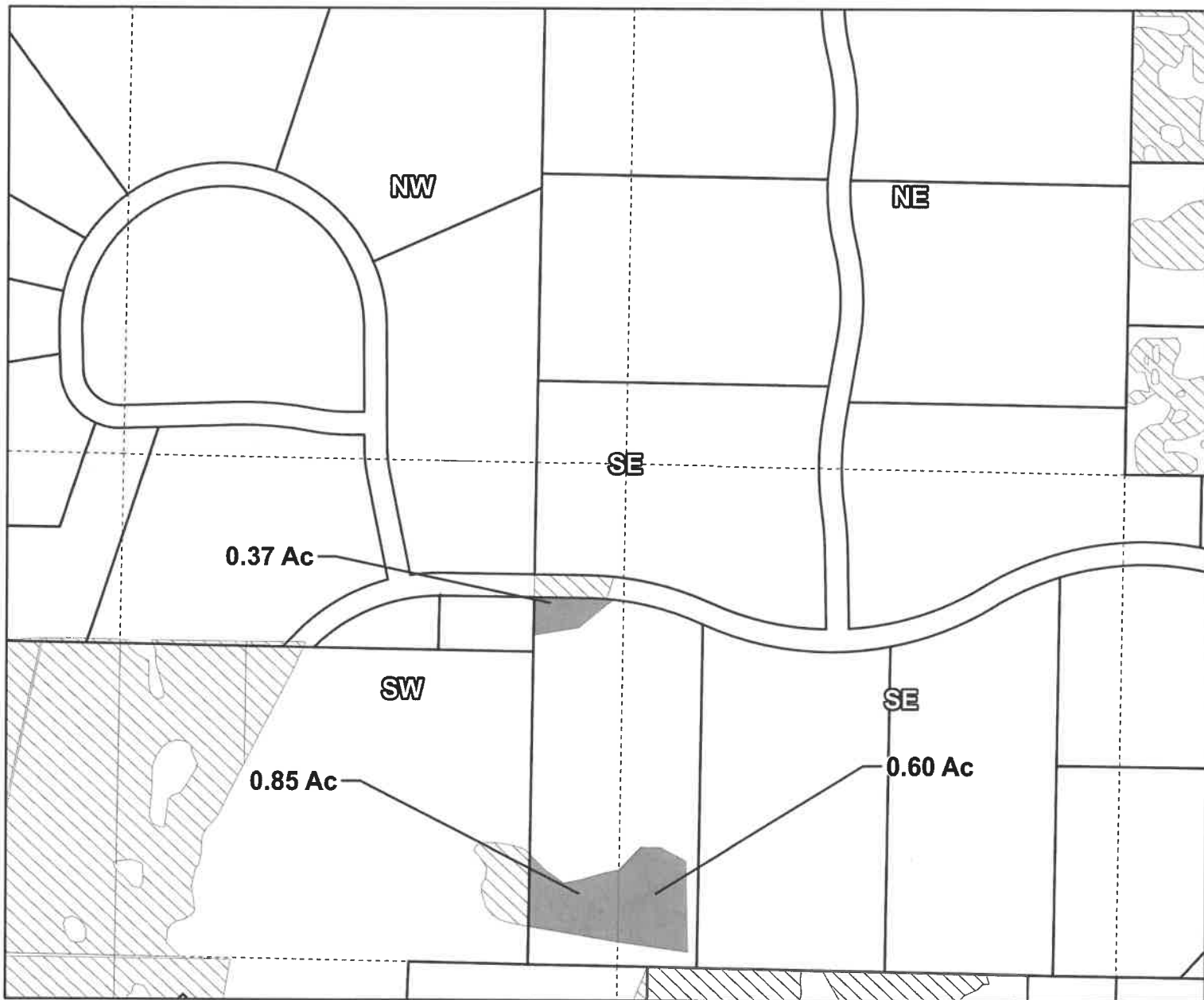
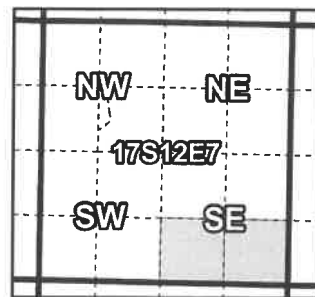


1 inch = 400 feet

Prepared by Swalley Irrigation District | April 2024

# Swalley Irrigation District 2024 Application for Instream Lease Map

**Certificates: 74145**  
for Swalley Irrigation District



Taxlot 171207D000105, 17-12-07-SW/SE-00105: 1.22 Acres Leased, 0.0 Acres Remaining  
 Taxlot 171207D000105, 17-12-07-SE/SE-00105: 0.60 Acres Leased, 0.0 Acres Remaining

- Pipelines and Canals
- Instream Lease
- ▨ Primary Water Right
- Taxlots

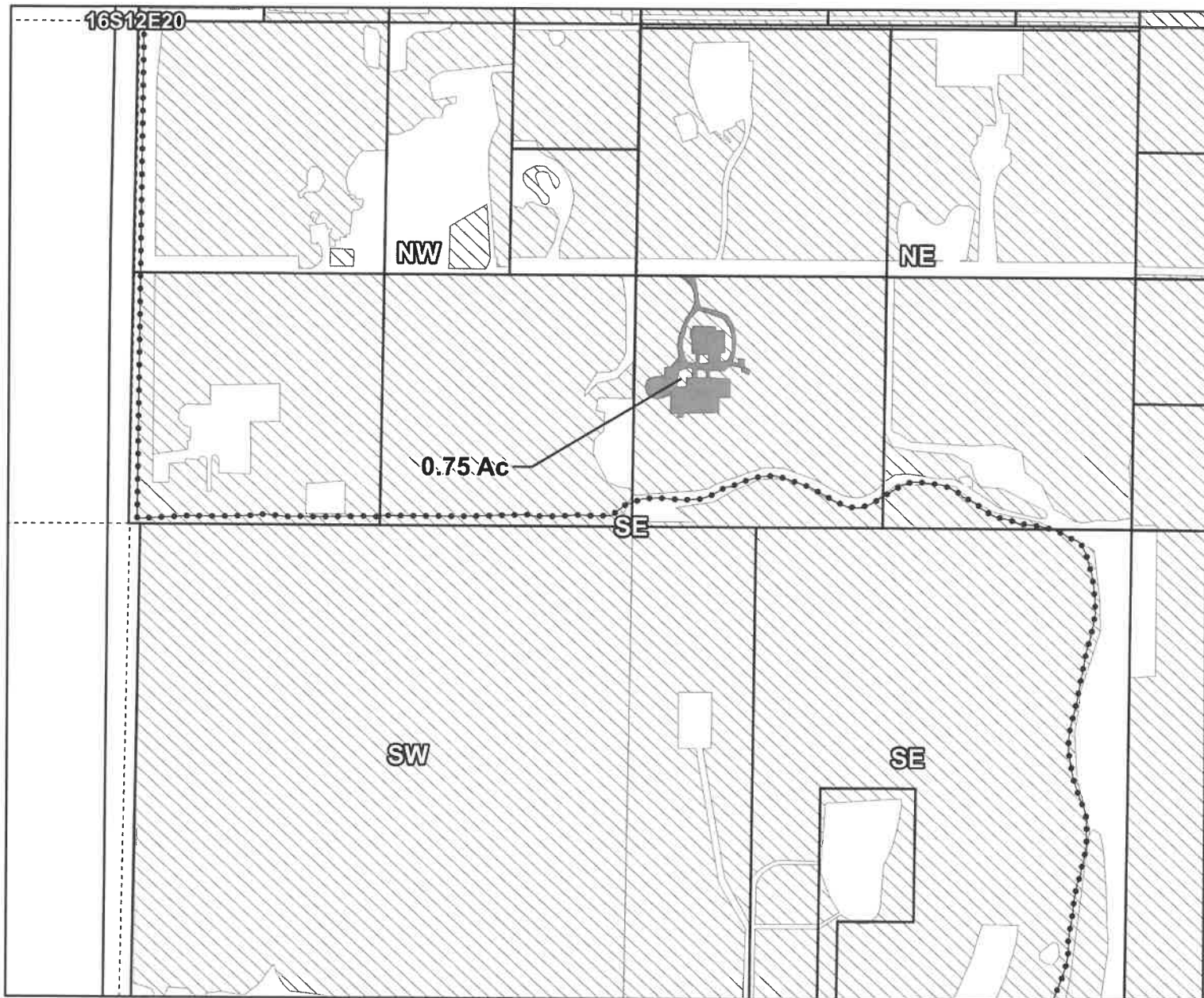
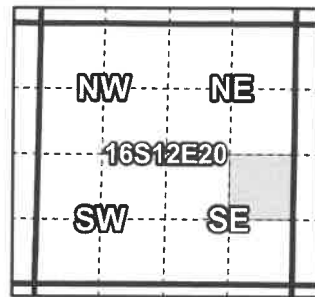


1 inch = 400 feet

Prepared by Swalley Irrigation District | April 2024

# Swalley Irrigation District 2024 Application for Instream Lease Map

**Certificates: 74145**  
for Swalley Irrigation District



Taxlot 1612200001300, 16-12-20-NE/SE-01300: 0.75 Acres Leased, 7.45 Acres Remaining

- Pipelines and Canals
- Instream Lease
- ▨ Primary Water Right
- Taxlots



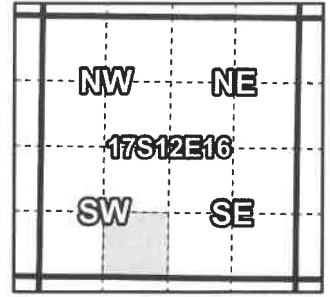
1 inch = 400 feet

Prepared by Swalley Irrigation District | April 2024

# Swalley Irrigation District

## 2024 Application for Instream Lease Map

**Certificates: 74145**  
for Swalley Irrigation District



Taxlot 171216CD01200, 17-12-16-SE/SW-01200: 0.07 Acres Leased, 0.43 Acres Remaining

- Pipelines and Canals
- Instream Lease
- ▨ Primary Water Right
- Taxlots



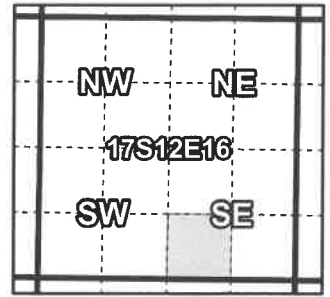
1 inch = 400 feet

Prepared by Swalley Irrigation District | April 2024

Mellon

# Swalley Irrigation District 2024 Application for Instream Lease Map

**Certificates: 74145**  
for Swalley Irrigation District



Taxlot 171216DC01900, 17-12-16-SW/SE-01900: 0.25 Acres Leased, 0.0 Acres Remaining

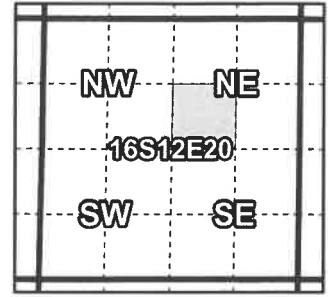
- Pipelines and Canals
- Instream Lease
- ▨ Primary Water Right
- Taxlots



1 inch = 400 feet

# Swalley Irrigation District 2024 Application for Instream Lease Map

**Certificates: 74145**  
for Swalley Irrigation District



Taxlot 1612200000400, 16-12-20-SW/NE-00400: 0.32 Acres Leased, 4.0 Acres Remaining

- Pipelines and Canals
- Instream Lease
- ▨ Primary Water Right
- Taxlots



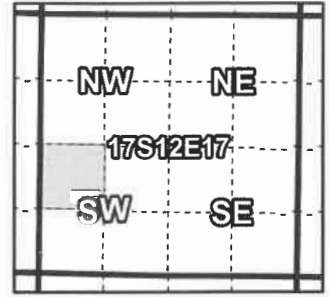
1 inch = 400 feet

Prepared by Swalley Irrigation District | April 2024

# Swalley Irrigation District

## 2024 Application for Instream Lease Map

**Certificates: 74145**  
for Swalley Irrigation District



Taxlot 171217C000703, 17-12-17-NW/SW-00703: 0.22 Acres Leased, 2.78 Acres Remaining

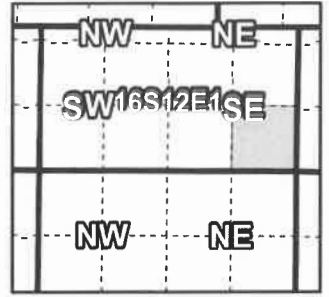
- Pipelines and Canals
- Instream Lease
- Primary Water Right
- Taxlots



1 inch = 400 feet

# Swalley Irrigation District 2024 Application for Instream Lease Map

**Certificates: 74145**  
for Swalley Irrigation District



Taxlot 161201D000700, 16-12-01-SE/SE-00700: 0.95 Acres Leased, 4.78 Acres Remaining

- Pipelines and Canals
- Instream Lease
- ▨ Primary Water Right
- Taxlots



1 inch = 400 feet

Quitclaim and Warranty  
Deed Documents to follow

Deschutes County Official Records

Steve Dennison, County Clerk

2024-01736



01507209202400017360020029

D-D Cnt=1 Pgs=2 Str=6  
\$10.00 \$11.00 \$61.00 \$10.00 \$6.00

01/23/2024 01:02 PM  
\$98.00

After Recording Return To:  
SWALLEY IRRIGATION DISTRICT  
64672 Cook Avenue, Suite 1  
Bend, Oregon 97703

QUITCLAIM DEED  
FOR TRANSFER OF INTEREST IN A WATER RIGHT

Grantors **Jennifer Arsenault**, releases, and quitclaims to **Swalley Irrigation District (SID)** all rights, title and interest in the following: By this agreement and signed transfer application form, Grantor, the owner of the lands listed in Exhibit A, release their claim and responsibility for a total of **1.75 acres** of Swalley Irrigation District water right that are appurtenant to the lands listed in **Exhibit A**, to Swalley Irrigation District. Swalley Irrigation District may elect to complete the transfer application and submit it to the Water Resources Department for approval of use of the water right at a new location and/or use. Swalley Irrigation District may attach this agreement to the Oregon Water Resources Department's lease form and file with the district's annual Short Term Water Right Lease Agreement.

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

Furthermore, upon signing of this agreement and the accompanying transfer application **Jennifer Arsenault** shall no longer be liable for any District assessment or charges pertaining to the total of **1.75 acres** of water right incurred after the date of signing. The water right in question is further described as a portion of certificate # 74145, priority of 1899, located:

**T16S-R12E,WM-SEC15-SE/NW-00101- 1.75 acres**

This agreement is binding upon the heirs, executors, administrators, successors, and permitted assigns of the parties to this agreement.

Consideration for this Quitclaim is 0.00

Grantors:

Jennifer Arsenault

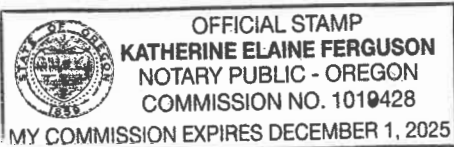
Date 12.26.23

Date \_\_\_\_\_

State of Oregon SS.

County of Deschutes

Personally appeared **Jennifer Arsenault** and acknowledged the forgoing instrument to be his / her voluntary act and deed.



My commission expires 12-1-2025

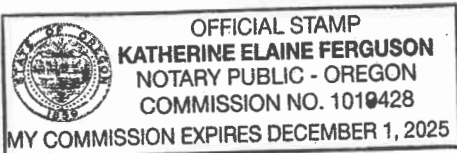
Swalley Irrigation District:

Jer Camarata, General Manager

Date 1/10/24

State of Oregon SS. County of Deschutes

Personally appeared, **Jer Camarata**, as Manager for Swalley Irrigation District, and acknowledged the forgoing instrument to be her voluntary act and deed.



My commission expires 12-1-2025

Tax statement: No change.

**EXHIBIT A**


Account # AR2487

<b>Legal Description:</b>	<b>Taxlot</b>	<b>Serial#</b>	<b>WR Acres:</b>
<b>T16S-R12E-WM-SEC15-SE/NW-00101</b>	<b>16-12-15-SE/NW-00101</b>	<b>168481</b>	<b>1.75 ac</b>

Removing 1.75 acres of water rights at 65885 Old Bend Redmond Hwy, Bend, OR., 97703 to be quitclaimed back to Swalley Irrigation District.

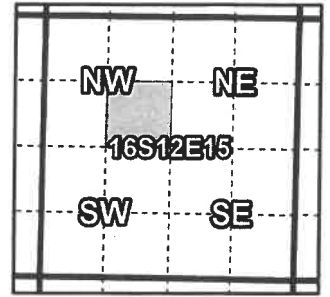
All that portion of the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4), and the West 283 feet of the Southwest Quarter of the Northeast Quarter (SW1/4 NE1/4), laying North of the Old Bend Redmon Highway (Canal Boulevard), Section Fifteen (15), Township Sixteen (16) South, Range Twelve (12), Range 12, East of the Willamette Meridian, Deschutes County, Oregon

As of this date I'm the legal owner of this property.

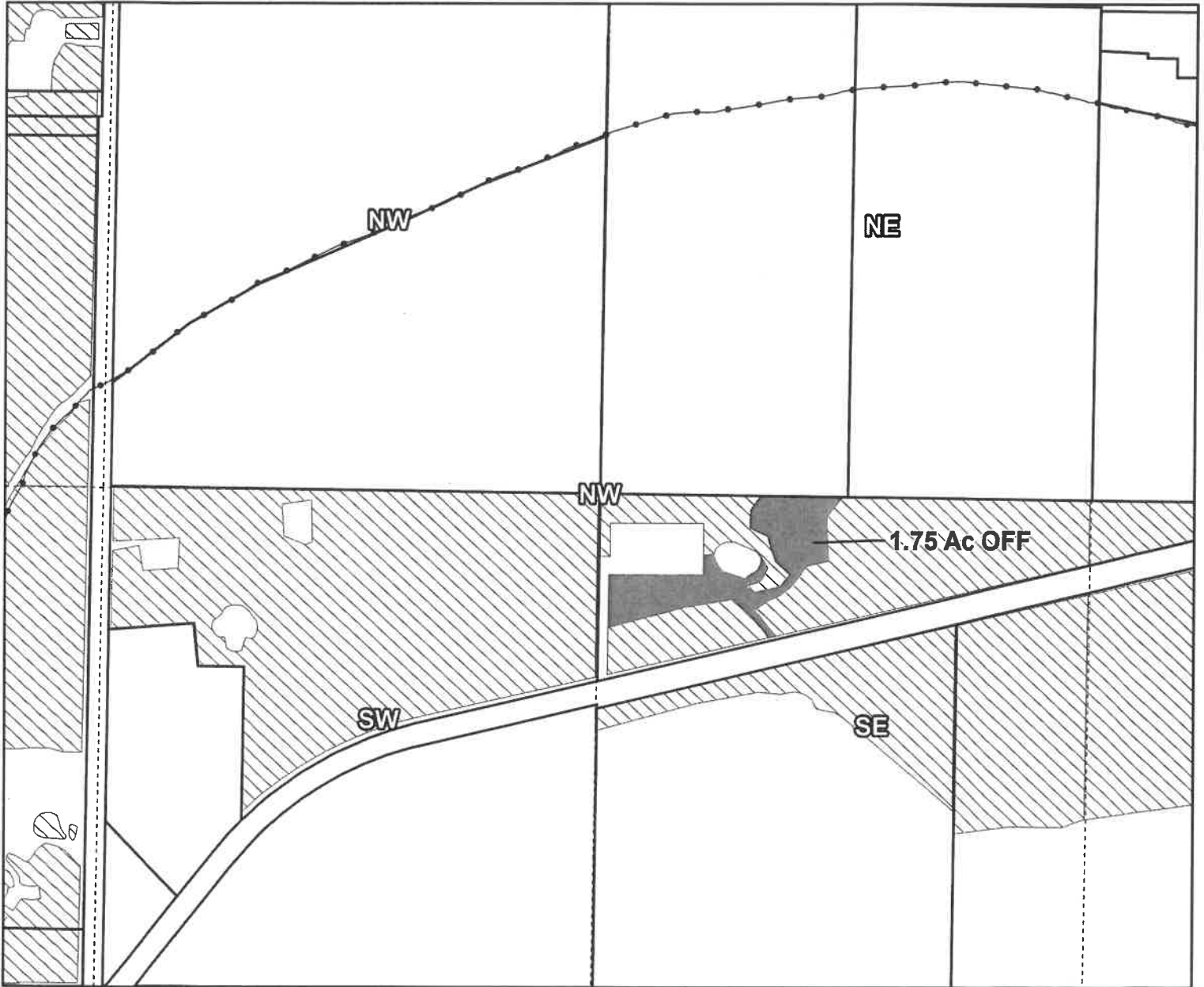
  
Jennifer Arsenault

12.26.23  
Date

# Swalley Irrigation District 2023 District Transfer Application Quitclaim Map



**Certificates: 74145**  
for Jennifer Arsenault



Taxlot 1612150000101, 16-12-15-SE/NW-00101: 1.75 Acres Off, 7.15 Acres Remaining

- Pipelines and Canals
- Quitclaim
- ▨ Primary Water Right
- Taxlots



1 inch = 400 feet

Prepared by Swalley Irrigation District | December 2023

District Internal  
Notice #: QC - 1

**NOTICE OF DISTRICT PERMANENT TRANSFER  
(ORS 540.580)**

DISTRICT: **Swalley Irrigation District**  
ADDRESS: **64672 Cook Avenue, Suite 1, Bend, OR 97703** PHONE: **541-388-0658**

1. **WATER RIGHT: SWALLEY IRRIGATION DISTRICT**  
CERTIFICATE(S): 74145 PRIORITY DATE: September 1, 1899

2. **TYPE OF CHANGE:** PERMANENT CHANGE IN PLACE OF USE

3. **APPLICANT (OFF):**

NAME: Jennifer Arsenault  
ADDRESS: 65885 Old Bend Redmond Hwy, Bend, OR 97703

4. **LOCATION OF USE: AUTHORIZED POINT OF DIVERSION:**

POD #3) N 985' & W 617' from the East ¼ corner, SE/NE of Section 29, T17S, R12E, W.M. (Diversion for Swalley's canal system), POD #15) Additional district diversion: NW1/4SE1/4, Section 14, T.15S, R. 12E, W.M.; 2170 feet North and 1350 feet West from the SE Corner of Section 14.

