



State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900

Application for Short-Term Instream Lease Pooled Lease Form

A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/publication/reports/index.shtml.

Pursuant to ORS 537.348(2) and OAR 690-077-0077

Optional Identification by Lessor/Lessee: _____
Lease Agreement Number (assigned by WRD): 6-774

This Lease Agreement is between:

Lessor #2: Irrigation District or Other Water Purveyor

(Name) Arnold Irrigation District
(Mailing address) PO Box 9220
(City, State, Zip Code) Bend, OR 97708
(Telephone number) 541-382-7664
(Email address) aidist@bendbroadband.com

The water right to be leased is located in _____ County.

Lessee (if different than Oregon Water Resources Department):

(Name) Deschutes River Conservancy
(Mailing address) 700 NW Hill St
(City, State, Zip Code) Bend, OR 97702
(Telephone number) 541-322-4079
(Email address) _____

Trustee:

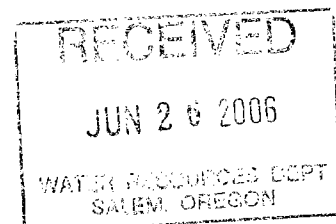
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
(503) 986-0900

~I~ Ownership and Water Right Information

- 1.2 Lessor #2 is the (Check one):
- Official representative of Arnold Irrigation District, the irrigation district, which conveys water to the subject water rights.
 - Another party with an interest in the subject water rights representing _____.
 - Not applicable.

- 1.3 For the lands being leased, list all water rights appurtenant to the lessor's property. Indicate if there are any supplemental or overlying rights.

Certificate No. 74197 & Supplemental 76714



1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. Yes No

1.5 **Subject water rights.** Lessor proposes to lease the water rights listed in 1.3. The right(s) to be leased are further described as follows:

Certificate No.: 74197

Priority date: February 1 and April 25, 1905 Type of use: IRRIG

Legal Season of Use: April 1 - October 31

If an irrigation right, total number of acres to be leased: 105.49

Total acre-feet of storage to be leased, if applicable: _____

Maximum rate associated with subject water rights (cfs) being leased: 3.609

If there is more than one rate associated with a water right, describe below:

Season 1 (cfs) February 1, 1905 - 0.612, April 25, 1905 - 1.467

Time period: See Certificate 74197

Season 2 (cfs) February 1, 1905 - 0.612, April 25, 1905 - 2.103

Time period: See Certificate 74197

Season 3 (cfs) February 1, 1905 - 0.612, April 25, 1905 - 3.008

Time period: See Certificate 74197

Maximum duty associated with subject water rights (ac-ft): 1,626.66

Conditions or other limitations, if any: _____

If you need to enter another leased right, please use the additional water rights form.

~II~ Instream Water Right Information

2.1 **Public use.** This lease will increase streamflows, which will benefit:

Conservation, maintenance and enhancement of aquatic and fish life, wildlife, and fish and wildlife habitat

Pollution abatement

Recreation and scenic attraction

2.2 **Instream use created by lease.** The instream use to be created is described as follows:

Deschutes River

Tributary to Columbia River in the Deschutes Basin.

Describe the point of diversion (POD) and any associated reach(es) of the instream use being created. If possible list the reach by river mile. If no reach is identified, and there is only one POD listed on the certificate, the lease will be processed to be protected at the POD. (If more than one POD is listed on the certificate, then the POD and any associated reach(es) must be identified): canal diversion river mile 174.5 to Lake Billy Chinook river mile 120

Maximum volume in acre-feet: February 1905 - 89.37, April 1905 - 362.75

Rate in cfs: Season 1 - February 1, 1905 - 0.211, April 25, 1905 - 0.513

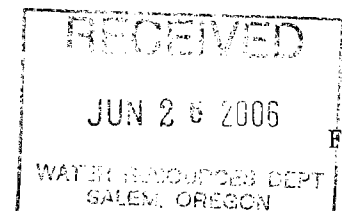
(Use the section below to indicate a more restrictive period of use than allowed by the water right.)

Rate in cfs: Season 2 - February 1, 1905 - 0.214, April 25, 1905 - 0.736

Rate in cfs: Season 3 - February 1, 1905 - 0.214, April 25, 1905 - 1.053

Conditions to prevent injury, if any:

None



The instream flow will be allocated on a daily average basis up to the described rate from April 1 through October 31.

Other (describe): _____

If you need to enter more instream uses, please use the additional water rights form.

2.3 Term of lease. This lease shall terminate on October 31, 2006.

2.4 Flow protection. The Trustee will regulate use of water from the source, subject to prior appropriation and the agency enforcement guidance, to assure the water is delivered to the point of diversion, and through the reach past junior downstream users, so long as flow is sufficient to meet the demand under priority date of the new instream use (see section 2.2). As part of regulation activities the watermaster or a designee has access to the point of diversion and place of use for the water rights involved in this lease. No party is required to continuously measure the flow of the waterway described in Section 2.2.

~III~ Other Information

3.1 Accuracy. The Undersigned Lessor/s, Lessee and Trustee declare that, to the best of their knowledge and belief, the information contained in this lease is true, correct and complete. If after the lease is signed, any information is determined to be false, the lease may be modified or terminated. This lease only exercises the water rights being leased; for the term of the lease; it shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.

3.2 Lease. All Lessors agree to lease the water rights listed in 1.4 for instream use for the term of this Agreement through Lessee to Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077-0077.

3.3 Precedent. If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077- 0070 or OAR 690-077-0075 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.

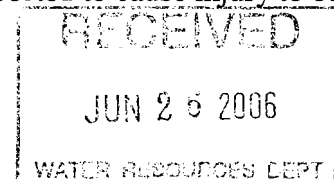
3.4 Suspension of original use. During the period of the lease, the owner agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights. In the event that a supplemental water right is not part of this lease, it may be subject to forfeiture.

3.5 Termination provision.

For multiyear leases, lessor shall have the option of terminating the lease each year, prior to the lease being exercised (_____), with 30 day written notice to the Department.

For multiyear leases, lessor shall not have the option of terminating the lease each year, prior to the lease being exercised, with written notice to the Department.

3.6 Modification to prevent injury. Allocation of water to the instream use described in Section 2.2 during the term of this lease is not reasonably expected to cause injury to other



rights to use water from the same source. If injury is found after this lease is signed, the lease may be modified or terminated to prevent injury.

3.7 Fees. Effective October 1, 2003, pursuant to ORS 536.050 (1)(v) (2003 SB 820), the following fee is included:

- \$200 for an application with four or more landowners or four or more water rights.
 \$100 for all other applications.

Lessor #2: Arnold Galt Date: 6/15/06
Arnold Irrigation District

Lessee: Genevieve Hubert Date: 6/16/06
Deschutes River Conservancy

Other Attachments as Needed:

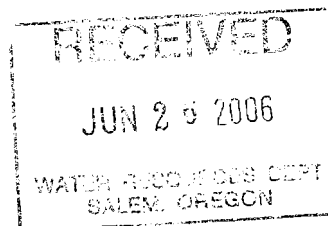
Attachment 1: Tax Lot Map of Lessor's Property (required if landowner is not the sole landowner to lands for which the subject water rights are appurtenant)

Attachment 2: Detailed map illustrating lands under subject rights to be leased (required if only part of a right is being leased instream).

Attachment 3: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 is checked)

Attachment 4: Split Season Instream Use Form

Attachment 5: Pooled Lease Landowner Form





State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
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Additional Water Right Form
for Pooled
Instream Lease

A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/publication/reports/index.shtml.

~I~

Section 1.2 continued from Pooled District Form.

Subject Water Rights. District and Landowners propose to lease the water rights listed in Attachment 5.

The right(s) to be leased are further described as follows:

Certificate No.: Supplemental 76714
Priority date: Februray 28, 1913 Type of use: Supplemental Irrigation
Legal Season of Use (if not listed on the certificate): April 1 - October 31
If an irrigation right, total number of acres to be leased: 105.49
Total acre-feet of storage to be leased, if applicable:
Rate associated with leased rights (cfs): N/A
Rate associated with leased rights (cfs): 1,626.66
Rate associated with leased rights (cfs):
Duty associated with leased rights (AF):
Duty associated with leased rights (AF):
Duty associated with leased rights (AF):
Conditions or other limitations, if any:

~II~

Section 2.2 continued from Pooled District Form.

Instream use created by lease. The instream use to be created is described as follows:

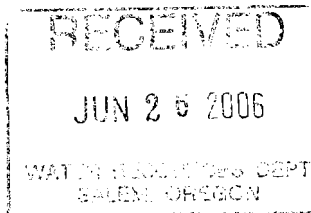
Crane Reservoir River
Tributary to Deschutes River in the Deschutes Basin.

Describe the point of diversion and any associated reach(es) of the instream use being created. If possible list the reach by river mile, if no reach is identified, the lease may be processed to be protected at the point of diversion): canal diversion river mile 174.5 to Lake Billy Chinook river mile 120

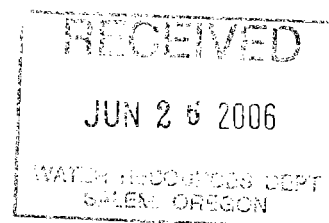
Total volume (AF): 324.77
Total volume (AF):
Total volume (AF):
Rate in cfs:
Rate in cfs:
Rate in cfs:

Conditions to prevent injury, if any:

- None
The instream flow will be allocated on a daily average basis up to the described rate from April 1 through October 31



Other (describe): _____



**This table will calculate flow rate factors and duty for Arnold Irrigation District
Instream Leases**



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

Rate (CFS) associated with leased rights for Section 1.5 of the Lease Application Form			
The rate and duty identified in this section includes the 65% transmission loss.			
Enter Rates by Priority Date on Lease Form	Full Rate	February 1, 1905	April 25, 1905
Season 1	2.068	0.602	1.467
Season 2	2.705	0.602	2.103
Season 3*	3.609	0.602	3.008
* The rate identified for Season 3 has been proportioned such that the max rate allowed by the right (150.0 CFS) will not be exceeded if all acres were being irrigated.			
Duty (AF) associated with leased right for Section 1.5 of the Lease Application Form			
Duty (decree) AF/Acre =	15.42		
	1,626.66		

Enter Rates by Priority Date on Lease Form	Full Rate	February 1, 1905	April 25, 1905
Season 1	0.724	0.211	0.513
Season 2	0.947	0.211	0.736
Season 3	1.263	0.211	1.053

	# days	AF/Season	Duty (decree) AF/Acre =	5.40
Season 1	61	87.59	Total =	569.33
Season 2	30	56.33	Feb. 1905 portion =	89.37
Season 3	123	308.20	April 1905 portion =	362.75
		452.12		

Water protected instream: April 1 through October 31

Duty Associated with Leased Right for Section 1.5 of the Additional Water Right Form
1,626.66

324.77

RECEIVED
JUN 26 2006
WATER RIGHTS DIVISION



State of Oregon
Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1271
 (503) 986-0900

Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/publication/reports/index.shtml.

Pursuant to ORS 537.348(2) and OAR 690-077-0077

Optional Identification by Lessor/Lessee: _____
 Lease Agreement Number (assigned by WRD): C-774

This Lease Agreement is between:

Lessor #1 (Landowner):

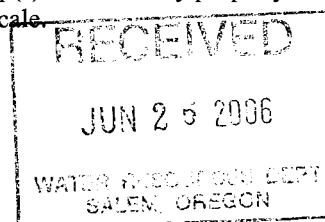
(Name) Avion Water Company
 (Mailing address) 60813 Parrell Rd
 (City, State, Zip Code) Bend, OR 97702
 (Telephone number) 541-382-5342
 (Email address) _____

If additional landowners, enter landowner information below

Note: The numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the same information as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always sequential.

~I~ Ownership and Water Right Information

- 1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township ____, Range ____, Section _____ and Tax Lot number See Attachment A - Section 1.1. If the water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included.
- 1.3 For the lands being leased, list all water rights appurtenant to the lessor's property. Indicate if there are any supplemental or overlying rights.
- Certificate No. 74197
- 1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. Yes No
- 1.5 **Subject Water Rights.** Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached). (Crosshatch the area of water rights being leased). Attached map(s) must identify property owner, Township, Range, Section and ¼ ¼, tax lot number, map orientation and scale.



T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	18	12	09	NE NE	00300	4.00	IRRIG	74197	9	2/5/1905- 4/25/1905
2.	18	12	09	NE NE	00400	2.20	IRRIG	74197	9	2/5/1905- 4/25/1905
3.	18	12	09	NE NE	00500	2.00	IRRIG	74197	9	2/5/1905- 4/25/1905
4.	18	12	16	SE NW	00700	3.00	IRRIG	74197	13	2/5/1905- 4/25/1905
5.	18	11	23	SE SE	04900	1.50	IRRIG	74197	3	2/5/1905- 4/25/1905

Total number of acres, if for irrigation, by certificate and priority date: 15.70

6.	18	12	09	NW/NW	00400	0.25	IRRIG	74197	10	2/5/1905-4/25/1905
7.	18	12	08	NE/NE	00400	1.75	IRRIG	74197	7	2/5/1905-4/25/1905
8.	18	12	08	SW/SE	01600	1.00	IRRIG	74197	9	2/5/1905-4/25/1905

Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

If you need to enter another leased right, please use the Additional Landowner Water Rights Form.

1.6 Validity of rights. Lessor(s) attests (mark one) that:

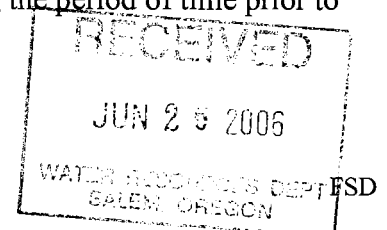
- The water has been used over the past five years according to the terms and conditions of the owner's water right certificate or as an instream water right or
- The water has not been used over the past five years according to the terms and conditions of the owner's water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)()(include necessary supporting documentation as Attachment 3).

~II~ Instream Water Right Information

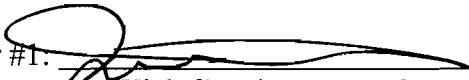
2.3 Term of lease. This lease shall terminate on October 31, 2006. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

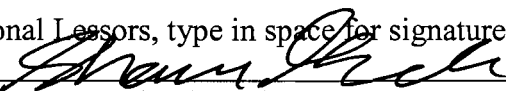
~III~ Other Information

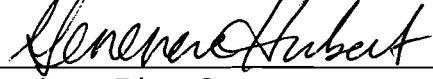
3.1 Accuracy. The Undersigned Lessor/s, Lessee and Trustee declare that, to the best of their knowledge and belief, the information contained in this lease is true, correct and complete. If after the lease is signed, any information is determined to be false, the lease may be modified or terminated. This lease only exercises the water rights being leased; for the term of the lease; it shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.



- 3.2 Lease.** All Lessors agree to lease the water rights listed in 1.4 for instream use for the term of this Agreement through Lessee to Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077-0077.
- 3.3 Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077- 0070 or OAR 690-077-0075 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.
- 3.4 Suspension of original use.** During the period of the lease, the owner agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights. In the event that a supplemental water right is not part of this lease, it may be subject to forfeiture.
- 3.5 Termination provision.**
- For multiyear leases, lessor *shall* have the option of terminating the lease each year, prior to the lease being exercised (_____), with 30 day written notice to the Department provided by the Irrigation District, Other Water Purveyor or Lessee (if different than Department). The lessor must contact the Irrigation District, Other Water Purveyor, or Lessee (if different than Department) to indicate their interest in terminating the lease agreement.
- For multiyear leases, lessor *shall not* have the option of terminating the lease each year, prior to the lease being exercised, with written notice to the Department.
- 3.6 Modification to prevent injury.** Allocation of water to the instream use described in Section 2.2 during the term of this lease is not reasonably expected to cause injury to other rights to use water from the same source. If injury is found after this lease is signed, the lease may be modified or terminated to prevent injury.

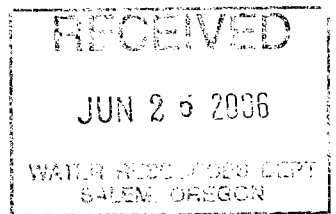
Lessor #1:  Date: 6/14/2006
 Jan Wick f/ Avion Water Company

For additional Lessors, type in space for signature and date
 Lessor #2:  Date: 6/15/06
 Arnold Irrigation District

Lessee:  Date: 6/16/06
 Deschutes River Conservancy

Other Attachments As Needed:

- Exhibit 5-A: Tax Lot Map of Landowner's Property
- Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased [Exhibits 5-A and 5-B may be combined into a single map]
- Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is checked)
- Exhibit 5-D: Split Season Instream Use Form





State of Oregon
Water Resources Department
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 (503) 986-0900

Additional Water Right Form For Pooled Landowner **Instream Lease**

*A summary of review criteria and procedures that are generally applicable to these applications is available at
www.wrd.state.or.us/publication/reports/index.shtml.*

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

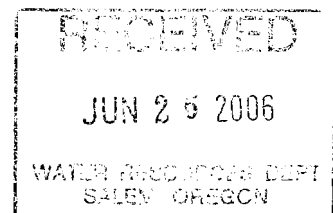
Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
 (Crosshatch the area of water rights being leased).

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	18	12	09	NE NE	00300	4.00	SUPP	76714	117	2/25/1913
2.	18	12	09	NE NE	00400	2.20	SUPP	76714	117	2/25/1913
3.	18	12	09	NE NE	00500	2.00	SUPP	76714	117	2/28/1913
4.	18	12	16	SE NW	00700	3.00	SUPP	76714	121	2/28/1913
5.	18	11	23	SE SE	04900	1.50	SUPP	76714	111	2/28/1913
6.	18	12	09	NW NW	00400	0.25	SUPP	76714	118	2/28/1913
7.	18	12	08	NE NE	00400	1.75	SUPP	76714	115	2/28/1913
8.	18	12	08	SW SE	01600	1.75	SUPP	76714	115	2/28/1913
9.										
10.										

[Attached map(s) must identify property owner, Township, Range, Section and ¼ ¼, tax lot number, map orientation and scale.]

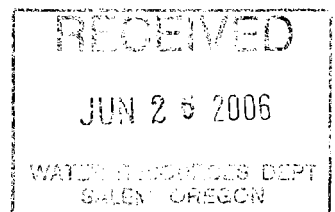
Total number of acres, if for irrigation, by certificate and priority date: 15.70

Acre-feet of storage, if applicable: _____



Attachment A – Section 1.1

Township 18S	Range 11E	Section 23	Tax Lot 04900
Township 18S	Range 12E	Section 16	Tax Lot 00700
Township 18S	Range 12E	Section 09	Tax Lot 00500
Township 18S	Range 12E	Section 09	Tax Lot 00400
Township 18S	Range 12E	Section 09	Tax Lot 00300
Township 18S	Range 12E	Section 09	Tax Lot 00400
Township 18S	Range 12E	Section 08	Tax Lot 00400
Township 18S	Range 12E	Section 08	Tax Lot 01600





Scale
1"=400'

Owner: Avion Water Company
4.00 ac

18-12-09-AA-00300

JUN 24 2008
SALEM, OREGON

RECEIVED
JUN 2 2006
WALTON RECORDS DEPT
1200 S. COMMERCIAL AVENUE
BEND, OREGON 97702

BARGAIN AND SALE DEED

Recording requested by and when recorded return to:

Robert S. Lovlien
Bryant, Lovlien & Jarvis
PO Box 1151
Bend, OR 97709-1151

**DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK**

2004-66936



\$41.00

11/08/2004 02:12:34 PM

**D-D Cnt=1 Stn=23 PAT
\$15.00 \$11.00 \$10.00 \$5.00**

Unless a change is requested, all tax statements shall be sent to:

Avion Water Company, Inc.
60813 Parrell Rd.
Bend, OR 97702

The true consideration for this transfer is \$4,000.00.

