



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

Application for Water Right

Transfer

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

1. TYPE OF TRANSFER APPLICATION

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

2. APPLICANT INFORMATION

Name: Deschutes River Conservancy & Central Oregon Irrigation District
First Last

Address: 700 NW Hill St.

Bend OR 97701
City State Zip

Phone: _____ 541-382-4077 x.2)
Home Work Other

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

3. AGENT INFORMATION

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

Name: _____
First Last

Address: _____

City State Zip

Phone: _____
Home Work Other

Fax: _____ E-Mail address: _____

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

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

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

	Application / Decree	Permit / Previous Transfer	Certificate
1.			83571 76358
2.			
3.			
4.			
5.			
6.			

- Attach a **separate Supplemental Form A** *(Description of Proposed Change(s) to a Water Right)* for **each** water right listed above.

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

- Place of Use Point of Diversion (POD) Additional Point of Diversion
- Character of Use Point of Appropriation (POA, or well) Additional POA
- Instream Transfer Surface Water POD to Ground Water POA
- Substitution of Supplemental Groundwater right for Primary Surface water right
- Historic POD change Other

- Reason(s) for change(s): Permanent instream transfer & Partial Mitigation project

5. WATER DELIVERY SYSTEM

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

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

See Exhibit A

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

See Exhibit A

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6. EVIDENCE OF BENEFICIAL WATER USE

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

7. AFFECTED DISTRICTS

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

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

Bureau of Reclamation
1150 N. Curtis Rd., Ste. 100
Boise, ID 83706

8. LOCAL GOVERNMENTS

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

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9. LAND OWNERSHIP

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

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

Names of Current Landowner(s): See Quitclaim Packet
First Last

Address: _____

City State Zip

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

If "No", provide the following information:

Names of Receiving Landowner(s): _____
First Last

Address: _____

City State Zip

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

10. Other Remarks (optional)

Exactly 6.7 ac do NOT require mitigation credits - They are Restoration acres for NFWF. These acres' instream reach extends to the mouth of the Deschutes R (RM 0). See Exhibit C.
All other acres (29.36 ac) are for Mitigation. The reach for mitigation acres ends at Lake Billy Chinook (RM 120).

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11. ATTACHMENTS

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

**Supplemental Form A –
Description of Proposed Change(s) to a
Water Right**

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

**Supplemental Form B –
Evidence of Use Affidavit(s)**

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

Map

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

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

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

Land Use Information For Proposed Changes:

For Instream Transfers:

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

For All Other Transfers:

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

Fees:

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

Instream Water Right Transfers, also include:

**Supplemental Form C –
Instream Water Right Transfer**

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

Temporary Transfers, also include:

Recorded Deed:

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

Affidavit of Consent:

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

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

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

12. SIGNATURES

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

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

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

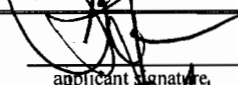
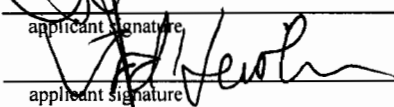
I (we) affirm that interest in the water right has been conveyed to someone other than the landowner, and documents, including a water right conveyance agreement, report of ownership and lien information, and any required lienholder notification are enclosed, demonstrating that I am (we are) authorized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

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

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

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

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

 applicant signature	STEVEN C JOHNSON - MANAGER & SEC name and title if applicable (print)	11 Feb. 2008 date
 applicant signature	Ted Heister Exec Dir name and title if applicable (print)	2/14/08 date

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

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

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

▪ Certificate Number or other identifying number: 83571

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

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

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2. CURRENT WATER RIGHT INFORMATION

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

<input checked="" type="checkbox"/> Certificated Right	<u>83571</u>	Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Non-certificated Right	Name of Decree	Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	Permit Number	Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed	Previous Transfer Number	Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: Central Oregon Irrigation District
- County: Deschutes
- Authorized Use(s) to be Affected by Transfer: Irrigation
- Priority Date(s): 10/31/1900 & 12/2/1907

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

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

Tributary to: Columbia R.

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

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

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

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

If "Yes", what are the Permit, Registration or Certificate Numbers? See Exhibit D

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

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▪ Certificate Number or other identifying number: 83571

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

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

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

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

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
	Deschutes R. 10/31/1900 12/2/1907	17 S.	12 E.	WM	29	SENE		850 ft. N & 630 ft. W of E. Corner of Sec. 29

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

Yes No (Surface water source only.)