**LOCATION OF AUTHORIZED PLACE OF USE (Off Lands)**

Township	Range	Section	¼ ¼	Tax Lot	# of acres irrigated	Other Use
T16S	E12	15	SE/NW	00101	1.75	IRR

5

**RECIPIENT (ON):**

NAME: Swalley Irrigation District  
ADDRESS: 64672 Cook Ave., Ste. 1, Bend, OR 97703

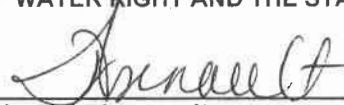
6. **LOCATION OF PROPOSED USE (On Lands)**

Township	Range	Section	¼ ¼	Tax Lot	# of acres irrigated	Other Use
T16S	E12	15	SE/NW	00101	1.75	IRR

Swalley Irrigation District hereby certifies that the applicant are the deed holders of subject properties; that our files are complete with a copy of the recorded documents; that the applicant's land has been irrigated within the last five years, and that applicant and recipient hereby authorize the transfer proposed herein.

NOTICE IS HEREBY GIVEN that this proposed change is subject to the approval of the Water Resources Department and that the Water Resources Department may reject the transfer or may require mitigation to avoid injury to other water right holders.

**SWALLEY IRRIGATION DISTRICT AND APPLICANT, HEREBY SWEAR THAT THE ABOVE NOTICE FOR TRANSFER OF WATER RIGHT AND THE STATEMENTS MADE ARE TRUE AND CORRECT.**

APPLICANT:  12.26.23  
Jennifer Arsenault Date

DISTRICT/ RECIPIENT:  1/10/24  
Jer Camarata, Manager, Swalley Irrigation District Date

Recording requested by and when  
recorded return to:  
**Jennifer Dent-Arsenault**  
5577 SW Shad Rd  
Terrebonne OR 97760

Deschutes County Official Records		<b>2018-001779</b>
D-D		
Stn=1 BN		<b>01/16/2018 11:57:03 AM</b>
\$15.00 \$11.00 \$10.00 \$21.00 \$6.00		<b>\$63.00</b>

I, Nancy Blankenship, County Clerk for Deschutes County, Oregon,  
certify that the instrument identified herein was recorded in the Clerk  
records.

Nancy Blankenship - County Clerk

Unless a change is requested,  
all tax statements shall be sent to:  
**Jennifer Dent-Arsenault**  
5577 SW Shad Rd  
Terrebonne OR 97760

## STATUTORY WARRANTY DEED

The true consideration for this transfer is \$199,500.00.

Stephen Hanson, Grantor, conveys and warrants to Jennifer Arsenault, Grantee, the following described real property free of encumbrances except as specifically set forth herein:

All that portion of the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4), and the West 283 feet of the Southwest Quarter of the Northeast Quarter (SW1/4NE1/4), lying North of the Old Bend-Redmond Highway (Canal Boulevard), Section Fifteen (15), Township Sixteen (16) South, Range Twelve (12), East of the Willamette Meridian, Deschutes County, Oregon.

This deed is subject to the exceptions contained in Exhibit A, and any exception to title suffered or permitted by Grantees. This Statutory Warranty Deed is given in fulfillment of the Contract of Sale between Grantor and Grantees dated Dec. 29, 2014, and the Memorandum of Contract recorded in the Deschutes County Records on December 31, 2014, as instrument number 2014-043727.

**THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS THAT, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND THAT LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, IN ALL ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. BEFORE SIGNING OR**



**EXHIBIT A**

**"Permitted Exceptions"**

1. Regulations, including levies, assessments, water and irrigation rights and easements for ditches and canals of Sisters Irrigation District.
2. Regulations, including levies, assessments, water and irrigation rights and easements for ditches and canals of Central Oregon Irrigation District.
3. Easement, including the terms and provision thereof, affecting the portion of said premises and for the purposes stated therein  
As granted to: Central Electric Cooperative, Inc., a Corporation  
Recorded: March 13, 1950  
Instrument No.: 92-550, Deed Records
4. Easement for irrigation pipeline as disclosed in document recorded February 19, 1987, Instrument No. 141-1528, Deschutes County Records.

2

After Recording Return To:  
**SWALLEY IRRIGATION DISTRICT**  
64672 Cook Avenue, Suite 1  
Bend, Oregon 97703



01498994202300264080020028

D-D Cnt=1 Pgs=2 Stn=4  
\$10.00 \$11.00 \$61.00 \$10.00 \$6.00

10/23/2023 11:47 AM  
\$98.00

**QUITCLAIM DEED  
FOR TRANSFER OF INTEREST IN A WATER RIGHT**

Grantors James Burquist & Deborah Verret , releases, and quitclaims to **Swalley Irrigation District (SID)** all rights, title and interest in the following: By this agreement and signed transfer application form, Grantor, the owner of the lands listed in Exhibit A, release their claim and responsibility for a total of .45 acres of Swalley Irrigation District water right that are appurtenant to the lands listed in Exhibit A, to Swalley Irrigation District. Swalley Irrigation District may elect to complete the transfer application and submit it to the Water Resources Department for approval of use of the water right at a new location and/or use. Swalley Irrigation District may attach this agreement to the Oregon Water Resources Department's lease form and file with the district's annual Short Term Water Right Lease Agreement.

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

Furthermore, upon signing of this agreement and the accompanying transfer application James Burquist & Deborah Verret shall no longer be liable for any District assessment or charges pertaining to the total of .45 acres of water right incurred after the date of signing. The water right in question is further described as a portion of certificate # 74145, priority of 1899, located:

**T17S-R12E,WM-SEC05-SE/NW-01100- .45 acres**

This agreement is binding upon the heirs, executors, administrators, successors, and permitted assigns of the parties to this agreement.  
**Consideration for this Quitclaim is 0.00**

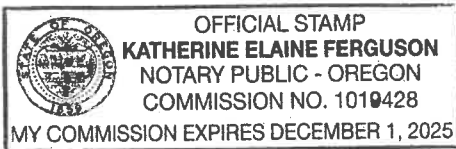
Grantors:

James Burquist Date 10/18/2023

Deborah Verret Date 10/19/2023

State of Oregon SS.  
County of Deschutes

Personally appeared James Burquist & Deborah Verret and acknowledged the forgoing instrument to be his / her voluntary act and deed.



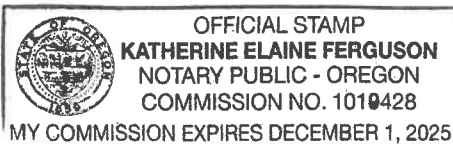
Katherine Elaine Ferguson  
My commission expires 12-1-2025

Swalley Irrigation District:

Jer Camarata Date 10/19/23  
Jer Camarata, General Manager

State of Oregon SS. County of Deschutes

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



Katherine Elaine Ferguson  
My commission expires 12-1-2025

**Tax statement: No change.**

**EXHIBIT A**

Account # BU1485

<b>Legal Description:</b>	<b>Taxlot</b>	<b>Serial#</b>	<b>WR Acres:</b>
<b>T17S-R12E-WM-SEC05-SE/NW-01100</b>	<b>17-12-05-B0-01100</b>	<b>133729</b>	<b>.45</b>

We are requesting that .45 acres of water rights at 64245 Old Bend Redmond Hwy, Bend, OR., 97703 be quitclaimed back to Swalley Irrigation District.

As of this date we are the legal owner of this property.

  
James Burquist

10/19/2023  
Date

  
Deborah Verret

10/18/23  
Date

District Internal  
Notice #: QC - 12

**NOTICE OF DISTRICT PERMANENT TRANSFER  
(ORS 540.580)**

DISTRICT: **Swalley Irrigation District**  
ADDRESS: **64672 Cook Avenue, Suite 1, Bend, OR 97703** PHONE: **541-388-0658**

1. **WATER RIGHT: SWALLEY IRRIGATION DISTRICT**  
CERTIFICATE(S): 74145 PRIORITY DATE: September 1, 1899

2. **TYPE OF CHANGE: PERMANENT CHANGE IN PLACE OF USE**

3. **APPLICANT (OFF):**  
NAME: James Burquist & Deborah Verret  
ADDRESS: 64245 Old Bend Redmond Hwy, Bend, OR 97703

4. **LOCATION OF USE: AUTHORIZED POINT OF DIVERSION:**  
POD #3) N 985' & W 617' from the East ¼ corner, SE/NE of Section 29, T17S, R12E, W.M. (Diversion for Swalley's canal system), POD #15) Additional district diversion: NW1/4SE1/4, Section 14, T.15S, R. 12E, W.M.; 2170 feet North and 1350 feet West from the SE Corner of Section 14.

**LOCATION OF AUTHORIZED PLACE OF USE (Off Lands)**

Township	Range	Section	¼ ¼	Tax Lot	# of acres irrigated	Other Use
T17S	E12	05	SE/NW	01100	.45	IRR

5  
6. **RECIPIENT (ON):**  
NAME: Swalley Irrigation District  
ADDRESS: 64672 Cook Ave., Ste. 1, Bend, OR 97703

**6. LOCATION OF PROPOSED USE (On Lands)**

Township	Range	Section	¼ ¼	Tax Lot	# of acres irrigated	Other Use
T17S	E12	05	SE/NW	01100	.45	IRR

Swalley Irrigation District hereby certifies that the applicant are the deed holders of subject properties; that our files are complete with a copy of the recorded documents; that the applicant's land has been irrigated within the last five years, and that applicant and recipient hereby authorize the transfer proposed herein.

NOTICE IS HEREBY GIVEN that this proposed change is subject to the approval of the Water Resources Department and that the Water Resources Department may reject the transfer or may require mitigation to avoid injury to other water right holders.

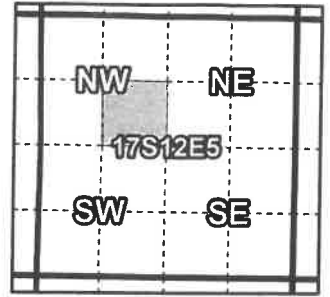
**SWALLEY IRRIGATION DISTRICT AND APPLICANT, HEREBY SWEAR THAT THE ABOVE NOTICE FOR TRANSFER OF WATER RIGHT AND THE STATEMENTS MADE ARE TRUE AND CORRECT.**

APPLICANT: James Burquist Deborah Verret 10/18/23  
Date

DISTRICT/ RECIPIENT: Jer Camarata, Manager, Swalley Irrigation District 10/18/23  
Date

# Swalley Irrigation District

## 2023 District Transfer Application Quitclaim Map







**Certificates: 74145**

for James Burquist



Taxlot 171205B001100, 17-12-05-SE/NW-01100: 0.45 Acres Off, 2.55 Acres Remaining

-  Pipelines and Canals
-  Quitclaim
-  Primary Water Right
-  Taxlots



1 inch = 400 feet

Prepared by Swalley Irrigation District | October 2023

118979 45 -

365 - 0199

95-03626

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that STEVEN L. HENDERSON and SHARON E. HENDERSON, as tenants by the entirety

Grantor in consideration of EIGHTY FIVE THOUSAND Dollars, to paid by the Grantee herein, do hereby grant, bargain, sell and convey unto DEBORAH J. VERRET and JAMES E. BURQUIST, WIFE AND HUSBAND

Grantee the following described real property, situate in the County of DESCHUTES and State of Oregon, to wit:

SEE EXHIBIT A WHICH IS MADE A PART HEREOF BY THIS REFERENCE

To Have and to Hold the granted premises unto the said Grantee and their Heirs and Assigns forever. And the Grantor do covenant that they lawfully seized in fee simple of the above granted premises free from all encumbrances, SEE ATTACHED

and that they will and their heirs, executors and administrators, shall warrant and forever defend the granted premises, against the lawful claims and demands of all persons, except as above stated.

Witness hand and seal this day of 19

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES. AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930

STEVEN L. HENDERSON (SEAL) SHARON E. HENDERSON (SEAL) SHARON E. HENDERSON (SEAL)

NOTARY ACKNOWLEDGEMENT

STATE OF OREGON ss. FEBRUARY 2 19 95 COUNTY OF DESCHUTES

Personally appeared the above named STEVEN L. HENDERSON AND SHARON E. HENDERSON and acknowledged the foregoing instrument to be THEIR voluntary act.



Before me: Gillian M. Wilson Notary Public for OREGON My commission expires MARCH 10, 1996

(seal)

STATE OF OREGON County of } ss.

UNTIL A CHANGE IS REQUESTED, ALL TAX STATEMENTS SHALL BE SENT TO THE FOLLOWING ADDRESS:

I certify that the within instrument was received for record on DEBORAH J. VERRET AND JAMES E. BURQUIST 64245 OLD BEND-REDMOND HWY at o'clock, and was recorded in Book Page Record of Deeds of said county.

Return to: DEBORAH J. VERRET and JAMES E. BURQUIST 64245 Old Bend-Redmond Hwy Bend, Oregon 97701

After recording, return to: BEND-TITLE COMPANY Recorder of Conveyances 15 OREGON AVENUE, BEND

WARRANTY DEED (EXCEPTIONS) 365 0200 PAGE 2

REGULATIONS, INCLUDING LEVIES, ASSESSMENTS, WATER AND IRRIGATION RIGHTS AND EASEMENTS FOR DITCHES AND CANALS OF DESCHUTES RECLAMATION AND IRRIGATION COMPANY.

EASEMENTS, INCLUDING THE TERMS AND PROVISIONS THEREOF, AFFECTING THE PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED THEREIN  
AS GRANTED TO: HAROLD F. KENTNER AND ELVIRA F. KENTNER, HUSBAND AND WIFE  
RECORDED: AUGUST 25, 1967  
BOOK/PAGE: 154/525, DEED RECORDS  
(AFFECTS THE SOUTHERLY AND WESTERLY 25 FEET OF THE HEREIN DESCRIBED PROPERTY)

ROAD MAINTENANCE AGREEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, DATED JANUARY 24, 1983, RECORDED FEBRUARY 1, 1984, BOOK 42, PAGE 361, DESCHUTES COUNTY, OREGON.

EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, AFFECTING THE PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED THEREIN  
AS GRANTED TO: HAROLD F. AND ELVINA F. KENTNER, HUSBAND AND WIFE  
RECORDED: AUGUST 10, 1987  
BOOK/PAGE: 149/1914, DESCHUTES COUNTY RECORDS

EXHIBIT "A"

365 0201

All that portion of the Southeast One-quarter of the Northwest One-quarter (SE1/4NW1/4), Section Five (5), Township Seventeen (17) South, Range Twelve (12), East of the Willamette Meridian, Deschutes County, Oregon, lying West of the Old Dalles-California Highway.

Excepting therefrom that portion thereof conveyed by Harold V. Kentner and Phyllis L. Kentner, husband and wife, to Harold F. Kentner and Elvira P. Kentner, husband and wife, by deed dated August 21, 1967, and recorded August 25, 1967, in Book 154, Page 525, Deschutes County Deed Records.

Also excepting therefrom that portion thereof conveyed by Harold V. Kentner and Phyllis L. Kentner, husband and wife, to Delmar Kentner and Maxine Kentner, husband and wife, by deed dated April 25, 1972, and recorded April 26, 1972, in Book 184, Page 199, Deed Records.

Also excepting therefrom that portion thereof conveyed by Harold V. Kentner and Phyllis L. Kentner, husband and wife, to Donald B. Kentner and Linda E. Kentner, husband and wife, by deed dated December 15, 1969, and recorded December 16, 1969, in Book 167, Page 959, Deschutes County Records.

Also excepting therefrom that portion thereof conveyed by Harold V. Kentner and Phyllis L. Kentner, husband and wife, to Larry Kentner and Linda Kentner, husband and wife, by deed dated April 25, 1972, and recorded April 26, 1972, in Book 184, Page 197, Deed Records.

Also excepting therefrom that portion thereof conveyed by Harold V. Kentner and Phyllis L. Kentner, husband and wife, to Dallas Schulz and Lois Schulz, husband and wife, by deed dated April 25, 1972, and recorded April 26, 1972, in Book 184, Page 198, Deed Records.

Also excepting therefrom that portion thereof conveyed by Harold V. Kentner and Phyllis L. Kentner, husband and wife, to Jimmie Lee Humbert and Lois Marie Humbert, husband and wife, by deed dated March 29, 1960, and recorded March 29, 1960, in Book 124, Page 435, Deed Records.

Further excepting therefrom that portion thereof conveyed by Harold V. Kentner and Phyllis L. Kentner, husband and wife, to Lester J. Kentner and Linda J. Kentner, husband and wife, by deed April 28, 1967, and recorded April 28, 1967, in Book 153, Page 110, Deed Records:

STATE OF OREGON )  
COUNTY OF DESCHUTES ) SS.

I, MARY SUE PENHOLLOW, COUNTY CLERK AND  
RECORDER OF CONVEYANCES, IN AND FOR SAID  
COUNTY, DO HEREBY CERTIFY THAT THE WITHIN  
INSTRUMENT WAS RECORDED THIS DAY:

95 FEB -6 AM 10:49  
MARY SUE PENHOLLOW  
COUNTY CLERK

BY: *Wallace* DEPUTY  
NO. 95-03626 REC. 459  
DESCHUTES COUNTY OFFICIAL RECORDS



01326228202000565320020022

10/26/2020 08:07 AM

D-D Cnt=1 Stn=2 AS \$10.00 \$11.00 \$61.00 \$10.00 \$6.00

\$98.00

After Recording Return To:  
SWALLEY IRRIGATION DISTRICT  
64672 Cook Avenue, Suite 1  
Bend, Oregon 97703

**QUITCLAIM DEED  
FOR TRANSFER OF INTEREST IN A WATER RIGHT**

Grantor, Neal & Mary Butler, releases and quitclaims to Swalley Irrigation District (SID) all rights, title and interest in the following: By this agreement and signed transfer application form, Grantor, the owner of the lands listed in Exhibit A, release their claim and responsibility for 1.50 acres of Swalley Irrigation District water right that are appurtenant to the lands listed in Exhibit A, to Swalley Irrigation District. Swalley Irrigation District may elect to complete the transfer application and submit it to the Water Resources Department for approval of use of the water right at a new location and/or use. Swalley Irrigation District may attach this agreement to the Oregon Water Resources Department's lease form and file with the District's annual ShortTerm Water Right Lease Agreement.

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

Furthermore, upon signing of this agreement and the accompanying transfer application Neal & Mary Butler, shall no longer be liable for any district assessment or charges pertaining to 1.50 acres of water right incurred after the date of signing. The water right in question is further described as a portion of certificate # 74145, priority of 1899, located: T17S-R12E, WM-SEC27-SE/NE-03500 - .70 acre - T17S-R12E, WM-SEC27-SE/NE-03501 - .80 acre

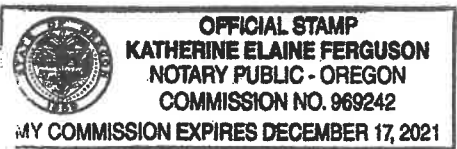
This agreement is binding upon the heirs, executors, administrators, successors, and permitted assigns of the parties to this agreement. Consideration for this Quitclaim is 0.00

Grantor: Neal S. Butler Date \_\_\_\_\_  
Neal Butler

Grantor: Mary J. Butler Date Oct. 22, 2020  
Mary Butler

State of Oregon SS.  
County of Deschutes

Personally appeared: Neal & Mary Butler and acknowledged the forgoing instrument to be his / her voluntary act and deed.



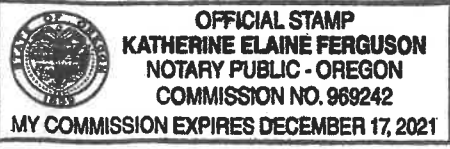
Katherine Elaine Ferguson

My commission expires 12-17-21

Swalley Irrigation District: \_\_\_\_\_ Date 10/20/2020  
Jer Camarata, General Manager

State of Oregon SS.  
County of Deschutes

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



Katherine Elaine Ferguson

My commission expires 12-17-21

Tax statement: No change.

**EXHIBIT A**

Account # BU1053

Neal & Mary Butler  
65049 78<sup>th</sup> St.  
Bend, OR 97703

Legal Description:	Taxlot	Serial#	WR Acres:
T17S-R12E-WM-SEC27-SE/NE-03500	171227A003500	133022	.70
T17S-R12E-WM-SEC27-SE/NE-03501	171227A003501	133022	.80

Lot 6, Block 7 of Whispering Pines Estates, First Addition, Deschutes County, Bend, OR

We are giving our permission to have 1.50 acres of water rights  
Quitclaimed off the property (2 tax lots) at 65049 78<sup>th</sup> St., Bend, OR 97703  
As of this date we are the legal owners of this property.

*Neal L. Butler*

Neal Butler

Date

*Mary L. Butler*

Mary Butler

Date

*Oct. 22, 2020*

District Internal – 2020-Q3

**NOTICE OF DISTRICT PERMANENT TRANSFER  
(ORS 540.580)**

**DISTRICT: Swalley Irrigation District**  
**ADDRESS: 64672 Cook Avenue, Suite 1, Bend, OR 97703**      **PHONE: 541/388-0658**

**1. WATER RIGHT: SWALLEY IRRIGATION DISTRICT**  
 CERTIFICATE(S): 74145      PRIORITY DATE: September 1, 1899

**2. TYPE OF CHANGE: PERMANENT CHANGE IN PLACE OF USE**

**3. APPLICANT (OFF):**  
**NAME: Neal & Mary Butler**  
**ADDRESS: 65049 78<sup>th</sup> St, Bend, OR 97703**

**4. LOCATION OF USE: (Off Lands) AUTHORIZED POINT OF DIVERSION:**  
 POD #3) N 985' & W 617' from the East ¼ corner, SE/NE of Section 29, T17S, R12E., W.M. (Diversion for Swalley's canal system) POD #15) Additional district diversion: NW1/4SE1/4, Section 14, T.15S., R. 12E, W.M.; 2170 feet North and 1350 feet West from the SE Corner of Section 14.