JESSE K. IVY and GRANT E. MILLS, each as to an undivided one-half (1/2) interest, Grantors, convey to AVION WATER COMPANY, INC., an Oregon corporation, Grantee, the following described water rights:

Four (4) acres of Arnold Irrigation District water rights, which is appurtenant to the real property described as follows:

See Exhibit "A", which is attached hereto, and incorporated herein by reference.

SUBJECT TO:

1. Grantee shall be responsible for all Arnold Irrigation District fees, commencing with the irrigation year beginning April, 2005.
2. Grantee shall transfer the water to an instream lease, until the water is permanently transferred.
3. Grantor authorizes Grantee to execute any and all documents pertaining to water rights as required for transfer or lease.

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

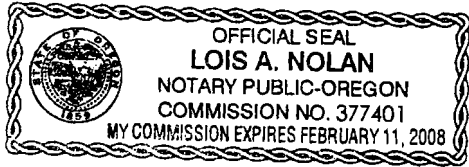
1 - Bargain and Sale Deed
(RSL:AVION.198)

BRYANT, LOVLIE & JARVIS, PC
ATTORNEYS AT LAW, ESTABLISHED 1915

591 SW Mill View Way PO Box 1151 Bend, Oregon 97709-1151 (541) 382-4331 fax (541) 389-338 www.bryantlovlienjarvis.com
24 SW Franklin Street Madras, Oregon 97741 (541) 475-2757 fax (541) 475-2

LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS
DEFINED IN ORS 30.930.

DATED this 1ST day of November, 2004.



Jesse K. Ivy
JESSE K. IVY

Grant E. Mills
GRANT E. MILLS

STATE OF OREGON)
) ss.
COUNTY OF DESCHUTES)

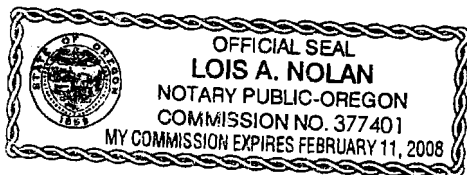
The foregoing instrument was acknowledged before me this 1st day of
Nov, 2004, by Jesse K. Ivy.

Lois A. Nolan
Notary Public for Oregon
My Commission Expires: 2-11-08

STATE OF OREGON)
) ss.
COUNTY OF DESCHUTES)

The foregoing instrument was acknowledged before me this 1ST day of
Nov, 2004, by Grant E. Mills.

Lois A. Nolan
Notary Public for Oregon
My Commission Expires: 2-11-08



2 - Bargain and Sale Deed
(RSL:AVION.198)

BRYANT, LOVLIE & JARVIS, PC
ATTORNEYS AT LAW, ESTABLISHED 1915

591 SW Mill View Way PO Box 1151 Bend, Oregon 97709-1151 (541) 382-4331 fax (541) 389-3386 www.bryantlovlienjarvis.com
24 SW Fifth Street Madras, Oregon 97741 (541) 475-2757 fax (541) 475-2962

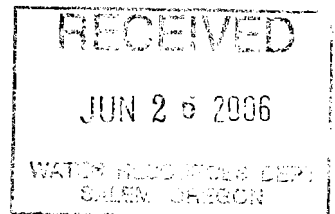
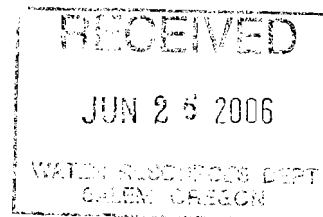


EXHIBIT "A"

A parcel of land located in a portion of the Northeast Quarter of the Northeast Quarter (NE1/4 NE1/4) of Section 9, Township 18 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, being more particularly described as follows:

Commencing at the Northeast corner of said Section 9; thence along the East boundary of said Section 9 South 00°48'01" West a distance of 991.92 feet; thence leaving said East boundary South 89°50'01" West a distance of 20.00 feet to a point on the West right-of-way line of 15th Street (originally known as Ferguson Road established in 1908 with a 40.00-foot-wide right-of-way lying 20.00 feet on each side of centerline), being the true point of beginning of this description; thence along said right-of-way line South 00°48'01" West a distance of 27.37 feet; thence leaving said right-of-way South 89°42'06" West a distance of 500.68 feet; thence South 85°47'52" West a distance of 60.22 feet; thence South 89°42'06" West a distance of 77.92 feet to a point on the East boundary of the plat of Nottingham Square recorded November 16, 1973 in Plat Cabinet B, Page 375, in the office of the Deschutes County Clerk; thence along said East boundary North 00°41'59" East a distance of 362.05 feet to the Southwest corner of that parcel described in Warranty Deed recorded November 19, 1993 in Volume 319, Page 2617 of Deschutes County Official Records; thence along the South boundary of said parcel North 89°42'06" East a distance of 607.45 feet to the West boundary of the parcel described in Declaration of Dedication recorded December 24, 1985 in Volume 112, Page 1735 of Deschutes County Official Records; thence along said West boundary the following one course and one curve:

South 05°17'18" East a distance of 63.64 feet; 94.84 feet along the arc of a tangent curve to the right with a radius of 892.44 feet, the chord of which bears south 02°14'39" East for a distance of 94.79 feet; South 00°48'01" West a distance of 172.38 feet to a point on the North boundary of the parcel described in Bargain and Sale Deed recorded January 6, 1999 in Volume 1999, Page 5436 of Deschutes County Official Records; thence along said North boundary North 89°50'01" East a distance of 20.00 feet to the point of beginning, the terminus of this description.





Scale
1" = 400'

Owner: Avion Water Company
2.20 ac
18-12-09-AA-00400

18-12-09-AA-00400

APPROVED
JUN 26 2006
AVION WATER COMPANY

PALUTE WAY

9TH ST

15TH ST

REED MARKET RD

AMERICAN LP

NEWBERRY DR

ADMIRAL WAY

EAST LAKE DR

TWIN LAKES LOOP

ST GEORGE CT

BARLEYCORN LN

WEST VIEW DR

LITTLE JOHN LN

FROGG TUCK LN

DESERT WOODS DR

CANTERBURY CT

KING RICHARD CT

BARGAIN AND SALE DEED

Recording requested by and when recorded return to:

**DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK**

2004-63884



\$41.00

10/25/2004 02:36:21 PM

**D-D Cnt=1 Stn=23 JEFF
\$15.00 \$11.00 \$10.00 \$5.00**

Robert S. Lovlien
Bryant, Lovlien & Jarvis
PO Box 1151
Bend, OR 97709-1151

Unless a change is requested,
all tax statements shall be sent to:

Avion Water Company, Inc.
60813 Parrell Rd.
Bend, OR 97702

The true consideration for this transfer is \$2,200.00.

GRANT E. MILLS, Grantor, conveys to AVION WATER COMPANY, INC., an Oregon corporation, Grantee, the following described water rights:

2.2 acres of Arnold Irrigation District water rights, which is appurtenant to the real property described as follows:

See Exhibit "A", which is attached hereto, and incorporated herein by reference.

SUBJECT TO:

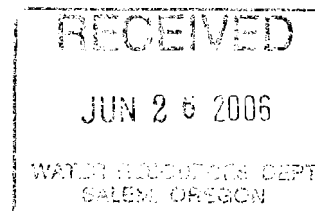
1. Grantee shall be responsible for all Arnold Irrigation District fees, commencing with the irrigation year beginning April, 2005.
2. Grantee shall transfer the water to an instream lease, until the water is permanently transferred.
3. Grantor authorizes Grantee to execute any and all documents pertaining to water rights as required for transfer or lease.

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.

1 – Bargain and Sale Deed
(RSL:AVION.197)

BRYANT, LOVLIE & JARVIS, PC
ATTORNEYS AT LAW, ESTABLISHED 1915

591 SW Mill View Way PO Box 1151 Bend, Oregon 97709-1151 (541) 382-4331 fax (541) 389-3386 www.bryantlovlienjarvis.com




DATED this 22nd day of October, 2004.



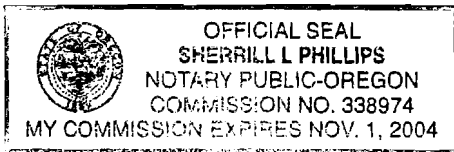
GRANT E. MILLS

STATE OF OREGON)
) ss.
COUNTY OF DESCHUTES)

The foregoing instrument was acknowledged before me this 22 day of Oct, 2004, by Grant E. Mills.



Notary Public for Oregon
My Commission Expires: 11-1-04



2 – Bargain and Sale Deed
(RSL:AVION.197)

BRYANT, LOVLIE & JARVIS, PC
ATTORNEYS AT LAW, ESTABLISHED 1915

591 SW Mill View Way PO Box 1151 Bend, Oregon 97709-1151 (541) 382-4331 fax (541) 389-3386 www.bryantlovlienjarvis.com

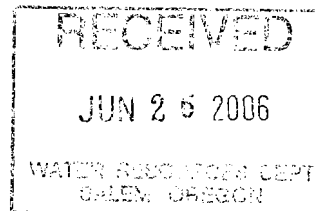


Exhibit "A"

A tract of land in the Northeast Quarter of the Northeast Quarter (NE1/4 NE1/4) of Section 9, Township 18 South, Range 12, East of the Willamette Meridian, Deschutes County, Oregon, described as follows:

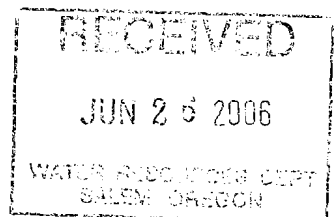
Beginning at a point on the section line between Sections 9 and 10 South 0°52' West, 991.92 feet from the corner of Sections 3, 4, 9, 10 and running thence South 0°52' West, 330.64 feet along the section line to the Southeast corner of the NE1/4 NE1/4; thence South 89°53' West, 658.0 feet; thence North 0°46'30" East, 330.8 feet; thence North 89°54' East, 658.4 feet to the point of beginning.

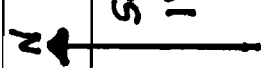
EXCEPTING THEREFROM the right of way of the County road as located over and across the Easterly portion thereof.

AND ALSO EXCEPTING THEREFROM a tract of land in the NE1/4 NE1/4 of Section 9 of said Township and Range, described as follows:

Beginning at the Southeast corner of said NE1/4 NE1/4; thence West along the South line of said NE1/4 NE1/4, a distance of 658.0 feet; thence North 0°45'30" East, 165.4 feet; thence North 89°54' East, a distance of 658.4 feet to a point on the East line of said NE1/4 NE1/4; thence South along the East line of said NE1/4 NE1/4 to the point of beginning.

EXCEPTING THEREFROM the right of way of the County Road as located over and across the Easterly portion thereof.





Scale
1" = 400'

Owner: Avion Water
2.0 ac
18-12-09-AA-00500

18-12-09-AA-00500

RECEIVED
JUN 25 2006
WATER RESOURCES DEPT
2000 W. ...

ADMIRAL WAY

MEMBERRY DR

WEST LAKE DR

TWIN LAKES LOOP

WEST VIEW DR

DESERT WOODS DR

15TH ST

15TH ST

ST GEORGE CT

LITTLE BURN LN

FRIAR TUCK LN

CANTERBURY CT

KING RICHARD CT

15TH ST

PALETTE WAY

AMERICAN LN

AMERICAN LN

BARGAIN AND SALE DEED

Recording requested by and when recorded return to:

Robert S. Lovlien
Bryant, Lovlien & Jarvis
PO Box 1151
Bend, OR 97709-1151

**DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK**

2004-66935



\$36.00

00315828200400669350020023

11/08/2004 02:12:34 PM

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

Unless a change is requested, all tax statements shall be sent to:

Avion Water Company, Inc.
60813 Parrell Rd.
Bend, OR 97702

The true consideration for this transfer is \$2,000.00.

ROBERT G. MILLS and FRANCES A. MILLS, husband and wife, Grantors, convey to AVION WATER COMPANY, INC., an Oregon corporation, Grantee, the following described water rights:

Two (2) acres of Arnold Irrigation District water rights, which is appurtenant to the real property described as follows:

In Township 18 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon:

Section 9: A tract of land in the NE1/4 NE1/4, described as follows: Beginning at the Southeast corner of said NE1/4 NE1/4; thence West along the South line of said NE1/4 NE1/4 a distance of 658.0 feet; thence North 0 degrees 46' 30" East 165.4 feet; thence North 89 degrees 54' East a distance of 658.4 feet to a point of the East line of said NE1/4 NE1/4; thence South along the East line of said NE1/4 NE1/4 to the point of beginning; EXCEPTING THEREFROM the right of way of the County Road as located over and across the easterly portion thereof.

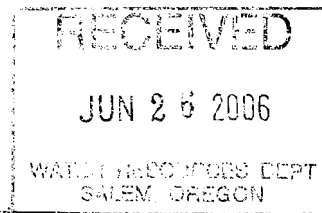
SUBJECT TO:

1. Grantee shall be responsible for all Arnold Irrigation District fees, commencing with the irrigation year beginning April, 2005.
2. Grantee shall transfer the water to an instream lease, until the water is permanently transferred.

1 – Bargain and Sale Deed
(RSL:AVION.196)

BRYANT, LOVLIE & JARVIS, PC
ATTORNEYS AT LAW, ESTABLISHED 1915

591 SW Mill View Way PO Box 1151 Bend, Oregon 97709-1151 (541) 382-4331 fax (541) 389-3386 www.bryantlovlienjarvis.com





Scale 1" = 400'

Owner: Avion Water Company

3.0 ac.

18-12-16-B0-00700

18-12-16-SE/NN-00700

18-12-16-B0-00700

MURPHY RD

PAUKAMA LN

SILVER TIP CT

ROCKY TIP CT

WILLOW DR

RECEIVED

JUN 25 2006

WATER RESOURCES DEPT
GREEN OASIS



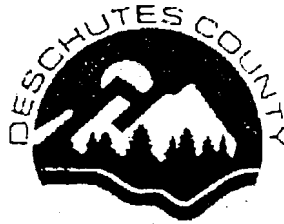
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03/22/2005 04:15:34 PM

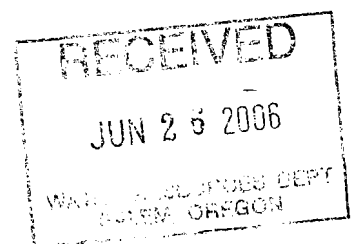
D-D Cnt=1 Str=4 TRACY
\$15.00 \$11.00 \$10.00 \$5.00

DESCHUTES COUNTY CLERK

CERTIFICATE PAGE



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BARGAIN AND SALE DEED

Recording requested by and when recorded return to:

Robert S. Lovlien
Bryant, Lovlien & Jarvis
PO Box 1151
Bend, OR 97709-1151

Unless a change is requested, all tax statements shall be sent to:

Avion Water Co, INC
60813 Parnell Rd
Bend, Or 97702

The true consideration for this transfer is \$3,000.00.

^{LLC}
KIM D. WARD, Grantor, conveys to AVION WATER COMPANY, INC., an Oregon corporation, Grantee, the following described real property:

Three (3) acre feet of Arnold Irrigation District water rights located upon the following described real property, to-wit:

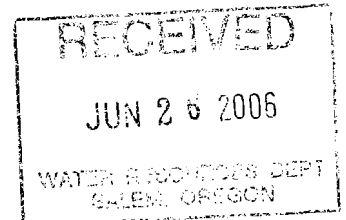
See Exhibit "A", which is attached hereto and incorporated herein by reference.

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 4 day of MARCH, 2005.

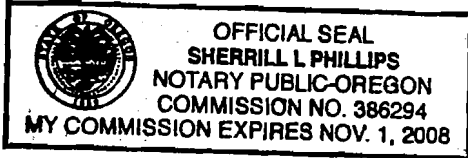
KIM D. WARD, LLC

By: *Kim D. Ward*
KIM D. WARD, Member



STATE OF OREGON)
) ss.
COUNTY OF DESCHUTES)

The foregoing instrument was acknowledged before me this 4th day of March, 2005, by Kim D. Ward.



