

7488

7488

ASSIGNED

Name Wallace A & M. Elaine Gervais
 By City of Prineville
 Address 1395 Lynn Blvd
Prineville, OR 97754

400 East 3rd St.
Prineville, OR

DESCRIPTION OF WATER RIGHT

Name of stream Crooked River
 Trib. of Deschutes River County of Crook
 Use irrigation
 Quantity of water _____ No. of acres _____
 Name of ditch _____
 Date of priority June 30, 1947
 In name of _____
 _____ Adjudication, Vol. _____, page _____
 App. No. 22677 Per. No. 17836 Cert. No. 17366
 Certificate cancelled _____
 Notation made on record by _____

JMPB

FPP
Sect-7487

FEE PAID

Date	Amount	Receipt No.
2-2-96	343 ⁰⁰	132025
3-30-18	100 ⁰⁰	126266
TOTAL . . .		
	Cert. Fee	

FEE REFUNDED

Date	Amount	Check No.
Por 12-10-97	84.50	004971
12-10-97	120.50	004970

Change in POD, POW
 Date filed 2-2-96
 Date of hearing _____
 Place of hearing _____
 Date of order 2/26/99 Vol. 53, page 299
 Date for application of water 10-1-2000
 Proof mailed _____
 Proof received _____
 Certificate issued _____ Vol. _____, page _____

assignments

4.2.2018

M. Elaine Gervais, Trustee
 217 SW Meadowlakes Dr. Prineville, OR 97754

REMARKS

NO ID / Bruce Estes CWRE #1

1/8

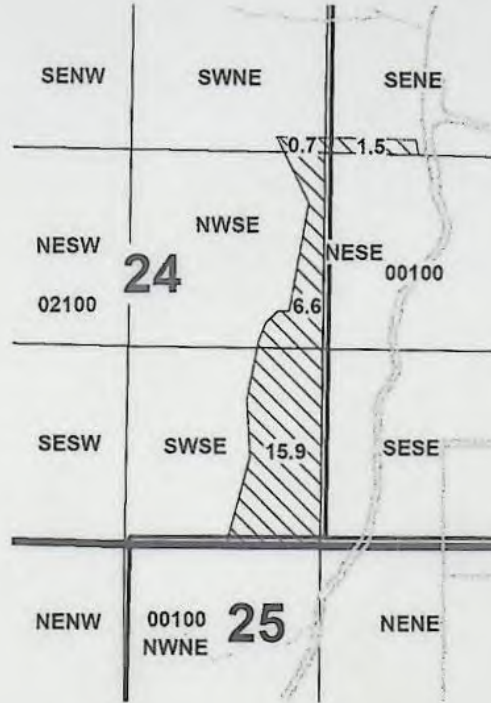
0 660 1,320 2,640 3,960 5,280 Feet

CROOK COUNTY, OREGON

1" = 1,320 FEET



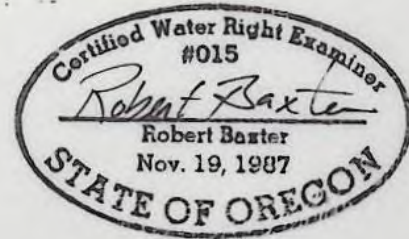
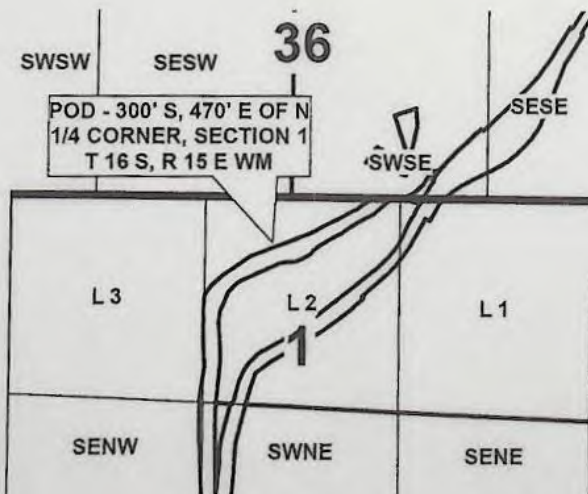
T 15 S, R 15 E WM






RECEIVED BY OWRD

JUN 09 2014

SALEM, OR



RENEWAL DATE: 12-31-2015

-  POU IR BY QQ
-  TAX LOT BOUNDARY
-  SECTION BOUNDARY



CLAIM OF BENEFICIAL USE MAP FOR WHITE DEER RANCH

TRANSFER T-7488 JUNE 3, 2014

This map is not intended to provide legal dimensions or locations of property ownership lines.

JOB # 2003057

WATER RIGHT SERVICES, LLC

PO BOX 1830, BEND, OR 97709

WWW.OREGONWATER.US 541-389-2837

johnshort@usa.com CCB # 197121



"John Short" <johnshort@usa.com>

Subject: RE: DRAFT Revised map for T-7488 CBU / Proposed Cert
From: CLARK Gerry E
To: CLARK Gerry E, John Short
Date: 04/23/14 07:58 AM

John,

At our certificate meeting, we considered the changes that you and I discussed related to the place of use under this transfer. It looks like something that we can consider.

We will need a revised map, stamped by a CWRE and a statement that the system has not changed, and that the use was made on the lands during the period authorized under the transfer; by the "C" Date.

Gerry

From: John Short [mailto:johnshort@usa.com]
Sent: Monday, April 21, 2014 8:07 AM
To: CLARK Gerry E
Subject: RE: DRAFT Revised map for T-7488 CBU / Proposed Cert

Good Morning, Gerry.

Just following up on your email of last Tuesday...

RECEIVED BY OWRD

JUN 09 2014

SALEM, OR

Thanks,

John

John A. Short CCB# 197121

541-389-2837

Water Right Services, LLC
PO Box 1830
Bend, OR 97709
johnshort@usa.com

June 3, 2014

Oregon Water Resources Department
Attn: Certificates - Gerry Clark
725 Summer St. NE, Suite A
Salem, OR 97301

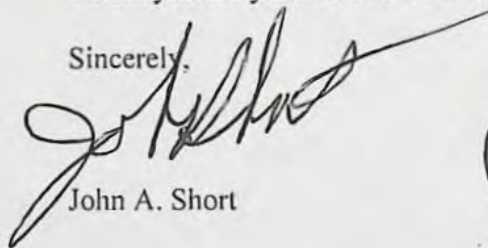
Re: Revised CBU Map for Transfer T-7488

Dear Gerry,

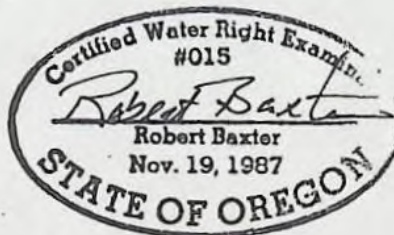
Per your April 23, 2014 email, please find enclosed a revised and CWRE stamped CBU map for Transfer T-7488. Full Beneficial Use was made on the lands mapped therein during the period authorized and prior to October 1, 2000 (the "C" date). Additionally, the water delivery system (Baldwin Ditch) has not changed in the years since.

Thank you for your efforts on this water right.

Sincerely,



John A. Short



RECEIVED BY OWRD

JUN 09 2014

SALEM, OR

P.O. Box 1830
Bend, OR 97709

Water Right Services, LLC
John A. Short CCB# 197121
541-389-2837

johnshort@usa.com
www.oregonwater.us

MERRILL O'SULLIVAN, LLP

www.mosattorneys.com

Heather J. Turk

ATTORNEY AT LAW

(541) 389-1770

FAX (541) 389-1777

805 S.W. INDUSTRIAL WAY, SUITE 5

BEND, OR 97702

heather@mosattorneys.com

MERRILL O'SULLIVAN, LLP
ATTORNEYS AT LAW

805 SW INDUSTRIAL WAY, SUITE 5
BEND, OREGON 97702
PHONE (541) 389-1770
FAX (541) 389-1777
lawfirm@mosattorneys.com

HEATHER J. TURK
heather@mosattorneys.com

JESSICA CHANDLER
Legal Assistant

March 27, 2018

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

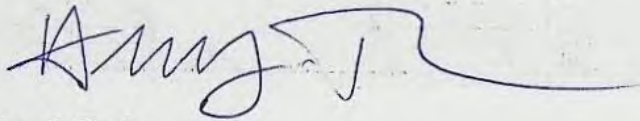
Re: Request for Assignment

To Whom It May Concern,

Enclosed please find a Request for Assignment along with a check for \$100 to cover the recording fee. Please record and return completed documents in the self-addressed envelope we have provided. This request is submitted to transfer water rights to Ms. Gervais' revocable trust.

If you have any questions or need anything further, please do not hesitate to contact me.

Very truly yours,



Heather J. Turk

Enclosures.

cc Elaine Gervais (w/out enclosures)

RECEIVED

MAR 30

OWR

MERRILL O'SULLIVAN, LLP

ATTORNEYS AT LAW

805 S.W. INDUSTRIAL WAY

SUITE 5

BEND, OREGON 97702

ADDRESS SERVICE REQUESTED



Heather J. Turk
Merrill O'Sullivan, LLP
805 SW Industrial Way, Suite 5
Bend, OR 97702

MERRILL O'SULLIVAN, LLP

ATTORNEYS AT LAW

805 S.W. INDUSTRIAL WAY
SUITE 5
BEND, OREGON 97702

ADDRESS SERVICE REQUESTED

neopostSM
03/27/2018

FIRST-CLASS MAIL
AUTO

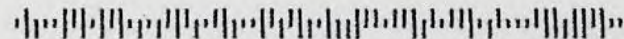
US POSTAGE \$000.37⁸



ZIP 97701
041M12251907

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

BABMS5F 97301





Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

Fax (503) 986-0904

www.wrd.state.or.us

April 3, 2018

Merrill O'Sullivan, LLP
Heather J. Turk
805 SW Industrial Way, Suite 5
Bend, OR 97702

Reference: Transfer T-7488

The assignment from M. Elaine Gervais to M. Elaine Gervais, as Trustee of the Gervais Family Survivor's Trust dated 6/1/2010 has been recorded in the records of the Water Resources Department.

The Departments records will now show M. Elaine Gervais, as Trustee of the Gervais Family Survivor's Trust dated 6/1/2010 as the transfer holder(s) of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 126266 covering the recording fee is also enclosed.

Sincerely,

Jerry Sauter
Water Rights Program Analyst
Water Right Services Division

Enclosure: Original Request and Receipt 126266

cc: Watermaster #11

M. Elaine Gervais, Trustee – 217 SW Meadowlakes Dr., Prineville, OR 97754

Data Center, OWRD (cover letter & request)

File





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

Request for Assignment

If the Department determines that the application is incomplete, fees have not been paid, or the required documents are not acceptable, the application and all fees submitted will be returned to the applicant.

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

I, M. Elaine Gervais
 (Name of Current Holder of Record)
217 SW Meadowlakes Dr. Prineville OR 97754 541.447.3746
 (Mailing Address) (City) (State) (Zip) (Phone #)

- hereby assign all my interest in and to the entire application/permit/transfer/limited license/groundwater statement; (example, sold all the land authorized under the right)
- hereby assign all my interest in and to a portion of application/permit/transfer/limited license/groundwater statement; (You must include a map showing the portion of the application/permit/transfer order/limited license/groundwater statement to be assigned. Example, sold a portion of the land authorized under the right)
- hereby assign a portion of my interest in and to the entire application/permit/transfer/limited license/groundwater statement; (example, adding an additional person)

Application # S22677; Permit # S17836; Transfer # T7488;
 Limited License # _____; Groundwater Statement # _____;

as filed in the office of the Water Resources Director, to:

M. Elaine Gervais, as trustee of the Gervais Family Survivors Trust dated 6/1/2010, as amended
 (Name of New Owner)
217 SW Meadowlakes Dr. Prineville OR 97754 541.447.3746
 (Mailing Address) (City) (State) (Zip) (Phone #)

Note: If there are other owners of the property described in the application, permit, transfer order, limited license, or groundwater statement, you must provide a list of all other owners' names and mailing addresses and attach it to this form. Write the initials (first letters) of your first and last names at the spot indicated below _____.

MEG I hereby certify that I have notified all other owners of the property described in this application, permit, transfer order, limited license, or groundwater statement of this Request of Assignment.

Witness my hand this 28th day of February, 2018.
 (Day) (Month) (Year)

Signature of Current Holder of Record M. Elaine Gervais

Failure to provide any of the required information will result in the return of your application.

DO NOT WRITE IN THIS BOX

This certifies assignment and record change at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem, Oregon.
 Fee receipt # 126266
 For Director by Jerry Sauter, Program Analyst in Water Rights Division
 Last updated: September 18, 2011



The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$100.

RECEIVED

MAR 30 2018
 WR

OWRD

ASSISTANT REC'D 4/2/2018

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **126266**

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

INVOICE # _____

RECEIVED FROM: Merrill O'Sullivan, APPLICATION _____
 BY: LLP PERMIT _____
 CASH: CHECK: # 1733 OTHER: (IDENTIFY) TRANSFER T-748
 TOTAL REC'D \$ 100.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____
 OTHER: (IDENTIFY) \$ _____
 0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS 46111

0407 COPY & TAPE FEES \$ _____
 0410 RESEARCH FEES \$ _____
 0408 MISC REVENUE: (IDENTIFY) Assignment \$ 100.00
 TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____
 0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

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

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

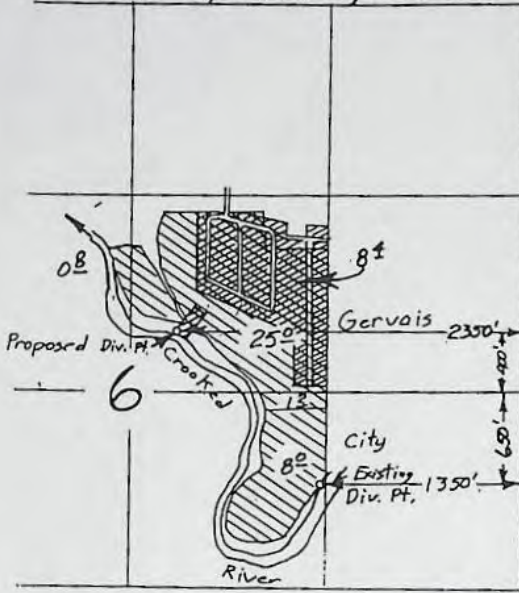
0233 POWER LICENSE FEE (FWWRD) \$ _____
 0231 HYDRO LICENSE FEE (FWWRD) \$ _____
 HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

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


RECEIPT: **126266** DATED: 3-30-18 BY: [Signature]

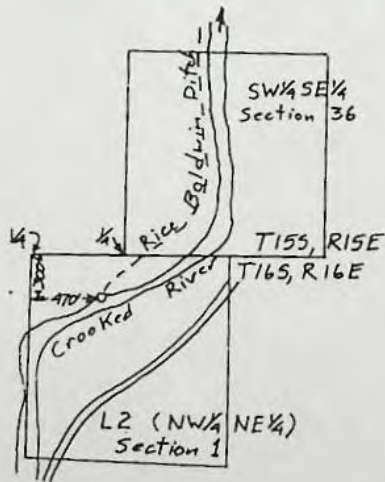
T.15S., R.16E., W.M.



FROM 
C-17366

Scale 1" = 1320'

TO 

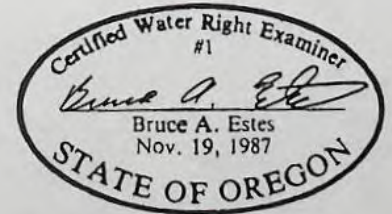
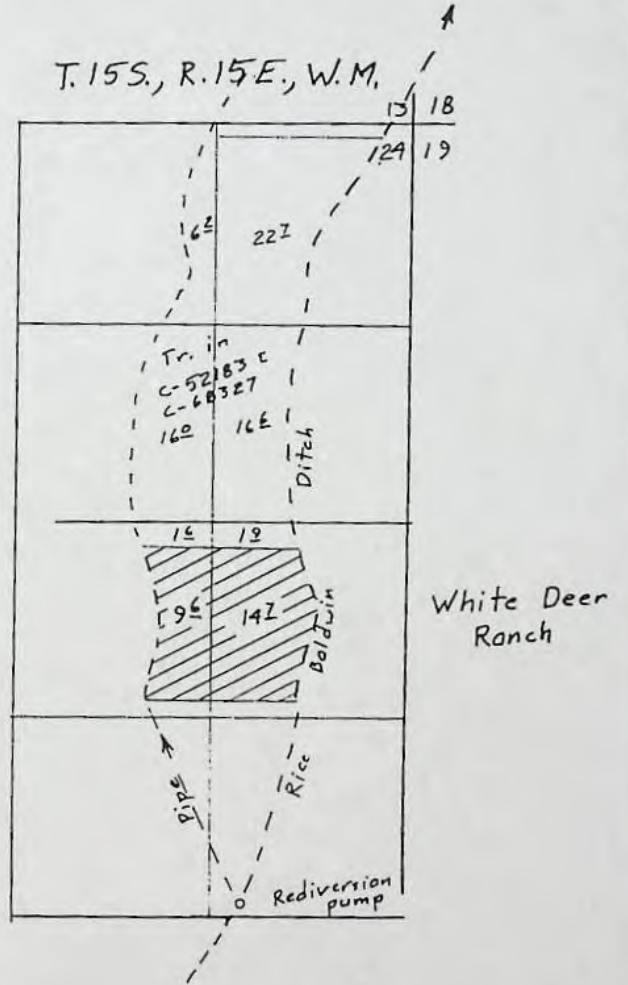


RECEIVED

FEB 2 1996

WATER RESOURCES DEPT.
SALEM, OREGON

T.15S., R.15E., W.M.



Transfer Application Map
for

WALLACE GERVAIS
&
CITY OF PRINEVILLE

T-7488

This map is for the purpose of
locating a water right only
and has no intent to provide
legal dimensions or the location
of property lines.

ESTES SURVEYS

6293 Sunnyview Rd. NE 60382 Arnold Rd.
Salem, OR 97305 Bend, OR 97702
(503) 585-7593 (503) 382-7391

STATE OF OREGON

COUNTY OF CROOK

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WALLACE A GERVAIS
M ELAINE GERVAIS
217 SW MEADOW LAKES DRIVE
PRINEVILLE OR 97754

*Revised on 8/9/2013
DL*

CITY OF PRINEVILLE
400 EAST 3RD ST
PRINEVILLE OR 97754

confirms the right to use the waters of CROOKED RIVER, t
ACRES.

r IRRIGATION of 24.3

This right was perfected under Permit 17836. The date of pric
right is entitled is limited to an amount actually used beneficia
or its equivalent in case of rotation, measured at the point of di

*Add Ochoco
FD to
Marlin List*

of water to which this
FOOT PER SECOND.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
16 S	16 E	WM	1	NW NE	2	300 FEET SOUTH & 470 FEET EAST FROM N1/4 CORNER, SECTION 1

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	15 E	WM	24	SW NE	1.1
15 S	15 E	WM	24	SE NE	1.6
15 S	15 E	WM	24	NE SE	15.6
15 S	15 E	WM	24	NW SE	6.0

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

STATE OF OREGON

COUNTY OF CROOK

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WALLACE A GERVAIS
 M ELAINE GERVAIS
 217 SW MEADOW LAKES DRIVE
 PRINEVILLE OR 97754

*Revised on 8/9/2013
 DC*

CITY OF PRINEVILLE
 400 EAST 3RD ST
 PRINEVILLE OR 97754

confirms the right to use the waters of CROOKED RIVER, tributary to DESCHUTES RIVER for IRRIGATION of 24.3 ACRES.

This right was perfected under Permit 17836. The date of priority is JUNE 30, 1947. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.41 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
16 S	16 E	WM	1	NW NE	2	300 FEET SOUTH & 470 FEET EAST FROM N1/4 CORNER, SECTION 1

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	15 E	WM	24	SW NE	1.1
15 S	15 E	WM	24	SE NE	1.6
15 S	15 E	WM	24	NE SE	15.6
15 S	15 E	WM	24	NW SE	6.0

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

The quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water available from the original point of diversion described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	16 E	WM	6	NW SE	650 FEET SOUTH & 1350 FEET WEST FROM E1/4 CORNER. SECTION 6

When required by the Department, the water user shall install and maintain headgates, in-line flow meters, weirs, or other suitable devices for measuring and recording the quantity of water diverted. The type and plans of the headgates and measuring devices must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

Water shall be acquired from the same surface source as the original point of diversion.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

This certificate is issued to confirm a change in PLACE OF USE AND POINT OF DIVERSION, approved by an order of the Water Resources Director entered FEBRUARY 26, 1999, at Special Order Volume 53, Page 299, approving Transfer Application 7488, and supersedes Certificate 17366, State record of Water Right Certificates.

Issued _____.

 Dwight W. French
 Administrator, Water Right Services, for
 Phillip C. Ward, Director

MEMO

TO: FILE T-7488

PO4

FROM: J. Gansley

DATE: 5.2, 2013

POD

RE: DETERMINATION OF PROOF

old Cert 17366

I've determined that a **PROPOSED** FINAL certificate should be prepared and mailed to the permit holder consistent with:

Permit Transfer

FPS COBU

~~NO CLAIM~~ - claim found in T-7487 748

As described in the permit/transfer but as clarified by the FPS COBU

As described in the PERMIT/TRANSFER and FPS or COBU but as further specified below:

Conflict? No Yes: _____

stamped **PROPOSED** or assign Cert # _____

Draft certificate(s) are available in the transfer directory.

Water Organization identified using area of interest tool? No Yes, cc: Dchaco

Check ownership; and if there is a new owner, add them to the mailing list. Irrigation District.

Prepare a mailing list.

Record marking: App _____ Cert _____

NOTES:

less Acres / 8.4 A in Sec 6, T15S, R16E
and POD for 8.4a not completed



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

March 4, 1999

Wallace A. & M. Elaine Gervais
1395 Lynn Blvd.
Prineville, Oregon 97754

City of Prineville
400 East 3rd Street
Prineville, Oregon 97754

REFERENCE: File T-7488

Enclosed is a copy of the order approving your water right transfer application T-7488.

A time to complete the transfer is given in the order. A form for reporting early completion is available upon request.

YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT. The water right for any portion of the authorized change in use or change in place of use NOT carried out within the time allowed will be lost.

An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change within the time allowed.

You have the requirement to hire a Certified Water Right Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this department within one year of the date you completed the change or within one year of the completion date authorized in the transfer, whichever occurs first. A list of CWRE's is enclosed.

Sincerely,

Hannah Wood

for LARRY H. NUNN
Water Rights Specialist

LHN:hw

Enclosures

cc: Kyle Gorman, Watermaster 11
Bruce A. Estes, CWRE

STATE OF OREGON

COUNTY OF CROOK

ORDER APPROVING CHANGES IN PLACE OF USE, POINTS OF DIVERSION
AND CANCELING A PORTION OF THE WATER RIGHT

Pursuant to ORS 540.510 to 540.530, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 7488 submitted by

WALLACE A. AND M. ELAINE GERVAIS
1395 LYNN BLVD
PRINEVILLE, OREGON 97754

CITY OF PRINEVILLE
400 EAST 3RD STREET.
PRINEVILLE, OREGON 97754

The right to be modified, as evidenced by a portion of Certificate 17366, was perfected under Permit 17836 with a date of priority of JUNE 30, 1947. The right allows the use of the CROOKED RIVER, a tributary of the DESCHUTES RIVER, for IRRIGATION of 32.7 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.41 cubic foot per second, if available at the authorized point of diversion: NW¼ SE¼, SECTION 6, T 15 S, R 16 E, WM.; 650 FEET SOUTH AND 1350 WEST FROM THE E¼ CORNER OF SECTION 6, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation, together with the amount secured under an other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4.0 acre-feet for each acre irrigated during the irrigation season of each year.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is located as follows:

SW¼ NE¼ 25.0 ACRES
SE¼ NW¼ 0.8 ACRE
NW¼ SE¼ 6.9 ACRES
SECTION 6
TOWNSHIP 15 SOUTH, RANGE 16 EAST, W.M.

The right to use the water for the above purpose is restricted to beneficial use on the lands or place of use described

The applicant proposes to change the place of use for a portion of these rights to:

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 8.4 ACRES
SECTION 6
TOWNSHIP 15 SOUTH, RANGE 16 EAST, W.M.

and the diversion point for these acres to:

SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 6, T 15 S, R 16 E., WM.; 400 FEET NORTH AND 2350 FEET WEST FROM THE E $\frac{1}{4}$ CORNER, SECTION 6.

The applicant proposes to change the place of use for the remainder of these rights to:

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 14.7 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 9.6 ACRES
SECTION 24
TOWNSHIP 15 SOUTH, RANGE 15 EAST, W.M.

and the point of diversion for these acres to:

LOT 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$), SECTION 1, T16S, R16E, W.M.; 300 FEET SOUTH AND 470 FEET EAST FROM THE NORTH $\frac{1}{4}$ CORNER OF SECTION 1.

An affidavit, as part of the water right transfer application, was received from Wallace A. and M. Elaine Gervais, the owners of certain land and the water right appurtenant to it. The water right has been abandoned and is requested to be canceled.

The abandoned water right is a portion of the right described by Certificate 17366, State Record of Water Certificates. The abandoned water right is for the use of 0.03 cubic foot per second of water from the Crooked River, a tributary of the Deschutes River. The date of priority is June 30, 1947. The abandoned water right is for irrigation of 2.3 acres.

A description of the place of use of the abandoned right is as follows:

NW¼ SE¼ 2.3 ACRES
SECTION 6
TOWNSHIP 15 SOUTH, RANGE 15 EAST, W.M.

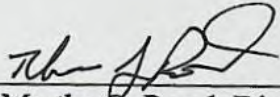
ORS 540.621 provides: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Commission that the water right has been abandoned by the owner and that the owner desires cancellation thereof, the commission shall enter an order canceling the water right."

THESE CHANGES TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed change shall be completed on or before October 1, 2000.
2. The quantity of water diverted at the new points of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.
3. When required by the Department, the water user shall install and maintain headgates, in-line flow meters, weirs, or other suitable devices for measuring and recording the quantity of water diverted. The types and plans of the headgates and measuring devices must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
4. Water shall be acquired from the same surface water source as the original point of diversion.
5. The former place of use shall no longer be irrigated as a part of this water right.