**LOCATION OF AUTHORIZED PLACE OF USE (Off Lands)**

Township	Range	Section	¼ ¼	Tax Lot	# of acres irrigated	Other Use
S17	E12	27	SE/NE	03500	.70	IRR
S17	E12	27	SE/NE	03501	.80	IRR

**5. RECIPIENT (ON):**  
**NAME: Swalley Irrigation District**  
**ADDRESS: 64672 Cook Ave., Bend, OR 97703**

**6. LOCATION OF PROPOSED USE (On Lands) AUTHORIZED POINT OF DIVERSION:**  
 POD #3) N 985' & W 617' from the East ¼ corner, SE/NE of Section 29, T17S, R12E, W.M (Diversion for Swalley's canal system), POD 3 & 15) Additional district diversion: NW1/4SE1/4, Section 14, T.15S., R. 12E, W.M.; 2170 feet North and 1350 feet West from the SE Corner of Section 14.

Township	Range	Section	¼ ¼	Tax Lot	# of acres irrigated	Other Use
S17	E12	27	SE/NE	03500	.70	IRR
S17	E12	27	SE/NE	03501	.80	IRR

**7. EXHIBITS :** Maps showing the location of the present and proposed irrigated lands (*On & Off Maps*)

Swalley Irrigation District hereby certifies that the applicant and recipient are the deed holders of subject properties; that our files are complete with a copy of the recorded documents; that the applicant's land has been irrigated within the last five years, and that applicant and recipient hereby authorize the transfer proposed herein.

NOTICE IS HEREBY GIVEN that this proposed change is subject to the approval of the Water Resources Department and that the Water Resources Department may reject the transfer or may require mitigation to avoid injury to other water right holders.

**SWALLEY IRRIGATION DISTRICT AND APPLICANT, HEREBY SWEAR THAT THE ABOVE NOTICE FOR TRANSFER OF WATER RIGHT AND THE STATEMENTS MADE ARE TRUE AND CORRECT.**

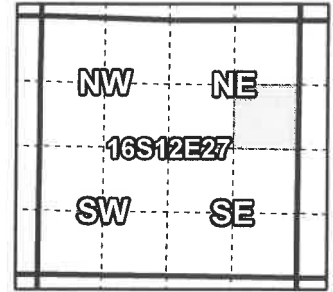
APPLICANTS: Neal J. Butler / Mary J. Butler      Oct. 22, 2020  
 Neal Butler      Mary Butler      Date:

RECIPIENT/DISTRICT: Jer Camarata / Swalley Irrigation District      10/20/2020  
 Jer Camarata/ Swalley Irrigation District      Date:

# Swalley Irrigation District

## 2022 District Transfer Application Quitclaim Map

**Certificates: 74145**  
for Neil and Mary Butler



Taxlot 161227A003500, 16-12-27-SE/NE-03500: 0.70 Acres Off, 0 Acres Remaining  
Taxlot 161227A003501, 16-12-27-SE/NE-03501: 0.80 Acres Off, 0 Acres Remaining

- Pipelines and Canals
- Transfer
- Primary Water Right
- Taxlots



1 inch = 400 feet

84252 15.0

FORM No. 943 - WARRANTY DEED - STATUTORY FORM (Individual Grantor) OK 87-23054 154-1401 STEVENS-NEBE LAW P.C., PORTLAND, OR, 97204

OPAL A. GILBRETH  
conveys and warrants to NEAL L. BUTLER AND MARY F. BUTLER, HUSBAND AND WIFE Grantor,

Grantee, the following described real property free of encumbrances  
except as specifically set forth herein situated in DESCUTES  
THE NORTH 120.50 FEET OF THE SOUTH 241.00 FEET OF LOT 6, BLOCK 7 OF WHISPERING PINES,  
FIRST ADDITION, AND THE NORTH 121.15 FEET OF LOT 6 BLOCK 7 OF WHISPERING PINES FIRST  
ADDITION, DESCUTES COUNTY, OREGON

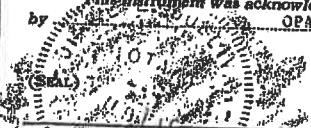
The said property is free from encumbrances except those shown on the reverse side if any

The true consideration for this conveyance is \$40,250.00 (Here comply with the requirements of ORS 93.030)

Dated this 9th day of November, 1987

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.  
Opal A. Gilbreth  
OPAL A. GILBRETH

STATE OF OREGON, County of Deschutes ) ss.  
This instrument was acknowledged before me on November 9, 1987  
by OPAL A. GILBRETH



Opal A. Gilbreth  
Notary Public for Oregon  
My commission expires 8/1/90

WARRANTY DEED  
OPAL A. GILBRETH GRANTOR  
NEAL L. BUTLER GRANTEE  
GRANTEE'S ADDRESS, ZIP  
After recording return to:  
NEAL L. BUTLER  
MARY F. BUTLER  
6504 1/2th St  
Bend, OR 97701  
NAME, ADDRESS, ZIP  
Until a change is requested, all tax statements shall be sent to the following address:  
SAME AS ABOVE  
NAME, ADDRESS, ZIP

STATE OF OREGON,  
County of } ss.  
( I certify that the within instrument was received for record on the day of 1987, at o'clock M., and recorded in book/reel/volume No. on page or as fee/title/instrument/microfilm/reception No. Record of Deeds of said county. Witness my hand and seal of County affixed.  
NAME TITLE  
By Deputy

154 - 1402

The premises under search fall within the boundaries of Deschutes Reclamation and Irrigation Company and are subject to rules, regulations, assessments and liens thereon.

Easement, including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein  
 As granted to: Pacific Power and Light Company  
 Recorded: August 17, 1951  
 Book/Page: 98/307, Deed records.

Easement as shown on the official plat.

Covenants, conditions and restrictions in the Building and Use Restrictions, Whispering Pines Estates, First and Second Addition, recorded April 17, 1968, in Book 157, Page 617, Deed Records.

Easement, including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein  
 As granted by: Pacific Power and Light Company  
 Recorded: January 7, 1969  
 Book/Page: 162/476, Deed records.

Joint Well Agreement, including the terms and provisions thereof, between Laura V. Calipeau, Robert C. Gilbreth and Opal A. Gilbreth, husband and wife, James A. Victor, James Williams, and John Regan and Marvin Ocker, recorded September 9, 1976, in Book 237, Page 184, Deed Records, and as recorded November 26, 1984, in Book 81, Page 957, Deschutes County Records. As amended by instrument recorded March 5, 1981, in Book 337, Page 378, Deed Records.

STATE OF OREGON )  
 COUNTY OF DESCHUTES ) ss.

I, MARY SUE PENHOLLOW, COUNTY CLERK AND  
 RECORDER OF CONVEYANCES, IN AND FOR SAID  
 COUNTY, DO HEREBY CERTIFY THAT THE WITHIN  
 INSTRUMENT WAS RECORDED THIS DAY:

87 NOV -9 PH 3:54  
 MARY SUE PENHOLLOW  
 COUNTY CLERK

BY: P. Luck DEPUTY  
 NO. 87-2308 FEB 15  
 DESCHUTES COUNTY OFFICIAL RECORDS

2

After Recording Return To:  
**SWALLEY IRRIGATION DISTRICT**  
64672 Cook Avenue, Suite 1  
Bend, Oregon 97703

Steve Dennison, County Clerk

2023-26407



01498993202300264070020021

D-D Cnt=1 Pgs=2 Str=4  
\$10.00 \$11.00 \$61.00 \$10.00 \$6.00

10/23/2023 11:46 AM  
\$98.00

**QUITCLAIM DEED  
FOR TRANSFER OF INTEREST IN A WATER RIGHT**

Grantors, Richard & Colleen Franks, releases, and quitclaims to Swalley Irrigation District (SID) all rights, title and interest in the following: By this agreement and signed transfer application form, Grantor, the owner of the lands listed in Exhibit A, release their claim and responsibility for a total of .75 acres of Swalley Irrigation District water right that are appurtenant to the lands listed in Exhibit A, to Swalley Irrigation District. Swalley Irrigation District may elect to complete the transfer application and submit it to the Water Resources Department for approval of use of the water right at a new location and/or use. Swalley Irrigation District may attach this agreement to the Oregon Water Resources Department's lease form and file with the district's annual Short Term Water Right Lease Agreement.

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

Furthermore, upon signing of this agreement and the accompanying transfer application Richard & Colleen Franks shall no longer be liable for any District assessment or charges pertaining to the total of .75 acres of water right incurred after the date of signing. The water right in question is further described as a portion of certificate # 74145, priority of 1899, located:

T16S-R12E,WM-SEC20-NW/SE-01105- .75 acres

This agreement is binding upon the heirs, executors, administrators, successors, and permitted assigns of the parties to this agreement.

Consideration for this Quitclaim is 0.00

Grantors: [Signature]

Date 10-12-23

Richard Franks

[Signature]

Date 10-12-23

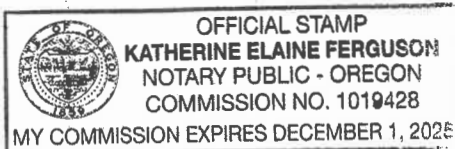
Colleen Franks

State of Oregon SS.  
County of Deschutes

Personally appeared Richard & Colleen Franks and acknowledged the forgoing instrument to be his/her voluntary act and deed.

[Signature]

My commission expires 12-1-2025



Swalley Irrigation District:

[Signature]

Date 10/18/23

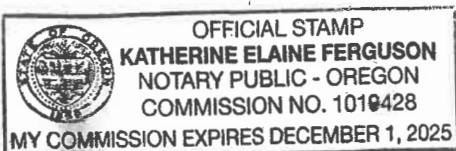
Jer Camarata, General Manager

State of Oregon SS. County of Deschutes

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

[Signature]

My commission expires 12-1-2025



Tax statement: No change.

**EXHIBIT A**

Account # FR2528

<b>Legal Description:</b>	<b>Taxlot</b>	<b>Serial#</b>	<b>WR Acres:</b>
<b>T16S-R12E-WM-SEC20-NW/SE-01105</b>	<b>16-12-20-DB-01105</b>	<b>132551</b>	<b>.75</b>

The West half of the Northeast Quarter of the Northwest Quarter of the Southeast Quarter (W1/2NE1/4NW1/4SE1/4) of Section Twenty (20), Township Sixteen (16) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon

We are requesting that .75 acres of water rights at 20250 Birgson Lane, Bend, OR., 97703 be quitclaimed back to Swalley Irrigation District.

As of this date we are the legal owners of this property.



Richard Franks

10-12-23

Date



Colleen Franks

10-12-23

Date

District Internal  
Notice #: QC - 10

**NOTICE OF DISTRICT PERMANENT TRANSFER  
(ORS 540.580)**

DISTRICT: **Swalley Irrigation District**  
ADDRESS: **64672 Cook Avenue, Suite 1, Bend, OR 97703** PHONE: **541-388-0658**

1. **WATER RIGHT: SWALLEY IRRIGATION DISTRICT**  
CERTIFICATE(S): 74145 PRIORITY DATE: September 1, 1899

2. **TYPE OF CHANGE: PERMANENT CHANGE IN PLACE OF USE**

3. **APPLICANT (OFF):**  
NAME: Richard & Colleen Franks  
ADDRESS: ~~20250 Birdsong Lane~~, Bend, OR 97701

4. **LOCATION OF USE: AUTHORIZED POINT OF DIVERSION:**  
POD #3) N 985' & W 617' from the East ¼ corner, SE/NE of Section 29, T17S, R12E, W.M. (Diversion for Swalley's canal system), POD #15) Additional district diversion: NW1/4SE1/4, Section 14, T. 15S, R. 12E, W.M.; 2170 feet North and 1350 feet West from the SE Corner of Section 14.

**LOCATION OF AUTHORIZED PLACE OF USE (Off Lands)**

Township	Range	Section	¼ ¼	Tax Lot	# of acres irrigated	Other Use
T16S	E12	20	NW/SE	01105	.75	IRR

5  
**RECIPIENT (ON):**  
NAME: Swalley Irrigation District  
ADDRESS: 64672 Cook Ave., Ste. 1, Bend, OR 97703


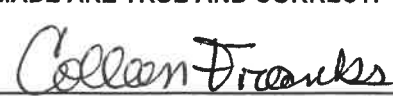
**6. LOCATION OF PROPOSED USE (On Lands)**

Township	Range	Section	¼ ¼	Tax Lot	# of acres irrigated	Other Use
T16S	E12	20	NW/SE	01105	.75	IRR

Swalley Irrigation District hereby certifies that the applicant are the deed holders of subject properties; that our files are complete with a copy of the recorded documents; that the applicant's land has been irrigated within the last five years, and that applicant and recipient hereby authorize the transfer proposed herein.

NOTICE IS HEREBY GIVEN that this proposed change is subject to the approval of the Water Resources Department and that the Water Resources Department may reject the transfer or may require mitigation to avoid injury to other water right holders.

**SWALLEY IRRIGATION DISTRICT AND APPLICANT, HEREBY SWEAR THAT THE ABOVE NOTICE FOR TRANSFER OF WATER RIGHT AND THE STATEMENTS MADE ARE TRUE AND CORRECT.**

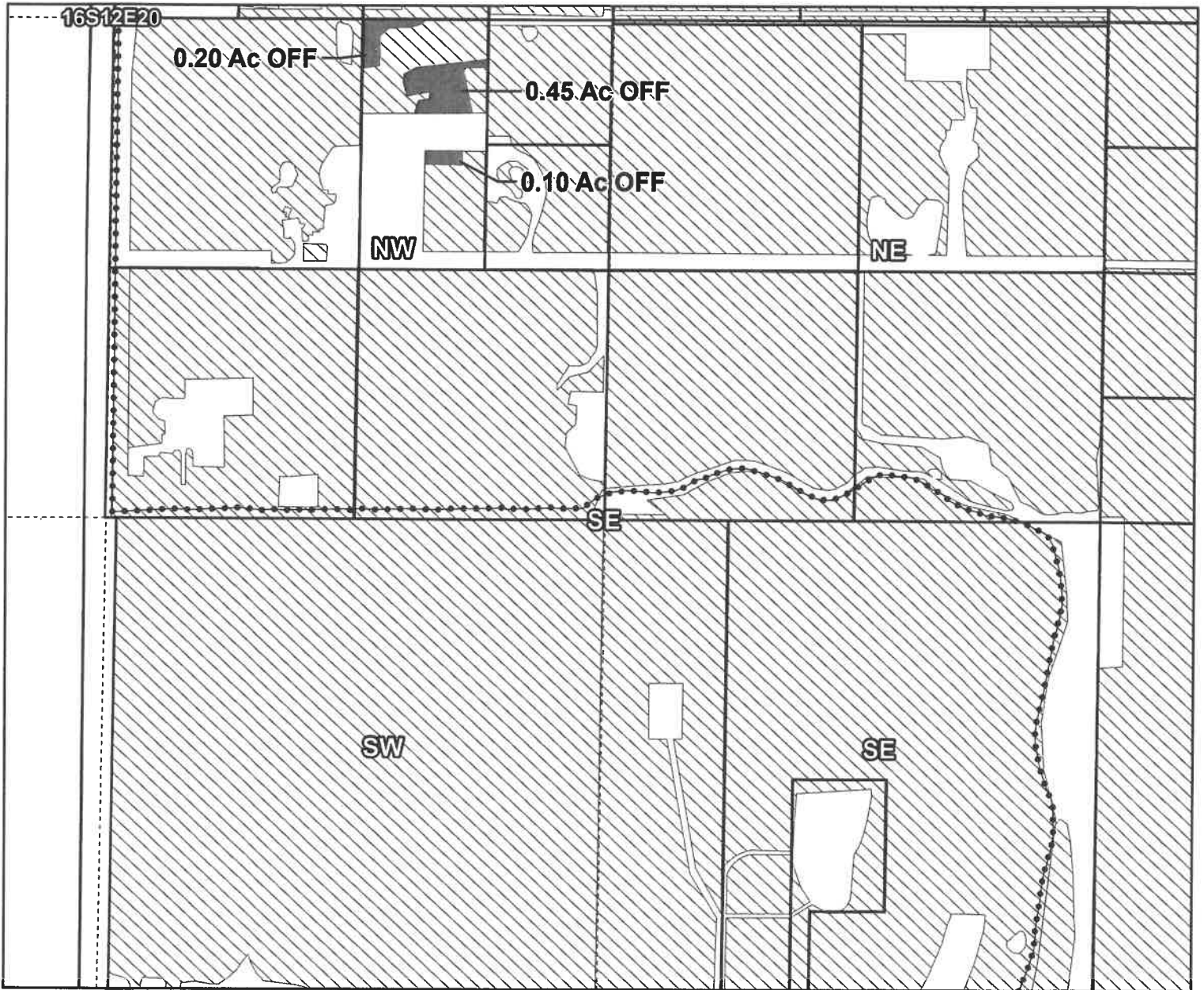
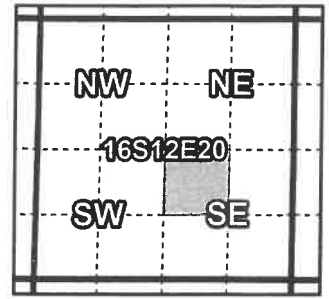
APPLICANT:   10-12-23  
Richard Franks / Colleen Franks Date:

DISTRICT/ RECIPIENT:  10/18/23  
Jer Camarata, Manager, Swalley Irrigation District Date:

# Swalley Irrigation District

## 2023 District Transfer Application Quitclaim Map

**Certificates: 74145**  
for Richard Franks



Taxlot 1612200001105, 16-12-20-NW/SE-01105: 0.75 Acres Off, 2.25 Acres Remaining

- Pipelines and Canals
- Quitclaim
- ▨ Primary Water Right
- Taxlots



1 inch = 400 feet

Prepared by Swalley Irrigation District | October 2023

After recording return to:  
First American Title  
395 SW Bluff Drive, Suite 100  
Bend, OR 97702



After recording return to:  
Richard Franks and Colleen Franks  
20250 Birdsong Lane  
Bend, OR 97703

Until a change is requested all tax  
statements shall be sent to the  
following address:  
Richard Franks and Colleen Franks  
20250 Birdsong Lane  
Bend, OR 97703

File No.: 7061-2457335 (JNR)  
Date: May 27, 2015

THIS SPACE RESERVED FOR RECORDER'S USE

Deschutes County Official Records **2015-036510**  
D-D  
Stn=2 PG **09/02/2015 03:40:13 PM**  
\$10.00 \$11.00 \$10.00 \$6.00 \$21.00 **\$58.00**

I, Nancy Blankenship, County Clerk for Deschutes County, Oregon,  
certify that the instrument identified herein was recorded in the Clerk  
records.

Nancy Blankenship - County Clerk

### STATUTORY WARRANTY DEED

**James A. Cooper and Debra L. Cooper, as tenants by the entirety**, Grantor, conveys and warrants to **Richard Franks and Colleen Franks as tenants by the entirety**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

**LEGAL DESCRIPTION:** Real property in the County of Deschutes, State of Oregon, described as follows:

**THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER (W1/2NE1/4NW1/4SE1/4) OF SECTION TWENTY (20), TOWNSHIP SIXTEEN (16) SOUTH, RANGE TWELVE (12) EAST OF THE WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON.**

**Subject to:**

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.
2. The **2015/2016** Taxes, a lien not yet payable.

The true consideration for this conveyance is **\$525,000.00**. (Here comply with requirements of ORS 93.030)

APN: 132551

Statutory Warranty Deed  
- continued

File No.: 7061-2457335 (JNR)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 31 day of August, 2015.

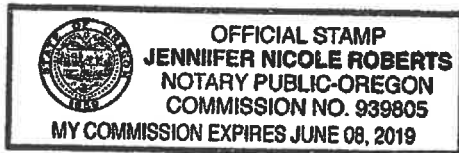
James A. Cooper  
James A. Cooper

Debra L. Cooper  
Debra L. Cooper

STATE OF Oregon )  
)ss.  
County of Deschutes )

This instrument was acknowledged before me on this 31 day of August, 2015 by **James A. Cooper and Debra L. Cooper.**

[Signature]  
Notary Public for Oregon  
My commission expires: 6.8.19





01461335202200389700020020

D-D Cnt=1 Pgs=2 Stn=25  
\$10.00 \$11.00 \$61.00 \$10.00 \$6.00

10/27/2022 02:00 PM  
\$98.00

After Recording Return To:  
SWALLEY IRRIGATION DISTRICT  
64672 Cook Avenue, Suite 1  
Bend, Oregon 97703

QUITCLAIM DEED  
FOR TRANSFER OF INTEREST IN A WATER RIGHT

Grantors, **Steven & Cynthia Johnson**, releases, and quitclaims to **Swalley Irrigation District (SID)** all rights, title and interest in the following: By this agreement and signed transfer application form, Grantor, the owner of the lands listed in Exhibit A, release their claim and responsibility for a total of **1.82 acres** of Swalley Irrigation District water right that are appurtenant to the lands listed in **Exhibit A**, to Swalley Irrigation District. Swalley Irrigation District may elect to complete the transfer application and submit it to the Water Resources Department for approval of use of the water right at a new location and/or use. Swalley Irrigation District may attach this agreement to the Oregon Water Resources Department's lease form and file with the District's annual Short Term Water Right Lease Agreement.

