



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

<u>Please check one</u>		
<input checked="" type="checkbox"/> Permanent Transfer <input type="checkbox"/> Temporary Transfer (1 to 5 yrs.) • total number of years: _____ (begin year: _____) (end year: _____)	<input type="checkbox"/> Instream Transfer <input type="checkbox"/> Permanent <input type="checkbox"/> Time-Limited <input type="checkbox"/> Drought Transfer <input type="checkbox"/> Other	Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars) <input type="checkbox"/> Yes <input type="checkbox"/> No

2. APPLICANT INFORMATION

Name: Butler Ranch, Inc.

Address: 5294 NW Lone Pine Road

City: Terrebonne State: OR Zip: 97760

Home Phone: 541-548-6070 Work Phone: _____ Other Phone: _____

Fax: _____ E-Mail address: _____

3. AGENT INFORMATION

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

Name: John A. Short

Address: P.O. Box 1830

City: Bend State: OR Zip: 97709

Home Phone: _____ Work Phone: 541-408-7415 Other Phone: _____

Fax: 1-11023 E-Mail address: johnshort@usa.com

RECEIVED

FEB 24 2010

WATER RESOURCES DEPT
 SALEM, OREGON

- 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.

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.		-	83850
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): _____

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.

Water is pumped directly from the Crooked River by a 100 HP centrifical pump to two 50 HP centrifical booster pumps, one of which feeds the mainline that serves the authorized POU.

- System capacity: 7.28 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

RECEIVED

FEB 24 2010

WATER RESOURCES DEPT
SALEM, OREGON

T- 11023

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
If "Yes," list the name and mailing address of the district or water district:

- Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer? Yes No
If "Yes," list the name and mailing address of the district or water district:

- 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," list the name and mailing address of the agency or other entity:
U.S. Bureau of Reclamation, 1150 N. Curtis Road, Suite 100, Boise, ID 83706-1234
- Are any of the water rights proposed for transfer issued in the name of an irrigation district?
 Yes No
*If "Yes," the applicant **must** attach Supplemental Form D demonstrating district concurrence with the proposed transfer.*

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).

Crook County Planning Dept., 300 NE Third St., Prineville, OR 97754

RECEIVED

FEB 24 2010

WATER RESOURCES DEPT
SALEM, OREGON

T 11023

9. LAND OWNERSHIP

- Does the applicant own the lands where the portion of water right proposed for transfer is currently located? 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 of the application form.)*

Names of Current Landowner(s): _____

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): _____

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)

T 11023

RECEIVED

FEB 24 2010

WATER RESOURCES DEPT
SALEM, OREGON

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(s) has been used during the last five years or that the right(s) 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.

Supplemental Form C –

Instream Water Right Transfer Only

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

Supplemental Form D –

For Water Rights in the Name of an Irrigation District

- Complete this form for any water rights proposed for transfer that are issued in the name of an irrigation

Fees:

- Amount enclosed: \$1,600.00
See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0900.

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.

T 11023

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

- The application is for a change in point of appropriation or a change from surface water diversion to ground water appropriation 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:
 - In EFU zone or irrigation district,
 - Change in place of use only,
 - No structural changes needed, including diversion works, delivery facilities, other structures, *and*
 - Irrigation only.

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.

RECEIVED

FEB 24 2010

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) and (6)] to provide the following landownership information and evidence demonstrating that I (we) am authorized to pursue the transfer:

- (a) A report of ownership information that has been prepared by a title company within the three months prior to the issuance of the draft Preliminary Determination showing current land ownership of the subject lands, unless there is a recorded water right conveyance agreement;
- (b) If applicable, a copy of any water right conveyance agreement on the subject lands. If a water right conveyance agreement has been recorded for the subject lands, the report of ownership information must be prepared by a title company within the three months of the water right conveyance agreement being recorded or show ownership of the subject property at the time the water right conveyance agreement was recorded; **and**
- (c) If the landowner identified in the report of ownership information or the individual or entity to whom the interest in the water right has been conveyed is **not** the applicant, a **notarized statement consenting to the transfer** 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 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 **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 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 this is a historic point of diversion transfer and that I (we) must provide a report of current ownership prepared by a title company prior to the Department finalizing my request.