The portion of the water right requested to be canceled is canceled. Certificate 17366 is canceled. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources Director, affixed _____ FEB 26 1999



for Martha O. Pagel, Director

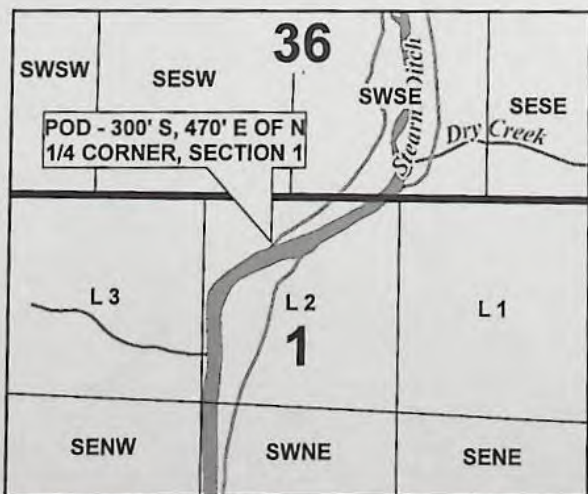
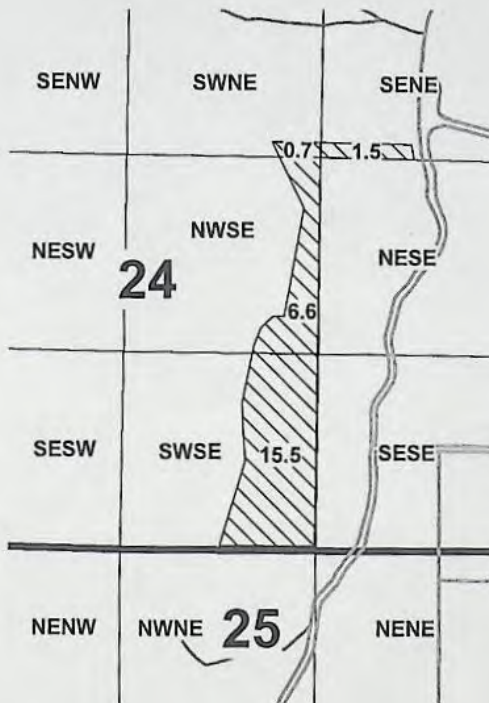
Under the provisions of OAR 137-004-0080, the applicant may petition for reconsideration of this order. The petition shall set forth specific grounds for reconsideration. The petition for reconsideration must be filed within 60 days after the date this order is served.

0 660 1,320 2,640 3,960 5,280 Feet



T 15 S, R 15 E WM

CROOK COUNTY, OREGON

1" = 1,320 FEET



RENEWAL DATE: 12-31-2015

-  POU IR BY QQ
-  SECTION BOUNDARY



**CLAIM OF BENEFICIAL USE
FOR WHITE DEER RANCH**

TRANSFER T-7488 APRIL 11, 2014

This map is not intended to provide legal dimensions or locations of property ownership lines.

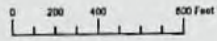
WATER RIGHT SERVICES, LLC

PO BOX 1830, BEND, OR 97709

WWW.OREGONWATER.US 541-389-2837

johnshort@usa.com

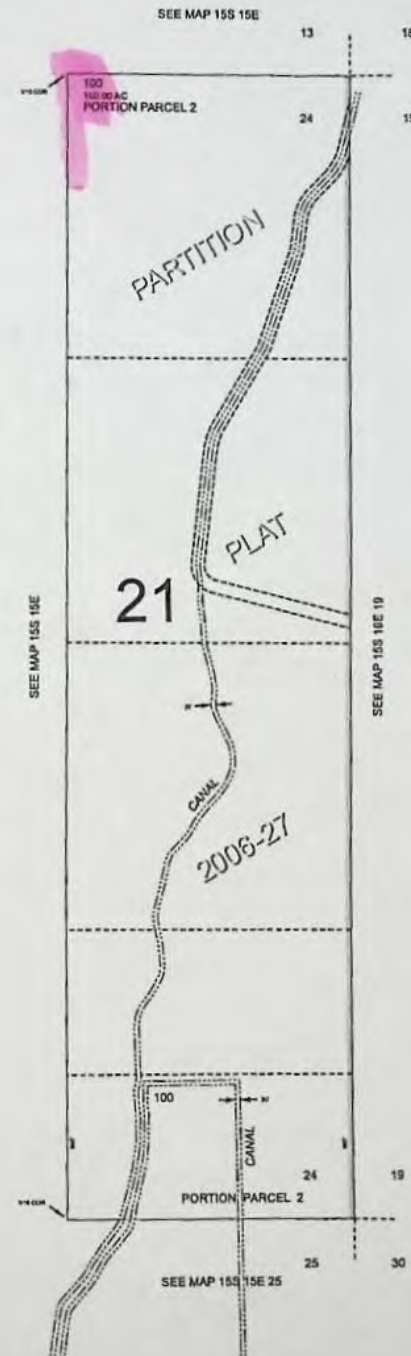
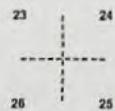
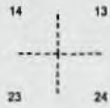
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY



SECTION 24 T.15S. R.15E. W.M.
CROOK COUNTY
1" = 400'

15S15E24

CANCELLED:
101
200



Revised: JK
11/17/2009
15S15E24

Water Rights Platcard Report

Meridian: Willamette Township: 15 South Range: 15 East Section: 24 Records per 999 Page: Search Platcards Maps! Learn about * View Map

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160)	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unkown QQ
Select Cert:650 OR CN Additional Info: JAMES RICE Decree: CROOKED RIVER Cert: 650		12/31/1900	IRRIGATION, LIVESTOCK AND DOMESTIC	CN				8			22									35			32	
Select Cert:52015 CF * Additional Info: ROBERT NIGHTENGALE Decree: CROOKED RIVER Cert: 52015		12/31/1900	IRRIGATION, LIVESTOCK AND DOMESTIC					8			22									35			32	
Select Cert:29338 OR CN Additional Info: HUDSPETH LAND & LIVESTOCK CO. App: G82 Permit: G194 Cert: 29338		6/30/1955	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	CN				5-2			20-8									21-6			30-6	
Select Permit: G 12895 * Additional Info: ULUPALAKUA RANCH INC. App: G14150 Permit: G12895		8/11/1995	SUPPLEMENTAL IRRIGATION (Suppl'mtl)					27.2	6.2	16	34.1									21.4	1.6		29.8	
Select Cert:57614 OR CN Additional Info: U.S. BUREAU OF RECLAMATION App: S32641 Permit: S25991 Cert: 57614	T6192	4/8/1914	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	CN				4-4			18-4									21-1			29-4	
Select Cert:68327 RR CN Additional Info: U.S. BUREAU OF RECLAMATION App: S32641 Permit: S25991 Cert: 68327	T6424	4/8/1914	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	CN				4-4			18-4									21-1			29-4	
Select Cert:68396 RR CN Additional Info: U.S. BUREAU OF RECLAMATION App: S32641 Permit: S25991 Cert: 68396		4/8/1914	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	CN				4-4			18-4									21-1			29-4	
Select Cert:75483 RR CR CN Additional Info: U.S. BUREAU OF RECLAMATION App: S32641 Permit: S25991 Cert: 75483		4/8/1914	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	CN				4-4			18-4									21-1			29-4	
Select Cert:80795 RR CN Additional Info: U.S. BUREAU OF RECLAMATION App: S32641 Permit: S25991 Cert: 80795	T9172, T10653	4/8/1914	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	CN				4-4			18-4									21-1			29-4	
Select Cert:83850 RR CN Additional Info: U.S. BUREAU OF RECLAMATION App: S32641 Permit: S25991 Cert: 83850	T10734, T10733, T11023, T11103, T11134, T10653	4/8/1914	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	CN				4-4			18-4									21-1			29-4	
Select Cert:83850 RR CN Additional Info: U.S. BUREAU OF RECLAMATION App: S32641 Permit: S25991 Cert: 83850	T11103, T11023, T11134, T10653, T10733, T10734, T11373	4/8/1914	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	CN				4-4			18-4									21-1			29-4	
Select Inchoate: T 11134 RR (REG) * Additional Info: U.S. BUREAU OF RECLAMATION App: S32641 Permit: S25991		4/8/1914	SUPPLEMENTAL IRRIGATION (Suppl'mtl)					(4.4)			(18.4)									(21.1)			(29.4)	
Select Permit: G 12895 * Additional Info: ULUPALAKUA RANCH INC. App: G14150 Permit: G12895		8/11/1995	IRRIGATION					10.4	31.5	16.4	5.2									20	25.3	28.3	13.9	
Select Inchoate: T 7488 CF (REG) * Additional Info: WALLACE A GERVAIS App: S22677 Permit: S17836		6/30/1947	IRRIGATION																	(14.7)	(9.6)			
Select Permit: S 47110 CN Additional Info: BONNIE BUCHANAN App: S64154 Permit: S47110		9/13/1982	IRRIGATION	CN				25.6	4.8	15	12.8											12.8	18.4	3-2
Select Cert:80713 CF CN Additional Info: J FREEDMAN	T9171	4/8/1914	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	CN				35.7	2.7	9	15													

STATE OF OREGON

COUNTY OF CROOK

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WALLACE A GERVAIS; CITY OF PRINEVILLE
 1395 LYNN BLVD
 PRINEVILLE OR 97754

confirms the right to use the waters of CROOKED RIVER, tributary to DESCHUTES RIVER for IRRIGATION of 32.7 ACRES.

This right was perfected under Permit 17836. The date of priority is JUNE 30, 1947. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.41 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
15 S	16 E	WM	6	SW NE		400 FEET NORTH & 2350 FEET WEST FROM E1/4 CORNER, SECTION 6
16 S	16 E	WM	1	NW NE	2	300 FEET SOUTH & 470 FEET EAST FROM N1/4 CORNER, SECTION 1

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	15 E	WM	24	NE SE	14.7
15 S	15 E	WM	24	NW SE	9.6
15 S	16 E	WM	6	SW NE	8.4

The quantity of water diverted at the new point(s) of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water available from the original point of diversion described as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distances

When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

Water shall be acquired from the same surface source as the original point of diversion.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

This certificate is issued to confirm a change in PLACE OF USE AND POINT OF DIVERSION, approved by an order of the Water Resources Director entered FEBUARY 26, 1999, at Special Order Volume 53, Page 299, approving Transfer Application 7488, supercedes Certificate 17366, State record of Water Right Certificates.

Issued _____.

Dwight W. French
Administrator, Water Right Services, for
Phillip C. Ward, Director

Mailing List for Transfer Certificate

Application: T-7488

Certificate:

Certificate/Transfer Holder: (include copy of map)

WALLACE A GERVAIS; CITY OF PRINEVILLE
1395 LYNN BLVD
PRINEVILLE OR 97754

Copies Mailed

By:
(SUPPORT STAFF)

on:
(DATE)

Copies of final Certificate to be sent to:

1. Watermaster #11 (Include map)
2. Data Center
3. Water Availability
4. Vault
5. File

Other Persons to receive copies (proposed and/or final certificate: (Include map)

PER ASSESSORS OFFICE:

ULUPALAKUA RANCH
HC1 BOX 901
KULA HI 96790

ROBERT BAXTER, CWRE

Record Marking(s) :

1. Original Application# 22677
2. Old Certificate# 17366

Mailing List for Transfer Certificate

Application: T-7488

Certificate:

Certificate/Transfer Holder: (include copy of map)

WALLACE A GERVAIS
1395 LYNN BLVD
PRINEVILLE OR 97754

CITY OF PRINEVILLE
400 EAST 3RD ST
PRINEVILLE OR 97754

*New address 8/9/13
See revised
ver.*

Copies Mailed
By: *MGP.*
(SUPPORT STAFF)
on: JUL 26 2013
(DATE)

Copies of final Certificate to be sent to:

1. Watermaster #11 (Include map) ✓
2. Data Center
3. Water Availability ✓
4. Vault
5. File ✓

Other Persons to receive copies (proposed and/or final certificate: (Include map))

1. PER ASSESSORS OFFICE:

ULUPALAKUA RANCH
HC1 BOX 901
KULA HI 96790

2. ROBERT BAXTER, CWRE

Record Marking(s):

1. Original Application# 22677
2. Old Certificate# 17366



Oregon

John A. Kitzhaber, MD, Governor

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

DATE MAILED:

JUL 26 2013

NOTICE

Reference: Transfer T-7488

Enclosed is a proposed certificate of water right and a map. The map and proposed certificate represent the extent water was used within the terms of an order approving the transfer based upon a Final Proof Survey and Inspection, performed by the Department.

The certificate is the final step in the water right process. The Department encourages you to review this proposal. If you do not agree with the proposed certificate, Oregon Administrative Rule 690-330-010 (2) allows the transferee or landowner 60 days from the mailing date of this notice to request the Department to reconsider the contents of the proposed certificate.

If you do not agree with the proposed certificate or the map, Oregon Administrative Rule 690-380-6040 allows the transferee or landowner 60 days from the mailing date of this notice to request the Department to reconsider the contents of the proposed certificate.

If your name is not listed on the proposed certificate, and you are the current landowner, and would like to have the final certificate issued in your name, you may apply through the Department to have the permit assigned to you. If you have any questions about the assignment process, please contact Jerry Sauter at 503-986-0817.

If you agree with the proposed certificate and map no response to this notice is required. Sometime after the 60 day period, a recommendation will be made to the Director to issue a certificate, and if the Director signs the certificate, the recorded certificate of water right will be mailed to you.

If you have any questions please contact Gerry Clark at 503-986-0811.

Sincerely,

Dwight French
Administrator
Water Rights Section

STATE OF OREGON

COUNTY OF CROOK

CERTIFICATE OF WATER RIGHT

*M. Elaine Gervais
217 SW Meadow Lakes Drive*

THIS CERTIFICATE ISSUED TO

WALLACE A GERVAIS
1395 LYNN BLVD
PRINEVILLE OR 97754

CITY OF PRINEVILLE
400 EAST 3RD ST
PRINEVILLE OR 97754

*8/9/2013
Margarate Elaine Gervais called
to find out about getting her name
included on cert. Order was in both
names. Cert has been updated. Also
they have a new address. NC*

confirms the right to use the waters of CROOKED RIVER, tributary to DESCHUTES RIVER for IRRIGATION of 24.3 ACRES.

This right was perfected under Permit 17836. The date of priority is JUNE 30, 1947. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.41 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
16 S	16 E	WM	1	NW NE	2	300 FEET SOUTH & 470 FEET EAST FROM N1/4 CORNER, SECTION 1

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 1 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	15 E	WM	24	SW NE	1.1
15 S	15 E	WM	24	SE NE	1.6
15 S	15 E	WM	24	NE SE	15.6
15 S	15 E	WM	24	NW SE	6.0

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

PROPOSED

The quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water available from the original point of diversion described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	16 E	WM	6	NW SE	650 FEET SOUTH & 1350 FEET WEST FROM E1/4 CORNER, SECTION 6

When required by the Department, the water user shall install and maintain headgates, in-line flow meters, weirs, or other suitable devices for measuring and recording the quantity of water diverted. The type and plans of the headgates and measuring devices must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

Water shall be acquired from the same surface source as the original point of diversion.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.


This certificate is issued to confirm a change in PLACE OF USE AND POINT OF DIVERSION, approved by an order of the Water Resources Director entered FEBUARY 26, 1999, at Special Order Volume 53, Page 299, approving Transfer Application 7488, and supersedes Certificate 17366, State record of Water Right Certificates.

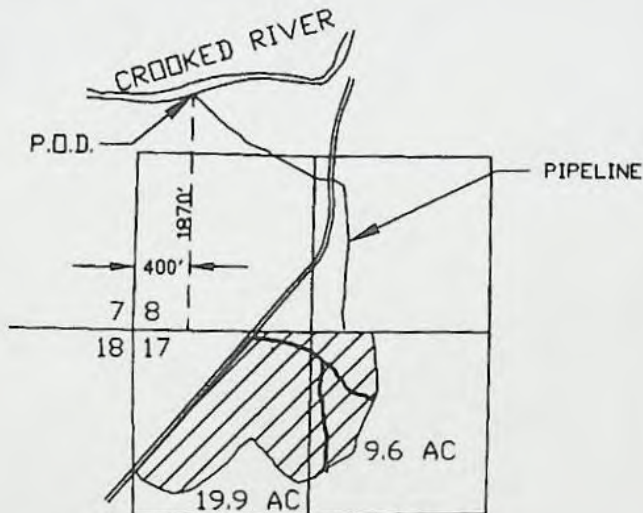
Issued _____

PROPOSED

 Dwight W. French
 Administrator, Water Right Services, for
 Phillip C. Ward, Director

COBU MAP For Transfer No. T-7487- MAP 2 of 2 *deb*

 TRANSFER NO. 7487, APRIL 8, 1914, C-68327
SUPERCEDED BY C-75556



RECEIVED

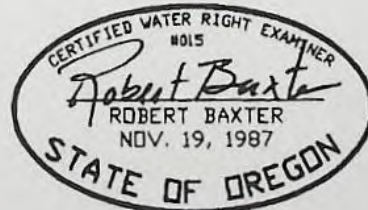
JUL 05 2002

WATER RESOURCES DEPT.
SALEM, OREGON

I, ROBERT E. BAXTER, CERTIFIED WATER RIGHT EXAMINER
IN THE STATE OF OREGON, HEREBY CERTIFY THAT THIS
WATER RIGHT SURVEY MAP WAS PREPARED BY ME.

THE PREPARATION OF THIS MAP IS FOR THE PURPOSE
OF IDENTIFYING THE LOCATION OF THE WATER RIGHT
ONLY AND HAS NO INTENT TO PROVIDE DIMENSIONS OR
LOCATIONS OF PROPERTY OWNERSHIP LINES.

PREPARED FOR: BOBBY KENNEDY
CROOK COUNTY, OREGON
SCALE: 1" = 1320'
DATE: 11/27/01

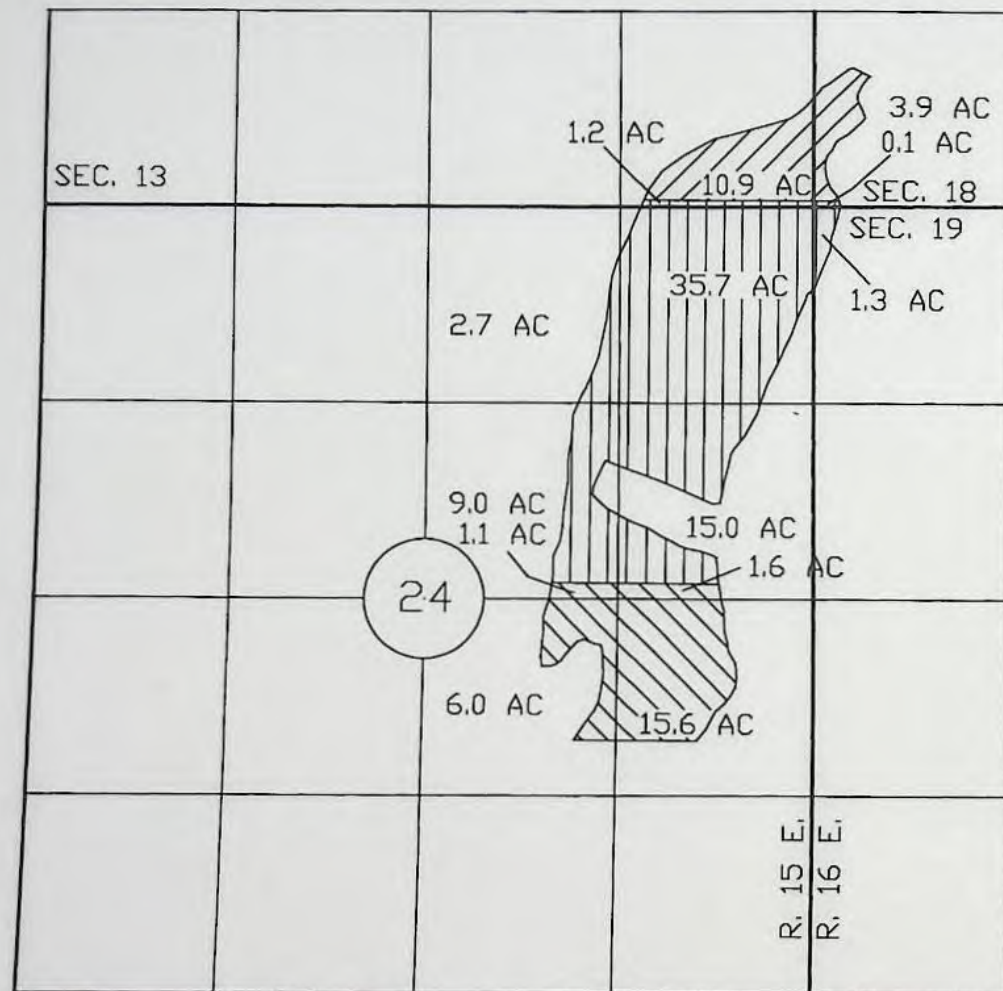



PREPARED BY
BAXTER LAND SURVEYING, INC.
20370 EMPIRE AVE. SUITE C3
BEND, ORE. 97701 (541) 382-1962


T9171


FINAL PROOF WATER RIGHT MAP

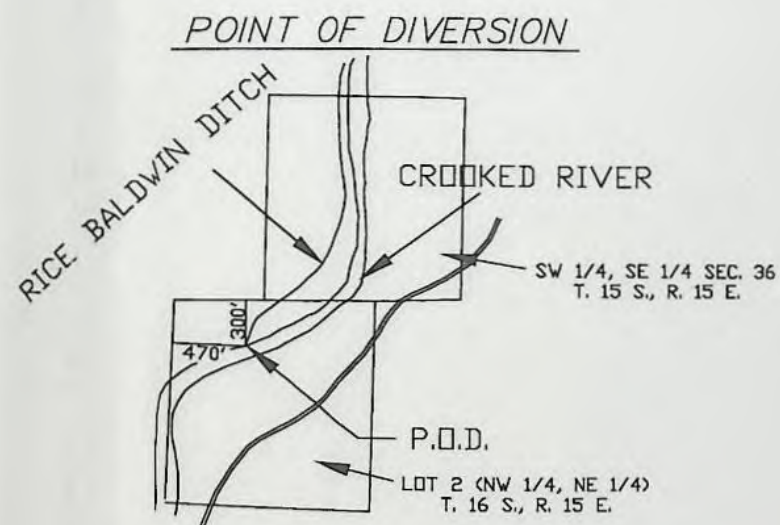
LOCATED IN
SECTIONS 13 & 24, T. 15 S., R. 15 E., W.M.
AND IN SECTIONS 18 & 19, T. 15 S., R. 16 E., W.M.
CROOK COUNTY, OREGON



 TRANSFER NO. 7487, APRIL 8, 1914, C-68327
SUPERCEDED BY C-75556

 TRANSFER NO. 7487, 1893 & APRIL 8, 1914, C-52183/C68327
SUPERCEDED BY C-75556

 TRANSFER NO. 7488, C-17366



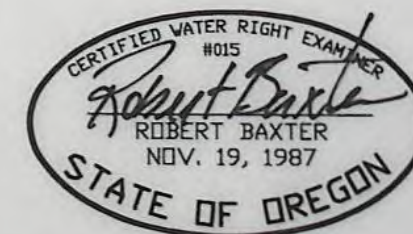
RECEIVED

DEC 28 2001

WATER RESOURCES DEPT.
SALEM, OREGON

I, ROBERT E. BAXTER, CERTIFIED WATER RIGHT EXAMINER
IN THE STATE OF OREGON, HEREBY CERTIFY THAT THIS
WATER RIGHT SURVEY MAP WAS PREPARED BY ME.

THE PREPARATION OF THIS MAP IS FOR THE PURPOSE
OF IDENTIFYING THE LOCATION OF THE WATER RIGHT
ONLY AND HAS NO INTENT TO PROVIDE DIMENSIONS OR
LOCATIONS OF PROPERTY OWNERSHIP LINES.



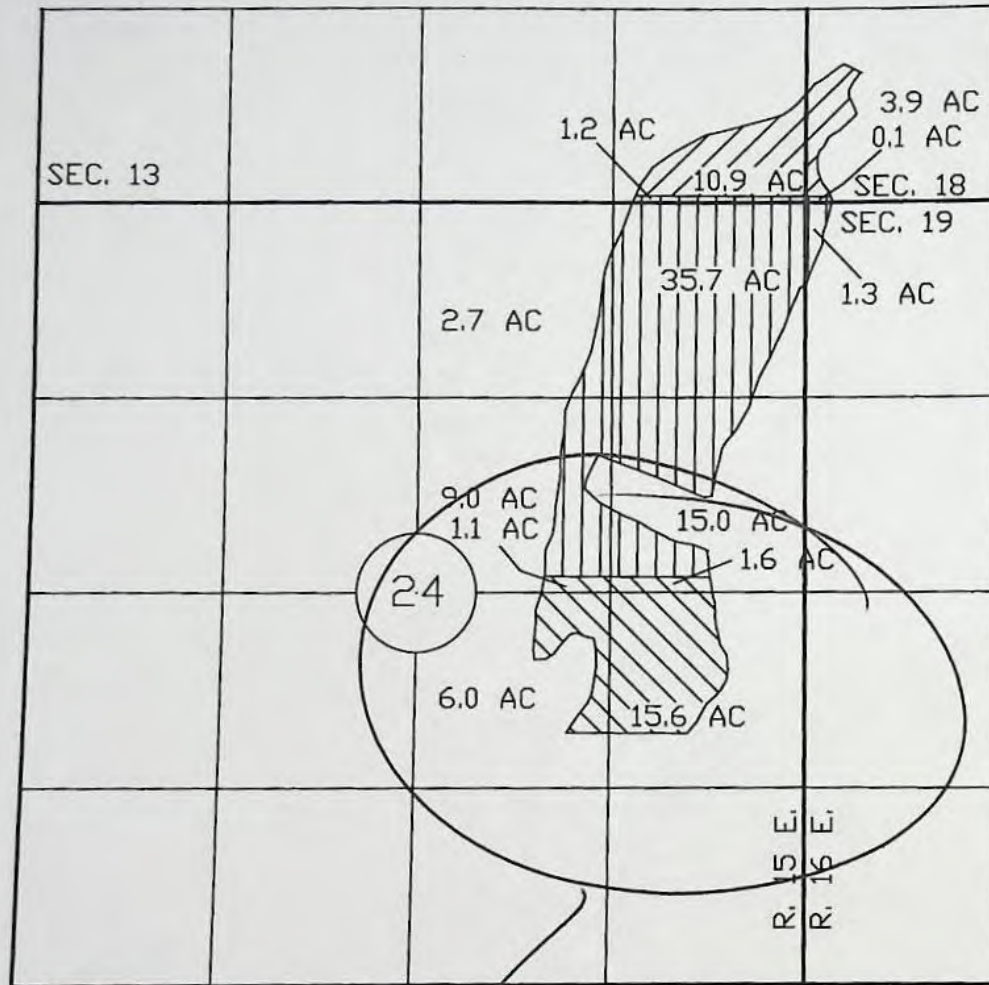
PREPARED BY
BAXTER LAND SURVEYING, INC.
20370 EMPIRE AVE. SUITE C3
BEND, ORE. 97701 (541) 382-1962

FINAL PROOF WATER RIGHT MAP
FOR
WHITE DEER RANCH

PREPARED FOR: SUMNER ERDMAN
PO BOX 901
ULUPALAKUA, MAUI HAWAII 96790
SCALE: 1" = 1320'
DATE: 11/27/01

FINAL PROOF WATER RIGHT MAP

LOCATED IN
 SECTIONS 13 & 24, T. 15 S., R. 15 E., W.M.
 AND IN SECTIONS 18 & 19, T. 15 S., R. 16 E., W.M.
 CROOK COUNTY, OREGON



portion of T-7488

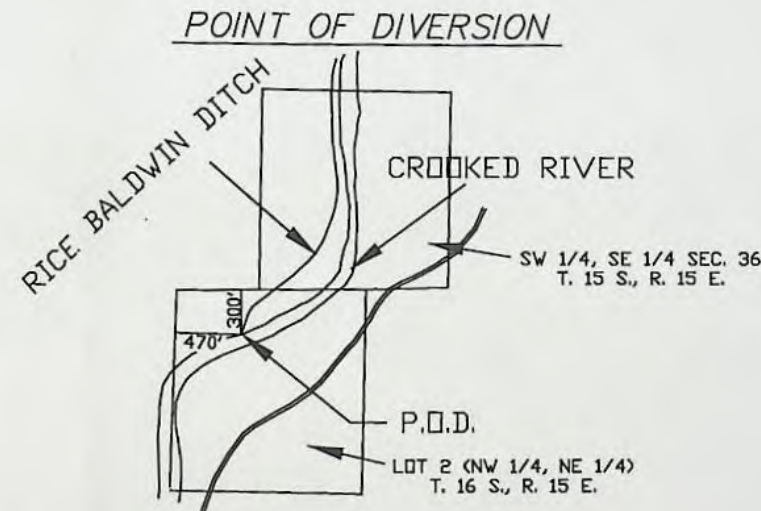
TRANSFER NO. 7487, APRIL 8, 1914, C-68327
 SUPERCEDED BY C-75556

TRANSFER NO. 7487, 1893 & APRIL 8, 1914, C-52183/C68327
 SUPERCEDED BY C-75556

TRANSFER NO. 7488, C-17366



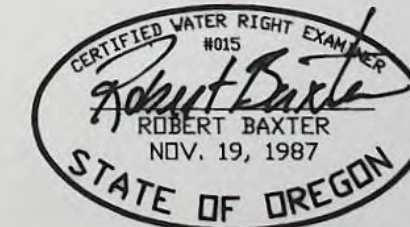
*Coburn Report for part
 in file T-7487
 db*



RECEIVED
 DEC 28 2001
 WATER RESOURCES DEPT.
 SALEM, OREGON

I, ROBERT E. BAXTER, CERTIFIED WATER RIGHT EXAMINER
 IN THE STATE OF OREGON, HEREBY CERTIFY THAT THIS
 WATER RIGHT SURVEY MAP WAS PREPARED BY ME.