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

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

or

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

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

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

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

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▪ Certificate Number or other identifying number: 83571

3. PROPOSED CHANGES TO THE WATER RIGHT

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

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

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

N/A - Instream Water Right Transfer

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

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

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

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

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

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

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

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

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

State of Oregon)
) ss
 County of Deschutes _____)

I, Cary D. Penhollow, in my capacity as District Watermaster,
 mailing address 1055 SW Lake Court; Redmond, OR 97756
 telephone number (541) 548-6047, being first duly sworn depose and say:

1. I attest that:

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

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

- Personal observation
- Professional expertise

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

Township		Range		Mer	Sec	¼ ¼ Section		Gov't Lot or DLC	Acres (if applicable)
15	S	13	E	W M	08	NW	NE	TL 804	18.70
15	S	13	E	W M	08	NW	NE	TL 802	17.37

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

Pasture grass; grazing cattle

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

Delivered through sub-lateral C-8-4 and flood irrigated using tarps.

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

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

Cary D. Schubert
Signature of Affiant

1/2/08
Date

Signed and sworn to (or affirmed) before me this 2nd day of January, 2008.

Leslie Clark
Notary Public for Oregon



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Central Oregon Irrigation District



15-13-08 NW NE 802 &
804

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- Gauging Station
- District Boundary
- Road Labels On/ok
- Road Labels Deschutes
- Township Range
- Sections
- Section Labels
- Quarters
- Quarter Labels
- Quarter Quarters
- Quarter Quarter Labels
- Taxlots
- Private Line
- Canal All
- Unknown
- Open
- Canal Piped
- Acre Text
- Acre Text Detail
- Instream
- Pending OFF
- Pending ON
- Pending ON POND
- Petitioned ON
- Petitioned ON POND
- Pond
- QC
- QC Instream
- Edited
- Instream Rights
- QC
- QC Instream
- Pending OFF
- Pending ON

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.

Water Right Transfer Supplemental Form C INSTREAM WATER RIGHT TRANSFER

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

1. Identify the public use for which the instream right is requested (check one).
- Conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values. Recreation Navigation Pollution Abatement

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

Originating Water Right Number (as identified in the transfer application)	Priority Date	Source	Proposed Instream Period	Rate (cfs)*	Volume (ac-ft)**
C-83571	10/31/1900	Deschutes R.	4/1 → 10/26	0.612	196.60
C-83571	" "	Lower Reach	4/1 → 10/26	0.03	12.08
Total Volume:					See Exhibits B+C

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

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

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

Additional information: lower reach corresponds to 6.7 ac (restoration acres) for which there is no mitigation (1.8 AF/ac)

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

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

Water is requested to be protected within a reach.
Location of proposed reach (if an instream water right reach is requested, identify the upstream and downstream extent of the reach): See Exhibits B & C

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

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

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

No Yes (identify other instream water rights): _____

OWRD maintains a current list of instream water rights.

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

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

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

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

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

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

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

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

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

The time-limited instream transfer is for a specific number of years:

Begin Year _____ to End Year _____

The time-limited instream transfer is to terminate based upon other conditions:

Conditions: _____

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Exhibit A

Place of Use info, Delivery Systems & Purpose (Mitigation or Restoration)

Name	Location(s)				Acres	Delivery System	Purpose		
	T	S	R	QQ			T/L	Restoration	Mitigation
Central Oregon Canal (COC) POD #1									
Pilot Butte Canal (PBC) POD#11 George A. Hale	15	13	8	NWNE	804	36.07	A-2-23	6.7	29.36
						36.07		6.71	29.36

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WATER RESOURCES DEPT
SALEM, OREGON

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Exhibit B - Reach #1

From: North Canal Dam (POD#11) to Lake Billy Chinook (RM 120)