Sherrill L Phillips
Notary Public for Oregon
My Commission Expires: 11-1-08

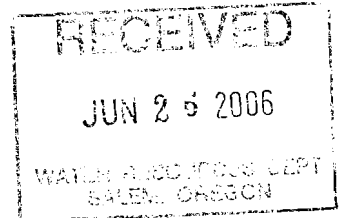
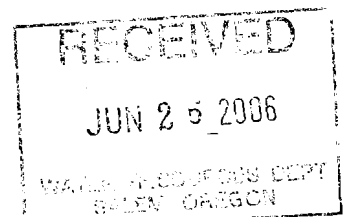


EXHIBIT "A"

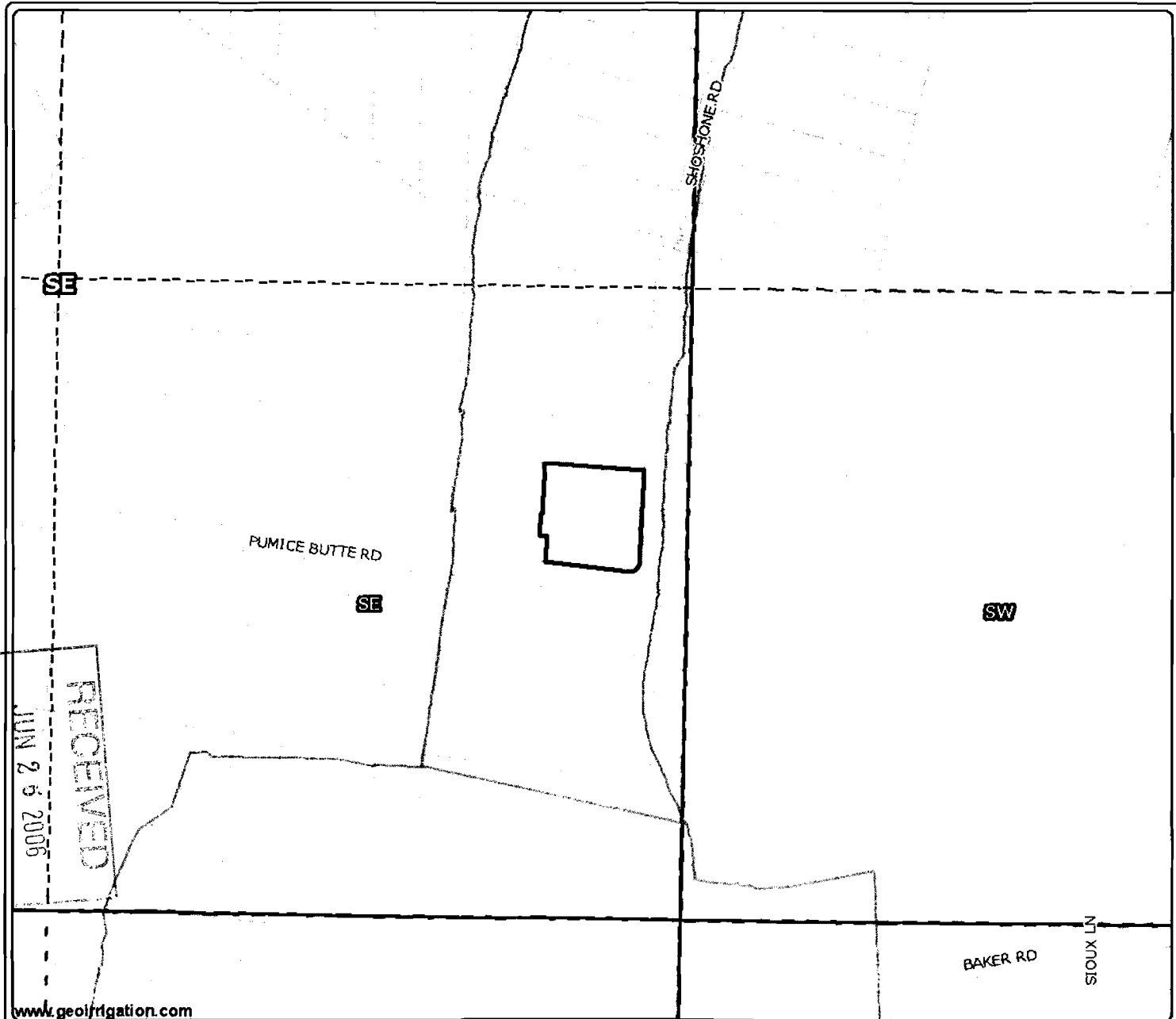
A tract of land located in the Northeast one-quarter of the Southeast one-quarter of the Northwest one-quarter (NE1/4 SE1/4 NW1/4) of Section Sixteen (16), Township Eighteen (18) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon, described as:

Commencing at the North one-quarter (N1/4) corner of said Section 16; thence South 00 degrees 32' 27" West along the North-South center section line 1333.42 feet to the center North one-sixteenth corner; thence South 89 degrees 48' 23" West 651.19 feet; thence South 00 degrees 32' 36" West 195.00 feet to the true point of beginning, said point further being a five-eighth inch iron rod; thence North 89 degrees 48' 23" East 543.36 feet; thence South 00 degrees 32' 26" West 285.71 feet; thence South 89 degrees 48' 08" West 543.36 feet; thence North 00 degrees 32' 26" East 285.75 feet to the point of beginning and terminus of this description. ALSO KNOWN AS Tax Lot 18-12-16B-700.



BRYANT, LOVLIE & JARVIS, PC
ATTORNEYS AT LAW, ESTABLISHED 1915

591 SW Mill View Way PO Box 1151 Bend, Oregon 97709-1151 (541) 382-4331 fax (541) 389-3386 www.bryantlovliejarvis.com



Owner: Avion Water Company

18-11-23-SESE-04900 1.50 ac.

- District Boundary
- Gate
- Canal Closed
- Lateral
- Sub Lateral
- Canal
- Rivers
- State Roads
- Roads
- Township Range
- Sections
- Section Labels
- Quarters
- Quarter Labels
- Quarter Quarters
- Quarter Quarter Labels
- Taxlots
- Place of Use

RECEIVED
 JUN 26 2006
 WATER RESOURCE DEPT
 SALEM, OREGON

www.geolrrigation.com

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geolrrigation



scale 1" = 400.00'
created: 6/13/2006

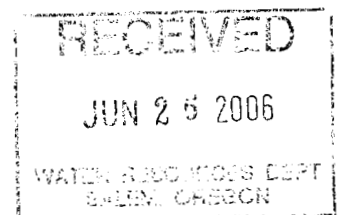


DESCHUTES COUNTY CLERK

CERTIFICATE PAGE



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BARGAIN AND SALE DEED

Recording requested by and when recorded return to:

Unless a change is requested, all tax statements shall be sent to:

Robert S. Lovlien
Bryant, Lovlien & Jarvis
PO Box 1151
Bend, OR 97709-1151

Avion Water Co.
60813 Parrell Rd.
Bend, OR 97702

The true consideration for this transfer is \$1,500.00.

RICHARD D. HEUER and EVELYN P. HEUER, husband and wife, Grantors, convey to AVION WATER COMPANY, INC., an Oregon corporation, Grantee, the following described real property:


1.5 acre feet of Arnold Irrigation District water rights located upon the following described real property, to-wit:

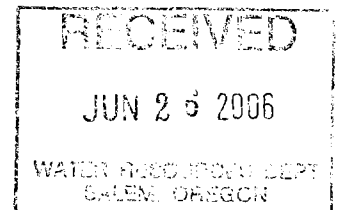
Lots 1 and 2, Block SS, DESCHUTES RIVER WOODS, Deschutes County, Oregon.

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

DATED this 3 day of August, 2005.

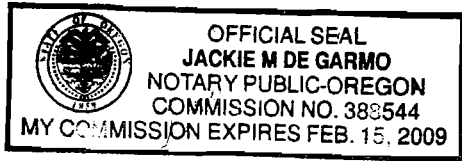

RICHARD D. HEUER


EVELYN P. HEUER

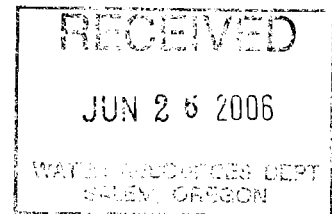


STATE OF OREGON)
) ss.
COUNTY OF DESCHUTES)

The foregoing instrument was acknowledged before me this 3rd day of August, 2005, by Richard D. Heuer and Evelyn P. Heuer.



Jackie M De Garmo
Notary Public for Oregon
My Commission Expires: 2/15/2009



WATER PURCHASE AGREEMENT

THIS AGREEMENT dated this 11th day of August, 2005, by and between RICHARD D. HEUER and EVELYN P. HEUER, husband and wife, hereinafter referred to as "Heuer" and AVION WATER COMPANY, INC., an Oregon corporation, hereinafter referred to as "Avion".

RECITAL:

Heuer desires to sell to Avion and Avion desires to purchase from Ward 1.5 acre feet of Arnold Irrigation District irrigation water located upon the following described real property owned by Heuer:

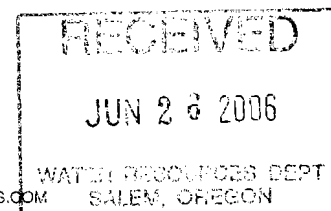
Lots 1 and 2, Block SS, DESCHUTES RIVER WOODS,
Deschutes County, Oregon.

NOW THEREFORE, in consideration of the mutual promises set forth herein, the parties hereby agree as follows:

AGREEMENT:

1. Agreement to Sell. Heuer hereby agrees to sell to Avion and Avion hereby agrees to purchase from Heuer 1.5 acre feet of Arnold Irrigation District water, which is located upon the above-described real property, for the sum of \$1,000.00 per acre foot of water, or \$1,500.00 total purchase price. The entire purchase price shall be paid in cash at the time of closing.
2. Transfer Fees. In addition, Avion hereby agrees to pay any and all transfer fees that may be charged by Arnold Irrigation District associated with the transfer of the water rights from Heuer to Avion, and further agrees to pay their pro rata share for the year 2005 assessment

1 - Water Purchase Agreement (RSL:AVION.232)



to be charged by Arnold Irrigation District.

3. Closing Date. The parties agree to close this transaction on or before

Aug. 15, 2005 at the law offices of Bryant, Lovlien & Jarvis, P.C. in Bend, Oregon.

4. Notice. Any notice given with respect hereto, whether or not required to be given shall be deemed given when actually delivered or when deposited in the United States registered or certified mails, return receipt requested, in an envelope addressed to the last known address, or to such other address as either party may hereafter specify by notice to the other. If either party is a corporation, notices shall be addressed to the attention of the corporate secretary.

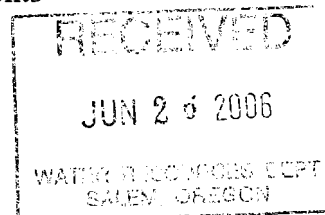
5. Default. If either party shall fail or refuse to carry out any provision hereof, the other party shall be entitled to such remedy or remedies for breach of contract as may be available under applicable law, including without limitation the remedy of specific performance, if such other party has fully performed all of its obligations hereunder. Time is of the essence hereof.

6. Attorney Fees. In any suit or action brought upon or arising out of this agreement, and upon any appeal thereof, the losing party agrees to pay the prevailing party's reasonable attorney fees to be fixed by the trial and appellate courts respectively

7. Warranty. Heuer warrants that Heuer has the right to enter into this transaction and will be able to deliver the Certificate of Water Rights to Avion, provided only that Avion's damages for any breach of this warranty shall in no event exceed the amount of money paid by Avion for the water.

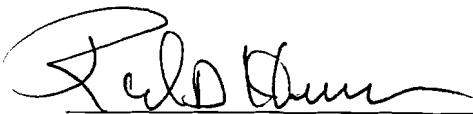
8. Required Documents. The parties agree to execute any and all documents pertaining to water rights as required for transfer or lease.

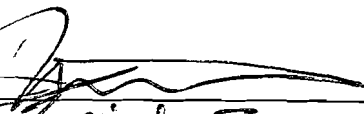
2 - Water Purchase Agreement (RSL:AVION.232)



IN WITNESS WHEREOF, the parties have set their hands on the day and year first above written.

AVION WATER COMPANY, INC.


RICHARD D. HEUER

By: 
Its: President

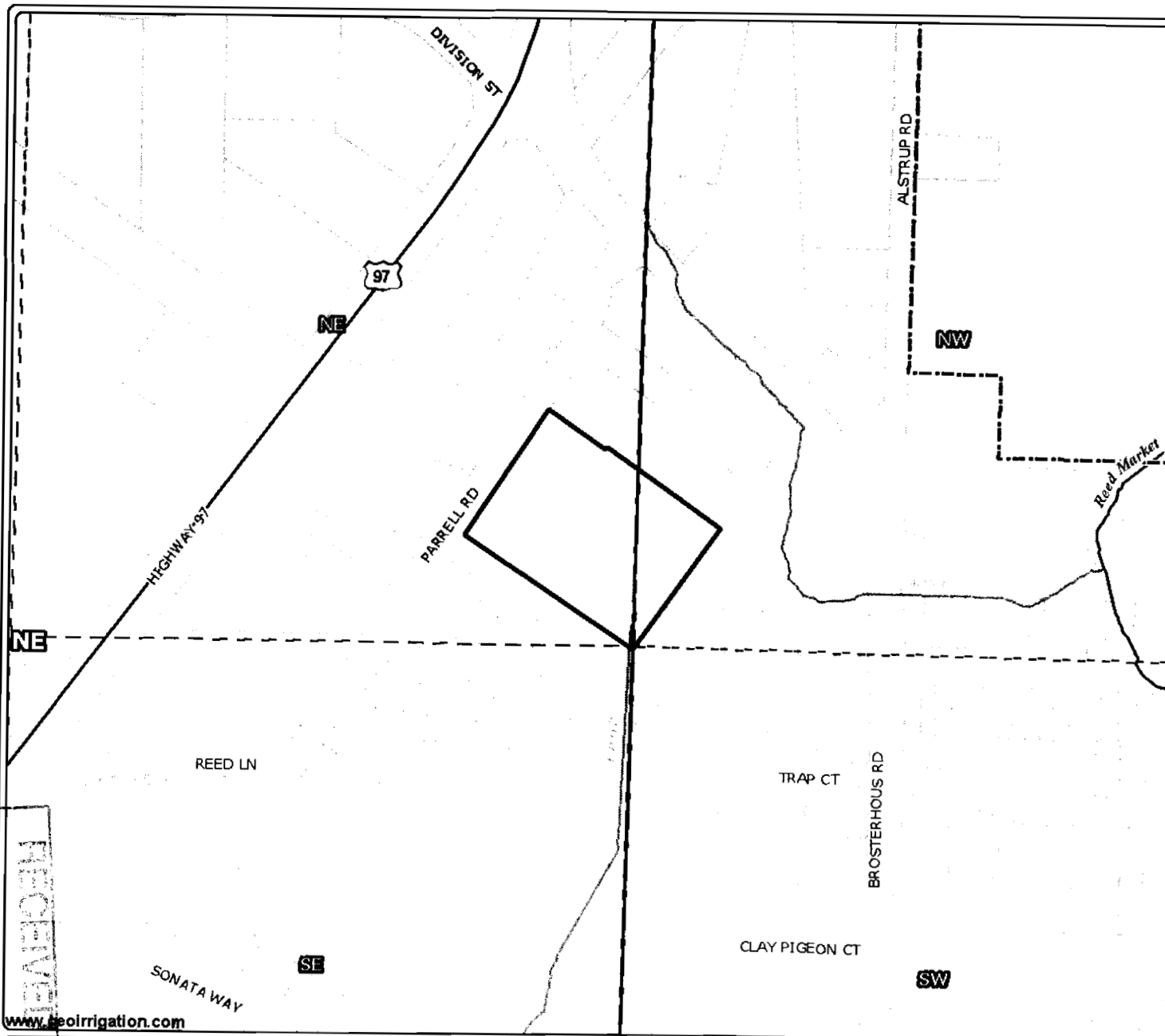

EVELYN P. HEUER

3 - Water Purchase Agreement (RSL:AVION.232)

BRYANT, LOVLIN & JARVIS, PC
ATTORNEYS AT LAW ESTABLISHED 1915

591 SW Mill View Way PO Box 1151 Bend, Oregon 97709-1151 (541) 382-4331 fax (541) 389-3386 WWW.BLJLAWYERS.COM

RECEIVED
JUN 26 2006
WATER RESOURCES DEPT
SALEM, OREGON



Avion Water Company
 18-12-08-NENE-00400 1.75 ac
 18-12-09-NWNW-00400
 0.25 ac.

- District Boundary
- Gate
- Canal Closed
- Lateral
- Sub Lateral
- Canal
- Rivers
- State Roads
- Roads
- Township Range
- Sections
- Section Labels
- Quarters
- Quarter Labels
- Quarter Quarters
- Quarter Quarter Labels
- Taxlots
- Place of Use

RECEIVED
 JUN 26 2006
 WATER RESOURCE DEPT
 SALEM, OREGON

www.geoirrigation.com

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 geoirrigation

scale 1" = 400.00'
 created: 6/13/2006



00433000200500051230040043

01/24/2006 03:54:34 PM

D-D Cnt=1 Stn=4 TRACY
\$15.00 \$11.00 \$10.00 \$5.00

DESCHUTES COUNTY CLERK

CERTIFICATE PAGE



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RECEIVED
JUN 25 2006
WATER RESOURCES DEPT
SALMON, OREGON

BARGAIN AND SALE DEED

Recording requested by and when recorded return to:

Robert S. Lovlien
Bryant, Lovlien & Jarvis
PO Box 1151
Bend, OR 97709-1151

Unless a change is requested, all tax statements shall be sent to:

Avion Water Company, Inc.
60813 Parrell Rd.
Bend, OR 97702

The true consideration for this transfer is \$2,000.00.

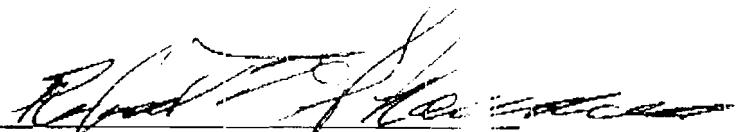
ROBERT SHANNON, Grantor, conveys to AVION WATER COMPANY, INC., an Oregon corporation, Grantee, the following described real property:

2.0 acre feet of Arnold Irrigation District water rights located upon the following described real property, to-wit:

Map 18-12-09, NW NW, Tax Lot 400 (.25 irrigated acres); and
Map 18-12-09, NE NE, Tax Lot 400 (1.75 irrigated acres), all located in Deschutes County, Oregon. See Exhibit "A" for complete legal description.

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.

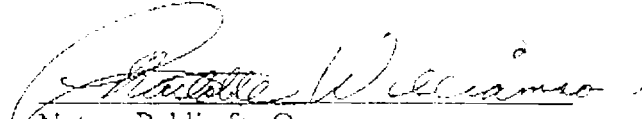
DATED this 21 day of December, 2005.


