



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	<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: Central Oregon Irrigation District and Deschutes County
First Last

Address: 1055 SW Lake Court 14 NW Kearney St
Redmond, OR 97756 Bend, OR 97701
City State Zip

Phone: (541) 504-7576
Home Work Other

Fax: (504) 548-0243 E-Mail address: lesliec@coid.org teresaro@deschutes.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.

T-9150 MP 118

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
2.			
3.			

- Check **all** proposed change(s) included in this transfer application:
 - Place of Use Point of Diversion Additional Point of Diversion
 - Character of Use Point of Appropriation Additional Point of Appropriation
 - Instream Transfer Surface Water source to Ground Water source
- Reason(s) for change(s): Transferring a surface irrigation right to Permanent Instream to establish mitigation credits for Mitigation Project G-16791

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.

These water rights were submitted on Transfer T-9150 received by OWRD on June 17, 2002. At the applicant's request, OWRD placed its review of T-9150 on hold. Water has not been delivered to the proposed Off-Lands since submittal of T-9150. The Off-Lands have been developed and the delivery system has been removed. At the time T-9150 was submitted, these water rights were delivered by COID through Lateral PBC-23

This revised transfer application is being submitted to supersede and replace the application currently on file at OWRD for Transfer T-9150.

- System capacity: 0.802 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

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6. EVIDENCE OF BENEFICIAL WATER USE

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

7. AFFECTED DISTRICTS AND LOCAL GOVERNMENTS

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

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

Bureau of Reclamation, Attn: Ruth Page #3110; 1150 N. Curtis Rd Suite 100; Boise, ID 83706-1234

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

City of Redmond PO Box 726; Redmond, OR 97756

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8. 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:

Names of Current Landowner(s): Water Rights were Quitclaimed to Central Oregon
Irrigation District – Attached Exhibit "D"

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.)

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9. ATTACHMENTS

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

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

X 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)**

X 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

X *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.

X The application does not involve a change in point of appropriation or a change from surface water to ground water, so water well reports are not required.)

Land Use Information Form:

X Enclosed; *or*

Not Required if all of the following are met:

- ① In EFU zone or irrigation district,
- ② Change in place of use only,
- ③ No structural changes needed, including diversion works, delivery facilities, other structures, *and*
- ④ Irrigation only.

Fees:

Amount enclosed: (OAR 690-380-3400)
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**

X 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.

10. SIGNATURES

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

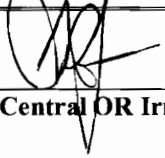
X In accordance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the following landownership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

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

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

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

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

 Central OR Irrigation Dist	STEVEN C JOHNSON Steven C. Johnson	24 April, 2008 date
Deschutes County	name (print)	RECEIVED

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

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

10. SIGNATURES

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

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

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

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

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

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

Central OR Irrigation Dist <i>Erik Kropp</i> Deschutes County	Steven C. Johnson <i>Erik Kropp</i> name (print)	date <i>4/24/08</i>
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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
<p><input checked="" type="checkbox"/> Change (The old point of diversion or appropriation will not be used for the portion of the water right affected by the transfer.)</p> <p><input type="checkbox"/> Additional (Both the old and new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.)</p> <p><input type="checkbox"/> Historic Point of Diversion or Appropriation Change (Unauthorized point of diversion or appropriation used for more than 10 years.)</p> <p><input type="checkbox"/> Surface Water to Ground Water (A new point of appropriation will be used instead of the old point of diversion. The old point of diversion will not be used.)</p> <p><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.)</p> <p><input type="checkbox"/> Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)</p>	<p><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.)</p> <p><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.)</p>	<p>Proposed new use:</p> <p><input type="checkbox"/> Irrigation</p> <p><input type="checkbox"/> Municipal</p> <p><input type="checkbox"/> Quasi-municipal</p> <p><input type="checkbox"/> Commercial</p> <p><input type="checkbox"/> Industrial</p> <p><input checked="" type="checkbox"/> Instream (complete and attach <i>Supplemental Form C</i>)</p> <p><input type="checkbox"/> Domestic (indicate number of households) _____</p> <p><input type="checkbox"/> Other _____</p> <p><input type="checkbox"/> Substitution (A supplemental ground water right will be substituted for a primary surface water right.)</p> <p><input type="checkbox"/> Supplemental Use to Primary Use (Primary water right shall be cancelled and the supplemental water right will change to primary use.)</p>

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

- Name on Permit, Certificate, or Decree: Central Oregon Irrigation District
- County: Deschutes
- Authorized Use(s) to be Affected by Transfer: Irrigation
- Priority Date(s): October 31, 1900 and December 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 River

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Tributary to: Columbia River

*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?

