

# Mitigation Project



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

## Application for Water Right Transfer

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

### 1. TYPE OF TRANSFER APPLICATION

Please check one	
<input checked="" type="checkbox"/> Permanent Transfer	<input checked="" type="checkbox"/> Instream Transfer
<input type="checkbox"/> Temporary Transfer (1 to 5 yrs.)	<input checked="" type="checkbox"/> Permanent
• total number of years: _____	<input type="checkbox"/> Time-Limited
(begin year: _____)	<input type="checkbox"/> Drought Transfer
(end year: _____)	<input type="checkbox"/> Other

### 2. APPLICANT INFORMATION

Name: Deschutes River Conservancy & Smalley Irrigation District  
First Last

Address: 700 NW Hill St.

Bend OR 97701  
City State Zip

Phone: \_\_\_\_\_  
Home Work Other

Fax: (541) 382-4078 E-Mail address: zach@deschutesriver.org

### 3. AGENT INFORMATION

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

Name: \_\_\_\_\_  
First Last

Address: \_\_\_\_\_

\_\_\_\_\_  
City State Zip

Phone: \_\_\_\_\_  
Home Work Other

Fax: \_\_\_\_\_ E-Mail address: \_\_\_\_\_

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

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

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

	Application / Decree	Permit / Previous Transfer	Certificate
1.			C - 74145
2.			
3.			
4.			
5.			
6.			

- Attach a **separate Supplemental Form A** (*Description of Proposed Change(s) to a Water Right*) for **each** water right listed above.
- Check **all** proposed change(s) included in this transfer application:
  - Place of Use       Point of Diversion (POD)       Additional Point of Diversion
  - Character of Use       Point of Appropriation (POA, or well)       Additional POA
  - Instream Transfer       Surface Water POD to Ground Water POA
  - Substitution of Supplemental Groundwater right for Primary Surface water right
  - Historic POD change       Other
- Reason(s) for change(s): Permanent Instream Transfer

**5. WATER DELIVERY SYSTEM**

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

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

See Exhibit A

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- System capacity: 125 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

**6. EVIDENCE OF BENEFICIAL WATER USE**

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

**7. AFFECTED DISTRICTS**

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

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

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**8. LOCAL GOVERNMENTS**

- List the name and mailing address of all local governments (i.e., each county, city, municipal corporation, or tribal government within whose jurisdiction water will be diverted, conveyed or used).

Deschutes County Planning Dept  
 117 NW Lafayette Ave  
 Bend, OR 97701

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**9. LAND OWNERSHIP**

- Does the applicant own the lands **FROM** which the right is being transferred?  Yes  No

If "No", provide the following information. For Temporary Transfers, also include a **notarized statement granting consent** to the transfer from **each** of the landowners (for Permanent Transfers see Section 12(c)):

Names of Current Landowner(s): See quitclaim packets & supporting docs  
First Last

Address: \_\_\_\_\_

City State Zip

- Does the applicant own the lands **TO** which the right is being transferred?  
 Yes  No  N/A - NOT APPLICABLE TO INSTREAM TRANSFERS

If "No", provide the following information:

Names of Receiving Landowner(s): \_\_\_\_\_  
First Last

Address: \_\_\_\_\_

City State Zip

- Check **one** of the following:  
 The receiving landowner will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to this landowner.  
 The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.  
 N/A. (Not applicable. Application is for an Instream Water Right Transfer.)

**10. Other Remarks (optional)**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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**11. ATTACHMENTS**

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

**Supplemental Form A –**

**Description of Proposed Change(s) to a Water Right**

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

**Supplemental Form B –**

**Evidence of Use Affidavit(s)**

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

**Map**

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

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

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

**Land Use Information For Proposed Changes:**

*For Instream Transfers:*

- Notice of the intent to file an instream transfer application has been provided to each affected local government along the proposed reach, and copies of the notices are enclosed. (*For instream transfers a Land Use Information Form is not required.*)

*For All Other Transfers:*

- Land Use Information Form is enclosed; *or*
- All of the following criteria are met, therefore a Land Use Information Form is not required:
  - ❶ In EFU zone or irrigation district,
  - ❷ Change in place of use only,
  - ❸ No structural changes needed, including diversion works, delivery facilities, other structures, *and*
  - ❹ Irrigation only.

**Fees:**

- Amount enclosed: \$ 400 (\$400 + \$400) ÷ 2  
See the Department's Fee Schedule at [www.wrd.state.or.us](http://www.wrd.state.or.us) or call (503) 986-0900.

**Instream Water Right Transfers, also include:**

**Supplemental Form C –**

**Instream Water Right Transfer**

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

**Temporary Transfers, also include:**

**Recorded Deed:**

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

**Affidavit of Consent:**

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

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

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

**12. SIGNATURES**

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

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

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

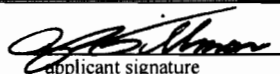
I (we) affirm that interest in the water right has been conveyed to someone other than the landowner, and documents, including a water right conveyance agreement, report of ownership and lien information, and any required lienholder notification are enclosed, demonstrating that I am (we are) authorized to pursue the transfer. I (we) understand that we may be required to provide additional information upon receipt of the draft Preliminary Determination.

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

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

I (we) affirm that this is a temporary transfer and a copy of the deed for the "from" land (and affidavits of consent from any other landowners, if applicable) is enclosed.

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

 applicant signature	Zachary Tillman DRC Transfers Mgr. name and title if applicable (print)	11-15-07 date
_____ applicant signature	_____ name and title if applicable (print)	_____ date

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**Water Right Transfer Supplemental Form A**  
**DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT**

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

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

▪ Certificate Number or other identifying number: 74145

**1. TYPE OF CHANGE(S) PROPOSED**

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
<input checked="" type="checkbox"/> <b>Change</b> (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> <b>Additional</b> (Both the old <u>and</u> new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> <b>Historic Point of Diversion or Appropriation Change</b> (Unauthorized point of diversion or appropriation used for more than 10 years.) <input type="checkbox"/> <b>Surface Water to Ground Water</b> (A new point of appropriation will be used <u>instead of</u> the old point of diversion. The old point of diversion will <u>not</u> be used.) <input type="checkbox"/> <b>Point of Diversion Change due to Government Action</b> (The old point of diversion or appropriation can no longer be used due to government action.) <input type="checkbox"/> <b>Exchange</b> (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	<input type="checkbox"/> <b>All of the right will be exercised at a different location than currently authorized</b> (Use of water at the current location will be discontinued.) <input checked="" type="checkbox"/> <b>Only a portion of the right will be exercised at a different location than currently authorized</b> (Use of water at the current location will be discontinued.)  <p align="center">1 10490</p>	Proposed new use: <input type="checkbox"/> Irrigation <input type="checkbox"/> Municipal <input type="checkbox"/> Quasi-municipal <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> <b>Instream</b> (complete and attach <i>Supplemental Form C</i> ) <input type="checkbox"/> <b>Domestic</b> (indicate number of households) _____ <input type="checkbox"/> <b>Other</b> _____  <input type="checkbox"/> <b>Substitution</b> (A supplemental ground water right will be substituted for a primary surface water right.) <input type="checkbox"/> <b>Supplemental Use to Primary Use</b> (Primary water right shall be cancelled and the supplemental water right will change to primary use.)  <p align="center"><b>RECEIVED</b>            NOV 23 2007            WATER RESOURCES DEPT            SALEM, OREGON</p>

**2. CURRENT WATER RIGHT INFORMATION**

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

<input checked="" type="checkbox"/> Certificated Right	<u>C- 74145</u>	_____
	Certificate Number	Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Non-certificated Right	_____	_____
	Name of Decree	Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	_____	_____
	Permit Number	Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed	_____	_____
	Previous Transfer Number	Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: Swalley Irrigation District
- County: Deschutes
- Authorized Use(s) to be Affected by Transfer: Irrigation
- Priority Date(s): September 1, 1899

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

- Source(s) of Water to be Affected by Transfer: Deschutes R.

Tributary to: Columbia R.