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

Furthermore, upon signing of this agreement and the accompanying transfer application **Steven & Cynthia Johnson** shall no longer be liable for any District assessment or charges pertaining to the total of **1.82 acres** of water right incurred after the date of signing. The water right in question is further described as a portion of certificate # 74145, priority of 1899, located:

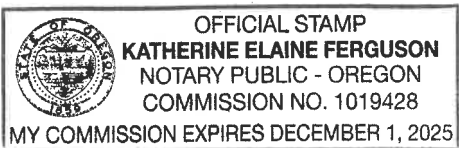
**T17S-R12E,WM-SEC07-SW/SE-00105 - 1.22 acres - T17S-R12E,WM-SEC07-SE/SE-00105 - .60 acres**

This agreement is binding upon the heirs, executors, administrators, successors, and permitted assigns of the parties to this agreement.  
**Consideration for this Quitclaim is 0.00**

Grantors: Steven Johnson Date 10/25/22  
Cynthia Johnson Date 10/25/22

State of Oregon SS.  
County of Deschutes

Personally appeared **Steven Johnson & Cynthia Johnson** and acknowledged the forgoing instrument to be his / her voluntary act and deed.

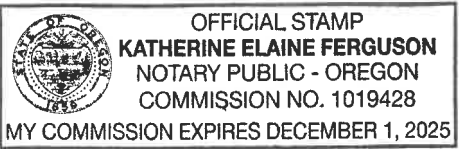


Katherine Elaine Ferguson  
My commission expires 12-1-2025

Swalley Irrigation District:  
Jer Camarata Date 10/26/22  
Jer Camarata, General Manager

State of Oregon SS. County of Deschutes

Personally appeared, **Jer Camarata**, as Manager for Swalley Irrigation District, and acknowledged the forgoing instrument to be her voluntary act and deed.



Katherine Elaine Ferguson  
My commission expires 12-1-2025

Tax statement: No change.

**EXHIBIT A**

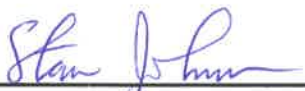
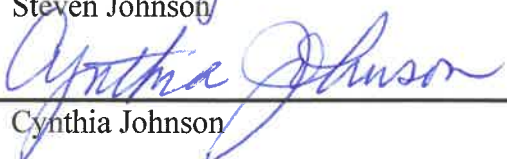
Account # JO2716

Steven & Cynthia Johnson  
19895 Pacific Heights Rd.  
Bend, OR 97703

<b>Legal Description:</b>	<b>Taxlot</b>	<b>Serial#</b>	<b>Water Right</b>
17-12-07-SW/SE-00105	171207DC00105	276137	1.22 ac. IRR
17-12-07-SE/SE-00105	171207DD00105	276137	.60 ac. IRR

We are giving permission to have 1.82 acre of irrigation rights off the property at 19895 Pacific Heights Rd, Bend, Oregon 97703

As of this date we are the legal owners of this property.

	<i>10/25/22</i>
Steven Johnson	Date
	<i>10/25/22</i>
Cynthia Johnson	Date

District Internal  
Notice #: T-2022-13

**NOTICE OF DISTRICT INTERNAL TRANSFER  
(ORS 540.580)**

DISTRICT: **Swalley Irrigation District**  
ADDRESS: **64672 Cook Avenue, Suite 1, Bend, OR 97703** PHONE: **541-388-0658**

1. **WATER RIGHT: SWALLEY IRRIGATION DISTRICT**  
CERTIFICATE(S): 74145 PRIORITY DATE: September 1, 1899

2. **TYPE OF CHANGE: PERMANENT CHANGE IN PLACE OF USE**

3. **APPLICANT (OFF):**  
NAME: Steven & Cynthia Johnson  
ADDRESS: 19895 Pacific Heights Rd., Bend, OR 97703

4. **LOCATION OF USE: (Off Lands) AUTHORIZED POINT OF DIVERSION:**  
POD #3) N 985' & W 617' from the East ¼ corner, SE/NE of Section 29, T17S, R12E, W.M. (Diversion for Swalley's canal system) POD #15) Additional district diversion: NW1/4SE1/4, Section 14, T.15S., R. 12E, W.M.; 2170 feet North and 1350 feet West from the SE Corner of Section 14.

**LOCATION OF AUTHORIZED PLACE OF USE (Off Lands)**

Township	Range	Section	¼ ¼	Tax Lot	# of acres irrigated	Other Use
S17	E12	07	SW/SE	00105	1.22	IRR
S17	E12	07	SE/SE	00105	.60	IRR

5. **RECIPIENT (ON):**  
NAME: Swalley Irrigation District  
ADDRESS: 64672 Cook Ave., Ste. 1, Bend, OR 97703

6. **LOCATION OF PROPOSED USE (On Lands) AUTHORIZED POINT OF DIVERSION:**  
POD #3) N 985' & W 617' from the East ¼ corner, SE/NE of Section 29, T17S, R12E, W.M. (Diversion for Swalley's canal system), POD #15) Additional district diversion: NW1/4SE1/4, Section 14, T.15S., R. 12E,W.M.; 2170 feet North and 1350 feet West from the SE Corner of Section 14.

Township	Range	Section	¼ ¼	Tax Lot	# of acres irrigated	Other Use
S17	E12	07	SW/SE	00105	1.22	IRR
S17	E12	07	SE/SE	00105	.60	IRR

7. **EXHIBITS:** Maps showing the location of the present and proposed irrigated lands (*On & Off Maps*)

Swalley Irrigation District hereby certifies that the applicant and recipient are the deed holders of subject properties; that our files are complete with a copy of the recorded documents; that the applicant's land has been irrigated within the last five years, and that applicant and recipient hereby authorize the transfer proposed herein.

NOTICE IS HEREBY GIVEN that this proposed change is subject to the approval of the Water Resources Department and that the Water Resources Department may reject the transfer or may require mitigation to avoid injury to other water right holders.

**SWALLEY IRRIGATION DISTRICT AND APPLICANT, HEREBY SWEAR THAT THE ABOVE NOTICE FOR TRANSFER OF WATER RIGHT AND THE STATEMENTS MADE ARE TRUE AND CORRECT.**

APPLICANT: Steven Johnson 10/25/22  
Date

APPLICANT: Cynthia Johnson 10/25/22  
Date

RECIPIENT/DISTRICT: Jer Camarata - Manager / Swalley Irrigation District 10/26/22  
Date

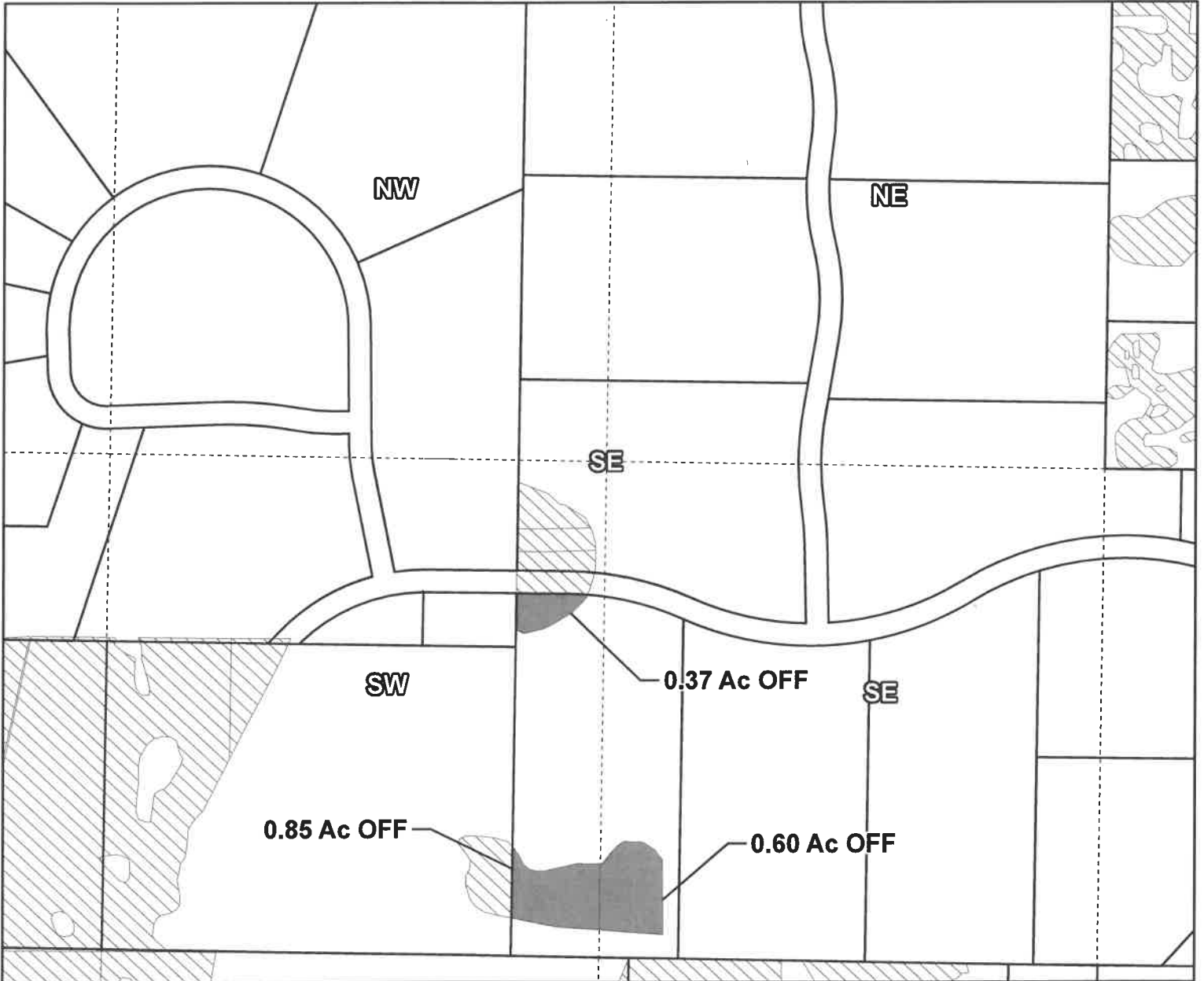
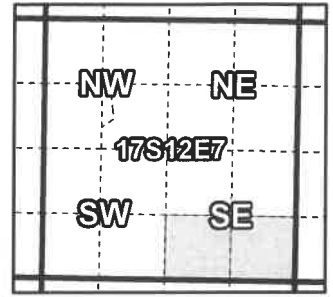
# Swalley Irrigation District

## 2022 District Transfer Application "Off" Map

*Quitclaim*

**Certificates: 74145**

for Steven & Cynthia Johnson Joint Trust



Taxlot 1712070000105, 17-12-07-SW/SE-00105: 1.22 Acres Off, 0.0 Acres Remaining  
Taxlot 1712070000105, 17-12-07-SE/SE-00105: 0.60 Acres Off, 0.0 Acres Remaining

- Pipelines and Canals
- Transfer
- Primary Water Right
- Taxlots





THIS SPACE RESERVED FOR RECORDER'S USE

After recording return to:

Steven F. Johnson and Cynthia W. Johnson, Trustees of  
the Steven & Cynthia Johnson Joint Trust

PO Box 1077

Sisters, OR 97759

Until a change is requested all tax statements shall be  
sent to the following address:

Steven F. Johnson and Cynthia W. Johnson, Trustees of  
the Steven & Cynthia Johnson Joint Trust

PO Box 1077

Sisters, OR 97759

File No. 246967AM

Deschutes County Official Records **2018-29074**

D-D

Stn=1 BN

**07/17/2018 09:29:00 AM**

\$10.00 \$11.00 \$10.00 \$61.00 \$6.00

**\$98.00**

I, Nancy Blankenship, County Clerk for Deschutes County, Oregon,  
certify that the instrument identified herein was recorded in the Clerk  
records.

Nancy Blankenship - County Clerk

---

### STATUTORY WARRANTY DEED

**Vince Batha and Marta Batha, as Tenants by the Entirety ,**

Grantor(s), hereby convey and warrant to

**Steven F. Johnson and Cynthia W. Johnson, Trustees of the Steven & Cynthia Johnson Joint Trust,**

Grantee(s), the following described real property in the County of Deschutes and State of Oregon free of encumbrances  
except as specifically set forth herein:

**Lot 7, Pacific Cascade Heights, recorded October 20, 2017, filed in Cabinet I Page(s) 443, records of  
Deschutes County, Oregon.**

FOR INFORMATION PURPOSES ONLY, THE MAP/TAX ACCT #(S) ARE REFERENCED HERE:

**171207D000105**

The true and actual consideration for this conveyance is \$555,000.00.

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and  
those shown below, if any:

**2018-2019 Real Property Taxes, a lien not yet due and payable.**

Return To: AmeriTitle

Page 2 Statutory Warranty Deed  
Escrow No. 246967AM

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 11<sup>th</sup> day of July 2018.

Vince Batha  
Vince Batha

Marta Batha  
Marta Batha

State of OR } ss  
County of Deelett }

On this 11 day of July, 2018, before me, Jeffery Carl Schopper, a Notary Public in and for said state, personally appeared Vince Batha + Marta Batha, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument and acknowledged to me that he/she/they executed same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Jeffery Carl Schopper  
Notary Public for the State of OR  
Residing at: Deelett County  
Commission Expires: 7/9/21





01498990202300264040020021

D-D Cnt=1 Pgs=2 Str=4  
\$10.00 \$11.00 \$61.00 \$10.00 \$6.00

10/23/2023 11:45 AM  
\$98.00

QUITCLAIM DEED  
FOR TRANSFER OF INTEREST IN A WATER RIGHT

After Recording Return To:  
SWALLEY IRRIGATION DISTRICT  
64672 Cook Avenue, Suite 1  
Bend, Oregon 97703

Grantors, Lukens Family Trust - Bert & Carol Lukens, releases, and quitclaims to Swalley Irrigation District (SID) all rights, title and interest in the following: By this agreement and signed transfer application form, Grantor, the owner of the lands listed in Exhibit A, release their claim and responsibility for a total of

.75 acres of Swalley Irrigation District water right that are appurtenant to the lands listed in Exhibit A, to Swalley Irrigation District. Swalley Irrigation District may elect to complete the transfer application and submit it to the Water Resources Department for approval of use of the water right at a new location and/or use. Swalley Irrigation District may attach this agreement to the Oregon Water Resources Department's lease form and file with the district's annual Short Term Water Right Lease Agreement.

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

Furthermore, upon signing of this agreement and the accompanying transfer application Lukens Family Trust - Bert & Carol Lukens shall no longer be liable for any District assessment or charges pertaining to the total of .75 acres of water right incurred after the date of signing. The water right in question is further described as a portion of certificate # 74145, priority of 1899, located:

T16S-R12E,WM-SEC20-NE/SE-01300- .75 acres

This agreement is binding upon the heirs, executors, administrators, successors, and permitted assigns of the parties to this agreement.

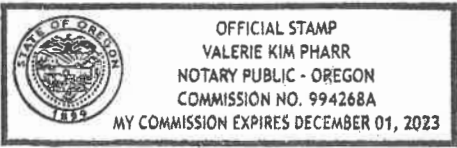
Consideration for this Quitclaim is 0.00

Grantors: Bert Lukens Date 10/10/23  
Lukens Family Trust - Bert Lukens Trustee

Carol Lukens Date 10/10/23  
Lukens Family Trust - Carol Lukens Trustee

State of Oregon SS.  
County of Deschutes

Personally appeared Bert & Carol Lukens and acknowledged the forgoing instrument to be his / her voluntary act and deed.

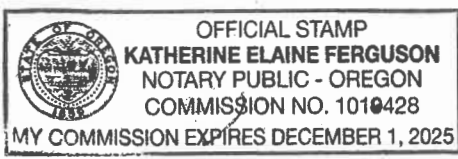


Valerie Kim Pharr  
My commission expires 12/01/2023

Swalley Irrigation District: [Signature] Date 10/18/23  
Jer Camarata, General Manager

State of Oregon SS. County of Deschutes

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



Katherine Elaine Ferguson  
My commission expires 12-1-2025

Tax statement: No change.



### EXHIBIT A

Account # LU1926

Legal Description:	Taxlot	Serial#	WR Acres:
T16S-R12E-WM-SEC20-NE/SE-01300	16-12-20-00-01300	132548	.75

We are requesting that .75 acres of water rights at 20315 Birdsong Lane, Bend, OR., 97703 be quitclaimed back to Swalley Irrigation District.

As of this date we are the legal owner of this property.

	10/10/23
Lukens Family Trust – Bert Lukens	Date
	10/10/23
Lukens Family Trust – Carol Lukens	Date

District Internal  
Notice #: QC - 13

**NOTICE OF DISTRICT PERMANENT TRANSFER  
(ORS 540.580)**

DISTRICT: **Swalley Irrigation District**  
ADDRESS: **64672 Cook Avenue, Suite 1, Bend, OR 97703** PHONE: **541-388-0658**

1. **WATER RIGHT: SWALLEY IRRIGATION DISTRICT**  
CERTIFICATE(S): 74145 PRIORITY DATE: September 1, 1899

2. **TYPE OF CHANGE: PERMANENT CHANGE IN PLACE OF USE**

3. **APPLICANT (OFF):**  
NAME: **Lukens Family Trust – Bert & Carol Lukens**  
ADDRESS: **20315 Birdsong Lane, Bend, OR 97703**

4. **LOCATION OF USE: AUTHORIZED POINT OF DIVERSION:**  
POD #3) N 985' & W 617' from the East ¼ corner, SE/NE of Section 29, T17S, R12E, W.M. (Diversion for Swalley's canal system), POD #15) Additional district diversion: NW1/4SE1/4, Section 14, T.15S, R. 12E, W.M.; 2170 feet North and 1350 feet West from the SE Corner of Section 14.

**LOCATION OF AUTHORIZED PLACE OF USE (Off Lands)**

Township	Range	Section	¼ ¼	Tax Lot	# of acres irrigated	Other Use
T16S	E12	20	NE/SE	01300	.75	IRR

5  
6. **RECIPIENT (ON):**  
NAME: **Swalley Irrigation District**  
ADDRESS: **64672 Cook Ave., Ste. 1, Bend, OR 97703**

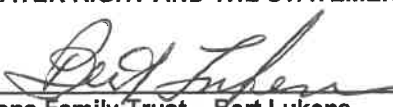
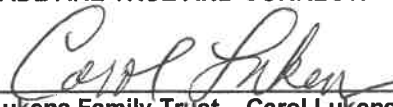
**6. LOCATION OF PROPOSED USE (On Lands)**


Township	Range	Section	¼ ¼	Tax Lot	# of acres irrigated	Other Use
T16S	E12	20	NE/SE	01300	.75	IRR

Swalley Irrigation District hereby certifies that the applicant are the deed holders of subject properties; that our files are complete with a copy of the recorded documents; that the applicant's land has been irrigated within the last five years, and that applicant and recipient hereby authorize the transfer proposed herein.

NOTICE IS HEREBY GIVEN that this proposed change is subject to the approval of the Water Resources Department and that the Water Resources Department may reject the transfer or may require mitigation to avoid injury to other water right holders.

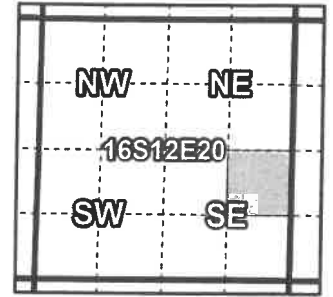
**SWALLEY IRRIGATION DISTRICT AND APPLICANT, HEREBY SWEAR THAT THE ABOVE NOTICE FOR TRANSFER OF WATER RIGHT AND THE STATEMENTS MADE ARE TRUE AND CORRECT.**

APPLICANT:  /  10/10/23  
Lukens Family Trust – Bert Lukens / Lukens Family Trust – Carol Lukens Date

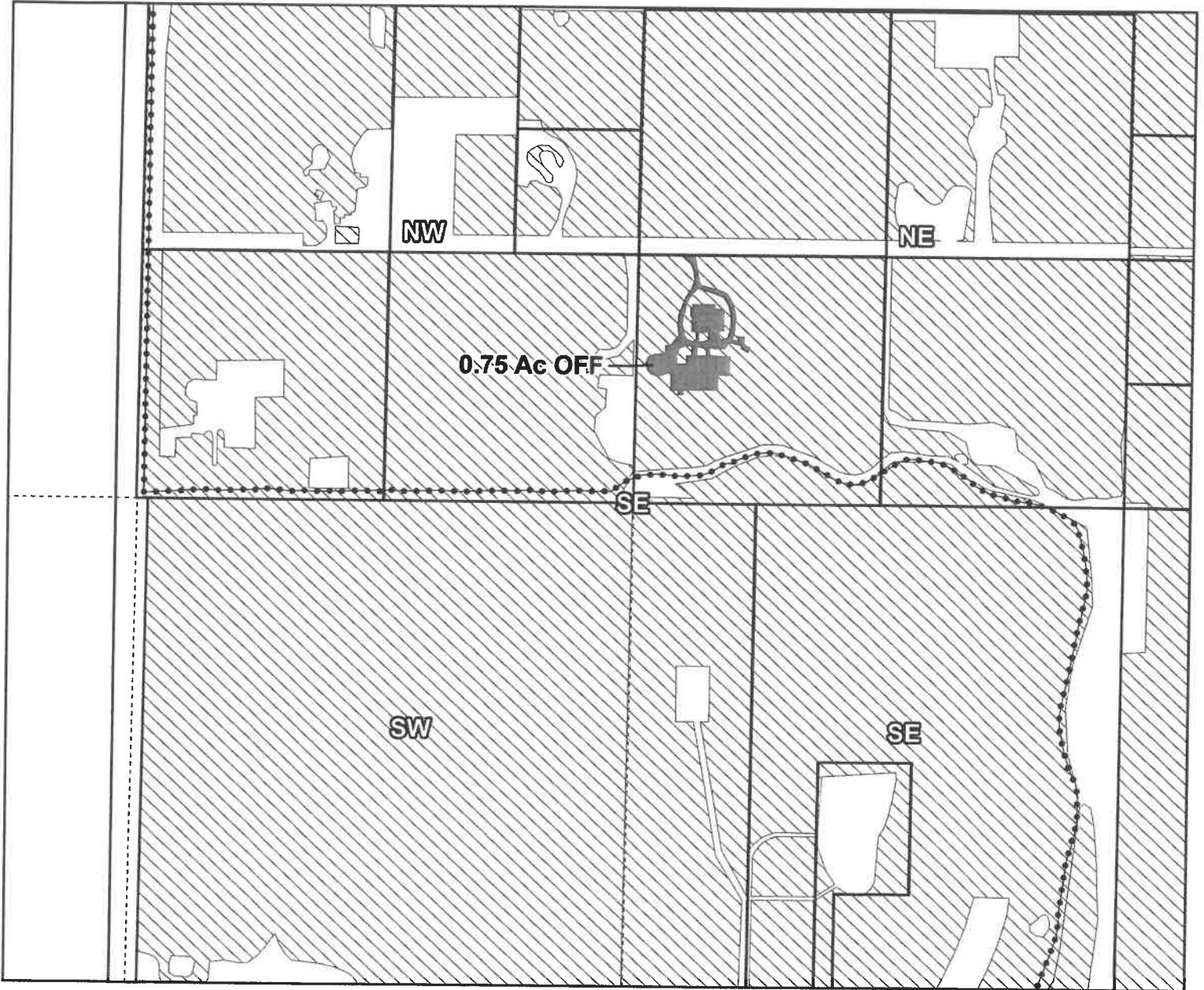
DISTRICT/ RECIPIENT:  10/18/23  
Jer Camarata, Manager, Swalley Irrigation District Date

# Swalley Irrigation District

## 2023 District Transfer Application Quitclaim Map



**Certificates: 74145**  
for Carol Lukens



Taxlot 1612200001300, 16-12-20-NE/SE-01300: 0.75 Acres Off, 7.45 Acres Remaining

- Pipelines and Canals
- Quitclaim
- ▨ Primary Water Right
- Taxlots



1 inch = 400 feet

Prepared by Swalley Irrigation District | October 2023



\$36.00

07/06/2004 04:17:35 PM

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

# WARRANTY DEED

Unless a change is requested, all tax statements shall be sent to Grantee at the following address:

65350 Swalley Road  
Bend, OR 97701

After recording, this Deed shall be delivered to:

Lisa N. Bertalan  
716 NW Harriman  
Bend, OR 97701

The true consideration for this transfer is for estate planning purposes.