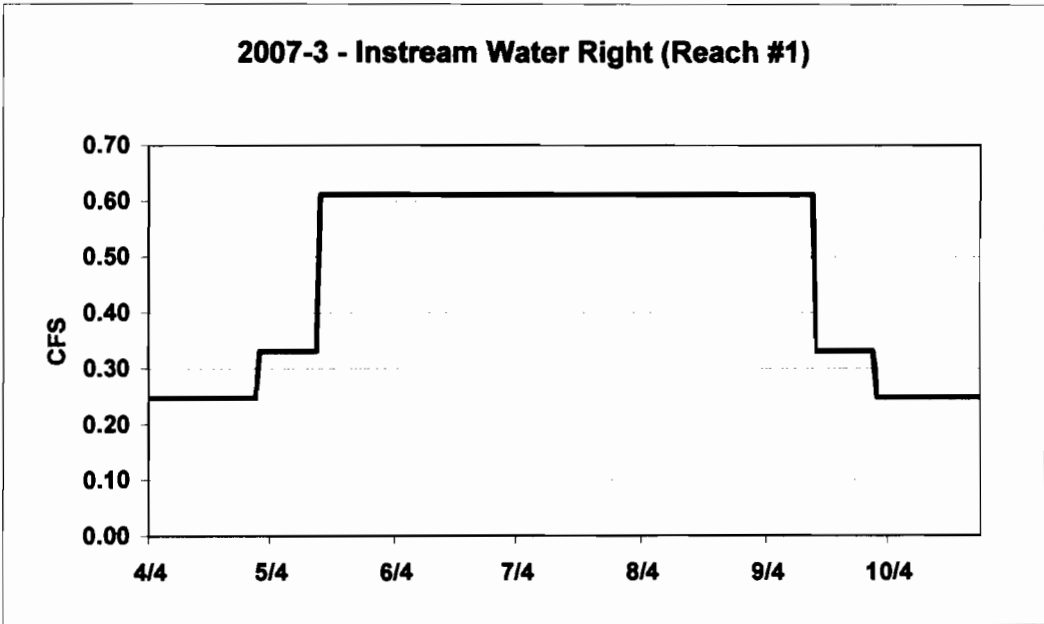
Instream Water Right

COWBank Allocation: 2007-3

Instream Rates	1900
Season 1	0.248 CFS
Season 2	0.331 CFS
Season 3	0.612 CFS

Instream Duty 196.60 Acre-Feet

Seasons are as follows:	
Season 1	4-1 through 5-1 & 10-1 through 10-26
Season 2	5-1 through 5-15 & 9-15 through 10-1
Season 3	5-15 through 9-15



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116

Exhibit C - Reach #2

From: Lake Billy Chinook (RM 120) to the Mouth (RM 0)

Instream Water Right

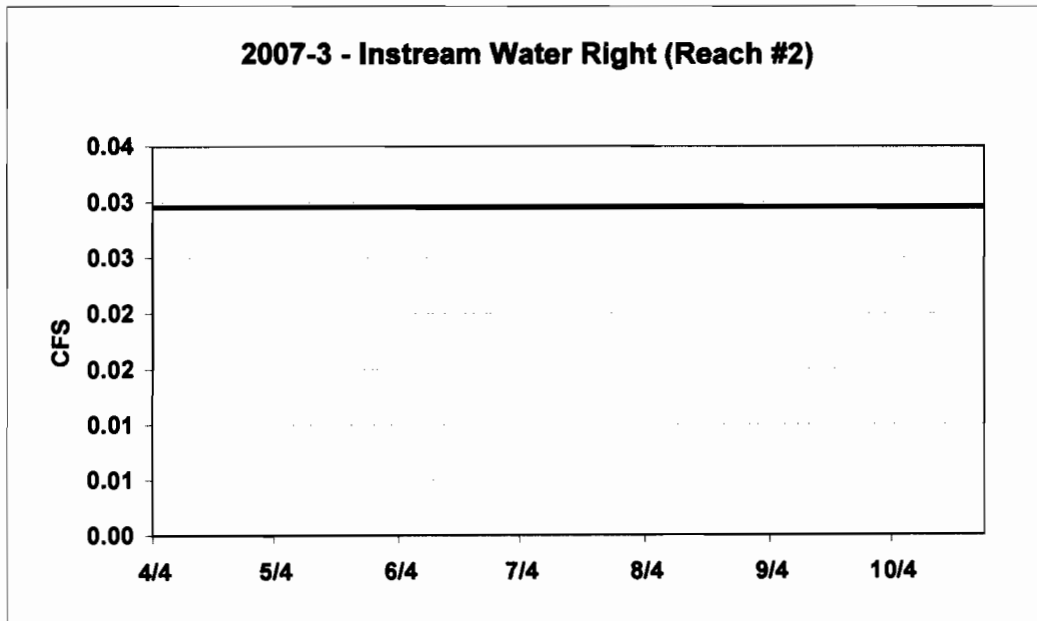
COWBank Allocation: 2007-3

Instream Rates	1900
Season 1	0.030 CFS
Season 2	0.030 CFS
Season 3	0.030 CFS

Instream Duty 12.08 Acre-Feet

Seasons are as follows:

Season 1	4-1 through 5-1 & 10-1 through 10-26
Season 2	5-1 through 5-15 & 9-15 through 10-1
Season 3	5-15 through 9-15



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SALEM, OREGON

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Exhibit D

**Cancellation of supplemental water right (IS)
2007-3**

Modification of this supplemental water right reduces by 36.07 acres the number of acres to which stored water may be applied for supplemental irrigation under the right evidenced by Certificate 76714; however, the maximum quantity of stored water that can be diverted for use under the right remains unchanged.