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

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

- Are there **Other Water Rights**, Permits or Ground Water Registrations associated with this land?
  - Yes
  - No
  - N/A – No Change in Place of Use or Character of Use

*If "Yes", what are the Permit, Registration or Certificate Numbers?* \_\_\_\_\_

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

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▪ Certificate Number or other identifying number: 74145

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

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

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

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

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L- )	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
	Deschutes R. 9-1-1899	17 S.	12 E		29	SE NE		985 Ft. North, 617 Ft. West from East corner of Section 29

- Does the water right being transferred involve a ground water source(s)?  
 Yes      No (Surface water source only.)

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

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

or

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

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

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

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
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▪ Certificate Number or other identifying number: 74145

**3. PROPOSED CHANGES TO THE WATER RIGHT**

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

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

(i.e., the "TO" point(s) of diversion or appropriation)  N/A - Instream Water Right Transfer

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

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)

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

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

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

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

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

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

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## Water Right Transfer Supplemental Form C INSTREAM WATER RIGHT TRANSFER

- Permanent Instream Transfer**      or       **Time-Limited Instream Transfer**  
Please contact the Department with any questions on filling out this form. Attach additional pages, if necessary.

**1. Identify the public use for which the instream right is requested (check one).**

- Conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values.       Recreation  
 Navigation  
 Pollution Abatement

**2. Instream use proposed to be created by the instream transfer:**

Originating Water Right Number (as identified in the transfer application)	Priority Date	Source	Proposed Instream Period	Rate (cfs)*	Volume (ac-ft)**
C-74145	9-1-1899	Deschutes R.	4/1 → 11/1	0.17	55.35
				See Exhibit B	
<b>Total Volume:</b>					

\* To calculate rate (if other than the rate allowed by the right), divide the volume by the number of days in the period and then divide by 1.983471; or

\*\* To calculate volume, multiply the rate by the number of days in the period and then multiply by 1.983471.

The quantity allocated during any period may not exceed the quantity that may be used under the existing right during that period. The total volume of water for the year may not exceed the total volume of water that may be used during the year under the existing right.

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Additional information: \_\_\_\_\_

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**3. Identify the location of the proposed instream water right.**

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- Water is requested to be protected at a point.  
Location (i.e. the point of diversion (POD), or if the water right has more than one POD or if a POD is not described on the water right, please provide the legal description): \_\_\_\_\_

- Water is requested to be protected within a reach.  
Location of proposed reach (if an instream water right reach is requested, identify the upstream and downstream extent of the reach): POD → Lake Billy Chinook (RM 145 → RM 120)

**4. Recommendations for conditions on the instream use to avoid taking away or impairing existing water rights.**

- None  
 Other (such conditions may include, but are not limited to, reductions in the instream flow levels in cfs per month or total ac-ft, the effective reach(es) or lake levels of the instream flow, measuring locations and the strategy for monitoring the instream flow or lake levels): \_\_\_\_\_

5. Are there any existing instream water rights at the same point or within the same requested reach(es) or lake, or on a portion thereof:

- No  Yes (identify other instream water rights): \_\_\_\_\_

OWRD maintains a current list of instream water rights

New instream water rights generally (but not always) are additive to instream water rights established under ORS 537.348 (instream transfer application process) and ORS 537.470 (allocation of conserved water) and replace a portion of instream water rights established under ORS 537.341 (state agency application process) or ORS 537.346 (conversion of minimum perennial streamflows) with an earlier priority date.

Is it your intent to have the proposed instream water right transfer be additive to any instream water right established under ORS 537.348 and ORS 537.470 and replace a portion of any instream water right established under ORS 537.341 and ORS 537.346 with an earlier priority date?

- Yes  No. If no, please explain your intent below.

If the proposed conversion would add to the amounts of an existing instream water right(s) established under ORS 537.341 or 537.346, provide documentation demonstrating why additional instream flows are necessary. Supporting documentation should include information from the Dept. of Fish and Wildlife (ODFW) (fish life), Dept. of Environmental Quality (DEQ) (pollution abatement), and/or Parks and Recreation Dept. (recreation).

6. Is the requested instream flow intended to exceed the estimated average natural flow or level occurring from the drainage system?

- No; or  
 Yes (Provide supporting documentation that demonstrates why additional flows are significant for the public use requested.); or

Yes, and it is presumed that flows that exceed the estimated average natural flow or natural lake levels are significant because:

- The requested flow does not exceed the maximum amount of any instream water right application applied for under ORS 537.341 (state agency instream water right application process) for the same reach or portion thereof, and the requested public use is for the same public use as the aforementioned instream water right application; and
- For the specified time period that flows are requested to exceed the estimated average natural flow or lake level, the stream is in an ODFW flow restoration priority watershed (A copy of the priority watershed map indicating the specific watershed involved should be included with the application. Priority watershed maps may be found on the OWRD web page); or
- The stream is listed as water quality limited and DEQ has provided scientific information that demonstrates that increased flows would improve water quality. (The scientific information provided by DEQ should be included with the transfer application.)

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7. For a time-limited instream transfer, please answer the following:

- The time-limited instream transfer is for a specific number of years:  
Begin Year \_\_\_\_\_ to End Year \_\_\_\_\_
- The time-limited instream transfer is to terminate based upon other conditions:  
Conditions: \_\_\_\_\_

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***Exhibit A***  
***SID #3, 10.0 acres, Mitigation Project***

All water rights being transferred are diverted at Swalley Irrigation District's Main Diversion (Headworks) structure.

The Swalley Irrigation District Main Diversion is located at Township 17 South, Range 12 East, Section 29 (SENE); 985 Feet North and 617 Feet West from the East ¼ Corner of Section 29.

The Head Works is constructed of concrete and steel with a radial arm flow control structure. There is a fish screen and a fish bypass device. Flow is diverted into a 56" (interior) diameter steel pipe with a capacity of 125 cubic feet per second.

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1 10490

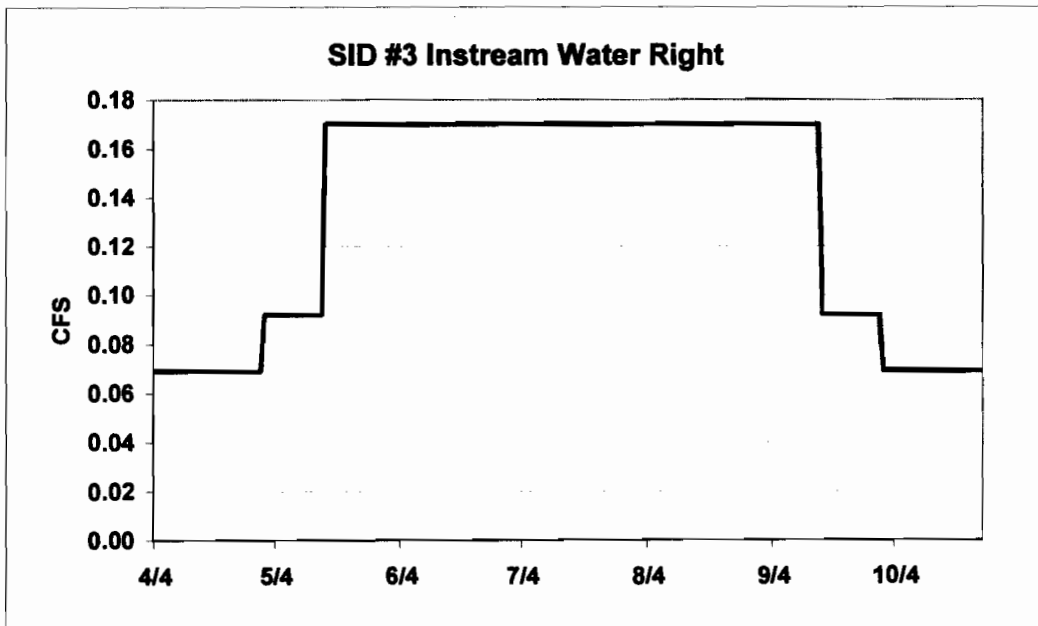
**Exhibit B**

**Instream Water Right  
SID#3**

<b>Instream Rates</b>	<b>1900</b>
Season 1	0.069 CFS
Season 2	0.092 CFS
Season 3	0.170 CFS

Instream Duty 55.35 Acre-Feet

<b>Seasons are as follows:</b>	
Season 1	4-1 through 5-1 & 10-1 through 10-25
Season 2	5-1 through 5-15 & 9-15 through 10-1
Season 3	5-15 through 9-15



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

# Water Right Transfer Supplemental Form Map Waiver

The Director may waive or assist a transfer applicant in satisfying the map requirement (OAR 690-380-3100) for certain transfers if the criteria described in this form are met pursuant to OAR 690-380-3410.