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

<i>Butler Ranch Inc. By David R Butler Pres</i>	<i>2-5-10</i>
Applicant signature	Name and title if applicable (print) Date
<i>Butler Ranch Inc. By David R Butler Pres</i>	<i>David R Butler Pres</i>
Applicant signature	Name and title if applicable (print) Date

RECEIVED

FEB 24 2010

WATER RESOURCES DEPT
SALEM, OREGON

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: 83850

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 Diversion to Ground Water Appropriation (A new point of appropriation will be used instead of 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 checked="" type="checkbox"/> Irrigation <input type="checkbox"/> Municipal <input type="checkbox"/> Quasi-municipal <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input 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.)

RECEIVED

FEB 24 2010

WATER RESOURCES DEPT
SALEM, OREGON

2. CURRENT WATER RIGHT INFORMATION

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

<input type="checkbox"/> Certificated Right	83850	
	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

- Name on Permit, Certificate, or Decree: U.S. Bureau of Reclamation
- County: Crook
- Authorized Use(s) to be Affected by Transfer: Primary irrigation without stored water
- Priority Date(s): April 8, 1914

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: Crooked River / Prineville Reservoir

Tributary to: Deschutes 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?

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

If "Yes", what are the Permit, Registration or Certificate Numbers? _____

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

RECEIVED

FEB 24 2010

WATER RESOURCES DEPT
SALEM, OREGON

T 11023

▪ Certificate Number or other identifying number: 83850

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 or the authorized point(s) of diversion or appropriation that serves the lands being transferred, if applicable)

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	Direction & Distance from a Recognized Survey Corner
	Crooked River April 8, 1914	14S	14E	WM	22	NENE	100	Direct Diversion 47A 1,300 South from the NE Corner of Section 22.

- 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
I 11023									

RECEIVED

FEB 24 2019

WATER RESOURCES DEPT
 SALEM, OREGON

Source and Priority Date	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
<ul style="list-style-type: none"> ▪ Certificate Number or other identifying number: <u>83850</u> 							

3. PROPOSED CHANGES TO THE WATER RIGHT

Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Direction and distance from a recognized survey corner 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	Direction & Distance from a Recognized Survey Corner
Crooked River	14S	14E	WM	20	SW SE	100	45 feet North, 1,465 feet West of Southeast corner of Section 20.

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:

RECEIVED

FEB 24 2010

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

WATER RESOURCES DEPT
SALEM, OREGON

*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
	T 11023									

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

▪ Certificate Number or other identifying number: 83850

Describe proposed changes to the water right involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Place of Use: (i.e., the "TO" lands) N/A – Instream Water Right Transfer
 (NOTE: Complete this table only if a Change in Place of Use is being proposed.)

T 11023

RECEIVED

FEB 24 2010

WATER RESOURCES DEPT
 SALEM, OREGON

Source	Township	Range	Mer	Sec	$\frac{1}{4}$ $\frac{1}{4}$ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Crooked River	14S	14E	WM	20	SE SW	Section 29 TL 205	7.0
				29	NE NW	TL 205	1.4
				29	NW NE	Section 20 TL 100	1.6
				20	SW SE	TL 100	10.0

Remarks: Since some tax lots cross section boundaries, POU can sometimes be in a section different than the section used by the county to identify the tax lot. That can be seen twice above.

T 11023

RECEIVED

FEB 24 2010

WATER RESOURCES DEPT
SALEM, OREGON

Redescription of Certificate 11698

Where as the following exists per OWRD records:

1. Application for a Permit to appropriate the Public Waters of the State of Oregon was applied for by Victor Butler on April 9, 1929 as S 12658. Applicant's map shows proposed place of use North of river on applicant's property.
2. Permit to appropriate the Public Waters of the State of Oregon was approved on May 10, 1929.
3. Extensions were granted to numerous permit holders including Victor Butler as follows:
 - a. Volume 2, page 172, 10-6-1931
 - b. Volume 2, page 251, 1-9-1933
 - c. Volume 2, page 368, 6-28-1934
 - d. Volume 2, page 382, 11-19-1934
 - e. Volume 2, page 495, 11-20-1935
4. Certificate 11698 was issued on March 2, 1937 apparently with no final proof map having ever been created. In 1937, OWRD was responsible for creating the final proof maps, not the landowners as today.
5. The pasture is bordered to the North by rim rock and to the East and South by the Crooked River as can be seen below.