ROBERT SHANNON

RECEIVED
JUN 26 2006
WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON)
) ss.
COUNTY OF DESCHUTES)

The foregoing instrument was acknowledged before me this 21 day of December 2005, by Robert Shannon


Notary Public for Oregon
My Commission Expires: 7-28-08

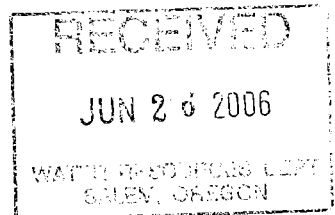
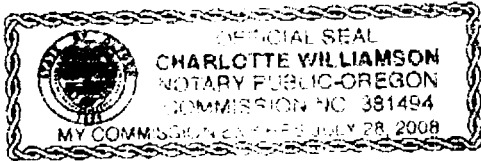
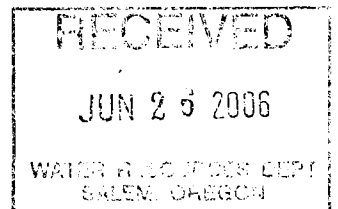


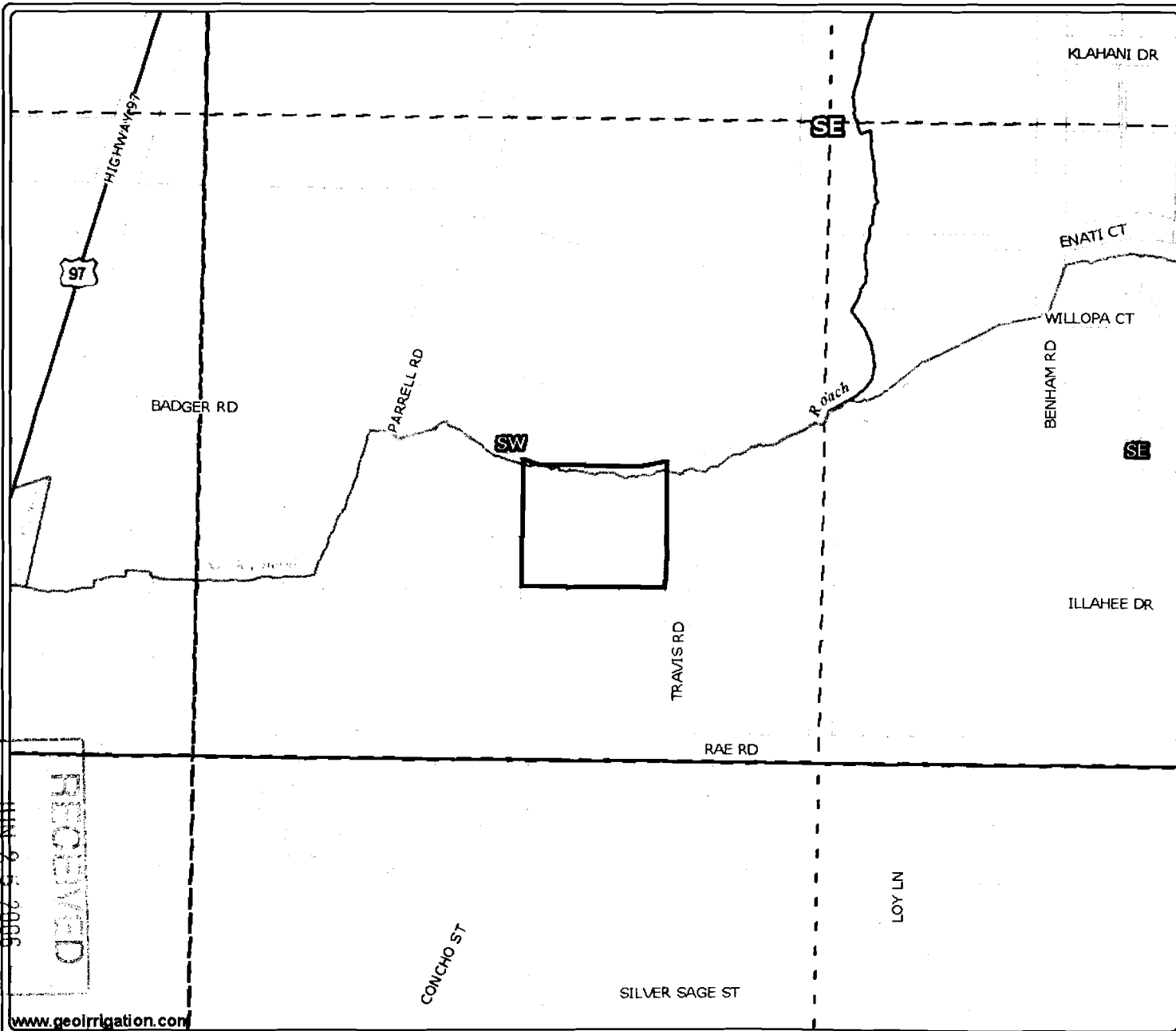
EXHIBIT "A"

A portion of Lot Six (6) of REED HIGHWAY ACREAGE, Deschutes County, Oregon, and a portion of the Northwest Quarter of the Northwest Quarter (NW1/4 NW1/4) of Section Nine (9), Township Eighteen (18) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows: Beginning at the Southwest corner of Lot 6 of REED HIGHWAY ACREAGE which is located on the East side of Parrell Road right of way; thence North 33 degrees 03' 00" East, 314.13 feet along said right of way; thence South 56 degrees 56' 30" East, 177.00 feet; thence North 33 degrees 03' 30" East, 6.00 feet; thence South 56 degrees 56' 30" East 290.91 feet; thence South 34 degrees 17' West, 320.20 feet; thence North 56 degrees 56' 30" West, 424.06 feet along the South line of said Lot 6 of said REED HIGHWAY ACREAGE to the point of beginning.



BRYANT, LOVIJEN & JARVIS, PC
ATTORNEYS AT LAW (REGISTERED FIRM)

301 SW 4th, View Way PO Box 1151 Bend, Oregon 97709-1151 (541) 382-4351 fax (541) 382-3351 WWW.BJLAWYERS.COM



Avion Water Company
 18-12-08-SWSE-01600 1.00 ac.

- District Boundary
- Gate
- Canal Closed
- Lateral
- Sub Lateral
- Canal
- Rivers
- State Roads
- Roads
- Township Range
- Sections
- Section Labels
- Quarters
- Quarter Labels
- Quarter Quarters
- Quarter Quarter Labels
- Taxlots
- Place of Use

RECEIVED
 JUN 2 3 2006
 AVION WATER COMPANY
 1800 S. 10TH ST. S.

www.geoirrigation.com

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.

Powered By
geoirrigation



scale 1" = 400.00'
 created: 6/13/2006



00435377200800073630040041

02/01/2006 08:00:00 AM

3-D Cntal Str=23 PAM
\$15.00 \$11.00 \$10.00 \$5.00

DESCHUTES COUNTY CLERK

CERTIFICATE PAGE



This page must be included
if document is re-recorded.
Do Not remove from original document.

RECEIVED
JUN 2 5 2006
WATER ASSOCIATION DEPT
SALEM, OREGON

BARGAIN AND SALE DEED

Recording requested by and when recorded return to:

Robert S. Lovlien
Bryant, Lovlien & Jarvis
PO Box 1151
Bend, OR 97709-1151

Unless a change is requested, all tax statements shall be sent to:

No
Change

The true consideration for this transfer is \$1,000.00.

BADGER VIEW DEVELOPMENT, LLC, an Oregon limited liability company, Grantor, conveys to AVION WATER COMPANY, INC., an Oregon corporation, Grantee, the following described real property: See Exhibit "A"

1.0 acre feet of Arnold Irrigation District water rights located upon the following described real property, to-wit:

Map 18-12-08, SW1/4 SE1/4, Tax Lot 1600 (1.0 irrigated acres), located Deschutes County, Oregon.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING THE 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 5th day of Jan, 2006.

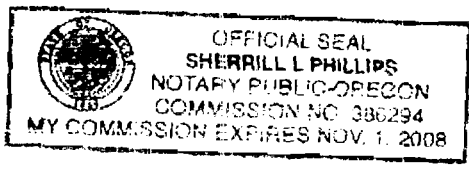
BADGER VIEW DEVELOPMENT, LLC

By: [Signature]
Its: member

RECEIVED
JUN 26 2006
WATER RESOURCES DEPT
SALMON, OREGON

STATE OF OREGON)
) ss.
COUNTY OF DESCHUTES)

The foregoing instrument was acknowledged before me this 26th day of Jan 2006, by David Madrigal, who stated that he is the granite of Badger View Development and that he is authorized to execute the foregoing instrument on behalf of the company.



Sherrill L Phillips
Notary Public for Oregon
My Commission Expires 11-1-08

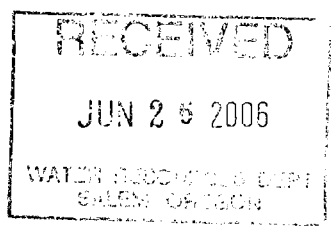
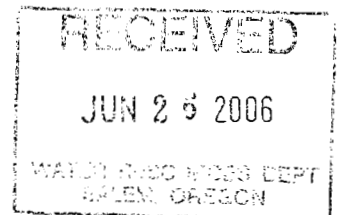


Exhibit "A"

Tract nineteen (19) of WARD'S TRACTS, Deschutes County, Oregon, EXCEPT that portion deeded to the County by Deed recorded December 13, 1950 in Volume 126 page 449 Deed Records, containing 1.9 acres, more or less, and together with one (1) acre of Arnold Irrigation District Water.





State of Oregon
Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1271
 (503) 986-0900

Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/publication/reports/index.shtml.

Pursuant to ORS 537.348(2) and OAR 690-077-0077

Optional Identification by Lessor/Lessee: _____
 Lease Agreement Number (assigned by WRD): 0-774

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) J. L. Ward Company
 (Mailing address) 20505 Murphy Rd
 (City, State, Zip Code) Bend, OR 97702
 (Telephone number) 541-382-0491
 (Email address) _____

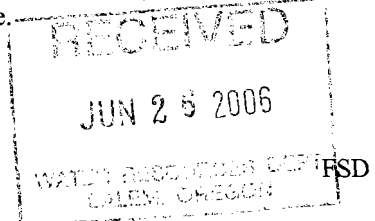
If additional landowners, enter landowner information below

Note: The numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the same information as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always sequential.

~I~ Ownership and Water Right Information

- 1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township ____, Range ____, Section _____ and Tax Lot number See Attachment A - Section 1.1. If the water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included.
- 1.3 For the lands being leased, list all water rights appurtenant to the lessor's property. Indicate if there are any supplemental or overlying rights.

 Certificate No. 74197
- 1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. Yes No
- 1.5 **Subject Water Rights.** Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached). (Crosshatch the area of water rights being leased). Attached map(s) must identify property owner, Township, Range, Section and 1/4 1/4, tax lot number, map orientation and scale.



T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	18	12	09	SW NW	01100	3.50	IRRIG	74197	10	2/5/1905- 4/25/1905
2.	18	12	09	SW NW	00900	0.50	IRRIG	74197	10	2/5/1905- 4/25/1905
3.	18	13	20	SW NE	00300	2.90	IRRIG	74197	22	2/5/1905- 4/2/1905
4.	18	13	20	SW NE	00600	0.35	IRRIG	74197	22	2/5/1905- 4/25/1905
5.	18	12	08	SW SE	01404	1.10	IRRIG	74197	9	2/5/1905- 4/25/1905

Total number of acres, if for irrigation, by certificate and priority date: 58.08 (Additional water shown on Attachment B - Section 1.5)

Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

If you need to enter another leased right, please use the Additional Landowner Water Rights Form.

1.6 Validity of rights. Lessor(s) attests (mark one) 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 as an instream water right or
- The water has not been used over the past five years according to the terms and conditions of the owner's water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)(_) (include necessary supporting documentation as Attachment 3).

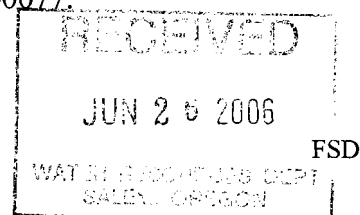
~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 31, 2006. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

~III~ Other Information

3.1 Accuracy. The Undersigned Lessor/s, Lessee and Trustee declare that, to the best of their knowledge and belief, the information contained in this lease is true, correct and complete. If after the lease is signed, any information is determined to be false, the lease may be modified or terminated. This lease only exercises the water rights being leased; for the term of the lease; it shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.

3.2 Lease. All Lessors agree to lease the water rights listed in 1.4 for instream use for the term of this Agreement through Lessee to Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077-0077.



3.3 Precedent. If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077- 0070 or OAR 690-077-0075 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.

3.4 Suspension of original use. During the period of the lease, the owner agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights. In the event that a supplemental water right is not part of this lease, it may be subject to forfeiture.

3.5 Termination provision.

For multiyear leases, lessor *shall* have the option of terminating the lease each year, prior to the lease being exercised (_____), with 30 day written notice to the Department provided by the Irrigation District, Other Water Purveyor or Lessee (if different than Department). The lessor must contact the Irrigation District, Other Water Purveyor, or Lessee (if different than Department) to indicate their interest in terminating the lease agreement.

For multiyear leases, lessor *shall not* have the option of terminating the lease each year, prior to the lease being exercised, with written notice to the Department.

3.6 Modification to prevent injury. Allocation of water to the instream use described in Section 2.2 during the term of this lease is not reasonably expected to cause injury to other rights to use water from the same source. If injury is found after this lease is signed, the lease may be modified or terminated to prevent injury.

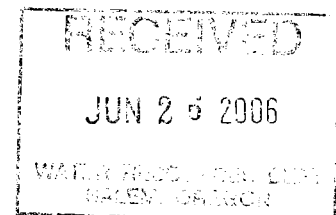
Lessor #1: *J. L. Ward* Date: *6/14/06*
Jan L. Ward, President for J.L. Ward Company

For additional Lessors, type in space for signature and date
Lessor #2: *Shawn Goble* Date: *6/15/06*
Arnold Irrigation District

Lessee: *Genevieve Hubert* Date: *6/16/06*
Deschutes Resources Conservancy

Other Attachments As Needed:

- Exhibit 5-A: Tax Lot Map of Landowner's Property
- Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased [Exhibits 5-A and 5-B may be combined into a single map]
- Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is checked)
- Exhibit 5-D: Split Season Instream Use Form





State of Oregon
Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1271
 (503) 986-0900

Additional Water Right Form For Pooled Landowner **Instream Lease**

*A summary of review criteria and procedures that are generally applicable to these applications is available at
www.wrd.state.or.us/publication/reports/index.shtml.*

~I~

Section 1.1 continued from Pooled Leasing Landowner Form.

Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
 (Crosshatch the area of water rights being leased).

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	18	12	09	SW NW	01100	3.50	SUPP	76714	118	2/25/1913
2.	18	12	09	SW NW	00900	0.50	SUPP	76714	118	2/25/1913
3.	18	13	20	SW NE	00300	2.90	SUPP	76714	129	2/28/1913
4.	18	13	20	SW NE	00600	0.35	SUPP	76714	129	2/28/1913
5.	18	12	08	SW SE	01404	1.10	SUPP	76714	117	2/28/1913
6.	18	12	08	SE NW	02500 (01802)	1.00	SUPP	76714	116	2/28/1913
7.	18	13	19	NE NW	00200	1.32	SUPP	76714	129	2/28/1913
8.	18	11	13	NE SW	01300 (02400)	0.23	SUPP	76714	110	2/28/1913
9.	18	11	13	SW SE	02402 (02400)	2.61	SUPP	76714	110	2/28/1913
10.	18	11	13	SESE	02402 (02400)	21.27	SUPP	76714	110	2/28/1913

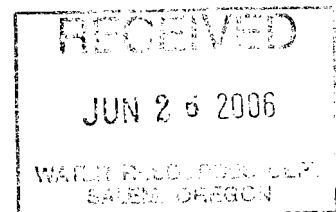
[Attached map(s) must identify property owner, Township, Range, Section and ¼ ¼, tax lot number, map orientation and scale.]

Total number of acres, if for irrigation, by certificate and priority date: 58.08

(CONT'D FROM ABOVE:

11.	18	11	13	NW/SE	02402 (02400)	15.34	SUPP	76714	110	2/28/1913
12.	18	11	13	NE/SE	02402 (02400)	7.96	SUPP	76714	110	2/28/1913

Acre-feet of storage, if applicable: _____

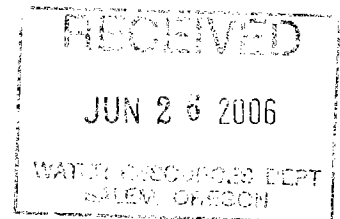


Attachment A – Section 1.1

Township 18S	Range 12E	Section 09	Tax Lot 01100
Township 18S	Range 12E	Section 09	Tax Lot 00900
Township 18S	Range 13E	Section 20	Tax Lot 00300
Township 18S	Range 13E	Section 20	Tax Lot 00600
Township 18S	Range 12E	Section 08	Tax Lot 01404
Township 18S	Range 12E	Section 08	Tax Lot 02500 (01802)
Township 18S	Range 13E	Section 19	Tax Lot 00200
Township 18S	Range 11E	Section 13	Tax Lot 01300 (02400)
Township 18S	Range 11E	Section 13	Tax Lot 02402 (02400)

Attachment B – Section 1.5 (cont'd)

	T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Cert #	Page(s)#	Priority
No. 6	18	12	08	SE NW	02500 (01802)	1.00	IRRIG	74197	8	2/5/1905- 4/25/1905
No. 7	18	13	19	NE NW	00200	1.32	IRRIG	74197	21	2/5/1905- 4/25/1905
No. 8	18	11	13	NE SW	01300 (02400)	0.23	IRRIG	74197	2	2/5/1905- 4/25/1905
No. 9	18	11	13	SW SE	02402 (02400)	2.61	IRRIG	74197	2	2/5/1905- 4/25/1905
No. 10	18	11	13	SE SE	02402 (02400)	21.27	IRRIG	74197	2	2/5/1905- 4/25/1905
No. 11	18	11	13	NW SE	02402 (02400)	15.34	IRRIG	74197	2	2/5/1905- 4/25/1905
No.12	18	11	13	NE SE	02402 (02400)	7.96	IRRIG	74197	2	2/2/1905- 4/25/1905



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



Arnold Irrigation District
P.O. Box 9220
Bend, Oregon 97708
PHONE: 541-382-7664 FAX: 541-382-0833

1. **WATER RIGHT**
CERTIFICATE #74197
PRIORITY DATE 02/01/1905 - 04/25/1905
DESCHUTES COUNTY
WATER RIGHT UNDER NAME OF ARNOLD IRRIGATION DISTRICT

2. **APPLICANT**
NAME Kenneth Barrows & Deborah Barrows
ADDRESS 61462 Brosterhaus Rd. Bend, OR 97702
ENCUMBRANCES None

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

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

LOCATION OF AUTHORIZED PLACE OF USE

TOWNSHIP	RANGE	SECTION	¼, ¼ OF SECTION	TAX LOT	# OF ACRES IRRIGATED	OTHER USE
18	12	9	SW NW	01100	3.50	

5. **RECIPIENT**
NAME J.L. Ward Company
ADDRESS 20505 MURPHY RD., BEND, OR 97702

6. LOCATION OF PROPOSED USE

TOWNSHIP	RANGE	SECTION	¼, ¼ OF SECTION	TAX LOT	# OF ACRES IRRIGATED	OTHER USE

7. **EXHIBITS**
A. Map showing the location of the present and proposed irrigated lands.

Arnold Irrigation District hereby certifies that the applicant and recipient are the deed holders of subject properties; that our files are complete with a copy of the recorded documents; that the applicant's land has been irrigated within the last five years or the right appurtenant is not subject to forfeiture, and that applicant and recipient hereby authorize the transfer proposed herein.

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

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

APPLICANT: Deborah Barrows 8/23/04
 Name Date
 RECIPIENT: J.L. Ward Pres. 6/24/05
 Name Date
 FOR DISTRICT: _____
 Name Date

RECEIVED
JUN 26 2006
 WATER RESOURCES DEPT
 SALEM, OREGON

287 - 2789

After recording return to:
Kenneth D. Stevens
61450 Brosterhouse Rd
Bend OR 97702

93-01138

Send tax statements to:
Kenneth C. Barrows
61452 Brosterhouse Rd
Bend OR 97702

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS that KENNETH D. STEVENS and PATRICIA A. STEVENS, Husband and Wife, hereinafter called the Grantor, for the consideration hereafter stated, to Grantor paid by KENNETH C. BARROWS and DEBRA L. BARROWS, Husband and Wife, with right of survivorship, hereinafter called the Grantee, does hereby grant, bargain, sell and convey unto the said Grantee and Grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining situated in the County of Deschutes and State of Oregon, described as follows, to-wit:

A parcel of land located in the Northwest 1/4 of Section 9, T 18 S, R 12 E, W.M., City of Bend, Deschutes County, Oregon, which is described as follows:

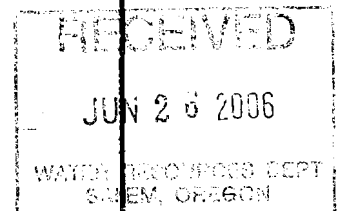
Commencing at the Center-West 1/16 corner of said Section 9; thence N 00°36'20" E 576.82 feet; thence N 89°17'48" W 743.10 feet; thence N 00°43'46" E 195.08 feet to the true point of beginning; thence N 00°43'46" E 95.00 feet; thence S 89°17'48" E 315.89 feet; thence S 00°42'12" W 95.00 feet; thence N 89°17'48" W 315.94 feet to the true point of beginning, containing 0.69 acres more or less.

SUBJECT TO an easement for driveway purposes being 15.00 feet in width and being the South 15.00 feet of the above described parcel.

TO HAVE AND TO HOLD the same unto the said Grantee and Grantee's heirs, successors and assigns forever.