This form must be prepared by the transfer applicant and the appropriate Regional Manager for the Oregon Water Resources Department. To prepare the form, a copy of the complete transfer application, including a description of the water rights to be transferred, must be provided to the Regional Manager.

This map waiver form must be signed by the Regional Manager and submitted with the transfer application.

Transfer Applicant: DRC & SID

Water Right(s) to be transferred: C-74145

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1. The transfer **must** be one of the following. Please check the appropriate box.

- An instream transfer application filed pursuant to ORS 537.348.
- A transfer application necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.375; or
- The transfer application is determined and endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat.

2. For an **instream transfer application filed pursuant to ORS 537.348**, a map waiver shall only be approved if the application meets one of the following additional criteria. Please check the appropriate box.

- The entirety of the right is being transferred to an instream water right and the location of the instream water right can be clearly delineated through reference to the existing point of diversion for the transferred right and other points of diversion or geographic reference points such as the mouth of the stream; or
- A map meeting the requirements of the transfer rules (OAR 690-380-3100) is available showing the lands not included in the transfer and the location of the instream water right can be clearly delineated through reference to the existing point of diversion for the transferred right and other points of diversion or geographic reference points such as the mouth of the stream. (Please include copy of map(s) with transfer application.)

3. For a **transfer application meeting any one of the criteria identified in #1** (including an instream transfer application), a map waiver may also be approved if other circumstances are present that make an application map unnecessary. If #2 does not apply, but circumstances are present that make an application map unnecessary, describe those circumstances below:

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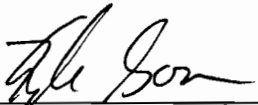
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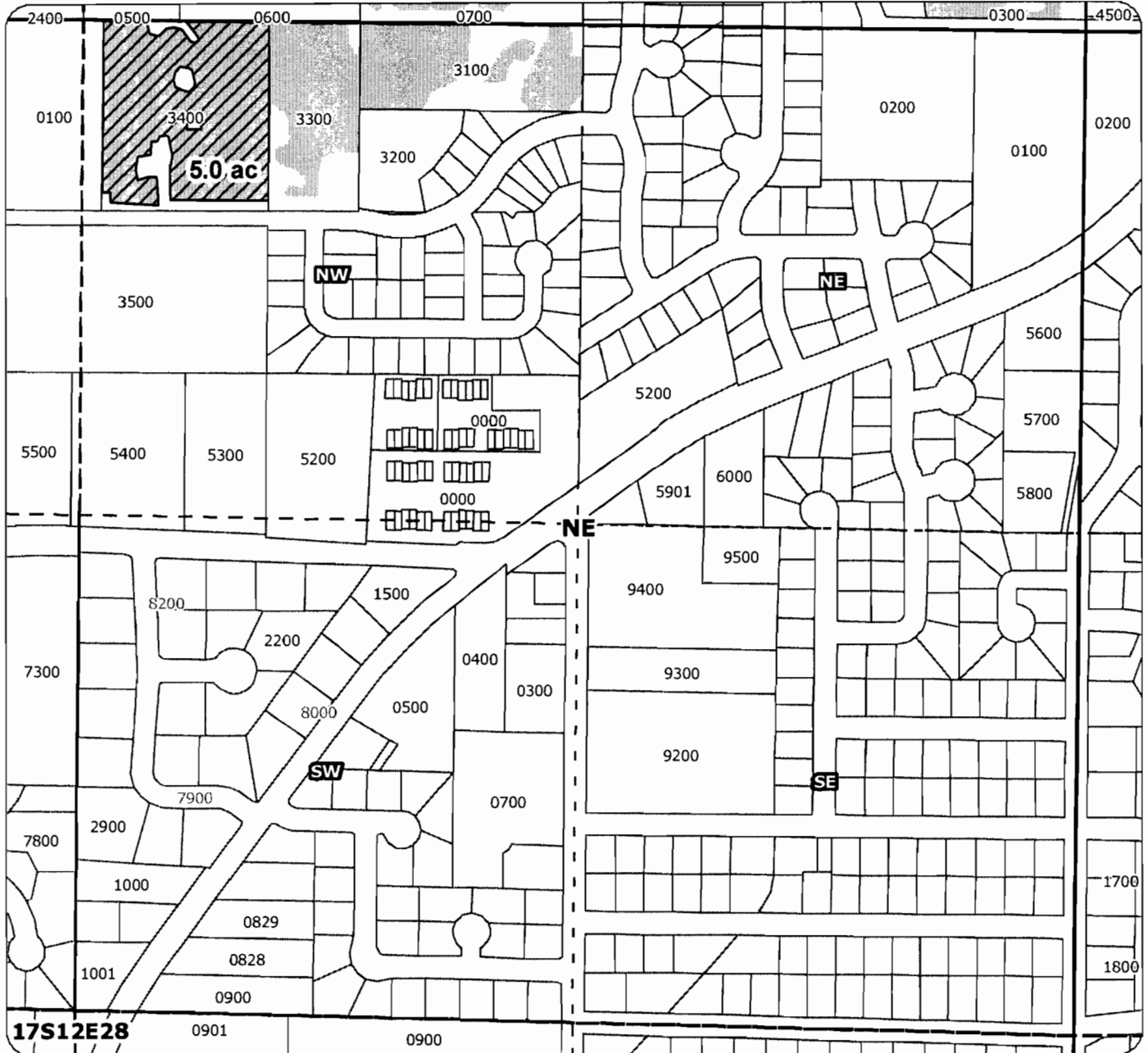
4. For any transfer application meeting one or more of the criteria identified in #1 that does not meet the criteria for a map waiver as described in #2 or #3, the Department may assist the applicant in development of the application map. The Department (through the regional office) may provide this assistance at the discretion of the appropriate Regional Manager. Please check the appropriate box below if the Department has provided assistance in development of the transfer application map:

- A map meeting the requirements of OAR 690-380-3100 has been prepared by Department staff and is included with the transfer application.
- The map provided with the transfer application has been developed with assistance from Department staff and meets the requirements of OAR 690-380-3100.


Signature:  Date: 11-1-07  
OWRD Regional Manager, SC Region

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# 2008 Swalley Irrigation District and Deschutes River Conservancy Permanent Instream Transfer Map



## Application for Permanent Instream Transfer

 Proposed Transfer of Irrigation Rights

 Water Rights



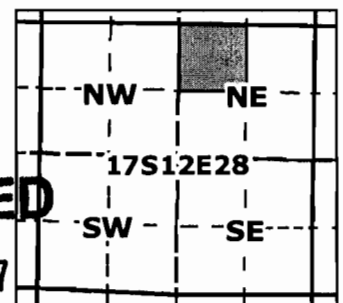
**Geo-Spatial Solutions, Inc.**  
www.geospatialsolutions.com

for  
Swalley Irrigation District  
5 acres  
taxlot 3400  
(171228NWNE)