THE PREPARATION OF THIS MAP IS FOR THE PURPOSE
 OF IDENTIFYING THE LOCATION OF THE WATER RIGHT
 ONLY AND HAS NO INTENT TO PROVIDE DIMENSIONS OR
 LOCATIONS OF PROPERTY OWNERSHIP LINES.



PREPARED BY
 BAXTER LAND SURVEYING, INC.
 20370 EMPIRE AVE. SUITE C3
 BEND, ORE. 97701 (541) 382-1962

**FINAL PROOF WATER RIGHT MAP
 FOR
 WHITE DEER RANCH**

PREPARED FOR: SUMNER ERDMAN
 PO BOX 901
 ULUPALAKUA, MAUI HAWAII 96790
 SCALE: 1" = 1320'
 DATE: 11/27/01

SITE REPORT AND CLAIM OF BENEFICIAL USE
FOR TRANSFER NO. T-7487
CERTIFICATE NO. C-75556

Permittee:

Sumner Erdman
P.O. Box 901
Ulupalakua, Maui Hawaii 96790

Date of inspection: 8-24-01

Person Interviewed: Travis Severance, Ranch Manager

Source: Crooked River

Location of P.O.D.: 300 feet South and 470 feet East of the Northwest corner of Lot 2, Section 1, T. 16 S., R. 15 E., W.M.

Rate:

Rate Allowed by Certificate: $1/80^{\text{th}}$ cubic foot per second per acre.
 $104.1 \text{ acres} \times 1/80 = 1.30 \text{ cfs} \times 448.83 \text{ gpm/cfs} = 584 \text{ gpm.}$

Rate calculated based on system:

Amount of use determined in field: System was not in operation at time of inspection. However, Travis Severance stated that when the system is running, just under 1000 gpm is being pumped. He also stated that during the irrigation season, the system is usually operated one week on then one week off plus it is off for approximately 2 – 3 weeks when the hay is cut and baled.

Time Limits: Not specified in Certificate.

Description of Delivery System: Water flows from the "Rice-Baldwin Ditch" into an adjacent pond or "bulge" in the system. It is then pumped by a 50 hp, 460 volt, 3 phase "Marathon" motor driving a Berkley centrifugal pump, Model B32 PBH, into an eight inch mainline to two Pierce P-93 pivots. One pivot is 1080 feet long and utilizes 490 gpm, the other pivot is 890 feet long and utilizes 400 gpm. In addition, there are 43 lengths of 3" handline.

Use: Water is used for irrigation purposes to raise Orchard Grass Mix for hay and pasture.

RECEIVED

DEC 28 2001

WATER RESOURCES DEPT.
SALEM, OREGON

The final proof inspection of the use was found to be completed by me on 8-24-01 and the facts contained in this report and accompanying final proof map are correct to the best of my knowledge.

signed: Rob Baxter
Rob Baxter CWRE No. 15

I, Travis Severance, manager of the land hereon described, agree to the findings of the CWRE and do submit this site report and map as my Claim of Beneficial use for Transfer No. T-7487.

signed: Travis Severance
Travis Severance

Prepared by: Rob Baxter, CWRE No. 15
Baxter Land Surveying, Inc.
P.O. Box 7022
Bend, OR 97708
(541) 382-1962



Assessor Information Reports last updated on: 6/19/2013

Report Generated for Maptaxlot 1515240000100, Date: 6/19/2013 12:58:20 PM

General Account Information

Account	Taxpayer (see Owners report)	Acres	Fire Patrol	Code Area	Remarks	Sen. Def.	DOR No.
1225	ULUPALAKUA RANCH INC	160		21			

Account	Add1 (Taxpayer mailing address)	Add2	Add3	City	State	Zip	Country
1225	HC 1,BOX 901			KULA	HI	96790	

Account	Subdivision	Block	Lot	Property Class	PC Description	Description	Liability
1225	PART PLAT YEAR & # NO PARCEL #	6	27	551	Farm Zone EFU Improved	Land &/or Buildings	Potential Additional Tax Liability

Account	Additional Taxes Due	Farm Disqualification	Pending Situation
1225			

Site Address (SITUS)

Address	Secondary Number	Notes
5455 S CROOKED RIVER HWY, PRINEVILLE		Issued

No 'Pending Map Changes' are available

Zoning Info. for Tax Lot

Zone	Description	Proportion
EFU2	Exclusive Farm Use	1

Owners 'History and Full Owners' List for Account

Account	Owner	From date	To date
1225	A HAWAII CORP	11/4/2008	
1225	ULUPALAKUA RANCH INC	11/4/2008	
1225	ULUPALAKUA RANCH INC	1/1/1993	11/3/2008
1225	A HAWAII CORP	1/1/1993	11/3/2008

Account	Add1 (Owner mailing Address)	Add2	Add3	City	State	Zip	Country
1225	HC 1,BOX 901			KULA	HI	96790	
1225	HC 1,BOX 901			KULA	HI	96790	
1225	PO BOX 901			KULA	HI	96790	USA
1225	PO BOX 901			KULA	HI	96790	USA

Certified Values

Account	Tax Year	Valuation Type	Initial Value	Initial Date	Modified Value	Modified Date
1225	2012	Land RMV	\$75,460.00	9/25/2012	\$75,460.00	9/25/2012
1225	2012	Regular Assessed Value	\$290,090.00	9/25/2012	\$290,090.00	9/25/2012
1225	2012	Improvements RMV	\$225,760.00	9/25/2012	\$225,760.00	9/25/2012
1225	2012	Total RMV	\$301,220.00	9/25/2012	\$301,220.00	9/25/2012

STATE OF OREGON
COUNTY OF CROOK

CERTIFICATE OF WATER RIGHT

This Is to Certify, That H. J. Lan ⁹⁷⁷⁵⁴

of Prineville, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Crooked River a tributary of Deschutes River for the purpose of irrigation under Permit No. 17836 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from June 30, 1947

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.4 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 6, Township 15 South, Range 16 East, W. M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4 acre feet per acre for each acre irrigated throughout the irrigation season,

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

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

25.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$
0.8 acre in SE $\frac{1}{4}$ NW $\frac{1}{4}$
9.2 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 6
T. 15 S., R. 16 E., W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this 30th day of June, 1950.

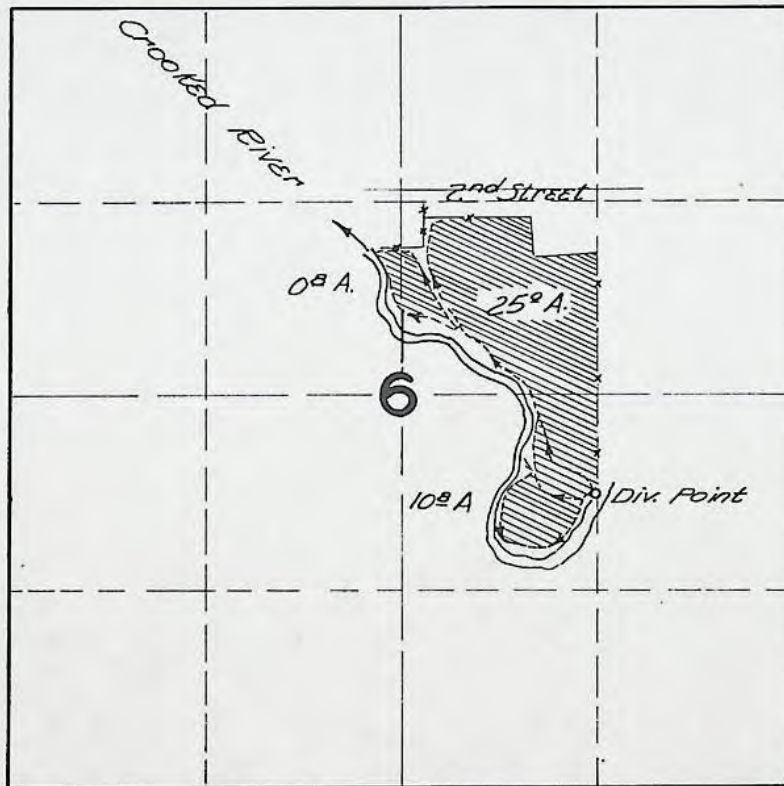
CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 14, page 17366

T-7488

T.15S.R.16E.W.M.



FINAL PROOF SURVEY

UNDER

Application No. 22677.. Permit No. 17836..

IN NAME OF

H. J. LAU

Surveyed OCT. 13. 1949., by H. L. COFFMAN...

TOWNSHIP #11

Oregon

INTEROFFICE MEMO

RECEIVED

TO: TRANSFER SECTION

DATE: MAR - 7 1996
WATER RESOURCES DEPT.
SALEM, OREGON
WATER RESOURCES DEPARTMENT

FROM: WATERMASTER, DISTRICT # 11
GROUNDWATER SECTION
(SIGNATURE) _____

SUBJECT: WATER RIGHT TRANSFER # 7488

3-4-96
Fyle
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MAR - 7 1996
WATER RESOURCES DEPT.
SALEM, OREGON

A change in POU POD POA USE of water.

In the name(s) of Wallace A. & M. Elaine Gervais / City of Prineville

In my opinion (assuming the right is valid), the proposed change MAY BE MADE WITHOUT INJURY WOULD RESULT IN INJURY* to an existing water right.

*The approval of this transfer application would result in injury to other water rights because _____

The existing right may not be valid because The 8⁴ acres in the SW 1/4 NE 1/4 sec 6 TISS RIBE has houses built over it.

Headgate notices HAVE HAVE NOT been issued for diversion from the source(s) which serve(s) this right.

If for change in point of diversion, is there any intervening point(s) for diversion between the authorized and proposed points of diversion? (yes or no) Yes

In my opinion, the order approving the subject transfer application should include the following in regard to the appropriator installing suitable measuring devices in the diversion works:

- (1) PRIOR to the diverting of water at the new point of diversion....
- (2) WHEN IN the judgement of the watermaster it becomes necessary....

The enclosed copy of the transfer application and map(s) is for your records.



1317W

3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

Instream WR

App - 70354

February 9, 1996

WATER
RESOURCES
DEPARTMENT

Wallace A & M. Elaine Gervais / City of Prineville
1395 Lynn Blvd
Prineville, OR 97754

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MAR - 7 1996

WATER RESOURCES DEPT.
SALEM, OREGON

REFERENCE: Transfer 7488

We have received your Transfer Application requesting approval of a change in Point of Diversion and Place of Use for use of water from Crooked River for irrigation. The application was received with supporting data, map and fees of \$343. Our receipt 132025 was handed to you in our office.

By copy of this letter, we are asking the Watermaster for his usual report regarding the potential for injury to other water rights by approval of your application.

Due to the unusually high number of applications received over the past two years, we are unable to complete the examination for your application at this time. Applications are normally examined in the order they are received. We will try to complete the examination as soon as possible.

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

If you have any questions, please call the Water Rights Section, (503) 378-3739.

Sincerely,

LARRY H. NUNN
Senior Water Rights Specialist

LHN:jg

cc: Kyle Gorman, Watermaster #11,
Bruce A Estes, CWRE



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

COPY

RECEIVED

State of Oregon
WATER RESOURCES DEPARTMENT
APPLICATION FOR TRANSFER OF WATER RIGHT

FEB 2 1996

WATER RESOURCES DEPT.
SALEM, OREGON

Applicant: Wallace A. & M. Elaine Gervais
Mailing Address: 1395 Lynn Blvd
Prineville OK 97754 447-3746
City or town State Zip Phone
Type of change: Point of Diversion and Place of Use
(In point of diversion; place of use; use heretofore made of the water)

1. WATER RIGHT

A) Is the water right in your name? No If not, list name below:
(Yes, No)

H. J. Lau

B) Was the water right determined by a court decree? No
(Yes, No)

1. If yes, list the title of the proceedings: _____

2. Certificate No: _____

C) Was the water right acquired by a water permit? Yes
(Yes, No)

1. If yes, list the Permit No: 17836

2. Certificate No: 17366

D) Date of priority right: June 30, 1947

E) What are your reasons for the proposed changes? Housing development. It will no longer be farmed

F) The water will be completely applied to the proposed use on or before: Oct 1, 1994

2. LOCATION OF AUTHORIZED USE

A) What is the source of water (river, stream, well)? Crooked River

B) Describe the authorized point of diversion:

Location in Reference to Survey Corner	1/4, 1/4 of Section	Section	Township	Range
<u>650'S & 1350'W from E 1/4 cor. sec 6</u>	<u>NW 1/4 SE 1/4</u>	<u>6</u>	<u>15S</u>	<u>16E</u>

C) What is the name of the ditch used? NA

D) What is the use to which the water is applied? irrigation

E) Give the location of the authorized area irrigated or place of use other than for irrigation:

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
<u>15S</u>	<u>16E</u>	<u>6</u>	<u>SE 1/4 NW 1/4</u>	<u>0.8</u>
		<u>6</u>	<u>SW 1/4 NE 1/4</u>	<u>25.0</u>
		<u>6</u>	<u>NW 1/4 SE 1/4</u>	<u>1.2</u>

F) Is the land within an irrigation district? Yes _____ No X

If Yes, which district? It is located in Ochoco Irr. Dist. service area but

G) County Crook not part of OIP rights.

3. LOCATION OF PROPOSED USE:

NOTE: Answer question A only if the application is for a change in the point of diversion.

A) Describe the proposed point of diversion:

Location in Reference to Survey Corner	1/4, 1/4 of Section	Section	Township	Range
<u>400'N & 2350'W from E 1/4 cor sec 6</u>	<u>SW 1/4 NE 1/4</u>	<u>6</u>	<u>15S</u>	<u>16E</u>
<u>300'S & 470' E from N 1/4 cor sec 1</u>	<u>L2 (NW 1/4 NE 1/4)</u>	<u>1</u>	<u>16S</u>	<u>16E</u>

Gervais
White
Pier

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WATER RESOURCES DEPT.
SALEM, OREGON

T-7488

NOTE: Answer questions B, C, D, and E only if the application is for a change in use or place of use.

B) Are the lands from which you propose to transfer your water right free of all encumbrances? No
(Yes, No)

C) If no, give the description below of existing encumbrances:

Encumbrance	Held by	Amount
Mortgage	U.S. Bank	\$390,000

D) What is the use to which the water will be applied? _____

E) Give the proposed location of the area irrigated, or place of use if other than for irrigation:

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
15S	16E	6	SW 1/4 NE 1/4	8 1/2
15S	15E	24	NE 1/4 SE 1/4	10 1/2
15S	15E	24	NW 1/4 SE 1/4	5 1/2

4. EXHIBITS

The following exhibits shall be attached to and made part of the application:

- A) A map prepared by a Certified Water Right Examiner showing the location of the present and proposed points of diversion, the authorized and proposed places of use and, if any, lands from the existing right that would not be subject to transfer.
- B) A copy of the current recorded deed to the subject lands.
- C) Affidavits from any other landowners or encumbrance holders with interest in the original water right stating that they have no objection to the proposed transfer.
- D) Evidence that the water has been used within the last five years.

5. NAME AND ADDRESS OF RECEIVING LANDOWNER(S) IF OTHER THAN APPLICANT:

8 1/2 acres back to us, the 16 1/2 to: White Deer Ranch
40 J. Freedman & Co.
15 SW Colorado Ave
Bend, OR 97702

6. REMARKS: 2 1/2 acres in SW 1/4 NE 1/4 not valid due to streets
and buildings. Therefore this transfer relocates only 3 1/2 acres.
The remaining 2 1/2 acres to be cancelled. (The other 8 1/2 acres are
included in City of Prineville transfer attached)

I (we) Wallace A. E. M. Elaine Gervais, applicant(s), hereby swear that I (we) have read the above application for transfer of water right and that the statements made are true and correct. Dated and signed this 28th day of April, 1993.

[Signature]
(Signature)
M. Elaine Gervais
(Signature)

Subscribed and sworn to before me

[Signature]
Notary Public for Oregon

(Notarial Seal)

My commission expires: Nov 28, 1993

Applicant: City of Prineville
 Mailing Address: 400 East 3rd St.
Prineville OR 97754
City or town State Zip Phone
 Type of change: Point of Diversion and Place of Use
(In point of diversions place of use; use heretofore made of the water)

1. WATER RIGHT

A) Is the water right in your name? No If not, list name below:
(Yes, No)
H. J. Lau

B) Was the water right determined by a court decree? No
(Yes, No)

1. If yes, list the title of the proceedings: _____
 2. Certificate No: _____

Was the water right acquired by a water permit? Yes
(Yes, No)

1. If yes, list the Permit No: 17836
 2. Certificate No: 17366

D) Date of priority right: June 30, 1947

E) What are your reasons for the proposed changes? Water right not necessary for golf course operation

F) The water will be completely applied to the proposed use on or before: Oct 1, 1995

2. LOCATION OF AUTHORIZED USE

A) What is the source of water (river, stream, well)? Crooked River

B) Describe the authorized point of diversion:

Location in Reference to Survey Corner	1/4, 1/4 of Section	Section	Township	Range
650'S & 1350'W from E 1/4 cor, sec. 6	NW 1/4 SE 1/4	6	15S	16E

C) What is the name of the ditch used? NA

D) What is the use to which the water is applied? irrigation

E) Give the location of the authorized area irrigated or place of use other than for irrigation:

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
15S	16E	6	NW 1/4 SE 1/4	80

F) Is the land within an irrigation district? Yes ___ No X
 If Yes, which district? Located in Ochoco I.D. service area, but not O.I.D. rights

G) County Crook T-7488

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SALEM, OREGON

NOTE: Answer questions B, C, D, and E only if the application is for a change in use or place of use.

B) Are the lands from which you propose to transfer your water right free of all encumbrances? YES
(Yes, No)

C) If no, give the description below of existing encumbrances:

Encumbrance	Held by	Amount

D) What is the use to which the water will be applied? irrigation

E) Give the proposed location of the area irrigated, or place of use if other than for irrigation:

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
15S	15E	24	NE 1/4 SE 1/4	40
		24	NW 1/4 SE 1/4	40

4. EXHIBITS

The following exhibits shall be attached to and made part of the application:

- A) A map prepared by a Certified Water Right Examiner showing the location of the present and proposed points of diversion, the authorized and proposed places of use and, if any, lands from the existing right that would not be subject to transfer.
- B) A copy of the current recorded deed to the subject lands.
- C) Affidavits from any other landowners or encumbrance holders with interest in the original water right stating that they have no objection to the proposed transfer.
- D) Evidence that the water has been used within the last five years.

5. NAME AND ADDRESS OF RECEIVING LANDOWNER(S) IF OTHER THAN APPLICANT:

White Deer Ranch
96 J. Freedman & Co.
15 SW Colorado Ave.
Bend, OR 97702

6. REMARKS:

I (we) Bob Schnoor for the City of Prineville, applicant(s), hereby swear that I (we) have read the above application for transfer of water right and that the statements made are true and correct. Dated and signed this 28th day of March, 1995.



Patricia J. Hepperle - NOTARY
(Signature)

Bob Schnoor
(Signature)

EXHIBIT "A"
William Smith Properties, Inc.
to
City of Prineville

TRACT I:

IN TOWNSHIP 15 SOUTH, RANGE 16 EAST OF THE WILLAMETTE MERIDIAN:
Section 6: Beginning at a point 1237.5 feet East and 1151 feet, more or less, South of the Northwest corner of Section 6, which said point is on the South side of Second Street, Prineville, Oregon, extended, and at a point on the 1/16 line running North and South through the West half of said Section 6, thence East 280 feet, more or less, to a point which is the Northwest corner of Johnson's Subdivision, as platted in Crook County, Oregon; thence South 37 feet, thence South 35°35' East 250 feet, thence South 70°30' East 200 feet, thence East 786 feet, thence North 106 feet, thence East 160 feet, thence North 80 feet, thence East 536 feet, thence South 30 feet, thence East 80 feet to a point on the West line of a tract of land deeded to Harold Gray and wife by deed recorded in Book 55 of Deeds at page 189, Records of Crook County, Oregon, thence South 19 feet to the Southwest corner of said tract deeded to Harold Gray and wife, thence East 93 feet, thence North 163 feet to a point on the South line of West Second Street, thence East 81 feet, thence South 175 feet, thence East 230 feet, more or less, to a point on the West line of Riverside Addition produced to the North, according to the official plat thereof on file and of record in the office of the County Clerk for Crook County, Oregon, thence South along the said West line 2298.4 feet, more or less, to the Southwest corner of a tract of land deeded to H. H. Schmitt by deed recorded in Book 63 of Deeds at page 181, Records of Crook County, Oregon, thence East 774.62 feet to the Southeast corner of said tract, thence South 1798.5 feet, more or less, to the South line of said Section 6, thence West along the said South line of said Section 6 for 1240 feet, more or less, to the Southeast corner of Second Crestview Subdivision, according to the official plat thereof on file and of record in the office of the County Clerk for Crook County, Oregon, thence North 533 feet, thence North 62°02' West 340.5 feet, thence North 86°51' West 287.2 feet, thence North 81°08' West 269.7 feet, thence North 85°13' West 416.9 feet, thence North 86°03' West 419.3 feet to the Northwest corner of said subdivision, thence North 52°40' West 279 feet to a point on the East boundary line of Bowen's Subdivision, according to the official plat thereof on file and of record in the office of the County Clerk for Crook County, Oregon, thence North 1°35' West along the

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said East line for 1600 feet, more or less, to the Northeast corner of said subdivision, thence West 247.5 feet, more or less, to a point on the 1/16 line running North and South through the West half of said Section 6, thence North 1524 feet, more or less, to the point of beginning.

EXCEPTING a certain right of way for road purposes over a strip of land 100 feet in width, said strip being 50 feet in width on either side of a center line described as follows: Beginning at a point on the North line of the Southwest quarter of Section 6, which point is 1465 feet East of the West quarter corner of said Section 6, and running thence North 38° West 360 feet, more or less, to a point on the East right-of-way line of the State Highway, as now located and constructed.

ALSO EXCEPTING all that portion of the tract of land above described in Section 6, Twp. 15 S., R. 16 E.W.M. lying Northeasterly of the thread of the Crooked River.

TRACT II:

IN TOWNSHIP 15 SOUTH, RANGE 16 EAST OF THE WILLAMETTE MERIDIAN:

Section 6: Beginning at the Southeast corner of Section 6, thence West 547.8 feet, more or less, to the Southeast corner of a tract deeded to C. J. Johnson, thence North 1798.5 feet, thence West 277.2 feet, more or less, to the East line of a tract of land deeded to J. E. Stewart, thence North to a point due West of the Southwest corner of Block 14 of Oregon and Western Addition to Prineville, Oregon, said point being 58.7 feet South, more or less, from the East and West center line of said Section 6, thence East 825 feet to the East line of said Section 6, thence South along said East line to the point of beginning.

EXCEPTING THEREFROM tracts of land heretofore conveyed as recorded in Book 60 of Deeds at page 547, Book 62 of Deeds at page 297, Book 63 of Deeds at pages 333 and 334, Book 65 of Deeds at page 447, Book 66 of Deeds at page 562, and Book 62 of Deeds at page 458 Records of Crook County, Oregon.

EXCEPTING FROM the lands herein described, the following:

1. The interest of Prineville Irrigation Company and successors acquired by Easement granted by Decree entered into in Case No. 438 in the Circuit Court of the State of Oregon for Crook County.
2. PARCEL TWO (2) of PARTITION PLAT NO. 90-13 recorded August 15, 1990 as Microfilm No. 96325, records of Crook County, Oregon.

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WATER RESOURCES DEPT.
SALEM, OREGON

Original is with companion Transfer from golf course

Land Use Information Form: Water Right Transfers, Use of Conserved Water, Exchanges

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the request for water use. DO NOT FILL OUT THIS FORM IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) you are applying for a water right transfer involving: a) a change in the place of use with no structural changes, and b) irrigation uses located in irrigation districts or exclusive farm use zones.

Applicant's Name: City of Prineville (Henry Hentley, manager)
 Address: 400 E 3rd St.
 City: Prineville State: OR Zip: 97754
 Phone: 447-5627 WRD Application No.:

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (Attach extra sheets as necessary.) Applicants for municipal use may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Used
<i>enrich N 1/2</i> <i>with SE 1/4</i> <i>Draw Ranch</i> NW 1/4 Sec 17	T 15S, R 16E, W. 1/4		X	X
SE 1/4 Sec 13 & NE 1/4 Sec 29 & SE 1/4 Sec 29	T 15S, R 16E		X	X

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WATER RESOURCES DEPT.
SALEM, OREGON

The following section must be completed by all local planning departments responsible for the property(ies) listed above. Please ask the Department for extra forms, as needed.

