

T-10503

T-10503

Name Eric Vetterlein

Address 1100 SW Sixth Ave #1200
Portland, OR 97204
503 226-1371 503 226-3574 Fax

Change in POA POA
Date Filed 12/10/07
Initial notice date 12/25/2007
DPD issued date _____
PD issued date _____
PD notice date _____
Date of FO 12-17-09 Vol 79 Page 381

C-Date _____
COBU due date _____
COBU Received date _____
Certificate issued _____
85977

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Well
Trib. of Deep Canyon
Use _____ County Deschutes
Quantity of water (CFS) _____ No. of Acres _____
Name of ditch _____
App # G 9587 Per # G 8846 Cert # 61097 PR Date 1980
App # _____ Per # _____ Cert # _____ PR Date _____
App # _____ Per # _____ Cert # _____ PR Date _____
App # _____ Per # _____ Cert # _____ PR Date _____

FEES PAID
Date 12-17-07 Amount 800.00 Receipt # 90967

FEES REFUNDED
Date _____ Amount _____ Receipt# _____

Assignments: _____

Irrigation District Three Sisters Irrigation District To be Done w/ T-10502
PO Box 2230 Sisters, OR 97759
Agent N/A

CWRE Michele Sims # 60068
CC's list Deschutes County Community Development Dept. 117 NW Lafayette Ave, Bend
OR 97701
RID: Gayle Walker 69439 Hinkle Butte Drive Sisters OR 97759
 - Oversized map - Location



Oregon

Theodore R. Kulongoski, Governor

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

December 21, 2009

DESERT SPRINGS RANCH LIMITED PARTNERSHIP
ERIC VETTERLEIN
1100 SW SIXTH AVENUE # 1200
PORTLAND OR 97204

REFERENCE: Transfer Application T-10503

Enclosed is a copy of the final order approving your water right transfer application.

The time allowed to complete the transfer is specified in the final order. YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT. The water right for any portion of the authorized change in character of 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(s) within the time allowed.

You are required to hire a Certified Water Rights 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 complete the change(s) or within one year of the completion date authorized in the transfer final order, whichever occurs first.

If you have any questions related to the approval of this transfer, you may contact me by telephone at (503) 986-0883 or by e-mail at Sarah.A.Henderson@wrд.state.or.us.

Sincerely,

Sarah Henderson
Executive Support
Field Services Division

cc: Watermaster Dist. #11
Michele Sims, Agent
Gayle Walker
Three Sisters Irrigation District

Enclosure

acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: A WELL within the DEEP CANYON BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
15 S	11 E	WM	19	SW SW	1200 FEET NORTH AND 450 FEET EAST FROM THE SW CORNER OF SECTION 19

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
15 S	11 E	WM	19	SW SW	4	2.0

- Transfer Application T-10503 proposes to move the authorized point of appropriation approximately 5 miles from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
14 S	10 E	WM	36	SW NE	429 FEET NORTH AND 65 FEET EAST FROM THE CENTER CORNER OF SECTION 36

- Transfer Application T-10503 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	10 E	WM	36	SW NE	2.0

- Gayle Walker is the receiving landowner and will be responsible for completion of the proposed changes after the final order is issued.
- Notice of the application for transfer was published on December 25, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- On May 19, 2009, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10502 to the applicant. The cover letter that accompanied the draft Preliminary Determination set forth a deadline of June 22, 2009, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer. On August 6, 2009, the Department issued a Preliminary Determination proposing to approve Transfer Application T-10503 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on August 11, 2009, and in The Bulletin newspaper on September 16, 23 and 30, 2009, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
- This transfer application is being processed concurrently with transfer applications T-10502, T-10791 and T-10806 which all propose changes to Certificate 61097.

Transfer Review Criteria (OAR 690-380-4010)

10. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
11. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-10503.
12. The proposed change would not result in enlargement of the right.
13. The proposed change would not result in injury to other water rights.

Conclusions of Law

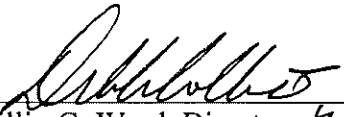
The change in point of appropriation and change in place of use proposed in Transfer Application T-10503 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore it is ORDERED:

1. The change in point of appropriation and change in place of use proposed in Transfer Application T-10503 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 61097 and any related decree.
3. Water right certificate 61097 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer or Transfer Applications T-10502, T-10791 and T-10806.
4. The quantity of water diverted at the new point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
5. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation.
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
7. The former place of use of the transferred right shall no longer receive water under the right.
8. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2011**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
9. When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 17th day of December 2009.



Phillip C. Ward, Director *rw*

Mailing date: DEC 22 2009

Water Right Transfer Checklist

Vern/Sue

Transfer T-10503

Transfer Specialist: Kody Thurgood, SCR Drawer

Transfer Type: Regular

Applicant Name/Address: Eric Vetterlein, 1100 SW Sixth Ave, #1200, Portland, OR 97204

Agent Name/Address: None

CWRE Name/Number: Michele Sims #60068

Rec Landowner Name/Address: Gayle Walker, 69439 Hinkle Butte Drive, Sisters, OR 97759

Irr. District Name/Address: Three Sisters Irrigation District PO Box 2230 Sisters, OR 97759

Affected Gov'ts Name/Address: Deschutes County Community Development Department, 117 NW Lafayette ave, Bend, OR 97701

Commentors: Name/Address: None

Water Rights Affected

Records Marked	Records Copied	App File No. or Decree Name	Permit No.	Certificate No.	RR/CR Needed	RR/CR Nos.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>G 9587</u>	<u>G 8846</u>	<u>61097</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>To be issued</u>
<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

with T-10503, T-10608, T-10709, T-10806 + T-10914

Key Dates & Initial Actions

Rec'd: <u>12/10/2007</u>	Proposed Action(s): POU POD HST APOD USE OTHER: POU, POA	
Fees Pd: <u>800.00</u>	WM District: <u>11</u>	ODFW District: <u>None</u>
Initial Notice: <u>12/25/2007</u>	WM Review sent: <u>12/28/2007</u>	ODFW Review sent: <u>None</u>
Acknowledgement Letter Sent <input checked="" type="checkbox"/>	GW Review sent: <u>12/28/2007</u>	

Processing Dates & Actions

Deficiency Contacts: _____

Newspaper Pub Affid Due: _____

not required

DPD Mailed: _____

Affid of Pub Rec'd: _____

ODFW contact sheet sent with DPD, or N/A

Last Day Published: _____

PD Mailed: _____

Affidavit Reminder Sent: _____

PD Weekly Notice: _____

Reminder Deadline: _____

Preliminary Determination

- Electronic Files uploaded
- PD Cover letter
- PD Notice
- File Assigned/ ModPod updated

- Preliminary Determination
- Fee Refund Due
- Remaining Rights

DPD Review (Optional)	PD Review (Salem)	Final Order Review (Salem)
Reviewer: _____	Reviewer: <u>[Signature]</u>	Reviewer: _____
Date: _____	Date: _____	Date: _____
Coordinator: _____	Coordinator: <u>DSP</u>	Coordinator: <u>DSP</u>
Date: _____	Date: <u>8/4/09</u>	Date: <u>12/16/09</u>
Comments/Special Issues:		

Special Order Volume: Vol 79 Pages 381

Final Order Signature Date: 12-17-09

Notice of FO email'd to processors Susan

Application

- The type of change is clearly indicated.
- The application is appropriately signed.
- Appropriate fees were paid. If overpayment, Refund Request to be sent with FO
- Land use form matches affected tax lots and is signed by proper official. *(from ALL affected Govt's)*
- Ditch company, district and/or BOR, sent a copy of the application and map, if appropriate.
- All required attachments received.

Water right subject to transfer

- Certificated right or Proof accepted "to the satisfaction..."
- The right been exercised according to terms & conditions of certificate.
- Delivery system has the capacity to fully divert the rate/duty of the right.
- No information in record that suggests forfeiture.
- No conflicts identified on the plat cards and plat card reports printed.
- Affidavits prepared for rights that need to be canceled or diminished.

Application Map

- The map has an original CWRE signature.
- The map size and scale accurate and appropriate per OAR 690-380-3100(1)(b)(c)&(d).
- All authorized and proposed POD's/POA's and POU's shown and clearly labeled.
- Metes and bounds for the POD's/POA's are properly described on the map.
- The POD/POA dimensions & 1/4 1/4 on map match the transfer application and certificate descriptions.
- Map acres match the tabulation on the certificate.
- Have final proof maps/decree maps for the rights. Application map matches certificate FPS.
- Have necessary aerial photos.

Determining the "From" and "To" Lands (make working copy of application and certificates to mark on)

- Only the authorized POD's/POA's and POU's to be transferred are listed.
- Application & certificate tabulations match. *(Mark on appl. and cert. copies and note corrections needed)*
- Marked on certificate the acreage being transferred, cancelled and remaining by 1/4 1/4.

Ownership

- The deed/ROLI matches the "from" lands. (Don't need to check "to" lands.)
- Have current tax lot map. *(If transfer application is several years old, contact assessor's office)*
- The applicant is the owner of the "from" lands.
- All owners on the deed/ROLI have signed the application.
- If necessary, there is a notarized, signed statement of consent from landowners other than applicant.
- If necessary, there is a copy of written notification to each lien holder identified on ROLI.
- Agent has authorization to make decisions.

Evaluation (materials needed for peer reviewer in bold)

- application complete map FPS evidence of use land-use form
- deed/ROLI certificate fees paid well logs plat card
- audit dpd

Reviews/comments/conditions received? Watermaster ODFW GW

Headgate When in the judgment Prior to diverting Existing and maintain

Measuring Devices When in the judgment Prior to diverting Existing and maintain

Fish Screen Devices

Injury: Y N Enlargement: Y N

Conditions to avoid enlargement/injury -



Oregon

Theodore R. Kulongoski, Governor

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

INTEROFFICE MEMO

FORWARD TO:  Kelly Starnes DATE: 9/3/2008

FIELD PROCESSOR WORKING ON THIS TRANSFER

FROM: _____ WATERMASTER, DISTRICT # _____
X _____ GROUNDWATER SECTION

(SIGNATURE) K. Lite date signed 9/3/2008
signed by injury reviewer

SUBJECT: WATER RIGHT TRANSFER # 10503

A change in: POU POD POA USE of water.

In the name(s) of Eric Vetterlein (Desert Springs Ranch)

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

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) _____

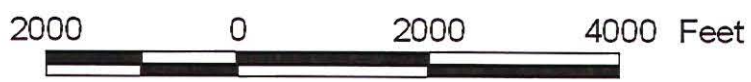
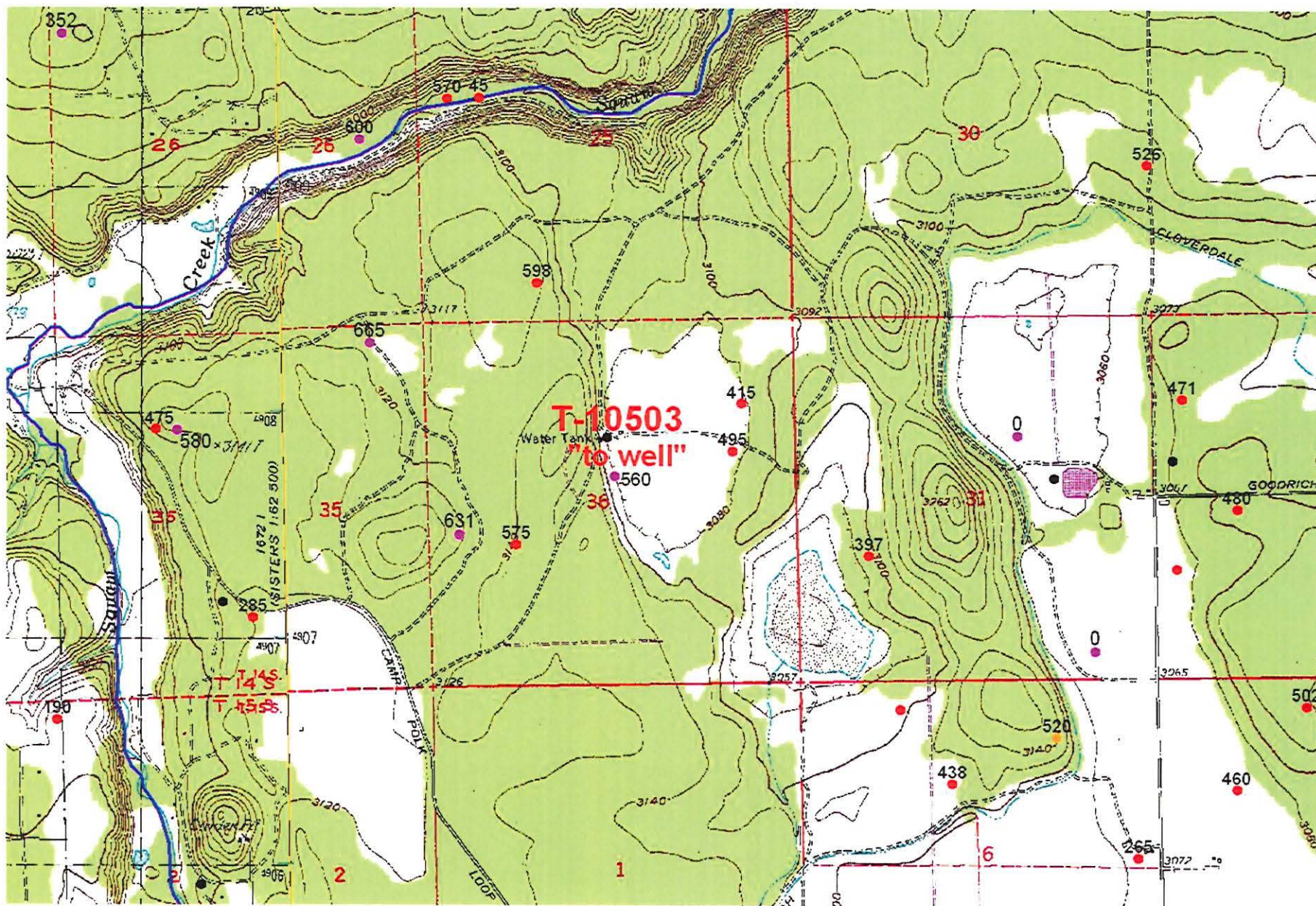
In my opinion, the order approving the subject transfer application should include the following in regard to the appropriator installing suitable measuring devices in the diversion works:

_____ (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.

T-10503: Henkle Butte and Sisters Quadrangles



Scry



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

Watermaster Review Form: Water Right Transfer

Transfer Application: T-10503

Review Due Date: 1/26/2008

Applicant Name: Eric Vetterlein

Proposed Changes: POU POD POA USE OTHER

Reviewer(s): Giffin

Date of Review: Jan. 2, 2008

1. Do you have information suggesting that the water rights may be subject to forfeiture?
 Yes No If "Yes", describe the information and indicate if you intend to file a cancellation affidavit or if you need additional time to determine if a cancellation affidavit should be filed: _____
2. Is there a history of regulation on the source that serves the right proposed for transfer that has involved the right and downstream water rights? Yes No Generally characterize the frequency of any regulation or explain why regulation has not occurred: _____
3. Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the right? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most: _____
4. Are there upstream water rights that would be affected by the proposed change?
 Yes No If "Yes", describe how the rights would be affected and list the rights most affected: _____
5. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses: _____
6. Would distribution of water for the right after the proposed change result in regulation of other water rights that would not have occurred if use of the existing right was maximized?
 Yes No If "Yes", explain: _____
7. For POU changes, would the original place of use continue to receive water from the same source? Yes No N/A If "Yes", explain: _____
8. For POU or USE changes, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste? Yes No
If "Yes", explain: _____
9. Are there other issues not identified through the above questions? Yes No If "Yes", explain: Groundwater department will need to determine if the new well takes water from the same source (aquifer).

RECEIVED

JAN 07 2008

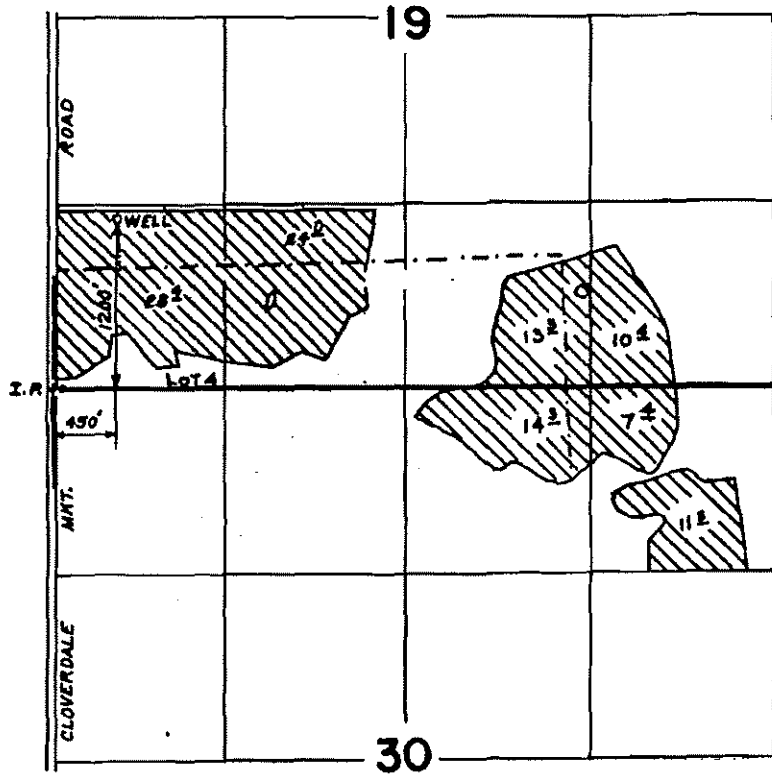
**WATER RESOURCES DEPT
SALEM, OREGON**

10. What alternatives may be available for addressing any issues identified above: _____
11. Have headgate notices been issued for the source that serves the right? Yes No
12. What water control and measurement conditions should be included in the transfer:

Measurement Devices	<input type="checkbox"/> Present and should be maintained.	<input checked="" type="checkbox"/> Should be required prior to diverting water.	<input type="checkbox"/> May be required in the future.
Headgates	<input type="checkbox"/> Present and should be maintained.	<input type="checkbox"/> Should be required prior to diverting water.	<input type="checkbox"/> May be required in the future.

RECEIVED
 JAN 07 2008
 WATER RESOURCES DEPT
 SALEM, OREGON

T.15S., R.11E., W.M.



SCALE: 1" = 1320'

FINAL PROOF SURVEY UNDER

Application No. G-9587... Permit No. G-8846... Cert. #61097
IN NAME OF

.....DONALD H. VETTERLEIN.....

Surveyed FEB. 28. 1985, by LESLIE OLSON.

RECEIVED

DATE 5-23-89

WATER MASTER DISTRICT #11

BY SMS

15S-11E
PTS-11-1985A

TWB

G8846

Affidavit of Publication

STATE OF OREGON, COUNTY OF DESCHUTES

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

The Bulletin

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

Acct Name: DUFFY KEKEL LLP

Legal Description: LEGAL NOTICE, Notice of Preliminary, Determination for, Water Right Transfer T-10503, ,

T-10503 filed by Eric Vetterlein (Desert Springs Ranch), 1100 SW Sixth...

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

9/16/09	Page F5
9/23/09	Page F5
9/30/09	Page F5

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

Dated at Bend, Oregon, this 30 day of September, 2009.

Kim Eldred
Signature

AdName: 15419283A



RECEIVED

OCT 15 2009

WATER RESOURCES DEPT
SALEM, OREGON

No. _____
In the _____

STATE OF OREGON
for the
COUNTY OF DESCHUTES

LEGAL NOTICE
Notice of Preliminary
Determination for
Water Right Transfer T-10503

T-10503 filed by Eric Vetterlein (Desert Springs Ranch), 1100 SW Sixth Avenue #1200, Portland, OR 97204, proposes a change in point of appropriation and a change in place of use under Certificate 61097. The right allows the use of 0.06 CFS (priority date MARCH 4, 1980) from a well in 1180 FEET NORTH AND 460 FEET EAST FROM SW CORNER OF SECTION 19, T. 15S, R. 11E, W.M. (Deschutes Basin) for IRRIGATION in Sec. 19. The applicant proposes to move the point of appropriation approximately 5 miles north (429 FEET NORTH AND 65 FEET EAST FROM CENTER CORNER OF SECTION 36, T14S, R 10 E, W.M.) and to change the place of use to Sec. 36, T. 14S, R. 10 E, W.M. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0883. The last date of newspaper publication is September 30, 2009. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

AFFIDAVIT OF PUBLICATION

Filed _____

By _____

From the Office of _____

Attorney for _____

Affidavit of Publication

STATE OF OREGON, COUNTY OF DESCHUTES

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

The Bulletin

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

Acct Name: DUFFY KEKEL LLP

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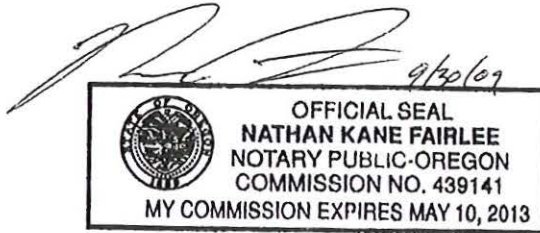
9/16/09	Page F5
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Dated at Bend, Oregon, this 30 day of September, 2009.

Kim Eldred
Signature

AdName: 15419283A



RECEIVED
OCT 07 2009
WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON
for the
COUNTY OF DE

LEGAL NOTICE
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LEGAL NOTICE

AFFIDAVIT OF PUBLICATION

Filed _____

By _____

From the Office of _____

Attorney for _____



Oregon

Theodore R. Kulongoski, Governor

July 30, 2009

Water Resources Department

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

Eric Vetterlein (Desert Springs Ranch)
1100 SW Sixth Avenue #1200
Portland, OR 97204

SUBJECT: Water Right Transfer Application T-10503

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-10503. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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

Because the new point of appropriation is more than ¼ mile from the authorized point of appropriation, the applicant is responsible for giving public notice of the transfer changes in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We have prepared the notice for you (enclosed). The deadline for individuals to file protests or standing statements is 30 days after the date of last publication. Please have the newspaper insert the date of last publication in the proper place.

After publication, the Department needs to receive an affidavit specifying the dates the notice was published. Please have the newspaper prepare and mail an original affidavit of publication to me at the address shown in the letterhead, by September 7, 2009.

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

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



Please do not hesitate to contact me at 541-883-4182 ext 223 or
Vernon.L.Church@wrд.state.or.us if I may be of assistance.

Sincerely,

Sarah Henderson

For

Vern Church
Klamath Basin Water Manager
SC REGION
Field Services Division

cc: Jeremy T. Giffin, District 11 Watermaster
Gayle Walker
69439 Hinkle Butte Drive
Sisters, OR 97759
Michele Sims #60068 CWRE
Deschutes County Community Development Dept.
117 NW Lafayette Ave. Bend, OR 97701

encs

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

In the Matter of Transfer Application)
T-10503, Deschutes County)
)
)
)
)

PRELIMINARY DETERMINATION
PROPOSING APPROVAL OF A
CHANGE IN POINT OF
APPROPRIATION AND PLACE OF
USE

Authority

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

Applicant

Eric Vetterlein
1100 SW Sixth Avenue #1200
Portland OR 97204

Receiving Landowner

Gayle Walker
69439 Hinkle Butte Drive
Sisters, OR 97759

Findings of Fact

Background

1. On December 10, 2007, Eric Vetterlein (Desert Springs Ranch) filed an application to change the point of appropriation and place of use under Certificate 61097. The Department assigned the application number T-10503.
2. The portion of the right to be transferred is as follows:
Certificate: 61097 in the name of DONALD H. VETTERLEIN (perfected under Permit G-8846)
Use: IRRIGATION of 2.0 ACRES
Priority Date: MARCH 4, 1980
Rate: 0.03 CUBIC FOOT PER SECOND (cfs)
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, 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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: A WELL within the DEEP CANYON BASIN

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

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
15 S	11 E	WM	19	SW SW	1180 FEET NORTH AND 460 FEET EAST FROM THE SW CORNER OF SECTION 19

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
15 S	11 E	WM	19	SW SW	4	2.0

3. Transfer Application T-10503 proposes to move the authorized point of appropriation approximately 5 miles from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
14 S	10 E	WM	36	SW NE	429 FEET NORTH AND 65 FEET EAST FROM THE CENTER CORNER OF SECTION 36

4. Transfer Application T-10503 also proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	
14 S	10 E	WM	36	SW NE	2.0	

5. Gayle Walker is the receiving landowner and will be responsible for completion of the proposed changes after the final order is issued.
6. Notice of the application for transfer was published on December 25, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
7. On May 19, 2009, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10502 to the applicant. The cover letter that accompanied the draft Preliminary Determination set forth a deadline of June 22, 2009, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer. This transfer application is being processed concurrently with transfer applications T-10502, T-10668, T-10791, T-10806 and T-10914 which all propose changes to Certificate 61097.

Transfer Review Criteria (OAR 690-380-4010)

9. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
10. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-10503.

11. The proposed change would not result in enlargement of the right.
12. The proposed change would not result in injury to other water rights.

Determination and Proposed Action

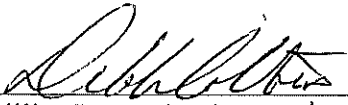
The change in point of appropriation and change in place of use proposed in Transfer Application T-10503 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-10503 is approved, the final order will include the following:

1. *The change in point of appropriation and change in place of use proposed in Transfer Application T-10503 are approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 61097 and any related decree.*
3. *Water right certificate 61097 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer or Transfer Applications T-10502, T-10668, T-10791, T-10806 and T-10914.*
4. *The quantity of water diverted at the new point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.*
5. *Water use measurement conditions:*
 - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation.*
 - b. *The water user shall maintain the meters or measuring devices in good working order.*
 - c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
6. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
7. *The former place of use of the transferred right shall no longer receive water under the right.*
8. *The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2010**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*

9. *When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this 6th day of August 2009.


Phillip C. Ward, Director *PC*

This Preliminary Determination was prepared by Vern Church. If you have questions about the information in this document, you may reach me at 541-883-4182 or Vernon.L.Church@wrđ.state.or.us.

