T-13535

Regular

RA

T-13535

Name Black Butte Ranch Corporation & Black Butte Ranch Association
Address P.O. Box 8000
Black Butte Ranch, OR 97759
spetterson@bbranch.org

Change in USE, POU, APOA
Date Filed 10-5-2020
Initial notice date 10-20-2020
DPD issued date
PD issued date 6/9/2021 / 7-12-2021
PD notice date 6/15/2021 / 7-13-2021
Date of FO 3/28/2022 Vol 122 Page 581
withdrawal

C-Date
COBU due date
COBU Received date
Certificate issued

DESCRIPTION OF WATER RIGHT(s)

Name of Stream A Well ; Well 3

Trib. of Deschutes Basin ; Whychus Creek Basin ; Indian Ford Creek Basin ; Deschutes River
Use GD ; QM ; FI, IR, IS County Deschutes
Quantity of water (CFS) No. of Acres
Name of ditch

App# G-9117	Per # G-8501	Cert # 92269	PR Date 2/2/1979	
App# G-12711	Per # G-11710	Cert # 92270	PR Date 11/18/1991	
App# G-7017	Per # G-17023	Cert # 92271	PR Date 6/25/1975	
App# G-7018	Per # G-6797	Cert # 86708	PR Date 6/25/1975	
App# G-9119	Per # G-8503	Cert # 76002	PR Date 2/2/1979	

FEES PAID

Date	Amount	Receipt #
10-5-2020	$7,610.00	133583
10-5-2020	$125.00	1336016
10-19-2020	$1,244.48	133704
5-19-2021	1044.17	135309
8-10-2021	950.00	1361129

FEES REFUNDED

Date	Amount	Receipt #
11/3/2021	$950.00	VP052892

Assignments:

Irrigation District

Agent Niall Boggs / Parametrix — nboggs@parametrix.com

CWRE
CC's list Deschutes County

☐ - Oversized map – Location

LAYOUT: TRANSFER PATH: U:\Bend\Projects\Clients\7391-Black Butte Ranch\297-7391-002 BlackButteRanchWR\99Swca\CADD\DWG\Transfer Maps 2019 PLOTTED BY: boggsnia DATE: Thursday, January 02, 2020 3:34:07 PM

BLACK BUTTE RANCH

TRANSFER APPLICATION MAP
CERTIFICATE 76002
JANUARY, 2020
LOCATED WITHIN TOWNSHIP 14 SOUTH, RANGE 9 EAST, W.M.

SCALE
1320 0 660 1320 2640
(FEET)
1 INCH = 1320 FT.

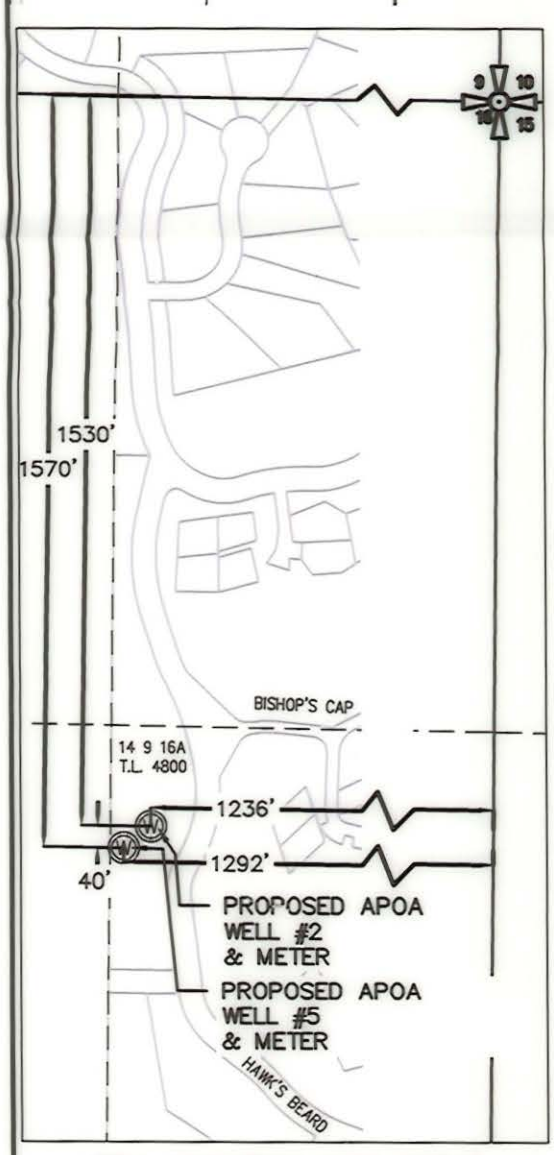
HIGHWAY 20

PROPOSED APOA WELL #1 & METER
PROPOSED APOA WELL #4 & METER
450' 412' SW SW
469'
10,000 GALLON PRESSURE TANK
WELL #2 & METER SEE WELL LOCATION MAP DETAIL
WELL #5 & METER SEE WELL LOCATION MAP DETAIL
500,000 GALLON RESERVOIR & BOOSTER PUMP STATION
4943'
"FOURTH NINE" DOMESTIC BOOSTER PUMP STATION
EXISTING POA WELL #3 & METER
250'
700'

EXISTING TYPE OF USE:
GROUP DOMESTIC (1.65CFS), IRRIGATION (0.91CFS), FISH CULTURE (0.07CFS)

PRIORITY DATE:
FEBRUARY 2, 1979 FOR 2.63 CFS

TRANSFER REQUEST:
1. ADD FOUR POINTS OF APPROPRIATION
2. MODIFY AREA OF USE AS SHOWN
3. CHANGE TYPE OF USE OF GROUP DOMESTIC TO QUASI-MUNICIPAL (1.65 CFS)



WELL LOCATION MAP DETAIL
1"=400'

TRANSFER APPLICATION MAP
1"=1320'

NOTE: THIS MAP WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF WATER RIGHTS. THIS MAP IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.

CERTIFIED WATER RIGHTS EXAMINER
80674 CWRE
NIALL W. BOGGS
JUNE 8, 2009
STATE OF OREGON
EXPIRES: 12-31-2021

RECEIVED
OCT 05 2020
OWRD

LEGEND

- EXISTING POA WELL LOCATION
- PROPOSED ADDITIONAL POA WELL LOCATION
- SECTION LINE
- QUARTER SECTION LINE
- SIXTEENTH SECTION LINE
- TAXLOT LINE
- EXISTING AREA OF USE FOR GROUP DOMESTIC WATER RIGHT TO BE CHANGED TO QUASI-MUNIPAL
- SECTION CORNER
- PROPOSED AREA OF USE FOR QUASI-MUNICIPAL WATER RIGHT FOR SERVICE AREA BOUNDARY OF BLACK BUTTE RANCH
- EXISTING LAKE
- EXISTING CREEK WITH DIRECTION OF FLOW ARROW

WR5.0 DRAWING NO. 5 OF 5

TRANSFER APPLICATION MAP CERTIFICATE: 76002

PROJECT NAME
PERMANENT WATER RIGHT TRANSFERS
BLACK BUTTE RANCH

Parametrix
ENGINEERING . PLANNING . ENVIRONMENTAL SCIENCES

DATE	DESIGNED	CHECKED
01/20		NWB
JOB No. 297-7391-002	DRAWN DSK	APPROVED NWB

ONE INCH AT FULL SCALE. IF NOT, SCALE ACCORDINGLY

	REVISIONS	DATE	BY

LAYOUT: Layout1 PATH: U:\Bend\Projects\Clients\7391-Black Butte Ranch\297-7391-002 BlackButteRanch1IR\99Svcs\CADD\DWG\Transfer Maps 2019 PLOTTED BY: boggsnia DATE: Thursday, January 02, 2020 3:36:07 PM

BLACK BUTTE RANCH

TRANSFER APPLICATION MAP
CERTIFICATE 86708
JANUARY, 2020
LOCATED WITHIN TOWNSHIP 14 SOUTH, RANGE 9 EAST, W.M.

SCALE
1320 0 660 1320 2640
(FEET)
1 INCH = 1320 FT.

HIGHWAY 20

SW SE SE SE

NW NW NE NW NW NE NW NW NE NW NW NE NW

SW NW SE NW SW NE SE NE SW NW SE NW SW NE

NW SW NE SW NW SE NE SE NW SW NE SW

SW SW SE SW SW SE SE SE SW SW

NE NE NW NW NE NW

SE NE SW NW SE NW

SW SW SE SW

NE NW NE NW NW NE NW

SE NW SW NE SE NE

NE NW NW NE NE NE

SE NW SW NE SE NE

NE SW NW SE NE SE

4943'

EXISTING POA WELL #1 & METER

PROPOSED APOA WELL #4 & METER

450'
412'
469'

10,000 GALLON PRESSURE TANK

WELL #2 & METER SEE WELL LOCATION MAP DETAIL

WELL #5 & METER SEE WELL LOCATION MAP DETAIL

500,000 GALLON RESERVOIR & BOOSTER PUMP STATION

"FOURTH NINE" DOMESTIC BOOSTER PUMP STATION

EXISTING TYPE OF USE:
GROUP DOMESTIC

PRIORITY DATE:
JUNE 25, 1975 FOR 1.8 CFS

TRANSFER REQUEST:
1. *ADD FOUR POINTS OF APPROPRIATION*
2. *MODIFY AREA OF USE AS SHOWN*
3. *CHANGE TYPE OF USE FROM GROUP DOMESTIC TO QUASI-MUNICIPAL*

250'
700'

PROPOSED APOA WELL #3 & METER

1530'
1570'

BISHOP'S CAP

14 9 16A
T.L. 4800

1236'
1292'
40'

PROPOSED APOA WELL #2 & METER

PROPOSED APOA WELL #5 & METER

HAWK'S BEARD

WELL LOCATION MAP DETAIL
1"=400'

TRANSFER APPLICATION MAP
1"=1320'

NOTE: THIS MAP WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF WATER RIGHTS. THIS MAP IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.

CERTIFIED WATER RIGHTS EXAMINER
80674 CWRE
Niall Bgl
NIALL W. BOGGS
JUNE 8, 2009
STATE OF OREGON

EXPIRES: 12-31-2021

RECEIVED
OCT 05 2020
OWRD

LEGEND

- EXISTING POA WELL LOCATION
- PROPOSED ADDITIONAL POA WELL LOCATION
- SECTION LINE
- QUARTER SECTION LINE
- SIXTEENTH SECTION LINE
- TAXLOT LINE
- EXISTING AREA OF USE FOR GROUP DOMESTIC WATER RIGHT TO BE CHANGED TO QUASI-MUNIPAL
- SECTION CORNER
- PROPOSED AREA OF USE FOR QUASI-MUNICIPAL WATER RIGHT FOR SERVICE AREA BOUNDARY OF BLACK BUTTE RANCH
- EXISTING LAKE
- EXISTING CREEK WITH DIRECTION OF FLOW ARROW

WR4.0	DRAWING NO. 4 OF 5	TRANSFER APPLICATION MAP CERTIFICATE: 86708	PROJECT NAME: PERMANENT WATER RIGHT TRANSFERS, BLACK BUTTE RANCH

Parametrix — ENGINEERING . PLANNING . ENVIRONMENTAL SCIENCES

DATE	DESIGNED	CHECKED
01/20		NWB
JOB No.	DRAWN	APPROVED
297-7391-002	DSK	NWB

ONE INCH AT FULL SCALE. IF NOT, SCALE ACCORDINGLY

REVISIONS	DATE	BY

LAYOUT: Transfer PATH: U:\Bend\Projects\Clients\7391-Black Butte Ranch\297-7391-002 BlackButteRanchWR\99Swcs\CADD\DWG\Transfer Maps 2019 PLOTTED BY: boggsnia DATE: Thursday, January 02, 2020 3:52:13 PM

BLACK BUTTE RANCH

TRANSFER APPLICATION MAP
CERTIFICATE 92271
JANUARY, 2020
LOCATED WITHIN TOWNSHIP 14 SOUTH, RANGE 9 EAST, W.M.

SCALE
1320 0 660 1320 2640
(FEET)
1 INCH = 1320 FT.

HIGHWAY 20

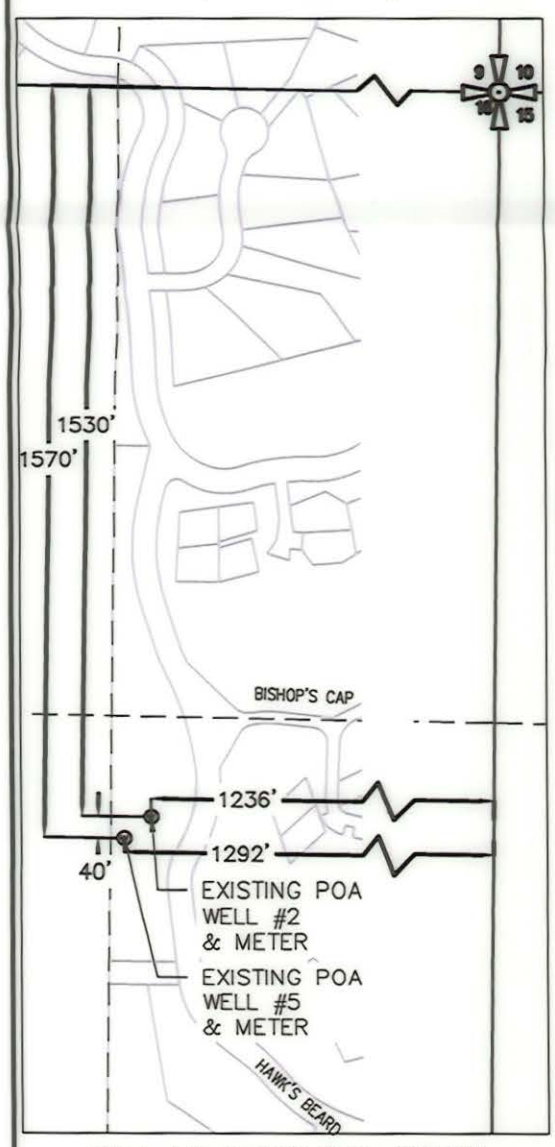
PROPOSED POA WELL #1 & METER
PROPOSED POA WELL #4 & METER
10,000 GALLON PRESSURE TANK
WELL #2 & METER SEE WELL LOCATION MAP DETAIL
WELL #5 & METER SEE WELL LOCATION MAP DETAIL
500,000 GALLON RESERVOIR & BOOSTER PUMP STATION
PROPOSED POA WELL #3 & METER
"FOURTH NINE" DOMESTIC BOOSTER PUMP STATION

450'
412'
469'
4943'
700'
250'

EXISTING TYPE OF USE:
GROUP DOMESTIC

PRIORITY DATE:
JUNE 25, 1975 FOR 2.9 CFS

TRANSFER REQUEST:
1. ADD THREE POINTS OF APPROPRIATION
2. MODIFY AREA OF USE AS SHOWN
3. CHANGE TYPE OF USE FROM GROUP DOMESTIC TO QUASI-MUNICIPAL



WELL LOCATION MAP DETAIL
1"=400'

TRANSFER APPLICATION MAP
1"=1320'

NOTE: THIS MAP WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF WATER RIGHTS. THIS MAP IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.

CERTIFIED WATER RIGHTS EXAMINER
80674 CWRE
NIALL W. BOGGS
JUNE 8, 2009
STATE OF OREGON

EXPIRES: 12-31-2021

RECEIVED
OCT 05 2020
OWRD

LEGEND

- EXISTING POA WELL LOCATION
- PROPOSED ADDITIONAL POA WELL LOCATION
- SECTION LINE
- QUARTER SECTION LINE
- SIXTEENTH SECTION LINE
- TAXLOT LINE
- EXISTING AREA OF USE FOR GROUP DOMESTIC WATER RIGHT TO BE CHANGED TO QUASI-MUNIPAL
- SECTION CORNER
- PROPOSED AREA OF USE FOR QUASI-MUNICIPAL WATER RIGHT FOR SERVICE AREA BOUNDARY OF BLACK BUTTE RANCH
- EXISTING LAKE
- EXISTING CREEK WITH DIRECTION OF FLOW ARROW

WR3.0 | DRAWING NO. 3 OF 5

TRANSFER APPLICATION MAP CERTIFICATE: 92271

PROJECT NAME
PERMANENT WATER RIGHT TRANSFERS
BLACK BUTTE RANCH

Parametrix
ENGINEERING . PLANNING . ENVIRONMENTAL SCIENCES

DATE	DESIGNED	CHECKED
01/20		NWB
JOB No. 297-7391-002	DRAWN DSK	APPROVED NWB

ONE INCH AT FULL SCALE. IF NOT, SCALE ACCORDINGLY

	REVISIONS	DATE	BY

LAYOUT: TRANSFER PATH: U:\Bend\Projects\Clients\7391-Black Butte Ranch\297-7391-002 BlackButteRanch1MR\99Svcs\CADD\DWG\Transfer Maps 2019 PLOTTED BY: boggsnia DATE: Thursday, January 02, 2020 4:05:59 PM

BLACK BUTTE RANCH ASSOCIATION

TRANSFER APPLICATION MAP
CERTIFICATE 92269
JANUARY, 2020
LOCATED WITHIN TOWNSHIP 14 SOUTH, RANGE 9 EAST, W.M.

SCALE
1320 0 660 1320 2640
(FEET)
1 INCH = 1320 FT.

RECEIVED
OCT 05 2020
OWRD

HIGHWAY 20

SW SE | SE SE | NW NW | NE NW | NW NE | NE NE | NW NW | NE NW | NW NE
SW NW | SE NW | SW NE | SE NE | SW NW | SE NW | SW NE
NW SW | NE SW | NW SE | NE SE | NW SW | NE SW
SW SW | SE SW | SW SE | SE SE | SW SW
NE NE | NW NW | NE NW
SE NE | SW NW | SE NW
NW SW | NE SW
SW SW | SE SW
NE NW | NW NW | NE NW
SE NW | SW NE | SE NE
NE SW | NW SE | NE SE

5 4 / 8 9 — 4 3 / 9 10 — 3 2 / 10 11
8 9 / 17 16 — 9 10 / 16 15 — 10 11 / 15 14
16 15 / 22 23 — 15 14

4943'

EXISTING POA WELL #1 & METER
PROPOSED POA WELL #4 & METER
450'
412'
469'
10,000 GALLON PRESSURE TANK
WELL #2 & METER SEE WELL LOCATION MAP DETAIL
WELL #5 & METER SEE WELL LOCATION MAP DETAIL
500,000 GALLON RESERVOIR & BOOSTER PUMP STATION
250'
700'
PROPOSED POA WELL #3 & METER
"FOURTH NINE" DOMESTIC BOOSTER PUMP STATION

EXISTING TYPE OF USE:
GROUP DOMESTIC

PRIORITY DATE:
FEBRUARY 2, 1979 FOR 0.27 CFS

TRANSFER REQUEST:
1. *ADD TWO POINTS OF APPROPRIATION*
2. *MODIFY AREA OF USE AS SHOWN*
3. *CHANGE TYPE OF USE FROM GROUP DOMESTIC TO QUASI-MUNICIPAL*

N

WELL LOCATION MAP DETAIL
1"=400'

1530'
1570'
BISHOP'S CAP
1236'
1292'
40'
EXISTING POA WELL #2 & METER
EXISTING POA WELL #5 & METER
HAWK'S BEARD

TRANSFER APPLICATION MAP
1"=1320'

LEGEND

- EXISTING POA WELL LOCATION
- PROPOSED ADDITIONAL POA WELL LOCATION
- SECTION LINE
- QUARTER SECTION LINE
- SIXTEENTH SECTION LINE
- TAXLOT LINE
- EXISTING AREA OF USE FOR GROUP DOMESTIC WATER RIGHT FOR 155 FAMILIES TO BE CHANGED TO QUASI-MUNIPAL
- SECTION CORNER
- PROPOSED AREA OF USE FOR QUASI-MUNICIPAL WATER RIGHT FOR SERVICE AREA BOUNDARY OF BLACK BUTTE RANCH.
- EXISTING LAKE
- EXISTING CREEK WITH DIRECTION OF FLOW ARROW

CERTIFIED WATER RIGHTS EXAMINER
80674 CWRE
NIALL W. BOGGS
JUNE 8, 2009
STATE OF OREGON
EXPIRES: 12-31-2021

NOTE: THIS MAP WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF WATER RIGHTS. THIS MAP IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.

WR1.0 | DRAWING NO. 1 OF 5

TRANSFER APPLICATION MAP CERTIFICATE: 92269

PROJECT NAME
PERMANENT WATER RIGHT TRANSFERS
BLACK BUTTE RANCH

Parametrix
ENGINEERING . PLANNING . ENVIRONMENTAL SCIENCES

DATE	DESIGNED	CHECKED
01/20		NMB
JOB No. 297-7391-002	DRAWN DSK	APPROVED NMB

ONE INCH AT FULL SCALE. IF NOT, SCALE ACCORDINGLY

REVISIONS	DATE	BY

LAYOUT: TRANSFER PATH: U:\Bend\Projects\Clients\7391-Black Butte Ranch\297-7391-002 BlackButteRanchWR\99Swca\CADD\DWG\Transfer Maps 2019 PLOTTED BY: boggsnia DATE: Thursday, January 02, 2020 4:02:36 PM

BLACK BUTTE RANCH

TRANSFER APPLICATION MAP
CERTIFICATE 92270
JANUARY, 2020
LOCATED WITHIN TOWNSHIP 14 SOUTH, RANGE 9 EAST, W.M.

SCALE
1320 0 660 1320 2640
(FEET)
1 INCH = 1320 FT.

RECEIVED
OCT 05 2020
OWRD

HIGHWAY 20

PROPOSED POA WELL #1 & METER

EXISTING POA WELL #4 & METER

10,000 GALLON PRESSURE TANK

WELL #2 & METER SEE WELL LOCATION MAP DETAIL

WELL #5 & METER SEE WELL LOCATION MAP DETAIL

500,000 GALLON RESERVOIR & BOOSTER PUMP STATION

"FOURTH NINE" DOMESTIC BOOSTER PUMP STATION

PROPOSED POA WELL #3 & METER

EXISTING POA WELL #2 & METER

EXISTING POA WELL #5 & METER

BISHOP'S CAP

HAWK'S BEND

EXISTING TYPE OF USE:
QUASI-MUNICIPAL

PRIORITY DATE:
NOVEMBER 18, 1991 FOR 4.8 CFS

TRANSFER REQUEST:
1. ADD TWO POINTS OF APPROPRIATION

WELL LOCATION MAP DETAIL
1"=400'

TRANSFER APPLICATION MAP
1"=1320'

LEGEND

- EXISTING POA WELL LOCATION
- PROPOSED ADDITIONAL POA WELL LOCATION
- SECTION LINE
- QUARTER SECTION LINE
- SIXTEENTH SECTION LINE
- TAXLOT LINE
- EXISTING AREA OF USE FOR QUASI-MUNICIPAL WATER RIGHT, SERVICE AREA BOUNDARY OF BLACK BUTTE RANCH
- SECTION CORNER
- EXISTING LAKE
- EXISTING CREEK WITH DIRECTION OF FLOW ARROW

CERTIFIED WATER RIGHTS EXAMINER
80674 CWRE
NIALL W. BOGGS
JUNE 8, 2009
STATE OF OREGON

EXPIRES: 12-31-2021

NOTE: THIS MAP WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF WATER RIGHTS. THIS MAP IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.

WR2.0 | DRAWING NO. 2 OF 5

TRANSFER APPLICATION MAP CERTIFICATE: 92270

PROJECT NAME
PERMANENT WATER RIGHT TRANSFERS
BLACK BUTTE RANCH

Parametrix
ENGINEERING . PLANNING . ENVIRONMENTAL SCIENCES

DATE	DESIGNED	CHECKED
01/20		NWB
JOB No. 297-7391-002	DRAWN DSK	APPROVED NWB

ONE INCH AT FULL SCALE. IF NOT, SCALE ACCORDINGLY

REVISIONS	DATE	BY

Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

March 16, 2022

BLACK BUTTE RANCH CORP.
PO BOX 8000
BLACK BUTTE RANCH, OR 97759

ORDER ON WITHDRAWN APPLICATION
Reference: Transfer Application T-13535

The above referenced transfer application was withdrawn from the record of the Water Resources Department on March 16, 2022, by Special Order Volume 122, Page 581 (copy enclosed).

The transfer application is no further force or effect.

If you have any questions related to the approval of this permit amendment, you may contact your caseworker, Tamera Smith, by telephone at (503) 979-9607 or by e-mail at Tamera.L.Smith@oregon.gov.

Sincerely,

Julie C. Baustian
Water Right Services Support
Transfers and Conservation Section

cc: Jeremy T. Giffin, Watermaster Dist. # 11 (via email)
Deschutes County
Niall Boggs, Agent

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application T-13535, Deschutes County, Oregon	)))	FINAL ORDER WITHDRAWING AN APPLICATION FOR A WATER RIGHT TRANSFER

Authority

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

Applicant
BLACK BUTTE RANCH CORP. AND
BLACK BUTTE RANCH ASSOCIATION
PO BOX 8000
BLACK BUTTE RANCH, OR 97759

Findings of Fact

1. Transfer Application T-13535, in the name of BLACK BUTTE RANCH CORPORATION AND BLACK BUTTE RANCH ASSOCIATION, was filed on October 5, 2020.

2. On February 7, 2022, JOSH NEWTON, attorney for the applicant, submitted a written request on behalf of the applicant asking that Transfer Application T-13535 be withdrawn.

Now, therefore, it is ORDERED:

Transfer Application T-13535, in the name of Black Butte Ranch Corporation and Black Butte Ranch Association, is withdrawn and of no further force or effect.

Dated in Salem, Oregon on MAR 16 2022

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

Mailing date: MAR 17 2022

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13535

Transfer Type: Regular

Transfer Specialist: Cogswell (TF)

Applicant:	Agent: ☐ N/A
BLACK BUTTE RANCH CORPORATION BLACK BUTTE RANCH ASSOCIATION PO BOX 8000 BLACK BUTTE RANCH, OR 97759 Email: WW Phone:	NIALL BOGGS 150 NW PACIFIC PARK LANE SUITE 110 BEND, OR 97701 Email: WW Phone:
Irrigation District: ☐ N/A Email:	**CWRE:** ☐ N/A Email: cc: Adam Bvorstein, Commenter
Affected Local Gov'ts: ☐ N/A Deschutes County Email:	**Affected Tribal Gov't:** ☐ N/A UNAVAILABLE Email:
Current Landowner if other than Applicant: ☐ N/A Email:	**Receiving Landowner:** ☐ N/A Email:

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
☐	G-9117 USE, POU, APOAs (3)	G-8501	92269	☐ Yes ☐ No	NO RR
☐	G-12711 APOA's *MAYBE POU?* (4)	G-11710	92270	☐ Yes ☐ No	NO RR
☐	G-7017 USE, POU, APOAs (5)	G-17023	92271	☐ Yes ☐ No	NO RR
☐	G-7018 USE, POU, APOAs (2)	G-6797	86708	☐ Yes ☒ No	NO RR
☐	G-9119 USE, POU, APOAs (1)	G-8503	76002	☒ Yes ☐ No	95391 > .25 mi Δ

Key Dates & Initial Actions:

Rec'd: October 5, 2020	Proposed Action(s): ADDITIONAL POINT OF APPROPRIATION; PLACE OF USE; USE	
Fees Pd: 7610.00	WM District: 11	~~ODFW District:~~ C
Initial Public Notice: October 20, 2020	WM Review sent: ✓ 6/25	~~ODFW Review sent:~~ C
Acknowledgement Letter Sent ☒	new + existing signed ✓	GW Review sent: ✓ ☐ N/A
County sent cc: of Ack Letter ☒	BOR notified (date): ☒ N/A	
Newspaper quote requested: ✓	Request for news $ sent: 5-13-21	News $ received: 5-19-21
Request to publish sent: ✓	Affidavit of publication received:	Last day of publication: 6-11 + 18

Bend Bulletin yes NP notice req'd. (ΔCh. of Use)

NRD1. Municipality.

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: 12-19-2020 Initials: (TF)	Date: 12/23/20 Initials: Scott	Date: 1-13-21 Initials: TF, 21	Date: 2/10/21 Initials: PKS	Date: 2-20-21 Initials: TF	CW Sent: 2-20-21	N/A
REVISED DPD	Date: 5-20-21 Initials: (TF)	Date: Initials:	Date: Initials:	Date: 3/29/21 Initials: PKS	Date: 4-6-21 Initials: TF	~~Date:~~ Sent: 4-6-21 (TF)	Date: → cc Reviewer ✓ → cc: commenter Adam Bvorstein
~~PD~~ ~~EO~~	Date: 4-16-21 Initials: TF	Date: 4/13/21 Initials: DLD	Date: Initials:	Date: 4/16/21 Initials: PKS 2/28/22 PKS	Date: 4-22-21 Initials:	Date: 5-19-21	Date: 3-11-2022

WD 2-22-22 2/22/22 Scott

Special Issues: WW document from Adam Bvorstein 11/19 3:34 pm → wants to protest * → WW interested DC WD 3-7-22 TIMELY NP request

OVER

FO

Drafted	Peer Rev	Coord	Δ made	Sig Blk	Sign Date
6-18-21	CE 6/23/21	PKS 7/6/21			

WATER RESOURCES DEPARTMENT

REQUEST FOR DISTRIBUTION OF FUNDS

TO: Fiscal Services Section DATE: October 21, 2021

FROM: Tamera Smith - TACS

RE: Request for Refund

APPLICATION: T-13535 RECEIPT #: 136129 from file cover

Please prepare a refund in the amount of $950.00, made payable to:

Name: WaterWatch of Oregon, Inc.

Address: 213 SW Ash Street, Suite 208

City: Portland, OR 97204

47235

0223

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

____ Request for file to be Withdrawn

____ Excess fees were collected for application

__X_ Protest filing fees

____ Standing fees

___ Permit recording fees

___ Other: Claim of Beneficial Use returned – Water user did not qualify to self-certify their permit

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

Authorized Signature: _____ Date: 10-21-2021

Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

OCTOBER 21, 2021

WaterWatch of Oregon, Inc.
213 SW Ash Street, Suite 208
Portland, OR 97204

On August 12, 2021, you filed a timely protest and fee in the amount of $950.00 on the Preliminary Determination proposing to approve Transfer Application T-13535 due to injury and enlargement, violation of OAR 690-380-3220, injury to downstream instream water leases, basin plans, Oregon's Administrative Procedures, and violation of OAR 690-380-4010(2)(a).

A separate application was not used for each water right, therefore, the application violates OAR 690-380-3220.

Our Department will be issuing an Order Withdrawing the Preliminary Determination T-13535. The Department will recommend that the applicant revise Transfer Application T-13535 to include one water right.

Sincerely,

Tamera Smith
Transfer Caseworker
Transfer and Conservation Section

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Permit Amendment Application T-13535, Deschutes County	)))	ORDER WITHDRAWING PRELIMINARY DETERMINATION

Applicant

BLACK BUTTE RANCH CORPORATION
BLACK BUTTE RANCH ASSOCIATION
PO BOX 8000
BLACK BUTTE RANCH, OR 97759

Findings of Fact

1. On October 5, 2020, BLACK BUTTE RANCH CORPORATION AND BLACK BUTTE RANCH ASSOCIATION filed an application for additional points of appropriation, to change the places of use, and character of use under Certificates 76002, 86708, 92269, and 92271, and for additional points of appropriation under Certificate 92270. The Department assigned the application number T-13535.

2. On June 9, 2021, the Department issued a Preliminary Determination proposing to approve T-13535.

3. On July 12, 2021, the Department re-issued the Preliminary Determination proposing to approve T-13535.

Now, therefore, it is ORDERED:

The Preliminary Determination proposing to approve T-13535 in the name of BLACK BUTTE RANCH CORPORATION AND BLACK BUTTE RANCH ASSOCIATION, issued on June 9, 2021, and re-issued on July 12, 2021, is withdrawn and of no further force or effect.

Dated at Salem, Oregon OCT 27 2021

Lisa J. Jaramillo, Transfer and Conservation Section Manager for
THOMAS M. BYLER, DIRECTOR
Oregon Water Resources Department

Mailing Date: OCT 28 2021

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # 136129

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

INVOICE # _____

RECEIVED FROM: Waterwatch of Oregon, Inc.
BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-13535

CASH: ☐ CHECK:# ☒ 14669 ☐ OTHER: (IDENTIFY) _____

TOTAL REC'D $ 950.00

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

47235

MISCELLANEOUS

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

WATER RIGHTS:

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

WELL CONSTRUCTION

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

0223 OTHER (IDENTIFY) Protest Fees $950.00

0536 TREASURY 0437 WELL CONST. START FEE

0211	WELL CONST START FEE	$	CARD#	
0210	MONITORING WELLS	$	CARD#	

_____ OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

_____ TREASURY OTHER / RDX

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

RECEIVED OVER THE COUNTER

RECEIPT: 136129 DATED: 8-12-2021 BY: Mindy Cordell

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

Oregon Water Resources Department
Water Rights Division

In the Matter of the Preliminary Determination for T-13535, Deschutes County, in the Name of Black Butte Ranch Corporation and Black Butte Ranch Association	)))))	PROTEST OF WATERWATCH OF OREGON

I. Name, Address And Telephone Number Of Protestant

WaterWatch of Oregon
213 SW Ash Street, Suite 208
Portland, OR 97204
Phone: 503.295.4039
Fax: 503.295.2791
Contact: Lisa Brown, lisa@waterwatch.org

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II. Interests Of WaterWatch of Oregon

WaterWatch of Oregon is a non-profit river conservation and restoration group that has invested significant time, resources and money protecting and restoring in-stream flows, surface waters and groundwater aquifers across Oregon, including in the areas that would be affected by T-13535. WaterWatch has individual and organizational members who regularly use and enjoy the waters of the Deschutes Basin, including those that would be affected by this proposed transfer, and who would be affected by the proposed use for fishing, bird watching, and other activities. WaterWatch also represents the public interest in protecting Oregon's waterways and groundwater resources for public uses, including maintaining aquatic habitats, and protecting waterways from exploitation, waste and unlawful water use.

WaterWatch has committed extensive resources and time to maintaining and restoring streamflows and protecting groundwater throughout Oregon, where all water is a public owned resource. ORS 537.110. This has included investment of significant time

and resources to restore streamflows and rivers and protect groundwater aquifers in the Deschutes Basin, including on Whychus Creek which provides habitat for rainbow and redband trout, lamprey and Spring Chinook and summer steelhead that are being restored to the basin and also ranks by the state as a stream in the highest need of flow restoration.