Bert A. Lukens and Carol J. Lukens, Grantors, convey and warrant to the Trustee or Successor Trustee of The Lukens Family Revocable Trust UTD 6/22/04, Grantee, the following described real property, free of encumbrances except as specifically set forth herein:

The Southwest Quarter of the Northeast Quarter of the Southeast Quarter (SW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>) of Section Twenty (20), Township Sixteen (16) South, Range Twelve (12), East of the Willamette Meridian, Deschutes County, Oregon.

SUBJECT TO all exceptions to coverage contained in Grantor's policy or policies of title insurance insuring Grantor's title to the subject property, if Grantor has any such policy or policies of title insurance in effect, and if not, subject to all encumbrances, easements and restrictions of record, or which an accurate survey or inquiry of parties and possession of the property would disclose.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE

CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

DATED this 2 day of July, 2004.

Bert A. Lukens  
BERT A. LUKENS

Carol J. Lukens  
CAROL J. LUKENS

STATE OF OREGON, County of Deschutes) ss

The foregoing instrument was acknowledged before me this 2 day of July, 2004, by Bert A. Lukens.



Sarah Herron  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 7.25.05

STATE OF OREGON, County of Deschutes) ss

The foregoing instrument was acknowledged before me this 2 day of July, 2004, by Carol J. Lukens.



Sarah Herron  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 7.25.05



01463880202200412590020028

D-D Cnt=1 Pgs=2 Stn=6  
\$10.00 \$11.00 \$61.00 \$10.00 \$6.00

11/21/2022 12:06 PM  
\$98.00

After Recording Return To:  
**SWALLEY IRRIGATION DISTRICT**  
64672 Cook Avenue, Suite 1  
Bend, Oregon 97703

**QUITCLAIM DEED  
FOR TRANSFER OF INTEREST IN A WATER RIGHT**

Grantors, **Daniel McKeever and Darlene Lenters**, releases, and quitclaims to **Swalley Irrigation District (SID)** all rights, title and interest in the following: By this agreement and signed transfer application form, Grantor, the owner of the lands listed in Exhibit A, release their claim and responsibility for a total of **.07 acres** of Swalley Irrigation District water right that are appurtenant to the lands listed in **Exhibit A**, to Swalley Irrigation District. Swalley Irrigation District may elect to complete the transfer application and submit it to the Water Resources Department for approval of use of the water right at a new location and/or use. Swalley Irrigation District may attach this agreement to the Oregon Water Resources Department's lease form and file with the District's annual Short Term Water Right Lease Agreement.

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

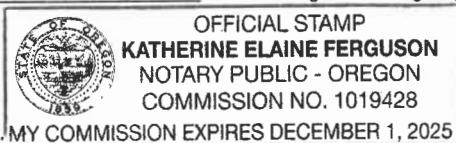
Furthermore, upon signing of this agreement and the accompanying transfer application **Daniel McKeever and Darlene Lenters** shall no longer be liable for any District assessment or charges pertaining to the total of **.07** of water right incurred after the date of signing. The water right in question is further described as a portion of certificate # 74145, priority of 1899, located:  
**T17S-R12E,WM-SEC16-SE/SW-01200 - .07 acres**

This agreement is binding upon the heirs, executors, administrators, successors, and permitted assigns of the parties to this agreement.  
**Consideration for this Quitclaim is 0.00**

Grantors: *Daniel McKeever* Date 11/16/22  
*Darlene Lenters* Date 11/16/22  
Daniel McKeever  
Darlene Lenters

State of Oregon SS.  
County of Deschutes

Personally appeared Daniel McKeever & Darlene Lenters acknowledged the forgoing instrument to be his / her voluntary act and deed.

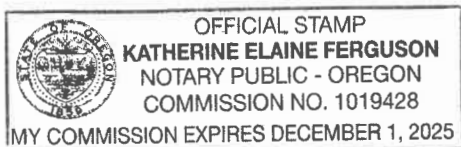


*Katherine Elaine Ferguson*  
My commission expires 12-1-2025

Swalley Irrigation District: *[Signature]* Date 11/16/22  
Jer Camarata, General Manager

State of Oregon SS. County of Deschutes

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



*Katherine Elaine Ferguson*  
My commission expires 12-1-2025

Tax statement: No change.

**EXHIBIT A**


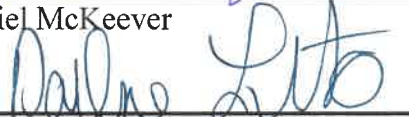
Account # MC2744

Daniel McKeever  
Darlene Lenters  
63259 Boyd Acres Rd.  
Bend, OR 97703

<b>Legal Description:</b>	<b>Taxlot</b>	<b>Serial#</b>	<b>Water Right</b>
17-12-16-SE/SW-01200	171216CD01200	108986	.07 ac. IRR

We are giving permission to have .07 acre of irrigation rights off the property at 63259 Boyd Acres Rd, Bend, Oregon 97703

As of this date we are the legal owners of this property.

	11/16/22
Daniel McKeever	Date
	11/16/22
Darlene Lenters	Date

District Internal  
Notice #T-2022-17

**NOTICE OF DISTRICT INTERNAL TRANSFER  
(ORS 540.580)**

DISTRICT: **Swalley Irrigation District**  
ADDRESS: **64672 Cook Avenue, Suite 1, Bend, OR 97703** PHONE: **541/388-0658**

1. **WATER RIGHT: SWALLEY IRRIGATION DISTRICT**  
CERTIFICATE(S): 74145 PRIORITY DATE: September 1, 1899

2. **TYPE OF CHANGE: PERMANENT CHANGE IN PLACE OF USE**

3. **APPLICANTS(OFF):**  
NAME: Daniel McKeever and Darlene Lenters  
ADDRESS: 63259 Boyd Acres Rd., Bend, OR 97703

4. **LOCATION OF USE: (Off Lands) AUTHORIZED POINT OF DIVERSION:**  
POD #3) N 985' & W 617' from the East ¼ corner, SE/NE of Section 29, T17S, R12E, W.M. (Diversion for Swalley's canal system) POD #15) Additional district diversion: NW1/4SE1/4, Section 14, T.15S., R. 12E, W.M.; 2170 feet North and 1350 feet West from the SE Corner of Section 14.

**LOCATION OF AUTHORIZED PLACE OF USE (Off Lands)**

Township	Range	Section	¼ ¼	Tax Lot	# of acres irrigated	Other Use
S17	E12	16	SE/SW	01200	.07	IRR

**APPLICANTS(OFF)**

NAME:  
ADDRESS:

Township	Range	Section	¼ ¼	Tax Lot	# of acres irrigated	Other Use
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5. **RECIPIENT (ON):**  
NAME: Swalley Irrigation District  
ADDRESS: 64627 Cook Ave., Ste. 1, Bend, OR 97703

6. **LOCATION OF PROPOSED USE (On Lands) AUTHORIZED POINT OF DIVERSION:**  
POD #3) N 985' & W 617' from the East ¼ corner, SE/NE of Section 29, T17S, R12E, W.M. (Diversion for Swalley's canal system), POD #15) Additional district diversion: NW1/4SE1/4, Section 14, T.15S., R. 12E,W.M.; 2170 feet North and 1350 feet West from the SE Corner of Section 14.

Township	Range	Section	¼ ¼	Tax Lot	# of acres irrigated	Other Use
S17	E12	16	SE/SW	01200	.07	IRR

7. **EXHIBITS:** Maps showing the location of the present and proposed irrigated lands (*On & Off Maps*)

Swalley Irrigation District hereby certifies that the applicant and recipient are the deed holders of subject properties; that our files are complete with a copy of the recorded documents; that the applicant's land has been irrigated within the last five years, and that applicant and recipient hereby authorize the transfer proposed herein.

NOTICE IS HEREBY GIVEN that this proposed change is subject to the approval of the Water Resources Department and that the Water Resources Department may reject the transfer or may require mitigation to avoid injury to other water right holders.

**SWALLEY IRRIGATION DISTRICT AND APPLICANT, HEREBY SWEAR THAT THE ABOVE NOTICE FOR TRANSFER OF WATER RIGHT AND THE STATEMENTS MADE ARE TRUE AND CORRECT.**

APPLICANT: *Daniel McKeever* *Darlene Lenters* *11/16/22*  
Daniel McKeever Darlene Lenters Date

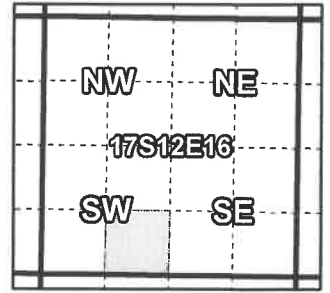
APPLICANT/DISTRICT: *Jer Camarata* *[Signature]* *11/16/22*  
Jer Camarata / Manager / Swalley Irrigation District Date

# Swalley Irrigation District

## 2022 District Transfer Application Quitclaim Map

**Certificates: 74145**

for McKeever & Lenters Family Trust



Taxlot 171216CD01200, 17-12-16-SE/SW-01200: 0.07 Acres Off, .43 Acres Remaining

- Pipelines and Canals
- Transfer
- ▨ Primary Water Right
- Taxlots



1 inch = 400 feet

Prepared by Swalley Irrigation District | December 2022

After recording return to:  
First American Title  
395 SW Bluff Drive, Suite 100  
Bend, OR 97702



After recording return to:  
Daniel McKeever and Darlene Lenters  
2013 Family Trust  
63259 Boyd Acres Road  
Bend, OR 97701

Until a change is requested all tax  
statements shall be sent to the  
following address:  
Daniel McKeever and Darlene Lenters  
2013 Family Trust  
63259 Boyd Acres Road  
Bend, OR 97701

File No.: 7061-3286598 (SJN)  
Date: July 25, 2019

THIS SPACE RESERVED FOR RECORDER'S USE

Deschutes County Official Records	<b>2019-33034</b>
D-D	<b>09/06/2019 12:34 PM</b>
Stn=1 BN	<b>\$98.00</b>
\$10.00 \$11.00 \$10.00 \$61.00 \$6.00	

I, Nancy Blankenship, County Clerk for Deschutes County, Oregon,  
certify that the instrument identified herein was recorded in the Clerk  
records.  
Nancy Blankenship - County Clerk

**STATUTORY WARRANTY DEED**

**Walter Barrett Novinger and Jessica Marie Novinger, as Trustees of the W&J Novinger Trust dated July 26, 2010, Grantor, conveys and warrants to Daniel W McKeever and Darlene Lenters as Trustees of the Daniel McKeever and Darlene Lenters 2013 Family Trust, dated August 16, 2013, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:**

**LEGAL DESCRIPTION:** Real property in the County of Deschutes, State of Oregon, described as follows:

**Parcel 1 of Partition Plat No. 2005-50 as recorded June 30, 2005 in Partition Plat Cabinet 3, Page(s) 152, Deschutes County, Oregon.**

**Subject to:**

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.
2. Taxes for the fiscal year 2019-2020 a lien due, but not yet payable.

The true consideration for this conveyance is **\$570,000.00**. (Here comply with requirements of ORS 93.030)

APN: 108986

Statutory Warranty Deed  
- continued

File No.: 7061-3286598 (SJM)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 30 day of August, 2019.

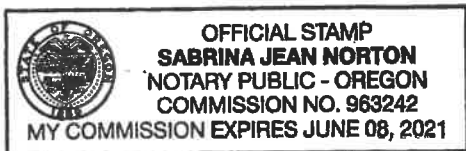
W&J Novinger Trust

W Novinger  
Walter Barrett Novinger, Trustee

Jessie M. Novinger  
Jessica Marie Novinger, Trustee

STATE OF Oregon )  
County of Deschutes )ss.  
)

This instrument was acknowledged before me on this 30 day of August, 2019 by **Walter Barrett Novinger and Jessica Marie Novinger, as Trustees of the W&J Novinger Trust.**



Sabrina Jean Norton  
Notary Public for Oregon  
My commission expires: 6/08/2021



01498186202300257150020025

D-D Cnt=1 Pgs=2 Str=25  
\$10.00 \$11.00 \$61.00 \$10.00 \$6.00

10/16/2023 12:44 PM  
\$98.00

After Recording Return To:  
**SWALLEY IRRIGATION DISTRICT**  
64672 Cook Avenue, Suite 1  
Bend, Oregon 97703

**QUITCLAIM DEED  
FOR TRANSFER OF INTEREST IN A WATER RIGHT**

Grantors, Durrell Mellon, releases and quitclaims to **Swalley Irrigation District (SID)** all rights, title and interest in the following: By this agreement and signed transfer application form, Grantor, the owner of the lands listed in Exhibit A, release their claim and responsibility for a total of .25 acres of Swalley Irrigation District water right that are appurtenant to the lands listed in Exhibit A, to Swalley Irrigation District. Swalley Irrigation District may elect to complete the transfer application and submit it to the Water Resources Department for approval of use of the water right at a new location and/or use. Swalley Irrigation District may attach this agreement to the Oregon Water Resources Department's lease form and file with the District's annual Short Term Water Right Lease Agreement.

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

Furthermore, upon signing of this agreement and the accompanying transfer application Durrell Mellon shall no longer be liable for any District assessment or charges pertaining to the total of .25 acres of water right incurred after the date of signing. The water right in question is further described as a portion of certificate # 74145, priority of 1899, located:

**T17, R12E, WM-SEC16-SW/SE-01900- .25 acres**

This agreement is binding upon the heirs, executors, administrators, successors, and permitted assigns of the parties to this agreement.

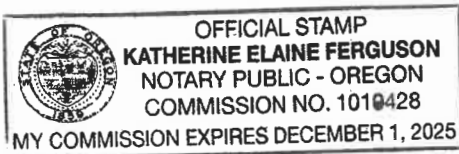
Consideration for this Quitclaim is 0.00

Grantors:

\_\_\_\_\_  
Durrell Mellon  
*Durrell Mellon* Date 10/5/23

State of Oregon SS.  
County of Deschutes

Personally appeared Durrell Mellon and acknowledged the forgoing instrument to be his/her voluntary act and deed.



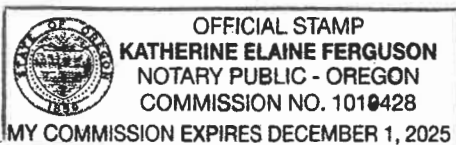
*Katherine Elaine Ferguson*  
My commission expires 12-1-2025

Swalley Irrigation District.

\_\_\_\_\_  
*Jer Camarata* Date 10/9/23  
Jer Camarata, General Manager

State of Oregon SS. County of Deschutes

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



*Katherine Elaine Ferguson*  
My commission expires 12-1-2025

Tax statement: No change.

**EXHIBIT A**

Account # ME1534

<b>Legal Description:</b>	<b>Taxlot</b>	<b>Serial#</b>	<b>WR Acres:</b>
<b>T17S-R12E-WM-SEC16-SW/SE-01900</b>	<b>17-12-16-DC-01900</b>	<b>156702</b>	<b>.25</b>

Lot 3, Block 1, of White Wing Park, Deschutes County, Oregon

I am requesting the .25 acres of water rights at 20634 White Wing Ct, Bend, OR., 97701 be quitclaimed back to Swalley Irrigation District.

As of this date we are the legal owners of this property.



---

Durrell Mellon

10/5/23

---

Date

District Internal  
Notice #: QC - 09

**NOTICE OF DISTRICT PERMANENT TRANSFER  
(ORS 540.580)**

DISTRICT: **Swalley Irrigation District**  
ADDRESS: **64672 Cook Avenue, Suite 1, Bend, OR 97703** PHONE: **541-388-0658**

1. **WATER RIGHT: SWALLEY IRRIGATION DISTRICT**  
CERTIFICATE(S): 74145 PRIORITY DATE: September 1, 1899

2. **TYPE OF CHANGE: PERMANENT CHANGE IN PLACE OF USE**

3. **APPLICANT (OFF):**  
NAME: Durrell Mellon  
ADDRESS: 20634 White Wing Ct., Bend, OR 97701

4. **LOCATION OF USE: AUTHORIZED POINT OF DIVERSION:**  
POD #3) N 985' & W 617' from the East ¼ corner, SE/NE of Section 29, T17S, R12E, W.M. (Diversion for Swalley's canal system), POD #15) Additional district diversion: NW1/4SE1/4, Section 14, T.15S, R. 12E, W.M.; 2170 feet North and 1350 feet West from the SE Corner of Section 14.

**LOCATION OF AUTHORIZED PLACE OF USE (Off Lands)**

Township	Range	Section	¼ ¼	Tax Lot	# of acres irrigated	Other Use
T17S	E12	16	SW/SE	01900	.25	IRR

5  
6. **RECIPIENT (ON):**  
NAME: Swalley Irrigation District  
ADDRESS: 64672 Cook Ave., Ste. 1, Bend, OR 97703

**6. LOCATION OF PROPOSED USE (On Lands)**


Township	Range	Section	¼ ¼	Tax Lot	# of acres irrigated	Other Use
T17S	E12	16	SW/SE	01900	.25	IRR

Swalley Irrigation District hereby certifies that the applicant are the deed holders of subject properties; that our files are complete with a copy of the recorded documents; that the applicant's land has been irrigated within the last five years, and that applicant and recipient hereby authorize the transfer proposed herein.

NOTICE IS HEREBY GIVEN that this proposed change is subject to the approval of the Water Resources Department and that the Water Resources Department may reject the transfer or may require mitigation to avoid injury to other water right holders.

**SWALLEY IRRIGATION DISTRICT AND APPLICANT, HEREBY SWEAR THAT THE ABOVE NOTICE FOR TRANSFER OF WATER RIGHT AND THE STATEMENTS MADE ARE TRUE AND CORRECT.**

APPLICANT:  10/5/23  
Durrell Mellon Date:

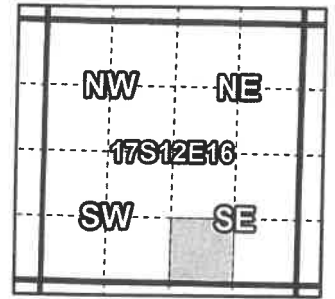
DISTRICT/ RECIPIENT:  10/9/23  
Jer Camarata, Manager, Swalley Irrigation District Date:

# Swalley Irrigation District

## 2023 District Transfer Application Quitclaim Map

**Certificates: 74145**

for Durrell Mellon



Taxlot 171216DC01900, 17-12-16-SW/SE-01900: 0.25 Acres Off, 0.00 Acres Remaining

- Pipelines and Canals
- Quitclaim
- ▨ Primary Water Right
- Taxlots



1 inch = 400 feet

Prepared by Swalley Irrigation District | October 2023

**VOL: 2000 PAGE: 52188**  
**RECORDED DOCUMENT**

**STATE OF OREGON**  
**COUNTY OF DESCHUTES**



\*2000-52188 \* Vol-Page

Printed: 12/28/2000 14:17:50

**DO NOT REMOVE THIS CERTIFICATE**

(This certificate constitutes a part of the original instrument in accordance with ORS 205.180(2). Removal of this certificate may invalidate this certificate and affect the admissibility of the original instrument into evidence in any legal proceeding.)

I hereby certify that the attached instrument was received and duly recorded in Deschutes County records:

DATE AND TIME: Dec. 28, 2000; 2:17 p.m.

RECEIPT NO: 30157

DOCUMENT TYPE: Deed

FEE PAID: \$31.00

NUMBER OF PAGES: 1

A handwritten signature in black ink, reading "Mary Sue Penhollow".