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SALEM, OREGON

OREGON

advanced

area map



Water Resources Department

2007-3

Central Oregon Irrigation District
Calculator for Certificate 83571

Revised: 12/06/2007

This calculator is primarily designed to facilitate the calculation of how much water may be protected instream through instream leases and transfers. However, the calculator can also be used to determine the rate and duty associated with other transfers and cancellations. For questions regarding its use, please contact Laura Snedaker at 503-986-0884.

Enter Total Number of Acres Involved from POD #1 (CO Canal) _____
 Enter Total Number of Acres Involved from POD #11 (North Canal, also known as PB Canal) 36.07

Calculate

Rate and duty for the acres by which the water right will be reduced by at the Point of Diversion (POD).

POD #1	October 31, 1900	December 2, 1907	Combined
Season 1 Rate (CFS)	0.000		
Season 2 Rate (CFS)	0.000		
Season 3 Rate (CFS)	0.000	0.000	0.000
Duty (AF)			0.00

POD #11	October 31, 1900	December 2, 1907	Combined
Season 1 Rate (CFS)	0.450		
Season 2 Rate (CFS)	0.600		
Season 3 Rate (CFS)	0.793	0.318	1.111
Duty (AF)			356.57

The transmission loss associated with this right is not transferable or protectable instream. The following tables show the amount of water that is protectable for Instream Leases and Instream Transfers, under the October 31, 1900 priority date. (Please contact the Department if you prefer to protect water instream under the combined October 31, 1900 and December 2, 1907 priority dates.) To prevent enlargement and injury, the instream use has been modified from the authorized season of April 1 through October 31, to April 1 through October 26.

From POD #11 to Lake Billy Chinook	
Season 1 Rate (CFS)	0.248
Season 2 Rate (CFS)	0.331
Season 3 Rate (CFS)	0.612
Maximum Volume (AF)	196.60

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2007-3

Map waiver & xfer

Materials → Kyle



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

Water Right Transfer Materials
Supplementa
Map Waiver

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

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

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

Transfer Applicant: DRC

Water Right(s) to be transferred:

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

- 1. The transfer must be one of the following. Please check the appropriate box.
[checked] An instream transfer application filed pursuant to ORS 537.348.
[] A transfer application necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.375; or
[] The transfer application is determined and endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat.

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

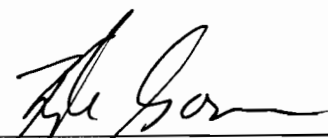
- [] The entirety of the right is being transferred to an instream water right and the location of the instream water right can be clearly delineated through reference to the existing point of diversion for the transferred right and other points of diversion or geographic reference points such as the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