WaterWatch was instrumental in the development of the Deschutes Basin Groundwater mitigation program and associated rules, and has committed significant resources to be involved in all subsequent work groups related to this program. A key component of this program was ensuring that mitigation is required for localized impacts, such as those on Whychus Creek, the Metolius River and Indian Ford Creek. WaterWatch monitors all water right allocation and reallocation decisions in the basin, whether affecting surface or groundwater or both. WaterWatch has participated and advocated for streamflow restoration/protection and groundwater protection in the Deschutes Basin Study Workgroup, the Habitat Conservation Plan stakeholder group, the Deschutes Basin Collaborative and many other forums.

WaterWatch and its members have also invested time and money promoting sound water policy. WaterWatch works to achieve these goals including through advocacy for legislation and through administrative and judicial proceedings; participation in the water permitting process, including reviewing and filing protests, as appropriate, to water permitting decisions; participation in the public review process for Water Management and Conservation Plans; work with the Oregon legislature, other governmental entities and on rules advisory committees; and participation in collaborative and stakeholder groups. WaterWatch drafted and championed the 1987

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Instream Water Rights Act, that has resulted in over 90 instream rights in the Deschutes Basin including on Indian Ford Creek, Whychus Creek and the Deschutes River.

In sum, WaterWatch and its members and the public interest have substantial interests in the waters that will be affected by the proposed transfer and will be adversely and practically affected if the proposed transfer were issued.

III. Approval of the Transfer Would Impair And Be Detrimental To WaterWatch's Interests

1. Approval of the transfer would impair and be detrimental to WaterWatch's interest and the public's interest in ensuring that the state not issue transfers of rights that will allow enlargement of the use, cause injury to other water rights, including instream water rights held in trust for the people of Oregon, or result in the transfer of water rights that are not allowed to be transferred in contravention of the Oregon water code.

2. Approval of the transfer would impair and be detrimental to WaterWatch's interest and the public's interest in protecting Indian Ford Creek, Whychus Creek, the Deschutes River, and wetlands and meadows in the Black Butte area including Glaze Meadow, and in protecting streamflows, native aquatic species including rainbow trout and redband trout, lamprey, the Indian Ford juga snail, and migratory Spring Chinook salmon and summer steelhead whose runs are being restored in Whychus Creek (which is now the subject of an intense restoration effort involving dozens of individuals and organizations who are working together to restore stream health and function), recreational water uses including fishing, and existing water rights including instream water rights.

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3. Approval of the transfer would impair and be detrimental to WaterWatch's interest and the public's interest in ensuring Oregon's water laws are properly implemented, including pubic involvement requirements, and Oregon's water resources are managed fairly.

IV. How Approval of the Transfer Would Be in Error And Deficient And How To Avoid/Correct The Errors And Deficiencies

WaterWatch files this timely protest raising the following deficiencies in the Preliminary Determination (PD).

A. Approval of the transfer is in error and deficient for reasons including, but not limited to, the following:

1. The proposed transfer is unlawful because it would result in an enlargement of the underlying water rights and would result in injury to other water rights, including instream water rights; findings in the PD to the contrary are in error.

The proposed transfer, which would modify five groundwater certificates held by the Black Butte Ranch resort, is unlawful because it would result in enlargement and injury, including to downstream instream water rights, for reasons including but not limited to the following. ORS 540.530; OAR 690-380-5000(1)(c)-(d).

a) The proposed change in character of use from group domestic to quasi-municipal use on certificates 76002, 86708, 92269 and 92271 will result in enlargement and injury; the PD fails to conform to agency guidance and practice for preventing enlargement in this type of transfer.

On four of the involved certificates, the proposed transfer would change the character of use from group domestic to quasi-municipal.[1, 2] This change would allow a 6.62 cfs currently restricted to the narrow use of group domestic to instead be used for the

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[1] On certificate 76002, the proposed transfer would change only the portion that is for group domestic (1.65 cfs) to quasi-municipal.
[2] The fifth certificate affected by the proposed transfer, certificate 92270 is already designated for 4.8 cfs of quasi-municipal use.

much broader use of quasi-municipal, which includes group domestic use and many other uses. This will unlawfully result in enlargement and injury.

In order to approve a transfer, OWRD must find (among other requirements) that the transfer would not result in "enlargement" of the water right being transferred or "injury" to other water rights. ORS 540.530; OAR 690-380-5000(1)(c)-(d). "Enlargement" is defined by rule to mean an expansion of a water right ***." OAR 690-380-0010(2). Examples include but are not limited to: "(a) Using a greater rate or duty of water per acre than currently allowed under a right; (b) Increasing the acreage irrigated under a right; (c) Failing to keep the original place of use from receiving water from the same source; or (d) Diverting more water at the new point of diversion or appropriation than is legally available to that right at the original point of diversion or appropriation." (*Id.*). ""Injury" or "Injury to an existing water right" is defined by rule to mean a proposed transfer would result in another, existing water right not receiving previously available water to which it is legally entitled." OAR 690-380-0010(3).

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Definitions of the applicable water uses are also provided in rule:

> "(14) "Domestic Water Use" means the use of water for human consumption, household purposes, domestic animal consumption that is ancillary to residential use of the property or related accessory uses.
>
> ***
>
> (23) "Group Domestic Water Use" means the use of water for domestic water use by more than one residence or dwelling unit.
>
> ***
>
> (29) "Municipal Water Use" means the delivery and use of water through the water service system of a municipal corporation for all water uses usual and ordinary to such systems. Examples of these water uses shall include but are not limited to domestic water use, irrigation of lawns and gardens, commercial water use, industrial water use, fire protection, irrigation and other water uses in park

and recreation facilities, and street washing. Such uses shall not include generation of hydroelectric power.

***

(40) "Quasi-Municipal Water Use" means the delivery and use of water through the water service system of a corporation other than a public corporation created for the purpose of operating a water supply system, for those uses usual and ordinary to municipal water use, or a federally recognized Indian tribe that operates a water supply system for uses usual and ordinary to a municipal water use. A quasi-municipal water right shall not be granted the statutory municipal preferences given to a municipality under ORS 537.190(2), 537.230(1), 537.352, 537.410(2), 540.510(3), 540.610(2), (3), or those preferences over minimum streamflows designated in a basin program.(OAR 690-300."

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OAR 690-300-0010. Based on these definitions, a change from group domestic to quasi-municipal would also allow the water to be used for a myriad of additional types of uses—in addition to the authorized domestic use—including but not limited to the examples provided: irrigation of lawns and gardens, commercial water use, industrial water use, fire protection, irrigation and other water uses in park and recreation facilities, and street washing. (OAR 690-300-0010(29) and (40)). Thus the proposed transfer would allow the total water use under the certificates to exceed the amount needed for the currently allowed group domestic use, because it would allow the group domestic use to be met AND allow for water to be used in addition to the group domestic use. Notably this could include use for irrigation of the resort's golf courses as well as for commercial uses.

The high risk of enlargement posed by transfers seeking to change the type of use, and specifically proposing to change use from domestic to quasi-municipal, is addressed in OWRD's Technical Operations Manual. (State of Oregon, Water Resources Department, Technical Operations Manual, February 14, 2014, *see* pp. 2-3, 8-10, 13-14). However, the PD fails to apply the safeguards detailed in the Manual and fails to address

these known enlargement problems, instead proposing to approve a transfer that will result in enlargement.

OWRD's Technical Operations Manual recognizes that "the use of water under a right is limited to the amount needed to satisfy the beneficial purpose for which the right was issued" (*id,* p. 8) and that "[c]hanging the character of use through a water right transfer creates a *significant potential for enlarging a water right.*" (*Id.,* p. 10, emphasis added). The Manual explains that:

> "The amount of water that could be beneficially used without waste under many existing rights is substantially less than the "face value" of the right assuming a constant diversion of water throughout the authorized period of use. If the right will no longer be subject to the same beneficial use criteria after a transfer, the change may result in an enlargement."

(*Id.*). The Manual states that the "applicant bears the ultimate responsibility for identifying a reasonable and appropriate quantity of water that could have been diverted under the existing, authorized use and for agreeing to conditions that limit the quantity of water to be diverted after the transfer is completed." (*Id.*). That didn't happen here and the PD includes no such limits.

Further, the Manual specifically spells out the enlargement risks with the transfer at issue here—group domestic use to quasi-municipal use:

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> **"Enlargement Case 7: Changes from Specific Uses to General Uses**
>
> ***Situation***
> A water right allows group domestic use and irrigation of up to ½ acre of lawn and non-commercial for 15 families. The water right is in the name of the water company that supplies potable water to the area. The water company files an application to transfer the domestic right to quasi-municipal use in two quarter-quarter sections.
>
> ***Discussion***
> A change from a specific use to a more general use that encompasses the existing specific use raises enlargement issues. Examples of these types of transfers include changes from domestic to quasi-municipal, irrigation to quasi-municipal,

> irrigation to wildlife refuge, and boiler use to industrial use. When processing transfers involving changes from specific to general uses, the Department will consider whether the proposed new use will allow an increase in the use of the right beyond that originally authorized. If such an increase could occur, the Department will propose alternative conditions to the applicant to eliminate the potential enlargement. These conditions can include limitations on the extent to which water can be applied for the original specific purpose of the right or a reduction in the quantity of water transferred."

(*Id.,* pp. 13-14). However, the PD contains no information regarding the "extent to which water can be applied for the original specific purpose" of group domestic under the certificates and fails to limit the transfer to that amount. Thus the transfer would result in enlargement; further, the PD is inconsistent with the Manual and with the agency practice for eliminating the potential for enlargement for this type of transfer.

Here, available information shows that Black Butte Ranch does not now, and will not in the future, fully utilize the water authorized for group domestic use under its certificates in the absence of the transfer. For instance, according the most recent Black Butte Ranch Water Management and Conservation Plan (January, 2021), the peak day use for the authorized uses was 2,799,562 gallons/day (on 8/30/2020) and the peak month use was 62,937,343 gallons (August, 2020). (Black Butte Ranch, Water Management and Conservation Plan, January, 2021, p. 7). That amount is a small fraction of the water that could be diverted at the rates of the certificates proposed for transfer. Further, according to the ranch "[i]t is not anticipated that the population of BBR will increase to a measurable degree at full build out." (*Id.*, p. 3). Additionally, the ranch does not use water evenly across the year for the authorized group domestic use under the certificates (*see id.* at 8) and thus allowing the full rate authorized rates for group domestic use to be transferred and fully used in any given month (for instance, to irrigate golf courses) will result in enlargement. Thus, the proposed transfer would allow for more water to be used

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than has occurred or could occur for the authorized use without the transfer, resulting in unlawful enlargement.

The proposed transfer would also result in enlargement because it would result in the resort "(a) Using a greater rate or duty of water per acre than currently allowed under a right;" and "(b) Increasing the acreage irrigated under a right[.]" OAR 690-380-0010(2).

In addition to enlargement, the proposed transfer of type of use would also cause injury to existing water rights, including instream water rights on Indian Ford Creek, Whychus Creek and the Deschutes River. The wells in question are within the Deschutes Groundwater Study Area. The OWRD has made the determination that all wells in the study area have the potential for substantial interference with surface waters. The 2001 USGS Study, Groundwater Hydrology in the Upper Deschutes Basin, confirmed that groundwater pumping decreases streamflow on a one to one basis. Given that groundwater is hydraulically connected to surface water in this area, pumping more groundwater will diminish streamflows, thus unlawfully injuring instream water rights and other water rights.

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Additionally, changing the character of use from the narrow group domestic use to the much broader quasi-municipal use will also likely result in increases in consumptive use as compared to domestic uses, further injuring other water rights.

Further, Indian Ford Creek is listed by the Department of Environmental Quality (DEQ) as being water quality limited for parameters including ammonia, dissolved oxygen, E Coli, nitrates, pH, phosphates, and temperature. DEQ lists "year around temperature" as Category 5: impaired, TMDL (Total Maximum Daily Load) needed, and

the other parameters as Category 3: insufficient data. Pumping more groundwater will remove a source of cold clean water to Indian Ford Creek and other streams, worsening water quality problems and thereby injuring the instream water rights.

> b) The proposed change in place of use from residences to the entire Black Butte Ranch area will expand the rights and allow more water use under those certificates than could otherwise occur, which will result in injury to other water rights including instream water rights.

Increasing the place of use for all of the certificates to the entire Black Butte Ranch service area will expand the rights and injure other existing water rights. This change will result in the resort "(a) Using a greater rate or duty of water per acre than currently allowed under a right;" and "(b) Increasing the acreage irrigated under a right[.]" OAR 690-380-0010(2).

> c) Allowing Black Butte to pump water under any of the certificates from one or multiple additional wells will expand use under the certificates, which will result in injury to other water rights including instream water rights.

The PD proposes to allow Black Butte to pump water under each of the five certificates from any or all of the five wells. This will expand the rights and injure other existing rights. Further, the PD fails to prevent enlargement because it fails to prohibit "[d]iverting more water at the new point of diversion or appropriation than is legally available to that right at the original point of diversion or appropriation." OAR 690-380-0010(2)(d).

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d) Conclusion

For reasons including but not limited to those above, the proposed transfer is unlawful because it will result in enlargement and injury. ORS 540.530; OAR 690-380-5000(1)(c)-(d). Findings in the PD to the contrary are in error and not supported by the evidence.

2. The PD is in error because the resort already holds primary irrigation surface water rights for areas that would be irrigated pursuant to the proposed transfer and OWRD has failed to designate the relevant rights as primary or supplemental, or take other appropriate action such as cancelling the existing irrigation rights.

The resort holds at least seven surface water rights, at least four of which are for irrigation in the same places of use in which the proposed transfer would authorize irrigation use. The water code does not allow the resort to hold multiple primary rights for this irrigation. Either the existing surface water rights must be designated as primary and the portion of the transferred rights (if approved) used for irrigation must be designated as supplemental (or vice versa), or the existing surface water rights must be cancelled or transferred instream to another use such as instream, as a prerequisite the requested transfer. *See* OAR 690-380-0010(8) and (12) for definitions of primary and supplemental water rights.

3. The PD does not contain adequate findings regarding enlargement that would result from the requested transfer.

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The PD's determination regarding enlargement is not supported by any facts, analysis or evidence. The PD lacks the required assessment regarding enlargement. OAR 690-380-4010(2)(c). As discussed above, OWRD recognizes the high risk of enlargement from this type of use change, yet the PD fails to include the required enlargement assessment.

4. The PD does not contain the required assessment of whether the proposed transfer would result in injury.

The PD is required to include an assessment of whether the proposed transfer would result in injury. OAR 690-380-4010(2)(d). That assessment is missing. Again, OWRD has already determined that the "Potential for Substantial Interference" with surface waters exists for all groundwater pumping within the Deschutes Basin

Groundwater Study Area. Thus, the OWRD must consider the effect of the proposed changes on instream water rights in Indian Ford Creek, Whychus Creek and the Deschutes River down to where it flows into the Columbia River. The PD fails to do this.

5. The PD does not comply with the requirements of Oregon's Administrative Procedures Act (ORS 183) ("APA")

By failing to apply controlling law, ORS 540.530, to facts, and failing to include the explicitly required findings and assessments, the PD does not meet the requirements of the APA, including ORS 183.450(2), is not supported by substantial evidence, and is inconsistent with agency practice.

6. The transfer would violate OWRD's trust responsibility regarding the instream water rights.

Instream water rights on Indian Ford Creek, Whychus Creek and the Deschutes River will be injured by this transfer. Those instream water rights are held by OWRD in trust for the people of Oregon to maintain water instream for public use. (ORS 537.332.(3), an "'[i]n-stream water right' means a water right held in trust by the Water Resources Department for the benefit of the people of the State of Oregon to maintain water in-stream for public use…"). The PD does not contain conditions sufficient to prevent or mitigate (if allowed) the injury that the transfer will cause to the these instream water rights and by approving the transfer, OWRD would violate its trust responsibility to the people of the State of Oregon conferred on the agency by holding the instream water rights.

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7. The PD does not include the required assessment to support the PD's conclusion that "[w]ater has been used in the last five years according to the terms and conditions of the right"; the PD does not cite evidence that could support this conclusion; and portions of the certificates have been forfeited.

The PD makes the bare statement that "[w]ater has been used in the last five years according to the terms and conditions of the right" but the PD cites no facts, analysis or evidence in support. The bare statement is not an assessment which the PD was required to include. OAR 690-380-4010(2)(a).

Further, the application also does not contain evidence capable of demonstrating that water has been used in the last five year according to the terms and conditions of the right, or at all. Applicant has not met the requirement to submit "[e]vidence that the water has been used over the past five years according to the terms and conditions of the owner's water right certificate or that the water right is not subject to forfeiture under ORS 540.610." ORS 540.520(2)(g); OAR 690-380-3000(12).

The application also does not contain information as to the state of development and size of the pumps at each well. If the applicant's existing wells and pumps cannot extract the full amount allowed under each certificate then the applicant in not "ready willing and able" to put the full amount of the certificate to beneficial use and the unused water must be forfeited in any transfer processing. ORS 540.610(3).

It does not appear that the portion of certificate 76002 designated for the use of "fish culture" (.07 cfs) has been used and thus that portion must be forfeited.

Finally, the PD fails to limit the transfer to water use made already.

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8. The transfer may not be approved because quasi-municipal use is not allowed under the Middle Deschutes Basin Rules.

ORS 536.340(1)(a) and (c) make clear that basin program rule classifications apply to any future use of the water. Quasi-municipal use would be a new use of water under four of the certificates and is therefore subject to the classification in the Middle Deschutes Basin Rules which do not allow use of water for quasi-municipal use. OAR 690-505-0010(1)(a).

9. The application violates OAR 690-380-3220.

The application violates OAR 690-380-3220, Separate Application Required for Each Water Right, by filing one application to transfer five certificates. The rule requires that for "changes involving more than one landowner or water use subject to transfer, a separate transfer application is required for each water use subject to transfer from each landowner involved" subject to certain exceptions that do not appear applicable here. The application should be returned as noncompliant.

10. Reservation.

WaterWatch reserves the right to raise any additional issues and arguments not reasonably ascertainable on the currently available record.

B. The errors and deficiencies should be corrected as follows:

The errors and deficiencies should be corrected by denying the transfer.

V. Citation Of Legal Authority

Applicable legal authorities, where known, are cited above.

VI. Protest Fee

The required fee of $950.00 is included with this protest.

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VII. Request For Hearing

Protestant requests a hearing.

Dated: August 12, 2021

/s/ Lisa A. Brown
Lisa A. Brown, OSB #025240
Staff Attorney
WaterWatch of Oregon
213 SW Ash St., STE 208
Portland, OR 97204
Phone: 503.295.4039 x4
lisa@waterwatch.org

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Certificate of Service

I certify that on this date, a copy of the foregoing protest was served on each of the following by the method indicated:

AGENT:
PARAMETRIX
NIALL BOGGS
150 NW PACIFIC PARK LANE SUITE 110
BEND, OR 97701
By placing in the US Postal Mail, first class postage prepaid

APPLICANT:
BLACK BUTTE RANCH CORP.
PO BOX 8000
BLACK BUTTE RANCH, OR 97759
By placing in the US Postal Mail, first class postage prepaid

APPLICANT:
BLACK BUTTE RANCH ASSOCIATION
PO BOX 8000
BLACK BUTTE RANCH, OR 97759
By placing in the US Postal Mail, first class postage prepaid

Water Rights Division
Oregon Water Resources Department
725 Summer St. NE, STE A
Salem, OR 97301-1266
By Hand Delivery

Dated: August 12, 2021

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/s/ Lisa A. Brown
Lisa A. Brown, OSB #025240
Staff Attorney
WaterWatch of Oregon
213 SW Ash St., STE 208
Portland, OR 97204
Phone: 503.295.4039 x4
lisa@waterwatch.org

OREGON
WATER RESOURCES DEPARTMENT

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Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Waterwatch of Oregon, Inc.

213 SW Ash. Suite 208 Portland, OR 97204-2720

Transaction Type: Protest

Fees Received: $ $950.00

☐ Cash ☒ Check: Check No. 14669

Name(s) on Check: SAME

Address on Check:

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,
OWRD Customer Service Staff

Submission received by: C. Middleton
(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt, and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (*i.e., the application or other document*).
- Date-stamp all pages. (*NOTE: Do not stamp check.*)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "*RECEIVED OVER THE COUNTER*" log sheet.
- Place the Submission Receipt with check/cash in the small top drawer (*i.e., "Fiscal Pick Up Drawer"*). Place the Submission Receipt with submission (*application/other document*) in the large bottom drawer.

Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

JULY 12, 2021

BLACK BUTTE RANCH CORPORATION
BLACK BUTTE RANCH ASSOCIATION
PO BOX 8000
BLACK BUTTE RANCH, OR 97759

SUBJECT: Water Right Transfer Application T-13535

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13535. 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.

Due to caseworker oversight, the Department is reissuing the public notice on July 13, 2021. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will end 30 days after the last date of newspaper publication.

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

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

IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified above.

Please do not hesitate to contact me at 503-986-0864 or tamera.l.smith@oregon.gov if I may be of assistance.

My apologies for any inconvenience this may cause.

Kindest regards,

Transfer Caseworker
Transfer and Conservation Section

cc: Transfer application file T-13535
Jeremy T. Giffin, District 11 Watermaster *(via e-mail)*
Niall Boggs, Agent for the applicant *(via e-mail)*
Adam Bronstein, Interested Party (via email)

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BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application T-13535, Deschutes County	)	PRELIMINARY DETERMINATION
	)	PROPOSING APPROVAL OF ADDITIONAL
	)	POINTS OF APPROPRIATION, CHANGE IN
	)	PLACES OF USE AND CHARACTER OF USE

Authority

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

Applicant

BLACK BUTTE RANCH CORPORATION
BLACK BUTTE RANCH ASSOCIATION
PO BOX 8000
BLACK BUTTE RANCH, OR 97759

Findings of Fact

1. On October 5, 2020, BLACK BUTTE RANCH CORPORATION AND BLACK BUTTE RANCH ASSOCIATION filed an application for additional points of appropriation, to change the places of use, and character of use under Certificates 76002, 86708, 92269, and 92271, and for additional points of appropriation under Certificate 92270. The Department assigned the application number T-13535.

2. Notice of the application for transfer was published on October 20, 2020, pursuant to OAR 690-380-4000. One timely comment was filed in response to the notice.

3. A timely comment was submitted to the Department in response to the notice. The issues raised by the comment focused primarily on concerns that:

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.

a) Black Butte Ranch demonstrate that their groundwater withdrawals are not compromising local ecosystems on public lands, specifically Wells #2 and #5.

b) Water rights for fish propagation should be forfeited, based on the commenter having no knowledge of Black Butte Ranch having fish operations.

c) The decline and ecological collapse of Glaze Meadow has caused the commenter, and the public at large, harm.

4. Not all the issues raised by the commenters are relevant to the criteria for review of a water right transfer as per OAR 690-380-4010 and approval of a transfer application under OAR 690-380-5000. Many of the issues noted in Finding of Fact #3, though important to the residents and water resources of the area, do not directly relate to the transfer review criteria. Rather, the statutory basis for approving a water right transfer application is relatively narrow and confined to the Department finding or determining:

   a) The water right proposed for transfer is a water use subject to transfer;

   b) The portion of the water right proposed for transfer is not cancelled due to forfeiture for non-use pursuant to ORS 540.610;

   c) The proposed transfer would not result in injury to other water rights.

5. If approved, the Final Order for T-13535 will contain conditions retaining the current rate limit of the right. The measurement devices in place will be monitored to ensure that enlargement of the right does not occur.

6. On February 20, 2021, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13535 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of March 22, 2021, 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.

7. Further review of Transfer Application T-13535 revealed that the draft preliminary Determination inadvertently did not specify the rate and quantity of water that would have been used under the original rights. The REVISED draft Preliminary Determination, therefore, is issued to correctly reflect the rate and quantity of water being transferred.

8. On April 6, 2021, the Department mailed a copy of the REVISED draft Preliminary Determination proposing to approve Transfer Application T-13535 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of May 7, 2021, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination.

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

Certificate: 76002 in the name of BLACK BUTTE RANCH PROPERTY MANAGEMENT CORP. (perfected under Permit G-8503)
Use: GROUP DOMESTIC
Priority Date: FEBRUARY 2, 1979
Rate: 1.65 CUBIC FEET PER SECOND
Source: WELL 3, in the DESCHUTES RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	9 E	WM	22	NW NW	WELL 3 - 250 FEET SOUTH AND 700 FEET EAST FROM THE NW CORNER OF SECTION 22

Authorized Place of Use:

GROUP DOMESTIC USE				
Twp	Rng	Mer	Sec	Q-Q
14 S	9 E	WM	9	ALL
14 S	9 E	WM	10	W ½ NE ¼
14 S	9 E	WM	10	NW ¼
14 S	9 E	WM	10	N ½ SW ¼
14 S	9 E	WM	10	SW ¼ SW ¼
14 S	9 E	WM	15	W ½
14 S	9 E	WM	16	E ½ NE ¼
14 S	9 E	WM	21	NE ¼
14 S	9 E	WM	21	E ½ NW ¼
14 S	9 E	WM	21	NE ¼ SW ¼
14 S	9 E	WM	21	N ½ SE ¼
14 S	9 E	WM	22	N ½ N ½
14 S	9 E	WM	22	NE NW
14 S	9 E	WM	23	NW ¼ NW ¼

10. Transfer Application T-13535 proposes additional points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Point of Appropriation in miles (mi.)
14 S	9 E	WM	9	SW SW	WELL 1 - 469 FEET NORTH AND 450 FEET EAST FROM THE SW CORNER OF SECTION 9	1.6 mi.
14 S	9 E	WM	9	SW SW	WELL 4 – 4943 FEET SOUTH AND 412 FEET EAST FROM THE NW CORNER OF SECTION 9	1.5 mi.
14 S	9E	WM	16	SE NE	WELL 2 – 1530 FEET SOUTH AND 1236 FEET WEST FROM THE NE CORNER OF SECTION 16	0.8 mi.
14 S	9 E	WM	16	SE NE	WELL 5 – 1570 FEET SOUTH AND 1292 FEET WEST FROM THE NE CORNER OF SECTION 16	0.8 mi.

11. Transfer Application T-13535 also proposes to change the place of use of the right to:

QUASI-MUNICIPAL USE
Service Area of Black Butte Ranch

12. Transfer Application T-13535 proposes to change the character of use to Quasi-Municipal Use.

13. The second right to be transferred is as follows:

Certificate: 86708 in the name of BLACK BUTTE RANCH ASSOCIATION (perfected under Permit G-6797)
Use: GROUP DOMESTIC
Priority Date: JUNE 25, 1975
Rate: 1.8 CUBIC FEET PER SECOND
Source: BLACK BUTTE RANCH WELL 1, in the DESCHUTES BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	9 E	WM	9	SW SW	BLACK BUTTE RANCH WELL 1 - 469 FEET NORTH AND 450 FEET EAST FROM THE SW CORNER OF SECTION 9

Authorized Place of Use:

GROUP DOMESTIC USE				
Twp	Rng	Mer	Sec	Q-Q
14 S	9 E	WM	9	NE NE
14 S	9 E	WM	9	NW NE
14 S	9 E	WM	9	SW NE
14 S	9 E	WM	9	SE NE
14 S	9 E	WM	9	NE NW
14 S	9 E	WM	9	NW NW
14 S	9 E	WM	9	SW NW
14 S	9 E	WM	9	SE NW
14 S	9 E	WM	9	NE SW
14 S	9 E	WM	9	NW SW
14 S	9 E	WM	9	SW SW
14 S	9 E	WM	9	SE SW
14 S	9 E	WM	9	NE SE
14 S	9 E	WM	9	NW SE
14 S	9 E	WM	9	SW SE
14 S	9 E	WM	9	SE SE
14 S	9 E	WM	10	NW NE
14 S	9 E	WM	10	SW NE
14 S	9 E	WM	10	NW NW
14 S	9 E	WM	10	SE NW

GROUP DOMESTIC USE				
Twp	Rng	Mer	Sec	Q-Q
14 S	9 E	WM	10	NE SW
14 S	9 E	WM	10	NW SW
14 S	9 E	WM	10	SW SW
14 S	9 E	WM	15	NE NW
14 S	9 E	WM	15	NW NW
14 S	9 E	WM	15	SW NW
14 S	9 E	WM	15	SE NW
14 S	9 E	WM	15	NE SW
14 S	9 E	WM	15	NW SW
14 S	9 E	WM	15	SW SW
14 S	9 E	WM	15	SE SW
14 S	9 E	WM	16	NE NE
14 S	9 E	WM	16	SE NE
14 S	9 E	WM	21	NE NE
14 S	9 E	WM	22	NE NE
14 S	9 E	WM	22	NW NE
14 S	9 E	WM	22	NE NW
14 S	9 E	WM	22	NW NW
14 S	9 E	WM	23	NW NW

14. Transfer Application T-13535 proposes additional points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Point of Appropriation in miles (mi.), *except where noted in feet (ft.)
14 S	9 E	WM	9	SW SW	WELL 4 – 4943 FEET SOUTH AND 412 FEET EAST FROM THE NW CORNER OF SECTION 9	1.0 mi.
14 S	9E	WM	16	SE NE	WELL 2 – 1530 FEET SOUTH AND 1236 FEET WEST FROM THE NE CORNER OF SECTION 16	0.8 mi.
14 S	9 E	WM	16	SE NE	WELL 5 – 1570 FEET SOUTH AND 1292 FEET WEST FROM THE NE CORNER OF SECTION 16	152.5ft.*
14 S	9 E	WM	22	NW NW	WELL 3 – 250 FEET SOUTH AND 700 FEET EAST FROM THE NW CORNER OF SECTION 22	1.6 mi.

15. Transfer Application T-13535 also proposes to change the place of use of the right to:

QUASI-MUNICIPAL USE
Service Area of Black Butte Ranch

16. Transfer Application T-13535 proposes to change the character of use to Quasi-Municipal Use.

17. The third right to be transferred is as follows:

Certificate: 92269 in the name of BLACK BUTTE RANCH ASSOCIATION (perfected under Permit G-8501)
Use: GROUP DOMESTIC FOR 155 FAMILIES
Priority Date: FEBRUARY 2, 1979
Rate: 0.27 CUBIC FOOT PER SECOND
Source: THREE WELLS IN THE DESCHUTES BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	9 E	WM	9	SW SW	WELL 1 (ORIGINAL) - 469 FEET NORTH AND 450 FEET EAST FROM THE SW CORNER OF SECTION 9
14 S	9 E	WM	16	SE NE	WELL 2 (ORIGINAL) - 1530 FEET SOUTH AND 1236 FEET WEST FROM THE NE CORNER OF SECTION 16
14 S	9 E	WM	16	SE NE	WELL 5 (ADDITIONAL) - 1570 FEET SOUTH AND 1292 FEET WEST FROM THE NE CORNER OF SECTION 16

Authorized Place of Use:

GROUP DOMESTIC FOR 155 FAMILIES				
Twp	Rng	Mer	Sec	Q-Q
14 S	9 E	WM	21	NE NE
14 S	9 E	WM	21	NW NE
14 S	9 E	WM	21	SW NE
14 S	9 E	WM	21	SE NE
14 S	9 E	WM	21	NE NW
14 S	9 E	WM	21	SE NW
14 S	9 E	WM	21	NE SW
14 S	9 E	WM	21	NE SE
14 S	9 E	WM	21	NW SE

18. Transfer Application T-13535 proposes additional points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Points of Appropriation in miles (mi.), *except where noted in feet (ft.)		
14 S	9 E	WM	9	SW SW	WELL 4 – 4943 FEET SOUTH AND 412 FEET EAST FROM THE NW CORNER OF SECTION 9	WELL 1	WELL 2	WELL 5
						152.5 ft. *	0.8 mi.	0.8 mi.
14 S	9 E	WM	22	NW NW	WELL 3 – 250 FEET SOUTH AND 700 FEET EAST FROM THE NW CORNER OF SECTION 22	1.6 mi.	0.8 mi.	0.8 mi.

19. Transfer Application T-13535 also proposes to change the place of use of the right to:

QUASI-MUNICIPAL USE
Service Area of Black Butte Ranch

20. Transfer Application T-13535 proposes to change the character of use to Quasi-Municipal Use.

21. The fourth water right to be transferred is as follows:

Certificate: 92270 in the name of BLACK BUTTE RANCH CORPORATION AND BLACK BUTTE RANCH ASSOCIATION (perfected under Permit G-11710)
Use: QUASI-MUNICIPAL USE
Priority Date: NOVEMBER 18, 1991
Rate: 4.8 CUBIC FEET PER SECOND, FURTHER LIMITED TO 2.1 CFS FROM WELL 2 AND 2.7 CFS FROM WELL 4
Source: THREE WELLS IN WHYCHUS CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	9 E	WM	9	SW SW	WELL 4 (ORIGINAL) - 4943 FEET SOUTH AND 412 FEET EAST FROM THE NW CORNER OF SECTION 9
14 S	9 E	WM	16	SE NE	WELL 2 (ORIGINAL) - 1530 FEET SOUTH AND 1236 FEET WEST FROM THE NE CORNER OF SECTION 16
14 S	9 E	WM	16	SE NE	WELL 5 (ADDITIONAL) - 1570 FEET SOUTH AND 1292 FEET WEST FROM THE NE CORNER OF SECTION 16

Authorized Place of Use:

QUASI-MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
14 S	9 E	WM	9	NE NE
14 S	9 E	WM	9	NW NE
14 S	9 E	WM	9	SW NE
14 S	9 E	WM	9	SE NE
14 S	9 E	WM	9	NE NW
14 S	9 E	WM	9	NW NW
14 S	9 E	WM	9	SW NW
14 S	9 E	WM	9	SE NW
14 S	9 E	WM	9	NE SW
14 S	9 E	WM	9	NW SW
14 S	9 E	WM	9	SW SW
14 S	9 E	WM	9	SE SW
14 S	9 E	WM	9	NE SE
14 S	9 E	WM	9	NW SE
14 S	9 E	WM	9	SW SE
14 S	9 E	WM	9	SE SE
14 S	9 E	WM	10	NW NE
14 S	9 E	WM	10	SW NE
14 S	9 E	WM	10	NE NW
14 S	9 E	WM	10	NW NW
14 S	9 E	WM	10	SW NW
14 S	9 E	WM	10	SE NW
14 S	9 E	WM	10	NE SW

QUASI-MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
14 S	9 E	WM	10	NW SW
14 S	9 E	WM	10	SW SW
14 S	9 E	WM	15	NE NW
14 S	9 E	WM	15	NW NW
14 S	9 E	WM	15	SW NW
14 S	9 E	WM	15	SE NW
14 S	9 E	WM	15	NE SW
14 S	9 E	WM	15	NW SW
14 S	9 E	WM	15	SW SW
14 S	9 E	WM	15	SE SW
14 S	9 E	WM	16	NE NE
14 S	9 E	WM	16	SE NE
14 S	9 E	WM	21	NE NE
14 S	9 E	WM	21	NW NE
14 S	9 E	WM	21	SW NE
14 S	9 E	WM	21	SE NE
14 S	9 E	WM	21	NE NW
14 S	9 E	WM	21	SE NW
14 S	9 E	WM	21	NE SW
14 S	9 E	WM	21	NE SE
14 S	9 E	WM	21	NW SE
14 S	9 E	WM	22	NE NE
14 S	9 E	WM	22	NW NE

QUASI-MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
14 S	9 E	WM	22	NE NW
14 S	9 E	WM	22	NW NW

QUASI-MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
14 S	9 E	WM	23	NW NW

22. Transfer Application T-13535 proposes additional points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Points of Appropriation in miles (mi.), *except where noted in feet (ft.)		
						WELL 2	WELL 4	WELL 5
14 S	9 E	WM	9	SW SW	WELL 1 – 469 FEET NORTH AND 450 FEET EAST FROM THE SW CORNER OF SECTION 9	0.8 mi.	1.0 mi.	152.5 ft.*
14 S	9 E	WM	22	NW NW	WELL 3 – 250 FEET SOUTH AND 700 FEET EAST FROM THE NW CORNER OF SECTION 22	0.8 mi.	1.5 mi.	0.8 mi.