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

**Notice of Preliminary Determination for
Water Right Transfer T-10503**

T-10503 filed by Eric Vetterlein (Desert Springs Ranch), 1100 SW Sixth Avenue #1200 Portland, OR 97204, proposes a change in point of appropriation and a change in place of use under Certificate 61097. The right allows the use of 0.06 CFS (priority date MARCH 4, 1980) from a well in 1180 FEET NORTH AND 460 FEET EAST FROM SW CORNER OF SECTION 19, T 15S, R 11E, W.M. (Deschutes Basin) for IRRIGATION in Sec. 19. The applicant proposes to move the point of appropriation approximately 5 miles north (429 FEET NORTH AND 65 FEET EAST FROM CENTER CORNER OF SECTION 36, T14S, R 10 E, W.M.) and to change the place of use to Sec. 36, T 14S, R 10 E, W.M.. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0883. The last date of newspaper publication is [DATE OF LAST PUBLICATION]. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

Dorothy Pedersen

From: Dorothy Pedersen
Sent: Thursday, August 20, 2009 4:41 PM
To: 'michele@outlawnet.com'
Cc: Vern Church
Subject: RE: T-10502 and T-10503

Hi Michelle,

Yes, we should modify the documents for T-10502 and T-10503 when we issue the Preliminary Determinations. Thank you for bringing this to our attention. Do you know whether the applicants have any other concerns or comments, or whether they found the drafts satisfactory with this exception?

Thank you,
Dorothy

From: Vern Church
Sent: Monday, August 17, 2009 5:32 PM
To: michele@outlawnet.com
Cc: Dorothy Pedersen
Subject: RE: T-10502 and T-10503

Michele, it is now in Dorothy's court on these two transfers. I cc her to see what she want?

From: Michele Sims [mailto:michele@outlawnet.com]
Sent: Monday, August 17, 2009 8:45 AM
To: Vern Church
Subject: T-10502 and T-10503

Hi Vern-

I am working with a landowner who is doing a series of transfers involving Certificate 61097. When we began the process a few years ago, I used a position for the POA well that was based on survey work that our firm had done in the area. It was a bit different than the record position of the well—perhaps a result of correction surveys that have been done in the area over the years. When we were about 3 or 4 transfers into the process, Dorothy Pedersen and I talked about the well position, and decided that it was a good idea to use the original coordinates relative to the Section Corner to avoid confusion. I amended the applications, but I think that the first two transfer applications were already in the system and never were changed.

I got the preliminary transfer orders for T-10502 and T-10503, and noticed that the position of the authorized POA is based on the 'survey' position, not the record position that we decided to use in subsequent applications. Should this be changed so that it is consistent with the rest of the transfers?

Thanks

Michele Sims PLS, CWRE
Fred Ast Jr, and Associates
157 Sisters Park Drive
P.O. Box 751
Sisters, Oregon 97759
541-549-7851 (voice)
541-549-0872 (fax)

8/20/2009

Dorothy Pedersen

From: michele@outlawnet.com
Sent: Tuesday, August 25, 2009 5:11 PM
To: Dorothy Pedersen
Subject: RE: T-10502 and T-10503

Dorothy-

I believe that the drafts were acceptable to the applicants, and I don't think that there were any other comments.

Michele

> Hi Michelle,

>

> Yes, we should modify the documents for T-10502 and T-10503 when we
> issue the Preliminary Determinations. Thank you for bringing this to
> our attention. Do you know whether the applicants have any other
> concerns or comments, or whether they found the drafts satisfactory
> with this exception?

>

> Thank you,
> Dorothy

>

>

>

From: Vern Church
> **Sent:** Monday, August 17, 2009 5:32 PM
> **To:** michele@outlawnet.com
> **Cc:** Dorothy Pedersen
> **Subject:** RE: T-10502 and T-10503

>

> Michele, it is now in Dorothy's court on these two transfers. I cc
> her to see what she want?

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From: Michele Sims [mailto:michele@outlawnet.com]
> **Sent:** Monday, August 17, 2009 8:45 AM
> **To:** Vern Church
> **Subject:** T-10502 and T-10503

>

> Hi Vern-

> I am working with a landowner who is doing a series of transfers
> involving Certificate 61097. When we began the process a few years
> ago, I used a position for the POA well that was based on survey work
> that our firm had done in the area. It was a bit different than the
> record position of the well-perhaps a result of correction surveys
> that have been done in the area over the years. When we were about 3
> or 4 transfers into the process, Dorothy Pedersen and I talked about
> the well position, and decided that it was a good idea to use the
> original coordinates relative to the Section Corner to avoid
> confusion. I amended the applications, but I think that the first two
> transfer applications were already in the system and never were changed.

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> I got the preliminary transfer orders for T-10502 and T-10503, and
> noticed that the position of the authorized POA is based on the
> 'survey' position, not the record position that we decided to use in subsequent
> applications.

> Should this be changed so that it is consistent with the rest of the
> transfers?

>

> Thanks

>

> Michele Sims PLS, CWRE

Vern Church

From: Eric Vetterlein [evetterlein@duffykekel.com]
Sent: Tuesday, June 09, 2009 10:06 AM
To: Vern Church
Cc: Michele Sims
Subject: RE: T-10502 & 10503
Attachments: Desert Springs.pdf

Hello Mr. Church:

As you requested, attached is a current Preliminary Title Report for our water right transfer applications Nos. T-10502 & 10503. As you can see, there are no other owners or lien holders who are not listed on the application. I believe this completes the information you requested. If you have any questions or need more information, please do not hesitate to contact me. Thank you,

Eric H. Vetterlein
Duffy Kekel LLP
1200 Standard Plaza
1100 S.W. Sixth Avenue
Portland, OR 97204
Tel: (503) 226-1371
E-mail: evetterlein@duffykekel.com

----- Original Message -----

From: Vern Church
To: "evetterlein@duffykekel.com"
Sent: 5/19/2009 1:59PM
Subject:

Mr. Vetterlein, I work for the Oregon Water Resources Dept. I am processing a couple of transfers that you have filed. I have attached the draft preliminary determinations and a cover letter for both transfers.

If you have any questions, please call or email me. thanks vern

Vern Church
Klamath Basin Water Manager
Field Division
South Central Region
(541) 883-4182
Fax (541) 885-3324

6/9/2009

Billing Sheet	Order #: 116222
Bill To	Date Sent to Billing:
Name: Duffy Kekel LLP	Seller:
	Buyer:
Address: 1200 Standard Plaza Portland, OR 97201	Customer Number : Desert Springs
	Ordered By: Duffy Kekel LLP
Attn: Eric Veterlein	Attention: Eric
Your No.:	Address:

Policy Type	Liability	Customer 1	Customer 2
<input type="checkbox"/> Owner			
<input type="checkbox"/> Standard			
<input type="checkbox"/> Extended			
<input type="checkbox"/> Foreclosure Guarantee			
<input type="checkbox"/> Limited Coverage			
<input type="checkbox"/> Endorsements			
<input type="checkbox"/> Other			
Services			
<input checked="" type="checkbox"/> X Report		\$200.00	
<input type="checkbox"/> Courtesy Recording			
<input type="checkbox"/> Lot Book			
<input type="checkbox"/> Reconveyance Fee			
<input type="checkbox"/> City Lien Search Charge			
<input type="checkbox"/> Cancellation			
<input type="checkbox"/> Other			

Customer 2	Recording	
Bill To:	Instrument	
Attn:		
	Date:	Reduce bill to
Reason		
<input type="checkbox"/> Cancellation		
<input type="checkbox"/> Other		
TA		



PRELIMINARY TITLE REPORT

DUFFY KEKEL LLP
c/o 1200 STANDARD PLAZA
1100 SW SIXTH AVE
PORTLAND, OR 97201
Attn: ERIK EVETTERLEIN

June 9, 2009
Report #1
Title Number : 116222
Title Officer : DIANE L. BROEHL

REPORT

\$200.00

We are prepared to issue ALTA (06/17/06) title insurance policy(ies) of CHICAGO TITLE INSURANCE COMPANY of OREGON, in the usual form insuring the title to the land described as follows:

Lot Four (4) and the Southeast Quarter of the Southwest Quarter (SE1/4SW1/4), and the South One-half of the Southeast Quarter (S1/2SE1/4) in Section Nineteen (19), Township Fifteen (15) South, Range Eleven (11), East of the Willamette Meridian, Deschutes County, Oregon.

Vestee:

DESERT SPRINGS RANCH LIMITED PARTNERSHIP, an Oregon limited partnership

Dated as of May 29, 2009 at 7:30 a.m.

Schedule B of the policy(ies) to be issued will contain the following general and special exceptions unless removed prior to issuance:

GENERAL EXCEPTIONS:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the subject Land onto adjoining Land or of existing improvements located on adjoining Land onto the subject Land) encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the subject Land.
5. Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
6. Unpatented mining claims whether or not shown by the Public Records.

EXCEPTIONS 1 THROUGH 6 ABOVE APPLY TO STANDARD COVERAGE POLICIES AND MAY BE MODIFIED OR ELIMINATED ON AN EXTENDED COVERAGE POLICY.

SPECIAL EXCEPTIONS:

Taxes assessed under Code No. 6-012 Map and Tax Lot Number 15 11 00 00 04001
Account No. [REDACTED]

NOTE: The 2008-2009 Taxes: \$251.19, plus interest, UNPAID.

7. Regulations, including levies, assessments, water and irrigation rights and easements for ditches and canals of Three Sisters Irrigation District.
8. Taxes deferred, 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.

NOTE: No liability is assumed for agricultural services liens or financing statements covering crops filed in the Office of the Secretary of State.

9. Covenants, Conditions and Restrictions, but omitting any Covenants or Restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as contained in instrument recorded December 6, 1972, in Book 190, Page 772, Deed Records.

As amended by instrument recorded September 22, 1989, in Book 192, Page 2013, Deschutes County Records.

As amended by instrument recorded June 2, 2006, in Volume 2006, Page 38491, Deschutes County Records.

10. Pipeline Easement, including the terms and provisions thereof, between Janet M. Herring and Desert Springs Ranch Limited Partnership recorded June 17, 2004, in Volume 2004, Page 35594, Deschutes County Records.

NOTE: As of the date hereof, there are no matters against Desert Springs Ranch Limited Partnership which would appear as exceptions in the policy to issue, except as shown herein.

NOTE: Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.

NOTE: The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than the amount, if any, set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties.

Order No. 116222

Page 3

This report is preliminary to the issuance of a policy of title insurance and shall become null and void unless a policy is issued and the full premium paid.

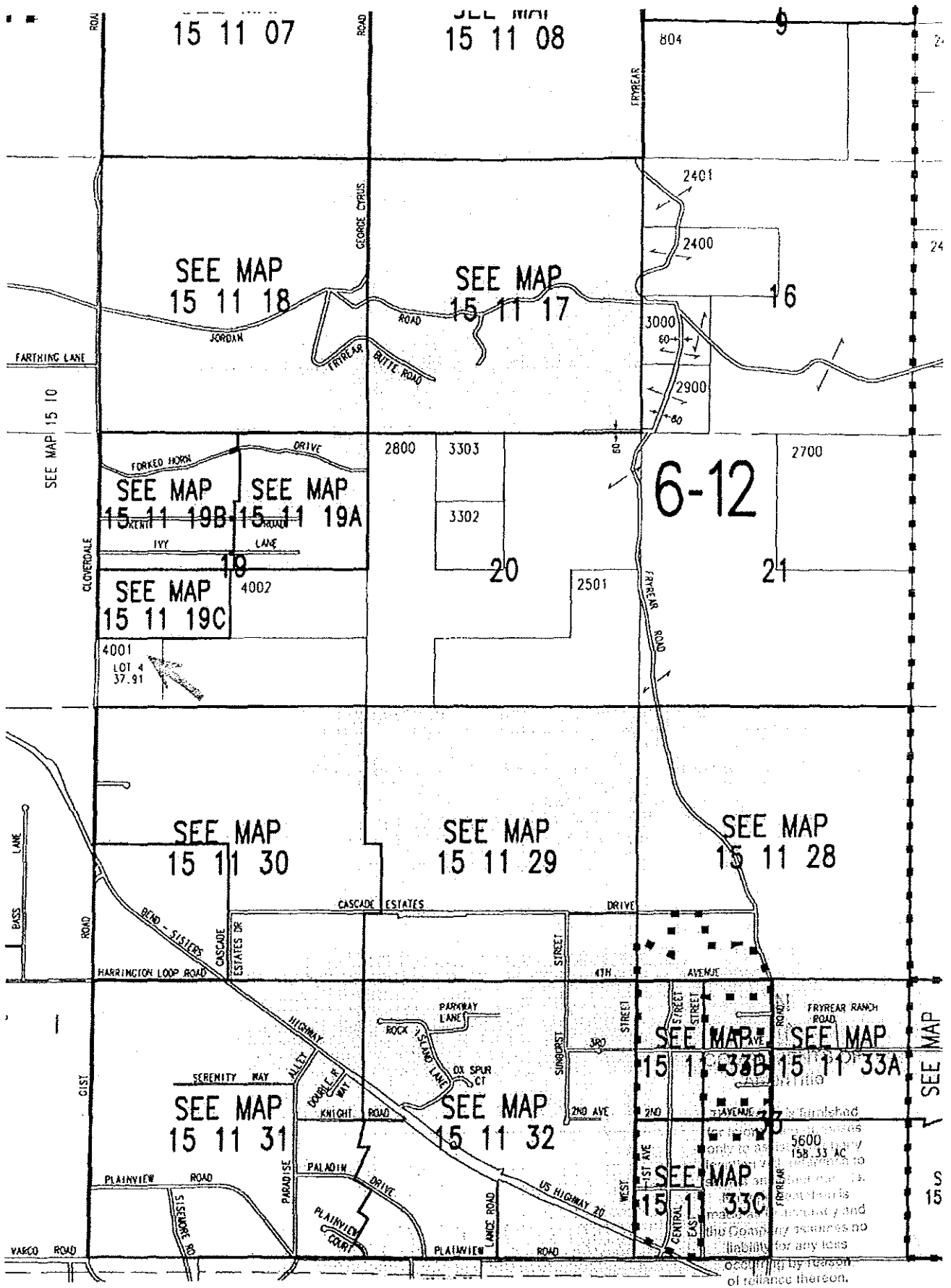
AmeriTitle

By: 