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

If "Yes", what are the Permit, Registration or Certificate Numbers? Certificate #76714 - Modification of this supplemental water right reduces by 8.72 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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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).

▪ 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 River Oct 31, 1900	17 S	12 E	WM	29	SE NE		COID North Canal: 850' North and 630' West from East ¼ Corner of Section 29
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- 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.

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▪ Certificate Number or other identifying number: 83751

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)

X 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	16	NW	SE	TL 900	8.72

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

Irrigation of Fairgrounds open areas & landscaping

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

These water rights were submitted on Transfer T-9150 received by OWRD on June 17, 2002. At the Applicant's request, OWRD placed its review of T-9150 on hold. Water has not been delivered to the proposed off-lands since submittal of T-9150. The off-lands have been developed and the delivery system has been removed. At the time T-9150 was submitted, these water rights were delivered by COID through Lateral PBC-23

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 ,

X Other: These water rights were confirmed on Certificate 76358 issued by OWRD Dec. 6, 1999. Water rights were submitted on Transfer T-9150 and received by OWRD on June 17, 2002 and are currently Inchoate. Because these water rights were included in a transfer application pending before OWRD, they are not subject to forfeiture per ORS 540.610(2)(m). This form is an attachment to a revised transfer application being submitted to replace the application currently on file at OWRD for Transfer T-9150.

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Signature of Affiant

Date

Signed and sworn to (or affirmed) before me this _____ day of _____, 20____.

Notary Public for Oregon

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Water Right Transfer Supplemental Form C

INSTREAM WATER RIGHT TRANSFER

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

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

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

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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)**
83571	10/31/1900	Deschutes River	Season 1	0.06	
			Season 2	0.08	
			Season 3	0.148	
Total Volume:					47.53

* 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: The above numbers shape the rates based on the 1900 water rights of certificate 83571.

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): Water to be protected instream from COID POD # 11 to Lake Billy Chinhook from April 1st through October 26th.

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

None

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Other (such conditions may include, but are not limited to, reductions in the instream flow levels in cfs per month or total ac-ft, the effective reach(es) or lake levels of the instream flow, measuring locations and the strategy for monitoring the instream flow or lake levels): _____

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

No Yes (identify other instream water rights): Existing
Instream water rights are on record at OWRD

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

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

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

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

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

No; *or*

Yes (Provide supporting documentation that demonstrates why additional flows are significant for the public use requested.); *or*

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

The requested flow does not exceed the maximum amount of any instream water right application applied for under ORS 537.341 (state agency instream water right application process) for the same reach or portion thereof, and the requested public use is for the same public use as the aforementioned instream water right application;

and

For the specified time period that flows are requested to exceed the estimated average natural flow or lake level, the stream is in an ODFW flow restoration priority watershed (A copy of the priority watershed map indicating the specific watershed involved should be included with the application. Priority watershed maps may be found on the OWRD web page); ***or***

The stream is listed as water quality limited and DEQ has provided scientific information that demonstrates that increased flows would improve water quality. (The scientific information provided by DEQ should be included with the transfer application.)

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

The time-limited instream transfer is for a specific number of years:
Begin Year _____ to End Year _____

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

APR 28 2008
WATER RESOURCES DEPT
SALEM, OREGON



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

Water Right Transfer Supplemental Form Map Waiver

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

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

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

Transfer Applicant: Central Oregon Irrigation District and Deschutes County

Water Right(s) to be transferred: 8.72 acres Irrigation Right

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

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

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

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

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T-9150 Map 118

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: *John Gordon*
OWRD Regional Manager, SC Region

Date: 4-14-08

T 9150 8.72 acres.

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SALEM OREGON

T9150 mp118

DESCHUTES COUNTY SEC.16 T15S R13E

SCALE - 1" = 400'