For Local Government Use Only

Local government planning officials are to complete the remainder of this form and return it to the applicant for inclusion in the application.

a) Check the appropriate box below and provide requested information.

Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 3.020 (1)(a) Ord. 18. Go to section 'b' on reverse side.

Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. **Note:** Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus any accompanying findings is sufficient.)

Type of Land Use Approvals Needed (e.g.: plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Please check the box that applies:		
		Already Obtained	Already Denied	Being Pursued Satisfactorily

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WATER RESOURCES DEPT.
SALEM, OREGON

T-7488 (over)

Description of Water Use

Note to Applicant: This sheet will provide local planning staff with a basic description of your proposed water use. Please fill out this sheet before bringing the attached land use form to your local planning office. It will help local planning offices complete your land use information form quickly.

Note to Local Planning Officials: Please initial this sheet. Do not separate it from the land use information form. If needed, please make a separate copy for your records.

Applicant Name: City of Prineville (Henry Hartley, Manager)
 Address: 400 E 3rd St.
Prineville, OR 97754
 Phone: 447-5627

Please indicate what you will use the water for. Check all boxes that apply and fill in the blanks with key characteristics of the project

- Irrigation (crop type, golf course, nursery or greenhouse): _____
- Livestock (type of livestock, feedlot, slaughterhouse): _____
- Residential (# units, single or multi-family, # lots if partition or subdivision): _____
- Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): _____
- Industrial (i.e., factory, pulp mill, research and development, processing, etc.): _____
- Institutional (i.e., school, library, etc.): _____
- Mining (aggregate, metal, open pit, placer, etc.): _____
- Recreation (park, campsite, pond, etc.): _____
- Fish and Wildlife (pond, hatchery, etc.): _____
- Hydropower (dam, reservoir, power generating or transmitting facilities): _____
- Other (Name and list key characteristics): _____

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SALEM, OREGON

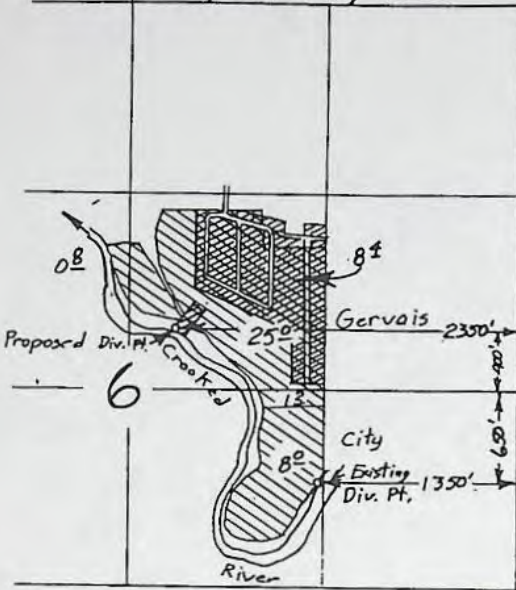
Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
<input checked="" type="checkbox"/> Surface Water Name sources: <u>Crooked River &</u> <u>Prineville Res</u>	<u>3.608</u> Cubic feet per second. _____ Gallons per minute. _____ Acre-Feet
<input checked="" type="checkbox"/> Reservoir or pond	<u>2.733 cfs C-52183 & C-68327</u>
<input type="checkbox"/> Ground Water	<u>0.875 cfs C-17366</u> <u>3.608</u>


WATER RESOURCES DEPT.
SALEM, OREGON

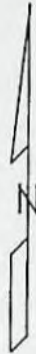
FEB 2 1996

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T. 15 S., R. 16 E., W. M.



FROM 
C-17366



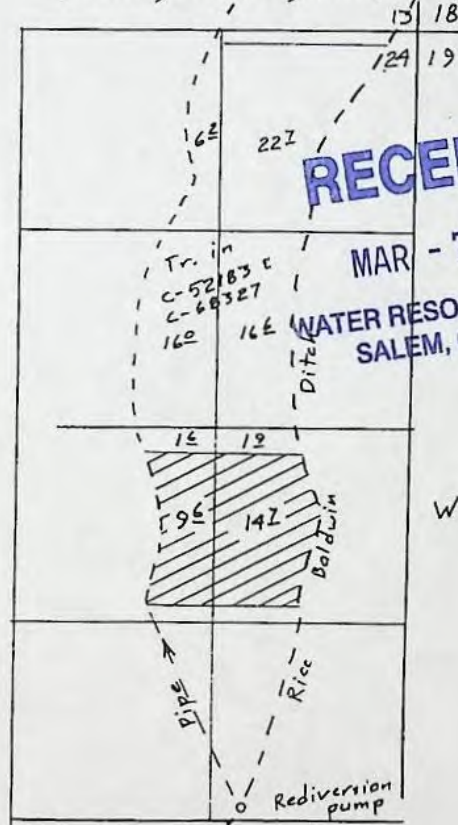
Scale 1" = 1320'

RECEIVED

FEB 2 1996

WATER RESOURCES DEPT.
SALEM, OREGON

T. 15 S., R. 15 E., W. M.




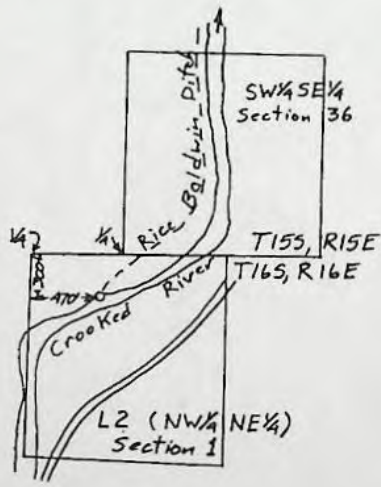
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MAR - 7 1996

WATER RESOURCES DEPT.
SALEM, OREGON

White Deer
Ranch

TO 



Transfer Application Map
for
WALLACE GERVAIS
CITY OF PRINEVILLE

T-7488

This map is for the purpose of
locating a water right only
and has no intent to provide
legal dimensions or the location
of property lines.

ESTES SURVEYS

6293 Sunnyview Rd. NE 60382 Arnold Rd.
Salem, OR 97305 Bend, OR 97702
(503) 585-7593 (503) 382-7391



Oregon

John A. Kitzhaber, M.D., Governor

October 11, 2000

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130

City of Prineville
400 East 3rd Street
Prineville, OR 97754

REFERENCE FILE: T-7487 and T-7488

The date for the completion of your transfer was October 1, 2000.

If the project was completed, you should submit final proof survey of the completed change. If you were unable to complete the project within the time allowed, you may wish to request an extension of the time limits. A form will be furnished upon request.

In order to obtain a certificate of water right, you are required by law to hire a certified water right examiner to conduct the final proof survey of the completed change. This must be done within one year after the beneficial use date allowed in the order. Accordingly, the claim of beneficial use must be received in this office on or before **October 1, 2001**.

Upon receipt of the map and claim of beneficial use, the information will be reviewed and a brief field inspection may be conducted by a representative of this office. Following that, a proposed certificate of water right will be mailed to you for review.

If you are no longer interested in the project, please let us know. We will provide forms for you to authorize the cancellation of the right.

If you have any questions, please contact me at extension 275 at 503-378-3739 or toll-free 1-800-624-3199.

Sincerely,

Bernadette Williams
Transfer Coordinator

BW:gjt

cc: Kyle Gorman, Watermaster 11
Bruce Estes, CWRE 01



WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

February 23, 1999

TO: Martha Pagel, Director
FROM: Larry Nunn, Transfer Coordinator
SUBJECT: Transfers 7487 and 7488

These transfers request to move the rights from farm lands that are now the City of Prineville's new golf course. The rights are being moved to new farm lands. Some of these lands were served by People's Irrigation Company. The proposed lands are not served by the People's Ditch. However the receiving landowner has agreed to continue paying the assessments for the People's Ditch. Bend staff discussed the transfers with BOR staff.

The Watermaster said the changes could be made without injury. Notice of the changes was published in the local newspaper. No comments were received. The transfers should be approved.

COPY

RECEIVED

State of Oregon
 WATER RESOURCES DEPARTMENT
 APPLICATION FOR TRANSFER OF WATER RIGHT

FEB 2 1996

WATER RESOURCES DEPT.
SALEM, OREGON

Applicant: Wallace A. & M. Elaine Gervais
 Mailing Address: 1395 Lynn Blvd
Prineville OK 97754 447-3746
City or town State Zip Phone
 Type of change: Point of Diversion and Place of Use
(In point of diversion; place of use; use heretofore made of the water)

1. WATER RIGHT

A) Is the water right in your name? No If not, list name below:
(Yes, No)

H. J. Lau

B) Was the water right determined by a court decree? No
(Yes, No)

1. If yes, list the title of the proceedings: _____

2. Certificate No: _____

C) Was the water right acquired by a water permit? Yes
(Yes, No)

1. If yes, list the Permit No: 17836

2. Certificate No: 17366

D) Date of priority right: June 30, 1947

E) What are your reasons for the proposed changes? Housing development. It will no longer be farmed

F) The water will be completely applied to the proposed use on or before: Oct 1, 1994

2. LOCATION OF AUTHORIZED USE

A) What is the source of water (river, stream, well)? Crooked River

B) Describe the authorized point of diversion:

Location in Reference to Survey Corner	1/4, 1/4 of Section	Section	Township	Range
<u>650'S & 1350'W from E 1/4 cor, Sec 6</u>	<u>NW 1/4 SE 1/4</u>	<u>6</u>	<u>15S</u>	<u>16E</u>

C) What is the name of the ditch used? NA

D) What is the use to which the water is applied? irrigation

E) Give the location of the authorized area irrigated or place of use other than for irrigation:

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
<u>15S</u>	<u>16E</u>	<u>6</u>	<u>SE 1/4 NW 1/4</u>	<u>0.8</u>
		<u>6</u>	<u>SW 1/4 NE 1/4</u>	<u>25.0</u>
		<u>6</u>	<u>NW 1/4 SE 1/4</u>	<u>1.2</u>

F) Is the land within an irrigation district? Yes ___ No X

If Yes, which district? It is located in Ochoco Irr. Dist service area but not part of OIP rights.

G) County Crook

3. LOCATION OF PROPOSED USE:

NOTE: Answer question A only if the application is for a change in the point of diversion.

A) Describe the proposed point of diversion:

Location in Reference to Survey Corner	1/4, 1/4 of Section	Section	Township	Range
<u>400'N & 2350'W from E 1/4 cor sec 6</u>	<u>SW 1/4 NE 1/4</u>	<u>6</u>	<u>15S</u>	<u>16E</u>
<u>300'S & 470' E from N 1/4 cor sec 1</u>	<u>L2 (NW 1/4 NE 1/4)</u>	<u>1</u>	<u>16S</u>	<u>16E</u>

Gervais
White
Pier

T-7488

C O V E R

FAX

S H E E T

To: Marie Licari
Fax #:
Subject: Distribution of Funds T- 7487 & T-7488
Date: October 30, 1997
Pages: 6, including this cover sheet.

COMMENTS:

Marie, please note that the requests for distribution of funds for these transfers says to refund excess funds to William Smith Properties. They paid the original fees for these transfers.

THANKS,

Ben

From the desk of...

Benjamin W. Bishop
Field Water Right Tech.
Oregon Water Resources Department
1340 NW Wall Street Ste 100
Bend, Oregon 97701-1939

(541) 388-6669
Fax: (541) 388-5101

WATER RESOURCES DEPARTMENT
REQUEST FOR DISTRIBUTION OF FUNDS

TO: Fiscal Services Section

DATE: OCT. 22, 1997

FROM: BEN BISHOP (File Examiner)

PHONE: (541) 388-6669 FAX: (541) 388-5101

SUBJECT: **TRANSFER FILE - Request for Payment or Refund**

TRANSFER FILE #: 7488 RECEIPT #: 132025

Please prepare payment in the amount of \$ 84.50, made payable to:

Name: CENTRAL OREGONIAN

Address: 558 N. MAIN

City: PRINEVILLE ST: OR Zip: 97754

These funds are being paid or refunded as a result of (check one):

- File being Rejected / Withdrawn / Misfiled
 Excess fees were collected for application / PON
 Payment of PON
 Protest filing fee
 Other: _____

TRANSFER FILE #: 7488 RECEIPT #: 132025

Please prepare payment in the amount of \$ 120.50, made payable to:

Name: WILLIAM SMITH PROPERTIES, INC.

Address: 15 SW COLORADO AVE STE A

City: BEND ST: OR Zip: 97702

These funds are being paid or refunded as a result of (check one):

- File being Rejected / Withdrawn / Misfiled
 Excess fees were collected for application / PON
 Payment of PON
 Protest filing fee
 Other: _____

I have reviewed this distribution request and have determined the request to be justified as to the purpose indicated above. Fiscal Services is hereby authorized to process the requested distribution.

Authorized Signature: Benjamin W. Bishop Date: 10-29-97

August 28, 1997

CENTRAL OREGONIAN
558 N MAIN
PRINEVILLE OR 97754

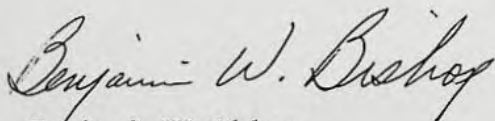
REFERENCE: Transfer 7488

Enclosed is a notice for publication in the September 11, September 18, and September 25, issues of your newspaper.

If, for any reason, the notice cannot be published on the three dates specified above, please return it to this office.

Upon completion, please forward an affidavit of publication and statement for this service to this office.

Sincerely,



Benjamin W. Bishop
Field Water Right Technician

cc: Kyle Gorman, Watermaster
Bruce A. Estes, CWRE



NOTICE OF WATER RIGHT TRANSFER 7488

Wallace A. & M. Elaine Gervais and the City of Prineville filed an application with the Water Resources Department for a change in place of use and point of diversion of water from the Crooked River as provided by ORS 540.510 to 540.530.

Certificate 17366, in the name of H. J. Lau, includes a right limited to 0.44 cubic foot per second (cfs) from the Crooked River with a priority date of June 30, 1947 for irrigating 35.0 acres. The point of diversion for this right is in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6, T15S, R16E, W.M.; 650 feet South and 1350 feet West from the E $\frac{1}{4}$ Corner of Section 6.

The applicants propose to change the place of use for irrigating 8.4 acres to the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 6, T15S, R16E, W.M., and the point of diversion for those acres to the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 6, T15S, R16E, W.M.; 400 feet North and 2350 feet West from the E $\frac{1}{4}$ Corner of Section 6.

The applicants also propose to change the place of use for irrigating 14.7 acres to the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 9.6 acres to the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 24, T15S, R15E, W.M., and the point of diversion to Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$), Section 1, T16S, R16E, W.M.; 300 feet South and 470 feet East from the N $\frac{1}{4}$ Corner of Section 1.

The applicants propose to cancel the remaining 2.3 acres of right.

Protests may be filed by persons who think their water right may be injured by this change. Additional information or forms and rules for filing protests are available from the Water Resources Department by calling 378-8455. If a protest is filed a hearing may be held.

IF NO PROTEST IS FILED BY OCTOBER 25, 1997, THE CHANGE MAY BE APPROVED WITHOUT A HEARING.

NOTICE OF WATER RIGHT TRANSFER 7488

Wallace A. & M. Elaine Gervais and the City of Prineville filed an application with the Water Resources Department for a change in place of use, and point of diversion of water from Crooked River as provided by ORS 540.510 to 540.530.

Certificate 17366, in the name of H. J. Lau, includes a right limited to 0.44 cubic foot per second (cfs) from Crooked River with a priority date of June 30, 1947 for irrigation of 35.0 acres. The point of diversion for this right is in the NW 1/4 SE 1/4 of Section 6, T15S, R16E, W.M.

The applicants propose to change the place of use for 8.4 acres to SW 1/4 NE 1/4 Section 6, T 15S, R 16E, W.M and the point of diversion for those acres to SW 1/4 NE 1/4 same section.

The applicants propose to change the place of use for the irrigation of 14.7 acres in the NE 1/4 SE 1/4 and 9.6 acres in NW 1/4 SE 1/4, Section 24, T15S, R15E, WM and the point of diversion to Lot 2 (NW 1/4 NE 1/4), Section 1, T16S, R 16E, W.M.

The applicants propose to cancel the remaining right.

Protests may be filed by persons who think their water right may be injured by this change. Additional information or forms and rules for filing protests are available from the Water Resources Department by calling 378-8455. If a protest is filed a hearing may be held.

IF NO PROTEST IS FILED BY
CHANGE MAY BE APPROVED WITHOUT A HEARING.

,1997, THE

COPY

State of Oregon
WATER RESOURCES DEPARTMENT
APPLICATION FOR TRANSFER OF WATER RIGHT

RECEIVED

FEB 2 1996

WATER RESOURCES DEPT.
SALEM, OREGON

Applicant: Wallace A. & M. Elaine Gervais
Mailing Address: 1395 Lynn Blvd
Prineville OR 97754 447-3746
City or town State Zip Phone
Type of change: Point of Diversion and Place of Use
(In point of diversion; place of use; use heretofore made of the water)

1. WATER RIGHT

- A) Is the water right in your name? No If not, list name below:
H. J. Law
(Yes, No)
- B) Was the water right determined by a court decree? No
(Yes, No)
1. If yes, list the title of the proceedings: _____
2. Certificate No: _____
- C) Was the water right acquired by a water permit? Yes
(Yes, No)
1. If yes, list the Permit No: 17836
2. Certificate No: 17366
- D) Date of priority right: June 30, 1947
- E) What are your reasons for the proposed changes? Housing development. It will no longer be farmed
- F) The water will be completely applied to the proposed use on or before: Oct 1, 1994

2. LOCATION OF AUTHORIZED USE

A) What is the source of water (river, stream, well)? Crooked River

B) Describe the authorized point of diversion:

Location in Reference to Survey Corner	1/4, 1/4 of Section	Section	Township	Range
<u>650'S & 1350'W from E 1/4 cor, sec 6</u>	<u>NW 1/4 SE 1/4</u>	<u>6</u>	<u>15S</u>	<u>16E</u>

- C) What is the name of the ditch used? NA
- D) What is the use to which the water is applied? irrigation

E) Give the location of the authorized area irrigated or place of use other than for irrigation:

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
<u>15S</u>	<u>16E</u>	<u>6</u>	<u>SE 1/4 NW 1/4</u>	<u>0.8</u>
		<u>6</u>	<u>SW 1/4 NE 1/4</u>	<u>25.0</u>
		<u>6</u>	<u>NW 1/4 SE 1/4</u>	<u>1.3</u>

- F) Is the land within an irrigation district? Yes _____ No X
If Yes, which district? It is located in Ochoco Irr. Dist. service area but not part of OIP rights.
- G) County Crook

3. LOCATION OF PROPOSED USE:

NOTE: Answer question A only if the application is for a change in the point of diversion.

A) Describe the proposed point of diversion:

Location in Reference to Survey Corner	1/4, 1/4 of Section	Section	Township	Range
<u>400' N & 2350' W from E 1/4 cor sec 6</u>	<u>SW 1/4 NE 1/4</u>	<u>6</u>	<u>15S</u>	<u>16E</u>
<u>300'S & 470' E from N 1/4 cor sec 1</u>	<u>L2 (NW 1/4 NE 1/4)</u>	<u>1</u>	<u>16S</u>	<u>16E</u>

Gervais
White
Pier

T-7488

NOTE: Answer questions B, C, D, and E only if the application is for a change in use or place of use.

B) Are the lands from which you propose to transfer your water right free of all encumbrances? No
(Yes, No)

C) If no, give the description below of existing encumbrances:

Encumbrance	Held by	Amount
Mortgage	US Bank	\$390,000

D) What is the use to which the water will be applied? _____

E) Give the proposed location of the area irrigated, or place of use if other than for irrigation:

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
15S	16E	6	SW 1/4 NE 1/4	8 1/2
15S	15E	24	NE 1/4 SE 1/4	10 1/2
15S	15E	24	NW 1/4 SE 1/4	5 1/2

4. EXHIBITS

The following exhibits shall be attached to and made part of the application:

- A) A map prepared by a Certified Water Right Examiner showing the location of the present and proposed points of diversion, the authorized and proposed places of use and, if any, lands from the existing right that would not be subject to transfer.
- B) A copy of the current recorded deed to the subject lands.
- C) Affidavits from any other landowners or encumbrance holders with interest in the original water right stating that they have no objection to the proposed transfer.
- D) Evidence that the water has been used within the last five years.

5. NAME AND ADDRESS OF RECEIVING LANDOWNER(S) IF OTHER THAN APPLICANT:

8 1/2 acres back to us, the 16 1/2 to: White Deer Ranch
40 J. Freedman & Co.
15 SW Colorado Ave
Bend, OR 97702

6. REMARKS: 2 1/2 acres in SW 1/4 NE 1/4 not valid due to streets
and buildings. Therefore this transfer relocates only 3 1/2 acres.
The remaining 2 1/2 acres to be cancelled. (The other 8 1/2 acres are
included in City of Prineville transfer attached)

I (we) Wallace A. E. M. Elaine Gervais, applicant(s), hereby swear that I (we) have read the above application for transfer of water right and that the statements made are true and correct. Dated and signed this 28th day of April, 1993.

[Signature]
(Signature)
M. Elaine Gervais
(Signature)

Subscribed and sworn to before me

[Signature]
Notary Public for Oregon

(Notarial Seal)

My commission expires: Nov 28, 1993

APPLICATION FOR TRANSFER OF WATER RIGHT

Applicant: City of Prineville
 Mailing Address: 400 East 3rd St.
Prineville OR 97754
City or town State Zip Phone
 Type of change: Point of Diversion and Place of Use
(In point of diversion; place of use; use heretofore made of the water)

1. WATER RIGHT

A) Is the water right in your name? No If not, list name below:
(Yes, No)
H. J. Lau

B) Was the water right determined by a court decree? No
(Yes, No)

- If yes, list the title of the proceedings: _____
- Certificate No: _____

Was the water right acquired by a water permit? Yes
(Yes, No)

- If yes, list the Permit No: 17836
- Certificate No: 17366

C) Date of priority right: June 30, 1997

E) What are your reasons for the proposed changes? Water right not necessary for golf course operation

F) The water will be completely applied to the proposed use on or before: Oct 1, 1995

2. LOCATION OF AUTHORIZED USE

A) What is the source of water (river, stream, well)? Crooked River

B) Describe the authorized point of diversion:

Location in Reference to Survey Corner	1/4, 1/4 of Section	Section	Township	Range
<u>650'S & 1350'W from E 1/4 cor, sec 6</u>	<u>NW 1/4 SE 1/4</u>	<u>6</u>	<u>15S</u>	<u>16E</u>

C) What is the name of the ditch used? NA

D) What is the use to which the water is applied? irrigation

E) Give the location of the authorized area irrigated or place of use other than for irrigation:

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
<u>15S</u>	<u>16E</u>	<u>6</u>	<u>NW 1/4 SE 1/4</u>	<u>80</u>

F) Is the land within an irrigation district? Yes ___ No X
 If Yes, which district? Located in Ochoco I.D. service area, but not O.I.D. rights

G) County Crook T-7488

RECEIVED

FEB 2 1996

WATER RESOURCES DEPT. SALEM, OREGON

NOTE: Answer questions B, C, D, and E only if the application is for a change in use or place of use.

B) Are the lands from which you propose to transfer your water right free of all encumbrances? YES
(Yes, No)

C) If no, give the description below of existing encumbrances:

Encumbrance	Held by	Amount

D) What is the use to which the water will be applied? irrigation

E) Give the proposed location of the area irrigated, or place of use if other than for irrigation:

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
15S	15E	24	NE 1/4 SE 1/4	40
		24	NW 1/4 SE 1/4	40

4. EXHIBITS

The following exhibits shall be attached to and made part of the application:

- A) A map prepared by a Certified Water Right Examiner showing the location of the present and proposed points of diversion, the authorized and proposed places of use and, if any, lands from the existing right that would not be subject to transfer.
- B) A copy of the current recorded deed to the subject lands.
- C) Affidavits from any other landowners or encumbrance holders with interest in the original water right stating that they have no objection to the proposed transfer.
- D) Evidence that the water has been used within the last five years.

5. NAME AND ADDRESS OF RECEIVING LANDOWNER(S) IF OTHER THAN APPLICANT:

White Deer Ranch
% J. Freedman & Co.
15 SW Colorado Ave.
Bend, OR 97702

6. REMARKS:

I (we) Bob Schuur for the City of Prineville, applicant(s), hereby swear that I (we) have read the above application for transfer of water right and that the statements made are true and correct. Dated and signed this 28th day of March, 1995.



Patricia J. Hepperle - NOTARY
(Signature)

Bob Schuur
(Signature)

EXHIBIT "A"
William Smith Properties, Inc.
to
City of Prineville

TRACT I:

IN TOWNSHIP 15 SOUTH, RANGE 16 EAST OF THE WILLAMETTE MERIDIAN:

Section 6: Beginning at a point 1237.5 feet East and 1151 feet, more or less, South of the Northwest corner of Section 6, which said point is on the South side of Second Street, Prineville, Oregon, extended, and at a point on the 1/16 line running North and South through the West half of said Section 6, thence East 280 feet, more or less, to a point which is the Northwest corner of Johnson's Subdivision, as platted in Crook County, Oregon; thence South 37 feet, thence South 35°35' East 250 feet, thence South 70°30' East 200 feet, thence East 786 feet, thence North 106 feet, thence East 160 feet, thence North 80 feet, thence East 536 feet, thence South 30 feet, thence East 80 feet to a point on the West line of a tract of land deeded to Harold Gray and wife by deed recorded in Book 55 of Deeds at page 189, Records of Crook County, Oregon, thence South 19 feet to the Southwest corner of said tract deeded to Harold Gray and wife, thence East 93 feet, thence North 163 feet to a point on the South line of West Second Street, thence East 81 feet, thence South 175 feet, thence East 230 feet, more or less, to a point on the West line of Riverside Addition produced to the North, according to the official plat thereof on file and of record in the office of the County Clerk for Crook County, Oregon, thence South along the said West line 2298.4 feet, more or less, to the Southwest corner of a tract of land deeded to H. H. Schmitt by deed recorded in Book 63 of Deeds at page 181, Records of Crook County, Oregon, thence East 774.62 feet to the Southeast corner of said tract, thence South 1798.5 feet, more or less, to the South line of said Section 6, thence West along the said South line of said Section 6 for 1240 feet, more or less, to the Southeast corner of Second Crestview Subdivision, according to the official plat thereof on file and of record in the office of the County Clerk for Crook County, Oregon, thence North 533 feet, thence North 62°02' West 340.5 feet, thence North 86°51' West 287.2 feet, thence North 81°08' West 269.7 feet, thence North 85°13' West 416.9 feet, thence North 86°03' West 419.3 feet to the Northwest corner of said subdivision, thence North 52°40' West 279 feet to a point on the East boundary line of Bowen's Subdivision, according to the official plat thereof on file and of record in the office of the County Clerk for Crook County, Oregon, thence North 1°35' West along the

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FEB 2 1996

WATER RESOURCES DEPT.
SALEM, OREGON

said East line for 1600 feet, more or less, to the Northeast corner of said subdivision, thence West 247.5 feet, more or less, to a point on the 1/16 line running North and South through the West half of said Section 6, thence North 1524 feet, more or less, to the point of beginning.