23. Transfer Application T-13535 also proposes to change the place of use as follows:

QUASI-MUNICIPAL USE
Service Area of Black Butte Ranch

24. The fifth water right to be transferred is as follows:

Certificate: 92271 in the name of BLACK BUTTE RANCH CORPORATION (perfected under Permit G-17023)
Use: GROUP DOMESTIC USE
Priority Date: JUNE 25, 1975
Rate: 2.9 CUBIC FEET PER SECOND
Source: BLACK BUTTE RANCH WELL 2 AND BLACK BUTTE RANCH WELL 5

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	9 E	WM	16	SE NE	WELL 2 (ORIGINAL) - 1530 FEET SOUTH AND 1236 FEET WEST FROM THE NE CORNER OF SECTION 16
14 S	9 E	WM	16	SE NE	WELL 5 (ADDITIONAL) - 1570 FEET SOUTH AND 1292 FEET WEST FROM THE NE CORNER OF SECTION 16

Authorized Place of Use:

GROUP DOMESTIC USE				
Twp	Rng	Mer	Sec	Q-Q
14 S	9 E	WM	9	NE NE
14 S	9 E	WM	9	NW NE

GROUP DOMESTIC USE				
Twp	Rng	Mer	Sec	Q-Q
14 S	9 E	WM	9	SW NE
14 S	9 E	WM	9	SE NE

GROUP DOMESTIC USE				
Twp	Rng	Mer	Sec	Q-Q
14 S	9 E	WM	9	NE NW
14 S	9 E	WM	9	NW NW
14 S	9 E	WM	9	SW NW
14 S	9 E	WM	9	SE NW
14 S	9 E	WM	9	NE SW
14 S	9 E	WM	9	NW SW
14 S	9 E	WM	9	SW SW
14 S	9 E	WM	9	SE SW
14 S	9 E	WM	9	NE SE
14 S	9 E	WM	9	NW SE
14 S	9 E	WM	9	SW SE
14 S	9 E	WM	9	SE SE
14 S	9 E	WM	10	NW NE
14 S	9 E	WM	10	SW NE
14 S	9 E	WM	10	NE NW
14 S	9 E	WM	10	NW NW
14 S	9 E	WM	10	SW NW
14 S	9 E	WM	10	SE NW
14 S	9 E	WM	10	NE SW

GROUP DOMESTIC USE				
Twp	Rng	Mer	Sec	Q-Q
14 S	9 E	WM	10	NW SW
14 S	9 E	WM	10	SW SW
14 S	9 E	WM	15	NE NW
14 S	9 E	WM	15	NW NW
14 S	9 E	WM	15	SW NW
14 S	9 E	WM	15	SE NW
14 S	9 E	WM	15	NE SW
14 S	9 E	WM	15	NW SW
14 S	9 E	WM	15	SW SW
14 S	9 E	WM	15	SE SW
14 S	9 E	WM	16	NE NE
14 S	9 E	WM	16	SE NE
14 S	9 E	WM	21	NE NE
14 S	9 E	WM	22	NE NE
14 S	9 E	WM	22	NW NE
14 S	9 E	WM	22	NE NW
14 S	9 E	WM	22	NW NW
14 S	9 E	WM	23	NW NW

25. Transfer Application T-13535 proposes additional points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Points of Appropriation in miles (mi.), *except where noted in feet (ft.)	
14 S	9 E	WM	9	SW SW	WELL 1 – 469 FEET NORTH AND 450 FEET EAST FROM THE SW CORNER OF SECTION 9	WELL 2	WELL 5
						0.8 mi.	152.5 ft.*
14 S	9 E	WM	9	SW SW	WELL 4 – 4943 FEET SOUTH AND 412 FEET EAST FROM THE NW CORNER OF SECTION 9	0.8 mi.	0.8 mi.
14 S	9 E	WM	22	NW NW	WELL 3 – 250 FEET SOUTH AND 700 FEET EAST FROM THE NW CORNER OF SECTION 22	0.8 mi.	0.8 mi.

26. Transfer Application T-13535 also proposes to change the place of use as follows:

QUASI-MUNICIPAL USE
Service Area of Black Butte Ranch

27. Transfer Application T-13535 proposes to change the character of use to Quasi-Municipal Use.

Transfer Review Criteria (OAR 690-380-4010)

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

29. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-13535.

30. The proposed change, as conditioned, would not result in enlargement of the rights. The use of water under the proposed use could result in enlargement of the original rights unless the proposed use was conditioned to be limited to not exceed the original rates of the rights and further limited to not to exceed the maximum quantity of water per year that could have been used by the rights.

31. The proposed change, as conditioned, would not result in injury to other water rights.

32. All other application requirements are met.

Determination and Proposed Action

The additional points of appropriation, changes in place of use and changes in character of use proposed in Transfer Application T-13535 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-13535 is approved, the final order will include the following:

1. *The additional points of appropriation, changes in place of use, and changes in character of use proposed in Transfer Application T-13535 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 Certificates 76002, 86708, 92269, 92270, and 92271 and any related decree.*

3. *Water right Certificate 76002 is cancelled. A new certificate will be issued describing those portions of the right not affected by this transfer.*

4. *Water right Certificates 86708, 92269, 92270, and 92271 are cancelled.*

5. *Under Certificate 76002, the quantity of water diverted at the additional points of appropriation,(Well 1, Well 2, Well 4, and Well 5), together with that diverted at the*

original point of appropriation, (Well 3), shall not exceed the quantity of water lawfully available at the original point of appropriation, (Well 3).

6. *Under Certificate 86708, the quantity of water diverted at the additional points of appropriation,(Well 2, Well 3, Well 4, and Well 5), together with that diverted at the original point of appropriation, (Well 1), shall not exceed the quantity of water lawfully available at the original point of appropriation, (Well 1).*

7. *Under Certificate 92269, the quantity of water diverted at the additional points of appropriation, (Well 3 and Well 4), together with that diverted at the original points of appropriation, (Well 1, Well 2, and Well 5), shall not exceed the quantity of water lawfully available at the original points of appropriation, (Well 1, Well 2, and Well 5).*

8. *Under Certificate 92270, the quantity of water diverted at the additional points of appropriation, (Well 1 and Well 3), together with that diverted at the original points of appropriation, (Well 2, Well 4, and Well 5), shall not exceed the quantity of water lawfully available at the original points of appropriation, (Well 2, Well 4, and Well 5).*

9. *Under Certificate 92271, the quantity of water diverted at the additional points of appropriation, (Well 1, Well 3, and Well 4), together with that diverted at the original points of appropriation, (Well 2 and Well 5), shall not exceed the quantity of water lawfully available at the original points of appropriation, (Well 2 and Well 5).*

10. *The use of water under the right described by Certificate 76002 for the proposed quasi-municipal use shall be limited to a rate of diversion of not to exceed 1.65 cubic feet per second (cfs) and shall be further limited to a quantity of water diverted of not to exceed 1194.6 acre feet per year.*

11. *The use of water under the right described by Certificate 86708 for the proposed quasi-municipal use shall be limited to a rate of diversion of not to exceed 1.80 cubic feet per second (cfs) and shall be further limited to a quantity of water diverted of not to exceed 1303.2 acre feet per year.*

12. *The use of water under the right described by Certificate 92269 for the proposed quasi-municipal use shall be limited to a rate of diversion of not to exceed 0.27 cubic foot per second (cfs) and shall be further limited to a quantity of water diverted of not to exceed 195.5 acre feet per year.*

13. *The use of water under the right described by Certificate 92271 for the proposed quasi-municipal use shall be limited to a rate of diversion of not to exceed 2.9 cubic feet per second (cfs) and shall be further limited to a quantity of water diverted of not to exceed 2099.6 acre feet per year.*

14. *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, (new and existing).*

    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.*

15. *Water shall be acquired from the same aquifer (water source) as the original points of appropriation.*

16. *The former place of use of the transferred rights shall no longer receive water under the rights.*

17. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2026**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*

18. *After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated in Salem, Oregon on JUL 12 2021

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

This Preliminary Determination was prepared by: Tamera Smith. If you have any questions about the information in this document, you may reach me at 503-986-0864 or tamera.l.smith@oregon.gov

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

IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified above.

Notice Regarding Service Members: Active duty service members have a right to stay these proceedings under the federal service members Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed Forces Legal Assistance Office through http://legalassistance.law.af.mil. The Oregon Military Department does not have a toll free number.

STATE OF OREGON

WATER RESOURCES DEPARTMENT

RECEIPT # 135309

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

INVOICE # _____

RECEIVED FROM: Black Butte Ranch Corporation

BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-13535

CASH: ☐ CHECK:# ☒ 82407 ☐ OTHER: (IDENTIFY) _____

TOTAL REC'D $ 1,044.17

1083 TREASURY 4170 WRD MISC CASH ACCT

0407	COPIES	46118	$
0201	OTHER:	(IDENTIFY) Newspaper Notice	$ 1,044.17

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

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

WELL CONSTRUCTION

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

_____ OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211	WELL CONST START FEE	$	CARD #	
0210	MONITORING WELLS	$	CARD #	

_____ OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

_____ TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ $

RECEIPT: 135309 DATED: 5-19-2021 BY: _____

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

Affidavit of Publication

STATE OF OREGON, COUNTY OF DESCHUTES

I, **Rachel Liening**, a citizen of the United State and a resident of the county aforesaid; I am over the age of eighteen years, and not part to or interested in the above-entitled matter. I am the principal clerk of the printer of

The Bulletin
PO Box 6020, Bend, Oregon 97708

a daily newspaper of general circulation, published in the aforesaid county and state as defined by ORS 192.010 and ORS 192.020, that

RECEIVED
JUN 21 2021
OWRD

Acct Name: WATER RESOURCES DEPARTMENT
PO Number: T-13535
Legal Description: Legal Notice
Notice of Preliminary Determination for
Water Right Transfer T-13535
T-13535 filed by Black Butte Ranch Corporation and Black Butte Ranch Association, PO Box 8000, Black Butte Ranch, OR 97759, proposes additional points of appropriation under

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:

06/11/2021, 06/18/2021

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

Signature

Dated at Bend, Oregon, this 18th day of June, 2021

AdName: **140418**

State of Oregon, County of Deschutes
Subscribed and Sworn to before me this 18 day of June, 2021 by

OFFICIAL STAMP
LINDA LEA PRESTON
NOTARY PUBLIC-OREGON
COMMISSION NO. 998634
MY COMMISSION EXPIRES APRIL 6, 2024

Notary Public for Oregon

No. _____
In the _____ Court of the

STATE OF OREGON
for the
COUNTY OF DESCHUTES

AFFIDAVIT OF PUBLICATION

Filed _____

_____

By _____

From the office of

_____

Attorney for _____

Legal Notice
Notice of Preliminary Determination for Water Right Transfer T-13535

T-13535 filed by Black Butte Ranch Corporation and Black Butte Ranch Association, PO Box 8000, Black Butte Ranch, OR 97759, proposes additional points of appropriation under Certificates 76002, 86708, 92269, 92270, and 92271 and changes in place of use and character of use under Certificates 76002, 86708, 92269, and 92271. Certificate 76002 allows the use of 1.65 cubic feet per second (cfs) from Well 3 in Sec. 22, T14S, R9E, WM for group domestic use in Sects. 9, 10, 15, 16, 21, 22, and 23, T14S, R9E, WM. The applicant proposes additional points of appropriation in Sects. 9, and 16, T14S, R9E, WM and to change the place of use to the service area of Black Butte Ranch; and to change the character of use to quasi-municipal. Certificate 86708 allows the use of 1.8 cfs from Black Butte Ranch Well 1 in Sec. 9, T14S, R9E, WM for group domestic use in Sects. 9, 10, 15, 16, 21, 22, and 23, T14S, R9E, WM. The applicant proposes additional points of appropriation in Sects. 9, 16, and 22, T14S, R9E, WM and to change the place of use to the service area of Black Butte Ranch; and to change the character of use to quasi-municipal. Certificate 92269 allows the use of 0.27 cfs from three wells in Sects. 9 and 16, T14S, R9E, WM for group domestic use for 155 families in Sec. 21, T14S, R9E, WM. The applicant proposes additional points of appropriation in Sects. 9 and 22, T14S, R9E, WM and to change the place of use to the service area of Black Butte Ranch; and to change the character of use to quasi-municipal. Certificate 92270 allows the use of 4.8 cfs from three wells in Sects. 9 and 16, T14S, R9E, WM for quasi-municipal use in Sects. 9, 10, 15, 16, 21, 22, and 23, T14S, R9E, WM. The applicant proposes additional points of appropriation in Sects. 9 and 22, T14S, R9E, WM. Certificate 92271 allows the use of 2.9 cfs from two wells in Sec. 16, T14S, R9E, WM for group domestic use in Sec. 9, 10, 15, 16, 21, 22, and 23, T14S, R9E, WM. The applicant proposes additional points of appropriation in Sec. 9 and 22, T14S, R9E, WM and to change the place of use to the service area of Black Butte Ranch; and to change the character of use to quasi-municipal. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, a protest or standing statement within 30 days after the last date of newspaper publication of this notice, 06/18/2021. Call (503) 986-0815 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified above.

Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

JUNE 9, 2021

VIA E-MAIL

BLACK BUTTE RANCH CORPORATION
BLACK BUTTE RANCH ASSOCIATION
PO BOX 8000
BLACK BUTTE RANCH, OR 97759

SUBJECT: Water Right Transfer Application T-13535

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13535. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication and in the Bend Bulletin newspaper, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will end 30 days after the last date of newspaper publication.

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

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

IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified above.

Please do not hesitate to contact me at 503-986-0864 or tamera.l.smith@oregon.gov if I may be of assistance.

Kindest regards,

Transfer Caseworker
Transfer and Conservation Section

cc: Transfer application file T-13535
Jeremy T. Giffin, District 11 Watermaster *(via e-mail)*
Niall Boggs, Agent for the applicant *(via e-mail)*

encs

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application T-13535, Deschutes County	)	PRELIMINARY DETERMINATION PROPOSING APPROVAL OF ADDITIONAL POINTS OF APPROPRIATION, CHANGE IN PLACES OF USE AND CHARACTER OF USE

Authority

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

Applicant

BLACK BUTTE RANCH CORPORATION
BLACK BUTTE RANCH ASSOCIATION
PO BOX 8000
BLACK BUTTE RANCH, OR 97759

Findings of Fact

1. On October 5, 2020, BLACK BUTTE RANCH CORPORATION AND BLACK BUTTE RANCH ASSOCIATION filed an application for additional points of appropriation, to change the places of use, and character of use under Certificates 76002, 86708, 92269, and 92271, and for additional points of appropriation under Certificate 92270. The Department assigned the application number T-13535.

2. Notice of the application for transfer was published on October 20, 2020, pursuant to OAR 690-380-4000. One timely comment was filed in response to the notice.

3. A timely comment was submitted to the Department in response to the notice. The issues raised by the comment focused primarily on concerns that:

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.

a) Black Butte Ranch demonstrate that their groundwater withdrawals are not compromising local ecosystems on public lands, specifically Wells #2 and #5.

b) Water rights for fish propagation should be forfeited, based on the commenter having no knowledge of Black Butte Ranch having fish operations.

c) The decline and ecological collapse of Glaze Meadow has caused the commenter, and the public at large, harm.

4. Not all the issues raised by the commenters are relevant to the criteria for review of a water right transfer as per OAR 690-380-4010 and approval of a transfer application under OAR 690-380-5000. Many of the issues noted in Finding of Fact #3, though important to the residents and water resources of the area, do not directly relate to the transfer review criteria. Rather, the statutory basis for approving a water right transfer application is relatively narrow and confined to the Department finding or determining:

   a) The water right proposed for transfer is a water use subject to transfer;

   b) The portion of the water right proposed for transfer is not cancelled due to forfeiture for non-use pursuant to ORS 540.610;

   c) The proposed transfer would not result in injury to other water rights.

5. If approved, the Final Order for T-13535 will contain conditions retaining the current rate limit of the right. The measurement devices in place will be monitored to ensure that enlargement of the right does not occur.

6. On February 20, 2021, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13535 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of March 22, 2021, 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.

7. Further review of Transfer Application T-13535 revealed that the draft preliminary Determination inadvertently did not specify the rate and quantity of water that would have been used under the original rights. The REVISED draft Preliminary Determination, therefore, is issued to correctly reflect the rate and quantity of water being transferred.

8. On April 6, 2021, the Department mailed a copy of the REVISED draft Preliminary Determination proposing to approve Transfer Application T-13535 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of May 7, 2021, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination.

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

Certificate: 76002 in the name of BLACK BUTTE RANCH PROPERTY MANAGEMENT CORP. (perfected under Permit G-8503)
Use: GROUP DOMESTIC
Priority Date: FEBRUARY 2, 1979
Rate: 1.65 CUBIC FEET PER SECOND
Source: WELL 3, in the DESCHUTES RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	9 E	WM	22	NW NW	WELL 3 - 250 FEET SOUTH AND 700 FEET EAST FROM THE NW CORNER OF SECTION 22

Authorized Place of Use:

GROUP DOMESTIC USE				
Twp	Rng	Mer	Sec	Q-Q
14 S	9 E	WM	9	ALL
14 S	9 E	WM	10	W ½ NE ¼
14 S	9 E	WM	10	NW ¼
14 S	9 E	WM	10	N ½ SW ¼
14 S	9 E	WM	10	SW ¼ SW ¼
14 S	9 E	WM	15	W ½
14 S	9 E	WM	16	E ½ NE ¼
14 S	9 E	WM	21	NE ¼
14 S	9 E	WM	21	E ½ NW ¼
14 S	9 E	WM	21	NE ¼ SW ¼
14 S	9 E	WM	21	N ½ SE ¼
14 S	9 E	WM	22	N ½ N ½
14 S	9 E	WM	22	NE NW
14 S	9 E	WM	23	NW ¼ NW ¼

10. Transfer Application T-13535 proposes additional points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Point of Appropriation in miles (mi.)
14 S	9 E	WM	9	SW SW	WELL 1 - 469 FEET NORTH AND 450 FEET EAST FROM THE SW CORNER OF SECTION 9	1.6 mi.
14 S	9 E	WM	9	SW SW	WELL 4 – 4943 FEET SOUTH AND 412 FEET EAST FROM THE NW CORNER OF SECTION 9	1.5 mi.
14 S	9E	WM	16	SE NE	WELL 2 – 1530 FEET SOUTH AND 1236 FEET WEST FROM THE NE CORNER OF SECTION 16	0.8 mi.
14 S	9 E	WM	16	SE NE	WELL 5 – 1570 FEET SOUTH AND 1292 FEET WEST FROM THE NE CORNER OF SECTION 16	0.8 mi.

11. Transfer Application T-13535 also proposes to change the place of use of the right to:

QUASI-MUNICIPAL USE
Service Area of Black Butte Ranch

12. Transfer Application T-13535 proposes to change the character of use to Quasi-Municipal Use.

13. The second right to be transferred is as follows:

Certificate: 86708 in the name of BLACK BUTTE RANCH ASSOCIATION (perfected under Permit G-6797)
Use: GROUP DOMESTIC
Priority Date: JUNE 25, 1975
Rate: 1.8 CUBIC FEET PER SECOND
Source: BLACK BUTTE RANCH WELL 1, in the DESCHUTES BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	9 E	WM	9	SW SW	BLACK BUTTE RANCH WELL 1 - 469 FEET NORTH AND 450 FEET EAST FROM THE SW CORNER OF SECTION 9

Authorized Place of Use:

GROUP DOMESTIC USE				
Twp	Rng	Mer	Sec	Q-Q
14 S	9 E	WM	9	NE NE
14 S	9 E	WM	9	NW NE
14 S	9 E	WM	9	SW NE
14 S	9 E	WM	9	SE NE
14 S	9 E	WM	9	NE NW
14 S	9 E	WM	9	NW NW
14 S	9 E	WM	9	SW NW
14 S	9 E	WM	9	SE NW
14 S	9 E	WM	9	NE SW
14 S	9 E	WM	9	NW SW
14 S	9 E	WM	9	SW SW
14 S	9 E	WM	9	SE SW
14 S	9 E	WM	9	NE SE
14 S	9 E	WM	9	NW SE
14 S	9 E	WM	9	SW SE
14 S	9 E	WM	9	SE SE
14 S	9 E	WM	10	NW NE
14 S	9 E	WM	10	SW NE
14 S	9 E	WM	10	NW NW
14 S	9 E	WM	10	SE NW

GROUP DOMESTIC USE				
Twp	Rng	Mer	Sec	Q-Q
14 S	9 E	WM	10	NE SW
14 S	9 E	WM	10	NW SW
14 S	9 E	WM	10	SW SW
14 S	9 E	WM	15	NE NW
14 S	9 E	WM	15	NW NW
14 S	9 E	WM	15	SW NW
14 S	9 E	WM	15	SE NW
14 S	9 E	WM	15	NE SW
14 S	9 E	WM	15	NW SW
14 S	9 E	WM	15	SW SW
14 S	9 E	WM	15	SE SW
14 S	9 E	WM	16	NE NE
14 S	9 E	WM	16	SE NE
14 S	9 E	WM	21	NE NE
14 S	9 E	WM	22	NE NE
14 S	9 E	WM	22	NW NE
14 S	9 E	WM	22	NE NW
14 S	9 E	WM	22	NW NW
14 S	9 E	WM	23	NW NW

14. Transfer Application T-13535 proposes additional points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Point of Appropriation in miles (mi.), *except where noted in feet (ft.)
14 S	9 E	WM	9	SW SW	WELL 4 – 4943 FEET SOUTH AND 412 FEET EAST FROM THE NW CORNER OF SECTION 9	1.0 mi.
14 S	9E	WM	16	SE NE	WELL 2 – 1530 FEET SOUTH AND 1236 FEET WEST FROM THE NE CORNER OF SECTION 16	0.8 mi.
14 S	9 E	WM	16	SE NE	WELL 5 – 1570 FEET SOUTH AND 1292 FEET WEST FROM THE NE CORNER OF SECTION 16	152.5ft.*
14 S	9 E	WM	22	NW NW	WELL 3 – 250 FEET SOUTH AND 700 FEET EAST FROM THE NW CORNER OF SECTION 22	1.6 mi.

15. Transfer Application T-13535 also proposes to change the place of use of the right to:

QUASI-MUNICIPAL USE
Service Area of Black Butte Ranch

16. Transfer Application T-13535 proposes to change the character of use to Quasi-Municipal Use.

17. The third right to be transferred is as follows:

Certificate: 92269 in the name of BLACK BUTTE RANCH ASSOCIATION (perfected under Permit G-8501)
Use: GROUP DOMESTIC FOR 155 FAMILIES
Priority Date: FEBRUARY 2, 1979
Rate: 0.27 CUBIC FOOT PER SECOND
Source: THREE WELLS IN THE DESCHUTES BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	9 E	WM	9	SW SW	WELL 1 (ORIGINAL) - 469 FEET NORTH AND 450 FEET EAST FROM THE SW CORNER OF SECTION 9
14 S	9 E	WM	16	SE NE	WELL 2 (ORIGINAL) - 1530 FEET SOUTH AND 1236 FEET WEST FROM THE NE CORNER OF SECTION 16
14 S	9 E	WM	16	SE NE	WELL 5 (ADDITIONAL) - 1570 FEET SOUTH AND 1292 FEET WEST FROM THE NE CORNER OF SECTION 16

Authorized Place of Use:

GROUP DOMESTIC FOR 155 FAMILIES				
Twp	Rng	Mer	Sec	Q-Q
14 S	9 E	WM	21	NE NE
14 S	9 E	WM	21	NW NE
14 S	9 E	WM	21	SW NE
14 S	9 E	WM	21	SE NE
14 S	9 E	WM	21	NE NW
14 S	9 E	WM	21	SE NW
14 S	9 E	WM	21	NE SW
14 S	9 E	WM	21	NE SE
14 S	9 E	WM	21	NW SE

18. Transfer Application T-13535 proposes additional points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Points of Appropriation in miles (mi.), *except where noted in feet (ft.)		
14 S	9 E	WM	9	SW SW	WELL 4 – 4943 FEET SOUTH AND 412 FEET EAST FROM THE NW CORNER OF SECTION 9	WELL 1	WELL 2	WELL 5
						152.5 ft. *	0.8 mi.	0.8 mi.
14 S	9 E	WM	22	NW NW	WELL 3 – 250 FEET SOUTH AND 700 FEET EAST FROM THE NW CORNER OF SECTION 22	1.6 mi.	0.8 mi.	0.8 mi.

19. Transfer Application T-13535 also proposes to change the place of use of the right to:

QUASI-MUNICIPAL USE
Service Area of Black Butte Ranch

20. Transfer Application T-13535 proposes to change the character of use to Quasi-Municipal Use.

21. The fourth water right to be transferred is as follows:

Certificate: 92270 in the name of BLACK BUTTE RANCH CORPORATION AND BLACK BUTTE RANCH ASSOCIATION (perfected under Permit G-11710)
Use: QUASI-MUNICIPAL USE
Priority Date: NOVEMBER 18, 1991
Rate: 4.8 CUBIC FEET PER SECOND, FURTHER LIMITED TO 2.1 CFS FROM WELL 2 AND 2.7 CFS FROM WELL 4
Source: THREE WELLS IN WHYCHUS CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	9 E	WM	9	SW SW	WELL 4 (ORIGINAL) - 4943 FEET SOUTH AND 412 FEET EAST FROM THE NW CORNER OF SECTION 9
14 S	9 E	WM	16	SE NE	WELL 2 (ORIGINAL) - 1530 FEET SOUTH AND 1236 FEET WEST FROM THE NE CORNER OF SECTION 16
14 S	9 E	WM	16	SE NE	WELL 5 (ADDITIONAL) - 1570 FEET SOUTH AND 1292 FEET WEST FROM THE NE CORNER OF SECTION 16

Authorized Place of Use:

QUASI-MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
14 S	9 E	WM	9	NE NE
14 S	9 E	WM	9	NW NE
14 S	9 E	WM	9	SW NE
14 S	9 E	WM	9	SE NE
14 S	9 E	WM	9	NE NW
14 S	9 E	WM	9	NW NW
14 S	9 E	WM	9	SW NW
14 S	9 E	WM	9	SE NW
14 S	9 E	WM	9	NE SW
14 S	9 E	WM	9	NW SW
14 S	9 E	WM	9	SW SW
14 S	9 E	WM	9	SE SW
14 S	9 E	WM	9	NE SE
14 S	9 E	WM	9	NW SE
14 S	9 E	WM	9	SW SE
14 S	9 E	WM	9	SE SE
14 S	9 E	WM	10	NW NE
14 S	9 E	WM	10	SW NE
14 S	9 E	WM	10	NE NW
14 S	9 E	WM	10	NW NW
14 S	9 E	WM	10	SW NW
14 S	9 E	WM	10	SE NW
14 S	9 E	WM	10	NE SW

QUASI-MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
14 S	9 E	WM	10	NW SW
14 S	9 E	WM	10	SW SW
14 S	9 E	WM	15	NE NW
14 S	9 E	WM	15	NW NW
14 S	9 E	WM	15	SW NW
14 S	9 E	WM	15	SE NW
14 S	9 E	WM	15	NE SW
14 S	9 E	WM	15	NW SW
14 S	9 E	WM	15	SW SW
14 S	9 E	WM	15	SE SW
14 S	9 E	WM	16	NE NE
14 S	9 E	WM	16	SE NE
14 S	9 E	WM	21	NE NE
14 S	9 E	WM	21	NW NE
14 S	9 E	WM	21	SW NE
14 S	9 E	WM	21	SE NE
14 S	9 E	WM	21	NE NW
14 S	9 E	WM	21	SE NW
14 S	9 E	WM	21	NE SW
14 S	9 E	WM	21	NE SE
14 S	9 E	WM	21	NW SE
14 S	9 E	WM	22	NE NE
14 S	9 E	WM	22	NW NE

QUASI-MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
14 S	9 E	WM	22	NE NW
14 S	9 E	WM	22	NW NW

QUASI-MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
14 S	9 E	WM	23	NW NW

22. Transfer Application T-13535 proposes additional points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Points of Appropriation in miles (mi.), *except where noted in feet (ft.)		
14 S	9 E	WM	9	SW SW	WELL 1 – 469 FEET NORTH AND 450 FEET EAST FROM THE SW CORNER OF SECTION 9	WELL 2	WELL 4	WELL 5
						0.8 mi.	1.0 mi.	152.5 ft.*
14 S	9 E	WM	22	NW NW	WELL 3 – 250 FEET SOUTH AND 700 FEET EAST FROM THE NW CORNER OF SECTION 22	0.8 mi.	1.5 mi.	0.8 mi.

23. Transfer Application T-13535 also proposes to change the place of use as follows:

QUASI-MUNICIPAL USE
Service Area of Black Butte Ranch

24. The fifth water right to be transferred is as follows:

Certificate: 92271 in the name of BLACK BUTTE RANCH CORPORATION (perfected under Permit G-17023)
Use: GROUP DOMESTIC USE
Priority Date: JUNE 25, 1975
Rate: 2.9 CUBIC FEET PER SECOND
Source: BLACK BUTTE RANCH WELL 2 AND BLACK BUTTE RANCH WELL 5

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	9 E	WM	16	SE NE	WELL 2 (ORIGINAL) - 1530 FEET SOUTH AND 1236 FEET WEST FROM THE NE CORNER OF SECTION 16
14 S	9 E	WM	16	SE NE	WELL 5 (ADDITIONAL) - 1570 FEET SOUTH AND 1292 FEET WEST FROM THE NE CORNER OF SECTION 16

Authorized Place of Use:

GROUP DOMESTIC USE				
Twp	Rng	Mer	Sec	Q-Q
14 S	9 E	WM	9	NE NE
14 S	9 E	WM	9	NW NE

GROUP DOMESTIC USE				
Twp	Rng	Mer	Sec	Q-Q
14 S	9 E	WM	9	SW NE
14 S	9 E	WM	9	SE NE

GROUP DOMESTIC USE				
Twp	Rng	Mer	Sec	Q-Q
14 S	9 E	WM	9	NE NW
14 S	9 E	WM	9	NW NW
14 S	9 E	WM	9	SW NW
14 S	9 E	WM	9	SE NW
14 S	9 E	WM	9	NE SW
14 S	9 E	WM	9	NW SW
14 S	9 E	WM	9	SW SW
14 S	9 E	WM	9	SE SW
14 S	9 E	WM	9	NE SE
14 S	9 E	WM	9	NW SE
14 S	9 E	WM	9	SW SE
14 S	9 E	WM	9	SE SE
14 S	9 E	WM	10	NW NE
14 S	9 E	WM	10	SW NE
14 S	9 E	WM	10	NE NW
14 S	9 E	WM	10	NW NW
14 S	9 E	WM	10	SW NW
14 S	9 E	WM	10	SE NW
14 S	9 E	WM	10	NE SW

GROUP DOMESTIC USE				
Twp	Rng	Mer	Sec	Q-Q
14 S	9 E	WM	10	NW SW
14 S	9 E	WM	10	SW SW
14 S	9 E	WM	15	NE NW
14 S	9 E	WM	15	NW NW
14 S	9 E	WM	15	SW NW
14 S	9 E	WM	15	SE NW
14 S	9 E	WM	15	NE SW
14 S	9 E	WM	15	NW SW
14 S	9 E	WM	15	SW SW
14 S	9 E	WM	15	SE SW
14 S	9 E	WM	16	NE NE
14 S	9 E	WM	16	SE NE
14 S	9 E	WM	21	NE NE
14 S	9 E	WM	22	NE NE
14 S	9 E	WM	22	NW NE
14 S	9 E	WM	22	NE NW
14 S	9 E	WM	22	NW NW
14 S	9 E	WM	23	NW NW

25. Transfer Application T-13535 proposes additional points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Points of Appropriation in miles (mi.), *except where noted in feet (ft.)	
14 S	9 E	WM	9	SW SW	WELL 1 – 469 FEET NORTH AND 450 FEET EAST FROM THE SW CORNER OF SECTION 9	WELL 2	WELL 5
						0.8 mi.	152.5 ft.*
14 S	9 E	WM	9	SW SW	WELL 4 – 4943 FEET SOUTH AND 412 FEET EAST FROM THE NW CORNER OF SECTION 9	0.8 mi.	0.8 mi.
14 S	9 E	WM	22	NW NW	WELL 3 – 250 FEET SOUTH AND 700 FEET EAST FROM THE NW CORNER OF SECTION 22	0.8 mi.	0.8 mi.