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

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

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

Signature:  Date: 2-8-08
OWRD Regional Manager, sc Region

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SALEM, OREGON

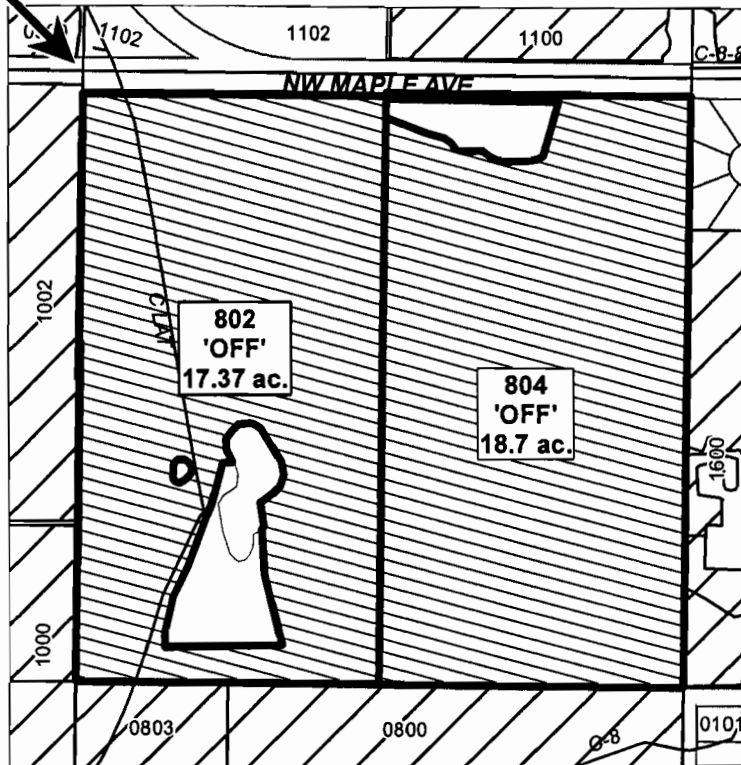
DESCHUTES COUNTY SEC.08 T15S R13E

SCALE - 1" = 400'



NW 1/4 OF THE NE 1/4

N 1/4 COR



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SALEM OREGON

	EXISTING WATER RIGHTS
	OFF LANDS

"OFF" MAP



APPLICATION FOR PERMANENT INSTREAM TRANSFER

NAME: DESCHUTES RIVER CONSERVANCY

TAXLOT #: 802, 804

36.07 ACRES

DATE: 01-23-08

FILE: E:\TRANSFER\WRTRANS07\DR0151308_NWNE.PDF

MP 114

1 10553



DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK

2007-54202



\$45.00

D-D Cnt#1 Str#3 PG
\$20.00 \$11.00 \$10.00 \$5.00

12/17/2007 11:03:15 AM

After Recording return to:
Central Oregon Irrigation District
1055 S.W. Lake Court
Redmond, OR 97756

MAIL TAX STATEMENT
TO: NO CHANGE

**QUITCLAIM DEED
WATER CONVEYANCE AGREEMENT
FOR TRANSFER OF INTEREST IN A WATER RIGHT**

Grantor, George A. Hale, the rightful owner of real property referenced herein, releases and quitclaims to Central Oregon Irrigation District (COID), Grantee, all rights, title and interest in water rights appurtenant the land described in Exhibit "A" ("Subject Land") attached and incorporated by this reference and commonly known as: 15-13-08 NW NE 802 (17.37 acres Irrigation); 15-13-08 NW NE 804 (18.70 acres Irrigation). Grantor further releases claim and responsibility for all of the primary and supplemental irrigation water rights appurtenant to the Subject Land, being 36.07 acres, more or less, of water rights issued on Certificates in the name of Central Oregon Irrigation District and to any other water rights that are specifically appurtenant to the Subject Land.

By entry of this deed, Grantor hereby notifies any subsequent purchaser of the Subject Land that Grantor, as owner of the Subject Land, approved the transfer (including a change in the place and type of use and point of diversion) of the water rights referenced herein that are appurtenant to the Subject Land; that the interest in the water rights appurtenant to the Subject Land may not be conveyed in subsequent real estate transactions of the Subject Land; and that upon completion of a transfer, by election of COID, the Subject Land will no longer have an appurtenant water right.

Furthermore, upon signing of this agreement, Grantor shall no longer be liable for any district assessment or charges pertaining to the described 36.07 acres of water rights.

This agreement is binding upon the heirs, executors, administrators, successors, and permitted assigns of the parties to this agreement.

Consideration for this Quitclaim is \$36,070.00 ✓

Grantor:

Date 12/15/07

George A. Hale

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State of Oregon)
) ss.
County of Deschutes)

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SALEM, OREGON

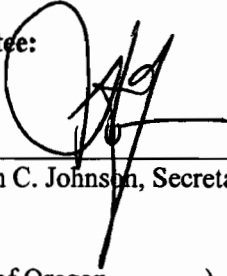
This instrument was acknowledged before me on December 5, 2007 by George A. Hale.

Susan K Bringham
Notary Public for Oregon



My commission expires on: May 24, 2011

Grantee:

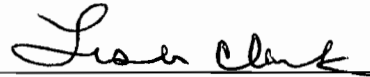


Date 7 Dec. 2007

Steven C. Johnson, Secretary-Manager Central Oregon Irrigation District

State of Oregon)
) ss.
County of Deschutes)

This instrument was acknowledged before me on December 7, 2007 by Steven C. Johnson as Secretary-Manager for Central Oregon Irrigation District.