EXCEPTING a certain right of way for road purposes over a strip of land 100 feet in width, said strip being 50 feet in width on either side of a center line described as follows: Beginning at a point on the North line of the Southwest quarter of Section 6, which point is 1465 feet East of the West quarter corner of said Section 6, and running thence North 38° West 360 feet, more or less, to a point on the East right-of-way line of the State Highway, as now located and constructed.

ALSO EXCEPTING all that portion of the tract of land above described in Section 6, Twp. 15 S., R. 16 E.W.M. lying Northeasterly of the thread of the Crooked River.

TRACT II:

IN TOWNSHIP 15 SOUTH, RANGE 16 EAST OF THE WILLAMETTE MERIDIAN:

Section 6: Beginning at the Southeast corner of Section 6, thence West 547.8 feet, more or less, to the Southeast corner of a tract deeded to C. J. Johnson, thence North 1798.5 feet, thence West 277.2 feet, more or less, to the East line of a tract of land deeded to J. E. Stewart, thence North to a point due West of the Southwest corner of Block 14 of Oregon and Western Addition to Prineville, Oregon, said point being 58.7 feet South, more or less, from the East and West center line of said Section 6, thence East 825 feet to the East line of said Section 6, thence South along said East line to the point of beginning.

EXCEPTING THEREFROM tracts of land heretofore conveyed as recorded in Book 60 of Deeds at page 547, Book 62 of Deeds at page 297, Book 63 of Deeds at pages 333 and 334, Book 65 of Deeds at page 447, Book 66 of Deeds at page 562, and Book 62 of Deeds at page 458 Records of Crook County, Oregon.

EXCEPTING FROM the lands herein described, the following:

1. The interest of Prineville Irrigation Company and successors acquired by Easement granted by Decree entered into in Case No. 438 in the Circuit Court of the State of Oregon for Crook County.
2. PARCEL TWO (2) of PARTITION PLAT NO. 90-13 recorded August 15, 1990 as Microfilm No. 96325, records of Crook County, Oregon.

RECEIVED

FEB 2 1996

WATER RESOURCES DEPT.
SALEM, OREGON

Original is with companion transfer from golf course

Land Use Information Form: Water Right Transfers, Use of Conserved Water, Exchanges

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the request for water use. **DO NOT FILL OUT THIS FORM IF:** 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) you are applying for a water right transfer involving: a) a change in the place of use with no structural changes, and b) irrigation uses located in irrigation districts or exclusive farm use zones.

Applicant's Name: City of Prineville (Henry Henthly, manager)
 Address: 400 E 3rd St.
 City: Prineville State: OR Zip: 97754
 Phone: 447-5627 WRD Application No.: _____

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (Attach extra sheets as necessary.) Applicants for municipal use may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Used
<i>enrich N 1/2</i> NW 1/4 Sec 17, T15S, R16E, W.M.			X	X
<i>with SE 1/4</i> SE 1/4 Sec 13 & NE 1/4 Sec 29 & SE 1/4 Sec 29, T15S, R16E			X	X

The following section must be completed by all local planning departments responsible for the property(ies) listed above. Please ask the Department for extra forms, as needed.

For Local Government Use Only

Local government planning officials are to complete the remainder of this form and return it to the applicant for inclusion in the application.

a) Check the appropriate box below and provide requested information.

Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 3.020(1)(a) Ord. 18. Go to section b) on reverse side.

Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. **Note:** Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus any accompanying findings is sufficient.)

Type of Land Use Approvals Needed (e.g.: plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Please check the box that applies:		
		Already Obtained	Already Denied	Being Pursued Satisfactorily

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WATER RESOURCES DEPT.
SALEM, OREGON

T-7488 (over)

Description of Water Use

Note to Applicant: This sheet will provide local planning staff with a basic description of your proposed water use. Please fill out this sheet before bringing the attached land use form to your local planning office. It will help local planning offices complete your land use information form quickly.

Note to Local Planning Officials: Please initial this sheet. Do not separate it from the land use information form. If needed, please make a separate copy for your records.

Applicant Name: City of Prineville (Henry Hartly, Manager)
 Address: 400 E 3rd St.
Prineville, OR 97754
 Phone: 447-5627

Please indicate what you will use the water for. Check all boxes that apply and fill in the blanks with key characteristics of the project

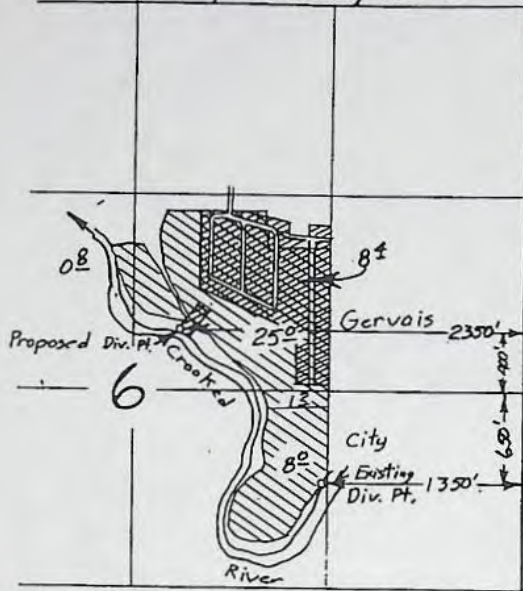
- Irrigation (crop type, golf course, nursery or greenhouse): _____
- Livestock (type of livestock, feedlot, slaughterhouse): _____
- Residential (# units, single or multi-family, # lots if partition or subdivision): _____
- Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): _____
- Industrial (i.e., factory, pulp mill, research and development, processing, etc.): _____
- Institutional (i.e., school, library, etc.): _____
- Mining (aggregate, metal, open pit, placer, etc.): _____
- Recreation (park, campsite, pond, etc.): _____
- Fish and Wildlife (pond, hatchery, etc.): _____
- Hydropower (dam, reservoir, power generating or transmitting facilities): _____
- Other (Name and list key characteristics): _____


Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
<input checked="" type="checkbox"/> Surface Water Name sources: <u>Crooked River &</u> <u>Prineville Res</u>	<u>3.608</u> Cubic feet per second. ____ Gallons per minute. ____ Acre-Feet
<input checked="" type="checkbox"/> Reservoir or pond	<u>2.733 cfs C-52183 & C-68327</u>
<input type="checkbox"/> Ground Water	<u>0.875 cfs C-17366</u> <u>3.608</u>

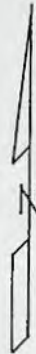
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 WATER RESOURCES DEPT.
 SALEM, OREGON

T-7488

T. 15 S., R. 16 E., W. M.



FROM 
C-17366



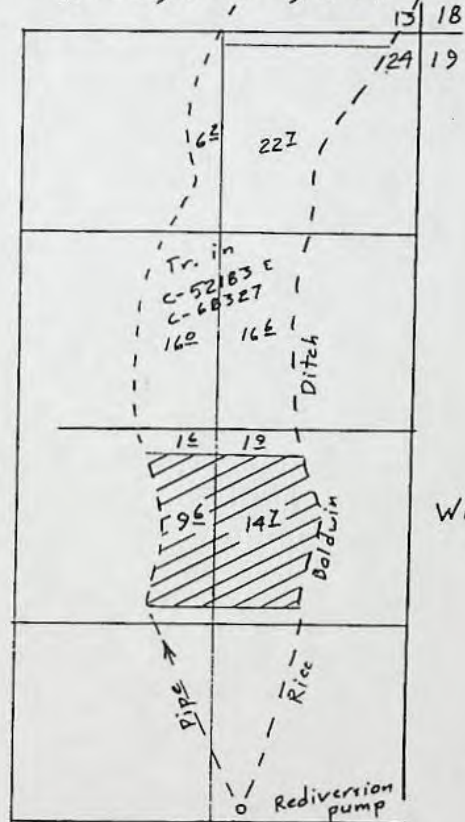
Scale 1" = 1320'

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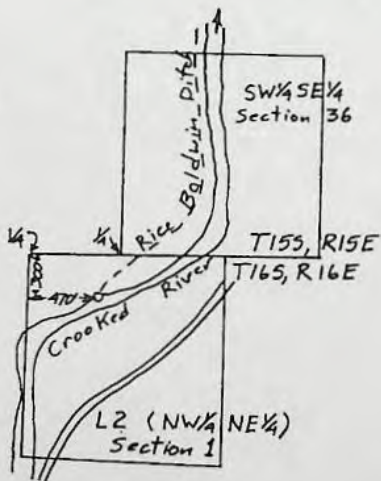
FEB 2 1996


WATER RESOURCES DEPT.
SALEM, OREGON

T. 15 S., R. 15 E., W. M.



White Deer Ranch



TO 



Transfer Application Map
for

WALLACE GERVAIS
CITY OF PRINEVILLE

T-7488

This map is for the purpose of locating a water right only and has no intent to provide legal dimensions or the location of property lines.

ESTES SURVEYS

6293 Sunnyview Rd. NE Salem, OR 97305 (503) 585-7593
60382 Arnold Rd. Bend, OR 97702 (503) 382-7391

February 9, 1996

WATER
RESOURCES
DEPARTMENT

Wallace A & M. Elaine Gervais / City of Prineville
1395 Lynn Blvd
Prineville, OR 97754

REFERENCE: Transfer 7488

We have received your Transfer Application requesting approval of a change in Point of Diversion and Place of Use for use of water from Crooked River for irrigation. The application was received with supporting data, map and fees of \$343. Our receipt 132025 was handed to you in our office.

By copy of this letter, we are asking the Watermaster for his usual report regarding the potential for injury to other water rights by approval of your application.

Due to the unusually high number of applications received over the past two years, we are unable to complete the examination for your application at this time. Applications are normally examined in the order they are received. We will try to complete the examination as soon as possible.

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

If you have any questions, please call the Water Rights Section, (503) 378-3739.

Sincerely,

LARRY H. NUNN
Senior Water Rights Specialist

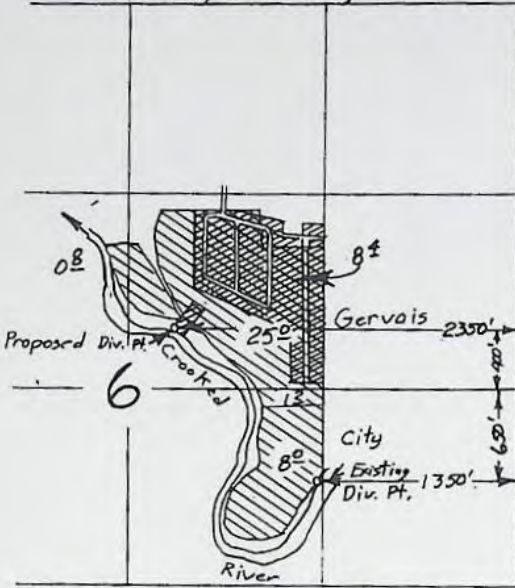
LHN:jg


cc: Kyle Gorman, Watermaster #11,
Bruce A Estes, CWRE




Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

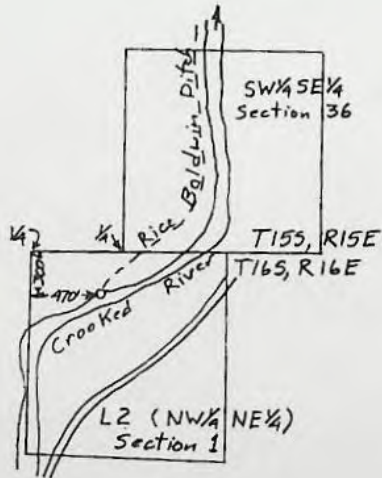
T. 15 S., R. 16 E., W. M.



FROM 
C-17366

Scale 1" = 1320'

TO 

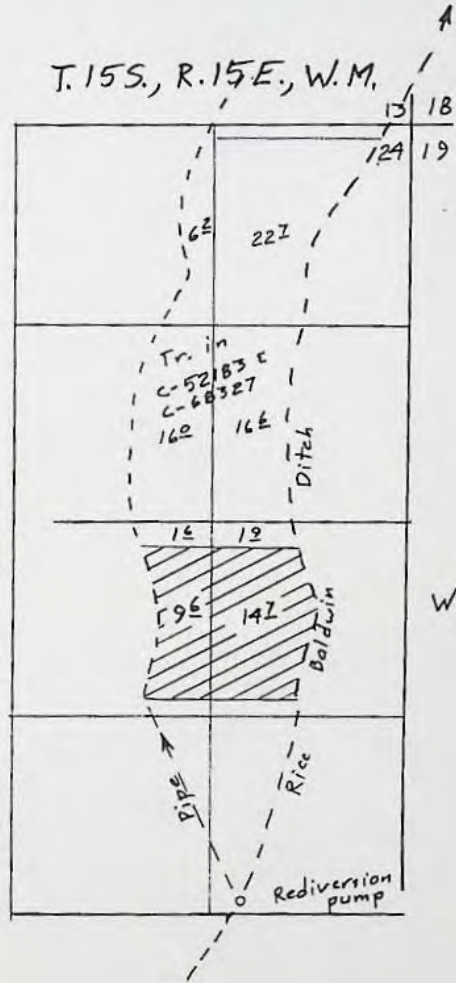


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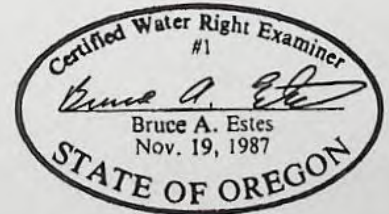
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WATER RESOURCES DEPT.
SALEM, OREGON

T. 15 S., R. 15 E., W. M.



White Deer Ranch



Transfer Application Map
for
WALLACE GERVAIS
&
CITY OF PRINEVILLE

T-7488

This map is for the purpose of locating a water right only and has no intent to provide legal dimensions or the location of property lines.

ESTES SURVEYS

6293 Sunnyview Rd. NE Salem, OR 97305 (503) 585-7593
60382 Arnold Rd. Bend, OR 97702 (503) 382-7391

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State of Oregon
WATER RESOURCES DEPARTMENT
APPLICATION FOR TRANSFER OF WATER RIGHT

FEB 2 1996

WATER RESOURCES DEPT.
SALEM, OREGON

Applicant: Wallace A. & M. Elaine Gervais

Mailing Address: 1395 Lynn Blvd.

Prineville OR 97754 447-3746
City or town State Zip Phone

Type of change: Point of Diversion and Place of Use
(In point of diversion; place of use; use heretofore made of the water)

1. WATER RIGHT

A) Is the water right in your name? No If no, list name below:
(Yes, No)

H. J. Lau

B) Was the water right determined by a court decree? No
(Yes, No)

1. If yes, list the title of the proceedings: _____

2. Certificate No: _____

C) Was the water right acquired by a water permit? Yes
(Yes, No)

1. If yes, list the Permit No: 17836

2. Certificate No: 17366

D) Date of priority right: June 30, 1947

E) What are your reasons for the proposed changes? Housing development. It will no longer be farmed

F) The water will be completely applied to the proposed use on or before: Oct 1, 1994

2. LOCATION OF AUTHORIZED USE

A) What is the source of water (river, stream, well)? Crooked River

B) Describe the authorized point of diversion:

Location in Reference to Survey Corner	1/4, 1/4 of Section	Section	Township	Range
<u>650'S & 1350' W from E 1/4 cor, sec 6</u>	<u>NW 1/4 SE 1/4</u>	<u>6</u>	<u>15S</u>	<u>16E</u>

C) What is the name of the ditch used? NA

D) What is the use to which the water is applied? irrigation

E) Give the location of the authorized area irrigated or place of use other than for irrigation:

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
<u>15S</u>	<u>16E</u>	<u>6</u>	<u>SE 1/4 NW 1/4</u>	<u>0.8</u>
		<u>6</u>	<u>SW 1/4 NE 1/4</u>	<u>25.0</u>
		<u>6</u>	<u>NW 1/4 SE 1/4</u>	<u>1.2</u>

F) Is the land within an irrigation district? Yes _____ No X

If Yes, which district? It is located in Ochoco Irr. Dist. service area but not part of OIP rights.

G) County Crook

3. LOCATION OF PROPOSED USE:

NOTE: Answer question A only if the application is for a change in the point of diversion.

A) Describe the proposed point of diversion:

Location in Reference to Survey Corner	1/4, 1/4 of Section	Section	Township	Range
<u>400' N & 2350' W from E 1/4 cor sec 6</u>	<u>SW 1/4 NE 1/4</u>	<u>6</u>	<u>15S</u>	<u>16E</u>
<u>300' S & 470' E from N 1/4 cor sec 1</u>	<u>L2 (NW 1/4 NE 1/4)</u>	<u>1</u>	<u>16S</u>	<u>16E</u>

Gervais
Write
Down

T-7488

NOTE: Answer questions B, C, D, and E only if the application is for a change in use or place of use.

B) Are the lands from which you propose to transfer your water right free of all encumbrances? No
(Yes, No)

C) If no, give the description below of existing encumbrances:

Encumbrance	Held by	Amount
Mortgage	U.S. Bank	\$390,000

D) What is the use to which the water will be applied? _____

E) Give the proposed location of the area irrigated, or place of use if other than for irrigation:

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
15S	16E	6	SW 1/4 NE 1/4	8 1/2
15S	15E	24	NE 1/4 SE 1/4	10 1/2
15S	15E	24	NW 1/4 SE 1/4	5 1/2

4. EXHIBITS

The following exhibits shall be attached to and made part of the application:

- A map prepared by a Certified Water Right Examiner showing the location of the present and proposed points of diversion, the authorized and proposed places of use and, if any, lands from the existing right that would not be subject to transfer.
- A copy of the current recorded deed to the subject lands.
- Affidavits from any other landowners or encumbrance holders with interest in the original water right stating that they have no objection to the proposed transfer.
- Evidence that the water has been used within the last five years.

5. NAME AND ADDRESS OF RECEIVING LANDOWNER(S) IF OTHER THAN APPLICANT:

8 1/2 acres back to us, the ^{land} 16 1/2 to: White Deer Ranch
Co. J. Freedman & Co.
155W Colorado Ave
Bend, OR 97702

6. REMARKS: 2 1/2 acres in SW 1/4 NE 1/4 not valid due to streets
and buildings. Therefore this transfer relocates only 32 1/2 acres.
The remaining 2 1/2 acres to be cancelled. (The other 8 1/2 acres are
included in City of Prineville transfer attached)

I (we) Wallace A. E. M. Elaine Gervais, applicant(s), hereby swear that I (we) have read the above application for transfer of water right and that the statements made are true and correct. Dated and signed this 28th day of April, 1993.

Wallace A. Gervais
(Signature)
M. Elaine Gervais
(Signature)

Subscribed and sworn to before me

Barbara A. [Signature]
Notary Public for Oregon

(Notarial Seal)

My commission expires: Nov 28, 1993

APPLICATION FOR TRANSFER OF WATER RIGHT

Applicant: City of Prineville
Mailing Address: 400 East 3rd St.
Prineville OR 97754
City of town State Zip Phone

Type of change: Point of Diversion and Place of Use
(An outlet of diversion, place of use, use heretofore made of the water)

1. WATER
A) Is the a copy of the original, If not, list name below:
but this has actual
signatures of both Bob
and the notary so should
constitute a legal
document. No (Yes, No)

B) Was Yes (Yes, No)
1. Yes (Yes, No)
2. Yes (Yes, No)

Was Yes (Yes, No)
1. POD's are included on
2. companion application.
Date June 30, 1997

E) What are your reasons for the proposed changes? Water right not necessary
for golf course operation

F) The water will be completely applied to the proposed use on or before: Oct 1, 1995

2. LOCATION OF AUTHORIZED USE

A) What is the source of water (river, stream, well)? Crooked River

B) Describe the authorized point of diversion:

Location in Reference to Survey Corner	1/4, 1/4 of Section	Section	Township	Range
<u>650'S & 1350'W from E 1/4 cor, sec 6</u>	<u>NW 1/4 SE 1/4</u>	<u>6</u>	<u>15S</u>	<u>16E</u>

C) What is the name of the ditch used? NA

D) What is the use to which the water is applied? irrigation

E) Give the location of the authorized area irrigated or place of use other than for irrigation:

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
<u>15S</u>	<u>16 E</u>	<u>6</u>	<u>NW 1/4 SE 1/4</u>	<u>80</u>

F) Is the land within an irrigation district? Yes ___ No X

If Yes, which district? located in Ochoco I. D. service area, but not O.I.D. rights

G) County Crook T-7488

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SALEM, OREGON

I realize they signed a copy of the original, but this has actual signatures of both Bob and the notary so should constitute a legal document. Done
POD's are included on companion application.

APPLICATION FOR TRANSFER OF WATER RIGHT

Applicant: City of Prineville
 Mailing Address: 400 East 3rd St.
Prineville OR 97754
City of town State Zip Phone
 Type of change: Point of Diversion and Place of Use
(In point of diversion; place of use; use heretofore made of the water)

1. WATER RIGHT

A) Is the water right in your name? No If not, list name below:
(Yes, No)
H. J. Lau

B) Was the water right determined by a court decree? No
(Yes, No)

1. If yes, list the title of the proceedings: _____
 2. Certificate No: _____

Was the water right acquired by a water permit? Yes
(Yes, No)

1. If yes, list the Permit No: 17836
 2. Certificate No: 17366

Date of priority right: June 30, 1997

E) What are your reasons for the proposed changes? Water right not necessary for golf course operation

F) The water will be completely applied to the proposed use on or before: Oct 1, 1995

2. LOCATION OF AUTHORIZED USE

A) What is the source of water (river, stream, well)? Crooked River

B) Describe the authorized point of diversion:

Location in Reference to Survey Corner	1/4, 1/4 of Section	Section	Township	Range
<u>650'S & 1350'W from E 1/4 cor, sec 6</u>	<u>NW 1/4 SE 1/4</u>	<u>6</u>	<u>15S</u>	<u>16E</u>

C) What is the name of the ditch used? NA

D) What is the use to which the water is applied? irrigation

E) Give the location of the authorized area irrigated or place of use other than for irrigation:

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
<u>15S</u>	<u>16 E</u>	<u>6</u>	<u>NW 1/4 SE 1/4</u>	<u>80</u>

F) Is the land within an irrigation district? Yes ___ No X

If Yes, which district? Located in Ochoco I.D. service area, but not O.I.D. rights

G) County Crook T-7488

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WATER RESOURCES DEPT. SALEM, OREGON

NOTE: Answer questions B, C, D, and E only if the application is for a change in use or place of use.

B) Are the lands from which you propose to transfer your water right free of all encumbrances? YES
(Yes, No)

C) If no, give the description below of existing encumbrances:

Encumbrance	Held by	Amount

D) What is the use to which the water will be applied? irrigation

E) Give the proposed location of the area irrigated, or place of use if other than for irrigation:

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
15S	15E	24	NE 1/4 SE 1/4	40
		24	NW 1/4 SE 1/4	40

4. EXHIBITS

The following exhibits shall be attached to and made part of the application:

- A) A map prepared by a Certified Water Right Examiner showing the location of the present and proposed points of diversion, the authorized and proposed places of use and, if any, lands from the existing right that would not be subject to transfer.
- B) A copy of the current recorded deed to the subject lands.
- C) Affidavits from any other landowners or encumbrance holders with interest in the original water right stating that they have no objection to the proposed transfer.
- D) Evidence that the water has been used within the last five years.

5. NAME AND ADDRESS OF RECEIVING LANDOWNER(S) IF OTHER THAN APPLICANT:

White Deer Ranch
96 J. Freedman & Co.
15 SW Colorado Ave.
Bend, OR 97702

6. REMARKS:

I (we) Bob Schwan for the City of Prineville, applicant(s), hereby swear that I (we) have read the above application for transfer of water right and that the statements made are true and correct. Dated and signed this 8th day of March, 1995.



Patricia J. Hepperle - NOTARY
(Signature)

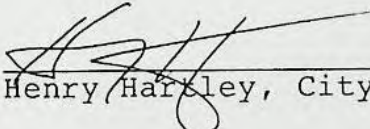
Bob Schwan
(Signature)

The following is an excerpt from the Minutes of the Prineville City Council Meeting held September 13, 1994:

DISCUSSION OF WATER RIGHTS: City Manager Henry Hartley reported the City has the option to purchase the water rights on the golf course property for approximately \$40,000. Mr. Hartley recommends the City does not purchase these water rights. The water rights for this property presently belong to Bill Smith and the City has the option to purchase. Discussion followed.

Maintenance Superintendent Wayne Van Matre stated he feels there is adequate water available for the golf course and there is no need to purchase any water rights. After a brief discussion, Council Member Uffelman moved to authorize transfer of the water rights from the golf course property. Council Member Carriger seconded and the motion passed with Mayor Vallie opposing.

This is a certified true copy.


Henry Hartley, City Manager

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WATER RESOURCES DEPT.
SALEM, OREGON

T-7488

WARRANTY DEED—STATUTORY FORM
CORPORATE GRANTOR

WILLIAM SMITH PROPERTIES, INC.

a corporation duly organized and existing under the laws of the State of OREGON Grantor,
conveys and warrants to CITY OF PRINEVILLE, a municipal corporation

Grantee, the following described real property free of encumbrances except as
specifically set forth herein situated in CROOK County, Oregon, to-wit:

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SEE EXHIBIT "A" ATTACHED HERETO
AND MADE A PART HEREOF.

WATER RESOURCES DEPT.
SALEM, OREGON

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

The said property is free from all encumbrances except THOSE SHOWN ON EXHIBIT "A".

The true consideration for this conveyance is \$ 235,000.00 (Here comply with the requirements of ORS 93.030)

Done by order of the grantor's board of directors with its corporate seal affixed on April 29, 1991


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.
(CORPORATE SEAL)

WILLIAM SMITH PROPERTIES, INC.
By *[Signature]* President
By Secretary

STATE OF OREGON, County of Deschutes) ss. April 29, 1991

Personally appeared William L. Smith and
who, each being first duly sworn, did say that the former is the president and that the latter is the secretary of WILLIAM SMITH PROPERTIES, INC.

, a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors and each of them and acknowledged said instrument to be its voluntary act and deed.