26. Transfer Application T-13535 also proposes to change the place of use as follows:

QUASI-MUNICIPAL USE
Service Area of Black Butte Ranch

27. Transfer Application T-13535 proposes to change the character of use to Quasi-Municipal Use.

Transfer Review Criteria (OAR 690-380-4010)

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

29. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-13535.

30. The proposed change, as conditioned, would not result in enlargement of the rights. The use of water under the proposed use could result in enlargement of the original rights unless the proposed use was conditioned to be limited to not exceed the original rates of the rights and further limited to not to exceed the maximum quantity of water per year that could have been used by the rights.

31. The proposed change, as conditioned, would not result in injury to other water rights.

32. All other application requirements are met.

Determination and Proposed Action

The additional points of appropriation, changes in place of use and changes in character of use proposed in Transfer Application T-13535 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-13535 is approved, the final order will include the following:

1. *The additional points of appropriation, changes in place of use, and changes in character of use proposed in Transfer Application T-13535 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 Certificates 76002, 86708, 92269, 92270, and 92271 and any related decree.*

3. *Water right Certificate 76002 is cancelled. A new certificate will be issued describing those portions of the right not affected by this transfer.*

4. *Water right Certificates 86708, 92269, 92270, and 92271 are cancelled.*

5. *Under Certificate 76002, the quantity of water diverted at the additional points of appropriation,(Well 1, Well 2, Well 4, and Well 5), together with that diverted at the*

original point of appropriation, (Well 3), shall not exceed the quantity of water lawfully available at the original point of appropriation, (Well 3).

6. *Under Certificate 86708, the quantity of water diverted at the additional points of appropriation,(Well 2, Well 3, Well 4, and Well 5), together with that diverted at the original point of appropriation, (Well 1), shall not exceed the quantity of water lawfully available at the original point of appropriation, (Well 1).*

7. *Under Certificate 92269, the quantity of water diverted at the additional points of appropriation, (Well 3 and Well 4), together with that diverted at the original points of appropriation, (Well 1, Well 2, and Well 5), shall not exceed the quantity of water lawfully available at the original points of appropriation, (Well 1, Well 2, and Well 5).*

8. *Under Certificate 92270, the quantity of water diverted at the additional points of appropriation, (Well 1 and Well 3), together with that diverted at the original points of appropriation, (Well 2, Well 4, and Well 5), shall not exceed the quantity of water lawfully available at the original points of appropriation, (Well 2, Well 4, and Well 5).*

9. *Under Certificate 92271, the quantity of water diverted at the additional points of appropriation, (Well 1, Well 3, and Well 4), together with that diverted at the original points of appropriation, (Well 2 and Well 5), shall not exceed the quantity of water lawfully available at the original points of appropriation, (Well 2 and Well 5).*

10. *The use of water under the right described by Certificate 76002 for the proposed quasi-municipal use shall be limited to a rate of diversion of not to exceed 1.65 cubic feet per second (cfs) and shall be further limited to a quantity of water diverted of not to exceed 1194.6 acre feet per year.*

11. *The use of water under the right described by Certificate 86708 for the proposed quasi-municipal use shall be limited to a rate of diversion of not to exceed 1.80 cubic feet per second (cfs) and shall be further limited to a quantity of water diverted of not to exceed 1303.2 acre feet per year.*

12. *The use of water under the right described by Certificate 92269 for the proposed quasi-municipal use shall be limited to a rate of diversion of not to exceed 0.27 cubic foot per second (cfs) and shall be further limited to a quantity of water diverted of not to exceed 195.5 acre feet per year.*

13. *The use of water under the right described by Certificate 92271 for the proposed quasi-municipal use shall be limited to a rate of diversion of not to exceed 2.9 cubic feet per second (cfs) and shall be further limited to a quantity of water diverted of not to exceed 2099.6 acre feet per year.*

14. *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, (new and existing).*

    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.*

15. *Water shall be acquired from the same aquifer (water source) as the original points of appropriation.*

16. *The former place of use of the transferred rights shall no longer receive water under the rights.*

17. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2026**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*

18. *After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated in Salem, Oregon on JUN 0 9 2021

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M. BYLER, DIRECTOR
Oregon Water Resources Department

This Preliminary Determination was prepared by: Tamera Smith. If you have any questions about the information in this document, you may reach me at 503-986-0864 or tamera.l.smith@oregon.gov

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

IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified above.

Notice Regarding Service Members: Active duty service members have a right to stay these proceedings under the federal service members Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed Forces Legal Assistance Office through http://legalassistance.law.af.mil. The Oregon Military Department does not have a toll free number.

SMITH Tamera L * WRD

From: Niall Boggs <NBoggs@parametrix.com>
Sent: Wednesday, April 28, 2021 11:16 AM
To: SMITH Tamera L * WRD
Cc: Swen Petterson; Josh Newton
Subject: RE: T-13535 Black Butte Ranch REVISED DRAFT PD: ACTION REQUESTED
Attachments: 2021-04-28 Resp toOWRD RevisedDraftPD FINAL.pdf

Tamera
Please see attached response to the Revised Draft PD for T-13535 for Black Butte Ranch. Please let me know if any questions, comments or other needed information. I believe next steps are to advertise public notice in the local newspaper. Assuming OWRD will be contacting Swen directly with an invoice for the advertisement.

Thank you,

Parametrix
ENGINEERING . PLANNING . ENVIRONMENTAL SCIENCES

Niall Boggs, PE, CWRE
Senior Engineer

From: SMITH Tamera L * WRD <Tamera.L.Smith@oregon.gov>
Sent: Tuesday, April 6, 2021 2:24 PM
To: Swen Petterson <spetterson@bbranch.org>
Cc: Niall Boggs <NBoggs@parametrix.com>; GIFFIN Jeremy T * WRD <Jeremy.T.Giffin@oregon.gov>
Subject: T-13535 Black Butte Ranch REVISED DRAFT PD: ACTION REQUESTED

Good afternoon,

Please see the attached revised DPD for T-13535 Black Butte Ranch.

Kindest regards,

Tamera Smith
Transfer Caseworker
Reimbursement Authority

Parametrix
ENGINEERING . PLANNING . ENVIRONMENTAL SCIENCES

150 NW PACIFIC PARK LANE, SUITE 110 | BEND, OR 97701 | P 541.508.7710

SENT VIA EMAIL

April 28, 2021
Parametrix No. 297-7391-002

Tamera Smith
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301

Re: Transfer Application T-13535
Response to Draft Preliminary Determination

Dear Tamera:

Thank you for issuing the REVISED DRAFT of the Preliminary Determination (PD) document for Transfer Application T-13535 for Black Butte Ranch. We have reviewed the revised draft PD and it appears that the corrections and recommended changes that we identified in our response dated March 15, 2021 were addressed. Additionally, we have reviewed the proposed conditions. We agree with the proposed action to approve the transfers with the conditions listed.

We appreciate the opportunity to provide review comments on draft documents as well as the Department's responsiveness. As always, please call or email any questions.

Thank you,

Niall Boggs, PE
Sr. Engineer

cc: Swen Petterson
Josh Newton

STATE OF OREGON

WATER RESOURCES DEPARTMENT

RECEIPT # 133583

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

INVOICE # _____

RECEIVED FROM: Black Butte Ranch (Corporation)

BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-13535

CASH: ☐ CHECK:# ☑ 80141 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D $ 761022

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

46110

MISCELLANEOUS

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

		EXAM FEE		RECORD FEE
	WATER RIGHTS:			
0201	SURFACE WATER	$	0202	$
0203	GROUND WATER	$	0204	$
0205	TRANSFER	$ 7,610.00		

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

_____ OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211	WELL CONST START FEE	$	CARD #	
0210	MONITORING WELLS	$	CARD #	

_____ OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

_____ TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ $ _____

RECEIPT: 133583 DATED: 10/5/2020 BY: _____

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

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

Application for Permanent Water Right Transfer

Part 1 of 5 – Minimum Requirements Checklist

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

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

☒ Part 1 – Completed Minimum Requirements Checklist.

☒ Part 2 – Completed Transfer Application Map Checklist.

☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator. If you have questions, call Customer Service at (503) 986-0801.

☒ Part 4 – Completed Applicant Information and Signature.

☒ Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 5 List them here: Cert: 92269, 92270, 92271, 86708, & 76002**
Please include a separate Part 5 for each water right. (See instructions on page 6)

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Attachments:

☒ Completed Transfer Application Map.

☒ Completed Evidence of Use Affidavit and supporting documentation.

☐ ☒ N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)

☐ ☒ N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.

☒ ☐ N/A Oregon Water Resources Department's Land Use Information Form with approval and signature (or signed land use form receipt stub) from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if **all** of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.

☒ ☐ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.

☐ ☒ N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500' from the surface water source and more than 1000' upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

(For Staff Use Only)
WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):
___ Application fee not enclosed/insufficient ___ Map not included or incomplete
___ Land Use Form not enclosed or incomplete
___ Additional signature(s) required ___ Part _____ is incomplete
Other/Explanation _____
Staff: _____ 503-986-0___ Date: ____/____/____

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Part 2 of 5 – Transfer Application Map Checklist

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

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

☒ ☐ N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see http://apps.wrd.state.or.us/apps/wr/cwre_license_view/. CWRE stamp and signature are not required for substitutions.

☒ ☐ N/A If **more than three** water rights are involved, separate maps are needed for each water right.

☒ Permanent quality printed with dark ink on good quality paper.

☒ The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.

☒ A north arrow, a legend, and scale.

☒ The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.

☒ Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.

☒ Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.

☒ Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.

☒ Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.

☒ Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.

☒ ☐ N/A Proposed place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.

☒ Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.

☒ ☐ N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

FEE WORKSHEET for PERMANENT TRANSFER	**Part 3 of 5 – Fee Worksheet**		
1	Base Fee (includes one type of change to one water right for up to 1 cfs)	*1*	$1,160
2	Types of change proposed: ☒ Place of Use ☒ Character of Use ☒ Point of Diversion/Appropriation Number of above boxes checked = 3 (2a) Subtract 1 from the number in line 2a = 2 (2b) *If only one change, this will be 0* Multiply line 2b by $930 and enter » » » » » » » » » » » » » »	*2*	$1,860
3	Number of water rights included in transfer 5 (3a) Subtract 1 from the number in 3a above: 4 (3b) *If only one water right this will be 0* Multiply line 3b by $520 and enter » » » » » » » » » » » » » »	*3*	$2,080
4	Do you propose to add or change a well, or change from a surface water POD to a well? ☐ No: enter 0 » ☒ Yes: enter $410 »	*4*	$410
5	Do you propose to change the place of use or character of use? ☐ No: enter 0 on line 5 » » » » » » » » » » » » » » » » » » ☒ Yes: enter the cfs for the portions of the rights to be transferred (see example below*): 6.62 (5a) Subtract 1.0 from the number in 5a above: 5.62 (5b) If 5b is 0 or less, enter 0 on line 5 » » » » » » » » » » » » » » If 5b is greater than 0, round up to the nearest whole number: 6 (5c) and multiply 5c by $350, then enter on line 5 » » » » » » » » »	*5*	$2,100
6	Add entries on lines 1 through 5 above » » » » » » » » » Subtotal:	*6*	$7,610
7	Is this transfer: ☐ necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? ☐ endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 » If no box is applicable, enter 0 on line 7» » » » » » » » » » » »	*7*	$0
8	Subtract line 7 from line 6 » » » » » » » » » » » » **Transfer Fee:**	*8*	**$7,610**

76002 = 1.65cfs group domestic to Q-M & service area
86708 = 1.8cfs group domestic to Q-M and service area
92269 = 0.27cfs group domestic to Q-M and service area
92270 = 0.0cfs (No change in place of use or character)
92271 = 2.9cfs group domestic to Q-M and service area

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*Example for Line 5a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

1. For irrigation calculate cfs for each water right involved as follows:
   a. Divide total authorized cfs by total acres in the water right *(for C12345, 1.25 cfs ÷100 ac)*; then multiply by the number of acres to be transferred to get the transfer cfs *(x 45 ac= 0.56 cfs)*.
   b. If the water right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). *(For C87654, 45.0 ac x 0.0125 cfs/ac = 0.56 cfs)*
2. Add cfs for the portions of water rights on all the land included in the transfer; however **do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land.** The fee should be assessed only once for each "on the ground" acre included in the transfer. *(In this example, blank 5a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0).*

FEE WORKSHEET for SUBSTITUTION			
1	Base Fee (includes change to one well)	*1*	$840.00
2	Number of wells included in substitution _____ (2a) Subtract 1 from the number in 3a above: _____ (2b) *If only one well this will be 0* Multiply line 2b by $410 and enter » » » » » » » » » » » » »	*2*	N/A
3	Add entries on lines 1 through 2 above » » » » » **Fee for Substitution:**	*3*	N/A

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME			PHONE NO.	ADDITIONAL CONTACT NO.
Black Butte Ranch Corporation & Black Butte Ranch Association, Note: Black Butte Ranch Corporation was formerly known as Black Butte Property Management Corporation			**(541) 595-1280**	
ADDRESS **PO Box 8000**				FAX NO. **(541) 595-2617**
CITY **Black Butte Ranch**	STATE **OR**	ZIP **97759**	E-MAIL **spetterson@bbranch.org**	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

AGENT/BUSINESS NAME			PHONE NO.	ADDITIONAL CONTACT NO.
Niall Boggs, PE, CWRE / Parametrix			**(541) 550-7694**	**(541) 508-7710**
ADDRESS **150 NW Pacific Park Lane**				FAX NO.
CITY **Bend**	STATE **OR**	ZIP **97701**	E-MAIL **nboggs@parametrix.com**	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Explain in your own words what you propose to accomplish with this transfer application, and why:
The purpose of the water rights transfer is to change the type of use for the existing group domestic water rights at Black Butte Ranch to Quasi-Municipal and include the entire resort service area as the place of use. An additional purpose of the transfer is to make all wells, 1-5, as points of appropriation for all of the existing water rights that supply water to the Black Butte Ranch water system.

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

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

Check One Box

☐ By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); **OR**

☒ I affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; **OR**

☐ I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

By my signature below, I confirm that I understand:

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: Bend Bulletin.
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).

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

Applicant signature	Print Name (and Title if applicable)	Date
	Swen Petterson	9/18/2020
	Niall Boggs, PE, CWRE	9/18/2020

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

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Check the following boxes that apply:

☒ The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.

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

☐ Both the receiving landowner and applicant will be responsible for completion of change(s). Copies of notices and correspondence should be sent to this landowner and the applicant.

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

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

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

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

Describe any special ownership circumstances here: **These rights are currently group domestic or quasi-municipal. There are hundreds of lots, all owned by individual lot owners. Changing all rights to quasi-municipal (if not currently), changing place of use to the service area covering the entire resort, and adding existing wells as points of appropriation. We inquired with OWRD in October of 2019 about obtaining ownership reports for all the parcels being affected by this transfer application. See attached email correspondence with Arla Davis. The Department indicated that Black Butte Ranch was considered a municipality and that as long as Black Butte Ranch is the water purveyor for all the affected tax lots /users, a report of ownership is not required.**

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

IRRIGATION DISTRICT NAME	ADDRESS	
N/A	N/A	
CITY	STATE	ZIP
N/A	N/A	N/A

☐ Check here if water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity.

ENTITY NAME	ADDRESS	
N/A	N/A	
CITY	STATE	ZIP
N/A	N/A	N/A

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

ENTITY NAME	ADDRESS	
Deschutes County	**117 NW Lafayette Ave**	
CITY	STATE	ZIP
Bend	**OR**	**97703**

Part 5 of 5 – Water Right Information

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

CERTIFICATE # 76002

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Description of Water Delivery System

System capacity: **2.63** cubic feet per second (cfs) **OR**

_____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use.

The Black Butte Ranch water system consists of the following:

- **Five (5) wells**
- **One (1) 500,000 gallon welded steel reservoir (located just south of the Well #5 building)**
- **One (1) 10,000 gallon pressure tank (located in the Well #1 building)**
- **Two (2) booster pump stations**
- **Water Distribution System consisting of approximately 33 miles of 4-inch to 10-inch C900 PVC, C160 PVC, and transite pipe, with smaller diameter service lines to users. The distribution system serves a variety of domestic, commercial, and irrigation users throughout the Black Butte Ranch service area.**

Well 1: Water is diverted from Well #1 by a 75 HP turbine pump on a Variable Frequency Drive (VFD) at the needed pressure and flows through an 8" ductile iron water main into the water distribution system. 900gpm capacity.

Well 2: Water is diverted from Well #2 by a 150 HP turbine pump through an 8-inch ductile iron water main into the 500,000 gallon steel reservoir. 1,612gpm capacity.

Well 3: Water is diverted from Well #3 by a 125 HP turbine pump. Well 3 can discharge directly into the water distribution system or to the golf course lake for irrigation. 1,000-1,200gpm capacity depending on discharge locale.

Well 4: Water is diverted from Well #4 by a 200 HP turbine pump. Well #4 discharges directly into the distribution system. 1,278gpm capacity.

Well 5: Water is diverted from Well #5 by a 300HP turbine pump through a 10"/12"/8" ductile iron water main into the 500,000 gallon steel reservoir. 2,430gpm capacity.

Booster Station at Well House No. 2: Boosts the pressure of the water coming out of the 500,000 gallon reservoir to system pressure. (2) 50HP and (1) 20HP pumps. 2,525gpm capacity.

"Fourth Nine" Booster Station: Boosts pressure for high elevation lots at the southwest corner of the project. (1) 60HP and (2) 15HP pumps. 1,300gpm capacity.

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well 1	☐ Authorized ☒ Proposed	**DESC 262, DESC 1805, DESC 1806, DESC 51474**	**14**	**S**	**9**	**E**	**9**	**SW**	**SW**	**14 09 09 C0 12303**	**469 FEET NORTH AND 450 FEET EAST FROM SW CORNER**
Well 2	☐ Authorized	**DESC 1800, DESC 914**	**14**	**S**	**9**	**E**	**16**	**SE**	**NE**	**14 09 16 A0**	**1530 FEET SOUTH AND 1236 FEET WEST**

	☒ Proposed									04800	FROM NE CORNER
Well 3	☒ Authorized ☐ Proposed	DESC 55229	14	S	9	E	22	NW	NW	14 09 22 B0 00099	250 FEET SOUTH AND 700 FEET EAST FROM NW CORNER
Well 4	☐ Authorized ☒ Proposed	DESC 9719	14	S	9	E	9	SW	SW	14 09 09 C0 12303	4943 FEET SOUTH AND 412 FEET EAST FROM NW CORNER
Well 5	☐ Authorized ☒ Proposed	DESC 60190 (final), DESC 59906 (test hole)	14	S	9	E	16	SE	NE	14 09 16 A0 04800	1570 FEET SOUTH AND 1292 FEET WEST FROM NE CORNER

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

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

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

☒ Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.

☐ No Complete all of Table 2 to describe the portion of the water right to be changed.

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Table 2. Description of Changes to Water Right Certificate # 76002

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change. If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES. List only that part or portion of the water right that will be changed.												Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
													APOA/USE	**14**	**S**	**9**	**E**	**9**	**SW**	**SW**	**140909 C0 12303**		**N/A**	**Quasi-Municipal**	**Well 1**	**02/02/1979**
													APOA/USE	**14**	**S**	**9**	**E**	**9**	**SW**	**SW**	**140909 C0 12303**		**N/A**	**Quasi-Municipal**	**Well 4**	**02/02/1979**
													APOA/USE	**14**	**S**	**9**	**E**	**16**	**SE**	**NE**	**140916 A0 04800**		**N/A**	**Quasi-Municipal**	**Well 2**	**02/02/1979**
													APOA/USE	**14**	**S**	**9**	**E**	**16**	**SE**	**NE**	**140916 A0 04800**		**N/A**	**Quasi-Municipal**	**Well 5**	**02/02/1979**
													POU/USE	**Service Area of Black Butte Ranch**							Multiple	**N/A**	**N/A**	**Quasi-Municipal**	**Well 1 Well 2 Well 3 Well 4 Well 5**	**02/02/1979**
TOTAL ACRES:													TOTAL ACRES:									**N/A**				

Additional remarks: **BBR is not proposing to change the portions of the right for non-Group Domestic uses in Certificate 76002 (i.e. Irrigation, Supplemental Irrigation, and Fish Culture).**

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For Place of Use or Character of Use Changes

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

If YES, list the certificate, water use permit, or ground water registration numbers: **92269, 92270, 92271, 86708, 51564, 64681, 64682, 76003, 76004, 76005, & 76006.**

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

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

Ground water supplemental Permit or Certificate # **N/A;**
Surface water primary Certificate # **N/A.**

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For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # **N/A**

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

☒ Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.
Tip: You may search for well logs on the Department's web page at:
http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well -specific rate (cfs or gpm). If less than full rate of water right
SEE ATTACHED WELL LOGS										

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

CERTIFICATE # 86708

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Description of Water Delivery System

System capacity: **1.8** cubic feet per second (cfs) **OR**

_____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use.

The Black Butte Ranch water system consists of the following:

- **Five (5) wells**
- **One (1) 500,000 gallon welded steel reservoir (located just south of the Well #5 building)**
- **One (1) 10,000 gallon pressure tank (located in the Well #1 building)**
- **Two (2) booster pump stations**
- **Water Distribution System consisting of approximately 33 miles of 4-inch to 10-inch C900 PVC, C160 PVC, and transite pipe, with smaller diameter service lines to users. The distribution system serves a variety of domestic, commercial, and irrigation users throughout the Black Butte Ranch service area.**

Well 1: Water is diverted from Well #1 by a 75 HP turbine pump on a Variable Frequency Drive (VFD) at the needed pressure and flows through an 8" ductile iron water main into the water distribution system. 900gpm capacity.

Well 2: Water is diverted from Well #2 by a 150 HP turbine pump through an 8-inch ductile iron water main into the 500,000 gallon steel reservoir. 1,612gpm capacity.

Well 3: Water is diverted from Well #3 by a 125 HP turbine pump. Well 3 can discharge directly into the water distribution system or to the golf course lake for irrigation. 1,000-1,200gpm capacity depending on discharge locale.

Well 4: Water is diverted from Well #4 by a 200 HP turbine pump. Well #4 discharges directly into the distribution system. 1,278gpm capacity.

Well 5: Water is diverted from Well #5 by a 300HP turbine pump through a 10"/12"/8" ductile iron water main into the 500,000 gallon steel reservoir. 2,430gpm capacity.

Booster Station at Well House No. 2: Boosts the pressure of the water coming out of the 500,000 gallon reservoir to system pressure. (2) 50HP and (1) 20HP pumps. 2,525gpm capacity.

"Fourth Nine" Booster Station: Boosts pressure for high elevation lots at the southwest corner of the project. (1) 60HP and (2) 15HP pumps. 1,300gpm capacity.

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well 1	☒ Authorized ☐ Proposed	DESC 262, DESC 1805, DESC 1806, DESC 51474	14	S	9	E	9	SW	SW	14 09 09 C0 12303	469 FEET NORTH AND 450 FEET EAST FROM SW CORNER
Well 2	☐ Authorized ☒ Proposed	DESC 1800, DESC 914	14	S	9	E	16	SE	NE	14 09 16 A0 04800	1530 FEET SOUTH AND 1236 FEET WEST FROM NE CORNER
Well 3	☐ Authorized ☒ Proposed	DESC 55229	14	S	9	E	22	NW	NW	14 09 22 B0 00099	250 FEET SOUTH AND 700 FEET EAST FROM NW CORNER
Well 4	☐ Authorized ☒ Proposed	DESC 9719	14	S	9	E	9	SW	SW	14 09 09 C0 12303	4943 FEET SOUTH AND 412 FEET EAST FROM NW CORNER
Well 5	☐ Authorized ☒ Proposed	DESC 60190 (final), DESC 59906 (test hole)	14	S	9	E	16	SE	NE	14 09 16 A0 04800	1570 FEET SOUTH AND 1292 FEET WEST FROM NE CORNER

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

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

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

☒ Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.

☐ No Complete all of Table 2 to describe the portion of the water right to be changed.

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

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

Table 2. Description of Changes to Water Right Certificate # 86708

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES. List only that part or portion of the water right that will be changed.												Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
													APOA/USE	**14**	**S**	**9**	**E**	**9**	**SW**	**SW**	**140909 C0 12303**		**N/A**	**Quasi-Municipal**	**Well 4**	**07/25/1979**
													APOA/USE	**14**	**S**	**9**	**E**	**16**	**SE**	**NE**	**140916 A0 04800**		**N/A**	**Quasi-Municipal**	**Well 2**	**07/25/1979**
													APOA/USE	**14**	**S**	**9**	**E**	**16**	**SE**	**NE**	**140916 A0 04800**		**N/A**	**Quasi-Municipal**	**Well 5**	**07/25/1979**
													APOA/USE	**14**	**S**	**9**	**E**	**22**	**NW**	**NW**	**14 09 22 B0 00099**		**N/A**	**Quasi-Municipal**	**Well 3**	**07/25/1979**
													POU/USE	**Service Area of Black Butte Ranch**							Multiple	**N/A**	**N/A**	**Quasi-Municipal**	**Well 1 Well 2 Well 3 Well 4 Well 5**	**07/25/1979**
TOTAL ACRES:													TOTAL ACRES:									**N/A**			

Additional remarks:_____.

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Certificate # 86708

For Place of Use or Character of Use Changes

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

If YES, list the certificate, water use permit, or ground water registration numbers: **92269, 92270, 92271, 76002, 51564, 64681, 64682, 76003, 76004, 76005, & 76006.**

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

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

Ground water supplemental Permit or Certificate # **N/A;**
Surface water primary Certificate # **N/A.**

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For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # **N/A**

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

☒ Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.
Tip: You may search for well logs on the Department's web page at:
http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well -specific rate (cfs or gpm). If less than full rate of water right
SEE ATTACHED WELL LOGS										

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

CERTIFICATE # 92269

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Description of Water Delivery System

System capacity: .27 cubic feet per second (cfs) **OR**

_____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use.

The Black Butte Ranch water system consists of the following:

- **Five (5) wells**
- **One (1) 500,000 gallon welded steel reservoir (located just south of the Well #5 building)**
- **One (1) 10,000 gallon pressure tank (located in the Well #1 building)**
- **Two (2) booster pump stations**
- **Water Distribution System consisting of approximately 33 miles of 4-inch to 10-inch C900 PVC, C160 PVC, and transite pipe, with smaller diameter service lines to users. The distribution system serves a variety of domestic, commercial, and irrigation users throughout the Black Butte Ranch service area.**

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Well 2: Water is diverted from Well #2 by a 150 HP turbine pump through an 8-inch ductile iron water main into the 500,000 gallon steel reservoir. 1,612gpm capacity.

Well 3: Water is diverted from Well #3 by a 125 HP turbine pump. Well 3 can discharge directly into the water distribution system or to the golf course lake for irrigation. 1,000-1,200gpm capacity depending on discharge locale.

Well 4: Water is diverted from Well #4 by a 200 HP turbine pump. Well #4 discharges directly into the distribution system. 1,278gpm capacity.

Well 5: Water is diverted from Well #5 by a 300HP turbine pump through a 10"/12"/8" ductile iron water main into the 500,000 gallon steel reservoir. 2,430gpm capacity.

Booster Station at Well House No. 2: Boosts the pressure of the water coming out of the 500,000 gallon reservoir to system pressure. (2) 50HP and (1) 20HP pumps. 2,525gpm capacity.

"Fourth Nine" Booster Station: Boosts pressure for high elevation lots at the southwest corner of the project. (1) 60HP and (2) 15HP pumps. 1,300gpm capacity.

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well 1	☒ Authorized ☐ Proposed	DESC 262, DESC 1805, DESC 1806, DESC 51474	14	S	9	E	9	SW	SW	14 09 09 C0 12303	469 FEET NORTH AND 450 FEET EAST FROM SW CORNER
Well 2	☒ Authorized ☐ Proposed	DESC 1800, DESC 914	14	S	9	E	16	SE	NE	14 09 16 A0 04800	1530 FEET SOUTH AND 1236 FEET WEST FROM NE CORNER
Well 3	☐ Authorized ☒ Proposed	DESC 55229	14	S	9	E	22	NW	NW	14 09 22 B0 00099	250 FEET SOUTH AND 700 FEET EAST FROM NW CORNER
Well 4	☐ Authorized ☒ Proposed	DESC 9719	14	S	9	E	9	SW	SW	14 09 09 C0 12303	4943 FEET SOUTH AND 412 FEET EAST FROM NW CORNER
Well 5	☒ Authorized ☐ Proposed	DESC 60190 (final), DESC 59906 (test hole)	14	S	9	E	16	SE	NE	14 09 16 A0 04800	1570 FEET SOUTH AND 1292 FEET WEST FROM NE CORNER

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

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

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

☒ Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.

☐ No Complete all of Table 2 to describe the portion of the water right to be changed.

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

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

Table 2. Description of Changes to Water Right Certificate # 92269

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES. List only that part or portion of the water right that will be changed.												Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date			Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
												APOA/USE	**14**	**S**	**9**	**E**	**22**	**NW**	**NW**	**14 09 22 B0 00099**		**N/A**	**Quasi-Municipal**	**Well 3**	**02/02/1979**
												APOA//USE	**14**	**S**	**9**	**E**	**9**	**SW**	**SW**	**140909 C0 12303**		**N/A**	**Quasi-Municipal**	**Well 4**	**02/02/1979**
												POU/USE	**Service Area of Black Butte Ranch**							Multiple	**N/A**	**N/A**	**Quasi-Municipal**	**Well 1 Well 2 Well 3 Well 4 Well 5**	**02/02/1979**
TOTAL ACRES:													TOTAL ACRES:								**N/A**				

Additional remarks:_____.

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Certificate # 92269

For Place of Use or Character of Use Changes

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

If YES, list the certificate, water use permit, or ground water registration numbers: **92270, 92271, 86708, 76002, 51564, 64681, 64682, 76003, 76004, 76005, & 76006.**

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

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

Ground water supplemental Permit or Certificate # **N/A;**
Surface water primary Certificate # **N/A.**

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For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # **N/A**

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

☒ Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.
Tip: You may search for well logs on the Department's web page at:
http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well -specific rate (cfs or gpm). If less than full rate of water right
SEE ATTACHED WELL LOGS										

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

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Description of Water Delivery System

System capacity: **4.8** cubic feet per second (cfs) **OR**

_____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use.

The Black Butte Ranch water system consists of the following:

- **Five (5) wells**
- **One (1) 500,000 gallon welded steel reservoir (located just south of the Well #5 building)**
- **One (1) 10,000 gallon pressure tank (located in the Well #1 building)**
- **Two (2) booster pump stations**
- **Water Distribution System consisting of approximately 33 miles of 4-inch to 10-inch C900 PVC, C160 PVC, and transite pipe, with smaller diameter service lines to users. The distribution system serves a variety of domestic, commercial, and irrigation users throughout the Black Butte Ranch service area.**

Well 1: Water is diverted from Well #1 by a 75 HP turbine pump on a Variable Frequency Drive (VFD) at the needed pressure and flows through an 8" ductile iron water main into the water distribution system. 900gpm capacity.

Well 2: Water is diverted from Well #2 by a 150 HP turbine pump through an 8-inch ductile iron water main into the 500,000 gallon steel reservoir. 1,612gpm capacity.

Well 3: Water is diverted from Well #3 by a 125 HP turbine pump. Well 3 can discharge directly into the water distribution system or to the golf course lake for irrigation. 1,000-1,200gpm capacity depending on discharge locale.

Well 4: Water is diverted from Well #4 by a 200 HP turbine pump. Well #4 discharges directly into the distribution system. 1,278gpm capacity.

Well 5: Water is diverted from Well #5 by a 300HP turbine pump through a 10"/12"/8" ductile iron water main into the 500,000 gallon steel reservoir. 2,430gpm capacity.

Booster Station at Well House No. 2: Boosts the pressure of the water coming out of the 500,000 gallon reservoir to system pressure. (2) 50HP and (1) 20HP pumps. 2,525gpm capacity.

"Fourth Nine" Booster Station: Boosts pressure for high elevation lots at the southwest corner of the project. (1) 60HP and (2) 15HP pumps. 1,300gpm capacity.

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well 1	☐ Authorized ☒ Proposed	**DESC 262, DESC 1805, DESC 1806, DESC 51474**	**14**	**S**	**9**	**E**	**9**	**SW**	**SW**	**14 09 09 C0 12303**	**469 FEET NORTH AND 450 FEET EAST FROM SW CORNER**
Well 2	☒ Authorized ☐ Proposed	**DESC 1800, DESC 914**	**14**	**S**	**9**	**E**	**16**	**SE**	**NE**	**14 09 16 A0 04800**	**1530 FEET SOUTH AND 1236 FEET WEST FROM NE CORNER**
Well 3	☐ Authorized ☒ Proposed	**DESC 55229**	**14**	**S**	**9**	**E**	**22**	**NW**	**NW**	**14 09 22 B0 00099**	**250 FEET SOUTH AND 700 FEET EAST FROM NW CORNER**
Well 4	☒ Authorized ☐ Proposed	**DESC 9719**	**14**	**S**	**9**	**E**	**9**	**SW**	**SW**	**14 09 09 C0 12303**	**4943 FEET SOUTH AND 412 FEET EAST FROM NW CORNER**
Well 5	☒ Authorized ☐ Proposed	**DESC 60190 (final), DESC 59906 (test hole)**	**14**	**S**	**9**	**E**	**16**	**SE**	**NE**	**14 09 16 A0 04800**	**1570 FEET SOUTH AND 1292 FEET WEST FROM NE CORNER**

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

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

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

☒ Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.

☐ No Complete all of Table 2 to describe the portion of the water right to be changed.

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

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

Table 2. Description of Changes to Water Right Certificate # 92270

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES. List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
											APOA	14 S	9 E	9	SW	SW	140909 C0 12303		N/A		Well 1	11/18/1991
											APOA	14 S	9 E	22	NW	NW	14 09 22 B0 00099		"		Well 3	"
											POU*	14 S	9 E	5	SW	SE	14 09 00 00 00202		"		Wells 1, 2, 3, 4, & 5	"
												14 S	9 E	5	SE	SE			"			"
TOTAL ACRES:												TOTAL ACRES:							N/A			

Additional remarks: ***Note that the mapping for Certificate 92270 includes S1/2 of SE ¼ of Section 5, but the certificate document itself does not include it. The certificate does include the following language:**

Water may be applied to lands which are not specifically described above, provided the hold of this right complies with ORS 540.510(3).