Diane L. Broehl, Title Officer

DLB:kg

"Superior Service with Commitment and Respect for Customers and Employees"



15 11 07

SEE MAP
15 11 08

SEE MAP
15 11 18

SEE MAP
15 11 17

SEE MAP
15 11 19B

SEE MAP
15 11 19A

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15 11 19C

6-12

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15 11 30

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15 11 29

SEE MAP
15 11 28

SEE MAP
15 11 31

SEE MAP
15 11 32

SEE MAP
15 11 33B

SEE MAP
15 11 33A

SEE MAP
15 11 33C

5600
158.33 AC

Plat
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ROAD
FARTHING LANE
SEE MAP 15 10
CLOVERDALE
LANE
BASS
ROAD
HARRINGTON LOOP ROAD
CIST
VARGO ROAD

ROAD
GEORGE CYRUS
ROAD

FRYREAR
ROAD
FRYREAR
ROAD

FORKED HORN DRIVE
IVY LANE

2800
3303
3302
4002
4001
LOT 4
37.91

20
2501

804
2401
2400
3000
2900
2700
21

ROAD - SISTERS
CASCADE DR
ESTATES DR
SERENITY WAY
ALLEY
DOUBLE R
KNIGHT ROAD
PARADISE
PLAINVIEW ROAD
SISEROCK RD

ESTATES DR
4TH AVENUE
PARKWAY LANE
ROCK LANE
OX SPUR CT
KNIGHT ROAD
PALADIN DRIVE
PLAINVIEW COURT

ESTATES DR
4TH AVENUE
3RD STREET
SUNBURY STREET
2ND AVE
US HIGHWAY 20
LANE ROAD
PLAINVIEW ROAD

FRYREAR RANCH ROAD
SEE MAP
15 11 33B
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15 11 33C
15 11 33C
15 11 33C

SEE MAP
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Plat
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of reliance thereon.



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department
SOUTH CENTRAL REGION
Watermaster, District 17
5170 Summers Lane
Klamath Falls, OR 97603
Ph: 541-883-4182
Fax: 541-885-3324
www.wrd.state.or.us

May 19, 2009

Eric Vetterlein (Desert Springs Ranch)
1100 SW Sixth Avenue #1200
Portland, Oregon 97204

SUBJECT: Water Right Transfer Application T-10502 and 10503

Please find enclosed a draft of our Preliminary Determinations regarding Transfer Application T-10502 and 10503. The documents reflect the Department's conclusion that, based on the information currently available, the transfer will be approved. These drafts are intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so. Please review the drafts carefully to evaluate whether the documents are consistent with your intent in seeking the transfers, and whether you agree with the proposed action.

At this time, you must submit a report of ownership and lien information for the lands to which the water right are appurtenant (the FROM lands) that has been prepared within the last three months by a title company. You will need to submit a notarized statement of consent from any landowner listed in the report who is not already included in the transfer application. If there are additional lienholders identified in the report that have not previously been notified of the transfer, you must send notice of the transfer to them, and submit copies of each such notice to the Department to document that each lienholder has been informed of the transfer.

Because the new point of appropriation is more than ¼ mile from the authorized point of appropriation, the applicant is responsible for publishing notice of the transfer in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We will provide a copy of the required notice to you upon issuance of the Preliminary Determination.

Issuance of the Preliminary Determinations will occur shortly after we receive both your written response and the report of ownership and lien information. If we do not receive your response and the report by June 22, 2009, a Preliminary Determination may be issued denying the applications as incomplete.

Please do not hesitate to contact me at 541-883-4182 or Vernon.L.Church@ wrd.state.or.us if I may be of assistance.

Sincerely,

Vern Church
Klamath Basin Water Manager

cc: T-10502 and 10503

Jeremy T. Giffin, District 11 Watermaster

Gayle Walker

69439 Hinkle Butte Dr.

Sisters, Oregon 97759

Stephen King

3655 NW Thurman

Portland, Oregon 97210

Three Sister Irrigation District

P.O. Box 2230

Sisters, Oregon 97759

encs



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

In the Matter of Transfer Application)
T-10503, Deschutes County)

D R A F T

) PRELIMINARY DETERMINATION
) PROPOSING APPROVAL OF A
) CHANGE IN POINT OF
) APPROPRIATION AND PLACE OF
USE

Authority

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

Applicant

Eric Vetterlein (Desert Springs Ranch)
1100 SW Sixth Avenue #1200
Portland, Oregon 97204

Findings of Fact

Background

1. On December 10, 2007, Eric Vetterlein (Desert Springs Ranch) filed an application to change the point of appropriation *and* place of use under Certificate 61097. The Department assigned the application number T-10503.
2. ADD HERE - any AMENDMENTS received prior to issuance of DPD, or a result of applicant's review of the DPD. Modifications to Application
3. The portion of the right to be transferred is as follows:
Certificate: 61097 in the name of DONALD H VETTERLEIN (perfected under Permit G-8846)
Use: IRRIGATION of 2.0 ACRES
Priority Date: MARCH 4, 1980
Rate: 0.03 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, 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 3.0

acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: A WELL within the DEEP CANYON BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
15 S	11 E	WM	19	SW SW	1180 FEET NORTH AND 460 FEET EAST FROM SW CORNER OF SECTION 19

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
15 S	11 E	WM	19	SW SW	4	2.00

1. Transfer Application T-10503 proposes to move the authorized point of appropriation approximately 5 miles from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
14 S	10 E	WM	36	SW NE	429 FEET NORTH AND 65 FEET EAST FROM CENTER CORNER OF SECTION 36

2. Transfer Application T-10503 also proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	10 E	WM	36	SW NE	2.00

3. Notice of the application for transfer was published on December 25, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

Transfer Review Criteria (OAR 690-380-4010)

4. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
5. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-10503.
6. The proposed change would not result in enlargement of the right.
7. The proposed change would not result in injury to other water rights.

Determination and Proposed Action

The change in point of appropriation *and* change in place of use proposed in Transfer Application T-10503 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If application T-10503 is approved, the final order will include the following:

- 8. The change in point of appropriation and change in place of use proposed in application T-10503 are approved.*
- 9. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 61097 and any related decree.*
- 10. Water right certificate 61097 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer and Transfer applications T-10502, T-10668, T-10791, and T-10806.*
- 11. The quantity of water diverted at the new point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.*
- 12. Water use measurement conditions:*
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation.*
 - b. The water user shall maintain the meters or measuring devices in good working order.*
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
- 13. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
- 14. The former place of use of the transferred right shall no longer receive water under the right.*
- 15. The approved change(s) shall be completed and full beneficial use of the water shall be made on or before **October 1, 2010**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
- 16. When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this ____ day of _____ 2009.

D R A F T

Phillip C. Ward, Director

This draft Preliminary Determination was prepared by Vern Church. If you have questions about the information in this document, you may reach me at 541-883-4182 or Vernon.L.Church@wrд.state.or.us.



Oregon

Theodore R. Kulongoski, Governor

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

December 27, 2007

ERIC VETTERLEIN
1100 SW SIXTH AVE., #1200
PORTLAND, OR 97204

Reference: Transfer 10503

On December 10, 2007 we received your water right transfer application. The application was accompanied by \$800.00. Our receipt 90967 is enclosed.

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

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

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

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

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

cc: Watermaster # 11
CWRE # 60068
Three Sisters Irrigation District
Deschutes County Community Development Department
Gayle Walker

enclosure



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

Notice of Application for Water Right Transfer, Temporary Transfer, or Permit Amendment 12/25/2007

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

County: DESCHUTES
Transfer: 10503
Water Right: CERT 61097
Priority Date: 1980
Name: ERIC VETTERLEIN
Address: 1100 SW SIXTH AVE #1200, PORTLAND, OR 97204
Change: POA, POU
Source: WELL
Authorized POA: T15S R11E 19
Proposed POA: T14S R10E 36
Authorized POU: T15S R11E 19
Proposed POU: T14S R10E 36

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

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

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

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

1 10503

Indicate in this column whether or not the item is satisfied.

Permanent Transfer Application – OAR 690-380 3000 & 3100

Completeness Checklist

Applicant's Name: Eric Vatterlein

(Form last revised: March 13, 2007)

Section A – Status of Right

Is this a Water Right that can be transferred?

[OAR 690-380-0100(14)]

NOTE: The Department can accept a Transfer application for any right that is:

- 1) an adjudication with a court decree; *or*
- 2) a certificate that is not cancelled; *or*
- 3) a transfer that's been approved & A COBU has been received by the Department

If the subject right does not fall into any of the above categories, **RETURN** the application & fee to the applicant.

OK

Section B – Type of Change

Is the proposed change(s) allowed under the Transfer process?

[ORS 540.510]

NOTE: Only POD, POA or POU or USE changes are allowed on Transfers.

If the application proposes a change other than those listed above, **RETURN** the application & fee to the applicant.

OK

Section C - Fees

Have the appropriate fees been paid?

Total Required Fees: _____

Fee Schedule – ORS 536.050(1)(h)

Total Fees Paid: 800

~~\$350~~ - Base fee (1st change and 1st CFS of water)

~~\$350~~ - Each additional type of change requested

~~\$175~~ - For each CFS, or fraction thereof, requested beyond 1st CFS
(for POU, Type of Use, or Exchange)

Fees Due (if any): _____

Refund Due (if any): _____

If the applicant has **NOT** submitted the total fees required, **RETURN** the application & deficient fee to the applicant.

OK

Section D – Completeness

Indicate in this column whether an item is incomplete, and if so, identify the deficiency.

Is the Transfer application complete?

All required elements necessary for a complete transfer application are listed below.

Indicate whether or not the applicant has answered and/or supplied attachments to adequately address each of the following items. If any one of the items is deficient, then the application is incomplete.

NOTE: For reference, the application page number upon which each item is requested is identified.

If the application is **NOT** complete, **RETURN** the application & fee to the applicant.

OK

- Type of transfer application

(Page 1)

OK

- Applicant's name, mailing address and contact information.

(Page 1)

N/A

- Agent's name, mailing address and contact information, *if applicable.*

(Page 1)

OK

- Are the water rights to be affected by this transfer listed?

(Page 2)

If there are multiple water rights listed..... The applicant must supply a separate "set" of Supplemental Form A for each water right to be transferred.

Checklist for Supplemental Form A – (Attachments)		
OK	• Certificate # filled in on each page?	(Page 1)
OK	• Type of change(s) proposed clear?	(Page 1)
OK	• Current Water Right information is complete?	(Page 2)
OK	<p>• If for a change in POU or USE..... (Page 2)</p> <p>Are there any “layered” irrigation rights, permits, or GR registrations appurtenant to the same place of use as the water right proposed to be transferred? YES NO</p> <p>If YES..... the other “layered” water uses subject to transfer must either change concurrently or be cancelled, except as provided in OAR 690-380-2240(5).</p> <p>If layered with GR, must submit a GR Modification application as well as this application.</p> <p>Are they included in application? If not, contact applicant or agent.</p>	
OK	<p>• Location description of the authorized POA/POD to be changed. (Page 3)</p> <p>NOTE: Ensure that the location coordinates listed in the application match the point and location coordinates illustrated on the application map.</p> <p>Additionally, if the existing authorized source is ground water (POA), the applicant must either:</p> <p>_____ 1) supply a copy of the well log(s), <u>or</u></p> <p>_____ 2) if well logs are not available, describe the construction of the well(s) in the table provided on page 3 of the supplemental form A application.</p>	
OK	<p>• Location description of the existing authorized POU and associated acres (if applicable). (Page 4)</p> <p>NOTE: Ensure that the location and number of acres listed per ¼ ¼ in the application match those illustrated on the application map.</p>	
OK	<p>• Location description of the proposed POA/POD. (Page 5)</p> <p>NOTE: Ensure that the proposed location coordinates listed in the application match the proposed point and location coordinates illustrated on the application map.</p> <p>Additionally, if the proposed source is ground water (POA), the applicant must either:</p> <p>_____ 1) supply a copy of the well log(s), <u>or</u></p> <p>_____ 2) if well logs are not available <u>or</u> the well is not yet constructed, describe the construction of the well(s) in the table provided on page 5 of the application.</p>	
OK	<p>• Location description of the proposed POU and associated acres (if applicable). (Page 6)</p> <p>NOTE: Ensure that the location and number of acres listed per ¼ ¼ in the application match those illustrated on the application map.</p>	
Return back to Page 2 of transfer application		
OK	• The type of changes being proposed. POU/POA	(Page 2)
OK	• Reason for the transfer.	(Page 2)
OK	• Description of current water delivery system.	(Page 2)
OK	• System Capacity.	(Page 2)