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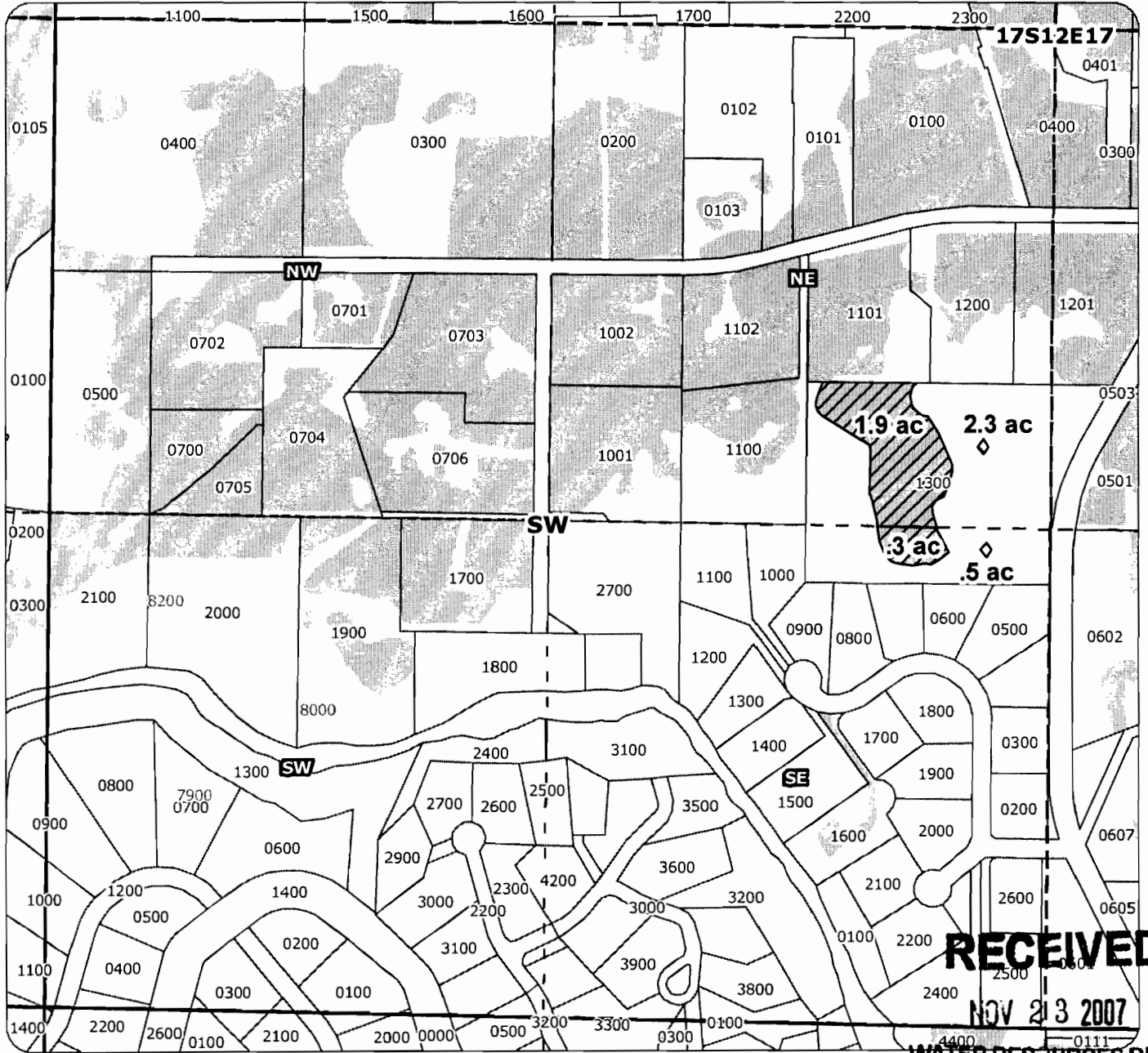
WATER RESOURCES DEPT  
SALEM, OREGON



Date Created: October 2007




T 10490  
1 inch equals 400 feet

# 2008 Swalley Irrigation District and Deschutes River Conservancy Permanent Instream Transfer Map

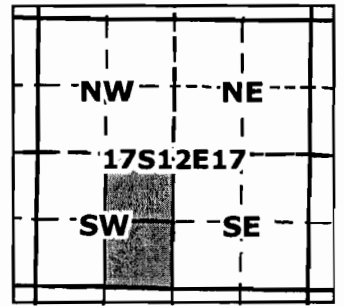


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## Application for Permanent Instream Transfer

-  Proposed Transfer of Irrigation Rights
-  Proposed Transfer of Dust Abatement Rights\*  
\*Diamond denotes Unmapped Water Right
-  Water Rights

for  
 Swalley Irrigation District  
 1.9 acres of Irrigation Rights  
 2.3 acres of Dust Abatement Rights  
 taxlot 1300  
 (171217NESW)  
 .3 acres of Irrigation Rights  
 .5 acres of Dust Abatement Rights  
 taxlot 1300  
 (171217SESW)



  
**Geo-Spatial Solutions, Inc.**  
[www.geospatialsolutions.com](http://www.geospatialsolutions.com)

Date Created: October 2007 1 10490 1 inch equals 400 feet

NE¼ SW¼	400	IRR	1.200	3 & 15	Kiesow, Daniel
NE¼ SW¼	1001	IRR	2.000	3 & 15	Buchman, William L. & Kitty
NE¼ SW¼	1002	IRR	2.250	3 & 15	Marsh, William R.
NE¼ SW¼	1100	IRR	1.000	3 & 15	Ledbetter, Carol Lynne
NE¼ SW¼	1101	IRR	1.700	3 & 15	Harris, Barbara A.
NE¼ SW¼	1102	IRR	2.000	3 & 15	McCormick, Benedict J. & Christie
NE¼ SW¼	1200	IRR	1.500	3 & 15	McMahon, Thomas & Margaret
NE¼ SW¼	1201	IRR	0.400	3 & 15	Smith, Elsie
NE¼ SW¼	1300	DUST	2.300	3 & 15	Rim Rock Riders
NE¼ SW¼	1300	IRR	1.900	3 & 15	Rim Rock Riders
NW¼ SW¼	300	IRR	3.600	3 & 15	Perrigan, Lemuel & Vonda
NW¼ SW¼	400	IRR	3.500	3 & 15	Conner, Nancy
NW¼ SW¼	500	IRR	2.000	3 & 15	Keown, Don & Judy
NW¼ SW¼	700	IRR	0.500	3 & 15	Cameron, Dean
NW¼ SW¼	701	IRR	1.000	3 & 15	Norgaard, Edward G.
NW¼ SW¼	702	IRR	2.000	3 & 15	Ford, Dean W. & Zona
NW¼ SW¼	703	IRR	3.000	3 & 15	Sherrill, Robert & Mary
NW¼ SW¼	704	IRR	1.750	3 & 15	Sporalsky, Dennis
NW¼ SW¼	705	IRR	0.750	3 & 15	Danison, L.W. & Arlene
NW¼ SW¼	706	IRR	2.000	3 & 15	Cross, Phillip W. & Susan J.
SW¼ SW¼	600	IRR	1.000	3 & 15	Cameron, Dean
SW¼ SW¼	601	IRR	1.000	3 & 15	Thomas, Robert & Bonnie
SW¼ SW¼	800	IRR	2.000	3 & 15	McCarthy, John M.
SW¼ SW¼	801	IRR	2.000	3 & 15	Baser, Joshua B. & Susan M.
SE¼ SW¼	1300	DUST	0.500	3 & 15	Rim Rock Riders
SE¼ SW¼	1300	IRR	0.300	3 & 15	Rim Rock Riders
SE¼ SW¼	2800	IRR	1.000	8	Holt, Dennis E. & Dona R.
NE¼ SE¼	101	IRR	4.000	3 & 15	Cook, James A. & Ruby
NE¼ SE¼	599	IRR	3.000	3 & 15	Cook, Ken & Linda
NW¼ SE¼	200	IRR	2.000	3 & 15	Miller, Lynn S. Marcum
NW¼ SE¼	201	IRR	2.000	3 & 15	Schulzke, Richard A. & Mary
NW¼ SE¼	300	IRR	1.000	3 & 15	Gertz, Robert E.
NW¼ SE¼	302	IRR	0.500	3 & 15	Josse, Mary Ann
NW¼ SE¼	400	IRR	1.300	3 & 15	Kiesow, Daniel
NW¼ SE¼	401	IRR	0.300	3 & 15	Kiesow, Daniel
NW¼ SE¼	500	IRR	6.100	3 & 15	Hanson, Don F. & Anne E.
NW¼ SE¼	501	IRR	1.500	3 & 15	Defoe, Margery M.
NW¼ SE¼	502	IRR	2.500	3 & 15	Pearson, Eldon & Donna
NW¼ SE¼	503	IRR	2.000	3 & 15	Bower, Jack A. & Coraliss
NW¼ SE¼	1201	IRR	2.600	3 & 15	Smith, Elsie
SW¼ SE¼	602	IRR	2.000	3 & 15	Gardner, Edgar & Jean
SW¼ SE¼	606	IRR	2.000	3 & 15	Norris, Walter
SW¼ SE¼	607	IRR	1.000	3 & 15	Jensen, Gregg & Catherine
SW¼ SE¼	609	IRR	1.500	3 & 15	Elliott, Pat
SW¼ SE¼	610	IRR	1.500	3 & 15	Berkson, Eve
SW¼ SE¼	612	IRR	1.000	3 & 15	Jensen, Gregg & Catherine
SW¼ SE¼	614	IRR	2.200	3 & 15	Elliott, Pat
SW¼ SE¼	616	IRR	3.300	3 & 15	Elliott, Pat
SE¼ SE¼	604	IRR	5.500	3 & 15	Hoey, John E. & Davis Ann
SE¼ SE¼	609	IRR	4.000	3 & 15	Elliott, Pat
SE¼ SE¼	615	IRR	2.000	3 & 15	Nettleton, Don
SE¼ SE¼	700	IRR	0.250	3 & 15	Jamison, James W. & Carol
Section 17					
NW¼ NE¼	104	IRR	0.700	3 & 15	Elkins, Doris E.
NW¼ NE¼	105	IRR	3.200	3 & 15	Elkins, Doris E.
SW¼ NE¼	104	IRR	0.300	3 & 15	Elkins, Doris E.
SW¼ NE¼	105	IRR	21.000	3 & 15	Elkins, Doris E.
SE¼ NE¼	105	IRR	8.000	3 & 15	Elkins, Doris E.