Black Butte Ranch is a water supplier as defined in ORS 448.115 and use of water in S1/2 of SE ¼ of Section 5 complies with ORS 540.510. That said, we are requesting that this are of use be added to the water right to clearly define that this area of us is included in the right.

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Certificate # 92270

For Place of Use or Character of Use Changes

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

If YES, list the certificate, water use permit, or ground water registration numbers: **92269, 92271, 86708, 76002, 51564, 64681, 64682, 76003, 76004, 76005, & 76006.**

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

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

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Ground water supplemental Permit or Certificate # **N/A;**
Surface water primary Certificate # **N/A.**

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # **N/A**

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

☒ Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.
Tip: You may search for well logs on the Department's web page at:
http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well -specific rate (cfs or gpm). If less than full rate of water right
SEE ATTACHED WELL LOGS										

Part 5 of 5 – Water Right Information

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

CERTIFICATE # 92271

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Description of Water Delivery System

System capacity: **2.9** cubic feet per second (cfs) **OR**

_____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use.

The Black Butte Ranch water system consists of the following:

- **Five (5) wells**
- **One (1) 500,000 gallon welded steel reservoir (located just south of the Well #5 building)**
- **One (1) 10,000 gallon pressure tank (located in the Well #1 building)**
- **Two (2) booster pump stations**
- **Water Distribution System consisting of approximately 33 miles of 4-inch to 10-inch C900 PVC, C160 PVC, and transite pipe, with smaller diameter service lines to users. The distribution system serves a variety of domestic, commercial, and irrigation users throughout the Black Butte Ranch service area.**

Well 1: Water is diverted from Well #1 by a 75 HP turbine pump on a Variable Frequency Drive (VFD) at the needed pressure and flows through an 8" ductile iron water main into the water distribution system. 900gpm capacity.

Well 2: Water is diverted from Well #2 by a 150 HP turbine pump through an 8-inch ductile iron water main into the 500,000 gallon steel reservoir. 1,612gpm capacity.

Well 3: Water is diverted from Well #3 by a 125 HP turbine pump. Well 3 can discharge directly into the water distribution system or to the golf course lake for irrigation. 1,000-1,200gpm capacity depending on discharge locale.

Well 4: Water is diverted from Well #4 by a 200 HP turbine pump. Well #4 discharges directly into the distribution system. 1,278gpm capacity.

Well 5: Water is diverted from Well #5 by a 300HP turbine pump through a 10"/12"/8" ductile iron water main into the 500,000 gallon steel reservoir. 2,430gpm capacity.

Booster Station at Well House No. 2: Boosts the pressure of the water coming out of the 500,000 gallon reservoir to system pressure. (2) 50HP and (1) 20HP pumps. 2,525gpm capacity.

"Fourth Nine" Booster Station: Boosts pressure for high elevation lots at the southwest corner of the project. (1) 60HP and (2) 15HP pumps. 1,300gpm capacity.

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well 1	☐ Authorized ☒ Proposed	**DESC 262, DESC 1805, DESC 1806, DESC 51474**	**14**	**S**	**9**	**E**	**9**	**SW**	**SW**	**14 09 09 C0 12303**	**469 FEET NORTH AND 450 FEET EAST FROM SW CORNER**
Well 2	☒ Authorized ☐ Proposed	**DESC 1800, DESC 914**	**14**	**S**	**9**	**E**	**16**	**SE**	**NE**	**14 09 16 A0 04800**	**1530 FEET SOUTH AND 1236 FEET WEST FROM NE CORNER**
Well 3	☐ Authorized ☒ Proposed	**DESC 55229**	**14**	**S**	**9**	**E**	**22**	**NW**	**NW**	**14 09 22 B0 00099**	**250 FEET SOUTH AND 700 FEET EAST FROM NW CORNER**
Well 4	☐ Authorized ☒ Proposed	**DESC 9719**	**14**	**S**	**9**	**E**	**9**	**SW**	**SW**	**14 09 09 C0 12303**	**4943 FEET SOUTH AND 412 FEET EAST FROM NW CORNER**
Well 5	☒ Authorized ☐ Proposed	**DESC 60190 (final), DESC 59906 (test hole)**	**14**	**S**	**9**	**E**	**16**	**SE**	**NE**	**14 09 16 A0 04800**	**1570 FEET SOUTH AND 1292 FEET WEST FROM NE CORNER**

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

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

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

☒ Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.

☐ No Complete all of Table 2 to describe the portion of the water right to be changed.

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

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

Table 2. Description of Changes to Water Right Certificate # 92271

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change. If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES. List only that part or portion of the water right that will be changed.												Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp		Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp		Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
													APOA/USE	**14**	**S**	**9**	**E**	**9**	**SW**	**SW**	**140909 C0 12303**		**N/A**	**Quasi-Municipal**	**Well 1**	**06/25/1975**
													APOA/USE	**14**	**S**	**9**	**E**	**22**	**NW**	**NW**	**14 09 22 B0 00099**		**N/A**	**Quasi-Municipal**	**Well 3**	**06/25/1975**
													APOA//USE	**14**	**S**	**9**	**E**	**9**	**SW**	**SW**	**140909 C0 12303**		**N/A**	**Quasi-Municipal**	**Well 4**	**06/25/1975**
													POU/USE	**Service Area of Black Butte Ranch**							Multiple		**N/A**	**Quasi-Municipal**	**Well 1 Well 2 Well 3 Well 4 Well 5**	**06/25/1975**
TOTAL ACRES:													TOTAL ACRES:									**N/A**				

Additional remarks:_____.

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For Place of Use or Character of Use Changes

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

If YES, list the certificate, water use permit, or ground water registration numbers: **92269, 92270, 86708, 76002, 51564, 64681, 64682, 76003, 76004, 76005, & 76006.**

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

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

Ground water supplemental Permit or Certificate # **N/A;**
Surface water primary Certificate # **N/A.**

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For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # **N/A**

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

☒ Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.
Tip: You may search for well logs on the Department's web page at:
http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well -specific rate (cfs or gpm). If less than full rate of water right
SEE ATTACHED WELL LOGS										

Application for Water Right
Transfer
Evidence of Use Affidavit

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

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

State of Oregon)
) ss
County of DESCHUTES)

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I, NIALL BOGGS, in my capacity as CWRE,

mailing address 150 NW PACIFIC PARK LN, SUITE 110, BEND, OR 97701

telephone number (541)550-7694, being first duly sworn depose and say:

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

☐ Personal observation ☒ Professional expertise

2. I attest that:

☒ Water was used during the previous five years on the **entire** place of use for Certificate # 76002; **OR**

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

Certificate #	Township		Range		Mer	Sec	¼ ¼	Gov't Lot or DLC	Acres (if applicable)

OR

☐ Confirming Certificate # ____ has been issued within the past five years; **OR**

☐ Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: ____ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**

☐ The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.

☐ Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # ____(For Historic POD/POA Transfers)

(continues on reverse side)

3. The water right was used for: (e.g., crops, pasture, etc.): GROUP DOMESTIC, IRRIGATION, FISH CULTURE (IRRIGATION AND FISH CULTURE TO REMAIN AS IS)

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

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Signature of Affiant

9.21.2020
Date

Signed and sworn to (or affirmed) before me this 21st day of September, 2020.

OFFICIAL STAMP
PAMELA LYNN HORNBERGER
NOTARY PUBLIC - OREGON
COMMISSION NO. 989456
MY COMMISSION EXPIRES JULY 28, 2023

Notary Public for Oregon

My Commission Expires: 7/28/23

Supporting Documents	Examples
☐ Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of **confirming** water right certificate that shows issue date
☐ Copies of receipts from sales of irrigated crops or for expenditures related to use of water	• Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
☐ Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	• District assessment records for water delivered • Crop reports submitted under a federal loan agreement • Beneficial use reports from district • IRS Farm Usage Deduction Report • Agricultural Stabilization Plan • CREP Report
☒ Aerial photos containing sufficient detail to establish location and date of photograph	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added. Sources for aerial photos: OSU –www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terraserver.com
☐ Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

Application for Water Right
Transfer
Evidence of Use Affidavit

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

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

State of Oregon)
) ss
County of DESCHUTES)

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I, NIALL BOGGS, in my capacity as CWRE,

mailing address 150 NW PACIFIC PARK LN, SUITE 110, BEND, OR 97701

telephone number (541)550-7694, being first duly sworn depose and say:

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

☐ Personal observation ☒ Professional expertise

2. I attest that:

☒ Water was used during the previous five years on the **entire** place of use for Certificate # 86708; **OR**

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

Certificate #	Township		Range		Mer	Sec	¼ ¼	Gov't Lot or DLC	Acres (if applicable)

OR

☐ Confirming Certificate # ____ has been issued within the past five years; **OR**

☐ Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: ____ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**

☐ The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.

☐ Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # ____(For Historic POD/POA Transfers)

(continues on reverse side)

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

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

Signature of Affiant

9-21-2020
Date

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OCT 05 2020
OWRD

Signed and sworn to (or affirmed) before me this 21 day of September 20 20.

OFFICIAL STAMP
PAMELA LYNN HORNBERGER
NOTARY PUBLIC - OREGON
COMMISSION NO. 989456
MY COMMISSION EXPIRES JULY 28, 2023

Notary Public for Oregon

My Commission Expires: 7/28/23

Supporting Documents	Examples
☐ Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of **confirming** water right certificate that shows issue date
☐ Copies of receipts from sales of irrigated crops or for expenditures related to use of water	• Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
☐ Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	• District assessment records for water delivered • Crop reports submitted under a federal loan agreement • Beneficial use reports from district • IRS Farm Usage Deduction Report • Agricultural Stabilization Plan • CREP Report
☒ Aerial photos containing sufficient detail to establish location and date of photograph	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added. Sources for aerial photos: OSU –www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terraserver.com
☐ Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

Application for Water Right
Transfer
Evidence of Use Affidavit

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

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

State of Oregon)
) ss
County of DESCHUTES)

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I, NIALL BOGGS, in my capacity as CWRE,

mailing address 150 NW PACIFIC PARK LN, SUITE 110, BEND, OR 97701

telephone number (541)550-7694, being first duly sworn depose and say:

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

☐ Personal observation ☒ Professional expertise

2. I attest that:

☐ Water was used during the previous five years on the **entire** place of use for Certificate # ____; **OR**

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

Certificate #	Township		Range		Mer	Sec	¼ ¼	Gov't Lot or DLC	Acres (if applicable)

OR

☒ Confirming Certificate # 92269 has been issued within the past five years; **OR**

☐ Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: ____ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**

☐ The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.

☐ Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # ____(For Historic POD/POA Transfers)

(continues on reverse side)

3. The water right was used for: (e.g., crops, pasture, etc.): GROUP DOMESTIC USE FOR 155 FAMILIES

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

Signature of Affiant

9.21.2020
Date

Signed and sworn to (or affirmed) before me this 21st day of September, 20 20.

OFFICIAL STAMP
PAMELA LYNN HORNBERGER
NOTARY PUBLIC - OREGON
COMMISSION NO. 989456
MY COMMISSION EXPIRES JULY 28, 2023

Notary Public for Oregon

My Commission Expires: 7/28/23

Supporting Documents	Examples
☒ Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of **confirming** water right certificate that shows issue date
☐ Copies of receipts from sales of irrigated crops or for expenditures related to use of water	• Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
☐ Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	• District assessment records for water delivered • Crop reports submitted under a federal loan agreement • Beneficial use reports from district • IRS Farm Usage Deduction Report • Agricultural Stabilization Plan • CREP Report
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☐ Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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Application for Water Right
Transfer
Evidence of Use Affidavit

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
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Please print legibly or type. Be as specific as possible. Attach additional pages if you need more spacing. Supporting documentation must be attached.

State of Oregon)
) ss
County of DESCHUTES)

RECEIVED
OCT 05 2020
OWRD

I, NIALL BOGGS, in my capacity as CWRE,

mailing address 150 NW PACIFIC PARK LN, SUITE 110, BEND, OR 97701

telephone number (541)550-7694, being first duly sworn depose and say:

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

☐ Personal observation ☒ Professional expertise

2. I attest that:

☐ Water was used during the previous five years on the **entire** place of use for Certificate # ____; **OR**

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

Certificate #	Township		Range		Mer	Sec	¼ ¼	Gov't Lot or DLC	Acres (if applicable)

OR

☒ Confirming Certificate # 92270 has been issued within the past five years; **OR**

☐ Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: ____ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**

☐ The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.

☐ Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # ____(For Historic POD/POA Transfers)

(continues on reverse side)

3. The water right was used for: (e.g., crops, pasture, etc.): QUASI-MUNICIPAL USE

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

RECEIVED
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Signature of Affiant

9.21.2020
Date

Signed and sworn to (or affirmed) before me this 21st day of September, 2020.

OFFICIAL STAMP
PAMELA LYNN HORNBERGER
NOTARY PUBLIC - OREGON
COMMISSION NO. 989456
MY COMMISSION EXPIRES JULY 28, 2023

Notary Public for Oregon

My Commission Expires: 7/28/23

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☐ Copies of receipts from sales of irrigated crops or for expenditures related to use of water	• Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
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Please print legibly or type. Be as specific as possible. Attach additional pages if you need more spacing. Supporting documentation must be attached.

State of Oregon)
) ss
County of DESCHUTES)

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mailing address 150 NW PACIFIC PARK LN, SUITE 110, BEND, OR 97701

telephone number (541)550-7694, being first duly sworn depose and say:

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

☐ Personal observation ☒ Professional expertise

2. I attest that:

☐ Water was used during the previous five years on the **entire** place of use for Certificate # ____; **OR**

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

Certificate #	Township		Range		Mer	Sec	¼ ¼	Gov't Lot or DLC	Acres (if applicable)

OR

☒ Confirming Certificate # 92271 has been issued within the past five years; **OR**

☐ Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: ____ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**

☐ The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.

☐ Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # ____(For Historic POD/POA Transfers)

(continues on reverse side)

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

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

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OWRD

Signature of Affiant

9.21.2020
Date

Signed and sworn to (or affirmed) before me this 21st day of September, 20 20.

OFFICIAL STAMP
PAMELA LYNN HORNBERGER
NOTARY PUBLIC - OREGON
COMMISSION NO. 989456
MY COMMISSION EXPIRES JULY 28, 2023

Notary Public for Oregon

My Commission Expires: 7/28/23

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☐ Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

Niall Boggs

From: DAVIS Arla L * WRD <Arla.L.Davis@oregon.gov>
Sent: Tuesday, November 05, 2019 10:08 AM
To: Niall Boggs
Subject: RE: Black Butte Ranch - Quasi-Municipal Water Right Transfer Question

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Hi Niall,

We have been having some computer issues around here so hopefully this finds its way to you today!

Regarding group domestic and Quasi-Muni transfers:

Report of Ownership for Quasi-Muni and Group Domestic is not required for this transfer, however, the Department will request documentation from Black Butte Ranch demonstrating that they are the water purveyor for any of the affected tax lots/users. I believe you should check the second box indicating a municipality on the application. I will go through it once its submitted and let you know if there is anything that doesn't look correct.

Hopefully this helps! Please let me know if there are any other questions!

Arla L. Davis
Water Rights Transfer Specialist
Transfer and Conservation Section
725 Summer St. NE, Suite A |Salem, OR 97301| Direct; 503-986-0806



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

From: Niall Boggs <NBoggs@parametrix.com>
Sent: Tuesday, November 5, 2019 8:51 AM
To: DAVIS Arla L * WRD <Arla.L.Davis@oregon.gov>
Subject: FW: Black Butte Ranch - Quasi-Municipal Water Right Transfer Question

Arla-
Wanted to confirm you received the below email as I haven't heard your thoughts on our application. Let me know if you would like any additional information.

Thanks,

Parametrix
ENGINEERING . PLANNING . ENVIRONMENTAL SCIENCES

Niall Boggs, PE, CWRE
Senior Engineer
541.508.7710
541.550.7694 | direct
541.948.5362



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OWRD

From: Niall Boggs
Sent: Tuesday, October 29, 2019 3:10 PM
To: Arla.L.Davis@oregon.gov
Subject: Black Butte Ranch - Quasi-Municipal Water Right Transfer Question

Arla-
To follow up on our conversations today and last week, I am looking into what we are required to provide as far as land ownership for a destination resort with hundreds of owners covered by quasi-municipal and group domestic rights? Per the current (12/20/2018) Permanent Transfer Application Form, page 4 of 6, there are three boxes to select from:

Check One Box

- ☐ By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); **OR**
- ☐ I affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; **OR**
- ☐ I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

We are close to completing applications for water right transfers for the multiple groundwater rights at Black Butte Ranch. There are hundreds of lots, all owned by individual lot owners. Some of the rights are currently group domestic, some are quasi-municipal. Changing all to quasi-municipal (if not currently), changing place of use to the service area covering the entire resort, and adding existing wells as points of appropriation.

The water rights we are proposing to modify through the transfer process are Certifcates: 92269, 92270, 92271, 86708, and the group domestic portion of 76002. All the rights are owned by Black Butte Ranch and serve significant portions or all of the destination resort.

Thanks!

Parametrix
ENGINEERING . PLANNING . ENVIRONMENTAL SCIENCES

Niall Boggs, PE, CWRE
Senior Engineer
541.508.7710
541.550.7694 | direct
541.948.5362



STATE OF OREGON

COUNTY OF DESCHUTES

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BLACK BUTTE RANCH PROPERTY MANAGEMENT CORP.
P.O. BOX 8000
BLACK BUTTE RANCH, OREGON 97759

confirms the right to use the waters of WELL 3 in the DESCHUTES RIVER BASIN for IRRIGATION OF 22.9 ACRES, SUPPLEMENTAL IRRIGATION OF 50.0 ACRES, FISH CULTURE, AND GROUP DOMESTIC USE.

This right was perfected under Permit G-8503. The date of priority is FEBRUARY 2, 1979. This right is limited to 2.63 CUBIC FEET PER SECOND(CFS); BEING 0.91 CFS FOR IRRIGATION AND SUPPLEMENTAL IRRIGATION, 1.65 CFS FOR GROUP DOMESTIC, AND 0.07 CFS FOR FISH CULTURE, or its equivalent in case of rotation, measured at the well.

The well is located as follows:

NW 1/4 NW 1/4, SECTION 22, T 14 S, R 9 E, W.M.; 250 FEET SOUTH AND 700 FEET EAST FROM THE NORTHWEST CORNER OF SECTION 22.

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) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

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

A description of the place of use to which this right is appurtenant is as follows:

PRIMARY IRRIGATION

NE 1/4 NE 1/4	3.6 ACRES
NW 1/4 NE 1/4	4.2 ACRES
NE 1/4 NW 1/4	3.5 ACRES
SE 1/4 NW 1/4	4.3 ACRES
NE 1/4 SW 1/4	2.1 ACRES
NE 1/4 SE 1/4	0.9 ACRE
NW 1/4 SE 1/4	4.3 ACRES

SECTION 21
TOWNSHIP 14 SOUTH, RANGE 9 EAST, W.M.

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SEE NEXT PAGE

SUPPLEMENTAL IRRIGATION

NE 1/4 SW 1/4 0.2 ACRE
NW 1/4 SW 1/4 3.4 ACRES
SW 1/4 SW 1/4 7.4 ACRES
SE 1/4 SW 1/4 0.2 ACRE
SECTION 15

NE 1/4 NE 1/4 6.1 ACRES
NW 1/4 NE 1/4 1.6 ACRES
SW 1/4 NE 1/4 4.2 ACRES
SE 1/4 NE 1/4 10.9 ACRES
NE 1/4 SE 1/4 2.1 ACRES
SECTION 21

NE 1/4 NW 1/4 5.0 ACRES
NW 1/4 NW 1/4 8.9 ACRES
SECTION 22

FISH CULTURE

N ½ N ½
SECTION 22

GROUP DOMESTIC

ALL
SECTION 9

W 1/2 NE 1/4
NW 1/4
N 1/2 SW 1/4
SW 1/4 SW 1/4
SECTION 10

W 1/2
SECTION 15

E 1/2 NE 1/4
SECTION 16

NE 1/4
E 1/2 NW 1/4
NE 1/4 SW 1/4
N 1/2 SE 1/4
SECTION 21

N ½ N ½
SECTION 22

NW 1/4 NW 1/4
SECTION 23
TOWNSHIP 14 SOUTH, RANGE 9 EAST, W.M.

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SEE NEXT PAGE

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

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

WITNESS the signature of the Water Resources Director, affixed FEBRUARY 24, 1999.

Martha O. Pagel

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OCT 05 2020
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Recorded in State Record of Water Right Certificates numbered 76002.

STATE OF OREGON

COUNTY OF DESCHUTES

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BLACK BUTTE RANCH ASSOCIATION
PO BOX 8000
BLACK BUTTE RANCH OR 97759

confirms the right to use the waters of BLACK BUTTE RANCH WELL 1 in the Deschutes Basin for GROUP DOMESTIC USE.

This right was perfected under Permit G-6797. The date of priority is JUNE 25, 1975. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.8 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distances
14 S	9 E	WM	9	SW SW			469 FEET NORTH & 450 FEET EAST FROM SW CORNER, SECTION 9

A description of the place of use to which this right is appurtenant is as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC
14 S	9 E	WM	9	NE NE		
14 S	9 E	WM	9	NW NE		
14 S	9 E	WM	9	SW NE		
14 S	9 E	WM	9	SE NE		
14 S	9 E	WM	9	NE NW		
14 S	9 E	WM	9	NW NW		
14 S	9 E	WM	9	SW NW		
14 S	9 E	WM	9	SE NW		
14 S	9 E	WM	9	NE SW		
14 S	9 E	WM	9	NW SW		
14 S	9 E	WM	9	SW SW		
14 S	9 E	WM	9	SE SW		
14 S	9 E	WM	9	SW SE		
14 S	9 E	WM	9	SE SE		

RECEIVED
OCT 05 2020
OWRD

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC
14 S	9 E	WM	10	NW NE		
14 S	9 E	WM	10	SW NE		
14 S	9 E	WM	10	NW NW		
14 S	9 E	WM	10	SE NW		
14 S	9 E	WM	10	NE SW		
14 S	9 E	WM	10	NW SW		
14 S	9 E	WM	10	SW SW		
14 S	9 E	WM	15	NE NW		
14 S	9 E	WM	15	NW NW		
14 S	9 E	WM	15	SW NW		
14 S	9 E	WM	15	SE NW		
14 S	9 E	WM	15	NE SW		
14 S	9 E	WM	15	NW SW		
14 S	9 E	WM	15	SW SW		
14 S	9 E	WM	15	SE SW		
14 S	9 E	WM	16	NE NE		
14 S	9 E	WM	16	SE NE		
14 S	9 E	WM	21	NE NE		
14 S	9 E	WM	22	NE NE		
14 S	9 E	WM	22	NW NE		
14 S	9 E	WM	22	NE NW		
14 S	9 E	WM	22	NW NW		
14 S	9 E	WM	23	NW NW		

The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times. The water user shall install and maintain a weir, meter, or other suitable measuring device and keep a complete record of the amount of ground water withdrawn.

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

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

Issued JAN 28 2011.

Dwight W. French
Administrator Water Rights and Adjudications, for
Phillip C. Ward, Director
Water Resources Department

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 Recorded in State Record of Water Right Certificates numbered 86708.

STATE OF OREGON

COUNTY OF DESCHUTES

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BLACK BUTTE RANCH ASSOCIATION
PO BOX 8000
BLACK BUTTE RANCH OR 97759

confirms the right to the use of water perfected under the terms of Permit G-8501. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the well(s). The specific limits and conditions of the use are listed below.

SOURCE OF WATER: THREE WELLS IN THE DESCHUTES BASIN

PURPOSE OR USE: GROUP DOMESTIC FOR 155 FAMILIES

MAXIMUM RATE: 0.27 CUBIC FOOT PER SECOND

DATE OF PRIORITY: FEBRUARY 2, 1979

The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	9 E	WM	9	SW SW	WELL 1 (ORIGINAL) - 469 FEET NORTH AND 450 FEET EAST FROM SW CORNER, SECTION 9
14 S	9 E	WM	16	SE NE	WELL 2 (ORIGINAL) - 1530 FEET SOUTH AND 1236 FEET WEST FROM NE CORNER, SECTION 16
14 S	9 E	WM	16	SE NE	WELL 5 (ADDITIONAL) - 1570 FEET SOUTH AND 1292 FEET WEST FROM NE CORNER, SECTION 16

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q
14 S	9 E	WM	21	NE NE
14 S	9 E	WM	21	NW NE
14 S	9 E	WM	21	SW NE
14 S	9 E	WM	21	SE NE
14 S	9 E	WM	21	NE NW
14 S	9 E	WM	21	SE NW
14 S	9 E	WM	21	NE SW
14 S	9 E	WM	21	NE SE
14 S	9 E	WM	21	NW SE

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The quantity of water diverted at the additional point of appropriation, together with that diverted at the original points of appropriation, shall not exceed the quantity of water lawfully available from the original points of appropriation.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

Water use measurement conditions:

a. The water user shall maintain the totalizing flow meter or other suitable measuring device in good working order at each point of appropriation.

b. 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.

The wells shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

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

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

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

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

This certificate is issued to confirm an ADDITIONAL POINT OF APPROPRIATION approved by an order of the Water Resources Director entered SEPTEMBER 3, 2013, at Special Order Volume 91, Page 253, approving Transfer Application 11380 supersedes Certificate 86709, State record of Water Right Certificates.

Issued FEB 06 2017.

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

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STATE OF OREGON

COUNTY OF DESCHUTES

CERTIFICATE OF WATER RIGHT

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THIS CERTIFICATE ISSUED TO

BLACK BUTTE RANCH CORPORATION AND BLACK BUTTE RANCH ASSOCIATION
PO BOX 8000
BLACK BUTTE RANCH OR 97759

confirms the right to the use of water perfected under the terms of Permit G-11710. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the well(s). The specific limits and conditions of the use are listed below.

SOURCE OF WATER: THREE WELLS IN WHYCHUS CREEK BASIN

PURPOSE OR USE: QUASI-MUNICIPAL USE

MAXIMUM RATE: 4.8 CUBIC FEET PER SECOND (CFS), FURTHER LIMITED TO 2.1 CFS FROM WELL 2 AND 2.7 CFS FROM WELL 4

DATE OF PRIORITY: NOVEMBER 18, 1991

The source of water allowed under this right is limited to the water bearing zone approximately 300 feet below land surface at the well locations.

The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	9 E	WM	9	SW SW	WELL 4 (ORIGINAL) - 4943 FEET SOUTH AND 412 FEET EAST FROM NW CORNER, SECTION 9
14 S	9 E	WM	16	SE NE	WELL 2 (ORIGINAL) - 1530 FEET SOUTH AND 1236 FEET WEST FROM NE CORNER, SECTION 16
14 S	9 E	WM	16	SE NE	WELL 5 (ADDITIONAL) - 1570 FEET SOUTH AND 1292 FEET WEST FROM NE CORNER, SECTION 16

A description of the place of use to which this right is appurtenant is as follows:

Twp	Rng	Mer	Sec	Q-Q
14 S	9 E	WM	9	NE NE
14 S	9 E	WM	9	NW NE
14 S	9 E	WM	9	SW NE
14 S	9 E	WM	9	SE NE
14 S	9 E	WM	9	NE NW
14 S	9 E	WM	9	NW NW
14 S	9 E	WM	9	SW NW
14 S	9 E	WM	9	SE NW
14 S	9 E	WM	9	NE SW

Twp	Rng	Mer	Sec	Q-Q
14 S	9 E	WM	9	NW SW
14 S	9 E	WM	9	SW SW
14 S	9 E	WM	9	SE SW
14 S	9 E	WM	9	NE SE
14 S	9 E	WM	9	NW SE
14 S	9 E	WM	9	SW SE
14 S	9 E	WM	9	SE SE
14 S	9 E	WM	10	NW NE
14 S	9 E	WM	10	SW NE

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

Twp	Rng	Mer	Sec	Q-Q
14 S	9 E	WM	10	NE NW
14 S	9 E	WM	10	NW NW
14 S	9 E	WM	10	SW NW
14 S	9 E	WM	10	SE NW
14 S	9 E	WM	10	NE SW
14 S	9 E	WM	10	NW SW
14 S	9 E	WM	10	SW SW
14 S	9 E	WM	15	NE NW
14 S	9 E	WM	15	NW NW
14 S	9 E	WM	15	SW NW
14 S	9 E	WM	15	SE NW
14 S	9 E	WM	15	NE SW
14 S	9 E	WM	15	NW SW
14 S	9 E	WM	15	SW SW
14 S	9 E	WM	15	SE SW
14 S	9 E	WM	16	NE NE

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Twp	Rng	Mer	Sec	Q-Q
14 S	9 E	WM	16	SE NE
14 S	9 E	WM	21	NE NE
14 S	9 E	WM	21	NW NE
14 S	9 E	WM	21	SW NE
14 S	9 E	WM	21	SE NE
14 S	9 E	WM	21	NE NW
14 S	9 E	WM	21	SE NW
14 S	9 E	WM	21	NE SW
14 S	9 E	WM	21	NE SE
14 S	9 E	WM	21	NW SE
14 S	9 E	WM	22	NE NE
14 S	9 E	WM	22	NW NE
14 S	9 E	WM	22	NE NW
14 S	9 E	WM	22	NW NW
14 S	9 E	WM	23	NW NW

Measurement, recording and reporting conditions for Well 2 and Well 4:

A. The water user shall maintain the meters or measuring devices in good working order, shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water-use information, including the place and nature of use of water under the right.

B. 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.

Measurement, recording and reporting conditions for Well 5:

A. The water user shall maintain the totalizing flow meter or other suitable measuring device in good working order at each point of appropriation.

B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The water user shall monitor and report the impact of water use under this right on water levels within the aquifer that provides water to the well(s) in accordance with the plan on file with the Department. If a well listed on this right displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdraw from, the well(s). Such action shall be taken until the water level recovers to above the 25 foot decline level or until the Department determines, based on the water user or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline to occur within the aquifer as a result of use under this right.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

The quantity of water diverted at the additional point of appropriation, together with that diverted at the original points of appropriation, shall not exceed the quantity of water lawfully available from the original points of appropriation.

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

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

The Director may require water level or pump tests every ten years.

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

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

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

Water may be applied to lands which are not specifically described above, provided the holder of this right complies with ORS 540.510(3).

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

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

This certificate is issued to confirm an ADDITIONAL POINT OF APPROPRIATION approved by an order of the Water Resources Director entered SEPTEMBER 3, 2013, at Special Order Volume 91, Page 247, approving Transfer Application 11381 supersedes Certificate 85315, State record of Water Right Certificates.

Issued FEB 06 2017.

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

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STATE OF OREGON

COUNTY OF DESCHUTES

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BLACK BUTTE RANCH CORPORATION
PO BOX 8000
BLACK BUTTE RANCH OR 97759

confirms the right to the use of water perfected under the terms of Permit G-17023. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-7017

SOURCE OF WATER: BLACK BUTTE RANCH WELL 2 AND BLACK BUTTE RANCH WELL 5

PURPOSE OR USE: GROUP DOMESTIC USE

MAXIMUM RATE: 2.9 CUBIC FEET PER SECOND

DATE OF PRIORITY: JUNE 25, 1975

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The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	9 E	WM	16	SE NE	WELL 2 (ORIGINAL) - 1530 FEET SOUTH AND 1236 FEET WEST FROM NE CORNER, SECTION 16
14 S	9 E	WM	16	SE NE	WELL 5 (ADDITIONAL) - 1570 FEET SOUTH AND 1292 FEET WEST FROM NE CORNER, SECTION 16

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q
14 S	9 E	WM	9	NE NE
14 S	9 E	WM	9	NW NE
14 S	9 E	WM	9	SW NE
14 S	9 E	WM	9	SE NE
14 S	9 E	WM	9	NE NW
14 S	9 E	WM	9	NW NW
14 S	9 E	WM	9	SW NW
14 S	9 E	WM	9	SE NW
14 S	9 E	WM	9	NE SW
14 S	9 E	WM	9	NW SW

Twp	Rng	Mer	Sec	Q-Q
14 S	9 E	WM	9	SW SW
14 S	9 E	WM	9	SE SW
14 S	9 E	WM	9	NE SE
14 S	9 E	WM	9	NW SE
14 S	9 E	WM	9	SW SE
14 S	9 E	WM	9	SE SE
14 S	9 E	WM	10	NW NE
14 S	9 E	WM	10	SW NE
14 S	9 E	WM	10	NE NW
14 S	9 E	WM	10	NW NW

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

Twp	Rng	Mer	Sec	Q-Q
14 S	9 E	WM	10	SW NW
14 S	9 E	WM	10	SE NW
14 S	9 E	WM	10	NE SW
14 S	9 E	WM	10	NW SW
14 S	9 E	WM	10	SW SW
14 S	9 E	WM	15	NE NW
14 S	9 E	WM	15	NW NW
14 S	9 E	WM	15	SW NW
14 S	9 E	WM	15	SE NW
14 S	9 E	WM	15	NE SW
14 S	9 E	WM	15	NW SW

Twp	Rng	Mer	Sec	Q-Q
14 S	9 E	WM	15	SW SW
14 S	9 E	WM	15	SE SW
14 S	9 E	WM	16	NE NE
14 S	9 E	WM	16	SE NE
14 S	9 E	WM	21	NE NE
14 S	9 E	WM	22	NE NE
14 S	9 E	WM	22	NW NE
14 S	9 E	WM	22	NE NW
14 S	9 E	WM	22	NW NW
14 S	9 E	WM	23	NW NW

The combined quantity of water diverted at the new additional point of appropriation, Well 5, together with that diverted at the old point of appropriation, Well 2, shall not exceed the quantity of water lawfully available from the original point of appropriation, Well 2.

Black Butte Ranch Water Management and Conservation Plan shall remain in effect until December 1, 2021, unless approval is rescinded pursuant to OAR 690-086-0920.

Black Butte Ranch shall submit an updated plan meeting the requirements of OAR Chapter 690, Division 086 within 10 years (of the plan approval date) and no later than December 1, 2020.

The wells shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

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

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

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

Issued FEB 06 2017.