And said Grantor hereby covenants to and with said Grantee and Grantee's heirs, successors and assigns, that Grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances except: and that Grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars is -0-.



THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS WHICH, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE. 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 EXISTENCE OF FIRE PROTECTION FOR STRUCTURES.

IN WITNESS WHEREOF, the grantor has executed this instrument this 22 day of January, 1993.

Kenneth D. Stevens
KENNETH D. STEVENS
Patricia A. Stevens
PATRICIA A. STEVENS

STATE OF OREGON)
County of Deschutes) ss.

Personally appeared the above named KENNETH D. STEVENS and PATRICIA A. STEVENS and acknowledged the foregoing instrument to be their voluntary act. Before me this 22 day of January, 1993.

Doreen A. Last
Notary Public for Oregon
My Commission Expires: 3-1-94



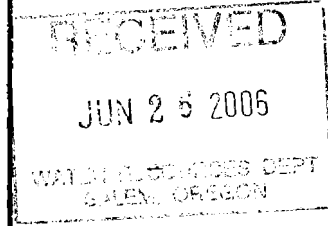
STATE OF OREGON)
COUNTY OF DESCHUTES) ss.

I, MARY SUE PENNOLLOW, COUNTY CLERK AND RECORDER OF DEEDS, IN AND FOR SAID COUNTY, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WAS RECORDED THIS DAY.

93 JAN 12 PM 2:46

MARY SUE PENNOLLOW
COUNTY CLERK

BY: *mp Bartke* DEPUTY
NO. 93-01178 PFF 3800
DESCHUTES COUNTY OFFICIAL RECORDS



AMERICAN LP

ROBERTSON RD

Scale: 1"=400'



Owner: JL Ward Company
3.5Dac

18-12-09 - SW/NW-01100

18-12-09-BC-01100

TRAP CT

CLAY PIGEON CT

FRANKLIN

FRANKLIN CT

FRANKLIN CT

FRANKLIN CT

TRAP CT

CLAY PIGEON CT

KEEL ALLEY CT

ALBANY

CHASE RD

BENJAMIN RD

HIGHWAY 81

PARRELL RD

REED LN

RECEIVED
JUN 26 2006
WATER RESOURCES DIVISION
SALES SECTION

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



Arnold Irrigation District
P.O. Box 9220
Bend, Oregon 97708
PHONE: 541-382-7664 FAX: 541-382-0833

1. WATER RIGHT
CERTIFICATE #74197
PRIORITY DATE 02/01/1905 - 04/25/1905
DESCHUTES COUNTY
WATER RIGHT UNDER NAME OF ARNOLD IRRIGATION DISTRICT

2. APPLICANT
NAME Kenneth D. & Patricia A. Stevens
ADDRESS 61456 Brasterhaus Rd Bend, Or 97702
ENCUMBRANCES None

3. TYPE OF CHANGE: PERMANENT CHANGE IN PLACE OF USE

4. LOCATION OF USE
AUTHORIZED POINT OF DIVERSION _____

LOCATION OF AUTHORIZED PLACE OF USE

TOWNSHIP	RANGE	SECTION	¼, ½ OF SECTION	TAX LOT	# OF ACRES IRRIGATED	OTHER USE
18	12	9	SW NW	00900	.50	

5. RECIPIENT
NAME J.L. WARD COMPANY
ADDRESS 20505 MURPHY RD., BEND, OR 97702

6. LOCATION OF PROPOSED USE

TOWNSHIP	RANGE	SECTION	¼, ½ OF SECTION	TAX LOT	# OF ACRES IRRIGATED	OTHER USE

7. EXHIBITS
A. Map showing the location of the present and proposed irrigated lands.

Arnold Irrigation District hereby certifies that the applicant and recipient are the deed holders of subject properties; that our files are complete with a copy of the recorded documents; that the applicant's land has been irrigated within the last five years or the right appurtenant is not subject to forfeiture, and that applicant and recipient hereby authorize the transfer proposed herein.

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

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

APPLICANT: Kenneth D. Stevens Patricia A. Stevens
Name
RECIPIENT: J. L. Ward
Name
FOR DISTRICT: _____
Name

8-23-04
Date
6/24/05
Date
RECEIVED
JUN 26 2006
WATER RESOURCES DEPT
BEND, OREGON

84-20876

WARRANTY DEED - STATUTORY FORM
INDIVIDUAL GRANTEE

ALTON L. BOTTS AND SUSAN L. BOTTS, H/W Grantor,
conveys and warrants to KENNETH D. STEVENS AND PATRICIA A. STEVENS, husband and wife,
Grantor, the following described real property free of encumbrances
except as specifically set forth herein situated in DESCHUTES County, Oregon, to-wit:

That part of the Southwest Quarter of the Northwest Quarter (SW1/4 NW1/4) of
Section Nine (9) Township Eighteen (18) South, Range Twelve (12) East of the
Willametta Meridian, Deschutes County, Oregon, described as follows:

Beginning at the Southeast corner of said SW1/4 NW1/4; thence Northerly along the
Easterly line of said SW1/4 NW1/4, 576.82 feet; thence West, 394.82 feet to the
point of beginning of the tract hereby conveyed; thence North, 120.08 feet; thence
West 356.5 feet; thence South, 120.08 feet; thence East, 356.5 feet to the point of
beginning of the tract conveyed, being a part of Tract 8 of the unofficial plat of
The said property is free from encumbrances except Trust Deed / Carroll Acree, Deschutes County,
now of record in favor of The Benj. Franklin / Oregon, except any part lying
by assignment dated October 13, 1982, WHICH / within the right of way of
buyer herein agrees to assume and to pay: / Brosterhouse Road. ***

The true consideration for this conveyance is \$ 37,200.00 (Here comply with the requirements of ORS 93.030)

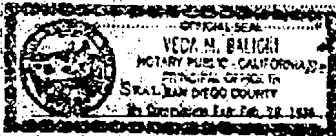
**TOGETHER WITH WATER AND IRRIGATION RIGHTS OF RECORD FOR SAID PROPERTY, (1/2 acre)

Dated this 1st day of DECEMBER, 1984.

THIS INSTRUMENT DOES NOT GUARANTEE THAT ANY
PARTICULAR USE MAY BE MADE OF THE PROPERTY
DESCRIBED IN THIS INSTRUMENT. A BUYER SHOULD
CHECK WITH THE APPROPRIATE CITY OR COUNTY
PLANNING DEPARTMENT TO VERIFY APPROVED USES.

X ALTON L. BOTTS
X SUSAN L. BOTTS

STATE OF OREGON, County of San Diego, December 1, 1984.
Personally appeared the above named ALTON L. BOTTS AND SUSAN L. BOTTS,



acknowledged the foregoing instrument to be their voluntary act and deed.

Veda M. Balochi
Notary Public for CALIFORNIA - My commission expires 2-28-86
CALIFORNIA

Form with fields for GRANTOR (BOTTS STEVENS), GRANTEE, NAME, ADDRESS, ZIP, and recording information.

STATE OF OREGON)
COUNTY OF DESCHUTES)
MARY SUE PENNINGTON, COUNTY CLERK AND
RECORDER OF COMPLETES, IN AND FOR SAID
COUNTY, DO HEREBY CERTIFY THAT THE WITHIN
INSTRUMENT WAS RECORDED THIS DAY
DEC - 6 PM 3:50
MARY SUE PENNINGTON
COUNTY CLERK
BY [Signature] DEPUTY
84-20876-1105
DESCHUTES COUNTY CLERK'S RECORDS

5135-E

RECEIVED
JUN 26 2000
WATER BUREAU
SALEM, OREGON

AMERICAN LP

BROSTERHOUS RD

Scale = 1" = 400'

Owner: JL Ward Company

18-12-09 - SW/NW-00900

18-12-09-BC-00900

Owner: JL Ward Company

0.50ac

18-12-09 - SW/NW-00900

TRAP CT

CLAY PIGEON CT

FRANKLIN

HELVIA CT

LEWIS

KEELALLY CT

ALBA LN

CHASE RD

BENHAM RD

HIGHWAY 97

PARFELL RD

REED LN

RECEIVED

JUN 28 2006

WATER RECORDS DEPT
SALEM, OREGON

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



Arnold Irrigation District
P.O. Box 9220
Bend, Oregon 97708
PHONE: 541-382-7664 FAX: 541-382-0833

1. WATER RIGHT

CERTIFICATE #74197
PRIORITY DATE 02/01/1905 - 04/25/1905
DESCHUTES COUNTY
WATER RIGHT UNDER NAME OF ARNOLD IRRIGATION DISTRICT

2. APPLICANT

NAME MIKE + VICTORIA DOWNING
ADDRESS 60656 GOSNEY RD.
ENCUMBRANCES _____

3. TYPE OF CHANGE: PERMANENT CHANGE IN PLACE OF USE

4. LOCATION OF USE

AUTHORIZED POINT OF DIVERSION _____

LOCATION OF AUTHORIZED PLACE OF USE

TOWNSHIP	RANGE	SECTION	¼, ¼ OF SECTION	TAX LOT	# OF ACRES IRRIGATED	OTHER USE
18	13	20	SW NE	00300	2.90	
18	13	20	SW NE	00600	0.35	

5. RECIPIENT

NAME J.L. WARD COMPANY
ADDRESS 20505 MURPHY RD., BEND, OR 97708

6. LOCATION OF PROPOSED USE

TOWNSHIP	RANGE	SECTION	¼, ¼ OF SECTION	TAX LOT	# OF ACRES IRRIGATED	OTHER USE

7. EXHIBITS

A. Map showing the location of the present and proposed irrigated lands.

Arnold Irrigation District hereby certifies that the applicant and recipient are the deed holders of subject properties; that our files are complete with a copy of the recorded documents; that the applicant's land has been irrigated within the last five years or the right appurtenant is not subject to forfeiture, and that applicant and recipient hereby authorize the transfer proposed herein.

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

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

APPLICANT: Mike Downing Date 7-22-04
 RECIPIENT: J.L. Ward Date 6/24/05
 FOR DISTRICT: _____ Date _____

RECEIVED
JUN 26 2006
WATER RESOURCES DEPT
BEND, OREGON

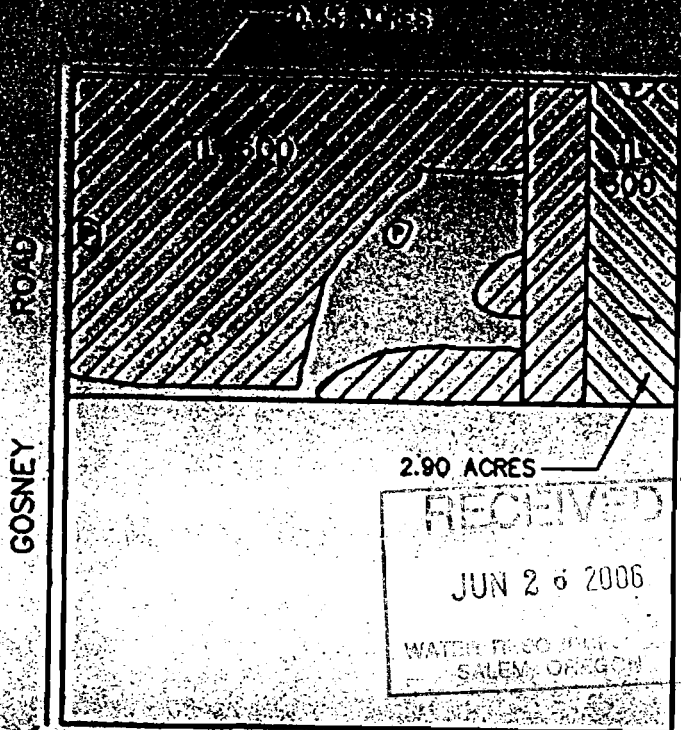
**WATER RIGHTS SURVEY
ARNOLD IRRIGATION DISTRICT
IN THE SW 1/4 OF THE NE 1/4 OF
Section 24, Township 18 South, Range 13 East, W.M.,
Wasco County, Oregon**

Milka and Vickie Downing Property

Tax Lots 300 and 600

 Existing Water Rights

 Water Transferred Off



Tax Lot 300
4.9 acres existing
water rights
2.9 acres
transferred off

Tax Lot 600
10.95 acres existing
water rights
0.35 acres
transferred off

I, James R. Tye, Certified Water Rights Examiner in the State of Oregon, hereby certify that this water rights survey map was prepared under my direct supervision.

The preparation of this map is for the purpose of identifying the location of the water right only and has no intent to provide dimensions or locations of property ownership lines.



Scale: 1" = 400' | Date: 5-25-04 | Survey by: R.T.&K.S. | Drawn by: L.W.K.B. | T.O. No.: 434-22B

SUN COUNTRY ENGINEERING & SURVEYING, INC.
920 S.E. ARMOUR RD. BEND, OREGON 97702 382-8882

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



Arnold Irrigation District
P.O. Box 9220
Bend, Oregon 97708
PHONE: 541-382-7664 FAX: 541-382-0833

1. WATER RIGHT

CERTIFICATE #74197
PRIORITY DATE 02/01/1905 - 04/25/1905
DESCHUTES COUNTY
WATER RIGHT UNDER NAME OF ARNOLD IRRIGATION DISTRICT

2. APPLICANT

NAME LINDA ROSE FRAZIER
ADDRESS P.O. BOX 7351, BEND, OR 97708
ENCUMBRANCES _____

3. TYPE OF CHANGE: PERMANENT CHANGE IN PLACE OF USE

4. LOCATION OF USE

AUTHORIZED POINT OF DIVERSION _____

LOCATION OF AUTHORIZED PLACE OF USE

TOWNSHIP	RANGE	SECTION	¼, ¼ OF SECTION	TAX LOT	# OF ACRES IRRIGATED	OTHER USE
18	12	08	SW SE	01404	1.10	

5. RECIPIENT

NAME J.L. WARD COMPANY
ADDRESS 20505 MURPHY RD., BEND, OR 97702

6. LOCATION OF PROPOSED USE

TOWNSHIP	RANGE	SECTION	¼, ¼ OF SECTION	TAX LOT	# OF ACRES IRRIGATED	OTHER USE

7. EXHIBITS

A. Map showing the location of the present and proposed irrigated lands.

Arnold Irrigation District hereby certifies that the applicant and recipient are the deed holders of subject properties; that our files are complete with a copy of the recorded documents; that the applicant's land has been irrigated within the last five years or the right appurtenant is not subject to forfeiture, and that applicant and recipient hereby authorize the transfer proposed herein.

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

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

APPLICANT: X [Signature]
Name
RECIPIENT: [Signature]
Name
FOR DISTRICT: _____
Name

X 6 1 09 RECEIVED
Date 6/24/05
Date JUN 26 2006
WATER RESOURCES DEPT
SALEM, OREGON

7069.452017

31

DESCHUTES COUNTY OFFICIAL REC 5
NANCY BLANKENSHIP, COUNTY CLERK

2004-70599



\$31.00

00329386200400705990010012

11/24/2004 04:03:45 PM

D-D Cntel Strs3 PAM
— \$3200 above for Re \$5.00 \$11.00 \$10.00 \$5.00

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS THAT, Linda Rose Frazier, Grantor, for and in consideration of the sum of Three Hundred Sixty Seven Thousand and 00/100 Dollars to it paid by the grantees herein, do hereby grant, bargain, sell and convey unto Badger View Development LLC Grantees, the following tract of land more particularly described as follows:

Tracts 20 and 21 of WARD'S TRACTS, Deschutes County, Oregon.
EXCEPT the South 89 feet of said Tract 21.

TO HAVE AND TO HOLD the granted premises unto the said Grantees, their heirs and assigns forever.

And the Grantor does covenant that it is lawfully seized in fee simple of the above granted premises free from all encumbrances EXCEPT,

1. Agreements, covenants, conditions, easements, reservations & restrictions of record, if any.

And that it will, its heirs, executors and administrators shall Warrant and forever defend the granted premises, against the lawful claims and demands of all persons except as above stated

WITNESS my Hand and Seal this 23 day of November, 2004.

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.

Linda Rose Frazier
Linda Rose Frazier

STATE OF OREGON
COUNTY OF DESCHUTES

Before me: on this 23 day of November, 2004, personally appeared the above named Linda Rose Frazier and acknowledged the foregoing instrument to be his/hers/their voluntary act and deed

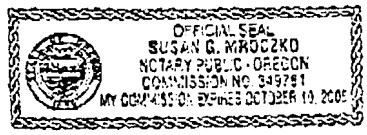
Susan G. Miroczko
Notary Public for the state of Oregon
My Commission Expires: 10-10-2005
Escrow # 401325

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

Badger View Development LLC
2555 NW Torsway Street
Bend, OR 97701

After Recording Please Return to:

Badger View Development LLC
2555 NW Torsway Street
Bend, OR 97701



FIRST AMERICAN TITLE
INSURANCE COMPANY OF OREGON
PO BOX 323
BEND OR 97709

RECEIVED
JUN 26 2006
WATER RESOURCES DEPT
SALES, OREGON

Scale: 1" = 400'
Owner: J. L. Ward Company
18-17-08 - SW/SE 1/4
1.10 acres

181208D001404

JUN 26 2008

SALEY, ORIGIN



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



Arnold Irrigation District
P.O. Box 9220
Bend, Oregon 97708
PHONE: 541-382-7664 FAX: 541-382-0833

Per County DIAL Report
Page 7 TL# changed
FROM 18-12-08-BD-01802
TO 18-12-08-BD-02500
on 5/11/03

Land Partition PZ 03-748

1. WATER RIGHT
CERTIFICATE #74197
PRIORITY DATE 02/01/1905 - 04/25/1905
DESCHUTES COUNTY
WATER RIGHT UNDER NAME OF ARNOLD IRRIGATION DISTRICT

2. APPLICANT
NAME ALICE McCULLOUGH
ADDRESS 61494 BLAKELY RD., BEND, OR 97702
ENCUMBRANCES _____

3. TYPE OF CHANGE: PERMANENT CHANGE IN PLACE OF USE

4. LOCATION OF USE
AUTHORIZED POINT OF DIVERSION _____

LOCATION OF AUTHORIZED PLACE OF USE

TOWNSHIP	RANGE	SECTION	¼, ¼ OF SECTION	TAX LOT	# OF ACRES IRRIGATED	OTHER USE
18	12	08	SE NW	02500	1.00	

5. RECIPIENT
NAME J.L. WARD COMPANY
ADDRESS 20505 Murphy Rd., Bend, OR 97702

6. LOCATION OF PROPOSED USE

TOWNSHIP	RANGE	SECTION	¼, ¼ OF SECTION	TAX LOT	# OF ACRES IRRIGATED	OTHER USE

7. EXHIBITS
A. Map showing the location of the present and proposed irrigated lands.

Arnold Irrigation District hereby certifies that the applicant and recipient are the deed holders of subject properties; that our files are complete with a copy of the recorded documents; that the applicant's land has been irrigated within the last five years or the right appurtenant is not subject to forfeiture, and that applicant and recipient hereby authorize the transfer proposed herein.