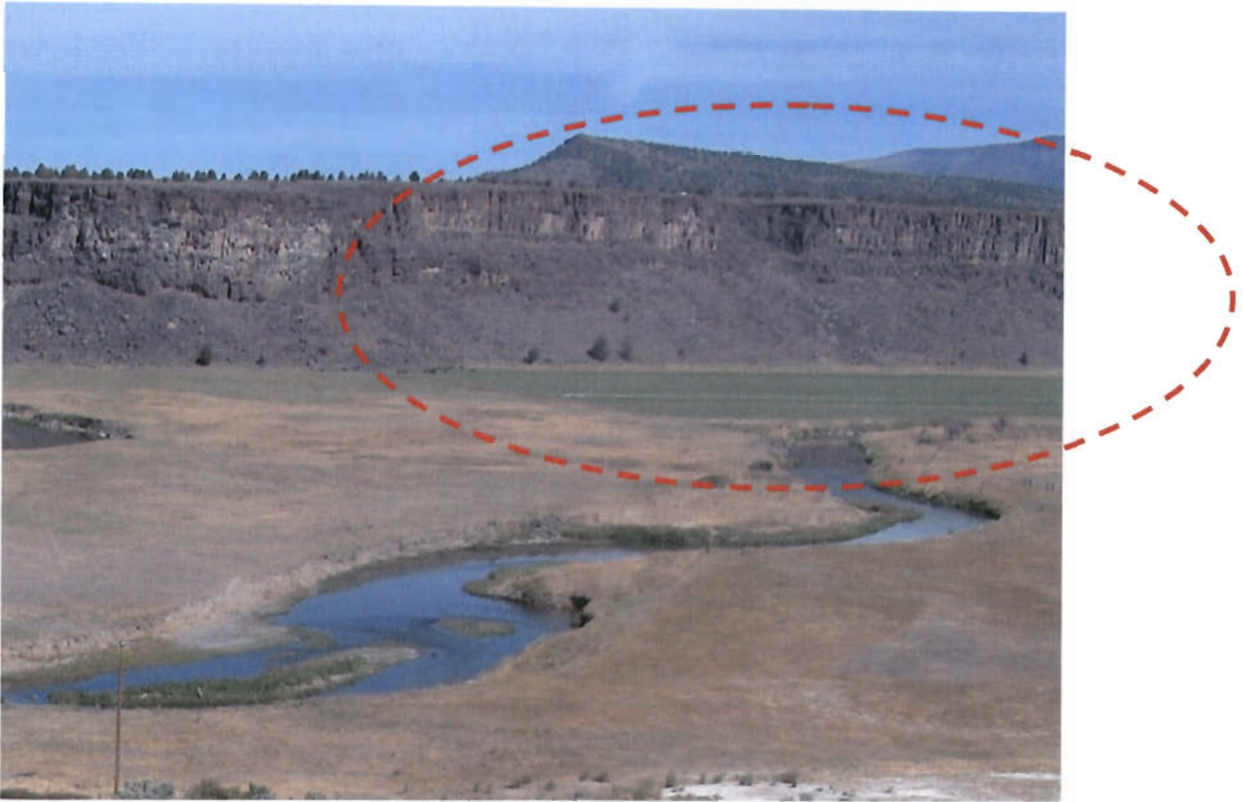
At East boundary looking West.

T 11023

RECEIVED

FEB 24 2010

WATER RESOURCES DEPT
SALEM, OREGON



Typical of place of use between river and rim rock.