**MARY SUE PENHOLLOW**  
**DESCHUTES COUNTY CLERK**

NW

2000-52188-

Teresa Anita Mellon  
64695 Wood Ave.  
Bend, Oregon 97701  
Grantor's Name and Address  
Durrell Milton Mellon  
20634 Whitewing Ct.  
Bend, Oregon 97701  
Grantee's Name and Address  
 After recording, return to (Name, Address, Zip):  
Teresa Mellon  
64695 Wood Ave.  
Bend, Oregon 97701  
 Until requested otherwise, send all tax statements to (Name, Address, Zip):  
Durrell Mellon  
20634 Whitewing Ct.  
Bend, Oregon 97701

SPACE RESERVED FOR RECORDER'S USE

STATE OF OREGON, County of \_\_\_\_\_ ) ss.

I certify that the within instrument was received for recording on \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_M., and recorded in book/reel/volume No. \_\_\_\_\_ on page \_\_\_\_\_ and/or as fee/file/instrument/microfilm/reception No. \_\_\_\_\_, Records of this County.

Witness my hand and seal of County affixed.

By \_\_\_\_\_, Deputy.

QUITCLAIM DEED

KNOW ALL BY THESE PRESENTS that Teresa Anita Mellon hereinafter called grantor, for the consideration hereinafter stated, does hereby remise, release and forever quitclaim unto Durrell Milton Mellon hereinafter called grantee, and unto grantee's heirs, successors and assigns, all of the grantor's right, title and interest in that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in Deschutes County, State of Oregon, described as follows, to-wit:

20634 Whitewing Ct.  
Bend, Oregon 97701

Lot Three (3), Block One (1), of WHITEWING PARK

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever. The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 18,000.00. However, the actual consideration consists of or includes other property or value given or promised which is  part of the  the whole (indicate which) consideration. (The sentence between the symbols  $\phi$ , if not applicable, should be deleted. See ORS 93.030.)

In construing this deed, where the context so requires, the singular includes the plural, and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the grantor has executed this instrument on December 28, 2000; if grantor is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Teresa Anita Mellon

STATE OF OREGON, County of Deschutes ) ss.

This instrument was acknowledged before me on December 28, 2000, by Teresa Anita Mellon.

This instrument was acknowledged before me on \_\_\_\_\_, by \_\_\_\_\_, as \_\_\_\_\_.



Sharon Kunkel  
Notary Public for Oregon  
My commission expires 2/28/02

2

After Recording Return To:  
**SWALLEY IRRIGATION DISTRICT**  
64672 Cook Avenue, Suite 1  
Bend, Oregon 97703

Steve Dennison, County Clerk

2023-26403



01498989202300264030020026

D-D Cnt=1 Pgs=2 Stn=4  
\$10.00 \$11.00 \$61.00 \$10.00 \$6.00

10/23/2023 11:45 AM  
\$98.00

**QUITCLAIM DEED  
FOR TRANSFER OF INTEREST IN A WATER RIGHT**

Grantors **Brodie Meyer**, releases, and quitclaims to **Swalley Irrigation District (SID)** all rights, title and interest in the following: By this agreement and signed transfer application form, Grantor, the owner of the lands listed in Exhibit A, release their claim and responsibility for a total of **.32 acres** of Swalley Irrigation District water right that are appurtenant to the lands listed in **Exhibit A**, to Swalley Irrigation District. Swalley Irrigation District may elect to complete the transfer application and submit it to the Water Resources Department for approval of use of the water right at a new location and/or use. Swalley Irrigation District may attach this agreement to the Oregon Water Resources Department's lease form and file with the district's annual Short Term Water Right Lease Agreement.

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

Furthermore, upon signing of this agreement and the accompanying transfer application **Brodie Meyer** shall no longer be liable for any District assessment or charges pertaining to the total of **.32 acres** of water right incurred after the date of signing. The water right in question is further described as a portion of certificate # 74145, priority of 1899, located:

**T16S-R12E,WM-SEC20-SW/NE-00400- .32 acres**

This agreement is binding upon the heirs, executors, administrators, successors, and permitted assigns of the parties to this agreement.

Consideration for this Quitclaim is 0.00

Grantors:

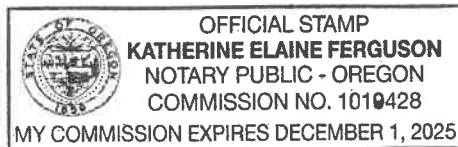
Date 10/11/23

Brodie Meyer

Date \_\_\_\_\_

State of Oregon SS.  
County of Deschutes

Personally appeared Brodie Meyer and acknowledged the forgoing instrument to be his her voluntary act and deed.



Katherine Elaine Ferguson

My commission expires 12-1-2025

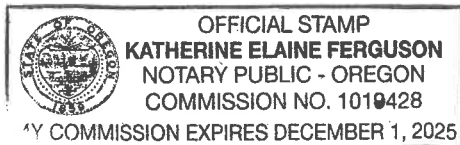
Swalley Irrigation District:

Date 10/18/23

Jer Camarata, General Manager

State of Oregon SS. County of Deschutes

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



Katherine Elaine Ferguson

My commission expires 12-1-2025

Tax statement: No change.

**EXHIBIT A**

Account # BR2535

<b>Legal Description:</b>	<b>Taxlot</b>	<b>Serial#</b>	<b>WR Acres:</b>
<b>T16S-R12E-WM-SEC20-SW/SE-00400</b>	<b>16-12-20-00-00400</b>	<b>132527</b>	<b>.32</b>

I am requesting that .32 acres of water rights at 65456 Swalley Rd, Bend, OR., 97703 be quitclaimed back to Swalley Irrigation District.

As of this date I'm the legal owner of this property.



---

Brodie Meyer

10/11/23  
Date

District Internal  
Notice #: QC - 11

**NOTICE OF DISTRICT PERMANENT TRANSFER  
(ORS 540.580)**

DISTRICT: **Swalley Irrigation District**  
ADDRESS: **64672 Cook Avenue, Suite 1, Bend, OR 97703** PHONE: **541-388-0658**

1. **WATER RIGHT: SWALLEY IRRIGATION DISTRICT**  
CERTIFICATE(S): 74145 PRIORITY DATE: September 1, 1899

2. **TYPE OF CHANGE: PERMANENT CHANGE IN PLACE OF USE**

3. **APPLICANT (OFF):**  
NAME: **Brodie Meyer**  
ADDRESS: **65456 Swalley Rd, Bend, OR 97703**

4. **LOCATION OF USE: AUTHORIZED POINT OF DIVERSION:**  
POD #3) N 985' & W 617' from the East ¼ corner, SE/NE of Section 29, T17S, R12E, W.M. (Diversion for Swalley's canal system), POD #15) Additional district diversion: NW1/4SE1/4, Section 14, T.15S, R. 12E, W.M.; 2170 feet North and 1350 feet West from the SE Corner of Section 14.

**LOCATION OF AUTHORIZED PLACE OF USE (Off Lands)**

Township	Range	Section	¼ ¼	Tax Lot	# of acres irrigated	Other Use
T16S	E12	20	SW/NE	00400	.32	IRR

5

**RECIPIENT (ON):**  
NAME: **Swalley Irrigation District**  
ADDRESS: **64672 Cook Ave., Ste. 1, Bend, OR 97703**

**6. LOCATION OF PROPOSED USE (On Lands)**

Township	Range	Section	¼ ¼	Tax Lot	# of acres irrigated	Other Use
T16S	E12	20	SW/NE	00400	.32	IRR

Swalley Irrigation District hereby certifies that the applicant are the deed holders of subject properties; that our files are complete with a copy of the recorded documents; that the applicant's land has been irrigated within the last five years, and that applicant and recipient hereby authorize the transfer proposed herein.

NOTICE IS HEREBY GIVEN that this proposed change is subject to the approval of the Water Resources Department and that the Water Resources Department may reject the transfer or may require mitigation to avoid injury to other water right holders.

**SWALLEY IRRIGATION DISTRICT AND APPLICANT, HEREBY SWEAR THAT THE ABOVE NOTICE FOR TRANSFER OF WATER RIGHT AND THE STATEMENTS MADE ARE TRUE AND CORRECT.**

APPLICANT:

  
Brodie Meyer

10/11/23  
Date

DISTRICT/ RECIPIENT:

  
Jer Camarata, Manager, Swalley Irrigation District

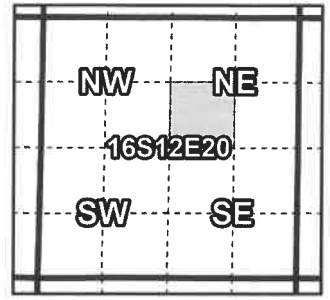
10/18/23  
Date

# Swalley Irrigation District

## 2023 District Transfer Application Quitclaim Map

Certificates: 74145

for Brodie Meyer



Taxlot 1612200000400, 16-12-20-SW/NE-00400: 0.25 Acres Off, 3.75 Acres Remaining

- Pipelines and Canals
- █ Quitclaim
- ▨ Primary Water Right
- Taxlots



1 inch = 400 feet

Prepared by Swalley Irrigation District | October 2023

BLS

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS.



Kelli Meyer  
20950 Glenmont Dr.  
Bend, OR 97702

Deschutes County Official Records 2019-08853  
Nancy Blankenship, County Clerk



D-D Cnt=1 Str=4 SRB  
\$5.00 \$11.00 \$61.00 \$10.00 \$6.00

03/22/2019 08:00 AM

Grantor's Name and Address

~~BRADIE MEYER~~  
65456 SWALLEY RD  
BEND, OR 97703

Grantee's Name and Address

After recording, return to (Name and Address):

BRADIE MEYER  
65456 SWALLEY RD  
BEND, OR 97703

Until requested otherwise, send all tax statements to (Name and Address):

BRADIE MEYER  
65456 SWALLEY RD  
BEND, OR 97703

BARGAIN AND SALE DEED

KNOW ALL BY THESE PRESENTS that KELLI K. MEYER

hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto BRADIE MEYER

hereinafter called grantee, and unto grantee's heirs, successors and assigns, all of that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in \_\_\_\_\_ County, State of Oregon, described as follows (legal description of property):

A tract of land located in the Southwest Quarter of the Northeast Quarter (SW 1/4 NE 1/4) of Section 20, Township 16 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows:

Beginning at the Northwest corner of said SW 1/4 NE 1/4 of Section 20; thence North 89° 34' 26" East, 329.55 feet; thence South 00° 13' 15" West, 660.25 feet; thence South 89° 34' 23" West, 329.85 feet; thence North 00° 14' 52" East, 660.26 feet to the point of beginning.

EXCEPTING THEREFROM the westerly 5 feet, more or less, which is within the right of way of the Swalley County Road as now located.

PREVIOUSLY RECORDED DEED 20A-042686

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 0. However, the actual consideration consists of or includes other property or value given or promised which is  part of the  the whole (indicate which) consideration. (The sentence between the symbols <sup>⊙</sup>, if not applicable, should be deleted. See ORS 93.030.)

In construing this instrument, where the context so requires, the singular includes the plural, and all grammatical changes shall be made so that this instrument shall apply equally to businesses, other entities and to individuals.

IN WITNESS WHEREOF, grantor has executed this instrument on 3/20/19; any signature on behalf of a business or other entity is made with the authority of that entity.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010. TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

STATE OF OREGON, County of DESCHUTES ) ss.

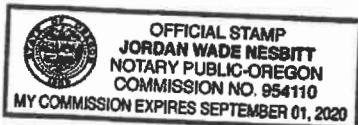
This instrument was acknowledged before me on MARCH 20th, 2019 by KELLI MEYER

This instrument was acknowledged before me on \_\_\_\_\_

by \_\_\_\_\_

as \_\_\_\_\_

of \_\_\_\_\_



Notary Public for Oregon  
My commission expires 09/01/2020



01497611202300252250020022

D-D Cnt=1 Pgs=2 Stn=25  
\$10.00 \$11.00 \$61.00 \$10.00 \$6.00

10/10/2023 12:35 PM  
\$98.00

After Recording Return To:  
**SWALLEY IRRIGATION DISTRICT**  
64672 Cook Avenue, Suite 1  
Bend, Oregon 97703

**QUITCLAIM DEED  
FOR TRANSFER OF INTEREST IN A WATER RIGHT**

Grantors, Kenneth Sherrill, releases, and quitclaims to **Swalley Irrigation District (SID)** all rights, title and interest in the following: By this agreement and signed transfer application form, Grantor, the owner of the lands listed in **Exhibit A**, release their claim and responsibility for a total of .22 acres of Swalley Irrigation District water right that are appurtenant to the lands listed in **Exhibit A**, to Swalley Irrigation District. Swalley Irrigation District may elect to complete the transfer application and submit it to the Water Resources Department for approval of use of the water right at a new location and/or use. Swalley Irrigation District may attach this agreement to the Oregon Water Resources Department's lease form and file with the district's annual Short Term Water Right Lease Agreement.

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

Furthermore, upon signing of this agreement Kenneth Sherrill shall no longer be liable for any district assessment or charges pertaining to the total of .22 acres of water right incurred after the date of signing. The water right in question is further described as a portion of certificate.

#74145, priority of 1899, located:  
T17S-R12E, WM-SEC17-NW/SW-00703 - .22 acres

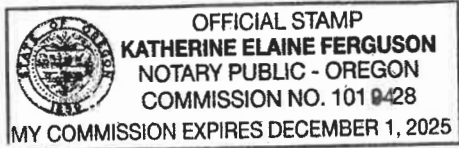
This agreement is binding upon the heirs, executors, administrators, successors, and permitted assigns of the parties to this agreement.  
Consideration for this Quitclaim is 0.00

Grantors:

Kenneth Sherrill \_\_\_\_\_ Date 9-22-2023  
Kenneth Sherrill \_\_\_\_\_ Date \_\_\_\_\_

State of Oregon SS.  
County of Deschutes

Personally appeared Kenneth Sherrill acknowledged the forgoing instrument to be his / her voluntary act and deed.



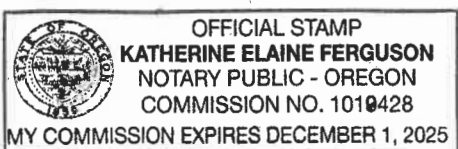
Katherine Elaine Ferguson  
My commission expires 12-1-2025

Swalley Irrigation District:

Jer Camarata \_\_\_\_\_ Date 9/29/23  
Jer Camarata, General Manager

State of Oregon County of Deschutes

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



Katherine Elaine Ferguson  
My commission expires 12-1-2025

Tax statement: No change.

**EXHIBIT A**

Account # SH2170

Kenneth Sherrill  
20085 Glen Vista Rd.  
Bend, OR 97703

<b>Legal Description:</b>	<b>Taxlot</b>	<b>Serial#</b>	<b>Water Right</b>
17-12-17-NW/SW-00703	171217C000703	108986	.14 ac. IRR

I am giving permission to have .22 acre of irrigation rights off the property at 20085 Glen Vista Rd, Bend, Oregon 97703

As of this date, I am the legal owner of this property.

  
Kenneth Sherrill

9-22-2023  
Date

District Internal  
Notice: #QC- 06

**NOTICE OF DISTRICT INTERNAL TRANSFER  
(ORS 540.580)**

DISTRICT: **Swalley Irrigation District**  
ADDRESS: **64672 Cook Avenue, Suite 1, Bend, OR 97703** PHONE: **541/388-0658**

1. **WATER RIGHT: SWALLEY IRRIGATION DISTRICT**  
CERTIFICATE(S): 74145 PRIORITY DATE: September 1, 1899

2. **TYPE OF CHANGE: PERMANENT CHANGE IN PLACE OF USE**

3. **APPLICANTS(OFF):**  
NAME: **Kenneth Sherrill**  
ADDRESS: **20085 Glen Vista Rd., Bend, OR 97703**

4. **LOCATION OF USE: (Off Lands) AUTHORIZED POINT OF DIVERSION:**  
POD #3) N 985' & W 617' from the East ¼ corner, SE/NE of Section 29, T17S, R12E, W.M. (Diversion for Swalley's canal system) POD #15) Additional district diversion: NW1/4SE1/4, Section 14, T.15S., R. 12E, W.M.; 2170 feet North and 1350 feet West from the SE Corner of Section 14.

**LOCATION OF AUTHORIZED PLACE OF USE (Off Lands)**

Township	Range	Section	¼ ¼	Tax Lot	# of acres irrigated	Other Use
S17	E12	17	NW/SW	00703	.22	IRR

5. **RECIPIENT (ON): Swalley Irrigation District**  
ADDRESS: **64672 Cook Ave., Ste. 1, Bend, OR 97703**

6. **LOCATION OF PROPOSED USE (On Lands) AUTHORIZED POINT OF DIVERSION:**  
POD #3) N 985' & W 617' from the East ¼ corner, SE/NE of Section 29, T17S, R12E, W.M. (Diversion for Swalley's canal system), POD #15) Additional district diversion: NW1/4SE1/4, Section 14, T.15S., R. 12E,W.M.; 2170 feet North and 1350 feet West from the SE Corner of Section 14.

Township	Range	Section	¼ ¼	Tax Lot	# of acres irrigated	Other Use
S17	E12	17	NW/SW	00703	.22	IRR

7. **EXHIBITS:** Maps showing the location of the present and proposed irrigated lands (*On & Off Maps*)

Swalley Irrigation District hereby certifies that the applicant and recipient are the deed holders of subject properties; that our files are complete with a copy of the recorded documents; that the applicant's land has been irrigated within the last five years, and that applicant and recipient hereby authorize the transfer proposed herein.

NOTICE IS HEREBY GIVEN that this proposed change is subject to the approval of the Water Resources Department and that the Water Resources Department may reject the transfer or may require mitigation to avoid injury to other water right holders.

**SWALLEY IRRIGATION DISTRICT AND APPLICANT, HEREBY SWEAR THAT THE ABOVE NOTICE FOR TRANSFER OF WATER RIGHT AND THE STATEMENTS MADE ARE TRUE AND CORRECT.**

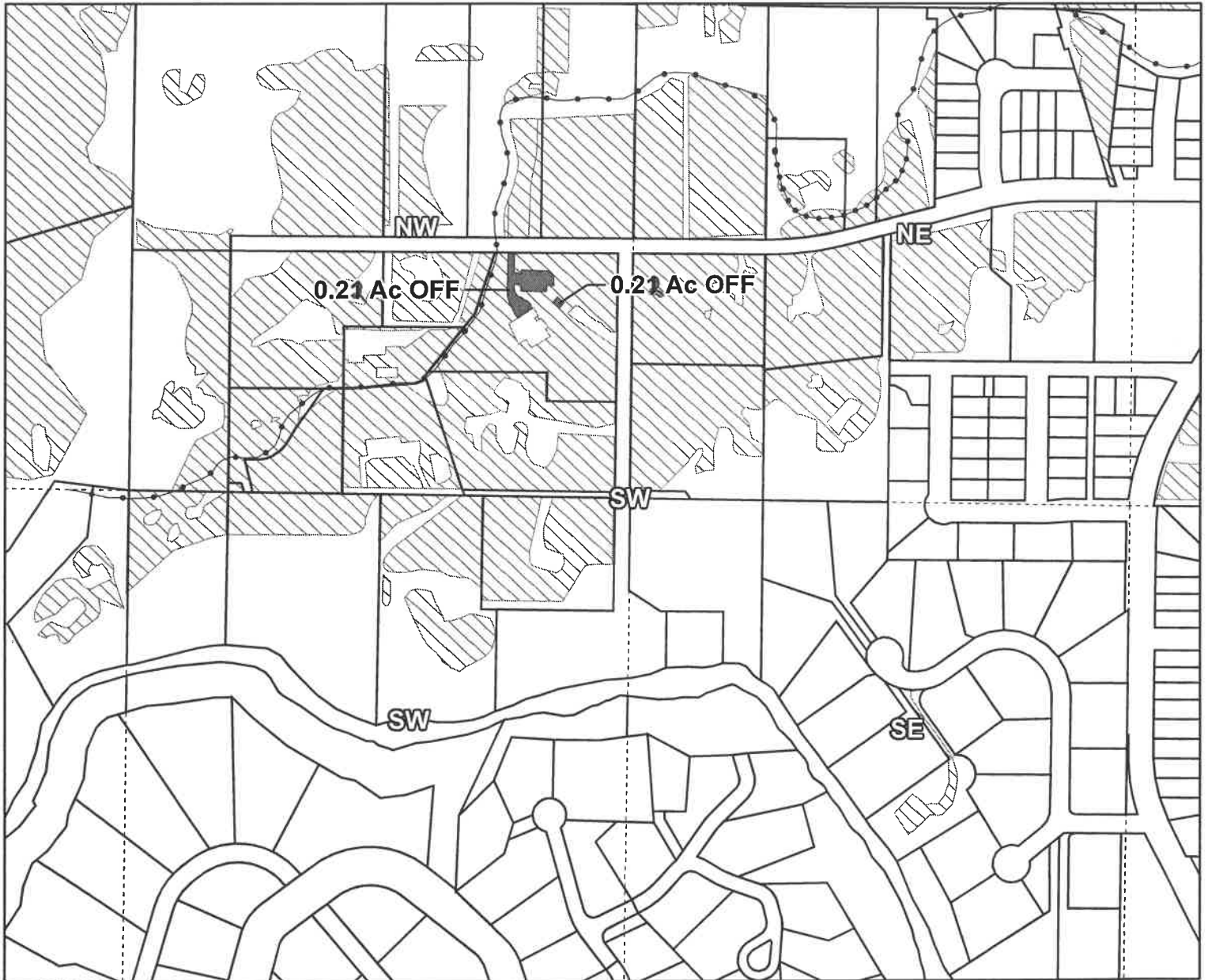
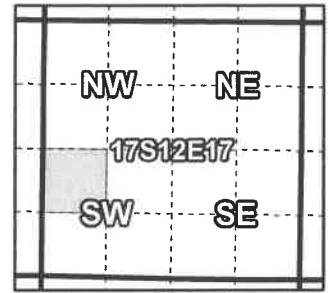
APPLICANT:  9-22-2023  
Kenneth Sherrill Date

RECIPIENT/DISTRICT:  9/29/23  
Jer Camarata / Manager / Swalley Irrigation District Date

# Swalley Irrigation District

## 2023 District Transfer Application Quitclaim Map

**Certificates: 74145**  
for Kenneth Sherrill



Taxlot 171217C000703, 17-12-17-NW/SW-00703: 0.22 Acres Off, 2.78 Acres Remaining

- Pipelines and Canals
- Quitclaim
- ▨ Primary Water Right
- Taxlots



1 inch = 400 feet

Prepared by Swalley Irrigation District | September 2023



\$36.00

D-D Cnt=1 Str=2 LADENEL  
\$10.00 \$11.00 \$10.00 \$5.00

04/20/2006 11:30:12 AM

After Recording Return to:  
KENNETH JAMES SHERRILL  
903 MAIN STREET #2  
EL SEGUNDO, CA 90245-2360

Until a change is requested all tax statements  
Shall be sent to the following address:  
(same as above)

Order No. 60026TD

**WARRANTY DEED**

2

MARY J. SHERRILL, as Trustee of the ROBERT A. and MARY J. SHERRILL 2002 TRUST,  
herein called grantor,

convey(s) to

KENNETH JAMES SHERRILL, herein called grantee,

all that real property situated in the County of DESCHUTES, State of Oregon, described as:

**SEE EXHIBIT 'A'**

and covenant(s) that grantor is the owner of the above described property free of all encumbrances except covenants, conditions, restrictions, reservations, rights, rights of way and easements of record, if any, and apparent upon the land, contracts and/or liens for irrigation and/or drainage; and except any real property taxes due but not yet payable;

and will warrant and defend the same against all persons who may lawfully claim the same, except as shown above.