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SE¼ NE¼	1400	IRR	8.600	3 & 15	Brinson, Edna
NE¼ NW¼	200	IRR	2.000	3 & 15	OCAT Inc.
NE¼ NW¼	400	IRR	2.600	3 & 15	Kennedy, Robert
NE¼ NW¼	800	IRR	1.500	3 & 15	Warren, Perry W. & Shelley L.
NE¼ NW¼	1000	IRR	2.000	3 & 15	Cleveland, Wallace T.
NE¼ NW¼	1100	IRR	3.000	3 & 15	Campbell, Michael L. & Sharon B.
SE¼ NW¼	400	IRR	0.400	3 & 15	Kennedy, Robert
SE¼ NW¼	800	IRR	0.500	3 & 15	Warren, Perry W. & Shelley L.
NW¼ SW¼	1300	IRR	0.500	3 & 15	Hauth, Arlene
NW¼ SE¼	100	IRR	3.300	3 & 15	Brinson, Edna
SW¼ SE¼	700	IRR	2.000	3 & 15	Beall Jr., Imrie Gustaf
SE¼ SE¼	200	IRR	3.000	3 & 15	Rumgay, Richard & Roxylee
SE¼ SE¼	300	IRR	3.000	3 & 15	Rumgay, Richard & Roxylee

Section 21

NE¼ NE¼	100	NUR	31.300	3 & 15	U.S. Forest Service
NW¼ NE¼	100	NUR	17.000	3 & 15	U.S. Forest Service
SW¼ NE¼	100	NUR	7.900	3 & 15	U.S. Forest Service
SE¼ NE¼	100	NUR	30.400	3 & 15	U.S. Forest Service
SE¼ NE¼	100	NUR	40.000	3 & 15	U.S. Forest Service
NW¼ SW¼	400	IRR	1.000	3 & 15	Verley, Rupert M.
NW¼ SW¼	401	IRR	1.000	3 & 15	Dornath, Terry
NW¼ SW¼	403	IRR	2.000	3 & 15	Detroit, Kenneth & Jo Ann
SW¼ SW¼	601	IRR	1.000	3 & 15	Grandma's House
SW¼ SW¼	602	IRR	1.500	3 & 15	Rumgay, Richard & Roxylee
SW¼ SW¼	700	IRR	3.000	3 & 15	MacFarlane, Lloyd & Lydia
SW¼ SW¼	4800	IRR	1.000	3 & 15	Deschutes County
NE¼ SE¼	102	IRR	4.000	3 & 15	Bend Metro Park & Recreation Dist.
NE¼ SE¼	200	IRR	2.100	3 & 15	Trinity Lutheran Church
NE¼ SE¼	300	IRR	2.200	3 & 15	Trinity Lutheran Church
NE¼ SE¼	1600	IRR	4.800	3 & 15	Babcock Bros. Inc.
NW¼ SE¼	1500	IRR	2.250	3 & 15	Putnam, Mary S.
NW¼ SE¼	1501	IRR	3.000	3 & 15	Al-Hajeri, Yousuf I. & May
NW¼ SE¼	1600	IRR	11.000	3 & 15	Babcock Bros. Inc.
NW¼ SE¼	1600	PND	0.200	3 & 15	Babcock Bros. Inc.
NW¼ SE¼	1603	IRR	3.000	3 & 15	Thompson, Doris

Section 22

NW¼ NW¼	1800	NUR	21.600	3 & 15	U.S. Forest Service
SW¼ NW¼	1800	NUR	8.800	3 & 15	U.S. Forest Service

Section 23

NW¼ NE¼	200	IRR	5.000	3 & 15	Rose, Patrick & Erin Hunter
NW¼ NE¼	300	IRR	2.800	3 & 15	Sampels, Dennis & Hazel
NW¼ NE¼	1600	IRR	2.000	3 & 15	Bestwick, Mary Jean
NW¼ NE¼	1700	IRR	2.000	3 & 15	Steffy, Steve & Mona
NE¼ NW¼	300	IRR	2.300	3 & 15	Sampels, Dennis & Hazel
NE¼ NW¼	301	IRR	0.100	3 & 15	Sampels, Dennis & Hazel
NE¼ NW¼	900	IRR	1.500	3 & 15	Bright, Lawrence
NW¼ NW¼	400	IRR	3.200	3 & 15	Oregon Dept. of Transportation
NW¼ NW¼	600	IRR	2.000	3 & 15	Oregon Dept. of Transportation
NW¼ NW¼	700	IRR	4.400	3 & 15	Moye, Esther

Section 28

SE¼ NE¼	0	IND*	13.625	3 & 15	Deschutes Reclamation & Irrigation
SW¼ SE¼	90000	IRR	2.000	2	Bend Riverside Motel

Section 29

3400

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D-D Cnt=1 Str=23 SRB  
\$10.00 \$11.00 \$10.00 \$5.00

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# Deschutes County Clerk

## Certificate Page



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If this instrument is being re-recorded, please complete the following statement, in accordance with ORS 205.244:

Re-recorded to correct [give reason] Legal Description  
previously recorded in Book 2006 and Page 68689  
or as Fee Number \_\_\_\_\_