6. Judging by overlaying the application map on an aerial photo below, the applicant was only able to roughly describe the shape of the pasture and guess how much fell in to each $\frac{1}{4}$ $\frac{1}{4}$ section. To this day, the $\frac{1}{4}$ $\frac{1}{4}$ section lines have not been surveyed and no fences exist on them.
7. Even without $\frac{1}{4}$ $\frac{1}{4}$ section surveys, however, the Place of Use could not have been South of the river nor up the rim rock as happens when the application map is overlaid on a modern aerial photo or in OWRD's mapping program. The Place of Use could only have been intended to be where it currently exists.
8. Therefore, we request to redescribe Certificate 11698's Place of Use to match its existing true shape. That true shape can be seen on the attached CWRE map along with additional water rights being transferred adjacent to those under discussion.

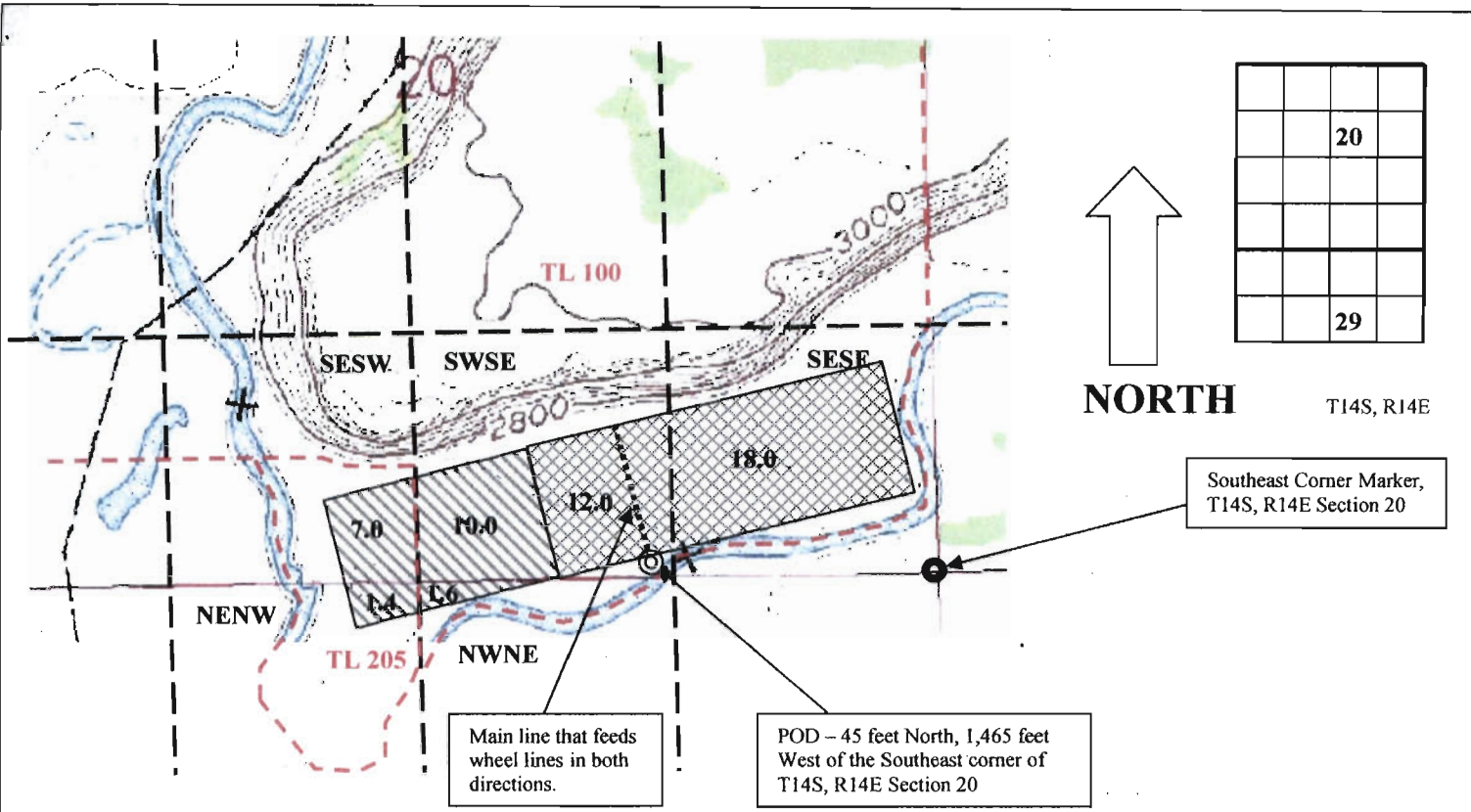
T 11023


RECEIVED
FEB 24 2010
WATER RESOURCES DEPT
SALEM, OREGON




RECEIVED
FEB 24 2010
WATER RESOURCES DEPT
SALEM, OREGON

T 11023




Transfer ON
Cert 83850 - BOR
 SWSE 10.0 acres
 SESW 7.0 acres
 Section 20
 NENW 1.4 acres
 NWNE 1.6 acres
 Section 29

Scale 1" = 1,000 feet


Redescription
Cert 11698 - 1929
 SESE 18.0 acres
 SWSE 12.0 acres
 Section 20

RECEIVED

FEB 24 2010

Butler Ranch Inc. "On" Map

**WATER RESOURCES DEPT
SALEM, OREGON**

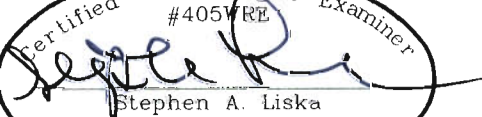
 Approximate Tax Lot Boundaries
  Approximate POD Location
  Corner Marker

T14S R14E Section 20 Tax Lot 100 & Section 29 Tax Lot 205