Checklist for Supplemental Form B – (Attachments)	
OK	<ul style="list-style-type: none"> • Is there a box checked in #1? (Page 1)
OK	<ul style="list-style-type: none"> • Is there a box checked in #2? (Page 1)
OK	<ul style="list-style-type: none"> • Does the description of POU on page 4 of the supplemental form A application, match authorized POU in question #3? (Page 1)
OK	<ul style="list-style-type: none"> • In question #4 and #5 are they filled out. (Page 2)
OK	<ul style="list-style-type: none"> • Is there a box checked in #6? (Page 2)
OK	<ul style="list-style-type: none"> • Is the #6 supporting documentation included with application? (Page 2)
OK	<ul style="list-style-type: none"> • Is there an original signature of the notary and notary stamp? (Page 2)
Return back to Page 3 of transfer application	
yes	<ul style="list-style-type: none"> • Affected districts and local governments. (Page 3) If within a district/local government jurisdiction, ensure that name & mailing address is provided.
OK	<ul style="list-style-type: none"> • Is the applicant the Landowner of the “from” and “to” Lands? (Page 4) If NO..... The applicant must list current landowner name & address. YES NO
OK	<ul style="list-style-type: none"> • Who will be responsible for completion of the changes? (Page 4) Is a box checked? If no box is checked the applicant or agent must be contacted. Receiving (D)
OK	<ul style="list-style-type: none"> • Map..... (Page 5) (Required to be prepared by a CWRE) unless... 1. Map Waiver included with application 2. FP map with advance email or written approval 3. POD/POA without POU change and for entire right with FP map for “from” map ___ if more than 3 rights are included in transfer, is there a separate map for each water right? ___ If larger than 8 ½ X 14 than 3 copies of map is needed & an electronic pdf file of map ___ north arrow ___ size & scale ___ other: _____ ___ authorized acreage per ¼ ¼ matches the water right ___ authorized POD/POA and POU (clearly shown, labeled & matches application listing) ___ point plotted for the authorized POD/POA agrees with location coordinates on supplemental form A and WR ___ proposed POD/POA and/or POU (clearly shown, labeled & matches application “proposed” listing) ___ location coordinates accurately describe the point identified as the proposed POD/POA
OK	<ul style="list-style-type: none"> • Land Use form, if applicable. (Page 5) Is the form signed by the local planning department staff? May be needed if the POD/POA or POU is moving a great distance and off of land originally involved in WR.
OK	<ul style="list-style-type: none"> • If a groundwater right is involved, are the well logs or a description included. (Page 5)
N/A	<ul style="list-style-type: none"> • If this is an instream water right transfer, is there a form C included and filled out. (Page 5)

• Signature(s) of applicant(s):

Are one of the boxes checked?

All applicants listed on page 1 of the application must sign the application.

OK

WRD Completeness Reviewer's Name: S. Henderson Date: 12-20-07

ORIGINALS

Transfer Application and Map

Amendments/Revisions to Appl & Map

Receipt

Deed or Lot Book Report

Notarized Consent

Evidence of Use Affidavit

Land Use Information Form

Lien Holder Notification *(if applicable)*

Report of Ownership and Lien Info *(if applicable)*

&

Other Supporting Documentation



December 6, 2007

Oregon Water Resources Dept.
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-0900

RE: Desert Springs Ranch transfers

Enclosed are applications for two groundwater transfers from the lands of Desert Springs Ranch (Eric Vetterlein) to the lands of Stephen King and Gayle Walker.

Mr. King is transferring 5 acres of surface water (Three Sisters Irrigation District) off his lands and wishes to replace it with 5 acres of groundwater. The "off" map for King's surface water has been submitted to Three Sisters Irrigation District. (See enclosed notice.)

The lot book report for Desert Springs Ranch is dated February 2007. The title company does not update lot book reports, and so I have enclosed a page from the Deschutes County Assessor's Office showing that the vesting is unchanged.

Thank you,

Michele Sims

A handwritten signature in cursive script, appearing to read "Michele Sims", with a long horizontal flourish extending to the right.

RECEIVED

DEC 10 2007

WATER RESOURCES DEPT
SALEM, OREGON

1 10503

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

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

RECEIPT # **90967**

INVOICE # _____

RECEIVED FROM: Desert Springs Ranch

APPLICATION	
PERMIT	
TRANSFER	T-10503

BY: _____

CASH: CHECK.# 2802 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 800.00

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

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

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$ <u>800.00</u>		

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR	EXAM FEE	0219	LICENSE FEE
LANDOWNER'S PERMIT	\$	0220	\$
OTHER (IDENTIFY)			

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **90967**

DATED: 12-17-07 BY: L. Paulke

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



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

Application for Water Right Transfer

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

1. TYPE OF TRANSFER APPLICATION

Please check one

<input checked="" type="checkbox"/> Permanent Transfer <input type="checkbox"/> Temporary Transfer • total number of years: _____ (begin year: _____) (end year: _____)	<input type="checkbox"/> Instream Transfer <input type="checkbox"/> Permanent <input type="checkbox"/> Time-Limited <input type="checkbox"/> Drought Transfer <input type="checkbox"/> Other
---	--

2. APPLICANT INFORMATION

Name: Eric Vetterlein
First Last

Address: 1100 SW Sixth Avenue #1200

Portland Oregon 97204
City State Zip

Phone: 503-226-1371
Home Work Other

Fax: 503-226-3574 E-Mail address: evetterlein@duffykekel.com

3. AGENT INFORMATION

(The agent listed is authorized to represent the applicant in all matters relating to this transfer application.)

Name: _____
First Last

Address: _____

City State Zip

Phone: _____
Home Work Other

Fax: _____ E-Mail address: _____

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SALEM, OREGON

- If an agent is listed above, please check one of the following:
 - Please send all correspondence to Agent. Send *copies* of correspondence to Applicant; or
 - Please send all correspondence to Applicant. Send *copies* of correspondence to Agent.

10503

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

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

	Application / Decree	Permit / Previous Transfer	Certificate
1.	G-9587	G-8846	61097
2.			
3.			
4.			
5.			
6.			

- Check **all** proposed change(s) included in this transfer application:

- Place of Use
 Point of Diversion
 Additional Point of Diversion
 Character of Use
 Point of Appropriation
 Additional Point of Appropriation
 Instream Transfer
 Surface Water source to Ground Water source

Reason(s) for change(s): To use irrigation water more efficiently.

5. WATER DELIVERY SYSTEM

- Describe the **current** water delivery system **or** the system that **was in place** at some time **within the last 5 years**. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. If the transfer involves multiple rights that have independent systems, describe each system separately.

The description must be sufficient to demonstrate that the full quantity of water to be transferred can be conveyed from the authorized source and applied at the authorized location and that the applicant is ready, willing, and able to exercise the right.

Current delivery system consists of buried mainline delivering water from well to wheel lines.

- System capacity: 1.36 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

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 SALEM, OREGON

6. EVIDENCE OF BENEFICIAL WATER USE

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

7. AFFECTED DISTRICTS AND LOCAL GOVERNMENTS

- Are any of the water rights proposed for transfer located within or served by an irrigation or other water district? Yes No
- Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer? Yes No
- Is water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity? Yes No

If "Yes", for any of the above, list the name and mailing address of the district, agency and/or entity:

Three Sisters Irrigation District, P.O.B 2230, Sisters, OR 97759

- List the name and mailing address of all affected local governments (e.g., county, city, municipal corporation, and tribal governments within whose jurisdiction the rights are located).

Deschutes County Community Development Department, 117 NW Lafayette Ave, Bend, OR 97701

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SALEM, OREGON

T 10503

9. ATTACHMENTS

*Check each of the following attachments included with this application.
The application will be returned if all required attachments are not included.*

Supplemental Form A –

Description of Proposed Change(s) to a Water Right

- A separate Supplemental Form A is enclosed for each water right to be affected by this transfer.

Supplemental Form B –

Evidence of Use Affidavit(s)

- At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original (not a copy), and
- The Evidence of Use Affidavit **must** be accompanied by **supporting documentation**.

Map

- Water Right Transfer*
The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy.
- Temporary Transfer or Historical POD Change*
A map meeting the requirements of OAR 690-380-3100 must be included but need not be prepared by a Certified Water Right Examiner.

Water Well Report(s)/Well Log(s):

- The application is for a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.
- Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached.
- N/A. The application does not involve a change in point of appropriation or a change from surface water to ground water, so water well reports are not required.)

Land Use Information Form:

- Enclosed; *or*
- Not Required if all of the following are met:
- ① In EFU zone or irrigation district,
 - ② Change in place of use only,
 - ③ No structural changes needed, including diversion works, delivery facilities, other structures, *and*
 - ④ Irrigation only.

Fees:

- Amount enclosed \$ _____
See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0900.

Instream Water Right Transfers, also include:

Supplemental Form C –

Instream Water Right Transfer

- Complete this form to describe the desired nature and attributes for the proposed instream water right.

Temporary Transfers, also include:

Recorded Deed:

- The applicant must submit a copy of the current deed of record for the land **from** which the authorized place of use or point of diversion/appropriation is being moved.

Affidavit of Consent:

- If the applicant is **NOT** the owner of record for the land **from** which the authorized place of use or point of diversion/appropriation is being moved, a notarized statement from the actual owner of record consenting to the proposed transfer must be submitted.

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WATER RESOURCES DEPT
SALEM, OREGON

1 10503

Before submitting your application to the Department, be sure you have:

- Answered each question completely.
- Included all the required attachments.
- Provided original signatures for all named deed holders, or other parties, with an interest in the water right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

10. SIGNATURES

▪ Check one of the following, as appropriate, and sign the application in the signature box below:


In accordance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the following landownership information and evidence demonstrating that I (we) are authorized to pursue the transfer:

- (a) A report of ownership and lien information that has been prepared by a title company *within the last three months*;
- (b) A copy of written notification of the proposed transfer provided by the applicant to all lien holders on the subject lands unless the report of ownership and lien information shows that a water right conveyance agreement has been recorded for the subject lands. *If a water right conveyance agreement has been recorded for the subject lands, a copy of the agreement and identification of the owner of the lands at the time the agreement was recorded must be submitted; and*
- (c) If the landowner identified in the report of ownership and lien information is not the applicant, a **notarized statement consenting to the transfer** (*attached*) signed by the landowner identified in the report or an authorized representative of the entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement or other documentation demonstrating that the applicant is authorized to pursue the transfer in the absence of the consent of the landowner.

I (we) affirm that the applicant is a municipality, as defined in ORS 540.510(3)(b), and that the right is in the name of the municipality or a predecessor. Therefore, pursuant to OAR 690-380-3000(13)(b), the applicant is **NOT** required to provide the above described report of ownership and lien information.

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

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

 applicant signature	Eric H. Vetterlein name (print)	10-2-07 date
_____ applicant signature	_____ name (print)	_____ date

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WATER RESOURCES DEPT
SALEM, OREGON

10503

Water Right Transfer Supplemental Form A

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

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

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

▪ Certificate Number or other identifying number: 61097 _____

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
<input checked="" type="checkbox"/> Change (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Additional (Both the old <u>and</u> new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Historic Point of Diversion or Appropriation Change (Unauthorized point of diversion or appropriation used for more than 10 years.) <input type="checkbox"/> Surface Water to Ground Water (A new point of appropriation will be used instead of the old point of diversion. The old point of diversion will <u>not</u> be used.) <input type="checkbox"/> Point of Diversion Change due to Government Action (The old point of diversion or appropriation can no longer be used due to government action.) <input type="checkbox"/> Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	<input type="checkbox"/> All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) <input checked="" type="checkbox"/> Only a portion of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.)	Proposed new use: <input checked="" type="checkbox"/> Irrigation <input type="checkbox"/> Municipal <input type="checkbox"/> Quasi-municipal <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Instream (complete and attach <i>Supplemental Form C</i>) <input type="checkbox"/> Domestic (indicate number of households) _____ <input type="checkbox"/> Other _____ <input type="checkbox"/> Substitution (A supplemental ground water right will be substituted for a primary surface water right.) <input type="checkbox"/> Supplemental Use to Primary Use (Primary water right shall be cancelled and the supplemental water right will change to primary use.)

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WATER RESOURCES DEPT
SALEM, OREGON

2. CURRENT WATER RIGHT INFORMATION

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

<input checked="" type="checkbox"/> Certificated Right	61097	G-8846
	Certificate Number	Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Non-certificated Right	_____	_____
	Name of Decree	Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	_____	_____
	Permit Number	Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed	_____	_____
	Previous Transfer Number	Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: Donald H. Vetterlein, Desert Springs Ranch
- County: Deschutes
- Authorized Use(s) to be Affected by Transfer: Irrigation
- Priority Date(s): March 4, 1980

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

- Source(s) of Water to be Affected by Transfer: Well in the Deep Canyon Basin

Tributary to: Deep Canyon

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

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

- Are there **Other Water Rights**, Permits or Ground Water Registrations associated with this land?

Yes No N/A – No Change in Place of Use or Character of Use

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

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

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SALEM, OREGON

▪ Certificate Number or other identifying number: 61097

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

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

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

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

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-____)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
DESC 3273	Well in Deep Canyon: 3/4/1980	15S	11E	W.M.	19	SW SW	Lot 4	1200' North, 450' East of SW corner Section 19

▪ Does the water right being transferred involve a ground water source(s)?

Yes No (Surface water source only.)