Notary Public for Oregon



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SALEM, OREGON

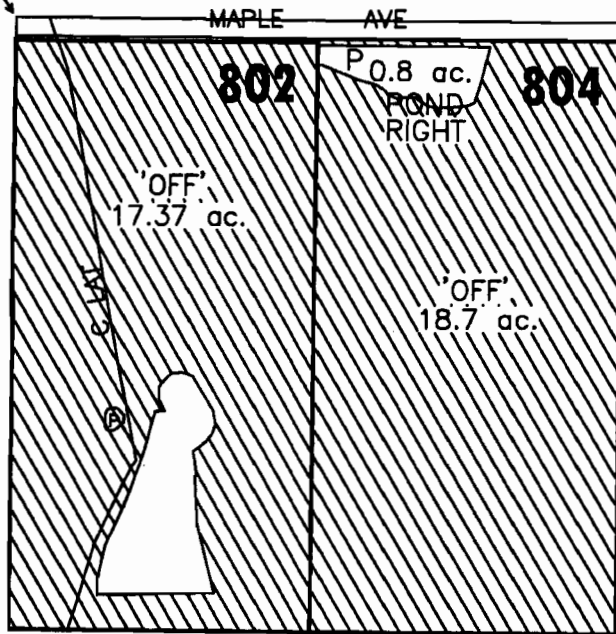
**DESCHUTES COUNTY
SEC.08 T15S. R13E. W.M.**

SCALE - 1" = 400'



NW 1/4 OF THE NE 1/4


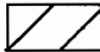
N 1/4 COR



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SALEM, OREGON

	"OFF" LANDS
	EXISTING WATER RIGHTS



QUITCLAIM DEED FOR WATER RIGHTS TRANSFER
QUITCLAIM MAP

NAME: GEORGE A. HALE

TAXLOT #: 802, 804

36.07 ACRES 'QC'

DATE: 11-27-07

FILE NO: E:\TRANSFER\WRTRAND07\HALE_QC

1 10553

MP 114

EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL 1:

The West Half of the Northwest Quarter of the Northeast Quarter (W1/2NW1/4NE1/4) of Section Eight (8), Township Fifteen (15) South, Range Thirteen (13), East of the Willamette Meridian, Deschutes County, Oregon. EXCEPTING THEREFROM the Northerly 40 feet dedicated to the public for road and utility purposes in Book 334, Page 720, Deed Records.

PARCEL 2:

The East Half of the Northwest Quarter of the Northeast Quarter (E1/2NW1/4NE1/4) of Section Eight (8), Township Fifteen (15) South, Range Thirteen (13), East of the Willamette Meridian, Deschutes County, Oregon.

EXCEPTING THEREFROM the Northerly 40 feet as set forth in Declaration of Dedication to the County of Deschutes for road purposes, recorded January 8, 1981, in Book 334, Page 720, Deed Records.

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SALEM OREGON

T 10553 MP 114



IRRIGATION DISTRICT REPORT

CENTRAL OREGON IRRIGATION DISTRICT
1055 S W LAKE CT
REDMOND, OR 97756

October 16, 2007
Title Number : 103160
Title Officer : AQUILA CRUME

Attn: LESLIE CLARK

We have searched our Tract Indices as to the following described property:

See Attached Exhibit "A"

and dated as of October 9, 2007 at 7:30 a.m.

We find that the last deed of record runs to:

GEORGE A. HALE

We also find the following apparent encumbrances within ten years prior to the effective date hereof:

1. Deed of Trust, including the terms and provisions thereof, to secure an indebtedness of the amount herein stated.
 Amount: \$900,000.00
 Dated: April 13, 2006
 Recorded: April 13, 2006
 Volume-Page: 2006-25366, Deschutes County Records
 Grantor: George A. Hale
 Trustee: Western Title & Escrow Company
 Beneficiary: Glenn Rae Carpenter also known as Glenn R. Carpenter individually as to an undivided 4/7th interest and Glenn Rae Carpenter as Trustee of the Betty J. Carpenter Revocable Living Trust dated May 29, 1992 as to an undivided 3/7th interest

(Parcel 1)

2. Deed of Trust, including the terms and provisions thereof, to secure an indebtedness of the amount herein stated.
 Amount: \$1,746,000.00
 Dated: August 24, 2006
 Recorded: September 11, 2006
 Volume-Page: 2006-61677, Deschutes County Records
 Grantor: George A. Hale
 Trustee: First American Title Insurance Company of Oregon
 Beneficiary: Pinnacle Bank of Oregon

(Parcel 2)

We have also searched our General Index for judgments and state and federal tax liens against the above named grantees and find the following:

NONE

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SALEM, OREGON

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We also find the following unpaid taxes and city liens:

Taxes assessed under Code No. 2-004 Map and Tax Lot Number 15 13 08 00 00802
Account No. 129698 (Parcel 1)

1. The 2006-2007 Taxes: \$1,887.92, plus interest, unpaid.
2. The 2007-2008 Taxes: \$1,995.90, UNPAID.

Taxes assessed under Code No. 2-004 Map and Tax Lot Number 15 13 08 00 00804
Account No. 163995 (Parcel 2)

3. The 2006-2007 Taxes: \$13,471.23, plus interest, unpaid.
4. The 2007-2008 Taxes: \$14,254.05, UNPAID.

According to the Deschutes County Assessor's Roll, the subject property does not lie within any city limit.

NOTE: This Irrigation District Report is being made with the understanding that it does not represent any form of title insurance and is not a commitment for a policy of insurance. The information provided herein is not a full examination of the subject property. Further, if any person, corporation or entity of any kind should use this report as a basis to produce a title insurance product, it should be understood that it is clearly outside of Oregon law. Any liability hereunder is limited to the amount paid for said report.

THIS IS NOT A TITLE REPORT, A COMMITMENT TO ISSUE TITLE INSURANCE OR A GUARANTEE OF ANY KIND. No liability is assumed with this report. Our search was limited to our tract indices and no examination of the public record was made. The fee charged for this service does not include supplemental reports or other services. Further dissemination of the information in this report in a form purporting to insure title to the herein described land is prohibited by law.

AmeriTitle

By: Aquida Crume
Aquida Crume, Title Examiner
AC:kg

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SALEM, OREGON

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

EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL 1:

The West Half of the Northwest Quarter of the Northeast Quarter (W1/2NW1/4NE1/4) of Section Eight (8), Township Fifteen (15) South, Range Thirteen (13), East of the Willamette Meridian, Deschutes County, Oregon. EXCEPTING THEREFROM the Northerly 40 feet dedicated to the public for road and utility purposes in Book 334, Page 720, Deed Records.

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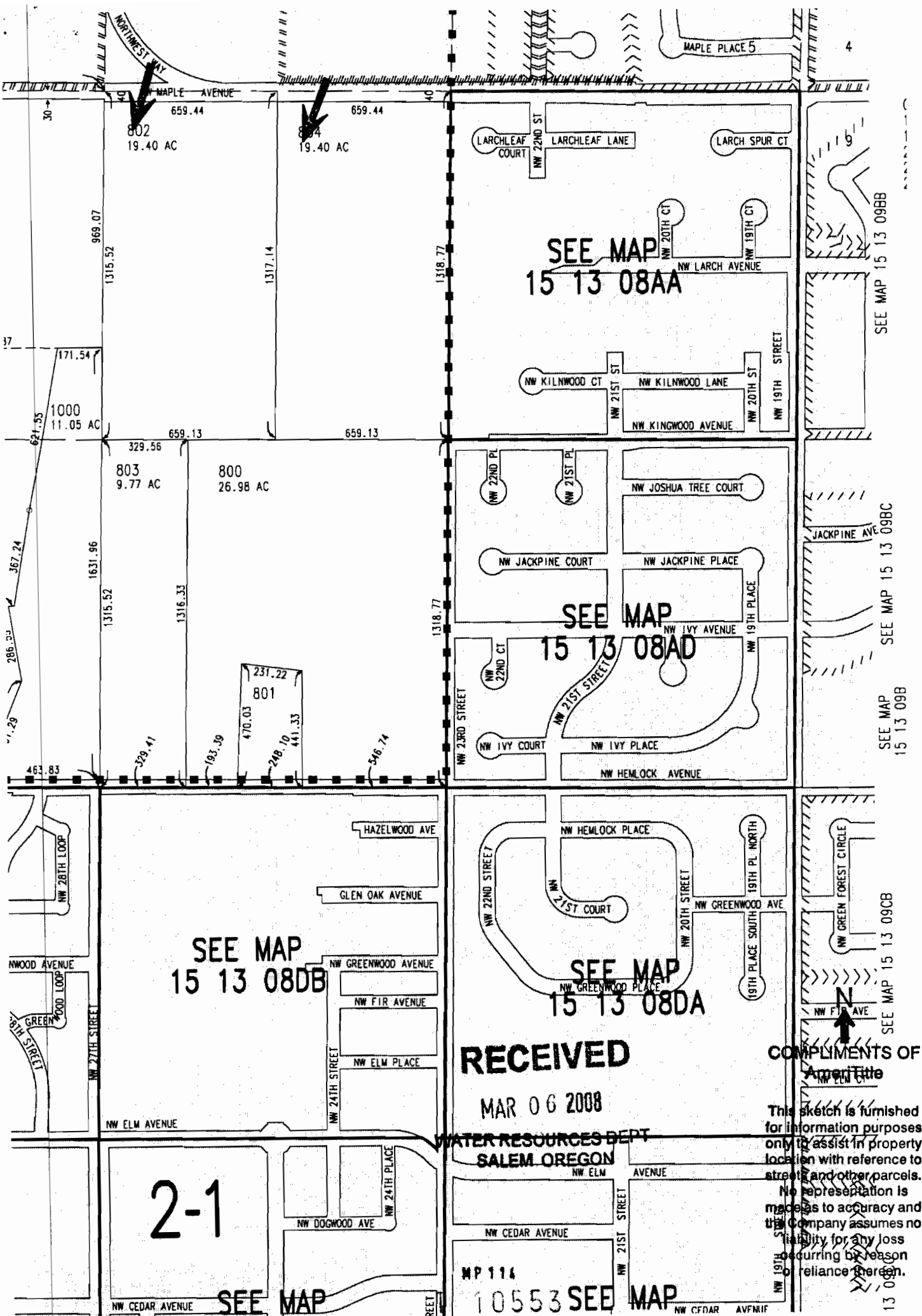
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802
19.40 AC