The true and actual consideration for this transfer is \$130,000.00.

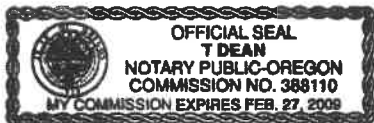
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)). THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)).

Dated: April 19, 2006

*Mary J. Sherrill, Trustee*  
MARY J. SHERRILL, TRUSTEE

STATE OF OREGON, County of DESCHUTES) ss.

On April 19, 2006, personally appeared the above named MARY J. SHERRILL, as Trustee of the ROBERT A. and MARY J. SHERRILL 2002 TRUST, and acknowledged the foregoing instrument to be HER voluntary act and deed.



Before me: *Abau*  
Notary Public for Oregon  
My commission expires: *2/27/09*

Official Seal

36

**EXHIBIT 'A'**

A tract of land located within Tracts Eleven and Twelve of GLEN VISTA, situated in the Northwest Quarter of the Southwest Quarter of Section 17, Township 17 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows: Beginning at a point which bears South 1309.53 feet and East 1273.25 feet from the Quarter section corner between Sections 17 and 18, Township 17 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon; said point being on the Westerly right of way of South Road and North 00°26'30" East 15.00 feet from the Southeast corner of Tract 12, PLAT OF GLEN VISTA; thence along said right of way, North 00°26'30" East 635.29 feet to the Northeast corner of Tract Eleven, GLEN VISTA; said corner being on the Southerly right of way of Glen Vista Road; thence along said right of way North 89°36'50" West 326.68 feet, more or less, to the Westerly right of way of the Deschutes Reclamation and Irrigation Company lateral; thence, departing from the Southerly right of way of Glen Vista Road South 17°46'32" West 171.48 feet, more or less, following along the Westerly right of way of said irrigation lateral; thence South 38°14'21" West 210.05 feet, more or less, to the intersection of the line between Lots Eleven and Twelve, PLAT OF GLEN VISTA; thence departing from the Westerly right of way of said irrigation lateral South 18°00'15" East 321.44 feet, more or less, to a point; thence South 89°30'15" East 404.80 feet to the true point of beginning of this description. EXCEPTING THEREFROM the following:

Beginning at a point which is the Southeast corner of a tract of land described in the deed recorded in Book 173, Page 34 Deed Records, and bears 1309.53 feet South and 1273.25 feet East from the One-Quarter section corner between Sections 17 and 18, Township 17 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon; said point being on the Westerly right of way of "South Road" and said point also bearing North 00°26'30" East 15.00 feet from the Southeast corner of Tract Twelve, PLAT OF GLEN VISTA; thence North 00°26'30" East along said right of way 239.89 feet; thence North 89°36'50" West, a distance of 185.00 feet; thence North 00°26'30" East a distance of 77.40 feet; thence North 89°30'15" West, a distance of 312.12 feet, more or less, to the Westerly right of way of the Deschutes Reclamation and Irrigation Company lateral; thence South 38°14'21" West along said Westerly right of way 15.32 feet, more or less, to the intersection with the Northerly line of said Tract Twelve; thence leaving said Westerly right of way line South 18°00'15" East, a distance of 321.44 feet, more or less; thence South 89°30'15" East, a distance of 404.80 feet to the point of beginning.



\$58.00

04/19/2017 03:24:14 PM

D-D Cnt=1 Stn=4 SRB  
\$10.00 \$11.00 \$21.00 \$10.00 \$6.00

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

QUITCLAIM DEED  
FOR TRANSFER OF INTEREST IN A WATER RIGHT

Grantor, Leroy Walton, releases and quitclaims to Swalley Irrigation District (SID) all rights, title and interest in the following: By this agreement and signed transfer application form, Grantor, the owner of the lands listed in Exhibit A, release their claim and responsibility for 1.50 acres of Swalley Irrigation District water right that are appurtenant to the lands listed in Exhibit A, to Swalley Irrigation District. Swalley Irrigation District may elect to complete the transfer application and submit it to the Water Resources Department for approval of use of the water right at a new location and/or use. Swalley Irrigation District may attach this agreement to the Oregon Water Resources Department's lease form and file with the District's annual Short Term Water Right Lease Agreement.

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

Furthermore, upon signing of this agreement and the accompanying transfer application Leroy Walton shall no longer be liable for any district assessment or charges pertaining to the 1.50 acres of water right incurred after the date of signing. The water right in question is further described as a portion of certificate # 74145, priority of 1899, located:  
T16S-R12E,WM-SEC01-SE/SE-00700

This agreement is binding upon the heirs, executors, administrators, successors, and permitted assigns of the parties to this agreement.  
Consideration for this Quitclaim is 0.00

Grantor: *Leroy Walton* Date 4/17/17  
Leroy Walton

State of Oregon SS.  
County of Deschutes

Personally appeared Leroy Walton and acknowledged the forgoing instrument to be his/her voluntary act and deed.

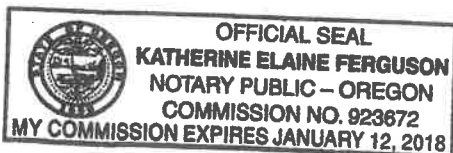


*Katherine Elaine Ferguson*  
My commission expires 1-12-2018

Swalley Irrigation District.  
*[Signature]* Date 4/17/2017  
Jer Camarata, General Manager

State of Oregon SS.  
County of Deschutes

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



*Katherine Elaine Ferguson*  
My commission expires 1-12-2018

Tax statement: No change.

District Internal Notice: T 17-01

State of Oregon  
 WATER RESOURCES DEPARTMENT  
**NOTICE OF DISTRICT PERMANENT TRANSFER**  
 (ORS 540.580)

DISTRICT: **Swalley Irrigation District**  
 ADDRESS: **64672 Cook Avenue, Suite 1, Bend, OR 97701**  
 PHONE: **541/388-0658**

1. **WATER RIGHT: Swalley Irrigation District**  
 CERTIFICATE(S): #74145 PRIORITY DATE: September 1, 1899

2. **TYPE OF CHANGE:** PERMANENT CHANGE IN PLACE OF USE

3. **APPLICANT**

NAME: Leroy Walton  
 ADDRESS: 6969 SW 46<sup>th</sup> Ave, Redmond, OR 97756

4. **LOCATION OF USE**

AUTHORIZED POINT OF DIVERSION:  
 N 985' & W 617' from the East ¼ corner, SE/NE of Section 29, T17S, R12E.W.M. (diversion for Swalley's canal system), Additional district diversion: NW1/4SE1/4, Section 14, T.15S., R. 12E,W.M.; 2170 feet North and 1350 feet West from the SE Corner of Section 14.

LOCATION OF AUTHORIZED PLACE OF USE (*Off Lands*)

Township	Range	Section	¼ ¼	Tax Lot	# of acres irrigated	Other Use
T16S	R12E	01	SE/SE	700	1.50	Irrigation

5. **RECIPIENT**

NAME: Swalley Irrigation District  
 ADDRESS: 64672 Cook Ave. OR 97703

6. **LOCATION OF PROPOSED USE (*On Lands*)**


Township	Range	Section	¼ ¼	Tax Lot	# of acres irrigated	Other Use
T16S	R12E	01	SE/SE	700	1.50	Irrigation

7. **EXHIBITS** : Maps showing the location of the present and proposed irrigated lands (*On & Off Maps*)

Swalley Irrigation District hereby certifies that the applicant and recipient are the deed holders of subject properties; that our files are complete with a copy of the recorded documents; that the applicant's land has been irrigated within the last five years, and that applicant and recipient hereby authorize the transfer proposed herein.

NOTICE IS HEREBY GIVEN that this proposed change is subject to the approval of the Water Resources Department and that the Water Resources Department may reject the transfer or may require mitigation to avoid injury to other water right holders.

SWALLEY IRRIGATION DISTRICT AND APPLICANT, HEREBY SWEAR THAT THE ABOVE NOTICE FOR TRANSFER OF WATER RIGHT AND THE STATEMENTS MADE ARE TRUE AND CORRECT.

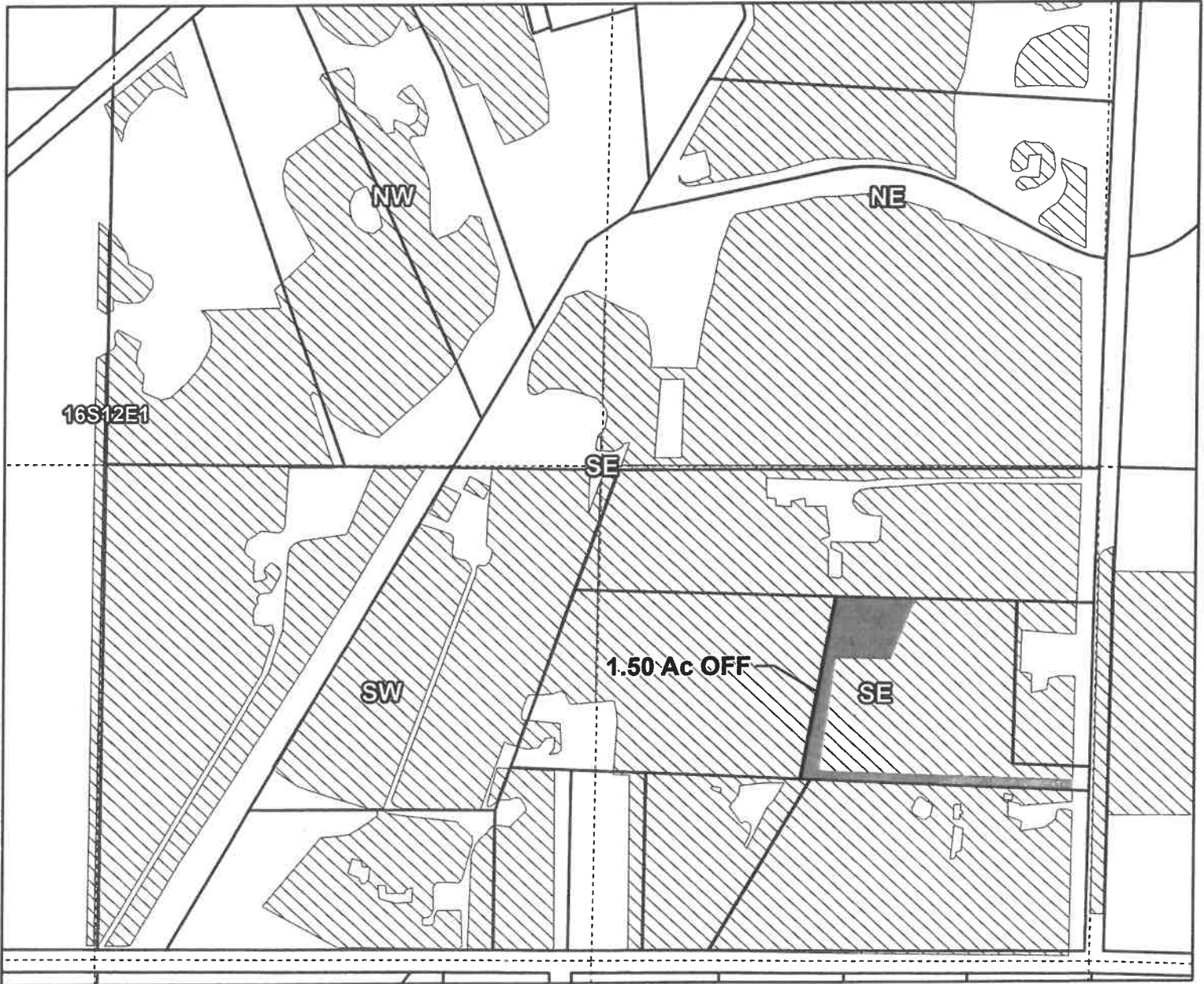
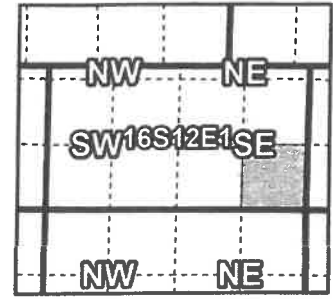
APPLICANT/RECIPIENT  4/17/17  
 Leroy Walton Date

APPLICANT/RECIPIENT \_\_\_\_\_ Date

DISTRICT:  4/17/2017  
 Jer Camarata, Swalley Irrigation District General Manager Date

# Swalley Irrigation District 2022 District Transfer Application Quitclaim Map

**Certificates: 74145** - Leroy Walton  
for Wyatt White



Taxlot 161201D000700, 16-12-01-SE/SE-00700: 1.50 Acres Off, 4.8 Acres Remaining

- Pipelines and Canals
- Transfer
- Primary Water Right
- Taxlots



1 inch = 400 feet

LeRoy Walton

#1609

Legal Description:	Taxlot	Serial#	WR Acres:
T16S-R12E-WM-SEC01-SE/SE-00700	161201D000700	130388	1.50 ac.

PROPERTY DESCRIPTION  
TAX LOT 700

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 16 SOUTH, RANGE 12 EAST, W.M., DESCHUTES COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the South East Corner of Section 1, Township 16 South, Range 12 East, W.M., Deschutes County, Oregon; thence N 33°17'48" W 35.75 FT. to a REBAR on the West Line of SW 46th Street; thence along the West Line of S.W. 46th Street N 00° 21' 00" E 491.19 FT. to The True Point of Beginning being a 5/8" REBAR; thence along the West Line of S.W. 46th Street S 00° 21' 00" W for 65.00 FT to a REBAR.; thence N 87° 54' 06" W for 770.91 FT. to a REBAR; thence N 09° 49' 13" E for 493.83 FT. to a REBAR; thence S 88° 52' 43" E for 489.34 FT. to a 5/8"REBAR; thence S 00° 21' 00" W for 432.93 FT. to a 5/8'REBAR; thence S 87° 54' 06" E for 200.09 FT. to a 5/8' REBAR, at the True Point of Beginning, the Area being 6.301 Acres.

31-



\$31.00

11/13/2006 02:02:00 PM

D-D Cnt=1 Str=1 BN  
\$5.00 \$11.00 \$10.00 \$5.00

After recording return to:  
WESTERN TITLE & ESCROW COMPANY  
1345 NW WALL STREET, STE 200  
BEND, OR 97701

Until a change is requested all tax statements shall be sent to the following address:

✓ LEROY S. WALTON  
6969 SW 46TH ST  
REDMOND, OR 97756

**STATUTORY BARGAIN AND SALE DEED**

LEROY WALTON, Grantor, conveys to LEROY S. WALTON, GRANTEE, the following described real property:

That portion of the Southeast Quarter of Section One (1), Township Sixteen (16) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon, described as follows: Beginning at the South Quarter corner of said Section 1; thence along the Southerly line of said Section, North 89°45' East, 1049.05 feet; thence at right angles to said Southerly line, North 0°15' West, 402.04 feet; thence North 17°20'00" East, 121.00 feet to the true point of beginning for this description; thence North 19°20' East, 500.36 feet; thence South 88°57'00" East, 1378.74 feet to the Westerly line of Phillips Road (now known as S.W. 46th Street), 50 feet wide; thence along said Westerly line South 0°21'00" West, 501.08 feet to a point in said Westerly line distant Northerly thereon, 426.49 feet from the Northerly line of Whittemore Road (now known as Quarry Avenue), 60 feet wide; thence North 87°59'08" West, 1542.04 feet to the true point of beginning. EXCEPTING THEREFROM the following: Beginning at the South Quarter corner of said Section 1; thence along the Southerly line of said Section, North 89°45' East, 1049.05 feet; thence at right angles to said Southerly line, North 0°15' West, 402.04 feet; thence North 17°20'00" East, 121.00 feet to the true point of beginning for this description; thence North 19°20' East, 500.36 feet; thence South 88°57'00" East, 689.37 feet; thence South 09°50'07" West, 493.87 feet; thence North 87°59'08" West, 771.02 feet to the true point of beginning.

Tax Account No(s): 130388 CODE 2-004  
Map/Tax Lot No(s): 161201 DO 00701

- The true consideration for this conveyance is \$ -0-

**BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY UNDER ORS 197.352.**

Dated this 7 day of November, 2006.

LEROY WALTON

STATE OF OREGON, COUNTY OF DESCHUTES ) SS.

This instrument was acknowledged before me on November 7, 2006 by LEROY WALTON.

(Notary Public for Oregon)  
My commission expires 7-18-09



TITLE NO. 10-0337306  
ESCROW NO. 10-0337306

Recorded by Western Title as an accommodation only. No liability accepted for condition of title or validity, sufficiency or affect of document.

Part 4 of 4 – Water Right and Instream Use Information

Use a separate Part 4 for each water right to be leased instream

**Table 2**  
**Use Table 2 to illustrate the totals for the water right proposed to be leased instream (based on Part 3 of 4) Water Right # 74145**

Total rate and volume by priority date, POD, use and acreage as appropriate considering the right to be leased. If not enough room below, you may add rows (see instructions) or create a spreadsheet (matching Table 2 and clearly labeled) and attach.  
 (cfs = cubic feet per second and af = acre-feet)

Priority Date	POD #	Use	Acre	Other Information (such as conditions/limitations on the right)			Rate (cfs)	Volume (af)
9/01/1899	3	IR	145.27	Season 1 rate/Total Volume			1.092	960.17
9/01/1899	3	IR	145.27	Season 2 rate			1.461	
9/01/1899	3	IR	145.27	Season 3 rate			2.745	

Total af from storage, if applicable:  AF or  N/A  
 If the POD is not described on the certificate or, if there is more than one POD listed on the certificate, then the specific POD must be described:

**Table 3**

Instream Use created by the lease		River Basin: <u>Deschutes</u>	River/Stream Name: <u>Deschutes River, tributary to Columbia River</u>			
<b>Proposed Instream Reach:</b>						
<input checked="" type="checkbox"/> A reach typically begins at the POD and ends at the mouth of the source stream: From the POD <u>3</u> to <u>Mouth of the Deschutes River</u> <input type="checkbox"/> Instream use protected at the POD						
<b>OR</b> <input type="checkbox"/> Please check this box if you are not sure of the proposed reach and want water to be protected within a reach below the POD, if possible. If no reach is identified or the above box is not checked, and there is only one POD listed on the water right, the lease may be processed to be protected at the POD.)						
<b>Instream Portion: May not exceed the maximum rate/volume for the right (identified in Table 2)</b>						
Use the table 3 to illustrate the instream rate, volume and instream period by priority date, POD, Use and acreage, as appropriate. If not enough room below, you may add rows (see instructions) or create a spreadsheet (clearly labeled and matching the below portion of Table 3) and attach.						
Priority date	POD #	Use	Acre	Proposed Instream Period	Instream Rate (cfs)	Total instream volume (af)
9/01/1899	3	IR	145.27	Season 1 rate/Total Volume	0.998	792.19
9/01/1899	3	IR	145.27	Season 2 rate	1.336	
9/01/1899	3	IR	145.27	Season 3 rate	2.475	



**This table will calculate flow rate factors and duty for Swalley Irrigation District  
Instream Leases & Transfers**

Canal Diversion - Enter Total Number of Acres to be Leased Instream Here	145.270		
Direct Diversion - Enter Total Number of Acres to be Leased Instream Here	0.000		
Starting Point - Direct Diversion total acres	158.110		
Starting Point - Canal Diversion total acres	4192.620		
Starting Point	Full Right	Direct Diversion only	Canal Diversion only
	Starting Point - Rate*	Starting Point - Rate	Starting Point - Rate
Season 1	32.594	1.086	31.508
Season 2	43.628	1.454	42.174
Season 3	81.907	2.694	79.213
Duty	28574.620	863.375	27,711.25

\*Approximate starting point

**Information highlighted with purple font is to be entered on to the Instream Lease Application Form**

**For Primary Water Right - Certificate 74145**

**For Canal Diversion Only**

<b>Rate (CFS) associated with leased rights for Section 1.5 of the Lease Application Form</b>		Rate and duty identified in this section includes the 43% transmission loss allowed by decree	
	Full Rate	<b>Duty (AF) associated with leased right for Section 1.5 of the Lease Application Form</b>	
Season 1*	1.092	Duty AF/Acre* =	6.61
Season 2*	1.461		
Season 3*	2.745		960.17

\* Note - The rates and duty identified have been proportion to prevent enlargement of the right and to reflect the amount at which the diversion should be reduced. (for example, S3 = starting canal rate divided by 4441.765 canal acres)

Rates and volumes identified in this section do not include the 43% transmission loss		<b>Volume (AF) leased instream for Section 2.2 of the Lease Application Form</b>	
<b>Rate (CFS) leased instream for Section 2.2 of the Lease Application Form</b>		Duty (decree) AF/Acre =	5.46
	Full Rate	Total =	793.26
		# of Days in each Season	AF/ Season
Season 1	0.998	61	120.75
Season 2	1.336	30	79.50
Season 3	2.475	123	603.82
			804.07

**Additional Conditions to Prevent Injury for Section 2.2 of the Lease Application Form**

	# days	AF/Season	
Season 1*	55	108.87	
Season 2	30	79.50	
Season 3	123	603.82	
Season total =	208	792.19	Does not exceed duty
<b>Water protected instream:</b>		<b>April 1 through October 25</b>	

\* Note - The number of days that water may be protected instream in Season 1 has been reduced on revent enlargement of the right. The instream rates identified in this section are based upon the face value of the water right minus 43%.