John A. Short

P.O. Box 1830
 Bend, OR 97709
 541-408-7415
johnshort@usa.com

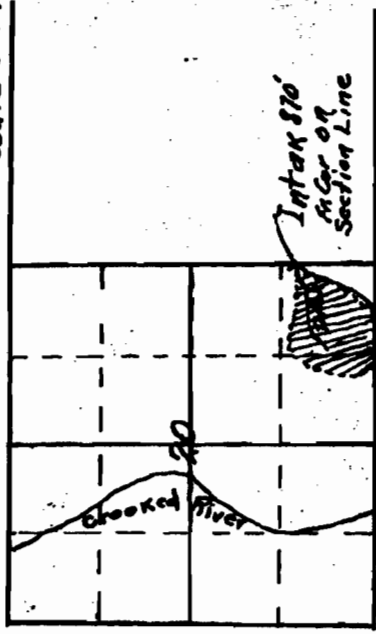
T 11023

Certified Water Right Examiner
 #405VRE

 Stephen A. Liska
 May 16, 1995
 STATE OF OREGON

www.oregonwater.us
 February 10, 2010

Permit # 8998

Map Showing Intake and
Location of Approx. 30 A Land
For Vic Butler Sec 20 T 14 N R 19 E
S 20 1/2 22 N.



T 14 N SW 1/4 SE 1/4
R 19 E SE 1/4 SE 1/4

Application No. 12658
Permit No. 8998

RECEIVED

FEB 24 2010

WATER RESOURCES DEPT.
SALEM, OREGON

T 11023

P# 8998
C11698

APPLICATION FOR A PERMIT

To appropriate the Public Waters of the State of Oregon

I, Victor Butler (Name of applicant) of Redmond (Postoffice), County of Crook, State of Oregon, do hereby make application for a permit to appropriate the following described public waters of the State of Oregon, subject to existing rights:

If the applicant is a corporation, give date and place of incorporation

1. The source of the proposed appropriation is Crooked River (Name of stream), a tributary of

2. The amount of water which the applicant intends to apply to beneficial use is cubic feet per second. (If water is to be used from more than one source, give quantity from each)

3. The use to which the water is to be applied is Irrigation (Irrigation, power, mining, manufacturing, domestic supplies, etc.)

4. The point of diversion is located 870 ft. N and ft. from the SE corner of Section 20, in Tp. 14 S. of R. 14 E. W. 1. (Section or subdivision)

(If preferable, give distance and bearing to Sec. Cor.)