Lawnae Hunter

# EXHIBIT A

**Acct# #2084**

**Total Water Rights: 5.00**

**Legal Description:**

**T17S-R12E-WM-SEC 28-NW/NE-03400**

**Taxlot**

**171228AB03400**

**Serial#**

**118684**

**WR Acres:**

**5.00**

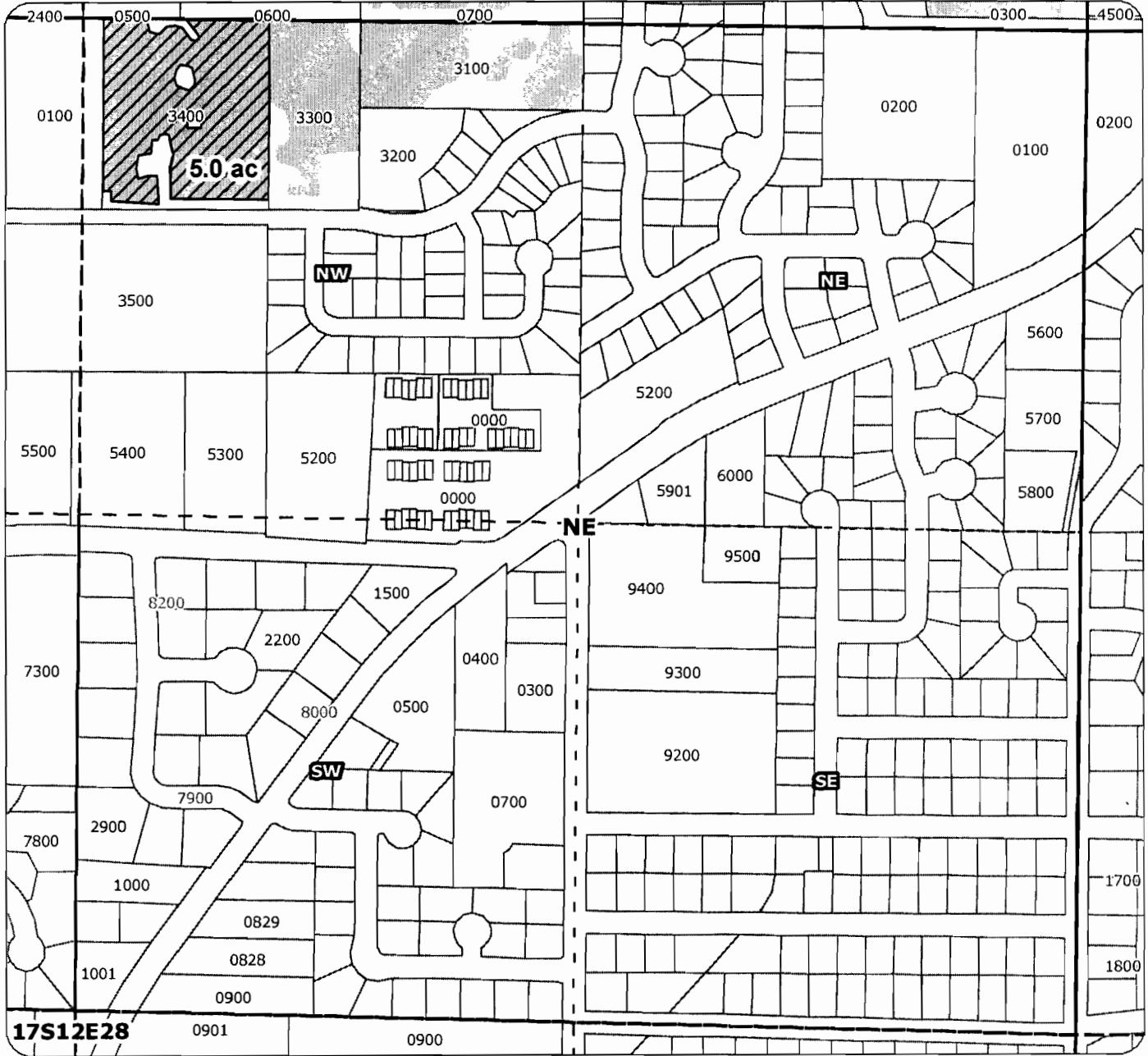
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**NOV 23 2007**


**WATER RESOURCES DEPT  
SALEM, OREGON**

T 10490

# 2008 Swalley Irrigation District and Deschutes River Conservancy Permanent Instream Transfer Map



## Application for Permanent Instream Transfer

 Proposed Transfer of Irrigation Rights

 Water Rights



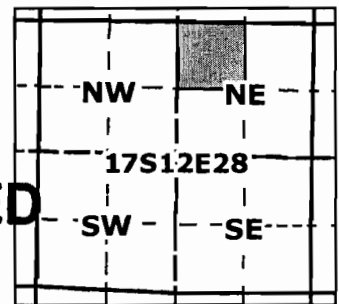
Geo-Spatial Solutions, Inc.  
www.geospatialolutions.com

for  
Swalley Irrigation District  
5 acres  
taxlot 3400  
(171228NWNW)

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SALEM, OREGON



Date Created: October 2007

T 10490

1 inch equals 400 feet



## IRRIGATION DISTRICT PUBLIC RECORD REPORT

### THIS REPORT IS FOR THE EXCLUSIVE USE OF:

Deschutes River Conservancy  
700 NW Hill St  
Bend OR 97701  
Attn: Zach Tillman

Date Prepared : April 19, 2007  
Report #1  
Title Officer : Chuck Nichols

### CONDITIONS, STIPULATIONS AND DEFINITIONS

#### (I) Definitions:

- (a) "Customer": The person or persons named or shown on this cover sheet
- (b) "Public records": Those records which by the laws of the state of Oregon impart constructive notice of matters relating to said land.
- (c) "Land": The land specifically described in this public record report and improvements affixed thereto which by law constitute real property.

#### (II) Liability of AmeriTitle:

- (a) This Is Not A Commitment To Issue Title Insurance And Does Not Constitute A Policy Of Title Insurance.
- (b) The liability of AmeriTitle for errors or omissions in this public record report is limited to the amount of the fee paid by the customer, provided, however, that AmeriTitle has no liability in the event of no actual loss to the customer.
- (c) No costs (including without limitation attorney fees and other expenses) of defense, or prosecution of any action, is afforded to the customer.

#### (III) Report Entire Contract:

Any right or action or right of action that the customer may have or may bring against AmeriTitle arising out of the subject matter of this report must be based on the provisions of this report. No provision or condition of this report can be waived or changed except by a writing signed by an authorized officer of AmeriTitle. By accepting this form report, the customer acknowledges and agrees that the customer has elected to utilize this form of public record report and accepts the limitation of liability of AmeriTitle as set forth herein.

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SALEM, OREGON

T 10490

**Irrigation District Public Record Report  
Conditions, Stipulations and Definitions, continued..**

(IV) Fee:

The fee charge for this Report does not include supplemental reports, updates or other additional services of AmeriTitle.

**REPORT**

Effective Date: October 13, 2006  
Reference: DRC-34

A. The Land referred to in this public record report is located in the County of Deschutes, State of Oregon, and is described as follows:

Tract Two (2), BOYDS ACREAGE, Deschutes County, Oregon.

B. As of the Effective Date and according to the public records, we find the last deed of record runs to:

LAWNAE HUNTER, Trustee of the Hunter Family Trust under  
Declaration of Trust dated May 27, 1998

C. As of the Effective Date and according to the public records, the Land is the subject of the following chain of conveyances and contracts to convey title during the period beginning on the recording date of the earliest recorded instrument shown below and ending on the recording date of the Latest recorded instrument shown below:

Instrument : Warranty Deed  
Recorded : May 5, 2005  
Document No.: 2005-27739, Deschutes County Records  
Grantor : Patrick Rose and Erin Rose, as tenants by the entirety  
Grantee : Lawnae Hunter, Trustee of the Hunter Family Trust under  
Declaration of Trust dated May 27, 1998

Instrument : Quitclaim Deed for Transfer of Interest in a Water Right  
Recorded : October 13, 2006  
Document No.: 2006-68689, Deschutes County Records  
Grantor : Lawnae Hunter  
Grantee : Swalley Irrigation District  
Rerecorded: March 6, 2007  
Volume-Page: 2007-13579, Deschutes County Records

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

73684 51

DESCHUTES COUNTY OFFICIAL RECORDS  
NANCY BLANKENSHIP, COUNTY CLERK

2005-27739



\$51.00

00361054200500277390010018

05/05/2005 11:57:52 AM

THIS SPACE RE

D-D Cnt1 Stn2 PAT  
\$5.00 \$11.00 \$10.00 \$5.00 \$20.00

After recording return to:  
The Hunter Family Trust under Declaration of  
Trust dated May 27, 1998  
204 E Enos Drive, Suite C  
Santa Maria, CA 93454

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

The Hunter Family Trust under Declaration of  
Trust dated May 27, 1998  
204 E Enos Drive, Suite C  
Santa Maria, CA 93454

Esrow No. BT073684CF

STATUTORY WARRANTY DEED

Patrick

Patrick Rose and Erin Rose, as tenants by the entirety, Grantor(s) hereby convey and warrant to LAWRENCE  
Hunter, Trustee of the Hunter Family Trust under Declaration of Trust dated May 27, 1998, Grantee(s)  
the following described real property in the County of Deschutes and State of Oregon, free of encumbrances except as  
specifically set forth herein:

Tract Two (2), BOYDS ACREAGE, Deschutes County, Oregon.

Account no. 118684 171228AB 03400

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

The true and actual consideration for this conveyance is PURSUANT TO AN IRC 1031 TAX DEFERRED  
EXCHANGE ON BEHALF OF GRANTOR/GRANTEE.

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

Dated this 3<sup>rd</sup> day of May, 2005

Patrick Patrick Rose  
Erin Rose

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SALEM, OREGON

STATE OF CALIFORNIA Florida  
COUNTY OF Collier Linda Anderson, Notary

On May 3, 2005 before me, Patrick Rose and Erin Rose personally appeared Patrick Rose and  
Erin Rose personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacity(ies), and that  
by their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the  
instrument.