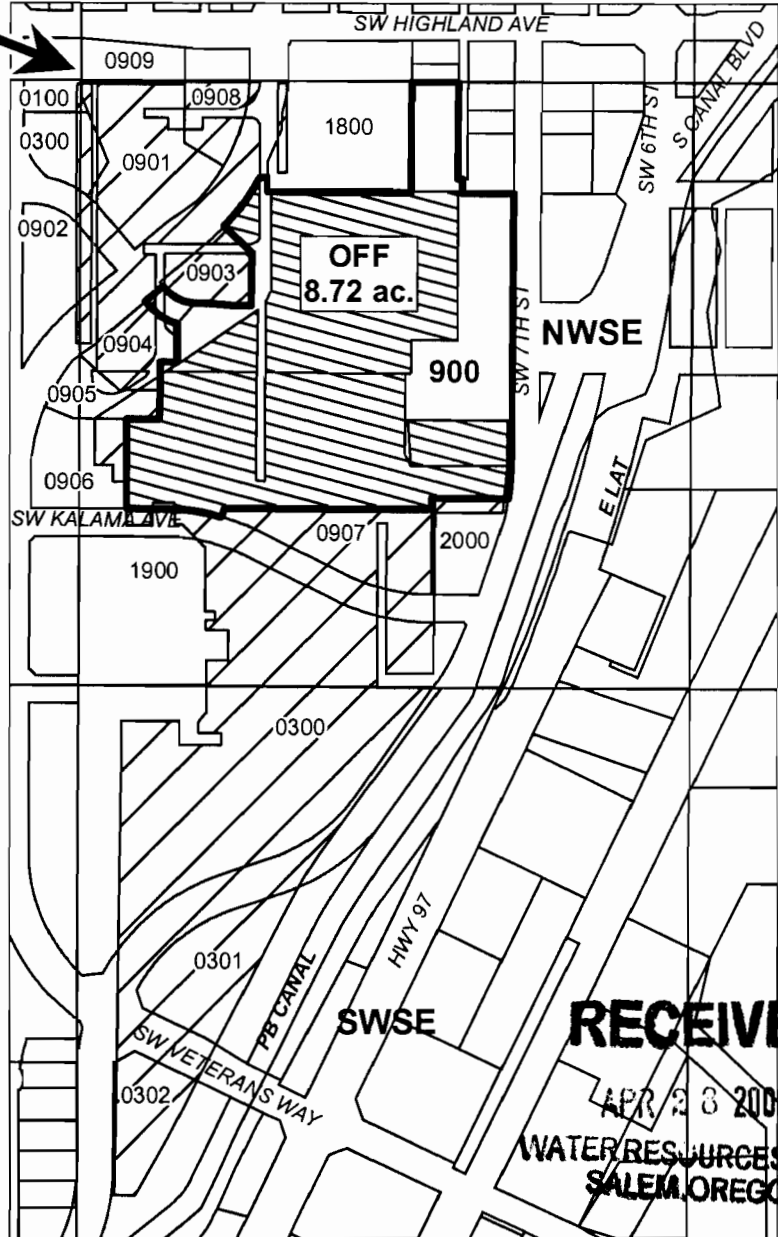


NW 1/4 OF THE SE 1/4; SW 1/4 OF THE SE 1/4

OWRD TRANSFER#: 9150

C 1/4 COR →

WATER RIGHTS BY TAXLOT	
NWSE:	
100	0.02 AC.
300	0.15 AC.
900	0.09 AC.
901	1.43 AC.
902	0.13 AC.
903	0.44 AC.
904	0.39 AC.
905	0.17 AC.
906	0.18 AC.
907	1.14 AC.
908	0.37 AC.
909	0.02 AC.
1800	0.06 AC.
1900	2.17 AC.
2000	0.13 AC.
RD	2.08 AC.
NWSE TOTAL: 8.97 AC.	



	EXISTING WATER RIGHTS
	OFF LANDS

"OFF" MAP

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WATER RESOURCES DEPT
SALEM, OREGON



APPLICATION FOR PERMANENT INSTREAM TRANSFER

NAME: DESCHUTES COUNTY

TAXLOT #: 900

8.72 ACRES

DATE: 04-01-08

FILE: E:\TRANSFER\WRTRANS08\DES_CO_INSTREAM.PDF

T-9150 MP118



**Oregon Water Resources Department
Land Use Information Form**

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT fill out this form if water is to be diverted, conveyed, or used only on federal lands.

To Be Completed By Applicant

The following section includes information about proposed water use. This section must be completed by the individual or group that is filing an application for a water right with the Water Resources Department.

A. Applicant

Name: Central Oregon Irrigation Dist. & Deschutes County

Address: 1055 SW Lake Court

City: Redmond State: OR Zip: 97756 Day Phone: 504-7576

B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot I.D.	Plan Designation (e.g. Rural Residential (RR-5))	Water to be: (check all that apply)		
15-13-28	Commercial-Fairgrounds	<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used

List counties and cities where water is proposed to be diverted, conveyed, or used. Deschutes County, City of Redmond

C. Description of Water Use

Indicate what the water will be used for. Include the beneficial use (found in the instruction booklet for your water right application) and use the space below to describe the key characteristics of the project.