**For Direct Diversion Only**

<b>Rate (CFS) associated with leased rights for Section 1.5 of the Lease Application Form</b>		Rate and duty identified in this section does not include the 43% transmission loss	
	Full Rate	<b>Duty (AF) associated with leased right for Section 1.5 of the Lease Application Form</b>	
Season 1	0.000	Duty (decree) AF/Acre =	5.46
Season 2	0.000		
Season 3	0.000		0.00

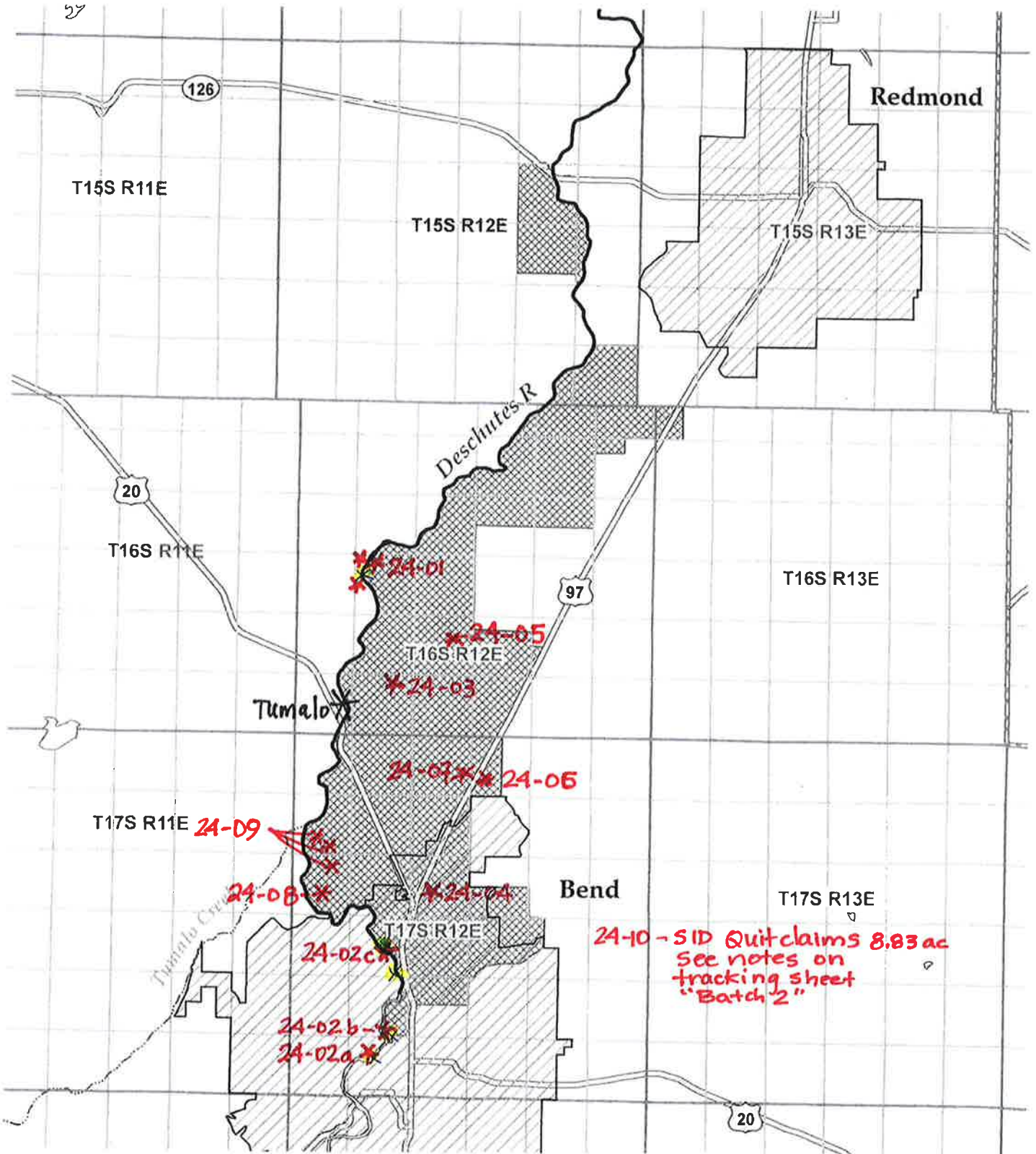
Rates and volumes identified in this section do not include the 43% transmission loss		<b>Volume (AF) leased instream for Section 2.2 of the Lease Application Form</b>	
<b>Rate (CFS) leased instream for Section 2.2 of the Lease Application Form</b>		Duty (decree) AF/Acre =	5.46
	Full Rate	Max instream volume =	0.00
		# of Days in each Season	AF/ Season if full season
Season 1	0.000	61	0.00
Season 2	0.000	30	0.00
Season 3	0.000	123	0.00
			0.00











**Additional Conditions to Prevent Injury for Section 2.2 of the Lease Application Form**

	# days	AF/Season	
Season 1*	55	0.00	
Season 2	30	0.00	
Season 3	123	0.00	
Season total =	208	0.00	Does not exceed duty
<b>Water protected instream:</b>		<b>April 1 through October 25</b>	

\* Note - The number of days that water may be protected instream in Season 1 has been reduced on revent enlargement of the right.

# Swalley Irrigation District



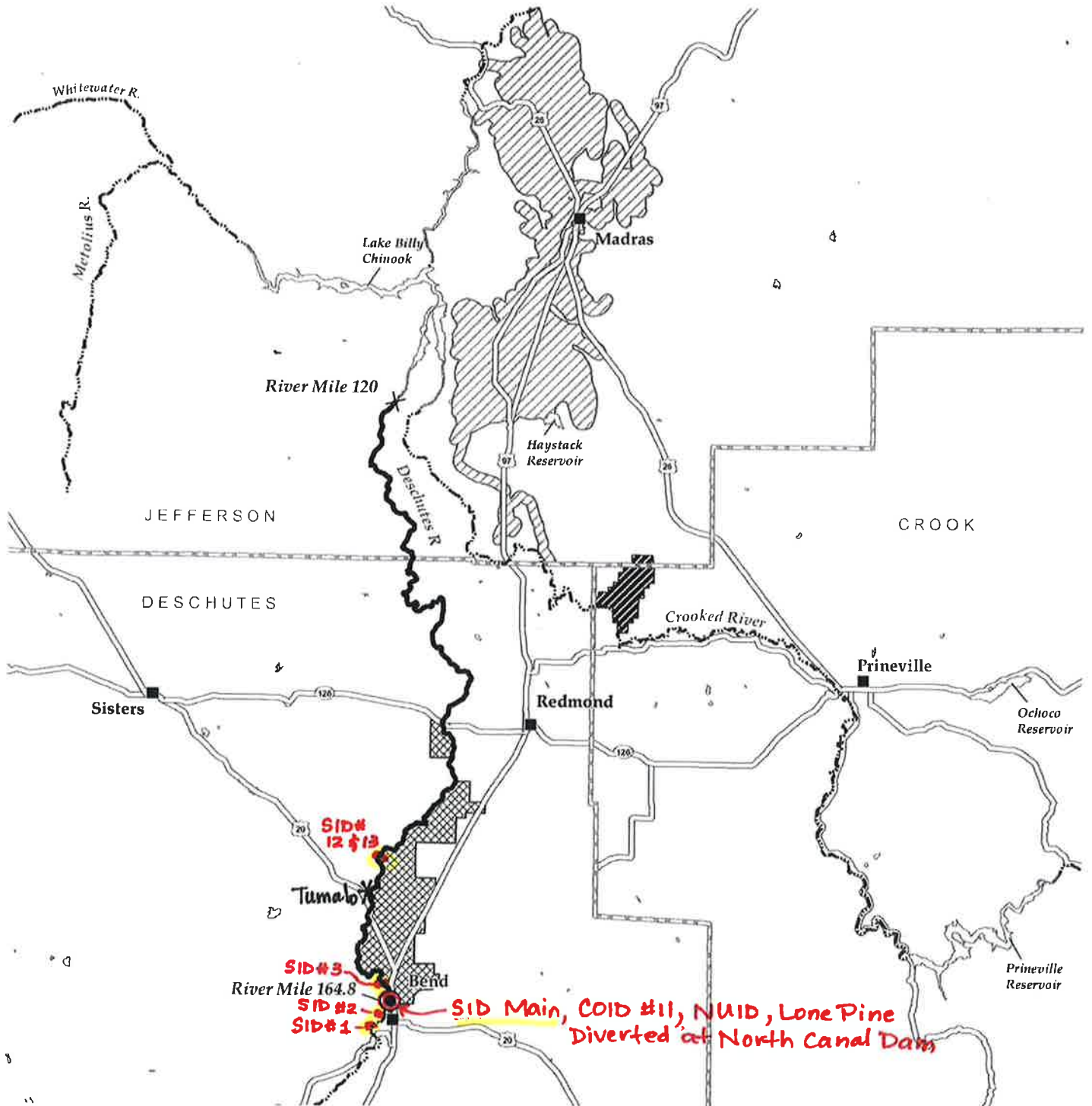
-  Swalley Irrigation District
-  City Limit
-  PLSS Township
-  PLSS Section
-  Lakes
-  Rivers
-  Major Tributaries
-  County
-  Highway
-  Diversions













Map by D. Quinlan, 10/18/07  
DRC/SID.mxd

# North Unit and Swalley Irrigation District and Crook County Improvement District #1

## Major Diversion and Affected Reach



-  North Unit Irrigation District
-  Crook County Improvement District #1
-  Swalley Irrigation District
-  Lakes
-  Major Diversion
-  Rivers
-  Affected Reach
-  Cities
-  County
-  Highway



**BATCH 1 to BBK**

Patron ID	Name	Lease #	Priority	Acres	Term	Exp	Canal	Taxlot	TRSQTL	Property Address >>>Mailing Address	City	State	Zip	EFU Zoned	Other
<b>Existing lessors in multi-year leases</b>															
		<u>Current Lease #</u>													
24-01	CLR, Inc / Jerry Curl	IL-978	1899	9	5	2025	#13	1612200000202	161220NENW0202	65500 Cline Falls Rd	Bend	OR	97703 030		Direct Diversion, both sides of River
	CLR, Inc / Jerry Curl	IL-978	1899	2.9	5	2025	#13	1612200000202	161220NWNW0202	703 NW Stonepine Dr	Bend	OR	97703 030		Just north of Tumalo
	CLR, Inc / Jerry Curl	IL-978	1899	6.9	5	2025	#13	1612200000200	161220SWNW0200	65460 Cline Falls Rd	Bend	OR	97703 030		
	CLR, Inc / Jerry Curl	IL-978	1899	5.4	5	2025	#12	1612200000201	161220NWSW0201	65200 Cline Falls Rd	Bend	OR	97703 030		
24-02a	Bend Metro Parks & Rec	IL-980	1899	1	5	2025	#1	171232BD04001	171232SENW4100	35 NW Drake Rd	Bend	OR	97703 990		Munic Brooks Park (SW corner of Newport, W of River)
24-02b	Bend Metro Parks & Rec	IL-980	1899	0.25	5	2025	#2	171229DC04501	171229SWSW4501	1555 NW Wall St	Bend	OR	97703 990		Munic Riverside Natural Area, strip just N or Pioneer Park
24-02c	Bend Metro Parks & Rec	IL-980	1899	11	5	2025	#4	17120D002000	171220NWSE2000	62999 OB Riley Rd	Bend	OR	97703 991		Munic Sawyer Park
				36.45						799 SW Columbia St	Bend	OR	97702		Bend Parks Mailing Address for all Tax Lots

Patron ID	Name	Prior Lease # Lease Renewal #	Priority	Acres	Term	Exp	Canal	Taxlot	TRSQTL	Property Address >>>Mailing Address	City	State	Zip	EFU Zoned	Other
<b>New lessors / lease renewals</b>															
		<u>Prior Lease #</u>													
		<u>Lease Renewal #</u>													
24-03	Deborah Farmer	IL-1364	1899	1	1	2024	Main	1612320000400	161232NWNE400	64695 Old Bend Redmond HWY	Bend	OR	97703 451		Tract
	Deborah Farmer	IL-1364	1899	3.7	1	2024	Main	1612320000400	161232NENE400	64695 Old Bend Redmond HWY	Bend	OR	97703 451		Tract
	Deborah Farmer	IL-1364	1899	1.8	1	2024	Main	1612320000400	161232SWNE400	64695 Old Bend Redmond HWY	Bend	OR	97703 451		Tract
	Deborah Farmer	IL-1364	1899	1.5	1	2024	Main	1612320000400	161232SENE400	64695 Old Bend Redmond HWY	Bend	OR	97703 451		Tract
24-04	Mathew Thomas/Thomas Acquis	IL-1367	1899	5.3	1	2024	Main	171216C000500	171216NWSW500	63320 & 63330 N. Hwy 97	Bend	OR	97701 IND		
	Mathew Thomas/Thomas Acquis	IL-1367	1899	2.5	1	2024	Main	171216C000500	171216SWSW500	PO Box 5519			97708 IND		
				15.8											

**First Lease Batch Additional Information:**

CLR, Inc Points of Diversion are right on the River. CLR has a cluster of 3 tax lots that span across the river with a diversion on each side. The diversion would be a pipe and pump if it were active.

The 3 Bend Parks lots all have Points of Diversion right on the River next to their locations. These diversions which would be pumps and pipes are not used. Bend Parks uses City water to irrigate these parks.

Bend Parks and CLR, Inc are current in 5-yr leases (2021-2025) that are regularly renewed for 5-year terms

Deborah Farm and Matt Thomas renew leases when necessary to maintain the 5-yr beneficial use record

**BATCH 2 to BBK**

Any leases received after 4/10/2024 will be added to the section below and sent to BBK for separate review.

Leases 5/30/2024

To be submitted as 1 pooled lease

Patron ID	Name	Lease #	Priority	Acres	Term	Exp	Canal	Taxlot	TRSQTL	Property Address >>>Mailing Address	City	State	Zip	EFU Zoned	Other
24-05	Gary Plagmann	IL-1350	1899	7	1	2024	3&15	161228C005200	161228SWSW05200	64847 Old Bend Redmond Hwy	Bend	OR	97703		Y-551
		(previous lease #)													
24-06	Barbara J. Wulf	1899	0.9	1	2024	3&15		1712030000400	171203SWSW00400	64040 HWY 97	Bend	OR	97701		401-Tract
										18851 Baker Rd	Bend	OR	97702		N/A
										63290 Chaparral Dr	Bend	OR	97701		N/A
24-07	Suzanne Laffy, Cramer Farms	IL-1766	1899	0.7	1	2024	3&15	1712040000900	171204SESE00900	64025 N Hwy 97	Bend	OR	97701		401-Tract
	Suzanne Laffy, Cramer Farms	IL-1766	1899	2.1	1	2024	3&15	1712040000901	171204SESE00901	20750 Suzanne Ln	Bend	OR	97703		401-Tract
	Suzanne Laffy, Cramer Farms	IL-1766	1899	1.52	1	2024	3&15	1712040000902	171204SESE00902	64045 N Hwy 97	Bend	OR	97701		409-Tract
		(previous lease #)													
24-08	Bend Park and Recreation District	IL-1766	1899	24.17	1	2024	3&15	1712180000111	171218SWSE00111	63599 OB Riley Rd	Bend	OR	97703		940-Muni-Exempt
		(previous lease #)													
24-09	Edward K. Elkins	IL-1766	1899	1.31	1	2024	3&15	1712070000601	171218NENW00601	63685 O.B. Riley Rd	Bend	OR	97703		541-Farm
	Edward K. Elkins	IL-1766	1899	0.81	1	2024	3&15	1712070000601	171218NWNW00601	63685 O.B. Riley Rd	Bend	OR	97703		541-Farm
	Edward K. Elkins	IL-1766	1899	2.22	1	2024	3&15	1712180000105	171218NENW00105	63455 O.B. Riley Rd	Bend	OR	97703		541-Farm
	Edward K. Elkins	IL-1766	1899	3.04	1	2024	3&15	1712180000105	171218NWNW00105	63455 O.B. Riley Rd	Bend	OR	97703		541-Farm
	Edward K. Elkins	IL-1793	1899	14.95	1	2024	3&15	1712070000601	171207SESW00601	63685 O.B. Riley Rd	Bend	OR	97703		541-Farm
	Edward K. Elkins	IL-1793	1899	5.22	1	2024	3&15	1712070000601	171207SWSW00601	63685 O.B. Riley Rd	Bend	OR	97703		541-Farm
	Edward K. Elkins	IL-1853	1899	1.91	1	2024	3&15	1712180000105	171218NESE00105	63455 O.B. Riley Rd	Bend	OR	97703		541-Farm
	Edward K. Elkins	IL-1853	1899	14.91	1	2024	3&15	1712180000110	171218NESE00110	63613 O.B. Riley Rd	Bend	OR	97703		540-Farm
	Edward K. Elkins	IL-1766	1899	1.82	1	2024	3&15	1712180000105	171218SENE00105	63455 O.B. Riley Rd	Bend	OR	97703		541-Farm
	Edward K. Elkins	IL-1766	1899	6.4	1	2024	3&15	1712180000110	171218SENE00110	63613 O.B. Riley Rd	Bend	OR	97703		540-Farm
	Edward K. Elkins	IL-1766	1899	1.2	1	2024	3&15	1712180000105	171218NESW00105	63455 O.B. Riley Rd	Bend	OR	97703		541-Farm
	Edward K. Elkins	IL-1901	1899	23.12	1	2024	3&15	1712180000105	171218NWNW00105	63455 O.B. Riley Rd	Bend	OR	97703		541-Farm
	Edward K. Elkins	IL-1766	1899	2.4	1	2024	3&15	1712180000105	171218SENE00105	63455 O.B. Riley Rd	Bend	OR	97703		541-Farm
	Edward K. Elkins	IL-1853	1899	20.74	1	2024	3&15	1712180000105	171218SWNE00105	63455 O.B. Riley Rd	Bend	OR	97703		541-Farm
		(previous lease #s)													
24-10	Swalley Irrigation District QC	1899	1.75	1	2024	3&15			161215SENE00101	64672 Cook Ave, Suite 1	Bend	OR	97703		N
	Swalley Irrigation District QC	1899	0.45	1	2024	3&15			171205SENE001100	64672 Cook Ave, Suite 1	Bend	OR	97703		N
	Swalley Irrigation District QC	1899	0.7	1	2024	3&15			161227SENE03500	64672 Cook Ave, Suite 1	Bend	OR	97703		N
	Swalley Irrigation District QC	1899	0.8	1	2024	3&15			161227SENE03501	64672 Cook Ave, Suite 1	Bend	OR	97703		N
	Swalley Irrigation District QC	1899	0.75	1	2024	3&15			161220NWSE01105	64672 Cook Ave, Suite 1	Bend	OR	97703		N
	Swalley Irrigation District QC	IL-1766	1899	1.22	1	2024	3&15		171207SWSE00105	64672 Cook Ave, Suite 1	Bend	OR	97703		N
	Swalley Irrigation District QC	IL-1766	1899	0.6	1	2024	3&15		171207SESE00105	64672 Cook Ave, Suite 1	Bend	OR	97703		N
	Swalley Irrigation District QC	(prev. lease #s)	1899	0.75	1	2024	3&15		161220NESE01300	64672 Cook Ave, Suite 1	Bend	OR	97703		N
	Swalley Irrigation District QC	1899	0.07	1	2024	3&15			171216SESW01200	64672 Cook Ave, Suite 1	Bend	OR	97703		N
	Swalley Irrigation District QC	1899	0.25	1	2024	3&15			171216SWSE01900	64672 Cook Ave, Suite 1	Bend	OR	97703		N
	Swalley Irrigation District QC	1899	0.32	1	2024	3&15			161220SWNE00400	64672 Cook Ave, Suite 1	Bend	OR	97703		N
	Swalley Irrigation District QC	1899	0.22	1	2024	3&15			171217NWSW00703	64672 Cook Ave, Suite 1	Bend	OR	97703		N
	Swalley Irrigation District QC	1899	0.95	1	2024	3&15			161201SESE00700	64672 Cook Ave, Suite 1	Bend	OR	97703		N

Many of the Swalley ID Quitclaim (QC) TAXLOTS NOT MATCHING ON DIAL/CANNOT FIND - possibly cancelled for development or tax lot changes  
No individual mailing addresses for the quitclaim water - all are Swalley's mailing address.

\*Diversions listed as 3&15 in the Batch 2 list were diverted at the main canal #3 in Bend.