WITNESS my hand and official seal.

Signature Linda Anderson



After recording, return to  
AmeriTitle  
15 OREGON AVENUE, BEND

1 10490

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

State of Oregon )  
 ) ss  
 County of Deschutes )

I, Karl Conklin, in my capacity as Field Operations Manager,  
 mailing address 64672 Cook Ave., Suite 1, Bend, OR 97701  
 telephone number ( 541 ) 388-0658, being first duly sworn depose and say:

1. I attest that:

- Water was used during the previous five years on the entire authorized place of use of the water right proposed for transfer as described on the accompanying transfer application, or
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.

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

- Personal observation
- Professional expertise

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

Township		Range		Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
17	S	12	E	WM	28	NW/NE	03400	5.00

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(continues on reverse side)

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

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

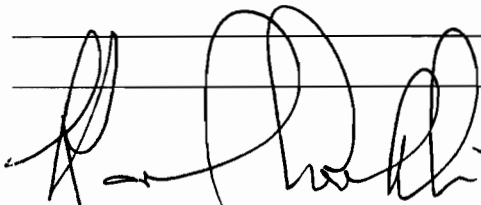
5. The water delivery system used to apply water as authorized by the right is described below:  
Via pipeline; Valued turnout

6. One or more of the following documentation supporting the above statements is attached:
- Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
  - Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
  - Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers,
  - Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph,
  - Dedicated power usage records or receipts,
  - Other: \_\_\_\_\_

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SALEM, OREGON



Signature of Affiant

10/3/07  
Date

Signed and sworn to (or affirmed) before me this 3<sup>rd</sup> day of October, 2007.



Kathy Ferguson  
Notary Public for Oregon

My Commission Expires: 1-5-2010

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

**Swalley Irrigation District**

**Lawnee Hunter -  
17-12-28-AB-03400**

- District Boundary
- Road Labels
- Township Range
- Sections
- Section Labels
- Quarters
- Quarter Labels
- Quarter Quarters
- Quarter Quarter Labels
- Lot Labels
- Tracts
- Gate
- SCADA Sensor
- Lateral Headgate
- Private Line
- Canal All
- Canal Open
- Canal Piped
- LEASES ACTIVE
- Transfers with T Number
- Rivers



Scale 1" = 200'  
Created: 10/2/2007



DISCLAIMER: This map is intended for display purposes only and is not intended for any legal representations. There are no warranties, expressed or implied, that accompany this product.

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## Certificate Page



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SALEM, OREGON

If this instrument is being re-recorded, please complete the following statement, in accordance with ORS 205.244:

Re-recorded to correct [give reason] Legal Description  
previously recorded in Book 2006 and Page 68688  
or as Fee Number \_\_\_\_\_



80501228200600686880020025

10/13/2006 02:25:23 PM

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

QUITCLAIM DEED  
FOR TRANSFER OF INTEREST IN A WATER RIGHT

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

Grantor, KDV, LLC releases and quitclaims to **Swalley Irrigation District (SID)** all rights, title and interest in the following: By this agreement and signed transfer application form, Grantor, the owner of the lands listed in Exhibit A, release their claim and responsibility for **5.00 acres** of Swalley Irrigation District water right that are appurtenant to the lands listed in Exhibit A, to Swalley Irrigation District. Swalley Irrigation District may elect to complete the transfer application and submit it to the Water Resources Department for approval of use of the water right at a new location and/or use. Swalley Irrigation District may attach this agreement to the Oregon Water Resources Department's lease form and file with the District's annual Short Term Water Right Lease Agreement.

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

Furthermore, upon signing of this agreement and the accompanying transfer application KDV, LLC shall no longer be liable for any district assessment or charges pertaining to the **5.00 acres** of water right incurred after the date of signing. The water right in question is further described as a portion of certificate # 74145, priority of 1899, located:

~~T17S-R12E-WM-SEC16-NE/NE-00100 & T17S-R12E-WM-SEC16-NW/NE-00100~~

This agreement is binding upon the heirs, executors, administrators, successors, and permitted assigns of the parties to this agreement. Consideration for this Quitclaim is \$5,000.00.

Grantor:

[Signature] Date 8/4/06  
Date \_\_\_\_\_

State of Oregon SS.  
County of Deschutes

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



Kathy Ferguson  
My commission expires 1-5-2010

[Signature] Date 8/4/06

Janet L. Lee, Manager  
State of Oregon SS.  
County of Deschutes

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



Kathy Ferguson  
My commission expires 1-5-2010

Tax statement: No change.

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SALEM, OREGON

KDV, LLC Tim Vezie

## EXHIBIT A

**Acct# #2134**

**Total Water Rights: 5.00**

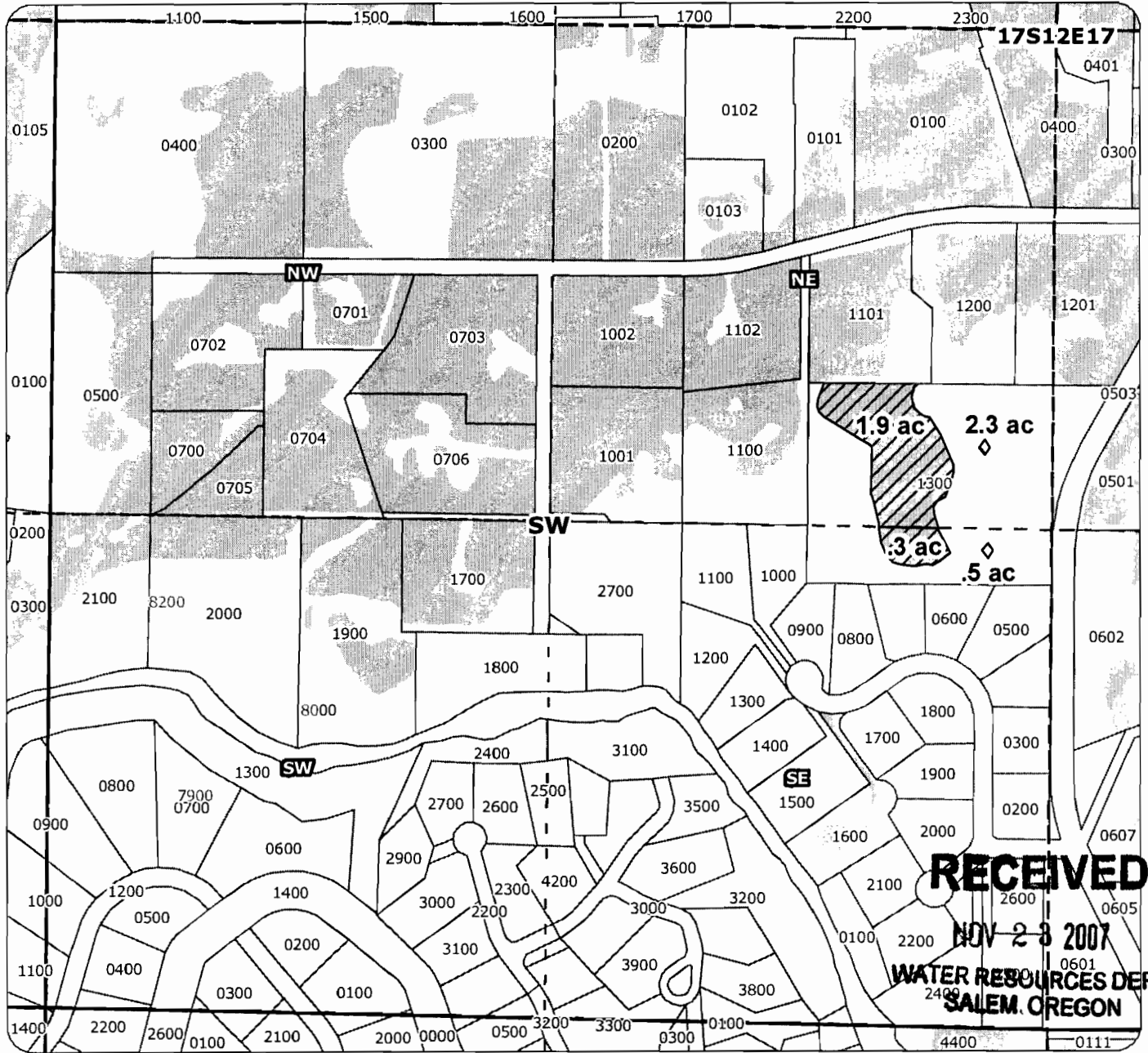
<b>Legal Description:</b>	<b>Taxlot</b>	<b>Serial#</b>	<b>WR Acres:</b>
<b>T17S-R12E-WM-SEC 17-NE/SW-01300</b>	<b>171217CA01300</b>		<b>4.20</b>
<b>T17S-R12E-WM-SEC17-SE/SW-01300</b>	<b>171217CD01300</b>		<b>.80</b>