Beneficial Use(s): Irrigation and Industrial (dust abatement)

Briefly describe: COID water right to be transferred instream for mitigation of G-16791

D. Source

Indicate the source for the proposed water use:

Reservoir/Pond Ground Water Surface Water _____ (source)

E. Quantity

Indicate the estimated quantity of water the use will require:

15.70 CFS GPM Acre-Feet

Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
Commerce Bldg.
158 12th St. NE
Salem, OR 97310-0210
(503)378-8455

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SALEM, OREGON

T 9150 mp 118

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within the city limits. In this case, only the city planning agency must complete this form. Please request additional forms as needed or feel free to copy.

A. Allowed Use

Check the appropriate box below and provide requested information.

- Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): _____ Go to section B "Approval" below
- Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies: Land Use Approval:	
Site Design	RDC 8.3035	<input checked="" type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued

Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

B. Approval

Please provide printed name and written signature.

Name: Wayne C. Sorensen Date: 03/17/08
 Title: Principal Planner Phone: 541-923-7724
 Signature: Wayne C. Sorensen

C. Additional Comments

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

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Note: If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD will presume the land use associated with the proposed water right is compatible with local comprehensive plans. (See attached letter.)

Receipt for Request for Land Use Information

Name of water right applicant: COID & Deschutes County

This receipt must be signed by a local government representative and returned to the applicant at the time they present this form. This receipt must be included in the application for a water right permit if the local government cannot provide the requested land use information while the applicant waits.

City or County: City of Rudmond Deschutes County
 Staff contact: Wayne C. Sorensen Phone: 541-923-7724
 Signature: Wayne C. Sorensen Date: 3/17/08

T-9650 Mpl118

EXHIBIT "D"

QUITCLAIMED WATER RIGHT

- Quitclaim Deed – Deschutes County Clerk recording #2006-81952
- Water Transfer Report – Prepared by AmeriTitle 8/31/06

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WATER RESOURCES DEPT
SALEM, OREGON

T-9150 MP118



DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK 2006-81952

Barcode
\$31.00

00515458200600019520010011 12/15/2006 02:49:06 PM

D-D Cnt1 Stn23 TM
\$5.00 \$11.00 \$10.00 \$5.00

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, ^{COID} Fred Meyer Stores, Inc., a Delaware corporation, releases and quitclaims to Central Oregon Irrigation District (COID), Grantee, all rights, title and interest in the following: By this agreement, Grantor, the owner of the lands ("Lands") described as Lot One (1), REDMOND TOWN CENTER, Deschutes County, Oregon, release their claim and responsibility for 8.81 acres of COID water rights that are appurtenant to the Lands, to COID. The water right in question is further described as a portion of Certificate # 76358, priority date of Oct. 31, 1900 and Dec. 2, 1907 and Certificate # 76714, priority date of Feb. 28, 1913, located on land commonly known as: 15-13-16 NW SE 900.

By entry of this deed, Grantor hereby notifies any subsequent purchaser of the Lands that Grantor, as owner of the subject land, approved the transfer (including a change in the place and type of use and point of diversion) of the water rights that are appurtenant to the subject land; and that upon completion of a transfer, by election of COID, the subject land no longer will have appurtenant water rights.

Furthermore, upon signing of this agreement the described 8.81 acres of water rights in

*0.09 acres of this
Quitclaim is not on
the this transfer*

or charges pertaining to

This agreement is binding upon the heirs, agreement.

he parties to this

Consideration for this Quitclaim: \$ 0.00

Grantor: Fred Meyer Stores,

Paul Clew

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APR 28 2008

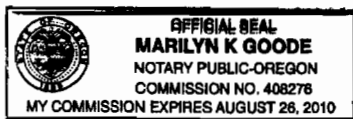
WATER RESOURCES DEPT
SALEM OREGON

ref Wilson

State of Oregon)
) ss.
County of Deschutes)

This instrument was acknowledged before me
as *Vice President*

Marilyn K. Goode
Notary Public



Grantee: *[Signature]*
Steven C. Johnson, Secretary-Manager Central Oregon Irrigation District

Date *12 Dec 2008*

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SALEM OREGON

State of Oregon)
) ss.
County of Deschutes)

This instrument was acknowledged before me on *DECEMBER 12, 2008* by Steven C. Johnson as Secretary-Manager for Central Oregon Irrigation District.

Laura L. Wollam
Notary Public



T-9150 Map US



IRRIGATION DISTRICT REPORT

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

August 31, 2006
Title Number : 093585
Title Officer : TERRI ALLEN
Fee : \$150.00

Attn: LESLIE CLARK

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

Lot One (1), REDMOND TOWN CENTER, Deschutes County, Oregon.

and dated as of August 24, 2006 at 7:30 a.m.