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

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KARNOPP PETERSEN LLP
ATTORNEYS AT LAW

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January 20, 2017

Chris Kowitz, Water Management and Conservation Analysis
Transfer & Conservation Section
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1226

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RE: Black Butte Ranch Water Management and Conservation Plan – Five Year Progress Report

Dear Mr. Kowitz:

We represent Black Butte Ranch (Ranch) with respect to preparation of its Water Management and Conservation Plan (WMCP). Ranch filed its updated WMCP on December 1, 2011. In accordance with the Department's Final Order approving the Ranch's WMCP, Ranch is required to submit a five-year progress report.

Enclosed is Ranch's *Five-Year Progress Report on Implementation of the Water Conservation and Supply Measures Described in the Approved WMCP (Year 2011)*, along with a spreadsheet summary of the Ranch's water rights.

Thank you for your assistance in preparation of this Report. If you have questions please feel free to give me a call at (503) 363-2121. In addition, if you have technical questions about the Report or the water right summary, please feel free to call Niall Boggs at (541) 508-7710.

Sincerely,

A. Reed Marbut

Enclosures

cc: Lisa Jaramillo, OWRD
Swen Petterson, BBR
Niall Boggs, Parametrix
Josh Newton, KP

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Black Butte Ranch, Oregon

January 2017

Five-Year Progress Report on Implementation of the Water Conservation and Supply Measures Described in the Approved WMCP (*Year 2011*)

OAR 690-086-0120(4)(a): A list of the benchmarks established under OAR 690-086-0150 and a description of the progress of the municipal water supplier in implementing the associated conservation or other measure.

Progress Report for Conservation Benchmarks Listed in the 2011 WMCP

Item		Status
1.	Annual Water Audit	Black Butte Ranch continues to perform an annual, system-wide water audit. BBR has also improved its methodology for estimating it unmetered uses of water. Specifically, water used for backwash/flushing at the water treatment plant is now tracked and documented. A program has also been implemented to meter was used by contractors from fire hydrants for construction purposes.
2.	Fully Metered System	BBR's system is fully metered. BBR also continues to require meters for all development within its service area. Contractors accessing bulk water from fire hydrants are required to meter water use from hydrants and report that usage.
3.	Meter Testing & Replacement	The system has 1253 customer service connections that are all metered and read monthly, except for the winter months when elements prevent access to meters. During 2013 approximately 30 meters were tested, results showed a 98%+ accuracy rate. Starting in 2017 a program will be implemented of replacing 50 meters per year until all 1253 meters are replaced.
4.	Water Rates	Meters read in 1000 gallon increments Base rate - less than 10,000 gallons: $28.00 per month Between 10,000 and 31,000 gallons: additional $0.90 per 1000 gallons Between 31,000 and 51,000 gallons additional $1.10 per 1000 gallons Greater than 51,000 gallons: additional $1.30 per 1000 gallons
5.	Leak Detection Program	BBR has a leak detection program in place and a survey will be conducted at least every 15 years. In 2015, 32 miles pipeline (168,960 feet) was surveyed and 3 leaks were identified, one significant leak and two minor leaks. It is estimated that 2.7 MG of water was lost from these leaks. The three leaks were repaired.
6.	Public Education	BBR maintains a webpage that conveys helpful tips and information about ways to conserve water. The webpage also provides information and techniques for creating a water efficient landscape. The page highlights low water use and drought tolerant plants and efficient landscape irrigation practices.
7.	Leak Repairs & Line Replacement	BBR budgets $27,000 annually for leak repair and line replacement. BBR has a leak detection program in place. In 2015, 32 miles pipeline (168,960 feet) was surveyed and 3 leaks were identified, one significant leak and two minor leaks. It is estimated that 2.7 MG of water was lost from these leaks.
8.	Technical & Financial Assistance	BBR operational staff conducts a field examination of the transmission and distribution system annually. A program for has been implemented tracking all unmetered withdrawals from fire hydrants when hydrants are exercised, flushed, tested or used as a source of water for other such as flushing and cleaning sewer lines. Weirs were installed on the surface water sources allowing BBR to track water for irrigation.

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247-19-000735-PS

Land Use Information Form

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

Applicant(s): Black Butte Ranch Corporation & Black Butte Ranch Association

Mailing Address: PO Box 8000

City: Black Butte Ranch State: OR Zip Code: 97759 Daytime Phone: 541-595-1280

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
14S	09E	09	SWSW	140909C 012303	BBRR, BBRSM, BBRU	☒ Diverted ☐ Conveyed ☐ Used	Resort Community
14S	09E	16	SENE	140916A 004800	BBRR, BBRSM, BBRU	☒ Diverted ☐ Conveyed ☐ Used	Reort Community
14S	09E	22	NWNW	140922B 000099	BBRR, BBRSM, BBRU	☒ Diverted ☐ Conveyed ☐ Used	Resort Community
14S	09E	See	Maps	Multiple	BBRR, BBRSM, BBRU	☐ Diverted ☐ Conveyed ☒ Used	Resort Community

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

Black Butte Ranch, Deschutes County

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B. Description of Proposed Use

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

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

Source of water: ☐ Reservoir/Pond ☒ Ground Water ☐ Surface Water (name) _____

Estimated quantity of water needed: 12.4 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

Intended use of water: ☐ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☐ Municipal ☒ Quasi-Municipal ☐ Instream ☐ Other _____

Briefly describe:

Applicant is submitting water right transfer applications for Certificates: 92269, 92270, 92271, 86708, and 76002. The purpose of the water rights transfer is to change the type of use for the existing water rights at Black Butte Ranch to Quasi-Municipal and include the entire resort service area as the place of use. The other purpose of the transfer is to add all wells, 1-5, as additional points of appropriation to each of the existing water rights. The 12.4 cfs listed above for "Estimated quantity of water needed" is a combination of the five existing water rights. The individual amounts for each right is listed on the attached maps.

Local File No 247-19-000735-PS

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

☑ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s):

☑ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
Dependent on proposed use (conditional use, site plan review)	DCC 18.~~66~~110. Resort Community DCC 18.124. Site Plan Review DCC 18.128. Conditional Use	☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
	RECEIVED	☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
	OCT 05 2020	☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
	OWRD	☐ Obtained ☐ Denied	☐ Being Pursued ☐ 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.

A variety of uses are permitted in the Black Butte Ranch Resort Districts. No specific use is proposed or approved with this request. See attached DCC 18.110 for permitted uses. (sections 18.110.020, .040-.060)

Name: Matthew Martin Title: Associate Planner

Signature: [signature] Phone: 541-330-4620 Date: 10/23/19

Government Entity: Deschutes County

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.

DESC 1805

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

WATER RESOURCES DEPT. SALEM, OREGON

OCT 04 1989 WATER RESOURCES DEPT. SALEM, OREGON

145/9E/9C

State Well # 145/9E 9C (START CARD) # 9609

(1) OWNER: Well Number: 1
Name Black Butte Ranch Inc
Address P.O. Box 800
City Black Butte Ranch State Ore Zip 97759

(2) TYPE OF WORK:
☐ New Well ☐ Deepen ☒ Recondition ☐ Abandon

(3) DRILL METHOD
☐ Rotary Air ☐ Rotary Mud ☐ Cable
☒ Other

(4) USE:
☐ Domestic ☒ Community ☐ Industrial ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other

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

HOLE Diameter	From	To	SEAL Material	From	To	Amount 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:

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:					☐	☐	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
Liner:					☐	☐	☐	☐
					☐	☐	☐	☐

Final location of shoe(s) ____

(7) PERFORATIONS/SCREENS:
☐ Perforations Method ____
☐ Screens Type ____ Material ____

From	To	Slot size	Number	Diameter	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
			1 hr.

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 14 N or S, Range 9 E or W, WM.
Section 9-C ¼ ¼
Tax Lot ____ Lot ____ Block ____ Subdivision ____
Street Address of Well (or nearest address) ____

(10) STATIC WATER LEVEL:
24 ft. below land surface. Date 6-30-89
Artesian pressure ____ lb. per square inch. Date ____

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

From	To	Estimated Flow Rate	SWL

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(12) WELL LOG: Ground elevation ____

Material	From	To	SWL
Waters entering perforations and cascading down well Estimated at 600 GPM.			
T.V. Camera showed water entering crevice below liner @ 82' Crevice 2" wide x 8 feet long Small amount ~~running~~ flowing to bottom of well			
liner Well bore below filled with "Wyo-Ben hole plug 80-93'			
Well sealed with cement grout pumped 80-78'			
Well now producing 650 GPM with 2' DD			

Date started 6-30-89 Completed 6-30-89

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

(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonm work performed on this well during the construction dates reported above work performed during this time is in compliance with Oregon construction standards. This report is true to the best of my knowledge belief.
WWC Number 595
Signed John V Johnson Date 7-14-89

ORIGINAL & FIRST COPY - WATER RESOURCES DEPARTMENT SECOND COPY - CONSTRUCTOR THIRD COPY - CUSTOMER 9809C

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.

DESC 1806

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

State Well No. 14S/9E-9C

State Permit No.

(1) OWNER:
Name Brooks Resources Corporation
Address 416 N.E. Greenwood Ave.
Bend, Oregon 97701

(2) TYPE OF WORK (check):
New Well ☐ Deepening ☐ Reconditioning ☒ Abandon ☐
If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:
Rotary ☐ Driven ☐
Cable ☒ Jetted ☐
Dug ☐ Bored ☐

(4) PROPOSED USE (check):
Domestic ☐ Industrial ☐ Municipal ☐
Irrigation ☐ Test Well ☐ Other ☒

CASING INSTALLED:
Threaded ☐ Welded ☐
10 " Diam. from -2 ft. to 76 ft. Gage .250
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

PERFORATIONS:
Perforated? ☒ Yes ☐ No
Type of perforator used Factory Perforated
Size of perforations 3/16 in. by 4 in.
560 perforations from 36 ft. to 76 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?
Yield: gal./min. with ft. drawdown after hrs.
" " " "
" " " "
Bailer test 10 gal./min. with 0 ft. drawdown after 1 hrs.
Artesian flow g.p.m.
Temperature of water Depth artesian flow encountered ft.

(9) CONSTRUCTION:
Well seal—Material used not disturbed
Well sealed from land surface to ft.
Diameter of well bore to bottom of seal in.
Diameter of well bore below seal in.
Number of sacks of cement used in well seal sacks
How was cement grout placed?

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
¼ SW ¼ Section 9 T. 14S R. 9 E W.M.
Bearing and distance from section or subdivision corner

(11) WATER LEVEL: Completed well.
Depth at which water was first found ft.
Static level ft. below land surface. Date
Artesian pressure lbs. per square inch. Date

(12) WELL LOG:
Diameter of well below casing
Depth drilled ft. Depth of completed well 101 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
Cleaned existing hole to 101 ft.			

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JUN 25 1979
WATER RESOURCES DEPT
SALEM, OREGON

Work started 5-31 19 Completed 6-15 19 79
Date well drilling machine moved off of well 6-15 19 79

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] (Drilling Machine Operator) Date 6-18, 19 79
Drilling Machine Operator's License No. 558

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 Orvail Buckner Well Drilling, Inc. (Person, firm or corporation) (Type or print)
Address 1686 N.E. NEgus Way, Redmond, Ore. 97756
[Signed] (Water Well Contractor)
Contractor's License No. 608 Date 6-18, 19 79

(USE ADDITIONAL SHEETS IF NECESSARY)

NOTICE TO WATER WELL CONTRACTOR
The original and first copy of this report are to be filed with the STATE ENGINEER, SALEM, OREGON 97310 within 30 days from the date of well completion.

RECEIVED AUG 25 1970 STATE ENGINEER SALEM, OREGON

RECEIVED AUG 31 1970 STATE ENGINEER SALEM, OREGON

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

263

State Well No. 14/9E-9cc

State Permit No. G-8501

67618

(1) OWNER:
Name Brooks Resources
Address 447 East Greenwood Bend, Oreg.

(2) TYPE OF WORK (check):
New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐
If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:
Rotary ☐ Driven ☐
Cable ☒ Jetted ☐
Dug ☐ Bored ☐

(4) PROPOSED USE (check):
Domestic ☐ Industrial ☐ Municipal ☐
Irrigation ☒ Test Well ☐ Other ☐

CASING INSTALLED:
Threaded ☐ Welded ☒
12 " Diam. from 0 ft. to 57 ft. Gage .250
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

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

(7) SCREENS:
Well screen installed? ☐ Yes ☒ No
Manufacturer's Name
Type Model No.
Diam. Slot size Set from ft. to ft.
Diam. Slot size Set from ft. to ft.

(8) WELL TESTS:
Drawdown is amount water level is lowered below static level
Was a pump test made? ☒ Yes ☐ No If yes, by whom? Pipe-Pump & Power
Yield: 800 gal./min. with ft. drawdown after hrs.
" " " "
" " " "
Bailer test gal./min. with ft. drawdown after hrs.
Artesian flow g.p.m.
Temperature of water 40 Depth artesian flow encountered ft.

(9) CONSTRUCTION:
Well seal—Material used Cement grout
Well sealed from land surface to 22 ft.
Diameter of well bore to bottom of seal 16 in.
Diameter of well bore below seal 12 in.
Number of sacks of cement used in well seal Bend Redi Mix 1½ yds. sacks
Number of sacks of bentonite used in well seal sacks
Brand name of bentonite
Number of pounds of bentonite per 100 gallons of water lbs./100 gals.
Was a drive shoe used? ☒ Yes ☐ No Plugs Size: location ft.
Did any strata contain unusable water? ☐ Yes ☐ No
Type of water? depth of strata
Method of sealing strata off
Was well gravel packed? ☒ Yes ☐ No Size of gravel: 3/4 -1½
Gravel placed from 55 ft. to 22 ft.

(10) LOCATION OF WELL:
County Deschutes Driller's well number
¼ ¼ Section 9 T. 14S R. 9E W.M.
Bearing and distance from section or subdivision corner

(11) WATER LEVEL: Completed well.
Depth at which water was first found 22 ft.
Static level 18 ft. below land surface. Date 7/10/70
Artesian pressure lbs. per square inch. Date

(12) WELL LOG:
Diameter of well below casing 12
Depth drilled 105 ft. Depth of completed well 60 ft.

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

MATERIAL	From	To	SWL
Sand, pumice, fine	0	5	
Boulders	5	10	
Lava, grey, fractured	10	16	
Lava, grey	16	22	
Lava, grey, fractured	22	27	18
Lava, grey	27	32	
Clay, light brown	32	33	
Sediments, red	33	34	
Gravel, large to small and sediments	34	40	
Clay, light brown	40	45	
Sandy sediments, clay	45	55	
Gravel & sediments	55	60	
Gravel & clay	60	75	
Lava, grey & clay	75	81	
Lava, grey	81	85	
Lava, dense	85	105	

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Work started 6/20/70 19 Completed 7/10/70 19
Date well drilling machine moved off of well 7/15/70 19

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] Floyd Reed (Drilling Machine Operator) Date 8/1, 1970
Drilling Machine Operator's License No. 130

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 Reed's Well Drilling (Person, firm or corporation) (Type or print)
Address 1142 Galveston Bend, Oregon
[Signed] Floyd Reed (Water Well Contractor)
Contractor's License No. 443 Date 8/1, 1970

(USE ADDITIONAL SHEETS IF NECESSARY)

SP*45656-119

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.

desc 51474 OREGON

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

Revised

State Well No. .....

State Permit No. .....

(1) OWNER:
Name Brooks Resources Corporation
Address 416 N.E. Greenwood Ave.
Bend, Oregon 97701

(2) TYPE OF WORK (check):
New Well ☐ Deepening ☐ Reconditioning ☒ Abandon ☐
If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:
Rotary ☐ Driven ☐
Cable ☒ Jetted ☐
Dug ☐ Bored ☐

(4) PROPOSED USE (check):
Domestic ☐ Industrial ☐ Municipal ☐
Irrigation ☐ Test Well ☐ Other ☐

(5) CASING INSTALLED:
Threaded ☐ Welded ☐
10 " Diam. from -2 ft. to 83'6" ft. Gage .250
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

PERFORATIONS:
Perforated? ☒ Yes ☐ No
Type of perforator used Factory Mills Knife
Size of perforations 3/16 in. by 4 in.
560 perforations from 41'6" ft. to 81'6" ft.
Existing perforations from ft. to ft.
perforations from 22 ft. to 55 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?
gal./min. with ft. drawdown after hrs.
" " " "
" " " "
Bailer test 10 gal./min. with 0 ft. drawdown after 1 hrs.
Artesian flow g.p.m.
Temperature of water Depth artesian flow encountered ft.

(9) CONSTRUCTION:
Well seal—Material used not disturbed
Well sealed from land surface to ft.
Diameter of well bore to bottom of seal in.
Diameter of well bore below seal in.
Number of sacks of cement used in well seal sacks
How was cement grout placed?

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
¼ SW ¼ Section 9 T. 14S R. 9E W.M.
Bearing and distance from section or subdivision corner

Black Butte Ranch Well No.1

(11) WATER LEVEL: Completed well.
Depth at which water was first found ft.
Static level ft. below land surface. Date
Artesian pressure lbs. per square inch. Date

(12) WELL LOG:
Diameter of well below casing
Depth drilled ft. Depth of completed well 101 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

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WATER RESOURCES DEPT
SALEM, OREGON

Work started 6-28 19 Completed 7-2 1979
Date well drilling machine moved off of well 19

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] Orvail Buckner Date 7-2, 1979
(Drilling Machine Operator)

Drilling Machine Operator's License No. 959

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 Orvail Buckner Well Drilling, Inc.
(Person, firm or corporation) (Type or print)

Address 1686 N.E. Negus Way, Redmond, Oregon

[Signed] Orvail Buckner
(Water Well Contractor)

Contractor's License No. 608 Date 7-10, 1979

NOTICE TO WATER WELL CONTRACTOR
The original and first copy of this report are to be filed with the STATE ENGINEER, SALEM, OREGON within 30 days from the date of well completion.

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JUN 20 1973
STATE ENGINEER
SALEM, OREGON

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

RECEIVED
MAR 20 1973
STATE ENGINEER
SALEM OREGON

State Well No. 14S/9E-16
State Permit No. G-8501

(1) OWNER:
Name BROOKS RESOURCE
Address 447 E GREENWOOD BEND, ORE. 97701

(2) TYPE OF WORK (check):
New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐
If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:
Rotary ☐ Driven ☐
Cable ☒ Jetted ☐
☐ Bored ☐

(4) PROPOSED USE (check):
Domestic ☐ Industrial ☐ Municipal ☒
Irrigation ☐ Test Well ☐ Other ☐

(5) CASING INSTALLED:
Threaded ☐ Welded ☒
16 " Diam. from 12 ft. to 287 ft. Gage .312
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

(6) PERFORATIONS:
Perforated? ☒ Yes ☐ No.
Type of perforator used TORCH
Size of perforations 3/16 in. by 6 in.
540 perforations from 245 ft. to 286 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? CORNELL
620 gal./min. with 15 ft. drawdown after 1 hrs.
" 620 " 15 " 4 "
" 805 " 17 " 48 "
Bailer test gal./min. with ft. drawdown after hrs.
Artesian flow g.p.m.
Temperature of water 42° Depth artesian flow encountered ft.

(9) CONSTRUCTION:
Well seal—Material used CEMENT GROUT
Well sealed from land surface to 150 ft.
Diameter of well bore to bottom of seal 24 in.
Diameter of well bore below seal 18 in.
Number of sacks of cement used in well seal 530 sacks
Number of sacks of bentonite used in well seal sacks
Brand name of bentonite
Number of pounds of bentonite per 100 gallons of water lbs./100 gals.
Was a drive shoe used? ☐ Yes ☒ No Plugs Size: location ft.
Did any strata contain unusable water? ☐ Yes ☒ No
Type of water? depth of strata
Method of sealing strata off
Was well gravel packed? ☐ Yes ☒ No Size of gravel:
Gravel placed from ft. to ft.

(10) LOCATION OF WELL:
County Deschutes Driller's well number
SE ¼ NE ¼ Section 16 T. 14S R. 9E W.M
Bearing and distance from section or subdivision corner

(11) WATER LEVEL: Completed well.
Depth at which water was first found 260 ft
Static level 245 ft. below land surface. Date 3/28/73
Artesian pressure lbs. per square inch. Date

(12) WELL LOG:
Diameter of well below casing
Depth drilled 287 ft. Depth of completed well 287 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
TOPSOIL BLACK	0	2	
CLAY & GRAVEL BROWN	2	12	
LAVA GREY RED	12	22	
CLAY BROWN & LAVA BROKEN	22	99	
BASALT GREY HARD	99	112	
CLAY & BASALT BROWN BROKEN	112	138	
BASALT GREY HARD	138	159	
CINDERS RED BASALT BROKEN	159	198	
BASALT GREY HARD	198	219	
CLAY BROWN BASALT BROKEN	219	249	
BASALT GREY HARD	249	260	
CINDERSTONE RED & MULTI			
COLORED GRAVEL	260	282	
BASALT BROWN HARD	282	287	

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Work started 11/25 1972 Completed 2/22 1973
Date well drilling machine moved off of well 2/23 1973

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] Don Scanlon (Drilling Machine Operator) Date 2/28, 1973
Drilling Machine Operator's License No. 348

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 C & R DRILLING CO (Person, firm or corporation) (Type or print)
Address 1275 Parkview Hwy PRINEVILLE 97754
[Signed] Don Scanlon (Water Well Contractor)
Contractor's License No. 540 Date 2/28, 1973

#11

STATE OF OREGON

WATER WELL REPORT

(as required by ORS 537.765)

DESC 914

JUN 17 1991

WATER RESOURCES DEPT.
SALEM, OREGON

145/9E/16-8

(START CARD) # 23611

(1) OWNER:

Well Number:

Name Black Butte Ranch Association

Address P.O. Box 8000

City Black Butte Ranch State Or. Zip 97759

(2) TYPE OF WORK:

☐ New Well ☒ Deepen ☐ Recondition ☐ Abandon

(3) DRILL METHOD

☒ Rotary Air ☐ Rotary Mud ☒ Cable

☐ Other

(4) PROPOSED USE:

☐ Domestic ☒ Community ☐ Industrial ☐ Irrigation

☐ Thermal ☐ Injection ☐ Other

(5) BORE HOLE CONSTRUCTION:

Special Construction approval Yes ☐ No ☒ Depth of Completed Well 370 ft.

Explosives used Yes ☐ No ☒ Type Amount

HOLE Diameter	From	To	SEAL Material	From	To	Amount sacks or pounds
16"	0	+287	Undistrubed			
15"	232	353				
12"	353	370				

How was seal placed: Method ☐ A ☐ B ☐ C ☐ D ☐ E

☐ Other

Backfill placed from ft. to ft. Material

Gravel placed from -50 ft. to -353 ft. Size of gravel ¼ x 3/8

(6) CASING/LINER:

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:					☐	☐	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
Liner:	12"	+1½	-354	.25	☒	☐	☒	☐
					☐	☐	☐	☐

Final location of shoe(s) -354

(7) PERFORATIONS/SCREENS:

☒ Perforations Method Machine

☐ Screens Type Material

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
324	354	1/8 x 3	1392			☒	☐
						☐	☐
						☐	☐
						☐	☐
						☐	☐
						☐	☐

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

☐ Pump ☒ Bailer ☐ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
			1 hr.
25	0	370	16 hr.

Temperature of water 49° 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 14 ~~XX~~ S. Range 9 E ~~XX~~ WM.

Section 16 SE ¼ NE ¼

Tax Lot 4800 Lot Block Subdivision

Street Address of Well (or nearest address) Hawksbeard Rd. Black Butte Ranch

(10) STATIC WATER LEVEL:

265 ft. below land surface. Date 4-26-91

Artesian pressure lb. per square inch. Date

(11) WATER BEARING ZONES:

Depth at which water was first found 315

From	To	Estimated Flow Rate	SWL
315	327	300 GPM	265
327	353	500 GPM	265

(12) WELL LOG:

Ground elevation

Material	From	To	SWL
28½ yds 22 sk cement			
slurry pumped 287 - 232			
Hard Black Basalt	287	315	
Red Cinder Conglomerate	315	327	265
Black Sand/Gravel/Boulder	327	353	
Fractured Gray Lava	353	370	
9.1 yds gravel used			
Well drilled by C&R Drilling Co.			
# 540 2-28-73			

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Date started 4-18-91 Completed 6-7-91

(unbonded) Water Well Constructor Certification:

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

WWC Number

Signed Date

(bonded) Water Well Constructor Certification:

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

WWC Number 685

Signed B. J. Date 6-14-91

ORIGINAL & FIRST COPY - WATER RESOURCES DEPARTMENT SECOND COPY - CONSTRUCTOR THIRD COPY - CUSTOMER 9809C.3

DESC 55229

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765)
Instructions for completing this report are on the last page of this form.

(WELL I.D.)# L **L58765**
(START CARD) # **154777 Old # Desc 1810**

(1) OWNER: Well Number **3**
Name **Black Butte Rach Corporation**
Address **P.O. Box 8000**
City **Black Butte** State **OR** Zip **97759**

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

(3) DRILL METHOD:
☐ Rotary Air ☐ Rotary Mud ☐ Cable ☐ Auger
☑ Other **Well Completion Rig**

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

(5) BORE HOLE CONSTRUCTION:
Special Construction approval ☐ Yes ☑ No Depth of Completed Well **312** ft.
Explosives used ☐ Yes ☑ No Type ____ Amount ____

HOLE Diameter	From	To	Material	SEAL From	To	Sacks or pounds
See	Origi	nal	Log			Desc 1810

How was seal placed: Method ☐A ☐B ☐C ☐D ☐E
☑ Other **See Original Log Desc 1810**
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:	See	Origi	nal	Log	☐	☐	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
Liner:					☐	☐	☐	☐
					☐	☐	☐	☐

Final location of shoe(s) ____

(7) PERFORATIONS/SCREENS:
☑ Perforations Method **Mills Knife**
☐ Screens Type ____ Material ____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
270	310	3/8x4	240	10"		☑	☐
See	Origi	nal	Log	for prev	Perfoatio	☑	☐
						☐	☐
						☐	☐
						☐	☐

(8) WELL TESTS: Minimum testing time is 1 hour
☐ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
See Original	Log Desc 1810		1 hr.

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 **14** S Range **9** E WM.
Section **15** **SE** 1/4 **SE** 1/4
Tax Lot ____ Lot ____ Block ____ Subdivision ____
Street Address of Well (or nearest address) **Black Butte Ranch well # 3**

(10) STATIC WATER LEVEL:
238 ft. below land surface. Date **3/24/2003**
Artesian pressure ____ lb. per square inch. Date ____

(11) WATER BEARING ZONES:
Depth at which water was first found **See original Log Desc 1810**

From	To	Estimated Flow Rate	SWL

(12) WELL LOG:
Ground Elevation ____

Material	From	To	SWL
Additional perforations were installed, the well was Sonar jetted and mechanical development was performed, to increase the specific capacity.			
A new well label was installed.			
See original Log # Desc 1810 for additional information			

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OCT 05 2020
OWRD

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APR 17 2003
WATER RESOURCES DEPT.
SALEM, OREGON

Date started **March 24 2003** Completed **March 27 2003**

(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 **1772**
Signed ____ Date **3/14/03**

(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 **1464**
Signed ____ Date **3/14/03**

ORIGINAL & FIRST COPY-WATER RESOURCES DEPARTMENT SECOND COPY-CONSTRUCTOR THIRD COPY-CUSTOMER

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

Desc 9719

14S/9E/9bb

(START CARD) # 165263

Instructions for completing this report are on the last page of this form. Page 1 of 2

(1) OWNER: Well Number 4
Name Black Butte Ranch
Address PO Box 8000
City Black Butte Ranch State OR Zip 97759

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

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

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

(5) BORE HOLE CONSTRUCTION:
Special Construction approval [ ] Yes [X] No Depth of Completed Well 420 ft.
Explosives used [ ] Yes [X] No Type Amount

HOLE Diameter	From	To	SEAL Material	From	To	Sacks or pounds
20	0	420	cement	0	100	45 bags
			pea gravel	100	304	7 yards
			cement	304	345	35
	345	350	Bentonite			

How was seal placed: Method [ ] A [ ] B [X] C [ ] D [ ] E
[ ] Other
Backfill placed from 100 ft. to 350 ft. Material cement / pea gravel
Gravel placed from 420 ft. to 350 ft. Size of gravel 8-12

(6) CASING/LINER:

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:	16	+1	367	.365	[X]	[ ]	[X]	[ ]
	XXXXXXXXXXXXXX				[X]	[ ]	[X]	[ ]
					[ ]	[ ]	[ ]	[ ]
					[ ]	[ ]	[ ]	[ ]
Liner:	12"	363	367	.250	[X]	[ ]	[X]	[ ]
	12"	417	420	.250	[X]	[ ]	[X]	[ ]

Final location of shoe(s)

(7) PERFORATIONS/SCREENS:
[ ] Perforations Method
[X] Screens Type Houston Material SS/304

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
367	417	60		12		[ ]	[X]
						[ ]	[ ]
						[ ]	[ ]
						[ ]	[ ]
						[ ]	[ ]

(8) WELL TESTS: Minimum testing time is 1 hour
[ ] Pump [X] Bailer [ ] Air [ ] Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
50	0		1 hr.

Temperature of water 51° 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 9E E or W. WM.
Section 9 NW 1/4 NW 1/4
Tax Lot Lot Block Subdivision
Street Address of Well (or nearest address) Hawks Beard

(10) STATIC WATER LEVEL:
304 ft. below land surface. Date 1-16-95
Artesian pressure lb. per square inch. Date

(11) WATER BEARING ZONES:
Depth at which water was first found 359

From	To	Estimated Flow Rate	SWL
359	420	1,000 GPM	304

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SALEM, OREGON

(12) WELL LOG:
Ground Elevation

Material	From	To	SWL
Pumice sand & broken rock	0	8	
broken lava	8	9	
pumice sand & broken rock	9	13	
lava grey hard with broken seams	13	35	
lava gray & red with broken seams	35	46	
lava gravel medium well rounded	46	82	
lava gray hard	82	105	
andosite gray very hard	105	136	
lava reddish gray weathered slightly vasicular med. hard with broken seams	136	178	
lava reddish gray w/ andosite	178	188	
lava reddish gray weathered	188	200	
lava red broken with cinders loose	200	238	
andosite basalt gray hard	238	285	

Date started 10-22-94 Completed 1-16-95

(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 1523
Date 1/23/95

(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 WWC Number 1358
Date 1/23/95

ORIGINAL & FIRST COPY-WATER RESOURCES DEPARTMENT SECOND COPY-CONSTRUCTOR THIRD COPY-CUSTOMER

Desc 9719

145/9E/966

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

Instructions for completing this report are on the last page of this form. Page 2 of 2

(START CARD) #

(1) OWNER: Well Number 4

Name Black Butte Ranch

Address PO Box 8000

City Black Butte Ranch State OR Zip 97759

(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 ____

HOLE Diameter	From	To	SEAL Material	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:

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:					☐	☐	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
Liner:					☐	☐	☐	☐
					☐	☐	☐	☐

Final location of shoe(s)

(7) PERFORATIONS/SCREENS:

☐ Perforations Method

☐ Screens Type Material

From	To	Slot size	Number	Diameter	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
			1 hr.

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 ____ Latitude ____ Longitude ____

Township ____ N or S Range ____ E or W. WM.

Section ____ 1/4 ____ 1/4

Tax Lot ____ Lot ____ Block ____ Subdivision ____

Street Address of Well (or nearest address) ____

(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 ____

From	To	Estimated Flow Rate	SWL

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SALEM, OREGON

(12) WELL LOG:

Ground Elevation ____

Material	From	To	SWL
andosite basalt grey with some red hard	285	290	
andosite basalt gray with more red hard	290	302	
lava red vasicular with some cinders fractured	302	322	
andosite basalt gray with trace of red hard	322	359	
lava red cinders loose	359	380	
basalt gray med	380	396	
lava gravel red vasicular	396	420	

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Date started 10-22-94 Completed 1-16-95

(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 1523

Signed ____ Date 1/23/95

(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 1358

Signed Bryan B. Hayden Date 1/23/95

ORIGINAL & FIRST COPY-WATER RESOURCES DEPARTMENT SECOND COPY-CONSTRUCTOR THIRD COPY-CUSTOMER

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765 & OAR 690-205-0210)

DESC 60190
2/23/2015

WELL I.D. LABEL# L 112240
START CARD # 1025324
ORIGINAL LOG # DESCHUTES 59906

(1) LAND OWNER

Owner Well I.D.
First Name Last Name
Company BLACK BUTTE RANCH UTILITIES
Address P.O. BOX 8000
City SISTERS State OR Zip 97759

(2) TYPE OF WORK

☐ New Well ☒ Deepening ☐ Conversion
☒ Alteration (complete 2a & 10) ☐ Abandonment(complete 5a)

(2a) PRE-ALTERATION

	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd
Casing:									

	Material	From	To	Amt	sacks/lbs
Seal:					

(3) DRILL METHOD

☒ Rotary Air ☐ Rotary Mud ☐ Cable ☐ Auger ☐ Cable Mud
☐ Reverse Rotary ☐ Other

(4) PROPOSED USE

☐ Domestic ☒ Irrigation ☒ Community
☐ Industrial/ Commericial ☐ Livestock ☐ Dewatering
☐ Thermal ☐ Injection ☐ Other

(5) BORE HOLE CONSTRUCTION

Special Standard ☐ (Attach copy)
Depth of Completed Well 362.00 ft.