RECEIVED
JUN 26 2006

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

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

APPLICANT: *	<u>Alice M McCullough</u>	* 11-26-04
	Name	Date
RECIPIENT:	<u>J. Ward Pres.</u>	6/24/04
	Name	Date
FOR DISTRICT:		
	Name	Date

KNOW ALL MEN BY THESE PRESENTS, That WOODROW W. WILCOX
and ANNIE LAURIE WILCOX, HUSBAND AND WIFE

in consideration of Five & no/100----- Dollars,
and other valuable consideration,
to them paid by Orval P. McCullough and Alice M. McCullough,
husband and wife

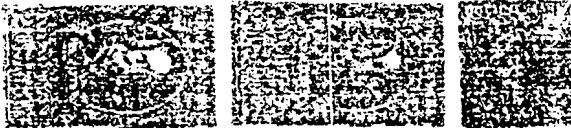
do hereby grant, bargain, sell and convey unto the said grantee, their heirs and assigns, all
the following real property, with the tenements, hereditaments and appurtenances, situated in the County
of Deschutes and State of Oregon, bounded and described as follows, to-wit:

A portion of Tracts Six (6) and Seven (7) BLAKLEY HEIGHTS,
Deschutes County, Oregon, more particularly described as
follows: Beginning at the N. E. corner of Tract 6, thence
South 63° 00' East a distance of 79.34 feet; thence South 14°
47' 40" West a distance of 267.05 feet; thence North 85° 24' 20"
West a distance of 356.34 feet; thence North 5° 35' 40" East for
69.99 feet; thence North 20° 49' East for 287.06 feet; thence
due East for 132.56 feet; thence South 63° 00' East for 110.09
feet to the point of beginning.

To Have and to Hold the above described and granted premises unto the said grantee, their
heirs and assigns forever.

And we the grantor do covenant that we are lawfully seized in fee simple of the above
granted premises free from all encumbrances, excepting restrictions, easements
and encroachments of record or visible on the premises, and that
Mrs. Irene Woodrow W. and Annie Laurie Wilcox, n & w, to Bend, Oregon, United
States National Bank of Portland, Inc. March 5, 1952 in book 123 have 193
and that we will and our heirs, executors and administrators, shall warrant and forever
defend the above granted premises, and every part and parcel thereof, against the lawful claims and
demands of all persons whatsoever.

Witness my hand and seal this 20th day of February, 1964.



Woodrow W. Wilcox (SEAL)
Annie Laurie Wilcox (SEAL)

STATE OF OREGON

County of Deschutes

On this 20th day of February, 1964,

before me, the undersigned, a Notary Public in and for said County and State, personally appeared the
within named Woodrow W. Wilcox and Annie Laurie Wilcox, husband
and wife

who are known to me to be the identical individuals described in and who executed the within
instrument, and acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official
seal the day and year last above written.



Virginia D. Brown
Notary Public for Oregon.
My commission expires 1967.

WARRANTY DEED

DOCKET No.

DO NOT USE THIS
SPACE RESERVED
FOR RECORDING
LABEL IN COUNTY
THIS WHERE
NECESSARY

AFTER RECORDING RETURN TO

BEND ABSTRACT COMPANY
1050 BOND STREET
BEND, OREGON
1284

STATE OF OREGON,

County of Deschutes

I certify that the within instrument
was received for record on the
20th day of February, 1964
at 2 o'clock P. M., and recorded
in book 138 on page 372
Record of Deeds of said County.

Witness my hand and seal of
County aforesaid.

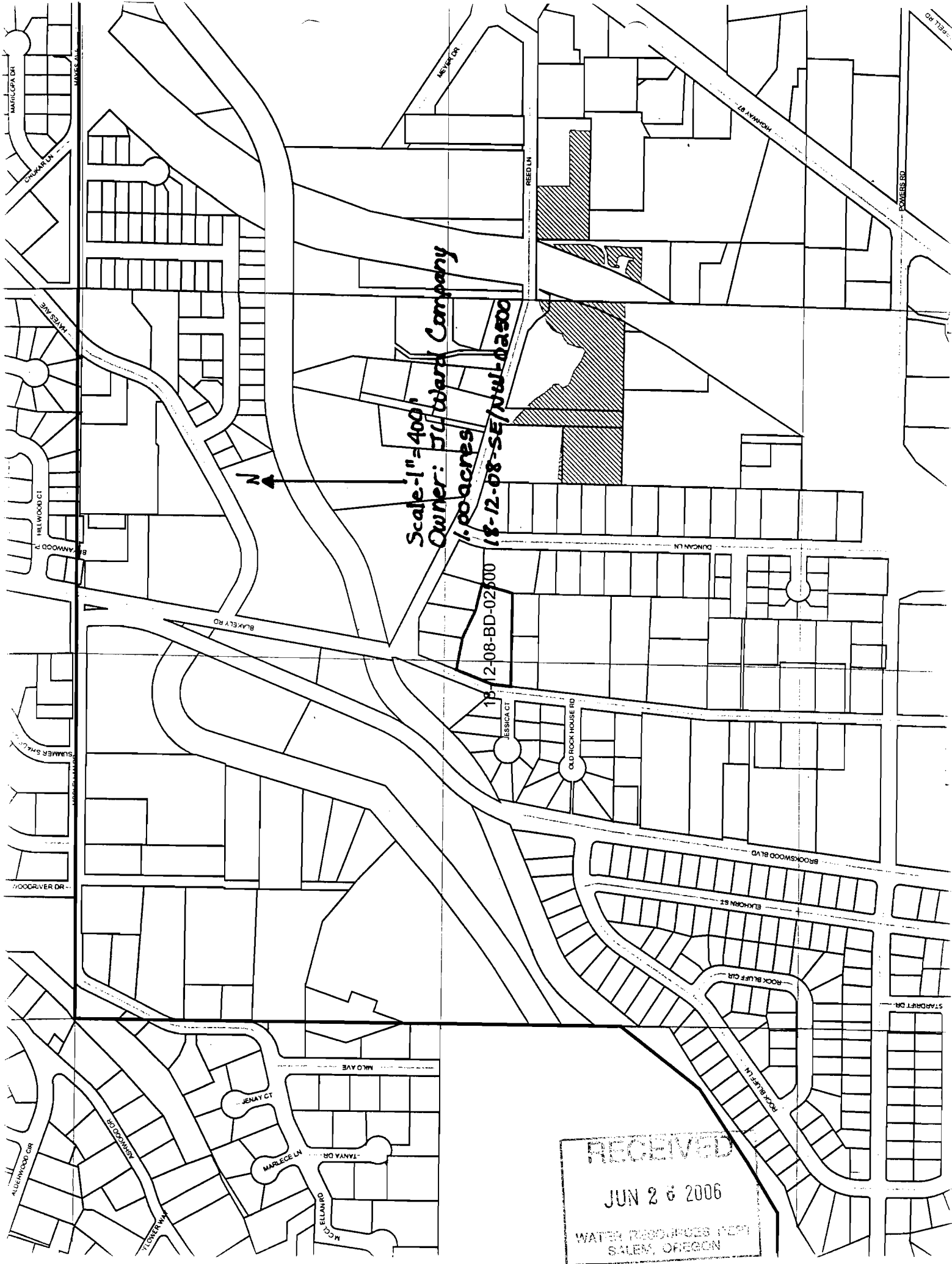
John D. Brown
County Clerk-Recorder

By _____
County Clerk

RECEIVED

JUN 26 2006

WATER RESOURCES DEPT
BEND, OREGON



Scale: 1" = 400'
Owner: *J. J. Ward Company*
1.20 acres
18-12-08-BD-02300



RECEIVED
JUN 26 2006
WATER RESOURCES DEPT
SALEM, OREGON

Enhancing the lives of citizens by delivering quality services in a cost-effective manner

Deschutes County

Search

Go

help | site map | location | contact us | En español

LIVING HERE	BUSINESS	VISITING	GOVERNMENT	ES
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Living in Deschutes County: Comprehensive information for residents of Deschutes County.

You are here: [Government](#) » [Departments](#) » [Assessor's Office](#) » DIAL Search Results Stanc

DISCLAIMER AND LIMITATION OF LIABILITY

Information on the Deschutes County Computer is not guaranteed to be accurate and may contain errors and omissions. Deschutes County provides NO WARRANTY AS TO THE MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE FOR ANY INFORMATION. Original records may differ from computer entries. If reliance upon computer record is intended, verification of information on source documents is required. User expressly acknowledges and agrees that the use of any information appearing on the Deschutes County Computer is at User's sole risk. Deschutes County shall not be liable for any direct, indirect, incidental, or consequential damages caused by mistakes, omissions, deletions, errors, defects, in any information, or any failure or delays in receiving information. The following property tax assessment data is updated nightly.

Account: 120036 Map/TL: R 1-001 181208 BD 02500

* * * Ownership Information ONLY

MCCULLOUGH, ALICE M
 61494 BLAKELY RD
 BEND OR 97702

Site Address: 61494 BLAKELY RD BEND 97702

Assessor Property Description
 PP2005-3 Lot: Block: 3

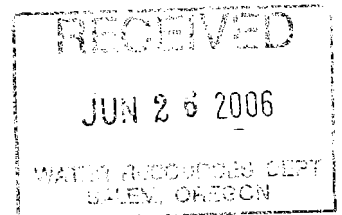
Prop Cls:191 MA:5 VA:08 NH 000
 Asmt Zone:RS CDD Zone:BEND (CITY OF BEND)

*** Land Values ***

Asmt type	Acres
URBAN LOT	1.20
SD	
LA	
*Total	1.20

*** Improvement Values ***

FB	BLT	%GD
138	1944	68
300		25
300		50



*Total 0

Room Grid for 138 Total SqFt: 2204

- - - - - R O O M S - - - - -

		LR	K	DR	FAM	BD	BATH	OTH	FP	UTL
Sq Ft:	1728	1	1	1	1	2	2		1	1
	476							1		
		1st Fl		Attic						

***** Values shown below are as of the Assessment Date, January 1 of each year *****

***	-----2004-----		-----2003-----		-----2002-----	
	Total RMV	Taxable A.V.	Total RMV	Taxable A.V.	Total RMV	Taxabl A.V.
LND:	95,450		86,550		75,995	
IMP:	88,870		87,990		85,425	
TOT:	184,320	104,230	174,540	101,196	161,420	98,24

R 1001 181208-BD-02500 120036 Prop Class 191 Value Area 08
 Maint Area 5 Neighborhood 000
 Asmt Zone RS

MCCULLOUGH, ALICE M
 61494 BLAKELY RD 61494 BLAKELY RD
 BEND, OR 97702

* * * I N S P E C T I O N S * * *

Insp By: Phillips, T 05/14/97 Intr Insp

Card 1 of 3

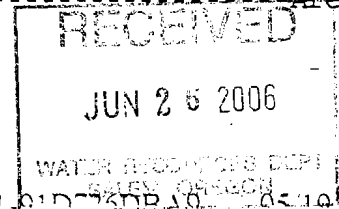
- - - - - R O O M S - - - - -

		LR	K	DR	FAM	BD	BATH	OTH	FP	UTL
Sq Ft:	1728	1	1	1	1	2	2		1	1
	476							1		
		1st Fl		Attic						

Factor Book: 138 Year Built: 1944 Percent Good: 68

* * * I N T E R I O R C O M P O N E N T S * * *

Description-----	Qty/ Area	Description-----	Qty/ Area
FOUNDATION - CONCRETE		SIDING - LAP	
WINDOWS - DOUBLE/THERMAL PANE		ROOF - GABLE	



DRYWALL		KITCHEN SINK	1
WOOD STOVE	1	FORCED AIR HEATING	1728
SHOWER W/DOOR, FIBERGLASS	1	LAVATORY	2
LAUNDRY TUB	1	WATER HEATER	1
D.I. RANGE	1	VINYL FLOOR	.
BATHTUB W/FIBRGL SHWR	1	ROOF CVR - COMP	
TOILET	2	WINDOWS - WOOD	
HOOD-FAN	1	CARPET	

*** OTHER IMPROVEMENT COMPONENTS ***

Factor Book: 138 Year Built: 1944 Percent Good: 68

Description-----	Qty/ Area	Description-----	Qty/ Area
DECK-AVERAGE	276	DECKS-FAIR	135
DECK COVER - AVERAGE	276	DECKS-GOOD	80
		CONCRETE-PAVING	234

Card 2 of 3

*** OTHER IMPROVEMENT COMPONENTS ***

Factor Book: 300 Percent Good: 25

Description-----	Qty/ Area	Description-----	Qty/ Area
GP SHED	60		

Card 3 of 3

*** OTHER IMPROVEMENT COMPONENTS ***

Factor Book: 300 Percent Good: 50

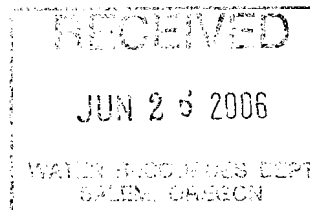
Description-----	Qty/ Area	Description-----	Qty/ Area
GP BUILDING	1152		

*** LAND ***

Description
ACCESS PUBLIC
WATER COMMERCIAL
VIEW - AVERAGE

Description
ELECTRICITY
SEPTIC SYSTEM

Description
GAS
GRAVEL DRIVE



AT/Class	Desc	Adj Factor#1	Adj Factor#2	Adj Factor#3
URBAN LOT	A	1.20		

SD
LA

* * * T A X P A Y M E N T S * * *

For current balance due information on this account select the following button (Please note that this link will provide current balance information, including interest & fees, **EXCEPT FOR ACCOUNTS IN FORECLOSURE**, please call the tax office @ 388-6540 for payoff information on foreclosure accounts)

[Get real-time tax summary for this property](#)

This web site uses the FREE Adobe® Acrobat® Reader™ plug-in. If you do not have this plug-in, click the icon to get it.



This Account is in:
EST COLL

2004 Balance Due	Adval Tax				
0.00	1,575.01				
Trn Date Btch	Received	Int/Disc Jrnl	Rcpt#	Description	
10-12-04 1704	-1,659.56	-47.25	135886	04-05 PLAT PREPAY	
10-26-04 0404	131.80	0.00	137744		
2003 Balance Due	Adval Tax				
0.00	1,534.53				
Trn Date Btch	Received	Int/Disc Jrnl	Rcpt#	Description	
11-04-03 0403	-1,488.49	-46.04	16275		
2002 Balance Due	Adval Tax				
0.00	1,489.74				
Trn Date Btch	Received	Int/Disc Jrnl	Rcpt#	Description	
11-12-02 7453	-1,445.05	-44.69 C 90	1278937		
2001 Balance Due	Adval Tax				
0.00	1,399.58				
Trn Date Btch	Received	Int/Disc Jrnl	Rcpt#	Description	
11-06-01 6756	-1,357.59	-41.99 C 90	1161506		
2000 Balance Due	Adval Tax				
0.00	1,361.26				
Trn Date Btch	Received	Int/Disc Jrnl	Rcpt#	Description	
11-14-00 6147	-1,320.42	-40.84 C 90	1084641		
1999 Balance Due	Adval Tax				
0.00	1,340.44				
Trn Date Btch	Received	Int/Disc Jrnl	Rcpt#	Description	
11-09-99 5578	-1,300.23	-40.21 C 90	964144		

RECEIVED

JUN 26 2006

WATER RESOURCES DEPT
SALEM, OREGON

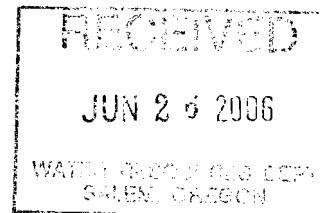
07/19/77 OLD FRAMING AND PLUMBING OK TO COVER.
 06/21/77 OLD FOOTING OK TO POUR WHEN ROOTS AND LOOSE DIRT ARE
 REMOVED.

Site Evaluation: 785 on Account number: 120036

OLD FEASIBILITY#.....: 7797
 Map/TL.....: 181208 B0 01802
 ACCOUNT.....: 120036
 SUBDIVISION/TRAILER PARK: BLAKLEY HGTS
 STATUS.....: FINAL
 BUILDING CLASS.....: UNKNOWN
 LAST REVIEW DATE.....:
 NEXT REVIEW DATE.....:
 BUILDING USE.....:
 APPROVED FOR SYSTEM.....: C
 BODIES OF WATER ON PROP?: UNKNOWN
 WELLS ON PROPERTY?.....: UNKNOWN
 SEWAGE ENCUMBRANCES?....: UNKNOWN
 LENGTH OF SYSTEM.....:
 TRENCH DEPTH INCHES.....:
 FIELD WORK DONE?.....:
 PERMIT NAME.....: MCCULLOUGH, ORVAL
 SITE ADDRESS.....: REED LN,
 APPLICATION DATE.....: 04/05/77

Septic Permit: 407 on Account number: 120036

OLD SEPTIC#.....: 77879
 Map/TL.....: 181208 B0 01802
 ACCOUNT.....: 120036
 STATUS.....: C
 BUILDING CLASS.....: UNKNOWN
 PERMIT ZONING.....:
 BUILDING USE.....:
 WATER SOURCE.....:
 SEPTIC PERMIT TYPE.....:
 FEASIBILITY NUMBER.....:
 LINKED BUILDING PERMIT..: 1641
 MIN SEPTIC GAL CAPACITY.:
 SEPTIC TRENCH LENGTH....:
 TRENCH DEPTH INCHES.....:
 FIELD WORK DONE?.....:
 PERMIT NAME.....: ECKSTEIN, JIM
 CONTRACTOR NAME.....: UNKNOWN
 SITE ADDRESS.....: 20119 REED LN, BEND
 APPLICATION DATE.....: 06/09/77



 ***** Real Property Tax Lot Record *****

1998 Balance Due	Adval Tax				
0.00	1,302.68				
Trn Date Btch	Received	Int/Disc Jrnl	Rcpt#	Description	
11-15-98 5133	-1,263.60	-39.08 C 90	906637		
1997 Balance Due	Adval Tax				
0.00	1,241.61				
Trn Date Btch	Received	Int/Disc Jrnl	Rcpt#	Description	
12-15-97 4595	-811.19	-16.55 C 90	812807		
05-08-98 4837	-413.87	0.00 C 90	838821		
1996 Balance Due	Adval Tax				
0.00	1,296.78				
Trn Date Btch	Received	Int/Disc Jrnl	Rcpt#	Description	
11-06-96 4072	-1,257.88	-38.90 C 90	672056		
08-08-97 4420	0.00	0.00	0	113 X207382 MVD HERE	

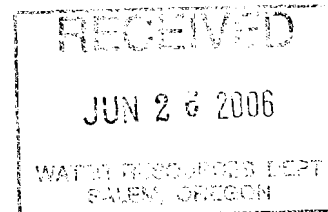
Pre-Payments Received But Not Posted:

Trn Date	Reason	Amount	Rcpt#	Description/Payor
10-07-04	ADVA	1,659.56		MCCULLOUGH, ALICE M

This Account is in:
EST COLL

Building Permit: 1643 on Account number: 120036

OLD BUILDING#.....: B77954
 Map/TL.....: 181208 B0 01802
 ACCOUNT.....: 120036
 STATUS.....: FINAL
 BUILDING CLASS.....: RESIDENTIAL
 PERMIT CLASS.....: NEW
 STRUCTURE TYPE.....:
 PERMIT ZONING.....:
 BUILDING USE.....:
 STRUCTURE TYPE.....: WOOD FRAME
 ON SEWER?.....: NOT LISTED
 SEPTIC PERMIT NUMBER.....: 408
 SOLAR APPROVED? ..: UNKNOWN
 PERMIT NAME.....: ECKSTEIN, JIM
 CONTRACTOR NAME.....: UNKNOWN
 SITE ADDRESS.....: 20119 REED LN, BEND
 STORIES.....:
 SQ FEET.....:
 BEDROOMS.....: 3
 PERMIT VALUATION.....: 30,000
 APPLICATION DATE.....: 01/01/77
 PERMIT ISSUE DATE.....: 06/09/77
 FINAL DATE.....: 10/27/77



Inspection	Initial	Comments
10/10/77	OLD	RE-INSPECT FINAL OK.
08/23/77	OLD	FINAL OK WITH SOLID CORE DOOR ON WOOD BOX.
07/20/77	OLD	NAILING OK TO TAPE.