804
19.40 AC

1000
11.05 AC

803
9.77 AC

800
26.98 AC

231.22
801

SEE MAP
15 13 08DB

SEE MAP
15 13 08AA

SEE MAP
15 13 08AD

SEE MAP
15 13 08DA

2-1

SEE MAP

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WATER RESOURCES DEPT
SALEM OREGON

MP 114

10553 SEE MAP

COMPLIMENTS OF
AmeriTitle

This sketch is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the Company assumes no liability for any loss occurring by reason of reliance thereon.

SEE MAP 15 13 09BB

SEE MAP 15 13 09BC

SEE MAP 15 13 09B

SEE MAP 15 13 09CB

13 0809

DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK

2006-25365



\$41.00

00454488200000253650030035

04/13/2006 04:09:49 PM

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



After recording return to:
George A. Hale
PO Box 42354
Portland, OR 97242

Until a change is requested all tax statements
shall be sent to the following address:
George A. Hale
PO Box 42354
Portland, OR 97242

File No.: 7061-427524 (CS)
Date: March 27, 2006

STATUTORY WARRANTY DEED

WILLIAM A. WEAVER and KATHERINE M. WEAVER, Grantor, conveys and warrants to **GEORGE A. HALE**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

This property is free from liens and encumbrances, EXCEPT:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$1,550,000.00, paid by an Accommodator pursuant to an IRC 1031 exchange.** (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES 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 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

FIRST AMERICAN TITLE
INSURANCE COMPANY OF OREGON
P.O. BOX 323
BEND, OR 97709

Page 1 of 3

1 10553 MP 114

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FIRST AMERICAN TITLE
INSURANCE COMPANY OF OREGON
P.O. BOX 323
BEND, OR 97709
MAR 06 2008
WATER RESOURCES DEPT
SALEM, OREGON

APN: 129698

Statutory Warranty Deed
- continued

File No.: 7061-427524 (CS)
Date: 03/27/2006

Dated this 10 day of April, 2006.

William A. Weaver
William A. Weaver

Katherine M. Weaver
Katherine M. Weaver

STATE OF Oregon)
)ss.
County of Deschutes)

This instrument was acknowledged before me on this 10 day of April, 2006
by **William A. Weaver and Katherine M. Weaver.**



Michelle R. Ostgarden
Notary Public for Oregon
My commission expires:

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WATER RESOURCES DEPT
SALEM, OREGON

T 10553

10553

APN: 129698

Statutory Warranty Deed
- continued

File No.: 7061-427524 (CS)
Date: 03/27/2006

EXHIBIT A

LEGAL DESCRIPTION:

The West Half of the Northwest Quarter of the Northeast Quarter (W1/2 NW1/4 NE1/4) of Section 8, Township 15 South, Range 13 East of the Willamette Meridian, Deschutes County, Oregon.

EXCEPTING THEREFROM the Northerly 40 feet dedicated to the public for road and utility purposes in Book 334 Page 720, Deed Records.

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SALEM, OREGON

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