BORE HOLE

Dia	From	To
30	0	22
18	22	362

SEAL

Material	From	To	Amt	sacks/lbs
Bentonite Chips	0	16	44	S
		Calculated	48	
Cement	16	300	440	S
		Calculated	188.5	

How was seal placed: Method ☐ A ☐ B ☒ C ☐ D ☐ E
☐ Other
Backfill placed from 302 ft. to 305 ft. Material BENTONITE PELLE
Filter pack from 303 ft. to 359 ft. Material GRAVEL Size pea gravel
Explosives used: ☐ Yes Type Amount

(5a) ABANDONMENT USING UNHYDRATED BENTONITE

Proposed Amount Actual Amount

(6) CASING/LINER

Casing	Liner	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd
◉	○	14	☒	2	338	.375	◉	○	☒	☐
◉	○	26	☐	0	20	.250	◉	○	☒	☐
○	◉	12	☐	329	339	.250	◉	○	☒	☐
○	○		☐				○	○	☐	☐
○	○		☐				○	○	☐	☐

Shoe ☐ Inside ☐ Outside ☐ Other Location of shoe(s)
Temp casing ☐ Yes Dia From To

(7) PERFORATIONS/SCREENS

Perforations Method
Screens Type Wire wrap Material Type 304 Stainless

Perf/ Screen	Casing/ Screen Liner	Dia	From	To	Scrn/slot width	Slot length	# of slots	Tele/ pipe size
Screen	Liner	12	339	359	.08			12.75

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

○ Pump ○ Bailer ◉ Air ○ Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
600		320	1

Temperature 49 °F Lab analysis ☐ Yes By
Water quality concerns? ☐ Yes (describe below) TDS amount

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)

County DESCHUTES Twp 14.00 S N/S Range 9.00 E E/W WM
Sec 16 SE 1/4 of the NE 1/4 Tax Lot 4800
Tax Map Number Lot
Lat ° ' " or 44.35970500 DMS or DD
Long ° ' " or -121.66037100 DMS or DD
◉ Street address of well ○ Nearest address
16511 HAWKS BEARD, SISTERS, OR 97759

(10) STATIC WATER LEVEL

	Date	SWL(psi)	+	SWL(ft)
Existing Well / Pre-Alteration	1/5/2015			254
Completed Well	2/17/2015			254

Flowing Artesian? ☐ Dry Hole? ☐

WATER BEARING ZONES Depth water was first found 265.00

SWL Date	From	To	Est Flow	SWL(psi)	+	SWL(ft)
1/19/2015	265	275	500			254
2/20/2015	313	362	2000			254

(11) WELL LOG

Ground Elevation 3383.00

Material	From	To
Fine Silt and Forest Debris	0	3
Gravels and Sandy Loam	3	13
Hard Gray Basalt	13	25
Broken Brown & Gray Basalt	25	78
Gray Basalt	78	90
Brown Broken Basalt	90	100
Hard Gray Basalt	100	120
Red & Brown Volcanics	120	145
Fractured Gray Basalt	145	165
Red & Brown Volcanics & Basalt	165	195
Hard Gray Basalt	195	250
Brown Sandstone	250	275
Medium Gray Basalt	275	300
Hard Gray Basalt	300	313
Cinders & Broken Basalt	313	325
Finer Sandy Gravel & Volcanics	325	332
Volcanic Interbeds with Sand	332	359
Fractured Gray Basalt	359	362

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Date Started 1/5/2015 Completed 2/17/2015

(unbonded) Water Well Constructor Certification

I certify that the work I performed on the construction, deepening, 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.

License Number Date

Signed

(bonded) Water Well Constructor Certification

I accept responsibility for the construction, deepening, 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.

License Number 1385 Date 2/23/2015

Signed ROBERT BUCKNER (E-filed)

Contact Info (optional) Robert Buckner 541-408-5548

ORIGINAL - WATER RESOURCES DEPARTMENT

THIS REPORT MUST BE SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 DAYS OF COMPLETION OF WORK Form Version:

WATER SUPPLY WELL REPORT - continuation page

DESC 60190

2/23/2015

WELL I.D. LABEL# L	112240
START CARD #	1025324
ORIGINAL LOG #	DESCHUTES 59906

(2a) PRE-ALTERATION

Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd

Material	From	To	Amt	sacks/lbs

Water Quality Concerns

From	To	Description	Amount	Units

(5) BORE HOLE CONSTRUCTION

BORE HOLE Dia	From	To

SEAL Material	From	To	Amt	sacks/lbs
		Calculated		
		Calculated		
		Calculated		
		Calculated		

FILTER PACK

From	To	Material	Size

(10) STATIC WATER LEVEL

SWL Date	From	To	Est Flow	SWL(psi)	+	SWL(ft)

(11) WELL LOG

Material	From	To

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(6) CASING/LINER

Casing	Liner	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd

(7) PERFORATIONS/SCREENS

Perf/ Screen	Casing/ Liner	Screen Dia	From	To	Scrn/slot width	Slot length	# of slots	Tele/ pipe size

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

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)

Comments/Remarks

GEOTECHNICAL HOLE REPORT - Map with location identified must be attached and shall include an approximate scale and north arrow

DESC 60190

2/23/2015

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Map of Hole

STATE OF OREGON
WELL LOCATION MAP

This map is supplemental to the WATER SUPPLY WELL REPORT

Oregon Water Resources Department
725 Summer St NE, Salem OR 97301
(503)986-0900

LOCATION OF WELL

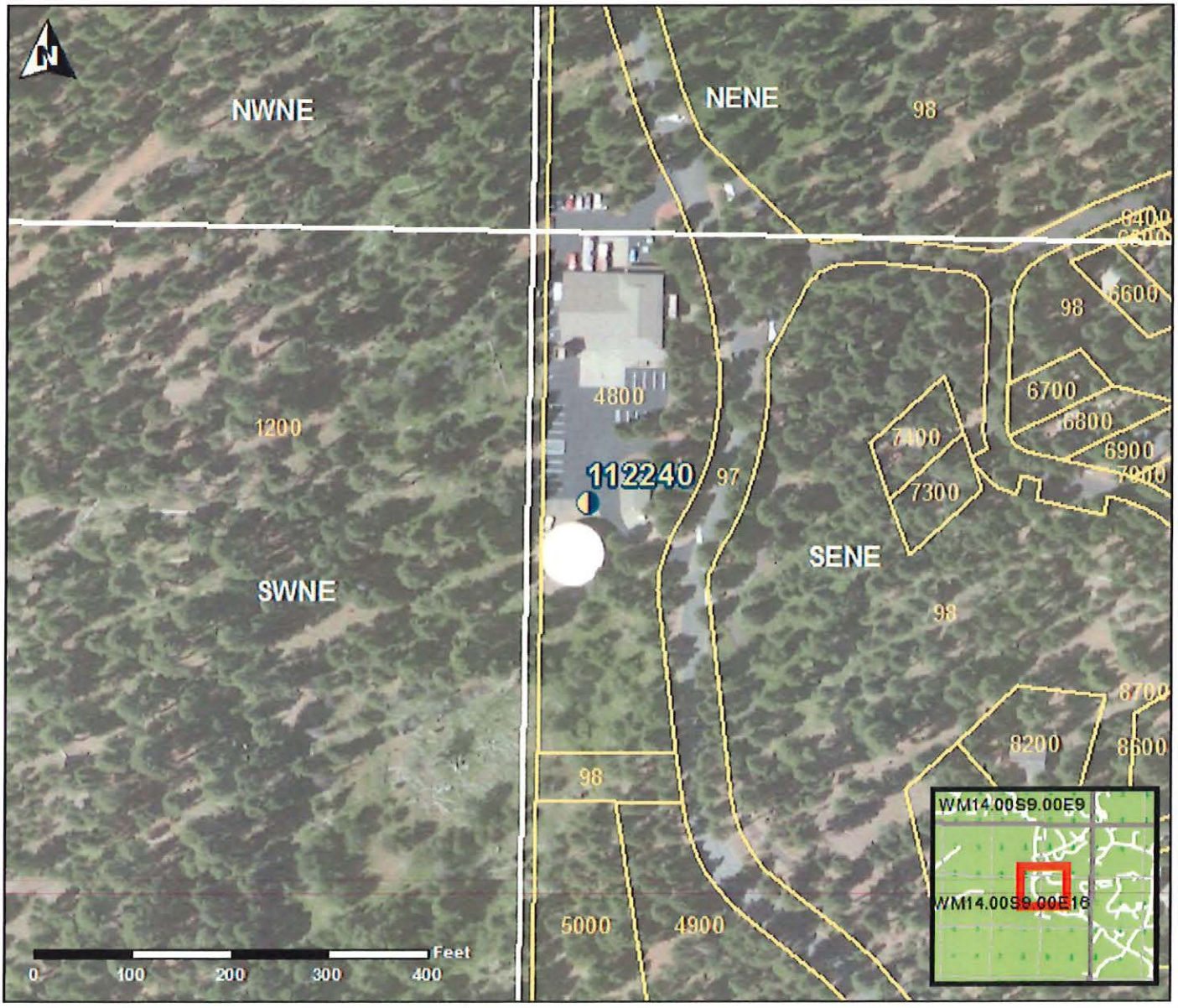
Latitude: 44.359705 Datum: WGS84
Longitude: -121.660371
Township/Range/Section/Quarter-Quarter Section:
WM 14S 9E 16 SENE
Address of Well:
16511 Hawks Beard, Sisters, OR 97759

Well Label: 112240

Printed: February 23, 2015

DISCLAIMER: This map is intended to represent the approximate location the well. It is not intended to be construed as survey accurate in any manner.

Provided by well constructor



DESC 59906

Page 1 of 2

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765 & OAR 690-205-0210)

DESC 59906
2/13/2014

WELL I.D. LABEL# 112240
START CARD # 1022052

Note — gillisbm
This well report was originally e-filed to the Dept, the original e-filed well log is attached.

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(1) LAND OWNER Owner Well I.D. Black Butte Ranch Utilities
First Name C.G. Last Name NEWTON CONSULTA
Company BLACK BUTTE RANCH
Address PO BOX ~~1728~~ 8000
City ~~REDMOND~~ Sisters State OR Zip ~~97756~~ 97759

(2) TYPE OF WORK [X] New Well [ ] Deepening [ ] Conversion [ ] Alteration (complete 2a & 10) [ ] Abandonment(complete 5a)

(2a) PRE-ALTERATION

	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd
Casing:									

	Material	From	To	Amt	sacks/lbs
Seal:					

(3) DRILL METHOD
[X] Rotary Air [ ] Rotary Mud [ ] Cable [ ] Auger [ ] Cable Mud
[ ] Reverse Rotary [ ] Other

(4) PROPOSED USE [ ] Domestic [ ] Irrigation [ ] Community
[ ] Industrial/ Commericial [ ] Livestock [ ] Dewatering
[ ] Thermal [ ] Injection [X] Other TEST HOLE

(5) BORE HOLE CONSTRUCTION Special Standard [ ] (Attach copy)
Depth of Completed Well 325.00 ft.

BORE HOLE Dia	From	To	SEAL Material	From	To	Amt	sacks/ lbs
12	0	18.5	Bentonite Chips	0	18.5	16	S
8	18.5	325					

How was seal placed: Method [ ] A [ ] B [ ] C [ ] D [ ] E
[X] Other POURED DRY
Backfill placed from ft. to ft. Material
Filter pack from ft. to ft. Material Size
Explosives used. [ ] Yes Type Amount

(5a) ABANDONMENT USING UNHYDRATED BENTONITE
Proposed Amount Actual Amount

(6) CASING/LINER

Casing	Liner	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd
(•)	( )	8	[X]	1.5	18.5	.250	(•)	( )		
( )	( )		[ ]				( )	( )		
( )	( )		[ ]				( )	( )		
( )	( )		[ ]				( )	( )		
( )	( )		[ ]				( )	( )		

Shoe [ ] Inside [ ] Outside [ ] Other Location of shoe(s)
Temp casing [ ] Yes Dia From To

(7) PERFORATIONS/SCREENS
Perforations Method
Screens Type Material

Perf/ Screen	Casing/ Screen Liner	Dia	From	To	Scrn/slot width	Slot length	# of slots	Tele/ pipe size

(8) WELL TESTS: Minimum testing time is 1 hour
( ) Pump ( ) Bailer (•) Air ( ) Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
50		330	1

Temperature 50 °F Lab analysis [ ] Yes By
Water quality concerns? [ ] Yes (describe below) TDS amount

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)
County DESCHUTES
Sec 16 SE
Tax Map Number
Lat ° ' " or DMS or DD
Long ° ' " or DMS or DD
(•) Street address of well (if available)
13511 HAWKS BEAR
BLACK BUTTE RAN

(10) STATIC WATER LEVEL

	Date	SWL(psi)	+	SWL(ft)
Existing Well / Pre-Alteration			[ ]	
Completed Well	1/28/2014		[ ]	254

Flowing Artesian? [ ] Dry Hole? [ ]

WATER BEARING ZONES Depth water was first found 265.00

SWL Date	From	To	Est Flow	SWL(psi)	+	SWL(ft)
1/28/2014	265	275	50		[ ]	254
1/28/2014	313	325	50		[ ]	254
					[ ]	
					[ ]	
					[ ]	

(11) WELL LOG Ground Elevation

Material	From	To
FILL FINE GRAVELS SILT	0	2
GRAVELS CLAY	2	13
LAVA GRAY	13	25
LAVA BROKEN BROWN	25	78
LAVA GRAY SOFT	78	90
LAVA BROKEN BROWN	90	100
LAVA GRAY HARD	100	120
LAVA RED BROWN	120	145
LAVA GRAY FRACTURED LAYERS	145	165
LAVA RED BROWN	165	195
LAVA GRAY	195	250
LAVA GRAY SOFT	250	265
SANDSTONE	265	275
BASALT MEDIUM	275	300
BASALT HARD	300	313
CINDERS BROKEN BASALT CAVING	313	325

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FEB 18 2014
SALEM, OR

Date Started 1/27/2014 Completed 1/28/2014

(unbonded) Water Well Constructor Certification
I certify that the work I performed on the construction, deepening, 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.
License Number 758 Date 2/11/2014
Signed THOMAS R PECK (E-filed)

(bonded) Water Well Constructor Certification
I accept responsibility for the construction, deepening, 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.
License Number 1720 Date 2/13/2014
Signed JACK ABBAS (E-filed)
Contact Info (optional)

ORIGINAL - WATER RESOURCES DEPARTMENT
THIS REPORT MUST BE SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 DAYS OF COMPLETION OF WORK Form Version:

DESC 59906

WATER SUPPLY WELL REPORT - continuation page

DESC 59906

2/13/2014

WELL I.D. LABEL# L 112240

START CARD # 1022052

ORIGINAL LOG #

(2a) PRE-ALTERATION

Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd

Material	From	To	Amt	sacks/lbs

Water Quality Concerns

From	To	Description	Amount	Units

(5) BORE HOLE CONSTRUCTION

BORE HOLE Dia	From	To	SEAL Material	From	To	Amt	sacks/ lbs

FILTER PACK

From	To	Material	Size

(10) STATIC WATER LEVEL

SWL Date	From	To	Est Flow	SWL(psi)	+	SWL(ft)

(6) CASING/LINER

Casing Liner	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd

(11) WELL LOG

Material	From	To

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SALEM, OR

(7) PERFORATIONS/SCREENS

Perf/ Screen	Casing/ Liner	Screen Dia	From	To	Scrn/slot width	Slot length	# of slots	Tele/ pipe size

Comments/Remarks

3 YARDS SAND GROUT 8 FEET - 90 FEET
HOLE PROBED AT 325 FEET

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

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)

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Chapter 18.110. RESORT COMMUNITY ZONE

18.110.010. Purpose.
18.110.020. Seventh Mountain/Widgi Creek and Black Butte Ranch Resort Districts.
18.110.030. Widgi Creek Residential District.
18.110.040. Black Butte Ranch Surface Mining / Limited Use Combining District.
18.110.050 Black Butte Ranch Utility / Limited Use Combining District.
18.110.060. Development Standards.

18.110.010. Purpose.

The purpose of the Resort Community Zone is to provide standards and review procedures for development in the communities of Black Butte Ranch and The Inn of the Seventh Mountain/Widgi Creek. The provisions of this chapter shall apply to any Resort Community that is planned pursuant to OAR 660 Division 22. (Ord. 2001-048 §2, 2001)

18.110.020. Seventh Mountain/Widgi Creek and Black Butte Ranch Resort Districts.

A. Uses permitted outright. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.110.050:
   1. Single-family dwelling.
   2. Residential home.
   3. Residential facility.
   4. Timeshare units existing as of January 1, 1984 at Black Butte Ranch.
   5. Timeshare units at the Inn of the Seventh Mountain.
   6. The following resort recreational facilities: Recreational path, picnic and barbecue area, park, playground, and sport courts for basketball, volleyball, and similar small-scale recreation activities.
   7. Livestock and horse grazing on common area in Black Butte Ranch.
   8. Police or security facility.

B. Uses permitted subject to site plan review. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.110 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:
   1. Resort facility, as that term is defined in DCC Title 18.
   2. Resort recreation facilities, as that term is defined in DCC Title 18, except those uses listed in DCC 18.110.020(A)(6).
   3. Resort utility facilities, as that term is defined in DCC Title 18.
   4. Property sales and rental office.
   5. Hotel or motel.
   6. Daycare facility.
   7. Fire station.
   8. Post office.
   9. Multiple-family dwellings.
   10. Employee housing.

C. Conditional uses permitted. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.110 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use:
   1. Church.
   2. Wireless telecommunications facility.

(Ord. 2014-025 §1, 2014; Ord. 2014-009 §1, 2014; Ord. 2001-048 §2, 2001)

18.110.030. Widgi Creek Residential District.

The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.110.060:

A. Single-family dwelling.
B. Residential home.
C. Residential facility.
D. Timeshare units.

(Ord. 2001-048 §2, 2001)

18.110.040. Black Butte Ranch Surface Mining / Limited Use Combining District.

A. Outright Permitted Uses. The following uses are allowed outright:
   1. Mining, processing and storage of aggregate within the 8.6-acre area which has a valid Oregon Department of Geology and Mineral Industries (DOGAMI) exemption.
   2. Outdoor equipment storage.
   3. Effluent/sludge storage and disposal.
   4. Composting activities.
   5. Forest uses including woody debris disposal.

B. Site Plan. The following use is permitted subject to DCC 18.52:
   1. Mining, processing and storage of aggregate once mining affects more than five acres outside the 8.6-acre area with a valid DOGAMI exemption.

C. Uses Permitted Subject to Site Plan Review. The following uses are permitted in an area reclaimed after mining, subject to DCC 18.124:
   1. Solid waste transfer station.
   2. Equipment repair shop or other maintenance facilities.

(Ord. 2001-048 §2, 2001)

18.110.050. Black Butte Ranch-Utility /Limited Use Combining District.

A. Uses Permitted Outright. The following uses are permitted outright:
   1. Outdoor or enclosed storage, large equipment or general.
   2. Effluent/sludge storage and disposal.
   3. Composting activities.
   4. Forest uses including woody debris disposal.
   5. Recreational vehicle or other outdoor equipment storage for resort property owners or visitors.

B. Uses Permitted Subject to Site Plan. The following uses are permitted west of McCallister Road, subject to DCC 18.124:
   1. Telephone communications facility or other utility uses, also subject to DCC 18.128 if applicable.
   2. Equipment repair shop or other maintenance facilities.
   3. Housekeeping facility.
   4. Employee housing, subject to a minimum 250' setback from the surface mining limited use combining district and DCC 18.56.
   5. Administration offices.

(Ord. 2001-048 §2, 2001)

18.110.060. Development Standards.

A. Setbacks.
   1. Single-Family Dwelling. The following setbacks shall be maintained for single-family dwellings and accessory uses on residential parcels:

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a. Front Yard. The front yard shall be a minimum of 20 feet at Black Butte Ranch and The Inn of the Seventh Mountain, and 30 feet at Widgi Creek.
b. Side Yard. The side yard shall be a minimum of 10 feet, except on the street side of a corner lot the side yard shall be a minimum of 20 feet.
c. Rear Yard. The rear yard shall be a minimum of 20 feet.
d. In Black Butte Ranch a lesser setback shall be approved based on written approval from the Black Butte Ranch Architectural Review Committee (ARC) or its successor. The granting of a lesser setback based on documented ARC approval does not constitute a land use decision by the County.

2. All Other Uses. The following setbacks shall be maintained for buildings and structures used for purposes other than a single-family dwelling and residential accessory uses, unless a greater setback is required pursuant to site plan review or other applicable provisions of DCC Title 18:
a. Front Yard. The front yard shall be a minimum of 10 feet.
b. Side Yard. Zero feet except that, when a side lot line is adjoining a lot used for single-family residential purposes, the side yard shall be a minimum of 10 feet and shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.
c. Rear Yard. Zero feet except that, when a rear lot line is adjoining a lot used for residential purposes, the rear yard shall be a minimum of 10 feet and shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.
d. Perimeter Setback. All uses in the Black Butte Ranch Surface Mining or Utility Limited Use Combining Districts shall maintain a minimum setback of 50 feet from a perimeter boundary adjacent to land zoned for forest uses.
e. Forest Zone Setback. New uses adjacent to land zoned Forest shall have a minimum setback of 20 feet from the Forest zone boundary.

B. Other Setbacks. The following setbacks shall be maintained for buildings and structures, based on the applicable provision(s) of DCC Title 18:
1. Solar Setback. The setback from the north lot line shall meet the solar access setback requirements in DCC 18.116.180 for south roof protection.
2. Waterway Setback. All structures, buildings or similar permanent fixtures shall be set back from the ordinary high water mark along all streams and lakes a minimum of 100 feet measured at right angles to the ordinary high water mark.
3. Building Code Setbacks. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or Deschutes County under DCC 15.04 shall be met.
4. Rimrock Setbacks. Setbacks from rimrocks shall be maintained as provided in DCC 18.84 or DCC 18.116.160, whichever is applicable.
5. Scenic Waterway. The applicable provisions in DCC 18.84 shall be met.
6. Floodplain. The applicable provisions in DCC 18.96 shall be met.

C. Building Height.
1. Resort Facility and Resort Utility Building. No resort facility or resort utility building or structure shall be erected or enlarged to exceed 40 feet, or 30 feet when the provisions in DCC 18.84.080 are applicable, unless a variance for a greater height is approved. For the purposes of DCC 18.110.060(C)(1) an application for a height variance may be granted provided the Planning Director or Hearings Body makes only the following findings:
a. The proposed height does not exceed the height limitation of the appropriate fire agency's (either Black Butte Ranch Rural Protection Fire District or City of Bend Fire Department) fire fighting equipment, considering the evacuation of the building's occupants and the fire fighting requirements of the agency; and
b. The proposed additional height will not adversely impact scenic views from adjoining residences or adjoining residential building sites.

c. Approval of a height variance in a state scenic waterway shall be conditioned upon receipt of approval from the Oregon Parks and Recreation Department.

2. All Other Buildings. No building or structure used for purposes other than a resort facility or resort utility, including a single-family dwelling, shall be erected or enlarged to exceed 30 feet in height, except as provided by DCC 18.120.040.

3. Scenic Waterway. The applicable provisions in DCC 18.84 shall be met.

D. Lot Coverage.

1. Single-family dwelling. The maximum lot coverage by a single-family dwelling and accessory structures shall be 40 percent of the total lot. In Black Butte Ranch a greater lot coverage shall be approved based on documentation of written approval from the Black Butte Ranch Architectural Review Committee (ARC) or its successor. The granting of greater lot coverage based on documented ARC approval does not constitute a land use decision by the County.

2. All Other Buildings. The maximum lot coverage by buildings and structures used for purposes other than a single-family dwelling shall be determined by the spatial requirements for yard setbacks, landscaping, parking and utilities.

E. Off-Street Parking and Loading.

1. Single-Family Dwelling. Off-street parking shall be provided for a minimum of two motor vehicles per dwelling.

2. All Other Uses. Off-street parking and loading shall be provided subject to the requirements of DCC 18.116.

F. Outdoor Lighting All outdoor lighting shall be installed in conformance with DCC 15.10.

G. Excavation, Grading and Fill and Removal. Excavation, grading and fill and removal within the bed and banks of a stream or lake, or in a wetland shall be subject to DCC 18.128.040(W), unless the activity meets the exception provisions in DCC 18.120.050.

H. Signs. All signs shall be constructed in accordance with the provisions of DCC 15.08.

I. Lot Requirements.

1. Single-Family Dwelling. A new lot for a single-family dwelling served by a community or public sewerage system shall have a minimum area of 6,000 square feet and a minimum average width of 60 feet, except that a corner lot shall have a minimum average width of 70 feet. A new lot for a single-family dwelling served by an on-site septic system shall have a minimum area of 22,000 square feet and a minimum average width of 100 feet. Any new residential lot shall have a minimum width at the street of 50 feet, except for a lot on a cul-de-sac, in which case the minimum width shall be 30 feet.

2. All Other Uses. Every lot created for purposes other than residential use shall have dimensions for lot area, width and depth necessary for yard setbacks, landscaping, parking and utilities for the proposed use.

(Ord. 2001-048 §2, 2001)

J. Land Divisions.

1. General. Notwithstanding any provision to the contrary contained herein or in other parts of the County Code, roads within the Resort Community Zone may be private roads and new lots or parcels may be created that have access from, and frontage on, private roads only. These roads must meet the private road standards of DCC Title 17, and are not subject to public road standards of DCC Title 17. An agreement acceptable to the County Road Department and County Legal Counsel shall be required for the maintenance of new private roads.

2. Zero Lot Line Subdivision. Notwith-standing any provision to the contrary contained herein, zero lot line subdivisions for single-family residences shall be allowed in the Resort Community Zone in accordance with the provisions of DCC Chapter 17.20. Zero lot line subdivisions are not subject to the setback provisions of 18.110.060(A), solar setback standards of 18.110.060(B)(1), lot coverage provisions of 18.110.060(D) or lot requirements of 18.110.060(I)(1).

(Ord 2005-041 §2, 2005; Ord. 2001-048 §2, 2001)

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–	–	76006 Supercedes Cert. 80836 (ON) Squaw Creek Decree	T3783	12/31/1985	Dry Creek (known as Dixon Meadows Fork of Indian Ford Creek), a tributary of Indian Ford Creek	Irrigation of 50 Acres	1.9 CFS	1.0 cfs	1190 AF	119.885 AF/month	3.729 AF/day	Certificate issued 2/24/2003

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9.	Retrofit/Replacement of Inefficient Fixtures	All new and/or remodeled public facilities at BBR have been fitted and/or retrofitted with low-flow shower heads, faucets, and toilets where practical. Automatic shut-off valves are provided on drinking fountains. Retro –fits kits are available from the Ranch Maintenance for installation in residential services.
10.	Conservation	BBR homeowners are encouraged to utilize native plants which require little water; lawns are discouraged, except for fire safety strip surrounding the home. Fire resistant materials for new construction are encouraged. Routine maintenance of recreational facilities is practiced, i.e. checking daily for leaks, covering of the pools daily, and staff training to identify inefficient equipment that may lead to excessive water use.
11.	Water Reuse	Reclaimed treatment plant waste water is used for irrigation on 70 acres in the Big Meadow area. This reduces the amount of surface water used for irrigation.
12.	Other Measure(s) to Improve Water Use Efficiency	Both of BBR's golf courses irrigation systems are connected to weather stations so that irrigation controllers make climate-based adjustments using evapo-transpiration (ET) calculations.

OAR 690-086-0120(4)(b): Average monthly and daily diversions under each right held by the water supplier for the previous five years.

Diversion of water under each of Black Butte Ranch's wells for the previous five years is detailed below:

	2011		2012		2013		2014		2015	
Source (See Note 2)	Average Monthly Diversion (MG/month)	Average Daily Diversion (mgd)	Average Monthly Diversion (MG/month)	Average Daily Diversion (mgd)	Average Monthly Diversion (MG/month)	Average Daily Diversion (mgd)	Average Monthly Diversion (MG/month)	Average Daily Diversion (mgd)	Average Monthly Diversion (MG/month)	Average Daily Diversion (mgd)
Well #1	13.688	0.450	5.063	0.166	4.310	0.142	3.967	0.130	5.882	0.193
Well #2	7.910	0.260	8.088	0.274	9.814	0.323	8.974	0.295	8.490	0.279
Well #3 (lakes/irr.)	6.065	0.199	1.428	0.047	7.885	0.259	7.569	0.249	10.554	0.347
Well #3 (Domestic)	0.009	0.000	0.321	0.011	0.999	0.033	1.220	0.040	0.519	0.017
Well #4	0.184	0.006	0.091	0.003	0.041	0.001	0.119	0.004	0.075	0.002
Well #5	Not Constructed		Not Constructed		Not Constructed		Not Constructed		See Note 1	

1. Well 5 constructed in 2015 near end of high use season. Regular use initiated March 2016.
2. Note that water production is reported by well and not by right. Black Butte Ranch's ground water rights are served by multiple wells, and the wells overlap on the rights. As such, it is difficult to report by right, and reporting by well provides a more accurate accounting of water diverted.

OAR690-086-0120(4)(c): *See next page.*

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OAR690-086-0120(4)(c): A description of the results of the annual water audit required under OAR 690-086-0150(4)(a).

Water Audit Data for Groundwater(2011-2015)		Revenue Water		Non-Revenue Water			
Reporting Period	Water Delivered	Authorized and Accounted for Consumption				Estimated Unaccounted for Water	
Year	Total Production (MG)	Residential Accounts Metered Consumption (MG)	Commercial Accounts Metered Consumption (MG)	Well 3 to Lakes/Irrigation Non-Revenue (MG)	Other Accounted for Non-Revenue Flows, Estimated[1] (MG)	Total Unaccounted for Water (MG)	Percent Unaccounted for
2011	334.28	68.52	18.25	72.78	52.51	122.23	36.57%
2012	179.91	77.60	43.36	17.14	24.57	17.24	9.58%
2013	276.59	78.22	59.43	94.62	8.40	35.91	12.98%
2014	262.19	83.07	21.05	90.83	39.28	27.96	10.66%
2015	306.26	105.02	12.63	126.65	14.17	47.80	15.61%

[1]Includes sewer flushing, hydrant flushing, water line repairs, construction water, pool fills, fire suppression water for controlled burns, leaks, etc. BBR Utilities staff estimated by volume (pool, water/fire truck, etc.), duration of flows (line flushing, etc.), or direct meter readings on hydrant meter.
[2]Utility Services Associates completed a leak detection study on the water distribution system in April of 2015. Three leaks identified and repaired, leak estimates are included for 2015. Leaks likely impacted the system in previous years, but effect is unknown and omitted for years 2011-2014.

OAR 690-086-0120(4)(d): A comparison of quantities of water used in each sector as identified and described in OAR 690-086-0140(6) with the quantities of water used in each sector for the previous five years.

Ground Water Use by Customer Category (2011 – 2015)

Year	Residential Accounts Metered Consumption (MG)	Commercial Accounts Metered Consumption (MG)	Well 3 to Lakes/Irrigation Non-Revenue (MG)	Other Accounted for Non-Revenue Flows (MG)	Total Consumption (MG)
2011	68.52	18.25	72.78	52.51	212.05
2012	77.60	43.36	17.14	24.57	162.67
2013	78.22	59.43	94.62	8.40	240.67
2014	83.07	21.05	90.83	39.28	234.23
2015	105.02	12.63	126.65	14.17	258.46

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Black Butte Ranch Water Rights Summary

Appl. No.	Permit No.	Certificate No.	Transfer No., If any	Priority Date	Source	Type of Use	Allowable Rate and Duty	Observed Maximum Rate	2011-2015 Max. Annual Qty. (calendar year basis) NOTE: well totals listed, not reported by right	2011-2015 Average Month	2011-2015 Average Day	Notes
G-5117	G-8501	86906 (CN)	T-11380	7/2/1979	Well 1 Well 2 Well 5	Group Domestic for 355 Families	0.27 CFS	Well 1 2.00 cfs Well 2 3.59 cfs Well 5 5.37 cfs	Well 1 164.261 MG Well 2 117.767 MG Well 4 2.210 MG	Well 1 32.911 MG Well 2 43.543 MG Well 4 0.511 MG	Well 1 0.216 MG Well 2 0.286 MG Well 4 0.003 MG	Claim Rec'd 9/16/2016; Expected Certificate 2017
G-11711	G-11710	86348 (CN)	T-11391	11/18/1991	Well 2 Well 4 Well 5 in Whychus Creek Basin	Quasi-Municipal	4.8 CFS, being 2.7 CFS from Well 4 and 2.1 CFS from Well 2 4.8 CFS for Well 5	Well 2 3.59 cfs Well 4 2.81 cfs Well 5 5.37 cfs	Well 2 117.767 MG Well 4 2.210 MG Well 5 Regular use began March 2016	Well 2 43.543 MG Well 4 0.511 MG Well 5 Regular use began March 2016	Well 2 0.286 MG Well 4 0.003 MG Well 5 Regular use began March 2016	Claim Rec'd 9/16/2016; Expected Certificate 2017
S-7017	G-17023 (Supersedes Permit G-6750)	N/A	T-11387	6/25/1975	Well 2 Well 5	Domestic	2.6 CFS	Well 2 3.59 cfs Well 5 5.37 cfs	Well 2 117.767 MG Well 5 Regular use began March 2016	Well 2 43.543 MG Well 5 Regular use began March 2016	Well 2 0.286 MG Well 5 Regular use began March 2016	Claim Rec'd 9/16/2016; Expected Certificate 2017
S-70.8	G-6757	86706	-	6/25/1975	Well 1 in Deschutes Basin	Group Domestic	1.8 CFS	Well 1 2.00 cfs	Well 1 164.261 MG	Well 1 32.911 MG	Well 1 0.216 MG	Certificate issued 3/26/2013
G-5119	G-8503	76002	-	2/2/1979	Well 3 in Deschutes Basin	Irrigation of 27.9 acres, Supplemental Irrigation of 50.0 acres, Fish Culture, and Group Domestic	2.63 CFS, being 0.91 CFS for Irrigation and Supplemental Irrigation, 1.65 CFS for Group Domestic and 0.07 CFS for Fish Culture	Well 3 2.63 cfs	Well 3 Irrigation: 176.650 MG Well 3 Domestic: 14.644 MG	Well 3 Irrigation: 13.492 MG Well 3 Domestic:	Well 3 Irrigation: 0.220 MG Well 3 Domestic:	Certificate issued 2/24/1999
-	-	263 (CN) 51564 Squaw Creek Decree	T-3277	12/31/1986	Point of Diversion, Indian Ford Creek, tributary of Squaw Creek	Irrigation of 361.5 acres	2.27 CFS	2.27 cfs	1625 AF (at rate of 4.5 AF/Ac/Yr)	248.01 AF Note: 3 month irrigation season used in basin	7.93 AF	Certificate issued 8/7/1989

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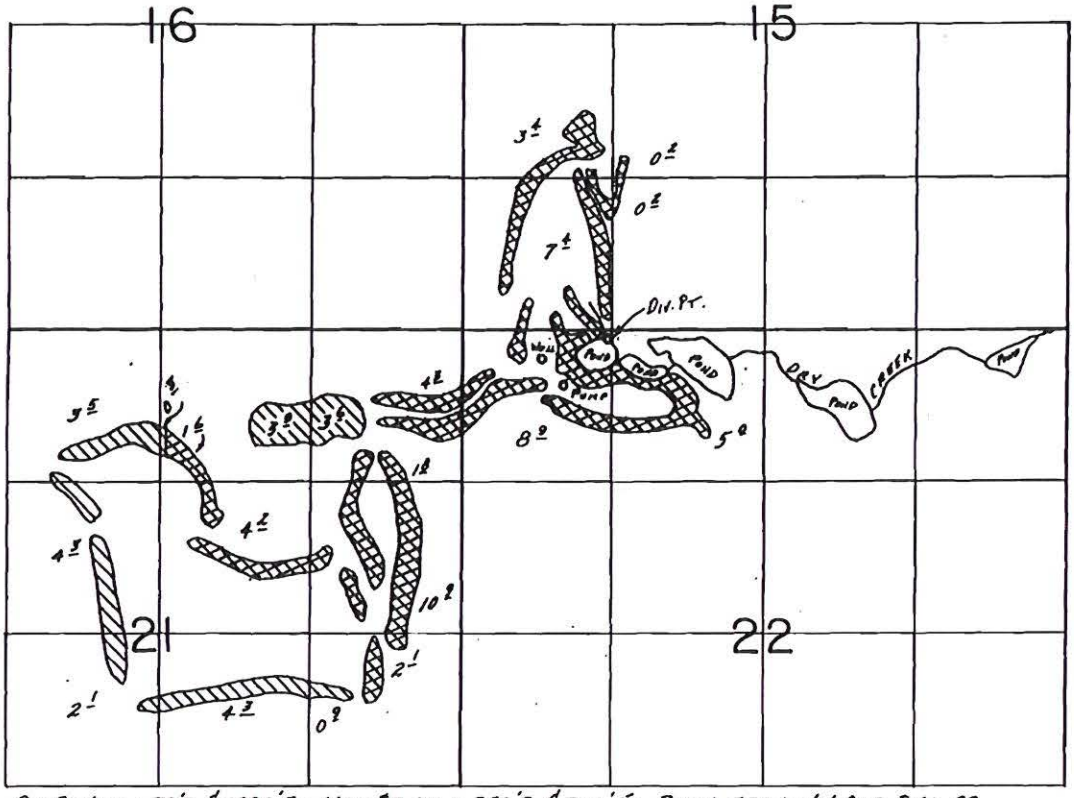
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S-60026	S-45564	64581	–	4/14/1980	Point of Diversion, Indian Ford Creek and Phalarope Lake Reservoir, a tributary of Squaw Creek	Recreation and Fish Habitat Enhancement	0.05 CFS, being 0.025 CFS for each use	0.05 cfs	N/A	N/A	N/A	Certificate issued 8/14/1990
R-60031	R 8253	64582	–	4/15/1980	Indian Ford Creek and Phalarope Lake Reservoir, a tributary of Squaw Creek	Recreation and Fish Habitat Enhancement	Storage of 20.2 Acre-Feet, being 10.1 Acre-Feet for Recreation and 10.1 Acre-Feet for Fish Habitat Enhancement	N/A - Storage Right	20.2 AF storage	N/A	N/A	Certificate issued 8/14/1990
R 53360	R 7636	70063	–	10/9/1978 for 13.4 AF, and 7/25/1979 for 8.8 AF	Indian Ford Creek, a tributary of Squaw Creek, in Cinnamon and Phalarope Reservoirs	Storage of waters appropriated under Permit 44770 for Supplemental Irrigation	Storage of 22.2 AF, being 2.0 AF in Cinnamon Reservoir and 20.2 AF in Phalarope Reservoir, provided that the amount stored in Phalarope Reservoir together with the amount secured under permit R 8253 shall not exceed 20.2 AF	N/A - Storage Right	22.2 AF storage	N/A	N/A	Certificate issued 2/24/1999
S-57580	S 44270	70064	–	10/9/1978 for 13.4 AF, and 7/25/1979 for 8.8 AF	Cinnamon and Phalarope Reservoirs constructed under Permit R 7636, tributaries of Indian Ford Creek	Supplemental Irrigation of 124.5 Acres	Right is limited to 22.2 AF of stored water only		22.2 AF	N/A	N/A	Certificate issued 2/24/1999
58200	S44005	76005	–	2/2/1979	Buck Butte Ranch Sewage Treatment Plant, a tributary of Indian Ford Creek	Irrigation of 55.9 Acres	0.83 CFS, limited to 1/50 CFS/Ac and 4.5 AF/Ac during irrigation season	0.83 cfs				Certificate issued 2/24/1995

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T.14S., R.9E., W.M.