We find that the last deed of record runs to:

FRED MEYER STORES, INC., a Delaware corporation

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

1. The 2006-2007 Taxes: A lien not yet due or payable.
2. Financing Statement, including the terms and provisions thereof, between Crooked River Sub Shop, Inc. dba New York City Sub Shop and Columbia River Bank, recorded October 6, 2003, in Volume 2003, Page 69398, Deschutes County Records.

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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**WATER RESOURCES DEPT
SALEM OREGON**

We also find the following unpaid taxes and city liens:

Taxes assessed under Code No. 2-039 Map and Tax Lot Number 15 13 16DB 00900
Account No. 150676

NOTE: The 2005-2006 Taxes: \$141,144.62, Paid in full.

7. The 2006-2007 Taxes: A lien not yet due or payable.

City Liens, if any, of the city of Redmond. (No inquiry has been made, and if search is requested, a charge of \$30.00 will be added.)

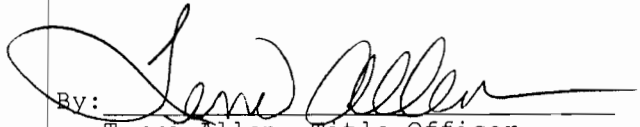


T-9150 MPL118

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.

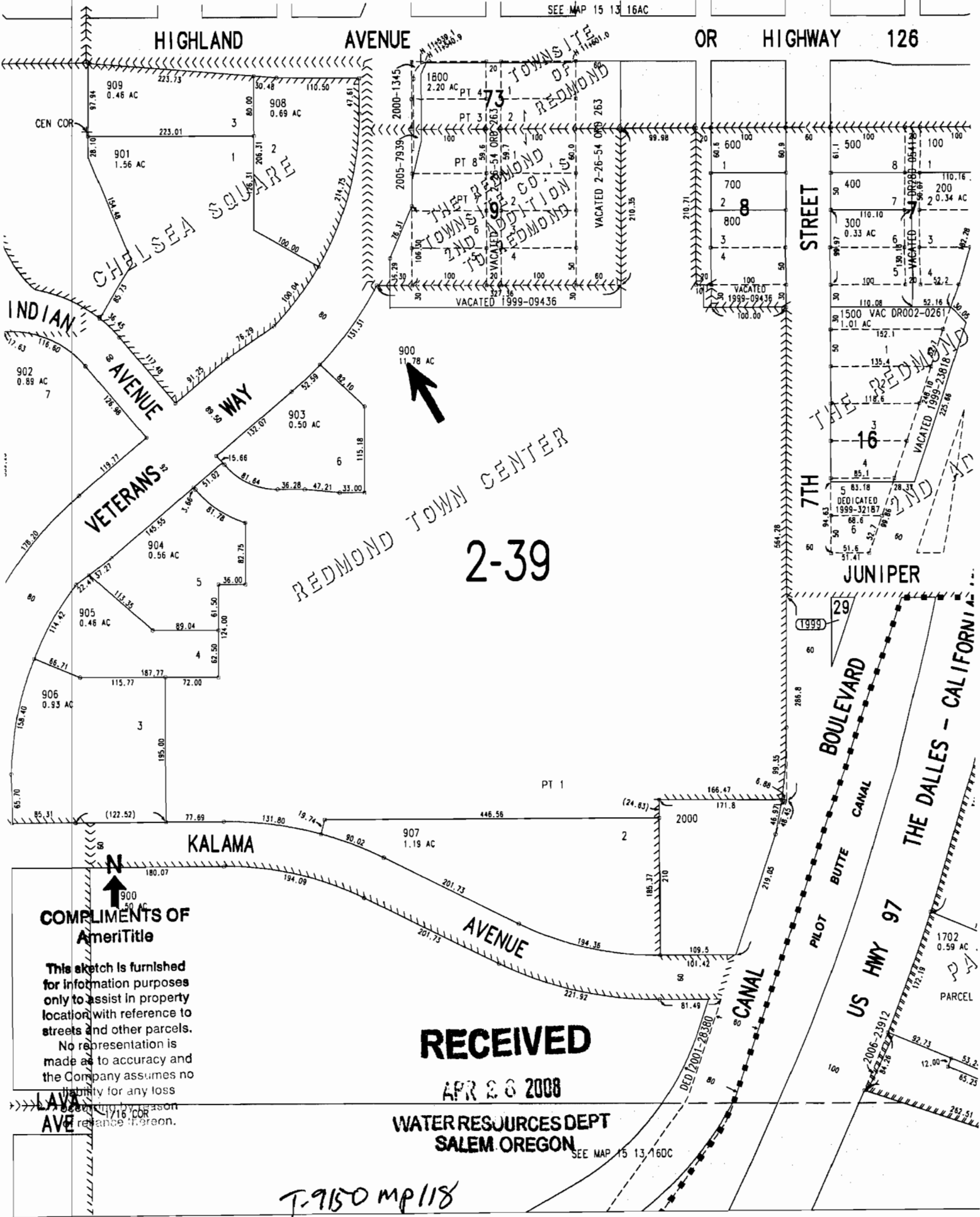
AmeriTitle

By: 
Terri Allen, Title Officer
TA:cl

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

T-9150 MP 118



2-39

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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
resulting from any
inaccuracy or omission
thereon.