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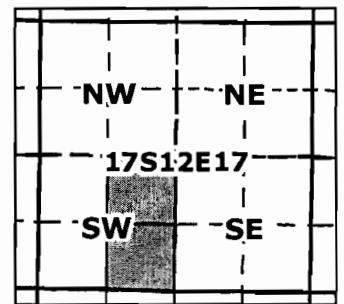
# 2008 Swalley Irrigation District and Deschutes River Conservancy Permanent Instream Transfer Map



## Application for Permanent Instream Transfer

-  Proposed Transfer of Irrigation Rights
-  Proposed Transfer of Dust Abatement Rights\*
- \*Diamond denotes Unmapped Water Right
-  Water Rights

for  
 Swalley Irrigation District  
 1.9 acres of Irrigation Rights  
 2.3 acres of Dust Abatement Rights  
 taxlot 1300  
 (171217NESW)  
 .3 acres of Irrigation Rights  
 .5 acres of Dust Abatement Rights  
 taxlot 1300  
 (171217SESW)



**Geo-Spatial Solutions, Inc.**  
[www.geospatialolutions.com](http://www.geospatialolutions.com)

Date Created: October 2007

1 10490 1 inch equals 400 feet



## IRRIGATION DISTRICT PUBLIC RECORD REPORT

### THIS REPORT IS FOR THE EXCLUSIVE USE OF:

Deschutes River Conservancy  
700 NW Hill St  
Bend OR 97701  
Attn: Zach Tillman

Date Prepared : April 19, 2007  
**Report #1**  
Title Officer : Chuck Nichols

### CONDITIONS, STIPULATIONS AND DEFINITIONS

#### (I) Definitions:

- (a) "Customer": The person or persons named or shown on this cover sheet
- (b) "Public records": Those records which by the laws of the state of Oregon impart constructive notice of matters relating to said land.
- (c) "Land": The land specifically described in this public record report and improvements affixed thereto which by law constitute real property.

#### (II) Liability of AmeriTitle:

- (a) This Is Not A Commitment To Issue Title Insurance And Does Not Constitute A Policy Of Title Insurance.
- (b) The liability of AmeriTitle for errors or omissions in this public record report is limited to the amount of the fee paid by the customer, provided, however, that AmeriTitle has no liability in the event of no actual loss to the customer.
- (c) No costs (including without limitation attorney fees and other expenses) of defense, or prosecution of any action, is afforded to the customer.

#### (III) Report Entire Contract:

Any right or action or right of action that the customer may have or may bring against AmeriTitle arising out of the subject matter of this report must be based on the provisions of this report. No provision or condition of this report can be waived or changed except by a writing signed by an authorized officer of AmeriTitle. By accepting this form report, the customer acknowledges and agrees that the customer has elected to utilize this form of public record report and accepts the limitation of liability of AmeriTitle as set forth herein.

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**Irrigation District Public Record Report  
Conditions, Stipulations and Definitions, continued..**

(IV) Fee:

The fee charge for this Report does not include supplemental reports, updates or other additional services of AmeriTitle.

**REPORT**

Effective Date: October 13, 2006  
Reference: DRC-33

A. The Land referred to in this public record report is located in the County of Deschutes, State of Oregon, and is described as follows:

Tract Sixteen (16), GLEN VISTA, Deschutes County, Oregon.

B. As of the Effective Date and according to the public records, we find the last deed of record runs to:

KDV, LLC

C. As of the Effective Date and according to the public records, the Land is the subject of the following chain of conveyances and contracts to convey title during the period beginning on the recording date of the earliest recorded instrument shown below and ending on the recording date of the Latest recorded instrument shown below:

Instrument : Warranty Deed  
Recorded : December 12, 2005  
Document No.: 2005-85155, Deschutes County Records  
Grantor : Rimrock Riders, Oregon Corporation  
Grantee : KDV, LLC

Instrument : Quitclaim Deed for Transfer of Interest in a Water Right  
Recorded : October 13, 2006  
Document No.: 2006-68688, Deschutes County Records  
Grantor : KDV, LLC  
Grantee : Swalley Irrigation District  
Rerecorded: March 6, 2007  
Volume-Page: 2007-13554, Deschutes County Records

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



31

After recording return to:  
HDV, LLC  
P.O. BOX 5014  
ALOHA, OR 97707

Until a change is requested all tax statements  
shall be sent to the following address:  
HDV, LLC  
P.O. BOX 5014  
ALOHA, OR 97707

**WARRANTY DEED -- STATUTORY FORM**

RIMROCK RIDERS, OREGON COOPERATION, Grantor,

conveys and warrants to

KDV, LLC, Grantee,

the following described real property, free of encumbrances except as  
specifically set forth herein, to wit:

Tract 16, GLEN VISTA, Deschutes County, Oregon.

Tax Account No(s): 118002, CODE 1-001  
Map/Tax Lot No(s): 17-12-17-C0-01300

This property is free from encumbrances, EXCEPT: All those items of record, if  
any, as of the date of this deed, including any real property taxes due, but  
not yet payable.

The true consideration for this conveyance is \$1,306,650.00 .

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

Dated this 2nd day of December, 2005.

RIMROCK RIDERS, OREGON COOPERATION

BY: Bobbi D. Elliott  
BOBBI D. ELLIOTT,  
PRESIDENT

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SALEM OREGON

STATE OF OREGON, COUNTY OF DESCHUTES ) SS.

This instrument was acknowledged before me on December 2, 2005 by RIMROCK  
RIDERS, OREGON COOPERATION BOBBI D. ELLIOTT PRESIDENT.

Jill Jones  
(Notary Public for Oregon)  
My commission expires \_\_\_\_\_



TITLE NO. 15-0028505  
ESCROW NO. 15-0028505

RECORDED BY  
WESTERN TITLE & ESCROW CO.

1 10490

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

State of Oregon )  
 ) ss  
 County of Deschutes )

I, KARL F. CONKLIN, in my capacity as Field Supervisor,

mailing address 64672 Cook Ave., Suite 1, Bend, OR 97701

telephone number ( 541 ) 388-0658, being first duly sworn depose and say:

1. I attest that:

- Water was used during the previous five years on the entire authorized place of use of the water right proposed for transfer as described on the accompanying transfer application, or
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.

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

- Personal observation
- Professional expertise

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

Township	Range		Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)	
17	S	12	E	WM	17	NE/SW	01300	4.20
17	S	12	E	WM	17	SE/SW	01300	.80

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(continues on reverse side)

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



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

pasture, dust abatement.

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

pressurized system being pumped out of a cistern

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

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

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*Karl F. Rubin*  
Signature of Affiant

8/04/06  
Date

Signed and sworn to (or affirmed) before me this 4 day of August, 2006.



*Kathy Ferguson*  
Notary Public for Oregon

My Commission Expires: 1-5-2010

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

# Swalley Irrigation District



KDV - 17-12-17-C01300

- District Boundary
- Road Labels
- Township Range
- Sections
- Section Labels
- Quarters
- Quarter Labels
- Quarter Quarters
- Quarter Quarter Labels
- Lot Labels
- Trickets
- Gate
- SCADA Sensor
- Lateral Headgate
- Private Line
- Canal All
- Canal Open
- Canal Piped
- LEASES ACTIVE
- Transfers with T Number
- Rivers



Scale 1" = 200'  
Created: 10/2/2007

DISCLAIMER: This map is prepared for display purposes only, and is not intended for any legal representations. There are no warranties, express or implied, that accompany this product.

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