Div. Pt. Loc.: 70'S. & 1280'E.; Well #3 Loc.: 250'S. & 700'E.; Both from NW Cor. Sec. 22.

Primary - Permit G-8503

Tr. 3483 & Supplemental Permit G-8503

SCALE: 1"=1320'

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FINAL PROOF SURVEY
UNDER

Transfer No. 3483

Application No. G-9119... Permit No. G-8503.....
IN NAME OF

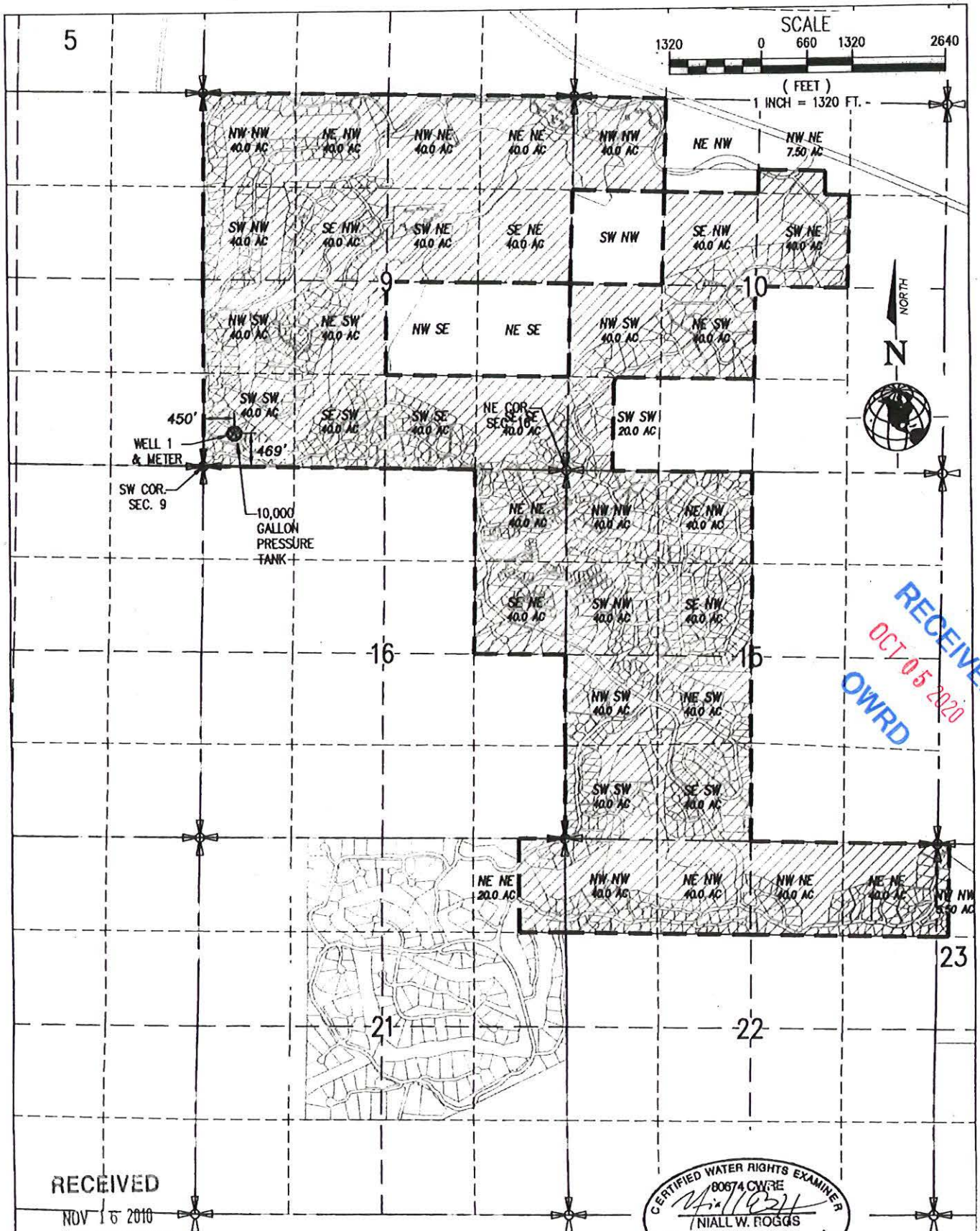
C-76002
C-76006

BLACK BUTTE RANCH ASSOCIATION

Surveyed JULY 27, 1988, by R.W. BISHOP.....

Revised 11/4/91 BJB
11/30/00
41017-279-1736 BJB

G-8503



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SALEM, OREGON

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CERTIFIED WATER RIGHTS EXAMINER
80674 CWRE
NIALL W. ROGGS
JUNE 8, 2009
STATE OF OREGON
EXPIRES: 12-31-2011

BLACK BUTTE RANCH ASSOCIATION
APPLICATION #G-7018
PERMIT #G-6797
T. 14S., R. 9E, W.M.

THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHTS. THIS MAP IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERY OWNERSHIP LINES.

NOTES:
1. PERMIT G-6797 IS FOR DOMESTIC USE
2. FOR TAXLOT INFORMATION, SEE SUPPLENTAL TAX MAPS
3. FOR WATER LINE LAYOUT SEE SUPPLEMENTAL AS-BUILT MAP

SHEET NUMBER 1 OF 1

CLAIM OF BENEFICIAL USE MAP
APPLICATION G-7018, PERMIT G-6797
BLACK BUTTE RANCH
PERMIT 6797 COBU

SHEET INFO	
DESIGNED	NWB
DRAWN	NWB
CHECKED	JEF
APPROVED	JEF
LAST EDIT	11/9/2010
PLOT DATE	11/9/2010

REVISIONS			
NO.	BY	DATE	REMARKS
1	NWB	11/10/10	REVISED PLACE OF USE

PROJECT NUMBER
DRAWING FILE NAME
SCALE 1" = 1320'

WHPacific
123 SW Columbia Street
Bend, OR 97702
541.388-4255 Fax 541-388-4279
www.whpacific.com

1029

LAYOUT: T 11380 PATH: U:\Land\Projects\Clients\7391-Black Butte Ranch\397-7391-001 WR & Water Rights\Drawings\CAD\BBR PLOTTED BY: harryman DATE: Tuesday, September 13, 2016 11:00:27 AM

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COBU MAP # 1029

BLACK BUTTE RANCH ASSOCIATION

CLAIM OF BENEFICIAL USE MAP
PERMIT G-8501, CERTIFICATE 86709 (CN), TRANSFER T-11380
SEPTEMBER, 2016
LOCATED WITHIN TOWNSHIP 14 SOUTH, RANGE 9 EAST, W.M.

SCALE
1320 0 660 1320 2640
(FEET)
1 INCH = 1320 FT.

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WELL NO. 1 & METER

10,000 GALLON PRESSURE TANK

WELL #2 & METER SEE WELL LOCATION MAP DETAIL

500,000 GALLON RESERVOIR & BOOSTER PUMP STATION

WELL #5 & METER SEE WELL LOCATION MAP DETAIL

"FOURTH NINE" DOMESTIC BOOSTER PUMP STATION

CLAIM OF BENEFICIAL USE MAP
1"=1320'

WELL LOCATION MAP DETAIL
1"=400'

1530'
1570'
BISHOP'S CAP
EXISTING WELL NO. 2
1236'
1292'
40'
EXISTING WELL NO. 5
HAWK'S BEARD

LEGEND

- WELL LOCATION
- SECTION LINE
- QUARTER SECTION LINE
- SIXTEENTH SECTION LINE
- TAXLOT LINE
- AREA OF USE FOR GROUP DOMESTIC WATER RIGHT FOR 155 FAMILIES. PRIORITY DATE – FEB. 2, 1979.
- SECTION CORNER

NOTE: THIS MAP WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF WATER RIGHTS. THIS MAP IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.

CERTIFIED WATER RIGHTS EXAMINER
80674 OWRE
NIALL W. BOGGS
JUNE 8, 2009
STATE OF OREGON
EXPIRES: 12-31-2017

PRELIMINARY

WR1.0	TRANSFER T-11380	CLAIM OF BENEFICIAL USE MAP BLACK BUTTE RANCH ASSOCIATION	Parametrix	REVISIONS / DATE / BY

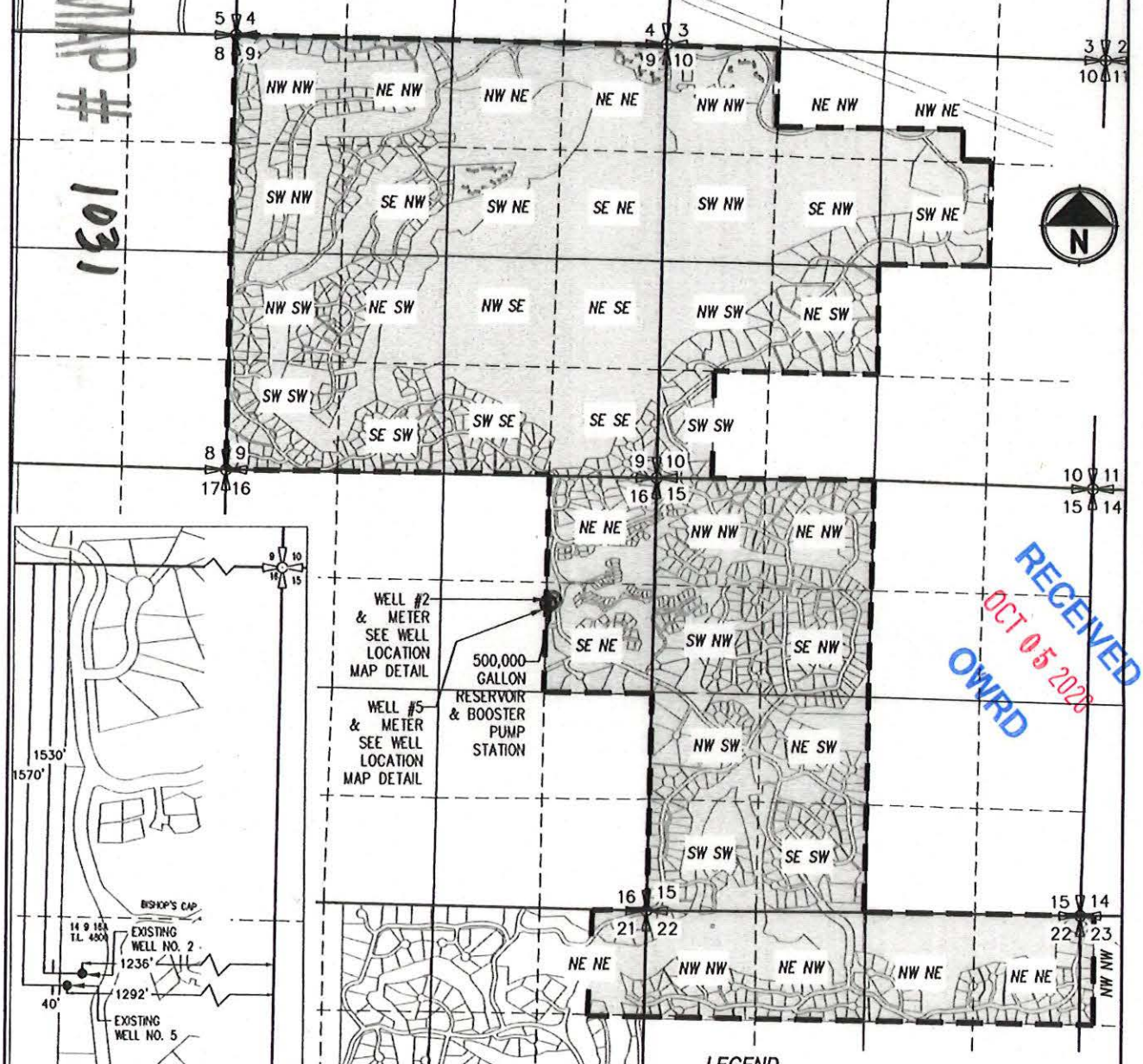
1031

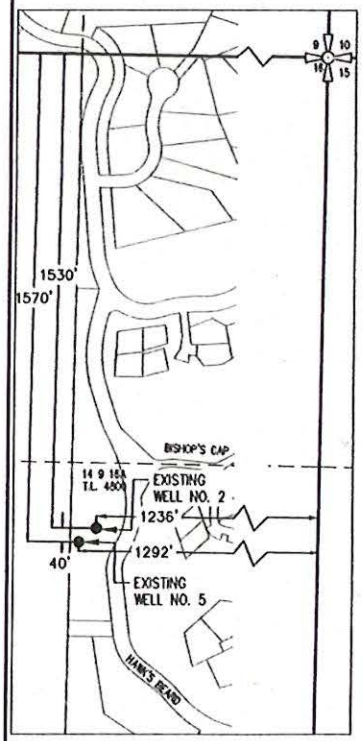
COBU MAP # 1031

BLACK BUTTE RANCH ASSOCIATION

CLAIM OF BENEFICIAL USE MAP
PERMIT G-17023 (SUPERCEDES PERMIT G-6796), TRANSFER T-11382
SEPTEMBER, 2016
LOCATED WITHIN TOWNSHIP 14 SOUTH, RANGE 9 EAST, W.M.

SCALE
1320 0 660 1320 2640
(FEET)
1 INCH = 1320 FT.





WELL LOCATION MAP DETAIL
1"=400'

CLAIM OF BENEFICIAL USE MAP
1"=1320'

LEGEND

- WELL LOCATION
- SECTION LINE
- QUARTER SECTION LINE
- SIXTEENTH SECTION LINE
- TAXLOT LINE
- AREA OF USE FOR DOMESTIC WATER RIGHT. PRIORITY DATE – JUNE. 25, 1975
- SECTION CORNER

NOTE: THIS MAP WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF WATER RIGHTS. THIS MAP IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.

CERTIFIED WATER RIGHTS EXAMINER
83874 OWRD
NIALL W. BOGGS
JUNE 8, 2009
STATE OF OREGON
EXPIRES: 12-31-2017

RECEIVED
OCT 05 2016
OWRD

RECEIVED
SEP 16 2016
OWRD

PRELIMINARY

WR3.0	DRAWING NO. 1 OF 1	TRANSFER T-11382	PROJECT NAME: CLAIM OF BENEFICIAL USE MAP — BLACK BUTTE RANCH PROPERTY MANAGEMENT CORPORATION

Parametrix

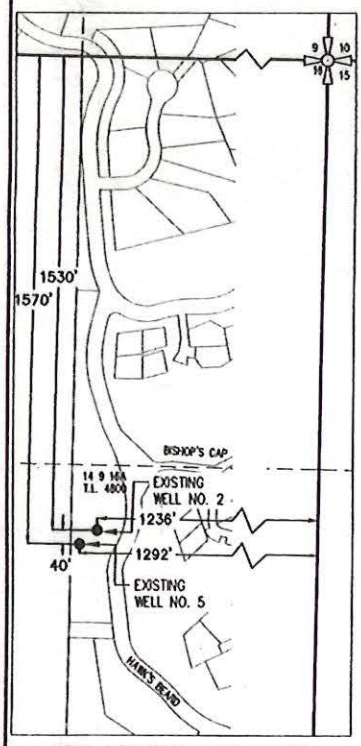
1030

BLACK BUTTE RANCH ASSOCIATION

CLAIM OF BENEFICIAL USE MAP
PERMIT G-11710, CERTIFICATE 85315 (CN), TRANSFER T-11381
SEPTEMBER, 2016
LOCATED WITHIN TOWNSHIP 14 SOUTH, RANGE 9 EAST, W.M.

SCALE
1320 0 660 1320 2640
(FEET)
1 INCH = 1320 FT.

COBU MAP # 1030



10,000 GALLON PRESSURE TANK

WELL #2 & METER SEE WELL LOCATION MAP DETAIL

WELL #5 & METER SEE WELL LOCATION MAP DETAIL

500,000 GALLON RESERVOIR & BOOSTER PUMP STATION

WELL NO. 4 & METER

"FOURTH NINE" DOMESTIC BOOSTER PUMP STATION

CLAIM OF BENEFICIAL USE MAP
1"=1320'

LEGEND

- WELL LOCATION
- SECTION LINE
- QUARTER SECTION LINE
- SIXTEENTH SECTION LINE
- TAXLOT LINE
- AREA OF USE FOR QUASI-MUNICIPAL WATER RIGHT. PRIORITY DATE – NOV. 18, 1991
- SECTION CORNER

NOTE: THIS MAP WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF WATER RIGHTS. THIS MAP IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.

CERTIFIED WATER RIGHTS EXAMINER
50574 OWRE
NIALL W. BOGGS
JUNE 8, 2009
STATE OF OREGON
EXPIRES: 12-31-2017

RECEIVED
OCT 05 2017
OWRD

PRELIMINARY

WR2.0	TRANSFER T-11381	CLAIM OF BENEFICIAL USE MAP BLACK BUTTE RANCH CORPORATION AND BLACK BUTTE RANCH ASSOCIATION	Parametrix	REVISIONS / DATE / BY

Oregon
Kate Brown, Governor

Water Resources Department
North Mall Office Building
725 Summer St NE, Ste A
Salem, OR 97301
Phone: 503-986-0900
Fax: 503-986-0904
www.Oregon.gov/OWRD

October 14, 2020

BLACK BUTTE RANCH CORPORATION
BLACK BUTTE RANCH ASSOCIATION
PO BOX 8000
BLACK BUTTE RANCH, OR 97759

Reference: Application T-13535

On October 5, 2020, we received your water right Transfer application. The application was accompanied by $7610.00. Our receipt number 133583 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the requested change. A review form will also be sent to our groundwater staff to determine whether the proposed well accesses the same source of water as the original well or as the original POD.

This application may require publication of a notice for two consecutive weeks in a newspaper with general circulation in the area where the water right is located. If it is determined that newspaper notice will be required, the Department will prepare the notice and notify you of the cost. You will be responsible for submitting payment to the Department prior to publication of the notice.

Except as provided under ORS 540.510(3) for municipalities, you may not use water for the new use, in the new place of use or from the new point of appropriation until a final order approving the transfer application has been issued by the Department. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right.

If the land is sold before the application is approved, the buyer's consent to the application will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

Refer to the following page for a chart showing the steps and expected timelines for the processing of your application.

If you have any questions, please contact the Transfer Section at (503) 986-0815.

Cc: Watermaster Dist. #11 *(via email)*
Niall Boggs, Agent
Deschutes County

Enclosure

Parametrix
ENGINEERING . PLANNING . ENVIRONMENTAL SCIENCES

150 NW PACIFIC PARK LANE, SUITE 110 | BEND, OR 97701 | P 541.508.7710

September 21, 2020
Parametrix No. 297-7391-002

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

Re: Black Butte Ranch
Transfer Application for Certificate Nos.92269, 92270, 92271, 86708, 76002

Dear Kelly:

Thank you for your continuing assistance with water rights for Black Butte Ranch (BBR) in Deschutes County. We appreciate the Department's assistance and guidance through the years. Enclosed is a combined transfer application for all five of BBR's certificated groundwater rights – Certificates 92269, 92270, 92271, 86708, and 76002. These groundwater rights have priority dates spanning from 1975 through 1991, and the variable places of use and points of appropriation for these rights reflect the development of Black Butte Ranch over time.

We are applying for this transfer application to update BBR's groundwater rights so that they better align with the water supply system in order to more effectively deliver water throughout BBR. The proposed changes in this transfer application generally consist of:

- Change the "Group Domestic" types of use to quasi-municipal use (except for 92270, which is already quasi-municipal).
- Modify the authorized places of use listed for the various rights to consistently include the entire service area of BBR's water system.
- Add any wells not included on each certificate as additional points of appropriation so that all wells are approved points of appropriation on all five rights[1].

Please note that Black Butte Ranch will be sending an application for expedited review under the Reimbursement Authority program, in a separate mailing.

The groundwater rights under Certificates 92269, 92270, 92271, 86708, and 76002 are critically important to the operations of Black Butte Ranch. Please carefully consider the application and never hesitate to contact me if you have questions or require additional information.

RECEIVED
OCT 05 2020
OWRD

Sincerely,

[1] BBR is not proposing to change the portions of the right for non-Group Domestic uses in Certificate 76002 (i.e. Irrigation, Supplemental Irrigation, and Fish Culture).

OREGON
WATER RESOURCES DEPARTMENT

RECEIVED
OCT 05 2020
OWRD

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Black Butte Ranch

PO Box 8000 Black Butte Ranch, OR 97759-8000

Transaction Type: Transfer Application

Fees Received: $ 7610.00

☐ Cash ☒ Check: Check No. 80141

Name(s) on Check: SAME

Address on Check: SAME

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,
OWRD Customer Service Staff

Submission received by: C. M. Middleton
(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt, and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (*i.e., the application or other document*).
- Date-stamp all pages. (*NOTE: Do not stamp check.*)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "*RECEIVED OVER THE COUNTER*" log sheet.
- Place the Submission Receipt with check/cash in the small top drawer (*i.e., "Fiscal Pick Up Drawer"*). Place the Submission Receipt with submission (*application/other document*) in the large bottom drawer.

Regular Permanent Water Right Transfer Application Checklist

Checked by TB **Date** 10-10-2020

(If OK, check box to left; if not, fill in the blank)

Certs & acres involved:

Changes: _____

cfs involved: _____

Source: _____

☑ 1. Page 1 of application: Are all attachments that have been checked actually included?
If not, what is missing? _____

☑ 2. Are fees included and correct? Fee paid: 7610 ✓

If not, the correct fee would be: _____, so the amount missing is: _____

► If a Government Action POD change (see: Page 5): NO CHARGE

*NOTE: [POD/APOD, POA/APOA, SW to GW, Gov Action] are all counted as one type
POU is counted as one type
[USE *or* (Supplemental to Primary)] are counted as one type

☑ 3. Page 3 of application: Have all the applicants listed at the top of the page signed?
If no, whose signature is missing? _____

☑ 4. Are all listed certificates or permits shown by WRIS as non-cancelled?
If no, which are cancelled? _____
For each cancelled certificate, if there has been a remaining right certificate issued that covers the lands in the left side of Table 2, list its number _____ and check the #4 box at left on this checklist.

☐ 5. If any certificate is in the name of a "district", is a Supplemental Form D from that district enclosed?
☑ N/A ☐ Form D needed from _____ (district)

6. If all #1-#5 boxes on this checklist are checked (with no remaining deficiencies identified), accept the application. Put this check sheet in the transfer folder. If #1, #2, #3, #4 or #5 on this checklist is deficient, the application cannot be accepted. It should be returned and the deficiencies listed in the "staff" section at the bottom of Application Page 1, unless the applicant or agent can resolve the deficiencies within 2-3 days.

	con ✓	con ✓	con ✓	con ✓	✓ cofk
C.	92269	92270	92271	86708	76002
	NC	NC	NC	NC	NC

3
350
× 4
1400

STATE OF OREGON

WATER RESOURCES DEPARTMENT

RECEIPT # 133704

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

INVOICE # _____

RECEIVED FROM: Black Butte Ranch Corporation

BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-13535

CASH: ☐ CHECK:# ☒ 80476 ☐ OTHER: (IDENTIFY) _____

TOTAL REC'D $ 1,244.48

1083 TREASURY 4170 WRD MISC CASH ACCT

0407	COPIES	47.24 R 11281-21	$
0412	OTHER:	(IDENTIFY) Rimbusement Authority	$ 1,244.48

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	$

		EXAM FEE		RECORD FEE
	WATER RIGHTS:			
0201	SURFACE WATER	$	0202	$
0203	GROUND WATER	$	0204	$
0205	TRANSFER	$		

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

_____ OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211	WELL CONST START FEE	$	CARD #	
0210	MONITORING WELLS	$	CARD #	

_____ OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

_____ TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ $ _____

RECEIPT: 133704 DATED: 10-19-2020 BY: _____

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

RECEIVED
OCT 19 2020
OWRD

REIMBURSEMENT AUTHORITY APPLICANT'S AGREEMENT
Contract Number: R11-281-21

This Agreement is between the **Oregon Water Resources Department**, hereafter OWRD, and Black Butte Ranch Corporation/Association, hereafter Applicant, hereafter known together as the parties.

OWRD Information		Applicant's Information		Applicant's Representative	
Contact:	**Kelly Starnes**	Name:	Black Butte Ranch	Name:	Parametrix
Title:	Transfer Advisor	Contact:	SWEN PETTERSON	Contact:	Niall Boggs, PE, CWRE
Address:	725 Summer Street, NE, Suite A Salem, OR 97301-1266	Address:	P.O. Box 8000 Black Butte Ranch, OR 97759	Address:	150 NW Pacific Park Lane Bend, OR 97701
Phone:	503 986-0886	Phone:	(541) 595-1280	Phone:	(541) 550-7694
Fax:	503 986-0901	Fax:		Fax:	
Email:	patrick.k.starnes@oregon.gov	Email:	spetterson@bbranch.org	Email:	nboggs@parametrix.com

Purpose The purpose of this Agreement is to expedite the processing of the **Transfer Application. (Application Number: T-13535)**

1. **Authority.** The OWRD has been authorized pursuant to ORS 536.055 to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.

2. **Restrictions.** Applicant and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.

3. **Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service.

4. **Consideration.**

    a. Applicant shall pay OWRD in advance for actual costs incurred by OWRD. The estimated maximum reimbursement payable to OWRD under this Agreement is **$1,244.48**. Applicant agrees to pay the full amount of **$1,244.48** to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost.

    b. The costs stated in this Agreement do not include the statutory application processing and filing fees.

5. **Confidentiality.** Applicant agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.

6. **Indemnity**. Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.

7. **Termination.** Applicant may request to terminate this agreement only in writing at anytime during the process. The Applicant agrees to pay for the work done by OWRD up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant, will refund any unspent balance.

8. **Funds Authorized and Available.** By its execution of this Agreement, Applicants certify that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.

9. **Duration of Estimate.** The Estimate of Time to completion is **approximately** 120 days once this Agreement has been fully executed and payment of the estimated cost deposited. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant may need to re-apply for a new estimate. NOTE: Any time estimate is approximate; No guarantee of Final Order issuance of a date is certain. Duration estimates do not include any statutory waiting periods.

10. **Completion Date.** OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information. **IMPORTANT:** Due to COVID-19 and actions taken by the State of Oregon to facilitate teleworking as a tool to help prevent the spread of the disease, Department processes for Reimbursement Authority may be unavoidably delayed.

11. **Captions.** The captions or headings in this Agreement are for the convenience only and in no way define, limit, or describe the scope, or intent, of any provision of this Agreement.

12. **Amendment and Merger.** The terms of this Agreement shall not be waived, altered, modified, supplemented or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.

13. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

For Applicant: _____ Utilities Manager — Name/Title: — 10/16/2020 Date

For OWRD: _____ Dwight French – Administrator — 10/22/2020 Date

Mail signed Agreement to:

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

STATE OF OREGON

WATER RESOURCES DEPARTMENT

RECEIPT # 133606

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

INVOICE # _____

RECEIVED FROM: Black Butte Ranch Corporation.

BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-13535

CASH: ☐ CHECK:# ☒ 80210 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D $ 125.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407	COPIES	47124 R11281-21	$
0412	OTHER:	(IDENTIFY) Reimbursement Authority	$ 125.00

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

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

WELL CONSTRUCTION

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

_____ OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211	WELL CONST START FEE	$	CARD #	
0210	MONITORING WELLS	$	CARD #	

_____ OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

_____ TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ $ _____

RECEIPT: 133606 DATED: 10-5-2020 BY: _____

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

OREGON WATER RESOURCES DEPARTMENT

TRANSFER REIMBURSEMENT AUTHORITY ESTIMATE APPLICATION

ORS 536.055 authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement.

Please contact Transfer Personnel before submitting this request; as the application fee is a non-refundable $125.00 fee per request. Checks submitted for this application should be separate from Transfer fees.

The purpose of this application is to obtain estimates of the cost and time required to process a Transfer Application Request. ***There is a non-refundable application fee of $125.00 per request.***

TYPE	FILE NUMBER
Transfer Application	T-13535 TO BE DETERMINED. TRANSFER FOR Transfer Number CERTIFICATES 92269, 92270, 92271, 86708, 76002

	Applicant Information	Applicant's Representative/Contact
Name:	BLACK BUTTE RANCH	NIALL BOGGS PE CWRE
Address:	P.O. Box 8000	c/o Parametrix
	BLACK BUTTE RANCH, OR 97759	150 NW PACIFIC PARK LANE BEND OR 97701
Phone:	541-595-1280	541-550-7694
Fax:		
E-Mail Address:	spetterson@6branch.org	nboggs@parametrix.com

I understand the following:

- That upon receipt of my non-refundable application fee of **$ 125.00**, OWRD will, within fourteen (14) days, notify me in writing of the estimate of costs and time frame for the expedited service.
- That this fee covers the reimbursement authority staff to evaluate and provide the estimate for processing of the request.
- That OWRD will, within fourteen (14) business days, notify me in writing of the estimates of costs and time frame for the expedited service.
- That upon receiving the estimate I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate application may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.
- Send completed Application and payment to:

  Oregon Water Resources Department
  Transfer Reimbursement Authority Program
  725 Summer St. NE, Suite A
  Salem, OR 97301-1271

Received by OWRD

OCT 05 2020

Salem, OR

I certify that I am the *(check one)*:

☒ Applicant ☐ Applicant's Representative ☐ Other *(Please specify)* _____

Name: Swen Petterson, Utilities Manager

Signature: _____

OWRD USE ONLY: Reimbursement Authority Number: R11-281-21

GOOGLE EARTH
IMAGERY DATE
6/28/2018

RECEIVED
OCT 05 2020
OWRD

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Pasqueflower
Fleabane
Ponderosa
Wolfberry
Alum Root
Salal
Speedwell
Balsam Root
Hawks Beard
Hedge Nettle
NF-180
Forsythia
Mahonia
Viola
Google Earth
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3000 ft

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OCT 05 2020
OWRD

GOOGLE EARTH IMAGERY DATE 6/28/2016

Black Butte Ranch
Black Butte Ranch

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