(OFFICIAL SEAL)  OFFICIAL SEAL
LINDA A. BALDING
NOTARY PUBLIC-OREGON
COMMISSION NO. 005689
COMMISSION EXPIRES APR. 17, 1995

Before me: *Linda A. Balding*
Notary Public for Oregon; My commission expires: 4/17/95

WARRANTY DEED

WILLIAM SMITH PROPERTIES, INC.
CITY OF PRINEVILLE GRANTOR
400 E. Third Street GRANTEE
Prineville, OR 97754
GRANTEE'S ADDRESS, ZIP

After recording return to:

CITY OF PRINEVILLE
400 E. Third Street
Prineville, OR 97754
NAME, ADDRESS, ZIP

SPACE RESERVED
FOR
RECORDER'S USE

STATE OF OREGON, } ss.
County of

I certify that the within instrument was received for record on the day of, 19....., at.....o'clock.....M., and recorded in book/reel/volume No. .. on page..... or as document/fee/file/instrument/microfilm No. Record of Deeds of said county.

Witness my hand and seal of County affixed.

By Deputy

If a change is requested, all tax statements should be sent to the following address:
CITY OF PRINEVILLE
400 E. Third Street
Prineville, OR 97754
NAME, ADDRESS, ZIP

T-7488

EXHIBIT "A"
William Smith Properties, Inc.
to
City of Prineville

TRACT I:

IN TOWNSHIP 15 SOUTH, RANGE 16 EAST OF THE WILLAMETTE MERIDIAN:
Section 6: Beginning at a point 1237.5 feet East and 1151 feet, more or less, South of the Northwest corner of Section 6, which said point is on the South side of Second Street, Prineville, Oregon, extended, and at a point on the 1/16 line running North and South through the West half of said Section 6, thence East 280 feet, more or less, to a point which is the Northwest corner of Johnson's Subdivision, as platted in Crook County, Oregon; thence South 37 feet, thence South 35°35' East 250 feet, thence South 70°30' East 200 feet, thence East 786 feet, thence North 106 feet, thence East 160 feet, thence North 80 feet, thence East 536 feet, thence South 30 feet, thence East 80 feet to a point on the West line of a tract of land deeded to Harold Gray and wife by deed recorded in Book 55 of Deeds at page 189, Records of Crook County, Oregon, thence South 19 feet to the Southwest corner of said tract deeded to Harold Gray and wife, thence East 93 feet, thence North 163 feet to a point on the South line of West Second Street, thence East 81 feet, thence South 175 feet, thence East 230 feet, more or less, to a point on the West line of Riverside Addition produced to the North, according to the official plat thereof on file and of record in the office of the County Clerk for Crook County, Oregon, thence South along the said West line 2298.4 feet, more or less, to the Southwest corner of a tract of land deeded to H. H. Schmitt by deed recorded in Book 63 of Deeds at page 181, Records of Crook County, Oregon, thence East 774.62 feet to the Southeast corner of said tract, thence South 1798.5 feet, more or less, to the South line of said Section 6, thence West along the said South line of said Section 6 for 1240 feet, more or less, to the Southeast corner of Second Crestview Subdivision, according to the official plat thereof on file and of record in the office of the County Clerk for Crook County, Oregon, thence North 533 feet, thence North 62°02' West 340.5 feet, thence North 86°51' West 287.2 feet, thence North 81°08' West 269.7 feet, thence North 85°13' West 416.9 feet, thence North 86°03' West 419.3 feet to the Northwest corner of said subdivision, thence North 52°40' West 279 feet to a point on the East boundary line of Bowen's Subdivision, according to the official plat thereof on file and of record in the office of the County Clerk for Crook County, Oregon, thence North 1°35' West along the

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SALEM, OREGON

said East line for 1600 feet, more or less, to the Northeast corner of said subdivision, thence West 247.5 feet, more or less, to a point on the 1/16 line running North and South through the West half of said Section 6, thence North 1524 feet, more or less, to the point of beginning.

EXCEPTING a certain right of way for road purposes over a strip of land 100 feet in width, said strip being 50 feet in width on either side of a center line described as follows: Beginning at a point on the North line of the Southwest quarter of Section 6, which point is 1465 feet East of the West quarter corner of said Section 6, and running thence North 38° West 360 feet, more or less, to a point on the East right-of-way line of the State Highway, as now located and constructed.

ALSO EXCEPTING all that portion of the tract of land above described in Section 6, Twp. 15 S., R. 16 E.W.M. lying Northeasterly of the thread of the Crooked River.

TRACT II:

IN TOWNSHIP 15 SOUTH, RANGE 16 EAST OF THE WILLAMETTE MERIDIAN:

Section 6: Beginning at the Southeast corner of Section 6, thence West 547.8 feet, more or less, to the Southeast corner of a tract deeded to C. J. Johnson, thence North 1798.5 feet, thence West 277.2 feet, more or less, to the East line of a tract of land deeded to J. E. Stewart, thence North to a point due West of the Southwest corner of Block 14 of Oregon and Western Addition to Prineville, Oregon, said point being 58.7 feet South, more or less, from the East and West center line of said Section 6, thence East 825 feet to the East line of said Section 6, thence South along said East line to the point of beginning.

EXCEPTING THEREFROM tracts of land heretofore conveyed as recorded in Book 60 of Deeds at page 547, Book 62 of Deeds at page 297, Book 63 of Deeds at pages 333 and 334, Book 65 of Deeds at page 447, Book 66 of Deeds at page 562, and Book 62 of Deeds at page 458 Records of Crook County, Oregon.

EXCEPTING FROM the lands herein described, the following:

1. The interest of Prineville Irrigation Company and successors acquired by Easement granted by Decree entered into in Case No. 438 in the Circuit Court of the State of Oregon for Crook County.
2. PARCEL TWO (2) of PARTITION PLAT NO. 90-13 recorded August 15, 1990 as Microfilm No. 96325, records of Crook County, Oregon.

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WATER RESOURCES DEPT.
SALEM, OREGON

SUBJECT TO:

1. As disclosed by the tax roll, the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use, the property will be subject to additional taxes or penalties and interest.
2. Existing rights of way for roads, highways, irrigation ditches, canals, reservoir sites, fences, pole lines, and transmission lines; and any assessments for irrigation purposes.
3. Any rights of the Federal Government, the State of Oregon, and the general public in and to that part of Crooked River lying below the high water line.
4. Easement granted to Pacific Telephone and Telegraph Company as recorded in Book 60 of Deeds at page 130, Records of Crook County, Oregon.
5. Easements granted to Central Electric Cooperative, Inc., as recorded in Book 63 of Deeds at pages 363 and 402, Records of Crook County, Oregon.
6. Easements granted to Pacific Power & Light Company, a corporation, as recorded in Book 64 of Deeds at page 202, Book 88 of Deeds at pages 131, 251 and 254, Records of Crook County, Oregon.
7. Subject to the interest of Peoples Irrigation Company acquired by deed from Peoples Irrigation Company as set out in Book 66 of Deeds at page 321, Records of Crook County, Oregon.
8. Reservation of one-half of all mineral rights no previously reserved, except sand, gravel and cinders, as set out in Deed from Boston Ranch Company, a California corporation, to Brooks Resources Corporation, an Oregon corporation, dated July 28, 1981 and recorded January 12, 1982 in Deeds No. 63411, Records of Crook County, Oregon.

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FEB 2 1996

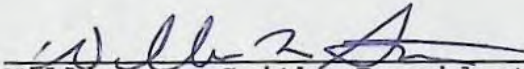
WATER RESOURCES DEPT.
SALEM, OREGON

A F F I D A V I T

I, WILLIAM L. SMITH, have personal knowlege that the water rights listed on the enclosed application for transfer have been used within the last five years.

The applicable Certificate Number is 17366.

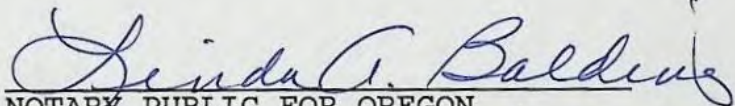
Dated this 31st day of January, 1996.



William L. Smith, President
William Smith Properties, Inc.

STATE OF OREGON, County of Deschutes, ss.

This instrument was acknowledged before me on January 31, 1996 by William L. Smith.



NOTARY PUBLIC FOR OREGON
My Commission Expires: 4-16-99



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WATER RESOURCES DEPT.
SALEM, OREGON

T-7488

Original is with companion transfer from golf course

Land Use Information Form: Water Right Transfers, Use of Conserved Water, Exchanges

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the request for water use. **DO NOT FILL OUT THIS FORM IF:** 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) you are applying for a water right transfer involving: a) a change in the place of use with no structural changes, and b) irrigation uses located in irrigation districts or exclusive farm use zones.

Applicant's Name: City of Prineville (Henry Henthly, manager)
 Address: 400 E 3rd St.
 City: Prineville State: OR Zip: 97754
 Phone: 447-5627 WRD Application No.: _____

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (Attach extra sheets as necessary.) Applicants for municipal use may substitute existing and proposed service area boundaries for the tax lot information requested below.

Kennedy N 1/2
 with SE 1/4
 Draw Ranch

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Used
NW 1/4 Sec 17, T15S, R16E, W.M.			X	X
SE 1/4 Sec 13 & NE 1/4 Sec 29 & SE 1/4 Sec 29, T15S, R16E			X	X

The following section must be completed by all local planning departments responsible for the property(ies) listed above. Please ask the Department for extra forms, as needed.

For Local Government Use Only

Local government planning officials are to complete the remainder of this form and return it to the applicant for inclusion in the application.

a) Check the appropriate box below and provide requested information.

WATER RESOURCES DEPT. SALEM, OREGON

- Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 3.020(1)(a) Ord. 18. Go to section 'b) on reverse side.
- Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. **Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus any accompanying findings is sufficient.)**

Type of Land Use Approvals Needed (e.g.: plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Please check the box that applies:		
		Already Obtained	Already Denied	Being Pursued Satisfactorily

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FEB 2 1996

T-7488 (over)

Description of Water Use

Note to Applicant: This sheet will provide local planning staff with a basic description of your proposed water use. Please fill out this sheet before bringing the attached land use form to your local planning office. It will help local planning offices complete your land use information form quickly.

Note to Local Planning Officials: Please initial this sheet. Do not separate it from the land use information form. If needed, please make a separate copy for your records.

Applicant Name: City of Prineville (Henry Hartly, Manager)
 Address: 400 E 3rd St.
Prineville, OR 97754
 Phone: 447-5627

Please indicate what you will use the water for. Check all boxes that apply and fill in the blanks with key characteristics of the project

- Irrigation (crop type, golf course, nursery or greenhouse): _____
- Livestock (type of livestock, feedlot, slaughterhouse): _____
- Residential (# units, single or multi-family, # lots if partition or subdivision): _____
- Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): _____
- Industrial (i.e., factory, pulp mill, research and development, processing, etc.): _____
- Institutional (i.e., school, library, etc.): _____
- Mining (aggregate, metal, open pit, placer, etc.): _____
- Recreation (park, campsite, pond, etc.): _____
- Fish and Wildlife (pond, hatchery, etc.): _____
- Hydropower (dam, reservoir, power generating or transmitting facilities): _____
- Other (Name and list key characteristics): _____

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
<input checked="" type="checkbox"/> Surface Water Name sources: <u>Crooked River &</u> <u>Prineville Res</u>	<u>3.608</u> Cubic feet per second. _____ Gallons per minute. _____ Acre-Feet
<input checked="" type="checkbox"/> Reservoir or pond	<u>2.733 cfs</u> C-52183 & C-68327 <u>0.875 cfs</u> C-17366 <u>3.608</u>
<input type="checkbox"/> Ground Water	

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 FEB 2 1996
 WATER RESOURCES DEPT.
 SALEM, OREGON

T-7488

WARRANTY DEED

Unless a change is requested, all tax statements shall be sent to grantee at the following address:
1395 Lynn Blvd., Prineville, OR 97754

Brooks Resources Corporation, an Oregon corporation, grantor, conveys and warrants to
Wallace A. Gervais

the following described real property free of encumbrances except as specifically set forth herein:
State of Oregon, County of Crook

See Exhibit "A" attached hereto

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FEB 2 1996

WATER RESOURCES DEPT.
SALEM, OREGON

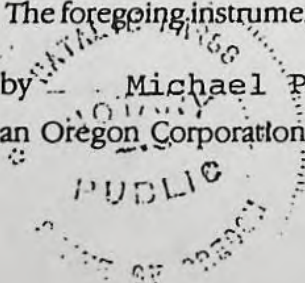
This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate city or county planning department to verify approved uses.

The true consideration for this conveyance is \$ 163,500.00

DATED this 29th day of December 19 86 **Brooks Resources Corporation**
Michael P. Hollern
Michael P. Hollern, President

STATE OF OREGON, County of Deschutes, ss:
The foregoing instrument was acknowledged before me this 29th day of December 19 86

by Michael P. Hollern President, of BROOKS RESOURCES CORPORATION,
an Oregon Corporation, on behalf of the corporation.



Natalie Davis
Notary Public for Oregon
My Commission Expires: 1-8-90

STATE OF OREGON, County of _____, ss:
I certify that the within instrument was received for record on the _____ day of _____
19 _____ at _____ o'clock _____ m and recorded in Volume _____ on page _____
said County. _____ Records of _____

County Clerk

Deputy

T-7488

CENTRAL OREGON TITLE COMPANY

BROOKS RESOURCES CORPORATION TO
WALLACE A. GERVAIS

RECEIVED

EXHIBIT A

FEB 2 1996

IN THE COUNTY OF CROOK, STATE OF OREGON, TO-WIT: WATER RESOURCES DEPT.
SALEM, OREGON

IN TOWNSHIP 15 SOUTH, RANGE 16 EAST OF THE WILLAMETTE MERIDIAN:

Section 6: Beginning at a point 1237.5 feet East and 1151 feet, more or less, South of the Northwest corner of Section 6, which said point is on the South side of Second Street, Prineville, Oregon, extended, and at a point on the 1/16 line running North and South through the West half of said Section 6, thence East 280 feet, more or less, to a point which is the Northwest corner of Johnson's Subdivision, as platted in Crook County, Oregon; thence South 37 feet, thence South 35°35' East 250 feet, thence South 70°30' East 200 feet, thence East 786 feet, thence North 106 feet, thence East 160 feet, thence North 80 feet, thence East 536 feet, thence South 30 feet, thence East 80 feet to a point on the West line of a tract of land deeded to Harold Gray and wife by deed recorded in Book 55 of Deeds at page 189, Records of Crook County, Oregon, thence South 19 feet to the Southwest corner of said tract deeded to Harold Gray and wife, thence East 174 feet, thence South 12 feet, thence East 230 feet, more or less, to a point on the West line of Riverside Addition produced to the North, according to the official plat thereof on file and of record in the office of the County Clerk for Crook County, Oregon, thence South along the said West line 2298.4 feet, more or less, to the Southwest corner of a tract of land deeded to H. H. Schmitt by deed recorded in Book 63 of Deeds at page 181, Records of Crook County, Oregon, thence East 774.62 feet to the Southeast corner of said Tract, thence South 1798.5 feet, more or less, to the South line of said Section 6, thence West along the said South line of said Section 6 for 1240 feet, more or less, to the Southeast corner of Second Crestview Subdivision, according to the official plat thereof on file and of record in the office of the County Clerk for Crook County, Oregon, thence North 533 feet, thence North 62°02' West 340.5 feet, thence North 86°51' West 287.2 feet, thence North 81°08' West 269.7 feet, thence North 85°13' West 416.9 feet, thence North 86°03' West 419.3 feet to the Northwest corner of said subdivision, thence North 52°40' West 279 feet to a point on the East boundary line of Bowen's Subdivision, according to the official plat thereof on file and of record in the office of the County Clerk for Crook County, Oregon, thence North 1°35' West along the said East line for 1600 feet, more or less, to the Northeast corner of said subdivision, thence West 247.5 feet, more or less, to a point on the 1/16 line running North

T-7488

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WATER RESOURCES DEPT.
SALEM, OREGON

and South through the West half of said Section 6, thence North 1524 feet, more or less, to the point of beginning. EXCEPTING a certain easement and right of way for road purposes over a strip of land 100 feet in width, said strip being 50 feet in width on either side of a center line described as follows: Beginning at a point on the North line of the Southwest quarter of Section 6, which point is 1465 feet East of the West quarter corner of said Section 6, and running thence North 38° West 360 feet, more or less, to a point on the East right-of-way line of the State Highway, as now located and constructed. ALSO EXCEPTING a tract of land deeded to Central Electric Cooperative, Inc., by deed recorded in Book 64 of Deeds at page 405, Records of Crook County, Oregon. ALSO EXCEPTING that portion of the above described land lying Southwesterly of the thread of the Crooked River.

EXCEPTING FROM THE ABOVE DESCRIBED LANDS the interest of Prineville Irrigation Company and successors acquired by Easement granted by Decree entered in Case No. 438 in the Circuit Court of the State of Oregon for Crook County.

SUBJECT TO the usual printed exceptions, and

1. Existing rights of way for roads, highways, irrigation ditches, canals, fences, pole lines and transmission lines; and assessments for irrigation if any.
2. Any rights of the Federal Government, the State of Oregon and the general public in and to that part of Crooked River lying below the high water line.
3. Easement granted the Pacific Telephone and Telegraph Company as recorded in Book 60 of Deeds at Page 130, Records of Crook County, Oregon.
4. Easements granted to Central Oregon Electric Cooperative, Inc., as recorded in Book 63 of Deeds at Pages 363 and 402, Records of Crook County, Oregon.
5. Easements granted to Pacific Power & Light Company, a corporation, as recorded in Book 64 of Deeds at Page 202, Records of Crook County, Oregon.
6. As disclosed by the tax roll, the premises herein described have been zoned or classified for farm use. At any times that said land is disqualified for such use, the property will be subject to additional taxes or penalties and interest.

T-7488

7. Reservation of $\frac{1}{2}$ of all mineral rights not previously reserved, except sand, gravel and cinders as set out in Deed from Boston Ranch Company, a California corporation, to Brooks Resources Corporation, an Oregon Corporation, dated July 28, 1981 and recorded January 12, 1982 in Deeds No. 63411, Records of Crook County, Oregon.

8. Unrecorded sewer easement granted to the City of Prineville, dated March 5, 1973.

This conveyance is made with the following express conditions, reservations, understandings and agreements:

- A. Grantor reserves from the above described land a non-exclusive easement over and across Ivy Street to the center of Crooked River for a bridge, road and utility purposes. Grantee, his heirs or assigns shall size any utilities constructed in said easement so as to accommodate future development of the land southwesterly of the above described land presently owned by Brooks Resources Investment Company.
- B. Grantee understands and agrees that Grantor is retaining the 35 acres of irrigation water rights appurtenant to the above described land. Grantor may, at any time prior to the final platting of the above described property, transfer said water rights to other land. As a condition of said transfer, Grantor will obtain substitute water rights which will have a priority date of the date of Grantor's filing for the substitute water rights. Grantor and Grantee will execute all required documents to effectuate Grantor's water right transfer.

STATE OF OREGON, } ss **81782**
COUNTY OF CROOK, }

I CERTIFY that the within instrument of writing was received for record on the 31 day of December A.D. 19 86 at 2: o'clock P. M., and recorded in Deeds MF# 81782 of said County.
By Bebe Schindler, County Clerk
By _____ Deputy

KEY PUNCHED
DEC 31 1986

RECEIVED

FEB 2 1996

WATER RESOURCES DEPT.
SALEM, OREGON



T-7488

**WATER RESOURCES DEPARTMENT
REQUEST FOR DISTRIBUTION OF FUNDS**

TO: Fiscal Services Section DATE: OCT. 22, 1997
FROM: BEN BISNUP (File Examiner)
PHONE: (541) 388-6669 FAX: (541) 388-5101
SUBJECT: **TRANSFER FILE - Request for Payment or Refund**

TRANSFER FILE #: 7488 RECEIPT #: 132025

Please prepare payment in the amount of \$ 84.50, made payable to:

Name: CENTRAL OREGONIAN
Address: 558 N. MAIN
City: PRINEVILLE ST: OR Zip: 97754

These funds are being paid or refunded as a result of (check one):
 File being Rejected / Withdrawn / Misfiled
 Excess fees were collected for application / PON
 Payment of PON
 Protest filing fee
Other: _____

0207

TRANSFER FILE #: 7488 RECEIPT #: 132025

Please prepare payment in the amount of \$ 120.50, made payable to:

Name: WILLIAM SMITH PROPERTIES, INC.
Address: 15 SW COLORADO AVE STE A
City: BEND ST: OR Zip: 97702

These funds are being paid or refunded as a result of (check one):
 File being Rejected / Withdrawn / Misfiled
 Excess fees were collected for application / PON
 Payment of PON
 Protest filing fee
Other: _____

0207

I have reviewed this distribution request and have determined the request to be justified as to the purpose indicated above. Fiscal Services is hereby authorized to process the requested distribution.

Authorized Signature: Benjamin W. Bishop Date: 10-29-97

1
Place A. M. Elaine Gervais E

7488

City of Prineville = 400 East 3rd St.
Prineville, OR

DESCRIPTION OF WATER RIGHT

P. 02
1395 Lynn Blvd
Prineville, OR 97754

NW REGION
POD, PDU

2-2-96

earing

earing

order Vol. , page

application of water

iled

TO
sived

e issued Vol. , page

FROM

OURD SOUTH CENTRAL REGION

FROM

11:59

OCT-30-1997

Name of stream Crooked River

Trib. of Deschutes River County of CROOK

Use irrigation

Quantity of water No. of acres

Name of ditch

Date of priority June 30, 1947

In name of

Adjudication, Vol. , page

App. No. 22677 Per. No. 17836 Cert. No. 17366

Certificate cancelled

Notation made on record by

JMPB

TPE

REMARKS

Bruce Estes CWRE #1

FEE PAID

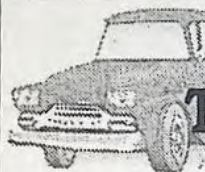
Date	Amount	Receipt No.
2-2-96	343 ⁰⁰	132025
TOTAL . . .		
	Cert. Fee	

FEE REFUNDED

Date	Amount	Check No.
12-10-97	84.50	004971
12-10-97	120.50	004970

14

88-Trucks & Vans

MID-OREGON
TRUCK & AUTO

Darrel Hicks

Fairly Honest, Inc.

Business:
447-8949Residence:
447-6514

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Chev - Cadillac
Honda - GeoQuality Used Cars
and Trucks

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1-800-995-4022
Home Number
389-3282345 NE 3rd Hwy 97 SO
Bend, Oregon
Open Sunday 11 am - 5 pm

100-Public Notices

(909)PUBLIC NOTICE
NOTICE OF WATER RIGHT
TRANSFER 7488

Wallace A. & M. Elaine Gervais and the City of Prineville filed an application with the Water Resources Department for a change in place of use and point of diversion of water from the Crooked River as provided by ORS 540.510 to 540.530.

Certificate 17366, in the name of H.J. Lau, includes a right limited to 0.44 cubic foot per second (cfs) from the Crooked River with a priority date of June 30, 1947 for irrigating 35.0 acres. The point of diversion for this right is in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6, T15S, R16E, W.M.; 650 feet South and 1350 feet West from the E $\frac{1}{4}$ Corner of Section 6.

The applicants propose to change the place of use for irrigating 8.4 acres to the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 6, T15S, R16E, W.M., and the point of diversion for those acres to the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 6, T15S, R16E, W.M., 400 feet North and 2350 feet West from the E $\frac{1}{4}$ Corner of Section 6.

The applicants also propose to change the place of use for irrigating 14.7 acres to the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 9.6 acres to the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 24, T 1 5 S, R 1 5 E, W.M., and the point of diversion to Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$) Section 1.

the proposed 1997 Urban Area Land Development Ordinance. Persons and parties interested or concerned about the future development of the City and the surrounding urban areas are encouraged to attend said hearing and offer testimony relative to these proposed land use documents. Copies of said documents are available for public review at the City Planning Department, City Hall, 400 East 3rd Street and at the County Library on East 2nd Street. Copies may be obtained at a cost of \$25.00 each.

(912)PUBLIC NOTICE

Notice is hereby given that the Crook County Planning Commission will hold a public hearing at 7:00 p.m. on Wednesday, September 24, 1997 in the Council Chambers of the Prineville City Hall, Prineville, Oregon in the matter of:

(1) Application request C-SR-548-97 by Gary Brock for site plan approval for a 1728 square foot pole barn in a Rural Residential zone R-5. The property is located at 1612 NW Pinecrest Lane (T 14 S R 15 EWM Sec 34 B TL 1600). The application is being considered by the Planning Commission because a written objection to the proposal has been filed by an

100-Public Notices

Development Plan approval for a 71 lot subdivision (Ironwood Estates) and for Tentative Plan approval for Phase I of the proposed subdivision, to consist of 24 lots, in a Rural Residential zone RRM-2. The property is located on the southwest side of Juniper Canyon Road (T 16 S R 16 EWM Sec 2, 11 TL 300). Assistance will be provided to physically challenged persons upon advance notice to the Crook County Planning Director.

(913)PUBLIC NOTICE
INVITATION TO BID

Sealed proposals for modification to the Tumalo Feed Canal Pipeline #2 will be received at Tumalo Irrigation District, 64697 Cook Avenue, Bend, Oregon 97701, until 2:00 p.m., local time, September 23, 1997, at which time the bids will be publicly opened and read. Bids shall be titled: **BID: Tumalo Feed Canal Pipeline #2.**

The work contemplated consists of:

1. Materials and installation of approximately 2,680 feet of 66-inch spiral rib corrugated metal pipe.
2. Removal of approximately 220 feet of 54-inch asbestos concrete pipe.
3. Materials and installation of approximately 220 feet of 78-inch spiral rib corrugated metal pipe.
4. Removal of approximately 95 feet of 16-foot wide concrete channel.
5. Materials and installation of approximately 175 feet of a 20-foot wide concrete channel.
6. Fabrication and installation of a metal trash rack.

The contract time will be limited to 120 calendar days, with liquidated damages of \$200.00 per day should the Contractor fail to complete the work within the time allowed.

Contract documents may be procured from the Tumalo Irrigation District, 64697 Cook Avenue, Bend, Oregon 97701 (Phone 541-382-3053, Fax 541-383-3287) payment of a \$40.00 nonrefundable fee for each set. Make checks payable to David Evans and Associates, Inc.

Contract documents may be examined at Tumalo Irrigation District, 64697 Cook Avenue, Bend, Oregon; at Central Oregon Builder's Exchange, 707 NW Hill Street, Bend, Oregon; or at David Evans and Associates, Inc., 709 NW Wall Street, Bend, Oregon 97701.

A pre-bid conference for representatives and potential Bidders will be held Tuesday, September 16, 1997, at 10:00 a.m. at Tumalo Irrigation District, 64697 Cook Avenue, Bend, Oregon.

The attention of Bidders is directed to the State overtime requirements and conditions of employment to be observed. The applicable State prevailing wage rate and provisions are included in the Contract Documents. Current State prevailing wage rates will be supplied to all potential bidders of record at least 10 days

before the full amount of the contract price.