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

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

or

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

Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)

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

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

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Source and Priority Date	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
<ul style="list-style-type: none"> ▪ Certificate Number or other identifying number: <u>61097</u> 							

3. PROPOSED CHANGES TO THE WATER RIGHT

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

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

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

N/A – Instream Water Right Transfer

(NOTE: Complete this table only if a Change in Point of Diversion or Appropriation is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
	14S	10E	WM	36	SW NE	TL 2700	65' E and 429' N of Center ¼ Corner Section 36

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

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

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

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

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

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
Yes	DESC 9921									

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

▪ Certificate Number or other identifying number: 61097 _____

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

Location of Proposed Place of Use: (i.e., the "TO" lands) N/A – Instream Water Right Transfer

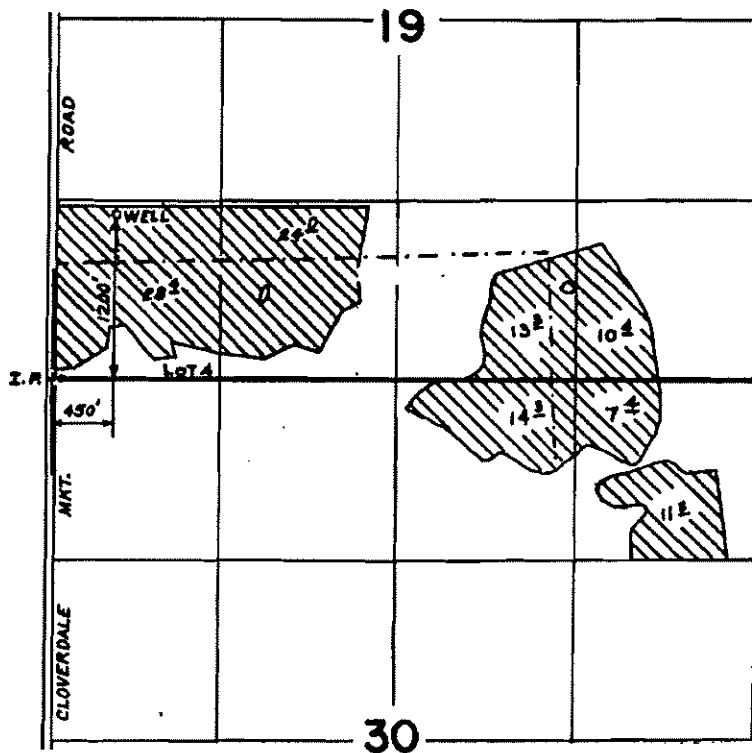
(NOTE: Complete this table **only** if a Change in Place of Use is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Well	14S	10E		36	SW NE	TL 2700	2.0

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Remarks: _____

T.15S., R.11E., W.M.



SCALE: 1" = 1320'

FINAL PROOF SURVEY UNDER

Application No. G-9587... Permit No. G-8846... Sect. #61097
IN NAME OF

.....DONALD H. VETTERLEIN.....

Surveyed FEB. 28, 1985, by LESLIE OLSON.

RECEIVED

DATE 5-23-89

WATER MASTER DISTRICT #11

BY *smg*

T 10503

15S-11E
PTS-11-1985A

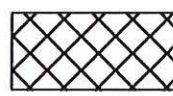
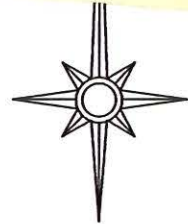
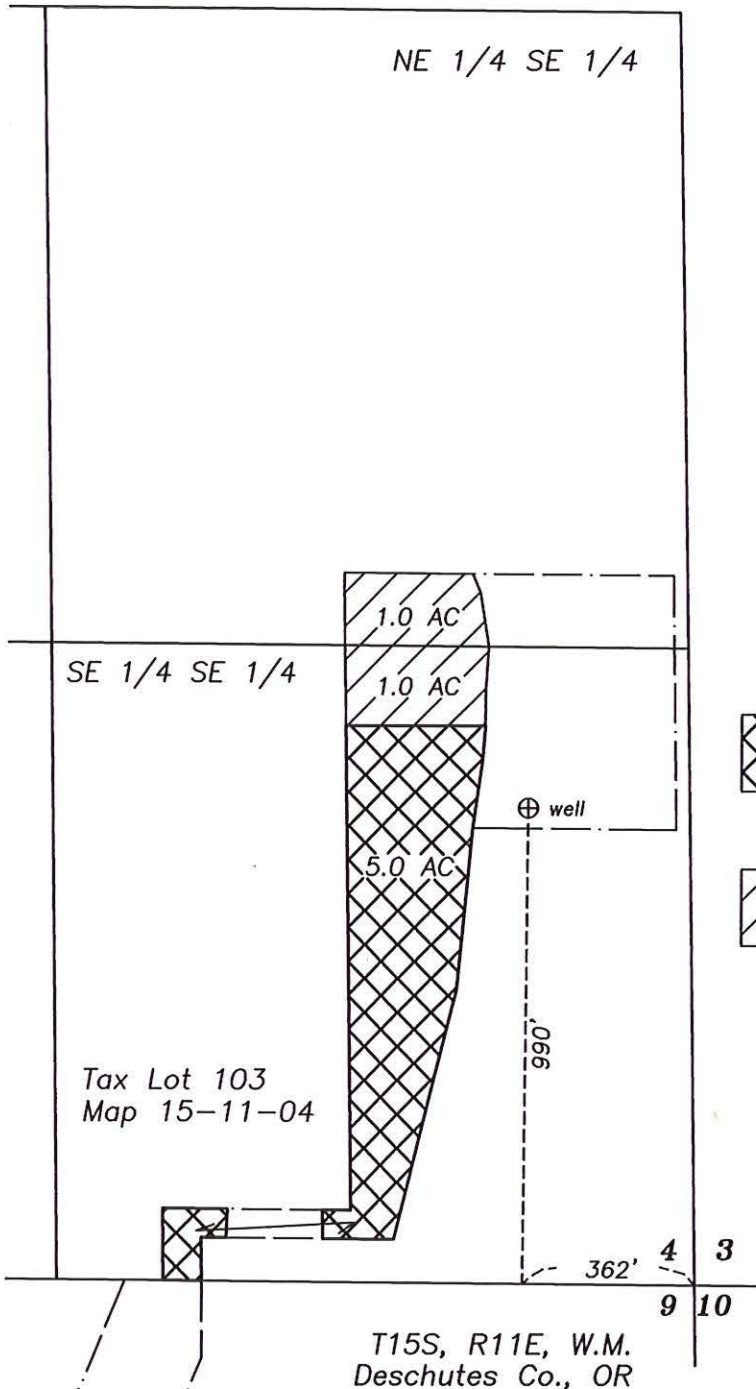
TWB

G8846

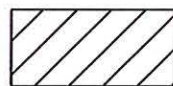
Water Rights Transfer "Off" Map Three Sisters Irrigation

TRANSFER OFF
IN PROGRESS
WITH TSD

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SALEM, OREGON



Water to transfer off
(Certificate 74135 Priority
date 12/31/1895).

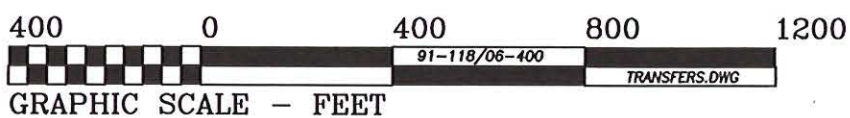


Water to remain (Certificate
74135 Priority
date 12/31/1895).



Renewal date: 6/30/2008

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SALEM, OREGON

THIS MAP IS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.

Fred A. Ast Jr., & Assoc. P.O. Box 751 Sisters, OR 97759 541-549-7851

THREE SISTERS IRRIGATION DISTRICT

P. O. BOX 2230
SISTERS, OR 97759

541-549-8815 (OFFICE)
541-549-8070 (FAX)

December 5, 2007

Dear Oregon Water Resources Department

Re: Stephen King Water Right Transfers

Please find enclosed copies of the two transfers for Stephen King. These will be mailed to the Department this month with our annual 580 transfers.

Sincerely,

Marc Thalacker

Marc Thalacker,
District Manager
MT/pm

by Lana Moffett

Encl.

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DEC 10 2007

WATER RESOURCES DEPT
SALEM, OREGON

1 10503

State of Oregon
 WATER RESOURCES DEPARTMENT
NOTICE OF AN IRRIGATION DISTRICT TRANSFER UNDER ORS 540.580

THREE SISTERS IRRIGATION DISTRICT
 P.O. BOX 2230, SISTERS, OREGON 97759
 541-549-8815 (fax 541-549-8070)

1. WATER RIGHT
 THREE SISTERS IRRIGATION DISTRICT
 CERTIFICATE # 74135
 PRIORITY DATE: 1895
 DESCHUTES COUNTY
 WATER RIGHT UNDER NAME OF (in Certificate) Hermans, Marvin & Virginia

2. APPLICANT
 NAME Stephen King
 ADDRESS 68767 QUAIL TRAIL DR
SISTERS, OR 97759
 ENCUMBRANCES

3. TYPE OF CHANGE: PLACE OF USE
 TYPE OF USE - IRRIGATION

4. LOCATION OF USE
 AUTHORIZED POINT OF DIVERSION: Three Sisters Canal at SCENIC WATERWAY ¼ SCENIC WATERWAY ¼, SECTION 21, T. 15S., W.M.: 998 FEET NORTH AND 1211 FEET EAST FROM THE SCENIC WATERWAY CORNER OF SECTION 21.

LOCATION OF AUTHORIZED PLACE OF USE: (OFF LANDS)

Township	Range	Section	1/4, 1/4 of Section	Tax Lot #	# of acres irrigated
15	11	4	SE SE	103	5

5. RECIPIENT
 NAME Eric Vetterlien Desert Springs Ranch
 ADDRESS 17830 Forked Horn Dr
Sisters OR 97759

6. LOCATION OF PROPOSED USE

LOCATION OF PROPOSED PLACE OF USE (ON LANDS)

Township	Range	Section	1/4, 1/4 of Section	Tax Lot #	# of acres irrigated
15	11	19	SW SW	4001	5

7. EXHIBITS
 A. A map prepared by Three Sisters Irrigation District or Certified Water Right Examiner or qualified Surveyor showing the location of the present and proposed irrigated lands.

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

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

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

APPLICANT: STEPHEN JOHN KING

Date 12/1/2006

RECIPIENT: Eric H. Vetterlein

NAME Eric H. Vetterlein, General Partner Date 12/27/06
Desert Springs Ranch L.P.

THREE SISTERS IRRIGATION DIST.
Marc Thalecker Date 12-27-06

Marc Thalecker, Manager Date

1 10503

The original of this document shall remain on file at the district offices until a certificate confirming this transfer is issued by the Water Resources Department

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 DEC 10 2007
 WATER RESOURCES DEPT
 SALEM, OREGON

State of Oregon
WATER RESOURCES DEPARTMENT
NOTICE OF AN IRRIGATION DISTRICT TRANSFER UNDER ORS 540.580

THREE SISTERS IRRIGATION DISTRICT
P.O. BOX 2230, SISTERS, OREGON 97750
541-549-8815 (fax 541-549-8070)

1. WATER RIGHT

THREE SISTERS IRRIGATION DISTRICT
CERTIFICATE # 74135
PRIORITY DATE: 1896
DESCHUTES COUNTY

WATER RIGHT UNDER NAME OF (in Certificate) Hermans, Marvin & Virginia

2. APPLICANT

NAME Stephen King
ADDRESS 68767 Quail Tree Dr
Sisters, OR 97759
ENCUMBRANCES

3. TYPE OF CHANGE: PLACE OF USE

TYPE OF USE - IRRIGATION

4. LOCATION OF USE

AUTHORIZED POINT OF DIVERSION: Three Sisters Canal at SCENIC WATERWAY ¼ SCENIC WATERWAY ¼, SECTION 21, T. 15S., W.M.: 998 FEET NORTH AND 1211 FEET EAST FROM THE SCENIC WATERWAY CORNER OF SECTION 21.

LOCATION OF AUTHORIZED PLACE OF USE: (OFF LANDS)

Township	Range	Section	1/4, 1/4 of Section	Tax Lot #	# of acres irrigated
15	11	4	NE SE	103	1
15	11	4	SE SE	103	1

5. RECIPIENT

NAME Ted Eady
ADDRESS 182081 Hwy 126
Sisters, OR 97759

6. LOCATION OF PROPOSED USE

LOCATION OF PROPOSED PLACE OF USE (ON LANDS)

Township	Range	Section	1/4, 1/4 of Section	Tax Lot #	# of acres irrigated
15	11	4	NE SE	100	2

7. EXHIBITS

A. A map prepared by Three Sisters Irrigation District or Certified Water Right Examiner or qualified Surveyor showing the location of the present and proposed irrigated lands.

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

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

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

APPLICANT: _____
NAME

Date

RECIPIENT: Ted Eady 11-14-07
NAME

Date

THREE SISTERS IRRIGATION DIST.

Marc Thalacker 11-14-07

Marc Thalacker, Manager

10503

Date

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DEC 10 2007
WATER RESOURCES DEPT
SALEM, OREGON

The original of this document shall remain on file at the district offices until a certificate confirming this transfer is issued by the Water Resources Department

NOTICE TO WATER WELL CONTRACTOR

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

WATER RESOURCES DEPARTMENT
SALEM, OREGON 97310
within 30 days from the date
of well completion.

WATER WELL REPORT

STATE OF OREGON

(Please type or print)

(Do not write above this line)

State Well No. 15s/11e-19cb

State Permit No. _____

DESC
3273

(1) OWNER:

Name DON KETTERLEIN
Address 213 S.W. Ash
Portland, Oregon 97204

(2) TYPE OF WORK (check):

New Well Deepening Reconditioning Abandon

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary Cable
Driven Jetted
Bored

(4) PROPOSED USE (check):

Domestic Industrial Municipal
Irrigation Test Well Other

(5) CASING INSTALLED:

Threaded Welded
10" Diam. from #1 ft. to 20 ft. Gage 250
" Diam. from _____ ft. to _____ ft. Gage _____
" Diam. from _____ ft. to _____ ft. Gage _____

(6) PERFORATIONS:

Perforated? Yes No.