LAVA AVE

98-59364

Recordation requested by
and
after recordation return to:
David Green, Esq.
Stoel Rives LLP
900 SW Fifth Avenue, Suite 2600
Portland, OR 97204

STATE OF OREGON)
COUNTY OF DESCHUTES) SS.

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

98 DEC 31 AM 10:45

MARY SUE FENICLOW
COUNTY CLERK.

529 - 0897

DEPUTY
BY: *[Signature]*
NO. 98-59364 FEE 65
DESCHUTES COUNTY OFFICIAL RECORDS

65 1412686J

**OREGON
STATUTORY WARRANTY DEED**

DESCHUTES COUNTY, a Political Subdivision of the State of Oregon,
COUNTY OF DESCHUTES, a Municipal Corporation, Trustee for DESCHUTES
COUNTY FAIR ASSOCIATION and the Public, and DESCHUTES COUNTY FAIR
ASSOCIATION, INC., Grantor, conveys and warrants to FRED MEYER STORES, INC.,
a Delaware corporation, Grantee, the following-described real property free of encumbrances
except as specifically set forth herein:

The real property is described on Exhibit A; the encumbrances
are described on the attached Exhibit B.

The true consideration for this conveyance is \$1,807,750.00.

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

The Deschutes County Fair Association, Inc. hereby releases any and all rights under
those instruments recorded July 28, 1954 in Book 107, Page 583 and August 16, 1974 in
Book 209, Page 867.

Until a change is requested, all tax statements shall be sent to the following address:
Fred Meyer, Inc. P.O. Box 42121, Portland, Oregon 97242 Tax Account No. 2-039 15
13 16 DB 0900, 2-039 15 13 16 DB 01900, 2-039 15 13 16 DB 01601, 2-039 15 13 16 CA
06400, 2-039 15 13 16 CA 06500, 2-039 15 13 16 AC 09100, 2-039 15 13 16 AC 09200, 2-
039 15 13 16 AC 09201, 2-039 15 13 16 DB 01900 A1.

PDX1A-155570.1 49900-2046

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

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APR 28 2008

WATER RESOURCES DEPT
SALEM, OREGON

T9150 mp118

98-59364

Recordation requested by
and
after recordation return to:
David Green, Esq.
Stoel Rives LLP
900 SW Fifth Avenue, Suite 2600
Portland, OR 97204

STATE OF OREGON)
COUNTY OF DESCHUTES) SS.

I, MARY SUE FENICLOW, COUNTY CLERK AND
RECORDER OF CONVEYANCES, IN AND FOR SAID
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INSTRUMENT WAS RECORDED THIS DAY.

98 DEC 31 AM 10:45

MARY SUE FENICLOW
COUNTY CLERK.

529 - 0897

DEPUTY
BY: *[Signature]*
NO. 98-59364 FEE 65
DESCHUTES COUNTY OFFICIAL RECORDS

65 1442686J

**OREGON
STATUTORY WARRANTY DEED**

DESCHUTES COUNTY, a Political Subdivision of the State of Oregon,
COUNTY OF DESCHUTES, a Municipal Corporation, Trustee for DESCHUTES
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06400, 2-039 15 13 16 CA 06500, 2-039 15 13 16 AC 09100, 2-039 15 13 16 AC 09200, 2-
039 15 13 16 AC 09201, 2-039 15 13 16 DB 01900 A1.

PDX1A-155570.1 49900-2046

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

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APR 20 2008
WATER RESOURCES DEPT.
SALEM, OREGON

T-9150 imp 118

529 - 0898

Dated this 26th day of December, 1998.