(If there are more than one points of diversion, each must be described. Use separate sheet if necessary)

being within the Southeast quarter of SE 1/4 of Sec. 20, Tp. 14 R. 14 E. W. 1, in the county of Crook (Give smallest legal subdivision) (No. N. or S.) (No. E. or W.)

5. The Main ditch to be 1320 in length, terminating in the South half of SE of Sec. 20, Tp. 14 S. (Main ditch, canal or pipe line) (No. miles or feet) (Smallest legal subdivision) (No. N. or S.)

R. 14 E., W. 1., the proposed location being shown throughout on the accompanying map. (No. E. or W.)

6. The name of the ditch, canal or other works is None

DESCRIPTION OF WORKS

DIVERSION WORKS—

7. (a) Height of dam feet, length on top feet, length at bottom feet; material to be used and character of construction (Loose rock, concrete, masonry, rock and brush, timber crib, etc., wasteway over or around dam)

(b) Description of headgate (Timber, concrete, etc., number and size of openings)

* A different form of application is provided where storage works are contemplated. These forms can be secured without charge, together with instructions, by addressing the State Engineer, Salem, Oregon.

T 11023

RECEIVED

FEB 24 2010

WATER RESOURCES DEPT SALEM, OREGON

Application No. 12858

Permit No. 8998

PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF OREGON

Division No. District No.

This instrument was first received in the office of the State Engineer at Salem, Oregon, on the 9th day of April

1929, at 1:00 o'clock P.M.

Returned to applicant:

Corrected application received:

Approved:

May 10, 1929

Recorded in book No. 30 of

Permits on page 8998

RHEA LUPER

STATE ENGINEER

Drainage Basin No. 5 Page 100 c

Fees Paid \$9.50

PERMIT

STATE OF OREGON,) ss. County of Marion, }

This is to certify that I have examined the foregoing application and do hereby grant the same, subject to the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 0.38 cubic feet per second, or its equivalent in case of rotation with other water users, from Crooked River

The use to which this water is to be applied is Irrigation

If for irrigation, this appropriation shall be limited to 1/80th of one cubic foot per second or its equivalent for each acre irrigated and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

The priority date of this permit is April 9, 1929

Actual construction work shall begin on or before May 10, 1930 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1931

Extended to Oct. 1, 1932

Complete application of the water to the proposed use shall be made on or before

October 1, 1932 Extended to Oct. 1, 1933

Extended to Oct. 1, 1934

Extended to Oct. 1, 1935

WITNESS my hand this 10th day of May, 1929

RHEA LUPER

STATE ENGINEER

Permits for power development are subject to the limitation of franchise as provided in section 5788, Oregon Laws, and the payment of annual fees as provided in section 5882, Oregon Laws.

RECEIVED

FEB 24 2010

WATER RESOURCES DEPT SALEM, OREGON

T 11023

MUNICIPAL SUPPLY—

11. To supply the city of _____
_____ County, having a present population of _____
(Name of)
and an estimated population of _____ in 192_____

(Answer questions 12, 13, 14, and 15 in all cases)

- 12. Estimated cost of proposed works, \$ 300
- 13. Construction work will begin on or before AS SOON AS WATER recedes
- 14. Construction work will be completed on or before three years
- 15. The water will be completely applied to the proposed use on or before three years

RECEIVED

FEB 24 2010

WATER RESOURCES DEPT
SALEM, OREGON

Victor Butler
(Name of applicant)

Signed in the presence of us as witnesses:

- (1) Donald M. Graham _____ Prineville, Oregon.
(Name) (Address of witness)
- (2) J. Caranado _____ Oregon
(Name) (Address of witness)

Remarks: The applicant proposes to irrigate the above described lands by means of either an electrically or gasoline driven pump. The land is sometime subject to overflow. The applicant's has a considerable area of land adjoining these premises now subject to irrigation. This particular tract is at the place where the Crooked River enters what is below termed its canyon. It is just above the O'Neil bridge. When the land overflows which occasionally occur but not yearly it will not be necessary to operate the pumps but it is desired to have the permit so that water can be raised in dry years. It is requested that the Engineer allow the applicant just as long as possible to complete the improvement.