Type of perforator used _____
Size of perforations _____ in. by _____ in.
_____ perforations from _____ ft. to _____ ft.
_____ perforations from _____ ft. to _____ ft.
_____ perforations from _____ ft. to _____ ft.

(7) SCREENS:

Well screen installed? Yes No

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

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made? Yes No If yes, by whom? FEATHER
Yield: 919 gal./min. with 7 ft. drawdown after 3 hrs.
" " " " " "
" " " " " "
Baller test _____ gal./min. with _____ ft. drawdown after _____ hrs.
Artesian flow _____ g.p.m. _____
Temperature of water _____ Depth artesian flow encountered _____ ft.

(9) CONSTRUCTION:

Well seal—Material used Cement
Well sealed from land surface to 20 ft.
Diameter of well bore to bottom of seal 14 in.
Diameter of well bore below seal 10 in.
Number of sacks of cement used in well seal 14 sacks
How was cement grout placed? Pressure Grouted
Was a drive shoe used? Yes No Plugs _____ Size: location _____ ft.
Did any strata contain unusable water? Yes No
Type of water? _____ depth of strata _____
Method of sealing strata off _____
Was well gravel packed? Yes No Size of gravel: _____
Gravel placed from _____ ft. to _____ ft.

(10) LOCATION OF WELL:

County Deschutes Driller's well number _____
N. W. 1/4 S. W. 1/4 Section 19 T. 15S R. 11E W.M.

Bearing and distance from section or subdivision corner

Desert Springs Ranch
State Rt. Redmond, Oregon

(11) WATER LEVEL: Completed well.

Depth at which water was first found 209 ft.
Static level 210 ft. below land surface. Date 12-15-79
Artesian pressure _____ lbs. per square inch. Date _____

(12) WELL LOG:

Diameter of well below casing 10"

Depth drilled 250 ft. Depth of completed well 240 ft.

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

MATERIAL	From	To	SWL
CONG. GRAY	0	12	
LAUA - MILD	12	52	
SANDSTONE + CONG. BN	52	101	
BASALT	101	149	
SANDSTONE	149	163	
BASALT	163	209	210
WATER-BEARING BASALT	209	240	

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FEB 6 1980

DEC 10 2007

WATER RESOURCES DEPT.
SALEM, OREGON

WATER RESOURCES DEPT.
SALEM, OREGON

Work started 9-14 1979 Completed 9-20 1979
Date well drilling machine moved off of well 9-21 1979

Drilling Machine Operator's Certification:

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

[Signed] M. Gordon Davidson Date 2-5, 1980
(Drilling Machine Operator)

Drilling Machine Operator's License No. 685

Water Well Contractor's Certification:

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

Name DAVIDSON DRILLING INC.
(Person, firm or corporation) (Type or print)

Address P.O. Box 315 Redmond, Ore.

[Signed] M. Gordon Davidson
(Water Well Contractor)

Contractor's License No. 548 Date 2-5, 1980

(USE ADDITIONAL SHEETS IF NECESSARY)

SP*45654-110

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765)

RECEIVED
JUN 12 1995
WATER RESOURCES DEPT.
SALEM, OREGON

(START CARD) # 67799

14S/10E/36ac
pg. 1

Instructions for completing this report are on the last page of this form.

(1) OWNER: Well Number 705-12-95
Name Ms. Judith M. Riley
Address 13245 SW Juanita Pl
City Beverton State Ore Zip 97008

(2) TYPE OF WORK
 New Well Deepening Alteration (repair/renovation) Abandonment

(3) DRILL METHOD:
 Rotary Air Rotary Mud Cable Auger
 Other

(4) PROPOSED USE:
 Domestic Community Industrial Irrigation
 Thermal Injection Livestock Other

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes No Depth of Completed Well 560 ft.
Explosives used Yes No Type _____ Amount _____

HOLE		SEAL				
Diameter	From	To	Material	From	To	Sacks or pounds
12"	0	29'	Bentonite	0	29'	18sks
8"	29'	560'				

How was seal placed: Method A B C D E
 Other Poured
Backfill placed from _____ ft. to _____ ft. Material _____
Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: 8"	+1	29'	.250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner: 6"	0	560'	.188	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) _____

(7) PERFORATIONS/SCREENS:

Perforations Method machine
 Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
540'	560'	1/8x3"	235		6"	<input type="checkbox"/>	<input checked="" type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour

Yield gal/min	Drawdown	Drill stem at	Time
15	40'	560'	1 hr.

Temperature of water 56 Depth Artesian Flow Found _____
Was a water analysis done? Yes By whom _____
Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other _____
Depth of strata: _____

(9) LOCATION OF WELL by legal description:
County Deschutes Latitude _____ Longitude _____
Township 14S N or S Range 10E E or W. WM.
Section 36A SW 1/4 NE 1/4
Tax Lot 2700 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) Hinkel Butte Dr.
Panomatic View Estates

(10) STATIC WATER LEVEL:
400' ft. below land surface. Date 6-1-95
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:
Depth at which water was first found 400'

From	To	Estimated Flow Rate	SWL
400'	560'	15GPM	400'

(12) WELL LOG:
Ground Elevation _____

Material	From	To	SWL
sandy top soil	0	6'	
brkn gray lava- brn clay	6'	20'	
drk brn clay congl	20'	36'	
fract gray lava	36'	42'	
red brn clay congl	42'	53'	
fract gray lava	53'	70'	
brn clay congl	70'	91'	
brn ss	91'	217'	
fract gray lava	217'	220'	
brn ss congl	220'	260'	
brkn rock congl	260'	264'	
fract gray lava	265'	272'	
coarse congl brn clay	272'	295'	
red cinder congl	295'	344'	
coarse congl	344'	365'	
fract gray lava	365'	393'	
red cinder congl	393'	420'	400'
black ss & congl	420'	445'	
brkn rock congl	445'	468'	
continued			

Date started 5-30-95 Completed 6-7-95

(unbonded) Water Well Constructor Certification:
I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.
WWC Number _____
Signed _____ Date _____

(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.
WWC Number 1568P
Signed David J. Kuhn Date 6-7-95

RECEIVED
DEC 10 2007

10503

DESC 9921

JUN 12 1995

14S/10E/36E pg. 2

STATE OF OREGON WATER SUPPLY WELL REPORT (as required by ORS 537.765)

WATER RESOURCES DEPT SALEM, OREGON

(START CARD) # 67799

Instructions for completing this report are on the last page of this form.

(1) OWNER: Well Number Name Ms. Judith Riley Address 13245 SW Jaunita Pl City Beaverton State Ore Zip 97008

(2) TYPE OF WORK New Well Deepening Alteration (repair/recondition) Abandonment

(3) DRILL METHOD: Rotary Air Rotary Mud Cable Auger Other

(4) PROPOSED USE: Domestic Community Industrial Irrigation Thermal Injection Livestock Other

(5) BORE HOLE CONSTRUCTION: Special Construction approval Yes No Depth of Completed Well ft. Explosives used Yes No Type Amount

Table with columns for HOLE Diameter, From, To, Material, SEAL From, To, Sacks or pounds

How was seal placed: Method A B C D E Other Backfill placed from ft. to ft. Material Gravel placed from ft. to ft. Size of gravel

(6) CASING/LINER: Table with columns for Diameter, From, To, Gauge, Steel, Plastic, Welded, Threaded for Casing and Liner

Final location of shoe(s)

(7) PERFORATIONS/SCREENS: Table with columns for From, To, Slot size, Number, Diameter, Material, Tele/pipe size, Casing, Liner

(8) WELL TESTS: Minimum testing time is 1 hour Pump Bailer Air Flowing Artesian Yield gal/min Drawdown Drill stem at Time

Temperature of water Depth Artesian Flow Found Was a water analysis done? Yes By whom Did any strata contain water not suitable for intended use? Too little Salty Muddy Odor Colored Other Depth of strata:

(9) LOCATION OF WELL by legal description: County Deschutes Latitude Longitude Township 14S N or S Range 10E E or W. WM. Section 36A SW 1/4 NE 1/4 Tax Lot 2700 Lot Block Subdivision Street Address of Well (or nearest address) Hinkel Butte Dr. Panoramic View Estates

(10) STATIC WATER LEVEL: ft. below land surface. Date Artesian pressure lb. per square inch. Date

(11) WATER BEARING ZONES: Depth at which water was first found

Table with columns: From, To, Estimated Flow Rate, SWL

(12) WELL LOG: Ground Elevation

Table with columns: Material, From, To, SWL. Includes entries like fract gray lava, red cinder congl, brwn sand & gravel, brkn brwn rock

RECEIVED JAN 11 1996 WATER RESOURCES DEPT. SALEM, OREGON. Includes blue stamp and date DEC 10 2007.

Date started 5-30-95 Completed 6-7-95 (unbonded) Water Well Constructor Certification:

I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

Signed WWC Number Date

(bonded) Water Well Constructor Certification:

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

Signed David J. Kuhn WWC Number 1568 Date 6-7-95

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

State of Oregon)
County of Multnomah) ss

I, Eric H. Vetterlein, in my capacity as General Partner,
mailing address 11301 S.W. Military Rd., Portland, OR 97219
telephone number (503) 226-1371, being first duly sworn depose and say:

1. I attest that:

- Water was used during the previous five years on the entire authorized place of use of the water right proposed for transfer as described on the accompanying transfer application; **or**
- The water right was leased instream at some time within the last five years. The instream lease number is as follows: _____; **or**
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.

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

- Personal observation
- Professional expertise

3. My knowledge is specific to the use of water at the following locations:

Township		Range		Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
15	S	11	E	Will	19	SW SW	4	28.4

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(continues on reverse side)

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

4. The water right was exercised for the authorized purpose described below (e.g., crops grown):

pasture, hay

5. The water delivery system used to apply water as authorized by the right is described below:

sprinkler irrigation

6. One or more of the following documentation supporting the above statements is attached:

- Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
- Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
- Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers,
- Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph,
- Dedicated power usage records or receipts,
- Instream lease number _____,
- Other: _____

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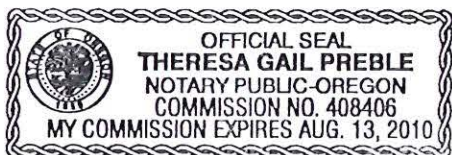
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Erika Vinton
Signature of Affiant

10-2-07
Date

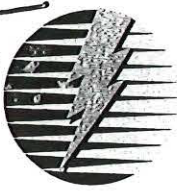
Signed and sworn to (or affirmed) before me this 2nd day of Oct., 2007.



Theresa Gail Preble
Notary Public for Oregon

My Commission Expires: 8/13/2010

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

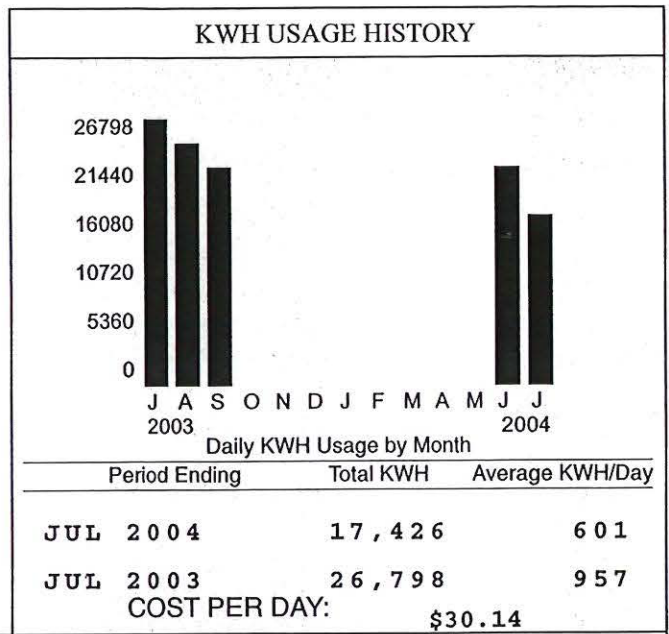


CENTRAL ELECTRIC COOPERATIVE, INC.
 PO BOX 846 548-2144
 REDMOND, OR 97756 389-1980 549-5698
 www.hometownutility.com 475-3266 447-5321

DOG ATTACKS METER READER

PLEASE READ THE "PRESIDENT'S MESSAGE" ON THE BACK COVER OF THE JULY "RURALITE." THE MESSAGE DESCRIBES THE UNFORTUNATE INCIDENT THAT RESULTED IN THE DOG BEING DESTROYED.

THE MESSAGE ALSO PROVIDES INFORMATION ABOUT THE LIABILITY ISSUES THAT PROPERTY OWNERS HAVE IN REGARD TO DANGEROUS WORKING CONDITIONS FOR UTILITY EMPLOYEES AND OTHERS WHO MUST COME ON TO PRIVATE PROPERTY TO CONDUCT NORMAL BUSINESS.