Before a Contract will be awarded for the work contemplated herein, the Owner will conduct such investigation as is necessary to determine the performance record and ability of the apparent low Bidder to perform the size and type of work specified under this Contract. Upon request, the Bidder shall submit such information as deemed necessary by the Owner to evaluate the Bidder's qualifications.

For information regarding the proposed work, contact Dave Alden or Pam Ownbey at David Evans and Associates, Inc., phone 541-389-7614, fax 541-389-7623.

The Owner reserves the right to waive any informalities or to reject any or all proposals not conforming to the intent and purpose of the contract documents. Any Bidder may withdraw its Proposal prior to the time of bid opening and no Bidder may withdraw its Proposal after the time of bid opening.

Elmer G. McDaniels
Secretary/Manager

(914)PUBLIC NOTICE
ROUND MOUNTAIN
ELECTRONICS SITE
USDA - Forest Service
Ochoco National ForestBig Summit Ranger District
Crook County, Oregon

On September 8, 1997 Big Summit District Ranger Susan Skalski signed a decision to implement Alternative 5 of the Round Mountain Electronics Site Environmental Assessment. Alternative 5 includes construction of a new building, a new tower, and a new solar panel array to provide for improvements to the Ochoco National Forest radio system and improve data communications to the Ochoco Ranger Station.

The Decision Notice, Finding of No Significant Impact and Environmental Assessment are available for public review at the Big Summit Ranger District Office, 348855 Ochoco Ranger Station, Prineville, Oregon, 97754. Copies are available on request.

The decision to implement Alternative 5 for the Round Mountain Site is subject to appeal pursuant to Forest Service Regulations 36 CFR 215. An written appeal must be postmarked or received by the Appeal Deciding Officer, Robert Williams, Regional Forester, USDA Forest Service, Pacific Northwest Region, ATTN: 1570 APPEALS, P.O. Box 3623, Portland, Oregon, 97208-3623 within 45 days of the date of this notice. Appeals must meet the content requirements of 36 CFR 215.14.

For further information, contact Bob Rock, by phone at 541-416-6645.

(916)PUBLIC NOTICE

The Prineville District of the Bureau of Land Management is considering two projects on

52-Construction

NOTICE: Oregon Construction Contractors Law requires that all those who advertise remodeling, repair, or construction services be registered with the Construction Contractors Board. Registration means contractors have bonds and insurance on the job site. For your protection, be sure any construction contractors you hire are registered. Contact the Construction Contractors Board in Salem, 378-4621.

RHD Construction Inc.

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- * Commercial
- * Residential



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54-Miscellaneous Services

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Business or Service
in the
**CENTRAL OREGONIAN
BUSINESS &
PROFESSIONAL
DIRECTORY**

for only \$40 to \$66 a month. Call
Penny or Bill at 447-6205
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TOMER SPECIAL!!** Tune-up
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STUMP GRINDING. The effi-
cient, economical way to remove
stumps. Registered/bonded
CCB#142372. Free estimates,
480-3560.

61-Help Wanted

Clear Pine Mouldings

Clear Pine Mouldings, a moulding and millwork manufacturer in
Prineville, has openings for skilled and entry level work at \$7.65
per hour, skilled positions range from \$8.40 to \$12.60. Specific
skills we are looking for are Fingerjoint feeders and operators,
Rip-sawyer.

Clear Pine Mouldings offers excellent benefits, paid vacations and
holidays. Quarterly Incentive paid based on Quality, Recovery
and Productivity. If you are interested in joining a team moving
forward in the newest of technology call Clear Pine today.

Clear Pine Moulding, P.O. Box 309
Prineville, OR • (541) 447-4195

EOE

82-Boats



1979 19' Bluewater 185 hp I/O.
Engine runs great. Hull in excel-
lent shape. Parts of interior need
TLC. Needs new floor, impeller,
rubber boot around outdrive.
\$2,000. Call 416-9349 eves or
447-7070 days. (p57)

83-Campers & Trailers

1977 VACATIONER camper,
\$600 OBO, self contained, stove,
fridge, oven. 475-6316 after 4 pm

1979 Holliday Ramblett, 21',
FSC, Air, new toilet/tires/battery.
\$2,500. 447-5759.

1990 COMPANION 29'. Excl.
cond. FSC, bunk bed & full bed.
\$9,500. OBO. 447-5943.

31' SILVER STREAK, FSC, new
carpet, drapes & micro. \$5,995.
Will take trades. 447-2953.

84-Cars

'88 HONDA ACCORD LX. Power
WL, A/C, AT, tilt, cruise, bur-
gundy, 4-dr. \$4,500. 475-2886 ask
for Wendi or Joe

1972 PINTO wagon, \$395. 541-
548-2592.

1982 MAZDA 626 LE, sunroof, A/
C, Power windows. Good "around
town" car, \$1,800 OBO. 923-1742
eves.

1985 DODGE Lancer, FWD, good
gas mileage. Must Sell \$700.
OBO. 447-5495 ev.

1985 PONTIAC Fiero 4 Cyl., 5
Spd. Good Condition. **MUST
SELL.** \$2,000. OBO 447-3334.

1993 GEO 4-dr., \$3,799 OBO.
475-1219

86-Recreational Vehicles

1977 CHINOOK MOTORHOME
for sale or trade for small PU.
176 N Elm. 447-7804.

1988 MALLARD 5TH Wheel 24'
clean & well taken care of.
\$5,700. 447-5884.

1992 TERRY 29. Loaded & nice.
\$11,000. OBO. 1972 Full size
cabover camper w/toilet, shower,
etc. \$900. OBO. 416-0722.

1994 ROAD RANGER 5TH
Wheel. 33', 2 popouts. Excl.
shape. 3 yrs. left on warranty.
\$19,500. 447-7180.

FOR SALE. 1977, 22', Tioga
Motorhome. Loaded with extras.
Low mileage. 447-7862.

90-Four Wheel Drives

1973 CHEVY 4x4 3/4 Ton. Fresh
overhaul on 500 cu.in., AT.
\$1,750. OBO. 447-5185.

1987 DODGE RAM, 5 spd., 4x-
w/canopy & canvas cover. \$3,900
447-3660.

1994 Ford Explore, 4x4, new
tires, low miles, loaded, great
cond. \$17,500. 416-1450

100-Public Notices

(909)PUBLIC NOTICE
NOTICE OF WATER RIGHT
TRANSFER 7488

Wallace A. & M. Elaine Gervais
and the City of Prineville filed an
application with the Water
Resources Department for a
change in place of use and point
of diversion of water from the
Crooked River as provided by
ORS 540.510 to 540.530.

Certificate 17366, in the name of
H.J. Lau, includes a right limited
to 0.44 cubic foot per second (cfs)
from the Crooked River with a
priority date of June 30, 1947 for
irrigating 35.0 acres. The point of
diversion for this right is in the
NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6,
T15S,R16E, W.M.; 650 feet South
and 1350 feet West from the E $\frac{1}{4}$
Corner of Section 6.

The applicants propose to change
the place of use for irrigating 8.4
acres to the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 6,
T15S,R16E, W.M., and the point
of diversion for those acres to the
SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 6, T15S,R16E,
W.M., 400 feet North and 2350
feet West from the E $\frac{1}{4}$ Corner of
Section 6.

The applicants also propose to
change the place of use for ir-
rigating 14.7 acres to the
NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 9.6 acres to the
NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 24
T15S,R15E, W.M., and the point
of diversion to Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$)
Section 1, T16S,R16E, W.M.; 300
feet South and 470 feet East from
the N $\frac{1}{4}$ Corner of Section 1.

The applicants propose to cancel
the remaining 2.3 acres of right.

Protests may be filed by person
who think their water right may
be injured by this change. Addi-
tional information or forms and
rules for filing protests are avail-
able from the Water Resource
Department by calling 378-8455
If a protest is filed a hearing may
be held.

**IF NO PROTEST IS FILED BY
OCTOBER 25, 1997, THE
CHANGE MAY BE AP-
PROVED WITHOUT A
HEARING.**

(910)PUBLIC NOTICE
NOTICE OF WATER RIGHT
TRANSFER 7487

The City of Prineville filed an ap-
plication with the Water Resour-
ces Department for a change in
place of use, and points of diver-
sion of water from the Crooked
River as provided by OR

88-Trucks & Vans

RECEIVED

OCT 10 1997

WATER RESOURCES DEPT.
SALEM, OREGON

100-Public Notices

540.510 to 540.530. Certificate 52183, in the name of Peoples Irrigation Company, includes a right limited to 1.18 cubic feet per second (cfs) from the Crooked River with a priority date of 1893 for irrigating 94.5 acres. Certificate 68396 in the name of US Bureau of Reclamation, includes a right limited to 2.73 cfs from the Crooked River and storage in Prineville Reservoir with a priority date of April 8, 1914 for irrigating 14.8 acres and supplemental irrigation of 94.5 acres. The point of diversion for these rights is in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 6, T15S, R16E, W.M.

The applicant proposes to change the place of use for 65.0 acres of the rights under certificate 52183, supplemented by 65.0 acres of the rights under certificate 68396, to 22.7 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 6.2 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 16.0 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 16.6 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 1.9 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 1.6 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 24, T15S, R15E, W.M., and to change the place of use for irrigation under certificate 68396 to 13.0 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 13 and 1.8 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 24, T15S, R15E, W.M. The point of diversion for these rights is proposed to be located: Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$), Section 1, T16S, R16E, W.M.; 300 feet South and 470 feet East from the N $\frac{1}{4}$ Corner of Section 1.

The applicant proposes to change the place of use for 29.5 acres of the rights under certificate 52183, supplemented by 29.5 acres of the rights under certificate 68396, to 9.1 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 20.4 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 17, T15S, R16E, W.M. The point of diversion for these rights is proposed to be located: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 36, T15S, R16E, W.M.; 60 feet North and 1940 feet West from the SE Corner of Section 36. Protests may be filed by persons who think their water right may be injured by this change. Additional information or forms and rules for filing protests are available from the Water Resources Department by calling 378-8455. If a protest is filed a hearing may be held.

IF NO PROTEST IS FILED BY OCTOBER 25, 1997, THE CHANGE MAY BE APPROVED WITHOUT A HEARING.

**(920)PUBLIC NOTICE
DIVISION OF STATE LANDS
NOTICE OF PROPOSED
LAND SALE (3)**

The Division of State Lands (DSL) is considering the following sales of land:

1. Range lands currently leased to Richard S. Page. The land under DSL jurisdiction totals 640 acres located in Section 16, T 12S, R 29E, W.M., Grant County, Oregon.
2. 798 acres (2 parcels) to Oregon State Parks and Recreation Department. The property is lo-

cated at the "Narrows", adjacent to the Malheur National Wildlife Refuge, in Harney County.

3. Two parcels of range land currently leased to Ronald Raasch. The parcels totaling 360 acres are located in Crook County, Oregon and are described as follows: T 15S, R 15E, Section 14, E $\frac{1}{4}$ W $\frac{1}{4}$, and T 16S, R 15E, Section 16, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21 NE $\frac{1}{4}$.

The DSL is considering the sales because they are consistent with their Asset Management Plan. Persons interested in the proposal should contact: Shannon Relaford, Division of State Lands, 775 Summer Street NE, Salem, OR 97310 (503) 378-3805 ext 271.

**COMMENTS SHOULD BE
SENT BY OCTOBER 10, 1997.**

(923)PUBLIC NOTICE

The Prineville Lake Acres #1 Special Road District Monthly Board Meeting will be held on September 30, 1997 @ 7:00 PM @ 14497 S. Sharps St., Prineville, Ore. This meeting is open to all residents of the District.

(926)PUBLIC NOTICE

The Crook County Soil & Water Conservation District will hold its annual dinner meeting on October 6, 1997 at Grandma Hoffy's Restaurant, Madras, OR. Social hour begins at 6:00 P.M. with dinner to follow. Attendees must RSVP by October 8th.

Those interested in the Annual Report may receive one at the meeting or stop by the District Office at 350 North Dunham Street, Prineville. For more information, call 447-4214.

(927)PUBLIC NOTICE

The Crook County Planning Commission hereby give notices that it will review amendments to the County Comprehensive Plan, Zoning Ordinance and Land Development Ordinance beginning at 7 p.m. in City Council Chambers. The proposed amendments create R-5, R-10, NR-20, and NR-40 Zones in the Powell Butte Nonresource Zones. In addition, the proposed ordinances contain provisions permitting generally residential uses, cluster developments which permit density bonuses in the R-10, NR-20, and NR-40 zones, and require community water systems in the R-5, and R-10 zones. Also, the proposed ordinances require developers to perform a highway impact study of subdivisions and to pay for highway improvements directly related to the subdivision.

Copies of these proposed ordinances are available at the County Planning Office. Written comments may be submitted to the County Planning Office, or persons may appear at the meeting to provide oral comments. Assistance to handicapped individuals will be provided upon advance notice to the Planning Department. Dated this 24th day of

September, 1997.

(928)PUBLIC NOTICE

Notice is hereby given that the Crook County Planning Commission will hold a public hearing at 7:00 p.m. on Wednesday, October 8, 1997 in the Council Chambers of the Prineville City Hall, Prineville, Oregon in the matter of:

(1) Application requests C-LP-069-97; C-CU-1055-97 by Nettie Anders and Melvin Anders for a partitioning to divide a 240 acre parcel, of which 160 acres is under farm deferral, to create an 80 acre nonfarm parcel and a 160 acre farm parcel, and for conditional use approval for a nonfarm residence on the proposed 80 acre parcel, in an Exclusive Farm Use zone EFU-2. The property is located to the northeast of the Madras Highway, (T 13 S R 15 EWM Sec 29 TL 2413, 2601).

(2) Application requests C-LP-051-97; C-CU-1036-97; C-CU-1037-97 by Mike Umbarger for a partitioning to divide a 137 acre farm parcel to create a 117 acre farm parcel and two nonfarm parcels of 10 acres each, and for conditional use approval for nonfarm residences on both proposed nonfarm parcels in an Exclusive Farm Use zone EFU-3. The property is located between Reif Road and the Powell Butte Highway (T 16 S R 14 EWM Sec 3 TL 700).

Assistance will be provided to physically challenged persons upon advance notice to the Crook County Planning Department. BY: Peter Schannauer, Crook County Planning Director

**(913)PUBLIC NOTICE
INVITATION TO BID**

Sealed proposals for modification to the Tumalo Feed Canal Pipeline #2 will be received at Tumalo Irrigation District, 64697 Cook Avenue, Bend, Oregon 97701, until 2:00 p.m., local time, September 23, 1997, at which time the bids will be publicly opened and read. Bids shall be titled: **BID: Tumalo Feed Canal Pipeline #2.**

The work contemplated consists of:

1. Materials and installation of approximately 2,680 feet of 66-inch spiral rib corrugated metal pipe.
2. Removal of approximately 220 feet of 54-inch asbestos concrete pipe.
3. Materials and installation of approximately 220 feet of 78-inch spiral rib corrugated metal pipe.
4. Removal of approximately 95 feet of 16-foot wide concrete channel.
5. Materials and installation of approximately 175 feet of a 20-foot wide concrete channel.
6. Fabrication and installation of a metal trash rack.

The contract time will be limited to 120 calendar days, with liquidated damages of \$200.00 per day should the Contractor fail to complete the work within the time allowed. Contract documents may be pro-

cured from the Tumalo Irrigation District, 64697 Cook Avenue, Bend, Oregon 97701 (Phone 541-382-3053, Fax 541-383-3287) payment of a \$40.00 nonrefundable fee for each set. Make checks payable to David Evans and Associates, Inc.

Contract documents may be examined at Tumalo Irrigation District, 64697 Cook Avenue, Bend, Oregon; at Central Oregon Builder's Exchange, 707 NW Hill Street, Bend, Oregon; or at David Evans and Associates, Inc., 709 NW Wall Street, Bend, Oregon 97701.

A pre-bid conference for representatives and potential Bidders will be held Tuesday, September 16, 1997, at 10:00 a.m. at Tumalo Irrigation District, 64697 Cook Avenue, Bend, Oregon.

The attention of Bidders is directed to the State overtime requirements and conditions of employment to be observed. The applicable State prevailing wage rate and provisions are included in the Contract Documents. Current State prevailing wage rates will be supplied to all potential bidders of record at least 10 days prior to bid opening if there are revisions.

Each proposal must be submitted on the prescribed form and accompanied by a certified check or bid bond executed on the form bound within the Contract Documents or one substantially similar, payable to the Tumalo Irrigation District, in an amount not less than ten percent (10%) of the amount bid. The successful bidder will be required to furnish a performance bond and payment bond, each in the full amount of the contract price.

Before a Contract will be awarded for the work contemplated herein, the Owner will conduct such investigation as is necessary to determine the performance record and ability of the apparent low Bidder to perform the size and type of work specified under this Contract. Upon request, the Bidder shall submit such information as deemed necessary by the Owner to evaluate the Bidder's qualifications.

For information regarding the proposed work, contact Dave Alden or Pam Ownbey at David Evans and Associates, Inc., phone 541-389-7614, fax 541-389-7623.

The Owner reserves the right to waive any informalities or to reject any or all proposals not conforming to the intent and purpose of the contract documents. Any Bidder may withdraw its Proposal prior to the time of bid opening and no Bidder may withdraw its Proposal after the time of bid opening.

Elmer G. McDaniels
Secretary/Manager

OCT 10 1997

Prineville (Ore.) Central Oregonian - Thursday, September 18, 1997 - 3B

WATER RESOURCES DEPT.

SALEM, OREGON

100-Public Notices

**(909)PUBLIC NOTICE
NOTICE OF WATER RIGHT
TRANSFER 7488**

Wallace A. & M. Elaine Gervais and the City of Prineville filed an application with the Water Resources Department for a change in place of use and point of diversion of water from the Crooked River as provided by ORS 540.510 to 540.530.

Certificate 17366, in the name of H.J. Lau, includes a right limited to 0.44 cubic foot per second (cfs) from the Crooked River with a priority date of June 30, 1947 for irrigating 35.0 acres. The point of diversion for this right is in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6, T15S,R16E,W.M.; 650 feet South and 1350 feet West from the E $\frac{1}{4}$ Corner of Section 6.

The applicants propose to change the place of use for irrigating 8.4 acres to the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 6, T15S,R16E,W.M., and the point of diversion for those acres to the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 6, T15S,R16E,W.M., 400 feet North and 2350 feet West from the E $\frac{1}{4}$ Corner of Section 6.

The applicants also propose to change the place of use for irrigating 14.7 acres to the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 9.6 acres to the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 24, T15S,R15E,W.M., and the point of diversion to Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$), Section 1, T16S,R16E,W.M.; 300 feet South and 470 feet East from the N $\frac{1}{4}$ Corner of Section 1.

The applicants propose to cancel the remaining 2.3 acres of right. Protests may be filed by persons who think their water right may be injured by this change. Additional information or forms and rules for filing protests are available from the Water Resources Department by calling 378-8455. If a protest is filed a hearing may be held.

IF NO PROTEST IS FILED BY OCTOBER 25, 1997, THE CHANGE MAY BE APPROVED WITHOUT A HEARING.

**(910)PUBLIC NOTICE
NOTICE OF WATER RIGHT
TRANSFER 7487**

The City of Prineville filed an application with the Water Resources Department for a change in place of use, and points of diversion of water from the Crooked River as provided by ORS 540.510 to 540.530.

Certificate 52183, in the name of Peoples Irrigation Company, includes a right limited to 1.18 cubic feet per second (cfs) from the Crooked River with a priority date of 1893 for irrigating 94.5 acres. Certificate 68396 in the name of US Bureau of Reclamation, includes a right limited to 2.73 cfs from the Crooked River and storage in Prineville Reservoir with a priority date of April 8, 1914 for irrigating 14.8 acres and supplemental irrigation of 94.5

acres. The point of diversion for these rights is in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 6, T15S,R16E,W.M.

The applicant proposes to change the place of use for 65.0 acres of the rights under certificate 52183, supplemented by 65.0 acres of the rights under certificate 68396, to 22.7 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 6.2 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 16.0 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 16.6 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 1.9 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 1.6 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 24, T15S,R15E,W.M., and to change the place of use for irrigation under certificate 68396 to 13.0 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 13 and 1.8 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 24, T15S,R15E,W.M. The point of diversion for these rights is proposed to be located: Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$), Section 1, T16S,R16E,W.M.; 300 feet South and 470 feet East from the N $\frac{1}{4}$ Corner of Section 1.

The applicant proposes to change the place of use for 29.5 acres of the rights under certificate 52183, supplemented by 29.5 acres of the rights under certificate 68396, to 9.1 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 20.4 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 17, T15S,R16E,W.M. The point of diversion for these rights is proposed to be located: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 36, T16S,R16E,W.M.; 60 feet North and 1940 feet West from the SE Corner of Section 36. Protests may be filed by persons who think their water right may be injured by this change. Additional information or forms and rules for filing protests are available from the Water Resources Department by calling 378-8455. If a protest is filed a hearing may be held.

IF NO PROTEST IS FILED BY OCTOBER 25, 1997, THE CHANGE MAY BE APPROVED WITHOUT A HEARING.

**(920)PUBLIC NOTICE
DIVISION OF STATE LANDS
NOTICE OF PROPOSED
LAND SALE (3)**

The Division of State Lands (DSL) is considering the following sales of land:

1. Range lands currently leased to Richard S. Page. The land under DSL jurisdiction totals 640 acres located in Section 16, T12S,R29E,W.M., Grant County, Oregon.
2. 798 acres (2 parcels) to Oregon State Parks and Recreation Department. The property is located at the "Narrows", adjacent to the Malheur National Wildlife Refuge, in Harney County.
3. Two parcels of range land currently leased to Ronald Raasch. The parcels totaling 360 acres are located in Crook County, Oregon and are described as follows: T15S,R15E,Section14,E $\frac{1}{2}$ W $\frac{1}{2}$, and T16S,R15E,Sec-

tion 16, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21 NE $\frac{1}{4}$.

The DSL is considering the sales because they are consistent with their Asset Management Plan.

Persons interested in the proposal should contact: Shannon Relaford, Division of State Lands, 775 Summer Street NE, Salem, OR 97310 (503) 378-3805 ext 271.

COMMENTS SHOULD BE SENT BY OCTOBER 10, 1997.

**(921)PUBLIC NOTICE
NOTICE OF PUBLIC
HEARING
PRINEVILLE URBAN AREA
COMPREHENSIVE PLAN
URBAN AREA LAND
DEVELOPMENT
ORDINANCE**

Notice is hereby given that the City and County Planning Commissions will conduct a joint public hearing on Tuesday, September 30, 1997, beginning at 7:00 P.M. in the City Council Chambers, Prineville City Hall, in the matter of the proposed 1997 Prineville Urban Area Comprehensive Plan which includes a proposed expanded Urban Growth Boundary, and the proposed 1997 Urban Area Land Development Ordinance. Persons and parties interested or concerned about the future development of the City and the surrounding urban areas are encouraged to attend said hearing and offer testimony relative to these proposed land use documents. Copies of said documents are available for public review at the City Planning Department, City Hall, 400 East 3rd Street and at the Crook County Library on East 2nd Street. Copies may be obtained at a cost of \$25.00 each.

**(922)PUBLIC NOTICE
NATIONAL FOREST TIMBER
FOR SALE, OCHOCO NATIONAL
FOREST, FOLEY SALE,** located within T.12S., R.17E., W.M., surveyed. SEALED BIDS will be received in public at the Forest Supervisor's Office, 3160 N.E. Third Street, Prineville, Oregon, up to and not later than 10:00 A.M., local time at place of bid opening, October 20, 1997 followed immediately by oral bidding for an estimated 8,195 CCF (hundred cubic feet) of timber marked or otherwise designated for cutting. Planned Termination Date is March 31, 2001. The sale contains Specified Roads with a total estimated construction cost of \$64,317.00. The right to reject any and all bids is reserved. A prospectus is available to the public and interested potential bidders. Complete information concerning the timber, conditions of sale and submission of bids should be obtained from the District Ranger, Prineville Range District, Prineville, Oregon or the Forest Supervisor, Prineville, Oregon.

QUICK CASH

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with a Central Oregonian
Classified Ad
Call
447-6205

Cars**Cars****Attention Coupe**

A/C, cloth interior,
ONLY 3,000 miles!!!

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SELL!****PHOTO ADS
WILL WORK
FOR YOU!**

Add a photo to
your classified
line ad for only

\$5 per col.
inch

* in addition to cost of ad
per week in the

Central
Oregonian

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT #

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # 132025

RECEIVED FROM: <u>William Smith</u>	APPLICATION
BY: <u>properties</u>	PERMIT
	TRANSFER <u>7488</u>

CASH: CHECK: # 2432 OTHER: (IDENTIFY)

TOTAL REC'D \$ 3432.00

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS	\$
831.087	PUBLICATIONS / MAPS	\$
830.650	PARKING FEES Name / month	\$
	OTHER: (IDENTIFY)	\$

REDUCTION OF EXPENSE

CASH ACCT.	\$
COST CENTER AND OBJECT CLASS	VOUCHER #

03-00-0 WRD OPERATING ACCT

840.001	MISCELLANEOUS COPY FEES	\$
850.200	RESEARCH FEES	\$
880.109	MISC REVENUE: (IDENTIFY)	\$
520.000	OTHER (P-6) (IDENTIFY)	\$

**RECEIVED
OVER THE COUNTER**

842.001	WATER RIGHTS: SURFACE WATER	EXAM FEE \$	842.002	RECORD FEE \$
842.003	GROUND WATER	\$	842.004	\$
842.005	TRANSFER	\$ <u>50.00</u>	842.006	\$ <u>53.00</u>
842.022	WELL CONSTRUCTION WELL DRILL CONSTRUCTOR	EXAM FEE \$	842.023	LICENSE FEE \$
	LANDOWNER'S PERMIT		842.024	\$

842.008

OTHER (IDENTIFY) 427-7-06230001 publication dep 240.00

06-00-0 WELL CONST. START FEE

842.013	WELL CONST START FEE	\$	CARD #
	MONITORING WELLS	\$	CARD #
	OTHER (IDENTIFY)		

45-00-0 LOTTERY PROCEEDS

864.000	LOTTERY PROCEEDS	\$
---------	------------------	----

07-00-0 HYDRO ACTIVITY

842.011	POWER LICENSE FEE (FWWRD)	LIC NUMBER	\$
842.115	HYDRO LICENSE FEE (FWWRD)		\$
	HYDRO APPLICATION		\$

RECEIPT # 132025 DATED: 2-2-96 BY: J. L. Lister

COPY

RECEIVED

State of Oregon
WATER RESOURCES DEPARTMENT
APPLICATION FOR TRANSFER OF WATER RIGHT

FEB 2 1996

WATER RESOURCES DEPT.
SALEM, OREGON

Applicant: Wallace A. & M. Elaine Gervais
Mailing Address: 1395 Lynn Blvd
Prineville OR 97754 447-3746
City or town State Zip Phone
Type of change: Point of Diversion and Place of Use
(In point of diversion: place of use; use heretofore made of the water)

1. WATER RIGHT

- A) Is the water right in your name? No If not, list name below:
H. J. Lau
(Yes, No)
- B) Was the water right determined by a court decree? No
(Yes, No)
 - 1. If yes, list the title of the proceedings: _____
 - 2. Certificate No: _____
- C) Was the water right acquired by a water permit? Yes
(Yes, No)
 - 1. If yes, list the Permit No: 17836
 - 2. Certificate No: 17366
- D) Date of priority right: June 30, 1947
- E) What are your reasons for the proposed changes? Housing development. It will no longer be farmed
- F) The water will be completely applied to the proposed use on or before: Oct 1, 1994

2. LOCATION OF AUTHORIZED USE

- A) What is the source of water (river, stream, well)? Crooked River

B) Describe the authorized point of diversion:

Location in Reference to Survey Corner	1/4, 1/4 of Section	Section	Township	Range
<u>650'S E 1350' W from E 1/4 cor, Sec 6</u>	<u>NW 1/4 SE 1/4</u>	<u>6</u>	<u>15S</u>	<u>16E</u>

- C) What is the name of the ditch used? NA
- D) What is the use to which the water is applied? irrigation

E) Give the location of the authorized area irrigated or place of use other than for irrigation:

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
<u>15S</u>	<u>16E</u>	<u>6</u>	<u>SE 1/4 NW 1/4</u>	<u>0.8</u>
		<u>6</u>	<u>SW 1/4 NE 1/4</u>	<u>25.0</u>
		<u>6</u>	<u>NW 1/4 SE 1/4</u>	<u>1.2</u>

- F) Is the land within an irrigation district? Yes ___ No X
If Yes, which district? It is located in Ochoco Irr. Dist. service area but not part of O.I.P. rights.
- G) County Crook

3. LOCATION OF PROPOSED USE:

NOTE: Answer question A only if the application is for a change in the point of diversion.