STATE OF OREGON, }
County of Marion, } ss.

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for _____

In order to retain its priority, this application must be returned to the State Engineer, with corrections on or before _____, 192_____

WITNESS my hand this _____ day of _____, 192_____

STATE ENGINEER

T 11023

CANAL SYSTEM OR PIPE LINE

8. (a) Give dimensions at each point of canal where materially changed in size, stating miles from headgate. At headgate: width on top (at water line) feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

(b) At miles from headgate: width on top (at water line) feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

(c) Length of pipe, ft.; size at intake, in.; size at ft. from intake in.; size at place of use in.; difference in elevation between intake and place of use, ft. Is grade uniform? Estimated capacity, sec. ft.

FILL IN THE FOLLOWING INFORMATION WHERE THE WATER IS USED FOR IRRIGATION—

9. The land to be irrigated has a total area of 30 acres, located in each smallest legal subdivision, as follows:

Township	Range	Section	Forty-acre Tract	Number Acres to be Irrigated
14S	14E	20	SE 1/4	23
			SW 1/4	7

(If more space required, attach separate sheet)

(a) Character of soil Bottom land-sandy loam

(b) Kind of crops raised meadow hay

POWER OR MINING PURPOSES—

10. (a) Total amount of power to be developed theoretical horsepower.

(b) Quantity of water to be used for power sec. ft.

(c) Total fall to be utilized feet.

(d) The nature of the works by means of which the power is to be developed

(e) Such works to be located in of Sec.

(Legal subdivision)

Tp., R., W. M.

(No. N. or S.) (No. E. or W.)

(f) Is water to be returned to any stream?

(Yes or No)

(g) If so, name stream and locate point of return

....., Sec., Tp., R., W. M.

(No. N. or S.) (No. E. or W.)

(h) The use to which power is to be applied is

(i) The nature of the mines to be served

RECEIVED

FEB 24 2010

WATER RESOURCES DEPT
SALEM, OREGON

T 11023

STATE OF OREGON
COUNTY OF CROOK
CERTIFICATE OF WATER RIGHT

This Is to Certify, That VICTOR BUTLER
of Route A, Redmond ; State of Oregon , has made proof
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
Crooked River

a tributary of for the purpose of
Irrigation
under Permit No. 8908 of the State Engineer, and that said right to the use of said waters
has been perfected in accordance with the laws of Oregon; that the priority of the right hereby
confirmed dates from April 9, 1929;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed
0.58 cubic foot per second measured at the point of diversion from the stream,

or its equivalent in case of rotation.
The point of diversion is located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 20, Township 14 South, Range
14 East, W. M.

The amount of water used for irrigation, together with the amount secured under any other
right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second
per acre,

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

A description of the place of use under the right hereby confirmed, and to which such right
is appurtenant, is as follows:

7 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$,
25 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$,
Section 20,
Township 14 South, Range 14 East, W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of
use herein described.

After the expiration of fifty years from the date of this certificate or on the expiration of any
federal power license issued in connection with this right, and after not less than two years' notice in
writing to the holder hereof, the State of Oregon, or any municipality thereof, shall have the right to
take over the dams, plants and other structures and all appurtenances thereto which have been con-
structed for the purpose of devoting to beneficial use the water rights specified herein, upon condition
that before taking possession the State or municipality shall pay not to exceed the fair value of the
property so taken, plus such reasonable damages, if any, to valuable, serviceable and dependable prop-
erty of the holder of this certificate, not taken over, as may be caused by the severance therefrom of
the property taken in accordance with the provisions of section 47-508, Oregon Code 1930.

WITNESS the signature of the State Engineer, affixed

this 2nd day of March , 193 7 .

T 11023

CHAS. E. STRICKLAND
State Engineer

Recorded in State Record of Water Right Certificates, Volume 11 , page 11698

RECEIVED

FEB 24 2010

WATER RESOURCES DEPT
SALEM, OREGON