**DESCHUTES COUNTY, a Political
Subdivision of the State of Oregon**

Nancy Rose Ahlanger
By:
Title: Chair, Deschutes County
Commission

**THE COUNTY OF DESCHUTES, A
MUNICIPAL CORPORATION, TRUSTEE
FOR DESCHUTES COUNTY FAIR
ASSOCIATION AND THE PUBLIC**

Nancy Rose Ahlanger
By:
Title: Chair, Deschutes
County Commission

**THE DESCHUTES COUNTY FAIR
ASSOCIATION, INC.**

Elton Gregory
By:
Title: President, Deschutes
County Fair Association

Oregon Statutory Deed Form
December 24, 1998
PDX1A-155570.1 49900-2046

RECEIVED

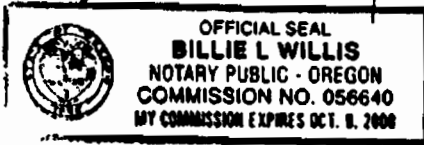
APR 28 2008
WATER RESOURCES DEPT
SALEM, OREGON

T-9150 Mp 118

ACKNOWLEDGMENTS

STATE OF OREGON)
) ss.
County of Deschutes)

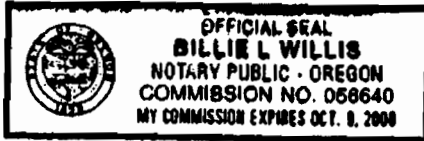
This instrument was acknowledged before me on December 30, 1998, by Nancy Pope
Schlenger the Chair, Deschutes of DESCHUTES COUNTY on behalf of
the county. County Commissioners



Billie L. Willis
Notary Public for Oregon

STATE OF OREGON)
) ss.
County of Deschutes)

This instrument was acknowledged before me on December 30, 1998, by Nancy
Pope Schlenger the Chair, Deschutes Cty Comm of THE COUNTY OF DESCHUTES AS
TRUSTEE FOR DESCHUTES COUNTY FAIR ASSOCIATION on behalf of the
association.



Billie L. Willis
Notary Public for Oregon

STATE OF OREGON)
) ss.
County of Deschutes)

This instrument was acknowledged before me on December 30th, 1998, by ELTON
Gregory the President of DESCHUTES COUNTY FAIR
ASSOCIATION, INC. on behalf of the corporation.



Billie L. Willis
Notary Public for Oregon

RECEIVED

APR 28 2008

WATER RESOURCES DEPT
SALEM OREGON

529 - 0900

EXHIBIT A

PARCEL 1:

Lots 5, 6, 7 and 8 of Block 8, all of Blocks 10, 11, 12, 13, 14 and Lots 7, 8, 9, 10, 11 and 12 Of Block 15, all in REDMOND TOWNSITE CO. SECOND ADDITION TO THE CITY OF REDMOND, Deschutes County, Oregon.

TOGETHER WITH those portions of 8th Street, 9th Street, 10th Street, Indian Avenue, Juniper Avenue and the Alleys located in said Blocks 8, 10, 11, 12, 13, 14 and 15 which would inure to the above described property upon the vacation thereof.

PARCEL 2:

A tract of land situated in the Southeast Quarter of Section Sixteen (16), TOWNSHIP FIFTEEN (15) SOUTH, RANGE THIRTEEN (13), EAST OF THE WILLAMETTE MERIDIAN, Deschutes County, Oregon, and being a portion of that property conveyed to the County of Deschutes in Volume 209, Page 867, recorded August 13, 1974, Deschutes County Deed Records and all of that portion conveyed to the County of Deschutes in Volume 152, Page 530, recorded April 3, 1967, Deschutes County Deed Records, being more particularly described as follows:

Commencing at the Southwest corner of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of said Section 16; thence North 00° 28' 03" West along the West line of said Southeast Quarter (SE $\frac{1}{4}$) a distance of 1986.47 feet to a point on the South right of way line of Juniper Avenue and the true point of beginning; thence North 89° 43' 08" East along the South line of said Juniper Avenue a distance of 714.74 feet to a point on the West line of that tract conveyed to Jess and Lavelle Stansell in Volume 225, Page 996, recorded December 8, 1975, Deschutes County Deed Records; thence South 00° 16' 52" East along the West line of said Stansell tract a distance of 100.00 feet to a point on the North line of that tract conveyed to the County of Deschutes in Volume 152, Page 530, recorded April 3, 1967, Deschutes County Deed Records; thence North 89° 43' 08" East along the North line of said County of Deschutes tract a distance of 220.10 feet to a point on the West right of way line of Seventh Street; thence South 00° 20' 28" East along the West right of way line of said Seventh Street a distance of 74.29 feet to a 924.93 foot radius curve to the right; thence along said West right of way line and said 924.93 foot radius curve to the right through a central angle of 06° 09' 16" (the long chord of which bears South 02° 44' 10" West a distance of 99.30 feet) an arc distance of 99.35 feet to a point on the North line of that tract conveyed to the City of Redmond in Volume 108, Page 258, recorded July 6, 1954, Deschutes County Deed Records; thence South 89° 39' 32" West along the North line of said City of Redmond parcel a distance of 166.47 feet to a point on the West line thereof; thence South 00° 20' 28" East along the West line of said City of Redmond parcel a distance of 210.00 feet to a point on the South line thereof; thence North 89° 39' 44" East along the South line of said City of Redmond parcel a distance of 101.42 feet to the West line of the aforesaid Seventh Avenue; thence South 18° 11' 16" West along the West line of said Seventh Avenue a distance of 63.27 feet to a 5/8" iron rod with yellow plastic cap marked "WRG Design, Inc."; thence