Period Ending	Total KWH	Average KWH/Day
JUL 2004	17,426	601
JUL 2003	26,798	957
COST PER DAY:		\$30.14

Meter Nbr	Prev. Read Dt	Prev. Read	Pres. Read Dt	Pres. Read	Mult.	KWH	KWD	Rate	Service Address
D-3004	06/02/04	58377	07/01/04	75803	1	17426	96.14	IRR03	67708 CLOVERDALE/IF

COOP PROVIDED ELECTRIC SERVICE
 PREVIOUS BALANCE
 PAYMENTS
 CURRENT MONTH ENERGY CHARGES
 ELECTRIC CHARGE
 DEMAND CHARGE
 ELECTRIC SERVICE SUBTOTAL

ACCOUNT NUMBER:

██████████
 \$1,385.29
 \$1,385.29-
 \$874.09
 \$288.45
 \$1,162.54

17,426 KWH @ 0.050160
 96.149 KWD @ 3.000000

*pd #1333.74
 7-19-04
 DSR CR # 2103*

TOTAL AMOUNT DUE ON 07/25/2004

\$1,162.54

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 SALEM, OREGON

1 10503



Oregon Water Resources Department
Land Use Information Form

THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water-right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: Eric Vetterlein
Mailing Address: 1100 SW Sixth Avenue #1200
City: Portland State: OR Zip: 97204 Day Phone: 503-226-1371

This application is related to a Measure 37 claim. [] Yes [x] No

A. Land and Location

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

Table with 8 columns: Township, Range, Section, 1/4, Tax Lot #, Plan Designation (e.g. Rural Residential/RR-5), Water to be: (Diverted, Conveyed, Used), Proposed Land Use: (irrigation). Row 1: 14S, 10, 36, SW NE, 2700, RR-10, [x] Diverted [x] Conveyed [x] Used, irrigation.

List all counties and cities where water is proposed to be diverted, conveyed, or used. Deschutes

B. Description of Proposed Use

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

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

Source of water: [] Reservoir/Pond [x] Ground Water [] Surface Water (name)

Estimated quantity of water needed: 0.025 [x] cubic feet per second [] gallons per minute [] acre-feet

Intended use of water: [x] Irrigation [] Commercial [] Industrial [] Domestic for household(s)
[] Municipal [] Quasi-municipal [] Instream [] Other

Briefly describe: Transfer of 2.0 acres of groundwater to irrigate pasture.

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

Receipt for Request for Land Use Information

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

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SALEM, OREGON

1 10503

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form.

This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

- Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Chapter 18.60 of Title 18 of the Deschutes County Code.
- Land uses to be served by proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.)
If approvals have been obtained but all appeal periods have not ended, check "Being pursued".

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

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

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Name: Paul Blikstad Title: Senior Planner
 Signature: Paul Blikstad Phone: 388-6554 Date: 10-31-07
 Government Entity: Deschutes County

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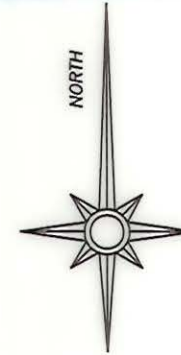
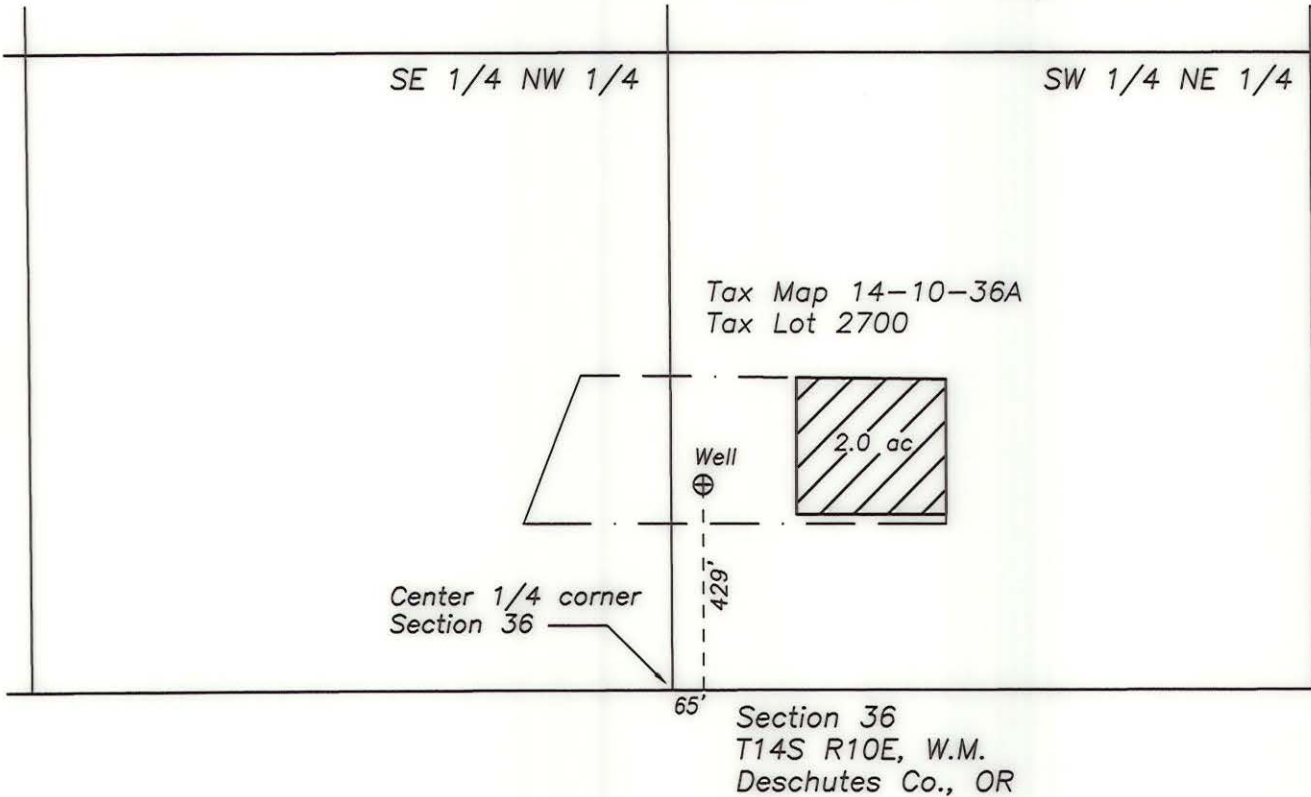
Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use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

Water Rights Transfer

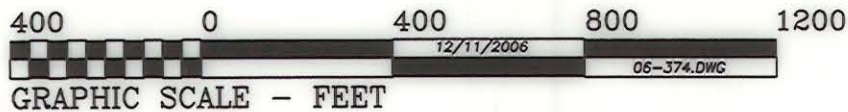
"On" Map

In the name of: Gayle Walker

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Renewal date: 6/30/2008



Water to transfer on (Certificate 61097, priority date 3/4/1980)

THIS MAP IS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHT.
IT IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.

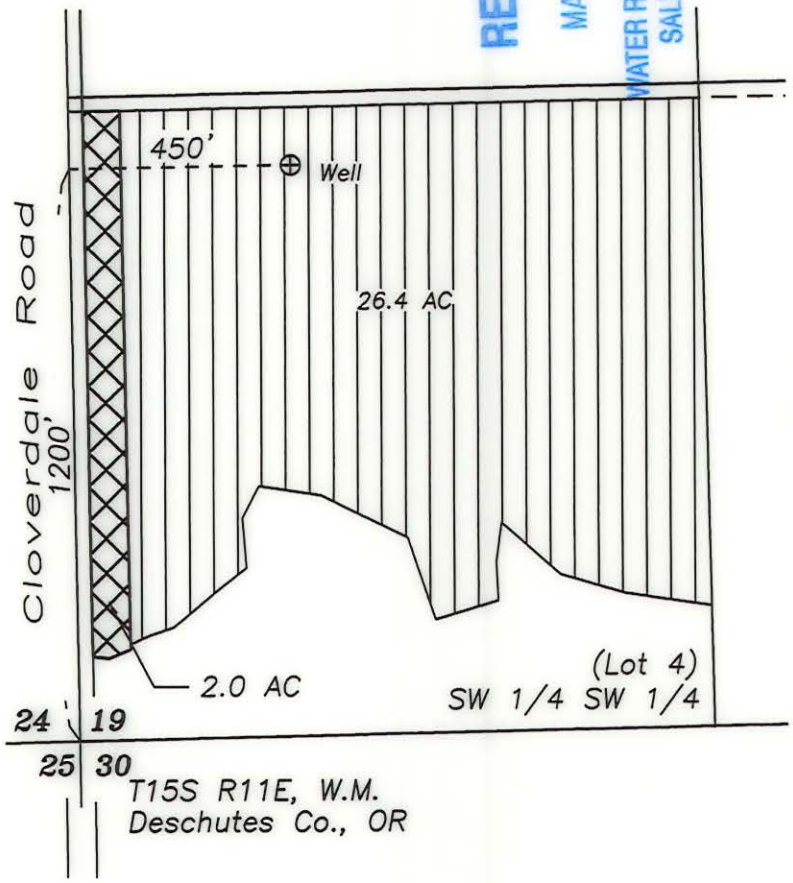
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Water Rights Transfer "Off" Map

In the name of: Donald H. Vetterlein

Tax Lot 4001, Map 15-11-00



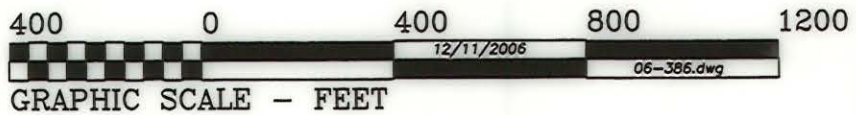
Water to transfer off (Certificate 61097, priority date 3/4/1980)



Water to remain (Certificate 61097, priority date 3/4/1980)



Renewal date: 6/30/2010



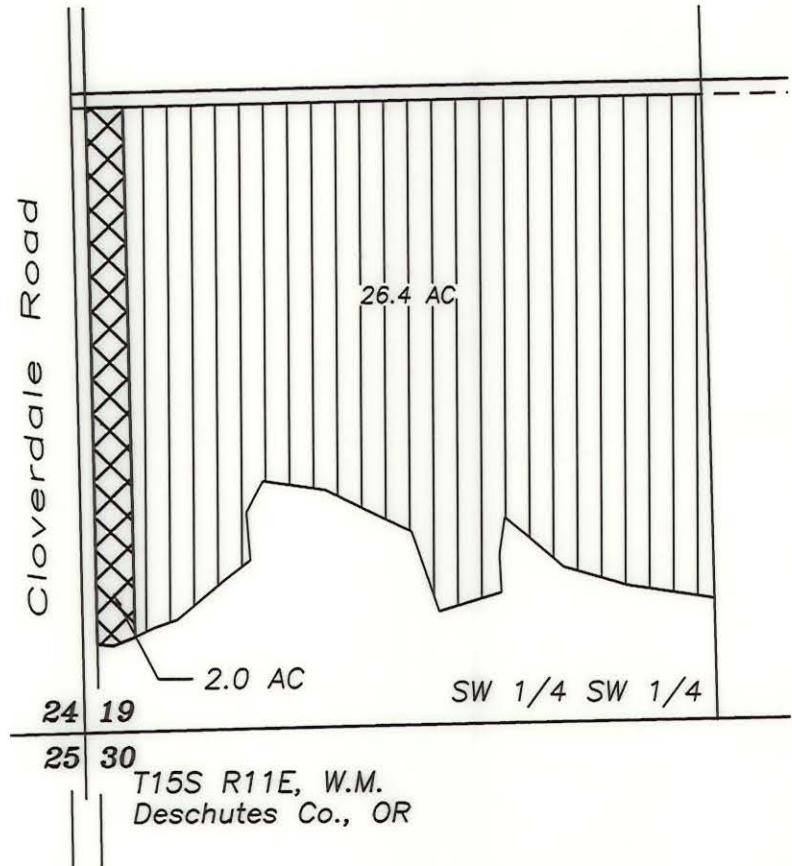
THIS MAP IS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.

Superseded by map
received 5/13/09

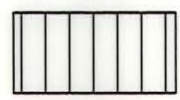
Water Rights Transfer "Off" Map

In the name of: Donald H. Vetterlein

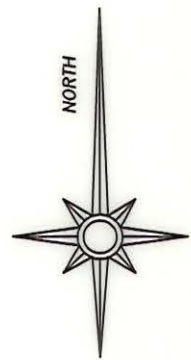
Tax Lot 4001, Map 15-11-00



Water to transfer off (Certificate 61097, priority date 3/4/1980)



Water to remain (Certificate 61097, priority date 3/4/1980)

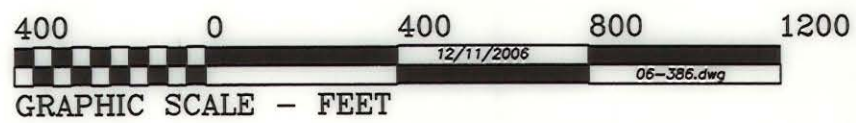


Renewal date: 6/30/2008

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**WATER RESOURCES DEPT
SALEM, OREGON**



THIS MAP IS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.

10503



Fred A. Ast, Jr. & Associates

Land Surveyors
Water Right Examiners

12/13/2007

Sarah -

Oops. Thought I had sent these
in the application packet.

Have a great holiday!

Hechler

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T 10503

Superseded by
p.3 received 5/13/09

▪ Certificate Number or other identifying number: 61097

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

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

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

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

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-____)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
DESC 3273	Well in Deep Canyon: 3/4/1980	15S	11E		19	SW SW	Lot 4	1180' North, 460' East of SW corner Section 19

▪ Does the water right being transferred involve a ground water source(s)?

Yes No (Surface water source only.)

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

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

or

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

Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)

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

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

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