A) Describe the proposed point of diversion:

Location in Reference to Survey Corner	1/4, 1/4 of Section	Section	Township	Range
<u>400' N E 2350' W from E 1/4 cor sec 6</u>	<u>SW 1/4 NE 1/4</u>	<u>6</u>	<u>15S</u>	<u>16E</u>
<u>300' S E 470' E from N 1/4 cor sec 1</u>	<u>L2 (NW 1/4 NE 1/4)</u>	<u>1</u>	<u>16S</u>	<u>16E</u>

Gervais
White
Dier

T-7488

NOTE: Answer questions B, C, D, and E only if the application is for a change in use or place of use.

B) Are the lands from which you propose to transfer your water right free of all encumbrances? No
(Yes, No)

C) If no, give the description below of existing encumbrances:

Encumbrance	Held by	Amount
Mortgage	U.S. Bank	\$390,000

D) What is the use to which the water will be applied? _____

E) Give the proposed location of the area irrigated, or place of use if other than for irrigation:

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
15S	16E	6	SW 1/4 NE 1/4	8 1/2
15S	15E	24	NE 1/4 SE 1/4	10 1/2
15S	15E	24	NW 1/4 SE 1/4	5 1/2

4. EXHIBITS

The following exhibits shall be attached to and made part of the application:

- A) A map prepared by a Certified Water Right Examiner showing the location of the present and proposed points of diversion, the authorized and proposed places of use and, if any, lands from the existing right that would not be subject to transfer.
- B) A copy of the current recorded deed to the subject lands.
- C) Affidavits from any other landowners or encumbrance holders with interest in the original water right stating that they have no objection to the proposed transfer.
- D) Evidence that the water has been used within the last five years.

5. NAME AND ADDRESS OF RECEIVING LANDOWNER(S) IF OTHER THAN APPLICANT:

8 1/2 acres back to us, the 10 1/2 to: White Deer Ranch, Co J. Freedman & Co, 155W Colorado Ave, Bend, OR 97702

6. REMARKS: 2 1/2 acres in SW 1/4 NE 1/4 not valid due to streets and buildings. Therefore this transfer relocates only 3 1/2 acres. The remaining 2 1/2 acres to be cancelled. (The other 8 1/2 acres are included in City of Prineville transfer attached)

I (we) Wallace A. & M. Elaine Gervais, applicant(s), hereby swear that I (we) have read the above application for transfer of water right and that the statements made are true and correct. Dated and signed this 28th day of April, 1993.

Wallace A. Gervais
(Signature)
M. Elaine Gervais
(Signature)

Subscribed and sworn to before me

Bruce A. [Signature]
Notary Public for Oregon

(Notarial Seal)

My commission expires: Nov 28, 1993

APPLICATION FOR TRANSFER OF WATER RIGHTS

Applicant: City of Prineville
 Mailing Address: 400 East 3rd St.
Prineville OR 97754
City or town State Zip Phone
 Type of change: Point of Diversion and Place of Use
(In point of diversion; place of use; use heretofore made of the water)

1. WATER RIGHT

A) Is the water right in your name? No If not, list name below:
(Yes, No)
H. J. Lau

B) Was the water right determined by a court decree? No
(Yes, No)

1. If yes, list the title of the proceedings: _____
 2. Certificate No: _____

Was the water right acquired by a water permit? Yes
(Yes, No)

1. If yes, list the Permit No: 17836
 2. Certificate No: 17366

C) Date of priority right: June 30, 1947

D) What are your reasons for the proposed changes? Water right not necessary for golf course operation

F) The water will be completely applied to the proposed use on or before: Oct 1, 1995

2. LOCATION OF AUTHORIZED USE

A) What is the source of water (river, stream, well)? Crooked River

B) Describe the authorized point of diversion:

Location in Reference to Survey Corner	1/4, 1/4 of Section	Section	Township	Range
650'S & 1350' W from E 1/4 cor, sec 6	NW 1/4 SE 1/4	6	15S	16E

C) What is the name of the ditch used? NA

D) What is the use to which the water is applied? irrigation

E) Give the location of the authorized area irrigated or place of use other than for irrigation:

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
15S	16 E	6	NW 1/4 SE 1/4	80

F) Is the land within an irrigation district? Yes _____ No X
 If Yes, which district? Located in Ochoco I.D. service area, but not O.I.D. rights

G) County Crook T-7488

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NOTE: Answer questions B, C, D, and E only if the application is for a change in use or place of use.

B) Are the lands from which you propose to transfer your water right free of all encumbrances? YES
(Yes, No)

C) If no, give the description below of existing encumbrances:

Encumbrance	Held by	Amount

D) What is the use to which the water will be applied? irrigation

E) Give the proposed location of the area irrigated, or place of use if other than for irrigation:

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
15S	15E	24	NE 1/4 SE 1/4	40
		24	NW 1/4 SE 1/4	40

4. EXHIBITS

The following exhibits shall be attached to and made part of the application:

- A) A map prepared by a Certified Water Right Examiner showing the location of the present and proposed points of diversion, the authorized and proposed places of use and, if any, lands from the existing right that would not be subject to transfer.
- B) A copy of the current recorded deed to the subject lands.
- C) Affidavits from any other landowners or encumbrance holders with interest in the original water right stating that they have no objection to the proposed transfer.
- D) Evidence that the water has been used within the last five years.

5. NAME AND ADDRESS OF RECEIVING LANDOWNER(S) IF OTHER THAN APPLICANT:

White Deer Ranch
56 J. Freedman & Co.
15 SW Colorado Ave.
Bend, OR 97702

6. REMARKS:

I (we) Bob Schmoor for the City of Prineville, applicant(s), hereby swear that I (we) have read the above application for transfer of water right and that the statements made are true and correct. Dated and signed this 28th day of March, 1995.



Patricia J. Hepperle - NOTARY
(Signature)

Bob Schmoor
(Signature)

EXHIBIT "A"
William Smith Properties, Inc.
to
City of Prineville

TRACT I:

IN TOWNSHIP 15 SOUTH, RANGE 16 EAST OF THE WILLAMETTE MERIDIAN:

Section 6: Beginning at a point 1237.5 feet East and 1151 feet, more or less, South of the Northwest corner of Section 6, which said point is on the South side of Second Street, Prineville, Oregon, extended, and at a point on the 1/16 line running North and South through the West half of said Section 6, thence East 280 feet, more or less, to a point which is the Northwest corner of Johnson's Subdivision, as platted in Crook County, Oregon; thence South 37 feet, thence South 35°35' East 250 feet, thence South 70°30' East 200 feet, thence East 786 feet, thence North 106 feet, thence East 160 feet, thence North 80 feet, thence East 536 feet, thence South 30 feet, thence East 80 feet to a point on the West line of a tract of land deeded to Harold Gray and wife by deed recorded in Book 55 of Deeds at page 189, Records of Crook County, Oregon, thence South 19 feet to the Southwest corner of said tract deeded to Harold Gray and wife, thence East 93 feet, thence North 163 feet to a point on the South line of West Second Street, thence East 81 feet, thence South 175 feet, thence East 230 feet, more or less, to a point on the West line of Riverside Addition produced to the North, according to the official plat thereof on file and of record in the office of the County Clerk for Crook County, Oregon, thence South along the said West line 2298.4 feet, more or less, to the Southwest corner of a tract of land deeded to H. H. Schmitt by deed recorded in Book 63 of Deeds at page 181, Records of Crook County, Oregon, thence East .774.62 feet to the Southeast corner of said tract, thence South 1798.5 feet, more or less, to the South line of said Section 6, thence West along the said South line of said Section 6 for 1240 feet, more or less, to the Southeast corner of Second Crestview Subdivision, according to the official plat thereof on file and of record in the office of the County Clerk for Crook County, Oregon, thence North 533 feet, thence North 62°02' West 340.5 feet, thence North 86°51' West 287.2 feet, thence North 81°08' West 269.7 feet, thence North 85°13' West 416.9 feet, thence North 86°03' West 419.3 feet to the Northwest corner of said subdivision, thence North 52°40' West 279 feet to a point on the East boundary line of Bowen's Subdivision, according to the official plat thereof on file and of record in the office of the County Clerk for Crook County, Oregon, thence North 1°35' West along the

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SALEM, OREGON

said East line for 1600 feet, more or less, to the Northeast corner of said subdivision, thence West 247.5 feet, more or less, to a point on the 1/16 line running North and South through the West half of said Section 6, thence North 1524 feet, more or less, to the point of beginning.

EXCEPTING a certain right of way for road purposes over a strip of land 100 feet in width, said strip being 50 feet in width on either side of a center line described as follows: Beginning at a point on the North line of the Southwest quarter of Section 6, which point is 1465 feet East of the West quarter corner of said Section 6, and running thence North 38° West 360 feet, more or less, to a point on the East right-of-way line of the State Highway, as now located and constructed.

ALSO EXCEPTING all that portion of the tract of land above described in Section 6, Twp. 15 S., R. 16 E.W.M. lying Northeasterly of the thread of the Crooked River.

TRACT II:

IN TOWNSHIP 15 SOUTH, RANGE 16 EAST OF THE WILLAMETTE MERIDIAN:

Section 6: Beginning at the Southeast corner of Section 6, thence West 547.8 feet, more or less, to the Southeast corner of a tract deeded to C. J. Johnson, thence North 1798.5 feet, thence West 277.2 feet, more or less, to the East line of a tract of land deeded to J. E. Stewart, thence North to a point due West of the Southwest corner of Block 14 of Oregon and Western Addition to Prineville, Oregon, said point being 58.7 feet South, more or less, from the East and West center line of said Section 6, thence East 825 feet to the East line of said Section 6, thence South along said East line to the point of beginning.

EXCEPTING THEREFROM tracts of land heretofore conveyed as recorded in Book 60 of Deeds at page 547, Book 62 of Deeds at page 297, Book 63 of Deeds at pages 333 and 334, Book 65 of Deeds at page 447, Book 66 of Deeds at page 562, and Book 62 of Deeds at page 458 Records of Crook County, Oregon.

EXCEPTING FROM the lands herein described, the following:

1. The interest of Prineville Irrigation Company and successors acquired by Easement granted by Decree entered into in Case No. 438 in the Circuit Court of the State of Oregon for Crook County.
2. PARCEL TWO (2) of PARTITION PLAT NO. 90-13 recorded August 15, 1990 as Microfilm No. 96325, records of Crook County, Oregon.

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WATER RESOURCES DEPT.
SALEM, OREGON

Land Use Information Form: Water Right Transfers, Use of Conserved Water, Exchanges

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the request for water use. **DO NOT FILL OUT THIS FORM IF:** 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) you are applying for a water right transfer involving: a) a change in the place of use with no structural changes, and b) irrigation uses located in irrigation districts or exclusive farm use zones.

Applicant's Name: City of Prineville (Henry Hartly, manager)
 Address: 400 E 3rd St.
 City: Prineville State: OR Zip: 97754
 Phone: 447-5627 WRD Application No.: _____

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (Attach extra sheets as necessary.) Applicants for municipal use may substitute existing and proposed service area boundaries for the tax lot information requested below.

correct N 1/2 site SE 1/4 Deer Ranch

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Used
<u>NW 1/4 Sec 17, T15S, R16E, W1M</u>			X	X
<u>SE 1/4 Sec 13 & NE 1/4 Sec 29 & SE 1/4 Sec 29, T15S, R15E</u>			X	X

The following section must be completed by all local planning departments responsible for the property(ies) listed above. Please ask the Department for extra forms, as needed.

For Local Government Use Only

Local government planning officials are to complete the remainder of this form and return it to the applicant for inclusion in the application.

a) Check the appropriate box below and provide requested information.

WATER RESOURCES DEPT. SALEM, OREGON

Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 3.020(1)(a) Ord. 18. Go to section 'b) on reverse side.

Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. **Note:** Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus any accompanying findings is sufficient.)

Type of Land Use Approvals Needed (e.g.: plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Please check the box that applies:		
		Already Obtained	Already Denied	Being Pursued Satisfactorily

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Description of Water Use

Note to Applicant: This sheet will provide local planning staff with a basic description of your proposed water use. Please fill out this sheet before bringing the attached land use form to your local planning office. It will help local planning offices complete your land use information form quickly.

Note to Local Planning Officials: Please initial this sheet. Do not separate it from the land use information form. If needed, please make a separate copy for your records.

Applicant Name: City of Prineville (Henry Hartley, Manager)
 Address: 400 E 3rd St.
Prineville, OR 97754
 Phone: 447-5627

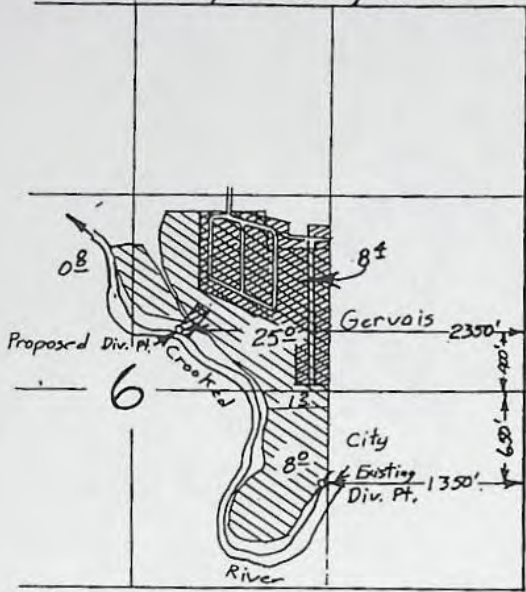
Please indicate what you will use the water for. Check all boxes that apply and fill in the blanks with key characteristics of the project


- Irrigation (crop type, golf course, nursery or greenhouse): _____
- Livestock (type of livestock, feedlot, slaughterhouse): _____
- Residential (# units, single or multi-family, # lots if partition or subdivision): _____
- Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): _____
- Industrial (i.e., factory, pulp mill, research and development, processing, etc.): _____
- Institutional (i.e., school, library, etc.): _____
- Mining (aggregate, metal, open pit, placer, etc.): _____
- Recreation (park, campsite, pond, etc.): _____
- Fish and Wildlife (pond, hatchery, etc.): _____
- Hydropower (dam, reservoir, power generating or transmitting facilities): _____
- Other (Name and list key characteristics): _____

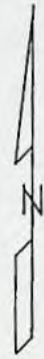
Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
<input checked="" type="checkbox"/> Surface Water Name sources: <u>Crooked River &</u> <u>Prineville Res</u>	<u>3.608</u> Cubic feet per second. _____ Gallons per minute. _____ Acre-Feet
<input checked="" type="checkbox"/> Reservoir or pond	<u>2.733 cfs C-52183 & C-68327</u> <u>0.875 cfs C-17366</u> <u>3.608</u>
<input type="checkbox"/> Ground Water	

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 WATER RESOURCES DEPT.
 SALEM, OREGON

T. 15 S., R. 16 E., W.M.



FROM 
C-17366



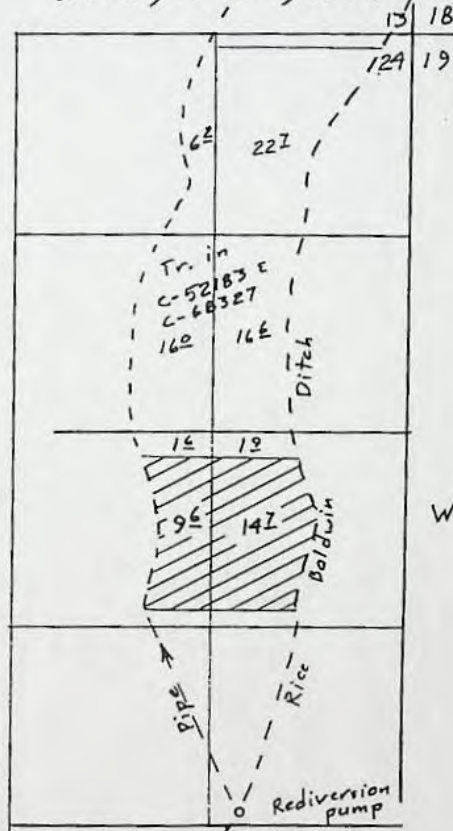
Scale 1" = 1320'

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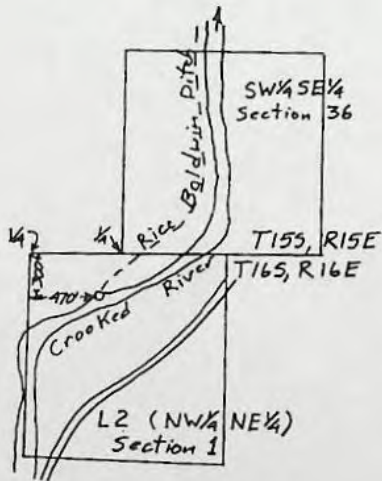
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WATER RESOURCES DEPT.
SALEM, OREGON

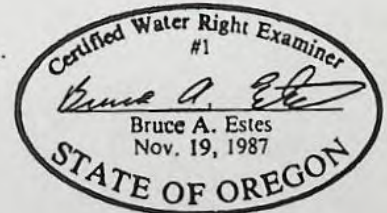
T. 15 S., R. 15 E., W.M.



White Deer Ranch



TO 



Transfer Application Map
for

WALLACE GERVAIS
CITY OF PRINEVILLE

T-7488

This map is for the purpose of
locating a water right only
and has no intent to provide
legal dimensions or the location
of property lines.

ESTES SURVEYS

6293 Sunnyview Rd. NE 60382 Arnold Rd.
Salem, OR 97305 Bend, OR 97702
(503) 585-7593 (503) 382-7391

Wallace A & M. Elaine Gervais &

7488

City of Prineville = 400 East 3rd St.

1395 Lynn Blvd
Prineville, OR 97754

DESCRIPTION OF WATER RIGHT

Name of stream Crooked River

Trib. of Deschutes River County of Crook

Use irrigation

Quantity of water _____ No. of acres _____

Name of ditch _____

Date of priority June 30, 1947

In name of _____

_____ Adjudication, Vol. _____, page _____

App. No. 22677 Per. No. 17836 Cert. No. 17366

Certificate cancelled _____

Notation made on record by _____

JMPB

TPE

REMARKS

in POD, POW

ed 2-2-96

hearing _____

f hearing _____

order _____ Vol. _____, page _____

r application of water _____

ailed _____

ceived _____

ate issued _____ Vol. _____, page _____

FEES PAID

Date	Amount	Receipt No.
<u>2-2-96</u>	<u>343⁰⁰</u>	<u>132025</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

me Wallace A & M. Elaine Gervais &

7488 BEND OFFICE

City of Prineville = 400 East 3rd St.

1395 Lynn Blvd
Prineville, OR 97754

DESCRIPTION OF WATER RIGHT

Name of stream Crooked River

Trib. of Deschutes River County of Crook

Use irrigation

Quantity of water No. of acres

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In name of

Adjudication, Vol., page

App. No. 22677 Per. No. 17836 Cert. No. 17366

Certificate cancelled

Notation made on record by

JMB

TPE

REMARKS

10 ID / Bruce Estes CWRE #1

FEEES PAID

Date	Amount	Receipt No.
2-2-96	343 ⁰⁰	132025
TOTAL . . .		
	Cert. Fee	

FEEES REFUNDED

Date	Amount	Check No.

RECEIVED

JUL 18 1997

WATER RESOURCES DEPT.
SALEM, OREGON

M. Elaine Gervais, Trustee
217 SW Meadowlakes Dr.
Prineville, OR 97754

T-7488

M. Elaine Gervais, Trustee
217 SW Meadowlakes Dr.
Prineville, OR 97754

T-7488

Oregon

WATER RESOURCES
DEPARTMENT

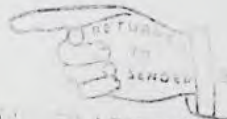
Commerce Building
158 12th Street NE
Salem, OR 97310-0210

Address Service Requested

Wallace A. & M. Elaine Gervais
1395 Lynn Blvd.
Prineville, Oregon 97754

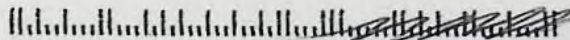
PRESORTED
FIRST CLASS



 RETURN TO SENDER

UNDELIVERED LEFT NO ADDRESS
 EXPIRED ORDER EXPIRED
 UNKNOWN ADDRESSEE NOT KNOWN
 UNCLAIMED REFUSED
 NO SUCH STREET
 NO SUCH NUMBER
 INSUFFICIENT ADDRESS

~~AUTO 97754~~





Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

March 4, 1999

Wallace A. & M. Elaine Gervais
1395 Lynn Blvd.
Prineville, Oregon 97754

City of Prineville
400 East 3rd Street
Prineville, Oregon 97754

REFERENCE: File T-7488

Enclosed is a copy of the order approving your water right transfer application T-7488.

A time to complete the transfer is given in the order. A form for reporting early completion is available upon request.

YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT. The water right for any portion of the authorized change in use or change in place of use NOT carried out within the time allowed will be lost.

An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change within the time allowed.

You have the requirement to hire a Certified Water Right Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this department within one year of the date you completed the change or within one year of the completion date authorized in the transfer, whichever occurs first. A list of CWRE's is enclosed.

Sincerely,

Hannah Wood

for LARRY H. NUNN
Water Rights Specialist

LHN:hw

Enclosures

cc: Kyle Gorman, Watermaster 11
Bruce A. Estes, CWRE

STATE OF OREGON

COUNTY OF CROOK

ORDER APPROVING CHANGES IN PLACE OF USE, POINTS OF DIVERSION
AND CANCELING A PORTION OF THE WATER RIGHT

Pursuant to ORS 540.510 to 540.530, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 7488 submitted by

WALLACE A. AND M. ELAINE GERVAIS
1395 LYNN BLVD
PRINEVILLE, OREGON 97754

CITY OF PRINEVILLE
400 EAST 3RD STREET.
PRINEVILLE, OREGON 97754

The right to be modified, as evidenced by a portion of Certificate 17366, was perfected under Permit 17836 with a date of priority of JUNE 30, 1947. The right allows the use of the CROOKED RIVER, a tributary of the DESCHUTES RIVER, for IRRIGATION of 32.7 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.41 cubic foot per second, if available at the authorized point of diversion: NW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 6, T 15 S, R 16 E, WM.; 650 FEET SOUTH AND 1350 WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 6, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation, together with the amount secured under an other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4.0 acre-feet for each acre irrigated during the irrigation season of each year.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is located as follows:

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 25.0 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 0.8 ACRE
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 6.9 ACRES
SECTION 6
TOWNSHIP 15 SOUTH, RANGE 16 EAST, W.M.

The right to use the water for the above purpose is restricted to beneficial use on the lands or place of use described

The applicant proposes to change the place of use for a portion of these rights to:

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 8.4 ACRES
SECTION 6
TOWNSHIP 15 SOUTH, RANGE 16 EAST, W.M.

and the diversion point for these acres to:

SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 6, T 15 S, R 16 E., WM.; 400 FEET NORTH AND 2350 FEET WEST FROM THE E $\frac{1}{4}$ CORNER, SECTION 6.

The applicant proposes to change the place of use for the remainder of these rights to:

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 14.7 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 9.6 ACRES
SECTION 24
TOWNSHIP 15 SOUTH, RANGE 15 EAST, W.M.

and the point of diversion for these acres to:

LOT 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$), SECTION 1, T16S, R16E, W.M.; 300 FEET SOUTH AND 470 FEET EAST FROM THE NORTH $\frac{1}{4}$ CORNER OF SECTION 1.

An affidavit, as part of the water right transfer application, was received from Wallace A. and M. Elaine Gervais, the owners of certain land and the water right appurtenant to it. The water right has been abandoned and is requested to be canceled.

The abandoned water right is a portion of the right described by Certificate 17366, State Record of Water Certificates. The abandoned water right is for the use of 0.03 cubic foot per second of water from the Crooked River, a tributary of the Deschutes River. The date of priority is June 30, 1947. The abandoned water right is for irrigation of 2.3 acres.

A description of the place of use of the abandoned right is as follows:

NW¼ SE¼ 2.3 ACRES
SECTION 6
TOWNSHIP 15 SOUTH, RANGE 15 EAST, W.M.

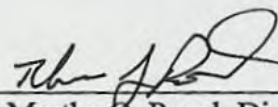
ORS 540.621 provides: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Commission that the water right has been abandoned by the owner and that the owner desires cancellation thereof, the commission shall enter an order canceling the water right."

THESE CHANGES TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed change shall be completed on or before October 1, 2000.
2. The quantity of water diverted at the new points of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.
3. When required by the Department, the water user shall install and maintain headgates, in-line flow meters, weirs, or other suitable devices for measuring and recording the quantity of water diverted. The types and plans of the headgates and measuring devices must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
4. Water shall be acquired from the same surface water source as the original point of diversion.
5. The former place of use shall no longer be irrigated as a part of this water right.

The portion of the water right requested to be canceled is canceled. Certificate 17366 is canceled. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources Director, affixed _____ FEB 26 1999


for Martha O. Pagel, Director

Under the provisions of OAR 137-004-0080, the applicant may petition for reconsideration of this order. The petition shall set forth specific grounds for reconsideration. The petition for reconsideration must be filed within 60 days after the date this order is served.