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South 89° 39' 32" West a distance of 81.49 feet to a 5/8" iron rod with yellow plastic cap marked "WRG Design, Inc." on a 480.00 foot radius curve to the right; thence on said 480.00 foot radius curve to the right through a central angle of 26° 29' 24" (the long chord of which bears North 77° 05' 46" West a distance of 219.95 feet) an arc distance of 221.92 feet to a 5/8" iron rod with a yellow plastic cap marked "WRG Design, Inc."; thence North 63° 51' 04" West a distance of 201.73 feet to a 5/8" iron rod with yellow plastic cap marked "WRG Design, Inc." on a 420.00 foot radius curve to the left; thence on said 420.00 foot radius curve to the left through a central angle of 26° 28' 41" (the long chord of which bears North 77° 05' 24" West a distance of 192.37 feet) an arc distance of 194.09 feet to a 5/8" iron rod with yellow plastic cap marked "WRG Design, Inc."; thence South 89° 40' 15" West a distance of 180.07 feet to a point on the aforesaid West line of the Southeast Quarter (SE¼) Section 16; thence North 00° 28' 03" West along the West line of said Southeast Quarter (SE¼) a distance of 359.92 feet to the true point of beginning.

PARCEL 3:

All of Blocks 10 and 11 of TAYLOR'S ADDITION TO THE CITY OF REDMOND, Deschutes County, Oregon.

PARCEL 4:

A parcel of land lying in the Northeast Quarter (NE¼) of Section Sixteen (16), TOWNSHIP FIFTEEN (15) SOUTH, RANGE THIRTEEN (13), EAST OF THE WILLAMETTE MERIDIAN, Deschutes County, Oregon, the said parcel being described as follows:

Beginning at the Northeast corner of Block 72 of the TOWNSITE OF REDMOND, Crook County (now Deschutes County), Oregon; thence West along the South line of H Street to the Northwest corner of Block 71 of said Townsite of Redmond; thence South along the West line of said Block 71 to the Southwest corner of said Block 71; thence East along the South line of said Townsite of Redmond to the Southeast corner of said Block 72; thence North along the East line of said Block 72 to the place of beginning.

EXCEPTING THEREFROM the Easterly 87 feet of Block 72.

PARCEL 5:

The Easterly 87 feet of Block 72 of the Townsite Of Redmond, Deschutes County, Oregon.

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EXHIBIT B

1. The property is subject to the power of assessment of the City of Redmond.
2. The property is within the boundaries of Central Oregon Irrigation District and is subject to the rules and regulations, including levies, assessments, water and irrigation rights and easements for ditches and canals thereof.
3. The rights of the public in and to that portion of the property herein described lying within the limits of public roads and highways.
4. Easement for Central Oregon Irrigation District Laterals and Ditches as disclosed by the Deschutes County Assessor's Map.
5. An easement created by instrument in favor of the Pacific Telephone and Telegraph Company, its successors and assigns, recorded March 5, 1923 in Book 35, Page 40.
6. Easements for utilities over and across the premises formerly included within the boundaries of the alley in Block 72 and Tenth Street, now vacated, if any such exist. (Affects Parcel 4.)
7. Fifteen foot building setback line and pipeline as delineated on the official plat. (Affects Parcel 4.)
8. Reservations and Restrictions, including the terms and provisions thereof, as set forth in Deed recorded November 12, 1970 in Book 173, Page 111.
9. The effect of a Right of Way Easement created by instrument, including the terms and provisions thereof dated January 13, 1975, recorded January 20, 1975 in Book 215, Page 198, in favor of Pacific Power and Light Company, a corporation for an electric transmission and distribution line.
10. The effect of an Underground Right of Way Easement created by instrument dated July 18, 1990 and recorded September 14, 1990 in Book 218, Page 1278 in favor of Pacificorp, a corporation, d.b.a. Pacific Power & Light Company, its successors and assigns for an underground electric distribution line of one or more conductors and all necessary or desirable appurtenances.

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