[Get Latest Tax Lot Record for this property](#)

This web site uses the FREE Adobe® Acrobat® Reader™ plug-in. If you do not have this plug-in, click the icon to get it.



Tax Lot Record prior to July 2003

For Tax Lot Records prior to 1995 please call our office at (541)388-6508

Prior Tax Lot Card is 181208B001802

18 12 08 B D 02500 Code 1-001 Current Acres 1.20

This description is for tax purposes ONLY and can not be attached to any legal document.

BLAKLEY HEIGHTS Lot: PT 6,PT 7

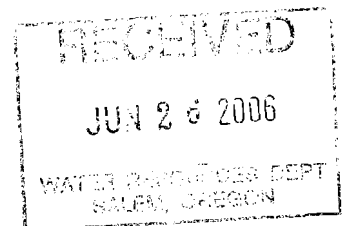
RC20030376 05/11/03

Posted on 05/11/03 by PATF

** Text:

Account Change From 181208B001802 To 181208BD0250

Source: REMAPPING PURPOSES;JV12974



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



Arnold Irrigation District
P.O. Box 9220
Bend, Oregon 97708
PHONE: 541-382-7664 FAX: 541-382-0833

1. **WATER RIGHT**
CERTIFICATE #74197
PRIORITY DATE 02/01/1905 - 04/25/1905
DESCHUTES COUNTY
WATER RIGHT UNDER NAME OF ARNOLD IRRIGATION DISTRICT

2. **APPLICANT**
NAME VICKY AND ALAN HUGHES
ADDRESS 22175 RICKARD RD.
ENCUMBRANCES _____

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

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

LOCATION OF AUTHORIZED PLACE OF USE

TOWNSHIP	RANGE	SECTION	¼, ¼ OF SECTION	TAX LOT	# OF ACRES IRRIGATED	OTHER USE
18	13	19	NE NW	00200	1.32	

5. **RECIPIENT**
NAME J.L. WARD COMPANY
ADDRESS 20505 MURPHY RD., BEND, OR 97702

6. LOCATION OF PROPOSED USE

TOWNSHIP	RANGE	SECTION	¼, ¼ OF SECTION	TAX LOT	# OF ACRES IRRIGATED	OTHER USE

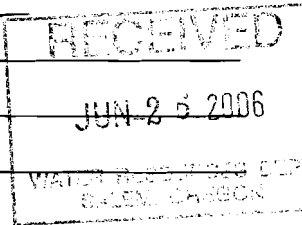
7. **EXHIBITS**
A. Map showing the location of the present and proposed irrigated lands.

Arnold Irrigation District hereby certifies that the applicant and recipient are the deed holders of subject properties; that our files are complete with a copy of the recorded documents; that the applicant's land has been irrigated within the last five years or the right appurtenant is not subject to forfeiture, and that applicant and recipient hereby authorize the transfer proposed herein.

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

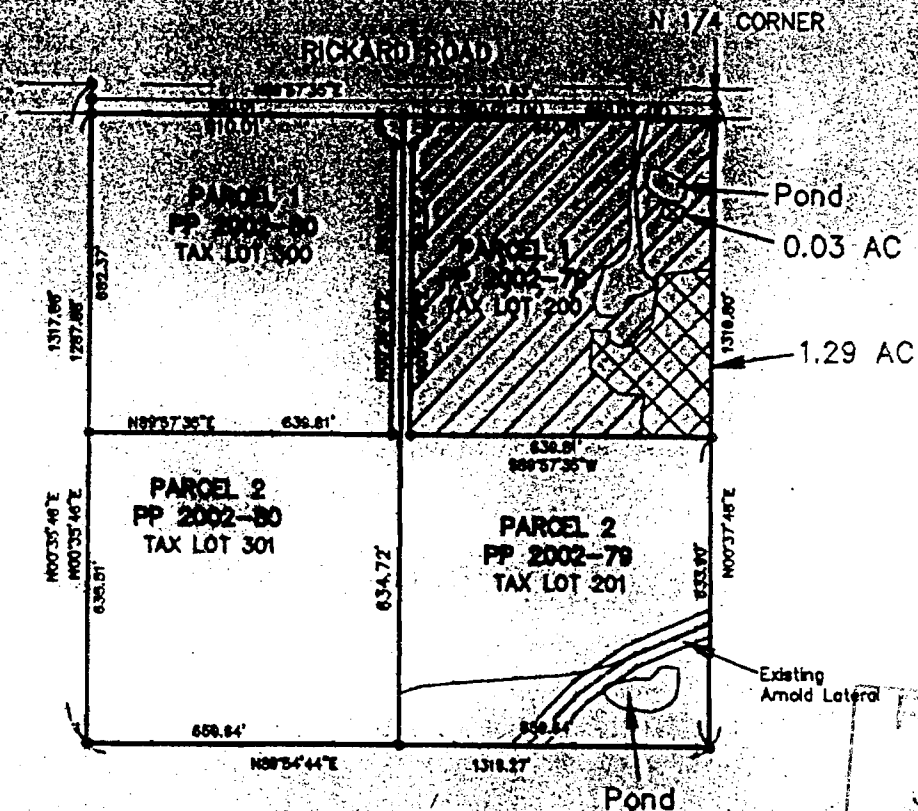
ARNOLD IRRIGATION DISTRICT AND APPLICANT, HEREBY SWEAR THAT THE ABOVE NOTICE FOR TRANSFER OF WATER RIGHT AND THE STATEMENTS MADE ARE TRUE AND CORRECT.

APPLICANT: Vicky Hughes
Name _____ Date 6-16-05
RECIPIENT: W. J. Pres.
Name _____ Date _____
FOR DISTRICT: _____
Name _____ Date _____



WATER RIGHTS TRANSFER APPLICATION MAP

Vicky & Alan Hughes Property
Parcel 2 OF Partition Plat NO. 2002-80,
NE 1/4 NW 1/4 Section 19,
Township 13 South, Range 13 East,
Willamette Meridian, Deschutes County, Oregon
Tax Lot 13-13-19-200



= WATER TO REMAIN UNMOVED = 7.65 AC

= WATER TO BE TRANSFERRED OFF = 1.32 AC

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JUN 26 2006
WATER RIGHTS DEPT.

I, Michael W. Tye, Certified Water Right Examiner in the State of Oregon, hereby certify that this water rights survey map was prepared under my direct supervision.

The preparation of this map is for the purpose of identifying the location of the water right only and has no intent to provide dimensions or locations of property ownership lines.



SCALE 1" = 400' DATE 5-13-05 SURVEY BY AERIAL DRAWN BY K.B. ORDER NO. 4057-22A

SUN COUNTRY ENGINEERING & SURVEYING, INC.
920 SE ARMOUR ROAD BEND, OREGON 97702 PHONE 382-8882

VOL: 1999 PAGE: 13252
RECORDED DOCUMENT

STATE OF OREGON
COUNTY OF DESCHUTES

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

DATE AND TIME: Mar. 17, 1999; 3:12 p.m.

RECEIPT NO: 3477

DOCUMENT TYPE: Deed

FEE PAID: \$45.00

NUMBER OF PAGES: 2

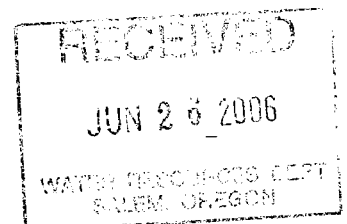
Mary Sue Penhollow

MARY SUE PENHOLLOW
DESCHUTES COUNTY CLERK



1999 13252 * Vol Page

03/17/1999 15:20:40



18797-45

99-13252-1

WARRANTY DEED

ROBERT V. ARCHER and SUSAN ARCHER, as tenants by the entirety. Grantor(s) hereby grant, bargain, sell, warrant and convey to: ALAN J. HUGHES and VICKY J. HUGHES, husband and wife Grantee(s) and grantee's heirs, successors and assigns the following described real property, free of encumbrances except as specifically set forth herein in the County of DESCHUTES and State of Oregon, to wit:

PARCEL 1:

THE EAST ONE-HALF OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER (E1/2NE1/4NW1/4) OF SECTION NINETEEN (19), TOWNSHIP EIGHTEEN (18) SOUTH, RANGE THIRTEEN (13), EAST OF THE WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON.

PARCEL 2:

THE WEST ONE-HALF OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER (W1/2NE1/4NW1/4) OF SECTION NINETEEN (19), TOWNSHIP EIGHTEEN (18) SOUTH, RANGE THIRTEEN (13), EAST OF THE WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON.

TAX ACCOUNT NO.: FT181319002005002300

SUBJECT TO: all those items of record and those apparent upon the land, if any, as of the date of this deed and those shown below, if any, and the grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whatsoever except those claiming under the above described encumbrances.

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 DEFENSED IN ORS 30.910.

The total and actual consideration for this conveyance is \$ 515,000.00

When a change is warranted, all tax statements shall be sent to Grantee at the following address: 1990 PONDEROSA CASCADE DRIVE, SEASIDE, OR 97138

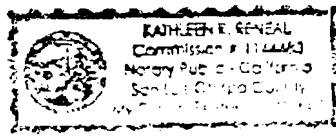
Given this 15th day of March 1999

[Signature] ROBERT V. ARCHER

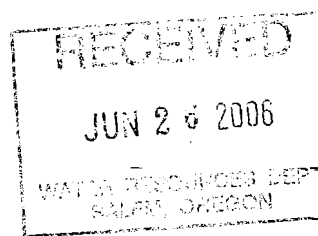
[Signature] SUSAN ARCHER

STATE OF California ss: March 15 1999
COUNTY OF San Luis Obispo
Personally appeared the above named SUSAN ARCHER

and acknowledged the foregoing instrument to be voluntary act.



Before me: [Signature] Notary Public for California My commission expires 03-29-2001



RECORD NO. 8701679718
RECORDED TO:
ALAN J. HUGHES
1990 PONDEROSA CASCADE DRIVE

After recording return to:
Almanac
15 JEFFERSON ST., SEASIDE

STATE OF OREGON.

County of Deschutes

FORM No. 21—ACKNOWLEDGMENT
Lawrence-Ness Low Publishing Co. NI
Portland, OR 97204 ©1992

99-13252-2

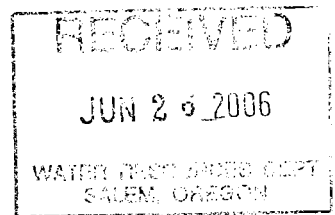
BE IT REMEMBERED, That on this 9th day of March, 1999, before me, the undersigned, a Notary Public in and for the State of Oregon, personally appeared the within named Robert V. Archer

known to me to be the identical individual described in and who executed the within instrument and acknowledged to me that he executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.



Linda Binclair
Notary Public for Oregon
My commission expires 12/21/2000



Transfer to Arnold Irrigation District

AFFIDAVIT OF PERMISSION TO TRANSFER WATER RIGHTS

NNP-RiverRim LLC hereby gives permission to the Arnold Irrigation District to transfer the 47.41 acres of water as shown on the "Water Rights Transfer Map Off - Arnold Irrigation District", attached as Exhibit A and hereby made a part of this affidavit, located in Section Thirteen (13), Township Eighteen (18) South, Range Eleven (11) East, Willamette Meridian, City of Bend, Deschutes County, Oregon.

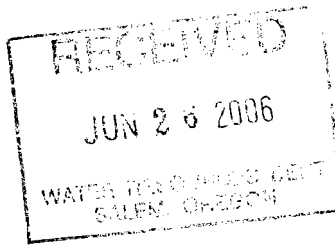
DATED: January 24, 2003

NNP-RIVERRIM, LLC,
a Delaware limited liability company

By: *[Signature]*
Davis Wood, Jr., Vice President

By: *[Signature]*

Name: LaDonna K. Monsees
Sr. Vice President
Title: _____



For future reference see
6.75 *Brookwood Pump (Lead Pipe) 01/01/03*
15.00 *Simpson Street (Lead Pipe) 01/01/03*
47.41 *SLUARD*
23.64 *NNP River Rim*
93.00 *Total original share of standing Simpson Street water right*

STATE OF WASHINGTON)
)ss:
COUNTY OF CLARK)

On this 24th day of January, 2003, the undersigned, a Notary Public in and for the State of Washington duly sworn, personally appeared Davis Wood, Jr., to me known to be the Vice President of NNP-RIVERRIM, LLC, a Delaware limited liability company, the company that executed the foregoing instrument and acknowledged the said instrument to be the free and voluntary act and deed of said company for the uses and purposes therein mentioned, and on oath that he is authorized to execute the said instrument.

Witness my hand and official seal hereto affixed the day and year first above written.

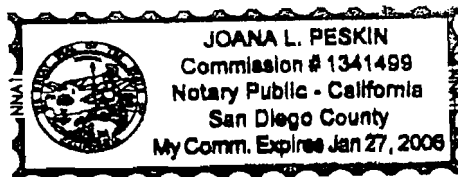


Adrianna Poff
Notary Public in and for the State of Washington
My commission expires 5/14/04

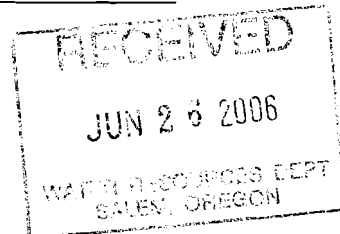
STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

On 30 January, 2003 before me, Joana L. Peskin,
Notary Public, personally appeared LaDonna Y. McSides, claiming to be the Sp. Vice
President of NNP-RIVERRIM, LLC, a Delaware limited liability company,
personally known to me to be the person whose name is subscribed to the within
instrument and acknowledged to me that he executed the same in ~~his~~ authorized capacity,
and that by ~~his~~ signature on the instrument the person or entity on behalf of which the
person acted, executed the instrument.

Witness my hand and official seal.



Signature Joana L. Peskin
Notary Public for the State of California
My commission expires _____



FOR: NNP-RIVER, LLC.

PREPARED BY:



SURVEYORS, ENGINEERS & PLANNERS

HICKMAN, WILLIAMS & ASSOCIATES, INC
805 SW INDUSTRIAL WAY, SUITE 10, BEND, OR 97702-1093
PHONE (541) 389-9351 FAX (541) 388-5416

Property 517202
part of the 1/4 section
transferred to NNP-RIVER, LLC
Shelburne 1/1/02
TL 1300 NE SW 1/4
TL 1300 NE SW 1/4
12/1/02

WATER TRANSFERRED OFF:

PETITION NO. T-2002-003

NE SW TL-1300	0.23 AC
NW SE TL-2402	0.39 AC
NW SE TL-2402	5.55 AC
SW SE TL 2402	2.61 AC
SE SE TL-2402	21.27 AC
NE SE TL-2402	7.36 AC
TOTAL	47.41 AC

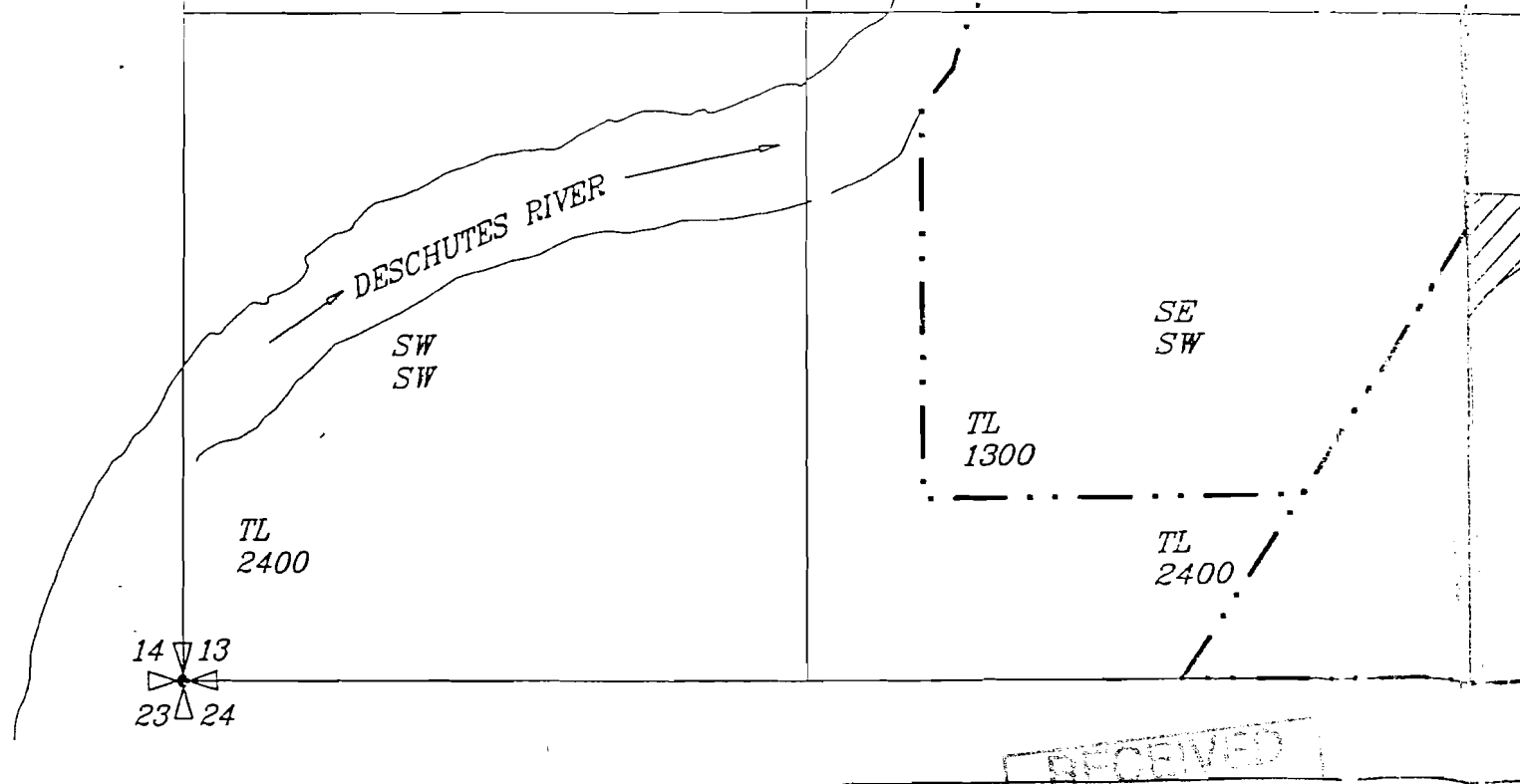
14 13



1" = 400'

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

DAVID R. WILLIAMS
MAY 16 1996
STATE OF OREGON
12/1/02



RECEIVED
JUN 25 2006
WATER RIGHT BY JUDICIAL SALE OF BEND

STATE NO.
T-9636

LEGEND

OFF:

WATER TO REMAIN:		
NE SW TL-1300	5.32	AC
NW SE TL-2402	2.51	AC
NW SE TL-2402	1.15	AC
NW SE TL-2402	3.71	AC
NW SE TL-2402	0.05	AC (POND)
SW SE TL 2402	6.95	AC
SW SE TL 2402	10.34	AC
SE SE TL-2402	3.23	AC
NE SE TL-2402	2.65	AC
TOTAL:		36.91 AC

--- DENOTES TAX LOT LINE



DENOTES WATER TO REMAIN



DENOTES WATER TO BE TRANSFERRED OFF

0.23 AC
0.39 AC
5.55 AC
2.61 AC
21.27 AC
7.95 AC
47.41 AC

13 18

TL 2402

TL 2402

NE SE

TL 2402

BROOKSWOOD BLVD.

6.39

1.15

2.51

8.95

NW SE

3.71

0.05 POND

2.65

7.96

3.23

2.61

10.34

SW SE

6.95

21.27

TL 2402

13 18

24 19



State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900

Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/publication/reports/index.shtml.

Pursuant to ORS 537.348(2) and OAR 690-077-0077

Optional Identification by Lessor/Lessee: _____
Lease Agreement Number (assigned by WRD): _____

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Dale Hukari
(Mailing address) PO Box 794
(City, State, Zip Code) Canton, NY 13617
(Telephone number) 315-379-9649
(Email address) _____

If additional landowners, enter landowner information below

Note: The numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the same information as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always sequential.

~I~ Ownership and Water Right Information

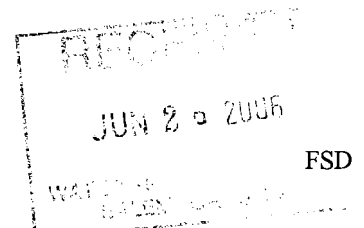
1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 18, Range 12, Section 23 and Tax Lot number 00500. If the water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included.

1.3 For the lands being leased, list all water rights appurtenant to the lessor's property. Indicate if there are any supplemental or overlying rights.

Certificate No. 74197

1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. Yes No

1.5 **Subject Water Rights.** Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached). (Crosshatch the area of water rights being leased). Attached map(s) must identify property owner, Township, Range, Section and 1/4 1/4, tax lot number, map orientation and scale.



T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	18	12	23	NW NW	00500	30.60	IRRIG	74197	17	2/5/1905- 4/25/1905
2.										
3.										
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 30.60
Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

If you need to enter another leased right, please use the Additional Landowner Water Rights Form.

1.6 Validity of rights. Lessor(s) attests (mark one) 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 as an instream water right or
- The water has not been used over the past five years according to the terms and conditions of the owner's water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)()(include necessary supporting documentation as Attachment 3).

~II~ Instream Water Right Information

2.3 Term of lease. This lease shall terminate on October 31, 2006. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

~III~ Other Information

3.1 Accuracy. The Undersigned Lessor/s, Lessee and Trustee declare that, to the best of their knowledge and belief, the information contained in this lease is true, correct and complete. If after the lease is signed, any information is determined to be false, the lease may be modified or terminated. This lease only exercises the water rights being leased; for the term of the lease; it shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.

3.2 Lease. All Lessors agree to lease the water rights listed in 1.4 for instream use for the term of this Agreement through Lessee to Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077-0077.

3.3 Precedent. If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077- 0070 or OAR 690-077-0075 a new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.

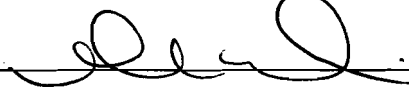
RECEIVED
JUN 26 2006
OREGON WATER RESOURCES DEPT
BIWATER DIVISION

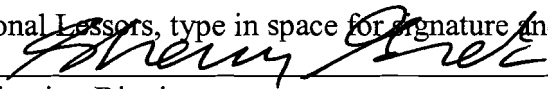
3.4 Suspension of original use. During the period of the lease, the owner agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights. In the event that a supplemental water right is not part of this lease, it may be subject to forfeiture.

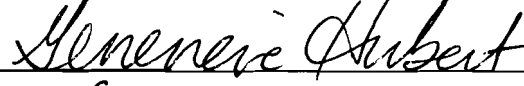
3.5 Termination provision.

- For multiyear leases, lessor *shall* have the option of terminating the lease each year, prior to the lease being exercised (_____), with 30 day written notice to the Department provided by the Irrigation District, Other Water Purveyor or Lessee (if different than Department). The lessor must contact the Irrigation District, Other Water Purveyor, or Lessee (if different than Department) to indicate their interest in terminating the lease agreement.
- For multiyear leases, lessor *shall not* have the option of terminating the lease each year, prior to the lease being exercised, with written notice to the Department.

3.6 Modification to prevent injury. Allocation of water to the instream use described in Section 2.2 during the term of this lease is not reasonably expected to cause injury to other rights to use water from the same source. If injury is found after this lease is signed, the lease may be modified or terminated to prevent injury.

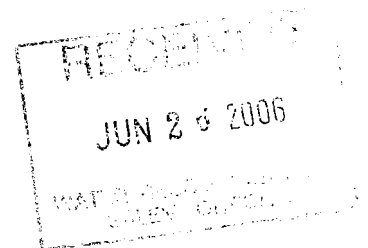
Lessor #1:  Date: Feb 27, 2006
Dale Hukari

For additional Lessors, type in space for signature and date
Lessor #2  Date: 6/15/06
Arnold Irrigation District

Lessee:  Date: 6/16/06
Deschutes River Conservancy

Other Attachments As Needed:

- Exhibit 5-A: Tax Lot Map of Landowner's Property
- Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased [Exhibits 5-A and 5-B may be combined into a single map]
- Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is checked)
- Exhibit 5-D: Split Season Instream Use Form





State of Oregon
Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1271
 (503) 986-0900

Additional Water Right Form For Pooled Landowner **Instream Lease**

*A summary of review criteria and procedures that are generally applicable to these applications is available at
www.wrd.state.or.us/publication/reports/index.shtml.*

~I~

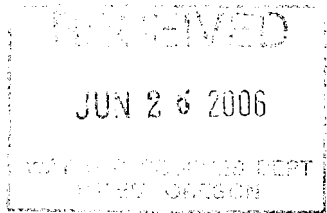
Section 1.1 continued from Pooled Leasing Landowner Form.

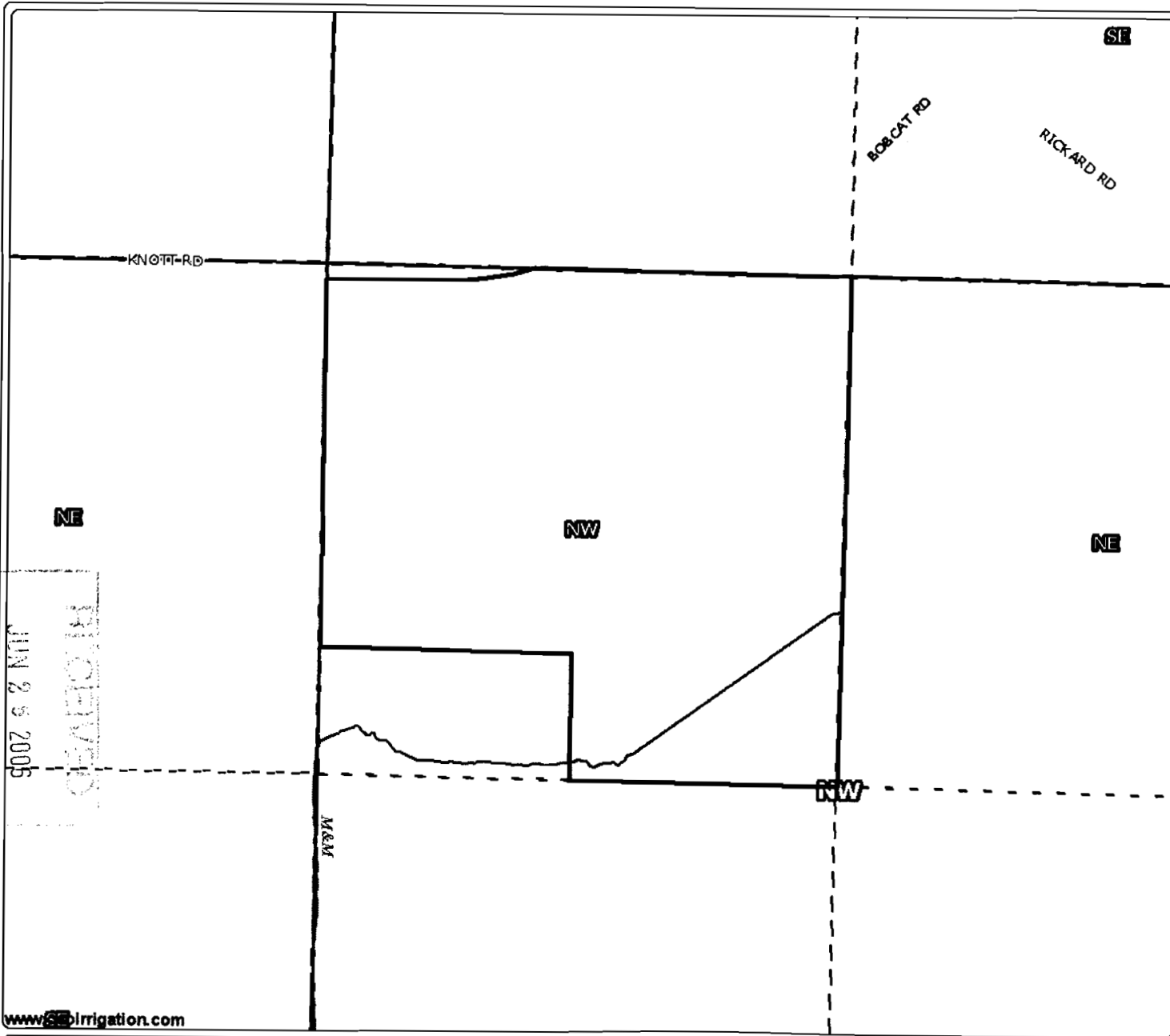
Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
 (Crosshatch the area of water rights being leased).

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	18	12	23	NW NW	00500	30.60	<i>SUPP</i>	76714	125	2/28/1913
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

[Attached map(s) must identify property owner, Township, Range, Section and ¼ ¼, tax lot number, map orientation and scale.]

Total number of acres, if for irrigation, by certificate and priority date: 30.60
 Acre-feet of storage, if applicable: _____





Dale Hukari
1812230000500

181223-NWNW-00500 30.60
ac.

- District Boundary
- Gate
- Canal Closed
- Lateral
- Sub Lateral
- Canal
- Rivers
- State Roads
- Roads
- Township Range
- Sections
- Section Labels
- Quarters
- Quarter Labels
- Quarter Quarters
- Quarter Quarter Labels
- Taxlots
- Place of Use

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www.geoirrigation.com

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.

Powered By
 geoirrigation

scale 1" = 500.00'
 created: 3/15/2006



State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900

Application for Short-Term Instream Lease

Attachment 5: Pooled Landowner Form

A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/publication/reports/index.shtml.

Pursuant to ORS 537.348(2) and OAR 690-077-0077

Optional Identification by Lessor/Lessee: _____
Lease Agreement Number (assigned by WRD): 6-774

This Lease Agreement is between:

Lessor #1 (Landowner):

(Name) Daniel & Elizabeth McCool
(Mailing address) 60359 Arnold Market Rd
(City, State, Zip Code) Bend, OR 97702
(Telephone number) 541-388-2820
(Email address) _____

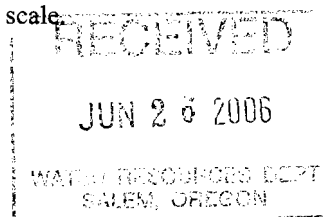
If additional landowners, enter landowner information below

Note: The numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Landowner" form(s) are used to provide the same information as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always sequential.

~I~ Ownership and Water Right Information

- 1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 18, Range 13, Section 30 and Tax Lot number 00100, 00500, 00600. If the water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included.
- 1.3 For the lands being leased, list all water rights appurtenant to the lessor's property. Indicate if there are any supplemental or overlying rights.

Certificate No. 74197
- 1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. Yes No
- 1.5 **Subject Water Rights.** Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached). (Crosshatch the area of water rights being leased). Attached map(s) must identify property owner, Township, Range, Section and 1/4 1/4, tax lot number, map orientation and scale.



T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	18	13	30	NW SW	00100	0.37	IRRIG	74197	22	2/5/1905-4/25/1905
2.	18	13	30	SW NW	00500	0.44	IRRIG	74197	22	2/5/1905-4/25/1905
3.	18	13	30	SW NW	00600	0.30	IRRIG	74197	22	2/5/1905-4/25/1905
4.										
5.										

Total number of acres, if for irrigation, by certificate and priority date: 1.11
Acre-feet of storage, if applicable: _____

Conditions or other limitations, if any: _____

If you need to enter another leased right, please use the Additional Landowner Water Rights Form.

1.6 Validity of rights. Lessor(s) attests (mark one) 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 as an instream water right or
- The water has not been used over the past five years according to the terms and conditions of the owner's water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)()(include necessary supporting documentation as Attachment 3).

~II~ Instream Water Right Information

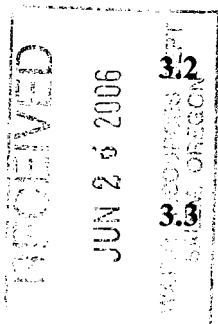
2.3 Term of lease. This lease shall terminate on October 31, 2006. (If there is a conflict between the Pooled District Form and this form, the Pooled District Form will be the official term of the lease.)

~III~ Other Information

3.1 Accuracy. The Undersigned Lessor/s, Lessee and Trustee declare that, to the best of their knowledge and belief, the information contained in this lease is true, correct and complete. If after the lease is signed, any information is determined to be false, the lease may be modified or terminated. This lease only exercises the water rights being leased; for the term of the lease; it shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.

Lease. All Lessors agree to lease the water rights listed in 1.4 for instream use for the term of this Agreement through Lessee to Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077-0077.

Precedent. If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077- 0070 or OAR 690-077-0075 a



new injury review shall be required, and a prior short term lease shall not set a precedent for the amount of water to be leased or transferred instream.

3.4 Suspension of original use. During the period of the lease, the owner agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights. In the event that a supplemental water right is not part of this lease, it may be subject to forfeiture.

3.5 Termination provision.

For multiyear leases, lessor *shall* have the option of terminating the lease each year, prior to the lease being exercised (_____), with 30 day written notice to the Department provided by the Irrigation District, Other Water Purveyor or Lessee (if different than Department). The lessor must contact the Irrigation District, Other Water Purveyor, or Lessee (if different than Department) to indicate their interest in terminating the lease agreement.

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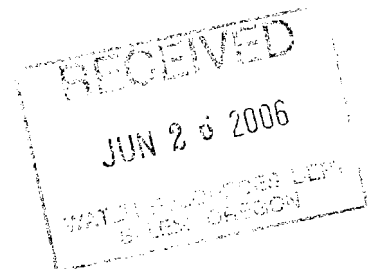
Lessor #1: *Daniel F McCool* Date: *6/14/06*
Elizabeth & Daniel McCool

For additional Lessors, type in space for signature and date
Lessor #2: *Arnold Irrigation District* Date: *6/15/06*
Arnold Irrigation District

Lessee: *Genevieve Hubert* Date: *6/16/06*
Deschutes River Conservancy

Other Attachments As Needed:

- Exhibit 5-A: Tax Lot Map of Landowner's Property
- Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased [Exhibits 5-A and 5-B may be combined into a single map]
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- Exhibit 5-D: Split Season Instream Use Form





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Additional Water Right Form For Pooled Landowner Instream Lease

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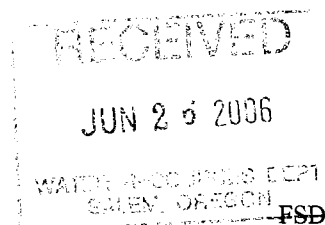
Section 1.1 continued from Pooled Leasing Landowner Form.

Subject Water Rights. Landowner proposes to lease the water rights shown on the map attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached).
 (Crosshatch the area of water rights being leased).

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
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1.	18	13	30	NW SW	00100	0.37	SUPP	76714	130	2/28/1913
2.	18	13	30	SW NW	00500	0.44	SUPP	76714	130	2/28/1913
3.	18	13	30	SW NW	00600	0.30	SUPP	76714	130	2/28/1913
4.										
5.										
6.										
7.										
8.										
9.										
10.										

[Attached map(s) must identify property owner, Township, Range, Section and ¼ ¼, tax lot number, map orientation and scale.]

Total number of acres, if for irrigation, by certificate and priority date: 1.11
 Acre-feet of storage, if applicable: _____



G:\1000\1006\101\Cad\Water\1006\101_FL_Lease 14:00 03/08/2005 SS

EXPLANATION



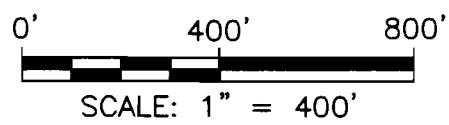
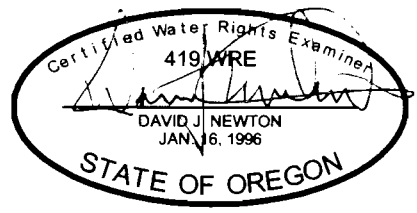
EXISTING WATER RIGHTS CERTIFICATE 74197



AREA OF BENEFICIAL USE FOR TRANSFER OF EXISTING WATER RIGHTS CERTIFICATE 74197, "FROM" LANDS.

NOTES

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



Total of "FROM" Lands 1.11ac

0.74ac 0.37ac

0.01ac

0.01ac

0.01ac

0.01ac

0.21ac

0.12ac

0.30ac

0.01ac

0.43ac

NW, NW

SW, NW

R12E R13E

24

19

Arnold Market Road

25

30

101

600

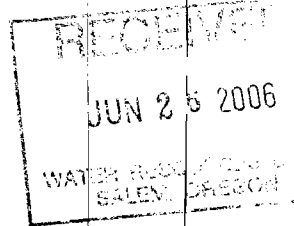
500

700

800

NFD 1815 Rd

T18S Sec. 31
T19S Sec. 6



WATER TRANSFER MAP TAX LOTS 101, 500, & 600 McCOOL RANCH

Located in NW 1/4 & SW 1/4 OF NW 1/4
of Section 30, T18S R13E W.M.
Deschutes County, Oregon



Lease Map - "FROM" Lands
McCool Ranch
Bend, Oregon

DESIGNED BY: J. Polvi	DRAWN BY: S. Schenck	DATE: March 2005	PROJECT NO. 1006-101	FIGURE 1
--------------------------	-------------------------	---------------------	-------------------------	-------------